

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2025-0024

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

March 31, 2025

**SUBJECT: CONSENT APPLICATIONS CON-2025-0002, CON-2025-0003 and
CON-2025-0004
252 PEFFERLAW ROAD, PEFFERLAW
PART OF LOTS 22**

1. RECOMMENDATIONS:

- 1. That the Committee of Adjustment receive Report DS-2025-0024 prepared by the Development Planning Division, Development Services Department dated March 31, 2025 respecting three applications for consent submitted by Michael Smith Planning Consultants; Development Coordinators Ltd. on behalf of the owners for lands municipally described as 252 Pefferlaw Road, Pefferlaw;**
- 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 CON-2025-0002, CON-2025-0003 and CON-2025-0004 as it pertains to the properties known as 252 Pefferlaw Road, Pefferlaw, to sever and convey the Subject Lands from the Retained Lands to the Beneficial Lands, as well as to grant reciprocal access easements, as shown in Attachment 3 , Pages 1, 3 and 4 to Report No. DS-2025-0024; and,**
 - b. That the approval of Consent Applications CON-2025-0002, CON-2025-0003 and CON-2025-004 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 Land, as indicated on Attachment 3 to Report No. DS-2025-0024;**

- iii. **Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that the Beneficial Land has been assigned a tentative civic address;**
- iv. **Submission to the Secretary-Treasurer of written confirmation from the Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2025-0024 have been addressed to the Division's satisfaction; and**
- v. **Submission to the Secretary-Treasurer of written confirmation from The Lake Simcoe Regional Conservation Authority that all matters identified in Attachment 4 to Report No. DS-2025-0024 have been addressed to the Authority's satisfaction; and**
- vi. **Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that that all matters identified in Attachment 4 to Report No. DS-2025-0024 have been addressed to the Division's satisfaction; 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 outline comments received respecting three applications for consent submitted by Michael Smith Planning Consultants; Development Coordinators Ltd. on behalf of the owners, to provide driveway access to the subject properties which are both municipally described as 252 Pepperlaw Road. As depicted on Attachment 1 to this report, the Retained Lands are owned by 2614702 Ontario Inc. (c/o Trevor Comeau) and the Beneficial Lands are owned by Trevor Comeau and Tracy Davis. The application proposes to permit the existing single detached dwelling and detached garage on the Retained Lands and to facilitate the construction of a new single detached dwelling on the Beneficial Lands.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
252 Pepperlaw Road
Part of Lots 22 and 23, Concession 3 (G)
Roll No.: Retained Lands – 054-255
Beneficial Lands – 054-257

3.1 PROPOSAL:

The submitted consent applications propose a lot boundary adjustment application (lot addition) and two reciprocal easement applications. The proposed lot addition will provide approximately 850 square metres of land from the Retained Lands to the

Beneficial Lands to provide the Beneficial Lands with frontage on a public road and provide for vehicular access to the lands. Two reciprocal easement applications are proposed to provide for a shared vehicular access between the Benefitting Lands and the Retained Lands over an existing driveway access. The result of the proposed consent applications will facilitate the construction of a single detached dwelling on the Beneficial Lands.

The proposed consent plan and easements are included as Attachment 3.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA

The subject site is located on the north side of Pepperlaw Road, east of Pineview Court, within the community of Pepperlaw. As stated above, 252 Pepperlaw Road is comprised of two separately conveyable properties.

The Retained Lands contain a building that is solely used as a single detached dwelling and a detached garage; however, the property is zoned for a commercial use and includes 8 parking spaces and could return to that use in the future.

The Beneficial Lands were historically used as a commercial fish farm which is no longer active; however, the ponds and pumphouse remain on site in addition to a detached garage and temporary vinyl garage.

