



Office of the City Clerk

August 9, 2021

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed on the refusal of a Development Application by the Municipal Planning Commission to construct a second dwelling unit on a property located at 402 8A Avenue South.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 200 feet or 60 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property will also receive a copy of this letter.

The Subdivision and Development Appeal Board (SDAB) will hold a Public Hearing as follows:

DATE:	Thursday, August 19, 2021
TIME:	5:00 p.m.
LOCATION:	Council Chamber, Main Floor, City Hall
	910 – 4 Avenue South

Persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to five minutes.

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB via email at <u>david.sarsfield@lethbridge.ca</u>, no later than 12:00 noon on the Wednesday the day before the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

The City is following the recommendations from the Province of Alberta and the City of Lethbridge with regards to social distancing.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 403 329 7329 if you have any questions.

Yours truly,

David Sarsfield Board Secretary, Subdivision and Development Appeal Board

This information is collected under the authority of the Freedom of Information and Protection of Privacy Act, Section 32(C) and will be included in the Subdivision and Development Appeal Board agenda. The agenda is a publicly available document. If you have any questions regarding the collection of this information, please contact the FOIP Coordinator, Telephone 403 329 7329.





NOTICE OF A SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

- DATE: Thursday, August 19, 2021
- PLACE: Council Chamber, 1st Floor City Hall - 910 - 4th Avenue South
- TIME: 5:00 p.m.

AGENDA:

1. CALL TO ORDER

PRESENTATIONS:

2.1 5:00 p.m. SDAB No. 2021-04 APPEAL OF REFUSAL OF DEVELOPMENT APPLICATION 13136

Appellant: Halma Thompson Land Surveys Ltd.

Address: 402 8A Avenue South

To construct a second dwelling unit on a property

Land Use District: R-L (L)

#200-410 Stafford Drive S Lethbridge, AB T1H 5J3 Phone: 403-381-1320 Fax: 403-381-1366



City of Lethbridge 910 4th Ave S Lethbridge, AB T1J 0P6

August 3, 2021 File: H17021

Attn: The Secretary - Subdivision and Development Appeal Board

Re: Development Permit Appeal – File DEV13136 402 8A Ave S

On behalf of our client Greener Homes Ltd. please find the captioned appeal of decision enclosed. The basis of the appeal is the lack of communication between the Municipal Planning Commission and the owner and applicant. This lack of communication precluded our attendance at the hearing, and in turn lead to an incorrect assessment of the property having a secondary suite. Prior to the development permit application, the aspects of a secondary suite in the home had been removed or covered. Please direct all correspondence to our office.

Sincerely,

HALMA THOMPSON LAND SURVEYS LTD.

Michael Thompson, P. Eng, ALS, CLS

General Manager

MT:mt

NOTICE OF APPEAL

Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the Municipal Government Act and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		(Date Received Stamp)
Municipal Address of A	Appeal S	
4492GA;	-/ 0	
Development Applicati	ion Number or Subdivision Application Number	
DEV 13130	6	
Appellant Information		No. All
Name Halma Thom	pson Land Surveys Ltd.	
200-410 Staffe		(Office use Only)
city_ethbridge	Province AB	Postal Code TIJ 212
Residence #	Business #	Email. Into @ htlandSurveys.ca

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order	
Approval Conditions of Approval Refusal	Approval Conditions of Approval Refusal	Notice of Order	

REASONS FOR APPEAL Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this ap	of day and time of hearing not provided by MI
Secondary Sc	lite removed prior to application, assessment of secondary suite by MPC is incorrect.
	(Attach a separate page if requi

This Personal information is collected under the authority of the Freedom of Information and protection of Privacy Act. Section 33(c) and the Municipal Government Act, Sections 6788 and 685 Note: This Information will form part of a file available to the public, if you have any questions regarding the collection of this information, contact the FOIP Coordinator at (403) 329-7329.

Signature of Appellant	2		Date 2021 MOS 1003
Variation		FOR OFFICE USE ONLY	and the second s
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD	Date Appellant Notified YYYY MM DD

Land Use Bylaw 6300 APPLICATION NO. DECELOPMENT PERMIT APPLICATION - REFUSED DEV13136

 Address:
 402 8A AVE S

 Legal:
 4492GA;3;8

District: R-L(L)

Phone: 403-381-1320

Development Proposed A request to construct a second dwelling unit on a property.

#200, 410 STAFFORD DR S LETHBRIDGE AB T1J 2L2

District R-L LOW DENSITY RESIDENTIAL

Land Use DWELLING, SINGLE DETACHED - DISCRETIONARY

HALMA THOMPSON LAND SURVEYS LTD

REASONS FOR REFUSAL

The Development Application DEV13136 be REFUSED for the following reasons:

- 1. That the proposed building does not comply with the requirements of Land Use Bylaw 6300.
- 2. That the existence of a secondary suite precludes the commission from approving a second dwelling on the property.

Decision Date

Applicant:

Address:

Jul 26, 2021

Development. Authority

JOSHUA BOURELLE

STATUTORY PLANS

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

APPEALS

The applicant has the right to appeal this decision to the Subdivision and Development Appeal Board. An appeal shall contain a statement of the grounds of appeal and shall be delivered either personally or by Registered Mail so as to reach the Secretary of the Subdivision and Development Appeal Board not later than twenty-one (21) days after the decision date indicated on the Development Permit or 'Development Permit Application - Refused' letter.

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. DEV13136

#200-410 Stafford Drive S Lethbridge, AB T1H 5J3 Phone: 403-381-1320 Fax: 403-381-1366



City of Lethbridge 910 4th Ave S Lethbridge, AB T1J 0P6

Attn: Planning and Development Office

Re: Development Permit Application Package 402 8A Ave S

On behalf of Greener Homes Ltd. please find the captioned development permit application package enclosed, along with the \$1,150.00 fee. The intention is to move an existing home from 804 6 St S onto this lot as shown on the enclosed plan of survey, to be followed by a subdivision application. Please forward resulting correspondence to our office.

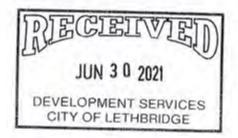
Sincerely,

HALMA THOMPSON LAND SURVEYS LTD.

Michael Thompson, P. Eng, ALS, CLS

General Manager

MT:mt



June 30, 2021 File: H17021

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Development Permit Application

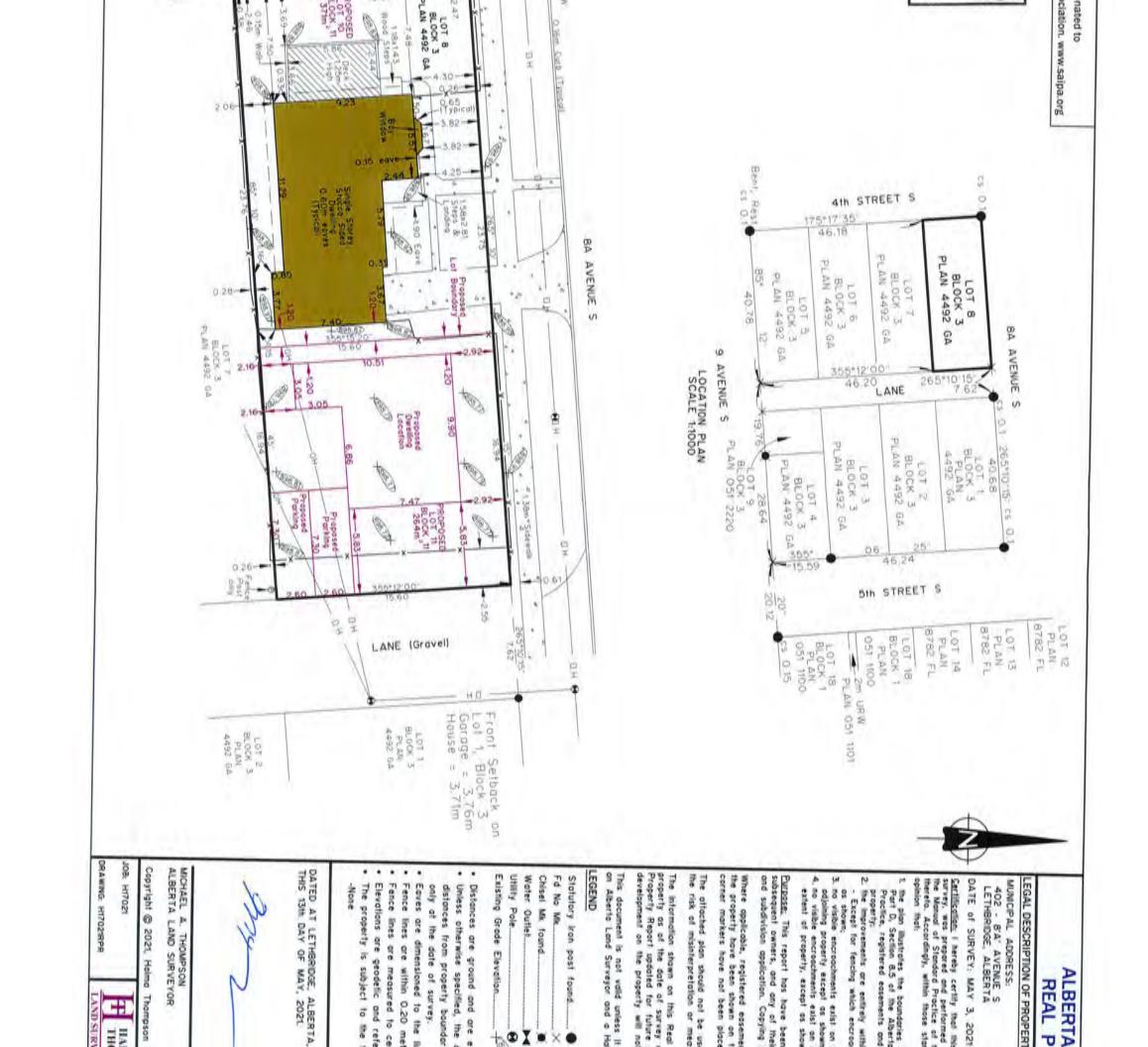
Low Density Residential - Single Detached Dwelling, Two-Unit, Secondary Suite

