



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, November 7, 2017, 4:00 p.m.
Committee Room "E", City Hall

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

- 1. APPEAL NO. 28-2017
Order to Remedy Contravention
Commercial Garage
(With Landscaping and Parking Deficiencies)
1702 – 8th Street East – B4 Zoning District
Chris Weflen**

The A/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. Chris Weflen
Mr. Josh Underhill

Appeared for the Respondent:

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

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

Mr. Brent McAdam, Planner, Planning & Development, Community Services,
City of Saskatoon

Appeared in Support of the Appeal:

Mr. Ken Achs

Grounds and Issues:

THE APPELLANT, Chris Weflen 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 September 20, 2017 for the property located at 1702 8th Street East. The Order states as follows:

“Contravention”

1. The property, 1702 8th Street East has not been developed with the required landscaping and parking area as per the approved landscaping plan dated on September 3, 2013;
2. Landscaping must consist of soft landscaping such as trees, shrubs, vines, hedges, flowers, grasses and ground cover. Mulch should be provided in all shrub beds. Mulch should consist of peat moss, bark chips, wood shavings or other similar organic material;
3. The rubber mulch that has been used in not an acceptable organic material and must be removed; and
4. The required amount of parking has not been demarcated as per the approved site plan at 1702 8th Street East. A minimum of 7 hard surfaced parking spaces must be lined including 1 barrier free space.

You are hereby ordered to:

1. On or before October 24, 2017, complete the development of the site with the required landscaping elements on the approved landscaping plan in accordance with Section 7.0 of the Zoning Bylaw No. 8770 and remove the rubber mulch which is not acceptable as soft landscaping; and
2. On or before October 24, 2017, complete the demarcation of the parking area in accordance with Section 6.0 of the Zoning Bylaw No. 8770. The parking area is to provide 7 hard surface spaces including 1 barrier free space.

Section:

4.2(1)-Application of Regulations; 4.3.1(1)- Development Permit Required; 10.6 B4 – Arterial and Suburban Commercial District; 7.0 – Landscaping Provisions and 2.0 – Definitions – “development”, “development officer”,

“development permit”, “landscaping”, “parking space”, of the *Zoning Bylaw No. 8770*.

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

Exhibits:

- Exhibit A.1 Application to Appeal received October 20, 2017.
- Exhibit R.1 Letter dated September 20, 2017 from the Community Services Department, Planning & Development Division, to Weff Holdings Ltd., Chris Weflen, and Bradley Weflen.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received October 31, 2017.
- Exhibit B.1 Notice of Hearing dated October 23, 2017.
- Exhibit B.2 Email from V. S. Waldherr supporting the appeal, received on October 26, 2017.
- Exhibit B.3 Email from Ken Achs supporting the appeal, received on November 7, 2017.

Supplementary Notations:

The City’s representative, Business Licensing & Bylaw Compliance Manager Richer, affirmed that any evidence given in this hearing would be the truth. Senior Planner Kotasek Tosh and Planner McAdam affirmed that any evidence given in this hearing and in the hearings to follow would be the truth. The Appellants, Mr. Weflen and Mr. Underhill, 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 November 21, 2017.

The hearing concluded at 4:40 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated November 21, 2017, the Board determined:

1. that the appeal on the issue of providing 7 hard surfaced parking spaces including 1 barrier free parking space be GRANTED; and

2. that the appeal on the issue of removing the rubber mulch as a landscaping element be GRANTED.

Business Licensing & Bylaw Compliance Manager Richter excused herself from the meeting at 4:41 p.m.

**2. APPEAL NO. 27-2017
Development Permit Denial
Dwelling Group – Multiple Unit Dwelling
(With Loading Space and Parking Space Deficiencies – Building A)
126 Shillington Crescent – M3 Zoning District
Dave Hawkins, Hawk Real Estate Services Inc.**

The A/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. Dave Hawkins, Hawk Real Estate Services Inc.
Mr. Ben Gardner, Gardner Architecture

Appeared for the Respondent:

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

Mr. Brent McAdam, Planner, Planning & Development, Community Services,
City of Saskatoon

Grounds and Issues:

THE APPELLANT, Dave Hawkins, 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 construction of a dwelling group at 126 Shillington Crescent.

The property is zoned M3 under *Zoning Bylaw No. 8770*.

1. Requirement: Section 6.3.1(1) states unless otherwise specified in the Bylaw, required parking and loading spaces shall be located in side or rear yards only.

Front yard is defined under Section 2 of the bylaw as the area between the side site lines and the front site line to the front building line.

Proposed: Based on the information provided 17 parking spaces have been identified within the front yard.

