



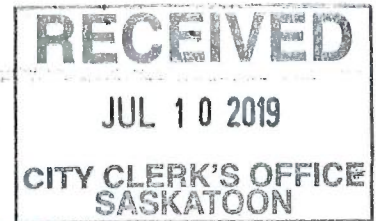
**NOTICE OF HEARING  
OPEN TO THE PUBLIC  
DEVELOPMENT APPEALS BOARD**

August 6, 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 18-2019 - Development Permit Denial - 507 Gray Avenue**  
Conversion from Warehouse to Restaurant - With Parking Deficiency (2 Spaces)
2. **Appeal 19-2019 - Development Permit Denial - 223 Evergreen Square**  
Revised Landscape Plan (With Various Deficiencies)
3. **Appeal 20-2019 - Development Permit Denial - 235 Evergreen Square**  
Revised Landscape Plan (With Various Deficiencies)
4. **Appeal 21-2019 - Development Permit Denial - 225 Maningas Bend**  
Revised Landscape Plan (With Various Deficiencies)

City of Saskatoon Development Appeal Application



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

Applicant Name: FQD Enterprise Inc

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

Location of Subject Property \_\_\_\_\_

**Legal Description**

Lot (s) \_\_\_\_\_ Block \_\_\_\_\_ Plan No. \_\_\_\_\_

Civic Address: 507 Gray 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.)

parking deficiency  
Two parking spaces

**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)

would like plan approved  
FOR 10 spaces  
please

BOTH SIDES OF THIS FORM MUST BE COMPLETED



Planning and Development  
222 3<sup>rd</sup> Avenue North  
Saskatoon SK S7K 0J5

www.saskatoon.ca  
tel (306) 975-2645  
fax (306) 975-7712



July 9, 2019



Fouad Toma  
F & D Enterprise Inc  
[REDACTED]  
Saskatoon SK [REDACTED]

Sent via email: [REDACTED]

Dear Mr. Toma

**Re: Development Permit Denial  
507 Gray Avenue  
Conversion to a restaurant  
IL1 – General Light Industrial District**

The Planning and Development Division has reviewed the plans submitted on June 7<sup>th</sup>, 2019, for the conversion of an existing warehouse to a restaurant and lounge. This site is located in the IL1 – General Light Industrial Zoning District, a restaurant with a lounge is a permitted use, and based on the information provided, the following deficiencies have been noted:

1. Requirement: Section 6.3.4 states that 1 parking space per 30m<sup>2</sup> of gross leasable floor area is required for restaurants, lounges, taverns and night clubs, in the IL1 district.

Based on the above development standard, the proposed restaurant is required 12 parking spaces.

Proposed: The site plan submitted identifies 10 parking spaces.

Deficiency: The proposed site is deficient 2 parking spaces.

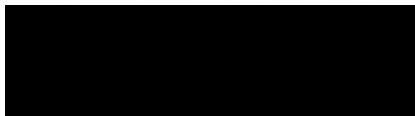
As a consequence, the Community Services Department cannot approve your plans for a Development Permit.

In the event that you wish to appeal this decision, I have attached a Development Appeal brochure and application form as well as an extract from *The Planning and Development Act 2007*, which outlines the procedures for an appeal. If you decide to appeal, please contact the Development Appeals Board Secretary, City Clerk's Office, City Hall at 306-975-3240 within 30 days of the date of this letter. Please note that the required fee for this process is \$50 payable to the City of Saskatoon.

If an appeal application has not been received within 30 days of the date of this letter, your Building and Development Permit application will be cancelled.

If you have any questions pertaining to the above, please contact me.

Sincerely,



Anastasia Conly

Planner

Planning and Development Division (306-657-8665)

cc: Catherine Kambeitz, Development Review  
Development Appeal Board Secretary, City Clerks  
Tom Kinash, T.D. Kinash Consulting LTD.



**Gray Ave**

**1479/19**

**BP-**

**Application Date** 07-Jun-19  
**Scope of Work** Conversion to Restaurant - Landlord Improvement  
**Site Address** 507 Gray Ave, Saskatoon, SK CA  
**Building Address** 507 Gray Ave

**Applicant**

Fouad Toma

F & D Enterprise Inc

123 Rochelle Bay

Saskatoon SK S7V 0H6

Ph: 3062202573

Email: bar\_grill@live.com

**Structural Designer**

Ph:

Email:

**Building Owner**

Fouad Toma

F & D Enterprise Inc

123 Rochelle Bay

Saskatoon SK S7V 0H6

Ph: 3062202573

Email: bar\_grill@live.com

**Mechanical Designer**

Ph:

Email:

**Contractor**

Len Rawlyk

Saskatoon Restaurant Equipment and Supplies

426 3rd Ave N

Saskatoon SK S7K 2K2

Ph: 3062911973

Email:

**Electrical Designer**

Ph:

Email:

**Architect**

Ph:

