

**DECISION OF THE  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)  
OF THE TOWN OF OKOTOKS  
DATED SEPTEMBER 2, 2025**

**DECISION**

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Hearing held at:	Town of Okotoks Municipal Centre Council Chamber and videoconference 5 Elizabeth Street, Okotoks
Date of Hearing:	August 19, 2025 (Adjourned from July 24, 2025)
Members present:	Shane Hansma (Chair) Kyla Mumby Hakon Neustaedter
Staff present:	Matt Lalonde, Development Officer Olga Kanevskyi, SDAB Clerk
Board Solicitor:	Bryan Marback, Kennedy Agrios Oshry Law
Summary of Appeal:	Against the decision of the Development Authority of the Town of Okotoks to approve Development Permit Application Number 2025-0133 for Short Term Lodging - General in the Traditional Neighborhood (TN) District
Appeal filed by:	Christopher Amyot, Brittany Anderson, Perry Andrusiak, Chelsea Belau, Marcia Dombroski, Jennifer and Spencer Easthope, Natalie Hudec, Charles Hyer, Megan Mitchell, Ryan Nix, Timothy Spielman, Leona Turcotte

**PRELIMINARY MATTERS**

1. The Board asked whether there were any objections to the members of the Board. There were no objections.
2. The Board asked whether there were any objections to the proposed hearing procedure. There were no objections.

3. The Board advised that it had been made aware of a preliminary matter regarding materials submitted by the Applicant past the submission deadline of 12:00pm on August 12, 2025.
4. The Board asked the parties if they had any submissions they wished to make regarding whether the Board would accept the Applicant's late field materials.
5. There were no submissions from the parties on the preliminary matter.
6. The Board accepted the Applicant's late filed materials, which were added to the Board's file as an exhibit.

## **EVIDENCE**

7. The Board heard verbal submissions from the following:  
Matt Lalonde, Development Officer ("DA")  
Ryan Nix and Timothy Spielman on behalf of the Appellants ("Appellant")  
Irascema Alejandro, Applicant and Property Owner ("Applicant")
8. The Board reviewed the materials contained in the agenda package and the late filed materials of the Applicant (which is on the Board's file).
9. The Board notes that much of the Applicant's late filed materials do not relate to planning considerations and were irrelevant to the appeal. The Board placed no weight on those parts of the Applicant's late filed submissions that do not relate to planning considerations.

## **SUMMARY OF SUBMISSIONS**

### **Submissions of the DA**

10. The DA summarized his written submissions, which are on the Board's file, together with relevant bylaws, policies, plans, and legislation.
11. Short Term Lodging – General is a discretionary use in the Traditional Neighbourhood District ("TN District").

12. The application was approved subject to conditions that stipulated that the Use be limited to the basement of the dwelling and that the permit holder must remain in compliance with all other relevant municipal bylaws and requirements.
13. Section 642(2) of the *Municipal Government Act*, RSA 2000, c. M-26 ("MGA") provides the DA with discretion to issue a development permit as described in section 640(2) of the *MGA*, with or without conditions.
14. The MDP speaks to the goal of obtaining a target 5% of households operating a home-based business by 2033.
15. The review of the application found that the proposed development fully complies with all applicable standards outlined in the TN District, including the Use Standards described in Section 3.6.D.3.A-D.
16. Section 3.6.D.3.A-D of the Town of Okotoks Land Use Bylaw 17-21 (the "LUB") outlines the standards in the TN District for Short Term Lodging – General:
  - a. The proposed development must be contained within a Dwelling Unit(s);
  - b. The proposed development must not change the external appearance or character of the Building and not include Structural Alterations except Minor Structural Alterations which are required for the Use;
  - c. The proposed development must minimize nuisances such as parking, noise, or traffic generation, to the satisfaction of the Development Authority; and,
  - d. The proposed development must have no more than 1 non-illuminated Sign up to 0.2m<sup>2</sup>.
17. The DA determined that:
  - a. The proposed development would have a negligible impact on the immediately adjacent parcels and the neighbourhood;
  - b. Sufficient on-site and off-site parking is available, a total of 4 on-site provided within the garage and driveway;

