

Smith, Theresa L.

---

**From:** Randall Burke [randall.burke@quintessentialcomputing.com]  
**Sent:** Wednesday, January 25, 2017 10:11 AM  
**To:** City Clerk; Office of the Mayor; Councillors Office Contact  
**Subject:** LOC2016-0247  
**Attachments:** LOC2016-0247 Letter to Council - 20170125.pdf

Good Morning – please find attached correspondence regarding the above captioned Land Use Application slated for the Public Hearing on February 13, 2017.

Regards,  
Randall Burke

**RECEIVED**  
2017 JAN 25 AM 11:26  
THE CITY OF CALGARY  
CITY CLERK'S

RECEIVED

2017 JAN 25 AM 11:26

THE CITY OF CALGARY  
CITY CLERK'S

January 25, 2017

TO: Calgary City Council

RE: LOC2016-0247 – Land Use Amendment to R-C1s (312 – 45 Ave SW)

Dear Council Members,

I am writing to object the above captioned Land Use application for numerous reasons:

1. **The subject parcel does not meet the requirements of the Land Use Bylaw 1P2007 Sections 295 (c) and 305 (c) because it does not provide the required number of parking stalls on the parcel.** Due to the slope and size of the back yard, no suitable second parking stall is available (please refer to pictures embedded).

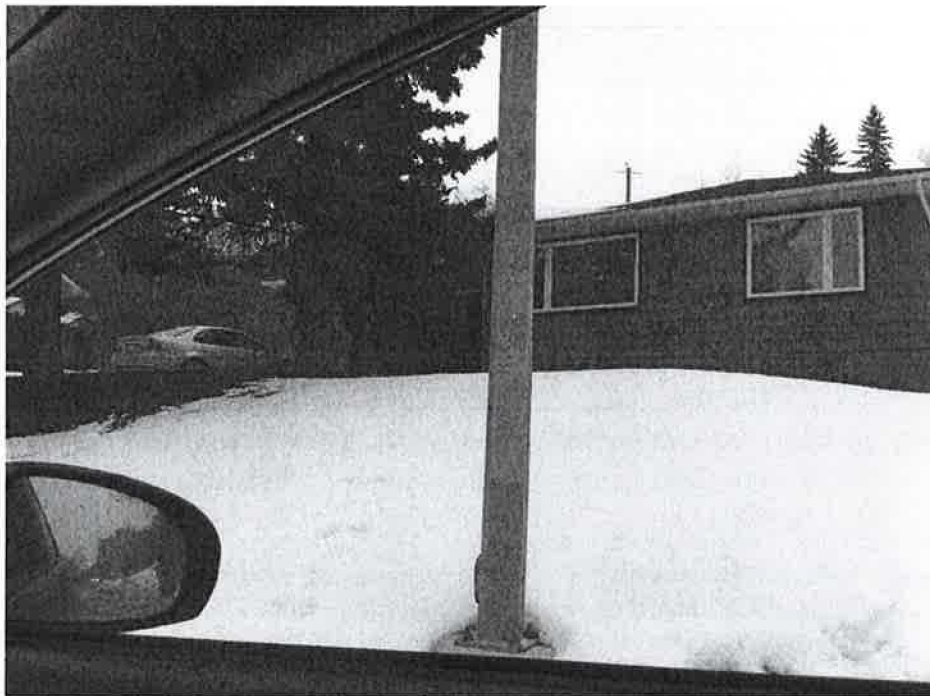


Photo 1 – North View



Photo 2 – Southwest View



Photo 3 – Southwest View

2. As City Council approved an 18-month exception for Development Permits associated with Secondary Suites, **no bylaw check at the Development Permit stage will occur and thus no appeal can be made to the SDAB with regard to the development of a Secondary Suite on the parcel.** Any planning issues associated with the parcel, including, but not limited to the lack of required parking under the LUB, cannot be addressed through the legislated framework. This deprives other property owners of their right to appeal to the SDAB under the MGA.

### Applying for the Development Permit exemption

If you're thinking about developing a secondary suite, or legalizing an existing suite, there is no better time than now. City Council approved an 18 month long Development Permit exemption from September 1, 2015 to March 3, 2017. If your property is eligible, you can save an estimated \$2,200 in costs and hours of paperwork by skipping the Development Permit process altogether.

## Skip a secondary suite step



### Is your property a candidate for the permit exemption?

3. There is a Restrictive Covenant (**Instrument 4345GS**) registered on the Land Title of the parcel; the Restrictive Covenant is registered on over one hundred (100) R-C1 parcels in the Elboya and Park Hill communities. My own property is subject to the same Restrictive Covenant. **The Restrictive Covenant 4345GS permits only one "single family dwelling".**
- i) The applicant indicated that the LUA application was compliant with the Restrictive Covenant making the application inaccurate and flawed; a secondary suite is **NOT** in compliance with the Restrictive Covenant.
  - ii) In an attempt to re-interpret the meaning of the Restrictive Covenant, the Administration Report to Calgary Planning Commission, dated 2016 December 01, states the following:

"A Restrictive Covenant from 1954 is registered as a caveat on title for the parcel and states that only one Single Family Dwelling and a garage can be constructed on the lot. Administration does not consider the proposed R-C1s district to be in conflict with the Restrictive Covenant as the proposed district continues to allow for single detached dwellings"

Administration's assertion that there is no conflict based on what continues to be allowed is incorrect because it does not recognize the limited nature of a restrictive covenant. Furthermore, the report states:

"Approval of this land use application does not constitute approval of a specific secondary suite type, but rather it allows for one **additional dwelling unit** (in the form of a secondary suite) to be considered via the development permit/building permit process."

