



Agenda
Subdivision & Development Appeal Board
Hearing
May 11, 2022 at 2:00 p.m.
Electronic Hearing Via Zoom

1. Call to Order
2. Adoption of Agenda
3. Adoption of Minutes
None
4. Appeal Hearing
PL20210477
Lot 8, Block 22, Plan 161 1360
442 Stewart Creek Close
Renewal of a Bed & Breakfast
Appeal against an approval by a Development
Officer.
5. Other Business
None
6. Adjournment

4. **Appeal Hearing**
PL20210477
Lot 8, Block 22, Plan 161 1360
442 Stewart Creek Close
Renewal of a Bed & Breakfast
Appeal against an approval by a Development Officer.

Notice of Appeal and background materials Submitted by the Appellant:

- **E. Keenan.**

RECEIVED
APR 13 2022
TOWN OF CANMORE

NOTICE OF APPEAL Application Form

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated.

PROPERTY INFORMATION			
Municipal Address 442 Stewart Creek Close		Development Permit/Subdivision Application File Number PL20210477	
APPELLANT INFORMATION			
Name of Appellant Edward Keenan		Agent Name (If applicable)	
Mailing Address (for notification purposes) FOIP			
City FOIP	Province FOIP	Postal Code FOIP	
Phone Number (Day) FOIP		Email FOIP	
<input checked="" type="checkbox"/> The appellant/agent, gives authorization for electronic communication by the Clerk, using the email provided on this Notice of Appeal			

APPEAL AGAINST (Check one box only. For multiple appeals you must submit separate Notice of Appeal forms)

Development Permit	Subdivision Application	Stop Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Stop Order

REASONS FOR APPEAL Section 678 and 686 of the Municipal Government Act requires that the written Notice of Appeal must contain specific reasons for the appeal.

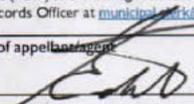
I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (attach a separate page if required)

I would like to appeal the B&B at 442 Stewart Creek Close that has been approved by the development officer. The concerns that I have about this visitor accommodation in a residential neighbourhood I have listed below.

- Unit already has separate basement entrance with a keypad lock. This entrance is used by the guests most of the time, and it was stated by the owner to the development officer that guest prefer to use this seperate entrance. This is concerning for it could be used when the owner isn't there while their guests are, essentially making it a tourist home accommodation.
- Not enough parking, the garage is set up as a gym with only one parking stall inside, and essentially one parking stall on the driveway. I have noticed most guests do not use this driveway for the driveway widths at property line do not easily accommodate two vehicles in this area, so guests park on the street.
- The quiet enjoyment of my home in a residential neighbourhood has been impacted by this use. Having various tourist visitors coming and going from this home is concerning, they are not part of this close knit family neighbourhood and they are not contributing to the sense of community. The sense of security in my home and neighbourhood has also been diminished, having strangers using this as a tourist accommodation gives a sense of a hotel/resort setting on a residential street and area.

Stewart Creek Close is a neighbourhood in which people know and talk with each other, having several tourist stays throughout the year takes away from the local community aspect.

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Signature of appellant/agent 	Date (MM/DD/YYYY) April 13, 2022
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FOR OFFICE USE ONLY			
Fee Paid <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date appeal received	Final date of appeal	Hearing Date/Time <input type="checkbox"/> 2 P.M. <input type="checkbox"/> Evening

From: [Eric Bjorge](#)

Sent: March 23, 2022 12:01 PM

To: FOIP

Subject: RE: Bed and Breakfast - 442 Stewart Creek Close - Signage not posted

Hello Jody,

The owner had been out of the country recently, but they are back now and have followed up with me. The Notice of Approval sign will be posted today.

I was forwarded the following pictures to confirm some of the points you had asked about, which the owner consented to share, first showing the parking area (one stall in garage, and two on the driveway), and second showing the bar area, which we don't consider to be "cooking or food preparation facilities". We also discussed the private entrance, and the owner explained that guests do have access through the house if they prefer, as the owners are home when they rent the guest rooms, but that most prefer to use the private entrance especially last year during COVID.

I shared your concerns anonymously and we discussed what is required under the Land Use Bylaw to make our expectations clear. The owner asked that I pass along the message that they want to get along with the neighborhood and would be happy to meet with you or any other neighbors who may have concerns with the B&B. He also wanted to note that they have rented it out only a handful of times in the last year.





I am satisfied that this operation is meeting the requirements of the Land Use Bylaw and consistent with their approval and other bed and breakfast operations.

If you have any other questions or would like to discuss further please let us know.

Sincerely,



Eric Bjorge B.A RPP MCIP
Planning Technician
Town of Canmore | 902 7th Avenue | T1W 3K1
P: 403.678.0753 | **F:** 403.678.1543
E: eric.bjorge@canmore.ca | www.canmore.ca

From: Keenan's FOIP [REDACTED]
Sent: Thursday, February 17, 2022 4:36 PM
To: Eric Bjorge <eric.bjorge@canmore.ca>
Subject: RE: Bed and Breakfast - 442 Stewart Creek Close - Signage not posted

Thanks very much Eric for this information, all makes sense to me. I appreciate the response.

I still haven't seen the sign posted as of yet, but I'll keep my eye out for it.

Jody Keenan

From: [Eric Bjorge](#)
Sent: February 4, 2022 2:28 PM
To: FOIP [REDACTED]
Subject: RE: Bed and Breakfast - 442 Stewart Creek Close - Signage not posted

Hi Jody,

Following up on your message. I am sending out a reminder to the owner now about the posting.

To provide you some more context regarding your comments below:

- The Land Use Bylaw does not prohibit licensed Bed and Breakfasts from advertising on websites such as Airbnb, VRBO, as long as what they are advertising is in line with what they are approved for under their development permit and the Land Use Bylaw.
- B&B rentals are allowed to have a separate entrance, as long as its not the only access to the space. The floor plan we have on file indicates the basement is connected to the main dwelling through an interior staircase (s. 8.3.0.11.c of the LUB)
- B&B's are required to provide a minimum of two parking stalls. One for the principal residence, and one for the B&B. (table 2.7-3). I will follow-up with the owner to ensure this is being provided
- A B&B is may not include "cooking and food preparation facilities". (s. 8.3.0.11.b of the LUB). A wet bar with sink, mini fridge, etc. is permitted. I will follow-up with the owner on this point as well.

However, that all being said, B&B' are a discretionary use meaning we can add extra conditions if we're aware of an issue at the time of renewal.

Let me know if you have any questions.

Sincerely,



Eric Bjorge B.A RPP MCIP
Planning Technician
Town of Canmore | 902 7th Avenue | T1W 3K1
P: 403.678.0753 | **F:** 403.678.1543
E: eric.bjorge@canmore.ca | www.canmore.ca

From: Keenan's FOIP [REDACTED]
Sent: Tuesday, January 25, 2022 4:33 PM
To: Eric Bjorge <eric.bjorge@canmore.ca>
Subject: RE: Bed and Breakfast - 442 Stewart Creek Close - Signage not posted

Thanks Eric for the confirmation, that's what I thought when I read up on B&B's. Once I see the signage go up I will fill out the appeal form and send it in.

