

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0014

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

March 18, 2024

**SUBJECT: CONSENT APPLICATIONS B17-23 AND B02-24
9537 MORNING GLORY ROAD AND S/S MORNING GLORY ROAD,
PEFFERLAW
PART OF WEST HAL**

1. RECOMMENDATIONS:

- 1. That the Committee of Adjustment receive Report No. DS-2024-0014 prepared by the Development Planning Division, Development Services Department, dated March 18, 2024, respecting Consent Applications B17-23 and B02-24, submitted by the owners for the properties municipally addressed as 9537 Morning Glory Road and s/s Morning Glory Road, Pefferlaw; 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 Applications B17-23 and B02-24, as they pertain to the properties municipally addressed as 9537 Morning Glory Road and s/s Morning Glory Road to sever and convey Subject Land 'A' and Subject Land 'B' from Retained Land 'C', as shown in Attachment 2 to Report No. DS-2024-0014, to create two (2) new residential building lots; and,**
 - b) That the approval of Consent Applications B17-23 and B02-24 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 applications, as submitted;**
 - ii) Submission to the Secretary-Treasurer of a draft deed, in duplicate, conveying Subject Land 'A' and Subject Land 'B' from Retained Land 'C', as shown on Attachment 2 to Report No. DS-2024-0014;**
 - iii) Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina Development Planning Division that**

all matters identified in Attachment 4 to Report No. DS-2024-0014 have been addressed to the Division's satisfaction;

- iv) Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2024-0014 have been addressed to the Division's satisfaction;
- v) Submission to the Secretary-Treasurer of written confirmation from the Lake Simcoe Region Conservation Authority (LSRCA) that all matters identified in Attachment 4 to Report No. DS-2024-0014 have been addressed to the LSCRA's satisfaction and,
- vi) 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 Applications B17-23 and B02-24 to create two (2) residential lots, one with an existing single detached dwelling and the other with a proposed single detached dwelling.

3. **BACKGROUND:**

Property Descriptions: (refer to Attachments 1 to 3)
9537 Morning Glory Road
Part of Lot 20, Concession 5 (G)
Parts 4 to 6, Plan 65R-25429
Roll #: 052-950

s/s Morning Glory Road
Part of Lot 20, Concession 5 (G)
Part 2, Plan 65R-25429
Roll #: 052-65020

3.1 **PROPOSAL:**

The owners have applied to divide the subject property into three (3) lots, as shown on Attachment 2.

The owner is applying for consent to create three (3) separately conveyable parcels. With respect to the created lots, Subject Land 'A' will contain an existing single detached dwelling, Subject Land 'B' is proposed to contain a new single detached dwelling and Retained Land 'C' is to continue as agricultural land to be farmed.

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

Table 1 – Proposal Summary

	Frontage (m)	Depth (m)	Lot Area (m2)
Subject Land 'A'	52.35	77.72	4,068
Subject Land 'B'	30	77.72	2,331.6
Retained Land 'C'	22.5	6,606.9	91,301.4

The Subject Land 'A', Subject Land 'B' and Retained Land 'C' will have frontage on Morning Glory Road.

The proposed Consent Plan is included as Attachment 2.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

The subject properties have frontage on the south side of Morning Glory Road, east of Weir's Sideroad, in the community of Pefferlaw. Existing buildings on Subject Land 'A' include a single detached dwelling, while Subject Land 'B' and Retained Land 'C' are currently vacant. Surrounding properties and land uses are as follows:

- North:** residential uses.
- South:** rural/agricultural uses.
- East:** residential uses.
- West:** York Regional Forst/rural uses.

A summary of the characteristics of the properties are as follows:

General Property Information	
Municipal Address	9537 Morning Glory Road Morning Glory Road S/S
Zoning	Rural (RU), Open Space (OS-25), Residential (R)
Frontage	Subject Land 'A' – 52.35 Metres Subject Land 'B' – 30 Metres Retained Land 'C' – 22.5 Metres
Area	Subject Land 'A' - Approx. 4,068 Square Metres Subject Land 'B' - Approx. 2,331.6 Square Metres Retained Land 'C' – Approx. 91,301.4 square Metres
Pefferlaw Secondary Plan Land Use Designation	Residential and Rural

Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling	
Proposed Structures	Subject Land 'A' – Existing Single Detached Dwelling Subject Land 'B' - Proposed Single Detached Dwelling Retained Land 'C' – Vacant Land	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Yes, Partial Regulated	
Key Natural Heritage Features	Yes, Wetland and Woodland at the rear of subject property (9537 Morning Glory Road)	
Natural Hazards	None	
Servicing		
	<u>Existing</u>	<u>Proposed</u>
Water	Private – Subject Land 'A'	Private – Subject Land 'B'
Sanitary	Private – Subject Land 'A'	Private – Subject Land 'B'
Access	Existing driveway – Subject Land 'A'	Proposed Driveway for Subject Land 'B' and Retained Land 'C'

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

4.1 PUBLIC CIRCULATION

Under the provisions of the *Planning Act*, the Notice of Hearing for the subject applications was sent by mail on March 4, 2024, to all landowners within 60.0 metres of the subject properties and a placard was placed on the properties.

