



CITY OF
Lethbridge

Office of the City Clerk

December 10, 2025

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed against the issuance of Development Permit DEV 16155 by the Development Authority to approve a detached garage requiring a height waiver at 834 12A Street South.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 60 metres 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, January 8, 2026
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 sdab@lethbridge.ca, including your full name and mailing address 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.

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 403 320 3030 if you have any questions.

Yours truly,

Hailey Winder
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 834 12A St. S			
Legal Description of Site (must be completed for subdivision appeals) -			
Development Application Number or Subdivision Application Number DEV 16155			
Appellant Information			(Office use Only)
Name Melaina Plester			
Mailing Address 833 12 St S.			
City Lethbridge	Province AB	Postal Code T1J 2S6	
Residence # 403 3302548	Business #	Email melaina.plester@gmail.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: 1. <u>Intended use of upper space</u> 2. <u>privacy & enjoyment of neighboring(my) property</u> 3. <u>Increase traffic in Lane way</u> 4. <u>Building height & scale</u> <u>please see attached papers(2) for more details</u>
(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		Date	
Melaina Plester		2015 12 10 05	
FOR OFFICE USE ONLY			
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD	Date Appellant Notified YYYY MM DD

Notice of appeal DEV16155

From:

Melaina Plester
833 12 Street South
Lethbridge, AB T1J 2S6

To:

The Secretary
Subdivision & Development Appeal Board
Office of the City Clerk, 2nd Floor, City Hall
910 4 Avenue South
Lethbridge, AB T1J 0P6

Re: Proposed Two-Storey Garage at 834 12A Street South - DEV16155

I, Melaina Plester, the owner and sole occupant of 833 12 Street South, hereby submit this formal appeal in regards to the development permit issued for 834 12A Street South height waiver for a two-storey garage development.

After viewing the drawings and site plans at City Hall, I note that any revisions did not address my primary concerns. Therefore, I wish to reaffirm and expand upon my previous objections submitted on August 19, 2025 and October 27, 2025 which remain very concerning to me with respect to my safety, privacy and quality of life in my home.

1. Intended Use

The application describes the structure as "storage and workspace," but the inclusion of multiple windows and exterior stairs suggests potential uses beyond simple storage. These additional possible uses were not disclosed in the public notice sent out to neighboring property owners.

2. Privacy and Enjoyment of Property

The proposed second-storey windows on the west side will provide a direct line of sight into my living room and bedroom, and entrance to my only bathroom, creating a serious invasion of privacy and compromising my sense of safety in my own home and yard. Additionally, the overall scale and height of the building will overshadow approximately half of my backyard, resulting in a loss of sunlight, privacy, and diminishing my ability to enjoy my outdoor living space.

3. Increased Traffic in Laneway

The lane area around this house already has an increased amount of vehicular and pedestrian traffic. The majority of the houses in the adjacent area are rental properties including the lot that the potential garage will reside on. This property in question already contains two suites. There has been a significant increase in the number of vehicles that are parked regularly in the

laneway during the day as well as overnight. This raises concerns about congestion and the ability of emergency vehicles to access properties safely. This is a serious safety issue for myself and my neighbors when a few minutes can make the difference between life and death or destruction of property.

4. Building Height and Scale

While I acknowledge that the initial height of the building due to the slope of the yard was addressed, the revised design now results in an even taller structure that will further dominate and tower over my property. I do not believe this is reasonable or appropriate within our neighborhood context as all of the adjacent properties are raised bungalows and the garages in the back alley are not over height.

For the reasons outlined above, I respectfully request that this development application be denied in its current form, or that significant modifications be required to address these issues—specifically:

- Removal or relocation of second-storey windows;
- Reduction in overall height; and
- Clarification on the building's intended use.

I chose this neighborhood 14 years ago because of its large yards and sense of space and privacy in the backyard. I am now retired and relocating is not a possibility for me. I am a private person who wishes to continue living in safety, comfort and privacy in my own home.

I ask that you please consider my concerns with compassion and empathy.

Sincerely,

Melaina Plester



403 330 2548

melainaplester@gmail.com

Address: **834 12A ST S**
Legal: 5728S;10;13,14

District: R-L(L)

Applicant: MCQUAID, LOUIS T
MCQUAID, VALERIE L
Address: 821 12 ST S LETHBRIDGE AB T1J 2S6

Phone: 4033201082
Phone: 403-330-2465

Development Proposed To construct a detached garage with second storey storage space and work area. Requesting a height waiver.

District ACCESSORY BUILDINGS - RES

Land Use ACCESSORY BUILDING - PERMITTED

Waiver MAX. BUILDING HEIGHT

CONDITIONS OF APPROVAL

1. Compliance with the plans:

The development shall be in accordance with the plans submitted October 14, 2025. 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.

2. A 1.22 m building height waiver be granted, allowing a 6.4 m building height for the detached garage.

INFORMATIVE:

This approval is for a detached garage with second storey storage/work area. No secondary suite has been approved. If the second storey is to be used as a secondary suite, separate permit approvals would be required.

Decision Date

Nov 06, 2025

Valid Date

Dec 09, 2025

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.

**Development.
Authority**
LEDA KOZAK TITTSWORTH**STATUTORY PLANS**

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

COMPLIANCE WITH OTHER LAWS AND AGREEMENTS

The City of Lethbridge assesses applications according to the development requirements and standards of the Land Use Bylaw in force at the time of application. This Development Permit does not relieve the owner, the applicant, or the owner's authorized agent from full compliance with (i) the terms and conditions of any easement, covenant, building scheme or other agreement affecting the property, or (ii) the requirements of any other applicable laws and regulations.

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.

Permits which were the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission, or by the Minister of Environment and Parks must be appealed through the Land and Property Rights Tribunal.

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. DEV16155

Development Permit Application

Revised: Jan 11, 2023

Low Density Residential - Single Detached Dwelling, Two-Unit, Secondary Suite

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 	Access Code
Applicant Name _____ Address _____ City _____ Postal Code _____ Phone _____ E-mail _____ Signature <u>Valerie M. Shaw</u>	Property Owner Name _____ Address _____ City _____ Postal Code _____ Phone _____ B/L # _____ E-mail _____ Signature <u>Valerie M. Shaw</u>

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.

Have you reviewed all registrations on title pertaining to the property? ☒ Yes

I acknowledge and agree that this application does not relieve the owner, the applicant, or the owner's authorized agent from full compliance with (i) the terms and conditions of any easement, covenant, building scheme or other agreement affecting the property, or (ii) the requirements of any applicable laws and regulations.

Signature Valerie M. Shaw

Date July 29/25

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:

Has a dwelling(s) existed on this lot previously?

☒ Yes ☐ No

Is a waiver required?

☒ Yes ☐ No

Square footage of dwelling(s) (not including basement and garage spaces) _____ m²

Type of Work Being Performed: (Check all applicable)

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Single Detached Dwelling | <input checked="" type="checkbox"/> Two-Unit Dwelling | <input type="checkbox"/> Secondary Suite (<input type="checkbox"/> Existing) | <input type="checkbox"/> Addition |
| <input type="checkbox"/> Attached Garage | <input checked="" type="checkbox"/> Detached Garage | <input type="checkbox"/> Shed | <input type="checkbox"/> Carport |
| <input type="checkbox"/> Covered Deck | <input type="checkbox"/> Uncovered Deck | <input type="checkbox"/> Fence (Over-height) | <input type="checkbox"/> Compliance Waiver |

Description of Work:

Office Use Only		Development Fees to be charged	
Permit Required <input type="checkbox"/> Yes <input type="checkbox"/> No	Overlay _____	Permit Fee _____	
Zoning _____	Development Permit # _____	Advertising Fee _____	
Allowable Use <input type="checkbox"/> Permitted <input type="checkbox"/> Discretionary	Building Permit # _____	Total _____	

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

<p>NOTES:</p> <p>ADDITIONAL HEIGHT OF ~ 6" DUE TO TRUSS SYSTEM DESIGN</p> <p>EXISTING GRADE OF LOT TO BE MAINTAINED ON NORTH WEST AND EAST ELEVATIONS</p> <p>EXISTING GRADE OF LOT: - 1' 4" FROM SOUTH EAST GARAGE CORNER TO NORTH WEST GARAGE CORNER</p> <p>FOUNDATION EXTENDED TO 5' 0" TO TOP OF FOOTING FOR FROST COVERAGE</p>

CONSULTANTS:

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND INFORMATION PRIOR TO COMMENCEMENT OF WORK.

THIS DRAWING AND DESIGN REMAINS THE EXCLUSIVE PROPERTY OF FYKAT DESIGN STUDIO AND MAY NOT BE REPRODUCED.

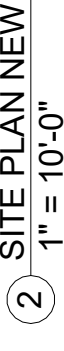
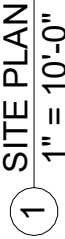
ANY MODIFICATIONS AND/OR VARIATIONS TO THIS DESIGN IS NOT PERMITTED WITHOUT WRITTEN CONSENT.

ALL CONSTRUCTION IS TO COMPLY WITH THE ALBERTA BUILDING CODE AND ANY APPLICABLE LOCAL REGULATIONS.

ALL ENGINEERED STRUCTURAL ASPECTS OF THE BUILD ARE DESIGNED BY THE SUPPLIER.

