



## LLOYDMINSTER

### SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

#### AGENDA

Date: Thursday, May 5, 2022

Time: 10:00 am

Location: Council Chambers, City of Lloydminster  
4420 50 Avenue Lloydminster, AB

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**1. Call to Order**

**2. Chair Introduction**

**3. Introductions**

3.1. SDAB Board

3.2. SDAB Administrative Staff

**4. Approval of Agenda dated May 5, 2022**

**Recommendation:**

That the Agenda dated May 5, 2022 be approved.

**5. Approval of Previous Minutes dated November 16, 2020**

**Recommendation:**

That the Subdivision and Development Appeal Board minutes of the previous hearing dated November 16, 2020 be approved.

**6. Introduction of SDAB Hearing No. SDAB-01-22-0141**

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	4104 - 80 Avenue, Lloydminster, Alberta
Zoning:	C2 Highway Corridor Commercial
Legal Description:	Lot 2, Block 2, Plan 195-1665
Permit No.	20220141
Appellant Name:	V3 Companies of Canada - Nick Pryce

**7. Introduction of Appellant**

**8. Objections to Board**

**9. Hearing Process**

**10. Hearing of Appeal**

10.1. Presentation of Subdivision/Development Authority

10.1.1. Questions by the Board

10.1.2. Presentation of Potential Conditions of Approval



## LLOYDMINSTER

### 10.2. Presentation of the Appellant

#### 10.2.1. Questions by the Board

### 10.3. Presentation of Affected Parties in Favour of the Appeal

### 10.4. Presentation of Affected Parties Opposed to the Appeal

### 10.5. Rebuttal (to new evidence only) of the Appellant

### 10.6. Read into Record Additional Information (if required)

## 11. Recess

## 12. SDAB Reconvenes

### 12.1. Board questions

## 13. Summaries

### 13.1. Subdivision/Development Authority Final Comments

### 13.2. Appellants Final Comments

## 14. Close of Hearing

The Board's decision will be made within fifteen (15) days upon conclusion of the Hearing and those affected will be notified of the decision and reasons for it by mail.

## 15. Recess

## 16. Introduction of SDAB Hearing No. SDAB-02-22-0175

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	5008 57 Avenue, Lloydminster, Alberta
Zoning:	R1 Single - detached Residential
Legal Description:	Lot 13 – South ½ 14, Block 55, Plan 6477 KS
Permit No.	20220175
Appellant Name:	Homes to Go - Craig Benoit

## 17. Introduction of Appellant

## 18. Objections to Board

## 19. Hearing Process

## 20. Hearing of Appeal

### 20.1. Presentation of Subdivision/Development Authority

#### 20.1.1. Questions by the Board

#### 20.1.2. Presentation of Potential Conditions of Approval



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### 20.2. Presentation of the Appellant

#### 20.2.1. Questions by the Board

### 20.3. Presentation of Affected Parties in Favour of the Appeal

### 20.4. Presentation of Affected Parties Opposed to the Appeal

### 20.5. Rebuttal (to new evidence only) of the Appellant

### 20.6. Read into Record Additional Information (if required)

## **21. Brief Recess**

## **22. SDAB Reconvenes**

### 22.1. Board questions

## **23. Summaries**

### 23.1. Subdivision/Development Authority Final Comments

### 23.2. Appellants Final Comments

## **24. Close of Hearing**

The Board's decision will be made within fifteen (15) days upon conclusion of the Hearing and those affected will be notified of the decision and reasons for it by mail.

## **25. SDAB goes In Camera**

### **Recommendation:**

That the May 5, 2022 Subdivision and Development Appeal Board hearing go into a closed session at \_\_\_\_ AM/PM.

### **Recommendation:**

That the May 5, 2022 Subdivision and Development Appeal Board hearing resume open session at \_\_\_\_ AM/PM.

## **26. Adjournment**

### **Recommendation:**

That the May 5, 2022 Subdivision and Development Appeal Board hearing be adjourned at \_\_\_\_ PM.



LLOYDMINSTER

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)  
MINUTES**

**Monday, November 16, 2020**

**City of Lloydminster Council Chambers  
4420 - 50 Avenue  
Lloydminster, AB**

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	3603 - 71 Avenue Lloydminster, AB
Zoning:	R1 Single - detached Residential
Legal Description:	Lot 17 Block 23 Plan 1324708
Permit No.	20-1479
Appellant Name:	Northern Empire Homes

SDAB Members Present:	Larry McConnell
	Glenn Fagnan
	Tom Schinold
	Joe Rooks
SDAB Support Present:	Doug Rodwell, SDAB Clerk
	Rachelle Sparkes, Recording Secretary
City Staff Present:	Roxanne Shortt, Development Officer
	Marilyn Lavoie, Legislative Officer
	Amy Short, Development Officer
Appellant Present:	Brian Spooner, Northern Empire Homes

**1. Call to Order HH:MM AM/PM**

Chair, Larry McConnell called the November 16, 2020 Subdivision and Development Appeal Board Hearing to order at 10:35 AM.

**2. Chair Introduction**

SDAB Chair, Larry McConnell introduced himself to those in attendance.

**3. Introductions**

**3.1** All members of the SDAB introduced themselves.

**3.2** All members of Administration introduced themselves.

**4. Approval of Agenda dated November 16, 2020**

Tom Schinold moved that the SDAB Agenda dated November 16, 2020 be adopted as presented. Seconded by Joe Rooks.

**CARRIED**

**5. Approval of Previous Minutes from July 29, 2020 Hearing**

Glenn Fagnan moved that the SDAB minutes dated July 29, 2020 be approved as circulated. Seconded by Tom Schinold.

**CARRIED**

**6. Introduction of SDAB Hearing No. SDAB 05-20-1479**

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	3603 - 71 Avenue Lloydminster, AB
Zoning:	R1 Single - detached Residential
Legal Description:	Lot 17 Block 23 Plan 1324708
Permit No.	20-1479
Appellant Name:	Northern Empire Homes

**7. Introduction of Appellant**

Brian Spooner, Owner of Northern Empire Homes introduced himself.

**8. Objections to Board**

The Appellant had no objections to the members of the Board who were in attendance. No objections were brought forward by audience members of the SDAB Board members who were in attendance for the hearing.

**9. Hearing Process**

Chair, Larry McConnell provided an overview of the Hearing process. No concerns were brought forward by audience members regarding the process of the Hearing.

**10. Hearing of Appeal**

**10.1 Presentation of Developing Authority**

Roxanne Shortt presented on behalf of the City of Lloydminster.

**Questions by the Board**

Tom Schinold asked if the deck was on the original plan that was submitted with the original development permit. The Development Officer confirmed that the deck was on the original plans submitted with the original development permit.

**Presentation of Potential Conditions**

No potential conditions were requested from the Developing Authority.

**10.2 Presentation of the Appellant**

Brian Spooner presented his submission.

**Question of the Board**

Larry McConnell asked when they discovered that the deck was outside the variance limit. The Appellant responded that they discovered it was outside the variance limit when the Real Property report was completed.

**Presentation of Potential Conditions**

No potential conditions were requested from the Appellant.

**10.3 Presentation of Affected Parties in favour of the appeal**

No Affected Parties were present to speak in favour of the appeal.

**10.4 Presentation of Affected Parties opposed to the appeal**

No Affected Parties were present to speak opposing the appeal.

**10.5 Appellant rebuttal to respond to new evidence only**

The Appellant had no other information to provide.

**11. Brief Recess**

Tom Schinold moved that the Board take a brief recess at 10:51 AM and Glenn Fagnan seconded the motion.

**CARRIED**

**12. SDAB Reconvenes**

The SDAB reconvened and Chair Larry McConnell called the meeting to order at 11:05 AM with all members in attendance.

**12.1 Board Questions**

Tom Schinold asked if the Developing Authority had the authority to approve the variance would the City approve the permit. The Developing Authority said they would approve it if they had the authority.

**13. Summaries**

**13.1 Developing Authority's Final Comments**

The Developing Authority had nothing further to add.

**13.2 Appellant's Final Comments**

The Appellant had nothing further to add.

**14. Close of Hearing**

The Chair concluded the hearing at 11:07 AM.

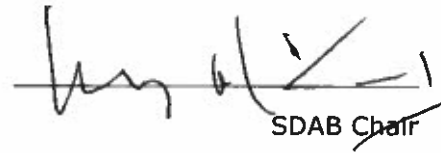
Chair, Larry McConnell verbally confirmed that the Board had reached a decision and indicated that the written decision would be forwarded within fifteen (15) days of the Hearing. Those affected will be notified of the decision and reasons for it by mail.

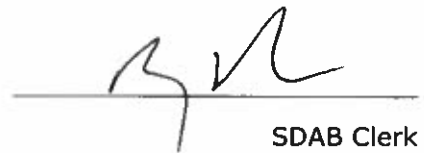
Handwritten signature and initials in the bottom right corner of the page. The signature appears to be 'WMP' and the initials below it are 'GF'.

**15. Adjournment**

Tom Schinold moved that the November 16, 2020 Subdivision and Development Appeal Board hearing be adjourned at 11:10 AM. Joe Rooks seconded the motion.

**CARRIED**

  
SDAB Chair

  
SDAB Clerk



LLOYDMINSTER

**HEARING #1**

**SDAB Hearing No. SDAB-01-22-0141**

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	4104 - 80 Avenue, Lloydminster, Alberta
Zoning:	C2 Highway Corridor Commercial
Legal Description:	Lot 2, Block 2, Plan 195-1665
Permit No.	20220141
Appellant Name:	V3 Companies of Canada – Nick Pryce



## Appeal - SDAB-02-22-141

### STATEMENT of the DEVELOPMENT OFFICER

**APPLICATION:** Variance – Fence Height Increase

**DECISION OF THE DEVELOPMENT OFFICER:** Refused

**REGISTERED OWNER:** Canadian Tire Real Estate Limited

**APPELLANT/APPLICANT:** V3 Companies of Canada – Nick Pryce

**DECISION DATE:** March 25, 2022

**NOTIFICATION PERIOD:** March 25, 2022 – April 15, 2022

**DATE OF APPEAL HEARING:** **May 5, 2022**

**CIVIC ADDRESS:** 4104 - 80 Avenue

**LEGAL DESCRIPTION:** Lot 2, Block 2, Plan 195-1665

**DISTRICT:** C2 – Highway Corridor Commercial District

**STATUTORY PLAN:** Land Use Bylaw

**DEVELOPMENT OFFICERS DECISION:** Schedule “A”

Is **REFUSED** for the proposed Height Variance for a fence located at **4104 – 80 Avenue** as applied for on **March 22, 2022**, subject to the following conditions:

1. Application exceeds the Variance Powers granted to the Development Officer in Land Use Bylaw 5-2016.

#### DEVELOPMENT OFFICER’S APPEAL STATEMENT

##### BACKGROUND:

Planning received an Application on March 22, 2022, for a Height Variance. The application is to increase the height of a fence structure from 2.0 metres to 3.65 metres. The allowable variance powers for the Development Authority granted by the Land Use Bylaw 5-2016 is 15%.

The Development Officer determined that an increase of over 82% exceeds the variance powers, and as such, refused the request on March 25, 2022.

## LAND USE BYLAW

The following excerpts from the Land Use Bylaw are attached as Schedule “B” to this Report:

- Section 2.15 – Discretion and Variance Authority
- Section 4.10 - Fencing and Screening

## FACTS TO THE BOARD:

Administration received a Development Permit Application on March 22, 2022.

Administration deemed the application complete on March 22, 2022.

Administration reviewed application and noted the proposed height increase exceeded the Variance Power of 15%.

The application was refused on March 25, 2022, with the Notice of Decision being sent to the applicant on March 25, 2022. A copy of the Notice of Decision is attached as Schedule “A” to this Report.

## BOARD’S AUTHORITY AND DEVELOPMENT OFFICER’S SUBMISSIONS

The Board’s authority with respect to a development appeal is set out in s. 687(3)(c) and (d) of the *Municipal Government Act*:

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land,
  - and
  - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

Respectfully Submitted,



Roxanne Shortt  
Development Officer, Planning  
City of Lloydminster

# SCHEDULE "A"



## NOTICE OF DECISION LAND USE BYLAW 5-2016

You, **Nick Pryce** representing **V3 Companies of Canada** at **#130, 2899 Broadmoor Boulevard, Sherwood Park, AB T8H 1B5**, hereinafter referred to as the "Applicant", are hereby notified that your application for development as follows:

<b>Application Number:</b>	22-2577
<b>Permit Number:</b>	20220141
<b>Purpose:</b>	Variance - Fence Height Increase
<b>Involving:</b>	4104 - 80 Avenue (Lot 2, Block 2, Plan 192-1665)
<b>Registered Owner:</b>	Canadian Tire Real Estate Limited

Is **REFUSED** for the proposed Height Variance for a fence located at **4104 - 80 Avenue** as applied for on March 22, 2022, for the following:

1. Application exceeds the Variance Powers granted to the Development Office in Land Use Bylaw 5-2016.

**This permit is subject to a twenty-one (21) day appeal period from the date of decision.**

**Any development commenced or undertaken during the twenty-one (21) day appeal period, or where an appeal has been filed but not finally determined, shall be solely at the risk of the developer in no event shall the City be liable for the filing or outcome of any appeal.**

If you are not in agreement with this decision or conditions described herein, it may be appealed within twenty-one (21) days from the date of decision (as per Section 686 Development Permit Appeals: *Municipal Government Act*) by submitting a written notice and four hundred dollars (\$400.00) processing fee to the following:

City Hall - Office of the City Clerk  
Attention - Secretary of the Subdivision and Development Appeal Board  
4420 - 50 Avenue  
Lloydminster, AB T9V 0W2

If you have any questions, or require any clarification, please contact the undersigned at (780) 874-3700 or by email at [rshortt@lloydminster.ca](mailto:rshortt@lloydminster.ca).

<b>Date of Decision:</b>	March 25, 2022
<b>Date of Notice:</b>	March 25, 2022

Sincerely,  
City of Lloydminster

A handwritten signature in blue ink, appearing to read "R. Shortt", written over a circular stamp or watermark.

