



**Agenda**  
**Subdivision & Development Appeal Board Hearing**  
**June 23, at 1:00 p.m.**  
**Town of Canmore Civic Centre Council Chambers**

1. Call to Order (Chair)
2. Adoption of Agenda
3. Adoption of Minutes  
May 18, 2023, Appeal Board Hearing Minutes
4. Appeal Hearing  
PL20230120  
630 1<sup>st</sup> Street  
Lot 23, Block 77, Plan 9910432  
Air Conditioning Unit within a Side Yard Setback  
Appeal against a refusal by the Canmore Development Authority.
5. Other Business  
None.
6. Adjournment



**TOWN OF CANMORE  
MINUTES**

Subdivision and Development  
Appeal Board Hearing

Council Chambers at the Canmore Civic Centre & via Zoom

**May 18, 2023, at 2:00 p.m.**

**1. CALL TO ORDER**

The Chairperson called the meeting to order at 2:02pm

**MEMBERS PRESENT**

Andre Giannandrea (Vice-Chair)	Public Representative
Christopher Braier	Public Representative
John McClure	Public Representative
Jolene Noël	Clerk/Recording Secretary

**ADMINISTRATION STAFF PRESENT**

Lauren Miller	Manager of Planning and Development
Harry Shnyder	Development Planner
Andy Esarte	Manager of Engineering
Eleanor Miclette	Economic Development Manager
Caitlin Miller	Manager of Protective Services

**2. ADOPTION OF HEARING MEETING AGENDA**

It was moved by the Chairperson that the agenda of May 18, 2023, be adopted as presented.

MOTION CARRIED  
UNANIMOUSLY

**3. ADOPTION OF MINUTES**

It was moved by the Chairperson that the Minutes of the February 22, 2023, Appeal Hearing be adopted as presented.

MOTION CARRIED  
UNANIMOUSLY

**4. APPEAL HEARING PL20220268**

**Appeal against a refusal by the Canmore Development Authority of Development Permit PL20220268.**

**ADMINISTRATION INTRODUCTION**

The File Manager, Mr. Shnyder, identified himself to the Board and introduced the appeal.

**APPELLANT INTRODUCTION AND OPPORTUNITY FOR ANY OBJECTIONS**

The Appellant’s Agent, Michelle Ouellette, identified themselves to the Board.

The Chairperson asked Ms. Ouellette if they had any objections to the Board Members present hearing the appeal. There were no objections.

The Chairperson asked Ms. Ouellette if they received a copy of the agenda package that was distributed to the Board and if they have any concerns about any of the information provided. There were no objections.

**HEARING OUTLINE**

The Chairperson outlined the hearing process for all present.  
There were no objections from the Appellant or anyone in the audience.

**ADMINISTRATION'S PRESENTATION OF THE APPLICATION AND DECISION**

Mr. Shnider gave a verbal and visual presentation detailing the application.

Ms. Milette gave a verbal presentation to the Board.

Ms. C. Miller gave a verbal presentation to the Board.

Mr. Shnider responded to questions from the Board.

**APPELLANTS PRESENTATION OF THE APPLICATION AND DECISION**

The Appellant's Agent, Ms. Ouellette, provided a verbal and visual presentation to the Board.

The Appellants, Ms. Jehn and Ms. Mclean, provided a verbal and visual presentation to the Board. Ms. Jehn responded to questions from the Board.

**LIST OF THOSE SPEAKING IN FAVOUR OF THE APPEAL**

Dave Jones, President of Operations to Basecamp Resorts, provided a verbal presentation to the Board.

Dustin Taylor, owner of cascade mechanical, provided a verbal presentation to the Board.

Darren Fisher, owner of the Bagel Co., provided a verbal presentation to the Board.

Teresa Cook, owner of Canmore Septic, provided a verbal presentation to the Board.

Ron Casey provided a verbal presentation to the Board.

Donna Huston, a realtor in town with Live Work Play Canmore, provided a verbal presentation to the Board.

Kris Charchun, owner of Canmore Glass and owner of 127 Bow Meadows Crescent, provided a verbal presentation to the Board.

Chad Russel, an architect with Systemic Architecture, provided a verbal presentation to the Board.

Bruce Marpole, of Tourism Canmore Kananaskis, provided a verbal presentation to the Board.

Collin and Kenny Pauls, long term residents and business owners of Canmore, provided a verbal presentation to the Board.

Fayaz Ladha of Basecamp Resorts provided a verbal presentation to the Board.

Gabrielle Myre, provided a verbal presentation to the Board.

Steve Ashton, of Ashton Construction, provided a verbal presentation to the Board.

Sheena Dagan, an employee with Basecamp Resorts, provided a verbal presentation to the Board.

Minutes approved by: \_\_\_\_\_

Jane Aquino, an employee of Basecamp Resorts, provided a verbal presentation to the Board.

Laure Wanlin, a Human Resource employee of Basecamp Resorts, provided a verbal and visual presentation to the Board.

**CORRESPONDENCE RECEIVED IN FAVOUR OF THE APPEAL**

13 written submissions were received in favour of the appeal. Located on pages 63-78 of the agenda package. The written submissions were from the following:

1. Steven Ashton, owner of Ashton Construction.
2. Ian O'Donnell, Executive Director of Bow Valley Builders and Developers Association (BOWDA).
3. Travis and Lonnie Tipler, owners of CanSign Inc.
4. Jason Hoerle, owner of McKnight Custodial Cleaning.
5. Cam Baty, owner of Rocky Mountain Soap Co.
6. Robert Khuu, owner of Aeon Technologies Inc.
7. Cory Honsigner, owner of Canmore Flooring.
8. Kris Charchun, owner of Canmore Glass.
9. Shannon and Darren Fischer, owners of the Rocky Mountain Bagel Company.
10. Jeff Von Rotz, owner of Valbella.
11. Jonas Gorgon, business owner.
12. Mike Gordon, owner of Stonewaters.
13. Corey Belireau, owner of Dirty Dog Car and Truck Wash.

**LATE CORRESPONDENCE RECEIVED IN FAVOUR OF THE APPEAL**

3 written submissions were received in favour of the appeal, after the Agenda Package was circulated. The written submissions were from the following:

1. Arti Naik, previous intern with Basecamp Resorts.
2. Frank Kernick, owner of Spring Creek Mountain Village.
3. Wayne Cote, owner of Wayco Electric.

The Chairperson moved that these 3 submissions be accepted to form of the record.

MOTION CARRIED  
UNANIMOUSLY

**BREAK 4:15 p.m. - 4:23 p.m.**

**LIST OF THOSE SPEAKING IN OPPOSITION TO THE APPEAL**

None.

**CORRESPONDENCE RECEIVED IN OPPOSITION TO THE APPEAL**

1 written submission was received in opposition to the appeal. Located on page 62 of the agenda package. The written submission was from:

1. Michael Scheuring, business owner at 129 Bow Meadows Crescent.

**LIST OF THOSE SPEAKING NEITHER IN FAVOUR NOR IN OPPOSITION OF THE APPEAL**

None.

Minutes approved by: \_\_\_\_\_



**LIST OF CORRESPONDENCE RECEIVED NEITHER IN FAVOUR NOR IN OPPOSITION REGARDING THE APPEAL**

None.

**COMMENTS/CLARIFICATION BY ADMINISTRATION**

The Town Administration, Mr. Shnider provided closing remarks to the Board and responded to questions from the Board.

The Town Administration, Ms. Milette provided closing remarks to the Board.

The Town Administration, Ms. L. Miller provided closing remarks to the Board.

**COMMENTS/CLARIFICATION BY THE APPELLANT**

Ms. Ouellette and Mr. Russel of Systemic Architecture provided concluding remarks to the Board.

**FAIR HEARING**

The Chairperson asked if the Appellant and their Agent felt that they had received a fair hearing.

The Appellant and their Agent agreed that they had.

The Chairperson announced this portion of the hearing closed and that, in accordance with the provincial legislation, the Board is required to hand down its decision within 15 days from today's date. No decision is binding until the Board issues a written decision.

**5. OTHER BUSINESS**

None

**6. ADJOURNMENT**

The Chairperson moved that the public hearing of May 18, 2023, be adjourned at 4:45 p.m.

MOTION CARRIED  
UNANIMOUSLY

\_\_\_\_\_  
Mr. Moreland-Giraldeau, Chair

\_\_\_\_\_  
Ms. Rygersberg, SDAB Clerk

Minutes approved by: \_\_\_\_\_

**Notice of Appeal  
Received May 30, 2023**



# 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>630 - 1st Street</b>		Development Permit/Subdivision Application File Number <b>PL20230120</b>	
APPELLANT INFORMATION			
Name of Appellant <b>Leah &amp; Ron Lechelt</b>		Agent Name (If applicable)	
Mailing Address (for notification purposes) <b>630 - 1st Street</b>			
City <b>Canmore</b>	Province <b>Alberta</b>	Postal Code <b>T1W 2L2</b>	
Phone Number (Dev)	Email		
<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"/> Approval	<input type="checkbox"/> Stop Order
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/> Conditions of Approval	
<input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Refusal	

**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)

Please refer to the attached notice of appeal letter and request to approve the variance dated May 30, 2023.

**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 <b>Ronald Lechelt</b>	Date (MM/DD/YYYY) <b>05/30/2023</b>
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*Lechelt*      *May 30/23*



**Town of Canmore**

902 - 7<sup>th</sup> Avenue  
Canmore, Alberta T1W 3K1  
Phone: (403) 678-1500  
GST Registration #: R108125444

**Received From**

RONALD A. LEHELDT

██████████  
CANMORE, AB ██████████

**Receipt Number:** 20232355  
**Receipt Date:** 2023-05-30  
**Date Paid:** 2023-05-30  
**Full Amount:** 250.00

<b>Payment Details:</b>	<b>Payment Method</b>	<b>Amount Tendered</b>	<b>Check Number</b>
	Visa	250.00	

**Amount Tendered:** \$250.00  
**Change / Overage:** 0.00

**FEE DETAILS:**

<b>Fee Description</b>	<b>Reference Number</b>	<b>Amount Owing</b>	<b>Amount Paid</b>
SDAB Appeal Fee	PL20230120	\$250.00	\$250.00

The Town of Canmore  
Planning and Development Department  
Main Floor 902 7th Avenue  
Canmore, Alberta  
T1W 3K1

May 30, 2023

**Re: Appeal of Decision - PL20230120**

Dear Members of the Canmore Subdivision Appeal Board:

On behalf of homeowners and full-time Canmore residents Ron and Leah Lechelt, please accept this notice of appeal regarding Decision PL20230120, along with our request to approve the requested variance.

**Context**

The Town of Canmore Planning and Development Department rejected the homeowners' request for a variance to accommodate an air conditioning unit that projects into the property's east side yard. The ADUP's rationale for the decision was as follows:

- Section 2.4.3.1 of the Land Use Bylaw prohibits the projection of air conditioning units into required side yard setbacks.
- The required side yard setback in the R1 district is 1.5m. The air conditioning unit has been installed at 0.9m from the property line, projecting 0.6 m into the required side yard setback. A variance of this magnitude (40%) is beyond the authority of the Development Officer to consider, in accordance with section 1.14.1.1 of the Land Use Bylaw.

We wish to appeal this decision on eleven grounds, all of which are described beginning on page 4, followed by our recommendations for future consideration.

**Background**

We, the appellants, Ron and Leah Lechelt, had central air conditioning operating in our Edmonton home between 1998 and 2017. The basis for air conditioning was as follows:

- Seasonal allergies and smoke sensitivity, both of which can provoke severe asthma episodes in Ron, Leah, and one of our children. Reducing or eliminating outdoor environmental triggers and allergens has been essential in our household for 30 years, and mechanical cooling has proven to be far superior to natural cooling (opening windows) for health reasons.
- The need for a comfortable work environment as Leah operated an incorporated consulting business from the residence and had other staff in the home.



We purchased a recreational home in Canmore in 2013 and moved to that home permanently in 2017. However, the house lacked air conditioning, and from 2017 onward, both Leah and Ron suffered severe allergy-induced asthmatic events due to snow mold, grass, and airborne pollen in the spring, and forest fire smoke in the summer and fall. We considered renovating the home and adding air conditioning, but instead opted to purchase a teardown property on 1<sup>st</sup> Street to build a new home. The property was purchased in October 2020 and construction began in January 2021. We assumed residency on June 27, 2022.

COVID-related supply chain disruptions caused numerous delays with materials and the construction of the home. In particular, the air conditioning unit specified by our builder was back ordered and was not installed until July 14, 2022 – approximately two weeks after our move-in date. The outside temperatures in June/July 2022 had soared to the mid-30-degree Celsius range. With the house doors/windows continuously open during construction, no window coverings upon move-in, and no air conditioning unit installed, the temperature inside the house rose to an unbearable +28C.

The back-ordered air conditioning unit was finally installed on July 14. It operated continuously for a few days to cool the house to an acceptable temperature, and then operated intermittently thereafter until integration with the furnace was completed on August 9, which is when the final back-ordered air conditioning components arrived. Within one week of the August installation completion, two neighbors approached us with noise complaints. Full details of these discussions are described in **Appendix A**.

The unit only operated for 3.5 weeks in 2022; then on Sept. 3 we left for vacation and turned off the air conditioning unit for the season. On November 24, 2022, we were advised by Municipal Enforcement that a noise complaint had been received, and on Nov. 28, 2022, we were advised by the Planning Department that a complaint had been received regarding the side yard setback requirement of the Land Use Bylaw.

In the Spring of 2023, we applied for a side yard setback variance and our request was refused on May 10, 2023. It is the subject of this appeal.

### **Our HVAC details**

At the start of design and construction of our new home, we had given our house designer and builder the direction that we wanted to comply with all LUB requirements and not seek any variances, and indeed this criteria was met as the house design was approved by the Planning Department as submitted. Unfortunately the drawings did not show an air conditioning unit on the submitted drawings.

Our residence serves as the corporate head office for our consulting business, and we both work primarily from home. We are in the home 24 hours a day, seven days a week. A comfortable temperature is essential for our workplace, and optimal air quality is necessary for our underlying medical conditions.

We gave the home and HVAC supplier direction to incorporate several criteria that we believed would be crucial to effective and efficient use of air conditioning:

- Specify the smallest and quietest unit that could effectively cool a home of this size.
- We specified (at considerable expense) 25% more vented ducting to increase air exchange to optimize inside air quality.
- We specified (again at considerable expense) a zone-based thermostat system that would allow us to program separate cooling patterns in four rooms in the house at as-needed times; this would ensure air conditioning energy is primarily directed to the rooms requiring cooling rather than the entire house. Details are:

- Independent cooling in two home offices (during work hours)
- Independent cooling of a studio during exercise/workout hours (early morning)
- Master bedroom cooling maintained throughout the day/night to ensure a comfortable sleeping temperature.
- To address asthma and air quality issues, we:
  - Specified and had installed a Heat Recovery Ventilator/Energy Recovery Ventilator (HRV/ERV) to improve indoor air quality.
  - Installed MERV 13 furnace air filtration to collect air dust particulates as small as 0.3 microns.
  - Continue to use localized HEPA filters within certain rooms on an as-needed basis.

It wasn't until after we received our occupancy permit and the back-ordered air conditioning unit was installed that we became aware (through our builder) of a potential change in bylaws that could affect the Town's tolerance for air conditioning units installed within side yard setbacks. By this time the house was fully constructed and occupied, and there was little we could do to change the house design or location of the unit.

Our air conditioning unit has the following specifications (see **Appendix B** data sheet):

- Heil NH4A4 Performance 14 Compact Central Air Conditioner
- Small, compact size for aesthetic appearance and minimal footprint
- Noted for its quiet performance (~ 66 decibels)
- Non-ozone depleting R-410A refrigerant

#### **Other mitigation measures**

Prior to and after assuming occupancy of our new home, we undertook the following measures to maintain optimal temperatures in the house and reduce the reliance on air conditioning:

- Installed energy Star 2020, triple-pane, Low-E (reflects radiant heat), argon filled windows throughout the home.
- Applied heat-reducing and UV reflecting film ("Vista") to all south and west facing windows and patio doors. Vista<sup>®</sup> NXA 20 ER HPR film reflects 74% of solar energy to reduce inside cooling consumption demand.
- Applied upgraded R-24.5 closed cell spray foam insulation throughout entire building envelope.
- Ordered window coverings three weeks before occupancy (June 4) and installed them six weeks after occupancy.



## Basis for our appeal of decision PL20230120

With respective backgrounds in health care (CEO level) and engineering and construction (consulting business owner and project director), we have had the opportunity to use our background knowledge to critically assess the evolving air conditioning bylaw issue we are facing. Below are details on our 11 main points of consideration.

