

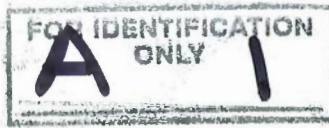


**NOTICE OF HEARING  
OPEN TO THE PUBLIC  
DEVELOPMENT APPEALS BOARD**

September 24, 2019, 4:00 pm  
Committee Room E, Ground Floor, City Hall

*(Please contact the City Clerk's Office at 306.975.3240 for further information).*

1. **Appeal 26-2019 - Order to Remedy Contravention - 3212 Mountbatten Street**  
Accessory Building - Floor 1.2 m Above Grade Level



Appeal 26-2019

In the Matter of Zoning Bylaw No. 8770

And

*The Planning and Development Act, 2007*

To: Secretary, Development Appeals Board  
c/o City Clerk's Office  
222 3<sup>rd</sup> Avenue North  
Saskatoon, SK S7K 0J5

**NOTICE OF APPEAL OF  
ORDER TO REMEDY CONTRAVENTION**

We, Chris Roslinsky and Amanda Roslinsky

Of



(Appellant's address)

hereby appeal the order of the Development Officer dated July 30, 2019  
regarding the property at 3212 Mountbatten Street,  
issued pursuant to Section 242 of *The Planning and Development Act, 2007*.  
I have attached a copy of the Order to this Notice of Appeal.

The reasons in support of my appeal are:

See attached Schedule "A".

The following documents are filed in support of my appeal:

See attached Schedule "B"

Dated at the City of Saskatoon, in the Province of Saskatchewan, this 23 day of August, 2019.

\*Please Print or Type:

Name: Chris Roslinsky and Amanda Roslinsky

Mailing Address: Saskatoon, SK

Telephone Number: \_\_\_\_\_

Please note the following:

THE APPEAL MUST BE MADE WITHIN 30 DAYS OF THE DATE OF THE ISSUANCE OF THE ORDER OF A DEVELOPMENT OFFICER BY FILING THIS WRITTEN NOTICE OF APPEAL ON THE DEVELOPMENT APPEALS BOARD AT THE FOLLOWING ADDRESS:

Secretary, Development Appeals Board  
c/o City Clerk's Office  
222 3<sup>rd</sup> Avenue North  
Saskatoon, SK S7K 0J5

Appeal of Christopher Roslinsky and Amanda Roslinsky

Civic Address:

Surface Parcel: # [REDACTED]

Zoning District: R2

## **SCHEDULE "A"**

### **ARGUMENT**

1. The accessory building in question is a play house structure ("play house") for our six-year-old daughter. When we selected the play house design, we did not realize the City of Saskatoon (the "City") had a height restriction on play houses or that our play house would be classified as an accessory building.
2. The design idea for the play house was found on a blog titled "The Handmade Home" (<https://www.thehandmadehome.net/handmade-hideaway-2-0/>).

We have implemented some design modifications, including less windows, and a sand bottom, with no foundation or floor. The reason for these modifications is for the purposes of adhering to our climate as well as cost efficiency. We are planning to keep the fence around the base to provide added support for the structure.<sup>1</sup>

3. Though we recognize we are not in compliance with By-law No. 8770, we would like it noted that we are over the 1.2 meters (above grade level) by approximately 2 feet. Given this relatively insignificant amount, we ask for permission from the City to maintain the play house at its current height.<sup>2</sup>
4. Our property, also known as, 32 [REDACTED] Mountbatten Street ("32 [REDACTED]") is part of Montgomery Place. As is known to the City, Montgomery Place is an established neighbourhood with larger than average lots for a municipal community. We understand that in a newer development like Stonebridge or Kensington, a play house structure of this height would impact the quality of life or the property value of the surrounding residents. However, in Montgomery Place, its scale is appropriate for the size of the yard and has little to no impact on neighboring properties.
5. We purchased 32 [REDACTED] in 2014 with the intention of completing a full scale renovation and bringing the quality of the property in line with what one would expect to find in Montgomery Place. Between 2017 – 2018, we were able to

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<sup>1</sup> Document No. 001 – Photograph of design inspiration from the Handmade Home blog.

<sup>2</sup> Document No. 002 – Two photographs illustrating the height contravention identified by the City of Saskatoon.



