

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0024

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

April 29, 2024

**SUBJECT: CONSENT APPLICATIONS B04-24 AND B05-24
300 METRO ROAD, KESWICK
PART LOT 18, CONCESSION 2, RS65R1422 PART 1**

1. RECOMMENDATIONS:

- 1. That the Committee of Adjustment receive Report No. DS-2024-0024 prepared by the Development Planning Division, Development Services Department, dated April 29, 2024, respecting Consent Applications B04-24 and B05-24, submitted by the owner for the property municipally addressed as 300 Metro Road, Keswick; 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 B04-24 and B05-24, as it pertains to the property municipally addressed as 300 Metro 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-2024-0024, to create one (1) new residential building lot and one (1) new lot for future residential development; and,**
 - b) That the approval of Consent Applications B04-24 and B05-24 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' and Subject Land 'B' from Retained Land 'C', as shown on Attachment 2 to Report No. DS-2024-0024;**
 - iii) 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-2024-0024 have been addressed to the LSRCA's satisfaction;**
 - iv) Submission to the Secretary-Treasurer of written confirmation**

- from the Town's Policy Planning Division that all matters identified in Attachment 4 to Report No. DS-2024-0024 have been addressed to the Division's satisfaction;
- v) Submission to the Secretary-Treasurer of written confirmation from The Regional Municipality of York Region that all matters identified in Attachment 4 to Report No. DS-2024-0024 have been addressed to the Region's satisfaction;
 - vi) Submission to the Secretary-Treasurer of written confirmation from the Town's Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2024-0024 have been addressed to the Division's satisfaction; and,
 - vii) 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 B04-24 and B05-24 to create one (1) new residential building lot and one (1) new future residential development lot.

3. **BACKGROUND:**

Property Description: (refer to Attachments 1 to 3)
300 Metro Road
Concession 2, Lot 18
RS65R1422, Part 1
Roll #: 096-997

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 lot, Subject Land 'A' is proposed to contain a new single detached dwelling, Subject Land 'B' is proposed for future residential development and the Retained Land 'C' will contain the existing single detached dwelling.

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

Table 1 – Proposal Summary

	Required Frontage (m)	Frontage (m)	Depth (m)	Lot Area (m ²)
Subject Land 'A'	30	31.7	49	1,334
Subject Land 'B'	30	73.7 (approx. 35 m on assumed portion)	61.4	4,957
Retained Land 'C'	30	31	62.1	1,731

Subject Land 'A' and Retained Land 'C' will have frontage on Metro Road and Subject Land 'B' will have frontage on Post Office Road.

The proposed Consent Plan is included as Attachment 2.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

The subject property has frontage on the west side of Metro Road, south of Boyer Road, in the community of Keswick. Subject Land 'A' and Subject Land 'B' are currently vacant. Existing buildings on Retained Land 'C' include a single detached dwelling, and a vinyl shed that is to be removed. Surrounding properties and land uses are as follows:

North: low-density residential uses.

South: low-density residential uses.

East: provincial significant wetland (North Keswick Wetland Complex)/woodland

West: low-density residential uses.

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

General Property Information	
Municipal Address	300 Metro Road
Zoning	Transitional (T)
Frontage	Subject Land 'A' – 31.7 Metres Subject Land 'B' – 73.7 Metres Retained Land 'C' – 31 Metres
Area	Subject Land 'A' - Approx. 1,334 Square Metres Subject Land 'B' – Approx. 4,957 Square Metres Retained Land 'B' - Approx. 1,731 Square Metres
Keswick Secondary Plan Land Use Designation	Neighbourhood Residential

Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Retained Land 'C' - Existing Single Detached Dwelling	
Proposed Structures	Subject Land 'A' - Proposed Single Detached Dwelling Subject Land 'B' – Vacant (Future Development)	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Yes	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	<u>Existing</u>	<u>Proposed</u>
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Existing driveway on Metro Road for Retained Land 'C'	Proposed driveway for Subject Land 'A' on Metro Road; proposed driveway for Subject Land 'B' on Post Office Road

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 April 12, 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 B04-24 and B05-24.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS:

The Development Engineering Division has provided the following conditions:

- A widening of sufficient width to provide a maximum of 10 meters from the centerline of the existing Post Office Road allowance is required to the

satisfaction of the Director of Development Services, in consultation with the Director of Operations and Infrastructure.

- The Owner will be required to enter into a Development Agreement including:
 - Installing a turning circle / cul-de-sac / hammerhead at the end of Post Office Road
 - Providing functional servicing design including water, sanitary, grading and storm water management.
- All to the satisfaction of the Town's Development Engineering Division.