All of the following information is necessary to facilitate a thorough and timely evaluation and decision of your application. All materials submitted must be clear, legible and precise. Only applications that are complete will be accepted. PLEASE NOTE: this application is ONLY for a development permit. If a building permit is also required, you must apply for it separately.

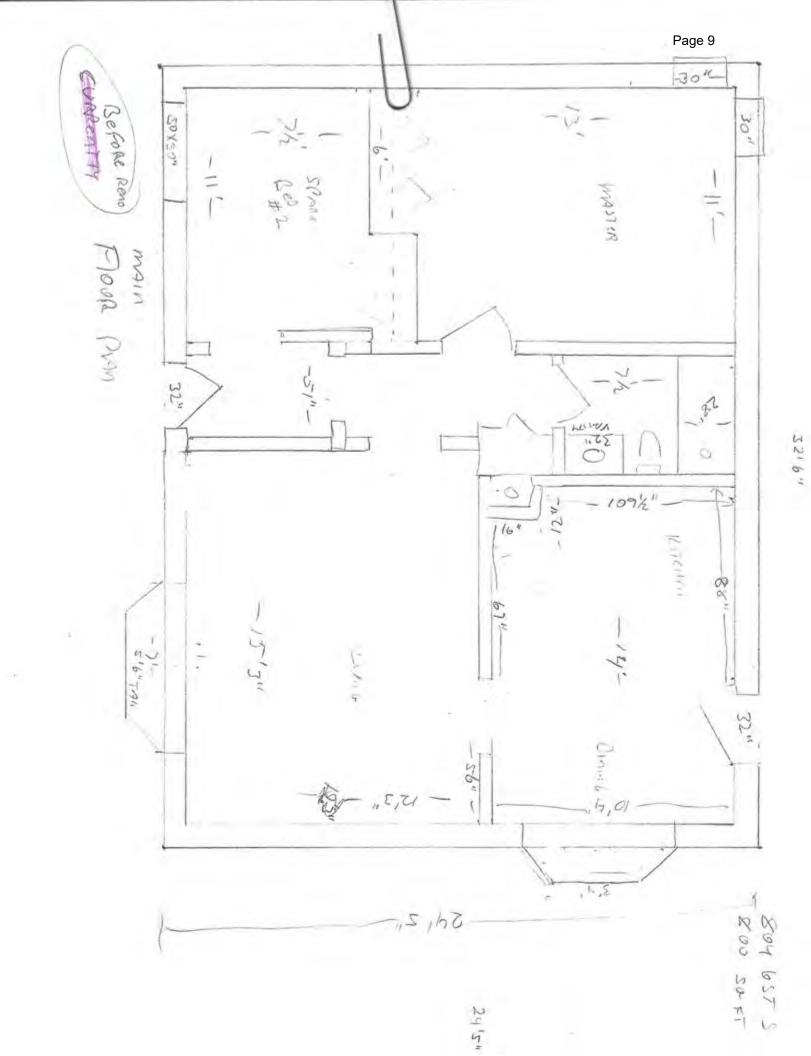
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Appli	me Micha	ael Thompsor				erty Owner Gree	r ner Homes L	.td.	
Addr	ess 200 -	410 Stafford	Dr S		Add	Box 3	37 Station M	/lain	
c	ity Lethb		Postal Co	de T1J 2L2			oridge	Postal Code	T1J 3Y7
Pho	403-3	81-1320					08-3892	B/L #	
E-m	mthor	mpson@htlan	dsurv	eys.ca		dave	@greenerhor		
Signatu	ire	mzz	-	_	Signat	inam (C	marte	~	
	applicant	l affirm:	f the she	ments confirming a			/	JL	UN 3 0 2021
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required and will be used for issuing permits and planning & development purposes. Please Note that such information may be made public. If you have any questions about the collection, use, or disclosure of the personal information provided, please contact information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or by phone at 403-329-7329

Planning & Development Services | 403-320-3920 | 910 4 Ave S, Lethbridge, AB T1J 0P6



Page 8







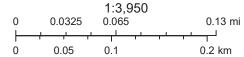




Parcel Locator WebMAP



Parcels



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

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August 13, 2021,

Peter and Shannon Kidd 828 5 Street South Lethbridge, Ab T1J 2C6

Subdivision And Development Appeal Board City of Lethbridge.

Re: Proposed Development 402 8 Ave A South.

Dear Commissioners,

By way of this letter, we wish to voice our opposition to the proposed development at 402 8 Ave A South. While we appreciate the city's desire to densify, we feel our little corner of the city is dense enough, particularly considering the number of legal and illegal suites in the area. Specific examples include:

- 1. Within the 60-metre radius of the proposed development there are 8 illegal secondary suites and an apartment building with 23 units.
- 2. In 2004 the parcel at 419 9 Ave S had a second dwelling added to it, 411 9 Ave S. 411 9 Ave South has 2 suites in it even though, according to the city website, it was denied secondary suite status in 2012.
- 3. Just outside the 60-metre radius there are 10 secondary suites, of which only one is legal. The duplex at 823/825 5 Street South has 3 illegal suites in the basement.
- 4. In 2006 parts of 827 5 Street S and 501 9 Ave S were severed to create 505 9 Ave S. Both 827 5 Street S and 501 9 Ave S have secondary suites.

We suspect that 402 8 Ave A South has an illegal suite in it as it was featured in the MLS listing recently. If the development is approved, its not unreasonable to assume that there would be 3 units on the parcel which we believe isn't allowed.

The current density has created parking issues which will be further impacted by a new bus stop that Lethbridge Transit is adding near the corner of 9 Ave and 5 Street South.

The proposed development will do nothing to enhance our neighbourhood, it will add to the congestion with respect to parking and a potential increase in the number of secondary suites. Part of what makes these old neighbourhoods special is the large lots with ample green space.

