

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2022-0093

**FOR THE CONSIDERATION OF
COUNCIL**

September 26, 2022

**SUBJECT: CONSENT APPLICATION B06-22 & B07-22
SH**

1. RECOMMENDATION:

1. That the Committee of Adjustment receive Report No. DS-2022-0093 prepared by the Development Planning Division, Development Services Department, dated September 20, 2022 respecting Consent Application B06-22 & B07-22, submitted by Michael Smith Planning Consultants; Development Coordinators Ltd. On behalf of Ling Xiao for the property municipally addressed as 228 & 230 Elm Avenue, Keswick.
2. That in the event no public or Committee concerns are raised at the meeting warranting investigating and a further meeting, staff recommend the following:
 - a. That the Committee of Adjustment approve Consent Application B06-22, as it pertains to the properties municipally addressed as 228 & 230 Elm Avenue to sever and convey subject Land 'A' from Subject Land 'B' and Remainder Land 'C', as shown in Attachment 5 to Report No. DS-2022-0093, to create one reconfigured residential lot at the rear of the subject properties fronting on Elmhurst Lane.
 - b. That in the event the Committee of Adjustment approves Consent Application B06-22, that the Committee of Adjustment approve Consent Application B07-22 as it pertains to the properties municipally addressed as 228 & 230 Elm Avenue to sever and convey Subject Land 'B' from Remainder Land 'C', as shown in Attachment 5 to Report No. DS-2022-0093, to create two reconfigured residential lots fronting on Elm Ave.
 - c. That the approval of Consent application B06-22 be subject to the following condition(s):
 - i. Submission to the Secretary-Treasurer of written confirmation from the Planning Division that there is sufficient water supply and sewage capacity allocated for Subject Land 'A';
 - d. That the approval of Consent applications B06-22 and B07-22 be subject to the following condition(s):

- i. **Submission to the Secretary-Treasurer of written confirmation from the Development Engineering Division that the owner has satisfied the matter outlines in Attachment 6 of Report No. DS-2022-0093.**
- ii. **Submission to the Secretary-Treasurer of written confirmation from Bell Canada that the owner has satisfied the matter outlined in Attachment 6 of Report No. DS-2022-0093.**
- iii. **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.**
- iv. **Submission to the Secretary-Treasurer of draft transfer documents, in duplicate, conveying the subject lands;**
- v. **That the above-noted condition(s) be fulfilled within two (2) year 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 Consent applications B06-22 and B07-22, submitted by Michael Smith planning Consultants; Development Coordinators Ltd. (c/o Gord Mahoney), on behalf of Ling Xiao , for the properties municipally addressed as 228 Elm Avenue and 230 Elm Avenue.

3. BACKGROUND:

Owner(s)/Applicant(s):	Ling Xiao
Agent:	Michael Smith Planning; Development Coordinators Ltd. (c/o Gord Mahoney)
Property Description:	(refer to Attachments 1 to 4) 228 & 230 Elm Avenue, Keswick Lots 132, 133 and 134, Registered Plan 220 Roll #: 143-915 (228 Elm Ave) and 143-914 (230Elm Ave)

3.1 PROPOSAL:

The Applicant/Owners of the subject properties municipally addressed as 228 & 230 Elm Ave have submitted Consent applications B06-22 and B07-22 to reconfigure the existing three lots on Registered Plan 220 (Lots 132, 133 and 134 of Registered Plan 220) as shown in Attachment 5. More specifically, 228 Elm Ave is comprised of

Lot 132 of Registered Plan 220, and 230 Elm Ave is comprised of Lots 133 and 134 of Registered Plan 220.

Consent application B06-22 requests permission to sever and convey Subject Land 'A'; this will result in the merger of the remaining lands. Pending the approval of Consent application B06-22, Consent application B07-22 requests permission to sever and convey Subject Land 'B' from Remainder Land 'C' to reconfigure the lots fronting on Elm Ave.