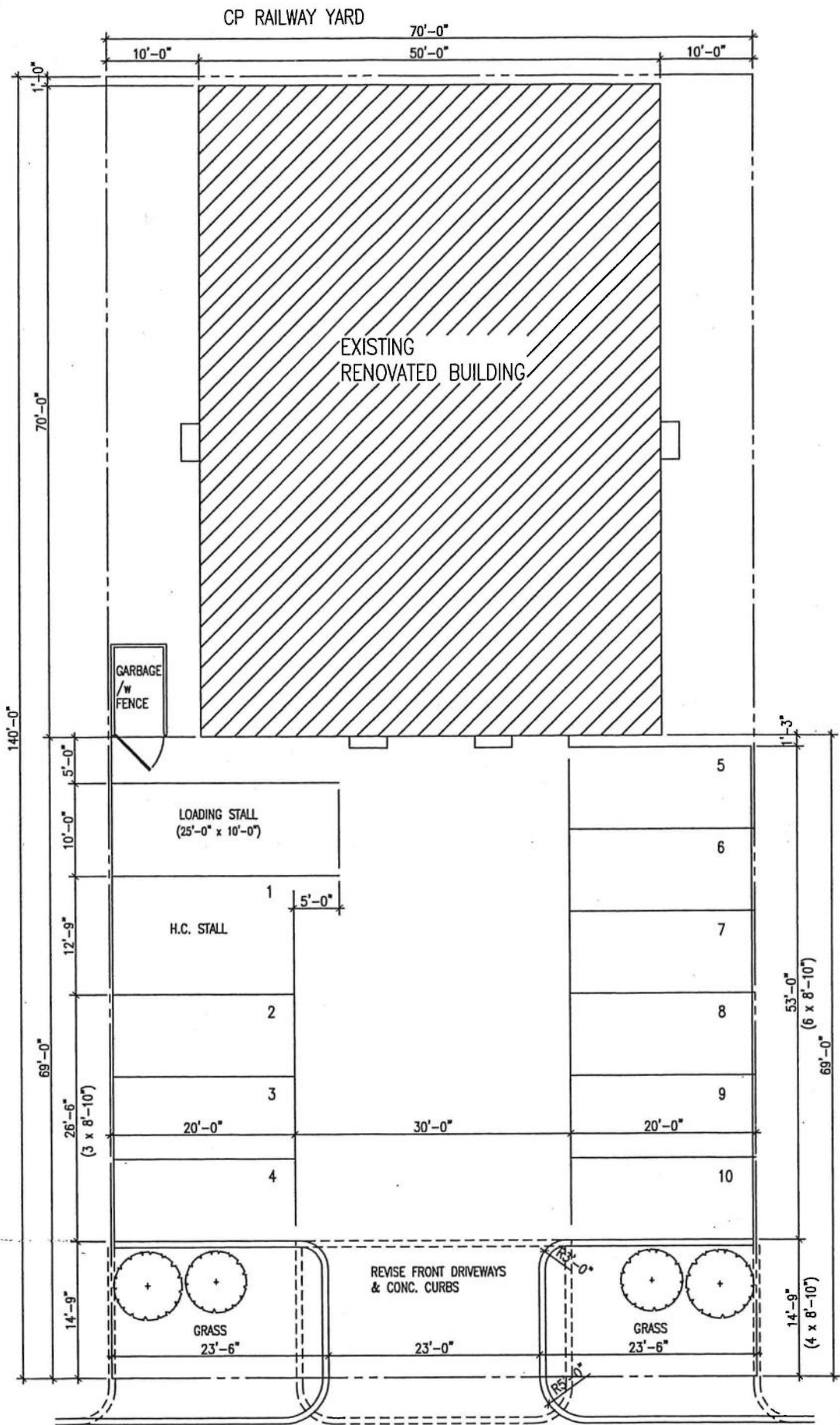
Email:

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**Comments**

T.D. KINASH  
CONSULTING  
LTD.

SASKATOON



RECEIVED  
JUL 03 2019  
Planning & Development

LEGAL DESCRIPTION:

PARCEL - M  
BLOCK -  
PLAN NO. - 93-SA-26303  
SASKATOON, SASKATCHEWAN

GENERAL CONSTRUCTION NOTES:

1. CONFIRM ALL EXISTING UNDERGROUND (OR OVERHEAD) UTILITY SERVICE LINES AND RELOCATE AS REQUIRED.
2. CONFIRM EXISTING SITE ELEVATIONS.
3. CONFIRM EXISTING DIMENSIONS and SITE CONDITIONS.

CITY OF SASKATOON ZONING SUMMARY :

1L-1 ZONING  
PERMITTED USE - RESTAURANTS & LOUNGES

FRONT YARD - 6.0 m  
SIDE YARD - 0.0 m  
REAR YARD - 0.0 m  
MAX. HEIGHT - 23.0 m

REQUIRED LANDSCAPE STRIP - 4.5 m @ FRONT YARD

REQUIRED PARKING STALLS -  
- 1 STALL / 30.0 sq.m. FOR RESTAURANTS & LOUNGES  
- LOADING STALL (3.0 x 7.5 m)  
- PARKING MAY BE LOCATED WITHIN FRONT, SIDE & REAR YARDS

CODE ANALYSIS :

CLASSIFICATION - GROUP A-2 MAJOR OCCUPANCY  
(ASSEMBLY OCCUPANCY - RESTAURANT)

TOTAL EXISTING BUILDING AREAS  
MAIN FLOOR AREA - 3,500 sq.ft. (325.2 sq.m.)  
MEZZANINE AREA - 312 sq.ft. (29.0 sq.m.)  
(EXCLUDING STAIR)

2015 NATIONAL BUILDING CODE

NBC 3.2.2.28 - GROUP A-2, 1 STOREY  
COMBUSTIBLE CONSTRUCTION IS PERMITTED  
SPRINKLERS ARE NOT REQUIRED  
400 sq.m. PERMITTED (FACING 1 STREET)

NBC 3.1.17 - OCCUPANT LOAD  
ASSEMBLY OCCUPANCIES  
- 0.95 sq.m. /PERSON (NON-FIXED TABLES & SEATS)  
- 9.30 sq.m. /PERSON (KITCHEN AREA)  
- 46.0 sq.m. /PERSON (STORAGE ROOMS)

NBC 3.7.2.2 6) - NUMBER OF WASHROOM FIXTURES IN ASSEMBLY OCCUPANCIES  
MAIN FLOOR - 2 MEN'S W.C. and 4 WOMEN'S W.C.

