



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

July 8, 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 19-2025 - Development Permit Denial - 316 4th Avenue North**
 - 2.2 Appeal 20-2025 - Order to Remedy Contravention - 2816 McConnell Avenue**
 - 2.3 Appeal 21-2025 - Order to Remedy Contravention - 542 Smallwood Crescent**
- 3. ADJOURNMENT**

City of Saskatoon Development Appeal Application- page 2

THIS PAGE WILL FORM PART OF THE PUBLIC RECORD FOR THE APPEAL

Applicant Name: David Edwards

Registered Property Owner(s):
(if different from above):

Location of Subject Property

Legal Description

Lot (s) 4, 5 and 6

Block BLK/PAR 173

Plan No. PLAN E2335 EXT 0

Civic Address: 316 4th Avenue North

Present Status of Building or Structure Under Appeal:

☒ Construction not yet begun

☐ Under Construction

☐ Completed

Type of Construction:

☐ Residential

☒ Commercial

☐ Industrial

☐ Other
(specify) Commercial

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

The owners of the property wish to appeal the requirement for the 3M wide landscape strip on the property facing 4th. Avenue. The owners do intend to construct the 1M high screening fence facing 4th Avenue as required under the current bylaw.

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)

The existing surface parking lot has been in existence, in the current condition, since the demolition of the former building on the site, in 1998. Because of an oversight at the time (1998), an application was not sent to the City to change the use to a surface parking lot, which is allowed under the current bylaw and the bylaws at the time. We are unaware of what the landscape requirements may have been in 1998. The property is unique for a surface parking lot in the downtown area, as it has an existing landscaped city boulevard between the property and 4th Avenue. An additional 3M of landscaping and additional trees behind the existing boulevard would seem to be redundant. The owners intend to construct the 1M high screening fence along the 4th Avenue property line, which will meet the intent of the bylaw in regard to screening surface parking lots. The relaxation of the landscaping requirement in this particular instance and circumstance does not provide any special privilege. The intent of the bylaw is being met with the existing landscaping and the construction of the new screening fence, and there is no injurious affect on any of the neighbouring properties. Additional supporting documents will be provided at a later date

BOTH SIDES OF THIS FORM MUST BE COMPLETED

316 4th Avenue North Development Appeal

Appeal No. 19-2025 – 316 4th Ave N

Appellant Submission

The purpose of the Development Permit Application filed in June of 2025 was to have the existing use of the property (surface parking lot) on file with the City of Saskatoon as an approved use in the B6 District.

The City of Saskatoon letter dated May 29, 2025, Document R.1 and the Neighbour Notification dated June 17, 2025 both refer to a “New One Unit Dwelling”. I would like to clarify that there is no new one unit dwelling associated with this development permit application or appeal. The use of the property is a surface parking lot.

The surface parking lot at this location has been in existence since 1998. Due to a clerical oversight by the property owner in 1998, the City was not informed that the new use of the property was a surface parking lot, after the demolition of the previous building on the site. The surface parking lot was an approved use under the B6 zoning at the time and is an approved use today.

We are not aware of what landscaping requirement (if any) may have been in place when the property use began as a surface parking lot.

The current owners wish to appeal the requirement for the 3M landscape strip and additional trees to be planted in the landscape strip along the 4th Avenue side of the property. The current owners do intend to construct the required 1M high screening along the 4th Avenue side of the property as required under the bylaws.

The property is somewhat unique for a surface parking lot in the B6 zoning area, as there is an existing City boulevard between the property and 4th Avenue which is grassed and has mature trees on it. The owners have always maintained the City boulevard to keep the property and streetscape in good condition.

The requirement to provide an additional 3M of landscaping and another line of trees behind the existing trees along the 4th Avenue property is somewhat redundant, and would not provide much more screening or softening of the site than what currently exists.

It is not intended that the property will remain as a surface parking lot forever, but at some point in the future it will be developed for use as an office building or residential tower. At that point in time it is more than likely that the 3M landscape strip on the property and any trees in the strip would be removed, as there is no front yard setback requirement in the current B6 zoning for building construction.

SPECIAL PRIVILEGE

Because of the unique circumstance of the existing city boulevard being in place and landscaped already between the property and 4th avenue, there may not be any other surface parking lots in the B6 zoning with a similar condition. Perhaps this particular condition was not considered in the bylaw development, but a similar variance could be applied to other surface parking lots with existing landscaped boulevards, which would meet the intent of the bylaw.

INTENT

We feel the intent of the bylaw is being met, even with the variance in place, as our understanding of the intent is to soften the aesthetics on the streetscape of surface parking lots through soft landscaping and 1M high screening. The owners intend to provide the required screening, and the existing landscaped city boulevard provides the required soft landscaping between the sidewalk and the parking area.

INJURIOUS AFFECTION

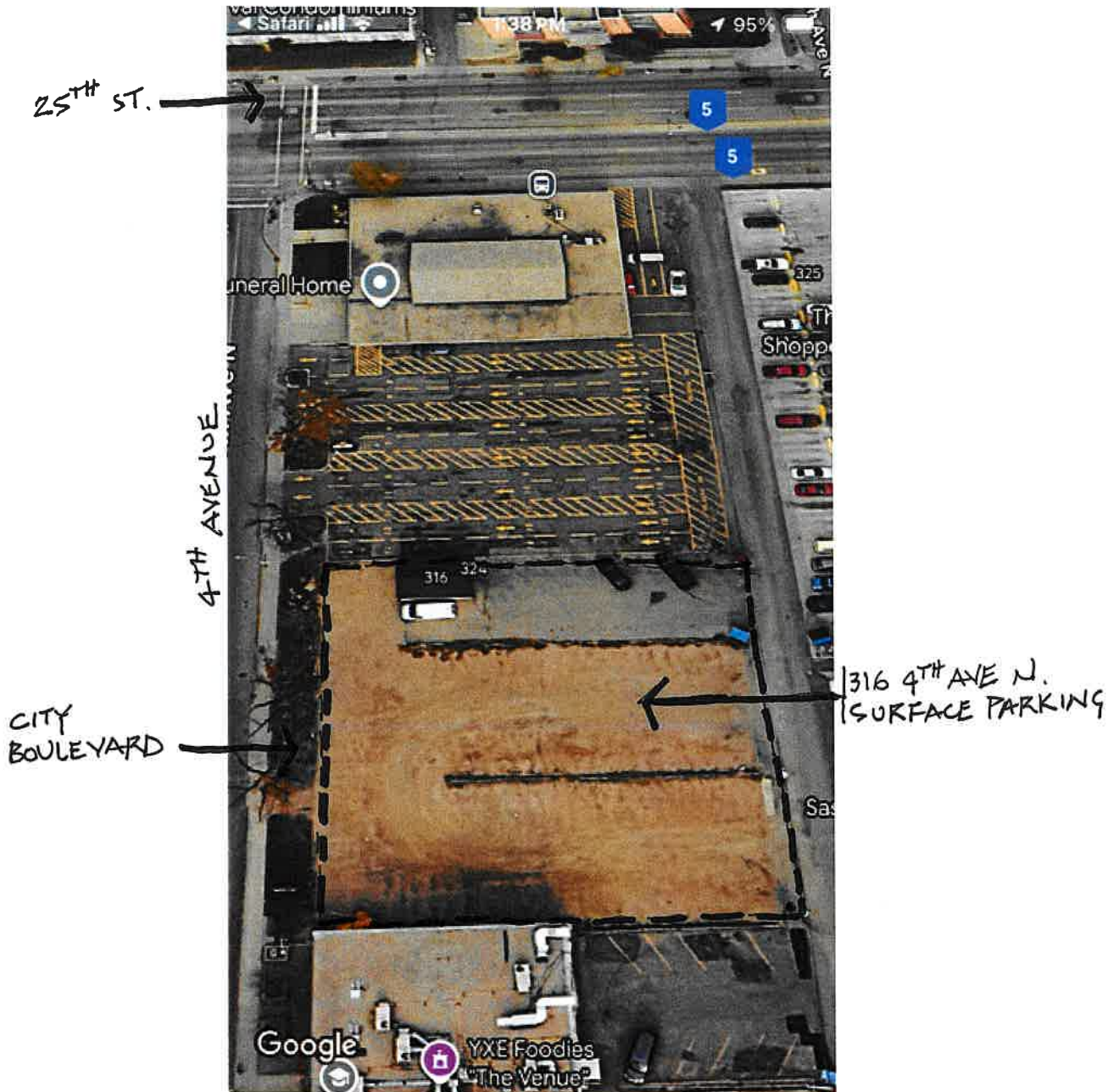
The existing parking lot has been in existence since 1998 and we are not aware of any comments or complaints about the aesthetics, maintenance, upkeep, or appearance of the parking area, city boulevard, or the city sidewalk along 4th Avenue. The boulevard has always been maintained in good condition by the owners. With the installation of the 1M high screening fence the existing appearance will be enhanced.