In the City's own London Road Area Redevelopment Plan, Section 3, Character Defining Elements, states:

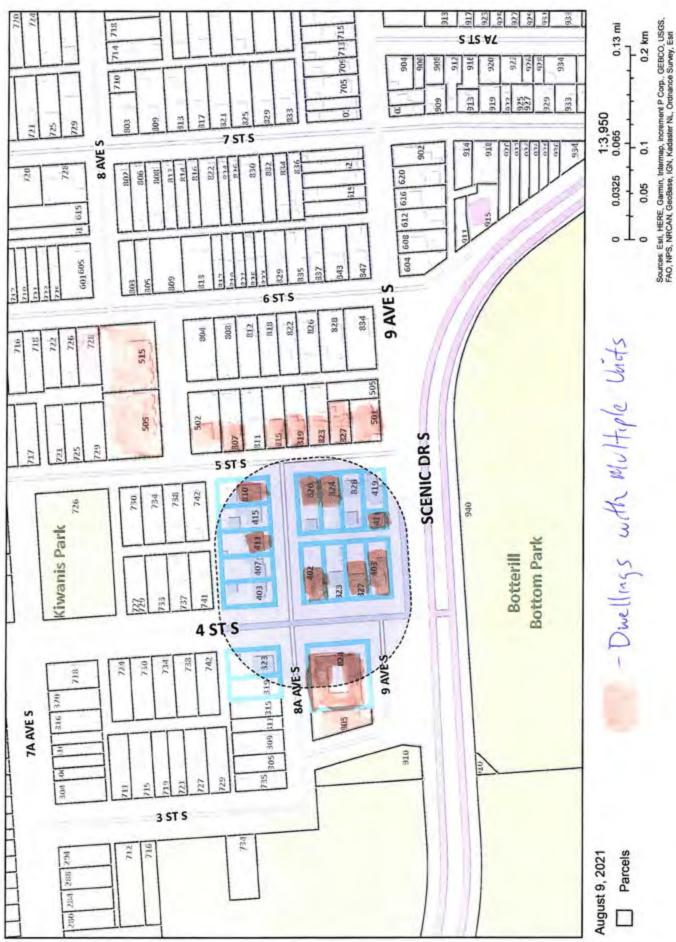
"Beyond the buildings themselves, small-scale residential is characterized by front and back yards which provide amenity space to residents. Typically, a building footprint only occupies 30-45% of the total lot. Maintaining the proportion of amenity space to buildings is an important factor."

In the 35 years which we have lived in our home, there has been 2 densification developments within 60 metres of us which go against the above statement. The proposed development would be no different.

I have attached a map of the immediate area highlighting dwellings with multiple suites.

We will attend the SDAB meeting of Aug 19th to further discuss these impacts in our neighborhood.

Sincerely, Peter and Shannon Kidd Parcel Locator WebMAP



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Affected Persons response re SDAB No. 2021-04 – Appeal of refusal of development application 13136

James Rouleau and Courtney Parent Address: 403 8a Ave South, Lethbridge, AB.

The Affected Persons (James Rouleau and Courtney Parent) ask that the SDAB deny the appeal before it, and confirm the decision of the Municipal Planning Commission.

The Affected Persons note that the Reasons for Appeal, as laid out by the Applicant, and as required by sections 678 and 686 of the Municipal Government Act are only two.

- 1) That there was no notice of day and time of hearing sent to the Applicant by the Municipal Planning Commission, and;
- 2) That the aspects of the Secondary Suite referenced by the Municipal Planning Commission were removed and covered.

With respect to the first ground, we would urge the SDAB to dismiss this ground of appeal as it amounts to nothing more than a bare assertion of lack of notice. The assertion appears unsupported by any affidavit evidence. Furthermore, as per the Agenda from the July 26, 2021 Municipal Planning Commission meeting, the meeting itself was advertised in the July 17th edition of the Lethbridge Herald. A lack of diligence on the part of the Applicant, we urge, should not be considered a as proper ground of appeal. It would also appear, from a review of both the Agenda, and the Minutes from the July 26th MPC meeting, that the Applicant was well able to make written submissions despite their non-attendance at the meeting itself, and so the MPC was fairly able to consider the application before it.

With respect to the second ground, we would argue that while the alleged presence of a secondary suite was live before the MPC, it was not the only reason for the Commission's decision, and a review of the Agenda suggests it was not a primary reason for the MPC's decision. As to the Applicant's assertion in the Notice of Appeal and accompanying letter dated Aug 3, 2021 of "an incorrect assessment of the property having a second suite" which they could not correct through personal attendance at the meeting, we urge the SDAB to refer to the July 26, 2021 Agenda at page 4. City staff appear to have conducted an inspection of the subject property and confirmed removal of suite defining elements. The factual error that the Applicant alleges in their Notice of Appeal, we argue, simply does not exist. We therefore urge the SDAB to give this ground of appeal little to no weight.

The Applicant appeals the decision on the MPC on no other grounds. We urge the SDAB to deny the appeal as it relates to both grounds brought by the Applicant.

Given that the Applicant raised only two grounds, we further urge the SDAB not to interfere in the reasoning and decision making process of the MPC as it pertains to any other reasons it had for denying the application in the first instance. These are broadly summarized in the Conclusion portion of the Agenda (page 10) and involved, among other considerations, issues of parcel size (and the policy language in Policy 5.3.2.j that "the creation of new parcels smaller than the minimum parcel requirements should not be supported"), parking stall size (and vehicle width) as well as house alignment.

mes Rouleau

Courtney L. Z. Parent Courtney Parent



Subdivision & Development Appeal Board

SDAB Meeting Aug 19, 2021



APPLICATION NO.

DEV13136

LAND USE DISTRICT

R-L(L) Low Density Residential London Road District

APPLICANT

LANDOWNER

Greener Homes LTD

402 8A Ave South

LOCATION

Halma Thompson Land Surveys Ltd.

CURRENT DEVELOPMENT

Single Detached Dwelling – Existing;

PROPOSED DEVELOPMENT

Appendix A: Drawings

To construct a Second Dwelling Unit on the property, and a request to waive section 48(1) - Dwelling Units on a parcel, a 0.08m (3") front setback waiver, and a 0.3m (1')parking stall width waiver.

ADJACENT DEVELOPMENT

North	Single Detached Dwelling
South	Single Detached Dwelling
East	Single Detached Dwelling
West	Apartment building

CONTEXT MAP



NOTIFICATION SUMMARY

Neighbourhood:London RoadNeighbourhood Associations(s):London Road Neighbourhood Association

LAND USE BYLAW SUMMARY

Use: Single Detached Dwelling Permitted Second Dwelling Unit on a parcel Waiver

	Required	Proposed	Waiver Requested
Height	10.0m		N/A
Setbacks:			
Side #1	0.60m	1.22m	N/A
Side #2	0.60m	1.22m	N/A
Front	3.00m	2.92m	0.08m
Eave Projection	0.6m	0.30m	N/A
Off-Street Parking	2 stalls @7.3m long	2 stalls @7.3m long	1 stall 0.30m width waiver
	1 stall @2.9m wide	2 stall @2.6m wide	waivei
	1 stall @2.6m wide		

EVALUATION

Background

- An application to construct a single story dwelling with the above identified waivers, was received on June 30th, 2021.
- Due to the nature of the waiver request, Neighbourhood Notification Letters were sent to residents within a 60m radius of the subject parcel on July 8, 2021 advising that this application would be presented to the Municipal Planning Commission on July 26, 2021.
- A copy of the Neighbourhood Notification Letter was also sent to the London Road Neighbourhood Association via email on July 8, 2021.
- The July 26, 2021 Municipal Planning Commission meeting was advertised in the July 17th edition of the Lethbridge Herald.
- MPC refused the application as the proposal did not meet the requirements of the Land Use Bylaw 6300, and because the existing suite precluded MPC from allowing an additional dwelling unit on the property

<u>CONTEXT</u>

This application was heard before the Commission because:

• A waiver of Section 48 (1) – Dwelling Units on a Parcel is required to be presented to the Commission for consideration.

CONSIDERATIONS

- A neighbourhood Notification Letter was sent to residents within a 60m radius of his parcel. At the time of the report writing, one response has been received, and one notice recipient has been in discussion with City staff to answer questions.
 - Response from 824 5 Ave S opposes
 - Too many illegal suites
 - Current lack of on street parking
 - Decreased feeling of safety in the neighborhood
- City Staff was alerted to the possibility that the current Single Detached Dwelling had an existing secondary suite. If that is/was the case that would preclude our ability to grant the applicants request without additional rezoning process.
- City Staff conducted an inspection of the subject property, pictures being included as **Appendix C**, which show that the suite defining elements have been removed to render this property a single detached dwelling only.
- Internal circulations for City of Lethbridge departments yielded the following considerations.
 - **Water/Waste Water** Water and sanitary mains are available in 8 Avenue 'A' South. New water and sanitary services are required at owners' expense.
 - Electric Design Electrical service for 402 8 A Ave S will need to be moved. It will need to be on the property for 402 after the division of the lot. Please contact electrical design department to discuss service for 402 8 A Ave S and the new service for the proposed home. electricdesign@lethbridge.ca or Gareth Jones 403-393-1827.
 - Planning –
 - Located in the London Road ARP "4th Street Corridor", sub-area B. The land use policy for this location supports small, medium and large-scale residential. It states "Development on corner parcels should orient their building frontages primarily to 4th Street rather than the Avenues." However, the existing dwelling fulfills this role.

