



CITY OF  
*Lethbridge*

Office of the City Clerk

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION**

January 30, 2024

Re: Appeal of Development Application DEV14968  
Appellant: Matthew Baldock  
Land Use: Low Density Residential (R-L)

UPON HEARING representations made by the Development Officer, the Appellant, and other interested parties on Thursday, January 11, 2024, it is the decision of the Subdivision and Development Appeal Board that the appeal is **DENIED** and the decision of the Development Authority regarding Development Application DEV14968 on December 18, 2023 to refuse the construction of an addition on the front of the dwelling is hereby **UPHELD**.

The Board received written and oral submissions from the Appellant, the Development Authority and from numerous other interested parties. The Board acknowledges and appreciates all of these submissions.

AND UPON CONSIDERING the relevant provisions of the South Saskatchewan Regional Plan, Municipal Government Act, the Municipal Development Plan, the Land Use By-law, 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. Application was made for a 1.53 metre waiver for the front (short) setback of the 6.0 metre requirement.
3. Although the neighbouring properties do not have a similar front yard setback to the proposed development, the Board found the setback variance was suitable for the site.
4. The Board found that Home Occupation Type C is considered to be a discretionary use for the property. It was approved by the Development Authority in 2019, allowing for a maximum of fifteen students per day and no more than five at a time.
5. It was questioned by the Board if the proposed addition was for residential or commercial use. The existing plan as submitted did not provide the board with sufficient evidence to believe the addition is allowed by the zoning as it does not meet the definition of "dwelling" or "dwelling unit" as found within the Land Use Bylaw, and as a result would cause the entire building to which it is attached to no longer meet the definition of Dwelling, Single Detached. The Board found it was commercial in use, primarily because there was no connection between the proposed addition and the existing house.

6. In reviewing and weighing all the evidence, the Board therefore finds that the appeal does not merit approval, and the decision of the Development Authority to refuse the application to be upheld.

**CONCLUSION:**

For the reasons set out above, the appeal is denied and the decision of the Development Authority is confirmed. An application that reflects a residential use rather than a commercial use would be considered more favourably by 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,



Jason Shriner, Board Chair,  
Subdivision & Development Appeal Board

cc Appellant/Neighbouring Property Owners