

**MUNICIPALITY OF CROWNEST PASS  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**NOTICE OF DECISION  
OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING NO. DP2023-122**

**BOARD MEMBERS:**

**Rupert Hewison    Marlene Ancitil    Glen Girhiny**  
**(Chair)**

In the matter of an Appeal whereby a development permit application (DP2023-122) to construct a new garage with a secondary suite on land designated Residential R-1, legally known as Lot 1, Block 5, Plan 4514JK, within Blairmore (1810 121<sup>st</sup> Street), was refused by the Development Authority for exceeding the allowable 40% floor area ratio (of a secondary suite to the single-family dwelling) by an amount that exceeded the variance power of the Development Authority.

And in the matter of the Appeal in accordance with Section 686 of the Municipal Government Act by:

**APPELLANT:    Laurie Huska**

And in the matter of an Appeal held under the authority of Sections 627 and 629 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA).

**THE PUBLIC PORTION OF THE HEARING WAS DOCUMENTED  
AS A RECORD OF PROCEEDINGS**

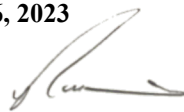
And upon hearing the evidence from and submissions made by the person(s) shown on Appendix B attached hereto, and upon considering the documents shown on a list attached to Appendix A, as being the documents produced and marked as exhibits at the Hearing, and having regard to the South Saskatchewan Regional Plan, the MGA, and the Municipality of Crownsnest Pass Land Use Bylaw No. 868-2013 and amendments thereto, the Board has rendered a Decision. The Decision and reasons for the Decision of the Municipality of Crownsnest Pass Subdivision and Development Appeal Board (the Board) after a Hearing duly convened in accordance with Sections 685 and 686 of the MGA on September 21, 2023, at 7:00 p.m. are as follows:

**DECISION:**

The Board has decided the **Appeal be UPHELD** and that Development Permit Application DP2023-122 is **APPROVED subject to CONDITIONS**.

**Date:**                    **September 26, 2023**

**Signed:**



\_\_\_\_\_  
*Rupert Hewison - Chair of the Subdivision and Development Appeal Board*

**FACTS:**

**Upon having heard** what was alleged by the Appellant and **upon hearing** others listed in Appendix B of this Decision and **upon having read** the Exhibits noted in Appendix A of this Decision, the Board finds the facts to be as follows:

1. The land subject of the appeal [*subject property*] is legally known as Lot 1, Block 5, Plan 4514JK with a civic address of 1810 121st Street, Blairmore.
2. The subject property is designated as Residential R-1 within the Municipality of Crowsnest Pass Land Use Bylaw No. 868-2013 (LUB 868-2013).
3. A development permit application (DP2023-122) to construct an Accessory Building with a Secondary Suite on the subject property was submitted by the Applicant, Laurie Huska, to the Municipality of Crowsnest Pass on May 31, 2023, which was deemed complete on July 5, 2023.
4. The Development Authority refused the application (Exhibit F1) with the following reason:

*The Land Use Bylaw Schedule regarding the Standards for Secondary Suites does not support a floor area that exceeds 900ft<sup>2</sup> or 40 percent of the total gross floor area of the Single-family Dwelling on the property whichever is less. The Development Authority may not approve more than a 10% variance to this standard and therefore the application is refused.*

5. The appeal was received in writing August 24, 2023 (Exhibit D1) with the following reasons:

*This appeal is in regards to my property 1810 19th ave Blairmore. My goal at this property is to build a carriage house (garage with suite above as a rental property). I initially applied for this development permit in June 2023 and have been given multiple delays and incorrect information which has led me to this appeal process. It was never my intent to have to plead my case, I'm simply trying to obtain a development permit based on development recommendations. I am disappointed in how long and frustrating this process has gone on for, especially as the ultimate goal is to utilize unused yard space to create another much needed rental property for our community.*

*I am asking for approval of the floor area variance of 24% and a height variance of 46%. See attached chart for specifics. The corner lot this is situated on is an oversized lot, and has a 1970's bungalow as primary residence. I feel the carriage house will not be intrusive or obstructive based on its location. I have spoken with both adjacent homeowners; they are aware and approve of our carriage house intentions. I do not believe this structure will have a negative impact on the neighborhood. There is also adequate room on the lot to accommodate 2 additional off street parking spaces, another consideration for the neighborhood.*

*I feel that these types of infill structures will help the community modernize, provide more living options for people, and increase the density of our established neighborhoods. The bylaw recommendations for ADU's has a lot of "grey area" that leaves too much open to interpretation of the reader, and as such has lengthened this application process by months. I hope that going forward the municipality can mirror other communities that are more versed in this process for*

*ADU's. I feel there is a niche for it here, especially given that so many of these smaller homes are positioned on generous lots. The recommendation of 40% of the principal building (or less than 900 sq ft) is unrealistic in many situations.*

