



CITY OF *Lethbridge*

Office of the City Clerk

March 4, 2022

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed on the granting of a development permit by the Development Officer on March 1, 2022 to add the use of "Entertainment Establishment" to the already approved use of "Specialty Manufacturing" located at 3500 9 Avenue North.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 200 feet or 60 meters 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:

DATE:	Thursday, March 17, 2022
TIME:	5:00 p.m.
LOCATION:	Council Chambers, Main Floor, City Hall 910 – 4 Avenue South

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 david.sarsfield@lethbridge.ca, 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.

The City is following the recommendations from the Province of Alberta and the City of Lethbridge with regards to social distancing.

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 403 329 7329 if you have any questions.

Yours truly,

David Sarsfield
Board Secretary,
Subdivision and Development Appeal Board



CITY OF
Lethbridge

NOTICE OF APPEAL
Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information			(Date Received Stamp)
Municipal Address of Appeal 3500 9ave North, Lethbridge, AB			
Legal Description of Site (must be completed for subdivision appeals)			
Development Application Number or Subdivision Application Number DEV13633			
Appellant Information			
Name Ian Anderson			
Mailing Address 3514 9ave N, Lethbridge, AB			(Office use Only)
City Lethbridge	Province Alberta	Postal Code T1H 5E6	
Residence #	Business # 105536	Email iasity@hotmail.com	

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

Various reasons, including but not limited to bylaw compliance issues listed within the City of Lethbridge Land Use Bylaw 6300. Please see attached statement, documents and images.

(Attach a separate page if required)

This Personal information is collected under the authority of the Freedom of Information and protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 6788 and 685 Note: **This information will form part of a file available to the public**, if you have any questions regarding the collection of this information, contact the FOIP Coordinator at (403) 329-7329.

Signature of Appellant <i>Ian B Anderson</i>		Date 2002 11 03
FOR OFFICE USE ONLY		
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD
		Date Appellant Notified YYYY MM DD

Ian Anderson
 lasity
 3514 9 Ave N
 Lethbridge, AB
 T1H5E6
 403-380-2847

Secretary of the Subdivision and Development Appeal Board
 City Clerks Office
 2nd Floor 910 – 4 Avenue South
 Lethbridge, AB
 T1J 0P6
 403-329-7329

March.3.2022

Dear Madam/Sir

RE: DEV13633, 3500 9 Ave N, Lethbridge Alberta, Spectrum Ale Works

I wish to make you aware of several strong objections that I have regarding the development permit/parking plan waiver for the Spectrum Ale Works seated Taproom/Entertainment Establishment, located at 3500 9 Ave North, Lethbridge, Alberta.

For over 14 years my business has been located within the same multi-tenant strip mall as the recently opened bar Spectrum Ale Works, and has survived multiple recessions and this current pandemic. I have seen many diverse businesses come and go throughout the years, but the unchecked business activities of Spectrum Ale Works (Currently located at 3500 9 Ave N, Lethbridge, AB, and whose seated taproom has been in operation for over two years) has severely and negatively impacted my day-to-day business operations.

The Spectrum Ale Works seated taproom, which has been operating outside of city development approval for over 2+ years, has an onsite seating capacity and AGLC license to serve 30+ people. This multi-tenant strip mall parking lot, at the time that the City of Lethbridge originally approved the location, had approximately 21 north-facing perpendicular/90-degree parking spots and a 2-way traffic aisle to accommodate the entire mall complex, which includes 9 individual bays and their corresponding businesses.

There are a small number of south-facing perpendicular/90-degree parking spaces directly in front of the two bays that Spectrum Ale Works/DB Pro Audio lease. (The primary owner of Spectrum Ale Works and DB Pro Audio are the same individual) **The main bay included in the original development plan for Spectrum Ale Works 3500 9 Ave N, Lethbridge, AB is 3600 square feet, with approximately 41 feet of frontage, and the other bay (directly to the east and acquired much later) is a subdivision of 3504 9 Ave N, and I believe that address would be 3502 9 Ave N) That bay is 2700 square feet, with approximately 27 feet of frontage, and it appears that owner of Spectrum Ale Works runs his other business DB Pro Audio and various Spectrum Ale Works storage out of. Spectrum Ale Works bays are located on the far-west end of the mall complex, and they have no north facing perpendicular/90-degree parking to speak of, as their bays are located directly south of the west main mall driveway entrance/exit. (Please see document number 2004 with attached image numbered 1013 as a reference) **Total frontage of the mall complex is roughly 282 feet, yet Spectrum Ale Works patrons regularly consume over 100% of all available parking, including street parking and the some of the Rugby Club parking lot located across the street.****

Regardless of how Spectrum Ale Works representatives wish to state that their customers have access to west rear and south rear parking, I can assure you that after 2+ years of dealing with overwhelming access/parking problems, there is no logical argument that should lead you to believe that this would/could reasonably happen in the future. Currently, Spectrum Ale Works and DB Pro Audio owners, their employees, their friends, and family permanently use up all available south rear parking for various vehicles, trailers, pallets, and other general equipment. (Please see document 2002 with attached images numbered 1007 and 1008 as provable examples) As far as parking along the west rear fence goes, there should be no encouragement of parking there as it impedes rear access for large highway delivery trucks and large garbage trucks to all other tenants and there is no regular snow removal to speak of, in an area that drifts snow heavily.

The invasion of this bar into our once peaceful, balanced, and cohesive mall complex has caused me, and other business owners, much strife and mental anguish. I would like to strongly recommend that **no development permit/parking plan waiver** be issued in regard to the Spectrum Ale Works seated taproom located at 3500 9 Ave N, Lethbridge, AB.

Detailed list of objections:

1. Parking lot is not in compliance with City of Lethbridge Land use Bylaw 6300:

- Total width of parking lot is approximately 53ft 8inches
- **By allowing north and south perpendicular/90-degree parking, the 2-way driving aisle is approximately 4.816 meters. Not the minimum 7 meters required, as defined under Maneuvering Aisle and Driveway Width, within Land Use Bylaw 6300.** I, and other business owners have witnessed a 2+ year history of overwhelming parking lot obstruction/access problems and troubling misuse of the front (north) parking lot design by allowing north and south perpendicular/90-degree parking in conjunction with the undersized 2-way traffic aisle. The overwhelming parking lot misuse is a direct consequence of allowing the operations of the Spectrum Ale Works seated taproom, and there is no reasonable expectation of on street parking or rear of building parking to absorb demand. **This is a major traffic safety, pedestrian safety, and substantial liability concern.** (Please see document number 2001 with attached images numbered 1001, 1002, 1003, 1004 as provable examples)
- City of Lethbridge Land Use Bylaw 6300, Section 63, 1 (c), Parking and Load Requirements. The hours of operation and parking demand of the Uses which are proposed to shared parking spaces are sufficiently different so as to not require use of the parking spaces at the same time. **Spectrum Ale Works hours are not sufficiently different from multiple businesses within the mall complex, including my business when not running at reduced hours due to persistent access problems. Like many other drinking establishments that wish to remain solvent, Spectrum Ale Works regularly opens early and stays open late, well-outside of their stated/posted operating hours. The 30+ regularly seated taproom patrons do place untenable parking demands on the entire mall complex.**
- Due to a lack of regular and consistent front parking area snow removal and water drainage pavement contouring, there are persistent parking lot ice build-ups during winter months, and vehicles can easily slide into each other while trying to back out of the ultra-tight parking spots. This is a major traffic safety concern. Parking lot snow removal is not expressly included within tenant lease agreements, and the only mentioning of snow removal within lease agreements is that- "snow removal may be included, as a courtesy, and subject to the discretion of the various property owners". From my experience over the last 14+ years is that there is no regular/consistent snow removal pertaining to the front (north) parking lot and absolutely no rear parking lot snow removal to speak of, that can be credited back to the various property owners. I feel that snow removal, due to not being expressly defined within the lease agreements, will continue to be a problem moving forward, as many of the tenants, current and prior, do not have regular customers coming and going, thus they do not care about the build-up of snow and ice within the north and south parking lots.
- There is no way to safely implement north and south facing angle parking with a 1-way driving lane, due to there being 4 large roll-up vehicle access bay doors on the front of the building. (Please see document number 2004 with attached image numbered 1015 as reference)
- Prior to the original development approval and opening of Spectrum Ale Works Taproom seating area, there was never a requirement for any of the mall customers to park south-facing vehicles perpendicular/90 degree up against the front of the building. Current misuse of the front (north) parking lot, which does not comply with Land Use Bylaw 6300, exists only to serve the 30+ regular seated taproom bar patrons. **No other business within the mall complex regularly consumes over what they are allotted for parking spots, based on total bay area /frontage. Spectrum Ale Works is an outlier that regularly uses-up over 100% of all available front parking, including street parking and Rugby Club parking across the street.**
- Spectrum Ale Works is not compatible with all other businesses located within the multi tenant strip mall.

2. Current parking lot usage creates unsafe conditions and can lead to increased collisions:

- Vehicles can (and do) get stuck in their parking spots until someone else leaves due to the overall parking lot width being well under what is required for most modern full-sized trucks/SUVs to safely exit a parking spot. (Just imagine the movie Austin Powers, where he gets stuck in the tunnel, but that happens in real life and daily around here)
- **I believe that the undersized 2-way driving aisle width is a major and dangerous safety problem.**

3. The regular use of food trucks by Spectrum Ale Works blocks the west driveway entrance, west rear access/driving/fire lane due pedestrian loitering (both from bar patrons and by non-bar individuals crowding into the parking lot just for the food) and this creates congested unsafe driving hazards for all.

4. Large tent, small canopy, various portable fences, and barriers used throughout the spring, summer and fall pose significant traffic safety, pedestrian safety, and parking lot access issues:

- This particularly large tent (erected every year they have been in the current location) is backed up tight to the west rear driving lane, which also poses a significant safety concern when large delivery trucks try to get by. (Please view document 2002 with attached image numbered 1006 and document number 2001 with attached image numbered 1001 (top left of frame) for provable examples)
- **The risk of a large highway trucks and/or trailers snagging and dragging the large tent that bar patrons are within, could, potentially, be lethal.**
- When in use, the large tent, small canopy and various portable fences and barriers impede my customer parking and main front driving lane access to my bay, due to the lack of available parking in front of the Spectrum Ale Works/DB Pro Audio bays and increased levels of parking lot pedestrian loitering by Spectrum Ale Works patrons, overall.
- When in use, the large tent, small canopy and various fences and barriers promote the possibility that Spectrum Ale Works may serve customer numbers well-over what their approved AGLC license and approved seating capacity allows for.

5. There is no way to implement rear parking for this property for many reasons:

- 99.9% of all customers will park within the front (north) parking lot regardless of how signage is implemented. Nor will Spectrum Ale Works owners/employees go out of their way to encourage rear parking in any meaningful or consistent way, as they believe they are entitled to all available parking within the mall complex. I have repeatedly reached out to the acting agent of the mall property about the various problems pertaining to the parking/access situation, yet they refuse to acknowledge the problem(s), nor propose any reasonable solutions.
- The use of south rear parking along the south-west corner of the rear parking lot, by longer vehicles, impedes the free movement of large highway truck delivery and garbage trucks from accessing all other rear bay areas.
- There is now west-facing front parking. 4 parking spots that have been newly created in-between our mall complex and the gym, along with a not so temporary, temporary tall fence erected by Spectrum Ale Works. When those parking spots are used, the larger vehicles that park there cut off free movement to the west rear driving/fire lane. (Please see document number 2002 with attached image numbered 1005 as a provable example)

- The rear parking area has already been filled with various Spectrum Ale Works/ DB Pro Audio Vehicles, Trailers & Equipment. (Please view document number 2002 with attached image numbered 1007 and 1008 for provable examples)
 - Lack of regular rear snow removal will block customer rear parking access during winter months due to significant and consistent drifting along the west building and south parking areas.
 - West-facing Driving/Fire Lane and south rear parking area must be left unobstructed for large highway truck delivery/garbage truck access, for other tenants to bring vehicles around and for possible emergency vehicle rear access should the east rear access be obstructed during an emergency situation.
 - There are no lights illuminating the west rear access driving/fire lane, nor any meaningful illumination of the south rear parking area behind Spectrum Ale Works. This is a serious pedestrian & vehicle safety concern regarding people loitering (smoking) next to the building and vehicles (usually only the friends and family of the bar owners) that sporadically park on the side of the building, yet partially obstruct the driving/fire lane.
6. **Spectrum Ale Works customers regularly and illegally park in my clearly marked 24hr private parking spots: (These private parking spots are clearly defined and enshrined within my current lease agreement)**
- The stated problem above is directly responsible for my business having to give up an extra storage bay with added front parking, due to a perpetually obstructed entrance man door and blocked parking spot access.
 - My business has, at times, had to hire private security to deal with intoxicated bar patrons who regularly display extremely aggressive behavior.
 - My business has, as a last resort, and for the first time in 14+ years reduced its hours of operation to try and navigate around dealing with parking access problems, building access problems and aggressive bar patrons. This has led to a significant reduction in overall revenue and has inconvenienced many of my long-term customers. Should there be a reasonable resolution to the various parking lot, building, west driveway, west driving/fire lane access problems and a meaningful reduction in regard to aggressive/intoxicated bar patrons, I will immediately return to extended hours of operation.
 - I have had to call LPS/City Bylaw Enforcement many times to have vehicles ticketed and/or removed by owners, so that my customers have a place to park when they arrive. This is major problem, as many of my customers are elderly and disabled and cannot park far away. I am sure the city can access records as to how many times we called bylaw enforcement before eventually giving-up due to parking problems being so low on the dispatch triage list. From my experience, the way that citizens must use the police, then eventually having the complaint trickle down to bylaw enforcement agents, is completely ineffective and pointless. There should be a separate division that can quickly contact registered owners who are in violation of private parking bylaws to request that they move from private parking spots, before being placed in the enforcement triage system for that day. This, in my mind, would stream-line service, increase efficiency, and drastically cut down the cost of enforcement. From my experience, the most rapid way to have someone leave a private parking spot, is having an acting City of Lethbridge enforcement agent reach out to the registered owner. Otherwise, the average time for enforcement in my area of the city is anywhere from 45 minutes to never. So ineffective that we've had bylaw enforcement services call us the day after we reported an event, asking if the vehicle was still there. To me, that is woefully ineffective.
7. **Parking lot usage does currently and will in the future impede/obstruct all development plans and business activities for business owners who commit to leasing a bay within the mall complex:**
- At the time of writing this statement, three bays, representing approximately 9000sqft, including 93.5 feet (or roughly 33 percent) of frontage and quite a few (roughly 9) dedicated front north-facing parking spots are not being leased at the moment. Total frontage of the building is approximately 282 feet.
 - Once all other bays are leased, the parking problems will only worsen to an untenable level for all tenants and patrons.

- **Perpetually impaired front and rear parking/driving access impedes free movement, makes the mall complex undesirable to current business owners and prospective future development, and over time this will reduce overall business numbers and diversity within this mall complex and/or City of Lethbridge in general.**
- There are a total of 4 front-of-building roll-up vehicle access bay doors. Three of those are located on the west end of the mall complex. By allowing perpendicular/90-degree parking up against building, overall vehicle entrance/exit access is blocked regularly.
- Larger trucks and SUVs that back into perpendicular/90-degree parking spots up against the front of the building partially block sidewalk pedestrian movement, blocks the ability to freely enter/exit front entrance man doors, and creates an increased risk of personal injury when tow hitch components are sticking out further than the bumper of the vehicle. Particularly during the winter months when daylight hours are reduced. (Please see document number 2004 with attached image numbered 1014 for provable example)
- Large trucks with snowmobile sled decks protruding out another 2-3 feet past the rear bumpers, cause further safety issues and may lead to increased collisions, due to the width of the parking lot not complying with Land Use Bylaw 6300.

