

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2022-0084

**FOR THE CONSIDERATION OF
COUNCIL**

September 21, 2022

**SUBJECT: APPLICATION TO AMEND ZONING BY-LAW No. 500
DOMINIC SORBARA & EUGENIO STURINO
LOT 91, PLAN 397**

1. RECOMMENDATION:

1. That Council receive Report No. DS-2022-0084 prepared by the Development Planning Division, Development Services Department, dated September 21, 2022 respecting an application to amend Zoning By-law No. 500 submitted by Domenic Sorbara and Eugenio Sturino for the property municipally addressed as 9 Biscayne Boulevard, Keswick.
2. That in the event no public or Council concerns are raised at the September 21, 2022 public meeting warranting investigation and a further meeting, Staff recommend the following:
 - i. That Council approve the application to amend Zoning By-law No. 500 to rezone the land municipally addressed as 9 Biscayne Boulevard, Keswick from Low Density Urban Residential (R1) to a site-specific Low Density Urban Residential (R2-24) zone;
 - ii. That Council pass the amending Zoning By-law at the September 21, 2022 Council Meeting;
 - iii. That Council assign 2.5 persons equivalent of servicing allocation to Category 3 – Minor Infill for the two (2) proposed semi-detached dwelling units on the land municipally addressed as 9 Biscayne Boulevard, Keswick.
3. That in the event concerns are raised by the public or Council which require further investigation, Staff recommend the following:
 - i. That Staff report further to Council following the receipt and assessment of the public and Council's comments;

ii. That Staff provide written notice of the next public meeting, a minimum of two weeks in advance of the date of said meeting, to the following:

- Any person or public body that has requested to be notified of any future public meeting(s); and,
- Any person or public body that has requested to be notified of Council's decision regarding the approval or refusal of the subject application.

2. **PURPOSE:**

The purpose of this report is to provide Staff's analysis, recommendations, and to outline comments received with respect to the proposed Zoning By-law Amendment (ZBA). The application was initially considered by Council at a statutory public meeting on February 9, 2022. This report addresses Council, public, external agency and internal department comments noted at that time and those noted following circulation of the subsequent submission.

3. **BACKGROUND:**

OWNERS / APPLICANTS: Domenic Sorbara and Eugenio Sturino

AGENT: Michael Smith Planning Consultants;
Development Coordinators Inc. (c/o Michael Smith)

DESCRIPTION: (refer to Attachments 1 to 4)
9 Biscayne Blvd, Keswick
Lot 91, Plan 397
Roll No: 144-564

FILE NOS.: 03.1162

3.1 **SUBJECT PROPERTIES AND SURROUNDING LAND USES:**

The subject property is located on the south side of Biscayne Boulevard, east of the Biscayne Boulevard / The Queensway south intersection.

A single family dwelling exists on the subject property. Access is provided via one (1) driveway to Biscayne Boulevard.

Varied low-density residential and commercial uses surround the subject property. Commercial uses are focussed along The Queensway South.

Biscayne Boulevard is a two-lane Town road. The Queensway South is a four-lane York Region road. The intersection of the two (2) roads is about 200 metres west of the subject property.

Table 1 below provides a summary of relevant development information.

Table 1 – Summary of Development Information

	Subject Property
Municipal Addresses	9 Biscayne Boulevard, Keswick
Zoning	Low Density Urban Residential (R1)
Keswick Secondary Plan	Neighborhood Residential
York Region Official Plan	Urban Area
Lot Frontage	18.3 metres
Lot Area	1,114.3 square metres
Regulated By LSRCA	No
Heritage Status	Not listed or designated
Natural Hazards	No
Environmental Features	Various trees and hedgerows

Table 2 below provides a summary of relevant servicing information.

Table 2 – Summary of Servicing Information

	Existing	Proposed
Water	Municipal (1 connection)	Municipal (2 connections)
Sanitary	Municipal (1 connection)	Municipal (2 connections)
Access	Existing, full move driveway to Biscayne Boulevard	Two (2) new full move driveways in different locations compared to existing

3.2 PROPOSAL

The application proposes to rezone the subject property from Low Density Urban Residential (R1) to site-specific Low Density Urban Residential (R2-24). The site specific zone would add a semi-detached dwelling as a permitted use with site-specific regulations relating to yards, driveways and other matters.

