



SDAB APPEAL 2020-01

**113 Thorson Place
(Lot 17, Block 6, Plan 7910629)**

Table of Contents (Additional Submissions)

6. Submission from Troy McKibbin, received Sept 9, 2020
7. Revised submission from Appellant, received Sept 10, 2020

Michelle Grenwich

From: Troy McKibbin <[REDACTED]>
Sent: Wednesday, September 9, 2020 8:55 PM
To: Michelle Grenwich
Subject: Letter for Appeal Hearing Re 113 Thorson Place

Hi Michelle,

Please include the following information presented at the appeal hearing Thursday September 10th regarding 113 Thorson Place.

My parents have informed me that they are appealing a town decision regarding a secondary suite application at 113 Thorson Place. I thought it may be helpful to have my perspective as well, as I lived at my parents home (111 Thorson Place) for the first 18 years of my life and have off and on since that time. I last lived there for the 21 months prior to February 2018. My family and I continue to visit my parents' home frequently as I live here in Okotoks.

Over the years, 113 Thorson Place, which I understand has been under the same ownership since the early 2000s, has usually been in a state of disrepair, though I do note that extensive improvements were made to the exterior over the last two to three years or so. For many years prior to that, the house was an eyesore, with peeling and mostly scraped off paint. It had not been repainted despite the fact that it had been prepped for painting with the paint scraped off. It remained in that state for years. The yard remains generally uncared for and weed infested, with the grass being mowed infrequently.

Almost every summer for the last decade there have been days where I have avoided spending time outside in my parents' backyard due to the strong odour of dog feces. This is not the smell of a week or two worth of dog poop, but that of many months worth of dog waste that has not been collected. It was overpowering at times and has interfered with my ability to eat outside, or spend time relaxing outside.

Parking, which is always at a premium on a cul-de-sac like Thorson Place, has been much more problematic with a suite next door. Most recently the renters have been parking in front of my parents house on a consistent basis because there is insufficient parking for them next door. As a general rule the tenant's vehicle is parked in front of my parents yard, smack dab in the center, which does not allow for another vehicle to be parked in front of the yard. This means that anytime I come to visit I have to box my parents in in their garage. If my parents are having multiple guests over, they will often have to park well down the street or on Thorson Crescent.

To allay any concerns you may have of NIMBYism on my part, neither I nor my parents have had any significant difficulties or concerns with the suites and tenants at 109 (my parents' other next door neighbour) and the previous tenants at 107 Thorson Place. The concerns I have are specific to 113 Thorson place, not general to renters or secondary suites. At 109 and 107 they have sufficient parking for their suites, so it is not a concern.

I do not believe that the Town of Okotoks should allow a legal secondary suite next door to my parents' home, for multiple reasons enumerated above. In summary, over many years there has been a pattern of disrespect shown by the owner of 113 Thorson Place, and those who rent it, for the house and yard, and for neighbours' enjoyment of their own properties. Furthermore, it would be unreasonable to make parking even more problematic on Thorson Place.

Why should the Town make an exception for a property owner who has not shown willingness to provide routine care and upkeep for a property and has disregarded neighbours' ability to enjoy their own properties?

Please feel free to contact me should you require any further information.

Sincerely,

Troy McKibbin

55 Banded Peak View,

Okotoks, AB

T1S 5P7

[REDACTED]

DEVELOPMENT APPEAL PRESENTATION FOR SEPTEMBER 10, 2020

We appreciate the opportunity to present our appeal to the Board. We have no ill will towards any residents or owners involved. We recognize, understand and accept that Secondary Suites are encouraged by the Town of Okotoks but we feel strongly that the parking variance is not justified for this residence. Also, there have been a number of other planning related concerns over the years since 113 Thorson Place has become a 2 unit residence that we believe support our appeal. We have been told by the planning department that since the approval has been appealed that other relevant concerns can also be raised. We have experienced these concerns first hand. They include domestic disturbances requiring police attendance, years of nasty dog waste odors making our patio difficult to enjoy, a weed infested yard, years of disrepair to the exterior and incidents of disrespect to our property including repeated trampling of our hedge while accessing vehicles parked in front of our property. The negative economic impact on our property value is also of concern. While I hesitate to make this too personal, given my real estate qualifications and experience (CPM, MBA, President Calgary Apt. Assoc., member of REIC & CREB, senior property company executive, rental agent and realtor in Okotoks) I feel able to verify that our property value has and would continue to be negatively affected by issues next door.

