



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, October 20, 2015, 4:02 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. 34-2015
Building Permit Denial
Addition to One-Unit Dwelling – Proposed Four-Season Room
(Side Yard Setback Deficiency)
923 Avenue K North – R2 Zoning District
Jonathan Eder**

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. John Eder

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Jonathan Eder 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 rear addition to an existing one-unit dwelling at 923 Avenue K North.

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

Section 8.4.2(1) states that the minimum side yard building setback from the exterior wall face to the side property line shall be no less than 0.75 meters (2.46 ft). The proposed North side yard setback to the new addition is shown at 0.61 meters (2 ft), and the South side yard setback is shown at 0.71 meters (2.33 ft). This equals a North side yard setback deficiency of 0.14 meters (0.46 ft), and a South side yard setback deficiency of 0.04 meters (0.13 ft).

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

Exhibits:

- Exhibit A.1 Application to Appeal received October 6, 2015.
- Exhibit R.1 Letter dated September 29, 2015 from the Community Services Department, Planning and Development Division, to Jonathan Eder.
- Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received October 15, 2015.
- Exhibit B.1 Notice of Hearing dated October 7, 2015.
- Exhibit B.2 Opposition email from Jenny Dergousoff, received October 18, 2015.
- Exhibit B.3 Support letter from Amanda Lynchuk, received October 20, 2015.
- Exhibit B.4 Support letter from Jim Jendruck, received October 20, 2015.

Supplementary Notions:

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 Appellant, John Eder, 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 November 4, 2015.

The hearing concluded at 4:16 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated November 4, 2015, the Board determined that the appeal be **GRANTED.**

**2. APPEAL NO. 32-2015
Refusal to Issue Development Permit
Proposed 3-Unit Converted Dwelling
(With Site Width Deficiency and Parking Space Deficiency)
1003 Victoria Avenue – R2A Zoning District
Dean Heidt**

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. Dean Heidt

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Dean Heidt 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 Development Permit for a proposed 3-unit Converted Dwelling at 1003 Victoria Avenue.

The property is zoned R2A under Zoning Bylaw No. 8770.

Section 8.5.3(13) states that the required site width for a Converted Dwelling is 3.75 metres (12.303 ft) per unit, which, based on 3 dwelling units, would result in a minimum required site width of 11.25 metres (36.909 ft). The proposed development is noted as having a 9.133 metre (29.964 ft) site width. This results in a site width deficiency of 2.117 metres (6.946 ft).

Section 6.3.1(4) states that Converted Dwellings require 1 parking space per dwelling unit, which results in a parking requirement of 3 spaces for this proposal. The proposed development is noted as having 2 parking spaces. This results in a deficiency of 1 parking space.

In addition, parking spaces located off of a registered lane must be 2.7 x 6.7 metres in dimension, and all required parking spaces must be paved.

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

Exhibits:

- Exhibit A.1 Application to Appeal received September 28, 2015.
- Exhibit A.2 Supporting documents drawings, and photographs submitted by the Appellant, received October 4, 2015.

- Exhibit R.1 Letter dated August 27, 2015 from the Community Services Department, Planning & Development Division, to Dean and Mandy Heidt.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received October 13, 2015.

- Exhibit B.1 Notice of Hearing dated September 29, 2015.
- Exhibit B.2 Email from Audrey Kinzel opposing the appeal, received on October 4, 2015.
- Exhibit B.3 Letter from Wilma Poole opposing the appeal, received on October 7, 2015.
- Exhibit B.4 Email from Jean and Ellen Legault opposing the appeal, received October 15, 2015.
- Exhibit B.5 Opposition email from Linda Farwell, received October 19, 2015.
- Exhibit B.6 Opposition letter from Randall and Suzanne Winnitowy, received October 19, 2015.

Supplementary Notions:

The City's representative, Paul Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing and in the hearings to follow would be the truth. The Appellant, Dean Heidt, 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 November 4, 2015.

The hearing concluded at 4:41 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated November 4, 2015, the Board determined that the appeal be **GRANTED.**

3. **APPEAL NO. 33-2015**
Refusal to Issue Development Permit
Proposed Conversion of Enclosed Pool into Attached Garage &
Living Space
(With Rear Yard Setback Deficiency)
45 Malcolm Place – R1 Zoning District
Mike Icton

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. Mike Icton

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Mike Icton 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 Development Permit for a proposed conversion of an Enclosed Pool into an Attached Garage & Living Space at 45 Malcolm Place.

The property is zoned R1 under Zoning Bylaw No. 8870.

Section 8.1.2(1) states that the required rear yard setback on an interior site must be a minimum of 7.5 metres (24.606 ft). The plans submitted indicate a 4.36 metres (14.304 ft) rear yard setback, which results in a deficiency of 3.14 metres (10.302 ft).

In addition, on an interior site, the existing enclosed private swimming pool when attached to the principal building was permitted to project up to 3.0 metres (9.843 ft) into the required rear yard as per Section 5.8(3)(f). A minor variance was applied for in 1996 and approved in 1997 as the rear yard setback for the pool was measured at 4.36 metres (14.304 ft) and therefore, resulted in a deficiency of 0.14 metres (0.46 ft). The proposed conversion to an attached garage & living space no longer meets the minimum rear yard setback requirement.

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

Exhibits:

- Exhibit A.1 Application to Appeal received October 5, 2015.
- Exhibit R.1 Letter dated September 29, 2015 from the Community Services Department, Planning & Development Division, to Mike Icton.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received October 15, 2015.
- Exhibit B.1 Notice of Hearing dated October 6, 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 Appellant, Mike Icton, 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 November 4, 2015.

The hearing concluded at 4:49 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated November 4, 2015, the Board determined that the appeal be **GRANTED.**

4. ADOPTION OF MINUTES

**4.1 Minutes of Regular Meeting of the Development Appeals Board on
September 8, 2015**

Moved by: Ms. DeLong

That the minutes of meeting held on September 8, 2015, be adopted.

CARRIED

The meeting adjourned at 5:02 p.m.

Ms. Christine Ruys, Chair

Ms. Debby Sackmann, Secretary
Development Appeals Board