

**MINUTES OF THE DEVELOPMENT APPEAL BOARD**  
**of the Town of Banff in the Province of Alberta**  
**Town Hall Council Chamber**  
**Thursday, September 27, 2010 at 9:00 am**

**BOARD MEMBERS PRESENT**

Philip Carmody	Public Representative - Chair
Rod Pickard	Parks Canada Representative
Leslie Taylor	Council Representative
Chris MacDonald	Council Representative

**BOARD MEMBERS ABSENT**

Neil Tanner	Public Representative
Ossi Treutler, Jr.	Public Representative
Mike Murtha	Parks Canada Representative

**ADMINISTRATION PRESENT**

Randall McKay	Secretary to the Development Appeal Board
Darren Enns	Senior Planner
Cheryl Hyde	Municipal Clerk (Recording Secretary)

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**1.0 CALL TO ORDER**

The Chair called the September 27, 2010 regular meeting of the Development Appeal Board to order at 9:05 a.m.

**2.0 APPROVAL OF AGENDA**

DAB10-7 Moved by MacDonald to approve the agenda of the September 27, 2010 regular meeting of the Development Appeal Board as presented.

**CARRIED**

**3.0 ADOPTION OF PREVIOUS BOARD MINUTES**

DAB10-8 Moved by Taylor to approve the minutes of the May 19, 2010 regular meeting of the Development Appeal Board as presented.

**CARRIED**

**4.0 APPEALS**

4.1. Appeal #02-10

Appeal of the decision of the Municipal Planning Commission to conditionally approve Development Permit (10DP39) on grounds that the applicant failed to comply with the notification signage requirements of the Land Use Bylaw (Schedule "E"), and that insufficient information has been provided with respect to meeting parking requirements.

4.2. Appeal #03-10

Appeal of the decision of the Municipal Planning Commission to conditionally approve Development Permit (10DP39) on grounds that the interpretation of the land use bylaw with

respect to size of building, site coverage, and grade and building height were incorrect; that information regarding stormwater management is inadequate; and, that the impact on adjacent properties during construction is unclear.

#### 4.3. Appeal #04-10

Appeal of the decision of the Municipal Planning Commission to conditionally approve Development Permit (10DP39) on grounds that the proposed tree retention strategy is inadequate and threatens to create negative precedent; the proposed development does not respect heritage aspect of site and surroundings; the proposed parking garage entrance should be relocated; the proposed unit types are not appropriate; the roof design should be reconsidered; the Design Guidelines are not honoured through the current development proposal; and, that privacy is compromised through current design.

The Board unanimously agreed to reserve their decision until all three appeals have been heard.

#### Public Present Objecting to Any Board Member Hearing This Appeal

There were no objections from the public present to any board member hearing these appeals.

#### Declaration of Conflict of Interest by Board Members

No conflicts were declared.

#### 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 the Banff Land Use Bylaw.

#### Development Officer's Comments

The development officer spoke to a presentation that has been included as an attachment to these minutes.

The development officer did not advise the applicant that their development sign did not meet all the requirements of the Land Use Bylaw.

#### Appellant Presentation

##### Appeal #02-10

A written appeal is included in the agenda package for this meeting. An agent, Michael Shragge, spoke on behalf of the appellant, Mami Miyano, and provided the following comments in support of appeal #02-10:

- The development permit notification sign posted at the site was did not meet the size requirements required by Schedule E of the Land Use Bylaw, and was placed in an obscure area. This does not speak well to the good faith of the developers who may have been trying to minimize public notification.
- The appellant is aware only that the parking plan was returned to developer for modification, not what modifications are required. The appellant believes the parking will not be adequate and that concerns are not being addressed. If similar decisions about parking are extended to further development in the area it will negatively affect the quality of life for residents and

the visitor experience. Also, if a similar decision is carried out in the rest of the area, there will not be a mature tree left standing.

- The construction of this building as currently approved may affect overall assessment values in the downtown core.
- The appellant has requested that administration provide a record of the approval process, particularly the approval related to the notification sign. The appellant maintains they have been denied access to this information.