Project number	834 12a St S
Date	Sept 28 2025
Drawn by	COREY MCQUAID
	Checker

A1	
Scale	1" = 10'-0"



CITY OF Lethbridge
APPROVED
AS PER
LAND USE BYLAW 6300

Date: Nov 6, 2025

Approval #: DEV16155

Leta H. Chisworth
Development Officer

Detached garage with second storey storage/work area only.
 ** Separate permit approvals are required if the second storey is to be used as a secondary suite **

NOTES:

ADDITIONAL HIGHT OF
~ 6" DUE TO
TRUSS SYSTEM DESIGN

EXISTING GRADE OF LOT TO
BE MAINTAINED ON NORTH
WEST AND EAST ELEVATIONS

EXISTING GRADE OF LOT:
- 1'-4"
FROM SOUTH EAST
GARAGE CORNER
TO NORTH WEST
GARAGE CORNER

FOUNDATION EXTENDED TO 5' 0"
TO TOP OF FOOTING
FOR FROST COVERAGE

CONSULTANTS:

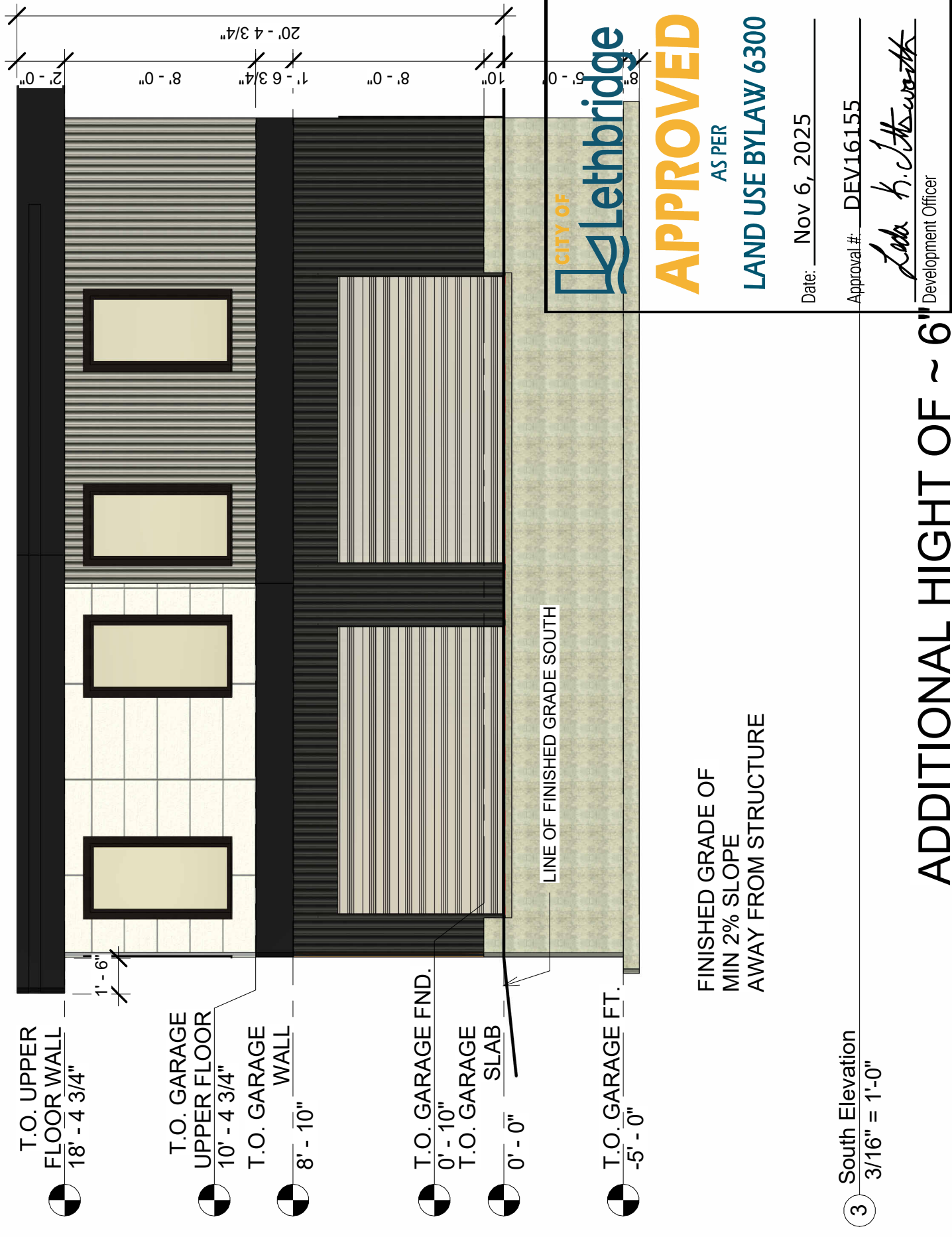
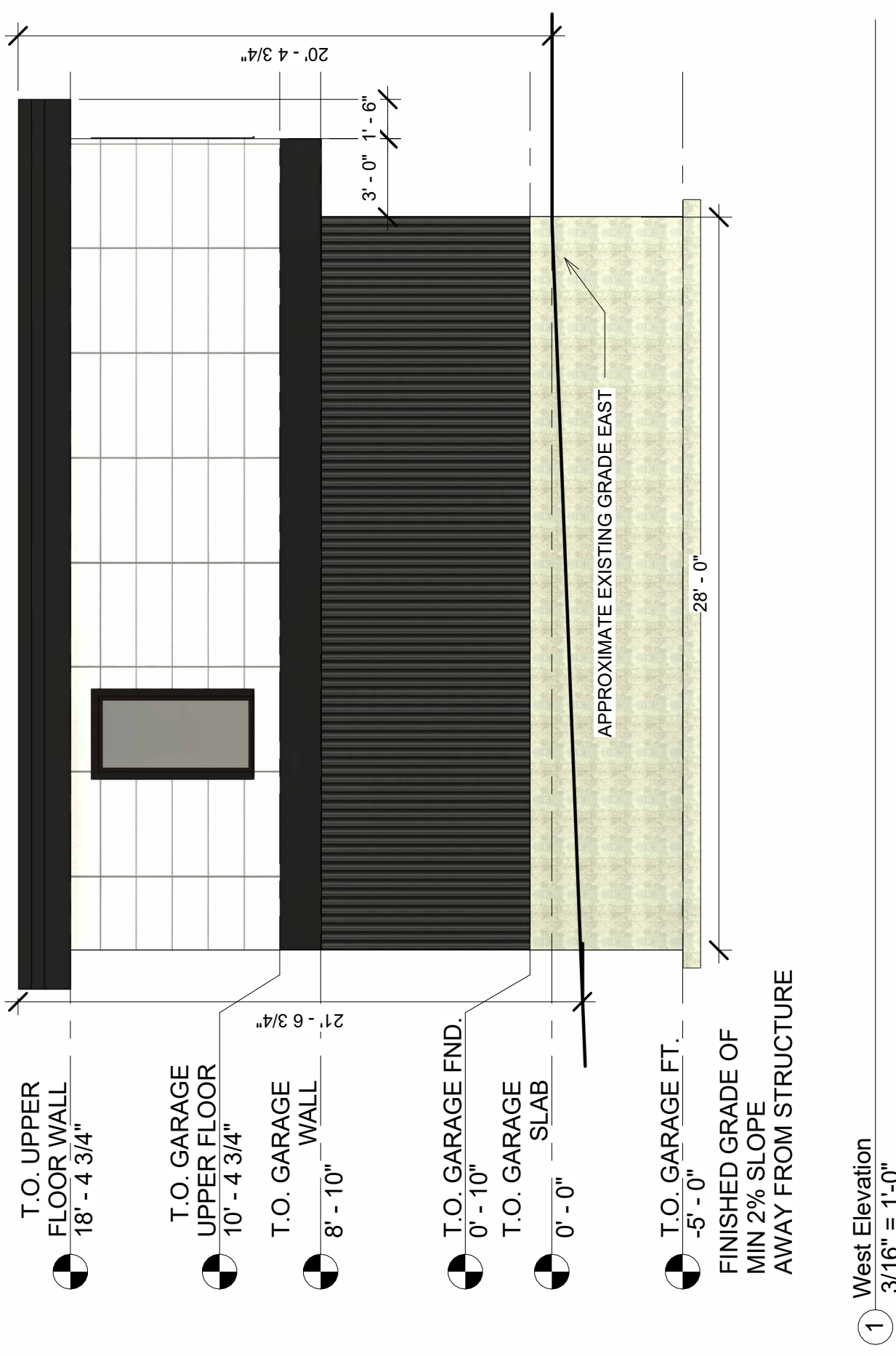
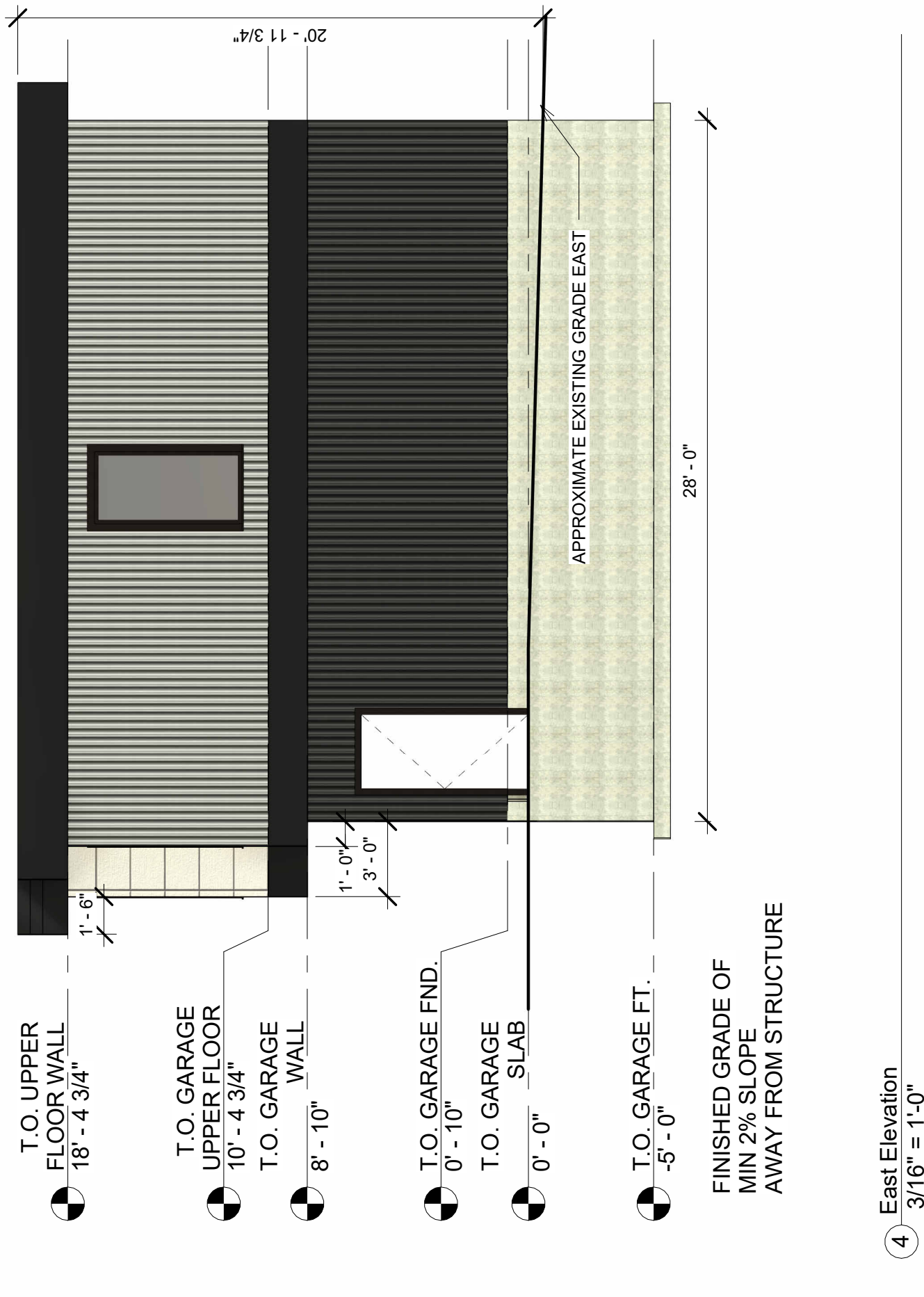
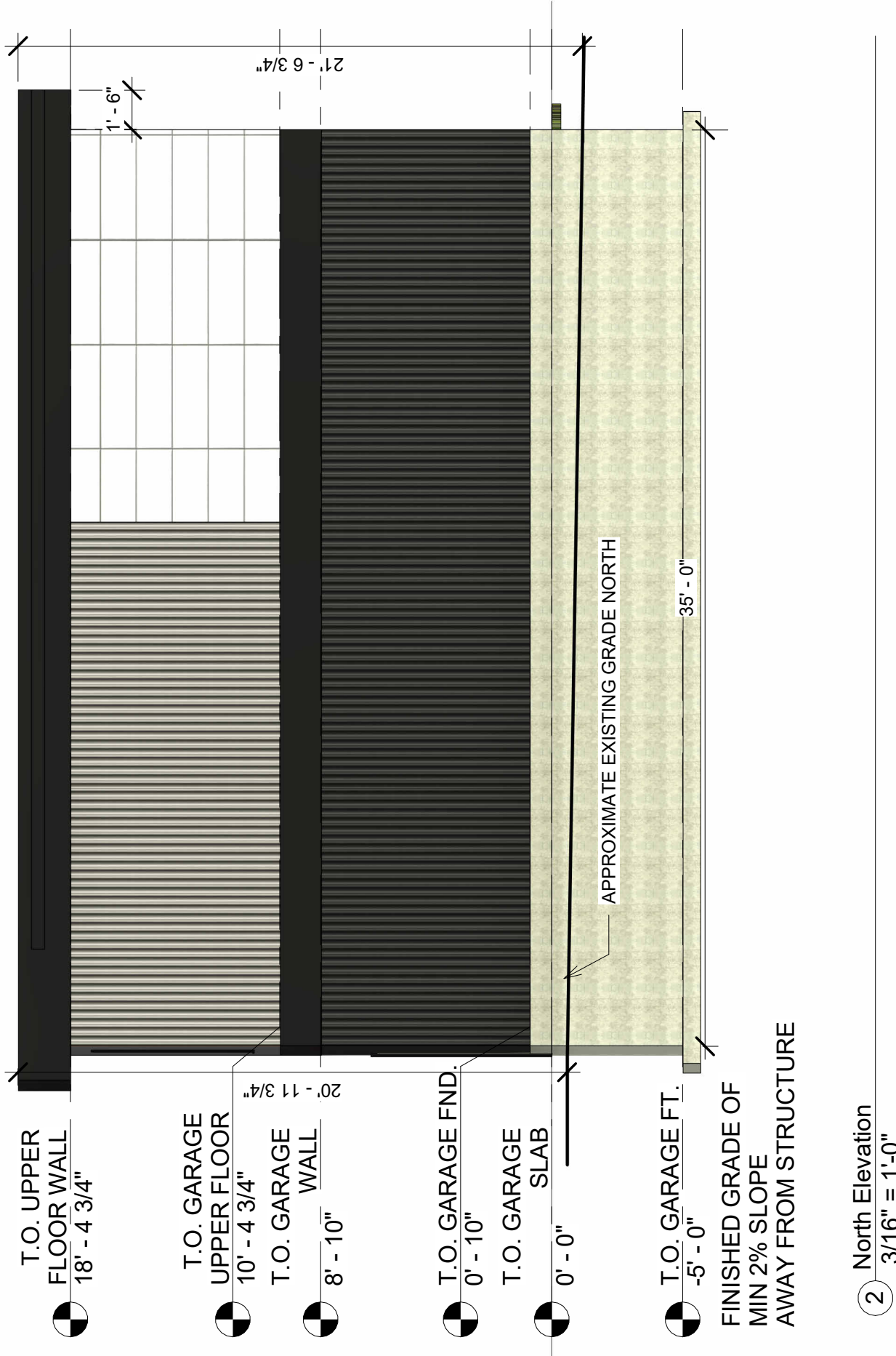
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APPROVED

