



CITY OF *Lethbridge*

Office of the City Clerk

August 24, 2018

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The appeal against the issuance of Development Permit DEV10469 for the construction of a new foundation under the existing single detached dwelling and a request for setback waivers at 819 – 8 Avenue South will reconvene on Thursday, August 30, 2018 at 5:00 p.m.

DATE: Thursday, August 30, 2018
TIME: 5:00 p.m.
LOCATION: Council Chambers, Main Floor, City Hall
910 – 4 Avenue South

As before, persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to **five minutes**.

All of the submissions that have been received to date are available on the City of Lethbridge website by clicking on "Agenda" for SDAB # 2018-05 located on the following weblink:

<https://www.lethbridge.ca/Doing-Business/Planning-Development/Planning/Pages/SDAB.aspx>

This includes the following:

- Notice of Hearing
- Letter of Appeal
- Development Permit
- Drawings
- Voluntary Waiver
- Parcel Map
- Development Officer Submission
- Appellant Submission
- Appellant Pictures
- Landowner Submission
- Absolute Foundations Submission
- Development Permit Application
- Landowner Pictures
- Citations from the Municipal Government Act and the Land Use Bylaw



CITY OF
Lethbridge

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB, no later than 12:00 noon on the Wednesday prior to the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 403 329 7329 if you have any questions.

Yours truly,

David Sarsfield
Board Secretary,
Subdivision and Development Appeal Board



CITY OF
Lethbridge

Office of the City Clerk

August 8, 2018

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed on the approval of the Development Officer to construct a new foundation under the existing single detached dwelling and a request for setback waivers at 819 – 8 Avenue South, Development Permit DEV10469.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 200 feet or 60 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property, the applicant of the development permit, the Community Association and the person(s) who filed the appeal will also receive a copy of this letter.

The Subdivision and Development Appeal Board (SDAB) will hold a Public Hearing as follows:

DATE: Thursday, August 23, 2018
TIME: 5:00 p.m.
LOCATION: Council Chambers, Main Floor, City Hall
910 – 4 Avenue South

Persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to five minutes.

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB, no later than 12:00 noon on the Wednesday prior to the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 403 329 7329 if you have any questions.

Yours truly,

David Sarsfield
Board Secretary,
Subdivision and Development Appeal Board



CITY OF
Lethbridge

NOTICE OF A SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

DATE: Thursday, August 23, 2018

PLACE: Council Chambers, 1st Floor
City Hall - 910 - 4th Avenue South

TIME: 5:00 p.m.

AGENDA:

1. CALL TO ORDER

PRESENTATIONS:

- 2.1 5:00 p.m.
SDAB No. 2018-05
APPEAL OF DEVELOPMENT PERMIT 10469

Appellant: Pollock & Company
Address: 819 – 8 Avenue S

To construct a new foundation under the existing single detached dwelling and a request for setback waivers

**Land Use District: R-L (London Road) (Low Density Residential
London Road District)**



P.O. BOX 1386 DENNIS L. POLLOCK*
SUITE 200, 434 - 7TH ST. S. ROCKWELL D. POLLOCK
LETHBRIDGE, AB T1J 4K1 DUSTIN PATZER
GENERAL PRACTICE OF LAW

PH: 403-329-6900 CARDSTON BRANCH
FAX: 403-327-9790 PH: 403-653-4606
E-MAIL: dlplaw@lawpollock.com

August 2, 2018

Subdivision and Development Appeal Board

2nd Floor 910 – 4 Avenue South,
Lethbridge, T1J 0P6

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AUG 02 2018

OFFICE OF THE
CITY CLERK

ATTN: Secretary of the Subdivision and Development Board

To Whom It May Concern:

RE: Laurie Hall and Vernon Oliver - Property Encroachment/Damage

Further to the above noted matter and the issuance of Permit No. DEV10469 ("DEV10469"), this correspondence is to provide notice that Laurie Hall and Vernon Oliver (the "Appellants") appeal the issuance of 469 under 6.1.1.2 of the *City of Lethbridge Land Use Bylaw 5700* ("Land Use Bylaw"), and s.685(2) of the *Municipal Government Act, RSA 2000, c M-26* (the "*Act*").

Pursuant to s.686(1)(b) of the *Act*, the Appellants raise the following grounds of appeal:

1. To the best knowledge of the Appellants, neither Kirk Maragh ("Maragh") nor 1611653 Alberta Ltd. ("653"), operating as Absolute Foundations ("Absolute Foundations"), have a City of Lethbridge Business Licence issued pursuant to the *Lethbridge Licence Bylaw*, and as such, neither Kirk Maragh nor Absolute Foundations had, nor has, lawful authority to undertake, nor continue, DEV10469 pursuant to *Lethbridge Licence Bylaw* s 3.01.
2. Maragh and/or Absolute Foundations commenced the work contemplated by DEV10469 prior to obtaining a lawful development permit to engage in such work in violation of s.683 of the *Act* and s.4.1 of the Land Use Bylaw.
3. To the best knowledge of the Appellants, Maragh and/or Absolute Foundations obtained DEV10469 through fraud, misrepresentation, and/or failure to disclose relevant and material information. To the best knowledge of the Appellants Maragh intentionally failed to



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FAX: 403-327-9790 PH: 403-653-4606
E-MAIL: dlplaw@lawpollock.com

disclose to the Development Officer that as part of the work contemplated by DEV 10469 that Maragh and/or Absolute Foundations had improperly, and significantly, encroached upon, damaged, and removed property belonging to the Appellants, such encroachment, damage and removal being the excavation of land lawfully owned by the Appellants, and such lands being required for the proper support of structures and developments on the Appellants lands, and the Appellants lands, structures, and developments suffering damage from, but not limited to, and as a direct result of the actions of Maragh and/or Absolute Foundations; subsistence issues and exposure to the elements.

4. In the alternative, the Development Officer knew or ought to have known of the activities by Maragh and/or Absolute Foundations, as detailed in paragraph 3 of this Notice of Appeal, and should not have issued DEV10469. In the further alternative, the Development Officer should not have issued DEV10469 without further conditions as detailed at s.5.5.2.4 and s.5.5.2.5 of the *Land Use Bylaws*. In the further, further alternative, the Development Officer, upon becoming aware, or further aware, of the activities of Maragh and/or Absolute Foundations as described in paragraph 3 of this Notice of Appeal, should have suspended or cancelled DEV10469 pursuant to s.5.11.1.1, s.5.11.1.2, or s.5.11.1.4, or s.8.1.1 of the *Land Use Bylaws*.
5. To the best knowledge of the Appellants, the application for DEV10469 failed to comply with the following sections of the *Land Use Bylaws*:
 - a) 4.3.1.1
 - b) 4.3.2
 - c) 4.3.3.4
 - d) 4.3.3.5
 - e) 4.3.3.7 – The Development Officer failed to require information as to the method and procedure for the proposed project given the extensive and complex nature of



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LETHBRIDGE, AB T1J 4K1 DUSTIN PATZER
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E-MAIL: dplaw@lawpollock.com

the project. Such failure to be significantly aggravated if the Development Officer is found to have known, prior to the granting of DEV10469, about the activities of Maragh and Absolute Foundations as described at paragraph 3 of this Notice of Appeal.

6. Despite the Development Officer having, or ought to have had, knowledge of the activities of Maragh and Absolute Foundations, as described at paragraph 3 of this Notice of Appeal, the Development Officer provided no notice to the Appellants of the application for DEV10469. Further, the Development Officer approved the application for DEV10469 on the same day that it was received.

Respectfully,

POLLOCK & COMPANY


PER:
DUSTIN A. PATZER
Member of the Law Society of Alberta

DAP/EA



**Land Use Bylaw 5700
DEVELOPMENT PERMIT**

**PERMIT NO.
DEV10469**

Address: **819 8 AVE S**
Legal: 4421FT;;32

District: R-L(L)

Applicant: ABSOLUTE FOUNDATIONS
Address: 420 34 ST S LETHBRIDGE AB T1J 4H8

Phone: 403-635-3242

Development Proposed To undertake foundation repair and relocate dwelling and a request for a short front setback waiver along 8th Avenue South, a long front setback waiver along 9th Street South, an eave projection waiver into the long front setback along 9th Street South and a west side setback waiver.

District R-L LOW DENSITY RESIDENTIAL

Land Use DWELLING, SINGLE DETACHED - PERMITTED

Waiver FRNT YRD SETBACK (LN ACCSS)-CP
FRONT YARD SETBACK (LN ACCSS)
SIDE YARD SETBACK (LN ACCSS)

CONDITIONS OF APPROVAL

1. A 3.10m (10'2") front setback waiver be granted, allowing a 2.90m (9'7") short front setback along 8th Avenue South for the single detached dwelling.
2. A 2.70m (8'11") front setback waiver be granted, allowing a 0.30m (1'0") long front setback along 9th Street South for the single detached dwelling.
3. A 0.35m (1'2") eave projection waiver be granted, allowing a 0.25m (10") eave projection into the front setback which thereby allows the eaves to be a distance of 0.05m (2") from the long front property line along 9th Street South for the single detached dwelling.
4. A 0.30m (1'0") side setback waiver be granted, allowing a 0.90m (3'0") west side setback for the single detached dwelling.
5. The development shall be in accordance with the plans submitted July 12, 2018. Any change to these plans requires the approval of the Development Officer.

Decision Date

Jul 12, 2018

Valid Date

Aug 14, 2018

Development Commencement

Provided this decision is not appealed, development shall commence:

- on or after the valid date, and
- within one year of the valid date.

Development may commence before the valid date only if the applicant has signed the "Voluntary Waiver of Claims" and is in receipt of this signed permit.



CITY OF
Lethbridge

Land Use Bylaw 5700
DEVELOPMENT PERMIT

**PERMIT NO.
DEV10469**

Development.
Authority

PAM COLLING, DEVELOPMENT OFFICER

STATUTORY PLANS

The SSRP and applicable municipal statutory plans were considered in rendering this decision.

APPEALS

The applicant has the right to appeal this decision to the Subdivision and Development Appeal Board. An appeal shall contain a statement of the grounds of appeal and shall be delivered either personally or by Registered Mail so as to reach the Secretary of the Subdivision and Development Appeal Board not later than twenty-one (21) days after the decision date indicated on the Development Permit or 'Development Permit Application - Refused' letter.

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 5700 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 developmentsservices@lethbridge.ca.

Permit No. DEV10469

RECEIVED

JUL 12 2018

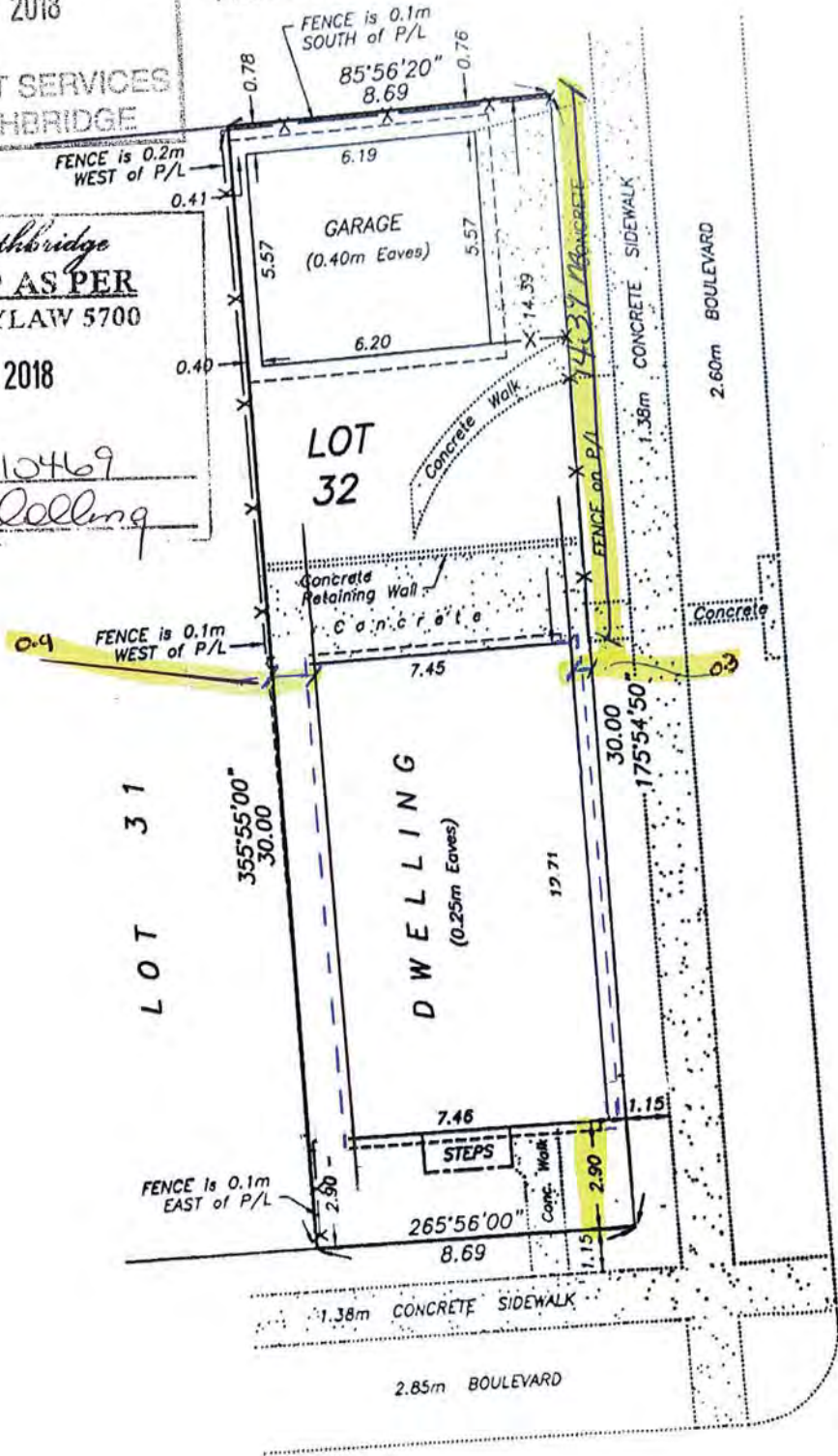
DEVELOPMENT SERVICES
CITY OF LETHBRIDGE

4.572m LANE

CITY OF *Lethbridge*
APPROVED AS PER
LAND USE BYLAW 5700

JUL 12 2018

PERMIT #: *DEV10469*
SIGNATURE: *P. Collins*



9th STREET SOUTH

2.60m BOULEVARD

2.85m BOULEVARD

8th AVENUE SOUTH

47

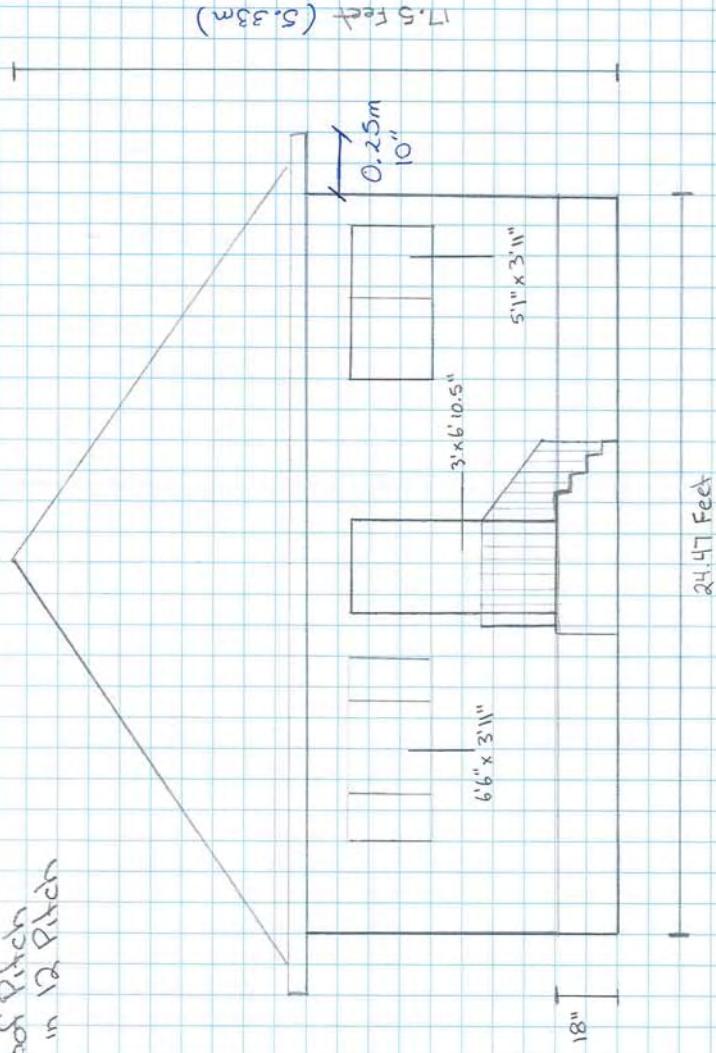
819 8 AVE South
Lethbridge, AB

Residential
Front Elevation



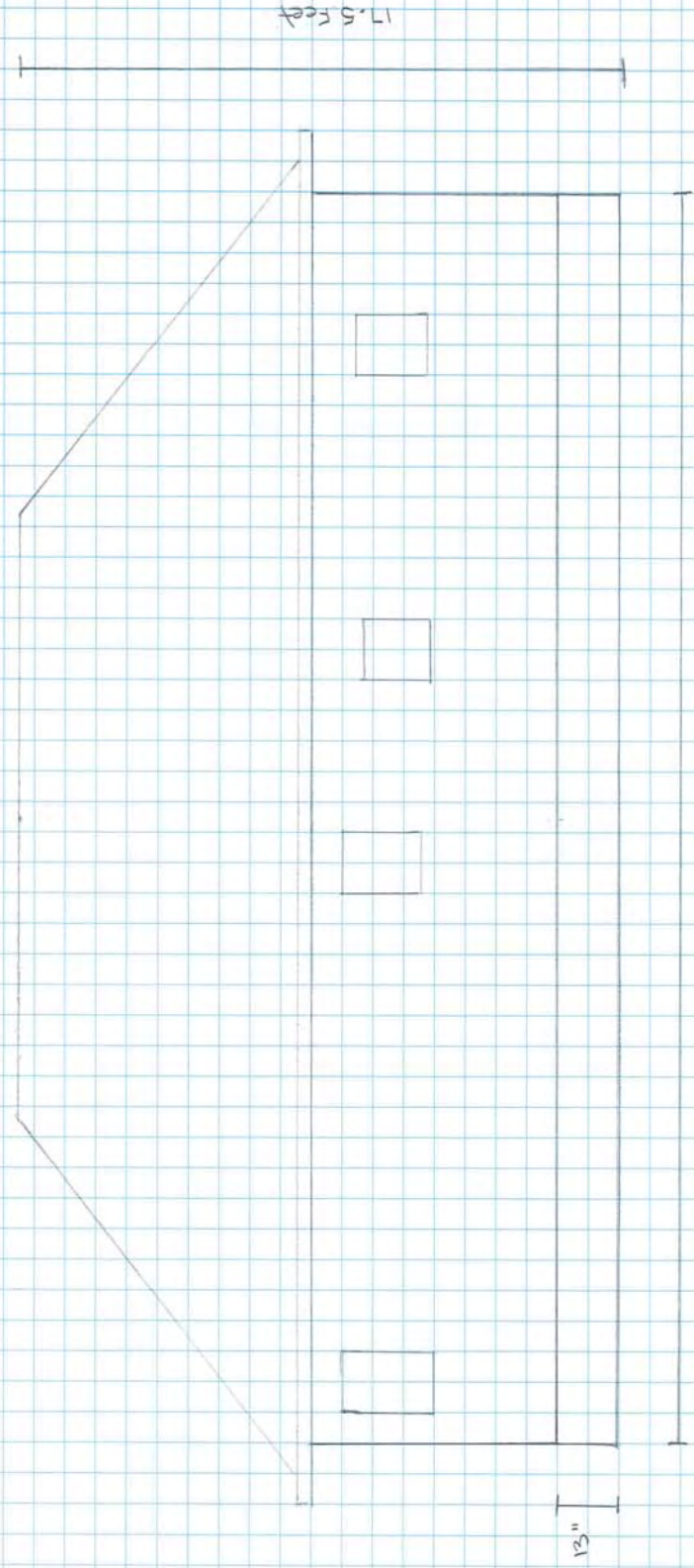
CITY OF *Lethbridge*
APPROVED AS PER
LAND USE BYLAW 5700
JUL 12 2018
PERMIT #: *DEV10469*
SIGNATURE: *P. Collier*

Roof Pitch
8 in 12 Pitch



819 BAVE SOUTH
LEATHERIDGE AFB
Residential
Side Elevation

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CITY OF *Leatheridge*
APPROVED AS PER
LAND USE BYLAW 5700
JUL 12 2018
PERMIT #: DEV10469
SIGNATURE: *P. Collins*



41.76 Feet

13"

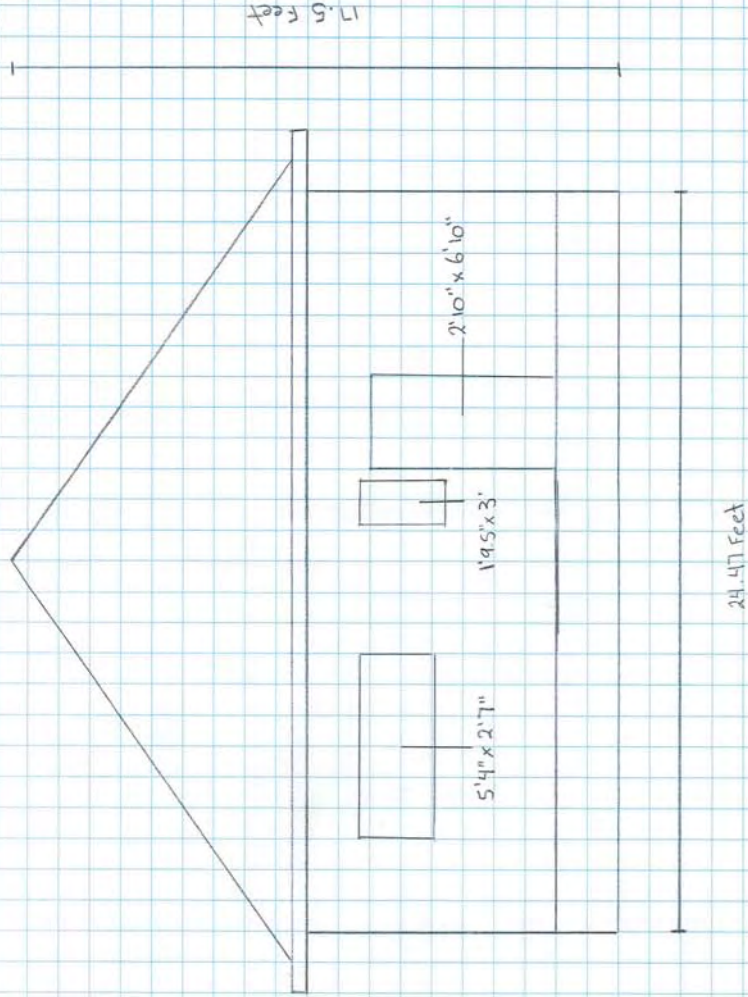
17.5 Feet

819 8 AVE South
Leithbridge, AB

Residential
Rear Elevation



CITY OF *Leithbridge*
APPROVED AS PER
LAND USE BYLAW 5700
JUL 12 2018
PERMIT #: DEV10469
SIGNATURE: *P. Collins*



City of Lethbridge

**Planning and
Development
Services**

910 - 4th Avenue South
Lethbridge, AB
T1J 0P6

General #: 403-320-3920
Inspection #: 403-320-3830
Fax #: 403-327-6571

Voluntary Waiver of Claims

DEVELOPMENT COMMENCEMENT - FORM A.1

LUB 5700, Section 5.10.1

BP 022447
DEV 10469

Project Address: _____

Unit/Bay # _____

Civic Address 819-8 Ave S.

Date: July 12/18

Access Code: _____

"VOLUNTARY WAIVER OF CLAIMS" (Optional)

For Development Approvals of Discretionary Uses and/or Approvals granting a waiver of development standards

This "Voluntary Waiver of Claims" allows you to commence your development in advance of the date of validity on your Development Permit. The permit's valid date is the date at which the appeal period for the public has expired.

By agreeing to this "Voluntary Waiver of Claims" you agree that should an appeal be made you will immediately cease the development pending the outcome of the appeal and will waive all claims to compensation from the City of Lethbridge for costs associated with that cessation and/or costs resulting from the outcome of the appeal.

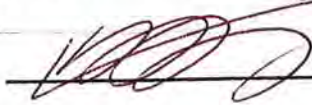
Agreement to this "Voluntary Waiver of Claims" does not nullify your own right to an appeal. You may appeal any condition of approval on the Development Permit to the Subdivision and Development Appeal Board by the date identified on your permit.

Agreement to this "Voluntary Waiver of Claims" and possession of the released Development Permit does not eliminate the need for a Business License, Building Permit or other permits. Do not commence development without first obtaining all the necessary permits.

RECEIVED
JUL 12 2018
DEVELOPMENT SERVICES
CITY OF LETHBRIDGE

I HAVE READ, UNDERSTOOD, AND AGREE TO THIS "VOLUNTARY WAIVER OF CLAIMS"

Name (Please Print) Risk Maragh.

