

Lloydminster Subdivision and Development Appeal Board Decision

Hearing Date: May 5, 2022
Appellant: V3 Companies of Canada – Nick Pryce
Location: 4104 80 Ave, Lloydminster, AB.
Proposed Development: C2 Highway Corridor Commercial
Appeal: SDAB-01-22-0141

A. INTRODUCTION

1. The Appellant, V3 Companies of Canada on March 22, 2022, applied for a variance for a height variance for a property located at 4104 80 Ave, Lloydminster, AB. The Site is under the City's Land Use Bylaw 5-2016 (LUB).
2. The development officer (DO) refused the application for the variance for the increase of the fence height from 2.0 metres to 3.65 metres for the property located at 4104 80 Ave, Lloydminster, AB 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.

C. SUMMARY OF HEARING

5. 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.
6. The Board asked the City, what if any additional conditions would be appropriate. The City indicated that should the variance be granted that the fence's construction 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.

7. The SDAB then heard from the Appellant Nick Pryce, who also reiterated the contents of their submission.
8. The Board asked the Appellant, what if any additional conditions would be appropriate. The Appellant indicated that I'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.
9. No one else was in attendance who wished to speak to the appeal, in addition there were no written submissions.
10. 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

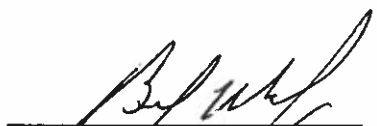
11. The SDAB allows the appeal and approves the Appellant's request to increase the variance of the fence height from 2.0 metres to 3.65 metres at the property located 4104 80 Ave, Lloydminster, AB.
12. In additions the design must fence's construction should be consistent the with and not unduly interfere 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 Section 687(3)d in that the increased fence height 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. 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