



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

March 30, 2022

Re: Appeal of Development Permit 13633
Appellant: Ian Anderson
Land Use: Business Industrial (I-B)

Upon hearing representation made by the Development Officer, the Applicant, the Appellant and other interested parties on Thursday, March 17, 2022, it is the decision of the Subdivision and Development Appeal Board that the appeal is **DENIED** and the decision of the Development Officer regarding Development Permit 13633 on March 29, 2022 to approve the addition of the use of "Entertainment Establishment" to the already approved use of "Specialty Manufacturing" located at 3500 9 Avenue North is hereby **CONFIRMED**.

The following submissions were received:

1. Ian Anderson, appellant (both oral and written)
2. Carl Epp, against the development (both oral and written)
3. Darrell Harris, applicant (both oral and written)
4. Doug Francis, customer (oral)
5. Pam Colling, 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, 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 in compliance with Land Use Bylaw 6300.
3. The Board notes that the development is a discretionary use. Therefore, the development permit application could either be granted or refused.
4. The proposed development does not require any waivers.
5. The applicant provided the rationale for the development.
6. The applicant has exceeded the minimum requirement of 25 off-street parking spaces by providing 28 off-street parking spaces.
7. The one off-street parking space in the northwest corner appears to limit the traffic flow.
8. No evidence was presented against the proposed development.
9. The Board is of the opinion that the additional traffic, noise, and parking do not present undue interference with the neighbourhood amenities and would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
10. 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 appropriate for the site.

11. In reviewing and weighing all the evidence, the Board therefore finds that the application does merit approval.

CONCLUSION:

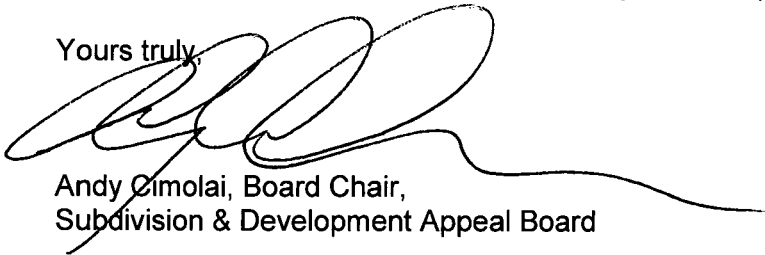
For the reasons set out above, the appeal is denied and the decision of the Development Officer is varied, adding the following:

1. The proposed parking stall in the northwest corner is to be a no parking zone.
2. Information sign to be placed in front that additional parking is available in the rear.

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,



Andy Cimolai, Board Chair,
Subdivision & Development Appeal Board

cc Development Officer
Appellants/Neighbouring Property Owners

Subdivision and Development Appeal Board Decision

Address: 3500 9 AVE N

District: I-B

Applicant: SPECTRUM ALE WORKS
Address: 3500 9 AVE N LETHBRIDGE AB T1H 5E6

Phone: 403-315-1833

Development Proposed A request to add the use of 'Entertainment Establishment' to the already approved use of 'Specialty Manufacturing' on DEV10625.

District I-B BUSINESS INDUSTRIAL**Land Use** ENTERTAINMENT ESTABLISHMENT - DISCRETIONARY**CONDITIONS OF APPROVAL**

In accordance with the decision of the Subdivision & Development Appeal Board on March 29th, the application for an accessory use of 'Entertainment Establishment' is approved with the following conditions.

1. Compliance with the plans:

The development of an 'Entertainment Establishment' as an accessory use to the approved use of 'Specialty Manufacturing' (approved on DEV10625 - attached) shall be in accordance with the plans submitted February 25, 2022. Any change to these plans requires the approval of the Development Officer and may, at the discretion of the Development Officer, require a development application.

2. Off-street Parking:

16 additional off-street parking spaces shall be provided and maintained for this use bringing the total off-street parking space requirement to 25. 27 off-street parking spaces have been provided which therefore means a surplus of 2 parking spaces. Parking spaces at the rear of the building shall be painted and have wheel stops provided.

3. No Parking Zone:

The proposed parking stall in the northwest corner is to be a 'No Parking Zone'.

4. Parking Signage:

Information sign to be placed in front that additional parking is available in the rear.

3. Signs:

Prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.

Attachment: Development Permit DEV10625

cc: TJ Woodloo, Regulatory Services
Darrin Harsch, Building Inspections
Neil Jesse, Fire Prevention
Heath Wright, Fire Prevention**Decision Date**

Mar 29, 2022

Development Commencement shall be within one year of the decision date

**Development
Authority**



PAM COLLING, DEVELOPMENT OFFICER

STATUTORY PLANS

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

APPEALS

A decision of the Subdivision and Development Appeal Board is final and is subject only to an appeal upon a question of law or jurisdiction pursuant to Section 688 of the Municipal Government Act, RSA, 2000, as amended.

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. DEV13633