#### Appeal #03-10

A written appeal is included in the agenda package for this meeting. An agent, Mike Sibbald, spoke on behalf of the appellant, Penelope Sibbald, and provided the following comments in support of appeal #03-10:

- The first concern of the appellant is with the size of building and the site coverage. The current approval is for a building that is 42 square feet above the allowable floor area ratio. The appellant believes there are some grey areas in the floor area calculations, for example elevator shafts have been exempted from calculations. The calculations should be redone.
- The spirit of the design guidelines have to do with visual mass. The enclosed porches currently approved for the building account for about 800 square feet. They could easily be converted into interior porches and so should be counted as part of the overall massing. If the porches were included in the floor area calculation, it would give a more accurate picture of the area being covered by the building.
- The Board needs to take the elevation of the site into consideration. The grade is being based on an existing retaining wall of .6 metres. This means the building is higher than is actually permitted by the Land Use Bylaw. The appellant also believes set back regulations are not being complied with.
- The appellant wants it noted for the record that construction will cause encroachment on the neighbouring property. They are concerned that the tree on their property will be removed, and wish to keep this tree as it provides them with privacy.
- The appellant doesn't believe the proposed building conforms with the neighbourhood and that it doesn't comply with the Land Use Bylaw with respect to massing, site coverage and height. The spirit of the Land Use Bylaw is to add housing. While the proposed building is large, it doesn't do much to increase the number of beds in the community.

A written appeal is included in the agenda package for this meeting. An agent, Neil Ronaasen, spoke on behalf of the appellants, Greg and Jeanne Ronaasen, and provided the following comments in support of appeal #04-10:

- Trees are a valuable asset to the property and need to be preserved wherever possible.
- The appellants believe a building with smaller units would be more beneficial to the community.
- There are already traffic issues in the lane where the proposed driveway is going, so the parking access should be moved more towards Wolf Street.
- The height of the roof creates a dead space above the units. There are other options that would be better. Site lines are key to any architectural structure, and more thought could be given to orientation of the building. The views could be improved both for prospective

buyers and for neighbours. Some elevations could be changed as well. Repositioning the building would also increase privacy.

#### Those in Favour of the Appeal

Jacqueline Dolan, an adjacent neighbour spoke in favour of the three appeals and provided the following comments:

- The trees should be saved.
- The view should be preserved for adjacent neighbours.
- Ms. Dolan would like the neighbours to have an opportunity to have some input into the design of the building. The height and shape of the roof will have an impact.
- Ms. Dolan believes the parking spaces are not adequate.

#### Those Opposed to the Appeal

Dak Kerr, representing Kerco Limited (the applicant) spoke in opposition to the three appeals. Mr. Kerr provided the following comments:

- A comprehensive site study was carried out prior to designing the building to determine best use of the site with respect to architecture, how the building sits on the site, and how the project would benefit the community. The applicant chose to comply with the requirements of the revised Land Use Bylaw even though it hadn't yet come into effect.
- While designing the project, the applicant reviewed the Banff Community Plan & the Land Use Bylaw amendments to determine if the project would meet needs of community, comply with legislation, and be marketable. The applicant feels there is a need in the community for different kind of housing. The proximity to downtown is desirable for residents who are making the decision to downsize.
- The applicant is working with Town administration regarding reasonable parking alternatives that will meet the needs of the building residents. The Land Use Bylaw requires only 8 parking stall and the applicant is proposing thirteen.
- If the project is built from the sidewalk grade, all trees will likely be lost. This would be unfortunate as part of the appeal of the lot is the large mature trees.

Randall Bell, project architect for the applicant, spoke in opposition to the three appeals. Mr. Bell provided the following comments:

- This project will result in two small homes being replaced with eight units.
- The current houses have existing access to the lane. The new development will have only a single ramp going into the lane.
- The applicant believes the Town of Banff wants this type of building, and believe the development does meet the spirit of the Land Use Bylaw.
- The units have been designed thoughtfully with function and views in mind.
- Four two-bedroom units have one parking stall, and four three-bedroom units have two parking stalls.
- Mr. Bell does not believe Banff wants a community of flat roofs. The hip roof has been designed to lessen the impact of the roof from street level.
- Very few existing buildings would meet the current Land Use Bylaw & design guidelines as these documents continue to become more stringent over time.

### Development Officer's Response

The development officer made the following comments:

- With respect to appeal #02-10, administration confirms that there were shortcomings with the notification sign. The sign was inspected by Town staff seven days before the Municipal Planning Commission hearing, so even if applicant had been required to revise the sign at that time, it wouldn't have been put in place before the hearing.
- Any permit application is evaluated against the Land Use Bylaw, and not against residents' perception of parking requirements in the area.
- Elevators have always been exempted from floor area ratio calculations as they are mechanical in nature.
- Density requirements in the Land Use Bylaw have decreased over time and are currently lower than when Sunshine Manor was constructed.
- Parking requirements are set by the Land Use Bylaw and were recently revised following an extensive public review process.

