



CITY OF  
*Lethbridge*

Office of the City Clerk

November 21, 2025

**RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

An appeal has been filed on the refusal of Development Permit DEV 16307 by the Development Authority to seek approval of an existing closet addition at 410 Lynx Terrace N.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 60 metres 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:

<b>DATE:</b>	<b>Thursday, December 4</b>
<b>TIME:</b>	<b>5:00 p.m.</b>
<b>LOCATION:</b>	<b>Council Chambers, Main Floor, City Hall 910 – 4 Avenue South</b>

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 [sdab@lethbridge.ca](mailto:sdab@lethbridge.ca), including your full name and mailing address no later than 12:00 noon on the Wednesday prior to 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.

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 403 320 3030 if you have any questions.

Yours truly,

Hailey Winder  
Board Secretary,  
Subdivision and Development Appeal Board

## NOTICE OF APPEAL

Nov 5<sup>th</sup>, 2025

Re: 410 Lynx Terrace No.

Lethbridge Ab.

- #1 – Please note that we were unaware that a building permit was required for a small 2 foot closet bump out that poses no threat to the structural integrity of the building .
- #2 – Side set back waiver is not excessive. There is an existing fireplace bump out on this same wall which protrudes with the eave the same distance off the wall as the closet bump out. As far as aesthetics, there is hardly a house in this neighborhood that does not have some kind of bump out, cantilever or projection as it is a cost effective way to increase square footage without the additional cost of altering the foundation as concrete is a major cost factor to any construction project. No modifications were made to the foundation or existing floor system.
- #3 – The closet bump out is on the side of the residence where an existing fireplace projection already exists. It does not affect the enjoyment or alter the value of any surrounding or adjacent properties. With the front deck and roof extensions on the same side as the closet bump out it is less than visible from the street. It is also finished with color matched like materials that were used on the original structure built 14 years ago. Not one neighbor has ever made comment to the addition being obtrusive or unappealing. The opposite is actually true. We have had numerous compliments on how the addition blends into the house and that you would never know that it was not original to the residence.
- #4 – The new homeowners had a third party home inspection done by a licensed inspector. The only conditions they required were an updated RPR and replacement of the existing sump pump due to its age both of which were done. This bump out is non structural. It is in a standard 9 ft wall with no bearing on it as there is an LVL beam spanning the front of the house

which supports the upper floor trusses and walls .

#5 – We no longer own this property as all conditions on the original bill of sale have been met. I

would suggest that you contact the new homeowners with your concerns and removal date requirements which we feel are totally unreasonable given the time line and the time of year.

#6 – We have also canvased the area of all homes which could be affected by this closet bump out and have not received one negative comment from any of the home owners including the current owner of the residence. Signatures verifying this are attached.

Sincerely,

Leanne Gregg



lgregg@telus.net

403-635-1046

Nov 7<sup>th</sup>, 2025

Re: 410 Lynx Terrace No.

Lethbridge Ab.

We, the under signed, have no objection to the closet bump out on the east side of the residence at 410 Lynx Terrace. It in no way interferes with or affects the use of any neighboring residences.

