

TOWN OF PINCHER CREEK

CHINOOK INTERMUNICIPAL SUBDIVISION & DEVELOPMENT APPEAL BOARD

November 4, 2024

2:00 p.m.

Hearing No. DP 250250-24-D0077B

APPELLANT/APPLICANT:

Angela Pernal

LIST OF EXHIBITS

- A. Notice of Hearing & Location Sketch Map
- B. List of Persons Notified
- C. Letter of Appeal
- D. Notice of Decision & Development Permit No. 250250-24-D0077B
- E. Municipal Development & Subdivision Authority (MDSA) Agenda Report including Development Permit Application and supporting documentation.
- F. MDSA Meeting Minutes (September 18, 2024)
- G. Excerpts from Town of Pincher Creek Land Use Bylaw No. 1547
- H. Letter of Support

TOWN OF PINCHER CREEK

NOTICE OF CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

Development Permit 250250-24-D0077B

THIS IS TO NOTIFY YOU THAT IN ACCORDANCE WITH SECTION 686 OF THE MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA, 2000, CHAPTER M-26, AS AMENDED, A PANEL OF THE CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD WILL HEAR AN APPEAL OF A DEVELOPMENT PERMIT ISSUED BY THE:

**Development Authority of the Town of Pincher Creek
with respect to Development Permit No. 250250-24-D0077B**

APPELLANT: Angela Pernal

LEGAL DESCRIPTION: Lot 25, Block 8, Plan 7711493
(504 Schofield Street)

PROPOSAL: Short-Term Rental – Type 2

DECISION: APPROVED WITH CONDITIONS

PLACE OF HEARING: **Council Chambers**
Town of Pincher Creek Administration Building
962 St. John Avenue, Pincher Creek, AB

DATE OF HEARING: **November 4, 2024**

TIME OF HEARING: **2:00 p.m.**

PROCEDURES PRIOR TO THE HEARING FOR DP 250250-24-D0077B:

1. **Provide Written Submissions** - The Appeal Board is encouraging all hearing participants to submit presentations, letters, and comments to the Board prior to the hearing. It is preferred that written material is emailed to the Board Clerk, ideally in a PDF format. Please contact the Clerk with your written submissions, which will be accepted until 12:00 p.m. October 30, 2024.

EMAIL: rachel@orrsc.com

MAIL: **Rachel Schortinghuis, Board Clerk**
Oldman River Regional Services Commission
3105 – 16th Avenue N., Lethbridge, Alberta T1H 5E8

If you are bringing information to the hearing for submission, you are required to supply 12 copies.

2. **Exhibit Viewing** - The initial appeal exhibit package will be posted on the ORRSC website at www.orrsc.com. Any additional submissions submitted up to 12:00 p.m. on October 30, 2024, will be posted to the website prior to the hearing.



Rachel Schortinghuis, Clerk
Subdivision & Development Appeal Board

Date: October 18, 2024

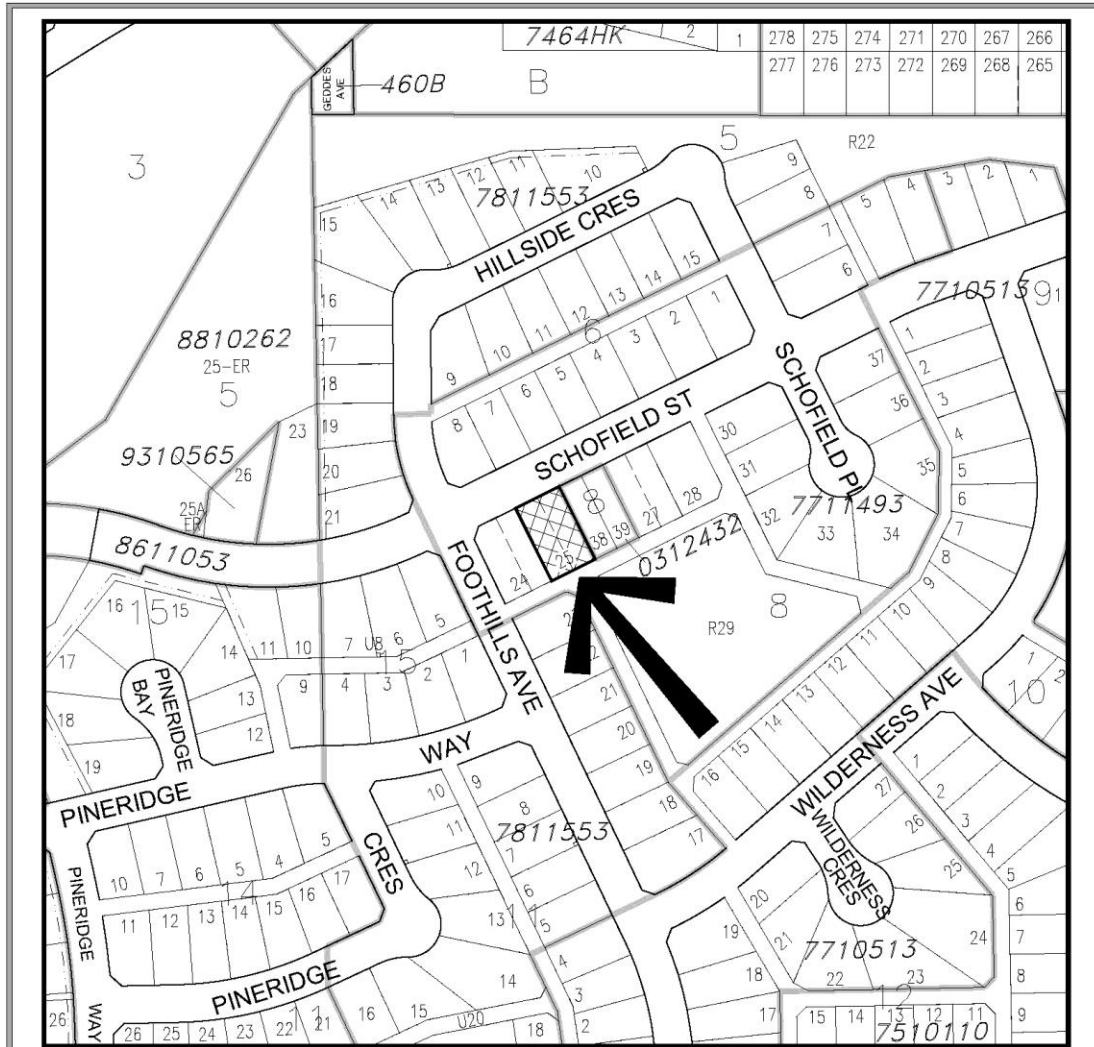
A1

TOWN OF PINCHER CREEK

CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Land Subject of Appeal Hearing DP 250250-24-D0077B

Lot 25, Block 8, Plan 7711493



LOCATION SKETCH
 LOT 25, BLOCK 8, PLAN 7711493 WITHIN
 SE 1/4 SEC 22, TWP 6, RGE 30, W 4 M
 MUNICIPALITY: TOWN OF PINCHER CREEK
 DATE: OCTOBER 17, 2024



**TOWN OF PINCHER CREEK
CHINOOK INTERMUNICIPAL SUBDIVISION & DEVELOPMENT
APPEAL BOARD**

Hearing No. DP 250250-24-D0077B

List of Persons Notified

Municipality:

Town of Pincher Creek CAO
Town of Pincher Creek MDSA Chair
Town of Pincher Creek Legislative Services
Manager
Town of Pincher Creek Development Officer
Planning Advisor, Steve Harty

SDAB Members:

Don Anderberg
Bjorn Berg
Evert Vandenberg

Appellant:

Angela Pernal

Applicant:

Angela Pernal

Persons Notified:

Nathan Bruder
Linda Toews
Alberta Social Housing Corporation
Harriet McCollister
Mark & Dana Bergen
Tammy Antonation
Irene Bergen
Rachel Hordyk

From: [Angela Pernal](#)
To: [Rachel Schortinghuis](#)
Subject: Re: RE:
Date: October 10, 2024 2:18:09 PM

Hi Rachel,

I am going to go forward with the appeal, based on the concern and non-clarification of what a temporary permit means. I do not understand the terms of the "temporary" status. As I also do live at the location, in which I am looking to have permit, and as I have come to understand, this makes me a Type 1, according to Pincher Creek bylaw, unless I somehow have this mistaken or this has changed. The Town has not been able to provide me much information, and they also have not been able to answer how long I have to meet these conditions or on what grounds of having to re-apply for the permit is based off of. In regard to that as well, I would like to address a letter on my file I was previously unaware of when I went to the last meeting regarding my short-term rental. I also have an issue with the town's condition of having my entire back yard fenced in, as this is where the entrance to my driveway is, and I would not be able to gate off the driveway. If I did this would be hard to do in the winter. I am willing to discuss those terms, and my pet policy. I also need some clarification as to what the Town will accept for my driveway. As I am currently looking into widening it even more, however having 4 parking spaces is actually much more than necessary, however again I willing to understand this more so that I can work with the board on coming to a resolution.

Thank you,

Angela

From: Rachel Schortinghuis <Rachel@orrsc.com>
Sent: Thursday, October 10, 2024 12:09 PM
To: Angela Pernal [REDACTED]
Subject: RE:

It is made up of board members from the area not necessarily from Pincher Creek itself it could be from the surrounding area. I don't know who it will be at this point. It will not be anyone that sat on the MDSA.

Rachel

[Rachel Schortinghuis](#)
Assistant Planner

Phone: 403-329-1344

C1

Direct Line: 403-388-1097
Email: rachel@orrsc.com
Oldman River Regional Services Commission
3105 – 16 Ave N | Lethbridge, AB | T1H 5E8



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From: Angela Pernal [REDACTED]
Sent: October 10, 2024 9:19 AM
To: Rachel Schortinghuis <Rachel@orrsc.com>
Subject:

Hi Rachel,

Sorry for the delay, I have one quick question. I'm wondering if you can tell me who is on this Municipal Subdivision Appeal Board?

