



THE CORPORATION OF THE
TOWN OF GEORGINA
Committee of Adjustment

Monday, December 11, 2023
7:30 PM

Pages

1. ROLL CALL

“The Town of Georgina recognizes and acknowledges that we are on lands originally used and occupied by the First Peoples of the Williams Treaties First Nations and other Indigenous Peoples, and on behalf of the Mayor and Council, we would like to thank them for sharing this land. We would also like to acknowledge the Chippewas of Georgina Island First Nation as our close neighbour and friend, one with which we strive to build a cooperative and respectful relationship.

We also recognize the unique relationship the Chippewas have with the lands and waters of this territory. They are the water protectors and environmental stewards of these lands and we join them in these responsibilities.”

2. INTRODUCTION OF ADDENDUM ITEM(S)

3. DECLARATION OF PECUNIARY INTEREST

4. EXPLANATION OF HEARING PROCEDURE

5. REQUESTS FOR DEFERRAL OR WITHDRAWAL

6. APPLICATIONS FOR CONSENT

7. APPLICATIONS FOR MINOR VARIANCE

1. MINOR VARIANCE APPLICATION A20-23
586 Lake Drive EAST
PART OF LOT 13, CONCESSION 9 (NG) and PART OF LOTS 2 AND 3,
PLAN 8

7

1. That the Committee of Adjustment receive Report No. DS-2023-0106 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Minor Variance Application A20-23, for the property municipally addressed as 586 Lake Drive East.
2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff

recommend the following:

- a. That the Committee of Adjustment approve Minor Variance Application A20-23 to permit relief from the following:
 - i. Section 6.1(c): To permit a dwelling with a front yard setback of 4.8 metres, whereas a minimum front yard setback of 6.0 metres is required;
 - ii. Section 5.45 a): To permit the eaves of a dwelling to encroach 0.7 metres into the front yard, whereas an encroachment of 0.5 metres is permitted;
 - iii. Section 5.1 b): To permit an accessory structure with a setback from the main building of 1.9 metres, whereas a setback of 2.0 metres is required;
 - iv. Section 5.1 d): To permit an accessory structure with a setback from the front lot line of nil metres, whereas a setback of 6.0 metres is required;
 - v. Section 5.1 d): To permit an accessory structure with a setback from the interior lot line of 0.6 metres, whereas a setback of 1.0 metre is required;
 - vi. Section 5.45 a): To permit an accessory structure eaves to encroach 0.6 metres into the interior lot line, whereas an encroachment of 0.5 metres is permitted;
- b. That the approval of Minor Variance Application A20-23 be subject to the following condition(s):
 - i. Submission to the Secretary-Treasurer of written confirmation from the Development Planning Division that the Applicant/Owner has removed the accessory structure eave encroachment into the municipal road allowance, or obtained an encroachment agreement, to their satisfaction;
 - ii. Submission to the Secretary-Treasurer of written confirmation from the Lake Simcoe Region Conservation Authority that all matters identified in Attachment 4 to Report No. DS-2023-0106 have been addressed to their satisfaction; and,
 - iii. That the above noted condition(s) be fulfilled within two (2) years of the date of the Notice of Decision.

2. MINOR VARIANCE APPLICATION A29-23
277 THE QUEENSWAY SOUTH
PART OF LOT 27 AND BLOCK B, PLAN 397

25

1. That the Committee of Adjustment receive Report No. DS-2023-0104 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Minor Variance Application A29-23, for the property municipally addressed as 277 The Queensway South; and,

2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommend the following:
 - a. That the Committee of Adjustment approve Minor Variance Application A29-23 to permit relief from the following:
 - i. Section 5.25 (a): To permit the provision of zero (0) on-site loading spaces, whereas a minimum of one (1) loading space is required for a health care clinic;
 - ii. Section 5.28 (b): To permit a minimum of 19 parking spaces, whereas a minimum of 24 parking spaces are required for a health care clinic; and,
 - b. That the approval of Minor Variance Application A29-23 be subject to the following term(s):
 - i. That the conversion of the existing office building into a health care clinic be in general conformity with Attachment 2 to Report DS-2023-0104, in accordance with the relief recommended to be approved in Recommendation 2 a).

3. MINOR VARIANCE A27-23 AND CONSENT B05-23
50 PINERY LANE
LOTS 42, 43 AND 44, PLAN 99

52

1. That the Committee of Adjustment receive Report No. DS-2023-0103 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Consent Application B05-23 and Minor Variance Application A27-23, submitted by Qianqiao Zhu (Harry) of Arcadis on behalf of the owners of the property at 50 Pinery Lane, Jackson's Point; and,
2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommend the following:
 - a. That the Committee of Adjustment approve Consent Application B05-23 as it pertains to the property known as 50 Pinery Lane, Jackson's Point, to sever and convey Subject Lands 'A' and 'B' from Remainder Land 'C', as shown in Attachment 2 to Report No. DS-2023-0103;
 - b. That the Committee of Adjustment approve Minor Variance Application A27-23 to permit relief from the following:
 - c. Section 5.45 (a): To permit a rear yard encroachment of 5.31 metres for an unenclosed wood deck and stairs, whereas a maximum encroachment of 3.0 metres is permitted;
 - d. Section 5.45 (a): To permit a front yard encroachment of 2.33 metres for an unenclosed verandah, whereas a maximum encroachment of 2.0 metres is permitted;

- e. Section 5.28 (b): To permit a detached dwelling with a minimum of 2 parking spaces, whereas a minimum of 3 parking spaces are required;
- f. Section 5.28 (i): To permit a maximum driveway or parking area width that is 18 metres, whereas a maximum width of 9 metres is permitted;
- g. Section 5.28 (i): To permit a maximum driveway or parking area of 64% of the lot frontage, whereas a maximum of 55% is permitted;
- h. That the approval of Consent Application B05-23 be subject to the following condition(s):
 - i. Submission to the Secretary-Treasurer of two (2) white prints of a deposited reference plan of survey to conform substantially with the application, as submitted;
 - j. Submission to the Secretary-Treasurer of draft transfer documents, in duplicate, conveying Subject Lands 'A' and 'B', as indicated on Attachment 2 to Report No. DS-2023-0103;
 - k. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that there is sufficient water supply and sewage capacity allocated for Subject Lands 'A' and 'B';
 - l. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Engineering Division that all matters identified in Attachment 5 to Report No. DS-2023-0103 have been addressed to the Division's satisfaction;
 - m. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that all matters identified in Attachment 5 to Report No. DS-2023-0103 have been addressed to their satisfaction;
- n. That the above-noted conditions be fulfilled within two (2) years of the date of the Notice of Decision; and,
- o. That the approval of Minor Variance Application A27-23 be subject to the following term(s):
 - p. That the existing single detached dwelling, parking area, verandah and rear wood deck be legalized in general conformity with Attachment 3 to Report DS-2023-0103, in accordance with the relief recommended to be approved in Recommendation 2 b).

4. MINOR VARIANCE APPLICATION A45-21
21058 DALTON ROAD
PART OF LOT 23 AN

73

1. That the Committee of Adjustment receive Report No. DS-2023-0107 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Minor Variance Application A45-21, submitted by Coral Rae James and Trevor Louis Damphouse Nolan on behalf of Laura Atkins and James Baxter, for the property municipally addressed as 21058 Dalton Road; and,
2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommends the following:
 - a. That the Committee of Adjustment approve Minor Variance Application A45-21, to permit relief from the following:
 - i. Section 5.1(b): to permit an accessory structure in an exterior side yard, whereas accessory structures are only permitted in the rear or interior side yard; and,
 - ii. Section 5.1(d): to permit an accessory structure with a side yard setback of 0.00 metres from the side lot line, whereas a minimum setback of 1.0 metre is required;
 - b. That the approval of Minor Variance Application A45-21 be subject to the following terms:
 - i. That the accessory structure in the exterior side yard area be in general conformity with Attachment 2 to Report DS-2023-0107, and in accordance with the relief recommended to be approved in Recommendation 2 a); and,
 - ii. That notwithstanding the provisions of Section 5.45 (a) of Zoning By-law No. 500, as amended, as it relates to permitted yard encroachments, no further encroachments to the rear or side yards shall be permitted;
 - c. That the approval of Minor Variance Application A45-21 be subject to the following conditions:
 - i. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2023-0107 have been addressed to the Division's satisfaction; and,
 - ii. That the above-noted condition(s) be fulfilled within two (2) years of the date of the Notice of Decision.

8. POWER OF SALE/FORECLOSURE/VALIDATION OF TITLE APPLICATIONS

9. MINUTES OF PREVIOUS MEETING

10. COMMUNICATIONS

11. OTHER BUSINESS
12. NEXT MEETING
13. ADJOURNMENT

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0106

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

December 11, 2023

**SUBJECT: MINOR VARIANCE APPLICATION A20-23
586 LAKE DRIVE EAST
PART OF LOT 13, CONCESSION 9 (NG) AND PART OF LOTS 2 AND 3,
PLAN 8**

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2023-0106 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Minor Variance Application A20-23, for the property municipally addressed as 586 Lake Drive East.
- 2) That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommend the following:
 - a) That the Committee of Adjustment approve Minor Variance Application A20-23 to permit relief from the following:
 - i) Section 6.1(c): To permit a dwelling with a front yard setback of 4.8 metres, whereas a minimum front yard setback of 6.0 metres is required;
 - ii) Section 5.45 a): To permit the eaves of a dwelling to encroach 0.7 metres into the front yard, whereas an encroachment of 0.5 metres is permitted;
 - iii) Section 5.1 b): To permit an accessory structure with a setback from the main building of 1.9 metres, whereas a setback of 2.0 metres is required;
 - iv) Section 5.1 d): To permit an accessory structure with a setback from the front lot line of nil metres, whereas a setback of 6.0 metres is required;
 - v) Section 5.1 d): To permit an accessory structure with a setback from the interior lot line of 0.6 metres, whereas a setback of 1.0 metre is required;
 - vi) Section 5.45 a): To permit an accessory structure eaves to encroach 0.6 metres into the interior lot line, whereas an encroachment of 0.5 metres is permitted;

b) That the approval of Minor Variance Application A20-23 be subject to the following condition(s):

i) Submission to the Secretary-Treasurer of written confirmation from the Development Planning Division that the Applicant/Owner has removed the accessory structure eave encroachment into the municipal road allowance, or obtained an encroachment agreement, to their satisfaction;

ii) Submission to the Secretary-Treasurer of written confirmation from the Lake Simcoe Region Conservation Authority that all matters identified in Attachment 4 to Report No. DS-2023-0106 have been addressed to their satisfaction; and,

iii) That the above noted condition(s) be fulfilled within two (2) years of the date of the Notice of Decision.

2. PURPOSE:

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A20-23, for the property located at 586 Lake Drive East, regarding the legalization of a single detached dwelling and associated accessory structure.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
586 Lake Drive East
Part of Lot 13, Concession 9 (NG), and Part of Lots 2 and 3,
Plan 88
Roll #: 134-684

PROPOSAL

The owner of the subject property is proposing to legalize the location of an existing single detached dwelling and accessory structure.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief:

- i) Section 6.1(c):** To permit a dwelling with a front yard setback of 4.8 metres, whereas a minimum front yard setback of 6.0 metres is required.
- ii) Section 5.45 a):** To permit the eaves of a dwelling to encroach 0.7 metres into the front yard, whereas an encroachment of 0.5 metres is permitted.
- iii) Section 5.1 b):** To permit an accessory structure with a setback from the main building of 1.9 metres, whereas a setback of 2.0 metres is required.
- iv) Section 5.1 d):** To permit an accessory structure with a setback from the front lot line of nil metres, whereas a setback of 6.0 metres is required.

- v) **Section 5.1 d):** To permit an accessory structure with a setback from the interior lot line of 0.6 metres, whereas a setback of 1.0 metre is required.
- vi) **Section 5.45 a):** To permit an accessory structure eaves to encroach 0.6 metres into the interior lot line, whereas an encroachment of 0.5 metres is permitted.

A Site Sketch showing the existing single detached dwelling, accessory structure, and the requested relief is included as Attachment 2.

3.1 **SUBJECT PROPERTY AND THE SURROUNDING AREA:**

The subject property is located at 586 Lake Drive East. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	586 Lake Drive East	
Zoning	Residential (R)	
Frontage	22.79 Metres	
Area	1,072 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Serviced Lakeshore Residential Area	
Regional Official Plan Land Use Designation	Rural Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling, One Accessory Structure	
Proposed Structures	None	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Yes	
Key Natural Heritage Features	None	
Natural Hazards	Hazard Land (Floodplain) on property, LSRCA has no concerns	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Existing driveway	Existing driveway

4. **PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

4.1 **PUBLIC CIRCULATION**

In accordance with the provisions of the *Planning Act*, the Notice of Hearing for the subject application was sent by mail on November 24, 2023 to all landowners within 60.0 metres of the subject property.

As of the date of writing this report, Town Staff have not received any submissions from the general public.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

All Town department and external agency comments for Minor Variance Application A20-23 have been consolidated into a chart, which is included as Attachment 4.

The Operations and Infrastructure Division has indicated objections and provided the following comments:

- A future road widening will be taken on the south side of Lake Drive to keep in line with the existing widenings.
- The Operations and Infrastructure Department will not be entering into an encroachment agreement for the existing encroachment.

The Development Planning Division has indicated no objections and provided the following condition:

- That the Applicant/Owner remove the encroachment into the municipal road allowance, or obtain an encroachment agreement, to the satisfaction of the Development Planning Division.

The Lake Simcoe Region Conservation Authority has indicated no objections and provided the following conditions:

- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536.
- That the Applicant/Owner shall prepare and complete a Planting Plan for the shoreline area, to the satisfaction of the LSRCA. Please contact the LSRCA to assist in scoping this requirement.
- That the Applicant/Owner successfully obtain a permit or written clearance from the LSRCA.

The following Town departments / divisions and external agencies have indicated no objections to the Minor Variance:

- Building Division
- Development Engineering Division
- Economic Development Division
- Tax and Revenue Division

- Rogers Communications
- Municipal Law Enforcement Division
- York Region District School Board

A number of external agencies and Town departments / divisions have not provided comments.

5. ANALYSIS:

The following evaluation of Minor Variance Application A20-23 is based on the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*:

i. Is the general intent and purpose of the Official Plan maintained? – Yes

The subject property is designated Serviced Lakeshore Residential Area in the Town of Georgina Official Plan. Single detached dwellings and accessory buildings, structures and uses thereto are permitted in this designation.

Staff are of the opinion that the proposal maintains the general intent and purpose of the Official Plan.

ii. Is the general intent and purpose of the Zoning By-law maintained? – Yes

The subject property is zoned Residential (R) on Map 5 pg. 1 of Schedule 'A' to Zoning By-law No. 500, as amended. A single family dwelling and accessory structures are permitted in the R Zone.

a. Single Detached Dwelling Front Yard Setback

Section 6.1 (c) of Zoning By-law No. 500, as amended, requires a front yard setback of 6.0 metres for a single detached dwelling. The applicant is requesting relief to legalize and permit an existing front yard setback of 4.8 metres.

The general intent of the front yard setback requirement is to reduce negative impacts on neighbouring properties and to ensure compatibility with surrounding properties. The front of the property is screened by both fencing and trees, and several other nearby properties have similarly reduced front yard setbacks. Furthermore, the majority of the existing dwelling exceeds the minimum front yard setback requirement. Consequently, staff have no concerns that the proposal would negatively impact neighbouring properties.

b. Accessory Structure Setbacks (Front, Interior, To a Single Detached Dwelling)

Sections 5.1 (b) and (d) of Zoning By-law No. 500, as amended, require a front yard setback of 6.0 metres when an accessory structure is permitted in a front yard. Furthermore, this section also requires an interior yard setback of 1.0 metre and a

setback from the single detached dwelling of 2.0 metres. The applicant is requesting relief to permit a front yard setback of nil, an interior yard setback of 0.6 metres, and a setback from the dwelling of 1.9 metres.

The general intent of the accessory structure setbacks is to reduce negative impacts on neighbouring properties, and to ensure compatibility with surrounding properties. The front of the property is screened by both fencing and trees, and the property located next to the interior side yard has no nearby structures. Consequently, staff have no concerns that the proposal would negatively impact neighbouring properties.

c. Eaves Encroachments

Section 5.45 (a) of Zoning By-law No. 500, as amended, permits eaves to encroach 0.5 metres into required yard setbacks. The applicant is requesting relief to permit an eave encroachment of 0.6 metres into the interior side yard for the accessory structure.

Additionally, staff note that the accessory structure eaves encroach 0.38 metres past the front lot line into the road allowance of Lake Drive East. The existing encroachment into the road allowance is not supported by Town Staff, and the Operations and Infrastructure Department has confirmed that it does not support entering into an encroachment agreement to permit the eaves to remain. Consequently, approval of the Minor Variance will be subject to a condition requiring either removal of the encroaching eaves or legalization of the encroachment.

The general intent of the eave encroachment is to reduce negative impacts on neighbouring properties, and to ensure compatibility with surrounding properties. The front of the property is screened by both fencing and trees, and the property located next to the interior side yard has no nearby structures. Consequently, staff have no concerns that the proposal would negatively impact neighbouring properties.

Staff are of the opinion that the proposed variances for the detached dwelling and accessory structure maintain the general intent and purpose of Zoning By-law 500, as amended.

iii) Is the Minor Variance desirable for the appropriate development of the property or use of land, building or structure? – Yes

The existing dwelling is in keeping with the existing physical character of the neighbourhood as the area generally consists of single family dwellings and accessory structures, several of which are placed in similar locations on neighbouring lots. Furthermore, the purpose of the requested variances is to facilitate a detached dwelling and associated accessory structure, which is a permitted use.

Staff are satisfied that the proposal is desirable for the appropriate development of the subject land and surrounding neighbourhood.

iv) Is the relief sought minor in nature? – Yes

In considering whether the relief sought is minor, Staff note that this test is not simply a question of numerical value. The principal consideration is that of potential impact the variances may have, and whether those impacts are minor or acceptable. In light of the above evaluation of the application, Staff are of the opinion that the requested variances are minor in nature.

