



**PUBLIC MINUTES  
DEVELOPMENT APPEALS BOARD**

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

PRESENT: Mr. A. Sarkar, Chair  
Ms. L. DeLong, Vice-Chair  
Ms. L. Lamon  
Mr. F. Sutter  
Ms. P. Walter, Secretary

**1. APPEAL NO. 41-2016  
Refusal to Issue Development Permit  
Addition to One-Unit Dwelling  
(With Rear Yard Setback Deficiency)  
646 Wollaston Bay – R1A Zoning District  
Lisa Nehring and Derek Opseth**

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 representatives.

**Appeared for the Appellant:**

Mr. Derek Opseth  
Ms. Lisa Nehring

**Appeared for the Respondent:**

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

Ms. Sharon Smart, Bylaw Inspector, Community Standards,  
Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Derek Opseth and Lisa Nehring have 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 an addition to one-unit dwelling at 646 Wollaston Bay.

The property is zoned R1A under *Zoning Bylaw No. 8770*.

Section 8.2.2(1) states that the minimum required rear yard building setback for a one-unit dwelling on an interior site shall be no less than 7.5 metres.

The site plan submitted shows an addition with a rear yard building setback of approximately 6.38 metres, measured from the rear property line to the exterior of the wall face. This results in a rear yard building setback deficiency of approximately 1.12 metres.

The Appellant is seeking the Board's approval for an addition as proposed.

**Exhibits:**

Exhibit A.1 Application to Appeal received September 9, 2016.

Exhibit R.1 Letter dated August 31, 2016 from the Community Services Department, Planning & Development Division, to Derek Opseth.

Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received September 23, 2016.

Exhibit B.1 Notice of Hearing dated September 12, 2016.

**Supplementary Notions:**

The City's representatives, Senior Planner Kotasek-Toth and Bylaw Inspector Smart, affirmed that any evidence given in this hearing and in the hearings to follow would be the truth. The Appellants, Derek Opseth and Lisa Nehring, 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 October 18, 2016.

The hearing concluded at 4:10 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated October 18, 2016, the Board determined that the appeal be GRANTED.

**2. APPEAL NO. 42-2016**  
**Refusal to Issue Development Permit**  
**Detached Accessory Buildings**  
**(Exceeding Allowable Total Floor Area)**  
**3318 Dieppe Street – R2 Zoning District**  
**Kevin Stadnyk**

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 representatives.

**Appeared for the Appellant:**

Mr. Kevin Stadnyk

**Appeared for the Respondent:**

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

Ms. Sharon Smart, Bylaw Inspector, Community Standards,  
Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Kevin Stadnyk 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 detached accessory building at 3318 Dieppe Street.

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

Section 5.7(3)(e) states that, in an R district, no detached accessory buildings or structures shall have a total floor area greater than 87 square metres (936.46 square feet).

The site plan submitted, along with onsite inspections, confirm that the total floor area of the accessory buildings currently located on this site is 133.781 square metres (1,440 square feet). This results in a deficiency of 46.781 square metres (503.546 square feet).

The structures included within the above calculation include the following:

- 28' x 28' detached garage
- 16' x 20' garden shed
- 12' x 20' hot tub shelter
- 8' x 12' shed

The Appellant is seeking the Board's approval for a detached accessory building as proposed.

**Exhibits:**

- Exhibit A.1 Application to Appeal received September 13, 2016.  
Exhibit A.2 Drawings of future house, submitted by the Appellant, received September 23, 2016.  
Exhibit R.1 Letter dated August 19, 2016 from the Community Services Department, Planning & Development Division, to Kevin Stadnyk.  
Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received September 20, 2016.  
Exhibit B.1 Notice of Hearing dated September 14, 2016.

**Supplementary Notions:**

The City's representatives, Senior Planner Kotasek-Toth and Bylaw Inspector Smart, affirmed in the previous hearing that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellant, Kevin Stadnyk, also affirmed that any evidence given in this hearing would be the truth.

The Appellant and Respondents provided evidence and arguments as outlined in the Record of Decision dated October 18, 2016.

The hearing concluded at 4:37 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated October 18, 2016, the Board determined that the appeal be DENIED.

**3. APPEAL NO. 44-2016**  
**Refusal to Issue Development Permit**  
**Proposed Use: One Unit Dwelling (Existing)**  
**(With Side Yard Setback Deficiency along the South Site Line of Lot 51)**  
**411 Avenue U South – R2 Zoning District**  
**Jae Morgans**

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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 representatives.

**Appeared for the Appellant:**

Mr. Jae Morgans

**Appeared for the Respondent:**

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

Ms. Sharon Smart, Bylaw Inspector, Community Standards,  
Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Jae Morgans 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 Proposed Use – One-Unit Dwelling at 411 Avenue U South – Proposed Lot 51.

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

Section 8.4.2(1) states that a One-Unit Dwelling located within a R2 Zoning District requires a minimum side yard setback of 0.75 metres.

The site plan submitted shows the existing one-unit dwelling located solely on Lot 51 has a side yard setback along the south site line of 0.29 metres. This results in a side yard setback deficiency of 0.46 metres.

The Appellant is seeking the Board's approval for proposed use – one-unit dwelling as proposed.

**Exhibits:**

- Exhibit A.1 Application to Appeal received September 13, 2016.  
Exhibit A.2 Site drawing submitted by the Appellant, received on September 20, 2016.
- Exhibit R.1 Letter dated September 2, 2016 from the Community Services Department, Planning & Development Division, to Jae Morgans.  
Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received September 23, 2016.
- Exhibit B.1 Notice of Hearing dated September 15, 2016.  
Exhibit B.2 Email from Mark Overdulse supporting the appeal, received on September 23, 2016.

**Supplementary Notions:**

The City's representatives, Senior Planner Kotasek-Toth and Bylaw Inspector Smart, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellant, Jae Morgans, also affirmed that any evidence given in this hearing would be the truth.

The Appellant and Respondents provided evidence and arguments as outlined in the Record of Decision dated October 18, 2016.

The hearing concluded at 4:48 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated October 18, 2016, the Board determined that the appeal be GRANTED.

**4. ADOPTION OF MINUTES**

**Moved By:** Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on September 6, 2016, be adopted.

**CARRIED**

The meeting adjourned at 5:00 p.m.

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Mr. Asit Sarkar, Chair

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Ms. Penny Walter, Secretary  
Development Appeals Board