### Appellant Rebuttal

Michael Schragge (#02-10):

- Administration has admitted that an illegal sign was permitted. Previously they have refused to acknowledge this and have refused to provide a record of enforcement.
- The appellant is objecting to the lack of information around parking, and requests a clear review of impact of parking on the neighbourhood before the permit is issued.

Neil Ronaasen (#04-10):

- The appellant believes we should try to be exemplary in the execution of these types of projects and would like to see recognition of new environmental standards such as LEED construction.

Mike Sibbald (#03-10):

- It's important not to go beyond the maximum floor area ration as set out by the Land Use Bylaw. The developer is pushing to maximum and beyond. The appellant doesn't think the building has met the spirit of new design guidelines with respect to increasing the availability of housing in the town of Banff. The developer could create a smaller structure while fitting in more beds. This is a big building that doesn't meet the needs of the town.

### Board Discussion

The following information was provided in response to questions from the Board:

Administration: consideration was not given to delaying the presentation to the Municipal Planning Commission in order to post new notification signs. Administration had been in discussions with the applicants for several months and didn't want to delay the project any further. Signage requirements are at the discretion at the development officer. Sign variances are usually recorded by a note in the file. Administration doesn't typically measure signs. The Land Use Bylaw doesn't speak to the sign being readable from the roadway, only that it must be visible from the public roadway.

Administration: the following has been authorized by the Municipal Planning Commission as a condition to be met prior to the issuance of a development permit:

“Provide a parking plan to the satisfaction of the Town of Banff Engineering Department that demonstrates conformance with Section 8.0 of the Land Use Bylaw, including (if applicable) alternative transportation initiatives being proposed.”

Administration: census information provided at the time of the Land Use Bylaw review showed that residents living in apartments have, on average, fewer vehicles per person than those living in other types of accommodation.

The agent for appellant 02-10 (Michael Shragge): the appellant wanted to know whether or not the notification sign was authorized by the planning department. Mr. Shragge reported that the planning department agreed to supply the information on the condition that the appellant disclose the reason he wanted to know. In the end, the information was not supplied.

Administration: the height of the building is being measured from the top of the retaining wall, and is almost to the maximum allowed by the Land Use Bylaw.

Administration: The covered porches are being provided to comply with amenity requirements of the Land Use Bylaw. Further development, such as enclosure of a porch, would require a separate development permit. Un-permitted construction is enforced when complaints are received.

Administration: the following has been authorized by the Municipal Planning Commission as a condition to be met prior to the issuance of a development permit:

“Provide a Stormwater Management Plan which reflects the requirements of Land Use Bylaw section 12.14.6 (c), and is to the satisfaction of the Engineering Department and the Development Officer.”

Administration: The issue of the tree on the property lines is between the property owners. The Town is not involved in the negotiations regarding the tree.

The representative of the applicant (Dak Kerr): the applicant will endeavour to maintain trees to the best of their ability while keeping the site safe for workers. Mature trees enhance the appearance of the building, and quality of life for the residents.

The architect for the project (Randall Bell): the highest point of mechanical infrastructure is the elevator shaft, which goes about halfway into the roof.

Mike Sibbald: Maintaining the grade to save trees versus calculating the height of the building from grade are two separate issues.

Dak Kerr: the notification sign was posted on Monday, July 12.

Administration: an encroachment agreement with the neighbouring property for construction could be added as a condition of development permit.

Administration: a parking plan includes the number and size of stalls. Plans are reviewed and approved by town engineering staff prior to issuance of development permit. Land Use Bylaw 31-3 would have required fourteen stalls for this development. Under Land Use Bylaw Amendment 31-4, there is an option to reduce the requirement to one stall per unit, subject to the provision of alternate transportation as approved by council.

Administration: section 4.4.0 of the Land Use Bylaw contains the regulation for notification signs requirements. The applicant is required to notify the development officer when the sign has been posted. There is no requirement for inspection of notifications signs, and they don't require a sign permit. The onus is on the applicant to comply with the regulations. Administration recognizes there may be some shortcomings in the process. Mr. Kerr noted he has never notified the development officer upon the posting of a notification sign.

Dak Kerr: Condominium incorporation bylaws will have control over exterior alterations made to the building such as enclosing a porch.

Administration: the following has been authorized by the Municipal Planning Commission as a condition to be met prior to the issuance of a development permit:

“Provide a Landscape Plan to the satisfaction of the Development Officer, which should include but not be limited to:

- Trees to be retained on-site, including detail of hoarding plan which extends to tree drip-line;
- New planting for remainder of site;
- Fencing details; and,
- Pedestrian path connections to Beaver Street from ground floor units.”

