



City of MOOSE JAW

DEVELOPMENT APPEALS BOARD APPLICATION FOR APPEAL INFORMATION

Prior to submitting a formal application, you may wish to contact the Planning and Development Services Department for a preliminary consultation.

A Development Appeal is a request to the Development Appeals Board for a variation of certain zoning regulations within the City of Moose Jaw [Zoning Bylaw No. 5346](#), as applied to a specific property.

The Development Appeals Board is made up of local citizens appointed by City Council. The Development Appeals Board has the authority to confirm, revoke, or vary an approval, decision, development standard or condition, or order imposed by the City of Moose Jaw.

An individual has the right to appeal to the Development Appeals Board in accordance with section 219(1) of *The Planning and Development Act, 2007*, where the Development Officer:

- Is alleged to have misapplied the [Zoning Bylaw](#) in issuing a development permit;
- refuses to issue a development permit because it would contravene the [Zoning Bylaw](#); or
- issues an Order to Comply pursuant to subsection 242(5) of *The Planning and Development Act, 2007*.

An individual also has the right to appeal to the Development Appeals Board in accordance with Section 58, 60(9), 60(10), 228(1) & 228(3) of *The Planning and Development Act, 2007*, where:

- a Discretionary Use was issued with prescribed development standards or conditions and the applicant is of the opinion that the development standards and conditions exceed those necessary to secure the objectives of the [Zoning Bylaw](#);
- a Minor Variance was revoked based on an objection by a property owner having a common boundary;
- a Minor Variance was refused;
- a Minor Variance was approved with terms and conditions;
- a Subdivision has been refused or revoked;
- a Subdivision has been approved with specific development standards for a development on hazardous lands.

An individual does not have the right to appeal if a development permit was refused on the basis that the use:

- is not a permitted use;
- is a discretionary use that has not been approved by resolution of Council; or
- is a prohibited use.

Application Requirements

Accuracy of information provided on the application form is critical to a legal and binding decision. Be as accurate as possible.

Application fees are required to be paid in full at the time of application.

Your application will be deemed incomplete and sent back to you in the event that any of the below required elements are missing from your submission.

The following is required:

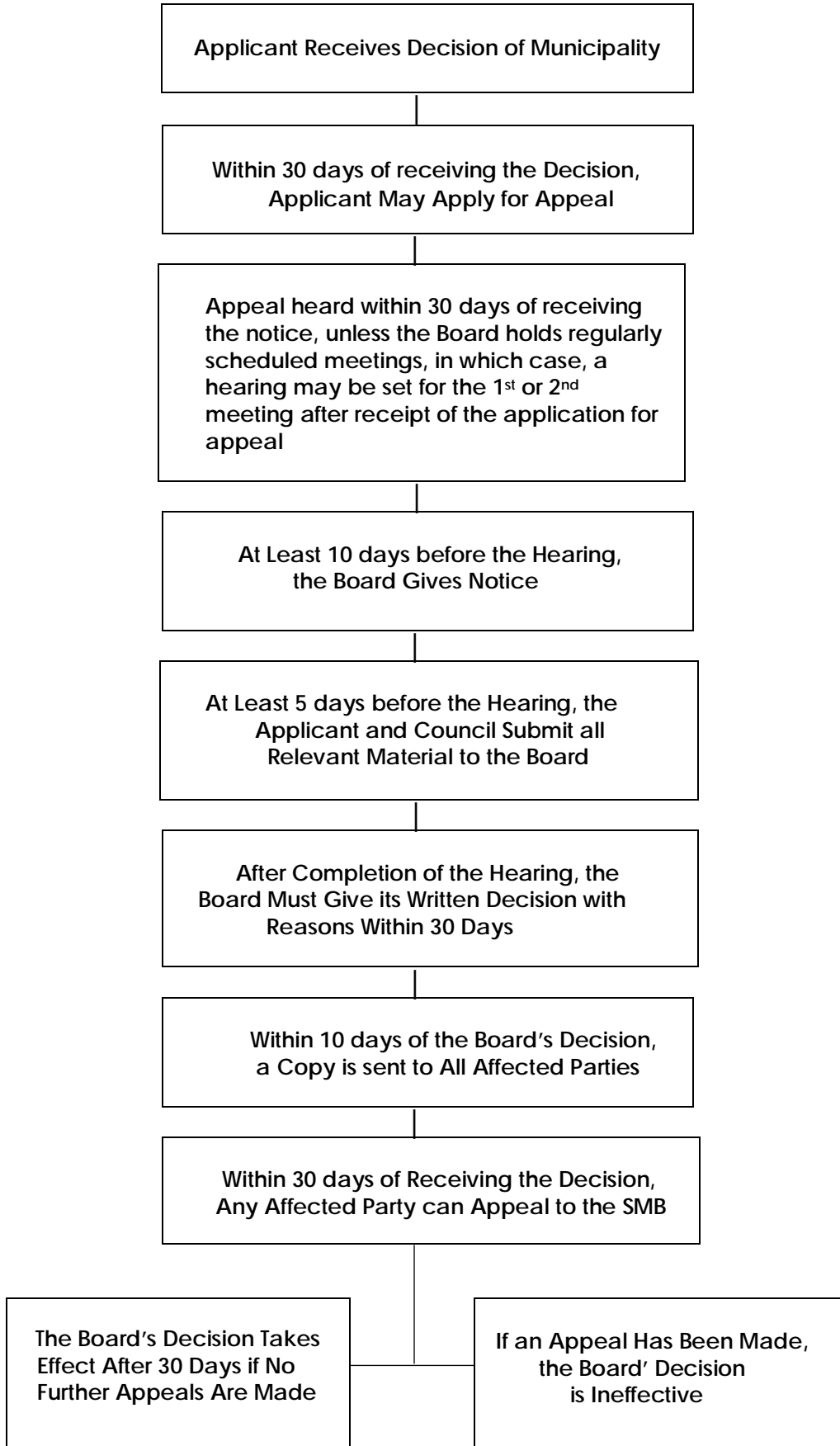
- 1. A completed application form with all questions answered and signed by the applicant;
- 2. A cheque payable to the City of Moose Jaw, reflecting the current application fee. The application fee is currently \$50;
- 3. An original copy of the Development Permit with conditions, Development Permit Refusal, or Order to Comply; and
- 4. Any additional information that may help support the appeal application (optional).