Below are some of our concerns regarding this application

- It was advertised on various websites as a short term, nightly rental

- Unit already has separate basement entrance and keypad lock. (I think there's a kitchen downstairs too, but can't be 100% sure)
- Not enough parking, the garage is set up as a gym with only 1 parking stall

Jody

From: [Eric Bjorge](#)

Sent: January 24, 2022 5:13 PM

To: FOIP

Cc: [Katy Bravo-Stewart](#); [Marcus Henry](#)

Subject: RE: Bed and Breakfast - 442 Stewart Creek Close - Signage not posted

Hi Jody,

Thanks for bringing this to our attention. I checked the file and it looks like we never received confirmation that the Notice of Approval was posted. As the 21 day appeal period starts from the date of posting, the appeal period has not started yet. I'll flag this to follow up with the owners.

Are there concerns with the operation of this bed and breakfast?

Sincerely,



Eric Bjorge B.A. RPP MCIP

Planning Technician

Town of Canmore | 902 7th Avenue | T1W 3K1

P: 403.678.0753 | **F:** 403.678.1543

E: eric.bjorge@canmore.ca | www.canmore.ca

From: Keenan's FOIP

Sent: January 24, 2022 11:23 AM

To: Planning <Planning@canmore.ca>

Subject: Bed and Breakfast - 442 Stewart Creek Close - Signage not posted

Hi Planning, I noticed in the Outlook that the above address applied for a renewal on their Bed and Breakfast. I haven't seen the development notice sign posted yet though on their property. Can you please tell me when the last date is that I can submit an appeal if the sign hasn't been posted yet.

Thanks in advance.

Jody Keenan



442 Stewart Creek Close, Canmore, AB, T1W 0L7

\$1,849,900

MLS® # A1211500



House For Sale In Canmore, Alberta

\$1,849,900

3+1 Bedrooms 4 Baths 7287.00 Square Feet Lot Size

Property Information:

This stunning 3,072 sq ft, 4 bdrm, 4 bath custom built duplex is fully upgraded & situated on one of the large & most desirable lots (7200 sq ft) in Three Sisters. Designed to optimize the awe-inspiring panoramic mountain view in all directions. Open concept main floor feat; bright chef's kitchen w/custom cabinetry, large pantry, GE monogram appliances, oversized island w/quartz counter, living room w/vaulted ceiling, gas fireplace, massive windows that artistically frame the mountain vista & dining room w/access to a huge deck & outdoor kitchen/grill. Upstairs feat; the master retreat w/parade entrance, walk-in closet & private mountain view patio, 2 large bedrooms & 4-piece bath. The walkout basement boasts a cozy family room w/gas fireplace, in-lab heat, large bedroom, kitchenette & Murphy bed. Relax after your day of mountain adventure in the Scandinavian like spa with outdoor Finnish sauna, private patio, landscaped yard with Rundle stone firepit and eucalyptus treehouse. The oversized garage is the perfect man cave/gym w/14' ceiling, in-lab heating, epoxy flooring, natural light & high-end finishes. So much pride in every detail, don't miss your opportunity to own this amazing home!

Inclusion: basement fridge, stove, dishwasher and microwave

Building Features:

Total Finished Area: 1932.66

Property Features:

- Bedrooms:** 3+1
- Bathrooms:** 3+1
- Architectural Style:** 2 Storey, Side by Side

Built in	2018
Construction	Wood Frame
Material	
Cooling	None
Interior Feature	Fire Pit
Fireplace Feature	Family Room, Ga , Great Room
Floor Space (approx)	1932.66 Square Feet
Flooring	Carpet, Hardwood
Foundation Detail	Poured Concrete
Heating	Forced Air
Interior Feature	Granite Counter , High Ceiling , Kitchen Island, Open Floorplan, Sauna, See Remark , Vaulted Ceiling()
Level	Two
Lot Size	7287.00 Square Feet
Parking Feature	Double Garage Attached, Driveway, Parking Pad
Roof	Asphalt Shingle
Zoning	R2

Courtesy of: MAXWELL CAPITAL REALTY

Data provided by: Calgary Real Estate Board 300 Manning Rd. NE, Calgary, Alberta T2E 8K4

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Additional Photos









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Amazon.ca Shopping Cart | For sale: 442 Stewart Creek Close | MLS # A1211500 - 442 Stewart C | remaxcentral.ab.ca/listing/A1211500-442-stewart-creek-close-canmore-alberta-t1w-0l7/

RE/MAX
REAL ESTATE (CENTRAL) 403.216.1600

HOME SEARCH OPEN HOUSES COMING SOON BUILDERS AGENTS COMMERCIAL INFO CAREERS NEWS CONTACT

<p>ESSENTIAL INFORMATION</p> <p>MLS#: A1211500 Price: 1,849,900.00 Type: Residential Sub Type: Duplex Style: 2 Storey,Side by Side Lot Size: 7,287 sq. ft. Levels: Two Total Sqft: 1932.66 Sqft. Restrictions: None Known DOM: 1</p>	<p>INTERIOR SNAPSHOT</p> <p>Baths Full: 3 Half: 1 Baths Total: 4 Bedrooms: 4 Rooms Above: 6 Flooring: Carpet, Hardwood Heating: Forced Air Basement: Finished, Full Suite: Suite - Illegal</p>
<p>COMMUNITY DETAILS</p> <p>Address: 442 Stewart Creek Close , Canmore, Alberta T1W 0L7 City: Canmore Subdivision: County: Bighorn No. 8, M.D. of Province: Alberta Postal Code: T1W 0L7 School: Schools</p>	<p>EXTERIOR CONSTRUCTION</p> <p>Year Built: 2018 Structure Type: Duplex Foundation: Poured Concrete Frontage: 0.00M 0'0" Roof: Asphalt Shingle Zoning: R2 Construction: Wood Frame</p>

Windows taskbar: Type here to search | 10°C Mostly cloudy | 8:01 PM 2022-04-30

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

STAFF REPORT



DATE OF HEARING:	MAY 11, 2022
PROPOSED DEVELOPMENT:	BED AND BREAKFAST RENEWAL
APPLICATION NUMBER:	PL20210477
LEGAL DESCRIPTION:	LOT 8, BLOCK 22, PLAN 1611360
CIVIC ADDRESS:	442 STEWART CREEK CLOSE
CURRENT USE(S):	DUPLEX DWELLING AND BED AND BREAKFAST
APPLICANT:	JOHN MORRIS & MAGORZATA MORRIS

EXECUTIVE SUMMARY

The submitted development permit is for the renewal of an existing Bed and Breakfast (one bedroom) as an accessory use to a Duplex Dwelling. No variances to the Land Use Bylaw 2018-22 (LUB) are being proposed.

The Bed and Breakfast was initially approved July 9, 2020 for a one-year term which expired on November 30, 2021. As there were no record of complaints against the development, the application for a renewal of the Bed and Breakfast was approved by the Development Officer on January 6, 2022. There was a delay in the start of the appeal period as the applicant did not post the Notice of Decision on site until March 24.

BACKGROUND

Land Use Bylaw 2018-22 (LUB)

Bed and Breakfasts are a Discretionary Use in the R2A-SC – Residential Low Density Stewart Creek District, in accordance with the Town of Canmore LUB. Bed and Breakfasts are defined in section 13 of the LUB as:

An ancillary commercial use operated by the permanent resident of the dwelling and providing a maximum accommodation of three guest rooms to a maximum of six persons for periods of 14 days or less.

Section 8.3 of the LUB contains the specific use regulations for Bed and Breakfasts.

Parking requirements are found in section 2.7, while sections 1.10.0.2 and 1.10.0.3 contain specific evaluation criteria for Discretionary Uses.

