

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0030

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

June 17, 2024

**SUBJECT: CONSENT APPLICATION B10-24
FRANK BARONE**

1. RECOMMENDATIONS:

- 1. That the Committee of Adjustment receive Report No. DS-2024-0030, prepared by the Development Planning Division, Development Services Department dated June 17, 2024, respecting Consent application B10-24, submitted by Michael Smith Planning Consultants; Development Coordinators Ltd. (c/o Michael Smith) on behalf of the Owner for the property municipally addressed as 9 Sina Street and legally described as Part of Lot 6, Concession 9 (NG);**
- 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 B10-24, as it pertains to the subject property municipally identified as 9 Sina Street, to sever and convey Subject Land "A" from Retained Land "B" as shown on Attachment 4 to Report No. DS-2024-0030 to create one (1) new residential building lot;**
 - b. That the approval of Consent Application B10-24 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 application, as submitted;**
 - ii. Submission to the Secretary-Treasurer of a draft deed, in duplicate, conveying Severed Land "A", as shown on Attachment 4 to Report No. DS-2024-0030;**
 - iii. Submission to the Secretary-Treasurer of written confirmation from the Development Planning Division that appropriate servicing allocation has been assigned to Subject Land "A";**

- iv. **Submission to the Secretary-Treasurer of written confirmation from the Development Planning Division that a new civic address has been assigned to Subject Land “A”;**
- v. **That the Owner be required to enter into a Development Agreement whereby they will provide functional servicing design for Subject Land “A” to address water, sanitary, grading and storm water management for the newly created lot, to the satisfaction of the Town’s Development Engineering Division;**
- vi. **That the Owner be required to provide the Building Division an elevation of the existing Dwelling facing the newly created mutually shared side lot line, with a spatial separation calculation from a designer for any existing unprotected openings to the Division’s satisfaction. The existing Dwelling should be located at least 1.2 meters away from the newly created lot line;**
- vii. **That the Owner be required to submit a replanting plan as well as an evaluation for tree number 2 in the submitted Tree Inventory Report, in accordance with the Town of Georgina’s Tree Preservation and Compensation Policy, to the satisfaction of the Director of Development Services. The replanting plan shall include recommendations on the mitigation of negative effects to existing vegetation such as tree hoarding locations, during and post construction periods; and,**
- viii. **That the above-noted condition(s) be fulfilled within two (2) years of the date of the Notice of Decision.**

2. **PURPOSE:**

This report provides Staff’s analysis and outlines comments received with respect to Consent Application B10-24, to create one (1) buildable residential lot submitted by Michael Smith Planning Consultants for 9 Sina Street.

3. **BACKGROUND:**

APPLICANT / AGENT: Michael Smith Planning Consultants; Development Coordinators Ltd. (c/o Michael Smith)

DESCRIPTION: (refer to Attachments 1 to 2)
9 Sina Street, Keswick

Part of Lots 6, Concession 9 (NG)

FILE NO: B10-24 (Consent Application)
 RELATED FILE NO: 02.203 (Official Plan Amendment Application)

3.1 PROPOSAL

The Owner of the property municipally identified as 9 Sina Street has submitted an application for Consent to sever, in order to create one new residential building lot with frontage on Sina Street. The Owner is requesting permission to sever and convey Subject Land "A" from Retained Land "B".

A Plan showing the proposed Consent is included as Attachment 4 to this report.

The subject property is also subject to Official Plan Amendment No. 150, the purpose of which is to implement site-specific provisions to facilitate a proposed residential severance of the property to create one new building lot, to accommodate one addition Single-Detached dwelling unit.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA

The subject property is municipally known as 9 Sina Street and is located on the east side Sina Street, south of Lake Drive East and north of Metro Road North.

