

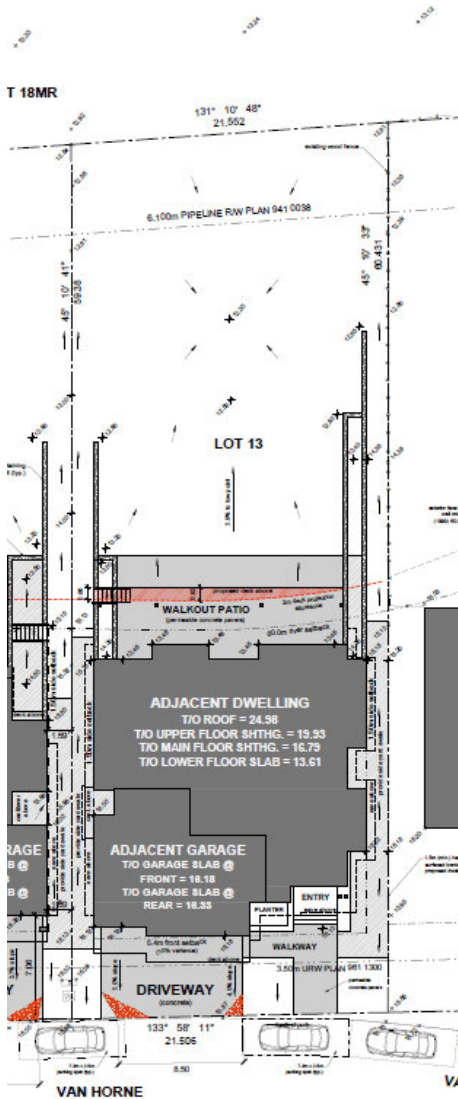


**Agenda**  
**Subdivision & Development Appeal Board**  
**Hearing**  
**March 9, 2022 at 2:00 p.m.**  
**Electronic Hearing Via Zoom**

1. Call to Order
2. Adoption of Agenda
3. Adoption of Minutes  
None
4. Appeal Hearings
  - a) **PL2021 0498**  
13 Van Horne  
Lot 13, Block 9, Plan 961 1299  
Variances to Waterbody Setback and Driveway Width  
Appeal against a Refusal by the Development Officer.
  - b) **PL2021 0499**  
14 Van Horne  
Lot 23, Block 9, Plan 211 0400  
Variances to Waterbody Setback and Driveway Width  
Appeal against a Refusal by the Development Officer.
5. Other Business  
None
6. Adjournment

# SUBDIVISION AND DEVELOPMENT APPEAL BOARD

## STAFF REPORT



**DATE OF HEARING:** March 9, 2022

**PROPOSED DEVELOPMENT:** Variances to Driveway Width and Encroachment into Waterbody Setback

**APPLICATION NUMBER:** PL20210498

**LEGAL DESCRIPTION:** LOT 13, BLOCK 9, PLAN 9611299

**CIVIC ADDRESS:** 13 Van Horne

**CURRENT USE(S):** Detached Dwelling

**APPLICANT:** Dale Hildebrand, Arbus Mountain Homes

**APPELLANT:** Steve Dobler

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alled

**site plan**  
1:200

## **EXECUTIVE SUMMARY**

A Development Permit was issued on the subject site of 13 Van Horne through PL20210057 on April 21, 2021 for a Detached Dwelling. Following the approval of PL20210057, a second development permit application was submitted for this site (PL20210498) requesting two variances. The first variance being for the driveway width, and second for an encroachment of the deck into the waterbody setback. On February 1, 2022 PL20210498 was refused by the Development Officer. An appeal with respect to the refusal was subsequently filed by the landowner.

## **BACKGROUND**

### Municipal Government Act

The Development Permit application is subject to the approval process and timelines as required in Section 683 and 684 of the Municipal Government Act. The required process and timelines were met.

### Municipal Development Plan (MDP)

The Town's Municipal Development Plan provides high level direction regarding development setbacks from waterbodies for their protection. Specifically, Section 4.2.23 regarding the establishment of setbacks from a waterbody at the statutory plan level or within the Land Use Bylaw.

### Engineering Design and Construction Standards (EDCG)

The EDCG sets out standards for roads and utilities, and other municipal infrastructure. Section 3.3.5 of the EDCG requires that all driveways (which connect to the municipal roadway) must not exceed the widths specified in the Land Use Bylaw.

### Land Use Bylaw 2018-22

This permit application is subject to several specific sections of the Town's Land Use Bylaw (LUB), including:

1. Direct Control Districts Section 1.7
2. Variance Powers of the Development Authority Section 1.14
3. Driveway widths in Section 2.3 (Vehicle Access and Driveways)
4. Encroachments into a waterbody setback in Section 2.4 (Setback Requirements)
5. Van Horne Direct Control District Section 14.39

Please note that the Van Horne Direct Control District is a relatively recent addition to the Town's LUB. In response to a previous permit application submitted to the Town on these sites, the adjacent landowners submitted a land use amendment application to the Town to ensure that the 60 m waterbody setback from the Bow River was maintained consistently throughout this subdivision. The application submitted was approved by Council in November 2020 and the Van Horne Direct Control District was added to the LUB accordingly.

### Development Permit PL20210057

A Development Permit (PL20210057) for a Detached Dwelling was issued on April 21, 2021 by the Development Officer. Attachment 3 contains the development permit, the conditions of approval and the approved plot plan for PL20210057. Note that three variances were approved under PL20210057 for the front yard setback, the deck encroachment into the front yard setback, and the driveway length.

The dwelling is currently under construction in accordance with these plans. Should the Development Officer's refusal of PL20220498 be upheld by the SDAB, the approval of PL20210057 is unaffected and the applicant can continue construction of the Detached Dwelling as was initially approved.

## EXISTING SITE

The subject site is located on Van Horne (Attachment 1). It is the eastern most of three vacant/under construction parcels on Van Horne. Development permits have been issued for the two other adjacent lots - 14 & 15 Van Horne. To the northeast of the parcel is a Municipal Reserve parcel and the Bow River. To the southwest is an existing dwelling (12 Van Horne).

The subject site is located within the Van Horne Direct Control District (Attachment 2). Detached Dwellings are listed as a discretionary use. The site is currently under construction as per the approval of PL20210057.

## BYLAW CONFORMANCE/VARIANCE DISCUSSION (Attachment 4)

### 1. Variance to Deck Encroachment into Waterbody Setback

The applicant is requesting a variance to allow the deck to encroach an additional 0.92 m into the waterbody setback. The site plan shown in Attachment 5 highlights this area in red.

#### PLANNING DEPARTMENT POSITION:

Administration did not support granting this variance for the following reason:

*Section 1.14.2.2 of the Land Use Bylaw 2018-22 states "Notwithstanding the above provisions, the Development Authority shall not grant any variances not approved prior to the adoption of this Bylaw to setbacks from the bank of a waterbody except in accordance with Subsection 2.5.1". The maximum encroachment of a deck into a waterbody setback in accordance with 2.5.1 is 2 m. The Development Officer cannot approve a variance beyond the permitted 2 m encroachment into the 60 m waterbody setback.*

### 2. Variance to Driveway Width

The applicant is requesting a variance to allow the driveway to be an additional 3.5 m in width at the property line. The site plan shown in Attachment 5 highlights this area in red.

#### PLANNING DEPARTMENT POSITION:

Administration did not support granting this variance for the following reason:

*The maximum width of a driveway at property line is 5 m pursuant to 2.3.0.1.h.iii. of the Land Use Bylaw 2018-22. The proposed variance at 8.5 m is a 50% increase in driveway width. The Development Officer does not support variances to increase driveway width at property line which reduce the provision of on-street parking stalls. On-street parking is only allowed on this side of the roadway. The cul-de-sac at the road end is required for Emergency Vehicle turn-around.*

## 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:

- I. 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 **REFUSE** PL20220498 and uphold the decision of the Development Officer (Attachment 6).

Should the SDAB choose to approve PL20220498, the recommended conditions are included in Attachment 7 for consideration.

**STATUTORY REQUIRMENTS FOR APPEAL**

The statutory requirements for the appeal are provided in Attachment 8.

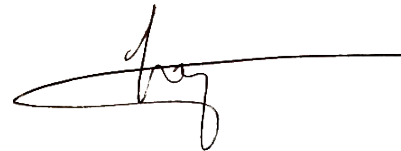
**ATTACHMENTS:**

1. Site Context
2. Van Horne Direct Control District Map
3. Site Plan and Development Permit PL20210057
4. Bylaw Conformance Review
5. Submitted Plans
6. Refusal of PL20210498
7. Proposed Conditions of Approval – PL20210498
8. Statutory Requirements for Appeal



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**Marcus Henry**  
Supervisor of Planning & Development



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**Tracy Woitenko**  
Development Planner

**ATTACHMENT I – SITE CONTEXT OF 13 VAN HORNE**



**ATTACHMENT I – SITE CONTEXT OF 13 VAN HORNE**

Looking North



Looking South



# ATTACHMENT I – SITE CONTEXT OF 13 VAN HORNE

Looking east

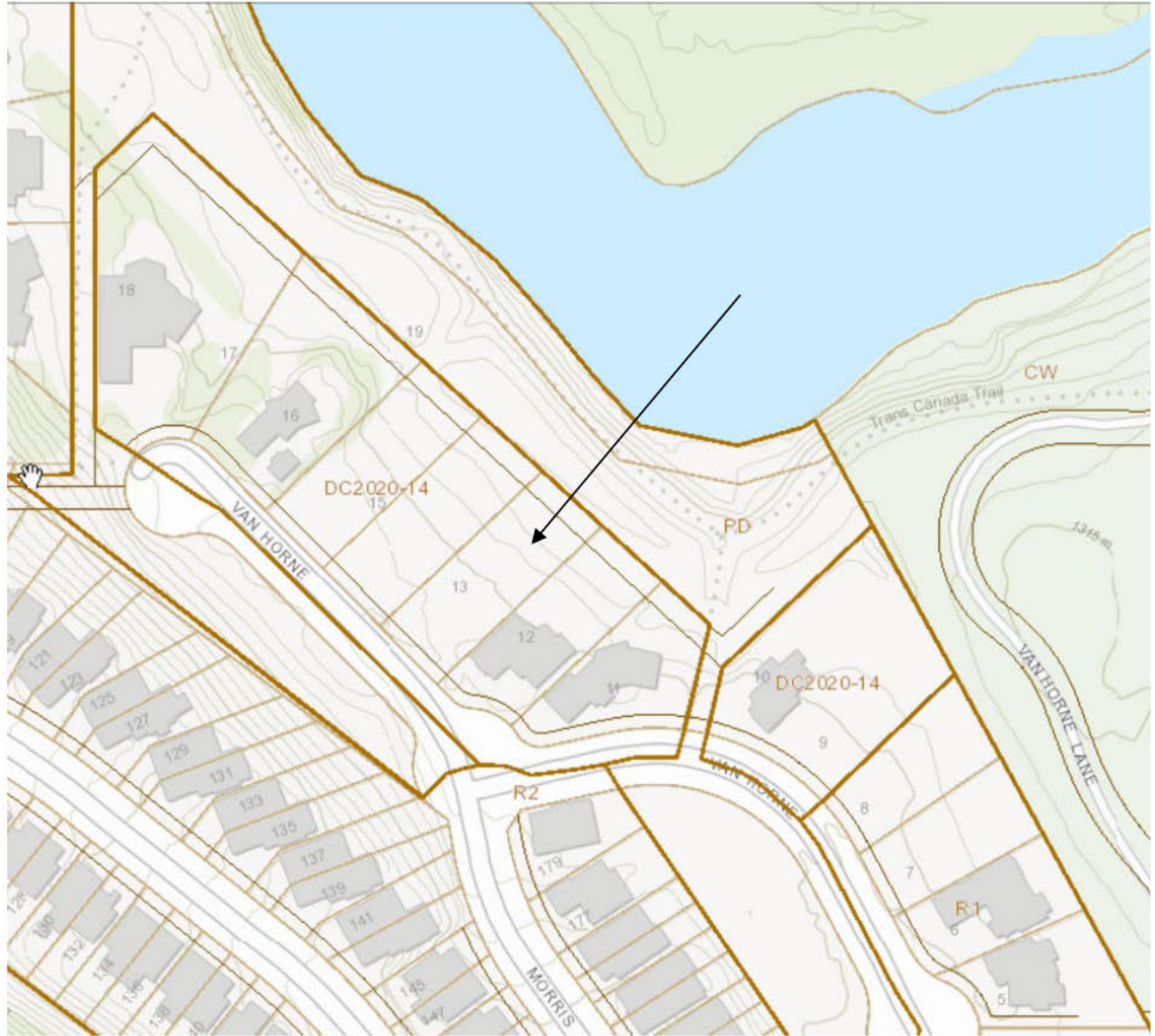


Looking west






**ATTACHMENT 2 – ZONING MAP**

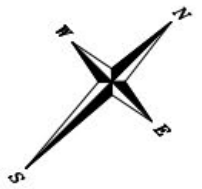
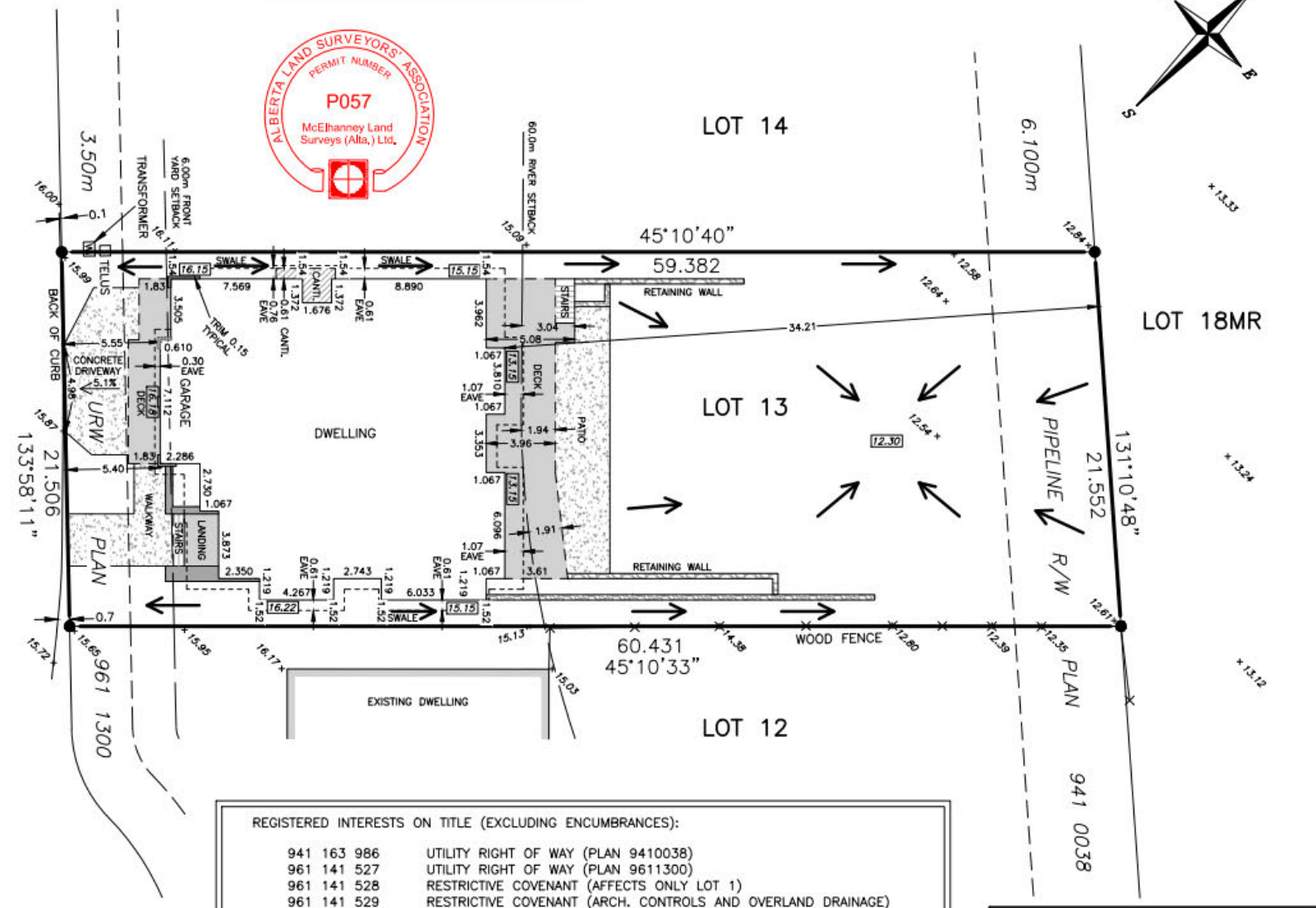


**ATTACHMENT 3 -SITE PLAN AND DEVELOPMENT PERMIT - PL20210057**

<h1>PLOT PLAN</h1>	
LEGAL DESCRIPTION	ZONE DC2020-14
LOT 13, BLOCK 9, PLAN 9611299	
MUNICIPAL ADDRESS	
13 VAN HORNE, CANMORE	
PREPARED FOR	
DESIDERATA ENERGY CONSULTING INC.	
SANITARY SEWER 13.12 : 3.5 m INSIDE PROP. LINE.	SCALE = 1:250
MAX. ROOF ELEV. 25.09 (FRONT) 24.98 (BACK)	
HOUSE:	
ROOF ELEV. 24.98	
MAIN FLOOR 16.79	
LOWER FLOOR SLAB 13.30	
GARAGE	
SLAB 16.18 (at entrance)	
DATUM: UMA (add 1300.00 for GEODETIC)	
GRADES:	
Existing x 99.99 Design 99.99	
SITE PLAN EXISTING GRADES BASED ON A SURVEY COMPLETED APRIL 2010.	
APPROXIMATE DRIVEWAY GRADE: calculated as a straight line slope along the centerline of the driveway between the garage entrance and the back of walk is shown thus.....???	
LOT AREA 1288.0 m <sup>2</sup>	
FOOTPRINT 322.3 m <sup>2</sup> , 25.0 % (DWELLING)	
CANTILEVER 4.4 m <sup>2</sup> , 0.3 %	
NOTE: Distances and elevations are in metres.	
NOTE: Builder to determine frost wall depth.	
DESIGN DATE FEBRUARY 16th, 2021	
 ALBERTA LAND SURVEYOR	
S/O CALCS	DATE
STAKED	DATE
PIN FTNGS	DATE
PIN WALLS	DATE
Benchmark	
Building slab	Cut/Fill
Garage slab	Cut/Fill
Checked by	

NOTE: Maximum roof elevation has been calculated by the H<sub>max</sub> formula (9.5m).

**SEE DESIGNER'S SITE PLAN**  
SEE SITE PLAN BY RUSSELL AND RUSSELL FOR DETAILED SITE GRADES.



REGISTERED INTERESTS ON TITLE (EXCLUDING ENCUMBRANCES):

941 163 986	UTILITY RIGHT OF WAY (PLAN 9410038)
961 141 527	UTILITY RIGHT OF WAY (PLAN 9611300)
961 141 528	RESTRICTIVE COVENANT (AFFECTS ONLY LOT 1)
961 141 529	RESTRICTIVE COVENANT (ARCH. CONTROLS AND OVERLAND DRAINAGE)

\*RESTRICTIVE COVENANT # 961141529 REFERS TO ARCHITECTURAL GUIDELINES WHICH PRESUMABLY CONTAIN THE DEVELOPER'S SETBACKS. HOWEVER, THE REQUIREMENT TO OBTAIN DEVELOPER APPROVAL FOR NEW CONSTRUCTION EXPIRED IN 2001.

**McElhanney**  
Land Surveys (Alta) Ltd.  
203 - 502 BOW VALLEY TRAIL, CANMORE AB, T1W 1N9  
PH (403) 678-6363; FAX (855) 407-3895  
FILE: 19-258



**Planning & Development Department**

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

## DEVELOPMENT PERMIT

<b>DEVELOPMENT PERMIT No.:</b>	PL20210057
<b>APPLICANT NAME:</b>	Arbus Mountain Homes
<b>MUNICIPAL ADDRESS:</b>	14 Van Horne
<b>LEGAL ADDRESS:</b>	Lot 13 Block 9 Plan 9611299
<b>LAND USE DISTRICT:</b>	DC2020-14
<b>APPROVED USE(S):</b>	Detached Dwelling with variance to front yard setback, deck encroachment and driveway length
<b>DATE OF APPROVAL:</b>	March 30, 2021
<b>APPROVED BY:</b>	Development Officer
<b>DATE ISSUED:</b>	April 21, 2021

Pursuant to Land Use Bylaw 2018-22, Section 1.12.0.1 "Unless otherwise specified in the Development Permit or in the conditions of development approval, if the development authorized by a Development Permit is not commenced and pursued within one (1) year from the effective date of the permit, and completed within two (2) years of the issue, such permit approval ceases and the permit itself is deemed void, expired and without effect, unless an extension to this period has been granted by the Development Authority.

This development permit is issued subject to the conditions stated in the Schedule A, which was sent with the Notice of Decision by the Development Authority dated March 30, 2021.

A handwritten signature in black ink, appearing to read "Tracy", written over a horizontal line.

Signature

April 21, 2021

Date

Tracy Woitenko  
Development Officer



Planning & Development Department

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

SCHEDULE A
CONDITIONS OF APPROVAL

DEVELOPMENT PERMIT No.: PL20210057

LAND USE DISTRICT: DC2020-14

APPROVED USE(S): Detached Dwelling

APPROVED VARIANCE(S): Front yard setback, deck encroachment and driveway length

LEGAL ADDRESS: Lot 13 Block 9 Plan 9611299

APPROVED VARIANCES

- 1. To Section 14.39.4.5 of Land Use Bylaw 2018-22 to allow a 10% variance to the front yard setback from 6m to 5.4m.
2. To Section 2.4.3.1 and Table 2.4-1 to allow a variance for the deck to encroach into the front yard setback an additional 0.5m.
3. To Section 2.3.0.3 to allow a variance for the driveway length to be 5.4m instead of 6m.

STANDARD CONDITIONS:

- 1. All construction associated with the approval of this 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. All construction associated with the approval of this Development Permit shall comply with the Town of Canmore Engineering requirements as outlined in the Engineering Design and Construction Guidelines (EDCG).
3. All construction associated with the approval of this Development Permit shall comply with the Tree Protection Bylaw and ensure all tree protection measure are appropriately put in place prior to the development of the site, where determined necessary by the Town of Canmore Parks Department.
4. All construction, landscaping and exterior finishing materials are to be as shown on the approved plans and other supporting material submitted with the application.
5. Any trees, shrubs or other plant material installed as part of the landscaping plan which may die or are blown over, shall be replaced on an ongoing basis, prior to receipt by the developer of a Development Completion Certificate.
6. Access to the site for emergency vehicles shall be to the satisfaction of the Manager of Emergency Services.
7. No occupancy shall be permitted until an Occupancy Certificate has been issued by the Town of Canmore.