Angela

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962 St. John Avenue
Pincher Creek, Alberta
T0K 1W0

Phone: (403) 627.3156

Fax: (403) 627.4784

www.pinchercreek.ca

Temporary Development Permit

Permit Number: 250250-24-D0077B
Application Date: Aug 7, 2024
Issued: Sept 18, 2024

Applicant		3rd Party	Owner	
Name:	Angela Pernal	Name:	Name:	Angela Pernal
Address:	[REDACTED]	Address:	Address:	[REDACTED]
Phone:	[REDACTED]	Phone:	Phone:	[REDACTED]

Property

Legal Land Description Lot 25, Block 8, Plan 7711493

Description of Development:
Short-Term Rental – Type 2

Tax Roll No. 00981300

Proposed Use: Four guests

Fees

Total Permit Fee:	\$150.00	Permit Fee Paid:	\$150.00	Receipt No.: 512222
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Permit Conditions:

- The developer must obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over this proposal.
- All development will be on-site checked by the Bylaw Enforcement Officer for any contravention of the Town of Pincher Creek bylaws.
- Development is subject to conditions as indicated in the Notice of Decision dated Sep 18, 2024.

NOTE: This permit does not come into effect until the appeal expiry date as indicated in the Notice of Decision.

Issued by:

Kim Kozak, Designated Officer
Town of Pincher Creek

Date of Decision: Sep 18, 2024
Advertising Date: Sep 18, 2024
Appeal Expiry Date: Oct 9, 2024

D1

TOWN OF PINCHER CREEK



962 St. John Avenue
Pincher Creek, Alberta
T0K 1W0
Phone: 403-627-3156
Fax: 403-627-4784
www.pinchercreek.ca

Notice of Decision on Application for a Development Permit

Date: Sep 20, 2024

Permit Number: 250250-24-D0077B

Other

To: Angela Pernal



Re: Decision of the Municipal Development &
Subdivision Authority
504 Schofield Street - Residential - R1
Development Permit - Short-Term Rental –
Type 2

Please be advised that development permit application for Other 250250-24-D0077B was Approved With Conditions on Sep 18, 2024.

This decision may be appealed to the Subdivision and Development Appeal Board within 21 days after the date on which a person qualified to appeal is notified of the decision. This application was Approved With Conditions as a Residential development.

IMPORTANT NOTES:

1. A development permit does not take effect until twenty-one (21) days after the date of the notification of decision. This does not apply to permits for permitted uses that do not contain conditions. If an appeal is lodged pursuant to section 686(1) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, then a permit will not take effect until the Subdivision and Development Appeal Board has determined the appeal.
2. Notice of approval in no way removed the need to obtain any permit or approval required by any federal, provincial, or municipal legislation, order and/or regulations pertaining to the development approval.

If you have any questions regarding the development permit, please contact the undersigned at (403)627-3156.

Regards,

A handwritten signature in blue ink, appearing to read "K. Kozak".

Kim Kozak, Development Officer

CONDITIONS

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto;
2. This permit shall be on a temporary basis of one year, after the one year the permit is no longer valid;
3. To continue the business a new development permit application shall be applied for prior to the one year permit expiry. The Municipal Development and Subdivision Authority has determined that the whole application fee be waived;
4. The Applicant shall provide the name and phone number of the person who resides in the Town of Pincher Creek who will be managing the Short-term Rental while in use to the Designated Officer prior to the business operating. The contact information will be kept on file and used for compliance reasons; the Town is to be made aware of any changes related to the contact person;
5. The Applicant must apply for and maintain a current yearly municipal Business License from the municipality related to the Short-term Rental;
6. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility Bylaw, Noise Bylaw, Nuisance and Untidy Premises Bylaw;
7. The Owner shall obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;
8. The yard of the property shall be enclosed and fenced to keep pets contained on-site;
9. The maximum nightly occupancy related to the Short-term Rental shall be no more than four people;
10. The sleeping areas shall be limited to the one bedroom and living room;
11. The Applicant shall provide, identify, and maintain four parking spaces on site;
12. Each parking space shall be a minimum of 3 m wide and 6.1 m long;
13. The parking spaces must be of gravel or paved to the satisfaction of the designated officer;
14. The Applicant shall disclose their license number in all online postings and advertisements. The business license must also be posted and visible inside the dwelling to rental guests;
15. The Applicant must post in an area that visible to the eye, inside the dwelling, the name and phone number of the person managing the Short-term Rental while in use;
16. The Applicant shall keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by the designated officer;
17. The advertising related to the Short-term Rental shall not displayed until after a development permit is issued;
18. The Signage of the name of the Short-term Rental shall only be displayed as allowed for in this bylaw and includes:
 - (i) one window signage, no larger than 0.4 m² (4 ft²), or
 - (ii) up to one freestanding sign no more than 1.5 m² (5 ft²) above ground or sidewalk grade and shall not be more than 0.4 m² (4 ft. ²) in area,
 - (iii) any signage associated with a Short-term Rental, must be made of a material that is complementary to the principal dwelling, and
 - (iv) not be directly illuminated in any way;

19. The Applicant shall be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on accommodation. The owner/operator will be required to show verification of compliance to the designated officer or the Municipal Development and Subdivision Authority when requested;
20. The Applicant shall be required to have valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The owner/operator will be required to show verification of such when requested by the designated officer or the Municipal Development and Subdivision Authority;
21. The Applicant shall comply with any requirements and obligations relating to the Public Health Act, Housing Regulation as applicable;
22. The exterior appearance of a dwelling approved as a Short-term Rentals shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw;
23. Short-term Rentals shall not interfere with the rights of other neighbours and residents and owners and renters must adhere to the requirements of the Town of Pincher Creek Nuisance Bylaw;
24. Any changes or additions to this permit shall require new development permit application;
25. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.



**Town of Pincher Creek
Municipal Development and Subdivision Authority
Request for Decision
September 18, 2024**

Item 4.2

DEVELOPMENT PERMIT APPLICATION # 24-D0077

Applicant: Angela Pernal

Legal Land Description: Plan 7711493 Block 8 Lot 25

Municipal Address: 504 Schofield Street

Land Use Zoned: Residential – R1

Discretionary Use with Waiver Use: Second Dwelling Unit with waiver to floor area and Short-Term Rental – Type 2

Description of Development: Second Dwelling Unit within a Semi-detached Dwelling with a waiver to the minimum floor area of 92.9 m² (1000 ft²) to 79.25 m² (853 ft²), and a Short-Term Rental – Type 2

Recommendations

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0077 – Angela Pernal; Plan 7711493 Block 8 Lot 25; 504 Schofield Street; Designated Residential – R1; Discretionary Use: Second Dwelling Unit within a Semi-detached Dwelling with a waiver to the minimum floor area of 92.9 m² (1000 ft²) to 79.25 m² (853 ft²), and a Short-Term Rental – Type 2 subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto excepting the following waiver granted by the Municipal Development and Subdivision Authority on September 18, 2024:
 - (a) to the minimum floor area is 92.9 m² (1000 ft²). The approved floor area is 79.25 m² (853 ft²);
2. The Applicant shall obtain a Building Permit to ensure the development complies with the current National Fire Code (AE) and the National Building Code (AE);
3. The Second Dwelling Unit shall be addressed as Unit B – 504 Schofield Street and registered with Emergency Services;
4. The Applicant shall provide the name and phone number of the person who resides in the Town of Pincher Creek who will be managing the Short-term Rental while in use to the Designated Officer prior to the business operating. The contact information will be kept on file and used for compliance reasons; the Town is to be made aware of any changes related to the contact person;
5. The Applicant must apply for and maintain a current yearly municipal Business License from the municipality related to the Short-term Rental;
6. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility Bylaw, Noise Bylaw, Nuisance and Untidy Premises Bylaw;
7. The Owner shall obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;
8. The yard of the property shall be enclosed and fenced to keep pets contained on-site;
9. The maximum nightly occupancy related to the Short-term Rental shall be no more than four people;
10. The sleeping areas shall be limited to the one bedroom and living room;

11. The Applicant shall provide, identify, and maintain four parking spaces on site;
12. Each parking space shall be a minimum of 3 m wide and 6.1 m long;
13. The parking spaces must be of gravel or paved to the satisfaction of the designated officer;
14. The Applicant shall disclose their license number in all online postings and advertisements. The business license must also be posted and visible inside the dwelling to rental guests;
15. The Applicant must post in an area that visible to the eye, inside the dwelling, the name and phone number of the person managing the Short-term Rental while in use;
16. The Applicant shall keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by the designated officer;
17. The advertising related to the Short-term Rental shall not displayed until after a development permit is issued;
18. The Signage of the name of the Short-term Rental shall only be displayed as allowed for in this bylaw and includes:
 - (i) one window signage, no larger than 0.4 m² (4 ft²), or
 - (ii) up to one freestanding sign no more than 1.5 m² (5 ft²) above ground or sidewalk grade and shall not be more than 0.4 m² (4 ft. ²) in area,
 - (iii) any signage associated with a Short-term Rental, must be made of a material that is complementary to the principal dwelling, and
 - (iv) not be directly illuminated in any way;
19. The Applicant shall be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on accommodation. The owner/operator will be required to show verification of compliance to the designated officer or the Municipal Development and Subdivision Authority when requested;
20. The Applicant shall be required to have valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The owner/operator will be required to show verification of such when requested by the designated officer or the Municipal Development and Subdivision Authority;
21. The Applicant shall comply with any requirements and obligations relating to the Public Health Act, Housing Regulation as applicable;
22. The exterior appearance of a dwelling approved as a Short-term Rentals shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw;
23. Short-term Rentals shall not interfere with the rights of other neighbours and residents and owners and renters must adhere to the requirements of the Town of Pincher Creek Nuisance Bylaw;
24. Any changes or additions to this permit shall require new development permit application;
25. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

Alternatives

That the Municipal Development and Subdivision Authority direct the Designated Officer to enter into an Agreement for Time Extension with the Applicant for Development Permit No. 24-D0077 – Angela Pernal; Plan 7711493 Block 8 Lot 25; 504 Schofield Street; Designated Residential – R1; Discretionary Use: Second Dwelling Unit within a Semi-detached Dwelling with a waiver to the minimum floor area of

92.9 m² (1000 ft²) to 79.25 m² (853 ft²), and a Short-Term Rental – Type 2 in order to garner additional information to bring back the application to the next regular MDSA meeting,

OR

That the Municipal Development and Subdivision Authority amend or add any conditions as they determine necessary to the Development Permit Application No. 24-D0077 – Angela Pernal; Plan 7711493 Block 8 Lot 25; 504 Schofield Street; Designated Residential – R1; Discretionary Use: Second Dwelling Unit within a Semi-detached Dwelling with a waiver to the minimum floor area of 92.9 m² (1000 ft²) to 79.25 m² (853 ft²), and a Short-Term Rental – Type 2,

OR

That the Municipal Development and Subdivision Authority refuse the Development Permit Application No. 24-D0077 – Angela Pernal; Plan 7711493 Block 8 Lot 25; 504 Schofield Street; Designated Residential – R1; Discretionary Use: Second Dwelling Unit within a Semi-detached Dwelling with a waiver to the minimum floor area of 92.9 m² (1000 ft²) to 79.25 m² (853 ft²), and a Short-Term Rental – Type 2 providing the reasons for refusal.

