



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

January 30, 2024

Re: Appeal of Development Application DEV14862
Appellant: Rita Law
Land Use: Low Density Residential (R-L)

UPON HEARING representations made by the Development Officer, the Appellant, and other interested parties on Thursday, January 11, 2024, it is the decision of the Subdivision and Development Appeal Board that the appeal is **UPHELD** and the decision of the Development Authority regarding Development Application DEV14862 on December 28, 2023 to approve a fence height waiver in the front yard is hereby **OVERTURNED**.

The Board received written and oral submissions from the Appellant, the Development Authority and from numerous other interested parties. 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 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. Application was made for a 1.0 metre waiver for the front section of the corner of McMaster Boulevard and Temple Boulevard to allow a 2.0 metre high fence.
3. A waiver was required for a 18.29 metre section of the fence in the front yard, with the remaining sections of the fence complying with the requirements of the Land Use Bylaw.
4. The City Transportation Engineer submitted that there were no issues with the sight lines at that location.
5. The Board reviewed front yard fence heights of neighbouring properties. No properties were identified that had similar fence height waivers.
6. The traffic volumes for both McMaster Boulevard and Temple Boulevard West were identified by the appellant and other parties as high.

7. In reviewing and weighing all the evidence, the Board therefore finds that the appeal does merit approval, and the decision of the Development Authority to approve the application to be overturned for the following reasons:

- a. Consistency with the neighbourhood and its aesthetics; and
- b. Traffic intensity of McMaster Boulevard and Temple Boulevard.

CONCLUSION:

For the reasons set out above, the appeal is approved and the decision of the Development Authority is overturned.

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,



Jason Shriener, Board Chair,
Subdivision & Development Appeal Board

cc Appellant/Neighbouring Property Owners