Signature: 

Date: July 12, 2018

Version Date: December 28, 2017

Any personal information collected on this form is collected in accordance with Sections 683, 685 and 686 of the Alberta Municipal Government Act and Section 33(c) of the Freedom of Information and Protection of Privacy Act. Please note that such information may be made public. If you have any questions about the collection, use or disclosure of the personal information provided, please contact Information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or phone at (403) 320-7329.





Subdivision & Development Appeal Board

APPLICATION NO.
DEV10469

LAND USE DISTRICT
R-L(L) Low Density
Residential London
Road District

LOCATION
819 – 8 Avenue South

APPLICANT
Absolute Foundations

LANDOWNER
Donal Atkinson

PROPOSED DEVELOPMENT

To undertake foundation repair and relocate dwelling with a request for a short front setback waiver along 8th Avenue South, a long front setback waiver along 9th Street South, an eave projection waiver into the long front setback along 9th Avenue South and a west side setback waiver.

Appendix A: Drawings

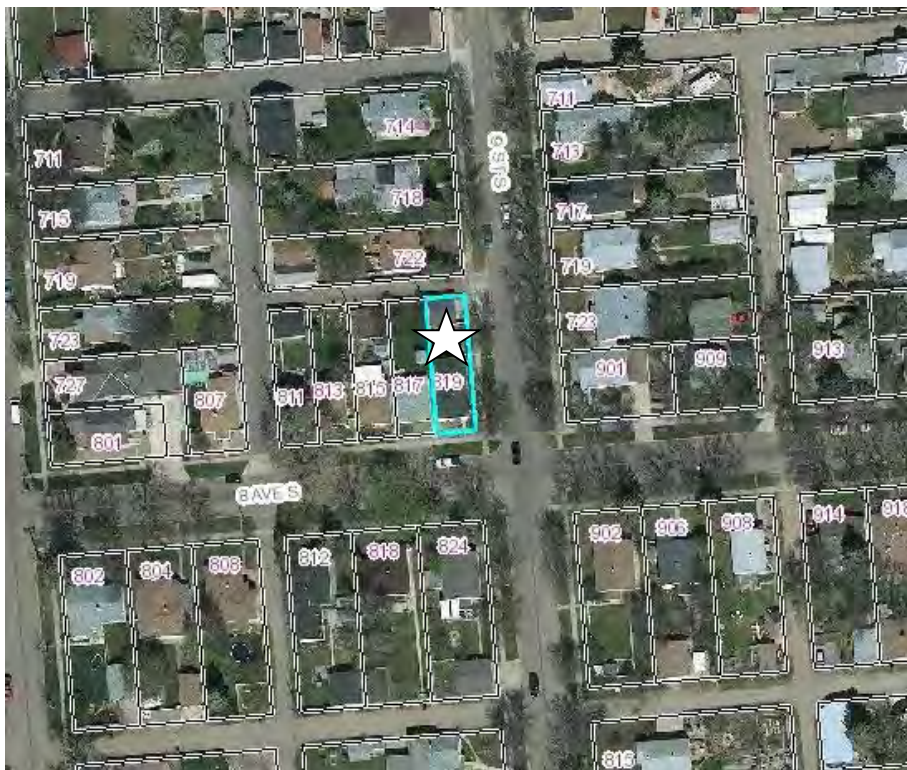
CURRENT DEVELOPMENT

Single Detached Dwelling

ADJACENT DEVELOPMENT

North	Single Detached Dwelling
South	Single Detached Dwelling
East	Single Detached Dwelling
West	Single Detached Dwelling

CONTEXT MAP





Subdivision & Development Appeal Board

EVALUATION

Background	<ul style="list-style-type: none">• An application to replace the foundation under the existing single detached dwelling was received on July 12, 2018.• Many discussions were had with the contractor prior to the application being brought in. We wanted to make sure that all necessary documentation was brought in to ensure a complete application.• Discussions surrounded the location of the existing single detached dwelling and its current non-conforming status. The dwelling currently required short front, long front and side setback waivers to bring it into compliance where it existed prior to be lifted off of the foundation.• It was determined that in the best interest of the property owner and to also benefit the neighbouring parcel, the house should be moved 0.66m (2'2") to the east from its current location as it was only 0.24m (10") from the west side property line. This would mean that it would now be 0.90m (3'0") from the west side property line versus the current 0.24m (10").• Even with relocating the dwelling on the parcel, waivers were still necessary as the house could not meet the setback requirements of today's Land Use Bylaw.• The front setback waiver was granted to keep the house in line with the other 4 houses to the west of the subject parcel.• The appellants directly to the west at 817 – 8 Avenue South received the same front setback waiver when they applied to construct their new single detached dwelling.• The dwelling is the current home for the property owners who are now unable to live there and are forced to find alternative accommodations. I am sure that they would like to resolve this matter as soon as possible so that they are able to get back into their home.
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Subdivision & Development Appeal Board

LAND USE BYLAW SUMMARY

Use: Single Detached Dwelling

Permitted

	Requirement	Approved	Waiver Granted
Height	10.00m maximum	5.33m	N/A
Setbacks			
Front	6.00m minimum	2.90m	3.10m
Front (Corner)	3.00m minimum	0.30m	2.70m
Side #1	1.20m minimum	14.39m	N/A
Side #2	1.20m minimum	0.90m	0.30m
Eave Projection	0.60m maximum	0.25m	0.35m

Context	This application is before the Board as: <ul style="list-style-type: none">• the approval has been appealed.
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Subdivision & Development Appeal Board

Considerations

Building Location

- According to Section 8.3.6 of Land Use Bylaw 5700, a non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - As may be necessary to make it a conforming building, or
 - As the Development Officer considers necessary for the routine maintenance of the building.
- Waivers had to be granted no matter where the dwelling was placed on this parcel as there was no way for this dwelling to meet the setback requirements of today's Land Use Bylaw.
- The waivers were granted to benefit both the owners of the subject parcel as well as the neighbouring property owners to the west (appellants).
- There would be a distance of 2.26m (7'5") between this dwelling and the dwelling on the parcel to the west versus the 1.60m (5'3") that it is or could be if it is not moved toward the east.
- If the waivers are not granted, the house will be placed back in its original location at a distance of 0.24m (10") from the west side property line.

Lawyer's Concerns

- Absolute Foundations has had a valid City of Lethbridge business license since 2011. This year's license was paid for on January 3rd.
- The contractor (Absolute Foundations) started excavating around the dwelling to prepare for a new foundation. Neither Development approval nor a building permit are required to excavate and prepare a site. Development approval and a Building Permit were issued prior to any actual reconstruction.
- The issuance of a Development Permit cannot be held up nor refused due to alleged damage from one private property owner to another. Damage to private property by another private property owner is not the responsibility of the City of Lethbridge. We cannot interfere in private property matters between private property owners. This is a matter for respective lawyers.
- A Development Permit is not required to excavate on a residential parcel. Section 5.5.2.4 applies to applications for work done in the River Valley and only indicates that conditions may be placed on an approval if necessary.



Subdivision & Development Appeal Board

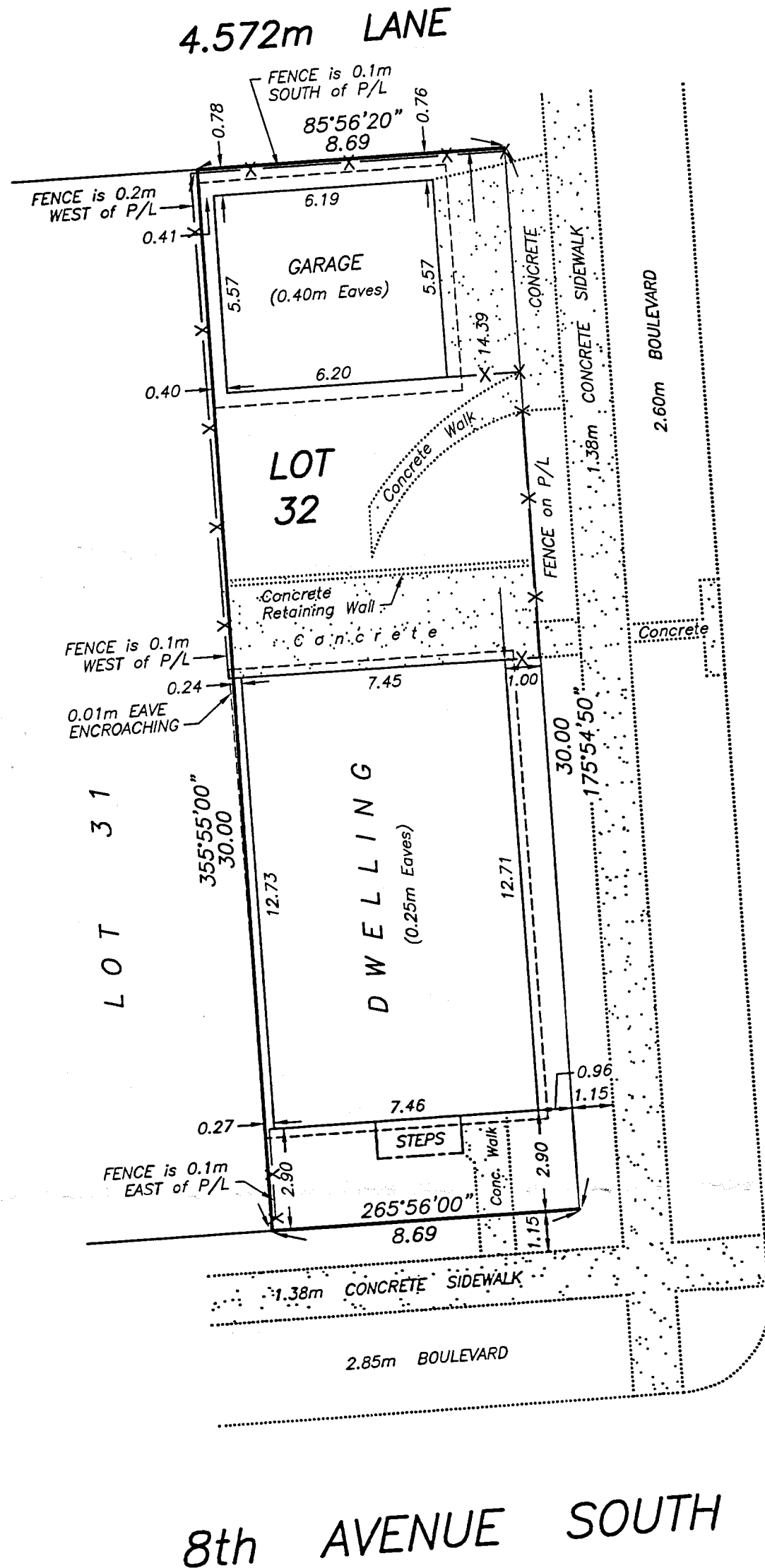
	<ul style="list-style-type: none">• A Development Agreement and/or a bond, irrevocable letter of credit or other assurances to ensure compliance are also not required for residential applications. These matters only apply to Commercial/Industrial/Multi-Family applications and only as required by the Development Officer.• All necessary documentation was provided as required to approve both the Development Permit and Building Permit.<ul style="list-style-type: none">○ Site Plan○ Site Description (Civic Address)○ Elevations Drawings○ Civil Plans are <i>not</i> required for residential applications○ Landscaping plans are also <i>not</i> required for residential applications○ Engineering was required and provided to issue the Building Permit. Engineering is not required to approve the Development Permit.• Neighbourhood notifications are not mandatory prior to making a decision regarding waivers. Neighbourhood notifications may be sent out, at the discretion of the Development Officer, when an application is thought to have a negative effect/impact on adjacent properties. The waivers granted on this application are of benefit and not hindrance to the neighbouring property to the west.• Approved Development Permits must and were advertised as required by both the Land Use Bylaw 5700 and the Municipal Government Act in the July 21st, 2018 edition of the Lethbridge Herald and on our City of Lethbridge website.
Legislation & Policy	Land Use Bylaw 5700 <ul style="list-style-type: none">• Section 1.4.3, Definitions<ul style="list-style-type: none">○ Dwelling, Single Detached• Section 8.3.6 Non-conforming Uses and Buildings• Section 14.5, R-L Low Density Residential District Integrated Community Sustainability Plan/Municipal Development Plan: <ul style="list-style-type: none">• “6.2.2 – Lethbridge is a Welcoming and Diverse City <p>The intent of these policies is to foster an environment of inclusivity and provide a welcoming community for all residents and visitors.”</p>



Subdivision & Development Appeal Board

	<p>South Saskatchewan Regional Plan 2014-2024</p> <p>5. Efficient Use of Land</p> <p>Objective:</p> <ul style="list-style-type: none">• The amount of land that is required for development of the built environment is minimized over time. <p>Strategies:</p> <p>5.1 All land-use planners and decision-makers responsible for land-use decisions are encouraged to consider the efficient use of land principles in land-use planning and decision-making.</p> <p>Principles:</p> <ol style="list-style-type: none">2. Utilize the minimum amount of land necessary for new development and build at a higher density than current practice.3. Increase the proportion of new development that takes place within already developed or disturbed lands either through infill, redevelopment and/or shared use, relative to new development that takes place on previously undeveloped lands.4. Plan, design and locate new development in a manner that best utilizes existing infrastructure and minimizes the need for new or expanded infrastructure.
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Alberta Land Surveyor's "REAL PROPERTY REPORT"



LEGAL DESCRIPTION of PROPERTY

PLAN 4421 F.T. BLOCK - LOT(S) 32

MUNICIPAL ADDRESS:

819 - 8th AVENUE SOUTH
LETHBRIDGE, ALBERTA

CLIENT:

KRUSHNEL FARRINGTON
Law Office

DATE of SURVEY 27, 08, 2003 DATE of TITLE SEARCH 13, 08, 2003

CERTIFICATION: I hereby certify that this report was prepared and performed under my personal supervision and in accordance with the Manual of Standard Practice of the Alberta Land Surveyors' Association and supplements thereto. Accordingly within those standards and as of the date of this report, I am of the opinion that:

1. the Plan illustrates the boundaries of the property, the permanent visible improvements situated thereon, registered easements, rights-of-way, and other registered instruments affecting the extent of the title to the property;
2. the improvements are entirely within the boundaries of the property;
- Except for EAVE on DWELLING which encroaches onto LOT 31 as shown.
3. no visible encroachments exist on the property from any improvements situated on an adjoining property,
4. no visible encroachments exist on registered easements, rights-of-way or other registered instruments affecting the extent of property,

PURPOSE: This Report and related plan have been prepared for the benefit of the property owner, subsequent owners and any of their agents for the purpose of (a land conveyance, support of a subdivision application, a mortgage application, a submittal to the municipality for a compliance certificate, etc.). Copying is permitted only for the benefit of these parties, and only if the plan remains attached.

Where applicable, registered easements and utility rights of way affecting the extent of the property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed during the survey for this report. The attached plan should not be used to establish boundaries due to the risk of misinterpretation or measurement error by the user.

The information shown on this Real Property Report reflects the status of this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

DATED at the CITY of LETHBRIDGE
this 29th day of AUGUST, 2003.

William Halma
WILLIAM HALMA, A.L.S.
(copyright reserved)

This document is not valid unless it bears an original signature (in blue ink).

LEGEND:

- Statutory Iron Posts Found are shown thus, ●
- Property Line is shown thus, —————
- Distances shown are in METRES,
- Dimensions are to the existing exterior cladding of the structures unless shown otherwise,
- Fences are shown thus, -X-X-X-X-
- Eaves are shown thus, ————— and are dimensioned to the line of fascia.

HALMA • SURVEYS
No. 102 - 459 MAYOR MAGRATH DRIVE S.
SANDMAN • INN • PLAZA
LETHBRIDGE, ALBERTA, T1J 3L8. Ph. (403) 329-3975

SCALE = 1:150

FILE=2003-H-255

RECEIVED

JUL 12 2018

DEVELOPMENT SERVICES
CITY OF LETHBRIDGE

CITY OF *Lethbridge*
APPROVED AS PER
LAND USE BYLAW 5700

JUL 12 2018

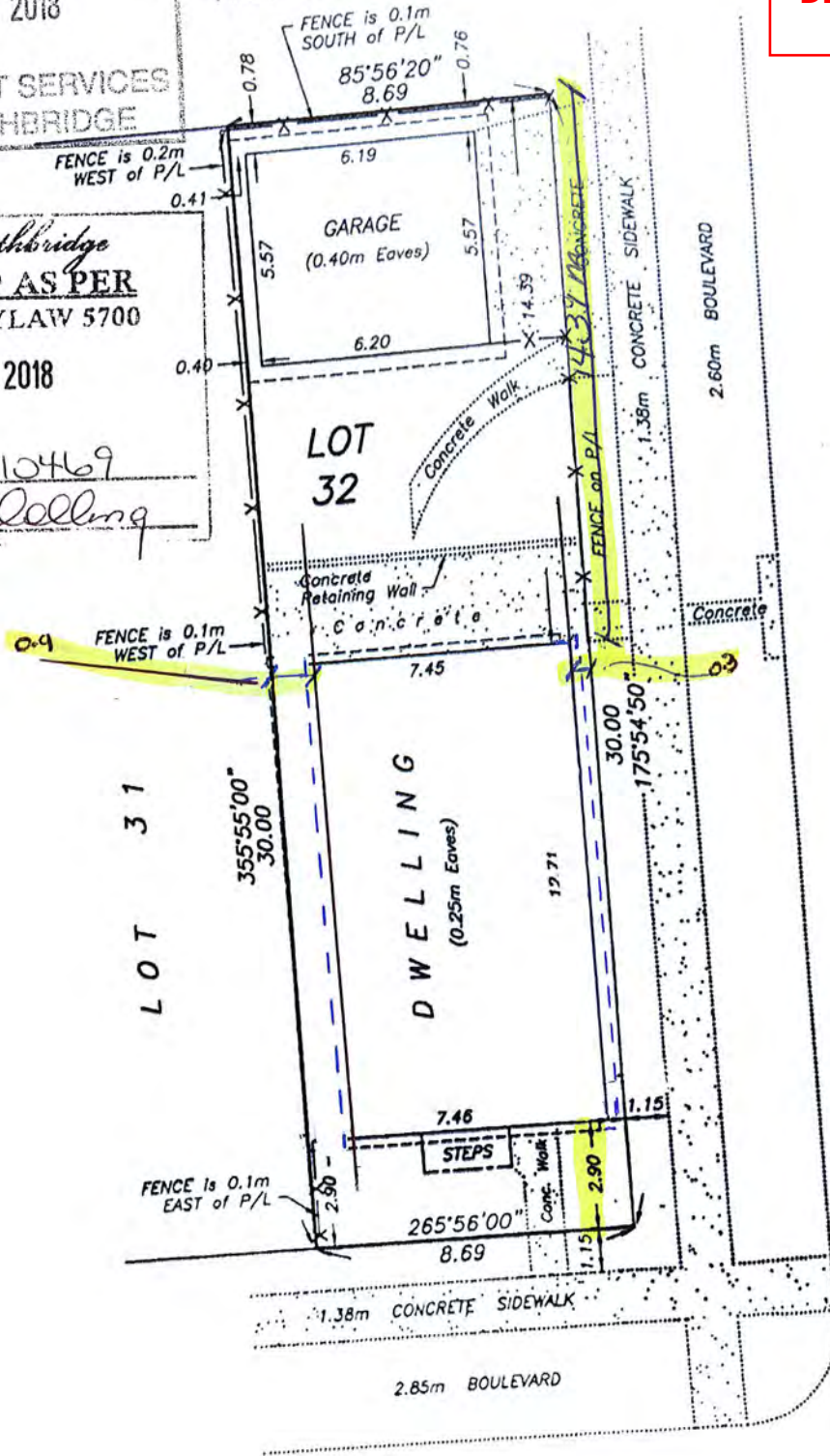
PERMIT #: *DEV10469*

SIGNATURE: *P. Collins*

4.572m LANE

APPENDIX
A.2
DEV10469

4 Z



8th AVENUE SOUTH

9th STREET SOUTH

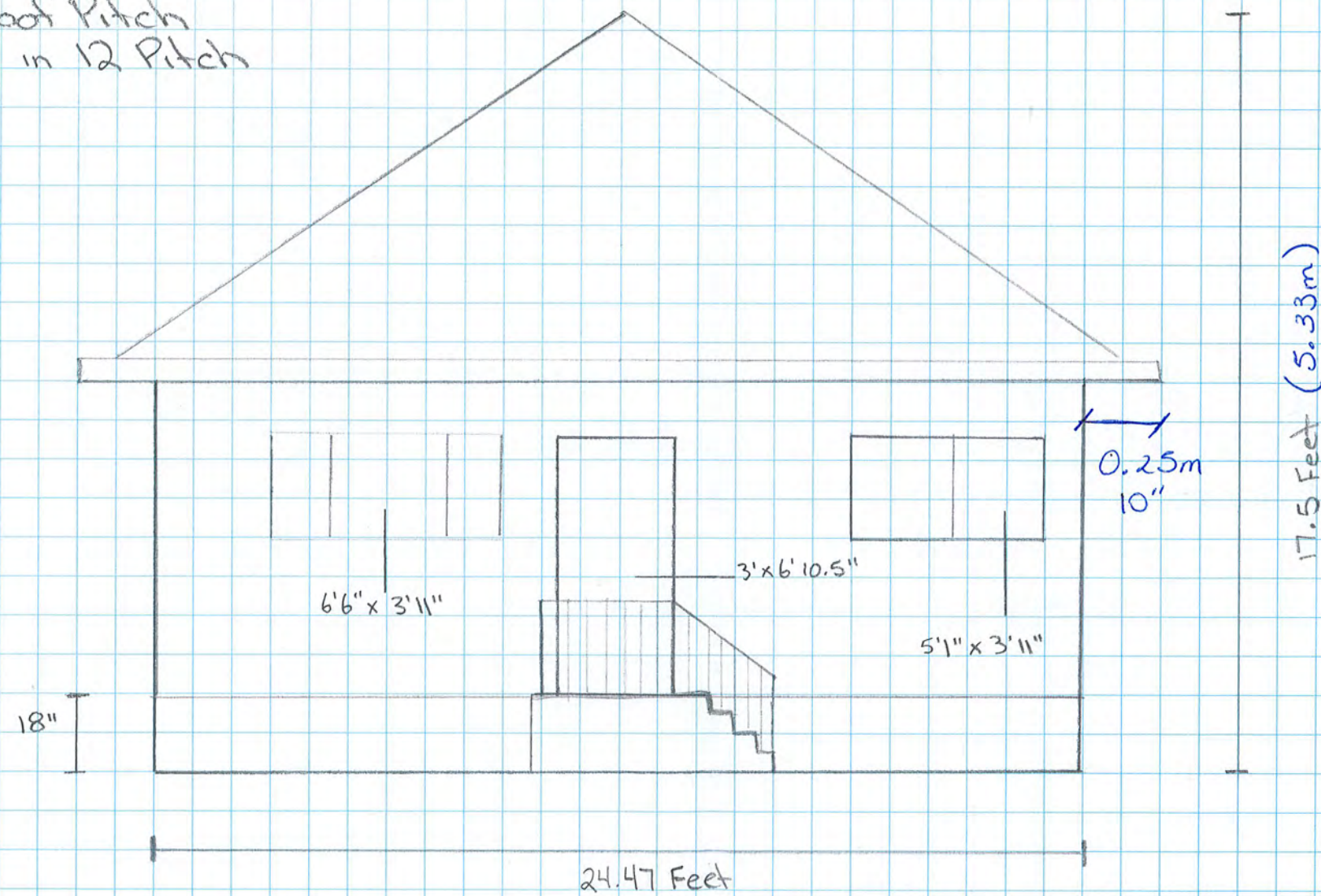
RECEIVED
JUL 12 2018
DEVELOPMENT SERVICES
CITY OF LETHBRIDGE

819 8 AVE South
Lethbridge, AB

Residential
Front Elevation

CITY OF *Lethbridge*
APPROVED AS PER
LAND USE BYLAW 5700
JUL 12 2018
PERMIT #: DEVI0469
SIGNATURE: *P. Collins*

