



CITY OF
Lethbridge

Office of the City Clerk

August 27, 2026

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed against the Decision of the Development Authority to Refuse Development Permit DEV 16810, being an application for a side setback waiver for an existing home that was raised on the original foundation at 349 20 St N.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 60 metres of the development are notified of the hearing by way of this letter. In addition, the owner of the property will also receive a copy of this letter.

The Subdivision and Development Appeal Board (SDAB) will hold a Public Hearing as follows:

DATE:	Thursday, September 17, 2026
TIME:	5:00 p.m.
LOCATION:	Council Chambers, Main Floor, City Hall 910 – 4 Avenue South

Persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to five minutes.

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB via email at sdab@lethbridge.ca, including your full name and mailing address no later than 12:00 noon on the Wednesday prior to the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at sdab@lethbridge.ca if you have any questions.

Yours truly,

Stephanie Parsonage
Board Clerk,
Subdivision and Development Appeal Board



NOTICE OF APPEAL

Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		
Municipal Address of Appeal 349 20TH ST. N. LETHBRIDGE, ALB.		
Legal Description of Site (must be completed for subdivision appeals)		
Development Application Number or Subdivision Application Number 16810		
Appellant Information		
Name TREVOR CURRIE		
Mailing Address Box 121		
City DIAMOND CITY	Province ALBERTA	Postal Code TOKOTO
Residence #	Business #	Email TREVOR@gatewaylivestock.com

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
☐ Approval	☐ Approval	☐ Notice of Order
☐ Conditions of Approval	☐ Conditions of Approval	
☒ Refusal	☐ Refusal	

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:
(Attach a separate page if required)

This Personal information is collected under the authority of sections 4(a) and (c) and 13(1) of the Protection of Privacy Act and sections 678 and 686 of the *Municipal Government Act* for the purposes of administering and adjudicating appeals before the Board. Note: **This information will form part of a file available to the public**, if you have any questions regarding the collection of this information, contact the Board Clerk at (403) 320-3030.

Signature of Appellant X		Date YYYY MM DD	
FOR OFFICE USE ONLY			
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD	Date Appellant Notified YYYY MM DD



NOTICE OF APPEAL Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the Municipal Government Act and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

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Development Permit	Subdivision Permit	Notice of Order
☐ Approval ☐ Conditions of Approval ☒ Refusal	☐ Approval ☐ Conditions of Approval ☒ Refusal	☐ Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:	
① REQUEST FOR COMPLIANCE WAIVER	(2 PAGES)
② OFFER TO PURCHASE PORTION OF LAND	(3 PAGES)
③ PROPOSED SETBACK & NO-BUILD EASEMENT AGREEMENT	(3 PAGES)
④ NO WRITTEN RESPONSES TO DEVELOPMENT APPLICATION FROM NEIGHBORS - NEIGHBORS ACTUALLY HAVE REMARKED IN PERSON AS A GREAT IMPROVEMENT	
⑤ BUILDING PERMIT # BPO33965 - CREATE A BATHROOM IN BASEMENT - CEILING HEIGHT TOO LOW - HAD TO RAISE HOUSE	

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Signature of Appellant X <i>Trevor Currie</i>		Date 2024/08/18
FOR OFFICE USE ONLY		
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD
Date Appellant Notified YYYY MM DD		

REQUEST FOR COMPLIANCE WAIVER

To: City of Lethbridge
Development Services / Subdivision and Development Appeal Board

Re: Request for Side-Yard Setback Waiver
Property: 349 20 Street North, Lethbridge, Alberta

To Whom It May Concern:

I am requesting approval of a compliance waiver relating to the side-yard setback at my property located at **349 20 Street North, Lethbridge.**

The required side-yard setback is **1.2 metres**. Based on the current Real Property Report, the existing dwelling is approximately **47 centimetres short of the required setback**. I am therefore requesting a waiver of this portion of the required setback.

I believe there are several circumstances surrounding this property that support granting the requested waiver.

Existing Lot and Survey Configuration

A review of the Real Property Report shows an unusual configuration involving **Lots 41, 42 and 43**, which are oriented in the opposite direction from the surrounding lots. This appears to have contributed to the present setback issue.

There are also other indications of longstanding inconsistencies between the surveyed property lines and the boundaries that have historically been treated as the property lines in this area.

For example, the existing fence between my property and the neighbouring property at **353 20th Street North** appears to encroach approximately **14 centimetres onto my property**.

In addition, the fence associated with the neighbouring property to the south appears to encroach approximately **34 centimetres onto my property**.

These existing conditions support the position that the setback issue at 349 20 Street North should be considered in the context of the historical lot configuration and established boundaries in the neighbourhood rather than simply as a newly created encroachment.

Separation Between the Dwellings

The purpose of side-yard setback requirements includes maintaining appropriate separation between neighbouring buildings.

Although the technical setback from the surveyed property line is deficient, there is approximately **15 feet of actual separation between the dwellings**.

The normal 1.2-metre setback on each property would result in approximately **2.4 metres (7.9 feet)** of separation between dwellings. The actual separation between the homes is therefore substantially greater than the minimum separation that would normally result from two compliant 1.2-metre side yards.

Granting the requested waiver would consequently not create an unusually narrow separation between the two homes.

No Material Impact on the Neighbouring Property

The requested waiver does not involve the dwelling crossing the property line. The issue is limited to the required setback from that property line.

The existing separation between the dwellings remains substantial, and granting the waiver would not materially affect the neighbouring property's use, privacy, access, enjoyment or development potential.

The neighbouring property directly affected by the requested setback waiver is:

**353 20th Street North
Lethbridge, Alberta**

I am also obtaining support from neighbouring property owners confirming that they do not believe the project will negatively affect their properties or the neighbourhood.

Reasonableness of the Requested Waiver

The deficiency is relatively small when considered against the actual physical separation between the buildings and the unusual historical configuration of the lots and property boundaries.

Requiring substantial alteration or relocation of the dwelling to correct a **47-centimetre setback deficiency** would impose a significant cost while producing little practical benefit to the neighbouring property or the surrounding neighbourhood.

The requested waiver would recognize the existing physical circumstances while still maintaining considerably more separation between the dwellings than would normally exist where both properties meet the standard 1.2-metre side-yard setback.

For these reasons, I respectfully request that the City of Lethbridge, or if necessary the Subdivision and Development Appeal Board, approve the requested side-yard setback waiver for **349 20 Street North**.

I am prepared to provide the Real Property Report, photographs, measurements, letters of support from neighbouring property owners and any other documentation that may assist in reviewing this request.

Thank you for your consideration.

Sincerely,

Trevor Currie
Owner
349 20 Street North
Lethbridge, Alberta

OFFER TO PURCHASE PORTION OF LAND

Date: _____

From:

Trevor Currie
Owner of 349 20 Street North
Lethbridge, Alberta

To:

Loise Zielinski
Owner of 353 20th Street North
Lethbridge, Alberta

Re: Offer to Purchase a Portion of 353 20th Street North

Dear Loise,

I, **Trevor Currie**, owner of the property municipally known as **349 20 Street North, Lethbridge, Alberta**, hereby offer to purchase a narrow strip of land along the common property boundary between 349 20 Street North and your property at **353 20th Street North**.

1. Purpose of Purchase

The purpose of the proposed purchase is to adjust the common property boundary sufficiently to allow the dwelling at 349 20 Street North to satisfy, or substantially address, the applicable side-yard setback requirement.

The current setback requirement is 1.2 metres, and the dwelling at 349 20 Street North is approximately 47 centimetres deficient based upon the current survey information.

2. Land to Be Purchased

The land to be purchased shall consist of a strip along the common boundary between the two properties of sufficient width to resolve the setback deficiency.

The parties presently contemplate a strip approximately **24 inches (0.61 metres) wide**, extending along such portion of the common boundary as is necessary.

The exact dimensions, area and legal description of the land shall be determined by a registered Alberta Land Surveyor and shall be subject to approval by the City of Lethbridge and Alberta Land Titles, as applicable.

3. Purchase Price

I offer to purchase the required strip of land for:

\$ _____

The purchase price shall be payable upon completion and registration of the boundary adjustment and transfer.

4. Survey, Subdivision and Legal Costs

As purchaser, I will be responsible for the reasonable costs associated with completing the transaction, including:

- Alberta Land Surveyor costs required to prepare the necessary plan or legal description;
- City of Lethbridge application and approval fees associated with the boundary adjustment or subdivision;
- Alberta Land Titles registration fees; and
- reasonable legal costs associated with preparing and completing the transfer of the land.

Each party will have the right to obtain independent legal advice before executing final transfer documents.

5. Conditions

This offer is conditional upon:

1. A survey confirming the location and dimensions of the land required to address the setback issue at 349 20 Street North.
2. The proposed transfer and boundary adjustment being acceptable to the City of Lethbridge.
3. Receipt of any subdivision, development, planning or other municipal approvals required to complete the transaction.
4. Confirmation that the proposed boundary adjustment will not create a non-compliance or other unacceptable development issue affecting 353 20th Street North.
5. The land being capable of being legally transferred and consolidated with the title to 349 20 Street North.
6. Any mortgage holder, lender or other party whose consent is legally required in relation to 353 20th Street North providing that consent.
7. The purchaser being satisfied that completion of the transaction will adequately address the setback issue affecting 349 20 Street North.

If any of these conditions cannot reasonably be satisfied, this offer may be terminated without liability to either party.

6. Existing Fence

The parties acknowledge that the existing fence does not necessarily represent the surveyed property boundary. The location of any fence following completion of the boundary adjustment will be determined by mutual agreement after the new property boundary has been established by survey.

7. No Transfer Until Approvals Obtained

Nothing in this offer requires either party to transfer land contrary to City of Lethbridge requirements or Alberta law. The final transfer will occur only after the necessary survey, municipal approvals, legal documentation and Land Titles requirements have been completed.

8. Cooperation

Both parties agree to reasonably cooperate with the surveyor, City of Lethbridge, legal counsel and other professionals involved in completing the proposed boundary adjustment.

9. Acceptance

This offer shall remain open for acceptance until:

_____ at _____ a.m./p.m.

unless extended in writing by the parties.

If accepted, this document records the parties' intention to proceed with the proposed transaction subject to the conditions above. Formal transfer, subdivision, boundary-adjustment and other documentation may subsequently be prepared as required by the City of Lethbridge, Alberta Land Titles and the parties' legal

counsel.

Purchaser

Trevor Currie

Signature: _____

Date: _____

Seller

Loise Zielinski

Signature: _____

Date: _____

PROPOSED SETBACK AND NO-BUILD EASEMENT AGREEMENT

Date: _____

BETWEEN:

Loise Zielinski

Owner of 353 20th Street North
Lethbridge, Alberta

(the "Grantor")

AND:

Trevor Currie

Owner of 349 20 Street North
Lethbridge, Alberta

(the "Grantee")

Re: Setback and No-Build Easement Between 349 and 353 20th Street North

The parties wish to establish an easement over a portion of the property municipally known as **353 20th Street North, Lethbridge, Alberta**, adjacent to the common property boundary with **349 20 Street North, Lethbridge, Alberta**.

The purpose of this easement is to provide additional setback area for the existing dwelling at 349 20 Street North while ensuring that the affected area remains free of buildings or other permanent structures.

1. Easement Area

Loise Zielinski agrees to grant an easement benefiting **349 20 Street North** over a strip of land located along the common boundary on the **353 20th Street North** property.

The parties presently contemplate an easement approximately **24 inches (0.61 metres) wide**, or such other width as is determined by survey to be appropriate to address the setback requirement affecting 349 20 Street North.

The exact location, dimensions and legal description of the easement area shall be established by an **Alberta Land Surveyor** and incorporated into the final easement documentation.

2. Purpose of Easement

The easement is intended to provide a permanent no-build area adjacent to the common property boundary and to recognize that this area will remain open space between the two properties.

The parties acknowledge that the existing dwelling at **349 20 Street North** is approximately **47 centimetres deficient from the applicable 1.2-metre side-yard setback** based upon current survey information.

The easement is intended to provide additional protected separation between the existing dwelling at 349 20 Street North and any present or future development at 353 20th Street North.

3. Mutual No-Build Agreement

Neither party shall construct or permit the construction of a **dwelling, garage, addition, shed or other permanent building or structure** within the easement area.

Trevor Currie agrees that the easement does **not** provide a right to construct any portion of a building from 349 20 Street North upon the easement area or upon the property at 353 20th Street North.

Loise Zielinski agrees that no building or permanent structure associated with 353 20th Street North will be constructed within the easement area.

The intent of both parties is that the easement area remain permanently free of buildings so that adequate physical separation between developments on the two properties is maintained.

4. Ownership of Land

The easement does **not** transfer ownership of any land. The easement area shall remain part of and owned with **353 20th Street North**. The easement grants only the rights specifically described in this agreement for the benefit of 349 20 Street North.

5. Use and Maintenance

Except for the no-build restriction established by this agreement, Loise Zielinski and future owners of 353 20th Street North may continue to reasonably use and maintain the easement area as part of their property, including for lawn, landscaping, fencing and other uses that do not interfere with the purpose of the easement.