8. Special event days:

- In the spring, summer and fall months, Spectrum Ale Works holds several outdoor events, with various general equipment and food trucks that completely cut off access to the west driveway entrance, west rear parking lot entrance/exit and impedes front parking lot driving access to all other businesses/bays.
- When special events are held, the parking lot experiences significant traffic safety concerns, pedestrian safety and liability concerns, and overall parking lot access impairments.
- I have also experienced a situation where the primary owner of Spectrum Ale Works attempted to annex the entire west driving/fire emergency lane to accommodate a special event for an entire weekend. This attempted annexation/blockage of the entire west driving/fire emergency lane consisted of a man/scissor lift placed across the southwest end of the driving lane, a van parked in the middle of the northwest end of the driving lane, and a large tent structure placed partially within the driving lane to block the free movement of all other tenants. To me, this shows a complete disregard for overall safety, emphasizes an out-of-control sense of entitlement, and puts on display a blatant disrespect directed towards all other tenants. (Please see document number 2003 with attached images numbered 1009, 1010 and 1011 and document number 2002 with image numbered 1006 as reference)

The mental and monetary toll that has been placed on myself and other business owners within our mall complex, due to the opening of a poorly planned out bar within an industrial zone, in a location that is clearly incompatible with the parking lot design and all other adjacent businesses, should never be minimized, nor marginalized, nor forgotten.

The City of Lethbridge has an opportunity here, and in my opinion an obligation, to deny the development permit/parking plan waiver pertaining to the Spectrum Ale Works seated taproom. In my opinion, the strategic circumvention of written City of Lethbridge bylaws by Spectrum Ale Works is unjust and further emboldens the view that certain business categories can get away with leasing the smallest square footage properties, while having their patrons regularly consume far more on and off-street parking resources than the offending business owners, employees and patrons are entitled to. This, from my experience, cultivates a sense of us against them "Lord of the Flies" mentality where the very worst in human behaviour is constantly on full display by both the business representatives and customers of Spectrum Ale Works, when I attempt to address private parking and general building access problems. I have operated my business, which has been in the same location for over fourteen years, in a way that is safe and respectful to all other tenants within the mall complex, and I do not feel that it is unreasonable to expect that from others, including Spectrum Ale Works and their representatives.

To reiterate, I strongly oppose the approval of a development permit/parking plan waiver (DEV13633), pertaining to the operation of the taproom seating portion of Spectrum Ale Works located within this already congested mall complex, being issued to Spectrum Ale Works located at 3500 9 Ave N, Lethbridge, AB.

Please accept this statement, along with various attached documents and corresponding images as my formal written statement of objection/opposition for any future hearing on the matter.

The goal that I am trying to achieve by reaching out to City of Lethbridge officials, is for my customers, myself, and all other current and future tenants to have unobstructed, peaceful, and safe access to the property again. That is it.

Note: Attached to this 6 page general statement, there are documents 2001, 2002, 2003, 2004, as well as images 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 2014, and 2015 for added information and provable photographic examples.

Thank you for your consideration,

Warmest Regards,
Ian Anderson

Ian Anderson
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March.3.2022

Document #2001

Dear Madam/Sir

RE: DEV13633, 3500 9 Ave N, Lethbridge, Alberta, Spectrum Ale Works

For attached images numbered 1001, 1002, 1003, 1004. In these images, you are shown the traffic safety problems pertaining to the narrow 2-way driving aisle. Once again, the 2-way driving aisle is approximately 4.816 meters instead of the 7 meters stated as a requirement under the Land Use Bylaw 6300 for all parking lots with dual perpendicular/90-degree parking. From my perspective, this is a serious and dangerous traffic safety hazard. Also, you can see in the top left of each frame, how Spectrum Ale Works, located at 3500 9 Ave N, Lethbridge, AB, utilizes the large tent, portable fencing and barrier guard rails to occupy all available south & west facing parking in front of their 2 bays that face 9 avenue north.

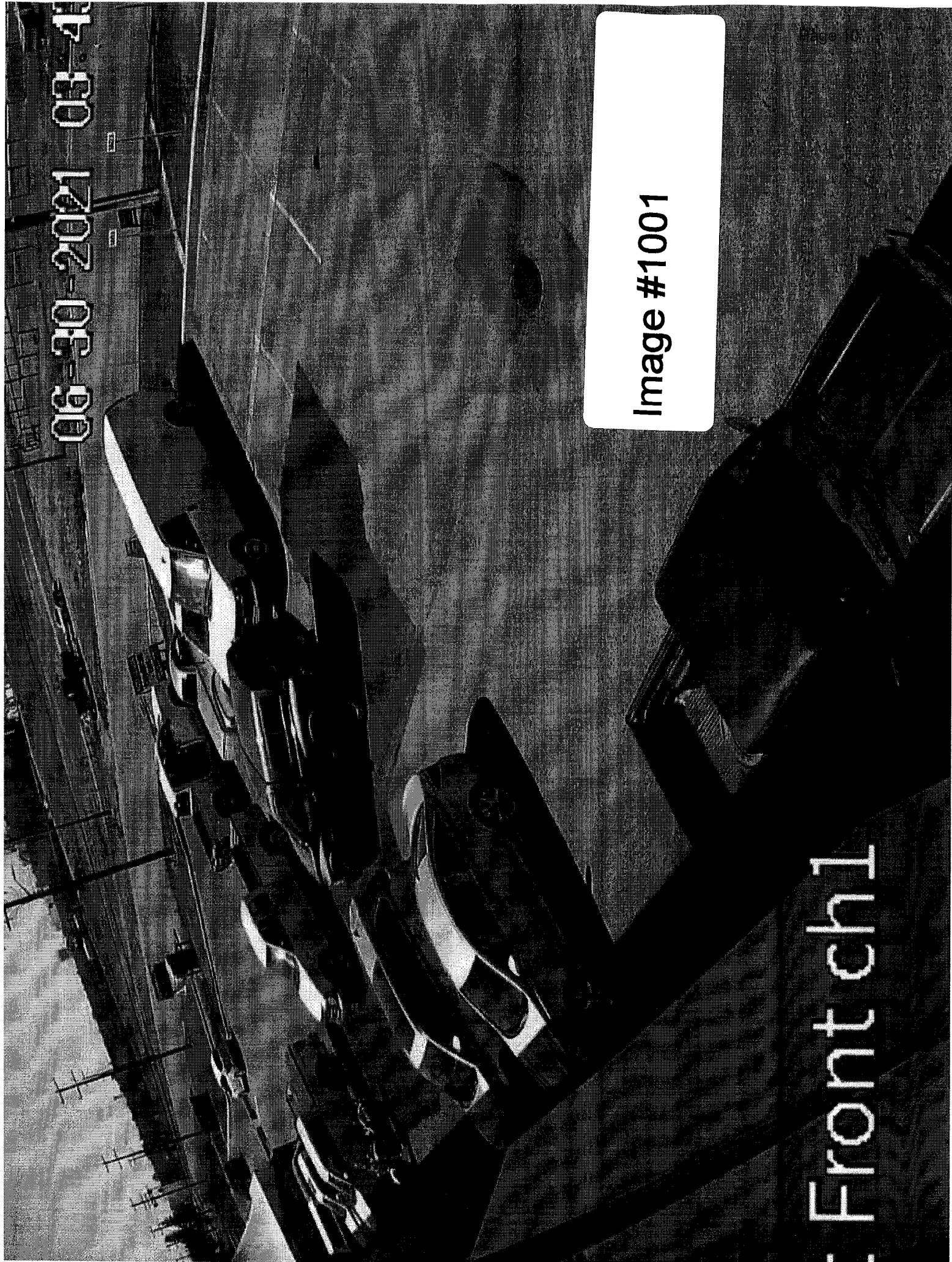
Regards,
Ian Anderson

06-30-2021 08:41

Page 10

Image #1001

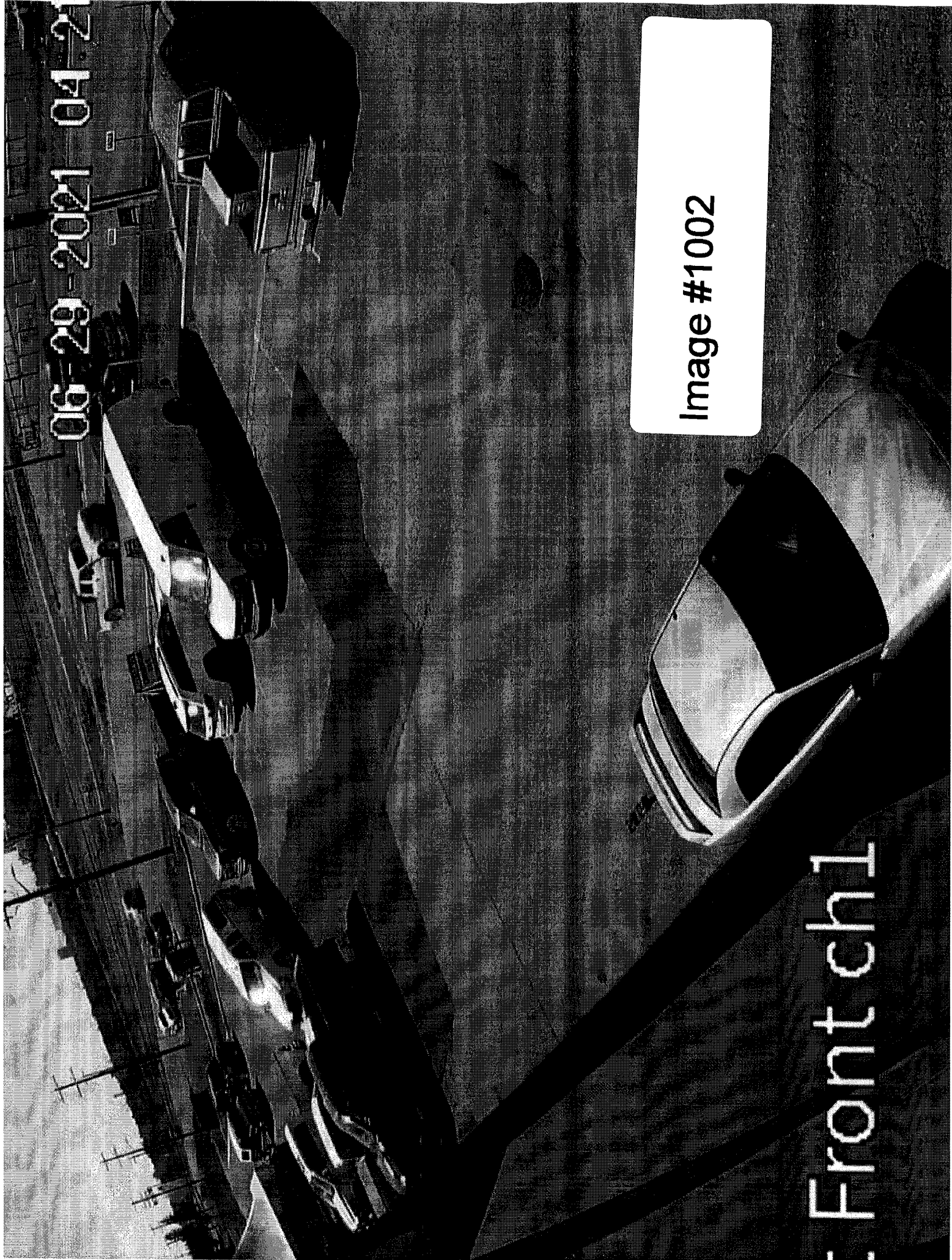
Front ch1



06-29-2021 04:2

Image #1002

Front ch1



06-25-2021 10:06:11

Front ch1

Image #1003

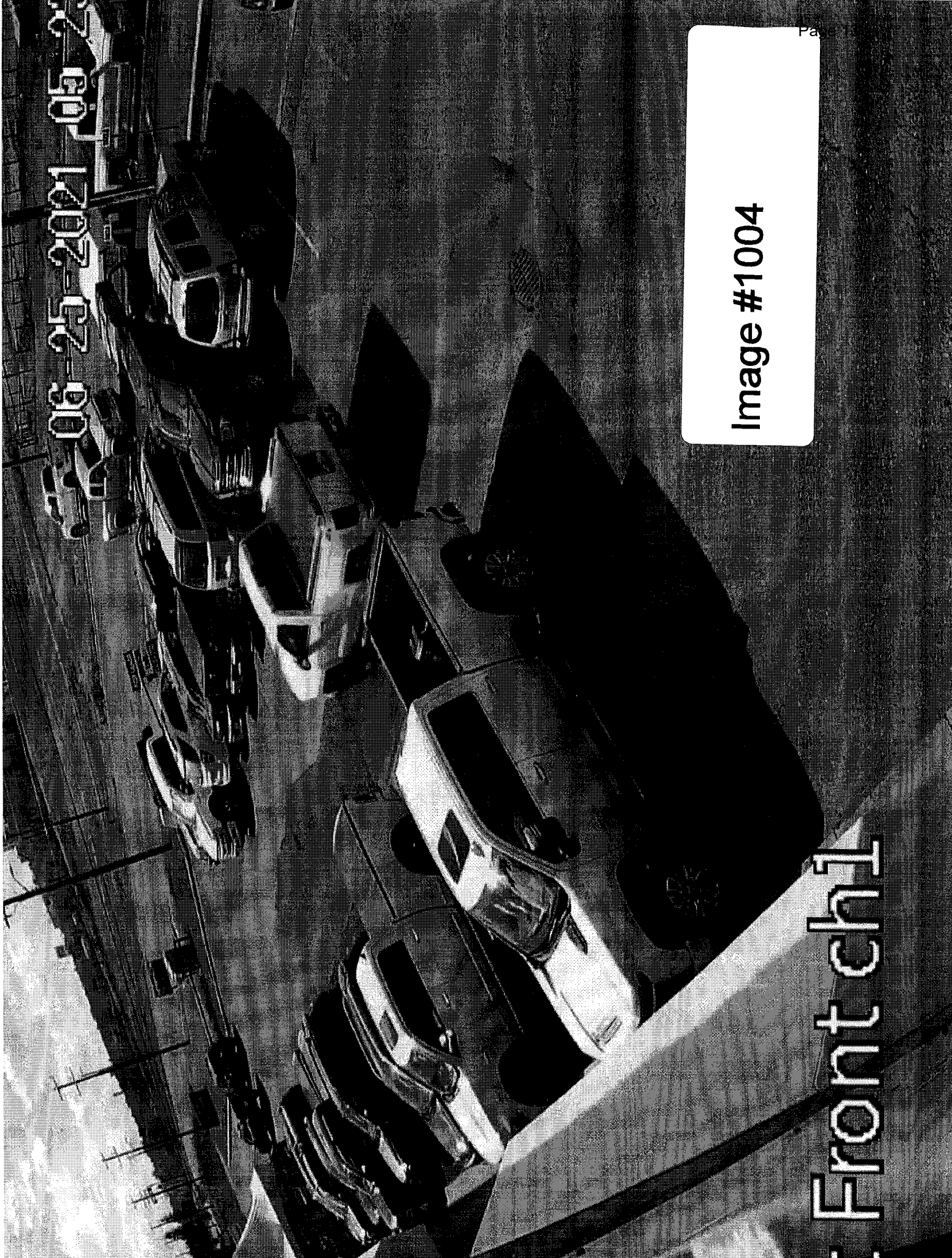
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Image #1004

Front ch1



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March.3.2022

Document #2002

Dear Madam/Sir

RE: DEV13633, 3500 9 Ave N, Lethbridge, Alberta, Spectrum Ale Works

Attached are images numbered 1005, 1006, 1007, 1008. In Image number 1005, the west-facing front parking, when used by larger/longer bar patron vehicles, partially blocks regular vehicle access to the rear of the building and completely blocks large highway/delivery truck access. For image #1006, you can see how the use of the large tent impedes the rear access/fire lane and removes from sight the possible encouragement of rear parking. Images 1007 and 1008 show you that Spectrum Ale Works/DB Pro Audio (Both businesses owned by the same individual) are persistently occupying all south rear parking for their own vehicles, trailers, pallets and other general equipment. There can be no reasonable expectation of bar patrons meaningfully and consistently parking in the south rear parking area.