Russell Yoshihara  
NAME

410 Lynx Terrace North \*Owner  
ADDRESS

1. Richard F. Laberge  
*Richard F. Laberge*

433 LYNX TERRACE NORTH.  
LETH AB. T1H-626.

2. Joanne Setka  
*Joanne Setka*

406 Lynx Terrace  
Leth AB T1H 626

3. ~~Wesley Wakelin~~

406 Lynx Terrace  
Leth AB T1H 626

4. Mark Lacap  
*Mark Lacap*

402 LYNX TERRACE N  
Leth AB T1H 626

5. *Harold*  
6. *John*

84 Lynx Rd N. T1H 6W9.

422 Lynx Terr. N. T1H 626

114 Lynx Pl N T1H 6V9

*Cynthia*

80 Lynx Rd N T1H 6W9

*Cheryl*

429 Lynx Terrace N.

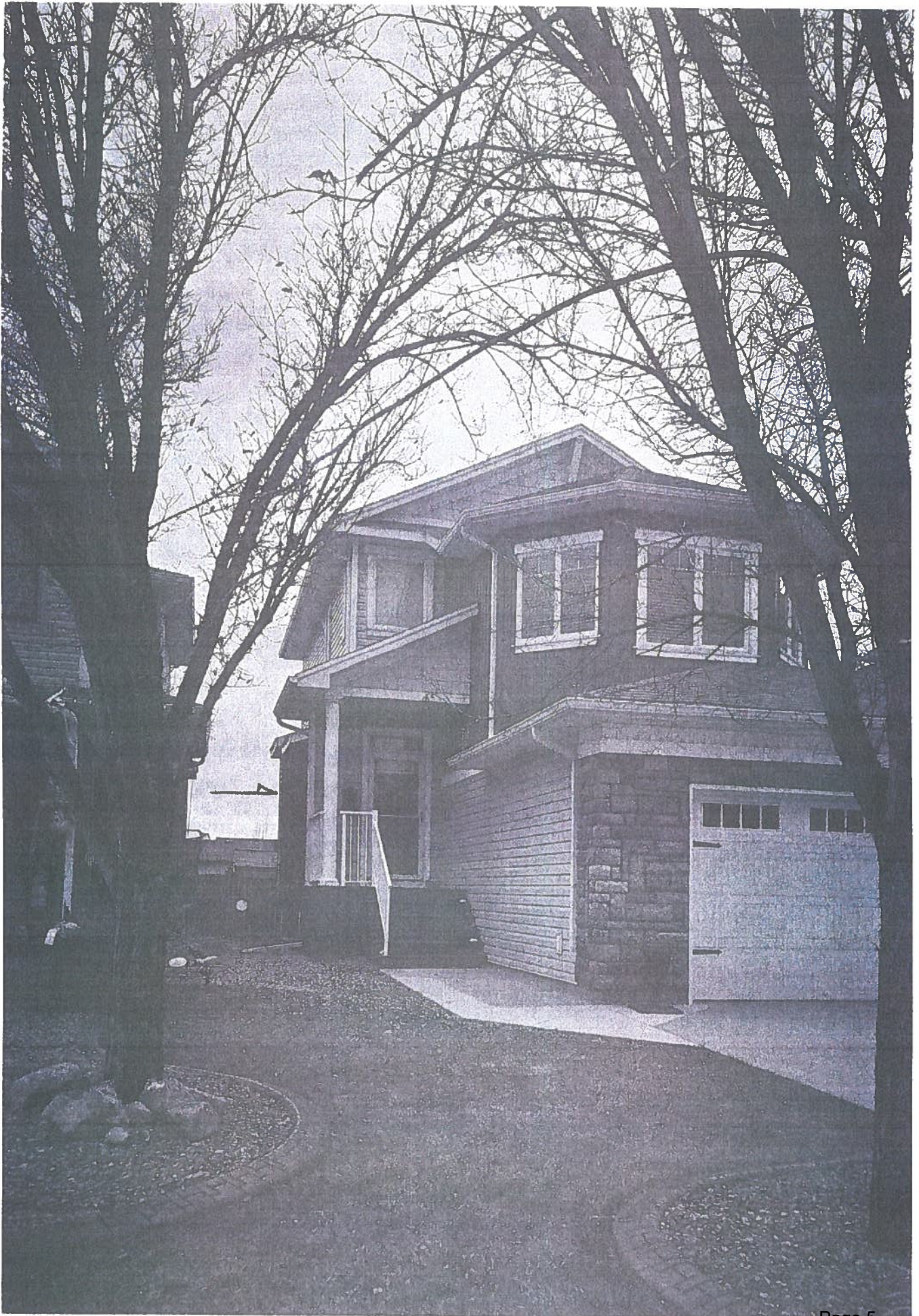
Sharon  
CORINNE Varzari

414 Lynx Terrace T1H 626  
N T1H 626

Taylor Mason

77 Lynx Rd North







Address: **410 LYNX TERR N**  
Legal: 1013066;4;3

District: R-M

Applicant: DAVIDSON & WILLIAMS LLP  
Address: 501 5 ST S LETHBRIDGE AB T1J 4X2

Phone: 403 331 2885

**Development Proposed** Existing closet addition. Requesting a side setback waiver.

**District** R-M MIXED DENSITY RESIDENTIAL

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

#### REASONS FOR REFUSAL

1. The side setback waiver request for the existing addition is excessive, and not in keeping with the prevailing neighbourhood pattern.
2. The requested waiver could materially interfere with or affect the use, enjoyment or value of neighbouring properties.
3. Evidence was not provided to indicate the addition complies with Section 5 of Land Use Bylaw 6300.
4. The addition must be removed no later than December 5, 2025. All work must be in compliance with Section 5 of Land Use Bylaw 6300.

#### INFORMATIVE:

Land Use Bylaw 6300, Section 5, Compliance with Other Legislation, states:

A person or activity complying with this Bylaw must also comply with:

- (1) the requirements of the Alberta Building Code
- (2) the requirements of any federal, provincial or municipal legislation or regulation
- (3) the conditions of any caveat, covenant, easement, contract or agreement affecting the Use or Development of land or Buildings.

#### Decision Date

Nov 05, 2025

**Development  
Authority**

LEDA KOZAK TITTSWORTH

**STATUTORY PLANS**

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

**COMPLIANCE WITH OTHER LAWS AND AGREEMENTS**

The City of Lethbridge assesses applications according to the development requirements and standards of the Land Use Bylaw in force at the time of application. This Development Permit does not relieve the owner, the applicant, or the owner's authorized agent from full compliance with (i) the terms and conditions of any easement, covenant, building scheme or other agreement affecting the property, or (ii) the requirements of any other applicable laws and regulations.

**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.

Permits which were the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission, or by the Minister of Environment and Parks must be appealed through the Land and Property Rights Tribunal.

**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](mailto:planninganddesign@lethbridge.ca).

Application No. DEV16307



DAVIDSON & WILLIAMS <sup>LLP</sup>

Est. 1885

September 2, 2025

Via Email

**City of Lethbridge**

910 4<sup>th</sup> Avenue South

Lethbridge, AB T1J 0P6

Reply to Herbert R. Beswick, K.C.

E-mail: [herb@dwlaw.pro](mailto:herb@dwlaw.pro)

Assistant: Sarah M. Perks

Direct Line: 403-331-2885

Real Estate Fax: 403-381-9571

E-mail: [sarah@dwlaw.pro](mailto:sarah@dwlaw.pro)

Our File: 65322/HRB:smp

Dear Sir and/or Madam:

**Re: Gregg/Patterson sale to Yoshihara**

**410 Lynx Terr N, Lethbridge**

**Legal Description: Plan 1013066, Block 4, Lot 3**

**Closing Date: June 3, 2025**



**Our File No.: 65322 HRB:smp**

We confirm that we represent Leanne Gregg and Wayne Patterson, the previous registered owners of the above noted property. We have received authorization from the Leanne Gregg and Wayne Patterson to complete the Development Permit Application with respect to the Setback Requirement of Land Use Bylaw 6300.

Should you require any further confirmations, please do not hesitate to contact our office.

Yours very truly,

**DAVIDSON & WILLIAMS LLP**

Per:   
Herbert R. Beswick, K.C.  
HRB:smp 

Encls.



## Development Commencement

Land Use Bylaw 6300

Development Permit Number

Building Permit Number

Project Address

410 Lynx Terrace North, Lethbridge, AB

### “VOLUNTARY WAIVER OF CLAIMS” (Optional)

This “Voluntary Waiver of Claims” allows you to commence your development in advance of the date of validity on your Development Permit. The permit’s valid date is the date at which the appeal period for the public has expired.

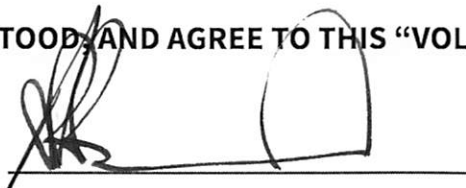
By agreeing to this “Voluntary Waiver of Claims” you agree that should an appeal be made you will immediately cease the development pending the outcome of the appeal and will waive all claims to compensation from the City of Lethbridge for costs associated with that cessation and/or costs resulting from the outcome of the appeal.

Agreement to this “Voluntary Waiver of Claims” does not nullify your own right to an appeal. You may appeal any condition of approval on the Development Permit to the Subdivision and Development Appeal Board by the date identified on your permit.

Agreement to this “Voluntary Waiver of Claims” and possession of the released Development Permit does not eliminate the need for a Business License, Building Permit or other permits. Do not commence development without first obtaining all the necessary permits.

I HAVE READ, UNDERSTOOD, AND AGREE TO THIS “VOLUNTARY WAIVER OF CLAIMS”

Signature



Date

September 4, 2025

Name (Print)

Herbert R. Beswick

Any personal information collected on this form is collected under the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is 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

# 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.

### Project Address

410 Lynx Terr N, Lethbridge, AB

### Applicant

Name Davidson & Williams LLP  
Address 501 4th Street S  
City Lethbridge Postal Code T1J4X2  
Phone 403-331-2885  
E-mail sarah@dwlaw.pro  
Signature \_\_\_\_\_

### Access Code

Gregg/Patterson

### Property Owner

Name Leanne Gregg and Wayne Patterson  
Address 410 Lynx Terrace North  
City Lethbridge Postal Code T1H 4W7  
Phone 403-635-1046 B/L # \_\_\_\_\_  
E-mail lgregg@telus.net  
Signature \_\_\_\_\_

Providing an email means you consent to receiving documents or communications related to this application, including but not limited to development permit decisions, acknowledgments confirming an application is complete, and any notices identifying any outstanding documents and information, by email.