### A. LUB Setback considerations

**1. Setbacks specified in the LUB are unreasonable in that they lead to unfavourable treatment of the Lechelt's reduced-size residential lot.**

According to a letter issue by the firm that designed our home (**Appendix C**), the setbacks specified in the LUB have not been adjusted to accommodate the unconventionally shallow length of the lots on the north side of 1<sup>st</sup> Street, where our home is situated:

*"The lots north of 1st Street are 10m shorter than a standard Town lot. These lots were altered to provide a lane which was not included at time of subdivision.*

*This 25% reduction in length has not been considered or compensated in the LUB therefore, the entire 10m reduction is taken out of the building envelope not the setbacks. A standard 40m deep lot has a building envelope depth of 26.5m where-as the Lechelt's lot has a building envelope depth of 16.92m. **This represents a reduction in envelope depth of 40%** (our emphasis). The consequences of reducing the envelope depth without adjusting any setbacks has created lots that are equally expensive but significantly smaller than intended to accommodate standard Canmore homes.*

*Due to the reduced building envelope, homes on these lots typically utilise the full building envelope and maximum site coverage. The Lechelt's have placed their AC unit within the sideyard setbacks and were informed that this was acceptable."*

**2. The intent and function of setbacks (safety, access and aesthetics) are unrelated to the principal concern of neighboring property owners (noise).**

Information received from the Planning Department indicates that the principal concern of nearby residents is not the encroachment onto the side yard setback, but rather the noise from the air conditioning unit. This is consistent with informal discussions held with neighbours: that the setback issue is not their primary concern.

The purpose and intent of the yard setbacks stipulated in the LUB are three-fold:

- Emergency and utility access to residential properties
- Fire spread mitigation between adjacent homes
- Residential aesthetics and sightlines



In January 2022, the Town of Canmore contemplated an Omnibus Land Use Bylaw amendment 2021-24 (amendments to Table 2.4-1 in Section 2.4.3.1) that would permit air conditioning equipment to project up to one metre into the side yard, thereby reducing the setback to 0.5 metres. The proposed amendment was based on the knowledge that an air conditioning unit encroaching into the side yard setback does not impede emergency and utility access, nor does it increase the potential for fire spread. Also note that the Lechelt dwelling has an installed fire sprinkler system for fire mitigation, which is an additional protective measure. The aesthetic issue can be addressed through screening (this requirement has been met on the Lechelt unit).

While this section of the Omnibus LUB Bylaw amendment was ultimately defeated, it is worth noting that the submissions considered at the time reaffirm that public concerns about air conditioning units are generally related to **noise** and are not specifically related to setback encroachment.

Furthermore, engineering calculations conducted on the logarithmic aspects of noise attenuation demonstrate that a minor shift in the placement of an air conditioning unit does not materially reduce noise levels. Specifically, calculation of the decibel rating of an air conditioning unit placed within the building pocket versus projecting 0.6 metres into the setback (as in the Lechelt case) show that the unit's 0.6 metre increased distance from the adjacent property line, at a 65 db sound level, would result in only a 1-2 db reduction in sound (see attached calculations in **Appendix D**). It is clear that side yard setbacks are, for the most part, immaterial in providing noise attenuation.

Discussions with members of the construction, design and HVAC community in Canmore have also confirmed that historically, setbacks were rarely enforced with respect to air conditioning units unless there are noise complaints, in which case setbacks may be enforced.

An important question remains: is it possible that the Town is using the wrong tool (LUB setbacks) to address a relatively unrelated issue (noise concerns)? It is our opinion that LUB setbacks should only be used (and enforced) for the purposes for which they make a demonstrable difference: emergency/utility access, fire spread prevention, and residential aesthetics and sight lines.

**3. All present options to relocate the air conditioning unit are unfeasible, undesirable, or would worsen the situation.**

According to a letter issued by the firm that designed our home (**Appendix C**), there are presently few relocation options that would address noise concerns, and all relocation options come with a considerable financial cost to the homeowners for perhaps little to no noise attenuation benefit.

However, there are two acceptable relocation options that could render our air conditioning unit compliant with the LUB setback requirements; neither option is desirable:

*“While Ron and Leah would like to find a solution that help(s) (to) reduce the noise there is very little opportunity at grade and they are currently considering the middle level BBQ deck. This is a far worse location for an AC unit and the noise that might be heard from the neighbouring properties, we would like to avoid this.*

*A roof top location was also considered however it is too far from the mechanical room to function. The current location is the optimum location for noise attenuation.” (Alasdair Russell, Principal, Russell and Russell).*

## B. Noise related issues

The objections raised with respect to the Lechelt air conditioning unit appear to be primarily regarding noise and less related to the specific location on the subject property (although it is recognized that location can have a bearing on noise-related matters). This section addresses aspects specific to noise.

### 4. The Lechelt air conditioning unit falls under the previous noise bylaw (11-97) which excludes air conditioning units from noise bylaw requirements.

The Lechelt air conditioning unit was sized, specified, purchased, and initially installed on July 14, 2022 according to the standards in effect at that time: The Town of Canmore Noise Control By-law 11-97. This By-law specifically excludes air conditioning units from the noise bylaws.

#### 4.4 This By-law does not apply:

*4.4.4: to Persons using air conditioning and cooling units in either domestic or commercial use if the units appear to be properly maintained and are operated in a normal manner.*

Noise By-law 11-97 was repealed on August 17, 2022 and replaced with the Community Standards Bylaw 2022-16 with a section dedicated to noise issues (see next section). However, the installation of the Lechelt unit predates the new Community Standards Bylaw, and therefore we believe our unit should be evaluated according to the standards that were in effect at the time of installation.

It is worth noting that on April 25, 2022, the Subdivision and Development Appeal Board (SDAB) heard a similar appeal (Appeal PL2021 0358) that was based on similar grounds. The SDAB ruled in favour of the appellants, concluding that air conditioning units are excluded from the noise bylaw in effect at that time:

*9. Adjacent neighbour filed a complaint objecting to noise. However, under Section 4.4.4. of the Noise Bylaw the Board could set that aside.*

As suggested to us by SDAP representative Eric Bjorge, Planning Technician with the town's Planning and Development Department, we have obtained verification from the installer of our air conditioning unit that it is installed correctly and is functioning properly (see **Appendix E**).

*"The air conditioner installed at 630 1st street was installed and running as manufacturer specs. The unit that was installed at this address is one of the quietest units on the market."*  
(Vince Stock, Bighorn Sheet Metal)

The unit is less than one year old and has not undergone a maintenance cycle yet. We believe it meets the requirement of Noise By-law 11-97.



**5. The new Community Standards Bylaw (2022-16) has inconsistent and ambiguous noise standards**

Canmore's new Community Standards Bylaw 2022-16 – passed on August 17, 2022 -- has no specific provisions regarding air conditioning units, and unlike the previous Noise By-law 11-97, air conditioning is neither named nor excluded in the new bylaw. Therefore, it is reasonable to assume that air conditioning units installed in Canmore after Aug. 17, 2022 must comply with the new CSB noise standards (see separate discussion regarding legacy installations).

The new CSB 2022-16 on the one hand specifies maximum permissible sound levels:

1. *A Person shall not cause or permit any noise exceeding a Sound Level of 60 decibels (dBA) as measured at the property line of a property in a Residential Area between the hours of 10:00 p.m. and 7:00 a.m.*

It is important to note that the cooling effects of air conditioning are mostly needed at night, which is the time period governed by noise restrictions.

Yet the bylaw also permits a broad, subjective interpretation of what is considered an acceptable versus unacceptable noise level:

5. *Except as authorized by this bylaw, no Person shall make, cause, continue, or allow to be made, caused, or continued, any noise which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.*
6. *Except as authorized by this bylaw, no Owner or Occupier of a Premises shall make, cause, continue, or allow to be made, caused, or continued, any noise which emanates from the Premises and which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.*

Unlike Section 1, the general parameters in Sections 5 and 6 above reflect a wholly subjective noise assessment that has or will undoubtedly lead to disputes between parties regarding whose definition of peace, enjoyment, comfort or convenience takes precedence. For example, does the Lechelt family's medical needs for high indoor air quality supersede the right of neighbors to avoid air conditioner noise, or vice versa? The bylaw is ambiguous in articulating whether the basis on which to assess concerns is subjective, objective or empirically measured.

Furthermore, the CSB permits situations in which a homeowner may be found in contravention of a noise bylaw regardless of any empirical measurement of the sound or noise volume:

9. *A person may be found guilty of a contravention of sections 5 to 8 whether or not the noise*
  - a) is measured, or*
  - b) if measured, exceeds any Sound Level limit prescribed by this bylaw.*

10. *In determining if a noise is likely to disturb the peace, enjoyment, comfort, or convenience of another individual, the following criteria may be considered:*

- a) the type, volume, and duration of the noise,*
- b) the time of day and day of week,*
- c) the nature and use of the surrounding area,*
- d) the Sound Level in decibels, if measured, and*
- e) any other relevant factor.*

The consequences are significant: a homeowner could, in good faith, invest in an air conditioning unit at considerable expense without ever knowing if the equipment will trigger a peace/enjoyment complaint by a neighboring property owner. This is an untenable situation for a homeowner seeking to use a legal, permissible appliance for their own health and comfort purposes.

#### **6. Medical basis for the appellants' need for air conditioning**

Ron and Leah Lechelt have clearly articulated an historical medical basis for the benefit of air conditioning. Furthermore, during construction of the home, Leah was diagnosed with a serious, potentially life-threatening condition involving multiple organs, including lungs. For obvious reasons we don't wish to disclose additional private medical information in this public forum but we do have medical documentation available for selected officials to view if we can be assured of confidentiality.

#### **7. We have made reasonable attempts to address concerns from neighbours**

As property owners, we were responsive in accepting and reviewing noise complaints from neighbours. However, we were pressured to accept an unworkable solution and were not provided an opportunity to explore other solution options with our builder, HVAC installer, and an external consulting company. A timeline of the conversations and actions we undertook between August 17 and Oct. 31 to respond to neighbour concerns is attached as **Appendix A**.

In recent days (May 27), our HVAC supplier reiterated that the unit should remain on the east side of the property (where it is currently installed) for proximity to the mechanical room (**Appendix E**).

*"For the best operating efficiency and reliability, we also recommend the central AC unit be installed within close proximity to where the mechanical room is." (Vince Stock, Bighorn Sheet Metal)*

We were also advised that there may be noise attenuating blankets or covers available, but that his company has never installed one (**Appendix E**).

*"We can install an insulation blanket on the compressor that might reduce the decibels by an estimated 2 to 5 decibels however we do not have direct experience with these blankets to see these claimed results." (Vince Stock, Bighorn Sheet Metal)*



**8. The new CSB 2022-16 noise standards can't be met either by legacy air conditioning units or by new units using newer cooling technologies.**

We recognize there are complexities regarding the applicability and grandfathering provisions between older bylaws and new, superseding bylaws – and this will be a subject of discussion with respect to the timing of the Lechelt installation given subsequent noise bylaw changes.

However, in most jurisdictions it is common practice to recognize that some new bylaw standards reflect conditions that can be easily modified and met so the homeowner can become compliant (e.g., volume of playing music in one's backyard). On the other hand, for durable/capital goods that cannot be modified or changed by the homeowner (such as an installed air conditioning unit), it is common practice for municipalities to 'grandfather in' the older equipment (which in our case is brand new equipment) and deem it compliant with the new standards.

We checked with our current HVAC installer in Canmore (Bighorn Sheet Metal) and another supplier in Calgary (Calgary Air Heating and Cooling Ltd.). Both confirmed that our unit is the quietest on the market today. Furthermore, the Calgary supplier:

- Provided quotes on the top seven performing air conditioning units on the market today. Decibel ratings range from a low of 66 db to a high of 75 db. Prices range from \$5,800 to \$7,100 plus GST (see **Appendix F**).
  - Confirmed verbally that there are few single-stage units on the market today with a decibel rating below 66 and none below 60. These units tend to perform poorly and are prone to malfunction, and therefore have a manufacturer's warranty of only one year compared to ten years for the 66-70 decibel units available today, which are considered to be the quietest and most reliable.
  - We could not find any HVAC suppliers in Canmore or Calgary that carry the low-decibel unit at 66 decibels is leading edge from a noise attenuation standpoint – and even if we replaced the unit today with a newer model, we still could not comply with the CSB bylaw.
- What is most striking to homeowners like us is that there is no air conditioning unit on the market today that could meet Canmore's noise standard of operating below 60 decibels at night. Our current unit at 66 decibels is leading edge from a noise attenuation standpoint – and even if we replaced the unit today with a newer model, we still could not comply with the CSB bylaw.

Even the April 2022 SDAB ruling on Appeal No. 2022-005 PL20210358 referenced earlier in this email concluded that a 66 dB unit does not produce excessive noise:

*"Noise level provided in evidence show the machine operating at 66 dB and that an average street level is 70 dB, and evidence that periods of use are reasonable."*

**We would therefore expect an approach of accommodation and 'grandfathering' by the Town with respect to the new CSB thresholds given that:**

- The decibel rating of our current unit (as well as other currently installed units in Canmore) is not alterable by us as homeowners to meet the new CSB 2022-16 noise/decibel threshold.
- Even if compelled to replace our current unit to meet the new standards, there are no newer models on the market today that would meet the bylaw requirements.

- The enduring nature of air conditioning units and the lengthy life cycle (10-20 years) before replacement means it will be years before current units installed throughout Canmore could be upgraded to meet the new noise bylaw standards.
- The high cost of replacement (currently around \$6,000 to \$7,000) will be a barrier to replacement even if lower decibel units become more widely available and their performance and reliability improves.

**7. Municipal Enforcement (Bylaw) lacks the capability to empirically measure the noise of our air conditioning unit.**

Canmore's CSB 2022-16 bylaw explicitly defines acceptable measurement criteria when assessing noise complaints:

2 (bb): "Sound Level", unless otherwise defined in this bylaw, means the sound pressure measured in decibels using the "A" weighted network of a Sound Level Meter with fast response;

(cc): "Sound Level Meter" means any Type 2 or better integrating instrument that measures Sound Levels;

Planning and Development advised us to have Municipal Enforcement attend our property and evaluate the noise from the air conditioning unit (**Appendix G**):

*"I suggest you coordinate with Municipal Enforcement to complete a noise assessment of the unit and submit the results as part of your appeal materials, to determine whether it's compliant with the Community Standards Bylaw. This would be relevant as the neighborhood objections to the unit focus on noise."* (Eric Bjorge, Planning and Development Department)

However, upon reaching out to Municipal Enforcement to have this assessment conducted, we received this response on May 26, 2023 (**Appendix G**):

*"I discussed this meeting with my direct supervisor and after further discussion our Municipal Enforcement team will be unable to assist you with any form of Noise Assessment survey due to the fact that our department does not currently have an objective sound measurement device.*

*With that said you are more than welcome to contact a third party to have a sound assessment survey done for the purposes of your appeal. Apologies again for the confusion."*

(Richard Barnes | (He/him) Bylaw Officer #2395)

As homeowners we are left in an untenable situation:

- It is unclear whether our unit falls under the Noise By-law 11-97 that was in effect at the time of installation (i.e., air conditioners are exempt) ... or under the new CSB 2022-16 bylaw.
- It is unclear whether our unit will be grandfathered in -- as it was installed under a previous bylaw.
- It is unclear whether the noise threshold upon which Bylaw will evaluate noise complaints is:
  - Exempt, as per Noise By-law 11-97
  - 60 decibels, as indicated in some sections of CSB 2022-16, or
  - Some other threshold as determined on a situation-by-situation basis by Bylaw officers.



- As homeowners, we are being asked to commission and pay for our own external assessment (see note below on this topic) to defend ourselves against an unclear and ambiguous bylaw.

#### **8. Lack of alignment and coordination between the Land use Bylaw and Community Standards Bylaw.**

The above situation with respect to our air conditioning unit is analogous to a peace officer issuing a speeding ticket to a driver without using radar measurement (and without certainty regarding what the speed limit is), but rather basing the ticket on an observation from a pedestrian that the 'driver seemed to be going fast' ... and then expecting the driver to purchase their own radar equipment and mount their own defence in the absence of any posted speed limit (and the peace officer could use their own judgement on a case-by-case basis regarding what constitutes excessive speed).

We also believe there may be an attempt to use Canmore's Land Use Bylaw (LUB) as the instrument to regulate air conditioning noise, despite the reality that the 1.5 metre setback allowance is a relatively immaterial factor with respect to the presence or absence of noise.

Finally, without clear and explicit guidelines on what constitutes an acceptable noise level, and without professional equipment to actually measure noise, it is nearly impossible for Bylaw officers to render a decision in the highly subjective and conflicting perspectives of a noise dispute between neighbours.

#### **A note about noise monitoring equipment**

We conducted our own research into noise monitoring equipment (see **Appendix I**) in September 2022 and discovered the following:

- Decibel assessments are complex and must be conducted using professional equipment that is calibrated and used properly to ensure accuracy. Type 2 is the minimum standard for accuracy, and this is also the standard in CSB 2022-16.
- Multi-point assessments over an extended period of time (e.g., 24 hours) provide a far more complete assessment than single-point-in-time measurements.
- Professional equipment costs in the \$600 to \$2,000 range and requires proper training to use and analyze downloaded data.
- Consumer grade measuring devices (e.g., iPhone apps) are unreliable and inadequate for monitoring purposes.

