

Development Appeals Board  
Appeal Decision

**DECISION OF THE WHITE CITY DEVELOPMENT APPEALS BOARD REGARDING  
APPEAL NO. 05-18 PERTAINING TO 19 YALE PLACE, WHITE CITY, SK  
AUGUST 21, 2018**

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

**Secretary:** Voula Siourounis

**Appellant:** \_\_\_\_\_, Property Owner

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

**Introduction:**

- 1) This appeal pertains to a development permit refusal for a new home at 19 Yale Place, White City, SK. The development permit application was refused by the Town of White City as the Development Officer does not have the authority to grant a variance to the Zoning Bylaw. The Appellant is requesting the Development Appeals Board overturn the Development Officer's refusal and direct the issuance of a development permit.
- 2) The Appellant is proposing to build a new home, he wishes to have it protrude into the front yard set-back 0.917 meters. The required set-back in this zone is 10.0 meters. The requested relaxation amounts to a 9% relaxation.
- 3) 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.
- 4) 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:**

- 5) The encroachment into the setback would allow the home to be in line with other homes on the bay.
- 6) If the appeal is denied the house cannot be moved back on the lot, the square footage would have to be reduced.
- 7) Due to the perimeter of the lot it is difficult to place a home without reducing the size or having it out of line of the rest of the homes in the bay.

**Respondent's Position:**

- 8) There are two cases where similar relaxations were permitted for homes on similar lot shapes. 88 Motherwell Drive has a 15% relaxation and 7 Stanford Bay has a 10% relaxation.

**Questions from the Development Appeals Board:**

- 9) *Is this the purchase of this lot from the developer contingent on this appeal?*

No. The lot is not being purchased directly from the developer, the Appellant is purchasing the lot from an independent third party.

**Issues:**

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

- 10) The Appellant's requested relaxation is not excessive as it constitutes a 9% relaxation. There are two cases where similar shaped lots have received higher relaxations. Both higher relaxations did not receive approval from the Development Appeal Board but rather were granted under other extenuating circumstances.

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

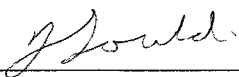
- 11) The Board agrees to allow the 0.917 metres relaxation in the front yard as that minor amount would not defeat the intent of the zoning bylaws.

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

- 12) There was no Injurious Affection presented at this appeal.

**Conclusion:**

- 13) The Board finds allowing the appeal:
  - a. would not give a special privilege;
  - b. would not defeat the intent of the Bylaw; and
  - c. would not negatively impact neighbouring properties.
- 14) The Board approves the appeal as shown on the site plan of 0.917 metres.



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**Dennis Gould, Board Chair**