



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

**Tuesday, January 23, 2018, 4:00 p.m.
Committee Room "E", City Hall**

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

**1. Appeal No. 37-2017
Development Permit Denial – Permanent Sign
Conversion to Digital Billboard – West Facing
(Too Close in Proximity to Existing West Facing Billboard)
Rail Crossing on 51st Street – IL1 Zoning District
Pattison Outdoor Advertising**

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. Andrew Hnatuk, Pattison Outdoor Advertising

Appeared for the Respondent:

Mr. Brent McAdam, A/Manager, Business Licensing & Bylaw Compliance,
Community Standards, Community Services, City of Saskatoon

Ms. Elaine Sutherland, Bylaw Inspector, Bylaw Compliance Section,
Community Standards, Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Pattison Outdoor Advertising has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the refusal to issue a billboard sign at rail crossing on 51st Street (between Millar Avenue and Warman Road).

The property is zoned IL1 under Zoning Bylaw 8770.

Requirement: Section 6.2.1 of the Zoning Bylaw Appendix A, states no billboard may be located within 200 metres of another billboard facing the same oncoming traffic.

Section 6.2.2 of the Zoning Bylaw Appendix A, states no billboard located less than 200 metres from another billboard, billboard - static digital or superboard facing the same oncoming traffic may be converted to a billboard - static digital.

Proposed: Based on the information provided an existing billboard will be altered by removing its westerly facing poster face and placing a new billboard in close proximity to the existing billboard with a westerly facing digital poster face. Placing a digital billboard directly beside an existing billboard, after having removed a sign face from that billboard, constitutes a conversion of a billboard to a static digital billboard.

Deficiency: As a result the proposed billboard location does not meet the required separation distance.

The Appellant is seeking the Board's approval for the Sign Permit as submitted.

Exhibits:

Exhibit A.1 Application to Appeal received November 29, 2017.

Exhibit R.1 Letter dated November 20, 2017 from the Community Services Department, Planning & Development Division, to Pattison Outdoor Advertising.

Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received December 13, 2017.

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

Supplementary Notations:

The City's representatives, A/Business Licensing & Bylaw Compliance Manager McAdam, and Bylaw Inspector Sutherland, affirmed that any evidence given in this hearing would be the truth. The Appellant, Mr. Hnatuk, 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 February 8, 2018.

The hearing concluded at 4:25 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 8, 2018, the Board determined that the appeal be DENIED.

A/Business Licensing & Bylaw Compliance Manager McAdam and Bylaw Inspector Sutherland excused themselves from the meeting at 4:26 p.m.

**2. Appeal No. 1-2018
Denial of Subdivision Application 15/17
One-Unit Dwelling and Agricultural Operation
(With Site Area Deficiencies)
Part of LS 13 NW ½ 24-37-5 W3 (University Heights) – FUD Zoning District
Robert Finley**

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. David Hnatyshyn

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Robert George Finley has filed an appeal under Section 228(3) of *The Planning and Development Act, 2007*, in connection with the City's refusal to issue a Subdivision for a one-unit dwelling and agricultural operation for the property located at Part of LS 13 NW ½ 24-37-5 W3 (University Heights).

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

Requirement: Section 12.2.2(1) of the Zoning Bylaw states that the site area for a one-unit dwelling in the FUD district be a minimum of 32 hectares.

Proposed: Based on the information provided Parcel C has a site area of 2.22 hectares

Deficiency: The site area is deficient 29.78 hectares.

Requirement Section 12.2.2(2) of the Zoning Bylaw states that the site area for an agricultural operation in the FUD district be a minimum of 32 hectares.

Proposed Based on the information provided the remainder of the subject lands (LS 13), has a site area of 13.82 hectares.

Deficiency The site area is deficient 18.18 hectares.

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

Exhibits:

Exhibit A.1 Application to Appeal received December 18, 2017.

Exhibit R.1 Letter dated December 12, 2017 from the Community Services Department, Planning & Development Division, to Mr. David M. Hnatyshyn.

Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received January 8, 2018.

Exhibit B.1 Notice of Hearing dated December 21, 2017.

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 Appellant, Mr. Hnatyshyn, 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 February 8, 2018.

The hearing concluded at 4:41 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 8, 2018, the Board determined that the appeal be GRANTED.

**3. Appeal No. 2-2018
Refusal to Issue Development Permit
Conversion to Restaurant – Keo's Kitchen
(With Parking, Loading Space, and Garbage Storage Deficiencies)
1808 Broadway Avenue – B2 Zoning District
Len Rawlyk on behalf of Keo Chanthavone**

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. Len Rawlyk
Ms. Keo Chanthavone, Keo's Kitchen
Ms. Jennifer Chanthavone, Keo's Kitchen

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Len Rawlyk has filed an appeal on behalf of Keo Chanthavone 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 conversion to restaurant at 1808 Broadway Avenue.

The property is zoned B2 under *Zoning Bylaw No. 8770*.

Requirement: Section 6.3.3(3) of the Zoning Bylaw states that each principal building or shopping centre shall provide at least one off-street loading space. Loading spaces may be located in front, side or rear yards.

