



**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
OF THE TOWN OF OKOTOKS
DATED JUNE 10, 2016**

DECISION

Hearing held at: Town of Okotoks Municipal Centre
Council Chamber
5 Elizabeth Street, Okotoks

Date of Hearing: June 2, 2016

Members present: Jasse Chan, Chair
Councillor Carrie Fischer
Councillor Matt Rockley
Corey Brandt
Andrew Cutforth
Fred Keen
Gerry Melenka

Member absent: Kelly Rogers

Staff present: Wendy Cardiff, Development Officer
Mandy Wong, Development Officer
Karen Humby, Recording Secretary

Board Solicitor: Chris Davis, Christopher Davis Law

Summary of Appeal: Appeal against the decision of the Okotoks Municipal Planning Commission to refuse Development Permit Application Number 122-16 for an Accessory Building with variances at 242 Westmount Crescent (Lot 16 Block 2, Plan 041 1351) for the following reasons:

1. The proposed design and finishing of the building do not conform to Land Use Bylaw Section 9.18.2(b) and (c) in that the design, character and appearance of the building:
 - are not compatible with other buildings in the vicinity; and

- are not suited to the purpose of the land use district in which it's proposed;
- 2. The style of the building (i.e. "Quonset") is industrial in nature and the site is located in a residential district; and
- 3. The corrugated metal finishing materials are industrial in nature and not compatible with other buildings in the vicinity.

Appeal filed by: Terry Craik

Summary of
Grounds for Appeal: Inaccurate and misleading information disseminated by Town representatives. Solutions, remediation not discussed.

Appeal Filing: The Subdivision and Development Appeal Board (the "Board") finds that the Appeal was properly filed within the time allowed, pursuant to Sections 685 and 686 of the *MGA*.

The appeal form was filed with the Board on May 10, 2016. The Notice of Decision from the Municipal Planning Commission was mailed on April 22, 2016 to Terry Craik (as applicant and registered owner of the property).

The appeal was filed by Terry Craik (applicant and owner of the property).

Notice of Hearing: Section 686 and Section 606 of the *MGA* set out requirements for giving notice of an appeal hearing. The Town of Okotoks Land Use Bylaw No. 40-98 (the "Land Use Bylaw") does not set out requirements for giving notice of an appeal hearing regarding a development permit application.

Written notice of the hearing was provided at least five (5) days in advance of the hearing (counting the seven (7) days presumed for regular mail) to: the Appellant, the Town, and those persons identified by the Board as "affected" persons.

As an alternative (and addition) to personally delivered notice, notice of the hearing was also published in two issues of the *Western Wheel*, both issues being published more than five (5) days prior to the hearing.

The Board heard verbal submissions from the following:

- Wendy Cardiff, Development Officer;
- Mandy Wong, Development Officer; and
- Terry Craik, Appellant.

The Board reviewed the Agenda Package prepared by Town Administration and directly received written submissions from the following:

- Letter dated May 26, 2016 from Terry Craik, Appellant;
- Letter dated May 31, 2016 from Andrea Koolick of 243 Westmount Crescent supporting the appeal;
- Letter dated May 31, 2016 from Tyler Gray of 244 Westmount Crescent supporting the appeal; and
- Letter dated June 1, 2016 from Holly and Terry Ward of 240 Westmount Crescent supporting the appeal.

DECISION:

The Subdivision and Development Appeal Board found, following the conclusion of the public portion of the appeal hearing on June 2, 2016, that the decision of the Municipal Planning Commission be overturned and the appeal upheld. Development Permit Application Number 122-16 is therefore approved for an Accessory Building subject to the following conditions:

