

**From:** [Peter Whidden](#)  
**To:** [PAA SDAB](#)  
**Subject:** [EXTERNAL] - ...  
**Date:** Tuesday, May 25, 2021 11:29:01 AM

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May 18, 2021

To The Subdivision & Development Appeal Board of Rocky View County

Re: Role # 04630047  
Application # PRDP20210477  
Property # 253 Artists View Way

Joanne & Peter Whidden Appeal the Development Permit.

(A) Restrictive Covenant # 751002872

We, Joanne and Peter Whidden, are the owners of lot 22, now 287 Artists View Way, since 1980. This 2 acre residential property has been regulated by the Restrictive Covenant # 751002872 registered January 13, 1975. This Restrictive Covenant remains registered at Alberta Government Services Land Titles Office & appears on our Certificate of Title (last Certified Copy 28/03/2017).

This Restrictive Covenant # 751002872 is registered on title of lot 24, 253 Artist View Way, owner Courtney L Makkinga (registration date 14/01/2021).

A copy of the Restrictive Covenant was circulated to us by Rocky View County on April 20, 2021. In brief, this Covenant states that “all lots shall be developed only in conformity with(1) this Covenant & (2) the Building By-Law, the Zoning By-Law & other relevant By-Laws of the MD of Rocky View”.

Over the past 41 years, our rural residential neighbourhood has retained it’s enviable, safe and peaceful profile, thanks to the efforts of the “Design Committee” in keeping with the Restrictive Covenant.

We draw attention specifically to;

Item #8 “No residence shall be used for any other purpose than that of a private residence for a single family”,

Item #9 “ none of the land... shall be... used for the purpose of any profession, TRADE, or business of any description”,  
&

Item #10 “none of the said lots shall be used....for auto stores.....”

The oversize garage in question will place 8 car-bays (4 exist now and 4 to be built) on lot #24, 253 Artists View Way. Nowhere along the Old Banff Coach Road has any other subdivision allowed 8 car-bays on a residential lot. Not a fit on a long established residential street, with children on bikes & scooters, residents walking their dogs, seniors walking to the mailbox and cars, driven with respect for their neighbors. This lifestyle is preserved by the Restrictive Covenant “that all development within or upon the said lots shall maintain certain standards of architectural excellence for the benefit of all future property owners in the Artists View Park subdivision”.

(B) Rocky View County Land Use By-Laws do not allow for this oversize garage (the square footage in excess of 1800 ft.<sup>2</sup>), as large as several homes in Artists View Way and the 25 foot height will tower over the two single story homes adjacent to it.

Surely Rocky View County will not allow for relaxation of

- (1) maximum building area,
- (2) maximum accessory building parcel cover
- (3) maximum building height &
- (4) minimum front yard set-back.

This accessory building (oversize garage) is not an acceptable structure in this residential subdivision as supported by the existing Rocky View County By-Laws!

(C) A major objection relates to the increased fire risks an 8-bay automotive operation will create. Such a set-up can only be used for restoration, mechanical repair & maintenance and storage of cars, trucks, motorcycles, etc. One bay is equipped with an hydraulic hoist thus the 25 foot height requirement. This is not a small “hobby” operation – soldering, welding, painting, flammable substances – petroleum products, gasoline, lubricants, motor oil – are all an integral part of this scenario!

Addressing our concerns regarding FIRE, Artists View West is the only subdivision off the Old Banff Coach Road that DOES NOT HAVE FIRE HYDRANTS! If a home has a fire, that home is lost! The Rocky View Fire Department cannot bring adequate water in their pumper trucks to protect our homes!

On July 5, 2013, Artists View West residents witnessed in horror as a neighbour's house was engulfed in flames with the fire crews unable to prevent the total loss of a family home, furnishings & personal possessions.

More recently, in June 2020 we (Joanne & Peter Whidden) witnessed this fire risk first hand when a yard fire swept from the back of our neighbour's treed lot onto the side & front of our grassed yard in a matter of seconds! Fortunately, both our neighbours and ourselves were home. We called 911 and fought the fire with garden hoses until the fire department arrived. The flames reached within 50 feet of our cedar siding home. The pumper fire trucks were without water in an alarmingly short time & our residential garden hoses were used to finally bring the fire under control.

