



# MPC AGENDA

Meeting: July 10, 2023 6:00 p.m. – 6:30 p.m.  
Location: Council Chambers – 502 – 2<sup>nd</sup> Avenue

---

- 1. CALL TO ORDER**
- 2. EXCUSED FROM MEETING**
- 3. ADOPTION OF AGENDA**
- 4. ADOPTION OF MINUTES**
  - 4.1 June 12, 2023
- 5. DEVELOPMENT REPORT**

None
- 6. DEVELOPMENT PERMITS/REQUESTS**
  - 6.1 Plan 2016AB, Block 33 – TOB-D-13-23
- 7. SUBDIVISIONS**

None
- 8. INFORMATION PERIOD**

None
- 9. QUESTION PERIOD**
- 10. CLOSED SESSION**

None
- 11. ADJOURNMENT**



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING OF THE TOWN OF BASSANO HELD IN THE COUNCIL CHAMBERS ON JUNE 12, 2023.**

---

**MPC MEMBERS**

CHAIR	Dale Luchuck
BOARD MEMBERS	John Slomp Sydney Miller Kevin Jones Irv Morey
STAFF	Amanda Davis, Chief Administrative Officer
OTHER	Sandra Stanway, Brooks Bulletin Grant McCargar, Resident Kathleen Johnson, Resident Denise Bachmeier, Resident

---

**1. CALL TO ORDER**

Chair Luchuck called the meeting to order at 6:00 p.m.

**2. EXCUSED FROM MEETING**

- None

**3. ADOPTION OF AGENDA**

**MPC05/23** Moved by **MEMBER JONES** that the agenda is approved as presented.

**CARRIED**

**4. ADOPTION OF MINUTES**

- 5.1 Adoption of minutes from the Municipal Planning Commission meeting on May 8, 2023**

**MPC06/23** Moved by **MEMBER MILLER** that the Municipal Planning Commission minutes of May 8, 2023 are approved as presented.

**CARRIED**

**5. DEVELOPMENT REPORT**

None

**6. DEVELOPMENT PERMITS/REQUEST**

**6.1 Plan 071 2544; Block 1; Lot 7 – TOB-D-07-23S**

**MPC07/23** Moved by **MEMBER MOREY** that that the Municipal Planning Commission approves the development permit TOB-D-07-23S on Plan 071 2544; Block 1; Lot 7 for the purpose of a freestanding sign in accordance with the development permit received on May 23, 2023 with the following conditions:

Variance

1. To allow for a height variance to accommodate a 46ft freestanding sign.
2. To allow for the area variance to accommodate an area of (79ft<sup>2</sup> for main) 113ft<sup>2</sup>.

Conditions

1. That the development proceeds as specified with the documents submitted in the Development Permit Application received on May 23, 2023.
2. Any changes to approved drawings require the written approval of the Development Officer.
3. The proposed development shall conform with all Federal, Provincial and Municipal statutes, regulations, codes, and standards except as waived in writing by the appropriate authority.
4. Any future development (demolition or new) must comply with the Town of Bassano's Land Use Bylaw which is subject to change from time to time.
5. All signs must be maintained in good condition.
6. Plan 071 2544; Block 1; Lot 7 must be kept in an aesthetically pleasing manner as defined in the Beautify Bassano Initiative and respective bylaws.

**CARRIED**

**7. SUBDIVISIONS**

None

**8. INFORMATION ITEMS**

None

**9. QUESTION PERIOD**

None

**10. CLOSED SESSION**

None

**11. ADJOURNMENT**

**MPC08/23** Moved by **MEMBER MILLER** to adjourn the regular Municipal Planning Commission meeting of June 12, 2023 at 6:18 p.m.