The Development Engineering Division has provided the following advisory comments:

- The Owner is advised that, prior to the issuance of a building permit for development on Subject Land 'A' and '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 applicant/owner is advised that prior to the issuance of building permit 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 Tax and Revenue Division has indicated no objections to the application and provided the following comment:

- Very Serious tax arrears

The Lake Simcoe Regional Conservation Authority has indicated no objection to the application and provided 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 Policy Planning Division has indicated no objections to the application and provided the following condition:

- Submission of an Arborist Report as per the Town's Tree Preservation and Compensation Policy

The Regional Municipality of York Region has indicated no objections to the application and provided the following conditions:

- Please be advised York Region is protecting a 30 metre right-of-way for this section of Metro Road. As such, York Region requests that all municipal setbacks be referenced from a point 15 metres from the centreline of construction of Metro Road. The widening should be very similar to the widening shown on the adjacent south property (294 Metro Road).
- The Owner shall convey the following lands, along the entire frontage of the site adjacent to Metro, to The Regional Municipality of York, free of all costs and encumbrances:
 - sufficient property to provide a road widening to establish 15 metres from the centreline of construction of Metro Road.
- The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to the Region.
- The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be

provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

- The Owner shall be responsible for all costs associated with the preparation and delivery of the following: a draft and deposited 65Rplan, Phase One ESA, any subsequent environmental work, reports or other documentation, reliance, and the Owner's certified written statement.
- This application is subject to York Region's development applications processing fees as identified in By-law No. 2020-04. The review fee for Consent to Sever is \$1,200. The Review and approval of the Environmental Site Assessment Report fee is \$2,000. All payments shall be in the form of a cheque and made payable to "The Regional Municipality of York" and forwarded to Community Planning + Development Services. Development application fees are subject to annual adjustments and increases. Any unpaid fees, regardless of the year the application is submitted, will be subject to current fee requirements.
- Prior to the 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 lots.
- Prior to final approval, the Owner shall conduct and submit a Source Water Impact and Assessment Mitigation Plan (SWIAMP), to the satisfaction of the Region, to identify and address any potential water quality (i.e. backup generators/fuel supplies) and water quantity threats to the municipal groundwater supplies. The SWIAMP shall be prepared by a qualified professional, to the satisfaction of Regional Public Works Source Protection staff. The SWIAMP must follow the York Region document Guidance for Proposed Developments in Wellhead Protection Areas in York Region (June 2021). A simplified SWIAMP may also be used as appropriate. Consultation with Source Protection staff is recommended. A SWIAMP is required for any of the activities listed below if they will occur on the site for the storage or manufacture of:

- (a) petroleum-based fuels and or solvents;
- (b) pesticides, herbicides, fungicides or fertilizers;
- (c) chlorinated solvents;
- (d) construction equipment;
- (e) inorganic chemicals;
- (f) road salt and contaminants;
- (g) the generation and storage of hazardous waste or liquid industrial waste, and a waste disposal sites and facilities;
- (h) organic soil conditioning sites and the storage and application of agricultural and non-agricultural source organic materials;
- (i) snow storage and disposal facilities;
- (j) tailings from mines; and,
- (k) dense non-aqueous phase liquids (DNAPLS).

If a SWIAMP is not required, a letter prepared by a qualified professional will be required in its place stating that the above noted activities will not be occurring. Please note that in most instances, single family residential developments will not trigger a SWIAMP, however, workshops/hobby shops, etc. associated with the proposal, depending on the activities may.

- Prior to final approval, the Planning and Economic Development Branch shall certify that Conditions 1-8 have been met to its satisfaction.

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

- Building/Plumbing Inspector
- Municipal Law Enforcement Division
- Hydro One

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

5. **ANALYSIS:**

The following is an evaluation of Consent Applications B04-24 and B05-24 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 Keswick, 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 KESWICK SECONDARY PLAN (2019) AND ZONING BY-LAW 500

The subject property is designated as 'Neighbourhood Residential' on Schedule 'F1' Land Use Plan of the Keswick Secondary Plan (KSP). It is zoned 'Transitional (T)' on Map 3 (pg.2) on Schedule 'A' to Zoning By-law 500. An existing residential dwelling or a single family dwelling are permitted within the T zone.

Section 13.1.7.3.2 (b) of the KSP states that Consents are permitted for the creation of a new lot, boundary adjustments, right-of-way, easements, and to convey additional lands to an abutting lot, provided an undersized lot is not created.

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 the proposed consents against the criteria provided in the KSP.

a) It is clearly not in the public interest that a plan of subdivision be registered.

A plan of subdivision is not required for the orderly development of the subject properties as only one (1) new residential lot and one (1) future residential development lot is being proposed.

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

Subject Land 'A' will front onto Metro Road, a Regionally-owned, assumed road. Subject Land 'B' will front onto Post Office Road, a Town-owned right of way which is assumed up to approximately 35 metres of the westerly frontage of Subject Land 'B'. Retained Land 'C' will front onto Metro Road, a Regionally-owned and assumed road using the existing driveway. Subject Land 'A' and

Retained Land 'C' will have adequate frontage on Metro Road, while Subject Land 'B' will have adequate frontage on Post Office Road.