SPECIFIC CONDITIONS:

- 1. None

Handwritten signature of Development Officer

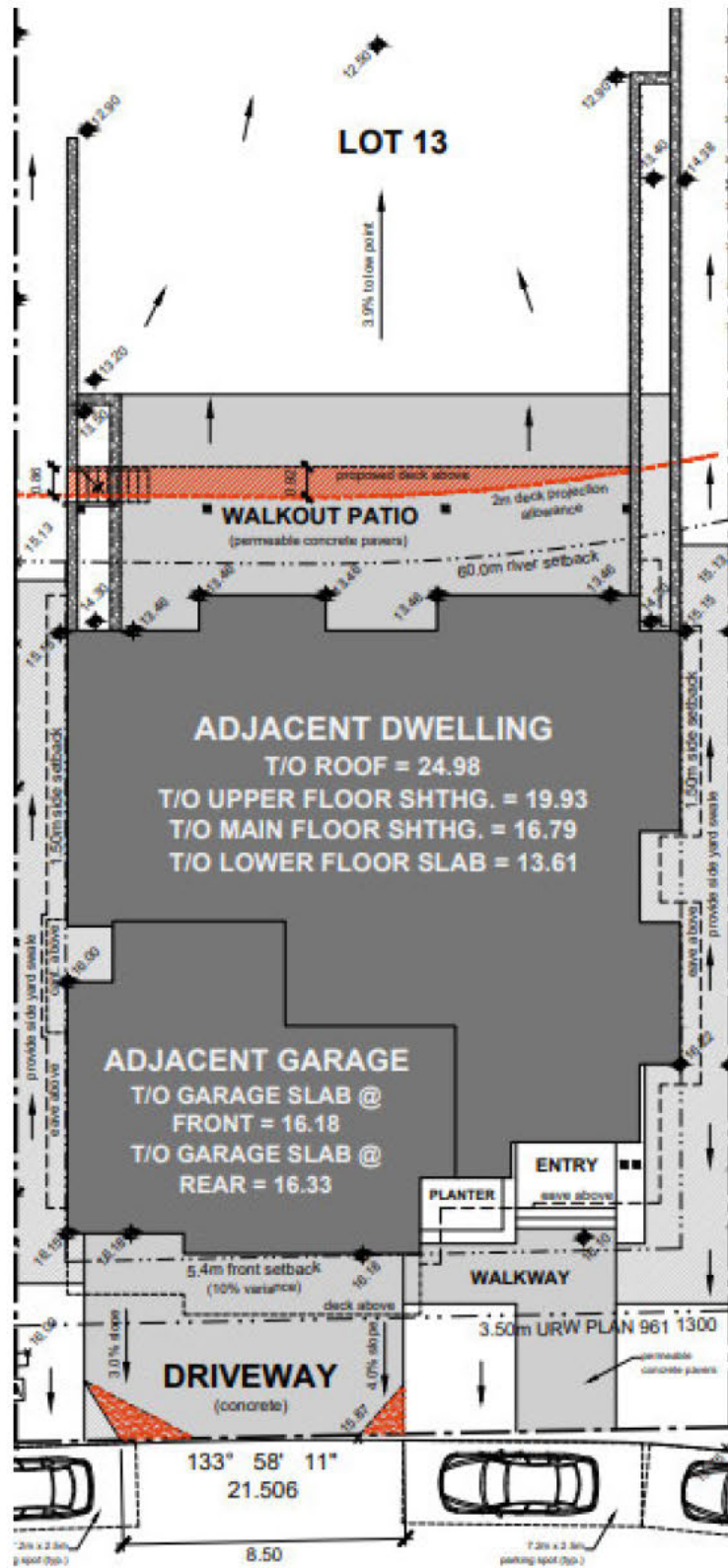
Signature
Development Officer

March 30, 2021
Date

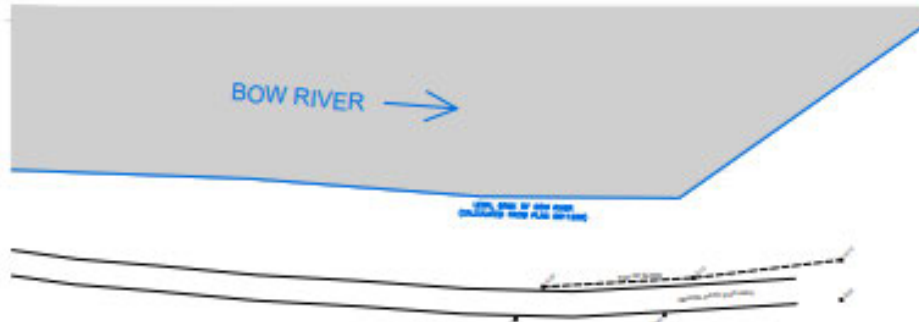
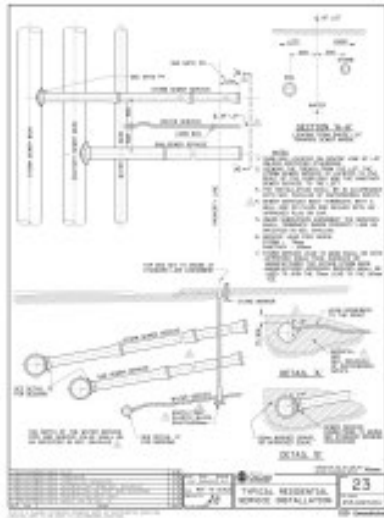
IS A NOTICE POSTING REQUIRED: [X] YES [ ] NO

**ATTACHMENT 4 - BYLAW CONFORMANCE REVIEW PL20210498**

REQUIREMENT	BYLAW 2018-22	PROPOSED	VARIANCE
DECK ENCROACHMENT INTO WATERBODY SETBACK (REAR YARD)	MAX 2M	2.92 M	0.92 M
DRIVEWAY WIDTH AT PROPERTY LINE	MAX 5 M	8.5 M	3.5 M



**ATTACHMENT 5 – SUBMITTED PLAN PL20210498**



PROJECT	1018
ADDRESS	23 van horne
OWNER	23 van horne, canmore, ab
DATE	2021-08-11
SCALE	1:200
DESIGNER	Arbus Mountain Homes
REVISIONS	<ul style="list-style-type: none"> <li>A: issued for review 2021-08-03</li> <li>B: window revisions 2021-08-16</li> <li>C: issued for B.P. 2021-08-17</li> <li>D: window &amp; exterior revisions 2021-08-11</li> <li>E: window &amp; exterior revisions 2021-08-16</li> <li>F: window revisions 2021-10-26</li> <li>G: window revisions 2021-11-10</li> <li>H: driveway &amp; deck revisions 2021-11-28</li> </ul>

**MUNICIPAL ADDRESS**  
23 VAN HORNE  
CANMORE, AB

**LEGAL DESCRIPTION**  
LOTS: 23  
BLOCK: 9  
PLAN: 961 1299

**LAND USE DESIGNATION**  
DC2020-14

**TOTAL GFA**  
(GROSS FLOOR AREA)  
3600 S.F. (332.3 m<sup>2</sup>)

**1:100 YEAR GROUND WATER ELEVATION**  
NOT APPLICABLE

**ALBERTA FLOODS HAZARD ELEVATION**  
NOT APPLICABLE

**TOWN OF CANMORE MIN. SLAB ELEVATION**  
NOT APPLICABLE

**SITE AREA**  
1265.58 m<sup>2</sup>

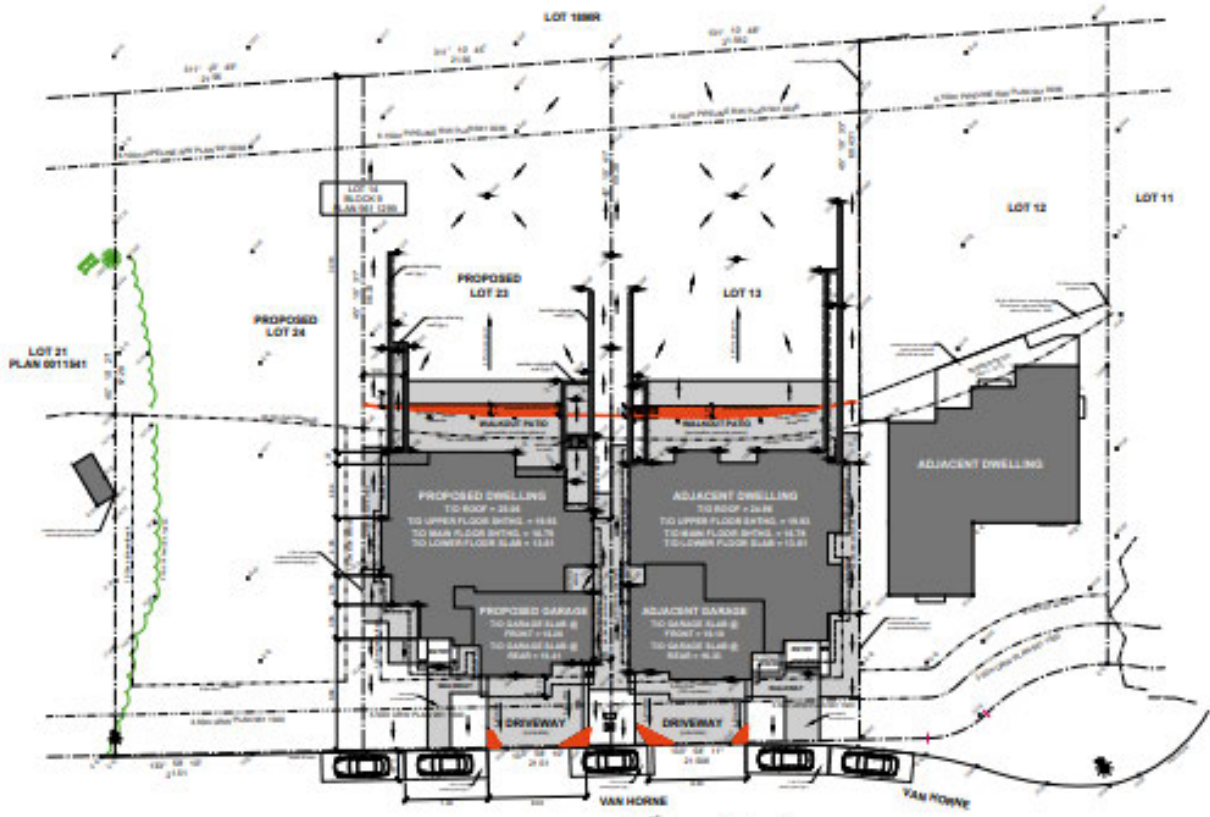
**SITE COVERAGE**  
ALLOWED: 506.23 m<sup>2</sup>  
PROPOSED: 292.12 m<sup>2</sup>

**SITE COVERAGE %**  
ALLOWED: 43.00 %  
PROPOSED: 23.87 %

- SITE PLAN LEGEND:**
- DISTANCES AND ELEVATIONS ARE IN METRES.
  - EXISTING SPOT ELEVATIONS (ADD 0.30 FOR GEODETIC)
  - PROPOSED SPOT ELEVATIONS (ADD 0.30 FOR GEODETIC)
  - DRAINAGE ARROW
  - TELUR PEDAGANT
  - TRANSFORMER

**MAX ROOF ELEVATION (FRONT)**  
25.31

**MAX ROOF ELEVATION (REAR)**  
25.18



**NOTE:**  
If the gravity sewer system cannot achieve a 2% slope, a sewage lift pump will be installed

**site plan**  
1:200

**Arbus Mountain Homes**

Project location: 23 Van Horne, Canmore, AB. All rights reserved. The design of this project is the property of Arbus Mountain Homes. All other content is the property of Arbus Mountain Homes. All other content is the property of Arbus Mountain Homes.

**A1.1**

**russell russell**  
design studios

11117 main street  
canmore alberta t1c 2c3  
403 678 3003  
www.russellrussell.ca



Planning & Development Department

Town of Canmore
902 - 7th Avenue
Canmore, AB, T1W 3K1

NOTICE OF DECISION

\*THIS IS NOT A DEVELOPMENT PERMIT\*

Table with 2 columns: Field Name and Value. Fields include DEVELOPMENT PERMIT No., APPLICANT NAME, MUNICIPAL ADDRESS, LEGAL ADDRESS, LAND USE DISTRICT, USE(S), DATE OF DECISION, REFUSED BY, and DATE ISSUED.

It has been decided that the application be REFUSED for the reasons noted in the attached Schedule A.

This application was deemed complete on: January 6, 2022

Handwritten signature of Tracy Woitenko

Signature

February 1, 2022
Date

Tracy Woitenko
Development Officer

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.



**Planning & Development Department**

Town of Canmore  
902 - 7th Avenue  
Canmore, AB, T1W 3K1

## **SCHEDULE A**

### **REASONS FOR REFUSAL**

**DEVELOPMENT PERMIT No.:** PL20210498

**LAND USE DISTRICT:** Van Horne Direct Control District

**MUNICIPAL ADDRESS:** 13 Van Horne

**LEGAL ADDRESS:** Lot 13 Block 9 Plan 9611299

- 
1. Section 1.14.2.2 of the Land Use Bylaw 2018-22 states "*Notwithstanding the above provisions, the Development Authority shall not grant any variances not approved prior to the adoption of this Bylaw to setbacks from the bank of a waterbody except in accordance with Subsection 2.5.1*". The maximum encroachment of a deck into a waterbody setback in accordance with 2.5.1 is 2 m. The Development Officer cannot approve a variance beyond the permitted 2 m encroachment into the 60 m waterbody setback.
  2. The maximum width of a driveway at property line is 5 m pursuant to 2.3.0.1.h.iii. of the Land Use Bylaw 2018-22. The proposed variance at 8.5 m is a 50% increase in driveway width. The Development Officer does not support variances to increase driveway width at property line which reduce the provision of on-street parking stalls. On-street parking is only allowed on this side of the roadway. The cul-de-sac at the road end is required for Emergency Vehicle turn-around.



**ATTACHMENT 7 – NOTICE OF APPEAL**



**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 <b>13 Van Horne</b>		Development Permit/Subdivision Application File Number <b>PL20210498</b>	
APPELLANT INFORMATION			
Name of Appellant <b>Steve Dobler</b>		Agent Name (If applicable) <b>Dale Hildebrand / Arbus Mountain Homes</b>	
Mailing Address (for notification purposes) <b>17 MacDonald Pl. Canmore AB T1W 2N1</b>			
City	Province	Postal Code	
Phone Number (Day) <b>FOIP</b>		Email <b>FOIP</b>	
<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 type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" 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)

Two variances to PL20210057 were requested - an increase in the driveway width from 5 meters to 8.5 meters at the property line and 0.94 meter deck projection into the 60 meter Bow River setback.

We submit that the requested driveway variance is reasonable due to the site specific constrains imposed on this lot, namely s. 14.39 of the LUB (Van Horne Direct Control District). The Van Horne Direct Control District forced the redesign of these homes to be pushed to the north half of the lots, resulting in shorter driveway lengths, that when narrowed down to 5 meters at the property line, will result in vehicles driving over the landscaping.

For the rear decks variance, curvature of the historical river set back limits the development at the 13 / 14 Van Horne lot line by over 1 meter. Allowing for the rear decks to be under 1 meter wider will not impact the neighbouring properties, any users of the river pathway or the river itself.

We understand there were no objections from neighbours to these requested variances.

**FOIP Notification:** This personal information is being collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP) and is managed in accordance with the provisions of FOIP. If you have any questions about the collection of your personal information, contact the Municipal Records Officer at [municipal.clerk@canmore.ca](mailto:municipal.clerk@canmore.ca). Please note, the Municipal Clerk's Office should only be contacted regarding FOIP inquiries.

Signature of appellant/agent 	Date (MM/DD/YYYY) <b>02/08/2022</b>
----------------------------------	--

FOR OFFICE USE ONLY			
Fee Paid <input 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

## **ATTACHMENT 8 – CONDITIONS OF APPROVAL PL20210498**

### **STANDARD CONDITIONS**

None.

### **APPROVED VARIANCES**

1. To Section 2.4.1 of Land Use Bylaw 2018-22 to allow the rear deck to encroach an additional 0.92 m into the waterbody setback (rear yard).
2. To Section 2.3.0.1.h.iii of Land Use Bylaw 2018-22 to allow the driveway width at property line to exceed the maximum 5 m and be 8.5 m.

### **SPECIFIC CONDITIONS**

None.

## **ATTACHMENT 9 – STATUTORY REQUIREMENTS FOR APPEAL**

- The application for a Development Permit for a variance to the driveway width and the rear deck encroachment into a waterbody setback was Refused on February 1, 2022.
- Administration received an appeal from the applicant on February 10, 2022, which is within the 21-day appeal period.
- The appeal hearing was scheduled for March 9, 2022 within the 30-day time period as required by the Municipal Government Act.
- The appellant was informed of the hearing date via email on February 15, 2022.
- Letters of notification to affected landowners were mailed on February 16, 2022.
- An advertisement was published in the February 24, 2022 edition of the Rocky Mountain Outlook.
- The appeal hearing was posted on the Town website on February 16, 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.



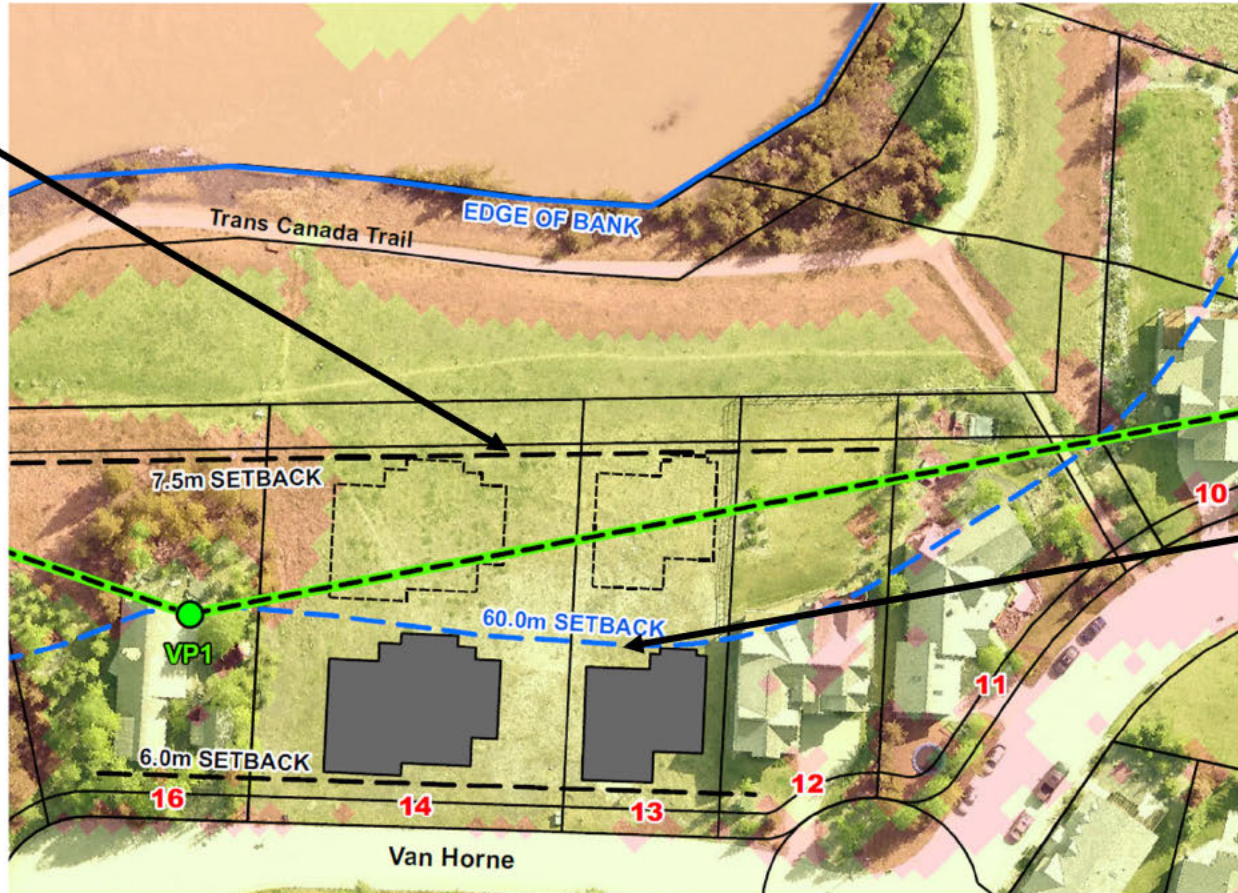
# LUB 2020-14

- In 2020 Van Horne neighbours filed proposed LUB amendment to impose 60 m Bow River set back, targeted 13 & 14 Van Horne
- Increased rear yard setback from 7.5 meters to 40 meters
- LUB 2020-14 approved by Town Council Nov 3, 2020
- 13 Van Horne building permit had been applied for - LUB 2020-14 required complete home redesign

# LUB 2020-14

Prior to LUB 2020-14:

- 7.5 m rear setback



LUB 2020-14

- 40 m rear setback

# Bow River Setbacks

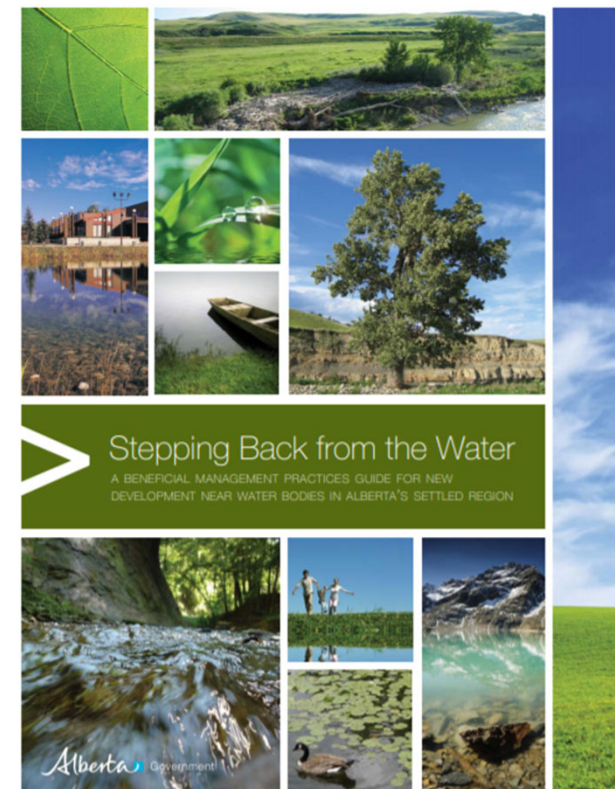
2016 Municipal Development Plan does not prescribe a 60 m Bow River setback

Canmore Municipal Development Plan states that if a Bow River setback were to be applied it should be based on a study:

4.2.24 The Provincial guidelines Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region (2012) should be used as a guideline for the identification of riparian areas and development of management options to determine waterbody setback distances.

Alberta government guide based on “maintaining the integrity of riparian areas”

No study has been performed to justify the 60 m Bow River setback at Van Horne

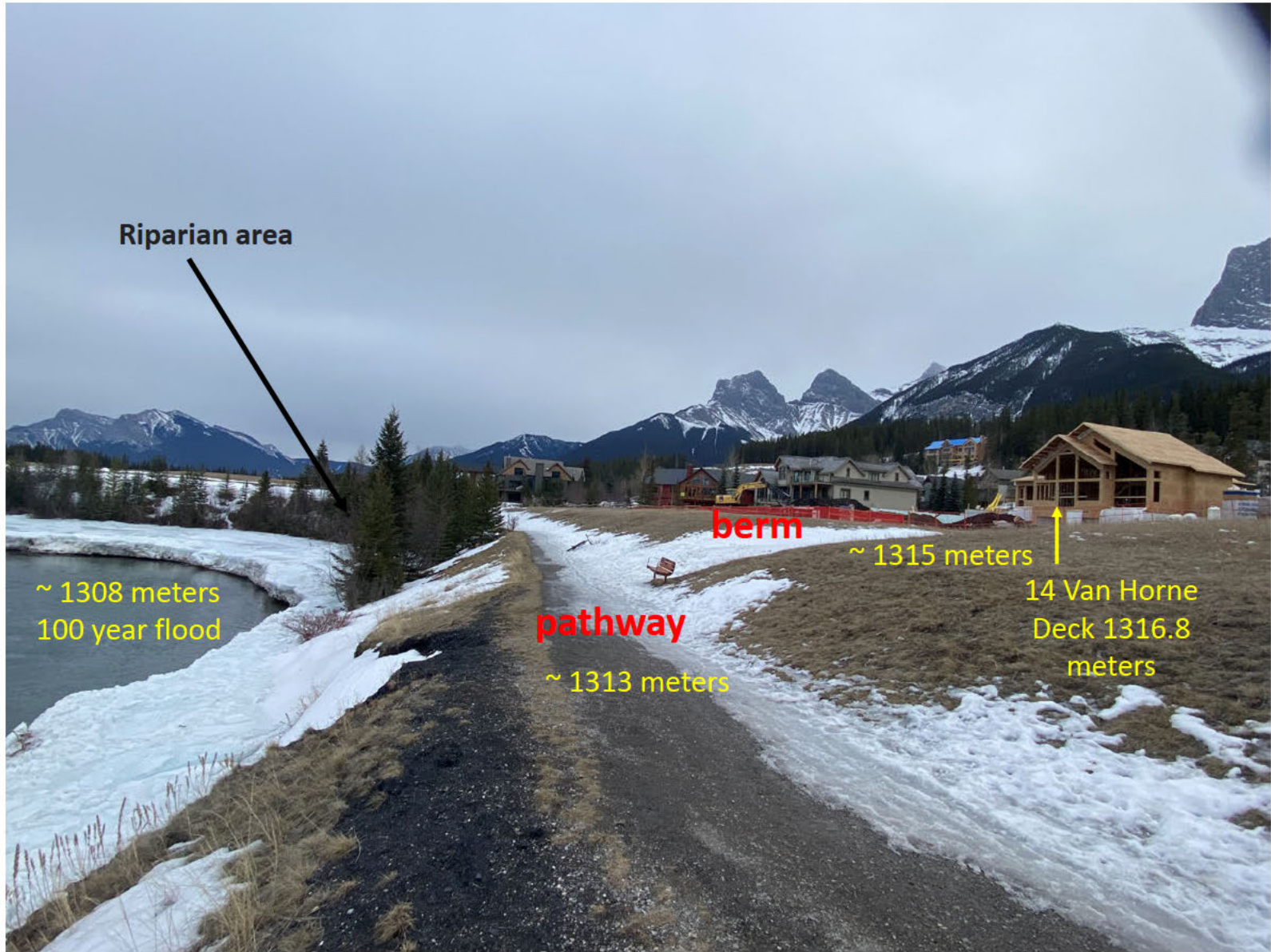


# Riparian areas:

- are lush vegetated lands beside streams, rivers, lakes and wetlands.
- have vegetation and soils strongly influenced by the presence of water.
- make up only a small fraction of the land.
- are among the most productive and valuable of all landscape types.

