



Approved Minutes: December 6, 2022

MINUTES OF THE MEETING OF THE DEVELOPMENT APPEAL BOARD
of the Town of Banff in the Province of Alberta
Hearing of Appeal #: 04-22: Appeal against a decision of the Development Officer to issue a Stop Order on
August 22, 2022, at 321 Squirrel Street

Friday, 2022 November 18, at 9:00 a.m.

BOARD MEMBERS PRESENT

Dak Kerr	Public Representative (Chair)
Ray Horyn	Public Representative (Vice Chair) (left the meeting at 9:46a.m.)
Robin Tuck	Public Representative
Lachlan Mackintosh	Public Representative
Brian Smythe	Public Representative
Scott McElhone	Public Representative
Grant Canning	Council Representative
Sheila Luey	Parks Canada Representative

BOARD MEMBERS ABSENT

Kendra VanDyk	Parks Canada Representative
Chip Olver	Council Representative

ADMINISTRATION PRESENT

Libbey McDougall	Municipal Clerk
Kiersten McDonald	Legislative Advisor
Dave Michaels	Manager, Planning and Development
Kerry MacInnis	Administrative Assistant, Planning and Development

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1.0 CALL TO ORDER

Ms. McDougall called the 2022 November 18 meeting of the Development Appeal Board to order at 9:10a.m.

1.1 Appointment of Development Appeal Board Chair

DAB22-28 Moved by Board Member Horyn

That Board Member Kerr be appointed as Chair for the Development Appeal Board.

MOTION CARRIED

1.2 Appointment of Development Appeal Board Vice Chair

DAB22-29 Moved by Councillor Canning

That Board Member Horyn be appointed as Vice Chair for the Development Appeal Board.

MOTION CARRIED

1.3 Development Appeal Board Hearing Process and Procedure

Board Chair Kerr introduced the DAB Board Members, Town of Banff administration and Kelsey Becker Brookes, Council to the DAB.

1.4 Appellant's Submission and Address to the Development Appeal Board

Mr. Rick Grol (attending via zoom), agent for the appellant, Ms. Gail Morgan, addressed the board. Appellant's submission and evidence provided to DAB Board Members and attached to these meeting minutes.

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Declaration of Conflict of Interest by Board Members

Board Member Horyn stated that his spouse, Kori Woodard, works for Alberta Health Services and had previously written an inspection report on 321 Squirrel Street. Board Member Horyn asked if anyone objected to him hearing this appeal.

A five-minute recess was requested by the board and taken at 9:35a.m.

Mr. Grol respectfully requested that Board Member Horyn recuse himself from this hearing.

Board Member Horyn recused himself from this hearing and left the meeting at 9:46a.m

DAB22-30 Moved by Councillor Canning

That pursuant to Sections 24 (advice from officials) of the Freedom of Information and Protection of Privacy Act and Section 3.2.12 of the Land Use Bylaw, DAB move into closed meeting at 9:47a.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Appeal #04-22, an appeal against a decision of the Development Officer to issue a Stop Order on August 22, 2022, at 321 Squirrel Street.

MOTION CARRIED

Administration in attendance during the closed meeting discussions with respect to Appeal #04-22, an appeal against a decision of the Development Officer to issue a Stop Order on August 22, 2022, at 321 Squirrel Street.

Administration: Libbey McDougall

DAB reconvened in the public hearing at 11:00a.m, with Board Chair Kerr in the chair.

Motion to Leave In-Camera Discussion

DAB 22-31 Moved by Board Member Smythe

That the Board rise and report.

MOTION CARRIED

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DAB22-32 Moved by Board Member Canning

That the Development Appeal Board adjourn the Appeal until 9:00 a.m. on Tuesday, 2022 December 06 in order to retain third party legal counsel.

MOTION CARRIED

DAB22-33 Moved by Board Member Canning

That the Development Appeal Board direct that any new submissions from all parties be provided to the board by 12:00 p.m. noon on Tuesday, 2022 November 29.

MOTION CARRIED

2.0 APPROVAL OF AGENDA

2.1 Agenda for the November 18, 2022, Development Appeal Board Hearing

DAB22-34 Moved by Board Member Smythe

That the Agenda for the 2022 November 18 meeting of DAB be approved, as presented.

MOTION CARRIED

3.0 ADOPTION OF PREVIOUS COMMITTEE MINUTES

3.1 Minutes of the October 27, 2022, Development Appeal Board

DAB22-34 Moved by Board Member Smythe

That the Minutes of the 2022 October 27 Meeting of the Development Appeal Board be adopted, as presented.

MOTION CARRIED

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3.2 Minutes of the October 6, 2022, Development Appeal Board

DAB22-35 Moved by Board Member Smythe

That the Minutes of the 2022 October 6 Meeting of the Development Appeal Board be adopted, as presented.

MOTION CARRIED

4.0 APPEAL #04-22 (postponed)

5.0 CORRESPONDENCE

No Correspondence was received for this meeting.

6.0 NEW BUSINESS

No New Business was added as part of this meeting.

7.0 INQUIRIES

There were no Inquiries for this meeting.

8.0 DATE OF NEXT MEETING/ADJOURNMENT

Appeal 04-22 will be heard on Tuesday, December 6, 2022

DAB 22-xx Moved by Councillor Canning

That this meeting adjourns at 11:13 a.m.

MOTION CARRIED

Dak Kerr
Board Chair

Kerry MacInnis
Administrative Assistant, Planning and Development

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