



## SUBDIVISION AND DEVELOPMENT APPEAL BOARD MINUTES

For SDAB Hearing No. 22-008

**TIME:** 6:30 pm  
**DATE:** November 23, 2022  
**PLACE:** Council Chambers, Cochrane RancheHouse

Chairperson: Scott Shannon

Board Members: Chris Hutchinson  
Mark Cardwell  
Hayley Gavin, appeared virtually  
Terri Anne Halmrast  
Morgan Nagel, Councillor

Administration: Nicole Tomes, Senior Planner  
John Popoff, Manager, Planning Services

SDAB Clerk: Karen Babin

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### 1. **CALL TO ORDER**

- a. MOVED by M. Cardwell to open the hearing  
Carried Unanimously
- b. Chairperson Shannon opened the hearing at 6:30 pm
- c. Introductions were made from the Board and Administration
- d. Chairperson Shannon asked if anyone had any objections to any member of the Board
  - i. There were no objections

### 2. **ADOPTION OF AGENDA**

- a. MOVED by C. Hutchinson to adopt the Agenda as presented  
Carried Unanimously

### 3. **ADOPTION OF MINUTES**

- a. MOVED by C. Hutchinson to adopt the Minutes from SDAB 22-007 as amended  
Carried Unanimously

#### 4. **APPOINTMENT OF VICE CHAIR**

- a. Chairperson Shannon nominated H. Gavin as Vice Chair; H. Gavin accepted.
- b. MOVED by M. Cardwell to appoint H. Gavin as the Vice Chair of the Subdivision and Development Appeal Board.

Carried Unanimously

#### 5. **APPEAL**

- a. The Chairperson asked the Clerk to introduce the appeal
  - i. The Secretary read out the appeal as follows:  
DP2022-044  
116 Grande Boulevard  
Lot 3, Block 2, Plan 981 2656  
Automotive Service & Drive Through Services
- b. The Chairperson asked the Clerk if this Appeal had been duly advertised
  - i. The Secretary stated that the Notice of Appeal had been advertised in the November 17 edition of the Cochrane Eagle as well as sent out to adjacent landowners

#### 6. **PRELIMINARY MATTER**

- a. Applicant:
  - i. The Chairperson asked the Applicant to present their preliminary matter
  - ii. Rick Grol, appearing on behalf of the Applicant/Landowner, requested an adjournment to December as their traffic engineer is not available until then. They believe he is critical to their argument and would like him to be present. Mr. Grol proposed December 13 or 21 for consideration.
- b. Appellant:
  - i. The Chairperson called upon the Appellant to respond
  - ii. Randy Mabbott, appearing via Zoom, did not oppose the request. His preferred date is December 13.
- c. Administration:
  - i. The Chairperson called upon Administration to respond
  - ii. N. Tomes replied that they have no issue with an adjournment and also prefers December 13.

#### 7. **DECISION**

- a. The Board considered the request for adjournment

- b. The Board's decision is to grant an adjournment for Hearing 22-008
- c. The Hearing will resume on Tuesday, December 13 at 6:30pm in Council Chambers

**8. CLOSE**

- a. The Chairperson adjourned the hearing at 7:00 pm

**DATED** this 30 day of November 2022

Original signed by Scott Shannon

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Scott Shannon, Chairperson

Original signed by Karen Babin

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Karen Babin, SDAB Clerk

**TOWN OF COCHRANE**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**BOARD ORDER: 22-008**

**IN THE MATTER OF THE *Municipal Government Act*, R.S.A. 2000 Chapter M-26 (Act)**

**AND IN THE MATTER OF AN APPEAL FROM AN ORDER** lodged by Grand Central Developments Inc. and  
Cochrane Theatres Inc. of Cochrane, AB (Appellants)

**BEFORE:**

Scott Shannon, Chairperson  
Ashley Marshall  
Hayley Gavin  
Mark Cardwell  
Terri Anne Halmrast  
Karen Babin, SDAB Clerk

This is an appeal to the Town of Cochrane Subdivision and Development Appeal Board (SDAB) of the Development Authority, being the Notice of Decision to approve Development Permit 2022-044 for Automotive Service and Drive Through Services at 116 Grande Boulevard, Plan 981 2656, Block 2, Lot 3, in the Town of Cochrane (Town).

A hearing to consider the appeal was commenced on November 23, 2022 with consideration of procedural issues. The Board adjourned the hearing to December 13, 2022 with the consent of all parties. The hearing concluded on that date.