Background

- The Town was made aware of an AirBNB operating at 504 Schofield Street through a service request filed with the Town on July 9.
- The Development Officer and Bylaw Officer conducted an on site inspection on July 15, 2024. The property owner was not on site. A note was left for the property owner to contact the Development Officer to discuss the service request.
- The applicant contacted the Development Officer on July 15, 2024, to discuss the AirBNB that was currently operating within a Second Dwelling Unit constructed in January of 2024.
- It was determined by the Development Officer that there are no approvals from the Town for the Uses.
- The property owner submitted the Development Permit Application for the 79.25 m² (853 ft²) Second Dwelling Unit that is located within the basement of the dwelling on August 2, 2024.
- The application was Deemed Complete on August 15, 2024.
- The 95.0 m² (1023 ft²) dwelling located on the property at 504 Schofield is considered a Semi-detached Dwelling.
- Front view of 504 and 502 Schofield Street (photos taken in 2024):



- Rear view of 504 Schofield Street:



- A Dwelling unit means a room or a suite of rooms operated as a residence for family, containing cooking, sleeping and sanitary facilities.
- A Semi-detached dwelling means a residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit in a "Semi-detached dwelling" is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwelling units.
- Triplex means a single building comprised of three dwelling units, each unit having a separate, direct entrance from grade or a landscaped area.
- Note that property adjacent to the east of 504 Schofield Street was originally built as a Duplex; however, was converted to a Fourplex through Building Permit 1088 issued on February 23, 1981.
- Similar use means a use which is not specifically considered in a land use district but, in the opinion of the Municipal Development and Subdivision Authority, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Development and Subdivision Authority may:
 - (a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and
 - (b) direct that a development permit be issued in accordance with this bylaw.
- The Development Officer had erred in classifying the application as a Similar Use to a Duplex.
- A Triplex or Fourplex are neither a Permitted nor a Discretionary Use within the R1 district; therefore, Similar Use may not apply to this application. However, the applicant is requesting for a Second Dwelling Unit within their Semi-detached Dwelling Unit.
- As per Section 36 - Number of Dwelling Units on a Parcel, states, "No person shall construct or locate or cause to be constructed or located more than one separate dwelling unit on a parcel unless authorized by the Municipal Development and Subdivision Authority through the issuance of a development permit."
- The application is also for a Short-term Rental (AirBNB).
- Short-term Rentals means a dwelling unit (including a house, apartment, multi-unit dwelling, or individual room), operated as a temporary or short-term rental or lease accommodation unit, occupied by a guest or guests for a period of less than 28 continuance days where the residence owner may or may not be present or residing on site, and includes all temporary or short-term rentals, vacation homes or temporary accommodation for commercial purposes or for compensation. This use does not include Bed and Breakfasts, Home Occupations, Motels, or Hotels which are separately defined uses.
- The applicant does not reside within the Second Dwelling Unit; therefore, the Short-term Rental is considered a Type 2.
- Short-term Rentals Type 2 (non-owner-occupied rental) means a short-term rental or lease situation where an owner does not live/reside in the dwelling as their primary residence (non-owner-occupied rental) but rents out the house or rooms as accommodation on temporary or short-term bases for a period of less than 28 continuance days as a rental, vacation home or temporary accommodation for commercial purposes, or a commercial entity uses the home exclusively for short-term rentals. (Note: This applies to situations where a person or business owns a dwelling(s) that they primarily rent for accommodation for commercial income, etc.).
- Section 31 – Short-Term Rentals of the Land Use Bylaw provides the regulations. Some regulations are as follows:
 - Short-term Rentals that are prohibited or are found to be operating without a valid development permit and/or Business Licence are subject to the imposition of fines/penalties by the municipality in accordance with the fee schedule or other applicable bylaw.

- There was no fines or penalties applied due to the hardship of the cost it would have on the applicant.
 - Exterior appearance of a dwelling approved as a Short-term Rentals shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw.
 - It is recommended that a condition be added for an address to be assigned for the Second Dwelling Unit, to assist Emergency Services.
 - The Municipal Development and Subdivision Authority may limit the number of dwellings used as short-term rental units on a street or defined area, and no more than 3% of the total number of single-detached dwellings in the R-1 land use district of the Town of Pincher Creek may be approved as a Short-term Rentals Type 2, based on a first come first served basis.
 - Calculation of 3%:
As of September 10 - 1371 R1 districts within the Town
 $1371 \times 3\% = 41$
 $41 - 3$ (previous approved Short-term Rentals) = 38 Short-term Rentals Allowed for Consideration.
 - The Municipal Development and Subdivision Authority may in its discretion, place any conditions it deems reasonable, on a development permit approved for Short-term Rentals to manage potential impacts to neighbors or ensure the use is operating within the regulations and standards of the bylaw.
 - The Municipal Development and Subdivision Authority may refuse to approve a development permit for a Short-term Rentals if they determine there are other pre-existing Short-term Rentals established in the vicinity or neighborhood and additional such use would negatively affect the neighborhood, cause traffic or parking concerns, or interfere with the residents right to peaceful enjoyment of their property.
- The applicant has advised the following:
 - The suite was developed in January 2024,
 - The basement suite contains one bedroom,
 - The plans are to operate the Air BNB maximum of 3 weeks per month, or 252 days out of the year,
 - The maximum number of guests will be four,
 - There is enough parking for over four vehicles in the back yard area,
 - There are two accesses to the suite, one from the main floor and one from the exterior of the home,
 - The business has been operating since June 28, 2024,
 - I did speak with my neighbour in regard to the phone call she made, and she has since been very understanding. There was some initial discomfort as she was seeing a cleaning lady whom she was not on good terms with going into the house and didn't quite understand the situation at first. However, since we have spoken, she feels good that I am here, and able to keep up with the guests coming, and be watchful. She understands this is a great opportunity for me for renting out my unit downstairs,
 - Advertises for the suite:

About this space

Welcome to this peaceful, clean and bright basement suite. Your family will be close to everything when you stay at this centrally located place. Situated in a community area close to the Rocky Mountain Ranges surrounding the town. Nearby Waterton National Park, Crowsnest Pass, Castle Mountain Resort, and more. Make yourself at home with the scenic landscapes and local shops and the close-by opportunities for hiking, fishing and other outdoor activities. This suite will be your place of rest.

The space

The property is located in a safe community within pincher creek. The house itself is a semi-detached split level, with a separate basement suite and entrance. The suite has a kitchenette and laundry. There is a queen-sized pullout couch located in the living room. As well as, a bedroom with a queen-sized bed and futon. There is a bathroom with a shower, and accessibility to hot water. The kitchenette is fully stocked and laundry facilities are for your use. The backyard is able for you to enjoy.

- Received very heart-warming reviews, and guests have been so happy to discover Pincher Creek. I have guests that wish to return as well. It has been a great location for people that want to explore this area more, are taking part in local races and events, looking to enjoy a quiet getaway from the city while going to Waterton and Castle Mountain. Each of my guests are provided with local brochures and business cards for shops and businesses. I also have a written booklet with places for people to visit around here that also include the museum, etc.
- The Municipal Development and Subdivision Authority may want to consider issuing the permit on a Temporary basis by adding the following conditions:
 - This permit shall be on a temporary basis of one-year, after the one year the permit is no longer valid;
 - To continue the business a new development permit application shall be applied for prior to the one-year permit expiry. The Municipal Development and Subdivision Authority has determined that the whole application fee be waived.
- In the opinion of the Development Officer, with the Second Dwelling Unit being within a Semi-detached Dwelling it could unduly interfere with the enjoyment of the neighbouring properties in the way of noisy tenants, litter, etc., and with Emergency Services dealing with emergencies from the property, it may be best to Refuse the application; however, with evidence on file showing the adjacent property to the east of the 504 Schofield received approval on February 23, 1981 for the conversion of Duplex to Fourplex, and with the proper approvals, conditions, and enforcement put in place, the Second Dwelling Unit and Short-term Rental Type 2 may not unduly interfere with the neighbours; and Emergency Services will have the proper addressing to identify the location of any emergencies.

Notifications

Notifications were mailed to six (6) adjacent properties likely to be affected by the issuance of a development permit. A concern neighbour provided written concerns regarding the proposed development on September 9, 2024.

Referral Comments

Fire/Emergency Services:

This is under your secondary Suite By-law, I assume.

- Will this suite have an address that can be used in the event of an emergency, as I assume that the top suite address does not have access to the lower suite? (this has been a concern in the past when responding to emergency calls)
- Were applicable building codes followed in the construction of the secondary suite?
 - o Fire separations
 - o Heating and ventilation code
 - o Smoke detectors
 - o Bedroom egress
- being a secondary suite is similar to an apartment having two or more tenants in a single structure. Building Code has defined the requirements for construction of these suites. But until recently the town had not recognized them and therefore, they were kind of in a grey zone where no one really knew they existed.
- I would assume it makes sense to address these units similar to apartments or duplex as they are effectively sperate living areas total independent of the other unit. We have had issues in the past with single-addressed properties where the basement has become an apartment, but a single address exists, and the caller does not make it clear where they reside.

Operations Department:

No concerns from Operations.

Bylaw Officer:

No issues from bylaw.

Oldman River Regional Services Commission:

The proposed application respects two separate uses in which one cannot exist without the other. If the MDSA wishes to approve the basement suite, then the Short-term Rental may be considered. Without basement suite approval, there are no grounds to approve a Short-term Rental as proposed.

