



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

August 21, 2024

Re: Appeal of Development Application DEV15362
Appellant: Verus Custom Contracting Ltd.
Land Use: Low Density Residential (R-L)

UPON HEARING representations made by the Development Officer, the Appellant, and other interested parties on Thursday, August 15, 2024, 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 DEV15362 on July 4, 2024 to refuse the construction of a single detached dwelling, requesting an eave projection waiver is hereby **UPHELD**.

The Board received written and oral submissions from the Appellant, the Development Authority and from 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 to construct a new single detached dwelling that proposed a 0.31 metre north side eave projection waiver, a 0.11 metre south side eave projection waiver, and a 0.91 metre front eave projection waiver, so as to allow for 0.91 metre eaves.
3. Section 82(2)(a)(i) of Land Use Bylaw 6300 allows for 0.6 metre eave overhang of principal buildings.
4. Section 22(2)(a) of Land Use Bylaw 6300 stipulates that waivers may be granted if the resulting proposed development conforms with the use prescribed for the land or building in this bylaw and would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
5. The Board found that alternatives were provided to the developer so as to negate the requirement for a side waiver for the eave projection. The Board found there was no objection to issuing a front eave projection waiver.
6. The Board found that the proposed side waivers could materially interfere with or affect the use, enjoyment or value of neighbouring properties.

7. 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 refuse the application to be upheld.

CONCLUSION:

For the reasons set out above, the appeal is denied and the decision of the Development Authority 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,

A handwritten signature in black ink, appearing to read 'K S', with a large, stylized flourish extending to the right.

Kattie Schlamp, Board Chair,
Subdivision & Development Appeal Board

cc Appellant/Neighbouring Property Owners