6. CONCLUSION:

Subject to the recommendations by Staff in Section 1 of this report, Staff are of the opinion that Minor Variance Application A20-23, as it pertains to the existing dwelling and accessory structure, meets the four (4) prescribed tests as set out in Section 45(1) of the Planning Act, R.S.O. 1990 and represents good planning.

APPROVALS:

Prepared by:

Brittany Dobrindt
Planner I

Approved By:

Denis Beaulieu, MCIP, RPP
Director of Development Services

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan

Attachment 3 – Site Photos

Attachment 4 – Consolidated Comments



LOCATION MAP



SUBJECT LAND

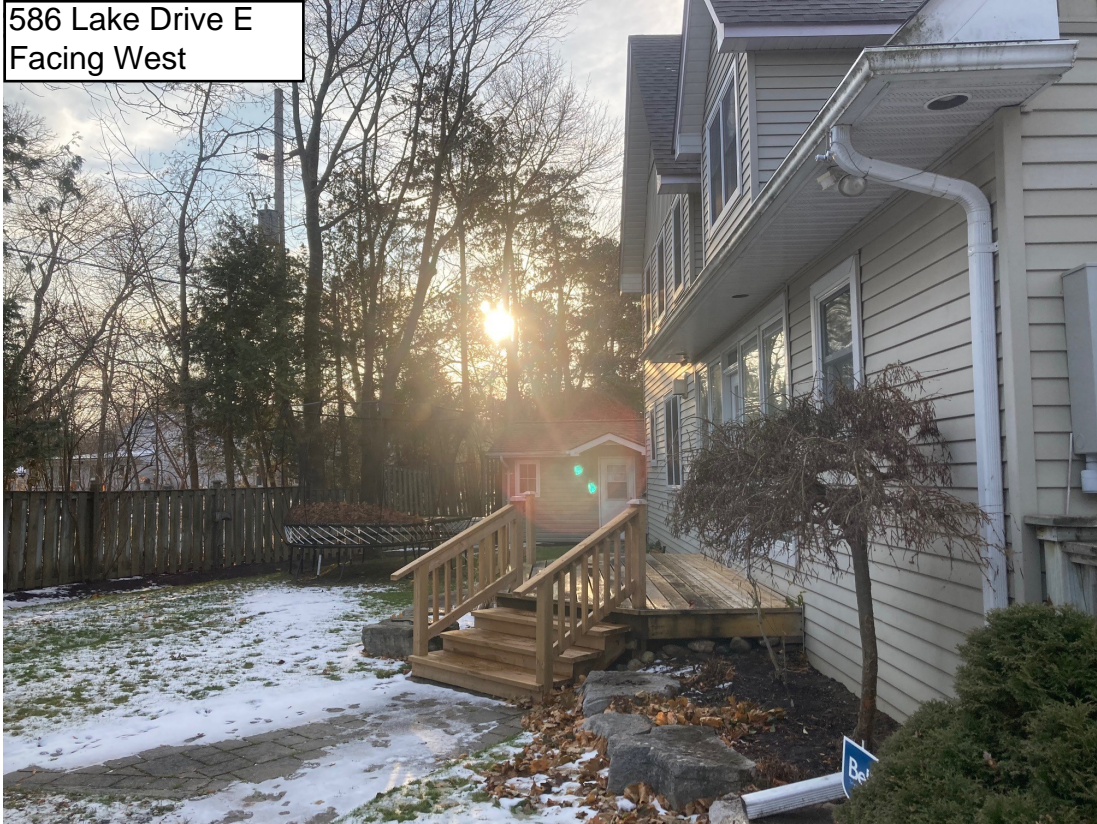
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SITE PHOTOS

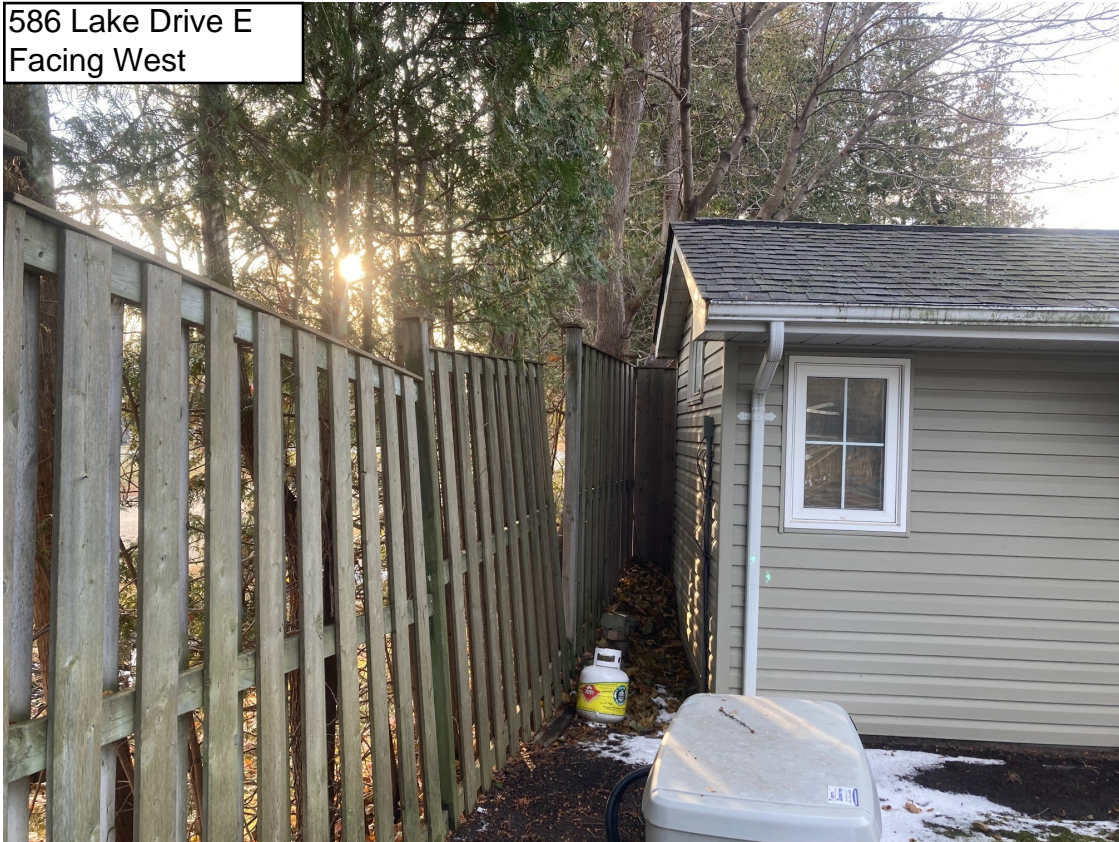
586 Lake Drive E
Facing West



586 Lake Drive E
Facing South



586 Lake Drive E
Facing West



586 Lake Drive E
Facing North



Department/Agency	Date Received	Response
Building Division	December 1, 2023	On municipal water and sewer, No Objections
Building/Zoning Examiners		
Clerks Division		
Community Services		
Development Engineering	December 1, 2023	No Objections
Economic Development	December 1, 2023	No Objections
Georgina Fire Department		
Municipal Law	November 24, 2023	No Comments
Operations & Infrastructure	November 30, 2023	Road Widening will be taken on the south side of Lake Drive to keep in line with the existing widening The Operations and Infrastructure Department will not be entering into an encroachment agreement for the existing encroachment
Policy Planning		
Tax & Revenue	November 23, 2023	No Comments
Bell Canada		
Bell Canada		
Canada Post Corporation (CPC)		
Chippewas of Georgina		
C.N. Business Development & Real Estate		
Enbridge Gas		
Hydro One		
Lake Simcoe Region Conservation Authority (LSRCA)	November 29, 2023	See attached
Ministry of the Environment		
Ministry of Health and Long-term Care		
Ministry of Municipal Affairs & Housing		
Ministry of Transportation		
Monavenir Catholic School Board		
MPAC		
Ontario Power Generation		
Rogers	November 23, 2023	No Comments
Southlake Regional Health Centre		
York Catholic District School Board		
York Region - Community Planning & Development Services		
York Region District School Board	November 27, 2023	No Comments
Durham Region		
York Regional Police		



Sent via e-mail: mka@georgina.ca

November 29, 2023

Municipal File No.: A20-23
LSRCA File No.: VA-190712-112323

Matthew Ka
Secretary-Treasurer to the Committee of Adjustment
Town of Georgina
26557 Civic Centre Rd
Keswick, ON L4P 3G1

Dear Mr. Ka,

Re: Application for Minor Variance
586 Lake Drive East
Town of Georgina
Owner: R+H SOL INC. (c/o Harvey Solursh)
Applicant: Michael Smith Planning Consultants; Development Coordinators Ltd. (c/o Michael Smith)

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the applicant is proposing to legalize an existing detached dwelling and accessory structure (shed) on the subject land. The applicant is seeking relief from the following sections of the Town of Georgina's Zoning By-law No. 500, as amended:

- **Section 6.1(c)** of the By-law which requires a minimum front yard setback of 6 metres, whereas the proposal is requesting a front yard setback of 4.8 metres;
- **Section 5.1(b)** of the By-law which requires a setback from the main building of 2 metres, whereas the proposal is requesting a setback from the main building of 1.9 metres;
- **Section 5.1(d)** of the By-law which requires a setback of an accessory structure from the front lot line to be 6 metres, whereas the proposal is requesting a setback of 0 metres;
- **Section 5.1(d)** of the By-law which requires a setback of an accessory structure from the interior lot line to be 1 metre, whereas the proposal is requesting a setback of 0.6 metres;
- **Section 5.45(a)** of the By-law which restricts the eaves of an accessory structure to encroach into the interior lot line and project into the road allowance by 0.5 metres, whereas the proposal is requesting to encroach 0.6 metres into the interior lot line and 0.38 metres into the road allowance;
- **Section 5.45(a)** of the By-law which restricts the eaves of a dwelling to encroach into the front yard by 0.5 metres, whereas the proposal is requesting to encroach 0.7 metres into the front yard.

Documents Received and Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- Notice of Hearing Agency Circulation (dated November 22, 2023)

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with the Town of Georgina. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

Recommendation

Based on our review of the submitted information in support of the application, the proposal is generally consistent and in conformity with the natural hazard policies of the applicable plans. On this basis, we have no objection to the approval of this application for Minor Variance. It is recommended that any approval of this application be subject to the following conditions:

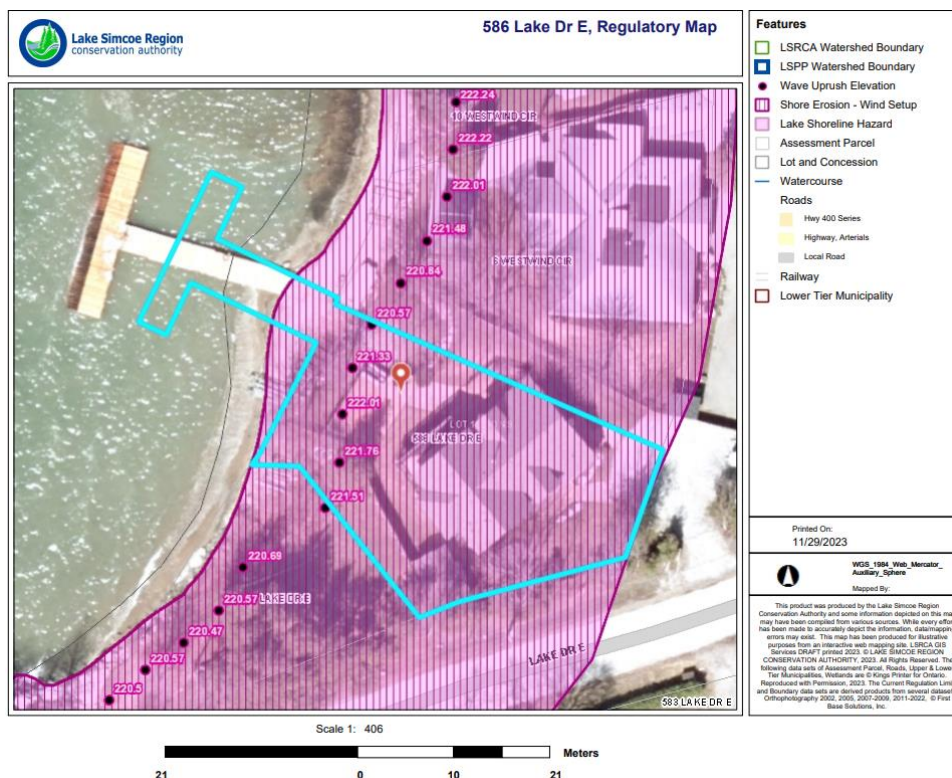
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner shall prepare and complete a Planting Plan for the shoreline area, to the satisfaction of the LSRCA. Please contact the LSRCA to assist in scoping this requirement;
- That the Applicant/Owner successfully obtain a permit or written clearance from the LSRCA.

Site Characteristics

The subject land is approximately 0.11 hectares (0.26 acres) and is located north of Lake Drive East and west of Westwind Circle within the Town of Georgina. The subject land is within the “Serviced Lakeshore Residential Area” as per Schedule A2 of the Town of Georgina Official Plan. The subject land is zoned “Residential” (R) as per Map 5 of Schedule A of the Town of Georgina’s Zoning By-law No. 500, as amended.

Existing mapping indicates the following:

- The subject property is entirely regulated by the LSRCA under Ontario Regulation 179/06 for shoreline flooding and erosion hazards. Please see a detailed regulatory map below.



Please note: LSRCA staff have not attended any site meetings at this location related to the subject applications.

Delegated Responsibility and Statutory Comments

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS). There are identified natural hazards on the subject lands (floodplain, erosion hazard area). Based on the information submitted as part of this application, the proposal is generally consistent with 3.1 of the PPS.
2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 179/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Ontario Regulation 179/06 applies to the subject property. Please contact LSRCA Regulations staff to obtain a retroactive permit or written clearance for the constructed dwelling and shed. Should any future development or site alteration be proposed on the subject land, a permit from the LSRCA will be required.

Advisory Comments

1. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Georgina in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

Lake Simcoe Protection Plan, 2009 (LSPP)

As per 6.2-DP of the LSPP, *"the minimum vegetation protection zone (MVPZ) in a shoreline built-up area is 30 metres from the Lake Simcoe shoreline."*

As per 6.11-DP, *"a proposal for development or site alteration is permitted within 30 metres of the Lake Simcoe shoreline... the proposal for development or site alteration shall comply with the following where applicable:*

- a. Maintain, and where possible, increase or improve fish habitat in the Lake, stream or wetland, and any adjacent riparian areas;*
- b. To the extent possible, enhance the ecological features and functions associated with the Lake, stream or wetland;*
- c. Minimize erosion, sedimentation, and the introduction of excessive nutrients or other pollutants and utilize planning, design, and construction practices that maintain and improve water quality; and*
- d. Integrate landscaping and habitat restoration into the design of the proposal to enhance the ability of native plants and animals to use the area as both wildlife habitat and a movement corridor."*

The structures were constructed within the MVPZ of Lake Simcoe, therefore a shoreline planting plan is required, to the satisfaction of the LSRCA. Plantings are required to be native and self-sustaining. Enclosed is a list of plants native to the Lake Simcoe watershed.

Summary

Based on our review of the submitted information in support of this application, the proposal is generally consistent and in conformity with the natural hazard policies of the applicable plans. On this basis, we have no objection to the approval of this application for Minor Variance.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. A Planting Plan prepared to the satisfaction of the LSRCA is required;
3. Ontario Regulation 179/06 applies to the subject site. A permit or written clearance from the LSRCA will be required.

Please inform this office of any decision made by the municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (j.lim@lsrca.on.ca).

Sincerely,

A handwritten signature in blue ink that reads "J. Lim." with a period at the end.

