



CITY OF  
*Lethbridge*

Office of the City Clerk

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION**

August 31, 2018

Re: Appeal of Development Permit No. DEV10469  
Appellants: Pollock & Company  
Land Use: Low Density Residential (London Road) (R-L(L))

Upon hearing representation made by the Development Officer, the Applicant, the Appellants, and other interested parties on Thursday, August 23 and 30, 2018,

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 London Road Area Redevelopment 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 and for the following reasons:

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 DEV10469 on July 12, 2018 to construct a new foundation under the existing single detached dwelling and a request for setback waivers is hereby **APPROVED**.

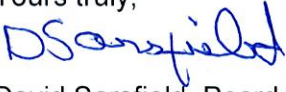
**REASONS FOR DECISION:**

1. The completed development will not unduly interfere with or affect the use, enjoyment or value of neighbouring parcels of land
2. The granting of the development permit will make a non-conforming building a conforming building;
3. The development is not considered to be an infill under the London Road Area Redevelopment Plan;
4. Issues around compensation between the owner and the appellant are not within the jurisdiction of the Subdivision and Development Appeal Board;

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



**Land Use Bylaw 5700  
DEVELOPMENT PERMIT**

**Subdivision and Development Appeal Board Decision**

Address: **819 8 AVE S**  
Legal: 4421FT;;32

District: R-L(L)

Applicant: ABSOLUTE FOUNDATIONS  
Address: 420 34 ST S LETHBRIDGE AB T1J 4H8

Phone: 403-635-3242

**Development Proposed** To undertake foundation repair and relocate the dwelling and a request for a short front setback waiver along 8th Avenue South, a long front setback waiver along 9th Street South, an eave projection waiver into the long front setback along 9th Street South and a west side setback waiver.

**District** R-L LOW DENSITY RESIDENTIAL

**Land Use** DWELLING, SINGLE DETACHED - PERMITTED

**Waiver** FRNT YRD SETBACK (LN ACCSS)-CP  
FRONT YARD SETBACK (LN ACCSS)  
SIDE YARD SETBACK (LN ACCSS)

**CONDITIONS OF APPROVAL**

In accordance with the decision of the Subdivision and Development Appeal Board on August 30, 2018, the application to replace the foundation and relocate the existing single detached dwelling and requests for short front, long front, side and eave projections waivers be APPROVED with the following conditions:

1. A 3.10m (10'2") front setback waiver be granted, allowing a 2.90m (9'7") short front setback along 8th Avenue South for the single detached dwelling.
2. A 2.70m (8'11") front setback waiver be granted, allowing a 0.30m (1'0") long front setback along 9th Street South for the single detached dwelling.
3. A 0.35m (1'2") eave projection waiver be granted, allowing a 0.25m (10") eave projection into the front setback which thereby allows the eaves to be a distance of 0.05m (2") from the long front property line along 9th Street South for the single detached dwelling.
4. A 0.30m (1'0") side setback waiver be granted, allowing a 0.90m (3'0") west side setback for the single detached dwelling.
5. The development shall be in accordance with the plans submitted July 12, 2018. Any change to these plans requires the approval of the Development Officer.

**Decision Date**  
Aug 30, 2018

**Development Commencement shall be within one year of the decision date**



CITY OF  
*Lethbridge*

**PERMIT NO.  
DEV10469**

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

**Development.  
Authority**

PAM COLLING, 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 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 Information Management at 910 4 Ave S Lethbridge, AB, T1J 0P6 or phone at (403) 329-7329, or email [developmentsservices@lethbridge.ca](mailto:developmentsservices@lethbridge.ca).

**Permit No. DEV10469**