NBC 3.2.3.7. - EXISTING EAST & WEST SIDE WALL CONSTRUCTION TO HAVE  
1 HR. FIRE RESISTANCE RATING WITH 11% ALLOWABLE OPENINGS  
- EXISTING SOUTH REAR WALL CONSTRUCTION TO HAVE  
1 HR. FIRE RESISTANCE RATING WITH 0% ALLOWABLE OPENINGS.



1 SITE PLAN  
1/16" = 1'-0"

1	ISSUED FOR CITY PERMIT	JUNE 14/19

NO. DESCRIPTION DATE  
REVISIONS

ALL MEASUREMENTS MUST BE CHECKED  
ON THE WORK BY THE CONTRACTOR.  
DO NOT SCALE DRAWINGS.

PROJECT NAME

"The Villa"  
RESTAURANT  
BUILDING RENOVATIONS

507 GRAY AVENUE  
SASKATOON, SASK.

DRAWING NAME

SITE PLAN

DRAWN : TDK

CHECKED:

DATE : JUNE 2019

SCALE : 1/16" = 1'-0"

DRAWING NO.

A-1



T.D. KINASH  
CONSULTING  
LTD.

RECEIVED

JUN 18 2019

CITY OF SASKATOON  
COMMERCIAL PERMIT OFFICER

1 ISSUED FOR CITY PERMIT JUNE 14/19

NO. DESCRIPTION DATE  
REVISIONS

ALL MEASUREMENTS MUST BE CHECKED  
ON THE WORK BY THE CONTRACTOR.  
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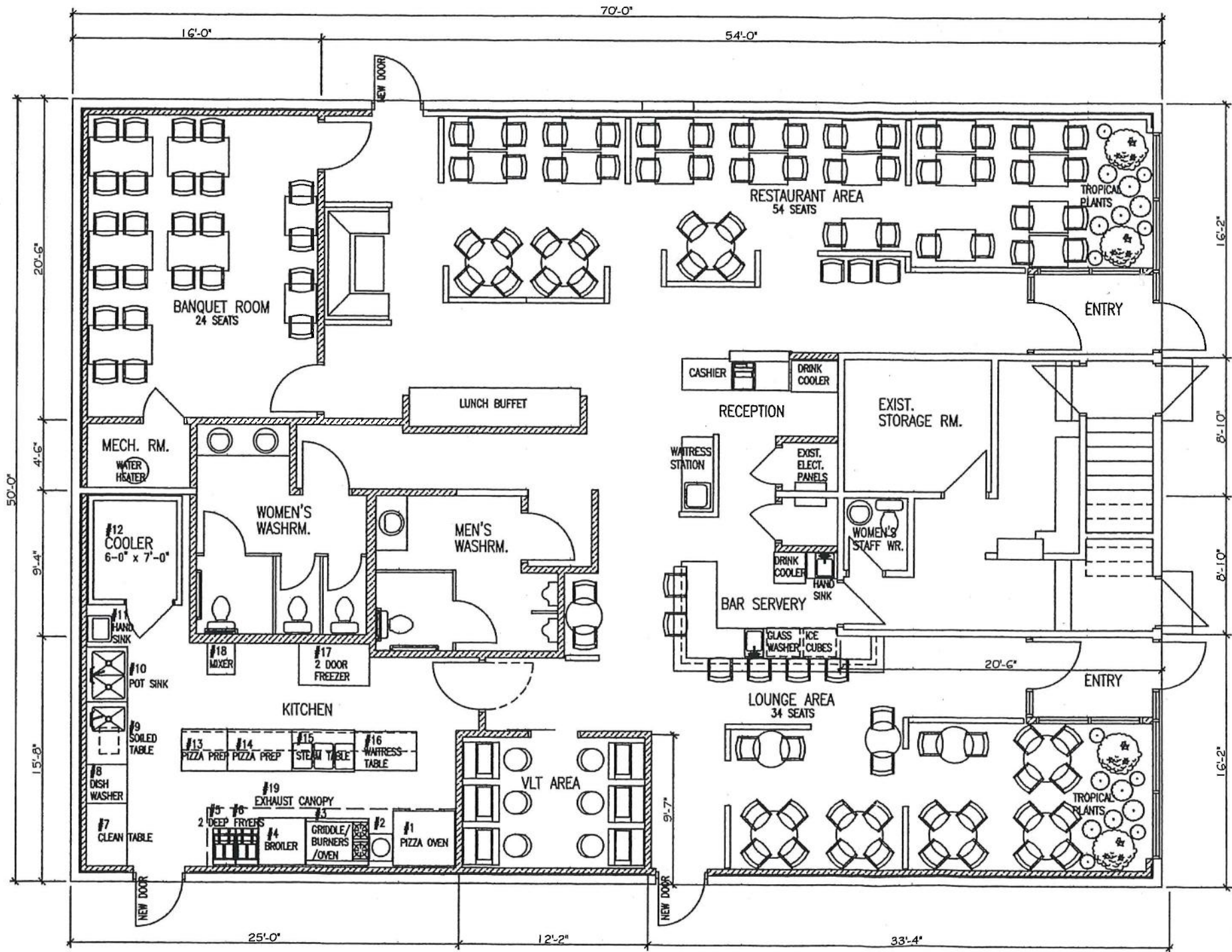
PROJECT NAME  
"The Villa"  
RESTAURANT  
BUILDING RENOVATIONS

507 GRAY AVENUE  
SASKATOON, SASK.

DRAWING NAME  
MAIN FLOOR &  
MEZZANINE PLANS

DRAWN : TDK  
CHECKED:  
DATE : JUNE 2019  
SCALE : 1/8" = 1'-0"  
DRAWING NO.