Have you reviewed all registrations on title pertaining to the property? ☒ Yes

I acknowledge and agree that this application does not relieve the owner, the applicant, or the owner's authorized agent from full compliance with (i) the terms and conditions of any easement, covenant, building scheme or other agreement affecting the property, or (ii) the requirements of any applicable laws and regulations.

Signature \_\_\_\_\_

Date

Sept 4, 2025

### As the applicant I affirm:

- ☐ I am the registered owner of the above noted property  
☐ I have entered into a binding agreement to purchase the above noted property with the registered owner(s)  
☐ I have permission of the registered owner(s) of the above noted property to make the attached application for a Development Permit

### Description of Work:

Has a dwelling(s) existed on this lot previously?

☐ Yes ☐ No

Is a waiver required?

☒ Yes ☐ No

Square footage of dwelling(s) (not including basement and garage spaces) \_\_\_\_\_ m<sup>2</sup>

### Type of Work Being Performed: (Check all applicable)

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Single Detached Dwelling | <input type="checkbox"/> Two-Unit Dwelling | <input type="checkbox"/> Secondary Suite ( <input type="checkbox"/> Existing ) | <input type="checkbox"/> Addition                     |
| <input type="checkbox"/> Attached Garage          | <input type="checkbox"/> Detached Garage   | <input type="checkbox"/> Shed  | <input type="checkbox"/> Carport                      |
| <input type="checkbox"/> Covered Deck             | <input type="checkbox"/> Uncovered Deck    | <input type="checkbox"/> Fence (Over-height)                                   | <input checked="" type="checkbox"/> Compliance Waiver |

Description of Work: Setback Requirement of Land Use Bylaw 6300 due to East side setbacks

### Office Use Only

Permit Required ☐ Yes ☐ No

Overlay \_\_\_\_\_

### Development Fees to be charged

Zoning \_\_\_\_\_

Development Permit # \_\_\_\_\_

Permit Fee \_\_\_\_\_

Allowable Use ☐ Permitted ☐ Discretionary

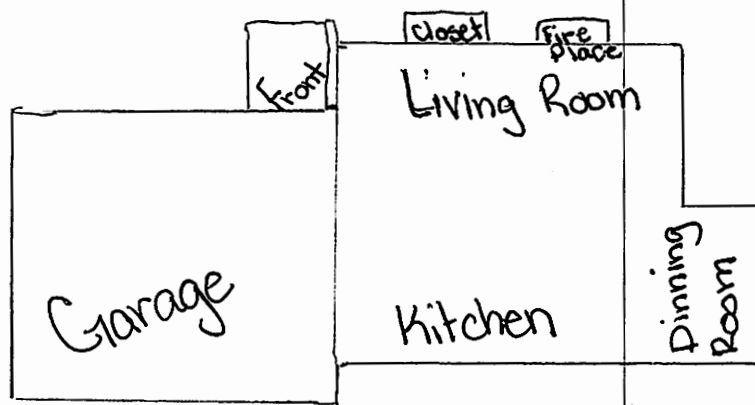
Building Permit # \_\_\_\_\_

Advertising Fee \_\_\_\_\_

Total \_\_\_\_\_

Any personal information collected on this form is collected under the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is 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

410 Lynx Terrace  
North





Alberta Land Surveyor's  
Real Property Report

To: DAVIDSON & WILLIAMS LLP  
501 - 4 STREET SOUTH  
LETHBRIDGE, AB  
T1J 3Z4

PROPERTY DESCRIPTION ("THE PROPERTY")

PLAN 101 3066, BLOCK 4, LOT 3

CERTIFICATION


I hereby certify that this report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association Manual of Standard Practice and supplements thereto. Accordingly, within those standards as of the date of this report, I am of the opinion that:

- the Plan illustrates the boundaries of the Property, the improvements as defined in Part C, Section 5.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice and registered easements and rights-of-way affecting the extent of the title to the Property.
- the improvements are entirely within the boundaries of the Property.
- no visible encroachments exist on the Property from any improvements situated on an adjoining property.
- no visible encroachments exist on registered easements or rights-of-way affecting the extent of Property.


PURPOSE

This Report and the related plan have been prepared for the benefit of the Property owner, subsequent owners, and any of their agents for the purpose of a land conveyance, support of a subdivision application, a mortgage application, a submission to the Municipality for a compliance certificate, etc. Copying is permitted only for the benefit of these parties. Where applicable, registered easements and utility rights-of-way affecting the extent of the Property have been shown. Unless shown otherwise, property corner markers have not been placed during the survey for this report. The plan should not be used to establish property boundaries due to the risk of misinterpretation or measurement error by the user. The information shown on this Real Property Report reflects the status of this Property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

