



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, August 2, 2016, 4:00 p.m.
Committee Room "E", City Hall

PRESENT: Mr. A. Sarkar, Chair
Ms. L. Lamon
Ms. T. Lerat
Mr. F. Sutter
Ms. H. Thompson, Secretary

**1. APPEAL NO. 31-2016
Refusal to Issue Development Permit
Interior Alterations to Restaurant
(With On-Site Parking Deficiency)
408 1st Avenue North – IL1 Zoning District
Katlin Cyrenne**

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:

Ms. Katlin Cyrenne
Mr. Nathan Stobbe, Haven Builders

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Katlin Cyrenne 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 interior alterations for a restaurant at 408 1st Avenue North.

The property is zoned IL1 under *Zoning Bylaw No. 8770*.

Section 6.1(3) states that wherever the existing use of a building or structure is changed to a new use, parking and loading facilities have to be provided as required for the new use. A restaurant is considered a new use within this building.

Section 6.3.4(4) states that parking for a restaurant in the IL1 has to be provided at a rate of 1 stall for every 30 metres square of gross leasable floor area.

The site plan submitted shows the proposed restaurant having an area of 149.197 metres square. A minimum of 5 on-site parking stalls is required for the gross leasable floor area, the submitted plan shows no parking stalls. As a result, this development is short 5 on-site parking stalls.

The Appellant is seeking the Board's approval for interior alterations for a restaurant, which is short by 5 on-site parking stalls.

The Appellant was appealing the above-referenced Order to Remedy Contravention.

Exhibits:

Exhibit A.1 Application to Appeal received July 4, 2016.

Exhibit A.2 Document and Plan submitted by Katlin Cyrenne, received on July 28, 2016

Exhibit R.1 Letter dated June 29, 2016 from the Community Services Department, Planning & Development Division, to Katlin Cyrenne.

Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received July 25, 2016.

Exhibit B.1 Notice of Hearing dated July 5, 2016.

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 Appellants, Katlin Cyrenne and Nathan Stobbe, 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 August 30, 2016.

The hearing concluded at 4:14 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated August 30, 2016, the Board determined that the appeal be **GRANTED.**

2. APPEAL NO. 32-2016
Order to Remedy Contravention
Two-Unit Dwelling Converted into a Four-Unit Dwelling
(Requiring Removal of Both Basement Dwelling Units)
1626 Prince of Wales Avenue – R2 Zoning District
Kent Bacon

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:

Ms. Angela Bacon

Appeared for the Respondent:

Ms. Jo-Anne Richter, Manager, Business License & Bylaw Compliance, Planning & Development, Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT Kent Bacon has filed an appeal under Section 219(1)(c) of *The Planning and Development Act, 2007*, in connection with an Order to Remedy Contravention dated June 3, 2016 for the property located at 1626 Prince of Wales Avenue.

The Order to Remedy Contravention was issued for this property on June 9, 2016 pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

“Contravention”

Building Permit No. 578/1966 was issued for a two-unit dwelling. Building Permit Nos. 2243/13 and 2244/13 were issued for alteration to two-unit dwelling – basement development consisting of bath, 2 bedrooms, family room, utility room and new windows. The form of development of this property has been altered into a multiple unit dwelling containing four dwelling units. Such a development is illegal.

You are hereby ordered to:

1. On or before August 1, 2016, cease using or permitting the use of 1626 Prince of Wales Avenue for the purposes of a multi-unit dwelling by removing the basement occupants, and
2. On or before August 15, 2016, alter the form of development so as to remove the contravention by removing the basement dwelling units. All upper and lower kitchen cabinets except for the cabinet directly beneath the kitchen sink, refrigerator, stove outlet (wires capped off behind the wall, covered over and wires removed from the electrical panel), stove, any other cooking appliances and kitchen table and chairs are to be removed and provide unrestricted free interior access throughout the entire dwelling by removing any locking passage sets that separate living spaces.

Section:

4.2(1); 4.3.1(1); 8.4; and 2.0 “dwelling unit” of the *Zoning Bylaw No. 8770*.

The Appellant was appealing the above-referenced Order to Remedy Contravention.

Exhibits:

- Exhibit A.1 Application to Appeal received July 7, 2016.
- Exhibit A.2 Letter and photographs submitted by Angela Bacon, received on July 29, 2016.
- Exhibit A.3 Letter and email submitted by Angela Bacon, received August 2, 2016.