**Roxanne Shortt**  
Development Officer, Planning  
Operations Centre



# Development Permit Application

## Application for Development Permit



**LLOYDMINSTER**

Application Submission Date: March 22, 2022

<b>PROJECT</b>	Is the project already constructed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Municipal Address <u>4101 - 80 Avenue</u> <u>4104-80 Ave</u> Tax Roll # <u>22181152000</u> Zoning District <u>C2 Highway C</u> Legal Description: Lot <u>2</u> Block <u>2</u> Plan <u>192-1665</u>	<b>OFFICE USE ONLY</b>			
	Applicant Name <u>V3 Companies of Canada</u> Address <u>Suite 130 2899 Broadmoor Blvd</u> City <u>Sherwood Park</u> Province <u>Alberta</u> Postal Code <u>T8H 1B5</u> Phone # <u>(780) 222-0550</u> Alt Phone # _____ Email <u>inpryce@v3co.ca</u> Are you also the property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If property owner is different from applicant Owner Authorization Form is required) Owner Authorization Form Attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Application # <u>22-2577</u> Permit # <u>20220141</u> Permit Fee <u>\$300.00 / USA</u> Receipt # <u>637675</u> Approved by _____ Refused by <u>R Sheppard</u> Issue Date <u>March 25/22</u> Expiry Date _____			
<b>APPLICANT INFORMATION</b>	Development Class: <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Multi-family - # of Units _____ Proposed Development: (Select all that Apply) <input checked="" type="checkbox"/> Permitted Use <input type="checkbox"/> Discretionary Use <input type="checkbox"/> Variance Application <input type="checkbox"/> New Construction <input type="checkbox"/> Front Deck <input type="checkbox"/> Renovation <input type="checkbox"/> Rear Deck <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Other: <u>Addition of fence for garden centre to approved Canadian Tire Building</u> <input type="checkbox"/> Foundation <input type="checkbox"/> Income Suite: <input type="checkbox"/> Secondary to Home <input type="checkbox"/> Garage Suite <input type="checkbox"/> Garden Suite <input type="checkbox"/> Superstructure <input type="checkbox"/> Business License Use Approval for (type of business): _____ <input type="checkbox"/> New Dwelling <input type="checkbox"/> Home Based Business: <input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Accessory Building Description of Home Business _____ <input type="checkbox"/> Attached Garage <input type="checkbox"/> Detached Garage				
	I hereby declare <input type="checkbox"/> I am <input checked="" type="checkbox"/> I represent the owner of the property on which the work identified in this application will be conducted in accordance to the plans submitted, and upon approval will adhere to the conditions/terms of Land Use Bylaw 5-2016. I/We will notify the Development Authority of any proposed changes to the plans submitted with this application. Note: By typing your name into the signature box below (or by signing a printed version of this application), you agree that all information submitted on this form is true and accurate.				
<b>DECLARATION</b>	Signature of Registered Owner / Agent 		Date of Application <u>March 20, 2022</u>		
	Refused as per attached Notice of Decision dated March 25/2022.				
<b>DECISION</b>	Signature of Development Officer 		Date <u>March 25/22</u>		
	Development Officer _____ Date _____				

Collection and Use of Personal Information: The personal information being collected on this form is for the purposes of processing and acting upon this application in accordance with the Municipal Government Act, and is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP). The City will not share your personal information for purposes outside of those stated without your permission in writing, unless there is a specific exemption stated in the Municipal Government Act.

**IMPORTANT NOTICE:** THIS APPLICATION DOES NOT PERMIT YOU TO COMMENCE CONSTRUCTION UNTIL SUCH TIME A DEVELOPMENT PERMIT HAS BEEN ISSUED BY THE DEVELOPMENT AUTHORITY AND ALL OTHER PERMITS (IF REQUIRED) ARE APPROVED. IF A DECISION HAS NOT BEEN ISSUED WITHIN 40 DAYS OF THE DATE THE APPLICATION IS DEEMED COMPLETE, YOU HAVE THE RIGHT TO FILE AN APPEAL TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD. APPEALS TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD CAN ALSO BE FILED IN REGARDS TO PERMIT REFUSALS AND/OR CONDITIONS WITHIN 21 DAYS OF A DECISION.

## Schedule 'B'

### 2.15 Discretion and Variance Authority

2.15.1 Notwithstanding Section 2.13.1(ii) and 2.13.2(iii), and subject to Section 2.15.5, the Development Officer may vary the requirements of this Bylaw subject to the following conditions:

- i. A variance shall only be granted for: a Yard; Lot Coverage; the minimum required distance of a Building or Structure to any other Building or Structure on a Lot, the Height of a Building (measured in metres, rather than Storeys); or, the parking required for a Development.

2.15.2 The maximum variance shall not exceed 15% of the Bylaw's requirements;

- a. The variance shall only be approved if, in the opinion of the Development Officer, it will not materially interfere with the amenities of the neighbourhood, or affect the use, enjoyment or value of neighbouring properties; and
- b. The proposed Development is listed either as a Permitted or Discretionary Use in the subject Land Use District.

2.15.3 A request for a variance may be initiated by the Owner(s) of a property.

2.15.4 All applications for a variance shall be made to the Development Officer and be accompanied by a Plan of Survey, Real Property Report, and any additional information that the Development Officer may require.

2.15.5 In approving an application for a Development Permit pursuant to Section 2.15, the Development Officer shall adhere to the following:

- a. A variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same District;
- b. Except as otherwise provided in this Bylaw, there shall be no variance from the regulations specified in the Airport Protection Overlay; and
- c. The purpose of the appropriate District.

2.15.6 If a variance is granted pursuant to this Section, the Development Officer shall specify its nature in the Development Permit approval.

#### 4.10 Fencing and Screening

4.10.1 A fence, wall, or gate on a Site in any District shall be less than or equal to 2.0 m in Height for the portion of the fence, wall, or gate that does not extend beyond the foremost portion of the Principal Building Abutting the Front Yard, or Side Yard Abutting a Road other than a Lane.

4.10.2 A fence, wall, or gate on a Site in any District shall be less than or equal to 1.0 m in Height for the portion of the fence, wall, or gate that extends beyond the foremost portion or portions of the Principal Building on the Site into the Front Yard, or a Side Yard Abutting a Road other than a Lane.

4.10.3 In the case of Double Fronting Sites, the Development Officer may grant a variance to allow a fence, wall, or gate of up to 2.0 m in Height in one of the Front Yards, having regard to the location of fences, walls, and gates in the surrounding area.

4.10.4 Fences shall complement the character and quality of the Principal Building.

4.10.5 No fence, wall, hedge, or any combination thereof shall be constructed on a parcel in an R1 District, RMH District, or R2 District that is higher, measured from the average ground level, 0.3 m back of the property line on whichever side of the fence the ground level is lower.

- i. 2.0 m for the portion of the fence, wall, or hedge that does not extend beyond the foremost portion of the Principal Building into the Front Yard;
- ii. 1.0 m for the portion of the fence, wall, or hedge that does extend beyond the foremost portion of the Principal Dwelling into the Front Yard; and
- iii. 1.0 m for that portion of the fence, wall, or hedge that does not extend into the 8.0 m sight triangle on a Corner Lot having two or more intersecting Roads.

4.10.6 No fence, wall, hedge, or any combination thereof shall be constructed on a parcel in an R3, R4, or R5 District that is higher, measured from the average ground level, 0.3 m back of the property line on whichever side of the fence the ground level is lower, than 2.44 m, excepting on a Corner Lot having two or more intersecting Roads, where the fence, hedge, or wall does not extend into the 8.0 m sight line triangle.

4.10.7 Screening in the form of fences, hedges, landscaped berms or other means is required along the Lot Lines of all commercial and industrial Lots where such lines are abutting to a residential Lot line or are abutting to Lanes that abut a neighbouring residential Lot. Such Screening shall not exceed 2.0 m in height. Length and width of the Screening shall be at the discretion of the Development Officer.

4.10.8 For bulk outdoor storage, including but not limited to auto wrecking, lumber yards, pipe storage and similar uses where because of the Height of materials stored a screen planting would not be sufficient, a fence, earth berm or combination thereof to the satisfaction of the Development Officer shall be required.

4.10.9 Barbed, electric and razor wire shall not be permitted. 4.10.10 Notwithstanding Section 4.10.9, barbed wire is permitted in an Industrial District when it is placed on top of a fence that is 2.0 m or higher for security purposes only.



March 30, 2022

City Hall – Office of the City Clerk  
Secretary of the Subdivision and Development Appeal Board  
4420 – 50 Avenue  
Lloydminster AB T9V 0W2

**Attention: Secretary of the Subdivision and Development Appeal Board**

To whom it may concern,

**RE: Variance for Fence related to Canadian Tire Garden Centre, 4104 – 80 Avenue,  
City of Lloydminster, AB**

Please find attached a Subdivision and Development Appeal Board (SDAB) Application to Appeal form for the refusal of a variance to the proposed Canadian Tire Store outdoor garden center fence height. The refused development permit application form and Notice of Decision, dated March 25<sup>th</sup>, 2022, is also attached.

The proposed fence is for the purposes of securing the outdoor garden center attached to the western end of the Canadian Tire Store as shown on the attached concept plan. The fence entrance is a black iron eagle (refer to image Figure 1) with the remaining area consisting of a powder coated black chain link fence that has a total height of 3.65 m. The purpose of the fence is to provide security for the products located outside of the store. To the west of the site the lands are currently undeveloped and the fence is set back 5.2 m. To the south of the site the lands are zoned from Urban Transition and the fence line is setback 8.1 m.

Under section 4.10 of the City's Land Use Bylaw 05-2016, consolidated April 20, 2021, there is a requirement for fences to not exceed 2.0 m. As indicated above, the proposed fencing around the outdoor garden centre attached to the Canadian Tire Store would exceed this requirement and therefore a variance was sought. The variance to Land Use Bylaw 05-2016 has been refused because the Land Use Bylaw does not enable the municipality to approve a variance that exceeds the permitted fence height that is greater than 10%.

When seeking a variance to an established regulation, it is important to understand the intent of the regulation and whether the proposed fence generates a significant impact arising from exceeding the current standard of 2m. Typically, the intent of a fence height control relates to avoiding the creation of excessive fence heights that divide property lines and their interface with an adjoining property or public space. Controls are also put in place to avoid fences becoming unsightly. In context to the proposed fence for the Canadian Tire Store, it is related to providing security to the outdoor products of the garden centre. The fence is attached to the main building as shown on the concept plan. Lowering the fence height to

meet the regulation would result in creating opportunities for the products to be damaged or removed illegally.

Powder coating the fence black avoids the structure standing out and as mentioned forms part of the entire building which is significantly taller and longer than the actual fence area. This results in the scale and visibility of the fence diminishing when put in context to the overall building. The fence falls well within the setback requirements of the City's Land Use Bylaw 05-2016. For these reasons, it is our opinion that the proposed fence has no negative impact on the surrounding community and should be approved.

Should you have any questions regarding this application please contact the undersigned.

Sincerely,

**V3 Companies of Canada Ltd.**

Nick Pryce, RPP, MCIP  
Director of Planning

Encl. – SDAB Application to Appeal Form  
Notice of Decision  
Refused Variance Application Form  
Fence Elevation/Photograph examples  
Concept Plan  
Certificate of Title  
Owner Authorization Form



# Subdivision and Development Appeal Board

## Application to Appeal



**LLOYDMINSTER**

<b>Submission Date</b>	Date: <input type="text"/>		<b>OFFICE USE ONLY</b>			
<b>APPEAL PROPERTY INFORMATION</b>	Municipal Address:	<input type="text" value="Suite 130, 2899 Broadmoor Blvd"/>		RECEIVED DATE:	<input type="text"/>	
	Municipal Tax Roll #:	<input type="text" value="22181152000"/>	Zoning:	<input type="text" value="C2 High"/>	SDAB APPEAL #	<input type="text"/>
	Legal Description:	Lot: <input type="text" value="2"/>	Block:	<input type="text" value="2"/>	APPLICATION #:	<input type="text"/>
	Legal Plan:	<input type="text" value="192 - 1665"/>		PERMIT #:	<input type="text"/>	
	Permit Number Being Appealed:	<input type="text" value="20220141"/>		PERMIT FEE:	<input type="text"/>	
<b>APPELLANT INFORMATION</b>	Appellant Name:	<input type="text" value="V3 Companies of Canada"/>		RECEIPT #:	<input type="text"/>	
	Address:	<input type="text" value="Suite 130, 2899 Broadmoor Blvd"/>		APPEAL HEARING DATE:	<input type="text"/>	
		<input type="text" value="Sherwood Park, AB"/>	Postal Code:	<input type="text" value="T8H 1B5"/>	DECISION ISSUED DATE:	<input type="text"/>
	Phone:	<input type="text" value="(780) 222-0550"/>		APPEAL GRANTED:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Email:	<input type="text" value="npryce@v3co.ca"/>		CONDITIONS ON APPEAL:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>APPEAL AGAINST</b> <small>Each appeal requires an application</small>	<input checked="" type="checkbox"/> <b>Development Permit</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal		<input type="checkbox"/> <b>Subdivision Application</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal		<input type="checkbox"/> <b>Notice of Contravention</b> <input type="checkbox"/> Stop Order	
	<b>REASONS FOR APPEAL</b> <small>(Sections 678 and 686 of the Municipal Government Act (MGA) require that written Notice of Appeal must contain specific reasons for the appeal.)</small>					
I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (Attach separate page if required):  Please see Cover Letter attached to the Application to Appeal package.						
<input type="text"/> <b>Signature of Appellant / Agent</b>			<input type="text" value="March 30, 2022"/> <b>Date of Signature</b>			
<b>APPEAL BOARD DECISION</b>						
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>						

**Collection and Use of Personal Information:** The personal information being collected on this form is for the purposes of processing and acting upon this application in accordance with the Municipal Government Act, and is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP). The City will not share your personal information for purposes outside of those stated without your permission in writing, unless there is a specific exemption stated in the Municipal Government Act.

**IMPORTANT NOTICE:** THIS APPLICATION DOES NOT PERMIT YOU TO COMMENCE CONSTRUCTION UNTIL SUCH TIME A DEVELOPMENT PERMIT HAS BEEN ISSUED BY THE DEVELOPMENT AUTHORITY AND ALL OTHER PERMITS (IF REQUIRED) ARE APPROVED. IF A DECISION HAS NOT BEEN ISSUED WITHIN 40 DAYS OF THE DATE THE APPLICATION IS DEEMED COMPLETE, YOU HAVE THE RIGHT TO FILE AN APPEAL TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD. APPEALS TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD CAN ALSO BE FILED IN REGARDS TO PERMIT REFUSALS AND/OR CONDITIONS WITHIN 21 DAYS OF A DECISION.



## NOTICE OF DECISION LAND USE BYLAW 5-2016

You, **Nick Pryce** representing **V3 Companies of Canada** at **#130, 2899 Broadmoor Boulevard, Sherwood Park, AB T8H 1B5**, hereinafter referred to as the "Applicant", are hereby notified that your application for development as follows:

<b>Application Number:</b>	22-2577
<b>Permit Number:</b>	20220141
<b>Purpose:</b>	Variance - Fence Height Increase
<b>Involving:</b>	4104 - 80 Avenue (Lot 2, Block 2, Plan 192-1665)
<b>Registered Owner:</b>	Canadian Tire Real Estate Limited

Is **REFUSED** for the proposed Height Variance for a fence located at **4104 - 80 Avenue** as applied for on March 22, 2022, for the following:

1. Application exceeds the Variance Powers granted to the Development Office in Land Use Bylaw 5-2016.

**This permit is subject to a twenty-one (21) day appeal period from the date of decision.**

**Any development commenced or undertaken during the twenty-one (21) day appeal period, or where an appeal has been filed but not finally determined, shall be solely at the risk of the developer in no event shall the City be liable for the filing or outcome of any appeal.**

If you are not in agreement with this decision or conditions described herein, it may be appealed within twenty-one (21) days from the date of decision (as per Section 686 Development Permit Appeals: *Municipal Government Act*) by submitting a written notice and four hundred dollars (\$400.00) processing fee to the following:

City Hall - Office of the City Clerk  
Attention - Secretary of the Subdivision and Development Appeal Board  
4420 - 50 Avenue  
Lloydminster, AB T9V 0W2

If you have any questions, or require any clarification, please contact the undersigned at (780) 874-3700 or by email at [rshortt@lloydminster.ca](mailto:rshortt@lloydminster.ca).

