

**TOWN OF BASSANO  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**NOTICE OF DECISION  
OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING NO. TOB-D-14-24**

**BOARD MEMBERS:**

Cory Springer      Maurice Landry      Mike Wetzstein      Sarah Wallace

In the matter of an Appeal of an Order of the Development Authority of the Town of Bassano, whereby a development permit application (TOB-D-14-24) for a “Single-unit Dwelling” with “Secondary Suite” on land designated as Residential – R1, legally known as Lot 44, Block 27, Plan 081 4620 (517 9 Avenue), within the Town of Bassano, was approved by the Development Authority with conditions.

And in the matter of the appeal in accordance with Section 686 of the Municipal Government Act by:

**APPELLANTS:      Trevor Tetzlaff, Sylvia Tetzlaff, Jared Williams, Sandra Mitchell, Ron Mitchell, Robert Branson, and Barbara McKinnon**

And in the matter of an appeal held under the authority of Sections 627 and 629 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA).

**THE PUBLIC PORTION OF THE HEARING WAS DOCUMENTED  
AS A RECORD OF PROCEEDINGS**

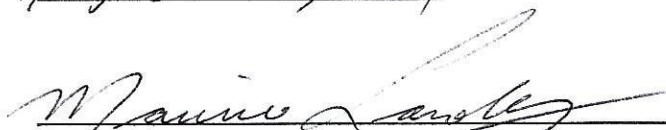
And upon hearing the evidence from and submissions made by the person(s) shown on Appendix B attached hereto, and upon considering the documents shown on a list attached to Appendix A, as being the documents produced and marked as exhibits at the duly convened hearing in accordance with Sections 685 and 686 of the MGA on August 8, 2024, at 6:00 p.m. Having regard to the MGA, South Saskatchewan Regional Plan, Municipal Development Plan 921-20, and the Land Use Bylaw No. 921/21 and amendments thereto, the Board has rendered a Decision.

**DECISION:** That the **appeal be DENIED** and that the decision of the Town of Bassano Development Authority be **CONFIRMED**. Development Permit Application TOB-D-14-24 is **APPROVED** with revised conditions. Pursuant to section 687(2) of the MGA, written reasons for this decision have been furnished in this decision.

**Date:**

*August 15, 2024*

**Signed:**

  
Chair of the Subdivision and Development Appeal Board

**Upon having heard** what was alleged by the Appellants, and what was alleged by the Development Authority, and **upon having read** exhibits noted in Appendix A of this decision, the Subdivision and Development Appeal Board finds the facts to be as follows:

**FACTS:**

1. The land subject to the application [*Subject Property*] is legally known as Lot 44, Block 27, Plan 081 4620 and is designated as Residential - R1 in the Town of Bassano Land Use Bylaw No. 921/21 [*LUB No. 921/21*] Schedule 1, Land Use Districts Map.
2. Development permit application TOB-D-14-24 [*TOB-D-14-24*] (Exhibit D) was received on June 17, 2024, and notice of the proposed development was provided to four properties directly adjacent to the proposed development between June 17-18, 2024. The deadline to respond was June 24, 2024 and no comments were received by the Town within this time.
3. The development is described as a single-unit dwelling with a 2,800 ft<sup>2</sup> main floor with attached front garage and walkout basement. Within the walkout basement is a self-contained secondary suite which is physically separate from the single-unit dwelling within the structure.
4. In LUB No. 921/21 Single-unit Dwelling is a permitted use and Secondary Suite is a Development Officer discretionary use within the R1 land use district (Exhibit F5). The Secondary Suite meets the standards prescribed in Schedule 5 Use Specific Standards, Section 1.3 Secondary Suite Requirements of LUB No. 921/21 (Exhibit F10).
5. Development Permit TOB-D-14-24 was issued by the Development Officer on June 24, 2024 subject to 22 conditions (Exhibit E) to Casey Edmund [*the Applicant*].
6. On July 12, 2024, the Board received a notice of appeal signed by Jared Williams, Trevor Tetzlaff, Sylvia Tetzlaff, Sandra Mitchell, Ron Mitchell, Robert Branson, and Barbara McKinnon [*the Appellants*] (Exhibit C).
6. The Applicant was not present at the hearing to speak to their application.
7. At the hearing, Amanda Davis, Chief Administrative Officer, explained that the Subject Property is located within a block of the Town which was designed to be executive style homes under the former Land Use Bylaw No. 845/13 [*LUB No. 845/13*].
8. LUB No. 845/13 required Single-unit Dwellings within Lots 41-48 (inclusive), Block 27, Plan 0814620 [*Block 27*] to be a minimum floor area of 130 m<sup>2</sup> (1400 ft<sup>2</sup>) on the main floor with an attached garage. A. Davis confirmed the proposed development met this criterion however LUB No. 921/21 came into effect in 2021 and repealed LUB No. 845/13. The development is only required to meet the standards within LUB No. 921/21 which does not indicate a minimum floor area or garage requirements specific to Block 27.
9. A. Davis confirmed no application was made for a Home Occupation 2 on the Subject Property.
10. The Appellants submitted a joint letter of written concerns (Exhibit C) and T. Tetzlaff, S. Tetzlaff, B. McKinnon, and R. Branson made verbal comments at the hearing for the Board's consideration. Their concerns focused on the appropriateness of the Secondary Suite in the established neighbourhood which they felt could alter the character of the neighbourhood and affect property values. The

Appellants also cited parking and privacy concerns, as well as concerns for the potential quality of tenants that may occupy the single-unit dwelling and secondary suite.

