



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, December 1, 2015, 4:03 p.m.
Committee Room "E", City Hall

PRESENT: Ms. C. Ruys, Chair
Ms. L. DeLong
Ms. L. Lamon
Mr. A. Sarkar
Mr. F. Sutter
Ms. D. Sackmann, Secretary

- 1. APPEAL NO. 37-2015
Refusal to Issue Development Permit
Proposed Addition to Existing Shopping Centre
(With Rear Yard Setback Deficiency, Parking Deficiency and
Exceeding Gross Floor Ratio)
1423, 1425, and 1427 Idylwyld Drive North – B3 Zoning District
Mohamad Elbardo**
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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:

Mr. Mohamad Elbardo
Mr. Brett Johnson, Final Draft Co. Ltd.

Appeared for the Respondent:

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

Appeared against the Appeal:

Ms. Connie Seibel, neighbouring property owner
Mr. Tony Horachek, neighbouring property owner
Mr. Adam Beck, neighbouring property owner

Grounds and Issues:

THE APPELLANT, Mohamad Elbardo 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 proposed addition at 1423, 1425, and 1427 Idylwyld Drive North to an existing shopping centre at 1403 Idylwyld Drive North.

The property is zoned B3 under Zoning Bylaw No. 8770.

1. Section 10.5.2(2) states that in a B3 district, rear yards are required to have a 6 metre building setback. The proposed addition is noted as having a rear setback of 1.5 metres. This results in a rear yard building setback deficiency of 4.5 metres.
2. Section 10.5.7(1) states that in a B3 district, the gross floor space ratio shall not exceed 0.75:1. The proposed addition creates a gross floor space ratio of 0.83:1. This exceeds the maximum gross floor space ratio by 0.08:1.
3. Section 6.3.3(6) states that in a B3, district, shopping centres require 1 off-street parking space per 50 square metres of gross floor area. The proposed expansion of the shopping centre, in addition to the existing structure, requires a total of 67 off-street parking spaces to be provided. The provided site plan shows 66 off-street parking spaces. This results in a parking deficiency of 1 space.

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

Exhibits:

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| Exhibit A.1 | Application to Appeal received November 3, 2015. |
| Exhibit A.2 | Email and photographs submitted by the Appellant on December 1, 2015. |
| Exhibit A.3 | Additional email and photographs submitted by the Appellant on December 1, 2015. |
| Exhibit R.1 | Letter dated November 3, 2015 from the Community Services Department, Planning & Development Division, to Mohamad Elbardo. |
| Exhibit R.2 | Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 17, 2015. |

- Exhibit B.1 Notice of Hearing dated November 4, 2015.
- Exhibit B.2 Opposition email submitted by Connie Seibel on November 25, 2015.
- Exhibit B.3 Opposition email submitted by Tony Horachek on November 26, 2015.
- Exhibit B.4 Opposition email submitted by Adam Beck and Linda Cimpric on November 27, 2015.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing would be the truth. The Appellants, Mohamad Elbardo and Brett Johnson, also affirmed that any evidence given in this hearing would be the truth. Neighbouring property owners Connie Seibel, Tony Horachek and Adam Beck also affirmed that any evidence given in this hearing would be the truth.

The Appellant, Respondent, and neighbouring property owners provided evidence and arguments as outlined in the Record of Decision dated December 22, 2015.

The hearing concluded at 4:50 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated December 22, 2015, the Board determined that the appeal be GRANTED.

2. ADOPTION OF MINUTES

2.1 Minutes of Regular Meeting of the Development Appeals Board on October 20, 2015

Moved by: Ms. Lamon

That the minutes of meeting held on October 20, 2015, be adopted.

CARRIED

**2.2 Minutes of Regular Meeting of the Development Appeals Board on
November 3, 2015**

Moved by: Mr. Sutter

That the minutes of meeting held on November 3, 2015, be adopted.

CARRIED

The meeting adjourned at 5:22 p.m.

Ms. Christine Ruys, Chair

Ms. Debby Sackmann, Secretary
Development Appeals Board