AS PER

LAND USE BYLAW 6300

Date: Nov 6, 2025

Approval #: DEV16155



Development Officer

Detached garage with second storey storage/work area only. ** Separate permit approvals are required if the second storey is to be used as a secondary suite **

FINISHED GRADE OF MIN 2%
TOWARD REAR ALLY ON ALL ELEVATIONS

ADDITIONAL HIGHT OF ~ 6"
ON STRUCTURE DUE TO
TRUSS SYSTEM DESIGN



FYRKAT

DESIGN STUDIO

COREYMCQUAID@GMAIL.COM

403 - 715 - 6868

834 12a St S

Louis & Valerie McQuaid

FLOOR PLAN

NOTES:

ADDITIONAL HIGHT OF
~6" DUE TO
TRUSS SYSTEM DESIGN

EXISTING GRADE OF LOT TO
BE MAINTAINED ON NORTH
WEST AND EAST ELEVATIONS

EXISTING GRADE OF LOT:
- 1'-4"
FROM SOUTH EAST
GARAGE CORNER
TO NORTH WEST
GARAGE CORNER

FOUNDATION EXTENDED TO 5' 0"
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Project number834 12a St S

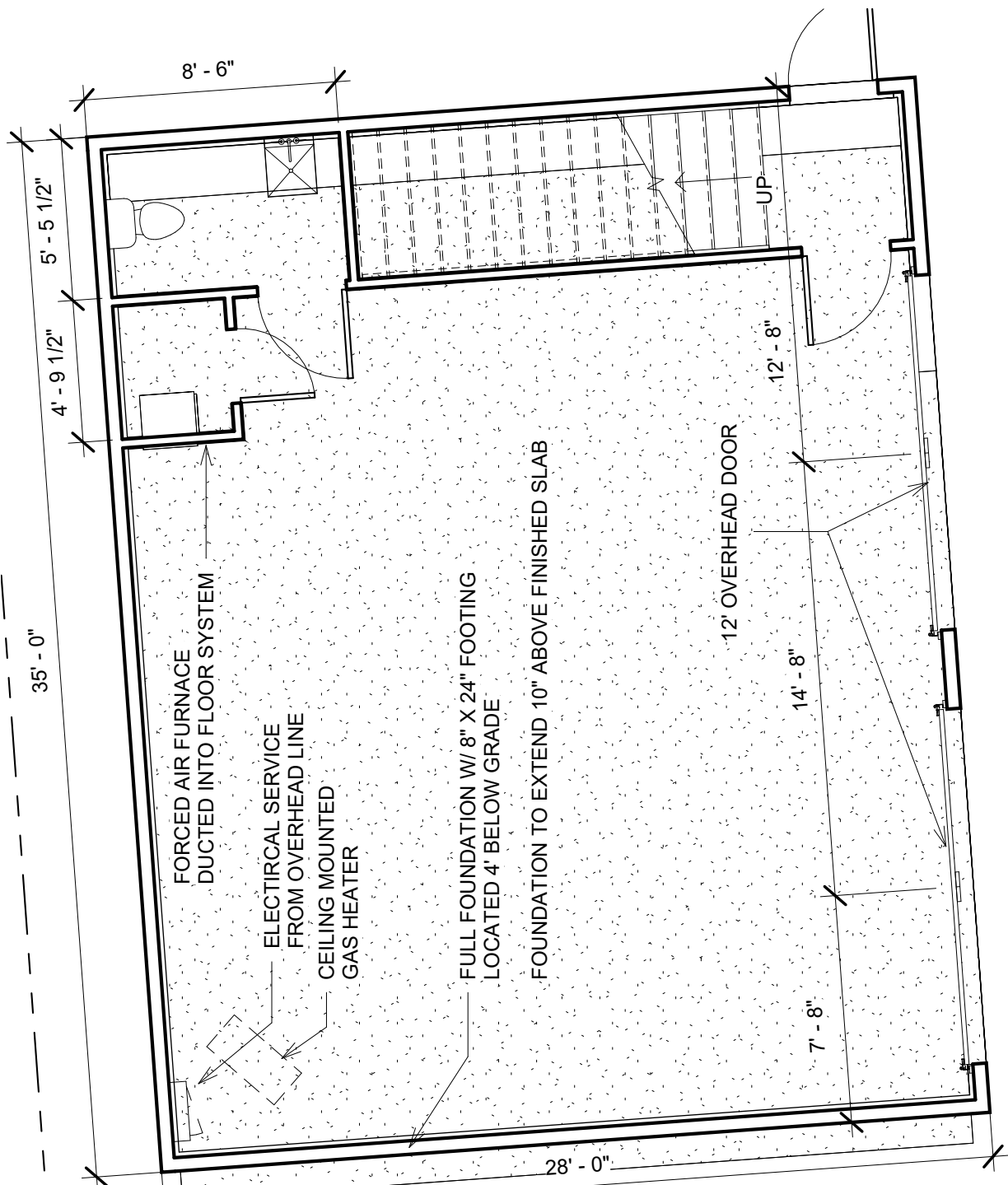
DateSept 28 2025

Drawn byCOREY MCQUAID

-

A3

ScaleAs indicated



2 T.O. MAIN FLOOR
3/16" = 1'-0"

CITY OF

Lethbridge

APPROVED

AS PER

LAND USE BYLAW 6300

Date: Nov 6, 2025

Approval #: DEV16155

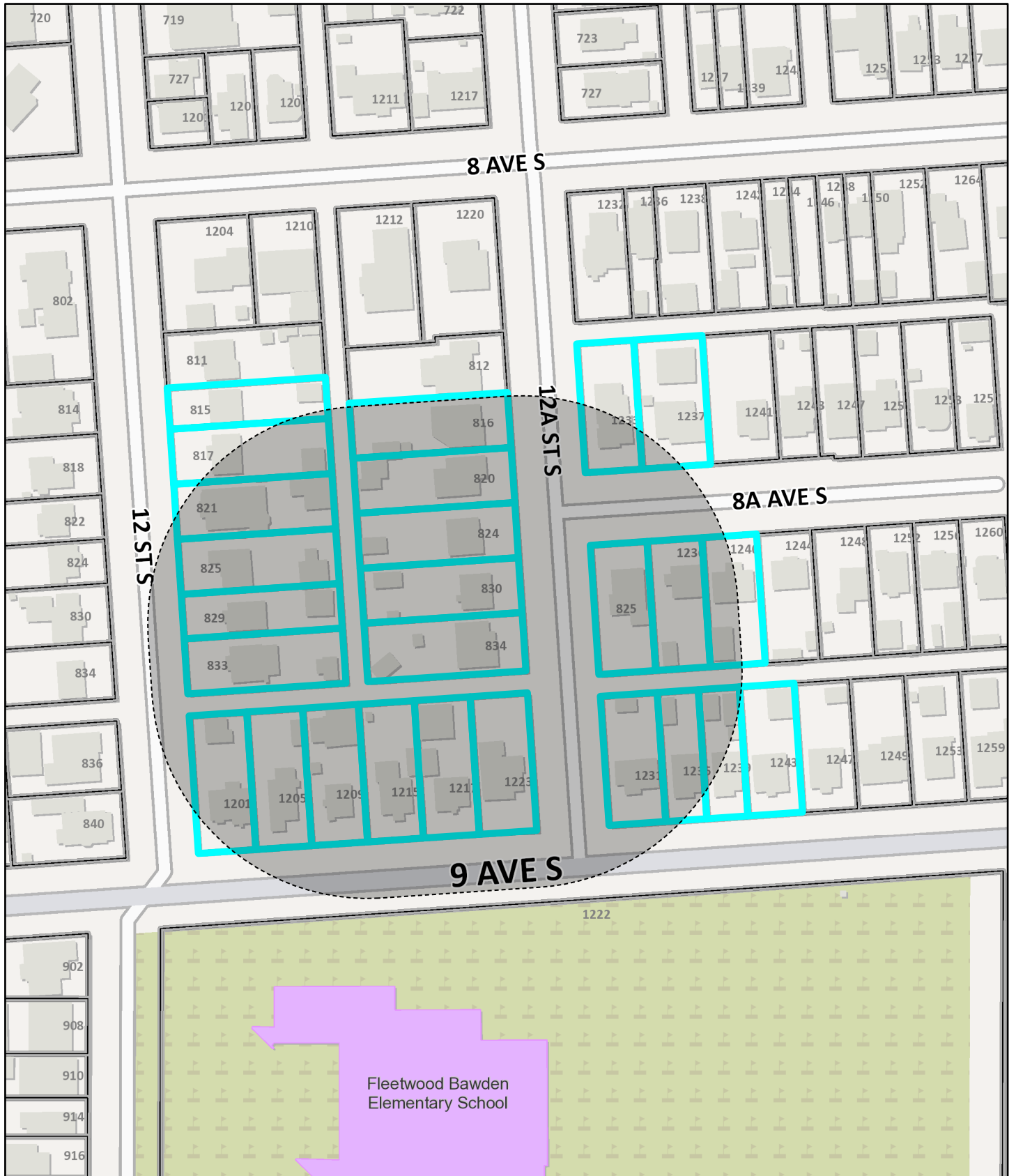
Val H. McQuaid

Development Officer

Detached garage with second storey storage/work area only. ** Separate permit approvals are required if the second storey is to be used as a secondary suite **

1 T.O. GARAGE UPPER FLOOR
1/4" = 1'-0"

Parcel Locator WebMAP



December 8, 2025



0 0.01 0.03 0.05 mi

0 0.02 0.04 0.07 km

1:2,257

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, City of Lethbridge, Alberta, Canada

Subject: Response to Appeal – Development Permit DEV16155 (834 12A Street South)

Dear Members of the Subdivision and Development Appeal Board,

Thank you for the opportunity to provide a formal response to the appeal regarding Development Permit DEV16155 for 834 12A Street South. This submission is based strictly on verified facts, public records, and the governing legislation under the Municipal Government Act (MGA) and Land Use Bylaw 6300 (LUB 6300).

1. Intended Use – Factual Clarification

The approved development is for a detached garage with a storage/work area only.

Verified facts from the permit (pages 5–6 of the appeal package):

- No secondary suite is approved.
- Any future suite would require a separate development permit, circulation, and appeal rights.

Under MGA s. 685(2), speculative concerns about uses not applied for cannot form the basis of an appeal.

2. Effect of the Informative – Misinterpretation and Bias

The appellant repeatedly references the informative sentence (“no secondary suite is approved”) as evidence that a suite is contemplated. This demonstrates:

- 1) The informative introduced an issue not part of the application,
- 2) It created a misinterpretation of the intended use, and
- 3) It directly contributed to the appeal’s concerns about both use and traffic.

Under MGA s. 683.1, decisions must be based solely on the development actually applied for.

The appeal clearly demonstrates that the informative sentence caused confusion and bias.

3. Privacy – Verified Context

The appeal raises concerns about visibility into private spaces. However, the following verified facts apply:

3.1 Existing Neighbourhood Sightlines

- The appellant’s home at 833 12 Street South is a raised bungalow, providing elevated sightlines into neighbouring yards.
- The appellant has outward-facing security cameras visible from the public alley and oriented toward surrounding properties.
- Multiple homes on 12 Street, 12A Street, 9 Avenue, and 8 Avenue have existing second-storey windows and raised viewpoints typical of a mature neighbourhood.

These sightlines are longstanding characteristics of the neighbourhood.

3.2 Bylaw Context

- LUB 6300 contains no restrictions on residential windows in accessory buildings.
- There is no bylaw-defined privacy right that limits window placement for detached garages.

3.3 Lack of Evidence

The appeal contains no sightline diagrams, no photos, no measurements, and no technical analysis. There is no evidence of a material privacy impact or bylaw violation.

4. Traffic – No Evidence and No Bylaw Support

The appeal expresses concern about potential increases in alley traffic.

