

Committee Room E  
City Hall, Saskatoon, SK  
Tuesday, February 24, 2015  
at 4:00 p.m.

**MINUTES**

**OPEN TO THE PUBLIC**

**DEVELOPMENT APPEALS BOARD**

PRESENT: Ms. Christine Ruys, Chair  
Ms. Leanne DeLong  
Ms. Lois Lamon  
Ms. Susan Nazarenko  
Secretary, Penny Walter

- 1. Appeal No. 4-2015  
Refusal to Issue Building Permit  
Proposed Addition – Detached Garage and Deck  
(Garage Exceeding Maximum Allowable Floor Area, and  
Deck with Side Yard Deficiency)  
915 Avenue V North – R2 Zoning District  
Heney Klypak Architect Ltd. on behalf of Elliot Hopfner**

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:**

Heney Klypak, Heney Klypak Architect Ltd.  
Elliott Hopfner  
Everett Hopfner  
Susan McDonald, SGI Canada

**APPEARED FOR THE RESPONDENT**

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

## **GROUND AND ISSUES:**

THE APPELLANT, Heney Klypak Architect Ltd. on behalf of Elliot Hopfner has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the refusal to issue a Building Permit to construct a second detached garage (accessory building) in the rear yard and a raised deck addition in the side yard of the existing one-unit dwelling at 915 Avenue V North.

The property is zoned R2 under Zoning Bylaw 8770.

Section 5.7(3)(e) of the Zoning Bylaw states that no detached accessory buildings or structures shall have a floor area greater than the floor area of the principal dwelling or 54 square metres, whichever is greater, provided that in no event, shall a detached building or structure accessory to a one-unit dwelling have a total floor area greater than 87 square metres. In calculating the main floor area of the principal building, the area of an attached garage shall be excluded.

Section 5.8(4)(b) of the Zoning Bylaw states that raised patios and decks more than 0.6m in height above grade, and canopies and balconies, provided they do not project more than 1.8 metres into a required side yard, nor into more than 25% of the width of a required side yard, whichever is lesser. In the R2 district, a minimum side yard of 0.75m (2.46 ft.) is required and a raised deck more than 0.6m in height cannot project into a required side yard by more than 0.19m (0.62 ft.).

Based on the information provided:

- The aggregate of accessory buildings may not exceed 87m<sup>2</sup> (936 sq. ft.);
- The aggregate of the proposed accessory building along with the existing accessory building will exceed the maximum size permitted by 18.8m<sup>2</sup> (202 sq. ft.);
- The proposed raised deck addition will be built to a height greater than 0.6m (1.97ft) and will project into the required side yard by 0.70m (2.30 ft.).
- The proposed deck addition will exceed the maximum permitted side yard obstruction by 0.51m (1.67 ft.).

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

**EXHIBITS:**

- Exhibit A.1 Application to Appeal received January 29, 2015.  
Exhibit A.2 Document package including project description, support letter, photograph, and drawings, submitted by Heney Klypak Architect Ltd., received February 12, 2015.  
Exhibit A.3 Presentation document from Heney Klypak.
- Exhibit R.1 Letter dated January 26, 2015 from the Community Services Department, Planning and Development Division, to Heney Klypak.  
Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received February 12, 2015.
- Exhibit B.1 Notice of Hearing dated February 2, 2015.  
Exhibit B.2 Opposition letter from R and S Capon, received February 23, 2015.  
Exhibit B.3 Email from Cheryl Klassen, received February 23, 2015.

**SUPPLEMENTARY NOTATIONS:**

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearings to follow, would be the truth. The Appellants, Heney Klypak, Elliott Hopfner, Everett Hopfner, and Susan McDonald, 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 March 16, 2015.

The hearing concluded at 4:34 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated March 16, 2015, the Board determined that the appeal for the deck be GRANTED and that the appeal for the detached garage be DENIED.

**2. Appeal No. 5-2015  
Refusal to Issue Development Permit  
Proposed Warehouse/Office  
(With Loading Space Deficiency, Front Yard Setback Deficiency, and  
Landscape Strip Deficiency)  
1718 Saskatchewan Avenue – IL1 Zoning District  
Saskatoon Disaster Services**

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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:**

Jordon Mills, Saskatoon Disaster Services  
Jeff Sereda, Saskatoon Disaster Services

**APPEARED FOR THE RESPONDENT:**

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

**GROUNDS AND ISSUES:**

THE APPELLANT, Saskatoon Disaster Services filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the refusal to issue a Development Permit for a proposed warehouse/office building at 1718 Saskatchewan Avenue.

The property is zoned IL1 under Zoning Bylaw 8770.

Section 6.3.4(2) of the Zoning Bylaw states that one off-street loading space shall be provided for each principal building. The dimensions of the loading space must be a minimum of 3.0 m x 7.5m.

Section 11.1.2(1) of the Zoning Bylaw states that the minimum front yard setback for all permitted uses in the IL1 zone is 6.0m. Since this property acts as a thru site a 6.0m front yard setback is required.

Section 11.1.8(1) of the Zoning Bylaw states that a landscape strip of not less than 4.5m in depth throughout lying parallel to and abutting the front site line shall be provided on every site and shall be used for no purpose except landscaping and necessary driveway access to the site.