**CARRIED**

---

Chairperson

---

Chief Administrative Officer

Unapproved



# REQUEST FOR DECISION

Municipal Planning Commission

Meeting: July 10, 2023

Agenda Item: 6.1

---

## SUBJECT: Plan 2016AB, Block 33 – TOB-D-13-23

---

### BACKGROUND

**Applicant: Ken McGillivray and Sue Brassard**

**Plan 2016AB; Block 33**

**Land Use: Residential Manufactured (RM)**

**Location: #1, 831 – 2<sup>nd</sup> Avenue, Bassano**

An application was received for an 8' x 16' accessory structure (shed) at the above location. The accessory structure does not meet the allowable setbacks in the Land Use Bylaw 921/21 without approved variances.

**Request 1** – to reduce the side yard setback from 5' to 4'.

**Request 2** – to reduce building separation from 10' to 1'.

**Request 3** – to reduce rear yard setback from 5' to 1'



A notice to adjacent landowners was publicly posted/mailed/emailed between June 30 – July 4, 2023. At the time that this report was prepared, no comments were received.

The MPC must decide on the variance request. When deciding on the application, the MPC must determine if:

1. The variance unduly interferes with the amenities of the neighborhood,
2. The variance materially interferes with or affects the use, enjoyment, or value of neighboring properties, and
3. The proposed development conforms with the use prescribed for that land or building within Schedule 2 – Use Regulations.
4. Granting a variance is a last resort as the purpose of a Land Use Bylaw is to set standards. Does the variance meet the definition for extenuating circumstance?

**The Development Officer confirms:**

1. The variance does interfere with the amenities of the neighborhood as there will be minimal separation between adjacent properties within the mobile home park community.
2. The variance as proposed does seem to materially interfere with or affect the use, enjoyment of value of the neighboring properties as it nearly eliminates all required setbacks.
3. The proposed development conforms with the use prescribed within Schedule 2 – Use Regulations.
4. Granting the variance is unreasonable because it makes for unsafe access on the property, it could inhibit privacy, and limit visibility. The MPC has not granted this degree of variance in recent years.

**Land Use Bylaw 921/21 – RM Accessory Structure Requirements**

Schedule 2, Section 4

**SECTION 4: MINIMUM SETBACKS**

Use	Minimum Setbacks							
	Front		Secondary Front		Side		Rear	
	m	ft	m	ft	m	ft	m	ft
Single unit dwelling <sup>1</sup>	7.6	25	3.8	12.5	1.5	5	4.5	15
Manufactured home	7.6	25	3.8	12.5	1.5	5	4.5	15
<b>Accessory structure</b>	N/A		3.8	12.5	1.5	5	1.5	5
Manufactured home community	As required by the Development Authority							
All other uses	As required by the Development Authority							

(1) For the purpose of this table, Single unit dwelling includes Stick built dwelling, Modular Home, and Moved-in Dwelling

## Schedule 5, Section 2

### SECTION 2: ACCESSORY STRUCTURES

- 2.1 No accessory building or structure shall be allowed on a lot without an approved principal building or use.

- 2.2 A maximum of two (2) accessory structures over 100 square feet and a maximum of one (1) accessory structure under 100 square feet are allowed per lot in a residential land use district.
- 2.3 Accessory buildings and structures shall be located at least 3.0 m (10 ft) from the principal building.
- 2.4 Accessory buildings and structures shall be located at least 1.0 m (3.28 ft) from any other accessory building or structure, measured from the outermost extent of the accessory building(s) and structure(s).
- 2.5 Accessory buildings shall be constructed such that eaves shall be no closer than 1.5 m (5 ft) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

## Schedule 5, Section 12.7

- (iii) a minimum of 5.5 m (18 ft) one side yard open space must separate individual manufactured homes (driveways, carports and open porches are allowable in this space);
- (iv) the distance between a manufactured home stand and an abutting common area such as a paved street or walkway or public parking area shall be 3.7 m (12 ft);
- (v) all open porches, carports and accessory buildings shall be set back a minimum of 4.6 m (15 ft) from the front lot line;
- (vi) accessory buildings may be located 1.5 m (5 ft) from the manufactured home side lot line, provided structures on the adjoining parcel are 3.0 m (10 ft) away;
- (vii) covered decks and porches (walls, roof, etc.) shall be considered part of the principal building and must meet the stipulated setbacks for the manufactured home;
- (viii) any accessory building shall cover not more than 15 percent of the surface area of the manufactured unit lot, or 55.7 m<sup>2</sup> (600 ft<sup>2</sup>), whichever is less;
- (ix) the manufactured home units shall cover not more than 40 percent of the total surface area of the lot.