Nothing in this agreement gives the owner of 349 20 Street North a general right to enter upon or use the property at 353 20th Street North except to the extent specifically provided in the final registered easement.

6. Existing Fence

The parties acknowledge that the existing fence does not necessarily correspond precisely with the surveyed property boundary. Nothing in this agreement changes ownership of the land or establishes the existing fence as the legal property boundary. Any future relocation or replacement of the fence may be agreed upon separately between the property owners.

7. Benefit and Burden to Run With the Land

The intention of the parties is that the easement and no-build restriction be registered against the applicable land titles so that it remains in effect regardless of future ownership.

The easement shall benefit **349 20 Street North** and burden **353 20th Street North** and, once properly registered, shall be binding upon the parties and their respective heirs, successors and assigns.

8. Municipal Approval

This agreement is subject to acceptance by the **City of Lethbridge** for the intended setback and development purposes.

Nothing in this agreement guarantees that the City of Lethbridge will approve a development permit, compliance waiver or other planning application.

If additional documentation or modifications are reasonably required by the City of Lethbridge or Alberta Land Titles to accomplish the intent of this agreement, the parties agree to reasonably cooperate in completing those requirements.

9. Costs

Trevor Currie will be responsible for the reasonable costs of establishing and registering the easement, including:

- Alberta Land Surveyor costs;
- legal preparation and registration costs;
- Alberta Land Titles registration fees; and
- reasonable municipal application fees directly associated with establishing the easement.

Loise Zielinski shall not be required to incur out-of-pocket costs to establish the easement.

10. Independent Legal Advice

Each party acknowledges that they have the right to obtain independent legal advice before signing final easement documentation.

The parties understand that a lawyer may prepare additional documentation necessary to properly register the easement against the affected land titles.

11. Agreement in Principle

By signing below, the parties confirm their agreement in principle to establish the setback and no-build easement described above, subject to survey, municipal acceptance, legal preparation and registration.

Owner - 353 20th Street North

Loise Zielinski

Signature: _____

Date: _____

Owner - 349 20 Street North

Trevor Currie

Signature: _____

Date: _____

Witness

Signature: _____

Date: _____

Address: **349 20 ST N**
Legal: 904C;;41-43

District: R-L(W)

Applicant: DERRICKS RENOS
Address: 1802 58 ST S LETHBRIDGE AB T1K 7E3

Phone: 403 308 5913

Development Proposed A request for a side setback waiver for an existing home that was raised on the original foundation.

District R-L LOW DENSITY RESIDENTIAL

Land Use DWELLING, SINGLE DETACHED - PERMITTED

Waiver SIDE YARD SETBACK (LN ACCSS)

REASONS FOR REFUSAL

1. The raising of the house on the original foundation constitutes a structural alteration, which is in contravention of Land Use Bylaw 6300, Section 42(4) and (6).
2. The proposed waiver request could materially interfere with or affect the use, enjoyment or value of neighbouring properties.
3. The house must be returned to its original height and foundation no later than August 4, 2027.

INFORMATIVE:

The existing house on the property was constructed in the early 1950's, and does not meet the setback requirements of Land Use Bylaw 6300. Prior to any structural changes to the property, it was deemed a non-conforming building, and subject to Section 42 of Land Use Bylaw 6300. It was brought to Developments attention through Building, that the house was lifted without any permit approvals, resulting in the house now being non-compliant and no longer non-conforming.

Land Use Bylaw 6300, Section 42(4) states: A Non-Conforming Use or part of a Building may be extended throughout the Building but the Building, whether or not it is a Non-Conforming Building, shall not be enlarged or added to and no structural Alterations shall be made to it or in it.

Land Use Bylaw 6300, Section 42(6) states: A Non-Conforming Building may continue to be used but the Building shall not be enlarged, added to, rebuilt, or structurally altered except: (a) as may be necessary to make it a conforming Building, or (b) as the Development Authority considers necessary for the routine maintenance of the Building.

Decision Date

Aug 04, 2026

**Development.
Authority**

LEDA KOZAK TITTSWORTH

STATUTORY PLANS

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

COMPLIANCE WITH OTHER LAWS AND AGREEMENTS

The City of Lethbridge assesses applications according to the development requirements and standards of the Land Use Bylaw in force at the time of application. This Development Permit does not relieve the owner, the applicant, or the owner's authorized agent from full compliance with (i) the terms and conditions of any easement, covenant, building scheme or other agreement affecting the property, or (ii) the requirements of any other applicable laws and regulations.

APPEALS

The applicant has the right to appeal this decision to the Subdivision and Development Appeal Board. An appeal shall contain a statement of the grounds of appeal and shall be delivered either personally or by Registered Mail so as to reach the Secretary of the Subdivision and Development Appeal Board not later than twenty-one (21) days after the decision date indicated on the Development Permit or 'Development Permit Application - Refused' letter.

Permits which were the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission, or by the Minister of Environment and Parks must be appealed through the Land and Property Rights Tribunal.

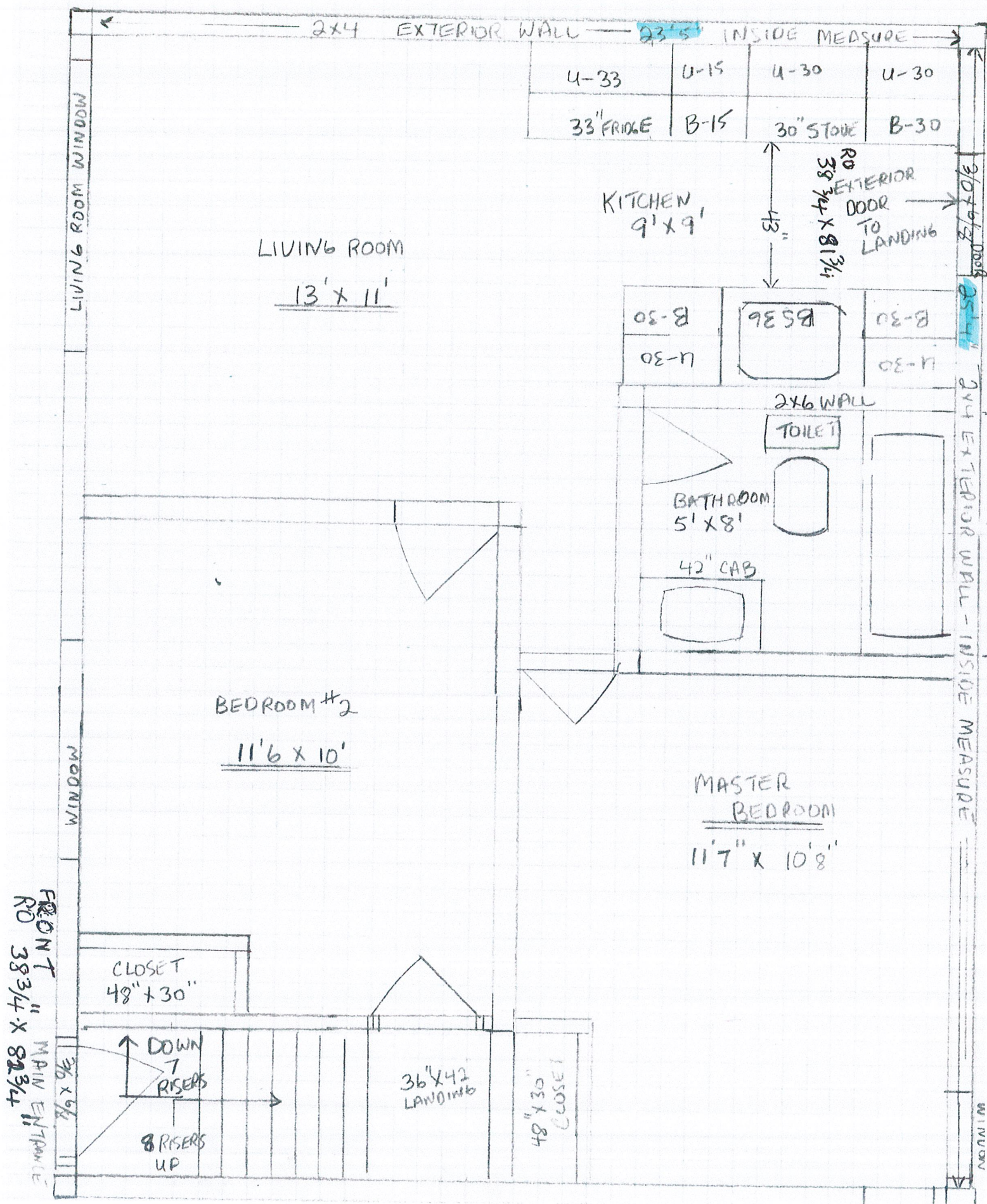
Privacy Notice

The personal information collected for a construction permit application is authorized by sections 4(a) and 4(c) of the Protection of Privacy Act, and the Alberta Safety Codes Act. This information is necessary to process the construction permit application, issue permit(s), and facilitate legislated compliance monitoring & verification. Please be aware that some or all of the information provided during the application process may be made public. For question about the collection or management of personal information, contact the City's Privacy Officer at APO@lethbridge.ca or by phoning 311 (or 403-320-3111 if outside of Lethbridge)

Application No. DEV16810

6240'
98 L'

Existing - floor layout on main not changing
MAIN FLOOR LAYOUT - 349 20TH ST. N. LETHBRIDGE, ALBERTA



new

349-20TH ST N. BASEMENT PLAN

JUNE 17/26

Calgary North

P. 403-291-1013 F. 403-250-2804

Calgary South

P. 403-291-1013 F. 587-747-5341

Cranbrook

P. 250-489-3640 F. 250-489-5052

Edmonton

P. 780-463-7413 F. 780-462-1855

Grande Prairie

P. 780-567-4131 F. 780-567-4849

Lethbridge

EGRESS
BASEMENT
WINDOW

Richmond-BC Ceiling Systems

P. 604.278.2330 F. 604.278.2380

Medicine Hat

P. 403-526-4456 F. 403-526-0271

Red Deer

P. 403-341-6664 F. 403-341-6833

Regina

P. 306-545-5535 F. 306-545-5353

Winnipeg

P. 204.633.8747 F. 204.633.8756

Kelowna

P. 250-491-7570 F. 250-491-7571

Surrey

EGRESS
BASEMENT
WINDOW

CELEBRATING



YEARS

SHOEMAKER
DRYWALL SUPPLIES

A GMS COMPANY



349-20TH ST. N.

OLD BASEMENT FLOOR PLAN

Calgary North

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P. 403-328-3535 F. 403-328-5200

CELEBRATING



YEARS

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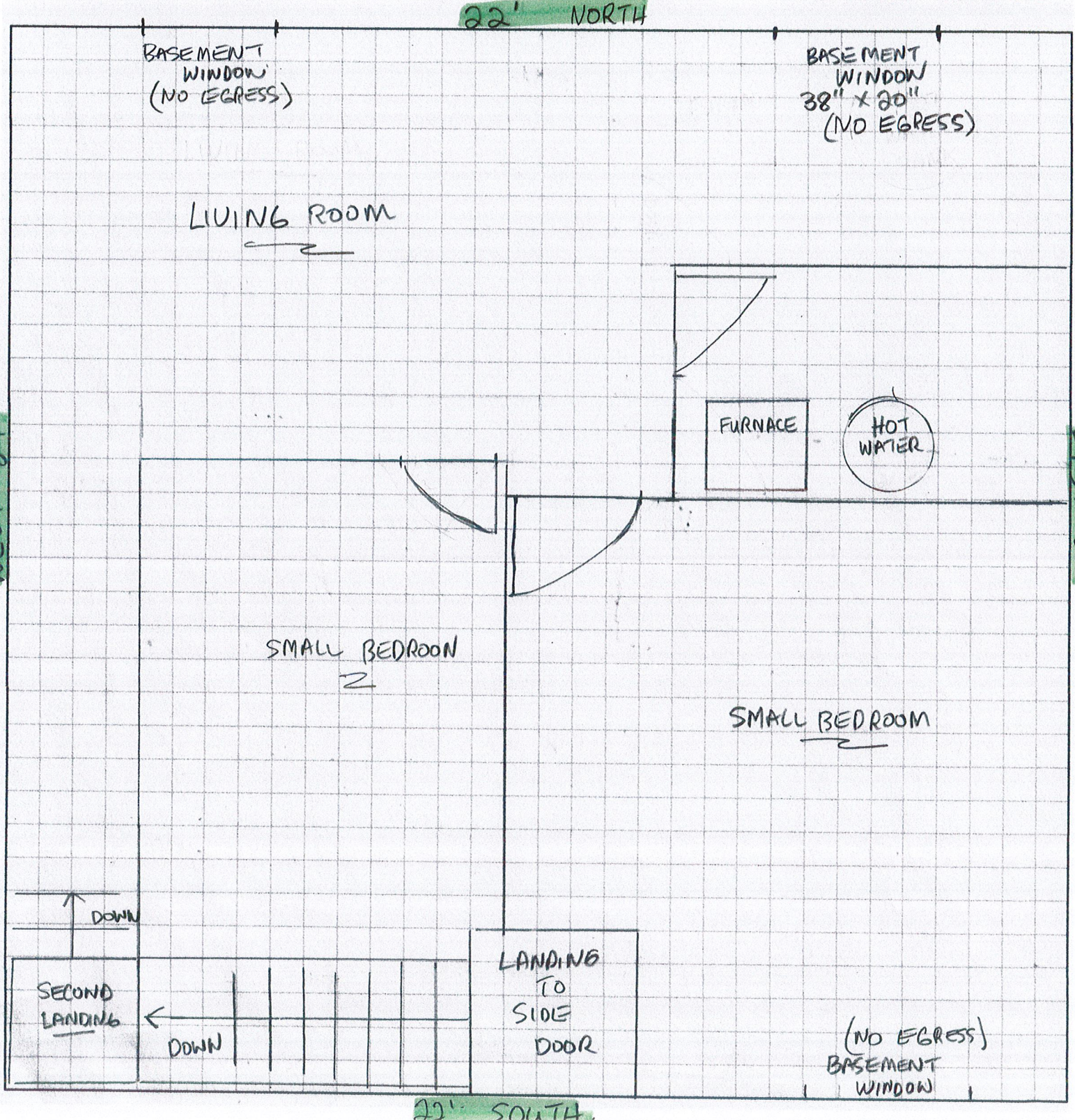
P. 204.633.8747 F. 204.633.8756

