



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. 00263 for 1535 & 1537 Despard Avenue

RECOMMENDATION

That Council authorize the issuance of Development Variance Permit Application No. 00263 for 1535 & 1537 Despard Avenue, in accordance with:

- a) Subdivision file SUB00418 (Subdivision of 1535/37 Despard Avenue).
- b) Offsite civil plans date stamped June 22, 2021.
- c) Development meeting all *Victoria Subdivision and Development Servicing Bylaw* requirements, except for the following variance:
 - 1) Remove the requirement to *construct the required frontage* improvements as described within the *Victoria Subdivision and Development Servicing Bylaw*.
- d) Provision of \$17,285 security equivalent to the costs of installing frontage improvements. The \$17,285 would be applied to frontage improvements on Despard 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 improvements along the frontage of the development.

In lieu of constructing frontage improvements as noted in the *Victoria Subdivision and Development Servicing Bylaw*, the developer has offered an equivalent cash payment of \$17,285. This amount has been determined based on a design and estimate provided by the Civil Engineer engaged for this 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.

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 1535 - 37 Despard Location Plan
- Appendix B Plan of Subdivision SUB00418
- Appendix C Photos - Despard Avenue - Existing Frontage
- Appendix D Design for which cash contribution is based