1. Development Conditions:
 - a. The Developer shall construct the development in accordance with:
 - i. the site plan and elevations submitted as part of Development Permit Application Number 122-16, approved by the Subdivision and Development Appeal Board on June 2, 2016, and
 - ii. all conditions of this approval. The conditions of this approval prevail in the event of any conflict with the site plans and elevations as submitted as part of the development permit and which were presented at the appeal hearing;
 - b. The building is to be situated on the site as shown on the site plan with the front elevation of the building facing west; the rear elevation of the building facing east; and the "Galvalume sheet steel" side elevations of the building facing south and north;
 - c. The Galvalume sheet steel (north and south) elevations of the building shall be painted in a colour to match the shingles of the principal dwelling, using a paint type specified by the manufacturer of the Galvalume sheet steel, and shall be maintained or repainted as required from time to time in order to match the shingles for the lifetime of the principal dwelling;
 - d. The front (west) and rear (east) elevations of the building shall be finished with vinyl siding to match the principal dwelling, and shall be maintained or

- replaced as required from time to time in order to match the vinyl siding for the lifetime of the principal dwelling; and
- e. Five (5) columnar trees (minimum of 50 millimeters caliper) shall be planted along the north elevation of the building, to be spaced every 1.22m (4.0') from west to east, at a maximum distance from the north elevation of the building of 1.52m (5.0'), and shall be maintained or replaced as required from time to time in order to be existing and healthy as long as the accessory building is in existence;
- to the satisfaction of the Development Officer.

REASONS FOR DECISION:

The Board considered Section 9.18.2 of the Okotoks Land Use Bylaw which states:

The design, character and appearance of a building shall:

- (a) be of a good architectural standard;*
 - (b) be compatible with other buildings in the vicinity;*
 - (c) be suited to the purpose of the land use district in which it is located; and*
 - (d) comply with the provisions of any statutory plan applicable to the design, character or appearance of buildings;*
- to the satisfaction of the Development Authority.*

In examining and applying Section 9.18.2(b) of the Okotoks Land Use Bylaw, the Board determined that the proposed building was not compatible with other buildings in the vicinity in terms of design. This determination was based on the principal dwelling located on the site, as well as other dwellings and structures in the neighbourhood. These buildings have pitched roofs with eaves, where the proposed building has a rounded cross section similar to a Quonset structure, including a peaked roof without eaves, which also continues down to form two of the four side walls.

The Board also determined that the building was not compatible with other buildings in the vicinity in terms of appearance since the principal dwelling located on the site, as well as other dwellings and structures in the neighbourhood have asphalt shingles and vinyl siding with masonry accents, where the proposed building has corrugated Galvalume sheet steel siding on the top and two sides.

In determining that the development was not compliant with Section 9.18.2 of the Okotoks Land Use Bylaw, the Board then addressed Section 687(3)(d) of the Municipal Government Act which states:

In determining an appeal, the subdivision and development appeal board ...

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,*
 - (i) the proposed development would not*
 - (A) unduly interfere with the amenities of the neighbourhood, or*
 - (B) materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land, and*

- (ii) *the proposed development conforms with the use prescribed for that land or building in the land use bylaw.*

By incorporating the conditions of approval, the Board has responded to what it perceived to be the "incompatibility with other buildings in the vicinity". When the conditions set forth in the decision above are implemented, the positioning and orientation of the building, as well as the application of paint, ensures it becomes as compatible as possible to other buildings in the vicinity in terms of design and appearance. The trees help to mask the differences in appearance and design that may not be fully mitigated by paint and orientation.

The Board heard no evidence about the proposed accessory building either interfering with the amenities of the neighbourhood or materially interfering with or affecting the use, enjoyment or value of the neighbouring parcels of land. The Board did receive evidence from the immediate neighbours in support of the application.

By implementing the conditions, the Board found that it could satisfactorily allow for a variance of the Land Use Bylaw expectation found in Section 9.18.2.

The Board also determined that the development is for personal usage, not commercial or industrial, and therefore conforms with the use prescribed for the land or building in the land use bylaw.