Appeal of Christopher Roslinsky and Amanda Roslinsky

Civic Address:

Surface Parcel: # [REDACTED]

Zoning District: R2

execute this extensive renovation of the house structure, totaling \$201,452.02. With the house renovation almost completed, we have undertaken plans to landscape the yard.

6. The play house is the first phase of an extensive landscaping renovation we plan to execute in phases over the next four years. These plans include a raised fence that will surround the perimeter of the yard, further obstructing the play house view from surrounding yards.<sup>3</sup>
7. To date, we have spent \$1,000.00 on the play house and expect these costs to rest closer to \$1,800.00 once construction is complete. It has a brand new tin roof and will be finished in a white vinyl siding. This professional design will uphold the character and integrity of our neighbourhood.
8. After speaking with our neighbours at 32 [REDACTED] Mountbatten Street ("32 [REDACTED]"), we were informed they were the party who issued the formal complaint against the play house. The following arguments presented by us will be based around this pertinent information.
9. A search of the City of Saskatoon tax records show that the lot size at 32 [REDACTED] is 12,937 square feet. The lot size at 32 [REDACTED] is 9,897 square feet. Though our play house is large, and not in compliance with the existing bylaw, we disagree that it has any impact on the safety, the property value or the quality of life of the residents of 32 [REDACTED].<sup>4</sup>
10. If we lower the play house to adhere to the requirements of By-law No. 8770, it will not significantly impact the view of the play house from the yard of 32 [REDACTED]. In fact, after a review of Document No. 5, it may even make the view more prominent as there would be less tree coverage than there is now.<sup>5</sup>
11. The yard at 32 [REDACTED] is extensively treed in. There is very little natural light with or without the presence of our play house. Between the trees and the detached garage at the back of the lot, there are not any outward views. The only obstruction our play house causes is the view into our yard at 32 [REDACTED].

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<sup>3</sup> Future landscape plans for 32 [REDACTED] Mountbatten Street.

<sup>4</sup> Google Image of the lots at 32 [REDACTED] Mountbatten Street and 32 [REDACTED] Mountbatten Street.

<sup>5</sup> Photograph of the back of the play house as seen from the yard of 32 [REDACTED] Mountbatten Street.

Appeal of Christopher Roslinsky and Amanda Roslinsky

Civic Address:

Surface Parcel: # [REDACTED]

Zoning District: R2

12. There are no windows, doors or deck at the back of the play house, which faces 32[REDACTED]. There is no deck access on the sides of the playhouse. This means when our child is enjoying the play house, she will not be able to disrupt the quality of life of anyone utilizing the yard space at 32[REDACTED]. Their privacy and quality of life, will remain intact.<sup>6</sup>
13. The property line of 32[REDACTED] extends approximately 2 feet on the opposite side of the our fence, toward 32[REDACTED]. There are several trees planted in this area that not only separate our properties but now serve to obstruct the view of the play house from the backyard of 32[REDACTED]. In the past, the owners of 32[REDACTED] have expressed their desire for us to keep these trees. At that time, we agreed to leave them in place in an effort to maintain positive neighbour-to-neighbour relations. Keeping in mind that these trees now serve to obstruct the view of the play house from the 32[REDACTED] yard, we will continue this arrangement, as long as it is reasonable, out of respect for their continued privacy and quality of life.

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<sup>6</sup> Three photographs of the current play house structure (front, right side, left side).

Appeal of Christopher Roslinsky and Amanda Roslinsky

Civic Address:

Surface Parcel: # [REDACTED]