Municipal Development Plan (MDP)

Section 6.2.3 of the MDP states that Bed and Breakfast establishments are supported as a means to provide a variety of commercial accommodation types and to promote opportunities for small business operations.

Municipal Government Act (MGA)

Section 642(2) of the Municipal Government Act describes how the development authority may, in its discretion, issue a Development Permit for a discretionary use with or without conditions as provided for in the LUB.

EXISTING SITE

442 Stewart Creek Close (the property) is located within an R2A-SC – Residential Low Density Stewart Creek District. The purpose of the R2A-SC district is to:

Provide for comprehensively designed, low density residential development on larger sites in Stewart Creek, as well as other compatible residential neighbourhood uses. Bed and Breakfast is listed as a discretionary use in this district.

The current use of the site is a Duplex Dwelling (constructed in 2018), with an accessory use of a Bed and Breakfast.

Adjacent properties contain low density residential development within the R2A-SC district, as well as the R1B-SC district to the south (see attachments 1 & 2).

BYLAW CONFORMANCE DISCUSSION

The application has been deemed to meet the bed and Breakfast criteria established in the LUB, with no variances requested or required.

Multiple concerns were flagged by an adjacent resident which have been captured below, along with a response from the Planning Department:

1. There is advertising of a short-term rental on various websites.

Response: *Bed and Breakfasts are by nature short-term rentals. Advertising through short-term rental websites is acceptable provided what is being advertised is consistent with the Land Use Bylaw and the approved Development Permit. Please note, Administration was not provided copies of any such advertising to review.*

2. There is a separate entry to the bed and breakfast area through use of a keypad.

Response: *Section 8.3 of the LUB states that a Bed and Breakfast Development “shall provide access to guest bedrooms through the principal Dwelling Unit and not solely through a separate private entrance.”*

The approved plans show that the basement guest room is accessible through the principal dwelling, which complies with this regulation. Through conversation with the applicant the Development Officer was able to confirm that guests had the option of entering through the main door of the dwelling if they desired, to ensure the LUB requirements were being met.

3. There is a kitchen and food preparation facilities

Response: Section 8.3 of the LUB states that a Bed and Breakfast Development shall “not contain cooking or food preparation facilities in bedrooms or suites for use by guests.” The basement contains a wet bar (coffee and wine bar), which was approved by the Planning Department with the original approval of the B&B. These types of facilities are common in bed and breakfasts and are not considered to be cooking or food preparation facilities. Photo below has been provided by the applicant.



4. Parking is inadequate

Response: Table 2.7-3 in the LUB states the parking requirements for Bed and Breakfasts to be one (1) stall for the principal resident, and one (1) stall per Accommodation Unit. A recent photo of the parking area is provided below, which shows room for two independently accessible parking stalls, one in the garage and the other staggered on the driveway. There would also be the option to park two cars in the garage.



5. The nature of the development (Bed and Breakfast vs. Tourist Home)

Response: According to the definitions in section 13 of the Land Use Bylaw, a Bed and Breakfast means “an ancillary commercial use operated by the permanent resident of the dwelling and providing a maximum accommodation of three guest rooms to a maximum of six persons for periods of 14 days or less.”

By contrast, a Tourist Home is defined as “a Dwelling Unit operated as a temporary place to stay, with or without compensation, and includes all vacation rentals of a Dwelling Unit. The characteristics that distinguish a Tourist Home from a Dwelling Unit used as a residence may include any of the following:

- a. The intent of the occupant to stay for short-term vacation purposes rather than use the property as a residence; and/or
- b. The commercial nature of a Tourist Home; and/or
- c. The management or advertising of the Dwelling Unit as a Tourist Home or “vacation property”; and/or
- d. The use of a system of reservations, deposits, confirmations, credit cards or other forms of electronic payment.”

The key difference between the two uses is that:

1. A Bed and Breakfast has a full-time permanent resident/occupant, where as a Tourist Home does not.
2. A Bed and Breakfast does not allow for the entire house to be rented out and is limited to only the specified room(s) or Suite(s) approved, whereas a Tourist home does allow for full rental of the house.

Based on the operations confirmed with the homeowner/applicant at 442 Stewart Creek Close, the use being operated at this property fits the definition of a Bed and Breakfast.

6. Enjoyment of the residential area is being affected by tourists visiting the neighbourhood.

Response: *Tourists staying temporarily in residential neighbourhoods is inherent to the use of a Bed and Breakfast. Since Bed and Breakfasts are a Discretionary listed use in the Land Use District, operators have a right to apply and be approved, provided the relevant requirements can be met, and there is no special circumstance that would make a Bed and Breakfast inappropriate for the area.*

There are separation requirements and maximum density built into the LUB to ensure that Bed and Breakfast developments don't overwhelm the primary use of residential neighbourhoods as long-term housing. Prior to the

approval of the renewal, the Planning Department had no record of complaints or disturbances which have resulted from this Bed and Breakfast.

For a full compliance review of the application as it relates to the LUB can be found in Attachment No. 3.

OPTIONS FOR CONSIDERATION

Section 687(3)(c) and (d) of the MGA provide that, in making a decision on a development appeal, the board may:

- confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - the proposed development would 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
 - the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

Planning proposes the following options for the SDAB:

1. Approve the application subject to the conditions in Schedule A.
2. Approve the application subject to the conditions in Schedule A and any other conditions that the SDAB deems necessary.
3. Refuse the application, specifying reason(s) for refusal.
4. Postpone the application, pending submission of any additional details requested by SDAB.

RECOMMENDATION

Planning recommends that the Subdivision & Development Appeal Board **APPROVE** PL20210477. Recommended conditions are included in Attachment 6.

ATTACHMENTS:

1. Site Context and Property Images
2. Zoning Map
3. Bylaw Conformance Review
4. Development Permit Application
5. Notice of Decision
6. Schedule A – Proposed Conditions of Approval
7. Statutory Requirements for Appeal

