

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0071

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

December 2, 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-2024-0071 prepared by the Development Planning Division, Development Services Department, dated December 2nd, 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
 - b) That the approval of Minor Variance Application A18-24 be subject to the following term(s):
 - i) That the marina use shall only be used as day-use boat slips for visitors by boat;
 - ii) That the Restaurant uses, including outdoor patios, on the subject properties do not exceed a maximum combined Gross Floor Area of 1,400 square metres; and
 - iii) That the proposed addition be constructed in general conformity with Attachment 2 to Report DS-2024-0071, 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-2024-0064 have been addressed to the satisfaction of the LSRCA;**
- ii) **That the application re-circulation, additional Public circulation and additional planning report fees be paid to the satisfaction of the Development Planning Division; and**
- iii) **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 respond to comments raised by Committee members and provide additional analysis concerning Minor Variance Application A18-24 for the property located at 253 and 253B The Queensway South regarding a parking variance to facilitate 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

Minor Variance application A18-24 was first considered by the Committee of Adjustment on November 4, 2024 (Attachment 5). The application requested 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.

At the November 4, 2024 Committee of Adjustment meeting, the Committee approved variances ii) and iii) and deferred variance i) back to staff (Attachement 6). Concerns raised by the Committee are related to the marina use in relation to boat slips, and the proposed uses in relation to parking. Staff have reviewed these concerns and have worked with the Applicant's Agent in order to address same.

PROPOSAL

The owner of the subject property is proposing to construct a multi-unit commercial building on the lands and retain an existing restaurant use (Boston Pizza).

The following Minor Variance has been brought forward for consideration:

- 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.

A revised 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 were previously provided as part of report DS-2024-0061 (Attachment 5).

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 hand delivery and courier on November 21, 2024, to all landowners within 60.0 metres of the subject property.

As of the date of writing this report, Town Staff have received two submissions from the general public, which were addressed at the first meeting on November 4, 2024.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

All Town departments and external agencies were circulated for the Minor Variance Application for November 4, 2024. Given that the variance for a reduction in parking has not changed, the application was not recirculated to Town departments and external agencies for additional comments. All comments can be found in report DS-2024-0061 (Attachment 5).

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 Maskinonge 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.

See the table below for minimum parking requirements:

Table 2 – Parking Requirements Summary

Use	Floor Area	Required Parking ratio (By-law 500, as amended)	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 as per the By-law.

The applicant has provided staff with a parking study (Attachment 4), which analyzes 3 days (May 30, May 31, and June 1, 2024) to assess the parking requirements of the site for the existing Restaurant and associated outdoor patio.. The parking study observed that the maximum parking used for the current use was 45 parking spaces, which is the basis for the proposed amended ratio of 6.43 spaces per 95 square metres. Given this amended parking rate, the multi-unit commercial centre parking rate of 5.5 spaces per 95 square metres and the outdoor patio parking rate of 6 spaces per 95 square metres, the parking study concluded that the proposed new development would only require 105 parking spaces to service the future site.

The parking study indicates that 2 units in the multi-commercial building could be used for a restaurant, which requires 10 spaces per 95 square metres as per Zoning By-law 500, as amended. However, given the amended parking rate of 6.43 spaces per 95 square metres, staff have concluded that this rate could apply to Units 1 and 6 which could be restaurants and Unit 2 as a potential restaurant. In order to adhere to this rationale, staff have provided a term to limit the size of restaurant uses permitted on the subject properties to a maximum combined gross floor area of 1,400 square metres (comprising of the existing Boston Pizza, outdoor patio and anticipated restaurant and patio uses in the proposed commercial plaza) to ensure that there is adequate parking for the subject property. See Table 3 below for Staff's rationale for required parking.

Table 3 – Parking Rationale

Use	Floor Area	Required Parking ratio	Required Parking
Resturant and Outdoor Patio (Boston Pizza)	664.76 m2	6.43 per 95 m2	45
Unit 1 (Resturant)	214 m2	6.43 per 95 m2	14
Unit 1 (Outdoor Patio)	67 m2	6 per 95 m2	4
Unit 2 (Potential Resturant Use)	216 m2	6.43 per 95 m2	15
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	6.43 per 95 m2	14
Total			112

This analysis demonstrates that the proposed 116 spaces for the subject properties are sufficient enough parking for the proposed uses. Staff also note that the applicant is responsible for identifying the uses and making sure there is sufficient parking available for all proposed uses for the multi-commercial building.

In addition to the current and proposed uses, the applicant is planning to maintain the 63 marina (berthed) boat slips but has not included this use in the parking calculation. 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 does not encompass a commercial establishment as per the definition of a marina in accordance with the By-law, but the boat slips are existing on the property.

Staff have assessed the boat slips and concluded that the boat slips are to be used for people who wish to visit the commercial buildings by boat for day use only and do not require a vehicle parking space in the lot. A term has been included in the recommendations to reflect same. Additionally, there are existing parking signs posted on the subject property stating that the parking area is for customer parking only and the existing boat launch is chained and is not to be used. The applicant's Site Plan has also been revised to reflect the Day use boat slips and has indicated that the boat launch is not to be used.

Staff are of the opinion that the proposed reduction of minimum parking spaces is appropriate for the development and 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 a variety of commercial buildings for marina, automotive, restaurant and service uses and low and medium rise residential buildings.

Staff are satisfied that the proposed parking rate reduction 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 i), 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:

Jeff Healey, MCIP, RPP
Supervisor of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan and Architectural Drawings

Attachment 3 – Site Photos

Attachment 4 – Parking Study

Attachment 5 – Staff Report DS-2024-0064

Attachment 6 – Exerpt from November 4, 2024 Meeting Minutes

Attachment 7 – Comments