Consideration should be given to adjacent landowner comments when considering both aspects of the application.

Basement Suite

- Basement suite, secondary suite, in-law suite, etc. are not contemplated uses within the Town's Land Use Bylaw.
- Although the MDSA has previously deemed a basement suite to be similar to a Duplex it was done so in a single-unit dwelling. This particular application is for a basement suite within a Semi-detached Dwelling. Approval of the proposed basement suite would create three units within a single building, which does not meet the definition of a Duplex or Semi-Detached Dwelling. It would best fit the definition of a Triplex which is not a listed use within the R1 land use district.
- The MDSA may also consider the basement suite to be an Accessory Use to the dwelling.

- Approval can only be granted by deeming the basement suite similar to another use listed within the land use district or considering the use to be accessory to the main dwelling unit on the property.
- The MDSA should consider if the density of the Semi-detached Dwelling with a basement suite would be suitable within the R1 land use district.
- As proposed, the basement suite meets the definition of a Dwelling Unit, providing sleeping, cooking, and sanitary facilities.
- The number of stalls required will be at the Discretion of the MDSA as Accessory Uses do not have a defined parking requirement. See comments below about the provided parking plan.
- If approval is granted for the basement suite, it could be rented out as a long-term rental, it is not limited to use as a Short-term rental.
- Safety Codes approvals are required for the basement suite in order to ensure compliance with National Building Code – Alberta Edition.

Short-term Rental

- The Land Use Bylaw indicates a Short-Term Rental 1 is located in an owner-occupied Dwelling. The definition and standards for Short-Term Rental 1 is not clear if a secondary dwelling unit (basement suite) within the residence is still considered an owner-occupied dwelling.
- This application proposes use of the unit as a Short-term Rental exceeding 60 days in a calendar year, therefore the Short-term Rental should be approved as a Short-term Rental 2 which does not limit the number of days in which the Short-term Rental may operate.
- Schedule 4, Section 31.7 of the LUB allows the MDSA to place any conditions it deems appropriate to manage potential impacts to neighbours or ensure the use is operating within the regulations of the bylaw.
- The MDSA must determine the number of bedrooms and the maximum occupancy of the short-term rental and include them as a condition of the development permit in accordance with Section 31.5.
- The number of parking stalls required is at the discretion of the MDSA however it is a requirement of the Applicant to provide a parking plan illustrating the location and size of each parking stall available on site in accordance with Section 31.8(b). The parking plan provided does not illustrate the size of the parking stalls and indicates vehicles will be parked partially on the grass. If improvements are intended to be done or have been completed to increase the size of the rear driveway that has not been disclosed within the application.

Attachments:

- Application
- Email from Applicant with Guest Reviews
- Location Map
- Parking Plan
- Floor Plan
- Letter from Concerned Neighbour

RECEIVED

Print Form

SCHEDULE 11
Form A

TOWN OF PINCHER CREEK

AUG 02 2024

Box 159, 962 St. John Avenue, Pincher Creek, AB T0K 1W0
403-627-3156 fax: 403-627-4784 e-mail: reception@pinchercreek.ca

Town of Pincher Creek

APPLICATION FOR A DEVELOPMENT PERMIT

APPLICATION NO. 24-D0077

APPLICANT:

NAME: Angela Pernal
ADDRESS: 504 Schofield St. Pincher Creek, AB T0K1W0

OWNER OF LAND (if different from applicant):

NAME: Angela Pernal PHONE: _____
ADDRESS: _____

PROPERTY TO BE DEVELOPED:

CIVIC ADDRESS: 504 Schofield St. Pincher Creek, AB T0K1W0
LEGAL FILE #: LINE 0017 725 111 TITLE NUMBER 231 367 648
LEGAL DESCRIPTION: Lot(s) Ptn 25 (E 1/2) Block 8 Plan 7711493
Quarter _____ Section _____ Township _____ Range _____ West of _____ Meridian

* LAND USE DISTRICT: _____ EXISTING LAND USE: _____

DETAILS OF DEVELOPMENT:

PROPOSED USE: Air B+B - Second dwelling
OFF-STREET PARKING SPACES: Number 2 (Refer to plan for LOCATION)

MAIN BUILDING:

SETBACKS: Front _____ Rear _____ Side _____ Side _____
HEIGHT: _____ FLOOR AREA: _____ PERCENT OF LOT OCCUPIED: _____

ACCESSORY BUILDING:

SETBACKS: Front _____ Rear _____ Side _____ Side _____
HEIGHT: _____ FLOOR AREA: _____ PERCENT OF LOT OCCUPIED: _____

PERMIT FEE: _____ RECEIPT NO. _____ RECEIVED BY: _____

PLANS ATTACHED: Yes No ESTIMATED VALUE OF CONSTRUCTION (\$): _____

ESTIMATED COMMENCEMENT: _____ ESTIMATED COMPLETION: _____

IMPORTANT: I have read and understand the terms noted on the reverse side of this form and hereby apply for permission to carry out the development described above and/or on the attached plans and specifications. I further certify that the owner of the land described above is aware of this application.

Date: _____ Signature of APPLICANT: _____

Date: _____ Signature of REGISTERED OWNER: _____

TERMS: See Reverse

Kim Kozak

From: Angela Pernal <angelapernal@hotmail.com>
Sent: August 8, 2024 12:49 PM
To: Kim Kozak
Subject: Re: Development Permit No. 24-D0077
Attachments: IMG_7725.jpeg; IMG_7724.jpeg; IMG_7723.jpeg; IMG_7722.jpeg; IMG_7721.jpeg; IMG_7719.jpeg; IMG_7718.jpeg; IMG_7717.jpeg; IMG_7716.jpeg; IMG_7715.jpeg

Hi Kim,

I am looking at a maximum of 3 weeks per month, or 252 days out of the year.

The basement suite unit was developed in January of this year, 2024. The suite was mostly there already when I did purchase the house, as it had the separate laundry already, but then we put in the kitchen, and finished the basement completely in January.

I started renting it on June 28th.

I did speak with my neighbour in regards to the phone call she made, and she has since been very understanding. There was some initial discomfort as she was seeing a cleaning lady whom she was not on good terms with going into the house and didn't quite understand the situation at first. However, since we have spoken she feels good that I am here, and able to keep up with the guests coming, and be watchful. She understands this is a great opportunity for me for renting out my unit downstairs.

I have had very heart-warming reviews, and guests have been so happy to discover Pincher Creek. I have guests that wish to return as well. It has been a great location for people that want to explore this area more, are taking part in local races and events, looking to enjoy a quiet getaway from the city while going to Waterton and Castle Mountain. Each of my guests are provided with local brochures and business cards for shops and businesses. I also have a written booklet with places for people to visit around here that also include the museum, etc.

Get [Outlook for iOS](#)

From: Kim Kozak <development@pinchercreek.ca>
Sent: Thursday, August 8, 2024 12:00:44 PM
To: angelapernal@hotmail.com <angelapernal@hotmail.com>
Subject: Development Permit No. 24-D0077

Hi Angela,

I am working on your application and need to clarify a few things before I can circulate the application out:

- What is the maximum number of days per year for the rental of the suite in the basement?
- When was the suite in the basement built?

Please note that we may have further questions after comments are received from other divisions.

Thank you,

Kim Kozak

Planning and Development Officer



Analee

Edmonton, Canada

★★★★★ · July 2024 · Stayed with kids

Angela's basement suite is very cozy. My son and I felt like we were at our home away from home. Very clean! All amenities in the unit, including washer & dryer which was nice! Bed and sofas are very comfortable. Loved that there were throws on the couches, and extra bedding if needed. The fireplace made it extra cozy as well. Even though she was out of town, Angela was very responsive and helpful with places to go to and see in the area. It was our first time in Pincher Creek and what a charming little town it is. We enjoying that everything is in walking distance. Definitely recommend a walk along the creek. The backyard has a lovely fire-pit, which we used to roast hot dogs on our last night. Nice touch. It's only 40 minutes from Waterton, and very

Welcome to this peaceful, clean and bright basement suite. Your family will be close to everything when you stay at this centrally located place. Situated in a community area close to the Rocky Mountain Ranges surrounding the town. Nearby Waterton National Park, Crowsnest Pass, Castle Mountain Resort, and more. Make yourself at home with the scenic landscapes and local shops and the close-by opportunities for hiking, fishing and other outdoor activities. This suite will be your place of rest.

The space

The property is located in a safe community within pincher creek. The house itself is a semi-detached split level, with a separate basement suite and entrance. The suite has a kitchenette and laundry. There is a queen-sized pullout couch located in the living room. As well as, a bedroom with a queen-sized bed **E12**

Loved my stay here- so much space and perfectly equipped with anything I could've wanted! Host was kind and responsive.

Located about 30 minutes from Waterton National park and an easy drive to get there.

Couldn't have asked for a better spot!



Diana

Calgary, Canada

★★★★★ · 2 weeks ago · Stayed with a pet

Angela's place was quite spacious and cozy for me and my kids. They loved the popcorn provided 😊 Not too far from Waterton Park, we used it as a base for exploring the park.

The neighbourhood is quiet and peaceful, with a nearby playground.



Veronica

4 years on Airbnb

★★★★★ · 3 weeks ago · Stayed with a pet

The Green
Thanks for a lovely stay!

Perfectly located to Waterton

NP & so cozy! Especially

loved the coffee setup.

Libby, East Tennessee
July 2024

Guest Sign

Love our stay! Came to race

Sinister 7 + this place had

everything we needed. Thank you!

Veronica + Lowell

July 2024

~~The Creek~~
lovely, cozy home away from

home. The fireplace, washer/dryer

and games added an extra

special touch. Thank you!

Pincher Creek is special - we are

grateful to have spent our

Canada Day long weekend here!

