



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

May 2, 2023

Re: Appeal of Development Application 14262
Appellant: Kostek et al
Land Use: Low Density Residential (R-L)

Upon hearing representation made by the Development Officer, the Appellants, the Applicant, and other interested parties on Thursday, April 20, 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 14262 on March 8, 2023 to allow the construction of a detached garage with a secondary suite on a property located at 23 Trent Road West is hereby **CONFIRMED**.

The following submissions were received:

1. Brad Vandenberg, applicant (both oral and written)
2. Donnie Kostek, opposed to the development (written)
3. Colleen Brooks, opposed to the development (written)
4. Betty Upton, opposed to the development (both oral and written)
5. George and Brenda Dewar, opposed to the development (both oral and written)
6. Christina Venhuis, opposed to the development (written)
7. Joshua Bourelle, 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 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. The proposed development does not require any waivers.
5. The applicant provided the rationale for the development.
6. The proposed property has four off-street parking stalls provided, thereby exceeding the required off street parking requirement.
7. Windows are predominantly facing the east and west directions, thereby minimizing privacy concerns of the directly adjacent neighbours.
8. No evidence was presented against the proposed development to substantiate that additional traffic, noise, and parking issues would interfere with the neighbourhood amenities.

9. The Board is of the opinion the development does not present undue interference with the neighbourhood amenities and would not materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
10. 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.
11. In reviewing and weighing all the evidence, the Board therefore finds that the application does merit approval.

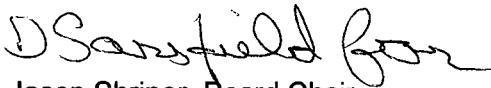
CONCLUSION:

For the reasons set out above, the appeal is denied and the decision of the Development Officer is confirmed.

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 Development Officer
Appellants/Neighbouring Property Owners