### **DEVELOPMENT OFFICER COMMENTS**

In consulting with our planners at ORRSC, they do not support waivers that almost eliminate setbacks. Refer to the attached factsheet for additional information regarding setbacks for accessory structures.

One solution may be to encourage the applicant to select a much smaller accessory structure.

### **OPTIONS:**

#1 – That the Municipal Planning Commission rejects the development permit TOB-D-13-23 on Plan 2016AB; Block 33 for accessory structure setback variances as development shall remain consistent with the Land Use Bylaw 921/21 regulations.

#2 – That the Municipal Planning Commission approves the development permit TOB-D-13-23 on Plan 2016AB; Block 33 for accessory structure setback variances in accordance with the development permit received on June 30, 2023 with the following conditions:

#### Variance

1. To allow for a side yard setback from 5' to 4'.
2. To allow for a reduced building separation from 10' to 1'.
3. To allow for a rear yard setback from 5' to 1'

#### Conditions

1. That the development proceeds as specified with the documents submitted in the Development Permit Application received on June 30, 2023.
2. Any changes to approved drawings requires the written approval of the Development Officer.
3. The proposed development shall conform with all Federal, Provincial and Municipal statutes, regulations, codes, and standards except as waived in writing by the appropriate authority.
4. Any future development (demolition or new) must comply with the Town of Bassano's Land Use Bylaw which is subject to change from time to time.
5. All signs must be maintained in good condition.
6. That the applicant provides an emergency access plan for approval prior to any construction to ensure the development meets fire safety and emergency standards.
7. Plan 2016AB; Block 33 (Unit 1) must be kept in an aesthetically pleasing manner as defined in the Beautify Bassano Initiative and respective bylaws.

### **RECOMMENDATION**

#1 – That the Municipal Planning Commission rejects the development permit TOB-D-13-23 on Plan 2016AB; Block 33 for accessory structure setback variances as development shall remain consistent with the Land Use Bylaw 921/21 regulations.

**Prepared by:** Amanda Davis, CAO and Diane Horvath, Planner

#### **Attachments:**

1. Notice to Adjacent Landowners – June 30 – July 4, 2023
2. Development Permit Application TOB-D-13-23
3. Reasons for Accessory Structure Setbacks





PUBLIC NOTICE OF DEVELOPMENT APPLICATION  
ADJACENT LANDOWNERS AND PERSONS LIKELY TO BE AFFECTED

Posted: June 30, 2023

Notice is hereby given that an application will be considered by the Municipal Planning Commission (MPC) for a Development Permit about the following:

DEVELOPMENT APPLICATION:	Development Permit No. TOB-D-13-23 Application for: 8' x 16' Accessory Structure
DISTRICTING:	Residential Manufactured (RM)
CIVIC ADDRESS:	#1, 831 – 2 <sup>nd</sup> Avenue, Bassano, AB T0J 0B0
LEGAL DESCRIPTION:	Plan 2016AB, Block 33

Dear Sir or Madame:

Pursuant to Section 34 of Land Use Bylaw No. 921/21 of the Town of Bassano, notice is hereby given that on **Monday July 10, 2023 at 6:00 p.m.**, the MPC will consider **Development Application No. TOB-D-13-23**. The meeting will be held at 502 – 2<sup>nd</sup> Avenue, Bassano Alberta in the Council Chambers.

The application under consideration is to provide for various setback reductions:

1. To reduce the side yard setback from 5' to 4'
2. To reduce the rear yard setback from 5' to 1'
3. To reduce the building separation from 10' to 1'

as outlined in the Land Use Bylaw.

