



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION - CORRIGENDUM

November 29, 2021

Re: Appeal of Development Permit 13215
Appellant: Alvin Reinhard Fritz Architect Inc.
Land Use: Downtown Commercial (C-D)

The Subdivision and Development Appeal Board has realized that an administrative error was made with their October 22, 2021 Decision, and as a result, is correcting the decision with the following:

Upon hearing representation made by the Development Officer, the Appellant, and other interested parties on Thursday, September 16, 2021, it is the decision of the Subdivision and Development Appeal Board that the development application for the building of a three storey supportive housing facility located at 108 – 8 Street South is **REFUSED** and Development Permit 13215 is **REVOKED**. The Board apologizes for the error in circulating the incorrect decision.

The following submissions were received:

1. Alvin Reinhard Fritz Architect Inc., appellant (both oral and written)
2. Darrell Alexander, opposed to the development (both oral and written)
3. Bruce Plausteiner, opposed to the development (both oral and written)
4. Dean Plausteiner, opposed to the development (both oral and written)
5. Brad Plausteiner, opposed to the development (both oral and written)
6. Tina Plausteiner, opposed to the development (written)
7. D'Laney Weston, Chrome Salon + Spa, opposed to the development (written)
8. Hunter Heggie, Heggie Developments Ltd., opposed to the development (written)
9. Patricia Luu, DeRhodes 1977 Investments Ltd., opposed to the development (written)
10. Katelyn M. Willmott, Splitsville Divorce & Family Law, opposed to the development (written)
11. Additional Letters of Support
12. Petition Against Development
13. Cameron Kissick, in favour of the development (oral)
14. Justin Brown, in favour of the development (oral)
15. Taylor Crozon, in favour of the development (oral)
16. Allyson MacKay, in favour of the development (oral)
17. Andrea Sandul, in favour of the development (both oral and written)
18. Pieter van Ewijk, Streets Alive, applicant (oral)
19. Angie Olsen, Development Officer (both oral and written)

AND UPON CONSIDERING the relevant provisions of the South Saskatchewan Regional Plan, Municipal Government Act, the Municipal Development Plan, the Land Use By-law, the Heart of Our City Master Plan, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows:

1. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.

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403 329 7329

2. The Board finds that the proposed building meets the intent of the Heart of our City Master Plan and the Downtown Area Redevelopment Plan.
3. The Board finds the proposed waivers for parcel width and parcel area waiver do not materially impact or interfere with the amenities of the neighbourhood.
4. The Board notes that the development is a discretionary use. Therefore, the development permit application could either be granted or refused.
5. The Board finds that the application is to establish a new three storey supportive housing building, and was not of the opinion it was an expansion of the existing facility.
6. The Board finds that the Neighbourhood Communications Plan has not substantially changed since the last time the Board dealt with this matter in January 29, 2021.
7. The Board finds that no evidence was provided that efforts had been made since January 2021 to contact the neighbours to address any potential complaints and concerns.
8. Having regard to the merits of the application and sound planning considerations, the Board, based on the evidence and aforementioned factors, finds that the development as approved by the Municipal Planning Commission is from a planning perspective inappropriate for the site at this time.
9. In reviewing and weighing all the evidence, the Board therefore finds that the development application is denied.

CONCLUSION:

For the reasons set out above, the Development Application is REFUSED and Development Permit 13215 is REVOKED.

An appeal against this decision may be made to the Alberta Court of Appeal on a question of law or jurisdiction only. Should you wish to do so, it is recommended that you retain legal counsel.

Please contact this Office if you have any questions regarding the decision. A copy of this decision has been mailed to the owner of the property, and the persons who filed the appeal.

Yours truly,



David Gurr, Board Chair,
Subdivision & Development Appeal Board

cc Development Officer
Appellants/Neighbouring Property Owners

Subdivision and Development Appeal Board Decision

Address: **108 8 ST S**
Legal: 4353S;8;19-22

District: C-D

Applicant: ALVIN REINHARD FRITZ ARCHITECT INC
Address: 10-90001 RANGE ROAD 212 LETHBRIDGE COUNTY AB T1J 5N9

Phone: 403-320-8100

Development Proposed New Construction of a three storey building that will house retail/commercial on the first floor and Supportive Housing on the second and third floors - 4 units, holding 24 beds for supportive housing. A request for a parcel width and parcel area waiver.

District C-D DOWNTOWN COMMERCIAL

Land Use OFFICE - PERMITTED
RETAIL STORE - PERMITTED
SUPPORTIVE HOUSING - DISCRETIONARY

REASONS FOR REFUSAL

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION - CORRIGENDUM - DATED NOVEMBER 29, 2021:

1. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. The Board finds that the proposed building meets the intent of the Heart of our City Master Plan and the Downtown Area Redevelopment Plan.
3. The Board finds the proposed waivers for parcel width and parcel area waiver do not materially impact or interfere with the amenities of the neighbourhood.
4. The Board notes that the development is a discretionary use. Therefore, the development permit application could either be granted or refused.
5. The Board finds that the application is to establish a new three storey supportive housing building, and was not of the opinion it was an expansion of the existing facility.
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8. Having regard to the merits of the application and sound planning considerations, the Board, based on the evidence and aforementioned factors, finds that the development as approved by the Municipal Planning Commission is from a planning perspective inappropriate for the site at this time.
9. In reviewing and weighing all the evidence, the Board therefore finds that the development application is denied.

Conclusion:

For the reasons set out above, the Development Application is REFUSED and Development Permit 13215 is REVOKED.

Decision Date

Nov 29, 2021

Development.
Authority


ANGELA OLSEN, DEVELOPMENT OFFICER

STATUTORY PLANS

The SSRP and applicable municipal statutory plans were considered in rendering this decision.

APPEALS

A decision of the Subdivision and Development Appeal Board is final and is subject only to an appeal upon a question of law or jurisdiction pursuant to Section 688 of the Municipal Government Act, RSA, 2000, as amended.

FOIP

The personal information provided as part of this permit is collected under the Alberta Municipal Government Act and in accordance with section 33(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, Land Use By-law 6300 compliance verification and monitoring, and property assessment purposes. The name of the permit holder and the nature of the permit is available to the public upon request and may be revealed in public appeal processes.

If you have questions about the collection or use of the personal information provided, please contact Information Management at 910 4 Ave S Lethbridge, AB, T1J 0P6 or phone at (403) 329-7329, or email planninganddesign@lethbridge.ca.

Application No. DEV13215