<b>Date of Decision:</b>	March 25, 2022
<b>Date of Notice:</b>	March 25, 2022

Sincerely,  
City of Lloydminster

**Roxanne Shortt**  
Development Officer, Planning  
Operations Centre


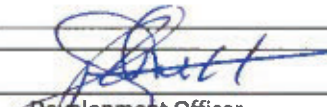
# Development Permit Application

## Application for Development Permit



**LLOYDMINSTER**

Application Submission Date: March 22, 2022

<b>PROJECT</b>	Is the project already constructed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Municipal Address <u>4101 - 80 Avenue</u> <u>4104-80 Ave</u> Tax Roll # <u>22181152000</u> Zoning District <u>C2 Highway C</u> Legal Description: Lot <u>2</u> Block <u>2</u> Plan <u>192-1665</u>	<b>OFFICE USE ONLY</b>	
	Applicant Name <u>V3 Companies of Canada</u> Address <u>Suite 130 2899 Broadmoor Blvd</u> City <u>Sherwood Park</u> Province <u>Alberta</u> Postal Code <u>T8H 1B5</u> Phone # <u>(780) 222-0550</u> Alt Phone # _____ Email <u>inpryce@v3co.ca</u> Are you also the property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If property owner is different from applicant Owner Authorization Form is required) Owner Authorization Form Attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Application # <u>22-2577</u> Permit # <u>20220141</u> Permit Fee <u>\$300.00 / USA</u> Receipt # <u>637675</u> Approved by _____ Refused by <u>R Sheppard</u> Issue Date <u>March 25/22</u> Expiry Date _____	
<b>APPLICANT INFORMATION</b>	<b>Development Class:</b> <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Multi-family - # of Units _____ <b>Proposed Development: (Select all that Apply)</b> <input checked="" type="checkbox"/> Permitted Use <input type="checkbox"/> Discretionary Use <input type="checkbox"/> Variance Application <input type="checkbox"/> New Construction <input type="checkbox"/> Front Deck <input type="checkbox"/> Renovation <input type="checkbox"/> Rear Deck <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Other: <u>Addition of fence for garden centre to approved Canadian Tire Building</u> <input type="checkbox"/> Foundation <input type="checkbox"/> Income Suite: <input type="checkbox"/> Secondary to Home <input type="checkbox"/> Garage Suite <input type="checkbox"/> Garden Suite <input type="checkbox"/> Superstructure <input type="checkbox"/> Business License Use Approval for (type of business): _____ <input type="checkbox"/> New Dwelling <input type="checkbox"/> Home Based Business: <input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Accessory Building Description of Home Business _____ <input type="checkbox"/> Attached Garage <input type="checkbox"/> Detached Garage		
	<b>DECLARATION</b> I hereby declare <input type="checkbox"/> I am <input checked="" type="checkbox"/> I represent the owner of the property on which the work identified in this application will be conducted in accordance to the plans submitted, and upon approval will adhere to the conditions/terms of Land Use Bylaw 5-2016. I/We will notify the Development Authority of any proposed changes to the plans submitted with this application. <b>Note:</b> By typing your name into the signature box below (or by signing a printed version of this application), you agree that all information submitted on this form is true and accurate. <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">                       Signature of Registered Owner / Agent                 </div> <div style="border: 1px solid black; padding: 2px;">                     March 20, 2022                      Date of Application                 </div> </div>		
<b>DECISION</b>	Refused as per attached Notice of Decision dated March 25/2022.		
	<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; padding: 5px;">                       Development Officer                 </div> <div style="border: 1px solid black; padding: 5px;"> <u>March 25/22</u>                      Date                 </div> </div>		

Collection and Use of Personal Information: The personal information being collected on this form is for the purposes of processing and acting upon this application in accordance with the Municipal Government Act, and is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP). The City will not share your personal information for purposes outside of those stated without your permission in writing, unless there is a specific exemption stated in the Municipal Government Act.

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Canadian Tire Real Estate Limited

owner(s)

David Bianchi

contact name

2180 Yonge St. Toronto, ON, M4P 2V8

contact address

416-807-4526

contact phone

david.bianchi@cantire.com

contact email

City of Lloydminster

Planning Department

4420 50 Avenue,

Lloydminster, Alberta T9V 0W2

Email: [permits@lloydminster.ca](mailto:permits@lloydminster.ca)

To Whom It May Concern,

With regards to 4101 - 80 Avenue, City of Lloydminster  
property address

Please be advised that I, David Bianchi am:  
full name

(select one)

- the owner of the above mentioned property, and that I authorize
- an officer or director of the owner(s) of the above mentioned property, and that I am authorized by that owner to authorize

V3 Companies of Canada and/or its Consultant  
agent or company name applicant, consultant, contractor (if applicable)

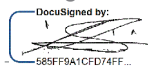
to apply for any and all Varaince Permit relating to the garden centre fence  
permit type

for the above mentioned property.

I further agree to immediately notify The City of Lloydminster, in writing, of any changes regarding the above information.

March 20, 2022

date signed



signature of owner

David Bianchi

name of owner (printed)



LAND TITLE CERTIFICATE

S  
LINC                                      SHORT LEGAL                                      TITLE NUMBER  
0038 343 555                                      1921665;2;2                                      192 166 003

LEGAL DESCRIPTION  
PLAN 1921665  
BLOCK 2  
LOT 2  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 3.59 HECTARES (8.87 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 4;1;49;34;NE

MUNICIPALITY: CITY OF LLOYDMINSTER

REFERENCE NUMBER: 192 117 472

-----

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
192 166 003	12/07/2019	TRANSFER OF LAND	\$5,605,300	SEE INSTRUMENT

-----

OWNERS

CANADIAN TIRE REAL ESTATE LIMITED.  
OF 15 SOUTH, 2180 YONGE STREET  
TORONTO  
ONTARIO M4P 2V8  
(DATA UPDATED BY: 192168047)

-----  
ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
072 116 592	28/02/2007	UTILITY RIGHT OF WAY GRANTEE - THE CITY OF LLOYDMINSTER. AS TO PORTION OR PLAN:0721698
072 116 732	28/02/2007	RESTRICTIVE COVENANT
142 269 586	20/08/2014	RESTRICTIVE COVENANT
152 052 878	13/02/2015	DISCHARGE OF UTILITY RIGHT OF WAY 072116592

( CONTINUED )

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

# 192 166 003

## REGISTRATION

-----  
NUMBER      DATE (D/M/Y)      PARTICULARS  
-----

PARTIAL

EXCEPT PLAN/PORTION: 1520782

152 077 010    10/03/2015    RESTRICTIVE COVENANT

192 117 474    29/05/2019    UTILITY RIGHT OF WAY  
GRANTEE - THE CITY OF LLOYDMINSTER.  
AS TO PORTION OR PLAN:1921666

192 166 004    12/07/2019    CAVEAT  
RE : EASEMENT , ETC.  
CAVEATOR - LLOYDMINSTER BRENTWOOD III PROPERTIES  
INC.  
C/O WITTEN LLP  
2500, 10303 JASPER AVENUE  
EDMONTON  
ALBERTA T5J3N6  
AGENT - KEVIN J SMITH.

192 166 005    12/07/2019    CAVEAT  
RE : RIGHT OF FIRST REFUSAL  
CAVEATOR - LLOYDMINSTER BRENTWOOD III PROPERTIES  
INC.  
C/O WITTEN LLP  
2500, 10303 JASPER AVENUE  
EDMONTON  
ALBERTA T5J3N6  
AGENT - KEVIN J SMITH

192 166 948    13/07/2019    CAVEAT  
RE : SEE CAVEAT  
CAVEATOR - CANADIAN TIRE REAL ESTATE LIMITED.  
15 SOUTH, 2180 YONGE STREET  
TORONTO  
ONTARIO M4P2Z8  
AGENT - MATYLDA MAKULSKA

TOTAL INSTRUMENTS: 009

( CONTINUED )

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 11 DAY OF MARCH,  
2022 AT 02:55 P.M.

ORDER NUMBER: 43901976

CUSTOMER FILE NUMBER:



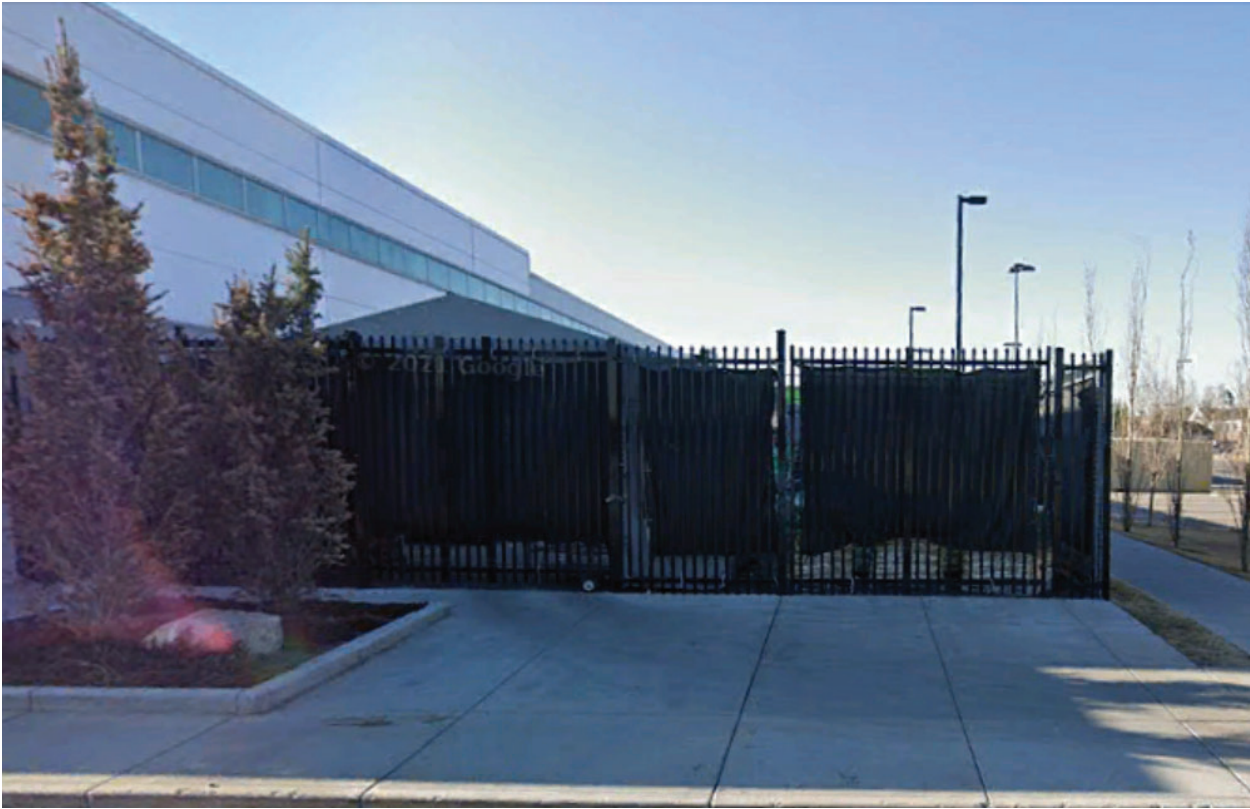
\*END OF CERTIFICATE\*

---

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED  
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APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS  
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

Figure 1: Example of Fence Entrance





# NORSON CONSTRUCTION LLP.

#101 - 21410, 100 Avenue NW  
Edmonton, AB T5T 5X8  
Ph : 780-428-1010  
Fax : 780-487-1044

## Letter of Transmittal

**To:** ALISHA HUBER  
NEJMARK ARCHITECT  
2-54 ADELAIDE STREET  
WINNIPEG, MB R3A 0V7  
Ph: 204-947-3775 Fax: 204-947-3789

**Transmittal #:** 153  
**Date:** 02/16/2022  
**Job:** 6253 CTR-341 RETAIL STORE

**Subject:** CTR-341 LLOYDMINSTER

- WE ARE SENDING YOU**
- Attached
  - Specifications
  - Submitted by: NordicFence
  - Change order
  - Prints
  - Plans
  - Samples
  - Copy of letter
  - Shop drawings

Document Type	Copies	Date	No.	Description
Submittal	1	02/16/2022	02830-1 Rev 0	GARDEN CENTRE SLIDING GATE SHOP DRAWINGS (10 pages)

**THESE ARE TRANSMITTED as checked below:**

- For approval
- For your use
- As requested
- For review and comment
- FOR BIDS DUE
- Approved as submitted
- Approved as noted
- Returned for corrections
- Other
- PRINTS RETURNED AFTER LOAN TO US
- Resubmit \_\_\_ copies for approval
- Submit \_\_\_ copies for distribution
- Return \_\_\_ corrected prints

**Remarks:**

**Copy To:** ASHLEY MARTENS (NEJMARK ARCHITECT), TAT-LIANG CHEAM (NEJMARK ARCHITECT), JONATHAN LOW (CANADIAN TIRE REAL ESTATE LTD.), JASON MILLER (NORSON CONSTRUCTION LLP), DANIEL ELDRIDGE (NORSON CONSTRUCTION LLP)



**From:** MICHELLE GADOURY (NORSON CONSTRUCT

**Signature:** \_\_\_\_\_

# NORSON CONSTRUCTION LLP.

#101 - 21410, 100 Avenue NW  
Edmonton, AB T5T 5X8  
Ph : 780-428-1010 Fax : 780-487-1044

## Submittal

**Job:** 6253  
CTR-341 RETAIL STORE  
& SERVICE CENTRE #341  
4104 - 80TH AVENUE  
LLOYDMINSTER, AB

**Spec Section No:** 02830  
**Submittal No:** 1  
**Sent Date:** 02/16/2022

**Revision No:** 0

NORDIC FENCING - WEST  
JARED OLSON

**Spec Section Title:** Fences & Gates

**Submittal Title:** GARDEN CENTRE SLIDING GATE SHOP DRAWINGS

**Contractor:**  
Norson Construction LLP  
JASON MILLER

<input checked="" type="checkbox"/>	REVIEWED	<input type="checkbox"/>	REVISE & RESUBMIT
<input type="checkbox"/>	REVIEWED AS NOTED	<input type="checkbox"/>	REJECTED

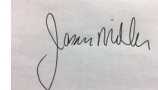
THIS REVIEW INDICATES GENERAL CONFORMANCE AND DOES NOT  
RELIEVE THE SUBCONTRACTOR AND/OR SUPPLIER FROM  
COMPLIANCE WITH THE CONTRACT DOCUMENTS.

