CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

November 13, 2026

RE:	Appeal of Development Application DEV16959
Appellant(s):	Andy Graziano
Respondent(s):	Kevin Deaust, Development Officer, City of Lethbridge Angie Olsen, Development Manager, City of Lethbridge
Subject Property:	402 2 Avenue South
Land Use:	Downtown Commercial C-D
Hearing Date:	Thursday, October 29, 2026 at 7:00 PM
Board Members:	Stephen Tomes, Chair Amanda Berg Regan Lane Evan Neilsen

---

DESCRIPTION OF APPLICATION

1. The subject property known as The Owl (Acoustic Lounge), is at 402 2 Avenue South, in the City of Lethbridge, Alberta.

PROCEDURAL HISTORY:

2. The Chair called the hearing to order on October 29, 2026 at 7:03 PM in Council Chambers of City Hall, 910 – 4 Avenue South, Lethbridge, AB.
3. There were no objections to any of the Board members in attendance.
4. The following preliminary matters brought to the Board:
    - Board Member Troy Roberts declared a pecuniary interest and did not attend the hearing
    - The following late submissions were provided to the board for consideration:

i. A letter opposing the appeal from Ryan Dyck;
ii. A letter opposing the appeal from Karen Monaghan and Laurie Winder;
iii. A submission opposing the appeal from The Owl (Acoustic Lounge).

- The board took a 10-minute recess to review the late submissions and consider inclusion in the hearing package.
- The board accepted the late submissions, which were then provided to the development authority and appellant.
- The appellant requested 5 minutes to review the late submissions.
- The Chair reaffirmed that there were no objections to any Board members in attendance.

5. At the conclusion of the Hearing, the Chair inquired if the Appellant felt they had a fair opportunity to present to the Board, to which the Appellant responded in the affirmative.
6. The Chair closed the hearing on October 29, 2026 at 7:50 PM.

DECISION:

7. The appeal is **DENIED** and the decision of the Development Authority to grant the approval of DEV16959 is hereby **UPHELD.**

SUBMISSIONS:

8. The Board received oral and/or written submissions from:
   - Mr. Andy Graziano, Appellant (written and oral submissions)
   - Mr. Kevin Deaust, Development Officer (written and oral submissions)

EVIDENCE:

9. The Board acknowledges the following documentary evidence was received prior to the hearing and form part of the record:
   - Notice of Appeal dated October 8, 2026, submitted by Mr. Andy Graziano (pages 2-4 of agenda package)
   - Development Decision DEV16959 dated September 23, 2026 (pages 5-9 of agenda package)
   - Development Authority Written Submission (pages 10-16 of agenda package)
   - Development Authority Written Submission Appendix A: DEV16959 Application Package (pages 17-24 of agenda package)
   - Development Authority Written Submission Appendix B: Background (pages 25-43 of agenda package)
   - Development Authority Written Submission Appendix C: Business Licenses 2006-Oct 2026 (pages 44-45 of agenda package)
   - Development Authority Written Submission Appendix D: Heart of Our City Master Plan & Downtown Area Redevelopment Plan Excerpts (pages 46-60 of agenda package)

- Development Authority Written Submission Appendix E: DEV16959 Development Permit & Plans (pages 61-66 of agenda package)
- Development Authority PowerPoint Presentation (pages 67-76 of agenda package)

BACKGROUND AND SUMMARY OF EVIDENCE:

Development Authority

10. At the Hearing, Mr. Deaust referred the Board to the Development Authority's written submissions as contained in the Board Report and made the following oral presentation, summarized below.
11. The subject property is located at 402 2 Avenue South in downtown Lethbridge, within the C-D Downtown Commercial District. It contains the former No. 1 Fire Hall, constructed in 1908 and designated a provincial historic resource in 1979. The surrounding properties are predominantly commercial. The property falls within the Downtown Area Redevelopment Plan's DT-1 area and the Heart of Our City Master Plan's Urban Core and Heritage Blocks.
12. Mr. Deaust explained that application DEV16959 seeks to add an Entertainment Establishment use to the basement, main and second floors of the existing building to accommodate the relocation of The Owl (Acoustic Lounge). The application covers approximately 1,077.8 square metres (11,600 square feet), and the existing Restaurant use approvals for those floors would remain in place. Entertainment Establishment is a discretionary use in the C-D District, while Restaurant is a permitted use. He referred to the building's development and business licensing history, which includes restaurants, lounges, pubs and nightclubs. As the proposal does not increase the building's gross floor area, no additional off-street parking is required under the Land Use Bylaw.
13. Mr. Deaust's approval was based on the proposed use being contemplated as a discretionary use in the C-D District and supported by the applicable downtown planning policies. The Downtown Area Redevelopment Plan identifies Entertainment Establishments as a permitted use within its DT-1 policy area and encourages commercial investment and cultural and entertainment activities while preserving heritage character. The Heart of Our City Master Plan supports an active downtown during both daytime and evening hours and encourages restaurants and bars within the Heritage Blocks and Cultural Corridor. The permit requires compliance with the plans submitted September 22, 2026, continued provision and maintenance of any existing parking spaces, and approval of a separate sign permit before exterior signs are installed.

Appellant

14. The Appellant, Mr. Andy Graziano, expressed concern that the proposed relocation could result in noise affecting nearby properties. His opposition focused on the

potential noise associated with The Owl (Acoustic Lounge) operating at the subject property.

Public Member Statements and Submissions:

The following members of the public provided a statement and or submission to the board.

15. Stephen Foord – Opposed to the Appeal
16. Tyler Stewart – Opposed to the Appeal
17. Karen Monaghan – Opposed to the Appeal
18. Laurie Winder – Opposed to the Appeal
19. Devin Gergel – Opposed to the Appeal
20. Andrea Sandul – Opposed to the Appeal

REASONS:

21. The Board reviewed all evidence and arguments, both written and oral, submitted by the parties and focused on key evidence and arguments in outlining its reasons.
22. The Board finds that the proposed Entertainment Establishment use is appropriate at this downtown commercial location. The use is expressly contemplated as a discretionary use in the C-D District, and the existing Restaurant use will continue. The Board gives weight to the Development Authority's evidence that the Downtown Area Redevelopment Plan supports entertainment uses within the applicable DT-1 area and that the Heart of Our City Master Plan encourages restaurants, bars and cultural activity in the Heritage Blocks and an active downtown during daytime and evening hours. The building's previous restaurant, lounge, pub and nightclub uses further support the suitability of the proposed use in this setting. The proposal does not increase gross floor area and therefore does not require additional parking under the applicable Land Use Bylaw provision.
23. The Board considered the Appellant's concern about potential noise affecting neighboring properties. On the evidence before it, the Board was not persuaded that the anticipated impacts warranted refusing the proposed use at this location. The approval remains subject to compliance with the submitted plans, maintenance of existing parking and separate approval for exterior signs. Taken together, the land use context, policy support and conditions of approval support upholding Development Permit DEV16959.

CONCLUSION:

For the reasons set out above, the appeal is **DENIED** and the decision of the Development Authority to issue Development Permit DEV16959 is **UPHELD**.

An appeal against the 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,

for
Stephen Tomes, Board Chair
Subdivision & Development Appeal Board

cc: Andy Graziano, Appellant
Kevin Deaust, Development Officer
Angie Olsen, Development Manager