
Delegation of Authority for Building Encroachment Approval - Bylaw No. 9455, The Building Bylaw, 2017

Recommendation

That the Standing Policy Committee on Transportation recommend to City Council:

1. That the Administration be delegated the authority to approve building encroachments; and
2. That the City Solicitor be requested to amend Bylaw No. 9455, The Building Bylaw, 2017, as outlined in this report.

Topic and Purpose

The purpose of this report is to request that the approval of building encroachments be delegated to the General Manager, Community Services Department. Further, this report also proposes housekeeping amendments to Bylaw No. 9455, The Building Bylaw, 2017, to provide clarity to the application process.

Report Highlights

1. The current process for approving applications for building encroachments could be more efficient.
2. To improve efficiency of approving building encroachments, the Administration is recommending the approval of building encroachments be delegated to the General Manager, Community Services Department.
3. Updates to current language within Bylaw No. 9455, The Building Bylaw, 2017, (Building Bylaw) will provide improved process clarity, as well as alignment with Bylaw No. 8770, The Zoning Bylaw, while maintaining the current intent of bylaw requirements.

Strategic Goal

This report supports the City of Saskatoon's (City) Strategic Goal of a Culture of Continuous Improvement and Sustainable Growth related to economic growth and development through streamlining process to support business practices and building and development approvals.

Background

A building encroachment is loosely defined as being any portion of a building structure which extends onto City property.

Currently, a Building and Development Permit for the construction of a building encroachment shall not be issued until the approval of the building encroachment is granted by City Council. The authority to approve a building encroachment is delegated by City Council to the Standing Policy Committee on Transportation (Committee).

The rights and privileges of both the property owner and the City are specified in an encroachment agreement. An encroachment agreement is registered on the property title and an annual fee is charged through the tax roll.

Report

Current Process

An application for a building encroachment is submitted to the Building Standards Division. Once received, the application may be reviewed by the following internal and external stakeholders depending upon the nature of the encroachment:

- a) Building Standards Division;
- b) Planning and Development Division;
- c) Transportation and Utilities Department;
- d) Urban Forestry Section;
- e) Major Projects Section;
- f) Saskatoon Fire Department;
- g) Saskatoon Light & Power Division;
- h) Saskatoon Water Division;
- i) SaskEnergy;
- j) SaskPower; and
- k) Shaw Communications Systems Inc.

Applications are required to meet stakeholder policies, guidelines, and established requirements. Upon stakeholder approval, a report is prepared for consideration by the Committee. If approved by the Committee, the Office of the City Solicitor prepares an encroachment agreement and the Building and Development Permit for the construction is then issued.

The review and approval process may take up to ten weeks to complete, of which, three to five weeks are for the internal review process.

Delegated Approval

The Committee considers approximately 10 to 15 building encroachment requests each year. In review of the applications received over the last five years, all encroachment requests considered by Committee were approved.

The delegation of approval of building encroachments to the General Manager, Community Services Department, will result in improved efficiency and a reduction in the approval processing time of five to seven weeks.

Housekeeping Amendments

Updates to the current language within the Building Bylaw, include:

- a) adding a defined term for “encroachment” to the bylaw to remove the need to define it each time it is used;
- b) adding language to reflect current process requirements for an application for an encroachment to be made to the local authority;

- c) locating all references related to the approval of an encroachment into a single section;
- d) clarifying minimum requirements related to awnings, canopies, underground areas, and overhead passageways in addition to the general and approval requirements to reflect the current process; and
- e) revising wording in the awning and canopy sections to align with the Zoning Bylaw.

Options to the Recommendation

The Committee may choose to not approve the recommendations as presented. In this case, the current process for approving building encroachments and bylaw language would remain in effect.

Public and/or Stakeholder Involvement

In preparing this report, customer feedback related to process times was considered.

Other Considerations/Implications

There are no policy, financial, environmental, privacy, or CPTED implications or considerations; a communication plan is not required at this time.

Due Date for Follow-up and/or Project Completion

If the recommendations included in this report are approved, the Building Bylaw would be amended and processes updated to be in effect upon the approval of the Building Bylaw amendments by City Council.

Public Notice

Public notice, pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Report Approval

Written by: Kara Fagnou, Director of Building Standards

Approved by: Randy Grauer, General Manager, Community Services Department

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