

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0043

**FOR THE CONSIDERATION OF
THE COMMITTEE OF ADJUSTMENT
July 29, 2024**

**SUBJECT: CONSENT APPLICATION B18-23
375 LAKE DRIVE NORTH**

1. RECOMMENDATIONS:

1. That the Committee of Adjustment receive Report No. DS-2024-0043 prepared by the Development Planning Division, Development Services Department, dated July 29, 2024 respecting Consent Application B18-23, submitted by the owners for the property municipally addressed as 375 Lake Drive North, Keswick; 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 Application B18-23 as it pertains to the property known as 375 Lake Drive North, Keswick, to sever and convey Subject Land 'A' from Remainder Land 'B', as shown in Attachment 3 to Report No. DS-2024-0043; and,
 - b. That the approval of Consent Applications B18-23 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 Land 'A', as indicated on Attachment 3 to Report No. DS-2024-0043;
 - 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 Land 'A';
 - iv. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Policy Planning Division that an arborist report inclusive of a tree inventory for the existing trees on site has been provided, to the satisfaction of the Division;

- v. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that Subject Land 'A' has been assigned a civic address;
- vi. 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;
- vii. Submission to the Secretary-Treasurer of written confirmation from York Region that all matters identified in Attachment 4 to Report No. DS-2024-0035 have been addressed to the Region's satisfaction
- viii. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that a deeming by-law has been registered on title or written confirmation that a deeming by-law is not required; and,
- ix. 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 B18-23, submitted by the owners for the property known as 375 Lake Drive North.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
375 Lake Drive North
Plan M271 Lot 37 Part Lot 36

3.1 PROPOSAL:

The Applicant has applied for a consent to divide the subject property into two (2) separately conveyable parcels, as shown on Attachment 3. Subject Land 'A' would have frontage on Metro Road and Retained Land 'B' would have frontage on Lake Drive North. Both of these streets are open and assumed public roads.

The created lot (Subject Land 'A') is proposed to eventually be developed with a single detached dwelling. Remainder Land 'B' will retain its existing single detached dwelling.

The proposed consent plan is included as Attachment 3.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

The subject property is a through lot located in Keswick, South of Boyers Road. A summary of the property characteristics is below:

Municipal Address	375 Lake Drive North
Zoning	Residential (R)
Official Plan / Secondary Plan Land Use Designation	Neighbourhood Residential
Regional Official Plan Land Use Designation	Community Area
Existing Structures	Single Detached Dwelling and Accessory Structure
Proposed Structures	None
Heritage Status	Neither listed nor designated
Regulated by LSRCA	No

The subject property is located within the community of Keswick. It has a frontage of approximately 30.48 metres and a lot area of approximately 2773.7 metres square. There is a single detached dwelling on the property.

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. However, it is noted that the property currently consists of a whole and part lot on a plan of subdivision, which do not merge automatically under common ownership. Instead, a deeming by-law is required to deem the lots not to be lots on a plan of subdivision so that the entirety of the lot can merge under common ownership, and can then be severed into the desired Subject Land 'A' and Retained Land 'B'. Consequently, a registered deeming by-law or proof that a deeming by-law is not required must be provided, to the satisfaction of the Development Planning Division.

York Region has indicated no objection to the applications and required several conditions related to a road widening measuring 18 metres from the centre line of Metro Road being provided (See Attachment 4).

The Policy Planning Division has indicated no objection to the application and provided the following condition.

The applicant provide an arborist report inclusive of a tree inventory for the existing trees on site.

The Development Engineering Division has indicated no objection to the application and provided comments relating to providing detailed lot grading and drainage plan at the time of building permit and applying for an Entrance Permit through the applicable road authority.

The Development Engineering Division has also provided a condition relating to providing 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 following internal departments and external agencies have indicated no concerns:

- Economic Development
- Municipal Law Enforcement Division
- Operations and Infrastructure Division
- Tax and Revenue Division
- Georgina Fire Department

5. PUBLIC CIRCULATION:

As per the Planning Act, Notices of Hearing were sent by mail on July 10, 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 Keswick, 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 'Neighbourhood Residential' within the Keswick Secondary Plan. The property is zoned Residential (R).

The proposed consent is to create one new residential lot, 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 one additional lot, and both the severed and the retained lands front onto existing public roads: Metro Road and Lake Drive North. 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 'B' have access to full municipal water and sanitary services.

(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 to convey additional lands to an abutting lot, provided an undersized lot is not created.

The applicant is proposing the creation of one new residential lot, 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 one (1) additional lots is proposed.

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

The proposed lot has access to full municipal sanitary services, storm ditches, and frontage on a public assumed road.

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

Subject Land 'A' and Remainder Land 'B' have access to full municipal water and sanitary services.

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: Metro Road and Lake Drive North, 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 Residential (R). The proposed use for the proposed lot, a single detached dwelling, is a permitted use in the Residential (R) zone.

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

Table 1 – Lot Frontage, Depth and Area Summary

	Frontage (m)	Depth (m)	Lot Area (m2)
Subject Land 'A'	27.90	30.48	850.40
Remainder Land 'B'	30.48	63.1	1923.3

The Residential zone permits a minimum lot frontage of 30.0 metres and a minimum lot area of 4 000 square metres. While the severance does not comply with the minimum lot frontage and lot area requirements for the R zone, Section 6 of zoning by-law 500, as amended, does permit lesser lot areas and frontages for lots created by consent. Staff also note the surrounding neighbourhood consists of lots with a variety of lot frontages areas. Staff are of the opinion that Subject Land 'A' and Remainder Land 'B' have appropriate frontages and lot areas to permit single family dwellings. Staff are of the opinion that Subject Land 'A', and Remainder Land 'B' 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 application complies with all relevant provisions of the Keswick 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 application B18-23 is 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 application B18-23 be approved, subject to the recommended conditions noted in section 1 of this report.

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