

City of Grande Prairie Subdivision and Development Appeal Board

Appeal File Number: SDAB 2026-005D
Appeal By: M.N. Bernhardt Holdings Ltd.
Appeal Against: Development Authority of the City of Grande Prairie
Hearing Date: September 8, 2026
Decision Date: September 11, 2026
Board Members: Linda Murphy, Chair & Presiding Officer
Lynne Coulter
Elmer Spilchen
SDAB Clerks: Jessica Sanderson
Charlene Loxam

Participants at the Hearing:

- Kimberly Brock, Development Officer
- Alison Downing, Development Officer

Attended Online:

- Nick Bernhardt, Appellant
- Farhad Mortezaee, FARMOR Architecture, Applicant
- Khrystyna Demeshko, FARMOR Architecture, Applicant
- Boris Javorski, Property Owner
- Akanshu Popli, Property Owner

Description of the Application:

1. The appeal before the Subdivision and Development Appeal Board was brought by M.N. Bernhardt Holdings Ltd.
2. On August 4, 2026, the Development Authority approved development permit PL260245, Motel Expansion, Building Addition and New Building, at 11301 100 Avenue.
3. Two variances were granted as follows:
 - a. The front yard setback has been reduced from 6.1 metres to 3.0 metres (variance of 51%) and
 - b. The required number of parking stalls required has been reduced from 72 stalls to 63 stalls (variance of 13%).

Procedural History:

4. The hearing commenced at 2:01 p.m. on September 8, 2026 and concluded on the same date.

Decision:

5. The appeal is denied and the decision of the Development Authority is confirmed. The development permit PL260245 is granted as approved by the Development Authority, subject to all conditions therein.

Summary of the Hearing

Submissions:

6. The Board received oral and/or written submissions from:
 - a. Kimberly Brock, Development Officer
 - b. Nick Bernhardt, Appellant
 - c. Farhad Mortezaee, FARMOR Architecture, Applicant
 - d. Khrystyna Demeshko, FARMOR Architecture, Applicant
 - e. Boris Javorski, Property Owner

Presentations from the Development Authority: K. Brock

7. K. Brock presented written and oral submissions to the Board. In summary, K. Brock submitted that the SDAB should deny the Appeal and uphold the Development Authority's Decision to confirm the Development Permit PL260245 as issued.
8. K. Brock presented:
 - a. The subject property is located within the arterial commercial or CA district.
 - b. A motel is a permitted use within this district and the proposal is an expansion of an existing motel development.
 - c. The development authority approved the application on August 4th, 2026, subject to conditions.
 - d. There are two variances associated with this application, a front yard setback variance and a parking variance.
 - e. The land use bylaw requires a 6.1-metre front yard setback, while the proposed development is providing a 3-metre setback.
 - i. The Development Authority recognizes that this is a significant reduction; however, the actual site context is important when considering the variance. The property does not directly front onto the primary travelled

lanes of 100th Avenue. From the property line, there is approximately 13.6 metres to the service road. The service road is approximately 10 metres wide, and then there is additional boulevard of approximately 25 metres before reaching the primary travelled lanes of 100th avenue. This results in approximately 48.6 metres of separation between the property and the travelled portions of 100th avenue. To put that distance into perspective, K. Brock indicated that 48.6 metres is roughly the length of five school buses and that this provides significant physical separation between the proposed building and the traffic on 100th Avenue.

- ii. The site has an existing motel development and limited space available for the proposed expansion. The proposed building has been positioned to accommodate the expansion while maintaining the required emergency access, vehicle circulation, parking, landscaping and other site functions.
 - iii. The existing motel building does meet the required 6.1-metre setback; however, the proposed development involves an additional building area that must be accommodated within the existing site.
 - iv. Administration considered whether the expansion could reasonably be accommodated with a greater setback and based on the overall site layout, determined that doing so would affect the ability to accommodate the proposed development while maintaining the necessary site function.
 - v. Administration also considered the relationship of the proposed building to surrounding properties, including potential impacts on visibility, access, circulation and safety. The adjacent property to the east is an established commercial property with access from the service road, and that access will continue to be available.
- f. The second variance relates to parking based on section 72 of the Land Use Bylaw.
- i. 72 parking stalls are required.
 - ii. The applicant is providing 63 stalls resulting in a deficiency of nine stalls or approximately 13%.
 - iii. The applicant also considered whether additional parking stalls could be accommodated along the east side of the property; however, the available space does not provide sufficient maneuvering area for parking stalls and therefore it was not a viable option for providing additional stalls.

