



Decision
Subdivision and Development Appeal Board
APPEAL NO. 2023-001

SUBDIVISION & DEVELOPMENT APPEAL BOARD ORDER

APPEAL INFORMATION

PL20220182

500 Bow Valley Trail

Lot 1, Block 7, Plan 0512461

Appeal against an approval by the Canmore Development Authority.

ORDER OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, DATED JANUARY 17, 2023.

Board Members Hearing the Appeal: Mr. Peter Moreland-Giraldeau (Chair), Mr. Christoph Braier, Mr. John McClure (Vice Chair), Mr. H. Fraser MacIver

AND IN THE MATTER of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (the “MGA”);

AND IN THE MATTER of an appeal by Melissa Yarmoloy against an approval by the Canmore Development Authority for a Mixed Use Building containing: 1 unit Wholesale Sales with Warehouse, 21 units of Common Amenity Housing and 3 units of Employee Housing.

This appeal hearing having been duly opened before the Subdivision & Development Appeal Board on January 5, 2023 at 2.00 p.m.

AND UPON hearing oral submissions from the Appellant and Development Officer.

AND UPON having regard to the Town of Canmore Land Use Bylaw No. 2018-22 (Bylaw), the MGA and other relevant planning documents.

RELEVANT STATUTORY & PLANNING DOCUMENT PROVISIONS:

1. Town of Canmore Subdivision and Development Appeal Board BYLAW 2019-06 (the “SDAB Bylaw”) in general.

2. **Municipal Development Plan (MDP)**

The following sections are of relevance to the preliminary hearing of this appeal:

- a. **Section 5.3.2** which states that Development or conversion of upper floors of mixed-use or commercial buildings or main floor spaces that do not function well for commercial frontage into housing for employees and live-work spaces may be allowed. Variances to



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land use bylaw regulations, such as parking, may be approved to facilitate such development.

- b. **Section 5.3.4** which state that Private initiatives to create additional seasonal and permanent employee housing opportunities should be supported by the Town.

3. Land Use Bylaw (LUB)

- a. **1.14**
- b. **2.8.6.2**
- c. **4.6**

4. MGA section 687

Municipal Government Act, RSA 2000, c M-26 (the "MGA"), in general, and specifically; a. Section 642 (2) b. Section 687 (3) (c), (d)

FINDINGS OF FACT:

1. The Applicant, Spring Creek Mountain Village, received approval for application PL20220182 on November 17, 2022.
2. The Appellant filed a Notice of Appeal on December 8, 2022 (the "Appeal").
3. A hearing date for the Appeal was set on January 5th, 2023.

SUMMARY OF ARGUMENTS PRESENTED:

Appellant:

The Appellants argue the following:

- There were too many variances granted
- The proposed development is an overbuild for the site
- There is insufficient parking to accommodate the proposed development
- There was no Traffic Impact Assessment (TIA) conducted
- The proposed common amenities units would result in sub-standard living conditions
- The development is too close to the train tracks for the proposed usage

Applicant:

The Applicant argues the following:

- The development will be a net benefit to the Town
- There is a great need for this kind of development
- The proposed development follows the requirements set out in amended the Land Use Bylaw
- The Developer followed the lead set by the neighbouring Town of Banff



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Town:

The Town's recommendation is that the appeal should be denied, as per the Staff Report presented in the Agenda Package.


DECISION:

The SDAB orders that the appeal be DENIED and PL20220182 be approved.

REASONS:

1. The SDAB concludes that this proposed development is consistent with the purposes outlined in the Land Use Bylaw.
2. The variances approved by the Town are reasonable. The reasons for the variances are acceptable and within the permitted margins of the Land Use Bylaw.
3. The proposed development does not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land and conforms to the use prescribed for that property in the Land Use Bylaw.
4. The Appellant put forward no evidence to suggest that the proposed variances were unreasonable.

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Date Signed

CHAIRPERSON PETER MORELAND-GIRALDEAU
SUBDIVISION & DEVELOPMENT APPEAL



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IMPORTANT INFORMATION FOR APPELLANTS

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the Municipal Government Act, R.S.A. 2000, c. M-26.