Proposed: Based on the information provided no loading space has been provided on the site.

Deficiency: The site is deficient one on-site loading space.

Requirement: Section 10.4.10(1) of the Zoning Bylaw states that a space to be used exclusively for garbage storage and pick up, having minimum dimensions of 2.7 metres by 6 metres, shall be provided on each site. The required loading and pick up spaces may be combined at this site.

Proposed: Based on the information provided no space used for garbage pickup has been provided.

Deficiency: The site is deficient one on-site space for garbage storage and pickup.

Requirement: Section 6.3.3(6) of the Zoning Bylaw states that a restaurant located within the B2 zoning district must provide 1 parking space per 10 square metres of gross floor area devoted to public assembly space, including 1 barrier-free parking space (3.9 metres by 6 metres). Based on this rate, a total of 10 on-site parking spaces are required for the main floor assembly area.

Proposed: Based on the information provided 4 parking spaces are located on-site that conform to the parking standards with the Zoning Bylaw and no barrier-free parking space is provided.

Deficiency: The site is deficient six on-site parking spaces and one barrier-free parking space.

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

Preliminary Issues:

Ms. Jennifer Chanthavone requested to submit into evidence emails from neighbouring property owner regarding use of parking spaces. The Respondents agreed to allow the submission and the Board concurred. The documents were entered into the record as Exhibit A.3. The revised list of exhibits is provided below.

Exhibits:

- Exhibit A.1 Application to Appeal received December 19, 2017.
- Exhibit A.2 Site Plan – Alternate Parking drawing submitted by the Appellant, received on January 16, 2018.
- Exhibit A.3 Emails from neighbouring property owners regarding possible use of the neighbour's properties by the Applicant.

- Exhibit R.1 Letter dated December 18, 2017 from the Community Services Department, Planning & Development Division, to Javed Tariq.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received January 8, 2018.

- Exhibit B.1 Notice of Hearing dated December 21, 2017.
- Exhibit B.2 Opposition email from Dan McClean, received December 31, 2017.
- Exhibit B.3 Opposition letter from Phyllis Austman, received January 22, 2018.
- Exhibit B.4 Opposition letter from Laura Clarke, received January 23, 2018.

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 hearing to follow would be the truth. The Appellants, Mr. Rawlyk, Ms. K. Chanthavone and Ms. J. Chanthavone, 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 February 8, 2018.

The hearing concluded at 5:18 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 8, 2018, the Board determined that the appeal be GRANTED.

**4. Appeal No. 3-2018
Development Permit Denial
Construction of Accessory Building (Detached Garage)
(Non-Permitted Use)
600 McPherson Avenue – R2 Zoning District and
FP – Flood Plain Overlay District
On The Mark Homes**

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:

Mark Kindrachuk, On The Mark Homes
Adam Wolf
Brianna Bergeron

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, On The Mark Homes on behalf of Adam Wolf and Brianna Bergeron 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 construction of a detached garage at 600 McPherson Avenue.

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

Requirement: Section 14.1.2(2) and 14.1.2(2)(d) of the Zoning Bylaw states in the flood fringe only those uses listed and which are also permitted in the District for which the site is designated, shall be permitted: New one-unit, two-unit and semi-detached dwellings provided they are constructed in accordance with the appropriate flood proofing measures.

The subject property is within 1:500 year flood fringe and therefore the regulations contained in the FP – Flood Fringe Overlay District apply. Accessory buildings are not listed as a permitted use in this overlay district.

The Saskatchewan Water Security Agency has determined that the estimated peak water level in a 1:500 year flood event is 478.65 metres at this location. The statements of provincial interest, pursuant to the *Planning and Development Act*, state that a 0.5 metre freeboard/factor of safety is to be added to the estimated peak water level in determining a safe building elevation. As a result, the safe building elevation for this site is 479.15 metres.

Proposed: Based on the information provided the proposed accessory building has a floor elevation of 478.5 metres.

Deficiency: The floor elevation of the proposed accessory building is deficient 0.65 metres.

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

Exhibits:

Exhibit A.1 Application to Appeal received December 20, 2017.

Exhibit A.2 Photos submitted by Appellant, January 23, 2018

Exhibit R.1 Letter dated December 6, 2017 from the Community Services Department, Planning & Development Division, to Mark Kindrachuk.

Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received January 8, 2018.

- Exhibit B.1 Notice of Hearing dated January 3, 2018.
- Exhibit B.2 Support email from Shane Shircliff, received January 9, 2018.
- Exhibit B.3 Support email from Greg Donnelly, received January 9, 2018
- Exhibit B.4 Support email from Ryan Unger, received January 17, 2018.
- Exhibit B.5 Support email from Natasha Hnidy, received January 20, 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 Appellants, Mr. Kindrachuk, Mr. Wolf, and Ms. Bergeron, 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 February 8, 2018.

The hearing concluded at 5:52 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 8, 2018, the Board determined that the appeal be DENIED.

The meeting adjourned at 6:16 p.m.

Mr. Asit Sarkar, Chair

Ms. Penny Walter, Secretary
Development Appeals Board