Analee + Quinton June/July
2024

- Local shops, restaurants, and accommodations
- Authentic Alberta ranch experiences and horseback riding opportunities
- Water sports and fishing on the Oldman River and Dam

The mountains near Pincher Creek are ¹:

- The Clark Range in the southwest
- Ptolemy SE5, the tallest mountain in the Municipal District of Pincher Creek, with an elevation of 9,058 ft and a prominence of 1,493 ft
- Mount Glendowan, the most prominent mountain in the Municipal District of Pincher Creek, with an elevation of 8,770 ft and a prominence of 2,221 ft
- Castle Provincial Park and Castle Wildland Provincial Park in the southwest
- The Rocky Mountains

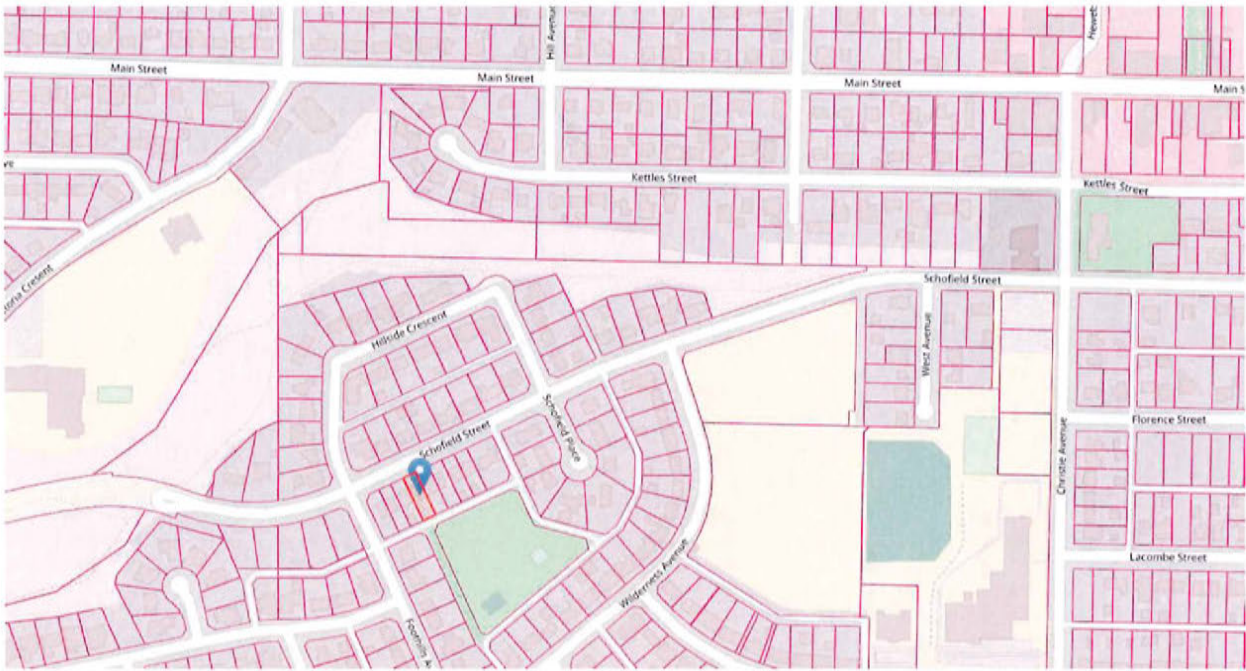
Here are some things to do in Crowsnest Pass, Alberta ^{1 2}:

- Mountain biking on the Crowsnest Community Trail or Pass Powderkeg ski hill trails
- Hike the Heritage Trails system, which includes the North York Creek Plane Crash Trail and the Frank Slide Trail
- Take a guided tour of the Bellevue Underground Mine
- Visit museums such as the Crowsnest Museum, Coleman National Historic Site, Frank Slide Interpretive Centre, and Leitch Collieries Provincial Historic Site
- Go to the Crowsnest Pass Public Art Gallery
- Take a horseback ride with Centre Peak High Country Adventures
- Visit the Old Dairy Ice Cream Shoppe for a treat
- Go golfing at the Crowsnest Pass Golf and Country Club
- Visit the Biggest Piggy Bank in the World
- Go hiking at Turtle Mountain, Star Creek Falls Loop, or Lundbreck Falls Recreation Area

Here are some campgrounds and lakes near Pincher Creek ^{1 2}:

- Beauvais Lake Provincial Park
- Bob Creek Wildland Provincial Park
- Castle Provincial Park
- Chain Lakes Provincial Park
- Police Outpost Provincial Park
- Waterton Lakes National Park
- Oldman Dam Provincial Recreation Area
- Waterton Reservoir Provincial Recreation Area
- Lundbreck Falls Provincial Recreation Area
- Windy Point Campground
- Beaver Mines Lake Rec Area

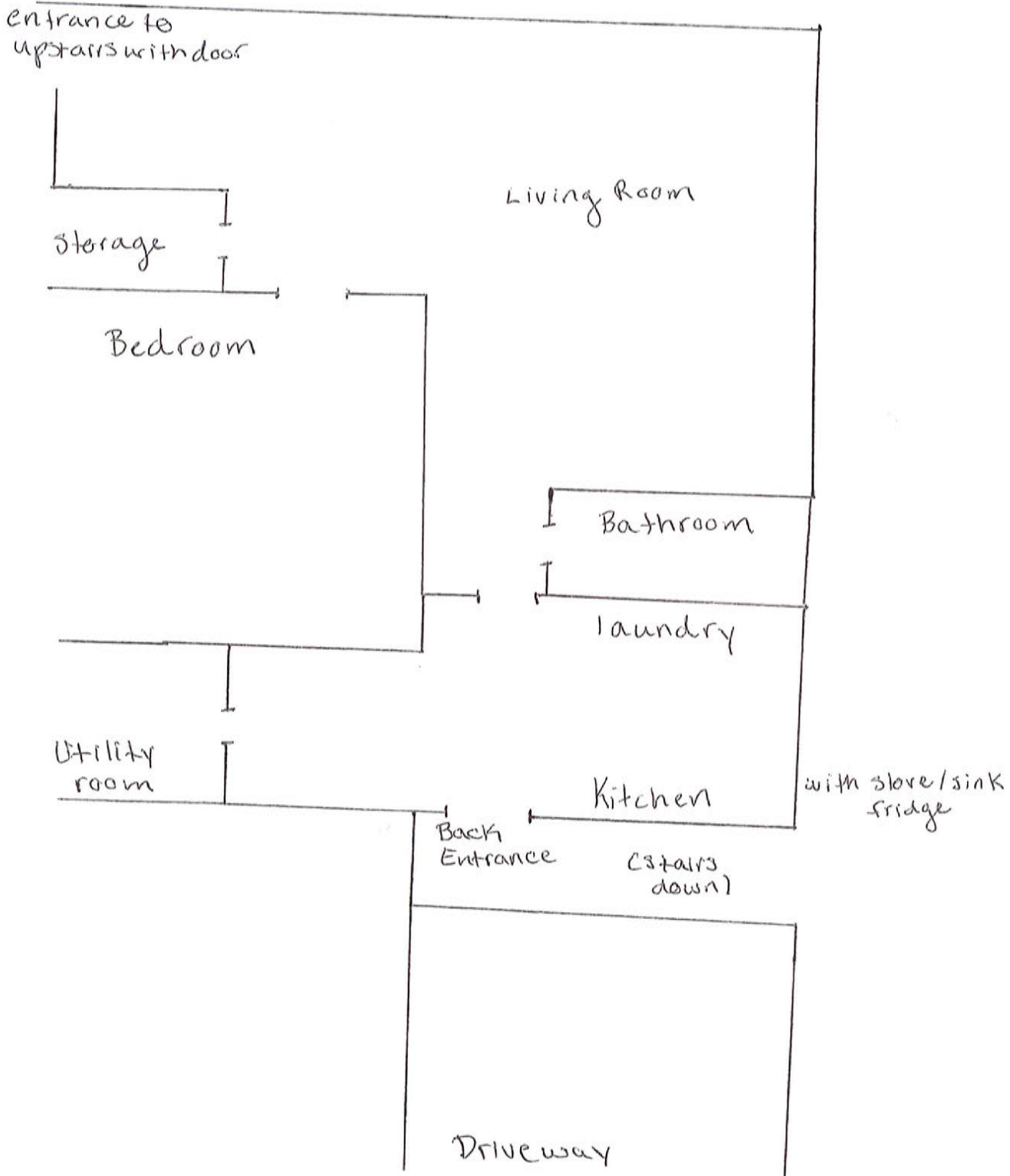
DP 24-D0077
504 Schofield Street
Location Map



504 Schofield St.
Parking Plan.



Maximum 4 people



RECEIVED

SEP 09 2024

Town of Pincher Creek

September 9, 2024

To Whom It May Concern :

APPLICATION # 24-00077

In response to the letter I received from the town, that my neighbor ANGELA BERNAL is applying for a permit to run a AIR B+B. It's a little late. She has been having people in and out all summer long. In June when she went to Ontario for a month she told us she had a couple of girlfriends that would be staying at different times. All of a sudden a load of gravel was unloaded and a fire pit was built without a permit. One friend and small daughter had a fire with out concern that the wind was blowing and did not have the hose or a pail of water handy.

This is my home and has been for 37 years. I have always tried to watch out for my neighbors but it is real hard when there are strange

E21

②

vehicles, and people coming and going all hours of the day and night, and they all seem to have the need to slam their car doors so the quiet I enjoy is shattered. They also drive to fast down the alley which borders on a playground that has kids coming out this way to reach

Foothills Ave. on their way to the Creek.

A much better solution would be for her to get a permanent renter. Then we neighbors get used to their routine of a vehicle starting at 5 AM and coming back at 5 P.M., or that the diesel truck starts warming up at 6:45 AM. I realize she can use the extra income, but this summer was the "P.T.S" for me.

Thank you for your time



Town of Pincher Creek

Municipal Development and Subdivision Authority

Wednesday, September 18, 2024, | 10:00 a.m.
Council Chambers
962 St. John Avenue and Virtual via Teams

Attendance: S. Nodge, B. Wright, B. McGillivray, W. Oliver

With Regrets: D. Burnham

Staff: L. Goss, Legislative Services Manager, K. Kozak, Planning and Development Officer, A. McGladdery, Administrative Assistant

Oldman River Regional Services Commission: S. Harty, Senior Planner

1. Call to Order

Vice Chairman B. McGillivray called the meeting to order at 10:04 a.m.

2. Agenda Approval

W. Oliver:

Moved to approve the September 18, 2024, agenda as presented.

CARRIED MDSA 24-97

3. Adoption of Minutes

3.1 Minutes of the August 21, 2024 MDSA Meeting

B.Wright:

Moved to approve the Minutes of the August 21, 2024, MDSA Meeting as presented.