Karen Humby
Subdivision and Development Appeal Board Secretary

NOTE:
ALL CANTILEVERS ARE SHOWN
THUS - - - - AND ARE 0.6m
UNLESS OTHERWISE NOTED.
EAVES ARE MEASURED TO THE
LINE OF FASCIA.
ALL EAVES ON CANTILEVERS AND/OR
BAYS ARE 0m UNLESS NOTED OTHERWISE.
ALL WINDOW WELLS ARE 178X0 55
UNLESS NOTED OTHERWISE.
LINES OUTSIDE OF PROPERTY
ARE NOT TO SCALE.
UNLESS OTHERWISE NOTED,
FOUND NO MARKS AT ALL PROPERTY CORNERS

ABBREVIATIONS AND DEFINITIONS
THAT MAY OR MAY NOT BE USED IN THE RPR
M.A.R.W. MUTUAL ACCESS RIGHT OF WAY
M.R.W. MAINTENANCE RIGHT OF WAY
B.O.C. BACK OF CURB
B.O.W. BACK OF WALK
M.O.W. MIDDLE OF WALK
T.O.C. TOP OF CURB
F.O.W. FRONT OF WALK
Fd. I FOUND IRON POST
Fd. no Mk. FOUND NO MARK
Fd. IB FOUND IRON BAR
IP IRON POST
IB IRON BAR
OH DRILL HOLE
U.R.W. UTILITY RIGHT OF WAY
O.D.R.W. OVERLAND DRAINAGE RIGHT OF WAY
R. RADIUS OF CURVE AND/OR RADIAL
L. LENGTH OF ARC
D. DEGREE
M. MINUTE
CANT. CANTILEVER
CONC. CONCRETE
P.I. POINT OF INTERSECTION
U/R UNREGISTERED
B.C. BEGINNING OF CURVE
RPR REAL PROPERTY REPORT
HVAC HEATING VENTILATION AIR CONDITIONING
W.W. WINDOW WELL
RET. WALL. RETAINING WALL
THE FOLLOWING ITEMS MAY NOT
BE SHOWN ON THIS RPR
-MOVEABLE SHEDS THAT ARE LESS THAN 10m²
-RETAINING WALLS OR INTERIOR FENCES (DO NOT RUN)
THAT DO NOT DEFINE THE PROPERTY LINE
-HOT TUBS, SATELLITE DISHES
-STEPS AND STAIRS
-ITEMS THAT, IN THE OPINION OF THE SURVEYOR,
DO NOT SUBSTANTIALLY INCREASE THE VALUE
OF THE PROPERTY.