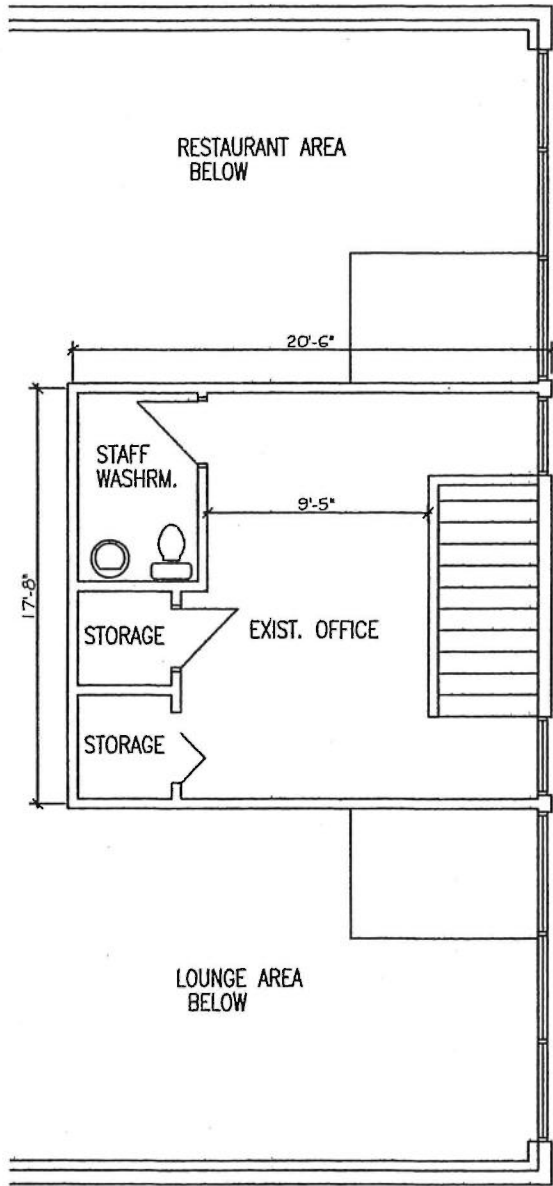
A-2



1 MAIN FLOOR PLAN  
1/8" = 1'-0"

AREA CALCULATIONS -  
TOTAL MAIN FLOOR AREA - 3,500 sq.ft. (325.15 sq.m.)  
MEZZANINE AREA - 362 sq.m. (33.6 sq.m.)

2 MEZZANINE PLAN  
1/8" = 1'-0"





T.D. KINASH  
CONSULTING  
LTD.

SASKATOON

RECEIVED

JUN 18 2019

CITY OF SASKATOON  
COMMERCIAL PERMIT OFFICER

1 ISSUED FOR CITY PERMIT JUNE 14/19

NO. DESCRIPTION DATE  
REVISIONS

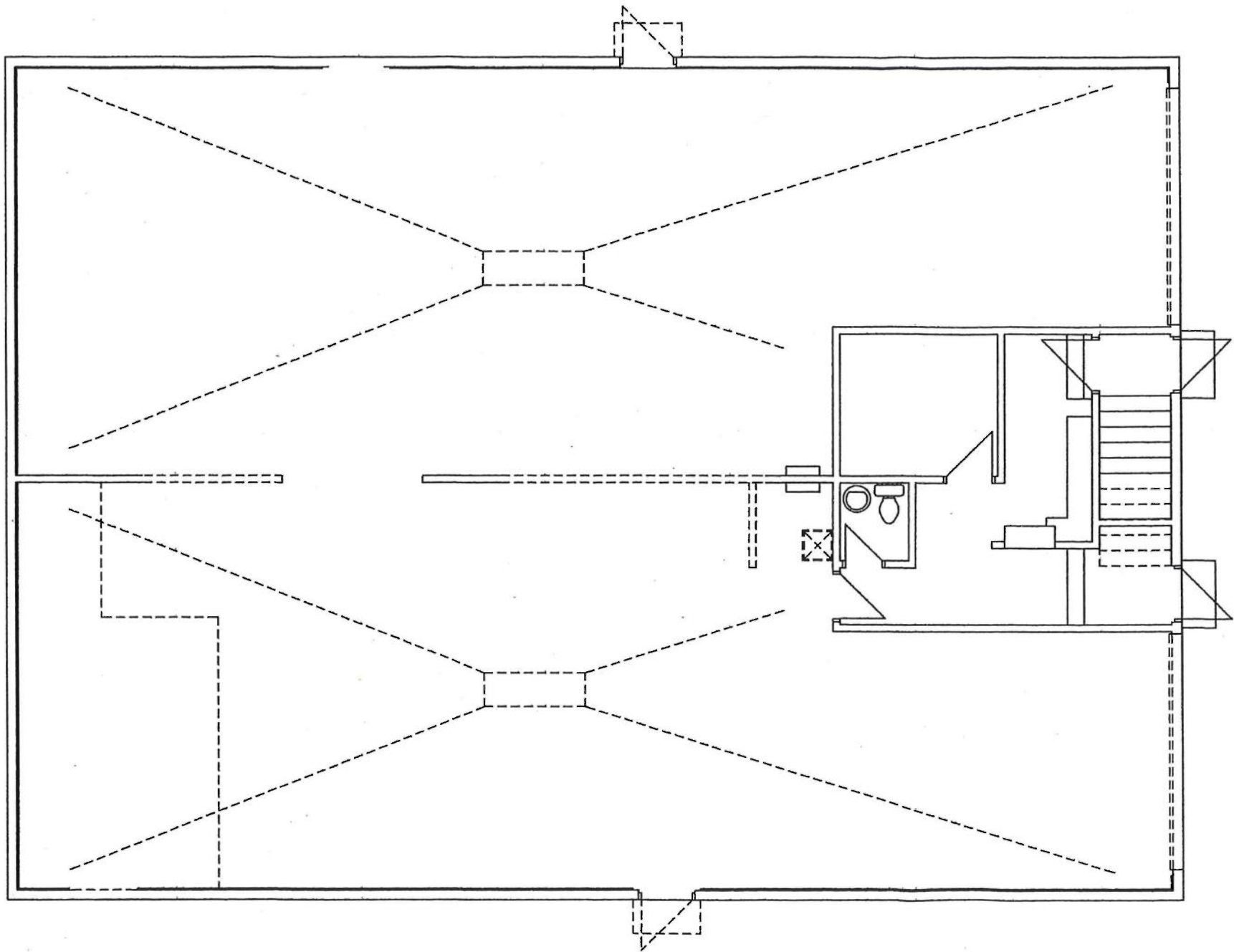
ALL MEASUREMENTS MUST BE CHECKED  
ON THE WORK BY THE CONTRACTOR.  
DO NOT SCALE DRAWINGS.