- c. There are no proposed external alterations to the building, and therefore no impacts on the current streetscape or visual appearance of the site;
  - d. The additional use on site would not result in a significant increase in visitation or traffic generation, and is aligned with that of a traditional residential household or other permitted uses in the TN district;
  - e. Traffic generation from a Short Term Lodging – General Use would likely be even less than that of a traditional residential household, as overnight accommodation or tourist occupants would likely tend to not frequent a property as often as residents would and would not necessarily visit the property every day as the suite may not be booked 100% of the time.
18. The DA referred the Board to its written submissions regarding responses to the concerns submitted by the Applicants, which are in the Agenda.
19. Overall, the review concluded that the proposed development was appropriate, and the DA approved the application.
20. The DA noted in closing submissions that there is no limit to the number of businesses on a Site under the LUB. Each application is reviewed on its own merits and there are limits on the number of site visits for a business.
21. The DA considered that there was adequate residential waste and recycling collection for the proposed development.
22. The TN District permits a maximum of 4 dwelling units per parcel. The addition of a door is acceptable to the DA, and the DA does not have concerns regarding the new door.
23. The DA used trip study data to determine traffic impacts. While there was no data regarding Airbnbs, the DA used hotels and motels as a reference, which are both expected to generate fewer trips than a single-family home.
24. The DA commented on the studies submitted by Mr. Spielman and noted that the data in a referenced study is from Boston, which has a population of 7 million. The DA found it difficult to relate the study to Okotoks.

Board Questions for the Development Authority

25. The Board did not have questions for the Development Authority.

**Submissions of the Appellants**

Ryan Nix, Appellant

26. Mr. Nix referred to and relied on his written submissions, which are in the Agenda.

27. Mr. Nix submitted his Appeal as there was no context of what the proposed development would look like, the number of units, or the number of guests. He did not have the information or context to make an informed decision.

28. Mr. Nix purchased his house in Mountainview because it is all single-family residences with no commercial. He used to live in a mixed-use neighbourhood and doesn't want that in Mountainview for noise and crime reduction reasons.

29. Parking in front of the proposed development is difficult because of the layout and driveways being close together. There are about 4 houses that don't really have street parking and rely on parking down the street.

30. The Applicant appears to have additional vehicles at the property already, with 3 large SUVs and a trailer there full time. There were previously 2 vehicles at the property that made parking in April and March very difficult. He understood that these vehicles have now been sold.

31. Mr. Nix directed the Board to page 29 of the Agenda, which shows that the neighbourhood is all single-family. Mr. Nix suggested that it is not appropriate for temporary lodging to be in the neighbourhood because it is not close to commercial services. Guests would need vehicle access to go to stores which may create traffic concerns.

32. Mr. Nix directed the Board to page 44 of the Agenda which shows the site plan for the proposed development. He noted that the studio as shown on the plans is used as an aesthetics studio by the Applicant. There are multiple businesses that operate out of the Applicant's property, potentially creating more noise and traffic impacts.

33. Mr. Nix directed the Board to page 93 of the Agenda, which showed the parking situation at the Site.
34. Mr. Nix directed the Board to page 98 of the Agenda which shows online advertisements for the Applicant's businesses, which include a Mexican food and catering service, a construction services company, the aesthetics business, and the rental suite.
35. The Applicant has put in a new door on the side of the building to access the rental suite. This is not typical of the community because it is very narrow between the buildings, and the new door creates privacy concerns.
36. Mr. Nix requested that the Board look at the Site in totality with the other businesses operating there and the increase in activity. He did not think that this is an appropriate place to have an additional business.
37. Mr. Nix expressed concerns about the amount of activity on the Site and the potential increase in activity due to the multiple businesses. Nobody really knows how much the activity on the Site will expand, and the amount of activity and the potential increase in activity should be considered.

Timothy Spielman, Appellant

38. Mr. Spielman expressed his support for the submissions made by Mr. Nix.
39. The DA presentation spoke to the proposed development not creating additional nuisances. Mr. Spielman referred to his written submissions and referenced studies which state that short-term rentals create challenges for neighbourhoods.
40. Mr. Spielman expressed grave concerns regarding impacts that begin to arise when 2% of homes are used for short-term rental in an area. The impacts become very significant at 4%. The Town's goal of having 5% of residential uses including a home-based business raises concerns as to why that metric is being used, given the findings of the study and the impacts that result from a 4% short-term rental use.
41. Mr. Spielman expressed grave concerns about the process used by the DA and suggested there was potential decision bias with the DA.