It's not clear from the drawings how the new dwelling will be oriented. It should be oriented with its main entrance to 8A Ave S (I would assume this is the case).

 Policy 5.3.2.j states: "Consolidations and subdivisions are permitted if the new lots meet the minimum parcel size requirements as established in the Land Use Bylaw. The creation of new parcels smaller than the minimum parcel requirements should not be supported."

- The proposed subdivided parcels would be 371 m2 and 264 m2. The minimum parcel size in the R-L district for SDDs on parcels with lane access is 320 m2. One parcel would therefore be too small. However, the language of the above policy is "should". Policy 5.1.2.iii states: "The use of 'should' means that the policy is expected to be followed, with the possibility of exceptions due to a valid planning principle, or circumstances unique to a specific project." In this case, I think if the Development Officer feels the proposal meets other requirements, then the proposal would contribute to the goals and "character-defining elements" of the London Road ARP, such as providing housing choice while maintaining the predominantly small-scale residential / low density feel.
- Policy 5.4.2.f states: "The Development Authority is authorized to grant a waiver of the built form regulations and any such waiver is subject to the appeal processes identified in the Land Use Bylaw. When a waiver is considered, the Development Authority should give consideration for the overall vision of the Plan, specifically the Character-Defining Elements." The proposal does appear to meet the character-defining elements as listed in section 3.3.
- Policy 5.4.3.u states: "All new development should retain existing street trees. The removal of street trees to facilitate development, utility installation, and driveways must be approved by the City. A submitted site plan shall show the location of existing street trees adjacent to the development and the proposed utility connections and driveway location if applicable. Space should also be retained in the boulevard for the future phased replanting of street trees, which cannot be replanted on the same spot." The submitted plans do not appear to show existing street trees a google street view suggests there may be one. This should be retained. If it must be removed for construction/moving, it must be replaced as per policies 5.4.3.v, w, x.
- Photos of the house that is proposed to be placed on the parcel are included in the agenda package, with the Applicant committed to finishing the outside of the proposed dwelling with new siding and eavestrough.

LEGISLATION & POLICY

Land Use Bylaw 6300

- Section 48(1) Dwelling Units on a Parcel
- Section 63(5) Parking & Loading Requirements
- Section 86(5&7) parcel size and setback requirements

Municipal Development Plan

- Policy 58 Promote affordable housing by encouraging and facilitating the adequate supply of housing for all income groups.
- Policy 65 Ensure residential densities are increased in existing areas in a manner that respects built form and character, by preparing Area Redevelopment Plans which take into account the following criteria:
 - o Age and classification of the neighbourhood,
 - o Street layout type,
 - o Location in relation to other land uses and transportation links,
 - Neighbourhood population demographics, such as age distribution,
 - o Neighbourhood design and character,
 - o Existing and planned infrastructure capacity,
 - Heritage preservation
- Policy 66 Promote increasing residential densities in existing areas in a manner that respects built form and character by:
 - Encouraging residential development at an near to the University and College,
 - o Encouraging residential development in the downtown,
 - Encouraging the development of increased residential density in and around existing or planned commercial areas and corridors,
 - Encouraging support for additional units in parcels that have not reached their maximum allowable density,
 - Encouraging beautification of commercial corridors to increase livability,
 - Discouraging 'downzoning' (i.e. Land Use Bylaw amendments from higher to lower density residential districts), except where required in order to comply with other policies in this MCP.

• F	Policy 67	Ensure a range of types and sizes of residential development in
		the downtown are enabled and encouraged by reviewing the
		regulatory and statutory environment to:
		 Ensure minimum parking requirements are not an obstacle to residential development or adaptive reuse of existing buildings in the downtown.
		 Enable and encourage a range of housing types and sizes.
		 Encourage active commercial frontages at ground floor level, while considering residential uses in appropriate forms and locations.
• F	Policy 68	Ensure a choice of housing is integrated throughout the city in
	-	future Area Structure Plans, Outline Plans and Area Redevelopment Plans, by:
		 Requiring future Area Structure Plans, Outline Plans, and Area Redevelopment Plans to include a variety of residential land use districts to ensure various housing types can occur such as:
		secondary suites, duplexes, multi-family housing, market
		housing, single room occupancy, shared housing with
		supports, and shared ownership arrangements.
		 Requiring any proposed higher density residential
		development to be located with good access to services (eg.
		commercial uses, schools, parks) and transportation links
		(including but not limited to transit).
• ٢	Policy 100	Promote walkable neighbourhood by encouraging:
		 A greater mix of appropriate land uses and infill development through policies in Area Redevelopment Plans.
		 Growth areas to provide for a greater mix of land uses in Area Structure Plans and Outline Plans.
		 Development of accessible housing units in areas where
		ancillary neighbourhood facilities are currently available (eg.
		schools, parks, transit routes, groceries) or will be developed in
		the future, through land use plan preparation or consideration of applications for a change of land use.
		• Area Redevelopment Plans for areas with inadequate green
		space to identify how the supply can be increased and how this can be paid for.
		 Street-fronting and neighbourhood-oriented commercial
		development in new or existing neighbourhoods with a grid or
		modified grid street layout, through supporting appropriate

land use amendments and identifying appropriate locations in Area Redevelopment Plans and Outline Plans.

- Commercial development around higher density residential areas, in Area Redevelopment Plans and Area Structure Plan preparation, and Land Use Bylaw amendments.
- Policy 113 Promote a sustainable development pattern which makes efficient use of land, minimizes the need for motorized travel and facilities social cohesion, by encouraging:
 - The design of live, work, shop and play land uses in proximity to one another.
 - Mixed-use development with a mix of land uses in existing and future commercial areas.
 - The design of the built environment to facilitate walkability and rollability by providing complete networks of accessible sidewalks and crossing throughout the city.
 - The design of neighbourhoods to minimize driving distances and reduce automobile trip generation, through the use of grid or modified grid street layouts (where topography and storm water management solutions allow) and a mix of land uses which aims to allow residents to meet their daily needs within a 750 m walk of their homes.
 - A diverse range of housing forms and price points to be incorporated in all new neighbourhoods.
 - Mixed-use development in residential neighbourhoods, in locations which maximize commercial viability and ease of access for nearby residents.
 - The creation of city and neighbourhood focal points that provide opportunities for community gathering, and that encourage interaction between all age groups and abilities.
 - Neighbourhood design and public spaces to mitigate the impact of climatic extremes (temperature, wind, drifting snow).
 - Through the city, architecture and streetscaping which contribute to a sense of place and civic pride.

South Saskatchewan Regional Plan 2014-2024

5. Efficient Use of Land

Objective:

• The amount of land that is required for development of the built environment is minimized over time.

Strategies:

5.1 All land-use planners and decision-makers responsible for land-use decisions are encouraged to **consider the efficient use of land principles** in land-use planning and decision-making.

Principles:

- 2. Utilize the minimum amount of land necessary for new development and build at a higher density than current practice.
- 3. Increase the proportion of new development that takes place within already developed or disturbed lands either through infill, redevelopment and/or shared use, relative to new development that takes place on previously undeveloped lands.
- 4. Plan, design and locate new development in a manner that best utilizes existing infrastructure and minimizes the need for new or expanded infrastructure.

CONCLUSION

- The existing configuration of home proposed to be placed on the property presents siting complications that can only be remedied with waivers of Land Use Bylaw 6300.
- Siting for the existing dwelling is not conducive to an equitable parcel size for the subsequent subdivision process.
- While the proposal does help meet the requirements of the MDP and SSRP to use land and infrastructure more efficiently by increasing density, it does so only by relaxing requirements of the Land Use Bylaw.
- Waiving the parking width requirement does not make a vehicle any narrower.
- Even with the proposed front setback waiver, the proposed house will not be aligned with the adjacent properties.
- MPC must decide if this proposed development is suitable at this location.
- Meets the goals and policies of the London Road Area Redevelopment Plan.
- Meets the objectives of the Municipal Development Plan.
- Meets the objectives of the South Saskatchewan Regional Plan 2014-2024.
- At the time of MPC meeting, the suite defining elements (cooking facility) had not been adequately removed. City of Lethbridge requires that the electrical for the stove be removed to the panel. Had this been done, a recommendation for approval would have been presented to the Municipal Planning Committee.