PROJECT NAME  
"The Villa"  
RESTAURANT  
BUILDING RENOVATIONS

507 GRAY AVENUE  
SASKATOON, SASK.

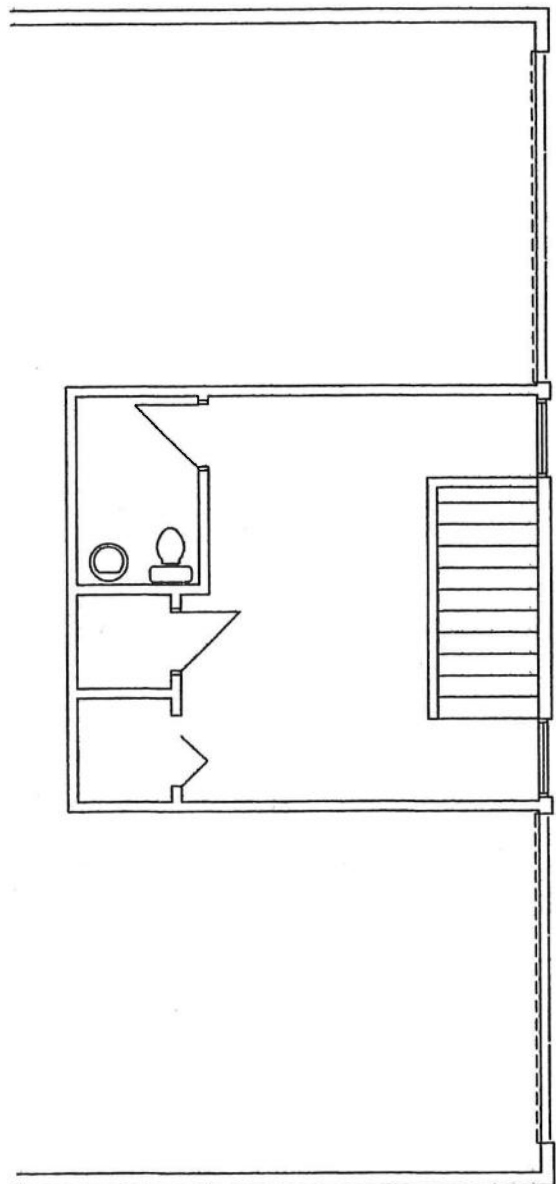
DRAWING NAME  
MAIN FLOOR PLAN  
- EXISTING

DRAWN : TDK  
CHECKED:  
DATE : JUNE 2019  
SCALE : 1/8" = 1'-0"  
DRAWING NO. A-2b



1 MAIN FLOOR PLAN  
1/8" = 1'-0"

AREA CALCULATIONS -  
TOTAL MAIN FLOOR AREA - 3,500 sq.ft. (325.15 sq.m.)  
MEZZANINE AREA - 362 sq.m. (33.6 sq.m.)



2 MEZZANINE PLAN  
1/8" = 1'-0"





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

July 11, 2019

Dear Neighbouring Property Owner:

**Re: NOTICE OF HEARING – DEVELOPMENT APPEALS BOARD  
Development Permit Denial – 507 Gray Avenue  
[Appeal No. 18-2019]**



As a neighbouring property owner of the above property you are hereby notified that **F & D Enterprise Inc.** has filed an appeal under section 219(1)(b) of *The Planning and Development Act, 2007*, in connection with the City's refusal to issue a Development Permit for **the conversion of a warehouse to a restaurant with a deficiency of two parking spaces**. 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 bylaw deficiencies for this property.

The property is zoned **IL1** under *Zoning Bylaw No. 8770* and the appellant is appealing the following deficiencies:

1. Requirement: Section 6.3.4 of the Zoning Bylaw states that one parking space per 30 square metres of gross leasable floor area is required for restaurants, lounges, taverns and night clubs, in the IL1 district. Based on this regulation the proposed restaurant requires 12 parking spaces.
- Proposed: Based on the information provided, ten parking spaces have been identified.
- Deficiency: This results in a deficiency of two parking spaces.

**The Appellant is seeking the Board's approval for a development permit as proposed.**

The Development Appeals Board will hear the appeal:

**Date and Time:** Tuesday, August 6, 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**. 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





# Application Form

## DEVELOPMENT APPEAL APPLICATION

### Applicant Information

Date of Application: \_\_\_\_\_

Name of Applicant: Sequoia Square Development Corp

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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) Parcel V, Block Surface Parcel 166024986, Plan No. 102064294Civic Address: 223 Evergreen Square Saskatoon SK

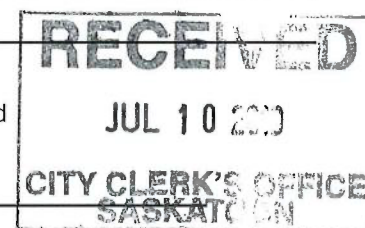
Present Status of Building or Structure Under Appeal:

☐ 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.)

