



White City

Development Appeals Board

Appeal Hearing No. 02-26

INTRODUCTION

[1] IN THE MATTER OF AN APPEAL under section 219 of *The Planning and Development Act, 2007* (PDA), to the Town of White City Development Appeals Board (the Board) by:

Appellant:

[REDACTED]

Respondent:

Delainee Behrns, Manager of Community Planning and Development,
Town of White City
Tanya Barraza, Development Officer

In Attendance:

Dennis Gould, Chair
Bill Wood, Board Member
Cory Schill, Board Member
Christine Enmark, Board Member
Ryan Fletcher, Board Member
Cassandra Virgin, Secretary

Appeal Number:

02-26

Date of Hearing:

July 15, 2026

Time:

6:30 p.m.

Place:

Town of White City Council Chambers
14 Ramm Avenue East
White City, SK S4L 5B1

Reason:

Refusal to issue a development permit for an accessory building at 10 Oxford Bay, White City, SK.

Relief Sought:

The Appellant requests that the Development Appeals Board grant a variance to permit the construction of an 8 ft. × 16 ft. (128 sq. ft.) accessory building with a reduced side yard setback.

The required minimum side yard setback is 2.5 m (8.2 ft). The proposed setback is 1.83 m (6.0 ft) at the front corner of the accessory building and 2.43 m (8.0 ft) at the rear corner. The requested relief therefore constitutes a 27% variance at the front corner and a 2.8% variance at the rear corner.

Notice: Notice of this appeal has been provided to 15 property owners within a 75-metre radius of the subject property to allow them the opportunity to assess whether they will be injuriously affected by the proposed zoning variance. No submissions were received.

FACTS

[2] Requirement:

Subsection 5.4.4(9)(iii) of the Town of White City Zoning Bylaw No. 581-14 requires accessory buildings exceeding 10 m² (107.6 ft²) and located within 10.5 m (34.4 ft) of the rear building line of the principal building to maintain a minimum side yard setback of 2.5 m (8.2 ft).

[3] Proposed:

The Appellant proposes to construct a 2.44 m × 4.88 m (8 ft × 16 ft) custom-built accessory building, with a total area of 11.89 m² (128 ft²) in the rear yard. The proposed side yard setback is 1.83 m (6.0 ft) at the front corner and 2.43 m (8.0 ft) at the rear corner.

[4] Deficiency:

The proposed accessory building does not comply with the required minimum side yard setback. The proposed location results in encroachments of 0.67 m (2.2 ft) at the front corner and 0.07 m (0.2 ft) at the rear corner, representing variances of 27% and 2.8%, respectively.

ARGUMENTS

Appellant Argument:

[5] The Appellant advised that he proposed to construct a 2.44 m × 4.88 m (8 ft × 16 ft) custom-built accessory building designed to complement the existing principal dwelling. He stated that an 8-foot-wide structure was the smallest size he considered appropriate for the property.

[6] The Appellant advised that the requested variance related only to the side yard setback. He stated that the rear setback would comply with the requirements of the *Zoning Bylaw* and that the requested relaxation ranged from approximately 0.67 m (2.2 ft) at the front corner of the accessory building to 0.07 m (0.2 ft) at the rear corner.

[7] The Appellant submitted that the proposed location was preferred as it would allow the accessory building to remain parallel with the existing principal dwelling and avoid the removal of existing artificial turf. He stated that relocating the structure to fully comply with the setback would negatively impact the aesthetic appearance of the property.

[8] The Appellant advised that he had discussed the proposal with the adjacent property owner, who had no concerns with the requested variance. He further advised that the accessory building would be constructed on skids rather than a concrete foundation, allowing it to be relocated if necessary.

- [9] The Appellant acknowledged that other developments within the Town appeared not to comply with the *Zoning Bylaw* but recognized that those developments were not before the Board for consideration.

Respondent Argument:

- [10] The Respondent does not have the authority to approve any minor variance or approve a permit that does not comply with the *Zoning Bylaw*.
- [11] The Respondent had no further information to share outside of the Planning Report.

RULES AND STATUTES

- [12] *Planning and Development Act, 2007* (PDA) - Subsection 214(3): "A council shall appoint a board within 90 days after the zoning bylaw comes into effect."
- [13] PDA - Clause 219(1)(b): "In addition to any other right of appeal provided by this or any other Act, a person affected may appeal to the Board if there is a refusal to issue a development permit because it would contravene the *Zoning Bylaw*."
- [14] PDA - Section 221: "In determining an appeal, the Board hearing the appeal:
- a) is bound by any official community plan in effect;
 - b) must ensure that its decisions conform to the uses of land, intensity of use and density of development in the zoning bylaw;
 - c) must ensure that its decisions are consistent with any provincial land use policies and statements of provincial interest; and
 - d) may, subject to clauses (a) to (c), confirm, revoke or vary the approval, decision, any development standard or condition, or order imposed by the approving authority, the council or the development officer, as the case may be, or make or substitute any approval, decision or condition that it considers advisable if, in its opinion, the action would not:
 - (i) grant to the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the same zoning district;
 - (ii) amount to a relaxation so as to defeat the intent of the *Zoning Bylaw*; or
 - (iii) injuriously affect the neighbouring properties."
- [15] PDA - Subsection 225(1): "The Board shall render its decision in writing, together with reasons for the decision within 30 days after the conclusion of the hearing."
- [16] PDA - Subsection 225(6): "Subject to section 226, a decision of the Board does not take effect until the expiration of 30 days from the date on which the decision is made."