Regards,
Ian Anderson

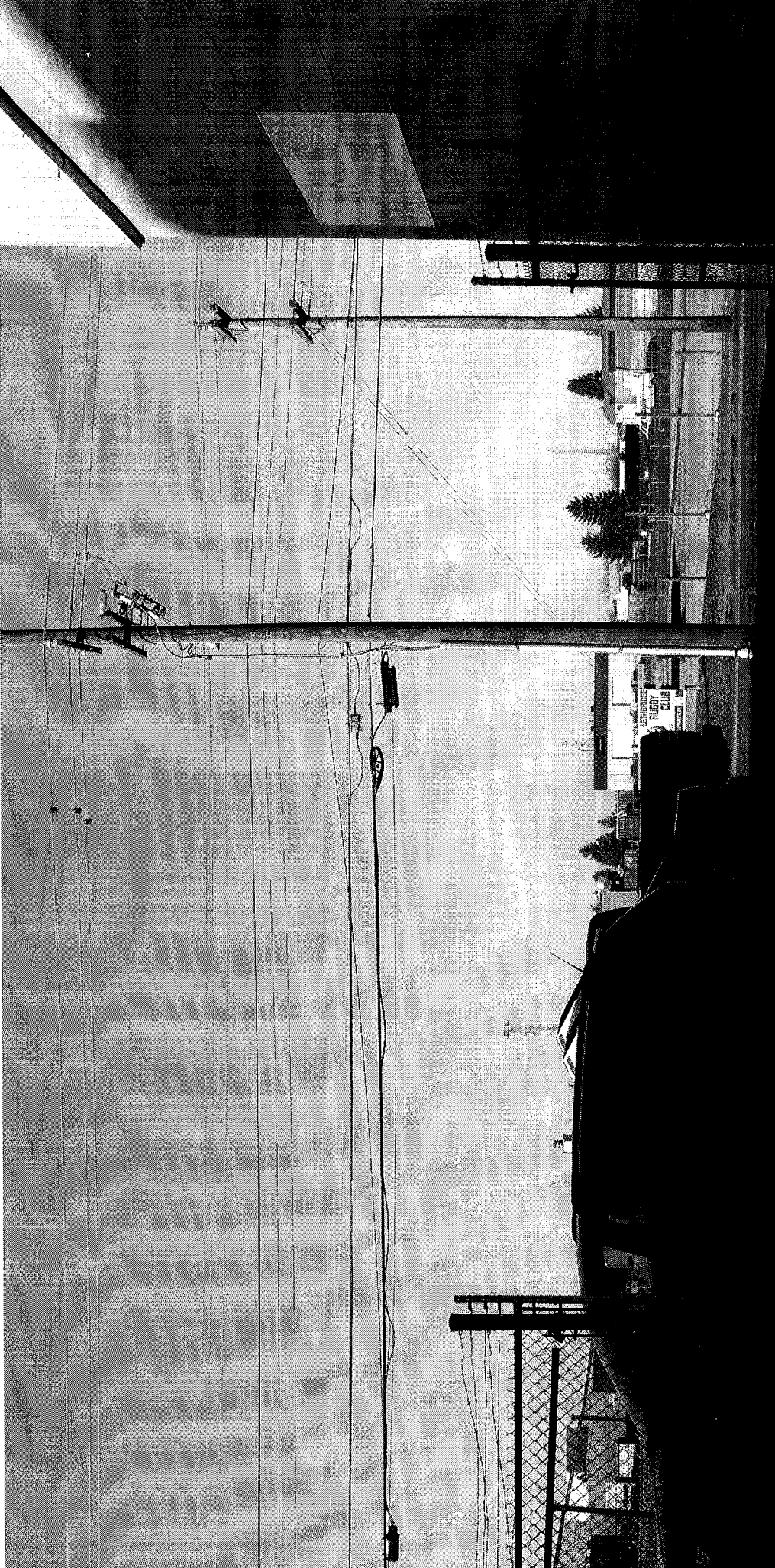


Image #1005

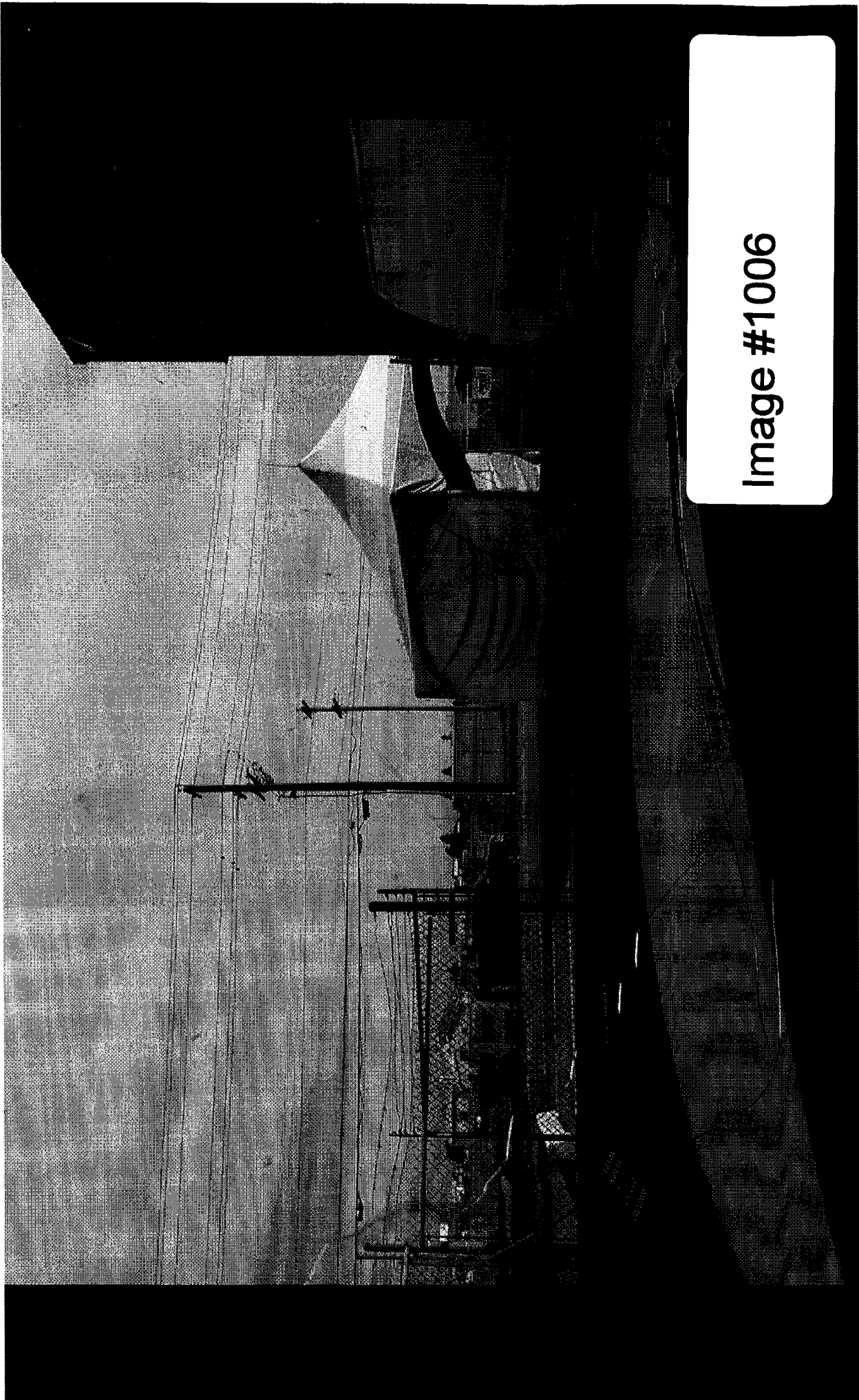


Image #1006

Image #1007

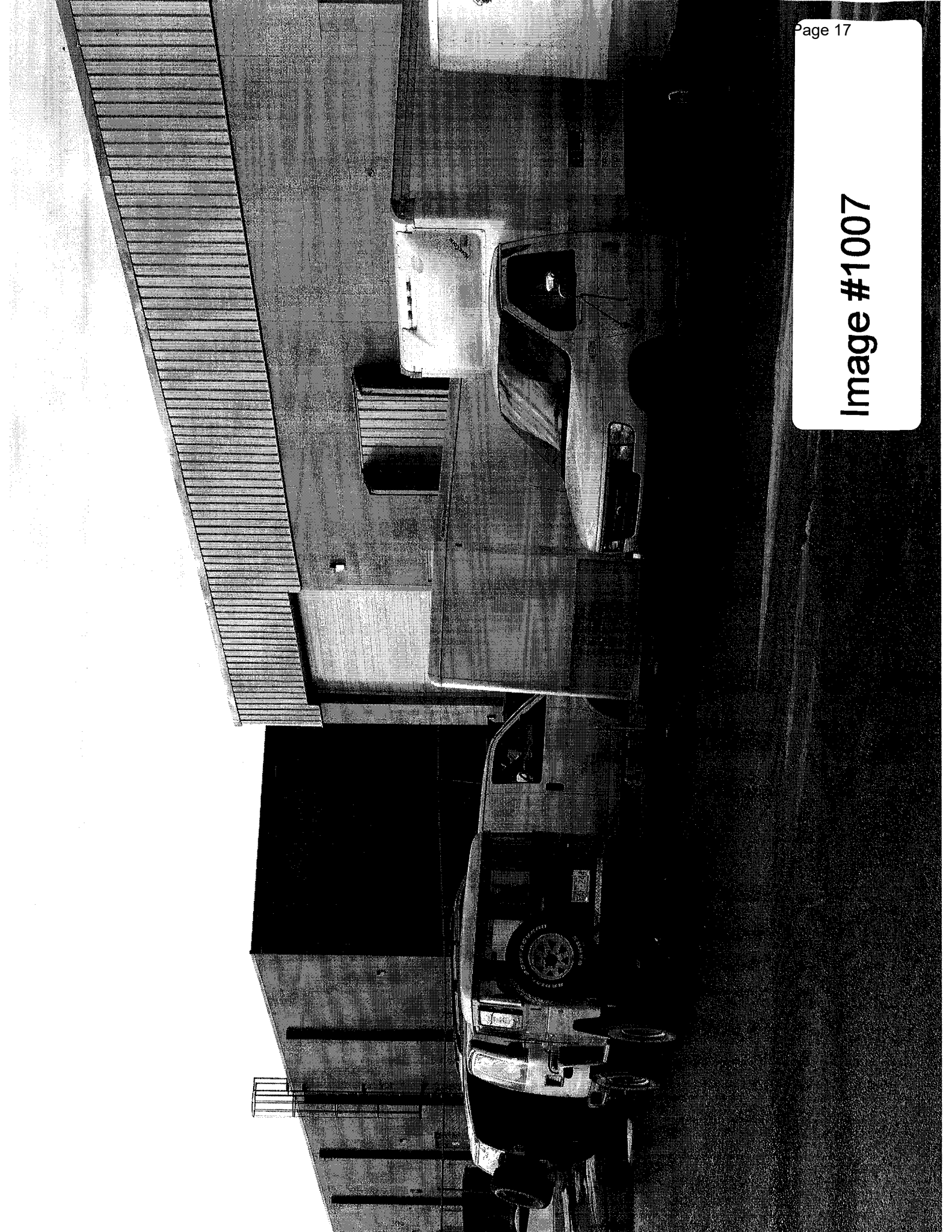




Image #1008

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March.3.2022

Document #2003

Dear Madam/Sir

RE: DEV13633, 3500 9 Ave N, Lethbridge, Alberta, Spectrum Ale Works

For attached images numbered 1009, 1010 and 1011. In these images, you are shown how a Spectrum Ale Works/DB Pro Audio vehicle, man/scissor lift and large tent structure were used in the attempted annexation/blockage of the entire west driving access/fire lane of our mall complex. On this particular Friday, representatives of Spectrum Ale Works thought it acceptable to use their man/scissor lift, van, and large tent structure to try and restrict rear access to the entire mall complex. This blockage lasted three full days, yet the various property owners refused to step in to rectify the situation. Myself, and other business owners have experienced many instances of this sort of obstructionist behaviour, and I am alarmed by the level of hostility exhibited by the representatives of Spectrum Ale Works when I try to address the ongoing parking/access problems reasonably and fairly.

