

DEVELOPMENT APPEAL BOARD
Banff Town Hall – Council Chamber
Tuesday, January 24th, 2017 at 9:00 a.m.

PART 2
Continued from January 16, 2017 – DAB Hearing

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 ADOPTION OF PREVIOUS COMMITTEE MINUTES

3.1 Minutes of the January 19, 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.
- 5.2 Submissions of Fuji Starlight Express Co., Ltd.
- 5.3 Submission of Bill Squarebriggs

6.0 NEW BUSINESS

7.0 INQUIRIES

8.0 DATE OF NEXT MEETING/ADJOURNMENT

The next Development Appeal Board Meeting is scheduled for 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.”