



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

February 11, 2019

Re: Appeal of Development Application No. DEV10909
Appellant: Pat Kuntz
Land Use: Low Density Residential (R-L)

Upon hearing representation made by the Development Officer, the Applicant, the Appellant, and other interested parties on Thursday, February 7 2019, 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 DEV10909 on January 2, 2019 to refuse construction of a secondary suite in the basement of an existing single detached dwelling at 1022 – 7 Street North is hereby **CONFIRMED**.

REASONS FOR DECISION:

1. The Municipal Government Act states that the Subdivision and Development Appeal Board must comply with any applicable statutory plan (Section 687(3)(a.1))
2. The Staffordville Area Redevelopment Plan is a statutory plan that states “that secondary suites are required to be above grade in consideration of surface drainage issues” (Section 2.3).

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,

David Sarsfield, Board Secretary,
Subdivision & Development Appeal Board

cc City Solicitor
Development Officer
Appellants/Neighbouring Property Owners



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**APPLICATION NO.
DEV10909**

Land Use Bylaw 5700
DEVELOPMENT APPLICATION DECISION
Subdivision and Development Appeal Board Decision

Address: **1022 7 ST N**
Legal: 6212GP;1;44

District: R-L

Applicant: ASHCROFT MASTER BUILDER LTD
Address: 102 12 ST S LETHBRIDGE AB T1J 4S9

Phone: 403-892-1226

Development Proposed To construct a secondary suite in the basement of the existing single detached dwelling. The three required off-street parking stalls will be provided.

District R-L LOW DENSITY RESIDENTIAL

Land Use SECONDARY SUITE, NEW - DISCRETIONARY

REASONS FOR REFUSAL

In accordance with the decision of the Subdivision and Development Appeal Board on February 7, 2019, and in accordance with Policy 2.3 of the Staffordville Area Redevelopment Plan and Section 5.11.1.3 of Land Use Bylaw 5700, the application for a Secondary Suite, New is REFUSED for the following reasons:

1. Policy 2.3 of the Staffordville Area Redevelopment Plan does not allow secondary suites to be constructed below grade in consideration of surface drainage issues.
2. The approval of this application dated December 27, 2018, was therefore issued in error as it was in violation of the Policy 2.3 outlined in condition #1.

Development Approval of DEV10909 is thereby CANCELED.

Decision Date
Feb 07, 2019

Development Authority


PAM COLLING, DEVELOPMENT OFFICER

STATUTORY PLANS

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

APPEALS

A decision of the Subdivision and Development Appeal Board is final and is subject only to an appeal upon a question of law or jurisdiction pursuant to Section 688 of the Municipal Government Act, RSA, 2000, as amended.

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 5700 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 developmentsservices@lethbridge.ca.

Application No. DEV10909