



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, October 10, 2017, 4:00 p.m.
Committee Room "E", City Hall

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

- 1. APPEAL NO. 19-2017
Refusal to Issue Development Permit
Development Permit Denial
Addition/Alteration of a Dwelling Unit in Conjunction with
Personal Service Trade
(Side Yard Setback and Landscaping Deficiencies)
737 7th Avenue North – B2 Zoning District**

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:

Ms. Rong Hu

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Rong Hu 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 an addition and alteration of a dwelling unit in conjunction with personal service trade at 737 7th Avenue North.

The property is zoned B2 under *Zoning Bylaw No. 8770* and the appellant is appealing the following deficiencies:

1. Requirement: For a dwelling unit in conjunction with and attached to any permitted use, Section 10.4.4 states that a 1.5 metre side yard setback is provided along the site line abutting an R district without the intervention of a street or lane. The south site line abuts an R district without the intervention of a street or lane.

Proposed: The site plan identifies a 0.93 metre south side yard setback

Deficiency: The south side yard setback is deficient 0.57 metres.
2. Requirement: Section 10.4.8(3) states that a 1.5 metres landscaping strip along the entire site line abutting an R district, which shall be used for no purpose other than landscaping.

Proposed: There is no landscaping abutting the south site line identified on the site plan provided. One parking space is located within 1.5 metres required landscaping strip abutting the south site line.

Deficiency: The site is deficient in side yard landscaping and required parking shall not be located in areas required for landscaping.

The Appellant was seeking the Board's approval for the addition and alteration as proposed.

Exhibits:

- Exhibit A.1 Application to Appeal received July 27, 2017.
- Exhibit R.1 Letter dated July 19, 2017 from the Community Services Department, Planning & Development Division, to Rong Hu.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received August 8, 2017.
- Exhibit B.1 Notice of Hearing dated August 1, 2017.
- Exhibit B.2 Letter and photographs from John Penner and Betsy Rosenwald opposing the appeal, received on August 10, 2017.

Exhibit B.3 Letter from Brock Roe and Dr. Emily Snyder opposing the appeal, received August 15, 2017.

Preliminary Issues:

Mr. Sarkar stated that this appeal was adjourned from August 15, 2017 until the Appellant could meet with the City to discuss the appeal.

Senior Planner Kotasek-Toth informed the Board that the City met with the Appellant on September 19, 2017 to discuss the appeal process and the particulars of the appeal. The City is confident that the Appellant understands the Development Appeal process and the reason for this hearing.

Supplementary Notations:

The City's representative, Senior Planner Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearings to follow would be the truth. The Appellant, Ms. Rong Hu, 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 October 26, 2017.

The hearing concluded at 4:17 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated October 26, 2017, the Board determined that the appeal be GRANTED.

**3. APPEAL NO. 24-2017
Refusal to Issue Development Permit
Construction of Dwelling Group
(With Setback, Parking and Landscaping Deficiencies)
101 Nightingale Road – RMTN Zoning District
Dominador Daplas, North Prairie Developments 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. Domindar Daplas, North Prairie Developments Ltd.
Mr. Andrew Williams, North Prairie Developments Ltd.
Mr. Brad Redekopp, North Prairie Developments Ltd.

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Dominador Daplas, North Prairie Developments 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 construction of a dwelling group at 101 Nightingale Road.

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

1. Requirement: Section 8.8.2(1) states that the minimum side yard setback for a dwelling group is 6 metres.

Proposed: The site plan identifies a side yard setback of 2.3 metres abutting the North and South property lines.

Deficiency: The side yard setbacks (North and South) are deficient 3.7 metres.

2. Requirement: Section 6.3.1(4) states that the minimum number of required parking spaces for a dwelling group is based on a rate of 1.5 spaces per unit plus 0.125 visitor spaces per dwelling unit. The required number of parking spaces is 21 for the dwelling units and 2 for visitors.

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

Proposed: The site plan identifies 8 double car garages and 6 single car garages for a total for 22 parking spaces. Parking spaces have not been identified for visitors. The front driveways cannot be counted towards required parking as they are located within the front yard.

Deficiency: The proposed development is deficient 2 dedicated parking spaces for visitors.

3. Requirement: Section 6.2(2)(j) states that parking spaces for the disabled shall be provided, but not in addition to required tenant or visitor parking, at the rate of one spaces where 20 to 199 total parking spaces are required, plus one space for each additional 100 parking spaces provided.

Proposed: The site plan does not identify barrier free parking.

Deficiency: The proposed development is deficient 1 dedicated space for barrier free parking.

4. Requirement: Section 8.8.7(1) states that for dwelling groups, a landscape strip of not less than 4.5 metres in depth throughout shall be provided along the entire length of all site lines which abut or adjoin a street, and shall be used for no purpose except landscaping and necessary driveway access to the site.

In addition to the above, Section 5.1 of the City of Saskatoon's Landscape Guidelines, states that the amount of hard landscaping shall not exceed 25% of the required landscaped area.

Proposed: The site plan identifies 14 hard surfaced driveways providing access to the single and double car garages. The total area of hard surfacing located within the required landscape strip, abutting Nightingale Road, is 219.6 square metres. And the total area of the landscape strip is 582.975 square metres. As such the amount of hard surfacing within the required landscape strip is 37.6%.

Deficiency: The amount of hard surfacing within the required landscape strip exceeds the maximum permitted by 12.6%.

The Appellant is seeking the Board's approval for a dwelling group as proposed.

Preliminary Issues:

As per agreement, by both parties, appeal numbers 24-2017 and 25-2017 were heard by the Development Appeals Board concurrently.

