

March 7, 2018

To Peter Demong
Councillor, Ward 14

CITY OF CALGARY
RECEIVED
IN COUNCIL CHAMBER

MAR 12 2018

ITEM: 4.1 C2017-1249

Distribution - Cllr. Demong.
CITY CLERK'S DEPARTMENT

RE: Proposed Bylaw Amendments For Secondary and Backyard Suites for R-1 Zoning

Dear Mr. Demong,

Thank you for hearing my input against the proposed bylaw amendments for secondary suites in R-1 zoning areas. My wife and I are absolutely opposed to changing the process for our R-1 neighborhood. For evidence supporting our position, here is the bad experience I had with my son regarding how dysfunctional the City of Calgary Planning and Development process is for secondary suites.

My son, William Tober, owns 90 Autumn Crescent SE in Auburn bay that is zoned R1N and such is to follow the City's Planning and Development process for secondary suites. Let me take you through the journey in chronological sequence of the two backyard suites that were constructed beside him.

- In January 2015 a notice sign was posted on each of 86 and 82 Autumn Crescent that an application had been made to construct a back yard suite at each of these residences. "Any person who wishes to comment on this proposal should do so by submitting a written statement to the Development Authority no later than 2015 January 15th". They were development permit applications DP2014-5878 and DP2014-5796.
- We contacted the city Development Authority. The agent said we could come and look at the plans. We did so and had questions and wished to make comments. They said they could not do that. We had to contact the agent of the proponent.
- We contacted the proponent's agent with our questions and comments, and he told us that this could not be done at the current time. That would occur later in the process. Any comments or questions need to be sent to the Development Authority,
- We contacted the Development Authority agent again, and this time in writing emailed our questions and concerns, pointing out that the lot dimensions did NOT comply with the bylaw requirements for a backyard secondary suite. The questions and concerns were several. As examples, for privacy frosting the windows that looked into William's back yard, and due to the severe parking congestion of the street, have a designate parking spot for the tenants of each of the original (front) houses as well as for each backyard suit tenant. Yes, we were also opposed to the development for several reasons particularly that these big box structures would be an eyesore that did not fit into the architecturally controlled neighborhood. We had viewed and taken photos of another similar backyard suit in the neighborhood already constructed with this design approach that showed how unsightly they could be.
- The Development Authority agent said we needed to wait with discussion of things, like the window and parking, until further in the process when the Development Authority was ready to make a decision regarding the application.
- We were notified by the Development Authority that a decision was made. They had decided to relax the lot dimension requirements and were approving development. "What? Despite not meeting the bylaw lot dimension requirements? OK, now can we at last discuss the window privacy and parking?" We were told to do that we would need to file an appeal, along with the fee times two since there were two development permits, and discuss that with the appeal board. We could not believe this city process!!!!

- William paid the \$400 and we both took over a half day off of work so we could talk with the appeal board about the parking and the window, plus architectural enhancements to at least match the neighborhood. Yes we were opposed to the development and had letters of opposition from the neighbors and the Auburn Bay community association (ABCA), but we thought we would lose that. The appeals were SDAB2015-0028 and 0029.
- We attended the session which started in the morning. I noted the appeals board members were lawyers or other professionals, and there was probably \$1000 per hour at their table. The proponents talked about the social need for more housing and they would take all the steps to make sure the development would blend in. They said they did follow the architectural approach of the neighborhood. The window frosting and the designated parking spot for the tenants of the front home, absolutely they would do that. They would make sure that they were good neighbors with their development and give some folks good affordable housing. They said the construction would not impact us and they would be careful.
- We provided the letters of opposition from the neighbors and the ABCA. The issue with the ABCA was one of equity of lake fees that every home was supposed to pay lake access fees, but the secondary suites owners would skirt that while everyone else had to pay the fees. The board did ask if we had discussed landscaping such as trees with the city planning department? I said no because you could not discuss anything with the city planning department. We then discussed the parking, the architecture (like battens), and window frosting.
- The appeals board said they would render their decision after lunch. Sigh, now William and I were losing more than half a day.
- At 1:30, the board reconvened. They decided to deny the appeal thus approving the development with the exception that the proponent was to install the frosted window and designate a parking spot for the tenants of each of the front houses. The decision would be recorded with those two requirements. The board also said we should put up some trees. We very respectfully said we did not want trees in our back yard or messing up our yard. I was severely reprimanded by the board that we were not to speak, but I tried to say please, no trees. We were told we WILL have trees. The one lady on the board was watching and you could see she did not agree with how I was being reprimanded by the chair and told to have trees; two deciduous and two spruce. **Stop and pause here:** Why on earth does the City of Calgary process have this board and us endure this time consuming expensive process to discuss frosting one window, two parking spots, some architectural battens, and four trees by species, when this could have been done over the counter at city hall?
- Leaving the appeal board session, we chatted with the proponents who assured us they would be good neighbors. We agreed: NO trees.
- A building permit was issued and construction commenced. Remember the proponents saying no impacts from construction? One day, my daughter living with William heard a crash. She went outside and discovered that the oversize delivery of roof trusses did not quite fit in the back lane and the trusses hit a neighbor's garage (at house number 94), knocking many trusses off the truck. The truss drivers were then dragging the trusses down the lane to the backyard suites under construction. They did not appear to intend to contact the residence that they had damaged, so my daughter took all the information so that the neighbor could contact the truss supplier to get the garage repaired. A couple of days later, upon returning home, William discovered deep ruts from heavy equipment that had driven into his back yard on the opposite side of the fence from the new backyard suite undergoing framing. The construction crew did this without contacting William or getting his permission. Then left the ruts without repairing them. We think it may have been the crane for the roof trusses.
- The window was installed without frosting.

- Construction was completed and parking was available in the back and in the garages. While the rear suite tenants had a designated parking spot each, no spot was designated for either front house tenant. Formerly they had rear parking, now they need to nose-in park in the cul-de-sac.
- A phone call made to the planning office with a concern that the proponent had not provided off-street parking for the front tenants per the development permit was not returned.
- The one rear garage was turned into a workshop, that combined with the large enclosed utility trailers, appears to be for a business purpose.
- Two RV trailers occupy the rear open parking spots, with one trailer sticking 5 feet into the lane beyond the property line. Vehicles and a disconnected trailer are often parked in the lane. Please see the photos I took earlier today. The fencing shown is on the property line. I have taken other photos over time that shows the same or similar situation. The proponents are not being the thoughtful neighbors that they told the appeal board. The city should enforce the parking.

So basically, the story above shows how dysfunctional and one-sided the existing Planning and Development process along with a lack of transparency by the city. Further, there clearly is no follow-up, inspection or enforcement of the permitted planning conditions. I have all the emails and documents of this journey.

Therefore, for those of that want quiet enjoyment of our R-1 homes, we not want any changes to our land use bylaws.

Please contact me at 403-863-4762 if you have any question or wish to discuss this.

Thank you so much for your time and attention.

Sincerely,



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Photos attached separately.