11. At the hearing, A. Davis added that she had received comments from residents concerning the cost of the development indicated within the application (Exhibit D3) and clarified the Applicant had increased the cost of development from \$180,000 to \$240,000 which included the cost of materials and tradespeople, and the remaining labour would be completed by the Applicant (Exhibit D17). A. Davis confirmed the cost of the development permit was not impacted by the cost of construction.
12. A. Davis clarified that the approval granted under TOB-D-14-24 was for a 7.6 m (25 ft.) setback from the front property line, to be measured from the covered stairs to the front property line, putting the proposed development in line with the adjacent dwellings.
13. S. Tetzlaff explained at the hearing, that although they believed that a rental unit would lower the value of neighbouring properties, they had been informed by multiple people that was likely not the case.
14. A. Davis confirmed LUB No. 921/21 does not regulate tenancy, dwellings are not required to be owner occupied.
15. LUB No. 921/21, Schedule 5 Use Specific Standards, Section 1.3 Secondary Suite Requirements states:

### *1.3 Secondary Suite Requirements*

- (a) A secondary suite shall have cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling within the structure. A secondary suite shall also have an entrance separate from the entrance to the principal dwelling either from a common indoor landing or directly from the side or rear of the structure.*
- (b) The maximum floor area of the secondary suite shall be as follows:*
  - (i) in the case of a secondary suite located completely below the first storey of a single-unit, dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;*
  - (ii) in the case of a secondary suite developed completely or partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 40 percent of the total floor area above grade of the building containing the associated principal dwelling, or 70.0 m<sup>2</sup> (753.5 ft<sup>2</sup>), whichever is lesser.*
- (c) A secondary suite shall not be developed within the same principal dwelling containing a home occupation 2, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighbourhood.*
- (d) A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.*

16. LUB No. 921/21, Schedule 7 Definitions states:

*Secondary Suite means a facility containing cooking facilities, food preparation area, sleeping and sanitary facilities, which is physically separate from those of the principal dwelling within the structure. A secondary suite shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure. Secondary suites are regulated under Accessory Dwelling Units. Backyard Suite is a separate use in this bylaw.*

*Single Unit Dwelling means a residential building containing only one dwelling unit, which is to be constructed on site and is to be placed on a basement or permanent slab foundation. Manufactured Home and Modular Home separate uses in this bylaw.*

17. The MGA, Section 687(3) states in part:

*(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)*

*(a.1) must comply with any applicable land use policies;*

*(a.2) subject to section 638, must comply with any applicable statutory plans;*

*(a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;*

*(a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;*

*(b) must have regard to but is not bound by the subdivision and development regulations;*

*(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*

*(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 neighbouring parcels of land,*

*and*

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

**HAVING REGARD TO THE FINDINGS OF FACT;** and having regard for the MGA and the Land Use Bylaw No. 921/21, and for the **REASONS** stated below, the Subdivision and Development Appeal Board makes the decision that the appeal is **DENIED**, and the decision of the Town of Bassano Development Authority is **CONFIRMED**, and Development Permit Application No. TOB-D-14-24 for a **“Single-unit Dwelling”** with **“Secondary Suite”**, on land designated as Residential – R1, legally known as Lot 44, Block 27, Plan 081 4620 (517 9 Avenue), within the Town of Bassano, is **APPROVED subject to revised conditions:**

**CONDITIONS:**

1. That the development proceeds as specified with all the documents submitted in the Development Permit Application received on June 17, 2024.
2. The approved front yard setback is 7.6 m (25 ft.) measured from the front property line to the covered stairs. No portion of the dwelling is permitted to project into the front yard setback except those stipulated in Schedule 4, Section 15 of the Land Use Bylaw.
3. Any changes to approved drawings or development matters requires the written approval of the Development Officer.
4. 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.
5. Underground utilities must be located prior to construction. Click Before You Dig. Seven days advance notice shall be provided to the Town’s Development Officer for tie-ins to the municipal service. Tie-ins shall occur during regular business hours of the Town to the standard of the town.
6. Any future development (demolition or new) must comply with the Town’s Land Use Bylaw which is subject to change from time to time.
7. A geotechnical report was not provided by the developer. It is the developer's responsibility to ensure substructure suitability.
8. Any open excavation must be securely fenced with public safety signage during construction.
9. A civic address must be posted on the front and rear of the development.
10. During construction, a temporary civic address shall be visibly posted at the front and rear of the site.
11. The Town will supply one water meter for the property, to be installed by the contractor to the satisfaction of the municipality.
12. Secondary Suite: only one secondary suite is permitted without application to the Town.
13. Secondary Suite: shall have its own designated parking stall as per Schedule 4 of the Land Use Bylaw.
14. Secondary Suite: shall have utility services through services connections from the principal dwelling unit.