6253-02830-1

Norson S.D. #

Architect SD#

PER



Feb 16, 2022

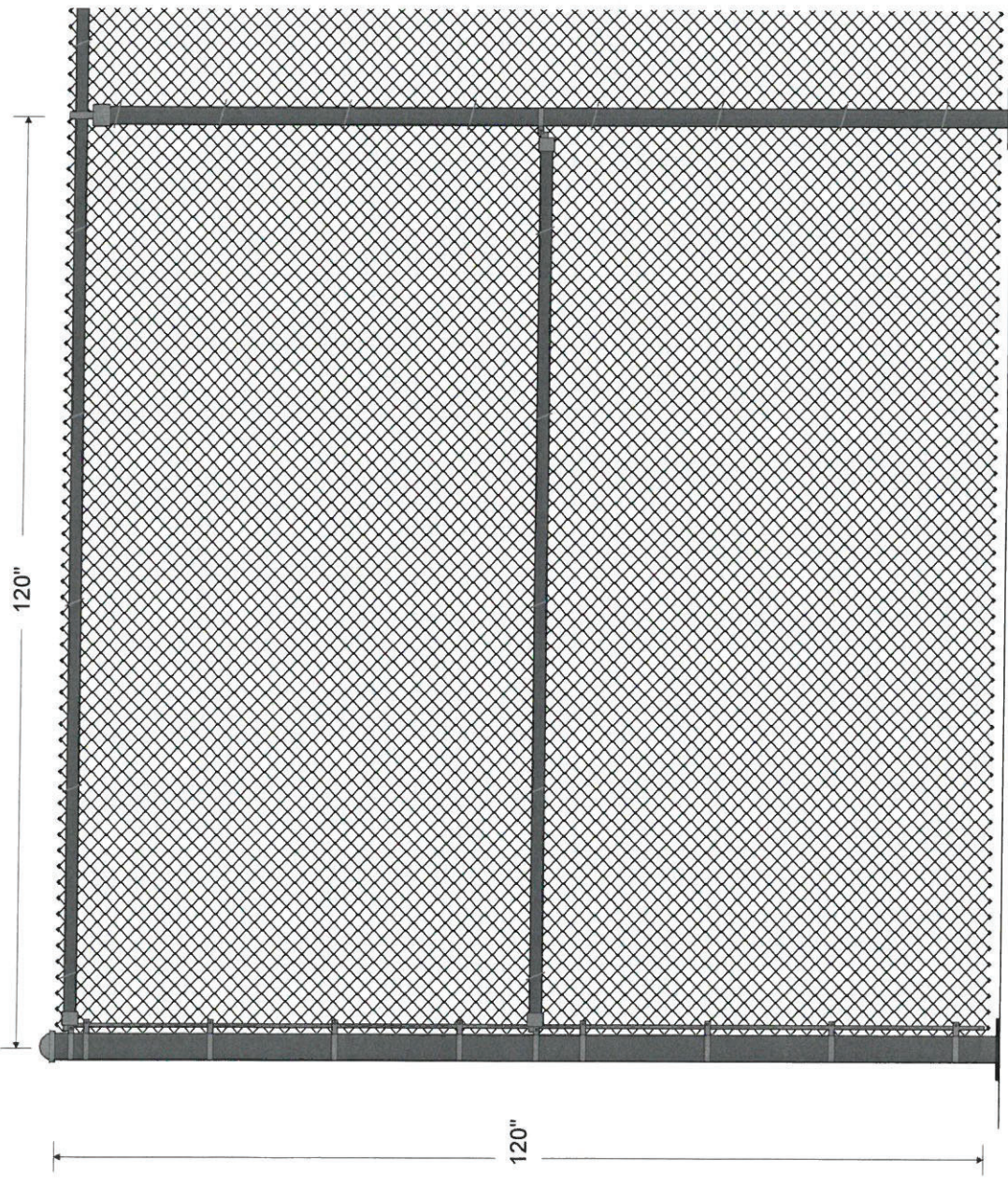
NORSON CONSTRUCTION LLP

DATE

Architect's Stamp

**Engineer:**  
NEJMARK ARCHITECT  
ALISHA HUBER

Engineer's Stamp



- 120" tall Chainlink Fabric with Knuckle / Knuckle Selvage and 1" Mesh Size.
- Specifications:
- 120" tall, 3-1/2" diameter Terminal Post with concrete-bolted base plates.
- 120" tall, 2 3/8" diameter Line Post with concrete-bolted base plates.
- Top of Fence has 1 5/8" diameter Top Rail.
- Bottom of Fence has Fabric Only.
- Fence is braced with 1 5/8" diameter Middle Brace.
- Line Post Spacing: 120"
- Tie Wire Spacing is every 24" on Rails & Bracing.
- All finish colours (Wire, Mesh, Posts) are Black.

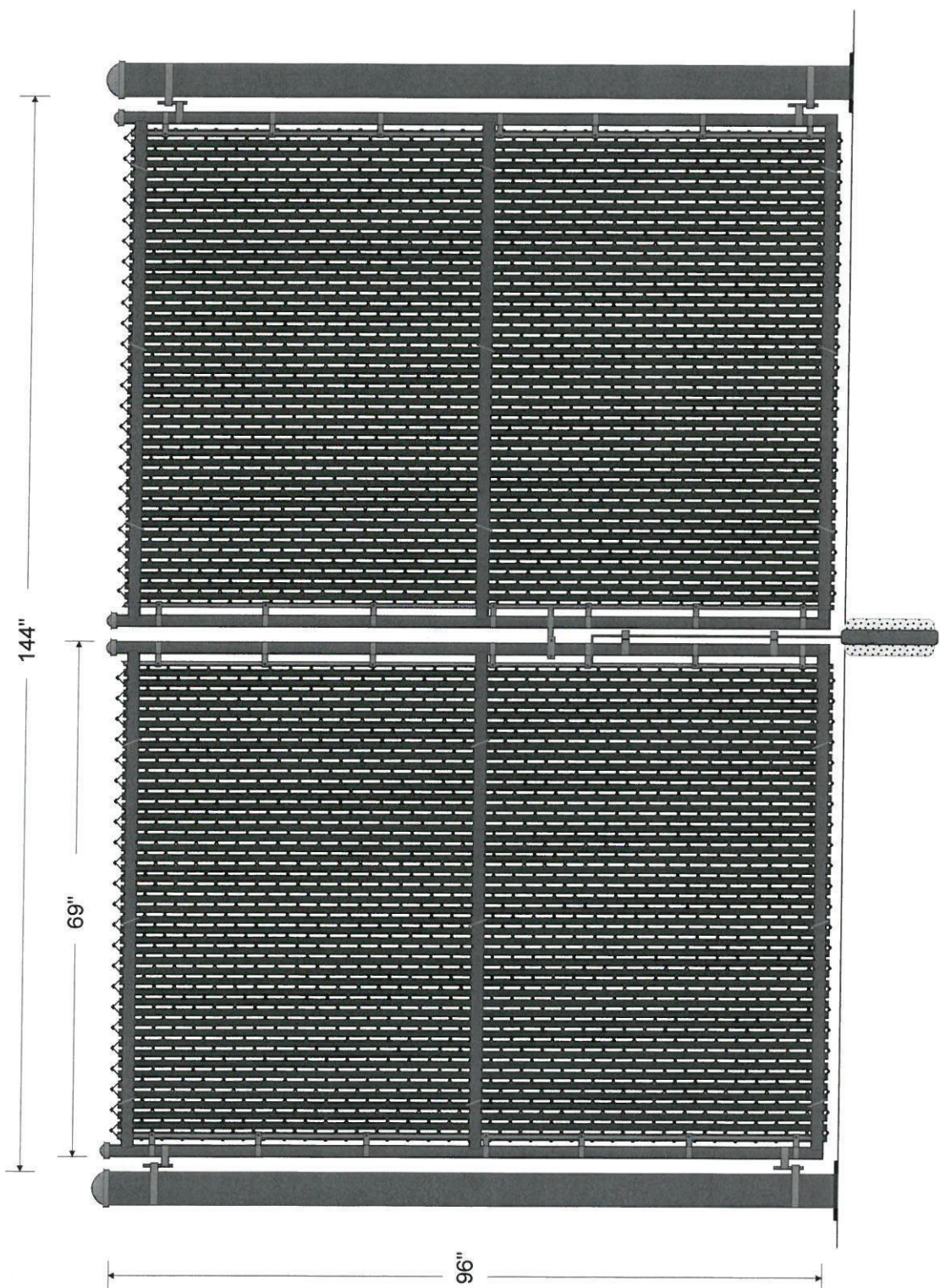


120" Chainlink Line of Fence - Garden Centre

Drawn: 17/01/2022  
File:

Nordic Fence - West  
1807 - 4A Street  
Nisku, Alberta T9E 7V3  
Phone: (780) 436-9530

Canadian Tire #341  
CTR-0341-002  
4104 80 Ave  
Lloydminster, Alberta



96" tall Chainlink Fabric with Knuckle / Knuckle Selvage and 2" Mesh Size.

**Specifications:**

- 96" tall, 4-1/2" diameter Gate Posts with concrete-bolled base plates.
- The opening width of the Double Gate is 12'.
- The gate frame is constructed with 1 5/8" pipe.
- Gate is braced with 1 5/8" diameter Horizontal Brace.
- Fence contains Vertical Slats.
- Gate is hung with 180° Hinges.
- Gate is secured with a Cane & Latch Assembly.
- Tie Wire Spacing is every 24" on Rails.
- All finish colours (Mesh, posts, slats, gate hardware) are Black.



96" X 12' Chainlink Double Drive Gate

Nordic Fence - West  
 1807 - 4A Street  
 Nisku, Alberta T9E 7V3  
 Phone: (780) 436-9530

Drawn: 17/01/2022  
 File:

Canadian Tire #341  
 CTR-0341-002  
 4104 - 80 Ave  
 Lloydminster, Alberta

96" tall Chainlink Fabric with Knuckle / Knuckle Selvage and 2" Mesh Size.

Specifications:

96" tall, 4-1/2" diameter Terminal Post with concrete-bolted base plates.

96" tall, 2 3/8" diameter Line Post with concrete-bolted base plates.

Top of Fence has 1 5/8" diameter Top Rail.

Bottom of Fence has Smooth Tension Wire.

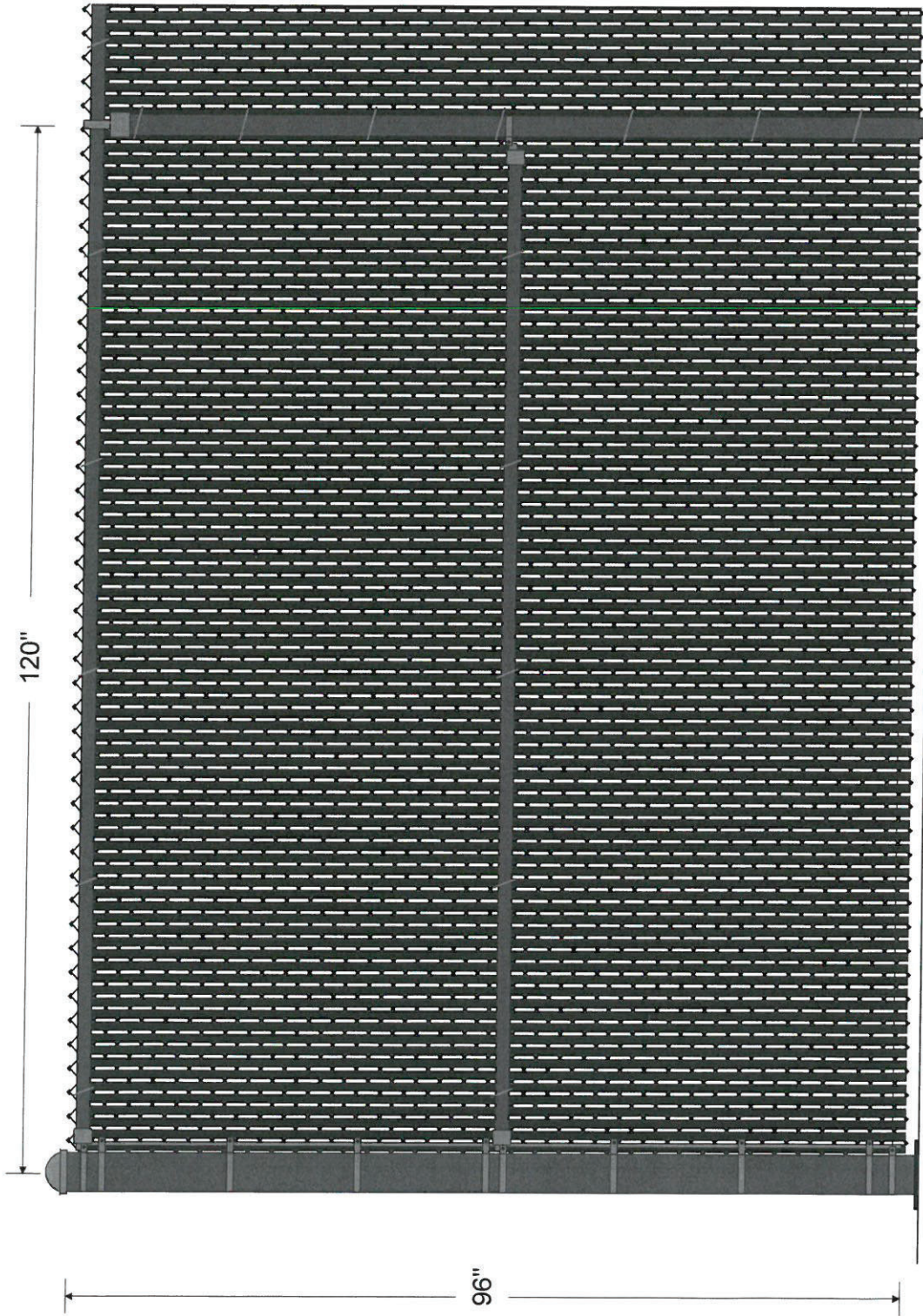
Fence is braced with 1 5/8" diameter Middle Brace.

Fence contains Vertical Slats.

Line Post Spacing: 120"

Tie Wire Spacing is every 24" on Rails & Bracing.

All finish colours (mesh, posts, slats) are Black.

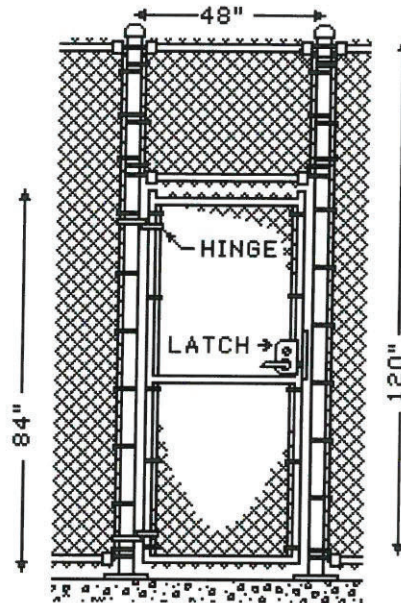


Nordic Fence - West  
1807 - 4A Street  
Nisku, Alberta T9E 7V3  
Phone: (780) 436-9530

96" Chainlink Line of Fence - Automotive Centre Fence

Drawn: 17/01/2022  
File:

Canadian Tire #341  
CTR-0341-002  
4104 80 Ave  
Lloydminster, Alberta



120" Tall Chainlink Fabric  
84" Tall Gate Height  
48" Gate Opening

120" Tall 3.5" Diameter posts w/ concrete-bolted base plates  
Gate top-rail 1 5/8" diameter.

