

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2025-0005

**FOR THE CONSIDERATION OF
THE COMMITTEE OF ADJUSTMENT
January 20, 2025**

**SUBJECT: CONSENT APPLICATION B18-24
5 AND 5A EVELYN AVENUE**

1. RECOMMENDATIONS:

- 1. That the Committee of Adjustment receive Report No. DS-2025-0005 prepared by the Development Planning Division, Development Services Department, dated January 20, 2025, respecting Consent Application B18-24, submitted by the owners for the property municipally addressed as 5 and 5A Evelyn Avenue; 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 B18-24 as it pertains to the property known as 5 and 5A Evelyn Avenue, to sever and convey Severed Lands from Retained Lands and convey same to Benefitting Lands, as shown in Attachment 3 to Report No. DS-2025-0005; and,**
 - b. That the approval of Consent Applications B18-24 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 Severed Lands to Benefitting Lands as indicated on Attachment 3 to Report No. DS-2025-0005;**
 - iii. Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina Development Planning Division that the Owner / Applicant submit and obtain approval for a Cancellation of Consent (B19- 24) related to previous Consent Application B10-17 from 2017;**
 - iv. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that the shed located on Retained Lands has been removed; and,**

- v. **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 B18-24, submitted by the owners for the property known as 5 and 5A Evelyn Avenue.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 4)
5 Evelyn Avenue
Plan M-628, Lot 12 and Part of Lot 13, 65R-37704
Parts 1 and 2
Roll No.: 097-192

5A Evelyn Avenue
Plan M-628 Part of Lot 13, 65R-37704, Part 3
Roll No.: 097-19202

3.1 PROPOSAL:

The Applicant has applied for a consent for a lot boundary adjustment, seeking approval to sever a portion of Lot 13 (Retained Lands) and add it to Lot 12 to the west (Benefitting Lands). The application is for a boundary adjustment; thus, no new lots will be created.

As shown on Attachment 3, a small portion of the single detached dwelling at the southeastern corner of Lot 12 encroaches over the common interior lot line between Lots 12 and 13/ The proposed minor lot boundary adjustment will rectify the encroachments so that an unencumbered residential lot can be established on Lot 13.

The subject properties were previously subject to Consent Application B10-17 in 2017, where the Committee issued Conditional Approval for the same request as proposed in application B18-24. The conditions of B10-17 were cleared, and the Town issued a Certificate of Official, which was used to execute the lot addition. However, the agent stated that there were some legal errors during the transfer and registration process that required a Certificate of Official to rectify. Subsequently, the applicant has submitted a Certificate of Cancellation to cancel the approved consent, B10-17, and submitted B18-24 to obtain a Certificate of Official for both the severed and retained lands.

The proposed consent plan is included as Attachment 3.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

The subject properties are two whole lots on a plan of subdivision located in Keswick, South of Boyers Road. A summary of the property characteristics is below:

Municipal Address	5 and 5A Evelyn Avenue
Zoning	Residential (R)
Official Plan / Secondary Plan Land Use Designation	Existing Neighbourhood (Keswick Secondary Plan)
Regional Official Plan Land Use Designation	Community Area
Existing Structures	Single Detached Dwelling on 5 Evelyn Avenue
Proposed Structures	Single Detached Dwelling on 5A Evelyn Avenue
Heritage Status	Neither listed nor designated
Regulated by LSRCA	No

The subject properties are located within the community of Keswick. The Retained Lands has a frontage of approximately 16.76 metres and a lot area of approximately 653.6 metres square. The Benefitting Lands has a frontage of approximately 25 metres and a lot area of approximately 781 metres square. Approximately 69.4 sq m (Severed Lands) is being severed and conveyed from Retained Lands to the Benefitting Lands. There is a single detached dwelling on the Benefitting Lands.

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. PUBLIC CIRCULATION 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 hand delivery and courier on December 18, 2024, to all landowners within 60.0 metres of the subject properties and two placards were placed on the properties.

As of the date of writing this report, Staff have not received any comments from the general public concerning Consent Application B18-24

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

Town departments and external agencies have been circulated for comments.

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

- Canada Post
- Building Division, Plumbing/Building Inspector
- Development Engineering Division
- Georgina Fire Department
- Hydro One
- Municipal Law Enforcement Division
- Tax and Revenue Division
- York Region

5. ANALYSIS:

5.1 Provincial Planning Statement (PPS) (2024), Greenbelt Plan (GBP) (2017), and Lake Simcoe Protection Plan (LSPP) (2009)

The subject property is located in Keswick, a defined 'Settlement Area' under the Provincial Planning Statement, Greenbelt Plan, 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, 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 as the properties are not located within the LSRCA-regulated area.

