



Decision
Subdivision and Development Appeal Board
Board Order 2023-008

SUBDIVISION & DEVELOPMENT APPEAL BOARD ORDER

PL20230189

Development Permit – Change of Use to Employee Housing – General Industrial District

Unit 1 Plan 0010470

200 – 130 Bow Meadows Crescent

Appeal against a refusal by the Development Authority

ORDER OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, DATED DECEMBER 19, 2023.

Board Members Hearing the Appeal: Andre Giannandrea (Chair), John McClure (Vice Chair), Christoph Braier (Public Member), and Karen Marra (Council Representative).

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 McElhanney Ltd. against a refusal of the Development Authority to approve a change of use to employee housing in the General Industrial District.

This appeal hearing having been duly opened before the Subdivision & Development Appeal Board on December 14, 2023.

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. Bylaw 2019-06, the Town of Canmore Subdivision and Development Appeal Board Bylaw, in general.
2. Municipal Government Act (“MGA”), in general.
3. Municipal Development Plan (“MDP”), in general, and specifically:
 - a. Industrial Goal 3
 - b. Policy 12.1.3
 - c. Affordable Housing Goal 4



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- d. Policy 5.3.4
- e. Policy 12.1.8

- 4. Indian Flats Area Structural Plan (ASP), in general, and specifically:
 - a. Goal 3.1.1.1

- 5. Land Use Bylaw 2018-22 (“LUB”) in general, and specifically:
 - a. Section 1.10.0.3 a. and b.
 - b. Section 5.3.6.1

SUMMARY OF EVIDENCE PRESENTED

- 1. Development Permit Application PL20230189 dated June 6, 2023.
- 2. Notice of Decision of Refusal issued October 30, 2023 by Harry Shnider, Senior Development Officer.
- 3. Notice of Appeal submitted by Andrea Rudiger on behalf of the applicant, McElhanney, on November 17, 2023.
- 4. Applicant’s written submission dated November 17, 2023, submitted by Jill Hofer, Senior Planner, McElhanney.
- 5. Staff report submitted by Harry Shnider, Senior Development Officer, and Lauren Miller, Manager of Planning and Development, inclusive of 5 attachments.
- 6. Written submissions in support of the appeal:
 - a. Steve Ashton, President and CEO of Ashton Construction Services, neighbour of the applicant property.
 - b. Amanda Winston, owner of Take a Hike Market, personally connected to the location through employees who are currently residing at 200 – 130 Bow Meadows Crescent.
 - c. Kris Charchun, CanGlass, adjacent property owner.
 - d. Janet Morrison, Controller, All Board Drywall, Inc, neighbour of the applicant property.
 - e. Jeff Von Rotz, Director of Production and Wholesale Operations, Valbella Gourmet Foods, neighbour of the applicant property.



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7. Written submission in opposition to the appeal:
 - a. Nicole Tremblay, Owner of Fireweed Glass Studio Ltd. and Nicole Tremblay Blown Glass Ltd., neighbour of the applicant property.
8. Verbal presentation, including slides, from Harry Schnider, Senior Development Planner.
9. Verbal presentation, including slides, from Jill Hofer, Senior Planner, McElhanney.
10. Verbal presentations from 3 community members in support of the appeal.
11. Verbal presentation from 1 community member neither in support nor in opposition of the appeal.

FINDINGS OF FACT

1. The Town of Canmore Development Authority received an application for a development permit for a change of use to allow the discretionary use of employee housing on the upper floor of the existing industrial unit at 200 – 130 Bow Meadows Crescent.
2. The site is zoned IND2 General Industrial District which allows for Employee Housing as a discretionary use above the ground floor.
3. The Development Authority refused the development permit application because the Development Authority believes:
 - a. the proposed Employee Housing unit contravenes section 1.10.0.3(b) of the Land Use Bylaw,
 - b. the Authority does not have the regulatory authority to enforce section 5.3.6.1(a) of the Land Use Bylaw and Policy 12.1.8(a) of the Municipal Development Plan,
 - c. Employee Housing Units do not comply with section 5.3.6.1(b) of the Land Use Bylaw, and
 - d. the Authority does not have confidence that, as described in section 5.3.6.1(d) and (3) of the Land Use Bylaw and policy 12.1.8(b) and (c) of the Municipal Development Plan, the Employee Housing unit would not constrain any existing or future permitted or discretionary commercial or industrial uses from developing on the site or in the industrial area.
4. The Applicant filed a Notice of Appeal against the refusal on November 17, 2023, providing written rationale in support of the conversion of an Employee Housing at 130 Bow Meadows



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Crescent as the use conforms to the current Area Structure Plan, the Land Use Bylaw, and the Municipal Development Plan and meets the regulations contained in section 617 of the Municipal Government Act.

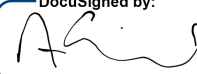
THE BOARD THEREFORE ORDERS THAT

The appeal be allowed and Development Permit PL20230189 be approved, subject to the following conditions:

1. The occupancy of the employee housing unit shall be limited to Employees as defined by Land Use Bylaw 2018-22. The Owner shall provide evidence of such occupancy in a form satisfactory to the Development Officer, upon request.
2. The employee housing unit shall comply with the requirements of all applicable building and safety codes, as required by the Safety Codes Officer.

REASONS

1. The proposed development, subject to the conditions of approval, will satisfy the applicable policies, bylaws, and object and spirit of Employee housing in the Bow Valley.

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Date Signed

**Chairperson Andre Giannandrea
Subdivision & Development Appeal**

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.