Gate Latch Hardware is Locinox LAKQU2 with free exit hardware  
All finish colours are Black



Drawn by  
SOFTWARE DESIGN  
associates

**NORDIC**  
*Fencing*

Nordic Fence - West  
1807 - 4A Street  
Nisku, Alberta T9E 7V3  
Phone: (780) 436-9530

120" Chainlink Egress Gate (48"w x 84"h)  
With Locinox LAKQU2 Exit Hardware

DRAWN BY: JMO 06/19/02

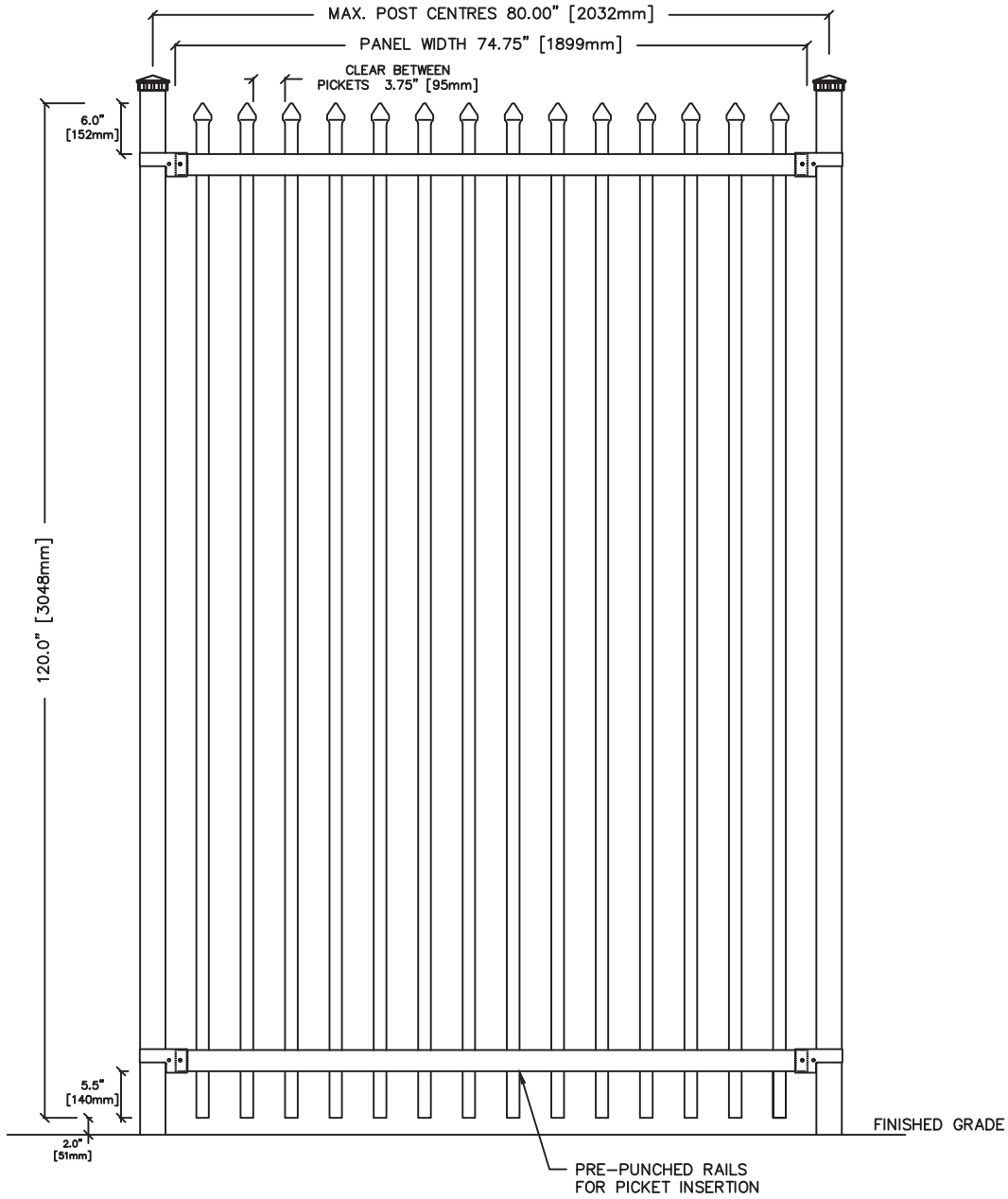
SCALE: NONE

PAGE:

REVISED: JDO 01/17/22

FILE: CL-49B

1 of 1



**SPECIFICATIONS:**

POSTS: COLD FORMED STEEL TUBING  
& PICKETS INTERIOR & EXTERIOR GALVALUME™ COATING

POST CAP: PYRAMID

RAILS: ZAM™ COATED COLD FORMED TUBING  
(Zinc, Aluminum, Magnesium)  
COATED INTERIOR AND EXTERIOR

RAILS: 38mm x 64mm (1½" x 2½") 16GA

PICKETS: 19mm x 38mm (¾" x 1½") 16GA  
PINCHED ARROW

FINISH: CHROMATE CONVERSION COATING  
ELECTROSTATICALLY APPLIED THERMALLY  
BONDED POLYESTER POWDER COATING  
MINIMUM FILM THICKNESS 2.5mils.

FITTINGS: 12GA STAMPED FORGED  
(FINISH AS DESCRIBED)

WELDS: STAINLESS STEEL

POSTS: 76mm x 76mm (3"x3") 11GA

COLOUR: BLACK

POST FLANGES: 203mm x 203mm x 13mm (8"x8"x½")

WARRANTY: FIVE YEARS

COMMENTS: MAJESTIC II PANEL, CTC LLOYDMINSTER

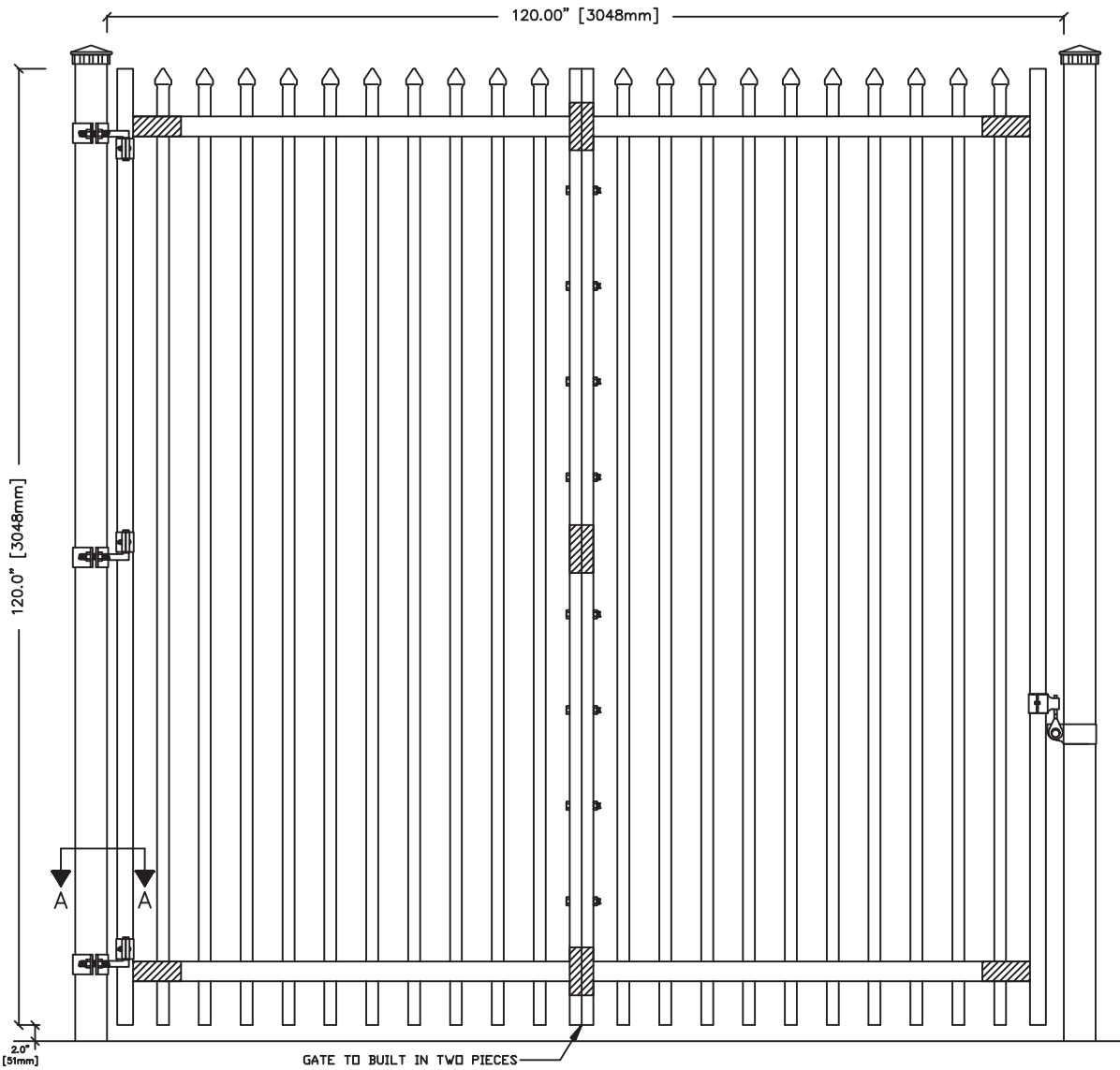


TITLE

**IRON EAGLE II**  
**MAJESTIC EAGLE II**

DRAWING NO: IE\_20220124\_01

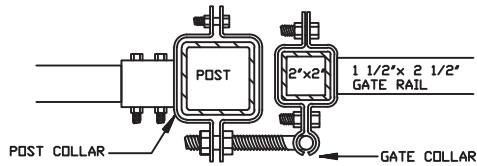
DATE: JAN 24, 2022



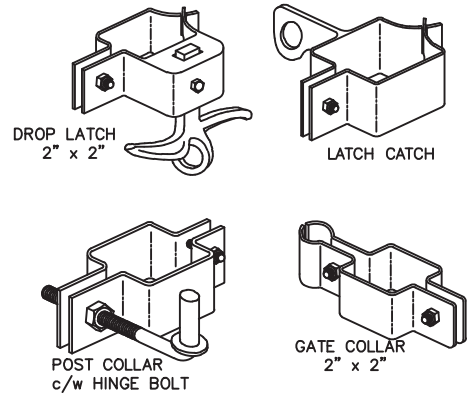
**SPECIFICATIONS:**

- RAILS: & PICKETS**    EXTRUDED MARINE ALUMINUM 6061-T6  
PRIME ALUMINUM, NORTH AMERICAN PRODUCED
- FINISH:**    SEVEN STAGE ARCHITECTURALLY CERTIFIED  
PRETREATMENT AS PER AAMA 2604.  
SUPER DURABLE ELECTROSTATICALLY APPLIED  
POWDER COAT - MIN THICKNESS 2.5 mils
- UPRIGHTS:**    51mm x 51mm (2" x 2") .188 WALL
- RAILS:**    38mm x 64mm (1 1/2" x 2 1/2"), .120 WALL
- PICKETS:**    19mm x 38mm (3/4" x 1 1/2"), .065 WALL  
PINCHED ARROW
- POST:**    COLD FORMED STEEL TUBING  
INTERIOR & EXTERIOR GALVALUME COATING
- FINISH:**    CHROMATE CONVERSION COATING  
ELECTROSTATICALLY APPLIED THERMALLY  
BONDED POLYESTER POWDER COATING  
MINIMUM FILM THICKNESS 2.5mils.
- POSTS:**    102mm x 102mm (4"x4")
- POST CAPS:**    PYRAMID
- WELDS:**    ALUMINUM
- COLOUR:**    BLACK

**SECTION A-A**



**FITTINGS**



COMMENTS: MAJESTIC II SINGLE SWING GATE, CTC LLOYDMINSTER

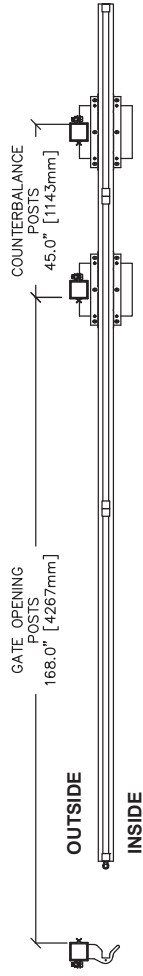


TITLE

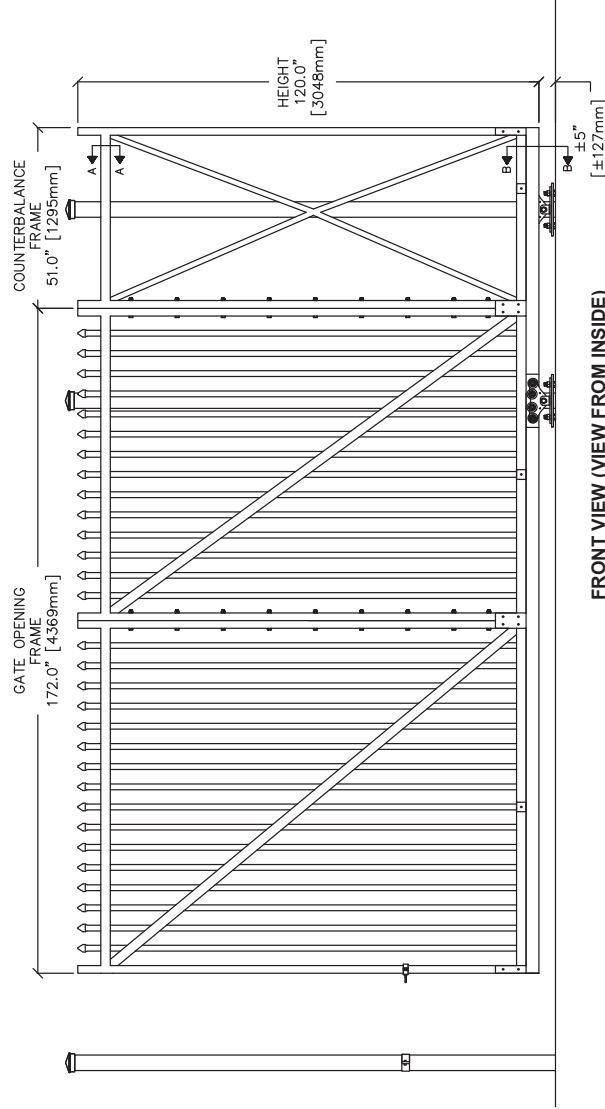
**IRON EAGLE II ALUMINUM  
MAJESTIC EAGLE II SINGLE SWING GATE**

DRAWING NO: IE\_20220124\_02    DATE: JAN 24, 2022





**TOP VIEW**



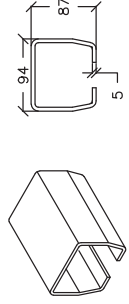
**FRONT VIEW (VIEW FROM INSIDE)**

**SPECIFICATIONS:**

- POSTS:** COLD FORMED STEEL TUBING  
**& PICKETS:** INTERIOR & EXTERIOR GALVALUME™ COATING
- RAILS:** ZAM™ COATED COLD FORMED TUBING  
 (Zinc, Aluminum, Magnesium)  
 COATED INTERIOR AND EXTERIOR
- FINISH:** CHROMATE CONVERSION COATING  
 ELECTROSTATICALLY APPLIED THERMALLY  
 BONDED POLYESTER POWDER COATING  
 MINIMUM FILM THICKNESS 2.5mils.
- POSTS:** 102mm x 102mm (4"x4")
- FLANGED PLATE:** 254mm x 254mm x 13mm (10"x10"x½")
- POST CAP:** PYRAMID
- RAILS:** 38mm x 64mm (1½" x 2½") 16GA