- iv. Administration considered the overall site layout when reviewing the parking variance. The property must accommodate emergency access, internal circulation, landscaping, loading and appropriately sized parking stalls. Attempting to provide additional parking would require compromising the necessary site functions.
- v. For this reason, administration considers the 63 stalls to be reasonable parking supply for this particular site.
- vi. There's also public parking along the service road that can accommodate overflow parking for businesses in the area.
- vii. Given the parking provided on the subject property and availability of public parking, administration does not anticipate the 9-stall deficiency will create parking issues for the subject property or neighbouring properties.
- viii. Administration considered the proposed variances against the criteria in section 19.11 of Land Use Bylaw, as well as the applicable requirements of the *Municipal Government Act*.
- g. In considering the variances, Administration reviewed the existing development, available site area and the need to accommodate the proposed expansion while maintaining emergency access, internal circulation, landscaping, parking, loading and other required site functions.
- h. Administration also considered the potential impacts on surrounding properties, including access, visibility, vehicle movement, safety and the general use and enjoyment of the adjacent properties.
- i. The proposed development remains consistent with the established commercial character of the area and does not introduce an incompatible land use as a motel is a permitted use within the CA district.
- j. Because both variances exceeded 10%, the application was circulated to adjacent landowners in accordance with the Land Use Bylaw. Notice of the application was provided to adjacent landowners prior to the development authority's decision. A sign was also posted on the property. Following the development authority's decision, notice of the variance decision was provided to the same landowners and the decision was posted on the website. No comments or concerns were received from adjacent landowners during the circulation period.
- k. Overall, administration recognizes that the proposed variances are significant when expressed as percentages; however, administration considered the actual site context and physical constraints to be important considerations. The

reduced setback allows the proposed motel expansion to be accommodated while maintaining the necessary site functions.

- l. The physical separation provided by the service road and boulevard also provides additional separation between the proposed building and the primary travel lanes of 100th avenue.
 - m. The parking deficiency is considered reasonable given the physical constraints of the site and the need to maintain emergency access, circulation, landscaping, loading and appropriately sized parking stalls.
 - n. Administration did not identify impacts that would materially interfere with the use, enjoyment or value of the neighbouring properties, create an unacceptable safety concern or result in an unacceptable impact on the surrounding area.
 - o. And for these reasons, administration recommends that the subdivision and Development Appeal Board deny the appeal and uphold the development authority's approval of development permit PL260245.
9. The Board Asked the following questions:
- a. The current requirement is 72 stalls, is that correct?
 - i. K. Brock answered in the affirmative and expanded to say that to comply with the requirements of the Land Use Bylaw, they would require 72 parking stalls.
 - b. How many parking stalls do they have now?
 - i. K. Brock indicated that they are proposing 63 but did not know how many they currently have.
 - c. How many suites are there?
 - i. K. Brock indicated that they did not have that information.
 - d. Did you consider less of a variance or only what they asked for?
 - i. K. Brock answered, in order to accommodate the proposed building for the front yard setback there without affecting and reducing the parking additionally there was no way to move that new building back any further. And they did try to propose parking along the east side of the existing building but as stated, there was not enough maneuverability within that side yard for vehicles to pull in and then turn around and be able to exit that area safely. In what they were proposing, there were no alterations that could be made.

- e. The approval was granted for exactly what they asked for? There was no discussion about less of a variance? It just simply wouldn't work?
 - i. K. Brock answered in the affirmative.

Presentations from the Applicant & Owner

- 10. Farhad Mortezaee and Khrystyna Demeshko presented on behalf of the applicant, FARMOR Architecture, and Boris Javorski presented on behalf of the Property Owner.
- 11. K. Demeshko shared a presentation containing information on the current state and development plan for the property.
- 12. K. Demeshko presented they currently have 70 existing units and also around 63 parking stalls.
- 13. F. Mortezaee presented that the parking lot never gets filled up with it usually more than half empty.
- 14. K. Demeshko presented that the proposed building and proposed parking stalls number is 63 plus an additional loading space. They propose 80 units for residential rooms, together with the existing and additional units. The building still has two stories, both existing and building B which is in the front of the parcel. The addition for the west wing will have 114 square metres, the east wing will be 93 square metres and the addition of the portion C will be 300 square metres, leaving the entrance and exit from the parcel attached.
- 15. F. Mortezaee presented the purpose of the development permit is to upgrade the building and add more amenity spaces to it, creating a brand recognizable motel/hotel that has upgraded interiors and also the exteriors are going to be renovated.
- 16. The Applicant Team showed the drawings, rendered views and elevations.
- 17. K. Demeshko presented the main floor layout shows the entrance to the main building through the west wing with the lobby, fitness and spa room. Also on the west expansion, they have a conference or a meeting room on the main floor, and the building B is solely for residential units, as well as the second floor.
- 18. K. Demeshko presented that they propose to enclose the facade of the building to improve the exterior, as well as improving the landscaping around the buildings.
- 19. F. Mortezaee presented the purpose of the design is also to make it looking more urban than having an exposed parking lot. They presented that it actually helps, a bit, with the security of the vehicles parked overnight, and it also gives more a sense of an enclosure and boundary for the guests and for the adjacent neighbours to have a better development in here.

