



Development Appeals Board
Appeal Decision

**DECISION OF THE WHITE CITY DEVELOPMENT APPEALS BOARD REGARDING
APPEAL NO. 04-19 PERTAINING TO 2 MCKENZIE LANDING, WHITE CITY, SK
JUNE 19, 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 originally applied to build a garage 24 by 24 but that was denied on his appeal in May, 2019. He reapplied for a permit for a 20 by 20 garage. This structure is over the 5% lot allowance by 29 square feet and amounts to an encroachment of 8%. The Board is prepared to approve this smaller and more reasonable amount.
- 2) The access to the garage is past the side of the house and will not pose any issue with neighbouring properties nor with access at the side or rear of the lot.
- 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) Requesting a small variance on their garage proposal that would allow them to have storage for their stuff during the winter months.
- 6) This is the second application submitted by the appellant whose first appeal was denied, this appeal is more in reason with the Zoning Bylaw and the 5% allowable square footage.

Respondent's Position:

- 7) Everything was stated in their report, according to R5 regulations. A detached garage has an allowable size of 370.26 square feet. The proposed garage size of 400 square feet is not permitted in accordance with the Zoning Bylaw.

Questions from the Development Appeals Board:

You just downsized the size of your garage a bit?

- 8) The Appellant explained: Yeah, I your process, your bylaws and why they are there. I wanted to try, and I respect your process and I thank you the explanation and stuff. Every place is different, I appreciate that part of it honestly.

Where is the garage positioned? Where is the big door on the garage?

- 9) Appellant responded: Just in front of the building.

You come beside the house?

- 10) Appellant responded: yes, you drive past the house and the door is on that side.

With the change from your original to the new application, about 176 square feet less? What are you eliminating from your original proposal?

- 11) Appellant replied: discussed with Delainee, the easiest solution because it is not within your bylaws, I decided to put the boat somewhere else that was the major problem was the boat but now if I can put storage in there for other stuff it will work fine with the new measurements.

Issues:

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

- 12) During general discussion the Board indicated that they were prepared to grant the requested relaxation, in this case and to others in Zone R5 who would have similar circumstances.

- 13) Therefore, the proposed development does not constitute a special privilege.

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

- 14) In its documentation the Town provided the intent of the bylaw. The Board considers the requested relaxation to be reasonable for Zone R5 and, as such, would not defeat the intent of the bylaw.

- 15) Therefore, the proposed development would not defeat the intent of the zoning bylaw.

Would issuing a development permit cause injury to neighbouring properties?

- 16) There was no injurious affection noted during the hearing.

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

Conclusion:

18) 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.

19) For reasons point A, B and C above, the Board approves the appeal.



Dennis Gould, Board Chair