

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2024-0035**

**FOR THE CONSIDERATION OF  
THE COMMITTEE OF ADJUSTMENT**

**June 17, 2024**

**SUBJECT: CONSENT APPLICATION B08-24 AND B09-24  
40 BRULE LAKEWAY**

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**1. RECOMMENDATIONS:**

- 1. That the Committee of Adjustment receive Report No. DS-2024-0035 prepared by the Development Planning Division, Development Services Department, dated June 17, 2024 respecting Consent Applications B08-24 and B09-24, submitted by Michael Smith Planning Consultants on behalf of the owners for the property municipally addressed as 40 Brule Lakeway, Jackson's Point; and,**
- 2. That in the event no public or Committee concerns are raised at the meeting warranting investigating and a further meeting, staff recommend the following:**
  - a. That the Committee of Adjustment approve Consent Applications B08-24 and B09-24 as it pertains to the property known as 40 Brule Lakeway, Jackson's Point, to sever and convey Subject Lands 'A' and 'B' from Remainder Land 'C', as shown in Attachment 3 to Report No. DS-2024-0035; and,**
  - b. That the approval of Consent Applications B08-24 and B09-24 be subject to the following condition(s):**
    - 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 draft transfer documents, in duplicate, conveying Subject Lands 'A' and 'B', as indicated on Attachment 3 to Report No. DS-2024-0035;**
    - iii. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that there is sufficient water supply and sewage capacity allocated for Subject Lands 'A' and 'B';**
    - iv. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that Subject Lands 'A' and 'B' have been assigned civic addresses;**

- v. **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-2024-0035 have been addressed to the Division's satisfaction;**
- vi. **Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that any accessory structures on Subject Land 'B' have been removed; and,**
- vii. **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 and to outline comments received with respect to Consent applications B08-24 and B09-24, submitted by Michael Smith Planning Consultants for the property known as 40 Brule Lakeway.

## **3. BACKGROUND:**

Agent: Michael Smith Planning Consultants

Property Description: (refer to Attachments 1 to 3)  
40 Brule Lakeway  
Judges Plan 602 Lot 78 and 99

### **3.1 PROPOSAL:**

The Applicant has applied to divide the subject property into three (3) lots, as shown on Attachment 3.

The owner is applying for a consent to create three (3) separately conveyable parcels. The created lots (Subject Land 'A' and 'B') and the Remainder Land 'C' are proposed to eventually be developed with single detached dwellings. Both Lot 78 and Lot 99, Judge's Plan 602, were held in separate ownership by a husband and wife. In 2014, the husband passed away and the ownership of Lot 99 was transferred into the wife's name. As the parcels of land are lots on a Judge's Plan and not lots on a Registered Plan or on a Plan of Subdivision, once in common ownership, the two lots merged in title. This consent seeks to re-create these parcels, as well as further divide Lot 78 into two parcels

Subject Land 'A' would have frontage on Jordan Street, Subject Land 'B' on Volga Avenue, and Retained Land 'C' on Brule Lakeway. All three of these streets are open and assumed public roads.

The proposed consent plan is included as Attachment 3.

### **3.2 SUBJECT PROPERTY AND SURROUNDING AREA:**

The subject property is a through corner lot located in Jackson’s Point, north of Volga Avenue. A summary of the property characteristics is below:

<b>Municipal Address</b>	40 Brule Lakeway
<b>Zoning</b>	Site Specific Low Density Urban Residential (R1-115 and R1-117)
<b>Official Plan / Secondary Plan Land Use Designation</b>	Stable Residential Area
<b>Regional Official Plan Land Use Designation</b>	Community Area
<b>Existing Structures</b>	Single Detached Dwelling and Accessory Structure
<b>Proposed Structures</b>	None
<b>Heritage Status</b>	Neither listed nor designated
<b>Regulated by LSRCA</b>	No

The subject property is located within the community of Jackson’s Point. It has a frontage of approximately 27.66 metres and a lot area of approximately 3098 metres square. There is a single detached dwelling on the property as well as an accessory structure.