A secondary suite is an "additional dwelling unit" which is a clear conflict of the Restrictive Covenant to a reasonable person. As City Council approved an 18-month exception for Development Permits, the report by Administration is erroneous as there is no "development permit process" applicable.

- iii) Litigation to Alberta Queen's Bench on the matter of the enforcement of the Restrictive Covenant is pending.

I therefore respectfully request that City Council FILE, ABANDON and REFUSE the Land Use Amendment LOC2016-0247.

Thank you for your consideration.

Sincerely,

Randall Burke  
324 – 46 Ave SW, Calgary, AB, T2S 1B6  
[Randall.Burke@shaw.ca](mailto:Randall.Burke@shaw.ca)

Smith, Theresa L.

**From:** Monika Czekaj [Monika.Czekaj@westjet.com]  
**Sent:** Friday, January 27, 2017 4:30 PM  
**To:** City Clerk  
**Subject:** Comments on Land Use Amendment Application for 312 - 45 Avenue SW Opposition to Land Use Amendment  
**Attachments:** IMG\_20170125\_154558.jpg; IMG\_20170127\_135817.jpg; hearing.docx

January 23,  
2017  
Robert and Monika Ciupinski  
Office of the City  
Clerk  
Stanley Road SW  
The City of  
Calgary  
S 2P8 Calgary, AB  
700 Macleod Trail SE  
P.O. Box 2100, Postal Station "M"  
Calgary, Alberta T2P 2M5

Re

4511  
RECEIVED  
T2  
2017 JAN 30 AM 7:45  
THE CITY OF CALGARY  
CITY CLERK'S

**RE: Application for Land Use Amendment (312 – 45 Avenue SW), R-C1 to R-C1s**

My name is Robert Ciupinski, and I am the owner of 4511 Stanley Road SW. In response to the "Notice of Public Hearing on Planning Matters" that I received from your office on January 16th, please find enclosed my objections to the application to amend the Land Use Designation (rezoning) of land located at 312-45 Avenue SW. As an immediate neighbor to the site, I believe the proposed rezoning and subsequent development will have a serious impact on our neighborhood and on my standard of living.

I have significant concerns regarding the rezoning of the property in question, to which I am an adjacent property owner. I'd like to state that I wasn't given enough time to make any significant research.

I received the letter about the upcoming hearing on Thursday 19, 2017; this was the only notification that I have received.

I had a meeting with my neighbor Barbara Ball from 4513 Stanley Road SW and we discussed in length our concerns and impact of this rezoning on our properties. Our concerns are the same; therefore due to lack of time we decided I will use her letter as a template.

Rezoning of this land, and development in the laneway will negatively impact the character and nature of our low density residential neighborhood, and will have significant negative impacts on the surrounding properties.

I object to the application for rezoning based on the following concerns:

1. Loss of privacy and overlooking

- Our home, located at 4511 Stanley Road SW, will be directly and negatively impacted
- If rezoning is approved, the landowner's stated intent is to build a new structure at the rear of the 312 45 Avenue property
- The proposed site of the rezoning and development is at such an angle and elevation that the primary amenity area of my garden and deck would be severely overlooked, resulting in a serious invasion of our privacy
- The proposed site of the rezoning and development is at such an angle and elevation that there would be a direct line of sight into the rear windows of our house (bedroom and bathroom on the 2nd level; kitchen and living room on the main level)
- The proposed rezoning and development would have a dominating impact on us and our right to privacy in our home and in our yard



2. Detrimental impact upon residential amenities/character of the neighborhood

- There are no pre-existing backyard suites in the adjacent laneways; the proposed use is out of character for the neighborhood and it most likely become rental property negatively impacting residential density and the character and nature of neighborhood
- The size of a new building may not fit in with the scale of surrounding properties, and will not allow for adequate space between adjacent lots, similar to that enjoyed in other parts of the laneway. Infill in the laneway does not respect the local context and laneway pattern, and proportional distance between neighboring homes
- A developed corner visibility triangle will exceed the elevation of the laneway, and will obscure driver visibility causing a safety hazard
- One of the foundational truths of land use law is that equal properties should be treated equally. If this rezoning was to be approved the perception of this decision will be as a preferential treatment. The proposal would harm the amenities of local residents, in particular privacy and the right to enjoy a quiet, private and safe backyard and laneway environment and finally character of the neighborhood which consist of the home owners and their families

I would be grateful if City Council would take my objections into consideration when deciding this application.

Sincerely,

Robert and Monika Ciupinski

**RECEIVED**

January 23, 2017  
Office of the City Clerk  
The City of Calgary  
700 Macleod Trail SE  
P.O. Box 2100, Postal Station "M"  
Calgary, Alberta T2P 2M5

**2017 JAN 30 AM 7:45**

**THE CITY OF CALGARY  
CITY CLERK'S**

Robert and Monika Ciupinski  
4511 Stanley Road SW  
T2S 2P8 Calgary, AB

**RE: Application for Land Use Amendment (312 – 45 Avenue SW), R-C1 to R-C1s**

My name is Robert Ciupinski, and I am the owner of 4511 Stanley Road SW. In response to the "Notice of Public Hearing on Planning Matters" that I received from your office on January 16th, please find enclosed my objections to the application to amend the Land Use Designation (rezoning) of land located at 312-45 Avenue SW. As an immediate neighbor to the site, I believe the proposed rezoning and subsequent development will have a serious impact on our neighborhood and on my standard of living.