We think that some historical background would be helpful in understanding our concerns. As the original owners of our home at 111 Thorson Place, we have lived here 40 years next month. The home next door at 113 was always a single family dwelling until shortly after it was purchased by the current owner. After the change in ownership we raised our concerns to the Town about a possible illegal suite. However, we understand that it was not pursued as the Town accepted the owner's claim that relatives were renting downstairs. Since we knew the basement couple and their parents personally, we knew they were not relatives.

We have tried to live and let live in our neighborhood. Realizing that the suite at 113 was not going to be pursued by the Town left us with the attitude to tolerate unpleasant issues and generally to try to get along with our neighbors. The prospect of the permanent approval of a Secondary Suite provides an opportunity to bring things to a head and hopefully prevent another decade or two of issues. It is the use, not any specific user, which is the issue. Since our presentation tonight varies somewhat from the previous written submission attached to the agenda I would like to go through it here. This neighborhood is zoned R1 with zero lot lines between most homes and no back lane. Therefore the cul-de-sac parking is tight with most residents parking one or more of their vehicles on the street in front of their homes, leaving little space for overflow parking.

There is a history of parking issues with 113 Thorson Place since the time the suite was developed. Okotoks Municipal Enforcement has been involved in the towing of unlicensed vehicles and blocked driveways. Examples include two different residents of 113 that parked unlicensed

vehicles on Thorson Place. There was quite a commotion recently when Okotoks Municipal Enforcement had to track down the owner of an unlicensed vehicle parked for several days on the wrong side of the road near the end of the cul-de-sac. Previously, an unlicensed vehicle parked beside our house partially blocked our driveway and was towed.

1. The upstairs suite has tandem parking exclusively for their use. With the recent approval for a new client based home business upstairs at 113 (Home Occupation Business License customer # 170740) we anticipate even more parking congestion. This contradicts the Town's submission which states that "There are no additional uses approved on the site that would cause additional strain on parking for the development". Casual observation suggests that these additional parking visits have started. Previous upstairs and downstairs residents have regularly had additional vehicles which daily spilled into the neighborhood over many years.
2. Bylaw 11C.2.2 Dwelling - Secondary Suite states that the minimum parking required for a 2 bedroom unit is 2 spaces. Renters come and go but the residents of the basement suite have frequently had two vehicles over the years plus frequent visiting vehicles. Fifteen years of history confirms the need for 2 parking spaces for this 2 bedroom suite.
3. We question if this Secondary Suite would have been approved by the Town if there had been no suite in the home at the time of the application. It appears to us that in the Town's enthusiasm to approve Secondary Suites they are willing to attempt to mitigate a parking problem to accommodate an existing suite, regardless of the adverse effects on neighbors. The best solution is to have it revert to a single family dwelling. We have been assured by Planning staff that if the variance is not approved the Town is obligated to ask that the suite be removed.
4. Another important issue is the interference with basic Town services which provide several important amenities to the neighborhood. The configuration of this cul-de-sac requires the consideration of all residents to accommodate collection day, street cleaning and snow removal. A second vehicle from the basement suite has often parked at right angles in front of our home, frequently for days without being moved, requiring the Town collection driver to exit his vehicle and manually deal with bins. Refuse, organics and recycling vehicles all have repeatedly experienced considerable difficulty maneuvering around improperly parked cars from 113. For example the Town collection truck driver spoke with me about this repeating problem this summer and explained that pictures have been taken by the Town collection drivers. It is a frustrating guessing game to know where to put our bins and we often have to move them around to accommodate 113's parking. Requests to co-operate by moving their vehicles or changing the way they are parked for collection day have been ignored. Street cleaning and snow removal have been minimized or incomplete in our area due to 113's non-compliance with Town signage to remove all vehicles from the street.

