



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

April 15, 2025, 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. **CALL TO ORDER**
2. **APPEAL HEARINGS**
 - 2.1 **Appeal 11-2025 - Order to Remedy Contravention - 434 Witney Avenue North - 2025**
3. **ADJOURNMENT**

 **City of Saskatoon**
 Planning & Development Department

Application Form
DEVELOPMENT APPEAL APPLICATION

Last Updated On:
1/03/2023

Applicant Information Date of Application: 14:03:25

Name of Applicant: MICHAEL & GENEVIÈVE MONTCOMBROUX

Address: [REDACTED] SASKATOON Postal Code: [REDACTED]

Home Telephone: [REDACTED] Work Telephone: - E-mail: [REDACTED]

Applicant's Interest in the Property: Owner Tenant Option to Buy
 Owner's Representative Other: _____

Registered Property Owner(s): (if different from above) N/A

Name: _____

Address: _____ Postal Code: _____

Home Telephone: _____ Work Telephone: _____ E-mail: _____

Location of Subject Property

Legal Description: Lot (s) 120046373 - 120046362, Block _____, Plan No. _____

Civic Address: 434 WITNEY AVENUE N.

Present Status of Building or Structure Under Appeal:
 Construction not yet begun Under Construction Completed

Type of Construction:
 Residential Commercial Industrial Other (specify) _____

Description of Development Appeal: (example: side yard deficiency, parking deficiency, etc.)
SIDE YARD DEFICIENCY

Reason for Development Appeal: (as per *The Planning and Development Act, 2007*, applicants have 5 days prior to the appeal hearing date to submit drawings and written materials)
PLEASE SEE ATTACHED SHEET

Application for Development Permit has been submitted to the Community Services Dept. and subsequently been denied on N/A (date)

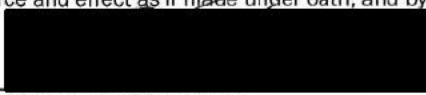
Attachments

Please ensure the following has been attached:

1. Application Fee: I have enclosed the required \$50.00, non-refundable Application Fee (please make cheques payable to City of Saskatoon) Fee Attached

Declaration of Applicant

I hereby certify that all the above statements contained within this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of *The Canada Evidence Act*.


 Signature of Applicant

14:03:25
 Date

For Office Use Only:

Comments: _____ File No: _____

Cash Receipt No: _____ Amount Paid: _____ Cheque No: _____

Michael & Geneviève Montcombroux


Reason for development appeal

The reason for this appeal against the Order to Remedy Contravention dated March 12th, 2025, concerning the addition to a backyard side fence exceeding two meters in height, is to request an extension of the deadline of April 30th, 2025.

Currently, and presumably, for some time to come, the area is under a few feet of frozen snow, making the work impossible. Given the likelihood of inclement weather in March and April, this reduces the window to complete the work.

Since my wife and I are both seniors (I am 89), we are reliant on a contractor to do the necessary amendment, and no fencing contractor that we contacted, will give a firm commitment to have the work completed by the deadline, and thereby avoid a penalty.



222 3rd Avenue North Saskatoon Saskatchewan S7K 0J5
Phone (306) 975-2645 Fax (306) 975-7712

The order dated October 31, 2024, has been rescinded and replaced with this order dated March 12, 2025.

ORDER TO REMEDY CONTRAVENTION

THE PLANNING AND DEVELOPMENT ACT, 2007

CITY OF SASKATOON ZONING BYLAW NO. 8770

To: Genevieve & Michael Montcombroux

████████████████████
Saskatoon, SK ██████████

Owner(s)

Part 1

I, Patricia Chartier, Development Officer for The City of Saskatoon, inspected:

Civic Address: 434 Witney Avenue North
Surface Parcel: 120046373, 120046362
Zoning District: R2

on March 10, 2025

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. 9990. You are hereby ordered to remedy the contravention as follows:

Contravention:

The site 434 Witney Avenue North is located in a R2 zoning district where the form of development has been altered by the addition of a side fence which exceeds 2.0m in height.

You are hereby ordered to:

1. On or before April 30, 2025, you are required to reduce the height of the fence to 2.0 m above grade by removing the screening attached to the fence.

Relevant Sections of the Zoning Bylaw No. 8770:

4.2(1) Application of Regulations; 5.1.14 Fences (2); 8.4 R2 Low Density Residential District 2; 2.0 Definitions "alteration or altered", "development", "development officer", "dwelling unit", "site", "structure", "yard".

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 12th of March 2025,

Patricia Chartier
Development Officer

Attachments: Notice of Appeal
Appeals procedure.

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

March 27, 2025

«RGSTR_OWNER»
«MAILING_ADDR_DELIV_ADDR1»
«MAILING_ADDR_CITY»
«MAILING_ADDR_PROV_CODE»
«MAILING_ADDR_POSTAL_CODE»

NEIGHBOUR NOTIFICATION

Reference: Order to Remedy Contravention – Appeal No. 11-2025
Site: 434 Witney Avenue North
Proposal: Height of Fence

The above-noted appeal has been filed by **Michael and Genevieve Montcombroux** under Subsection 219(1)(c) of *The Planning and Development Act, 2007*. This letter has been sent to you as the registered owner or property manager of a property that has been deemed as neighbouring the subject site. The Board is required by law to send a notice in order to give the neighbouring property owners opportunity to submit comments in writing regarding the appeal.

The property is zoned **R2** under *Zoning Bylaw No. 9900*, and the Appellant is appealing the following deficiency for the property:

Contravention:

The site 434 Witney Avenue North is located in a R2 zoning district where the form of development has been altered by the addition of a side fence which exceeds 2.0m in height.

The owner is hereby ordered to:

On or before April 30, 2025, you are required to reduce the height of the fence to 2.0 m above grade by removing the screening attached to the fence.

The Development Appeals Board will hear the appeal: Tuesday, April 15, 2025, at 4:00 p.m. in Committee Room E. Appeal hearings are open to the public.

For additional information please refer to the website at www.saskatoon.ca (select City Hall, City Council, Boards & Committees, Agendas, Minutes & Video, Development Appeals Board) or contact the Secretary at (306) 975-3240.

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.

Submissions providing comments and/or requests to speak must be received in the City Clerk's Office by noon the day of the hearing. 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.

Debby Sackmann, Secretary
Development Appeals Board