



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, August 11, 2015, 4:00 p.m.
Committee Room "E", City Hall

PRESENT: Ms. C. Ruys, Chair
Ms. L. Lamon
Mr. A. Sarkar
Committee Assistant P. Walter, Secretary

- 1. APPEAL NO. 23-2015
Refusal to Issue Development Permit
Proposed Addition
Residential Care Home Type 2 and Child Care Centre
(With Various Deficiencies)
600 Queen Street – M2 Zoning District
Brian Bachewich, North Ridge Renovations**

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. Brian Bachewich, North Ridge Renovations
Mr. Don Meikle, Saskatoon Downtown Youth Centre Inc.

Appeared for the Respondent:

Mr. Darryl Dawson, City of Saskatoon, Community Services Department,
Planning and Development Division

Ms. Catherine Kambeitz, City of Saskatoon, Community Services Department,
Planning and Development Division

Grounds and Issues:

THE APPELLANT, Brian Bachewich, North Ridge Renovations 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 and change of use to Residential Care Home Type II and a Child Care Centre, for the property located at 600 Queen Street.

The property is zoned M2 under Zoning Bylaw No. 8770.

Section 6.2(2)(l)(i) states that for uses other than multiple-unit dwellings, one barrier-free parking space shall be provided for any required parking facility accommodating between 4 and 100 parking spaces. The barrier-free parking stall size is in section 6.29(e)(ii) which states it is to be a minimum of 3.9 metres by 6.0 metres.

Section 6.3.2(2) states that within the M2, all required parking and loading spaces shall be located at least 3 metres from any part of a building entrance, the outer edge of a balcony, or a window, serving residential rooms and for all other uses shall be 1 metre.

Section 6.2(2)(a) states that all required parking and loading facilities shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be hard surfaced. Hard surfacing shall mean the provision of durable dust-free material constructed of concrete, asphalt or similar pavement capable of withstanding expected vehicle loads. Six parking stalls are required.

Section 9.28(1) states that a landscaped strip of not less than 3 metres in width throughout lying parallel to and abutting the front site line shall be provided on every site.

Section 7.1(1)(i) states that one tree is required for every 6 linear metres along required frontages. For a frontage of 21.668 metres, 4 trees would be required.

Section 9.2.8(2) states that on corner lots, in addition to landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped. In the required landscaping along 6th Avenue is an outdoor play area and 2 parking stalls.

Section 9.2.8(3) states where a site abuts an R District without an intervening lane, there shall be a strip of land adjacent to the abutting site line of not less than 1.5 metres throughout, which shall not be used for any purpose except landscaping.

Section 7.1(1)(i) states that one tree is required for every 9 metres along required flankages. Along the West property line, 4 trees would be required, along the North flankage, 2 trees would be required. Section 5.2 of the City of Saskatoon's Landscaping Guidelines states that with the approval of the Development Officer, additional shrubs may be planted in lieu of trees at the ratio of 10 shrubs per tree.

Section 9.2.2(20) and Section 9.2.3(2) states that a 6-metre from building setback is required for a residential care home type II and a child care centre. Section 5.8 lists permitted obstructions in required yards and ramps are not listed as permitted obstructions.

Based on the information provided:

- There is a barrier-free parking space at 3.886 metres in width resulting in a deficiency of 0.014 metres;
- Immediately adjacent to the main floor bedroom, as well as adjacent to the two windows off of the main floor kitchen is parking stall #6. This results in a deficiency of 3 metres from a parking stall to a bedroom window and a deficiency of 1 metre to the windows serving other uses;
- Surface stalls #1 to 4 and stall #6 are not paved. This results in a paving deficiency for 5 parking stalls;
- No trees are proposed in the front landscaping area, resulting in a deficiency of 4 trees;
- A landscaped strip of 1.270 metres along part of the side yard, and a landscaped strip of 0.753 metres is proposed along another part of the side yard and no landscaping is proposed in or around the outdoor play area. This results in a side yard landscaping deficiency;
- This site is adjacent to an R2 district along the North property line. A deficiency of 0.56 metres is shown where stalls #1 to 4 are located and a deficiency of 0.789 metres of landscaping where an existing garage is located adjacent to the North property line;
- There are 12 shrubs along the West and 4 shrubs along the North landscaping area resulting in a deficiency of 28 shrubs along the West landscaping area and a deficiency of 16 shrubs along the North landscaping area; and
- There is a wheel chair ramp approximately 4 metres away from the front property line resulting in a setback deficiency of 2 metres.