#### **9. Appellants' efforts pre- and post noise issues to interact professionally and positively with neighbours.**

Prior to construction, Ron and Leah Lechelt reached out to the homeowners at eight adjacent properties upon acquiring our property (October 2020) to introduce ourselves, advise of the pending demolition and new build, and offer our cell phone numbers in the event there were any questions or concerns.

In January 2021, following demolition, we offered the garden shed on our property free of charge to Neighbour #1. In October 2021 we provided a tour of our framed house to address concerns expressed by Neighbour #1 (recreational property owners) that the placement of windows and sight lines would not trigger any privacy concerns at their residence.

In March 2022 we approached the homeowners at both neighboring properties (Neighbour #1 and #3) regarding collaborating on the construction of a new fence.

In April 2022, we offered a letter in support of Neighbour #1's request for a variance to the rear yard setback to construct a garage. Ironically, like Ron and Leah Lechelt, this neighbour also has challenges with the reduced depth of the lot along the North side of 1<sup>st</sup> Street.

In May 2022, we offered a letter in support of another adjacent neighbour's request (Neighbour #3 – also a recreational property owner) for a variance to the rear yard setback. This neighbor was also experiencing challenges with the reduced length of the lot along 1<sup>st</sup> Street.

Despite these efforts to maintain cordial and professional relationships with the neighbours, within six weeks of moving into our new home, and immediately prior to the air conditioning discussions, Neighbor #1 sent a text requesting that we not park on the street in front of their residence (required at times due to an adjacent house build and the amount of construction equipment that was occupying the available street parking). With the ensuing pressure to immediately cease using or relocate the air conditioning unit, the relationship between us has remained strained.

In May 2023, Neighbour #3 (recreational property owners) indicated they are opposed to the air conditioner noise despite not having a residence in Canmore (it is under construction). It is unclear whether Neighbour #3 has actually heard the air conditioner or has perhaps been influenced by other neighbours. Regardless, it feels as though there has been a concerted effort among neighbours to organize and mobilize against us as newcomers to the neighborhood, and we have been made to feel unwelcome since moving in.

## Our request

We are requesting approval of the variance requested in our Development Permit application PL20230120.

## Our recommendations

Clearly the issue of residential air conditioning use in Canmore has generated considerable controversy. As we proceed through the development appeal process ourselves, and we await the outcome of our appeal regarding our own situation, we do have some observations and recommendations for the Town of Canmore to consider for future situations involving air conditioning noise complaints:

1. Decide whether the Land Use Bylaw setback requirements are the appropriate tool to regulate air conditioning noise. We do not believe they are the right tool to address what still remains a legitimate and important issue for residents.
2. Consider adjusting the LUB setback requirements along the North side of 1<sup>st</sup> Street due to the unconventionally shallow depth and small building envelope of these lots (regardless of whether they were intentionally or inadvertently shortened to accommodate the full width of the lane between 1<sup>st</sup> Street and 2<sup>nd</sup> Street).



3. As suggested by the firm that designed our home, in future versions of the LUB, offer rear setback variances in addition to side yard setbacks, as this will allow air conditioning units to be placed further away from neighbouring homes. Side yards are a less than ideal location for air conditioning units for noise attenuation purposes -- yet continue to be the preferred option for installation.
4. Review and address inconsistencies and ambiguous standards in the new Community Services Bylaw 2022-16 with respect to noise – particularly on the inconsistency regarding an objective/empirical threshold versus a situationally-assessed threshold. Air conditioning units are a well-known appliance with predictable decibel ratings and performance, and homeowners (regardless of whether they own a unit or are bothered by a unit) need the same level of predictability and consistency regarding when units may be in contravention of the noise bylaw.
5. Do not make air conditioning a moral or judgment issue. There are many legitimate reasons for wanting or needing an air-conditioned home – particularly for medical and air quality reasons (especially given forest fire activity). Human Rights legislation protects those with medical vulnerabilities from discrimination, and Canmore’s noise and air conditioning bylaws must meet the standards for accommodation.
6. Do not craft a bylaw with standards that are not achievable via currently available products on the market. Expecting an air conditioner to perform below 60 decibels (and for the homeowner to forego a 10-year warranty in favour of a product with a one-year warranty due to high malfunction rates) is akin to imposing emission standards on automobiles despite there being no such vehicles available on the market. Whatever standards the Town chooses to adopt with respect to noise standards must be clear, realistic, balanced, achievable, enforceable, and widely communicated.
7. Ensure Municipal Enforcement has a clear understanding of the threshold with respect to air conditioner noise complaints, as well as the professional tools, equipment and training to assess complaints and issue orders. Otherwise, Bylaw Officers will continue to be hard pressed to make situational assessments based on gut feeling alone rather than on empirical evidence and assessment.
8. Involve Canmore’s community of house designers, builders, and HVAC suppliers in the discussion about air conditioning standards. These professionals are routinely queried by clients about the current rules, yet seem to be lacking consistent information and guidance to respond to inquiries -- despite being essential stakeholders and messengers regarding the Town’s position and standards on air conditioners.
9. If desired, the Town could consider collaborating with Bighorn Sheet Metal and the Lechelt residence to place, on a trial basis, an untested noise attenuation blanket on our unit, and use a reliable noise monitoring device to assess the efficacy of the blankets. We are willing to participate in a study of this nature and are keen to develop data-driven information that will be useful to the entire community and will inform future noise bylaw standards. We remain committed to being part of the solution.

Sincerely,



Ron Lechelt, PEng



Leah Lechelt, MSc, BCom, CMC

## **Appendices**

- A. Chronology of Discussions and Resolution Actions with Neighbours**
- B. Current A/C Data Sheet**
- C. Russell and Russell Design Studios Letter**
- D. Lechelt distance-decibel calculations**
- E. Bighorn Sheet Metal Email**
- F. Calgary Air Heating and Cooling Email**
- G. Notice of Decision PL20230120 and Comments to Consider Email**
- H. Municipal Enforcement Noise Assessment Email**
- I. Noise Monitoring Equipment (Type 2) & Accuracy of iPhone Apps**

## Appendix A: Chronology of discussions and resolution actions with neighbours

On approximately August 17, 2022 – the day after the new CSB 2022-16 bylaw was passed – Ron was approached by a neighbour ('Neighbour #1) at 7 am regarding air conditioner noise. The neighbor had a solution in mind (that the Lechelts tunnel underneath the exposed aggregate driveway and relocate the air conditioner to the other side of our property). We did not perceive this to be a workable solution but we accepted the noise concern for what it was.

The same day, we contacted our builder for guidance. He reiterated that the unit is the quietest model available on the market and was surprised there were noise concerns. He committed to reporting back to us with options regarding relocating the unit, but indicated it couldn't be moved to the opposite side of the property because it must be located next to the mechanical room, which is on the same side as the unit is currently installed. He also indicated that moving the unit to the only feasible locations (upward, to the 2<sup>nd</sup> or 3<sup>rd</sup> floor) would make the noise worse for the neighbors. We also inquired about noise attenuating covers or blankets, but he indicated the need for air flow around the unit typically means the unit can't be covered.

The next day (~ approximately Aug. 18), we received a complaint from a second neighbour (whom we'd never met – 'Neighbour #2) who introduced herself and indicated her house vibrates due to our air conditioner. She was professional and courteous, but did ask us to find a solution.

On August 22 we met with Neighbor #1 (a couple) to discuss their concerns. They reiterated their concerns and acknowledged they had communicated with other neighbours about the 'illegal air conditioning unit.' They requested that we relocate the unit or stop running it at night. We indicated that we required cooling, including at night, but had begun discussions with our builder regarding resolution strategies. However, the neighbours remained committed to one of their proposed solutions (tunneling under the driveway) or having the unit turned off at night. They also hinted that civil action could soon be initiated.

On August 26 we had an in-person meeting with our builder to discuss options. He did not believe our air conditioner would cause house walls to vibrate two properties away. He also reiterated the same limited noise attenuation options as previously discussed (relocate to the 2<sup>nd</sup> or 3<sup>rd</sup> floor) and committed to contacting the HVAC supplier to see if additional options were available. Unfortunately, he was unable to reach the HVAC representative because the installer was on vacation for three weeks.

For the next week we received text messages and in-person inquiries from the two neighbours looking for a status update. Both neighbours were becoming increasingly aggressive and hostile, with each offering their own solutions (smaller unit, different unit, tunnel under the driveway). Both called into question the knowledge and expertise of our builder and HVAC supplier. At this point we had no further information to share as the HVAC supplier was on vacation and could not be reached.

On Sept. 3 Ron and Leah left for a two-week vacation and the air conditioning unit was turned off for the season.

On Sept. 17, our builder came for a site visit and discussion. He expressed frustration with the number of trades off sick with COVID and indicated he could not get responses from trades or HVAC vendors regarding our information inquiries. He indicated he wasn't aware of any local (Canmore) contractors that could conduct a noise study, and suggested we look for a Calgary firm as the builder himself was about to leave for a two-week vacation and could not call around on our behalf.

Sept. 20 to Oct. 3: Ron searched for consulting firms in Calgary that conduct these types of assessments and would be willing to travel to Canmore. He landed on Patching Consulting – a firm in Calgary that conducts noise & vibration studies. The engineer at Patching believed the neighbour's complaint about her house vibrating was unlikely. Ron then discussed project scope and availability, and Ron followed up later in the day with a phone message to discuss pricing and timing. Patching didn't respond back until Oct. 11 – apologizing and saying the entire office team had been off sick with COVID. They were far behind and may not be able to take on our project until later in the fall.

Oct. 16 to 25: We received repeated inquiries from both neighbours regarding the status of their requests. We had no additional information to offer, and the unit had been off for six weeks at this point. We indicated to the neighbours that the unit's seasonal shutdown during fall and winter would buy us some time to continue exploring options; both neighbours accused us of stalling.

Oct. 31: We still did not have a noise monitoring date confirmed with Patching Consulting. We had a follow-up meeting with our builder to discuss other consulting firms he may know of that could complete a noise and vibration study. He had no additional recommendations, and also indicated the unit should not be turned on anyway due to the cold weather, and suggested the study be postponed until the Spring of 2023.

Nov. 24: We were informed of formal complaints by neighbours to Planning and Development (LUB) and Bylaw (noise). We agreed to resume discussions in the Spring of 2023 when the unit could be turned on again for a noise assessment. We were led to believe that Municipal Enforcement would manage the noise assessment with their own noise monitoring equipment.

May 10, 2023: We were advised to have Municipal Enforcement conduct noise monitoring assessment.

May 16, 2023: We were advised that Municipal Enforcement lacks proper equipment to conduct a noise monitoring assessment.





## NH4A4

### Performance 14 Compact Central Air Conditioner

Keep the peace with quiet performance as low as 66 decibels with this compact central air conditioner that's great for multi-family housing. Its stackable design has an efficient "pass through" airflow design. Built to last, it features a weather-resistant cabinet and a tight wire protective guard.












## Features & Benefits

- Quiet performance (as low as 66 decibels)\*
- Single-stage compressor operation
- Durably built to withstand bad weather and debris
- Designed for corrosion resistance and lasting performance
- 10-Year Parts Limited Warranty\*

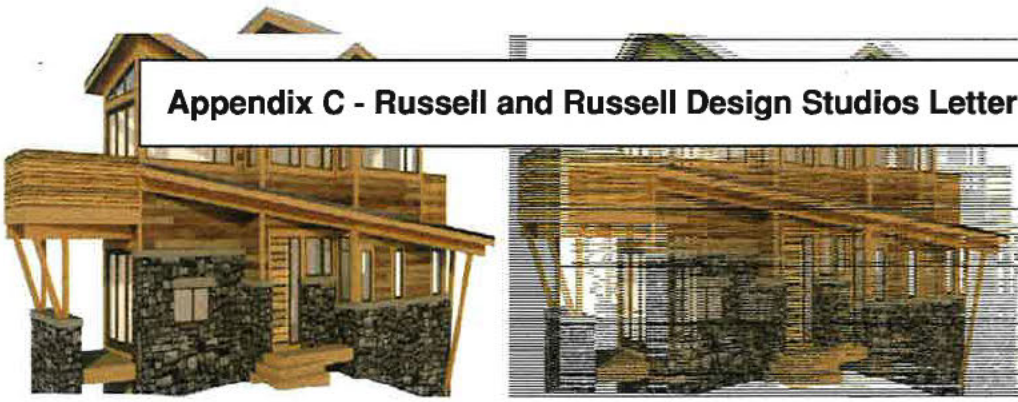
## Specifications

## Product Details

 Efficiency Rating	 Up to 14 SEER cooling / Up to 12.2 EER cooling
 Sound level	 As low as 66 decibels
 Parts Warranty	10-Year Parts Limited Warranty±
 Fan Motor	Single-speed fan motor
 Compressor	Single-stage compressor operation
 Cooling capacity	1.5–5 tons
 Refrigerant	Non-ozone depleting R-410A

## Documents

## Appendix C - Russell and Russell Design Studios Letter



**russell**  
and  
**russell**  
design studios

#200 817 main street  
canmore alberta t1w 2b3  
info@russellandrussell.ca  
403 678 3003

re

### AC Unit Review

630 1<sup>st</sup> St, Canmore

Friday, 26 May 2023

**Provided to:** Leah and Ron Lechelt

To Whom it May Concern,

It has come to our attention that the Ron and Leah Lechelt have been asked to relocate their AC unit to meet the LUB and new noise bylaws.

Background - The lots north of 1<sup>st</sup> Street are 10m shorter than a standard Town lot. These lots were altered to provide a lane which was not included at time of subdivision.

This 25% reduction in length has not been considered or compensated in the LUB therefore, the entire 10m reduction is taken out of the building envelope not the setbacks. A standard 40m deep lot has a building envelope depth of 26.5m where-as the Lechelt's lot has a building envelope depth of 16.92m. This represents a reduction in envelope depth of 40%. The consequences of reducing the envelope depth without adjusting any setbacks has created lots that are equally expensive but significantly smaller than intended to accommodate standard Canmore homes.

Due to the reduced building envelope, homes on these lots typically utilise the full building envelope and maximum site coverage. The Lechelt's have placed their AC unit within the sideyard setbacks and were informed that this was acceptable unless there were noise complaints from neighbours.

While Ron and Leah would like to find a solution that helped reduce the noise there is very little opportunity at grade and they are currently considering the middle level BBQ deck. This is a far worse location for an AC unit and the noise that might be heard from the neighbouring properties, we would like to avoid this.

A roof top location was also considered however it is too far from the mechanical room to function. The current location is the optimum location for noise attenuation. Providing a variance to allow AC units to be placed in a rear setback rather than a side setback would allow the AC units to be placed slightly further away and provide a potential reduction in noise.