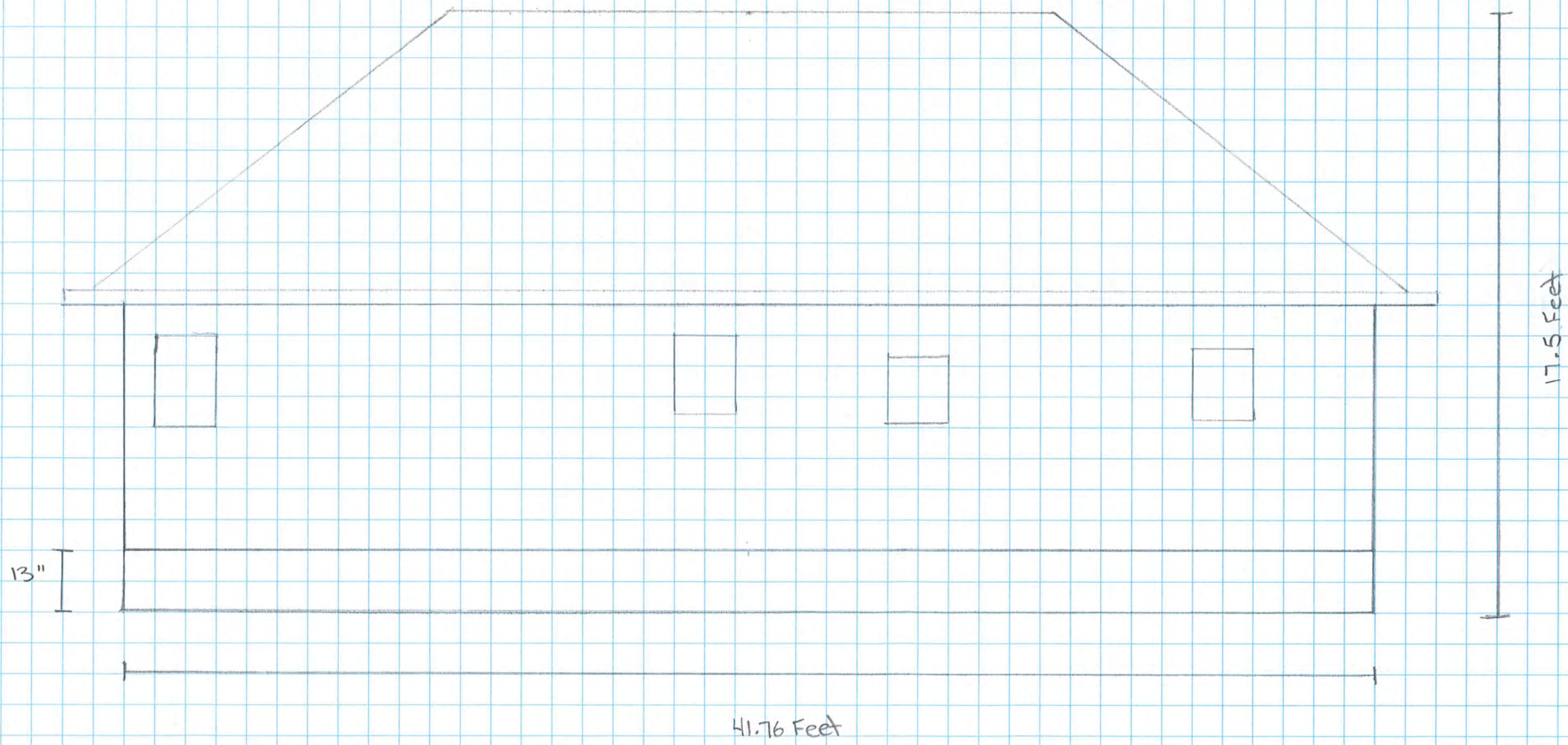
Roof Pitch
8 in 12 Pitch



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CITY OF *Lethbridge*
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LAND USE BYLAW 5700
JUL 12 2018
PERMIT #: *DEV10469*
SIGNATURE: *P. Collins*

819 8AVE South
Lethbridge, AB

Residential
Side Elevation

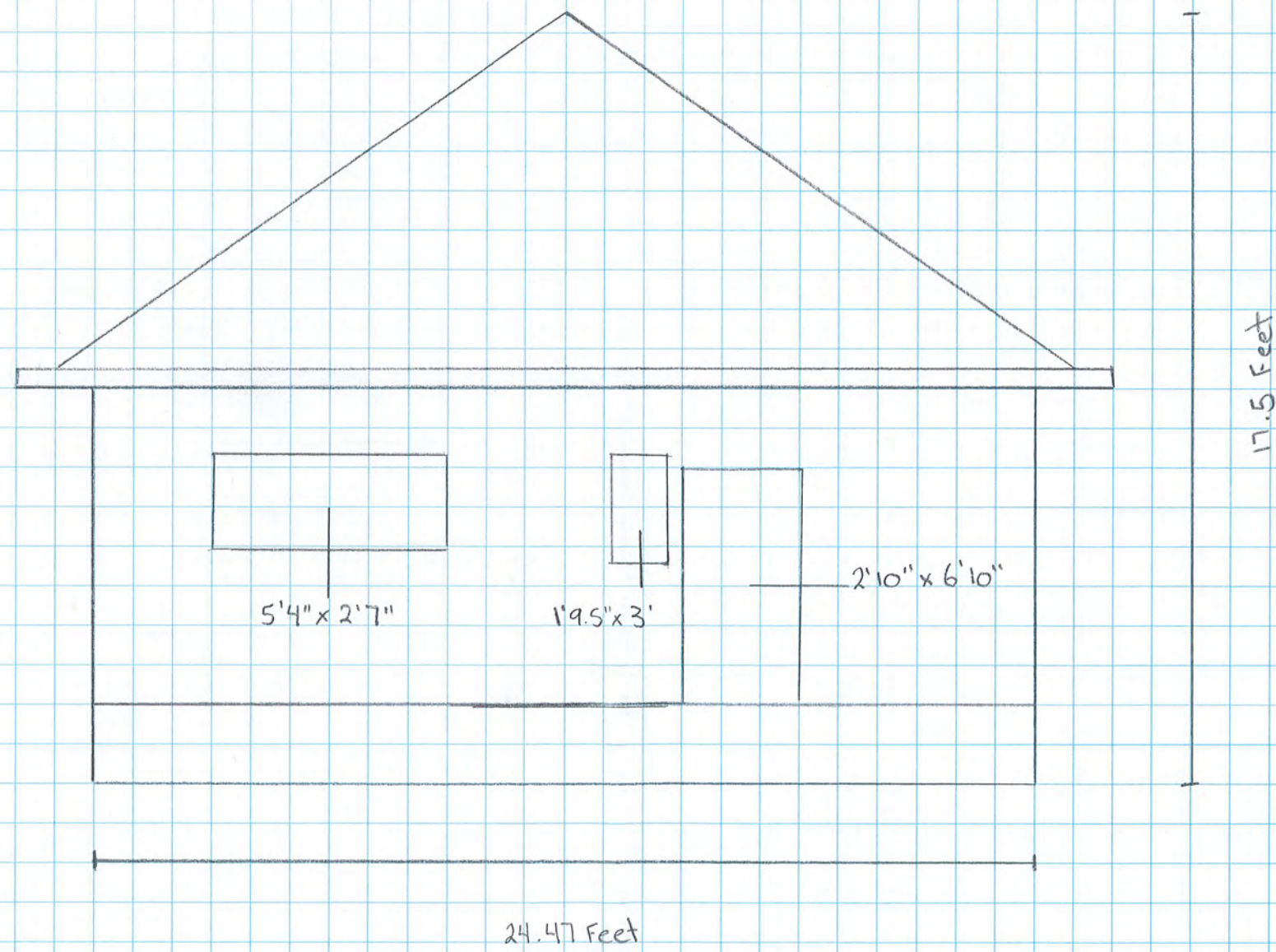


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DEVELOPMENT SERVICES
CITY OF LETHBRIDGE

819 8AVE South
Lethbridge, AB

Residential
Rear Elevation

CITY OF *Lethbridge*
APPROVED AS PER
LAND USE BYLAW 5700
JUL 12 2018
PERMIT #: DEV10469
SIGNATURE: P. Collins





Subdivision & Development Appeal Board

CONCLUSION

The application to undertake foundation repair and relocate the dwelling with a request for a short front setback waiver along 8th Avenue South, a long front setback waiver along 9th Street South, an eave projection waiver into the long front setback along 9th Avenue South and a west side setback waiver was approved with the following conditions:

1. A 3.10m (10'2") front setback waiver be granted, allowing a 2.90m (9'7") short front setback along 8th Avenue South for the single detached dwelling.
2. A 2.70m (8'11") front setback waiver be granted, allowing a 0.30m (1'0") long front setback along 9th Street South for the single detached dwelling.
3. A 0.35m (1'2") eave projection waiver be granted, allowing a 0.25m (10") eave projection into the front setback which thereby allows the eaves to be a distance of 0.05m (2") from the long front property line along 9th Street South for the single detached dwelling.
4. A 0.30m (1'0") side setback waiver be granted, allowing a 0.90m (3'0") west side setback for the single detached dwelling.
5. The development shall be in accordance with the plans submitted July 12, 2018. Any change to these plans requires the approval of the Development Officer.

5. It appears that the application for the Permit was either incomplete or improperly granted.
 - a. The *Land Use Bylaw* requires applications to provide certain information (see s. 4.3 and 14.1.7.2 of the *Land Use Bylaw*). ***The London Road Area Redevelopment Plan*** (the “***ARP***”, see **Tab 3**) specifies that development in the *ARP* boundaries is an infill development.
 - i. The *ARP*, s.14.1.7.2 of the *Land Use Bylaw*, and Appendix C at page 4 of the *Land Use Bylaws* (“Appendix C”), in relation to infill developments, increases the requirements for development permit applications, including requiring a landscaping plan that complies with the *Land Use Bylaw* (see s.5.4 generally and s.5.4.3(q-t) specifically of the *ARP*).
 1. It appears no landscaping plan was provided as required by the *Land Use Bylaw* and the *ARP*, nor was any of the information required by the *ARP* provided, including information required as to how to make the building a conforming building.
 2. It appears no grading information was provided as relates to s. 4.3 and Appendix C at page 5 regarding property grading. Appendix C, and the failure to address grading raises issues about compliance with The City of Lethbridge Lot Grading Bylaw.
 3. Appendix C, at page 6, requires the provision of a landscape plan developed in accordance with The City of Lethbridge Landscape Design Guidelines, photographs of the buildings and architectural features in the neighbourhood that served as the sources for your design, and a streetscape elevation showing the proposed building and the adjacent properties. The elevation must show the grades of all the properties. The provision of these items is mandatory. They were not provided.
 4. It appears that none of the information required by s. 14.1.7.2 of the *Land Use Bylaws* was provided.

6. The proposed development is development of a non-conforming building. As such, the Permit is improperly granted (see the email of Pam Colling to Laurie Hall from December 13, 2016 at **Tab 4**, and s. 8.3.6 of the *Land Use Bylaw*, EDIT: [and s.643(3) and (5) of the *Act*]). The proposed development does not provide the required information to determine if it will be in compliance with the *ARP* (see s. 5 of the *ARP* generally).
7. There was a failure to provide notice to owners of neighbouring properties that were, or had the potential to be materially interfered with, or to have affected the use, enjoyment, and value of same (see s.5.4.2 of the *Land Use Bylaw* and s.640(6) of the *Act*). Notice of the proposed development should have been given to the Appellants and to the London Road Neighborhood Association, as set out in the *ARP* (see s. 5.1.2(e)). See also *Thomas v Edmonton (City)*, 2016 ABCA 57 (“*Thomas*”) at paragraph 49, citing *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 “*Baker*” at para 20: “The fact that a decision is administrative and affects ‘the rights, privileges or interests of an individual’ is sufficient to trigger the application of the duty of fairness” (see **Tab 5**).
 - a. It is a violation of the principles of procedural fairness that a person affected by a decision of a Tribunal not have an opportunity to address that Tribunal.
 - i. The Development Officer was aware of the improperly commenced development and the over-excavation into the Appellant’s lands (see the email of Laurie Hall to Pam Colling on July 9, 2018, three days before the Permit was granted at **Tab 6**)). Notice should have been given to the Appellants and the London Road Neighbourhood Association.
8. The Permit should be revoked, or varied with conditions, as the development clearly materially interferes with or affects the use, enjoyment, and value of the Appellants’ neighbouring property (see s.5.4.2.2 of the *Land Use Bylaw* and s.640(6) of the *Act*). Further, the *Land Use Bylaw* and the *ARP* are to be specifically interpreted through the lens of s. 617 of the *Act*, which specifies that the granting of development permitted to achieve *orderly* and *economical* development. The conduct of Atkinson and Absolute cannot in any way be categorized as orderly or economical.

- a. It is painfully clear that the development has damaged, materially interfered with, and affected the use, enjoyment, and value of the Appellants' neighbouring property (see submitted pictures). The Permit should be revoked, or varied with conditions to prevent further damage to the Appellants' property, to repair the damage to the Appellants' property, and to make provision such that the development will not, during its' execution and afterwards, interfere with the use, enjoyment, or value of the Appellants' property. It should be a condition that Mr. Atkinson and Absolute be required to provide a plan, from an expert that is not Absolute or related to Absolute, to provide for all of the foregoing before they can execute on the new permit (see s.5.5.2 of the *Land Use Bylaw*).
 - b. It is also painfully clear that the Permit has not been conducted, in any way, in an orderly and economical manner.
9. In further regard to the Permit, if the Permit is not revoked, conditions should be attached to the Permit for the Mr. Atkinson's building and property to be brought into compliance with the *Land Use Bylaw* and the *ARP*.
10. Regarding the anticipated comments of Mr. Atkinson that the Appellants' are only engaging in delay tactics, it is was not the Appellants that engaged in excavation and supporting of a building without lawful permits to do so, and it was not the Appellants' that commenced development of such a nature prior to the expiration of the Appeal deadline for the Permit. And especially did not commence those things in advance of the Appeal deadline in full knowledge of the damage caused to the Appellants' property.
11. Regarding anticipated comments about the definition of the term 'Development' in the *Act*, the *Land Use Bylaw*, and the *ARP*, it is noted that s.13 of the *Act* specifies that where there is an inconsistency between a bylaw and the *Act*, the bylaw is of no force or effect to the extent of the inconsistency (see the *Act* at s. 13).

TAB #1



Province of Alberta

MUNICIPAL GOVERNMENT ACT

Revised Statutes of Alberta 2000
Chapter M-26

Current as of July 1, 2018

Office Consolidation

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bylaw passed under this Division is of no effect to the extent that it is inconsistent with the specific bylaw passing power.

1994 cM-26.1 s10

Relationship to natural person powers

11(1) Despite section 180(2), a municipality may do something under its natural person powers even if the thing could be done under a bylaw passed under this Division.

(2) Section 7(i) does not apply to a bylaw passed under a municipality's natural person powers.

1994 cM-26.1 s11

Division 2 Scope of Bylaws

Geographic area of bylaws

12 A bylaw of a municipality applies only inside its boundaries unless

- (a) one municipality agrees with another municipality that a bylaw passed by one municipality has effect inside the boundaries of the other municipality and the council of each municipality passes a bylaw approving the agreement, or
- (b) this or any other enactment says that the bylaw applies outside the boundaries of the municipality.

1994 cM-26.1 s12

Relationship to Provincial law

13 If there is a conflict or inconsistency between a bylaw and this or another enactment, the bylaw is of no effect to the extent of the conflict or inconsistency.

RSA 2000 cM-26 s13;2015 c8 s3

Part 3 Special Municipal Powers and Limits on Municipal Powers

Division 1 Expropriation

Expropriation powers

14(1) In this section, "organization" means any of the following organizations in which the municipality is a member or has acquired shares:

- (a) a society under the *Societies Act*;

Development Permits

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

1995 c24 s95

Development applications

683.1(1) A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

(2) An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a).

(4) If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2).

(4) This section applies on and after January 1, 2019.

2016 c24 s99

Division 5 Land Use

Land use bylaw

639 Every municipality must pass a land use bylaw.

1995 c24 s95

Protection of agricultural operations

639.1 In preparing a land use bylaw, a municipality must consider the protection of agricultural operations unless an ALSA regional plan requires agricultural operations to be protected or requires agricultural land or land for agricultural purposes to be protected, conserved or enhanced, in which case the municipality must comply with the ALSA regional plan.

RSA 2000 c21(Supp) s5;2009 cA-26.8 s83

Land use bylaw

640(1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.

(2) A land use bylaw

- (a) must divide the municipality into districts of the number and area the council considers appropriate;
- (b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,
 - (i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or
 - (ii) the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions,
 or both;
- (c) must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provision for

- (i) the types of development permit that may be issued,
 - (ii) applying for a development permit,
 - (iii) processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit,
 - (iv) the conditions that are to be attached, or that the development authority may attach, to a development permit, either generally or with respect to a specific type of permit,
 - (v) how long any type of development permit remains in effect,
 - (vi) the discretion that the development authority may exercise with respect to development permits, and
 - (vii) any other matters necessary to regulate and control the issue of development permits that to the council appear necessary;
- (d) must provide for how and to whom notice of the issuance of a development permit is to be given;
- (e) must establish the number of dwelling units permitted on a parcel of land.

(3) A land use bylaw may identify additional land as adjacent land for the purposes of section 692.

(4) Without restricting the generality of subsection (1), a land use bylaw may provide for one or more of the following matters, either generally or with respect to any district or part of a district established pursuant to subsection (2)(a):

- (a) subdivision design standards;
- (b) the ground area, floor area, height, size and location of buildings;
- (c) the amount of land to be provided around or between buildings;
- (d) the landscaping of land or buildings;
- (e) the location, height and maintenance of fences and walls;
- (f) the establishment and maintenance of
 - (i) off-street or other parking facilities, and

- (ii) loading and unloading facilities,
and any other similar matters;
 - (g) the design, character and appearance of buildings;
 - (h) the location and amount of access to lots from roads and ensuring that there is at least one means of access from each lot to a road;
 - (i) the lighting of land, buildings or other things;
 - (j) the enlargement, alteration, repair, removal or relocation of buildings;
 - (k) the excavation or filling in of land;
 - (l) the development of buildings
 - (i) on land subject to flooding or subsidence or that is low lying, marshy or unstable,
 - (ii) on land adjacent to or within a specified distance of the bed and shore of any body of water, or
 - (iii) subject to regulations made under section 693 or 694, within a specified area around an airport;
 - (m) the construction, placement or use of billboards, signboards or other advertising devices of any kind, and if they are permitted at all, governing their height, size and character;
 - (n) the removal, repair or renovation of billboards, signboards or other advertising devices of any kind;
 - (o) the density of population in any district or part of it;
 - (p) the designation of a district as a direct control district in accordance with section 641;
 - (q) the establishment of any related agreements, forms, fees or procedural matters;
 - (r) issuing orders under section 645.
- (5) A land use bylaw may provide that when an application for a development permit or change in land use designation is refused another application with respect to the same lot
- (a) for a development permit for the same or a similar use, or

- (b) for a change in land use designation

may not be made by the same or any other applicant until the time stated in the land use bylaw has expired.

(6) A land use bylaw may authorize a development authority to decide on an application for a development permit even though the proposed development does not comply with the land use bylaw or is a non-conforming building if, in the opinion of the development authority,

- (a) the proposed development would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

(7) A land use bylaw must be consistent with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

RSA 2000 cM-26 s640;2016 c24 s100;2017 c21 s28

Alternative time periods for applications

640.1 The council of a city or of a municipality with a population of 15 000 or more may, in a land use bylaw,

- (a) provide for an alternative period of time for the development authority to review the completeness of a development permit application under section 683.1(1),
- (b) provide for an alternative period of time for a development authority to make a decision on a development permit application under section 684,
- (c) provide for an alternative period of time for the subdivision authority to review the completeness of an application for subdivision approval under section 653.1, and
- (d) provide for an alternative period of time for the subdivision authority to make a decision on an application

- (i) the types of development permit that may be issued,
 - (ii) applying for a development permit,
 - (iii) processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit,
 - (iv) the conditions that are to be attached, or that the development authority may attach, to a development permit, either generally or with respect to a specific type of permit,
 - (v) how long any type of development permit remains in effect,
 - (vi) the discretion that the development authority may exercise with respect to development permits, and
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and any other similar matters;
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 - (n) the removal, repair or renovation of billboards, signboards or other advertising devices of any kind;
 - (o) the density of population in any district or part of it;
 - (p) the designation of a district as a direct control district in accordance with section 641;
 - (q) the establishment of any related agreements, forms, fees or procedural matters;
 - (r) issuing orders under section 645.
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 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

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- (c) provide for an alternative period of time for the subdivision authority to review the completeness of an application for subdivision approval under section 653.1, and
- (d) provide for an alternative period of time for the subdivision authority to make a decision on an application

TAB #2



CITY OF
Lethbridge

LAND USE BYLAW 5700

ADOPTED: July 25, 2011

IN FORCE: September 1, 2011

TEXT AMENDMENTS TO: July 23, 2018

4 APPLYING FOR A DEVELOPMENT PERMIT

4.1 When a Permit is Required

Except as provided in Section 4.2, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to this land use bylaw.¹

4.2 When a Permit is Not Required

4.2.1 At the discretion of the Development Authority, the following may not require a separate development permit. They may, however, require other permits from the municipality or provincial government:

4.2.1.1 Offices serving the administrative needs, and storage and maintenance facilities serving the operational needs of a principal use that may be considered part of the principal use.

4.2.1.2 Supplementary uses when no new building or additions are involved in the development of the supplementary use.

4.2.1.3 Accessory uses when the accessory use was specifically approved in the permit for the principal use.

4.2.2 Unless otherwise required by a statutory plan, the following do not require a development permit, but may require other permits from the municipality, provincial or federal government:²

4.2.2.1 the temporary use of all or part of a building for a polling station, returning officer's headquarters, campaign office or any other use in connection with a federal, provincial, municipal or school election, or a referendum, plebiscite or census,

4.2.2.2 the construction, widening, altering or maintaining of:

- a public roadway,
- a railway line,
- that part of a utility system which is not a utility facility,

4.2.2.3 transit system passenger benches, stops and shelters,

4.2.2.4 the routine maintenance of, and/or repairs to, land or buildings,

4.2.2.5 landscaping on a parcel, unless it is landscaping which is required by a development permit,

4.2.2.6 paving on a parcel such as driveways, unless otherwise required by a development permit,

¹ Bylaw 6106 April 30, 2018

² Bylaw 6117 May 28, 2018

- 4.2.2.21 fireplaces that comply with this Bylaw,
- 4.2.2.22 the use of a dwelling by the occupant or occupants to create unique items or objects of art such as paintings, sculpture and compositions of music or literature,
- 4.2.2.23 single detached dwellings, additions to single detached dwellings, and accessory buildings in residential districts which are permitted uses and which comply with the Land Use Bylaw,
- 4.2.2.24 the use of a Shipping Container in a residential district for a period not exceeding 6 months. For the purposes of this subsection the 6 month period shall commence from the date of the arrival/delivery of the Shipping Container which date shall be established by the production of a delivery receipt/invoice or by such other evidence satisfactory for the Development Officer. In the event such receipt/invoice or other satisfactory evidence is not received by the Development Officer the Shipping Container shall be deemed to have been in use for the period of three months immediately prior to the date of the initial request by the Development Office for confirmation of the date of arrival/delivery of the Shipping Container.⁴
- 4.2.2.25 satellite dishes, and radio and television antennas and telecommunications towers that are not subject to federal regulation and that meet the requirements of this Bylaw,⁵
- 4.2.2.26 telecommunications towers that are subject to federal regulation,⁶
- 4.2.2.27 oil and gas and pipeline installations in accordance with the Act.⁷
- 4.2.2.28 Electric Vehicle (EV) charging facilities which form part of a parking facility approved by a development permit.⁸

4.3 Information Required for Development Applications

4.3.1 Submission requirements:⁹

- 4.3.1.1 If the application is made by mail or in person:
 - two hard copies of the following at a size and scale that provides for legibility and scalability and containing the information required by Sections 4.3.2 and 4.3.3:
 - A site plan
 - Floor plans
 - Elevation drawings
 - Landscape plans
 - A Civil site plan¹⁰

⁴ Bylaw 5897 January 19, 2015

⁵ Bylaw 6050 July 4, 2017

⁶ Bylaw 6050 July 4, 2017

⁷ Bylaw 6050 July 4, 2017

⁸ Bylaw 6050 July 4, 2017

⁹ Bylaw 6106 April 30, 2018

¹⁰ Bylaw 6050 July 4, 2017

Part 4 Applying for a Development Permit

- 4.3.1.1.1 A pdf copy of the plans and drawings noted in Section 4.3.1.1 and containing the information required by Sections 4.3.2 and 4.3.3.
 - 4.3.1.1.2 Details of the proposed development on Form A of this Bylaw.
 - 4.3.1.1.3 Optional: an email address on Form A which shall mean applicant consent to receive documents and communications at that address.
 - 4.3.1.1.4 Evidence satisfactory to the Development Officer that the application is authorized by the registered owner(s) of the parcel.
 - 4.3.1.1.5 The fee described in the Development Fees and Charges Bylaw.
- 4.3.1.2 If the application is made by electronic means:
- 4.3.1.2.1 A pdf copy of the plans and drawings noted in Section 4.3.1.1 and containing the information required by Sections 4.3.2 and 4.3.3.
 - 4.3.1.2.2 A scanned copy or a fillable pdf copy of Form A of this Bylaw providing details of the proposed development
 - 4.3.1.2.3 Required: an email address on Form A which shall mean applicant consent to receive documents and communications at that address.
 - 4.3.1.2.4 Evidence satisfactory to the Development Officer that the application is authorized by the registered owner(s) of the parcel.
 - 4.3.1.2.5 The fee described in the Development Fees and Charges Bylaw that can be received or charged electronically.
- 4.3.2 Every page of the submitted plans and drawings must contain the following information:
- Legal description
 - Municipal Address
 - A drawing date and number
 - Drawing Scale
 - Project name and/or description
- 4.3.3 Submission Information
- Depending on the type and extent of development the applicant may be required to provide some or all of the following information in the submission. The applicant should contact the Planning and Development Services Department for detailed advice on information requirements.
- 4.3.3.1 A Site Plan that:
- 4.3.3.1.1 Is oriented with north at the top of the page and shows a north arrow
 - 4.3.3.1.2 indicates in a text block:
 - the proposed land use(s)
 - the proposed density
 - the parcel area, parcel coverage, and floor area ratio
 - the total net and gross floor areas