Dak Kerr: the applicant believes that existing trees would not survive a grade change, however this would need to be evaluated on a tree by tree basis.

Randall Bell: If building height was measured from the sidewalk, without changing anything else about the design, the underground parking would be more than 1 meter above ground, making it subject to setback requirements. Such a change would also affect other measurements of the building.

Administration: the definition of “grade” in the Land Use Bylaw is as follows:

“Grade means the elevation of finished ground surface, excluding an artificial embankment of excavation at the perimeter of a building. Grade on sloping or irregular sites is determined as an angled plane established in relation to finished grades at the perimeter of a building excluding artificial embankments or excavations.”

Motion to Continue Discussion In-Camera

DAB10-9 Moved by MacDonald to go in camera at 11:39 a.m.

**CARRIED**

Motion to Leave In-Camera Discussion

DAB10-10 Moved by MacDonald to return to the public meeting at 1:05 p.m.

**CARRIED**

Verbal Decision Announced

**Appeal #02-10**

It is the decision of the Development Appeal Board that development permit appeal #02-10 be partially upheld. The reason for decision is that the signage notification process did not meet Land Use Bylaw regulations 4.4.3, 4.4.6 and 4.4.7. We find that the approach to parking is consistent with the bylaw.

**Appeal #03-10**

It is the decision of the Development Appeal Board that development permit appeal #03-10 be partially upheld. Our concern is that the building height is being measured from the top of the retaining wall. With reference to the building and grade height, we find that the retaining wall is an artificial embankment as the definition of grade on page 19 of the Land Use Bylaw states. We therefore direct that building height be recalculated accordingly.

With reference to impacts on the adjacent property to the south, we encourage an agreement with the neighbour to the south to manage the necessary works on the property line. With respect to all other aspects of the appeal we find that the Land Use Bylaw has been followed.

**Appeal #04-10**

It is the decision of the Development Appeal Board that development permit appeal #04-10 be denied. The reasons for this are that the Development Appeal Board finds that tree retention is adequate. We also find that a parking entrance off World Street would be inappropriate and the Land Use Bylaw does not determine unit types.

As well, the roof design may be reconsidered with the findings of appeal 03-10. We find that the Design Guidelines have been honoured as well.

**5.0 CORRESPONDENCE**

No correspondence was received.

**6.0 NEW BUSINESS**

No new business was considered.

**7.0 INQUIRIES**

There were no inquiries.

**8.0 ADJOURNMENT**

DAB10-11 Moved by Taylor to adjourn the meeting at 1:15 p.m.

**CARRIED**

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Philip Carmody  
Chair

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Cheryl Hyde  
Recording Secretary

# Overview

- 10DP39 - Context & Decision
- Appeal 02-10
- Appeal 03-10
- Appeal 04-10
- Conclusion

# **Development Permit Application 10DP39**

Proposed 8-Unit “**Apartment Housing**”