- Exhibit R.1 Order to Remedy Contravention dated June 9, 2016 from the Community Services Department, Planning & Development Division, to Betty Anne & Ray Boehm and Angela and Kent Bacon.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received July 25, 2016.
- Exhibit B.1 Notice of Hearing dated July 11, 2016.
- Exhibit B.2 Opposing email from Grant Galambos, received August 2, 2016.

Supplementary Notions:

The City's representative, Jo-Anne Richter, affirmed in the previous hearing that any evidence given in this hearing and in the hearings to follow would be the truth. The Appellant, Angela Bacon, 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 August 30, 2016.

The hearing concluded at 4:38 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated August 30, 2016, the Board determined that the requirements of the Order to Remedy Contravention, dated June 9, 2016, with respect to the property at 1626 Prince of Wales Avenue be **UPHELD** and the date for compliance be **EXTENDED** to **September 30, 2016**.

3. APPEAL NO. 34-2016
Refusal to Issue Development Permit
Proposed Addition to Dental Clinic
(With Various Deficiencies)
1814/1810 Broadway Avenue – B2 Zoning District
Rely-Ex Contracting Inc. on behalf of Lakmarc Holdings 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. Rick Leier, Rely-Ex Contracting
Ms. Kim Miller Rempel Engineering & Management Ltd.
Dr. Anjani Koneru

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Rely-Ex Contracting Inc. has filed an appeal on behalf of Lakmarc Holdings Inc. 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 an addition to a Dental Clinic at 1810 and 1814 Broadway Avenue.

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

Section 10.4.2(17) states that the minimum front yard setback for dental clinics is 6.0 metres. The one-storey building located at 1814 Broadway Avenue has a legal non-conforming front yard setback of 0 metres. The site plan submitted shows the one-storey addition above the existing one-storey building is 0 metres. The front yard setback of the two-storey addition to the North at 1810 Broadway Avenue is 4.787 metres. This results in a shortage of a front yard setback of 6 metres at 1814 Broadway Avenue and 1.213 metres at 1810 Broadway Avenue.

Section 10.4.2(17) states that the maximum building height for dental clinics is 7.5 metres. The site plan submitted shows a building height of 8.74 metres. This exceeds the maximum building height by 1.24 metres.

Section 10.4.7 states that the gross floor space ratio cannot exceed 1:1. The site plan submitted shows a gross floor space ratio of 1.09:1. This exceeds the maximum gross floor space ratio by 0.09:1.

Section 6.2(2)(ii) states that the minimum size for barrier-free parking spaces for disabled persons is 3.9 metres by 6.0 metres. The site plan submitted shows the width of the barrier-free parking space is 3.658 metres. This results in a barrier-free parking space shortage of 0.242 metres.

Section 6.3.3(6) states that the minimum off-street parking for dental clinics in a B2 zoning district is 1 space per 50 square metres of gross leasable floor area. With the proposed one-storey addition the gross leasable floor space is 681.15 square metres which results in 14 required parking spaces. The site plan submitted shows 11 parking spaces. This results in a shortage of 3 parking spaces.

Section 10.4.8(1) states that a landscaped strip of no less than 3 metres in width beside and bordering the front site line has to be provided. The submitted site plan shows a 1.129 metres landscaped strip. This results in a front landscaped strip shortage of 1.871 metres.

The Appellant was seeking the Board's approval for an addition to a Dental Clinic as proposed.

Exhibits:

- Exhibit A.1 Application to Appeal received July 11, 2016.
- Exhibit A.2 Letter, photographs and supporting letter submitted by Rely-Ex Contracting Inc., received on July 22, 2016.

- Exhibit R.1 Letter dated July 4, 2016 from the Community Services Department, Planning & Development Division, to Rick Leir, Rely-Ex Contracting Inc.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received July 25, 2016.

- Exhibit B.1 Notice of Hearing dated July 14, 2016.
- Exhibit B.2 Email from Dan McLean supporting the appeal with provisions/recommendations, received July 15, 2016.
- Exhibit B.3 Opposing email from YOMA Construction Ltd., received July 28, 2016.

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, Rick Leier, Kim Miller and Adjani Koneru, 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 August 30, 2016.

The hearing concluded at 5:02 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated August 30, 2016, the Board determined that the appeal is **GRANTED** based on the new proposed plans submitted.

4. ADOPTION OF MINUTES

Moved By: Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on June 29, July 12 and July 19, 2016, be adopted.

CARRIED

The meeting adjourned at 5:12 p.m.

Mr. Asit Sarkar, Chair

Ms. H. Thompson, Secretary
Development Appeals Board