



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

January 29, 2021

Re: Appeal of Development Permit No. 12542
Appellant: Karl Miekle
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, January 14, 2021, 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 Permit DEV12542 on November 26, 2020 to allow for the establishment of a Type B home occupation for an office for a precision agriculture consultant located at 77 Salish Place West is hereby **CONFIRMED**.

The following submissions were received:

1. Karl and Gwen Mielke, in favour of the appeal (both oral and written)
2. Dave and Karly Easter, in favour of the appeal (written)
3. Bev Hynes, in favour of the appeal (written)
4. Dale Steele, applicant (both oral and written)
5. Kevin Deaust, Development Officer (both oral and written)

AND UPON CONSIDERING the relevant provisions of the South Saskatchewan Regional Plan, Municipal Government Act, the Municipal Development Plan, the Land Use By-law, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows:

1. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. The Board 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 Board finds that Section 53 (Home Occupations) of Land Use Bylaw 6300 stipulates that there shall be a maximum of 6 customers per day: one at a time, by appointment only.
5. The Board finds that the Applicant will comply with the requirement that no one employed by or engaged in the home occupation who is not a permanent resident of the home shall visit for the purpose of carrying out any aspect of the home occupation.
6. 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.
7. In reviewing and weighing all the evidence, the Board therefore finds that the application does warrant approval.

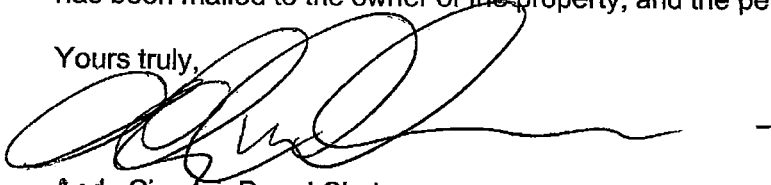
CONCLUSION:

For the reasons set out above, the appeal is denied and the decision of the Development Officer is confirmed. A development permit shall be issued.

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,



Andy Cimolai, Board Chair,
Subdivision & Development Appeal Board

cc City Solicitor
Development Officer
Appellants/Neighbouring Property Owners



**Land Use Bylaw 6300
DEVELOPMENT PERMIT**

**PERMIT NO.
DEV12542**

Subdivision and Development Appeal Board Decision

Address: **77 SALISH PL W**
Legal: 0213825;5;212

District: R-L

Applicant: STEELE, DALE
Address: 77 SALISH PL W LETHBRIDGE AB T1K 7X1

Phone:

Development Proposed To establish a Type B home occupation for an office for a precision agriculture consultant (satellite imagery to identify and map field variability to create prescription maps) Maximum 6 customers per day, by appointment only, Monday through Friday, 9:00 a.m. to 5:00 p.m.

District R-L LOW DENSITY RESIDENTIAL

Land Use HOME OCCUPATION, TYPE B - DISCRETIONARY

CONDITIONS OF APPROVAL

1. That this home occupation be conducted in accordance with Section 53 (Type B) of Land Use Bylaw 6300. (attached).
2. That a maximum of 6 customers be permitted to visit the home each day, one at a time, by appointment only. Hours of operation are: Monday - Friday. From 9am - 5pm.
3. That one off-street parking stall shall be provided and maintained for customer visits to the home. This parking stall shall not displace resident parking at the home. Parking shall be in accordance with the parking layout plan submitted.

ATTACHED;
- Section 53, LUB 6300
- Subdivision and Appeal Board Decision, Jan 29 2021 [Appeal Denied]

Decision Date
Jan 29, 2021

Development Commencement shall be within one year of the decision date



Land Use Bylaw 6300
DEVELOPMENT PERMIT

PERMIT NO.
DEV12542

Subdivision and Development Appeal Board Decision

Development Authority



KEVIN DEAUST, 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 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 developmentservices@lethbridge.ca.

Permit No. **DEV12542**

53. Home Occupations

(1) Performance Standards

		<u>Type A</u>	<u>Type B</u>	<u>Type C</u>	<u>Type D</u>
(a)	Customer or student visits:	None	Maximum of 6 customers per day: one at a time, by appointment only	Maximum of 15 students per day: no more than five at a time.	Unlimited
(b)	Minimum on-site parking spaces:	None	In addition to other required parking: 1 space. (More spaces may be required by the <u>Development Authority</u> . Spaces should not displace occupant parking.)	As required by the <u>Development Authority</u>	In addition to other required parking: 2 spaces. (More may be required by the <u>Development Authority</u> . Spaces shall not displace occupant parking.)
(c)	Supplier visits:	None	1 visit per week	1 visit per week	Unlimited
(d)	Employees:	No one employed by or engaged in the <u>Home Occupation</u> who is not a permanent resident of the home shall visit for the purpose of carrying out any aspect of the <u>Home Occupation</u> .			Max. 2 non-resident present at any one time
(e)	Visibility and/or <u>Signs</u> :	No aspect of the <u>Home Occupation</u> may be visible from outside the <u>Dwelling</u> or <u>Building</u> . <u>Signs</u> are not permitted.			Max. one <u>Fascia Sign</u> or one <u>Free-Standing Sign</u> – overhead lit only (no digital). Must be turned off between 11:00 p.m. and 7:00 a.m. Max. area 2.0m ²
(f)	Vehicles:	A vehicle used in the <u>Home Occupation</u> , that may visit or be parked at the <u>Parcel</u> , must be either:			

		a passenger vehicle, or a truck or van (excluding a cube van) with maximum one tonne capacity and 6.0m length.
(g)	Storage:	No outside storage of goods, materials or equipment is allowed.
(h)	Offensive impacts:	No offensive impacts on the Household or neighbouring Households , including but not limited to noise, dust, odour, fumes, excessive light or fire hazards, are allowed.

(2) Application Requirements:

Notwithstanding the information required for [Development Permit](#) applications described in Section 14, applicants for a [Development Permit](#) for a [Home Occupation](#) must submit:

- (a) a full description of the nature of the proposed business, including:
 - (i) number of customers, employees and supplier visits,
 - (ii) days and hours of operation,
 - (iii) number, type and storage location of any vehicles, trailers or other equipment used in the business.
- (b) if applicable, a [Site](#) plan showing available on-site and on-street parking.
- (c) any other information the [Development Authority](#) deems necessary such as a letter from the owner of a property being utilized for storage for equipment used in a [Home Occupation](#).

(3) Compliance Requirements:

- (a) Any failure to meet the conditions of the [Development Permit](#) for a [Home Occupation](#) may result in revocation of the permit.
- (b) Changes to an approved [Home Occupation](#) require the approval of the [Development Authority](#).
- (c) A [Development Permit](#) for a [Home Occupation](#) is not transferable to a new address.
- (d) A person or business to whom a [Development Permit](#) for a [Home Occupation](#) has been issued, or any successor to the permit, shall continuously comply with the requirements of Section 53 and the conditions of the [Development Permit](#).