- the net and/or gross floor areas broken down by land use
 - the number of residential units broken down by number of bedrooms per unit
 - the number of regular parking spaces and number of barrier free parking spaces
- 4.3.3.1.3 shows, dimensions in metric, and identifies
- the subject parcel lines and the abutting road right of ways and the adjacent and opposite parcels and driveway entrances to the same
 - all easements, utility right of ways and other applicable encumbrances
 - the boulevards abutting the subject parcel including the existing or future: boulevard trees, sidewalks, curbs, light standards, hydrants, utility installations and transit stops
 - all the existing and proposed buildings on the subject parcel
 - the building setback distances measured in accordance with the definition for setback and shown with a dimension line
 - all driveways, vehicle stacking distances, parking areas, maneuvering aisles, parking spaces (including barrier free spaces) and loading docks/bays, landscaped and non/landscaped parking islands
 - all large-vehicle movement paths, and a 12m centre line turning radius for fire trucks
 - deleted¹¹
 - the on-site and off-site connecting sidewalks and pathways, centre-walks, curb ramps, crossing tables, and identifying the slopes and cross slopes of the same, and all pedestrian-crossing pavement markings, detectable warning surfaces, and pedestrian signage.¹²
 - bicycle parking and storage facilities¹³
 - the location of transit stops
 - all areas to be landscaped
 - the garbage containment area
 - any outdoor storage areas
 - the snow stock-pile locations
 - the location of group mailboxes and vehicle pull-out
 - the location of existing and/or proposed signage
 - the location and type of site lighting
 - the existing and/or proposed above ground utility structures

¹¹ Bylaw 6016 October 17, 2016

¹² Bylaw 6017 October 17, 2016

¹³ Bylaw 6016 October 17, 2016

- 4.3.3.2 Floor Plans that show, dimension in metric, and identify:
- the layout of each floor including all door and window openings
 - deleted¹⁴
 - the use of each area
- 4.3.3.3 Elevation Drawings that show in color, dimension in metric and identify:
- all building faces and grade lines
 - the roofs, eave overhangs, roof slope, and roof structures
 - the building height to the peak of the roof, measured in accordance with the definition for height, for all building faces
 - the finish materials and color of same
 - any existing and/or proposed fascia signs, canopy signs, projecting signs, or roof signs
 - a detail of any proposed free-standing sign
- 4.3.3.4 A Civil Site Plan that shows, dimensions in metric and identifies:¹⁵
- proposed grades and contours,
 - on-site storm retention areas and volume calculations
 - the location of catch basins and swales or drainage channels
 - calculations for the volume and other characteristics of sanitary and storm sewage discharge
 - the locations of utility service connections
 - the location of any on-site fire hydrants
 - the location of premise isolation installations
- 4.3.3.5 Landscape Plan(s) that show, dimension in metric and identify:
- 4.3.3.5.1 Overall layout
- the existing and proposed topography indicating storm water retention areas
 - the existing vegetation indicating what is to be retained and what is to be removed
 - the location of utility right of ways, underground utilities and other underground structures or installations
 - the location of buildings and sidewalks
 - the location of driveways, parking areas, garbage containers and enclosures, outdoor storage areas, fences, signs, lamp standards, utility installations, etc.
 - the location of all parking lot traffic islands¹⁶
 - the location of both individual and group amenity spaces (unit patios, playgrounds, open space, etc)
 - the location of hard structural elements such as retaining walls, fences, walkways, patios and other hard surface areas and noting the materials and finishes

¹⁴ Bylaw 6050 July 4, 2017

¹⁵ Bylaw 6050 July 4, 2017

¹⁶ Bylaw 6016 October 17, 2016

	5:33 pm	5:24 pm		SN +4 hours
	6:33 pm			SN +5 hours
	7:33 pm			SN +6 hours
	8:12 pm	6:01 pm	3:03 pm	Set -1.5 hours
	9:42 pm	7:31 pm	4:33 pm	Set

- 4.3.3.6.2 A written analysis, including:
- description of the methodology used in preparing the study
 - description of all locations/uses of areas affected by shadowing/sunlight changes due to the proposed development
 - quantification and assessment of the impact on areas affected by shadowing/sunlight changes due to the proposed development
 - summary describing any mitigating features that have been incorporated into the site and building design¹⁷

4.3.3.7 Such other information, determined at the discretion of the Development Officer, as may be required to enable a proper evaluation of the application.

4.4 Application Completeness¹⁸

A development permit application is considered complete when payment of the fee in accordance with Section 4.6 has been received and the information required by Section 4.3 has been received and is, in the opinion of the Development Authority, of sufficient quantity and quality to enable evaluation of the application.

4.4.1 Review for Completeness

Within 21 days of receiving an application, the Development Authority shall review the application and shall issue a written notice, delivered by mail or email, advising if the application has been determined complete or incomplete.

- 4.4.1.1 If the application is submitted outside of business hours the date the application is received is deemed to be the next business day.
- 4.4.1.2 If 21 days is insufficient to allow adequate review of the information the applicant and the Development Authority may agree, in writing, to another time frame.
- 4.4.1.3 Compliance with the 21 day time frame, or a time frame agreed to under sub-section 4.4.1.2, is evidenced by the date on the written notice from the Development Authority and not the date that the notice is received by the applicant.

4.4.2 Application Determined Complete

¹⁷ Bylaw 6117 May 28, 2018

¹⁸ Bylaw 6106 April 30, 2018

Part 5 Deciding on a Development Permit Application

- 5.3.3 For an application for a discretionary use that is complete in accordance with Section 4.4 and upon which only the Commission may decide:³
- 5.3.3.1 not requiring a waiver of any provision of this Bylaw, the Development Officer shall refer the application to the Commission, with recommendations, and the Commission shall:
 - 5.3.3.1.1 issue a development permit with or without conditions, or
 - 5.3.3.1.2 refuse the application, giving the reason(s) for refusal.
 - 5.3.3.2 requiring a waiver of the one or more provisions of this Bylaw which the Commission is authorized to grant, the Development Officer shall refer the application to the Commission, with recommendations, and the Commission shall:
 - 5.3.3.2.1 grant the waiver, and issue a development permit with or without conditions, or
 - 5.3.3.2.2 refuse the application, giving the reason(s) for refusal.
 - 5.3.3.3 requiring a waiver of one or more provisions of this Bylaw which the Commission is not authorized to grant, the Development Officer shall refer the application to the Commission, which shall refuse the application, giving the reason(s) for refusal.

5.4 Authorized Waivers

- 5.4.1 Notwithstanding the definition of "parcel", described in Section 1.4, the Development Authority is authorized to consider two or more contiguous parcels as one parcel, and if it is so decided, it shall be stated on the development permit.
- 5.4.2 Certain provisions of this Bylaw, described in Section 5.4.4 may be waived if the resulting proposed development:
- conforms with the use prescribed for the land or building in this Bylaw, and
 - 5.4.2.1 would not unduly interfere with the amenities of the neighbourhood, or
 - 5.4.2.2 would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- 5.4.3 The Commission is authorized to decide the circumstances, if any, under which the Development Officer may not grant waivers described in Section 5.4.4.
- 5.4.4 The Development Authority may grant the following waivers:
- 5.4.4.1 an unlimited waiver of setbacks except for:
 - the street setbacks described in Section 9.15
 - the setbacks from the gas line described in Section 9.16
 - the setbacks from parcel lines for Micro-WECS described in Section 9.13,
 - 5.4.4.2 an unlimited waiver of the maximum projections allowed into setbacks,
 - 5.4.4.3 an unlimited waiver of maximum building height,
 - 5.4.4.4 an unlimited waiver of maximum parcel coverage,

³ Bylaw 6106 April 30, 2018

- 5.4.4.5 an unlimited waiver of maximum floor area ratio,
 - 5.4.4.6 a waiver of the requirements for or restrictions on signs described in Section 9.21,
 - 5.4.4.7 a waiver of the requirements for or restrictions on Billboards described in Section 9.20,⁴
 - 5.4.4.8 a waiver of the parcel access requirements described in Section 9.18.1 and the parcel access requirements specific to individual districts,
 - 5.4.4.9 a waiver of the parking and loading requirements described in Section 9.22,
 - 5.4.4.10 a waiver of amenity space requirements described in Section 9.18.2,
 - 5.4.4.11 a waiver of the requirements for home occupations described in Section 9.12,
 - 5.4.4.12 a waiver of the minimum width, length and area of parcels:
 - located in the urban-future district and legally registered as of November 5, 1984, or
 - located in any other district.
 - 5.4.4.13 a waiver of the requirements for accessory buildings described in section 14.1.4,⁵
 - 5.4.4.14 deleted⁶
 - 5.4.4.15 deleted⁷
 - 5.4.4.16 a waiver of the restriction against lane access for medical/surgical specialist offices described in Section 13.4.8.9.1.
 - 5.4.4.17 except for setbacks from parcel lines, an unlimited waiver for the requirements for Micro-WECS described in Section 9.13.
 - 5.4.4.18 a waiver of the mobility and accessibility requirements in Section 9.23.⁸
- 5.4.5 The Development Authority is not authorized to grant any waivers of the distances and requirements of the Subdivision and Development Regulations.

5.5 Conditions of Approval

- 5.5.1 Any condition which is attached to a development permit forms part of the development permit, and shall be complied with for the development permit to remain valid.
- 5.5.2 The Development Authority may attach conditions:
 - 5.5.2.1 to ensure that a proposed use or development of land or buildings will comply with the provisions of this Bylaw and any applicable statutory plan,
 - 5.5.2.2 specifying the period of time during which a development permit is valid and/or the date by which development shall commence,

⁴ Bylaw 5899 January 19, 2015

⁵ Bylaw 6050 July 4, 2017

⁶ Bylaw 5898 January 19, 2015

⁷ Bylaw 5898 January 19, 2015

⁸ Bylaw 6017 October 17, 2016

8.3 Non-conforming Uses and Buildings

- 8.3.1 No use of land or a building shall be deemed non-conforming solely due to the conversion of measurements from imperial to metric, if that use conformed to the imperial measurement requirement in effect at the time the use was approved or constructed.
- 8.3.2 Any development permit that has been issued before the final approval of this Bylaw, or a bylaw to amend this Bylaw, continues in effect notwithstanding that the enactment of the bylaw would render the development a non-conforming use of land or a building.
- 8.3.3 A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building shall conform with the provisions of this Bylaw.
- 8.3.4 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made to it or in it.
- 8.3.5 A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings shall be erected on the parcel while the non-conforming use continues.
- 8.3.6 A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
- 8.3.6.1 as may be necessary to make it a conforming building, or
 - 8.3.6.2 as the Development Officer considers necessary for the routine maintenance of the building.
- 8.3.7 If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Bylaw.
- 8.3.8 The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy.

Part 14 Residential Districts

14.1.7 Infill Development

Infill developments must take into account the neighbourhood context. Designing in context means providing enough visual linkages between existing buildings and a proposed project so that a cohesive overall effect is maintained.

14.1.7.1 Unless rules or guidelines in a Statutory Plan apply, City of Lethbridge Residential Infill Design Guidelines (Appendix C) shall apply to a proposed new building (including additions) that:

- is a permitted use for which a waiver is requested, or
- is a discretionary use, whether or not a waiver is requested, and
- is located in any of the following areas (see Appendix D for more information):²



14.1.7.2 In addition to the submission requirements of Section 4.3, an application for an infill development meeting the criteria of Section 9.17.2 must be accompanied by the following information:

- a streetscape elevation showing the proposed building and the adjacent properties. The elevation must show the grades of all the properties,
- photographs of the buildings and architectural features in the neighbourhood that served as the contextual sources for the design,
- a landscape plan developed in accordance with the City of Lethbridge Landscape Design Guidelines.

² Bylaw 6050 July 4, 2017

TAB #3

London Road

Area Redevelopment Plan



CITY OF
Lethbridge

5.1 General

The policies in this section will guide the overall direction of the Plan's implementation.

This section of the Plan provides general objectives and policies with regard to the overall direction of the Plan. Setting the stage for the other 6 more specific policy sections.

5.1.1 Objectives

- a) Ensure it is clear when policies are mandatory and where there may be exceptions due to valid planning principles.
- b) Ensure innovation is supported allowing new concepts and ideas to offer creative solutions.
- c) Ensure the plan is used and implemented by more than just the Planning and Development Services Department.

5.1.2 Policies

- a) Within the policy framework:
 - i. The term 'development' means a change of use, new buildings (primary and accessory) and/or additions. Although the terms 'development', 'redevelopment', and 'infill' have different definitions, the policies and regulations of the Plan should apply to all.
 - ii. The use of 'shall' means that the policy is mandatory; exceptions would require an amendment to the Plan.
 - iii. The use of 'should' means that the policy is expected to be followed, with the possibility of exceptions due to a valid planning principle, or circumstances unique to a specific project.
- b) When determining an appropriate land use district for a Land Use Bylaw amendment, the vision for the location (as identified in Section 4) shall be considered along with other policies in the Plan.
- c) The Plan recognizes that innovation is important as there will always be new concepts and ideas that arise. Where new concepts and ideas respond to and meet the intent of the Vision and Guiding Principles, or offer a creative solution to a particular problem, efforts shall be made to find ways to allow for their implementation, including, where necessary, amendments to the Plan.
- d) The implementation of the policy framework extends beyond the responsibility of Planning and Development as many City departments have an important role to play, including the installation, upgrading, and maintenance of parks, utilities, and infrastructure, as well as the provision of public services such as waste collection, snow removal, transit, and emergency services. Collaboration between all City departments shall be sought to successfully implement the Plan.
- e) The London Road Neighbourhood Association (LRNA) and the residents of the neighbourhood have the best understanding of the "character" of the neighbourhood. Neighbourhood matters relating to planning & development, social issues, infrastructure, etc. that have the potential to impact neighbourhood character should be referred to the LRNA for engagement and feedback as per the notification requirements of the Land Use Bylaw or the Community Engagement Strategy, as applicable.

Notification Process

During the development of the Plan, a significant concern of the London Road Neighbourhood Association and its membership was around the existing notification process. It was decided that this was an issue not just relevant to London Road but all existing neighbourhoods in the City, and that it should be part of a larger conversation. See Section 6.1.1.3.

- t) The upgrading, expansion, and/or replacement of part or all of existing public/institutional uses shall be supported in all precincts.
- u) Child care facilities should be encouraged throughout the neighbourhood. They shall be limited to corner parcels or parcels that are a minimum of 12.2m wide and have lane access. There shall be a maximum of 1 facility per block.

5.4 Built Form

This section of the Plan provides objectives, policies, and regulations with regard to the built form of development. In an existing neighbourhood, development by its nature is contemporary construction within an historic context, a stylistic blending of new with existing. The existing context, character, and pattern of an established neighbourhood can be recognized, while at the same time allowing for the evolution of architectural style and innovation in built form. This does not mean imitating historical styles and fashions of another era, or conversely creating a total contrast in fabric or materials, but rather recognizing the established scale and patterns of the context and the grain of the neighbourhood.

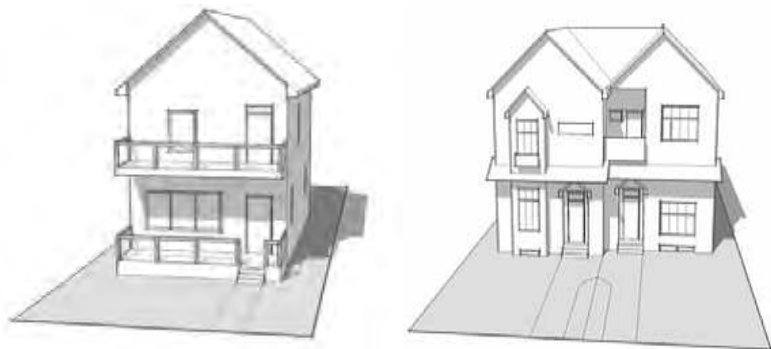
5.4.1 Objectives

- a) Ensure the built form of development displays high-quality design, is context-sensitive and contributes to an attractive and vibrant neighbourhood now and in the future.
- b) Ensure no development jeopardizes the heritage character of the neighbourhood, by focusing on preserving the Character-Defining Elements.

5.4.2 Policies

- a) All development, regardless of land use or building type, shall, in the opinion of the Development Authority, be sensitive to the predominantly low-density residential character of the neighbourhood.
- b) The built form regulations have an important relationship to existing land use within the Plan Area and the Land Use Bylaw. Land use existing at the time of the adoption of the Plan (as identified in *Map 2: Existing Land Use*) continues in effect and, subject to the built form policies below, the district rules in Land Use Bylaw 5700, as may be amended or replaced, continue to apply to these properties.
- c) In addition to the processes and district rules in the Land Use Bylaw, the built form regulations apply to the development of all lands and buildings which are located in the Plan Area, in accordance with the Land Use Concept. The appropriate built form regulations for a development/building type shall be as described below:

- i. **Small-scale residential** regulations as described in Section 5.4.3 shall apply to all land use districts where any form of small-scale residential development is an allowable use. Small-scale residential means development that is composed of 2 or fewer dwelling units and includes the following building types: Dwelling, Single Detached; Dwelling, Single Detached Live/Work; Dwelling, Two Unit; and Secondary Suites.



- ii. **Medium-scale residential** regulations as described in Section 5.4.4 shall apply to all land use districts where any form of medium-scale residential development is an allowable use. Medium-scale residential means residential development that is composed of more than 2 dwelling units and includes the following building types: Dwelling, Small-Scale Townhouse (3 or 4 units); and Dwelling, Medium-Scale Townhouse (5+ units).



- iii. **Large-scale residential** regulations as described in Section 5.4.5 shall apply to all land use districts where any form of large-scale residential development is an allowable use. Large-scale residential means residential development that is composed of more than 2 dwelling units and includes the following building types: Dwelling, Apartment; and Dwelling, Apartment Mixed Use.



- iv. **Non-Residential** regulations as described in Section 5.4.6 shall apply to all land use districts where commercial and/or public building/institutional uses are allowable.
- d) Where a contradiction with the Land Use Bylaw exists, the processes, rules, and regulations in the Plan supersede those in the Land Use Bylaw.
 - e) Notwithstanding Land Use Bylaw Section 4.2.2.23, a development permit application is required for all single detached dwellings, additions to single detached dwellings, and accessory buildings in residential districts within the Plan Area. Development applications shall be prepared in accordance with the submission requirements of the Land Use Bylaw.
 - f) The Development Authority is authorized to grant a waiver of the built form regulations and any such waiver is subject to the appeal processes identified in the Land Use Bylaw. When a waiver is considered, the Development Authority should give consideration for the overall vision of the Plan, specifically the Character-Defining Elements.
 - g) Where the built form regulations require measurements related to the relative position of buildings on adjacent properties the location of the buildings may be, at the discretion of the Development Authority, approximated from the City's GIS system.

5.4.3 Small-Scale Built Form Regulations

Locational Requirements

a) The following locational requirements shall apply:

Building Type/Use	Locational Requirement
Dwelling, Single Detached	No additional requirements
Dwelling, Single Detached Live/Work	On an interior parcel with a lane On a corner parcel with or without a lane
Secondary Suite, New	On an interior parcel with a lane On a corner parcel with or without a lane
Dwelling, Two Unit	On an interior parcel with a lane, or On an interior parcel without a lane that is a minimum width of 20m On a corner parcel with or without a lane

Setbacks for Principal Buildings

b) The following minimum setback requirements should apply:

Parcel Type	Setback Requirement
Interior Parcel	<p>Front:</p> <ul style="list-style-type: none"> within 1.5m of the average of the front setbacks of the adjacent buildings, but not less than 3m and no greater than 10m <p>Rear:</p> <ul style="list-style-type: none"> minimum 30% of the parcel length
Corner Parcel	<p>Front (short):</p> <ul style="list-style-type: none"> within 1.5m of the front setback of the adjacent building, but not less than 3m and no greater than 10m <p>Front (long):</p> <ul style="list-style-type: none"> one-half of the front (short) setback, but not less than 3m and no greater than 6m <p>Side:</p> <ul style="list-style-type: none"> as per Land Use Bylaw, however one of either side shall be minimum 15% of the parcel width

Building Placement and Massing

- c) Accessory buildings should be separated from the principal dwelling by a minimum of 3.0m.
- d) Larger buildings should be visually broken into smaller elements to reduce the perceived mass of the building. Their form should be designed in a manner sensitive to any smaller buildings located adjacent.

Parking and Vehicular Access

e) The following parking and vehicular access (driveways) requirements shall apply:

Parcel Type	Driveway Requirement
Interior or Corner Parcels adjacent to a lane that is 4m or greater in width	<ul style="list-style-type: none"> • Driveways and/or parking spaces shall be provided from the lane.
Interior or Corner Parcels with no lane or adjacent to a lane that is less than 4m in width	<ul style="list-style-type: none"> • Driveways and/or parking spaces should be provided from the street.
Parcels adjacent to a lane that is 4m or greater in width where a street driveway exists at time of Plan adoption	<ul style="list-style-type: none"> • The driveway may remain and be maintained as currently situated but should not be enlarged or relocated. • Upon redevelopment of the parcel, removal of the street driveways and/or parking spaces and replacement with lane access is strongly encouraged.

f) Where permitted, driveways shall be:

- Limited to one driveway per parcel
- A maximum width of 3.6m except where a larger width is required in order to achieve the required number of parking spaces.
- For parcels less than 20.0m in width, the maximum width of the curb cut, measured at the curb line, should be 5.2m.
- For parcels greater than 20.0m in width, the maximum width of the curb cut, measured at the curb line, should be 8.0m.

g) Curb cuts shall only be permitted in locations where a driveway is permitted. Further, the curb cut should only be completed after the driveway is in place.

Amenity Space

h) The site design shall incorporate private amenity space that is functionally designed and arranged so each individual dwelling unit has amenity space in the form of a back yard, front yard, deck, balcony, verandahs and/or patio that directly relates to interior living areas.

Building Articulation and Unit Differentiation

- i) No portion of a front garage shall extend beyond the front building plane of the primary building, and the garage width should not exceed 7.3m or 35% of the site width, whichever is less.
- j) The design of the front façade of the primary building shall incorporate a one-storey design element such as a one-storey porch or one-storey eave roof line.
- k) The design of the side and rear façades of the primary building shall incorporate a design element that breaks up an otherwise large, monolithic wall.
- l) All side-by-side two unit dwellings shall include a minimum 0.6m off-set between units at the front and rear of the building.

Building Orientation and Finishing

m) The design of primary dwelling units shall incorporate a street orientation and detailed finishing

through the following elements:

- Main entrances clearly visible and directly accessible from a city sidewalk,
 - Façade elements that can be easily “read” from the street (projections, insets, eave lines, roof forms, porches, windows, etc.)
 - Façade finishing shall make use of more than one building material or make use of trim, textures and darker colors to break up large building expanses and de-emphasize upper levels.
- n) Both street façades of a building on a corner parcel shall meet the building orientation and finishing requirements of *m*.
- o) Developments should incorporate elements which are complementary to the neighbourhood including, but not limited to:
- Architectural and design details that are characteristic of the neighbourhood such as articulated rooflines, steeply pitched roofs, bellcast mansard roofs, hipped and gable roofs, dormers, gables, cross gables, varying planes, extended entryways and front porches; and
 - High-quality materials and finishes that are characteristic of the neighbourhood such as contrasting siding and trim, lap siding (wood or synthetic material such as cement board panel siding), red brick, used brick, giant brick, natural stone, natural finish cedar, cedar shake/shingle roofs. Stucco and vinyl siding should be discouraged.
 - Front façade architectural design details and finishing that wraps around to the sides of development, as false façades are not characteristic of the neighbourhood.
- p) Side and rear wall window overlook into neighbouring windows and yards should be minimized as much as possible.

Landscaping

- q) The landscape design shall accord with the requirements set out in the Land Use Bylaw and the Landscape Design Guidelines in the Land Use Bylaw.
- r) The landscape design should make use of low height transitions such as steps, fences, gates, hedges, and low walls to mark the boundary between the public realm of the street and semi-private outdoor amenity spaces on a property.
- s) The landscaping materials should be of high quality and add significantly to the aesthetic character of the project. The use of low-maintenance landscaping, drought tolerant plants and native species is encouraged.
- t) Unless the Development Authority deems removal is necessary to efficiently accommodate a development, existing healthy vegetation on site should be retained. Where a healthy tree must be removed it must be replaced by one or more appropriate substitute trees as per the Landscape Design Guidelines in the Land Use Bylaw.

Street Trees

- u) All new development should retain existing street trees. The removal of street trees to facilitate development, utility installation, and driveways must be approved by the City. A submitted site plan shall show the location of existing street trees adjacent to the development and the proposed utility connections and driveway location if applicable. Space should also be retained in the boulevard for the future phased replanting of street trees, which cannot be replanted on the same spot.
- v) Replacement shall be carried out at a 2:1 ratio in accordance with the current City standards.
- w) Replacement trees should be planted in a similar location in front of the parcel. Where replacement

is not possible in front of the parcel, the trees shall be planted elsewhere in the neighbourhood focusing on the priority areas identified in Policy 5.6.2.f.

- x) All costs associated with the replacement of a street tree shall be borne by the developer/applicant.

