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Response to Notice of Appeal

The applicants and owners, Mike Kemp and Courtney Makkinga, of the above noted Development Permit Application at 253 Artists View Way have noted their responses to the Notice of Appeal below:

Opposition #1

Opposer Comment:

The applicant Mr. Michael Kemp, has applied for a Development Permit allowing him to build an 8m (25 feet) high 4 bay shed/garage with a 170 square m (1830 square feet) floor plan on the south east corner of the property, 253 Artists View Way.

Applicant Response:

Yes, this is what we originally applied for but after discussions with our neighbour at 273 Artists View Way, we agreed to compromise and reduce the height to 22.8 ft and also move the garage within the setback requirement (16m) which we have re-submitted to Rocky View County. The only remaining relaxation is the square footage of the proposed garage.

Opposition #2

Opposer Comment:

The building would also be in conflict with the Restricted Covenant attached to the title of every property in Artists View West. Ms Makkinga would have had to sign the Covenant when she purchased the property.

Applicant Response:

Please specify exactly which condition of the restrictive covenant is suggested the garage would be in conflict of.

Opposition #3

Opposer Comment:

On examination, none of the other subdivisions in the vicinity have allowed construction of industrial use buildings.

Applicant Response:

This is an application for a residential garage so industrial building examinations are irrelevant.

Opposition #4

Opposer Comment:

Rockyview County has already approved the permit, before asking affected parties for comments.

The applicant neither informed nor consulted with the neighbours about the application before it was approved.

Applicant Response:

Opposer comment is irrelevant because Rocky View County is ultimately responsible for approving permits in the county so that is why we submitted the application to them. We realize that the restrictive covenant states that we need to consult the design committee but it doesn't state at what point in the process they need to be consulted.

Opposition #5

Opposer Comment:

Artists View Way is a country residential subdivision. People bought and buy houses to settle here in pleasant semi-rural surroundings and as much peace and quiet as is possible this close to the City of Calgary. The proposed building belongs in an industrial subdivision. It will detract from the quality of life in the neighbourhood and reduce the value of the constituent properties. People walking or driving along the southern part of Artists View Way will find the attractive landscape vista spoiled by an industrial building.

Applicant Response:

This is exactly why we bought in this area and are expecting to enjoy peace and quiet and there is no reason why an additional garage similar to the garage already attached to our house would change this.

Opposition #6

Opposer Comment:

Approving this permit application will set a precedent for similar future applications and is also likely to encourage them.

Applicant Response:

If it is believed that other properties in the area would like to build a similar structure, it is proof that this is not an issue and will not have a negative impact on the community. Also there is several properties currently with detached buildings of varying sizes. Triple detached Garage, detached garage with additional living quarters, several detached double garages.

Opposition #7

Opposer Comment:

Residents of adjacent or nearby properties will suffer a loss of amenity because their views will be degraded. In addition it is likely that use of the proposed building will generate noise and air pollution. There will also be an increased risk of fire as a result of the activities on the site. Last year a fire started on an adjacent property It required the attendance of the Rockyview Fire Department. The fire reached within a few feet of a neighbours house . It would have caused severe damage if that neighbour had not been present and able to contain it. The nearer other residences are to the proposed building the more their market value will be reduced.

Applicant Response:

Nearby properties will suffer no loss. There are currently multiple rows of trees in between the adjacent property and the proposed location of the garage that already provide no view to the

property and these trees would be minimally impacted by the addition of the garage. There will be no noise or air pollution generated by the garage. We believe there will be a decreased risk of fire based on the fact that the neighbours told us that the fire last year was caused by an accumulation of pollen. A garage would be a wind block to the pollen accumulating in their yard.

Opposition #8

Opposer Comment:

It should be noted that moving the location of the building on the property at 253 Artists View Way will not lessen the adverse effects. The distribution of effects between the neighbouring properties would be altered but the total adverse effect would not.

Applicant Response:

We have evaluated all possible locations of the proposed garage on the property and believe this is location is the best and will not negatively impact any neighbouring properties.

Opposition #8

Opposer Comment:

The only beneficial effects of the project would be to the applicant.

Applicant Response:

We believe this garage will increase the value of our property and subsequently the value of the properties in the area.

Opposition #9

Opposer Comment (Joan & Steve Chand'oiseau statement):

The development proposed (approved unless appealed?!) at 253 Artists View Way does not comply with a number of restrictions that exist to protect our residential community - it will negatively affect its neighbours and our community and should be denied on those reasons alone. Numerous residents have worked together to appeal the decision and stop the development. We live next door to the property whose application for development has been approved and STRONGLY wish to appeal the decision - to say that our family will be negatively affected by the development is a gross understatement.

