

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2022-105

**FOR THE CONSIDERATION OF
THE COMMITTEE OF ADJUSTMENT**

December 5, 2022

**SUBJECT: CONSENT APPLICATION B14-22
2770531 ONTARIO INC.
260 AND**

1. RECOMMENDATION:

1. That the Committee of Adjustment receive Report No. DS-2022-105 prepared by the Development Planning Division, Development Services Department, dated December 5, 2022 respecting Consent Application B14-22, submitted by Gord Mahoney on behalf of the owners for the property municipally addressed as 260 and 262 The Queensway South, 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 B14-22, as it pertains to the property municipally addressed as 260 and 262 The Queensway South, Keswick to sever and convey subject Land 'A' from Subject Land 'B', as shown in Attachment 4 to Report No. DS-2022-105.
 - b. That the approval of Consent application B14-22 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 a draft deed, in duplicate, conveying Subject Land 'A', as indicated on Attachment 4 to Report No. DS-2022-105;
 - iii. Submission to the Secretary-Treasurer of an easement document which grants 262 The Queensway South access to Mac Avenue to the satisfaction of the Development Planning Division.
 - iv. Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina Development Engineering Division that all matters identified in Attachment 6 have been addressed to the Division's satisfaction.

- v. That the above-noted conditions 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 Consent applications B14-22, submitted by Gord Mahoney on behalf of 2770531 Ontario Inc. for the property municipally addressed as 260 and 262 The Queensway South, Keswick.

3. BACKGROUND:

Owner(s)/Applicant(s): 2770531 Ontario Inc.

Agent: N/A

Property Description: (refer to Attachments 1 to 5)
260 and 262 The Queensway South, Keswick
Concession 3, Part Lot 9
Roll #: 146-193

3.1 PROPOSAL:

The Applicant has applied to divide the subject property into two (2) lots, as shown on Attachment 4.

In August of 2020, the owner purchased the subject property which at the time was comprised of two separate and conveyable parcels of land. Upon the purchase, the two parcels were put into common ownership. In doing so, the two parcels merged in title and can no longer be conveyed separately. This was not the intent of the owner.

In this regard, the owner is applying for a consent to sever to re-create the two separate conveyable parcels. Each re-created lot will contain one (1) existing single family dwelling.

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

Table 1 – Proposal Summary

	Frontage (m)	Depth (m)	Lot Area (m2)
Subject Land 'A'	22.49	24.79	500
Retained Land 'B'	24.41	31.50	891

Retained Land 'B' would have frontage on The Queensway South, a public, assumed road. While Subject Land 'A' would have frontage on Mac Avenue, which in turn has access to The Queensway South.

The Applicant has not indicated any immediate development plans for either Subject Land 'A' or Retained Land 'B'.

Each lot would have one (1) full move driveway access to The Queensway South and Mac Avenue, respectively. Full municipal water and sanitary services exist for both Subject Land 'A' and Retained Land 'B'. Each lot is already connected to full water and sanitary services.

The proposed consent plan is included as Attachment 4.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

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

Municipal Address	260 and 262 The Queensway South, Keswick
Zoning	Tourist Commercial (C5)
Official Plan / Secondary Plan Land Use Designation	Maskinonge Urban Centre
Regional Official Plan Land Use Designation	Urban Area
Existing Structures	Two Single Family Dwellings, One Accessory Structure
Proposed Structures	No known development plans
Heritage Status	Neither listed nor designated
Regulated by LSRCA	Yes

Some woodlands exist approximately 60 metres south of the property. Additionally, some Provincially Significant Wetlands exist to the west and north east of the property, but outside of the 120 metre buffer zone. The property is located in close proximity to Lake Simcoe.

Surrounding land uses are as follows:

- North: Commercial uses
- South: Commercial uses
- East: Commercial uses
- West: Marina, single family dwellings

4. DEPARTMENT AND AGENCY COMMENTS:

Town department and external agency comments have been consolidated into a chart (Attachment 6).

The Development Planning Division has indicated no objection, provided that the following is made a condition of Provisional Consent approval.

- Provision of documentation of an easement granting 262 The Queensway South access to Mac Avenue to the satisfaction of the Development Planning Division.

York Region has no comments or conditions on the consent application; however, in the future when a site plan application is filed to develop the properties the Region's ROW conditions will be applicable.

The Development Engineering Division has indicated no objection, and provided the following comments.

1. The Owner is advised that, prior to the issuance of a building permit for development on Subject Land 'A', a satisfactory CCTV inspection of the lateral must be provided to the Town's Engineering Division (engineering2@georgina.ca).
2. The Owner is advised that, prior to the issuance of a building permit for development on Subject Land 'A', 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 (engineering2@georgina.ca).

Economic Development has indicated no objection and has made the following comment.

1. In agreement as long as C5 – Tourist Commercial zoning remains as this location is prime development potential for commercial Business Opportunities

The following internal departments and external agencies have indicated no concerns:

- Rogers Communications Inc.
- Municipal Law Enforcement
- Ministry of Transportation
- Planning Policy Division
- Legislative Services
- Economic Development
- YCDSB
- Fire Department
- Tax and Revenue
- Building Division
- Lake Simcoe Region Conservation Authority

5. PUBLIC CIRCULATION:

As per the Planning Act, Notices of Hearing were sent by mail on November 15, 2022 to all landowners within 60 metres of the subject property. As of this report's writing, no public comments have been received.

6. ANALYSIS:

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)

The Subject Property is located in Keswick, a defined 'settlement area' in the Provincial Policy Statement, Greenbelt Plan, Growth Plan and Lake Simcoe Protection Plan. Consents are permitted in settlement areas, provided that the overall economic, social, environmental and infrastructure policies of the aforementioned Provincial Plans are met.