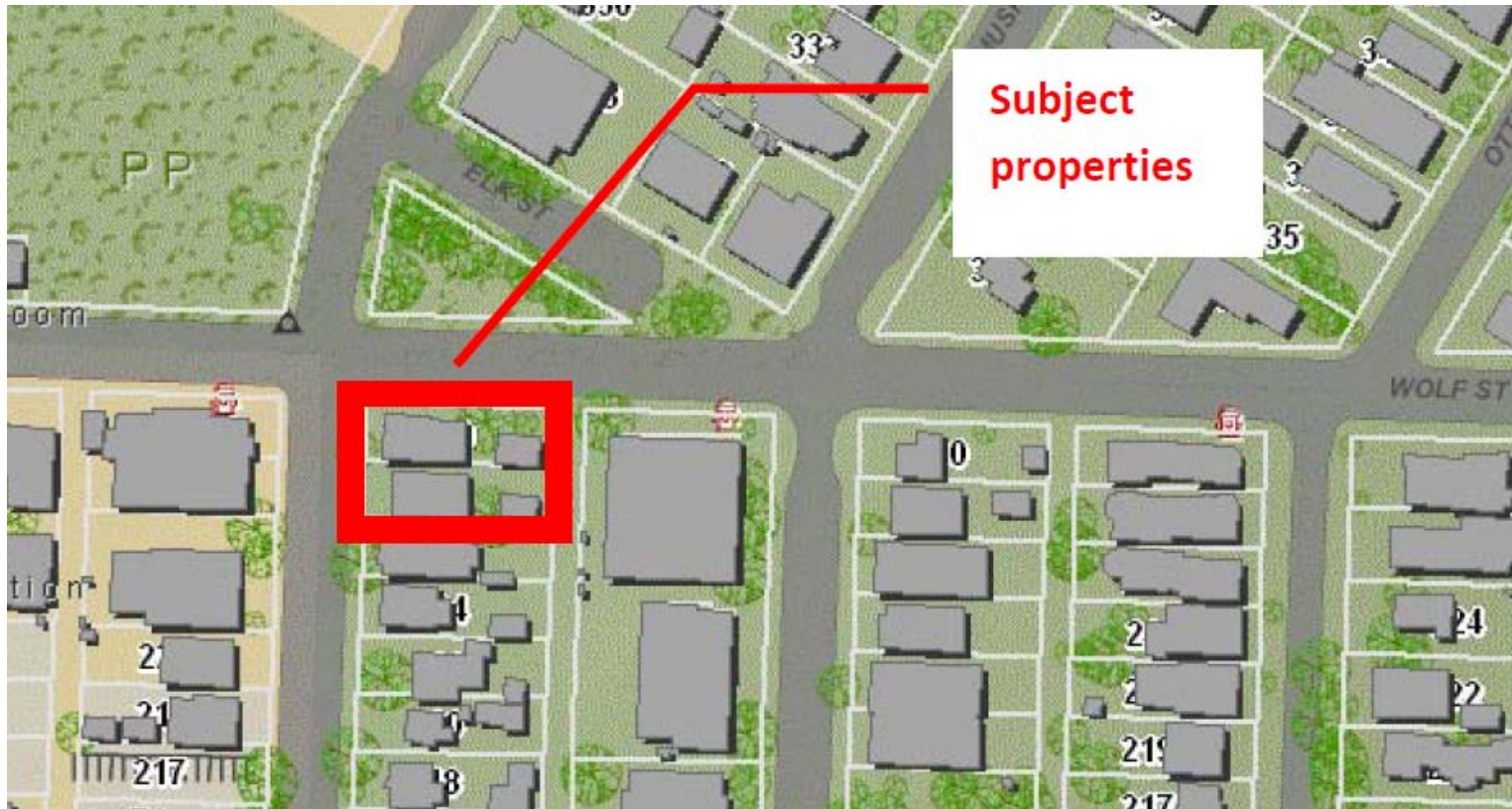
403 Wolf and 228 Beaver Street

Administration Presentation

September 27, 2010

# 10DP39

- Application for an 8-unit “Apartment Housing” building at Wolf & Beaver Street



# 10DP39

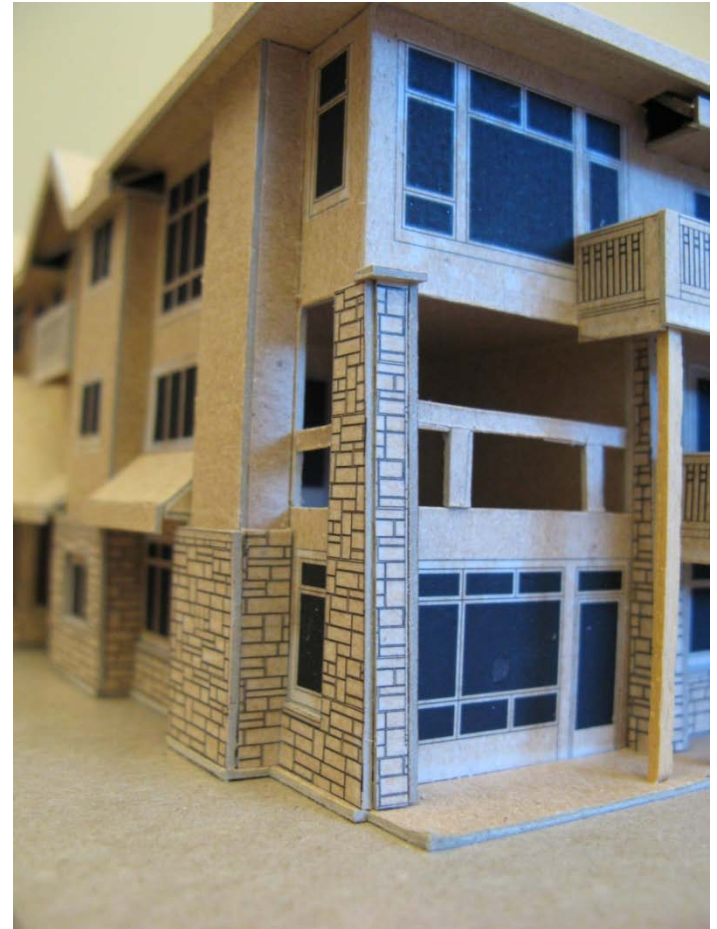
- Application for an 8-unit “Apartment Housing” building at Wolf & Beaver Street



