



Development Appeals Board  
Appeal Decision

**DECISION OF THE WHITE CITY DEVELOPMENT APPEALS BOARD REGARDING  
APPEAL NO. 03-19 PERTAINING TO 11 MEADOW ROAD, WHITE CITY, SK  
JUNE 19, 2019**

**Panel:** Dennis Gould, Chair  
Bill Wood, Board Member  
Cory Schill, Board Member  
Dale Strudwick, Board Member  
Glen Weir, Board Member

**Secretary:** Chazlyn Lambie

**Appellant:** [REDACTED], Property Owner

**Respondent:** Delainee Behrns, Development Officer, Town of White City

**Introduction:**

- 1) The Appellant wants to build a large addition to his present garage, to allow space for more storage, a vehicle hoist and a place to work on projects.
- 2) In his submission the Appellant referenced the addition on the east side of a garage at 44 Meadow Road. He contends that the addition is large and extends to, or nearly to, the side property line. The Board acknowledges the Appellants view that if one homeowner can have such a large building, he doesn't see any reason why he cannot do the same. The Board understands his reasoning, but the situation at 44 Meadow Road is not a deciding factor in this case but may be an issue that the Town needs to review.
- 3) A questionable structure on another lot does not mean another homeowner can do the same, we must consider the facts of the current appeal and how the by-laws apply to this particular situation.
- 4) The Appellants property is adjacent to Brier Gate, one of the main entrances into the Wheatland subdivision. The proposed structure would be very visible to everyone passing by. The wall height is 11 feet and the exterior will be finished to match the house and present garage, the peak will be lower than the house.
- 5) In the Town's submission they have not taken into account the square footage of the two other structures currently on the property. However, the Appellant did commit to remove those two other structures if we were to allow his current application. These two sheds total at least 340 square feet.

- 6) The proposed building is 1040 square feet and the garage already there is 1040 Square feet, total 2080 square feet. The maximum allowed under the By-Law is 1611.72 square feet. The excess of 468.28 square feet amounts to 29% more than the 1611.72 square feet allowed, and the Board members unanimously agree that 29% is excessive and we would not allow that much relaxation to the Appellant nor to others in the same Zone.
- 7) Per subsection 221(d) of *The Planning and Development Act, 2007*, the Board can allow the appeal, allow the appeal with conditions, vary or refuse the appeal.
- 8) The Board cannot make a decision that:
  - a. would create a special privilege;
  - b. is injurious to neighbouring properties; and
  - c. defeats the intent and purpose of the Zoning Bylaw.

**Appellant's Position:**

- 9) Appellant is requesting a variance in their proposal for an attached garage. The appellant is adding the addition to their existing garage shop to allow for vehicle hoist for personal use – not business use and storage for their specialty vehicles.
- 10) Currently has two other sheds on their property that will be removed if this appeal is approved.
- 11) Neighbour at 44 Meadow Road referenced they had a large garage in a lot that was roughly the same size as their own.

**Respondent's Position:**

- 12) The existing detached garage on their property is 26 x 40 or 1040 square feet. With a proposed addition is another 26x40 or 1040 square feet, would be a combined total of 2080 square feet. Given the 5% of the lot area allowance is 1611.72 square feet, the proposed garage addition is not permitted in accordance to the zoning regulations as it exceeds the allowable square footage by 468.28 square feet.

**Questions from the Development Appeals Board:**

***I noticed on the lot plan that you provided, you added this building right to the north west end of the present garage?***

- 13) Appellant replied: Yes.

***Are there any other structures on the property?***

- 14) Appellant responded: There is a shed behind that, it sits on the north end of that building now. That shed will disappear.

***What size is that?***

15) 10 by 10 roughly, I never measured it.

***Is there any other shed on your property?***

16) The Appellant responded: There is a shed on the east side of the current garage, it is not attached to anything.

***What size is that?***

17) The Appellant replied: It's about 8 x 30 and that will go away too.

***Those two buildings based on the measurements you just gave me would be 340 square feet. Right now, we are looking at you wanting to add a building which puts you over by 468 square feet. Right now, we're looking at one accessory building plus the other 2, would be the square footage you would be adding right now, just so you are aware.***

18) The Appellant responded: So, you're saying, you lost me, my two sheds are making up the space I'm adding?

19) Board: Yes, those two sheds, presently take up 340 square feet and with the one you are wanting to build, if you didn't have any other sheds on your property, you're already over 468 square feet, just so we got the numbers right.

20) Appellant: I appreciate that, that's why if I can build the addition to my current garage then I can get rid of the other two sheds.

***The plan shows on your permit application, the new building height is 16 feet 6 inches, I assume that is to the peak?***

21) The Appellant responded: Yes, it is.

***What is the height of the wall?***

22) The Appellant replied: 11 feet, that 16 foot 6 is slightly below the peak of my current house. I think that is one of the stipulations of the whole process. I'm led to believe it is one of the stipulations.

23) Board: Yes, it cannot be higher than the top of the house.