Yours truly,

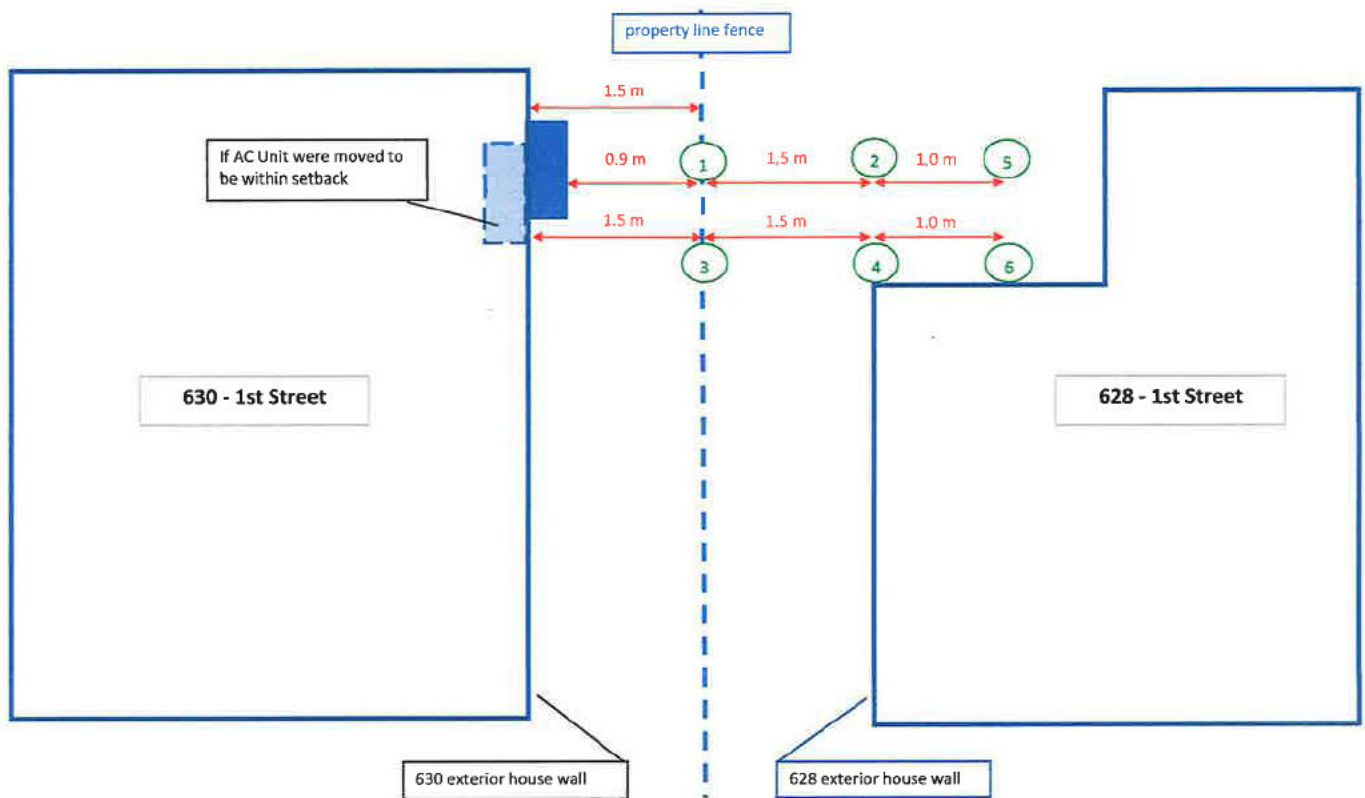
alsadair russell B. Des. (hons), M. Des.

for **russell and russell design studios**

## Appendix D - Lechelt Distance Decibel Calculations

**Purpose:** By Using a measured decibel reading, the Inverse Square Law can predict sound levels (dB) at different distances from the sound source

Location No.	Description	Values	Distance from AC (m)
1	Sound measured from AC unit at property line (known)	65 dB	0.9
2	Calculated sound at 628 exterior wall	57 dB	2.4
3	Calculated sound at property line (AC unit moved inline with 630 house wall)	61 dB	1.5
4	Calculated sound at 628 exterior wall (if AC unit were moved inline with wall to be compliant with LUB)	55 dB	3
5	Calculated sound at 1.0 m inside 628 yard (if AC unit were at current location of 0.9 m from property line)	53 dB	3.4
6	Calculated sound at 1.0 m inside 628 yard (if AC unit were moved inline with wall to be compliant with LUB)	52 dB	4



$$\begin{aligned}
 dL &= L_{p2} - L_{p1} \\
 &= 10 \log (R_2 / R_1)^2 \\
 &= 20 \log (R_2 / R_1)
 \end{aligned}$$

Inverse Square Law

(1)

where

$dL$  = difference in sound pressure level (dB)

$L_{p1}$  = sound pressure level at location 1 (dB)

$L_{p2}$  = sound pressure level at location 2 (dB)

$R_1$  = distance from source to location 1 (ft, m)

$R_2$  = distance from source to location 2 (ft, m)

A "free field" is defined as a flat surface without obstructions.

**Example - Rifle Shot and Sound Pressure at Distance**

If the sound pressure from a rifle shot is measured to 134 dB at 1.25 feet - the reduction in sound pressure level at distance 80 feet can be calculated as

$$\begin{aligned}
 dL &= 20 \log ((80 \text{ ft}) / (1.25 \text{ ft})) \\
 &= 36 \text{ dB}
 \end{aligned}$$

The sound pressure level at distance 80 ft can be calculated as

$$\begin{aligned}
 L_{p2} &= (134 \text{ dB}) - (36 \text{ dB}) \\
 &= 98 \text{ dB}
 \end{aligned}$$



## Appendix E - Bighorn Sheet Metal Email

Troy Weatherhog <troy@allweatherbuilders.ca>

Thu 5/25/2023 7:57 AM

To: ron.a.lechelt@gmail.com <ron.a.lechelt@gmail.com>; Leah Lechelt' <leah.lechelt@gmail.com>

From Vince

---

**From:** Vince Stock <vince.stock@bighorn-sheetmetal.com>

**Sent:** Wednesday, May 24, 2023 6:32 AM

**To:** Troy Weatherhog <troy@allweatherbuilders.ca>

**Subject:** 630 1st street

To Ron/Leah,

The air conditioner installed at 630 1<sup>st</sup> street was installed and running as manufacturer specs. We can install an insulation blanket on the compressor that might reduce the decibels by an estimated 2 to 5 decibels however we do not have direct experience with these blankets to see these claimed results. The unit that was installed at this address is one of the quietest units on the market. For the best operating efficiency and reliability, we also recommend the central AC unit be installed within close proximity to where the mechanical room is.  
Thanks Vince

BIGHORN SHEETMETAL  
CELL 403-609-1277



## Appendix F - Calgary Air Heating and Cooling Email

Calgary Air <Intro@calgaryair.ca>

Thu 5/25/2023 10:31 PM

To: ron.a.lechelt@gmail.com <ron.a.lechelt@gmail.com>



Calgary, Alberta  
403-720-0003  
[www.calgaryair.ca](http://www.calgaryair.ca)

We would like to thank you for allowing us with the opportunity to provide you with an AC proposal. We look forward to providing you with the professional service, quality installations and warranty you deserve. We have provided you with this most accurate sized air conditioning and the new energy standards for 2023 for your property.

- Supply and install 4.0-ton condenser, units are placed on isolation pad or brackets depending on property.
- We priced a cased evaporator coil installed not an uncased coil: Cased coils have higher efficiency, quieter, less air flow loss and proper access for future cleaning.
- The unit comes with a 10-year parts warranty.
- The unit comes with a three-year labour warranty without needing annual service.
- A 10-year labour warranty with annual service. Annual service needs to be every year from installation date at cost of \$149.00 per year billed annually.
- Supply and install copper lines from evaporator to condenser.
- Insulation and vapor barrier repair where pipes enter home.
- Supply and install 3/4" hard pvc drain line, hard pipe prevents blockages over time causing damage to furnace.
- Supply any miscellaneous material.

### Option one- high quality equipment

- Trane- lowest efficiency, up to 14.5 SEER, decibel rating 75
- 4.0-ton MD# XR13 Subtotal \$6,395.36
- Trane- mid efficiency, up to 16 SEER, decibel rating 72

.4.0-ton MD# XR14 Subtotal \$6,876.25 **Recommended.**

.Trane- high efficiency, up to 17 SEER, decibel rating 71

.4.0-ton MD# XR16 Subtotal \$7,075.35

### Option two- good quality equipment

.Goodman – mid efficiency, up to 14.3 SEER, decibel rating 73

.4.0-ton MD# GSXN Subtotal \$5,784.23

.Goodman- high efficiency. up to 15.2 SEER, decibel rating 73

.4.0-ton MD# GSXH Subtotal \$6,068.36

Slim options, less noise.

### Option one - best quality equipment

.Trane - high efficiency, up to 16 SEER, decibel rating 70

.4.0-ton MD# XR16 LOW PROFILE Subtotal \$6,715.00

### Option two - good quality equipment

.Temp star - mid efficiency, up to 14 SEER, decibel rating 66

.4.0-ton MD# NH4A4 \$5,848.00

Options to compare to competitors' pricing.

- . All our air conditioning evaporators come in cased coils, higher efficiency, better air flow and future cleaning/service.
- . Wall thimble to prevent rodents and infiltration inside home.
- . Labour warranty for ten years with annual service.
- . Electrical permit included.
- . 24/7 service including holidays with priority service.
- . We have an A+ BBB rating with a zero-complaint record.
- . We have over 150- 5 star google reviews.
- . Our technicians are all background checked and manufacture trained.
- . All our products are the new energy standard 2023.
- . All installations are done by Calgary Air employees, not subcontractors.

\*\*\*Prices do not include gst\*\*\*

Calgary Air Heating and Cooling Ltd  
Office [403-720-0003](tel:403-720-0003)

Chris Reid  
Owner/operator  
Journeyman refrigeration and air conditioning mechanic  
Master A class gas fitter  
403-720-0003  
[Info@calgaryair.ca](mailto:Info@calgaryair.ca)  
[Calgaryair.ca](http://Calgaryair.ca)



**CALGARY AIR**  
Heating & Air Conditioning



## Appendix G - Notice of Decision PL20230120 and Comments to Consider Email

Eric Bjorge <eric.bjorge@canmore.ca>

Wed 5/10/2023 4:19 PM

To: ron.a.lechelt@gmail.com <ron.a.lechelt@gmail.com>

1 attachments (337 KB)

PL20230120 - 630 1st Street\_Notice of Decision\_Refusal\_Signed.pdf;

Hello Ron and Leah,

Please see the attached Notice of Decision for your Development Permit application for a variance to the side yard setback for an air conditioning unit.

As mentioned in the decision document, you have 21 days from the date of this decision to file a Notice of Appeal to the Subdivision and Development Appeals Board. Instructions on how to do that can be found here: <https://canmore.ca/town-hall/boards-committees/subdivision-development-appeal-board>

After reviewing the application and receiving neighborhood feedback I have the following comments for you to consider:

- Four separate public objections to the proposal were received in response to the Notice of Application, all related to the noise produced by the unit.
- The Land Use Bylaw does not specifically address the noise produced by an A/C unit, only the location and screening. However there is an open question of whether the location of the unit changes the noise experienced by adjacent properties, and therefore the issues of location and noise are linked.
- **I suggest you coordinate with Municipal Enforcement to complete a noise assessment of the unit** and submit the results as part of your appeal materials, to determine whether it's compliant with the Community Standards Bylaw. This would be relevant as the neighborhood objections to the unit focus on noise.
- I would also suggest you obtain feedback from the installer of the unit to provide professional comment on the following:
  - a. Confirmation the unit is installed and operating correctly.
  - b. If there are silencers that could be installed to mitigate the noise produced by the unit
  - c. The feasibility of moving the unit to a location on the property that would be compliant with the Land Use Bylaw.

If you have any questions for me, please contact me prior to submitting your Notice of Appeal. Once you submit the Notice of Appeal, as a matter of process all of your communication will have to be through the Subdivision and Development Appeals Board Clerk.

Sincerely,



**Eric Bjorge** B.A., RPP, MCIP

Planning Technician

Town of Canmore | 902 7<sup>th</sup> Avenue | T1W 3K1

P: 403.678.0753 | F: 403.678.1543

E: [eric.bjorge@canmore.ca](mailto:eric.bjorge@canmore.ca) | [www.canmore.ca](http://www.canmore.ca)

Subscribe to the Town of Canmore Development Updates Newsletter by [clicking here](#), scrolling down and entering your email under **"receive updates related to building & development!"**

## NOTICE OF DECISION

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

**DEVELOPMENT PERMIT No.:** PL20230120

**APPLICANT NAME:** Ronald and Leah Lechelt

**MUNICIPAL ADDRESS:** 630 1<sup>st</sup> Street

**LEGAL ADDRESS:** Lot 23, Block 77, Plan 9910432

**LAND USE DISTRICT:** R1 – Residential Detached

**USE(S):** External Air Conditioning Unit

**DATE OF DECISION:** May 10, 2023

**REFUSED BY:** Development Officer

**DATE ISSUED:** May 10, 2023

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

**This application was deemed complete on:** April 24, 2023

  
Signature

Eric Bjorge  
Development Officer

May 10, 2023  
Date

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

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

## **SCHEDULE A**

### **REASONS FOR REFUSAL**

**DEVELOPMENT PERMIT No.:** PL20230120

**LAND USE DISTRICT:** R1 – Detached Residential

**MUNICIPAL ADDRESS:** 630 1<sup>st</sup> Street

**LEGAL ADDRESS:** Lot 23, Block 77, Plan 9910432

**PROPOSED USE(S):** External Air Conditioning Unit

- 
1. Section 2.4.3.1 of the Land Use Bylaw prohibits the projection of air conditioning units into required side yard setbacks.
  2. The required side yard setback in the R1 district is 1.5m. The air conditioning unit has been installed at 0.9m from the property line, projecting 0.6 m into the required side yard setback. A variance of this magnitude (40%) is beyond the authority of the Development Officer to consider, in accordance with section 1.14.1.1 of the Land Use Bylaw.



## Appendix H - Municipal Enforcement Noise Assessment Email

Richard Barnes <[richard.barnes@canmore.ca](mailto:richard.barnes@canmore.ca)>

Fri 5/26/2023 10:43 AM

To: Ron Lechelt <[ron.a.lechelt@gmail.com](mailto:ron.a.lechelt@gmail.com)>

Cc: Greg Burt <[greg.burt@canmore.ca](mailto:greg.burt@canmore.ca)>; Eric Bjorge <[eric.bjorge@canmore.ca](mailto:eric.bjorge@canmore.ca)>

Good morning Ron,

As I am not available for Monday as you proposed, I discussed this meeting with my direct supervisor and after further discussion our Municipal Enforcement team will be unable to assist you with any form of Noise Assessment survey due to the fact that our department does not currently have an objective sound measurement device.

With that said you are more than welcome to contact a third party to have a sound assessment survey done for the purposes of your appeal.

Apologies again for the confusion.

Best regards,

Richard



**Richard Barnes | (He/him)**

Bylaw Officer #2395

Municipal Enforcement

100 Glacier Drive

Canmore, Alberta T1W 1K8

P: 403-678-4244

E: [richard.barnes@canmore.ca](mailto:richard.barnes@canmore.ca)

---

**From:** Ron Lechelt <[ron.a.lechelt@gmail.com](mailto:ron.a.lechelt@gmail.com)>

**Sent:** Friday, May 26, 2023 10:19 AM

**To:** Richard Barnes <[richard.barnes@canmore.ca](mailto:richard.barnes@canmore.ca)>

**Subject:** Re: Request for noise assessment of air conditioning unit

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Richard,

Thanks for reaching out. Ideally do you have any time available on Monday? I'm in Calgary this morning, and won't be back home until around 3:30 which is another option.

Let me know what works, and I'll accommodate where I can.

Regards,

Ron

---

**From:** Richard Barnes <[richard.barnes@canmore.ca](mailto:richard.barnes@canmore.ca)>

**Sent:** Friday, May 26, 2023 9:49 AM

**To:** [ron.a.lechelt@gmail.com](mailto:ron.a.lechelt@gmail.com) <[ron.a.lechelt@gmail.com](mailto:ron.a.lechelt@gmail.com)>

**Subject:** RE: Request for noise assessment of air conditioning unit

Good morning,

I would be available for most of today, early evening on May 31<sup>st</sup>, or anytime on June the 1<sup>st</sup> or 2<sup>nd</sup>. Please let me know what works best for you.

Best regards,

Richard



**Richard Barnes | (He/him)**

Bylaw Officer #2395

Municipal Enforcement

100 Glacier Drive

Canmore, Alberta T1W 1K8

P: 403-678-4244

E: [richard.barnes@canmore.ca](mailto:richard.barnes@canmore.ca)

---

**From:** Ron Lechelt <[ron.a.lechelt@gmail.com](mailto:ron.a.lechelt@gmail.com)>

**Sent:** Wednesday, May 24, 2023 10:56 AM

**To:** Enforcement <[enforcement@canmore.ca](mailto:enforcement@canmore.ca)>

**Subject:** Request for noise assessment of air conditioning unit

You don't often get email from [ron.a.lechelt@gmail.com](mailto:ron.a.lechelt@gmail.com). [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

As part of an application process for a development permit, TOC requested we coordinate with enforcement for a noise assessment survey of an installed AC unit on our property.

If possible, we'd to have this done this week but would have to coordinate with our work schedules as we may not be home. Please contact me at your earliest convenience.

Thanks,

Ron Lechelt

630 - 1<sup>st</sup> Street

780-499-7324



# Best Sound Level Meter (That Actually Records Data)

MARCH 13, 2022 · FIELD RECORDING, GEAR

*Learn about the different types of sound level meters and which one is the best in this article.*

## Appendix I - Noise Monitoring Equipment (Type 2) & Accuracy of iPhone Apps



Sound level meters are fantastic tools for measuring how loud environments are.

This article specifically investigates the best sound level meters capable of recording data.

It's important to make this distinction because most sound level meters don't record anything and simply display the live dB measurement.

If you need a sound level meter for casual observations and don't need to produce reports and graphs of your data, save your money and download a free app like [Decibel](#).

### Table of Contents:

1. [What Is A Sound Level Meter?](#)
2. [Accuracy: Class vs Type](#)
3. [How Loud Is 1 dB?](#)
4. [When To Calibrate](#)
5. [Common Uses](#)
6. [Weighting Curves](#)
7. [Why Data Logging Important](#)

## Best Overall:



### REED 8080

The REED 8080 is the best overall sound level meter thanks to its large internal memory and compact size.

Using its fastest sample rate, it can store data for 18 hours.

[Check Price](#)

The BEST Way To Record ELECTRIC GUITAR and BASS

[SEE ALL OPTIONS](#)

## What Is A Sound Level Meter?

A sound level meter, also called a sound pressure level meter (SPL), is a device that measures how loud sounds are.

