

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