6. The development proposal is for a 65.42m<sup>2</sup> detached garage with a secondary suite as a second storey loft. The application meets all development criteria within the Residential – R-1 district except the height which requires a variance from the standard of 4.5m to 6.58m. Additionally the development met all criteria for parking but failed to meet all requirements of Schedule 15, Secondary Suites. The loft area is larger than the garage due to an overhang of the upper floor providing 84.72m<sup>2</sup> of development area with a small deck.
7. At the hearing, the Development Authority representative, Mr. Van Der Bank explained Exhibit H and outlined the right to appeal the decision of the Development Authority to the Board, which in accordance with section 687(3)(d) of the MGA, is not bound by the same prohibition against the approval of variances prescribed in LUB 868-2013 Schedule 15, Secondary Suites. He went on to describe the floor area criteria (Exhibit F2) where the house size was determined to be 156.08m<sup>2</sup> and therefore the allowable secondary suite would according to Schedule 15 Section 1.7 be 40% of that gross floor area or 62.43m<sup>2</sup>. He further stated that with a 10% variance limit, the Development Authority could not approve the 77.67m<sup>2</sup> suite.
8. At the hearing, the board was informed by the appeal clerk that during the processing of the appeal there were no neighbour concerns submitted.
9. A Secondary Suite is classified as a discretionary use within the Residential R-1 land use district under LUB 868-2013 and is defined as, *a second dwelling unit located on the same property and land title as that on which an existing Single-family Dwelling is the principal use, but the Secondary Suite, regardless of its location, is sub-ordinate to the Single-family Dwelling in floor area. A Secondary Suite may be located inside a Single-family Dwelling or inside an Accessory Building that is located on the same property as an existing Single-family Dwelling. A Secondary Suite is a self-contained dwelling unit, which means that it provides sleeping, cooking and washroom facilities.*
10. LUB 868-2013 Schedule 15 provides the development criteria for a Secondary Suite as follows:  
*All Secondary Suite Types*
  - 1.1 *A secondary suite shall only be allowed on a property on which the principal use or principal building is a Single-family Dwelling as defined in the Land Use Bylaw and in a land use district where Secondary Suite is listed as a use.*
  - 1.2 *There shall be no more than one secondary suite developed on a property in any land use district, except in the Grouped Country Residential GCR-1 district. In the GCR-1 district more than one Secondary Suite may be allowed on a property, either inside a Single-family Dwelling, inside a detached garage or as a stand-alone Accessory Building, provided that not more than one Secondary Suite shall be allowed inside a Single-family Dwelling or per Accessory Building.*
  - 1.3 *When a Secondary Suite has been approved on a property in the R-1 to R-5 and the GCR-1, NUA-1, CRV and CSV land use districts, the Secondary Suite and/or the principal Single-family Dwelling shall not be approved or used as a Tourist Home, except when the entire property is rented out as one Tourist Home rental unit, and subject to the standards established for Tourist Homes in this land use bylaw.*

- 1.4 *In the R-1 to R-5 and the GCR-1, NUA-1, CRV and CSV land use districts, a Secondary Suite and/or the Single-family dwelling on the property where a Secondary Suite has been approved shall not be rented for any period of time to or occupied by a person or by a work crew, where such person or work crew:*
  - (a) *requires to bring a commercial vehicle (other than a standard passenger vehicle/truck which is the person's employment vehicle) or equipment to the premises; or*
  - (b) *requires to use the premises for any portion of an occupation that is reasonably categorized as a business, including a Home Occupation – Class 2 (except the landowner who has complied with the provisions of this bylaw regarding Home Occupations).*
- 1.5 *The off-street parking standard per Secondary Suite shall be in accordance with the Off-street Parking and Loading Area Standards Schedule of this Land Use Bylaw and the Development Authority shall not approve a variance to the off-street parking requirement.*
- 1.6 *For the purpose of calculating site coverage the floor area occupied by a secondary suite shall be considered as part of the gross floor area of the building in which it is located.*
- 1.7 *The total floor area of a Secondary Suite, regardless of its location in an accessory building or a principal building, or as a stand-alone building, shall not exceed 900 ft<sup>2</sup> or 40 percent of the total gross floor area of the Single-family Dwelling on the property, whichever is less. The Development Authority may approve a maximum 10% variance of this standard, and further:*
  - (a) *When a Secondary Suite is proposed as a stand-alone building, or within an Accessory Building, or within a Single-family Dwelling, and it would exceed this standard, including the maximum variance, then the application shall be refused; and*
  - (b) *When a Secondary Suite is proposed in the basement of a single-storey Single-family Dwelling (bungalow, split-level, etc.) and it would encompass the majority or all of the habitable space in the basement, then the application shall be refused and, where applicable, the applicant shall be directed to revise the application to an application for an up-down duplex.*
- 1.8 *The applicant for a Secondary Suite shall demonstrate that the municipal water and wastewater infrastructure, or if applicable, the on-site private water and wastewater facilities, have capacity to service the Secondary Suite(s) and, if required, the applicant/landowner shall be required to upgrade municipal infrastructure or on-site private water and wastewater facilities (or provide alternative servicing) at no cost to the municipality.*
3. *Secondary Suite inside an Accessory Building (i.e. inside a detached garage or as a stand-alone Accessory Building)*
  - 3.1 *For a Secondary Suite located in an Accessory Building the Development Authority may approve a variance to the maximum height of an Accessory Building to accommodate the Secondary Suite.*
  - 3.2 *For a Secondary Suite located in an Accessory Building the Development Authority may require higher standards, including but not limited to minimum yard setbacks, screening, orientation of windows, maximum building height, roof slope, specification of side yard*