Submission

Submit the completed application form, the required application fees and supporting documents by email, mail or in person to:

Secretary of the Development Appeals Board
c/o City Clerk's Office
228 Main Street North
Moose Jaw, SK S6H 3J8
email: cclerk@moosejaw.ca

Appeals Process Flow Chart



4. Property Owner (if different from Applicant)

Name: _____
Company: _____
Address: _____
City: _____ Province: _____ PC: _____
Phone#: H: () _____ W: () _____
 C:() _____
Email: _____

5. Description of Proposed Development (be specific, attach copies of application and decision)

6. Reason for Appeal

- | | |
|---|--|
| <input type="checkbox"/> Misapplication of zoning bylaw in issuance of permit | <input type="checkbox"/> Enforcement order has been issued |
| <input type="checkbox"/> Development permit wrongfully refused | <input type="checkbox"/> Site plan control conditions on development |
| <input type="checkbox"/> Request variance to specific development standards | <input type="checkbox"/> Alterations to non-conforming building refused |
| <input type="checkbox"/> Development standards for DU are excessive | <input type="checkbox"/> Failure to enter development/servicing |
| <input type="checkbox"/> Failure to remove holding symbol | <input type="checkbox"/> Permit for architectural or demolition control district |
| <input type="checkbox"/> IDCB; refused or development standards placed upon agreement | <input type="checkbox"/> refused or decision not made within 30 days |
| <input type="checkbox"/> DCD decision refused or not made within 60 days | <input type="checkbox"/> Building material order |
| <input type="checkbox"/> Minor variance revoked, refusal or conditions | <input type="checkbox"/> Subdivision appeal |

7. Summary of supporting facts (explain in detail the grounds the appeal is being made, identify sections of the official community plan and zoning bylaw that apply to this appeal, etc.)

8. Any additional information (provide any additional information that may support the appeal)

9. Expectation of the Appeal (indicate action requested of the Board)

10. Other Requirements

1. The application must include a basic fee of \$50 to help cover expenses relating to the appeal.
2. An agent must have written authorization if they are to act on the applicants' behalf at the appeal hearing.
3. Applicants must submit all evidence and materials in support of the related appeal to the secretary at least five days prior to the hearing. All evidence and support material provided to the secretary less than five days before the hearing will be dismissed by the board.
4. Until the hearing is complete and a decision has been issued, no binding contracts for the land should be made and no construction or site preparation should be started.

11. Authorization

I hereby swear that the information given on this form is full and complete and that all statements contained within this application are true.

Signature of Applicant

Date

Name (Printed)

For Office Use Only:

Appeal #: _____

Date Fee Paid: _____

Receipt #: _____

Last Updated: July 6, 2020