Jessica Lim
Planning Analyst
Lake Simcoe Region Conservation Authority (LSRCA)

lake simcoe native plants

PLANT HARDINESS ZONE The *Plant Hardiness Zones* are the specific areas where various types of trees, shrubs and flowers will most likely survive. It is based on the average climatic conditions of each area. Most of the Lake Simcoe watershed is located in Zone 5a. You can look up your plant hardiness zone on Agriculture and Agri-Food Canada's Website. <http://sis.agr.gc.ca/cansis/nsdb/climate/hardiness/intro.html>

The following is a sample of species that are native to the Lake Simcoe watershed:

TREES

Black Willow	<i>Salix nigra</i>
Large Toothed Aspen	<i>Populus grandidentata</i>
Red Maple	<i>Acer rubrum</i>
Red Oak	<i>Quercus rubra</i>
Silver Maple	<i>Acer saccharinum</i>
Sugar Maple	<i>Acer saccharum</i>
Tamarack	<i>Larix laricina</i>
White Ash	<i>Fraxinus americana</i>
White Birch	<i>Betula papyrifera</i>
White Cedar	<i>Thuja occidentalis</i>
White Pine	<i>Pinus strobus</i>
White Spruce	<i>Picea glauca</i>

VINES

Bittersweet	<i>Celastrus scandens</i>
Riverbank Grape	<i>Vitis riparia</i>
Virgin's Bower	<i>Clematis virginiana</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>
Wild Cucumber	<i>Echinocystis lobata</i>

SHRUBS

Bush Honeysuckle	<i>Diervilla lonicera</i>
Chokecherry	<i>Prunus virginiana</i>
Elderberry	<i>Sambucus canadensis</i>
Highbush Cranberry	<i>Viburnum trilobum</i>
Hobblebush	<i>Viburnum lantanoides</i>
Meadow Sweet	<i>Spirea alba</i>
Nannyberry	<i>Viburnum lentago</i>
Ninebark	<i>Physoparpus opulifolius</i>
Pussy Willow	<i>Salix discolor</i>
Red Osier Dogwood	<i>Cornus sericea</i>
Serviceberry	<i>Amelanchier Spp</i>
Snowberry	<i>Symphoricarpos albus</i>
Staghorn Sumac	<i>Rhus typhina</i>
Swamp Rose	<i>Rosa palustris</i>
Wild Black Current	<i>Ribes americanum</i>
Winterberry	<i>Ilex verticillata</i>
Yew	<i>Taxus canadensis</i>



SUN PLANTS

Black-eyed Susan	<i>Rudbeckia hirta</i>
Butterfly Milkweed	<i>Asclepias tuberosa</i>
Cylindric Blazing Star	<i>Liatris cylindracea</i>
Evening Primrose	<i>Oenothera biennis</i>
False Sunflower	<i>Heliopsis helianthoides</i>
Foxglove Beardtongue	<i>Penstemon digitalis</i>
Giant Hyssop	<i>Agastache foeniculum</i>
Hairy Beardtongue	<i>Penstemon hirsutus</i>
Heath Aster	<i>Aster ericoides</i>
Hoary Vervain	<i>Verbena stricta</i>
Lance-leaved Coreopsis	<i>Coreopsis lanceolata</i>
New England Aster	<i>Aster novae-angliae</i>
Prarie Smoke	<i>Geum triflorum</i>
Silverrod	<i>Solidago bicolor</i>
Wild Bergamont	<i>Monarda fistulosa</i>
Wild Columbine	<i>Aquilegia canadensis</i>
Wild Geranium	<i>Geranium maculatum</i>
Wild Lupine	<i>Lupinus perennis</i>

SHADE PLANTS

Solomon's Seal	<i>Polygonatum biflorum</i>
Wild Ginger	<i>Asarum canadense</i>
Woodland Sunflower	<i>Helianthus divaricatus</i>
Zig Zag Goldenrod	<i>Solidago flexicaulis</i>

GRASSES

Big Bluestem	<i>Andropogon gerardii</i>
Bottlebrush Grass	<i>Hystrix patula</i>
Canada Wild Rye	<i>Elymus canadensis</i>
Indian Grass	<i>Sorghastrum nutans</i>
Sideoats Gramma	<i>Bouteloua curtipendula</i>

GROUND COVER

Barren Strawberry	<i>Waldsteina fragaroides</i>
Bearberry	<i>Arctostaphylos uva-ursi</i>
False Salomon's Seal	<i>Smilacina racemosa</i>
Polypoda Fern	<i>Polypodium virginianum</i>
Wild Strawberry	<i>Fragaria virginiana</i>
Woodland Strawberry	

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0104

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

December 11, 2023

**SUBJECT: MINOR VARIANCE APPLICATION A29-23
277 THE QUEENSWAY SOUTH
PART OF LOT 27 AND BLOCK B, PLAN 397**

1. RECOMMENDATIONS:

1. That the Committee of Adjustment receive Report No. DS-2023-0104 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Minor Variance Application A29-23, for the property municipally addressed as 277 The Queensway South; and,
2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommend the following:
 - a) That the Committee of Adjustment approve Minor Variance Application A29-23 to permit relief from the following:
 - i) Section 5.25 (a): To permit the provision of zero (0) on-site loading spaces, whereas a minimum of one (1) loading space is required for a health care clinic;
 - ii) Section 5.28 (b): To permit a minimum of 19 parking spaces, whereas a minimum of 24 parking spaces are required for a health care clinic; and,
 - b) That the approval of Minor Variance Application A29-23 be subject to the following term(s):
 - i) That the conversion of the existing office building into a health care clinic be in general conformity with Attachment 2 to Report DS-2023-0104, in accordance with the relief recommended to be approved in Recommendation 2 a).

2. **PURPOSE:**

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A29-23, for the property located at 277 The Queensway South, regarding the conversion of an existing commercial/office building into a health care clinic.

3. **BACKGROUND:**

Property Description: (refer to Attachments 1 to 3)
277 The Queensway South
Part of Lot 27 and Block B, Plan 397
Roll #: 146-497

PROPOSAL

The owner of the subject property is seeking to allow for the conversion of an existing commercial/office building to a health care clinic.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief:

- i) **Section 5.25 (a):** To permit the provision of zero (0) on-site loading spaces, whereas a minimum of one (1) loading space is required; and,
- ii) **Section 5.28 (b):** To permit a minimum of 19 parking spaces, whereas a minimum of 24 parking spaces are required.

A Site Sketch showing the proposal and the requested relief is included as Attachment 2.

3.1 **SUBJECT PROPERTY AND THE SURROUNDING AREA:**

The subject property is located at 277 The Queensway South. A summary of the characteristics of the property is as follows:

Table 1 – Property, Land Use, Environmental and Servicing Considerations

General Property Information	
Municipal Address	277 The Queensway South
Zoning	General Commercial (C1-21)
Frontage	24.75 Metres
Area	1,740 Square Metres
Official Plan / Secondary Plan Land Use Designation	Urban Centre – Maskinonge Urban Centre
Regional Official Plan Land Use Designation	Community Area

Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Commercial/Office Building	
Proposed Structures	None	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	No	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Existing driveway	Existing driveway

4. **PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

4.1 **PUBLIC CIRCULATION**

In accordance with the provisions of the *Planning Act*, the Notice of Hearing for the subject application was sent by mail on November 24, 2023 to all landowners within 60.0 metres of the subject property.

As of the date of writing this report, Town Staff have not received any submissions from the general public.

4.2 **EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS**

All Town department and external agency comments for Minor Variance Application A29-23 have been consolidated into a chart, which is included as Attachment 4.

The following Town departments / divisions and external agencies have indicated no objections to the submitted Minor Variance application:

- Tax and Revenue Division
- York Region
- Building Division
- Development Engineering Division
- Municipal Law Enforcement Division
- Lake Simcoe Region Conservation Authority
- Rogers Communications
- York Region District School Board
- Economic Development Division

A number of external agencies and Town departments / divisions have not provided comments.

5. ANALYSIS:

The following evaluation of Minor Variance Application A29-23 is based on the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*:

i. Is the general intent and purpose of the Official Plan maintained? – Yes

The subject property is designated Maskinonge Urban Centre in the Keswick Secondary Plan. Institutional and community uses are permitted in this designation, including health care facilities.

Staff are of the opinion that the proposal maintains the general intent and purpose of the Official Plan.

ii. Is the general intent and purpose of the Zoning By-law maintained? – Yes

The subject property is zoned General Commercial (C1-21) on Map 2, Page 2 of Schedule 'A' to Zoning By-law No. 500, as amended. Health care clinics are permitted in the C1 Zone.

a) Loading Space

Section 5.25 (a) of Zoning By-law No. 500, as amended, requires that every building with a non-residential floor area exceeding 185 square metres and up to 550 square metres, and which accommodates a commercial use involving the shipping, loading or unloading of persons, animals, goods or materials, must provide a minimum of one loading space. The existing office building on the subject property has been constructed without a loading space, and the applicant has requested relief from having to provide any loading spaces to facilitate the establishment of a health care clinic.

The intent of the minimum loading space regulations is to ensure that sufficient loading spaces exist for a proposed development.

A previous Minor Variance application (P411030) was approved in 2010 to allow the construction of an office building on the subject property without a loading space. The rationale for waiving the requirement for a loading space was the restricted size of the property, the size of the building and the required on-site parking, in addition to the opinion that any future use(s) within a building of this size could be accommodated without a loading space as well.

The applicant has indicated that future tenants within the health care clinic are unknown at this time, but that interest has been expressed in the fields of optometry, dentistry and chiropractic. In this regard, all deliveries and pickups will be made by vehicles that can utilize the existing parking spaces.

Staff are of the opinion that the proposed reduction in loading space is appropriate.

b) Parking Space

Section 5.28 (b) of Zoning By-law No. 500, as amended, requires a minimum of 5.5 parking spaces per 95 square metres of non-residential floor area for health care clinics, resulting in a minimum of 25 parking spaces on the subject property. The Applicant has requested relief to permit a health care clinic with a minimum of 19 on-site parking spaces, being the existing number of parking spaces.

The intent of the minimum parking space regulations is to ensure that sufficient on-site parking is provided to accommodate permitted uses.

A previous Minor Variance application (P411030) for the subject property approved relief from Section 2.82 of Zoning By-law No. 500, as amended, to increase the maximum amount of non-residential floor area that can be “netted out” from the floor area calculation used to determine required parking from 10% to 15%. Therefore, up to 15% of the existing non-residential floor area may be “netted out” from minimum parking calculations. Areas that may be “netted out” include furnace, utility, laundry, washroom, stairwell, and elevator areas.

See below table for floor area calculations requested by the applicant for the purposes of calculating minimum parking requirements:

Table 2 – Floor Area Summary

Storey	Gross Floor Area	Net Floor Area Reduction	Net Floor Area
Ground Storey	231.7 m2	12%	203.5 m2
2 nd Storey	231.7 m2	11%	206.8 m2
Basement	NA	NA	NA
Total Net Floor Area for Parking Calculation			410.3 m2

See the below table for minimum parking requirements calculations based on net floor area:

Table 3 – Parking Requirement Summary

Net Floor Area	Required Parking Ratio	Required Parking	Proposed Parking
410.3 m2	5.5 per 95 m2	24	19

Staff note that the net floor area reduction was calculated by the application to reduce less than the maximum percentage to be “netted out.” Using this calculation to determine the minimum parking requirements, for the subject property to change uses to a health care clinic, the overall minimum parking requirement would in fact be 24 spaces.

Staff note that the previous use of the commercial building, a real estate office, only required 19 parking spaces, therefore the parking reduction that is proposed for the health care clinic is what is already existing and permitted for the real estate office and fits the existing layout of the subject property.

Staff also note that health care clinics typically operate on an appointment basis, thereby limiting the number of individuals in the building to employees, patients currently being served and a limited number of waiting patients.

The applicant has also provided a Parking Study (refer to Attachment 5) conducted by CGE Transportation consulting to justify the reduction in parking. The Parking Study outlined these key findings:

- The existing building has a gross floor area (GFA) of 463.4 square metres and a net floor area of 410.3 square metres.
- The subject site currently has a total of 19 parking spaces including two (2) barrier free spaces.
- The Zoning By-law indicates that 24 parking spaces are required, resulting in a deficiency of five spaces.
- Per the Institute of Transportation Engineers (ITE) guidelines, the proposed medical office development parking supply of 19 spaces surpasses the demand rate requirements by 10 spaces, indicating an ample provision for the expected parking needs.
- The proposed parking supply of 19 parking spaces is sufficient to accommodate the parking demand of a medical office building.
- The parking data from the proxy site is reflective of a worst-case scenario for the subject property, an outcome considered unlikely to materialize.
- It is anticipated that actual parking demand will be considerably lower than what the proxy data currently indicates.
- The proposed site is presently served well by local transit, continuous sidewalks and future cycling connections to further encourage non-auto work trips, resulting in reduced parking demand. It is recommended that the development consider the implementation of bicycling parking racks to encourage employee/commuter cycling.

The submitted Parking Study concludes that there is sufficient parking supply to accommodate development needs.

Staff are of the opinion that the proposed variance maintains the general intent and purpose of Zoning By-law 500, as amended.

iii) Is the Minor Variance desirable for the appropriate development of the property or use of land, building or structure? – Yes

The proposed conversion of an existing office building into a health care clinic is in keeping with the existing physical character of the neighbourhood as the area

generally consists of commercial buildings, including other health care clinics and practitioners.

Staff are satisfied that the proposal is desirable for the appropriate development of the subject land and surrounding neighbourhood.

iv) Is the relief sought minor in nature? – Yes

In considering whether the relief sought is minor, Staff note that this test is not simply a question of numerical value. The principal consideration is that of potential impact the variances may have, and whether those impacts are minor or acceptable. In light of the above evaluation of the application, Staff are of the opinion that the requested variances are minor in nature.

6. CONCLUSION:

Subject to the recommendations in Section 1 of this report, Staff are of the opinion that Minor Variance Application A29-23, as it pertains to the conversion to health care clinic of the existing commercial building, meets the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*, R.S.O. 1990 and represents good planning.

APPROVALS:

Prepared by:

Monika Sadler
Planner I

Approved By:

Denis Beaulieu, MCIP, RPP
Director of Development Services

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan

Attachment 3 – Site Photos

Attachment 4 – Consolidated Comments

Attachment 5 – Parking Study



LOCATION MAP



SUBJECT LAND

0 5 10 20 Meters
|-----|



SITE PLAN

SITE STATISTICS

LOT AREA

BUILDING AREA (58'-0" X 43'-0")

BUILDING AREA (INCL. PORCH)

PAVED AREA

LANDSCAPE AREA

1740m²

231.7m²

285.2m²

995.9m²

458.9m²

16.4%

57.2%

26.4%

PARKING

PARKING REQUIRED:

3.5 SPACES/95m²

FLOOR	GROSS FLOOR AREA	AREA TO BE NETTED OUT	NET FLOOR AREA	REQUIRED PARKING
GROUND FLOOR	231.7	28.2	203.5	7.5 SPACES
SECOND FLOOR	231.7	24.9	206.8	7.6 SPACES
BASEMENT	N/A	N/A	N/A	N/A
TOTAL	463.4	53.1	410.3	15.1 SPACES

TOTAL (INCLUDES 2 ACCESSIBLE PARKING SPACES)

15.1 (16 SPACES)

PARKING PROVIDED:

3m X 5.7m

5m X 5.7m

17 SPACES

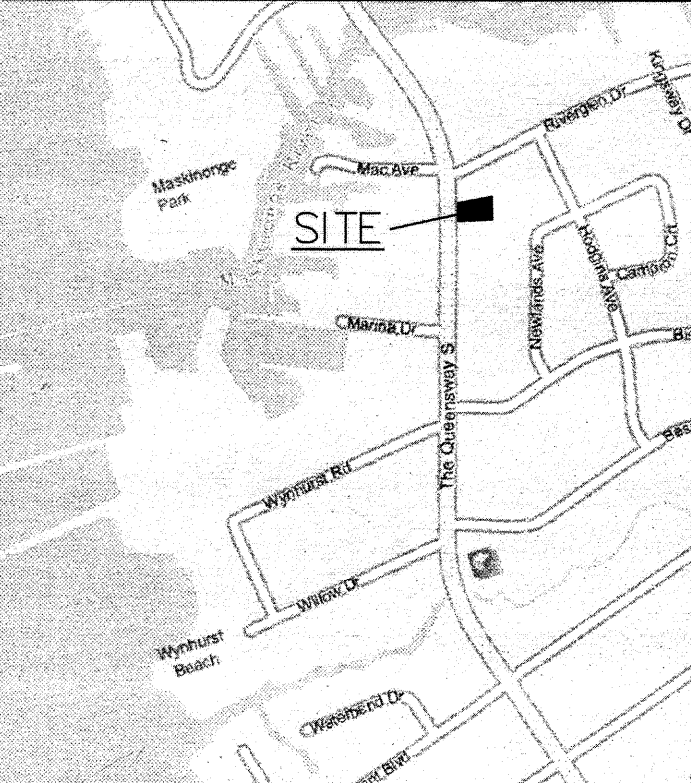
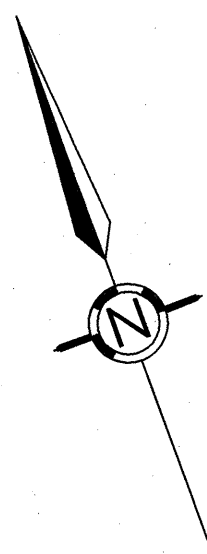
2 SPACES

TOTAL

19 SPACES

NOTE: FOR THE PURPOSES OF CALCULATING PARKING SPACES, THE NON-RESIDENTIAL FLOOR AREA IS THAT AREA LESS THE UTILITY ROOMS, WASHROOMS, STAIRWELLS (TO THE WALLS CONTAINING THE STAIRS) AND THE BASEMENT.

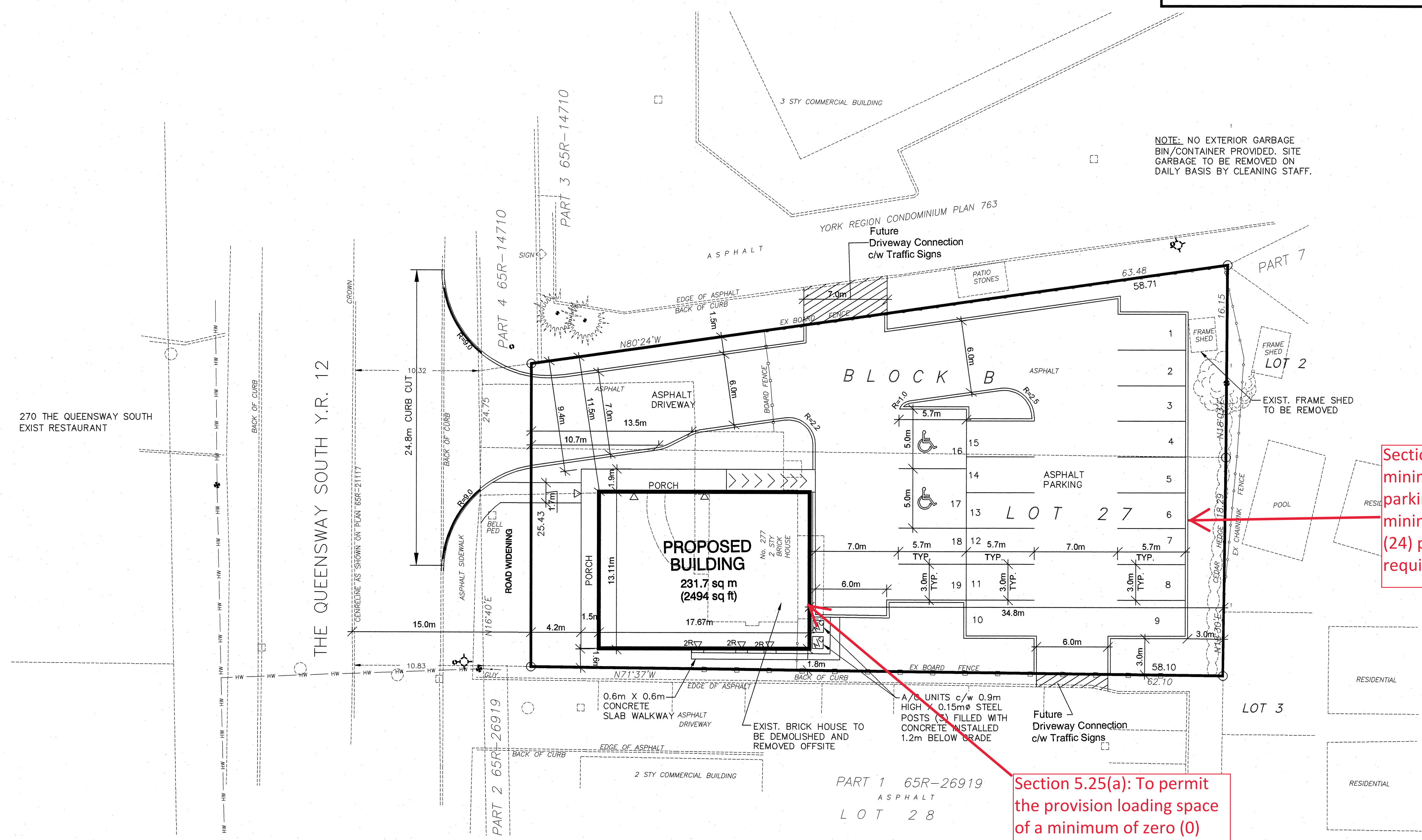
Gunnell Engineering Ltd.
1110 Stellar Drive, Unit 106
Newmarket, ON L3Y 7B7
bus: 905-883-9400
fax: 905-853-5734
www.septiconsign.ca



KEY PLAN
N.T.S.