Subject Land 'A' and Subject Land 'B' will be required to connect to full municipal water and sanitary services. To ensure that adequate roads and servicing infrastructure are available, the Owner will be required to enter into a Development Agreement with the Town as a Condition of Approval with respect to the installation of a turning circle / cul-de-sac / hammerhead at the end of Post Office Road and to provide a functional servicing design including water, sanitary, grading and storm water management that is satisfactory to the Town's Development Engineering Division.

The lands are within the Urban Service Boundary of the KSP and will be serviced by the Keswick Water Resource Recovery Facility (KWRRF). All development within the Urban Service Boundary must be on full municipal water / sanitary services and be allocated an appropriate amount of servicing capacity.

Retained Land 'C' already has servicing allocation, while the assignment of 2.78 persons equivalent of servicing allocation will be required for each newly created lot (Subject Land 'A' and Subject Land 'B'). This allocation has been reflected as 'Requested' in the allocation tracker for the KWRRF, allocation will not be formally assigned until the Conditions of Consent have been fulfilled and the Certificate of Official issued.

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

The existing single detached dwelling on Retained Lands 'C' fronts on Metro Road and is currently serviced by existing municipal sanitary and water services.

Subject Lands 'A' fronts onto Metro Road, a Regionally-owned and assumed road.

Subject Land 'B' fronts onto Post Office Road, a Town-owned right of way of which approximately 35 metres of the frontage of Subject Land "B" and has been assumed by the Town.

As discussed above, the Owner will be required to enter into a Development Agreement with the Town as a Condition of Approval to the installation of a turning circle / cul-de-sac / hammerhead at the end of Post Office Road and provide a functional servicing design including water, sanitary, grading and storm water management that is satisfactory to the Town's Development Engineering Division to ensure that municipal servicing infrastructure will be adequate.

Municipal sanitary and water services extend across the entire frontage of the proposed severed property. Storm drainage is provided by ditches on Metro Road. The Town's Development Engineering Division has advised the applicant that prior to the issuance of a building permit for Subject Land 'A' the applicant/owner shall provide a detailed lot grading and drainage plan.

Staff are of the opinion that, subject to the implementation of the conditions of approval relating to allocation assignment and the Development Agreement, that the proposed Consent will enable development that is adequately serviced and no extension, improvement or assumption of municipal services is required.

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

Subject Land 'A' will front onto Metro Road with a frontage of 31.7 metres, Subject Land 'B' will front onto Post Office Road with a frontage of approximately 35 metres on the assumed portion, while the Retained Land 'C' will front onto Metro Road with a frontage of 31 metres. The proposed frontages created by consent all meet the 30 metre residential frontage that is required by the Zoning by-law. Metro Road North and a portion of Post Office Road are assumed public roads. It is not anticipated that the single new residential access will result in traffic hazards. A turning area will be required at the end of the assumed portion of Post Office Road to facilitate vehicle movements within the right-of-way.

- e) The lot will not restrict the ultimate development of adjacent lands.**

The subject lands are located in an established neighbourhood in Keswick. Staff note that the adjacent lands are already developed and are not designated for future redevelopment, therefore, the proposal is not anticipated to restrict the ultimate development of the adjacent lands.

- f) 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 proposal does not change the use of the Subject Properties, which permits a single detached dwelling within a Transitional (T) zone. Any future residential development on Subject Lands 'A', Subject Land 'B' and Retained Lands 'C' must be compliant with the applicable performance standards under the Zoning By-law.

Therefore, the proposed single detached dwelling on Subject Land 'A' will be compatible with existing adjacent areas and will create little to no impact further than what the Zoning By-law already contemplates in terms of orientation, privacy, landscaping, shadow casting and visual impact.

- g) The Consent complies with all relevant provisions of this Secondary Plan**

Staff have reviewed the proposed Consents relative to the relevant provisions of the KSP and are satisfied that the proposal conforms with the Secondary Plan.

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

Subject Land 'A', Subject Land 'B' and Retained Land 'C' are located within a developed neighbourhood. These lands are almost entirely regulated by the Lake Simcoe Conservation Authority (LSRCA). Staff of the LSRCA have reviewed the application and have advised that they have no objections to the approval of the proposed consent; however, the applicant is advised that a permit from the LSRCA will be required prior to any development or site alteration taking place within the regulated area to ensure that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected.

CONCLUSION:

Staff are of the opinion that Consent Applications B04-24 and B05-24 to create one (1) new residential building lot and one (1) lot for future residential development 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 Keswick 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: Janet Porter, MCIP, RPP
 Manager of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Consent Plan

Attachment 3 – Site Photos

Attachment 4 – Agency and Department Comments