Kelowna

P. 250-491-7570 F. 250-491-7571

Surrey

P. 778.726.3585 F. 604.455.0779



FRONT ELEVATION

CELEBRATING



YEARS

SHOEMAKER
DRYWALL SUPPLIES
A GMS COMPANY

Richmond-BC Ceiling Systems

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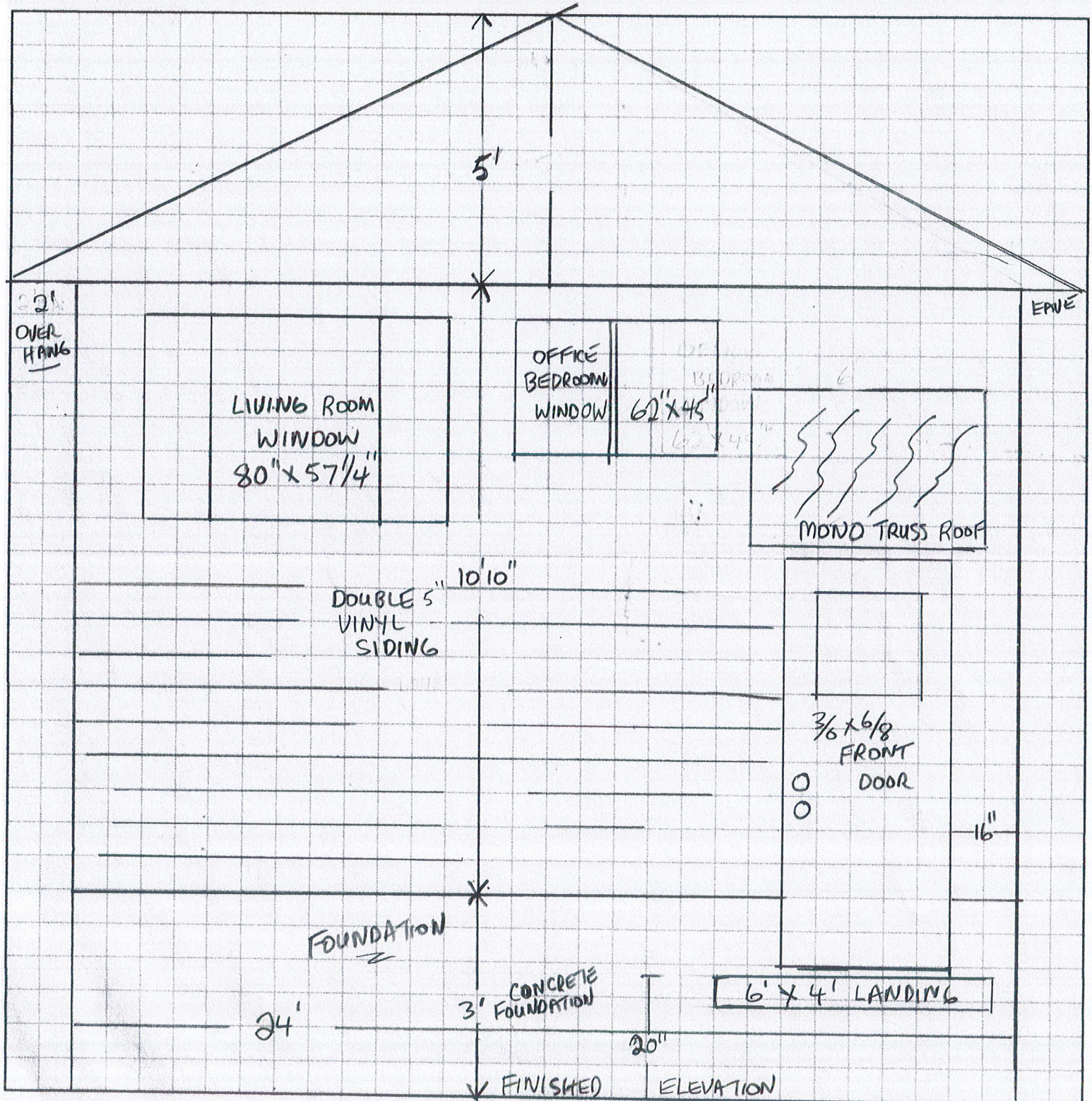
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REAR ELEVATION

CELEBRATING



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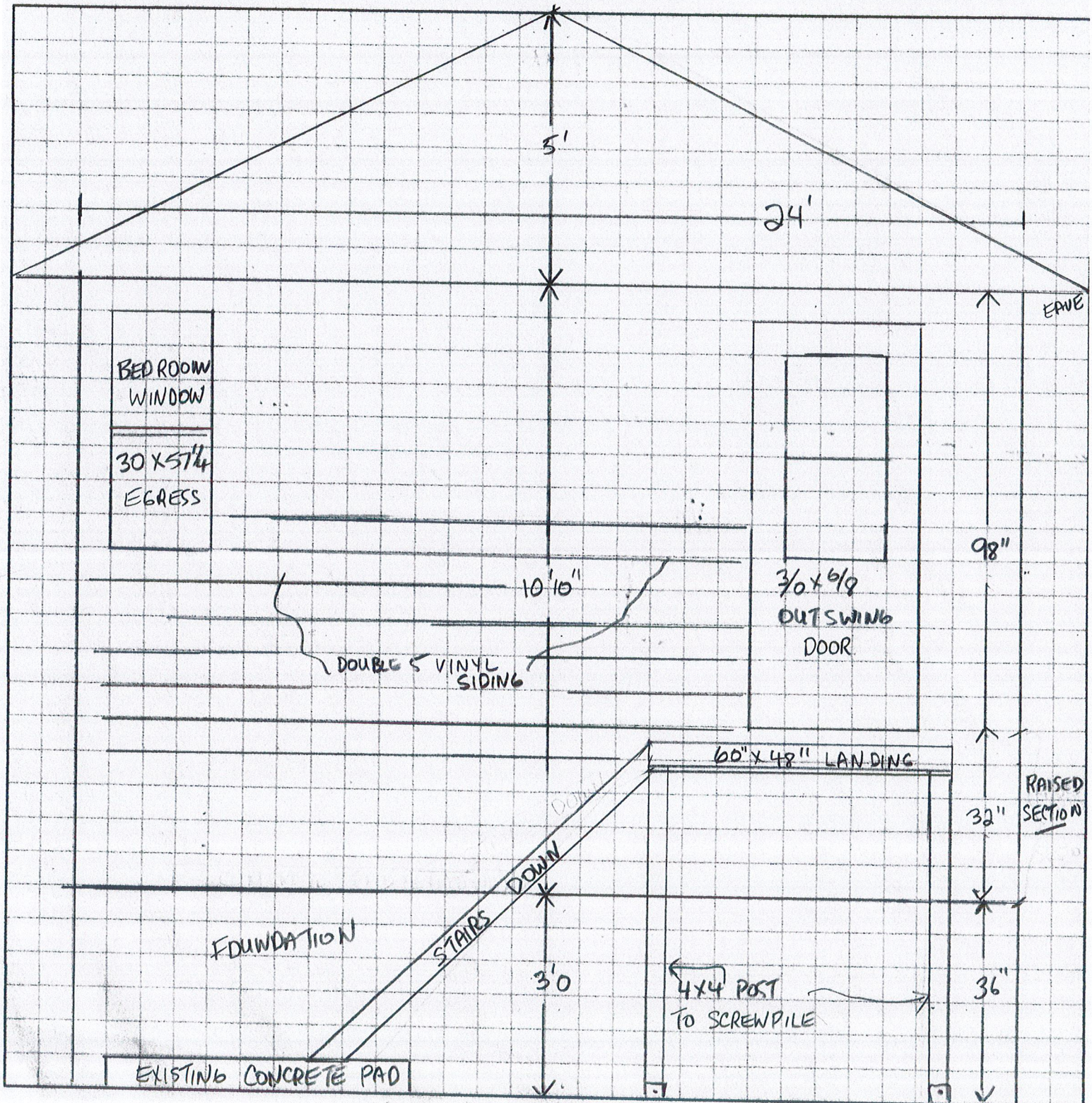
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Kelowna

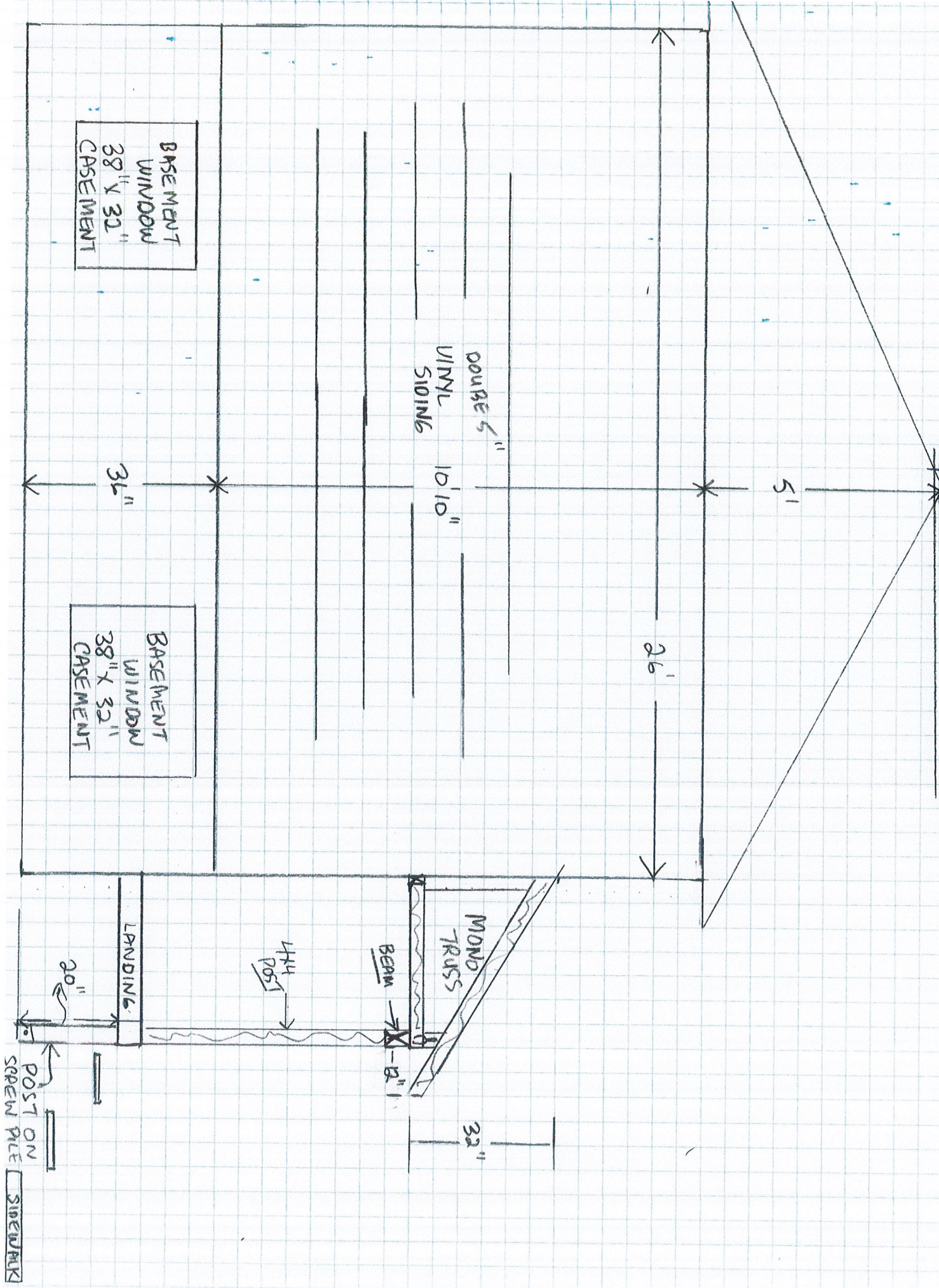
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Surrey