Several letters from adjacent property owners and tenants in adjacent 4th Avenue properties supporting the appeal are attached for reference along with several photos of the site.

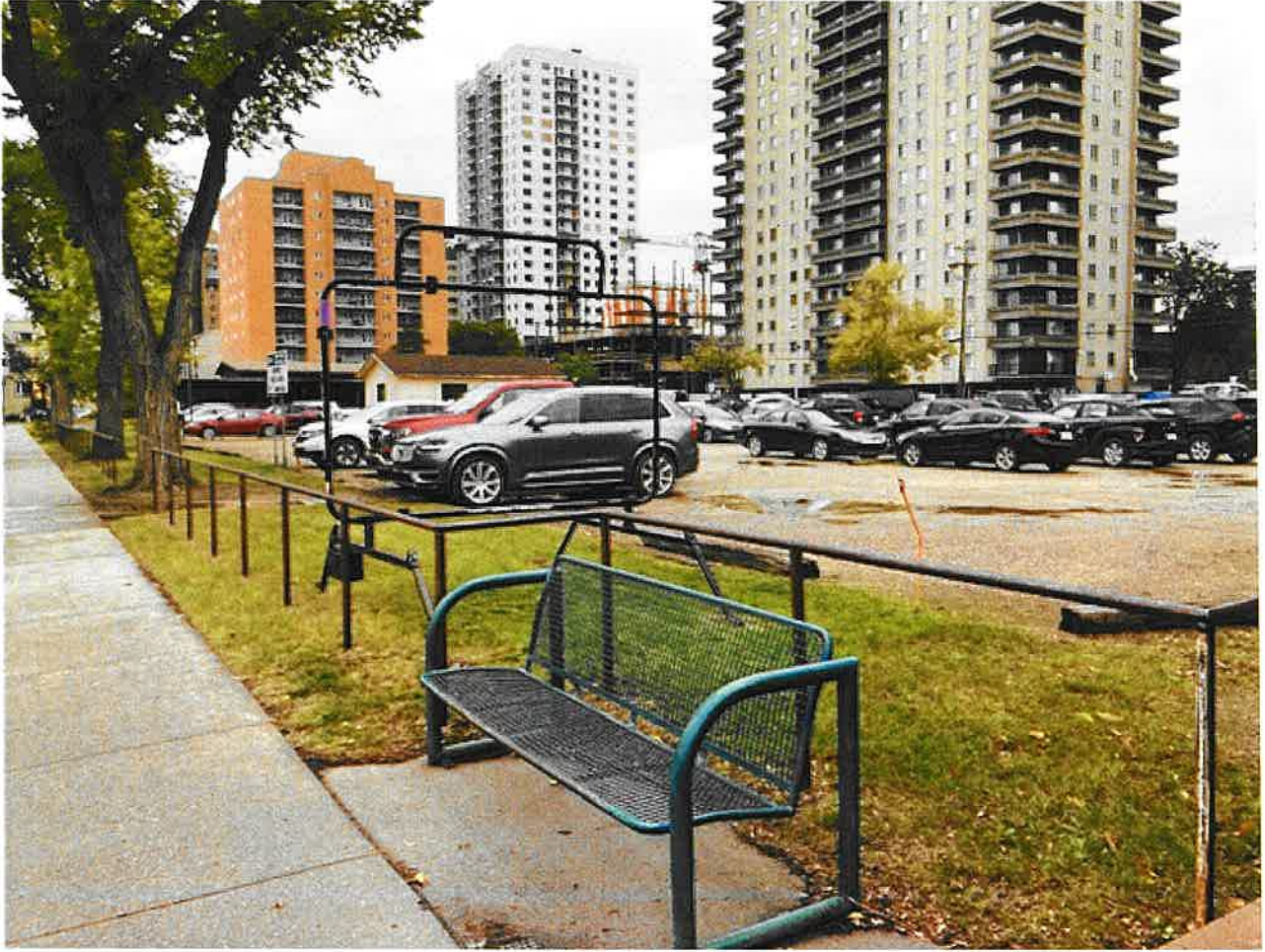
David C Edwards

EDNI Holdings LTD.

— IMG_7004.PNG —



— IMG_7005.jpg —



316 4TH AVE N. LOOKING NORTH.

— IMG_7080.jpg —



316 4TH AVE N. LOOKING EAST

— IMG_7082.jpg —



06/16/2025

EDNI Holdings Ltd.
Attn: Dave Edwards

Support for Appeal – Landscaping Requirements

As the adjacent property owner, and a tenant leasing space across the street, we are writing in support for your appeal regarding the new landscaping requirements associated with the existing parking lot at 316 4th Avenue North.

We understand that there may be a requirement of a 3-metre landscaped strip and additional landscaping elements such as trees. However, the existing boulevard at 316 4th Avenue North already features landscaping such as grass and mature trees.

In our view, requiring additional landscaping would be unnecessary. The existing landscaping is sufficient and aesthetically consistent with the surrounding streetscape and neighbourhood.

We appreciate your ongoing care, upkeep, and maintenance of the property.

Regards,
Kessa Edwards

Vice President
Saskatoon Funeral Home
Edwards Family Centre

A Division of Edwards Funeral Services Ltd.



June 13, 2025

City of Saskatoon
222 3rd Avenue North
Saskatoon, SK S7K 0J5

Dear City of Saskatoon,

RE: Support for EDNI Holdings – Request to Waive Additional Landscaping Requirements

On behalf of Saskatoon Real Estate Services Inc., I am writing in support of EDNI Holdings' application to designate 316 4th Avenue N for surface-level parking, and to respectfully request that the requirement for an additional 3 meters of landscaping and 8 trees be waived.

As tenants at 333 4th Avenue N, we are familiar with the streetscape and surrounding area. The adjacent city-owned property already features mature trees and significant landscaping, which we feel meets the visual and environmental intent of the bylaw. Requiring additional plantings on the EDNI site would be redundant and would reduce the number of much-needed parking spaces.

Parking remains a critical issue for downtown businesses, employees, and visitors. Allowing this site to be used efficiently for parking would help address this ongoing concern and support the overall vibrancy and accessibility of Saskatoon's core.

We respectfully ask the City to take into account the existing landscape features and the broader need for downtown parking when reviewing this application.

Thank you for your time and consideration.

Sincerely,

Lorie Houle
Co-Owner & Managing Partner
Saskatoon Real Estate Services Inc.



May 29, 2025

R.1

Kristin Mahan Thompson
Edwards Edwards McEwen Architects

SENT VIA EMAIL

Re: Development Permit Denial: DPA-2025-04684
Proposal: New One Unit Dwelling
Site Address: 316 4th Ave N
Neighbourhood: Downtown
Zoning District: B6 – Downtown Commercial

The Planning and Development Division has reviewed your Development Permit application for a Commercial Parking lot. After review, the following deficiencies have been noted with the City of Saskatoon's Zoning Bylaw 9990:

1. Requirement:

Section 7.7.5 states:

The minimum front yard landscape strip for the B6 Zoning District is 3 metres.

Section 7.7.6(7) states: Within the B6 district, the landscaping requirements shall only apply to sites used for service stations, public garages and commercial parking lots or parking stations located at grade level. On sites used for commercial parking lots and parking stations located at grade level, screening of the site from front streets, flanking street and public lanes must be provided to the satisfaction of the development officer.

Proposed:

The site plan provided does not identify a front yard landscape strip.

