



**PUBLIC MINUTES  
DEVELOPMENT APPEALS BOARD**

Tuesday, September 26, 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. 22-2017  
Development Permit Denial  
Proposed Office Building  
(Exceeding Maximum Allowable Floor Area)  
3715 Arthur Rose Avenue – IL2 Zoning District  
Ken Achs**

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. Ken Achs, Mid-West Development (2000) Corp.  
Mr. Cary Tarasoff, Mid-West Development (2000) Corp.  
Mr. Trevor Jacek, Mid-West Development (2000) Corp.  
Ms. Colleen Wilson, Mid-West Development (2000) Corp.

**Appeared for the Respondent:**

Mr. Darryl Dawson, Development Review Manager, Planning & Development,  
Community Services, City of Saskatoon

Ms. Jodi Manastyrski, Solicitor, City Solicitor's Office, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Ken Achs 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 an office building at 3715 Arthur Rose Avenue.

The property is zoned IL2 under *Zoning Bylaw No. 8770*.

Requirement: Section 11.2.2(2) of the City of Saskatoon's Zoning Bylaw No. 8770 (Zoning Bylaw), states that office and office buildings are a permitted land use subject to section 11.2.4(6); which states:

"The maximum building floor area for each office use on a site shall not exceed 325 m<sup>2</sup>."

The maximum building floor area is intended to limit the size of principal office uses in this area.

Proposed: The main floor plan identifies an office area of 892.33m<sup>2</sup> and a shop/equipment area of 245.26 m<sup>2</sup>. The total floor area of the main floor is 1,137.59m<sup>2</sup>.

Deficiency: The office area encompasses 78% of the total main floor area and is therefore deemed the principal land use. The office exceeds the maximum permitted building floor area by 567.33m<sup>2</sup>. As office use is the predominate function of the space the development does not comply with Sections 11.2.2(2) and 11.2.4(6) of the Zoning Bylaw.

The second floor area was not considered in the above determination as it has been identified for "future development"; however, it should be noted that development of the second floor has the potential to increase the area designated for office use and increase the percentages noted above.

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

**Exhibits:**

Exhibit A.1 Application to Appeal received August 31, 2017.

Exhibit A.2 Appellant submission, received September 21, 2017

Exhibit C(A)1 Appellant submission without redaction

- Exhibit R.1 Letter dated August 29, 2017 from the Community Services Department, Planning & Development Division, to Cary Tarasoff, Mid-West Development (2000) Corp.
- Exhibit R.2 Location Plan, Site Plan, and Building Permit Application, from Planning & Development Division, Community Services Department, received September 20, 2017.
- Exhibit R.3 Document submitted by City of Saskatoon titled "Development in the IL2 District", received September 28, 2017.
- Exhibit R.4 Main floor plan submitted by City of Saskatoon, received September 28, 2017.
- Exhibit B.1 Notice of Hearing dated September 5, 2017.

**Supplementary Notations:**

The City's representatives, Mr. Dawson and Ms. Manastyrski, affirmed that any evidence given in this hearing would be the truth. The Appellants, Mr. Achs, Mr. Tarasoff, Mr. Jacek, and Ms. Wilson, 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 October 13, 2017.

The hearing concluded at 5:38 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated October 3, 2017, the Board determined that the appeal be DENIED.

**2. ADOPTION OF MINUTES**

**Moved By:** Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on August 15, 2017, be adopted.

**CARRIED**

The meeting adjourned at 5:50 p.m.

---

Mr. Asit Sarkar, Chair

---

Ms. Penny Walter, Secretary  
Development Appeals Board