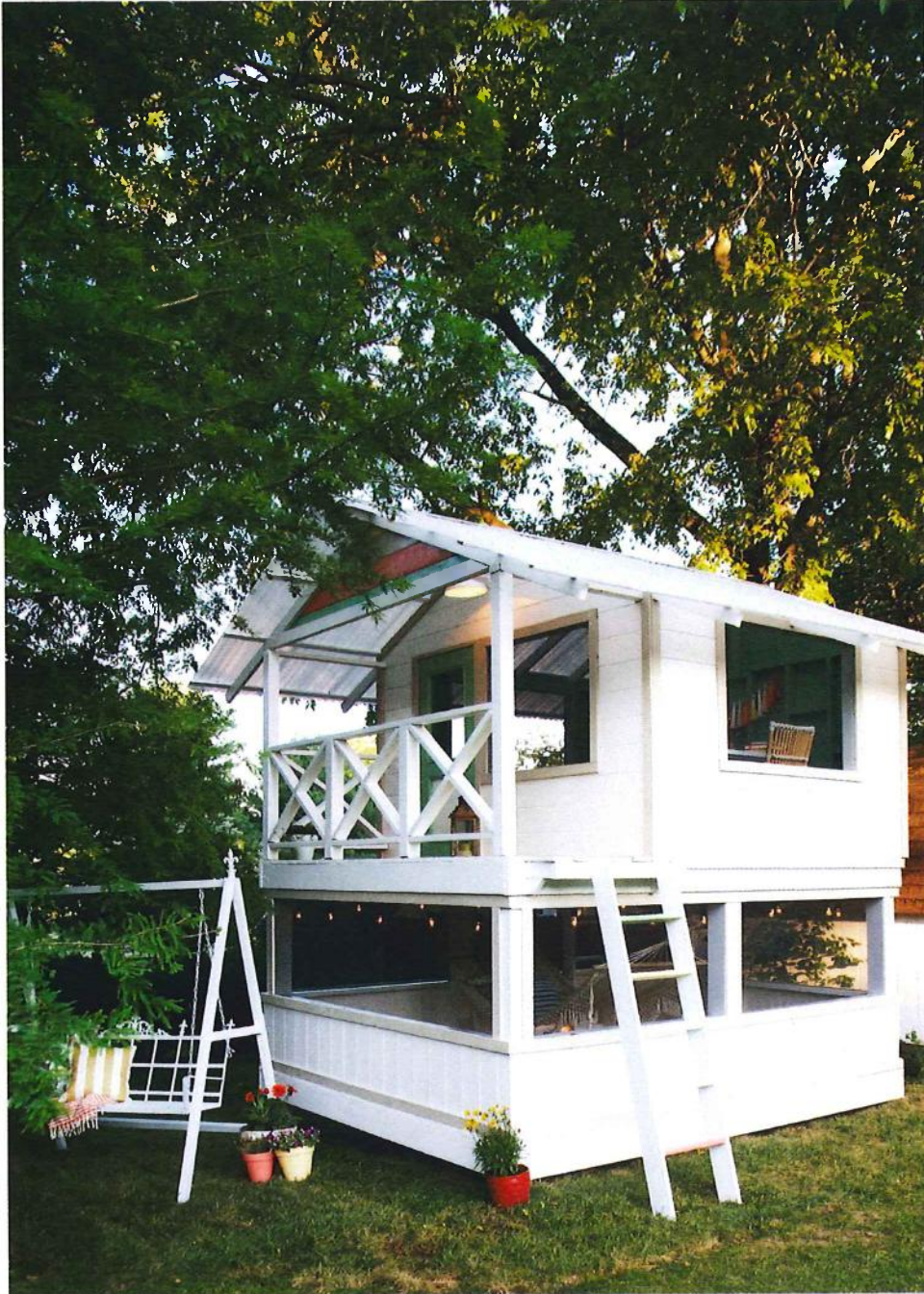
Zoning District: R2

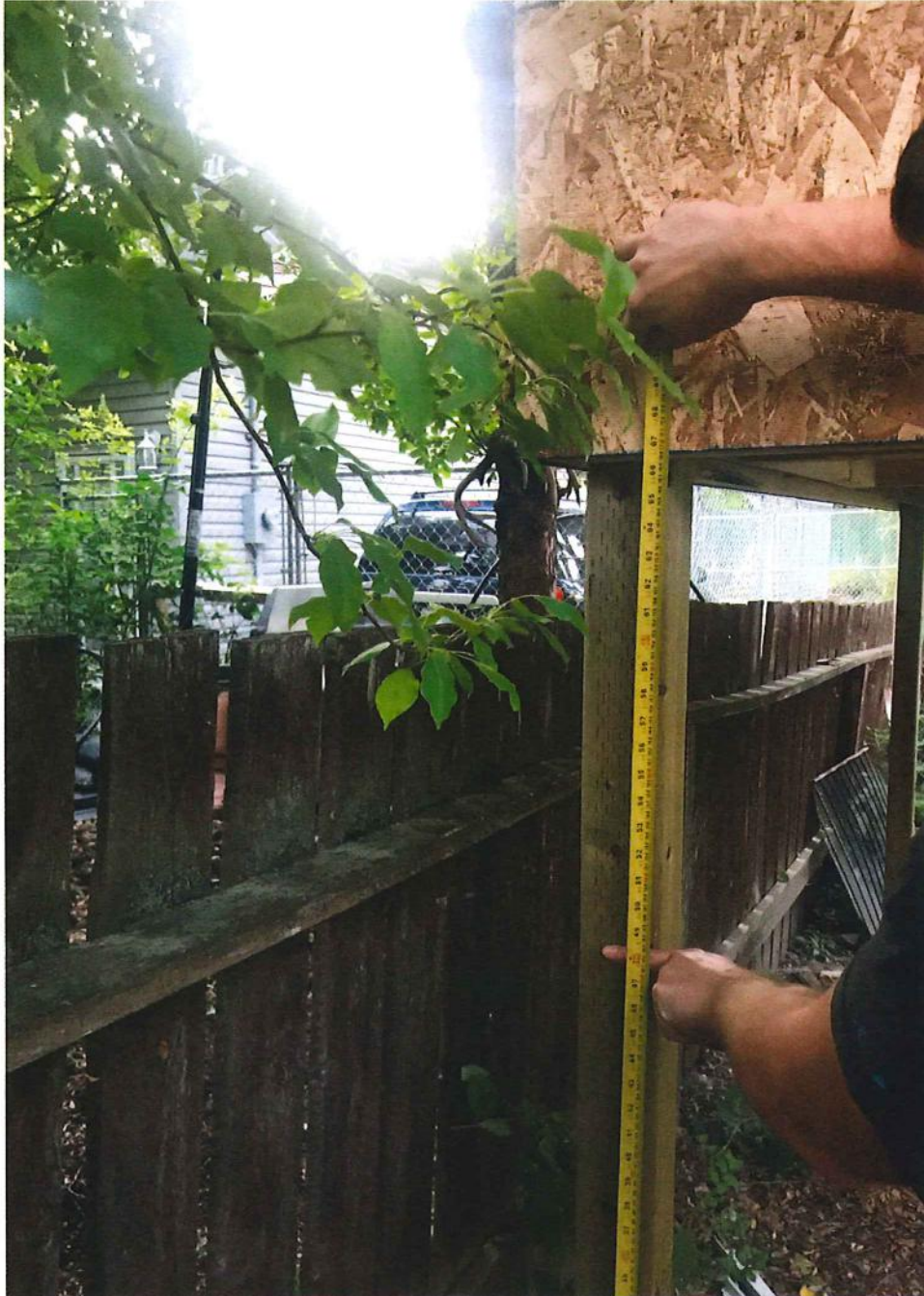
## **SCHEDULE "B"**

### **DOCUMENTS LIST**

1. Photo, RE: Playhouse design inspiration from the Handmade Hideaway Blog
2. Two Photographs, RE: Illustrating the height contravention as identified by the City of Saskatoon
3. Future landscape design by 32 [REDACTED] Mountbatten Street
4. Google image, RE: Lots identified as 32 [REDACTED] Mountbatten Street and 32 [REDACTED] Mountbatten Street
5. Photo, RE: View of playhouse as seen from 32 [REDACTED] Mountbatten Street
6. Three Photographs, RE: Front view, right view and left view of play house