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT



PLAN 041 1351
BLOCK 2
LOT(S) 16
CIVIC 242 WESTMOUNT CRESCENT
OKOTOKS, ALBERTA
CLIENT MORGAN FULTON

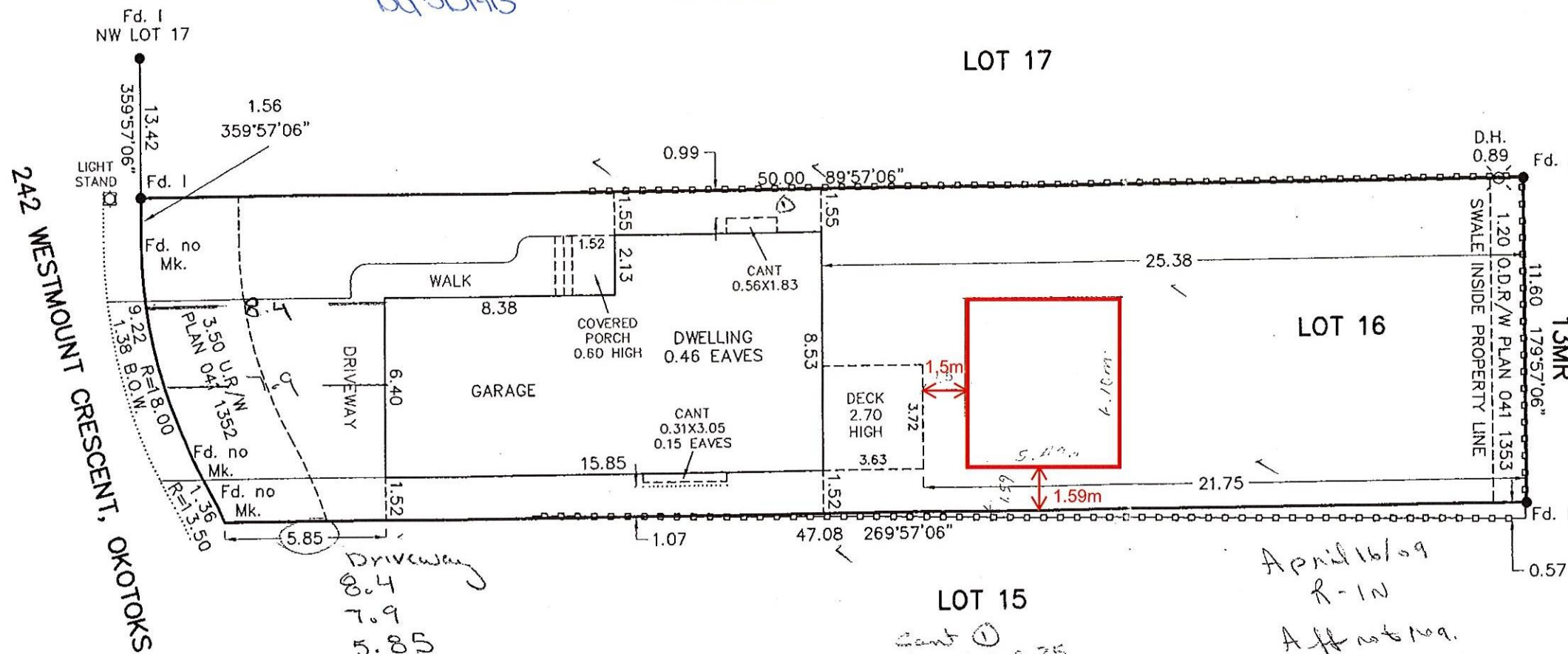
DPA 122-16

242 Westmount Crescent
Lot 16, Block 2, Plan 041 1351
Accessory Building

DP# 122-16
APPROVED SITE PLAN
Date: June 9, 2016

This approval relates only to the layout of
proposed on-site improvements such as
buildings, parking and landscaped areas for
this development and must not be construed
to represent detailed engineering,
landscaping, lighting or other plan approvals
that may be required as a condition of this
development.

by S.D.A.B.



Certification:

I hereby certify that this Report, Plan and related survey was prepared and performed under my personal supervision and in accordance with the Manual of Standard Practice of the Alberta Land Surveyors' Association and supplements thereto. Accordingly within those standards and as of the date of this report.

I am of the opinion that:

- the Plan illustrates the boundaries of the Property, the improvements as defined in part D, Section 7.6 of the Alberta Land Surveyors' Association's Manual of Standard Practice, registered easements, and rights-of-way, affecting the extent of title to the Property;
- the improvements are entirely within the boundaries of the Property, except NIL
- no visible encroachments exist on the Property from any improvements situated on an adjoining property, except NIL
- no visible encroachments exist on registered easements, or rights-of-way affecting the extent of Property, except NIL

Purpose: This report and related plan have been prepared for the benefit of the property owner, subsequent owners and any of their agents for the purpose of a land conveyance. Copying is permitted only for the benefit of these parties. Where applicable, registered easements and utility rights-of-way affecting the extent of the property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed during the Survey for this Report. This plan should not be used to establish boundaries due to the risk of misinterpretation or measurement error by the user. The information shown on this Real Property Report reflects the status of this property.

All distances are in metres and decimals thereof.
Distances shown on curve boundaries are Arc distances.
Fences are shown thus: -o-o-o-o-o-o-o-o-o-o- and are deemed to be on property line if within +/- 0.2m
The dimensions shown related to perpendicular distances from property boundaries to foundation walls.

NOTE:

Survey completed on APRIL 8th, 2009 ✓
Title information is based on a title search on APRIL 9th, 2009
and subject to:
041 147 840 CAVEAT RE: EASEMENT AND R.C.
041 147 841 CAVEAT RE: U.R/W
041 147 842 CAVEAT RE: R.C.
041 149 034 CAVEAT RE: R.C.
041 149 035 CAVEAT RE: R.C.
041 149 037 U.R/W PLAN 041 1366, 041 1328, 041 1352
041 149 038 CAVEAT RE: DEVELOPMENT AGREEMENT

NOT WITHSTANDING ITEMS 264 OF THE CERTIFICATION, THE DRIVEWAY AND/OR WALKWAY IS NORMALLY PERMITTED TO ENCROACH ONTO UTILITIES RIGHT OF WAYS AND/OR OUTSIDE THE PROPERTY LINE WITHOUT AN ENCROACHMENT AGREEMENT.

