

NOTICE OF DECISION SDAB HEARING MAY 24, 2023 7:30PM

Municipality of Crowsnest Pass
Subdivision and Development Appeal Board

**NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD
OF THE MUNICIPALITY OF CROWSNEST PASS.**

DECISION DATE: MAY 24, 2023

BEFORE: Subdivision and Development Appeal Board

MEMBERS: Chair, Andy Vanderplas,
Rupert Hewison, Glen Girhiny, Marlene Anctil
Recording secretary, Glen Snelgrove


ATTENDING Ashley Beaudoin, Appellant
Johan Van Der Bank, Manager of Development and Trades,
Katherine Mertz, Development Officer.

In the matter of the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26, as amended (MGA); and in the matter of the Municipality of Crowsnest Pass Land Use Bylaw No, 868, 2013 and amendments thereto, and in the matter of an appeal by Curtis and Ashley Beaudoin against the decision of the Municipal Planning Commission to deny a development permit application DP2023-TH006 for a Tourist Home

Notice of the Hearing was sent to adjacent land owners, the property owner, The Development staff of the Municipality of Crowsnest Pass and, six members of the Subdivision and Development Appeal Board.

PERTINENT FACTS:

1. The property is legally described as LOT 3 BLOCK A PLAN 2446AA
2. The civic address of the property is 1837-71 Street in the Municipality of Crowsnest Pass
3. The property is zoned Residential (R-1)
4. An application for a development permit was received on February 28, 2023.
5. The proposed development is to operate "Tourist Home" (discretionary Use) with a 54% variance to the minimum separation distance from 200 meters to 91 meters, and a 100% variance to the off-street parking requirement.

CHAIR Andy Vanderplas INITIALS 


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Katherine Mertz, Development Officer submitted her report (EXHIBIT H):

- The Municipal Planning Commission denied a development permit application for a Tourist Home Suite with a 71% variance to the maximum floor area, because the Land Use Bylaw restricts the MPC's variance authority to 10%.
- The land use Bylaw prescribes that the Municipal Planning Commission shall not approve a variance of these measurable standards.
- An appeal was submitted to the Subdivision Development Appeal Board Secretary on May 2, 2023, regarding the refusal.

Curtis and Ashley Beaudoin, Appellants submitted the following written comments: (EXHIBIT D)

- We purchased our home in Coleman in 2021 after coming to love the area during our frequent visits to family that reside in and operate their business in Coleman. We enjoy eating out at the local restaurants, using the ski hill, mountain bike trails, and exploring.
- Our plans are to relocate to the area in the future when able to – this is the only house we own as we are currently renting where we are living. Ashley is an experienced Registered Nurse, and Curtis is employed in the oil and gas industry. We are renting near Curtis' current job.
- This past year we have had a long-term tenant in our home but our goal is to transition to a short-term rental/tourist home so that we are able to spend more time in the Crowsnest Pass with our young family while also having rental income from short term rentals to offset our mortgage and current rental situation.
- This would be our only tourist home; this is not a business where we are buying more properties to do this same model. Respectfully, we, Ashley & Curtis Beaudoin, would like to appeal our refused development permit application DP2023-TH006.
- In regards to the off-street parking requirement – our home is located directly on the property line leaving no off-street parking technically even for ourselves as home owners given the unique lots and ages of the homes that are in the town of Coleman.
- There is a gravel patch in front of our home between the house and paved street and this is where we park. The neighbors on either side of us do the same.
- We are hoping that this space that is off the main paved street can allow for a variance to this requirement.
- We are also asking for a variance to be granted for the tourist home separation distance. Neighbors directly beside our house are friends of ours and Ashley's sister lives down the street to assist with monitoring the short-term to ensure there is no disturbance to the neighborhood. If there is an issue that comes up – this close monitoring will allow for us to quickly intervene.

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- We are both respectful and responsible and wish to operate to the highest professional standards when it comes to renting out the house that we really do love.
- Perhaps a cap on maximum number of tourist homes in a given district could provide a responsible way of managing tourist homes as well, not just a focus on separation distance.
- Attached is an overview picture of the property line and street for review. We are so hopeful that this insight into our unique situation will be beneficial in the review and potential approval of a tourist home as we work towards residing in the community full time.



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DECISION:

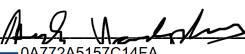
Having considered the written and oral submissions, including Exhibits A through H and having regard to the provisions of the Land Use Bylaw 1103, 2021, and the Municipal Development Plan, the decision of the Board is as follows:

The appeal is DENIED and the refusal of the Development Permit stands as decided by the Development Authority.

REASONS:

1. The minimum separation distance is 200 meters and the subject is only 91 meters away from another existing tourist home and the Board is not prepared to grant such a large variance
2. The Board is not prepared to grant a variance to the off-street parking requirements at this location.


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CHAIR, Andy Vanderplas

5/28/2023

DATE

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