The proposed R2-24 zone would facilitate the development of one (1) three-storey semi-detached dwelling. A semi-detached dwelling is defined in the Zoning By-law as follows:

“means a dwelling that is divided vertically into two dwelling units and each dwelling unit may contain one accessory apartment, provided the accessory apartment complies with Section 5.50 of this By-law and is not subject to any provisions in this by-law relating to duplex dwellings. “

The proposed semi-detached dwelling would contain two (2) semi-detached dwelling units and two (2) accessory apartments.

The subject property is currently a single landholding. A land division application will be submitted at a later date to divide the subject property into two (2) lots. The land division would be along the common wall between the two (2) semi-detached dwelling units.

Following land division, each lot would contain one (1) semi-detached dwelling unit and one (1) accessory apartment. Both lots would contain a total of two (2) semi-detached dwelling units and two (2) accessory apartments.

Refer to Attachments 5, 6, and 7 for copies of the conceptual development plan, conceptual elevations and conceptual floor plans, respectively.

At the February 9, 2022 Council meeting, Council made a number of comments regarding the proposal. Broadly, these comments suggested that the development concept be modified as follows:

- Reduction in the overall number of storeys from three (3) to two (2);
- Reduction in the overall height;
- Addition of stairs from the semi-detached dwelling unit to the common storage / recreational room;
- Modification of the common storage / recreational room such that is only accessible to the semi-detached dwelling unit

Staff provided Council comments to the Applicant following the Council meeting. The Applicant's response to these comments is summarized below:

- Declined to reduce the number of storeys from three (3) to two (2);
- Reduced the requested maximum height from twelve (12) metres to eleven (10.5) metres;
- Declined to add a direct stairway connection from the semi-detached dwelling unit to the common storage / recreational room.

Council also indicated general concern regarding the potential to have three (3) dwelling units within each semi-detached dwelling. The concern was focussed around the common storage / recreational room and how it appeared as superfluous space that could potentially be retrofitted to include an additional accessory apartment.

Staff note that the proposed ZBA does not propose to permit three (3) units per semi-detached dwelling. A total of two (2) units per semi-detached dwelling are proposed. Staff also note that implementing a third unit would require further

Planning Act approval. For the sake of clarity, Staff have included specific language in the draft amending zoning by-law that explicitly prohibits the implementation of an additional accessory apartment. Refer to the By-laws section of the September 21, 2022 Council Agenda for a copy of the draft amending zoning by-law.

The existing single family dwelling is proposed to be demolished.

The primary semi-detached dwelling unit and accessory apartment are proposed on the 2nd and 3rd floors of each semi-detached dwelling, respectively. The 1st floor is proposed to contain an access stairwell, two (2) storage garage spaces, a meter room and a common storage / recreation room. No basement is proposed.

Each unit within the semi-detached dwelling would be allocated one (1) storage garage space. The storage garage spaces are not intended for use as parking spaces.

Staff note that the common storage / recreational room is for use by either the semi-detached dwelling unit or accessory apartment occupants. In each semi-detached dwelling, the common storage / recreational room has three (3) accesses:

- Door from the interior side yard;
- Door from the semi-detached dwelling unit storage garage;
- Door from the accessory apartment storage garage

Staff note that there are no direct, internal accesses from either the semi-detached dwelling unit or the accessory apartment to the common storage / recreational room.

Each semi-detached dwelling is proposed to have four (4) parking spaces, all of which are provided in the driveway. At any given time, a minimum of two (2) parking spaces would have direct, uninterrupted access to Biscayne Boulevard.

A land division application to divide the subject property into two (2) lots will be submitted at a later date, pending a Council decision on the proposed ZBA. Various development conditions would be implemented through same. These potential conditions are discussed later in this Report.

Refer to Attachments 5, 6 and 7 for the revised concept development plan, floor plans and elevation plans, respectively.

Access is proposed to be via two (2) new driveways to Biscayne Boulevard. Both driveways are proposed to allow for full movements.

Three (3) trees and a hedge are proposed to be removed to enable the proposed development.

The revised submission documents are available from the Development Planning Division upon request and through the below link:

[Click here to download](#)

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

4.1 PUBLIC CIRCULATION

At the February 9, 2022 Council meeting, Council resolved to require that notice be provided to all interested parties a minimum of two (2) weeks before the proposal is returned to Council. To comply with the Council Resolution, the Notice of Second Public Meeting was sent out before September 8, 2022.

For the purpose of additional public notification, the Notice of Second Public Meeting was posted on the Town's website on September 8, 2022.

As of the writing of this report, Staff have received one (1) written comment from a member of the public and have received three (3) requests to be notified.