Landscape DeficiencyReason 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)See attachedApplication for Development Permit has been submitted to the Community Services Dept. and subsequently been denied on June 28, 2019  
(date)

### Attachments

Please ensure the following has been attached:

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

### 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

July 4, 2019  
 Date

### For Office Use Only:

Comments: \_\_\_\_\_ File No: \_\_\_\_\_

Cash Receipt No: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Cheque No: \_\_\_\_\_

**Reason for Development Appeal: 223 Evergreen Square**

- 1) Does not negatively impact neighbouring properties:  
The Landscaping at 223 Evergreen Square demonstrates the highest quality of workmanship, design and positively impacts the streetscape and neighboring properties.
- 2) What makes it Unique?  
The use of rocks in hardscaping in this particular design was to share the "Prairie Theme" created by the City of Saskatoon in their design of neighbourhood parks and boulevards. Further, there is precedent to accept the use of rock as an acceptable form of hardscaping in Saskatoon and we refer you to 39-2018 Main Street that also appealed this landscape deficiency and won.
- 3) Does it defeat the intent of city zoning bylaw? The purpose of this Bylaw is to regulate development in the City of Saskatoon to provide for the amenity of the area and for the health, safety, and general welfare of the inhabitants of the municipality, in accordance with the provisions of the Official Community Plan. The use of rocks in hardscaping does not in any way defeat the intent of said bylaw, and in fact, shares the same "Prairie theme" as the boulders that were used were the same as those used by the City of Saskatoon in their landscape of the parks, boulevards and roundabouts in evergreen.
- 4) The landscape design implemented on this site is environmentally friendly, using natural boulders and plantings, as well as a drip irrigation system. In comparison to large expanses of lawn that would require water, fertilizer and weed control, this design minimizes the use of these and saves water. In addition, a large quantity of the boulders were naturally occurring on site.
- 5) The landscaping at this property has been completed since Spring 2016 and in the time since, not a single complaint or concern has been raised. We believe that these issues should have been brought forward prior to this time and that to expect a massive landscape change at this time is unreasonable and extremely costly.

**PHOTOS CITY Boulevards/Parks**







PHOTOS 223 Evergreen Square





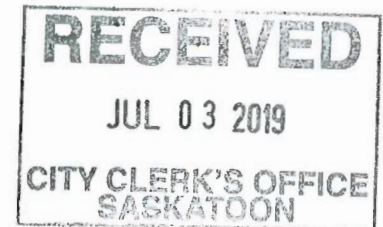
Planning and Development  
222 3<sup>rd</sup> Avenue North  
Saskatoon SK S7K 0J5

www.saskatoon.ca  
tel (306) 975-2645  
fax (306) 975-7712

June 28, 2019

Karl Miller, Meridian Development

Saskatoon SK [REDACTED]



Dear Mr. Miller;

**Re: Development Permit Denial  
223 Evergreen Square  
Landscaping Deficiency  
RM3 - Medium Density Multiple-Unit Dwelling District**

The Community Standards Division has reviewed the revised landscaping plans submitted on June 28, 2019, for the property located at 223 Evergreen Square. This site is zoned RM3 District and the following deficiencies have been noted:

Section 8.12.8 (1) states that a landscape strip of not less than 4.5 metres in depth throughout lying parallel to and abutting the front site line shall be provided on every site and shall be used for no purpose except landscaping and necessary driveway access to the site.

Section 8.12.8(2) states on corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.

Section 2.0 (Definitions) defines "landscaping" as the provision of horticultural and other related compatible features or materials designed to enhance the visual amenity of a site or to provide a visual screen consisting of any combination of the following elements:

- (ii) Hard landscaping consisting of non-vegetative materials such as concrete, unit pavers, brick pavers or quarry tile, but does not include gravel, shale, or asphalt;

As identified on the revised landscaping plan, this site has been developed with the use of rock within the required landscape areas which is not a permitted form of hard landscaping. As a consequence, the Community Services Department cannot approve your plans for a Development Permit.

In the event that you wish to appeal this decision, I have attached a Development Appeal brochure and application form as well an extract from *The Planning and Development Act 2007*, which outlines the procedures for an appeal. If you decide to appeal, please contact the Development Appeals Board Secretary, City Clerk's Office, City Hall at 306-975-3240 within 30 days of the date of this letter. Please note that the required fee for this process is \$50 payable to the City of Saskatoon.

If you have any questions pertaining to the above, please contact me.

Sincerely,

[REDACTED]

Matt Grazier, Manager, Bylaw Compliance  
Community Standards Division (306-975-3305)

cc: Wes Holowachuk, Development Review  
Development Appeal Board Secretary, City Clerks





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

July 11, 2019

Dear Neighbouring Property Owner:

Re: **NOTICE OF HEARING – DEVELOPMENT APPEALS BOARD**  
**Development Permit Denials:**  
**223 Evergreen Square      Appeal 19-2019**  
**235 Evergreen Square      Appeal 20-2019**  
**225 Manigas Bend          Appeal 21-2019**



As a neighbouring property owner of the above properties you are hereby notified that **Evergreen Village Square Development Corp. and Sequoia Square Development Corp.** have filed appeals under section 219(1)(b) of *The Planning and Development Act, 2007*, in connection with the City's refusal to issue Development Permits for **revised landscaping plans with various deficiencies**. 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 bylaw deficiencies for this property.

The properties are zoned **RM3** under *Zoning Bylaw No. 8770* and the appellant is appealing the following deficiencies on each property:

Requirement: Section 8.12.8(1) of the Zoning Bylaw states that a landscape strip of not less than 4.5 metres in depth throughout lying parallel to and abutting the front site line shall be provided on every site and shall be used for no purpose except landscaping and necessary driveway access to the site.

Section 8.12.8(2) of the Zoning Bylaw states on corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.

Section 2.0 of the Zoning Bylaw defines "landscaping" as the provision of horticultural and other related compatible features or materials designed to enhance the visual amenity of a site or to provide a visual screen consisting of any combination of the following elements:

- i. Hard landscaping consisting of non-vegetative materials such as concrete, unit pavers, brick pavers or quarry tile, but does not include gravel, shale or asphalt.

