



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

December 12, 2025

Re: Appeal of Development Application DEV 16307
Appellant: Leanne Gregg
Land Use: Mixed Density Residential (R-M)

UPON HEARING representation made by the Development Officer, the Appellant, and other interested parties on Thursday, December 4, 2025, it is the decision of the Subdivision and Development Appeal Board that the appeal is **DENIED** and the decision of the Development Authority regarding DEV 16307 on November 5, 2025, to refuse an application for an existing addition requiring a side-yard setback variance at 410 Lynx Terrace North is hereby **UPHELD**.

The Board received written and oral submissions from the Appellants, the Development Authority and from other interested parties. The Board acknowledges and appreciates all of these submissions.

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

1. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. A compliance letter for the subject property was requested on June 27, 2025. The Development Authority, upon reviewing the Real Property Report, determined that an addition requiring a side setback variance of 0.14 m, had been constructed on the subject property without the benefit of an approved Development Permit.
3. The City issued a compliance letter noting that the addition required both an approved development permit and a building permit in order to comply with the requirements of the Land Use Bylaw 6300.
4. On October 6, 2025, a building permit application was made for the existing addition. In accordance with Section 5 of the City of Lethbridge Land Use Bylaw 6300, an Engineer review was required to be submitted as part of the application to confirm the structural integrity of the development.

5. On October 9, 2025, a development permit application was submitted requesting approval of the existing addition, including a side setback waiver for the addition.
6. On October 16, 2025, the development permit application was deemed complete, and notice of the development application was circulated to neighbouring property owners.
7. On October 31, 2025, the building permit application expired as the required information to review the application was not provided by the applicant.
8. On November 5, 2025, Development Application 16307 was Refused.
9. On November 19, 2025, the Subdivision and Development Appeal Board Clerk received a Letter of Appeal from the Appellant requesting that the SDAB overturn the decision of the Development Authority.
10. On December 4, 2025, the Subdivision and Development Appeal Board convened a hearing for the subject appeal.
11. At the hearing, the Appellants indicated that the subject development had been constructed approximately a decade prior.
12. The Appellant explained that the compliance letter was requested as a requirement of a sales agreement between the Appellant, being the previous property owners, and the current property owner.
13. The Development Officer explained that the minimum side setback standard has been established based on safety codes practices to minimize the potential spread of fire between buildings. The Development Officer explained that the City does not approve side setback waivers of this type as they do not comply with the minimum building code requirements.
14. In reviewing and weighing all the evidence, the Board therefore finds that the appeal does not merit approval, and the decision of the Development Authority to refuse the application is to be upheld for the following reasons:
 - a) The Board has determined that the addition is an illegal development that was never approved by the City of Lethbridge Development Authority.
 - b) The Board finds that side setback waiver requests for this type of addition are not granted based on established Land Use Bylaws, safety codes, and building code requirements.
 - c) The Board is of the opinion that the requested waiver could materially interfere with or affect the use, enjoyment or value of neighbouring properties.
 - d) The Board is unable to confirm that the addition complies with Section 5 of Land Use Bylaw 6300 (Compliance with Other Legislation), and therefore cannot approve the development.

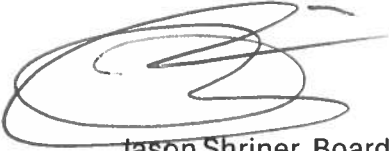
CONCLUSION:

For the reasons set out above, the appeal is denied and the decision of the Development Authority is confirmed. **The addition must be removed no later than June 30, 2026.**

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,

A handwritten signature in black ink, appearing to be 'Jason Shriner', written over a light grey circular stamp or watermark.

Jason Shriner, Board Chair
Subdivision & Development Appeal Board

cc: Appellant/Neighbouring Property Owners