CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

October 7, 2026

RE:	Appeal of Development Application DEV 16810
Appellant(s):	Trevor Currie, Landowner Derrick Boyko, Appellant Representative
Respondent(s):	Leda Kozak Tittsworth, Development Officer, City of Lethbridge Angie Olsen, Development Manager, City of Lethbridge
Subject Property:	349 20 Street North
Land Use:	Low Density Residential Westminster R-L(W)
Hearing Date:	Thursday, September 17, 2026 at 5:00 PM
Board Members:	Jason Shriner, Chair Amanda Berg Kent Perry Garry Roth

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DESCRIPTION OF APPLICATION

1. The subject property (349 20 Street North) is owned by Mr. Trevor Currie and is designated Low Density Residential Westminster R-L(W) under the City of Lethbridge Land Use Bylaw 6300 ("LUB"). In accordance with the LUB, the subject application (DEV 16810) is for a Side Yard Setback Waiver.
2. On August 4, 2026 the application DEV 16810 a request for a Side Setback Wavier for an existing home that was raised on the original foundation was refused by the Development Authority as follows:

   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).

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

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.

3. The appeal before the Subdivision and Development Appeal Board was submitted on August 24, 2026, on behalf of the landowner, Mr. Currie (Appellant).

PROCEDURAL HISTORY:

4. The Chair called the hearing to order on September 17, 2026 at 5:00 PM in Council Chambers of City Hall, 910 – 4 Avenue South, Lethbridge, AB.
5. There were no objections to any of the Board members in attendance.
6. There were no preliminary matters brought to the Board.
7. At the conclusion of the Hearing, the Chair inquired if the Appellant Representative felt they had a fair opportunity to present to the Board, to which the Appellant Representative responded in the affirmative.
8. The Chair closed the hearing on September 17, 2026 at 5:41 PM.

DECISION:

9. The appeal is **DENIED** and the decision of the Development Authority to refuse DEV 16810 is hereby **UPHELD**.

SUBMISSIONS:

10. The Board received oral and/or written submissions from:

- Mr. Trevor Currie, Appellant (written and oral submissions)
- Mr. Derrick Boyko, Appellant Representative (written and oral submissions)
- Ms. Leda Kozak-Tittsworth, Development Officer (written and oral submissions)
- Ms. Angie Olsen, Development Manager (oral submissions)

EVIDENCE:

11. The Board acknowledges the following documentary evidence was received prior to the hearing and form part of the record:
    - Notice of Appeal dated August 18, 2026, submitted by Mr. Derrick Boyko on behalf of the Landowner/Appellant (pages 2-11 of agenda package)
    - Decision DEV 16810 dated August 4, 2026 (pages 12-30 of agenda package)
    - Development Authority Written Submission (pages 31-40 of agenda package)
    - Development Authority PowerPoint Presentation (pages 41-47 of agenda package)
    - Appellant Written Submission (pages 48-57 of agenda package)

BACKGROUND AND SUMMARY OF EVIDENCE:

Development Authority

12. At the Hearing, Ms. Tittsworth referred the Board to the Development Authority's written submissions as contained in the Board Report and made the following oral presentation, summarized below.
13. The subject appeal relates to the Development Authority's decision to refuse DEV 16810 being an application for a Side Setback Waiver on the subject property, which is zoned Residential Low Density Westminster (R-L(W)) within the LUB.
14. Ms. Tittsworth explained that due to the age of the house, the house was considered a non-confirming building and was subject to Section 42 of LUB, which prohibits any enlargements of, additions to, or structural alterations to the building, unless considered necessary for routine maintenance.
15. In December 2025, the Landowner made a Building Permit application to create a bathroom in the basement and to replace the windows in the basement.
16. In 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.
17. No Development Permit or Building Permit had been issued for the raising of the house, or the relocation of the front door.
18. The raising of the house would be considered a structural alteration and is in contravention of Section 42 of LUB. Due to the structural alterations the house is no longer considered a non-conforming building, and is now a non-compliant building.
19. June 16, 2026 a letter was issued noting the unauthorized development and provided 2 weeks for a Development Application and Building Permit Application to be made.
20. June 17, 2026 the Development Officer, Building Safety Codes Officer, and Senior Safety Codes Officer met with the Applicant to explain the permits required and application process. A follow-up email was sent summarizing the meeting and

provided a deadline of June 30, 2026 for applications to be made. Several follow-up conversations occurred in person.

21. Development Application DEV 16810 was submitted on July 10, 2026.
22. The application was subsequently refused.

Appellant

23. Mr. Trevor Currie (Appellant) indicated that he purchased the property in May 2025. It is a hobby of his to buy properties and re-build them.
24. Mr. Currie explained that his plans to install the bathroom in the basement of the property required that the ceiling height be raised to comply with building codes for basement bathrooms and he applied for the necessary permit to install the bathroom. As a result he and his contractor proceeded to raise the foundation by 32 inches. Mr. Curries said he was unaware of any restriction or permitting required to alter the foundation. He was also unaware that any alteration to the property's foundation would cause the property to be non-compliant.
25. Mr. Currie requested a compliance waiver for the side-yard setback of his property at 349 20 Street North based on the historical lot configuration and established boundaries of the surrounding properties. His proposed solutions included purchasing the strip of land (approximately 24 inches), from the neighbouring property owner at 353 20 Street North or for both property owners to establish an easement agreement over that portion of the property setback area.
26. Mr. Currie presented supporting signatures for the renovation project at 349 20 Street North and a letter of support from Loise Zielinski, property owner at 353 20 Street North.

REASONS:

27. 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.
28. The Board, in its evaluation, considered the Municipal Government Act (MGA), the Land Use Bylaw 6300 (LUB), and the circumstances and merits of the case.
29. Within the LUB, 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,
    - Non-Conforming Building means a Building:
        i. 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

ii. 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:
  i. 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
  ii. 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.

30. Further the LUB states the following:

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

CONCLUSION:

For the reasons set out above, the appeal is **DENIED** and the decision of the Development Authority to Refuse DEV 16810 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,

on behalf of,

Jason Shriner, Board Chair
Subdivision & Development Appeal Board

cc: Trevor Currie, Appellant
Derrick Boyko, Appellant Representative
Leda Kozak-Tittsworth, Development Officer
Angie Olsen, Development Manager