This development will negatively impact our enjoyment of our property and drastically affect our lifestyle! Even more importantly, allowing this development to move forward will have a direct negative impact on our family's health and financial well-being.

Applicant Response:

Comments are based on personal opinion and are irrelevant.

Opposition #10

Opposer Comment (Joan & Steve Chand'oiseau statement):

This proposed development is extremely close to our adjoining property line and therefore very close to our living space and home! The industrial building/ mechanical garage is for the purpose of storing and working on automobiles. It will also include a hydraulic car lift and, at ~25 feet tall, TOWERS over our modest raised bungalow and west deck!!! It will block out our views of the mountains, the sunshine, the sunsets, and the rural setting in which we chose to live will have completely transformed - can you imagine living in our home and suddenly looking at (what I assume will be the rear) of some imposing, towering, huge building instead of the nature that used to surround you?

Applicant Response:

The proposed garage is within the designated setbacks. We have already agreed to lower the garage by 2' and move it closer to our house by over 3 metres so the view impact to this neighbour is negligible. They are also not taking into account that their house is at a higher elevation than ours. Currently, their view is all trees and even if we build a garage, it will still be trees.

Opposition #10

Opposer Comment (Joan & Steve Chand'oiseau statement):

To state that there may be noise and air pollution minimizes the incredibly negative impact this industrial building / mechanical garage and its use will have on our family!!! The noise plus the harmful chemicals and exhaust would keep us from being able to enjoy our living space on our connecting outdoor deck that is a mere 14 metres from the property line - In fact, I worry we may not be able even open up our windows due to the noise and no-longer fresh air!!

Applicant Response:

This is a completely false accusation that there will be any noise or air pollution from this garage and is irrelevant.

Opposition #11

Opposer Comment (Joan & Steve Chand'oiseau statement):

Our kitchen and main living spaces are concentrated on the west area of our home - double doors and multiple windows open onto our deck and west living space. We almost always open up these doors and windows to benefit from the wind and fresh air that generally moves west to east. With the proposed development, the noxious chemicals and exhaust will be carried downwind directly to us and through our home. Importantly, one of our children has a complex health profile including numerous environmental sensitivities that weaken his immune system - these hazardous chemicals and air pollution could easily trigger a negative health response. The county must act responsibly to protect his health over the approval of this industrial development.

Applicant Response:

Irrelevant and false accusation.

Opposition #12

Opposer Comment (Joan & Steve Chand'oiseau statement):

Artists View West is a rural residential community where homeowners purchase acreages at great cost in order to enjoy increased privacy, space, natural settings, quiet, and distance from typically urban elements (such as large industrial buildings!) This proposed development will undoubtedly negatively affect our property value directly, likely even making it difficult to sell!!! Who would want to live on a costly rural property with its primary view of a huge industrial building, unable to sit outside or open windows because of the noise and noxious smells!? We certainly do NOT!

To note, simply moving this development a few feet one direction or another will not lessen the negative impacts. As the property owner, the neighbours, and the FAMILY who are most impacted by this development, we implore you to stop this development of an industrial building next door. **The development of an industrial building does not belong in a residential community and must not be supported by the county over the health and well-being of existing homeowners and families, against numerous existing bylaws in place to protect the residents, and must not be allowed to move forward.**

Applicant Response:

As already stated previously, this will increase property values in the area and to state that it is an industrial building with health concern for the neighbours is blatant bullying and sabotage as there is no indication in the application that either of these things apply.

Opposition #13

Opposer Comment (Joan & Steve Chand'oiseau statement):

*Additional Information re: Risks to Health & Safety

Applicant Response:

All of these are irrelevant and incorrect assumptions.

Opposition #14

Opposer Comment (Joan & Steve Chand'oiseau statement):



Applicant Response:

These photos need to be completely disregarded because they are inaccurate and have no measurements or consideration for elevation. They were taken before the agreement to lower the height and increase the setback and even then they were still absolutely overexaggerated. The garage and the neighbouring home (273 Artists view way) only have 9' of overlap so these obstructions are not realistic. Taking into account the trees on both properties the garage likely won't be visible from 273's west side yard at all. These blacked out areas represent an elevation from 273's patio area. These have been drawn well over 25' (original proposed height) and well beyond the actual proposed garage location for effect. The elevation of 273's side yard is approx. 4' higher than 253's yard. Also, the garage slab would be down approx. another 18" on the south end due to the existing grade of the yard.

Opposition #15

Opposer Comment (Joan & Steve Chand'oiseau statement):

WHMIS Information

Applicant Response:

100% Irrelevant and should be disregarded.

Summary:

We don't believe any of the opposer's comments are valid and none of them should disallow the construction of this detached residential garage.