Deficiency:

The proposed development is deficient in providing a 3 metre front yard landscape strip.

2. Requirement:

Section 7.3(2) states the required tree planting ratio is one tree for every 6 linear metres along required frontages and one tree for every 9 linear metres along required flankages and rear yards. Based on the frontage of the site (45.75m), the required number of tree plantings is 8.

Proposed:

The site plan provided does not identify any tree plantings.

Deficiency:

The proposed development is deficient in providing 8 tree plantings.

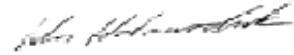
As consequence, the Planning and Development Division cannot approve your plans for a Development Permit.

I understand you wish to appeal this decision to the Development Appeal Board. To proceed with a appeal request please fill out the online Development Appeal application form available through the following link: <https://capps.saskatoon.ca/development-appeals/> within 30 days of the date of this letter. Note there is an application fee of \$50 for this process. Attached to this email is general

information about the Development Appeal process, as well as an extract from the Planning and Development Act 2007.

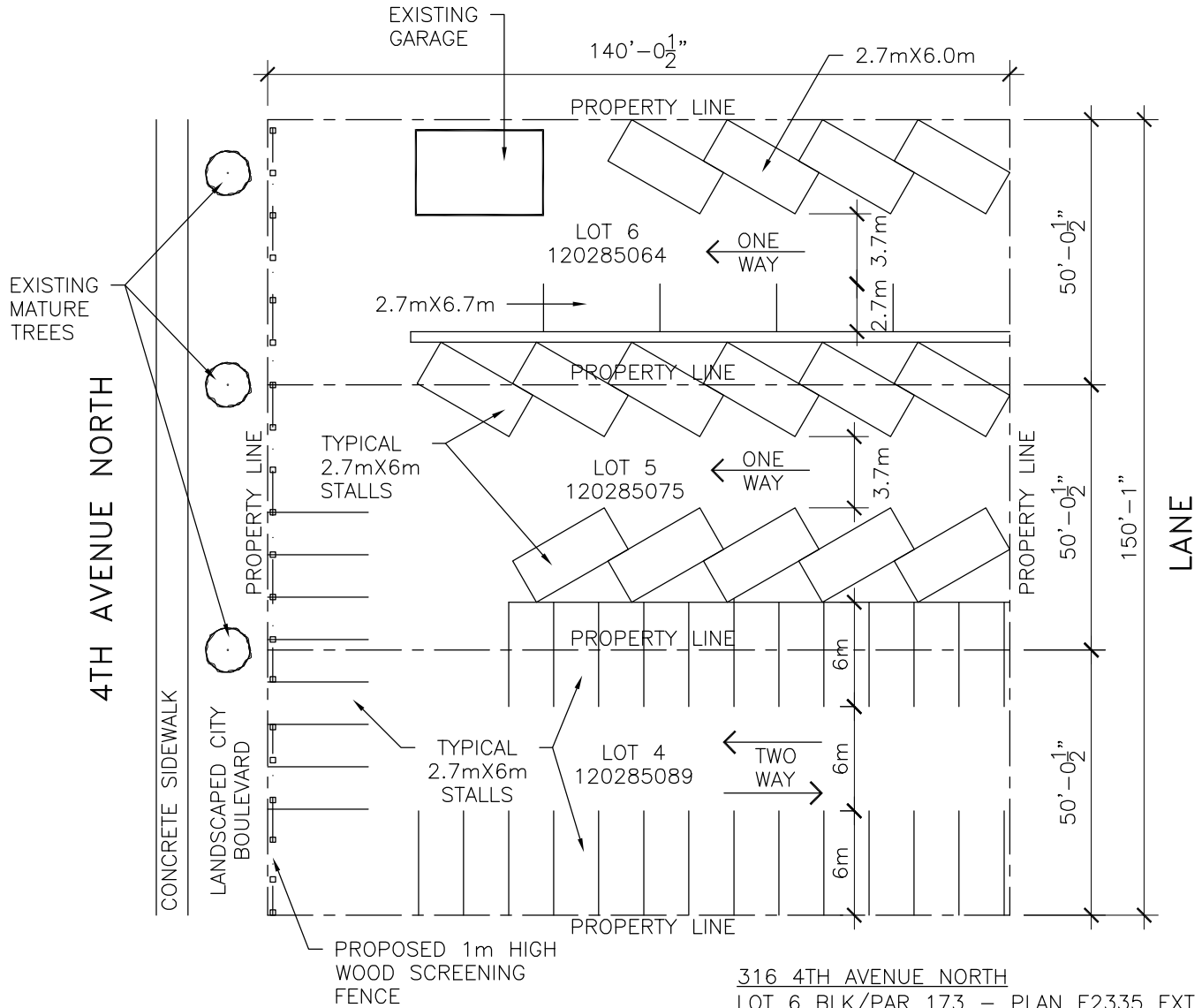
If you have any questions about this information, please let me know.

Sincerely,



Wes Holowachuk
Planning and Development Division (306-975-7905)
Wes.Holowachuk@Saskatoon.ca

cc: Brent McAdam, Planning and Development
Development Appeal Board Secretary, City Clerks



NORTH



1

SITE PLAN

SCALE 1/32"=1'-0"

316 4TH AVENUE NORTH

LOT 6 BLK/PAR 173 - PLAN E2335 EXT 0

LOT 5 BLK/PAR 173 - PLAN E2335 EXT 0

LOT 4 BLK/PAR 173 - PLAN E2335 EXT 0



EDWARDS EDWARDS McEWEN
ARCHITECTS

202 AVENUE B NORTH
SASKATOON, SASKATCHEWAN
S7L 1E2

PHONE: (306) 343-6000
FAX: (306) 374-1661
eema@sasktel.net

PROJECT:

316 4TH AVENUE N.
PARKING

CONTENTS:

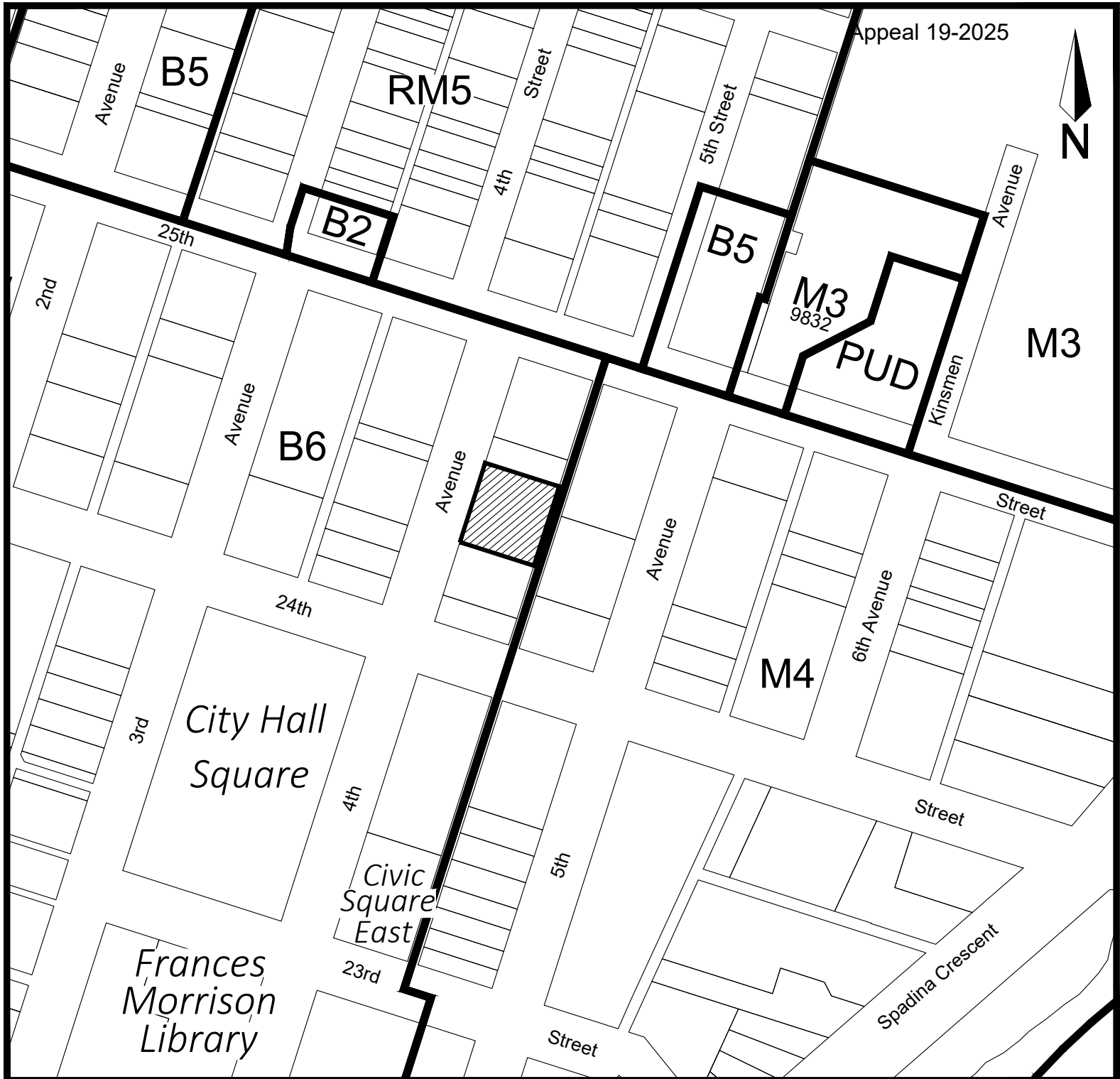
SITE PLAN

DRAWN: JO
CHECKED: DE
DATE: MAY 2025
SCALE: AS NOTED

FILE: 6953

DRAWING:

A0.0



DEVELOPMENT APPEAL - LOCATION PLAN

ADDRESS: 316 4th Avenue North

R.2

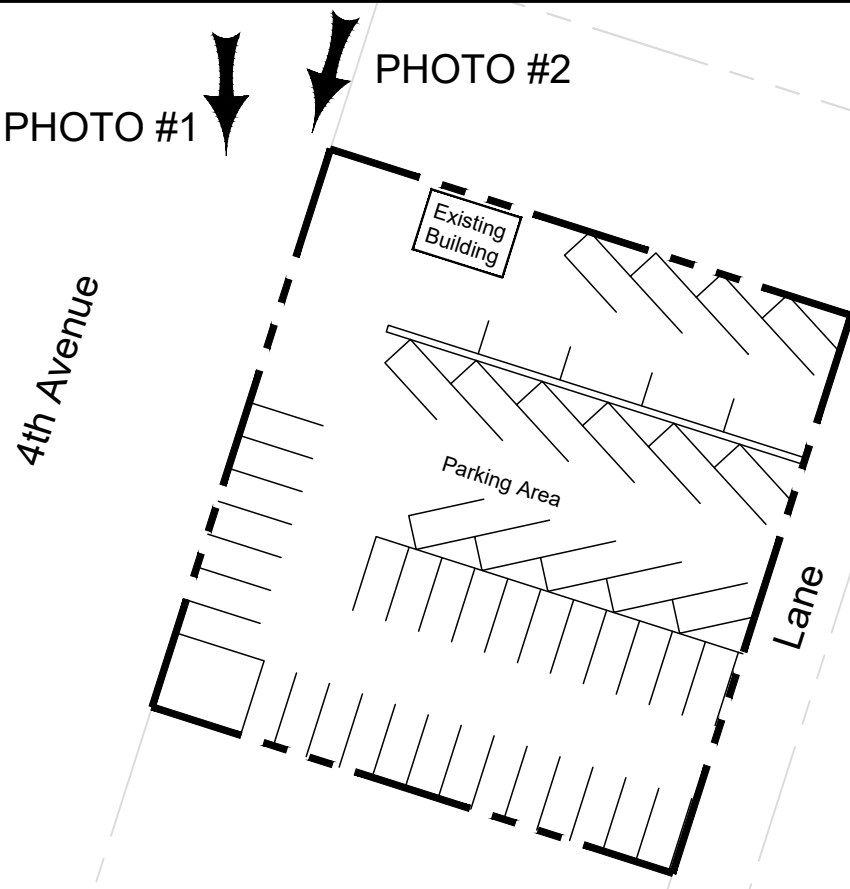
LOT: 4 to 6

BLOCK: 173

PLAN: E2335

Received
City Clerk's
Office
June 27, 2025





Required: Section 7.7.5 states:

The minimum front yard landscape strip for the B6 Zoning District is 3 metres.

Section 7.7.6(7) states: Within the B6 district, the landscaping requirements shall only apply to sites used for service stations, public garages and commercial parking lots or parking stations located at grade level. On sites used for commercial parking lots and parking stations located at grade level, screening of the site from front streets, flanking street and public lanes must be provided to the satisfaction of the development officer.

Proposed: The site plan provided does not identify a front yard landscape strip.

Deficiency: The proposed development is deficient in providing a 3 metre front yard landscaping strip.

Requirement: Section 7.3(2) states the required tree planting ratio is one tree for every 6 linear metres along required frontages and one tree per every 9 linear metres along required flankages and rear yards. Based on the frontages of the site (45.75m), the required number of tree plantings is 8.

Proposed: The site plan provided does not identify any tree plantings.

Deficiency: The proposed development is deficient in providing 8 tree plantings.

DEVELOPMENT APPEAL - SITE PLAN

ADDRESS: 316 4th Avenue North

LOT: 4 to 6

BLOCK: 173

PLAN: E2335

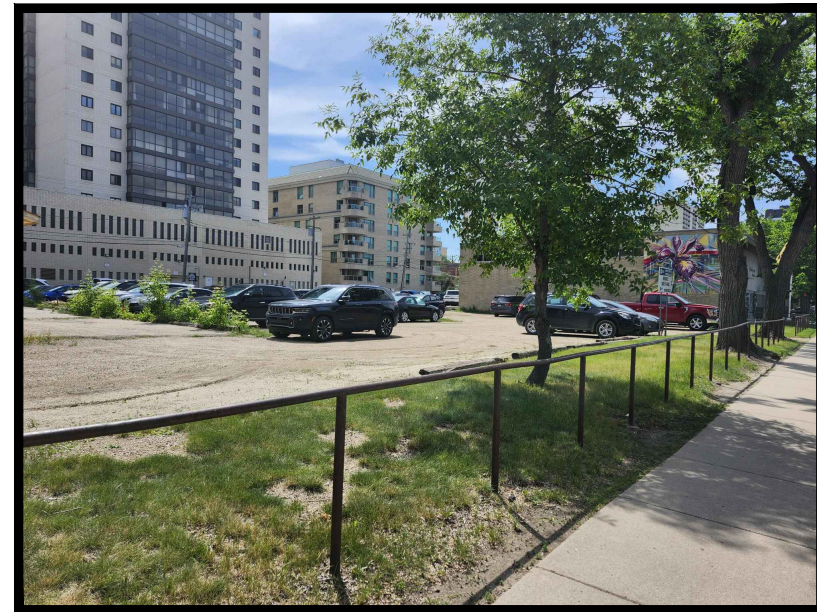
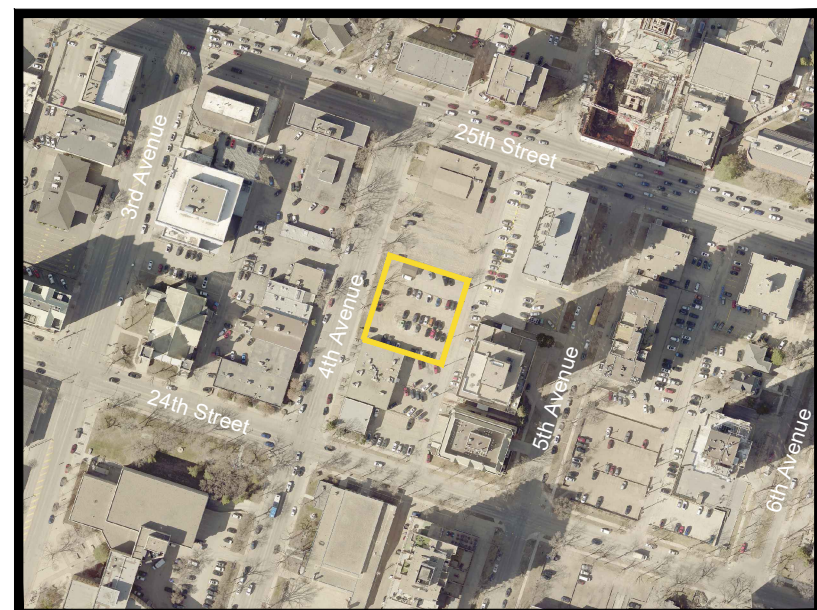