Persons requesting to be heard at the meeting may submit comments to the Development Officer no later than Monday July 10, 2023 at 12:00 p.m. Persons who do not submit comments for inclusion in the agenda package may attend the meeting and submit comments in person. A copy of the application is available for inspection at the Town Office – 502 – 2<sup>nd</sup> Avenue Bassano, Alberta. Comments may be dropped off or mailed to the Town Office; or directed to Amanda Davis, Development Officer/Town of Bassano at [cao@bassano.ca](mailto:cao@bassano.ca) or 403-641-3788. No response indicates your approval/support for the development.

*Amanda*

Amanda Davis, MBA  
Development Officer  
Town of Bassano



TOWN OF BASSANO

JUN 30 2023

RECEIVED

TOWN OF BASSANO

RESIDENTIAL ACCESSORY BUILDING DEVELOPMENT PERMIT APPLICATION

Date of Application: June 06, 2023

Development Permit Application No.

TOB-D-13-23

IMPORTANT NOTICE: This application does not permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If approval has not been received within 40 days of the date the application is deemed complete, you have the right to file an appeal to the Subdivision and Development Appeal Board.

THIS DOES NOT CONSTITUTE A BUILDING PERMIT. A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT INFORMATION

Name of Applicant: Ken McGillivray & Sue Brassard

Mailing Address: PO Box 1293

Phone: [REDACTED]

Phone (alternate): [REDACTED]

City: Bassano

Email: [REDACTED]

Postal Code: T0J 0B0

Is the applicant the owner of the property?

Yes

No

IF "NO"

Name of Owner:

Mailing Address:

Phone:

Phone (alternate):

City:

Email:

Postal Code:

- Applicant's interest in the property:
- [ ] Agent
- [ ] Contractor
- [ ] Tenant
- [ ] Other

PROPERTY INFORMATION

Municipal Address: #1, 831 - 2nd Avenue, Bassano

Roll Number: 42001

Legal Description: Lot(s) Block

33

Plan 2016AB

Land Use District: Residential Manufactured (RM)

What is the existing use? Home Dwelling

TOWN OF BASSANO

Development Officer Contact Information: cao@bassano.ca or 403-641-3788

## DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

- Construct an accessory building or structure (if greater than 500 ft<sup>2</sup> see abandoned well information section)

The accessory building is a:

- Garage (detached) (if greater than 500 ft<sup>2</sup> see abandoned well information section)  
 Shed/workshop (if greater than 500 ft<sup>2</sup> see abandoned well information section)  
 Other \_\_\_\_\_  
 Other \_\_\_\_\_

Projected Construction Cost \$2000

Anticipated Construction Start Date June 15, 2023 Completion Date June 30, 2023

Describe the proposed use, any changes from existing use, and any work to be done.

Shed to be utilized for storage of personal property, tools and property maintenance tools & products

white vinyl exterior, grey asphalt shingles  
8'x16' shed

## BUILDING REQUIREMENTS

	Principal/Accessory Building		Office Use	
Parcel Size	3000	<input type="checkbox"/> m <sup>2</sup> <input checked="" type="checkbox"/> sq. ft.	<input type="checkbox"/> m <sup>2</sup> <input type="checkbox"/> sq. ft.	
Building Size	128	<input type="checkbox"/> m <sup>2</sup> <input checked="" type="checkbox"/> sq. ft.	<input type="checkbox"/> m <sup>2</sup> <input type="checkbox"/> sq. ft.	
Height of Building	8	<input type="checkbox"/> m <input checked="" type="checkbox"/> ft.	8	<input type="checkbox"/> m <input checked="" type="checkbox"/> ft.
Proposed Setbacks from Property Lines				
Front		<input type="checkbox"/> m <input type="checkbox"/> ft.	n/a	<input type="checkbox"/> m <input type="checkbox"/> ft.
Rear	1.0	<input type="checkbox"/> m <input checked="" type="checkbox"/> ft.	1	<input type="checkbox"/> m <input checked="" type="checkbox"/> ft.
Side	1.0	<input type="checkbox"/> m <input checked="" type="checkbox"/> ft.	4	<input type="checkbox"/> m <input checked="" type="checkbox"/> ft.
Side	1.0	<input type="checkbox"/> m <input checked="" type="checkbox"/> ft.	16	<input type="checkbox"/> m <input checked="" type="checkbox"/> ft.
Parcel Type:	<input type="checkbox"/> Interior Lot		<input checked="" type="checkbox"/> Corner Lot	

