



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, January 5, 2016, 4:00 p.m.
Committee Room "E", City Hall

PRESENT: Mr. A. Sarkar, Chair
Ms. L. Lamon
Mr. F. Sutter
Mr. B. Wiebe
Ms. D. Sackmann, Secretary

- 1. APPEAL NO. 43-2015
Refusal to Issue Development Permit
New Office Building
(With Site Width Deficiency, West Side Yard Deficiency and
Landscaping Deficiency)
1102 – 8th Street East – M1 Zoning District
Walco Enterprises Ltd.**

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. Vern Waldherr
Mr. Joe Waldherr

Appeared for the Respondent:

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

Preliminary Issues:

Mr. Vern Waldherr requested to submit into evidence several letters of support from neighbouring properties along with a proposed site plan for the subject property. The Respondent agreed to allow the submissions and the Board concurred. The documents were entered into the record as Exhibit A.2 and A.3.

Grounds and Issues:

THE APPELLANT, Vern Waldherr, Walco Enterprises Ltd. 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 new office building at 1102 8th St. East.

The property is zoned M1 under *Zoning Bylaw No. 8770*.

1. Section 9.1.2(5) states that for offices and office buildings, a minimum site width of 15 meters (49.213') is required. Based on the registered plan information, this site is 13.716 meters in width (45'). This results in a site width deficiency for an office of 1.284 meters (4.213').
2. Section 9.1.2(5) states that the side yard building setback for offices and office buildings requires a minimum of 1.5 meters (4.922'). Shown is an East side yard setback of 1.397 meters (4.583') and a West side yard setback of 1.498 meters (4.916'). This results in an East side yard building setback deficiency of 0.103 meters (0.338') and a West side yard setback deficiency of 0.002 meters (0.007').
3. Section 7.1.(1)(f) states that landscaped areas required to be provided within any front or side yard shall not be used for any purpose except for signs or structures otherwise permitted or driveways leading to a parking or loading facility. On corner lots, the whole of any require side yard abutting the flanking street shall be landscaped as per section 9.1.7(2). One paved parking stall is shown in the required landscaping area along the West flanking street, which results in a landscaping deficiency.

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

Exhibits:

- Exhibit A.1 Application to Appeal received December 4, 2015.
Exhibit A.2 Letters of support from various property owners from within a 75m radius, received January 5, 2016 at the hearing.
Exhibit A.3 Proposed site plan, received January 5, 2016 at the hearing.
- Exhibit R.1 Letter dated December 4, 2015 from the Community Services Department, Planning & Development Division, to Vern Waldherr, Walco Enterprises Inc.

Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received December 18, 2015.

Exhibit B.1 Notice of Hearing dated December 9, 2015.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellant, Vern Waldherr, 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 January 19, 2016.

The hearing concluded at 4:33 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated January 19, 2016, the Board determined that the appeal be GRANTED.

**2. APPEAL NO. 46-2015
Refusal to Issue Development Permit
Enclosure of Existing Front Deck
(With Front Yard Setback Deficiency)
1822 – 20th Street West – R2A Zoning District
Mr. Muhammad Saeed**

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. Muhammad Saeed
Mr. Zubari Ahmead

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Muhammad Saeed 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 to enclose an existing front deck attached to a one unit dwelling at 1822 20th Street West.

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

Section 8.5.2(1) states that the R2A Zone is subject to the development standards contained in the R2 Zoning District. Section 8.4.4.3 states that the front yard setback requirement for one and two unit dwellings and semi-detached dwellings in established neighbourhoods shall not vary by more than 3.0 meters from the average front yard setback on adjacent, flanking sites provided that in no case shall the setback be less than 6.0 meters. The average setback based on the adjacent property is 6.4 meters. Proposed is a front building setback of 4.267 meters. This results in a front building setback deficiency of 1.733 meters.

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

Exhibits:

- Exhibit A.1 Application to Appeal received December 16, 2015.
- Exhibit R.1 Letter dated November 17, 2015 from the Community Services Department, Planning & Development Division, to Muhammad Saeed.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received December 30, 2015.
- Exhibit B.1 Notice of Hearing dated December 18, 2015.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellants, Mr. Muhammad Saeed and Mr. Zubari Ahmead, 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 January 19, 2016.

The hearing concluded at 4:51 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated January 19, 2016, the Board determined that the appeal be DENIED.

**3. APPEAL NO. 44-2015
Proposed Child Care Centre Accessory to Existing School
(With Parking Deficiency)
441 Witney Avenue North – R2 Zoning District
Reg Squires, Kindrachuk Agrey Architecture**

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. Reg Squires, Kindrachuk Agrey Architecture
Ms. Kris Evoy, Facilities Coordinator, Saskatoon Public School Division

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Reg Squires, Kindrachuk Agrey Architecture Ltd. 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 Child Care Centre Accessory to Existing School at 441 Witney Avenue North.

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

Section 6.3.1(4) states that child care centres are required to provide off-street parking at a rate of 1 space, plus 1 space per 10 persons enrolled in the facility. With the information provided, 50 children would be enrolled in the facility resulting in an off-street parking requirement of 6 spaces. The current site plan does not show any parking on the same site as the principal building. This creates a parking deficiency of 6 spaces.

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

Exhibits:

- Exhibit A.1 Application to Appeal received December 4, 2015.
- Exhibit R.1 Letter dated December 3, 2015 from the Community Services Department, Planning & Development Division, to Reg Squires, Kindrachuk Agrey Architecture Ltd.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received December 18, 2015.
- Exhibit B.1 Notice of Hearing dated December 9, 2015.
- Exhibit B.2 Opposition email from Dan and Tracy Redlich, received December 20, 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 Appellants, Reg Squires and Kris Evoy, 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 January 19, 2016.

The hearing concluded at 5:27 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated January 19, 2016, the Board determined that the appeal be GRANTED.

**4. APPOINTMENT OF CHAIR AND VICE-CHAIR FOR 2016
DEVELOPMENT APPEALS BOARD**

The Secretary advised that the Board is required to appoint a Chair and Vice-Chair for 2016.

Moved By: Ms. Lamon

1. That Mr. Asit Sarkar be appointed as Chair for 2016; and
2. That Ms. Leanne DeLong be appointed Vice-Chair for 2016.

5. ADOPTION OF MINUTES

Moved by: Ms. Lamon

1. That the minutes of meeting of the Development Appeals Board held on December 1, 2015; and
2. That the minutes of meeting Development Appeals Board held on December 15, 2015, be adopted.

CARRIED

The meeting adjourned at 5:27 p.m.

Mr. Asit Sarkar, Chair

Ms. Debby Sackmann, Secretary
Development Appeals Board