



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

April 25, 2016

Re: Appeal of Development Permit No. DEV07879

Appellant: L.M. Viollini

Land Use: Low Density Residential (R-L)

Upon hearing representation made by the Development Officer, the Owner, the Applicant, the Appellant, and other interested parties on Thursday, April 21, 2016, it is the decision of the Subdivision and Development Appeal Board that the appeal is **DENIED** and the decision of the Development Officer regarding Development Permit DEV07879 on March 2, 2016 to construct a fence and a request for a waiver of the maximum fence height to be constructed at 838 – 15 Street South is hereby **UPHELD**.

REASONS FOR DECISION:

1. No objections were received from adjacent neighbours.
2. The Board is of the opinion this development would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
3. The waiver of the fence height will not impede the sight vision for drivers on the adjacent roads.
4. The waiver of the fence height will not impede the firefighting of the residence or the neighbouring residence.
5. The homeowner's concerns for privacy, security, and safety are addressed by the height waiver on the westerly fence.
6. The Board also considered the fencing requirements in the southeast corner of the property and found that enforcing compliance would not materially reduce the concerns raised by the appellant.

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 Sarsfield, Board Secretary,
Subdivision & Development Appeal Board

cc City Solicitor
Development Officer
Appellants/Neighbouring Property Owners



CITY OF
Lethbridge

**PERMIT NO.
DEV07879**

**Land Use Bylaw 5700
DEVELOPMENT PERMIT**

Subdivision and Development Appeal Board Decision

Address: **838 15 ST S**
Legal: 9012268;1;1;2

District: R-L

Applicant: STONEGATE DESIGN BUILD INC
Address: 2227 28 AVE COALDALE AB T1M 0A3

Phone: 403 345-5103

Development Proposed To construct a fence and a request for a waiver of the maximum fence height for a 27.13m long section of fence along the west side property line, a 1.22m long section of fence along the north lane side property line, a 3.96m long section of fence along the short front along 9th Avenue South and a 7.92m long section of fence along the long front along 15 Street South.

District R-L LOW DENSITY RESIDENTIAL

Land Use DWELLING, SINGLE DETACHED - PERMITTED

CONDITIONS OF APPROVAL

In accordance with the decision of the Subdivision and Development Appeal Board on April 21, 2016, the application to construct a fence and a request for waivers of the maximum fence height is approved with the following conditions:

1. A 0.44m (1'6") fence height waiver be granted, allowing a 27.13m (89'0") section of fence along the west side property line to be a maximum of 2.44m (8'0") in height.
2. A 0.44m (1'6") fence height waiver be granted, allowing a 1.22m (4'0") section of fence along the north lane side property line to be a maximum of 2.44m (8'0") in height.
3. A 1.00m (3'3") fence height waiver be granted, allowing a 3.96m (13'0") section of fence along the south short front property line along 9th Avenue South to be a maximum of 2.00m (6'6") in height.
4. A 1.00m (3'3") fence height waiver be granted, allowing a 7.92m (26'0") section of fence along the east long front property line along 15th Street South to be a maximum of 2.00m (6'6") in height.
5. The development shall be in accordance with the plans submitted March 1, 2016. Any change to these plans requires the approval of the Development Officer.

Decision Date
Apr 21, 2016

Development Commencement shall be within one year of the decision date



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**PERMIT NO.
DEV07879**

**Land Use Bylaw 5700
DEVELOPMENT PERMIT
Subdivision and Development Appeal Board Decision**

**Development.
Authority**

PAM COLLING, DEVELOPMENT OFFICER

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.

FOIPP

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 5700 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 the Manager of Planning and Development Services at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or phone at (403) 320-3920, or email developmentsservices@lethbridge.ca.

Permit No. DEV07879
