



Development Appeals Board  
**Appeal Decision**

**DECISION OF THE WHITE CITY DEVELOPMENT APPEALS BOARD REGARDING  
APPEAL NO. 02-20 PERTAINING TO 40 MCKENZIE POINTE, WHITE CITY, SK  
SEPTEMBER 9, 2020**

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

**Secretary:** Rachel Obrigewitsch

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

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

**Introduction:**

- 1) This appeal pertains to a development permit refusal for an addition to the accessory building at 40 McKenzie Pointe. 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 lot is long and narrow with the front being at a slight angle as the street is curved at that location.
- 3) The Appellant is proposing to add a 6-foot extension to the south-west end of the building, remove the "double wide rollup door" and replace it with a single "man door". The 6-foot addition will result in the garage area being 600 square feet where the lot size only allows for a building of 522.72 square feet. The appellant is asking for bylaw relaxation for the 77.28 square feet of excess. The relaxation requested is 14% more than allowed.
- 4) 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.
- 5) There is only one 1 violation of the Bylaw restrictions in this case. The Board cannot make a decision for this violation that:
  - a. would create a special privilege;
  - b. is injurious to neighbouring properties; or
  - c. defeats the intent and purpose of the Zoning Bylaw.

**Appellant's Position:**

- 6) The appellant is converting the garage to a work shop and requires a little more room to accommodate all the equipment and tools for the shop. This is a sideline, he is not going to be doing commercial work, just hobby work for themselves.
- 7) The appellant provided 3 photographs showing the front and side views of the present garage, and the proposed layout for tools and equipment intended to be in the enlarged space.

**Respondent's Position:**

**Introduction:**

- 8) The requested relaxation is a relatively small amount, but the Development Officer does not have the authority to approve a permit that does not comply with the Zoning Bylaw.
- 9) A notice of this appeal has been provided to 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, there was only one response received and that person supported the development.

**Issues:**

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

- 10) The appellant requested relaxation for 77.28 square feet that is over the maximum allowed by the Bylaw, this amount is 14% over the maximum allowed. The Board considers this amount to be reasonable under the circumstances of this case, and the Board has approved similar relaxations to others under similar circumstances.
- 11) Therefore, the proposed development would not constitute a special privilege.

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

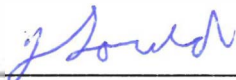
- 12) The relaxation requested is only 14% of the square footage allowed by the Bylaw, the Board considers this amount to be reasonable under the circumstances.
- 13) Therefore, the proposed development would not defeat the intent of the Bylaw.

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

- 14) There was no Injurious Affection to neighbours presented in this case.
- 15) Therefore, the proposed development does not seem to pose any injurious affection to neighbouring properties.

**Conclusion:**

- 16) For these reasons, the appeal is being allowed.



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Dennis Gould, Board Chair