



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, September 6, 2016, 4:00 p.m.
Committee Room "E", City Hall

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

**1. APPEAL NO. 38-2016
Refusal to Issue Development Permit
Attached Deck
(With Side Yard Deficiency)
511 Kloppenburg Crescent – R1B Zoning District
Russell Munkler**

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. Russell Munkler

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Russell Munker 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 attached deck to a one-unit dwelling at 511 Kloppenburg Crescent.

The property is zoned R1B under *Zoning Bylaw No. 8770*.

Section 5.8(4)(b) states that a raised patio or deck measuring more than 0.6 metres in height above grade can project no more than 25% of the width of the required side yard – 0.75 metres. The attached deck can therefore project no more than 0.188 metres into the required side yard.

The site plan submitted shows the proposed deck projecting 0.445 metres into the required side yard which is 0.257 metres more than allowed under *The Zoning Bylaw*.

The Appellant is seeking the Board's approval to construct an attached deck to a one-unit dwelling with the deck projecting farther into the side yard than allowed.

Exhibits:

- Exhibit A.1 Application to Appeal received August 17, 2016.
- Exhibit R.1 Letter dated August 5, 2016 from the Community Services Department, Planning & Development Division, to Russell Munkler.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received August 30, 2016.
- Exhibit B.1 Notice of Hearing dated August 19, 2016.
- Exhibit B.2 Email from Scott Ziegler supporting the appeal, received September 2, 2016

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing would be the truth. The Appellant, Russell Munkler, 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 September 20, 2016.

The hearing concluded at 4:15 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated September 20, 2016, the Board determined that the appeal be **GRANTED**.

The meeting adjourned at 4:20 p.m.

Mr. Asit Sarkar, Chair

Ms. Penny Walter, Secretary
Development Appeals Board