Verified facts:

- Accessory buildings do not increase residential density.
- DEV16155 does not add a dwelling unit or occupancy.
- The approved plans add two off-street parking stalls, which decreases any parking demands.
- No traffic counts, photos, videos, or City reports were provided to support the claim.

4.1 Traffic Concerns Originated From the Informative

The appellant's traffic concerns appear to arise from the same misinterpretation caused by the informative sentence, implying a suite was being contemplated. No such use exists.

4.2 Public Alley Use Is Lawful

The alley is a public right-of-way intended for regular vehicle access to garages, parking movements, waste collection, deliveries, and routine residential traffic. There is no bylaw restricting normal coming-and-going from garages.

4.3 Obstruction in the Lane

The only known physical obstruction in the lane is a cement post installed on the appellant's property, which forces larger vehicles to maneuver around it and cut across the respondent's property, causing damage. This condition is unrelated to DEV16155.

5. Height and Shadowing – Evidence-Based Assessment

5.1 Height

- The approved height of 6.4 m with a 1.22 m waiver is permitted under LUB 6300.
- Height variances for garages are common and expressly contemplated in the bylaw.

5.2 Shadowing

The appellant claims the garage will overshadow “half the backyard,” but provides no study or measurable evidence.

Verified facts:

- Multiple mature trees on 12 Street, 12A Street, and in the appellant’s own yard exceed the height of the approved garage (trees approximately 7–9 m; garage 6.4 m).
- These trees already cast broader and longer shadows than the accessory structure could.
- The appellant submitted no shadow study, no sun-angle measurements, and no diagrams.

5.3 Neighbourhood Precedent

At 821 12 Street South, a nearby property owned by the respondent:

- A similar height variance was approved.
- A second-storey workspace with upper windows was permitted.
- No privacy restrictions were imposed.
- No appeals were filed.

This confirms consistency with the established built form on the block.

6. Compliance with MGA and LUB 6300

DEV16155 fully complies with:

- MGA s. 642(3) – Decisions must follow the Land Use Bylaw.
- MGA s. 683.1 – Decisions must be based on the actual application submitted.
- MGA ss. 685–687 – Appeals must be based on material, demonstrated planning impacts.
- LUB 6300 – Accessory building rules, permitted height variances, and window placement.

The appeal does not identify any section of LUB 6300 that the development violates.

7. Request to the Board

Based on verified facts, established neighbourhood precedent, and full compliance with the MGA and LUB 6300, I respectfully request that the Board:

- 1) Uphold Development Permit DEV16155, and
- 2) Remove the informative sentence, as it created misunderstanding and bias directly reflected in the appeal.

Thank you for your time and consideration.

Sincerely,

Valerie McQuaid

Respondent – DEV16155

834 12A Street South

Development Authority's Written Submission

For the Subdivision and
Development Appeal Board
Hearing on January 8, 2026

APPLICATION NO.

DEV16155

LOCATION

834 12A Street South

LAND USE DISTRICT

R-L(L) Low Density Residential London Road

APPELLANT

Melaina Plester

APPLICANT / LANDOWNERL.T. Framing & Renovations Corp
(Louis & Valerie McQuaid)**CURRENT DEVELOPMENT**Single Detached Dwelling, Permitted
Secondary Suite, Discretionary**PROPOSED DEVELOPMENT****Appendix A: Drawings**

To construct a detached garage with second storey storage space and work area. Requesting a height waiver.

ADJACENT DEVELOPMENT**North**

Single Detached Dwelling

South

Single Detached Dwellings

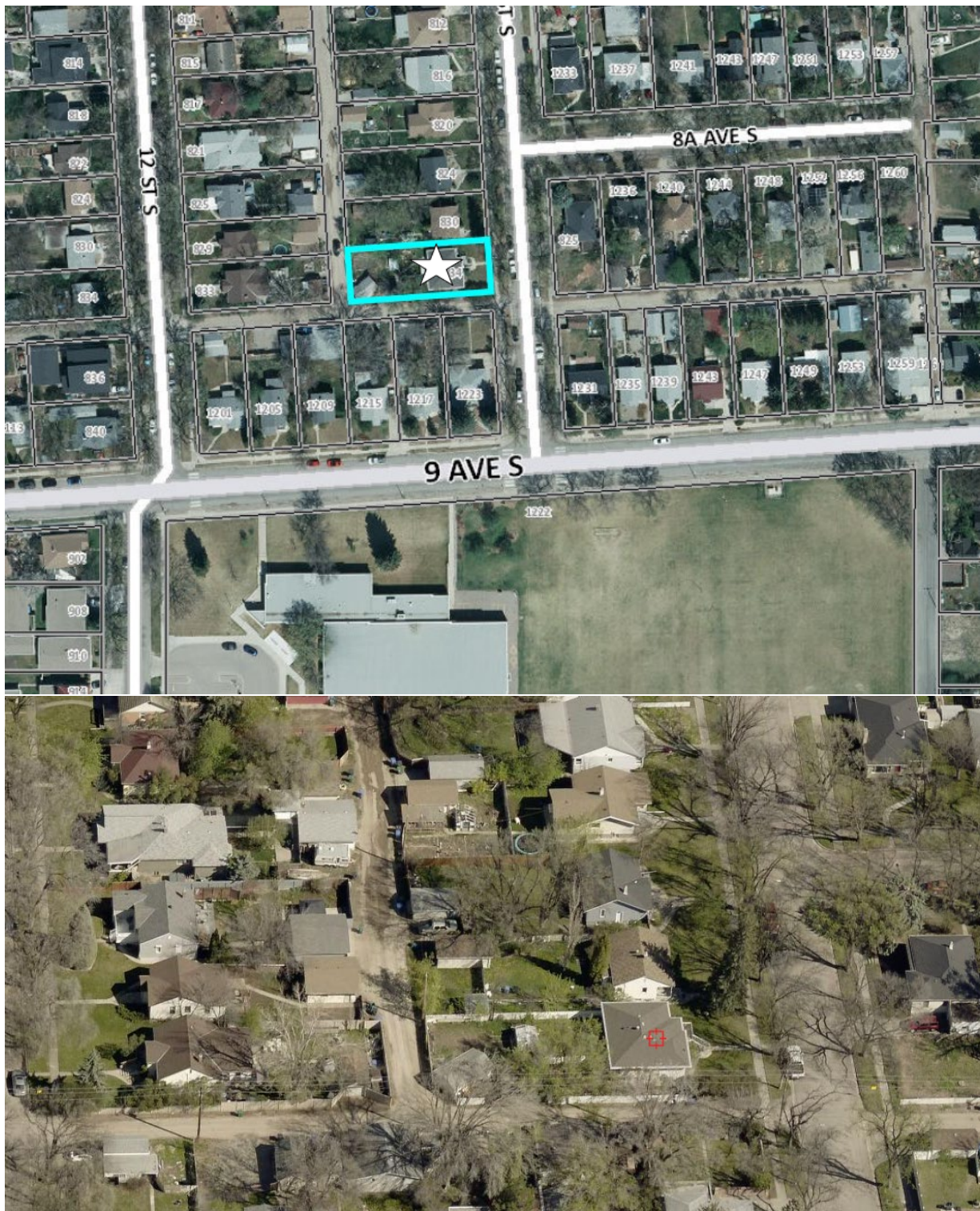
East

Single Detached Dwelling

West

Single Detached Dwellings

CONTEXT MAP



NOTIFICATION SUMMARY**Appendix B: Notification Letters, Map & Responses**

Neighbourhood: London Road

Neighbourhood Associations(s): London Road Neighbourhood Association

LAND USE BYLAW SUMMARY

Use: Detached garage with second storey storage/work area.

Proposed Use	Permitted/Discretionary		
Attached Garage	Permitted		
Storage/work area	Permitted		
	Requirement	Proposed	Waiver Requested
Rear setback	0.6 m	2.0 m	N/A
Side setback	1.2 m	1.20 m & 5.54 m	N/A
Height	max. 5.18 m	6.4 m	1.22 m
Parcel Coverage	Max 14%	14%	N/A

EVALUATION**Background**

- July 30, 2025 - An application was made to construct a detached garage with second storey storage/work area.
- Existing on the property is a single detached dwelling with secondary suite and an accessory building. The accessory building is to be demolished for the construction of the proposed detached garage.
- Under Land Use Bylaw 6300, a detached garage with second storey storage/work area is a permitted use.