Drawn by: JL Chk'd: LW Scale: 1:200 METRIC FILE NO: 0904052



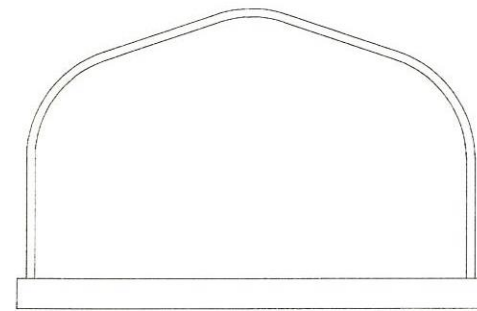
LOVSE SURVEYS LTD.
consulting engineers • land surveyors
#240, 251 MIDPARK BOULEVARD SE
CALGARY, ALBERTA, T2X 1S3
PHONE 403-254-2010 FAX 403-254-1723
WWW.LOVSESURVEYS.COM

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS AN ORIGINAL
SIGNATURE (IN BLUE INK) AND A LOVSE SURVEY LTD.
PERMIT STAMP (IN RED INK).

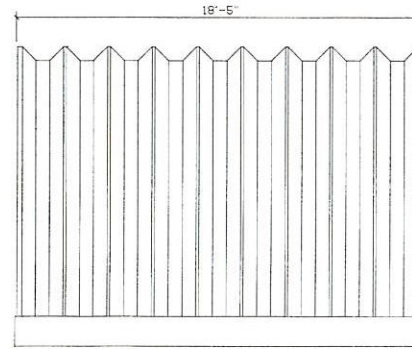
Updated from original survey performed
by LOVSE SURVEYS LTD. on FEBRUARY 18th, 2006

DPA 122-16
242 Westmount Crescent
Lot 16, Block 2, Plan 041 1351
Accessory Building