elevation design, exterior finishing to match that of the Single-family Dwelling, or other standards that the Development Authority considers relevant, necessary and reasonable.

11. LUB 868-2013 Schedule 19, Definitions, defines Accessory building as follows:

*Accessory building or use means:*

(a) *In the case of a building, any building that is detached from an established principal building on the lot on which both are located and the use of which the Development Officer decides is normally subordinate, ancillary, incidental and directly related to that of the established principal building;*

*or*

(b) *In the case of a use, any use that the Development Officer decides is normally subordinate, ancillary, incidental and directly related to the established principal use of the lot on which both are located;*

*and*

(c) *In the case of both a building and a use, any building or use that does not substantially add to the patronage, volume of traffic, or intensity of activity on the property;*

*and*

(d) *An Accessory Building or Use shall not precede the development of the principal building or use unless it is conditionally approved through a development permit;*

*and*

(e) *An Accessory Building includes but is not limited to a deck, a flagpole, a communication antenna and structure, an outdoor washroom facility, a retaining wall, a shipping container (subject to conditions, e.g. masked as an accessory building), a swimming pool, a carport (even when attached to the principal building), a detached garage, a garden shed, etc. but does not include a canvas covered structure;*

*and*

(f) *Notwithstanding the above:*

(i) *subject to provisions in Schedule 4, one Accessory Building or Use per parcel may be conditionally approved prior to the establishment of the principal use; and*

(ii) *an Accessory Building does not include a Canvas Covered Structure, but a Canvas Covered Structure may be used as an Accessory Building if the Development Authority approved a discretionary use development permit for it, and it shall comply with the standards established for Accessory Building and Use.*

12. The MGA, section 687(3) states in part:

(3) *In determining an appeal, the board hearing the appeal referred to in subsection (1)*

*(a.1) must comply with any applicable land use policies;*

*(a.2) subject to section 638, must comply with any applicable statutory plans;*

*(a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;*

*(a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;*

*(b) must have regard to but is not bound by the subdivision and development regulations;*

*(c) 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;*

*(d) 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,*

*(i) the proposed development would not*

- (A) unduly interfere with the amenities of the neighbourhood, or  
 (B) materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land, and  
 (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**HAVING REGARD TO THE FINDINGS OF FACT;** and having regard for statutory plans, the South Saskatchewan Regional Plan, Land Use Bylaw No. 868-2013, and the MGA, the Board makes the decision to **UPHOLD** the appeal and overturn the decision of the Municipality of Crowsnest Past Development Authority. The **Development Permit Application DP2023-122** to allow for the construction of an Accessory Building with a Secondary Suite on land legally described as Lot 1, Block 5, Plan 4514JK, within Blairmore (1810 121st Street), is **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**  
**CONDITIONS:**

1. This Development Permit shall not be valid unless and until all conditions of approval, and those of a continuing nature, have been met. This permit is valid for a period of twelve months from date of issue. If at the expiry of this period the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.
2. The development shall comply with and be carried out and completed in its entirety in accordance with the approved site plan and the development standards and yard setbacks in the Residential R-1 district, except as varied below and shown on the attached approved site plan:

Accessory Building- R-1 65.42m <sup>2</sup> Detached Garage	Minimum Standard	Proposed	Variance Granted
Front Yard Setback	Not allowed in front yard except with MPC approval	Rear yard location	N/A
Rear Yard Setback (west)	1.2m	2.1m	N/A
Side Yard Setback (south)	1.2m	1.5m	N/A
Accessory Building- R-1 65.42m <sup>2</sup> Detached Garage	Minimum Standard	Proposed	Variance Granted
Side Yard Setback (north)	1.2m	6.2m	N/A
Height	4.5m	6.58m	2.08m 46%
Maximum Lot Coverage Lot Area – 593.28m <sup>2</sup>	15% (88.99m <sup>2</sup> )	14.5% 86.03m <sup>2</sup>	N/A
Secondary Suite 59m <sup>2</sup>	Standard	Proposed	Variance Granted
Off street Parking stalls	2 for the SFD + 1 for the Secondary Suite	3	N/A