Refer to the table below for a summary of property information:

Municipal Address	252 Pepperlaw Road
Lot Frontage	Retained Lands – 62.1 Metres, proposed 45.43 m Beneficial Lands– No frontage on a public road, proposed 17.80 m
Lot Area	Retained Lands – 1,490 m Beneficial Lands – 32,780 m Subject Land to be conveyed – 850 m
Zoning	Retained Lands – Site Specific Commercial (C1-62) Beneficial Lands – Site Specific Residential (R3-83), Site Specific Commercial (C1-61), and Open Space (OS-135)
Pepperlaw Secondary Plan Designation	Retained Lands – Commercial Beneficial Lands – Rural and Residential
York Region Official Plan	Community Area
Related Applications	ZBA 03.1183

Existing Structures	Retained Lands – Single detached dwelling, detached garage Beneficial Lands – Detached garage, temporary vinyl garage, sheds and a pumphouse	
Proposed Structures	Retained Lands – None Beneficial Lands – Single detached dwelling	
Key Natural Heritage Features	Retained Lands – N/A Beneficial Lands – Evaluated wetland and woodland	
Natural Hazards	Retained Lands – Floodplain Hazard, Apparent Valleyland Beneficial Lands – Floodplain Hazard, Meanderbelt, Apparent Valleyland	
Heritage Status	Neither listed nor designated	
LSRCA	Yes	
	<u>Existing</u>	<u>Proposed</u>
Water	Retained Lands – Well Beneficial Lands – None	Retained Lands – Well Beneficial Lands – Well
Sanitary	Retained Lands – Septic Beneficial Lands – None	Retained Lands – Septic Beneficial Lands – Septic
Access	Retained Lands – Pefferlaw Road Beneficial Lands – No frontage on a public road	Retained Lands – Pefferlaw Road Beneficial Lands – Pefferlaw Road

Surrounding land uses include:

North: A woodlot and the Pefferlaw River

South: Commercial uses and low density residential uses

East: Pefferlaw River and low density residential uses

West: A cemetery, fire hall, commercial uses and low density residential uses

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

4.1 PUBLIC CONSULTATION

As per the *Planning Act*, Notices of Hearing were sent by mail on March 11, 2025, to all landowners within 60 metres of the subject property. At the time of writing this report, no comments from members of the public have been received.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

Town departments and external agencies have been circulated for comments.

Development Engineering Division

The Development Engineering Division has no objection to the proposed plan and requests as a condition that the applicant/owner provide a detailed engineering drawing, known as a Lot Grading Plan, that shows grade elevations of the entire lot, how surface water will be managed on a property to prevent flooding, erosion, and drainage issues, as well as existing and proposed entrance(s). They also request that the applicant/owner provide a completed drawing check list, which is to be signed by the designer of the drawing (Attachment 4).

Development Planning Division

The Planning Policy Division has requested that tree compensation in the form of replanting for the trees that will be removed on the property be provided (Attachment 4).

Lake Simcoe Region Conservation Authority (LSRCA)

The LSRCA has no objection to the approval of the proposal. They note that the proposal is generally consistent and in conformity with the natural hazard policies of the applicable plans. They request that the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule as a condition of approval (Attachment 4).

York Region

York Region has indicated no objections to the proposal and has noted that while it is in a Source Protection Area the proposed application does not trigger any Regional Source Protection requirements. Should the proposal change and/or the application be amended, Source Protection staff will require recirculation (Attachment 4).

The below departments / agencies have no comment:

- Tax and Revenue Division
- Municipal Law Enforcement Division
- Ministry of Transportation
- Economic Development
- Georgina Fire
- Hydro One
- Operations and Infrastructure
- Building Division

5. ANALYSIS:

5.1. The Lake Simcoe Protection Plan, 2009 (LSPP)

The Lake Simcoe Protection Plan (LSPP) seeks 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 (KNHF) and their functions, and key hydrologic features (KHF) and their functions.

The subject properties are regulated by the LSRCA under Ontario Regulation 41/24 for the presence of:

- A watercourse (Pefferlaw River);
- Flooding and erosion (meanderbelt) hazards associated with the watercourse;
- An evaluated wetland and the associated 30 metre adjacent lands; and,
- Steep slopes/unstable soils associated with apparent valleylands.

In addition, the subject properties are within a Significant Groundwater Recharge Area (SGRA). The subject properties also contain identified woodland areas.