The property characteristics are summarized below:

Table 1 – Summary of Property Information	
General Property Information	
Municipal Address	9 Sina Street
Zoning	Residential (R) Zone
Official Plan Designation	Serviced Lakeshore Residential Area
York Region Official Plan	Greenbelt Protected Countryside/Rural
Existing Structures	One-Storey Single-Detached residential dwelling and two sheds
Lot Area	1,548 square meters (0.1548 hectares)
Lot Frontage	45.97 meters (151.0 feet)
Related Planning Application	Official Plan Amendment (Town File No. 02.203)
Land Use and Environmental Considerations	
Existing Structures	One-Storey Single-Detached Dwelling and Two Sheds
Proposed Structures	New Two-Storey Single-Detached Dwelling
Heritage Status	Neither listed nor designated

Regulated by LSRCA	No	
Key Natural Heritage Features	No	
Natural Hazards	No	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Sina Street	Sina Street

Surrounding land uses are as follows:

- **North:** Low density residential, beyond which is Lake Drive East and the Lake Simcoe shoreline;
- **South:** Low density residential, beyond which is Metro Road North;
- **East:** Sina Street and low density residential;
- **West:** Low density residential.

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 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 B10-24.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS:

Town departments and external agencies have provided comments for Consent Application B10-24.

The Town's Development Engineering Division has provided the following comments:

- The Owner is advised that, prior to the issuance of a building permit for development on Subject Land "A", 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 Development Engineering Division has the following condition for Consent Application No. B10-24:

- The Owner will be required to enter into a Development Agreement including: providing functional servicing design including water, sanitary, grading and storm water management.

The Town's Building Division has provided the following comments:

- 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 building should be located at least 1.2 metres from the newly created lot line.

The Town's Senior Landscape Architect has provided the following comments:

Tree Protection and Compensation Plan (TPCP)

1. Tree number 2, exceeds 75 DBH, as per the TPCP this trees will have to be individually appraised for a value, as the development is encroaching into the critical root zone of this tree. This will impact the survivability of this tree.

General

1. Would the applicant consider moving the house 1 meter towards the rear set back to avoid and mitigate the above situation?

Condition to be included is as follows:

That the Owner be required to submit a replanting plan as well as an evaluation for tree number 2 in the submitted Tree Inventory Report, in accordance with the Town of Georgina's Tree Preservation and Compensation Policy, to the satisfaction of the Director of Development Services. The replanting plan shall include recommendations on the mitigation of negative effects to existing vegetation such as tree hoarding locations, during and post construction periods.

The Region of York has provided the following condition:

- Prior to the approval of the Consent application, the Town of Georgina shall confirm that adequate water supply and sewage capacity has been allocated for the proposed new lot.

The Lake Simcoe Region Conservation Authority (LSRCA) has provided the following comment(s):

- The subject property is not located within a regulated area. Therefore, the Lake Simcoe Region Conservation Authority has no comments.

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

- Town's Municipal Law Enforcement Division;
- Town's Tax and Revenue Division;
- Georgina Fire Department;
- Hydro One.

5. ANALYSIS:

5.1 THE GREENBELT PLAN, 2017 (GBP), A PLACE TO GROW GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (GROWTH PLAN) & THE LAKE SIMCOE PROTECTION PLAN, 2009 (LSPP)

The subject property is located in a 'Developed Shoreline Area' within the Protected Countryside of the GBP. Section 4.1.3 (Developed Shoreline Area Policies) states that Section 4.2.4.5 of the Growth Plan applies to these lands.

Section 4.2.4.5 of the Growth Plan states that infill development is permitted in developed shoreline areas of inland lakes that are designated or zoned for concentrations of development as of July 1, 2017, as long as the development satisfies a list of criteria.

It is noted that one of the development criteria listed as part of Section 4.2.4.5 requires the development to be serviced by sewage works. The created and retained lots will be on municipal services and satisfies this criteria.

The property was designated 'Serviced Lakeshore Residential Area' in the Official Plan and zoned 'Residential (R)' prior to July 1, 2017. With respect to the development criteria, it is noted that the criteria generally relate to protecting or improving key hydrologic and key natural heritage features.

One of the main objectives of the Lake Simcoe Protection Plan (LSPP) is to protect, improve and restore the elements that contribute to the ecological health of the Lake Simcoe Watershed, including water quality, hydrology, Key Natural Heritage Features and their functions, and Key Hydrologic Features and their functions.

As the property is not adjacent to Lake Simcoe and does not contain any Key Natural Heritage Features nor Key Hydrologic Features, the proposal satisfies these criteria.