Proposed: Based on the information provided, the sites have been developed with the use of rock within the required landscaped areas.

Deficiency: The use of rock is not a permitted form of hard surfacing. As a result, landscaping is deficient on all three sites.

**The Appellant is seeking the Board's approval for the development permits as proposed.**

The Development Appeals Board will hear the appeals:

**Date and Time:** Tuesday, August 6, 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)

Development Appeals Board  
Appeal 19-2019; 20-2019; 21-2019

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**. 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

## Application Form

## DEVELOPMENT APPEAL APPLICATION

City of  
Saskatoon

Planning &amp; Development Branch

## Applicant Information

Date of Application: \_\_\_\_\_

Name of Applicant: Evergreen Village Square Development Corp

Address: \_\_\_\_\_, Saskatoon, SK Postal Code: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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) Parcel J, Block Surface Parcel 2030701114, Plan No. 102064294

Civic Address: 235 Evergreen Square

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.)

Landscape 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)

See attached

Application for Development Permit has been submitted to the Community Services Dept. and subsequently been denied on June 28, 2019 (date)

## Attachments

Please ensure the following has been attached:

1. Application Fee:

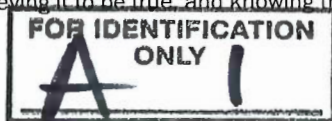
I have enclosed the required \$50.00, non-refundable Application Fee  
(please make cheques payable to City of Saskatoon)

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

July 4, 2019  
Date

For Office Use Only:

Comments: \_\_\_\_\_

File No: \_\_\_\_\_

Cash Receipt No: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

Cheque No: \_\_\_\_\_



**Reason for Development Appeal: 235 Evergreen Square**

- 1) Does not negatively impact neighbouring properties:  
The Landscaping at 235 Evergreen Square demonstrates the highest quality of workmanship, design and positively impacts the streetscape and neighboring properties.
- 2) What makes it Unique?  
The use of rocks in hardscaping in this particular design was to share the “Prairie Theme” created by the City of Saskatoon in their design of neighbourhood parks and boulevards. Further, there is precedent to accept the use of rock as an acceptable form of hardscaping in Saskatoon and we refer you to 39-2018 Main Street that also appealed this landscape deficiency and won.
- 3) Does it defeat the intent of city zoning bylaw? The purpose of this Bylaw is to regulate development in the City of Saskatoon to provide for the amenity of the area and for the health, safety, and general welfare of the inhabitants of the municipality, in accordance with the provisions of the Official Community Plan. The use of rocks in hardscaping does not in any way defeat the intent of said bylaw, and in fact, shares the same “Prairie theme” as the boulders that were used were the same as those used by the City of Saskatoon in their landscape of the parks, boulevards and roundabouts in evergreen.
- 4) The landscape design implemented on this site is environmentally friendly, using natural boulders and plantings, as well as a drip irrigation system. In comparison to large expanses of lawn that would require water, fertilizer and weed control, this design minimizes the use of these and saves water. In addition, a large quantity of the boulders were naturally occurring on site.
- 5) The landscaping at this property has been completed since the Spring of 2015 and in the time since, not a single complaint or concern has been raised. We believe that these issues should have been brought forward prior to this time and that to expect a massive landscape change at this time is unreasonable and extremely costly.

**PHOTOS CITY Boulevards/Parks**





PHOTOS 235 Evergreen Square





June 28, 2019

Karl Miller, Meridian Development

[REDACTED]  
Saskatoon SK [REDACTED]

Dear Mr. Miller;



**Re: Development Permit Denial  
235 Evergreen Square  
Landscaping Deficiency  
RM3 - Medium Density Multiple-Unit Dwelling District**

The Community Standards Division has reviewed the revised landscaping plans submitted on June 28, 2019, for the property located at 235 Evergreen Square. This site is zoned RM3 District and the following deficiencies have been noted:

Section 8.12.8 (1) states that a landscape strip of not less than 4.5 metres in depth throughout lying parallel to and abutting the front site line shall be provided on every site and shall be used for no purpose except landscaping and necessary driveway access to the site.

Section 8.12.8(2) states on corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.

Section 2.0 (Definitions) defines "landscaping" as the provision of horticultural and other related compatible features or materials designed to enhance the visual amenity of a site or to provide a visual screen consisting of any combination of the following elements:

- (ii) Hard landscaping consisting of non-vegetative materials such as concrete, unit pavers, brick pavers or quarry tile, but does not include gravel, shale, or asphalt;

As identified on the revised landscaping plan, this site has been developed with the use of rock within the required landscape areas which is not a permitted form of hard landscaping. As a consequence, the Community Services Department cannot approve your plans for a Development Permit.

In the event that you wish to appeal this decision, I have attached a Development Appeal brochure and application form as well an extract from *The Planning and Development Act 2007*, which outlines the procedures for an appeal. If you decide to appeal, please contact the Development Appeals Board Secretary, City Clerk's Office, City Hall at 306-975-3240 within 30 days of the date of this letter. Please note that the required fee for this process is \$50 payable to the City of Saskatoon.

If you have any questions pertaining to the above, please contact me.

Sincerely,

A black rectangular redaction box covering the signature of Matt Grazier.

