



Subject: Recommendation Report for Development Agreement D11-10-22, 1575 Firelane 2

To: Council

From: Development and Legislative Services Department

Report Number: 2022-239

Meeting Date: November 8, 2022

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2022-239 be received;

The execution of a Development Agreement with Ricky and Erica Froese be approved; and

That the By-law authorizing entering into the Development Agreement for 1575 Firelane 2 with Ricky and Erica Froese, attached as Appendix A of Development and Legislative Services Report 2022-239 be approved.

Purpose:

The purpose of this report is to obtain a decision from Council on the request to enter into a Development Agreement with Ricky and Erica Froese, the current owners of 1575 Firelane 2, for permission to construct a dwelling on the property, while the existing dwelling remains temporarily. The owners intend on living in the existing dwelling while the construction of the new dwelling takes place. Once the dwelling is complete, the existing dwelling is required to be demolished.

Background:

The applicant applied for a building permit on August 26, 2022, for a proposed dwelling on the subject property. During Planning Staff's review, staff found that the existing dwelling was to remain during the construction period. Staff identified this as a violation of the Zoning By-law. According to section 2.12 a), Only one detached dwelling shall be permitted as a principle building on one lot. In order to address the existing dwelling

remaining during the construction of the proposed dwelling, a Development Agreement is required to be entered into with the applicant indicating that the existing dwelling will be permitted on a temporary basis and must be demolished within 18 months of the registering of the agreement, or once occupancy of the proposed dwelling has been granted, whichever comes first.

Discussion:

The Development Agreement is required as a result of the provisions of Section 2.12 of the Zoning By-law, which states the following:

Except where otherwise permitted, only one principal building of the following uses shall be permitted on one lot:

- a) A detached dwelling*
- b) A semi-detached dwelling*
- c) A duplex dwelling*
- d) A triplex dwelling*
- e) A fourplex dwelling*

The proposed Development Agreement will help to ensure that the provisions of Section 2.12 will be met by requiring the applicant to demolish the existing dwelling.

Securities are required to be posted by 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 can be used by the City to fulfill the terms of the agreement.

The applicant will have 18 months to complete the required work, 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 determine the amount of securities to collect. 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.