42. The DA's decision was flawed and should be overturned. He was unable to find any specific criteria as to what should be used to approve a discretionary use in the LUB. There are only broad factors that should require specific application to each and every community in Okotoks. The use of these factors must be used in the context of a particular community.
43. Mountainview is unique in that it is relatively small and only contains single-family homes with a low rental percentage. The community has no rear laneways and is not a drive through connector. The concept of no rear lanes means that all parking falls to the street, driveway, and garage.
44. The LUB requires that Short Term Lodging – General in the TN District requires a minimization of nuisance and noise. The DA's position that the risk of nuisance is low is based on assumptions about the type of tenants.
45. The proposed development will have an outsized impact on the community that was not considered by the DA.
46. Mr. Spielman expressed concerns with the process employed by the Town and the DA in approving discretionary development permit applications. He acknowledged that the *MGA* does not require notice prior to postings for discretionary uses.
47. Mr. Spielman noted that other municipalities have more of a public interest process. In this case there was no public input to insert a "boutique hotel" in Mountainview.
48. The Appellants are concerned that the only way to have input on the proposed development was by filing an appeal. The process excluded residents and taxpayer input, which is a very serious matter.
49. Mr. Spielman submitted that the unique physical and social characteristics of Mountainview were not properly considered.

Board Questions for the Appellants

50. The Board did not have questions for the Appellants.

Irascema Alejandro, Applicant

51. Ms. Alejandro relied on her written submissions and asked the Board to read the letters she submitted.

52. Ms. Alejandro stated that her family felt targeted and people have been taking pictures of her property. She went through all the processes for permits and fees and did everything she was supposed to do.

Board Questions for the Applicant

53. The Board asked how many visits per day or week were related to the businesses on the site. Ms. Alejandro advised that the aesthetic studio is only used for family and friends, and the construction company works off-site. They do not receive any clients for the businesses at the Site other than the Airbnb.

54. The Board asked if the garage is accessible for parking. Ms. Alejandro advised that the garage could be used for 1 car. The Airbnb guest parks on the street without disturbing the garage and neighbouring garages and there is no space on the side with Mr. Nix's property to park cars.

Parties in Opposition

55. No other parties spoke in opposition to the appeal.

Parties in Support

56. No other parties spoke in support of the appeal.

**DECISION**

57. The Board denies the appeal and confirms the decision of the DA to approve the development permit application. The application for Short Term Lodging – General is approved.



**REASONS**

Noise and Nuisance

58. The Appellants expressed concerns that the proposed development would result in increased nuisance and noise generated from the Site.
59. The Board notes that the proposed development will be limited to an approximately 450 sq. ft basement suite. The Board is of the view that the size and location of the suite in the basement will minimize any potential noise and nuisance emanating from the proposed development.
60. The Board also considered that the nuisance and noise impacts of the proposed development would be similar to or lesser than that generated by a Dwelling Unit, which is a permitted use in the TN District and does not require a development permit.
61. The Board finds that the proposed development has met the requirements of section 3.6.3.C of the LUB as relates to nuisances and noise and is suitable for the Site.
62. The Board also notes that the Applicant and the proposed development will be required to abide by the Town bylaws and relevant legislation as a condition of the development permit.

Parking

63. Taking into consideration the size and location of the proposed development, the Board finds that the proposed development will likely be utilized by a limited number of guests at any one time, which lessens the potential parking impacts on the neighbourhood.
64. The Board takes note of the Applicant's submission that the garage can be used to accommodate at least one vehicle, minimizing the use of on-street parking at the site.
65. The LUB contains no on-site parking requirements at the Site. The proposed development will be in the same position with regard to parking as other uses in the Mountainview neighbourhood.
66. The Board acknowledges that there appears to be relatively limited parking directly in front of the Site on the corner. However, there appears to be adequate parking

elsewhere on the street, which may be utilized, according to the LUB, in the same manner and to the same extent as other uses in the neighbourhood.

