



CITY OF  
*Lethbridge*

Office of the City Clerk

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION**

May 11, 2023

Re: Appeal of Development Application 14368  
Appellant: Betts et al  
Land Use: Downtown Commercial (C-D)

UPON HEARING representations made by the Development Officer, the Appellants, the Applicant, and other interested parties on Thursday, April 27, 2023, it is the decision of the Subdivision and Development Appeal Board that the appeal is **ALLOWED IN PART** and the decision of the Development Officer regarding Development Application 14368 on March 1, 2023 to allow for a change of use for a portion of the building to allow supportive housing for a maximum of 25 residents located at 221 2 Avenue South is hereby **VARIED**. The development permit approved by the Development Officer is hereby amended with the changes described below.

The following submissions were received:

1. Edward and Karen Betts, appellant (written)
2. Varzari Trading Ltd., appellant (written)
3. McDonald's Restaurants, Lethbridge, appellant (both oral and written)
4. Parkside Enterprises Ltd., appellant (written)
5. Bev Muendel, in favour of the development (both oral and written)
6. Jillian Hunchak and Dryden Roesch, in favour of the development (written)
7. Hailey Winder, in favour of the development (both oral and written)
8. Robert Campbell, in favour of the development (written)
9. Darlene McLean, speaker (oral)
10. Robin James, applicant (oral and written)
11. Tyler Pollock, in favour of the development (oral)
12. Reverend Taylor Croissant, in favour of the development (oral)
13. Shelby McLeod, in favour of the development (oral)
14. Suzanne Doupe, in favour of the development (oral)
15. Mikala Dalton, in favour of the development (oral)
16. Matthew McHugh, in favour of the development (oral)
17. Barbara Phillips, in favour of the development (oral)
18. Doug Hamilton, in favour of the development (oral)
19. Bertina Crowshoe, in favour of the development (oral)
20. Dave Able, in favour of the development (oral)
21. Andrew Kipers, in favour of the development (oral)
22. Others, in favour of the development (oral)
23. Angela Olsen, Development Officer (both oral and written)

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 Downtown Area Redevelopment Plan, the Heart of our City Master 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:

1. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. The Board found that the proposed development was in compliance with Land Use Bylaw 6300.
3. The Board notes that the development is a discretionary use. Therefore, the development permit application could either be granted or refused.
4. There are a total of 39 units in the building with a maximum of 25 units being designated for Supportive Housing.
5. The two uses approved with this development permit are for “Supportive Housing” and “Dwelling Apartment”.
6. The use previously approved with this site is for “apartment-hotel”.
7. The proposed development does not require any waivers.
8. The change in use does not require any additional parking spaces.
9. The applicant provided the rationale for the development.
10. The building has been in existence since 1910 and has always housed people.
11. Concerns were raised regarding existing challenges that this community is facing. However, the Board was not provided with sufficient evidence to satisfy it that the proposed use would impact the neighbourhood in a negative manner.
12. No evidence was presented against the proposed development to substantiate the statements that that additional traffic, noise, and parking issues associated with the development would interfere with the neighbourhood amenities.
13. The Board acknowledges the concerns raised by one of the appellants that this development would result in unauthorized use of the restroom facilities and parking for their restaurant. The Board was not provided with sufficient evidence to support these concerns. This development will include restroom facilities within the dwellings, and this development does not require an increase in the number of parking stalls from the current use.
14. The Board does acknowledge the concerns that were raised in the materials before it that others might perceive an opportunity to take advantage of vulnerable individuals residing at this property. The Board discussed with the applicant the possibility of requiring 24-hour oversight of this property, including security at night. The applicant indicated during the hearing that this would be agreeable, and the Board also notes that overnight security was included in the applicant’s description of the proposed development. The Board is satisfied that this is an appropriate condition to add.
15. One of the conditions of approval was compliance with a Neighbourhood Communication Plan. The development permit as approved allowed for changes to the Neighbourhood Communication Plan from time to time. The Board finds that this plan, particularly the opportunity it provides for the neighbours to file complaints, to be an important part of ensuring ongoing compatibility between this development and the surrounding community. As such this is an important part of the development permit approval and should not be subject to change without a review by the development authority. The Board finds that it is appropriate to amend the conditions of the permit accordingly.

16. The Board is of the opinion that, with the changes described herein, the development is not expected to have negative impacts on the surrounding community and that it is compatible with the community in which it is located, and that it warrants approval as a discretionary use.
17. Having regard to the merits of the application and sound planning considerations, the Board, based on the evidence and aforementioned factors, finds that the development from a planning perspective is appropriate for the site.
18. In reviewing and weighing all the evidence, the Board therefore finds that the application does merit approval.

## **CONCLUSION:**

For the reasons set out above, the appeal is allowed in part and the decision of the Development Officer is varied. The first change is that condition 5 is hereby replaced with the following:

5. Neighbourhood Communication Plan:

The Neighbourhood Communication Plan, submitted February 7, 2023, must be adhered to by the owner/operator of the supportive housing facility. When the Neighbourhood Communication Plan is updated in the future, copies must be provided to the landowners within a 60m radius, the Downtown BRZ and the City of Lethbridge Planning and Design department. The "Filing a Complaint" section of the Neighbourhood Communication Plan is part of this development permit and shall not be amended (except changes to contact names, titles, meeting dates, phone numbers or email addresses to reflect changes within the permit holder's organization) except as part of an application for a new development permit.

The second change is that a new condition 6 is hereby added as follows:

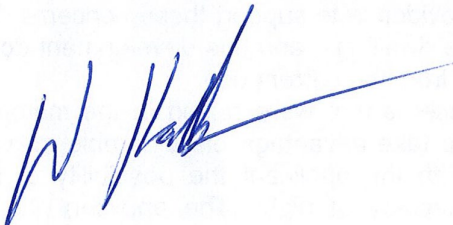
6. Staff and Security Presence:

The developer shall have at least one person present on site 24 hours per day, 365 days per year. Between 12:00 midnight and 8:00 a.m., at least one professional security guard shall be present. Outside of those hours, the 24 hour presence may be achieved through a security guard or an employee or contractor of the developer, and may include staff members serving any function at the site.

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,



Walter Kalkan, Board Chair,  
Subdivision & Development Appeal Board

cc Development Officer  
Appellants/Neighbouring Property Owners

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