



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, April 11, 2017, 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. 2-2017
Order to Remedy Contravention
Fence Height
(Front Yard Fence Exceeding Maximum Allowable Height)
2901/2903 Arlington Avenue – R2 Zoning District
Wallace Heroux**

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. Wallace Heroux
Mr. Elwood Heroux

Appeared for the Respondent:

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

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

PRELIMINARY ISSUES:

Business Licensing & Bylaw Compliance Manager Richter requested to submit into evidence a photo showing the carport that was removed. The Appellants agreed to

allow the submission and the Board concurred. The document was entered into the record as Exhibit R.3.

Grounds and Issues:

THE APPELLANT, Wallace Heroux 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 February 27, 2017 for the property located at 2901/2903 Arlington Avenue.

The Order to Remedy Contravention was issued for this property on February 27, 2017 pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

“Contravention”

1. The property at 2901/2903 Arlington Avenue is located in R2 zoning district. In an R2 zoning district no wall, fence, or other structure not otherwise permitted shall be erected in a required front yard, or on a site line adjacent to 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 of this site 2901/2903 Arlington Avenue, to a height of more than 1.0 metres above grade level which is not permitted.

You are hereby ordered to:

1. On or before April 15, 2017, reduce the height of the fence located in the required front yard of this site 2901/2903 Arlington Avenue to a height of not more than 1.0 metres above grade level.

Section:

4.2(1)-Application of Regulations; 4.3.1(1)- Development Permit Required; 8.4 R2 – One and Two-Unit Residential District; 5.13 (1) Fences; and (2) “grade level”, “site”, “structure”, “yard”, “yard, front”, “yard, required” and “required, side” of the *Zoning Bylaw No. 8770*.

Exhibits:

Exhibit A.1 Application to Appeal received March 22, 2017.

- Exhibit R.1 Order to Remedy Contravention dated February 27, 2017 from the Community Services Department, Planning & Development Division, to W&H Holdings Ltd and Wallace Elmer Heroux.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received April 4, 2017.
- Exhibit R. 3 Photo, received April 11, 2017

- Exhibit B.1 Notice of Hearing dated March 23, 2017.
- Exhibit B.2 Email from Lindsay Kozowy supporting the appeal, received March 24, 2017.

Supplementary Notations:

The City's representatives, Business Licensing & Bylaw Compliance Manager Richter and Bylaw Inspector Smart, affirmed that any evidence given in this hearing would be the truth. The Appellants, Wallace and Ellwood Heroux, also affirmed that any evidence given in this hearing would be the truth.

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

The hearing concluded at 4:18 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated April 26, 2017, the Board determined that the appeal be GRANTED subject to the four posts and cross beam removed by May 15, 2017.

2. ADOPTION OF MINUTES

Moved By: Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on December 6, 2016, December 20, 2016 and February 28, 2017, be adopted.

CARRIED

The meeting adjourned at 4:21 p.m.

Mr. Asit Sarkar, Chair

Ms. Penny Walter, Secretary
Development Appeals Board