I have significant concerns regarding the rezoning of the property in question, to which I am an adjacent property owner. I'd like to state that I wasn't given enough time to make any significant research. I receive the letter about the upcoming hearing on Thursday 19, 2017; this was the only notification that I have received.

I had a meeting with my neighbor Barbara Ball from 4513 Stanley Road SW and we discussed in length our concerns and impact of this rezoning on our properties. Our concerns are the same; therefore due to lack of time we decided I will use her letter as a template.

Rezoning of this land, and development in the laneway will negatively impact the character and nature of our low density residential neighborhood, and will have significant negative impacts on the surrounding properties.

I object to the application for rezoning based on the following concerns:

**1. Loss of privacy and overlooking**

- Our home, located at 4511 Stanley Road SW, will be directly and negatively impacted
- If rezoning is approved, the landowner's stated intent is to build a new structure at the rear of the 312 45 Avenue property
- The proposed site of the rezoning and development is at such an angle and elevation that the primary amenity area of my garden and deck would be severely overlooked, resulting in a serious invasion of our privacy
- The proposed site of the rezoning and development is at such an angle and elevation that there would be a direct line of sight into the rear windows of our house (bedroom and bathroom on the 2nd level; kitchen and living room on the main level)
- The proposed rezoning and development would have a dominating impact on us and our right to privacy in our home and in our yard



## 2. Detrimental impact upon residential amenities/character of the neighborhood

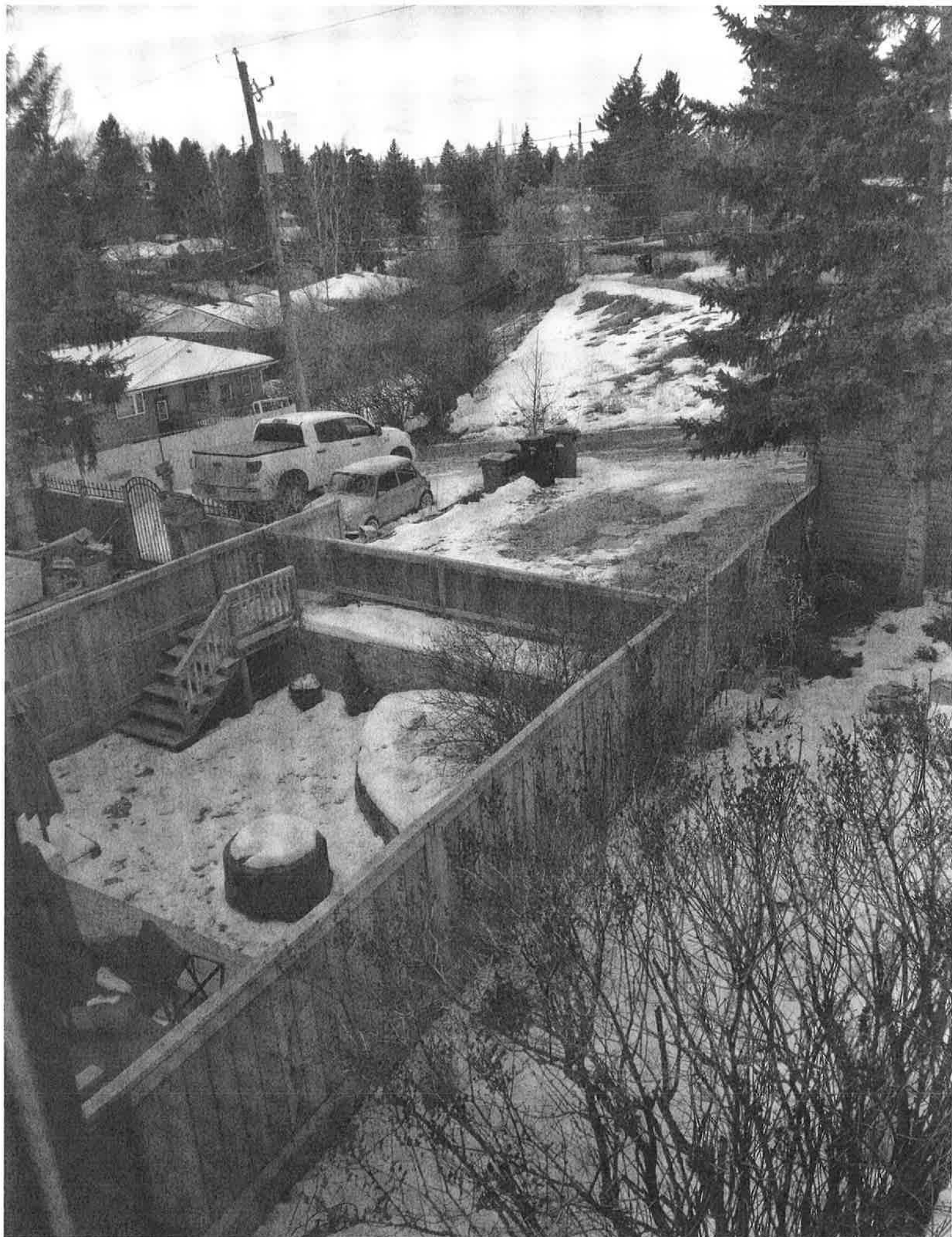
- There are no pre-existing backyard suites in the adjacent laneways; the proposed use is out of character for the neighborhood and it most likely become rental property negatively impacting residential density and the character and nature of neighborhood
- The size of a new building may not fit in with the scale of surrounding properties, and will not allow for adequate space between adjacent lots, similar to that enjoyed in other parts of the laneway. Infill in the laneway does not respect the local context and laneway pattern, and proportional distance between neighboring homes
- A developed corner visibility triangle will exceed the elevation of the laneway, and will obscure driver visibility causing a safety hazard
- One of the foundational truths of land use law is that equal properties should be treated equally. If this rezoning was to be approved the perception of this decision will be as a preferential treatment. The proposal would harm the amenities of local residents, in particular privacy and the right to enjoy a quiet, private and safe backyard and laneway environment and finally character of the neighborhood which consist of the home owners and their families

I would be grateful if City Council would take my objections into consideration when deciding this application.

