

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0013

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

March 18, 2024

**SUBJECT: CONSENT APPLICATION B01-24
44 EDITH STREET, JACKSON'S POINT
PART OF LOT 18, CONCESSION 9 (NG)**

1. RECOMMENDATIONS:

- 1. That the Committee of Adjustment receive Report No. DS-2024-0013 prepared by the Development Planning Division, Development Services Department, dated March 18, 2024, respecting Consent Application B01-24, submitted by the owners for the property municipally addressed as 44 Edith Street, 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 B01-24, as it pertains to the property municipally addressed as 44 Edith Street to sever and convey Subject Land 'A' from Remainder Land 'B', as shown in Attachment 2 to Report No. DS-2024-0013, to create one (1) new residential building lot; and,**
 - b) That the approval of Consent Application B01-24 be subject to the following conditions:**
 - 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' from Remainder Land 'B', as shown on Attachment 2 to Report No. DS-2024-0013;**
 - iii) Submission to the Secretary-Treasurer of written confirmation from The Regional Municipality of York that all matters identified in Attachment 4 to Report No. DS-2024-0013 have been addressed to the Region's satisfaction;**
 - iv) Submission to the Secretary-Treasurer of written confirmation from the Town's Development Planning Division that all matters identified in Attachment 4 to Report No. DS-2024-0013 have been addressed to the Division's satisfaction; and,**

- v) **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 Consent Application B01-24 to create one (1) new residential building lot.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
44 Edith Street
Part of Lot 18, Concession 9 (NG)
Lot 42, Judge's Plan 602
Roll #: 136-219

3.1 PROPOSAL:

The owners have applied to divide the subject property into two (2) lots, as shown on Attachment 2.

The owner is applying for consent to create two (2) separately conveyable parcels. The created lot (Subject Land 'A') is proposed to contain a new single detached dwelling and the Remainder Land 'B' will contain the existing single dwelling and accessory structure.

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

Table 1 – Proposal Summary

	Frontage (m)	Depth (m)	Lot Area (m ²)
Subject Land 'A'	47.24	30.32	1,436.56
Remainder Land 'B'	47.24	29.72	1,408.13

The Subject Land 'A' will have frontage on Brule Lakeway and the Remainder Land 'B' has frontage on Edith Street.

The proposed Consent Plan is included as Attachment 2.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

The subject property is a through lot with frontage on Brule Lakeway and Edith Street south of Metro Road North. Subject Land 'A' is currently vacant. Existing buildings on Remainder Land 'B' include a single detached dwelling, pool and a shipping container that is not permitted in this zone. Surrounding properties and land uses are as follows:

North: low-density residential uses.
South: low-density residential uses.
East: low-density residential uses.
West: low-density residential uses.

A summary of the characteristics of the property is as follows:

General Property Information	
Municipal Address	44 Edith Street
Zoning	Low Density Urban Residential (R1-117)
Frontage	Subject Land 'A' – 47.24 Metres Remainder Land 'B' – 47.24 Metres
Area	Subject Land 'A' - Approx. 1,436.56 Square Metres Remainder Land 'B' - Approx. 1,408.13 Square Metres
Sutton / Jackson's Point Secondary Plan Land Use Designation	Stable Residential Area
Regional Official Plan Land Use Designation	Community Area
Related Applications	None
Land Use and Environmental Considerations	
Existing Structures	Single Detached Dwelling and shipping container
Proposed Structures	Subject Land 'A' - Proposed Single Detached Dwelling Remainder Land 'B' - Existing Single Detached Dwelling
Heritage Status	Neither listed nor designated
Regulated by LSRCA	Not regulated
Key Natural Heritage Features	None

Natural Hazards	None	
Servicing		
	<u>Existing</u>	<u>Proposed</u>
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Existing driveway	Proposed Driveway for Subject Land 'A'

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

4.1 PUBLIC CIRCULATION

Under the provisions of the *Planning Act*, the Notice of Hearing for the subject application was sent by mail on March 4, 2024, 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 the general public concerning Consent Application B01-24.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS:

All Town department and external agency comments for Consent Application B01-24 have been consolidated into a chart, which is included as Attachment 4.