Secondary suites

- y) Secondary suites shall be a term broadly applied to a traditional secondary suite within a single detached dwelling as well as accessory dwelling units (garage and garden suites). At the time of Plan adoption, accessory dwelling units are not a defined use in the Land Use Bylaw, although it is supported that they be added through a future Land Use Bylaw amendment.
- z) Secondary suites shall meet all municipal bylaws and necessary building and fire codes and shall obtain the required development and building permits to be considered a legal use. In addition to any safety or building requirements, secondary suites shall adhere to requirements in the Land Use Bylaw.
- aa) The creation of basement dwellings in low-lying areas or areas with a history of flooding shall not be supported unless the applicant demonstrates, to the satisfaction of the Development Authority, that the dwelling will be suitably protected from water ingress.

Applying for a Development Permit

If you are planning an infill project we encourage you to contact us early-on to discuss your ideas. We can advise you not only on appropriate design but also on the approval processes involved.

In addition to the requirements of Section 4.3 of Bylaw 5700 you will be required to submit the following information with your development application:

- a streetscape elevation showing the proposed building and the adjacent properties. The elevation must show the grades of all the properties.
- photographs of the buildings and architectural features in the neighbourhood that served as the sources for your design.
- a landscape plan developed in accordance with the City of Lethbridge Landscape Design Guidelines

Need Advice?

You can contact Planning and Development Services at:
(403) 320-3920 or developmentservices@lethbridge.ca.

You are also welcome to visit us at City Hall (1st floor), 910 4 Avenue, Lethbridge AB T1J 0P6

Other Sources of Information

City of Lethbridge Land Use Bylaw 5700

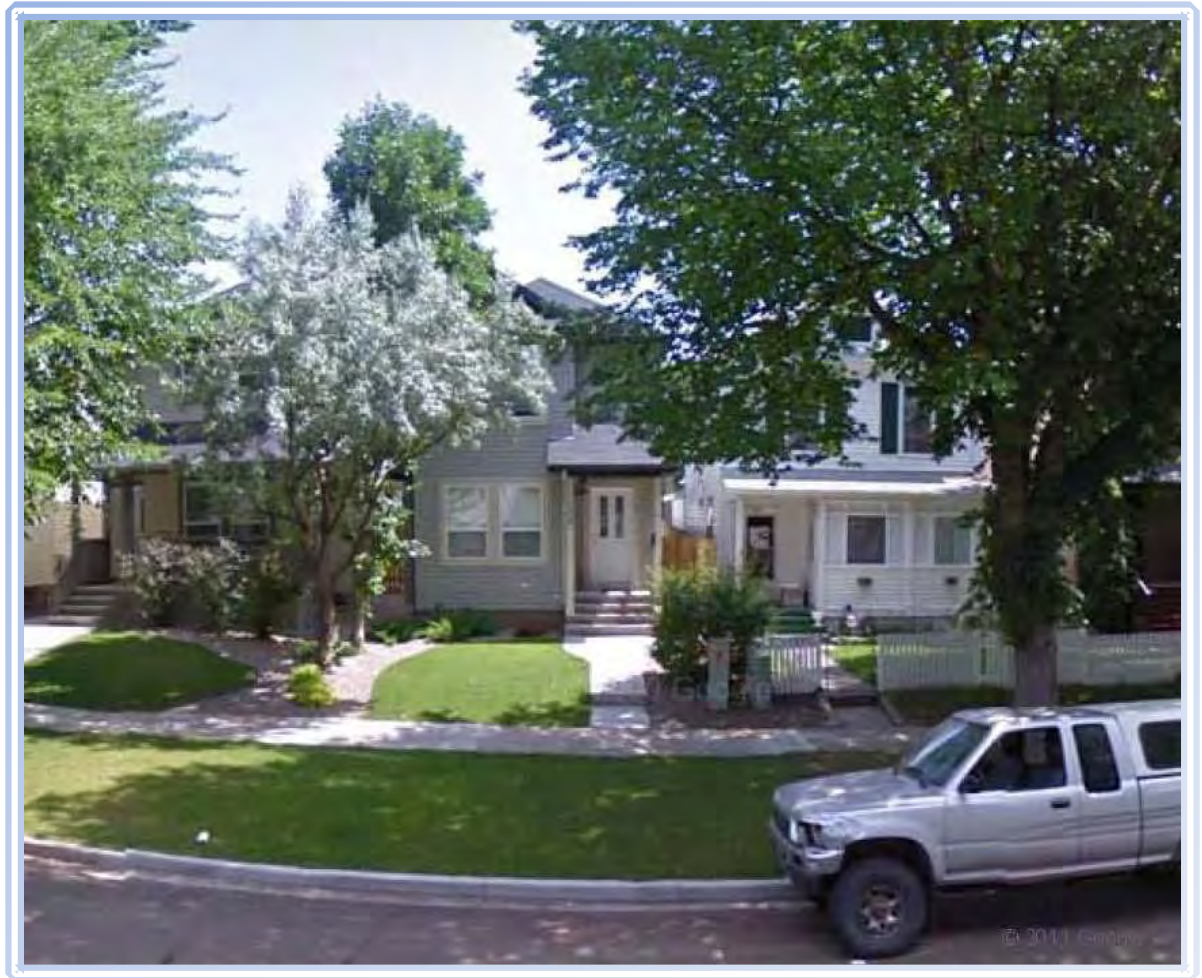
This document provides the fundamental development rules for your property's zoning. It can be found at: <http://www.lethbridge.ca/Doing-Business/Documents-Forms/Pages/default.aspx> or you can purchase a copy from our office

City of Lethbridge Site Design Guidelines and City of Lethbridge Landscape Guidelines

These guidelines provide valuable advice you can use in the formulation of your plans. They can be found at in the appendices of Land Use Bylaw 5700.

Infill Design Guidelines

Residential



Planning and Development Services

September 1, 2011

Issue 1

APPENDIX C, LAND USE BYLAW 5700

City of Lethbridge, 910 4 Avenue South, T1J 0P6

<http://www.lethbridge.ca/home/Default.htm>

- Façade treatments and building cladding should be carried a sufficient distance around corners so that a change in treatment or cladding is not visible from the street. Similarly, base level cladding treatments should be carried to or near to the ground and not left suspended several feet above the ground.
- All the elements should be put together in a particular architectural style – Craftsman bungalow, Victorian, Tudor Cottage, Modern, whichever best fits the neighbourhood.

Buildings on a corner lot must have facades that respect the street on both frontages. Both facades must have balanced provision of windows, doors, details, and finishing materials.

The designer is encouraged to treat duplex units individually (i.e. not create duplicate units) with each unit tailored to the circumstances of the site and respecting the adjacent buildings.

Generally, front driveways and garages are not desirable. If they are to be considered the garage should not project its full length from the front of the building.

4. Entrances and Walkways

The front entry is a critical design element the sets either a hospitable or inhospitable tone for the building. The entry area is a transitional zone, under the control of the occupant yet visible to neighbours and visitors.

- Ground level entries and front doors that face the street are preferred. Unit entries and how to get to the entry should be obvious to the visitor.
- If an entry is shared the design should make clear what area of the entry is ‘owned’ by which unit.
- Entries should be large enough to accommodate the door swing and several people at once, sheltered from the elements, well lit and have the address clearly visible.
- Walkways to the front entry should be wide enough for barrier-free access and well lit especially at any changes of level or direction.

Site Features

1. Landscaping

Mature trees give a building scale and a sense of permanence. A new building seems less ‘raw’ and more like it belongs in the neighborhood if it is surrounded by trees that have always been there. Foundation plantings ‘tie’ the building to the ground and make it seem like it belongs on the site.

Landscaping can provide privacy by shielding unwanted views into or from neighbouring properties and contribute to the enjoyment of amenity areas. A beautifully landscaped front yard is appreciated by all and ‘gives back’ to the neighbourhood. Urban landscaping helps sustain wildlife and biodiversity.

- Existing mature (greater than 15cm diameter measured 1.5 meters above grade) healthy trees must be retained whenever possible.
- If an existing mature healthy tree has to be removed it must be replaced with a similar species of the minimum size noted above.
- A landscaping plan developed in accordance with the principles outlined in this document and the City of Lethbridge Landscape Design Guidelines must be submitted. The landscape plan must be submitted in accordance with the requirements of Section 4.3.3.5 of Land Use Bylaw 5700.

2. Setbacks

Front setbacks for an infill building should respect the street wall. If the adjacent buildings have a consistent setback the infill building's should be the same. If they are significantly different the infill building's front setback should be approximately halfway between the two adjacent setbacks.

3. Grades

Older homes in established neighbourhoods often have poor grading to the property line. Infill developments that meet modern grading standards can worsen already inadequate site drainage on lower neighbouring properties. The developer may have to pay particular attention to grade differences and make extra provision for ensuring that all drainage for an infill development is carried to the street.

4. Outdoor Amenity Space

Each unit of an infill development must have a private dedicated outdoor amenity space that is designed with care and attention to detail and not merely relegated to the space "left-over" after all the building and parking requirements are met. . Designers should consider the activities of the likely occupants and plan for decks, barbeque and eating areas, and/or play spaces, as the case may be.

Outdoor living spaces should be oriented towards the sun and/or available views while avoiding overlook into neighbouring yards. Screening should be provided where it is not possible to avoid overlook.

Outdoor living spaces should have:

- sufficient screening from parking spaces, walkways, garbage areas, etc.
- shelter from wind and overexposure to sun
- buffering from street and neighbouring noise

Landscaping is essential to an enjoyable outdoor living space and the landscape plan will be evaluated for how well it meets these goals.

5. Driveways and Parking

Most established neighbourhoods were developed before multiple car ownership was the norm. Parking in these neighbourhoods is typically off the lane leaving the tree-lined streets free of driveways. Thus, front driveways for infill developments are discouraged. If a front driveway is to be considered preservation of existing boulevard trees will be a primary factor in the decision.

Applying for a Development Permit

If you are planning an infill project we encourage you to contact us early-on to discuss your ideas. We can advise you not only on appropriate design but also on the approval processes involved.

In addition to the requirements of Section 4.3 of Bylaw 5700 you will be required to submit the following information with your development application:

- a streetscape elevation showing the proposed building and the adjacent properties. The elevation must show the grades of all the properties.
- photographs of the buildings and architectural features in the neighbourhood that served as the sources for your design.
- a landscape plan developed in accordance with the City of Lethbridge Landscape Design Guidelines

Need Advice?

You can contact Planning and Development Services at:
(403) 320-3920 or developmentservices@lethbridge.ca.

You are also welcome to visit us at City Hall (1st floor), 910 4 Avenue, Lethbridge AB T1J 0P6

Other Sources of Information

City of Lethbridge Land Use Bylaw 5700

This document provides the fundamental development rules for your property's zoning. It can be found at: <http://www.lethbridge.ca/Doing-Business/Documents-Forms/Pages/default.aspx> or you can purchase a copy from our office

City of Lethbridge Site Design Guidelines and City of Lethbridge Landscape Guidelines

These guidelines provide valuable advice you can use in the formulation of your plans. They can be found at in the appendices of Land Use Bylaw 5700.

TAB #4

These are the two options involved. I am CC Chad as you requested cause if there is anything that I need to know about the rules, regulations and permits. Can you please e-mail me back. Also will I need consent from neighbours for either scenario due to the encroachment agreement. Thanks so much and if you have any questions you or Chad please don't hesitate to give me a call 403 330-7742. Laurie Hall/ Vernon Oliver owners of the property.

Sent from my iPhone

Chad Gibb Dec 14 (1 day ago)

to me

Hi Laurie,

You will need a building permit for either scenario. The scope of the project will dictate the drawings and information we require. For a typical new build permit application, drawings we require include; a site plan, elevations, a cross section, floor plans for each level, and any other information that the project requires including truss layouts, engineering etc. Once a permit is issued, you may start building. Inspections of the structure will take place after certain stages of construction are complete.

If you have any questions or concerns please contact me using the information below.

Thank you,

Chad Gibb
Building Safety Codes Officer,
City of Lethbridge, Inspections
(403) 320-4212
chad.gibb@lethbridge.ca

-----Original Message-----

From: Pam Colling
Set: Tuesday, December 13, 2016 9:33 AM
To: 'lasugai@gmail.com'
Cc: Chad Gibb
Subject: RE: Property 817-8 ave. south

Good morning Laurie,

I have taken a look at a Real Property Report that is one file for you property and see that the house does not currently meet the minimum setback requirements as outlined in Land Use Bylaw 5700. Those minimum setback are:

Front - 6.0m
Side - 1.2m (each side)
Rear - 7.6m

To answer scenario #1, if the house cannot be lifted and moved so that these minimum requirements can be met, you may not be able to either put a new foundation under it whether it be placed further back on the parcel or whether it stays as is. This single detached dwelling is currently a non-conforming building which means that

unless it can be brought into compliance, you will not be able to make any additions, alternations or structural modifications to it. Waivers can be looked at, but may not be able to be granted considering the proximity of the 2 neighbouring houses. Adequate separation from these 2 houses may not be possible. A building permit would also be required for the new foundation.

To answer scenario #2, if the existing house were to be demolished, you would firstly need to have a new set of plans approved through Development prior to a Demolition permit being issued as this parcel is in the London Road Neighbourhood. You will then also require a building permit and any other necessary Safety Code permits (Electrical and Mechanical). The new house would also need to meet the minimum setback requirements of Land Use Bylaw 5700. Side setback waivers cannot be granted. A front setback waiver could be considered.

If you have any further questions or concerns, please feel free to contact me again at any time.

Pam Colling
Development Officer
City of Lethbridge
403-320-4140
Pam.Colling@lethbridge.ca

-----Original Message-----

From: lasugai@gmail.com [mailto:lasugai@gmail.com]
Sent: Tuesday, December 13, 2016 9:22 AM
To: Pam Colling
Cc: Chad Gibb
Subject: Property 817-8 ave. south

Hi Pam, as per our conversation can you let me know what permits are needed for two scenario's. We live on 817-8ave. South. Our property encroaches onto our neighbours on the one side and our neighbours encroaches onto ours on the other side of us. Can you just let me know what rules, regulations, and permits that will be needed. Or if any of the two scenario's can actually be done.

- First scenario TMD Adjuster-Don Tetrault wants to lift our house up. Roll it back onto the back yard build a new foundation and put the house back onto the new foundation and finish a new basement. Don the Manager of TMD said he has contacted the City of Lethbridge and they said it can be done. He Also mentioned that they may look at lifting the house up and tearing down the old foundation putting a new one right underneath the house while it's being lifted so high. But that was going to be costly cause of safety concerns of workers working under the house.

- Second Scenario to tear down the existing property and rebuild a new house.

These are the two options involved. I am CC Chad as you requested cause if there is anything that I need to know about the rules, regulations and permits. Can you please e-mail me back. Also will I need consent from neighbours for either scenario due to the encroachment agreement. Thanks so much and if you have any questions you or Chad please don't hesitate to give me a call 403 330-7742. Laurie Hall/ Vernon Oliver owners of the property.

Sent from my iPhone
0.75 GB (5%) of 15 GB used
Manage
Terms - Privacy

TAB #5

In the Court of Appeal of Alberta

Citation: Thomas v Edmonton (City), 2016 ABCA 57

Date: 20160322
Docket: 1403-0248-AC
Registry: Edmonton

2016 ABCA 57 (CanLII)

Between:

Donna Thomas, Anthony Fields, Patricia Fields, Jim Hole and Marcia Hole

Appellants

- and -

The City of Edmonton and the City of Edmonton Subdivision and Development Appeal Board

Respondents

- and -

The House Company Ltd.

Respondent by Order

The Court:

**The Honourable Chief Justice Catherine Fraser
The Honourable Mr. Justice Peter Martin
The Honourable Mr. Justice Frans Slatter**

**Reasons for Judgment Reserved of The Honourable Chief Justice Fraser
Concurred in by The Honourable Mr. Justice Martin
Dissenting Reasons for Judgment Reserved of The Honourable Mr. Justice Slatter**

Appeal from the Decision by
The City of Edmonton Subdivision and Development Appeal Board
Dated the 5th day of September, 2014
(SDAB-D-14-231)

other words, it is precisely because the courts are deferential to variance decisions and the scope for variance of development standards is so broad that courts should not diminish or restrict what few rights homeowners have in the planning and development of their neighbourhoods. After all, a home is one of the most expensive investments that a person will make in his or her lifetime.

[47] The *Zoning Bylaw* expressly states that “The purpose of this Overlay is to ensure that new low density development in Edmonton’s mature residential neighbourhoods ... ensures privacy and sunlight penetration on adjacent properties ...” That objective will not be achieved if developers can simply ignore the requirement for community consultation confident in the knowledge that this requirement can be waived – and likely will be. This is not the legislative regime intended by the governing legislation. Given the priority accorded to individual rights under Alberta planning law, where possible, planning laws should be interpreted in a manner consistent with the “good neighbour policy”. That includes respecting individual rights by enforcing the *Zoning Bylaw* requirement for community consultation as a condition precedent to the issuance of a valid development permit.

3. Failure to Conduct Community Consultation Constitutes Breach of Procedural Fairness

[48] Third, the failure to conduct a community consultation in accordance with the *Zoning Bylaw* constitutes a breach of procedural fairness. The SDAB has no jurisdiction to waive this breach of procedural fairness.

[49] The doctrine of procedural fairness has been a fundamental component of Canadian administrative law for decades. The Supreme Court of Canada set out the law on when procedural fairness is triggered in *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 [*Baker*] at para 20: “The fact that a decision is administrative and affects ‘the rights, privileges or interests of an individual’ is sufficient to trigger the application of the duty of fairness”. It has subsequently reiterated this test on a number of occasions: see, for example, *Dunsmuir v New Brunswick*, 2008 SCC 9 at para 79, [2008] 1 SCR 190; *Canada (Attorney General) v Mavi*, 2011 SCC 30 at para 38, [2011] 2 SCR 504; *Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36 at para 93, [2013] 2 SCR 559.

[50] The content of a duty of procedural fairness is highly contextual and will vary depending on a number of factors. One such factor as enunciated in *Baker, supra* at para 26 is the existence of legitimate expectations (“If the claimant has a legitimate expectation that a certain procedure will be followed, this procedure will be required by the duty of fairness”). The *Zoning Bylaw* imposes a mandatory obligation on an applicant to conduct a community consultation in every instance where the Development Officer determines that the proposed development does not comply with the Overlay regulations. In particular, under s 814.3(24), each assessed owner of land within 60 metres of the proposed development that is not in compliance with the *Zoning Bylaw* is to be consulted. It is understood that these neighbours have interests at stake and deserve to be part of the process. The corollary of a mandatory obligation on an applicant to consult affected landowners is a right, on the part of the affected landowners, to be consulted. At the very least, such landowners have a legitimate expectation that they will be consulted based

Mavis Baker *Appellant*

v.

Minister of Citizenship and Immigration *Respondent*

and

The Canadian Council of Churches, the Canadian Foundation for Children, Youth and the Law, the Defence for Children International-Canada, the Canadian Council for Refugees, and the Charter Committee on Poverty Issues *Interveners*

INDEXED AS: BAKER v. CANADA (MINISTER OF CITIZENSHIP AND IMMIGRATION)

File No.: 25823.

1998: November 4; 1999: July 9.

Present: L'Heureux-Dubé, Gonthier, Cory, McLachlin, Iacobucci, Bastarache and Binnie JJ.

ON APPEAL FROM THE FEDERAL COURT OF APPEAL

Immigration — Humanitarian and compassionate considerations — Children's interests — Woman with Canadian-born dependent children ordered deported — Written application made on humanitarian and compassionate grounds for exemption to requirement that application for immigration be made abroad — Application denied without hearing or formal reasons — Whether procedural fairness violated — Immigration Act, R.S.C., 1985, c. I-2, ss. 82.1(1), 114(2) — Immigration Regulations, 1978, SOR/93-44, s. 2.1 — Convention on the Rights of the Child, Can. T.S. 1992 No. 3, Arts. 3, 9, 12.

Administrative law — Procedural fairness — Woman with Canadian-born dependent children ordered deported — Written application made on humanitarian and compassionate grounds for exemption to requirement that application for immigration be made abroad — Whether participatory rights accorded consistent with duty of procedural fairness — Whether failure to provide reasons violated principles of procedural fairness — Whether reasonable apprehension of bias.

Mavis Baker *Appelante*

c.

Le ministre de la Citoyenneté et de l'Immigration *Intimé*

et

Le Conseil canadien des églises, la Canadian Foundation for Children, Youth and the Law, la Défense des enfants-International-Canada, le Conseil canadien pour les réfugiés et le Comité de la Charte et des questions de pauvreté *Intervenants*

RÉPERTORIÉ: BAKER c. CANADA (MINISTRE DE LA CITOYENNETÉ ET DE L'IMMIGRATION)

N° du greffe: 25823.

1998: 4 novembre; 1999: 9 juillet.

Présents: Les juges L'Heureux-Dubé, Gonthier, Cory, McLachlin, Iacobucci, Bastarache et Binnie.

EN APPEL DE LA COUR D'APPEL FÉDÉRALE

Immigration — Raisons d'ordre humanitaire — Intérêts des enfants — Mesure d'expulsion contre une mère d'enfants nés au Canada — Demande écrite fondée sur des raisons d'ordre humanitaire sollicitant une dispense de l'exigence de présenter à l'extérieur du Canada une demande d'immigration — Demande rejetée sans audience ni motifs écrits — Y a-t-il eu violation de l'équité procédurale? — Loi sur l'immigration, L.R.C. (1985), ch. I-2, art. 82.1(1), 114(2) — Règlement sur l'immigration de 1978, DORS/93-44, art. 2.1 — Convention relative aux droits de l'enfant, R.T. Can. 1992 n° 3, art. 3, 9, 12.

Droit administratif — Équité procédurale — Mesure d'expulsion contre une mère d'enfants nés au Canada — Demande écrite fondée sur des raisons d'ordre humanitaire sollicitant une dispense de l'exigence de présenter à l'extérieur du Canada une demande d'immigration — Les droits de participation accordés étaient-ils compatibles avec l'obligation d'équité procédurale? — Le défaut d'exposer les motifs de décision a-t-il enfreint les principes d'équité procédurale? — Y a-t-il une crainte raisonnable de partialité?

situations involving family dependency, and emphasize that the requirement that a person leave Canada to apply from abroad may result in hardship for close family members of a Canadian resident, whether parents, children, or others who are close to the claimant, but not related by blood. They note that in such cases, the reasons why the person did not apply from abroad and the existence of family or other support in the person's home country should also be considered.

C. Procedural Fairness

18 The first ground upon which the appellant challenges the decision made by Officer Caden is the allegation that she was not accorded procedural fairness. She suggests that the following procedures are required by the duty of fairness when parents have Canadian children and they make an H & C application: an oral interview before the decision-maker, notice to her children and the other parent of that interview, a right for the children and the other parent to make submissions at that interview, and notice to the other parent of the interview and of that person's right to have counsel present. She also alleges that procedural fairness requires the provision of reasons by the decision-maker, Officer Caden, and that the notes of Officer Lorenz give rise to a reasonable apprehension of bias.

19 In addressing the fairness issues, I will consider first the principles relevant to the determination of the content of the duty of procedural fairness, and then address Ms. Baker's arguments that she was accorded insufficient participatory rights, that a duty to give reasons existed, and that there was a reasonable apprehension of bias.

20 Both parties agree that a duty of procedural fairness applies to H & C decisions. The fact that a decision is administrative and affects "the rights, privileges or interests of an individual" is sufficient to trigger the application of the duty of fairness: *Cardinal v. Director of Kent Institution*,

ment de situations où il existe des liens familiaux de dépendance, et soulignent que l'obligation de quitter le Canada pour présenter une demande de l'étranger peut occasionner des difficultés à certains membres de la famille proche d'un résident canadien, parents, enfants ou autres proches qui n'ont pas de liens de sang avec le demandeur. Elles précisent que dans de tels cas, il faut aussi tenir compte des raisons pour lesquelles la personne n'a pas présenté sa demande à l'étranger et de la présence d'une famille ou d'autres personnes susceptibles de l'aider dans son pays d'origine.

C. L'équité procédurale

Comme premier moyen pour contester la décision de l'agent Caden, l'appelante allègue qu'elle n'a pas bénéficié de l'équité procédurale. L'appelante estime que l'obligation d'agir équitablement exige le respect des procédures suivantes quand des parents ayant des enfants canadiens présentent une demande fondée sur des raisons d'ordre humanitaire: une entrevue orale devant le décideur, un avis de la tenue de cette entrevue aux enfants et à l'autre parent, un droit pour les enfants et l'autre parent de présenter des arguments au cours de cette entrevue, un avis à l'autre parent de la tenue de l'entrevue et du droit de cette personne d'être représentée par un avocat. Elle allègue également que l'équité procédurale exige que le décideur, soit l'agent Caden, motive sa décision, et que les notes de l'agent Lorenz donnent lieu à une crainte raisonnable de partialité.

En traitant des questions d'équité, j'examinerai d'abord les principes applicables à la détermination de la nature de l'obligation d'équité procédurale, et ensuite les arguments de M^{me} Baker sur l'insuffisance des droits de participation qui lui ont été accordés, sur l'existence d'une obligation de motiver la décision et sur la crainte raisonnable de partialité.

