

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW 1297-16**

A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF DESIGNATING THE KULKA HOUSE AS A MUNICIPAL HISTORIC RESOURCE.

WHEREAS Section 26 and 27 of the Historical Resources Act, R.S.A. 2000, c. H-9, as amended, permits the Municipal Council of a municipality to designate any heritage resource within a municipality whose preservation it considers to be in the public interest as a Municipal Historic Resource, upon giving notice to the Owner of the Resource in accordance with the Historical Resources Act.

AND WHEREAS the Council of Smoky Lake County has determined that the property legally described as:

MERIDIAN 4 RANGE 18 TOWNSHIP 58

SECTION 21

THE FRACTIONAL NORTH WEST QUARTER

AS SHOWN ON A PLAN OF SURVEY OF THE SAID TOWNSHIP

DATED THE 24TH DAY OF JANUARY A.D. 1906

CONTAINING 64.4 HECTARES (159.30 ACRES), MORE OR LESS

EXCEPTING THEREOUT: ALL THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH EAST CORNER OF THE SAID QUARTER SECTION

THENCE WESTERLY ALONG THE NORTH BOUNDARY THEREOF 206 FEET AND

8 INCHES TO A POINT, THENCE SOUTHERLY AND PARALLEL TO THE EAST

BOUNDARY OF THE SAID QUARTER SECTION 206 FEET AND 2 INCHES TO A

POINT, THENCE EASTERLY AND PARALLEL TO THE SAID NORTH BOUNDARY

TO A POINT ON THE EAST BOUNDARY, THENCE NORTHERLY ALONG THE SAID

EAST BOUNDARY TO THE POINT OF COMMENCEMENT

CONTAINING 0.392 HECTARE (0.97 OF AN ACRE), MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS

is a site of architectural, historical, cultural, environmental, archeological, paleontological, aesthetic and/or scientific value;


AND WHEREAS not less than sixty (60) days after notifying the resource owner of this bylaw, the Council of Smoky Lake County may by bylaw designate any historic resource within the municipality whose preservation it considers to be in the public interest, together with any land in or on which it is located that may be specified in the bylaw, as a Municipal Historic Resource. A Council that designates an historic resource as a Municipal Historic Resource shall:

- a) cause a copy of the bylaw to be served on the owner of the historic resource and on the owner of any land that will be subject to the bylaw; and
- b) if the bylaw relates to or includes any land, cause a certified copy of the bylaw to be registered at the land titles office.

NOW THEREFORE that the Council of Smoky Lake County in the Province of Alberta, having complied with the Historical Resources Act, and duly assembled, hereby enacts as follows:

1. The property known as Kulka House located on lands legally described as Pt. NW 21-58-18-W4M (159.30 acres more or less) is hereby designated a Municipal Historic Resource with the County as described in Schedule "A".
2. Council wishes to protect and preserve the original character of Kulka House, while encouraging changes that will make the related buildings and structures functional. The Historic Resource shall not be removed, destroyed, disturbed, altered, rehabilitated, repaired or otherwise permanently affected, other than in accordance with the terms outline in Schedule "B".
3. The administration of this bylaw shall be under the management and control of the Development Authority of Smoky Lake County.
4. This bylaw shall come into effect after third and final reading.

READ A **FIRST TIME** IN COUNCIL THIS 8TH DAY OF DECEMBER, AD 2016.



Craig Lukinuk
Reeve

SEAL

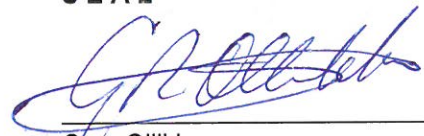

Cory Ollikka
Chief Administrative Officer

READ A **SECOND TIME** IN COUNCIL THIS 8TH DAY OF DECEMBER, AD 2016.

READ A **THIRD AND FINAL TIME** IN COUNCIL THIS 8TH DAY OF DECEMBER, AD 2016.


Craig Lukinuk
Reeve

SEAL


Cory Ollikka
Chief Administrative Officer

SCHEDULE "A"

This Statement of Significance forms Schedule "A" to Bylaw 1297-16 and provides a *Description of the Historic Place*, explains the *Heritage Value* of the building and identifies, by written description and photographs, those *Character Defining Elements* of the Kulka House which are regulated by the "General Guidelines for Conservation" (Schedule "B") and must be preserved (the "Regulated Character Defining Elements").