Dated at Lethbridge, Alberta  
This 27th Day of June, 2025

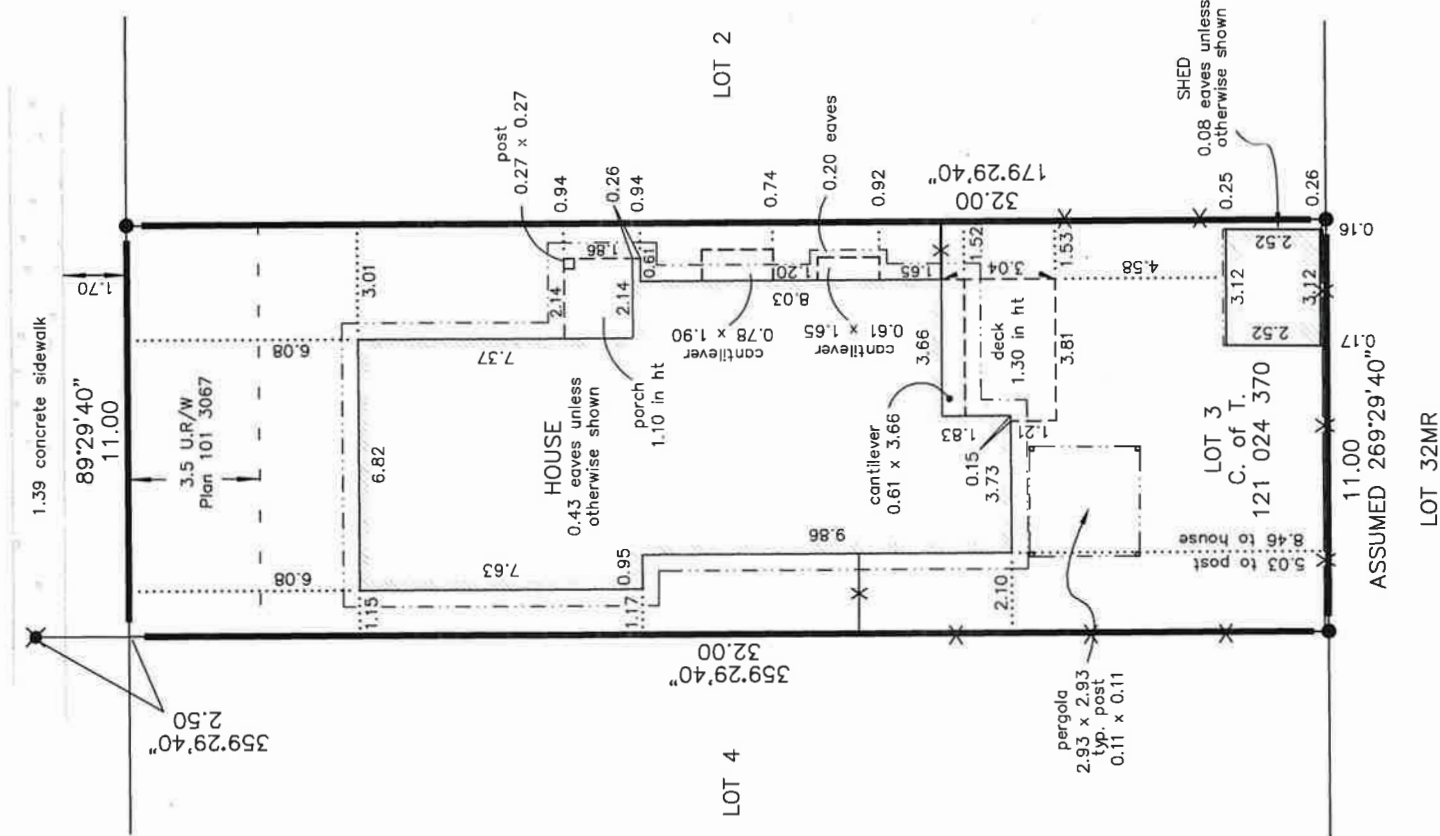
  
Z.J. Prosper  
Alberta Land Surveyor, 2025



 brown okamura & associates ltd.  
2830 - 12 Avenue North, Lethbridge, Alberta T1H 5J9  
© copyright brown, okamura & associates ltd. 2025

Scale:	1:200	(metric)	Drawn: BB
Job	17438	Ref. file:	324-53
Date of Title Search:	MAY 15, 2025		
Date of Survey:	JUNE 12, 2025		

LYNX TERRACE NORTH

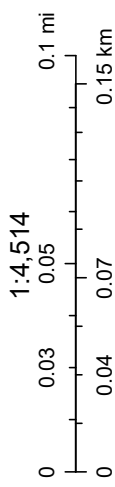
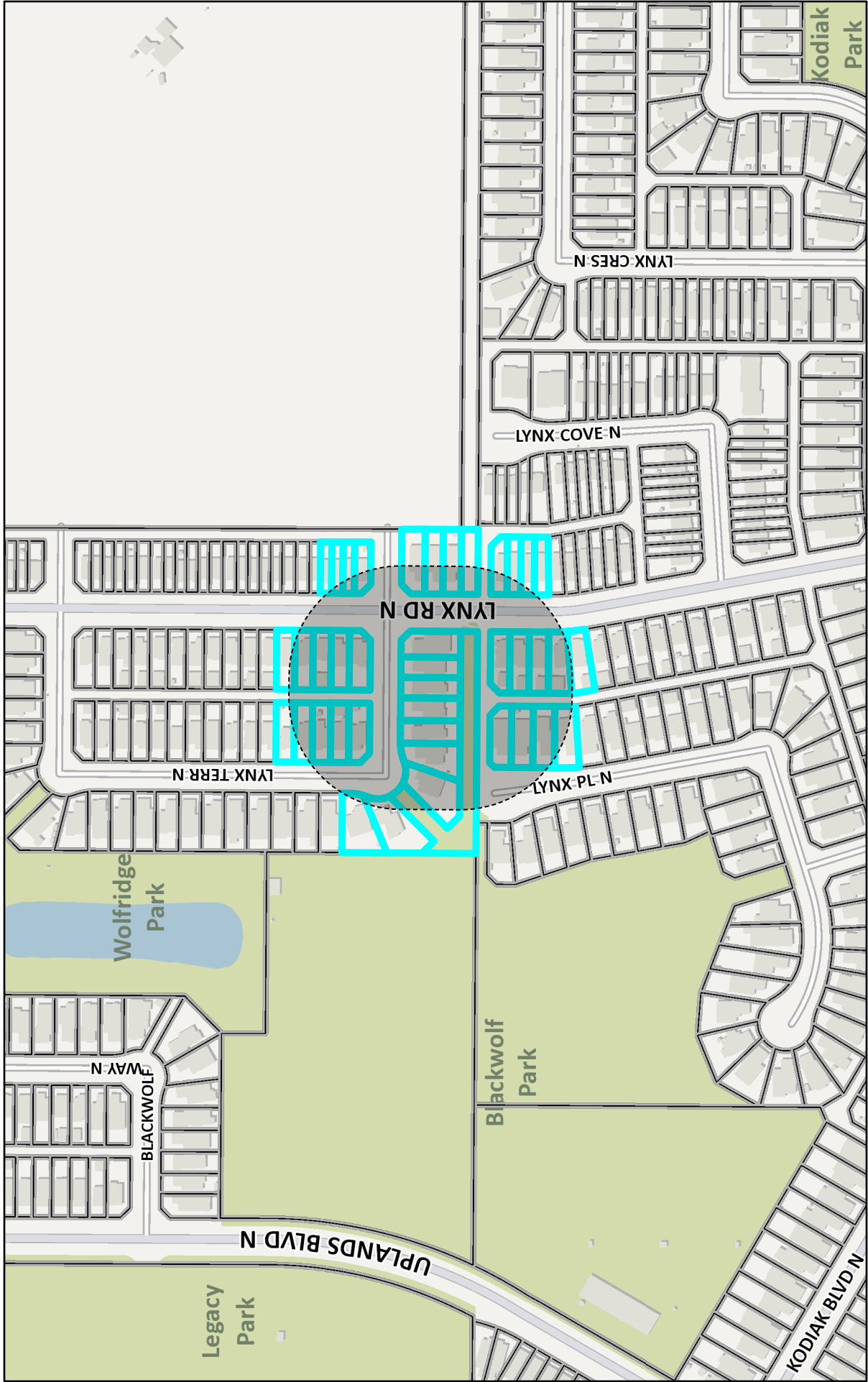


The property is subject to the following surface encumbrances affecting the extent of title:  
Utility Right of Way, Instrument No. 101 239 383  
For all other encumbrances, see the certificate of title.


