



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, July 12, 2016, 4:04 p.m.
Committee Room "E", City Hall

PRESENT: Mr. A. Sarkar, Chair
Ms. L. Lamon
Ms. T. Lerat
Mr. F. Sutter
Ms. D. Sackmann, Secretary

- 1. APPEAL NO. 25-2016
Order to Remedy Contravention
Fence in Front Yard
(Exceeding Maximum Allowable Height Above Grade and
Located Closer to the Front Property Line than Allowed)
#31 – 202 McKague Crescent – RMTN Zoning District
Tina Tran**

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 representatives.

Appeared for the Appellant:

Ms. Tina Tran

Appeared for the Respondent:

Ms. Jo-Anne Richter, Manager, Business Licensing & Bylaw Compliance,
Planning & Development, Community Services, City of Saskatoon

Ms. Sharon Smart, Bylaw Inspector, Planning & Development,
Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Tina Tran has filed an appeal under Section 219(1)(c) of *The Planning and Development Act, 2007*, in connection with an Order to Remedy Contravention dated May 18, 2016 for the property located at #31 – 202 McKague Crescent.

The Order to Remedy Contravention was issued for this property on May 18, 2016 pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

“Contravention”

1. The property at 202 McKague Cres. Unit 31 is located in a RMTN zoning district. No wall, fence, screen or other structure can be erected in the front yard no higher than 1.0 metres above grade level.

In a RMTN Townhouse Residential District walls, fences or other permitted structures may be erected in the front yard of a dwelling group to a height of up to 2.0 metres above grade level provided the wall, fence or other structure is located at least 3.0 metres from the property line.

2. A fence has been erected in the front yard of this property to a height of more than 2.0 metres above grade level, which is not located at least 3 metres from the property line which is not permitted.

You are hereby ordered to:

1. On or before June 27, 2016, reduce the height of the fence in the front yard to a height of not more than 1.0 metres above grade level
or
2. On or before June 27, 2016, relocate the fence in the front yard at least 3.0 metres from the site property line.

Section:

4.2(1); 4.3.1(1); 8.8 and 8.82; 5.13(1) and (6); and 2.0 “dwelling group”, “grade level”, “site”, “structure”, “yard”, “yard, front” and “yard, required” of the *Zoning Bylaw No. 8770*.

The Appellant is appealing the above-referenced Order to Remedy Contravention.

Exhibits:

- Exhibit A.1 Application to Appeal received June 13, 2016.
- Exhibit A.2 Petition and supporting documents submitted by Tina Tran, received July 5, 2016.
- Exhibit A.3 Letters and photographs submitted by Tina Tran, received July 5, 2016.
- Exhibit A.4 Letter from Elite Property Management Ltd. submitted by Tina Tran, received July 11, 2016.

- Exhibit R.1 Letter dated May 18, 2016, from the Community Services Department, Planning & Development Division, to Tina Tran.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received July 5, 2016.

- Exhibit B.1 Notice of Hearing dated June 20, 2016.
- Exhibit B.2 Support email from Linda and John Schulz, received June 21, 2016.
- Exhibit B.3 Support email from Curtis Moore, received June 22, 2016.
- Exhibit B.4 Email from Rod Hiltz against the appeal application, received June 22, 2016.
- Exhibit B.5 Email from Jodi Edstrom supporting the appeal, received on June 27, 2016.
- Exhibit B.6 Email from Jonathan Ross supporting the appeal, received on July 4, 2016.
- Exhibit B.7 Email from Rodolfo Santos supporting the appeal, received on July 5, 2016.
- Exhibit B.8 Email from Roland S. Doming supporting the appeal, received on July 5, 2016.
- Exhibit B.9 Email from April Dent supporting the appeal, received on July 5, 2016.
- Exhibit B.10 Email from Ma Eliza Dalumpines supporting the appeal, received on July 5, 2016.

Supplementary Notions:

The City's representatives, Jo-Anne Richter and Sharon Smart, affirmed that any evidence given in this hearing would be the truth. The Appellant, Tina Tran, 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 July 20, 2016.

The hearing concluded at 4:43 p.m.

Business Licensing & Bylaw Compliance Manager Richter and Bylaw Inspector Smart excused themselves at the conclusion of the appeal.

RESOLVED: that the Board **DEFER** its decision until after September 30, 2016 in order to provide time for the responsible parties to submit an approved, revised landscaping plan, indicating how the fence located at #31 – 202 McKague Crescent would be incorporated in addressing landscaping requirements for this dwelling group site. In making this decision, the Board took note of the statement of the respondents that no action will be taken by the City on the contravention during the interim period.

2. APPEAL NO. 26-2016
Refusal to Issue Development Permit
Addition to One-Unit Dwelling – Attached Garage
(With Various Deficiencies)
210 Saskatchewan Crescent West – R2 Zoning District
Legacy Homes on behalf of Cathy Chrones and Eric Howe

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. Grant Robertson, Legacy Homes Ltd.