Mr. Williams request to submit into evidence site plan documents. The Respondents agreed to allow the submission and the Board concurred. The documents were entered into the record as Exhibit A.3.

Exhibits:

- Exhibit A.1 Application to Appeal received September 27, 2017.
- Exhibit A.2 Documentation from Appellant received September 29, 2017.
- Exhibit A.3 **COMMON DOCUMENT** Site plan documents submitted October 10, 2017 (use for appeals 24-2017, 25-2017)

- Exhibit R.1 Letter dated September 26, 2017 from the Community Services Department, Planning & Development Division, to Toti Daplas, North Prairie Developments.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received October 2, 2017.

- Exhibit B.1 Notice of Hearing dated September 27, 2017.

Supplementary Notations:

The City's representative, Senior Planner Kotasek-Toth, affirmed that any evidence given in this hearing would be the truth. The Appellants, Mr. Dominador Daplas, Mr. Andrew Williams, and Mr. Brad Redekopp, also affirmed that any evidence given in this hearing and in the hearing to follow would be the truth.

The Appellant and Respondents provided evidence and arguments as outlined in the Record of Decision dated October 26, 2017.

The hearing concluded at 5:04 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated October 26, 2017, the Board determined that the appeal be GRANTED.

4. APPEAL NO. 25-2017
Refusal to Issue Development Permit
Construction of Dwelling Group
(With Various Deficiencies)
840 Kensington Boulevard – RMTN Zoning District
Dominador Daplas, North Prairie Developments 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. Domindar Daplas, North Prairie Developments Ltd.
Mr. Andrew Williams, North Prairie Developments Ltd.
Mr. Brad Redekopp, North Prairie Developments Ltd.

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Dominador Daplas, 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 840 Kensington Boulevard.

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

Dominador Daplas, 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 840 Kensington Boulevard.

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

1. Requirement: Section 8.8.2(1) states that the maximum site coverage for a dwelling group is 30%.

Proposed: Based on the information provided the total site coverage is 1,876.41m². The area of the site is 6,055.76m². This results in a site coverage of 30.98%.

Deficiency: The proposed site coverage exceeds the maximum permitted by 0.98%.

2. Requirement: Section 8.8.2(1) states that the minimum side yard setback for a dwelling group is 6 metres.

Proposed: The site plan identifies a side yard setback of 2.3 metres abutting the North and South property lines.

Deficiency: The side yard setbacks (North and South) are deficient 3.7 metres.

3. Requirement: Section 6.3.1(4) states that the minimum number of required parking spaces for a dwelling group is based on a rate of 1.5 spaces per unit plus 0.125 visitor spaces per dwelling unit. The required number of parking spaces is 26 for the dwelling units and 2 for visitors.

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

Proposed: The site plan identifies 11 double car garage and 6 single car garage for a total of 28 parking spaces. This complies with the minimum number of required parking spaces; however, 2 parking spaces have not been identified for visitor parking. The front driveways cannot be counted towards required parking as they are located within the front yard.

Deficiency: The proposed development is deficient 2 dedicated spaces for visitor parking.

4. Requirement: Section 6.2(2)(j) states that parking spaces for the disabled shall be provided, but not in addition to a required tenant or visitor parking, at the rate of one space where 20 to 199 total parking spaces are required, plus one space for each additional 100 parking spaces provided.

Proposed: The site plan does not identify barrier free parking.

Deficiency: The proposed development is deficient 1 dedicated space for barrier free parking.

5. Requirement: Section 8.8.7(1) states that for dwelling groups, a landscape strip of not less than 4.5 metres in depth throughout shall be provided along the entire length of all site lines which abut or adjoin a street, and shall be used for no purpose except landscaping and necessary driveway access to the site.

In addition to the above, Section 5.1 of the City of Saskatoon's Landscape Guidelines states that the amount of hard landscaping shall not exceed 25% of the required landscaped area.

Proposed: The site plan identifies 17 hard surfaced driveways providing access to the single and double car garages. The total area of hard surfacing located within the required landscape strip, abutting Kensington Boulevard, is 301.95m² and the total area of the landscape strip is 685.8m². As such the amount of hard surfacing within the required landscape strip is 44%.

Deficiency: The amount of hard surfacing within the required landscape strip exceeds the maximum permitted by 19%.

The Appellant is seeking the Board's approval for a dwelling group as proposed.

Preliminary Issues:

As per agreement, by both parties, appeal numbers 24-2017 and 25-2017 were heard by the Development Appeals Board concurrently.

Mr. Williams request to submit into evidence site plan documents. The Respondents agreed to allow the submission and the Board concurred. The documents were entered into the record as Exhibit A.3.

Exhibits:

- Exhibit A.1 Application to Appeal received September 27, 2017.
Exhibit A.2 Documentation from Appellant received September 29, 2017.
Exhibit A.3 **COMMON DOCUMENT** Site plan documents submitted October 10, 2017 (use for appeals 24-2017, 25-2017)
- Exhibit R.1 Letter dated September 26, 2017 from the Community Services Department, Planning & Development Division, to Toti Daplas, North Prairie Developments.
Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received October 2, 2017.

Exhibit B.1 Notice of Hearing dated September 27, 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 Appellants, Mr. Dominador Daplas, Mr. Andrew Williams, and Mr. Brad Redekopp, also affirmed in the previous hearing 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 October 26, 2017.

The hearing concluded at 5:04 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated October 26, 2017, the Board determined that the appeal be GRANTED.

The meeting adjourned at 5:30 p.m.

Mr. Asit Sarkar, Chair

Ms. Penny Walter, Secretary
Development Appeals Board