STATEMENT OF SIGNIFICANCE

KULKA HOUSE Pt. of NW 21-58-18-W4M 64.4 hectares (159.30 acres more or less)

Description of Heritage Place

The Kulka House is a 1926, two-and-a-half-storey, brick farmhouse that is unique to the area, being the only type of its kind in the region. It features a hipped roof with brick voussoirs over windows and doors, as well as heavy concrete sills. It is located at 58369 Range Road 184, in a large farmyard, setback approximately 150-feet from the road, among various outbuildings, including a barn, granaries, a chicken coop, and remains of an original rural store.

Heritage Value

The Kulka House is significant for its association with the provincial theme of Agricultural Development. Municipal heritage value exists in the association with Wasyl Kulka; in the design and method of construction, and in its significance as a landmark unique to the district.

The Kulka House was built by Wasyl (William) Kulka in 1926, with 18,000 bricks that came by rail to Warspite. And then by horse and wagon to the farm. It is the only brick building of this scale in the rural Smoky Lake region. Wasyl (William) Kulka claimed this land on July 9, 1909, where he built a log house and by that fall had moved his family Winnipeg where they had first settled after coming from western Ukraine. After his crops froze in 1912, he used his savings to purchase supplies for the winter. With neighbours wanting to purchase supplies from him, he decided to open a store on the farm. He operated the business until 1929, when the railway came to Warspite. In order to supply the store, William hauled freight by wagon from Fort Saskatchewan, and later by steamboat on the North Saskatchewan River. The store was a profitable venture and he was able to buy another three-and-a-half quarter sections of farmland. William only attended school for three years, yet he served on the school board for 20 years, including time as chair. He also served 9 years on Smoky Lake municipal council.

There is also heritage value in the design and method of construction of the resource. It is the only brick building of this scale in the Smoky Lake region. The brick design is a stretcher bond pattern, with segmental openings and brick voussoirs lintels for the windows and doors. The fenestration pattern of window openings also has heavy concrete sills, which are continuous on the front façade, and plain lug sills elsewhere on the building. There is a hipped dormer, with projecting eaves. On the interior, a heavy post-and-beam construction is evident in the basement, along with a cold storage room, with original door and hardware. The newel post and rail on the stairway to the second floor from the main floor dates back to original construction. The second floor bedroom doors are all five-panel wood doors.

There is also landmark value in the resource. The very prominent brick house was built by a successful farmer and business owner. William Kulka, not only used his success to finance the construction of this house unique to the region, but was also influential in local government and education.

Character Defining Elements

Exterior

- Mass, form, and scale
- Hip roof
- Projecting eaves, with plain wood fascia and soffits
- Brick cladding, stretcher bond
- Hipped dormer, with projecting eaves
- Brick voussoirs over windows and doors

- Fenestration pattern of window openings, with segmental openings
- Heavy concrete sills, continuous sills on façade windows, plain lug sills elsewhere
- Centre entry with segmental opening, and voussoirs
- One-storey, open porch with columns and open railing
- Scored pattern in concrete block pattern
- Location in large farm yard, set back from rural road by approximately 150-feet
- Proximity to barn and outbuildings to the north

Interior

- Heavy post and beam construction in the basement
- Cold storage door and hardware
- Newel post and rail on stairs to second story
- Second story bedrooms have original five panel doors