Regards,
Ian Anderson

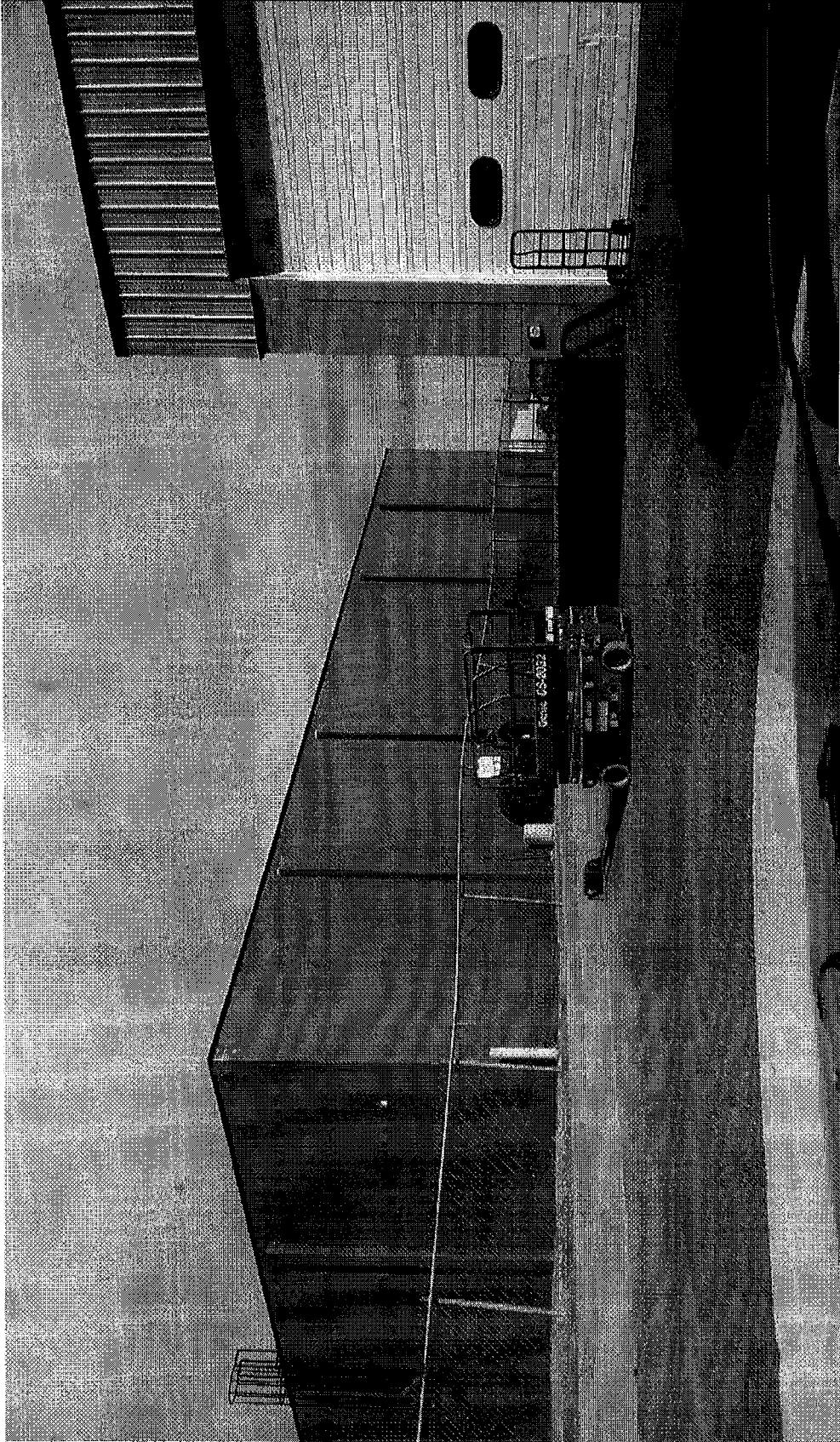


Image #1009

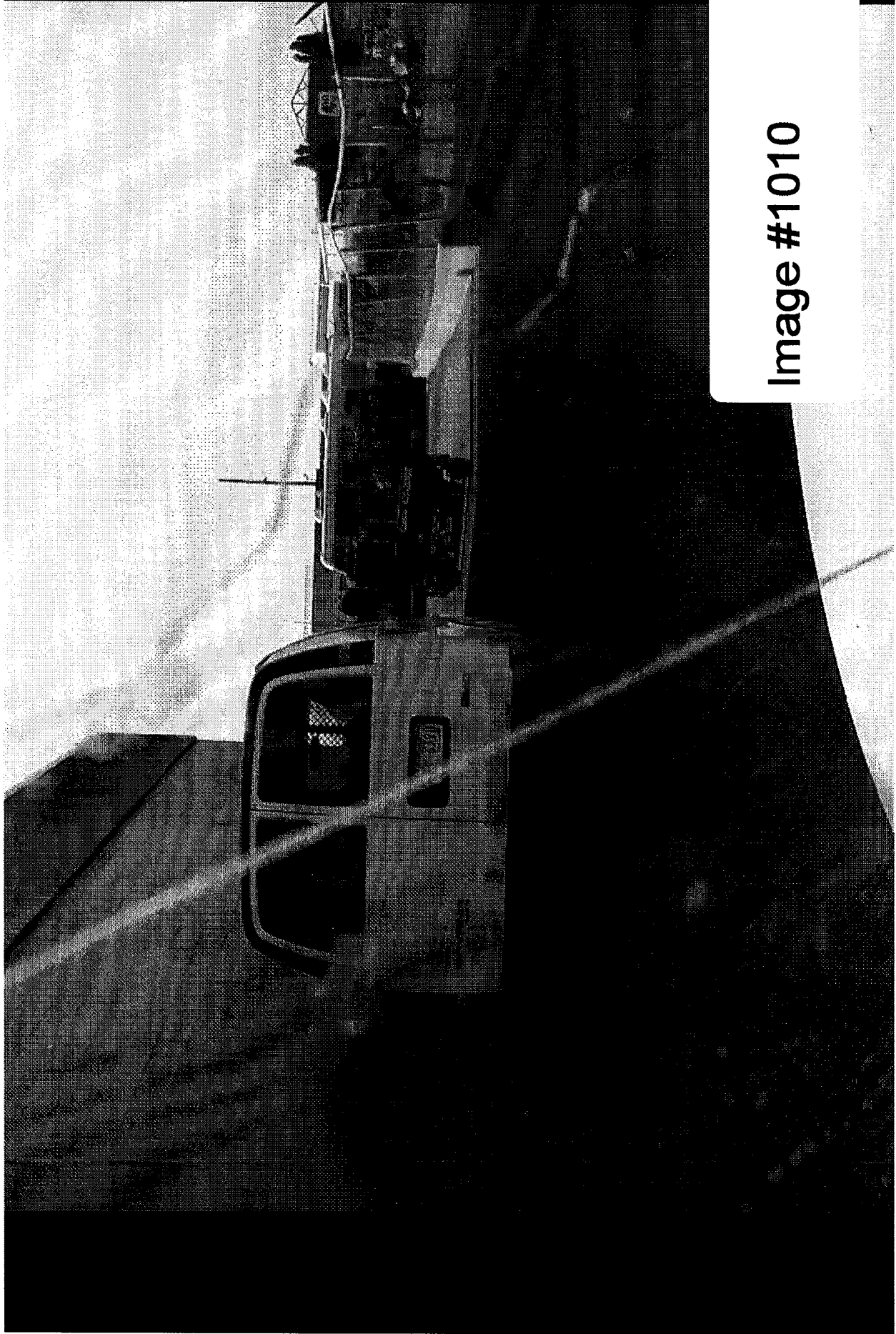


Image #1010

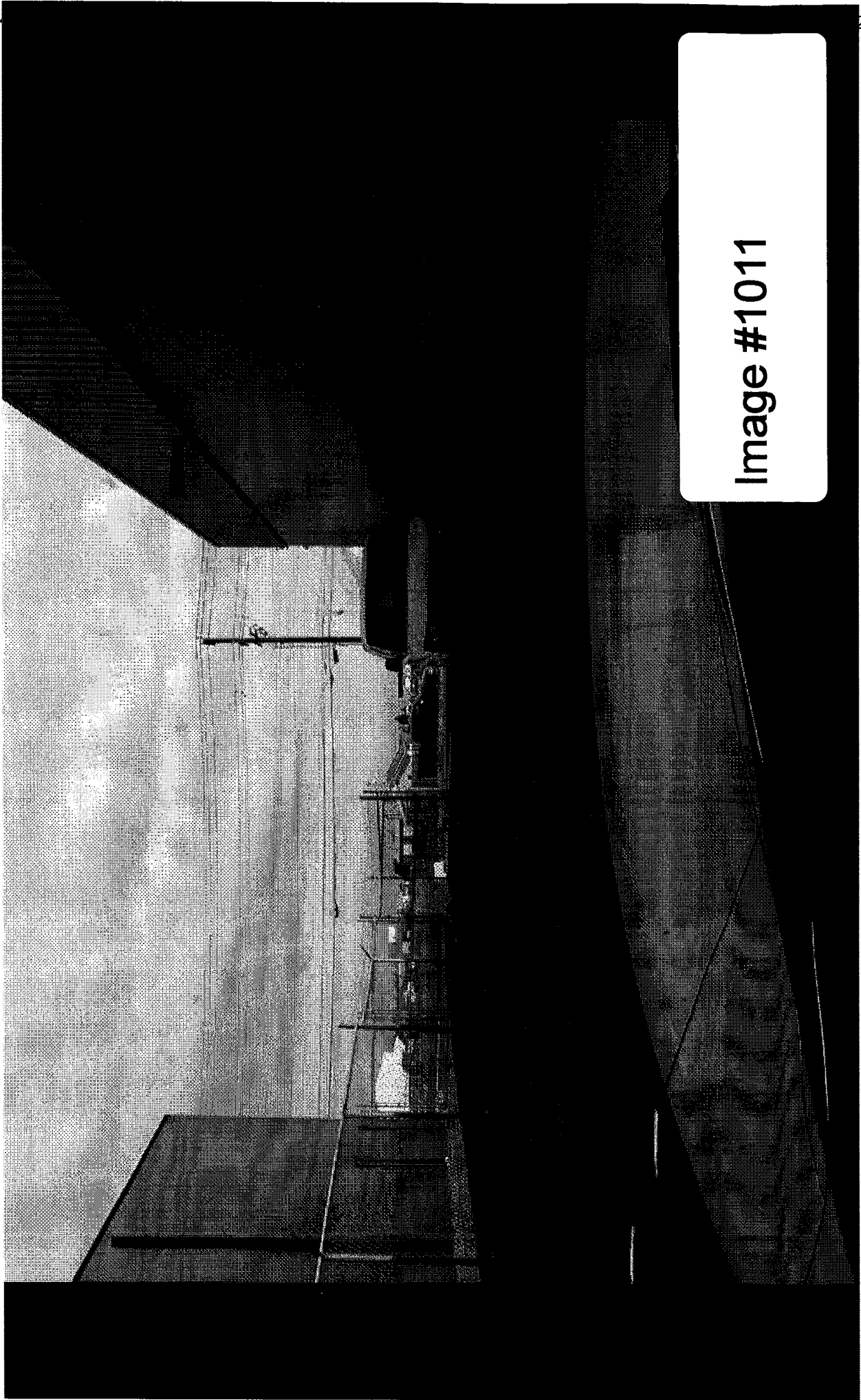


Image #1011

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March.3.2022

Document #2004

Dear Madam/Sir

RE: DEV13633, 3500 9 Ave N, Lethbridge, Alberta, Spectrum Ale Works

Attached are images numbered 1013, 1014 and 1015. Image number 1013 shows you a current arial image with the large tent structures and some of the vehicles, trailers, pallets and other general equipment that is currently occupying the rear parking area. Keep in mind, that when Spectrum Ale Works is open, all rear parking is used up by the bar owners, their employees, and sporadically, their friends/family. Image number 1014 shows you an example of how the sidewalk is partially impeded by large vehicles that back into parking spots against the front of the mall complex. Image 1015 show you 3 of the 4 front roll-up bay doors that are regularly blocked from access when current parking lot misuse is allowed. 1 other roll-up bay door is located on the east half of the building.