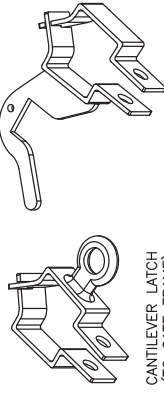
- BRACES:** 38mm x 64mm (1½" x 2½") &  
 38mm x 38mm (1½" x 1½")
- UPRIGHTS:** 51mm x 51 mm (2"x2")
- PICKETS:** 19mm x 38mm (¾" x 1½") 16GA
- WELDS:** STAINLESS STEEL
- NOTE:** GATE WILL BE BUILT IN SECTIONS  
 TO BOLT ON SITE

**TRACK AND CARRIAGE DETAILS**



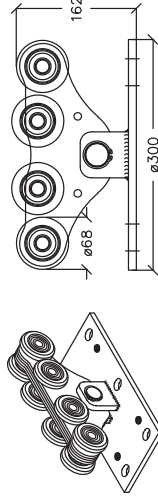
LARGE #2 GALVANIZED TRACK

**LATCH-CATCH DETAILS**



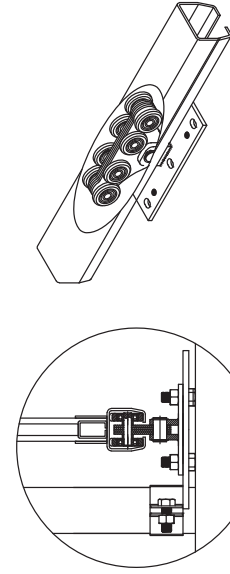
CANTILEVER LATCH  
 (TO GATE FRAME)

CANTILEVER LATCH CATCH  
 (TO GATE POST)



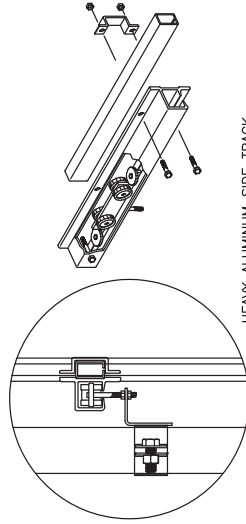
#CAMR2 - CANTILEVER GATE CARRIAGE #2

**SECTION B-B**



LARGE #2 GALVANIZED TRACK  
 ON BOTTOM OF GATE

**SECTION A-A**



HEAVY ALUMINUM SIDE TRACK  
 ON TOP OF GATE

NOTE: MAJESTIC EAGLE II SINGLE SLIDING GATE, CTC LUDYMINSTER

NAME	DATE
SK	JAN 24, 22
REVISION DATE	
APPROVED BY	
SIGNATURE	

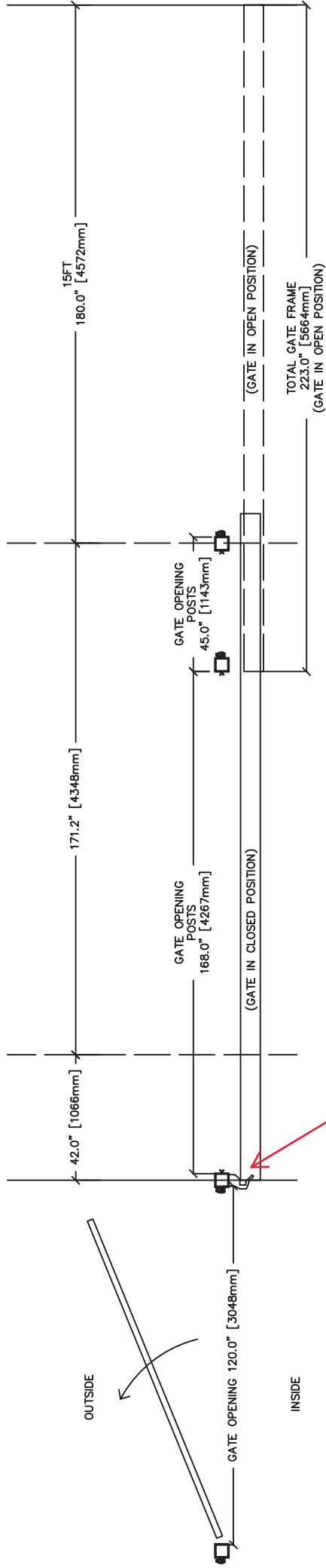


**IRON EAGLE INDUSTRIES**

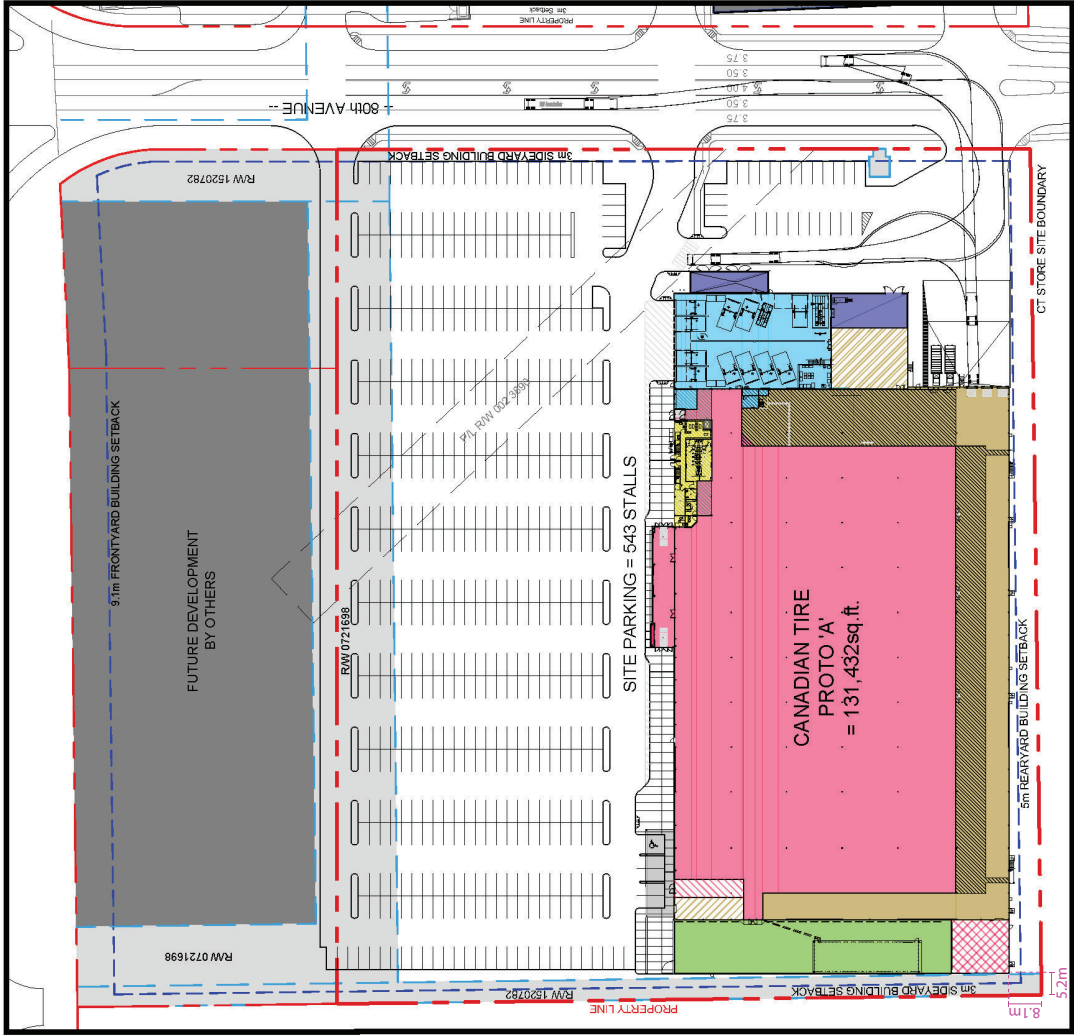
TITLE: MAJESTIC EAGLE II SLIDING GATE  
 14' OPENING x 10' HIGH

SIZE	DWG. NO.	REV
B	IE_20220124_03	
SCALE:	WEIGHT:	SHEET 1 OF 1

PROPRIETARY AND CONFIDENTIAL  
 DIMENSIONS ARE IN INCHES  
 UNLESS OTHERWISE SPECIFIED  
 FRACTIONAL ±  
 ANGULAR: MACH ±  
 TWO PLACE DECIMAL ±  
 THREE PLACE DECIMAL ±



Shared post required due to space limitations. Additional post could be added by reducing swing gate to 8'-0" wide. Similar CT Garden Centres have already been completed with shared gate posts - JM, Norson

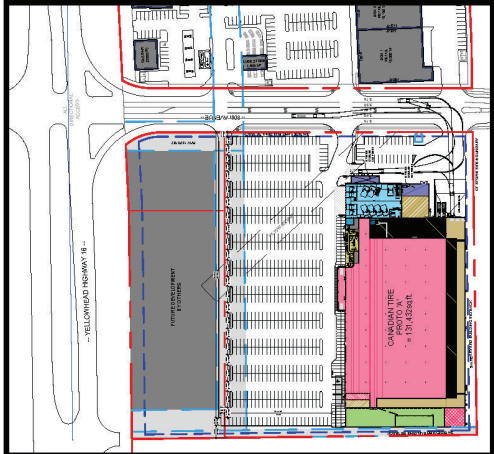


ENLARGED SITE PLAN

**PROTO A AREA STATISTICS**

No.	DESCRIPTION	PROPOSED AREA (SF)	AREA (SM)
1	RETAIL	83,008	7,711.7
2	4 SEASON GARDEN CENTRE	2000	185.8
3	ECOMM/CPU	804	74.7
4	TOTAL	85,812	7,972.2
5	WAREHOUSE	29,325	2,724.4
6	2HR FIRE RATED TIRE STORAGE	3,025	281.0
7	E-COMM	997	92.6
8	MEZZANINE	16,576	1,540.3
9	TOTAL	49,923	4,638.3
10	SERVICE CENTRE (13 BAY)	10,291	956.1
11	GROUND FLOOR	539	50.1
12	TOTAL	10,830	1,006.2
13	OFFICES	2,135	198.3
14	MEZZANINE	3,060	284.3
15	TOTAL	5,195	482.6
16	GROUND FLOOR COVERAGE	131,495	12,216.3
17	CTC (4+5+6F/7+10+13)	9562	883.4
18	GARDEN CENTRE COMPOUND	8,82	35,707
19	CTC STORE SITE AREA (ac/SM)	543 (4.1/1000)	

KEY PLAN



**DATA SUMMARY**

**SITE INFORMATION:**  
 ZONE: C2 (HIGHWAY COMMERCIAL CORRIDOR)  
 SITE AREA: 8.82 acres (65,693.3 m<sup>2</sup>)  
 SITE COVERAGE: 34.2% (40% Maximum)  
 MAX. BUILDING HEIGHT: 14m  
 SETBACKS: FRONT: 9.1m, SIDE: 3m, REAR: 5m

**BUILDING INFORMATION:**  
 IMPERIAL (sq.ft.): 131,495 sq.ft.  
 METRIC (m<sup>2</sup>): 12,216.3 m<sup>2</sup>  
 CANADIAN TIRE: 131,495 sq.ft. / 12,216.3 m<sup>2</sup>  
 TOTAL: 131,495 sq.ft. / 12,216.3 m<sup>2</sup>

**BYLAW PARKING INFORMATION:**  
 BYLAW PARKING DIMENSIONS: AISLES: 7m, STALLS: 2.6m x 5.5m

**PARKING REQUIRED BY USE:**  
 RETAIL SHOPS, PERSONAL SERVICE SHOPS AND EQUIPMENT AND REPAIR SHOPS WITH A GROSS LEASABLE FLOOR AREA OF:  
 2,000sq.m - 9,000sq.m = 3.2/100sq.m  
 9,000sq.m + = 4.3/100sq.m

**SITE PARKING:**  
 CANADIAN TIRE: 12,216.3m<sup>2</sup>/100m<sup>2</sup> = 122.2x4.3= 525.5 = 526  
 TOTAL SITE PARKING REQUIRED: 526 (4/1000)  
 TOTAL SITE PARKING PROVIDED: 543 STALLS (4.1/1000)

18 STALLS SURPLUS

LOCATION PLAN



CANADIAN TIRE REAL ESTATE LTD.

ISSUED FOR CLIENT REVIEW

1

neoteric architecture

APRIL 27, 2021

LLOYDMINSTER, AB - PROTO A

YELLOWHEAD HIGHWAY (16) & 80 AVENUE  
 NEW STORE PLAN

ENLARGED SITE PLAN

- 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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- 50. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

REVISION RECORD

NO.	DATE	DESCRIPTION
1	2018-01-15	ISSUED FOR PERMIT
2	2018-02-15	REVISED PER COMMENTS
3	2018-03-15	REVISED PER COMMENTS
4	2018-04-15	REVISED PER COMMENTS
5	2018-05-15	REVISED PER COMMENTS
6	2018-06-15	REVISED PER COMMENTS
7	2018-07-15	REVISED PER COMMENTS
8	2018-08-15	REVISED PER COMMENTS
9	2018-09-15	REVISED PER COMMENTS
10	2018-10-15	REVISED PER COMMENTS
11	2018-11-15	REVISED PER COMMENTS
12	2018-12-15	REVISED PER COMMENTS
13	2019-01-15	REVISED PER COMMENTS
14	2019-02-15	REVISED PER COMMENTS
15	2019-03-15	REVISED PER COMMENTS
16	2019-04-15	REVISED PER COMMENTS
17	2019-05-15	REVISED PER COMMENTS
18	2019-06-15	REVISED PER COMMENTS
19	2019-07-15	REVISED PER COMMENTS
20	2019-08-15	REVISED PER COMMENTS
21	2019-09-15	REVISED PER COMMENTS
22	2019-10-15	REVISED PER COMMENTS
23	2019-11-15	REVISED PER COMMENTS
24	2019-12-15	REVISED PER COMMENTS
25	2020-01-15	REVISED PER COMMENTS
26	2020-02-15	REVISED PER COMMENTS
27	2020-03-15	REVISED PER COMMENTS
28	2020-04-15	REVISED PER COMMENTS
29	2020-05-15	REVISED PER COMMENTS
30	2020-06-15	REVISED PER COMMENTS
31	2020-07-15	REVISED PER COMMENTS
32	2020-08-15	REVISED PER COMMENTS
33	2020-09-15	REVISED PER COMMENTS
34	2020-10-15	REVISED PER COMMENTS
35	2020-11-15	REVISED PER COMMENTS
36	2020-12-15	REVISED PER COMMENTS
37	2021-01-15	REVISED PER COMMENTS
38	2021-02-15	REVISED PER COMMENTS
39	2021-03-15	REVISED PER COMMENTS
40	2021-04-15	REVISED PER COMMENTS
41	2021-05-15	REVISED PER COMMENTS
42	2021-06-15	REVISED PER COMMENTS
43	2021-07-15	REVISED PER COMMENTS
44	2021-08-15	REVISED PER COMMENTS
45	2021-09-15	REVISED PER COMMENTS
46	2021-10-15	REVISED PER COMMENTS
47	2021-11-15	REVISED PER COMMENTS
48	2021-12-15	REVISED PER COMMENTS
49	2022-01-15	REVISED PER COMMENTS
50	2022-02-15	REVISED PER COMMENTS

