

MINUTES of the **Subdivision & Development Appeal Board** held on **Thursday, May 10, 2012** at **4:00 p.m.** in Council Chambers with the following in attendance:

<b>MEMBERS:</b>	R. Parker	Alderman
	T. Nicholson	Member at Large
	R. Stein	Member at Large
<b>OTHERS:</b>	P. Colling	Development Officer
	D. Sarsfield	Secretary to the Board

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**T. Nicholson:**

THAT Ryan Parker be appointed Acting Chairman of the Subdivision and Development Appeal Board for the May 10, 2012 Meeting.

-----**CARRIED**

**R. Stein:**

THAT the Minutes of the Subdivision and Development Appeal Board held on January 12, 2012 be approved as presented.

-----**CARRIED**

**SDAB HEARING 2012-01**

**Appellant: Greer Homes**

To construct a single detached dwelling with a covered front veranda and an uncovered rear deck at 212 Mount Sundial Court West

Development Application No. DEV04181  
Land Use District: R-L (Low Density Residential)

There were no objections when the Chairman asked if anyone present had a lawful reason why any particular member(s) of the Board should not hear this appeal.

**Development Officer's Presentation:**

**Pam Colling, Development Officer**, outlined the permitted and discretionary uses in the Low Density Residential (R-L). The Land Use Bylaw defines a Dwelling Unit as "one or more rooms operated or intended to be operated as a residence for a household, containing cooking, sleeping and sanitary facilities for that unit."

Development Services received an application on March 14, 2012 for a single detached dwelling. The application showed a typical main floor consisting of a kitchen, living room, two bedrooms and two bathrooms. However, the basement layout consisted of two distinct dwelling units. Each dwelling unit had a door separating it from the remainder of the basement, a separate exterior entrance to each unit, a washroom, and a kitchen area with a sink and fridge.

The application was refused for the following reasons:

1. The plans submitted on March 9, 2012 show a total of three dwelling units.
2. A three unit dwelling is not an allowable use in the R-L Low Density Residential District.
3. The City of Lethbridge Transportation Department has indicated that the SunRidge subdivision cannot support any additional suites.

The decision was not appealed by the Applicant.

The Outline Plan for the SunRidge Subdivision laid out the land uses. Based on the number of dwelling units that were calculated to fit on the lands, the underground and road infrastructure was sized and designed accordingly. As the subdivision began to develop the lot sizes were made smaller by the Developer in response to market demand and affordability. With the approval of a number of secondary suites in SunRidge, Planning and Development Services became aware of some concerns with regards to vehicle movements and parking pressures. An evaluation was done in partnership with staff from the Transportation Department and it was determined that the maximum number of dwelling units had been reached in terms of the road infrastructure being able to accommodate the traffic.

A second application for the parcel was received on April 3, 2012 which had a revised basement layout. The revised application showed the separate entrances to each unit had been changed to a shared side entrance. Other than that the layout is similar in that it still shows two distinct dwellings separate from the main floor unit. As a result, the second application was refused for the following reasons:

1. The plans submitted on April 3, 2012 show a total of three dwelling units.
2. A three unit dwelling is not an allowable use in the R-L Low Density Residential District.
3. The City of Lethbridge Transportation Department has indicated that the SunRidge subdivision cannot support any additional suites.

### **Appellant's Presentation:**

**Melody Garner, Chief Administrative Officer, and Jean Greer McCarthy, Founding Partner, Greer Homes,** outlined the grounds for the appeal. It was stated that the application was for a single family residence. The new design is a response to the needs of the community – a multi-generational housing unit. Instead of the traditional two parents and two children residence, the City now faces a variety of multi-generational situations whereby the house is owner occupied, but common areas such as the kitchen, laundry facilities, and living spaces are shared. The multi-generational solution assists with the housing affordability, boomerang generation and single parents, age in place options, and traditional culture.

The plan presented addresses a different need than that of a secondary suite. Although there is a morning bar, it is not a kitchen.

**There were no other presentations either in support or in opposition to the appeal.**

### **Discussion:**

The Board addressed the following issues during question period:

- Number of adjacent developed properties
- Reason for the Transportation Department to provide an opinion on the density

- Previous use of this design
- Definition of a cooking facility
- Name of the Developer for SunRidge
- Possibility of having homes which appear to be single family dwellings that are actually multiple dwellings in this zoning
- Whether approval is based on occupancy or use
- Impact of secondary suites and when they are permitted or discretionary
- Definition of a dwelling unit
- Interpretation of what a house is
- Reasons for refusal of the application by the Development Officer
- Method of calculating the potential traffic flow in SunRidge
- Limitation on number of vehicles per residence

**Rebuttal:**

Greer Homes was given the opportunity to provide a rebuttal. Melody Garner and Jean Greer McCarthy stated that the application would be approved if the morning bar was removed. Ms. Garner and Ms. Greer McCarthy advised there were no separate kitchen facilities. This was not a three dwelling unit, but a one dwelling unit that has adults sharing a portion of the common facilities.

Ms. Colling responded that the morning bar, wet bar, and kitchen facilities are all considered to be the same because the intent is the same.

**Decision:**

IN THE MATTER OF the Municipal Government Act

AND IN THE MATTER OF an Appeal made to the Subdivision and Development Appeal Board with respect to:

**Appellant: Greer Homes**

To construct a single detached dwelling with a covered front veranda and an uncovered rear deck at 212 Mt Sundial Court West

AND UPON HEARING from the Development Officer, the Appellant, and other interested parties,

AND UPON CONSIDERING the relevant provisions of the Municipal Government Act, the Municipal Development Plan, the Land Use By-law, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows and for the following reasons:

**R. PARKER/R. STEINT.NICHOLSON**

**DECISION:** The Appeal is **DENIED** and the decision of the Development Officer regarding Development Application DEV04181 on April 4, 2012 to deny the single detached dwelling at 212 Mt Sundial Court West is hereby confirmed.

**REASONS FOR DECISION:**

1. The Appellant has provided plans which indicate a single detached dwelling unit. After hearing the presentation of Development Services in showing the similarities of the initial and amended drawings and its potential conversion, it appears the dwelling could easily be modified to include two secondary suites.
2. Because of the growing issues regarding traffic flow and parking cited by the City of Lethbridge Transportation Department, this development may have a negative impact on the surrounding neighbourhood.

-----CARRIED

**R. Stein:**

THAT this meeting of the Subdivision and Development Appeal Board be adjourned.

-----CARRIED

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CHAIRMAN

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SECRETARY TO THE BOARD