



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

November 18, 2022

Re: Appeal of Development Permit 14122
Appellant: Nancy McLeod
Land Use: Downtown Commercial (C-D)

Upon hearing representation made by the Development Officer, the Applicant, the Appellant and other interested parties on Thursday, November 3, 2022, the Subdivision and Development Appeal Board debated motions. The Board was unable to come to a resolution held by the majority. In the event of a tie vote, the Appeal shall be deemed to be dismissed and the decision of the Development Authority shall prevail. As a result, the appeal is **DENIED** and the decision of the Development Officer regarding Development Permit 14122 on September 27, 2022 to approve the operation of an "entertainment establishment" located at 524 5 Street South is hereby **CONFIRMED**.

The following submissions were received:

1. Nancy McLeod, appellant (both oral and written)
2. Caroline Pittman, against the development (oral)
3. Marina Seaborn, against the development (both oral and written)
4. Joan Retzler, against the development (oral)
5. 4 Elements Management, against the development (written)
6. Petition signed by 46 people, against the development (written)
7. Akasi Appiah, property owner (oral)
8. Charity Chengela, manager (oral)
9. Daisy Plume, applicant (oral)
10. 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, Heart of Our City Master Plan, Downtown Area Redevelopment Plan, any applicable Statutory Plans, and the circumstances and merits of this case, the Subdivision and Development Appeal Board considered the following:

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 City of Lethbridge Noise Bylaw 5270 primarily is in response to residential districts.
7. Past complaints on this property have been to prior businesses. The proposed business is not yet operational.

8. Potential noise from the operation could be limited by not accessing the rear (west) door.
9. The Applicant is required to obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over the use.
10. Section 14 of the Subdivision and Development Appeal Board Bylaw 4749 states, "*The decision of the majority of the members of the Board present at a meeting duly convened is deemed to be the decision of the whole Board. In the event of a tie vote, the Appeal shall be deemed to be dismissed and the decision of the Subdivision Authority and/or Development Authority, as the case may be, shall prevail.*"

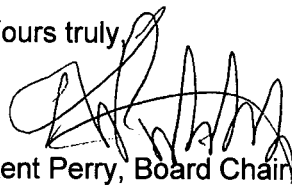
CONCLUSION:

As the motion was tied, the Appeal shall be deemed to be dismissed, and the decision of the Development Officer prevails.

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,



Kent Perry, Board Chair
Subdivision & Development Appeal Board

cc Development Officer
Appellants/Neighbouring Property Owners

Subdivision and Development Appeal Board Decision

Address: 524 5 ST S

District: C-D

Applicant: PLUME, DAISY R
Address: BOX 535 STANDOFF, AB T0L 1Y0

Phone: (403) 360-1340

Development Proposed A change of use of 226.59 m2 (2439 sq ft) to an 'Entertainment Establishment'.

District C-D DOWNTOWN COMMERCIAL

Land Use ENTERTAINMENT ESTABLISHMENT - DISCRETIONARY

CONDITIONS OF APPROVAL

In accordance with the decision of the Subdivision and Development Appeal Board on November 18, 2022, the application for an 'Entertainment Establishment' is approved with the following conditions:

1. Off-street Parking:

No additional parking spaces are required for this use. Any existing spaces shall be provided and maintained.

2. Signs:

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

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

Decision Date
Nov 18, 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. DEV14122