## WAIVERS

Is a waiver of one or more standards of the Land Use Bylaw being requested?

Yes  No

If yes, please specify: Lots size and desired shed size does not conform to Town of Bassano desired setbacks

1. Reduce side yard setback from 5' to 4'
2. Reduce building separation from 10' to 1'
3. Reduce rear yard setback from 5' to 1'

Town of Bassano  
 Development Officer Contact Information: [cao@bassano.ca](mailto:cao@bassano.ca) or 403-641-3788

---

## ABANDONED WELL INFORMATION

---

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 sq. ft. (47 sq. m.), or
- additions to buildings that will result in the building being this size or larger.

If your development proposal fits the criteria above, you are **required** to do the following:

**1. Obtain map and well information**

Please go to the AER's Abandoned Well Viewer (viewer) on the AER website at [www.aer.ca](http://www.aer.ca). The viewer will provide a map identifying all recorded abandoned well surface locations in the selected area and list any additional details that are available, including the licensee(s) of record and the latitude and longitude of each well's surface location.

If you do not have Internet access or have questions about the information provided by the viewer, you may contact:

- the AER Customer Contact Centre by telephone at: **1-855-297-8311 (toll-free)**, or
- by e-mail at: [Inquiries@aer.ca](mailto:Inquiries@aer.ca), or
- the AER Information Services by mail at: **Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4.**

**2. Submit the following as part of your development permit application**

- the AER information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or AER Information Services); and
- if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the AER Directive 079 (a minimum 5 m radius around the well) in relation to existing or proposed building sites.

If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

---

## DECLARATION OF APPLICANT/AGENT

---

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).*



---

APPLICANT

---

Registered Owner (if not the same as applicant)



Shelley Blair <ssblair@telus.net>

---

**Fwd: Ken & Sue #1**

---

**Keith McMullen** <keith@firesidepropertygroup.com>

Fri, Jun 23 at 10:46 A

To: Shelley Blair <ssblair@telus.net>

Approved

Regards,

Keith McMullen

President/Broker

Fireside Property Group Ltd

816 5th Avenue S.W.