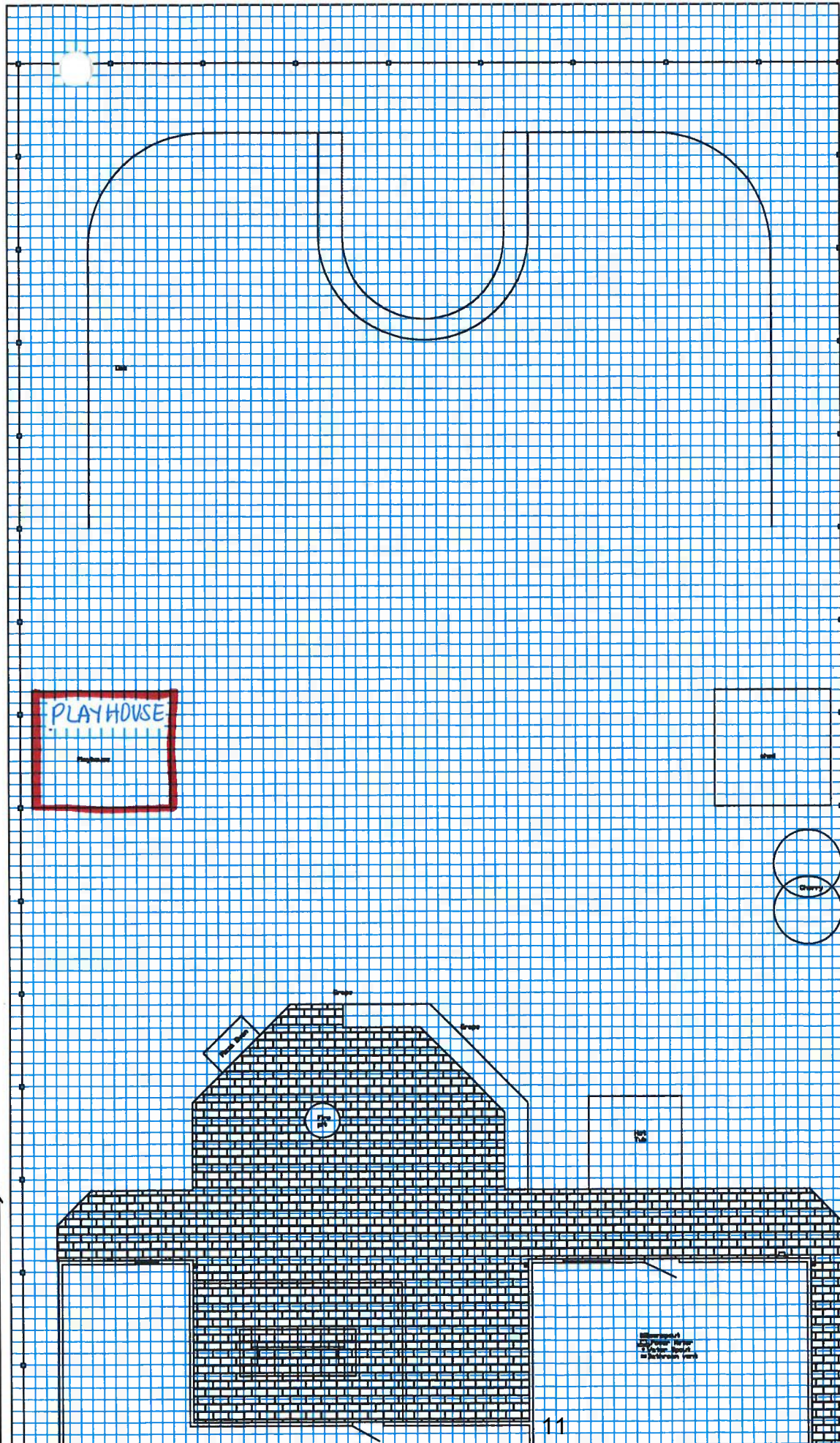




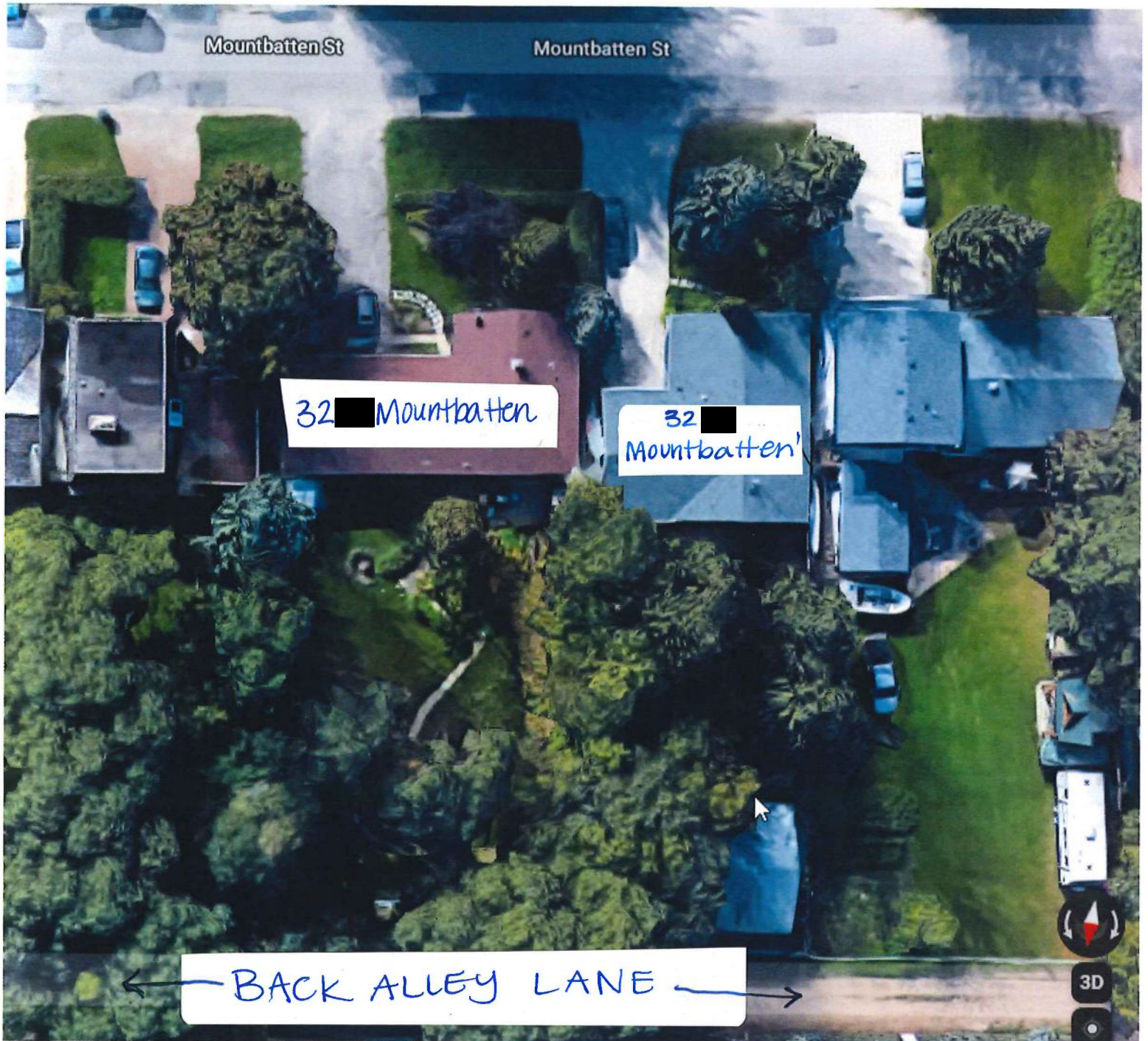
# BACK LANE

Appeal 26-2019

3.







32 [redacted] Parcel Size - 12,937 sq feet

32 [redacted] Parcel Size - 9,897 sq ft









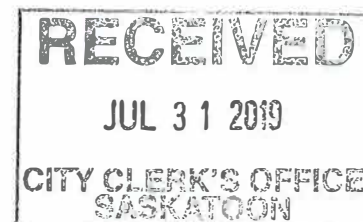






**ORDER TO REMEDY CONTRAVENTION*****THE PLANNING AND DEVELOPMENT ACT, 2007*****CITY OF SASKATOON ZONING BYLAW NO. 8770**

To: Christopher Roslinsky

[REDACTED]  
Saskatoon, Sask  
[REDACTED]☒ Owner(s)**Part 1**

I, Elan Ballantyne, Development Officer for The City of Saskatoon, inspected:

Civic Address:	3212 Mountbatten St
Surface Parcel:	#135802302
Zoning District:	R2

on July 26<sup>th</sup>, 2019**Part 2**

Section 4.2(1) of The City of Saskatoon Zoning Bylaw No. 8770 states that no person shall erect, construct, locate, alter, reconstruct or maintain any building or structure, or locate or carry on any industry, business, trade or calling, or use any land or building, within any district, except as permitted by this Bylaw, and subject to all the regulations contained in this Bylaw.