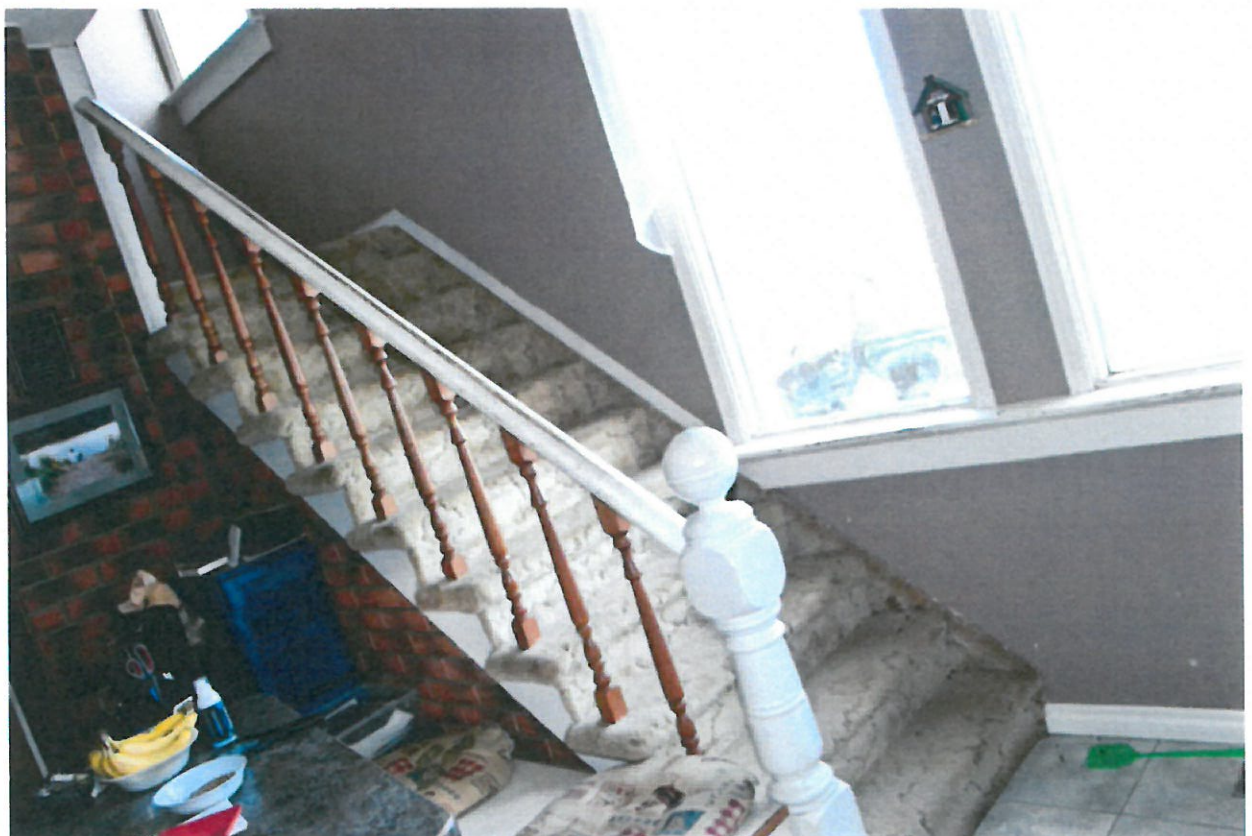
Photographic Detail



Cold storage door and hardware



Cold storage door and hardware



Newel post and rail on stairway to second storey



Heavy post and beam construction in the basement



Exterior brick cladding, brick voussior and concrete sill

SCHEDULE "B"

This is Schedule "B" to Bylaw 1297-16 and identifies the "General Guidelines for Conservation" for Kulka House

GENERAL GUIDELINES FOR CONSERVATION

1. Approval of Development Alterations

As per Section 26 (6) of the Alberta Historical Resources Act, notwithstanding any other Act, no person shall destroy, disturb, alter, restore or repair a Historic Resource or remove any historic object from a Historic Resource that has been designated under this Section, without the written approval from Council or a person appointed by Council for that purpose.

Council appoints an approving Authority to protect the integrity of this municipal heritage resource to whom the Applicant shall submit a Heritage Resource Intervention Permit Application for any proposed restoration/changes to the structure. Any development or alterations affecting the Kulka House shall respect and conserve the heritage value and character defining elements identified in the Statement of Significance, in accordance with the below General Guidelines for Conservation and as recommended in the Standards and Guidelines for the Conservation of Historic Places.

2. Compatible Uses

Wherever possible, the use of the Municipal Historic Resource shall be compatible with the existing building such that minimal changes are required to the building. The use of the Municipal Historic Resource for its original purpose is desirable.

3. Original Character

The original distinctive qualities and character of the building as designated by the Municipal Historic Resource Bylaw should be preserved. The removal or alteration of any historical materials or features shall be avoided whenever possible.

4. The Historic Period

The Municipal Historic Resource should be recognized as a product of its own time. Alterations which are not based on historical fact or which recreate an earlier or later idiom shall be discouraged.

5. Witness to Change

Changes to the Municipal Historic Resource may have occurred over time. These alterations are evidence of the history and development of the building. Because this evolution may have acquired significance in its own right, alterations to the original building should be recognized and respected where indicated.