TOWN OF GEORGINA
ZONING DEPARTMENT
THE INFORMATION SHOWN ON THE
DRAWING COMPLIES WITH THE
PRESENT ZONING REQUIREMENTS
DATE 04-10-12 BY J.L.S. G.U.M.B.

NOTE: NO EXTERIOR GARBAGE
BIN/CONTAINER PROVIDED. SITE
GARBAGE TO BE REMOVED ON
DAILY BASIS BY CLEANING STAFF.

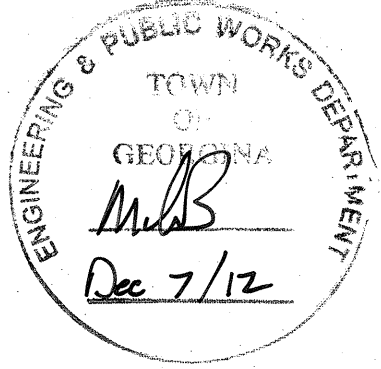


Section 5.28(b): To permit a minimum of nineteen (19) parking spaces; whereas a minimum of twenty-four (24) parking spaces are required.

Section 5.25(a): To permit the provision loading space of a minimum of zero (0) loading spaces; whereas a minimum of one (1) loading space is required.

FOR CONSTRUCTION

Attachment 2
A29-23 (277 TQS)
Pg 1 of 1



2.	Revised as per Town, Region & LSRCA comments.	21AUG2012
1.	Revised as per Town, Region & LSRCA comments.	05JUN2012

Engineer's Stamp:



PEROFF OFFICE BUILDING
LOT 27 & BLOCK B
REGISTERED PLAN 397
277 THE QUEENSWAY SOUTH
TOWN OF GEORGINA

SITE PLAN

Scale: 1:200	Designed By: L.F.
Date: JUNE 2011	Drawn By: L.F.
Project No.:	Checked By: E.G.
	Drawing No.:

D1480 SP-1

Site Photos

277 The Queensway South
Facing South



277 The Queensway South
Facing East



277 The Queensway South
Facing West



277 The Queensway South
Facing North



Department/Agency	Date Received	Response
Building Division	December 1, 2023	On municipal water and sewer, No Objections
Building/Zoning Examiners		
Clerks Division		
Community Services		
Development Engineering	December 1, 2023	No Comments
Economic Development	December 1, 2023	No Comments
Georgina Fire Department		
Municipal Law	November 24, 2023	No Comments
Operations & Infrastructure		
Policy Planning		
Tax & Revenue	November 23, 2023	No Comments
Bell Canada		
Bell Canada		
Canada Post Corporation (CPC)		
Chippewas of Georgina		
C.N. Business Development & Real Estate		
Enbridge Gas		
Hydro One		
Lake Simcoe Region Conservation Authority (LSRCA)	November 23, 2023	No Comments
Ministry of the Environment		
Ministry of Health and Long-term Care		
Ministry of Municipal Affairs & Housing		
Ministry of Transportation		
Monavenir Catholic School Board		
MPAC		
Ontario Power Generation		
Rogers	November 23, 2023	No Comments
Southlake Regional Health Centre		
York Catholic District School Board		
York Region - Community Planning & Development Services		
York Region District School Board	November 27, 2023	No Comments
Durham Region		
York Regional Police		

October 25, 2023

2225802 Ontario Inc.,
277 The Queensway South
Keswick, ON L4P 2B4

Attention: Mr. Steve Peroff

**Re: Parking Study
277 The Queensway South (Y.R. 12) – Proposed Medical Office
Town of Georgina (Keswick)**

1.0 INTRODUCTION

CGE Consulting was retained to prepare a Parking Study in support of a proposed medical office located at 277 The Queensway South (Y.R. 12) in the Town of Georgina (Keswick).

The subject site is currently occupied by a real estate office. The owner of the building is looking to sell the property and there have been numerous interests from medical type of office to purchase the property. Therefore, the owner is looking to expand the current permitted uses, which already includes 'medical uses', for the existing building based on the existing building area relative to the current available parking or a nominal revision(s) to the parking thereto. The existing building has a gross floor area (GFA) of 463.4 square meters and a net floor area of 410.3 square meters.

The specific medical practice to occupy the space is presently unknown and will be determined by the buyer. The interested parties include optometry office, dental office, family physicians etc. The future medical office will simply renovate the interior and the exterior building will remain the same as the building has only been constructed for nine years.

The existing building was constructed for office use, and it has 19 parking spaces including two (2) barrier free spaces. It exceeds the parking by-law for office use at 3.5 spaces per 95 square meters (15 spaces).

The parking by-law rates for health clinic is 5.5 spaces per 95 square meters or 24 spaces.

Access to the site will be maintained via a full movement access to The Queensway South (Y.R.12)

The location of the site property is illustrated in **Figure 1** and falls under Zone C1-21 (General Commercial). The 2011 site plan is shown in **Appendix A**.

Figure 1 Site Location



2.0 PARKING ASSESSMENT

2.1 TOWN OF GEORGINA ZONING BY-LAW

The Town of Georgina By-Law 500 provides the minimum parking standards for a health-care clinic. **Table 2** summarizes the minimum parking requirement calculations for the proposed development under By-Law 500.

Table 1 Minimum Parking Requirements – Zoning By-Law 500

Type of Use	Size (Net Floor Area)	Zoning By-Law 500		Parking Supply
		Rate	Minimum Parking Supply Required	
Health-Care Clinic	413.04 m ²	5.5 per 95 sq m of non-residential floor area	24	19

The Zoning By-Law indicates that 24 parking spaces are required. The subject site has 19 parking spaces, resulting in a deficiency of five parking spaces.

To support the proposed parking reduction, the Institute of Transportation Engineers (ITE) Parking Generation Demand Rates were reviewed, parking utilization surveys were conducted, and non-auto/Transportation Demand Management (TDM) opportunities both on-site and nearby were evaluated.

2.2 INSTITUTE OF TRANSPORTATION ENGINEERS (ITE)

The Institute of Transportation Engineers publication *Parking Generation Handbook, 5th Edition* (graph included in Appendices), was reviewed to determine industry accepted parking demand rates for a Medical-Dental Office Building are summarized in **Table 3**.

Table 2 ITE Parking Generation 5th Edition

Size (Net Floor Area)	ITE Code	ITE Equation	Recommended Parking Supply	Parking Supply	Difference
413.04 m ² (4,446 ft ²)	Medical-Dental Office Building 720	3.34(X) – 5.21 R ² : 0.91	10 Spaces	19 spaces	10 spaces

Per the Institute of Transportation Engineers (ITE) guidelines, the proposed medical office development's parking supply of 19 spaces surpasses the demand rate requirements by 10 spaces, indicating an ample provision for the expected parking needs. The parking generation graph is shown in Appendix B.

2.3 PARKING UTILIZATION SURVEYS

To assess the adequacy of the proposed parking supply for the development, parking utilization surveys were conducted at two proxy sites:

These two sites are chosen out of a selection of five potential sites because they are the most representative and comparable to the proposed development in terms of building size, however these two sites offer multiple services while the subject property at 277 The Queensway offers single service.

Based on discussions with the property owner, it appears that all potential buyers are looking to establish single-service businesses like optometrist offices, dental offices, or chiropractic clinics. Nevertheless, since we don't yet know the precise tenant, we've made a conservative estimate. We anticipate that the parking demand at the property will be considerably lower than what the parking by-law mandates or what proxy survey results suggest.

132 The Queensway South (Y.R.12) - Intrepid Medical Centre & Walk-In Clinic:

The Intrepid Medical Centre is a family-owned business and a Walk-In Clinic that provides a wide range of healthcare services. These services include cardiology, chiropractic care, diabetes education, massage therapy, orthotics, physiotherapy, travel medicine, gynecology, internist services, and pediatric care. Additionally, the office features an on-site pharmacy and is equipped to accommodate walk-in patients.

- Operational hours: Weekdays, 9:00 AM - 5:00 PM
- Size: Approximately 250 square meters GFA
- Peak Parking Demand: 12 spaces
- Parking Supply: 21 spaces
- Peak Parking Rate: 4.56 cars / 95 m²
- Average Parking Rate: 3.77 cars / 95 m²

543 The Queensway South (Y.R.12) – Keswick Active Health Group:

The Keswick Active Health Group offers a diverse range of services include physiotherapy, chiropractic, naturopath, massage therapy, osteopathy, acupuncture, assisted stretching, supports and braces, psychotherapy, pre & post-operative physiotherapy treatment, occupational therapy, aqua rehabilitation & hydrotherapy, motor vehicle accident injuries, the sole lounge foot clinic, shockwave therapy, pelvic floor

retraining, fire and ice studio and laser vein therapy. The subject site has several practitioners and staff working at the office daily.

- Operational hours: Mon-Thurs, 9:00 AM - 8:00 PM; Fri, 9:00 AM - 5:00 PM
- Size: Approximately 310 square meters GFA
- Peak Parking Demand: 16 spaces
- Parking Supply: 18 spaces
- Peak Parking Rate: 4.90 cars / 95 m²
- Average Parking Rate: 3.37 cars / 95 m²

The two parking utilization survey summaries are included in **Appendix C**.

The surveys at this location indicate a peak parking demand ratio of **4.90 cars per 95 m²**. This peak demand was observed at the 543 The Queensway South (Y.R.12) location at 1:00 p.m.

Based on the observed peak parking demand ratio of **4.56 cars per 95 m²** at the second proxy survey site, the proposed development consisting of a total GFA of 410.3 square meters would therefore demand only **20 parking spaces**. The existing parking supply of 19 parking spaces is therefore deficient of one space during the peak half hour.

Based on the observed peak parking demand ratio of **4.90 cars per 95 m²** at the second proxy survey site, the proposed development consisting of a total GFA of 410.3 square meters would therefore demand only **21 parking spaces**. The proposed parking supply of 19 parking spaces is therefore deficient of two spaces during the peak half hour.

It is to be noted that during the seven hours of survey time at both locations, there was one hour that has total parking demand exceeding 19 spaces and the turnaround rate was very quick.

At both proxy locations, the average parking demand was under 16 spaces, therefore much less than the 19 spaces parking supply.

Based on expressed interest in the building - while recently listed for sale, the property located at 277 The Queensway South has commanded a high level of inquiries and offers to purchase from a variety of medical uses, **suggesting that a medical use would likely be the 'highest and best use' for the subject property**. It is anticipated that the premises is likely to house a small medical office, which will most likely accommodate a small number of healthcare professionals and staff, typically offering services strictly by appointment.

One example that we can provide based on recent interest demonstrated by a potential Purchaser, would be an optometrist's office, whereby the business would be conducted by the Owner along with one or two additional Practitioners plus their support staff. Typically, uses such as this, require a relatively small number of staff members on-site at any given time, in addition to the two or three patients, with another 2 or 3 in the waiting room.

Consequently, based on this example, the total parking demand is projected to be far less than the currently available spaces at any given time. This is seen as a more realistic parking scenario for the subject property.

Another example of a medical use that expressed an interest in purchasing the building while it was listed for sale, was a medical Imaging Office. Again, it is anticipated that this type of medical use would have a very similar requirement for staffing and patient load as the aforementioned optometrist office, resulting in a similar conclusion regarding the current available parking being more than adequate.

Additionally, we can consider Transportation Demand Management measures to reduce parking needs and the TDM measures are listed in the following section.

2.4 TRANSPORTATION DEMAND MANAGEMENT

Transportation Demand Management (TDM) refers to a variety of strategies to reduce congestion, minimize the number of single-occupant vehicles, encourage non-auto modes of travel, and reduce vehicle dependency to create a sustainable transportation system. In short, TDM works to change how, when, where, and why people travel.

2.5 TDM STRATEGY OPTIONS

TDM strategies that can be applied to the subject site including the followings:

- Promote transit usage by providing transit information (i.e. maps and schedules) and consider providing pre-loaded fare card to employees.
- Encourage and promote internal carpool programs among the employees and consider joining the local/regional carpool programs by providing dedicated carpool parking spaces.
- Consider the implementation of bicycling parking racks at the front of the building to encourage cycling.

2.6 EXISTING TRANSIT SERVICES

Within the vicinity of the proposed site, York Region Transit (YRT) operates Route 50 – Queensway during the weekday and weekends with an average headway of 30 minutes. Two (2) bus stops are located within a 1-minute walking distance from the subject site.

The site is in an area where employees can easily access reliable transit and promoting its use is encouraged.

The bus route map is shown in **Appendix D** for reference.

2.7 PEDESTRIAN & CYCLING CONNECTION

Continuous sidewalks are available along both sides of The Queensway Road South (Y.R.12).

Schedule F of the *Georgina Official Plan* shows the proposed active transportation facilities within the Town. The plan shows a proposed cycling route along The Queensway South (Y.R.12) in the vicinity of the site. It is recommended that the development consider the implementation of bicycling parking racks to encourage employee/commuter cycling.

2.8 CARPOOL SPACES

Carpooling is a travel option that allows commuters to share journeys, thereby reducing the travel costs for each participant, with benefits of savings on tolls, fuel costs, and vehicle wear and tear.

Carpooling can be used for everyday work commutes, as well as by people with physical limitations who may be prevented from getting to their destination on their own. Employees of the proposed development can be encouraged to use carpool services or get dropped-off/picked-up.

3.0 CONCLUSIONS & RECOMMENDATIONS

The key findings are summarized below:

- The existing building has a gross floor area (GFA) of 463.4 square meters and a net floor area of 410.3 square meters.
- The subject site currently has a total of 19 parking spaces including two (2) barrier free spaces.
- The Zoning By-Law indicates that 24 parking spaces are required, resulting in a deficiency of five spaces.

- Per the *Institute of Transportation Engineers* (ITE) guidelines, the proposed medical office development's parking supply of 19 spaces surpasses the demand rate requirements by 10 spaces, indicating an ample provision for the expected parking needs.
- It is our opinion that the proposed parking supply of 19 parking spaces is sufficient to accommodate the parking demand of a medical office building.
- The parking data from the proxy site is reflective of a worst-case scenario for the subject property, an outcome considered unlikely to materialize.
- It is anticipated that actual parking demand will be considerably lower than what the proxy data currently indicates.
- The proposed site is presently served well by local transit, continuous sidewalks and future cycling connections to further encourage non-auto work trips, resulting in reduced parking demand. It is recommended that the development consider the implementation of bicycling parking racks to encourage employee/commuter cycling.
- Currently, the specific type of medical practice remains unknown, and we suggest that a reliance letter or a parking study update should be conducted once a tenant is secured to reassess and confirm the parking requirements.

It is our opinion that the subject site will have sufficient parking supply to accommodate the developmental needs. Should you have any questions regarding this study, please do not hesitate to contact the undersigned.