PHOTO 1



PHOTO 2



2023 AERIAL PHOTOGRAPHY

June 17, 2025

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

NEIGHBOUR NOTIFICATION

Reference: Development Permit Denial – Appeal No. 19-2025
Site: 316 4th Avenue North
Proposal: New One Unit Dwelling – Landscaping Requirements

The above-noted appeal has been filed by **David Edwards, Edni Holdings Ltd.** under Subsection 219(1)(b) 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 **B6** under *Zoning Bylaw No. 9900*, and the development permit was denied due to the following deficiencies:

1. Requirement: Section 7.7.5 states:
The minimum front yard landscape strip for the B6 Zoning District is 3 metres.

Section 7.7.6(7) states: Within the B6 district, the landscaping requirements shall only apply to sites used for service stations, public garages and commercial parking lots or parking stations located at grade level. On sites used for commercial parking lots and parking stations located at grade level, screening of the site from front streets, flanking street and public lanes must be provided to the satisfaction of the development officer.

Proposed: Based on the site plan provided it does not identify a front yard landscape strip.

Deficiency: This results in the proposed development being deficient in a 3-metre front yard landscape strip.
2. Requirement: Section 7.3(2) states the required tree planting ratio is one tree for every 6 linear metres along required frontages and one tree for every 9 linear metres along required flankages and rear yards. Based on the frontage of the site (45.75m), the required number of tree plantings is 8.

Proposed: Based on the site plan provided it does not identify any tree plantings.

Deficiency: This results in the proposed development being deficient in providing 8 tree plantings.

Development Appeals Board
Appeal 2025 - 19

The Development Appeals Board will hear the appeal: Tuesday, July 8, 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



Planning & Development Department

Application Form

DEVELOPMENT APPEAL APPLICATION

Applicant Information

Date of Application: Jun. 11/2025Name of Applicant: Jacob Lendray

Address: [REDACTED]

Postal Code: [REDACTED]

Home Telephone: [REDACTED] Work Telephone: N/A

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)

Name: _____

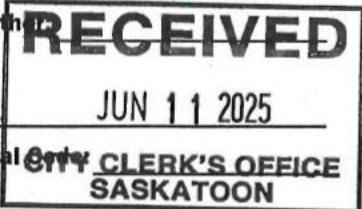
Address: _____

Postal Code: _____

Home Telephone: _____

Work Telephone: _____

E-mail: _____



Location of Subject Property

Legal Description: Lot (s) 26, Block 243, Plan No. _____Civic Address: 2816 McConnell Ave

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.)

The fence at 2816 McConnell Ave exceeds the permitted height of 2M in a rear and side yard.

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)

The fence is in compliance with 5.13(5) because the property abuts a freeway and does not exceed 2.5M

Application for Development Permit has been submitted to the Community Services Dept. and subsequently been denied on _____ (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.

[REDACTED]

Jan. 11/2025
Date

For Office Use Only:

Comments: _____

File No: _____

Cash Receipt No: _____

Amount Paid: _____

Cheque No: _____



Jacob Lendvoy

2816 McConnell Ave bylaw compliance

4 messages

Jacob Lendvoy [REDACTED]
To: nina.musanovic@saskatoon.ca

Sat, Aug 17, 2024 at 10:40 AM

I recently received a letter stating that the fence on my property does not conform to Bylaw 8770 Regulations. The fence on my property measures 8 feet which is under the permitted 2.5 metres when property abuts a freeway, as mine does. Attached is a photo of the bylaw taken from the City of Saskatoon website. Please let me know how the fence on my property is not in compliance.

Jacob Lendvoy

image1.jpeg

image1.jpeg
334K

image1.jpeg
334K

Jacob Lendvoy [REDACTED]
To: nina.musanovic@saskatoon.ca

Wed, Aug 28, 2024 at 9:17 AM

Hi,

I'm just following up to see if you have had a chance to look at my previous email. Please let me know, as I would like to get this issue resolved as soon as possible.

Thanks,
Jacob Lendvoy

> On Aug 17, 2024, at 10:40 AM, Jacob Lendvoy [REDACTED] wrote:

> I recently received a letter stating that the fence on my property does not conform to Bylaw 8770 Regulations. The fence on my property measures 8 feet which is under the permitted 2.5 metres when property abuts a freeway, as mine does. Attached is a photo of the bylaw taken from the City of Saskatoon website. Please let me know how the fence on my property is not in compliance.

> Jacob Lendvoy
> <image1.jpeg>

Musanovic, Nina <Nina.Musanovic@saskatoon.ca>
To: Jacob Lendvoy [REDACTED]

Fri, Aug 30, 2024 at 3:06 PM

Good afternoon Jacob, sorry for my late response I was on vacation, thank-you for the email this clause isn't admissible to your property as it does not directly abut a freeway it must share a property line with the freeway and it doesn't as the city street and boulevard with a city fence acts as a buffer I understand where you are coming from, but this clause is only for properties that are directly beside a freeway, expressway highway or railway.

If you have any questions please do not hesitate to call I will be back in the office on Tuesday September 3rd.

Best regards,

Nina Musanovic | tel 306.975.2442

Bylaw Inspector, Community Standards Division

City of Saskatoon | 222 3rd Avenue North | Saskatoon, SK S7K 0J5

nina.musanovic@saskatoon.ca
www.saskatoon.ca

From: Jacob Lendvoy [REDACTED]
Sent: Saturday, August 17, 2024 10:41 AM

To: Musanovic, Nina <Nina.Musanovic@Saskatoon.ca>
Subject: 2816 McConnell Ave bylaw compliance

[Warning: This email originated outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

I recently received a letter stating that the fence on my property does not conform to Bylaw 8770 Regulations. The fence on my property measures 8 feet which is under the permitted 2.5 metres when property abuts a freeway, as mine does. Attached is a photo of the bylaw taken from the City of Saskatoon website. Please let me know how the fence on my property is not in compliance.

Jacob Lendvoy

10:25

 saskatoon.ca

measured?

As illustrated in Figure A, the height of a fence is the distance from the ground level immediately adjacent to the fence to the highest point of the fence.

Can noise or an unattractive view be blocked?

When side or rear property lines abut a freeway, expressway, highway or railway right-of-way or an associated buffer strip, a 2.5 metre high wall or fence is permitted.

What type of fence is permitted?

The choice of design, construction and materials is up to the individual. However, fences must be maintained in a safe and reasonable state of repair.

If a neighbour is building a fence between two properties, is the other

Jacob Lendvoy [REDACTED]
To: "Musanovic, Nina" <Nina.Musanovic@saskatoon.ca>

Mon, Sep 2, 2024 at 1:45 PM

Hi Nina,

Thanks for getting back to me. I have attached a photo of my property (2816 McConnell ave) where you can clearly see that my property is next to circle drive and that there are no other properties in between. What you have written in your email states that the clause isn't admissible when there is a buffer between the freeway and property. However, that isn't what is stated in the bylaw.

Taken from your email:

"this clause isn't admissible to your property as it does not directly abut a freeway it must share a property line with the freeway and it doesn't as the city street and boulevard with a city fence acts as a **buffer**"

From the Section 5.13:

(5) In any R district, a 2.5 metre high wall or fence may be permitted along a side or rear property line that abuts an expressway, freeway, provincial highway, or railway right-of-way, or abuts a lane or parcel of land intended as a **buffer strip** adjacent to an expressway, freeway, provincial highway, or railway right-of-way.

Can you please show me where the bylaw states that if there is no shared property line or if there is a street or city fence between the freeway and my property it is not admissible to the clause?