67. There are permitted uses in the TN District that the Board considers would generate more significant parking impacts than the proposed development, including Home Occupation – Major, which permits up to 10 client visits per day, and Home Occupation – Minor, which permits up to 3 client visits per day. The Board notes that Home Occupation – Minor does not require a development permit, pursuant to the LUB.
68. Finally, the Board finds that the condition that the proposed development must comply with other Town bylaws and relevant legislation will minimize potential parking issues as relates to driveways and access. Should issues arise, these may be dealt with accordingly by the Town.

#### Traffic

69. The Board reiterates its comments in regard to parking as they largely apply to the potential traffic impacts of the proposed development.
70. Additionally, the Board accepts the submissions of the DA in regard to trip study data. While that data did not include specifics as to Airbnb rentals, the Board accepts that short-term lodging, generally, will result in fewer trips per day than a single-family residential use.

#### Exterior Modifications and Addition of Side Door

71. The Appellants noted that the Applicant had added a side door that provided access to the basement suite. The Appellants questioned whether this violated section 3.6.D.3.B of the LUB.
72. The Board accepts the DA's submission that the addition of a side door is permitted under the LUB and that the DA had no concerns regarding the side door.
73. Further, the Board finds that the addition of a side door does not change the external appearance or character of the building and does not constitute a Structural Alteration that would violate section 3.6.D.3.B of the LUB.

Safety and Crime

74. The Board acknowledges the submissions and studies referred to by the Appellants in regard to safety and crime impacts that may be caused by promulgation of short-term lodging uses.
75. The Board placed little weight on the studies submitted in support of this position. The Board was unable to determine whether the studies were applicable to the Town of Okotoks given that the studies occurred in municipalities that differ from the Town in a variety of ways, including in terms of size, density, and demographics. The Board was therefore unable to conclude that these studies would apply in the Town and to the proposed development.
76. The Board is of the opinion that the proposed development will not lead to significantly increased crime and/or safety issues in the Mountainview neighbourhood.

Other Businesses on the Site

77. The Board considered the Appellants' submissions that there were other businesses operating on the site and there was a risk of an increased intensification of traffic and parking concerns.
78. The Board acknowledges the Appellants' submissions in regard to other businesses but notes and agrees with the DA's submission that the Application is reviewed on its own merits and there is not a limit to the number of businesses that may operate on a site.
79. The Board also notes the Applicant's submission that the other businesses do not generate client trips to the Site. If those businesses do generate client trips, then those businesses will be required to comply with the LUB provisions regarding client visits per day for home-based businesses.

Concerns Regarding the Application and Approval Process

80. The Appellants expressed frustration with the process employed by the DA in considering the Application, including a lack of proper notice and public consultation in regard to discretionary developments.

81. The DA complied with the notice and consultation requirements as mandated by the *MGA* and the LUB in considering the Application and issuing the Decision.

82. While the Board is sympathetic to the concerns of the Appellants, the Board does not have jurisdiction to change notice or public consultation requirements in the LUB. Those considerations and matters are properly within the jurisdiction of the Town Council.

**SUMMARY**

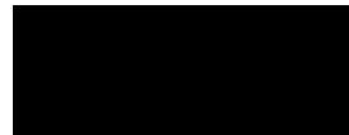
83. The proposed Short Term Lodging – General use is a discretionary use in the TN District. The General Description and Mix of Uses in the TN District support a Short Term Lodging – General use on the Site.

84. The Board finds that the proposed development fully complies with all applicable standards outlined in the TN District, including the Use Standards described in Section 3.6.D.3.A-D.

85. The proposed use is appropriate on the subject site. The Short Term Lodging – General Use is compatible with the neighbourhood and should not negatively impact the Mountainview neighbourhood.

The Board denies the appeal and confirms the decision of the Development Authority. The application for Short Term Lodging – General is approved, subject to the conditions of the Development Permit.

Dated this 2<sup>nd</sup> day of September 2025.



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Shane Hansma  
Subdivision and Development Appeal Board Chair

**IMPORTANT INFORMATION**

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c. M-26.