

Lloydminster Subdivision and Development Appeal Board Decision

Hearing Date: June 29, 2022
Appellant: Ecoplast Solutions – Jean-Marc Dentremont
Represented By: Katlyn Wilkinson
Location: 3634 – 45 Street, Lloydminster, Saskatchewan.
Legal Description: Lot 35-36 Block 23 Plan B1127
Proposed Development: R2 Semi Detached - Residential
Appeal: SDAB-05-22-0286

A. INTRODUCTION

1. The Appellant, Ecoplast Solutions on May 12th, 2022, made application to construct two dwelling units in the property located at 4634 – 45 Street, Lloydminster, Saskatchewan. The Appellant applied to construct two identical semi-detached dwelling units on the site two (2) units per lot for a total of four (4) units. The Site is under the City’s Land Use Bylaw 5-2016 (LUB).
2. The Development Officer (DO) refused the application as the semi-detached dwelling unit does not meet the minimum width of 7.5 metres as per the Land Use Bylaw 5-2016. S. 6.1.3.2(ii) for the following reason(s):
 - a. The application exceeds the variance powers granted to the development Authority through the LUB.

B. PRELIMINARY MATTERS

3. The Subdivision and Development Appeal Board (SDAB) members – The Chair asked the appellant and other parties in attendance whether there were any objections to the SDAB members. There were no objections.
4. Hearing Process - The Chair reviewed the hearing process. The Chair asked the Appellant and other parties in attendance whether there were any objections to the hearing process. There were no objections.
5. The Board had noted that there was an addressing error on the DO’s submission. The City indicated that the map attached to the DO’s package identifies the property as 4636 – 45 Street where the correct address is 4634 – 45 St. The DO indicated that even though there is a typo in the address, the area identified on the map was correct. The Appellant acknowledged the correction and agreed to proceed.

C. SUMMARY OF HEARING

6. The SDAB heard from the Development Officer (DO), Natasha Pidkowa, who read from the City's submission that was provided to the Board and did not expand further on the original submission.
7. The Board asked the City, what if any additional conditions would be appropriate should a variance be granted. The DO indicated that should the variance be granted that the requirements set out the Land Use Bylaw 5-2016, S.4 and S.5 still apply to the development.
8. The DO further advised the Board that they had sent notification to the area residents, and no one had raised any concerns regarding the type and nature of the development.
9. The SDAB then heard from the Appellant's representative Katlyn Wilkinson, who also reiterated the contents of their submission and indicated that if the variance were granted that the development was allowed to proceed, the developments would meet all the required setbacks for a corner lot pursuant to the LUB.
10. The Board asked the Appellant, what if any additional conditions would be appropriate. The Appellant indicated that it's design was meant to be consistent the with and not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of the neighbouring properties and as such agreed with the City's recommendation.
11. No one else was in attendance who wished to speak to the appeal, in addition there were no written submissions.
12. The SDAB Board ask the DO if the variance requested was within their approval would it be allowed. The DO indicated that given the specific circumstances of this application if variance was within their approval authority it would have been granted.

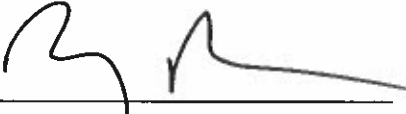
D. DECISION


13. The SDAB allows the appeal and approves the Appellant's request for a variance to reduce the Dwellings width to 5.48 metres. For the development located at 4634- 45 Street, Lloydminster, Saskatchewan.
14. In addition, the development must meet all the other required setbacks in Land Use Bylaw 5-2016 for a development of this type.
15. The requirements pursuant to S.4 and S.5 of the Land Use Bylaw 5-2016, shall apply to the development and the construction and design should be consistent the with and not unduly interfere with the amenities of the

neighbourhood or materially interfere with or affect the use, enjoyment, or value of the neighbouring properties.

E. REASONS FOR DECISION

12. The SDAB considered the impact of the variance and the SDAB considered the affect of S.687(3)d of the Municipal Government Act, Alberta and determined that the development was consistent with land use policies, statutory plans and would not unduly interfere with; the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of the neighbouring parcels of land.
13. The request was not opposed by neighbouring residents.
14. The City DO indicated that if the variance requested was within their approval authorities, they would have granted the approval.
15. The appellant indicated that the development would meet all the setbacks if the variance were granted.
16. The appellant agreed that the provisions of S.4 and S.5 of the Land Use Bylaw 5-2016 would still apply.
17. Considering the foregoing, the SDAB is of the view that the requested variance had met the requirements of the LUB and will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of the neighbouring properties.

Per 
SDAB Clerk, Doug Rodwell
City of Lloydminster, Subdivision
and Development Appeal Board

Per 
Chair, Bernal Ulsifer
City of Lloydminster, Subdivision
and Development Appeal Board

IMPORTANT INFORMATION FOR APPELLANT

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M26