<https://www.alberta.ca/shorelands-riparian-areas.aspx>





Riparian area

~ 1308 meters  
100 year flood

berm

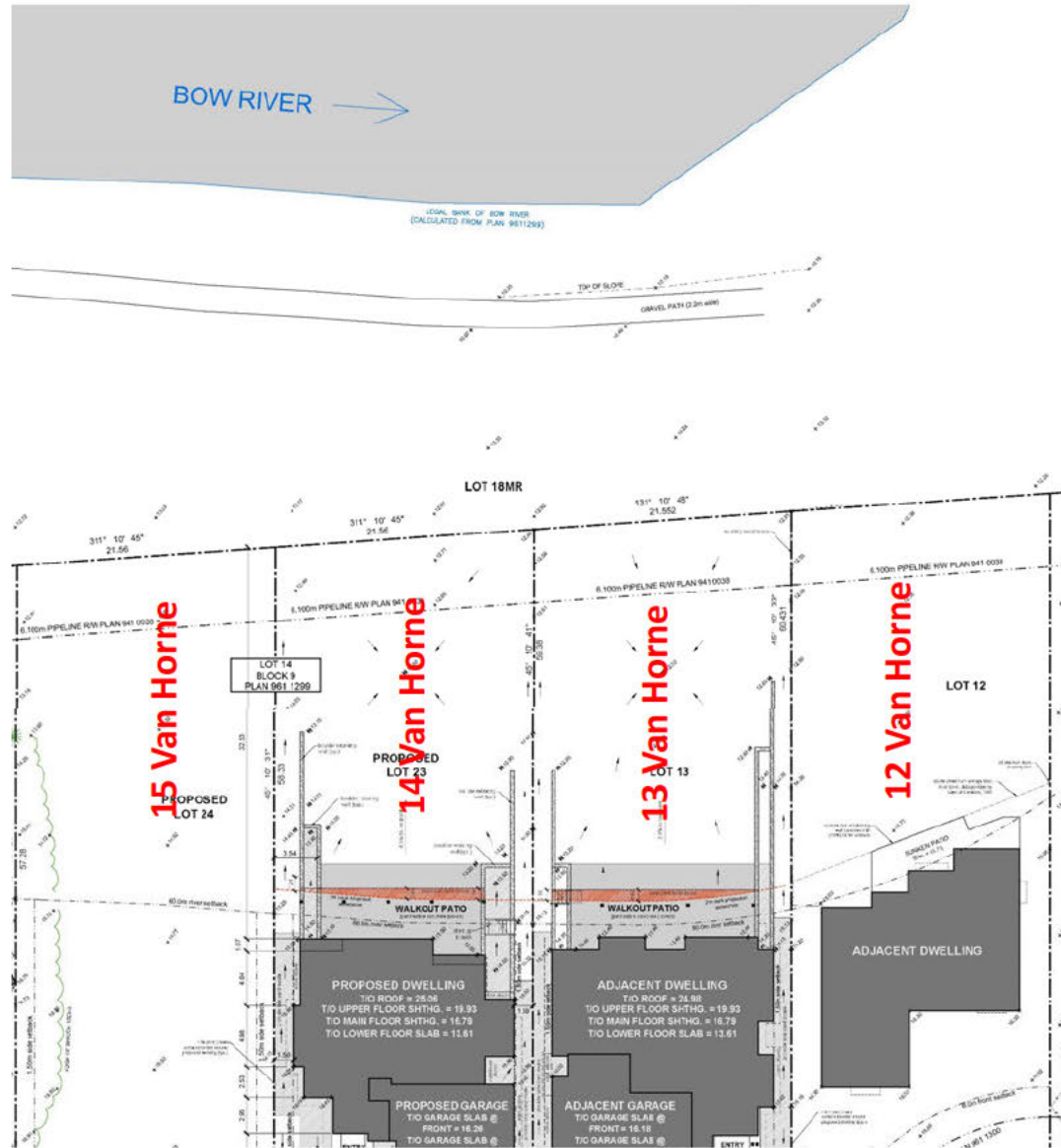
~ 1315 meters

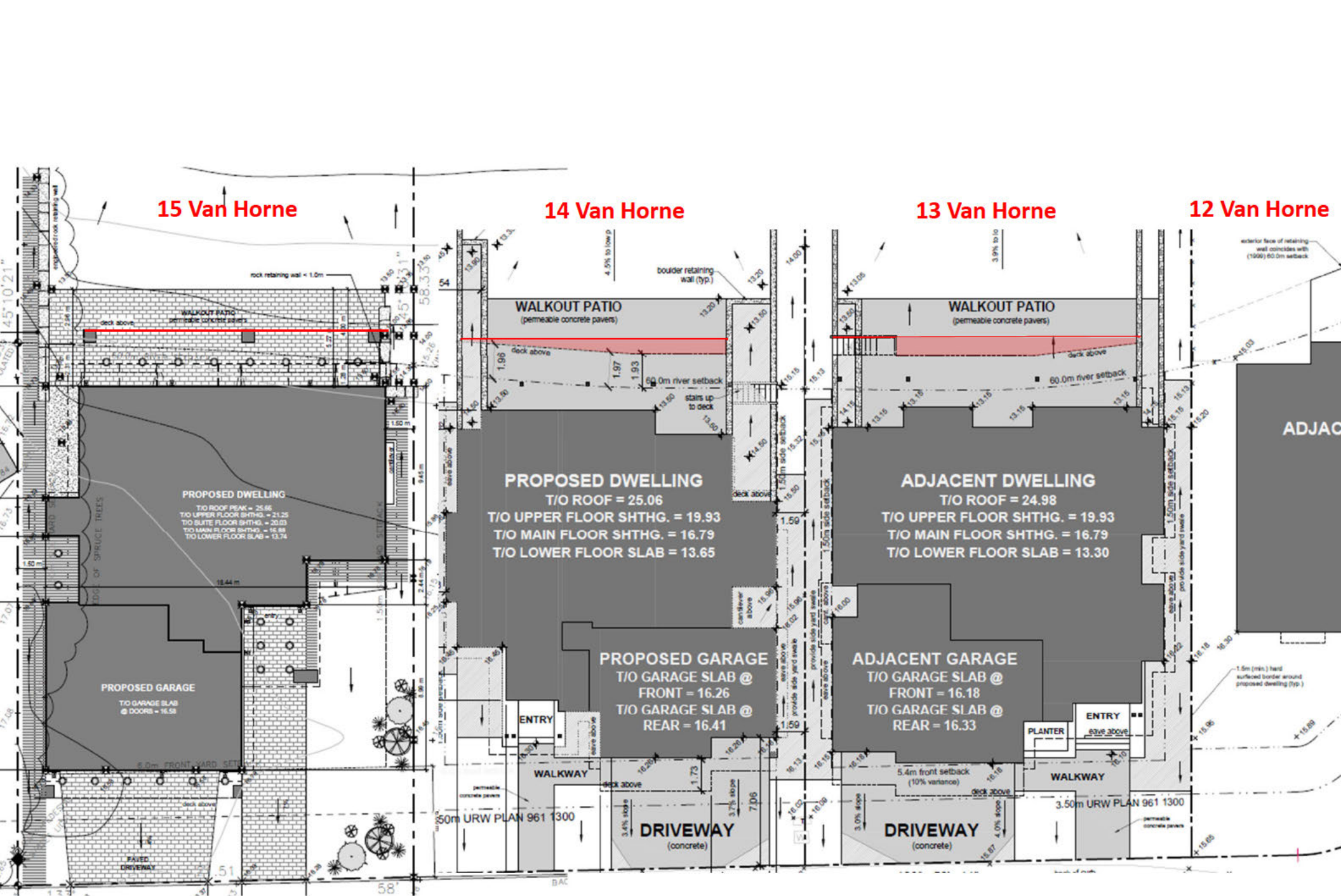
pathway

~ 1313 meters

14 Van Horne  
Deck 1316.8  
meters





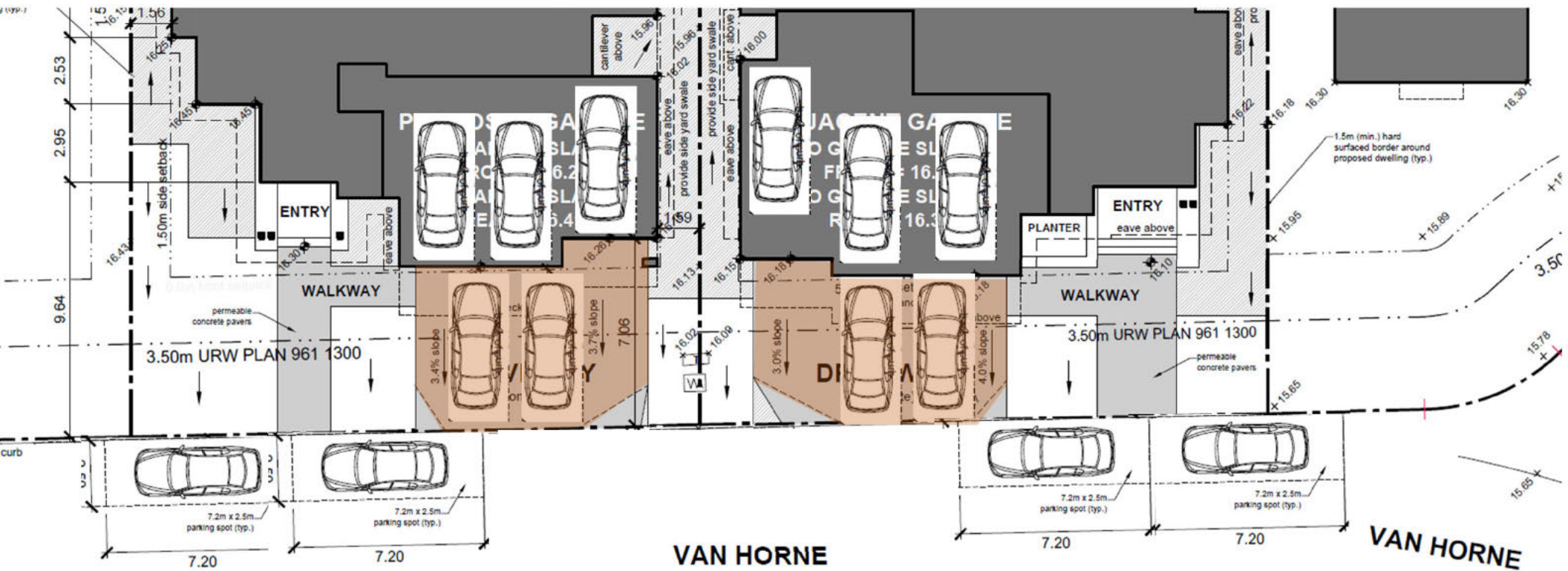




**14 Van Horne**  
**Picture taken 1.8 meters above pathway**

14 Van Horne

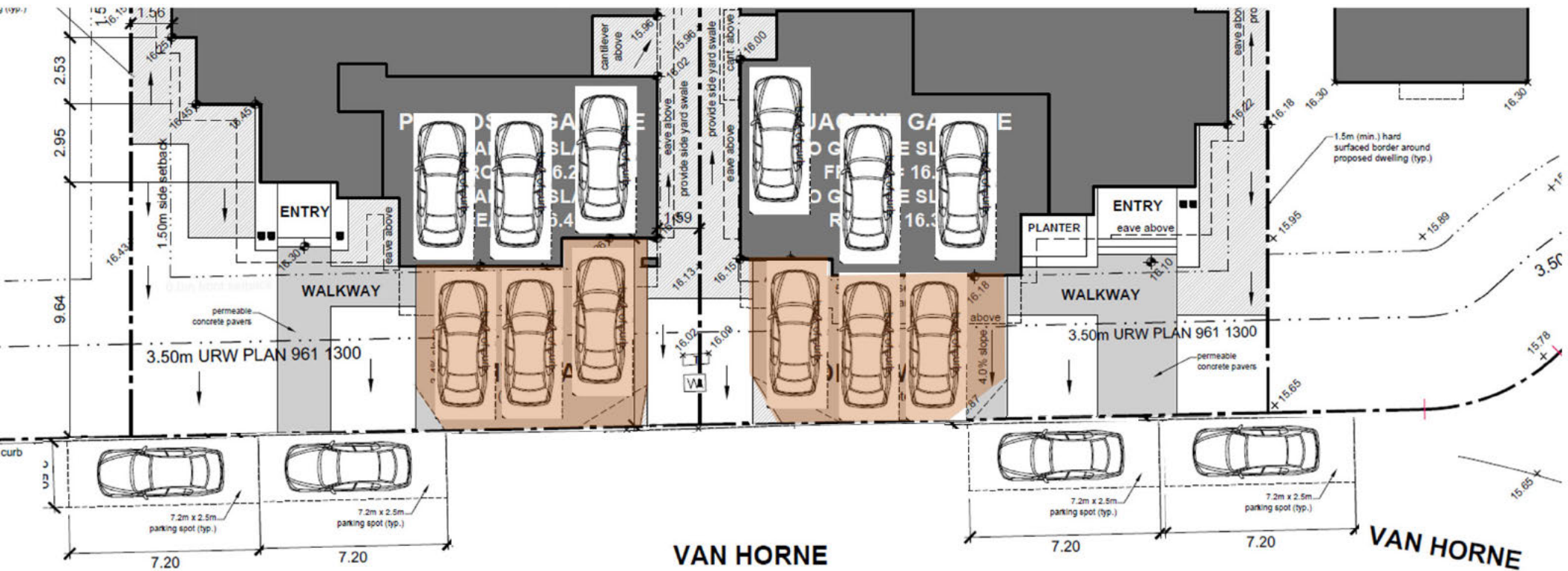
13 Van Horne



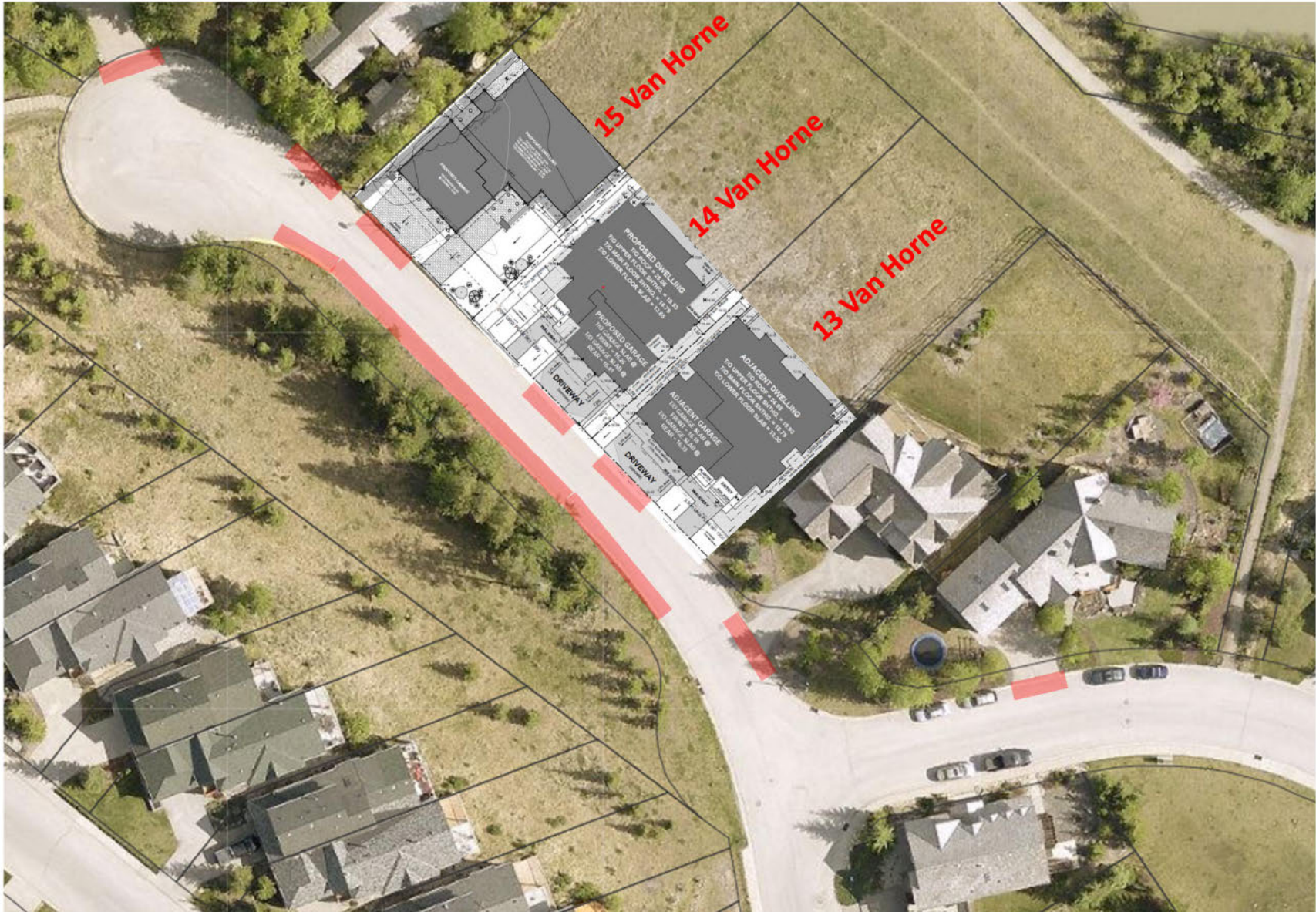
5.0 m driveway at property line – 14 parking stalls

14 Van Horne

13 Van Horne



8.5 m driveway at property line – 16 parking stalls











December 13, 2021

Planning Department  
 Town of Canmore

Dear Sir/Madame,

## Re: 13 & 14 Van Horne – Development Permit Revisions Application

Further to the issuance of the following approvals for these homes, we are seeking approval for two minor variances – please see attached drawing and descriptions below:

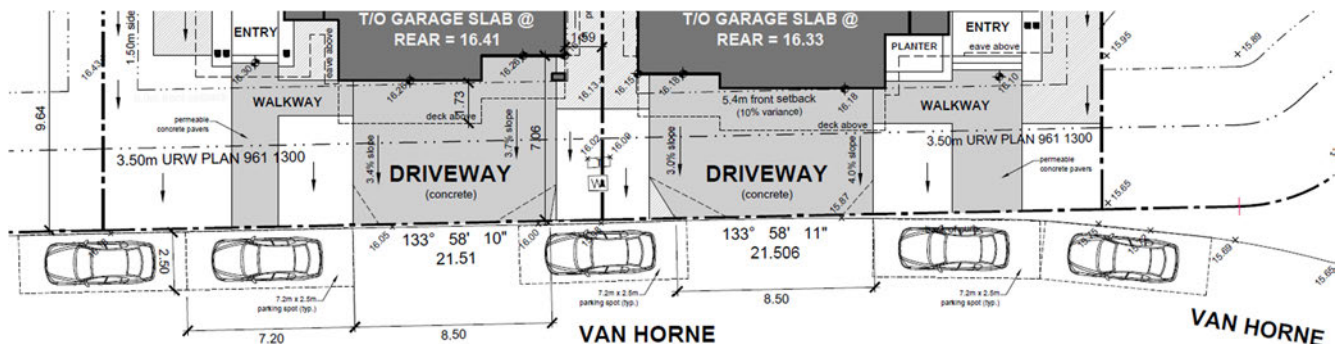
Home	DP	BP
13 Van Horne	PL20210057	PRNC20200294
14 Van Horne	PL20210058	PRNC20210205

### 1. Driveway Width

For both homes, an increase in the driveway width from 5 meters to 8.5 meters at the property line is requested.

Increasing the driveway width does not reduce the number of vehicles that can be parked on the street, in this instance. From Table 7-7 of the Town of Canmore Engineering Design and Construction Guidelines, an on-street parking stall should be 7.2 meters long to allow for a vehicle length plus 1.5 meters clear view buffer. This means that only one car can be parked in front of each of 13 and 14 Van Horne. Regardless of the driveway width, there is insufficient space to park a vehicle between the two driveways. Also, regardless of the driveway width, there is only sufficient space to park one vehicle in front of each property.

With driveways limited to 5 meters, especially for homes with triple garages, owners and guests will end up driving across the landscaped materials where the proposed driveways are narrowed down at the property line and street.



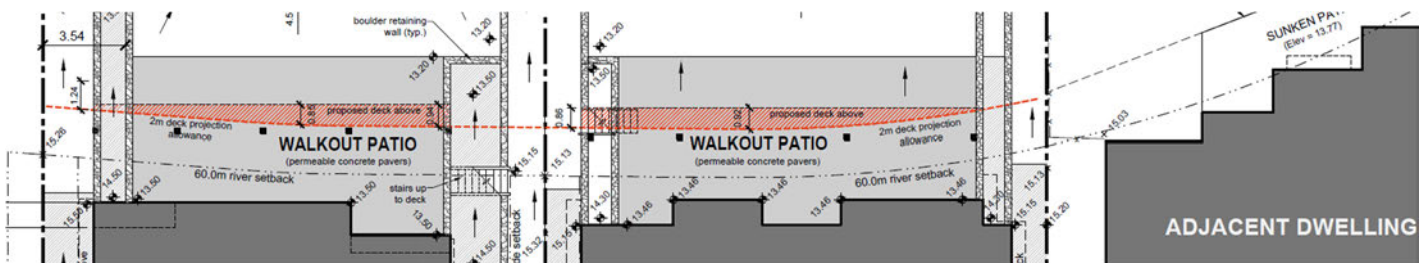
Please note that 13 and 14 Van Horne are located on a dead-end street with only three other homes located to the west (2 built, 1 proposed). Street parking on the south side of this section of Van Horne is prohibited. There is ample parking at the end of the street for guests and visitors; however, the number of visitors should be limited as there is limited access to the river trails from this section of the street.



We submit that this proposed variance will not reduce on-street parking and will not cause any undue issues for neighbouring properties.

**2. Rear Deck Widths**

Both 13 and 14 Van Horne were design to have the home structure inside the 60 meter river “legal setback” in an effort to have useable rear decks. The homes were designed to be “square” with the lot orientation, regardless of the curvature of the 60 meter river setback (see sketch below). The owners would like to have the decks “square” to the homes. A variance is requested to have the decks project a maximum additional 0.94 meters as noted below:



The requested variance will be 0 meters at the building setbacks adjacent to 12 and 15 Van Horne, having no impact on the neighbor’s site lines.

**Support for the Variances**

As per the LUB, the Development Authority can grant variances:

- 1.14.0.1 The Development Authority may grant a variance(s) to the standards and regulations of this Bylaw as part of the Development Permit approval process, where there is deemed to be a public benefit or where site conditions constrain reasonable development as described in this section.
- 1.14.1.2 The authority to grant variances to other regulations and guidelines contained in this Bylaw shall remain at the discretion of the Development Authority and shall not be limited by the percentages described above.

We submit that the requested variances are reasonable due to the site specific constrains imposed on these lots, namely s. 14.39 of the LUB (Van Horne Direct Control District). The Van Horne Direct Control District forced the redesign of these homes to be pushed to the north half of the lots, resulting in shorter driveway lengths, that when narrowed down to 5 meters at the property line, will result vehicles driving over the landscaping.

For the rear decks, curvature of the historical river set back limits the development at the 13 / 14 Van Horne lot line by over 1 meter. Allowing for the rear decks to be under 1 meter wider will not impact the neighbouring properties, any users of the river pathway or the river itself.

We also note that when the homes were developed on 10, 11 and 12 Van Horne the Development Authority utilized the “60 meter average setback”, and not the “60 meter legal setback” that was applied to 13 and 14 Van Horne. Please see attached drawings. Since the premise of the applicants for the Van Horne Direct Control District was that all property owners should be treated in the same manner, we submit that consideration of the “60 meter average setback” would have allowed for 13 Van Horne to be built closer to the river, and would reduce the quantum of the requested variance.

Please note that since the passage of the Van Horne Direct Control District the construction of these homes was delayed by about 6 months, at significant cost to the landowners. These variances were not requested with the original DP to prevent further construction delays. Now that these homes are under construction the owners<sup>1</sup> have asked us to request these variances. In addition, at this time, the neighbours can clearly visualize where the homes are built on the lots and can assess the impact these requested variances may have.

Please contact me at 403-869-6200 or [dale@arbusmtnhomes.com](mailto:dale@arbusmtnhomes.com) if you require any additional information.

Sincerely,

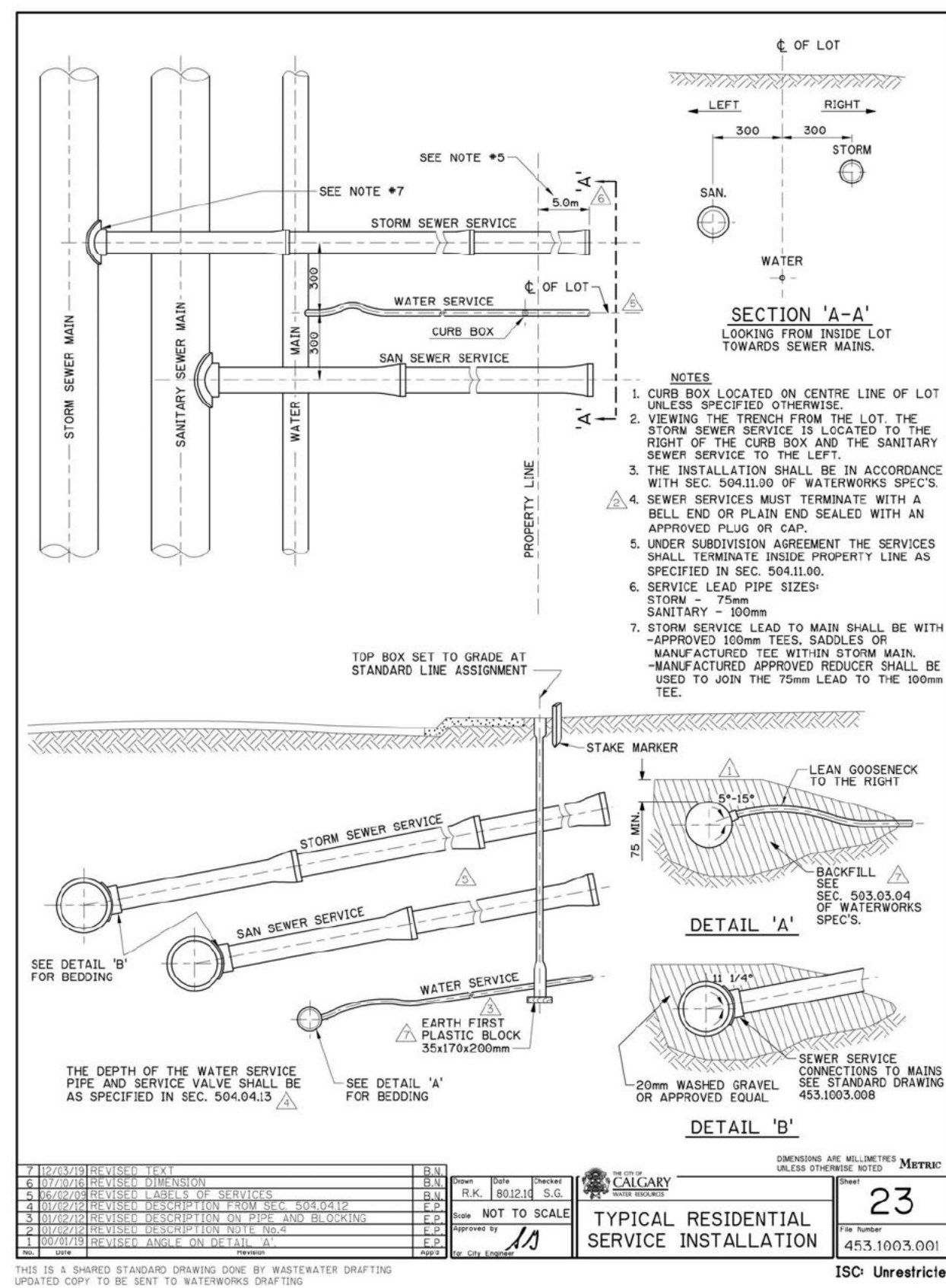
**Arbus Mountain Homes Inc.**



W. Dale Hildebrand, P.Eng., M.B.A.  
President

---

<sup>1</sup> Both of these homes are custom builds for the landowners who intend to reside in these homes when completed.