20. B. Javorski presented that during the construction of the Great Canadian Oil Change they were a good neighbour and provided easements to use during the construction. They presented they had to move a couple of power lines where it benefited the development of the opposing group.
21. B. Javorski presented that they believe strongly that what they're doing to their asset will benefit both groups and the City of Grande Prairie itself.
22. The Board asked the following questions:
 - a. I'd like some more clarification on the number of units you have now, number of units you propose, number of stalls you have now and number of stalls you propose.
 - i. B. Javorski answered there's 63 units currently and 80 proposed.
 - ii. F. Mortezaee answered the number of parking stalls is 63 as of now and they will keep the 63 plus a loading stall.
 - iii. B. Javorski added that there's a large amount of our guests that would drive semi-trucks that do not park on their parking lot. They indicated they are not sure exactly where they park, but there's quite a few rooms that they would rent without parking stalls. That's why they believe 63 is more than sufficient.
 - b. Can you tell me what your current occupancy rate is?
 - i. B. Javorski responded it is roughly 50 to 60%, but they are going through renovations and they believe the City of Grande Prairie has roughly 70 to 75% occupancy.
23. The Chair provided B. Javorski with an opportunity to speak.
 - a. B. Javorski presented they've driven by a few times since this appeal and tried to visualize, the last thing they want is to impact somebody else's business, but the building in the middle that they're proposing has zero visibility issues to the opposing property.
 - b. B. Javorski presented they actually believe that the Appellant is going to benefit from this and that the entire area is going to benefit from this development. It's going to make everything look better. They speculated they don't think anyone wants to see a motel style building from the 70s in the city and that any addition is making the town and adjacent businesses more safe and friendly.

Presentations from the Applicant: N. Bernhardt

24. Nick Bernhardt presented on behalf of M.N. Bernhardt Holdings Ltd.
25. N. Bernhardt presented they are very happy that the motel is planning to get redeveloped and that they think the motel definitely needs some love and they welcome that.
26. On the variance to the setback N. Bernhardt presented:
 - a. From their perspective as the business next door, moving the hotel ahead about 16 feet, they believe it does affect their view corridors of the business, which is specifically why they bought the land on 100th ave. Because it has great view corridors from the traffic that drives by and their business really depends on visibility of their building, of their sign, of their open bays to attract customers to come into their shop.
 - b. If they move that building ahead or add the addition of the building for 16 feet further, they'll cut off those view corridors somewhat and negatively affect their business and also negatively affect the value of the land and building that the Appellant put on the property.
27. On the variance on the parking, N. Bernhardt presented:
 - a. They believe Boris said right now that a lot of their clientele does not park on their property, which they agree with. A lot of them have semi-truck drivers or trucks with trailers, which tend to use up more than one parking stall. And what ends up happening is they park on the street in front of the Appellant's shop as well.
 - b. And it's happening right now already and it reduces visibility again and having more suites and not adding additional parking units is going to just put more people onto the street or possibly even people parking in the Great Canadian Oil Change parking lot after hours because there's nowhere to park at the actual motel.
28. N. Bernhardt presented they are overall happy to see that the property is getting redeveloped but they do have some concerns about the negative impacts it'll have on their business next door and on the value of the land and the building that they've put there very recently.
29. The Board asked the following questions:
 - a. If I'm remembering where this is located, it's not too far down the street from a McDonald's, is that correct?
 - i. N. Bernhardt responded in the affirmative and indicated there is a McDonald's and an A&W.