5.2 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. Pursuant to Section 70.13 (2) of the Planning Act (as amended by Bill 23), the relevant policies of the YROP are deemed to constitute part of the Town of Georgina Official Plan until the Town either revokes or amends them to provide otherwise. In this regard, it is anticipated that the relevant policies of the YROP will be incorporated into the Town's Official Plan as part of a future comprehensive update. 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.

5.3 Keswick Secondary Plan (2023)

The Keswick Secondary Plan (KSP) provides more specific policies that direct how development occurs within the Keswick Settlement Area.

The subject properties are designated 'Existing Residential' on Schedule 'B' to the KSP.

Section 13.1.8.4.2 (b) specified that Consents may be permitted for such reasons as boundary adjustments and easements.

Section 13.1.8.4.2 (e) of the KSP also specifies eight tests that specify that Consents shall only be granted where:

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

As this consent is minor in nature and is to rectify an encroachment issue with the existing single detached dwelling on Lot 12, it is Staff's opinion that there is no need for a plan of subdivision to be registered.

- ii. The lots are able to be adequately serviced by roads, sanitary, water and storm drainage facilities*

Retained Lands are proposed to maintain the existing 16.7-metre frontage on Evelyn Avenue. Benefitting Land is proposed to maintain the existing 25.0 metres frontage on Evelyn Aveny and 46.5 metres on Metro Road North. Both roads are open and assumed public roads that are adequately serviced by sanitary sewers, municipal water and storm drainage.

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

The Retained Lands and Benefitting Lands both front onto Evelyn Avenue, open and assumed roads with municipal services. Therefore, no extension, improvement or assumption of municipal services is required.

- iv. Lots will have adequate frontage on an open and assumed public road and will not result in traffic hazards.*

Both the Benefitting and Retained Lands will have adequate frontage on Evelyn Avenue, which is an open and assumed public road. Staff are satisfied that the proposal will not result in traffic hazards.

- v. Lots will not restrict the ultimate development of adjacent lands*

The subject property is located in a mature residential area of Keswick. Staff are of the opinion that the proposed severance will not restrict the ultimate development of adjacent lands.

Attachment 4 shows the submitted site plan for the building permit for the Retained Lands, indicating that a single detached dwelling is adequate size to accommodate a single detached dwelling.

- vi. *The size and shape of lots conform to the Zoning By-law, are appropriate for the use proposed, and are compatible with adjacent lots.*

The subject property is zoned Residential (R) Zone on Map 3 (page 2) of Zoning By-law 500, as amended. Single detached dwellings and accessory buildings are permitted in the R Zone.

The existing lots are undersized compared to the lot frontage and area requirements of the R Zone. As the Retained Lands and the Benefitting Lands were created prior to the passage of By-law 500, Section 5.41 of the Zoning By-law permits the existing lot frontage and lot area to apply for lots that legally existed prior to the passage of the By-law. Staff are of the opinion that the proposed lot addition will provide sufficient lot area for the Retained Lands for the construction of a future single detached dwelling.

Furthermore, the lot addition will provide for sufficient amenity area to the existing rear yard and exterior side yard of the Benefitting Lands, and the Retained Lands will continue to offer a sufficient rear yard amenity area within the rear yard as shown on Attachment 4. Staff are of the opinion that this test is met.

- vii. *The Consent complies with all relevant permitted uses and policies of the Secondary Plan*

Staff have reviewed the KSP and are of the opinion that the proposed lot boundary addition complies with the permitted uses of the Existing Neighbourhood designation and relevant policies of the Secondary Plan. Staff are of the opinion that this test is met.

- viii. *The area's natural features, attributes or ecological functions are not negatively impacted.*

Staff note that the subject properties do not have any natural features, attributes or ecological functions on the properties. The subject lands are not within the Lake Simcoe Region Conservation Authority regulated areas. Staff are of the opinion that this test is met.

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

6. CONCLUSION:

Staff are of the opinion that Consent application B18-24 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 B18-24 be approved, subject to the recommended conditions.

APPROVAL

Prepared By: Monika Sadler
Planner I

Approved By: Jeff Healey, MCIP, RPP
Supervisor of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Photos

Attachment 3 – Site Sketch

Attachment 4 – Site Plan – Retained Lands

Attachment 5 – Comments

Attachment 6 – B10-17 Report DS-2017-0090