



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, January 9, 2018, 4:00 p.m.
Committee Room "E", City Hall

PRESENT: Mr. A. Sarkar, Chair
Mr. L. Kowalko
Ms. L. Lamon
Ms. P. Walter, Secretary

1. Appointment of Chair and Vice-Chair for 2018 (File No. CK. 175-21)

The Secretary reported that City Council, at its Regular Business Meeting held on November 20, 2017 made the following appointments and reappointments to the end of 2019:

Development Appeals Board

- Mr. Len Kowalko
- Mr. Asit Sarkar
- Ms. Lois Lamon
- Ms. Tonii Lerat

The Board is requested to appoint a Chair and Vice-Chair for 2018. Mr. Asit Sarkar was Chair and Ms. Leanne DeLong was Vice-Chair for 2017.

Moved By: Ms. Lamon

That Asit Sarkar be appointed Chair and Leanne DeLong be appointed Vice-Chair for 2018.

CARRIED

**2. Appeal No. 38-2017
Refusal to Issue Development Permit
Proposed Creation of a Non-Conforming Development Site
(With Side Yard Setback Deficiency on Lot 23)
1102 6th Street East – R2 Zoning District
Koreen Geres
(Appeal No. 38-2017)**

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. Koreen Geres
Mr. Ross Tate

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Koreen Geres 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 proposed creation of a non-conforming development site at 1102 6th Street East.

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

Requirement: Section 8.4.2(1) of the Zoning Bylaw states that a one-unit dwelling located within a R2 zoning district requires a minimum side yard setback of 0.75 metres.

Proposed: Based on the information provided the existing one-unit dwelling located solely on Lot 23 has a side yard setback along the east site line of approximately 0.543 metres.

Deficiency: The proposed development would result in a deficiency of 0.207 metres within the side yard setback.

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

Preliminary Issues:

Mr. Sarkar disclosed that he had known the Appellant as an acquaintance to his wife. He explained that according to the Development Appeals Board Policy and Procedures, he did not believe it was a conflict of interest. He asked whether the Respondent and Appellant had any concerns regarding impartiality. No concerns were made.

Exhibits:

- Exhibit A.1 Application to Appeal received December 1, 2017.
- Exhibit R.1 Letter dated November 7, 2017 from the Community Services Department, Planning & Development Division, to Koreen Geres.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received December 29, 2017.
- Exhibit B.1 Notice of Hearing dated December 14, 2017.
- Exhibit B.2 Support email from Debbie and Dale Ottenbreit, received December 19, 2017.
- Exhibit B.3 Email from Chijin Xiao and Yue Ke opposing the appeal, received on December 21, 2017, 2017.
- Exhibit B.4 Email from Irene Knott supporting the appeal, received January 7, 2018.
- Exhibit B.5 Email from Ben and Carli Flath supporting the appeal, received January 9, 2018.

Supplementary Notations:

The City's representative, Senior Planner Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellants, Koreen Geres and Ross Tate, also affirmed that any evidence given in this hearing would be the truth.

The Appellants and Respondent provided evidence and arguments as outlined in the Record of Decision dated January 23, 2018.

The hearing concluded at 4:19 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated January 23, 2018, the Board determined that the appeal be GRANTED.

**3. Appeal No. 39-2017
Refusal to Issue Development Permit
Proposed Dwelling Group
(Exceeding Maximum Allowable Site Coverage)
637 Manek Road – RMTN Zoning District
Ehrenburg Homes
(Appeal No. 39-2017)**

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. Conrad Ehr, Ehrenburg Homes Ltd.

Appeared for the Respondent:

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

Neighbouring Property Owners:

Mr. Jeff Cao
Mr. Chris Luczka

Grounds and Issues:

THE APPELLANT, Ehrenburg Homes 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 dwelling group at 637 Manek Road.

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

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

Proposed: Based on the information provided the building coverage was calculated to be 2,261.26 square metres. Based on the City's records, the site area of the subject property is 6,836.5 square metres. This results in a site coverage of 33.07%.

Deficiency: The site coverage exceeds the maximum permitted by 3.07%.

Exhibits:

Exhibit A.1 Application to Appeal received December 5, 2017.

Exhibit R.1 Letter dated December 4, 2017 from the Community Services Department, Planning & Development Division, to Conrad Her, Ehrenburg Homes Ltd.

Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received December 29, 2017.

Exhibit B.1 Notice of Hearing dated December 14, 2017.

Exhibit B.2 Email from Chris Luczka supporting the appeal, received on January 2, 2018.

Exhibit B.3 Email from Justin Guillaume supporting the appeal, received on January 5, 2018.

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. Ehr, and neighbouring property owners, Mr. Cao and Mr. Luczka, also affirmed that any evidence given in this hearing would be the truth.

The Appellant, Respondent, and neighbouring property owners provided evidence and arguments as outlined in the Record of Decision dated January 23, 2018.

The hearing concluded at 4:50 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated January 23, 2018, the Board determined that the appeal be GRANTED.

3. ADOPTION OF MINUTES

Moved By: Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on November 21, 2017, and December 5, 2017, be adopted.

CARRIED

The meeting adjourned at 5:12 p.m.

Mr. Asit Sarkar, Chair

Ms. Penny Walter, Secretary
Development Appeals Board