- The proposed detached garage and parking pad next to the garage provides the 3 off-street parking spaces. Land Use Bylaw 6300 requires 3 off-street parking spaces for single detached dwellings with a secondary suite (2 for the single detached dwelling and 1 for the secondary suite).
- The proposed detached garage requested a 1.22 m height waiver to the prescribed 5.18 m height requirement for detached garages, to allow for the detached garage to be 6.4 m in height.
- The proposed location of the detached garage is not level. On lots in which there is a grade difference, the height is a calculated average of the lowest and highest points the building will be situated on.
- Properties in the area consist of single storey and two-storey homes, with many having rear detached garages. The area is slowly seeing re-development, with larger/two-storey homes being constructed. The area also has tall, well established trees, both in front and rear yards.
- The application was deemed complete August 6, 2025, at which time neighbourhood letters were mailed out and the application was circulated to Electric Design for comments as there are powerlines in the rear lane. Deadline for comments was August 20, 2025.
- The following comments were received:
 - Electric Design noticed possible issues with the location of garage and the high voltage lines in the rear lane. Updated drawings were provided August 22, 2025 showing the detached garage with a rear setback of 1.5 m.
 - London Road Neighbourhood Association did not provide any comments.
 - Written comments were received from 2 adjacent neighbours. Comments included privacy concerns, questioning intended use, uneven grade of property impacting total height of building, and increase of traffic in lane.
- Following comments received, an email was sent to applicant August 27, 2025 requesting the following information and clarification:
 - Confirmation no secondary suite was planned for the upper level.
 - Clarification on purpose of the exterior deck, and noting comments received were regarding privacy concerns.
 - Request for an updated site plan demonstrating 3 off-street parking spaces (2 in the garage, and one in a parking pad), and noting the Land Use Bylaw dimension requirements for off-street parking spaces.
 - Request for updated elevation drawings that provided the elevation for all directions, as the lot was sloped and the grade difference needed to be reflected in the elevation drawings.
- Updated drawings were received September 17, 2025. The deck was removed and stairs were included internally instead. Parking dimensions did not meet Land Use

Bylaw requirements, site plan and elevations were not consistent in garage size, and elevations did not account for grade changes on the property. An email was sent requesting those corrections.

- Updated drawings were received September 19, 2025. Elevation drawings showed the garage had increased in height, and still did not factor in the grade change on the property. An email was sent requesting updated elevations and noting the height change would require new neighbourhood letters being mailed out.
- Updated drawings were received October 2, 2025. Elevations reflected the grade difference. The applicant was informed that the height increase would require new neighbourhood letters to be sent out. Also noted neighbour concerns already indicated concerns over height of garage. The option to reduce the height to what was originally applied for was provided.
- October 7, 2025 neighbourhood letters were mailed out and the revised drawings were sent to Electric Design. Comments received were:
 - Electric Design required the rear setback to be 2.0 m from the laneway given the new height. This information was forwarded to the applicant, with the options to reduce the height of the garage to what was originally proposed, or to submit a new site plan showing the detached garage to be a minimum of 2.0 m from the rear lane.
 - One written submission was received from an adjacent landowner, which indicated an objection to the proposed detached garage. Reasons indicated: concerns over intended use of the storage/work area, privacy concerns, concerns over increased traffic, and building height. The letter requested the removal of the second storey windows, reduction in height of the building, and clarification on intended use.
- Updated drawings were received October 14, 2025. The rear setback was adjusted to 2.0 m.
- An email was sent to the applicant on November 3, 2025 noting neighbour concerns. It was asked if the applicant was willing to remove the window on the west elevation. Further correspondence with the applicant noted again neighbour concerns and also provide alternative options of frosting the window on the west elevation or changing it's orientation to be horizontal instead of vertical window. No further changes were made to the drawings.

Context

This Application is heard before the Appeal Board because:

- Adjacent landowners submitted the appeal.

LEGISLATION & POLICY

Land Use Bylaw 6300

- Section 4 Definitions

Accessory Building – means a Building which is subordinate or incidental to the Principal Building on, or Principal Use of, the same Parcel or Site. This term refers to Buildings such as garages, sheds or free-standing carports.

Permitted Use – means Use of land or Buildings in a District for which, unless exempted from requiring a Development Permit, a Development Permit must be issued with or without conditions, if the proposed Development conforms with this Bylaw.

- Section 13(2)(w) When a Permit is Not Required
Unless otherwise required by a Statutory Plan, the following do not require a Development Permit but may require other permits from the municipality, provincial or federal government: Single Detached Dwellings, additions to Single Detached Dwellings and Accessory Buildings in Residential Districts which are Permitted Uses and which comply with the Land Use Bylaw.
- Section 22(2) Authorized Waivers
Certain provisions of this Bylaw, described in Section 22(4), may be waived if the resulting proposed Development:
 - (a) Conforms with the Use prescribed for the land or Building in this Bylaw, and
 - (i) Would not unduly interfere with the amenities of the neighbourhood, or
 - (ii) Would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- Section 22(4)(c) Authorized Waivers
The development authority may grant the following waivers:
 - (c) an unlimited waiver of maximum Building Height.
- Section 24(2) Development Application Decisions
If the application is approved, the 'Development Permit' shall specify:
 - (a) the address of the Parcel, the District in which it is located and a description of the proposed Development,

- (b) the Use or Uses that have been approved,
 - (c) any waivers that have been granted,
 - (d) any conditions of approval,
 - (e) the date of decision,
 - (f) the date of validity,
- and the Development Authority shall issue the permit by mail or by email on the date of the decision.
- Section 63(5)(b)(i) Parking and Loading Requirements
Requirements for Regular Parking Spaces
 - (b) Minimum dimensions:
 - (i) Parallel parking spaces or spaces with direct access onto a Lane.
Width (m) – 2.6 m
Depth (m) – 7.3 m
Overhead Clearance (m) – 2.0 m.
 - Section 82(4) Accessory Buildings
Unless otherwise provided in a Residential District, an Accessory Building shall:
 - (a) Have a design character and appearance that is in accordance with a Residential District. The Building cladding and roof forms and materials shall be typical of residential Buildings in the surrounding area,
 - (b) Not be located in the Front Yard,
 - (c) Maintain a minimum Side Setback and Rear Setback of 0.6 m, except where an Accessory Building is used to enclose a swimming pool, in which case a minimum 1.2 m Side Yard Setback and 1.5 m Rear Yard Setback shall be provided.
 - (d) Have a minimum separation distance of 1.2 m from the Principal Building on the same Parcel or Site,
 - (e) Have a maximum height of 5.18 m
 - (f) Not exceed a Parcel Coverage of 14%
 - (g) Not be a Shipping Container.
 - Section 86(6) Maximum Building Height
 - (b) Accessory Buildings – 5.18 m

APPLICATION OF FACTS

- The application is for a detached garage with a second storey storage and work area, which is a permitted use in the Low Density Residential (R-L) district.

- A 1.22 m height waiver is requested to allow for the detached garage to be 6.4 m in height to allow for the second storey.
- Similar applications have been approved within the City, including within the neighbourhood.
- Adjacent properties consist of one and two storey homes, detached garages, and properties seeing redevelopment with larger homes.
- The detached garage will be situated with a 2.0 m rear setback, providing more distance from the rear lane.
- The area is well treed, and the lot slopes downwards towards the laneway.
- The Land Use Bylaw allows for building height waivers to be issued.
- The Land Use Bylaw does not address window locations.
- It is standard practice to include an informative on Development Permits.

CONCLUSION

The application to construct a detached garage with second storey storage space and work area, requesting a height waiver, was approved with the following conditions:

1. Compliance with the plans:

The development shall be in accordance with the plans submitted October 14, 2025. Any changes to these plans require the approval of the Development Officer and may, at the discretion of the Development Officer, require a new Development application.

2. A 1.22 m building height waiver be granted, allowing a 6.4 m building height for the detached garage.

INFORMATIVE:

This approval is for a detached garage with second storey storage/work area. No secondary suite has been approved. If the second storey is to be used as a secondary suite, separate permit approvals would be required.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

834 12A Street South
DEV16155

INTRODUCTION

Application No.:

DEV16155

Location:

834 12A Street South

Land Use District:

R-L(L) Low Density Residential London Road

Current Development:

Single Detached Dwelling, Permitted

Secondary Suite, Discretionary

Proposed Development:

To construct a detached garage with second storey storage space and work area. Requesting a height waiver.



VISUAL CONTEXT



LAND USE BYLAW 6300

Definitions

Accessory Building means a Building which is subordinate or incidental to the Principal Building on, or Principal Use of, the same Parcel or Site. This term refers to Buildings such as garages, sheds or free-standing carports.

Permitted Use means Use of land or Buildings in a District for which, unless exempted from requiring a Development Permit, a Development Permit must be issued with or without conditions, if the proposed Development conforms with this Bylaw.

LAND USE BYLAW 6300

Section 22 Authorized Waivers

- (2) Certain provision of this Bylaw, described in Section 22(4), may be waived if the resulting proposed Development:
 - (a) conforms with the Use prescribed for the land or Building in this Bylaw, and
 - (i) would not unduly interfere with the amenities of the neighbourhood, or
 - (ii) would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- (4) The development authority may grant the following waivers:
 - (c) an unlimited waiver of maximum Building Height.

LAND USE BYLAW 6300

Section 82(4) Accessory Buildings

Unless otherwise provided in a Residential District, an Accessory Building shall:

- (a) have a design character and appearance that is in accordance with a Residential District. The Building cladding and roof forms and materials shall be typical of residential Building in the surrounding area,
- (b) not be located in the Front Yard,
- (c) Maintain a minimum Side Setback and Rear Setback of 0.6 m, except where an Accessory Building is used to enclose a swimming pool, in which case a minimum 1.2 m Side Yard Setback and 1.5 m Rear Yard Setback shall be provided.
- (d) Have a minimum separation distance of 1.2 m from the Principal Building on the same Parcel or Site,
- (e) Have a maximum height of 5.18 m
- (f) No exceed a Parcel Coverage of 14%
- (g) Not be a Shipping Container.

Circulation and Neighbourhood Notification

- Neighbourhood notification letters were sent to residents within a 60m radius of the subject parcel, and the London Road Neighbourhood Association, on August 6, 2025, and the application was circulated to Electric Design.
- Neighbour comments received indicated privacy concerns, questioning intended use, uneven grade of property, and increased traffic.
- Electric Design noted possible issues with the location of the garage in relation to high voltage lines in the rear lane, and requested a 1.5m rear setback.