RECOMMENDATION

If there has been no documentable proof that the electrical has been removed to the electrical panel, the recommendation that follows, which was also the recommendation to the Municipal Planning Commission, still stands.

That the application for the Second Dwelling Unit on the property, and a request to waive section 48(1) - Dwelling Units on a parcel, a 0.08m (3") front setback waiver, and a 0.3m (1')parking stall width waiver be **refused** for the following reason(s):

1. That the proposed building does not comply with the requirements of Land Use Bylaw 6300.

2. That the existing secondary suite precludes further densification at this location.

ALTERNATIVES

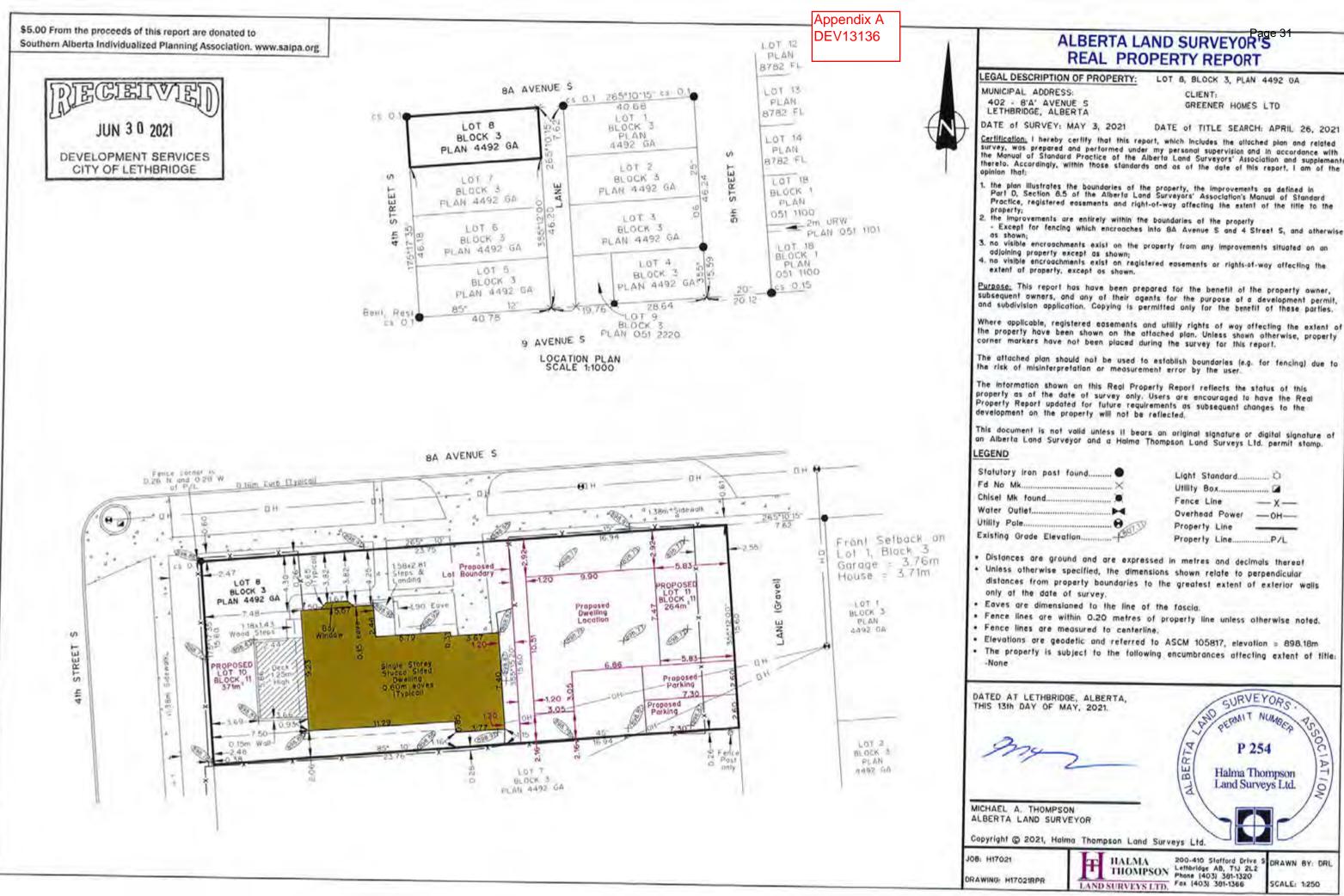
Approval This application may be approved. Appropriate conditions should be cited.

If this application is approved:

- The applicant may appeal any of the conditions of approval.
- Any affected party present at the MPC meeting may appeal the approval.
- The approval is advertised in the upcoming Saturday paper and any affected party may appeal the approval.
- **Refusal** This application may be refused. Specific reasons for refusal must be cited.

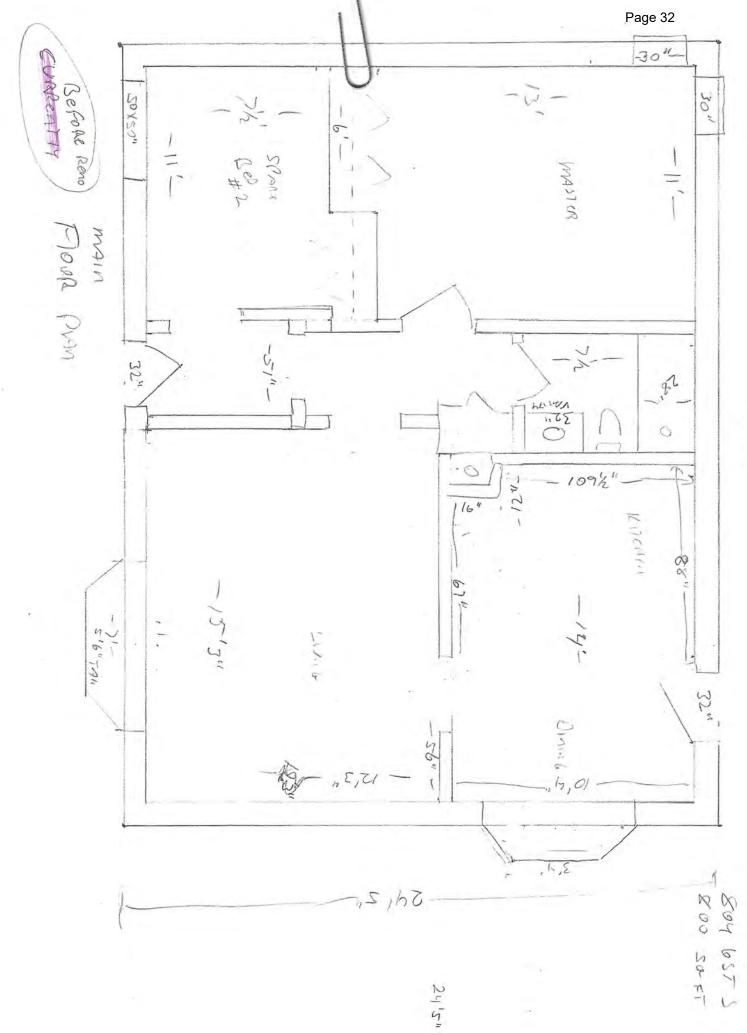
If this application is refused:

- The applicant may appeal the refusal.
- The applicant may wait 6 months and reapply for the same development at the same location.
- The applicant may correct the aspects of the development that caused it to be refused and reapply before 6 months has elapsed.
- The applicant may make an entirely new application for the same proposal in a different location.
- **Tabling**The application may be tabled: The cause of or reason for tabling
should be cited. Conditions or a time frame for lifting it from the
table should be cited. Instructions for re-advertising should be
cited.



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GATEWAY TO OPPORTUNITY

July 8, 2021

NOTICE TO NEIGHBOURS

This letter is being sent to property owners within a 60 meter radius of:

402 8A AVE S

An application has been received to construct a second dwelling unit on the above noted parcel, with a request for the following waivers:

- 1. A 0.08m (3") front setback waiver,
- 2. A 56m² Parcel size waiver,
- 3. A 0.30m (1') parking stall width waiver,
- 4. Waiver of section 48 (1) of Land Use Bylaw 6300 dwelling units on a parcel

No decision on this application has been made. This application will be considered by the *Municipal Planning Commission on July 26, 2021 at 3:00 pm in Council Chambers*, Main Floor of City Hall.