The applications will have the effect of reconfiguring the existing three lots so that one buildable residential lot has frontage on Elmhurst Lane (Subject Land 'A') and two smaller buildable residential lots have frontage on Elm Ave (Subject Land 'B' and Remainder Land 'C'). In the future, the two existing single detached dwellings on 228 and 230 Elm Ave are proposed to be demolished and replaced; however, plans have not been submitted for the construction of single detached dwellings on the proposed Subject Lands 'A' and 'B' or Remainder Land 'C' at this time.

The proposed lot frontage and area of Consent applications B06-22 and B07-22 are outlined below in comparison to the provisions of Zoning By-law 500

	Required	Subject Land 'A'	Subject Land 'B'	Remainder Land 'C'
Frontage (metres)	15	27.4	15.24	15.24
Area (square metres)	450	835	450.8	450.8

The proposed consent plan is included as Attachment 5.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

The subject property is located within the community of Keswick. A summary of the property characteristics is below:

Municipal Address	228 & 230 Elm Avenue
Zoning	Low Density Urban Residential (R1)
Official Plan / Secondary Plan Land Use Designation	Neighbourhood Residential
Regional Official Plan Land Use Designation	Urban Area
Existing Structures	Single detached dwelling on Subject Land 'B' and Remainder Land 'C', which are proposed to be demolished

Proposed Structures	Future single detached dwellings on Subject Lands 'A' & 'B' and Remainder Land 'C'
Heritage Status	Neither listed nor designated
Regulated by LSRCA	No
Frontage	Subject Land 'A': 27.4m Subject Land 'B': 15.24m Remainder Land 'C': 15.24m
Depth	Subject Land 'A': 30.48m Subject Land 'B': 29.58m Remainder Land 'C': 29.58m
Area	Subject Land 'A': 835m ² Subject Land 'B': 450.8m ² Remainder Land 'C': 450.8m ²

	<u>Existing</u>	<u>Proposed</u>
Water	Municipal	Municipal Water Service is available
Sanitary	Municipal	Extension of municipal service for Subject Land 'A'
Access	Existing driveway	Driveway for Subject Land 'A'

Surrounding land uses are as follows:

- North: Neighbourhood Residential
- South: Neighbourhood Residential
- East: Neighbourhood Residential
- West: Neighbourhood Residential

4. DEPARTMENT AND AGENCY COMMENTS:

Town department and external agency comments for Consent applications B06-22 and B07-22 have been consolidated into a chart, which is included as Attachment 6.

The Development Engineering Division has indicated no objection to the applications and provides the following comments:

1. The Owner is advised that, prior to the issuance of a building permit for development on Subject Land 'B' and Retained Land 'C', a satisfactory CCTV inspection of the lateral must be provided to the Town's Engineering Division.
2. The Owner is advised that, prior to the issuance of a building permit for development on Subject Land 'B' and on Retained Land 'C', the water and

sanitary lateral must be exposed and confirmed to be free of any defects to the satisfaction of the Town's Development Engineering Division.

The Development Engineering Division has provided the following condition:

The Owner will be required to enter into a Development Agreement including:

- a. Providing functional servicing design including water, sanitary, grading and storm water management for Subject Land 'A'.
- b. Resurfacing Elmhurst Lane Street fronting the property limits and disturbed areas all to the satisfaction of the Town's Development Engineering Division.

Staff note that the Engineering comments are standard for all Consents that propose lot creation in areas with municipal servicing and where an extension to municipal servicing is required.

York Region has indicated that the Town shall confirm that adequate water supply and sewage capacity has been allocated for Subject Lands 'A'. Planning staff recommend that allocation be confirmed as a condition of approval.

Staff note that Operations and Infrastructure Department has no comments for the proposed Consent applications.

Bell Canada has indicated that a transfer of easement over these lands will be required to protect existing aerial facilities, supply service to the properties, and to maintain service in the area. Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial cable, then to extend from any existing pole to a minimum of 1.0m past any existing anchor installation to be measured 0.5m on either side of the guy, as can be accommodated. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

5. PUBLIC CIRCULATION:

In accordance with the provisions of the Planning Act, Notices of Hearing for both Consent applications B06-22 and B07-22 were sent by mail on August 15, 2022 to all landowners within 60.0 metres of the subject properties. As of the date of writing this report, Staff have not received any comments on the proposal from the public.