CARRIED MDSA 24-98

4. Applications

Brian Baker spoke on application 24-D0076

Angela Pernal spoke on application 24-D0077

Cathy Yost spoke on application 24-D0091

B.Wright:

That the Municipal Development and Subdivision Authority agree to move into a closed session at 10:20 a.m. Legislative Services Manager, Administrative Assistant, Planning and Development Officer, and ORRSC Senior Planner in attendance.

W. Oliver:

That the Municipal Development and Subdivision Authority agree to revert to an open session at 10:53 a.m.

4.1 2024-D0076 – 1137 Albert Avenue – Residential – R1 – Discretionary Use: Residential Addition with Front Yard Setback Wavier from 6.1 m to 4.57 m.

B. Wright:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0076 – Brian Baker; Plan 2617S, Lot 237; 1137 Albert Avenue; Designated Residential – R1; Discretionary Use: Residential Addition of a Hobby/Workshop, Storage Room, and Laundry on the Main Floor, and a Loft/Art Studio on the Second Floor with a Front Yard Setback Wavier from 6.1 m (20ft) to 4.57 m (15ft) subject to the following Conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto excepting the following wavier granted by the Municipal Development and Subdivision Authority on September 18, 2024:
 - a. A front yard setback wavier from 6.1 m (20ft) to 4.57 m (15ft);
2. The development is to conform to the approved attached plans;
3. The approval for each floor area of the addition is 53.51 m² (576 ft²);
4. The maximum driveway width shall not exceed 6.1 m (20ft);
5. The finished lot grade should allow for positive drainage away from the foundation and not drain onto or impact adjacent properties;
6. The Applicant must contact Utility Safety Partners (formerly Alberta One Call) 1-800-242-3447 to locate and mark any buried utilities prior to breaking ground;
7. The exterior materials are to be compatible with the existing dwelling and development in the surrounding area;

8. The Applicant shall obtain a Building Permit to ensure the development complies with the current National Fire Code (AE) and the National Building Code (AE). It shall be the responsibility of the Applicant to obtain the necessary Building, Plumbing, Electrical, and Gas permits;
9. If the water service curbstop location is within the driveway apron the Applicant shall install a suitable sleeve around the curbstop, before pouring concrete or placing an asphalt driveway, to allow continuous access to the curbstop;
10. The Applicant is responsible for all costs related to curb and gutter modifications for driveway installation or removal;
11. The Applicant is responsible for all costs to repair municipal infrastructure damage during construction of building, driveway and landscaping;
12. The Applicant is responsible for grading and landscaping within municipal right of way adjacent to the parcel being developed. This typically means the area from back of curb to property line on any side of property facing municipal right of way;
13. The Applicant is responsible for insulation and other safeguarding of water / sewer services if they are installed shallower than identified by municipal engineering standards;
14. All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards, found at <http://pinchercreek.ca/town/development.php>;
15. Work completed on municipal infrastructure (water service, sewer Service, roadway gutter, curb, sidewalk, etc.) requires the Applicant to enter into a Development Agreement with the municipality and use a contractor suitable to the CAO. The Development Agreement shall include warranty and securities as outlined by the Engineering Standards;
16. All work and repairs on municipal infrastructure shall be completed to the satisfaction of the CAO or designate;
17. The Applicant is responsible for all costs related to cleaning of debris and/or mud tracking on municipal roads during construction activities;

18. Rates for municipal equipment shall be based on the latest version of the Alberta Roadbuilders Equipment Rental Rates Guide;
19. Rates for municipally contracted work shall be based on tendered rates;
20. During construction, the site shall be maintained in a neat and orderly manner so as to ensure that neighbours are not directly impacted by construction activity. This included parking of construction vehicles and storage of construction materials, debris, and topsoil. Any damage to neighbours' property, including fences, driveways, or landscaping that occurs due to this construction shall be repaired or replaced at the Applicants costs;
21. Landscaping to be compliant with Land Use Bylaw 1547 Schedule 4 & 10;
22. Standing water on the site shall be controlled by the Applicant;
23. Any changes or additions to this permit shall require new development permit application;
24. Failure to comply with the conditions of this permit may result in the permit being cancelled;

CARRIED MDSA 24-101

4.2 24-D0077 – 504 Schofield Street, Residential – R1, Second Dwelling Unit within a Semi-detached Dwelling with a wavier to the minimum floor area of 92.9 m2 (1000 ft2) to 79.25 m2 (856 ft2), and a Short-Term Rental – Type 2.

W. Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0077A – Angela Pernal; Plan 7711493 Block 8 Lot 25; 504 Schofield Street; Designated Residential – R1; Discretionary Use: Second Dwelling Unit within a Semi-detached Dwelling with a wavier to the minimum floor area of 92.9 m2 (1000 ft2) to 79.25 m2 (853 ft2) subject to the following conditions:

1. The Development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto excepting the following wavier granted by the Municipal Development and Subdivision Authority on September 18, 2024;

- (a) to the minimum floor area is 92.9 m² (1000 ft²). The approved Floor area is 79.25 m² (853 ft²);
2. The Applicant shall obtain a Building Permit to ensure the development complies with the current National Fire Code (AE) and the National Building Code (AE)
3. The Second dwelling Unit shall be addressed as Unit B – 504 Schofield Street and registered with Emergency Services;
4. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility Bylaw, Noise Bylaw, Nuisance and Untidy Premises Bylaw;
5. The Owner Shall obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;
6. The Applicant shall provide, identify, and maintain four parking spaces on site;
7. Each parking space shall be a minimum of 3 m wide and 6.1 m long;
8. The parking spaces must be of gravel or paved to the satisfaction of the designated officer;
9. Any changes or additions to this permit shall require new development permit application;
10. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 24-102

W.Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0077B – Angela Pernal; Plan 7711493 Block 8 Lot 25; 504 Schofield Street; Designated Residential – R1; Discretionary Use: Short-term Rental – Type 2 subject to the following conditions:

1. The Development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto;

2. This permit shall be on a temporary basis of one year, after the one year the permit is no longer valid;
3. To continue the business a new development permit application shall be applied for prior to the one year permit expiry. The Municipal Development and Subdivision Authority has determined that the whole application fee be waived;
4. The Applicant shall provide the name and phone number of the person who resides in the Town of Pincher Creek who will be managing the Short-term Rental while in use to the Designated Officer prior to the business operating. The contact information will be kept on file and used for compliance reasons; the Town is to be made aware of any changes related to the contact person;
5. The Applicant must apply for and maintain a current yearly municipal Business License from the municipality related to the Short-term Rental;
6. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility Bylaw, Noise Bylaw, Nuisance and Untidy Premises Bylaw;
7. The Owner shall obtain any and all necessary permit and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;
8. The yard of the property shall be enclosed and fenced to keep pets contained on-site;
9. The maximum nightly occupancy related to the Short-term Rental shall be no more than four people;
10. The sleeping areas shall be limited to the one bedroom and living room;
11. The Applicant shall provide, identify, and maintain four parking spaces on site;
12. Each parking space shall be a minimum of 3 m wide and 6.1 m long;
13. The parking spaces must be of gravel or paved to the satisfaction of the designated officer;

14. The Applicant shall disclose their license number in all online postings and advertisements. The business license must also be posted and visible inside the dwelling to rental guests;
15. The Applicant must post in an area that visible to the eye, inside the dwelling, the name and phone number of the person managing the Short-term Rental while in use;
16. The Applicant shall keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by the designated officer;
17. The advertising related to the Short-term rental shall not display until after a development permit is issued;
18. The Signage of the name of the Short-term Rental shall only be displayed as allowed for in this bylaw and includes:
 - (i) one window signage, no larger than 0.4 m² (4 ft²), or
 - (ii) up to one freestanding sign no more than 1.5 m² (5 ft²) above ground or sidewalk grade and shall not be more than 0.4 m² (4 ft²) in area,
 - (iii) any signage associated with a Short-term Rental, must be made of a material that is complementary to the principal dwelling, and
 - (iv) not be directly illuminated in any way;
19. The Applicant shall be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on accommodation. The owner/operator will be required to show verification of compliance to the designated officer or the Municipal Development and Subdivision Authority when requested;
20. The Applicant shall be required to have valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The owner/operator will be required to show verification of such when requested by the designated officer or the Municipal Development and Subdivision Authority;
21. The Applicant shall comply with any requirements and obligations relating to the Public Health Act, Housing Regulation as applicable;
22. The exterior appearance of a dwelling approved as a Short-term Rentals shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or

identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw;

23. Short-term Rentals shall not interfere with the rights of other neighbours and residents and owners and renters must adhere to the requirements of the Town of Pincher Creek Nuisance Bylaw;
24. Any changes or additions to this permit shall require new development permit application;
25. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 24-103

4.3 24-D0084 – 1022 Main Street, Highway/Drive-in Commercial – C2, Specialty Manufacturing / Cottage Industry (Taxidermy).

S. Nodge:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0084 – Burnt Timber Taxidermy; Plan 452JK Block 6 Lot 3; 1022 Main Street; Designated Highway/Drive-in Commercial – C2; Discretionary Use: Specialty Manufacturing / Cottage Industry (Taxidermy) subject to the following conditions:

1. The Development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto;
2. The development is to conform to the Approved Plans dated September 18, 2024;
3. A valid Town of Pincher Creek business license shall be secured and held in good standing;
4. Any chemicals or environmentally harmful materials shall be disposed of in an appropriate manner as per Labeling, Material Safety Data Sheet (MSDS) and Alberta Environmental Standards;
5. All carcasses or animal by-products shall be disposed of in an appropriate manner, and in accordance with the standard practices of taxidermy and any regulation;
6. There shall be no offensive noise, vibration, electrical, dust, odours, heat, glare or other nuisance produced shall be contained within the building to the satisfaction of the designated officer;
7. There shall be no sales of products / materials / etc. without first obtaining a separate Development Permit Approval for the Retail Store Use;

8. No outdoor storage of goods, materials, commodities, or fished products shall be Permitted;
9. Two client parking spaces must be reserved within the front of the building;
10. The Applicant shall obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;
11. The Applicant shall obtain any and all Federal and Provincial permits and / or licenses that may be required;
12. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility Bylaw, Nuisance and Untidy Premises Bylaw, and Waste Water Utility Bylaw;
13. Should any renovations be required, the Applicant shall secure all required Alberta Building, Safety

CARRIED MDSA 24-104

4.4 24-D0090 – 569 Schofield Street, Residential – R1, Home Occupation – Class 2, with wavier to the floorspace and number of business – related visit (Day Home – Maximum six children).

