

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0061

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

October 21, 2024

**SUBJECT: MINOR VARIANCE APPLICATION A18-24
253 AND 253B THE QUEENSWAY SOUTH
CON 3 PT LOT 9 RP; 65R11093 PT PART 1, PART 2 AND PT**

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2024-0061 prepared by the Development Planning Division, Development Services Department, dated October 21, 2024, respecting Minor Variance Application A18-24, for the property municipally addressed as 253 and 253B The Queensway South; 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 Minor Variance Application A18-24 to permit relief from the following:
 - i) Section 5.28 (b): To permit a minimum of one-hundred and sixteen (116) parking spaces; whereas a minimum of one-hundred and forty-four (144) parking spaces are required
 - ii) Section 5.31 (a): To permit a minimum planting strip width of 2.5 metres along the rear lot line abutting properties zoned Residential; whereas a minimum planting strip width of 3.0 metres is required
 - iii) Section 5.28(i): To permit a minimum drive aisle width of 6 metres for two-way drive aisles providing direct, 90-degree access to parking spaces; whereas a minimum width of 7.0 metres is required
 - b) That the approval of Minor Variance Application A18-24 be subject to the following term(s):
 - i) That the marina use only be used as boat slips and that only 10 of the boat slips shall be used as seasonal rental boat slips, while the remaining 53 shall only be used as day boat slips for visitors by boat; and

- ii) That the proposed addition be constructed in general conformity with Attachment 2 to Report DS-2024-0061, in accordance with the relief recommended to be approved in Recommendation 2a);
- c) That the approval of Minor Variance Application A18-24 be subject to the following condition(s):
 - i) 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-2024-0061 have been addressed to the satisfaction of the LSRCA; and
 - ii) That the above-noted conditions 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 concerning Minor Variance Application A18-24 for the property located at 253 and 253B The Queensway South regarding the construction of a multi-unit commercial building.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
253 and 253B the Queensway South
Concession 3 Part Lot 9, Plan 65R-11093 Part of Part 1,
Part 2 and Part of Part 3
Roll #: 146-490 and 146-492

PROPOSAL

The owner of the subject property is proposing to construct a multi-unit commercial building.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief:

- i) **Section 5.28 (b):** To permit a minimum of one-hundred and sixteen (116) parking spaces; whereas a minimum of one-hundred and forty-four (144) parking spaces are required.
- ii) **Section 5.31 (a):** To permit a minimum planting strip width of 2.5 metres along the rear lot line abutting properties zoned Residential; whereas a minimum planting strip width of 3.0 metres is required.

- iii) **Section 5.28 (i):** To permit a minimum drive aisle width of 6 metres for two-way drive aisles providing direct, 90-degree access to parking spaces; whereas a minimum width of 7.0 metres is required.

A Site Sketch and building plans showing the proposal and the requested relief are included as Attachment 2.

3.1 SUBJECT PROPERTY AND THE SURROUNDING AREA:

The subject property is located at 253 and 253B the Queensway South. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	253 and 253B the Queensway South	
Zoning	Tourist Commercial (C5-19)	
Frontage	121.3 Metres	
Area	14,122 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Maskinonge Urban Centre	
Regional Official Plan Land Use Designation	Community Area	
Related Applications	Site Plan Approval – B.1.398	
Land Use and Environmental Considerations		
Existing Structures	Restaurant (Boston Pizza) and Marina Slips	
Proposed Structures	Multi-unit Commercial building	
Heritage Status	Neither Listed nor Designated	
Regulated by LSRCA	Not regulated	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Existing driveway	Existing driveway

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 application was sent by mail on October 9, 2024, 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 Minor Variance Application A18-24 are outlined below.

The Lake Simcoe Region Conservation Authority has indicated (Attachment 4) that they have no objections and require, as a condition of the minor variance, that the applicant/owner pay the LSRCA Plan Review Fee and successfully obtain a permit from the LSRCA.

Hydro One has indicated no objections and advises that the Developer bring servicing requirements to the attention of Hydro One Inc. as soon as possible to ensure capacity is available. Hydro One also notes that there is a 3PH private primary service that dips from the pole north of the Boston pizza feeding back to existing transformer #02158. Locates are required.

The following Town departments / divisions and external agencies have indicated no objections to the Minor Variance:

- Georgina Fire Department
- Tax and Revenue Division
- Municipal Law Enforcement Division
- Development Engineering Division
- York Region

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

5. ANALYSIS:

The following evaluation of Minor Variance Application A18-24 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 Makininge Urban Centre in the Keswick Secondary Plan. Retail, service, marinas, tourist commercial uses, and business and professional offices are permitted under 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 site-specific Tourist Commercial (C5-19) on Map 2, page 2 of Schedule 'A' to Zoning By-law No. 500, as amended. Marinas, restaurants, retail stores, business and professional offices, and many other uses are permitted in the C5-19 zone.

a. Parking

Section 5.28 (b) of Zoning By-law No. 500, as amended, requires 144 parking spaces for the restaurant and multi-unit commercial building. The Applicant is requesting relief to allow 116 parking spaces for the subject property.