They work by using a calibrated microphone to detect changes in decibel (dB) levels.

The accuracy of a sound level meter is designated by its “Class” or “Type” specification.

For more detailed information, please see this [Wiki Article](#).



## Difference Between Class and Type For



Example of a Type 1 sound level meter.

Type 1 is the older term for Class 1 but is still widely used by sound level meter manufacturers.

Type/Class 1 sound level meters are more accurate than Type/Class 2 meters.

Sound level meters use a set of tolerance standards from the International Electrotechnical Commission (IEC) for determining accuracy across a range of frequencies.

The following tables represent the latest sound level meter standard, [IEC 61672-3](#).

### Type 1 & Class 1 Sound Level Meters:

Frequency	Accuracy
31.5 Hz	± 2.0 dB
63 Hz	± 1.5 dB
125 Hz	± 1.5 dB
250 Hz	± 1.4 dB
500 Hz	± 1.4 dB
1 kHz	± 1.1 dB
2 kHz	± 1.6 dB
4 kHz	± 1.6 dB
8 kHz	± 5.2 dB

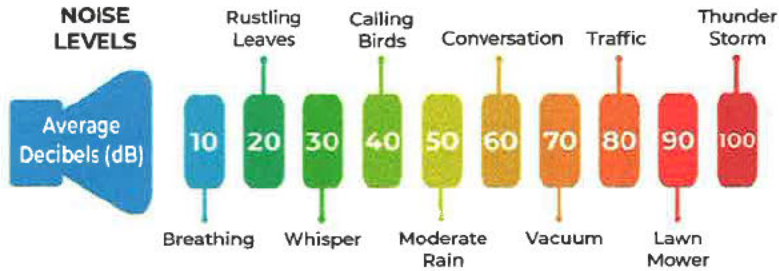
### Type 2 & Class 2 Sound Level Meters:

Frequency	Accuracy
31.5 Hz	± 3.0 dB
63 Hz	± 2.5 dB
125 Hz	± 2.0 dB

Frequency	Accuracy
2 kHz	± 2.6 dB
4 kHz	± 3.6 dB
8 kHz	± 5.6 dB

As you can see, “Type 1” and “Class 1” meters are 1-2dB more accurate than “Type 2” and “Class 2” meters.

## How Loud Is A Decibel?



Decibels are a unit of measure used to quantify sound intensity.

The decibel scale is logarithmic, meaning that every 10 decibels represents a change in acoustic intensity by a factor of 10.

For example, 10dB is 10 times more intense than 0dB and 20dB is 100 times more intense than 0dB.

Every 10dB increase in intensity roughly doubles the perceived loudness of a sound.

### ***So how different are Class 1 and Class 2 sound level meters?***

Not very.

Their difference of ± 1-2dB in accuracy across the frequency spectrum is so small, the human ear has difficulty telling the difference.

For this reason, Class 1 sound level meters are only used for laboratory measurements when extreme accuracy is mandatory.

## How To Calibrate A Sound Level Meter



Image showing calibration process.

Sound level meters are calibrated by using a standardized, 94dB sine wave.

The sine wave is played by a calibrator directly into the sound level's microphone and the sound level meter is adjusted until it shows a reading of exactly 94dB.

### ***How often should you calibrate your sound level meter?***

To ensure accuracy, calibrating your sound level meter once per year is recommended.



# Sound Level Meter Uses

Sound level meters are most commonly used for measuring decibel levels in work environments to determine if the relative loudness is safe for humans.



They're most commonly used in:

- industrial plants
- road and rail traffic
- construction sites

Most noise safety standards recommend using ear protection when exposed to environments with a dB level  $\geq 85\text{dB}$  for 8 hours or longer.

See the below table for hearing loss thresholds for specific dB levels.

Noise Exposure	Hearing Loss After Duration
80 dB	Safe
82 dB	16 Hours
85 dB	8 Hours
88 dB	4 Hours
91 dB	2 Hours
94 dB	1 Hour
97 dB	30 Minutes
100 dB	15 Minutes
103 dB	7.5 Minutes
106 dB	< 4 Minutes
109 dB	< 2 Minutes
112 dB	< 1 Minute
115 dB	30 Seconds
118 dB	15 Seconds
121 dB	7 Seconds
124 dB	< 4 Seconds
127 dB	< 2 Seconds
130 dB	< 1 Second
Above 140 dB	Instant Hearing Loss

## Frequency Weightings For Sound Level Measurements

Sound level meters will often offer the choice to apply frequency weighting curves to the readings.



Common weighting curves include:

- **A-Weighting** - the same frequency response as the human ear.  
Cuts off most sounds below 500 Hz and above 8 kHz.
- **C-Weighting** - mimics the frequency response of the human ear at higher intensity levels of around 100dB.
- **Z-Weighting** - a flat frequency response with no weighting between 10 Hz - 20 kHz.

A-weighting is the most commonly used weighting curve because it only takes into consideration frequencies that the human ear is sensitive to.

C-weighting is used in extremely loud environments where the human ear is more sensitive to lower frequencies.

Z-weighting is used when the total dB level across all frequencies is needed.

Most sound level meters will have A and C-weighted curves to choose from.

## Why Is Data Logging Important?

If you want to do any kind of analysis of your decibel data, generate graphs or have solid proof of your readings, it's important that your sound level meter can record the data for later use.



Most sound level meters will only display the live reading. If you want to have any kind of record of the measurements, you'll have to write them down or photograph the display while recording.

Neither of these methods is accurate and will be subject to skepticism.

**All of the sound level meters recommended below are capable of recording data for later analysis via software.**

## Best Sound Level Meters

The recommended sound level meters below all support data logging and are Type/Class 2 meters.

### Best Overall: REED 8080

The [REED 8080](#) is the lightweight version of the 8070SD without SD card support.

Using the internal, 1MB memory, it can store 64,000 data points.



The 8080 is smaller and lighter than the 8070SD (below) and requires less batteries (x4 AAA).

If you're looking for a well-built sound level meter capable of recording up to 18 hours of data, the REED 8080 is the best option out there.

**Pro:**

- smaller and lighter than the 8070SD
- requires x4 AAA batteries

**Con:**

- AAA batteries are lower capacity than AA's

**SPECIFICATIONS**

Accuracy	Type 2
Measuring Range	30 - 130 dB
Internal Memory	Yes (1MB)
Expandable Memory	No
Frequency Weighting	A, C
Selectable Sampling Rate	Yes (between 1s and 60s)
Power Supply	4 x AAA Batteries
Dimensions	10.4 x 2.5 x 1"
Weight	8.8oz (245g)

**Best For Long Recordings: REED 8070SD**

The [REED 8070SD](#) is a Type 2 sound level meter capable of recording dB data to an SD card.

With a 16GB card installed (the maximum supported size) the 8070SD can **store over 1 billion dB readings!**

When using a sample rate of 1 reading per second, you can record data for 32 years straight!

With virtually no cap on recording times, the 8070SD is perfect for making many, long recordings at multiple locations before returning home for analyzation.

Additionally, the x6 AA batteries give the 8070SD insane battery life. I've run mine on 2000mAh batteries for over 48 hours straight. And that's in recording mode!

Downsides to the 8070SD are its x6 AA batteries and large size.

**Pro:**

**Con:**



CHECK PRICE

## SPECIFICATIONS

Accuracy	Type 2
Measuring Range	30 - 130 dB
Internal Memory	No
Expandable Memory	16GB SDHC
Frequency Weighting	A, C
Selectable Sampling Rate	Yes (1, 2, 5, 10, 30, 60, 120, 300, 600, 1800, 3600 seconds)
Power Supply	6 x AA Batteries
Dimensions	9.7 x 2.7 x 1.8"
Weight	0.7lbs (320g)

### Budget Option: PCE-322A

The [PCE-322A](#) from PCE Instruments is an affordable sound level meter with data logging support.

The internal 0.5MB memory can store 32,700 data points.



There is only one sample rate option: 2 samples per second.

While this will yield high density data, it means the PCE-322A can only store 4.5 hours of dB data.

Downsides to the PCE-322A are its large size and heavy weight.

[CHECK PRICE](#)

#### Pro:

- cheaper than other options
- only requires a 9v battery
- high data density (2 samples/second)

#### Con:

- bulky and heavy
- relatively small storage capacity

## SPECIFICATIONS

Accuracy	Type 2
Measuring Range	30 - 130 dB
Internal Memory	Yes (0.5MB)
Expandable Memory	No
Frequency Weighting	A, C
Selectable Sampling Rate	No (2.5)



## Final Thoughts

After weighing all the options, I decided to purchase a [REED 8070SD](#).

Although it's relatively big and heavy, the ability to record many hours worth of data is necessary for my use.

I use the 8070SD for making dB recordings for my volunteer work for [Quiet Parks International](#).

Have any questions? Feel free to ask in the comments below. Sometimes people aren't notified when I respond, so try checking back occasionally. I usually respond within 48 hours.

## Support Acoustic Nature

If you enjoyed this post and would like to help support Acoustic Nature, please consider "buying me a coffee" or becoming a Patreon with the buttons below.

As a thank you for your support, Patreon supporters receive a copy of [Field Recording For Beginners](#), exclusive access to the full Behind The Sounds video series, nature sound library downloads, and more.

If you are unable to support the site financially, please share this post with others, or leave a comment below letting me know you enjoyed this post! Both are free and help the website grow. Thank you 🎵

PATREON



Thanks for reading,  
-Jared

FULL TEXT LINKS



[Laryngoscope](#). 2021 Jan;131(1):E59-E62. doi: 10.1002/lary.28590. Epub 2020 Feb 28.

# The Accuracy of iPhone Applications to Monitor Environmental Noise Levels

[Eleanor Crossley](#)<sup>1</sup>, [Tim Biggs](#)<sup>1</sup>, [Phillip Brown](#)<sup>1</sup>, [Tahwinder Singh](#)<sup>1</sup>

Affiliations

PMID: 32108336 DOI: [10.1002/lary.28590](#)

## Abstract

**Objective:** The Control of Noise at Work Regulations came into force in Great Britain in 2005, requiring all work environments to be monitored for potentially harmful noise exposure levels. This study evaluated the effectiveness of a number of iPhone phone applications (apps) (Apple, Cupertino, CA) to accurately measure noise exposure, which may prove effective when a specialist-calibrated sound level meter is not readily available.

**Methods:** Suitable apps were identified using the search terms noise and decibel through the App Store (Apple). Apps that were free to download and had at least one rating were included. Apps were evaluated using a calibrated pure tone sound field and a soundproof testing booth. A 3-frequency audiogram (1000 Hz, 2000 Hz, and 4000 Hz) was used at 25 dB, 40 dB, 55 dB, 70 dB, and 85 dB. Linear regression was carried out to assess accuracy.

**Results:** Nine apps were tested in total, with four out of nine providing a goodness-of-fit coefficient ( $R^2$  value) over 0.9. The most effective app was found to be the NIOSH (National Institute for Occupational Safety and Health) Sound Level Meter (EA LAB, Slovenia) with an  $R^2$  of 0.97. The least effective app was the Decibel Meter With Recorder (Jianhua Ming, China) with an  $R^2$  of 0.62.

**Conclusion:** This study has shown significant variation in the ability of iPhone apps (Apple) to accurately predict environmental dB levels. However, if the correct app is used, an iPhone represents a relatively reliable means of measuring noise exposure levels when a specialist calibrated sound level meter is not readily available.

**Level of evidence:** NA [Laryngoscope](#), 131:E59-E62, 2021.

**Keywords:** Noise; audiology; hearing loss; noise-induced; occupational.

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## Related information

[MedGen](#)

## LinkOut - more resources

Full Text Sources

[Wiley](#)

Medical

**Research Materials**

NCI CPTC Antibody Characterization Program

**Miscellaneous**

NCI CPTAC Assay Portal



# SUBDIVISION AND DEVELOPMENT APPEAL BOARD

## STAFF REPORT



<b>DATE OF HEARING:</b>	JUNE 23, 2023
<b>PROPOSED DEVELOPMENT:</b>	AIR CONDITIONING UNIT (VARIANCE TO SIDE YARD SETBACK)
<b>APPLICATION NUMBER:</b>	PL2023120
<b>LEGAL DESCRIPTION:</b>	LOT 23, BLOCK 77, PLAN 9910432
<b>CIVIC ADDRESS:</b>	630 1 <sup>ST</sup> STREET
<b>CURRENT USE(S):</b>	DETACHED DWELLING
<b>APPLICANT:</b>	RONALD AND LEAH LEHELDT



## **EXECUTIVE SUMMARY**

The proposed development is for an Air Conditioning Unit (A/C Unit) mounted to the side of a new detached dwelling (constructed in 2022). The A/C Unit was installed after the house was completed, and through neighbourhood complaints the Town became aware that the location of the unit was not compliant with the Land Use Bylaw (LUB), as well as concerns with noise and vibrations projected from the unit.

A/C Units are normally exempt from obtaining a Development Permit (DP) but are prohibited from being located within the required building setbacks. Accordingly, the owner applied for a DP to allow the unit to remain in its current location. The application requests a variance to section 2.4.3.1 of the LUB, which prohibits an A/C Unit from being within a side yard setback. The application proposes a 40% variance to the projection of the A/C unit in the side yard. The variance requested is beyond the maximum 10% allowed by a Development Officer in accordance with the LUB, and therefore the Development Permit was refused.

The unit has caused disruption to neighbouring properties by way of noise and vibration. Unfortunately, these are not matters regulated by the LUB, for which DPs are reviewed against. Given the LUB only regulates the location of the A/C Unit, the application is being recommended for approval.

## **BACKGROUND**

### **Land Use Bylaw 2018-22**

Works of maintenance, renovation, or repair which are consistent with an existing Development Permit, are exempt from requiring a Development Permit under section 1.9 (Development Permits Not Required), provided the work or development complies with all regulations within the LUB. In this case, since a variance is requested, a Development Permit is required.

The property is within an R1 Residential Detached District, which has a required side yard setback of 1.5m.

Section 2.4.3 of the LUB (Building Projections) states that... *“Every part of any front, rear or side yard setback, or waterbody setback, required by this Bylaw shall be open and unobstructed by any structure from the ground to the sky except for the items listed in Table 2.4-1”*. Within table 2.4-1, Air Conditioning Equipment is specifically listed as having no projection allowances into a front, side, or rear yard.

Section 1.14.1 - Discretion of Development Authority, states that the Development Officer can apply a maximum of a 10% variance to a minimum side yard setback. The variance being proposed in this case amounts to 40%, with a proposed setback from property line of 0.9, instead of the required 1.5m (difference of 0.6m).

Section 2.15 - Mechanical Systems and Outdoor Storage, state that air conditioning shall be screened, to the satisfaction of the Development Officer, using a combination of fences, berms, or landscaping. The section further states the purpose of screening generally to be *“to limit visual impacts as well as noises and odours which may negatively impact adjacent uses.”* Fencing and landscaping for visual screening is already in place (See Attachment 4).

### **Community Standards Bylaw 2022-16**

In 2022, the Community Standards Bylaw replaced the Noise Control Bylaw to address noise issues in the community. The bylaw is administered by Municipal Enforcement who has received complaints regarding the noise and vibration caused by the subject A/C Unit. Issues pertaining to noise and vibration are handled through a separately process on a complaint basis through Municipal Enforcement.

### **Municipal Development Pan (MDP)**

General policies for Neighbourhood Residential are found with Section 6 of the MDP, but there are no direction/policies regarding the installation of equipment such as A/C Units.

### **Municipal Government Act (MGA)**

Section 642 of the Municipal Government Act describes how the development authority may refuse a permit for a permitted use which does not conform with the Land Use Bylaw. Section 687(3, c and d) state that the Subdivision and Development Appeals Board (SDAB) has the right to vary the decision, or substitute their own, and to approve a development permit that doesn't comply with the LUB, provided that certain conditions are met (section 687, ss. 3,d).

