



**Decision**  
**Subdivision and Development Appeal Board**  
**APPEAL 2024-003**

**SUBDIVISION & DEVELOPMENT APPEAL BOARD ORDER**

**PL20240043**

1255 7 Avenue

Lot 2, Block 45, Plan 9010589

Development Permit – Addition to an existing dwelling unit – variance to the rear yard setback.

Appeal against a refusal by the Canmore Development Authority.

ORDER OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, DATED MAY 21, 2024.

Board Members Hearing the Appeal: John McClure (Vice-Chair), Christoph Braier (public member), Larry Bohn (public member), Audrey Rogers (public member), and Tanya Foubert (councillor).

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

AND IN THE MATTER of an appeal by Alasdair Russell against a refusal of the Development Authority to approve a development permit for an addition to an existing dwelling unit with a variance to the rear yard setback.

This appeal hearing having been duly opened before the Subdivision & Development Appeal Board on May 16, 2024.

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

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

**RELEVANT STATUTORY & PLANNING DOCUMENT PROVISIONS**

1. Bylaw 2019-06, the Town of Canmore Subdivision and Development Appeal Board Bylaw, in general.
2. Municipal Government Act RSA 2000 c. M-26 (MGA) in general, and specifically Division 5 Sections 642(4) and 685 with respect to refusing a development permit application.
3. Municipal Development Plan Bylaw 2016-03 (MDP) in general and specifically
  - a. Section 5.3.6 with respect to Accessory Dwelling Units.
  - b. Section 6.1.9 with respect to supporting infill and redevelopment within existing neighbourhoods.

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- c. Section 4.2.24 with respect to existing development adjacent to a waterbody.
4. Land Use Bylaw 2018-22 (LUB) in general and specifically
  - a. Front Yard Setback (east)
  - b. Side Yard Setback (north)
  - c. Side Yard Setback (south)
  - d. Rear Yard Setback (west)
  - e. Max Building Height
  - f. Site Coverage
  - g. ADU Gross Floor Area
  - h. Front Yard Landscaping
  - i. Number of Driveways
  - j. Minimum Useable Length of Driveway
  - k. Parking Requirements Motor Vehicles & Bicycles
  - l. Building Projections (for proposed addition only)
  - m. Waterbody Setback
  - n. FireSmart Perimeter
5. Previous Development Permit application DP98-495 and SDAB Appeal 98-15.

**SUMMARY OF EVIDENCE PRESENTED**

1. Development Permit Application PL20240043 dated February 1, 2024.
2. Notice of Decision of Refusal issued April 18, 2024 by Jerritt Cloney, Development Officer.
3. Notice of Appeal submitted by the appellant, Alasdair Russell on April 22, 2024.
4. Staff report submitted by Jerritt Cloney, Development Officer, including 6 attachments.
5. Written submissions in support of the appeal:
  - a. Chris and Brenda Seasons, adjacent neighbours.
  - b. Richard Lahaie and M. Susan Anderson, neighbours.
6. Verbal presentation, including slides, from Jerritt Cloney, Development Officer.
7. Verbal presentation, including slides, from Alasdair Russell, appellant.

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**FINDINGS OF FACT**

1. Subject site is constrained due to its location and context.
2. Accessory dwelling units are a permitted use.
3. Support was provided by neighbours. No objections were received.

**THE BOARD THEREFORE ORDERS THAT**

The appeal be allowed and **PL20240043** approved subject to the conditions outlined in Schedule A.

**REASONS**

1. The Board supports the rear yard setback variance of 2.47 metres which is consistent with the SDAB Appeal 98-15 decision for DP98-495.
2. Accessory dwelling units have a community benefit.
3. The impact on neighbouring properties is minimal.

5/21/2024 | 3:02 PM PDT

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*John McClure*

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**Date Signed**

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**John McClure, Vice-Chair**  
**Subdivision & Development Appeal**

In accordance with section 688 of the Municipal Government Act, this decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction within 30 days after the issue of the decision.