



CITY OF *Lethbridge*

Office of the City Clerk

December 17, 2024

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed against the Development Permit approved by the Development Officer on December 16, 2024 for the construction of a front attached garage with a secondary suite at 5 Loyola Place West.

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 will also receive a copy of this letter.

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

DATE:	Thursday, January 16, 2025
TIME:	5:00 p.m.
LOCATION:	Council Chamber, 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 via email at david.sarsfield@lethbridge.ca, **including your full name and mailing address** no later than 12:00 noon on the Tuesday 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 APPEAL
Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		(Date Received Stamp)
Municipal Address of Appeal 5 Loyola Place W - Lethbridge, AB T1K 3W9		
Legal Description of Site (must be completed for subdivision appeals) Attached front garage addition with secondary suite.		
Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name Justin Stewart + Lauren Kurney		
Mailing Address 9 Loyola Pl W		(Office use Only)
City Lethbridge	Province Alberta	Postal Code T1K 3W9
Residence # 403-448-5951	Business #	Email Justin.Stewart@yahoo.com

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:
 See attached letter.

(Attach a separate page if required)

This Personal information is collected under the authority of the Freedom of Information and protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 6788 and 685 Note: **This information will form part of a file available to the public**, If you have any questions regarding the collection of this information, contact the FOIP Coordinator at (403) 329-7329.

Signature of Appellant 		Date YYYY MM DD 2024 12 15
FOR OFFICE USE ONLY		
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD
		Date Appellant Notified YYYY MM DD

Dear Subdivision & Development Appeal Board,

We are writing to express our strong opposition to the proposed attached two-storey front garage addition at 5 Loyola Place W. Upon review of the blueprint and design document, it is clear the addition would negatively impact neighbouring houses, the street, and the neighbourhood as a whole for the following reasons:

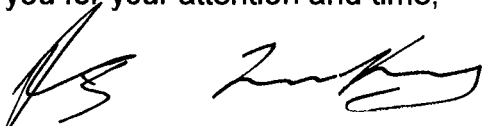
1. **Encroachment of privacy** - Due to the height, the north-facing windows of the addition would be in very close proximity and have direct line of sight into our two upstairs bedrooms and into our living room, and would have a clear view of our backyard. The south-facing windows would have direct line of sight into the sunroom and living space of 37 Dalhousie Rd W.
2. **Loss of sunlight** - This addition would cast our front yard in shadow, along with a large portion of our backyard, as the sun travels East to West in the Southern sky. Not only would this affect our lawn, but our multiple flower beds and vegetable garden as well. The amount of sunlight that enters through our windows into our living room, bedrooms, office spaces, and garage would also drastically decrease.
3. **Negative impact on a small local business** - The decrease of light and obstruction of view this addition would cause would be detrimental to Lauren's art business, as she works from home and depends on the natural lighting from the front-facing windows to create, photograph, and film her work and process. Her livelihood depends directly on her ability to take high-quality, well-lit product photos to promote and sell her work. With that in mind, the incredible natural lighting was a major component in our decision to purchase this house.
4. **Neighborhood aesthetics and character** - This addition would be taller than the house it is attached to, as well as our own 4 level split house, and at only 6 meters from the property line, it would be the tallest structure that close to the street in the surrounding area. The design, as per the design document, is obstructive, oversized, unattractive, and looks vastly different than the attached home and the rest of the street. It is, therefore, not in keeping with the character of our well-developed and mature neighbourhood and does not fit the aesthetic of the area. Due to this, the resellability of the surrounding houses would be impacted.

When we bought this house in 2019, we were a young couple, a pair of first-time home buyers, and we were thrilled to find such a beautiful home that met all our needs. From the privacy, to the natural light, to the lovely view, this home is perfect for Lauren's small business, and Juston, who does photography. If this addition is built, it will no longer be that home. **The city is not required to approve an application simply because it meets technical requirements and guidelines when it is demonstrated that its fulfillment will unreasonably diminish the quality of life in the neighbourhood.** We strongly urge you to not approve this project as it would negatively impact so many people who do not have a choice. **A single-storey attachment would be much more appropriate for the area.**

We have included a to-scale artist's rendering of the proposed addition from the view of the street, based off of measurements stated in the blueprints and design documents at City Hall. We have also included photos of the street and houses as they currently are without the rendering for your reference and comparison.

We have also included a copy (the original was included with the first letter of opposition to Leda Tittsworth) of the petition opposing this addition signed by 28 residents from 20 different homes in the area.

Thank you for your attention and time,

Handwritten signatures of Juston Stewart and Lauren Kurmey.

Juston Stewart and Lauren Kurmey
9 Loyola Pl W, Lethbridge AB
Juston.Stewart@yahoo.com
LKurmey@gmail.com









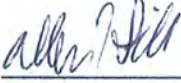
We, the undersigned, Varsity Village residents and/or property owners, respectfully petition that the City of Lethbridge Planning & Design not approve the proposal of 5 Loyola Place W to construct an attached two-storey front garage addition for the following reasons:


1. **Neighbourhood aesthetics** - This addition will be much taller than nearby houses, will extend closer to the street than any other building of this height in the area, and it will also greatly obstruct the view of nearby houses. It is, therefore, oversized and not in keeping with the character of our established neighbourhood.
2. **Encroachment of privacy** - Windows facing the North and South will have a direct line of sight into bedrooms, living spaces, and backyards of nearby houses.
3. **Reduction of property values** - Due to the reasons above, the property values of the surrounding houses would likely be severely impacted.


As residents of Lethbridge, we should be considerate of others in our neighbourhoods, aiming to not unreasonably diminish the quality of life of those around us. Please consider the concerns of and impacts on the neighbouring residents, and do not approve this project.

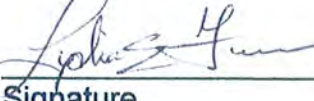
<u>Justin Stewart</u>	<u>9 Loyola Pl W</u>	<u></u>
Resident	Address	Signature

<u>Lauren Kormey</u>	<u>9 Loyola Pl W</u>	<u></u>
Resident	Address	Signature

<u>Allen Hill</u>	<u>10 Loyola Pl W</u>	<u></u>
Resident	Address	Signature

<u>John KORMEY</u>	<u>22 DALHOUSIE RD W</u>	<u></u>
Resident	Address	Signature

<u>Janice Kormey</u>	<u>22 Dalhousie Road W</u>	<u></u>
Resident	Address	Signature

<u>Lydia Furgosm</u>	<u>30 Dalhousie Rd W</u>	<u></u>
Resident	Address	Signature

We, the undersigned, Varsity Village residents and/or property owners, respectfully petition that the City of Lethbridge Planning & Design not approve the proposal of 5 Loyola Place W to construct an attached two-storey front garage addition for the reasons listed on page 1.

Marlene Schikowsky 26 Dalhousie Rd. W. M. Schikowsky
Resident Address Signature

Helga Arnold 37 Dalhousie Rd W. Helga Arnold
Resident Address Signature

Frank Arnold 37 Dalhousie Rd. W. Frank Arnold
Resident Address Signature

Lailani McCutcheon 41 Dalhousie Rd W. Lailani McCutcheon
Resident Address Signature

KENDALL McWICKER " [Signature]
Resident Address Signature

FRWIE JOY 34 DALHOUSIE RD [Signature]
Resident Address Signature

Kieric McNab 6 LOYOLA PLACE W [Signature]
Resident Address Signature

Demp Kornieiev 13 Loyola Place W [Signature]
Resident Address Signature

Anna Kornieieva 13 Loyola Place W [Signature]
Resident Address Signature

FS Spabauer 25 LOYOLA PLACE [Signature]
Resident Address Signature

Frank Sparty 25 LOYOLA PL W [Signature]
Resident Address Signature

We, the undersigned, Varsity Village residents and/or property owners, respectfully petition that the City of Lethbridge Planning & Design not approve the proposal of 5 Loyola Place W to construct an attached two-storey front garage addition for the reasons listed on page 1.

Kelix Michna 26 Loyola Place

Resident

Address

[Signature]

Signature

W Harper

Resident

22 Trinity

Address

W Harper

Signature

Charles C

Resident

14 Trinity Place W

Address

[Signature]

Signature

Norm Staniforth

Resident

107 Trinity Pl W

Address

N. Staniforth

Signature

William Fisher

Resident

5 Trinity Place W

Address

W Fisher

Signature

LINDA JOY

Resident

34 Dalhousie Rd.

Address

[Signature]

Signature

JANICE EPP

Resident

18 Dalhousie Rd.

Address

[Signature]

Signature

Derek Peddie

Resident

5 Carleton Rd W

Address

[Signature]

Signature

HORST MUELLER 21 TRINITY PL

Resident

Address

[Signature]

Signature

DELORIS MUELLER 21 TRINITY PL

Resident

Address

[Signature]

Signature

RICHARD FORGESSON

Resident

30 DALHOUSIE RD

Address

[Signature]

Signature



CITY OF
Lethbridge

NOTICE OF APPEAL
Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		(Date Received Stamp)
Municipal Address of Appeal 5 Loyola Place W - Lethbridge, AB T1K 3W9		
Legal Description of Site (must be completed for subdivision appeals) Attached front garage addition with secondary suite.		
Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name Frank Helga Arnold		(Office use Only)
Mailing Address 37 Dalhousie Rd. West		
City Lethbridge	Province Alberta	
Residence # 403 381-0483	Business #	Email

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

We as neighbours of 5 Loyola Pl. W. are surprised that the City of Lethbridge would approve a big building as 5 Loyola Pl. owner requests to build in a small front yard of the house. The view of the beautiful neighbourhood with a secondary suite would only service for rental purposes. Parking would be a much bigger problem than it is now, that we know. 50 yrs ^{ago} this would not be allowed.

(Attach a separate page if required)

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Signature of Appellant Helga Arnold Frank Arnold		Date YYYY MM DD 2024 12 10
FOR OFFICE USE ONLY		
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD
		Date Appellant Notified YYYY MM DD



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Legal Description of Site (must be completed for subdivision appeals) Attached front garage addition with secondary suite.		
Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name Lydia + Rick Ferguson		(Office use Only)
Mailing Address 30 Dalhousie Rd		
City Lethbridge	Province AB	
Residence # 403-331-0978	Business # 403-332-1118	Email rlfurg@telusplanet.net

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

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<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

Lack of parking - owners have 4 or 5 vehicles & the renters have 2 vehicles where are they all going to park?

The character of our neighborhood will be ruined with such a large structure.

(Attach a separate page if required)

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Signature of Appellant <i>Lydia + Rick Ferguson</i>		Date YYYY MM DD 2024 12 11
FOR OFFICE USE ONLY		
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD
		Date Appellant Notified YYYY MM DD



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Legal Description of Site (must be completed for subdivision appeals) Attached front garage addition with secondary suite.		
Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name Ward Harper		(Office use Only)
Mailing Address 22 Trinity Place		
City Lethbridge	Province AB	
Residence #	Business #	Email ward.harper@gmail.com

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<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

Olely large unsightly addition that is not conducive with the family orientated and environmental layout of current neighborhood. This addition to the front of the house is too large and reduces views of neighbors and the mature green esthetic.

(Attach a separate page if required)

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Signature of Appellant W Harper		Date 2014 12 15	
FOR OFFICE USE ONLY			
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD	Date Appellant Notified YYYY MM DD



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Development Application Number or Subdivision Application Number DEV15540			
Appellant Information			
Name LINDA JOY			(Office use Only)
Mailing Address 34 Dalhousie Rd.			
City Lethbridge	Province Alberta	Postal Code T1K 3Y1	
Residence # 403 382-1014	Business #	Email lindamjoy@gmail.com	

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

Would change the aesthetics of the neighborhood, would be quite ugly and out of place. I would have no problem with an addition to the back of the house.

(Attach a separate page if required)

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Signature of Appellant		Date 2024 MM 12 DD 14	
FOR OFFICE USE ONLY			
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD	Date Appellant Notified YYYY MM DD



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Legal Description of Site (must be completed for subdivision appeals) Attached front garage addition with secondary suite.		
Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name John and Janice Kurmey		(Office use Only)
Mailing Address 22 Dalhousie Road W		
City Lethbridge	Province AB	
Residence # 403-328-2625	Business # —	Email JKurmey@gmail.com

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

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The grounds for this appeal are as follows:

See attached letter

(Attach a separate page if required)

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Signature of Appellant <i>John and Janice Kurmey</i>		Date 2024 12 14
FOR OFFICE USE ONLY		
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD
		Date Appellant Notified YYYY MM DD

The Secretary
Subdivision & Development Appeal Board
Office of the City Clerk, 2nd Floor, City Hall
910 - 4th Avenue South
Lethbridge, Alberta

We are writing to appeal the development permit application approval to construct an attached front garage addition with secondary suite on the second floor at 5 Loyola Place W.