Appeared for the Respondent:

Ms. Catherine Kambeitz, Senior Planner, Planning & Development,
Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Legacy Homes Ltd. has filed an appeal on behalf of Cathy Chrones and Eric Howe 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 an attached garage to an existing one-unit dwelling at 210 Saskatchewan Crescent West.

The property is zoned R2 under *Zoning Bylaw No. 8770*.

Section 5.7(8) states that where a building on a site is attached to a principal building by a solid roof or by structural rafters and where the solid roof or rafters extend at least one-third of the length of the building wall that is common with the principal building, the building is considered to be part of that principal building.

The submitted plan shows the attached garage is 12.192 meters long with a 1.524 meter attached connection to the principal building. One-third of 12.192 meters equals a minimum connection of 4.064 meters between the attached garage and the principal building. As a result, the connection is 2.54 meters short.

Section 8.4.2(1) states that the minimum rear yard setback for an interior one-unit dwelling is 7.5 meters. The submitted plan has a rear yard setback of 4.583 meters. As a result, the rear yard setback is short by 2.917 meters.

Section 8.4.1(1) states that the minimum side yard setback for a one-unit dwelling is 0.75 meters. The submitted plan has a side yard setback of 0.638 meters. As a result, the side yard setback is short by 0.112 meters.

Section 5.44 states the allowed side wall calculations for established neighbourhoods. No side wall calculations have been included for the existing one-unit dwelling and the proposed attached garage in the submitted plans.

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

Exhibits:

- Exhibit A.1 Application to Appeal received June 9, 2016.
- Exhibit A.2 Side elevation drawing, received June 27, 2016.
- Exhibit A.3 Presentation material submitted by the Appellant, received July 5, 2016.

- Exhibit R.1 Letter dated June 6, 2016 from the Community Services Department, Planning & Development Division, to Ford Robertson, Legacy Homes.
- Exhibit R.2 Revised refusal letter dated June 27, 2016 to Ford Robertson, Legacy Homes (see point 4.)
- Exhibit R.3 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received July 5, 2016.

- Exhibit B.1 Notice of Hearing dated June 23, 2016.
- Exhibit B.2 Email from Ken Achs, supporting the appeal, received July 5, 2016.

Supplementary Notions:

The City's representative, Catherine Kambeitz, affirmed that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellant, Grant Robertson, 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 July 20, 2016.

The hearing concluded at 5:06 p.m.

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

**3. APPEAL NO. 27-2016
Refusal to Issue Development Permit
New Parking Station
(With North and South Side Yard Landscape Strip Deficiency)
511/513 – 3rd Avenue North – RM5 Zoning District**

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. Karl Miller, Meridian Development Corp.

Appeared for the Respondent:

Ms. Catherine Kambeitz, Senior Planner, Planning & Development,
Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Meridian Development Corp. has filed an appeal on behalf of 101193988 Saskatchewan Ltd. 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 parking station at 511 and 513 3rd Avenue North.

The property is zoned RM5 under *Zoning Bylaw No. 8770*.

Section 6.4(3)(b) states that when a parking station is located within or next to a residential district or a residential land use without a street or lane intervening, that portion of the parking station that is next to the residential district or land use requires a strip of land at least 1.5 metres in width along this portion of the parking station.

The submitted plan does not include landscaping along the North or South side yards which are both next to a high density residential district.

As a result, the North side property line and the South side property line are short of a 1.5 metre wide landscaping strip along their lengths.

The Appellant is seeking the Board's approval to develop a parking station, with no North and South side yard landscaping strips.

Exhibits:

- Exhibit A.1 Application to Appeal received June 27, 2016.
- Exhibit R.1 Letter dated June 27, 2016 from the Community Services Department, Planning & Development Division, to Karl Miller, Meridian Development Corp.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received July 5, 2016.
- Exhibit B.1 Notice of Hearing dated June 28, 2016.
- Exhibit B.2 Email from Carl Bungay, Wyclife Board of Directors, opposing the appeal, received on July 1, 2016.
- Exhibit B.3 Email from Trevor Jacek, Mid-West Group of Companies, supporting the appeal, received on June 30, 2016.
- Exhibit B.4 Email from Ian and Leanne Phillips, supporting the appeal, received July 5, 2016.
- Exhibit B.5 Email from Barbara Harris, opposing the appeal, received July 6, 2016.
- Exhibit B.6 Email from Mark Wilson, opposing the appeal, received July 6, 2016.
- Exhibit B.7 Email from Nettie Unruh, opposing the appeal, received July 6, 2016.

Supplementary Notions:

The City's representative, Catherine Kambeitz, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellant, Karl Miller, 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 July 20, 2016.

The hearing concluded at 5:20 p.m.

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

4. **ADOPTION OF MINUTES**

Moved By: L. Lamon

That the minutes of meeting of the Development Appeals Board held on June 7, 2016, be adopted.

CARRIED

The meeting adjourned at 5:23 p.m.

Mr. Asit Sarkar, Chair

Ms. Debby Sackmann, Secretary
Development Appeals Board