- [17] *Zoning Bylaw* - Subsection 2.3(2) Development Permit: "A development permit cannot be issued in contravention of any of the provisions of the *Zoning Bylaw* except as provided in an appeal pursuant to *The Planning and Development Act, 2007*."
- [18] *Zoning Bylaw* - Subsection 2.21(1) Minor Variances to the *Zoning Bylaw*: "Minor variances are not allowed within any Zoning District within the *Zoning Bylaw*."

INTERPRETATION: The Town of White City interprets this section as the Development Officer responsible for administering the zoning bylaw does not have the authority to grant minor variances within any Zoning District within the *Zoning Bylaw*."

- [19] *Zoning Bylaw* – Subsection 5.4 Residential 4 District (R4)

INTENT: The intent of this district is to provide for small lot single detached housing with attached garages in an urban setting and provides the opportunity for higher density single detached development.

- [20] *Zoning Bylaw* – Clause 5.4.4(2) Accessory Uses, Buildings, and Structures of the Town of White City Zoning Bylaw No. 581-14, states that accessory buildings shall comply with the side yard requirements for a principal building.
- [21] Subsection 5.4.4(9)(iii) Accessory Regulations of the Town of White City Zoning Bylaw No. 581-14 states that within the Residential 4 District (R4), accessory buildings exceeding 10m² require a minimum side yard setback of 2.5 meters.
- [22] *Zoning Bylaw* - Clause 5.4.4(9) - Accessory Uses, Buildings, and Structures

Minimum Development Standards and Site Regulations

Floor Area Coverage (Maximum) – 5% of lot area

Height (Maximum)* – 3.66 m**

Side Yard Setback (Minimum) – 2.5 m***

If located no closer than 10.5 m from the rear of the
Building line of the principal Building – 1 m

Rear Yard Setback – 1 m

* roof pitch must be the same or lower than the principal building on the lot

** to the top of the wall plate

*** this setback must a minimum of 15 m if it is used to shelter horses

INTERPRETATION: The Town of White City interprets the minimum side yard setback to be 2.5 m as the proposed accessory building is located within 10.5 m from the rear of the building line of the principal building.

ANALYSIS/REASONS

[23] Consideration of similar appeals heard by the Board:

Three similar appeals involving accessory building side yard setback variances within the Residential 4 (R4) Zoning District have previously been considered by the Development Appeals Board:

- Appeal #01-21: A 20% side yard setback variance was approved, with the Board finding it did not constitute a special privilege or defeat the intent of the Zoning Bylaw.
- Appeal #02-25: A 48% side yard setback variance was denied, with the Board finding it would constitute a special privilege, defeat the intent of the Zoning Bylaw, and injuriously affect neighbouring properties.
- Appeal #03-21: A 70% side yard setback variance was denied, with the Board finding it would constitute a special privilege and defeat the intent of the Zoning Bylaw.

REASONS

- [24] In this case the relaxation requested ranges from 2.8% at the south end to 27% at the north corner of the shed. The amount is not excessive, considering that the 27% relaxation at one end tapers down to 2.8% at the other end, resulting in an average relaxation of 14.9%.

The positioning of the shed is a preferred location; the Appellant would prefer not to have the shed sitting on the artificial turf. This shed will be built on skids, which will provide for the shed to be moved onto the back yard turf, if that is required to accommodate emergency services.

ISSUES

- [25] The Act requires the Board to consider whether a variance request complies with subsections 221(d)(i), (ii) and (iii) of the Act. That is, the Board may only grant a variance if, in its opinion, doing so would not:

- (i) grant to the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the same zoning district;**
- (ii) amount to a relaxation so as to defeat the intent of the *Zoning Bylaw*; or**
- (iii) injuriously affect the neighbouring properties.**

- [26] The granting of a variance request by a Board is not the same as setting a binding precedent. Each appeal must be determined independently, based on its own merits.

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

[27] During discussion the Board agreed that they were prepared to grant this requested relaxation as the amount is not excessive. The average of the 27% amount and the 2.8% amount is only 14.9%.

[28] Therefore, the proposed development would not constitute a special privilege that the Board wouldn't allow to someone else under these circumstances.

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

[29] In this case the average relaxation requested, 14.9%, is not unreasonable nor excessive and the Board is satisfied that this request does not defeat the intent of the Zoning Bylaw, as the setback can still be made available for maintenance issues.

[30] Therefore, the proposed development would not defeat the intent of the *Zoning Bylaw*.

Would issuing a development permit cause injury to neighbouring properties?

[31] There was no negative impact to neighbouring properties presented at this hearing.

[32] Therefore, the proposed development would not injuriously affect the neighbouring properties.

CONCLUSION

[33] The Board finds that 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.

[34] **Motion:**

WOOD/SCHILL: *THAT Appeal 02-26 requesting the development of an accessory building be approved.*

CARRIED.

[35] **For these reasons, the appeal is Approved.**

RIGHTS TO FURTHER APPEAL

[36] The Minister, the municipal council, the Appellant or any other person may, within 30 days after the receipt of a copy of this notice of decision, may appeal a decision of the Board to:

Planning Appeals Committee
Saskatchewan Municipal Board

480 – 2151 Scarth Street
REGINA SK S4P 2H8

- [37] For more information, please contact the Saskatchewan Municipal Board at 306-787-6221 or info@smb.gov.sk.ca. If no such appeal is made, this decision will take effect on September 4, 2026.

Dated this 5th day of August 2026.



Dennis Gould, Board Chair