If you feel that you will be impacted by this development, please explain how and why in writing and it will be submitted to the Commission. You may mail, email, or deliver your response to Planning & Design for receipt no later than 4:30 pm, on Friday July 23, 2021. You may speak to the Commission at the meeting either by telephone or in person. If you wish to speak via telephone, please email <u>cityclerk@lethbridge.ca</u> by noon on Monday, July 26, 2021 and provide your name, phone number, and email. You will then be contacted and arrangements will be made for your remote participation.

All written material previously submitted to this office will be presented to the Commission. <u>Please</u> note that all information you provide can be made public.

Joshua Bourelle Development Officer I

cc: Applicant City of Lethbridge 311 July 21, 2021

From:	Matthew and Jill Baker 824 – 5 Street South
	Lethbridge, AB T1J 2C6
То:	Municipal Planning Commission, City of Lethbridge

Re: 402 – 8A Avenue S – Proposed development

To Whom it May Concern:

We are writing because we are opposed to the proposed development of the above mentioned property. We recently purchased our house and were attracted to this area because of the seemingly low density and large lots. However, disappointingly, we have become aware that most of the homes in this area have illegal suites/bedrooms rented out with multiple tenants and vehicles.

In the evenings, we cannot find a place to park by our property on the street. Further development with more properties and more people will only exacerbate the issue. Not to mention, there is already apparently another bus stop being put on our street, creating even less parking spots.

Please do not further ruin this area by allowing even more houses to be squeezed in; likely with more illegal suites to be rented out. This property will also affect traffic in our back lane.

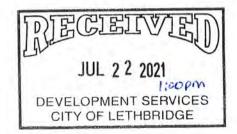
*As a side note, this lovely old area is slowly being overtaken by a homeless population living/sleeping in the neighborhood parks. We are relatively new to Lethbridge, having lived here only a few months, but are shocked at how the homeless and drug addicts have taken over the city...we do not feel safe to go out walking around the neighborhood. We have lived in many places in western Canada and have never seen anything like this.

Sincerely,

Matthew & Jill Baker

Page 39

July 22, 2021



Peter and Shannon Kidd 828 5 Street South Lethbridge, Ab T1J 2C6

Municipal Planning Commission City of Lethbridge.

Re: Proposed Development 402 8 Ave A South.

Dear Commissioners,

By way of this letter, we wish to voice our opposition to the proposed development at 402 8 Ave A South. While we appreciate the city's desire to densify, we feel our little corner of the city is dense enough, particularly considering the number of legal and illegal suites in the area. Specific examples include:

- 1. Within the 60-metre radius of the proposed development there are 8 illegal secondary suites and an apartment building with 23 units.
- In 2004 the parcel at 419 9 Ave S had a second dwelling added to it, 411 9 Ave S. 411 9 Ave South has 2 suites in it even though, according to the city website, it was denied secondary suite status in 2012.
- 3. Just outside the 60-metre radius there are 10 secondary suites, of which only one is legal. The duplex at 823/825 5 Street South has 3 illegal suites in the basement.
- 4. In 2006 parts of 827 5 Street S and 501 9 Ave S were severed to create 505 9 Ave S. Both 827 5 Street S and 501 9 Ave S have secondary suites.

We suspect that 402 8 Ave A South has an illegal suite in it as it was featured in the MLS listing recently. If the development is approved, its not unreasonable to assume that there would be 3 units on the parcel which we believe isn't allowed.

The current density has created parking issues which will be further impacted by a new bus stop that Lethbridge Transit is adding near the corner of 9 Ave and 5 Street South.

The proposed development will do nothing to enhance our neighbourhood, it will add to the congestion with respect to parking and a potential increase in the number of secondary suites. Part of what makes these old neighbourhoods special is the large lots with ample green space.

In the City's own London Road Area Redevelopment Plan, Section 3, Character Defining Elements, states:

"Beyond the buildings themselves, small-scale residential is characterized by front and back yards which provide amenity space to residents. Typically, a building footprint only occupies 30-45% of the total lot. Maintaining the proportion of amenity space to buildings is an important factor."

In the 35 years which we have lived in our home, there has been 2 densification developments within 60 metres of us which go against the above statement. The proposed development would be no different.

I have attached a map of the immediate area highlighting dwellings with multiple suites.

We will try to attend the MPC meeting of July 26th to further discuss these impacts in our neighborhood, however travel and work commitments may prohibit us from attending.

Sincerely, Peter and Shannon Kidd



- Dwellings with Multiple Suites

407 8A Ave South Lethbridge AB T1J 1S3 Tel. 403.394.7735

July 21, 2021 Municipal Planning Commission City of Lethbridge

Re. Proposed Development on 402 8A Ave South

Dear Members of the Municipal Planning Commission;

<u>We are opposed to the proposed development</u> to construct a second dwelling unit on the parcel 402 8A Ave South for three main reasons: 1) congested population, 2) parking and traffic, 3) air quality and pollution.

Congestion: Adding a second dwelling to the 402 8A Ave South parcel <u>will add congestion to an already dense</u> <u>area</u>. There are 10 known secondary suites within close proximity of 402 8A Ave South. Most of these suites are not registered as separate dwellings yet they contribute to congestion of the neighbourhood. Further, the original parcel of 411 9 Ave South has two separate dwellings, one with a secondary suite. These are all in addition to three apartment buildings and a series of townhouses, two of which also have secondary suites.

<u>The proposed development has an existing illegal suite</u> and the proposed development has demonstrated a reasonable expectation that the second dwelling will add at least two more suites to the parcel.

Parking & Traffic: *There is not enough street parking available to support an additional dwelling* at the 402 8A Ave South parcel. Currently, there are parking and traffic issues both on and near the proposed location. The road of 8A Ave at 4th Street is both short and narrow, parking is limited and traffic flow is too high as a great number of vehicles from Scenic drive speed around the corner from 4th Street and through this road (traffic to our narrow road did increase when the 9th Ave access from Scenic was permanently closed).

Increasing traffic congestion is also a concern in terms of pedestrian safety: many children, youth, and aging adults live in the neighbourhood.

<u>Air Quality & Pollution</u>: <u>This neighbourhood has achieved a high population density.</u> Adding more dwellings will cause exponential problems in terms of congestion and remove the qualities that make this neighbourhood appealing to residents: large lots with plenty of green space and mature trees that work to create high air quality. This is especially crucial in our neighbourhood as it is flanked by two high traffic thoroughfares (6 Ave and Scenic Drive). The proposed second dwelling would a) remove a large section of green space, including two mature trees (which make up half the trees on that side of the road), and b) add to the pollution caused by any dwelling with its respective vehicles and traffic.

In summary, the <u>proposed development will negatively impact the neighbourhood</u> by increasing congestion, parking and traffic congestion, and removing green space and trees. Indeed, *large lots with plenty of green space and majestic trees that arch these historical streets and avenues play a significant role in attracting residents as well as cyclists and tourists to this great neighbourhood*.

Sincerely, Dr. Afra Foroud Brad Gom 411 8a Ave S. Lethbridge, AB T1J1S3 (403) 394-7735

July 19, 2021

City of Lethbridge, Planning & Design 910 4 Avenue S Lethbridge, AB T1J 0P6

To the Municipal Planning Commission:

I am writing to express my objections to the application for construction of a second dwelling unit on the parcel at 402 8a Avenue South.

I have lived in this neighbourhood for 20 years and have witnessed many changes, good and bad, over that period. My decision to purchase this property was based on the rare qualities of the neighbourhood, particularly the modestly sized houses on large lots with plenty of green space and low congestion. Properties then were as they are now: predominantly Single Detached Dwellings with relatively small houses and large yards, resulting in a sense of openness. Where houses did include rental units, they were most often in secondary suites of the owner's primary residence. This is in stark contrast to the more claustrophobic nature of the closely packed small lots in nearby neighbourhoods such as north of 7a Ave. S and west of 4 St. S, and in the older in-fill sections of London Road, not to mention most new subdivisions in the city where yards are essentially non-existent.

