

DEVELOPMENT APPEAL BOARD

Banff Town Hall – Council Chamber

Monday, January 16th, 2017 at 9:00 a.m.

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 ADOPTION OF PREVIOUS COMMITTEE MINUTES

- 3.1 Minutes of the January 5, 2017 Regular Meeting of the Development Appeal Board

4.0 APPEALS

- 4.1 Appeal #06-16 Appeal by an affected neighbour on grounds that the Development Authority acted outside their jurisdiction by failing to require subdivision approval in conjunction with the consolidation of Lot 20 with Lots 21-24, Block 5, Plan 6719BC, that the Development Authority failed to properly consider policy objectives of the Banff National Park of Canada Management Plan 2010, that the Development Authority failed to consider traffic congestion associated with the intended use of the property and that they were not adequately consulted with regards to said consolidation of lots.
- 4.2 Appeal #10-16 Appeal by the applicant against the conditions of approval imposed by the Development Authority for a proposed 71 room hotel and two apartment housing units at 218 Lynx Street (Homestead Inn) on the grounds that two of the said conditions are not in accordance with the *Municipal Government Act* (MGA) and planning instruments applicable to the subject property.
- 4.3 Appeal #11-16 Appeal by the applicant against the conditions of approval imposed by the Development Authority for a proposed interior and exterior renovation at 218 Lynx Street (Melissa's Restaurant) on grounds that two of the said conditions are not in accordance with the Municipal Government Act (MGA) and planning instruments applicable to subject development.
- 4.4 Appeal #12-16 Appeal by by an affected neighbour against a decision of the Development Authority to approve a proposed 71 room hotel and two apartment housing units at 218 Lynx Street (Homestead Inn) on grounds that the Development Authority acted outside their jurisdiction by failing to require subdivision approval in conjunction with the consolidation of Lot 20 with Lots 21-24, Block 5, Plan 6719BC, that they failed to properly consider policy objectives of the Banff National Park of Canada Management Plan 2010 and that they failed to impose appropriate conditions on the development permit.
- 4.5 Appeal #13-16 Appeal by an affected neighbour against a decision of the Development Authority to approve a proposed interior and exterior renovation at 218 Lynx Street (Melissa's Restaurant) on grounds that the Development Authority acted outside their jurisdiction by failing to require subdivision approval in conjunction with the consolidation of Lot 20 with Lots 21-24, Block 5, Plan 6719BC, that they failed to properly consider policy objectives of the Banff National Park of Canada Management Plan 2010 and that they failed to impose appropriate conditions on the development permit.

5.0 CORRESPONDENCE

5.1 Submissions of Arctos & Bird Management Ltd., regarding Appeals #12-16 and #13-16

6.0 NEW BUSINESS

7.0 INQUIRIES

8.0 DATE OF NEXT MEETING/ADJOURNMENT

The next Development Appeal Board Meeting is scheduled for Thursday, January 19, 2017 at 9:00am. Please note that this is a procedural meeting of the board as an appellant has requested that the matter be adjourned until February 23rd, 2017.

cc:

Corrie DiManno	Council Representative	Robert Earl	Town Manager (Agenda only)
Stavros Karlos	Council Representative	Randall McKay	Manager Planning & Development
David Bayne	Public Representative		Planning & Development
Barry Kelly	Public Representative		
Dak Kerr	Public Representative		
Christopher Wong	Public Representative		
Barbara McNeil	Public Representative	Banff Crag & Canyon	
Sheila Luey	Parks Canada Representative	Rocky Mountain Outlook	
Kendra Van Dyk	Parks Canada Representative	Public Page	

**Town of Banff
Development Appeal Board
Hearing Process and Procedure**

Preamble for Chairperson

- 1.0 Introduce Members of the Development Appeal Board
- 2.0 Introduce Municipal Staff:
 - i. Secretary to the Development Appeal Board
 - ii. Recording Secretary
 - iii. Development Officer (note if acting on behalf of MPC)
 - iv. Legal Counsel to the Development Appeal Board (if present)
- 3.0 Provide an overview of the hearing procedure:
 - i. Presentation from the Development Officer
 - ii. Presentation from the Appellant(s)
 - iii. Presentation from those in favour of the appeal
 - iv. Presentation from those opposed to the appeal
 - v. Development Officer's response and closing remarks
 - vi. Appellant's rebuttal
 - vii. Discussion and questions from development appeal board members
 - viii. Motion to continue discussion in-camera
 - ix. Motion to leave in-camera
 - x. Announcement of verbal decision

Note to those making verbal presentations:

- State your name and address and how you are affected by the appeal;
- Limit your presentation to 10 minutes (exceptions may be made given the complexity of the appeal); and
- For those wishing to obtain a copy of the final, written decision of the DAB, please provide your name and address to the Recording Secretary.