Regards,
Ian Anderson

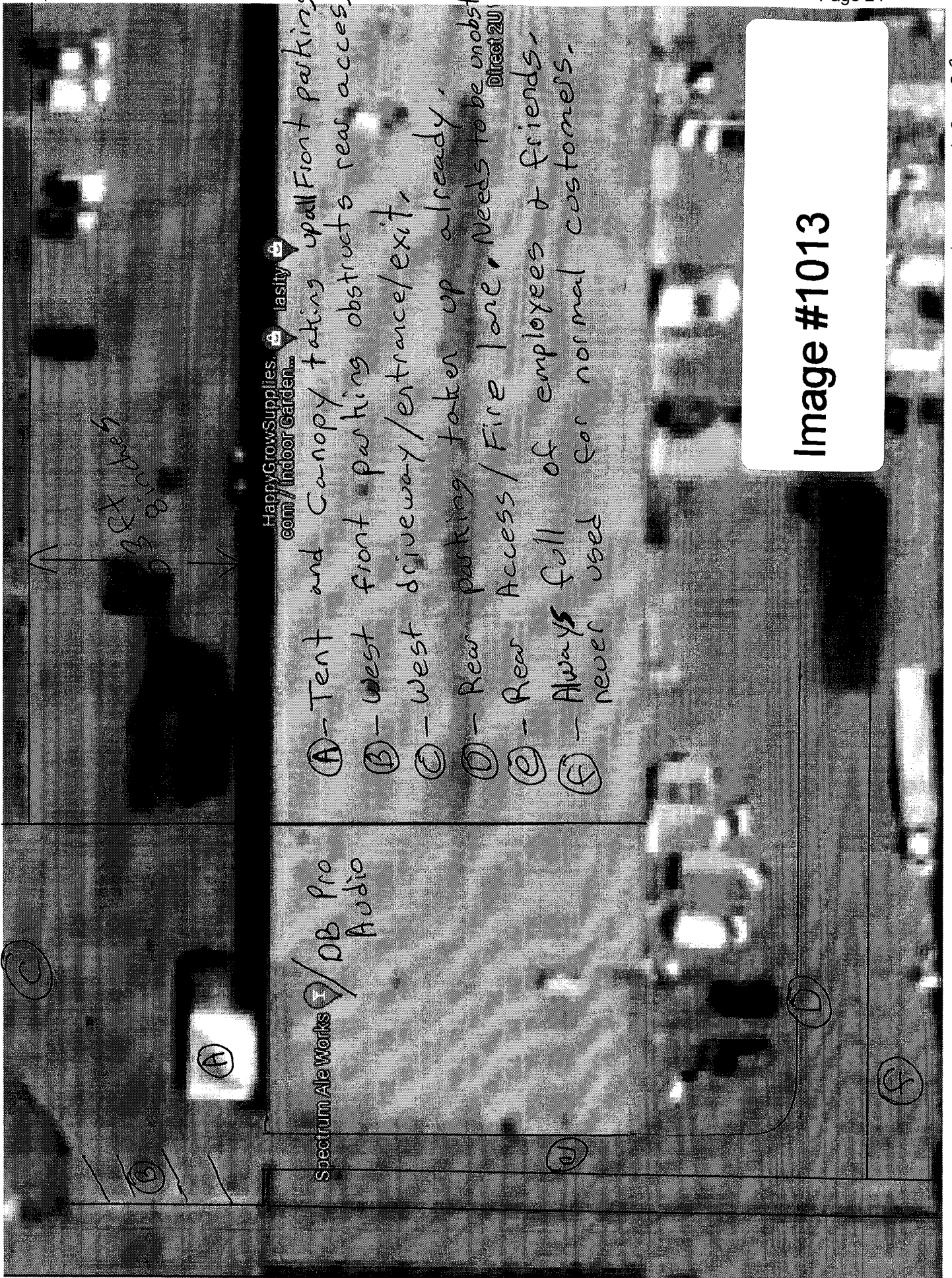


Image #1013

Image 1014

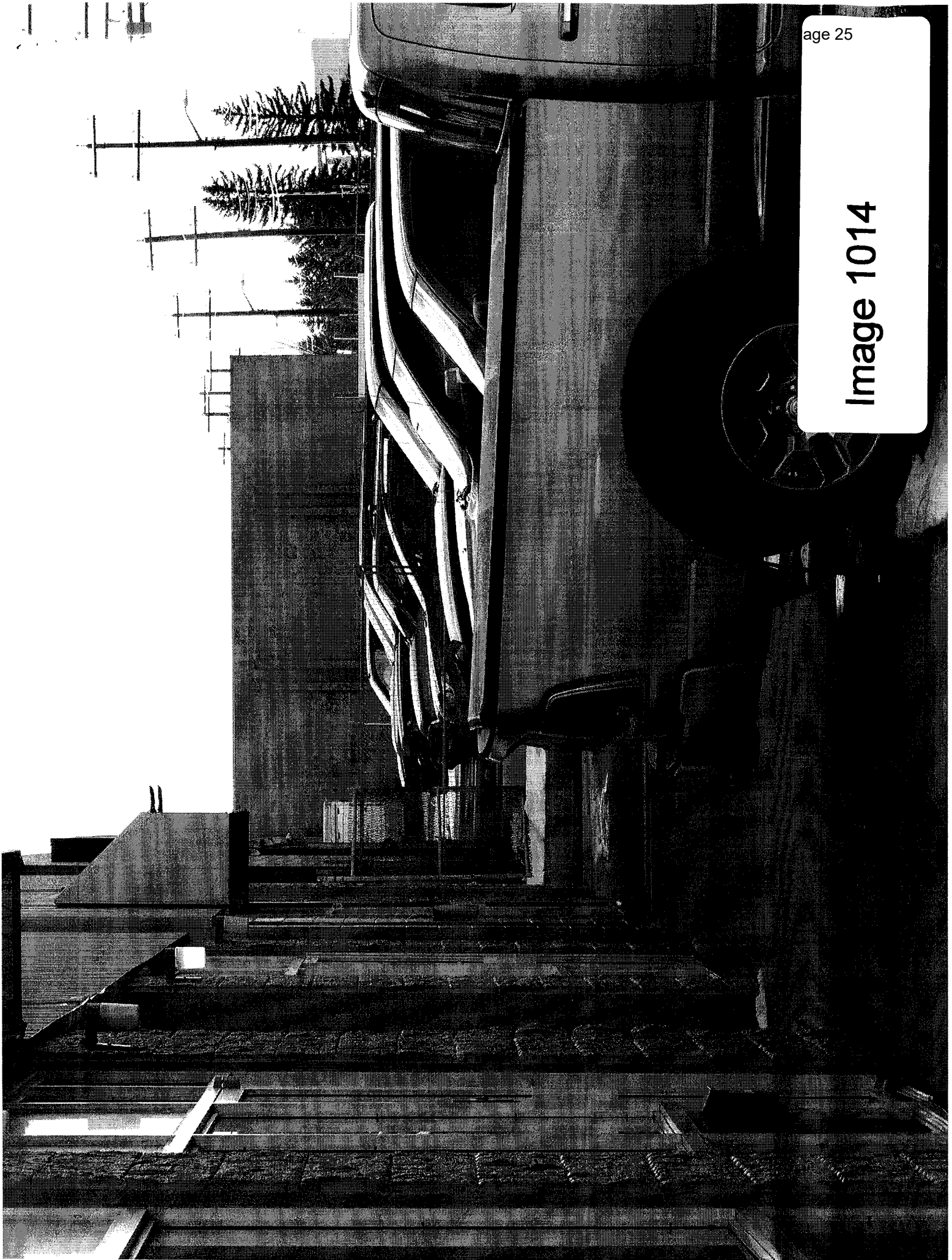
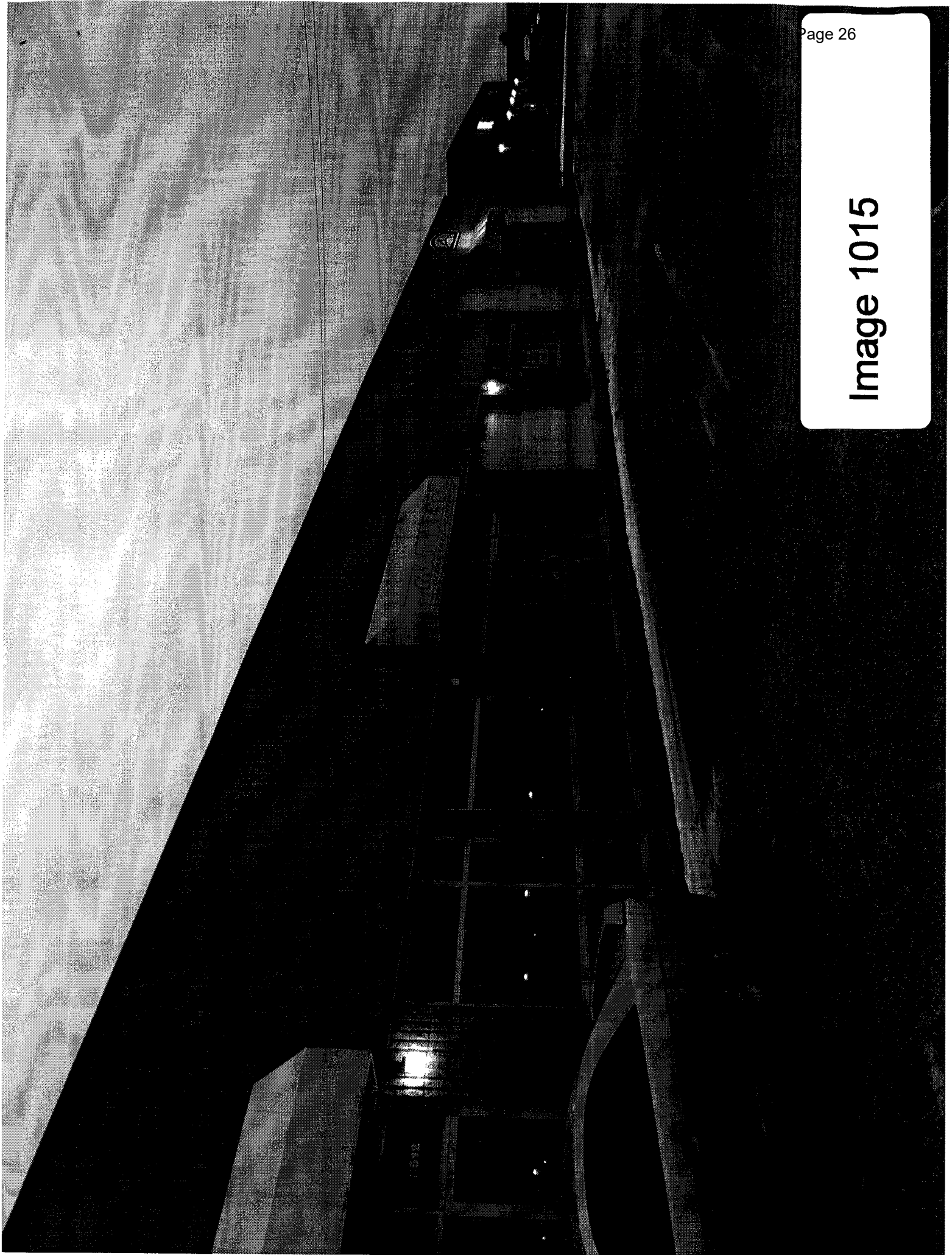


Image 1015



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March.6.2022

Document #2005 (This is an addition to my original statement, documents, and images delivered to city hall March.3.2022)

Dear Madam/Sir

RE: DEV13633, 3500 9 Ave N, Lethbridge, Alberta, Spectrum Ale Works

Upon reviewing the hearing agenda posted on the City of Lethbridge website, I need to add to my original statement and point out that 8 of the total front (north) north parking lot spaces included in the revised site/parking plan do not actually belong to either of the bays (3500 & 3502 9 Ave N) that Spectrum Ale Works lease. As viewed on the City of Lethbridge approved revised site plan/parking plan, 4 north-facing 90-degree and 4 south-facing 90-degree parking spaces (furthest to the east) within that plan, belong to 3504 9 Ave N, which is a 2700sqft bay that has approximately 27 feet of frontage. **I believe the total number of south-facing front parking spaces should be 7 in total for the 2 individual and separated bays (3500 & 3502 9 Ave N) which have approximately 68 feet of frontage. All 7 of those south-facing parking spots in front of 3500 and 3502 are permanently obstructed during the spring, summer and fall months by the large tent structure, canopy, fences, and barriers that Spectrum Ale Works deploys. Any 90-degree south-facing parking spaces located to the east of the 3502 9 ave N bay should not be included in any current or future development/parking plan due to the overall parking lot width being too narrow for dual 90-degree parking with a 2-way traffic aisle, as stated within the City of Lethbridge Land use Bylaw 6300.** 3504 9 Ave N is not a bay that Spectrum Ale Works/DB Pro Audio lease, and as far as I am aware, it is not currently being leased to any tenant. It still has a "for lease" sign in the window and for many years has only been used as a storage bay by multiple members of the Roest families, who are shareholders within C.R Holdings Ltd, part owners of the mall complex. I am confident that City of Lethbridge officials can check the development records and confirm that the last business in that location (3504 9 Ave N/3502 9 Ave N) was Blanchett Neon, which closed its doors many, many years ago. The story is the same for 3512 and 3506 bays, as they have not been leased to any new business in many years.

As the various Roest families are in the business of leasing commercial properties, I would think it safe to assume that they will eventually lease 3504 9 Ave N to someone once there are dedicated utility hookups within that bay again. Just last week, 3504 9 Ave N had a city official inspect the new natural gas pipe that will eventually feed heat into that bay once the new gas meter has been installed. Presently, 3504 9 Ave N utilities are not separated from 3502 9 Ave N, the second and separate bay that Spectrum Ale Works leases for DB Pro Audio/Spectrum storage. I would also suspect that there is a high likelihood that the property owners may state that Spectrum Ale Works currently leases 3504 9 Ave N as a means to get the revised development/parking plan pushed through. If the parking spaces in front of 3504 9 Ave N are to be included within the revised approved parking/development plan, can Spectrum Ale Works representatives provide proof that they indeed have a long-term lease for the 3504 9 Ave N bay? (Which has approximately 27 feet of frontage and represents approximately 8 of the 28 parking

spaces that are claimed to be included in the revised parking/development plan put forth by Spectrum Ale Works representatives)

I fully understand that Spectrum Ale Works may have current permission by the property shareholder(s) to utilize the parking spaces in front of 3504 9 Ave N, but once that bay is leased, all of those available parking spaces will be allocated to the new business & their customers.

In my opinion and to the best of my knowledge, the revised parking/development plan, as recently presented by Spectrum Ale Works representatives to City of Lethbridge officials, contains false claims/errors about the total bay area/frontage that Spectrum Ale Works/DB Pro Audio currently leases. **Keep in mind that the Spectrum Ale Works seated taproom, the bar portion that has tables & serves beer to customers, has been in full operation since August.11.2019, minus the periods of time that they were forced to be closed for covid restrictions, and all along, it never had the proper development approval to operate as an entertainment establishment. (Proof of taproom opening date can be provided upon request)** At this point, can some of the information coming from the side of Spectrum Ale Works representatives logically be regarded as credible or truthful? Pattern of behaviour by Spectrum Ale Works representatives should be taken into consideration here when the city decides on this matter.

As another point, seeing that the main seated taproom and all brewing equipment operations are solely located within the 3500 9 Ave N bay, should the revised parking/development plan reasonably include the parking spaces in front of the 3502 9 Ave N bay? At any point in time, Spectrum Ale Works current owners/directors could stop leasing the 3502 9 Ave N bay without affecting their primary day-to-day bar operations within 3500 9 Ave N. Yet from the perspective of city planning officials, this business would still show that it is approved for far more spaces than it actually has, and this would be quite an obstacle to overcome for any future development plans pertaining to 3502 9 Ave N. What prevents Spectrum Ale Works from off-loading the 3502 9 Ave N bay in an effort to save money during a recession? Will Spectrum Ale Works still be entitled to all the front (north) parking spots belonging to other tenants who lease 3502 or 3504 9 Ave N in that scenario? If the revised parking/development plan is upheld by the city, should there not also be a condition that if 3502 or 3504 is leased to another business not owned by the same individual(s) as Spectrum, that Spectrum Ale Works would have their approved revised development/parking plan revoked? How would the revised approved parking plan for 3500 9 ave N work if the current owners/directors of Spectrum Ale Works sell the company to new owners, yet retain 3502 9 ave N for the operations of DB Pro Audio, which currently has all their audio equipment, trucks, and trailer's location in and behind 3502 9 ave N bay? Moving into the future, all possible eventualities need to be considered by City of Lethbridge officials to ensure all current and future businesses are treated fairly and respectfully. I firmly believe that to be considered a community, we all need to be respectful of each other's space, and that is not what I see happening here with this revised parking/development plan.

Update: Since constructing my original statement, there have been developments within our mall complex that need consideration. I need to update information on the three empty bays, representing approximately 9000sqft, including 93.5 feet (or roughly 33 percent) of frontage and quite a few (roughly 9) dedicated front north-facing parking spots located at 3512, 3506 and 3504 9 Ave N. **3506 has now been leased to what looks like a prospective auction establishment or a retail store/auction hybrid of some sort, according to the sign on the widow stating, "Liquid Deals Opening Soon".** If the business that operates in 3506 9 Ave N is indeed going to be a City of Lethbridge approved auction establishment or retail store/auction hybrid, I have no idea where their prospective customers are going to park if the error-filled revised Spectrum Ale Works development/parking plan waiver is upheld. Assuming that the auction establishment or retail store/auction hybrid operating hours are similar.

I implore all officials who will be passing judgment on this issue, to please visit the site/property in between 4:30-6pm on any normal Friday. Take with you my various statements, documents, images, and something to measure the parking areas with and see for yourself if my stated issues are not valid and firmly based in reality. I apologize for being long-winded, but due to the complexity of this issue, and all the consequences that will reverberate and compound through time because of these approved City of Lethbridge planning decisions, I feel as though all current and future businesses within the mall complex will be damaged irrevocably, moving forward. Once again, I strongly oppose the approval of this poorly planned out entertainment establishment within this already congested mall complex, for a myriad of reasons, including but not limited to, not complying with parts of Land Use Bylaw 6300.

Please accept this additional statement, along with my previous statement, documents, and images as part of my formal objection to the approval of DEV13633.

Attached to this document that I have emailed to David Sarsfield, I am including 3 reference pictures showing that 3512 is empty, 3506 is in the process of being established, and 3504 still has the for lease sign in the window and is empty.

Warmest Regards,
Ian Anderson



3512

ACT

SECURE 34

MasterCard VISA

3512-9AVE. N

MAIL

MATTRESS
CLEARANCE-CENTER

3506

3506

BID
ONLINE
TODAY

NEW RETAIL
LOCATION
COMING
SOON

LIQUID DEALS INC.
LIQUIDATION AND AUCTIONS
liquiddealsinc.hibid.com

OPEN



3504

FOR LEASE
COMMERCIAL
BAYS
403.327.9966
403.308.8161

From: Ian Anderson <lasity@hotmail.com>

Sent: Tuesday, March 8, 2022 9:20 AM

To: David Sarsfield <David.Sarsfield@lethbridge.ca>

Subject: [External] RE: DEV13633, 3500 9 ave. Replacement clear color images and one extra image to update original statement.

Good day, upon reviewing the scanned black and white images contained within the notice of hearing (DEV13633, 3500 9 Ave N) package and delivered to me by registered mail by the City of Lethbridge March.7.2022, I believe the image quality captured by the scanner is way too low. Please accept these replacement color images, with the same reference numbers as the original black and white versions contained within my original statement. I have also included another image (number 1019) showing that in winter, even without the large tent structure, canopy, fences and barriers, the bar still overwhelms all available parking within the front (north) parking lot.

When time permits, please confirm receipt of each updated color photo (a total of 14 in this email) as a replacement for the original black and white versions presented within my original (March.3.2022) statement package/notice of appeal.

Thank you for your time.

Cheers,

Ian Anderson

3514 9 Ave N

Lethbridge, Alberta

David Sarsfield

From: David Sarsfield
Sent: Tuesday, March 8, 2022 10:54 AM
To: 'Ian Anderson'
Subject: RE: [External] RE: DEV13633, 3500 9 ave. Replacement clear color images and one extra image to update original statement.

You provided the original submission which was published on the website and mailed out.

David Sarsfield

From: Ian Anderson <iasity@hotmail.com>
Sent: Tuesday, March 8, 2022 10:42 AM
To: David Sarsfield <David.Sarsfield@lethbridge.ca>
Subject: Re: [External] RE: DEV13633, 3500 9 ave. Replacement clear color images and one extra image to update original statement.

So my only option is to print 12 copies of each color photo and submit at the hearing on the 17th? Can you confirm that is acceptable?

Sent by the Iasity Network

From: David Sarsfield <David.Sarsfield@lethbridge.ca>
Sent: Tuesday, March 8, 2022 9:33:45 AM
To: 'Ian Anderson' <iasity@hotmail.com>
Subject: RE: [External] RE: DEV13633, 3500 9 ave. Replacement clear color images and one extra image to update original statement.

I will not be doing this.

From: Ian Anderson <iasity@hotmail.com>
Sent: Tuesday, March 8, 2022 9:20 AM
To: David Sarsfield <David.Sarsfield@lethbridge.ca>
Subject: [External] RE: DEV13633, 3500 9 ave. Replacement clear color images and one extra image to update original statement.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day, upon reviewing the scanned black and white images contained within the notice of hearing (DEV13633, 3500 9 Ave N) package and delivered to me by registered mail by the City of Lethbridge March.7.2022, I believe the image quality captured by the scanner is way too low. Please accept these replacement color images, with the same reference numbers as the original black and white versions contained within my original statement. I have also included another image (number 1019) showing that in winter, even without the large tent structure, canopy, fences and barriers, the bar still overwhelms all available parking within the front (north) parking lot.

When time permits, please confirm receipt of each updated color photo (a total of 14 in this email) as a replacement for the original black and white versions presented within my original (March.3.2022) statement package/notice of appeal.

Thank you for your time.