6. ANALYSIS:

PROVINCIAL POLICY STATEMENT (2020), PROVINCIAL GREENBELT PLAN (2017), GROWTH PLAN (2020) & LAKE SIMCOE PROTECTION PLAN (2009)

Staff have reviewed the subject Consent applications 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.

Staff note that the Growth Plan directs development to the settlement areas, and more specifically, to the delineated built-up areas in the form of intensification. As directed in the Growth Plan, by the year 2051, 50% of all residential development occurring annually will be within the built-up areas of upper-tier or single-tier municipalities. The proposal would be considered infill development, which, while on the lower end of the spectrum, is a form of intensification.

YORK REGION OFFICIAL PLAN (2010)

The subject property is designated 'Urban Area' on Map 1 to the York Region Official Plan (YROP). Staff have reviewed the subject Consent application against the applicable policies of the YROP and are of the opinion that the proposal maintains the intent and purpose of the Plan.

KESWICK SECONDARY PLAN (2004) AND ZONING BY-LAW 500

The subject property is designated 'Neighbourhood Residential' on Schedule F1 of the Keswick Secondary Plan (KSP). It is zoned 'Low Density Urban Residential (R1)' on Map 2 (pg. 2) on Schedule 'A' to Zoning By-law 500. Single family dwellings and accessory uses are permitted within the R1 zone.

Section 13.1.7.3.2(b) of the KSP states that Consents may be permitted for such reasons as the creation of a new lot, lot boundary adjustment, rights-of-way, easements, and/or to convey additional lands to an abutting lot, provided an undersized lot is not created.

Section 13.1.7.3.2(c) of the KSP further lists criteria that must be met in order for a Consent application to be considered for approval. Below is Staff's assessment of the proposed consent against the criteria provided in the KSP:

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

A plan of subdivision is not required for the orderly development of the subject properties as only a reconfiguration of the existing lots is being proposed.

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

Subject Land 'A' will front on Elmhurst Lane, which is an existing municipal road. Subject Land 'B' and Remainder Land 'C' will continue to front on Elm Avenue. Elm Avenue is currently being serviced with full municipal water /

sanitary sewers. Existing water services are available along Elmhurst Lane. However, Sanitary Services must be extended from Elm Avenue to the proposed property frontage of Subject Land 'A' on Elmhurst Lane.

Existing ditches along Elm Avenue and Elmhurst Lane will provide storm drainage. Staff note that no building designs or elevation drawings have been provided for a single detached dwelling on either Subject Lands 'A' and 'B' or Remainder Land 'C'. Drainage will be addressed through the Site Alteration Permit and Building Permit processes.

Should Consent application B06-22 be approved, Staff are recommending that confirmation of sufficient allocation be imposed as a condition of approval.

(iii) *No extension, improvement or assumption of municipal services is required.*

The subject properties are located in an established residential area of Keswick. The existing single detached dwellings on Subject Land 'B' and Remainder Land 'C' are currently serviced by existing municipal services. Subject Land 'A' will require new lateral connection to service the future single detached dwelling. A limited extension of municipal sanitary sewer infrastructure is required along Elmhurst Lane to service the new lot. This can be addressed through the terms of a Development Agreement which is recommended as a condition of the consent approval.

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

Should Consent applications B06-22 and B07-22 be approved, Subject Land 'A' will have adequate frontage along Elmhurst Lane (27.40 metres) and Subject Land 'B' and Remainder Land 'C' will maintain adequate frontage along Elm Avenue (15.24 metres for each lot). Both Elmhurst Lane and Elm Avenue are existing public roads. Staff note that the proposed reconfigured residential lot fronting on Elmhurst Lane is not anticipated to result in traffic hazards.

