



**PUBLIC MINUTES  
DEVELOPMENT APPEALS BOARD**

Tuesday, December 6, 2016, 4:00 p.m.  
Committee Room "E", City Hall

PRESENT: Ms. L. DeLong, A/Chair  
Ms. L. Lamon  
Ms. T. Lerat  
Mr. F. Sutter  
Ms. P. Walter, Secretary

- 1. APPEAL NO. 50-2016  
Development Permit Denial  
Proposed Change of Land Use – Shopping Centre  
(Side and Rear Yard Setback Deficiencies, Exceeding Maximum Gross  
Floor Area, Front and Side Yard Landscaping Deficiencies, and  
Parking Stall Deficiencies)  
741 7<sup>th</sup> Avenue North – B2 Zoning District  
RG Renovations, Ron Medwid, on behalf of 102003463 Saskatchewan Ltd.**

The Board Chair briefly outlined the procedures that would be followed during the course of the hearing and introduced the members of the Board, the Secretary and the City's representative.

**Appeared for the Appellant:**

Ms. Crystal Bueckert, Bldg Studio Inc.  
Mr. Cory Tremere, Landowner

**Appeared for the Respondent:**

Ms. Paula Kotasek-Toth, Senior Planner, Planning & Development,  
Community Services, City of Saskatoon

Ms. Jo-Anne Richter, Manager, Business License & Bylaw Compliance,  
Community Standards, Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, THE APPELLANT, RG Renovations, Ron Medwid on behalf of 102003463 Saskatchewan Ltd. has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007*, in connection with the City's refusal to issue a Development Permit for a change of land use from retail store to shopping centre at 741 7<sup>th</sup> Avenue North.

The property is zoned B2 under *Zoning Bylaw No. 8770* and the appellant is appealing the following deficiencies:

- 1) Requirement: Section 8.2.2(1) states on a corner site where the side yard adjoins the street or where a B2 District abuts any R District without the intervention of a street or lane a side yard shall be provided of a width of not less than 1.5 metres for the said side yard abutting the R District.

Proposed: The site plan submitted shows a 0 metres setback from the existing building to the North side property line, which abuts Princess Street.

Deficiency: The North side yard setback is deficient 1.5 metres.

- 2) Requirement: Section 10.4.2(14) states that the minimum rear yard setback is 7.5 metres.

Proposed: The site plan submitted shows a 4.35 metre setback from the existing building to the West rear property line, which abuts the lane.

Deficiency: The West rear yard setback is deficient 3.15 metres.

- 3) Requirement: Section 10.4.7(1) states that the gross floor space ratio shall not exceed 1:1.

Proposed: The floor plans submitted shows a total gross floor area of 1,160.827 metres squared, which includes the development of the basement, main floor and mezzanine. With a site area of 859.644 metres squared, the resulting floor space ratio is 1.35:1.

Deficiency: The total gross floor area exceeds the maximum permitted by 301.183 metres squared.

- 4) Requirement: Section 10.4.8 (1) states a landscaped strip on not less than 3 metres in width throughout lying parallel to and abutting the front site line shall be provided on every site.

Proposed: The site plan submitted shows a 3 metre front yard landscape strip.

Deficiency: The front yard landscape strip is deficient 3 metres.

- 5) Requirement: Section 10.4.8(2) states that on corner lots, in addition to the landscaping required in the front yard, a landscaped strip of not less than 1.5 metres in width throughout lying parallel to and abutting the flanking street shall be provided.

Proposed: The site plan submitted does not show a 1.5 metre side yard landscape strip abutting Princess Street.

Deficiency: The side yard landscape strip is deficient by 1.5 metres.

- 6) Requirement: Section 6.3.3 states that the minimum parking requirement for Shopping Centres and Retail Stores is 1 space per 50 metres squared of gross floor area. Based on a total gross floor area of 1,160.827 metres squared, the required parking for the site is 23 stalls.