Cheers,

Ian Anderson

3514 9 Ave N

Lethbridge, Alberta



06-30-2021

ont ch1

06-29-2021 04:2

Page 37

Front ch1



06-25-2021 06:14

Page 38



Front ch1

06-25-2021 05:25



Front ch1



















02-18-2022 04:11

Page 49



Front ch1

Ian Anderson
Iasity
3514 9 Ave N
Lethbridge, AB
T1H5E6
403-380-2847

Secretary of the Subdivision and Appeal Board
City Clerks Office
2nd Floor 910 – 4 Avenue South
Lethbridge, AB
T1J OP6
403-329-7329

March.12.2022

Document #2010

RE: DEV13633, 3500 9 Ave N, Lethbridge, Alberta, Spectrum Ale Works

I am submitting this additional statement below to the SDAB board for consideration before the March.17.2022 hearing, or before the start of proceedings on the day of the hearing. If the board does not address this issue before the start of the hearing on March.17.2022, I will raise the issue on the day of the hearing.

Before we begin this hearing, **I would like to seek correction to an error, which is the fault of the City of Lethbridge official** who scanned and/or photocopied into record the reference images contained within my original notice of appeal and formal written statement. The black and white images that I included within in my original statement and notice of appeal **were of much better quality** than what the City of Lethbridge official has entered into record for the March.17.2022 agenda.

I wish to seek correction in one of two ways before we continue these proceedings:

1: The SDAB accept into evidence, from me, **those exact same** black and white reference photos in their original image quality along with **the exact same** reference numbers. I have 12 copies of each originally submitted black and white photo fully prepared for submission and distribution.

Or

2: The SDAB board accept into evidence, from me, the **exact same photographs** in digital format which are to be located on a thumb-drive that I will present to the board. These digital images also contain the **exact same reference numbers**. Should the board accept into evidence, from me, the digital format versions, I would like confirmation of successful transfer of each individual reference image from my supplied thumb-drive to an authorized and approved SDAB computer device.

I argue that this is not a request seeking to enter new evidence, but to make usable the reference images that I put forth to the City of Lethbridge in good faith.

I would also like to state that I did email David Sarsfield on March.8.2022 in an effort to correct this error on the part of the City of Lethbridge official, but my request for correction to this error was refused. The reply that I received when trying to correct the error was a dismissive one sentence reply of “I will not be doing this” by David Sarsfield. If digital format versions of the originally included black and white images were unacceptable, I believe David Sarsfield could have requested from me the required amount of black and white reference images in their original quality with the exact same reference numbers, to then be submitted and distributed to all parties before the start of the March.17.2022 hearing.

Should the board refuse my request, it could be argued that there is bias on the part of the SDAB against me the appellant.

Thus, the actual or perceived SDAB bias could be viewed as unjust and/or unfair moving forward.

I await the board’s decision on this matter.

Ian Anderson
Iasity
3514 9 Ave N
Lethbridge, AB
T1H5E6
403-380-2847

Secretary of the Subdivision and Appeal Board
City Clerks Office
2nd Floor 910 – 4 Avenue South
Lethbridge, AB
T1J OP6
403-329-7329

March.16.2022

Document #2012

Dear Madam/Sir

RE: DEV13633, 3500 9 Ave N, Lethbridge, Alberta, Spectrum Ale Works

I would like to submit and have added to the SDAB agenda for March.17.2022, the following information:

Based on new and never previously disclosed information posted by city officials on the City of Lethbridge website March.16.2020 regarding an updated agenda, I wish address one remaining issue.
There is mention of a patio permit DEV12146 that states 2 tables and 8 chairs and that furniture is not stored outside.
I would like to state that the patio is far larger than what is described, is used for many months, and is used to hold concerts.
The furniture may be moved in and out each day as a security concerns, but the main tent infrastructure remains in place for months. This tent structure is a safety hazard and cuts off at least 2 of the west-facing parking spots for months.
I have attached reference images 1800, 1801, 1802, 1803, 1804 as examples.
I believe parking is removed during many months to accommodate the tent and surrounding fence structure.
I believe this is relevant information should the board wish to make a complete assessment of the situation within the mall complex.

Regards,
Ian Anderson











Ian Anderson
3514 9 Ave N
Lethbridge, AB
T1H5E6
403-380-2847

Secretary of the Subdivision and Appeal Division
City Clerks Office
2nd Floor 910 – 4 Ave South
Lethbridge, AB
T1J 0P6
403-329-7329

March.3.2022

Document #2014

Dear Madam/Sir

RE: DEV13633, 3500 9 Ave N, Lethbridge, Alberta, Spectrum Ale Works

I would like to submit one final written statement regarding the approval of DEV13633. Please accept this document as part of my formal written statement.

Should it be the decision of the SDAB board to uphold development permit DEV13633, I would like to propose that the following conditions be added to the approved development permit:

1. A condition requiring that the applicant remove all 4 west-facing front parking spaces. To then be added/relocated to the rear parking area behind bays 3502 and 3504, with wheel blocks and proper parking lines. This would ensure that the west driving aisle would not be obstructed/blocked for all users.
2. A condition requiring that the applicant install adequate street lighting fixtures to the outside of the west-facing wall of the 3500 bay, as well as the south-facing walls of bays 3502 & 3504. The addition of adequate street lighting would promote year-round rear parking usage and provide customers a sense of security walking around the building.
3. A condition requiring the applicant install in the front parking area signage stating that there is rear parking for Spectrum Ale Works customers in the rear.
4. A condition requiring that the applicant limit the overall seasonal patio size to 2 tables and 8 chairs, with no additional tent structures, fences, barriers, or other bar style railings with bar stool seating. I believe placing a permanent restriction on size would ensure most of the 7 parking spaces in front of 3500 & 3502 would be available for customer parking and help somewhat alleviate front parking lot congestion in the Spring, summer and fall months.

In my view, this would be an acceptable compromise, given the circumstances.

Regards,
Ian Anderson



CITY OF
Lethbridge

NOTICE OF APPEAL
Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		(Date Received Stamp)
Municipal Address of Appeal 3500 Block 9 Ave North		
Legal Description of Site (must be completed for subdivision appeals) Spectrum Ale Works		
Development Application Number or Subdivision Application Number DEV13633		
Appellant Information		
Name Carl Epp/Direct 2u Water Ltd		
Mailing Address 3516 - 9 Ave North		
City Lethbridge	Province Alberta	Postal Code T1H 5E6
Residence # 403-327-5042	Business # 403-634-8903	Email direct2u@telus.net

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

- not adequate parking for Spectrum Ale customers so they are parking in my Business spots or up against the complex. This creates a narrow passage and makes it difficult to drive thru.

- in the Summer they erect a Tent and have Food trucks that nearly block off the West entrance to the back. Trucking Company that brings in my Stock can't get thru and have had to back out onto 36 St which is very dangerous.

Their hours of operation are similar to mine so Spectrum customers are taking my spots.

(Attach a separate page if required)

This Personal information is collected under the authority of the Freedom of Information and protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 6788 and 685 Note: **This information will form part of a file available to the public**, If you have any questions regarding the collection of this information, contact the FOIP Coordinator at (403) 329-7329.

Signature of Appellant <i>Carl Epp</i>		Date 2022 03 08	
FOR OFFICE USE ONLY			
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD	Date Appellant Notified YYYY MM DD





West Front ch1



Spectrum Ale Works
3500 – 9th Avenue N
Lethbridge, Alberta

March 17, 2022

City of Lethbridge
910 – 4th Avenue South

To whom it may concern,

In 2016 we registered our business as Spectrum Ale Works and set out to create a Micro-Brewery and Taproom where we could gather with our friends and make a bunch of new ones. We were elated when AGLC described facilities like what we were building a “Community Hub”.

We opened mid-summer of 2019 and we barely got 6 months of business under our belts when we were forced to close to in-house service due to Covid restrictions late in March. We were faced with off-sales only for the next several months, then a stop & start followed by more stop & start for the next 2 years. We got lucky early and had built a loyal customer base that supported us and kept us alive right thru.

Our Community Hub / Taproom is roughly 1000 square feet and has a licenced maximum capacity of 60 people. We are licenced to serve our beer only – we cannot serve any other alcohol. We have relatively short business hours – Monday closed, Tuesday thru Thursday 2pm to 7pm, Friday & Saturday noon to 8pm and Sundays 1pm to 5pm.

Since 2019 when we opened, we’ve had a “build community” attitude. We (and our customers) contribute to many local charities and community groups including:

- The New Dawn Foundation (for 1st Responders)
- Lethbridge U18 Hurricanes Minor Hockey
- Exhibition Park and The Rotary Club’s Ag Scholarships
- Lethbridge Fish & Game
- L’Arche Association of Lethbridge
- CKXU (University Radio)
- Lethbridge Rugby Club Youth Development, and both Men’s & Woman’s teams
- Prairie Baseball Academy
- Lethbridge Royal Canadian Legion Poppy Fund

Spectrum’s Community Hub / Taproom has hosted numerous business meetings, team building events, weddings, birthdays, anniversaries, craft markets and other small events. We often feature local artwork on our walls.

We were raised on local Farms and were taught our life skills by our parents & grand-parents, including proper manners and how to treat and get along with people. We have a very simple rule at Spectrum, that is to treat others how you would expect to be treated.

We and the owners of our building view our Parking Lot as a “shared community space”.

Darrel & Elaine Harris
Owners & Operators
Spectrum Ale Works

City of Lethbridge
Planning and Development Services
C/O Pam Colling and/or Jason Tillsley
City Hall
910 - 4th Avenue South
Lethbridge, AB T1J 0P6

DATE: 03/15/22

RE: Spectrum Ale Works

Dear Pam and/or Jason,

As a current neighbour and business owner, I am writing today to express our experience, perspective and support to and for Spectrum Ale Works, located at 3500-9th Ave N.

We have rented the end bay at 3522 9th Ave N., on the opposing end of the business for the past 3 years.

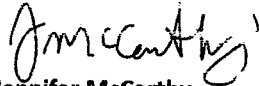
Spectrum has done a lot for our community and our business, especially over the last 2 years of unexpected circumstances. They have brought people together, they have held strong during closures, they have been a sounding board for me personally and members of our team. Elaine and Darrel have created a unique environment and experience in an unexpected, and most perfect location which is now the stage for afterwork socializing and has become a destination for out-of-town visitors, gatherings and small events like birthdays and weddings.

We, at Teacup, are continually moving large units in and around our building. We have professional transport companies that must move rigs over 60 ft. long. We also have trade partners, clients and team members that need parking. This means that we must have open driving lanes, access and un-blocked space for all of us. There has not been a single time in our 3 years at 3522 9th ave N. that we have been blocked, delayed, inconvenienced, or held up by our neighbours and their amazing ability to attract people and fun to their business. In fact, their large client base has drastically increased the awareness of Teacup Tiny Homes. Some people know where we are and who we are because of them. We talk about how great they are, and we use Spectrum as a place treat our out-of-town clients. They support us, we support them. This is what communities and neighbours are for.

I am very grateful to have Spectrum and all their customers as our neighbours. To speak for our operation, from trades, suppliers, accountants, lawyers, clients and much more, we have all thoroughly enjoyed having Spectrum Ale Works as part of our community and we look forward to having them here for years to come. My hope is that this letter finds it's way to the appropriate audience to help Darrel and Elaine in any way we can in support of their operation.

Please feel free to reach out if necessary to jen@teacuptinyhomes.com

Kindest regards,


Jennifer McCarthy
Owner & President
Teacup Tiny Homes Ltd.

March 17, 2022

City of Lethbridge
910 – 4th Avenue South

To whom it may concern,

My business address for the past 15 years is 3518 – 9th Avenue North, in the same strip mall as Spectrum Ale Works. I have had some great neighbors and some real lousy ones; Spectrum Ale Works are the great ones. They bring a whole bunch of diversity into the area with their broad customer base which builds community. Spectrum has never posed a problem for my business. We wish Spectrum Ale Works the best in their growth and passion for their business.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Randy Mayne', with a long, sweeping flourish extending to the right.

Randy Mayne
Tristar Auto Group
403-382-9993

To Whom It May Concern

There are spots in front of the bay at 3504 9th Avenue North that have been given permission for use in order to alleviate the parking concerns within the parking lot. Those spots can continue to be used for the duration of our use of that space as it is used for storage mainly.

A handwritten signature in blue ink, appearing to be 'Shelley Roest', with a long horizontal stroke extending to the right.

Shelley Roest

Address: **3500 9 AVE N**

District: I-B

Applicant: SPECTRUM ALE WORKS
Address: 3500 9 AVE N LETHBRIDGE AB T1H 5E6

Phone: 403-315-1833

Development Proposed A request to add the use of 'Entertainment Establishment' to the already approved use of 'Specialty Manufacturing' on DEV10625.

District I-B BUSINESS INDUSTRIAL**Land Use** ENTERTAINMENT ESTABLISHMENT - DISCRETIONARY**CONDITIONS OF APPROVAL**

1. Compliance with the plans:

The development of an 'Entertainment Establishment' as an accessory use to the approved use of 'Specialty Manufacturing' (approved on DEV10625 - attached) shall be in accordance with the plans submitted February 25, 2022. Any change to these plans requires the approval of the Development Officer and may, at the discretion of the Development Officer, require a development application.

2. Off-street Parking:

16 additional off-street parking spaces shall be provided and maintained for this use bringing the total off-street parking space requirement to 25. 28 off-street parking spaces have been provided which therefore means a surplus of 3 parking spaces. Parking spaces at the rear of the building shall be painted and have wheel stops provided.

3. Signs:

Prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.

Attachment: Development Permit DEV10625

cc: TJ Woodloo, Regulatory Services
Darrin Harsch, Building Inspections
Marc Royer, Fire Prevention
Heath Wright, Fire Prevention

Decision Date

Mar 01, 2022

Valid Date

Mar 29, 2022

Development Commencement

Provided this decision is not appealed, development shall commence:

- on or after the valid date, and
- within one year of the valid date.

Development may commence before the valid date only if the applicant has signed the "Voluntary Waiver of Claims" and is in receipt of this signed permit.



PAM COLLING, DEVELOPMENT OFFICER

**Development
Authority****STATUTORY PLANS**

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

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.

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.

Permit No. DEV13633

Development Permit Application

Multi-Family, Commercial, Industrial, and Public Use Developments

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 3500 - 9 Ave N.

Access Code _____

Applicant

Name SPECTRUM ALE WORKS.

Address 3500 - 9TH AVE NORTH

City LETHBRIDGE Postal Code T1H 5E6

Phone 403-315-1833

E-mail brewing@spectrumaleworks.com

Signature [Signature]

Property Owner

Name C/S R HOLDINGS.

Address e/o SHANE ROEST.

City _____ Postal Code _____

Phone 403-315-1397 B/L# _____

E-mail shane@bestroest.ca

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.



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

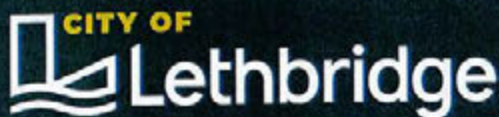
Description of Work: (Check all applicable)

- | | | |
|--|---|--|
| <input type="checkbox"/> New Commercial, Industrial, or Public Use | <input type="checkbox"/> New Multi-Residential Building | <input type="checkbox"/> Site & Civil Amendments |
| <input type="checkbox"/> Addition to Existing | <input type="checkbox"/> Exterior Alteration | <input type="checkbox"/> Landscaping |
| <input checked="" type="checkbox"/> Change of Use | <input type="checkbox"/> WECS | <input type="checkbox"/> Solar Energy System |

Detailed Description of Work:

AMMENDED TO ADD ENTERTAINMENT ESTABLISHMENT TO MANUFACTURING SPECIALTY.

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



Planning & Design

Development Permit Application

Multi-Family, Commercial, Industrial, and Public Use Developments

All Buildings, Alterations, and/or Additions to Existing Buildings

Occupant / Use MANUFACTURING # of off-street parking stalls @ 30 Total Site Area (M²) 334 m²

Total Gross Floor Area (m²) including all floors and mezzanine for each separate use

Use 1 _____ Use 2 _____ Use 3 _____ Use 4 _____ Use 5 _____

Total Net Floor Area (m²) for C-D (Downtown Commercial), DT-1 (Downtown 1), and DT-2 (Downtown 2)

Use 1 _____ Use 2 _____ Use 3 _____ Use 4 _____ Use 5 _____

Alterations / Additions to Commercial / Industrial / Public Buildings N/A.