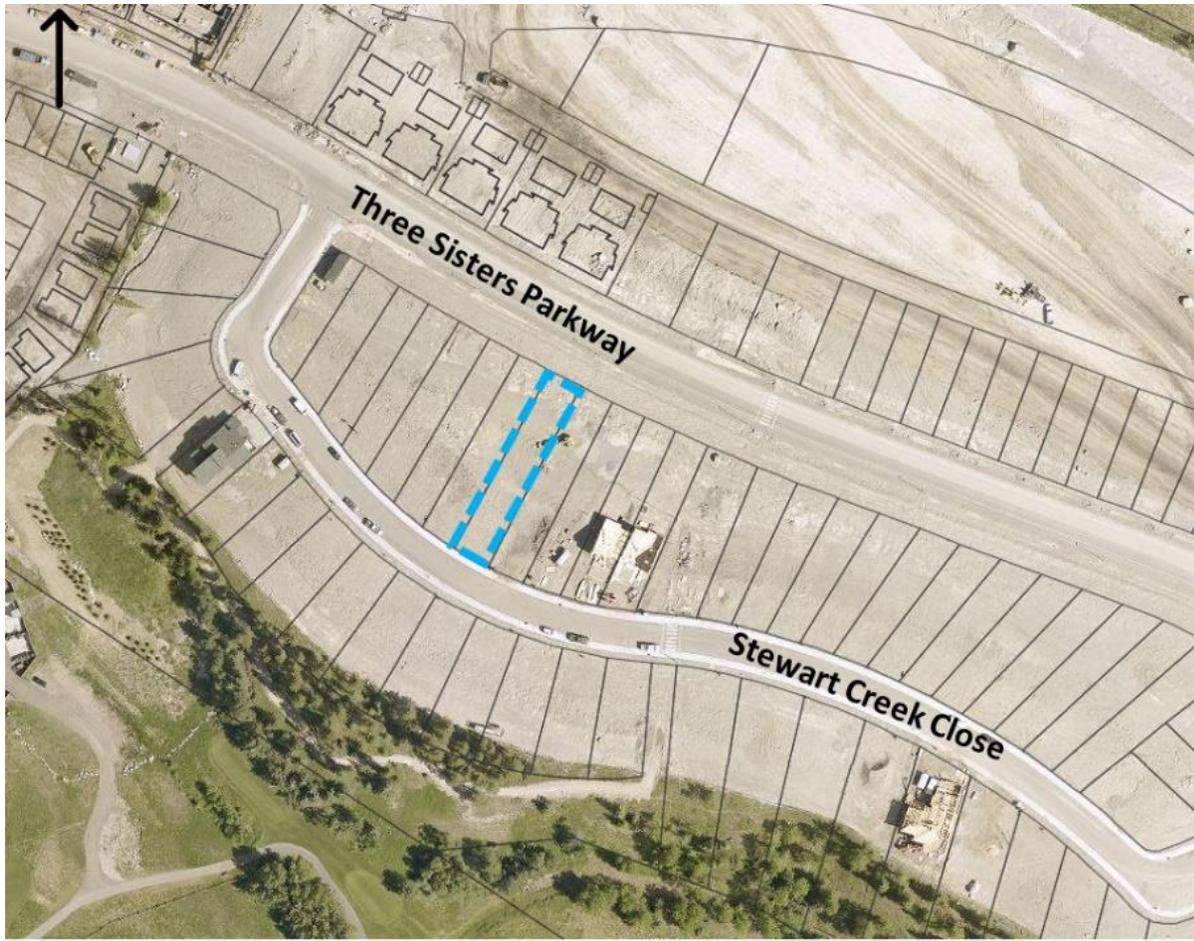


Marcus Henry
Supervisor of Planning & Development



Eric Bjorge
Planning Technician

ATTACHMENT I – SITE CONTEXT AND PROPERTY IMAGES



Aerial Photo – 442 Stewart Creek Close outlined in blue



Looking east on Stewart Creek Close

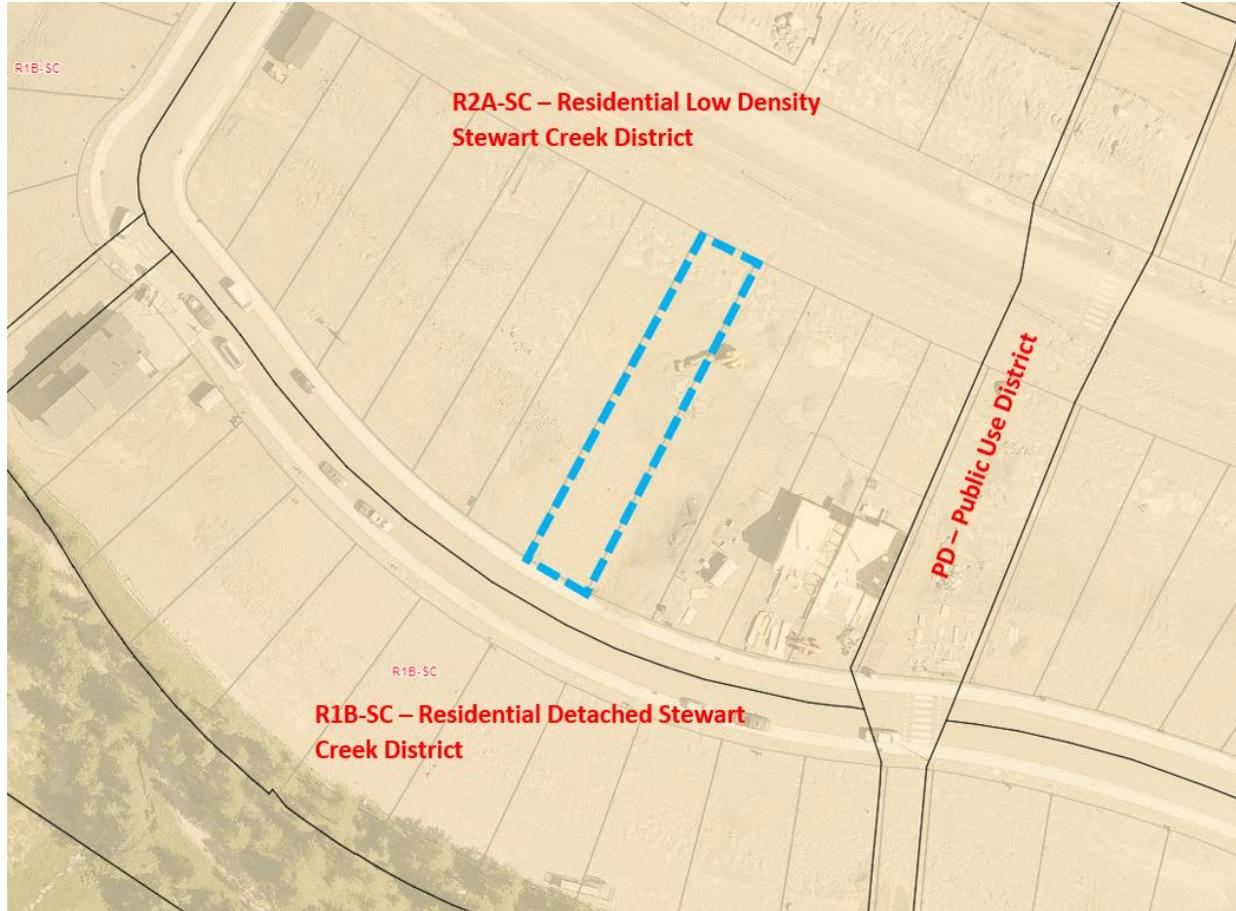


Front view looking north from Stewart Creek Close



Looking west from Stewart Creek Close

ATTACHMENT 2 – ZONING MAP



442 Stewart Creek Close outlined in blue

ATTACHMENT 3 - BYLAW CONFORMANCE REVIEW

Note: As this application is a renewal, the majority of regulations below were reviewed and approved as part of the original approval, and there is no changes or updated plans for the renewal, with the exception of a new Statutory Declaration.