**EXISTING SITE**

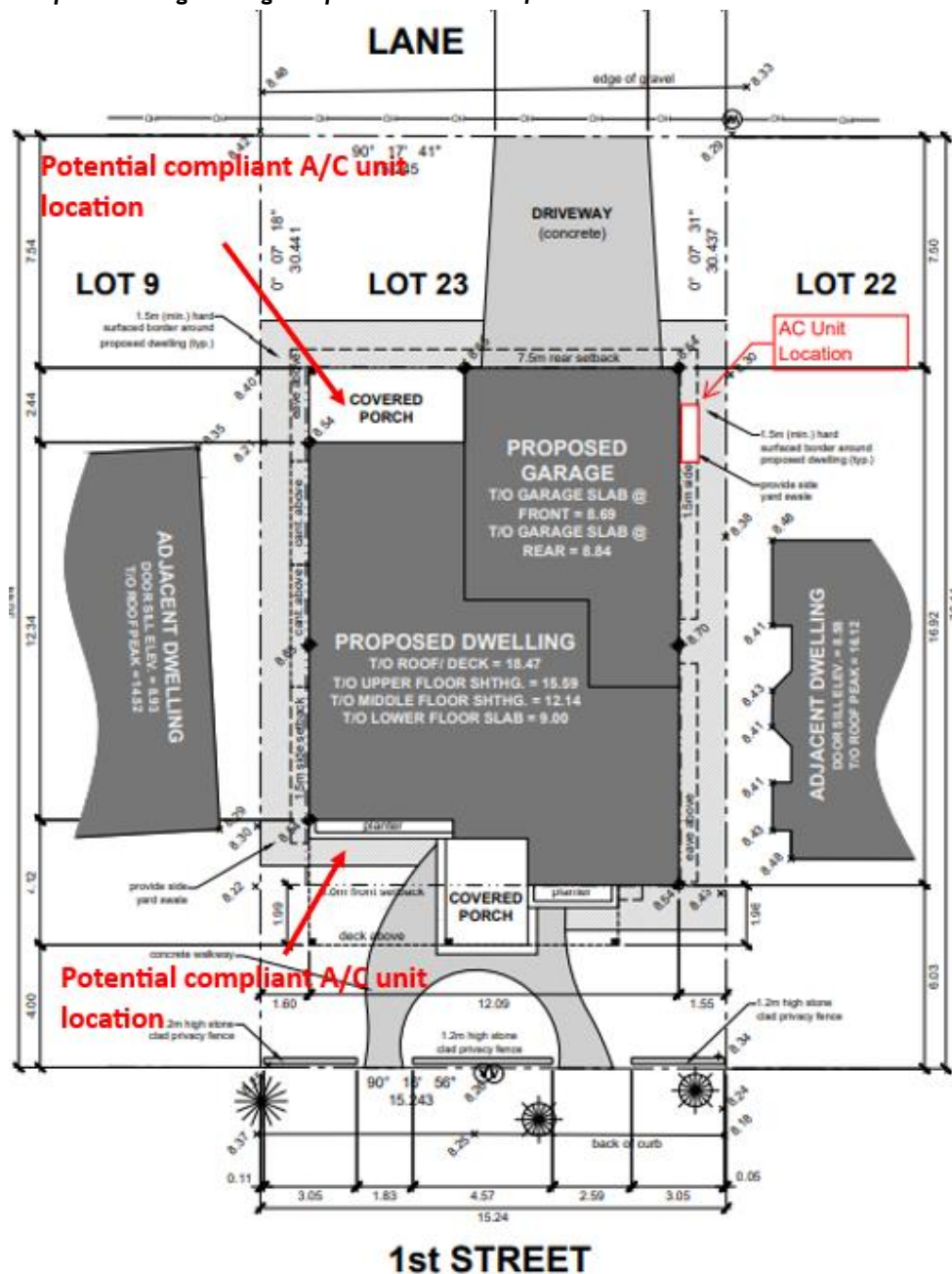
This property is within an R1 Detached Residential District. The district allows for Detached Dwellings and Accessory Uses such as Accessory Dwelling Units. The property was recently redeveloped with a new Detached Dwelling and was approved for occupancy in 2022. The surrounding uses are also Detached Dwellings (see Attachment 1). The air conditioning unit is in the east side yard towards the rear of the dwelling (see Attachment 4).

**BYLAW CONFORMANCE/VARIANCE DISCUSSION**

**I. Side Yard Setback**

Section 2.4-1 of the LUB prohibits A/C Units within the required front, side, and rear yard. Due to the location of the dwelling, there are two locations on site where the unit would be in compliance with this requirement, shown on the figure below. The current location of the unit is 0.9m from the side property line, instead of the required 1.5m (variance of 0.6m or 40%).

*Figure 1 – Site plan showing existing and potential locations for an A/C unit*



## PLANNING DEPARTMENT POSITION

The Planning Department recognizes that the regulations regarding the location of A/C Units was not well known amongst the building community as recently as 2022. Additionally, the location of proposed A/C Units was not always shown or required to be shown on permit drawings for new construction. Significant efforts have been made since that time to ensure the location of air conditioning units is considered in the design of new buildings and is now a requirement for small scale DPs.

Although the application was refused due to the variance exceeding the Development Authority powers, the current location of the A/C Unit does not impede any of the following for which setbacks are put in place to help manage issues related:

1. **Emergency Access:** 0.9m is an adequate space to provide for side yard access. The other side yard remains completely unobstructed allowing for full side yard access.
2. **Privacy:** An A/C Unit presents no issues to privacy. However, the unit is screened by the existing side yard fence and landscaping, which screens the visual appearance of the unit.
3. **Fire Separation:** An A/C Unit presents unlikely impacts (i.e. unit combustion) to fire separation between buildings.

While there is insufficient evidence that it would be unreasonable to relocate the unit to a compliant location, the current location does not present impacts from a planning perspective, with regards to the side yard setbacks or from a perspective of visual appearance.

## 2. Noise and Vibration

While noise is mentioned in the screening section of the LUB, the primary tool the Town has at its disposal to address issues of noise and vibration is the Community Standards Bylaw, which is administered by Municipal Enforcement. The LUB only regulates the location and screening of the A/C unit, which has an uncertain and marginal impact on the noise or vibration produced. For example, a unit located at 0.9m from the property line is not expected to produce substantially more noise than a unit located at 1.5m from the property line. The screening requirement in this case, primarily addresses the visual impact of air conditioning equipment between properties.

The Town has asked the owner to obtain a professional opinion as to what noise dampening devices may be utilized in this case to reduce noise.

The Planning Department received three separate objections to the Development Permit application as a result of the notification process, all related to the noise and vibration produced by the unit.

## PLANNING DEPARTMENT POSITION

The Planning Departments opinion is that that the location of the unit is not the primary reason for the noise issues being caused. There is the possibility that relocating the unit may have the potential to reduce the impact to the properties which have raised concerns, but it may also just move the problem to another area thus impacting different residents. The visual screening in place is sufficient to meet the intent of the screening requirements in the LUB.

Important to note, is that the DP is regulated by the LUB which is in place to set the location and screening of the A/C Unit; and does not set regulations around noise or vibration which are addressed on a complaint basis by Municipal Enforcement.

## 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 that the SDAB consider the following options:

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

## RECOMMENDATION

Planning recommends that the Subdivision & Development Appeal Board **APPROVE** PL20230120. Should the SDAB choose to approve the application, recommended conditions are included in Attachment 5.

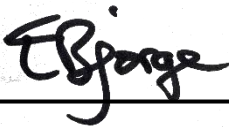
## ATTACHMENTS

1. Site Context
2. Zoning
3. Bylaw Conformance Review
4. Submitted Plans
5. Notice of Refusal
6. Schedule A – Proposed Conditions of Approval



---

**Marcus Henry**  
Supervisor of Planning & Development



---

**Eric Bjorge**  
Planning Technician



**ATTACHMENT I – SITE CONTEXT**



*Overhead photo – 630 1<sup>st</sup> Street highlighted in blue*





Looking west on 1<sup>st</sup> Street



Looking east on 1<sup>st</sup> Street





Looking east from lane



Looking west from lane





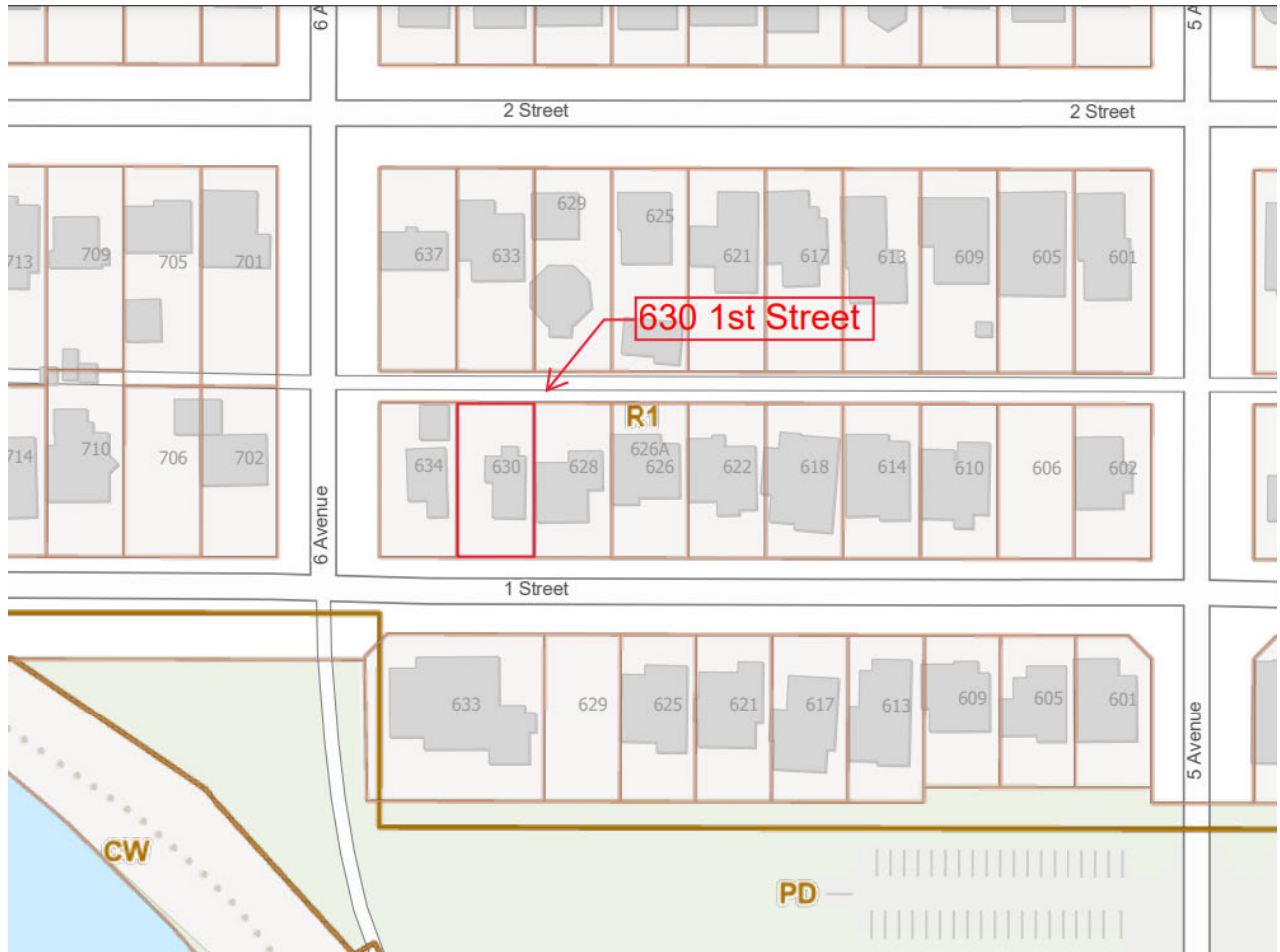
*Photo from applicant's Development Permit submission*



*Photo from applicant's Development Permit submission*



**ATTACHMENT 2 – ZONING MAP**



**ATTACHMENT 3 - BYLAW CONFORMANCE REVIEW**

<b>REQUIREMENT</b>	<b>BYLAW 2018-22</b>	<b>PROPOSED</b>	<b>VARIANCE REQUIRED</b>
SIDE YARD SETBACK	1.5M MINIMUM SIDE YARD, NO PROJECTION OF A/C UNITS PERMITTED	0.9M SETBACK FROM SIDE PROPERTY LINE	<b>YES</b>
SCREENING	SCREENING IS REQUIRED FOR AIR CONDITIONING EQUIPMENT	EXISTING WOOD FENCE ALONG THE PROPERTY LINE AND SOFT LANDSCAPING	<b>No</b>



# DEVELOPMENT PERMIT Application Form

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated. The submission of scanned or photographed application forms with handwritten information may slow the processing of your application. **All applications shall be submitted electronically via email to [planning@canmore.ca](mailto:planning@canmore.ca).**

PROPERTY INFORMATION	
Municipal Address 630 - 1st Street, Canmore, AB T1W2L2	
Legal Address Lot/Unit: 23 Block: 77 Plan: 9910432	Existing Use of Land/Building R1

DEVELOPMENT INFORMATION			
Please indicate which checklist you have referenced to form this submission: DP Application Requirements - Small Developments			
Proposed Development/Use(s) Request for side yard variance. Air conditioning unit is mounted to side of house and is 0.6 m deep x 1.13 m long as shown on the attached site plan. 6 foot tall fence along property line and planted trees acts as a screen.			
Total Proposed Gross Floor Area (m <sup>2</sup> )	Number of Residential Units	Number of Commercial Units	Property Size (Hectares). New construction <u>only</u> .

PUBLIC TREE DISCLOSURE	
Is there existing Town Trees (Public Tree) within 6m of the construction area, this would include the "Road Right-of-Way" between the private property line and roadway?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If yes, a Tree Protection Plan Agreement is required to be submitted as part of this application. For more information on the requirements of submitting your Tree Protection Plan Agreement or obtaining a Tree Assessment for the removal of a Town Tree, please contact the Town of Canmore Parks Department at 403.678.1599 or <a href="mailto:Parks@canmore.ca">Parks@canmore.ca</a> .	
Additional information regarding the Town of Canmore Tree Protection Bylaw can be found on the <a href="#">Town Website</a> .	

APPLICANT INFORMATION	
Name Ronald & Leah Lechelt	Phone 780-499-7324
E-mail ron.a.lechelt@gmail.com	
Mailing Address 630 - 1st Street, Canmore, AB T1W2L2	

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

## DECLARATION

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

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

Signature of Applicant	Date April 11, 2023
Signature of Owner	Date April 11, 2023

**FOIP Notification:** This personal information is being collected under the authority of the Municipal Government Act (MGA) and in 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.**

## PAYMENT

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



## Ron and Leah Lechelt

630 1 Street Canmore, AB T1W 2L2

Cell: 780.499.7324 Email: ron.a.lechelt@gmail.com

April 11, 2023

Mr. Eric Bjorge  
Planning Technician  
Town of Canmore  
902 7th Avenue  
Canmore, AB T1W 3K1

Delivered by email to: [eric.bjorge@canmore.ca](mailto:eric.bjorge@canmore.ca)

Dear Mr. Bjorge

As the owners and residents of the residential property located at 630 1 Street, Canmore, AB, below is response to your email dated November 28, 2022, in which you advised us that the air conditioning unit located on the property is in contravention of section 2.4.3.1 of the Land Use Bylaw, which prohibits air conditioning units within any minimum building setback.

We would like to hereby remit a formal request for a Development Permit for a variance to the Land Use Bylaw. Our reasons are as follows:

- This is the only feasible location for the air conditioning unit in that it is immediately adjacent to the mechanical room, which is on the east side of the structure in front of the garage (see attached rendering).
- The unit is a slim design at 37 cm deep. It is specially designed for narrow lot or multi-family applications.
- We deliberately opted not to mount the unit on a concrete pad, but rather to have the unit affixed directly to the exterior side wall of the house with mounting brackets. This was to minimize the unit's projection into the setback.
- The unit was intentionally installed as close as feasible to the rear of our property to minimize proximity to the adjacent/ neighboring home. The unit is currently situated adjacent to the backyard -- rather than the dwelling -- of the property next door.



- The unit is screened by a 6-foot fence between our dwelling and the neighboring property.
- Visibility from the front street is mostly obscured due to the distance of the air conditioning unit from the sidewalk on 1<sup>st</sup> Street (estimated to be 25 metres of distance). The positioning of a large, mature Larch tree between the front street and the air conditioning unit further obscures visibility of the unit.
- Visibility from the back lane is addressed via back yard landscaping consisting of three newly planted poplar trees immediately north of the air conditioning unit - i.e., between the unit and the back lane. These rapid-growth trees will offer near-complete obscuring of the unit once they achieve some growth.
- For comparison, a neighboring house at 614 -1 Street has a much larger air conditioning unit in the side yard that is fully visible from both the adjacent property and the rear lane. There is no fence between the dwelling and the adjacent property, nor are there any other screening mechanisms.

It is worth noting that some jurisdictions (e.g., Edmonton) permit projections into the side yard so long as there is an unobstructed path of travel of 0.9 metres, which permits adequate passage by utility and emergency personnel. Our side yard clearance meets this minimum travel path width.

Thank you for considering this request for a variance, and please don't hesitate to reach out if you have any questions.