Existing Floor Area (m²) _____ # of off-street parking stalls _____ Proposed New Floor Area (m²) _____

Multi-Unit Residential Development N/A.

of studio / bachelor units _____ # of 1 bedroom units _____

of ≥3 bedroom units _____ Total # of dwelling units proposed _____



Change of Use within a specific building

Previous tenant/occupant SPECTRUM ACE WORKS LTD.

Total area of space occupied by this use (m²) SEATING AREA = 1000 sq feet. Number of off-street parking stalls provided @ 30.

Will you be sharing this space with another tenant NO Adjacent tenant(s) NONE

Will you be doing any construction or modification of the space (e.g. adding a mezzanine, second story, adding or removing walls, washrooms, etc)? If so, explain (other permits may be required) NO

Will there be any combustible, flammable or explosive materials stored, used or produced at this business? NO

Will the business activities or uses occurring at this location produce any dust, liquids or gases? For example, manufacturing, furniture refinishing, vehicle repairs, welding, cooking or food preparation? No.

Office Use Only

Permit Required Yes No

Zoning I-B

Allowable Use Permitted Discretionary

Overlay _____

Development Permit # DEV B633

Building Permit # _____

Development Fees to be charged

Permit Fee 366.00

Advertising Fee 100.00

Total 466.00

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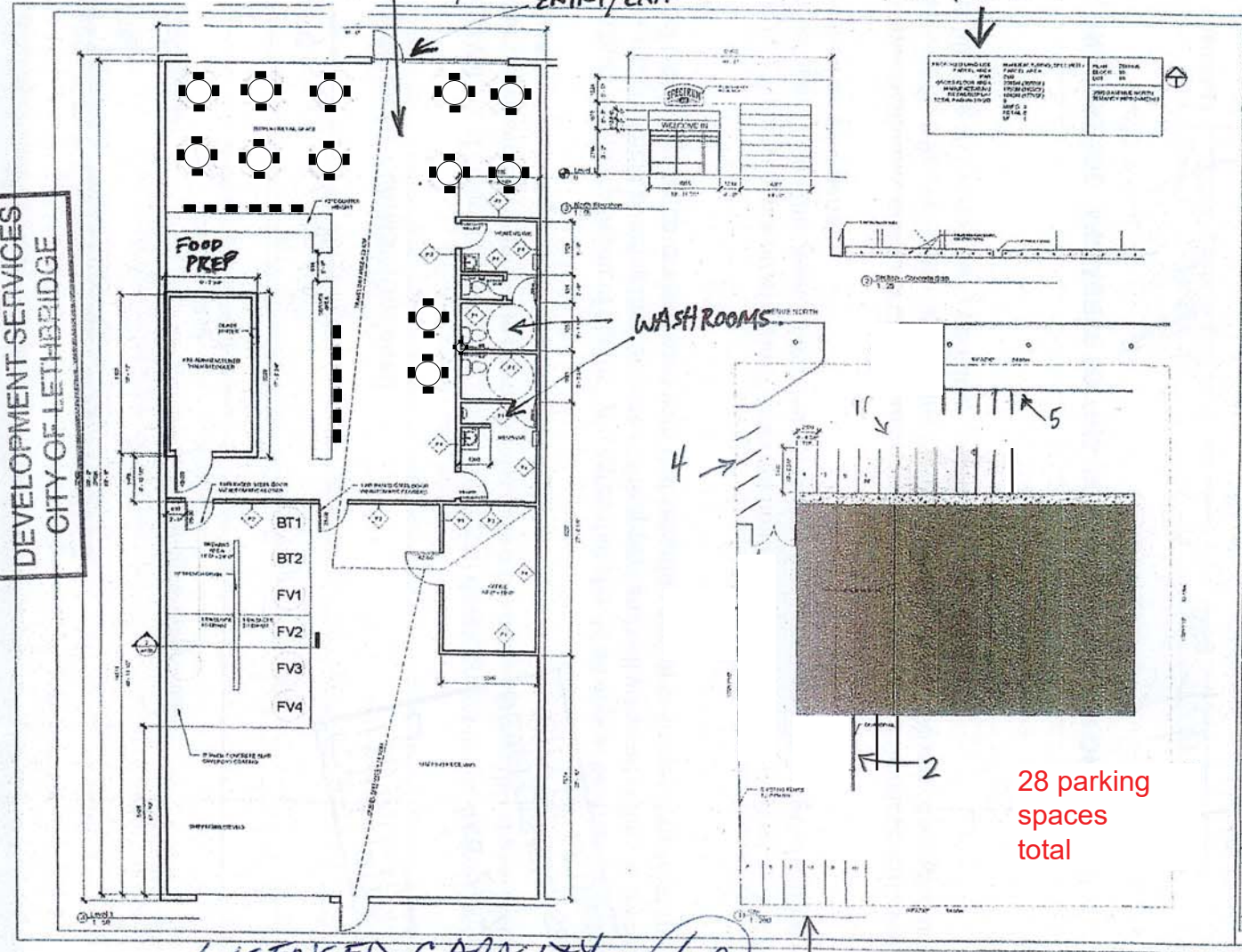
Seating for 60 people

SEATING AREA
= 1000 sq ft.

PARKING:

ENTRY/EXIT

RECEIVED
FEB 25 2022
DEVELOPMENT SERVICES
CITY OF LETHBRIDGE



LICENCED CAPACITY = 60

28 parking
spaces
total

NOTES:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BRITISH COLUMBIA BUILDING ACT AND THE BRITISH COLUMBIA BUILDING REGULATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE BUILDING DEPARTMENT.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL DEBRIS AND WASTE MATERIALS.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
9. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE BUILDING DEPARTMENT.
10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL DEBRIS AND WASTE MATERIALS.
12. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

- SYMBOLS:
- AIR conditioning
 - ◇ ELECTRICAL
 - MECHANICAL
 - △ PLUMBING
 - SPRINKLER
 - ◇ TELEPHONE
 - TV
 - △ WATER

- LEGEND:
- ELECTRICAL WORK
 - CARPENTRY
 - △ PLUMBING



No.	Description	Date
1	PRELIMINARY PERMITS	2022
2	PERMITS FOR CONSTRUCTION	2022
3	START OF CONSTRUCTION	2022
4	COMPLETION OF WORK	2022

SPECTRUM ALE WORKS

TENANCY IMPROVEMENT

CITY OF Lethbridge APPROVED

AS PER LAND USE BYLAW 6300

Date: March 01, 2022

Permit #: DEV13633

P. Dalling
Development Officer



Subdivision & Development Appeal Board

SDAB Hearing - March 17, 2022



APPLICATION NO.

DEV13633

LOCATION

3504 – 9 Avenue North (Bay 3500)

LAND USE DISTRICT

I-B Business Industrial District

APPLICANT

Spectrum Ale Works

LANDOWNER

C R Holdings Ltd.

CURRENT DEVELOPMENT

The current approved use of the bay is ‘Manufacturing, Specialty’ for a microbrewery for Spectrum Ale Works. A seasonal outdoor patio has also been approved for this bay.

PROPOSED DEVELOPMENT

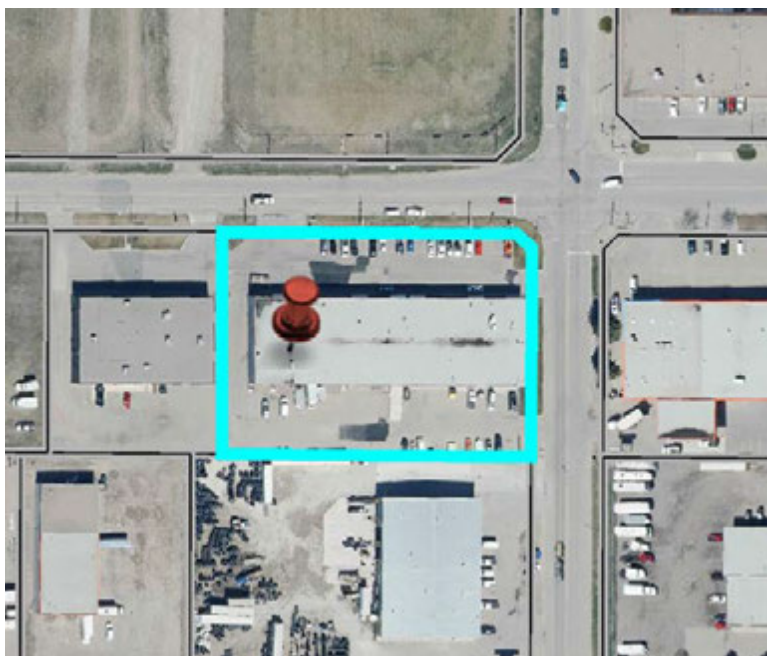
To add the use of ‘Entertainment Establishment’ as an accessory use to the approved ‘Manufacturing, Specialty’ use which allows the applicant to serve the product produced on-site to the public.

Appendix A: Drawings

ADJACENT DEVELOPMENT

North	Rugby Field
South	Fountain Tire
East	Empty Bays owned by the Landowner
West	ModBody Fitness Facility

CONTEXT MAP



NOTIFICATION SUMMARY**Appendix B: Notification Letters, Map & Responses****Neighbourhood:** Shackleford Industrial Park**Neighbourhood Associations(s):** N/A**LAND USE BYLAW SUMMARY****Use:** Manufacturing, Specialty
Entertainment Establishment**Permitted
Discretionary**

	Required	Proposed	Requirement Met
Parking	25	28	Requirement Exceeded

EVALUATION

Background

- In September of 2018, Spectrum Ale Works applied to change the use of the bay at 3500 – 9 Avenue North to 'Manufacturing, Specialty' to operate a microbrewery. The application was also to allow the retail sales of the manufactured goods produced on-site. Retail sales of goods produced falls within the definition and is allowable under this use.
- 'Manufacturing, Specialty' is a 'Permitted' in the I-B Business Industrial District outlined in Land Use Bylaw 6300.
- The application met the requirements for required off-street parking and was approved.
- A seasonal outdoor patio was applied for in June of 2020. It holds 2 tables with 8 chairs. No additional parking is required to be provided for this use as patios have limited seasonal use and are not considered when calculating parking requirements.
- A complaint was received February 10, 2022 which stated that there was an 'Entertainment Establishment' operating on-site.
- Our Development Compliance Officer conducted a site inspection of the parcel. He contacted the business owner on February 16th and advised him of the complaint. The business owner advised he would be in right away to make application for the additional use.
- A Development application to add the use of 'Entertainment Establishment' was received on February 25, 2022.
- 'Entertainment Establishment' is a 'Discretionary' use in the I-B Business Industrial District.
- The floor plan and off-street parking site plan were reviewed for compliance with the requirements of Land Use Bylaw 6300. The off-street parking required is 25 spaces. 28 spaces are provided, which therefore means a surplus of 3 off-street parking spaces being provided on-site.
- The application was approved on March 1, 2022 as it met (exceeded) the requirements of Land Use Bylaw 6300.
- The approval was advertised on our website on March 2nd and in the Lethbridge Herald on March 5th.

CONTEXT

This application is before the Commission because:

- A neighbouring business owner within the same building has appealed the approval of the accessory use.

CONSIDERTATIONS

- The only requirement of Land Use Bylaw 6300 for this application is the requirement to provide off-street parking as per Section 63 - Parking and Loading.
- The applicant is able to provide 28 off-street parking spaces in front of and behind the bay that they are occupying. These have been provided to him by the property owner.
- Painted lines and wheel stops are required to be provided for parking spaces at the rear of the building. This will make it clear that these spaces are available to customers for parking.
- The parcel has shared parking between all of the approved uses in the building. Parking is controlled by the property owner.
- Of the overhead doors shown on the elevations, only one door is being used to bring in supplies. Supplies are brought in through this door prior to the business being open.
- The operating hours of Spectrum Ale are limited and range from mid-day to early evening. Opening between 12:00 pm and 2:00 pm and closing between 5:00 pm and 8:00 pm. Closed on Mondays. This should reduce conflict with parking requirements of businesses in other bays of the building that operate a more 8:00 pm to 4:00 pm, Monday through Saturday schedule.
- The nearest other business is three bays to the east. The next bay (3202) is leased by this business owner (Spectrum Ale) to store equipment from this other business which closed in 2020 due to COVID. This business is not operating out of the bay, it is simply being used for storage. The next bay (3204) is currently empty and is being used by the property owner to store his personal recreational toys – boats, jet skis, etc.
- There is an abundance of street parking available on both sides of the avenue as over-flow parking. The avenue parking would only be busy during rugby games held across the street during the summer months.

LEGISLATION & POLICY

Land Use Bylaw 6300

- Section 4 Definitions
 - Accessory Use
 - Manufacturing, Specialty
 - Entertainment Establishment
- Section 63 Parking and Loading
- Section 74 I-B Business Industrial

CONCLUSION

This application for an accessory use of 'Entertainment Establishment' is supported for the following reasons:

- Of the only requirement of Land Use Bylaw 6300, they have exceeded the minimum requirement of 25 off-street parking spaces by providing 28 off-street parking spaces.
- The off-setting of their business hours will help to reduce the parking congestion within the shared parking on the parcel.
- On-site parking is controlled by the property owner.

RECOMMENDATION

That the application for the accessory use of 'Entertainment Establishment' be **approved** with the following conditions:

1. Compliance with the plans:

The development of an 'Entertainment Establishment' as an accessory use to the approved use of 'Specialty Manufacturing' (approved on DEV10625 - attached) shall be in accordance with the plans submitted February 25, 2022. Any change to these plans requires the approval of the Development Officer and may, at the discretion of the Development Officer, require a development application.

2. Off-street Parking:

16 additional off-street parking spaces shall be provided and maintained for this use bringing the total off-street parking space requirement to 25. 28 off-street parking spaces have been provided which therefore means a surplus of 3 parking spaces. Parking spaces at the rear of the building shall be painted and have wheel stops provided.

3. Signs:

Prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.

Subdivision & Development Appeal Board

**3500 – 9 AVENUE NORTH
DEV13633**

Introduction

- Complaint received regarding operation of a business located at 3500 – 9 Avenue North on February 10th.
- Site inspection was conducted by Development Compliance Officer and business owner notified of additional Development requirements.
- Business owner agreed with requirements and advised he would apply to add 'Entertainment Establishment' use.

Background

- Development Application to add 'Entertainment Establishment' as an accessory use received February 25, 2022.
- Accessory to the approved use of 'Manufacturing, Specialty' – approved on DEV10625 on September 5, 2018.
- 'Entertainment Establishment' is a Discretionary Use in the I-B Business Industrial District. Is an allowable use, but must be advertised and is open to appeal.

Background

- Applicant applied for an accessory use of 'Entertainment Establishment' on February 25th.
- Property owner has allowed applicant to use 28 off-street parking spaces in front of, and behind this leased bay and in front of two adjacent bays.
- Parking is shared amongst all tenants on parcel. Controlled by property owner.

Background

- Off-street parking required for 'Manufacturing, Specialty' as approved on DEV10625 was 9 spaces.
- A seasonal outdoor patio was approved on June 13, 2020 – DEV12146. Only 2 tables with 8 chairs – no additional off-street parking spaces required due to limited use. Furniture not stored outside.
- Approved uses of 'Manufacturing, Specialty' and 'Entertainment Establishment' require a total of 25 off-street parking spaces to be provided. With 28 spaces provided, means surplus of 3 off-street parking spaces.