The surrounding land uses are generally described as follows:

- North: low-density residential uses;
- East: low-density residential uses;
- South: low-density residential uses;
- West: low-density residential uses.

**4. DEPARTMENT AND AGENCY COMMENTS:**

Town departments and external agencies have been circulated for comments.

The Development Planning Division has indicated no objection to the applications and require as a condition of the consent that proof be provided, to the satisfaction of the Town of Georgina Development Planning Division, that any accessory structures located on Subject Land ‘B’ have been removed.

The Development Engineering Division has indicated (Attachment 4) that they have no objections and have provided comments noting that only a single entrance to front Jordan Street is permitted for Subject Land “A”, and that a lateral application is required for a building permit.

The Development Engineering Division also has a condition relating to entering into a development agreement to provide functional servicing design including water, sanitary, grading and storm water management for the proposed lots.

The following internal departments and external agencies have indicated no concerns:

- Building Division
- Building/Plumbing Inspector
- Georgina Fire Department
- Municipal Law Enforcement Division
- Tax and Revenue Division
- Lake Simcoe Regional Conservation Authority

## **5. PUBLIC CIRCULATION:**

As per the Planning Act, Notices of Hearing were sent by mail on May 31, 2024 to all landowners within 60 metres of the subject property. As of this report's writing, no comments from members of the public have been received.

## **6. ANALYSIS:**

Provincial Policy Statement (PPS) (2020), Greenbelt Plan (GBP) (2017), Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2020) and Lake Simcoe Protection Plan (LSPP) (2009)

The subject property is located in Jackson's Point, 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. It is also noted that the Lake Simcoe Region Conservation Authority (LSRCA) did not raise any concerns with the proposal.

York Region Official Plan (YROP) (2022)

The subject property is designated 'Community Area' on Map 1a of the York Region Official Plan (YROP). Staff have reviewed the subject Consent applications 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 is consistent with the York Region Official Plan.

Official Plan (2016) and Zoning By-Law 500

The Town of Georgina Official Plan (2016) provides policy direction to guide growth management, land use, environmental protection, and community and infrastructure planning decisions. The property is designated 'Stable Residential Area' within the Sutton/ Jackson's Point Secondary Plan. The property is zoned site-specific Low Density Urban Residential (R1-115 and R1-117).

The proposed consent is to create two new residential lots, which is permitted in this designation subject to the following provisions:

a) Generally, where no more than three lots are to be created, and where it is determined that a registered plan of subdivision is not required to ensure proper and orderly development, the land to be developed may be divided by consent of the Committee of Adjustment. In determining whether a proposed land division should require a plan of subdivision or a consent to sever, the following questions shall be examined:

(i) Whether the extension of an existing public road, opening of an unopened road allowance or the creation of a new road is required;

The applicant is proposing only two additional lots, and both of the severed and the retained lands front onto existing public roads: Brule Lakeway, Volga Avenue and Jordan Street. No extension or expansion of a road is required.

(ii) Whether the extension or expansion of municipal services is required;

Subject Land 'A' and Remainder Land 'C' have access to full municipal water and sanitary services. A limited extension of services will need to be extended at the applicant's expense to the proposed lot on Volga Avenue (Subject Land 'B'). This limited extension of municipal infrastructure can be addressed through the terms of a Development Agreement.

(iii) Whether an agreement with appropriate conditions is required by the Town, Region or Province in respect of any part of the lands that would be defined as remaining lands in a consent application.

Staff are of the opinion that a Consent Agreement is not necessary for the remaining lands, provided the conditions defined in Section 1 of this Report are implemented through the decision.

b) Consents may be permitted for such reasons as the creation of a new lot, boundary adjustments, rights-of-way, easements, and/or to convey additional lands to an abutting lot, provided an undersized lot is not created.

The applicant is proposing the creation of two new residential lots, which is a permitted reason for a consent.

c) Applications for consents for all land use designations as shown on Schedule 'B' will only be granted where:

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

A plan of subdivision is not required for orderly development as only two (2) additional lots are being proposed.