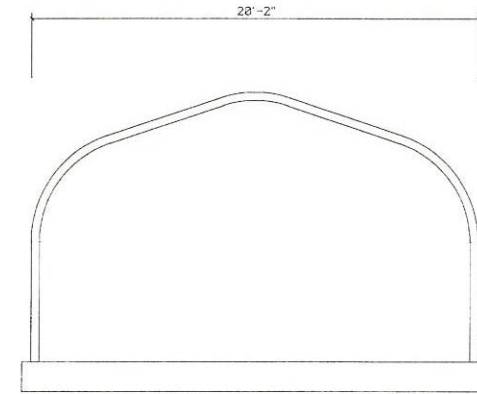
DPA 122-16
APPROVED
JUN 9 2016 BY 50793



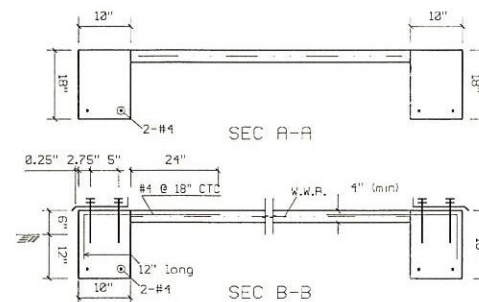
REAR ELEVATION



SIDE ELEVATION

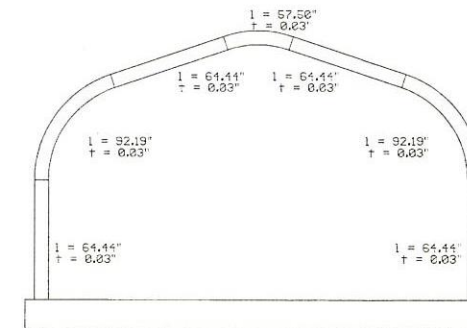


FRONT ELEVATION

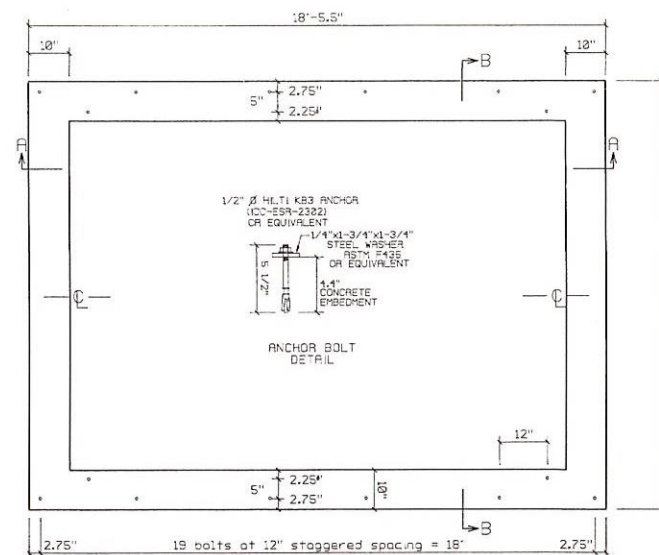


WARNING: DO NOT REMOVE OR REDUCE THE CONCRETE FLOOR OR THE REINFORCING STEEL, AND/OR RAISE THE TOPS OF THE FOOTERS ABOVE THE FLOOR OR BUILDING FAILURE MAY RESULT

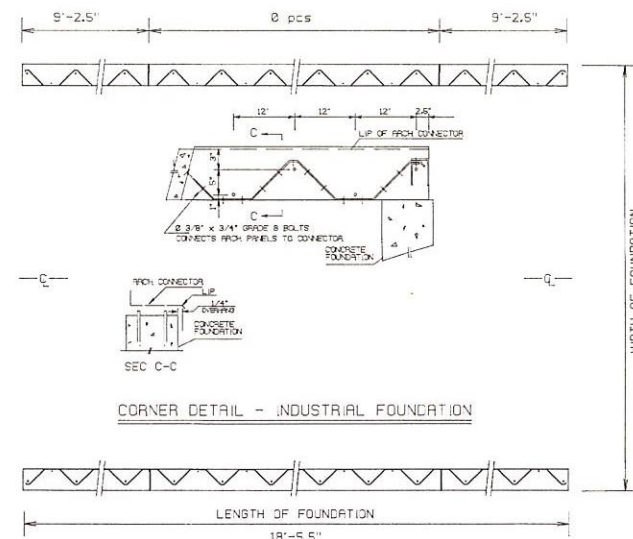
Minimum Concrete Cover:
(a) Concrete Cast against earth: 3"
(b) Concrete exposed to earth or weather:
No. 6 through No. 10 bars: 2"
No. 5 bar and smaller: 1.5"
(c) Concrete not exposed to earth or weather: 0.75"



ARCH PROFILE



FOUNDATION PLAN



INDUSTRIAL BASE CONNECTOR LAYOUT

GENERAL NOTES

1. ALL MATERIAL AND WORKMANSHIP SHALL CONFORM WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE NATIONAL BUILDING CODE OF CANADA 2010 & ABC 2014. DESIGN ACCORDING TO CSA STANDARD S136-07 (INCLUDING SUPPLEMENT CAN/CSA S136.01-10) NORTH AMERICAN SPECIFICATION FOR THE DESIGN OF COLD FORMED STEEL STRUCTURAL MEMBERS (APPENDIX B).
2. NO LOADS OTHER THAN THOSE GIVEN UNDER "DESIGN DATA" BELOW SHALL BE IMPOSED ON THE "STRUCTURE".
3. SPECIFIC NOTES AND DETAILS SHOWN ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER THE BUILDING MANUAL SUPPLIED.
4. THE BUILDING, INCLUDING THE FOUNDATION, MUST BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE DRAWING AND ERECTION INSTRUCTIONS. ANY DEVIATION, UNLESS APPROVED BY US IN WRITING, SHALL NULLIFY OUR CERTIFICATE AND SEAL AND SHALL BE THE SOLE RESPONSIBILITY OF THE ERECTOR.
5. A PROFESSIONAL ENGINEER SHOULD BE RETAINED WHERE SITE INSPECTIONS ARE WARRANTED.
6. NO ARCH PANEL MAY BE CUT OR MODIFIED UNLESS IT IS TO ACCOMMODATE AN ACCESSORY PROVIDED BY THE MANUFACTURER IN ACCORDANCE WITH ITS INSTRUCTIONS AND/OR THIS DRAWING.
7. MINIMUM SEPARATION FROM THIS BUILDING TO ANY TALLER BUILDING MUST BE THE SMALLER OF 20 FEET AND 6 TIMES THE HEIGHT DIFFERENCE.

