



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, June 13, 2017, 4:00 p.m.
Committee Room "E", City Hall

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

- 1. APPEAL NO. 8-2017
Refusal to Issue Development Permit
Office Building Addition
(With Various Deficiencies)
917 - 22nd Street West – B3 Zoning District
Gabriel Dumont Institute of Native Studies & Applied Research**

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. Cory McDougall, Gabriel Dumont Institute
Mr. Geordy McCaffrey, Gabriel Dumont Institute
Mr. Greg MacLeod, Gabriel Dumont Institute

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Gabriel Dumont Institute of Native Studies & Applied Research, 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 office building addition at 917 22nd Street West.

The property is zoned B3 under Zoning Bylaw No. 8770.

1. Requirement: Section 10.5.8(1) states that a landscape strip of not less than 3 metres lying parallel to and abutting the front site line shall be provided on every site.

Proposed: The site plan identifies a 3 metre landscape strip in the front of the proposed addition only.

Deficiency: A 3 metre landscape strip has not been identified in front of the existing building.

2. Requirement: Section 10.5.7(1) states that the gross floor space ratio shall not exceed 0.75:1

Proposed: The site plan identifies the existing building floor area of 895.58 square metres and the proposed addition will have a floor area of 761.43 square metres, which results in total floor area of 1,657.01 square metres. The site area of the subject property is 1,314.37 square metres. The floor space ratio with the proposed addition is 1.26:1.

Deficiency: The total floor space, including proposed addition, will exceed the maximum permitted by 671.24 square metres.

3. Requirement: Section 6.3.3(6) states that the minimum amount of off-street parking for office land uses shall be provided at a rate of 1 space per 50 square metres of gross leasable floor area. Based on the total floor area of 1,657.01 square metres, the total number of off-street parking spaces required is 27.

Proposed: The site plan identifies 14 parking spaces onsite.

Deficiency: The site is deficient 13 parking spaces.

4. Requirement: Section 6.2(2)(e) states that the minimum dimensions for a loading space are 3.0 by 7.5 metres.

Proposed: The site plan identifies a loading space with a depth of 6 metres.

Deficiency: The depth of the loading space is deficient 1.5 metres.

The Appellant is seeking the Board's approval for office addition as proposed.

PRELIMINARY ISSUES:

Mr. McCaffrey requested to submit into evidence two letters of support from Métis Nation-Saskatchewan and McEwen School of Architecture. The Respondent agreed to allow the submission and the Board concurred. The documents were entered into the record as Exhibit A.2.

Mr. MacLeod requested to submit into evidence site plan drawings for the proposed addition. The Respondent 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 May 4, 2017.
- Exhibit A.2 Letters of Support from Métis Nation-Saskatchewan and McEwen School Architecture, received June 13, 2017.
- Exhibit A.3 Site plans, received June 13, 2017.

- Exhibit R.1 Letter dated May 3, 2017 from the Community Services Department, Planning & Development Division, to David C. Edwards, Edwards Edwards McEwen Architects.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received May 31, 2017.

- Exhibit B.1 Notice of Hearing dated May 19, 2017.

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 Appellants, Cory McDougall, Geordy McCaffrey and Greg MacLeod, 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 June 27, 2017.

The hearing concluded at 4:30 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated June 27, 2017, the Board determined that the appeal be GRANTED.

2. APPEAL NO. 9-2017
Refusal to Issue Development Permit
Feed Mill Mixing Tower Addition
(Exceeding Maximum Allowable Height)
2435 Schuyler Street – IL1 Zoning District
Mr. Al McKim, Master Feeds Inc.

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. Al McKim, Masterfeeds Inc.
Ms. Lucienne Van Langen, Luminary Design
Mr. Bill Kittmer, Masterfeeds Inc.
Mr. Tim Pennings, Bateman Equipment Corporation

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Al McKim, Masterfeeds Inc., 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 feed mill mixing tower addition at 2435 Schuyler Street.

The property is zoned IL1 under Zoning Bylaw No. 8770.

1. Requirement: Section 11.1.2 states that the maximum building height in an IL1 zoning district is 23 metres.

Proposed: The site plan identifies the mixing tower will have a height of 41.24 metres.

Deficiency: The mixing tower exceeds the maximum building height permitted by 18.24 metres.

The Appellant is seeking the Board's approval for addition as proposed.

Exhibits:

- Exhibit A.1 Application to Appeal received May 17, 2017.
- Exhibit R.1 Letter dated May 9, 2017 from the Community Services Department, Planning & Development Division, to Luminary Design.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received May 31, 2017.
- Exhibit B.1 Notice of Hearing dated May 19, 2017.
- Exhibit B.2 Letter from Maple Leaf Consumer Foods, received June 12, 2017.

Supplementary Notations:

The City's representative, Senior Planner Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing and in the hearings to follow would be the truth. The Appellants, Al McKin, Lucienne Van Langen, Bill Kittmer, and Tim Pennings, 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 June 27, 2017.

The hearing concluded at 4:52 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated June 27, 2017, the Board determined that the appeal be GRANTED.