LEGEND

Statutory Iron Posts found • Property line — Fence lines —X— Distances from property boundaries are shown to siding unless otherwise dimensioned. Distances are shown in metres and decimal parts thereof. NOTE: Fd. No Mk's except where survey evidence is shown

# Parcel Locator WebMAP



November 19, 2025

 Parcels

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

# Development Authority's Written Submission

For the Subdivision and  
Development Appeal Board  
Hearing on December 4, 2025



**APPLICATION NO.**

DEV16307

**LOCATION**

410 Lynx Terr N

**LAND USE DISTRICT**

Mixed Density Residential

**APPELLANT**

Leanne Gregg (previous owner)

**LANDOWNER**

Megan Yoshihara (new owner)

Russell Yoshihara (new owner)

**CURRENT DEVELOPMENT**

Single detached dwelling – permitted

**PROPOSED DEVELOPMENT**

To bring into compliance an unapproved side addition. Requesting a 0.46 m east side setback waiver.

**Appendix A: Drawings****ADJACENT DEVELOPMENT****North**

Two single detached dwellings with secondary suites

**South**

Park pathway

**East**

Single detached dwelling

**West**

Single detached dwelling

## CONTEXT MAP



## **LAND USE BYLAW SUMMARY**

**Use:** Addition to Single Detached Dwelling - Permitted

	<b>Required</b>	<b>Proposed</b>	<b>Waiver Requested</b>
<b>Setbacks</b>			
<b>Front</b>	4.50 m	6.08 m	N/A
<b>Side (east)</b>	1.2 m	0.74 m	0.46 m
<b>Side (south)</b>	1.2 m	1.15 m	0.05 m (however within tolerance for compliance letters)
<b>Rear</b>	3.0 m	7.25 m	N/A



## **EVALUATION**

### **Background**

- The property is zoned Mixed Density Residential (R-M) in which single detached dwellings and additions to single detached dwellings are permitted uses.
- All properties surrounding the subject property are developed with single detached dwellings or single detached dwellings with secondary suites.
- June 27, 2025, a compliance letter was requested for the property. In review of the compliance request, it was determined an addition was constructed on the east side of the house.
- There are no permits on file for the addition. Both an approved development permit granting a side setback waiver, and a building permit are required prior to construction.
- The compliance letter also noted a shed on the property which also does not meet the setback requirements of Land Use Bylaw 6300.
- October 6, 2025, a building permit application was made for the addition. An Engineer review was requested to be submitted as part of the application to confirm the structural integrity of the addition.
- October 9, 2025, a development application was submitted requesting development approval and a side setback waiver for the addition.
- The application was deemed complete on October 16, 2025. Neighbourhood letters were sent out that date. No comments were received.
- October 31, 2025, the building permit expired as the required information to review the application was not provided.
- November 5, 2025, the development application was refused.

## **LEGISLATION & POLICY**

### **Land Use Bylaw 6300**

- Section 5 Compliance with Other Legislation  
A person or activity complying with this Bylaw must also comply with:
  - (1) The requirements of the Alberta Building Code.
  - (2) The requirements of any federal, provincial or municipal legislation or regulation.
  - (3) The conditions of any caveat, covenant, easement, contract or agreement affecting the Use or Development of land or Buildings.

- Section 12 When a Permit is Required  
Except as provided in Section 13, a person may not commence any Development unless the person has been issued a Development Permit in respect of it pursuant to this Land Use Bylaw.
- Section (13)(u)(w) When a Permit is Not Required  
Unless otherwise required by a Statutory Plan, the following do not require a Development Permit but may require other permits from the municipality, provincial or federal government:
  - (u) Fireplaces that comply with this Bylaw
  - (w) Single Detached Dwellings, additions to Single Detached Dwellings and Accessory Buildings in Residential District which are Permitted uses and which comply with the Land Use Bylaw.
- Section 22(2)(a) Authorized Waivers  
Certain provisions of this Bylaw, described in Section 22(4), may be waived if the resulting proposed development
  - (a) Conforms with the Use prescribed for the land or Building in this Bylaw, and
    - i. Would not unduly interfere with the amenities of the neighbourhood, or
    - ii. Would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- Section 22(4)(b) Authorized Waivers  
The Development Authority may grant the following waivers: an unlimited waiver of the maximum projections allowed into Setbacks.
- Section 82(2)(a)(i) Projections into Minimum Setbacks  
Unless otherwise provided in a Residential District or other general rules, the following projections into minimum Setbacks shall be allowed:
  - (a) Projections into all Setbacks and Separation Distances
    - iii. Fireplaces (firebox/chimney only) ..... 0.6 m

## **APPLICATION OF FACTS**

- Single detached dwellings and additions to single detached dwellings are permitted use in the Mixed Density Residential (R-M) district.

- Granting side setback waivers is not common practice, as it may have implications for neighbouring properties.
- The addition was constructed without obtaining development and building permit approvals.
- The addition projects into the side setback more than the other approved projections.
- The addition is for a closet and not a fireplace or chimney.
- A building permit was applied for and expired due to lack of information being provided to indicate it could meet the Alberta Building Code requirements.

## **CONCLUSION**

The application to construct a single detached dwelling, requesting an eave projection waiver was **refused** for the following reasons:

1. The side setback waiver request for the existing addition is excessive, and not in keeping with the prevailing neighbourhood pattern.
2. The requested waiver could materially interfere with or affect the use, enjoyment or value of neighbouring properties.
3. Evidence was not provided to indicate the addition complies with Section 5 of Land Use Bylaw 6300.
4. The addition must be removed no later than December 5, 2025. All work must be in compliance with Section 5 of Land Use Bylaw 6300.



# SUBDIVISION AND DEVELOPMENT APPEAL BOARD

410 Lynx Terrace North  
DEV16307

# INTRODUCTION

**Application No.:**

DEV16307

**Location:**

410 Lynx Terr N

**Land Use District:**

R-M Mixed Density Residential District]

**Current Development:**

Single Detached Dwelling, Permitted

**Proposed Development:**

To bring into compliance an unapproved side addition.  
Requesting a 0.46 m east side setback waiver.



# LAND USE BYLAW 6300

## Section 5 Compliance with Other Legislation

A person or activity complying with this Bylaw must also comply with:

- (1) The requirements of the Alberta Building Code.
- (2) The requirements of any federal, provincial or municipal legislation or regulation.
- (3) The conditions of any caveat, covenant, easement, contract or agreement affecting the Use or Development of land or Buildings.

## Section 12 When a Permit is Required

Except as provided in Section 13, a person may not commence any Development unless the person has been issued a Development Permit in respect of it pursuant to this Land Use Bylaw.

## Section 13(u) & (w) When a Permit is Not Required

Unless otherwise required by a Statutory Plan, the following do not require a Development Permit but may require other permits from the municipality, provincial or federal government:

- (u) Fireplaces that comply with this Bylaw
- (w) Single Detached Dwellings, additions to Single Detached Dwellings and Accessory Buildings in Residential District which are Permitted uses and which comply with the Land Use Bylaw.