**Part 3**

Section 242(4) of *The Planning and Development Act, 2007* states that if a Development Officer determines that a development or form of development contravenes the Zoning Bylaw, the Development Officer may issue a written order to the owner, occupant or operator of the land, building or premises on or in which the development or form of development is located to remedy the contravention.

#### **Part 4**

As a result of my inspection, I have determined that there are contraventions of Zoning Bylaw No. 8770. You are hereby ordered to remedy the contravention as follows:

#### **Contravention:**

1. The detached accessory building has a floor located more than 1.2 metres above grade level.

#### **You are hereby ordered to:**

1. On or before August 31, 2019, you are required to remove the detached accessory building or modify it to ensure that the floor is not more than 1.2 metres above grade level.

#### **Section:**

#### **5.7 Accessory Buildings and Structures:**

(3) In any R or M district, no detached accessory buildings or structures shall:

- (d) have a floor located more than 1.2 metres above grade level.

#### **Relevant Sections of the Zoning Bylaw No. 8770:**

2.0 Definitions; Accessory Building; 4.2(1) Application of Regulations; 4.3.1(1) Development Permit Required; 5.7 Accessory Buildings and Structures; (3)(d); 8.4 R2 - One and Two-Unit Residential District

#### **Part 5**

It is an offence to fail to comply with an Order made pursuant to Section 243 of *The Planning and Development Act, 2007*. Upon conviction, an individual is liable to a fine of not more than \$10,000.00, and in the case of a continuing offence, to an additional fine of not more than \$2,500.00 for each day during which the offence continues. Upon conviction, a corporation is liable to a fine of not more than \$25,000.00, and in the case of a continuing offence, to an additional fine of not more than \$2,500.00 for each day during which the offence continues.

**Part 6**

If you feel aggrieved by this Order, you have the right to appeal to the Development Appeals Board. If you wish to appeal, you must file the attached Notice of Appeal within 30 days of the date of the issuance of the Order. The Notice of Appeal must be filed with:

**Secretary, Development Appeals Board  
c/o City Clerks Office  
City Hall  
222 - 3rd Avenue North  
Saskatoon, Saskatchewan  
S7K 0J5**

(note: \$50.00 must accompany the Notice of Appeal).

Find attached for your information a copy of Section 219 of *The Planning and Development Act, 2007*, which outlines your right of appeal.

Dated this 30<sup>th</sup> of July, 2019.

  
Development Officer

Attachments: Notice of Appeal  
Appeals procedure

cc: Maryna Kostovska, City of Saskatoon Solicitors Department  
Secretary Development Appeals Board, c/o City Clerk's Office





Development Appeals Board  
c/o Office of the City Clerk  
222 – 3<sup>rd</sup> Avenue North  
Saskatoon SK S7K 0J5

www.saskatoon.ca  
tel (306) 975-3240  
fax (306) 975-2784

August 27, 2019

Dear Neighbouring Property Owner:

**Re: NOTICE OF HEARING – DEVELOPMENT APPEALS BOARD  
Order to Remedy Contravention – 3212 Mountbatten Street  
[Appeal No. 26-2019]**



As a neighbouring property owner of the above property you are hereby notified that **Chris and Amanda Roslinsky** has filed an appeal under section 219(1)(b) of *The Planning and Development Act, 2007*, in connection with the City's Order to Remedy Contravention regarding the property located at **3212 Mountbatten Street**. The Board is required by law to send a notice in order to give the neighbouring property owners opportunity to register their comments in writing regarding the order to remedy contravention for this property.

The Order to Remedy Contravention was issued for this property on **July 30, 2019**, pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

**Contravention:**

The detached accessory building has a floor located more than 1.2 metres above grade level.

**You are hereby ordered to:**

On or before August 31, 2019, you are required to remove the detached accessory building or modify it to ensure that the floor is not more than 1.2 metres above grade level.

The Appellant is appealing the above referenced Order to Remedy Contravention.

The Development Appeals Board will hear the appeal:

**Date and Time:** Tuesday, September 24, 2019, at 4:00 p.m.  
**Location:** Committee Room E, Ground Floor, South Wing, City Hall  
(Enter through door #1 or #1A at 4<sup>th</sup> Avenue North)

Anyone wishing to obtain further information or view the file on this matter can contact the Secretary at (306) 975-2780.

