



## Decision of Town of Taber Subdivision and Development Appeal Board

A – 4900 50 St. Taber, AB T1G 1T1  
Phone: (403) 223 5500 Fax: (403) 223 5530

**Hearing Date: May 18, 2022**

**Decision Date: May 24, 2022**

**Subdivision Application File No.: TT 22-0-002**

**Members Present:**

Debbie Sargeant, Chair  
Cat Champagne  
Ben Koersen

**Regarding:**

**Subdivision Authority Application TT 22-0-002 declined for 5031 45 Avenue, Taber, AB, Plan 6390L, Block 17, Lots 23-25 Inclusive**

**Appeal Filed By (Appellant(s)): 530577 Alberta Ltd., owner of property having the municipal address of 5335 47 Avenue, Taber, Alberta.**

**Applicant: Zachary Prosper, ALS  
Brown Okamura & Associates  
2830 12 Avenue N  
Lethbridge, AB T1G 5J9**

**Land Owner: 530577 Alberta Ltd.**

### Background

On May 18, 2022, the Town of Taber Subdivision and Development Appeal Board (the "**Board**") heard the appeal from the decision of the Town of Taber's Subdivision Authority issued on March 28, 2022 refusing Subdivision Application TT 22-0-002 for: subdividing land for separate structures, in relation to property having the municipal address of 5031 45<sup>th</sup> Avenue Taber, AB (the "**Property**"). The Board is satisfied that the notice of this appeal hearing was given in accordance with the *Municipal Government Act*, R.S.A. 2000 Chapter M-26.



## Decision

Having considered the information provided both orally and in written form at the May 18, 2022, appeal hearing from the Appellant and the Town's Subdivision Authority, the Board has decided to **DENY** the appeal of 530577 Alberta Ltd. regarding the Subdivision Authority's March 28, 2022 decision to refuse Subdivision Application TT 22-0-002. The Board upholds the Subdivision Authority's decision.

## Findings of Fact

The Board considered the presentations from both parties. The primary findings of facts are as follows:

- 1) The Property is located within the Residential Single and Two Dwelling (R-2) District of the Town's Land Use Bylaw 13-2020 (the "**Land Use Bylaw**").
- 2) In accordance with the **Land Use Bylaw** within the R-2 District, Single-Detached Dwelling area and widths of site are as follows:
  - a. Area of Site: Minimum Standard required: 350.00 m<sup>2</sup>  
Minimum Standard provided: 330.00 m<sup>2</sup>
  - b. Width of Site: Minimum Standard required: 11.0 m  
Minimum Standard provided: 8.78 m
- 3) An existing single-detached dwelling exists and will remain on the remainder of the lot.
- 4) The newly created lot would not meet the required minimum lot area or lot width for a single-detached dwelling in the R-2 District. Approval of this subdivision will constitute an approval with a 20.0 m<sup>2</sup> minimum lot area shortfall and a 2.22 meters lot width shortfall.

## Reasons for Decision

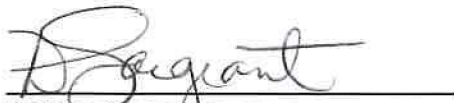
The reason for the Board's decision to **DENY** the appeal of the Subdivision Authority are as follows:

- 1) The Board is satisfied that the regulations in the Land Use Bylaw, and other appropriate municipal bylaws, were adhered to by the Subdivision Authority, resulting in the Subdivision Application not being compatible with the adjacent residential district.

## Appeals:

If you wish to appeal this decision, you must follow the procedure prescribed in Section 688 of the **Municipal Government Act**, R.S.A. 2000 Chapter M-26.





Debbie Sargeant, Chair  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

May 24, 2022  
DATE

Exhibit List:

- Subdivision and Development Appeal Board Hearing Agenda Package: May 18, 2022



# **SDAB-TT 22-0-002**

Application No. TT 22-0-002

An **appeal** against the decision of the Subdivision Authority to deny Subdivision Application TT 22-0-002 is **upheld** at 5031 45 Avenue (Plan 6390L, Block 17, Lots 23-25 Inclusive). And as such; the **decision** of the Subdivision Authority is hereby **supported**.