Yours truly,

CGE TRANSPORTATION CONSULTING



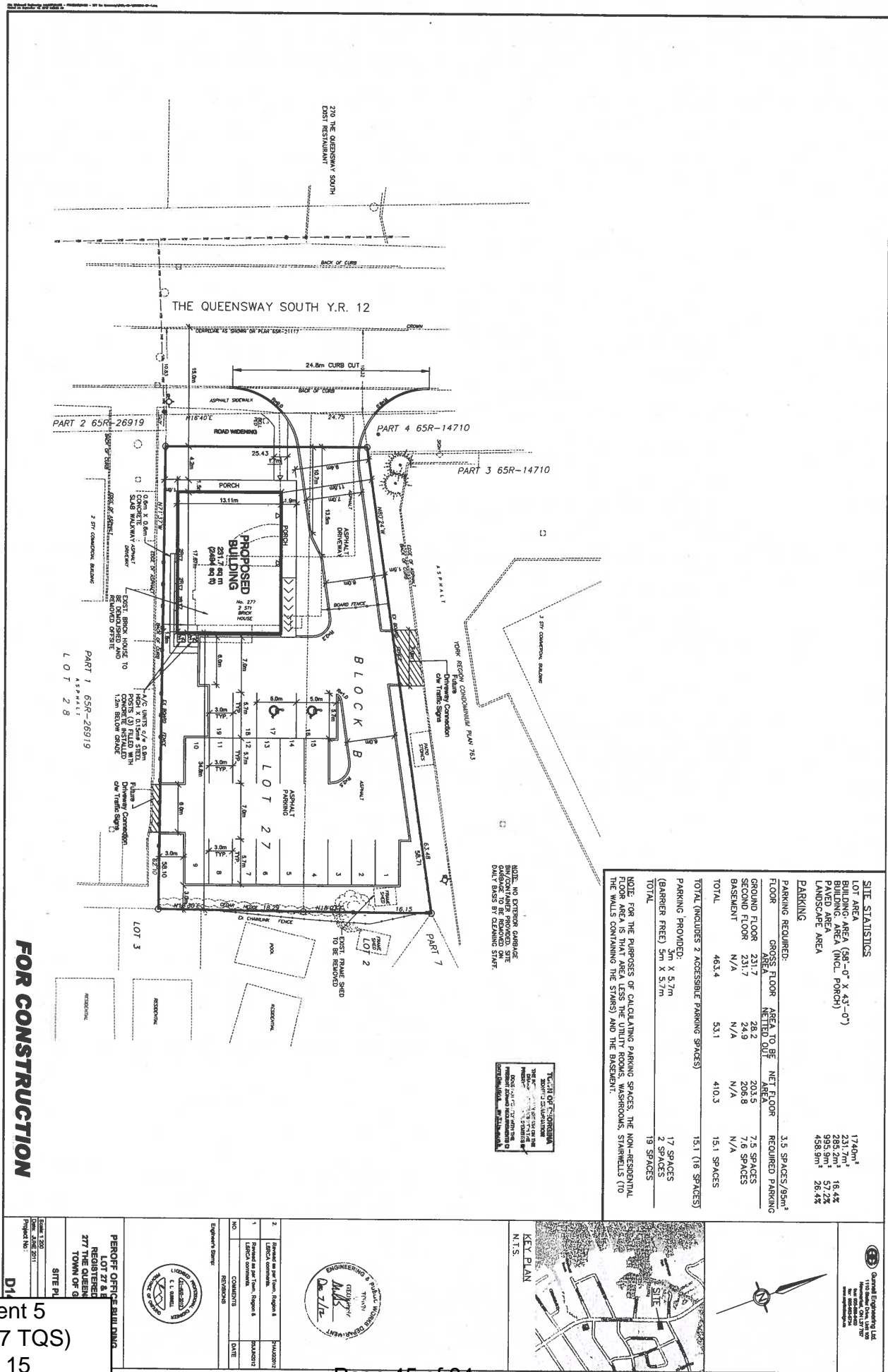
Casey Ge, P.Eng.
President

[Appendix A: 2011 Site Plan](#)

[Appendix B: Parking Generation Graphs](#)

[Appendix C: Parking Utilization Survey Summaries](#)

[Appendix D: Transit Route Map](#)



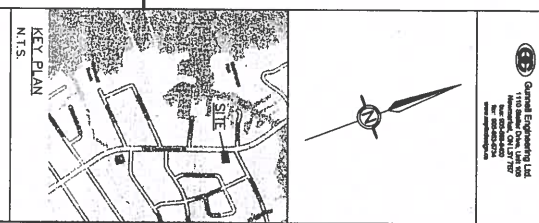
SITE STATISTICS			
LOT AREA			1740m ²
BUILDING AREA (58'-0" X 43'-0")			231.1m ²
BUILDING AREA (INCL. PORCH)			285.2m ²
PAVED AREA			995.9m ²
LANDSCAPE AREA			458.9m ²
PARKING			
PARKING REQUIRED:			
FLOOR	GROSS FLOOR AREA TO BE PARKED ON	NET FLOOR AREA	REQUIRED PARKING
GROUND FLOOR	231.7	28.2	7.5 SPACES
SECOND FLOOR	231.7	205.8	7.6 SPACES
BASEMENT	N/A	N/A	N/A
TOTAL	463.4	53.1	15.1 SPACES
TOTAL (INCLUDES 2 ACCESSIBLE PARKING SPACES)			15.1 (16 SPACES)
PARKING PROVIDED:			
(BARRIER FREE) 5m X 5.7m			17 SPACES
TOTAL			2 SPACES
			19 SPACES

NOTE: FOR THE PURPOSES OF CALCULATING PARKING SPACES, THE NON-RESIDENTIAL FLOOR AREA IS THAT AREA LESS THE UTILITY ROOMS, WASHROOMS, STAIRWELLS (TO THE WALLS CONTAINING THE STAIRS) AND THE BASEMENT.

NOTES

1. ALL DIMENSIONS ARE IN METERS.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

FOR CONSTRUCTION



PEROFF OFFICE BUILDING
 LOT 27 & 28
 REGISTERED
 277 THE QUEEN
 TOWN OF G
 SITE PL
 SCALE 1:500
 DATE: JAN 2011
 Project No.: D1

***Appendix B:
Parking Generation Graphs***

Query

Filter

DATA SOURCE:

Parking Generation Manual, 5th Ed

SEARCH BY LAND USE CODE:

720

LAND USE GROUP:

(700-799) Office

LAND USE:

720 - Medical-Dental Office Building

LAND USE SUBCATEGORY:

All Sites

INDEPENDENT VARIABLE (IV):

1000 Sq. Ft. GFA

TIME PERIOD:

Weekday (Monday - Friday)

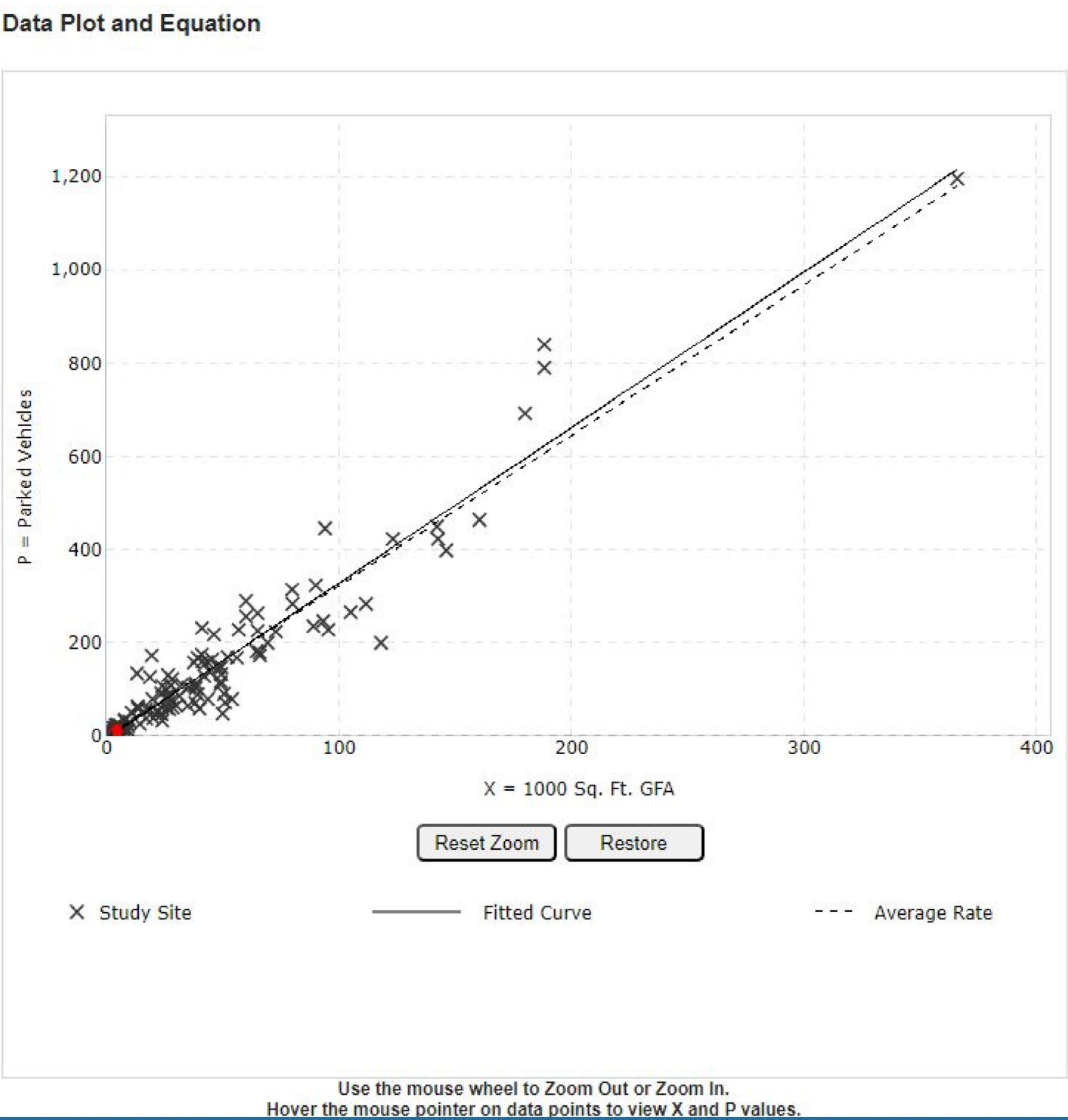
SETTING/LOCATION:

General Urban/Suburban

ENTER IV VALUE TO CALCULATE PARKING DEMAND:

4.5

Calculate



DATA STATISTICS
Land Use:
Medical-Dental Office Building (720) Click for more details
Independent Variable:
1000 Sq. Ft. GFA
Time Period:
Weekday (Monday - Friday)
Setting/Location:
General Urban/Suburban
Peak Period of Parking Demand:
9:00 a.m. - 4:00 p.m.
Number of Studies:
117
Avg. 1000 Sq. Ft. GFA:
46
Average Rate:
3.23
Range of Rates:
0.96 - 10.27
33rd / 85th Percentile:
2.73 / 4.59
95% Confidence Interval:
3.04 - 3.42
Standard Deviation:
1.05
Coefficient of Variation:
33%
Fitted Curve Equation:
$P = 3.34(X) - 5.21$
R ² :
0.91
Calculated Parking Demand:
Average Rate: 15 (Total)
Fitted Curve: 10 (Total)

***Appendix C:
Parking Utilization Survey Summaries***

Location 132 The Queensway S
Date Thursday, October 19, 2023



Survey Time	# of Parked Vehicles	Available spaces	Parking Utiliation	Parking Utilization Rate (per 100 m ²)	Parking Utilization Rate (per 95 m ²)	applied to 413.04 m ²
10:00 AM	10	21	48%	4.00	3.80	17
10:30 AM	10		48%	4.00	3.80	17
11:00 AM	11		52%	4.40	4.18	18
11:30 AM	11		52%	4.40	4.18	18
12:00 PM	12		57%	4.80	4.56	20
12:30 PM	9		43%	3.60	3.42	15
1:00 PM	12		57%	4.80	4.56	20
1:30 PM	11		52%	4.40	4.18	18
2:00 PM	10		48%	4.00	3.80	17
2:30 PM	8		38%	3.20	3.04	13
3:00 PM	9		43%	3.60	3.42	15
3:30 PM	10		48%	4.00	3.80	17
4:00 PM	8		38%	3.20	3.04	13
4:30 PM	9		43%	3.60	3.42	15
5:00 PM	9		43%	3.60	3.42	15
average	10			3.97	3.77	16

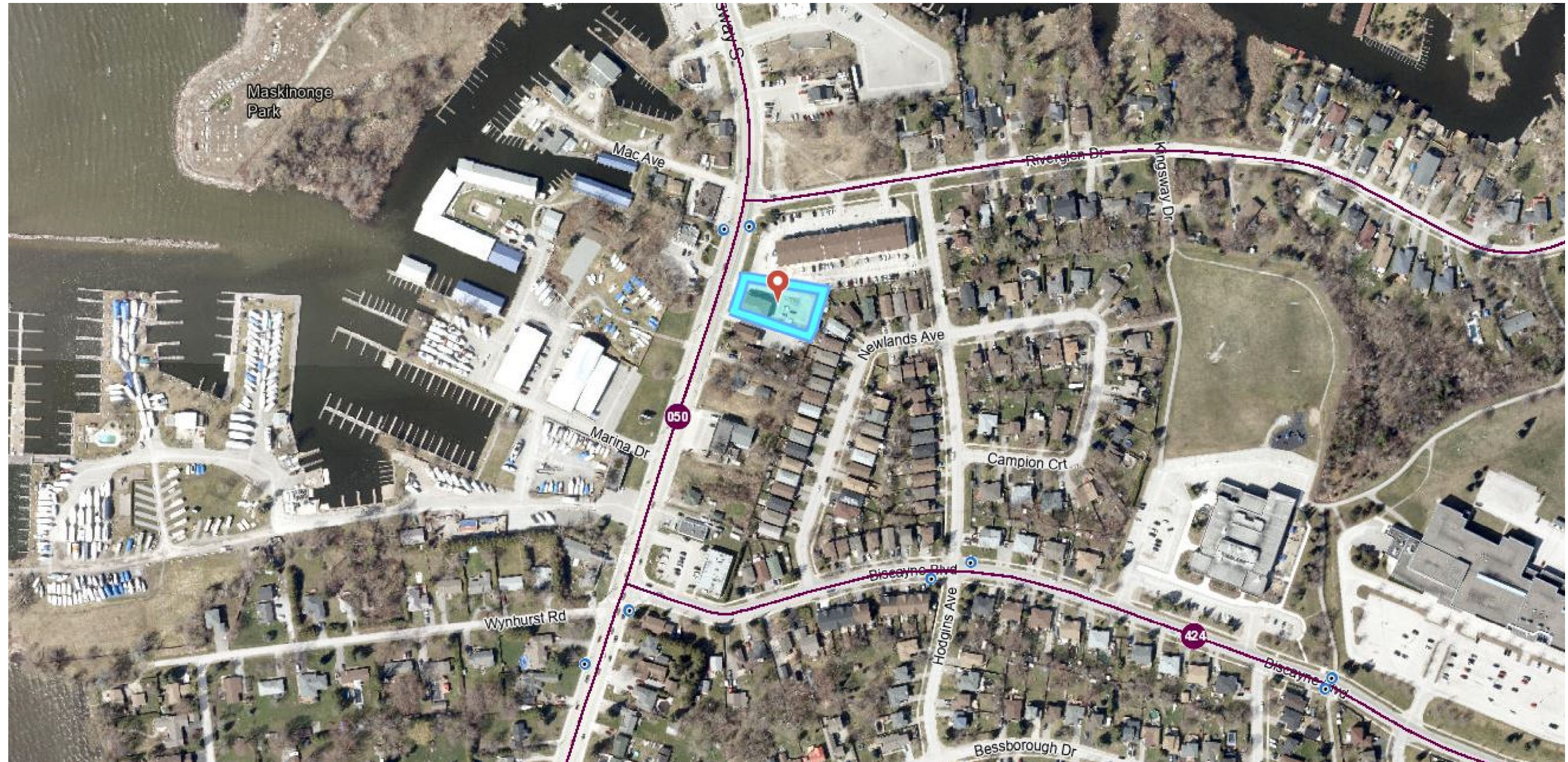
Location 543 The Queensway S
Date Thursday, October 19, 2023



Survey Time	# of Parked Vehicles	Available spaces	Parking Utiliation	Parking Utilization Rate (per 100 m ²)	Parking Utilization Rate (per 95 m ²)	applied to 413.04 m ²
10:00 AM	8	18	38%	2.58	2.45	11
10:30 AM	9		43%	2.90	2.76	12
11:00 AM	10		48%	3.23	3.06	13
11:30 AM	9		43%	2.90	2.76	12
12:00 PM	12		57%	3.87	3.68	16
12:30 PM	16		76%	5.16	4.90	21
1:00 PM	16		76%	5.16	4.90	21
1:30 PM	14		67%	4.52	4.29	19
2:00 PM	12		57%	3.87	3.68	16
2:30 PM	11		52%	3.55	3.37	15
3:00 PM	12		57%	3.87	3.68	16
3:30 PM	12		57%	3.87	3.68	16
4:00 PM	10		48%	3.23	3.06	13
4:30 PM	8		38%	2.58	2.45	11
5:00 PM	6		29%	1.94	1.84	8
average	11			3.55	3.37	15

Note: There was half an hour that the total parking demand exceeds 20 spaces, out of the 14 hours surveyed.

***Appendix D:
Transit Route Map –Source: York Region GIS Maps***



THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0103

**FOR THE CONSIDERATION OF THE
COMMITTEE OF ADJUSTMENT
December 11, 2023**

**SUBJECT: MINOR VARIANCE A27-23 AND CONSENT B05-23
50 PINERY LANE
LOTS 42, 43 AND 44, PLAN 99**

1. RECOMMENDATIONS:

1. That the Committee of Adjustment receive Report No. DS-2023-0103 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Consent Application B05-23 and Minor Variance Application A27-23, submitted by Qianqiao Zhu (Harry) of Arcadis on behalf of the owners of the property at 50 Pinery Lane, Jackson's Point; and,
2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommend the following:
 - a) That the Committee of Adjustment approve Consent Application B05-23 as it pertains to the property known as 50 Pinery Lane, Jackson's Point, to sever and convey Subject Lands 'A' and 'B' from Remainder Land 'C', as shown in Attachment 2 to Report No. DS-2023-0103;
 - b) That the Committee of Adjustment approve Minor Variance Application A27-23 to permit relief from the following:
 - i) Section 5.45 (a): To permit a rear yard encroachment of 5.31 metres for an unenclosed wood deck and stairs, whereas a maximum encroachment of 3.0 metres is permitted;
 - ii) Section 5.45 (a): To permit a front yard encroachment of 2.33 metres for an unenclosed verandah, whereas a maximum encroachment of 2.0 metres is permitted;
 - iii) Section 5.28 (b): To permit a detached dwelling with a minimum of 2 parking spaces, whereas a minimum of 3 parking spaces are required;
 - iv) Section 5.28 (i): To permit a maximum driveway or parking area width that is 18 metres, whereas a maximum width of 9 metres is permitted;
 - v) Section 5.28 (i): To permit a maximum driveway or parking area of 64% of the lot frontage, whereas a maximum of 55% is permitted;

- c) That the approval of Consent Application B05-23 be subject to the following condition(s):
- i) Submission to the Secretary-Treasurer of two (2) white prints of a deposited reference plan of survey to conform substantially with the application, as submitted;
 - ii) Submission to the Secretary-Treasurer of draft transfer documents, in duplicate, conveying Subject Lands 'A' and 'B', as indicated on Attachment 2 to Report No. DS-2023-0103;
 - iii) Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that there is sufficient water supply and sewage capacity allocated for Subject Lands 'A' and 'B';
 - iv) Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Engineering Division that all matters identified in Attachment 5 to Report No. DS-2023-0103 have been addressed to the Division's satisfaction;
 - v) Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that all matters identified in Attachment 5 to Report No. DS-2023-0103 have been addressed to their satisfaction;
 - vi) That the above-noted conditions be fulfilled within two (2) years of the date of the Notice of Decision; and,
- d) That the approval of Minor Variance Application A27-23 be subject to the following term(s):
- i) That the existing single detached dwelling, parking area, verandah and rear wood deck be legalized in general conformity with Attachment 3 to Report DS-2023-0103, in accordance with the relief recommended to be approved in Recommendation 2 b).

