



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

January 15, 2026

Re: Appeal of Development Application DEV 16155
Appellant: Melaina Plester
Land Use: Low Density Residential London Road R-L(L)

UPON HEARING representation made by the Development Officer, the Appellant, the Applicant and other interested parties on Thursday, January 8, 2026, it is the decision of the Subdivision and Development Appeal Board that the appeal is **DENIED** and the decision of the Development Authority regarding DEV 16155 issued on November 6, 2025, to approve an application for a 'detached garage with second storey storage space and work area' requiring a waiver to the maximum building height at 834 12A Street South is hereby **UPHELD**.

The Board received written and oral submissions from the Appellant, the Applicants and the Development Authority. The Board acknowledges and appreciates all of these submissions.

AND UPON CONSIDERING the relevant provisions of the South Saskatchewan Regional Plan, Municipal Government Act, the Municipal Development Plan, the Land Use Bylaw, London Road Area Redevelopment Plan, 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, both written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. On July 30, 2025, an application was made for the development of detached garage with a second storey storage/workspace area, requiring a waiver to the maximum height for detached garages.
3. Within the Land Use Bylaw 6300 (LUB 6300), a detached garage with a second storey is considered a permitted use.
4. The proposed development required a 1.22 m height waiver to the prescribed 5.18 m maximum height requirement for detached garages. Resultantly, the Development Authority was required to circulate the proposed development to adjacent landowners in accordance with LUB 6300.

5. Submissions were received from adjacent landowners noting concerns regarding privacy, window placement, intended use, height, and increased traffic in the area.
6. Due to proximity of the proposed development to overhead high-voltage powerlines, Electric Design requested an increased rear setback of 1.5 m to ensure adequate separation distance.
7. The Applicant supplied updated drawings reflecting the increased rear setback requirement, the location of the three (3) required off-street parking spots, the removal of deck, the relocation of the stairs to the interior of the structure, and an overall increase in height.
8. Due to the increased height in the updated drawings, the Development Authority was required to recirculate the application to neighbouring properties and Electric Design. Resultantly, Electric Design required an increased rear setback of 2.0 m to ensure adequate separation distance between the subject development and the overhead powerlines.
9. The Applicant submitted updated drawings reflecting the 2.0 m rear setback requirement, and on November 6, 2025 Development Permit 16155 was issued.
10. On December 5, 2025, the Appellant, who is an adjacent landowner located directly west from the subject property, submitted a Letter of Appeal based on the following reasons:
 - a. Intended use of upper floor,
 - b. Privacy and enjoyment of neighbouring property,
 - c. Increased traffic in rear lane, and
 - d. Building height and scale.
11. Concerns were raised regarding the placement of windows on the proposed development resulting in the Appellant's perceived loss of privacy. Other concerns regarding increased traffic in the rear lane were discussed.
12. Within LUB 6300, a detached garage with a second storey storage/workspace area is considered a permitted use whereby the maximum height is 5.18 m.
13. Pursuant to LUB 6300 Sections 22(2) and 22(4)(c), the Development Authority is authorized to approve unlimited height waivers if the resulting 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.
14. In reviewing and weighing all the evidence, the Board therefore finds that the appeal does not merit approval, and the decision of the Development Authority to approve the application to be upheld for the following reasons:

- a. The Board confirms that the intended use of the second storey of the proposed development is for storage/workspace area, which is a permitted use.
- b. Subject to Section 22(4)(c), the Board finds that the Development Authority is authorized to grant an 'unlimited waiver of maximum building height'.
- c. The Board acknowledges the concerns raised by the Appellant. However, given the prevailing pattern of development in the neighbourhood, the Board does not agree that the proposed development is unreasonable or inappropriate for the area.
- d. Finally, the Board finds that there are no regulations regarding window placement contemplated within LUB 6300.

CONCLUSION:

For the reasons set out above, the appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**.

An appeal against the 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,



Evan Neilsen, Board Chair
Subdivision & Development Appeal Board

cc: Appellant/Neighbouring Property Owners