

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 3rd 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 3rd 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.¹

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.²
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

¹ Document No. 001 – Photograph of design inspiration from the Handmade Home blog.

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

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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.³
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].⁴
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.⁵
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].

³ Future landscape plans for 32 [REDACTED] Mountbatten Street.

⁴ Google Image of the lots at 32 [REDACTED] Mountbatten Street and 32 [REDACTED] Mountbatten Street.

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

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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.⁶
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.

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

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Civic Address:

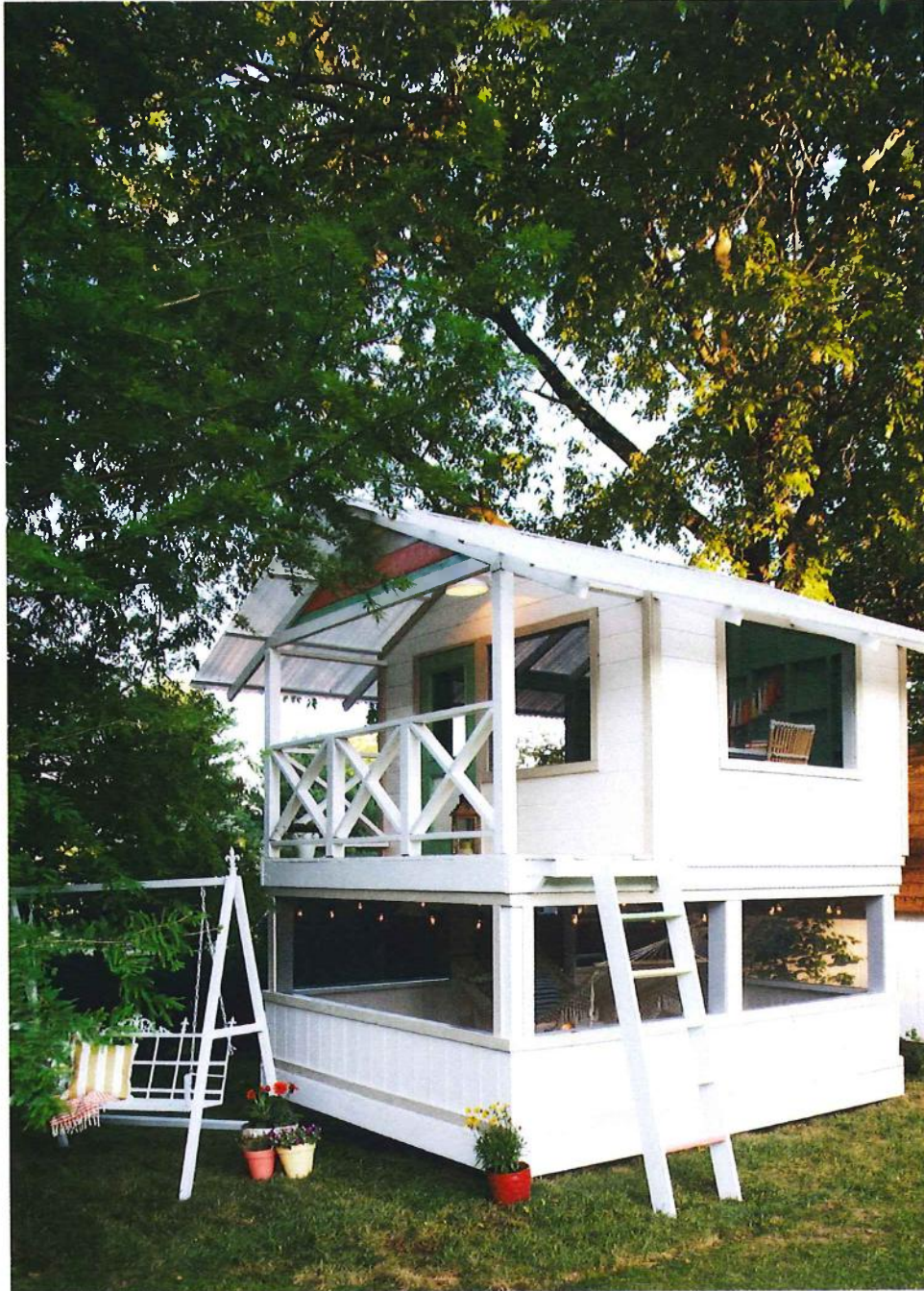
Surface Parcel: # [REDACTED]

