



Bylaw #2026-04
Amendment to the Land Use Bylaw

BEING A BYLAW OF THE TOWN OF THORSBY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF AMENDING LAND USE BYLAW #2025-05.

WHEREAS: that Part 7, Section 7.1(1), of the Town of Thorsby Land Use Bylaw #2025-05 states that Council may make an amendment to the Land Use Bylaw upon receipt of any application to amend by any person applying in writing and paying the required

THEREFORE: After due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Council of the Town of Thorsby duly assembled enacts as follows:

PART I: TITLE

1. This Bylaw may be cited as the "Amendment to the Land Use Bylaw to Amend Section 4.4(6) Variance Authority of the Land Use Bylaw to increase the maximum variance that may be granted by the Development Authority from 10% to 25%."

PART II: LUB AMENDMENT

1. Section 4.4(6) Variance Authority of the Land Use Bylaw will be amended to state: "The maximum variance that may be granted by the Development Authority is 25%, provided it complies with 4.4.1 and 4.4.3 of this Bylaw.
2. That Section 4.4 Variance Authority of Bylaw #2025-05 is hereby amended as per the attached text in Schedule A.

READ A FIRST TIME this 28th day of April, 2026

READ A SECOND TIME this 26th day of May, 2026

READ A THIRD AND FINAL TIME this 26th day of May, 2026

Darryl Hostyn, Mayor

Donna Tona, CAO

SCHEDULE A

4.4 VARIANCE AUTHORITY

- (1) Notwithstanding 4.3(3) the Development Authority may approve an application for a development permit for a development that is a Permitted or Discretionary Use, but that does not otherwise comply with the provisions of this Bylaw, if in the opinion of the Development Authority:
 - (a) The proposed development would not unduly interfere with the amenities of the neighbourhood.
 - (b) The proposed development conforms with the use prescribed for that land or building in this Bylaw;
- (2) Notwithstanding 4.4(1) the Development Authority shall not grant a variance from the regulations prescribing height, if the height variance results in an increase in floor area, lot coverage, floor area ratio (FAR), or density.
- (3) In addition to the considerations provided under 4.4(1), a variance may only be granted if, in the opinion of the Development Authority:
 - (a) The variance requested maintains the intent and purpose of the Municipal Development Plan;
 - (b) The variance requested maintains the intent and purpose of this Bylaw;
 - (c) The variance is desirable for the appropriate and orderly development or use of the land; and
 - (d) The variance, in the opinion of the Development Authority, is truly minor in nature.
- (4) All requests for a variance shall be accompanied by a letter from the applicant clearly stating the reasons for the variance, outlining the applicable criteria identified in 4.4(3), and the nature of the hardship incurred if the variance is not granted.
- (5) If a variance is granted pursuant to this Section, the Development Authority shall specify its nature in the Development Permit approval.
- (6) The maximum variance that may be granted by the Development Authority is 25%, provided it complies with 4.4.1 and 4.4.3 of this Bylaw.
- (7) Any building and/or structure, built prior to January 1, 2025, may have the minimum side setback and minimum rear setback requirements varied by a maximum of 40% at the sole discretion of the Development Authority. The Development Authority is not bound by the maximum variance in Section 4.4(6). In accordance with Section 4.5, a variance application shall be required, and the applicant must demonstrate that the structure was built prior to January 1, 2025, in a manner deemed satisfactory to the Development Authority.