



Development Appeals Board  
Appeal Decision

**DECISION OF THE WHITE CITY DEVELOPMENT APPEALS BOARD REGARDING  
APPEAL NO. 02-19 PERTAINING TO 2 MCKENZIE LANDING, WHITE CITY, SK  
MAY 8, 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 garage to provide storage for a truck and a 24-foot boat. The garage would be built to match the house. The appellant has considered other alternatives for building size but needs it 24 by 24 feet to accommodate truck and boat.
- 2) The garage attached to the principle building (house) has 3 bays but those are full and there is no room left for the boat and truck.
- 3) The Appellant has considered extending the 3<sup>rd</sup> garage bay back along house, but stated he is a carpenter and that wouldn't look good and doesn't want to do that
- 4) The proposed building is 576 square feet, the maximum allowed under the By-Law is 370 square feet. The excess of 206 square feet amounts to 55% more than the 370 square feet allowed, and the Board members unanimously agree that 55% is excessive and we would not allow that much relaxation to the Appellant nor to others in the same Zone. It would be unreasonable for the Board to allow this huge relaxation of 55%, that would set a precedent for others to want for their properties.
- 5) 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.
- 6) 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:**

- 7) Appellant was going to build a smaller garage but after a bit of research realized that their boat and truck would not fit properly.
- 8) Appellant wants to make the garage large enough to store the boat and truck over the winter months instead of the side of the house. They will make the garage match the house.

**Respondent's Position:**

- 9) Respondent mentioned that everything is in their report but to cover the specs, Appellant's lot area is .17 acres, his 5% allows him 370 square feet, he is applying for 576 square feet.

**Questions from the Development Appeals Board:**

***How long have you owned that house?***

- 10) Appellant replied: We built it last year, we took possession in August.

***Were you aware that there were restrictions on the size of accessory buildings that you could put on it?***

- 11) The Appellant responded: No, and that's the thing, we probably would have designed the house a little bit differently but we're kind of past that point now.

***What would you have down with the house?***

- 12) The Appellant replied: I just would of made it so it would've worked, extending the garage along the one side where there is concrete pad, we would of extended the garage longer to fit/cover the boat for the winter. I don't know if you guys have seen our house but the boat is just on the side of the house, it would just give it a nice place so it is not just sitting out all winter.

***What's the size of the existing garage, that would be the attached garage?***

- 13) The Appellant responded: I don't know off the top of my head.

***Triple garage door on the front?***

- 14) The Appellant replied: Yes, it's a triple on the front.

***So it's a double garage door with a single by the looks of it, is that right?***

- 15) The Appellant responded: Correct.

***The purpose of your new proposed garage is for the storage of your boat and truck?***

- 16) The Appellant responded: Correct, it pulls the boat.

***The existing triple garage houses 3 vehicles currently?***

- 17) The Appellant replied: Yes.

***So just to be clear, the boat and truck are vehicles number 4 and 5?***

18) The Appellant replied: It depends on the season, we only use those in the summer.

***Right but if we were to put them all on one lot then you would say you had 3 vehicles in your garage and the boat, and the truck?***

19) Appellant responded: That is correct.

***Have you considered extending the attached garage, like you said you would have built it differently, you would have made it go back farther?***

20) The Appellant responded: I'm a carpenter myself and it would be to tacky , it's too late. You would have to rip it all.

***Too late to add on that?***

21) Appellant replied: Yes because there is a window on that side and it just doesn't work, I've tried and looked at every way to accomplish this.

***Just to be clear that there is no height, shouldn't say there is no restriction but if you pulled a permit to make your existing garage longer by 10 feet, that wouldn't encroach on any accessory building, it would be part of the primary building and you'd be fine with that?***

22) The Appellant responded: Extending my garage right now, I don't want to do that sir. It's all stucco, it's all done.

***You feel that you need the full 24 feet by 24 feet for a truck and a boat?***

23) Appellant responded: The boat measures 23 point, I don't know to 24, it is really tight and the truck, it's tight. 20 x 20 it wouldn't even fit.

***That would help you get it , if you could even get it narrower, it would help get your square footage closer to what is accessible.***

24) The Appellant replied: Yeah, if a 20 x 20 would work, I wouldn't even be here but I have looked at every possible thing. The reason why we decided to do this today is because we felt it was pretty close to what could be approved.

***I was just wondering is it just the size we are looking at here, just the square footage or do we have a height issue too?***

25) Dennis replied: No, just the sides.

**Issues:**

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

26) During general discussion the Board indicated that they were not prepared to grant the requested relaxation, in this case nor to others in Zone R5 who would have similar circumstances.

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

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

28) 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, defeats the intent of the bylaw.

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

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

30) There was no injurious affection noted during the hearing.

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

**Conclusion:**

32) The Board finds the following appeal:

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

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



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**Dennis Gould, Board Chair**