The general intent of minimum parking regulations is to ensure that sufficient on-site parking is provided to accommodate permitted land uses.

The applicant has provided floor plan drawings indicating the commercial uses.

See the table below for minimum parking requirements:

Table 2 – Parking Requirements Summary

Use	Floor Area	Required Parking ratio	Required Parking
Resturant (Boston Pizza)	502 m2	10 per 95 m2	53
Outdoor Patio (Boston Pizza)	162.76 m2	6 per 95 m2	10
Unit 1 (Resturant)	214 m2	10 per 95 m2	23
Unit 1 (Outdoor Patio)	67 m2	6 per 95 m2	4
Unit 2 (Non-resturant)	216 m2	5.5 per 95 m2	13
Unit 3 (Non-resturant)	110 m2	5.5 per 95 m2	6
Unit 4 (Non-resturant)	110 m2	5.5 per 95 m2	6
Unit 5 (Non-resturant)	124 m2	5.5 per 95 m2	7
Unit 6 (Resturant)	210 m2	10 per 95 m2	22
Total			144

The Applicant is proposing 116 parking spaces for the subject property. This is a reduction of 28 parking spaces.

In addition to the current and proposed uses, the applicant is planning to maintain the 63 marina boat slips but has not included this use in the parking calculation as the marina does not encompass the whole definition of the marina.

The applicant has provided staff with a parking study (Attachment 5) which analyzes 3 days (May 30, May 31, and June 1, 2024) to assess the parking requirements of the site for the current uses (Boston Pizza and Outdoor Patio). They observed that the maximum parking used for the current use was 45 parking spaces, which is the basis for the proposed ratio of 6.43 spaces per 95 square metres. Given this ratio and the multi-unit commercial centre calculation of 5.5

spaces per 95 square metres and 6 spaces per 95 square metres for an outdoor patio, the parking study concluded that the proposed new development would only require 105 parking spaces to service the future site.

Section 2.128 of Zoning By-law 500, as amended, defines a marina as a commercial establishment located on or abutting a navigable waterway, where facilities are provided for, and where boats and other marine pleasure craft may be berthed, stored, serviced, repaired, rented, fuelled or kept for sale. The marina use on the subject property only includes boat slips (berthed).

Staff have assessed the boat slips and concluded that approximately ten could be used for seasonal boat slips, increasing the parking calculation for required parking to approximately 115 spaces, which is one parking space less than the proposed parking for the subject property. The remaining boat slips are to be used for people who wish to visit the commercial buildings by boat and do not require a vehicle parking space in the lot. A term has been included in the recommendations to reflect the required parking spaces for the marina use.

Staff are of the opinion that the proposed reduction of minimum parking spaces is appropriate for the development.

b. Planting Strip

Section 5.31(a) of Zoning By-law No. 500, as amended, requires a planting strip width of 3 metres for a commercial building abutting a property zoned residential. The Applicant is requesting to legalize the minimum planting strip of 2.5 metres along the rear lot line abutting a property zoned residential.

The intent of minimum planting strip widths is to provide a buffer between non-residential uses and residential uses.

Staff notes that a wooden privacy fence is also located along the rear lot line. Staff are of the opinion that the wooden privacy fence and the existing reduction in the minimum planting strip are appropriate.

c. Drive aisle width

Section 5.28 (i) of Zoning By-law No. 500, as amended, requires a minimum two-way drive aisle width providing direct, 90-degree access to the parking lot to be 7 metres. The Applicant is requesting relief to two-way drive aisle width providing direct, 90-degree access to the parking lot to be 6 metres.

The intent of the minimum drive aisle width regulation is to provide sufficient manoeuvring space for motorists entering, exiting, and passing by parking spaces.

Staff note that the requested relief is to legalize the existing drive aisle width at the entrance and the aisle width in the existing parking lot.

Staff note that the existing curb to edge of parking spaces at the entrance is approximately 8 metres; however, with the new curb build-out, 6 metres is being requested for the drive aisle width to ensure adequate space for vehicle traffic from the curb. This will provide adequate space within the entrance of the parking lot for sufficient manoeuvring.

The applicant has demonstrated how vehicles can maneuver in the reduced drive aisle (Attachment 2 pages 2 and 3). Staff are of the opinion the reduction in the drive aisle is appropriate.

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 multi-unit commercial building is in keeping with the existing physical character of the neighbourhood as the area generally consists of commercial buildings for various uses.

Staff note that the creation of the new multi-unit commercial building along the Queensway South will provide more amenities to residents.

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 the potential impact the variance 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 variance is minor in nature.

6. CONCLUSION:

Subject to the recommendations by Staff in Section 1 of this report, Staff are of the opinion that Minor Variance Application A18-24, as it pertains to the proposed multi-unit commercial building, 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.

APPROVALS:

Prepared by:

Monika Sadler
Planner I

Approved By:

Janet Porter, MCIP, RPP
Manager of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan and Architectural Drawings

Attachment 3 – Site Photos

Attachment 4 – Comments

Attachment 5 – Parking Study