**3. APPEAL NO. 10-2017
Refusal to Issue Development Permit
New Detached Garage
(Exceeding Maximum Allowable Rear Yard Coverage)
2305 Munroe Avenue South – R2 Zoning District
Mark Cey**

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. Mark Cey

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Mark Cey 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 detached garage at 2305 Munroe Avenue South.

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

1. Requirement: Section 5.7.5 states that the maximum permitted coverage in a rear yard by accessory building shall be determined by means of Graph No. 5.7(5). Based on the size of the site, the maximum permitted rear yard coverage is 30 percent.

Proposed: The site plan proposes a rear yard coverage of 32 percent.

Deficiency: The proposed rear yard coverage exceeds the allowable amount by 2 percent.

The Appellant is seeking the Board's approval for detached garage as proposed.

Exhibits:

- Exhibit A.1 Application to Appeal received May 18, 2017.
- Exhibit R.1 Letter dated May 10, 2017 from the Community Services Department, Planning & Development Division, to Mark Cey.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received May 31, 2017.
- Exhibit B.1 Notice of Hearing dated May 19, 2017.
- Exhibit B.2 Support email from Steven and Sarah Nahachewksky, received May 28, 2017.
- Exhibit B.3 Support email from Lyubov and Oleksandr Malko, received May 26, 2017.
- Exhibit B.4 Support email from Jordan Hamilton, received June 5, 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, Mark Cey, 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 June 27, 2017.

The hearing concluded at 5:02 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated June 27, 2017, the Board determined that the appeal be GRANTED.

Senior Planner Kotasek-Toth excused herself from the meeting at 5:03 p.m.

**4. APPEAL NO. 11-2017
Order to Remedy Contravention
Use of Garage as Dwelling Unit
(Requiring Removal of Dwelling Unit)
801 – 7th Street East – R2 Zoning District
Alan Maduck**

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. Alan Maduck
Mr. Gary Robson

Appeared for the Respondent:

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

Ms. Sherry Paulson, Bylaw Inspector, Bylaw Compliance Section,
Community Standards, Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Alan Maduck 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 April 27, 2017 for the property located at 801 7th Street East.

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

“Contravention”

Building Permit No. 1390/01 was issued for a new two-unit dwelling with attached garage consisting of office/storage. The form of development of this property has been altered into a multiple unit dwelling containing 3 dwelling units. Such a development is illegal.

The attached garage has been developed into a separate dwelling unit containing sleeping facilities, sanitary facilities and kitchen with kitchen cabinets, kitchen sink, refrigerator and table and chairs.

You are hereby ordered to:

1. On or before May 10, 2017, cease using or permitting the use of 801 7th Street East for the purposes of a multi-unit dwelling by removing the occupants of the garage; and
2. On or before June 7, 2017, alter the form of development so as to remove the contravention by removing the garage dwelling unit from 801 7th Street East. Remove all upper kitchen cabinets except for the cabinet directly beneath the kitchen sink, refrigerator, stove outlet (wires capped off behind the wall, covered over and wires removed from the electrical panel), stove, any other cooking appliances and kitchen table and chairs are to be removed and provide unrestricted free interior access throughout the entire garage by removing any locking passage sets that separate living spaces in the garage.

Section:

4.2(1)-Application of Regulations; 4.3.1(1)- Development Permit Required; 8.4 - R2 – One and Two-Unit Residential District; and 2.0 – Definitions – “development”, “development officer”, “development permit”, “dwelling unit” of the Zoning Bylaw No. 8770.

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

Preliminary Issues:

Mr. Maduck requested to submit into evidence photos of the property. The Respondents agreed to allow the submission and the Board concurred. The photos were entered into the record as Exhibit A.2.

Exhibits:

- Exhibit A.1 Application to Appeal received May 24, 2017.
Exhibit A.2 House plans submitted by the Appellant, received June 8, 2017.

- Exhibit R.1 Order to Remedy Contravention dated April 27, 2017 from the Community Services Department, Planning & Development Division, to Alan Maduck.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received June 6, 2017.
- Exhibit B.1 Notice of Hearing dated May 31, 2017.
- Exhibit B.2 Letter from Ms. Terri Rau opposing the appeal, received on June 5, 2017.

Supplementary Notations:

The City's representatives, Business Licensing & Bylaw Compliance Manager Richter and Bylaw Inspector Paulson, affirmed that any evidence given in this hearing would be the truth. The Appellants, Al Maduck and Gary Robson, 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 June 27, 2017.

The hearing concluded at 5:51 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated June 27, 2017, the Board determined that the requirements of the Order to Remedy Contravention, dated April 27, 2017, with respect to the property at 801 7th Street East be **UPHELD** and the date for compliance be **EXTENDED** to June 30, 2017.

5. ADOPTION OF MINUTES

Moved By: Mr. Sutter

That the minutes of meeting of the Development Appeals Board held on April 25, 2017, be adopted.

CARRIED

The meeting adjourned at 6:05 p.m.

Ms. L. DeLong, Vice-Chair

Ms. Penny Walter, Secretary
Development Appeals Board