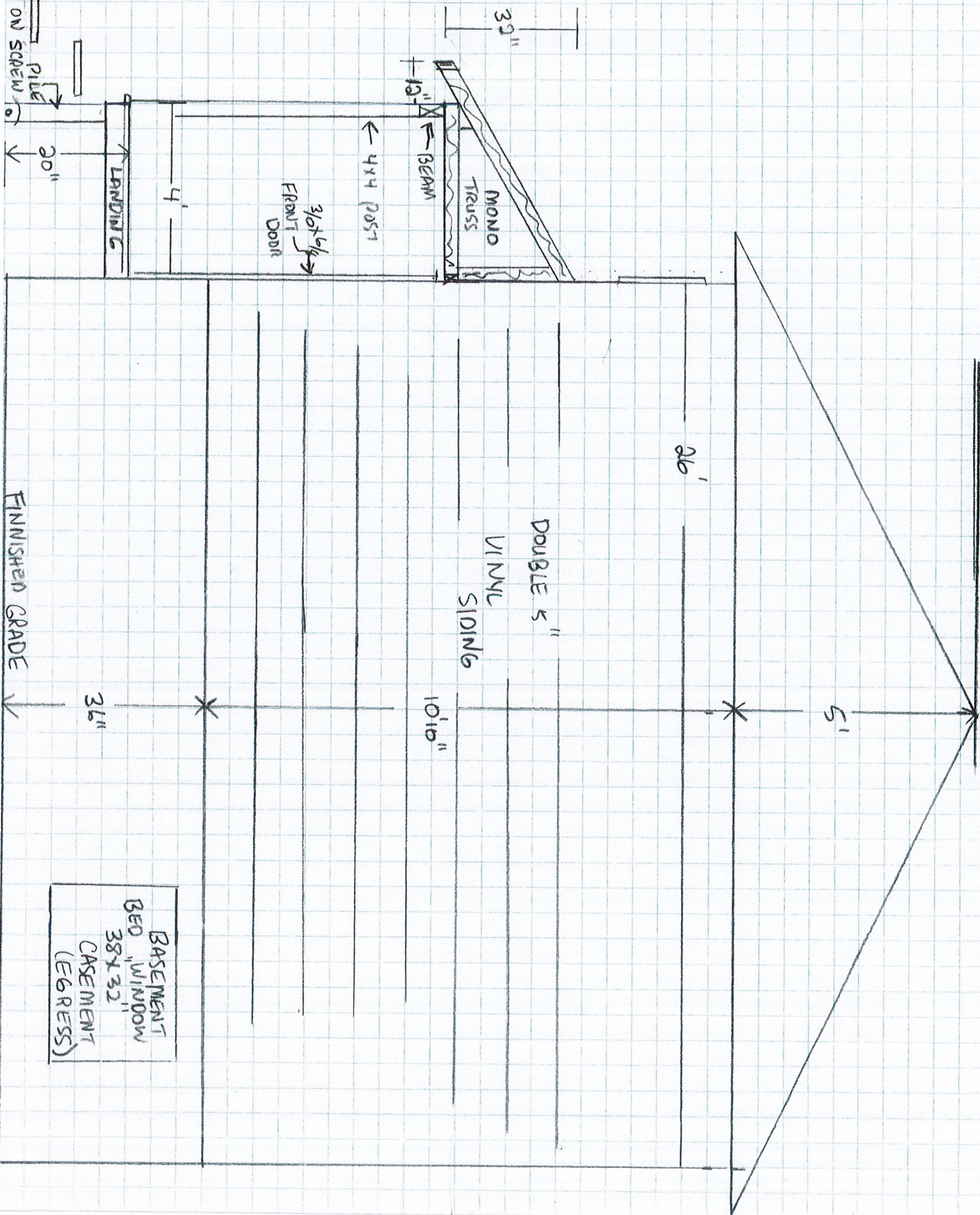
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NORTH SIDE ELEVATION



SOUTH SIDE ELEVATION



SOUTH SIDE ELEVATION

349 20 ST. N.

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Winnipeg

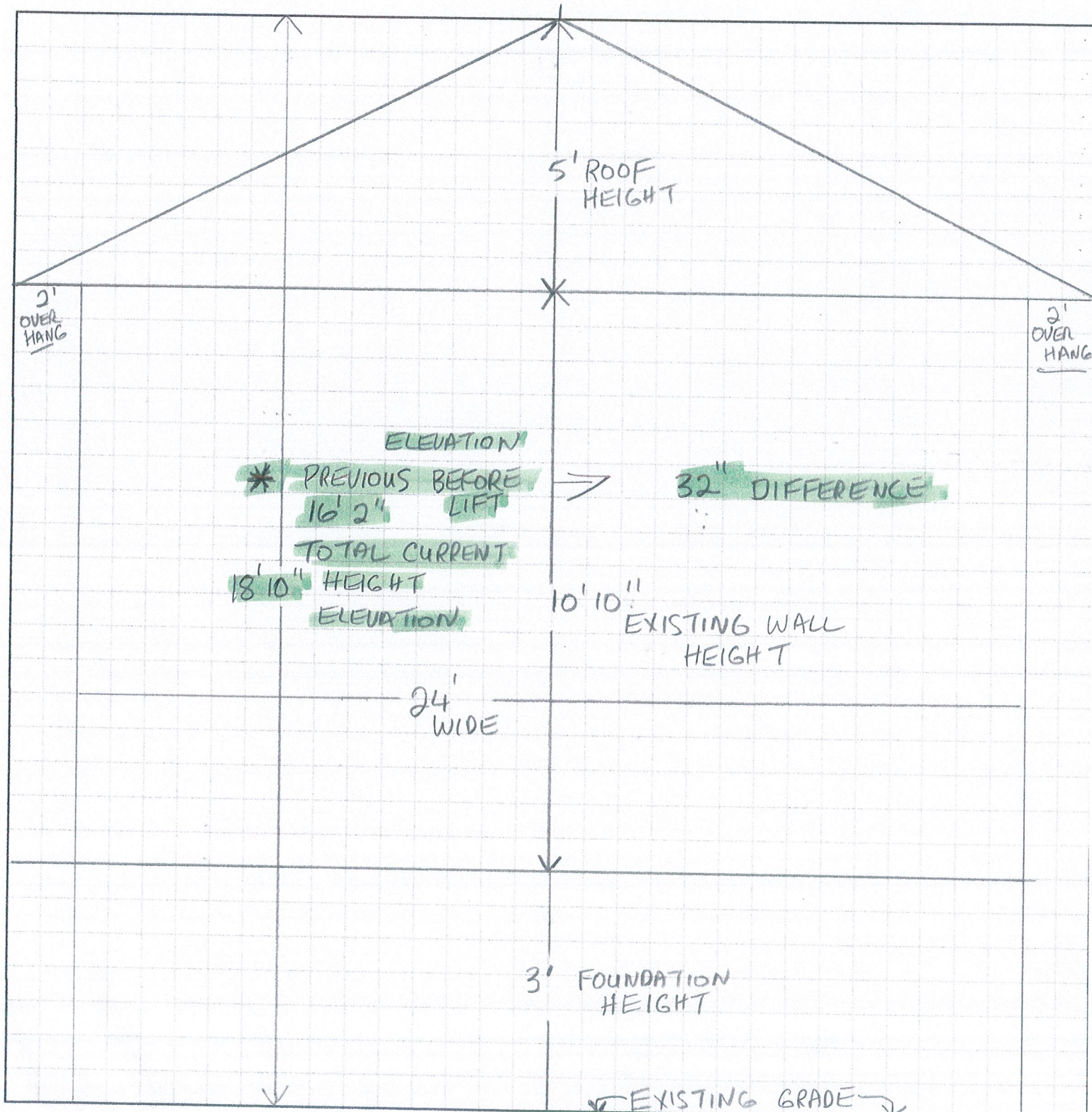
P. 204.633.8747 F. 204.633.8756

Kelowna

P. 250-491-7570 F. 250-491-7571

Surrey

P. 778.726.3585 F. 604.455.0779



JUNE 17/26

FRONT DOOR ROOF DETAIL

Calgary North

P. 403-291-1013 F. 403-250-2804

Calgary South

P. 403-291-1013 F. 587-747-5341

Cranbrook

P. 250-489-3640 F. 250-489-5052

Edmonton

P. 780-463-7413 F. 780-462-1855

Grande Prairie

P. 780-567-4131 F. 780-567-4849

Lethbridge

P. 403-328-3535 F. 403-328-5200

CELEBRATING

HEEL
7/12 28+4"
6/12 24+4"