In recent years, at least three single-family houses on 8a Ave S. have been sold as the owners have died or moved into retirement homes and have been subsequently converted into multi-dwelling unit rental properties with non-resident landlords, resulting in countless police callouts to deal with issues ranging from simple noise complaints to drug trafficking, overdoses, and prostitution. I have also seen this trend reversed as houses that were previously problematic rental units have been purchased and renovated back into single-family homes where the owners value the large yards and uncongested nature of the neighbourhood. The addition of another dwelling unit on 402 8a Ave. S is surely being proposed for the sole reason of maximizing rental income on an investment property. Densification of this type permanently changes the neighbourhood, decreasing the resale value of surrounding properties and sacrificing the unique charms of the area in exchange for a modest increase in tax revenue to the city. I see no modifications of the current building that would prevent it from continuing to be used in a secondary suite configuration (which should preclude approval of the second dwelling unit). City Staff apparently inspected the property and found that the sink basin and stove had been removed from their places in the secondary suite, but this is not particularly strong evidence considering that these elements could be easily reinstalled in an afternoon.

The architectural style is consistent across this neighbourhood, with modest mid-century houses on relatively large lots. Some properties have been modified in ways contrary to that style, such as 411 and 501 9th Ave S, but this is a small minority. Some yards have been sacrificed in favour of double garages, such as 738 5th St., but in general the properties in this neighbourhood have a high proportion of green space. Not everyone needs to be a gardener, but when a lot is filled with a second dwelling unit, then no future owner will have an opportunity to have a large yard or garden on that property ever again. The

proposed new parcel size is especially small, and below the recommendation in the land use policy. I believe the spirit of the policy is in line with what I have stated above, and that the proposed development is against the goals of the LRARP.

Another reason why I decided to move to this neighbourhood and have stayed to raise my family here, was the quietness, and thus safety, of the road. Prior to the closing of the intersection of 9th Ave. and 4th St., there was on average one vehicle per hour passing down 8a Ave. This has increased 10-fold since 9th Ave. traffic has been diverted down 8a Ave., and despite assurances from the Senior Project Administrator that 'people would find alternate routes over time', traffic has only gotten worse on 8a Ave. Vehicles routinely speed down this road, not fully stopping at either intersection, trying to make up time in the detour to/from 9th Ave. Vehicles regularly need to stop and pull over to allow opposing traffic through, since the street is not wide enough to accommodate parking and high volume bidirectional traffic. This problem will only worsen with the addition of another dwelling unit and the associated parking/driveway access. Just prior to being sold, there was routinely 5 or more parking spaces in use by the tenants of 402 8a Ave. I expect a corresponding increase if a second dwelling unit is allowed.

Densification of downtown neighbourhoods is a stated goal of the City. This, however, must be done carefully. Simply squeezing more dwelling units into a neighbourhood will not turn it into a Kitsilano or the neighbouring business district into a Kensington, no matter what aspirations the City has. The addition of another dwelling unit on 402 8a Ave., if it is not a higher value building than the existing one, and if it is not tailored towards home ownership as opposed to moderate to low-end rental units, will not improve the quality of the neighbourhood, but more likely than not degrade it. Lethbridge already has some of the most affordable rental accommodation in Canada; we do not need more rental properties. Lethbridge also has a small, finite resource of generously sized lots with smaller, affordable houses near to the downtown. This is a draw for more professionals and young families to live in the downtown area as opposed to the outward sprawling suburbs, that should not be squandered to infill. Maintaining a mixture of housing sizes and property styles means that the few remaining properties with undeveloped yards need to be preserved, since densification is a one-way process.

Finally, I would also like to note that currently when I look out the front of my property, I see trees and sky nearly down to the horizon towards the south. If this additional dwelling unit is approved, I will only see the façade of the new building. This is not an improvement from my perspective.

Sincerely,

BAAD Gom

Brad Gom

From:	Ryan Westerson
To:	Joshua Bourelle
Cc:	David Sarsfield
Subject:	FW: [External] attention Joshua Bourelle, Development Officer 1
Date:	Friday, July 23, 2021 3:06:44 PM

From: Horrocks, Patricia <pat.horrocks@uleth.ca>
Sent: Friday, July 23, 2021 12:24 PM
To: 120 City Clerk Mailbox <cityclerk@lethbridge.ca>
Subject: [External] attention Joshua Bourelle, Development Officer 1

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please submit my letter to the Municipal Planning Commission meeting on July 26.

I am writing in response to a letter I received regarding four waivers requested at 403 8A Avenue south.

This property was purchased in April of this year and was listed as having a suite in the basement.

I would like the City to decline the request for "waiver of section 48 (1) of Land Use Bylaw 6300 concerning units on a parcel" and the "56m2 Parcel size waiver" that do not meet code requirements.

I believe these waivers would violate a past agreement made between The City of Lethbridge and The London Road Association regarding the direction this community takes in the future. The proposed additional house is really too big for the lot.

The residential island from 9th ave. to 8 ave and from 5th street to 4th street is already densely populated and I am concerned about any increase.

Many homes have secondary suites, rented and unrented. There is a very large apartment building on 4th street and 8A avenue. There are four apartment buildings on 8th avenue and 5th street and across from these apartments, a residential lot was recently rezoned for a fourplex. I feel that density may now be maxed out.

I am also concerned about the increase in traffic congestion that an additional house may have on this narrow 8A avenue, Cars are now parked in both directions requiring two-way traffic to pull over. Very congested. The recent addition of traffic lights on Scenic Drive at 4th street has encouraged drivers to shortcut at great speed onto 4th street then turn on to 8A avenue. The 400 block of 9th Avenue is parallel to the Scenic Drive where traffic and noise have increased considerably over the years.

Also, 9th avenue has recently become a dead-end causing irritated drivers who missed the signage to drive down the back alley between 4th and 5th street leading to 8A avenue. More noisy traffic and dust!

5th street is a bus route and I understand that 8A ave is also about to become a bus route. Way too much traffic and congestion!

The above traffic changes and the high density of people and cars in this residential island has contributed to increased noise levels and has affected our air quality beyond an acceptable level.

We do not need more housing of this nature.

Please consider my concerns when making your decision.

Sincerely Pat Horrocks 411 8th ave so

Title pat horrocks Company university of lethbridge









DEVI3I36 – SECOND DWELLING UNIT ON A PARCEL

BACKGROUND - SDAB

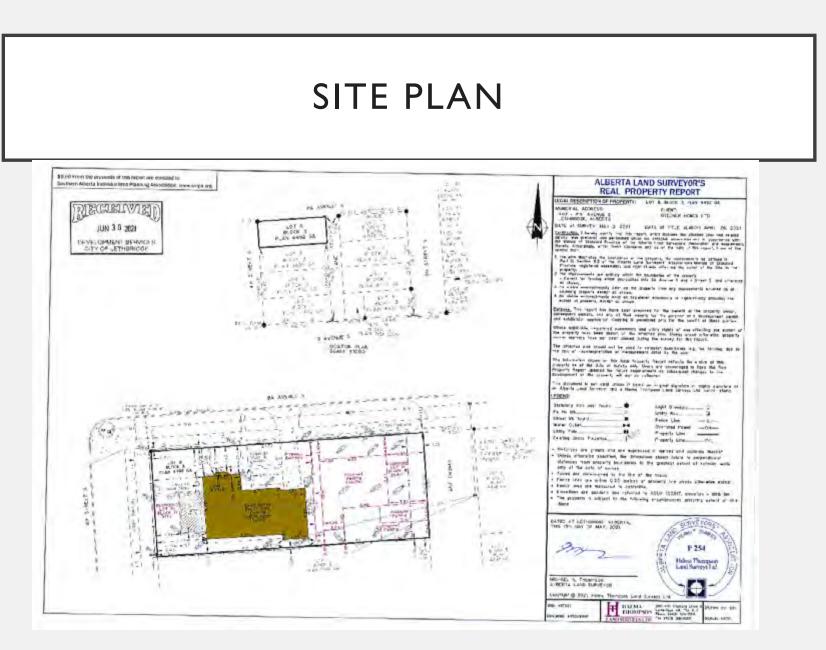
- An application to construct a single story dwelling with the above identified waivers, was received on June 30th, 2021.
- Due to the nature of the waiver request, Neighbourhood Notification Letters were sent to residents within a 60m radius of the subject parcel on July 8, 2021 advising that this application would be presented to the Municipal Planning Commission on July 26, 2021.
- A copy of the Neighbourhood Notification Letter was also sent to the London Road Neighbourhood Association via email on July 8, 2021.
- The July 26, 2021 Municipal Planning Commission meeting was advertised in the July 17th edition of the Lethbridge Herald.
- MPC refused the application as the proposal did not meet the requirements of the Land Use Bylaw 6300, and because the existing suite precluded MPC from allowing an additional dwelling unit on the property
- The Applicant is appealing the decision of MPC for 2 reasons;
 - I. that they were not notified of the MPC meeting and were therefore not in attendance to speak to the matter, and
 - 2. Incorrect assessment of the property having a secondary suite.