2. PURPOSE:

The purpose of this report is to provide Staff's analysis and to outline comments received with respect to Consent application B05-23 and Minor Variance Application A27-23, for the property located at 50 Pinery Lane, regarding the creation of three (3) residential lots and legalizing the existing single detached dwelling, rear wood deck, front verandah and parking area, submitted by Qianqiao Zhu (Harry) of Arcadis on behalf of the owner of the property known as 50 Pinery Lane.

3. BACKGROUND:

Agent: Qianqiao Zhu (Harry), Arcadis

Property Description: (refer to Attachments 1 to 4)
50 Pinery Lane

Lots 42, 43 and 44, Plan 99
Roll #: 082-479

PROPOSAL

The Applicant has applied to divide the subject property into three (3) residential lots, as shown on Attachment 2.

The owner is applying for a consent to create three (3) separate conveyable parcels. The created lots (Subject Land 'A' and 'B') are proposed to eventually be developed with single detached dwellings.

Subject Land 'A' and 'B' and Remainder Land 'C' would have the following characteristics:

Table 1 – Proposal Summary

	Frontage (m)	Depth (m)	Lot Area (m2)
Subject Land 'A'	20.2	23.13	478.0
Subject Land 'B'	15.0	43.78	657.0
Remainder Land 'C'	28.8	24.95	720.0

Subject Lands 'A' and 'B' would have frontage on Thompson Drive, while Remainder Land 'C' will have frontage on Pinery Lane, both open and assumed public roads.

The division of the subject property will result in Remainder Land 'C' requiring relief to legalize the existing single detached dwelling, verandah, rear wood deck and parking area.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief:

- i. Section 5.45 (a): To permit a rear yard encroachment of 5.31 metres for an unenclosed wood deck and stairs, whereas a maximum encroachment of 3.0 metres is permitted.
- ii. Section 5.45 (a): To permit a front yard encroachment of 2.33 metres for an unenclosed verandah, whereas a maximum encroachment of 2.0 metres is permitted.
- iii. Section 5.28 (b): To permit a detached dwelling with a minimum of 2 parking spaces, whereas a minimum of 3 parking spaces are required.
- iv. Section 5.28 (i): To permit a maximum driveway or parking area width that is 18 metres, whereas a maximum width of 9 metres is permitted.
- v. Section 5.28 (i): To permit a maximum driveway or parking area of 64% of the lot frontage, whereas a maximum of 55% is permitted.

A Site Plan showing the proposal and the requested relief is included as Attachment 3.

3.1 **SUBJECT PROPERTY AND THE SURROUNDING AREA:**

The subject property is located at 50 Pinery Lane. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	50 Pinery Lane	
Zoning	Low Density Urban Residential (R1)	
Official Plan / Secondary Plan Land Use Designation	Stable Residential	
Regional Official Plan Land Use Designation	Community Area	
Related Applications	A27-23, B05-23	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling, and vinyl shed	
Proposed Structures	Future single detached dwellings on both Subject Land ‘A’ and ‘B’	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	No	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal for all 3 lots
Sanitary	Municipal	Municipal for all 3 lots
Access	Existing driveway	Driveway for all 3 lots

The subject property is located within the community of Jackson's Point and has a frontage of approximately 35.2 metres on Thompson Drive and a lot area of approximately 1,980 square metres. There is an existing single detached dwelling and some accessory buildings on the property.

The surrounding land uses are general described as follows:

North: Hotel
 East: Single family dwellings
 South: Single family dwellings
 West: Single family dwellings

4. **PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

4.1 **PUBLIC CIRCULATION**

In accordance with the provisions of the *Planning Act*, the Notice of Hearing for the subject applications was sent by mail on November 24, 2023 to all landowners within 60.0 metres of the subject property.

As of the date of writing this report, Town Staff have not received any submissions from the general public.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

All Town department and external agency comments for Consent Application B05-23 and Minor Variance Application A27-23 have been consolidated into a chart, which is included as Attachment 5.

The Development Planning Division has no objection to the application and has provided the following condition:

- That the shed(s) on Subject Land 'B' be removed, to the satisfaction of the Town's Development Planning Division.
- Adherence to the Town's Tree Preservation and Compensation Policy.

The Development Engineering Division has indicated no objection to the application and provided the following conditions:

- The Owner is advised that, prior to the issuance of a building permit for development on Subject Land 'A', the applicant/owner shall provide a Lateral Application with initial payment of \$15,000 along with a Professionally Engineered Site Servicing Plan indicating the existing and proposed water and sanitary lateral locations and inverts of same.
- The Owner is advised that, prior to the issuance of a building permit for development on Subject Land 'B', the applicant/owner shall provide a Lateral Application with initial payment of \$15,000 along with a Professionally Engineered Site Servicing Plan indicating the existing and proposed water and sanitary lateral locations and inverts of same.
- The Owner shall convey 1.404 metres of land to the Town to facilitate a road widening across the full frontage of the site (fronting onto Pinery Lane). The road widening shall provide an ultimate road allowance width of 15 metres as outlined in Section 5 of Town of Georgina Zoning By-law 500, to the satisfaction of the Town's Development Engineering Division.
- The Owner shall convey 1.404 metres of land to the Town to facilitate a road widening across the full frontage of the site (fronting onto Thompson Drive). The road widening shall provide an ultimate road allowance width of 15 metres as outlined in Section 5 of Town of Georgina Zoning By-law 500, to the satisfaction of the Town's Development Engineering Division.
- The Owner will be required to enter into a Development Agreement including:
 - Providing functional servicing design including water, and sanitary

The following Town departments / divisions and external agencies have indicated no objections to the submitted Minor Variance application:

- Tax and Revenue Division
- York Region
- Building Department
- Municipal Law Enforcement Division
- Lake Simcoe Conservation Authority (LSRCA)
- Rogers Communications
- York Region District School Board
- Economic Development Division

A number of external agencies and Town departments / divisions have not provided comments.

5. ANALYSIS:

5.1 CONSENT APPLICATION B05-23

Provincial Policy Statement (PPS) (2020), Greenbelt Plan (GBP) (2017), Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2020) and Lake Simcoe Protection Plan (LSPP) (2009)

Staff have reviewed the proposal against the above-noted Provincial Plans and are of the opinion that the proposal is consistent with the Provincial Policy Statement and conforms to the Provincial Greenbelt Plan, Growth Plan, and Lake Simcoe Protection Plan. It is also noted that the Lake Simcoe Region Conservation Authority (LSRCA) has not raised any concerns with the proposal.

York Region Official Plan (YROP) (2022)

The subject property is designated 'Community Area' on Map 1a of the York Region Official Plan (YROP). Staff have reviewed the subject Consent application against the document. Section 4.2.4 of the YROP states that municipalities will provide a balance of residential uses. Staff have reviewed the proposal against the above-noted Regional Plan and are of the opinion that the proposal is consistent with the York Region Official Plan.

Sutton/Jackson's Point Secondary Plan (2004) and Zoning By-law 500

The Sutton/Jackson's Point Secondary Plan provides policy direction to guide growth management, land use, environmental, community and infrastructure planning decisions. The property is designated Stable Residential Area within the Sutton/Jackson's Point Secondary Plan.

The property is zoned Low Density Urban Residential (R1)

The purpose of the proposed consent is to create two new residential lots, which is permitted in this designation, subject to the following provisions:

a) Generally where no more than three lots are to be created, and where it is determined that a registered plan of subdivision is not required to ensure proper and orderly development, the land to be developed may be divided by consent of the Committee of Adjustment. In determining whether a proposed land division should require a plan of subdivision or a consent to sever, the following questions shall be examined:

(i) Whether the extension of an existing public road, opening of an unopened road allowance or the creation of a new road is required;

The applicant is proposing only two additional lots, and both the severed and retained lands front on existing public roads, Pinery Lane and Thompson Drive. No extension or expansion of a road is required.

(ii) Whether the extension or expansion of municipal services is required;

Both Subject Lands 'A' and 'B' and Remainder Land 'C' have access to full municipal sanitary services, and the retained lands are already connected to this municipal service. Remainder Land 'C' also has access to municipal water services, however water services will need to be extended at the applicant's expense from Pinery Lane to the proposed lots on Thompson Drive. This limited extension of municipal water infrastructure can be addressed through the terms of a Development Agreement.

(iii) Whether an agreement with appropriate conditions is required by the Town, Region or Province in respect of any part of the lands that would be defined as remaining lands in a consent application.

Staff are of the opinion that a Consent Agreement is not necessary for the remaining lands, provided the conditions defined in Section 1 of this Report are implemented through the decision.

Staff are of the opinion that a Consent is an appropriate land division mechanism.

b) Consents may be permitted for such reasons as the creation of a new lot, boundary adjustments, rights-of-way, easements, and/or to convey additional lands to an abutting lot, provided an undersized lot is not created.

The applicant is proposing the creation of two new residential lots, which is a permitted reason for a consent.

c) Applications for consents for all land use designations as shown on Schedule 'B' will only be granted where:

- i. It is clearly not in the public interest that a plan of subdivision be registered;*

A plan of subdivision is not required for orderly development as only two (2) additional lots are being proposed.

- ii. The lot can be adequately serviced by roads, sanitary sewage disposal, water supply, and storm drainage facilities;*

Both Subject Lands 'A' and 'B' and Remainder Land 'C' have access to full municipal sanitary services, and the retained lands are already connected to this municipal service. Remainder Land 'C' also has access to full municipal water services, however water services must be extended at the applicant's expense from Pinery Lane to the proposed frontages on Thompson Drive. This limited extension of municipal water infrastructure can be addressed through the terms of a Development Agreement.

Both Subject Lands 'A' and 'B' and Remainder Land 'C' have frontage on a public assumed road.

Drainage will be addressed through the Site Alteration Permit and Building Permit processes, the design for which will be captured in the required Development Agreement.

- iii. No extension, improvement or assumption of municipal services is required;*

Both Subject Lands 'A' and 'B' and Remainder Land 'C' have access to full municipal sanitary services, and the retained lands are already connected to this municipal service. Remainder Land 'C' also has access to full municipal water services, however water services must be extended at the applicant's expense from Pinery Lane to the proposed frontages on Thompson Drive. This limited extension of municipal water infrastructure can be addressed through the terms of a Development Agreement.

- iv. The lot will have adequate frontage on an open and assumed public road, and access will not result in traffic hazards;*

Both the severed and retained lands front on existing public roads, Thompson Drive and Pinery Lane, respectively. No extension or expansion of the road is required, and it is not anticipated that the access will result in traffic hazards.

- v. The lot will not restrict the ultimate development of adjacent lands;*

As the neighbouring lands are already developed with single detached dwellings and a hotel, it is not anticipated the lot will restrict the ultimate development of adjacent lands.

- vi. *The size and shape of the lot conforms to the Zoning By-law, and is appropriate for the use proposed and is compatible with adjacent lots;*

Both the severed and retained lots are zoned Low Density Urban Residential (R1). The proposed use for all proposed lots, single detached dwellings and accessory structures, are permitted uses in the Low Density Urban Residential (R1) zone.

Refer to **Table 2** below for a summary of the proposed lot characteristics.

Table 2 – Lot Frontage, Depth and Area Summary

	Frontage (m)	Depth (m)	Lot Area (m2)
Subject Land ‘A’	20.2	23.13	478.0
Subject Land ‘B’	15.0	43.78	657.0
Remainder Land ‘C’	28.8	24.95	720.0

Staff are of the opinion that all proposed lots have appropriate lot frontages and lot areas to permit single detached dwellings. Staff are of the opinion that both Subject Land ‘A’ and ‘B’ and Remainder Land ‘C’ would be of adequate sizes for the existing and proposed single detached dwellings.

- vii. *The consent complies with all relevant policies/provisions of this Secondary Plan; and,*

Staff are of the opinion that the Consent application complies with all relevant provisions of the Sutton/Jackson’s Point Secondary Plan.

- viii. *The area’s natural features, values or ecological processes are not negatively affected.*

The proposed severed and retained lands do not contain any significant natural features, values or ecological processes.

d) Lot creation will not be permitted within natural hazard areas (such as floodplains, erosion hazards, area of unstable soils, and/or steep slopes).

The proposed development is not located within natural hazard areas.

Given the above, Staff believe that the proposal meets the relevant policies of Provincial and Regional policies, as well as the Town’s Official Plan and Zoning By-law.

5.2 MINOR VARIANCE APPLICATION A27-23

The following evaluation of Minor Variance Application A27-23 is based on the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*:

i. Is the general intent and purpose of the Official Plan maintained? – Yes

The subject property is designated Stable Residential in the Sutton/Jackson's Point Secondary Plan. Single detached dwellings are permitted in this designation.

Staff are of the opinion that the proposal maintains the general intent and purpose of the Official Plan.

ii. Is the general intent and purpose of the Zoning By-law maintained? – Yes

The subject property is zoned Low Density Urban Residential (R1) on Map 6 of Schedule 'A' to Zoning By-law No. 500, as amended. Single family dwellings are permitted in the R1 Zone.

a. Rear Yard Encroachment - Deck

Section 5.45 (a) of Zoning By-law No. 500, as amended, permits balconies, unenclosed porches and steps, decks, or elevators to project a maximum of 3.0 metres into the rear yard for a single detached dwelling. The Applicant has requested relief to legalize an existing unenclosed wood deck with an encroachment of 5.31 metres into the minimum rear yard. This results in the rear unenclosed deck having a rear setback of 3.38 metres.

The general intent of the deck encroachment limit is to reduce negative impacts on neighbouring properties and ensure compatibility with surrounding properties. As the rear yard backs onto the rear yard of the applicant's proposed newly created vacant residential lot, it is unlikely that the deck encroachment will affect the new lot. Consequently, staff have no concerns that the deck encroachments will negatively impact neighbouring lots.

b. Front Yard Encroachment

Section 5.45 (a) of Zoning By-law No. 500, as amended, permits balconies, unenclosed porches and steps, decks, or elevators to project a maximum of 2.0 metres into any required front, rear or exterior side yard for a single detached dwelling. The Applicant has requested relief to legalize an existing unenclosed verandah/porch to encroach 2.33 metres into the minimum front yard. This results in the existing unenclosed verandah/porch having a front yard setback of 3.72 metres.

The general intent of the porch encroachment limit is to reduce negative impacts on neighbouring properties and ensure compatibility with surrounding properties.

Staff note that increase front yard encroachment do not impact the streetscape in a negative manner.

c. Parking Spaces

Section 5.28 (b) of Zoning By-law No. 500, as amended, requires a minimum of 3 parking spaces for a single detached dwelling. The Applicant has requested relief to legalize existing driveway on the subject property, resulting in a minimum of 2 on-site parking spaces for the existing single detached dwelling. On-site parking is currently accommodated within a driveway in front of the existing dwelling. The relief is needly largely due to the required road widening that the Development Engineering Division has requested as a condition of approval along Pinery Lane.

The intent of the parking space provision is to ensure that adequate parking supply is available for single detached dwellings. Although additional parking will be feasible in the driveway, a third parking space shown parallel on the driveway would not practically be used this way. A reduction in the number of parking spaces would allow for potential future re-establishment of front yard landscaping. However, additional angled parking could be feasible in the driveway if vehicles would encroach into boulevard/right of way, but those spaces are not permitted for the purposes of calculating the parking space requirements. As Pinery Lane is not proposed to be widened in the foreseeable future, staff have no concerns that the reduced parking space requirement will cause issues for the neighbouring residents, as the owner will have the paved portion of right of way, as shown in Attachment 3, to handle potential additional parking needs without impacting the flow of traffic on the street.

d. Parking Area - Width

Section 5.28 (i) of Zoning By-law No. 500, as amended, a maximum parking area width of 9 metres is permitted for the existing single detached dwelling. The Applicant has requested relief to legalize the existing driveway for a single detached dwelling, resulting in a maximum driveway width of 17.87 metres.

The intent of the maximum parking area width provision is to maintain residential streetscapes, to ensure front yards are not dominated by parking, and to ensure that appropriate drainage and swales are provided.

Staff note that the driveway length is reduced to only accommodate two permitted angled parking spaces in the parking area. In order to fit another parking space, the additional parking area width as well as an encroachment into the boulevard/right of way will allow for additional parking spaces in the parking area.

The current parking area is shorter in the length which results in less parking being able to be accommodated lengthwise. Therefore, the increase parking area width will help accommodate for parking on the subject property.

Staff also note that the driveway is already existing prior to severance and has been this size for several years. There are no physical changes being made to the driveway. This relief is to legalize the existing driveway.

Staff note that the increased maximum parking area does not impact the streetscape negatively.

e. Parking Area - Frontage

Section 5.28 (i) of Zoning By-law No. 500, as amended, a maximum parking area frontage of 55% is permitted for the existing single detached dwelling. The applicant has requested relief to legalize the existing driveway for a single detached dwelling, resulting in a maximum parking area frontage of 62%.

The intent of the maximum parking area width provision is to maintain residential streetscapes, to ensure front yards are not dominated by parking, and to ensure that appropriate drainage and swales are provided.

Staff note that the increase in maximum parking area frontage is due to the property being severed into three properties. The parking area size will not be changing only the property frontage making the existing driveway maximum parking area frontage larger than what is permitted. The increased parking area frontage does not impact the streetscape negatively.

Staff are of the opinion that the proposed variance maintains the general intent and purpose of Zoning By-law 500, as amended.

iii) Is the Minor Variance desirable for the appropriate development of the property or use of land, building or structure? – Yes

The proposed legalizing of the existing single detached dwelling, parking area, verandah and rear wood deck is in keeping with the existing physical character of the neighbourhood as the area generally consists of single family dwellings.

Staff are satisfied that the proposal is desirable for the appropriate development of the subject land and surrounding neighbourhood.

iv) Is the relief sought minor in nature? – Yes

In considering whether the relief sought is minor, Staff note that this test is not simply a question of numerical value. The principal consideration is that of potential impact the variances may have, and whether those impacts are minor or acceptable. In light of the above evaluation of the application, Staff are of the opinion that the requested variances are minor in nature.