Les deux parties admettent que l'obligation d'équité procédurale s'applique aux décisions d'ordre humanitaire. Le fait qu'une décision soit administrative et touche «les droits, privilèges ou biens d'une personne» suffit pour entraîner l'application de l'obligation d'équité: *Cardinal c.*

[1985] 2 S.C.R. 643, at p. 653. Clearly, the determination of whether an applicant will be exempted from the requirements of the Act falls within this category, and it has been long recognized that the duty of fairness applies to H & C decisions: *Sobrie v. Canada (Minister of Employment and Immigration)* (1987), 3 Imm. L.R. (2d) 81 (F.C.T.D.), at p. 88; *Said v. Canada (Minister of Employment and Immigration)* (1992), 6 Admin. L.R. (2d) 23 (F.C.T.D.); *Shah v. Minister of Employment and Immigration* (1994), 170 N.R. 238 (F.C.A.).

(1) Factors Affecting the Content of the Duty of Fairness

The existence of a duty of fairness, however, does not determine what requirements will be applicable in a given set of circumstances. As I wrote in *Knight v. Indian Head School Division No. 19*, [1990] 1 S.C.R. 653, at p. 682, “the concept of procedural fairness is eminently variable and its content is to be decided in the specific context of each case”. All of the circumstances must be considered in order to determine the content of the duty of procedural fairness: *Knight*, at pp. 682-83; *Cardinal, supra*, at p. 654; *Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*, [1990] 3 S.C.R. 1170, *per* Sopinka J.

Although the duty of fairness is flexible and variable, and depends on an appreciation of the context of the particular statute and the rights affected, it is helpful to review the criteria that should be used in determining what procedural rights the duty of fairness requires in a given set of circumstances. I emphasize that underlying all these factors is the notion that the purpose of the participatory rights contained within the duty of procedural fairness is to ensure that administrative decisions are made using a fair and open procedure, appropriate to the decision being made and its statutory, institutional, and social context, with an opportunity for those affected by the decision to put forward their views and evidence fully and have them considered by the decision-maker.

Directeur de l'établissement Kent, [1985] 2 R.C.S. 643, à la p. 653. Il est évident que la décision quant à savoir si un demandeur sera dispensé des exigences prévues par la Loi entre dans cette catégorie, et il est admis depuis longtemps que l'obligation d'équité s'applique aux décisions d'ordre humanitaire: *Sobrie c. Canada (Ministre de l'Emploi et de l'Immigration)* (1987), 3 Imm. L.R. (2d) 81 (C.F. 1^{re} inst.), à la p. 88; *Said c. Canada (Ministre de l'Emploi et de l'Immigration)* (1992), 6 Admin. L.R. (2d) 23 (C.F. 1^{re} inst.); *Shah c. Ministre de l'Emploi et de l'Immigration* (1994), 170 N.R. 238 (C.A.F.).

(1) Les facteurs ayant une incidence sur la nature de l'obligation d'équité

L'existence de l'obligation d'équité, toutefois, ne détermine pas quelles exigences s'appliqueront dans des circonstances données. Comme je l'écrivais dans l'arrêt *Knight c. Indian Head School Division No. 19*, [1990] 1 R.C.S. 653, à la p. 682, «la notion d'équité procédurale est éminemment variable et son contenu est tributaire du contexte particulier de chaque cas». Il faut tenir compte de toutes les circonstances pour décider de la nature de l'obligation d'équité procédurale: *Knight*, aux pp. 682 et 683; *Cardinal*, précité, à la p. 654; *Assoc. des résidents du Vieux St-Boniface Inc. c. Winnipeg (Ville)*, [1990] 3 R.C.S. 1170, le juge Sopinka.

Bien que l'obligation d'équité soit souple et variable et qu'elle repose sur une appréciation du contexte de la loi particulière et des droits visés, il est utile d'examiner les critères à appliquer pour définir les droits procéduraux requis par l'obligation d'équité dans des circonstances données. Je souligne que l'idée sous-jacente à tous ces facteurs est que les droits de participation faisant partie de l'obligation d'équité procédurale visent à garantir que les décisions administratives sont prises au moyen d'une procédure équitable et ouverte, adaptée au type de décision et à son contexte légal institutionnel et social, comprenant la possibilité donnée aux personnes visées par la décision de présenter leur points de vue complètement ainsi que des éléments de preuve de sorte qu'ils soient considérés par le décideur.

21

22

TAB #6



Dustin Patzer <dustin@lawpollock.com>

Fwd: 817-8ave. South damaged property and sidewalk from Absolute Foundation

Laurie Sugai (Hall) <lasugai@gmail.com>
To: dustin@lawpollock.com
Cc: ethen@lawpollock.com

Hi Dustin, forwarding you a copy of what I sent to Pam Colling on July 9,2018.

Sent from my iPad

Begin forwarded message:

From: "Laurie Sugai (Hall)" <lasugai@gmail.com>
Date: July 9, 2018 at 7:26:24 AM MDT
To: pam.colling@lethbridge.ca
Subject: 817-8ave. South damaged property and sidewalk from Absolute Foundation

Hi Pam, can you take a look at the pictures I am sending you. Absolute Foundation is doing a new foundation on our neighbors house 819-8 ave south as you are aware of. On Friday You need to come and take a look at it and bring the City Engineer. Can you please contact ASAP! I will come up to the City as soon as they open. This needs immediate attention. Lat



8/23/2018



Pollock & Company Mail - Fwd: 817-8ave. South damaged property and sidewalk from Absolute Foundation

Elihu Anderson <elihu@lewpollock.com>

Fwd: 817-8ave. South damaged property and sidewalk from Absolute Foundation

3 messages

Laure Sugal (Hill) <lsugal@gmail.com>
To: elihu@lewpollock.com
Cc: elihu@lewpollock.com

Mon, Aug 20, 2018 at 11:24 PM

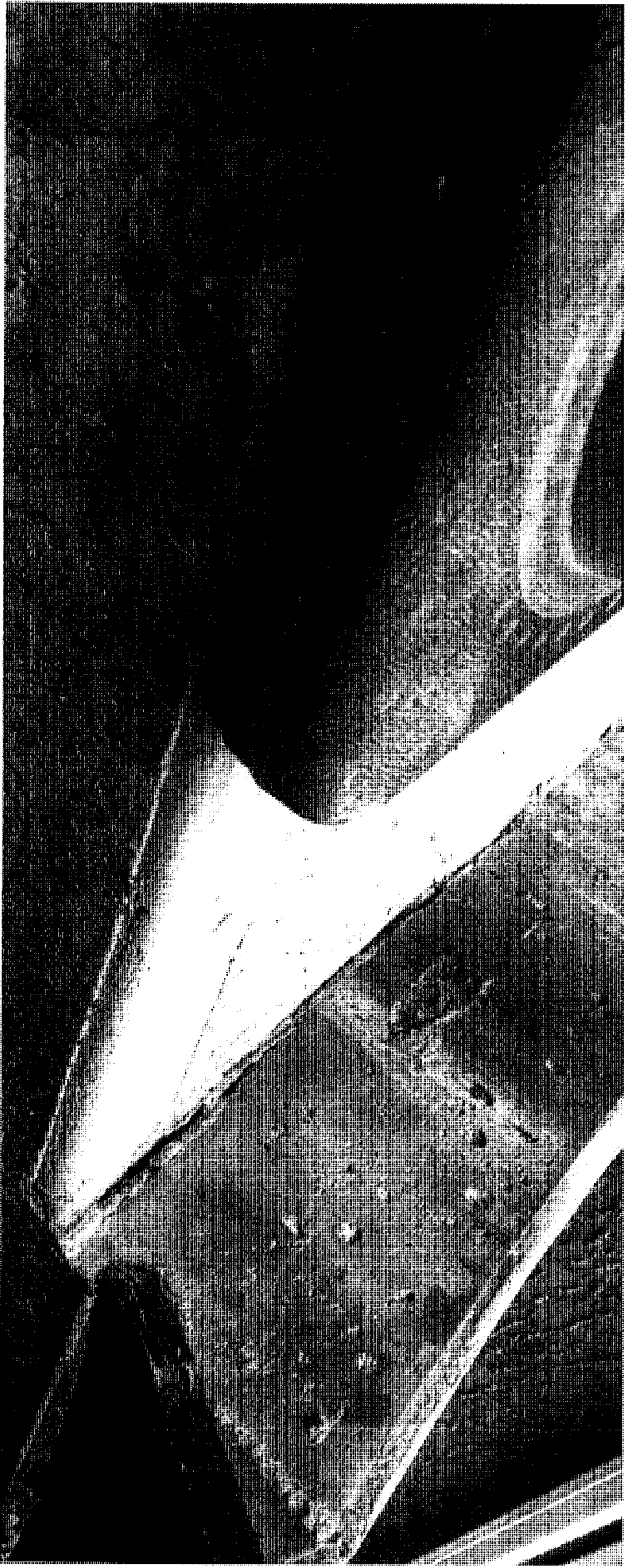
Hi Dustin, forwarding you a copy of what I sent to Pam Colling on July 9, 2018.

Sent from my iPad

Begin forwarded message:

From: "Laure Sugal (Hill)" <lsugal@gmail.com>
Date: July 9, 2018 at 7:36:24 AM MDT
To: pam.colling@lembroges.ca
Subject: 817-8ave. South damaged property and sidewalk from Absolute Foundation

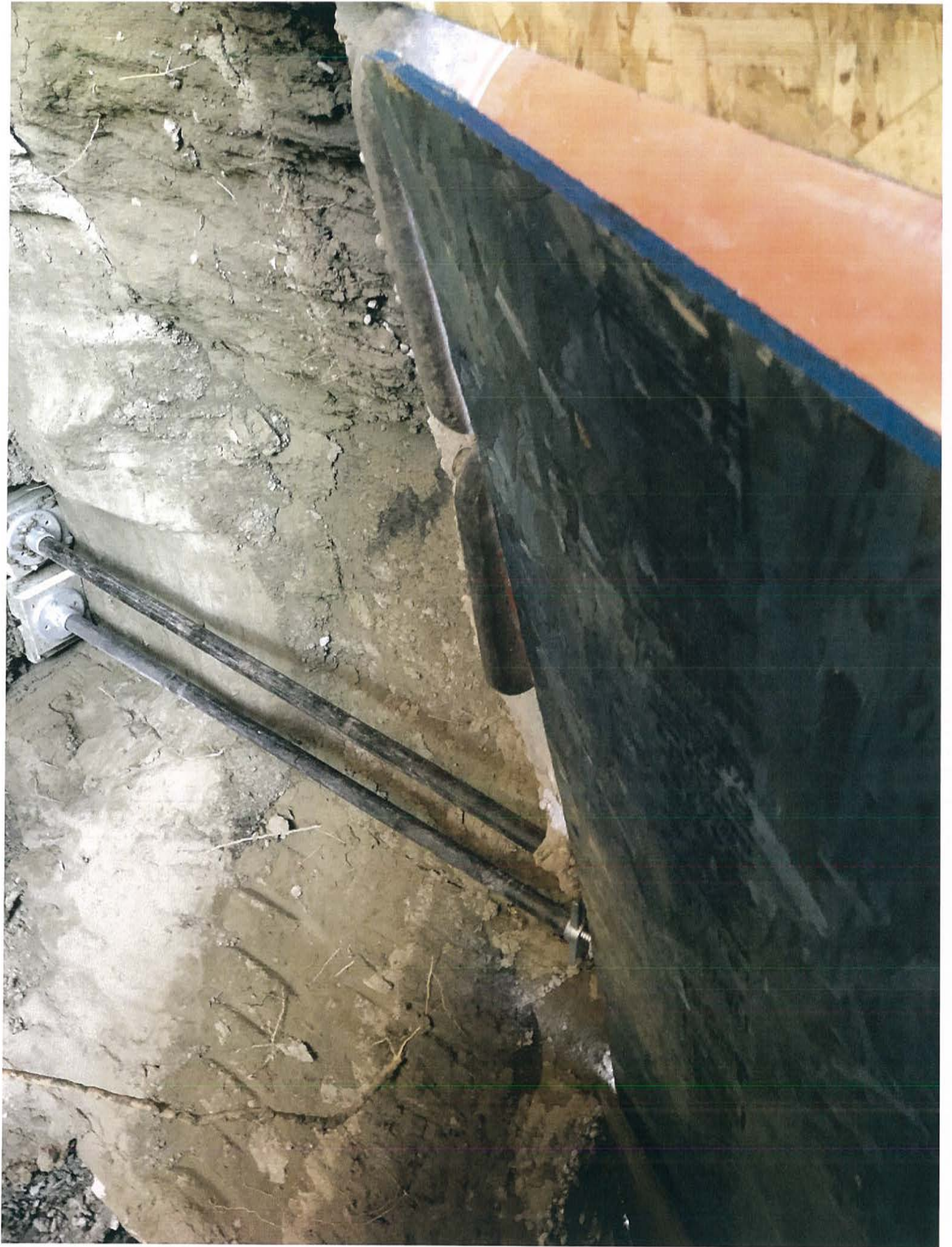
Hi Pam, can you take a look at the pictures I am sending you. Absolute Foundation is doing a new foundation on our neighbors house 819.4 ave south as you are aware of. On Friday they dug out our property and have dug underneath our new sidewalk which they had no consent to do. They/ sidewalk has nothing underneath it. It can not stop at any time. You need to come and take a look at it and bring the City Engineer. Can you please contact SASPT? I will come up to the City as soon as they open. This needs immediate attention. Laurie Hill 403 330-7752.

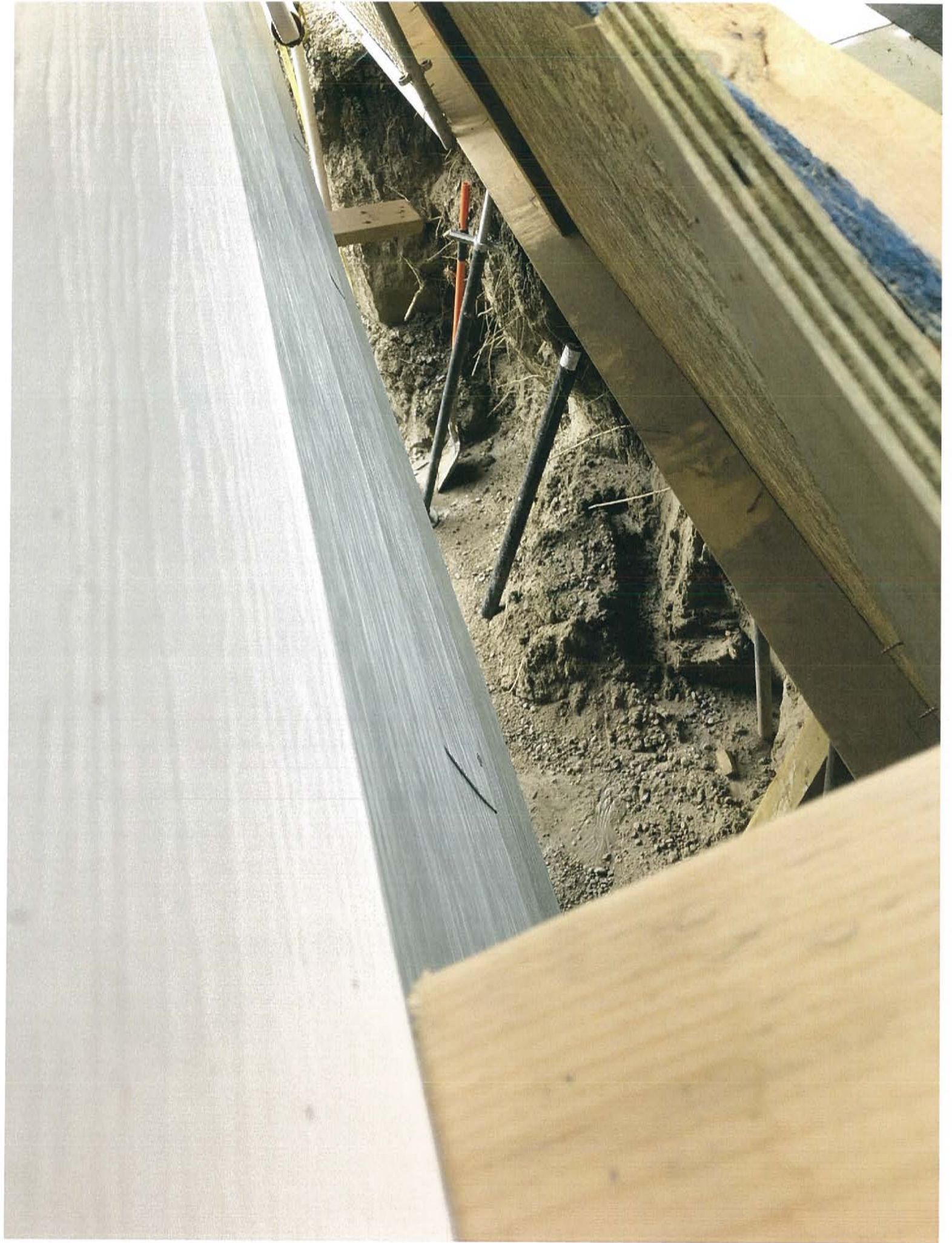


https://mail.google.com/mail/u/1/?ui=2&ik=05878a5eba&jsver=CH739CjDVe.en.&ch=gm-mail_fe_180819_13_p2&view=q&search=inbox&th=1655808d79c7138d&siml=16558f15314b97ee&siml=16562aa5ebb290a&siml=16568908d79c7138d















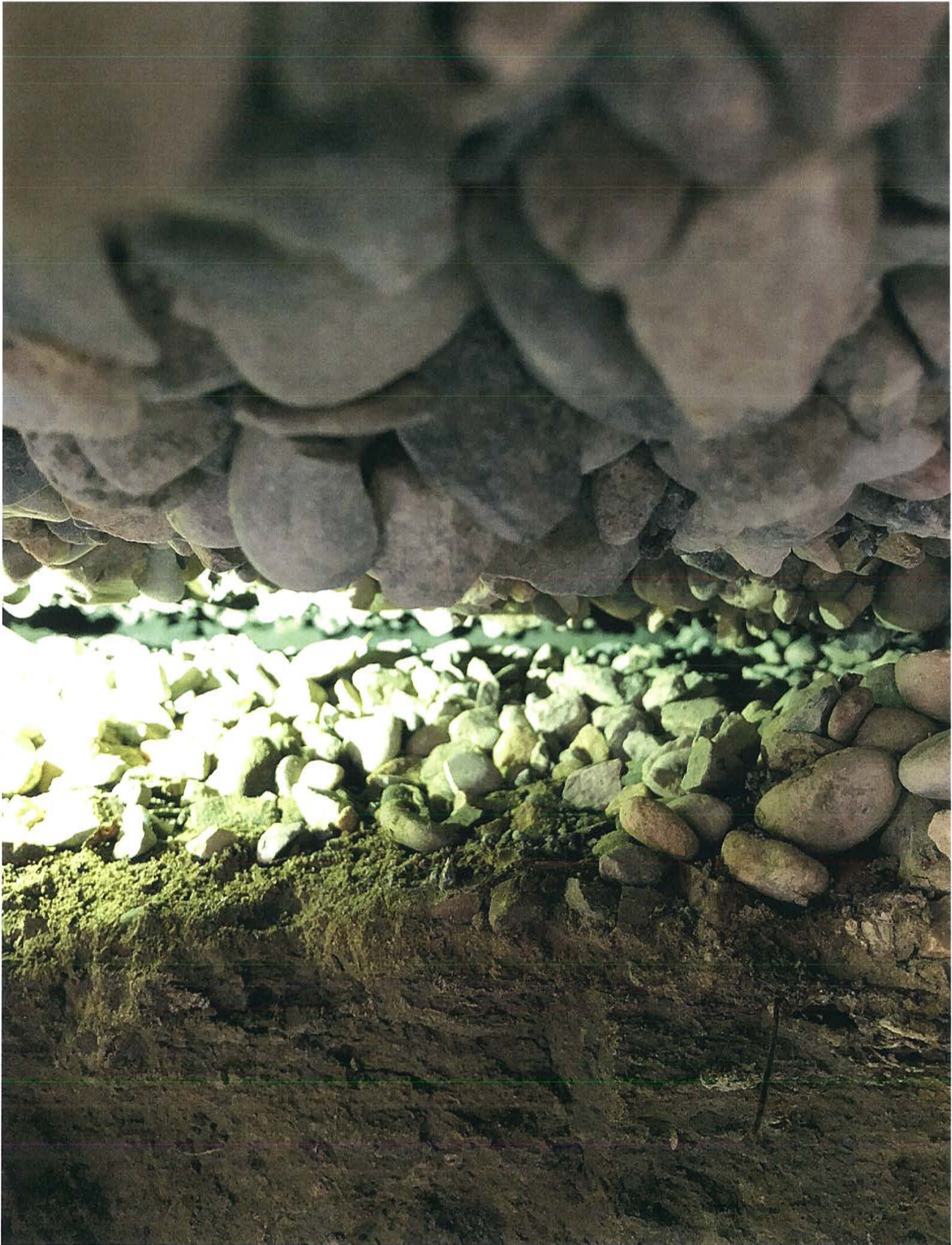




















SDAB FILE NO.	2018-05
IN THE MATTER OF	APPEAL OF DEVELOPMENT PERMIT 10469
APPELLANT	VERNON OLIVER AND LAURIE HALL
SUBDIVISION AUTHORITY	LETHBRIDGE SUBDIVISION AND APPEAL BOARD
DOCUMENT	WRITTEN SUBMISSIONS OF DONAL ATKINSON AND RAE STEPHENS
HEARING DATE	THURSDAY, AUGUST 23, 2018 at 5:00 pm
NAME (ORGANIZATION)	HUCKVALE LLP
ADDRESS FOR SERVICE	410 – 6 TH STREET S LETHBRIDGE, AB T1J 2C9 ATTENTION: CHRISTOPHER P. HOTTON
EMAIL	ch@huckvale.ca
TELEPHONE	(403) 328-8856
(FOR PERSON FILING THIS DOCUMENT)	

Introduction

1. Donal Atkinson and Rae Stephens (hereinafter referred to as the “**Home Owners**”) are the owners of the property located at 819 8 Avenue S, Lethbridge, AB T1J 1P1 and legally described as 4421FT;;32 (hereinafter referred to as the “**Property**”). The Property is the subject property of the appeal to Development Permit 10469 (hereinafter referred to as “10469”).
2. Absolute Foundations (hereinafter referred to as the “**Absolute**”) is a construction company operating in Lethbridge, Alberta that specializes in the repair and construction of property foundations.
3. On May 5, 2018, the Home Owners and Absolute entered into a contract wherein Absolute would construct a new foundation for the Property. The work for the construction included:
 - a. Disconnecting the utilities;
 - b. Demolition and excavation;
 - c. Pouring new concrete footings;
 - d. Installing new PWF foundation wall/insulation and vapor barrier;
 - e. Underground plumbing/backflow valve and inspections;
 - f. Pouring a new concrete slab;
 - g. Installing new stairs and interior support walls;
 - h. Installing new floor joist;
 - i. Installing weeping tile and waterproof membrane on exterior foundation walls;
 - j. Backfill and compact soil/re-install utilities;
 - k. Re-install furnace and hot water tank/additional electrical outlets;
 - l. Obtaining a final inspection from the City of Lethbridge;
 - m. Obtaining a final inspection from BCB Engineering; and
 - n. Obtaining a letter of completion from BCB Engineering.

Attached as Exhibit "A" is a copy of the quote provided by Absolute to the Home Owners on May 5, 2018 for construction to be performed on the Property.

4. On or about June 2018, the Home Owners do reasonably believe that Absolute submitted an application to the City of Lethbridge seeking a Development Permit to undertake the following:
 - a. Foundation repair;
 - b. Relocate the Property;
 - c. Request for a short front setback waiver along 8th Avenue South, a long front setback waiver along 9th Street South, an eave projection waiver into the long front setback along 9th Street South and a west side setback waiver (hereinafter referred to as the "**Application**").

5. The Home Owners do reasonably believe that, BCB Engineering, a third-party engineering firm, was contracted by Absolute to perform an inspection on the foundation of the Property and determine the viability of the work to be performed by Absolute. On or about June 2018, BCB Engineering attended upon the Property and performed an inspection on the foundation.

6. The Application was approved by the City of Lethbridge Development Authority on July 12, 2018 and 10469 was granted. Attached as Exhibit "B" is a copy of Development Permit No. 10469.

7. The Home Owners do reasonably believe that Absolute signed a Voluntary Waiver of Claim form which allowed Absolute to begin construction on the Property's foundation immediately.

8. On or about July 2018, Absolute began construction on the Property. To date, construction has included excavating around and under the base of the Property to access the foundation, floor joists have been updated, steel beams have been inserted under the Property, stairs to the basement had to be adjusted, and walls

and closets have been moved. Attached as Exhibit "C" are photographs of the construction on the Property.

9. Throughout the construction process, the Home Owners experienced significant difficulties from Vernon Oliver and Laurie Hall (hereinafter referred to as the "**Appellants**"), who are neighbors to the Property, which has prevented Absolute from furthering any work beyond what has already been performed on the Property. The difficulties include the following:
- a. Complaint to the City of Lethbridge for damage to sidewalk. A stop work order was issued until the matter was resolved.
 - b. Complaint to ATCO Gas because of an alleged unsafe gas connection. ATCO Gas attended the site and found there to be no issue.
 - c. Complaint to the City of Lethbridge for blocked driveway. Stop work order was issued. City representatives attended the Property and found that there is no driveway on either the Home Owners or Appellants properties.
 - d. Complaint to the City of Lethbridge for unattached trailer near the Appellants property. Stop work order was issued. City of Lethbridge representatives attended upon the properties and found there to be no issue.
 - e. Complaint to the City of Lethbridge for damage to the curb. Stop work order was issued. City of Lethbridge representatives attended upon the Property and found the damage to the curb to be minor and was considered usual construction wear.
 - f. Complaint to the City of Lethbridge for alleged asbestos in the Property. Stop work order was issued. Lab testing still in progress.
 - g. Complaint to Occupational Health & Safety (hereinafter referred to as "OH&S") for shoring of trench. The shoring installed was per OH&S recommendation.
 - h. Complaint to OH&S for employees of Absolute working without personal protective equipment. Stop work order was issued. OH&S attended upon the Property and found employees of Absolute to be wearing personal protective equipment.