This proposed attached front garage addition with secondary suite on the second floor will greatly exceed the height of the neighbouring houses. It will be situated on the front lawn of the existing bungalow, extending closer to the street than any other neighbouring structure of this height. It will create a vast obstruction of view for the adjacent homes and all in the vicinity.

The extreme large scale and placement of the proposed addition is not in conformity with the aesthetics and primary architectural design of this well established neighbourhood. The original development characteristics of Varsity Village has visually pleasing house frontages with unobstructive garages. The design of this structure will be out of proportion and have an unsightly facade which will affect the resale potential of all homes in this neighbourhood.

If this proposed front garage addition with secondary suite on the second floor meets all the City of Lethbridge building guidelines, it still must be considered on a discretionary basis. The Subdivision & Development Appeal Board must take into consideration the affects on the community as it will still negatively impact the residents in terms of invasion of privacy, resale potential, and overall aesthetics.

We are adamantly opposed to the construction of this addtion, as are many residents in our neighbourhood. Please consider our concerns and the negative impact it will have on individual homeowners and our entire community.

Sincerely,



John and Janice Kurmeyer
22 Dalhousie Road W
Lethbridge, Alberta
jkurmey@gmail.com



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Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name LEILANI & KENDALL MCCUTCHEON		
Mailing Address 41 DALHOUSIE RD. W.		
City LETHBRIDGE	Province AB.	Postal Code T1K 3X9
Residence # 403-330-2757	Business #	Email Kendall_mcc@yahoo.com

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REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

this development will hinder our view of the neighbourhood as it would be higher than all of the structures around it. We are also concerned that an unsightly and obstructive building such as this would lower our property values.

(Attach a separate page if required)

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Signature of Appellant <i>Leilani McCutcheon</i>		Date YYYY MM DD 2024 12 16
FOR OFFICE USE ONLY		
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD
		Date Appellant Notified YYYY MM DD



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Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name E. MICHA		
Mailing Address 26 LOYOLA PL.		
City LETH	Province AB	Postal Code T1K 3W9
Residence #	Business #	Email fmichna@telus.net

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Development Permit	Subdivision Permit	Notice of Order
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The grounds for this appeal are as follows:

SEE ATTACHED.

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Signature of Appellant		Date -20-24 MM 12 DD 13
FOR OFFICE USE ONLY		
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		Date Appellant Notified YYYY MM DD

REASONS FOR APPEAL

I was notified by a neighbour respecting the proposed secondary suite and attached garage development at 5 Loyola Place. I reside on the cul-de -sac where this development is intended.

I have no objection to the construction of an attached garage nor potentially to a secondary suite. However I do object to a proposal that consists of an attached garage with a secondary suite above the garage. The Land Use Bylaw states a maximum height of 5.18 m for a garage. A secondary suite above the garage (total building height) is stated as 7.6 m. No interpretation was provided by the development officer. One would have to assume therefore that there will either be a 12.24 m (7.6+5.18) or a 7.6 m structure. Both are out of scale with the houses on this street. In the extreme, a 12.24 m building would be equivalent to a 4 story edifice. The development officer failed to take into account the height and massiveness of such an addition relative to the surrounding buildings. For that reason I oppose this application and ask the Board to turn down this application as presented.

As a sidebar, a "secondary suite above a garage" is separate and distinct from a suite inside a residence. By its imposing nature and visual impact on a streetscape the Appeal Board should consider that this use needs to be listed as a separate new use i.e. Secondary Suite Above a Garage, in the discretionary use column of this R-L district, and not simply grandfathered in the definition of 'Secondary suite' as it presently is. If the Board is in agreement with this interpretation, it should turn down this application since Secondary Suite Above a Garage is not listed as either permitted or discretionary.

Lastly I believe the Planning Department might consider a different approach to dealing with controversial applications such as this. The 60 meter information mailout is helpful but not enough. There should be an onus on the applicant to consult with neighbours to explain her/his proposal prior to reaching the application stage. Many Planning departments in other cities use this approach to not only augment the

consultation process but also to offset the rancour that often develops during these processes.



CITY OF
Lethbridge

NOTICE OF APPEAL
Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		(Date Received Stamp)
Municipal Address of Appeal 5 Loyola Place W - Lethbridge, AB T1K 3W9		
Legal Description of Site (must be completed for subdivision appeals) Attached front garage addition with secondary suite.		
Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name HORST & DOLORIS MUELLER		
Mailing Address 21 TRINITY PLACE		
City LETHBRIDGE	Province AB	Postal Code T1K 3W8
Residence #	Business #	Email mueller6@telus.net

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

- congestion with parking because of dead-end
- blocks vision for neighbours
- depreciation of property value
- doesn't fit into existing home styles of the area
- Is idiotic planning !!!

(Attach a separate page if required)

This Personal information is collected under the authority of the Freedom of Information and protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 6788 and 685 Note: **This information will form part of a file available to the public**, If you have any questions regarding the collection of this information, contact the FOIP Coordinator at (403) 329-7329.

Signature of Appellant <i>[Signature]</i>		Date YYYY MM DD 2024 12 15	
FOR OFFICE USE ONLY			
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD	Date Appellant Notified YYYY MM DD



CITY OF
Lethbridge

NOTICE OF APPEAL
Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		(Date Received Stamp)
Municipal Address of Appeal 5 Loyola Place W - Lethbridge, AB T1K 3W9		
Legal Description of Site (must be completed for subdivision appeals) Attached front garage addition with secondary suite.		
Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name Derek R. Peddle		(Office use Only)
Mailing Address 5 Carleton Rd W.		
City Lethbridge	Province AB.	
Residence # 403.328.3811	Business # 403.329.2524	Email derek.peddle2@gmail.com

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

(Attach a separate page if required)

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Signature of Appellant		Date YYYY MM DD 2024 12 15	
FOR OFFICE USE ONLY			
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD	Date Appellant Notified YYYY MM DD

15 December 2024

The Secretary
Subdivision & Development Appeal Board
Office of the City Clerk
2nd Floor – City Hall
910 – 4 Ave S
Lethbridge AB T1J 0P6

RE:

Address of Appeal: 5 Loyola Place West, Lethbridge, AB. T1K 3W9
Site Description: Attached front garage addition with secondary suite
Development #: DEV15540

Dear Secretary,

I am grateful for the opportunity to outline my concerns through the Appeal Process that your office has established.

Regarding the proposed building of an attached double garage with a second-floor suite on top of the garage proposed to be built across the front lawn of the house at 5 Loyola Place West, I am opposed to this for multiple reasons.

Firstly, having viewed the graphic depiction of this proposed structure that I understand is based on the 3-dimensional measurements as listed on the official blueprints for this development, this structure just looks entirely out of place – completely disproportionate compared to the other homes and structures in the neighbourhood, with which I am familiar. I live a block away on Carleton Rd W – I often walk our dogs along Dalhousie Rd W and also drive on that road on a regular basis, and so I pass by Loyola often. The proposed structure looks out of place and disproportionate because it is so much larger than anything like it in the area. Few houses have garages on the front, and those that do are small, and set far back from the road. They are not double garages with an entire full storey floor on top of that. The proposed double garage with suite on top is much taller than even the main houses nearby! It is an exceedingly large structure both in terms of footprint, height, and also placement.

I know that if I lived on that street or in that immediate area, I wouldn't be happy because of the obvious impact this would have on the resale value of homes in the area. It truly is an anomaly – something that if you went down the road it immediately stands out like a "sore thumb" and just looks out of place. I personally would be reluctant to buy near there because of it. I don't quite know how else to say it but it all just looks kinda weird. At any rate, it certainly detracts from the area.

I suspect for those families immediately adjacent to this property, this large addition could create some potential safety issues, especially for any young children in

the area – either now or in the future – owing to the reduced sightlines that would be imposed by the large structure. Additionally, it would block long-held views of the nicely maintained properties in the area – to instead be subjected to a large, and high (two-storey) extended wall. I'd also be concerned about the reduced available sunlight and overall brightness that would be diminished.

I understand that there is widespread opposition to this in the neighbourhood – something like over 25 signatures on the petition, and at least 10 formal appeal submissions. I'm not surprised. It is certainly noteworthy, especially at this time of year, that there has been such a large turn-out from this rather short street and area.

By all accounts that I am aware – and certainly by the vast majority of residents in the immediate affected area, this proposal is opposed by virtually everyone – if not everyone - in the area. Therefore, in the interest of a democratic decision that respects the clear will of the people, I cannot see any outcome consistent with that process other than to support the appeal, and deny the original application that few if any in the neighbourhood asked for nor wants.

I end as I started, to reiterate my gratitude for the process, and the opportunity to participate in a democratic appeal process such as this. I do realize it is additional work, but it is important to provide the citizens of the affected areas the opportunity to express their view and preferences, many of which I suspect are from long term homeowners with a direct vested interest in the matter. As a long term homeowner myself, just on another nearby road, I would want to be reassured that the process such as this would be respectful of the viewpoints of people who have lived there for a long time, and – equally importantly – those that intend to stay and put down roots in the neighbourhood. Undoubtedly, given the large response, you will have a full range of people and households in those situations.

If you have any questions about my grounds for this appeal, I would be happy to respond and elaborate. You would be most welcome to contact me per below.

Thank you very much.

Sincerely,



Derek R. Peddle
5 Carleton Road West
Lethbridge AB T1K 3X4
Phone: 403.328.3811 [home] / 403.329.2524 [work]
Email: derek.peddle2@gmail.com



CITY OF
Lethbridge

NOTICE OF APPEAL
Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		(Date Received Stamp)
Municipal Address of Appeal 5 Loyola Place W - Lethbridge, AB T1K 3W9		
Legal Description of Site (must be completed for subdivision appeals) Attached front garage addition with secondary suite.		
Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name Marlene Schikowsky		
Mailing Address 26 Dalhousie Rd. W.		
City Lethbridge	Province AB	Postal Code T1K 3X1
Residence # 403-381-1461	Business #	Email schik@telusplanet.net

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

The construction of this large, two story building, in a frontyard, very close to the front lot line, should NOT be permitted. Would this barn, shop style structure become a precedent for the area? It is certainly not in keeping with the original aesthetics and regulations for "Varsity Village". As a homeowner I am very concerned over neighborhood curb appeal. There has been an increase in illegal and legal secondary suites on the street. Provision of off-street parking has proved inadequate.

(Attach a separate page if required)

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Signature of Appellant M. Schikowsky		Date YYYY MM DD 2024 12 12	
FOR OFFICE USE ONLY			
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD	Date Appellant Notified YYYY MM DD



CITY OF
Lethbridge

NOTICE OF APPEAL
Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		(Date Received Stamp)
Municipal Address of Appeal 5 Loyola Place W - Lethbridge, AB T1K 3W9		
Legal Description of Site (must be completed for subdivision appeals) Attached front garage addition with secondary suite.		
Development Application Number or Subdivision Application Number DEV15540		
Appellant Information		
Name <i>Nancy Staniforth</i>		
Mailing Address <i>10 Trinity Pl. W</i>		
City <i>Lethbridge</i>		Province <i>AB</i>
Residence # <i>403-992-9561</i>		Business #
Postal Code <i>T1K 3W8</i>		Email <i>nancy@staniforth.ca</i>

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:

- Unsightly and obstructive project

- lower property values in neighbourhood

addat The building being proposed is simply not

in keeping with the character of our neighbourhood

It would alter the aesthetic of our area.

I don't believe this building is in the best interest of

our neighbourhood

(Attach a separate page if required)

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Signature of Appellant <i>Nancy Staniforth</i>		Date YYYY MM DD <i>2024 12 14</i>
FOR OFFICE USE ONLY		
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD
		Date Appellant Notified YYYY MM DD

Address: **5 LOYOLA PL W**
Legal: 7410379;1;19

District: R-L

Applicant: ORR, BENJAMIN T
ORR, KRISTI L
Address: 5 LOYOLA PL W LETHBRIDGE AB T1K 3W9

Phone: 403-795-3594
Phone:

Development Proposed To construct a front attached garage with secondary suite. Three off-street parking spaces provided.

