

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0031

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

June 17, 2024

**SUBJECT: CONSENT APPLICATION B07-24
185 FORESTRY DRIVE
PLAN 515 LOT 8**

1. RECOMMENDATIONS:

- 1. That the Committee of Adjustment receive Report No. DS-2024-0031 prepared by the Development Planning Division, Development Services Department, dated June 17, 2024, respecting Consent Application B07-24, submitted by the owners for the property municipally addressed as 185 Forestry Drive; 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 B07-24, as it pertains to the property municipally addressed as 185 Forestry Drive to sever and convey Subject Land 'A' from Retained Land 'B', as shown in Attachment 2 to Report No. DS-2024-0031, to create one (1) new residential building lot; and,**
 - b) That the approval of Consent Application B07-24 be subject to the following conditions:**
 - i) Submission to the Secretary-Treasurer of two (2) white prints of a deposited reference plan of a 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 Retained Land 'B', as shown on Attachment 2 to Report No. DS-2024-0031;**
 - iii) Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina Building Division that an elevation of the existing building facing the lot line be submitted for review with a spatial separation calculation from a designer for any existing unprotected openings to the Division's satisfaction;**

- iv) **Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that Subject Land 'A' and Retained Land 'B' have been assigned civic addresses;**
- v) **Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina Development Planning Division that a hydrogeological study demonstrating that Subject Land 'A' can accommodate private services without negatively impacting groundwater in the area has been submitted to the Division'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 Application B07-24 to create one (1) residential lot.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
185 Forestry Drive
Plan 515 Lot 8
Roll #: 050-750

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. Subject Land 'A' is proposed to contain a new single detached dwelling and Retained Land 'B' will contain the existing single dwelling.

The Subject Land 'A' and Retained Land 'B' will have frontage on Forestry Drive.

The proposed Consent Plan is included as Attachment 2.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

The subject properties have frontage on the east side of Forestry Road, south of Old Homestead Road, in the community of Pefferlaw. Existing buildings on Subject Land 'A' include a single detached dwelling, while Retained Land 'B' currently contains an existing garage that is to be demolished. Surrounding properties and land uses are as follows:

North: Residential uses;
South: Residential uses;
East: Residential uses;
West: York Regional Forest.

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

General Property Information		
Municipal Address	185 Forestry Road	
Zoning	Residential (R)	
Frontage	Subject Land 'A' – 21.33 Metres Retained Land 'B' – 27.43 Metres	
Area	Subject Land 'A' - Approx. 650.13 Square Metres Retained Land 'B' – Approx. 861.02 square Metres	
Pefferlaw Secondary Plan Land Use Designation	Residential	
Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling, Detached Garage (to be demolished)	
Proposed Structures	Subject Land 'A' – Existing Single Detached Dwelling Retained Land 'C' – Future Single Detached Dwelling	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	No	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	<u>Existing</u>	<u>Proposed</u>
Water	Private	Private
Sanitary	Private	Private
Access	Existing driveway	Proposed Driveway

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 May 31, 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 Application B07-24.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS:

Town departments and external agencies have been circulated for comments.

The Development Planning Division has indicated that the Owner is required to submit a hydrogeological study (which shall include pump testing), demonstrating that there is an adequate quantity and quality of groundwater 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 lots can accommodate a single detached dwelling on private services.

The Development Engineering Division has indicated no objections and advised that at the time of building permit, a detailed lot grading and drainage plan including existing and proposed entrances prepared by a professional engineer or Ontario Land Surveyor will be required (Attachment 4).

The Building Division has indicated that an elevation of the existing building facing the lot line should be submitted for review with a spatial separation calculation from a designer for any existing unprotected openings.

The Town's Plumbing/Building Inspector has indicated no objections, provided both lots can support septic systems for the existing and proposed dwellings.

Tax and Revenue Division has indicated no objections to the application but has provided a comment that there are Outstanding Taxes.

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

- Georgina Fire Department
- Lake Simcoe Region Conservation Authority
- Municipal Law Enforcement Division
- York Region

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

5. **ANALYSIS:**

The following is an evaluation of Consent Application B07-24 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). 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' on Schedule 'E1' Land Use Plan of the Pefferlaw Secondary Plan and zoned Residential (R), on Map 10, in Schedule 'A' to Zoning By-law 500. Single detached dwellings are permitted in the Residential zone and designation.

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

Table 1 – Proposal Summary

	Required Frontage (m)	Frontage (m)	Depth (m)	Lot Area (m ²)
Subject Land 'A'	30	21.33	31.39	650.13
Retained Land 'B'	30	27.43	30.48	861.02

- 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 application and are of the opinion that the proposed size of the lots resulting from the lot creation is appropriate for the existing and proposed uses and meets 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.

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 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 'A', 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 size is permissible should the hydrogeological study demonstrate the appropriateness of the proposed lot size.

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' and Retained Land 'B' will have frontage and access on Forestry 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.

Nearby properties are designated Rural and zoned Rural (RU). Staff have confirmed there are no livestock facilities or permanent manure storage uses on these nearby 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.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Consent Plan

Attachment 3 – Site Photos

Attachment 4 – Comments