<b>Floor Area</b>	84m <sup>2</sup> or 40% of the GFA of the SFD on the property, whichever is less, with a maximum variance of 10%. GFA of the SFD (excluding the carport): 156.08m <sup>2</sup> 40% of GFA: 62.43m <sup>2</sup> 62.43m <sup>2</sup> is less, therefore it is the standard.	77.67m <sup>2</sup>	15.24m <sup>2</sup> (24%)
<b>Services</b>	Property ties into Municipal Services. Manager of Utilities indicated that the existing capacity is adequate.		
<b>Suite Access</b>	Separate exterior access is required and provided		

3. The landowner or occupant of the subject property shall not use, or allow to be used, the Accessory Building, or any portion of it, as a Tourist Home, a Short-Term Rental / Bed & Breakfast.
4. The Developer and/or the Landowner shall ensure that any changes to the lot grading maintains positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes without adversely affecting (e.g. erosion, flooding) adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage. Should retaining walls be required as part of the stormwater drainage system, additional development permits are required, and construction shall be completed by the landowner at no cost to the municipality.
5. The Land Use Bylaw contains development standards and regulations that apply to this development permit and for which the landowner is responsible, at no cost to the Municipality of Crowsnest Pass. These regulations address matters relating to many aspects of the approved development or use e.g., access to the property, lines of sight, public safety setbacks, parking requirements, lot grading, maintaining positive drainage towards abutting roads and/or lanes, outdoor storage, etc. It is the Landowner's and/or Applicant's responsibility to ensure that they are fully aware of all the applicable development standards and regulations in the Land Use Bylaw that may apply to the proposed development or use by contacting the Municipality's Department of Development, Engineering & Operations.
6. Development must be commenced or carried out with reasonable diligence, in the opinion of the Development Officer, within 12 months from the date of issuance of the development permit, otherwise the permit shall be deemed to be null and void.
7. When a development permit involves construction, the exterior work must be completed to the Development Officer's satisfaction within 36 months after the date of the issuance of the development permit, otherwise the applicant or landowner shall be deemed to be in contravention of the development permit conditions.
8. When construction is involved for a development approved under this development permit, the landowner and/or the applicant to whom this development permit was issued and their successors in title, are responsible to, and shall ensure that the location of the building(s) relative to the subject

property boundaries (i.e. approved yard setbacks, including variances if any), as approved in the attached site plan, and relative to easements on the subject property, is staked out by either an Alberta Land Surveyor, a professional engineer (see definition), or another certified agent, prior to the pouring of building foundations. Failure to comply with this condition, when discovered, shall result in enforcement through a stop order to remedy the non-compliance, and/or fines and penalty fees as may be applicable. At any time during or after construction, the Development Officer may require that the landowner of the subject property provide the stake-out, a survey and/or a survey drawing (or a Real Property Report) of the subject property and/or the building footprint relative to the subject property boundaries and easements, at no cost to the Municipality.

9. The landowner or applicant shall provide to the Development Officer copies of Safety Codes permit applications or copies of Safety Codes permits issued to demonstrate that such applications or permits are consistent with the development permit issued for the proposed development. Where changes to the submitted plans are needed to address requirements of Safety Codes (including but not limited to a second access to the secondary suite), the applicant shall submit the effected plans to the Development Officer.
10. Failure to comply with all development permit conditions listed herein may result in the development or use being deemed illegal and/or the issuance of a stop order.

#### Important Information & Notes:

- (a) The issuance of a Development Permit indicates only that the development to which the Development Permit relates is authorized in accordance with the provisions of the Municipality of Crowsnest Pass Land Use Bylaw and does not in any way relieve or excuse the Landowner and/or the Development Permit holder from obtaining any other permit (including authorization to modify a wetland, safety codes permits e.g. building, electrical, gas, plumbing, etc.), license, or other authorization required by any Federal or Provincial Act or regulation, or under any Bylaw of the Municipality (e.g. a business license), or complying with the conditions of any easement, covenant, agreement, or other instrument affecting the building or land. The Landowner and/or the Applicant is responsible to ensure compliance with these matters.
- (b) The Applicant/property owner is responsible for the following aspects as may be applicable to this development permit, at the sole risk and responsibility of the Applicant/property owner to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters, and at no cost to the Municipality of Crowsnest Pass:
  - (i) Determining the legal property boundaries and any applicable easements through a survey by an Alberta Land Surveyor before foundations are excavated or poured and before construction proceeds above ground level.
  - (ii) Ensuring that any structures approved under this Development Permit are constructed such that they are correctly set back from the property boundaries in compliance with the front, rear, and side yard setbacks approved in this Development Permit. The landowner should consult an Alberta Land Surveyor for this purpose.
  - (iii) Ensuring that the development and the associated excavation and/or construction activity approved under this Development Permit shall not disturb, affect, or alter conditions of all utilities and appurtenances, drainage rights-of- way, utility rights-of-way, access