Staff have reviewed the subject Consent Application against the above-noted Provincial Plans and are of the opinion that the proposal is consistent with and conforms to the Provincial Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe, and Lake Simcoe Protection Plan.

5.2 YORK REGION OFFICIAL PLAN, 2019 YROP

The subject property is designated 'Greenbelt Protected Countryside' and 'Rural Area' on Map 1 and Map 8 of the York Region Official Plan.

Section 6.4.9 states that consents may be permitted in the Rural Area subject to the criteria contained in Section 6.3.7 and local official plans and zoning by-laws. Section 6.4.11 further provides that lands within the Rural Area generally to the west of the community of Sutton along the Lake Simcoe shoreline are subject to the Lakeshore Residential Policies of the Georgina Official Plan. A review of the proposal against the Georgina Official Plan is provided in the following section of the report.

Staff are of the opinion that the proposal conforms to the YROP.

5.3 TOWN OF GEORGINA OFFICIAL PLAN

The subject property is designated 'Serviced Lakeshore Residential Area' on Schedule A2 – Land Use Plan, of the Town of Georgina's Official Plan.

The subject property is also subject to Official Plan Amendment No. 150, which came into force on October 18th, 2023.

The purpose of Official Plan Amendment No. 150 is to implement site-specific provisions for the subject property to facilitate a proposed residential severance of the property to create one new building lot, to accommodate one addition Single-Detached dwelling unit.

Specifically, the By-law to adopt Official Plan Amendment No. 150 (By-law No. 2023-0067) dictates that Subject Land "A" (severed lot) is intended to have a lot frontage of 24.48 metres and lot area of 907.0 square meters, while Retained Land "B" (retained lot) is intended to have a proposed lot frontage of 21.96 metres and lot area of 650.0 square metres. This is what has been shown on the subject consent application.

Section 11.4.1 of the Official Plan sets out the policies that the Committee of Adjustment to consider when granting consents for severances within the Town:

- (a) *The proposed use must conform with the policies of this Plan and the requirements of 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 the application, must obtain the required amendments.*

The applicant sought an amendment to the Official Plan, which was approved as Official Plan Amendment No. 150, to permit the proposed severance.

Zoning By-law No. 500 outlines that properties zoned 'Residential (R)' shall have a frontage of 30.0 metres and a lot area of 4,000. square metres.

As outlined on Attachment 4, the subject consent application is intended to facilitate a land severance with the following lot areas and frontages:

	Subject Land "A" (Severed Lot)	Retained Land "B" (Retained Lot)
Frontage	24.48 metres	21.96 metres
Lot Area	907.0 square metres	650.0 square metres

As it pertains to lot frontage and lot area requirements, Sections 6.1 (a) and 6.1 (b) of Zoning By-law 500 outlines that where a lot is created by consent, the minimum lot frontage and lot area requirement shall be deemed to be the lot frontage and lot area of such lot as created by consent. This applies to both the newly created lot as well as the retained lot.

The consent as proposed would therefore conform to the lot frontage and lot area requirements of the Zoning By-law.

The property survey (Attachment 3) shows a front yard setback of 4.91 metres for the existing dwelling on the property, which is to remain. The Zoning By-law for the 'Residential (R)' zone requires a front yard setback of 6.0 metres. As such, the front yard setback for the existing dwelling is currently not being met.

Section 5.46 of the Town of Georgina's Zoning By-law states the following:

"Where a building or structure was erected upon a lot prior to December 31, 1993, and where said building or structure was erected in contravention of the applicable minimum setback requirements of any by-law then in force or effect, the location of such buildings or structures shall be deemed to be in compliance with the minimum setback provisions of such by-laws."

The existing dwelling is shown as being constructed prior to 1970. Given the provision of 5.46 of the Town's Zoning By-law, the existing dwelling is considered as legal non-conforming and a Zoning By-law Amendment or Minor Variance to recognize this deficiency in front yard setback is not required. No other zoning deficiencies have been identified.