District R-L LOW DENSITY RESIDENTIAL

Land Use SECONDARY SUITE, NEW - DISCRETIONARY

CONDITIONS OF APPROVAL

1. Compliance with the plans:

The dwelling shall be developed in accordance with the plans submitted November 18, 2024, October 28, 2024, and September 16, 2024. Any changes to these plans require the approval of the Development Officer.

2. Parking:

A minimum of four off-street parking spaces (2 per unit) shall be provided and maintained at all times.

3. The exterior appearance of the dwelling shall be in accordance with the plans submitted September 26, 2024 to the satisfaction of the Development Officer and must match or compliment the exterior of the existing house.

INFORMATIVE:

Comments received from Building:

An egress window will need to be provided for each bedroom.

Comments received from Urban Construction and Right of Ways:

Service connection excavations taking place outside of private property or within the UR/Ws requires an excavation permit. Please contact Urban Design at the below email address.

Please ensure that the contractor contacts Urban Design to obtain a Street Use permit if they'll be encroaching into the ROW at all (with construction materials, fencing, etc.).

If any dirt/mud gets tracked onto the roadway from construction, it needs to be cleaned up

Contact: rowapplications@lethbridge.ca

Decision Date

Nov 19, 2024

Valid Date

Dec 17, 2024

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.

Development Authority

Leda K. Jittsworth
LEDA KOZAK TITTSWORTH

STATUTORY PLANS

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

COMPLIANCE WITH OTHER LAWS AND AGREEMENTS

The City of Lethbridge assesses applications according to the development requirements and standards of the Land Use Bylaw in force at the time of application. This Development Permit does not relieve the owner, the applicant, or the owner's authorized agent from full compliance with (i) the terms and conditions of any easement, covenant, building scheme or other agreement affecting the property, or (ii) the requirements of any other applicable laws and regulations.

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.

Permits which were the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission, or by the Minister of Environment and Parks must be appealed through the Land and Property Rights Tribunal.

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 6300 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 planninganddesign@lethbridge.ca.

Permit No. DEV15540



Red Beard Drafting

PROJECT : GARAGE ADDITION

JOB# : 24-072

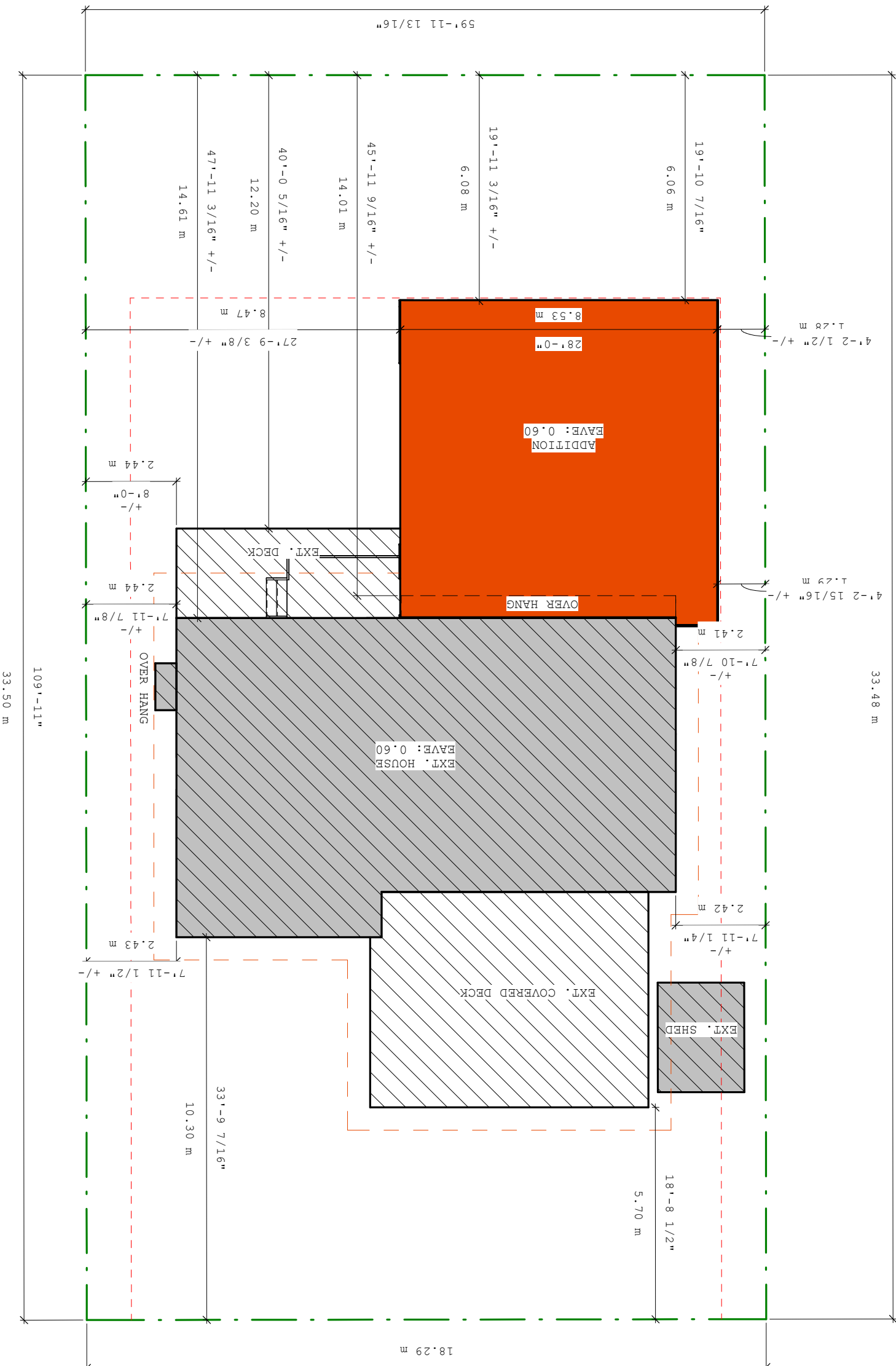
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BY : GRO

DATE : 2024 09 13



SITE LAYOUT (SCALE 1:125)



LOT 19 BLOCK 01 PLAN 7410379
 LOT AREA: 613 SQ.M. APPROX.
 BUILDING COVERAGE: 178.84 SQ.M. APPROX.
 (%) COVERAGE: 29.17%

NOTES:
 (1) ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE PERFORMED AS STATED IN THE LATEST EDITION OF LETHBRIDGE STANDARD CONSTRUCTION SPECIFICATIONS
 (2) ALL GRASSED LANDSCAPING REQUIRED WITHIN THE PUBLIC RIGHT-OF-WAY IS TO BE COMPLETED WITH SOD

NORTH

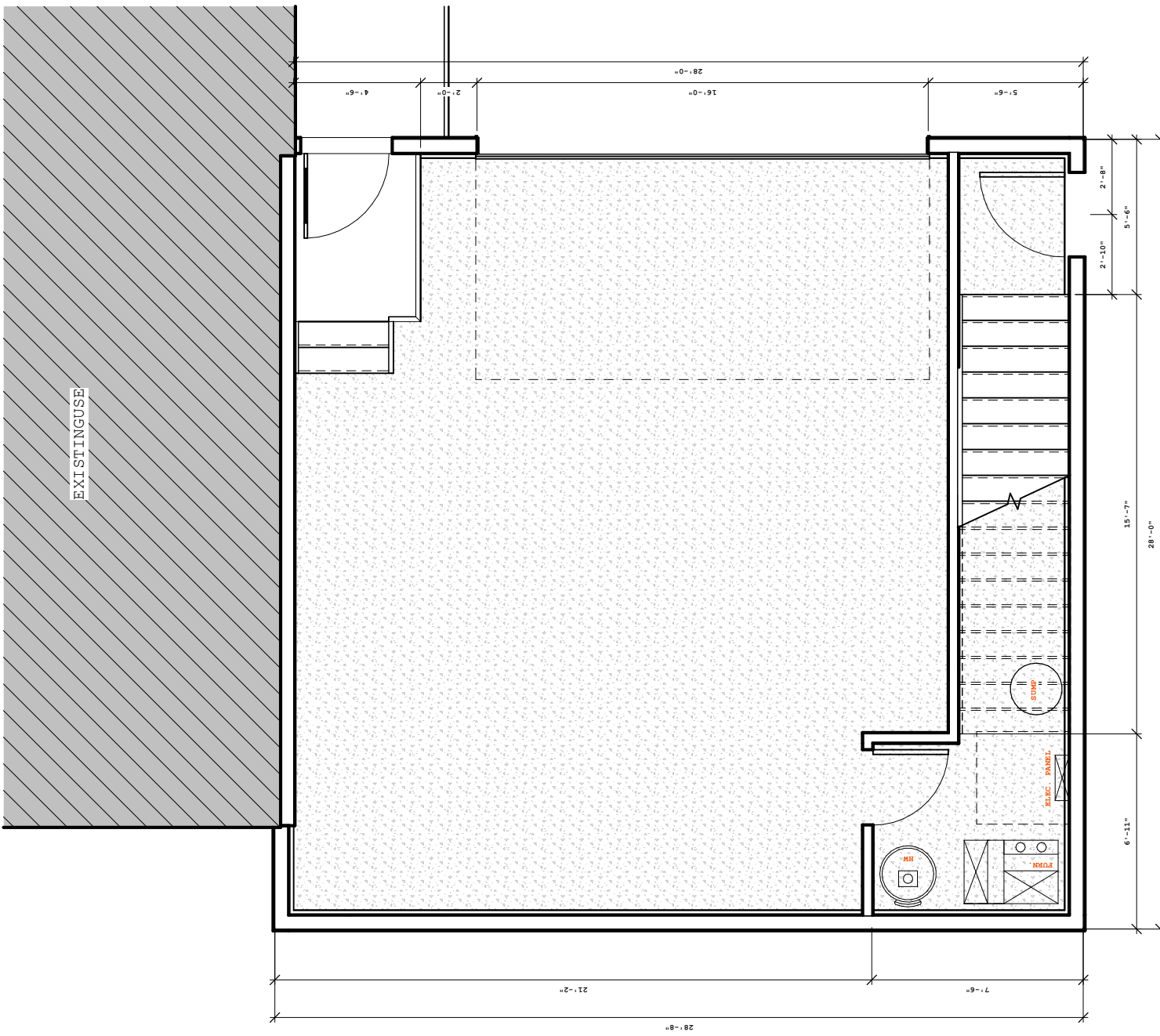
CITY OF Lethbridge
APPROVED
 AS PER
LAND USE BYLAW 6300

Date: Nov 19, 2024
 Approval #: DEV15540

Zeda K. J. J. J.
 Development Officer

Attached garage with secondary suite addition.
 Three off-street parking spaces providing in existing driveway and proposed garage.

