



**PUBLIC MINUTES  
DEVELOPMENT APPEALS BOARD**

Tuesday, July 19, 2016, 4:01 p.m.  
Committee Room "E", City Hall

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

- 1. APPEAL NO. 28-2016  
Refusal to Issue Development Permit  
Detached Accessory Building – Garage  
(Location of Building’s Vehicle Door Too Close  
to South Wall Face and south Property Line)  
2131 St. Charles Avenue – R2 Zoning District  
Tarren Saleski, Inspiration Homes 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 representatives.

**Appeared for the Appellant:**

Ms. Tarren Peterson

Mr. John Saleski

**Appeared for the Respondent:**

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

Mr. Logan Clewes, Bylaw Inspector, Planning & Development,  
Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Tarren Saleski, Inspiration Homes 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 detached accessory building (garage) at 2131 St. Charles Avenue. The property is zoned R2 under *Zoning Bylaw No. 8770*.

Section 5.7(3)(h) states that in any R district, no detached accessory building can be located less than 1.2 metres from a property line bordering a lane toward which a vehicle door faces.

The drawings submitted show the vehicle door on the South wall face of the detached accessory building. The distance between the South property line and the South wall face is 0.610 metres.

As a result, the distance between the South wall face with the vehicle door, and the South property line bordering a lane is 0.59 metres short.

The Appellant is seeking the Board's approval to construct a detached accessory building (garage) with the location of the building's vehicle door too close to the South wall face and South property line.

**Exhibits:**

- Exhibit A.1 Application to Appeal received June 28, 2016.
- Exhibit A.2 Copy of building permit, drawings, and photograph submitted by the Appellant, received on July 13, 2016.
  
- Exhibit R.1 Letter dated June 1, 2016 from the Community Services Department, Planning & Development Division, to Tarren Saleski, Inspiration Homes Ltd.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received July 8, 2016.
  
- Exhibit B.1 Notice of Hearing dated July 4, 2016.

**Supplementary Notions:**

The City's representatives, Paula Kotasek-Toth and Logan Clewes, affirmed that any evidence given in this hearing and in the hearings to follow would be the

truth. The Appellants, Tarren Peterson and John Saleski, 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 August 12, 2016.

The hearing concluded at 4:18 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated August 12, 2016, the Board determined that the appeal be GRANTED.

**2. APPEAL NO. 29-2016  
Refusal to Issue Development Permit  
Addition and Alterations to Private Club  
(With On-Site Parking Deficiency)  
417 – 21<sup>st</sup> Street East – B6 Zoning District  
Edwards Edwards McEwen on behalf of The Saskatoon Club**

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:**

Mr. David Edwards, Edwards Edwards McEwen Architects

Mr. Darren Toews, The Saskatoon Club

**Appeared for the Respondent:**

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

Mr. Logan Clewes, Bylaw Inspector, Planning & Development,  
Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Edwards Edwards McEwen has filed an appeal on behalf of The Saskatoon Club 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 addition and alterations at 417 21<sup>st</sup> Street East.

The property is zoned B6 under *Zoning Bylaw No. 8770*.

Section 6.3.3(6) states that private clubs in the B6 district have to provide on-site parking at a rate of 1 space for every 30 square metres of gross floor area.

The plan submitted shows an addition of new gross floor area of approximately 880.4 square metres. A minimum of 29 parking stalls is required for the new gross floor area, and the submitted plan shows 1 parking stall.

As a result, this development is short 28 parking stalls.

The Appellant is seeking the Board's approval for addition and alterations to a private club, which will be short by 28 on-site parking stalls.

**Exhibits:**

- Exhibit A.1 Application to Appeal received June 29, 2016.
- Exhibit A.2 Letter and supporting documentation submitted by David C. Edwards, received July 4, 2016.
  
- Exhibit R.1 Letter dated June 30, 2016 from the Community Services Department, Planning & Development Division, to Ann March, March Schaffel Architects Ltd.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received July 8, 2016.
  
- Exhibit B.1 Notice of Hearing dated July 4, 2016.

**Supplementary Notions:**

The City's representatives, Paula Kotasek-Toth and Logan Clewes, affirmed in the previous hearing that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellants, David Edwards and Darren Toews, 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 August 12, 2016.

The hearing concluded at 4:28 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated August 12, 2016, the Board determined that the appeal be GRANTED.

**3. APPEAL NO. 30-2016  
Order to Remedy Contravention  
Front Yard Fence  
(Exceeding Maximum Allowable Height Above Grade)  
1301 Idylwyld Drive North – B3 Zoning District  
Zdravko Besermenji**

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:**

Mr. Zdravko Besermenji

Mr. Ivan Besermenji

**Appeared for the Respondent:**

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

Mr. Logan Clewes, Bylaw Inspector, Planning & Development,  
Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Zdravko Besermenji 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 June 16, 2016 for the property located at 1301 Idylwyld Drive North.

The Order to Remedy Contravention was issued for this property on June 21, 2016 pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

**“Contravention”**

1. The fence located in the front yard of 1301 Idylwyld Drive North has been constructed to a height exceeding 1.0 metres above grade level.

**You are hereby ordered to:**

1. On or before July 27, 2016, reduce the height of the fence in the front yard to a height of no more than 1.0 metres above grade level.

**Section:**

4.2(1); 4.3.1(1); 5.13(1); 10.5; and 2.0 “structure” of the *Zoning Bylaw No. 8770*.

**Exhibits:**

- Exhibit A.1 Application to Appeal received July 4, 2016.
- Exhibit R.1 Letter dated June 21, 2016 from the Community Services Department, Planning & Development Division, to 101288361 Saskatchewan Ltd. and 101246517Saskatchewan Ltd.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received July 7, 2016.
- Exhibit B.1 Notice of Hearing dated July 4, 2016.
- Exhibit B.2 Email from Denise Zentner supporting the appeal, received July 11, 2016.

**Supplementary Notions:**

The City’s representatives, Paula Kotasek-Toth and Logan Clewes, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellants, Zdravko Besermenji and Ivan Besermenji, 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 August 12, 2016.

The hearing concluded at 4:47 p.m.

**RESOLVED**: that the requirements of the Order to Remedy Contravention, dated June 16, 2016, with respect to the property at 1301 Idylwyld Drive North be **UPHELD** and the date for compliance be **EXTENDED** to **August 31, 2016**.

**4. ADOPTION OF MINUTES**

**Moved By:** L. Lamon

That the minutes of meeting of the Development Appeals Board held on June 21, be adopted.

**CARRIED**

The meeting adjourned at 5:10 p.m.

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Mr. Asit Sarkar, Chair

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Ms. Debby Sackmann, Secretary  
Development Appeals Board