Thanks,
Jacob Lendvoy

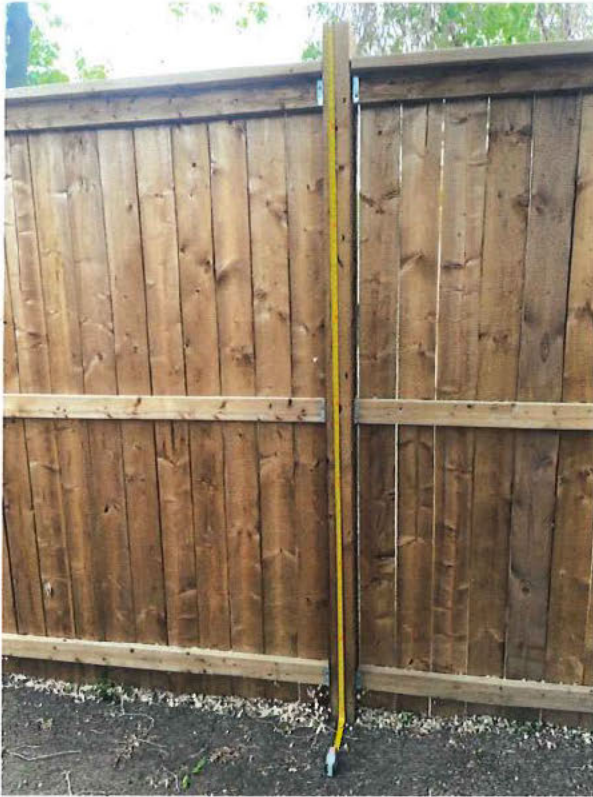


[Quoted text hidden]

The first picture shows the view outside of my fence from the point of view of my property looking south directly at Circle Drive next to my property. The second picture is the same view from inside my fence showing that the added height is blocking unwanted noise just as Clause 5.13 (5) is intended to accomplish.



These three pictures show the measured height of the fence at it's highest point being the fence posts. All posts are typical in height from grade. The measured height at these points is below the maximum height of 2.5 M as allowed by 5.13 (5).





- (b) at least one half of the height of the basement or cellar, from finished floor to finished ceiling, is located below grade level.

5.13 Fences

- (1) No wall, fence, or other structure not otherwise permitted shall be erected in a required front yard or on a site line adjacent to a required front yard, to a height of more than 1.0 metres above grade level.
- (2) No wall, fence, screen or similar structure, excepting permitted accessory buildings, shall be erected in a required side or rear yard, or on a site line adjacent to a required side or rear yard, to a height more than 2.0 metres above grade level.
- (3) Clauses (1) and (2) do not apply in AG, FUD, B5 or I districts.
(Revised – Bylaw No. 9790 – December 20, 2021)
- (4) The erection or placement of a fence or other accessory structure not being a building, located outside of a required front, side or rear yard, shall comply with the height and yard requirements of each district as if the structure were a building.
- (5) In any R district, a 2.5 metre high wall or fence may be permitted along a side or rear property line that abuts an expressway, freeway, provincial highway, or railway right-of-way, or abuts a lane or parcel of land intended as a buffer strip adjacent to an expressway, freeway, provincial highway, or railway right-of-way.
- (6) Notwithstanding Section 5.13 (1), walls, fences, or other permitted structures may be erected in the required front yard of a dwelling group to a height of up to 2.0 metres above grade level provided that the wall, fence or other permitted structure is located at least 3.0 metres from the property line, that no site lines are obstructed at corners or adjacent to driveways, and that landscaping has been provided on both sides of the wall, fence, or structure to the satisfaction of the Development Officer.

5.14 Corner Visibility Triangles

On a corner lot in any district, no hedge, planting, tree, fence or other structure not being a building shall be erected, placed, or maintained within the triangular area formed by the intersecting property lines and the straight line joining said property lines at points which are 6.0 metres distant from the point of intersection, measured along said property lines, to a height greater than 1.0 metres.

Community Standards
222 3rd Avenue North
Saskatoon, SK, S7K 0J5

www.saskatoon.ca
tel 306.975.2645
fax 306.975.7712

ORDER TO REMEDY CONTRAVENTION

THE PLANNING AND DEVELOPMENT ACT, 2007

CITY OF SASKATOON ZONING BYLAW NO. 9990

To: Jacob Lendvoy

Saskatoon, SK,

☒ Registered Owner

Part 1

I, Nina Musanovic, Development Officer for The City of Saskatoon, inspected:

Civic Address: 2816 McConnell Ave

Surface Parcel: #119985249

Zoning District: R2

On June 2nd, 2025

Part 2

Section 4.2(1) of The City of Saskatoon Zoning Bylaw No. 9990 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.

Section 4.3.1(1) of the City of Saskatoon Zoning Bylaw No. 9990 states, except as specifically exempted by this Bylaw, no person shall undertake a permitted or discretionary form of development or commence a permitted or discretionary use without having first obtained a development permit. A building permit or sign permit is not valid unless a subsisting development permit, where such permit is required by this Bylaw, has been issued and remains valid.

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 is a contravention of Zoning Bylaw No. 9990. You are hereby ordered to remedy the contravention as follows:

Contravention:

1. The fence at *2816 McConnell Ave* exceeds the permitted height of 2 meters in a rear and side yard.

You are hereby ordered to:

1. On or before **Wednesday, June 18th, 2025**, please ensure that the fence is no greater than 2 meters in height.

Relevant sections of the Zoning Bylaw No 8770:

4.2(1) - Application of Regulations; 4.3.1(1) – Development Permit Required; 8.2.2 – R2 One- and Two-Unit Residential District; 5.0 – General Provisions; 5.55 (2)(a)(b) – Fences (2); 5.1.14, Definitions “alteration or altered”, “development permit”, “development officer”, “property line”, “rear, yard”. “site”, “structure”, and “yard, side”

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.

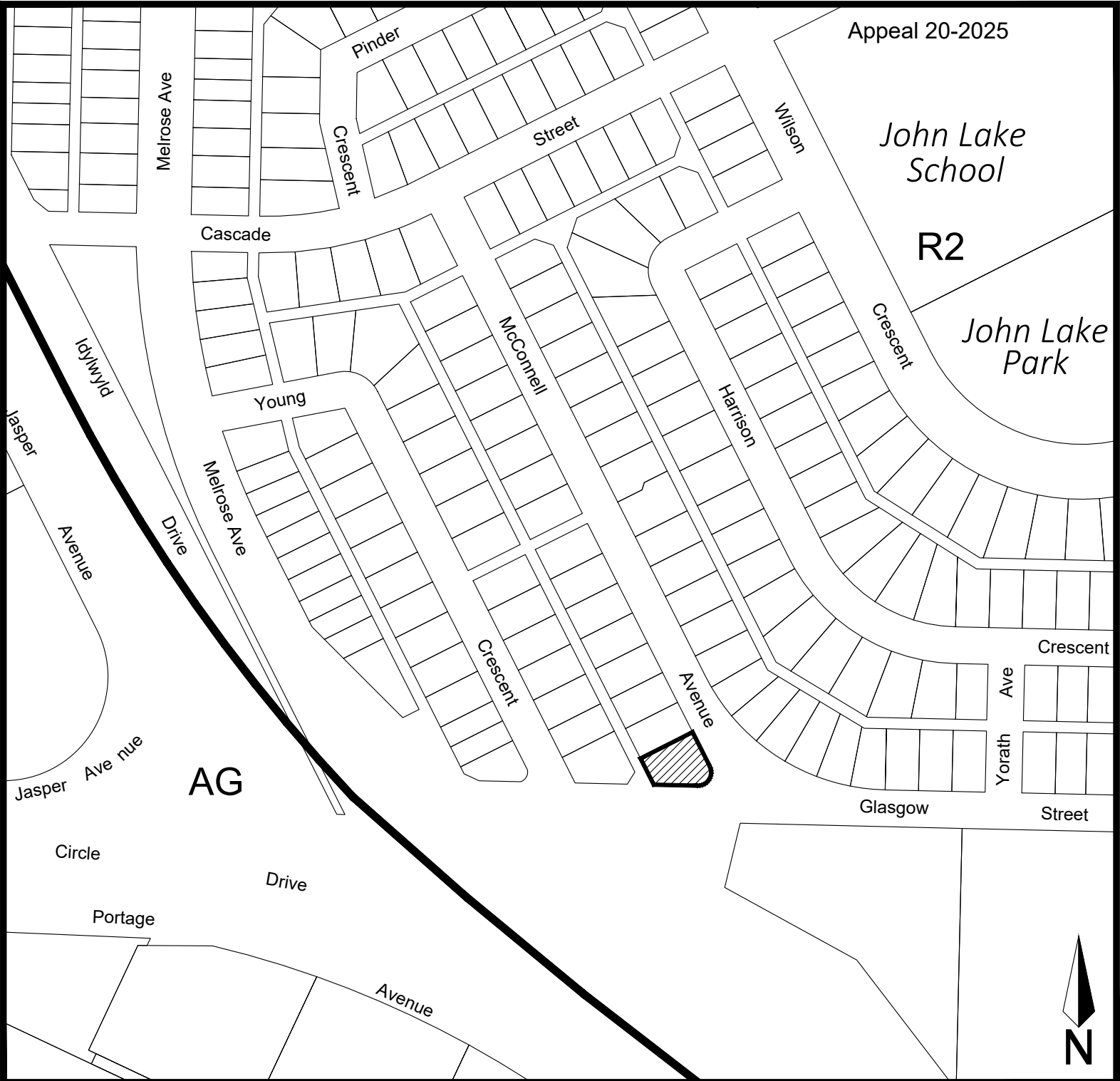
Dated this 4th day of June 2025.