ADDRESS:	5 LOYOLA PLACE WEST		
CUSTOMER:	BEN		
EXISTING:	1143		
TYPE:	GARAGE ADD	SCALE:	3/16"=1'
DATE:	2024 09 13	RENDITION:	#1
TOTAL Sq.Ft.:	1929	GARAGE Sq.Ft.:	786
PHASE INITIAL PLANS	DRAWN BY: GRO		
JOB #:	24-072	PAGE:	2/10
SITE LAYOUT			



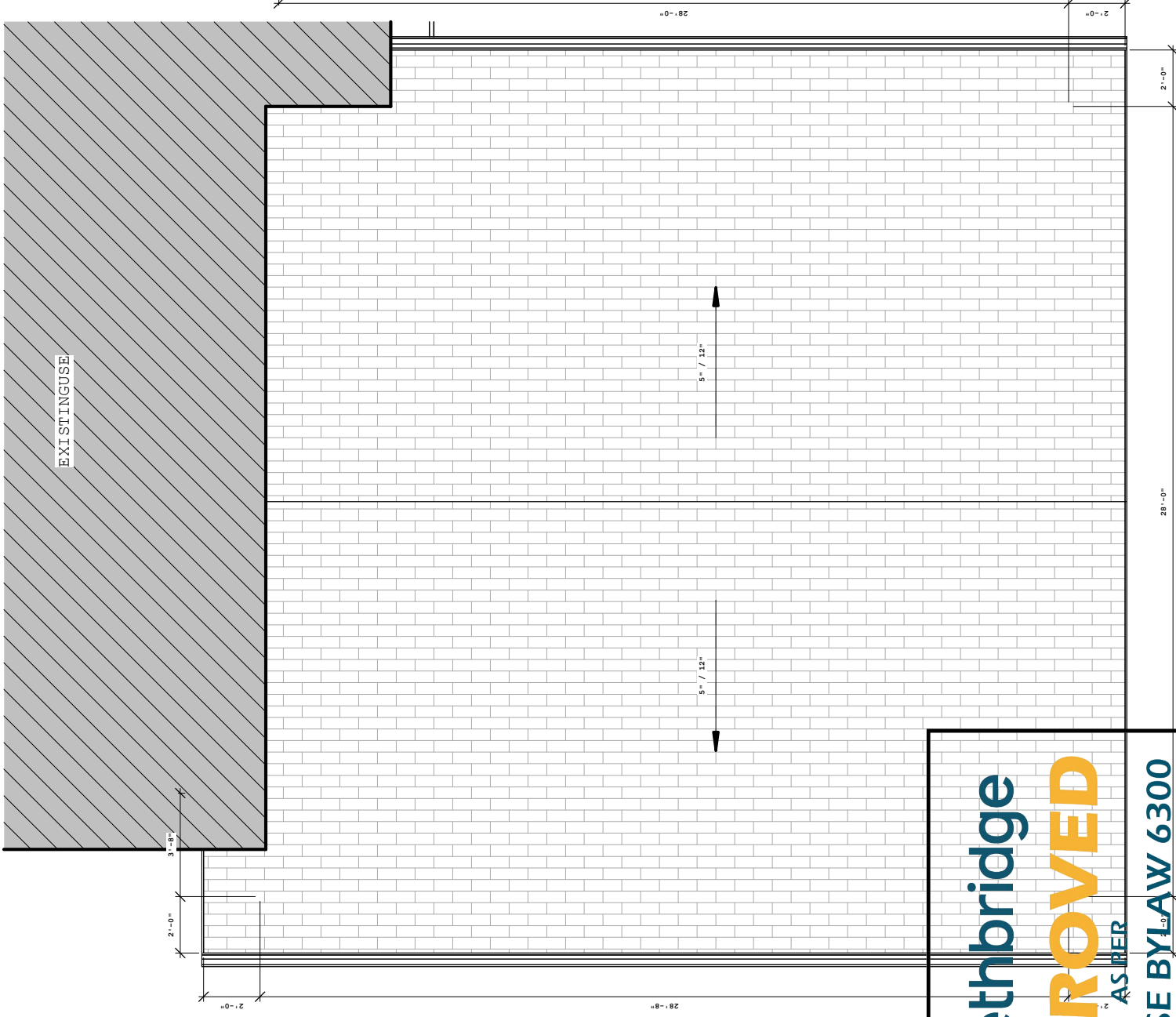
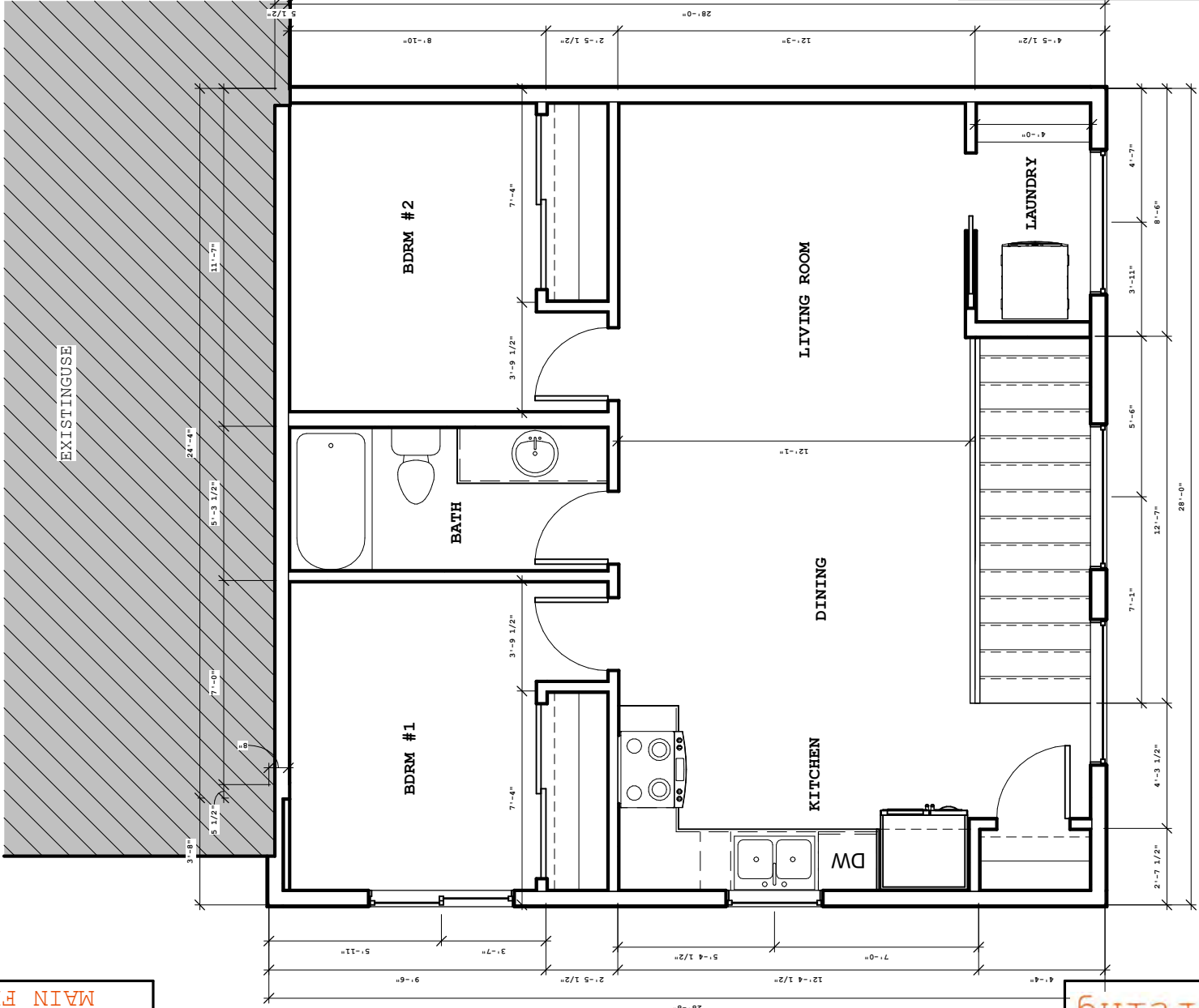
GARAGE



FOUNDATION

ADDRESS:	5 LOYOLA PLACE WEST	CUSTOMER:	BEN	EXISTING:	1143
TYPE:	GARAGE ADD	SCALE:	3/16"=1'	BSMT:	N/A
DATE:	2024 09 13	RENDITION:	#1	TOTAL Sq.Ft.:	1929
PHASE INITIAL PLANS	DRAWN BY:	GRO		GARAGE Sq.Ft.:	786
JOB # : 24-072		PAGE : 3/10		BASEMENT LAYOUT	

Red Beard Drafting



CITY OF Lethbridge
APPROVED
AS PER

LAND USE BYLAW 6300

Date: Nov 19, 2024

Approval #: DEV15540

Leda K. J. Stewart
 Development Officer

SECOND FLOOR

ROOF

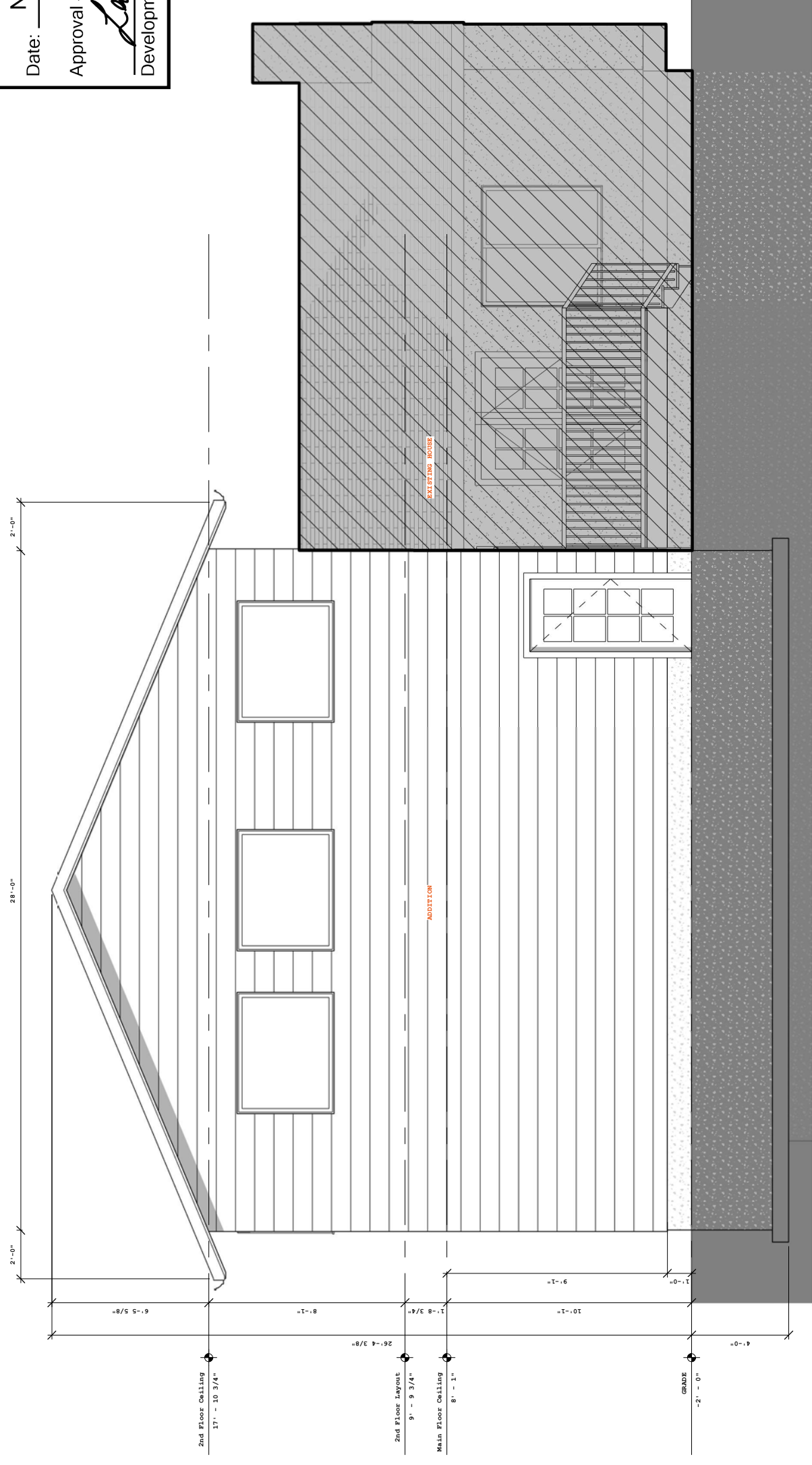
ADDRESS: 5 LOYOLA PLACE WEST	CUSTOMER: BEN	EXISTING: 1143
TYPE: GARAGE ADD	SCALE: 3/16"=1'	BSMT: 786
DATE: 2024 09 13	RENDITION: #1	TOTAL Sq.Ft.: 1929
PHASE INITIAL PLANS	DRAWN BY: GRO	GARAGE Sq.Ft.: 786
JOB #: 24-072		PAGE: 4/10

Red Beard Drafting

MAIN FLOOR LAYOUT

CITY OF Lethbridge
APPROVED
 AS PER
LAND USE BYLAW 6300

Date: Nov 19, 2024
 Approval #: DEV15540
Zeda K. J. H. Smith
 Development Officer