**MUNICIPAL ADDRESS**

23 VAN HORNE  
CANMORE, AB

**LEGAL DESCRIPTION**

LOTS: 23  
BLOCK: 9  
PLAN: 961 1299

**LAND USE DESIGNATION**

DC2020-14

**TOTAL GFA  
(GROSS FLOOR AREA)**  
3900 ft.<sup>2</sup> (362.3 m<sup>2</sup>)

**1:100 YEAR GROUND  
WATER ELEVATION**  
NOT APPLICABLE

**ALBERTA FLOODS  
HAZARD ELEVATION**  
NOT APPLICABLE

**TOWN OF CANMORE  
MIN. SLAB ELEVATION**  
NOT APPLICABLE

**SITE AREA**  
1265.58 m<sup>2</sup>

**SITE COVERAGE**  
ALLOWED: 506.23 m<sup>2</sup>  
PROPOSED: 292.12 m<sup>2</sup>

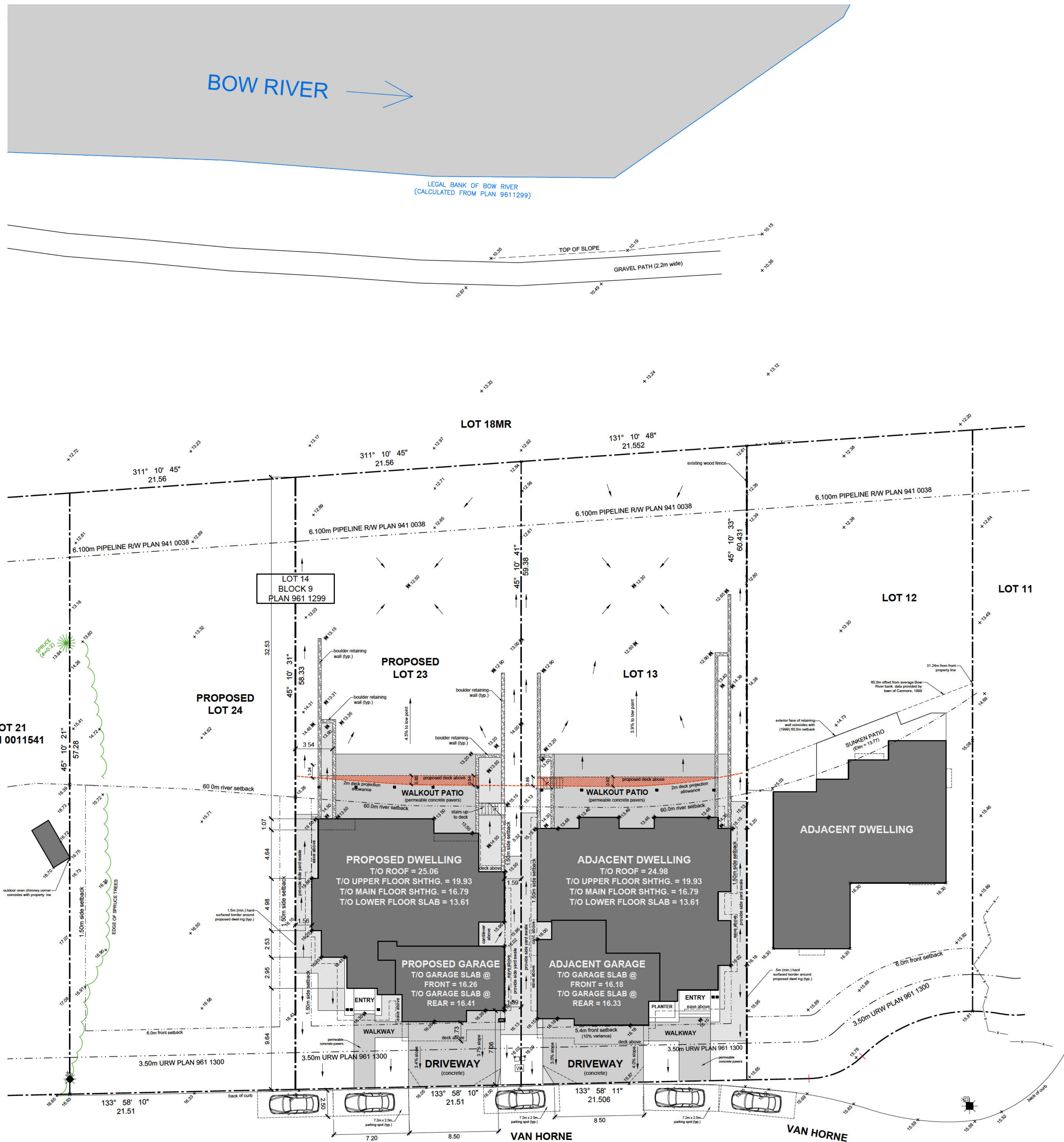
**SITE COVERAGE %**  
ALLOWED: 40.00 %  
PROPOSED: 23.07 %

**SITE PLAN LEGEND:**

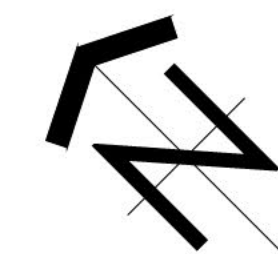
- DISTANCES AND ELEVATIONS ARE IN METRES.
- EXISTING SPOT ELEVATIONS (ADD 1300.00 FOR GEODETIC)
- PROPOSED SPOT ELEVATIONS (ADD 1300.00 FOR GEODETIC)
- DRAINAGE ARROW
- TELUS PEDASTAL
- TRANSFORMER

**MAX ROOF ELEVATION  
(FRONT)**  
25.31

**MAX ROOF ELEVATION  
(REAR)**  
25.18



**NOTE:**  
If the gravity sewer system cannot achieve a 2% slope, a sewage lift pump will be installed



**site plan**  
1:200

PROJECT:  
1018  
23 van home

ADDRESS:  
23 van home,  
canmore, ab

LOT: 23  
BLOCK: 9  
PLAN: 9611299

CLIENT:  
Arbus Mountain  
Homes

- ISSUED:
- A: issued for review  
2021-05-03
  - B: window revisions  
2021-05-18
  - C: issued for B.P.  
2021-06-17
  - D: window & elevator  
revisions  
2021-08-11
  - E: window & elevator  
revisions  
2021-08-16
  - F: window revisions  
2021-10-25
  - G: window revisions  
2021-11-10
  - H: driveway & deck  
variances  
2021-11-29



Copyright reserved. These drawings and designs are at all times the property of the designer and may not be used without permission. They are to be used only for the project shown. Written consent is required from the designer before any reproduction.

DRAWN: CC  
DESIGNED: CC  
CHECKED: AR

DRAWING NUMBER:

**A1.1**

**russell  
and  
russell**  
design studios  
#200 817 main street  
canmore alberta t1w 2b3  
info@russellandrussell.ca  
403 678 3003  
www.russellandrussell.ca

Homesteads 3  
 May 17, 1996

Plan ~~961~~ 961 1299

# BOW RIVER SETBACK AND ARCHITECTURAL CONTROL SETBACKS PHASE 3 - HOMESTEADS

Block and Lot Number	Front Setback	Rear Setback	Side Setback
Block 9 Lot 3	12 m	9 m	2 m
Block 9 Lot 4	9 m	12 m	2 m
Block 9 Lot 5	9 m	12 m	2 m
Block 9 Lot 6	12 m	7.5 m	2 m
Block 9 Lot 7	9 m	13 m	2 m
Block 9 Lot 8	6 m	13 m	2 m
Block 9 Lot 9	6 m	23 m	2 m
Block 9 Lot 10	6 m	30 m	2 m
Block 9 Lot 11	6 m	15 m	2.5 m
Block 9 Lot 12	9 m	34 m	2.5 m
Block 9 Lot 13	6 m	33 m	2.5 m
Block 9 Lot 14	8 m	30 m	2.5 m
Block 9 Lot 15	8 m	27 m	2.5 m
Block 9 Lot 16	6 m	30 m	2.5 m
Block 9 Lot 17	15 m	30 m	2.5 m

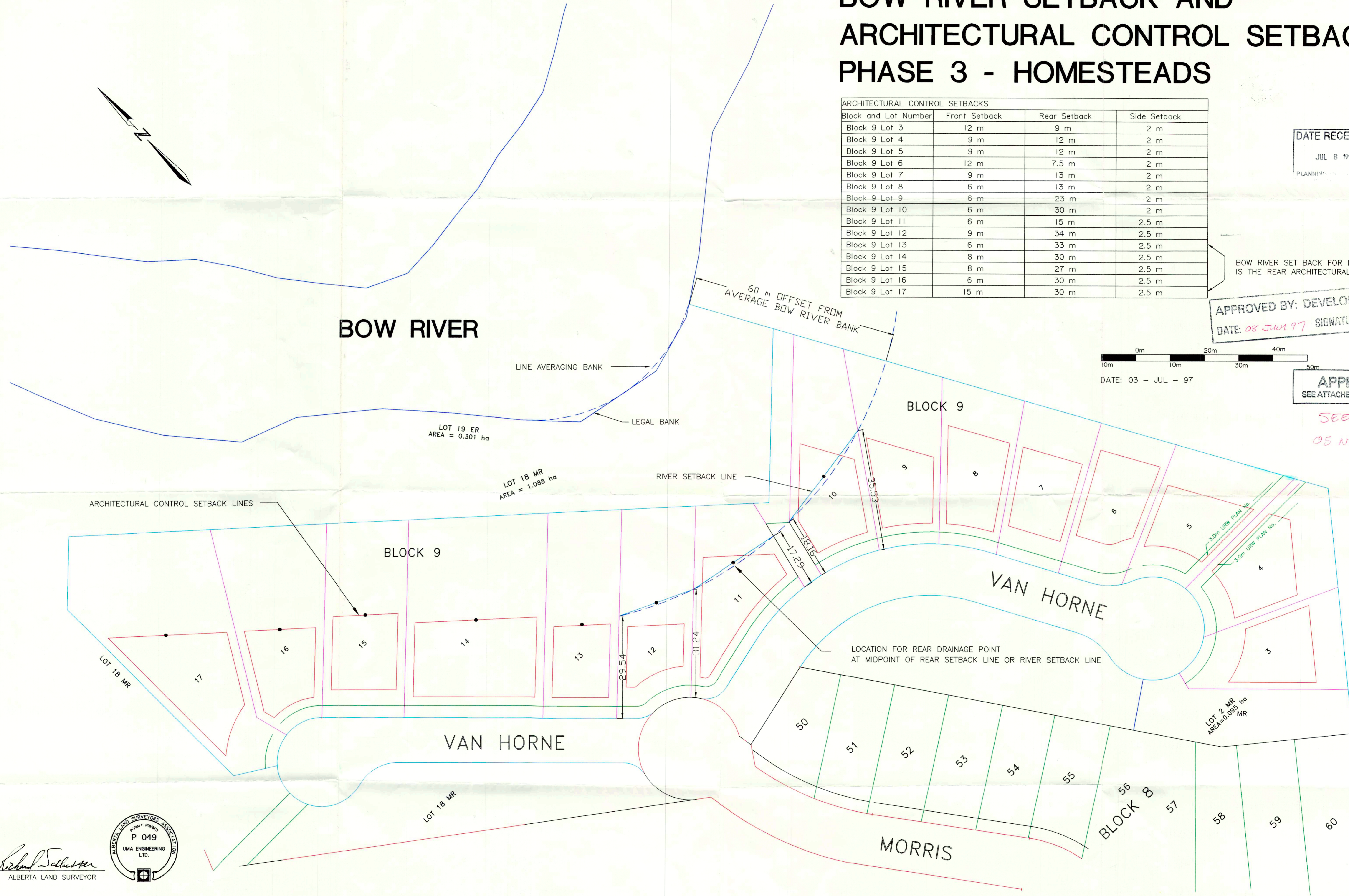
DATE RECEIVED  
 JUL 8 1997  
 PLANNING

APPROVED BY: DEVELOPMENT OFFICER  
 DATE: 08 JUL 97 SIGNATURE: *[Signature]*

0m 10m 20m 30m 40m 50m  
 DATE: 03 - JUL - 97

APPROVED  
 SEE ATTACHED SCHEDULE "A"

SEE ATTACHED  
 05 NOV 96 Memo  
 SLL



*Richard Schutte*  
 ALBERTA LAND SURVEYOR

ALBERTA LAND SURVEYORS ASSOCIATION  
 P 049  
 UMA ENGINEERING LTD.





required to be from legal bank.

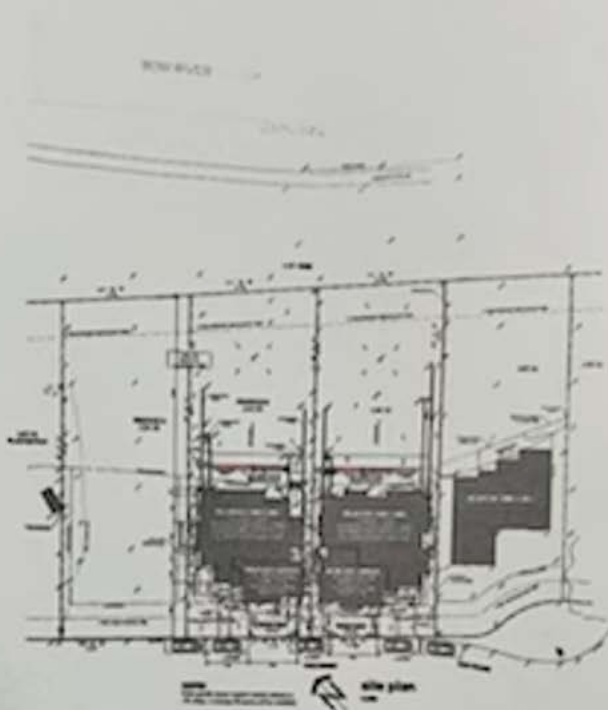
Old lots allowed use of this "averaged bank" for setback

60 meter setback from averaged bank.

60 meter setback from legal bank.

To the Town of Canmore Planning Bureau:

We understand that our neighbors in 13 Van Horne and 14 Van Horne have requested variances as shown in the attached.



- 1. [unclear]
- 2. [unclear]
- 3. [unclear]
- 4. [unclear]
- 5. [unclear]
- 6. [unclear]
- 7. [unclear]
- 8. [unclear]
- 9. [unclear]
- 10. [unclear]
- 11. [unclear]
- 12. [unclear]
- 13. [unclear]
- 14. [unclear]
- 15. [unclear]
- 16. [unclear]
- 17. [unclear]
- 18. [unclear]
- 19. [unclear]
- 20. [unclear]

**MUNICIPAL ADDRESS**  
[unclear]  
[unclear]

**LEGAL DESCRIPTION**  
[unclear]  
[unclear]

**LAND USE DESIGNATION**  
[unclear]

**SITE AREA**  
[unclear]

**SITE COVERAGE**  
[unclear]

**SITE COVERAGE %**  
[unclear]

**SITE PLAN LEGEND**  
[unclear]

**ALL NEIGHBORHOOD**  
[unclear]

**ALL NEIGHBORHOOD**  
[unclear]

**ALL NEIGHBORHOOD**  
[unclear]

**A11**  
[unclear]

As the owners of 15 Van Horne, we have no objection to their requests.

*Nancy Pon and Charles H. Smith*  
Nancy Pon and Charles H. Smith  
Feb 14, 2022

## NOTICE OF DECISION

**\*THIS IS NOT A DEVELOPMENT PERMIT\***

**DEVELOPMENT PERMIT No.:** PL20210498

**APPLICANT NAME:** Arbus Mountain Homes

**MUNICIPAL ADDRESS:** 13 Van Horne

**LEGAL ADDRESS:** Lot 13 Block 9 Plan 9611299

**LAND USE DISTRICT:** Van Horne Direct Control District

**USE(S):** Variances to Waterbody Setback and  
Driveway Width

**DATE OF DECISION:** February 1, 2022

**REFUSED BY:** Development Officer

**DATE ISSUED:** February 1, 2022

It has been decided that the application be **REFUSED** for the reasons noted in the attached **Schedule A**.

**This application was deemed complete on: January 6, 2022**



\_\_\_\_\_  
Signature

February 1, 2022

\_\_\_\_\_  
Date

Tracy Woitenko  
Development Officer

---

*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**

## **REASONS FOR REFUSAL**

**DEVELOPMENT PERMIT No.:** PL20210498

**LAND USE DISTRICT:** Van Horne Direct Control District

**MUNICIPAL ADDRESS:** 13 Van Horne

**LEGAL ADDRESS:** Lot 13 Block 9 Plan 9611299

- 
1. Section 1.14.2.2 of the Land Use Bylaw 2018-22 states “*Notwithstanding the above provisions, the Development Authority shall not grant any variances not approved prior to the adoption of this Bylaw to setbacks from the bank of a waterbody except in accordance with Subsection 2.5.1*”. The maximum encroachment of a deck into a waterbody setback in accordance with 2.5.1 is 2 m. The Development Officer cannot approve a variance beyond the permitted 2 m encroachment into the 60 m waterbody setback.
  2. The maximum width of a driveway at property line is 5 m pursuant to 2.3.0.1.h.iii. of the Land Use Bylaw 2018-22. The proposed variance at 8.5 m is a 50% increase in driveway width. The Development Officer does not support variances to increase driveway width at property line which reduce the provision of on-street parking stalls. On-street parking is only allowed on this side of the roadway. The cul-de-sac at the road end is required for Emergency Vehicle turn-around.

**Authorization from Landowner  
assigning spokesperson of subject appeal**

**From:** FOIP  
**To:** [Katy Bravo-Stewart](#)  
**Cc:** [Dale Hildebrand](#); FOIP  
**Subject:** Re: Notice of Appeal Applications - PL20210499; PL20210498  
**Date:** March 2, 2022 1:20:53 PM

---

Hello Katy,  
Yes, I too authorize Arbus Homes/ Dale Hildebrand to represent me (13 Van Horne) at the SDAB hearing on March 9th.  
Please send me the zoom details, I'm traveling but will try and attend.  
Cheers,

Steve Dobler

FOIP  
FOIP

On Mar 1, 2022, at 8:33 AM, Steve Lee <FOIP> wrote:

Hi Katy,  
Please take this em as our authorisation for Arbus Homes Inc/ Dale Hildebrand to represent us (14 Van Horne) at the SDAB hearing on March 9<sup>th</sup> 2022.

Regards

Steve & Margaret Lee

Sent from [Mail](#) for Windows

---

**From:** [Dale Hildebrand](#)  
**Sent:** March 1, 2022 11:00 AM  
**To:** FOIP  
**Cc:** [Katy Bravo-Stewart](#)  
**Subject:** RE: Notice of Appeal Applications - PL20210499; PL20210498

Hi Margaret & Stave, and Steve,

Please reply to this e-mail thread to advise Katy:

1. That you, as property owners, have authorized Arbus Mountain Homes Inc. / Dale Hildebrand to represent you at the SDAB hearing March 9<sup>th</sup>
2. That you would like to participate in the hearing and would like the zoom meeting details to do so.



February 16, 2022

Our Reference: PL20210498

## **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 – Variances to Waterbody Setback for Deck and Driveway Width**

**Address:** 13 Van Horne  
**Legal Description:** Lot 13, Block 9, Plan 961 1299  
**Appeal Matter:** Appeal against a Refusal 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:** March 9th, 2022  
                  **Time:** 2:00pm  
                  **Location:** Zoom Meeting livestreamed via [canmore.ca/webcast](http://canmore.ca/webcast)  
                  **Registration:** [sdab@canmore.ca](mailto:sdab@canmore.ca)

**In-Writing:**   **Subject:** SDAB Hearing – PL20210498  
                  **Deadline:** March 3, 2022 @ 12:00pm  
                  **Drop Off:** Reception, Canmore Civic Centre, 902 7th Avenue, Canmore  
                  **Email:** [sdab@canmore.ca](mailto: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](mailto: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](mailto: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**

*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.

Town of Canmore

902 7th Avenue

Canmore, Alberta T1W 3K1

Phone: 403.678.1500 | Fax: 403.678.1534

[www.canmore.ca](http://www.canmore.ca)



February 15, 2022

Dear Sir/Madam

RE: **Subdivision & Development Appeal Board Hearing  
PL2021 0498  
13 Van Horne  
Lot 13, Block 9, Plan 961 1299  
Variances to Waterbody Setback and Driveway Width  
Appeal against a Refusal by the Development Officer.**

Please be advised that the Subdivision & Development Appeal Board will hear this an appeal on **March 9th at 2:00 p.m.** During the COVID-19 pandemic, SDAB hearings are being held electronically and are still livestreamed at <https://canmore.ca/town-hall/boards-committees/subdivision-development-appeal-board/sdab-agendas-board-orders>

As the applicant/appellant, 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, March 3<sup>rd</sup>, 2022, by noon (12:00p.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](mailto: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](mailto: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, March 3<sup>rd</sup>, 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](mailto:sdab@canmore.ca). Should you have any questions or require further information, please contact the SDAB Clerk at [sdab@canmore.ca](mailto: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

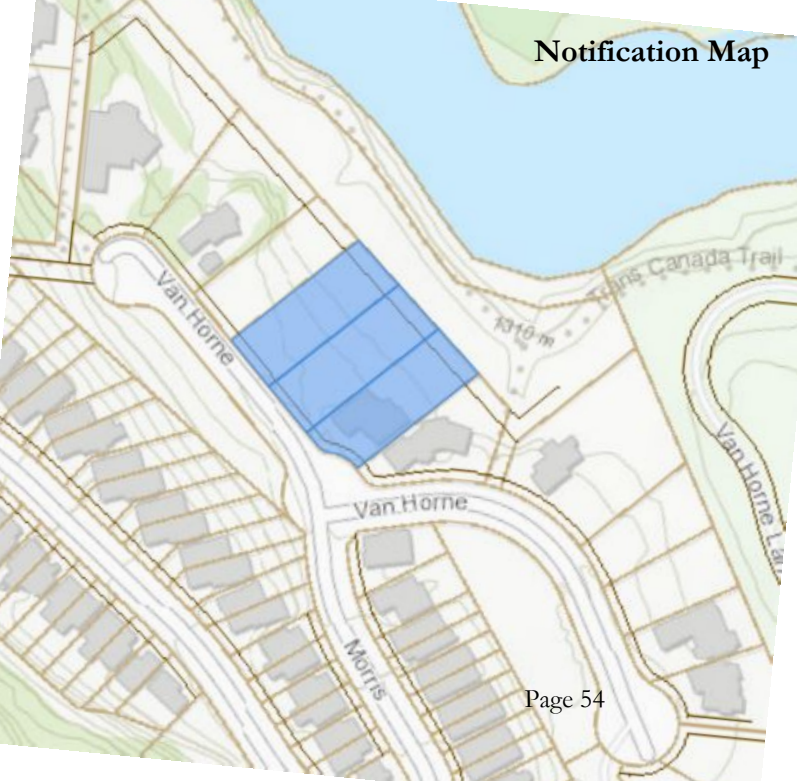
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20. If any person presenting is referring to a written document, including a map, photographs or a report, a copy of those documents must be left with the Clerk.

# Notification Map



**Public Submissions for 13 Van Horne**

1. Jamie and Clair Paulson (16 Van Horne)
2. Guy Scott
3. Ken Davies (11 Van Horne)

Town of Canmore

March 1, 2022

Subdivision and Development Appeal Board  
 902 - 7th Avenue  
 Canmore, AB, T1W 3K1

Via Email: [sdab@canmore.ca](mailto:sdab@canmore.ca)

Dear Subdivision and Development Appeal Board Members,

Re: Appeal Hearing - PL20210498 (13 Van Horne)

We are writing to support the decision of the Town of Canmore's Planning and Development Department as it pertains to Development Permit Application No. PL20210498 (13 Van Horne). We support the Town's refusal of the two variances requested by Arbus Mountain Homes.

Regarding the rear yard setback, the Van Horne Direct Control District was adopted by Council in 2020 with the primary intention of establishing a common rear yard setback distance for nine adjoining properties (now ten properties due to a subdivision). Before that, the distance varied amongst the lots. Subsection 14.39.47.7 of the Van Horne Direct Control District eliminated those discrepancies by stating that for all lots in the District, "The minimum rear yard setback shall be 60 m from the southwest bank of the Bow River". Canmore Council also wanted to establish clarity regarding the variance powers available to the development authority. Consequently, it established Subsection 14.39.6.1 in the Direct Control District. That subsection states: "For the minimum rear yard setback of 60 m from the southwest bank of the Bow River, the variance power of the Development Authority shall be a maximum of 2 m." Thus the larger variance powers that may otherwise be exercised by Canmore's development authority do not apply to the Van Horne rear yard setback. The Municipal Government Act, Section 685(4), holds the Subdivision and Development Appeal Board to the same limit.

Regarding the variance of the maximum driveway width, we also support the Planning and Development Department's decision. The requested variance of 50% is very large. Not only will it negatively affect the availability of on-street parking, it will also change the aesthetic of the neighbourhood. The other driveways in this area all appear to meet the 5.0 m width standard. The proposed 8.5 m wide driveway will not do this and will be an anomaly. When Canmore Council adopted the Land Use Bylaw, it contemplated variances in the order of only 10% to 20% (see Land Use Bylaw Subsection 1.14.1.1). Subsection 1.14.1.1 also states that even a 10-20% variance is only to be granted where "... the variance provides a community or neighbourhood benefit and that the proposed development would not unduly interfere with the amenities of the area or materially interfere with, or affect the use, enjoyment, safety, aesthetics, or value of neighbouring properties ...". We understand how a wider driveway may benefit the developer. We do not see how it meets the larger community test established by Council.

