



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

April 1, 2026

RE: Appeal of Development Application DEV 16503

Appellant(s): Davide Orlandini, Landowner
Nico Pasquotti, Appellant Representative

Respondent(s): Leda Kozak Tittsworth, Development Officer, City of Lethbridge
Angie Olsen, Development Manager, City of Lethbridge

Subject Property: 3 MT Sundial Bay West

Land Use: Low Density Residential R-L

Hearing Date: Thursday, March 19, 2026 at 5:00 PM

Board Members: Evan Neilsen, Chair
Amanda Berg
Troy Roberts
Stephen Tomes
Garry Roth

DESCRIPTION OF APPLICATION

1. The subject property (3 MT Sundial Bay West) is owned by Mr. Davide Orlandini and is designated Low Density Residential (R-L) under the City of Lethbridge Land Use Bylaw 6300 ("LUB"). In accordance with the LUB, the subject application (DEV 16503) is considered a Discretionary Use.
2. On February 18, 2026, application DEV 16503 for the construction of a Single Detached Dwelling and Secondary Suite at the subject property, was refused by the Development Authority as follows:
The existing community of Sunridge is not in keeping with the density calculations of the Outline Plan. One additional unit will have a negative impact on the area which is already over density.

INFORMATIVE:

Sunridge Outline Plan allowed for 710 dwelling units. Existing units in the subdivision is now 818, therefore Sunridge has 108 more dwelling units than originally planned for in the Outline Plan.

3. The appeal before the Subdivision and Development Appeal Board was submitted on March 9, 2026, on behalf of the landowner, Mr. Orlandini (Appellant).

PROCEDURAL HISTORY:

4. The Chair called the hearing to order on March 19, 2026 at 5:00 PM in Council Chambers of City Hall, 910 – 4 Avenue South, Lethbridge, AB.
5. There were no objections to any of the Board members in attendance.
6. In advance of the hearing, Mr. Orlandini advised the SDAB Clerk that he would not be able to attend the hearing. Mr. Orlandini did not request a postponement and advised the Clerk that Mr. Nico Pasquotti would be present at the hearing to speak on his behalf.
7. At the conclusion of the Hearing, the Chair inquired if the Appellant Representative felt they had a fair opportunity to present to the Board, to which the Appellant Representative responded in the affirmative.
8. The Chair closed the hearing on March 19, 2026 at 5:35 PM.

DECISION:

9. The appeal is **DENIED** and the decision of the Development Authority to refuse DEV 16503 is hereby **UPHELD**.

SUBMISSIONS:

10. The Board received oral and/or written submissions from:
 - Mr. Davide Orlandini, Appellant (written submissions)
 - Mr. Nico Pasquotti, Appellant Representative (oral submissions)
 - Ms. Leda Kozak-Tittsworth, Development Officer (written and oral submissions)
 - Ms. Angie Olsen, Development Manager (oral submissions)

EVIDENCE:

11. The Board acknowledges the following documentary evidence was received prior to the hearing and form part of the record:
 - Notice of Appeal dated March 9, 2026, submitted by Mr. Dino Pasquotti on behalf of the Landowner/Appellant (pages 2-4 of agenda package)
 - Decision DEV 16503 dated February 18, 2026 (pages 5-6 of agenda package)
 - Development Authority Written Submission (pages 7-14 of agenda package)
 - Development Authority PowerPoint Presentation (pages 15-22 of agenda package)
 - Appellant PowerPoint Presentation (pages 23-34 of agenda package)

BACKGROUND AND SUMMARY OF EVIDENCE:

Development Authority

12. At the Hearing, Ms. Tittsworth referred the Board to the Development Authority's written submissions as contained in the Board Report and made the following oral presentation, summarized below.
13. The subject appeal relates to the Development Authority's decision to refuse DEV 16503 being an application to develop a new Single Detached Dwelling and Secondary Suite on the subject property, which is zoned Residential Low Density (R-L) within the LUB.
14. Ms. Tittsworth explained that pursuant to the R-L zoning, a Single Detached Dwelling is considered a Permitted Use, whereas a Secondary Suite is considered a Discretionary Use. When considering Discretionary Use applications, the Development Authority must consider whether the proposed development is appropriate and suitable within the context of the Sunridge Subdivision.
15. In 2011, the City determined that the Sunridge Subdivision had reached maximum density based on the approved transportation system within the Sun Ridge Outline Plan (OP). The proposed maximum density for the OP is 710, whereas in 2011 it was estimated that the existing density was 818, including 20 approved secondary suites.
16. Upon determining that the Sunridge Subdivision was in excess of the maximum density, a final 13 Secondary Suites were allowed to be developed to ensure the developer could meet commitments to home builders. Since 2011, no further secondary suites have been approved within the Sunridge Subdivision.
17. Ms. Tittsworth stated that any additional Secondary Suites would have a negative impact on the Sunridge Subdivision. Further, Ms. Tittsworth noted that any previous applications for secondary suites received after 2011 were either denied, withdrawn or cancelled.
18. In January 2024, the Appellant contacted the Development Authority to discuss potential development of the subject property. At this time, the Appellant was advised that an application for a Secondary Suite on the subject property would not be supported due to existing over-development of the Sunridge Subdivision.
19. Ms. Tittsworth stated that discretionary uses are not guaranteed and therefore must be reviewed and decided upon within the context of the existing developed community.
20. The application was therefore refused for the following reason:
 - *The existing community of Sunridge is not in keeping with the density calculations of the Outline Plan. One additional unit will have a negative impact on the area which is already over density.*