(v) *The lot will not restrict the ultimate development of adjacent lands.*

Consent applications B06-22 and B07-22 are proposing to reconfigure the existing lots on a registered plan in an established neighbourhood in Keswick. Staff note that the adjacent lands are already developed and are not designated for future redevelopment, therefore, the proposal is not anticipated to restrict the ultimate development of the 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.*

Pursuant to Section 6.1(a) of the Zoning By-law, properties zoned Low Density Urban Residential (R1) shall have a minimum lot frontage of 15.0 metres where the lot is to be serviced by sanitary sewers. In the case of a corner lot, properties zoned R1 shall have a minimum lot frontage of 18.0 metres where the lot is to be serviced by sanitary sewers. As illustrated on the provided consent plan (see Attachment 5), Subject Land 'A' will exceed the minimum frontage requirements, and Subject Land 'B' and Remainder Land 'C' will be deficient by 2.76 metres, however, Staff recognize this is an existing condition.

Pursuant to Section 6.1(b) of the Zoning By-law, properties zoned Low Density Urban Residential (R1) shall have a minimum lot area of 450.0 square metres. The attached consent plan (see Attachment 5) shows Subject Land 'A' with a lot size of 835 square metres, and Subject Land 'B' and Remainder Land 'C' with a lot size of 450.8 square metres for each lot, which all meet the minimum lot area requirement under the Zoning By-law.

Pursuant to Section 5.41 (b), lots created by Consent may have lesser lot areas and frontages than would otherwise be required by Section 6.1 (a).

The existing single detached dwelling and the detached garage located at 232 Elm Ave are oriented to front onto Elmhurst Lane, this dwelling is located directly across the street from the Subject Land 'A'. Similar conditions can be found in other residential lots fronting or adjacent to Elmhurst Lane. More specifically, there is one additional single detached dwelling oriented to front onto Elmhurst Lane, and 5 detached garages that have direct access from Elmhurst Lane.

The proposal does not change the use of the Subject Properties, which is Urban Residential (R1). Subject Land 'B' and Remainder Land 'C' will maintain the appearance of the existing frontage of 228 and 230 Elm Ave.

As such, staff are satisfied that the proposed consents are appropriate for the use proposed and are compatible with the surrounding area.

(vii) The consent complies with all relevant policies/provisions of this Secondary Plan.

Staff are of the opinion that the Consent applications conform with all relevant provisions of the KSP. The proposal is to reconfigure the existing three (3) residential lots on Registered Plan 220 to create one (1) reconfigured residential building lot fronting on Elmhurst Lane and two (2) reconfigured residential building lots fronting on Elm Ave in an established neighbourhood in Keswick where single detached residential dwelling on a residential building lot is permitted.

Any buildings proposed in the future on the Subject Lands 'A' and 'B' and Remainder Land 'C' must be compliant with all applicable performance

standards under the Zoning By-law. Therefore, the resulting single detached dwellings will be compatible with existing adjacent areas and will create little to no impact further than what the Zoning By-law already contemplates in terms of orientation, privacy, landscaping, shadow casting, visual impact.

(viii) *The area's natural features, values or ecological processes are not negatively affected.*

Staff note that Subject Lands 'A' and 'B' and Remainder Land 'C' are located in a developed neighbourhood with minimal natural features, attributes or ecological functions and is not regulated by LSRCA.

7. CONCLUSION:

Staff are of the opinion that Consent applications B06-22 and B07-22 are consistent with the relevant Provincial, Regional and Town planning policies.

Staff recommend that Consent applications B06-22 and B07-22 be approved, subject to the recommended condition(s).

APPROVAL

Prepared By: Steven Qi, Senior Planner
Design Plan Services Inc. on behalf of Town of Georgina

Approved By: Janet Porter, MCIP, RPP
Manager of Development Planning

Attachments:

Attachment 1 – Context Map

Attachment 2 – Key Map

Attachment 3 – Aerial Map

Attachment 4 – Site Photos

Attachment 5 – Site Sketch

Attachment 6 – Consolidated Comments