REQUIREMENT	BYLAW 2018-22	PROPOSED	VARIANCE REQUIRED
INCIDENTAL AND SUBORDINATE TO PRINCIPAL RESIDENTIAL USE AND FULLY CONTAINED WITH THE PRINCIPAL BUILDING	INCIDENTAL AND SUBORDINATE TO PRINCIPAL RESIDENTIAL USE AND FULLY CONTAINED WITH THE PRINCIPAL BUILDING	GUEST ROOMS IN LOWER LEVEL OF PRINCIPAL BUILDING	No
NUMBER OF GUEST ROOMS	MAXIMUM ONE GUEST ROOM AND 2 GUESTS PER BEDROOM	ONE GUEST ROOM, MAXIMUM OF 2 PEOPLE	No
DENSITY AND SEPARATION	MAXIMUM OF 5% OF ALL RESIDENTIAL DWELLINGS WITHIN THE CENSUS AREA, MIN SEPARATION OF 50M FROM NEAREST B&B	UNDER 5% OF DWELLINGS IN THIS CENSUS AREA ARE B&B'S AND A MINIMUM OF 50M SEPARATION FROM NEAREST B&B	No
KITCHEN FACILITIES	NO COOKING OR FOOD PREPARATION FACILITIES IN GUEST ROOMS	WET BAR WITH SINK AND COFFEE MAKER	No
ACCESS	ACCESS NOT SOLELY THROUGH PRIVATE ENTRANCE	ACCESS PROVIDED THROUGH PRINCIPAL DWELLING AND PRIVATE ENTRANCE	No
OPERATORS DECLARATION	STATUTORY DECLARATION REQUIRED CONFIRMING OPERATOR IS THE PRINCIPAL RESIDENT OF THE DWELLING	FORM DOCUMENT SIGNED AND RECEIVED	No
SIGN	EXTERIOR SIGNAGE REQUIRED	SIGNAGE APPROVED	No
LANDSCAPING	MINIMUM 50% OF FRONT YARD	AT LEAST 50% OF FRONT YARD LANDSCAPED	No
PARKING VEHICLE PARKING BICYCLE PARKING	ONE STALL FOR PRINCIPAL RESIDENT, ONE STALL PER ACCOMMODATION UNIT 2 LONG TERM BICYCLE STALLS FOR EACH GUEST ROOM	2 STALLS PROVIDED UNKNOWN, BUT SPACE IS AVAILABLE UNDER THE BACK DECK.	No No



DEVELOPMENT PERMIT Application Form

PROPERTY INFORMATION	
Municipal Address <i>442 Stewart Creek Close</i>	
Legal Address	Existing Use of Land/Building <i>Residential</i>
Lot/Unit:	Block: Plan:

DEVELOPMENT INFORMATION	
I have formed the submission of this application by using the following checklist:	
Proposed Development/Use(s)	Number of Units

APPLICANT INFORMATION	
Name <i>John Morris, Malgorzata Morris</i>	Phone FOIP
E-mail FOIP	
Mailing Address FOIP	FOIP

OWNER INFORMATION (if different than applicant)	
Name	Phone
E-mail	
Mailing Address	

DECLARATION

I/We declare that I am/We are the owner of the land described above or authorized to act on behalf of the registered owner(s). I/We have reviewed all of the information supplied to the Town with respect to an application and it is true and accurate to the best of my/our knowledge. I/We understand that the Town of Canmore will rely on this information in its evaluation of the application. Any decision made by the Town of Canmore based on inaccurate information may be cancelled at any time. I/We give authorization for electronic communication, using the email provided on this application form.

By signing below, I/We confirm to have carefully read this declaration and agree to the terms within.

Signature of Applicant <i>John Morris</i>	Date <i>Nov. 27, 2021</i>
Signature of Owner	Date

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PAYMENT

Until the applicable permit fees have been paid in full to the Town of Canmore, the Town will not commence the review of your application. Town administration will contact you upon receipt of the application to arrange for the applicable fees to be paid.

FOR OFFICE USE ONLY			
Planning Fee:	Date Submitted	Tax Roll	Permit Number
Engineering Fee:			

STATUTORY DECLARATION

RE: Three Sisters Bed & Breakfast
(Name of Bed and Breakfast)

CANADA)
PROVINCE OF ALBERTA)
TO WIT:

IN THE MATTER OF Three Sisters Bed & Breakfast
(Bed and Breakfast)

I/We, John Morris, of the Town of Canmore, in the Province of Alberta, Canada:

DO SOLEMNLY DECLARE THAT:

1. I/We, John Morris, Malgorzata Morris, operate a Bed and Breakfast Business known as Three Sisters Bed & Breakfast at the premises municipally described as 442 Stewart Creek Close and legally described as Plan 1611360 Block 22 Lot 8 (the "Principal Dwelling").

2. We are the primary residents of the Principal Dwelling.

AND I MAKE THIS DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the Town of Canmore, in the Province of Alberta, this 27 day of NOV, 2021.

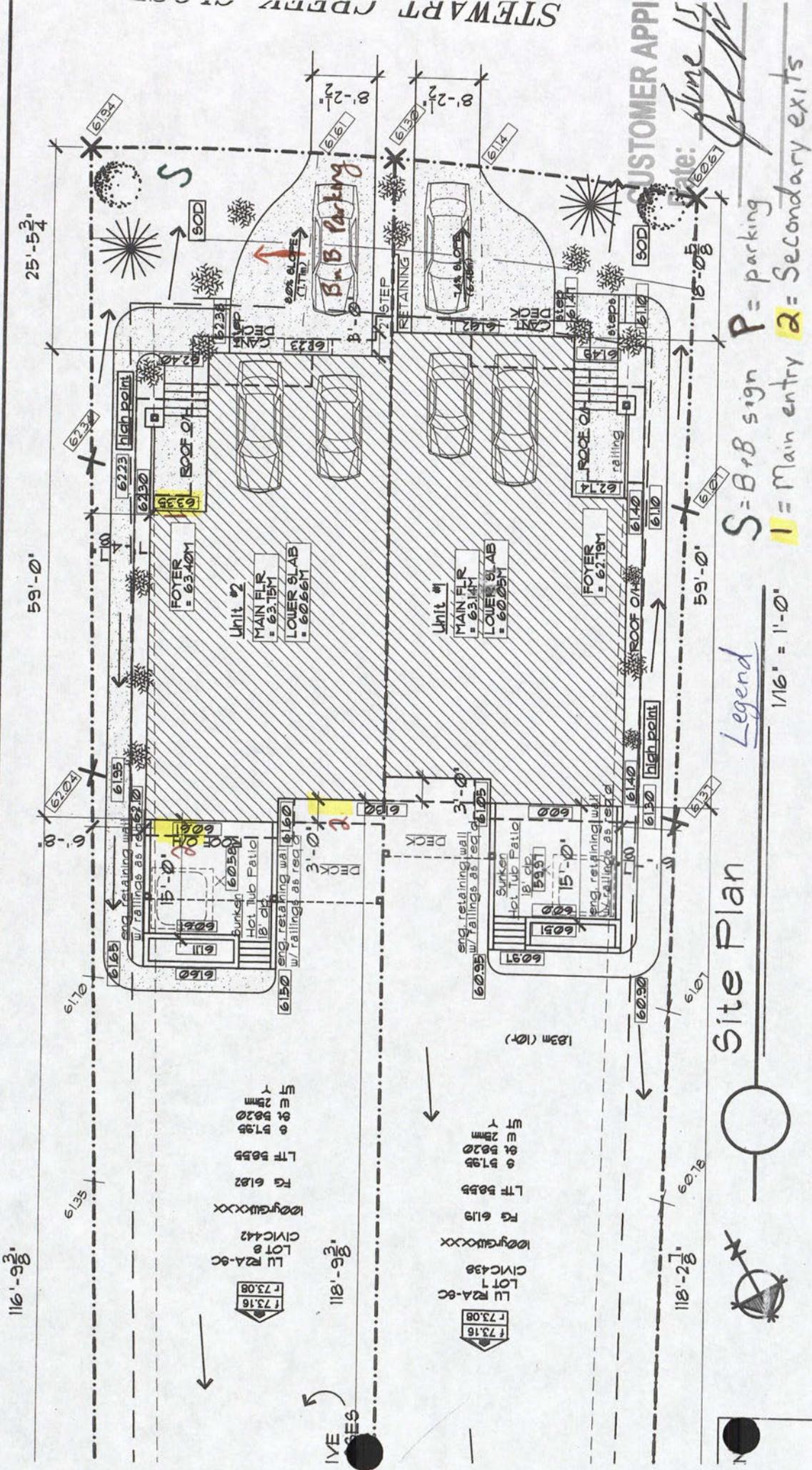
ANNIE KAN
COMMISSIONER FOR OATHS
IN & FOR THE PROVINCE OF ALBERTA
APPOINTEE # 0753917 EXPIRES JUN. 14, 2024

