



Approved: October 6, 2022

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MINUTES OF THE MEETING OF THE DEVELOPMENT APPEAL BOARD
of the Town of Banff in the Province of Alberta

Hearing of Appeal #: 04-22: Appeal against a decision of the Development Officer to issue a Stop Order on
August 22, 2022, at 321 Squirrel Street
Thursday, 2022 August 18, at 9:00 a.m.

BOARD MEMBERS PRESENT

Ted Christensen	Council Representative
Grant Canning	Council Representative
Ray Horyn	Public Representative (Vice Chairperson)
Robin Tuck	Public Representative
Lachlan Mackintosh	Public Representative
Sheila Luey	Parks Canada Representative
Kendra VanDyk	Parks Canada Representative

BOARD MEMBERS ABSENT

Dak Kerr	Public Representative (Chairperson)
Barbara McNeil	Public Representative

ADMINISTRATION PRESENT

Darren Enns	Director Planning and Development and Secretary to DAB
Emma Sanborn	Development Officer
Kiersten McDonald	Legislative Advisor, Corporate Services
Kerry MacInnis	Administrative Assistant Planning and Recording Secretary

1.0 CALL TO ORDER

Vice Chairperson Horyn called the 2022 August 18 meeting of the Development Appeal Board to order at 9:05 a.m.

2.0 APPROVAL OF AGENDA

2.1 Agenda for the 2022 August 18 meeting of the Development Appeal Board

DAB22-15 **Moved by Councillor Canning**

That the Agenda for the 2022 August 18 Meeting of the Development Appeal Board be approved, as presented.

MOTION CARRIED

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3.0 ADOPTION OF PREVIOUS MEETING MINUTES

3.1 Minutes of the 2022 July 28 Meeting of the Development Appeal Board

DAB 22-16 **Moved by Councillor Canning**

That the Minutes of the 2022 July 28 Meeting of the Development Appeal Board be adopted, as presented.

MOTION CARRIED

Public Present Objecting to Any Board Member Hearing This Appeal

There was no objection to any board members hearing this appeal.

Declaration of Conflict of Interest by Board Members

There was no declaration of conflict of interest by a board member.

Notification to Affected Neighbours and Media Announcement

Notice of the appeal hearing has been given to the appellants, the applicant, the Municipal Planning Commission, and all affected parties in accordance with the Municipal Government Act and Banff Land Use Bylaw 31-3.

4.0 APPEAL - #03-22

4.1. Appeal has been filed with the Development Appeal Board to hear an appeal against a decision of the Development Officer on June 20, 2022, to revoke the development permit 16DP75 for a Bed and Breakfast Home at 115 Spray Avenue.

Appeal #03-22

Appeal by the appellant, Mr. Robert Wilson, on the following grounds:

The ability to operate the bed and breakfast business within the parameters that allow for compassion and reasonability to unforeseen and extenuating circumstances.

Development Officer's Comments

Ms. Sanborn spoke to the written information included in this agenda package.

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Appellant Presentation

Mr. Wilson spoke to the written information included in this agenda package.

Those In Favor of the Appeal/Those Opposed to the Appeal

Mr. Lee O'Donnell, Banff resident, asked for clarity on process of this appeal. O'Donnell stated he was neither for nor against the appeal but wanted to address the enforcement side of bed and breakfasts, the history and potential regulation changes in the future.

Those In Favor of the Appeal

Thomas Couture, 35 Antelope Lane, Banff, spoke in favor of the appeal.

Those Opposed to the Appeal

None

Development Officer's Comments

Ms. Sanborn addressed points which the appellant made in their presentation, and reiterated points included in the written material included in this agenda package.

Appellants' Rebuttal

Mr. Wilson addressed the board regarding the development officer's comments.

Board Questions

Asked and answered.

Motion to Continue Discussion In-Camera

DAB 22-17 **Moved** by Councillor Canning

That pursuant to Sections 24 (advice from officials) of the Freedom of Information and Protection of Privacy Act and Section 3.2.12 of the Land Use Bylaw, DAB move into closed meeting at 10:10a.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Appeal #03-22, revocation of the development permit 16DP75 for a Bed and Breakfast Home at 115 Spray Avenue.

MOTION CARRIED

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Administration in attendance during the closed meeting discussions with respect to Appeal #03-22 revocation of the development permit 16DP75 for a Bed and Breakfast Home at 115 Spray Avenue.

Report Writer: D. Enns

DAB reconvened in the public hearing at 11:25a.m, with Vice Chairperson Horyn in the chair.

Motion to Leave In-Camera Discussion

DAB 22-18 **Moved** by Councillor Canning

That the Board rise and report.

MOTION CARRIED

Verbal Decision Announced

In the matter of Appeal #03-22, appeal against a decision of the Development Officer on June 20, 2022, to revoke the development permit 16DP75 for a Bed and Breakfast Home at 115 Spray Avenue, the Development Appeal Board has denied the appeal. The board has issued a verbal decision today, and a written decision within 14 days, the latter of which will be the binding decision of the board.

In accordance with the Municipal Government Act, the decision of the Development Appeal Board is not final for 15 calendar days after concluding the hearing. The written decision together with reasons for the decision will be sent to the appellant and to those present who have identified themselves to the Recording Secretary by name and mailing address.

5.0 CORRESPONDENCE

There was no correspondence presented.

6.0 NEW BUSINESS

There was no new business.

7.0 INQUIRIES

There were no inquiries.

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8.0 ADJOURNMENT

DAB 22-19 **Moved by** Councillor Christensen

That this meeting adjourns at 11:30a.m.

MOTION CARRIED

The Banff Development Appeal Board meetings are held only when an appeal has been received. Meetings are tentatively scheduled for the first and third Thursdays of each month.

Mr. Ray Horyn
Vice Chairperson

Ms. Kerry MacInnis
Recording Secretary

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