BACKGROUND – AS PRESENTED TO MPC

- Proposal to build (move on) a Second Dwelling Unit on 402 8A Avenue South
- Intention to subdivide 2nd dwelling unit off so that it is on its own parcel
- The subdivision process will look at the parcel size waiver requirement at that time. Today we are focusing on the Second dwelling unit waiver, and the associated front setback waiver, and parking width waiver.
- Issues:
 - Second Dwelling Units on a parcel automatically come before MPC
 - Existing dwelling unit is not sited in the ideal position. This impacts the location potential for the second dwelling unit
 - Proposed dwelling layout not conducive to the project abiding by the Land Use Bylaw
- Waivers required
 - Waiver of Section 48(1) of Land Use Bylaw 6300 Dwelling Units on a Parcel
 - A 0.08m (3") front setback waiver
 - A 0.30m (I') parking stall width waiver

LOCATION 402 8A AVENUE SOUTH







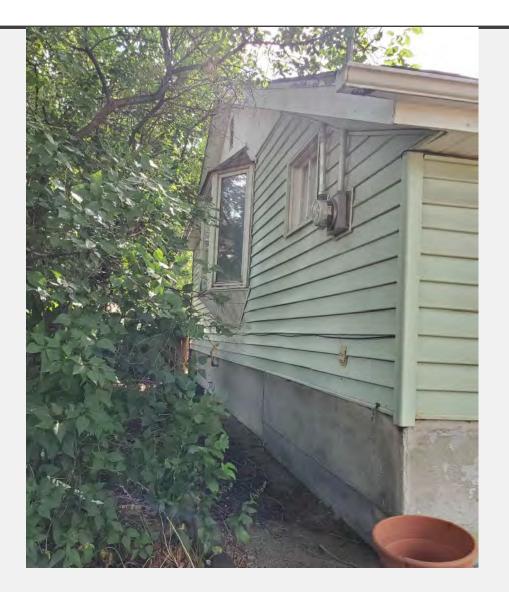
PROPOSED DWELLING



PROPOSED DWELLING



PROPOSED DWELLING



NOTIFICATION



Copyright 2019, City of Lethbridge

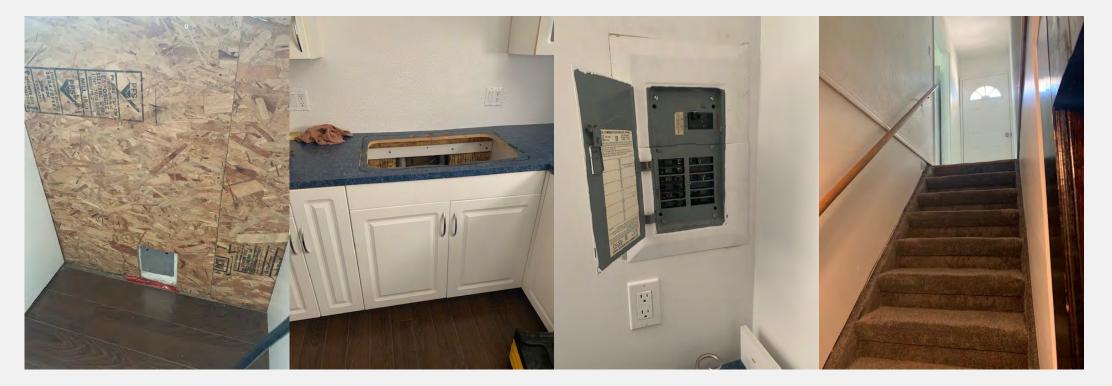
RESPONSES

- 2 responses received
- From 828 5 Street S, and 824 5 Street S
 - Concerns cited included
 - current number of illegal suites
 - parking congestion related to the illegal suites
 - feeling a lack of safety in the neighborhood
 - Proposal does not abide by the London Road Area Redevelopment Plan
 - Potential existence of a suite at the address in question

SUITE DEFINING ELEMENTS

In response to the concerns raised by neighbors about the existence of a suite: I. Basement suite approved October 31, 1951

2. Inspection completed, pictures obtained



CIRCULATION

Water/Waste Water - Water and sanitary mains are available in 8 Avenue 'A' South. New water and sanitary services are required at owners' expense.

Electric Design - Electrical service for 402 8 A Ave S will need to be moved. It will need to be on the property for 402 after the division of the lot. Please contact electrical design department to discuss service for 402 8 A Ave S and the new service for the proposed home. electricdesign@lethbridge.ca or Gareth Jones 403-393-1827.

Planning

- Located in the London Road ARP "4th Street Corridor", sub-area B. The land use policy for this location supports small, medium and large-scale residential. It states "Development on corner parcels should orient their building frontages primarily to 4th Street rather than the Avenues." However, the existing dwelling fulfills this role.
- It's not clear from the drawings how the new dwelling will be oriented. It should be oriented with its main entrance to 8A Ave S (I would assume this is the case).
- Policy 5.3.2.j states: "Consolidations and subdivisions are permitted if the new lots meet the minimum parcel size requirements as established in the Land Use Bylaw. The creation of new parcels smaller than the minimum parcel requirements should not be supported."

CIRCULATION CONTINUED

- The proposed subdivided parcels would be 371 m2 and 264 m2. The minimum parcel size in the R-L district for SDDs on parcels with lane access is 320 m2. One parcel would therefore be too small. However, the language of the above policy is "should". Policy 5.1.2.iii states: "The use of 'should' means that the policy is expected to be followed, with the possibility of exceptions due to a valid planning principle, or circumstances unique to a specific project." In this case, I think if the Development Officer feels the proposal meets other requirements, then the proposal would contribute to the goals and "character-defining elements" of the London Road ARP, such as providing housing choice while maintaining the predominantly small-scale residential / low density feel.
- Policy 5.4.2.f states: "The Development Authority is authorized to grant a waiver of the built form regulations and any such waiver is subject to the appeal processes identified in the Land Use Bylaw. When a waiver is considered, the Development Authority should give consideration for the overall vision of the Plan, specifically the Character-Defining Elements." The proposal does appear to meet the character-defining elements as listed in section 3.3.
- Policy 5.4.3.u states: "All new development should retain existing street trees. The removal of street trees to
 facilitate development, utility installation, and driveways must be approved by the City. A submitted site plan shall
 show the location of existing street trees adjacent to the development and the proposed utility connections and
 driveway location if applicable. Space should also be retained in the boulevard for the future phased replanting of
 street trees, which cannot be replanted on the same spot." The submitted plans do not appear to show existing
 street trees a google street view suggests there may be one. This should be retained. If it must be removed for
 construction/moving, it must be replaced as per policies 5.4.3.v, w, x.

CONCLUSION

- Suite defining elements were superficially removed. The idea behind removing suite defining elements is that they wont be put back after the inspection. One of the requirements is that the electrical is taken out back to the panel. That is/can be an onerous job, but if MPC is not confident that there isn't a suite at the location then the waiver of the dwelling units on a parcel cannot be granted.
 - If there is a suite, which given the electrical was not removed to the panel, then the property would need to be rezoned prior to an increase in density.
- The existing configuration of home proposed to be placed on the property presents siting complications that can only be remedied with waivers of Land Use Bylaw 6300.
- Siting for the existing dwelling is not conducive to an equitable parcel size for the subsequent subdivision process.
- While the proposal does help meet the requirements of the MDP and SSRP to use land and infrastructure more efficiently by increasing density, it does so only by relaxing requirements of the Land Use Bylaw.

Recommendation

- That the application for the Second Dwelling Unit on the property, and a request to waive section 48(1) Dwelling Units on a parcel, a 0.08m (3") front setback waiver, and a 0.3m (1) parking stall width waiver be refused for the following reason(s):
 - I. That the proposed building does not comply with the requirements of Land Use Bylaw 6300.