## I. BACKGROUND

Development Permit application DP2022-044 is for Automotive Service and Drive Through Services. The proposed development is located at 116 Grande Boulevard. The subject property is designated General Commercial District (C-G).

The Cochrane Planning Commission (CPC) was the Development Authority for the application as the development proposed is a discretionary use on a parcel with mixed statutory planning policies. The application was approved at the September 28, 2022 meeting of CPC.

The Appellant appealed this decision as per section 685(2) of the *Municipal Government Act*, RSA 2000, c. M-26 (MGA), “any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision”.

## II. PROCEDURAL HISTORY

The hearing commenced on November 23, 2022, with a consideration of procedural issues. The Board postponed the hearing to December 13, 2022 at the request of the Applicant but with consent of all parties. The hearing re-convened on December 13, 2022 and concluded on that date.

The hearing was held through a combination of in-person and video conferencing.

## III. DETERMINATION OF THE BOARD

The Appeal is denied, and the decision of the Development Authority is upheld as per the reasons outlined in section VI Decision.

## IV. APPEARANCES and SUBMISSIONS

The Board received oral and/or written submissions from:

- a) Nicole Tomes for the Development Authority
- b) Randy Mabbott, an Appellant
- c) Hal Wolf, an Appellant
- d) Rick Grol, agent for the Developer and Applicant
- e) Sean Reid, Neoteric Architecture, for the Applicant
- f) Brendan Stevenson, Watt Consulting Group, for the Applicant
- g) Dan MacCharles, Mr. Lube, the Applicant

The following were presented during the hearing and form part of the record:

Addendum 1 – PowerPoint presentation submitted by the Development Authority

Addendum 2 – PowerPoint presentation submitted by the Applicant

Addendum 3 – Photos submitted by the Appellant

## V. SUMMARY OF EVIDENCE

### a) Submissions of the Development Officer

- The Development Officer's submission included a report, maps, plans, photos and PowerPoint presentation.
- The Town received a development permit application on March 28, 2022. The subject property is within the General Commercial District (C-G) where Automotive Service is listed as a Discretionary Use and Drive-Through Service is a Permitted Use. The application was circulated to internal departments and external agencies for comment.
- The remainder of the site, developed through DP2017-080, includes Eating Establishment, Office and Retail Services, and DP2018-083 for Recreation Facility (Fitness Studio).
- The application was reviewed against the following statutory and non-statutory planning documents:
  - [Cochrane Sustainability Plan, 2009](#)
    - Pathway 5 encourages commercial buildings along major transportation corridors
    - Pathway 6 encourages a variety of business development
    - The proposed development aligns with this Plan by providing additional employment opportunities and supporting new businesses in the main commercial area.
  - [Municipal Development Plan, Bylaw 07/2008 \(MDP\)](#)
    - Section 1.3 addresses responsible growth management and economic vitality
    - Section 7.0 outlines the general economic development plan for Cochrane
    - Section 8.5 supports the continued development of the downtown as the primary commercial area of Cochrane
  - [Western Heritage Design Guidelines, 2000 \(WHDG\)](#)
    - The proposed development is located on a parcel identified as a pedestrian-oriented area within the Downtown Expansion Area and is subject to the design guidelines outlined in Section 4.1.
    - The roof style, goose neck lighting, use of parapets and cornices are all part of the proposed building design and meet the intent of the WHDG which is to maintain the spirit of historical construction.
  - [Downtown Area Redevelopment Plan, Bylaw 05/2005 \(DTARP\)](#)
    - The location of the proposed development is within Character Area 6 which includes shopping centres with large expanses of surface parking. The application aligns with the key design and enhancement considerations of the area.
    - This parcel is also designated Commercial and Shopping Centre Commercial in the Downtown Area. The application was further reviewed against policies based on this land use:
    - Policy 2.1.3.2 states new auto-oriented commercial development should be located along the north side of Railway Street and west of Centre Avenue. The proposed Automotive Service is more retail-focused and provides drive-through service. Because customers remain with their vehicles and no vehicles are left on site, this is not a traditional auto-oriented commercial development as described by the Policy; therefore, this location is acceptable.
    - The proposed development aligns with Policy 2.1.3.5 which requires that comprehensively planned commercial uses with shared access and internal site circulation are to be in designated Shopping Centre Retail areas.
    - Policy 2.4.3.7 states Grande Boulevard will be designed to promote pedestrian movement including on-street parking, landscaping and buildings located at or close to the front property line. The proposed development is as close to the property line as practicable with

landscaping and walkways in the front to promote pedestrian movement.