5. Most of the homes on Thorson Place have multiple vehicles requiring regular parking in front of their homes on the street. There is not a lot of extra parking. This general congestion on the cul-de-sac, compounded by the consistent overflow parking from 113, has adversely affected many of the residents over the years. Adding only one parking space will not alleviate the problem. The upper suite at 113 has exclusive use of the current tandem parking. They already frequently park 2 vehicles in this tandem space. In response to the Town's submission, adding some additional length to the existing parking area will not in practical terms add a parking space to 113. It may technically add a space because of the existing length but in reality it does not assist in alleviating the parking congestion in the bulb of the cul-de-sac.

6. 113 has the narrowest frontage on our cul-de-sac, making it a poor choice for a basement suite and parking variance. The property line angles create additional parking challenges at 113 and adjacent homes. For just one example among many, this summer the owner of a second vehicle that was parked in the upstairs tandem parking left a note on the second basement suite vehicle requesting he move further over to give room for his truck to back up. The result was a large Yukon SUV parked in front of our home angled to the curb, taking up all of our frontage parking for several weeks. We found this very frustrating for us and our visitors. Adding just one parking space will not alleviate the need for 2 parking spaces for the 2 bedroom suite. Section 4.4 of the traffic Bylaw states that vehicles cannot stop or parkg) within 1.5 meters from an access to a garage, private road or driveway. This requirement, the narrow lot, the angle of the restricting property line extensions, the requirement for parallel curb parking, and the inconvenience of blocking in the first vehicle parked all make parking a second vehicle behind a new space for the downstairs suite a non-starter for relieving parking concerns. The non-availability of the required second space for a 2 bedroom suite will inevitably result in on-street parking for the second vehicle in front of our or some other property on a permanent basis during the tenancy. History has shown that this does not work out well as already demonstrated. We respectfully state that the Town's suggestion that the second vehicle would use the parking on Thorson Crescent is completely impractical. We have never observed that happening. Also, the parking on the crescent is very well used by its residents since the majority have tandem parking arrangements, which result in on street parking being liberally used.

7. We question the Town's submission that our neighborhood has better available parking than newer districts. We suggest that parking for secondary suites in newer districts with two and three car garages, plus two and three car parking pads probably offers as many or more options for visitors and residents as does the zero lot tandem parking situation in our neighborhood. The Town's submission includes some summer aerial pictures of the bulb and mentions observations made several different times of the day in support of available on street parking. As mentioned, we submit that Thorson Crescent is an impractical on-street alternative and is usually tight for on-street parking anyway. Thorson Place, and specifically the bulb, is usually tight as well. Our observations have been over 40 years vs. the Town's for the last short while during the summer months while many are away or on vacation. No discredit to the Town's efforts made but please believe us that parking is congested on

Thorson Place, particularly once everyone is home at night, during the winter months and on weekends.

8. It was very disappointing to us that this appeal is necessary due to the cost and the time involved to us. After the variance sign was posted we contacted planning to discuss and wrote a letter outlining our concerns. Incidentally Mr. Nickel acknowledge the tight parking plus volunteered and we observed that he had nowhere to park when bringing the variance notice so he stopped in the middle of the road to deliver the sign . The neighbor on the other side of 113 went down to the Town and spoke to Planning staff and told us that they also wrote in their concerns. While we were always treated politely, we were very disappointed that there was no feedback from our written concerns and that the Planning Department pushed forward the approval regardless of neighbors on both sides opposing it due to the ongoing parking problems.
9. We note now that a third adjacent resident has objected. Incidentally, we have not solicited any support for our appeal, those provided have been on their own initiative. There are only 10 homes on Thorson Place, 6 in the bulb described by the Town, 5 in addition to 113. Please note that 3 of the 5 objected. One of the other neighbor owners has an unauthorized suite and told 115 that they did not want to get involved because of that. The last of the 5 in the bulb is a brand new owner this summer. That property had a suite previously. What more could be done to further explain the persisting parking problems? We ask that our voices be heard and respected.
10. We wish to respond to the Town's submission that less than 1% of the Suntime / Tower Hill neighborhood have approved Secondary Suites and that somehow that should relate to the approval for 113. There is no necessity or urgency to approve 113. Any other property on Thorson Place would be a better choice due at least in part to on street parking in front of the properties. It is well known that there are numerous unauthorized suites in this neighborhood and throughout the town. We are aware of at least 5 that are now or have recently been suites within 75 meters of our home. The 3 on Thorson Place equals 30% suites. Incidentally, the other 2 on our street have been very respectful of the tight parking and have space in their driveways and in front of their homes for the 4 or 5 vehicles they have each parked.
11. We note the following extract from the Bylaw: "4.4.1 The Development Authority may approve a development permit application for a proposed development with variances if: (16-17) (a) the development does not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring properties;" So there are significant legal reasons, in addition to the practical planning reasons to deny the approval.