**LLOYDMINSTER**  
341

ARCHITECT

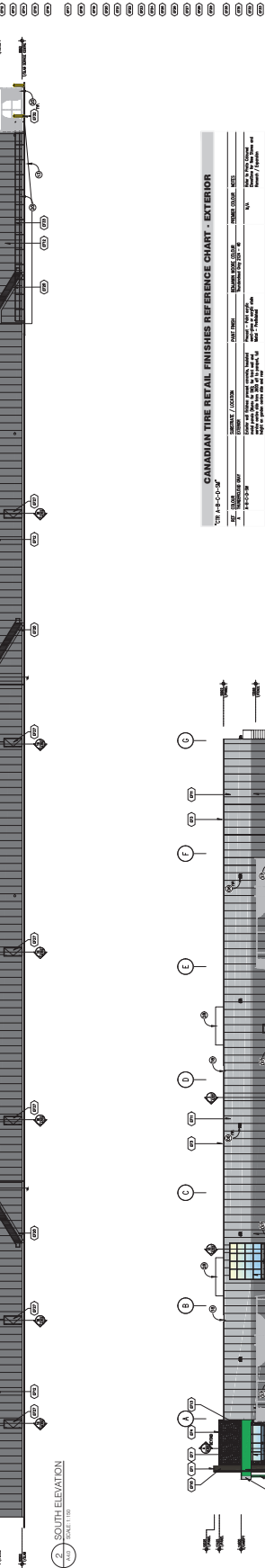
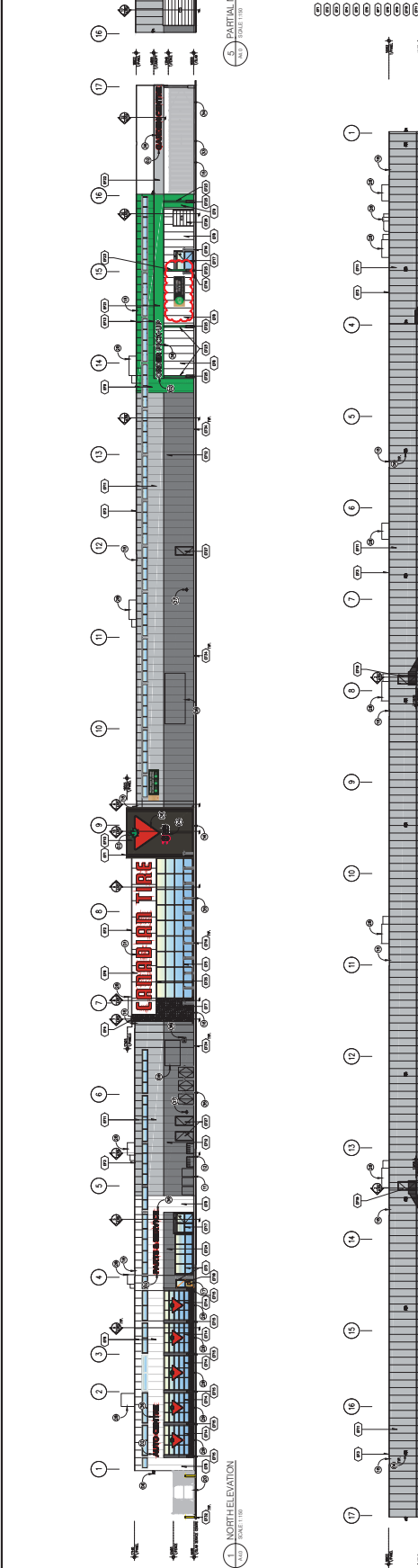
1000 WEST 10TH AVENUE, SUITE 100  
CALGARY, ALBERTA T2P 0K1  
CANADA  
TEL: 403.243.1111  
WWW.LLOYDMINSTER.COM

**CANADIAN TIRE CENTRE LIMITED**

1000 WEST 10TH AVENUE, SUITE 100  
CALGARY, ALBERTA T2P 0K1  
CANADA  
TEL: 403.243.1111  
WWW.CANADIANTIRE.COM

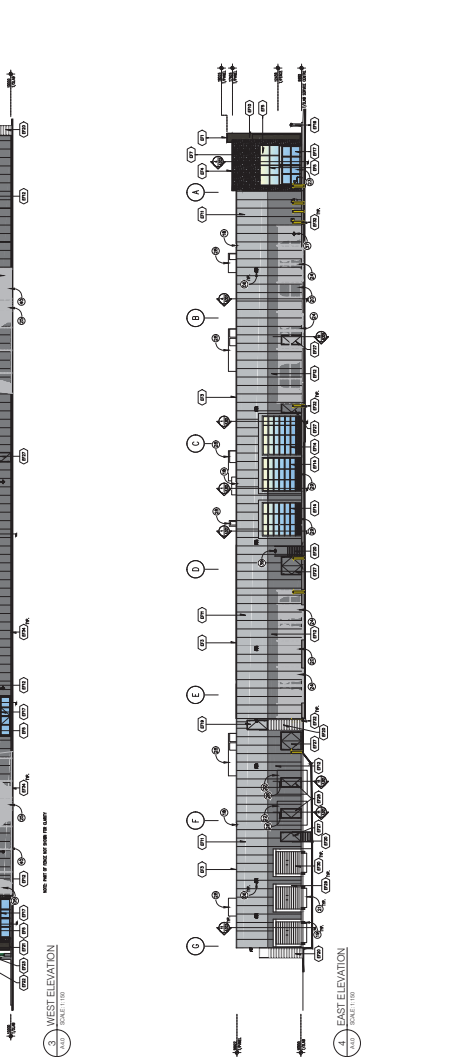
**FINEMARK**  
ARCHITECT

1000 WEST 10TH AVENUE, SUITE 100  
CALGARY, ALBERTA T2P 0K1  
CANADA  
TEL: 403.243.1111  
WWW.FINEMARK.COM



**CANADIAN TIRE RETAIL FINISHES REFERENCE CHART - EXTERIOR**

NO.	FINISH	DESCRIPTION	MANUFACTURER / SPECIFICATION
1	CONCRETE	CONCRETE	CONCRETE
2	PAINT	PAINT	PAINT
3	GLASS	GLASS	GLASS
4	STEEL	STEEL	STEEL
5	ALUMINUM	ALUMINUM	ALUMINUM
6	CERAMIC	CERAMIC	CERAMIC
7	BRICK	BRICK	BRICK
8	STONE	STONE	STONE
9	WOOD	WOOD	WOOD
10	COMPOSITE	COMPOSITE	COMPOSITE
11	GLASS	GLASS	GLASS
12	STEEL	STEEL	STEEL
13	ALUMINUM	ALUMINUM	ALUMINUM
14	CERAMIC	CERAMIC	CERAMIC
15	BRICK	BRICK	BRICK
16	STONE	STONE	STONE
17	WOOD	WOOD	WOOD
18	COMPOSITE	COMPOSITE	COMPOSITE
19	GLASS	GLASS	GLASS
20	STEEL	STEEL	STEEL
21	ALUMINUM	ALUMINUM	ALUMINUM
22	CERAMIC	CERAMIC	CERAMIC
23	BRICK	BRICK	BRICK
24	STONE	STONE	STONE
25	WOOD	WOOD	WOOD
26	COMPOSITE	COMPOSITE	COMPOSITE





VARIANCE FOR FENCE  
RELATED TO CANADIAN  
TIRE GARDEN CENTRE

4104 – 80 AVENUE

Subdivision and Development Appeal Board  
(SDAB) – City of Lloydminster

Presenter: Nick Pryce, RPP, MCIP

# LOCATION OF SITE

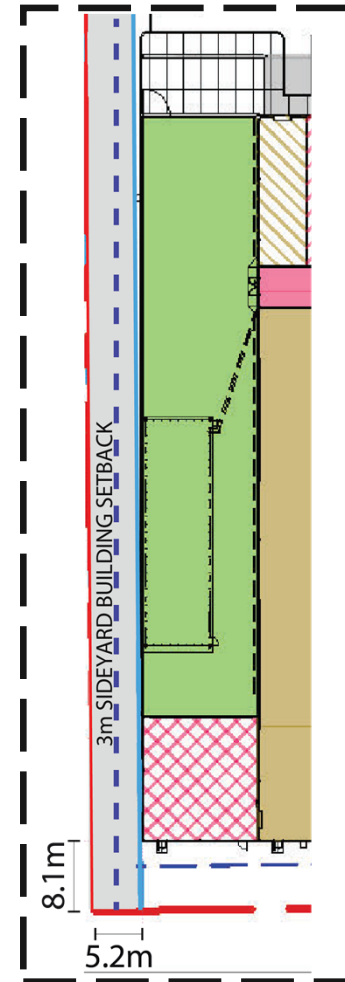
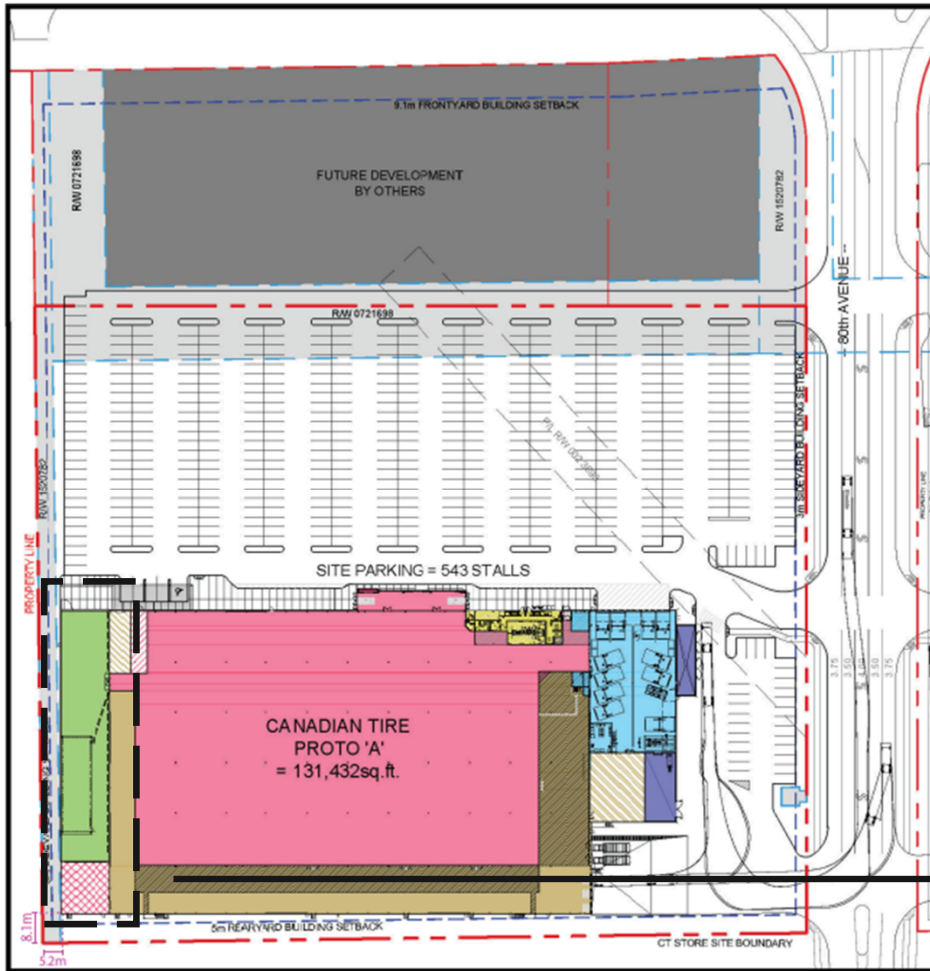


# PURPOSE OF APPEAL

- Section 4.10 of City of Lloydminster Land Use Bylaw 05-2016
  - Requirement for fences to not exceed 2.0 m
- The proposed fence exceeds this requirement
  - A variance from the development officer was sought
  - This was refused
- Reason – the Land Use Bylaw does not enable the municipality to approve a variance greater than 10% = 2.2 m
- Proposed fence height is 3.65 m



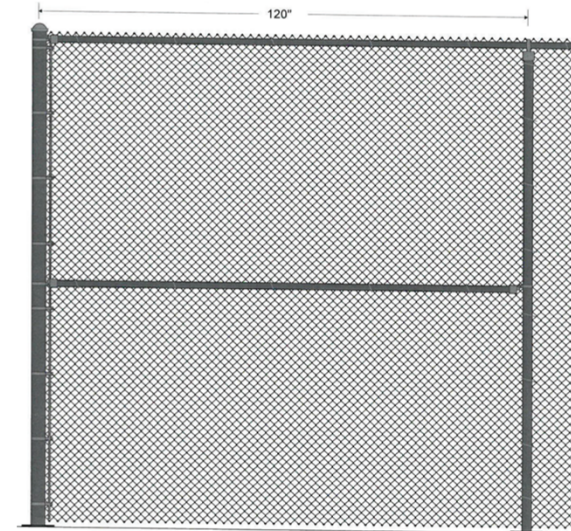
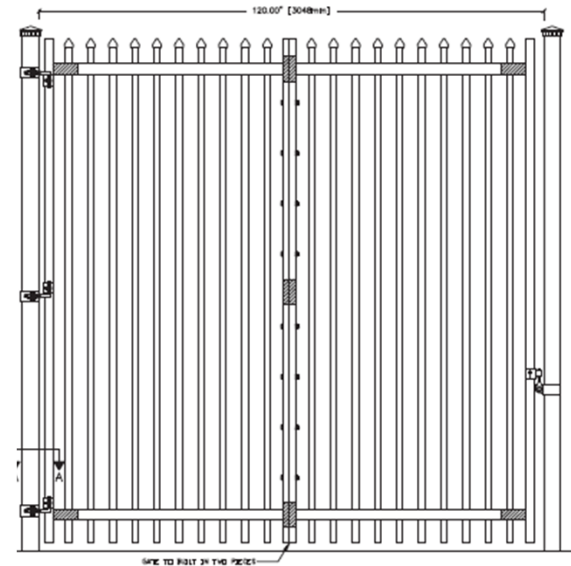
# LOCATION OF FENCE





# DESIGN OF FENCE

- Fence entrance – black iron
- Fence – powder coated black chain link
- Height – 3.65 m
- Purpose – provide security for the products located outside of the store



# EXAMPLE OF FENCE ENTRANCE

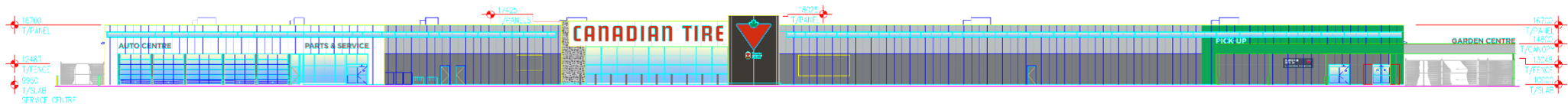


# UNDERSTANDING THE INTENT OF THE RULE

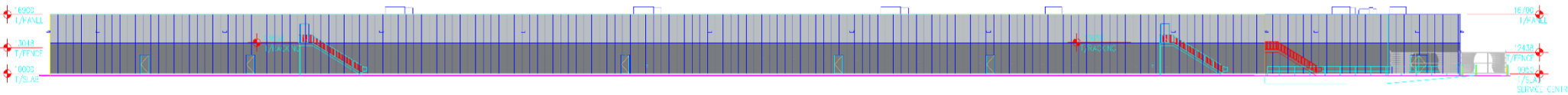
- Avoid excessive fence heights dividing property lines
- Avoid unsightly interface through the creation of a large solid structure with an adjoining property or public space



# ASSESSMENT OF POTENTIAL IMPACTS



4 SOUTH ELEVATION  
ASO SCALE: 1:250



# ASSESSMENT OF POTENTIAL IMPACTS

- Neighbouring property to the west is outside of city limits and undeveloped - the fence is located 5.2m from the boundary
- Neighbouring property to the south is zoned UT – Urban Transition and undeveloped – the fence is located 8.1m from the boundary.