- [Land Use Bylaw 01/2022](#) (LUB)
  - The Development Officer provided a comprehensive overview of C-G District requirements including setbacks, main entrance location and features, window glazing and waste management. The proposed development is compliant with these requirements.
  - Several regulations specific to Drive Through Services and queuing also required review. The proposed development is compliant with all requirements.
  - The Landscaping Plan submitted was found to meet or exceed requirements of the LUB.
  - The LUB does not have a set minimum/maximum number of parking stalls for commercial sites. When reviewing these types of applications, the Development Authority shall have consideration for the Applicant's rationale, scale of the development, proposed use(s) of the site, location and parking requirements of various users.
  - The Applicant engaged a professional transportation engineering firm to conduct a parking study. The main finding was that there is ample parking available on the entire site and adjacent streets for existing and proposed uses even with the removal of 15 stalls.
- Adjacent Landowner Comments
  - Comments received from the adjacent landowner concerned parking overflow issues, delivery vehicles blocking the site's main access point, that the use does not fit within the neighbourhood and waste management issues on the existing site.
- Circulation Comments
  - Comments received from internal departments and external agencies were included as conditions or advisory notes in the Notice of Decision.
- The application was referred to the Cochrane Planning Commission for a decision as the development proposed is a discretionary use on a parcel with mixed statutory planning policies. After review, it was approved at their September 28, 2022 meeting.
- Ms. Tomes provided the following responses to questions from the Board:
  - The Discretionary Use aspect of the proposal drives the application more than the Permitted Use does as the Drive-Through Service would not exist without the other; therefore, Automotive Service is considered the primary use.
  - When considering "should versus shall" the development officer will ask for additional information to support the application. With respect to this proposed development, the Applicant made an extra effort to fit in with the surrounding businesses.
  - Ms. Tomes confirmed there are no variances.

#### b) Submissions of the Appellant

- The Appellant's submission included comments provided with the Notice to Appeal and photos of the parking situation in the area.
- This is a joint appeal between Mr. Mabbott and Mr. Wolf however, Mr. Wolf was unable to attend the hearing due to illness. He did provide additional photos that are attached to the agenda package as Addendum 3.
- Grand Central Properties owns the property immediately south of the proposed development and is directly impacted by this application. Cochrane Theatres owns the property directly north and will also be directly impacted.
- In general, this application does not meet with all applicable requirements of the LUB. The Discretionary Automotive Service does not fit with the surrounding neighbourhood or other adjacent

uses and there is insufficient parking and queuing for the development. If permitted, it will materially interfere with or affect the use, enjoyment or value of neighbouring parcels and unduly interfere with the amenities of the neighbourhood.