In conclusion, we support the Planning and Development Department's decision and ask that the Board not grant the requested rear yard setback and driveway width variances.

Sincerely,



James and Clair Paulson  
 16 Van Horne

FOIP



**From:** FOIP  
**To:** [Katy Bravo-Stewart](#)  
**Cc:** FOIP  
**Subject:** Fwd: 13 and 14 Van Horne - Letters of Support  
**Date:** March 3, 2022 12:01:18 PM  
**Attachments:** [SDAB Letter - 14 Van Horne.pdf](#)  
[SDAB Letter - 13 Van Horne.pdf](#)

---

Dear Katy,  
My wife and I own the home at 18 Van Horne. We are unable to attend the hearing but support the position attached from the Paulson's and ask that you read them in to the record as being presented by us.  
Thank you ,  
Shelley and Guy Scott

-----Original Message-----

**From:** Jamie Paulson  
**Sent:** March 1, 2022 10:25 AM  
**To:** Katy Bravo-Stewart <[katy.bravostewart@canmore.ca](mailto:katy.bravostewart@canmore.ca)>  
**Cc:** FOIP  
**Subject:** FW: 13 and 14 Van Horne - Letters of Support

Katy:

Here are the two letters from my wife and me supporting the Planning Department refusal of variances for lot 13 and 14. I will speak to both issues on the Zoom call for the SDAB meeting.

Please let me know if these work for you.

Best

Jamie

Town of Canmore

March 1, 2022

Subdivision and Development Appeal Board  
902 - 7th Avenue  
Canmore, AB, T1W 3K1

Via Email: [sdab@canmore.ca](mailto:sdab@canmore.ca)

Dear Subdivision and Development Appeal Board Members,

Re: Appeal Hearing - PL20210498 (13 Van Horne)

We are writing to support the decision of the Town of Canmore's Planning and Development Department as it pertains to Development Permit Application No. PL20210498 (13 Van Horne). We support the Town's refusal of the two variances requested by Arbus Mountain Homes.

Regarding the rear yard setback, the Van Horne Direct Control District was adopted by Council in 2020 with the primary intention of establishing a common rear yard setback distance for nine adjoining properties (now ten properties due to a subdivision). Before that, the distance varied amongst the lots. Subsection 14.39.47.7 of the Van Horne Direct Control District eliminated those discrepancies by stating that for all lots in the District, "The minimum rear yard setback shall be 60 m from the southwest bank of the Bow River". Canmore Council also wanted to establish clarity regarding the variance powers available to the development authority. Consequently, it established Subsection 14.39.6.1 in the Direct Control District. That subsection states: "For the minimum rear yard setback of 60 m from the southwest bank of the Bow River, the variance power of the Development Authority shall be a maximum of 2 m." Thus the larger variance powers that may otherwise be exercised by Canmore's development authority do not apply to the Van Horne rear yard setback. The Municipal Government Act, Section 685(4), holds the Subdivision and Development Appeal Board to the same limit.

Regarding the variance of the maximum driveway width, we also support the Planning and Development Department's decision. The requested variance of 50% is very large. Not only will it negatively affect the availability of on-street parking, it will also change the aesthetic of the neighbourhood. The other driveways in this area all appear to meet the 5.0 m width standard. The proposed 8.5 m wide driveway will not do this and will be an anomaly. When Canmore Council adopted the Land Use Bylaw, it contemplated variances in the order of only 10% to 20% (see Land Use Bylaw Subsection 1.14.1.1). Subsection 1.14.1.1 also states that even a 10-20% variance is only to be granted where "... the variance provides a community or neighbourhood benefit and that the proposed development would not unduly interfere with the amenities of the area or materially interfere with, or affect the use, enjoyment, safety, aesthetics, or value of neighbouring properties ...". We understand how a wider driveway may benefit the developer. We do not see how it meets the larger community test established by Council.

In conclusion, we support the Planning and Development Department's decision and ask that the Board not grant the requested rear yard setback and driveway width variances.

Sincerely,



James and Clair Paulson  
16 Van Horne

FOIP

March 2, 2022

Subdivision and Development Appeal Board  
Town of Canmore  
902 - 7th Avenue  
Canmore, AB  
T1W 3K1

Via email

Dear SDAB Members,

Re: Appeal Hearing – PL20210498 – 13 Van Horne

This letter is written against the appeal made by the developer, Arbus Mountain Homes, in regard to the two variances requested in Development Permit Application # PL20210498 for 13 Van Horne. The Town has refused these variance requests for appropriate reasons based upon the existing Bylaws and Municipal Government Act.

As a full time resident who has lived at 11 Van Horne for 22 years, the issue for me is one of principle in developing the remaining open lots on Van Horne under a common set of development rules, just as the existing dwellings had to do. The Van Horne Direct Control District that sets out the specific development parameters was adopted unanimously by the Town Council in 2020 based upon this principle. The rear yard setback and driveway width parameters are clearly set for all lots on Van Horne. I see no reason to vary from the existing development parameters.

I ask that the Board not grant the two requested variances.

Sincerely,



Ken Davies  
11 Van Horne

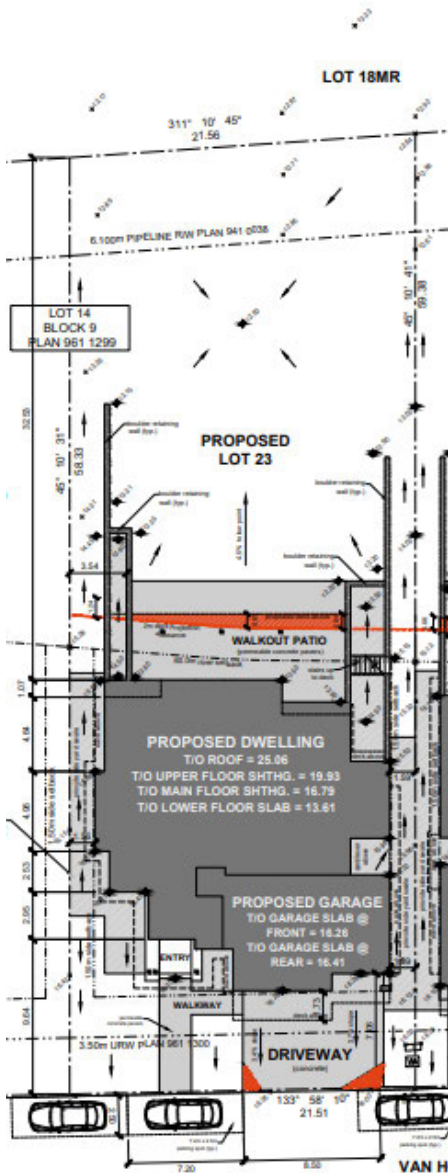
FOIP

FOIP

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# SUBDIVISION AND DEVELOPMENT APPEAL BOARD

## STAFF REPORT



**DATE OF HEARING:** March 9, 2022

**PROPOSED DEVELOPMENT:** Variances to Driveway Width and Encroachment into Waterbody Setback

**APPLICATION NUMBER:** PL20210499

**LEGAL DESCRIPTION:** LOT 23, BLOCK 9, PLAN 2110400

**CIVIC ADDRESS:** 14 Van Horne

**CURRENT USE(S):** Detached Dwelling

**APPLICANT:** Dale Hildebrand, Arbus Mountain Homes

**APPELLANT:** Margaret and Steve Lee

## **EXECUTIVE SUMMARY**

A Development Permit was issued on the subject site of 14 Van Horne through PL20210058 on April 21, 2021 for a Detached Dwelling. Following the approval of PL20210058, a second development permit application was submitted for this site (PL20210499) requesting two variances. The first variance being for the driveway width, and second for an encroachment of the deck into the waterbody setback. On February 1, 2022 PL20210499 was refused by the Development Officer. An appeal with respect to the refusal was subsequently filed by the landowner.

## **BACKGROUND**

### Municipal Government Act

The Development Permit application is subject to the approval process and timelines as required in Section 683 and 684 of the Municipal Government Act. The required process and timelines were met.

### Municipal Development Plan (MDP)

The Town's Municipal Development Plan provides high level direction regarding development setbacks from waterbodies for their protection. Specifically, Section 4.2.23 regarding the establishment of setbacks from a waterbody at the statutory plan level or within the Land Use Bylaw.

### Engineering Design and Construction Standards (EDCG)

The EDCG sets out standards for roads and utilities, and other municipal infrastructure. Section 3.3.5 of the EDCG requires that all driveways (which connect to the municipal roadway) must not exceed the widths specified in the Land Use Bylaw.

### Land Use Bylaw 2018-22

This permit application is subject to several specific sections of the Town's Land Use Bylaw (LUB), including:

1. Direct Control Districts Section 1.7
2. Variance Powers of the Development Authority Section 1.14
3. Driveway widths in Section 2.3 (Vehicle Access and Driveways)
4. Encroachments into a waterbody setback in Section 2.4 (Setback Requirements)
5. Van Horne Direct Control District Section 14.39

Please note that the Van Horne Direct Control District is a more recent addition to the Town's Land Use Bylaw. In response to a previous permit application submitted to the Town on these sites, the adjacent landowners submitted a land use amendment application to the Town to ensure that the 60 m waterbody setback from the Bow River was maintained consistently throughout this subdivision. Council approved this amendment to include the new direct control district in the Land Use Bylaw in November 2020.

### Development Permit PL20210058

A Development Permit (PL20210058) for a Detached Dwelling was issued on April 21, 2021 by the Development Officer. Attachment 3 contains the development permit, the conditions of approval and the approved plot plan for PL20210058.

The dwelling is currently under construction in accordance with these plans. Should the Development Officer's refusal of PL20220499 be upheld by the SDAB, the approval of PL20210058 is unaffected and the applicant can continue construction of the Detached Dwelling as was initially approved.

## EXISTING SITE

The subject site is located on Van Horne (Attachment 1). It is the middle of three vacant/under construction lots on Van Horne. Development permits have been issued for the two other adjacent sites – 13 & 15 Van Horne. To the northeast of the parcel is a Municipal Reserve parcel and the Bow River.

The subject site is located within the Van Horne Direct Control District (Attachment 2). Detached Dwellings are listed as a discretionary use. The site is currently under construction as per the approval of PL20210058.

## BYLAW CONFORMANCE/VARIANCE DISCUSSION (Attachment 4)

### 1. Variance to Deck Encroachment into Waterbody Setback

The applicant is requesting a variance to allow the deck to encroach an additional 0.85 m into the waterbody setback. The site plan shown in Attachment 5 highlights this area in red.

#### PLANNING DEPARTMENT POSITION:

Administration did not support granting this variance for the following reason:

*Section 1.14.2.2 of the Land Use Bylaw 2018-22 states “Notwithstanding the above provisions, the Development Authority shall not grant any variances not approved prior to the adoption of this Bylaw to setbacks from the bank of a waterbody except in accordance with Subsection 2.5.1”. The maximum encroachment of a deck into a waterbody setback in accordance with 2.5.1 is 2m. The Development Officer cannot approve a variance beyond the permitted 2 m encroachment into the 60 m waterbody setback.*

### 2. Variance to Driveway Width

The applicant is requesting a variance to allow the driveway to be an additional 3.5 m in width at the property line. The site plan shown in Attachment 5 highlights this area in red.

#### PLANNING DEPARTMENT POSITION:

Administration did not support granting this variance for the following reason:

*The maximum width of a driveway at property line is 5 m pursuant to 2.3.0.1.h.iii. of the Land Use Bylaw 2018-22. The proposed variance at 8.5 m is a 50% increase in driveway width. The Development Officer does not support variances to increase driveway width at property line which reduce the provision of on-street parking stalls. On-street parking is only allowed on this side of the roadway. The cul-de-sac at the road end is required for Emergency Vehicle turn-around.*

## 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:

- I. 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 **REFUSE** PL20220499 and uphold the decision of the Development Officer (Attachment 6).

Should the SDAB choose to approve PL20220499, the recommended conditions are included in Attachment 7 for consideration.

**STATUTORY REQUIRMENTS FOR APPEAL**

The statutory requirements for the appeal are provided in Attachment 8.

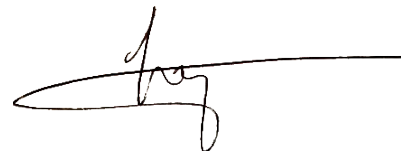
**ATTACHMENTS:**

1. Site Context
2. Van Horne Direct Control District Map
3. Approved Site Plan and Development Permit PL20210058
4. Bylaw Conformance Review
5. Submitted Plans
6. Refusal of PL20210499
7. Notice of Appeal
8. Proposed Conditions of Approval – PL20210499
9. Statutory Requirements for Appeal



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**Marcus Henry**  
Acting Manager of Planning &  
Development

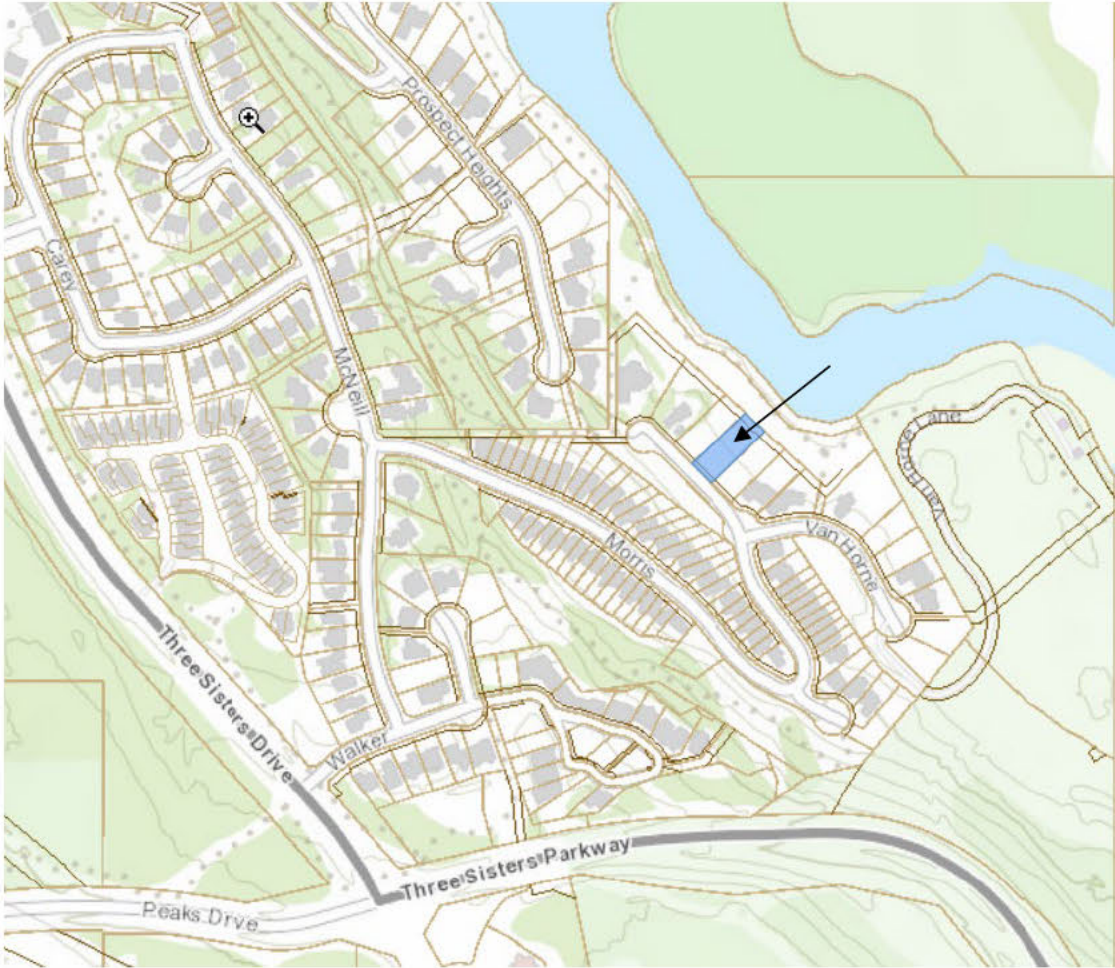


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**Tracy Woitenko**  
Development Planner



**ATTACHMENT I – SITE CONTEXT OF 14 VAN HORNE**



**ATTACHMENT I – SITE CONTEXT OF 14 VAN HORNE**

Looking North



Looking South



# ATTACHMENT I – SITE CONTEXT OF 14 VAN HORNE

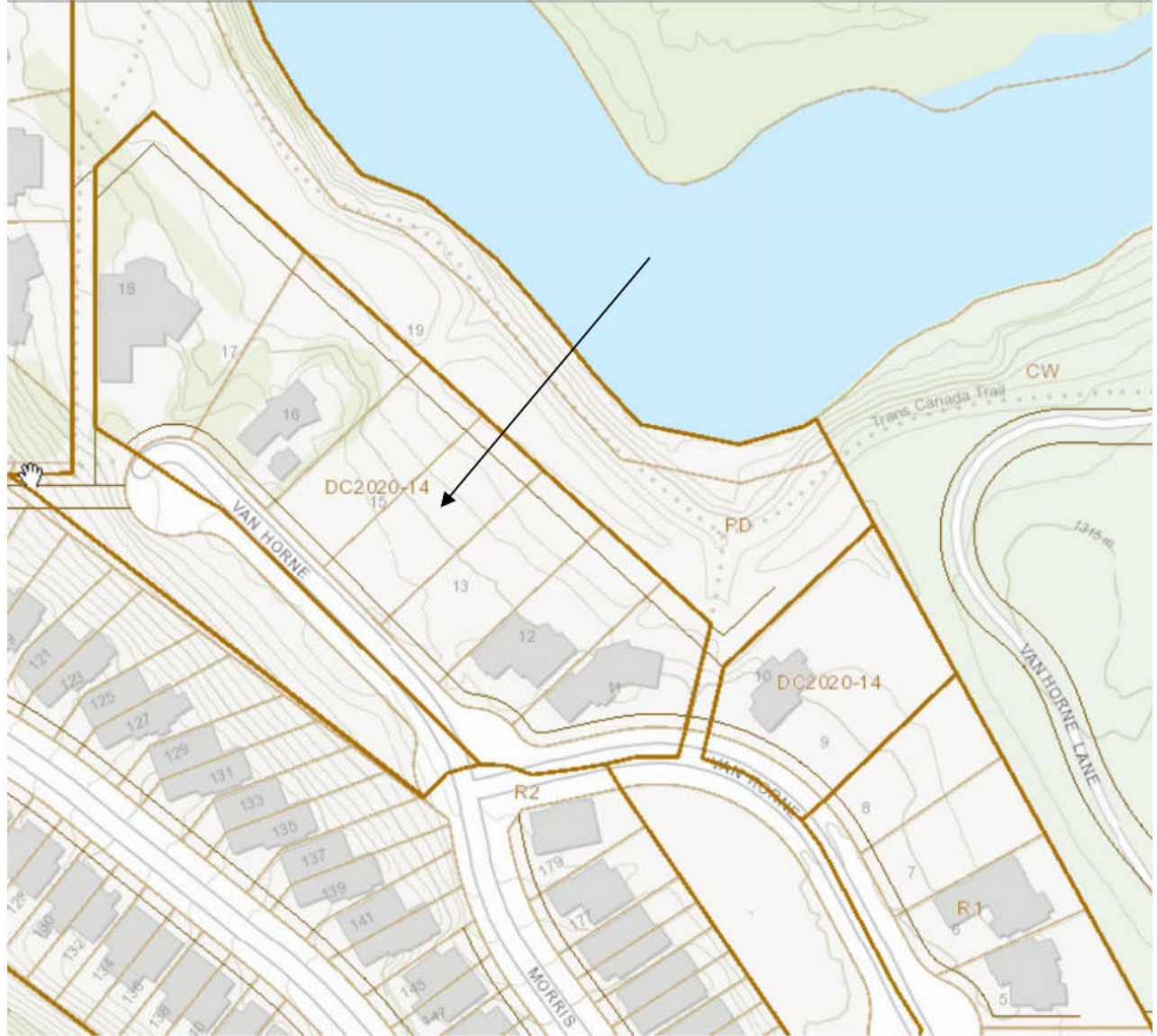
Looking east



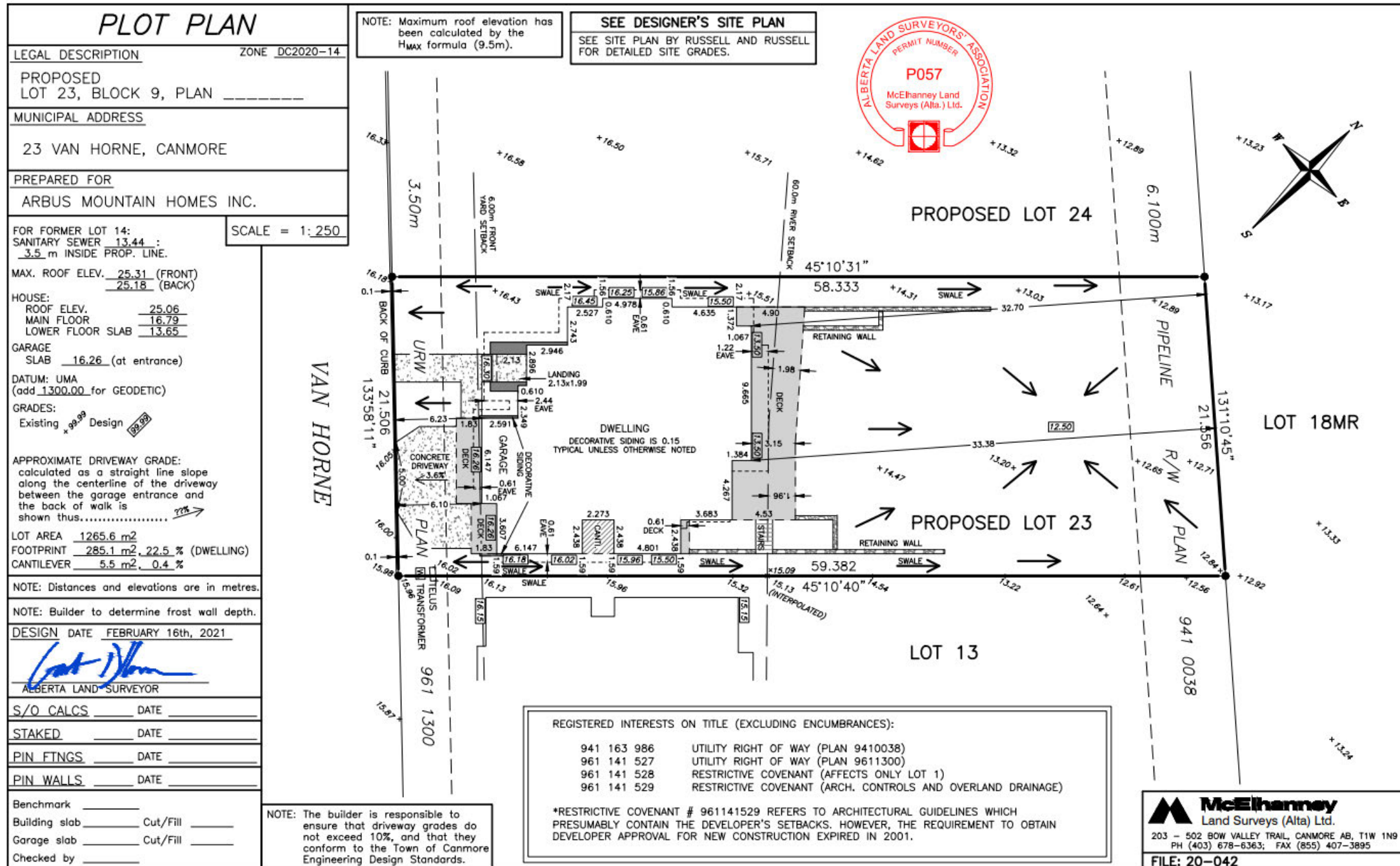
Looking west



**ATTACHMENT 2 – ZONING MAP**



**ATTACHMENT 3 – SITE PLAN AND DEVELOPMENT PERMIT - PL20210058**





**Planning & Development Department**

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

## DEVELOPMENT PERMIT

**DEVELOPMENT PERMIT No.:** PL20210058

**APPLICANT NAME:** Arbus Mountain Homes

**MUNICIPAL ADDRESS:** 14 Van Horne

**LEGAL ADDRESS:** Lot 23 Block 9 Plan 2110400

**LAND USE DISTRICT:** DC2020-14

**APPROVED USE(S):** Detached Dwelling

**DATE OF APPROVAL:** March 30, 2021

**APPROVED BY:** Development Officer

**DATE ISSUED:** April 21, 2021

Pursuant to Land Use Bylaw 2018-22, Section 1.12.0.1 "Unless otherwise specified in the Development Permit or in the conditions of development approval, if the development authorized by a Development Permit is not commenced and pursued within one (1) year from the effective date of the permit, and completed within two (2) years of the issue, such permit approval ceases and the permit itself is deemed void, expired and without effect, unless an extension to this period has been granted by the Development Authority.

This development permit is issued subject to the conditions stated in the Schedule A, which was sent with the Notice of Decision by the Development Authority dated March 30, 2021.

A handwritten signature in black ink, appearing to read "Tracy", written over a horizontal line.

Signature

April 21, 2021

Date

Tracy Woitenko  
Development Officer



**Planning & Development Department**

Town of Canmore  
902 - 7th Avenue  
Canmore, AB, T1W 3K1  
[www.canmore.ca](http://www.canmore.ca)

**SCHEDULE A**  
CONDITIONS OF APPROVAL

**DEVELOPMENT PERMIT No.:** PL20210058

**LAND USE DISTRICT:** DC2020-14

**APPROVED USE(S):** Detached Dwelling

**APPROVED VARIANCE(S):** None

**LEGAL ADDRESS:** Lot 23 Block 9 Plan 2110400

**APPROVED VARIANCES**

- 1. None.