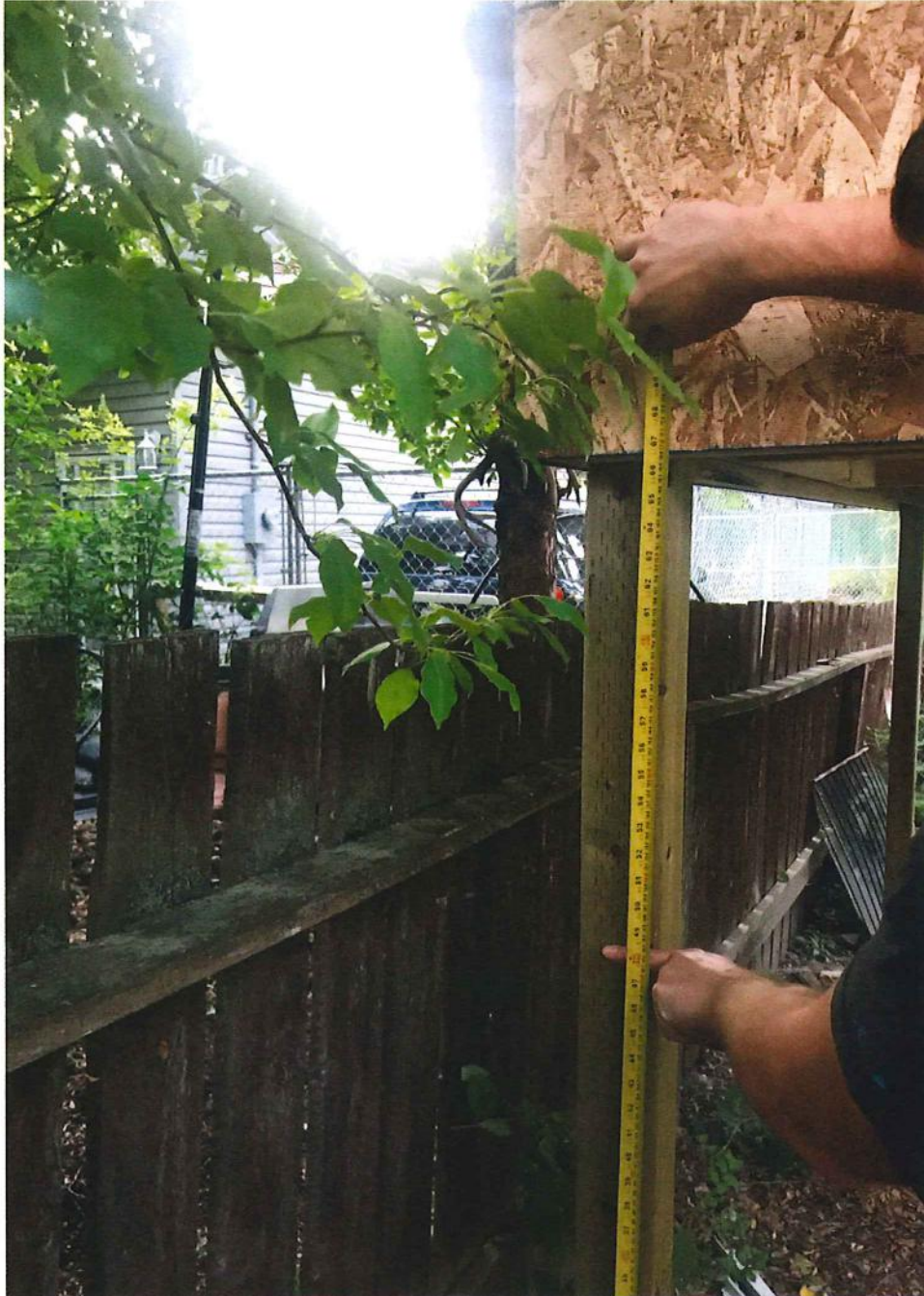
Zoning District: R2

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