# 10DP39



- First significant multi-family development under Land Use Bylaw 31-4



# 10DP39

- A notification sign was posted during the application process, triggering correspondence with neighbours and 4 letters received
- MPC granted conditional approval at their August 11, 2010 meeting
- Notice of Decision advertised (August 17, 2010), posted internally (August 11, 2010), and mailed to affected persons (August 17, 2010)

# Appeal 02-10

Appellant: Mami Miyano

Agent for Appellant: Michael Shragge

Administration Presentation

September 27, 2010

# Appeal 02-10

- Section 645 (Municipal Government Act) states:

*...no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted*

- With no variances granted, this raises 2 key tests
  - Were the Land Use Bylaw requirements relaxed?
  - Were the Land Use Bylaw requirements misinterpreted?

# Appeal 02-10

- Appeal 02-10 received August 30, 2010
  - Developers failed to meet notification sign requirements (size of sign; location of sign)
  - Parking situation is unclear

# Appeal 02-10

- 1<sup>st</sup> issue for DAB:
  - Were the requirements of the notification sign met?
  - Section 4.4.0 requires:
    - 21 days of posting
    - Applicant to notify when sign has been posted
    - Sign to be posted in:
      - a conspicuous place easily visible from an adjacent public roadway to the satisfaction of the Development Officer*

# Appeal 02-10

- 1<sup>st</sup> issue for DAB:
  - Were the requirements of the notification sign met?
  - Section 4.4.0 requires:
    - 21 days of posting (July 21 - Applicant to verify)
    - Applicant to notify when sign has been posted (No record)
    - Sign to be posted in:

*a conspicuous place easily visible from an adjacent public roadway to the satisfaction of the Development Officer (Sign posted on front façade of 228 Beaver Street as per supplied photos. Site inspection on August 4<sup>th</sup> and follow up with applicant)*

# Appeal 02-10

- Schedule E Requirements
  - Sign Area (0.6m x 0.6m)
  - Text Content
  - Sign Material
  - Font Size

# Appeal 02-10

- Schedule E Requirements
  - Sign Area (0.6m x 0.6m) **Actual Size 0.5m x 0.6m**
  - Text Content **As per Schedule E**
  - Sign Material **Extruded Foam**
  - Font Size **Roughly half of Schedule E Requirement**

# Appeal 02-10

- Parking Requirements; Appeal states:
  - “number of parking spots...is unknown”
  - “parking plan has been returned to the developer...”

# Appeal 02-10

- Parking Requirements; Appeal states:

- “number of parking spots...is unknown”

The number of parking spots provided is currently shown as 13; A revised parking plan which illustrates conformance has been required as a pre-condition for DP issuance

- “parking plan has been returned to the developer...”

Misleading. As per above, Section 4.8.2 allows for conditions within a Development Permit in order to ensure compliance with the Bylaw, which could result in 1 stall being added, or alternative transportation measures being pursued.

# Appeal 03-10

Appellant: Penelope Sibbald

Agent for Appellant: Mike Sibbald

Administration Presentation

September 27, 2010

# Appeal 03-10

- Appeal 03-10 received August 31, 2010
  - Interpretation of zoning requirements in regards to:
    - Size of building
    - Site coverage
    - Grade & height
  - No specific stormwater plan is provided & therefore impact on neighbouring property is unclear
  - Impacts on neighbouring property during & after development are unclear

# Appeal 03-10

- Interpretation of “Size of Building”
- Floor Area Ratio (FAR) calculations submitted by applicant reflect the current design exceeding maximum allowable (1.3) FAR by 42 square feet
- Given the pre-code review stage of this project and identified mechanical requirements (not shown), this seemed to be an issue best worked out through plan revisions

