

MINUTES of the **Subdivision & Development Appeal Board** held on **Thursday, January 24, 2013** at **4:00 p.m.** in Council Chambers with the following in attendance:

MEMBERS:	V. Chester	Member at Large
	A. Haesler	Member at Large
	W. Kalkan	Member at Larger
	J. Mauro	Alderman
	R. Parker	Alderman
	M. Pritchard	Member at Large
	R. Stein	Member at Large
OTHERS:	A. Olsen	Development Officer
	D. Sarsfield	Secretary to the Board

An Acting Chair needed to be appointed for the meeting.

A. HAESLER:

That Victoria Chester be appointed Acting Chairman of the Subdivision and Development Appeal Board for the January 24, 2013 Hearing.

-----**CARRIED**

SDAB HEARING 2013-01

Appellants: Richard Kille and Trevor MacBeth

To construct two double garages for the purpose of vehicle storage and a granting of a request for a front and side setback and landscape width waiver at 3835 - 14 Avenue North.

Development Application No. DEV04801
Land Use District: I-G (General Industrial)

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:

Angela Olsen, Development Officer, outlined the case. An application was received in February, 2011 for a 485.6 m² (5,227 square feet) building for the purpose of storage with a request for a 1.55 m side setback waiver and a 3.95 m landscape width waiver. The property owner subsequently cancelled his permit on July 5, 2011. A new application was filed in August, 2011 for ten buildings for the purpose of storage. This request was granted along with a 2.77 m side setback waiver.

The current application for an additional two storage buildings was received in November, 2012. The buildings required a 1.17 m front setback waiver, 2.77 m side setback waiver, and a 1.17 m landscape width waiver. The waivers were advertised in the Lethbridge Herald on December 15, 2012.

The purpose of the General Industrial District is for the development of manufacturing, processing, distribution and storage uses and related services. The proposed use would be comparable to mini storage facility which conforms to the purpose of the district.

The exterior finish and roofing material on the buildings are metal which will match or compliment the surrounding buildings in the vicinity.

Side setback waivers were necessary to keep uniformity on the parcel as there were ten buildings previously approved with the same side setback. Neighbouring buildings have been granted both side and front setback waivers.

Appellant's Presentation:

Trevor MacBeth, outlined the grounds for the appeal. The following was stated:

- Result in depreciation of property values in the area
- Reduction in the visibility of existing businesses on either side of the property
- Proposed residential type garages detract from the existing buildings in the area and are not typical of the building type to be found in an Industrial Park
- Visual elements of the buildings do not blend into the surrounding structures
- Setback bylaws are in place for a reason
- Advertising the application in the newspaper is not appropriate for today's society

Applicant's Presentation:

Dick Groenheide, property owner and developer, outlined his reasons for the development. The following was stated:

- Rented out storage locations throughout the City for his large car collection
- Development is a permitted land use for the property
- Lethbridge Mini Storage, located at 1415 - 33 Street North is a few blocks away
- City services may be provided to the site at a later date if needed
- Neighbouring businesses are not retail in nature
- Building finish will be similar to other buildings in the industrial area
- Parking not required in the front of the property
- Front setback waiver required to allow the garages to be 24 feet wide

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

Discussion:

The Board addressed the following issues during question period:

- Confirmation of location and the number of buildings
- Conformity with the neighbourhood compared to minimum setback requirements
- Landscaping requirements
- Services to be provided to the property
- Buildings to be rented out or for the sole use of the applicant
- Description of fencing and type of ground surface
- Feasibility of moving the buildings closer together
- Rationale for buildings to be twelve feet apart from each other
- Setbacks for existing buildings on 14 Avenue North and in the Industrial Park

- Presence of architectural controls in the Industrial Park
- Permitted and discretionary uses in the General Industrial District
- Zoning for the area

Applicant's Rebuttal:

Mr. Groenheide stated that his building will conform with the setback provided to other buildings in the neighbourhood. Parking can be located on the side, front, and rear of the property. Mr. Groenheide stated delivery trucks should remain within the property rather than trespassing on neighbouring properties.

Appellant's Rebuttal:

Mr. MacBeth stated that buildings should have consistent and similar setbacks.

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:

Appellants: Richard Kille and Trevor MacBeth

To construct two double garages for the purpose of vehicle storage and a granting of a request for a front and side setback and landscape width waiver at 3835 - 14 Avenue North.

AND UPON HEARING from the Development Officer, the Appellants, the Applicant, 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:

V.CHESTER/A.HAESLER/W.KALKAN/J.MAURO/R.PARKER/M.PRITCHARD/R.STEIN

DECISION: The Appeal is **DENIED** and the decision of the Development Officer regarding Development Permit DEV04801 on December 11, 2012 to construct two double garages for the purpose of vehicle storage and a granting of a request for a front and side setback and landscape width waiver at 3835 - 14 Avenue North is hereby confirmed.

REASONS FOR DECISION:

1. The proposed use is a permitted use under the Land Use Bylaw
2. The front setback will not unduly impact the neighbouring properties
3. The side setback provides consistency with the existing buildings

-----**CARRIED**

CHAIRMAN

SECRETARY TO THE BOARD