B. Wright:

That the Municipal Development and Subdivision Authority approve the Development Permit Application No. 24-D0090 – Christine DuPlessis; Plan 7710513 Block 5 Lot 3; Designated Residential – R1; Discretionary Use: Home Occupation – Class 2 (Day Home) with wavier to the floorspace and number of business related visits subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments thereto; excepting the following waivers granted by the Municipal Development and Subdivision Authority on September 18, 2024:
 - a. The maximum floorspace utilized for the business may exceed 20% or 30m² (323 ft²),;
 - b. The number of business-related visits per day is increased from two per day and ten per week to six children per day;
2. The proposed development shall conform to the stamped, approved plan;
3. The Landowner shall enter into an Encroachment Agreement with the Town of Pincher Creek, related to the rear fence encroaching 3.19 m onto Town Property;

4. A valid Town of Pincher Creek business license shall be secured and held in good standing;
5. Should any renovations be required, the Applicant shall secure all required Alberta Building, Safety and Fire Code permits, inspection and final reports;
6. The Applicant shall obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;
7. A separate sign permit will be required prior to placement of a sign in accordance with Home Occupation Identification Sign standards in Land Use Bylaw No. 1547;
8. Any intensification of use shall require a new development permit; and
9. Failure to comply with this permit may result in the permit being cancelled, suspended, or modified;

CARRIED MDSA 24-105

4.5 24-D0091 – 855 Mountain Street, Short-term Rental – Type 2 (Six guests with up to three parking spaces on site).

W.Oliver:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 24-D0091 – Cathy Yost; Plan 7756AL, Lot 71; 855 Mountain Street; Designated Residential – R1; Discretionary Use: Short-term Rental – Type 2 subject to the following conditions:

1. The Development complies with the Town of Pincher Creek Land Use Bylaw No. 1547 and amendments hereto;
2. The Applicant shall contact Park Enterprise (1-800-621-5440) to ensure the dwelling unit complies with the applicable requirements of the National Building Code – Alberta Edition, particularly regarding fire safety;
3. The Applicant shall provide the name and phone number of the person who resides in the Town of Pincher Creek who will be managing the Short-term Rental while in use to the Designated Officer prior to the business operating. The contact information will be kept on file and used for compliance reasons; the Town is to be made aware of any changes related to the contact person;

4. The Applicant must apply for and maintain a current yearly municipal Business License from the municipality related to the Short-term Rental;
5. The development shall comply with all Town Bylaws which include but not limited to the Business License Bylaw, Garbage Utility, Noise Bylaw, Nuisance and Untidy Premises Bylaw.
6. The Applicant shall obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;
7. The yard of the property shall be enclosed and fenced to keep pets contained on-site;
8. The contractor commissioned for construction must have a valid Business License for the Town of Pincher Creek;
9. Any intensification of use shall require a new development permit.
10. The Applicant shall provide, identify, and maintain three parking spaces on site;
11. The Applicant shall disclose their license number in all online postings and advertisements. The business license must also be posted and visible inside the dwelling to rental guests;
12. The Applicant must post in an area that visible to the eye, inside the dwelling, the name and phone number of the person managing the Short-term Rental while in use;
13. The Applicant shall keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by the designated officer;
14. The advertising related to the Short-term Rental shall not displayed until after a development permit is issued;
15. The Signage of the name of the Short-term Rental shall only be displayed as allowed for in this bylaw and includes;
 - (i) one window signage, no larger than 0.4 m² (4 sq. ft.), or

- (ii) up to one freestanding sign no more than 1.5 m (5ft) above ground or sidewalk grade and shall not be more than 0.4 m² (4 ft.²) in area,
 - (iii) any signage associated with a Short-term Rental, must be made of a material that is complementary to the principal dwelling, and
 - (iv) not be directly illuminated in any way;
16. The Applicant shall be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on Accommodation. The Applicant will be required to show verification of Compliance to the designated officer or the Municipal Development and Subdivision Authority when requested;
 17. The Applicant shall be required to have valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The Applicant will be required to show verification of such when requested by the designated officer or the Municipal Development and Subdivision Authority;
 18. The Applicant shall comply with any requirements and obligations relating to the Public Health Act, Housing Regulation as applicable;
 19. The exterior appearance of a dwelling approved as a Short-term Rentals shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw;
 20. Short-term Rentals shall not interfere with the rights of other neighbours and residents and owners and renters must adhere to the requirements of the Town of Pincher Creek Nuisance Bylaw;
 21. Any changes or additions to this permit shall require new development permit application;
 22. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 24-106

5. Permitted/Approved Applications

24-D0079 – 726 Main Street – Downtown / Retail Commercial – C1
Permitted Use: Retail Store (Liquidation & Wholesale)

24-D0080 – 696 Kettles Street – Public and Institutional – P1 – Permitted
Use: Accessory Uses (Wall Mounted Solar Panels)

24-D0082 – 1014 Hewetson Avenue – Downtown / Retail Commercial – C1 –
Permitted Use: Retail Stores (Liquor) with wavier to one parking space from
3 m to 2.6 m

24-D0083 – 659 Main Street – Direct Control DC – Bylaw 1547-AS –
Discretionary Use: Multi-unit Residential Dwellings (Apartment – nine Units)

24-D0086 – 516 Schofield Street – Residential – R1 – Permitted Use:
Accessory Uses (11 Roof Mounted Solar Array)

24-D0087 – 783 Mountain Street – Residential – R1 – Permitted Use:
Accessory Uses (8 Roof Mounted Solar Array)

24-D0088 – 634 Crocus Street – Residential – R1 – Permitted Use: Accessory
Uses (23 Roof Mounted Solar Array)

B. Wright:

Moved acceptance of the approved applications as presented.

CARRIED MDSA 24-107

7. Adjournment

W. Oliver:

That this meeting of the Municipal Development and Subdivision Authority be
adjourned at 11:03 am.

CARRIED MDSA 24-108

Next Meeting Date: Wednesday, October 16, 2024



D. Burnham, Chairperson



Konrad Dunbar, CAO
Town of Pincher Creek

RESIDENTIAL – R1

1. INTENT

The intent of the Residential land use district is to provide a district where conventional single-family residences are encouraged and other types of residential development that may be allowed on a selective basis.

PERMITTED USES*

Accessory buildings and uses
 Short-term rentals type 1
 Single-family dwellings

PROHIBITED USES

Shipping containers

DISCRETIONARY USES

Bed and breakfast operations
 Boarding houses
 Child care services
 Clubs and fraternal organizations
 Duplex dwellings
 Home occupations
 Modular homes
 Places of worship
 Public and institutional
 Public or private utilities
 Public park or recreation
 Residential additions
 Semi-detached dwellings
 Short-term rentals type 2
 Signs
 Similar uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	sq. ft.
Single-family dwellings	13.7	45	30.5	100	418.1	4,500
Duplexes	20.1	66	30.5	100	613.1	6,600
Semi-detached dwellings	20.1	66	30.5	100	613.1	6,600
Lots with lanes	10.7	35	30.5	100	325.3	3500
All other uses	As required by the Designated Officer					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Single-family dwellings	6.1	20	1.5	5	7.6	25
Duplexes	6.1	20	1.5	5	7.6	25
Semi-detached dwellings	6.1	20	1.5	5	7.6	25
Attached, unenclosed improvements	6.1	20	1.2	4	7.6	25
Accessory buildings	6.1	20	1.2	4	1.5	5

* See Schedule 3, Development Not Requiring A Development Permit.

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Corner lots	<ul style="list-style-type: none"> – One frontage at 6.1 metres (20 ft.) – Second frontage may be reduced to 3.0 metres (10 ft.) 					
All other uses	As required by the Designated Officer (also see Schedule 4)					

4. MAXIMUM LOT COVERAGE

- Principal buildings – 45%
- Accessory buildings – 10%

5. MINIMUM FLOOR AREA

- Single-family dwellings – 92.9 m² (1000 sq. ft.)
- Duplexes – 74.3 m² (800 sq. ft.)
- Semi-detached dwellings – 74.3 m² (800 sq. ft.)

6. MAXIMUM BUILDING HEIGHT

- Principal buildings – 8.5 metres (28 ft.)
- Accessory buildings – 4.6 metres (15 ft.)

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. HOME OCCUPATIONS – See Schedule 5.

9. MOVED-IN BUILDINGS – See Schedule 8.

10. PARKING SPACE REQUIREMENTS – See Schedule 9.

11. LANDSCAPING AND SCREENING – See Schedule 10.

12. BED AND BREAKFAST OPERATIONS – See Appendix 3.

13. SIGNS – See Appendix 4.

- | (a) Separation Distance | Uses |
|-------------------------|--|
| 100 m | Provincial Health Care Facility, Public Park, Public Recreation Facility Liquor Store, Cannabis Retail Sales |
| 200 m | School, Child Care Facility |
- (b) The separation distance shall be measured from the closest point of the parcel on which the proposed Cannabis Retail Sales is located to the closest point of the Site boundary upon which the other use is located. The separation distance shall not be measured from district boundaries or walls of buildings.