Matt Grazier, Manager, Bylaw Compliance  
Community Standards Division (306-975-3305)

cc: Wes Holowachuk, Development Review  
Development Appeal Board Secretary, City Clerks



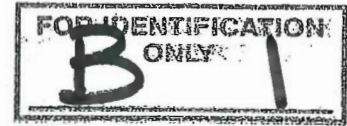
Development Appeals Board  
c/o Office of the City Clerk  
222 – 3<sup>rd</sup> Avenue North  
Saskatoon SK S7K 0J5

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

July 11, 2019

Dear Neighbouring Property Owner:

Re: **NOTICE OF HEARING – DEVELOPMENT APPEALS BOARD**  
**Development Permit Denials:**  
**223 Evergreen Square      Appeal 19-2019**  
**235 Evergreen Square      Appeal 20-2019**  
**225 Manigas Bend          Appeal 21-2019**



As a neighbouring property owner of the above properties you are hereby notified that **Evergreen Village Square Development Corp. and Sequoia Square Development Corp.** have filed appeals under section 219(1)(b) of *The Planning and Development Act, 2007*, in connection with the City's refusal to issue Development Permits for **revised landscaping plans with various deficiencies**. 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 bylaw deficiencies for this property.

The properties are zoned **RM3** under *Zoning Bylaw No. 8770* and the appellant is appealing the following deficiencies on each property:

Requirement: Section 8.12.8(1) of the Zoning Bylaw states that a landscape strip of not less than 4.5 metres in depth throughout lying parallel to and abutting the front site line shall be provided on every site and shall be used for no purpose except landscaping and necessary driveway access to the site.

Section 8.12.8(2) of the Zoning Bylaw states on corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.

Section 2.0 of the Zoning Bylaw defines "landscaping" as the provision of horticultural and other related compatible features or materials designed to enhance the visual amenity of a site or to provide a visual screen consisting of any combination of the following elements:

- i. Hard landscaping consisting of non-vegetative materials such as concrete, unit pavers, brick pavers or quarry tile, but does not include gravel, shale or asphalt.

Proposed: Based on the information provided, the sites have been developed with the use of rock within the required landscaped areas.

Deficiency: The use of rock is not a permitted form of hard surfacing. As a result, landscaping is deficient on all three sites.

**The Appellant is seeking the Board's approval for the development permits as proposed.**

The Development Appeals Board will hear the appeals:

**Date and Time:** Tuesday, August 6, 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)

Development Appeals Board  
Appeal 19-2019; 20-2019; 21-2019

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**. 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





# Application Form

## DEVELOPMENT APPEAL APPLICATION

### Applicant Information

Date of Application: \_\_\_\_\_

Name of Applicant: Evergreen Development CorpAddress: 100 - 450 2nd Avenue North, Saskatoon, SK Postal Code: S7H 3A7Home Telephone: \_\_\_\_\_ Work Telephone: 306-384-0431 E-mail: karl.miller@meridiandevelopment.ca

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) Parcel 202839071, Block I, Plan No. 102064294 Ext 0Civic Address: 225 Maningas Bend, Saskatoon SK S7W 0P9

Present Status of Building or Structure Under Appeal:

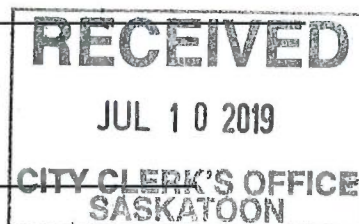
☐ Construction not yet begun☐ Under Construction☒ Completed

Type of Construction:

☒ Residential☐ Commercial☐ Industrial☐ Other (specify) \_\_\_\_\_

Description of Development Appeal:

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

Landscape DeficiencyReason 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)See attachedApplication for Development Permit has been submitted to the Community Services Dept. and subsequently been denied on June 28, 2019 (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


  
Date

For Office Use Only:

Comments: \_\_\_\_\_

File No: \_\_\_\_\_

Cash Receipt No: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

Cheque No: \_\_\_\_\_



**Reason for Development Appeal: 225 Maningas Bend**

- 1) Does not negatively impact neighbouring properties:  
The Landscaping at 225 Maningas Bend demonstrates the highest quality of workmanship, design and positively impacts the streetscape and neighboring properties.
- 2) What makes it Unique?  
The use of rocks in hardscaping in this particular design was to share the “Prairie Theme” created by the City of Saskatoon in their design of neighbourhood parks and boulevards. Further, there is precedent to accept the use of rock as an acceptable form of hardscaping in Saskatoon and we refer you to 39-2018 Main Street that also appealed this landscape deficiency and won.
- 3) Does it defeat the intent of city zoning bylaw? The purpose of this Bylaw is to regulate development in the City of Saskatoon to provide for the amenity of the area and for the health, safety, and general welfare of the inhabitants of the municipality, in accordance with the provisions of the Official Community Plan. The use of rocks in hardscaping does not in any way defeat the intent of said bylaw, and in fact, shares the same “Prairie theme” as the boulders that were used were the same as those used by the City of Saskatoon in their landscape of the parks, boulevards and roundabouts in evergreen.
- 4) The landscape design implemented on this site is environmentally friendly, using natural boulders and plantings, as well as a drip irrigation system. In comparison to large expanses of lawn that would require water, fertilizer and weed control, this design minimizes the use of these and saves water. In addition, a large quantity of the boulders were naturally occurring on site.
- 5) The landscaping at this property has been completed since Spring 2016 and in the time since, not a single complaint or concern has been raised. We believe that these issues should have been brought forward prior to this time and that to expect a massive landscape change at this time is unreasonable and extremely costly.

**PHOTOS CITY Boulevards/Parks**





PHOTOS 225 Maningas





June 28, 2019

Karl Miller, Meridian Development

Saskatoon SK [REDACTED]



Dear Mr. Miller;

**Re: Development Permit Denial  
225 Maningas Bend  
Landscaping Deficiency  
RM3 - Medium Density Multiple-Unit Dwelling District**

The Community Standards Division has reviewed the revised landscaping plans submitted on June 28, 2019, for the property located at 225 Maningas Bend. This site is zoned RM3 District and the following deficiencies have been noted:

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Development Appeals Board  
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**Penny Walter, Secretary**  
Development Appeals Board