**STANDARD CONDITIONS:**

1. All construction associated with the approval of this 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. All construction associated with the approval of this Development Permit shall comply with the Town of Canmore Engineering requirements as outlined in the Engineering Design and Construction Guidelines (EDCG).
3. All construction associated with the approval of this Development Permit shall comply with the Tree Protection Bylaw and ensure all tree protection measure are appropriately put in place prior to the development of the site, where determined necessary by the Town of Canmore Parks Department.
4. All construction, landscaping and exterior finishing materials are to be as shown on the approved plans and other supporting material submitted with the application.
5. Any trees, shrubs or other plant material installed as part of the landscaping plan which may die or are blown over, shall be replaced on an ongoing basis, prior to receipt by the developer of a Development Completion Certificate.
6. Access to the site for emergency vehicles shall be to the satisfaction of the Manager of Emergency Services.
7. **No occupancy** shall be permitted until an Occupancy Certificate has been issued by the Town of Canmore.

**SPECIFIC CONDITIONS:**

- 1. None

\_\_\_\_\_  
Signature  
Development Officer

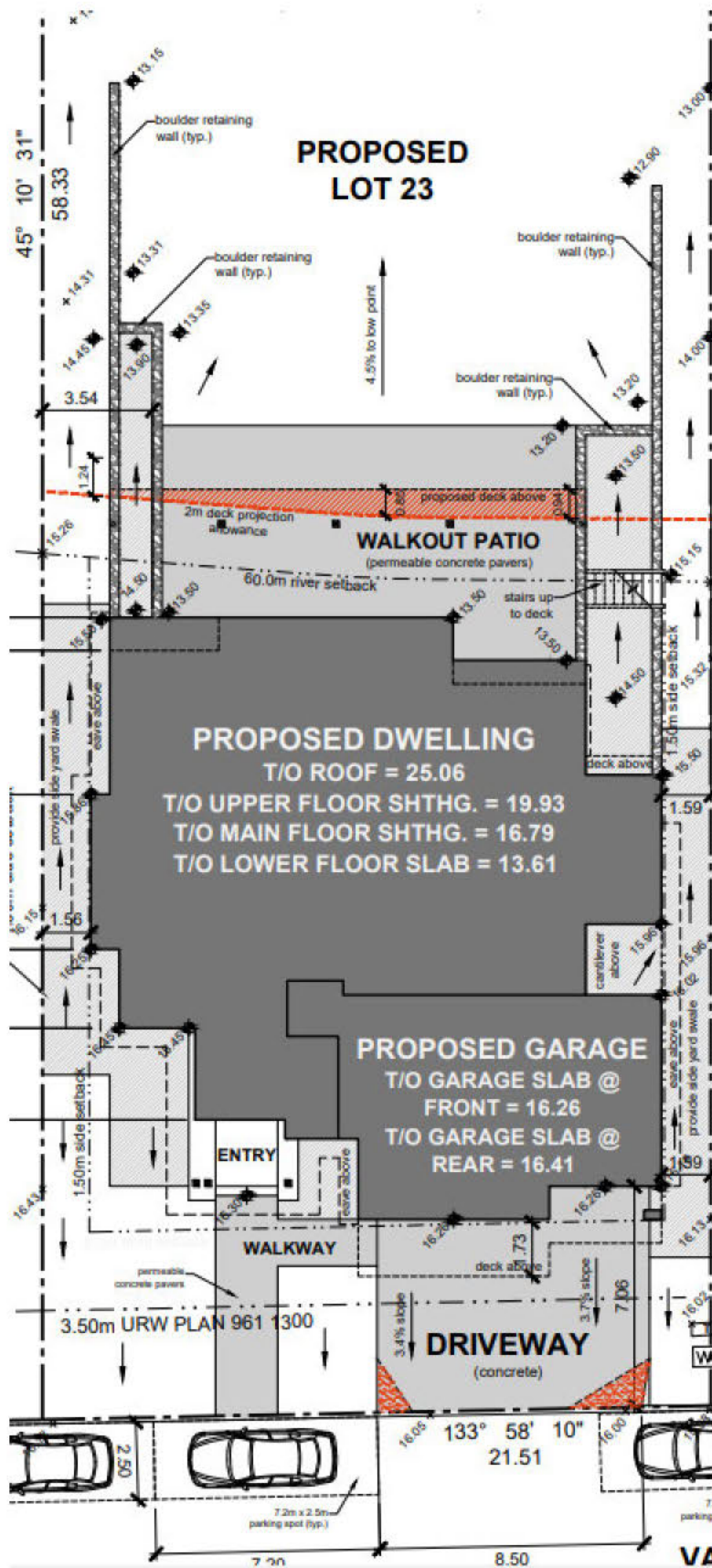
March 30, 2021

\_\_\_\_\_  
Date

**IS A NOTICE POSTING REQUIRED:**     **YES**     **NO**

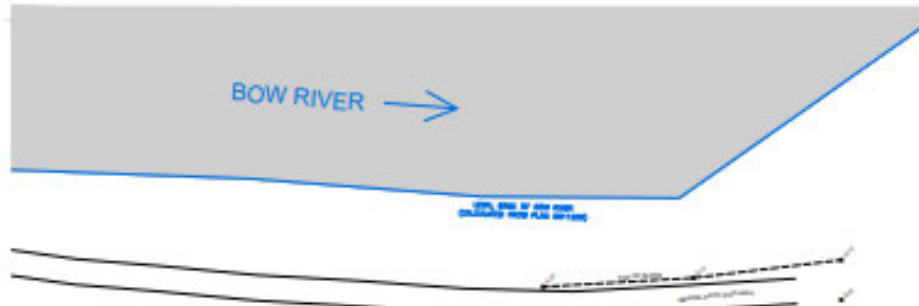
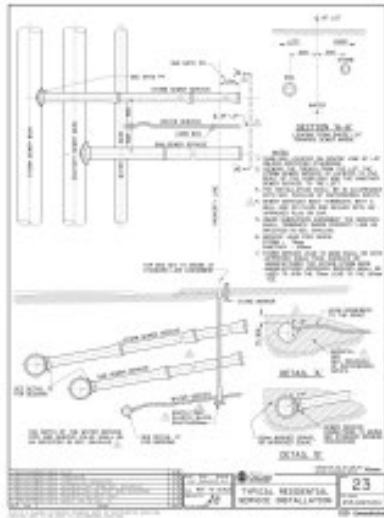
ATTACHMENT 4 - BYLAW CONFORMANCE REVIEW PL20210499

REQUIREMENT	BYLAW 2018-22	PROPOSED	VARIANCE
DECK ENCROACHMENT INTO WATERBODY SETBACK (REAR YARD)	MAX 2M	2.85 M	0.85 M
DRIVEWAY WIDTH AT PROPERTY LINE	MAX 5 M	8.5 M	3.5 M





**ATTACHMENT 5 – SUBMITTED PLAN PL20210499**



PROJECT	1018
ADDRESS	23 van horne
OWNER	23 van horne, canmore, ab
DATE	01
SCALE	1
PLAN	901/1299
DESIGNER	Arbus Mountain Homes
REVISIONS	
A:	Issued for review 2021-09-03
B:	Window revisions 2021-09-16
C:	Issued for R.P. 2021-09-17
D:	Window & exterior revisions 2021-09-11
E:	Window & exterior revisions 2021-09-16
F:	Window revisions 2021-10-28
G:	Window revisions 2021-11-10
H:	Storming & deck setbacks 2021-11-29

**MUNICIPAL ADDRESS**  
23 VAN HORNE  
CANMORE, AB

**LEGAL DESCRIPTION**  
LOTS: 23  
BLOCK: 9  
PLAN: 901 1299

**LAND USE DESIGNATION**  
DC2020-14

**TOTAL GFA**  
(GROSS FLOOR AREA)  
3600 S.F. (332.3 m<sup>2</sup>)

**1:100 YEAR GROUND WATER ELEVATION**  
NOT APPLICABLE

**ALBERTA FLOODS HAZARD ELEVATION**  
NOT APPLICABLE

**TOWN OF CANMORE MIN. SLAB ELEVATION**  
NOT APPLICABLE

**SITE AREA**  
1265.58 m<sup>2</sup>

**SITE COVERAGE**  
ALLOWED: 506.23 m<sup>2</sup>  
PROPOSED: 292.12 m<sup>2</sup>

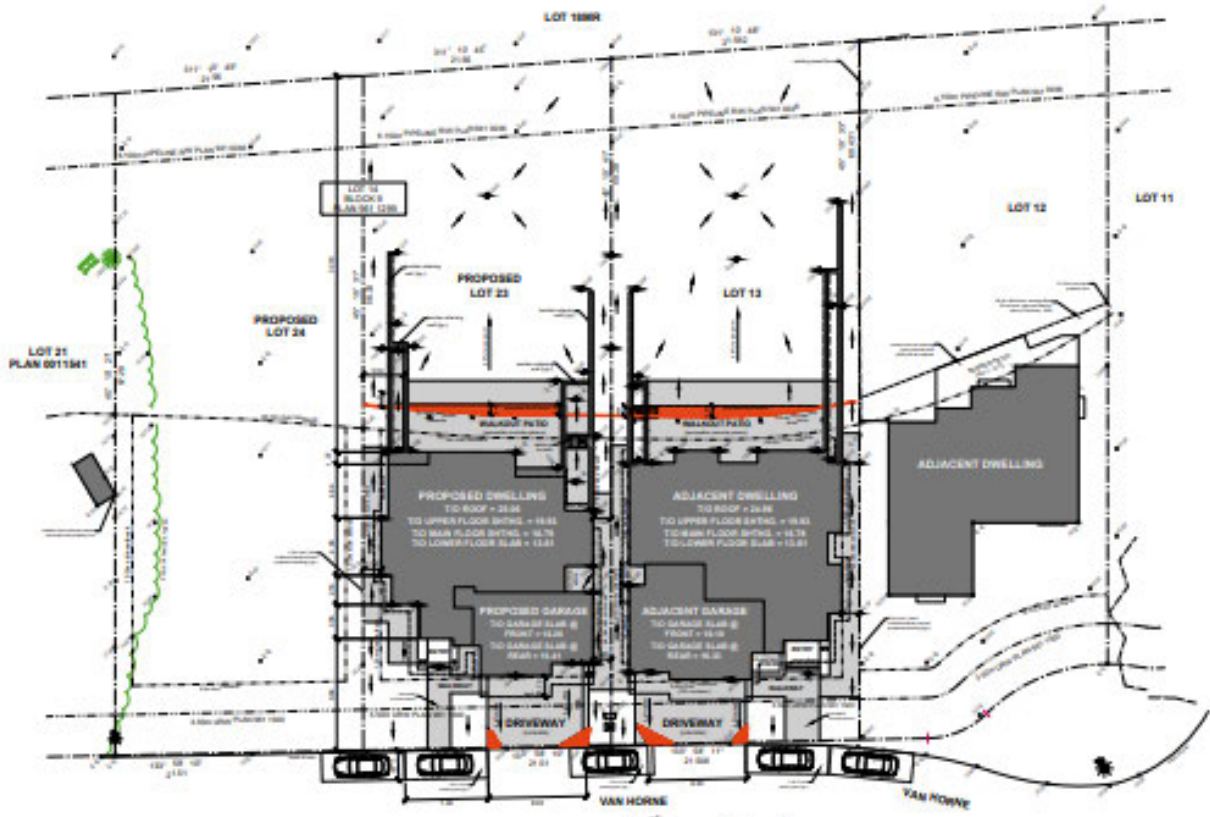
**SITE COVERAGE %**  
ALLOWED: 43.00 %  
PROPOSED: 23.87 %

**SITE PLAN LEGEND:**

- DISTANCES AND ELEVATIONS ARE IN METRES.
- EXISTING SPOT ELEVATIONS (ADD 0.30 FOR GEODETIC)
- PROPOSED SPOT ELEVATIONS (ADD 0.30 FOR GEODETIC)
- DRAINAGE ARROW
- TELLER FOOTPRINT
- TRANSFORMER

**MAX ROOF ELEVATION (FRONT)**  
25.31

**MAX ROOF ELEVATION (REAR)**  
25.18



**site plan**  
1:200



Arbus Mountain Homes  
10000 100th Street  
Edmonton, Alberta T5A 0K6  
403.433.8888  
www.arbusm.com

**A1.1**

**russell russell**  
design studios  
11117 84th Street  
Edmonton, Alberta T5A 0K6  
403.678.3003  
www.russellrussell.ca



Planning & Development Department

Town of Canmore
902 - 7th Avenue
Canmore, AB, T1W 3K1

NOTICE OF DECISION

\*THIS IS NOT A DEVELOPMENT PERMIT\*

Table with 2 columns: Field Name and Value. Fields include DEVELOPMENT PERMIT No., APPLICANT NAME, MUNICIPAL ADDRESS, LEGAL ADDRESS, LAND USE DISTRICT, USE(S), DATE OF DECISION, REFUSED BY, and DATE ISSUED.

It has been decided that the application be REFUSED for the reasons noted in the attached Schedule A.

This application was deemed complete on: January 6, 2022

Handwritten signature of Tracy Woitenko

Signature

Tracy Woitenko
Development Officer

February 1, 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.



**Planning & Development Department**

Town of Canmore  
902 - 7th Avenue  
Canmore, AB, T1W 3K1

## **SCHEDULE A**

### **REASONS FOR REFUSAL**

**DEVELOPMENT PERMIT No.:** PL20210499

**LAND USE DISTRICT:** Van Horne Direct Control District

**MUNICIPAL ADDRESS:** 14 Van Horne

**LEGAL ADDRESS:** Lot 23 Block 9 Plan 2110400

- 
1. Section 1.14.2.2 of the Land Use Bylaw 2018-22 states "*Notwithstanding the above provisions, the Development Authority shall not grant any variances not approved prior to the adoption of this Bylaw to setbacks from the bank of a waterbody except in accordance with Subsection 2.5.1*". The maximum encroachment of a deck into a waterbody setback in accordance with 2.5.1 is 2 m. The Development Officer cannot approve a variance beyond the permitted 2 m encroachment into the 60 m waterbody setback.
  2. The maximum width of a driveway at property line is 5 m pursuant to 2.3.0.1.h.iii. of the Land Use Bylaw 2018-22. The proposed variance at 8.5 m is a 50% increase in driveway width. The Development Officer does not support variances to increase driveway width at property line which reduce the provision of on-street parking stalls. On-street parking is only allowed on this side of the roadway. The cul-de-sac at the road end is required for Emergency Vehicle turn-around.

**ATTACHMENT 7 – NOTICE OF APPEAL**



**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 <b>14 Van Horne</b>		Development Permit/Subdivision Application File Number <b>PL20210499</b>	
APPELLANT INFORMATION			
Name of Appellant <b>Margaret and Steve Lee</b>		Agent Name (If applicable) <b>Dale Hildebrand / Arbus Mountain Homes</b>	
Mailing Address (for notification purposes) <b>17 MacDonald Pl. Canmore AB T1W 2N1</b>			
City	Province	Postal Code	
Phone Number (Day) <b>FOIP</b>		Email <b>FOIP</b>	
<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 type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" 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)

Two variances to PL20210058 were requested - an increase in the driveway width from 5 meters to 8.5 meters at the property line and 0.94 meter deck projection into the 60 meter Bow River setback.

We submit that the requested driveway variance is reasonable due to the site specific constrains imposed on this lot, namely s. 14.39 of the LUB (Van Horne Direct Control District). The Van Horne Direct Control District forced the redesign of these homes to be pushed to the north half of the lots, resulting in shorter driveway lengths, that when narrowed down to 5 meters at the property line, will result in vehicles driving over the landscaping.

For the rear decks variance, curvature of the historical river set back limits the development at the 13 / 14 Van Horne lot line by over 1 meter. Allowing for the rear decks to be under 1 meter wider will not impact the neighbouring properties, any users of the river pathway or the river itself.

We understand there were no objections from neighbours to these requested variances.

**FOIP Notification:** This personal information is being collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP) and is managed in accordance with the provisions of FOIP. If you have any questions about the collection of your personal information, contact the Municipal Records Officer at [municipal.clerk@canmore.ca](mailto:municipal.clerk@canmore.ca). Please note, the Municipal Clerk's Office should only be contacted regarding FOIP inquiries.

Signature of appellant/agent 	Date (MM/DD/YYYY) <b>02/08/2022</b>
----------------------------------	--

FOR OFFICE USE ONLY			
Fee Paid <input 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

## **ATTACHMENT 8 – PROPOSED CONDITIONS OF APPROVAL PL20210499**

### **STANDARD CONDITIONS**

None.

### **APPROVED VARIANCES**

1. To Section 2.4.1 of Land Use Bylaw 2018-22 to allow the rear deck to encroach an additional 0.85 m into the waterbody setback (rear yard).
2. To Section 2.3.0.1.h.iii of Land Use Bylaw 2018-22 to allow the driveway width at property line to exceed the maximum 5 m and be 8.5 m.

### **SPECIFIC CONDITIONS**

None.

## **ATTACHMENT 9 – STATUTORY REQUIREMENTS FOR APPEAL**

- The application for a Development Permit for a variance to the driveway width and the rear deck encroachment into a waterbody setback was Refused on February 1, 2022.
- Administration received an appeal from the applicant on February 10, 2022, which is within the 21-day appeal period.
- The appeal hearing was scheduled for March 9, 2022 within the 30-day time period as required by the Municipal Government Act.
- The appellant was informed of the hearing date via email on February 15, 2022.
- Letters of notification to affected landowners were mailed on February 16, 2022.
- An advertisement was published in the February 24, 2022 edition of the Rocky Mountain Outlook.
- The appeal hearing was posted on the Town website on February 16, 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 Appellant Spokesperson  
Arbus Mountain Homes**

# LUB 2020-14

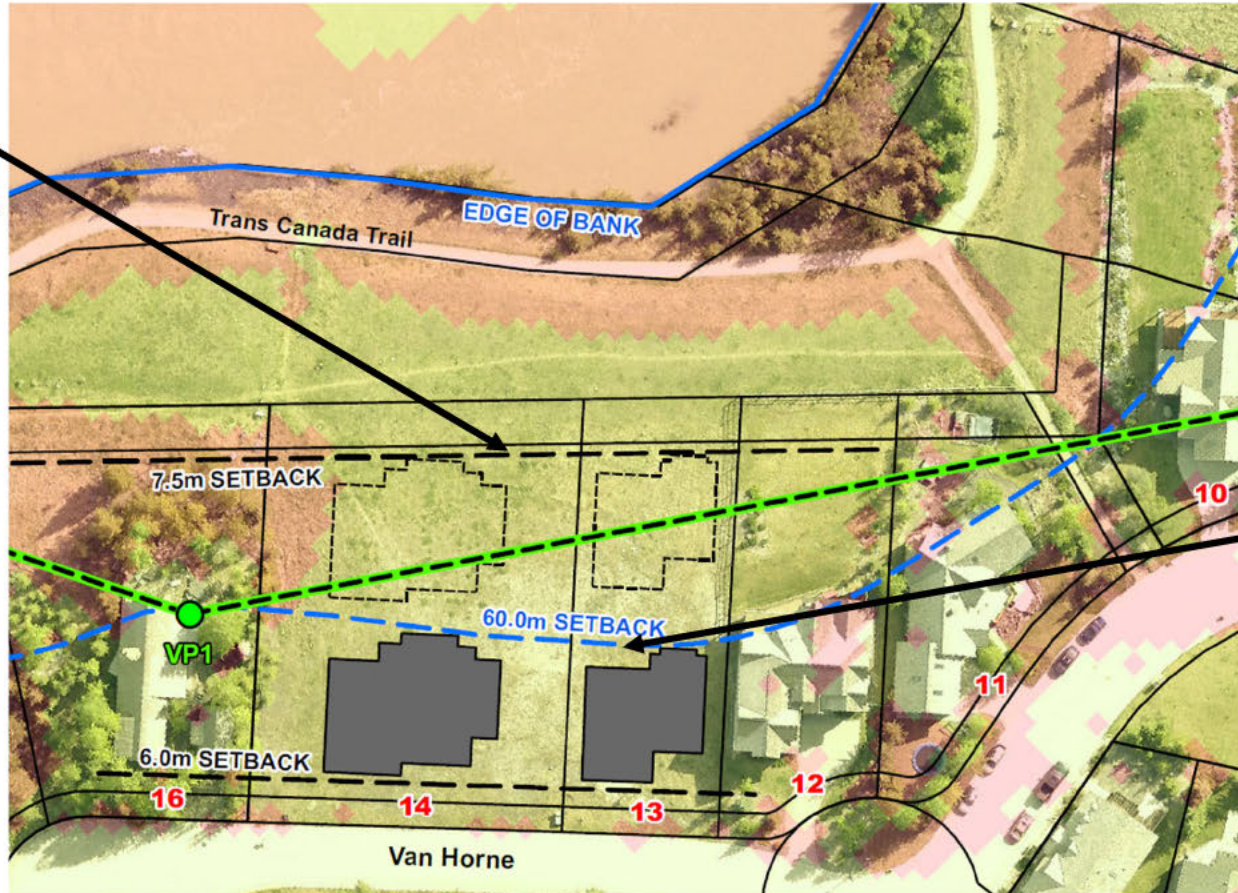
- In 2020 Van Horne neighbours filed proposed LUB amendment to impose 60 m Bow River set back, targeted 13 & 14 Van Horne
- Increased rear yard setback from 7.5 meters to 40 meters
- LUB 2020-14 approved by Town Council Nov 3, 2020
- 13 Van Horne building permit had been applied for - LUB 2020-14 required complete home redesign



# LUB 2020-14

Prior to LUB 2020-14:

- 7.5 m rear setback



LUB 2020-14

- 40 m rear setback

# Bow River Setbacks

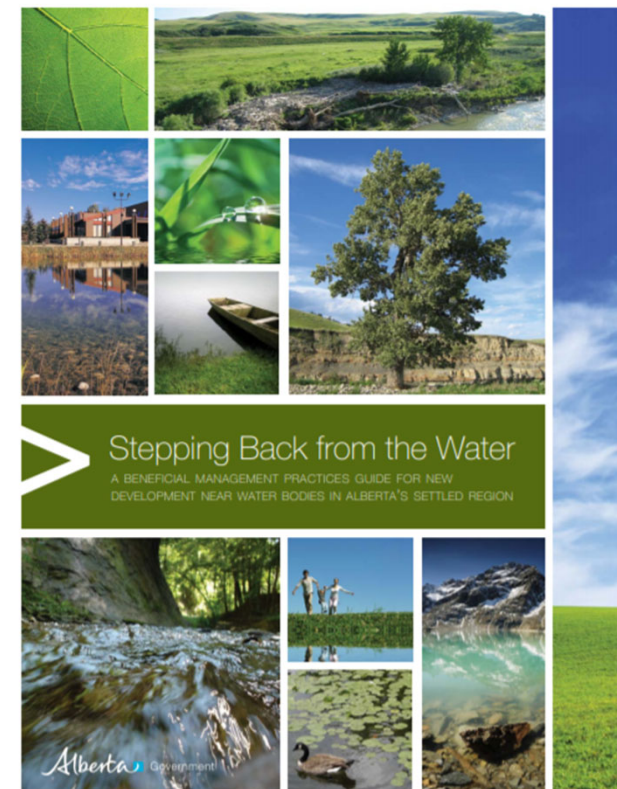
2016 Municipal Development Plan does not prescribe a 60 m Bow River setback

Canmore Municipal Development Plan states that if a Bow River setback were to be applied it should be based on a study:

4.2.24 The Provincial guidelines Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region (2012) should be used as a guideline for the identification of riparian areas and development of management options to determine waterbody setback distances.