FRONT ELEVATION

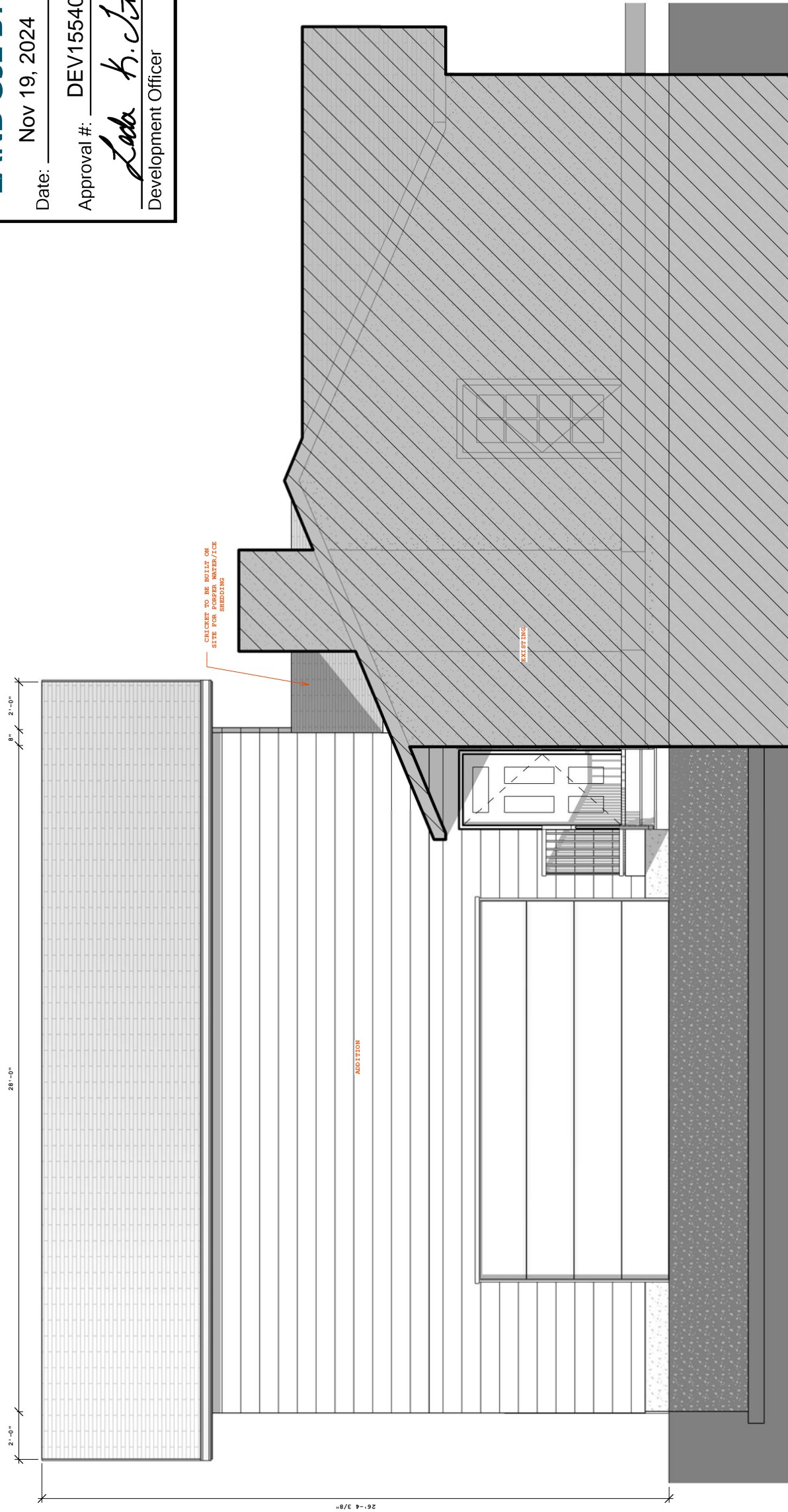
ADDRESS:	5 LOYOLA PLACE WEST	CUSTOMER:	BEN	EXISTING:	1143
TYPE:	GARAGE ADD	SCALE:	3/16"=1'	BSMT:	N/A
DATE:	2024 09 13	RENDITION:	#1	TOTAL Sq.Ft.:	1929
PHASE/INITIAL PLANS	DRAWN BY:	GRO		GARAGE Sq.Ft.:	786
				JOB #:	24-072
				PAGE:	6/10
				ELEVATIONS	

Red Beard Drafting

DUE TO HIGH WIND PRESSURE WITHIN THE LOCATION OF THE BUILDING SITE, CONSTRUCTION METHODS AND REQUIREMENTS TO ADHERE TO LOCAL AUTHORITY HAVING JURISDICTION

ALL WINDOWS AND DOOR FLASHING DETAILS TO MEET BUILDING CODE

CITY OF Lethbridge
APPROVED
 AS PER
LAND USE BYLAW 6300
 Date: Nov 19, 2024
 Approval #: DEV15540
Zeda K. J. H. ...
 Development Officer



RIGHT ELEVATION

ADDRESS:	5 LOYOLA PLACE WEST	CUSTOMER:	BEN	EXISTING:	1143
TYPE:	GARAGE ADD	SCALE:	3/16"=1'	BSMT:	N/A
DATE:	2024 09 13	RENDITION:	#1	TOTAL Sq.Ft.:	1929
PHASE/INITIAL PLANS	DRAWN BY: GRO	JOB #:	24-072	PAGE:	7/10
				GARAGE Sq.Ft.:	786

Red Beard Drafting

ALL ELEVATIONS ARE SUBJECT TO CHANGE ON SITE DUE TO GRADES, ARCH APPROVAL, ROOF LINES AND EXTERIOR FINISH/MATERIALS

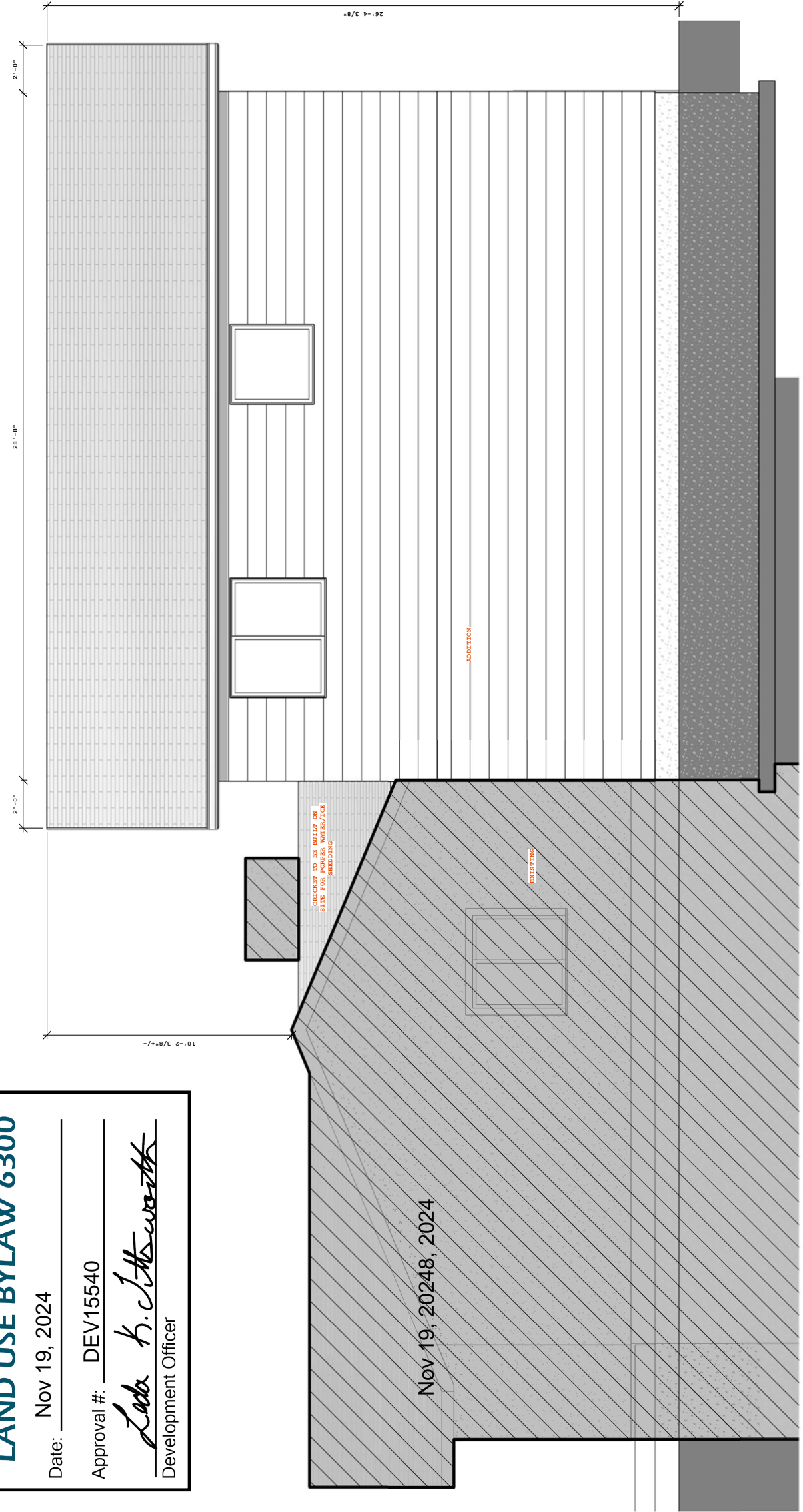
DUE TO HIGH WIND PRESSURE WITHIN THE LOCATION OF THE BUILDING SITE, CONSTRUCTION METHODS AND REQUIREMENTS TO ADHERE TO LOCAL AUTHORITY HAVING JURISDICTION

ALL WINDOWS AND DOOR FLASHING DETAILS TO MEET BUILDING CODE

ADDRESS:	5 LOYOLA PLACE WEST
CUSTOMER:	BEN
EXISTING:	1143
TYPE:	GARAGE ADD
SCALE:	3/16"=1'
AD. SUITE Sq.Ft.:	786
BSMT:	N/A
GARAGE Sq.Ft.:	786
TOTAL Sq.Ft.:	1929
RENDITION:	#1
DATE:	2024 09 13
PHASE/INITIAL PLANS	GRO
DRAWN BY:	GRO
JOB #:	24-072
PAGE:	8/10
ELEVATIONS	

CITY OF Lethbridge
APPROVED
 AS PER
LAND USE BYLAW 6300

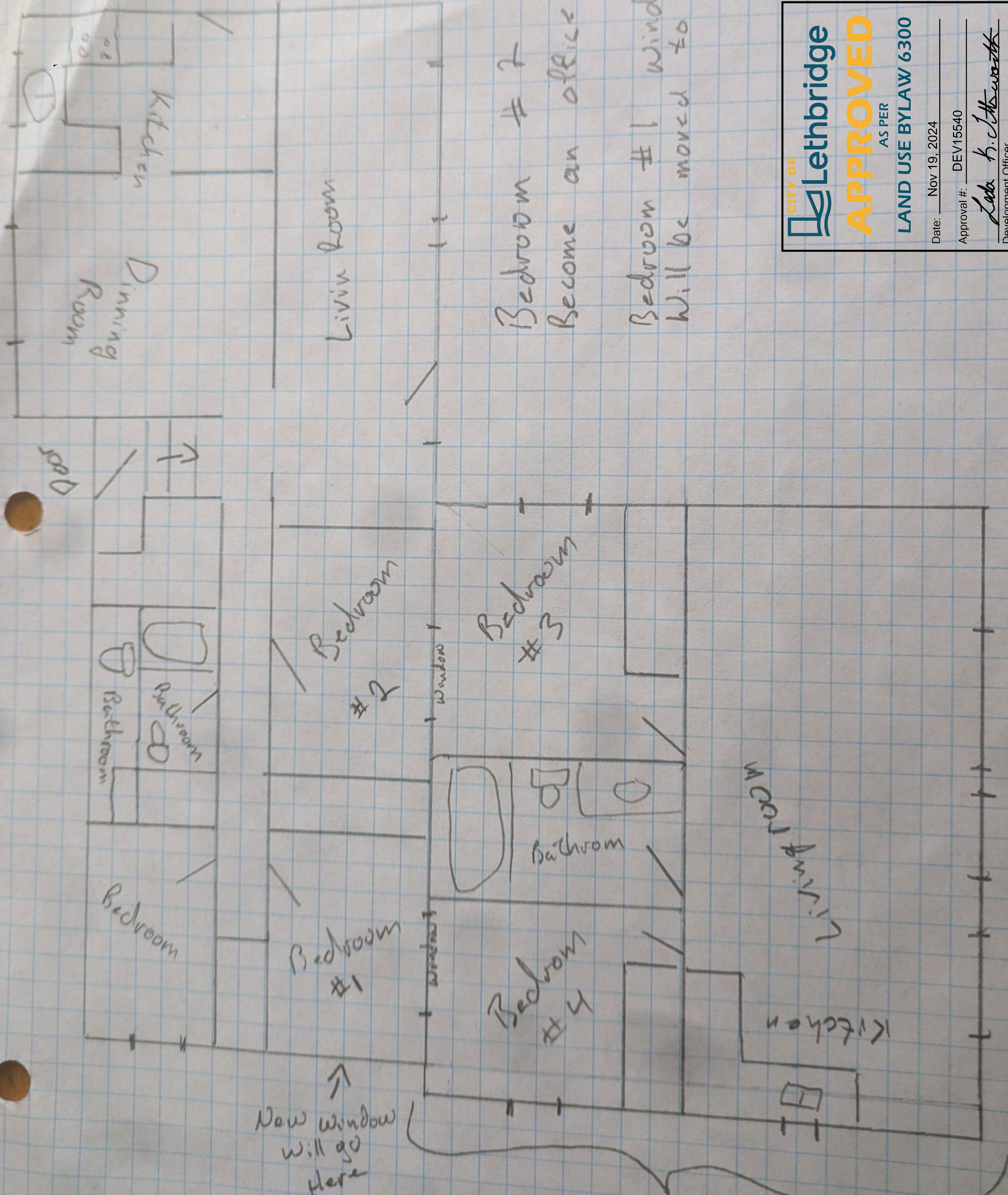
Date: Nov 19, 2024
 Approval #: DEV15540
Lada K. Ithowitz
 Development Officer