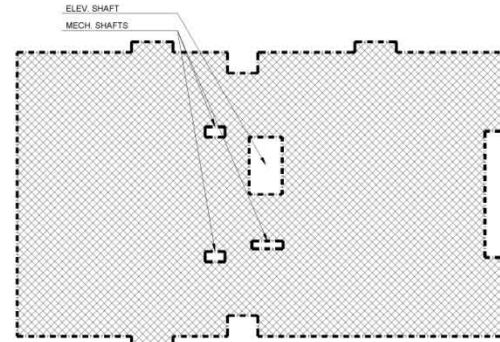
# Appeal 03-10

SITE AREA	10,472 S.F.	
	RE-CALCULATED	D.P. APPLICATION (ORIGINAL)
MAIN FLOOR AREA	4,942 S.F.	4,743 S.F.
SECOND FLOOR AREA	4,168 S.F.	3,859 S.F.
THIRD FLOOR AREA	4,546 S.F.	4,743 S.F.
LOWER PARKING	0 S.F.	0 S.F.
FLOOR AREA	13,656 S.F.	13,345 S.F.
	F.A.R. = 1.30	F.A.R. = 1.27
MAX. F.A.R.	1.30	13,814 S.F. (MAX. ALLOWABLE)
	42 S.F. ABOVE MAXIMUM F.A.R., OR 14 S.F. PER FLOOR, OR 4 S.F. PER UNIT FLOOR	

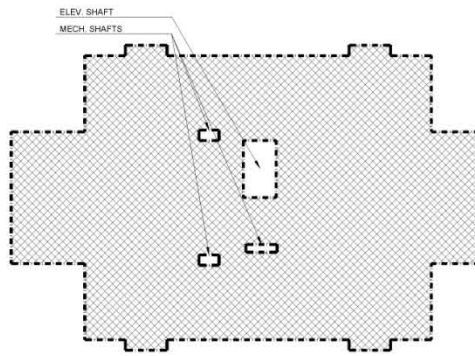
MECHANICAL DESIGN HAS NOT BEEN DONE. THE ABOVE CALCULATIONS ASSUME THAT EACH FLOOR OF EACH UNIT WILL REQUIRE A 30"X30" MECHANICAL CLOSET. THIS HAS NOT BEEN SHOWN ON THE FLOOR PLANS (BUT WILL BE SHOWN WITH FINAL DESIGN OF THE UNIT INTERIOR FLOOR PLANS).

THE ABOVE CALCULATION DOES NOT INCLUDE A LARGE 'B-VENT' SHAFT THROUGH ALL FLOORS FROM THE LOWER MECHANICAL ROOM, NOR ANY VERTICAL SHAFTS REQUIRED FOR EACH UNIT'S MECHANICAL ROOM (E.G. FLUES, LAUNDRY EXHAUSTS).

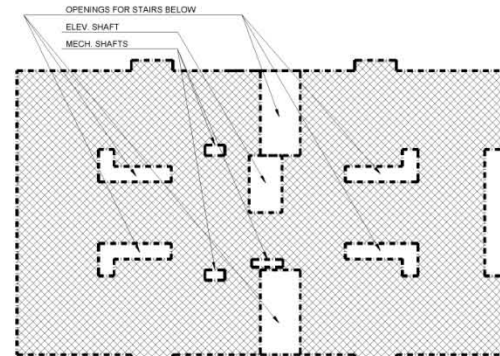
THE FLOOR AREAS HAVE BEEN RE-CALCULATED TO INCLUDE THE FIRE EXIT SHAFTS AS REQUESTED.



MAIN FLOOR AREA 4,942 S.F. (RE-CALCULATED)  
 MAIN FLOOR AREA 4,743 S.F. (D.P. APPLICATION)  
 ADDED FLOOR AREA 199 S.F.  
 HATCHED AREAS INCLUDED IN F.A.R. 'RE-CALCULATION'



SECOND FLOOR AREA 4,168 S.F. (RE-CALCULATED)  
 SECOND FLOOR AREA 3,859 S.F. (D.P. APPLICATION)  
 ADDED FLOOR AREA 309 S.F.



THIRD FLOOR AREA 4,546 S.F.  
 THIRD FLOOR AREA 4,743 S.F. (D.P. APPLICATION)  
 SUBTRACTED FLOOR AREA 197 S.F.



# Appeal 03-10

- Interpretation of “Size of Building”
- FAR calculations netted out underground parking areas & mechanical shafts, but not stairwells
  - **Gross Floor Area** *means the total floor area of all storeys and basement levels of a building with a clear ceiling height of 1.8 m or more, contained within the outside of the exterior and basement walls or glazing line of windows, but **excluding enclosed or unenclosed parking areas, garbage and loading rooms, and floor areas and vertical penetrations devoted exclusively to mechanical or electrical equipment servicing the development.***

# Appeal 03-10

- Interpretation of “Site Coverage”
- Planning & Development review suggested site coverage at 55%
  - **Site Coverage** means that percentage of a site covered by or beneath all buildings or structures that are **1.0 m or more in height**, including accessory buildings or structures. Site coverage **does not include projections** permitted by this Bylaw, **driveways**, or surface parking areas.