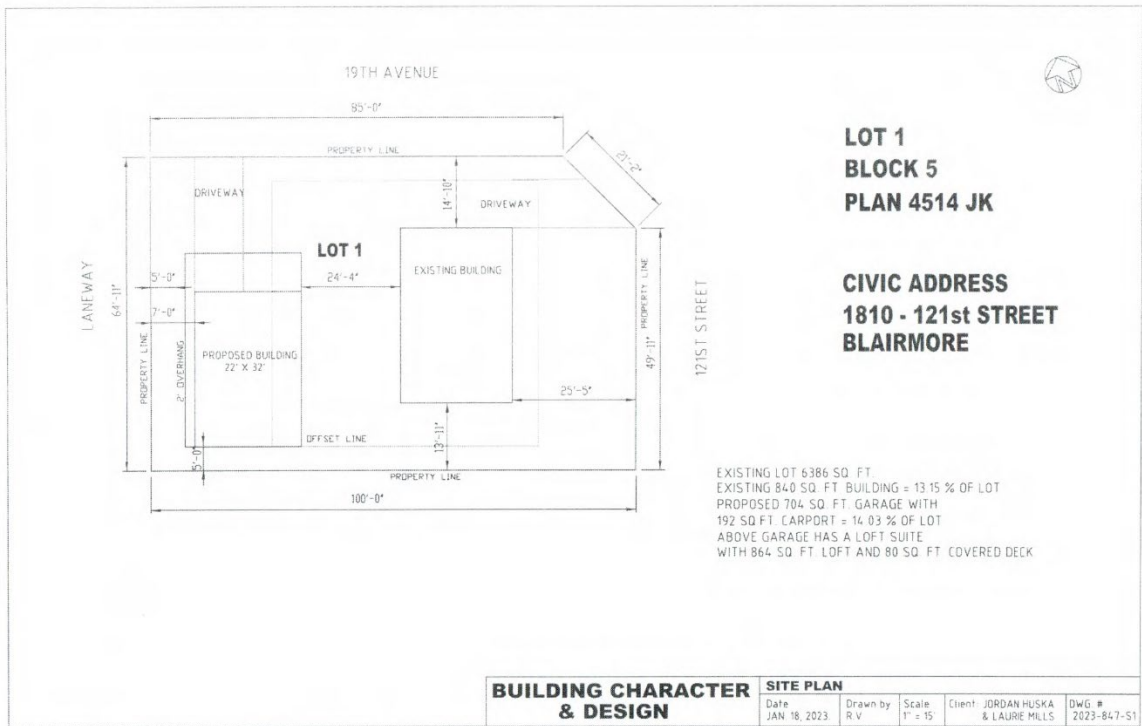
rights-of-way, and any easements as they may exist, over, under, or through the Lands. The landowner should consult a professional engineer and/or an Alberta Land Surveyor and/or the relevant utility company / utility owner for this purpose.

