



Subject: Recommendation Report for Development Agreement D11-05-22, 954 Wyldewood Road

To: Council

From: Development and Legislative Services Department

Report Number: 2022-190

Meeting Date: August 23, 2022

Recommendation:

That Development and Legislative Services Department -Planning Division Report 2022-190 be received; and

The execution of a Development Agreement with Plamen and Elizabeth Dimitrov be approved; and

That the Bylaw authorizing entering into the Development Agreement for 954 Wyldewood Road with Plamen and Elizabeth Dimitrov, attached as Appendix A of Development and Legislative Services Report 2022-190 be approved.

Purpose:

The purpose of this report is to obtain Council's approval to enter into a Development Agreement with Plamen and Elizabeth Dimitrov, the current owners of 954 Wyldewood Road for permission to partially demolish the existing property and use it for the storage of construction materials during the construction of a new dwelling at 954 Wyldewood Road.

Background:

On May 12, 2022, the applicant was granted a minor variance that permitted an increase in lot coverage to 15.2% where 10% is the maximum for the property. During the application process, the applicant indicated to staff that they wish to use the existing dwelling as storage for construction materials while they build their new dwelling. The proposed Development Agreement was discussed with Staff during the minor variance process, however, because the outcome of the variance was not dependent on the

applicant applying for a Development Agreement it was not made a condition of the variance, and as such, the applicant requires Council approval.

Discussion:

The development agreement is required as per section 2.8.1 (a)(i) of Zoning By-law 6575/03/18 which states that no accessory building shall be erected prior to the erection of the permitted dwelling except where it is necessary for the storage of tools and materials used in connection with the construction of the said dwelling. Furthermore, the accessory buildings may only be used for storage of construction materials related to the construction of the dwelling for a period of 18 months provided that the owner enters into a development agreement with the City to allow the temporary use.

Section 2.12 provides policies regarding multiple buildings on one lot. Except where otherwise permitted, only one principle building, including detached dwellings shall be permitted on one lot. This development agreement will help to ensure that the provisions of section 2.12 will be met by requiring that the existing dwelling be demolished.

The proposed Development Agreement will have a time restriction of 18 months to complete the construction of the house. To ensure that the terms of the agreement will be met, Staff will be collecting securities from the applicant in the amount of \$20,000. The securities will be released back to the applicant when Staff is satisfied that the terms of the agreement have been met. If Staff determines the terms have not been met, the securities will be used by the City to fulfill the terms of the agreement.

The applicant will have 18 months to complete the required works, after which the terms of the agreement must be met, or the applicant will have to apply for an extension. The agreement, attached as Appendix A, outlines the terms that must be fulfilled by the applicant.

Internal Consultations:

In consultation with Building Division Staff, three examples of demolition permits were reviewed to decide upon an amount to charge for securities. 1433 Firelane 1, 244 Humboldt Parkway, and 14 Victoria Street had a project value for demolition of \$15,000 each, except for 14 Victoria, which had a value of \$20,000. Several factors are included in these projections, including the size of the structure and the price charged by the contractor. Using these examples, Staff determined that \$20,000 would be an appropriate amount to collect from the applicant.

Financial Implications:

Securities will be collected from the applicant to ensure the terms of the agreement are fulfilled. If the terms of the agreement are not met, Staff can use the money from the securities to complete any outstanding work. After consulting with the Building Division, Staff is satisfied that the amount collected for securities is enough to cover the costs of demolition if required.

Public Engagement:

Public engagement is not required for Development Agreements.

Conclusion:

Based on the review of the application and the request by the applicant, Planning Staff have no concerns with the proposed application and recommend that the Development Agreement attached as Appendix A be approved.

Appendices:

- a. By-law and Development Agreement

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Respectfully submitted by,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