Sincerely,



Ron Lechelt



Leah Lechelt



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0027 840 719            9910432;77;23                      201 189 064

LEGAL DESCRIPTION  
PLAN 9910432  
BLOCK 77  
LOT 23  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 5;10;24;32;SE

MUNICIPALITY: TOWN OF CANMORE

REFERENCE NUMBER: 191 002 932

---

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
201 189 064	19/10/2020	TRANSFER OF LAND	\$850,000	\$850,000

---

OWNERS  
RONALD A LEHELDT  
  
AND  
LEAH A LEHELDT  
BOTH OF:  
630-1ST STREET  
CANMORE  
ALBERTA T1W 2L2  
AS JOINT TENANTS

---

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
NUMBER		
221 060 326	22/03/2022	MORTGAGE MORTGAGEE - ATB FINANCIAL. 1240 RAILWAY AVE, STE 104 CANMORE

---

REGISTRATION

NUMBER      DATE (D/M/Y)      PARTICULARS

ALBERTA T1W1P4  
ORIGINAL PRINCIPAL AMOUNT: \$2,625,825

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 1 DAY OF APRIL,  
2023 AT 05:04 P.M.

ORDER NUMBER: 46874261

CUSTOMER FILE NUMBER:

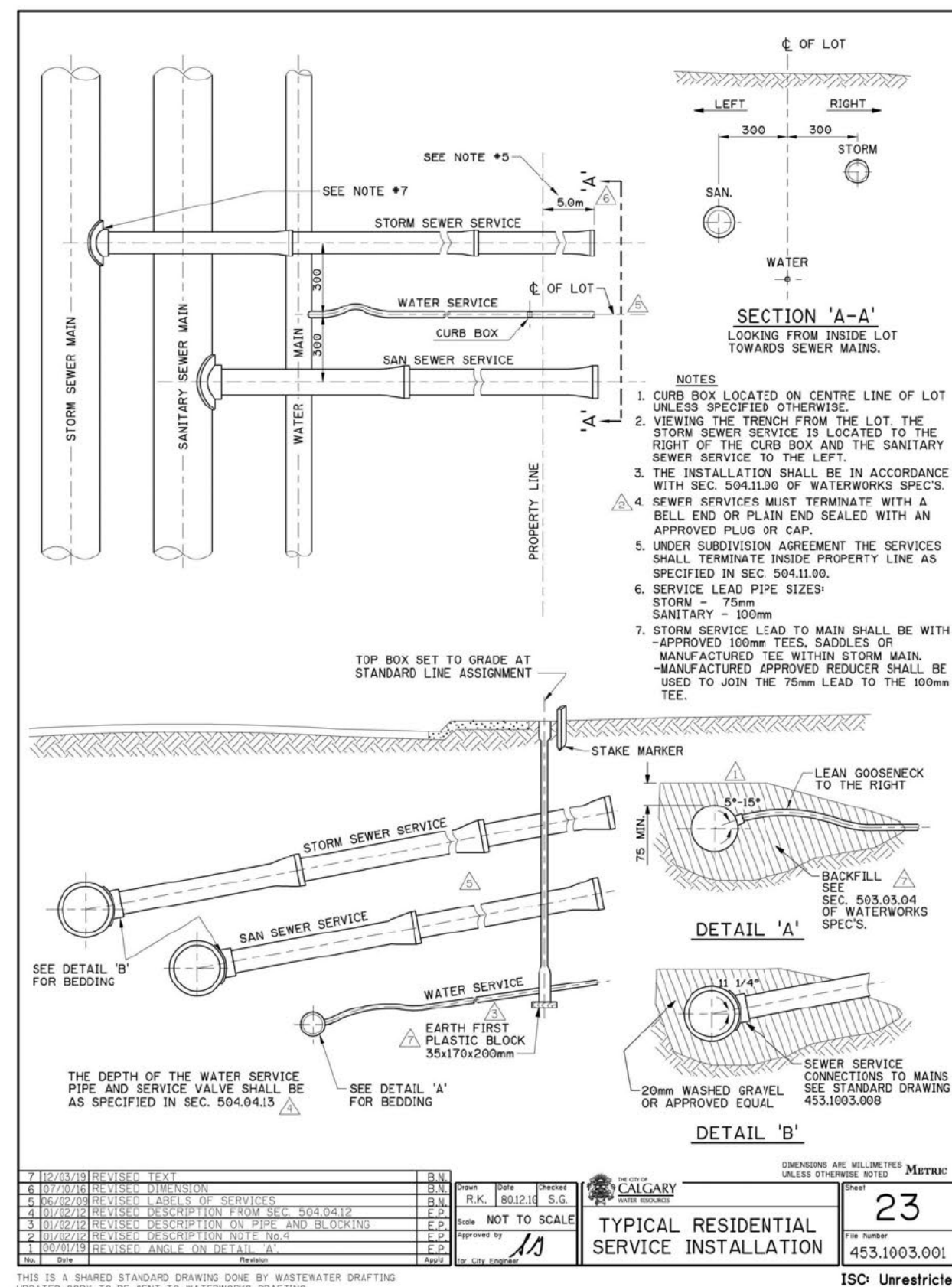


\*END OF CERTIFICATE\*

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED  
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,  
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM  
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,  
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS  
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

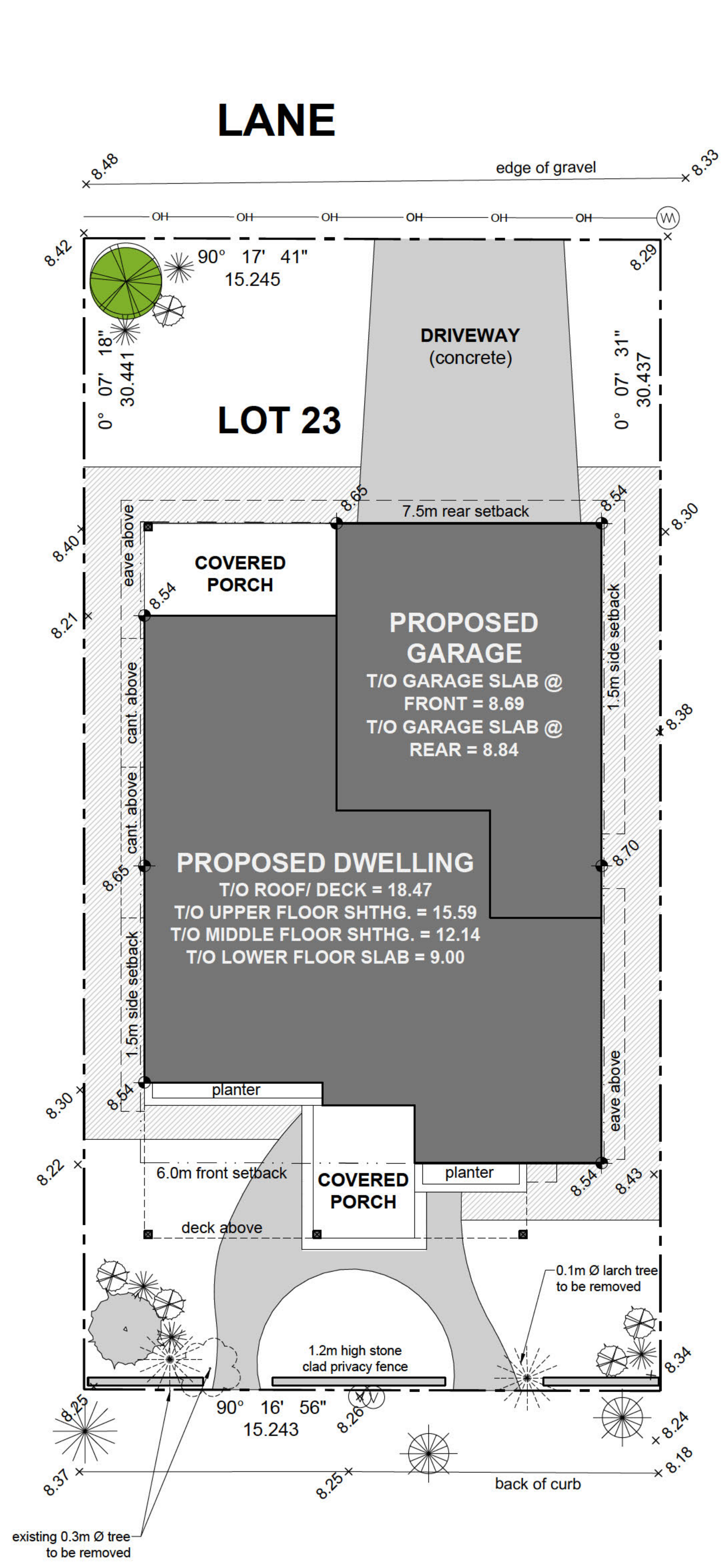




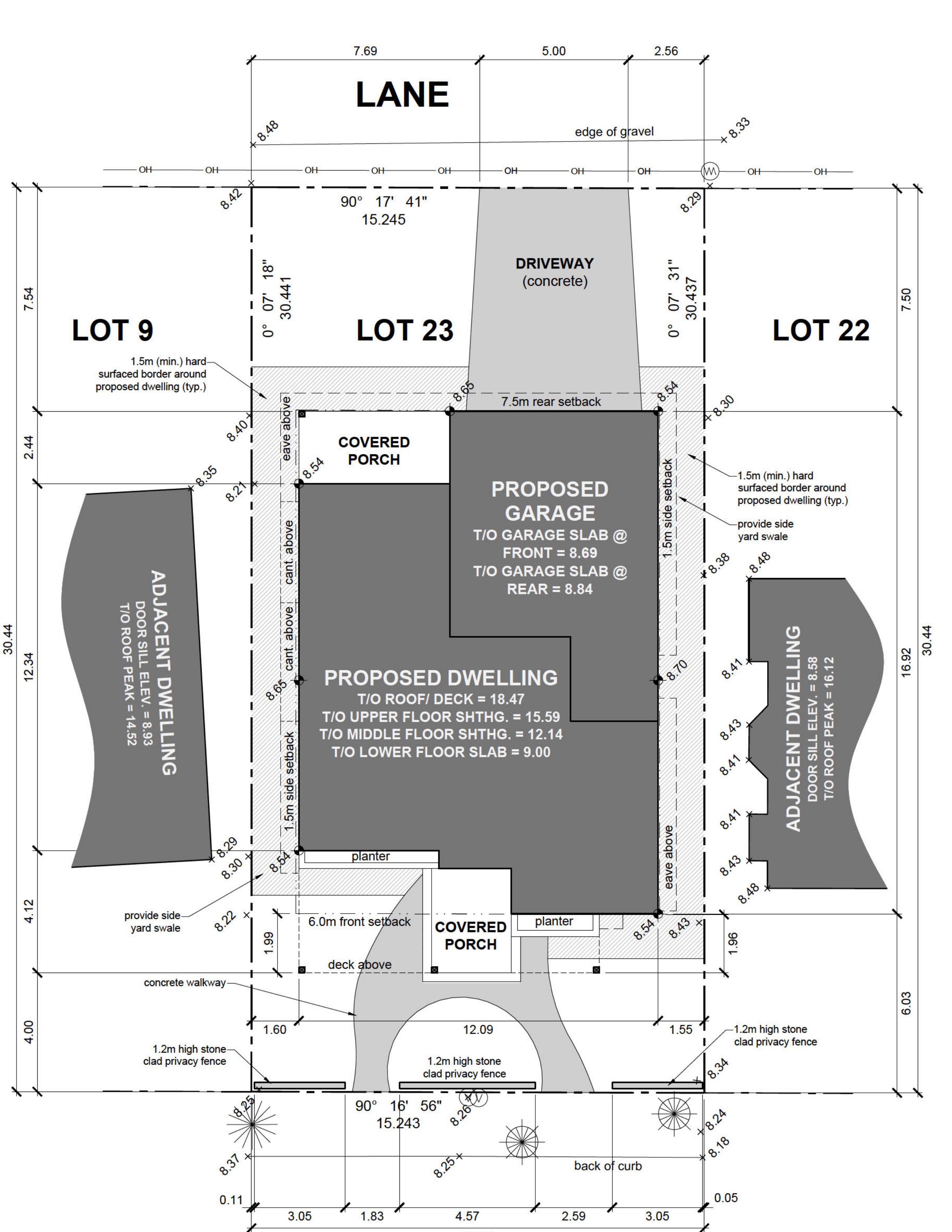
PROPOSED LANDSCAPING LEGEND			
SYMBOL	SPECIES	SIZE	QUANTITY
	trembling aspen <i>populus tremuloides</i> (deciduous tree)	75 mm caliper	1
	amur cherry <i>prunus maackia</i> (deciduous tree)	75 mm caliper	1
	mock orange <i>philadelphus lewisii</i> (deciduous shrub)		6
	shrubby cinquefoil <i>potentilla fruticosa</i> (deciduous shrub)		6
	gravel		refer to plan
	natural grasses		refer to plan

**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)
- EXISTING SPRUCE TREE TO REMAIN
- EXISTING LANDSCAPED TREE TO REMAIN
- VALVE



**1st STREET**



**1st STREET**



**TOTAL GFA**  
(GROSS FLOOR AREA)  
3498 ft.<sup>2</sup> (324.9 m<sup>2</sup>)

**MUNICIPAL ADDRESS**  
630- 1st STREET  
CANMORE, AB

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

**LEGAL DESCRIPTION**  
LOTS: 23  
BLOCK: 77  
PLAN: 991 0432

**SITE COVERAGE**  
ALLOWED: 185.60 m<sup>2</sup>  
PROPOSED: 182.87 m<sup>2</sup>

**LAND USE DESIGNATION**  
R-1

**SITE COVERAGE %**  
ALLOWED: 40.00 %  
PROPOSED: 39.41 %

PROJECT:  
**1065**  
Lechelt residence

ADDRESS:  
**630- 1st street,**  
canmore, ab

LOT: 23  
BLOCK: 77  
PLAN: 991 0432

CLIENT:  
**Ron & Leah**  
Lechelt

ISSUED:  
**A:** issued for D.P.  
2020-01-21

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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



! This product is no longer in production and may only be available in limited quantities. Contact your dealer for further details.



## NH4A4

### Performance 14 Compact Central Air Conditioner

Keep the peace with quiet performance as low as 66 decibels with this compact central air conditioner that's great for multi-family housing. Its stackable design has an efficient "pass through" airflow design. Built to last, it features a weather-resistant cabinet and a tight wire protective guard.












## Features & Benefits ^

- Quiet performance (as low as 66 decibels)\*
- Single-stage compressor operation
- Durably built to withstand bad weather and debris
- Designed for corrosion resistance and lasting performance
- 10-Year Parts Limited Warranty<sup>+</sup>

## Specifications v

## Product Details ^

 Efficiency Rating		Up to 14 SEER cooling / Up to 12.2 EER cooling
 Sound level		As low as 66 decibels
 Parts Warranty		10-Year Parts Limited Warranty <sup>±</sup>
 Fan Motor		Single-speed fan motor
 Compressor		Single-stage compressor operation
 Cooling capacity		1.5–5 tons
 Refrigerant		Non-ozone depleting R-410A

## Documents v

restrictions.

California residents please see [Proposition 65](#)

## You might also be interested in



**NH4H4**  
Performance 14 Compact Heat Pump



**G96VTN**  
QuietComfort® 96 Gas Furnace

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[The Importance of a Matching System](#)

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# NOTICE OF DECISION

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

**DEVELOPMENT PERMIT No.:** PL20230120

**APPLICANT NAME:** Ronald and Leah Lechelt

**MUNICIPAL ADDRESS:** 630 1<sup>st</sup> Street

**LEGAL ADDRESS:** Lot 23, Block 77, Plan 9910432

**LAND USE DISTRICT:** R1 – Residential Detached

**USE(S):** External Air Conditioning Unit

**DATE OF DECISION:** May 10, 2023

**REFUSED BY:** Development Officer

**DATE ISSUED:** May 10, 2023

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

**This application was deemed complete on:** April 24, 2023

  
Signature

Eric Bjorge  
Development Officer

May 10, 2023  
Date

---

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

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

# **SCHEDULE A**

## **REASONS FOR REFUSAL**

**DEVELOPMENT PERMIT No.:** PL20230120

**LAND USE DISTRICT:** R1 – Detached Residential

**MUNICIPAL ADDRESS:** 630 1<sup>st</sup> Street

**LEGAL ADDRESS:** Lot 23, Block 77, Plan 9910432

**PROPOSED USE(S):** External Air Conditioning Unit

- 
1. Section 2.4.3.1 of the Land Use Bylaw prohibits the projection of air conditioning units into required side yard setbacks.
  2. The required side yard setback in the R1 district is 1.5m. The air conditioning unit has been installed at 0.9m from the property line, projecting 0.6 m into the required side yard setback. A variance of this magnitude (40%) is beyond the authority of the Development Officer to consider, in accordance with section 1.14.1.1 of the Land Use Bylaw.





# SCHEDULE A

## CONDITIONS OF APPROVAL

**DEVELOPMENT PERMIT No.:** PL20230120

**LAND USE DISTRICT:** R1 – Residential Detached District

**APPROVED USE(S):** External Air Conditioning Unit

**APPROVED VARIANCE(S):** Minimum side yard setback

**MUNICIPAL ADDRESS:** 630 1<sup>st</sup> Street

**LEGAL ADDRESS:** Lot 23, Block 77, Plan 9910432

---

### APPROVED VARIANCES

1. To section 2.4-1 to approve a side yard setback of 0.9m instead of the required 1.5m

### 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 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 measures are appropriately put in place prior to 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. Access to the site for emergency vehicles shall be to the satisfaction of the Manager of Emergency Services.

