



## Committee of the Whole Report For the Meeting of November 7, 2024

---

**To:** Committee of the Whole **Date:** October 22, 2024  
**From:** William Doyle, Acting Director, Engineering and Public Works  
**Subject:** Development Variance Permit Application No. 00285 for 1542 Despard Avenue and 1551 Montgomery Avenue (formerly 1540 Despard Avenue)

---

### RECOMMENDATION

That Council authorize the issuance of Development Variance Permit Application No. 00285 for 1542 Despard Avenue & 1551 Montgomery Avenue (formerly 1540 Despard Avenue), in accordance with:

- a) Subdivision file SUB00412 (Subdivision of 1540 Despard Avenue).
- b) Offsite civil plans date stamped October 20, 2023.
- c) Development meeting all *Victoria Subdivision and Development Servicing Bylaw* requirements, except for the following variance:
  - 1) Remove the requirement to *construct a portion of the required frontage improvements* as described within the *Victoria Subdivision and Development Servicing Bylaw*.
- d) Provision of \$17,000 security equivalent to the costs of installing frontage improvements. The \$17,000 would be applied to sidewalk improvements on Despard Avenue and Montgomery Avenue, when capital projects for street improvements occur on these streets.
- e) The Development Variance Permit, if issued, expires two years from the date of this resolution.

### Enabling Legislation

In accordance with Section 498 of the *Local Government Act (LGA)*, Council may consider and issue a Development Variance Permit that varies a Subdivision and Development Bylaw (s. 498 (1)(a)(ii) LGA) provided the permit does not vary the use or density of land from that specified in the bylaw or residential rental tenure. This consideration does not vary use or density.

### EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval for a variance to the *Victoria Subdivision and Development Servicing Bylaw No. 12-042*, specifically to remove the requirement for the developer to construct sidewalks along the two frontages of the development.

In lieu of constructing frontage improvements, which are considered a portion of frontage improvements required by the *Victoria Subdivision and Development Servicing Bylaw*, the developer has offered an equivalent cash payment of \$17,000. This amount has been determined based on a

design and estimate provided by the Civil Engineer engaged for the project. The proposed works and their value have been reviewed by City staff and deemed satisfactory.

These funds will be allocated for future improvements along the property frontages, specifically for Despard Avenue and Montgomery Avenue. The implementation of these improvements will occur following further consultation with area residents and will be integrated with a future capital works program.

Signage regarding the variance has been posted and notifications distributed. Should staff receive any communications concerning the variance, staff will bring that forward to the meeting of Council.

Staff recommend that Council approve the consideration of this variance. Approving this request will allow for flexibility in the future use of the cash-in-lieu payment, ensuring that funds are effectively utilized for frontage improvements in conjunction with resident input and capital planning.

Respectfully submitted,

Brent Molnar  
Supervisor, Land Development

William Doyle  
Acting Director, Engineering and Public Works

**Report accepted and recommended by the City Manager.**

**List of Attachments**

Appendix A 1542 Despard 1551 Montgomery Location Plan  
Appendix B Plan of Subdivision SUB00512  
Appendix C Photos – Despard Avenue and Montgomery Avenue - Existing  
Appendix D Offsite Civil Plans