In order to demonstrate that Subject Land "A" can successfully accommodate a future new dwelling, a conceptual Two-Storey Single-Detached dwelling has been provided on Attachment 5. The dwelling as shown demonstrates conformity with the minimum setback requirements for the 'Residential (R)' zone. Upon submission of a future building permit application, Staff will undertake a review in order to confirm full compliance with all applicable Zoning By-law provisions. However, with

a proposed frontage of 24.48 metres and lot area of 907.0 square metres, staff are of the opinion that the overall area and frontage that's been provided for Subject Land "A" is sufficient to accommodate a new future Single-Detached dwelling.

(b) Consents should be granted only after it has been established that the lot size(s) and frontage(s) are adequate and soil and drainage conditions will permit proper use of land and siting of buildings. Generally, the size of the lot shall be limited to the minimum size needed to accommodate the use, except for permitted severances for agriculture, forestry, conservation or other non-residential uses.

Subject Land "A" will have a lot frontage of 24.48 metres and lot area of 907.0 square metres while Retained Land "B" will have a lot frontage of 21.96 metres and lot area of 650.0 square metres. As outlined in the previous section of this report, both of the proposed lot sizes are adequate to each accommodate a Single-Detached dwelling, while meeting the required setbacks.

Staff further note that the proposed lot frontages and lot areas are generally consistent with other residential lots in the surrounding neighbourhood to the east, south and west of the subject property.

In terms of soil and drainage, the applicant did include a grading and drainage plan as part of their application submission. Through Development Engineering's comments provided as part of their review of the subject application, it was confirmed that the owner will be required to enter into a Development Agreement where all required functional servicing design including water, sanitary, grading and storm management will need to be approved to the satisfaction of the Town's Development Engineering Division.

(c) The building lot has a depth of not more than four times the frontage.

Subject Land "A" will have a depth of 46.11 metres and a frontage of 24.48 metres. Retained Land "B" will have a depth of 30.55 metres and a frontage of 21.96 metres. Neither lot has a depth greater than four times the frontage.

(d) Where full municipal services are not available, all development on private services must be in accordance with the policies of this Official Plan.

This policy is not applicable as municipal Servicing is available. The development proposes to utilize existing infrastructure. Specifically, existing water and sanitary services.

(e) Consents for new building lots will not be granted unless the lot to be severed and the remainder parcel have adequate frontages on an assumed public road.

Subject Land "A" will have 24.48 metres of frontage on Sina Street and Retained Land "B" will have 21.96 metres of frontage on Sina Street (Attachment 4). Both

frontages are adequate for residential building lots and Sina Street is an assumed public road.

(f) Decisions of the Committee of Adjustment shall comply with the Minimum Distance Separation Formulae and Guidelines when considering a consent application which would affect agricultural lands.

The subject property is not located within an agricultural area. In addition to this, agricultural operations do not exist within the immediate vicinity of the subject property. As such, this provision does not apply.

(g) The subject lot shall not be located on land identified as Aggregate Resource Priority Area.

Schedule 'G' of the Town's Official Plan identifies Aggregate Resource Priority Area locations throughout the Town of Georgina. The subject property is not located within an identified Aggregate Resource Priority Area.

Since the property is designated Serviced Lakeshore Residential, Section 11.4.2.8 of the Official Plan must be considered as it sets out policies regarding consents for severances on lands located within the Serviced Lakeshore Residential Area. These are discussed as follows:

(a) Any application for consent to sever must comply with relevant policies of upper tier planning documents including the Greenbelt Plan and the Lake Simcoe Protection Plan and any other relevant environmental policies of this Plan.

A review of the proposal against relevant upper tier planning documents, including the Greenbelt Plan and the Lake Simcoe Protection Plan was provided earlier in this report.

Staff are of the opinion that the proposal conforms with the Greenbelt Plan, the Growth Plan, York Region Official Plan and the Lake Simcoe Protection Plan.

(b) All new development, including new lot creation, shall be serviced by municipal water supply and municipal sanitary sewer services. Furthermore, it is the policy of the Town that any costs associated with providing municipal services to the proposed lot(s) is the responsibility of the proponent for the subject development application.

The property is located within the Serviced Lakeshore Residential Area (SLRA), as identified in the Town's Official Plan. The subject property is not located within the "area partially serviced with municipal water only" as shown on Schedule 'D' of the Town's Official Plan.