# LAND USE BYLAW 6300 continued

## Section 22(2)(A) Authorized Waivers

Certain provisions of this Bylaw, described in Section 22(4), may be waived if the resulting proposed development

- (a) Conforms with the Use prescribed for the Land or Building in this Bylaw, and
  - i. Would not unduly interfere with the amenities of the neighbourhood, or
  - ii. Would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.

## Section 82(2)(a)(i)

Unless otherwise provided in a Residential District or other general rules, the following projections into minimum Setbacks shall be allowed:

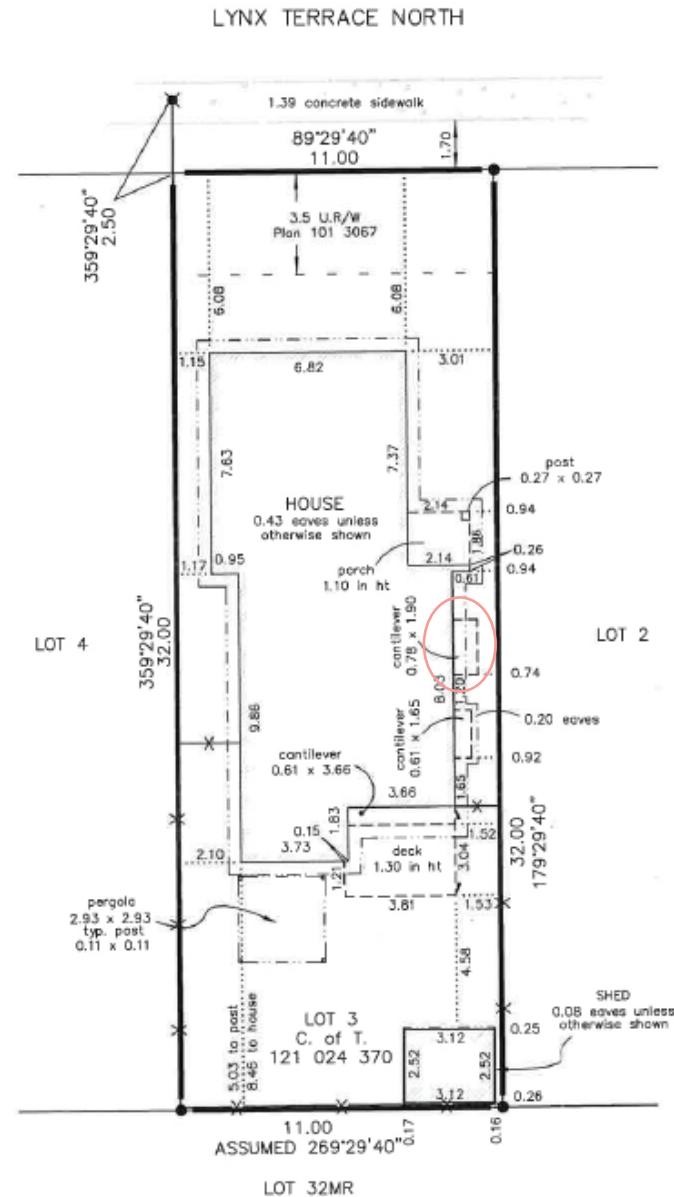
- (a) Projections into all Setbacks and Separation Distances
  - iii. Fireplaces (firebox/chimney only) .....0.6 m



# WAIVER APPLICATION CONSIDERATIONS

Would the proposed development

- Not unduly interfere with the amenities of the neighbourhood?
- Not materially interfere with or affect the use, enjoyment or value of neighbouring properties.



mbrances

3e.

# EVALUATION SUMMARY

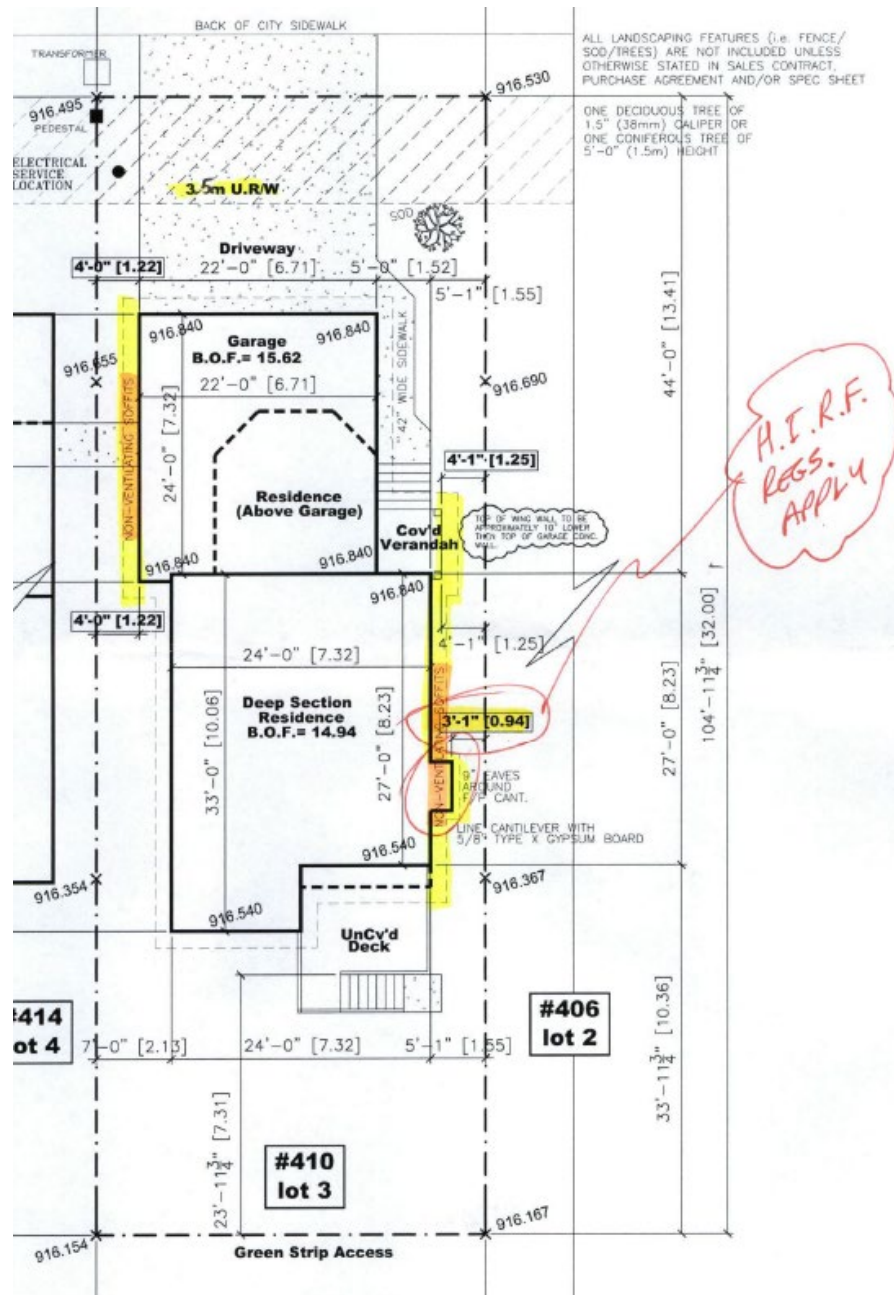
- Granting side setback waivers is not common practice, as it may have implications for neighbouring properties, including building constraints for the neighbouring property into the future.
- The addition was constructed without permits
- The projection of the addition is closer to the east property line than any other portion of the house.
- The addition was for a closet, and not a fireplace.
- A building permit was applied for and expired.