YEARS

SHOEMAKER
DRYWALL SUPPLIES
A GMS COMPANY

Richmond-BC Ceiling Systems

P. 604.278.2330 F. 604.278.2380

Medicine Hat

P. 403-526-4456 F. 403-526-0271

Red Deer

P. 403-341-6664 F. 403-341-6833

Regina

P. 306-545-5535 F. 306-545-5353

Winnipeg

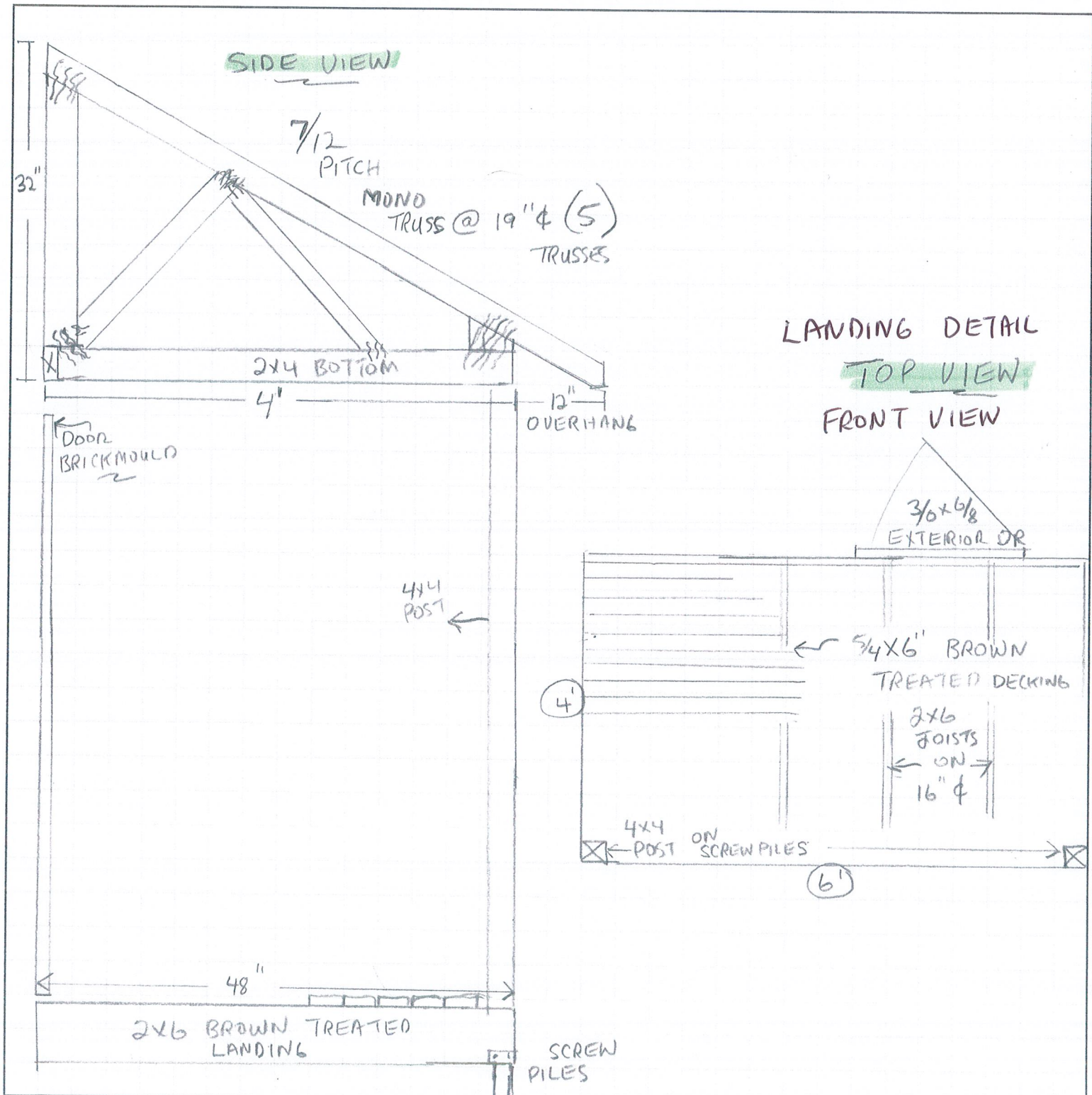
P. 204.633.8747 F. 204.633.8756

Kelowna

P. 250-491-7570 F. 250-491-7571

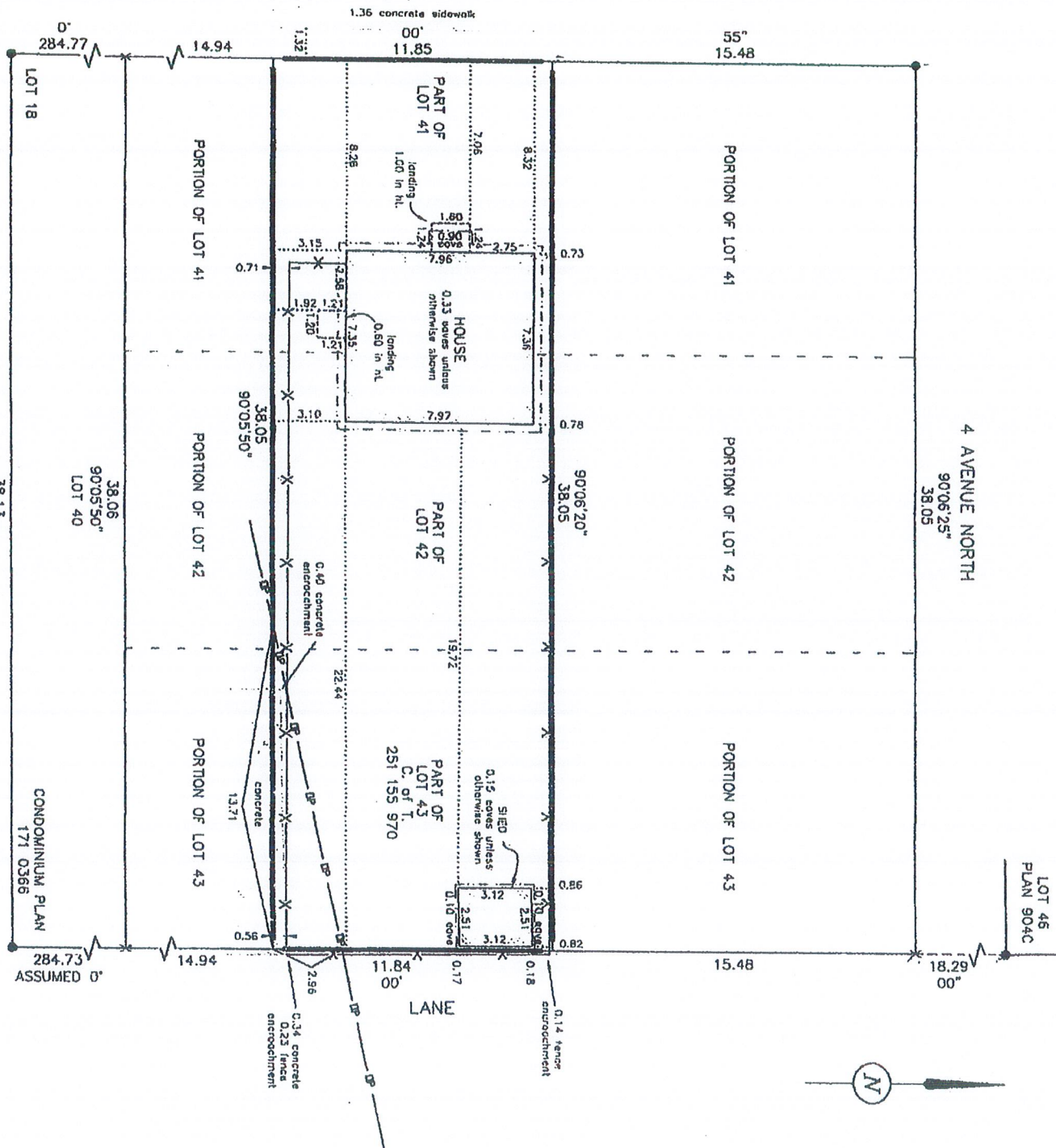
Surrey

P. 778.726.3585 F. 604.455.0779



EXISTING SITE PLAN

20 STREET NORTH



The property is subject to the following surface encumbrances affecting the estate of Ulla:

Encumbrance Agreement; Instrument No. 081 073 085

For all other encumbrances, see the certificate of title.

LEGEND

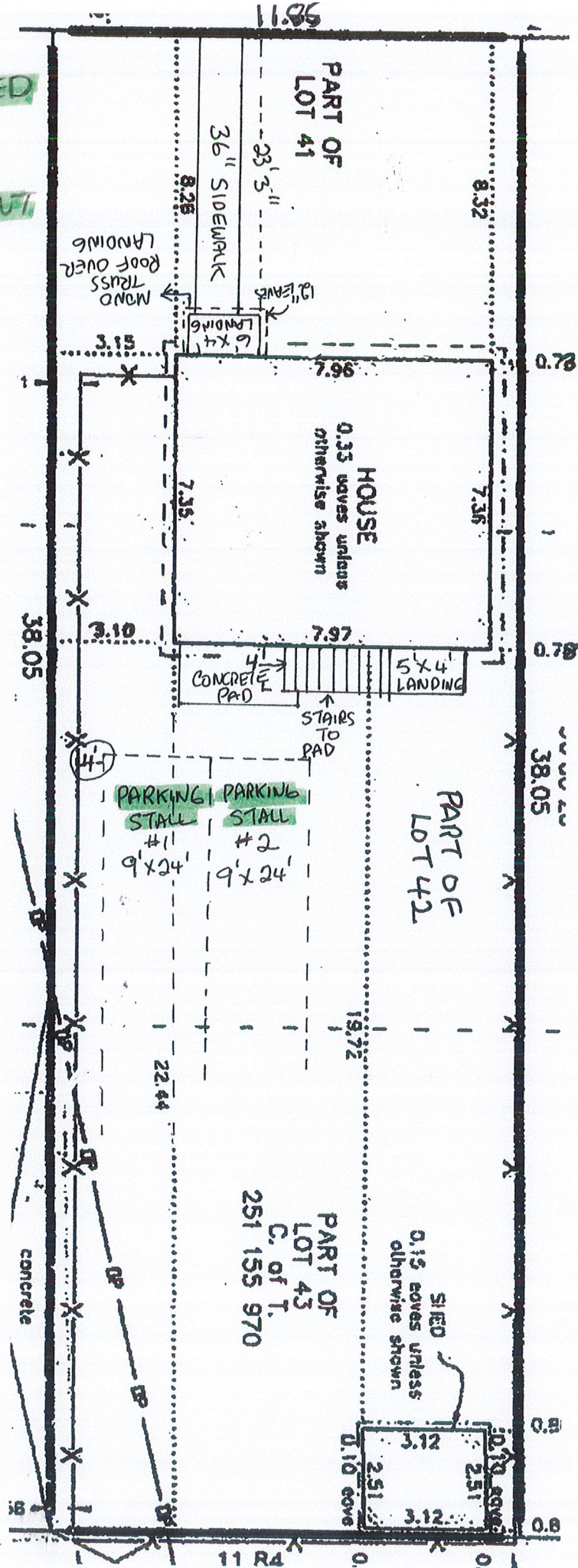
Stowaway Iron Posts found	Property line
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Fence lines _____X_____ are within 0.20 metres of property line unless otherwise dimensioned.

Distances from properly boundaries are shown to siding/wood Eaves dimensioned to the line of the

Distances are shown in metres and decimal parts thereof.