Calgary, Alberta

T2P 0N3

Phone: 403-228-4303

Fax: 403-228-0027

Cell: 403-992-2649

---

**From:** Shelley Blair <ssblair@telus.net>

**Sent:** Friday, June 23, 2023 10:43 AM

**To:** Keith McMullen <keith@firesidepropertygroup.com>; hounddog412@outlook.com

---

**Fwd: Ken & Sue #1**

---

**Shelley Blair** <ssblair@telus.net>

Fri, Jun 23 at 10:42 AM

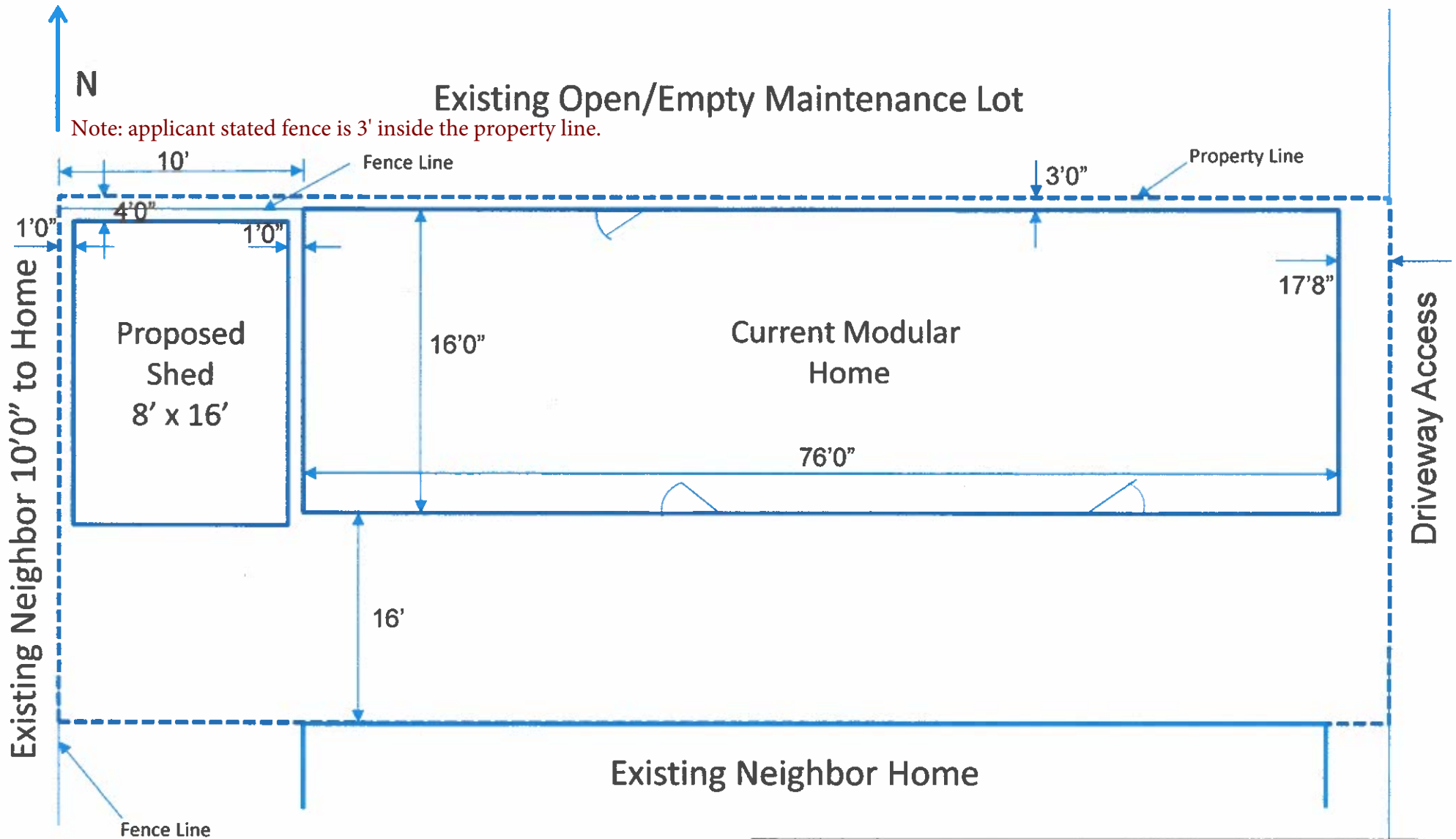
To: Keith McMullen &lt;keith@firesidepropertygroup.com&gt;, &lt;hounddog412@outlook.com&gt;

Keith, this is for my brother, as the property manager of the park would you be ok with approving the proposed shed?

All we need is an email from you saying you approve the proposed shed on lot #1 so the town is happy and we can get it built and they can move the stuff they have out of a storage unit.

Email, text or call me or Ken if you have any questions or concerns.