The written comment indicated general support for the proposal, stating that additional homes are needed in the areas and that similar developments exist nearby. A redacted copy of this comment is included as Attachment 8.

4.2 TOWN DEPARTMENTS AND EXTERNAL AGENCIES COMMENTS

Staff circulated departments and agencies on the revised proposal. Consolidated comments are included as Attachment 9. Refer to Report DS-2022-0009 for copies of the comments received pursuant to the initial proposal.

Development Engineering Division

The Development Engineering Division has indicated no concerns, provided that the following occurs:

- A lot grading and drainage plan is provided as part of the future Site Alteration and Entrance Permit application;
- The owner acknowledges that, if grading is required on abutting properties, an agreement between both Owners may be required;
- The abandonment of the existing water service be undertaken by a qualified contractor and that it be cut and capped with industry specific material;
- Video inspection of the existing sewer service is required prior to the issuance of a Town Connection permit

The Development Engineering Division has indicated that no further review of the proposed Zoning By-law Amendment application is required, but has specified that the above-noted matters must be addressed through the future Site Alteration and Entrance Permit process.

Lake Simcoe Region Conservation Authority (LSRCA)

Staff note that the LSRCA has not provided comments on the revised proposal. Despite this, Staff are of the opinion that the previously-provided comments remain applicable.

As part of the initial submission, the LSRCA indicated no concerns, that the property was not regulated and that the proposed development was not classified as major development.

York Region

York Region has indicated no concerns considering that the proposed ZBA is of local significance.

Staff note that York Region has historically requested that a Holding Symbol be implemented to restrict development or occupancy until the ongoing Keswick Sewage Pumping Station (KSPS) upgrades are 'on track' for completion.

York Region has advised that minor developments involving one (1) additional dwelling unit may proceed without a Holding Symbol. York Region has also advised that accessory apartments are not considered as additional dwelling units for the purposes of the above.

Fire Department

The Fire Department has not yet provided comments on the revised proposal. Despite this, Staff are of the opinion that the previously-provided comments remain applicable.

As part of the initial submission, the Fire Department indicated the following:

- All construction must conform to the Ontario Building Code (OBC);
- The Developer should give consideration to the installation of a residential fire sprinkler system. The Developer should meet with the Fire Department to discuss this life safety feature.

5. ANALYSIS:

Based on the comments received to date, the information provided by the Applicant, and a site inspection conducted by Staff, the following is an overview of the proposed Zoning By-law Amendment against applicable Provincial, Regional and Town planning documents.

5.1 PROVINCIAL POLICY FRAMEWORK

Section 3(5) of the *Planning Act* requires that a decision of the Council of a municipality, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the Provincial Policy Statement and shall conform with, or not conflict with, the Provincial Plans that are in effect.

5.1.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and plays a key role in setting the policy foundation for regulating development and the use of land in Ontario.

A detailed PPS policy analysis is provided in Report DS-2022-0009. Staff remain satisfied that the proposed Zoning By-law Amendment, as amended, is consistent with and does not conflict with the PPS.

5.1.2 Greenbelt Plan, 2017 (GBP)

The subject property is designated as Towns/Villages in the GBP. Section 3.4.3 specifies that these lands are subject to the Growth Plan, local Official Plans and related initiatives, save and except for the GBP's agri-food network, water resource system, external connections, parkland and settlement policies.

A detailed GBP policy analysis is provided in Report DS-2022-0009. Staff remain satisfied that the proposed ZBA, as amended, conforms with the GBP.

5.1.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) directs decision-making regarding growth management in the Greater Golden Horseshoe until the year 2051.

A detailed Growth Plan policy analysis is provided in Report DS-2022-0009. Staff remain satisfied that the proposed ZBA, as amended, conforms with the Growth Plan.

5.1.4 Lake Simcoe Protection Plan, 2009

The Lake Simcoe Protection Plan (LSPP) seeks to protect, improve and restore elements that contribute to the ecological health of the Lake Simcoe Watershed, including water quality, hydrology, key natural heritage features and their functions and key hydrologic features and their functions. The subject property is not within the area regulated by the Lake Simcoe Region Conservation Authority (LSRCA).

The LSRCA noted in their original comments that there are no concerns with the proposed ZBA and that no further review is required.

A detailed LSPP policy analysis was provided in Report DS-2022-0009. Staff remain satisfied that the proposed ZBA, as amended, conforms with the LSPP.