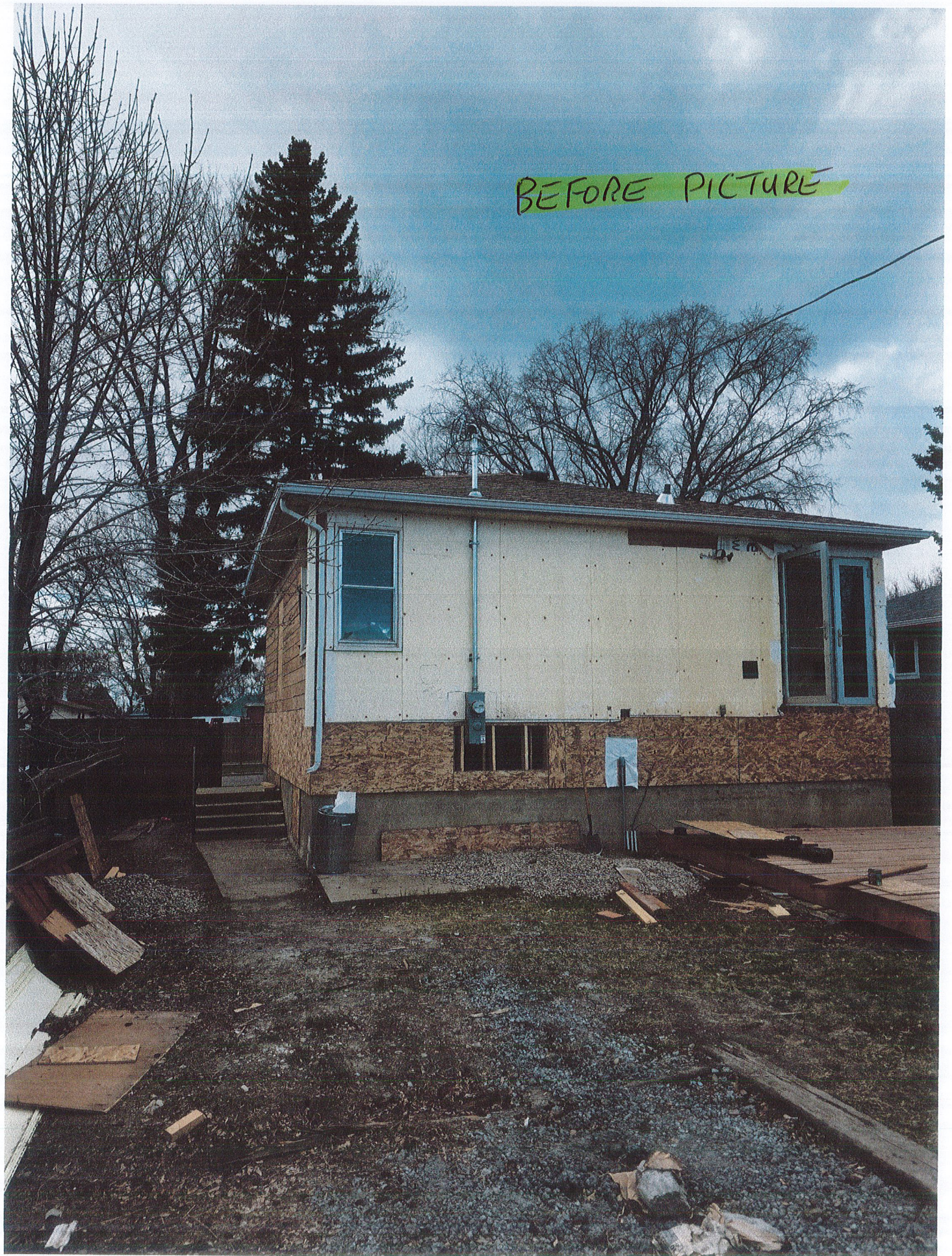
NEW ADJUSTED
SITE PLAN
FOR
DEVELOPEMENT

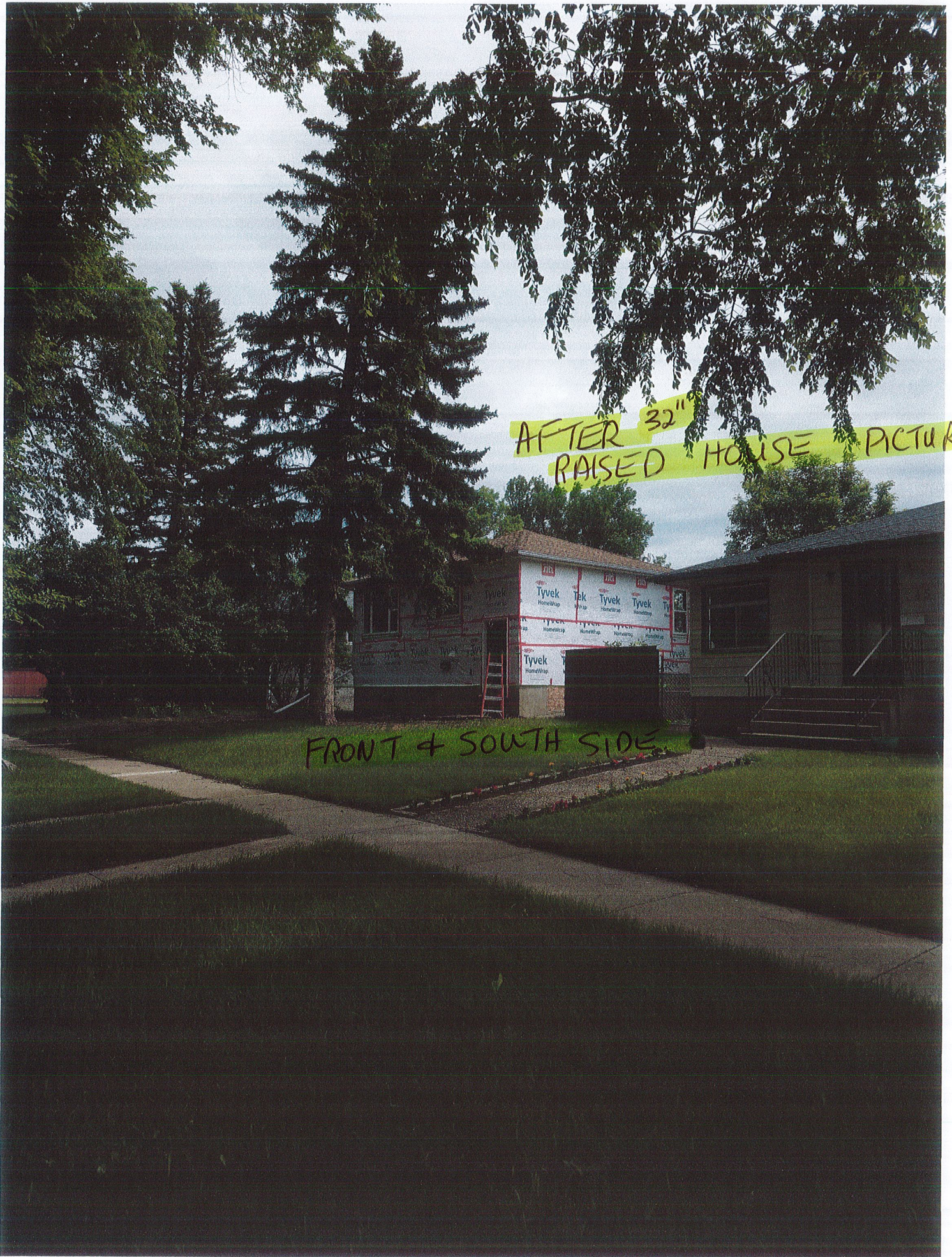




BEFORE PICTURE











Development Authority's Written Submission

For the Subdivision and
Development Appeal Board
Hearing on September 17, 2026



APPLICATION NO.

DEV16810

LOCATION

349 20 St N

LAND USE DISTRICT

R-L(W) Low Density Residential Westminster

APPELLANT

Trevor Currie

APPLICANT / LANDOWNER

Derrick's Renos (Applicant)

Trevor Currie (Landowner)

PROPOSED DEVELOPMENT

Appendix A: Drawings

A request for a side setback waiver for an existing house that was raised on the original foundation without development or building permit approvals.

ADJACENT DEVELOPMENT

North

Single Detached Dwelling

South

Single Detached Dwelling

East

McKillop Soccer Field

West

Single Detached Dwelling

CONTEXT MAP



LAND USE BYLAW SUMMARY

Use: Existing Single Detached Dwelling – raised.

Proposed Use	Permitted/Discretionary		
Single Detached Delling	Permitted		
	Requirement	Existing	Waiver Requested
Front (short) setback	6.0 m	7.08 m	N/A
Side setback	1.2 m	0.73 m	0.47 m
Side setback	1.2 m	3.1 m	N/A
Height	10.0 m	5.73 m	N/A

EVALUATION**Background**

- The property has an existing single detached dwelling, which was constructed in the early 1950's. The current house does not meet the side setback requirements of Land Use Bylaw 6300.
- Due to the age of the house, the house was considered a non-conforming building and was subject to Section 42 of Land Use Bylaw 6300, which prohibits any enlargements of, additions to, or structural alterations to the building, unless considered necessary for routine maintenance.
- April 2025, the Landowner made an application (DEV15934) to request a side setback waiver to bring the existing Single Detached Dwelling into compliance. The application included for the existing deck to be removed, and for a new main floor to be added by lifting the house, adding a second storey, new side entry, new rear landing.
- Development Application DEV15934 was refused, for the following reasons:
 1. *The requested 0.52 m side setback waiver to the required 1.2 m side setback is excessive.*

2. *The proposed waiver requested could materially interfere with or affect the use, enjoyment or value of neighbouring properties.*

Informative:

The existing house on the property was constructed in the early 1950's, and does not meet the setback requirements of Land Use Bylaw 6300. Given the age of the home, it can be considered a non-conforming building. Any additions to the building are required to meet the setback requirements of the current Land Use Bylaw.

Land Use Bylaw 6300, Section 42(4) states: A Non-Conforming Use or part of a Building may be extended throughout the Building but the Building, whether or not it is a Non-Conforming Building, shall not be enlarged or added to and no structural Alterations shall be made to it or in it.

Land Use Bylaw 6300, Section 42(6) states: A Non-Conforming Building may continue to be used but the Building shall not be enlarged, added to, rebuilt or structurally altered except: (a) as may be necessary to make it a conforming Building, or (b) as the Development Authority considered necessary for the routine maintenance of the Building.

- November 2025, the Landowner requested a Compliance Letter, in which it was indicated that:
*... the location of the house, as described, **does not** comply with the setback requirements of Land Use Bylaw 6300 due to an inadequate north side setback. The house may remain as currently situated as a non-conforming building and as such is subject to Section 42 of Land Use Bylaw 6300. Section 42 prohibits, among other things, any enlargements of, additions to, or structural alterations to or in a non-conforming building except those considered by the Development Officer to be necessary for routine maintenance.*
- December 2025, the Landowner made a Building Permit application to create a bathroom in the basement and to replace the windows in the basement.
- June 2026, the Building Safety Codes Officer noticed the house had been raised, and that the front door had been relocated, which was not part of the scope of the building permit. No Development Permit or Building Permit had been issued for the raising of the house, or the relocation of the front door.
- The raising of the house would be considered a structural alteration and is in contravention of Section 42 of Land Use Bylaw 6300. Due to the structural alterations,

the house is no longer considered a non-conforming building, and is now a non-compliant building.

- June 16, 2026 a warning letter was sent to the landowner noting that unauthorized development had occurred on the property that required development approval prior to construction. The letter provided 2 weeks for a Development Application and Building Permit Application to be made.
- June 17, 2026 the Development Officer, Building Safety Codes Officer, and Senior Safety Codes Officer met with the Applicant, and explained the permits required, and the application process. A follow up email was sent to the Landowner, summarizing the matter and the application process. A deadline of June 30, 2026 was provided for a development application to be made.
- Several follow up conversations were had at the counter, between the Development Officer and the Applicant, and the Development Manager and the Applicant.
- Development Application DEV16810 was made July 10, 2026.
- Following the application process, the Development Application DEV16810 was refused.

Context

This Application is heard before the Appeal Board because:

- The Applicant has submitted the appeal.

LEGISLATION & POLICY

Land Use Bylaw 6300

- Section 4 Definitions

Alteration – means a change, rearrangement, repair, replacement or addition of or to any part, dimension, location, position or load-bearing structure of a Building.

Building – means anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road.

Non-Conforming Building means a Building:

- that is lawfully construct or lawfully under construction at the date this Bylaw, or any amendment thereof, affecting the Building or land on which the Building is situated become effective, and
- that on the date this Bylaw, or any amendment thereof, becomes effective does not, or when constructed will not, comply with this Bylaw.

Non-Conforming Use means a lawful specific Use:

- being made of land or a Building or intended to be made of a Building lawfully under construction at the date this Bylaw, or any amendment thereof, affecting the land or Building become effective, and
- that on the date this Bylaw, or any amendment thereof, becomes effective does not, or in the case of a Building under construction, will not, comply with this Bylaw.

Permitted Use – means Use of land or Buildings in a District for which, unless exempted from requiring a Development Permit, a Development Permit must be issued with or without conditions, if the proposed Development conforms with this Bylaw.

- Section 12 When a Permit is Required
Except as provided in Section 13, a person may not commence any Development unless the person has been issued a Development Permit in respect of it pursuant to this Land Use Bylaw.
- Section 13(w) When a Permit is Not Required
Single Detached Dwellings, additions to Single Detached Dwellings and Accessory Buildings in Residential Districts which are Permitted Uses and which comply with the Land Use Bylaw.
- Section 20(2) Decision Process for Permitted Uses
For a Development Permit application for a Permitted Use that is complete in accordance with Section 15:
(2) requiring a waiver of the one or more provisions of this Bylaw which the Development Authority is authorized to grant, the Development Authority shall:
 (a) grant the waiver and issue a Development Permit with or without conditions, or
 (b) refuse to grant the waiver and refuse the application, giving the reason(s) for refusal.
- Section 22(4)(a) Authorized Waivers
The Development Authority may grant the following waivers:
 (a) an unlimited waiver of Setbacks except for:
 (i) the Street Setbacks described in Section 56,
 (ii) the Setbacks from the gas line described in Section 57, and

(iii) the Setbacks from Parcel Lines for Micro-WECS described in Section 54.

- Section 42(4) Non-Conforming Uses and Buildings
A Non-Conforming Use of part of a Building may be extended throughout the Building but the Building, whether or not it is a Non-Conforming Building, shall not be enlarged or added to and no structural Alterations shall be made to it or in it.
- Section 42 (6) Non-Conforming Uses and Buildings
A Non-Conforming Building may continue to be used but the Building shall not be enlarged, added to, rebuilt, or structurally altered except:
(a) as may be necessary to make it a conforming Building, or
(b) as the Development Authority considers necessary for the routine maintenance of the Building.
- Section 86 (1) Purpose (R-L Low Density Residential)
Primarily for the Development of Single Detached Dwellings and compatible Uses.
- Section 86 (2)(c) Permitted Uses (R-L Low Density Residential)
Dwelling, Single Detached.

APPLICATION OF FACTS

- A single detached dwelling is a permitted use in the Low Density Residential (R-L) district.
- The existing house was constructed in the early 1950's and does not meet the setback requirements of Land Use Bylaw 6300.
- Due to the age of the house, it was considered a non-conforming building, which are allowed to remain as situated, in accordance with Land Use Bylaw 6300, Section 42, however no structural alterations can be made without development approval.
- Development Application DEV15934 was made in 2025, to raise the basement and add a second storey to the existing house on the existing foundation and requested a side setback waiver to allow for the house to remain at its current location. The application was refused. On the refusal of DEV15934, an informative was included noting the house was a non-conforming building and was subject to Section 42 of Land Use Bylaw 6300.
- The Landowner did not appeal the refusal of DEV15934

- A compliance letter was issued in November 2025, in which it was again noted the house was a non-conforming building that did not meet the side setback requirements of Land Use Bylaw 6300, and was subject to Section 42.
- December 2025, a Building Permit application was made for a bathroom renovation and replacement of windows.
- June 2026, a Building Safety Codes Officer became aware that the house had been raised and the front door had been relocated, which was not part of the scope of the Building Permit issued in December 2025. This was then brought to the attention of the Development Officer.
- The raising of the house and relocation of the front door constitutes structural alterations, which is in contravention of Section 42 of Land Use Bylaw 6300.
- As work was done without permit approvals, the house is no longer a non-conforming building and is now considered as being non-compliant with Land Use Bylaw 6300.
- Development Application DEV16810 was made in July 2026, requesting a side setback waiver for the existing house which was raised on its original foundation.
- Granting side setback waivers is not common practice, as it may have implications for neighbouring properties.
- The raising of the house is not considered required and/or part of routine maintenance of a Building.

CONCLUSION

The application requesting a side setback waiver for an existing house that was raised on the original foundation, was refused for the following reasons:

1. The raising of the house on the original foundation constitutes a structural alteration, which is in contravention of Land Use Bylaw 6300, Section 42(4) and (6).
2. The proposed waiver request could materially interfere with or affect the use, enjoyment or value of neighbouring properties.
3. The house must be returned to its original height and foundation no later than August 4, 2027.

INFORMATIVE:

The existing house on the property was constructed in the early 1950's, and does not meet the setback requirements of Land Use Bylaw 6300. Prior to any structural changes

to the property, it was deemed a non-conforming building, and subject to Section 42 of Land Use Bylaw 6300. It was brought to Developments attention through Building, that the house was lifted without any permit approvals, resulting in the house now being non-compliant and no longer non-conforming.

Land Use Bylaw 6300, Section 42(4) states: A Non-Conforming Use or part of a Building may be extended throughout the Building but the Building, whether or not it is a Non-Conforming Building, shall not be enlarged or added to and no structural Alterations shall be made to it or in it.