31. SHORT-TERM RENTALS

- 31.1 Short-term Rentals are prohibited in residential districts except where they are expressly listed as a permitted or discretionary use.
- 31.2 Short-term Rentals Type 1 listed as a permitted use in any land use district do not require a development permit as prescribed in Schedule 3, Development Not Requiring a Permit. All other types of Short-term Rentals do require a development permit.
- 31.3 Short-term Rentals that are prohibited or are found to be operating without a valid development permit and/or Business Licence are subject to the imposition of fines/penalties by the municipality in accordance with the fee schedule or other applicable bylaw.
- 31.4 Short-term Rentals are characterized by:
- (a) The advertising or management of a dwelling unit as a Short-term Rental, temporary accommodation, tourist accommodation or vacation rental on social media, the internet or on vacation rental websites, such as but not limited to Airbnb, VRBO, or where the intent is for the occupant to stay for short-term visiting or vacation purposes rather than use the property solely as a permanent residence.
 - (b) The use of a system of reservations, deposits, confirmations, and payments for nightly accommodation at the residence.
 - (c) The active management and commercial nature of the dwelling being used as a Short-term Rental.
- 31.5 The number of rental units or bedrooms in the Short-term Rentals and the maximum occupancy of the dwelling shall be stated on the application form and included as a condition of approval in the development permit. The Municipal Development and Subdivision Authority may limit the number of rental units and/or the maximum occupancy of a Short-term Rentals on a case-by-case basis having regard for suitability and potential impacts to the town, street, or area neighbors.
- 31.6 The Municipal Development and Subdivision Authority may limit the number of dwellings used as short-term rental units on a street or defined area, and no more than 3% of the total number of single-detached dwellings in the R-1 land use district of the Town of Pincher Creek may be approved as a Short-term Rentals Type 2, based on a first come first served basis.
- 31.7 The Municipal Development and Subdivision Authority may in its discretion, place any conditions it deems reasonable, on a development permit approved for Short-term Rentals to manage potential impacts to neighbors or ensure the use is operating within the regulations and standards of the bylaw.

31.8 Where approved, Short-term Rentals shall be developed and operated in accordance with the following regulations in order to ensure that the impacts of this commercial use do not unduly affect the amenities of the residential neighbourhood in which they are located:

- (a) Short-term Rentals require a development permit except for those specially listed in Schedule 3, Development Not Requiring a Permit. A permit may be revoked at any time if, in the opinion of a designated officer, the operator has violated any provision of this bylaw or the conditions of a permit.
- (b) Parking shall be provided as required by the Municipal Development and Subdivision Authority. For Short-term Rentals Type 2, a parking layout plan must be submitted as part of the application illustrating what is available or proposed. The plan must clearly illustrate the location and size dimensions of the parking stall areas on the property.
- (c) A recreational vehicle (camper trailer) shall not be used as accommodation for the owner/operator, other residents of the property or for the Short-term Rentals guests.
- (d) The exterior appearance of a dwelling approved as a Short-term Rentals shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw.
- (e) Short-term Rentals shall not interfere with the rights of other neighbours and residents and owners and renters must adhere to the requirements of the Town of Pincher Creek Nuisance Bylaw.
- (f) Approved Short-term Rentals must apply for and maintain a current yearly municipal Business Licence from the municipality.
- (g) The Municipal Development and Subdivision Authority shall not approve a development permit for both a Short-term Rental Type 2 and Bed & Breakfast on the same property. Short-term Rental Type 1 may be allowed to operate concurrently.
- (h) The Municipal Development and Subdivision Authority may place conditions on a development permit to address or mitigate concerns with compatibility to the neighbourhood or to ensure the standards of this bylaw are being met.
- (i) The Municipal Development and Subdivision Authority may refuse to approve a development permit for a Short-term Rentals if they determine there are other pre-existing Short-term Rentals established in the vicinity or neighborhood and additional such use would negatively affect the neighborhood, cause traffic or parking concerns, or interfere with the residents right to peaceful enjoyment of their property.

31.9 The owner/operator of the Short-term Rental shall:

- (a) Have a valid business license and disclose their license number in all online postings and advertisements. The business license must also be posted and visible inside the dwelling to rental guests.
- (b) Keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by the designated officer.

- (c) Provide personal contact information of the operator to the designated officer that is kept accurate and up to date during the duration of the active operation of the dwelling as a Short-term Rental.
- (d) Provide and maintain the parking as required by the Municipal Development and Subdivision Authority.
- (e) Advertising related to the Short-term Rental shall not be displayed until after a development permit is issued. Signage shall only be displayed as allowed for in this bylaw and includes:
 - (i) one window signage, no larger than 0.4 m² (4 sq. ft.); or
 - (ii) up to one freestanding sign no more than 1.5 m (5 ft.) above ground or sidewalk grade and shall not be more than 0.4 m² (4 ft.²) in area.
 - (iii) For any signage associated with a Short-term Rental, it must be made of a material that is complementary to the principal dwelling; and
 - (iv) not be directly illuminated in any way.
- (f) Be responsible for contacting the municipal Safety Codes officials and complying with requirements applicable to the dwelling or dwelling unit conforming to the *National Building Code – Alberta Edition* as required, particularly regarding fire safety.
- (g) Be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on accommodation. The owner/operator will be required to show verification of compliance to the designated officer or the Municipal Development and Subdivision Authority when requested.
- (h) Be required to have valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The owner/operator will be required to show verification of such when requested by the designated officer or the Municipal Development and Subdivision Authority.
- (i) Comply with any requirements and obligations relating to the *Public Health Act*, *Housing Regulation* as applicable.
- (j) If pets are allowed in the Short-term Rental, the yard for the property must be entirely enclosed and fenced to keep pets contained on-site.

Shopping malls means a unified concentration of retail stores and service establishments in a suburban area with generous parking space, usually planned to serve a community or neighbourhood.

Short-term Rentals means a dwelling unit (including a house, apartment, multi-unit dwelling, or individual room), operated as a temporary or short-term rental or lease accommodation unit, occupied by a guest or guests for a period of less than 28 continuance days where the residence owner may or may not be present or residing on site, and includes all temporary or short-term rentals, vacation homes or temporary accommodation for commercial purposes or for compensation. This use does not include Bed and Breakfasts, Home Occupations, Motels, or Hotels which are separately defined uses.

Short-term Rentals Type 1 (owner-occupied) means a short-term rental or lease situation where an owner lives/resides (owner-occupied) in the dwelling as their primary abode (residence) but may rent out the house or rooms as accommodation on a temporary or short-term bases for a period of less than 28 continuance days but not to exceed 60 days in a calendar year for financial gain. *(Note: This may apply to situations where an owner rents out their house while they are away on vacation or out of the country for an extended period, etc.)*

Short-term Rentals Type 2 (non-owner-occupied rental) means a short-term rental or lease situation where an owner does not live/reside in the dwelling as their primary residence (non-owner-occupied rental) but rents out the house or rooms as accommodation on temporary or short-term bases for a period of less than 28 continuance days as a rental, vacation home or temporary accommodation for commercial purposes, or a commercial entity uses the home exclusively for short-term rentals. *(Note: This applies to situations where a person or business owns a dwelling(s) that they primarily rent for accommodation for commercial income, etc.)*

Should means that the action is recommended.

Shrub means a single or multi-stemmed woody plant under five (5) metres at maturity.

Sign has the same meaning as it has in the sign standards in Appendix 4 of this bylaw.

Similar use means a use which is not specifically considered in a land use district but, in the opinion of the Municipal Development and Subdivision Authority, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Development and Subdivision Authority may:

- (a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and
- (b) direct that a development permit be issued in accordance with this bylaw.

Single family dwelling means a freestanding residential dwelling, other than a mobile home, not forming part of and not physically attached to any other dwelling or structure.

Single-wide mobile home means a mobile home which is:

- (a) typically not greater than 4.9 metres (16 ft.) in width; and
- (b) permanently fixed to a single chassis; and
- (c) not intended to be expanded, telescoped or twinned for additional floorspace.

Double-wide mobile home is a separate use.

STOP ORDERS

40. The Designated Officer or the Municipal Development and Subdivision Authority are authorized to issue an order under section 645 of the Act whenever *either* considers it necessary to do so.

APPEALS

41. Any person applying for a development permit or anyone affected by any order, decision or development permit made or issued by the Designated Officer or Municipal Development and Subdivision Authority has the right to appeal to the Town of Pincher Creek Subdivision and Development Appeal Board in accordance with the procedures detailed in the Act.

NON-CONFORMING BUILDINGS AND USES

42. A non-conforming building or use may only be continued in accordance with the conditions detailed in the Act.

NON-CONFORMING USE VARIANCES

43. The Municipal Development and Subdivision Authority is authorized to exercise minor variance powers with respect to non-conforming uses pursuant to section 643(5)(c) of the Act.

TEMPORARY PERMITS

44. When, in the opinion of the Municipal Development and Subdivision Authority, a proposed use is of a temporary or discretionary nature, it may issue a temporary development permit valid for such a period as it considers appropriate. It shall be a condition of every temporary development permit that the Town of Pincher Creek shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period. The Municipal Development and Subdivision Authority may require the applicant to post a guarantee for the cessation or removal of the use and any associated development.

SIMILAR USES

45. Where a use is proposed which is not specifically shown in any land use district but is similar in character and purpose to other uses of land and buildings permitted by the bylaw in the land use district in which such use is proposed, the Municipal Development and Subdivision Authority may:
 - (a) rule that the proposed use is either permitted or discretionary development in the land use district in which it is proposed, and
 - (b) direct that a development permit be issued in accordance with section 23 of this bylaw.

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

46. Development that does not require a development permit is specified in Schedule 3.

DEVELOPMENT IN MUNICIPALITY GENERALLY

47. A person who develops land or a building in the municipality shall comply with the standards of development specified in one or more of the schedules of this bylaw, in addition to complying with the use or uses prescribed in the applicable land use district and any conditions attached to a development permit if one is required.

To
City Development Authority
Pincher Creek, AB
T0K1W0

Subject: Letter of Support for Angela, 504 Schofield St. Pincher creek

To Whom It May Concern,

I am writing this letter in support of my neighbor, Angela, who resides at 504 Schofield St. Pincher Creek, AB. I understand there have been complaints regarding her AirBNB operation and her conduct as a neighbor, and I would like to provide my perspective on the matter.

I have lived next to Angela for six months and have always found her to be a respectful and considerate neighbor. Throughout this time, I have not witnessed any behavior that would cause concern. Angela and her AirBNB guests have never caused any excessive noise, nor have I observed any instances of unauthorized or illegal activity on her property. Her operation of the AirBNB has been run in a professional and responsible manner, and I have not experienced any disruption to the neighborhood because of it.

Angela and her visitors have always maintained appropriate speed while driving through our neighborhood, and I have not noticed any reckless or dangerous driving. In fact, Angela has been very mindful of the community, and her presence has only contributed positively to our neighborhood.

I hope this letter serves to provide an accurate reflection of Angela's behavior as a neighbor. Should you require any further information, I am happy to discuss this matter in more detail.

Sincerely,
Harshdeep Singh


510 Schofield St.

H1