5.2.1 York Region Official Plan, 2010 (Office Consolidation April 2019)

The subject property is designated 'Urban Area' on Map 1 of the York Region Official Plan (YROP). Section 5.6 of the YROP, Building Complete, Vibrant Communities, states that Urban Areas in the Region have a unique sense of place and identity, with main streets and places to work, live and play, and that each will have a role to play in accommodating future growth and intensification.

York Region has provided comments and indicated no objection to the proposed ZBA.

A detailed YROP policy analysis is provided in Report DS-2022-0009. Staff remain satisfied that the proposed ZBA, as amended, conforms with the YROP.

5.2.2 Keswick Secondary Plan, 2004 (Office Consolidation Dec. 10, 2019)

The subject property is designated 'Neighbourhood Residential' on Schedule 'F1' of the Keswick Secondary Plan (KSP). Development within the Neighbourhood Residential designation is to be well-designed, attractive, compatible, and may include a range and mix of low-density residential uses, parks and open space features and an array of community facilities.

Refer to Report DS-2022-0009 a review of the applicable KSP policies. For the purpose of brevity, this Report will only address the specific KSP policy concerns with respect to accessory apartments, parking, density, compatibility, servicing, and tree preservation raised in Report DS-2022-0009.

Accessory Apartments

Section 13.1.2.10 specifies that accessory apartments must be 'supplemental to the primary residential use'. Staff note that the Official Plan, Keswick

Secondary Plan and the Zoning By-law do not provide explicit guidance on how an accessory apartment may be 'supplemental' to a primary use.

For the above reason, Staff are of the opinion that any proposed accessory apartment, regardless of floor area, can be considered to be 'supplemental' to the primary residential use by virtue of its classification as an accessory apartment.

Staff are of the opinion that the proposed accessory apartment meets the intent of Section 13.1.2.10.

Parking

Section 13.1.4.5 requires that development have adequate off-street parking. Staff note that semi-detached dwellings with accessory apartments require a minimum of three (3) parking spaces.

Each future lot is proposed to contain a semi-detached dwelling unit and an accessory apartment with a minimum of four (4) standard, parking spaces in the driveway.

Staff note that the storage garages are not intended for use as parking spaces and are not included in the parking space calculation.

Staff are of the opinion that the proposed parking meets the intent of Section 13.1.4.5.

Density

Refer to Report DS-2022-0009 for a review of the applicable KSP density policies.

Staff are of the opinion that the proposed development constitutes a gentle increase in density and meets the intent of the maximum density policy for low density residential development. An Official Plan Amendment is not required.

Compatibility

Development on the subject property shall be compatible in terms of orientation, privacy, landscaping, shadow casting and visual impact. The KSP indicates that 'compatible' development need not necessarily be the same or similar to existing uses and that it only needs to co-exist without causing adverse impacts on surrounding properties.

Varied residential uses surround the subject property, including townhouse, semi-detached, linked and single family dwellings.

7 and 11 Biscayne Boulevard (being the properties to the immediate east and west of the subject property) both contain single family dwellings.

In Report DS-2022-0009, Staff indicated compatibility concerns with the requested increase in maximum height and decrease in minimum interior side yards, specifically with regard to the existing single family dwelling at 7 Biscayne Boulevard.

In order to ensure compatibility, Staff suggested that the proposed development have a reduced height and increased interior side yards.

The proposed maximum height and minimum interior side yards in the draft amending zoning by-law are set out in Table 3 below for both the original and revised proposals.

Table 3 – Comparison of Height and Interior Side Yards

	Original Proposal	Revised Proposal	Standard Zoning Requirement
Maximum Height	12 m	10.5 m	11 m
Minimum Interior Side Yard	1.2 m (All floors)	1.7 m (1 st floor) 1.7 m (2 nd floor) 2.0 m (3 rd floor)	1.2 m (1 st floor) 1.7 m (2 nd floor) 2.2 m (3 rd floor)

Staff note that fencing may be used to further mitigate visual and privacy impacts on abutting properties. Staff recommend that the requirement to construct fencing be considered as a condition of approval for a future land division application.

Staff are of the opinion that the revised proposal addresses the compatibility concerns raised by Staff in Report DS-2022-0009.

Sanitary Sewage and Water Supply Services

All development within the KSP Urban Service Area must be on full municipal water / sanitary services and allocated the appropriate amount of servicing capacity.

Refer to Table 4 for a summary of the required servicing allocation.