Land Use Bylaw 6300, Section 42(6) states: A Non-Conforming Building may continue to be used but the Building shall not be enlarged, added to, rebuilt, or structurally altered except: (a) as may be necessary to make it a conforming Building, or (b) as the Development Authority considered necessary for the routine maintenance of the Building.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

349 20 Street North
DEV16810

INTRODUCTION

Application No.:

DEV16810

Location:

349 20 ST N

Land Use District:

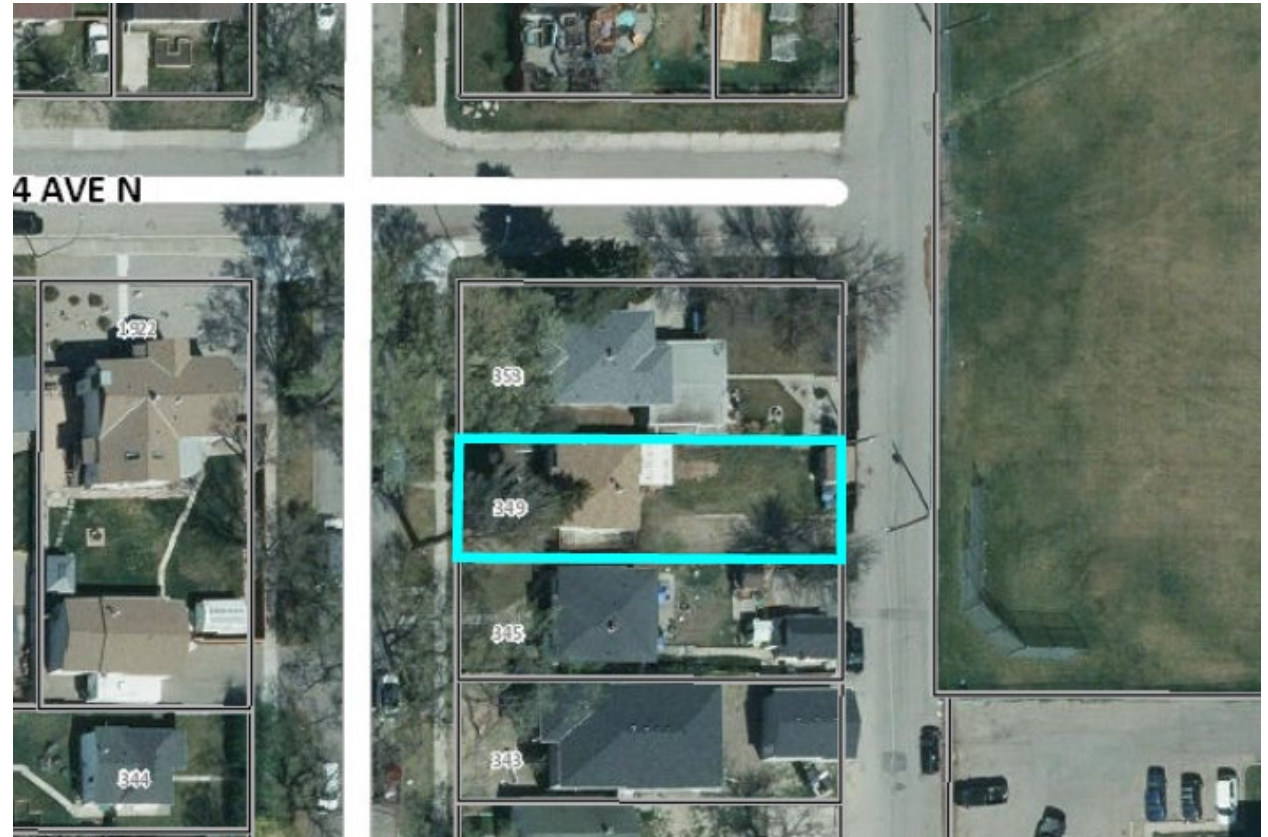
R-L(W) Low Density Residential Westminster District

Current Development:

Single Detached Dwelling

Proposed Development:

A request for a side setback waiver for an existing house that was raised on the original foundation without development or building permit approvals.



VISUAL CONTEXT



LAND USE BYLAW 6300

Definitions

Non-Conforming Building means a Building:

- that is lawfully construct or lawfully under construction at the date this Bylaw, or any amendment thereof, affecting the Building or land on which the Building is situated become effective, and
- that on the date this Bylaw, or any amendment thereof, becomes effective does not, or when constructed will not, comply with this Bylaw.

Non-Conforming Use means a lawful specific Use:

- being made of land or a Building or intended to be made of a Building lawfully under construction at the date this Bylaw, or any amendment thereof, affecting the land or Building become effective, and
- that on the date this Bylaw, or any amendment thereof, becomes effective does not, or in the case of a Building under construction, will not, comply with this Bylaw.

LAND USE BYLAW 6300

Section 42(4) Non-Conforming Uses and Buildings

A Non-Conforming Use of Part of a Building may be extended throughout the Building but the Building, whether or not it is a Non-Conforming Building, shall not be enlarged or added to and no structural Alterations shall be made to it or in it.

Section 42(6) Non-Conforming Uses and Buildings

A Non-Conforming Building may continue to be used but the Building shall not be enlarged, added to, rebuilt, or structurally altered except:

- (a) as may be necessary to make it a conforming Building, or
- (b) as the Development Authority considers necessary for the routine maintenance of the Building.

EVALUATION SUMMARY

- The house was constructed in the early 1950's and does not meet the setback requirements of Land Use Bylaw 6300. Due to age, it was considered a non-conforming building.
- A previous development application was made requesting a side setback waiver, raising of the house, and constructing a second storey, which was refused. The Landowner was made aware the house was non-conforming and subject to Section 42 of Land Use Bylaw 6300.,
- A compliance letter was issued, which noted the house was non-conforming due to an inadequate side setback, and was deemed a non-conforming building and subject to Section 42 of Land Use Bylaw 6300.
- The house was raised and the front door was relocated without proper permits.
- As work was done without permits, the house became non-compliant.
- Development Application DEV16810 was made following the Landowner being notified permits were required.
- Granting side setback waivers is not common practice.
- The raising of the house is not considered routine maintenance.

CONCLUSION

The application requesting a side setback waiver for an existing house that was raised on the original foundation, was refused for the following reasons:

1. The raising of the house on the original foundation constitutes a structural alteration, which is in contravention of Land Use Bylaw 6300, Section 42(4) and (6).
2. The proposed waiver request could materially interfere with or affect the use, enjoyment or value of neighbouring properties.
3. The house must be returned to its original height and foundation no later than August 4, 2027.

INFORMATIVE:

The existing house on the property was constructed in the early 1950's, and does not meet the setback requirements of Land Use Bylaw 6300. Prior to any structural changes to the property, it was deemed a non-conforming building, and subject to Section 42 of Land Use Bylaw 6300. It was brought to Developments attention through Building, that the house was lifted without any permit approvals, resulting in the house now being non-compliant and no longer non-conforming.

Land Use Bylaw 6300, Section 42(4) states: A Non-Conforming Use or part of a Building may be extended throughout the Building but the Building, whether or not it is a Non-Conforming Building, shall not be enlarged or added to and no structural Alterations shall be made to it or in it.

Land Use Bylaw 6300, Section 42(6) states: A Non-Conforming Building may continue to be used but the Building shall not be enlarged, added to, rebuilt, or structurally altered except: (a) as may be necessary to make it a conforming Building, or (b) as the Development Authority considered necessary for the routine maintenance of the Building.

REQUEST FOR RESOLUTION OF SIDE-YARD SETBACK / STOP WORK ORDER

1955 Residential Dwelling – City of Lethbridge

Purpose: To request a practical, lawful path to regularize the existing historical side-yard setback and allow permitted renovation work to proceed.

Opening Statement

Thank you for meeting with me. I want to begin by clearly identifying the setback issue. The south setback of approximately 3.15 m is not in question. The issue is the north setback of approximately 0.73 m. My position is that, if the dwelling was lawfully constructed when it was built and only became non-conforming because of a later Land Use Bylaw change, the appropriate question is whether the existing north setback can be lawfully recognized or addressed through the City's development-permit and setback-waiver powers. I am seeking a practical and lawful resolution that allows the work to proceed.

The work that led to the Stop Work Order arose while I was renovating the basement and had obtained a building permit for a basement bathroom. The house was raised vertically to obtain adequate basement ceiling height. The horizontal footprint of the house was not moved closer to the property line.

A City inspector subsequently attended the property, reviewed the work, and directed workers to install additional blocking and supports. These requests were promptly dealt with. Months later, I received the Stop Work Order.

I am asking the City to consider the history of this dwelling, the absence of any change to its horizontal footprint, the substantial physical separation from the neighbouring dwelling, the neighbour's position, and the waiver powers available under the Land Use Bylaw, and to identify a path that allows the development to be regularized.

Key Facts

- The dwelling was constructed in 1955.
- That dimension relates to the fence/property-boundary condition. The south setback of approximately 3.15 m is not in question. The setback at issue is the north setback of approximately 0.73 m.
- Before any claimed setback deficiency is accepted, the City should identify the exact Real Property Report dimension, parcel line, building element, and Land Use Bylaw provision on which it relies.
- There is approximately 4.5 m of physical separation between my dwelling and the neighbouring dwelling.
- I obtained a building permit for the basement bathroom before the present dispute.
- The house was raised vertically; its horizontal footprint was not moved closer to the property line.
- A City inspector later inspected the work and directed additional blocking/support work, which I completed.
- The Stop Work Order was issued months after that inspection.
- I have good relations with the affected neighbour and intend to provide written neighbour support if required.

The Resolution I Am Requesting

My preferred resolution is for the City first to identify the exact setback deficiency it says exists using the current Real Property Report, and, if a genuine historical setback deficiency remains, to use the lawful development-permit / waiver process to regularize it and permit the renovation to continue, subject to reasonable building-code conditions.

I am not asking the City to ignore its Land Use Bylaw. I am asking it to utilize the discretion that the bylaw itself provides for setback waivers and to apply the relevant criteria to the actual circumstances of this property.

Have the Stop Work Order withdrawn, stayed to allow refurbishment to continue to avoid pending winter weather.

Land Use Bylaw – Setback Waiver

My understanding from reviewing Land Use Bylaw 6300 is that Section 22 provides the Development Authority with waiver powers. In particular, Section 22 addresses whether a waiver would unduly interfere with neighbourhood amenities or materially interfere with or affect the use, enjoyment or value of neighbouring properties. Section 22(4)(a) provides for an unlimited waiver of setbacks, subject to specified exceptions.

My question to the City is:

If the City identifies a genuine side-yard setback deficiency on the Real Property Report, is there any reason that deficiency cannot be satisfied through the Development Authority's setback-waiver powers under Section 22 of Land Use Bylaw 6300?

Historical / Non-Conforming Building Issue

I understand that the Municipal Government Act and Land Use Bylaw contain restrictions concerning structural alterations to non-conforming buildings. I am not asking the City to disregard those provisions.

However, before determining the status of this dwelling, I would like the City to establish what setback requirement actually applied to this parcel when the house was constructed in 1955. The fact that a later bylaw requires a 1.2 m setback does not, by itself, establish that the 1955 construction was unlawful. If so how was construction allowed to proceed.

If the house was lawfully constructed at its present setback, I ask the City to confirm its historical legal non-conforming status and explain precisely how the present vertical alteration affects that status.

Real Property Report and Legacy Parcel Geometry

The Real Property Report shows an unusual historical parcel configuration. The property is made up of portions of Lots 41, 42 and 43 of Plan 904C. The underlying original lots run generally north-south, while the assembled property extends east-west across portions of those lots. This is not a conventional modern single-lot residential layout.

The Real Property Report must also be interpreted accurately. The house itself is shown approximately 3.15 m from the south property boundary.

Because the property consists of portions of three older lots arranged perpendicular to the present assembled parcel, I ask the City to consider this legacy geometry when assessing the reasonableness and impact of any waiver that may actually be required.

Neighbourhood Impact

The practical impact of any required waiver appears limited. The house remains in its historical horizontal location. The affected neighbour is aware of the situation and, subject to their final written statement, has no objection.

I therefore ask the City to identify any specific adverse effect that granting the waiver would create in relation to neighbourhood amenity or the neighbouring property's use, enjoyment or value.

Questions I Would Like Answered

1. Does the City agree that the dwelling was lawfully constructed and was a legal non-conforming building before the house was raised? If not, what evidence establishes otherwise?
2. What side-yard setback requirement applied to this parcel and zoning district when the dwelling was constructed in 1955? Please identify the historical bylaw and section. When was this changed? What happens if the 1.2M set back gets changed again and causes current construction dwellings to be in violation?
3. Can the Development Authority apply a setback waiver under Section 22(2) and Section 22(4)(a) of Land Use Bylaw 6300 in these circumstances? If not, what provision prevents it?
4. What application, drawings, Real Property Report, neighbour acknowledgement, engineering documentation, or other material does the City require from me?

Proposed Path Forward

1. Grant the setback waiver for the approximately 0.73 m north setback and issue the development permit, allowing the project to proceed subject to any applicable building and safety-code requirements.
2. Approve any required development-permit / setback-waiver application.
3. Have the Development Authority approve the setback waiver on the actual neighbourhood-impact criteria in the Land Use Bylaw.
4. Permit the building work to resume.

Deeper Alberta Case-Law and Subdivision and Development Appeal Board Support

I recognize that raising the house is likely to be treated as a structural alteration. My request therefore does not depend on arguing on this. The more important question is whether the alteration and historical setback can be regularized through the variance/waiver mechanism contemplated by section 643(5)(c) of Alberta's Municipal Government Act and the City's own Land Use Bylaw.