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

All of the proposed lots have the potential to access full municipal sanitary services, storm ditch, and frontage on a public assumed road. As recommended in Section 1, the Development Engineering Division requires the Owner to enter into a Development Agreement which will address water, sanitary, grading, and storm water management.

iii. No extension, improvement or assumption of municipal services is required;

Subject Land 'A' and Remainder Land 'C' have access to full municipal water and sanitary services. A limited extension of services will be required at the applicant's expense to the proposed lot on Volga Avenue ( Subject Land 'B'). This limited extension of municipal infrastructure can be addressed through the terms of a Development Agreement which is a condition of the recommended Provisional Consent.

iv. The lot will have adequate frontage on an open and assumed public road, and access will not result in traffic hazards;

Both the severed and retained lands front on existing public roads: Brule Lakeway, Volga Avenue, and Jordan Street, respectively. No extension or expansion of the road is required, and it is not anticipated that the access will result in traffic hazards.

v. The lot will not restrict the ultimate development of adjacent lands;

As the neighbouring lands are already developed with single detached dwellings, it is not anticipated the lot will restrict the ultimate development of adjacent lands.

vi. 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;

Both the severed and retained lots are zoned Low Density Urban Residential (R1-117). The proposed use for all proposed lots, single detached dwellings and accessory structures, are permitted uses in the Low Density Urban Residential (R1) zone.

Refer to Table 2 below for a summary of the proposed lot characteristics.

**Table 1 – Lot Frontage, Depth and Area Summary**

	<b>Frontage (m)</b>	<b>Depth (m)</b>	<b>Lot Area (m2)</b>
<b>Subject Land 'A'</b>	33.02	42.51	1404
<b>Subject Land 'B'</b>	30.62	27.66	847
<b>Remainder Land 'C'</b>	27.66	30.62	847

Subject Land 'A' is zoned R1-117. Both Subject Land 'B' and Remainder Land 'C' are zoned R1-115. The R1-117 zone permits a minimum lot frontage of 30.0 metres and a minimum lot area of 450.0 square metres, while the R1-115 zone permits a minimum lot frontage of 22 metres and minimum lot area of 450.0 square metres, except for in the case of a corner lot, in which case 540 square metres is required.

The proposed severance complies with the minimum lot frontage and lot area requirements for the R1-117 and R1-115 zones. Staff are of the opinion that Subject Land 'A', Subject Land 'B' and Remainder Land 'C' have appropriate frontages and lot areas to permit single family dwellings. Staff are of the opinion that Subject Land 'A', Subject Land 'B' and Remainder Land 'C' would be of adequate size for the existing and potential future single detached dwellings.

vii. The consent complies with all relevant policies/provisions of this Secondary Plan;

Staff are of the opinion that the Consent applications comply with all relevant provisions of the Sutton/Jackson's Point Secondary Plan.

viii. The area's natural features, values or ecological processes are not negatively affected.

The proposed severed and retained lands do not contain any significant natural features, values or ecological processes.

d) Lot creation will not be permitted within natural hazard areas (such as floodplains, erosion hazards, area of unstable soils, and/or steep slopes).

The proposed development is not located within natural hazard areas.

Given the above, Staff believe that the proposal meets the relevant policies of Provincial and Regional policies, as well as the Town's Official Plan and Zoning By-law.

## **7. CONCLUSION:**

Staff are of the opinion that Consent applications B08-24 and B09-24 are consistent with the relevant Provincial, Regional and Town planning policies, and complies with the criteria under Section 51(24) of the *Planning Act*.

Staff recommend that Consent applications B08-24 and B09-24 be approved, subject to the recommended conditions.

## **APPROVAL**

Prepared By: Brittany Dobrindt  
Planner I

Approved By: Janet Porter, MCIP, RPP  
Manager of Development Planning

### ***Attachments:***

*Attachment 1 – Location Map*

*Attachment 2 – Site Photos*

*Attachment 3 – Site Sketch*

*Attachment 4 – Comments*