- b. When you say that trucks are parking in front of your business, are you talking about them parking on the service road?
 - i. N. Bernhardt responded it's the service road and they are aware it is legal for people to park there so they are not complaining about it.
- c. It is legal parking there on both sides of the road or just one?
 - i. N. Bernhardt indicated they believe it is the side closest to the highway but expressed uncertainty.
- d. Mr. Bernhardt, can you advise what percentage of your customers are first time users and what percentage are repeat customers and your hours of operation?
 - i. N. Bernhardt presented that they operate 24 Great Canadian Oil Change locations across Alberta and BC mostly. For an established location, it's about 70% of their customers are repeat customers. For a new location like this, they're only at about 30 to 40% right now and most of their customers are still new customers. This business is only about a year and a half old.
- e. What about your hours of operation?
 - i. N. Bernhardt presented their hours of operation are 8 to 6 there right now. They also indicated that in their more established locations, as they get busier, they're 8 till 8 on Monday through Saturday and Sunday they do a shorter day of 9 to 5.

Development Authority's Closing Statement

- 30. K. Brock presented clarification on the parking layout. When a property redevelops, they're required to comply with the current regulations of the Land Use Bylaw. So when the parking was looked at, because there are more than 50 parking stalls on the site, they're required to provide landscaped islands within that parking area and those landscape islands have to be a minimum of three metres wide in order to provide trees. They have to have 1.5 metres from the center of the tree to any curb and so that also inhibited them from providing maybe a couple of more parking stalls.
- 31. K. Brock presented with the parking on the service road, it is public parking. We don't know who's parking from what business. There are hotels on both sides of the Westport Inn currently and so, the people parking on that service road could be from either of those businesses as well.

Applicant & Property Owner's Closing Statement

32. B. Javorski presented that most of their guests usually come after work where most of them are 6 to 6. So, they're usually coming in after 6:30 to 7 p.m. and they're usually gone by 6 a.m. Javorski speculated that would help if the opposing businesses started at 8 to 6 or later on 8 to 8.
33. B. Javorski presented if the expansion is not approved, they don't think the scale of business would work for them to complete the exterior renovations on the building.

Appellant Closing Statement

34. N. Bernhardt confirmed they think that the overall plan to do this renovation is a good idea, they just don't want it to negatively affect their property, which they think, in its current plans, it will affect both the business and the value of the property.

Decision

Reasons for Decision

35. The Board notes that its jurisdiction is found in section 687(3) of the *Municipal Government Act*.
36. The Board considered the written and oral evidence submitted by the parties and will focus on the key evidence and arguments in outlining its reasons.
37. In reaching its decision, the Board considered all applicable planning policies and documents including, but not limited to, the *Land Use Bylaw C-1260 (LUB)*.
38. The proposed motel expansion is consistent with the purpose and intent of the Arterial Commercial (CA) District (section 95 of the LUB), where a Motel is a permitted use.
39. The Board heard from the appellant in their written submissions and presentation that M.N. Bernhardt Holdings Ltd., represented by N. Bernhardt, was not opposed to the development itself and only the variances. The Appellant presented they were happy the building was being developed and welcomed it.
40. Front Yard Setback Variance (51%)
 - a. Although the front yard setback variance is sizeable when measured from the service road, the Board agrees with the Development Authority that the context of the site provides substantial additional separation from 100 Avenue, the primary road for traffic.
 - b. Although the Appellant raised concerns about the visibility corridor their written submission and verbal presentation did not show sufficient evidence that the proposed development would block visibility of their business.

- c. The Board concludes that the setback from the primary road will mitigate the effects of the variance on roadway safety and visibility. It is the opinion of the Board that this variance will not unduly interfere with or affect the use of the neighbouring parcel.
41. Parking Variance (13%)
- a. The Board heard the Appellant's concerns that limited parking could result in more vehicles parked on the service road, blocking visibility of their business; however, the use of the service road for public parking is legal.
 - b. The Board heard from the Applicant that there are currently trucks parking on the service road, but no evidence was presented to connect those vehicles to the motel over other adjacent businesses.
 - c. The Board agrees with the Development Authority that the proposed parking supply is reasonable given the constraints of the site, the requirements of the LUB for landscaping and the use of the site as a motel.
 - d. The Board concludes that no evidence was presented to show that the deficiency would result in parking demand being displaced onto the adjacent properties.
42. The Board concludes the overall proposed development will be a benefit to the neighbourhood and surrounding properties.
43. It is the opinion of the Board that the proposed variances will not unduly interfere with the amenities of the neighbourhood or materially affect the use, enjoyment or value of neighbouring properties.

Conclusion

44. For the reasons set out above, the appeal is denied and the decision of the Development Authority is confirmed. The development permit PL260245 is granted as approved by the Development Authority, subject to all conditions therein.

"L. Murphy" (signed)
Linda Murphy, Chair
Subdivision and Development Appeal Board

September 11, 2026
Date