Municipal Government Act section 643(5) generally restricts enlarging, adding to, rebuilding or structurally altering a legal non-conforming building. However, the legislation contains exceptions, including paragraph (c), which contemplates work carried out under a land use bylaw that provides minor-variance powers to the Development Authority for purposes of section 643.

This means that the legal analysis should not stop at the question, 'Was the house structurally altered?' If the answer is yes, the next question is whether the statutory variance pathway is available in these circumstances.

Relevant Decisions and Persuasive Authorities

Edmonton Subdivision and Development Appeal Board-D-16-311 (2016)

This decision is useful both as a caution and as a roadmap. The Board treated substantial vertical work to an existing legal non-conforming house as a structural alteration/enlargement even though the building footprint did not change. Accordingly, I do not rely on the unchanged footprint as proof that section 643 does not apply. However, the Board's analysis proceeded to ask whether one of the section 643(5) exceptions applied. It also reasoned that whether a variance is 'minor' should be assessed in its particular circumstances and by its actual impact, rather than by percentage alone. The application failed on its facts because there were multiple deficiencies and significant additional massing/privacy impacts.

Edmonton Subdivision and Development Appeal Board-D-18-107 (2018)

This decision is important because the Board approved work involving a legal non-conforming single-detached dwelling through the section 643(5)(c) pathway. The Board considered practical impacts such as massing, shadowing, privacy, landscaping, setbacks and effects on neighbouring use and enjoyment. It demonstrates that section 643 is not necessarily an absolute prohibition on alterations to a non-conforming dwelling where the applicable bylaw supplies an appropriate variance mechanism and the resulting impacts are not material.

Lethbridge Subdivision and Development Appeal Board 2018-05 - 819 8 Avenue South

This local decision is particularly relevant. The development was described as constructing a new foundation under an existing single-detached dwelling together with requests for setback waivers. The City's materials discussed the dwelling as non-conforming and contemplated setback waivers as part of the solution. The circumstances are not identical to mine, and I am not suggesting the decision automatically determines my application. I do ask the City to explain how the waiver approach considered in that Lethbridge matter differs legally from the path available for my existing dwelling.

Brooks (Town) v. Martin, 1998 ABCA 168

This Alberta Court of Appeal authority establishes an important limit: general variance powers cannot simply be used to expand a prohibited non-conforming use contrary to the land use bylaw. My situation is materially different. I am not seeking to introduce or expand a prohibited land use; the property remains a single-detached residential dwelling. The issue is an existing development standard - the historical side-yard setback - and whether it can lawfully be waived/regularized.

Why the Actual Impact Matters

Current setback requirement identified by the City: approximately 1.20 m.

Any required relaxation should be calculated only after the City identifies the exact deficient house setback shown on the Real Property Report.

Horizontal movement of the house toward the property line from the lift: none.

Approximate physical separation between the two dwellings: 4.5 m.

Change of land use: none.

Affected neighbour: supportive, subject to written confirmation.

The unchanged footprint is therefore not offered as a complete answer to section 643. Rather, it is evidence that the requested waiver does not create a new horizontal encroachment and should be assessed on its real effects. The Alberta Subdivision and Development Appeal Board decisions indicate that impact - including privacy, massing, shadowing and neighbouring use and enjoyment - is highly relevant when determining whether variance relief is appropriate.

As-Built Waiver / Regularization

I ask the City to first identify the exact setback deficiency it says is shown by the Real Property Report.

If a deficiency remains, I ask the City to utilize an as-built setback waiver to legally regularize that condition rather than requiring physical relocation or alteration of a long-standing 1955 dwelling while allowing the project to complete. If the City finds this approach unavailable, I ask it to identify the precise provision that prevents it and explain how that conclusion fits with Municipal Government Act section 643(5)(c), Land Use Bylaw 6300's waiver provisions, and the City's treatment of comparable non-conforming-building matters.

Additional Questions Arising From the Case Law

1. Does the City agree that Municipal Government Act section 643(5)(c) creates a potential statutory pathway for structural alterations to a legal non-conforming building where the land use bylaw provides the required variance authority?
2. Does the City consider Section 22 of Land Use Bylaw 6300 to be variance authority capable of operating with Municipal Government Act section 643(5)(c)? If not, why not?
3. After the City identifies the exact deficient house setback, can an as-built setback waiver be granted to regularize it?
4. How does the City distinguish my circumstances from Lethbridge Subdivision and Development Appeal Board 2018-05, involving an existing dwelling, a new foundation and setback waivers?
5. What actual adverse impact does the City identify from the specific setback relaxation it says is required, considering the existing physical separation and the affected neighbour's support?

Suggested Neighbour Letter Content

If the City requests neighbour input, I intend to provide a signed letter confirming that the neighbour understands the existing parcel configuration, the Real Property Report measurements and the vertical house lift; understands that I am seeking approval/waiver of that setback; confirms that the house was not moved horizontally toward their property; acknowledges the approximately 4.5 m separation between the dwellings; and states whether the work materially affects their privacy, sunlight, use, enjoyment or perceived property value, and whether they object to the requested approval.

Authorities / Decisions for the Meeting Record

- Municipal Government Act, RSA 2000, c M-26, s. 643 - non-conforming uses and buildings, including s. 643(5).
- City of Lethbridge Land Use Bylaw 6300 - Section 22 (Authorized Waivers) and provisions governing non-conforming buildings and enforcement.

- Edmonton Subdivision and Development Appeal Board-D-16-311 (2016) - unchanged footprint did not prevent vertical work from being structural/enlargement; variance analysis focused on circumstances and impact.
- Edmonton Subdivision and Development Appeal Board-D-18-107 (2018) - approval of work to a legal non-conforming dwelling through the s. 643(5)(c) variance pathway after assessment of neighbouring impacts.
- Lethbridge Subdivision and Development Appeal Board 2018-05, 819 8 Avenue South - existing single-detached dwelling, new foundation and requested setback waivers.
- Brooks (Town) v. Martin, 1998 ABCA 168 - limits on using general variance authority to expand a prohibited non-conforming use; distinguishable from a residential setback-standard issue.

Additional Question on Future Bylaw Changes

If this dwelling was lawfully constructed in accordance with the setback requirements applicable when it was built, and became non-conforming only because the City subsequently changed its Land Use Bylaw, how is that situation materially different from any presently compliant dwelling becoming non-conforming following a future setback increase? For example, if the City changed the current 1.2 m setback to 1.75 m, many existing 1.2 m dwellings could immediately become non-conforming. What protection or variance mechanism would allow those owners to structurally maintain, alter or improve their homes, and why would that same mechanism not be available in this case?

If Section 643(5)(c) is not intended to provide a practical variance mechanism for circumstances such as this, what circumstances does the City consider Section 643(5)(c) to be intended for?

Safety and Modernization of Older Housing

The ability to reasonably rehabilitate older dwellings is also a safety issue. Homes constructed in the 1950s were built under different standards and expectations than those applied today. As these properties are renewed, structural work may be necessary to improve basement ceiling heights, provide appropriate emergency egress, improve foundations, and bring other aspects of the dwelling closer to modern building and safety standards, all while minimizing carbon footprint and needless landfill waste.

A historical setback that became non-conforming because of a later Land Use Bylaw change should not, where a lawful waiver is available and neighbouring properties are not materially affected, create a barrier to making an existing dwelling safer.

In this case, raising the dwelling provides adequate basement height and allows the basement renovation to be completed with appropriate egress and other applicable safety requirements. The horizontal footprint of the dwelling has not moved toward the neighbouring property. Granting the setback waiver therefore allows an existing 1955 dwelling to be safely rehabilitated without creating a new horizontal setback impact.

Closing Statement

The issue is to have the City regularize the setback through lawful means contemplated by the Municipal Government Act and Land Use Bylaw. Alberta Subdivision and Development Appeal Board decisions show that this analysis turns on the applicable variance authority and the real impact of the development, and Lethbridge has previously considered setback waivers in connection with an existing dwelling placed on a new foundation.

I recognize that the City has a responsibility to administer the Land Use Bylaw and ensure that development is safe and lawful. I am asking for the same thing: a lawful resolution using the mechanisms available under the bylaw.

This is a 1955 house with an existing historical setback. The house was raised vertically rather than moved toward the property line. There remains approximately 4.5 m between the dwellings. I sought a building permit, dealt with City inspection staff, and completed structural work requested by the inspector.

The Land Use Bylaw gives the Development Authority the ability to waive this setback without materially affecting the neighbouring property or neighborhood. I respectfully ask the City to use that process rather than requiring an unnecessary and disproportionate physical alteration to a long-standing dwelling.

My goal today is to leave this meeting with a clear, documented path to bring the project into an approved status and complete the work properly.

City of Lethbridge – Side Yard Setback / Stop Work Order

LETTER OF SUPPORT AND COOPERATION

Renovation of 349 20 Street North, Lethbridge, Alberta

From: Loise Zielinski

Property: 353 20 Street North, Lethbridge, Alberta

Regarding: Renovation and Improvements to 349 20 Street North, Lethbridge, Alberta

To Whom It May Concern:

I am the owner of 353 20 Street North, the property immediately adjacent to 349 20 Street North.

I am aware of the renovation and improvement project being undertaken at 349 20 Street North, including the work completed to the existing residence, the increase in the height of the home, and the side-yard setback matter affecting the boundary between our two properties.

I wish to clearly state that I support the renovation project and have no objection to the project proceeding as proposed.

In my opinion, the renovation and increased height of the residence do not create a significant negative impact on my property, my use and enjoyment of my property, or the surrounding neighbourhood. I consider the height and overall scale of the renovated residence to be reasonable and comparable to other homes in the community.

I believe the improvements being made to 349 20 Street North will have a positive effect on the appearance and quality of the property and the neighbourhood and will help maintain or improve property values in the area.

As the immediately adjacent property owner, I am also willing to reasonably cooperate with Trevor Currie and the City of Lethbridge and to take any reasonable steps that may be necessary to facilitate an acceptable resolution of the side-yard setback matter and allow the renovation project to proceed.

I am willing to reasonably cooperate with the City of Lethbridge, surveyors, legal counsel and other professionals as may be necessary to assist in reaching and implementing an acceptable resolution.

My intention in providing this letter is to confirm that I support the renovation at 349 20 Street North, I do not consider the project or the increased height of the residence to be detrimental to my property, and I am prepared to reasonably cooperate in resolving the setback issue so that the project can proceed.

I respectfully ask the City of Lethbridge and any applicable approving or appeal authority to take my support and willingness to cooperate into consideration when reviewing this matter.

Loise Zielinski

Signature: Loise Zielinski

Date: Sept 14 / 2026

Owner – 353 20 Street North
Lethbridge, Alberta

NEIGHBOURHOOD SUPPORT

Residential Renovation Project

Property Address: 349 20 Street North, Lethbridge, Alberta

Property Owner:

Trevor Currie

We, the undersigned residents and property owners in the surrounding neighbourhood, wish to express our support for the renovation and improvement project being undertaken at the property identified above.

We understand that the project includes substantial renovations and improvements to the existing residence, including changes that have resulted in an increase to the overall height of the home.

Based on our knowledge of the property, the surrounding neighbourhood and the renovation project, we support the project and agree with the following:

- We do not believe the renovation or the increased height of the residence will have any significant negative effect on neighbouring properties or on the character and enjoyment of the neighbourhood.
- The height and overall scale of the renovated residence are comparable to, or less than, other homes within the surrounding community.
- We do not believe the renovated residence is excessively high or out of character with the neighbourhood.
- We believe the renovation represents a substantial improvement to the property and will have a positive effect on the appearance and overall quality of the neighbourhood.
- We believe investment in the improvement and modernization of existing homes benefits the community and helps maintain or improve surrounding property values.
- We have no objection to the renovation project proceeding as proposed, including the current height of the renovated residence.

By signing below, we respectfully ask the City of Lethbridge and any applicable approving or appeal authority to take the support of surrounding residents and property owners into consideration when reviewing this project.

NEIGHBOURHOOD SIGNATURES

Name	Address	Signature	Date
LOUISE ZIELINSKI	353 20 ST. N.	L Zielinski	Sept. 14/26
TERRY WIST	2003 4th AVE N.	Terry Wist	Sept 14/26
Michael O'Reilly	406 20 th N.	Michael O'Reilly	Sept 14/26
David Vank / Dave Vank	406 20 th N	David Vank	"

Additional Comments (optional):

2:09



HOUSING

By Dave Lueneberg

Types of homes key component to City as it looks at substantial growth

Sep 12, 2026 | 10:51 AM

As the demand for homes in Lethbridge continues to grow, the city's acting mayor believes the type of housing also needs to be considered when building.

"What we're looking at, is we need to build more attainable and different housing selections throughout the City of Lethbridge," Schmidt-Rempel said during this past Wednesday's Parade of Home breakfast launch.

"We're working on that. We've got plans in the works.

What we need to look at is, do we have appropriate and attainable forms of housing available for everybody to get into the market no matter where they're entering from? That's what we need to look at."

Lethbridge's population last year (2025) was estimated at just over 113,000, however, some projections have it rising to between 240,000 and 300,000 by 2050.

Lethbridge and district what's happening

3070 Hourly-2050.

