



### **Submission of Appeal**

The completed application form can be submitted to the Office of the City Clerk c/o the Secretary of the Development Appeal Board, along with the appeal fee of \$300.00, payable to the City of Yorkton.

### **Opportunities for Appeal**

#### **The Zoning Bylaw has been misapplied in the issuance of a development permit. [PDA, clause 219(1)(a)]**

An affected person is someone who has been impacted by this decision, which could include a close neighbour or nearby resident. The affected person feels that the permit was issued in error as a result of an incorrect interpretation of the provisions of the Zoning Bylaw.

#### **A development permit has been wrongfully refused. [PDA, clause 219(1)(b)]**

The development permit application has been refused due to a contravention of the Zoning Bylaw, or council may have failed to issue a permit within the required time. An applicant or affected person alleges that the development permit does not contravene the Zoning Bylaw or should have been issued within the required time.

#### **The applicant is requesting a variance to specific standards of the bylaw to allow development to proceed. [PDA, clause 219(1)(b)]**

The individual contends that due to special circumstances strict compliance with the standards in the Zoning Bylaw will create an unnecessary hardship for his or her development and that the development will be consistent with the objectives of the zone in which it is located. It is important to show that the variance will not create a hardship for any neighbours that might be affected.

#### **The development standards prescribed in the approval of a discretionary use application are above and beyond those necessary to achieve the objectives of the Zoning Bylaw. [PDA, subsection 58(1)]**

In this case, a discretionary use application has been approved and subsequently the development permit has been issued, subject to development standards or conditions. An applicant alleges that the development standards or conditions prescribed exceed those necessary to secure the objectives of the Zoning Bylaw.

#### **Council has refused to amend a Zoning Bylaw to remove the holding symbol, or has failed to make a decision within the required time. [PDA, subsection 71(5)]**

In this case, the applicant can appeal either council's refusal to remove the holding symbol or their failure to do so within 60 days after the date on which the application is received.

#### **Under an Interim Development Control Bylaw (IDCB), an application has been approved subject to terms or development standards, refused or not dealt with within the prescribed period and the applicant is aggrieved by the action or inaction. [PDA, subsection 86(1)]**

In this case, the application has not been fully approved under the IDCB. An applicant alleges that either the terms or development standards are not correct, that the application should have been approved, or that the decision was not made within 60 days.

#### **An enforcement order has been issued. (PDA, section 242)**

An owner, operator, occupant or affected person may appeal an enforcement order.



**Council has refused, failed to make a decision within the prescribed period of time or has imposed terms and conditions on a development permit in an Architectural Control District. [PDA, subsection 73(5)]**

An applicant may appeal if the application is refused, approved with terms or conditions or a decision is not made within 30 days.

**A decision made prescribing site plan control conditions or performance standards for specific industrial or commercial development. [PDA, subsection 19(5)]**

The applicant may appeal any or all of the conditions or performance standards imposed through site plan control.

**An application for structural repairs, alterations or additions to a non-conforming building is refused. [PDA, subsection 91(2)]**

Any non-conforming building on a conforming or non-conforming site may continue to be used and any structural repairs, alterations and additions that conform to the requirements of the ZB may be made; however, the element of non-conformity must not be increased by those repairs, alterations or additions. If an application is refused on this basis, the applicant may appeal the decision.

**Council has requested payment for development levies or servicing agreement fees, or council has failed to sign a development levy or servicing agreement. [PDA, subsections 176(1) & (2)]**

An applicant may appeal the application or factors considered in the calculation of development levies and servicing agreement fees within 30 days after council's request for payment. They may also appeal if a development levy or servicing agreement has not been signed within 90 days of the application for a development permit.

**Council has refused, failed to make a decision within the prescribed period of time or has imposed terms and conditions on a development permit to demolish a residential building in a Demolition Control District (DCD). [PDA, subsection 72(7)]**

An applicant may appeal if the application is refused, approved with terms or conditions or a decision is not made within 30 days.

**A minor variance application has been revoked, refused or approved with terms and conditions. [PDA, subsection 60(10)]**

If adjoining landowners object to the variance, in writing to the municipality within 20 days of receiving the notice of approval by personal service or 23 days of receiving the notice of approval by registered mail, council must refuse or revoke the variance.

An applicant may appeal if the application for a minor variance is revoked, refused or approved with terms and conditions.

**Subdivision appeals [PDA, subsection 228(1)]:**

- a. refusal of an application for a proposed subdivision;
- b. approval in part of an application for a proposed subdivision;
- c. approval of an application for a proposed subdivision subject to specific development standards;
- d. revocation of approval of an application for a proposed subdivision;
- e. failure to enter into a servicing agreement, as outlined in the PDA;
- f. applicant objects to producing any information requested by an approving authority, other than information required by *The Subdivision Regulations, 2014* to accompany the application; or
- g. the terms and conditions of the servicing agreement.