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

Exhibits:

Exhibit A.1 Application to Appeal received July 10, 2015.

- Exhibit A.2 Letter with site plan, drawing, and photo, submitted by Brian Bachewich, Northridge Renovations, received July 31, 2015.
- Exhibit R.1 Letter dated June 19, 2015 from the Community Services Department, Planning and Development Division, to Brian Bachewich, North Ridge Development Corporation.
- Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received July 31, 2015.
- Exhibit B.1 Notice of Hearing dated July 27, 2015.
- Exhibit B.2 Opposition letter from Shannon Brunner, received August 5, 2015.

Supplementary Notions:

The City's representatives, Catherine Kambeitz and Darryl Dawson, affirmed that any evidence given in this hearing and in the hearing to follow, would be the truth. The Appellants, Brian Bachewich and Don Meikle, 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 25, 2015.

The hearing concluded at 4:26 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated August 25, 2015, the Board determined that the appeal be GRANTED.

**3. APPEAL NO. 25-2015
Refusal to Issue Development Permit
Proposed Place of Worship
(Parking Deficiency and Driveway Aisle Width Deficiency)
702 Windsor Street – R2 Zoning District
Sami Jasem**

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. Sami Jasem
Mr. Syed Kazmi

Appeared for the Respondent:

Ms. Catherine Kambeitz, City of Saskatoon, Community Services Department,
Planning and Development Division

Mr. Darryl Dawson, City of Saskatoon, Community Services Department,
Planning and Development Division

Grounds and Issues:

THE APPELLANT, Sami Jasem 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 place of worship, for the property located at 702 Windsor Street.

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

Section 6.2(2)(f) states that parking stalls with an angle in degree greater than 74 require a 6.0 metre (two-way traffic) driveway aisle width.

Section 6.3.1(4) states that in an R2 zoning district, places of worship require one parking space per 7.5 square metres of gross floor area devoted to main assembly area.

Based on the information provided:

- Parking stalls numbered six through eleven are arranged at an angle of 90 degrees and a driveway aisle width of 3.657 metres is shown. This results in a driveway aisle width deficiency of 2.343 metres; and
- There are 14 parking spaces required and only 11 parking spaces were provided. This results in a parking stall deficiency of 3 spaces.

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

Exhibits:

- Exhibit A.1 Application to Appeal received July 27, 2015.
- Exhibit R.1 Letter dated July 21, 2015 from the Community Services Department, Planning and Development Division, to Sami Jasem.
- Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received July 31, 2015.
- Exhibit B.1 Notice of Hearing dated July 28, 2015.
- Exhibit B.2 Email from Albert and Lynne Georget opposing the appeal, received on August 3, 2015.
- Exhibit B.3 Opposition letter from Marc and Janet DeGirolamo, received August 5, 2015.
- Exhibit B.4 Opposition letter from Trever Honsberger, received August 7, 2015.
- Exhibit B.5 Opposition letter from David Schrutek, received August 9, 2015.
- Exhibit B.6 Opposition email from Scott Cameron, received August 10, 2015.
- Exhibit B.7 Opposition email from Brent and Erinn Schellenberg, received August 10, 2015.

Supplementary Notions:

The City's representatives, Catherine Kambeitz and Darryl Dawson, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellants, Sami Jasem and Syed Kazmi, 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 25, 2015.

The hearing concluded at 5:08 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated August 25, 2015, the Board determined that the appeal be DENIED.

The meeting adjourned at 5:15 p.m.

Ms. Christine Ruys, Chair