LEFT ELEVATION

Red Beard Drafting

ALL ELEVATIONS ARE SUBJECT TO CHANGE ON SITE DUE TO GRADES, ARCH APPROVAL, ROOF LINES AND EXTERIOR FINISH/MATERIALS



Bedroom # 7 Will
 Become an office
 Bedroom # 1 window
 Will be moved to North Wall

CITY OF Lethbridge
APPROVED
 AS PER
LAND USE BYLAW 6300

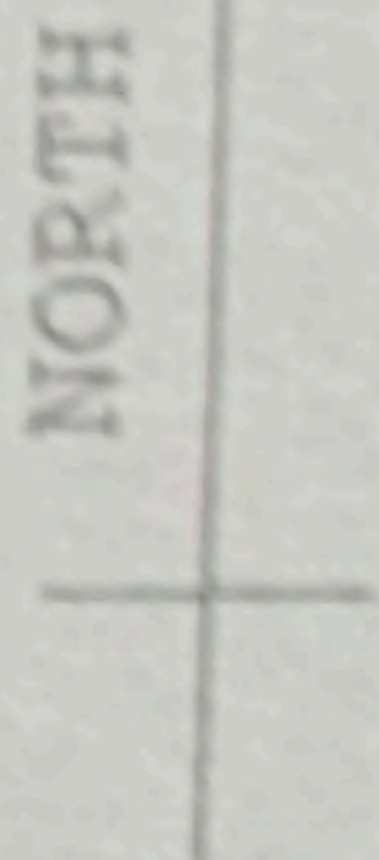
Date: Nov 19, 2024
 Approval #: DEV15540
Lada K. C. Lethbridge
 Development Officer



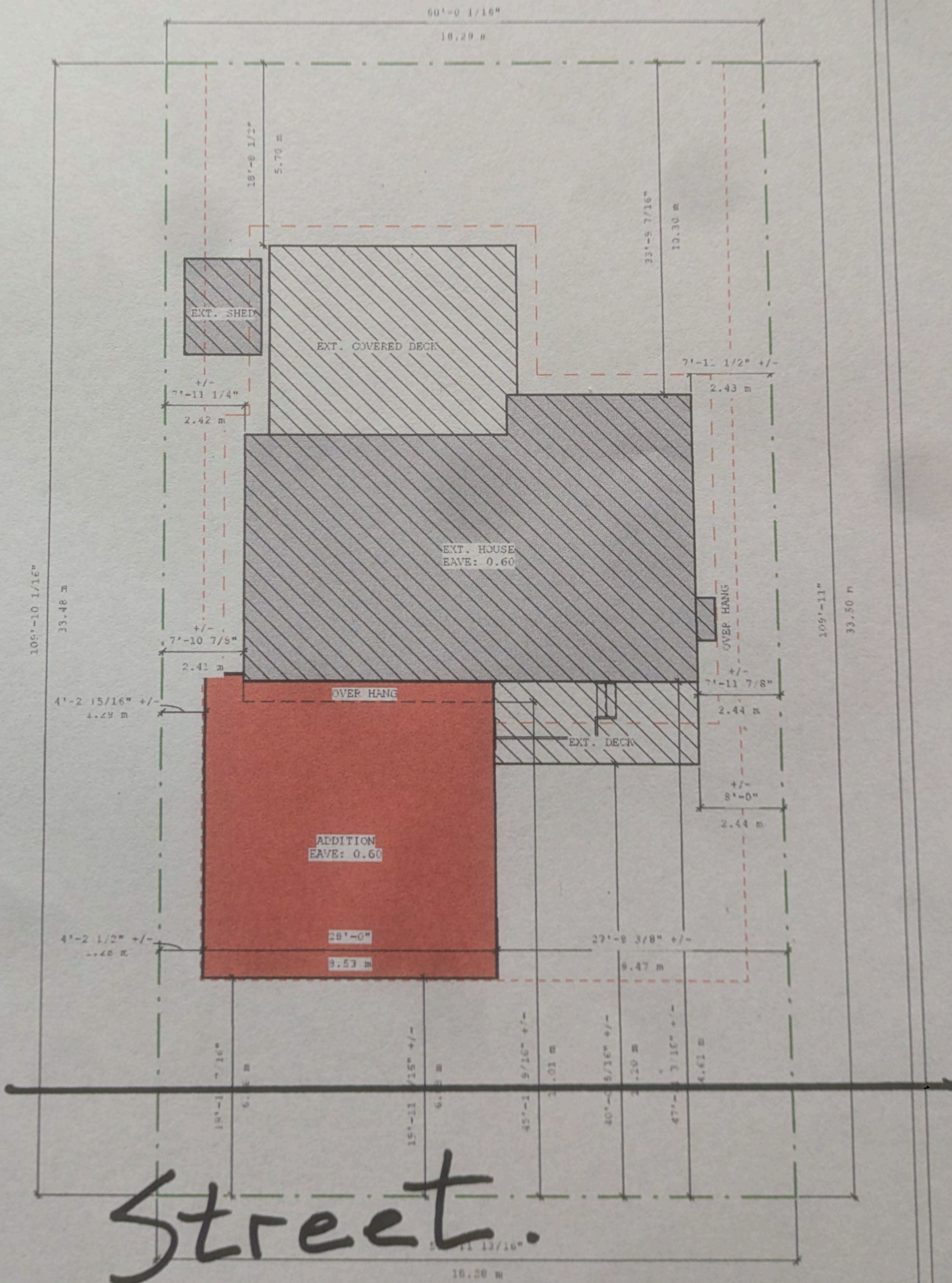
ADDRESS:	5 LOYOLA PLACE WEST	CUSTOMER:	BEN	EXISTING:	1143				
TYPE:	GARAGE ADD	SCALE:	3/16"=1'	ADD. SUITE Sq.Ft.:	786	BSMT:	N/A		
DATE:	2024 09 13	RENDITION:	#1	TOTAL Sq.Ft.:	1929	GARAGE Sq.Ft.:	786		
PHASE:	INITIAL PLANS	DRAWN BY:	GRC			JOB #:	24-072	PAGE:	2/10
SITE LAYOUT									

LOT 15 BLOCK 01 PLAN 7410379
LOT COVERAGE
LOT AREA: 613 SQ.M. APPROX.
BUILDING COVERAGE: 178.84 SQ.M.
APPROX.
(%) COVERAGE: 29.174

NOTES:
1) ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE PERFORMED AS STATED IN THE LATEST EDITION OF LETHBRIDGE STANDARD CONSTRUCTION SPECIFICATIONS
2) ALL GRASSED LANDSCAPING REQUIRED WITHIN THE PUBLIC RIGHT-OF-WAY IS TO BE COMPLETED WITH 200



SITE LAYOUT
(SCALE 1:125)





ADDRESS:	5 DOYOLA PLACE WEST	CUSTOMER:	BEN	EXISTING:	1143
TYPE:	GARAGE ADD	SCALE:	3/16"=1'	ADD. SUITE Sq.Ft.:	786
DATE:	2024 09 13	RENDITION:	#1	TOTAL Sq.Ft.:	1929
PHASE:	INITIAL PLANS	DRAWN BY:	GRU	GARAGE Sq.Ft.:	786
				JOB #:	24-072
				PAGE:	2/10
SITE LAYOUT					

LOT 19 BLOCK 01 PLAN 7410379
 LOT COVERAGE
 LOT AREA: 613 SQ.M. APPROX.
 BUILDING COVERAGE: 178.84 SQ.M.
 APPROX.
 (S) COVERAGE: 29.17%

NOTES:
 1) ALL WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE PERFORMED AS STATED IN THE LATEST EDITION OF LETHBRIDGE STANDARD CONSTRUCTION SPECIFICATIONS
 2) ALL GRASSED LANDSCAPING REQUIRED WITHIN THE PUBLIC RIGHT-OF-WAY IS TO BE COMPLETED WITH SOG



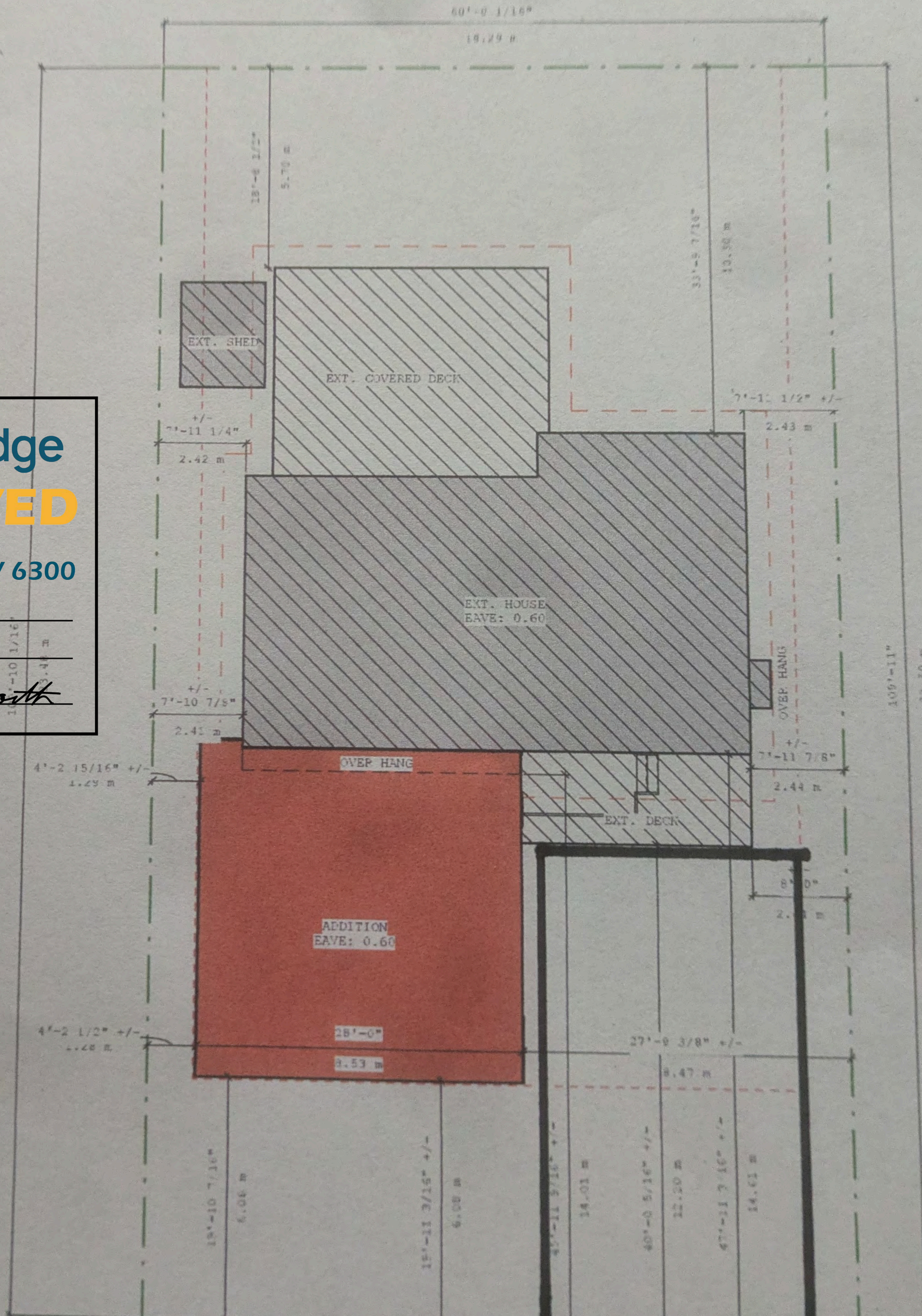
NORTH

CITY OF
Lethbridge
APPROVED
 AS PER
LAND USE BYLAW 6300

Date: Nov 19, 2024

Approval #: DEV15540

Lada K. J. J. J.
 Development Officer



SITE LAYOUT
(SCALE 1:125)

Existing Parking Pad.
 19 Ft x 45 Ft.