Second Circulation and Neighbourhood Notification

- Due to updated drawings provided showing the garage had increased in height, Neighbourhood notification letters were resent to residents within a 60 m radius of the subject parcel, and the London Road Neighbourhood Association, on October 7, 2025, and the application was recirculated to Electric Design.
- Neighbour comments received indicated opposition to the proposed garage, due to concerns over intended use of the storage/work area, privacy concerns, traffic concerns, and height of the building. It was requested the second storey windows be removed, building height be reduced, and clarification on the intended use.
- Electric Design requested a 2.0 m rear setback.

EVALUATION SUMMARY

- The application is for a detached garage with second storey storage and work area – which is a permitted use.
- Similar applications have been approved within the City, including within the neighbourhood.
- There are 2 storey buildings (including detached garages) within the neighbourhood.
- The area is well treed
- The lot is sloped
- The garage will be situated with a 2 m rear setback.
- Land Use Bylaw allows for building height waivers.
- Land Use Bylaw does not address window locations.

CONCLUSION

The application to construct a detached garage with second storey storage space and work area, requesting a height waiver, was approved with the following conditions:

1. Compliance with the plans: the development shall be in accordance with the plans submitted October 14, 2025. 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.
2. A 1.22 m building height waiver be granted, allowing a 6.4 m building height for the detached garage.

INFORMATIVE:

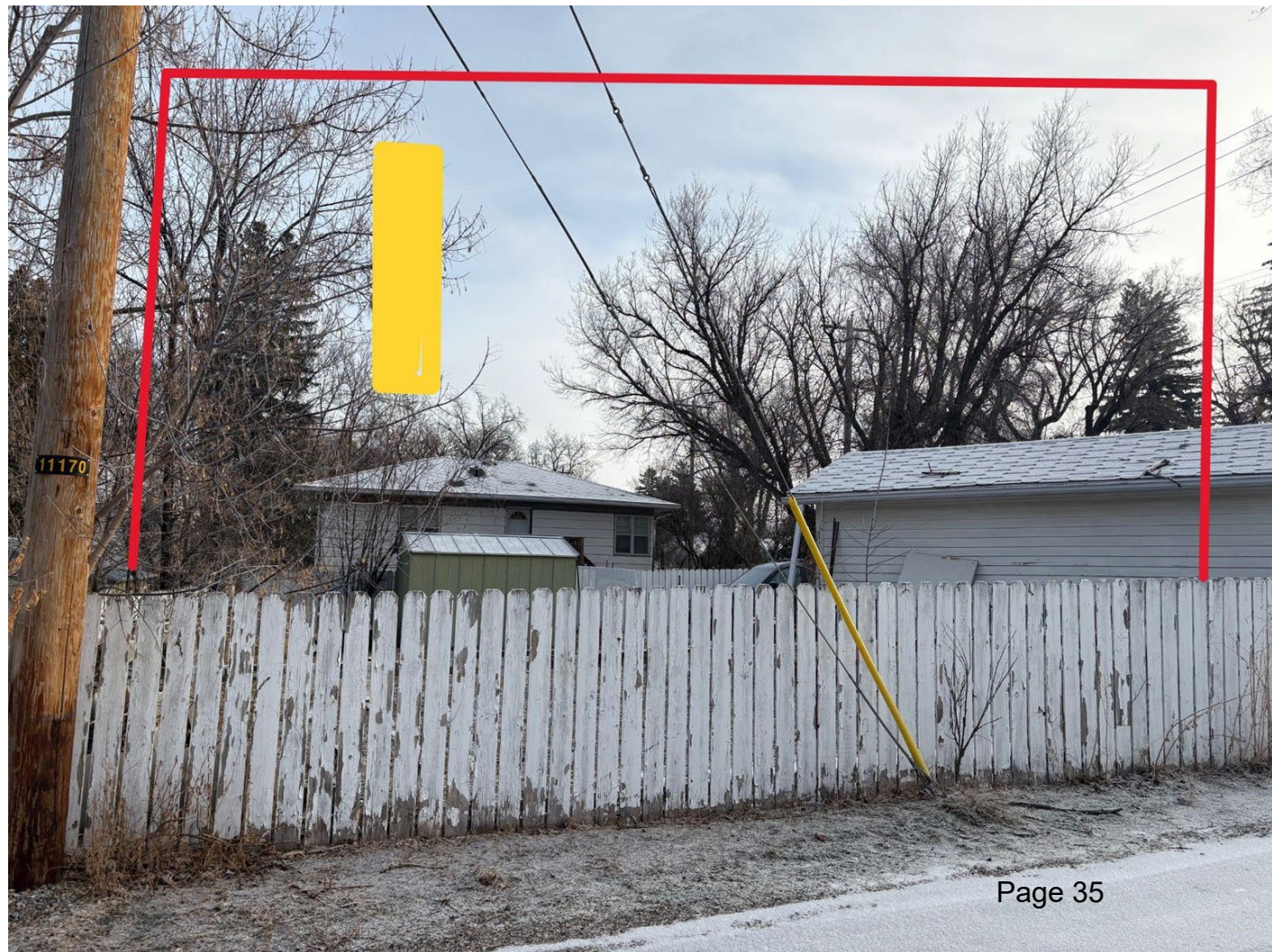
This approval is for a detached garage with second storey storage/work area. No secondary suite has been approved. If the second storey is to be used as a secondary suite, separate permit approvals would be required.

Appeal Development Permit DEV 16155

Height waiver 834 12A Street South



Proposed garage build site
with build significantly taller
than the raised bungalow on that lot.