# CONCLUSION

The application for the existing closet addition, requesting a side setback waiver, was **refused** for the following reasons:

1. The side setback waiver request for the existing addition is excessive, and not in keeping with the prevailing neighbourhood pattern.
2. The requested waiver could materially interfere with or affect the use, enjoyment or value of neighbouring properties.
3. Evidence was not provided to indicate the addition complies with Section 5 of Land Use Bylaw 6300.
4. The addition must be removed no later than December 5, 2025. All work must be in compliance with Section 5 of Land Use Bylaw 6300.

# ALBERTA BUILDING CODE

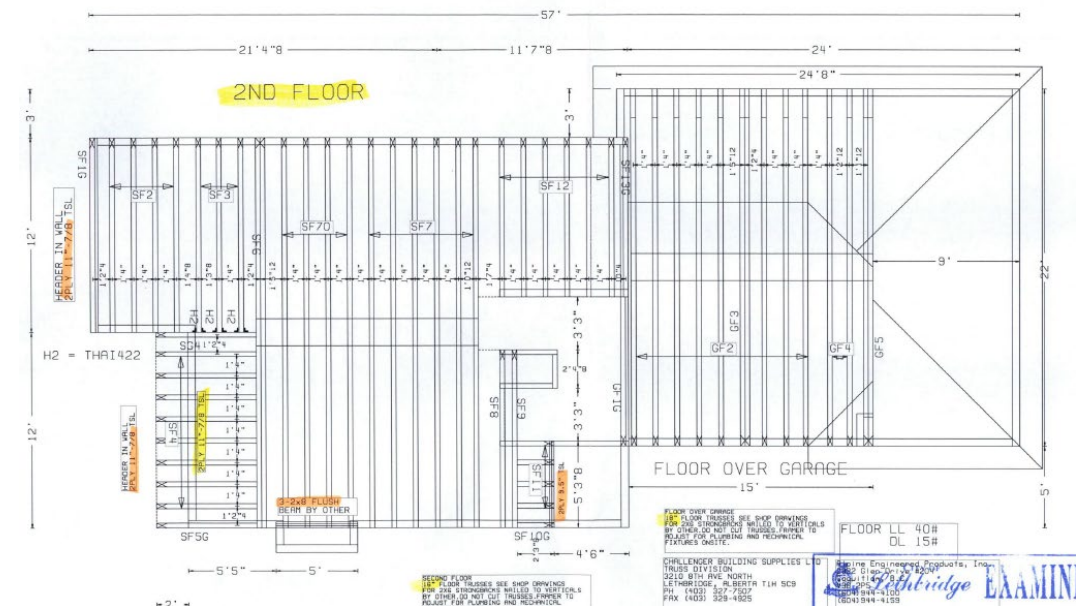
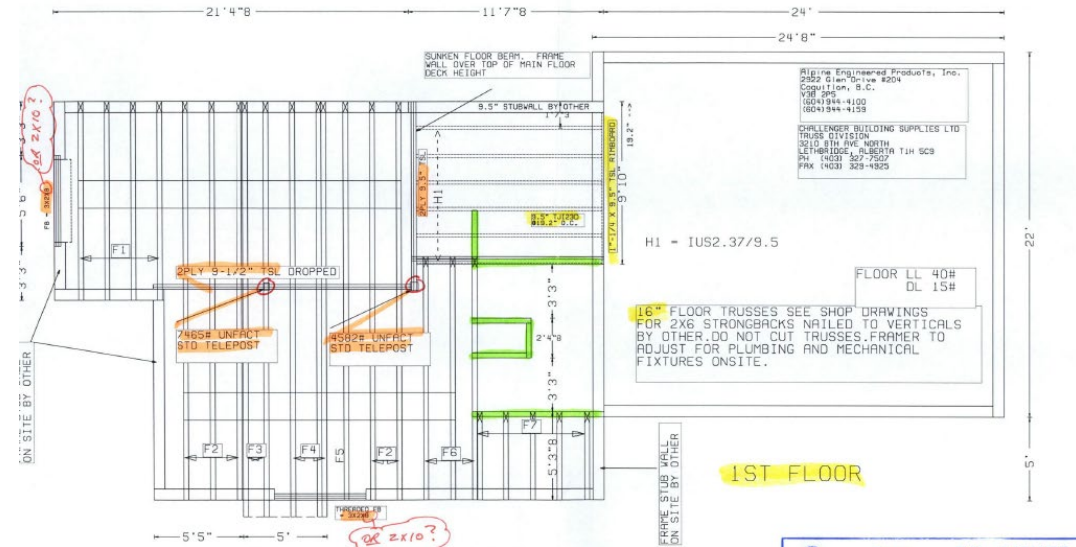
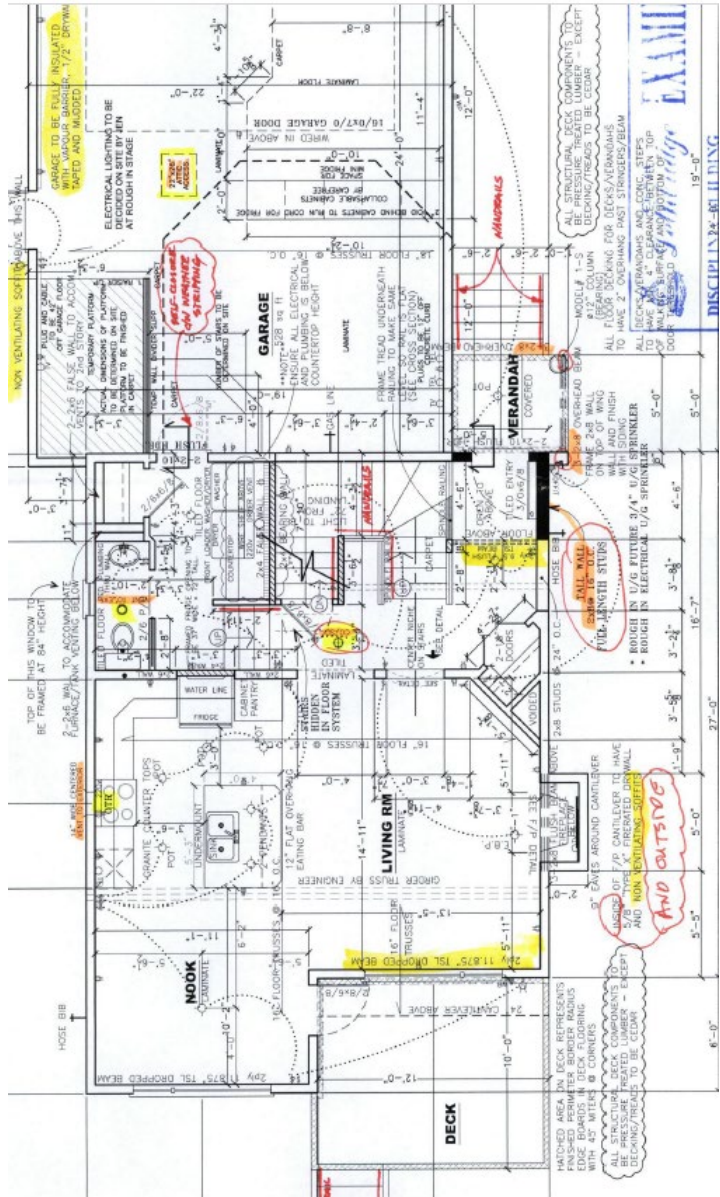