Development Permit Application

Low Density Residential - Single Detached Dwelling, Two-Unit, Secondary Suite

All of the following information is necessary to facilitate a thorough and timely evaluation and decision of your application. All materials submitted must be clear, legible and precise. Only applications that are complete will be accepted. PLEASE NOTE: this application is ONLY for a development permit. If a building permit is also required, you must apply for it separately.

Project Address
5 Loyola Place W Lethbridge.

Access Code

Applicant
Name BEN ORR
Address 5 Loyola Place W.
City Lethbridge Postal Code T1K 3W9
Phone 403-795-3594
E-mail benorr@telus.net
Signature [Signature]

Property Owner
Name Ben Orr
Address 5 Loyola Place W.
City Lethbridge Postal Code T1K 3W9
Phone 403-795-3594 B/L# _____
E-mail benorr@telus.net
Signature [Signature]

Providing an email means you consent to receiving documents or communications related to this application, including but not limited to development permit decisions, acknowledgments confirming an application is complete, and any notices identifying any outstanding documents and information, by email.

Have you reviewed all registrations on title pertaining to the property? Yes

I acknowledge and agree that this application does not relieve the owner, the applicant, or the owner's authorized agent from full compliance with (i) the terms and conditions of any easement, covenant, building scheme or other agreement affecting the property, or (ii) the requirements of any applicable laws and regulations.

Signature [Signature] Date 16 Sept 2024

As the applicant I affirm:

- I am the registered owner of the above noted property
- I have entered into a binding agreement to purchase the above noted property with the registered owner(s)
- I have permission of the registered owner(s) of the above noted property to make the attached application for a Development Permit

Description of Work:

Has a dwelling(s) existed on this lot previously? Yes No
 Is a waiver required? Yes No
 Square footage of dwelling(s) (not including basement and garage spaces) 784 m²

Type of Work Being Performed: (Check all applicable)

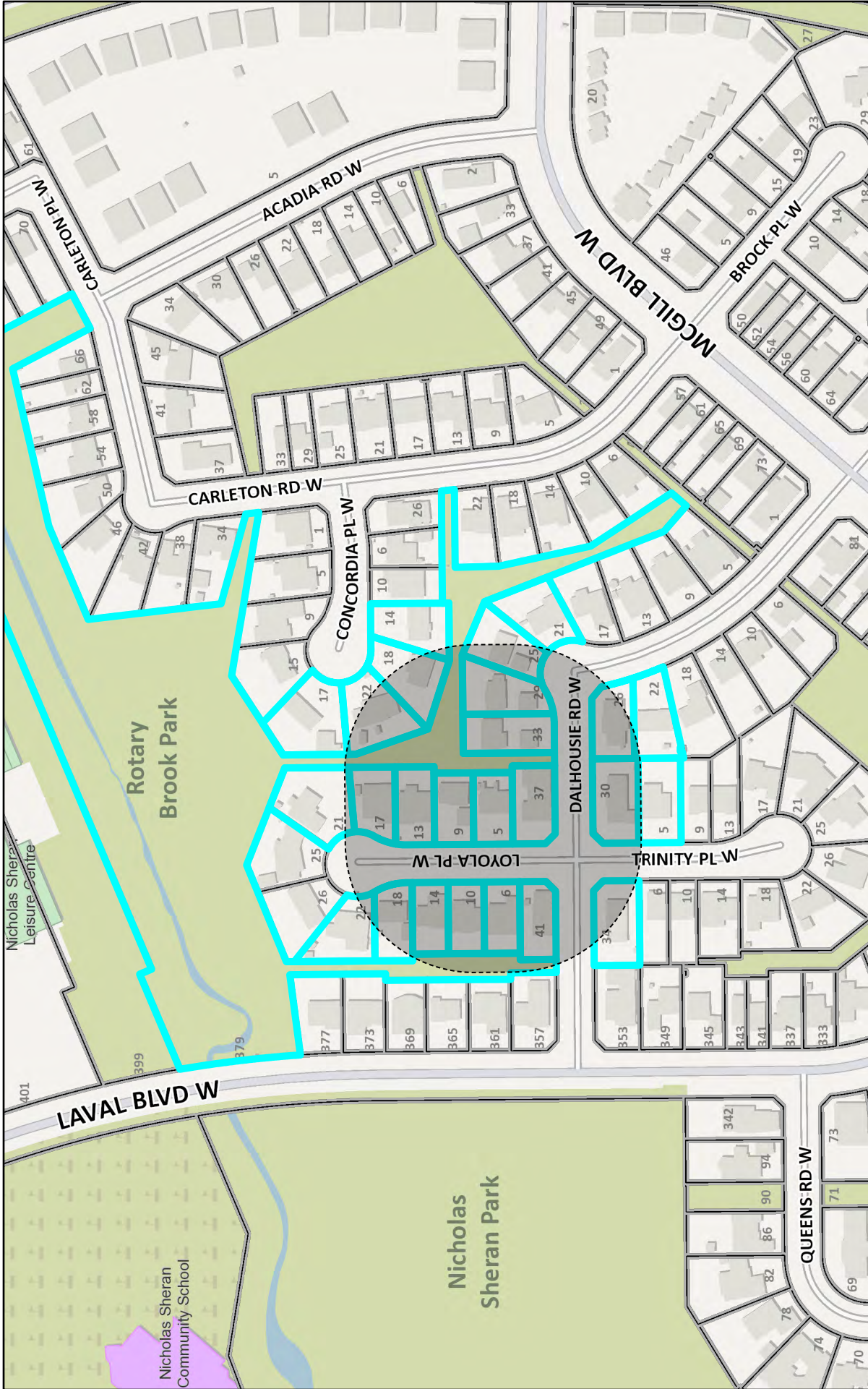
- Single Detached Dwelling
- Attached Garage
- Covered Deck
- Two-Unit Dwelling
- Detached Garage
- Uncovered Deck
- Secondary Suite (Existing)
- Shed
- Fence (Over-height)
- Addition
- Carport
- Compliance Waiver

Description of Work: _____

Office Use Only		Development Fees to be charged	
Permit Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Overlay	_____
Zoning	<u>R-L</u>	Development Permit #	<u>DEV15540</u>
Allowable Use	<input type="checkbox"/> Permitted <input checked="" type="checkbox"/> Discretionary	Building Permit #	_____
		Permit Fee	<u>\$500</u>
		Advertising Fee	<u>\$100</u>
		Total	<u>\$600</u>

Any personal information collected on this form is collected under the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits and planning & development purposes. 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

Parcel Locator WebMAP



December 16, 2024

Parcels

1:3,950

0 0.02 0.04 0.08 mi

0 0.03 0.07 0.13 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri

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Development Authority's Written Submission

For the Subdivision and
Development Appeal Board
Hearing on January 16, 2025



APPLICATION NO.

DEV15540

LOCATION

5 Loyola Place West

LAND USE DISTRICT

R-L Low Density Residential

APPELLANTS

Juston Steward
Lauren Kurmey
Frank Helga Arnold
Lydia & Rick Furgeson
Ward Harper
Linda Joly
John and Janice Kurmey
Leilani & Kendall McCutcheon
F. Michna
Horst & Delores Mueller
Derek R. Peddle
Marlene Schikowsky
Nancy Staniforth

APPLICANT / LANDOWNER

Ben Orr
Kristi Orr

CURRENT DEVELOPMENT

Single Detached Dwelling, Permitted

PROPOSED DEVELOPMENT

A request to construct a front attached garage addition with a secondary suite. The required three off-street parking spaces provided.

Appendix A: Drawings

ADJACENT DEVELOPMENT

North
South
East
West

Single Detached Dwelling
Single Detached Dwelling
City park pathway and Single Detached Dwelling
Single Detached Dwelling

CONTEXT MAP



NOTIFICATION SUMMARY**Appendix B: Notification Letters, Map & Responses****Neighbourhood:** Varsity Village**Neighbourhood Associations(s):** N/A**LAND USE BYLAW SUMMARY****Use:** Addition for the purpose of an attached garage and secondary suite.

Proposed Use	Permitted/Discretionary		
Attached Garage	Permitted		
Secondary suite	Discretionary		
	Requirement	Proposed	Waiver Requested
Front setback	6.0 m	6.06	N/A
Side setback	1.2 m	1.28 m & 2.43 m	N/A
Height	max. 10 m	8.05 m	N/A

EVALUATION**Background**

- An application to construct an addition, for the purpose of an attached garage and a secondary suite on the second floor, was received on September 16, 2024.
- Existing on the property is a single detached dwelling.
- Under Land Use Bylaw 6300, attached garages and additions are a permitted use and are considered part of the principal building (i.e. single detached dwelling).
- Secondary suites are a discretionary use, and applications for secondary suites require notification to neighboring properties within a 60 m radius.

- The existing driveway is sufficient to provide 4 off-street parking spaces. Land Use Bylaw 6300 requires 3 off-street parking spaces for a single detached dwelling with a secondary suite (2 for the single detached dwelling and 1 for the secondary suite).
- Without a secondary suite, the proposed addition met all Land Use Bylaw requirements, and would have been processed and approved as a permitted use (i.e. no circulation or neighbourhood letters would have been sent).
- Properties in the area consist of single storey, two-storey, bilevel and four-level split homes, with no garages, front attached garages, and front detached garages, and with front setbacks ranging from 5.56 m to 9.21 m.
- There are 4 approved secondary suites within a 60 m radius of the property.
- The application was circulated October 28, 2024. The following comments were received:
 - Comments from Building: "An egress window will need to be provided for each bedroom."
 - Comments from Right of Ways: "Service connection excavations taking place outside of private property or within the UR/Ws requires an excavation permit. Please contact Urban Design at the below email address. Please ensure that the contractor contacts Urban Design to obtain a Street Use permit if they'll be encroaching into the ROW at all (with construction materials, fencing, etc.)
If any dirt/mud gets tracked onto the roadway from construction, it needs to be cleaned up
Contact: rowapplications@lethbridge.ca"
 - Comments from Electric Design: "No issues from electric utility for this one."
 - Comments from Transportation: "No comments."
- Neighbourhood Notification letters were sent to residents within a 60 m radius of the subject parcel on October 29, 2024 with the comment period ending November 12, 2024. Comments received (both verbal and written) indicated opposition to the size and location of the addition with concerns being regarding privacy, sunlight, neighbourhood aesthetics and character, property values, height of structure, and front setback of the structure.

Context

This Application was heard before the Appeal Board because:

- Adjacent landowners submitted the appeal.

LEGISLATION & POLICY

Land Use Bylaw 6300

- Section 4 Definitions

Accessory Building – means a Building which is subordinate or incidental to the Principal Building on, or Principal Use of, the same Parcel or Site. This term refers to Buildings such as garages, sheds or free-standing carports.

Discretionary Use – means a Use of land or Buildings in a District for which a Development Permit may be issued, with or without conditions, at the discretion of the Development Authority.

Dwelling – means Development which consists of a Building, or portion(s) thereof, containing one or more Dwelling Units to be Used primarily as a residence.