As of the date of writing this report, Staff have not received any comments from the general public concerning Consent Applications B17-23 and B02-24.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS:

All Town department and external agency comments for Consent Applications B17-23 and B02-24 have been consolidated into a chart, which is included as Attachment 4.

The Town's Development Planning Division has indicated no objections to the applications and provided the following condition(s):

- That the Owner submit and obtain approval for a Cancellation of Consent (B02-24) related to previous Consent Application P420212 from 2002 (Part 2, Plan 65R-25429).
- That the Owner submit a hydrogeological study (which shall include pump testing), demonstrating that there is an adequate quantity and quality of ground water to the proposed lot and that same will not have an adverse effect on adjacent wells and the supply of potable water in the area, and that the size of the newly created lot can accommodate a single detached dwelling on private services.

The Town's Development Engineering Division has indicated no objections to the applications and provided the following condition(s) and advisory comment(s):

- Based on a planned street width of 25 metres for Morning Glory Road, the applicant/owner shall convey lands across the full frontage of the site (Subject Land 'A' and Subject Land 'B') to the Town to facilitate a road widening of sufficient width to provide a maximum of 12.5 metres from the centreline of the existing Morning Glory Road allowance.
- The applicant/owner is advised at the time of building permit to provide a detailed lot grading and drainage plan including existing and proposed entrance prepared by a Professional Engineer or Ontario Land Surveyor skilled and competent in such works and all in accordance with the requirements of Part 4 of By-law 2022-0038 (REG-1), as amended. The plan shall show existing conditions including grade elevations of the entire lot, to the satisfaction of the Town's Development Engineering Division.
 - A Professional Engineer is required to prepare drainage plans that contain any LID's (soakaway pit, infiltration gallery, French drain, etc.). Please contact the Development Engineering Division for any questions or concerns.

The Town's Plumbing/Building inspector indicated has no objections to the applications and provided the following comment(s):

- Each lot will need to be able to facilitate a well, septic with the proper setbacks.

The Lake Simcoe Region Conservation Authority has indicated no objections to the applications and provide the following condition(s):

- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Consent (Minor – planner review only) is \$536.

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

- Tax and Revenue Division
- York Region
- Georgina Fire Department
- Economic Development and Tourism Division
- York Region District School Board

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

5. ANALYSIS:

The following is an evaluation of Consent Applications B17-23 and B02-24 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 Pefferlaw, a defined 'Settlement Area' / 'Towns and Villages' 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 PEFFERLAW SECONDARY PLAN (PSP) AND ZONING BY-LAW 500

As per Section 13.3.3.2 of the Pefferlaw Secondary Plan, land division within the community of Pefferlaw is subject to policies of Section 6.1 of the 1982 Town Official

Plan, and more specifically, Section 6.1.2, which speaks to policies regarding severances. Below is staff's assessment of the proposed consents against the applicable policies:

- a) *The proposed use must conform with the policies of this Plan (i.e. 1982 Official Plan) and the zoning by-law. Should an amendment to this Plan or the zoning by-law, or both, be required, the applicant for consent, prior to making his application, must obtain the required amendments:*

The subject property is designated 'Residential' and 'Rural' on Schedule 'E1' Land Use Plan of the Pefferlaw Secondary Plan and zoned Residential (R), Rural (RU) and Open Space (OS-25) on Map 1, in Schedule 'A' to Zoning By-law 500. The portion of the properties that are being severed and/or contain existing structures are zoned Residential (R) and designated in the Pefferlaw Secondary Plan as Residential. Single detached dwellings are permitted in Residential zone and designation.

- b) *Severance consents should be granted only after it has been established that the lot sizes are adequate, and soil and drainage conditions will permit proper siting of buildings:*

Staff have reviewed the subject applications and are of the opinion that the proposed size of the lots resulting from the lot creation are appropriate for the existing and proposed uses and meet Zoning By-law requirements as discussed above.

- c) *Where full piped services are not available, all development on private services must be in accordance with the policies of Section 6.3.1.7:*

Staff note that Section 6.3.1.7, regarding 'Private Water and Sewage Services', in the 1982 Official Plan was repealed by the adoption of the 2002 Official Plan (by By-law No. 2002-0096) and again by the adoption of the 2016 Official Plan (by By-law No. 2016-0033). Therefore, Consent applications are evaluated against the policies regarding private water and services as contained in Sections 13.3.3.3 and 13.3.3.4 of the PSP, and Sections 9.3.7 and 9.3.11.1 of the 2016 Town Official Plan.

Section 13.3.3.3 of the PSP provides that prior to new residential development being approved, the estimated groundwater resources of the community shall be determined through the submission of a hydrogeological study.