## 1.1.1.1. Application of this Code

1) This Code applies to any one or more of the following:

- the design of a *new building*,
- the construction of a *new building*,
- the *occupancy* of any *building*,
- the change in *occupancy* of any *building*,
- an *alteration* to any *building*,
- an addition to any *building*,
- the demolition of any *building*,





December 2, 2025

Hailey Winder - Secretary  
Subdivision and Development Appeal Board  
City of Lethbridge

Re: Appeal of Development Permit Decision — 410 Lynx Terrace (Side Closet Addition / Side-setback Waiver)

Dear Members of the Subdivision and Development Appeal Board,

We write as the registered owners of 410 Lynx Terrace to formally appeal the decision denying the side-setback waiver and ordering removal of the side closet addition (the “bump-out”). We respectfully request that the Board reconsider the City’s decision in light of the facts, circumstances, and equities of this situation.

### **Background**

We purchased the property in good faith, relying on the representations made by the sellers that the house was legally built, including all additions, and was municipally compliant. As part of the purchase, we required the sellers to obtain a current Real Property Report (RPR) and a municipal compliance letter — in accordance with section 10.2 of the standard Alberta Real Estate Contract. Because RPRs often take many weeks to complete, we negotiated a \$5,000 holdback to address any issues arising from the bump-out or other non-compliance, including obtaining any necessary permits or approvals before release of the holdback funds.

Given those protections, we agreed to close the transaction, trusting that the sellers would complete the compliance requirements in good faith — including applying for any required waivers or permits for the bump-out.

We now find ourselves in a position where the City has refused the required waiver, rejected the permit application, and demanded removal of the bump-out by December 5, 2025. That demand was issued before the appeal hearing — putting us at serious risk of unacceptable financial loss and exposure to forced removal costs.

### **Why the Waiver Should Be Granted**

#### **Minimal Impact / Minor Encroachment**

The bump-out extends only approximately 18 cm beyond the existing side wall. Given how minor this projection is, it does not meaningfully alter the character of the property nor

does it materially affect neighbouring properties. The closet is modest in size and unobtrusive.

### **Neighbour Support / No Objection**

The previous owners obtained signatures from 12 neighboring households indicating no objection to the bump-out, which we understand a copy of which has been shared with the SDAB. They confirmed the closet “in no way interferes with or affects the use of any neighbouring properties.” That community support strongly suggests the addition is benign and that the concerns leading to the refusal, “interference with enjoyment or value of neighboring properties” are unsubstantiated in fact.

### **Reasonableness in Context of Waivers in Similar Cases**

While the relevant zoning and development controls are governed by the Land Use Bylaw 6300 (“LUB 6300”), including side-setback requirements for single-detached dwellings, given that the bump-out only encroaches 18 cm beyond the existing building envelope, and likely remains well within, or at least very close to, the overall setback threshold, the practical interference is negligible.

Moreover, in practice, the City has a history of granting waivers/variances in similar circumstances. For example, a recently approved waiver for a rear-setback reduction that we found online, demonstrates that the City remains willing to grant relief under LUB 6300 when the impact is minimal and the applicants have acted in good faith.

### **Unfairness of the Severe Penalty**

We acquired this property on the assumption that compliance would be provided, relying on the sellers’ contractual obligations under section 10.2, and took steps to protect ourselves (the holdback). We had no reason to believe that any non-compliance with the bump-out would lead to the consequence of having to tear down the addition. Had we known that the City of Lethbridge would apply such sharp practice for something we were unaware of, we may never have agreed to purchase under the same terms.

*For the City now to require full removal, at our cost, is not only unfair but imposes a harsh and disproportionate penalty for what appears to be a minor infraction.* The cost of removal would likely exceed the holdback, requiring us to bear a financial burden for someone else’s past failure to properly permit.

### **No Known Neighbour Complaints or Demonstrated Harm**

We are not aware of any formal complaint by any of the neighbours regarding the closet. The “no-objection” statement signed by 12 neighbours indicates that the bump-out has never caused any known interference. Without evidence of harm, removal appears unnecessary and punitive rather than protective.



### **Request for Relief**

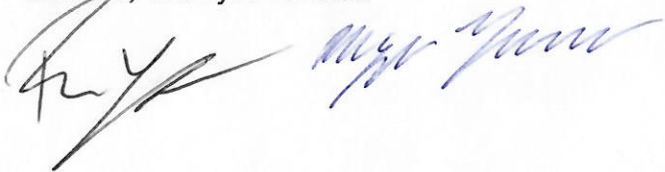
In light of the above, we request that the Board grant the side-setback waiver and thereby validate the existing side closet addition. Alternatively, if you believe modifications are required, we request a reasonable variance or partial waiver sufficient to legitimize the bump-out without removal.

We also respectfully request that any order to remove the closet be stayed pending appeal - given that the hearing is scheduled for December 4. Requiring removal by December 5 (before the appeal is decided) would deprive us of meaningful opportunity to contest the decision and inflict undue hardship.

We appreciate the Board's consideration of our appeal and believe that granting the waiver (or reasonable variance) would serve both the interests of fairness and the broader interest of orderly development in the community.

Yours truly,

Russell and Megan Yoshihara  
Owners, 410 Lynx Terrace

Handwritten signatures of Russell and Megan Yoshihara in blue ink. The signature on the left is for Russell, and the signature on the right is for Megan. Both are written in a cursive, flowing style.