[Signature]

A Commissioner for Oaths in and for the Province of Alberta

m. morris for
John Morris

Signature of Declarant



Legend

S = BrB sign
 P = parking
 I = Main entry
 a = Secondary exits

1/16" = 1'-0"

LEGEND

- DESIGN GRADES SHOWN THUS (FROM DEVELOPER'S GRADING PLAN)
- DESIGNER'S PROPOSED GRADES SHOWN THUS
- OVERLAND DRAINAGE DIRECTION
- INDICATES DOWNSPOUT DISCHARGE
- FRONT YARD' LANDSCAPING CALCULATION
- AREA = 123.6 sq.m.
- 3 NEW TREES REQUIRED IN FRONT
- 5 NEW TREES TO BE PLANTED - CONFIRM W/ ARCH. APPROVAL FOR REQMTS + DETAILS. SEE SECTION 6.2.1. STEWART CREEK PH.3 GUIDELINES
- NEW SHRUBS, NATIVE SPECIES TO BE DETERMINED AS PER DEVELOPER'S RECOMMENDED LIST



Site Plan

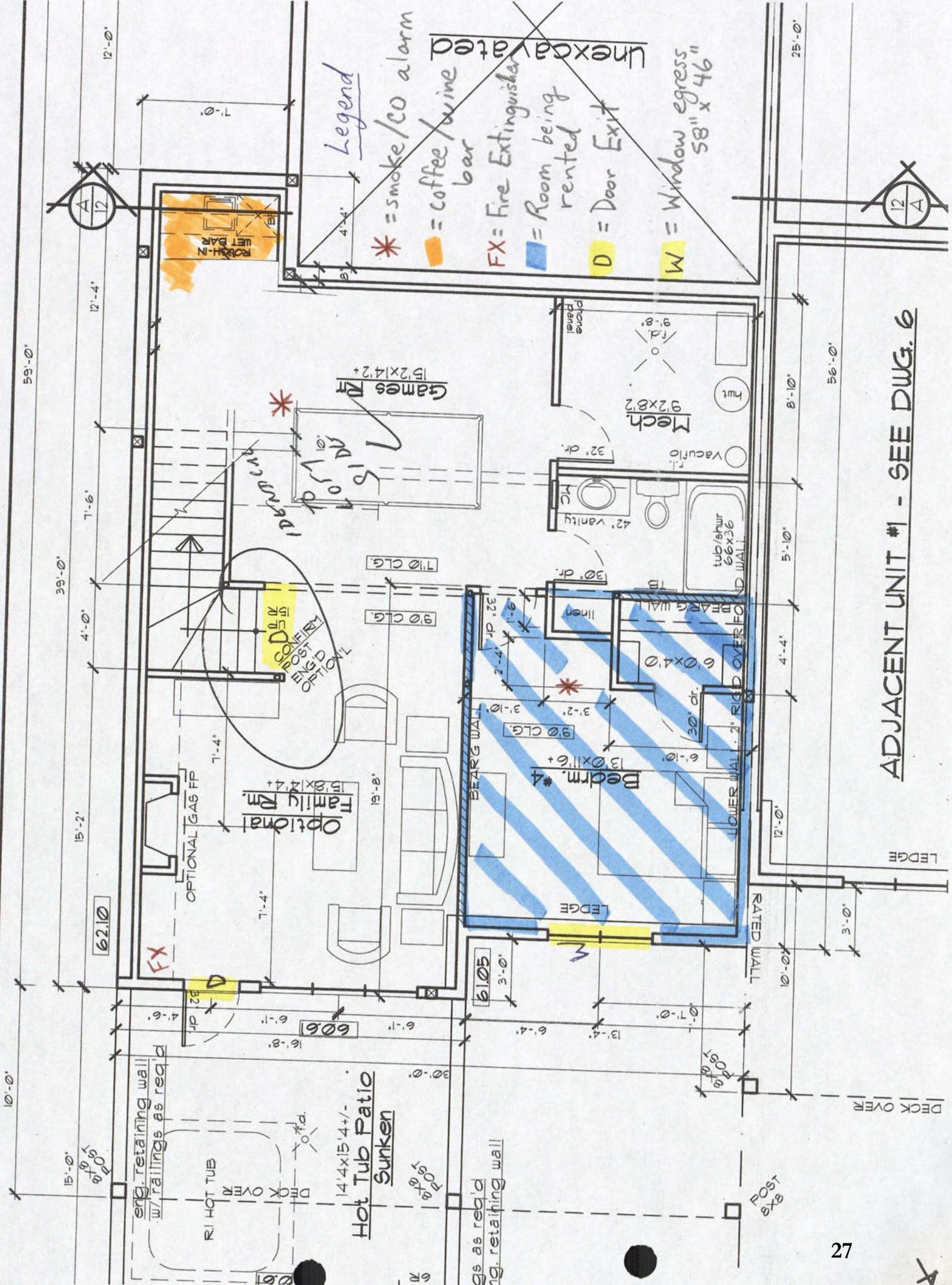


LOT 1	LOT 8
6162	6223
6132	6132
7308	7308
1141	1202
6005	6066
5855	5855
5981	6048

SCALE HEIGHT 26

FTG.

T RFO'D



Legend

- * = smoke/CO alarm
- ☐ = coffee/wine bar
- FX = Fire Extinguisher
- ☐ = Room being rented
- D = Door Exit
- W = Window egress 58" x 46"