Sincerely,

Robert and Monika Ciupinski





**Smith, Theresa L.**

---

**From:** Barbara Ball [barbaracball@gmail.com]  
**Sent:** Monday, January 23, 2017 9:13 PM  
**To:** City Clerk  
**Subject:** Comments on Land Use Amendment Application for 312 - 45 Avenue SW  
**Attachments:** Opposition to Land Use Amendment - 312 45 Avenue SW.pdf; 5 - Letter to City of Calgary - Oct 21, 2016.pdf

Office of the City Clerk  
The City of Calgary  
700 Macleod Trail SE  
P.O. Box 2100, Postal Station M  
Calgary, AB T2P 2M5

(Delivered by email)

Dear Office of the City Clerk,

Attached, please find my comments in opposition of the application for Land Use Designation Amendment for 312 - 45 Avenue SW.

I also attach my comments that were submitted to the City of Calgary Planning & Development Department regarding the same.

Unfortunately I am unable to take time away from work to attend the Public Hearing on this matter, scheduled for Monday February 13, 2017. I hope that City Council will consider my concerns when evaluating and deciding on this application.

Sincerely,  
Barbara Ball

RECEIVED  
2017 JAN 24 AM 8:49  
THE CITY OF CALGARY  
CITY CLERK'S



RECEIVED

2017 JAN 24 AM 8:49

THE CITY OF CALGARY  
CITY CLERK'S

Barbara Ball  
4513 Stanley Road SW  
Calgary, AB T2S 2P8

January 23, 2017  
Office of the City Clerk  
The City of Calgary  
700 Macleod Trail SE  
P.O. Box 2100, Postal Station "M"  
Calgary, Alberta T2P 2M5

**RE: Application for Land Use Amendment (312 – 45 Avenue SW), R-C1 to R-C1s**

Dear City Clerk,

My name is Barbara Ball, and I am the owner of 4513 Stanley Road SW.

In response to the "Notice of Public Hearing on Planning Matters" that I received from your office on January 16th, please find enclosed my objections to the application to amend the Land Use Designation (zoning) of land located at 312-45 Avenue SW. As an immediate neighbor to the site, I believe the proposed rezoning and subsequent development will have a serious impact on our neighbourhood and on my standard of living.

I previously provided my written comments to Ms. Kate Van Fraassen at the City of Calgary's Planning & Development Department regarding this matter on October 21, 2016. Please find that letter attached, and my concerns further detailed below.

While I have researched and appreciate the concept of laneway housing in Calgary, I have significant concerns regarding the rezoning of the property in question, to which I am an adjacent property owner. The land at 312 - 45 Avenue SW is located atop a steep slope. The application to rezone this property from R-C1 to R-C1s would permit the development of another building structure, which based on a letter from the landowner, is intended to be a "garage suite".

Rezoning of this land, and development in the laneway will negatively impact the character and nature of our low density residential neighbourhood, and will have significant negative impacts on the surrounding properties.

I object to the application for rezoning based on the following concerns:

**1. Loss of privacy and overlooking**

- My home, located at 4513 Stanley Road SW, will be directly and negatively impacted
- If rezoning is approved, the landowner's stated intent is to build a new structure (garage suite) at the rear of the 312 45 Avenue property

- The proposed site of the rezoning and development is at such an angle and elevation that the primary amenity area of my garden, landscaped patio and deck would be severely overlooked, resulting in a serious invasion of my privacy
- The proposed site of the rezoning and development is at such an angle and elevation that there would be a direct line of sight into the rear windows of my house (bedroom and bathroom on the 2<sup>nd</sup> level; kitchen and living room on the main level)
- The proposed rezoning and development would have a dominating impact on me and my right to privacy in my home and in my yard
- Potential screening on the property line would impact the character, safety, driver sightlines and navigability of the laneway

## **2. Shadow cast and loss of light**

- The land in question is on a higher grade than my property, and combined with the close proximity to my property makes it very likely a new structure would overshadow my primary amenity area (garden, patio, deck and outdoor seating area)
- Since my backyard is west-facing, I enjoy direct afternoon and evening natural light – my garden depends on it. I would be afforded less natural light should rezoning be approved and a new structure constructed in the rear of the property

## **3. Ground stability and drainage**

- The land in question is on a steep slope and at the highest point of a hill, and is currently abutted by laneways two sides
- I have significant concerns that the proposed rezoning and potential development of this land will impact the stability of the laneway
- The land is steeply graded, and subsidence is already a concern in several places along the laneway
- I have significant concerns that the proposed rezoning and development of this land will create extra run-off and create drainage issues in the laneway, which is not paved and already suffers from drainage issues particularly in the springtime and after heavy precipitation
- The slope of the property is such that run-off and drainage may be directed towards my property

