



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

February 25, 2021

Appeal of Development Permit No. 12687
Re: Appellants: Norine Dodge et al
Land Use: General Commercial (C-G)

Upon hearing representation made by the Development Officer, the Applicant, the Appellants, and other interested parties on Thursday, February 25, 2021, it is the decision of the Subdivision and Development Appeal Board that the appeal is **ALLOWED** and the decision of the Development Officer regarding Development Permit DEV12687 on February 2, 2021 to allow for the establishment of a 3100 square foot development of a Resource Center for HIV Community Link located at 422 13 Street North is hereby **OVERTURNED**. **The Development Permit is revoked and shall not be issued.**

The following submissions were received:

1. Norine Dodge et al in favour of the appeal (written)
2. Brenna Kimura-Hayden in favour of the application (written)
3. Ana Glavan, HIV Community Link, the applicant (written)
4. Angie Olsen, Development Officer (written)

On February 17, 2021, the Subdivision and Development Appeal Board received a letter of withdrawal of the application from HIV Community Link. Notices were subsequently sent to the Development Officer, the Appellants, as well as anyone else who provided a written submission.

AND UPON CONSIDERING the relevant provisions of the South Saskatchewan Regional Plan, Municipal Government Act, the Municipal Development Plan, the Land Use By-law, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows and for the following reasons:

1. The Board reviewed all evidence and arguments, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. The Board has regard to subsection 687(3)(c) of the Municipal Government Act (MGA) which states that the Board may revoke the issuance of a development permit by the Development Authority.
3. The applicant had requested the withdrawal of the development permit.
4. The Development Authority does not have authorization to cancel the development permit since it had progressed to the appeal stage.
5. The Board determines that, under the MGA, the applicant has the right to withdraw the application or to request a cancellation of an approved development permit. The Board accepts this request. The Board finds that an applicant has the right to cancel a development permit application even though the subject application and development was approved and despite the appeals raised against the Development Officer's decision respecting the application.

6. Pursuant to subsection 687(3)(c) of the MGA, the Board finds that it is warranted, in this instance, to revoke the development permit based upon the request by the applicant.
7. The Board determines that there is no need to deal with the merits of the appeal as consequently, the Board's jurisdiction with respect to the development has ceased due to the revocation. The appeal, to that extent, has become moot.

Conclusion:

For the reasons set out above, the appeal is allowed and the decision of the Development Authority is overturned. A development permit shall not be issued.

An appeal against this 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.

Yours truly,



Jenn Schmidt-Rempel, Board Chair,
Subdivision & Development Appeal Board



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February 18, 2021

RE: NOTICE OF WITHDRAWAL – 422 – 13 STREET NORTH

The Subdivision and Development Appeal Board has received notice that the applicant for the establishment of a 3100 square foot development for a Resource Center for HIV Community Link located at 422 13 Street North (File #2021-01) has withdrawn their application. Accordingly, please be advised that the Board is now closing this file. A copy of their withdrawal is attached.

The Hearing on February 25, 2021 has been cancelled.

Yours truly,

David Sarsfield

Board Secretary,

Subdivision and Development Appeal Board



HIV COMMUNITY LINK

February 17, 2021

City of Lethbridge
Planning & Development Services

Re: Development Permit 12687
422 13th Street North, Lethbridge

At this time, the landlord of 422 13th St N and HIV Community Link will be professionally and amicably parting ways. As such, we request to cancel this Development Permit application.

Please advise if you require further information.

Regards,

Ana Glavan
Director, Community Relations
Acting Executive Director