Nina Musanovic

Development Officer

Attachments: Notice of Appeal
Appeals procedure

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



DEVELOPMENT APPEAL - LOCATION PLAN

ADDRESS: 2816 McConnell Avenue

R.2

LOT: 26

BLOCK: 243

PLAN: G867

Received
City Clerk's Office
June 27, 2025



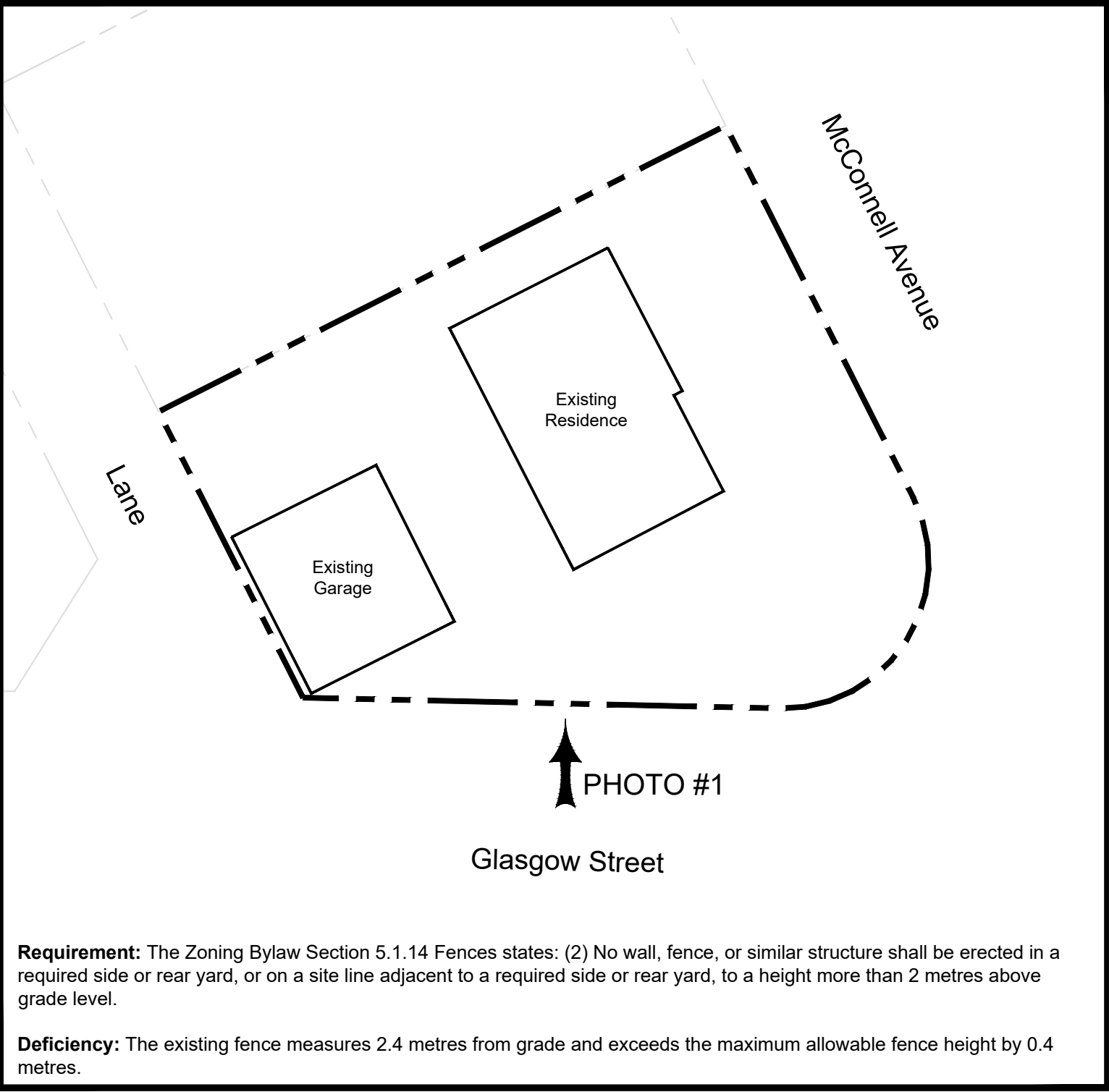


PHOTO 1



2023 AERIAL PHOTOGRAPHY

DEVELOPMENT APPEAL - SITE PLAN

ADDRESS: 2816 McConnell Avenue

LOT: 26

BLOCK: 243

PLAN: G867



B.1



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

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

June 17, 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. 20-2025
Site: 2716 McConnell Avenue
Proposal: Fence Height Requirement

The above-noted appeal has been filed by **Jacob Lendvoy** 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 deficiencies for the property:

Contravention:

The fence at 2816 McConnell Avenue exceeds the permitted height of 2 meters in a rear and side yard.

The owner is hereby ordered to:

On or before Wednesday, June 18, 2025, please ensure that the fence is no greater than 2 meters in height.

The Development Appeals Board will hear the appeal: Tuesday, July 8, 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



Planning & Development Department

Application Form

Last Updated On:
1/03/2023

DEVELOPMENT APPEAL APPLICATION

Applicant Information

Date of Application: June 12 / 25Name of Applicant: Shawn SilverthornAddress: [REDACTED] Postal Code: [REDACTED]Home Telephone: [REDACTED] Work Telephone: [REDACTED] E-mail: [REDACTED]

Applicant's Interest in the Property:



Owner



Tenant



Option to Buy



Owner's Representative

Other: [REDACTED]

Registered Property Owner(s): (if different from above)

Name: [REDACTED]Address: [REDACTED] Postal Code: [REDACTED]Home Telephone: [REDACTED] Work Telephone: [REDACTED] E-mail: [REDACTED]

Location of Subject Property

Legal Description: Lot (s) [REDACTED], Block [REDACTED], Plan No. [REDACTED]Civic Address: 542 Smallwood Cres

Present Status of Building or Structure Under Appeal:



Construction not yet begun



Under Construction



Completed

Type of Construction:



Residential



Commercial



Industrial

Other (specify) [REDACTED]

Description of Development Appeal:

(example: side yard deficiency, parking deficiency, etc.)

home made Fence For Privacy

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)

my neighbour creeps on everything we do, including my 13 year old niece, we have an ongoing police investigation, the fence is temporary, thank you.Application for Development Permit has been submitted to the Community Services Dept. and subsequently been denied on [REDACTED] (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

June 12 / 25
Date

For Office Use Only:

Comments: [REDACTED]File No: [REDACTED]Cash Receipt No: [REDACTED] Amount Paid: [REDACTED]Cheque No: [REDACTED]

Community Standards
222 3rd Avenue North
Saskatoon, SK, S7K 0J5

www.saskatoon.ca
tel 306.975.2645
fax 306.975.7712

ORDER TO REMEDY CONTRAVENTION

THE PLANNING AND DEVELOPMENT ACT, 2007

CITY OF SASKATOON ZONING BYLAW NO. 9990

To: Shawn Silverthorn

[REDACTED]
Saskatoon, SK, [REDACTED]

☒ Registered Owner

Part 1

I, Nina Musanovic, Development Officer for The City of Saskatoon, inspected:

Civic Address: 542 Smallwood Cres
Surface Parcel: #118190156
Zoning District: R2

On May 21st, 2025

Part 2

Section 4.2(1) of The City of Saskatoon Zoning Bylaw No. 9990 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.