### SPECIFIC CONDITIONS

1. None



## Planning & Development Department

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

### ADVISORY COMMENTS

1. None

\_\_\_\_\_  
Signature  
Subdivision and Development Appeals Board

\_\_\_\_\_  
Date

IS A NOTICE POSTING REQUIRED:       YES       NO

**Notification Letters mailed to Appellant  
and Adjacent Landowners**



Town of Canmore  
902 7th Avenue  
Canmore, Alberta T1W 3K1  
Phone: 403.678.1500 | Fax: 403.678.1534  
www.canmore.ca



June 8, 2023

Dear Sir/Madam

RE: **Subdivision & Development Appeal Board Hearing**  
**PL20230120**  
**Development Permit – Air Conditioning Unit within a Side Yard Setback**  
**Lot 23, Block 77, Plan 9910432**  
**630 1<sup>st</sup> Street**  
**Appeal against a refusal by the Development Officer**

Please be advised that the Subdivision & Development Appeal Board will hear this an appeal on **June 23, 2023 at 1:00 p.m. in the Council Chambers of the Civic Centre, 902 7<sup>th</sup> Avenue, Canmore.**

As the applicant/appellant, you have the opportunity to present in-person and/or provide a written submission to the Board.

**In-Person:**   **Date:**       June 23, 2023  
                  **Time:**        1:00 p.m.  
                  **Location:**   Council Chambers, Civic Centre, 902 7<sup>th</sup> Avenue, Canmore

**In-Writing:**   **Subject:**   SDAB Hearing – PL20230120  
                  **Deadline:** June 19, 2023  
                  **Drop Off:** Reception, Civic Centre, 902 7<sup>th</sup> 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 at the hearing. Should you provide a written submission after the deadline, 10 copies will be required to be distributed to the Board and the applicant. 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 public.**

Should you have any questions or require further information regarding this matter please contact the Town of Canmore Planning Department at 403-678-1549. Under the *Municipal Government Act - Section 686 (4)*, interested parties may view the appeal file at the Town office during regular office hours. Further information regarding the appeal will only be provided upon request.

Kind regards,

A handwritten signature in cursive script that reads "Allyssa Rygersberg".

Allyssa Rygersberg  
Clerk  
Subdivision & Development Appeal Board

**Attachment 1:** SDAB Hearing procedure  
**Attachment 2:** Circulation map

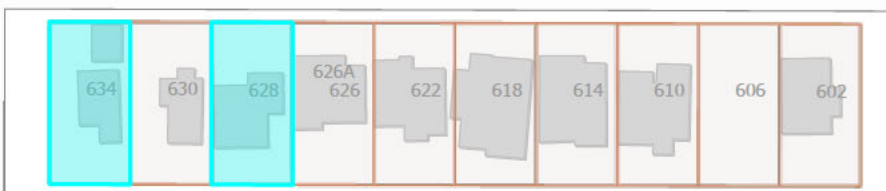
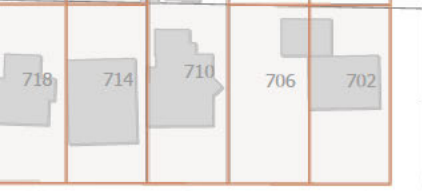
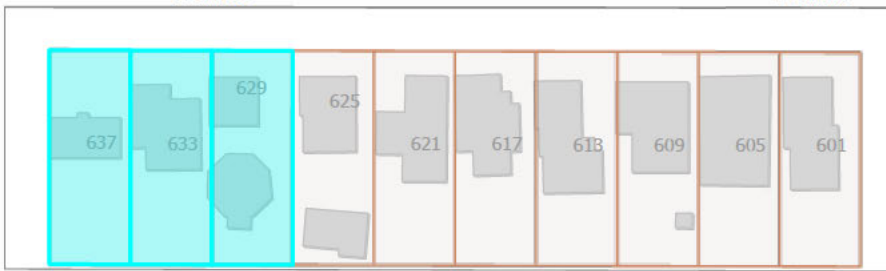
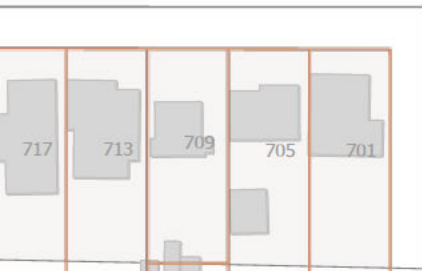
## **PROCEDURE FOR SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING**

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

1. The Chair declares the Subdivision & Development Appeal Board Public Hearing to order.
2. Introduction of the Board members and Clerk.
3. Adoption of Agenda.
4. Adoption of Minutes.
5. Introduction of Town Administration.
6. Introduction of appeal by Development Officer.
7. Appellant introduction and opportunity for any objections to the Board members.
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9. Administration will make a presentation.
10. Appellant or their agent will speak in favour of the appeal and have the opportunity to make a presentation.
11. Followed by others speaking in favour of the appeal, and any correspondence in favour of the appeal.
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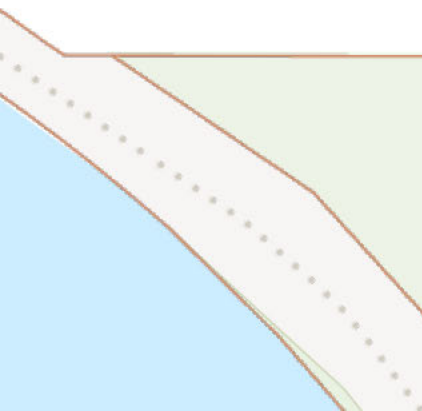
13. Lastly, those speaking neither in favour nor in opposition to the appeal, and any related correspondence.
14. At any time, the Board may ask for clarification by any of the persons speaking to the appeal.
15. The Board may then ask for a short recess if necessary.
16. Administration will be asked if they wish to provide any corrections or closing remarks.
17. Appellant or their agent will be asked if they wish to provide any corrections or closing remarks.
18. The Appellant will be asked if they feel they have had a fair hearing.
19. 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.**
20. 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.
21. Please ensure that all comments are directed to the Chair. 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.
22. 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.



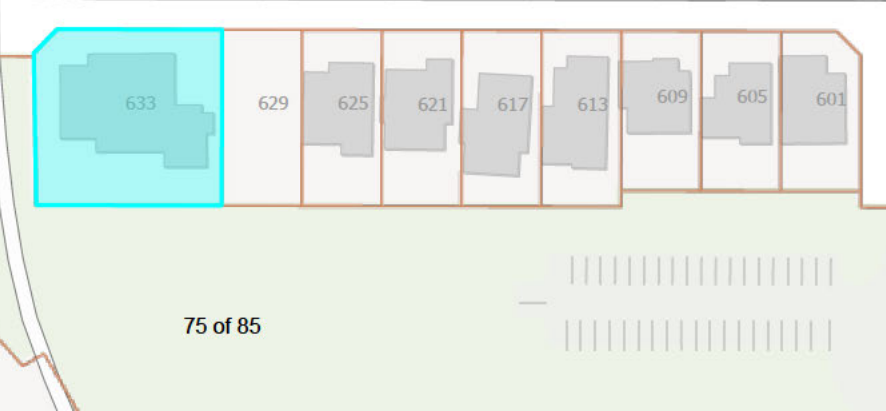


1 Street

1 Street



6 Avenue



Town of Canmore  
902 7th Avenue  
Canmore, Alberta T1W 3K1  
Phone: 403.678.1500 | Fax: 403.678.1534  
www.canmore.ca

Notification to  
Adjacent Landowners



June 8, 2023

Our Reference: PL20230120

**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 – Air Conditioning Unit within a Side Yard Setback**

**Address:** 630 1<sup>st</sup> Stret  
**Legal Description:** Lot 23 Block 77 Plan 9910432  
**Appeal Matter:** 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.

**In-Person:** **Date:** June 23, 2023  
**Time:** 1:00 p.m.  
**Location:** Council Chambers, Canmore Civic Centre, 902 7<sup>th</sup> Avenue, Canmore

**In-Writing:** **Subject:** SDAB Hearing – PL20230120  
**Deadline:** June 19, 2023  
**Drop Off:** Reception, Canmore Civic Centre, 902 7th Avenue, Canmore  
**Email:** [sdab@canmore.ca](mailto:sdab@canmore.ca)

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**Any correspondence/comments provided will be part of the public record and may be released to the general public.**

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 Secretary – Allyssa Rygersberg at 403.678.1549 or [sdab@canmore.ca](mailto:sdab@canmore.ca).

Yours truly

**Allyssa Rygersberg**  
Clerk - Subdivision & Development Appeal Board

**Attachment 1:** SDAB Hearing procedure.

**Attachment 2:** Circulation map.

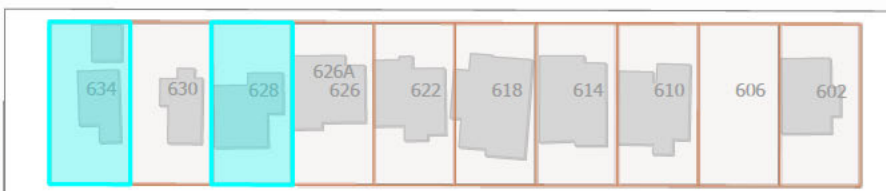
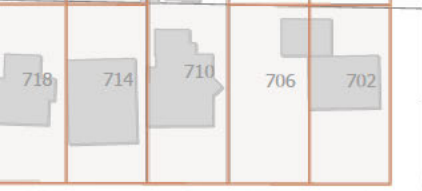
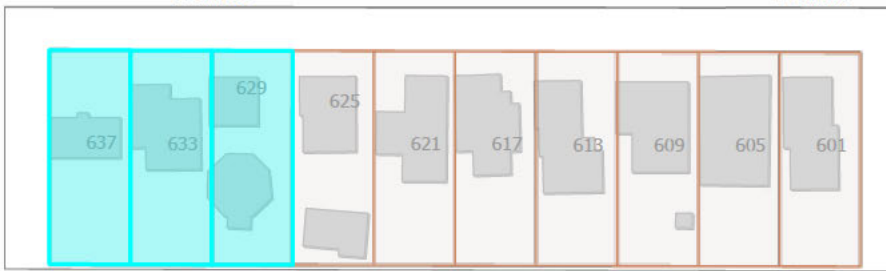
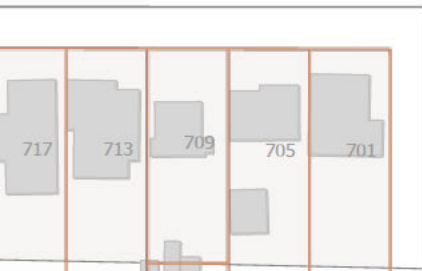
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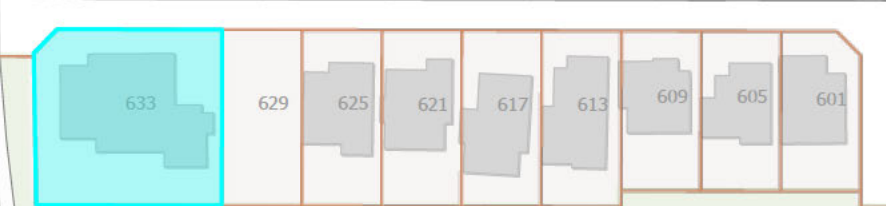
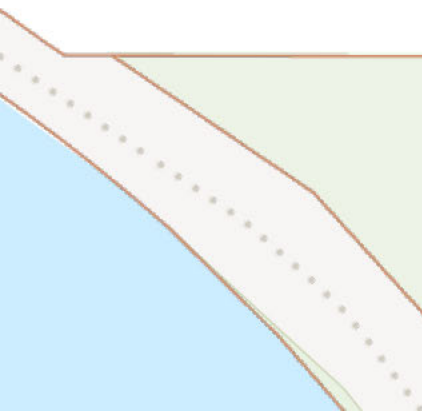
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18. The Appellant will be asked if they feel they have had a fair hearing.
19. The board would then close the public portion of the hearing (meeting is adjourned), go in camera (private), and review all the information provided. **The Board will then provide a written decision within 15 days following this hearing.**
20. 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.
21. Please ensure that all comments are directed to the Chair. 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.
22. 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.



1 Street

6 Avenue

1 Street



**Written Submissions Received from  
Adjacent Land/Business Owners**



**Public Submission #1  
Letter of Opposition to  
the subject appeal**

**From:** [Brett Adams](#)  
**To:** [Shared.MunicipalClerk](#)  
**Subject:** SDAB Hearing - PL20230120  
**Date:** June 19, 2023 8:44:17 AM

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Dear Sir/Madam

On July 30/31, 2022, we were visiting 628 1<sup>st</sup> Street. As we walked up the front walk to the house, my wife and I immediately turned to David & Andrea & asked them. "What is that noise?" Their response was , " Our neighbours air conditioner". Over the years of visiting with David & Andrea , we always sleep really well, even when it's hot (they do not have air conditioning). This time, the sound of the air conditioner running off/on during the night was very disruptive. We both have hearing aids and even when we took them out to sleep the vibration and noise of the air conditioner disrupted our sleep. Once woken we could not get back to sleep since it was running intermittently. We even tried ear plugs but that also didn't help. It completely ruined our sleep and we felt so badly for David and Andrea. The next morning, we were asked how we slept, and we couldn't help but share how difficult it was to have a good sleep.

It is puzzling to us why a neighbour would install an air conditioning unit that directs such noise at the neighboring house. This neighbour seems not to be "reflective of a respectful neighbourhood" and hopefully will be resolved quickly through an alternative location.

Thank you, Brett & Pam Adams

**From:** [Adams, Levi](#)  
**To:** [Shared.MunicipalClerk](#)  
**Cc:** [David Burghardt](#)  
**Subject:** SDAB Hearing - PL20230120  
**Date:** June 19, 2023 10:21:45 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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To whom this may concern,

My wife and I have visited 628 1<sup>st</sup> Street twice in the last year (August 5-7, 2022 and June 3-4, 2023) and would like to share some of our experience with the noise levels in the area.

During our time in August we slept in the home on west side of the building and had to keep the windows closed during our stay because the west neighboring A/C unit was making too much noise, specifically turning on and off throughout the night. We then returned for day visits this June with our children and while spending time visiting in the back yard we would be interrupted by the on and off of the west neighbour's A/C unit.

We are respectfully wondering if anything can be done to mute the sound of this air conditioner or have the location changed to a less intrusive noise location?

Thanks for your time,



**Levi Adams A.Ag**  
Territory Account Manager -Saskatoon, SK



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At this point I am fully against allowing a variance on this property. Forgive me if I am incorrect, it appears the owners have no regard for the for Canmore development requirements. I have done some rudimentary calculations and it appears this is 1 of several variances requested.

1. The matter in question.
2. The front yard setback.
3. The rear setback
4. The lot coverage
- 5, the 4th floor terrace.
6. The height with and without 4th floor terrace

These combined items resulted in numerous trees being removed ( All except one in the 1.5 m front utility corridor).

This development, with all its variances, has significantly impacted our views, the natural environment, our enjoyment of the property as well as its value. The development does not appear meet the intent of Canmore's requirements and the spirit of our mountain town.

Adrienne Blazo



**From:** [lorabur](#)  
**To:** [Shared.MunicipalClerk](#)  
**Subject:** IMPACT STATEMENT SDAB Hearing - PL20230120  
**Date:** June 18, 2023 10:02:10 PM

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Re: IMPACT STATEMENT SDAB Hearing - PL20230120

Dear Sir/Madam

Over the period of August 13,-15, 2022, I was visiting at 628 1<sup>st</sup> Street. I typically sleep on the ground level in a bedroom that looks onto the side yard of 630 1<sup>st</sup> Street.

Since the bedroom is on the ground level it is cool during the warm summer period and very quiet and so I look forward to a good night's rest after a day of activity in the mountains.

However this was not the case during our last visit – the bedroom was cool to be sure but the sound of the air conditioner running off/on during the night was unbearable. I was constantly battling the intermittent noise and vibration of the neighbouring air conditioner. It disrupted my sleep, it woke me up several times and I could not get back to sleep since it was running intermittently. Ear plugs would not stop the drone and vibration coming from the neighbouring AC unit.

It completely ruined my sleep and really makes the room unusable for anybody who wants to have a good night's rest.

The next morning I expressed my frustration and disbelief that a neighbour would knowingly install an air conditioning unit in such a fashion whereby he directs all the noise at his neighbour and enhances his comfort and well being at the sole expense of his neighbour. In my opinion, the location of the neighbouring AC is a violation of "all things neighbourly" or "fair and reasonable" not to mention local bylaws.

Thank You

Tim Burghardt