



CITY OF  
*Lethbridge*

Office of the City Clerk

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION**

February 2, 2023

Re: Appeal of Development Application No. 14227  
Appellant: Karstan Lachman  
Land Use: Highway Commercial (C-H)

Upon hearing representation made by the Development Officer, the Appellant, and other interested parties on Thursday, January 19, 2023, 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 Application DEV14227 on December 2, 2022 for a change in use from "fitness facility" to "medical and Health Office (outpatient)" located at 30 1917 Mayor Magrath Drive South is hereby **CONFIRMED**.

The following submissions were received:

1. David Brodoway, against the appeal (both oral and written)
2. Jennifer Brodoway, against the appeal (oral)
3. Justin Myer, against the appeal (both oral and written)
4. Tim Jackson, against the appeal (oral)
5. Jami Payne, against the appeal (written)
6. Darren Gangur, against the appeal (written)
7. Dennis Hanzel, against the appeal (written)
8. Mariko Constable, representing the applicant (both oral and written)
9. Karstan Lachman, applicant (both oral and written)
10. Kevin Deaust, 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, 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 notes that the proposed use (medical and health office (outpatient)) is a permitted use.
3. The Board notes that the application requires eleven parking spaces, resulting in a request for a waiver of five parking spaces.
4. The Board notes that there is an easement agreement (111 234 010) in place. This easement does not grant, permit, or allow one party to use the other party's lands outside of the delineated roadway nor permit parking by one party on the other party's lands.
5. The Board finds that a parking space required by the Land Use Bylaw 6300 shall be located on the same parcel as the use of building for which it is required.
6. The Board notes that there is already an existing approved parking waiver of 1 space.
7. The Board finds that allowing an additional five parking spaces waivers is excessive.

8. The Board finds that the proposed parking spaces waiver would materially interfere with and affect the use, enjoyment and value of the neighbouring properties.
9. The Board finds that the proposed parking spaces waiver may contribute to a breach or non-compliance with the performance requirements of easement agreement 111 234 010.
10. Having regard to the merits of the application and sound planning considerations, the Board, based on the evidence and aforementioned factors, finds that granting the waiver from a planning perspective is inappropriate for the site.
11. In reviewing and weighing all the evidence, the Board therefore finds that the application does not warrant approval.

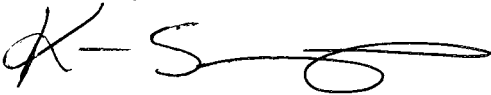
**CONCLUSION:**

For the reasons set out above, the appeal is denied and the decision of the Development Officer is confirmed. The notice of the refusal of the Development Application stands.

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,



Kattie Schlamp, Board Chair,  
Subdivision & Development Appeal Board

cc Development Officer  
Appellants/Neighbouring Property Owners