Notwithstanding, a Settlement Capacity Study that was undertaken by the Town during the preparation of the PSP concluded that there was an adequate supply of potable water in the community to support additional population if development proceeded in a staged and orderly manner, all in accordance with standard practices and densities.

In order to protect the interests of the neighbouring area and potential owners of the newly created lot, a hydrogeological study will be a required as a condition of approval of the subject application (which shall include pump testing) in order to demonstrate that there is an adequate supply of potable water for Subject Land 'B', and that the proposed development (new single detached dwelling, well and private septic system) will not have an adverse effect on adjacent wells and the supply of potable water in the area.

Further, Section 13.3.3.4 of the PSP states that appropriate lot sizes will be determined through hydrogeological studies for those lots that will require private water and septic services. This Section also states that a new lot created by severance or plan of subdivision that is to be serviced by an individual well and a standard Class 4 sewage disposal system shall not be less than 0.4 ha (1.0 acres). Recognizing the age of the PSP, the advancement of technology and the size of lots within the vicinity of the subject lot, Staff have interpreted that a smaller lot is permissible. As mentioned above, a hydrogeological study shall be provided to demonstrate the appropriate lot size.

In addition, as stated previously, the Town's Plumbing/Building Inspector noted that each lot will need to be able to facilitate a well and septic with the proper setbacks.

Staff are satisfied that the proposed severance conforms with the private water and sewage services policies, subject to the conditions discussed above.

- d) *Severance consents for new building lots will not be granted unless the land fronts on an assumed public road:*

Subject Land 'A', Subject Land 'B' and Retained Land 'C' will have frontage and access on Morning Glory Road, which is an assumed public road.

Staff are satisfied that this policy is fulfilled.

- e) *The Committee should carefully consider the Minimum Distance Separation Formulae in the Agricultural Code of Practice (published by the Province) when considering a consent application which would affect lands designated Rural in Schedule 'A' to this Plan:*

The Minimum Distance Separation (MDS) Formulae is a land use planning tool that determines a recommended separation distance between a livestock barn or manure storage and another land use. The objective of MDS is to prevent land use conflicts and to minimize nuisance complaints from odour.

Notwithstanding the Rural designation and Rural (RU) zoning of neighbouring properties, Staff have confirmed there are no livestock facilities or permanent manure storage uses on those properties. Therefore, this policy does not apply.

In addition to the requirement to review the proposal against the policies contained in Section 6.1.2 of the 1982 Town Official Plan, Section 6.1.2.1.4 of the Plan provides additional considerations for residential severances. Specifically, severances of residential lots will be permitted provided the resulting parcels are of a satisfactory geometric design and are adequate in size to support necessary services and will comply with the yard requirements of the zoning by-law and provided such parcels are generally compatible with adjacent lot sizes and patterns. Subject to these considerations, an application to sever land will be considered favourably if it constitutes infilling.

The proposed lots for residential uses will be of a standard rectangular shape; therefore, Staff are of the opinion the resulting lots will be of a satisfactory geometric design. Staff have also reviewed the proposed lots against Zoning By-law No. 500 and are satisfied that Subject Land 'A' and Subject Land 'B' are sufficient in size to provide the minimum yard requirements for the existing and proposed single detached dwellings. In addition, as mentioned above, a hydrogeological study shall be provided to demonstrate the appropriate lot size. Therefore, Staff are of the opinion the proposed lots are adequate in size to support the necessary services.

The proposed lots are generally compatible with adjacent lot sizes and patterns along the south side of Morning Glory Road, as seen in Attachment 1. Staff note that the properties adjacent to the subject properties vary in size and shape, some being much larger than the subject property and some being smaller. Therefore, consideration of the existing streetscape, it would appear that Subject Land 'A' and Subject Land 'B' have some similarities in regard to frontage, size and shape to several of the surrounding lots. Additionally, Retained Land 'C' has similar frontage to an agricultural property to the north of the subject property. Staff are satisfied the proposed lots are generally compatible with the adjacent lot sizes and patterns.

Staff are satisfied the proposal satisfies the additional severance considerations for residential severances provided in Section 6.1.2.1.4.

In light of the above discussion, Staff are satisfied that the proposal is in conformity with relevant policies of the 1982 Official Plan, the Pefferlaw Secondary Plan and Zoning By-law 500.

CONCLUSION:

Staff are of the opinion that Consent Applications B17-23 and B02-24 to create two (2) residential lots, one with an existing single detached dwelling and the other with a proposed future single detached dwelling, are consistent with the Provincial Policy Statement, complies with the criteria under Section 51(24) of the *Planning Act*, and conform to the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Lake Simcoe Protection Plan, the York Region Official Plan, the Pefferlaw Secondary Plan and Zoning By-law 500, and represent good planning. In this regard, Staff recommend approval of the application subject to the conditions noted in Section 1 of this report.