***Are you going to extend the rook back over top of the current garage so the whole thing is one big roof?***

24) The Appellant replied: no, there will be a 24-inch overhang over the wall, sort of keeping with the front. I am not raising the first section.

***Are you knocking the NW wall out of the present garage when you build this garage?***

25) Appellant responded: There will be an opening, to go from one section to the next section.

***The two buildings are up against each other?***

26) The Appellant responded: Yes, they are attached, there is no walk in between. Section of the wall will be taken out to gain access to the addition

***Can you clarify about the structure you mention in your application that you believe exceeds the 5% guidelines at 44 Meadow Road?***

27) Appellant replied: There is a piece of property at 44 Meadow Road, I believe the lot is the same as mine, as far as physical size. I am led to believe that he built a 1500 square foot building/garage and then subsequent to that, he has added along one whole side and all across the back with a metal clad extension/addition that is physically attached to the building and comes right up the property line. The bottom line is, if he has roughly the same lot size as I do, he has already built a 1500 square foot property building then he has added somewhere between 1000-1200 square feet. As it would appear to be a very permanent structure, he probably well more than violated every possibly bylaw around.

***Have you lived in your present home for some time?***

28) The Appellant responded: 14 years.

***Was that structure, it has been built since you have been there?***

29) Appellant responded: The original building was there when I moved there but the addition has occurred sometime in the last 5 or 10 years.

30) Board: With that in mind, Delainee can you talk about that? You referenced a couple of examples in your submission but that was not one of them.

31) Delainee: I'm not familiar with that property, our current zoning bylaw was put into place in 2014 and that's when 5% lot size came in. I was trying to find the old zoning bylaw to see what the regulations were for that and they had it set up so that each of the zoning districts that you have in the community had different size regulations, probably to cater to the bigger lots. I'm not familiar with that property enough to know when they got the permit for the structure, that is something I would have to investigate.

32) Appellant: From my perspective, I would seem to think that the 5% rule goes back to when I built the first building. The better part of 10-12 years ago. If that building was not permitted, then what is the next step, it's about being fair.

***What was the or what is the current purpose of the existing 1040 square foot building that you have?***

33) The Appellant replied: Toy room.

***So, it houses?***

- 34) Appellant replied: Machinery equipment, toys, we built a car, he's building a bike, we just service our own vehicles, it's just a toy room and the addition is really nothing more than allowing for storage of toy vehicles that we are currently working on. We are spending money on a storage building and does not serve well in that respect. It's for storage and to allow use to put a lift so we can work on vehicles of our own, it's not commercial in any way shape or form.

***When you say we, who are you referencing?***

- 35) The Appellant responded: My son who lives with us.

***What's the exterior finish of the current building that is there?***

- 36) Appellant replied: Vinyl siding.

***Is that what would be on the new one?***

- 37) Appellant replied: Yes, same thing. It would all be meant to match.

***Have you considered a slightly smaller addition like 26 x 25, which would put you close to within the bylaws?***

- 38) Appellant replied: The current building is 26 so rather than make it narrow, I think making it a foot or two narrower would make it look goofy.

***Well, that's why I said 26 x 25. Keeping the 26 width and 25 long instead of 40. That would put you only about 50 square feet over the bylaw.***

- 39) Appellant replied: We have considered that and one of the things that we came up with for sake of argument, that a pick-up truck is 20 feet long and putting a lift in there, we are lifting up a vehicle to work on it, there is virtually no room at either end for working on it, service safety, so that premise was if we're going to do this and then the otherwise is the storage vehicles, motorcycles and other stuff, if we crowded out that much then it makes it one dangerous area and doesn't give us the storage to pass and ease as we would like, that was the logic.

***You reference your neighbour is okay with your proposal?***

- 40) Appellant responded: The guy right beside me, he provided me with a document.

***Is he on the east side?***

- 41) Appellant responded: I don't have any neighbours on the west side, it's a road and nobody is behind me.

**Issues:**

***Would issuing a development permit grant the Appellant a special privilege in comparison to their neighbours?***

42) During general discussion the Board indicated that they were not prepared to grant the requested relaxation, in this case nor to others in Zone R2 who would have similar circumstances.

43) Therefore, the proposed development would constitute a special privilege.

***Would issuing a development permit defeat the intent of the Zoning Bylaw?***

44) In its documentation the Town provided the intent of the bylaw. The Board considers the requested relaxation to be excessive for Zone R5 and, as such, would defeat the intent of the bylaw.

45) Therefore, the proposed development would defeat the intent of the zoning bylaw.

***Would issuing a development permit cause injury to neighbouring properties?***

46) There was no "injurious affection" to neighbouring properties presented at the hearing.

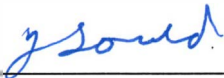
47) Therefore, the proposed development would not cause injury to neighbouring properties.

**Conclusion:**

48) The Board finds the following appeal:

- a. Would give a special privilege;
- b. Would defeat the intent of the Zoning Bylaw; and
- c. Would not negatively impact neighbouring properties.

49) For reasons point A and B above, the appeal is denied.



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Dennis Gould, Board Chair