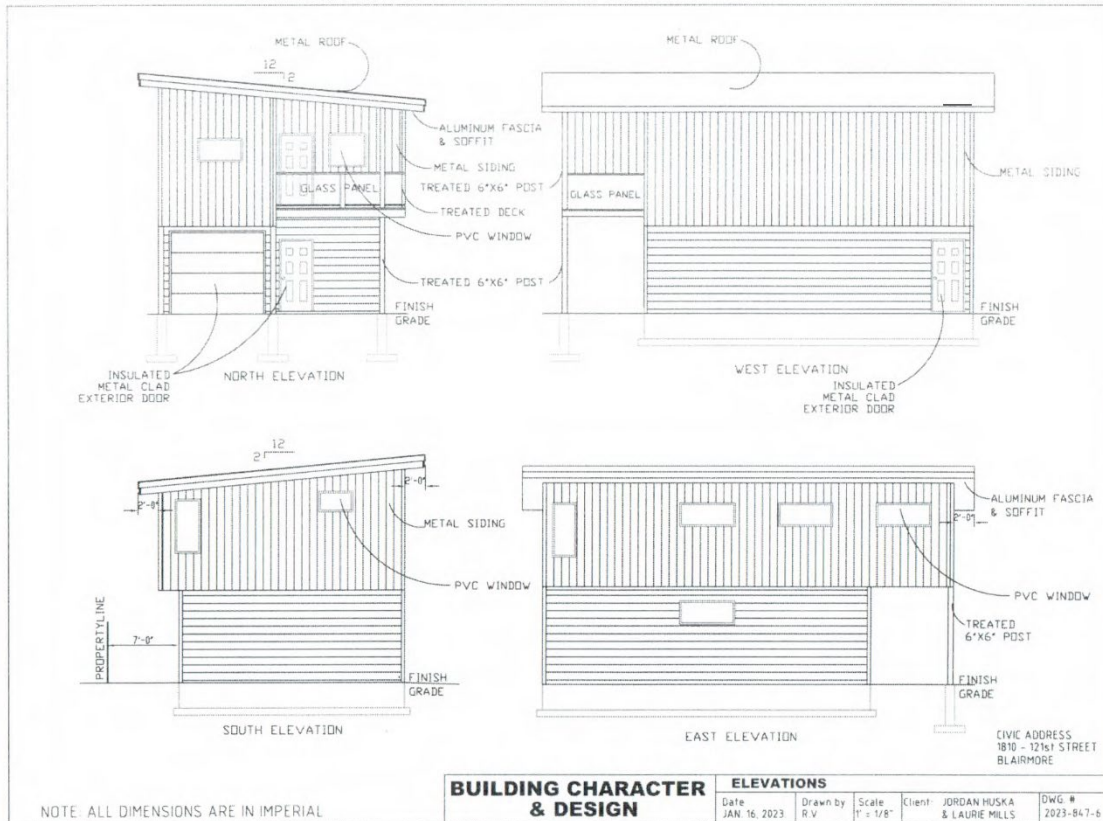
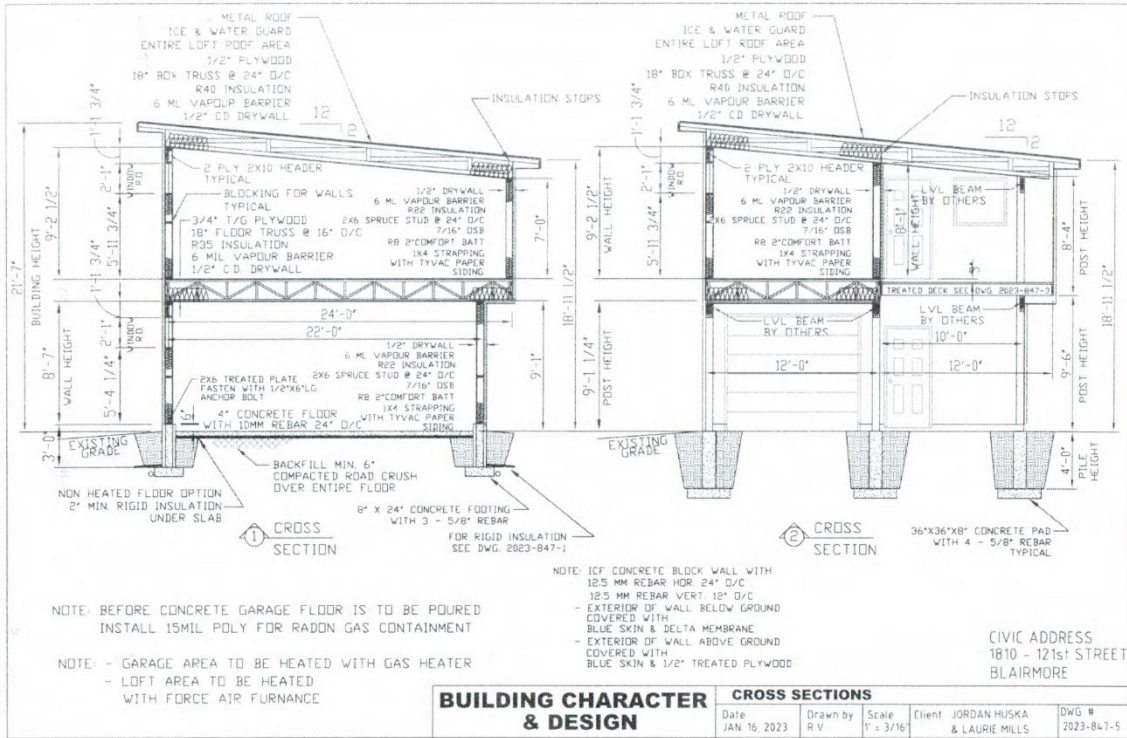
- (iv) Ensuring that the development and/or any associated structures and/or the associated excavation and/or construction activity approved under this Development Permit is undertaken in a manner that does not cause or result in a public safety risk or concern, or a nuisance, disturbance, or damage to adjacent properties and/or roads, lanes, or other municipal infrastructure. The landowner should consult a legal professional, a professional engineer and/or an Alberta Land Surveyor for this purpose.
- (v) Ensuring that all equipment, waste bins, portable toilets, building materials, and excavation stockpiles associated with construction activity approved under this development permit are placed within the subject property boundaries, and that where such items must encroach onto adjacent private property and/or adjacent boulevards, sidewalks, streets and/or lanes, that the adjacent landowner's consent has been obtained and/or that the Municipality has authorized such encroachment through a hoarding permit under the Traffic Bylaw (please contact the Manager of Transportation or a Community Peace Officer).
- (vi) Making suitable arrangements with utility companies for the provision of all services and/or necessary easements for utility rights-of-way.
- (vii) Notifying Alberta 1st Call at 1-800-242-3447 to arrange for field locating prior to construction, should any excavations be required near utility lines.
- (viii) Ensuring that permanent structures are located outside the 1:100-year flood plain of any water body. The landowner should consult a wetland assessment practitioner and/or an Alberta Land Surveyor for this purpose.
- (ix) Ensuring that construction activity approved under this Development Permit does not result in the modification of a wetland without provincial approval. The landowner should consult a wetland assessment practitioner for this purpose.
- (x) Ensuring that foundation and drainage systems on a property with an effective grade / slope of greater than 15% are designed in accordance with the recommendations in a slope stability assessment and/or a grading plan / stormwater management plan, as may be applicable, prepared by a professional engineer, and that the same are constructed under the supervision of a professional engineer, to protect the bank from erosion and to ensure slope stability.
- (xi) Ensuring that a 2-meter separation is provided between the water table and footings for the buildings. The landowner should consult a professional engineer for this purpose.
- (xii) Ensuring that the property is graded in such a manner that positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes is maintained without adversely affecting (e.g. erosion, flooding) adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface

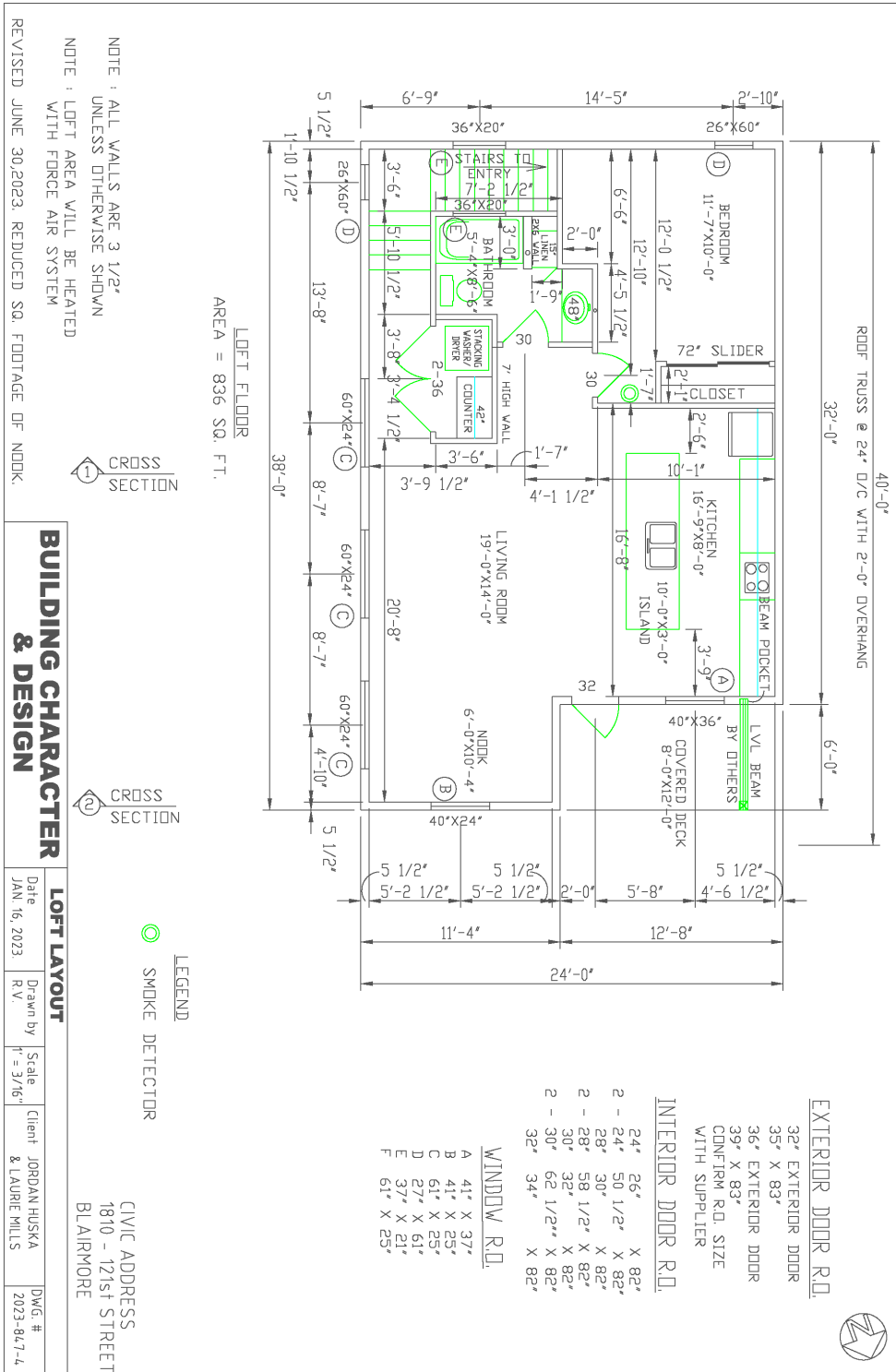
stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage. Should retaining walls be required as part of the stormwater drainage system, additional development permits are required, and construction shall be completed by the landowner at no cost to the municipality. Where an approved stormwater management plan exists, the property must be graded in accordance with the stormwater management plan. The landowner should consult a professional engineer and an Alberta Land Surveyor for this purpose.