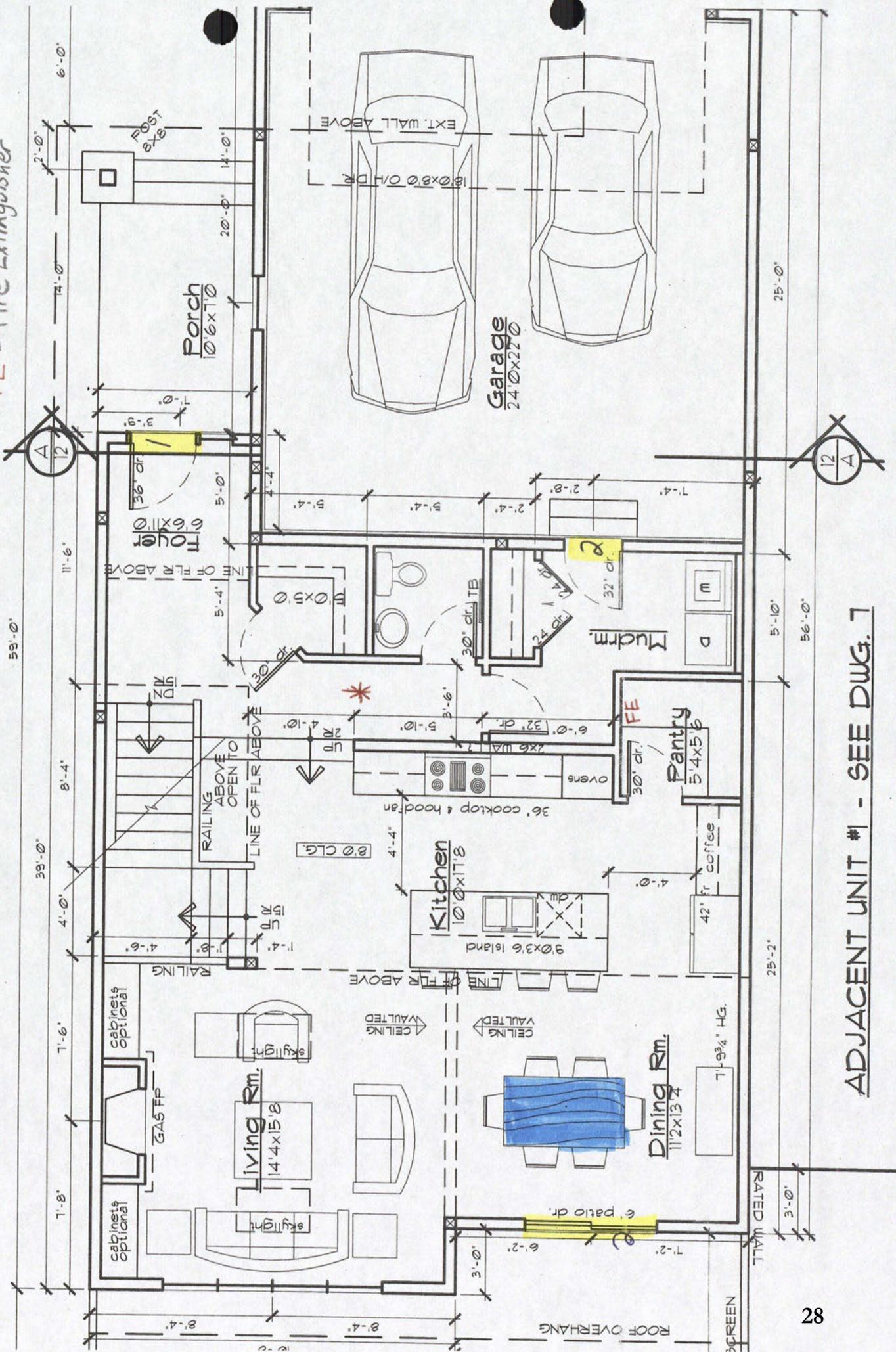
Unexcavated

ADJACENT UNIT #1 - SEE DWG. 6

Legend

SKYLIGHTS IN LIVING ROOM?

- = Breakfast Area
- 1 = Main entrance
- 2 = Secondary exits
- * = smoke/CO alarm
- FE = Fire Extinguisher



ADJACENT UNIT #1 - SEE DWG. 7



NOTICE OF DECISION

THIS IS NOT A DEVELOPMENT PERMIT

DEVELOPMENT PERMIT No.: PL20210477

APPLICANT NAME: John and Malgorzata Morris

MUNICIPAL ADDRESS: 442 Stewart Creek Close

LEGAL ADDRESS: Lot 8 Block 22 Plan 1611360

LAND USE DISTRICT: R2A-SC – Residential

APPROVED USE(S): Renewal, Bed & Breakfast (One Guest Room)

DATE OF DECISION: January 6, 2022

APPROVED BY: Development Officer

DATE ISSUED: January 6, 2022

It has been decided that the application be **APPROVED** subject to the conditions noted in the attached Schedule A – Conditions Of Approval.

This application was deemed complete on: January 6, 2022

Signature

Eric Bjorge
Development Officer

January 6, 2022

Date

A decision of the Development Authority on a development permit application may be appealed by serving a written Notice of Appeal to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days of the date that the applicant is notified of the decision in writing.

Should you have any questions or require information regarding any of the above please contact the Development Officer as noted in this document.



SCHEDULE A

CONDITIONS OF APPROVAL

DEVELOPMENT PERMIT No.: PL20210477

LAND USE DISTRICT: R2A-SC – Residential

APPROVED USE(S): Renewal: Bed and Breakfast (1 Guest Room)

APPROVED VARIANCE(S): None

MUNICIPAL ADDRESS: 442 Stewart Creek Close

LEGAL ADDRESS: Lot 8 Block 22 Plan 1611360

APPROVED VARIANCES

1. None

STANDARD CONDITIONS

1. The operation and approval of this Bed and Breakfast Development Permit shall comply with the regulations of the Land Use Bylaw (LUB) 2018-22, unless otherwise stated under the approved variances section of this document.
2. A business registry license must be obtained to operate a Bed and Breakfast in accordance with the Canmore Business Registry Bylaw.
3. Development Permit is valid to **November 30, 2024**.
4. The Bed and Breakfast shall not contain cooking or food preparation facilities in bedrooms or attached common areas for use by guests.
5. All construction, landscaping and exterior finishing materials are to be as shown on the approved plans and other supporting material submitted with the application.
6. Parking for the approved guest rooms shall not be provided in tandem.

SPECIFIC CONDITIONS

1. None

ADVISORY COMMENTS

1. As part of the Alberta Building Code (ABC) the following will be required:
 - i. One ABC Fire Extinguisher with a minimum UL or ULC rating of 2A to be mounted on each level being used for the Bed & Breakfast establishment.
 - ii. Smoke alarms are to be installed between each sleeping area and the remainder of the dwelling.



Planning & Development Department

Town of Canmore
902 - 7th Avenue
Canmore, AB, T1W 3K1
www.canmore.ca

- iii. One 5 LB (2-A-10-BC) portable fire extinguisher to be located on each of the levels occupied by the B & B guests.

Signature

Date

Development Authority

IS A NOTICE POSTING REQUIRED:

YES

NO

ATTACHMENT 7 – STATUTORY REQUIREMENTS FOR APPEAL

- The application for a Development Permit for a renewal of a Bed and Breakfast was approved on January 6, 2022 (note, according to the Land Use Bylaw the appeal period does not start until the Notice of Decision is posted on site, which occurred on March 24, 2022).
- Administration received an appeal from adjacent owners on April 13, 2022 which is within the 21-day appeal period.
- The appeal hearing was scheduled for May 11, 2022 within the 30-day time period as required by the Municipal Government Act (MGA).
- The appellant was informed of the hearing date via e-mail on April 26, 2022.
- Letters of notification to affected landowners were mailed on April 26, 2022.
- An advertisement was published in the May 5, 2022 edition of the Rocky Mountain Outlook.
- The Appeal Hearing was posted on the Town website on May 3, 2022.
- Notifications can be assumed to have been received more than the required five days prior to the hearing. As such, the statutory requirements of the appeal have been satisfied.

Submission from the Applicant/Landowners in response to the subject appeal:

- **M. & J. Morris**

05/05/2022

RE: Appeal for B&B at 442 Stewart Creek Close

Response regarding reasons for appeal submitted by Edward Keenan:

1. We offer two entrance door options for our guests: the main front door and more private back door. Due to Covid circumstances guests always prefer the second option as they consider it safer and more comfortable.
2. Yes, we have a small gym in our garage. We still use the garage for one stall parking and there are two more parking spaces on our driveway. One which is designated and communicated clearly to our guests. Our guests have always used this space to park. On occasion, we have had friends or family visiting that have used the street parking, it seems likely that the appellant may have thought that these were our guests. I do agree that we face a parking challenge on our street. But this is since there are 3 homes under construction directly across from us and there is tradesman parked all over our street from Monday to Friday making it congested. See attached photos.

