



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, August 25, 2015, 4:00 p.m.
Committee Room "E", City Hall

PRESENT: Ms. C. Ruys, Chair
Ms. L. DeLong
Ms. L. Lamon
P. Walter, Secretary
J. Lorenz, Secretary

**1. APPEAL NO. 22-2015
Refusal to Issue Building Permit
Proposed Addition to One-Unit Dwelling – Three Season Room
(With Rear Yard Setback Deficiency)
426 Greaves Crescent – R1A Zoning District
Vijay Tumber**

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. Vijay Tumber

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Vijay Tumber has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007*, in connection with the City's Building Permit Denial for a proposed addition to a one-unit dwelling – three-season room located at 426 Greaves Crescent.

The property is zoned R1A under *Zoning Bylaw No. 8770*.

Section 8.2.2(1) of the *Zoning Bylaw* states that for one-unit dwellings, a rear yard setback of 7.5 metres is to be provided.

Based on the information provided:

- The proposed rear yard setback would be 6.865 metres, resulting in a deficiency of 0.635 metres.

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

Exhibits:

- Exhibit A.1 Application to Appeal received July 10, 2015.
Exhibit A.2 Petition with 13 signatories supporting the applicant's appeal, received August 19, 2015.
- Exhibit R.1 Letter dated July 13, 2015 from the Community Services Department, Planning and Development Division, to Vijay Tumber.
Exhibit R.2 Location Plan and Site Plan submitted by Planning and Development, Community Services Department, received on August 17, 2015.
- Exhibit B.1 Notice of Hearing dated August 6, 2015.
Exhibit B.2 Email from Leah Paluck opposing the appeal, received on August 7, 2015
Exhibit B.3 Support letter from Kerry Mazurek, received August 14, 2015.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellant, Vijay Tumber, 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 September 11, 2015.

The hearing concluded at 4:17 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated September 11, 2015, the Board determined that the appeal be DENIED.

2. APPEAL NO. 26-2015
Refusal to Approve Subdivision Application No. 05/15
Creation of Usable Parking Area
(Minimum Site area Deficiency for One-Unit Dwelling)
202 Avenue H North and 715 Walmer Road – B2 Zoning District
Tim Ryan and Patrick Wolfe for Caswell Developments 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. Patrick Wolfe
Mr. Tim Ryan

Appeared for the Respondent:

Ms. Paula Kotasek-Toth, City of Saskatoon, Community Services Department,
Planning and Development Division

Grounds and Issues:

THE APPELLANTS, Tim Ryan and Patrick Wolfe for Caswell Developments Inc. have filed an appeal under Section 228(1) of *The Planning and Development Act, 2007*, in connection with the City's refusal to approve Subdivision Application No. 05/15 for the property located at 202 Avenue H North and 715 Walmer Road.

The property is zoned B2 under *Zoning Bylaw No. 8770*.

The intent of the subdivision proposal is to create a usable area for parking behind 202 Avenue H North by taking a section of the southern piece of 715 Walmer Road.

The Standing Policy Committee on Planning, Development and Community Services, at its meeting held on July 20, 2015, denied the subdivision application on the basis that the proposal does not comply with the Development Standards of *Zoning Bylaw No. 8770* regarding minimum site area for a one-unit dwelling in the B2 Zoning District.

Section 10.4.2(1) of the *Zoning Bylaw* states that the site area for one-unit dwelling sites in the B2 Zoning District be a minimum of 225m².

Based on the information provided, the proposed site containing the one-unit dwelling is 206.67m², creating a site area deficiency of 18.03m².

The Appellant is seeking the Board's approval for the subdivision application as submitted.

Exhibits:

Exhibit A.1 Application to Appeal received July 28, 2015.

Exhibit R.1 Letter dated July 24, 2015 from the Community Services Department, Planning and Development Division, to Webster Surveys Ltd.

Exhibit R.2 Location Plan and Site Plan submitted by Planning and Development, Community Services Department, received on August 17, 2015.

Exhibit B.1 Notice of Hearing dated August 6, 2015.

Exhibit B.2 Opposition letter from Dianne Wagner, for the estate of Dorothy Edith Autridge, received August 24, 2015.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellants, Patrick Wolfe and Tim Ryan, also affirmed that any evidence given in this hearing would be the truth.

The Appellants and Respondent provided evidence and arguments as outlined in the Record of Decision dated September 11, 2015.

The hearing concluded at 4:39 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated September 11, 2015, the Board determined that the appeal be GRANTED.

3. ADOPTION OF MINUTES

3.1 Minutes of Regular Meeting of the Development Appeals Board on July 7, 2015

Moved by: Ms. DeLong

That the minutes of meeting held on July 7, be adopted.

CARRIED

3.2 Minutes of Regular Meeting of the Development Appeals Board on July 21, 2015

Moved by: Ms. DeLong

That the minutes of meeting held on July 21, be adopted.

CARRIED

The meeting adjourned at 4:41 p.m.

Ms. Christine Ruys, Chair