

**TOWN OF WHITE CITY**  
**DEVELOPMENT APPEALS BOARD**

**September 4, 2013**

Minutes of the Wednesday, September 4, 2013 Development Appeals Board Hearing held in the Town of White City Municipal Office, 14 Ramm Avenue East to hear Appeal #03-13 [REDACTED], Lot 1, Block 13, Plan 101957474, 1 Lott Road East.

**Present:** Chairman: Dennis Gould  
Board Members: Wes Memory and Bill Wood  
  
Development Officer: Debi Breuer  
  
Secretary: absent

**Appellants:** [REDACTED]

**Introductions:**

Chairman Dennis Gould stated that the board had come to order at 7:00 PM. The Chairman introduced the members of the Board, the Town Representative and the Secretary. The Chairman acknowledged the Appellant [REDACTED].

**Conflicts:**

Board members indicated they did not have a conflict of interest.

**Chairman's Comments:**

The Chairman explained that Development Appeal Hearings are open to the public and those who are affected by the out come of the appeal can make a presentation to the Board. Written materials received within 5 days of the hearing will be considered by the Board.

Authorized by *The Planning and Development Act, 2007*, the Board can allow, allow with conditions, vary or refuse the appeal.

The Board must be certain that any decision it makes about the matter under appeal does not constitute a special privilege inconsistent with the restrictions on, or injurious to neighbouring properties and the amount of the requested relaxation of the zoning bylaw does not defeat its intent and purpose.

Once those who can be heard have made their presentations the Board will reserve its decision. Appellants receive the Board's written decision by registered letter within 30 days of the hearing. Board decisions do not take effect for 30 days to allow interested parties to appeal to the Saskatchewan Municipal Board which must take place within 20 days of receiving the decision.

**Official Record  
Development  
Appeal #03-13:**

The documents which form the record of the appeal were inspected by the Appellant prior to the commencement of the hearing and included:

- The agenda for the hearing.
- Development Officer's Report.
- Notice of the date for the Development Appeals Board hearing sent to the Appellant dated August 12, 2013.
- Notice of the date for the Development Appeals Board hearing sent to Board and Council members and the Development Officer dated August 12, 2013.
- Notice of the appeal sent to 12 adjacent property owners.
- A copy of Bylaw 541-10.
- A copy of Part XI, Division 1, of *The Planning and Development Act, 2007*; the duties and responsibilities of the Development Appeal Board.
- The signed commissioned Statutory Declaration for service of notice.

**Resident  
Submissions:**

The Secretary advised that twelve (12) property owners within 75 metres were notified of the appeal application and hearing and that no objections have been received.

**Procedure:**

The procedure was explained for presentations. To begin the board will hear the appellant present their position with respect to the requested relaxation. Once their presentation is completed the town representative presents the town's position. The Appellant is then allowed to respond after which the town responds. Once the appellant and respondent have made their presentations board members will ask questions about the requested relaxation.

Appellant stated that he had nothing to submit.

**Town Development Officer: Debi Breuer**

The Development Officer stated that she had nothing further to add to her report.

**Question:**

There were no questions from the Board Members.

The Appellant left at 7:10 PM.

The Town Representative left at 7:10 PM.

**Facts:** The facts in this appeal, as presented to the Board are:

- 1) The subject lands are legally described as Lot 1, Block 13, Plan 101957474 in the Town of White City.
- 2) The subject lands are zoned R-7 as set out in the Town of White City Zoning Bylaw 541-10.
- 3) The development permit was denied because the proposed detached garage would exceed the maximum wall height of 10' to top of top place by 2 feet.

**Conclusions and Reasons:**

The only reason that this appeal is before the Development Appeals Board is because of a typographical error that occurred when the Bylaw was passed. The wall height for all accessory buildings in the Town of White City is 3.66 Meters, with the exception of Zone 7 where the wall height is shown as 3 Meters. The Town representative has advised that there is no reason for the regulations for the wall height in Zone 7 to be any different than it is in all other Zones, and the Town has already initiated steps to amend the Bylaw to correct this typographical error.

In an appeal of a development permit refusal, the Act places the onus on the appellant to make a case to the development appeals board that, even though the development violated a municipal zoning bylaw, it should be allowed to proceed because it clears all three “bars to variance relief” as set out in clause 221(d) of the Act.

The three bars are:

- Special privilege
- Intent
- Injurious affection

Special Privilege: When the amendment to the Bylaw comes into effect, there would be no need for this relaxation request.

Therefore the application does clear this bar.

Intent: When the amendment to the Bylaw comes into effect, there would be no need for this relaxation request.

Therefore the application does clear this bar.

Injurious affection: When the amendment to the Bylaw comes into effect, there would be no need for this relaxation request.

Therefore the application does clear this bar.

**Appeal #03-13  
Decision**

In accordance with the requirements of the *Planning and Development Act, 2007* the following is the decision of the Development Appeals Board hearing on September 4, 2013 at the Town of White City Municipal Office.

**WE MEMORY: Moved/Seconded: BILL WOOD:** That Appeal #03-13 made by [REDACTED] [REDACTED] for a relaxation of the Zoning Bylaw 541-10, to permit a detached garage to exceed the maximum wall height of 10' to top of top plate be granted, for the following reasons:

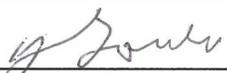
- 1) The relaxation does not contravene the Town's Basic Planning Statement and intent of the Zoning Bylaw.
- 2) The relaxation does not encroach upon or injuriously affect neighbouring properties.
- 3) The requested relaxation is not a special privilege.

**Carried.**

**Adjournment:**

**BILL WOOD: Moved/Seconded: DENNIS GOULD:** That the hearing adjourn at 7:30 PM.

**Carried**

  
\_\_\_\_\_  
**Dennis Gould, Board Chair**