# Appeal 03-10

- 8.6.0 Projections Into or Under Yards
  - Projections shall be permitted within yards, as follows:
    - e. Underground Construction; *Utilities, storage tanks, **underground parking**, and similar structures constructed entirely beneath the surface of the ground except in the front yard of sites in the CA and CT districts, and all residential districts, where they may encroach under driveways and other paved areas at the discretion of the approving authority. In all other cases, such underground encroachments **must be covered with sufficient soil depth to support landscaping.***

# Appeal 03-10

- Interpretation of “Grade & Height”
  - Building height calculations performed with respect to grade at Wolf Street (north lot face)
  - Given site’s flat nature, additional calculation on south lot face would not be anticipated to differ greatly, but will still be requested as part of landscape and grading plan

# Appeal 03-10

- “No specific (stormwater) plan is provided”

# Appeal 03-10

- “No specific (stormwater) plan is provided”
  - As a pre-condition of development, an approved stormwater management plan is required reflecting a “total stormwater capture & treatment system”
  - Applicant is aware that an engineered stormwater management plan is required prior to DP issuance
  - Not uncommon for DP applications to leave technical requirements unfulfilled at NOD stage, given prohibitive costs associated with design

# Appeal 03-10

- “Development to the property line – impacts on my property during (and after) development”

# Appeal 03-10

- “Development to the property line – impacts on my property during (and after) development”
  - Any impact on the adjacent property (e.g. undermining, shared tree removal) is effectively between the two property owners
  - Encroachment agreements for construction is preferred option, if access to adjacent site is required

# Appeal 03-10

- “Development to the property line – impacts on my property during (and after) development”
  - Key issues appear to be shared tree, fence, sidewalk, & sub-grade suite entrances



# Appeal 04-10

Appellants: Greg & Jeanne Ronaasen

# Appeal 04-10

- Appeal 04-10 received August 31, 2010
  - *“...trying to save every tree possible should be a priority”*
  - *“...a driveway with garage access from Wolf St”*
  - *“...should be more studio, 1 bdrm. units”*
  - *“...non-functional roofs should not block views”*
  - *“...design guidelines are not being honored”*
  - *“...better design could mitigate privacy issues”*

# Appeal 04-10

- *“...trying to save every tree possible should be a priority”*
  - Tree retention & planting strategy will be required as part of the required landscape plan
  - No Land Use Bylaw requirement to preserve all trees; Rather focus is on preservation where possible and replanting

# Appeal 04-10

- *“...a driveway with garage access from Wolf Street”*
  - The use of service lanes for access to properties is a defining element of the traditional Banff grid
  - Preference from a design perspective is to promote un-broken pedestrian streetscapes, especially adjacent to downtown
  - Interesting to note that new-urbanist communities are seeking to emulate the use of lanes

# Appeal 04-10

- *“...should be more studio, 1 bdrm. units”*
  - The Land Use Bylaw does not have discretion to mandate unit types
  - Belief is that the developer is responding to unsuccessful nature of recent small suite developments (e.g. Muskrat Court)
  - Net result of this project will be a doubling of housing units on this site

# Appeal 04-10

- “...*non-functional roofs should not block views*”
  - *Banff Design Guidelines* speak to importance of form:
    - Building roofs shall generally be sloped...
    - Roofs are one of the most visible and dominant architectural elements in Banff...
    - Traditional Banff architecture generally incorporates gable or hip roofs...
    - All roof mounted mechanical equipment must be carefully recessed into the roof form or screened to ensure that it is not visible from the street or adjacent properties. Where possible, mechanical rooms housing this equipment should be integrated into the building form itself.

# Appeal 04-10

- “...*design guidelines are not being honoured*”
  - MPC Report includes a point by point review of adherence to *Banff Design Guidelines*
  - The Design Guidelines do not “provide rigid rules”, and therefore “there are many ways of meeting each guideline”

# Appeal 04-10

- “...*better design could mitigate privacy issues*”
  - Subject site is located in one of the most dense neighbourhoods in Banff
  - Privacy was likely not the key factor in building design, nor should it be
  - *Banff Design Guidelines* speak to “projections and recesses such as...balconies and porches....(being) encouraged”

# Conclusion

## **Questions/Comments**