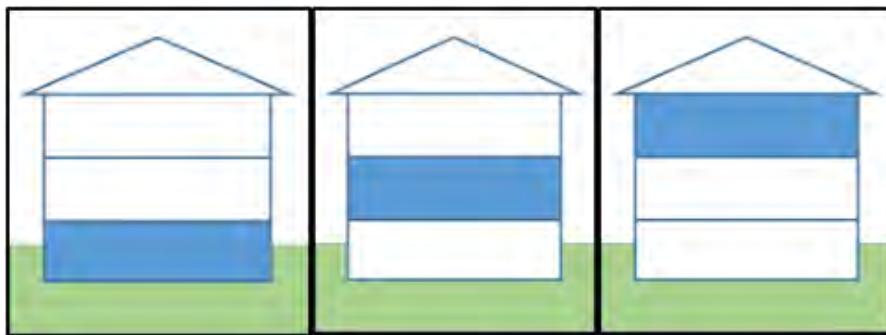
Dwelling, Single Detached or Single Detached Dwelling – means a Dwelling which contains not more than one Dwelling Unit which may be rented to a maximum of four (4) individuals. Manufactured Home/Tiny Home is a separate Use.

Dwelling Unit – means one or more rooms operated or intended to be operated as a residence for a Household containing cooking, sleeping and sanitary facilities only for that unit.

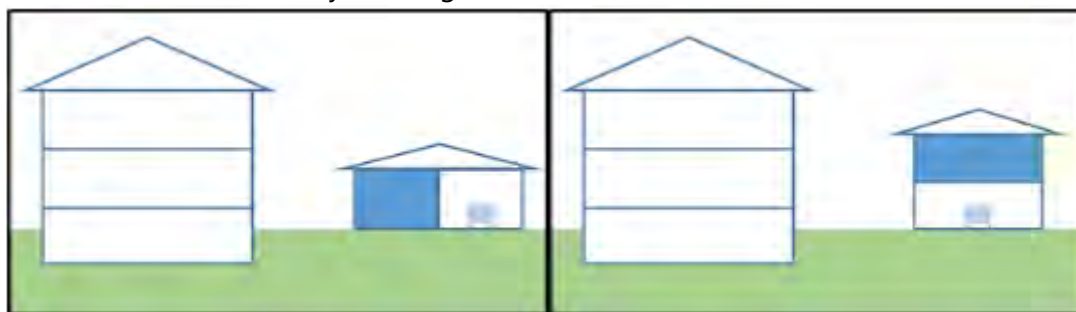
Permitted Use – means Use of land or Buildings in a District for which, unless exempted from requiring a Development Permit, a Development Permit must be issued with or without conditions, if the proposed Development conforms with this Bylaw.

Secondary Suite – means a second self-contained Dwelling Unit located on a Parcel in which the principal use is a Single Detached Dwelling. A Secondary Suite may take the following forms:

House suite: A suite incorporated into a Single Detached Dwelling and may be located in the Basement, on the main storey or on an upper storey or a combination thereof.



Garage Suite: A suite incorporated into a garage Accessory Building and may be located at Grade, or above Grade or a combination thereof. Garage Suites cannot occupy more than 50% of the Accessory Building. Principal purpose of the Building must remain an Accessory Building.



- Section 13(2)(w) When a Permit is Not Required
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: 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.
- Section 82(4) Accessory Buildings
Unless otherwise provided in a Residential District, an Accessory Building shall:
 - (a) Have a design character and appearance that is in accordance with a Residential District. The Building cladding and roof forms and materials shall be typical of residential Buildings in the surrounding area,
 - (b) Not be located in the Front Yard,
 - (c) Maintain a minimum side Setback and rear Setback of 0.6 m, except where an Accessory Building is used to enclose a swimming pool, in which case a minimum 1.2 m Side Yard Setback and 1.5 m Rear Yard Setback shall be provided.

- (d) Have a minimum separation distance of 1.2 m from the Principal Building on the same Parcel or Site,
 - (e) Have a maximum height of 5.18 m
 - (f) Not exceed a Parcel Coverage of 14%
 - (g) Not be a Shipping Container.
- Section 82(5) Secondary Suite Requirements
 - (a) One parking stall per Secondary Suite must be provided onsite,
 - (b) One Secondary Suite allowed per Parcel,
 - (c) The Secondary Suite must have a separate access either through an entryway from the exterior of the Dwelling or through a separate entrance within a common landing.
 - (d) The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion.
 - Section 86(6) Maximum Building Height
 - (a) All Uses, except Accessory Buildings – 10.0 m
 - (b) Accessory Buildings – 5.18 m
 - (c) Secondary Suite above garage (total Building Height) – 7.6 m or the Height of the principal Dwelling, whichever is less
 - Section 86(7)(a)(ii)(A) & (b) Minimum Setbacks
 - (a) On Interior Parcels or Sites without Lane access where no garage or carport is provided
 - (A) Dwelling, Single Detached and Child Care, Minor
 - Front setback – 6.0 m
 - Side setback -1.2 m & 3.0 m
 - Rear setback – 7.6 m
 - (b) All Accessory Buildings – See Section 82(4)

APPLICATION OF FACTS

- Additions to a principal building are considered part of the principal building and therefore all requirements, such as height and setbacks, for the principal building apply to the addition.
- If the addition had been applied for without the secondary suite (i.e. second floor storage, living space that is not a suite, or air space to allow for a lift inside the

- garage), the application would have complied with the Land Use Bylaw requirements and the permit reviewer would have been required to issue a permit.
- Secondary suites are considered a discretionary use for the Low Density Residential district, and are subject to neighborhood circulation.
 - Neighbourhood circulation comments received were regarding the structure. No comments were received regarding the secondary suite.

CONCLUSION

The application to construct an attached garage addition with secondary suite, was approved with the following conditions.

1. Compliance with the plans:

The dwelling shall be developed in accordance with the plans submitted November 18, 2024, October 28, 2024, and September 16, 2024. Any changes to these plans require the approval of the Development Officer.

2. Parking:

A minimum of four off-street parking spaces (2 per unit) shall be provided and maintained at all times.

3. The exterior appearance of the dwelling shall be in accordance with the plans submitted September 26, 2024 to the satisfaction of the Development Officer and must match or compliment the exterior of the existing house.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

5 Loyola Pl W
DEV15540

INTRODUCTION

Application No.:

DEV15540

Location:

5 Loyola Pl W

Land Use District:

R-L Low Density Residential

Current Development:

Single Detached Dwelling, Permitted

Proposed Development:

A request to construct a front attached garage addition with a secondary suite.



VISUAL CONTEXT

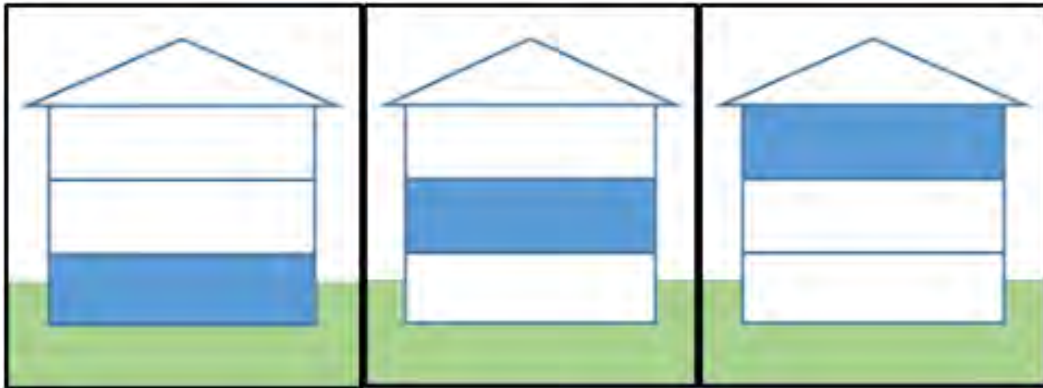


LAND USE BYLAW 6300

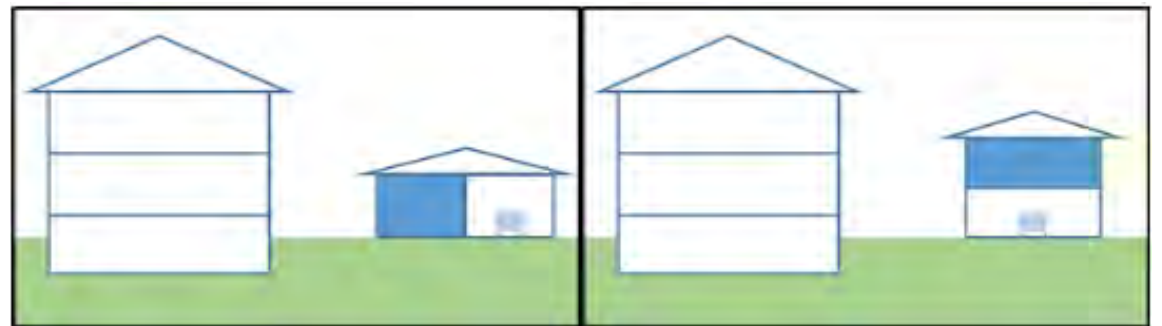
Definitions

Secondary Suite means a second self-contained Dwelling Unit located on a Parcel in which the Principal use is a Single Detached Dwelling. A Secondary Suite may take the following forms:

House suite: A suite incorporated into a Single Detached Dwelling and may be located in the Basement, on the main storey or on an upper storey or a combination thereof.



Garage suite: A suite incorporated into a garage accessory building and may be located at grade, or above grade or a combination thereof. Garage suites cannot occupy more than 50% of the accessory building. Principal purpose of the building must remain an accessory building.



LAND USE BYLAW 6300

Section 82(5) Secondary Suite Requirements

- (a) One parking stall per Secondary Suite must be provided onsite,
- (b) One Secondary Suite allowed per Parcel,
- (c) The Secondary Suite must have a separate access either through an entryway from the exterior of the Dwelling or through a separate entrance within a common landing.
- (d) The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion.

LAND USE BYLAW 6300

Section 86 (6) Maximum Building Height

(a) All Uses, except Accessory Buildings - 10.0 m

Section 86 (7) Minimum Setbacks

Dwelling, Single Detached, Dwelling Two-Unit, and Child Care,
minor:

Front – 6.0 m

Side – 1.2 m

Neighbourhood Notification

- Neighbourhood notification letters were sent to residents within a 60 m radius of the subject parcel on October 29, 2024.
- Comments received indicated opposition to the size and location of the addition with concerns regarding: privacy, sunlight, neighbourhood aesthetics and character, property values, height of structure, and front setback of the structure.

EVALUATION SUMMARY

- Additions to a principal building are considered part of the principal building and therefore all requirements (i.e. height and setbacks) for the principal building apply to the addition.
- If the addition had been applied for without the secondary suite (i.e. second floor storage, living space that is not a suite, or air space to allow for a lift inside the garage), the application would have been approved – complies with Land Use Bylaw 6300.
- Secondary suite are considered a discretionary use and subject to neighbourhood notification.
- Comments received from neighboring properties expressed concerns regarding the structure of the addition. No comments were received regarding the secondary suite.

CONCLUSION

The application for the construction of an addition for an attached garage with secondary suite, was approved with the following conditions:

1. Compliance with the plans: The dwelling shall be developed in accordance with the plans submitted November 18, 2024, October 28, 2024, and September 16, 2024. Any changes to these plans require the approval of the Development Officer.
2. Parking: A minimum of four off-street parking spaces (2 per unit) shall be provided and maintained at all times.
3. The exterior appearance of the dwelling shall be in accordance with the plans submitted September 26, 2024 to the satisfaction of the Development Officer and must match or compliment the exterior of the existing house.

Updated render for 5 Loyola Place W. This is slightly taller than the one we attached in our original document. It is updated with the official measurements provided by the city.



Juston Stewart and Lauren Kurmey

Please see below for photos and dates showing parking at 5 Loyola Place W. There are consistently 4-6 cars parked in the afternoon/evening between both the driveway and the street. If the proposed garage is to be used for cars, they will need to have access, but it will be inaccessible if there are cars in the driveway. This means that 2-4 cars will be parked on the street. If the garage is not to be used for cars, there is the potential for 8+ cars to be parked in the driveway and street. Either of these scenarios indicates there is not sufficient parking to accommodate a suite, and will cause congestion issues for the neighbourhood.

Nov 4, 2024

This shows the Red Truck parked on the street along with 3 other cars. Two in the driveway and 1 on the street. All belonging to 5 Loyola Place.



Jan 3, 2025

This shows the red truck in the same spot as the previous photo with its front driver side tire beginning to flatten.. It was parked unmoved for 2 months which is far beyond what the city bylaw allows.



Jan 10, 2025

One week later, the red truck is still unmoved and the tire completely flat.



Jan 12, 2025

Five cars parked. Red truck still parked in the same spot on the street. Two of these cars are different from those in the first photo.