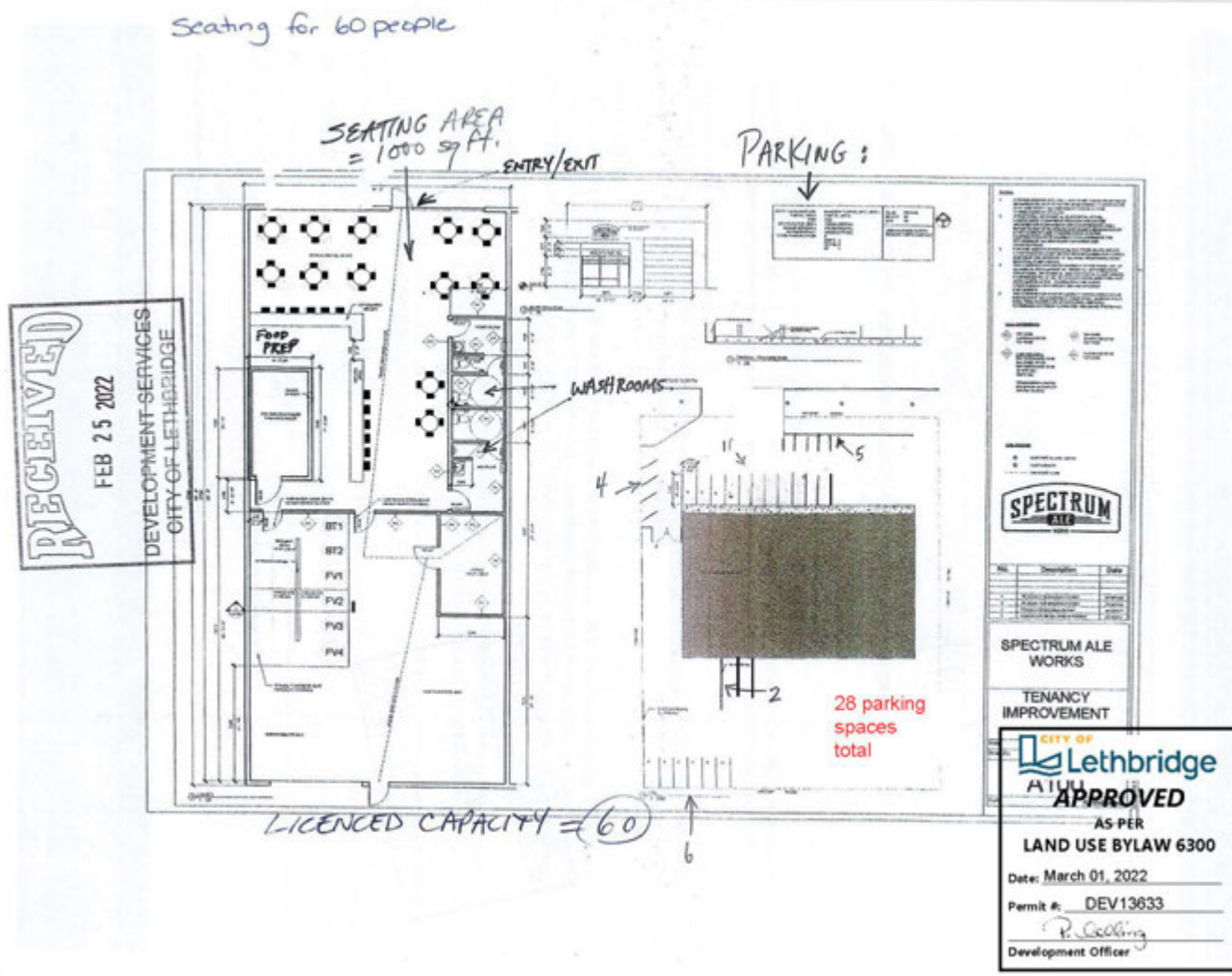
Considerations

- Only requirement of Land Use Bylaw 6300 is to provide a minimum of off-street parking.
- Applicant has provided required parking and a surplus of 3 off-street parking spaces. Exceeds requirements of LUB 6300.
- Applicant has off-set hours somewhat from other lessees in the building. Only afternoons and early evenings (closed Mondays) vs. 8 am to 4 pm of other tenants in building.

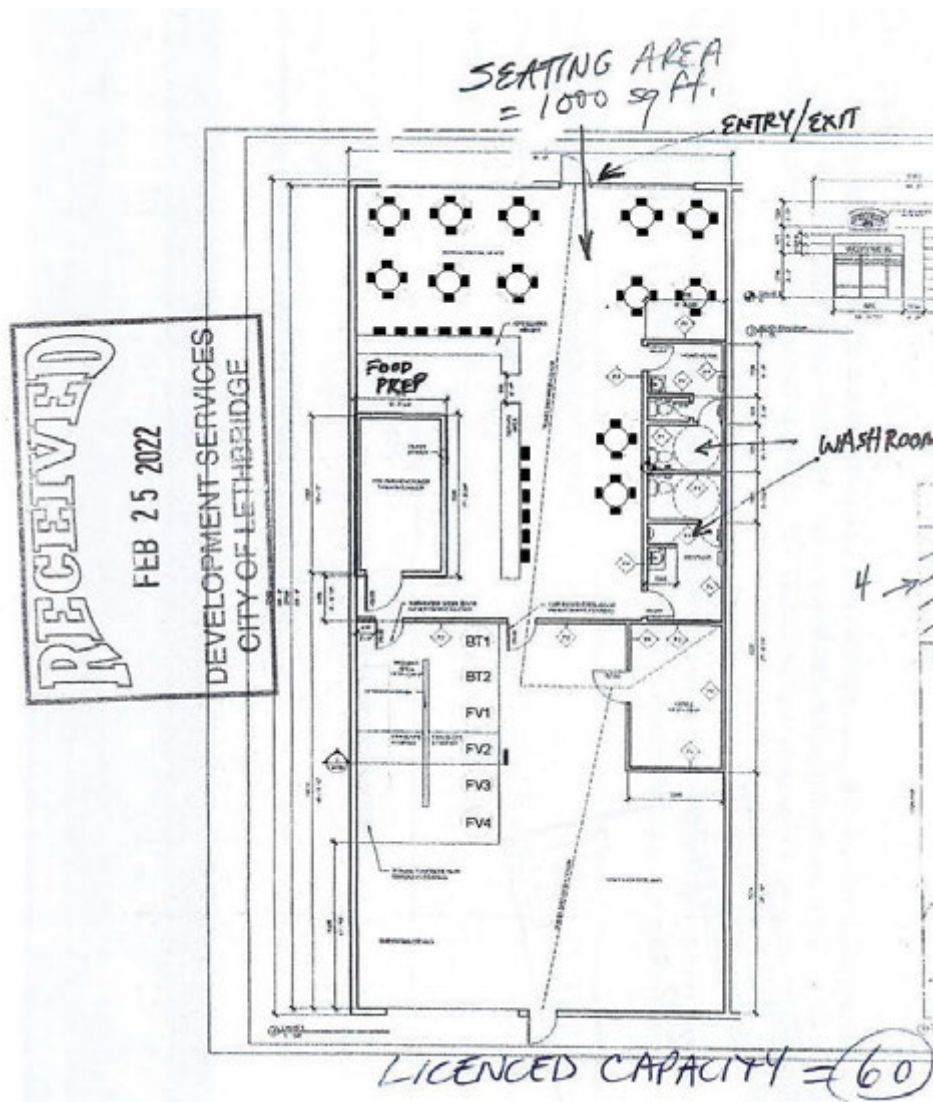
Considerations

- Only one over-head door is being used to bring product into and out of the bay. Only used prior to business hours. Parking is not impacted by the use of this door.
- Two empty bays between this business and the next closest business. Appellant's bay is 4 bays down from this one.
- Abundance of on-street parking on both sides of 9th Avenue North. Used more in summer by users of rugby field across avenue.

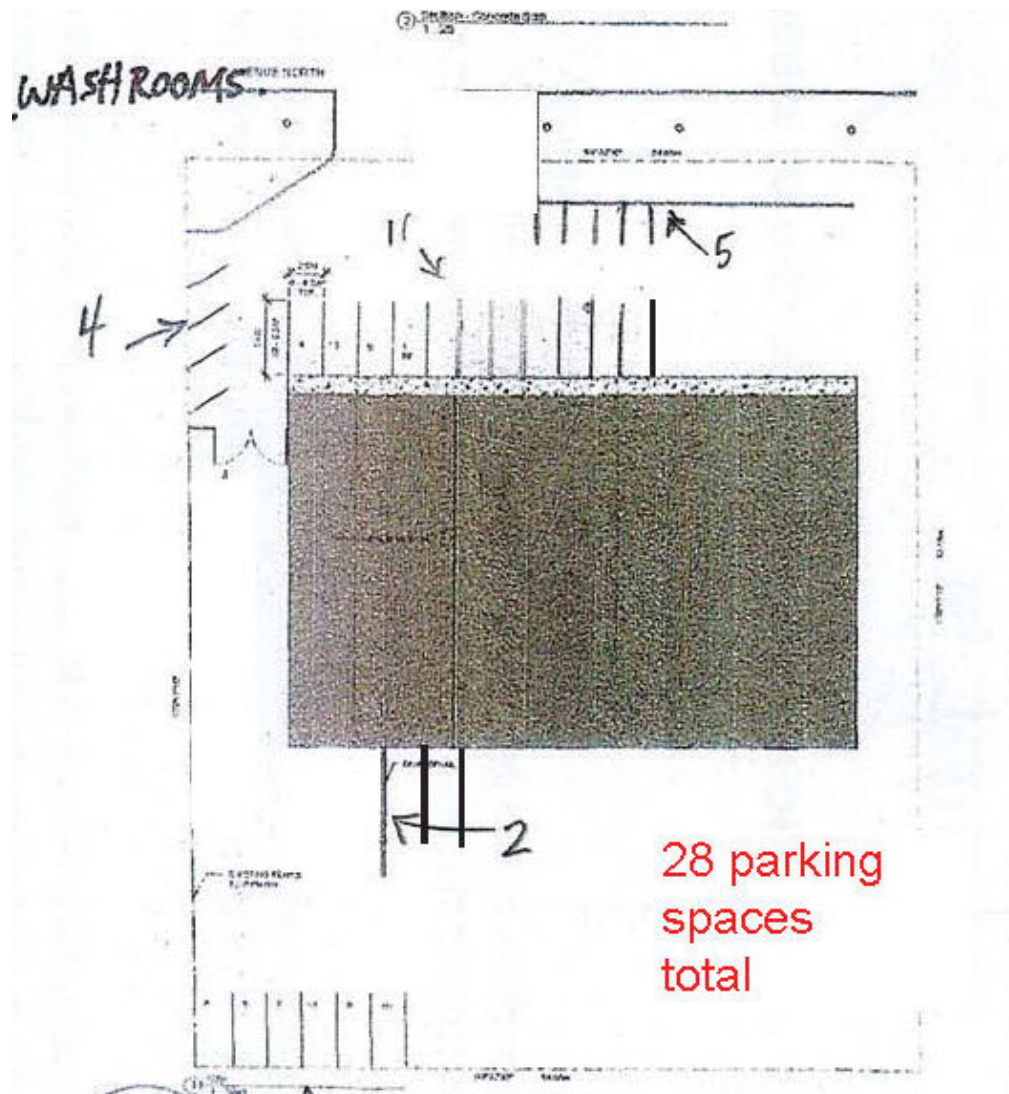
Drawings



Drawings



Drawings



Conclusion

- Application was approved as requirements of Land Use Bylaw 6300 were met – exceeded. Providing 3 surplus spaces.
- Abundance of on-street parking along both sides of 9th Avenue North.
- Off-set of business hours between this business and other in the building will help to alleviate parking congestion on-site.

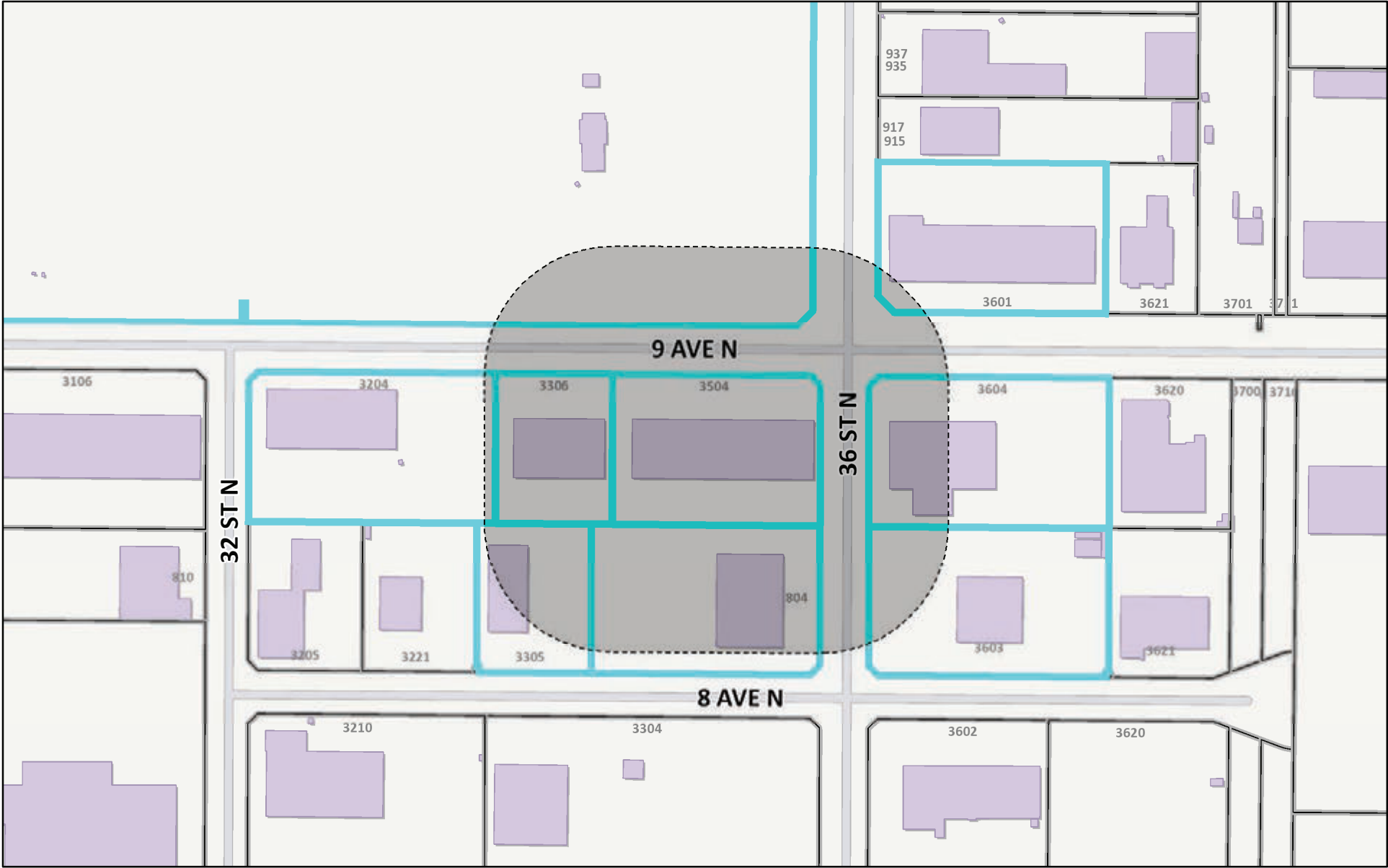
Recommendation

- Application is approved with the following conditions:
 1. Compliance with the plans:

The development of an 'Entertainment Establishment' as an accessory use to the approved use of 'Specialty Manufacturing' (approved on DEV10625 – attached) shall be in accordance with the plans submitted February 25, 2022. Any change to these plans requires the approval of the Development Officer and may, at the discretion of the Development Officer, require a new development application.
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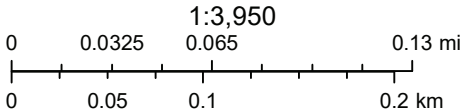
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 3. Signs:

Prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.



March 3, 2022

 Parcels



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