If you wish to provide written comments regarding this matter you are required to submit a letter including your name and full address to the Secretary, Development Appeals Board, City Clerk's Office, City Hall, Saskatoon, Saskatchewan, S7K 0J5 or email [development.appeals.board@saskatoon.ca](mailto:development.appeals.board@saskatoon.ca). Please note that your letter and written comments are a public document and will be provided to the parties of the appeal in advance of the hearing.

**Penny Walter, Secretary**  
Development Appeals Board

September 2, 2019



Secretary, Development Appeals Board  
City Clerk's Office, City Hall  
Saskatoon, SK S7K 0J5  
[Development.appeals.board@saskatoon.ca](mailto:Development.appeals.board@saskatoon.ca)

To: The Secretary, Development Appeals Board

Subject: NOTICE OF HEARING – DEVELOPMENT APPEALS BOARD  
Order to Remedy Contravention – 3212 Mountbatten Street  
[Appeal No. 26-2019]

We are writing in response to the Order to Remedy Appeal that was given to 3212 Mountbatten Street. We do not believe the detached accessory building that is in violation of the 1.2 metres above grade restriction needs to be remediated. It is a play fort for children, and in no way is of any danger to any of the neighbours. The building is completely within the property of 3212 Mountbatten, and we believe they have every right to build a raised play fort for their children, if they so choose.

We do not believe this building causes any inconvenience to any neighbour. When we live in a mature neighbourhood, we all need to accept that any new owner of a property will change their yard, which may be sad and annoying for us existing neighbours, but we must put petty issues aside and accept that people have the right to change their property as they wish, within the limits and boundaries of the city laws. We do not believe this building was erected with the purpose of causing harm or inconvenience to any neighbour but was with the desire to give their children a fun place to play.

We have the same style of accessory building (aka play fort) in our yard, and it was built by us 8 years ago, and we have received no complaints or orders to remove it. We believe a play fort should not be considered an accessory building and be forced to comply with the 1.2 metre restriction. Montgomery residence can legally build a Mother-in-law Suite in our back yard, that would be much higher and a larger inconvenience to neighbours, so how can a play fort be treated differently? It just is not reasonable, and we hope you see this as an excessive request, and grant Chris and Amanda Roslinksy a concession, and let them leave the existing building as it is.

Sincerely,

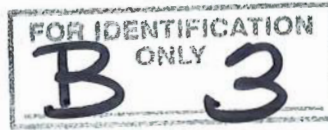
Blair, Michelle, Brennen, and Sadie Weimer

[Redacted signature]

Saskatoon, SK [Redacted]

[Redacted address line]

[REDACTED]  
Saskatoon, Saskatchewan  
[REDACTED]



September 15, 2019

VIA email: [development.appeals.board@saskatoon.ca](mailto:development.appeals.board@saskatoon.ca)

Secretary, Development Appeals Board  
City Clerk's Office  
City Hall  
222 - 3rd Avenue North  
Saskatoon, Saskatchewan S7K 0J5

Dear Ms. Walter:

**Re: Notice of Hearing - Development Appeals Board  
Order to Remedy Contravention - 3212 Mountbatten Street  
(Appeal No. 26-2019)**

Prior to receiving your letter notifying us of the appeal, our neighbour approached us and asked if we would like him to lower the tree house so it sits on the ground. He told us that if that was what we wanted he would do that. We told him we would like that. We assumed since he said he would lower it, he would and we thought the matter settled.

However, an appeal was made, so we are providing additional information so you may better understand our point of view.

We have attached two pictures of the tree house from the perspective of our property, that show the size, the height, and the location of the tree house. As you can see, it is a rather large, high structure, close to our shared property line, with two windows that face towards our house.

We feel the present height and location of this "detached accessory building" is having an impact on our lives. Formerly, we were able to enjoy our patio and backyard. No longer can we do this as the tree house looks into and dominates our back yard. A friend made the comment that this is not a playhouse or a tree house but a guardhouse, and it feels that way. It's the feeling that we have lost the privacy in our own yard that we once had.

We appreciate the opportunity to outline our concerns.

Yours truly,

[REDACTED]  
William and Maureen Ireland