- The definition of Automotive Service as outlined in the LUB describes a more industrial use than retail or office. The rationalization about vehicles not being parked on site does not align with the definition.
- Mr. Mabbott described the surrounding neighbourhood. There is a movie theatre, offices, retail, banks, grocery stores, seniors living, mixed residential, single family residential, urgent care and other similar uses. There are two gas stations on the western perimeter of the district on Fifth Avenue, one associated with No Frills and the other with Safeway. All of these are Permitted Uses. There are no other Automotive Service shops in the area.
- The nearest automotive repair shop is on Railway Street near the former Cochrane Dodge and Cochrane Ford sites. Mr. Mabbott believes the Town has made it very clear for several years that they do not want more Automotive Service in the Downtown area. The majority of these types of shops are east of Centre Avenue in the more industrial areas. There is Automotive Service associated with Canadian Tire as well as a couple of other autobody and repair shops, but these are located on the eastern perimeter of the C-G District. The Appellants argue that any additional Automotive Service in the C-G District needs to be similarly located, adjacent to industrial areas and/or next to the railroad tracks. The proposed location is not in compliance with DTARP or MDP
- Policy 2.1.3.2 of the DTARP states “new auto-oriented commercial development should not be located within the downtown except along the north side of Railway Street west of the Centre Avenue extension”. The proposed development clearly does not align with this policy. Mr. Mabbott recognizes that it says “should” and not “shall” but believes that “should” is still strong and provides clear direction. The list of Permitted Uses is extensive and there are many other options much more in keeping with the surrounding neighbourhood.
- This site has a history of issues related to parking. The original development permit application in 2017 did not have enough parking stalls and there were too many small vehicle only parking stalls. Compared to what was originally approved, this application results in a net reduction of 15 stalls. This is significant, equating to a loss of 15% of available parking.
- The Appellants find the parking study provided by the Applicant to be inaccurate or misleading. The parking study noted that 127 stalls are on-site, but this is misleading as some are only for pick-up and a large number are for small cars. This is unrealistic in Cochrane. When looking at parking lots around town, there are very few small cars; most are SUVs or larger trucks.
- The parking study is also misleading about the number of available parking spaces on surrounding streets. Forty-five spaces were identified and broken down as follows: thirteen (13) are on the south side of Grande Boulevard, normally allocated to the Appellant’s site at 100 Grande Boulevard; eleven (11) are adjacent to the proposed site on Grande Avenue but do not have direct access to the businesses on the site; nine (9) are along the east side of Grande Avenue and associated with Walmart; and six (6) are on the west side of the entrance off Grande Boulevard. Due to a no parking zone, fire hydrant and bus stop, there is actually only one (1) space. The Appellants provided photos to support this. The study further claims there are six (6) spaces on the east side of the entrance off Grande Boulevard. There is yellow paint on the curb indicating no parking allowed for two (2) of those stalls as reflected in the photos provided.
- The Appellants already have issues with people parking in their parking lots while attending the Applicant’s premises and believe this will only worsen if the proposed development is approved.
- Also related to parking issues are the trucks making deliveries to the restaurants and liquor store. There is no room for them to park other than on-site in front of the location they are delivering to. As a result, parking stalls are blocked and traffic flow within the site is restricted. Photos are provided in Addendum 3 of the agenda package. Montana’s deliveries are received at the entrance to the site



which will further impact ingress and egress to the site should this development be approved.

- With respect to the LUB, Section 9.4.1 states a Drive-Through Service “shall be designed to be complementary in nature to the Principal Use of a Site and must be integrated into the overall Site design in a manner that does not create a conflict between the movements of pedestrians and motor vehicles, or conflict with Adjacent land Uses.” The Appellants are of the opinion that the proposal fails to comply with this provision as it is not complementary to Principal Uses of the site which are eating establishment, retail, medical office and fitness studio and have no relation to a Drive-Through Service. The proposed design creates more conflict between pedestrians and motorists. It also conflicts with Adjacent land Uses as there are no complementary Uses close to this site.
- Section 9.4.4 Table 41 of the LUB requires the minimum number of out-bound queuing spaces to be one (1) per exit from Drive-Through. This application has none on the site plan and there is barely room for vehicles to exit into the drive lanes.
- Under C-G District, Special District Requirement f) pedestrian linkages need to be provided onto and throughout the site from the street. The proposed development does not comply with this.
- In closing, the proposed development is not appropriate for this location. It is not compatible with or reflective of similar development in the area. It is contrary to and does not meet the principles, goals and aspirations of the applicable planning documents. Finally, it will significantly reduce the amount of available parking.
- The Appellant provided the following responses to questions from the Board:
  - When speaking of parking issues, the Appellant was referring to the previous history of the parking on the site and requirements of previous development permit.
  - No expert reports are necessary to show how the proposed development could directly impact the surrounding areas. The Appellant detailed the current Uses in the area and there is nothing similar to the proposed Use in the vicinity.

c) Submission of the Applicant

- The Applicant submitted a comprehensive report, including an updated Parking Study, Peer Review of the Parking Study, letters in support as well as a PowerPoint presentation.
- Rick Grol, Agent for the Developer and Applicant presented on behalf of the developer and property owner. Also in attendance were: Sean Reid and Chris Audibert of Neoteric Architecture, the Applicant for this DP application; Brendan Stevenson, Transportation Engineer from WATT Consulting Group; and Alan Bass and Todd Dear of Prime Developments, property owners and developer. Dan MacCharles, Director of Construction and Darcy Mustill, Development Manager representing Mr. Lube, attended via Zoom.
- Mr. Reid stated he will be responding to major issues identified in the appeal as the Appellants’ appeal document is brief and contains unreferenced assertions.
  - Mr. Reid reiterated that Drive-Through Services is a Permitted Use. Transitory Automotive Service brings it more into line with a retail component. There will not be any stored vehicles on site which distinguishes it from Automotive Repair as they would have vehicles on site awaiting repair. Mr. Lube is a retail automotive service which makes it complementary to the other amenities in the area.
  - Pedestrian linkages are well preserved around the perimeter of the site and will be maintained for transitory users. There are no perceived conflicts with pedestrians on or off the site. The driveways and accesses are clear, and the pedestrian connections are direct and immediate to the buildings on the parcel.
  - The positioning of the building allows the corner site lines to remain and for traffic and pedestrians to have clear views. The positioning of the building also allows for the stacking of cars