SHOW SLIDES



collection day problems due to parking – note that he has to get out of his truck to complete service.



showing narrow frontage and restricting angles, location of adjacent properties.



narrow frontage, lack of parking for 113, location of previously trampled hedge.



second basement vehicle parking in front of 111 taking up all available on street parking for weeks.



Thorson Place parking.



Shows tandem parking already exists for 2 vehicles at 113 Thorson Place.



Typical parking on Thorson Place. Note the increasing congestion as you approach the bulb.



Thorson Place residents use their on street parking.



Thorson Place residents use their on street parking.



Thorson Place resident uses on street parking.



Thorson Place residents use their on street parking.



Thorson Place residents use their on street parking.



Thorson Crescent on street parking is well used.



Another example of well used Thorson Crescent on street parking.

In summary,

We have demonstrated with illustrations, photos, history, examples and logic that the follow justifications for a variance put forward by the Town are without foundation, are weak, or are not relevant to the situation at 113:

1. There are no additional approved uses on the site that would cause additional strain on parking. Not true - a client based home business is currently approved.
2. The increase in length for the upstairs tandem parking will add one parking stall creating 2 spaces in the tandem parking and alleviate parking issues. Not true - for 15 years the upstairs residents have parked 2 vehicles in their current tandem space.
3. The basement suite residents could use Thorson Crescent to park. Completely illogical. They consistently park in front of our home, have frequently blocked the homes of adjacent driveways and even park unlicensed vehicles on the place. We have never seen the Crescent used.
4. Our neighborhood offers more parking alternatives than the newer neighborhoods. Not verified, conversely congestion on the place is verified and other strong counter arguments neutralize this point.
5. Less than 1% of the Suntime / Tower Hill neighborhood have approved Secondary Suites. This does not paint a complete picture of the available housing in Okotoks. There are numerous suites in the immediate neighborhood and throughout the Town.

These points significantly erode the justification for a variance.

We summarize the points in favor of this appeal as follows:

1. The parking does not meet the Town of Okotoks Secondary Suite permit regulations. A Secondary Suite is a discretionary use. The rules around Secondary Suite parking are in place to prevent issues and should be enforced without variance in this case.
2. It has been demonstrated that the use of the subject property as a 2 unit residence has interfered with the amenities of the neighborhood, including Town services, has affected the use and enjoyment of neighboring properties plus negatively affects the value of adjacent property. Objectively then, by the Town's own Bylaw, 113 does not meet the legal bar required to have a variance approved.
3. Three neighbors, immediately adjacent to the property have objected to the approval. These are among the residents that have or will be adversely affected. Good planning should consider the legitimate parking concerns of neighbors. Their voices should be recognized. Please hear our voices.

4. We have clearly explained why this specific property is not suitable as secondary suite due to the specific parking issues related to the lot design and its location in the bulb of this busy cul-de-sac.

Any one of the above 4 reasons should be compelling enough for the board to deny approval. All 4 together provide overwhelming reasons.

Thank you,

Jim & Jean McKibbin
111 Thorson Place
Okotoks