Alberta government guide based on “maintaining the integrity of riparian areas”

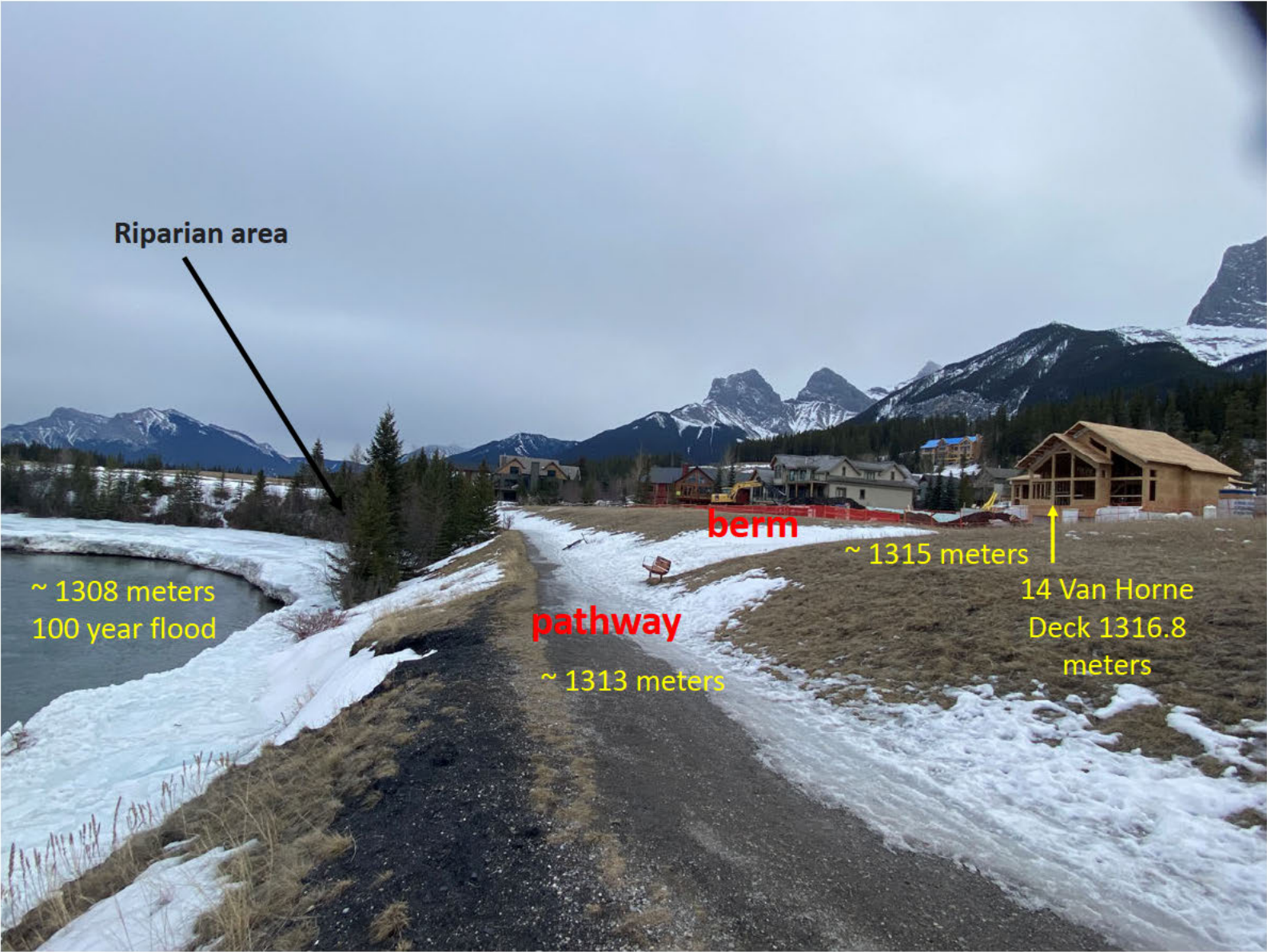
No study has been performed to justify the 60 m Bow River setback at Van Horne



# Riparian areas:

- are lush vegetated lands beside streams, rivers, lakes and wetlands.
- have vegetation and soils strongly influenced by the presence of water.
- make up only a small fraction of the land.
- are among the most productive and valuable of all landscape types.

<https://www.alberta.ca/shorelands-riparian-areas.aspx>



Riparian area

~ 1308 meters  
100 year flood

berm

~ 1315 meters

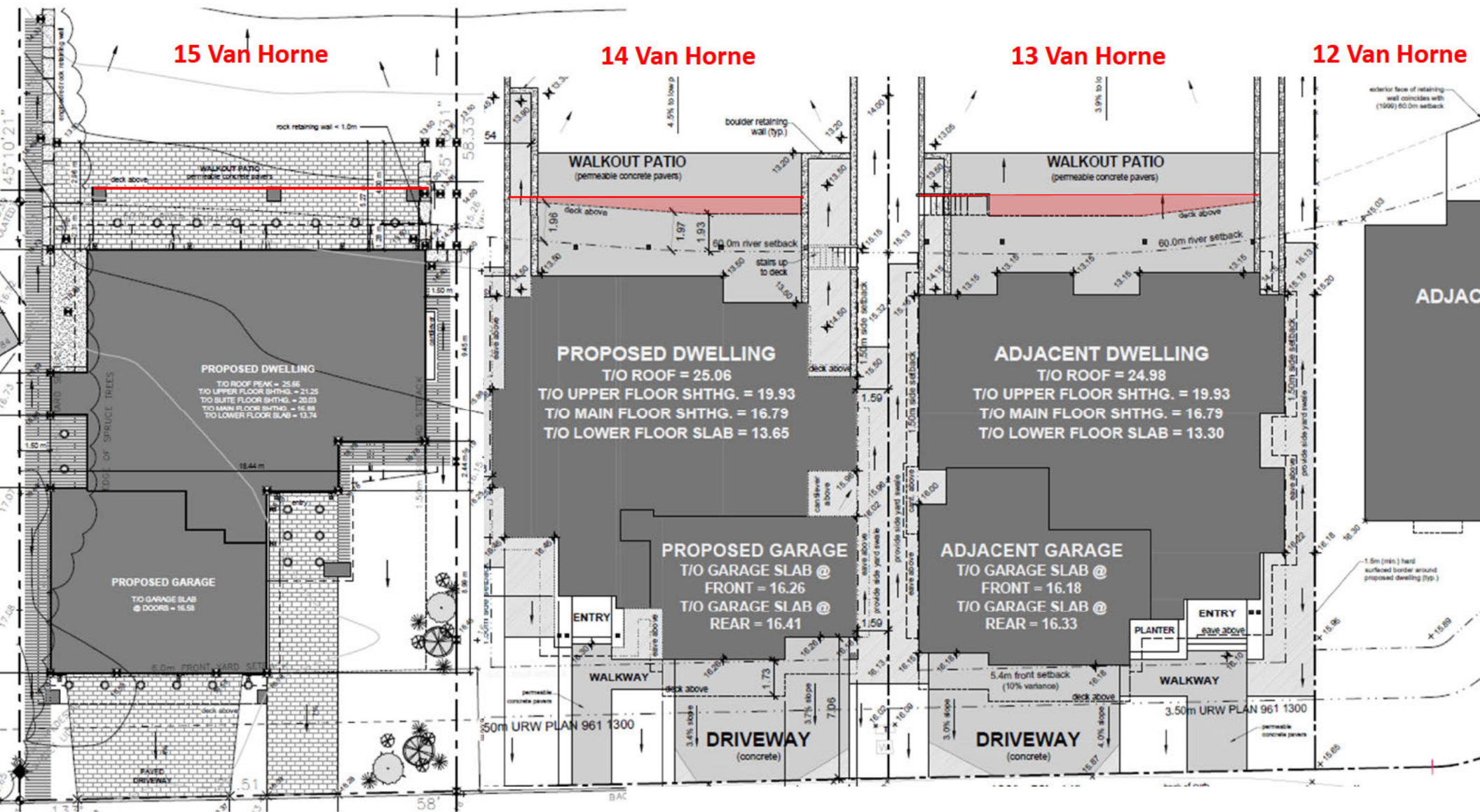
pathway

~ 1313 meters

14 Van Horne  
Deck 1316.8  
meters







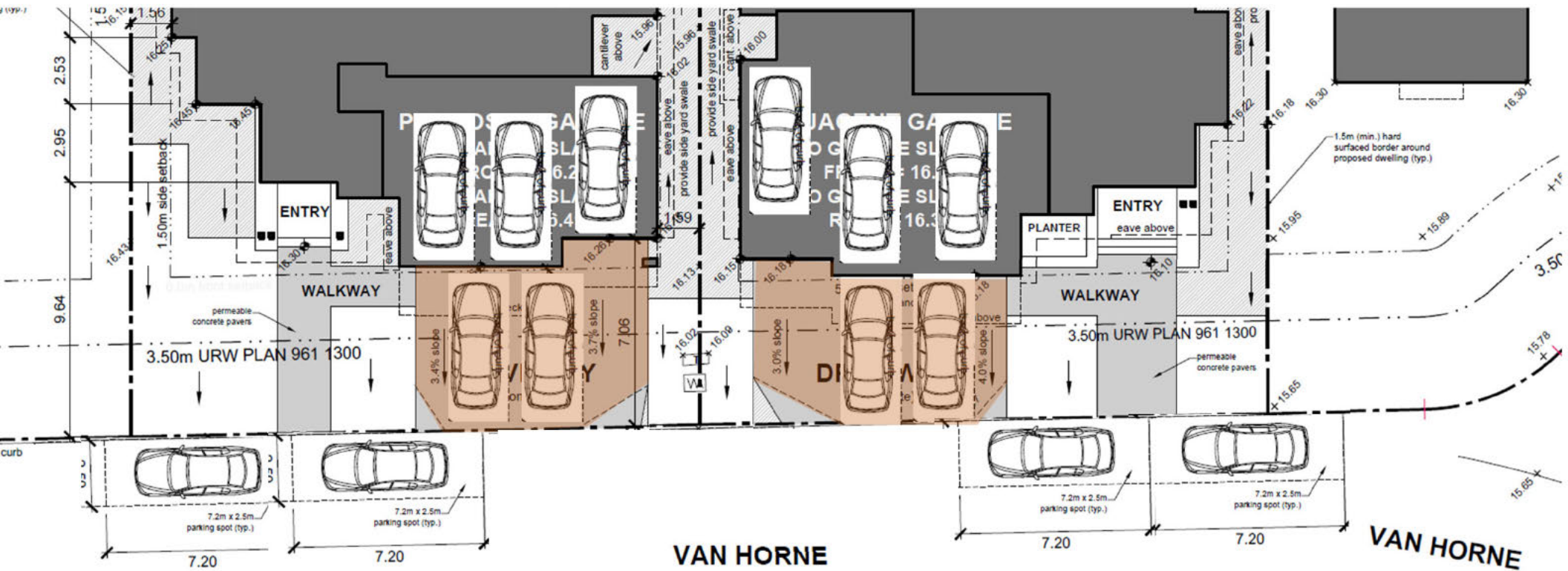


**14 Van Horne**  
**Picture taken 1.8 meters above pathway**



14 Van Horne

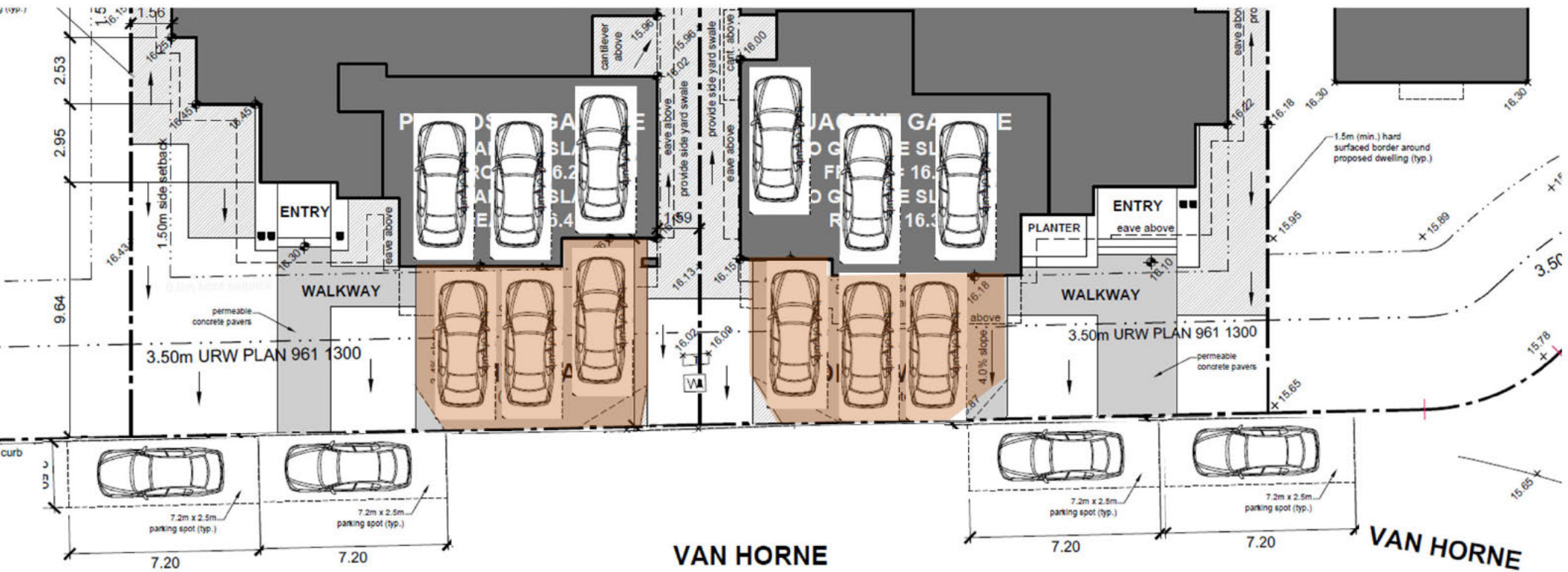
13 Van Horne



5.0 m driveway at property line – 14 parking stalls

14 Van Horne

13 Van Horne



8.5 m driveway at property line – 16 parking stalls









December 13, 2021

Planning Department  
 Town of Canmore

Dear Sir/Madame,

## Re: 13 & 14 Van Horne – Development Permit Revisions Application

Further to the issuance of the following approvals for these homes, we are seeking approval for two minor variances – please see attached drawing and descriptions below:

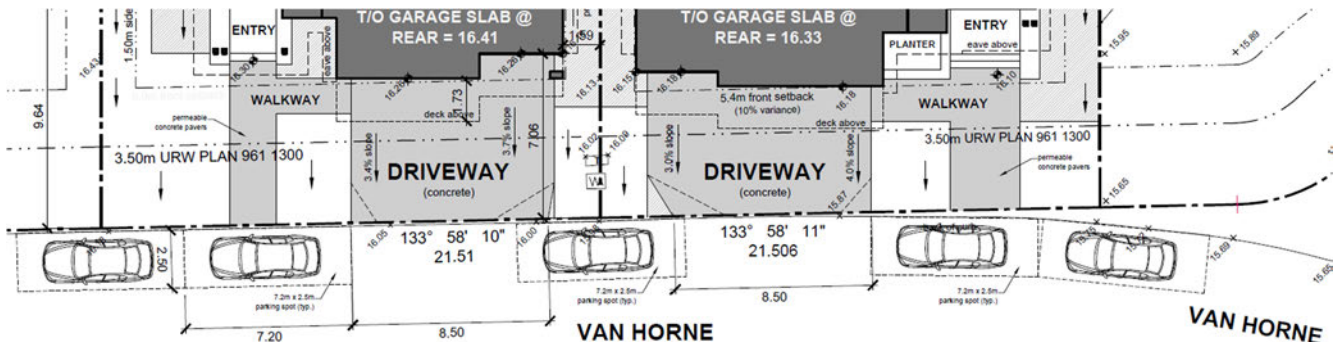
Home	DP	BP
13 Van Horne	PL20210057	PRNC20200294
14 Van Horne	PL20210058	PRNC20210205

### 1. Driveway Width

For both homes, an increase in the driveway width from 5 meters to 8.5 meters at the property line is requested.

Increasing the driveway width does not reduce the number of vehicles that can be parked on the street, in this instance. From Table 7-7 of the Town of Canmore Engineering Design and Construction Guidelines, an on-street parking stall should be 7.2 meters long to allow for a vehicle length plus 1.5 meters clear view buffer. This means that only one car can be parked in front of each of 13 and 14 Van Horne. Regardless of the driveway width, there is insufficient space to park a vehicle between the two driveways. Also, regardless of the driveway width, there is only sufficient space to park one vehicle in front of each property.

With driveways limited to 5 meters, especially for homes with triple garages, owners and guests will end up driving across the landscaped materials where the proposed driveways are narrowed down at the property line and street.



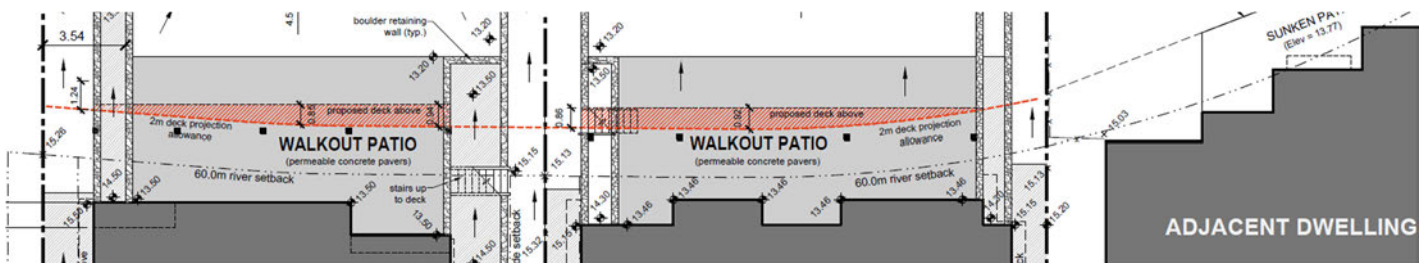
Please note that 13 and 14 Van Horne are located on a dead-end street with only three other homes located to the west (2 built, 1 proposed). Street parking on the south side of this section of Van Horne is prohibited. There is ample parking at the end of the street for guests and visitors; however, the number of visitors should be limited as there is limited access to the river trails from this section of the street.



We submit that this proposed variance will not reduce on-street parking and will not cause any undue issues for neighbouring properties.

**2. Rear Deck Widths**

Both 13 and 14 Van Horne were design to have the home structure inside the 60 meter river “legal setback” in an effort to have useable rear decks. The homes were designed to be “square” with the lot orientation, regardless of the curvature of the 60 meter river setback (see sketch below). The owners would like to have the decks “square” to the homes. A variance is requested to have the decks project a maximum additional 0.94 meters as noted below:



The requested variance will be 0 meters at the building setbacks adjacent to 12 and 15 Van Horne, having no impact on the neighbor’s site lines.



**Support for the Variances**

As per the LUB, the Development Authority can grant variances:

- 1.14.0.1 The Development Authority may grant a variance(s) to the standards and regulations of this Bylaw as part of the Development Permit approval process, where there is deemed to be a public benefit or where site conditions constrain reasonable development as described in this section.
- 1.14.1.2 The authority to grant variances to other regulations and guidelines contained in this Bylaw shall remain at the discretion of the Development Authority and shall not be limited by the percentages described above.

We submit that the requested variances are reasonable due to the site specific constrains imposed on these lots, namely s. 14.39 of the LUB (Van Horne Direct Control District). The Van Horne Direct Control District forced the redesign of these homes to be pushed to the north half of the lots, resulting in shorter driveway lengths, that when narrowed down to 5 meters at the property line, will result vehicles driving over the landscaping.

For the rear decks, curvature of the historical river set back limits the development at the 13 / 14 Van Horne lot line by over 1 meter. Allowing for the rear decks to be under 1 meter wider will not impact the neighbouring properties, any users of the river pathway or the river itself.

We also note that when the homes were developed on 10, 11 and 12 Van Horne the Development Authority utilized the "60 meter average setback", and not the "60 meter legal setback" that was applied to 13 and 14 Van Horne. Please see attached drawings. Since the premise of the applicants for the Van Horne Direct Control District was that all property owners should be treated in the same manner, we submit that consideration of the "60 meter average setback" would have allowed for 13 Van Horne to be built closer to the river, and would reduce the quantum of the requested variance.

Please note that since the passage of the Van Horne Direct Control District the construction of these homes was delayed by about 6 months, at significant cost to the landowners. These variances were not requested with the original DP to prevent further construction delays. Now that these homes are under construction the owners<sup>1</sup> have asked us to request these variances. In addition, at this time, the neighbours can clearly visualize where the homes are built on the lots and can assess the impact these requested variances may have.

Please contact me at 403-869-6200 or [dale@arbusmtnhomes.com](mailto:dale@arbusmtnhomes.com) if you require any additional information.

Sincerely,

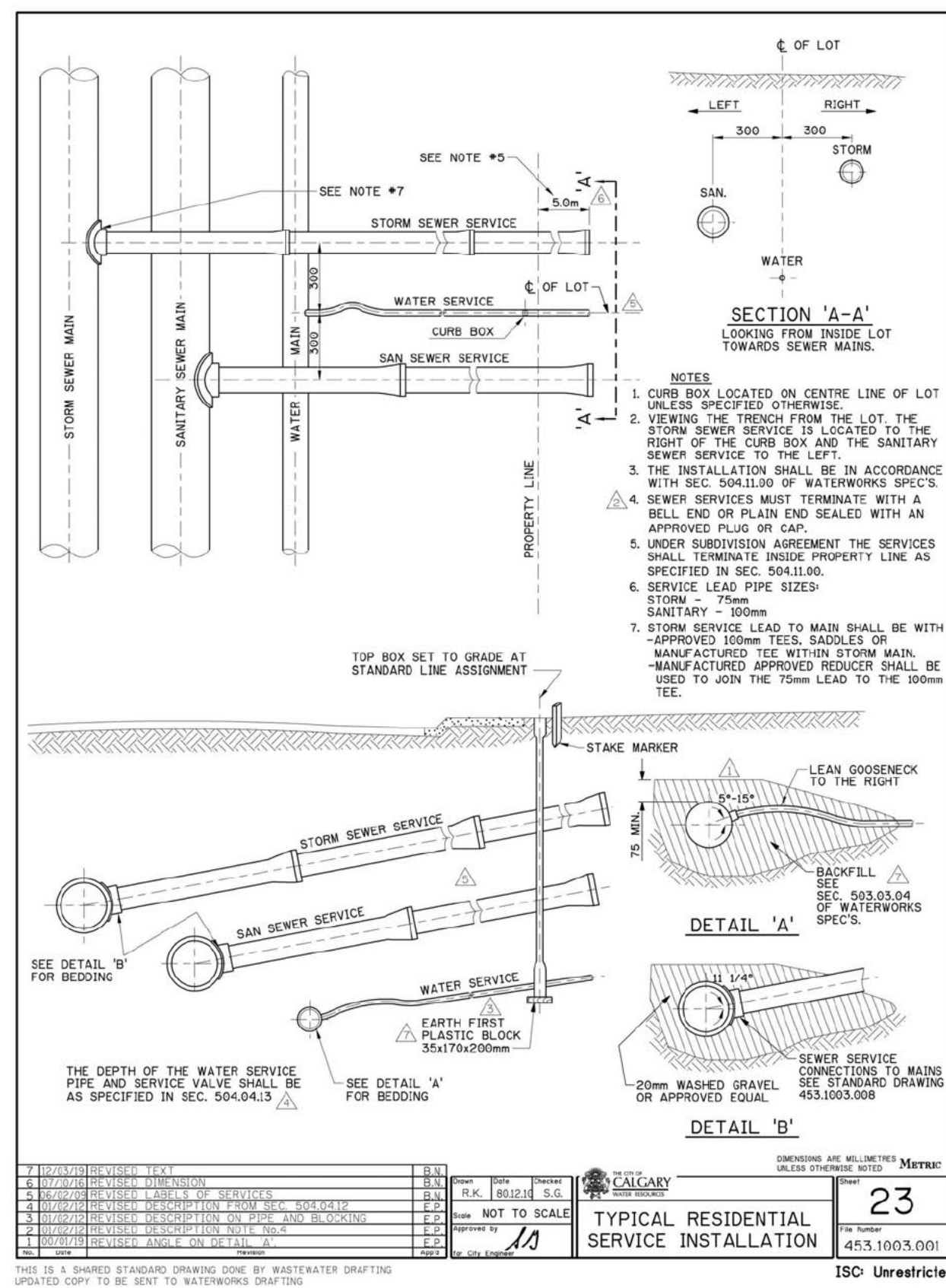
**Arbus Mountain Homes Inc.**



W. Dale Hildebrand, P.Eng., M.B.A.  
President

---

<sup>1</sup> Both of these homes are custom builds for the landowners who intend to reside in these homes when completed.