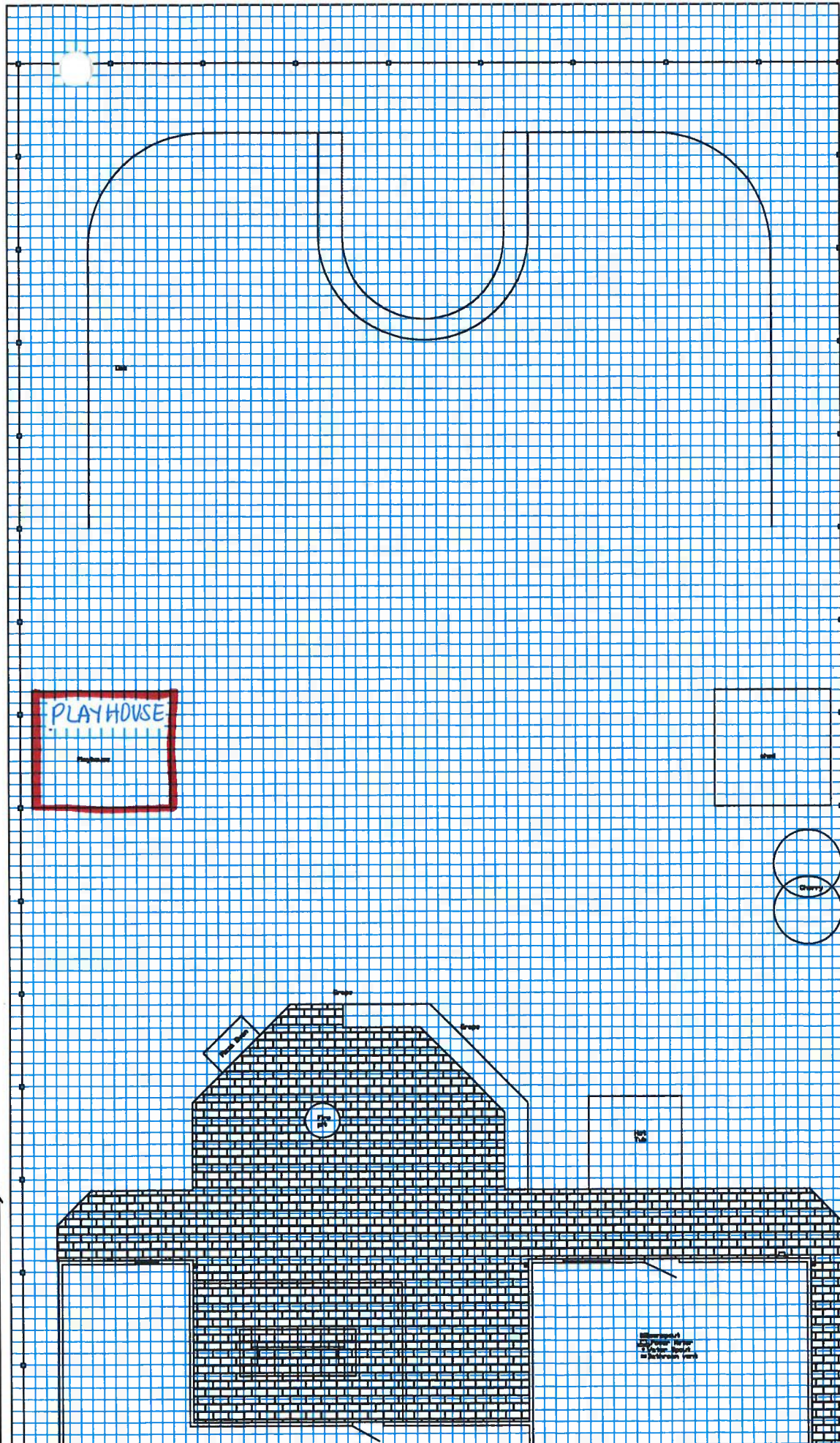


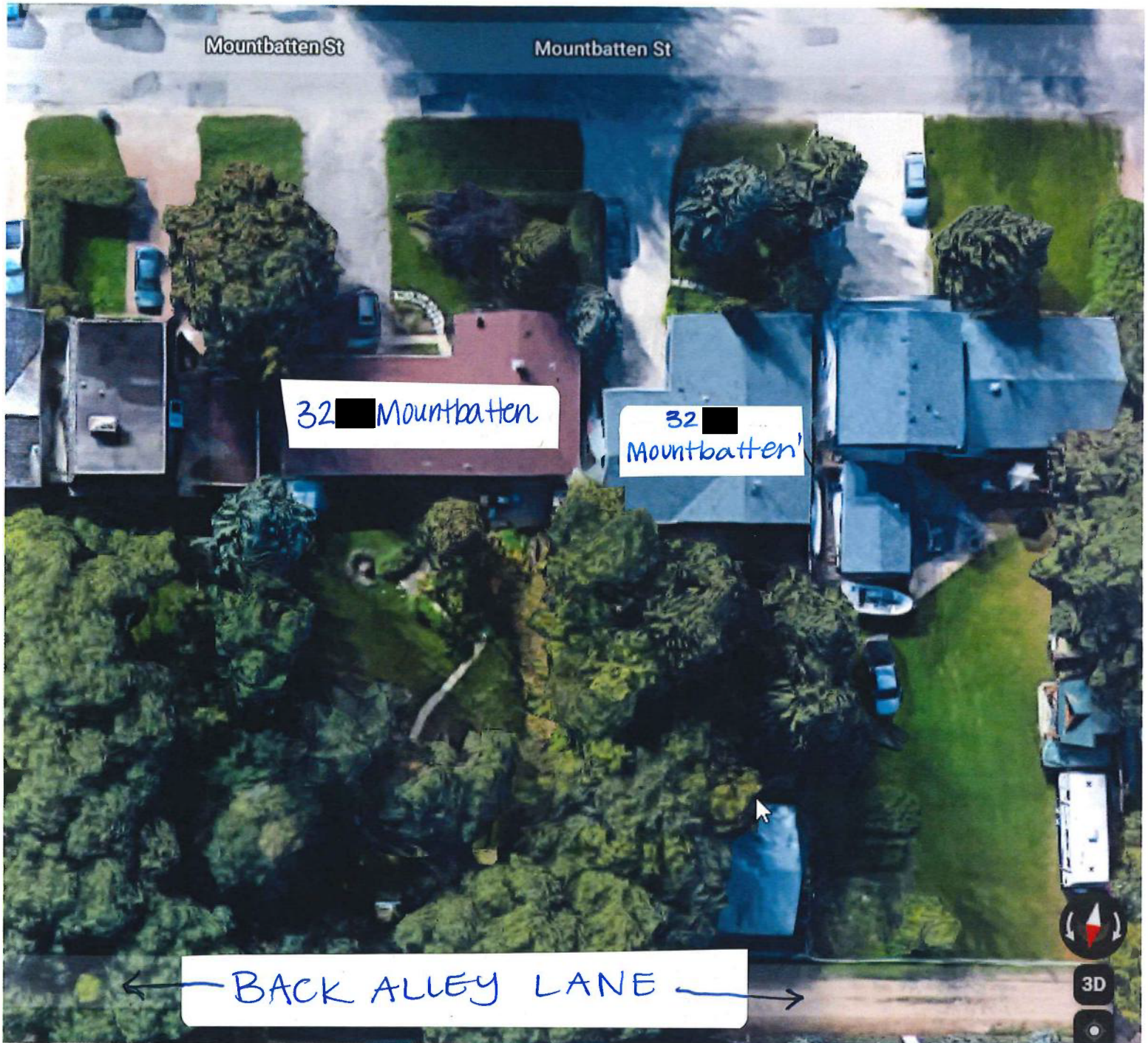


BACK LANE

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3.





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

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