10. On July 30, 2018, Absolute provided the Home Owners with an Incident Report detailing issues the Appellants are causing to Absolute during the construction of the foundation of the Property. Issues include intimidating workers, setting up cameras to monitor Absolute's work, and issuing complaints without merit to delay construction. Attached as Exhibit "D" is a copy of the Incident Report.
11. On August 2, 2018, the Appellants Hall filed an Appeal to the City of Lethbridge Subdivision and Development Board ("Board") seeking to have the Board suspend 10469 because of alleged damage done to their property.

Legislation and Bylaws

12. Land Use Bylaw 5700 Section 4 outlines the requirements when applying for a Development Permit. Subsection 4.3.1.1 states the submission requirements for a development permit, they are:
 - a. A site plan;
 - b. Floor plans;
 - c. Elevation drawings;
 - d. Landscape plans; and
 - e. A Civil site plan¹
13. The submission requirements as found in Subsection 4.3.3 provide extensive detail that is required to provide to the City of Lethbridge before an application is considered complete and submitted for review.² Requirements include detailed measurements of the subject property and the effects construction will have on adjacent properties, roads and sidewalks. Further, the requirements ask for detailed drawings, floor plans and landscape plans. These requirements are sufficient to require expert opinion and analysis prior to submission.

¹ See Tab 1, attached.

² See Tab 1, attached.

14. Under Land Use Bylaw 5700 Section 4.4 an application is considered complete when “payment of the fee in accordance with Section 4.6 has been received and the information required by Section 4.3 has been received and is, in the opinion of the Development Authority, of sufficient quantity and quality to enable evaluation of the application”.³

15. Land Use Bylaw 5700 Section 6 outlines the grounds for appeal regarding development permits. Subsection 6.1.1 states:

“An appeal can be made by any affected person to the Subdivision and Development Appeal Board if the Development Authority:

 - 6.1.1.1 fails or refuses to issue a development permit to a person, or
 - 6.1.1.2 issues a development permit subject to conditions, or
 - 6.1.1.3 issues an Order as described in Section 8.1 or Section 5.11⁴

16. Section 687(3)(a.4)(c) of the *Municipal Government Act* states that a Development Authority may “confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own”.⁵

17. Further Section 687(3)(a.4)(d)(i)(B) states that SDAB may make an order or decision even though the proposed development does not comply with the land use bylaw if, in its opinion, the proposed development would not “materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land”.⁶

³ See Tab 1, attached.

⁴ See Tab 1, attached.

⁵ See Tab 2, attached.

⁶ See Tab 2, attached.

Position of the Home Owners

18. The Home Owners submit that the Appellants have not provided any evidence to prove that Absolute is an unlicensed business pursuant to the *Lethbridge Licence Bylaw* and that 10469 was obtained through fraud and misrepresentation, failure to disclose pertinent information at the time of the application, issued in error, or invalidated through non-compliance with the conditions of approval.
19. The Home Owners submit that the complaints filed by the Appellants are mere attempts to delay the construction of the Property as each complaint has been found to be frivolous and without merit, and this appeal is another attempt to delay construction.
20. The Home Owners submit that the complaints filed by the Appellants, and the subsequent delays that have resulted, have caused significant financial costs to the Home Owners with the increased cost in labour to attend and reattend the Property with each stop work order.
21. The Home Owners submit that 10469 was filed and approved under the rules and regulations as stated in Land Use Bylaw 5700 and should be confirmed by SDAB.
22. The Home Owners submit that a decision by SDAB to revoke 10469 would cause serious detriment to them personally and to the property if 10469 because of the current state of the Property.

23. The Home Owners submit that, in the event SDAB finds the construction of the Property to be in violation of 10469, they request that SDAB confirm 10469 pursuant to Section 687(3)(a.4)(d)(i)(B) of the *Municipal Government Act* because the proposed development does not materially interfere with the property of the Appellants or affect the Appellant's use, enjoyment or value of their property.

All of which is respectfully

Huckvale LLP

Per: 
Christopher P. Hotton
Solicitor for Donal Atkinson and Rae Stephens

Absolute Foundations

Give yourself peace of mind!

420 34 Street South
 Lethbridge, AB T1J 4H8
 Phone: 403-635-3242
 E-mail: absolutefoundations@hotmail.com

DATE: May 5, 2018

BILL TO: Donal Atkinson
 Residential
 819 8 St South
 Lethbridge, AB

DESCRIPTION New PWF Foundation/Concrete Slab	AMOUNT
Structural Engineer evaluation and project scope	
Remove furnace and hot water tank to gain access to work area	
Alberta One Call	
Disconnection of utilities	
Demolition and excavation	
Pour new concrete footings 24x8	
Install new PWF foundation wall/insulation and vapor barrier	
Underground plumbing/backflow valve and inspections	
Pour new concrete slab (42x24, 10mm rebar on 24" on center)	
Install new stairs and interior support walls	
Install new 2x12 floor joist	
Install weeping tile and waterproof membrane on exterior foundation walls	
Backfill and compact soil/re-install utilities	
Re-install furnace and hot water tank/additional electrical outlets	
Final inspections from City of Lethbridge	
Final inspection from BCB Engineering	
Letter of completion from BCB Engineering	
Materials	40,000.00
Labor	50,000.00
A Deposit is required at the start of the project	\$ 90,000.00
	TAX RATE 5.00%
	G.S.T. 4,500.00
	OTHER -
THANK YOU FOR YOUR BUSINESS!	TOTAL \$ 94,500.00

Make all cheques payable to ABSOLUTE FOUNDATIONS. Any changes to the scope of work is subject to extra cost. If you have any questions concerning this quote, contact KIRK 403-635-3242. THIS QUOTE IS VALID FOR 30 DAYS ONLY.



CITY OF
Lethbridge

Land Use Bylaw 5700
DEVELOPMENT PERMIT

**PERMIT NO.
DEV10469**

Address: **819 8 AVE S**
Legal: 4421FT;;32

District: R-L(L)

Applicant: ABSOLUTE FOUNDATIONS
Address: 420 34 ST S LETHBRIDGE AB T1J 4H8

Phone: 403-635-3242

Development Proposed To undertake foundation repair and relocate dwelling and a request for a short front setback waiver along 8th Avenue South, a long front front setback waiver along 9th Street South, an eave projection waiver into the long front setback along 9th Street South and a west side setback waiver.

District R-L LOW DENSITY RESIDENTIAL

Land Use DWELLING, SINGLE DETACHED - PERMITTED

Waiver FRNT YRD SETBACK (LN ACCSS)-CP
FRONT YARD SETBACK (LN ACCSS)
SIDE YARD SETBACK (LN ACCSS)

CONDITIONS OF APPROVAL

1. A 3.10m (10'2") front setback waiver be granted, allowing a 2.90m (9'7") short front setback along 8th Avenue South for the single detached dwelling.
2. A 2.70m (8'11") front setback waiver be granted, allowing a 0.30m (1'0") long front setback along 9th Street South for the single detached dwelling.
3. A 0.35m (1'2") eave projection waiver be granted, allowing a 0.25m (10") eave projection into the front setback which thereby allows the eaves to be a distance of 0.05m (2") from the long front property line along 9th Street South for the single detached dwelling.
4. A 0.30m (1'0") side setback waiver be granted, allowing a 0.90m (3'0") west side setback for the single detached dwelling.
5. The development shall be in accordance with the plans submitted July 12, 2018. Any change to these plans requires the approval of the Development Officer.

Decision Date

Jul 12, 2018

Valid Date

Aug 14, 2018

Development Commencement

Provided this decision is not appealed, development shall commence:

- on or after the valid date, and
- within one year of the valid date.

Development may commence before the valid date only if the applicant has signed the "Voluntary Waiver of Claims" and is in receipt of this signed permit.



CITY OF

Lethbridge

**Land Use Bylaw 5700
DEVELOPMENT PERMIT**

**PERMIT NO.
DEV10469**

**Development.
Authority**

P. Colling

PAM COLLING, DEVELOPMENT OFFICER

STATUTORY PLANS

The SSRP and applicable municipal statutory plans were considered in rendering this decision.

APPEALS

The applicant has the right to appeal this decision to the Subdivision and Development Appeal Board. An appeal shall contain a statement of the grounds of appeal and shall be delivered either personally or by Registered Mail so as to reach the Secretary of the Subdivision and Development Appeal Board not later than twenty-one (21) days after the decision date indicated on the 'Development Permit or 'Development Permit Application - Refused' letter.

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 5700 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. DEV10469

EXHIBIT "C"













Incident Report

Absolute Foundations
420 34 Street South
Lethbridge, AB
T1J 4H8
403-635-3242

Project Location:
HOMEOWNER: Donal Atkinson
819 8 Ave South
Lethbridge, AB

Neighbours of 819 8 AVE South: Vern and Laurie Hall

- Vern and Laurie Hall made Andre (Absolute Employee) aware that they have cameras and will be watching us closely to ensure that our work is being done to a standard and that we are not screwing anyone over.
- Laurie Hall complained about a black granular substance on the east sidewalk.
- Laurie Hall complained about chip on the sidewalk less than the size of a dime.
- Laurie Hall complained about the dust on the siding due to the excavation happening adjacent to her property.
- Vern expressed to me verbally that he would like to see the house located at 819 8 Ave South torn down and a new house get built.
- I told Vern that the City of Lethbridge requested that the house be moved two feet two inches to the east to conform to the property setbacks. He verbally replied by saying, "Who knows what might happen to the house when it gets moved". This language clearly implies a motive for something catastrophic to happen to the house during the move.

- Laurie and Vern complained about the noise from the jackhammer that was used to demolish the concrete wall during daytime regular working hours.
- Dirt collapsed under a section of their sidewalk on Saturday while no workers were present.
 - o Laurie Hall left a voicemail on my phone notifying me to call her to discuss this issue first or she was going to proceed with legal action if I did not call her first.
 - o The following Monday morning I met with Laurie and Vern to discuss this issue. I offered financial compensation for the sidewalk, but she declined. She insisted that all work to be stopped immediately or she was going to contact the police and have me charged with trespassing. The negotiations took over two hours in which Laurie and Vern extensively complained about the conflicts they were having with Empire Homes. I continually reminded them both that I was there to find a resolution to the issue directly related to the sidewalk even if that meant I needed to build an entirely new sidewalk and covering all the financial costs.
 - o Laurie also contacted the City of Lethbridge and a representative came and issued a verbal stop work order due to the fact that no permit was issued to install a new foundation at 819 8 Ave South.
 - o All the equipment that was rented had to be removed by a crane from the basement and returned to the rental companies. This caused a significant delay in production.
 - Total cost breakdown
 - Hoarding Permit – Cost per day
 - Barricade Rentals – Cost per day
 - Equipment Rentals – Skid Steer, conveyor
 - Employee Wages – 32 Hours
 - OH&S Safety Officer showed up at 819 8 Ave South and issued an order for shoring to be installed on the north side of the home in an open trench where no work was being performed. This information provided to her was false and misleading. No tickets or fines were issued by the OH&S safety officer. Total cost of this material was \$1000 plus 24 hours of employee wages.
- Bylaw enforcement was notified that an unattached trailer was obstructing a driveway. When the officer arrived, the trailer was already attached to a new truck and was not blocking a driveway. No tickets or fines were issued by the bylaw parking officer. In order for us to drive the trailer safely and legally, it was reasonable to unattach a ½ ton truck and attach a ¾ truck to legally pull the trailer loaded with demolished concrete. To do this, the trailer was unattached for a short period of time.

- Pictures were taken and sent to the transportation department of the City of Lethbridge with the statement of claims that Absolute Foundations was willfully destroying the intersection and road adjacent to our working area. A claim was also made that we were willfully obstructing the intersection.
 - o Beverly Parker from the City of Lethbridge conducted a site visit and found nothing out of the ordinary and we were in full compliance with our hoarding permits. She also stated that debris and damage is a part of the construction process and will be repaired at the end of the job.
- Laurie and Vern would stand to benefit financially from an increase in property value if the Atkinson's home was forced to be torn down and a new one was to be built.
- I have been unable to run my business efficiently with little time to conduct estimates because I must stay on the job site watching over my workers ensuring they are not being harassed by the neighbours.
- The workers notified me that Vern was willfully staring at the workers in what was perceived to be an attempt to intimidate the workers. This type of behaviour makes the workers feel very uncomfortable and any willful distraction poses a safety risk to the workers while trying to conduct their daily tasks.

- 4.2.2.21 fireplaces that comply with this Bylaw,
- 4.2.2.22 the use of a dwelling by the occupant or occupants to create unique items or objects of art such as paintings, sculpture and compositions of music or literature,
- 4.2.2.23 single detached dwellings, additions to single detached dwellings, and accessory buildings in residential districts which are permitted uses and which comply with the Land Use Bylaw,
- 4.2.2.24 the use of a Shipping Container in a residential district for a period not exceeding 6 months. For the purposes of this subsection the 6 month period shall commence from the date of the arrival/delivery of the Shipping Container which date shall be established by the production of a delivery receipt/invoice or by such other evidence satisfactory for the Development Officer. In the event such receipt/invoice or other satisfactory evidence is not received by the Development Officer the Shipping Container shall be deemed to have been in use for the period of three months immediately prior to the date of the initial request by the Development Office for confirmation of the date of arrival/delivery of the Shipping Container.⁴
- 4.2.2.25 satellite dishes, and radio and television antennas and telecommunications towers that are not subject to federal regulation and that meet the requirements of this Bylaw,⁵
- 4.2.2.26 telecommunications towers that are subject to federal regulation,⁶
- 4.2.2.27 oil and gas and pipeline installations in accordance with the Act.⁷
- 4.2.2.28 Electric Vehicle (EV) charging facilities which form part of a parking facility approved by a development permit.⁸

4.3 Information Required for Development Applications

4.3.1 Submission requirements:⁹

4.3.1.1 If the application is made by mail or in person: two hard copies of the following at a size and scale that provides for legibility and scalability and containing the information required by Sections 4.3.2 and 4.3.3:

- A site plan
- Floor plans
- Elevation drawings
- Landscape plans
- A Civil site plan¹⁰

⁴ Bylaw 5897 January 19, 2015

⁵ Bylaw 6050 July 4, 2017

⁶ Bylaw 6050 July 4, 2017

⁷ Bylaw 6050 July 4, 2017

⁸ Bylaw 6050 July 4, 2017

⁹ Bylaw 6106 April 30, 2018

¹⁰ Bylaw 6050 July 4, 2017

Part 4 Applying for a Development Permit

- 4.3.1.1.1 A pdf copy of the plans and drawings noted in Section 4.3.1.1 and containing the information required by Sections 4.3.2 and 4.3.3.
- 4.3.1.1.2 Details of the proposed development on Form A of this Bylaw.
- 4.3.1.1.3 Optional: an email address on Form A which shall mean applicant consent to receive documents and communications at that address.
- 4.3.1.1.4 Evidence satisfactory to the Development Officer that the application is authorized by the registered owner(s) of the parcel.
- 4.3.1.1.5 The fee described in the Development Fees and Charges Bylaw.
- 4.3.1.2 If the application is made by electronic means:
 - 4.3.1.2.1 A pdf copy of the plans and drawings noted in Section 4.3.1.1 and containing the information required by Sections 4.3.2 and 4.3.3.
 - 4.3.1.2.2 A scanned copy or a fillable pdf copy of Form A of this Bylaw providing details of the proposed development
 - 4.3.1.2.3 Required: an email address on Form A which shall mean applicant consent to receive documents and communications at that address.
 - 4.3.1.2.4 Evidence satisfactory to the Development Officer that the application is authorized by the registered owner(s) of the parcel.
 - 4.3.1.2.5 The fee described in the Development Fees and Charges Bylaw that can be received or charged electronically.
- 4.3.2 Every page of the submitted plans and drawings must contain the following information:
 - Legal description
 - Municipal Address
 - A drawing date and number
 - Drawing Scale
 - Project name and/or description

4.3.3 Submission Information

Depending on the type and extent of development the applicant may be required to provide some or all of the following information in the submission. The applicant should contact the Planning and Development Services Department for detailed advice on information requirements.

4.3.3.1 A Site Plan that:

- 4.3.3.1.1 Is oriented with north at the top of the page and shows a north arrow
- 4.3.3.1.2 indicates in a text block:
 - the proposed land use(s)
 - the proposed density
 - the parcel area, parcel coverage, and floor area ratio
 - the total net and gross floor areas

- the net and/or gross floor areas broken down by land use
- the number of residential units broken down by number of bedrooms per unit
- the number of regular parking spaces and number of barrier free parking spaces

4.3.3.1.3 shows, dimensions in metric, and identifies

- the subject parcel lines and the abutting road right of ways and the adjacent and opposite parcels and driveway entrances to the same
- all easements, utility right of ways and other applicable encumbrances
- the boulevards abutting the subject parcel including the existing or future: boulevard trees, sidewalks, curbs, light standards, hydrants, utility installations and transit stops
- all the existing and proposed buildings on the subject parcel
- the building setback distances measured in accordance with the definition for setback and shown with a dimension line
- all driveways, vehicle stacking distances, parking areas, maneuvering aisles, parking spaces (including barrier free spaces) and loading docks/bays, landscaped and non/landscaped parking islands
- all large-vehicle movement paths, and a 12m centre line turning radius for fire trucks
- deleted¹¹
- the on-site and off-site connecting sidewalks and pathways, centre-walks, curb ramps, crossing tables, and identifying the slopes and cross slopes of the same, and all pedestrian-crossing pavement markings, detectable warning surfaces, and pedestrian signage.¹²
- bicycle parking and storage facilities¹³
- the location of transit stops
- all areas to be landscaped
- the garbage containment area
- any outdoor storage areas
- the snow stock-pile locations
- the location of group mailboxes and vehicle pull-out
- the location of existing and/or proposed signage
- the location and type of site lighting
- the existing and/or proposed above ground utility structures

¹¹ Bylaw 6016 October 17, 2016

¹² Bylaw 6017 October 17, 2016

¹³ Bylaw 6016 October 17, 2016

4.3.3.2 Floor Plans that show, dimension in metric, and identify:

- the layout of each floor including all door and window openings
- deleted¹⁴
- the use of each area

4.3.3.3 Elevation Drawings that show in color, dimension in metric and identify:

- all building faces and grade lines
- the roofs, eave overhangs, roof slope, and roof structures
- the building height to the peak of the roof, measured in accordance with the definition for height, for all building faces
- the finish materials and color of same
- any existing and/or proposed fascia signs, canopy signs, projecting signs, or roof signs
- a detail of any proposed free-standing sign

4.3.3.4 A Civil Site Plan that shows, dimensions in metric and identifies:¹⁵

- proposed grades and contours,
- on-site storm retention areas and volume calculations
- the location of catch basins and swales or drainage channels
- calculations for the volume and other characteristics of sanitary and storm sewage discharge
- the locations of utility service connections
- the location of any on-site fire hydrants
- the location of premise isolation installations

4.3.3.5 Landscape Plan(s) that show, dimension in metric and identify:

4.3.3.5.1 Overall layout

- the existing and proposed topography indicating storm water retention areas
- the existing vegetation indicating what is to be retained and what is to be removed
- the location of utility right of ways, underground utilities and other underground structures or installations
- the location of buildings and sidewalks
- the location of driveways, parking areas, garbage containers and enclosures, outdoor storage areas, fences, signs, lamp standards, utility installations, etc.
- the location of all parking lot traffic islands¹⁶
- the location of both individual and group amenity spaces (unit patios, playgrounds, open space, etc)
- the location of hard structural elements such as retaining walls, fences, walkways, patios and other hard surface areas and noting the materials and finishes

¹⁴ Bylaw 6050 July 4, 2017

¹⁵ Bylaw 6050 July 4, 2017

¹⁶ Bylaw 6016 October 17, 2016

Part 4 Applying for a Development Permit

	5:33 pm	5:24 pm		SN +4 hours
	6:33 pm			SN +5 hours
	7:33 pm			SN +6 hours
	8:12 pm	6:01 pm	3:03 pm	Set -1.5 hours
	9:42 pm	7:31 pm	4:33 pm	Set

- 4.3.3.6.2 A written analysis, including:
- description of the methodology used in preparing the study
 - description of all locations/uses of areas affected by shadowing/sunlight changes due to the proposed development
 - quantification and assessment of the impact on areas affected by shadowing/sunlight changes due to the proposed development
 - summary describing any mitigating features that have been incorporated into the site and building design¹⁷

4.3.3.7 Such other information, determined at the discretion of the Development Officer, as may be required to enable a proper evaluation of the application.

4.4 Application Completeness¹⁸

A development permit application is considered complete when payment of the fee in accordance with Section 4.6 has been received and the information required by Section 4.3 has been received and is, in the opinion of the Development Authority, of sufficient quantity and quality to enable evaluation of the application.

4.4.1 Review for Completeness

Within 21 days of receiving an application, the Development Authority shall review the application and shall issue a written notice, delivered by mail or email, advising if the application has been determined complete or incomplete.

- 4.4.1.1 If the application is submitted outside of business hours the date the application is received is deemed to be the next business day.
- 4.4.1.2 If 21 days is insufficient to allow adequate review of the information the applicant and the Development Authority may agree, in writing, to another time frame.
- 4.4.1.3 Compliance with the 21 day time frame, or a time frame agreed to under sub-section 4.4.1.2, is evidenced by the date on the written notice from the Development Authority and not the date that the notice is received by the applicant.

4.4.2 Application Determined Complete

¹⁷ Bylaw 6117 May 28, 2018

¹⁸ Bylaw 6106 April 30, 2018

6 APPEALING DECISIONS

6.1 Appeal Process¹

6.1.1 Right of Appeal:

An appeal can be made by any affected person to the Subdivision and Development Appeal Board if the Development Authority:

6.1.1.1 fails or refuses to issue a development permit to a person, or

6.1.1.2 issues a development permit subject to conditions, or

6.1.1.3 issues an Order as described in Section 8.1 or Section 5.11

6.1.2 Notwithstanding Section 6.1.1, when a decision with respect to a development permit application for a Direct Control district:

6.1.2.1 is made by Council, there is no appeal to the Subdivision and Development Appeal Board, or

6.1.2.2 is made by a Development Authority, the appeal is limited to whether the Development Authority followed the directions of Council.

6.1.3 Notice Served by Appellant:

The appeal shall be commenced by serving a written notice of the appeal on the Subdivision and Development Appeal Board within 21 days after:

6.1.3.1 in the case of an affected party, the date that the notice to the public is published in a newspaper, or

6.1.3.2 in the case of an applicant, the date the decision was made, or

6.1.3.3 in the case of an applicant, the end of the period described in sub-section 5.6.1 if no decision has been made.

6.1.3.4 in the case of the recipient of an Order, the date of the Order,

6.1.4 Notices to Affected Landowners:

In addition to the notices specified by Section 686(3) of the Act, the Subdivision and Development Appeal Board shall mail notice of the appeal hearing, not less than 5 days before the hearing, to all owners of land within 60 m of the use, building, or parcel which is the subject of the appeal.

¹ Bylaw 6106 April 30, 2018

Hearing and decision

687(1) At a hearing under section 686, the subdivision and development appeal board must hear

- (a) the appellant or any person acting on behalf of the appellant,
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and
- (d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The subdivision and development appeal board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the subdivision and development appeal board

- (a) must act in accordance with any applicable ALSA regional plan;
 - (a.1) must comply with any applicable land use policies;
 - (a.2) subject to section 638, must comply with any applicable statutory plans;
 - (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
 - (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- (b) must have regard to but is not bound by the subdivision and development regulations;
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

(4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).



Appeal Response Letter

Absolute Foundations
420 34 Street South
Lethbridge, AB
T1J 4H8
403-635-3242

Vernon Oliver and Laurie Hall were informed by Kirk Maragh that Absolute Foundations had not yet received the development permit. The work that was being done prior to receiving the building permit did not include the installation of any new concrete footings or perimeter foundation walls. All excavation work done prior to receiving the development permit was primarily done to install two steel support beams and steel teleposts to make the structure safe to work underneath.

The encroachment under the sidewalk located at 817 8 Ave South Lethbridge, occurred on Saturday July 7, 2018 with no workers present or any machinery being operated on site that would cause any vibration in the soil. On Monday July 9, 2018, Kirk Maragh met with Vernon and Laurie at their residence, as requested, to discuss how to repair the sidewalk that was accidentally undermined. During the course of this meeting, that lasted over two hours, Vernon and Laurie repeatedly mentioned their ongoing frustration of issues with their previous contractor outside of the scope of resolving the undermined sidewalk. I, Kirk Maragh, repeatedly asked Vernon and Laurie during the meeting if we could focus on a resolution to the undermined sidewalk. During this meeting, they were offered financial compensation to remove and replace the entire East sidewalk which they adamantly declined.