Proposed: The site plan submitted shows 6 existing onsite parking stalls which are non-conforming. The 6 existing stalls have a depth of 5 metres and do not meet the minimum requirement of 6 metres. As such, the stalls cannot be counted towards the required parking.

Deficiency: The 6 existing stalls are deficient in meeting the depth requirement by 1 metre and required onsite parking is deficient by 23 stalls.

- 7) Requirement: Section 6.2(2)(1)(i) states 1 barrier-free parking space shall be provided for any required parking facility accommodating between 4 and 100 parking spaces.

Proposed: The site plan submitted shows 1 existing barrier-free parking stall which is non-conforming. The existing barrier-free stall does not meet the minimum depth requirement of 6 metres. As such, this stall cannot be counted towards meeting the requirement.

Deficiency: The required barrier-free parking is deficient 1 stall.

The Appellant is seeking the Board's approval for change of land use to a shopping centre as proposed.

**Exhibits:**

- Exhibit A.1 Application to Appeal received November 8, 2016.
- Exhibit A.2 Drawings for proposed renovation, submitted by the Appellant, received November 23, 2016
- Exhibit A.3 Letter submitted by Coralee Abbott received by November 25, 2016.
  
- Exhibit R.1 Letter dated November 7, 2016 from the Community Services Department, Planning & Development Division, to Chris Wall, 102003463.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 24, 2016.
  
- Exhibit B.1 Notice of Hearing dated November 18, 2016.
- Exhibit B.2 Email from Gordon and Terry Waldner supporting the appeal, received November 22, 2016.
- Exhibit B.3 Email from Theresa and Jim Austin supporting the appeal, received December 5, 2016.
- Exhibit B.4 Email from Katherine Panchuk submitting comments, received December 1, 2016.
- Exhibit B.5 Email from John Penner and Betsy Rosenwald submitting comments, received December 2, 2016.
- Exhibit B.6 Support email from Margo Junk received December 5, 2016.

**Supplementary Notions:**

The City's representatives, Senior Planner Kotasek-Toth and Business Licensing & Bylaw Compliance Manager Richter, affirmed that any evidence given in this hearing would be the truth. The Appellants, Cory Tremeer and Crystal Bueckert, also affirmed that any evidence given in this hearing would be the truth.

The Appellants and Respondents provided evidence and arguments as outlined in the Record of Decision dated December 20, 2016.

The hearing concluded at 4:21 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated December 20, 2016, the Board determined that the appeal be GRANTED.

**2. APPEAL NO. 51-2016**  
**Development Permit Denial**  
**Proposed Change of Land Use – Multi-Unit Dwellings**  
**(Landscaping Deficiency)**  
**710 and 770 Childers Crescent – RM3 Zoning District**  
**Dream Asset Management Corporation**

The Board Chair briefly outlined the procedures that would be followed during the course of the hearing and introduced the members of the Board, the Secretary and the City's representative.

**Appeared for the Appellant:**

Mr. Alon Aron, Dream Developments  
Mr. Louis Aussant, AODBT Architecture + Interior Design

**Appeared for the Respondent:**

Ms. Paul Kotasek-Toth, Senior Planner, Planning & Development,  
Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Dream Asset Management Corporation has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007*, in connection with the City's refusal to issue a Development Permit for a change of land use from dwelling group to multiple unit dwellings at 710 & 770 Childers Crescent.

The property is zoned R2 under *Zoning Bylaw No. 8770* and the appellant is appealing the following deficiency:

**Requirement:**

Section 8.12.8(3) states where an RM3 site abuts any R District without an intervening lane there shall be a strip of land adjacent to the abutting site line of not less than 1.5 metres throughout, which shall not be used for any purpose except landscaping.

Proposed:

The site plan submitted identifies a portion of the required 1.5 metre landscape strip at 1.1 metres. The specific location of this deficiency is abutting parking stalls 45 through 53 and 72 through 79. This deficiency is a result of the proposed subdivision line, separating proposed Parcels CC and NN, Plan 102164475 and the proposed change of land use from Dwelling Group to Multiple Unit Dwellings.

