



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

October 22, 2021

Re: Appeal of Development Application 13136
Appellant: Halma Thompson Land Surveys Ltd.
Land Use: Low Density Residential (R-L (L))

Upon hearing representation made by the Development Officer, the Appellant, and other interested parties on Thursday, August 19, 2021, it is the decision of the Subdivision and Development Appeal Board that the appeal is **DENIED** and the decision of the Municipal Planning Commission regarding Development Application 13136 on July 26, 2021 to refuse the establishment of a second dwelling unit on a property located at 402 – 8A Avenue South is hereby **CONFIRMED**.

The following submissions were received:

1. Halma Thompson Land Surveys Ltd., applicant and appellant (both oral and written)
2. Greener Homes Ltd., applicant (oral)
3. Shannon and Peter Kidd, opposed to the development (both oral and written)
4. James Rouleau and Courtney Parent, opposed to the development (written)
5. Brad Gom, opposed to the development (oral)
6. Joshua Bourelle, Development Officer (both oral and written)

AND UPON CONSIDERING the relevant provisions of the South Saskatchewan Regional Plan, Municipal Government Act, the Municipal Development Plan, the Land Use By-law, the London Road Area Redevelopment Plan, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows:

1. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. The Board found that the proposed development was not in compliance with Land Use Bylaw 6300.
3. The Board notes that the current single detached dwelling had an existing secondary suite.
4. One of the proposed subdivided parcel would be smaller than the minimum parcel size in the Low Density Residential District
5. Policy 5.3.2.j of the London Road Area Redevelopment Plan states: "Consolidations and subdivisions are permitted if the new lots meet the minimum parcel size requirements as established in the Land Use Bylaw. The creation of new parcels smaller than the minimum parcel requirements should not be supported."
1. Having regard to the merits of the application and sound planning considerations, the Board, based on the evidence and aforementioned factors, finds that the development from a planning perspective is inappropriate for the site.
2. In reviewing and weighing all the evidence, the Board therefore finds that the application does not merit approval.

CONCLUSION:

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

An appeal against this decision may be made to the Alberta Court of Appeal on a question of law or jurisdiction only. Should you wish to do so, it is recommended that you retain legal counsel.

Please contact this Office if you have any questions regarding the decision. A copy of this decision has been mailed to the owner of the property, and the persons who filed the appeal.

Yours truly,



Walter Kalkan, Board Chair,
Subdivision & Development Appeal Board

cc Development Officer
Appellants/Neighbouring Property Owners