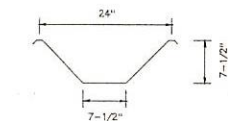
FOUNDATION NOTES

- NOTE: THE FOUNDATION ON THE DRAWING SPECIFIES THE MINIMUM REQUIREMENTS. LOCAL BUILDING CODE AND SITE CONDITIONS MAY REQUIRE A STRONGER FOUNDATION, WHICH MUST BE DESIGNED BY A LOCAL ENGINEER.
1. THE FOUNDATION SHALL BE FOUNDED ON NATURAL UNDISTURBED SOIL CAPABLE OF SAFELY SUSTAINING 75 kPa. THIS SHALL BE DESIGNED TO FULLY RESIST ALL ROTATION AT THE BASE OF THE ARCH.
 2. SLAB ON GRADE SHALL BE PLACED ON WELL COMPACTED SOIL CAPABLE OF SUSTAINING 75 kPa WITHOUT APPRECIABLE SETTLEMENT.

DESIGN DATA (MATERIALS)

1. CONCRETE $f_c = 25$ MPa 28 DAYS, CSA A23.3
2. REINFORCING STEEL GRADE 400, $F_y = 400$ MPa, ASTM A615
3. W.A.R. $F_y = 450$ MPa, ASTM A1035
4. W.A.R. 152x152 - 14.5 kg/m²

ARCH DATA



BOLTS: SEE GRADE 2 OR ASTM A307
ARCH STEEL THICKNESS - SEE ARCH PROFILE

ARCH VALUE SHEET STEEL
STRUCTURAL QUALITY ASTM SPECIFICATION A792M
55% ALUMINUM-ZINC ALLOY-COATED BY THE HOT-DIP PROCESS
345 MPa MINIMUM YIELD
450 MPa MINIMUM TENSILE
HSS SECTIONS SHALL CONFORM TO:
ASTM A500 GRADE C ($F_y = 345$ MPa)
W SECTIONS SHALL CONFORM TO:
ASTM A992 GRADE 50 ($F_y = 345$ MPa)
OTHER SECTIONS SHALL CONFORM TO:
ASTM A36 ($F_y = 250$ MPa)

ARCH DESIGN DATA IN ACCORDANCE WITH NBC 2010:
L1 ROOF LIVE LOAD (kPa) = 1
S1 GROUND SNOW (kPa) = 1.58
C1 ROOF SNOW FACTOR = 0.83
C2 WIND EXPOSURE FACTOR = 1.0
C3 MAX. SLOPE FACTOR = 1.0
S1 RAIN LOAD (kPa) = 0.18
IMPORTANCE FACTOR (IWS) = 0.9
q1 WIND EXTERNAL PRESSURE (kPa) = 0.46
q2 WIND EXTERNAL PRESSURE (kPa) = 0.54
C1 EXPOSURE FACTOR = 0.9
C1 GUST EFFECT FACTOR = 2.0
S10.2.2a SPECTRAL RESPONSE ACCELERATION = 0.15

LEGAL NOTE

This drawing is the property of Future Steel Buildings Intl. Corp. Any duplication of this drawing in whole or in part is strictly forbidden. Anyone doing so will be prosecuted under the full extent of the law.

REVISIONS

Future Steel Buildings Intl. Corp.

73 Ward Rd., Brampton, Ontario, Canada, L6R 6A6, Phone: (905) 756-0200

SCALE: APPROVED BY: P.D.

DATE: FEB 23, 2016 CHECKED BY: STC

PROJECT: TERRY CRAIK

OKOTOKS, AB

A20-12 16-0399