INFORMATIVE:

Sunridge Outline Plan allowed for 710 dwelling units. Existing units in the subdivision is now 818, therefore Sunridge has 108 more dwelling units than originally planned for in the Outline Plan.

Appellant

21. Mr. Nico Pasquotti (Appellant Representative) referred the Board to the Appellant's written submission and described the proposed development, including the architectural features, location of Secondary Suite, and allocation of off-street parking stalls, to illustrate the compatibility of the proposed development with existing dwellings in the area.
22. Mr. N. Pasquotti explained that the Development Authority had failed to prove that the proposed development would have a measurable negative impact on the Sunridge subdivision.
23. Mr. N. Pasquotti stated that there was confusion regarding the 13 secondary suites that were allowed to be constructed even after it was determined that the OP maximum density had been exceeded. Mr. Pasquotti argued that since this was the last undeveloped lot within the subdivision, no practical precedent would be set by approving this Secondary Suite.
24. Further, Mr. N. Pasquotti noted that since the Development Authority had previously approved Secondary Suites beyond what is prescribed within the OP, it was apparent that the OP was not a binding document.
25. Mr. N. Pasquotti acknowledged that Mr. Orlandini, the landowner, at the time of purchasing the property, was aware of the zoning and was advised that the proposed use would be subject to development restrictions. However, Mr. Pasquotti explained that Discretionary Use applications should be evaluated on their own merit and should not necessarily be automatically refused.

REASONS:

26. The Board reviewed all evidence and arguments, both written and oral, submitted by the parties and focused on key evidence and arguments in outlining its reasons.
27. The Board, in its evaluation, considered the context of the proposed discretionary use having regard to sound planning considerations, the merits of the application and the evidence presented. The Board considered the Municipal Government Act ("MGA"), South Saskatchewan Regional Plan ("SSRP"), City of Lethbridge Municipal Development Plan ("MDP"), the Land Use Bylaw 6300 ("LUB"), the Mountain Heights/RiverStone/River Bend Area Structure Plan ("ASP"), the Sun Ridge Outline Plan ("OP"), any applicable Statutory Plans, and the circumstances and merits of this case.

28. In January 2024, the Development Authority advised the Appellant that applications for a Secondary Suite would not be supported within the Sunridge Subdivision OP.
29. Within the LUB, Section 4 Definitions, a Secondary Suite is defined as “*a second self-contained Dwelling Unit located on a Parcel in which the Principal Use is a Single Detached Dwelling. A Secondary Suite may take the following forms: House Suite: A suite incorporated into a Single Detached Dwelling and may be located in the Basement, on the Main Storey or on an upper Storey or a combination thereof [...].*”
30. Within the LUB, Section 4 Definitions, Discretionary Use is defined as “*a use of Land or Buildings in a District for which a Development Permit may be issued, with or without conditions, at the discretion of the Development Authority.*”
31. In accordance with the LUB, Section 86(3)(g), Low Density Residential (R-L) District, Secondary Suites are considered a Discretionary Use.
32. Further, the LUB Section 86(4) prescribes the maximum density for the R-L District as 25 Dwelling Units/hectare. It was noted that the Sunridge Subdivision currently exceeds the maximum density provided for within the LUB and OP, and therefore no further Discretionary Secondary Suites can be approved.

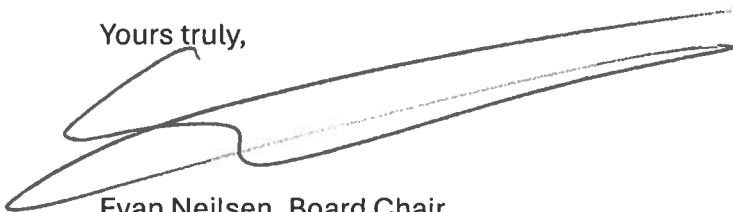
CONCLUSION:

For the reasons set out above, the appeal is **DENIED** and the decision of the Development Authority to Refuse DEV 16503 is **UPHELD**.

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: Davide Orlandini, Appellant
Nico Pasquotti, Appellant Representative
Leda Kozak-Tittsworth, Development Officer
Angie Olsen, Development Manager