- at the entrances and exits of the service bays.
  - The proposed setbacks and enhanced landscaping make the property more appealing. The existing landscaping of this under-utilized site will be kept and improved upon. The new plan is very modern and complementary to the design of the building and follows the Western Heritage Design Guidelines.
- Mr. Stevenson explained that two (2) parking studies were completed to determine the parking needs on site. A supplementary study was completed in November in addition to the earlier one in July. The studies took place during a variety of times over three (3) days and totalled 23 hours each. Parked vehicles were recorded at 15-minute intervals on both the existing site and surround streets.
  - The peak parking demand was determined to be 54 stalls on a Friday evening in November.
  - Estimated demand for the proposed development and a current vacancy on site, calculated using industry standard parking generation rates from the Institute of Transportation Engineers (ITE), generated an additional 17 spaces. Adding this demand to the survey peak demand of 54 stalls results in a total of 71 stalls. The site plan has ample parking available without the need to access on-street parking spaces. The anticipated peak occupancy equates to 62% of on-site parking.
  - The site plan also includes in-bound queuing space for six (6) vehicles or two (2) for each bay. These were not included in the parking demand.
- Mr. Grol believes that the Development Authority, in making their decision, correctly applied the rules of the LUB and had regard for the applicable statutory plans and policies.
  - The Appellants submitted three (3) photos as their written evidence. Many of their arguments are statements without substantive evidence.
  - *Gendron v. Calgary (City)*, a case often quoted by the courts when reviewing tribunal decisions, states that “raising an issue is not the same as having evidence to present”. The same applies here; if you make an assertion, you need to back it up with substantive evidence. The Appellant has not provided substantiating evidence.
  - The permit application has been backed up with a transportation study completed by transportation engineer and provided under seal. A peer review conducted by a reputable engineering firm agrees that the study was thorough and the conclusion appropriate.
  - This application has already undergone a very lengthy and systematic review process by a senior planner, Administration and the Planning Commission. The Applicant trusts that that resulted in an approval that is appropriate.
  - Mr. Grol does not agree with the Appellants’ interpretation of the policy documents. While the MDP is a statutory plan, it is high level and aspirational. It does not carry the same weight as the LUB which outlines the rules and requirements that a development permit application must meet. The former contains broad policies that can be interpreted in different ways unlike the rules of the latter that must be met. Area development plans are also broad policy plans. These use “should” and not “shall”, which the Courts have said is not a mandatory rule.
  - It is important to note that the application has no variances. The Appellants do not meet the test of s. 687 (3)(d) of the MGA which contemplates whether or not a proposed development materially interferes with the use or enjoyment of a neighbouring property or interferes with the amenities of the neighbourhood. This is only applicable if a variance to the application is granted. This application complies with the LUB and statutory policies so it cannot apply.
  - The Appellants give weight to the history of the site, questioning whether parking met the requirements or demands. Other municipalities are moving away from standard parking requirements in their LUB’s as Cochrane has. What may have been previously required does not apply to this application.
  - The proposed development is consistent with the LUB, MDP and other applicable policies. It does not require variances. It is appropriate and suitable for the neighbourhood. It has no negative impact on the use and enjoyment of the Appellants’ properties thus must be approved.
- The Applicant provided the following responses to questions from the Board:

- Mr. MacCharles stated that the average time for service is 24 minutes. With three (3) bays, they can handle about six (6) cars an hour. We do not anticipate more than six (6) vehicles queued for entry. If there is a big line up, people typically do not stay so we do not expect that the aisle ways will be blocked.
- Mr. Stevenson does not believe there will be any need for on-street parking given parking availability on site. The analysis supports this.
- Mr. MacCharles explained that there are only four (4) employees on per shift, five (5) if it gets busier. Typical hours of operation are Monday to Saturday from 8am to 8pm and Sundays from 10am or 11am to 5pm, that is up to each operator franchisee.