## **4. Detrimental impact upon residential amenities/character of the neighbourhood**

- There are no pre-existing backyard suites in the adjacent laneways; the proposed use is out of character for the neighbourhood
- The size of a new building may not fit in with the scale of surrounding properties, and will not allow for adequate space between adjacent lots, similar to that enjoyed in other parts of the laneway
- Infill in the laneway does not respect the local context and laneway pattern, and proportional distance between neighbouring homes
- A developed corner visibility triangle will exceed the elevation of the laneway, and will obscure driver visibility causing a safety hazard
- The proposal would harm the amenities of local residents, in particular privacy and the right to enjoy a quiet, private and safe backyard and laneway environment



Unfortunately, I will not be able to attend the upcoming Public Hearing on Monday February 13, 2017. I would be grateful if City Council would take my objections into consideration when deciding this application. I would welcome the opportunity to meet with a representative of the planning department at my home, to illustrate my concerns and objections first hand. I am including some photos below that will provide context to the proposed amendment from the perspective of my property.

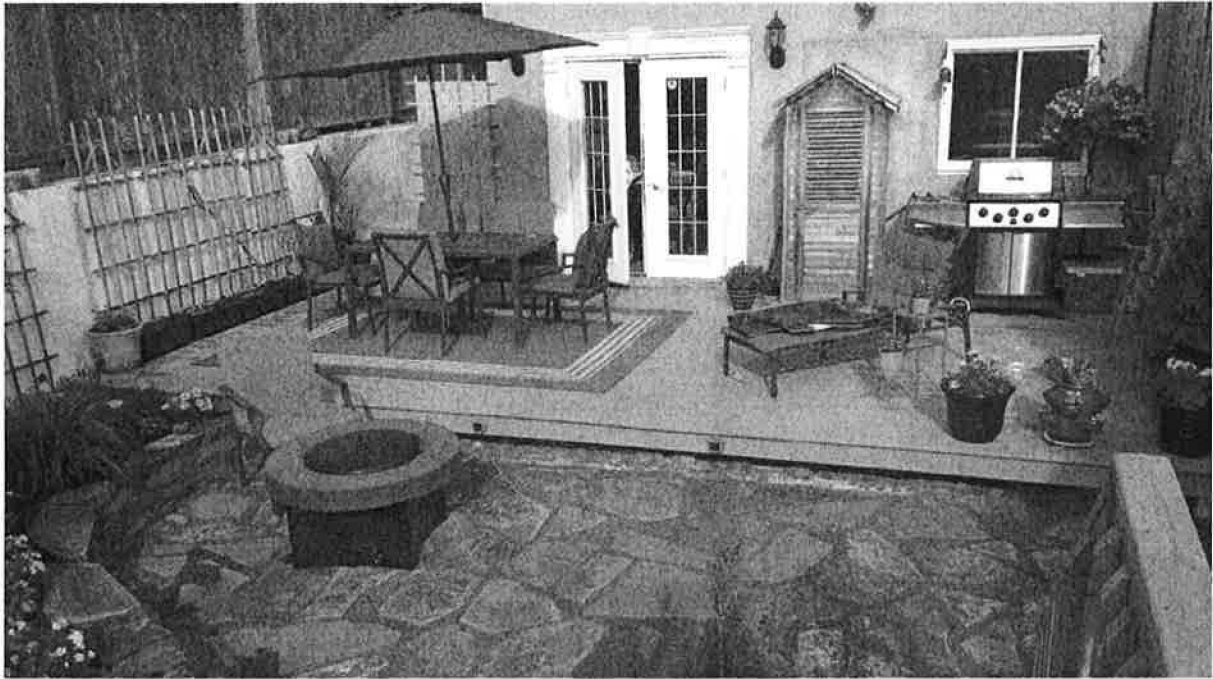
Sincerely,

Barbara Ball



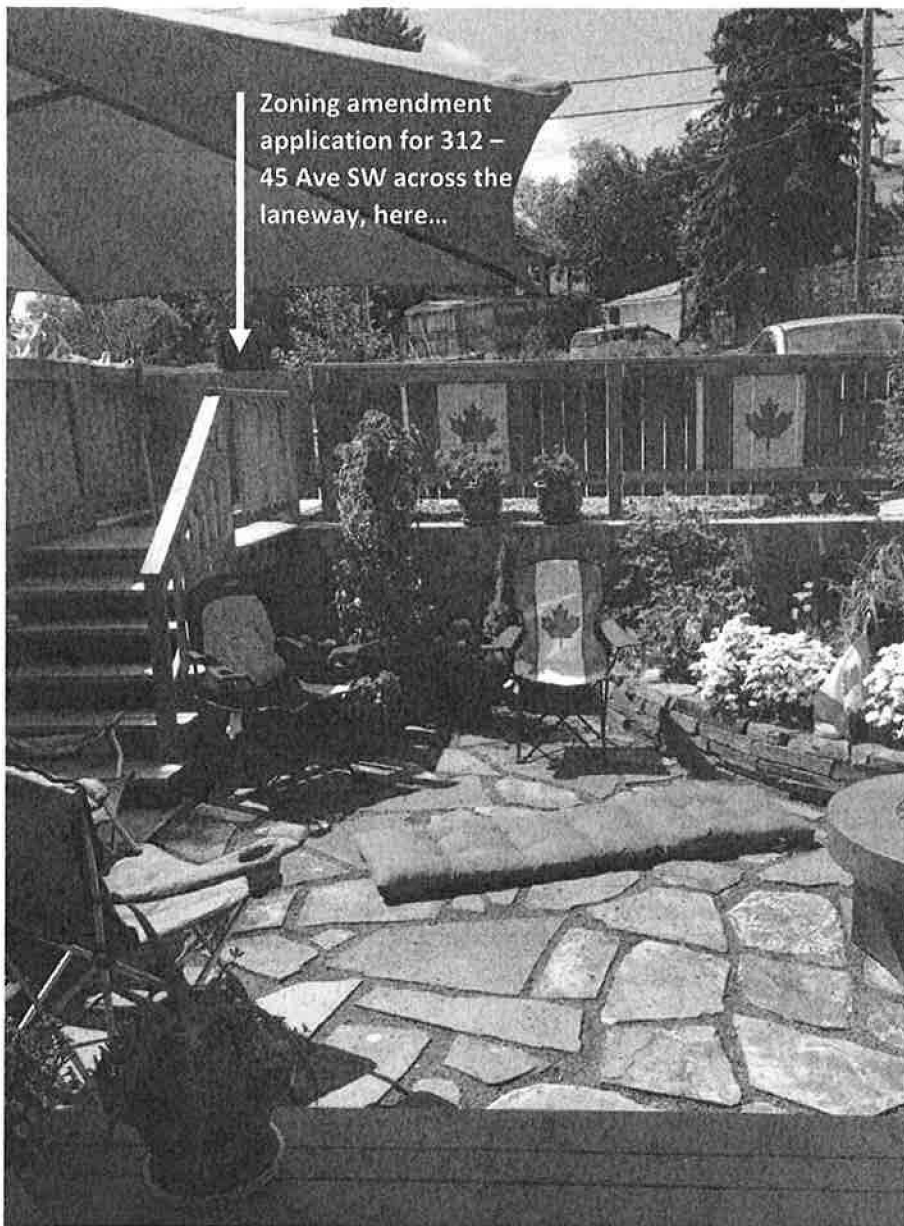
View from parking  
pad:

West facing  
backyard amenity:  
garden, landscaped  
patio, deck, outdoor  
seating area.



View from parking pad:

West facing backyard amenity: garden, landscaped patio, deck, outdoor seating area. Plenty of direct afternoon and evening natural light.



View from main floor dining room:

Significant privacy; plenty of spacing between backyards of properties, which is characteristic of the neighbourhood.

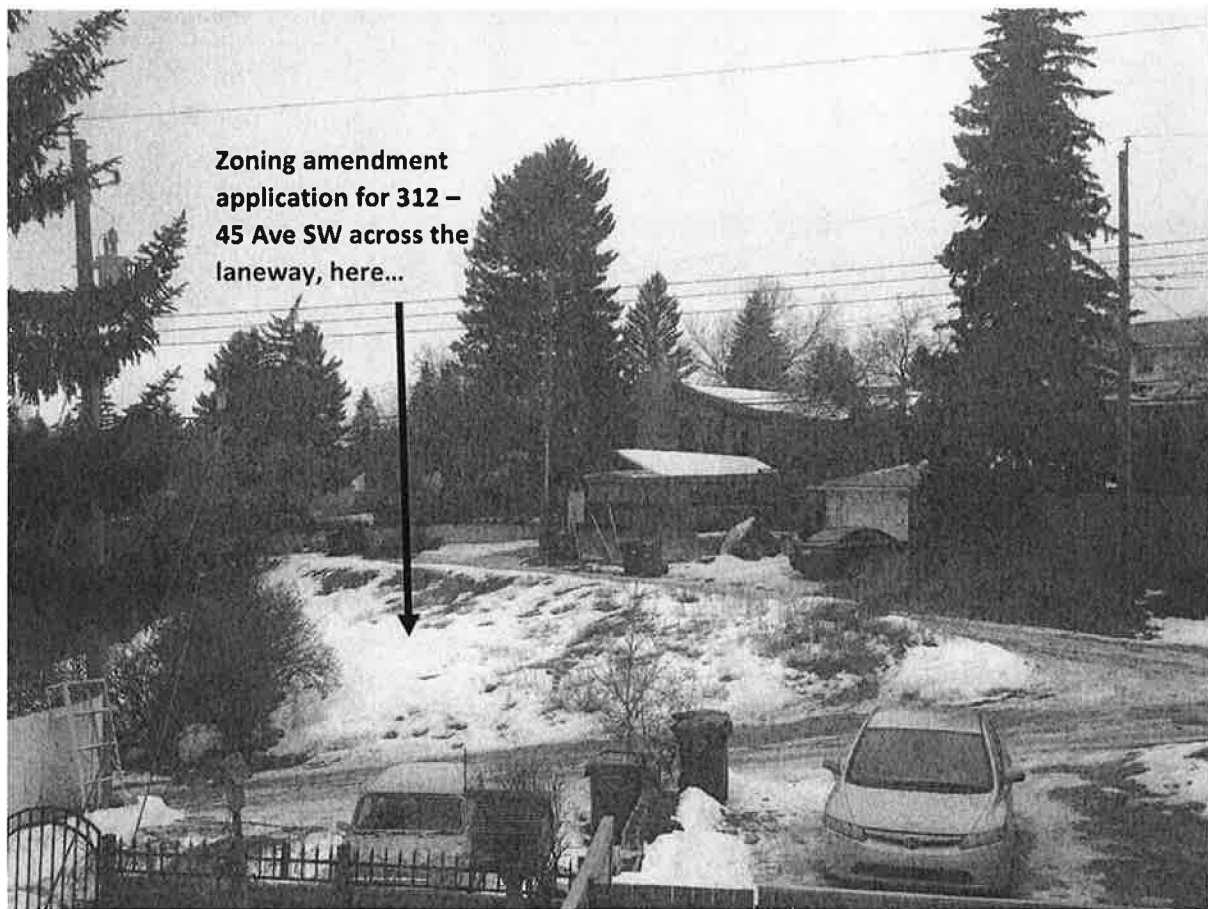
Rezoning and development will invade privacy of primary amenity space.