Section 4.3.1(1) of the City of Saskatoon Zoning Bylaw No. 9990 states, except as specifically exempted by this Bylaw, no person shall undertake a permitted or discretionary form of development or commence a permitted or discretionary use without having first obtained a development permit. A building permit or sign permit is not valid unless a subsisting development permit, where such permit is required by this Bylaw, has been issued and remains valid.

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 is a contravention of Zoning Bylaw No. 9990. You are hereby ordered to remedy the contravention as follows:

Contravention:

1. The fence at *542 Smallwood Cres* exceeds the permitted height of 2 meters in a rear and side yard.

You are hereby ordered to:

1. On or before **Wednesday, June 18th, 2025**, please ensure that the fence is no greater than 2 meters in height,

Relevant sections of the Zoning Bylaw No 9990:

4.2(1) - Application of Regulations; 4.3.1(1) – Development Permit Required; 8.2.2 – R2 One and - Two Unit Residential District; 5.0 – General Provisions; 5.55 (2)(a)(b) – Fences (2); 5.1.14, Definitions “alteration or altered”, “development permit”, “development officer”, “property line”, “rear, yard”. “site”, “structure”, and “yard, side”

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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.

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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 4th day of June 2025.

Nina Musanovic

Development Officer

Attachments: Notice of Appeal
Appeals procedure

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



DEVELOPMENT APPEAL - LOCATION PLAN

ADDRESS: 542 Smallwood Crescent

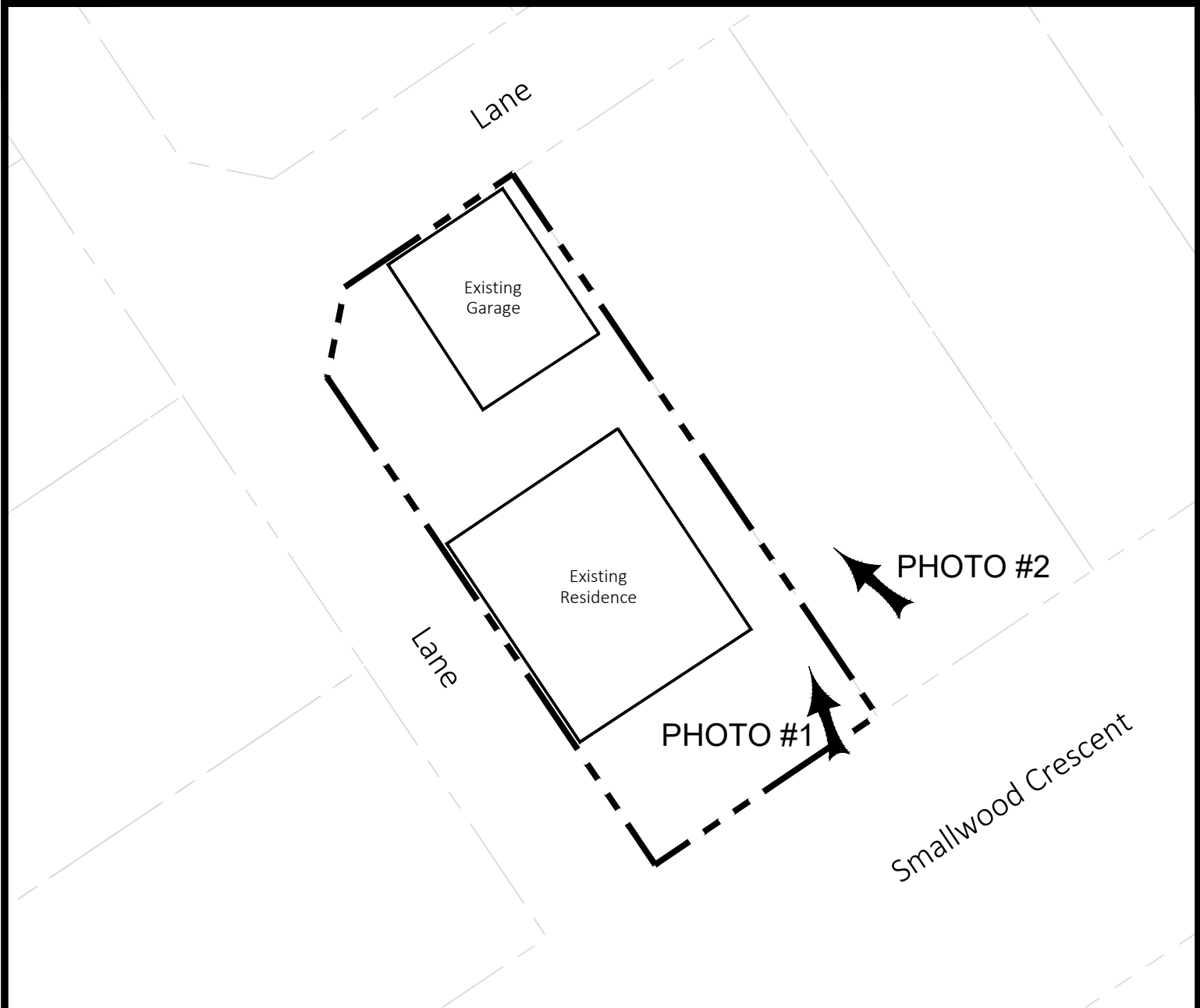
R.2

LOT: 3

BLOCK: 722

PLAN: 73S08290

Received
City Clerk's Office
June 27, 2025



Requirement: The Zoning Bylaw Section 5.1.14 Fences states: (2) No wall, fence, or similar structure shall be erected in a required side or rear yard, or on a site line adjacent to a required side or rear yard, to a height more than 2 metres above grade level.

Deficiency: The existing fence measures 2.4 metres from grade and exceeds the maximum allowable fence height by 0.4 metres.



PHOTO 1



PHOTO 2



2023 AERIAL PHOTOGRAPHY

DEVELOPMENT APPEAL - SITE PLAN

ADDRESS: 542 Smallwood Crescent

LOT: 3

BLOCK: 722

PLAN: 73S08290



June 17, 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. 21-2025
Site: 542 Smallwood Crescent
Proposal: Fence Height Requirement

The above-noted appeal has been filed by **Shawn Silverthorn** 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 deficiencies for the property:

Contravention:

The fence at 542 Smallwood Crescent exceeds the permitted height of 2 meters in a rear and side yard.

The owner is hereby ordered to:

On or before Wednesday, June 18, 2025, please ensure that the fence is no greater than 2 meters in height.

The Development Appeals Board will hear the appeal: Tuesday, July 8, 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.

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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

Received
City Clerk's Office
June 19, 2025

From: [Chris Otsig](#)
To: [Web E-mail - Development Appeals Board](#)
Cc: [Chris Otsig](#)
Subject: Re: Development Appeals Board Appeal No. 21-2025
Date: Thursday, June 19, 2025 8:43:27 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

[Warning: This email originated outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Re: Development Appeals Board Appeal No. 21-2025

Dear Development Appeals Board,

My name is Christopher Otsig, and I reside at, and own, the residence at [REDACTED] Smallwood Crescent. I am writing to you to voice my objection to appeal No. 21-2025. I do not support Mr. Shawn Silverthorn's appeal.

I am the [REDACTED] neighbor to Mr. Shawn Silverthorn and share ownership of the fence. The fence is currently full height with privacy slats and is in good repair. His modifications are both unsightly / unsafe and, as identified by the development officer, higher than the allowed 2m.

Thank you,
Christopher Otsig

