



**PUBLIC MINUTES  
DEVELOPMENT APPEALS BOARD**

Tuesday, October 18, 2016, 4:01 p.m.  
Committee Room "E", City Hall

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

- 1. APPEAL NO. 45-2016  
Order to Remedy Contravention  
Front Yard Fence  
(Requiring Reduction of Fence Height)  
219 Avenue J North – R2 Zoning District  
Ron Lukovszki**

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. Ron Lukovszki

**Appeared for the Respondent:**

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

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

**Grounds and Issues:**

THE APPELLANT, Ron Lukovski 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 August 31, 2016 for the property located at 219 Avenue J North.

The Order to Remedy Contravention was issued for this property on August 31, 2016 pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

**“Contravention”**

1. The property at 219 Avenue J North is located in R2 zoning. In a residential zoning district no wall, fence or screen or similar structure, not otherwise permitted shall be erected in a required front yard to a height of more than 1.0 metres above grade level.
2. A fence has been erected in the required front yard to a height of more than 1.0 metres above grade level which is not permitted.

**You are hereby ordered to:**

On or before October 7, 2016 reduce the height of the fence in the required front yard to a height of not more than 1.0 metres above grade level. The required front yard at this site is 6 metres. All fences and gates located in the area between the side site lines and the front site line to the front building line must be reduced to not more than 1.0 metres above grade. The fence to be reduced to 1.0 metres from grade level include the fence located along the south property line which is erected in the required front yard. The property must then be inspected to ensure compliance.

**Section:**

4.2(1); 4.3.1(1); 8.4.2; 5.13 (1); and 2.0 “erected”, “grade level”, “property line”, “site”, “structure”, “yard”, “yard, front” and “yard, required” of the *Zoning Bylaw No. 8770*.

**Exhibits:**

- Exhibit A.1 Application to Appeal received September 19, 2016.
- Exhibit A.2 Photos of existing fence at 219 Avenue J North submitted October 18, 2016.
- Exhibit A.3 Photos of nearby fences located in the front yard with similar height submitted October 18, 2016.
- Exhibit R.1 Letter dated August 31, 2016 from the Community Services Department, Planning & Development Division, to Ron Lukovszki.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received October 31, 2016.
- Exhibit B.1 Notice of Hearing dated September 20, 2016.

Exhibit B.2 Letter from Rose Piecowye supporting the appeal, received on September 30, 2016.

**Supplementary Notions:**

The City's representatives, Manager Richter and Bylaw Inspector Smart, affirmed that any evidence given in this hearing would be the truth. The Appellant, Ron Lukovszki, 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 25, 2016.

The hearing concluded at 4:39 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated October 25, 2016, the Board determined that the requirements of the Order to Remedy Contravention, dated August 31, 2016, with respect to the property at 219 Avenue J North be **UPHELD** and the date for compliance be **EXTENDED** to April 30, 2017.

Business License and Bylaw Compliance Manager Richter and Bylaw Inspector Smart excused themselves from the meeting at 4:40 p.m.

**2. APPEAL NO. 46-2016  
Refusal to Issue Development Permit  
Proposed Replacement of Front Porch  
(With Front Yard Setback Deficiency and  
West Side Yard Setback Deficiency)  
206 – 27<sup>th</sup> Street West – R2A Zoning District  
Marno McInnes**

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. Marno McInnes

**Appeared for the Respondent:**

Ms. Catherine Kambeitz, Senior Planner, Planning & Development,  
Community Services, City of Saskatoon

**Appeared in Support of Appeal:**

Mr. Frank Scholz  
Ms. Christina Scholz

**Grounds and Issues:**

THE APPELLANT, Marno McInnes 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 replacement of front porch at 206 27<sup>th</sup> Street West.

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

Section 8.5.2(1) states that the minimum front yard setback for one-unit dwellings is 6.0 metres. The existing front porch has a legal non-conforming front yard setback of 3.06 metres.

The site plan submitted shows the proposed front yard setback of the new front porch replacement is 3.06 metres. The replacement deck would need to conform to the current zoning requirements. This results in a front yard setback deficiency of 2.94 metres.

Section 8.5.2(1) states that the minimum side yard setback for one-unit dwellings is 0.75 metres. The existing front porch has a legal non-conforming West side yard setback of 0.67 metres.

The site plan submitted shows the proposed West side yard setback of the new front porch replacement is 0.39 metres. This results in a West side deficiency of 0.36 metres.

The Appellant is seeking the Board's approval for a front porch replacement as proposed.

**Exhibits:**

- Exhibit A.1 Application to Appeal received September 21, 2016.  
Exhibit A.2 Written submission from the Appellant, Marno McInnes, received on October 13, 2016.
- Exhibit R.1 Letter dated September 20, 2016 from the Community Services Department, Planning & Development Division, to Marno McInnes.  
Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received October 31, 2016.
- Exhibit B.1 Notice of Hearing dated September 27, 2016.  
Exhibit B.2 Email from Frank Scholz supporting the appeal, received on September 28, 2016.  
Exhibit B.3 Email from Amber Kozlowski supporting the appeal, received on October 31, 2016.

**Supplementary Notions:**

The City's representative, Senior Planner Kambeitz, affirmed that any evidence given in this hearing would be the truth. The Appellant, Marno McInnes, affirmed that any evidence given in this hearing would be the truth, and property owners Frank and Christina Scholz also affirmed that any evidence given in this hearing would be the truth.

The Appellant, Respondent, and property owners provided evidence and arguments as outlined in the Record of Decision dated October 25, 2016.

The hearing concluded at 5:03 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated October 25, 2016, the Board determined that the appeal be **GRANTED**.

**3. ADOPTION OF MINUTES**

**Moved By:** Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on September 20, 2016, be adopted.

**CARRIED**

The meeting adjourned at 5:10 p.m.

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Mr. Asit Sarkar, Chair

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Ms. Penny Walter, Secretary  
Development Appeals Board