



Development Appeals Board  
Appeal Hearing

**DECISION OF THE WHITE CITY DEVELOPMENT APPEALS BOARD REGARDING  
APPEAL NO. 01-23 PERTAINING TO 20 GREGORY AVENUE, WHITE CITY, SK**

**Panel:** Dennis Gould, Chair  
Bill Wood, Board Member  
Cory Schill, Board Member  
Larry Grant, Board Member  
Glenn Weir, Board Member  
Ryan Fletcher, Board Member  
Christine Enmark, Board Member

**Secretary:** Cassandra Virgin

**Appellant:** [REDACTED] Property Owner

**Respondent:** Chace Kozack, Development Officer, Town of White City

**Introduction:**

- 1) This appeal pertains to a development permit refusal for three accessory buildings at 20 Gregory Avenue. The development permit application was refused by the Development Officer as he does not have the authority to grant minor variances as per section 2.21 of *The Zoning Bylaw* and does not have the ability to approve a permit that does not conform with *The Zoning Bylaw*. The Appellant is appealing to the Development Appeals Board to overturn the Development Officer's refusal and direct the issuance of a development permit.
- 2) Specifically, the Appellant is requesting a variance over the 5% permitted maximum area allowed for accessory buildings.
- 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) There is only one violation of *The Zoning Bylaw* restrictions in this case. The Board cannot make a decision for this request that:
  - a. would create a special privilege;
  - b. is injurious to neighbouring properties; or
  - c. defeats the intent and purpose of *The Zoning Bylaw*.

- 5) Notice of this appeal has been provided to property owners within a 75m radius of the subject property to allow them the opportunity to assess whether they will be injuriously affected by the proposed zoning variance. Three email submissions were received. One in support and two against.

**Appellant's Position:**

- 6) The Appellant seeks a variance to exceed the 5% maximum area allowance for accessory buildings with the intention to erect three additional accessory structures.
- 7) The proposed structures consist of a shed for patio furniture storage, a garden shed to house a riding lawn mower, rotor tiller, and similar equipment, and a greenhouse.
- 8) Each of these sheds will be color-coordinated to match with the principal house.
- 9) The sheds will be located in the backyard. Pending approval, the Appellant intends to erect a fence the following year to ensure the sheds are not visible from the road.
- 10) The Appellant noted, the installation of the sheds will further enhance the property's appearance. Previous efforts into elevating the property's visual appeal involved removing hazardous dead trees, with future plans to strategically replant trees for additional screening from road traffic.
- 11) The Appellant does not believe the sheds will have an adverse impact on neighbouring property values.

**Respondent's Position:**

- 12) The Respondent does not have the authority to approve any minor variance or approve a permit that does not comply with *The Zoning Bylaw*.
- 13) The Respondent provided clarification regarding his Planning Report where he referred to analogous appeals within the zoning district. Specifically, he noted an error in the second reference, stating that Appeal No. 02-20 should be identified as Appeal No. 01-20.
- 14) The Respondent had no further information to share outside of the Planning Report.

**Reasons and Conclusions:**

- 15) The Appellant's property is 44431.2 square feet, and the Town's bylaw restricts accessory buildings to 5% of the lot size, that would be 2222 square feet available. The existing shop on the property is 2160 square feet in size, leaving only 62 square feet for additional accessory buildings. The Appellant indicated that they need more building space to store tools/equipment and lawn/patio furniture. Also required is a new green house to start plants.
- 16) The proposed development is for a greenhouse and two storage sheds with a total size of 768 square feet. These three structures bring the total area of accessory buildings to 2928 square feet, which is 706 square feet over the 5% allowed by the Town's Zoning Bylaw.
- 17) This excess amounts to 32% over the allowed area.

- 18) In this case there have been submissions from three White City residents. Two of the submissions have stated their strong opposition to the proposed development. The third submission supported the development but expressed frustration with the Town bylaws claiming them to be overreaching.

**Issues:**

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

- 19) During discussion the board unanimously agreed that they were not prepared to grant the 32% requested relaxation, in this case nor to others in Zone R2 who would have similar circumstances.
- 20) Therefore, the proposed development would constitute a special privilege.

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

- 21) In its documentation the Town provided the intent of *The Zoning Bylaw*. The Board considers the requested relaxation of 32% to be excessive for Zoning District 2 and, as such, would defeat the intent of the Bylaw.
- 22) Therefore, the proposed development would defeat the intent of *The Zoning Bylaw*.

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

- 23) Two of the Appellant's nearby neighbours submitted their opinions on the proposed development. One neighbour was against the development and the other supported the development and expressed frustration with the Town's bylaws. The third of the submissions was another White City resident who cited support for the Town's *Zoning Bylaw*, and indicated they were against the proposed development.
- 24) Therefore, the proposed development would injuriously affect the neighbouring properties.

**Conclusion:**

The board finds that allowing the appeal:

- 25) Would give Special Privilege.
- 26) Would defeat the intent of the Zoning Bylaw.
- 27) Would negatively impact neighbouring properties.

**Motion:**

**Enmark/Wood:** THAT Appeal 01-23 requesting the development of three accessory buildings be denied.

**CARRIED UNANIMOUSLY.**

28) For these reasons, the appeal is denied. The appellant shall have 20 days from issuance of this decision to appeal to the Saskatchewan Municipal Board, if desired.



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**Dennis Gould, Board Chair**