



Development Appeals Board  
Appeal Decision

**DECISION OF THE WHITE CITY DEVELOPMENT APPEALS BOARD REGARDING  
APPEAL NO. 01-19 PERTAINING TO 14 LOTT ROAD, WHITE CITY, SK  
APRIL 03, 2019**

**Panel:** Dennis Gould, Chair  
Bill Wood, Board Member  
Cory Schill, Board Member  
Dale Strudwick, 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 allow for a variety of pieces of equipment for work on projects. Also, to provide room to store a 5th wheel trailer during the off season and work on that trailer during winter months. The preferred wall height needs to be 14 feet to allow for a roll-up door to clear the top of the trailer.
- 2) In his submission the Appellant referenced the “more generous secondary building allowance” in Emerald Park, however his property is within White City and the Board is bound by White City By-Laws and not those being followed in Emerald Park.
- 3) The Appellant contends that the submissions from the neighbors at 20 and 29 Lott Road are neighbors who are far away. The Board does not consider property at 20 Lott Road to be “far away”, that home is the 3rd home to the South but we agree that 29 Lott Road is a little further away.
- 4) The garage will be visible to anyone using the walking path in the public reserve behind their property, as well as other homeowners across the other side of the Public Reserve.
- 5) In the Town’s submission they have not taken into account the square footage of the small shed at the rear of the lot, but the Appellant has stated he will remove that shed if that is a problem.
- 6) The neighbor at 20 Lott Road suggested an alternate roof design, that being a vaulted ceiling to accommodate the height of the 5th wheel trailer. The Board considers this to be an alternative for the Appellant to stay within the By-Law requirements.
- 7) The proposed building is 1320 square feet, the maximum allowed under the Bylaw is 1110 square feet. The excess of 210 square feet amounts to 18% more than the 1110 square feet allowed, and the Board members unanimously agree that 18% is excessive and we would not

allow that much relaxation to the Appellant nor to others in the same Zone. Similarly, to 2 foot relaxation requested for the 12 foot wall height, amounts to a relaxation of 16% more than the 12 feet allowed, and the Board again unanimously agreed that 16% is excessive and we would not allow that much relaxation to the Appellant nor to others in the same Zone. The Board Members are also not prepared to allow these relaxations as that would set a precedent for others to want for their properties.

- 8) With respect to the submissions from the 2 neighbors, these concerns expressed are valid concerns and the Board needs to consider their opinions seriously. The immediate neighbors may not have concerns, but the Board needs to consider concerns from others within 75 Meters of the subject property and the Board unanimously agreed that allowing the requested relaxations would create an Injurious Affection on some neighbors.
- 9) 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.
- 10) 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:**

- 11) Found out there was an appeal process for a possible variance and figured they would try to get a bigger garage.
- 12) The 5<sup>th</sup> wheel is 11'6", therefore the garage door needs an additional 2 feet from the hump of the door to the roof for it to work and high enough to slide the RV into the garage. No other reason for the height.
- 13) Garage being used for projects which include, working on old 5<sup>th</sup> wheel, CnC mill, various small tinker projects. Needs elbow room to work and parking.
- 14) Pictures provided show I took the time to match the garage with the house, and this is a well thought out plan, eventual in floor heating. I plan on spending a lot of time in here.

**Respondent's Position:**

- 15) Everything is stated in the report given to the board, tried to include a couple of examples with similar appeals in this zoning district, in this case there was not any specific appeals within the R3 district that were similar but included other examples from the R4 and R1 districts that would have been read in the report.

**Questions from the Development Appeals Board:**

*Is there an awareness of the two replies that came back from the affected area?*

16) The Appellant responded: I did read, see and consider them. One thing is they're across the street not in visual range of the backyard. I felt their reply is more principle than anything else, but there is an allowance of an appeal and those who are willing to take the time and do the process, there is an alternate answer than what the rules lock in. If there was a leniency at all, I will pursue that and to try get a slightly bigger garage.

***In your drawings, there is shed in the back of the yard. Do you know what size it is?***

17) The Appellant responded: It's a cheap plastic shed where I store the lawnmower. Size is 7 x 10 roughly. All the playground stuff was in place when we bought the place, the only addition is the garage and the landscape including the driveway portion going into it. There's a widening in the driveway that I show in my drawings.

***There's a bit of a what in the driveway?***

18) The Appellant replied: A widening of the driveway. That whole idea behind that was so my approach was gentler when taking the 5th wheel into the back of the house. Sole purpose.

***One of the drawings, it looks like there is going to be a carport on the one end of this building.***

19) The Appellant responded: Yes, that was a thought, where I could park the 5th wheel under that carport during the off months.

***Do you have anything else you want to tell us?***

20) The Appellant replied: The decision here is what I'll stay with and this process was to ask and see if I was able to extend the size a little bit, since this appeal was available to me.

***Just thinking, you're requesting a little more square footage than what the bylaw says. I investigated the bylaw, I considered when you add a ten-foot carport, which I do not recall having a width on that canopy, you are making the building bigger. That's my concern now since you are already over the allowed percentage, but the added carport canopy puts it way over the allowed numbers.***

21) The Appellant responded: If that carport is in the way, it goes, that square footage inside the building is the priority for me. I didn't realize the carport would be considered as part of the square footage, if that is the case, I will immediately pull it out.

***The carport becomes a part of the whole percentage, when you see the diagram of the boat or whatever is beside it, it's getting to be quite long.***

22) The Development Officer responded: It's kind of a grey area in the bylaw, there a definition for an accessory build within the zoning bylaw and I take that to be a big building with walls and a significant structure foundation, so when I initially looked at this, I didn't take that extra size into consideration, I know what Dale is saying, it adds that extra square footage but in my mind when we were calculating the square footage, we took the size of the building itself and not that extension.

***One thing that is taken into account is the shed in the back that would be part of the 5% square footage of the lot for the lot/building.***

- 23) The Appellant replied: The key is the garage has space where I can work on in the winter, if there is anything that detracts from the outside, it goes.

**Issues:**

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

- 24) During general discussion the Board indicated that they were not prepared to grant the requested relaxations, in this case nor to others in Zone R3 who would have similar circumstances.

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

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

- 26) In its documentation the Town provided the intent of the bylaw. The Board considers the requested relaxations to be excessive for Zone R3 and, as such, defeats the intent of the bylaw.

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

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

- 28) During discussion the Board Members seriously considered the submissions of 2 neighbors and agreed that allowing the requested relaxations would create "injurious affection" to neighboring properties.

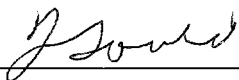
- 29) Therefore, the proposed development would injuriously effect neighbouring property owners.

**Conclusion:**

- 30) The Board finds the allowing appeal:

- a. Would give a special privilege;
- b. Would defeat the intent of the Bylaw; and
- c. Would negatively impact neighbouring properties.

- 31) For these reasons, the appeal is denied.



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**Dennis Gould, Board Chair**