(xiii) Being aware of FireSmart Regulations including the Municipality’s FireSmart Bylaw and Safety Codes Permit Bylaw as may be applicable.

(c) As part of the development permit review the Board considered the following items, and relevant conditions were imposed on the development permit as deemed applicable:







NOTE : ALL WALLS ARE 3 1/2"  
UNLESS OTHERWISE SHOWN  
NOTE : LOFT AREA WILL BE HEATED  
WITH FORCE AIR SYSTEM

CROSS SECTION 1  
CROSS SECTION 2

**BUILDING CHARACTER & DESIGN**

**LOFT LAYOUT**

Date	Drawn By	Scale	Client	DWG. #
JAN 16, 2023	R.V.	1" = 3/16"	JORDAN HUSKA & LAURIE MILLS	2023-847-4

LEGEND  
 SMOKE DETECTOR  
 CIVIC ADDRESS  
 1810 - 121st STREET  
 BLAIRMORE

LOFT FLOOR  
 AREA = 836 SQ. FT.

- EXTERIOR DOOR R.D.**
- 32" EXTERIOR DOOR
  - 35" X 83"
  - 36" EXTERIOR DOOR
  - 39" X 83"
  - CONFIRM R.D. SIZE WITH SUPPLIER
- INTERIOR DOOR R.D.**
- 24" 26" X 82"
  - 2 - 24" 50 1/2" X 82"
  - 28" 30" X 82"
  - 2 - 28" 58 1/2" X 82"
  - 30" 32" X 82"
  - 2 - 30" 62 1/2" X 82"
  - 32" 34" X 82"
- WINDOW R.D.**
- A 41" X 37"
  - B 41" X 25"
  - C 61" X 25"
  - D 27" X 61"
  - E 37" X 21"
  - F 61" X 25"

The Board makes the decision to **UPHOLD** the appeal and **APPROVE** Development Permit Application DP2022-ST059 to allow for the construction of an Accessory Building with a Secondary Suite on land legally described as Lot 1, Block 5, Plan 4514JK, within Blairmore (1810 121st Street), for the **following REASONS:**

**REASONS:**

1. The Board, in granting approval of DP2023-122 for a Secondary Suite and issuance of a variance to the allowable 40% floor area ratio of a secondary suite to the single-family dwelling by an amount that exceeded the variance power of the Development Authority (per Schedule 15 Section 1.7), is of the opinion that the small house size was not typical of the neighbourhood and that in most cases the floor area would have been acceptable on other lots in the vicinity. As such, the Board finds the subject parcel suitable for the proposed discretionary use and compatible with the surrounding uses, subject to the conditions of approval.
2. The Board granted a variance to the maximum height for an accessory building in accordance with Schedule 15 Section 3.1. The Board considered the intent of LUB 868-2013 to allow for garage suites above an accessory building and finds that when suitability for the use is determined that a variance for height must be allowed to accomplish the development.
3. The Board is of the opinion approval of the proposed development with the granted variance will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties. In determining so, the Board finds there was no evidence submitted to indicate any such impacts to the neighbourhood or neighbouring properties attributable to the proposed development. The subject property is well screened, has sufficient parking, and has met the setback requirements of the Residential R-1 land use designation.

**INFORMATIVE:**

This decision serves as the development permit approval subject to conditions for DP2023-122.

## APPENDIX A

### Documentary Material Submitted to the Board:

EXHIBIT	ITEM
A.	Notice of Hearing and Location Sketch Map
B.	List of Persons Notified
C.	Notice of Appeal
D.	Appeal Letter from Appellant
E.	Development Permit Application Form
F.	Notice of Decision Development Permit No. 2023-122
G.	Pages from Crowsnest Pass Land Use Bylaw 868-2023, June 2023 (consolidated to Bylaw 1154, 2023 – August 2023)
H.	Development Authority Report to SDAB
I.	DP 2023-1225 Draft Development Permit

## APPENDIX B

### List of persons who gave oral evidence or made submissions at the hearing:

CAPACITY	NAME
Appellants/Applicants:	Laurie Huska
Municipal Representatives:	Johan Van Der Bank
Gallery	None

**IMPORTANT:** This Decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons, subject only to Appeal to the Provincial Court of Appeal.