d) Final Comments

- Administration made the following final comments:
  - Ms. Tomes clarified that the peak demand of 124 stalls noted in her report was the modelled number and not observed number. Street parking is available to the public, not assigned to any parcel for use and is available 24/7/365. Even though the analysis took street parking into account, it was a nice-to-have as on-site parking would be adequate. The hierarchy of plans in the context of should versus shall, goes from the broadest to the most detailed (Municipal Development Plan, Cochrane Sustainability Plan, Downtown Area Redevelopment Plan, Land Use Bylaw)
- The Applicant made the following final comments:
  - Mr. Grol would like it on record for the Board that he did not see Mr. Wolf's photos prior to the hearing.
  - With regard to the Appellants' position that overflow parking occurs on their properties, they can control operations of their own parking lots. If there are issues with deliveries or unauthorized users in their lots, there are steps they can take to correct these, it is not fair to hold it against his clients.
  - Mr. Grol noted that it is not uncommon for this type of use to be associated with commercial development and is often seen in large commercial shopping centres. Auto Service is a broad description but it is an allowable use in this District.
- The Appellants made the following final comments:
  - They are opposed to the Discretionary aspect of Automotive Service. Mr. Mabbott argued that he provided specific and detailed examples of how this does not fit with the neighbouring businesses, contrary to the Applicant's assertion of no evidence. He provided an overview of what is located in the neighbourhood and none are similar to this type of development. It is not a retail service as suggested, it is quasi-industrial and that type of development does not fit the area. We do not object to the development of the parcel but there are more appropriate uses to the area.
  - We are not discussing the specifics of the LUB but rather the intangibles like suitability. The LUB does not address Discretionary Uses other than putting them in categories of Uses. That is where the other policy documents come in and need to be applied.

VI. DECISION

The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.

The proposed development is in the C-G District where the LUB states the "purpose and intent is to

provide for a range of commercial, entertainment and professional office Development”. It has been established that Drive-Through Service is a Permitted Use with Automotive Service being Discretionary. The LUB definition of Automotive Service includes service for the maintenance of vehicles specifically oil and lubrication shops. Additionally, no variances were requested.

The Board gave regard to the Downtown Area Redevelopment Plan, in particular Policy 2.1.3.2 which states that new auto-oriented commercial development *should* be located along Railway Street and not within the downtown. The Board, in considering the use of should versus shall agreed that should is a non-compulsory directive and gives the Development Authority the ability to evaluate the appropriateness of the proposed development for the area within the context of the entire document. After review, the Board finds the use to be appropriate in the proposed location.

Special Requirement f) listed in the C-G District section of the LUB requires pedestrian linkages be provided onto and throughout the site from the street. The Board is satisfied that the adjacent sidewalks and connecting pathway to the site meet this requirement.

Regulation 9.4 Drive-Through Services in the LUB was also given particular regard. After review, the Board found the proposed development to be compliant. No new entrances are proposed for the site that would cause conflict with other vehicles or adjacent properties; pedestrian walkways are located on the perimeter of the site away from vehicular traffic; and the appropriate number of queuing spaces are proposed.

The Board accepts the findings of both parking studies conducted by Watt Consulting Group that there is ample parking on site to meet demand. Further, on-street parking is also available on surrounding streets. As pointed out by the Development Officer, this is public parking and not designated to any particular parcel. Any overflow parking onto adjacent private lots is beyond the scope of this Board. There are other remedies available to those property owners.

The Board is unable to give consideration to previous development permits granted for the site as they are not under appeal. Further, they were approved under a previous Land Use Bylaw that is no longer in force.

The Board did not find the Appellants’ argument under s. 687 (3)(d)(i)(A) and (B) of the MGA to be compelling. There was insufficient evidence to demonstrate how the proposed development would unduly interfere with the amenities of the neighbourhood or affect the use, enjoyment or value of neighbouring properties.

For the reasons set out above, the appeal is denied and the decision of the Development Authority is upheld. A development permit shall be issued.

**Dated** this 23 day of December 2022

Original signed by Scott Shannon  
\_\_\_\_\_  
Scott Shannon, Chairperson

Original signed by Karen Babin  
\_\_\_\_\_  
Karen Babin, SDAB Clerk

*An appeal of this Decision, on a question of law or jurisdiction, may be made to the Alberta Court of Appeal in accordance with section 688 of the Municipal Government Act, RSA 2000, c.M-26 within 30 days of the date of this Decision.*