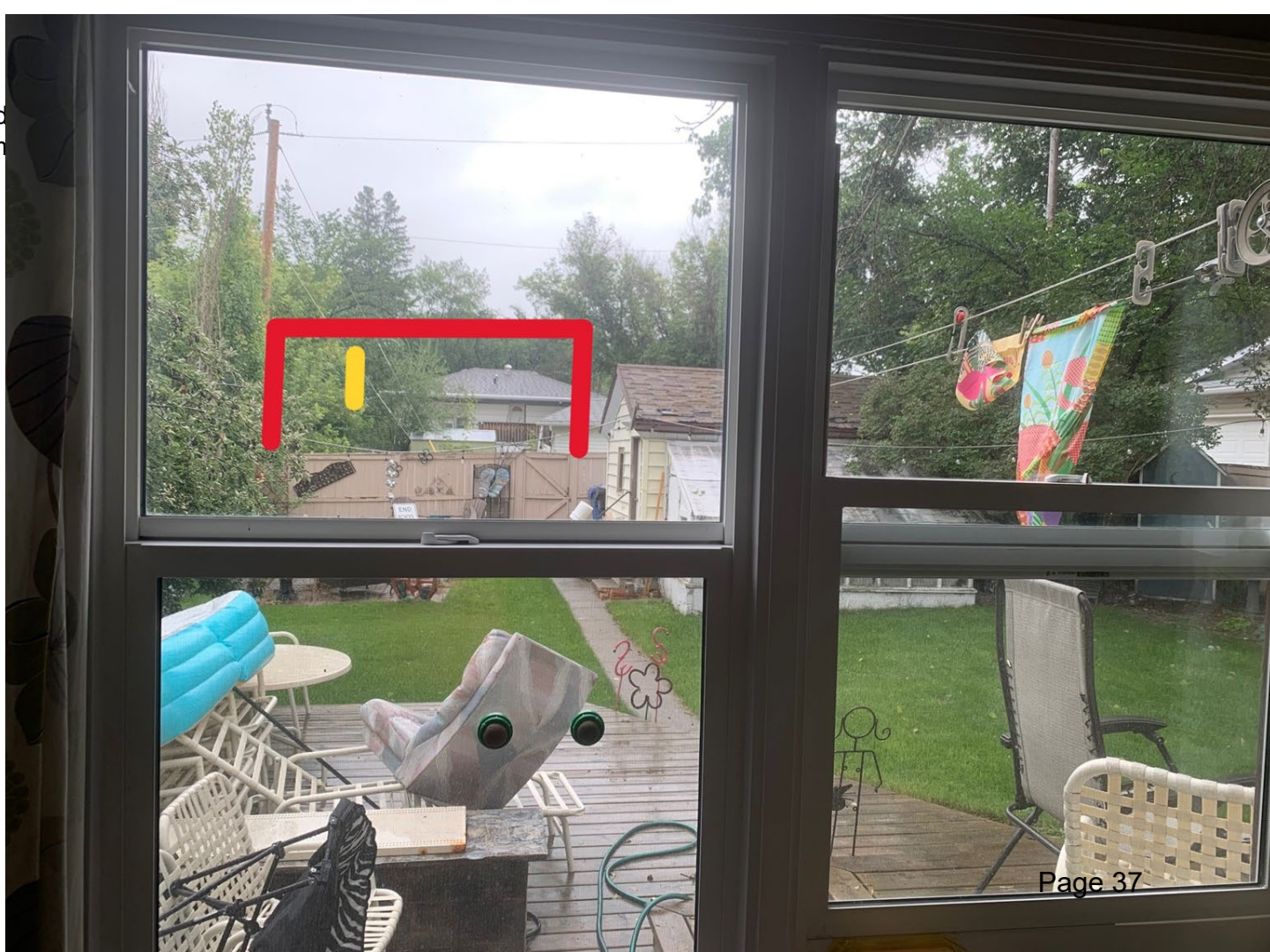


Looking east from my back window
in my living room





Looking east with projected
garage from my living room



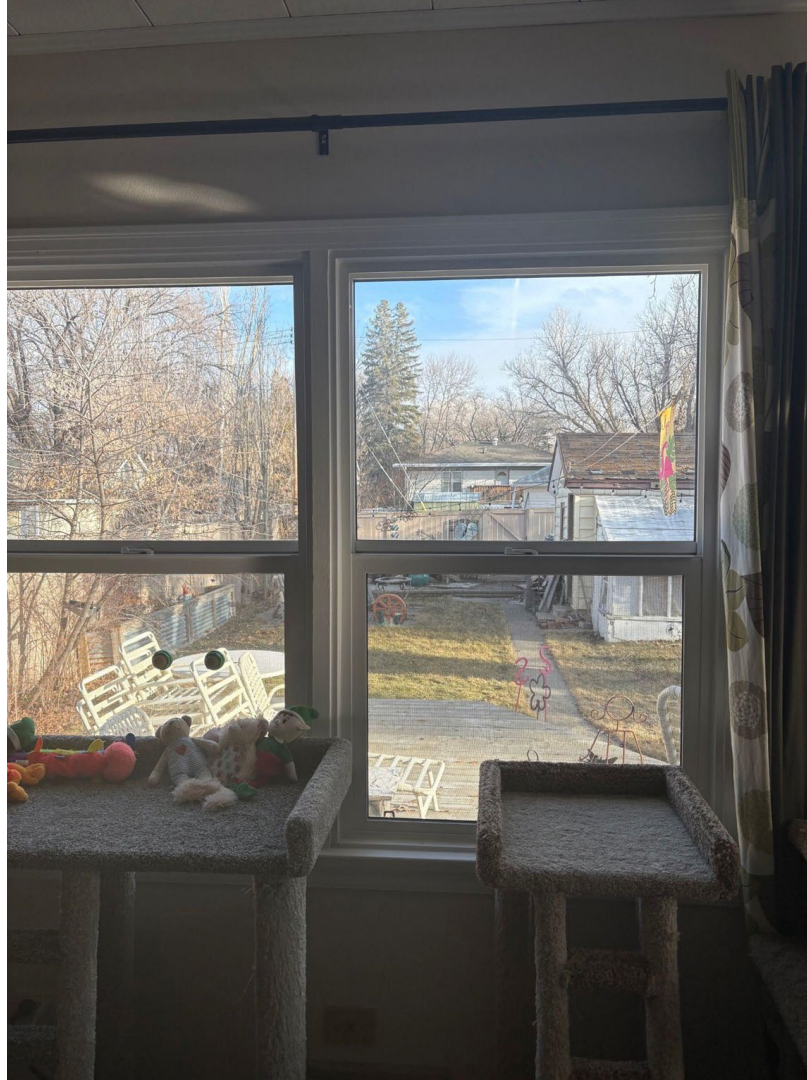


East from inside my house
summer view; no trees for
privacy from the proposed garage





East from inside my living room



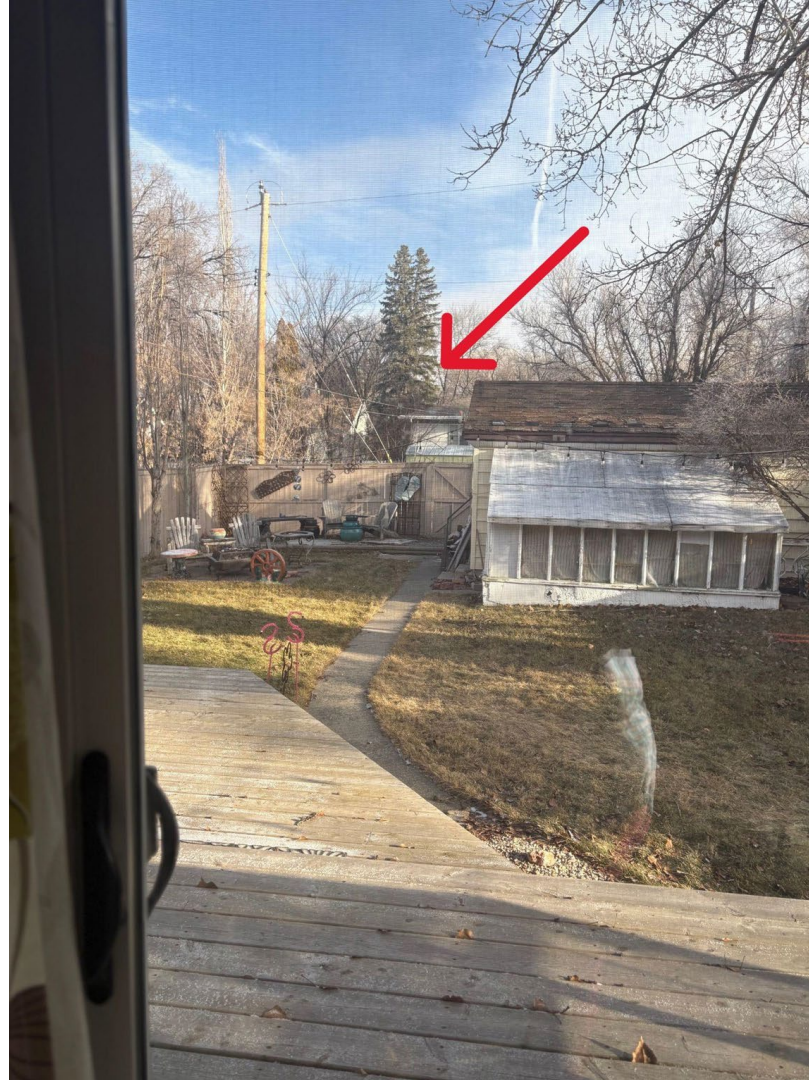


East from inside my living room with
projected garage in red and window
in yellow





East from inside my house in my dining area





Person standing on cab of truck to demonstrate approximate height of window





Looking east from my bedroom
doorway





Looking east from inside
my bedroom





My backyard from east side
cannot see into yard or house from
lane





Looking west daytime 8 foot height





Looking west daytime from
12-14 feet height





Looking west into house at dusk.
I am visible inside my bedroom





East from proposed garage
no overheight garages





Looking east towards proposed garage no over height garages on the south side of lane (right)





Nearby garage is not overheight



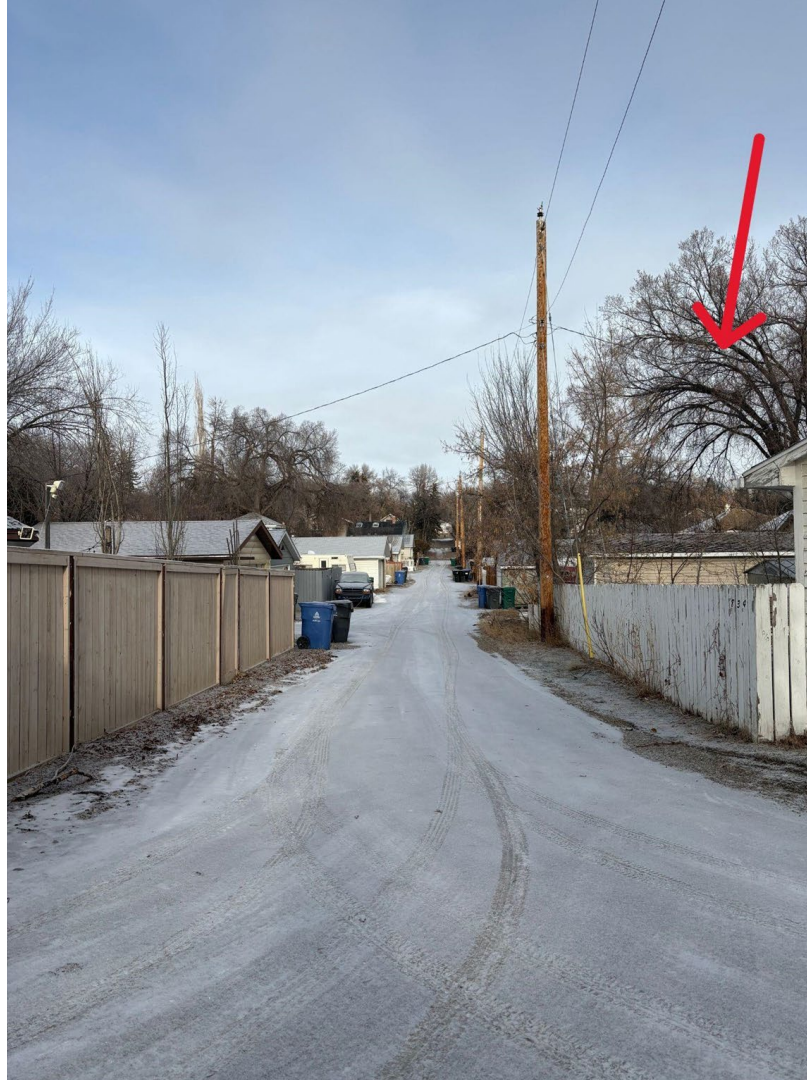


Fence west of garage
nothing over height - my fence





Looking north in lane no overheight
or 2 storey garages





Looking south in lane garage on left





Looking south in lane
towards east side





Looking south car parked in lane





East more cars parked in lane



Thank you for hearing my concerns today.