Deficiency:

The proposed section of landscaping at 1.1 metres results in a deficiency of 0.4 metres.

The Appellant is seeking the Board's approval for change of land use to multiple unit dwellings as proposed.

**Exhibits:**

- Exhibit A.1 Application to Appeal received November 9, 2016.
- Exhibit A.2 Letter and drawings submitted by Appellant, received December 2, 2016.
- Exhibit A.3 Site Plan submitted December 6, 2016.
  
- Exhibit R.1 Letter dated October 31, 2016 from the Community Services Department, Planning & Development Division, to Alan Aron.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 25, 2016.
  
- Exhibit B.1 Notice of Hearing dated November 21, 2016.

**Supplementary Notions:**

The City's representative, Senior Planner Kotasek-Toth, affirmed that any evidence given in this hearing would be the truth. The Appellants, Alan Aron and Louis Aussant, also affirmed that any evidence given in this hearing would be the truth.

The Appellant and Respondent provided evidence and arguments as outlined in the Record of Decision dated December 20, 2016.

The hearing concluded at 4:35 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated December 20, 2016, the Board determined that the appeal be GRANTED.

Senior Planner Kotasek-Toth excused herself from the meeting at 4:36 p.m.

**3. APPEAL NO. 52-2016**  
**Refusal to Issue Development Permit**  
**Permanent Freestanding Sign – Sign Group 4**  
**(Exceeding Maximum Allowable Size)**  
**300 Confederation Drive – B4 Zoning District**  
**Seventy Seven Signs on behalf of Confederation Shopping Centre Inc.**

The Board Chair briefly outlined the procedures that would be followed during the course of the hearing and introduced the members of the Board, the Secretary and the City's representative.

**Appeared for the Appellant:**

Mr. Toby Esterby

**Appeared for the Respondent:**

Ms. Jo-Anne Richter, Manager, Business License & Bylaw Compliance,  
Community Standards, Community Services, City of Saskatoon

Ms. Elaine Sutherland, Bylaw Inspector, Bylaw Compliance,  
Community Standards, Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Seventy Seven Signs on behalf of Confederation Shopping Centre Inc. has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the refusal to issue a Sign Permit for a freestanding sign – sign group 4 at 300 Confederation Drive.

The property is zoned B4 under *Zoning Bylaw 8770*.

Section 3.4.3.4 (3) of Appendix A, of the Zoning Bylaw states the size of any single sign face area on a primary freestanding sign must not exceed 19.0 m<sup>2</sup> in size.

Based on the information provided the proposed sign does not meet the required regulations for freestanding signs in this district.

The Appellant is seeking the Board's approval for the Sign Permit as submitted.

**Exhibits:**

- Exhibit A.1 Application to Appeal received November 17, 2016.
- Exhibit R.1 Letter dated November 15, 2016, from the Community Services Department, Planning & Development Division, to Seventy Seven Signs.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 24, 2016.
- Exhibit B.1 Notice of Hearing dated November 18, 2016.

**Supplementary Notations:**

The City's representative, Business Licensing & Bylaw Compliance Manager Richter and Bylaw Inspector Sutherland, affirmed that any evidence given in this hearing would be the truth. The Appellant, Toby Esterby, also affirmed that any evidence given in this hearing would be the truth.

The Appellant and Respondents provided evidence and arguments as outlined in the Record of Decision dated December 20, 2016.

The hearing concluded at 4:37 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated December 20, 2016, the Board determined that the appeal be DENIED.



**4. ADOPTION OF MINUTES**

**Moved By:** Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on November 1, 2016, be adopted.

**CARRIED**

The meeting adjourned at 5:05 p.m.

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Ms. Leanne DeLong, A/Chair

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Ms. Penny Walter, Secretary  
Development Appeals Board