Vulnerability to fire is a real concern of all residents of Artists View West. These eight garage bays and their uses are an unacceptable risk to our neighbourhood. It's proposed location is amid densely treed land that reaches the adjacent neighbour's home. Fire will travel easily from said garage to the neighbour's treed lot & onto our home. Artist's View West knows that we don't have FIRE PROTECTION, therefore FIRE PREVENTION is our only weapon. The majority of lots are grassed & mowed as are most ditches. Fire breaks have been cut where scrub popular abuts adjacent lots. Nevertheless the mature trees that surround these older homes are conducive to a fire spreading from lot to lot.

The increased risk of fire from an 8-Bay mechanical operation is unacceptable in Artists View West!

Courtney Makkinga & Michael Kemp are new residents of Artists View Way. With time they will realize the exceptional quality of life this neighbourhood offers & why their neighbours are determined to protect it's residential integrity.

Peter & Joanne Whidden

**From:** [REDACTED]  
**To:** [PAA SDAB](#)  
**Subject:** [EXTERNAL] - RE: Appeal # 04630047 PRDP20210477  
**Date:** Tuesday, May 25, 2021 12:30:48 PM

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To the Subdivision & Development Appeal Board of Rocky View County

RE: Appeal # 04630047 PRDP20210477

Bret and Stephanie Hart appeal to development permit.

My wife Stephanie and I live on Lot #25, 247 Artists View Way. Our 3-acre lot has been my residence since 1998. I have to say how deeply disturbing it was to learn that the long-standing Restrictive Covenant ([751002872](#)) has been overlooked entirely by Rocky View County. This to me seems to be a poorly thought-out decision to permit Lot #24, 253 Artists View Way to build a four-car garage on their property. It's always been my understanding that the Rocky View County Land Use by-laws prohibit entirely the concept of an industrial garage over 1800 square ft and as large as some homes that could range as high as 25 ft. I feel this decision is unfair and depreciates the value of this historically beautiful community.

The long-standing Restrictive Covenant was put in place solely to prevent this exact problem from happening. I don't see it is appropriate that the new residents can just decide to build an oversized garage when they already have a 4-car garage in their home. The building itself would be an eyesore and a distraction from the spectacular beauty that is Artists View. It's also my understanding that each home carries its particular beauty by just gazing out any window. It's a community that cherishes breathtaking views and natural settings that are spectacular and confirm the precise reason it's called Artists View in the first place. Such a distinctly beautiful area would be tarnished and disrespected if Rocky View County chooses to overlook the necessity and logic of the Restrictive Covenant. A garage of this magnitude does not in any way suit a residential street where families stroll walking dogs, bicycling, scootering, and rollerblading.

I find it mind-boggling how this ill-advised decision was made without consulting any of the residents in Artists View either by the new residents or by the Board. This decision smacks of excess and ignorance and is an insult to those of us, a vast majority, that have always respected and abided by this Restrictive Covenant. I feel that Rocky View County has failed in their obligation to all of us living here to respect the law put in place to protect us. Aside from this, there is no taking into account the noise from hydraulic hoists, welding, banging, pounding and drilling, nor the serious concerns relating to fire hazards of gasoline, motor oil, lubricants, and the overall use of petroleum products. Fire concerns are not to be taken lightly and this decision could increase the possibility of impending fire disaster to neighbouring homes, mine included. Artists View has no access to fire hydrants and a fire could be catastrophic to many older homes with incalculable loss from personal property, photos and, in my case, invaluable memorabilia.

In closing, the fact that this decision was made without any consultation with other residents of Artists View is alarming. I urge Rocky View County to reconsider this decision and to go back and review the restrictive covenant and what it stands for in retaining the value and historic beauty of our beloved Artists View. This decision will reflect badly on Rocky View County if they get this wrong or fail to see how much discontent will result. Artist's View is uniquely beautiful so let us all do our part to keep it that way.

Thank you. Bret and Stephanie Hart