THANK YOU

**Nick Pryce, RPP, MCIP**

780.222.0550

[npryce@v3co.ca](mailto:npryce@v3co.ca)



LLOYDMINSTER

**HEARING #2**

**SDAB Hearing No. SDAB-02-22-0175**

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	5008 57 Avenue, Lloydminster, Alberta
Zoning:	R1 Single - detached Residential
Legal Description:	Lot 13 – South ½ 14, Block 55, Plan 6477 KS
Permit No.	20220175
Appellant Name:	Homes to Go - Craig Benoit

## Appeal - SDAB-02-22-175

### STATEMENT of the DEVELOPMENT OFFICER

**APPLICATION:** Variance – Garage Side Yard Setback

**DECISION OF THE  
DEVELOPMENT OFFICER:** Refused

**REGISTERED OWNER:** Marcel & Jennifer Impey

**APPELLANT/APPLICANT:** Homes to Go – Craig Benoit

**DECISION DATE:** April 12, 2022

**NOTIFICATION PERIOD:** April 12, 2022 – May 3, 2022

**DATE OF APPEAL HEARING:** **May 5, 2022**

**CIVIC ADDRESS:** 5008 - 57 Avenue

**LEGAL DESCRIPTION:** Lot 13-South1/2 14, Block 55, Plan 6477KS

**DISTRICT:** R1 – Single Detached Residential

**STATUTORY PLAN:** Land Use Bylaw

**DEVELOPMENT OFFICERS DECISION:** Schedule “A”

Is **REFUSED** for the proposed Setback Variance for an existing garage located at **5008 - 57 Avenue** as applied for on **April 11, 2022**, subject to the following conditions:

1. Application exceeds the Variance Powers granted to the Development Officer in Land Use Bylaw 5-2016.

#### DEVELOPMENT OFFICER’S APPEAL

#### STATEMENT BACKGROUND:

Planning received an Application on April 11, for a Side Yard Setback Variance. The application is to reduce the side yard from the garage to the property line from 0.9 metres to 0.67 metres. The allowable variance powers for the Development Authority granted by the Land Use Bylaw 5-2016 is 15%.

The Development Officer determined that a reduction of over 25 % exceeds the variance powers, and as such, refused the request on April 12, 2022.



## LAND USE BYLAW

The following excerpts from the Land Use Bylaw are attached as Schedule “B” to this Report:

- Section 2.15 – Discretion and Variance Authority
- Section 4.1 - Accessory Buildings and Uses

## FACTS TO THE BOARD:

Administration received a Development Permit Application on April 11,

2022. Administration deemed the application complete on April 11, 2022.

Administration reviewed application and noted the proposed side yard setback exceeded the Variance Power of 15%.

The application was refused on April 12, 2022, with the Notice of Decision being sent to the applicant on April 12, 2022. A copy of the Notice of Decision is attached as Schedule “A” to this Report.

## BOARD’S AUTHORITY AND DEVELOPMENT OFFICER’S SUBMISSIONS

The Board’s authority with respect to a development appeal is set out in s. 687(3)(c) and (d) of the *Municipal Government Act*:

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land,
  - and
  - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

Respectfully Submitted,



Roxanne Shortt  
Development Officer, Planning  
City of Lloydminster

# Schedule 'A'



## NOTICE OF DECISION LAND USE BYLAW 5-2016

You, **Craig Benoit** representing **Homes to Go** at **Box 11847, Lloydminster, AB, T9V 3C2**, hereinafter referred to as the "Applicant", are hereby notified that your application for development as follows:

<b>Application Number:</b>	22-2620
<b>Permit Number:</b>	20220175
<b>Purpose:</b>	Variance – Side Yard Reduction
<b>Involving:</b>	5008 – 57 Avenue (Lot 13 - South 1/2 14, Block 55, Plan 6477 KS)
<b>Registered Owner:</b>	Marcel and Jennifer Impey

Is **REFUSED** for the proposed Setback Variance for an existing garage located at **5008 – 57 Avenue** as applied for on April 11, 2022, for the following:

1. Application exceeds the Variance Powers granted to the Development Office in Land Use Bylaw 5-2016.

**This permit is subject to a twenty-one (21) day appeal period from the date of decision.**

**Any development commenced or undertaken during the twenty-one (21) day appeal period, or where an appeal has been filed but not finally determined, shall be solely at the risk of the developer in no event shall the City be liable for the filing or outcome of any appeal.**

If you are not in agreement with this decision or conditions described herein, it may be appealed within twenty-one (21) days from the date of decision (as per Section 686 Development Permit Appeals: *Municipal Government Act*) by submitting a written notice and four hundred dollars (\$400.00) processing fee to the following:

City Hall – Office of the City Clerk  
Attention - Secretary of the Subdivision and Development Appeal Board  
4420 – 50 Avenue  
Lloydminster, AB T9V 0W2

If you have any questions, or require any clarification, please contact the undersigned at (780) 874-3700 or by email at [rshortt@lloydminster.ca](mailto:rshortt@lloydminster.ca).

<b>Date of Decision:</b>	April 12, 2022
<b>Date of Notice:</b>	April 12, 2022

Sincerely,  
City of Lloydminster

  
**Roxanne Shortt**  
Development Officer, Planning  
Operations Centre

# Development Permit Application

## Application for Development Permit



Application Submission Date:

April 11, 2022

LLOYDMINSTER

PROJECT	Is the project already constructed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OFFICE USE ONLY
	Municipal Address: <u>5008-57 AVE</u>	
APPLICANT INFORMATION	Tax Roll # <u>21110015000</u> Zoning District <u>RU</u>	Permit # <u>20220175</u>
	Legal Description: Lot <u>13+2/4</u> Block <u>55</u> Plan <u>6477KS</u>	Permit Fee <u>\$300.00 / Mesa</u>
	Applicant Name <u>Homes To Go Mfg. Ltd</u>	Receipt # <u>639601</u>
	Address <u>Box 11847</u> City <u>Lloydminster</u>	Approved by _____
	Province <u>Alberta</u> Postal Code <u>T9V 3G2</u>	Refused by <u>R. Shortt</u>
Phone # <u>780-875-9260</u> Alt Phone # _____	Issue Date <u>April 12/22</u>	
Email <u>admin@newhomesforyou.ca</u>	Valid Date _____	
Are you also the property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(If property owner is different from applicant Owner Authorization Form is required)		
Owner Authorization Form Attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
DEVELOPMENT INFORMATION	Development Class: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Multi-family - # of Units _____	
	Proposed Development: (Select all that Apply) <input type="checkbox"/> Permitted Use <input type="checkbox"/> Discretionary Use <input checked="" type="checkbox"/> Variance Application	
	<input type="checkbox"/> New Construction <input type="checkbox"/> Front Deck <input type="checkbox"/> Renovation <input type="checkbox"/> Rear Deck <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Other: <u>Variance - Accessory Bldg.</u> <input type="checkbox"/> Foundation <input type="checkbox"/> Income Suite: <input type="checkbox"/> Secondary to Home <input type="checkbox"/> Garage Suite <input checked="" type="checkbox"/> Garden Suite <input type="checkbox"/> Superstructure <input type="checkbox"/> Business License Use Approval for (type of business): _____ <input type="checkbox"/> New Dwelling <input type="checkbox"/> Home Based Business: <input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Accessory Building Description of Home Business _____ <input type="checkbox"/> Attached Garage <input type="checkbox"/> Detached Garage	
	Who is completing the work? <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Contractor	
	Contractor Name <u>Homes To Go Mfg. Ltd</u> Contractor Phone # <u>780-875-9260</u>	
DECLARATION	I hereby declare <input type="checkbox"/> I am <input checked="" type="checkbox"/> I represent the owner of the property on which the work identified in this application will be conducted in accordance to the plans submitted, and upon approval will adhere to the conditions/terms of Land Use Bylaw 5-2016. I/We will notify the Development Authority of any proposed changes to the plans submitted with this application.	
	Note: By typing your name into the signature box below (or by signing a printed version of this application), you agree that all information submitted on this form is true and accurate.	
	<u>[Signature]</u> Signature of Registered Owner / Agent	<u>April 11, 2022</u> Date of Application
DECISION OFFICE USE ONLY	<u>Refused as per attached Notice of Decision with conditions dated April 12/22.</u>	
	<u>[Signature]</u> Development Officer	<u>April 12/22</u> Date

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## Schedule 'B'

### 2.15 Discretion and Variance Authority

2.15.1 Notwithstanding Section 2.13.1(ii) and 2.13.2(iii), and subject to Section 2.15.5, the Development Officer may vary the requirements of this Bylaw subject to the following conditions:

- i. A variance shall only be granted for: a Yard; Lot Coverage; the minimum required distance of a Building or Structure to any other Building or Structure on a Lot, the Height of a Building (measured in metres, rather than Storeys); or, the parking required for a Development.

2.15.2 The maximum variance shall not exceed 15% of the Bylaw's requirements;

- a. The variance shall only be approved if, in the opinion of the Development Officer, it will not materially interfere with the amenities of the neighbourhood, or affect the use, enjoyment or value of neighbouring properties; and
- b. The proposed Development is listed either as a Permitted or Discretionary Use in the subject Land Use District.

2.15.3 A request for a variance may be initiated by the Owner(s) of a property.

2.15.4 All applications for a variance shall be made to the Development Officer and be accompanied by a Plan of Survey, Real Property Report, and any additional information that the Development Officer may require.

2.15.5 In approving an application for a Development Permit pursuant to Section 2.15, the Development Officer shall adhere to the following:

- a. A variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same District;
- b. Except as otherwise provided in this Bylaw, there shall be no variance from the regulations specified in the Airport Protection Overlay; and
- c. The purpose of the appropriate District.

2.15.6 If a variance is granted pursuant to this Section, the Development Officer shall specify its nature in the Development Permit approval.

#### 4.1 Accessory Buildings and Uses

4.1.1 No Sign may be approved as an Accessory Use. Signs may only be approved as a Use if they are listed as a Sign allowable in a District.

4.1.2 Where a Building is attached to the Principal Building on a Site by a roof, an open or enclosed Structure and/or a floor or a foundation it is to be considered a part of the Principal Building and not as an Accessory Building and shall adhere to the Yard or Setback requirements for Principal Buildings as specified in the applicable District regulations.

4.1.3 Accessory Buildings shall not be used as a Dwelling, except where the Accessory Building contains a Garage Suite or Garden Suite in accordance with Section 5.13.

4.1.4 Accessory Buildings shall be constructed with similar exterior finish materials that complement those of the Principal Building.

4.1.5 Accessory Buildings shall not be located on an easement or utility right-of-way.

4.1.6 Accessory Buildings, regardless of size, shall meet the Yard requirements for the District in which they are located.

4.1.7 Accessory Buildings within a Residential District may include, but are not limited to, Garages, Sheds, storage buildings, gazebos, decks, pergolas, sundecks, Swimming Pools, Greenhouses, or other similar Buildings provided the following requirements are met:

- i. Accessory Buildings shall be located in the Rear or Side Yard and shall have a minimum Rear or Side Yard clearance of 0.9 m provided that overhanging eaves shall not be less than 0.6 m from any Lot line;
- ii. The distance from Garage doors or front of carport to the property line shall not be less than the required Front Yard of the Principal Building;

4.1.8 Accessory Buildings shall not exceed 4.3 m in Height except;

- i. In the case of a Garage Suite, where the Height of the Garage and Garage Suite shall conform to Section 5.13 of this Bylaw.

Attention: Secretary of the Subdivision and Development Appeal Board

I am writing this to appeal the decision to refuse the proposed setback variance for the existing garage located at 5008 - 57 AVE while in the process of trying to get a development permit for the proposed residential construction. The garage was existing before the fire, and it is unreasonable to be asked to remove the garage before building the home that was destroyed by fire.

Regards,

Craig Benoit  


# Development Permit Application

## Application for Development Permit



Application Submission Date: April 11, 2022

**LLOYDMINSTER**

PROJECT	Is the project already constructed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>OFFICE USE ONLY</b>	
	Municipal Address <u>5008-57 AVE</u>	Application # <u>22-2600</u>	
APPLICANT INFORMATION	Tax Roll # <u>21110015000</u> Zoning District <u>R1</u>	Permit # <u>20220175</u>	
	Legal Description: Lot <u>13+214</u> Block <u>55</u> Plan <u>6477KS</u>	Permit Fee <u>\$300.00 / Mesa</u>	
	Applicant Name <u>Homes To Go Mfg. Ltd</u>	Receipt # <u>639601</u>	
	Address <u>Box 11847</u> City <u>Lloydminster</u>	Approved by _____	
	Province <u>Alberta</u> Postal Code <u>T9V 3C2</u>	Refused by <u>R Shortt</u>	
	Phone # <u>780-875-9260</u> Alt Phone # _____	Issue Date <u>April 12/22</u>	
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Are you also the property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If property owner is different from applicant Owner Authorization Form is required)			
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	<input type="checkbox"/> New Construction	<input type="checkbox"/> Front Deck	
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	<u>[Signature]</u> Development Officer	<u>April 12/22</u> Date	

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## NOTICE OF DECISION LAND USE BYLAW 5-2016

You, **Craig Benoit** representing **Homes to Go** at **Box 11847, Lloydminster, AB, T9V 3C2**, hereinafter referred to as the "Applicant", are hereby notified that your application for development as follows:

Application Number:	22-2620
Permit Number:	20220175
Purpose:	Variance - Side Yard Reduction
Involving:	5008 - 57 Avenue (Lot 13 - South 1/2 14, Block 55, Plan 6477 KS)
Registered Owner:	Marcel and Jennifer Impey

Is **REFUSED** for the proposed Setback Variance for an existing garage located at **5008 - 57 Avenue** as applied for on April 11, 2022, for the following:

1. Application exceeds the Variance Powers granted to the Development Office in Land Use Bylaw 5-2016.

**This permit is subject to a twenty-one (21) day appeal period from the date of decision.**

**Any development commenced or undertaken during the twenty-one (21) day appeal period, or where an appeal has been filed but not finally determined, shall be solely at the risk of the developer in no event shall the City be liable for the filing or outcome of any appeal.**

If you are not in agreement with this decision or conditions described herein, it may be appealed within twenty-one (21) days from the date of decision (as per Section 686 Development Permit Appeals: *Municipal Government Act*) by submitting a written notice and four hundred dollars (\$400.00) processing fee to the following:

City Hall - Office of the City Clerk  
Attention - Secretary of the Subdivision and Development Appeal Board  
4420 - 50 Avenue  
Lloydminster, AB T9V 0W2

If you have any questions, or require any clarification, please contact the undersigned at (780) 874-3700 or by email at [rshortt@lloydminster.ca](mailto:rshortt@lloydminster.ca).

Date of Decision:	April 12, 2022
Date of Notice:	April 12, 2022

Sincerely,  
City of Lloydminster

  
**Roxanne Shortt**  
Development Officer, Planning  
Operations Centre