K & S Bassano Home Jun 06 2023 -Shed.pptx



Notes: Variance Request:  
 Current lot location & size unable to conform to  
 Town of Bassano setback distances  
 Shed location provides optimal usage of lot, living space  
 & security for shed contents

Proposed: 8' x 16' Shed  
 Owners: Ken McGillivray & Sue Brassard  
 Address: #1, 831 2 Avenue, Bassano, AB  
 Revised: June 06. 2023



## Reasons for Accessory Structures Setbacks

---

From a land use and planning perspective, there are basically **six** main reasons why accessory structures/buildings are either not allowed in a sideyard or have specific setbacks stipulated:

### 1. **Aesthetics**

- visibility to street, proximity to adjacent neighbors' lot and their view, may create concerns or complaints - typically these structures do not have as high of level of design or finish materials as a principle building
- this is a somewhat subjective item but often becomes an issue

### 2. **Function**

- property owner being able to have access from front yard to rear yard
- setbacks are to ensure there is space to "pass" in sideyard without having to "trespass" on adjacent property to maneuver around a structure
- this is especially important on narrow lots or where rear lot access is limited or unavailable

### 3. **Safety**

- setbacks help ensure emergency personnel, fire fighters have clear (unobstructed) access around a building to fight fires
- combustibles (e.g. oils, paints, fuels) are often stored in accessory structures such as sheds, and there can be concerns if they are stored in close proximity to neighbors' or other buildings
- to try and align with government fire and safety legislation, so a municipal approval does not compromise or conflict with other regulations that may be applicable

### 4. **Drainage**

- lots (parcels) require an unobstructed land area to accommodate sideyard surface drainage, as grading plans typically direct runoff to the side of the building, and then towards the front or rear of the lot
- runoff from the principle building and accessory structures are not permitted to go on neighbors' property
- overhanging eaves from accessory structures must be setback from property line to ensure runoff from roof does not drain onto neighbors' property

## 5. **Property Line/ Legal Issues**

- if an accessory structure, like a shed, is tied-in to a common retaining wall or fence there may be legal issues with trespass, etc. as sometimes there are questions regarding whose fence it is
  - questions can arise: is the fence located on the property line?, is it encroaching over the line?, is it a shared fence?, is it the landowner’s fence that tied into it or is it the neighbors?
  - sometimes, over time, as properties are sold and landownership changes, two adjacent neighbors don’t know who originally built the fence or whose it is, there may be uncertainty
  - uncertainty or misinformation can create conflict between adjacent landowners
- similar to Reason 4, the structure/building should not create a situation where eaves overhang or encroach, or it causes drainage or other impacts (e.g. compromises fire code setbacks/separation) to the neighbor’s property (legal issue)

## 6. **Maintenance and Access**

- an issue as it applies to the accessory structure – the landowner with the structure needs an area to go around the structure for maintenance purposes, and not be forced to trespass onto neighboring property in order to physically be able to do this
- this maintenance/access reason is linked with the property line/ legal issue reason

It is noted that many municipal land use bylaws not only have required setbacks to property lines, but there may also be minimum setbacks applied between the accessory structure and the principle building (i.e. a separation distance). This is typically a minimum of 4-feet in urban areas, but may be up to a distance of 10-feet in some rural.

In considering granting a variance to the land use bylaw required setbacks, by a Development Officer, MPC or SDAB, the granting of a variance should be carefully considered and weighed in respect of the reasons provided as to why setbacks are applied. Also, it should be reviewed in consideration of the reasons provided for the waiver request by the applicant and if they appear to be logical and legitimate. Although the municipality is not bound by private restrictive covenants (i.e. architectural controls), attention should also be paid if any such restriction exist on the title which stipulate or restrict the placement of such structures.

Questions may be asked if there are any other areas on the lot the accessory structure may be suitably placed, if there are limitations to any land areas available to locate the building or structure, if there are any elements present that may be categorized as some type of “hardship” present that limits or affects the location (such as utility easements on the lot, drainage swales, existing old growth trees wanting to be preserved, etc.). The percentage or amount of the variance should be considered in relation to the situation, the lot and the reasons as outlined for having setbacks. Each application or variance request should be reviewed on its individual merits.