Here is a note we provide to our guests: *“when you arrive, please park on the right side of the driveway as this is the allotted parking spot for our Bed & Breakfast guests”*

3. Due to limited space, we only accept a maximum 2 guests per suite and these people seem to always be the ones who come to hike/bike and to enjoy the Canmore outdoors as much as possible. They are usually gone to explore it for most of the day. They do not party here and have never been loud. We have two little toddlers in our house so having unobtrusive and quiet guests is our priority. We would never allow anybody to disturb the peacefulness of our neighbourhood. We have run our B&B for the past two years and never had a problem or complaint. Canmore essentially is a tourist town, and this feel is prevalent wherever you go. And the town itself allows tourist accommodation in many parts of the town due to the nature of this place. Therefore, I do not feel we are doing anything against our community or neighbours. Many of us here host family members and friends as everyone enjoys coming here and being close to nature. Additionally, if you look at our statement from the last two years you will see that we only hosted 4 times. We have never planned, and we never will run this as a full-time operation. We host a few times a year as an addition to our income. Canmore is an expensive city, especially for young families like ours. And we are trying to be financially creative in order to stay here. It should never be a privilege of wealthy people to live and call this beautiful place their home.



FOIP

442



FOIP

FOIP

Notifications by the SDAB Clerk to the following:

- **Appellant**
- **Applicant**
- **Adjacent Landowners**

Town of Canmore

902 7th Avenue

Canmore, Alberta T1W 3K1

Phone: 403.678.1500 | Fax: 403.678.1534

www.canmore.ca



April 28, 2022

Dear Sir/Madam

**RE: PL20210477
Lot 8, Block 22, Plan 161 1360
442 Stewart Creek Close
Renewal of a Bed & Breakfast
Appeal against an approval by a Development Officer.**

Please be advised that the Subdivision & Development Appeal Board will hear this an appeal on **May 11th (Wednesday) at 2:00 p.m.** Note that SDAB hearings are being held electronically and are livestreamed at <https://canmore.ca/town-hall/boards-committees/subdivision-development-appeal-board/sdab-agendas-board-orders>

As the adjacent property owner, or as an affected landowner, you have the opportunity to present at the virtual hearing and/or provide a written submission to the Board. **The deadline for written submission is Thursday, May 5th, 2022, by noon (12:00 p.m.).**

Written and verbal submissions will be accepted by the public. Anyone wishing to make a verbal submission at the hearing must contact the SDAB clerk at sdab@canmore.ca before the hearing is called to order to register and receive login information. Anyone wishing to file a written submission may send it by email to sdab@canmore.ca. Drop off or mail to the Civic Centre, 902 7 Avenue Canmore AB T1W 3K1 "Attention: SDAB Clerk". Please note that staff is limited at the Civic Center, it is encouraged to drop off or email rather than mail. The deadline for written submission is **Thursday, May 5th, 2022, by noon (12:00p.m.).**

Any correspondence/comments provided will be part of the public record and may be released to the general public. The appeal file is available for public inspection via email request to sdab@canmore.ca. Should you have any questions or require further information, please contact the SDAB Clerk at sdab@canmore.ca or 403.678.1500 (email preferred at this time).

Kind regards,

Katy Bravo Stewart
Clerk
Subdivision & Development Appeal Board

Attachment 1: SDAB Hearing procedure

PROCEDURE FOR SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING

PLEASE NOTE: ALL DOCUMENTS PRESENTED AT THIS HEARING ARE PUBLIC DOCUMENTS

1. Chairperson declares the Subdivision & Development Appeal Board Public Hearing to order
2. Introduction of the Board members and Clerk.
3. Motion to adopt the agenda
4. Introduction of Town Administration.
5. Introduction of appeal by Development Officer.
6. Appellant introduction and opportunity for any objections to the Board members.
7. Administration will make a presentation.
8. Then the Appellant or their agent will speak in favour of the appeal.
9. Followed by others speaking in favour of the appeal, and any correspondence in favour of the appeal.
10. Then those speaking in opposition to the appeal, and any correspondence in opposition to the appeal.
11. Lastly, those speaking neither in favour nor in opposition to the appeal, and any related correspondence.
12. At any time, the Board may ask for clarification by any of the persons speaking to the appeal.
13. The Board may then ask for a short recess if necessary.

14. To close, Administration will be asked if they wish to provide any clarification or closing remarks.
15. Followed by any clarification or closing remarks from the Appellant.
16. The Appellant will be asked if they feel they have had a fair hearing.
17. The board would then close the public portion of the hearing (meeting is adjourned), go in camera (private), and review all the information provided. **The Board will then provide a written decision within 15 days following this hearing.**
18. The purpose of the hearing is for the Appellant and affected parties to provide the Board with information to the appeal. **The Board must base its decision on planning merits.** Affected persons will be given an opportunity to speak.
19. Please ensure that all comments are directed to the Board. In addition, all comments be of proper decorum and be succinct; if another person has already made a point, simply state that you agree with the point and continue.
20. If any person presenting is referring to a written document, including a map, photographs or a report, a copy of those documents must be left with the Clerk.

201
NOTIFICATION MAP

205



April 26, 2022

Our Reference: PL20210477

Subdivision and Development Appeal Board Hearing

Dear Sir/Madam

This letter serves as notification that the following property is subject to an appeal to be heard by the Subdivision and Development Appeal Board (SDAB). The details are as follows:

Development Permit: Renewal of a Bed & Breakfast
Address: 442 Stewart Creek Close
Legal Description: Lot 8, Block 22, Plan 161 1360
Appeal Matter: Against an approval by the Development Officer.

As an adjacent property owner, or as a potentially affected person, you have the opportunity to present in-person and/or provide a written submission to the Board.

Virtually: **Date:** May 11th, 2022
 Time: 2:00pm
 Location: Zoom Meeting livestreamed via canmore.ca/webcast
 Registration: sdab@canmore.ca

In-Writing: **Subject:** SDAB Hearing – PL20210477
 Deadline: May 5th, 2022 @ 12:00pm
 Drop Off: Reception, Canmore Civic Centre, 902 7th Avenue, Canmore
 Email: sdab@canmore.ca

Please note: Any submissions received after the deadline will not be presented to the Board for review until the hearing. Should you provide a written submission after the deadline, digital copies will be distributed to each SDAB member before the hearing commences. Should a written submission include complex and/or extensive information, the Board may postpone the hearing to fully consider the submission. **Any correspondence/comments provided will be part of the public record and may be released to the general public.**

The appeal file is available for public inspection upon request to sdab@canmore.ca. The SDAB hearing procedure and circulation map is attached for your reference. Additional information is available upon written request. Should you have any questions or require further information, please contact the Board Clerk – Katy Bravo Stewart, at 403.678.1500 or sdab@canmore.ca.

Kind regards,



Katy Bravo Stewart

Clerk - Subdivision & Development Appeal Board

Attachment 1: SDAB Hearing procedure.

Attachment 2: Circulation map.

PROCEDURE FOR SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING

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20. If any person presenting is referring to a written document, including a map, photographs or a report, a copy of those documents must be left with the Clerk.

201
NOTIFICATION MAP

205



SUBJECT PROPERTY

STEW

45

End of SDAB Package
May 11, 2022