6. Repair and Replacement

Deteriorated architectural features shall be repaired rather than replaced wherever possible. Where replacement is necessary, the new material should match the original as to composition, colour, texture, design, etc. The repair or replacement of architectural features shall be based on a sound knowledge of the original characteristics of the features. Such knowledge shall be based on historical or pictorial evidence and not upon conjecture.

7. Style and Craftsmanship

Distinctive stylistic features and examples of skilled craftsmanship that have been designated by the Municipal Historic Resource Bylaw shall be preserved and treated sensitively.

8. Cleaning

In all cases, surface cleaning shall be undertaken with the gentlest means available. Sandblasting in particular, but also other cleaning methods, damage historic integrity and should

not be undertaken without thorough testing prior to use on a building. Sandblasting is not recommended on brick, stone or wood. In all instances, it should be ascertained that a building exterior is really in need of cleaning prior to undertaking the work.

9. Reversibility of Improvements

When the introduction of new elements or materials is necessary to stabilize or preserve a municipally designated Historic Resource, alterations shall be undertaken such that the new materials, should they fail, may be removed at a later date without damage to the original fabric of the Municipal Historic Resource. Where this is not possible (i.e. use of epoxy), only those methods and materials that have been thoroughly tested and found satisfactory in situ shall be used.

10. Recording

Prior to undertaking any alterations, particularly in cases where alterations may threaten the building fabric (underpinning and moving structures), the Applicant shall compile a complete record of the architectural features of the Municipal Historic Resource. Measured drawings and photographs of details may prove invaluable if major features are damaged or lost during the subsequent repair work.

11. Original Construction Details

In some historic structures, poor construction details or inappropriate materials resulted in rapid deterioration of certain building elements. In these instances, accurate restoration of the original detail will inevitably result in the failure of the element. Therefore, restoration of the resource should be undertaken in such a fashion as to duplicate the original appearance as closely as possible while using details based on sound construction practice.

12. Enforcement

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for contravention. If the Development Authority finds that a person is in contravention of this Bylaw, the Development Authority may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require. The order may:

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measures necessary to remedy the contravention of the Bylaw, including the removal or demolition of a structure or part of a structure that has been erected or placed in contravention of the Bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
- (c) state a time within which the person must comply with the directions;
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

13. Improvements

Prior to undertaking any improvements, an Application for a Heritage Resource Intervention Permit must be submitted to Smoky Lake County. The Application shall include phasing of alterations where necessary due to program or budget restrictions. The type and timing of both short and long term maintenance work should also be included.

14. Codes

At no time should the life and safety of occupants of a Municipal Historic Resource be deemed of lesser importance than the preservation of the original fabric of the Municipal Historic Resource. The required life and safety standards are those required by the current Alberta Building Code. However, notwithstanding these Code requirements, where the essential character of the structure is threatened by changes for Code reasons, every effort shall be made

to achieve an equivalent safety standard by alternate means so as to minimize the impact on the historic fabric.

15. Signs

As a general rule, signs should be limited to signs that were originally present on the building. In instances where new use or interpretive functions dictate the use of additional signs, these new elements should be integrated into the general design of the project. The size, typeface, graphics and materials should be chosen to suit the period of the Municipal Historic Resource, wherever possible. All signs must conform to the Smoky Lake County Land Use Bylaw.

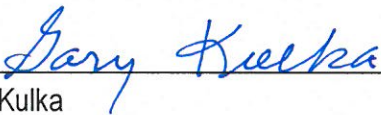
16. Claims

All covenants, undertakings, obligations, and conditions set out in this Bylaw shall constitute covenants running with the Lands and the County may register a Caveat at the Land Titles Office against the Lands to protect its interest under this Bylaw. Smoky Lake County may grant a postponement of the caveat as to any of the land in development. Smoky Lake County will discharge the caveat promptly upon the acceptance of the various matters required to be performed by the Developer under this Bylaw.

The Developer shall indemnify and save harmless the County from any and all losses, costs, damages, actions, cause of actions, suits, claims and demands resulting from anything done or omitted to be done by the Developer in pursuance or purported pursuance of this Bylaw.

17. Consent

This bylaw is hereby agreed to by the Registered Owner of the Certificate of Title No. 832172551. Furthermore, the Registered Owner consents to having this bylaw registered by way of a caveat on said Certificate of Title.



Gary Kulka