Deficiency: The required parking has been identified within the front yard.

Exhibits:

- Exhibit A.1 Application to Appeal received October 12, 2017.
Exhibit A.2 Photo submission, received November 7, 2017.
- Exhibit R.1 Letter dated October 6, 2017 from the Community Services Department, Planning & Development Division, to Dave Hawkins, Hawk Real Estate Services Inc.
Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received October 31, 2017.
- Exhibit B.1 Notice of Hearing dated October 16, 2017.

Supplementary Notations:

The City's representatives, Senior Planner Kotasek-Toth and Planner McAdam, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellants, Mr. Hawkins and Mr. Garner, and Mr. Achs, appearing in support of the appeal, also affirmed that any evidence given in this hearing would be the truth.

The Appellant, Respondent, and appeal supporter provided evidence and arguments as outlined in the Record of Decision dated November 21, 2017.

The hearing concluded at 5:01 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated November 21, 2017, the Board determined that the appeal be GRANTED.

Planner McAdam excused himself from the meeting at 4:58 p.m.

3. **APPEAL NO. 29-2017**
Development Permit Denial
Two New One-Unit Dwellings
(With Site Width Deficiency)
1715 Wiggins Avenue South – R2 Zoning District
Myles Parkinson

The A/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. Myles Parkinson

Appeared for the Respondent:

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

Appeared in Opposition of the Appeal:

Mr. Perry Wichert
Ms. Rhonda Kasko
Ms. Susan Lutkin
Ms. Bernadette Vangool
Ms. Sylvia Choldnuik

Mr. Terry Galbraith
Ms. Nancy and Mr. Chris Buttinger
Ms. Marilyn and Mr. Glen Neuert
Ms. Karen Lysyshyn

Grounds and Issues:

THE APPELLANT, Myles Parkinson, 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 construction two new on-unit dwellings at 1715 Wiggins Avenue South.

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

1. Requirement: Section 8.4.4(2) states that the site width for the construction of new on-unit dwellings in category 2 established neighbourhoods shall be at least 60% of the average site width for one and two-unit dwelling sites fronting on the subject block face and the opposite block face, but in no case shall the site width be less than 7.5 metres.

Proposed: Based on the information provided the proposed construction of two one-unit dwellings on the site would result in a proposed site width of 7.61 metres for each proposed dwelling. Based on City's calculations, 60% of the average site width of this block face and opposite block face results in a minimum site width of 9.38 metres.

Deficiency: The proposed development would result in a front site width deficiency of 1.77 metres for each proposed one-unit dwelling site.

The Appellant is seeking the Board's approval for a development permit as proposed.

Exhibits:

- Exhibit A.1 Application to Appeal received October 23, 2017.
- Exhibit R.1 Letter dated October 2, 2017 from the Community Services Department, Planning & Development Division, to Myles Parkinson.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received October 31, 2017.
- Exhibit R.3 Document titled "Category 1 and Category 2 Neighbourhoods", submitted by the Planning & Development Division, received November 7, 2017.
- Exhibit R.4 Document titled "Appendix B to Bylaw No. 8770 Established Neighbourhoods Map", submitted by the Planning & Development Division, received November 7, 2017.
- Exhibit B.1 Notice of Hearing dated October 25, 2017.
- Exhibit B.2 Opposition email from James A. Brooks, received October 26, 2017.
- Exhibit B.3 Opposition email from Chris Buttinger, received October 30, 2017.
- Exhibit B.4 Opposition email from Kim and Heather Hughes, received October 31, 2017.
- Exhibit B.5 Opposition email from Perry Wichert, received October 31, 2017.
- Exhibit B.6 Opposition email from Jackie Stephen, received November 4, 2017.

Exhibit B.7 Opposition email from Jaryn and Susan Lutkin, received November 7, 2017.

Supplementary Notations:

The City's representative, Senior Planner Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellant, Mr. Parkinson, also affirmed that any evidence given in this hearing would be the truth. Those appearing in opposition of the appeal, Mr. Wichert, Ms. Lutkin, Ms. Vangool, Ms. Cholodnuik, Mr. Galbraith, Mr. and Ms. Buttinger, Mr. and Ms. Neuert, and Ms. Lysyshyn also affirmed that any evidence given in this hearing would be the truth.

The Appellant, Respondent, and attendees appearing in opposition to the appeal, provided evidence and arguments as outlined in the Record of Decision dated November 21, 2017.

The hearing concluded at 5:42 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated November 21, 2017, the Board determined that the appeal be GRANTED.

The meeting adjourned at 5:52 p.m.

Ms. Leanne DeLong, A/Chair

Ms. Penny Walter, Secretary
Development Appeals Board