



CITY OF  
*Lethbridge*

Office of the City Clerk

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION**

January 27, 2025

Re: Appeal of Development Application DEV15540  
Appellants: Juston Stewart and Lauren Kurmey et al  
Land Use: Low Density Residential (R-L)

UPON HEARING representations made by the Development Officer, the Appellants, and other interested parties on Thursday, January 16, 2025, it is the decision of the Subdivision and Development Appeal Board that the appeal is **DENIED** and the decision of the Development Authority regarding Development Application DEV15540 on November 19, 2024 to approve the construction of a front attached garage with a secondary suite is hereby **UPHELD**.

The Board received written and oral submissions from the Appellants, the Development Authority and from numerous other interested parties. The Board acknowledges and appreciates all of these submissions.

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

1. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. Application was made for a front attached garage addition with a secondary suite.
3. The front attached garage addition is considered to be a permitted use under the Land Use Bylaw, while the secondary suite is discretionary under the Land Use Bylaw. No waivers were required for the approval of the attached garage structure. As such, the appeal is centered on the approval of the secondary suite.
4. A secondary suite is defined as a second self-contained dwelling unit located on a parcel in which the principal use is a single detached dwelling.
5. Because the proposed garage is attached to the principal building, namely a single detached dwelling, the secondary suite is considered to be a house suite rather than a garage suite. Therefore all requirements, such as height and setbacks, for the principal building apply to the addition. The proposal is in compliance with the Land Use Bylaw on these matters.
6. The front yard setback will be 6.06 metres. The Land Use Bylaw permits a 6.0 metre setback. Neighbouring properties have front setbacks ranging from 5.56 metres to 9.21 metres.

7. The maximum height allowed by the Land Use Bylaw is 10 metres. A height of 8.05 metres is proposed. This again is consistent with the neighbouring properties.
8. Parking was a concern raised by some of the appellants. The existing driveway is sufficient to provide four off-street parking spaces. The Land Use Bylaw requires only three off-street parking spaces for a single detached dwelling with a secondary suite (two for the single detached dwelling and one for the secondary suite).
9. Privacy was another concern raised by some of the appellants. The Board concluded that the design of the proposed structure was appropriately modified to minimize privacy concerns of the neighbours.
10. It was stated that approval of this development would result in decreased property values for the neighbourhood. No evidence was provided to support this statement.
11. Concerns that were raised regarding the fencing were not within the jurisdiction of the Board. Similarly the determination if the property was unsightly was not part of the decision.
12. Concerns were raised about the development embodying an inconsistent architectural style with neighbouring homes. There are no architectural controls in Varsity Village, and as such, opinions on matters of building aesthetics lay outside the scope of this appeal.
13. In reviewing and weighing all the evidence, the Board therefore finds that the appeal does not merit approval, and the decision of the Development Authority to approve the application to be upheld for the following reasons:
  - a. The proposed structure itself is a permitted use under the Land Use Bylaw;
  - b. The proposed secondary suite is a discretionary use under the Land Use Bylaw;
  - c. The Board determined that the property complied with the neighbourhood in terms of setbacks, height, parking, and use.

## CONCLUSION:

For the reasons set out above, the appeal is denied and the decision of the Development Authority is upheld. The decision of the Board was not unanimous.

Any concerns regarding abandoned vehicles or unsightly properties should be directed to Regulatory Services of the City of Lethbridge through 311.

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

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

Yours truly,



Jason Shriner, Board Chair,  
Subdivision & Development Appeal Board

cc Appellant/Neighbouring Property Owners

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