The Regional Municipality of York has indicated no objections and provided the following condition:

- Prior to the final approval of the Consent application, the Town of Georgina shall confirm that adequate water supply and sewage capacity have been allocated for the proposed new lot.

The Development Engineering Division has indicated no objections to the application and provided the following comments:

- 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 depending on the proposal at the building/engineering permit stage, the portion of the swale currently shown on Subject Land 'A' on the north and south sides of the property may have to be reconfigured to ensure proper drainage is maintained.

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

- The Owner submits and obtains approval of a Minor Variance application to permit an existing shipping container for storage to remain on the remainder lands.

The following Town departments / divisions and external agencies have indicated no objections/comments to the Consent.

- Tax and Revenue Division
- Plumbing/Building Inspector
- Lake Simcoe Region Conservation Authority
- Georgina Fire Department
- Economic Development and Tourism Division

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

5. ANALYSIS:

The following is an evaluation of Consent Application B01-24 as it relates to the applicable policies of Provincial, Regional, and Town planning documents.

5.1 PROVINCIAL POLICY STATEMENT (2020), GREENBELT PLAN (2017), GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2020), & LAKE SIMCOE PROTECTION PLAN (2009):

The subject property is located in Jackson's Point, a defined 'Settlement Area' under the Provincial Policy Statement, Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and the Lake Simcoe Protection Plan. Lot line adjustments and lot creation 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.

5.2 YORK REGION OFFICIAL PLAN (2022):

The subject property is designated as 'Community Area' on Map 1a to the York Region Official Plan (YROP). Staff have reviewed the 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 conforms with the York Region Official Plan.

5.3 OFFICIAL PLAN OR SECONDARY PLANS, ZONING BY-LAW 500

The Town of Georgina Official Plan (2016) 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 (R1-117).

The proposed consent is to create a new residential lot, 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 one additional lot, and both the severed and retained lands front on existing public roads, Brule Lakeway and Edith Street. No extension or expansion of a road is required.

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

Both Subject Land 'A' and Remainder Land 'B' have access to full municipal water and sanitary services.

(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 a new residential lot, 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 one (1) additional lot is 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 Remainder Land 'B' have access to full municipal sanitary services, storm ditch, and frontage on a public assumed road.

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

Both Subject Land 'A' and Remainder Land 'B' have access to full municipal services, and no extension, improvement or assumption of municipal services is required.

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, Brule Lakeway and Edith Street, 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, 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 (R1-117). 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'	47.24	30.32	1436.56
Remainder Land 'B'	47.24	29.72	1408.13

Both Subject Land 'A' and Remainder Land 'B' are zoned R1-117. The R1-117 zone permits a minimum lot frontage of 30.0 metres and a minimum lot area of 450.0 square metres. The proposed severance complies with the minimum lot frontage and lot area requirements for the R1-117 zone.

Staff are of the opinion that both Subject Land 'A' and Remainder Land 'B' have ample frontages and lot areas to permit single family dwellings. Staff are of the opinion that both Subject Land 'A' and Remainder Land 'B' would be 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 are of the opinion that the proposal meets the relevant policies of Provincial and Regional Plans, as well as the Town's Official Plan and Zoning By-law.

CONCLUSION:

Staff are of the opinion that Consent Application B01-24 to create one (1) new residential building lot is consistent with the Provincial Policy Statement, complies with the criteria under Section 51(24) of the *Planning Act*, and conforms to the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Lake Simcoe Protection Plan, the York Region Official Plan, the Sutton / Jackson's Point Secondary Plan and Zoning By-law 500, and represents good planning. In this regard, Staff recommend approval of the application subject to the conditions noted in Section 1 of this report.

APPROVALS

Prepared By: Monika Sadler
 Planner I

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

Attachments:

Attachment 1 – Location Map

Attachment 2 – Consent Plan

Attachment 3 – Site Photos

Attachment 4 – Consolidated Comments Chart