Table 4 – Servicing Allocation Requirement

	Persons Equivalent	Existing / Required
Existing Single Family Dwelling	2.78	Existing
Semi-Detached Dwelling Unit #1	2.64	Required
Semi-Detached Dwelling Unit #2	2.64	Required

Total Net Allocation Requirement	2.5
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Staff note that accessory apartments do not require the assignment of servicing allocation.

Staff recommend that 2.5 persons equivalent be assigned to the subject property from Residential Category 3 – Minor Infill and Intensification category of the Keswick Water Resource Recovery Facility (KWRRF).

Tree Preservation

Section 13.1.2.4 of the Keswick Secondary Plan specifies that it is the intent of the Town to protect and enhance tree cover throughout Keswick.

The submitted Tree Inventory and Preservation Plan indicates that three (3) trees and a hedge must be removed to enable the proposed development. Compensatory plantings or payments will be required.

Staff recommend that tree preservation be addressed through the land division process.

Staff are of the opinion that the proposed ZBA conforms with the Keswick Secondary Plan and is appropriate.

5.2.3 Zoning By-law No. 500

The subject property is zoned R1 and is proposed to be re-zoned to R2-24. The R2-24 zone would, in addition to implementing other site-specific regulations, add semi-detached dwellings as a permitted use and remove some residential / non-residential permitted uses.

Refer to Report DS-2022-0009 a review of all proposed amendments to the Zoning By-law. For the purpose of brevity, this Report will only address the specific zoning-related concerns raised in Report DS-2022-0009.

In Report DS-2022-0009, Staff identified concerns with the proposed reduction in minimum garage parking space widths. Staff note that relief for this is no longer being proposed due to the storage garages no longer being classified as parking spaces.

Staff also identified concerns with the proposed increase in height (from 11 metres to 12 metres) and the proposed decrease in minimum interior side yard. These matters were raised as compatibility concerns, specifically regarding massing and shading impacts on nearby properties.

In the initial proposal, the proposed ZBA would have reduced the minimum interior side yard for all storeys to 1.2 metres. In the revised proposal, the minimum interior side yard would be 1.7 metres for the 1st and 2nd storeys and 2 metres for the 3rd storey.

Staff note that the Applicant is no longer requesting relief from maximum height regulations. A maximum height of 10.5 metres is proposed, which is standard for single family, semi-detached and townhouse dwellings.

The draft amending zoning by-law has also been updated to include language that:

- Reduces the maximum encroachment of ornamental building features and window bays into the required interior side yard (0.5 m to 0.31 m);
- Limits the total permissible number of dwelling units within a semi-detached dwelling to one (1) semi-detached dwelling unit and one (1) accessory apartment;

Refer to the By-laws section of the September 21, 2022 Council Agenda for a copy of the draft amending zoning by-law.

Given the revised amending zoning by-law, Staff are of the opinion that the proposed ZBA adequately addresses the matters identified in Report DS-2022-0009 and is appropriate.

6. CORPORATE STRATEGIC PLAN:

This Report addresses the following Town of Georgina corporate strategic goal:
Promote a high quality of life

7. FINANCIAL AND BUDGETARY IMPACT:

There are no financial concerns or budgetary impacts on the Town as a result of this application. The Owner shall apply for and obtain any and all necessary approvals associated with proposed development, including the payment of applicable associated costs for building permits, which includes the payment of development charges and cash in lieu of parkland dedication at the time of building permit issuance.

8. CONCLUSION:

In conclusion, Staff are of the opinion that the proposed ZBA is consistent with or does not conflict with the PPS, conforms to the relevant Provincial, Regional and Town plans and constitutes good planning. Staff are of the opinion that the proposed ZBA is appropriate and recommend approval by Council.

In addition to the above, Staff recommend that Council assign 2.5 persons equivalent of servicing allocation be assigned to the subject property from the KWRRF Residential Category 3 – Minor Infill and Intensification category. Staff also recommend that the amending zoning by-law be passed at the September 21, 2022 Council meeting.

APPROVALS

Prepared By: Connor McBride, MCIP, RPP
Senior Development Planner

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

Recommended By: Harold Lenters, M.Sc PI, RPP
Director of Development Services

Approved By: Ryan Cronsberry
Chief Administrative Officer

Attachments:

Attachment 1 – Context Map
Attachment 2 – Key Map
Attachment 3 – Aerial Map
Attachment 4 – Site Photos
Attachment 5 – Concept Development Plan
Attachment 6 – Concept Elevations
Attachment 7 – Concept Floor Plans
Attachment 8 – Public Comment
Attachment 9 – Consolidated Comments