**MUNICIPAL ADDRESS**

23 VAN HORNE  
CANMORE, AB

**LEGAL DESCRIPTION**

LOTS: 23  
BLOCK: 9  
PLAN: 961 1299

**LAND USE DESIGNATION**

DC2020-14

**TOTAL GFA**  
(GROSS FLOOR AREA)  
3900 ft.<sup>2</sup> (362.3 m<sup>2</sup>)

**1:100 YEAR GROUND WATER ELEVATION**  
NOT APPLICABLE

**ALBERTA FLOODS HAZARD ELEVATION**  
NOT APPLICABLE

**TOWN OF CANMORE MIN. SLAB ELEVATION**  
NOT APPLICABLE

**SITE AREA**  
1265.58 m<sup>2</sup>

**SITE COVERAGE**  
ALLOWED: 506.23 m<sup>2</sup>  
PROPOSED: 292.12 m<sup>2</sup>

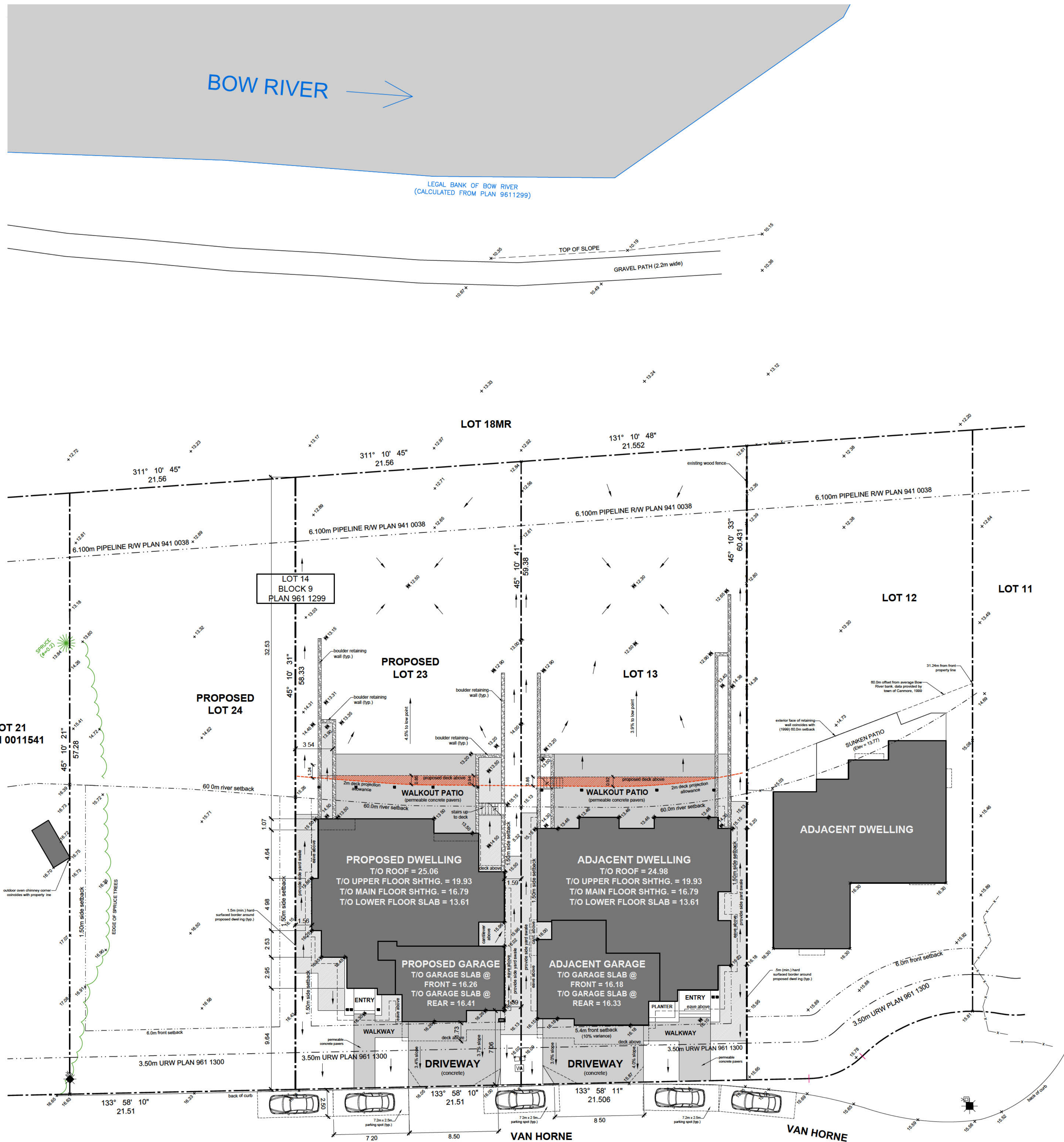
**SITE COVERAGE %**  
ALLOWED: 40.00 %  
PROPOSED: 23.07 %

**SITE PLAN LEGEND:**

- DISTANCES AND ELEVATIONS ARE IN METRES.
- EXISTING SPOT ELEVATIONS (ADD 1300.00 FOR GEODETIC)
- PROPOSED SPOT ELEVATIONS (ADD 1300.00 FOR GEODETIC)
- DRAINAGE ARROW
- TELUS PEDASTAL
- TRANSFORMER

**MAX ROOF ELEVATION (FRONT)**  
25.31

**MAX ROOF ELEVATION (REAR)**  
25.18



**NOTE:**  
If the gravity sewer system cannot achieve a 2% slope, a sewage lift pump will be installed

**site plan**  
1:200

PROJECT:  
1018  
23 van home

ADDRESS:  
23 van home,  
canmore, ab

LOT: 23  
BLOCK: 9  
PLAN: 9611299

CLIENT:  
Arbus Mountain  
Homes

- ISSUED:
- A: issued for review  
2021-05-03
  - B: window revisions  
2021-05-18
  - C: issued for B.P.  
2021-06-17
  - D: window & elevator  
revisions  
2021-08-11
  - E: window & elevator  
revisions  
2021-08-16
  - F: window revisions  
2021-10-25
  - G: window revisions  
2021-11-10
  - H: driveway & deck  
variances  
2021-11-29



Copyright reserved. These drawings and designs are at all times the property of the designer and may not be used without permission. They are to be used only for the project shown. Written consent is required from the designer before any reproduction.

DRAWN: CC  
DESIGNED: CC  
CHECKED: AR

DRAWING NUMBER:

A1.1

**russell and russell**  
design studios  
#200 817 main street  
canmore alberta t1w 2b3  
info@russellandrussell.ca  
403 678 3003  
www.russellandrussell.ca

Homesteads 3  
 May 17, 1996

Plan ~~961~~ 961 1299

# BOW RIVER SETBACK AND ARCHITECTURAL CONTROL SETBACKS PHASE 3 - HOMESTEADS

Block and Lot Number	Front Setback	Rear Setback	Side Setback
Block 9 Lot 3	12 m	9 m	2 m
Block 9 Lot 4	9 m	12 m	2 m
Block 9 Lot 5	9 m	12 m	2 m
Block 9 Lot 6	12 m	7.5 m	2 m
Block 9 Lot 7	9 m	13 m	2 m
Block 9 Lot 8	6 m	13 m	2 m
Block 9 Lot 9	6 m	23 m	2 m
Block 9 Lot 10	6 m	30 m	2 m
Block 9 Lot 11	6 m	15 m	2.5 m
Block 9 Lot 12	9 m	34 m	2.5 m
Block 9 Lot 13	6 m	33 m	2.5 m
Block 9 Lot 14	8 m	30 m	2.5 m
Block 9 Lot 15	8 m	27 m	2.5 m
Block 9 Lot 16	6 m	30 m	2.5 m
Block 9 Lot 17	15 m	30 m	2.5 m

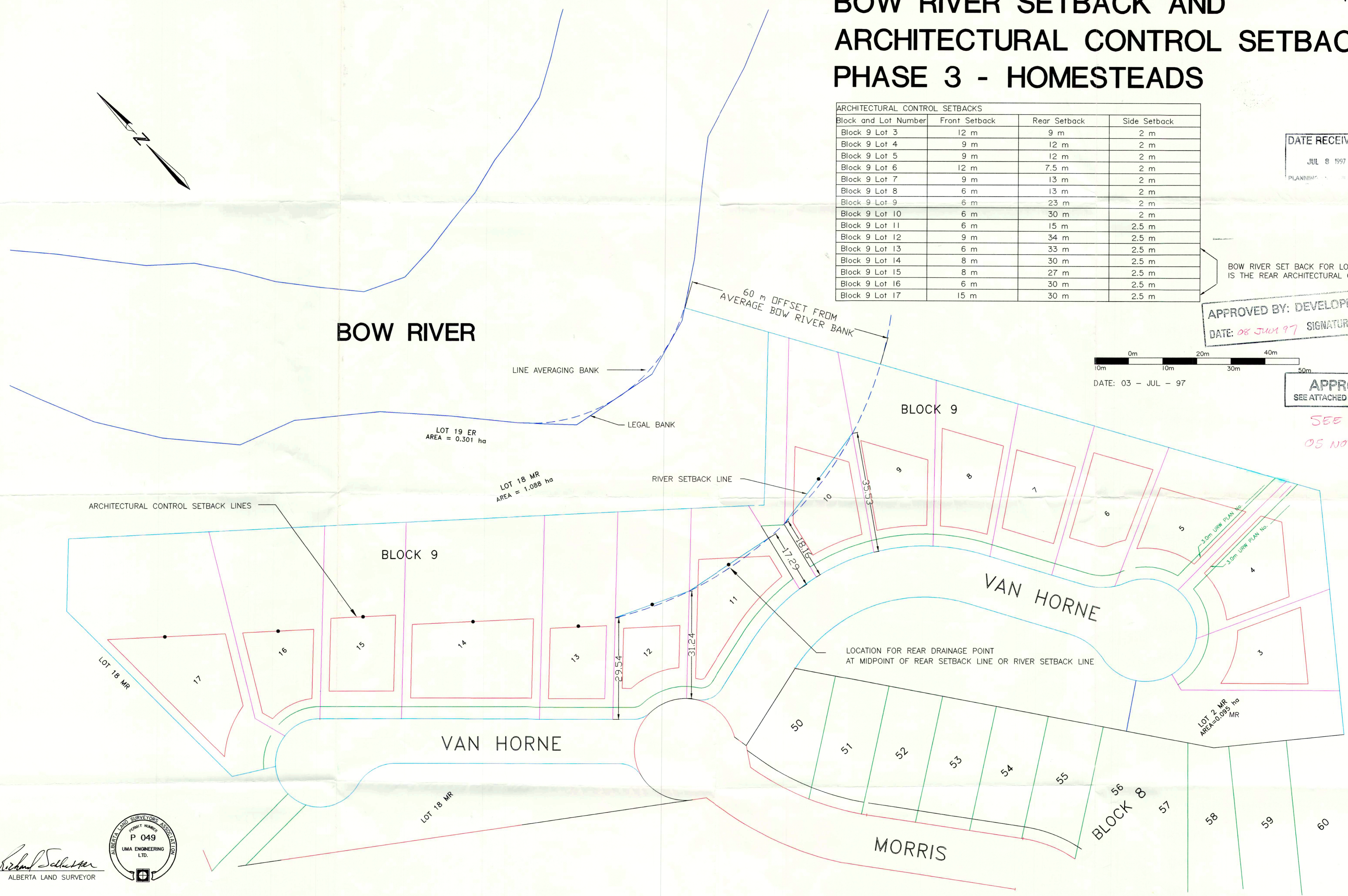
DATE RECEIVED  
 JUL 8 1997  
 PLANNING

APPROVED BY: DEVELOPMENT OFFICER  
 DATE: 08 JUL 97 SIGNATURE: *[Signature]*

0m 10m 20m 30m 40m 50m  
 DATE: 03 - JUL - 97

APPROVED  
 SEE ATTACHED SCHEDULE "A"

SEE ATTACHED  
 05 NOV 96 Memo  
 SLL



*Richard Schutte*  
 ALBERTA LAND SURVEYOR

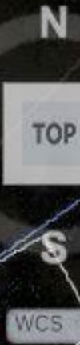
ALBERTA LAND SURVEYORS ASSOCIATION  
 P 049  
 UMA ENGINEERING LTD.



BLOCK 9

required to be from legal bank.

Old lots allowed use of this "averaged bank" for setback



LOT 19 ER  
AREA = 0.301 ha

LINE AVERAGED BANK

LOT 18 MR  
AREA = 1.058 ha

LEGAL BANK

RIVER

60 meter setback from averaged bank.

60 meter setback from legal bank.

14

13

12

11

10

29.54

42.12

17.29

18.16

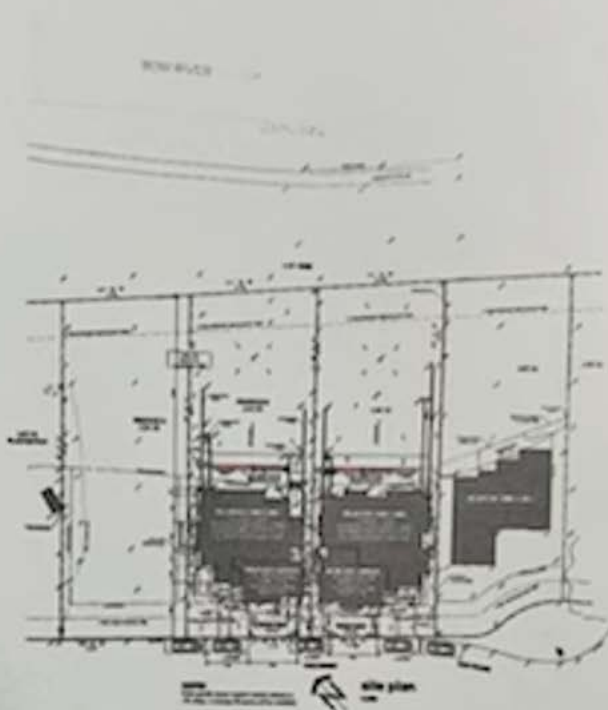
35.53

PINE

LINE

To the Town of Canmore Planning Bureau:

We understand that our neighbors in 13 Van Horne and 14 Van Horne have requested variances as shown in the attached.



NO.	DESCRIPTION
1	...
2	...
3	...
4	...
5	...
6	...
7	...
8	...
9	...
10	...
11	...
12	...
13	...
14	...
15	...
16	...
17	...
18	...
19	...
20	...

**MUNICIPAL ADDRESS**  
15 VAN HORNE  
CANMORE, ALBERTA

**LEGAL DESCRIPTION**  
...

**LAND USE DESIGNATION**  
...

**SITE AREA**  
...

**SITE COVERAGE**  
...

**SITE COVERAGE %**  
...

**SITE PLAN LEGEND**  
...

**ALL NEIGHBORHOODS**  
...

North Arrow

Scale: 1" = 100'

A11

As the owners of 15 Van Horne, we have no objection to their requests.

Nancy Pon and Charles H. Smith  
Feb 14, 2022

## NOTICE OF DECISION

**\*THIS IS NOT A DEVELOPMENT PERMIT\***

**DEVELOPMENT PERMIT No.:** PL20210498

**APPLICANT NAME:** Arbus Mountain Homes

**MUNICIPAL ADDRESS:** 13 Van Horne

**LEGAL ADDRESS:** Lot 13 Block 9 Plan 9611299

**LAND USE DISTRICT:** Van Horne Direct Control District

**USE(S):** Variances to Waterbody Setback and  
Driveway Width

**DATE OF DECISION:** February 1, 2022

**REFUSED BY:** Development Officer

**DATE ISSUED:** February 1, 2022

It has been decided that the application be **REFUSED** for the reasons noted in the attached Schedule A.

**This application was deemed complete on: January 6, 2022**



\_\_\_\_\_  
Signature

February 1, 2022

\_\_\_\_\_  
Date

Tracy Woitenko  
Development Officer

---

*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**

## **REASONS FOR REFUSAL**

**DEVELOPMENT PERMIT No.:** PL20210498

**LAND USE DISTRICT:** Van Horne Direct Control District

**MUNICIPAL ADDRESS:** 13 Van Horne

**LEGAL ADDRESS:** Lot 13 Block 9 Plan 9611299

- 
1. Section 1.14.2.2 of the Land Use Bylaw 2018-22 states “*Notwithstanding the above provisions, the Development Authority shall not grant any variances not approved prior to the adoption of this Bylaw to setbacks from the bank of a waterbody except in accordance with Subsection 2.5.1*”. The maximum encroachment of a deck into a waterbody setback in accordance with 2.5.1 is 2 m. The Development Officer cannot approve a variance beyond the permitted 2 m encroachment into the 60 m waterbody setback.
  2. The maximum width of a driveway at property line is 5 m pursuant to 2.3.0.1.h.iii. of the Land Use Bylaw 2018-22. The proposed variance at 8.5 m is a 50% increase in driveway width. The Development Officer does not support variances to increase driveway width at property line which reduce the provision of on-street parking stalls. On-street parking is only allowed on this side of the roadway. The cul-de-sac at the road end is required for Emergency Vehicle turn-around.

**Authorization from Landowner  
assigning spokesperson of subject appeal**



**From:** FOIP  
**To:** Dale Hildebrand; FOIP  
**Cc:** Katy Bravo-Stewart  
**Subject:** RE: Notice of Appeal Applications - PL20210499; PL20210498  
**Date:** March 1, 2022 11:35:23 AM

---

Hi Katy,

Please take this em as our authorisation for Arbus Homes Inc/ Dale Hildebrand to represent us (14 Van Horne) at the SDAB hearing on March 9<sup>th</sup> 2022.

Regards

Steve & Margaret Lee

Sent from [Mail](#) for Windows

---

**From:** Dale Hildebrand  
**Sent:** March 1, 2022 11:00 AM  
**To:** FOIP  
**Cc:** Katy Bravo-Stewart  
**Subject:** RE: Notice of Appeal Applications - PL20210499; PL20210498

Hi Margaret & Stave, and Steve,

Please reply to this e-mail thread to advise Katy:

1. That you, as property owners, have authorized Arbus Mountain Homes Inc. / Dale Hildebrand to represent you at the SDAB hearing March 9<sup>th</sup>
2. That you would like to patriciate in the hearing and would like the zoom meeting details to do so.

Regards,

**W. Dale Hildebrand, P.Eng., M.B.A.**  
**President**

**Arbus Mountain Homes Inc.**

17 MacDonald Place  
Canmore Alberta T1W 2N1

**403-869-6200**

[dale@arbusmtnhomes.com](mailto:dale@arbusmtnhomes.com)

[www.arbusmtnhomes.com](http://www.arbusmtnhomes.com)

**STRICTLY PERSONAL AND CONFIDENTIAL.**

*This email may contain confidential and proprietary material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient please contact the sender and delete all copies. Thank you.*

**Notifications to Appellant/Applicant and  
Adjacent Neighbours**

February 16, 2022

Our Reference: PL20210499

## **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 – Variances to Waterbody Setback for a Deck, and Driveway Width**

**Address:** 14 Van Horne  
**Legal Description:** Lot 23, Block 9, Plan 211 0400  
**Appeal Matter:** Appeal against a Refusal 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:** March 9th, 2022  
                  **Time:** 2:00pm  
                  **Location:** Zoom Meeting livestreamed via [canmore.ca/webcast](http://canmore.ca/webcast)  
                  **Registration:** [sdab@canmore.ca](mailto:sdab@canmore.ca)

**In-Writing:**   **Subject:** SDAB Hearing – PL20210499  
                  **Deadline:** March 3, 2022 @ 12:00pm  
                  **Drop Off:** Reception, Canmore Civic Centre, 902 7th Avenue, Canmore  
                  **Email:** [sdab@canmore.ca](mailto: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](mailto: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](mailto: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**

*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.

Town of Canmore

902 7th Avenue

Canmore, Alberta T1W 3K1

Phone: 403.678.1500 | Fax: 403.678.1534

[www.canmore.ca](http://www.canmore.ca)



February 15, 2022

Dear Sir/Madam

RE: **Subdivision & Development Appeal Board Hearing  
PL2021 0499  
14 Van Horne  
Lot 23, Block 9, Plan 211 0400  
Variances to Waterbody Setback and Driveway Width  
Appeal against a Refusal by the Development Officer.**

Please be advised that the Subdivision & Development Appeal Board will hear this an appeal on **March 9th at 2:00 p.m.** During the COVID-19 pandemic, SDAB hearings are being held electronically and are still livestreamed at <https://canmore.ca/town-hall/boards-committees/subdivision-development-appeal-board/sdab-agendas-board-orders>

As the applicant/appellant, 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, March 3<sup>rd</sup>, 2022, by noon (12:00p.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](mailto: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](mailto: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, March 3<sup>rd</sup>, 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](mailto:sdab@canmore.ca). Should you have any questions or require further information, please contact the SDAB Clerk at [sdab@canmore.ca](mailto: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**

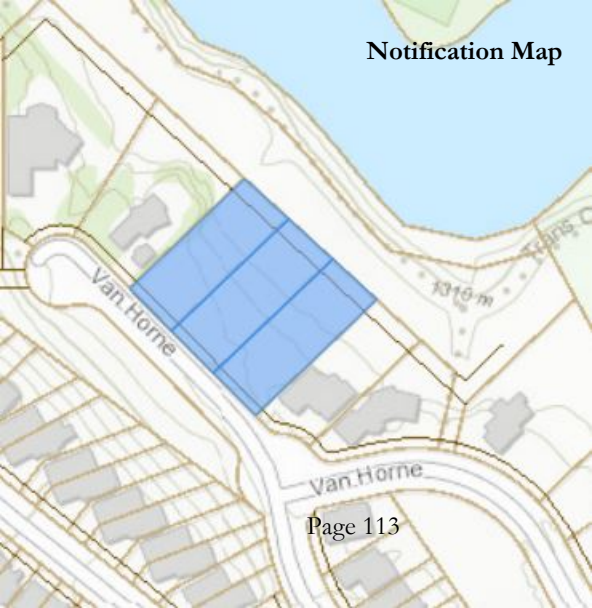
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12. At any time, the Board may ask for clarification by any of the persons speaking to the appeal.
13. The Board may then ask for a short recess if necessary.

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.



# Notification Map



**Public Submissions for 14 Van Horne**

- 1. Jamie and Clair Paulson (16 Van Horne)**
- 2. Guy Scott**
- 3. Ken Davies (11 Van Horne)**

Town of Canmore

March 1, 2022

Subdivision and Development Appeal Board  
902 - 7th Avenue  
Canmore, AB, T1W 3K1

Via Email: [sdab@canmore.ca](mailto:sdab@canmore.ca)

Dear Subdivision and Development Appeal Board Members,

Re: Appeal Hearing - PL20210499 (14 Van Horne)

We are writing to support the decision of the Town of Canmore's Planning and Development Department as it pertains to Development Permit Application No. PL20210499 (14 Van Horne). We support the Town's refusal of the two variances requested by Arbus Mountain Homes.

Regarding the rear yard setback, the Van Horne Direct Control District was adopted by Council in 2020 with the primary intention of establishing a common rear yard setback distance for nine adjoining properties (now ten properties due to a subdivision). Before that, the distance varied amongst the lots. Subsection 14.39.47.7 of the Van Horne Direct Control District eliminated those discrepancies by stating that for all lots in the District, "The minimum rear yard setback shall be 60 m from the southwest bank of the Bow River". Canmore Council also wanted to establish clarity regarding the variance powers available to the development authority. Consequently, it established Subsection 14.39.6.1 in the Direct Control District. That subsection states: "For the minimum rear yard setback of 60 m from the southwest bank of the Bow River, the variance power of the Development Authority shall be a maximum of 2 m." Thus the larger variance powers that may otherwise be exercised by Canmore's development authority do not apply to the Van Horne rear yard setback. The Municipal Government Act, Section 685(4), holds the Subdivision and Development Appeal Board to the same limit.

Regarding the variance of the maximum driveway width, we also support the Planning and Development Department's decision. The requested variance of 50% is very large. Not only will it negatively affect the availability of on-street parking, it will also change the aesthetic of the neighbourhood. The other driveways in this area all appear to meet the 5.0 m width standard. The proposed 8.5 m wide driveway will not do this and will be an anomaly. When Canmore Council adopted the Land Use Bylaw, it contemplated variances in the order of only 10% to 20% (see Land Use Bylaw Subsection 1.14.1.1). Subsection 1.14.1.1 also states that even a 10-20% variance is only to be granted where "... the variance provides a community or neighbourhood benefit and that the proposed development would not unduly interfere with the amenities of the area or materially interfere with, or affect the use, enjoyment, safety, aesthetics, or value of neighbouring properties ...". We understand how a wider driveway may benefit the developer. We do not see how it meets the larger community test established by Council.

In conclusion, we support the Planning and Development Department's decision and ask that the Board not grant the requested rear yard setback and driveway width variances.

Sincerely,



James and Clair Paulson  
16 Van Horne

FOIP

**From:** FOIP  
**To:** [Katy Bravo-Stewart](#)  
**Cc:** FOIP  
**Subject:** Fwd: 13 and 14 Van Horne - Letters of Support  
**Date:** March 3, 2022 12:01:18 PM  
**Attachments:** [SDAB Letter - 14 Van Horne.pdf](#)  
[SDAB Letter - 13 Van Horne.pdf](#)

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Dear Katy,  
My wife and I own the home at 18 Van Horne. We are unable to attend the hearing but support the position attached from the Paulson's and ask that you read them in to the record as being presented by us.  
Thank you ,  
Shelley and Guy Scott

-----Original Message-----

**From:** Jamie Paulson  
**Sent:** March 1, 2022 10:25 AM  
**To:** Katy Bravo-Stewart <[katy.bravostewart@canmore.ca](mailto:katy.bravostewart@canmore.ca)>  
**Cc:** Clair Paulson FOIP  
**Subject:** FW: 13 and 14 Van Horne - Letters of Support

Katy:

Here are the two letters from my wife and me supporting the Planning Department refusal of variances for lot 13 and 14. I will speak to both issues on the Zoom call for the SDAB meeting.

Please let me know if these work for you.

Best

Jamie

Town of Canmore

March 1, 2022

Subdivision and Development Appeal Board  
902 - 7th Avenue  
Canmore, AB, T1W 3K1

Via Email: [sdab@canmore.ca](mailto:sdab@canmore.ca)

Dear Subdivision and Development Appeal Board Members,

Re: Appeal Hearing - PL20210499 (14 Van Horne)

We are writing to support the decision of the Town of Canmore's Planning and Development Department as it pertains to Development Permit Application No. PL20210499 (14 Van Horne). We support the Town's refusal of the two variances requested by Arbus Mountain Homes.

Regarding the rear yard setback, the Van Horne Direct Control District was adopted by Council in 2020 with the primary intention of establishing a common rear yard setback distance for nine adjoining properties (now ten properties due to a subdivision). Before that, the distance varied amongst the lots. Subsection 14.39.47.7 of the Van Horne Direct Control District eliminated those discrepancies by stating that for all lots in the District, "The minimum rear yard setback shall be 60 m from the southwest bank of the Bow River". Canmore Council also wanted to establish clarity regarding the variance powers available to the development authority. Consequently, it established Subsection 14.39.6.1 in the Direct Control District. That subsection states: "For the minimum rear yard setback of 60 m from the southwest bank of the Bow River, the variance power of the Development Authority shall be a maximum of 2 m." Thus the larger variance powers that may otherwise be exercised by Canmore's development authority do not apply to the Van Horne rear yard setback. The Municipal Government Act, Section 685(4), holds the Subdivision and Development Appeal Board to the same limit.

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In conclusion, we support the Planning and Development Department's decision and ask that the Board not grant the requested rear yard setback and driveway width variances.

Sincerely,



James and Clair Paulson  
16 Van Horne

FOIP

March 2, 2022

Subdivision and Development Appeal Board  
Town of Canmore  
902 - 7th Avenue  
Canmore, AB  
T1W 3K1

Via email

Dear SDAB Members,

Re: Appeal Hearing – PL20210499 – 14 Van Horne

This letter is written against the appeal made by the developer, Arbus Mountain Homes, in regard to the two variances requested in Development Permit Application # PL20210498 for 14 Van Horne. The Town has refused these variance requests for appropriate reasons based upon the existing Bylaws and Municipal Government Act.

As a full time resident who has lived at 11 Van Horne for 22 years, the issue for me is one of principle in developing the remaining open lots on Van Horne under a common set of development rules, just as the existing dwellings had to do. The Van Horne Direct Control District that sets out the specific development parameters was adopted unanimously by the Town Council in 2020 based upon this principle. The rear yard setback and driveway width parameters are clearly set for all lots on Van Horne. I see no reason to vary from the existing development parameters.

I ask that the Board not grant the two requested variances.

Sincerely,



Ken Davies  
11 Van Horne

FOIP

FOIP

**End of SDAB Package of March 9th, 2022**