6. CONCLUSION:

Staff are of the opinion that Consent Application B05-23 is consistent with the relevant Provincial, Regional and Town planning policies, and complies with the criteria under Section 51(24) of the *Planning Act*.

Staff are also of the opinion that Minor Variance Application A29-23, as it pertains to the proposed legalization of the existing single detached dwelling, meets the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*, R.S.O. 1990 and represents good planning.

Staff recommend that Consent application B05-23 and Minor Variance Application A29-23 be approved, subject to the recommended conditions.

APPROVALS:

Prepared by:

Brittany Dobrindt
Planner I

Prepared by:

Monika Sadler
Planner 1

Approved By:

Denis Beaulieu, MCIP, RPP
Director of Development Services

Attachments:

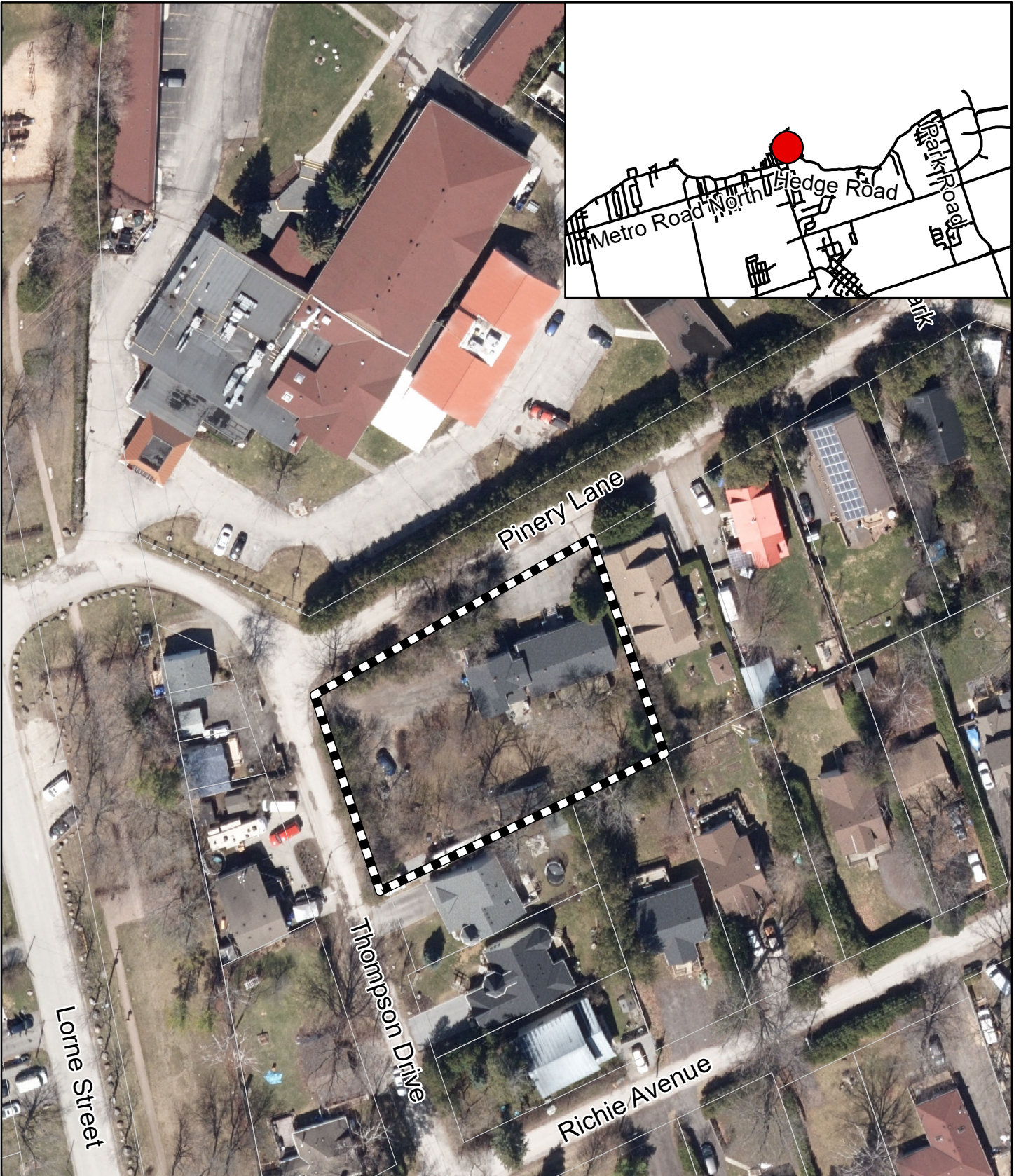
Attachment 1 – Location Map

Attachment 2 – Consent Sketch

Attachment 3 – Site Plan

Attachment 4 – Site Photos

Attachment 5 – Consolidated Comments



LOCATION MAP



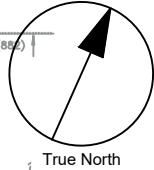
SUBJECT LAND

0 10 20 40 Meters

N



SITE PLAN



Lands reserved for Future Road Widening 51m²

Lands reserved for Future Road Widening 75m²

Subject Land 'A'

Retained Land 'C'

Subject Land 'B'

Building Envelope 165m² (35% lot coverage)

Building Footprint 191m² (27% lot coverage)

Shed Area: 4.88m²

Shed to be removed

46
2 STORY
VINYL/WOOD
SIDING
DWELLING

50
1 STORY
BRICK
DWELLING

LOT 41
99

PROJECT NAME
Lot Severance

50 Pinery Lane, Georgina
Jacksons Point



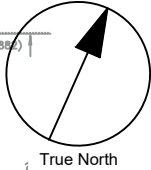
ARCADIS
7th Floor - 55 St. Clair Avenue West
Toronto ON M4V 2Y7 Canada
(416) 596-1930
arcadis.com

SCALE:	DATE:	FIGURE NAME	FIGURE NO.	REVISION
1:250	2023-11-21	Potential Building Footprint		
PROJECT MGR: QZ	DRAWN BY: JS			
CHECKED BY: ####	APPROVED BY: ####			
PROJECT NO: 1411851				

01 04

Attachment 2
B05-23 & A27-23 (50
Pinery Lane)
Pg 1 of 1

SITE PLAN



Section 5.45 (a): To permit a front yard encroachment of 2.33 meters for an unclosed verandah, whereas a maximum encroachment of 2 metres is permitted.

Section 5.28(i): To permit a maximum lot frontage for a parking area that is 62%, whereas a maximum parking area lot frontage of 55% is permitted.

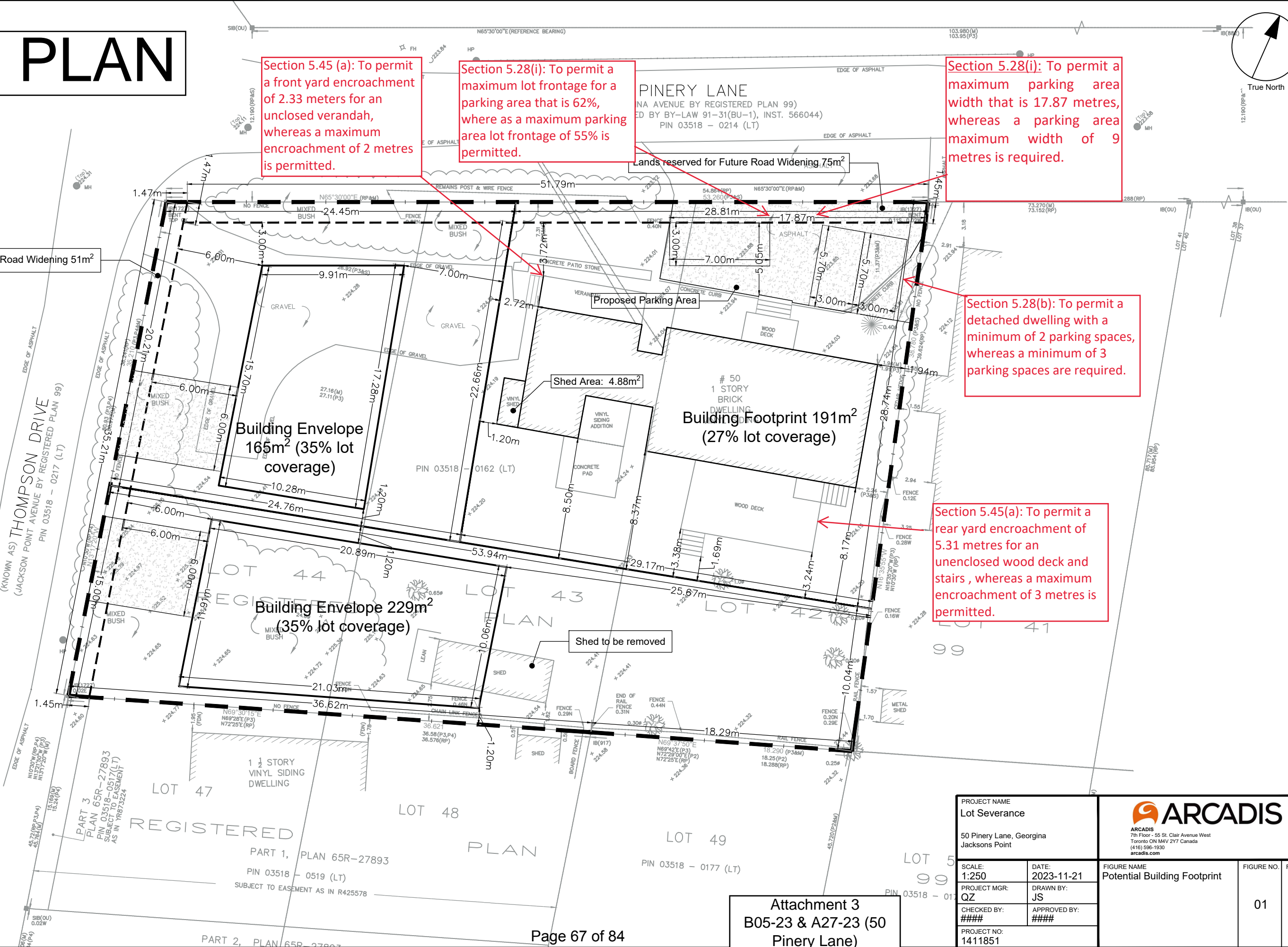
Section 5.28(i): To permit a maximum parking area width that is 17.87 metres, whereas a parking area maximum width of 9 metres is required.


Section 5.28(b): To permit a detached dwelling with a minimum of 2 parking spaces, whereas a minimum of 3 parking spaces are required.

Section 5.45(a): To permit a rear yard encroachment of 5.31 metres for an unclosed wood deck and stairs , whereas a maximum encroachment of 3 metres is permitted.

Lands reserved for Future Road Widening 51m²

Lands reserved for Future Road Widening 75m²



PROJECT NAME Lot Severance		 ARCADIS 7th Floor - 55 St. Clair Avenue West Toronto ON M4V 2Y7 Canada (416) 596-1930 arcadis.com		
50 Pinery Lane, Georgina Jacksons Point				
SCALE: 1:250	DATE: 2023-11-21	FIGURE NAME Potential Building Footprint	FIGURE NO. 01	REVISION 04
PROJECT MGR: QZ	DRAWN BY: JS			
CHECKED BY: ####	APPROVED BY: ####			
PROJECT NO: 1411851				

Site Photos

50 Pinery Lane
Facing South



50 Pinery Lane
Facing East



50 Pinery Lane
Facing West



50 Pinery Lane
Facing North



50 Pinery Lane
Facing East



Department/Agency	Date Received	Response
Building Division	December 1, 2023	On municipal water and sewer, No Objections
Building/Zoning Examiners		
Clerks Division		
Community Services		
Development Engineering	December 1, 2023	<p>The Development Engineering Division has the following comments for Consent Application No. B05-23:</p> <ol style="list-style-type: none"> 1. The Owner is advised that, prior to the issuance of a building permit for development on Subject Land 'A', the applicant/owner shall provide a Lateral Application with initial payment of \$15,000 along with a Professionally Engineered Site Servicing Plan indicating the existing and proposed water and sanitary lateral locations and inverts of same. 2. The Owner is advised that, prior to the issuance of a building permit for development on Subject Land 'B', the applicant/owner shall provide a Lateral Application with initial payment of \$15,000 along with a Professionally Engineered Site Servicing Plan indicating the existing and proposed water and sanitary lateral locations and inverts of same. 3. The Owner shall convey 1.404m of land to the Town to facilitate a road widening across the full frontage of the site (fronting onto Pinery Lane). The road widening shall provide an ultimate road width of 15m as outlined in Sec 5 of Town of Georgina By-Law 500, , to the satisfaction of the Town's Development Engineering Division. 4. The Owner shall convey 1.404m of land to the Town to facilitate a road widening across the full frontage of the site (fronting onto Thompson Drive). The road widening shall provide an ultimate road width of 15m as outlined in Sec 5 of Town of Georgina By-Law 500, , to the satisfaction of the Town's Development Engineering Division. 5. The Owner will be required to enter into a Development Agreement including: <ol style="list-style-type: none"> a. Providing functional servicing design including water, and sanitary All to the satisfaction of the Town's Development Engineering Division.
Economic Development	December 1, 2023	No Comments
Georgina Fire Department		
Municipal Law	November 24, 2023	No Comments
Operations & Infrastructure		
Policy Planning		
Tax & Revenue	November 23, 2023	No Comments
Bell Canada		
Bell Canada		
Canada Post Corporation (CPC)		
Chippewas of Georgina		
C.N. Business Development & Real Estate		
Enbridge Gas		
Hydro One	December 1, 2023	No Comments
Lake Simcoe Region Conservation Authority (LSRCA)	November 23, 2023	No Comments
Ministry of the Environment		
Ministry of Health and Long-term Care		
Ministry of Municipal Affairs & Housing		
Ministry of Transportation		
Monavenir Catholic School Board		
MPAC		
Ontario Power Generation		
Rogers	November 23, 2023	No Comments
Southlake Regional Health Centre		
York Catholic District School Board		
York Region - Community Planning & Development Services		
York Region District School Board	November 27, 2023	No Comments
Durham Region		
Development Planning Division	December 1, 2023	<p>That the shed(s) on Subject Land 'B' be removed, to the satisfaction of the Town's Development Planning Division</p> <p>Adherence to the Town's Tree Preservation and Compensation Policy</p>

Department/Agency	Date Received	Response
Building Division	December 1, 2023	On municipal water and sewer, No Objections
Building/Zoning Examiners		
Clerks Division		
Community Services		
Development Engineering	December 1, 2023	No Comments
Economic Development	December 1, 2023	No comments
Georgina Fire Department		
Municipal Law	November 24, 2023	No Comments
Operations & Infrastructure		
Policy Planning		
Tax & Revenue	November 23, 2023	No Comments
Bell Canada		
Bell Canada		
Canada Post Corporation (CPC)		
Chippewas of Georgina		
C.N. Business Development & Real Estate		
Enbridge Gas		
Hydro One		
Lake Simcoe Region Conservation Authority (LSRCA)	November 23, 2023	No Comments
Ministry of the Environment		
Ministry of Health and Long-term Care		
Ministry of Municipal Affairs & Housing		
Ministry of Transportation		
Monavenir Catholic School Board		
MPAC		
Ontario Power Generation		
Rogers	November 23, 2023	No Comments
Southlake Regional Health Centre		
York Catholic District School Board		
York Region - Community Planning & Development Services		
York Region District School Board	November 27, 2023	No Comments
Durham Region		
York Regional Police		

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0107

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

December 11, 2023

**SUBJECT: MINOR VARIANCE APPLICATION A45-21
21058 DALTON ROAD
PART OF LOT 23 AN**

1. RECOMMENDATIONS:

1. That the Committee of Adjustment receive Report No. DS-2023-0107 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Minor Variance Application A45-21, submitted by Coral Rae James and Trever Louis Damphouse Nolan on behalf of Laura Atkins and James Baxter, for the property municipally addressed as 21058 Dalton Road; and,
2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommends the following:
 - a) That the Committee of Adjustment approve Minor Variance Application A45-21, to permit relief from the following:
 - i) Section 5.1(b): to permit an accessory structure in an exterior side yard, whereas accessory structures are only permitted in the rear or interior side yard; and,
 - ii) Section 5.1(d): to permit an accessory structure with a side yard setback of 0.00 metres from the side lot line, whereas a minimum setback of 1.0 metre is required;
 - b) That the approval of Minor Variance Application A45-21 be subject to the following terms:
 - i) That the accessory structure in the exterior side yard area be in general conformity with Attachment 2 to Report DS-2023-0107, and in accordance with the relief recommended to be approved in Recommendation 2 a); and,
 - ii) That notwithstanding the provisions of Section 5.45 (a) of Zoning By-law No. 500, as amended, as it relates to permitted yard

encroachments, no further encroachments to the rear or side yards shall be permitted;

c) That the approval of Minor Variance Application A45-21 be subject to the following conditions:

- i) Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2023-0107 have been addressed to the Division's satisfaction; and,
- ii) That the above-noted condition(s) be fulfilled within two (2) years of the date of the Notice of Decision.

2. **PURPOSE:**

The purpose of this report is to provide Staff's analysis and to outline comments received with respect to Minor Variance Application A45-21, submitted by Coral Rae James and Trever Louis Damphouse Nolan on behalf of Laura Atkins and James Baxter, for the property municipally addressed as 21058 Dalton Road, regarding the legalization and maintenance of an existing accessory structure in an exterior side yard.

3. **BACKGROUND:**

Owners: Laura Atkins and James Baxter

Agents: Coral Rae James and Trever Louis Damphouse Nolan

Property Description: (refer to Attachments 1 to 4)
21058 Dalton Road
Part of Lot 23 and Block 60, Registered Plan 69
Roll #: 810-390

3.1 **PROPOSAL:**

The Owners of the property are proposing to legalize and maintain an existing accessory structure in an exterior side yard area, as shown on Attachments 2 and 3 to Report DS-2023-0107.