Zoning amendment  
application for 312 –  
45 Ave SW across the  
laneway, here...

View from deck & outdoor dining table:

Proposed rezoning and development will result in  
significant overlooking into backyard, invasion of privacy,  
and loss of direct natural light.

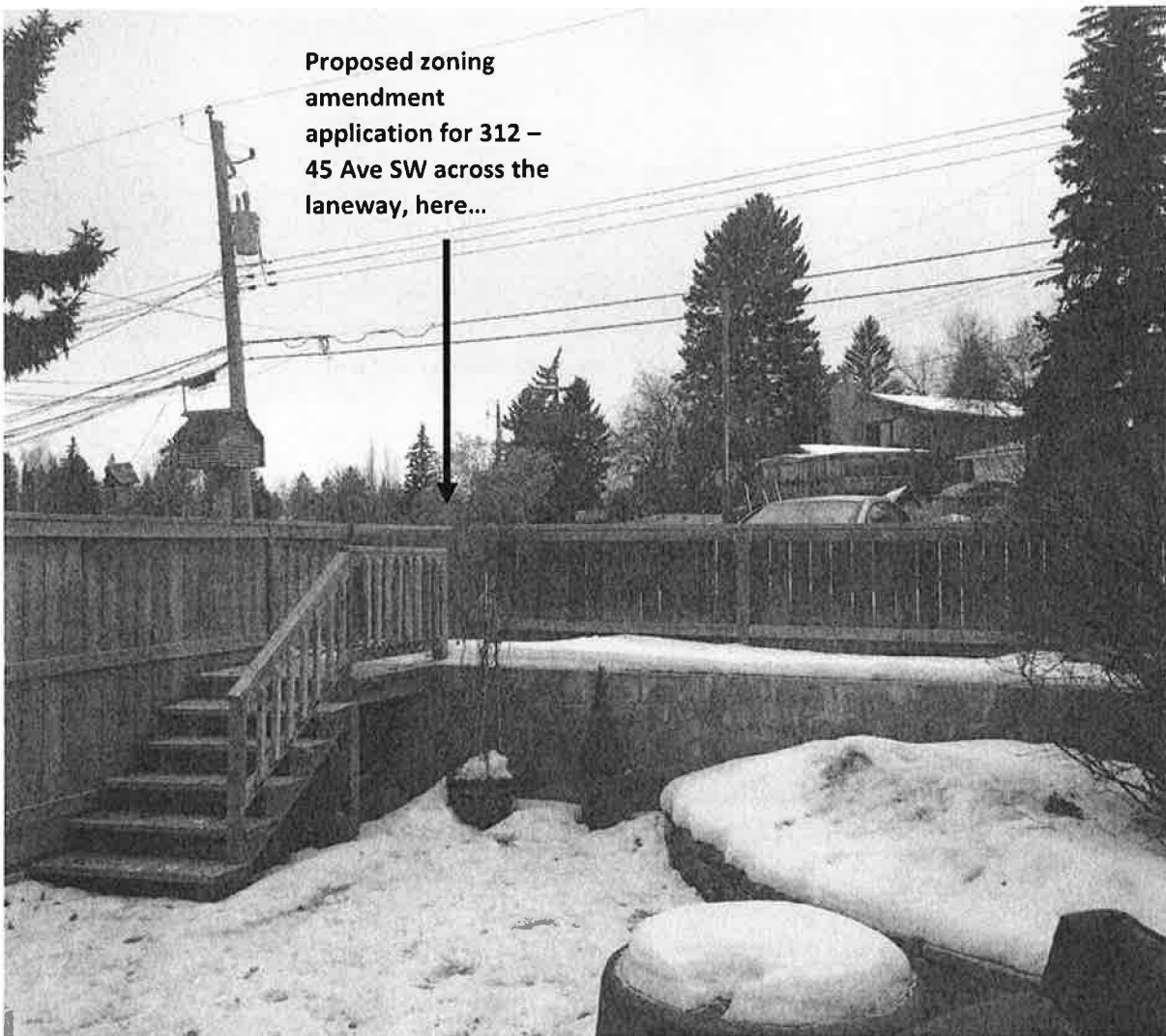


View from 2<sup>nd</sup> floor bathroom:

Proposed rezoning and development will result in significant overlooking into backyard, and onlooking into rear facing bathroom and bedroom windows, causing significant invasion of privacy.

Proposed site is on a steep slope, on an elevated corner, of unpaved laneway. Rezoning and development will impede driver sightlines and safety. Potential issues with run-off and drainage in laneway that already has drainage issues.





View from main floor dining room, and outdoor deck/patio:

Significant privacy; plenty of spacing between backyards of laneway properties, which is characteristic of the neighbourhood.

Rezoning and development will invade privacy of primary amenity space.