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) did not raise any concerns with the proposal.

York Region Official Plan (YROP) (2010)

The subject property is designated 'Urban Area' on Map 1 to the YROP.

Staff have reviewed the proposed development against the YROP and are of the opinion that it conforms with the YROP.

Keswick Secondary Plan (2004)

The Subject Property is designated 'Maskinonge Urban Centre' in Schedule F1 – Land Use Plan to the Keswick Secondary Plan (KSP). Low, medium, and high density residential uses are permitted in the designation.

In addition, the property is within the 'Shoreline/Valley Land Overlay', in accordance with Schedule 'F2' – Environmental Features of the KSP. Pursuant to Section 13.1.3.7.4, the intent of the 'Shoreline/Valley Land Overlay' is to recognize that much of the floodplain and Lake Simcoe shoreline areas within Keswick have already been developed with residential and commercial land uses. However, notwithstanding the historic development, the underlying environmental sensitivity and flooding hazards of these areas remain. The overlay adds an additional layer of environmental policy to the underlying land use designation that recognizes existing land uses. In this regard, development within this overlay is permitted subject to satisfying the various policies relating to flood risk/flood damage, site erosion, shoreline restoration and

enhancement. The LSRCA has indicated there are no concerns regarding the proposal.

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 adjustments, rights-of-way, easements, and to convey additional lands to an abutting lot, provided an undersized lot is not created.

The term 'undersized lot' is not defined in either the KSP or the Town's Official Plan (OP). For the purpose of this Report, Staff interpret an 'undersized lot' to mean a lot which is of insufficient size to accommodate the development contemplated, in the existing zone.

Staff are of the opinion that both the severed and retained lots are of sufficient size to accommodate a single family dwelling and would not be undersized. In addition, the purpose of the consent is to recreate the previous lots which existed prior to the merging of the lots when placed in common ownership and which contain existing single family dwellings.

Section 13.1.7.3.2 (a) of the KSP lists criteria that must be met in order for a Consent application to be considered in lieu of a Plan of Subdivision. The Staff evaluation of these criteria is below.

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

Both 260 The Queensway and 262 The Queensway both have access to The Queensway South, an existing public road. Additionally, 260 The Queensway South has an easement with the adjacent property, granting it access to Mac Avenue.

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

Both Subject Land 'A' and Retained Land 'B' have access to full municipal water and sanitary services, and both of the existing dwellings are already connected to these municipal services.

No extensions to municipal servicing infrastructure are required.

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

Staff are of the opinion that a Consent Agreement is not necessary, 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.

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 Consent application B20-21 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 orderly development as only one (1) additional lot is being proposed.

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

Subject Land 'A' and Retained Land 'B':

- Have access to The Queensway South, an open, assumed road;
- Have full municipal water / sanitary services across their frontage;
- Are provided stormwater drainage services via storm sewers;

No extension, improvement or assumption of municipal services is required.

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

Both 260 The Queensway South and 262 The Queensway South both have access to The Queensway South, an existing public road. Additionally, 260 The Queensway South has an easement with the adjacent property, granting it access to Mac Avenue, which in turn has access to The Queensway South. 262 The Queensway South has driveway access via the Mac Avenue.

Development Engineering Division Staff did not identify any concerns with the proposed frontages or access management / traffic considerations.

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

The proposed Consent would have the effect of re-creating one (1) residential lot. Given the presence of roads to the south and east, Lake Simcoe to the west, and the already developed lot to the north, the proposed consent would not restrict the ultimate development of adjacent lands.

(v) 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.

The Subject Property and Beneficial Property are both zoned 'Tourist Commercial (C5)' in Schedule 'A' to Zoning By-law No. 500. The only permitted residential use in the C5 zone is one dwelling unit in a storey above the first storey or within the rear of a non-residential building other than a boathouse. The submitted application states that the two properties are used for residential purposes. Based on a site visit, Staff also observed two structures that appear to be single detached dwellings.

Staff consider the residential uses to be 'legal non-conforming'. As the Zoning By-Law does not prevent the continuation of legal nonconforming structures and uses, Staff are of the opinion that the proposed consent is appropriate and compatible with the adjacent lots.

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'	22.45	24.79	500
Retained Land 'B'	24.41	35.07	891

Staff are of the opinion that both Subject Land 'A' and Retained Land 'B' have ample frontages and lot areas to permit single family dwellings. Staff are of the opinion that both Subject Land 'A' and Retained Land 'B' would be of adequate sizes for the existing single family dwellings.

- (vi) *The Consent complies with all relevant policies/provisions of this Secondary Plan.***

Staff are of the opinion that the Consent application complies with all relevant provisions of the Keswick Secondary Plan.

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

The subject property is located near Lake Simcoe, and is partially within the LSRCA jurisdiction. There is a woodland located nearby, as well as several provincially significant wetlands, but the wetlands are outside of the 120 metre influence area. The Town of Georgina has a Memorandum of Understanding (MOU) with the LSRCA. The MOU, among other matters, specifies that the LSRCA will review and comment on development proposals relative to the LSPP and the natural heritage policies of the Town Official Plan and Secondary Plans.

The LSRCA has advised no objections. As such, Staff are satisfied the area's natural features, attributes or ecological functions will not be negatively impacted.

7. CONCLUSION:

Staff are of the opinion that Consent application B14-22 is consistent with the relevant Provincial, Regional and Town planning policies.

Staff recommend that Consent application B14-22 be approved, subject to the recommended conditions.

APPROVAL

Prepared By: Brittany Dobrindt
Planner I

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 Sketch

Attachment 5 – Site Photos

Attachment 6 – Consolidated Comments