



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

April 20, 2021

Re: Appeal of Development Application 12679
Appellant: Kevin Sutherland
Land Use: Comprehensively Planning Low Density Residential (R-CL)

Upon hearing representation made by the Development Officer, the Appellant, and other interested parties on Thursday, April 15, 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 Application 12679 on February 26, 2021 to refuse the establishment of a Type A home occupation for a silk screening business located at 768 Moonlight Crescent West is hereby **CONFIRMED**.

The following submissions were received:

1. Kevin Sutherland, applicant and appellant (both oral and written)
2. Warren Cowan, neighbor against the development (written)
3. Joshua Bourelle, 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 not in compliance with Land Use Bylaw 6300.
3. The Board notes that the Type A home occupation is a permitted use, Type B and C home occupations are a discretionary use.
4. The Board finds that Section 53 (Home Occupations) of Land Use Bylaw 6300 stipulates that all home occupations shall have "no offensive impacts on the Household or neighbouring Households, including but not limited to noise, dust, odour, fumes, excessive light or fire hazards."
5. The Board finds that the used chemicals cannot be discharged into the sewer system.
6. The Board finds that the proposed use is not appropriate in a residential district.
7. 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 inappropriate for the site.
8. In reviewing and weighing all the evidence, the Board therefore finds that the application does not merit approval.


CONCLUSION:

For the reasons set out above, the appeal is denied and the decision of the Development Officer is confirmed.

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,



Cheryl Meheden, Board Chair,
Subdivision & Development Appeal Board

cc City Solicitor
Development Officer
Appellants/Neighbouring Property Owners