**Barbara Ball**

4513 Stanley Road SW  
Calgary, AB T2S 2P8

October 21, 2016

Kate Van Fraassen, File Manager  
Planning & Development, IMC #8073  
P.O Box 2100 Station M  
Calgary, AB T2P 2M5

**RE: Application for Land Use Amendment LOC2016-0247 (312 – 45 Avenue SW)**

Dear Ms Van Fraassen,

Thank you for your letter notifying adjacent landowners of the application for Land Use Amendment for 312 – 45 Avenue SW. I have been in touch with the owner of the property in question, Mr. Hartman, and have provided him with my comments and concerns. I am thankful for the opportunity to share my concerns with the City of Calgary Planning department as well.

I am the owner of 4513 Stanley Road SW. My rear driveway is adjacent to the location of the proposed Garage Suite, and is accessed from the point where the three laneways intersect.

As I expressed to Mr. Hartman, I am mostly supportive of the concept of laneway housing in Calgary. I have done quite a bit of research on the topic, and have found the information and videos published by the City of Calgary to be very helpful. I do, however, have some concerns that I want to bring forth and have considered by the City of Calgary throughout the application review process.

I am concerned about the potential height and placement of the proposed Garage Suite. I currently enjoy lots of afternoon and evening sun in my backyard, my garden depends on it, and the sunny west-facing backyard was one of the reasons I bought my property. I am concerned that a two-story Garage Suite may reduce or cut off my yard from sunshine. I request that a shadow cast study be conducted to ensure the proposed design does not impact sunlight into my backyard. I would appreciate the opportunity to be involved in that study.

I am concerned about impact on my privacy. Mr. Hartman's letter to neighbours mentioned that the design of his proposed Garage Suite would "allow for privacy for neighbours". Depending on the height and placement of the building, I am concerned that the suite will overlook directly into my backyard and potentially my rear-facing windows. Given the nature and size of the lot, I'm hopeful that there are suitable slope-adaptive design options that will prevent shadow cast and intrusion on privacy.

My final concern is regarding construction management and logistics. The proposed location of the Garage Suite is only accessible by laneway. This will inevitably mean heavy traffic through our unpaved back alleys and laneways. As I mentioned, my driveway is located at the point where the three laneways

**Barbara Ball**

4513 Stanley Road SW  
Calgary, AB T2S 2P8

intersect. It is very important to me that access to my driveway not be blocked, and that all laneways remain clear of construction materials and debris, and safely navigable at all times. I have experienced two nails in my car tires due to the construction of another nearby garage, and am concerned that the construction, heavy equipment traffic, and building materials will result in increased construction debris and damage/safety hazards. Since the laneways are not paved, I am also concerned that there will be a great deal of mud created on the steep slopes of the laneways, as grading and construction occurs, resulting in potentially unsafe driving/walking conditions (most of us neighbours frequently access the laneway on foot for dog walking, cycling, running, and taking kids to the park, etc). I'm sure these construction-related concerns can be mitigated, but it is important that they be noted and considered.

Thank you for the opportunity to provide comments, and to be proactively involved in this process. I look forward to receiving more information about the scheduling of the public hearing, and I will plan to attend.

Best regards,

Barbara Ball

**Smith, Theresa L.**

---

**From:** Monika Czekaj [monikaczekaj242@gmail.com]  
**Sent:** Monday, January 23, 2017 3:58 PM  
**To:** City Clerk  
**Cc:** robert@birncofinancialgroup.ca; monikaczekaj242@gmail.com  
**Subject:** 312 -45 Ave Sw Plan 357GU, Block 6,Lots 19, 20

Hello

I want to bring to your attention a serious concern that I have with not being notified at a proper time about the plans proposed for the attached propriety. We received a notification for rezoning proposal on January 19, 2017. Please review attached email that I send to Kate VanFraassen.

Since this email , Kate got back to me to advise me that my request for postponing of the Hearing was denied.

I am asking that my request for postponing the Hearing be reviewed again. My propriety is directly in front of the attached land and due to an error made by the responsible department we are in a very unfortunate position.

Thank you  
Robert Ciupinski

RECEIVED  
2017 JAN 24 AM 8:45  
CITY OF CALGARY  
CITY CLERK

---

**From:** Monika Czekaj [mailto:monikaczekaj242@gmail.com]  
**Sent:** Monday, January 23, 2017 3:28 PM  
**To:** [Kate.vanFraassen@calgary.ca](mailto:Kate.vanFraassen@calgary.ca)  
**Cc:** [monikaczekaj242@gmail.com](mailto:monikaczekaj242@gmail.com)  
**Subject:** 312 -45 Ave Sw Plan 357GU, Block 6,Lots 19, 20

Hi Kate

Thank you for getting back to me today and for your time in listening to my concerns. As I stated in our conversation, I am requesting that the hearing be postponed . I am basing my request on the fact that I have not been notified about an application to amend the land use designation for the neighboring propriety at 312-45 Ave SW until January 19, 2017. This was the first and only notification I received . In speaking to my neighbor I was made aware that she had been notified back in September, 2016.

The hearing is scheduled for February 13 and the deadline to send in my concerns is February 2. In light of an error made by the department in charge of this matter, I have not been given a reasonable amount of time to prepare .

My propriety is directly affected, as we boarder with the land being developed. Our privacy and the view which we purchased our propriety for, will potentially be tremendously impacted. There is a chance that the value of my propriety will be negatively affected.

Outcome of this rezoning will impact my family directly. I ask for the same fare treatment as my neighbors and the appropriate time to prepare for the hearing. I will need to talk to several neighbors, compose a petition and discuss this matter .

I hope my concerns are being taken under consideration and I'm looking to hear from you shortly.

Robert Ciupinski.