Retained Land “B” is presently already serviced by available municipal services (water and sanitary) and will continue to be. The Owner understands that they will be responsible for any costs associated with servicing Subject Land “A”. This will be addressed in more detail through the Functional Servicing Report prepared in fulfilment of the provisional consent condition which requires entering into a Development Agreement.

Staff are recommending that confirmation of sufficient allocation be imposed as a condition of approval.

(c) A maximum of three (3) new lots per road frontage may be created from a single landholding. The maximum three (3) lots shall be calculated based on the established boundary of the landholding as it existed on April 14, 2009. With respect to this policy, Section 12.3.1 of this Plan shall not apply.

A total of one new residential building lot is being proposed and would have frontage on Sina Street. The proposal conforms with this policy.

(d) All lots to be created by consent must front on and have access to an assumed public road. Any road upgrades required for the lands to be severed shall be provided at the proponent’s sole expense.

Both Subject Land “A” and Retained Land “B” will front onto Sina Street, which is an assumed public road. No road upgrades are required.

(e) All lots to be created by consent shall have a minimum lot frontage equal to or greater than the average of all existing residential lots on both sides of the same street within 100 metres (328 feet) of the proposed severance, and shall have a minimum lot area equal to or greater than the average area of the abutting residential lots on the same side of the street. When calculated, the minimum frontage requirement may be rounded to the nearest metre. For the purpose of calculating the average lot frontage, where the frontage of a lot exceeds 30 metres, the frontage used in the calculation shall be 30 metres. Further, the 100 metres shall be measured from the extent of the area subject to the consent and having road frontage. Where a proposed severance abuts a residential lot with a lot area greater than 0.23 hectares, the minimum lot area of the severed lot shall be 0.23 hectares. With respect to this policy, Section 12.3.1 of this Plan shall not apply, except where the proposed consent is to recreate an existing lot of record that has merged on title.

Official Plan Amendment No. 150, passed on September 28th, 2023 (Attachment 6) addresses conformity to Policy 11.4.2.8(e).

Subject Land “A” and Retained Land “B” conform to both the lot frontage and area requirements as per Official Plan Amendment No. 150 which permits the proposed consent notwithstanding the above policy.

5.4 ZONING BY-LAW

The subject property is zoned 'Residential (R)' on Map 5 to Schedule 'A' of Zoning Bylaw No. 500. This residential zone permits Single-Detached dwellings and Accessory Structures.

Staff have no concerns as it relates to the new dwelling on Subject Land "A" meeting all applicable Zoning By-law provisions for lands zoned 'Residential (R)'.

Sections 6.1 (a) and 6.1 (b) of Zoning By-law 500 outlines that where a lot is created by consent, the minimum lot frontage and lot area requirement shall be deemed to be the lot frontage and lot area of such lot as created by consent. This applies to both the newly created lot as well as the retained lot. The consent as proposed for both Subject Land "A" and Retained Land "B" would therefore conform to the lot frontage and lot area requirements of the Zoning By-law.

Also detailed previously in this report, the existing dwelling on Retained Land "B" conforms to all other applicable zoning by-law provisions with the exception of a front yard setback of 4.91 metres, which is deemed to be legally non-conforming based on when the dwelling was constructed.

Staff are of the opinion that both Subject Land "A" and Retained Land "B" will result in a new lotting pattern on the subject property that is appropriate, while allowing for adequate building envelopes with sufficient setbacks and appropriate outdoor amenity areas in both the front and rear yards.

6. CONCLUSION

Staff are of the opinion that Consent Application B10-24 to accommodate a land severance is consistent with the relevant Provincial, Regional, Town and LSRCA planning policies and represents good planning. Furthermore, the subject consent application is not expected to adversely impact existing or surrounding land uses. In this regard, Staff recommend approval of the application subject to the conditions noted in Section 1 of this report.

Prepared by:

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Reviewed by:

Janet Porter, MCIP, RPP
Manager of Development Policy

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Photographs

Attachment 3 – Survey

Attachment 4 – Proposed Consent Plan

Attachment 5 – Proposed Development Concept

Attachment 6 – Notice of Passing By-law (OPA No. 150)