The Minor Variance Application that has been submitted to facilitate the current proposal and is requesting the following relief:

- i. Section 5.1(b): to permit an accessory structure in an exterior side yard, whereas accessory structures are only permitted in the rear or interior side yard.

- ii. Section 5.1 (d): to permit an accessory structure with a side yard setback of 0.00 metres to the exterior side lot line, whereas a setback of 1.0 metre is required.

A site sketch showing the proposed minor variances is included as Attachment 2 to this report.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

The subject property is located at 21058 Dalton Road, within the community of Jackson's Point. A summary of the property characteristics is outlined below:

Municipal Address	21058 Dalton Road	
Zoning	Low Density Urban Residential (R1) on Map 6	
Official Plan / Secondary Plan Land Use Designation	Dalton Road – North Corridor	
Regional Official Plan Land Use Designation	Community Area	
Existing Structures	2 storey single detached residential dwelling, framed studio, existing storage shed in exterior side yard	
Proposed Structures	n/a	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	No	
Related Applications	None	
	<u>Existing</u>	<u>Proposed</u>
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Existing driveway	Existing Driveway

Surrounding Land Uses:

North – Low Density Residential/General Commercial

East – Dalton Road Low Density Residential

South – Roanoak Road and Medium Density Residential

West – Rural and Low Density Residential

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS

4.1 PUBLIC CIRCULATION

In accordance with the provisions of the *Planning Act*, Public Notice of the Hearing for Minor Variance Application A45-21 was sent by mail on November 24, 2023 to all

landowners within 60.0 metres of the subject property, and a placard was placed on the property.

As of the date of writing this report, Staff have not received any comments from members of the public, concerning Minor Variance Application A45-21.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

All Town department and external agency comments for Minor Variance Application A45-21 have been consolidated into a chart, which is included as Attachment 4 to this Report.

The Development Planning Division has requested the following term:

- That the accessory structure in the exterior side yard area be in general conformity with Attachment 2 to Report DS-2023-0107, and in accordance with the relief recommended to be approved in Recommendation 2 a).

The Development Engineering Division has requested the following conditions:

- The applicant/owner shall provide a detailed lot grading and drainage plan including existing and proposed entrance prepared by a Professional Engineer or Ontario Land Surveyor skilled and competent in such works and all in accordance with the requirements of Part 4 of By-law 2022-0038 (REG-1), as amended. The plan shall show existing conditions including grade elevations of the entire lot, to the satisfaction of the Town's Development Engineering Division.
- A Professional Engineer is required to prepare drainage plans that contain any LID's (soakway pit, infiltration gallery, French drain, etc.). Please contact the Development Engineering Division for any questions or concerns.

The following Town departments / divisions and external agencies have indicated no comment or no objection to the Minor Variance.

- Building Division
- Tax and Revenue Division
- Municipal Law Enforcement Division
- Economic Development and Tourism Division
- Lake Simcoe Region Conservation Authority (LSRCA)
- Rogers Communications
- York Region District School Board

A number of external agencies and Town departments/divisions have not provided comments.

5. ANALYSIS:

The following evaluation of Minor Variance Application A45-21 is based on the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*.

(i) Is the general intent and purpose of the Town Official Plan Maintained? – Yes

The subject property is designated as “Dalton Road - North Corridor” on Schedule ‘B’ Land Use Plan of the Sutton/Jackson’s Point Secondary Plan (SJPSPP). Section 13.2.6.4 (i) permits low density residential uses, such as single detached dwellings in accordance with Sections 13.2.4.3 and 13.2.4.2, and Section 13.2.6.4 (x) permits buildings, structures and uses that are accessory to any permitted use.

In staff’s opinion the proposed development of the property conforms to the general intent and purpose of the Official Plan, and the policies of the Sutton/Jackson’s Point Secondary Plan.

(ii) Is the general intent and purpose of the Zoning By-law maintained? – Yes

The subject property is zoned Low Density Urban Residential (R1) on Map 6 of Schedule ‘A’ to Zoning By-law No. 500, as amended. Section 7.2 of Zoning By-law No. 500, as amended, permits accessory buildings, structures and uses to any permitted use. A single detached dwelling and accessory structures are permitted in the R1 Zone.

A. Accessory Structure Location

Section 5.1 (b) of Zoning By-law No. 500, as amended, requires an accessory building, being the existing storage shed, to be located in either a rear yard or side yard.

As per Section 2.232 of Zoning By-law No. 500, as amended, the southern side yard of the subject property is considered to be an exterior side yard because it is not a front yard and it abuts a street (Roanoak Road). The accessory structure is not considered to be located in a front yard; it is set back further from Dalton Road than the main house.

In this instance, the applicant is requesting relief to allow an accessory structure in the exterior side yard of the subject lot.

The general intent of this requirement is to both ensure the streetscape develops in an orderly manner and to ensure adequate space in the front yard and exterior side yard for amenities and landscaping.

The exterior side yard is defined as the area extending from the front yard to the rear yard between a side lot line and the nearest wall of the main building or structure on the lot. The submitted Site Plan indicates that the principal dwelling on the subject property is set back significantly farther than what is required by the Zoning By-law from the south lot line. Hence, the exterior side yard area of the

main dwelling on this property is significantly larger than what is required by the Zoning By-law. The main house is set back 10.05 metres from Roanoak Road whereas a minimum exterior side yard setback of 3.0 metres is required in the R1 zone.

Due to this large setback, there is significant space in the side and rear yard to accommodate the required amenity space and landscaped area contemplated by the Zoning By-law.

Locating an accessory structure as proposed on the subject lot will not cause any adverse impacts further than what is contemplated by the Zoning By-law, with respect to amenity space and landscaped area. In addition, approval of this minor variance will not cause an adverse impact on the existing streetscape along Roanoak Road because there are several examples of similar structures near and adjacent to the subject property that are also located in a front yard or exterior side yard. Moreover, an accessory building in an exterior side yard is in keeping with the existing physical character of neighbourhood. The lots near the subject property feature examples of similar detached garages in front yards or exterior side yards.

Due to the location of the existing structures on the subject lot, as well as the existing landscaping providing adequate screening, staff are of the opinion that the proposed relief maintains the general intent and purpose of the Zoning By-law 500, as amended.

B. Accessory Structure Side Yard Setback

Section 5.1 (d) of Zoning By-law No. 500, as amended, requires a setback of 1.0 metre from the side lot line for accessory structures with a height up to 4.5 metres from average grade to the highest point. The Applicant has requested relief to allow a minimum setback of “nil” to the southern lot line to accommodate the existing condition of an awning on an existing accessory structure.

The general intent of setback requirements is to ensure consistency and compatibility with surrounding lots. In this case, the proposed variances would reduce the setbacks to the accessory building. However, as demonstrated by the elevation drawings in Attachment 3, the south main wall of the existing structure is located farther than the required 1.00 m from the property line (approximately 1.87 metres). The portion of the structure that requires relief from Section 5.1 (d) of Zoning By-law No. 500, as amended, is an awning which projects from the south main wall of the existing accessory structure to southern property line.

As such, the general consistency as it pertains to overall massing of the structure is maintained. The reduced setback to the side lot line will not adversely impact any the neighbouring property, since the side yard abuts a road with similarly located structures.

Staff are of the opinion that the proposal maintains the general intent and purpose of the Zoning By-law provisions.

(iii) Are the Minor Variances desirable for the appropriate development of the property or use of land, building or structure? – Yes

The proposed minor variances are required to maintain and legalize an existing accessory structure in an exterior rear yard.

Staff of the opinion the requested variances will not adversely impact the surrounding area and are desirable for the appropriate development of the lands.

(iv) Is the relief sought minor in nature? – Yes

When considering if the variance is minor, it is not simply the numerical value that must be considered, but rather the overall impact of the variance should be considered. The overall impact of the proposed variances appears to be minimal, and the ancillary structure is a permitted use and will be compatible with other buildings and structures along Dalton Road and Roanoak Road. For the reasons previously outlined herein, Staff are of the opinion that the requested variances are minor in nature.

In consideration of the above, the proposed variances meet the four tests under the *Planning Act*.

6. CONCLUSION:

Subject to the recommendations in Section 1 of this Report, Staff are of the opinion that Minor Variance Application 45-21, as it pertains to the existing accessory structure, meets the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*, R.S.O. 1990 and represents good planning.

APPROVALS:

Prepared By: Addison Milne-Price
Planning Consultant

Approved By: Denis Beaulieu, MCIP, RPP
Director of Development Services

Attachment 1 – Location Map
Attachment 2 – Site Plan
Attachment 3 – Elevation Plans
Attachment 4 – Consolidated Comments



LOCATION MAP



SUBJECT LAND

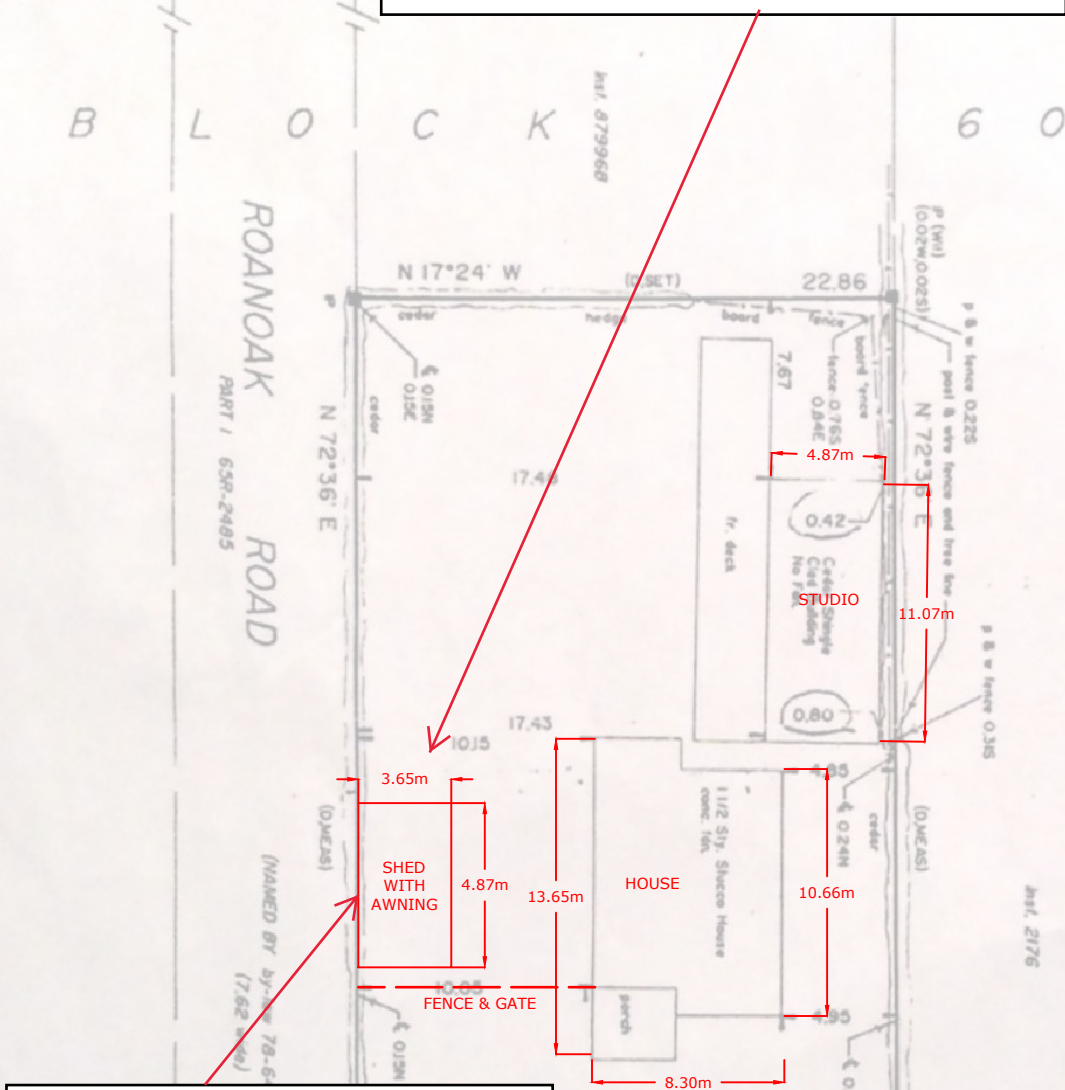
0 15 30 60 Meters



SITE PLAN - STRUCTURE DIMENSIONS

LOT 23, BLOCK 60, REGISTERED PLAN N° 69
TOWN OF GEORGINA - REGIONAL MUNICIPALITY OF YORK
formerly VILLAGE OF SUTTON - COUNTY OF YORK
SCALE 1 : 250
R.A. GARDEN O.L.S.
1989

i. Section 5.1(b): To permit an accessory structure in an exterior side yard; whereas accessory structures are only permitted in the rear or interior side yard.



ii. Section 5.1(d): To permit an accessory structure with a side yard setback of 0.00 m to the exterior side lot line, whereas a setback of 1.00 m is required.

ELEVATION
DRAWINGS

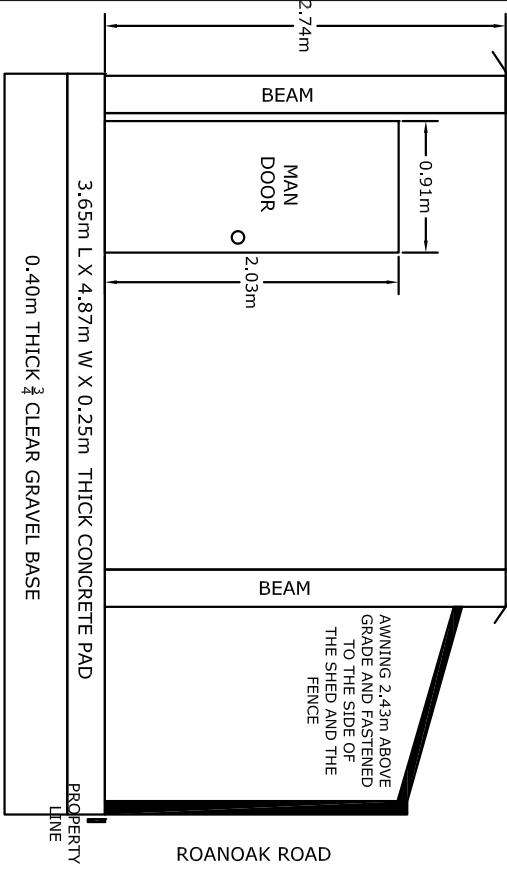


ALL MEASUREMENTS ARE FROM THE AVERAGE
FINISHED GRADE

WEST SIDE OF THE SHED

3.99m PEAK

ALL MEASUREMENTS ARE FROM THE AVERAGE
FINISHED GRADE

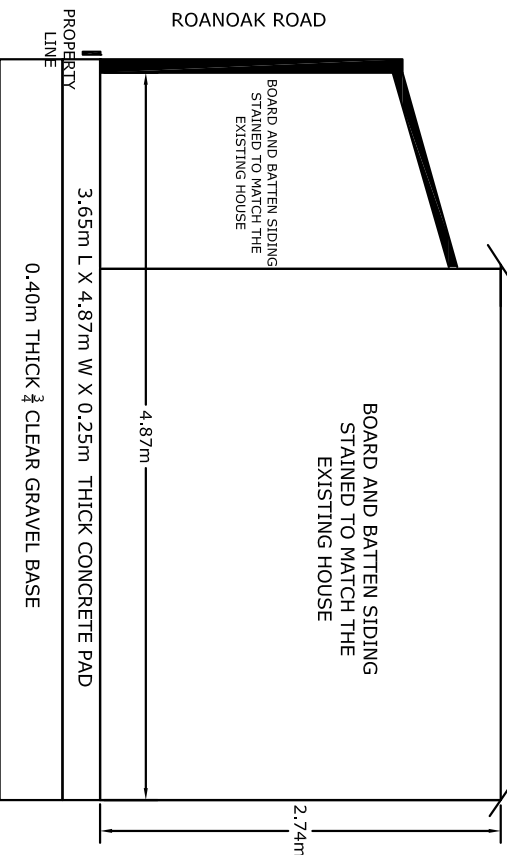


ROANOKE ROAD

PROPERTY
LINE

EAST SIDE OF THE SHED

3.99m PEAK



ROANOKE ROAD

PROPERTY
LINE

Department/Agency	Date Received	Response
Building Division	December 1, 2023	On municipal water and sewer, No Objections
Building/Zoning Examiners		
Clerks Division		
Community Services		
Development Engineering	December 1, 2023	<p>The Development Engineering Division has no objection to Minor Variance Application No. A45-21, subject to the following condition(s) being fulfilled to the Engineering Development Division's satisfaction:</p> <p>1. The applicant/owner shall provide a detailed lot grading and drainage plan including existing and proposed entrance prepared by a Professional Engineer or Ontario Land Surveyor skilled and competent in such works and all in accordance with the requirements of Part 4 of By-law 2022-0038 (REG-1), as amended. The plan shall show existing conditions including grade elevations of the entire lot, to the satisfaction of the Town's Development Engineering Division.</p> <p>- A Professional Engineer is required to prepare drainage plans that contain any LID's (soakaway pit, infiltration gallery, French drain, etc.). Please contact the Development Engineering Division for any questions or concerns.</p>
Economic Development	December 1, 2023	No Objections
Georgina Fire Department		
Municipal Law	November 24, 2023	No Comments
Operations & Infrastructure		
Policy Planning		
Tax & Revenue	November 23, 2023	No Comments
Bell Canada		
Bell Canada		
Canada Post Corporation (CPC)		
Chippewas of Georgina		
C.N. Business Development & Real Estate		
Enbridge Gas		
Hydro One		
Lake Simcoe Region Conservation Authority (LSRCA)	November 23, 2023	No Comments
Ministry of the Environment		
Ministry of Health and Long-term Care		
Ministry of Municipal Affairs & Housing		
Ministry of Transportation		
Monavenir Catholic School Board		
MPAC		
Ontario Power Generation		
Rogers	November 23, 2023	No Comments
Southlake Regional Health Centre		
York Catholic District School Board		
York Region - Community Planning & Development Services		
York Region District School Board	November 27, 2023	No Comments
Durham Region		
York Regional Police		