Hearing Procedure

- 1.0 Introduce appeal, stating the appeal number and reason(s) for the appeal
- 2.0 Ask if affected persons have been notified of the hearing
- 3.0 Ask if any DAB member has a conflict of interest
- 4.0 Ask if there is public objection to any member of Board hearing the appeal due to a potential conflict of interest or perceived bias
- 5.0 Go through steps noted in hearing procedure above (section 3.0)

After the verbal decision is announced, please state:

“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.”

MINUTES OF THE DEVELOPMENT APPEAL BOARD
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Thursday, January 5, 2017

BOARD MEMBERS PRESENT

David Bayne	Public Representative
Barry Kelly	Public Representative
Christopher Wong	Public Representative (Vice-Chairperson)
Dak Kerr	Public Representative
Corrie DiManno	Council Representative
Sheila Luey	Parks Canada Representative
Kendra VanDyk	Parks Canada Representative

BOARD MEMBERS ABSENT

Barbara McNeil	Public Representative (Chairperson)
Stavros Karlos	Council Representative

ADMINISTRATION PRESENT

Randall McKay	Manager of Planning and Development
David Michaels	Planner
Jennifer Laforest	Planner
Kerry MacInnis	Administrative Assistant Planning (Recording Secretary)

1.0 CALL TO ORDER

The Vice Chairperson to the Development Appeal Board called the meeting to order at 9:00a.m.

2.0 APPROVAL OF AGENDA

DAB17-20 Moved by Bayne to approve the January 5, 2017 Development Appeal Board agenda as presented.

CARRIED

3.0 ADOPTION OF PREVIOUS MEETING MINUTES

DAB17-21 Moved by Kerr to approve the minutes of the December 01, 2016 meeting of the Development Appeal Board as presented.

CARRIED

4.0 APPEALS

4.1 Appeal #06-16. Appeal by an affected neighbour concerning the consolidation of Lot 20 with Lots 21-24, Block 5, and Plan 6719B. The appellant is of the opinion that the Development Authority acted outside their jurisdiction by failing to require subdivision approval in conjunction with the consolidation of Lot 20 with Lots 21-24, Block 5, Plan 6719BC, that the Development Authority failed to properly consider policy objectives of the Banff National Park of Canada Management Plan 2010, that the Development Authority failed to consider traffic congestion associated with

Minutes approved by: _____

the intended use of the property and that they were not adequately consulted with regards to said consolidation of lots.

Notification to Affected Neighbours and Media Announcement

Notice of the appeal hearing has been given to the appellant, the applicant, the Development Approving Authority and all affected parties in accordance with the Municipal Government Act and Banff Land Use Bylaw.

Declaration of Conflict of Interest by Board Members

No conflict was declared.

Public Present Objecting to Any Board Member Hearing This Appeal

There were no objections from the public present to any board member hearing this appeal.

Administration stated that correspondence was received by the appellant requesting an adjournment of this hearing until Monday, January 16, 2017 at 9:00am.

- The following appeals will be heard on January 16, 2017 and if the hearing can't be completed on January 16th, the meeting will continue on January 24, 2017:
 - Subdivision Appeal
 - 16DP55 Appeal
 - 16DP81 Appeal

DAB17-22 Motion by Bayne to adjourn the hearing of the Development Appeal Board until Monday, January 16, 2017 at 9:00a.m.

CARRIED

5.0 CORRESPONDENCE

There was no correspondence presented.

6.0 NEW BUSINESS

There was no new business presented.

7.0 INQUIRIES

There were no inquiries.

8.0 ADJOURNMENT

The next regularly scheduled meeting of the Development Appeal Board will be on January 16, 2017.

DAB17-23 Moved by Bayne to adjourn the meeting at 9:09a.m.

CARRIED

Christopher Wong
Vice Chairperson

Kerry MacInnis
Recording Secretary

Minutes approved by: _____