Based on the information provided:

- The area located in front of the overhead door along the west side of the property does not meet the length requirement for a loading stall;
- There is a 0m setback along the east property line, resulting in a 6.0m deficiency; and
- There is no landscape strip shown along the west front site line, resulting in a 4.5m landscape strip deficiency.

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

**EXHIBITS:**

Exhibit A.1 Application to Appeal received January 29, 2015.

Exhibit R.1 Letter dated January 22, 2015 from the Community Services Department, Planning and Development Division, to Don Mills, Saskatoon Disaster Services.

Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received February 11, 2015.

Exhibit B.1 Notice of Hearing dated February 3, 2015.

**SUPPLEMENTARY NOTATIONS:**

The City's representative, Paula Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellants, Jordon Mills and Jeff Sereda, 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 March 24, 2015.

The hearing concluded at 4:55 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated March 24, 2015, the Board notes the Appellants have agreed verbally to make changes to their plan in order to accommodate the required loading zone. It is also the Board's understanding the Appellants are wanting to work with the City to ensure the setback and landscaping requirements along Saskatchewan Avenue are met. As noted above, it is the City's position the front yard setback and landscaping requirement along Alberta Avenue is not required as this is a through lot and this area functions as the rear of the property. The Board agrees with the City's position and therefore, the Appellants' appeal for the relaxation of the requirements of setback and landscaping requirements along Alberta Avenue is GRANTED. The Board, however, is only able to grant appeals based on the information in front of them. As there are no plans with specific information on how the Appellants plan to meet the requirements of the City, the appeal in respect to the loading zone and the setback and landscaping requirements along Saskatchewan Avenue are DENIED.

**3. Appeal No. 6-2015  
Refusal to Issue Development Permit  
Refusal to Issue Development Permit  
Proposed Dwelling Group  
(Exceeding Maximum Allowable Units per Building)  
103 Pohorecky Crescent – RMTN Zoning Group  
Chet Rattanavong on behalf of North Ridge Development 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:**

Errol Fisher, North Ridge Development Corporation  
Joe Fortugno, North Ridge Development Corporation  
Jim Akin, JC Akin Architect Ltd.

**SPEAKING AGAINST THE APPEAL APPLICATION:**

Sami Shenouda  
Richard Schiess  
Alexander Morgun

**APPEARED FOR THE RESPONDENT:**

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

**GROUND AND ISSUES:**

THE APPELLANT, Chet Rattanaovong on behalf of North Ridge Development Corporation has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the refusal to issue a Development Permit for a proposed dwelling group (exceeding the maximum allowable units per building) at 103 Pohorecky Crescent.

The property is zoned RMTN under Zoning Bylaw 8770.

Section 8.8.4.1(a) of the Zoning Bylaw states that for multiple unit dwellings and townhouses, in dwelling groups, there shall be not more than 18 dwelling units in a building. A total of 5 buildings are on the site plan dated February 6, 2015 and house over 18 units each.

Based on the information provided:

- Building A has 21 units, creating a deficiency of 3 units.
- Buildings B, C, D and E have 42 units within each building, creating a deficiency of 24 units in each building.

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

**EXHIBITS:**

- Exhibit A.1 Application to Appeal received February 9, 2015.
- Exhibit A.2 Letter, site plan, and drawings submitted by North Ridge, received February 19, 2015.
- Exhibit R.1 Letter dated February 9 2015 from the Community Services Department, Planning and Development Division, to J. C. Akin Architect Ltd.
- Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received February 12, 2015.
- Exhibit R.3 Evergreen Concept Plan

- Exhibit B.1 Notice of Hearing dated February 9, 2015.
- Exhibit B.2 Opposition email from Andre Vermette and Shelby Marshall, received February 23, 2015.
- Exhibit B.3 Opposition email from Doug Zolinski, received February 23, 2015.
- Exhibit B.4 Opposition email from Richard Schiess, received February 23, 2015.
- Exhibit B.5 Opposition email from Shawn Robson, received February 23, 2015.
- Exhibit B.6 Opposition email from Joanne Matsalla, received February 23, 2015.
- Exhibit B.7 Opposition email from Sami A. Shenouda, received February 24, 2015.
- Exhibit B.8 Petition signed by Neighbouring Property Owners.

**SUPPLEMENTARY NOTATIONS:**

The City's representative, Paula Kotasek-Toth, affirmed in a previous appeal that any evidence given in this hearing would be the truth. The Appellants, Errol Fisher, Joe Fortugno, and Jim Akin, also affirmed that any evidence given in this hearing would be the truth. Neighbouring property owners Sami Shenouda, Richard Schiess, and Alexander Morgun, affirmed that any evidence given in this hearing would be the truth.

The Appellants and Respondent, and neighbouring property owners provided evidence and arguments as outlined in the Record of Decision dated March 16, 2015.

The hearing concluded at 6:13 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated March 16, 2015, the Board determined that the appeal be DENIED.

**Moved by:** L. Lamon

That the meeting be adjourned.

**CARRIED**

The meeting adjourned at 6:30 p.m.

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Christine Ruys, Chair