15. Secondary Suite must have proper cooking facilities, food preparation area, sleeping and sanitary facilities which are physically separate from those of the principal dwelling within the structure. The secondary suite shall have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.
16. Secondary Suite shall not be developed within the same principal dwelling containing a home occupation 2, unless it is proved to the satisfaction of the development authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighborhood.
17. Plan 081 4620, Block 27, Lot 44 must be kept in an aesthetically pleasing manner as defined in the Beautify Bassano Initiative and respective bylaws. This includes the maintenance of weeds and vegetation before, during, and after construction.
18. Construction materials and debris shall be contained on the property. Loose material shall be weighted to prevent debris from blowing around. All garbage shall be picked-up daily onsite to ensure aesthetics and public safety. The contractor is permitted to have one dumpster onsite, dumped regularly to prevent nuisances.
19. Any damage to municipal property shall be repaired to the town standard at the cost of the developer.
20. One onsite security trailer is permitted during construction. Washroom facilities must be provided onsite for the construction crews.
21. Construction equipment and crews shall not interfere with adjacent properties. This includes the parking of equipment.
22. Noise shall be contained within hours set in the Town's Community Standards Bylaw 920/21 s. 4.3 – "No person shall cause or allow noise to emanate from a property they own or occupy that annoys or disturbs the peace of another person between the hours of 11:00 p.m. and 7:00 a.m."
23. All contractors, subcontractors, and tradespeople must have an active business license with the Town.

**REASONS:**

That the Subdivision and Development Appeal Board encompasses the findings of fact within these reasons, and as a result:

1. The Subject Property is designated as Residential – R1 and the development permit application (TOB-D-14-24) was for the development of a single-unit dwelling with secondary suite. "Single-unit Dwelling" is a permitted use prescribed within the applicable district; the Applicant has a right to a permit for the use where no variances have been requested. "Secondary Suite" is a Development Officer discretionary use in the applicable district. As a discretionary use, a development permit can be approved for the development.
2. The Board finds that the architectural renderings provided in Exhibit D demonstrate the proposed development meets the esthetic of the neighbourhood, specifically the block of 9<sup>th</sup> Avenue in which the development is located. Additionally, the Board acknowledges that the cost of construction may not accurately reflect the quality of development proposed however the Board finds that the construction value is not relevant as it does not impact the cost of the development permit application, and the quality of the development has been demonstrated through the architectural renderings provided in Exhibit D.

3. The Board finds that the architectural renderings demonstrate the proposed development appears as a Single-unit Dwelling and meets the standards prescribed for Secondary Suites in Schedule 5 of LUB No. 921/21.
4. The Board finds the density of the proposed development is suitable for the neighbourhood, and on-site parking is adequate as proposed.
5. The Board desires to clarify the front setback approval is to be measured from the covered porch and steps projecting from the dwelling and not the corner of the building as shown in the approved Plot Plan (Exhibit D7).
6. The Board finds that the character of potential tenants of the Single-unit Dwelling and Secondary Suite is not a valid planning concern.
7. The Board finds the submissions made by adjacent landowners, both orally and in writing, did not provide sufficient evidence to demonstrate that the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land.

**INFORMATIVE:**

1. This decision serves as the development approval and no separate development permit will be issued.

**APPENDIX A**

**Documentary Material Submitted to the Board:**

| <b>EXHIBIT</b> | <b>ITEM</b>  |
|----------------|--|
| A.             | Notice of Hearing and Location Sketch Map            |
| B.             | List of Persons Notified                             |
| C.             | Letter of Appeal                                     |
| D.             | Notice of Completion with Development Permit Package |
| E.             | Notice of Decision TOB-D-14-24                       |
| F.             | Land Use Bylaw 921-21 excerpts                       |
| G.             | Municipal Development Plan 910-20 excerpts           |
| H.             | Submission from Tetzlaff                             |



## APPENDIX B

### List of persons who gave oral evidence or made submissions at the hearing:

| CAPACITY                   | NAME   |
|----------------------------|--|
| Appellant:                 | Sylvia Tetzlaff<br>Trevor Tetzlaff<br>Robert Branson<br>Barbara McKinnon       |
| Municipal Representatives: | Amanda Davis – Chief Administrative Officer<br>Diane Horvath, Planning Advisor |
| Public Gallery:            |  |

**IMPORTANT:**

**This Decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons, subject only to Appeal to the Provincial Court of Appeal.**