Vernon and Laurie were told prior to the start of any work done at 819 8th Ave South, that any and all accidental damage that may occur to the sidewalk during construction that Absolute Foundations would accept responsibility and repair any and all damage to the sidewalk.

I, Kirk Maragh, strongly believe that the undermined sidewalk was an emotional tipping point for Vernon and Laurie which put Absolute Foundations in a position to be subject to unnecessary conflict of which we had no prior involvement.



CITY OF
Lethbridge
910 - 4 Avenue South
Lethbridge, Alberta T1J 0P6

CITY OF LETHBRIDGE

910 - 4th Avenue South T1J 0P6

2018 BUSINESS LICENCE

PHONE (403) 320-3074

THIS LICENCE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE BUSINESS PREMISES, IS
NON-TRANSFERABLE, AND IS VOID ON CHANGE OF OWNERSHIP.

BUSINESS & MAILING ADDRESS:

ABSOLUTE FOUNDATIONS

**420 34 ST S
LETHBRIDGE AB T1J 4H8**

ACCOUNT NO: 108377

LICENCE NO: 14282

LICENCE FEE: \$187.00

BUSINESS LOCATION:

420 34 ST S

ISSUED DATE: Jan 03, 2018

EXPIRES ON: Dec 31, 2018

LICENCEE:

**1611653 ALBERTA LTD
420 34 ST S
LETHBRIDGE AB T1J 4H8**

HAS PAID THEIR REQUIRED LICENCE FEE AND IS ENTITLED TO CARRY ON THE BUSINESS DESCRIBED AS:

CONTRACTOR - WATERPROOFING, CONTRACTOR - CARPENTER

This licence is valid only if the information printed hereon is correct.

1611653 ALBERTA LTD
420 34 ST S
LETHBRIDGE AB T1J 4H8

BUSINESS INSURANCE DECLARATION PAGE

Kirk Maragh, Kim Maragh
420 34 ST SOUTH / SUD
LETHBRIDGE, AB T1J 4H8

Policy No.: 90000997
Agency Info: 82-Kingsway Commercial 1-844-989-6270
Your Membership No.: 6202721594740007

Policy Period: 09-Jun-2018 12:01 AM to 09-Jun-2019 12:01 AM **Local Time at Named Insured mailing address**

EVERY ACTION OR PROCEEDING AGAINST AN INSURER FOR THE RECOVERY OF INSURANCE MONEY PAYABLE UNDER THE CONTRACT IS ABSOLUTELY BARRED UNLESS COMMENCED WITHIN THE TIME SET OUT IN THE INSURANCE ACT

Location 1: 420 34 ST SOUTH / SUD, LETHBRIDGE, AB T1J 4H8

Building Description: Leased Premise -Commercial Office Space

Loss Payable: None

Coverage Summary:

Insurance is provided for only those coverages for which a specific limit of insurance or premium is stated

	Coinsurance	Settlement	Limit	Deductible	Premium
Property Coverage					
Commercial Building and Contents Broad Form					
Equipment Coverage	80%	Replacement Cost	\$ 10,000	\$ 1,000	
Business Interruption Coverage					
Business Interruption Extension - Actual Loss Sustained	80%		12 months		
Crime Coverage					
Crime Extension - Comprehensive Dishonesty, Disappearance and Destruction			\$ 5,000	\$ 1,000	
Additional Coverages and Extensions					
Commercial Building and Contents Extension Form			\$ 10,000		
Enhanced Water Endorsement			\$ 10,000		

Surcharges/Discounts applied:

Applicable discount(s) and surcharge(s) have been included in the stated premium for this risk

- Policy Tenure Discount
- Member Discount
- Multi Policy Discount

Location 1 Premium: \$ 360

Liability

Description of Operations: Residential Building Foundation Repair Contractor (Excluding Precast Beams, Construction Supports and Parkades)

Annual Revenue: \$ 100,000

Additional Insured: None

Coverage Summary:

Insurance is provided for only those coverages for which a specific limit of insurance or premium is stated

	Limit	Deductible	Premium
Coverages			
Commercial General Liability Policy			

This policy contains a clause which may limit the amount payable.

	Limit	Deductible	Premium
Bodily Injury and Property Damage Occurrence Limit	\$ 2,000,000	\$ 1,000	
Medical Expense Payments	\$ 10,000		
Personal and Advertising Injury Occurrence Limit	\$ 2,000,000		
Tenants Legal Liability	\$ 100,000	\$ 1,000	
Aggregate Limits			
General Aggregate Limit	\$ 2,000,000		
Products and Completed Operations Aggregate Limit	\$ 2,000,000		
Additional Coverages and Extensions			
Additional Insured - Automatic Status Endorsement			
Employee Benefit Programs Liability Endorsement	\$ 1,000,000	\$ 1,000	
Employers Bodily Injury Liability Extension			
SPF 6 Non Owned Automobile	\$ 2,000,000		
SEF 96 Contractual Liability Endorsement			
SEF 99 Excluding Long Term Leased Vehicles			
Limitations & Exclusions			
Underground Property Damage Warranty			
Sub-Contractor Warranty			

Surcharges/Discounts applied:

Applicable discount(s) and surcharge(s) have been included in the stated premium for this risk
 Policy Tenure Discount
 Member Discount
 Multi Policy Discount

Liability Premium: \$ 771

Total Premium, this transaction:	\$ 1,131
---	-----------------

This policy contains a clause which may limit the amount payable.



Workers'
Compensation
Board

Customer Service

Alberta

9912 – 107 Street
PO Box 2415
Edmonton AB T5J 2S5

Email: ebusiness.support@wcb.ab.ca
Tel: (780) 498-3999 (1-866-922-9221)
Fax: (780) 498-7999
WCB website: www.wcb.ab.ca

May 3, 2018

Reference Number:

DONAL ATKINSON
819 8 AVE SOUTH
LETHBRIDGE AB T1J 1P1

Dear Sir or Madam:

Re: 1611653 ALBERTA LTD.
ATTN: KIRK MARAGH
420-34 ST SOUTH
LETHBRIDGE AB T1J 4H8

The above named subcontractor has an account with WCB-Alberta in the following industry(ies):

account	trade names(s)/industry	effective date	coverage
6514382	ABSOLUTE FOUNDATIONS FOUNDATION WATERPROOFING	Sep 22, 2011	worker coverage personal coverage for: KIRK ANTHONY MARAGH

Please accept this letter as a clearance for this subcontractor under Section 126 of the Workers' Compensation Act, for work completed between the effective date of the account and the date of this letter, for the industry(ies) listed. If the subcontractor's account is closed, the clearance is effective for work done up to the close date. If work has not yet begun, obtain a clearance prior to releasing final payment. Any holdback on this account may be released for contracts completed, or for work completed up to the date of this letter.

Section 126 states that you have a responsibility to ensure your subcontractors' accounts are in good standing. To ensure this clearance has been issued for the correct subcontractor, please verify the subcontractor's address and industry information listed above.

Personal coverage is in effect for any business owner(s) listed. Please note: some business owners may have opted out of personal coverage and therefore will not appear. Please refer to our website for more information on personal coverage.

If the subcontractor is performing work for you outside Alberta, contact the WCB in that jurisdiction to determine your clearance and other WCB requirements.

Any alteration of this document is strictly prohibited and subject to a penalty up to \$5,000 on the first offense. Each subsequent offense will result in an increase in the penalty amount by \$5,000, up to a maximum \$25,000 per offense.

Yours truly,

eBusiness Support Team (10284579)

BCB Engineering Ltd.
 #3, 4010 - 9th Avenue North
 Lethbridge, AB T1H 6T8
 (403) 320-4888

INVOICE

Invoice number 12528
 Date 06/12/2018

Absolute Foundations
 Kirk Maragh
 absolutefoundations@hotmail.com

GST 866106420 RT0001
 Project L187902 819 8th Ave S - PWF Foundation

Professional services through 06/12/2018

Description	Contract Amount	Percent Complete	Prior Billed	Current Billed
Basic Services				
Construction Documents	2,600.00	100.00	0.00	2,600.00
Construction Administration	1,000.00	0.00	0.00	0.00
Subtotal	3,600.00	72.22	0.00	2,600.00
Total	3,600.00	72.22	0.00	2,600.00

Invoice subtotal	2,600.00
Sales tax	130.00
Invoice total	2,730.00
Prepayment applied	-2,600.00
Amount due this invoice	130.00

Please make payment within 30 days of the invoice date. Late payment may be subject to finance charges.



Client Receipt Register

BCB Engineering Ltd.
 Sort Order: Bank
 Include: Client Receipts
 Exclude: Voided and NSF receipts

Monday, August 20, 2018
 Page 1

Period date range: 6/1/2018 to 6/30/2018

BCB Engineering Ltd.

BCB - Servus

Absolute Foundations

Receipt Date	Receipt Type	Method	Method ID	Amount	Refund	Deposit Date
6/12/2018	Client Receipt	Check	49704	2,600.00		6/13/2018
Absolute Foundations Total				2,600.00		
BCB - Servus Total				2,600.00		
Labor Total				2,476.19		
Sales Tax Total				123.81		
Report Total				2,600.00		



Client Receipt Register

BCB Engineering Ltd.
 Sort Order: Bank-
 Include: Client Receipts
 Exclude: Voided and NSF receipts

Period date range: 8/19/2018 to 8/25/2018

Monday, August 20, 2018
 Page 1

BCB Engineering Ltd.

Pending Deposit

Absolute Foundations

Receipt Date	Receipt Type	Method	Method ID	Amount	Refund	Deposit Date
8/20/2018	Pending Deposit	Check	967	130.00		
Absolute Foundations Total				130.00		
Pending Deposit Total				130.00		
Labor Total				123.81		
Sales Tax Total				6.19		
Report Total				130.00		

FEE SLIP

Folder: BP022447
 BUILDING PERMITS
 BUILDING - RESIDENTIAL - RENO



Address: 819 8 AVE S

Description	Quantity	Amount	Description	Quantity	Amount
B Res Fee	70,000.00	227.50	Safety Code Fee	227.50	9.10
Summary			Summary		
Scc	9.10	0.00	Received	0.00	Outstanding
Bldg-scc	227.50	0.00		227.50	
TOTAL	\$236.60	\$0.00		\$236.60	

PAID
 JUL 12 2018

CITY OF LETHERBRIDGE
 DEVELO
 910 4TH AVE S
 LETHERBRIDGE, AB T1J0P6
 4033203920

DEBIT SALE

MND: 5783120 HST: 1234567890
 TID: 700 REF#: 00000004
 Batch #: 176 RRN: 00000003
 07/12/18 11:27:10
 APPR CODE: 843742
 Trace: 00558893
 DEBIT/CHEQUING
 *****2931 Chip

AMOUNT \$651.60

APPROVED

Interac
 AID: A0000002771010
 TVR: 00 80 00 80 00
 TSI: E8 00

PIN VERIFIED BY CARD ISSUER. ACCOUNT WILL BE
 DEBITED WITH THE ABOVE AMOUNT
 (OR CREDITED IF CREDIT VOUCHER)
 RETAIN THIS COPY FOR STATEMENT VERIFICATION
 RETAIN THIS COPY FOR STATEMENT
 VERIFICATION

THANK YOU / MERCI
 CUSTOMER COPY

FEE SLIP



Folder: DEV10469
DEVELOPMENT PERMITS
SDD & 2 UNIT DWELLINGS - WAIVER

Address: 819 8 AVE S

<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>
Advertising	1.00	50.00	Res - Add Wvr	1.00	365.00
<u>Summary</u>					
Dp		<u>Amount</u> 415.00	Received		<u>Outstanding</u> 415.00
TOTAL		\$415.00	\$0.00		\$415.00

PAID
JUL 12 2018



CITY OF
Lethbridge
BUILDING INSPECTION SERVICES
PERMIT

Ph: (403) 320-3830 Fax: (403) 327-6571 Email: permits@lethbridge.ca

Permit #: **BP022447**

Application Date: Jul 12, 2018

Issued: Jul 12, 2018

Permit Type: **BUILDING - RESIDENTIAL - RENO**

Description: **Install new foundation and relocate dwelling**

Address: **819 8 AVE S, LETHBRIDGE, ALBERTA**

Legal: **PLAN: 4421FT; LOT: 32; BLOCK:**

Zone:

P.I.D. 0019473495

Applicant: ABSOLUTE FOUNDATIONS

Address: 420 34 ST S LETHBRIDGE AB T1J 4H8

Phone: 403-635-3242

Contractor: ABSOLUTE FOUNDATIONS

Address: 420 34 ST S LETHBRIDGE AB T1J 4H8

Phone: 403-635-3242

Builder: ABSOLUTE FOUNDATIONS

Address: 420 34 ST S LETHBRIDGE AB T1J 4H8

Phone: 403-635-3242

Owner: ATKINSON, DONAL GLENDON

Address: 819 8 AVE S LETHBRIDGE AB T1J 1P1

Phone:

Cell: 587-220-2250

<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>
B Res Fee	70,000.00	227.50	Safety Code Fee	227.50	9.10
				Total:	\$236.60

Special Conditions:

* - Inspections Required: **FOUNDATION/FINAL**

- All construction must conform to the Alberta Safety Codes Act and regulations thereto.

- Permit subject to notes and changes on approved plans. Plans are required to be onsite at all times.

- Address of property must be posted.

- A building shall not be occupied in any part until approved by a Safety Codes Officer.

- This permit shall be subject to field inspections.

- A Building Permit shall expire if work has not started within ninety (90) days of permit issuance or if work has ceased for a period of one hundred twenty (120) days during the construction process.

* **Forty five (45) minutes fire rated construction and Soffit to be protected as per ABC 2014 requirements.**

* **Provide protection from Soil Gas Ingress and Rough-in for a Subfloor Depressurization System 9.13.4 A.B.C. 2014**



CITY OF
Lethbridge
BUILDING INSPECTION SERVICES
PERMIT

Ph: (403) 320-3830 Fax: (403) 327-6571 Email: permits@lethbridge.ca

Permit #: **BPO22447**

Application Date: Jul 12, 2018

Issued: Jul 12, 2018

Issued By:

Ray Quintal

SCO Number: SCO # 116872

DOP Number: DOP # 5540

The personal information provided as part of this application is collected under section 63 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes 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. If you have any 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.



JUL 12 2018

Residential Alteration Building Permit

Project Address
819 8 Ave S

- Work Type
- Addition
 - Basement Development
 - Hot Tub / Pool
 - Renovation

Building Permit # B0022447

Access Code

Development Permit # DEV10469

Property Owner

Name Donal Atkinson Applicant Paid

Address 819 8 Ave S

City Lethbridge Postal Code T1J 1P1

Phone 507-220-2250

E-mail _____

Signature _____

Contractor

Name Absolute Foundations Applicant Paid

Address 400-34 St S

City Lethbridge Postal Code T1J 4N8

Phone 403-635-3342 B/L # _____

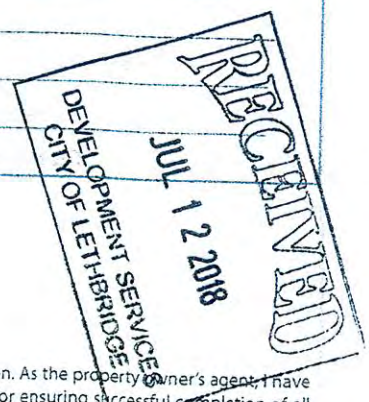
E-mail absolutefoundations@hotmail.com

Signature _____

Description of Work (Description of work and location)

New PWF Foundation under house

2.90 sf	ep 0.25
0.31 f	
0.9 s	
14.39 s	
8.04 sq	



DECLARATION

I declare that I, or a qualified employee under proper supervision, will be performing the work applied for as stipulated in this permit application. As the property owner's agent, I have verified that the information contained within this application and all associated documents is correct and complete. I accept accountability for ensuring successful completion of all required City inspections at the appropriate stages of construction. I acknowledge that neither the granting of a permit, nor the approval of plans and specifications, nor inspections by a Safety Codes Officer shall in anyway relieve the owner or the owner's agent from full responsibility for carrying out the work in strict accordance with the Safety Codes Act and all relevant City Bylaws.

X Applicant Name (Please Print)

X Applicant Signature

X July 12/18 Date (YYYY/MM/DD)

Any personal information collected on this form is collected in accordance with Section 33(c) of the Freedom of Information and Protection of Privacy Act. Please Note that such information may be made public. If you have any questions about the collection, use, or disclosure of the personal information provided, please contact Information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or by phone at 403-329-7329



Residential Alteration Building Permit

Calculation Worksheet

Construction Details

Addition	_____ ft ² × \$196.38	\$ _____
Attached Garage	_____ ft ² × \$90.36	\$ _____
Basement Development	_____ ft ² × \$51.88	\$ _____
Covered Deck	_____ ft ² × \$47.79	\$ _____
Uncovered Deck	_____ ft ² × \$31.86	\$ _____
Carport	_____ ft ² × \$39.18	\$ _____
Wood Burning Fireplace	_____ Quant × \$2,587.64	\$ _____
Pool or Hot Tub	_____ Quant × \$7,575.00	\$ _____

Multiply the square footage or quantity of any of the alteration components by their *Prevailing Market Rate*. The sum of these values is the **Total Construction Value**.

Foundation Construction Value	\$ <u>70000</u>
Renovation Construction Value	\$ _____
Total Construction Value	\$ <u>70000</u>

Permit Fee Rate	$\frac{\text{Total Construction Value}}{\text{Construction Value}} \times 0.00325$
Permit Fee	<u>227.50</u>

The **Permit Fee** is determined by multiplying the total construction value times 0.00325 (\$3 per \$1,000 of construction value). The minimum permit fee is \$100.00

Safety Code Levy Rate	$\text{Permit Fee} \times 0.04$
Safety Code Fee	<u>9.10</u>

The **Safety Code Fee** is determined by multiplying the permit fee by 0.04 (4% of the permit fees). There is a minimum fee of \$4.50 and a maximum fee of \$560.00

Development Review Fee	_____
Additional Fees	_____
Total Permit Fee	<u>236.60</u>

The **Development Review Fee** is determined by the type of construction and zoning. See *Bylaw 6108*

Refunds

If a permit is canceled, refunds are based on the amount of effort that has been undertaken by the City of Lethbridge. If the refund is requested prior to the plans examination by a Safety Codes Officer, the City of Lethbridge will retain \$100.00 of the Permit Fee.

If the plans examination by a safety codes officer has begun on the permit, the City of Lethbridge will retain the greater of 1/2 of the Permit Fee or \$100.00.

City of Lethbridge

**Planning and
Development
Services**

910 - 4th Avenue South
Lethbridge, AB
T1J 0P6

General #: 403-320-3920
Inspection #: 403-320-3830
Fax #: 403-327-6571

Development Permit Application

LAND USE BYLAW 5700 - FORM A

BP 032447
DEV DEV10469

Project Address:

Unit / Bay # _____ Civic Address 819 8 Ave S

Date: July 12/18

Access Code: _____

Property Owner

Applicant

Name: Donal Atkinson

Paid

Address: 819 8 Ave S

Lethbridge AB T1J 1P1

Phone: 587-220-2250 Fax: _____

Signature: _____

Land Owner Consent

The owner of this property knows the full details of the proposed development and knows I am making this development application.

Yes No

Applicant

Applicant

Name: Rick Maragh

Paid

Address: 420 34 Street South

T1J 4H8

Phone: 403-635-3242 Fax: _____

Signature: [Signature]

Email: absolutesfoundations@hotmail.com

**** Providing an email address means you consent to receive all documents via this address. Please ensure accuracy ****

B/L #: _____

Details of Proposed Development

- to remove & install new foundation, relocate house, and request for 1m, short-front, long-front, and side setback waivers.

RECEIVED

JUL 12 2018

DEVELOPMENT SERVICES
CITY OF LETHBRIDGE

Be Advised

Although the Development Officers of the City of Lethbridge are in a position to advise on the principle or details of proposals, such advice must not be taken in any way as an official consent, and is without prejudice to the decision in connection with the formal application. It must be clearly understood that the applicant shall not proceed with the development based on comments made by the Development Officers prior to the issuing of a development permit.

Confirmation

The information I have provided herein and herewith is true, and to the best of my knowledge and abilities, accurate and complete.

Signature: [Signature]

Date: July 12, 2018

Version Date: December 27, 2017

City of Lethbridge

**Planning and
Development
Services**

910 - 4th Avenue South
Lethbridge, AB
T1J 0P6

General #: 403-320-3920
Inspection #: 403-320-3830
Fax #: 403-327-6571

Voluntary Waiver of Claims

DEVELOPMENT COMMENCEMENT - FORM A.1

LUB 5700, Section 5.10.1

BP 022447
DEV 10469

Project Address: _____

Unit/Bay # _____

Civic Address 819-8 Ave. S.

Date: July 12/18

Access Code: _____

"VOLUNTARY WAIVER OF CLAIMS" (Optional)

For Development Approvals of Discretionary Uses and/or Approvals granting a waiver of development standards

This "Voluntary Waiver of Claims" allows you to commence your development in advance of the date of validity on your Development Permit. The permit's valid date is the date at which the appeal period for the public has expired.

By agreeing to this "Voluntary Waiver of Claims" you agree that should an appeal be made you will immediately cease the development pending the outcome of the appeal and will waive all claims to compensation from the City of Lethbridge for costs associated with that cessation and/or costs resulting from the outcome of the appeal.

Agreement to this "Voluntary Waiver of Claims" does not nullify your own right to an appeal. You may appeal any condition of approval on the Development Permit to the Subdivision and Development Appeal Board by the date identified on your permit.

Agreement to this "Voluntary Waiver of Claims" and possession of the released Development Permit does not eliminate the need for a Business License, Building Permit or other permits. ~~Do not~~

I HAVE READ, UNDERSTOOD, AND AGREE TO THIS "VOLUNTARY WAIVER OF CLAIMS"

Name (Please Print) Rirk Maragh.

Signature: _____

Date: July 12, 2018



Version Date: December 28, 2017

Any personal information collected on this form is collected in accordance with Sections 683, 685 and 686 of the Alberta Municipal Government Act and Section 33(c) of the Freedom of Information and Protection of Privacy Act. Please note that such information may be made public. If you have any questions about the collection, use or disclosure of the personal information provided, please contact Information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or phone at (403) 320-7329.

RECEIVED

JUL 12 2018

4.572m LANE

N
4

DEVELOPMENT SERVICES
CITY OF LETHBRIDGE

CITY OF *Lethbridge*
APPROVED AS PER
LAND USE BYLAW 5700

JUL 12 2018

PERMIT #: DEV10469
SIGNATURE: P. Collins

FENCE is 0.2m
WEST of P/L

FENCE is 0.1m
SOUTH of P/L
85°56'20"
8.69

0.78

0.76

GARAGE
(0.40m Eaves)

LOT
32

Concrete Retaining Wall

0.9 FENCE is 0.1m
WEST of P/L

2.60m BOULEVARD

9th STREET SOUTH

45 MIN. RATED WALL

NON-VENTED SOFFIT

NO OPENINGS

LOT 31

355'55'00"
30.00

DWELLING
(0.25m Eaves)

12.71

30.00
175°54'50"

FENCE is 0.1m
EAST of P/L

265'56'00"
8.69

1.38m CONCRETE SIDEWALK

2.85m BOULEVARD

CITY OF *Lethbridge* EXAMINED

DISCIPLINE: BUILDING
SAFETY CODES OFFICER: RAY QUINTAL
CERTIFICATION NUMBER: S116872
SIGNATURE: [Signature]

8th AVENUE SOUTH

REVIEW BY THE SAFETY CODES OFFICER(S)
NOTE: THESE DRAWINGS MUST BE AVAILABLE ON SITE FOR
Designation Number Date



CITY OF
Lethbridge

PROJECT NUMBER: BFC 22447

ADDRESS: 219 8 AVE S

PERMIT ISSUED BY

Name	Designation Number	Date
<i>[Signature]</i>	<i>D-5540</i>	<i>12.7.12</i>

NOTE: THESE DRAWINGS MUST BE AVAILABLE ON SITE FOR REVIEW BY THE SAFETY CODES OFFICER(S).













MGA

Appeals

686 (4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

- (a) the application for the development permit, the decision and the notice of appeal, or

Division 2

Scope of Bylaws

Relationship to Provincial law

13 If there is a conflict or inconsistency between a bylaw and this or another enactment, the bylaw is of no effect to the extent of the conflict or inconsistency.

Purpose of this Part

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- (a) **to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and**
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

616 (q) “non-conforming building” means a building

- (i) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and
- (ii) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;

(b) “development” means

- (i) an excavation or stockpile and the creation of either of them,
- (ii) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land,

Development Permits

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Hearing and decision

687(1) At a hearing under section 686, the subdivision and development appeal board must hear

- (a) the appellant or any person acting on behalf of the appellant,
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and
- (d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The subdivision and development appeal board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the subdivision and development appeal board

- (a) must act in accordance with any applicable ALSA regional plan;
- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (b) must have regard to but is not bound by the subdivision and development regulations;
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

643(2) **A non-conforming use of land or a building** may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

Land use bylaw

640(1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.

(2) A land use bylaw

(6) A land use bylaw may authorize a development authority to decide on an application for a development permit even though the proposed development does not comply with the land use bylaw or is a non-conforming building if, in the opinion of the development authority,

- (a) the proposed development would not
 - (i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.