As stated previously, the LSRCA has no objection to the approval of the proposal and note that the proposal is generally consistent and in conformity with the natural hazard policies of the applicable plans.

5.2 York Region Official Plan, 2022 (YROP)

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.

The subject property is designated Towns and Villages on Map 1, and Community Area on Map 1A of the York Region Official Plan (YROP). Subject Lands A is designated as Built Up Area on Map 1B, Regional Greenlands System on Map 2 and Highly Vulnerable Aquifer on Map 7. The Beneficial Lands are partially located within the Significant Groundwater Recharge Area on Map 12A.

Staff have reviewed the subject Consent applications against the document and note that residential uses are permitted within the Towns and Villages designation. Section 4.2.4 of the YROP further states that municipalities will provide a balance of residential uses, which the application provides.

York Region has also reviewed the application and has no objections.

Staff have reviewed the application against the YROP and are satisfied the proposal conforms with the YROP.

5.3 Pefferlaw Secondary Plan, 2019 (PSP)

The subject properties are designated Commercial, Rural and Residential in the Pefferlaw Secondary Plan. Residential uses, including a single detached dwelling are permitted in all these designations.

Section 13.3.3.2 of the Secondary Plan outlines the Land Division policies, which also refer to the policies in Section 6.1 of the 1982 Town of Georgina Official Plan (Office Consolidated 2013).

In determining whether a proposed land division should require a plan of subdivision or merely a consent to sever, the following questions shall be examined:

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

As the proposed consent consists of a lot boundary addition and two reciprocal easements, no extension, creation or opening of a public road is required.

(b) whether the extension or expansion of municipal services is required;

As the proposed consent consists of a lot boundary addition and two reciprocal easements, no extension or expansion of municipal services is required.

(c) 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.

As the proposed consent consists of a lot boundary addition and two reciprocal easements, an agreement is not required for the remaining lands.

The Committee of Adjustment will consider the following policies as well as those stated in 6.1 above when granting consents for severances within the Town:

(a) The proposed use must conform with the policies of this Plan and the zoning by-law. Should an amendment to this Plan or the zoning bylaw, or both, be required, the applicant for consent, prior to making his application, must obtain the required amendments.

The subject properties are designated Commercial, Rural and Residential in the Pefferlaw Secondary Plan. Residential uses, including a single detached dwellings are permitted in within each of these designations.

The subject properties have been rezoned to Site Specific Residential (R3-83), Site Specific Commercial (C1-61) and (C1-62), as well as Site Specific Open Space (OS-135) via [Zoning Bylaw Amendment 03.1183](#), which amended Zoning By-law 500 to permit the proposed residential use, as well as the existing uses located on the subject properties.

The site specific zoning further permits an unobstructed shared driveway on lands zoned 'C1-61' and 'C1-62' of at least 6.0 metres in width and 29 metres in depth, for combined ingress and egress, of which at least 3.0 metres is on lands zoned 'C1-62'. Beyond the 29 metre depth the access shall be reduced to 3.0 metres for combined ingress and egress. The proposed consents comply with these provisions, as both properties will take access from Pefferlaw Road via a shared driveway which meets the above noted dimension requirements.

(b) Severance consents should be granted only after it has been established that the lot sizes are adequate and soil and drainage conditions will permit proper siting of buildings.

Staff note that both of the existing lots are of an adequate size, and that as part of the conditions for the consent application, a lot grading plan demonstrating the conditions on the site are adequate for permitting the proper siting of the buildings will be required. The LSRCA has also provided comments confirming they have no concerns regarding the proposal.

(c) Where full piped services are not available, all development on private services must be in accordance with the policies of Section 6.3.1.7.

Staff note that the proposed new dwelling will be on private servicing (well and septic). The proposed servicing is in conformity with Section 6.3.1.7, which notes: Where a new building is proposed on a lot, the lot must satisfy minimum lot area requirements for the particular use, of the Medical Officer of Health, who must also approve water supply and/or sewage disposal systems proposed to service such buildings.

Staff note that the system for reviewing private water and sewage supply within the Town has changed since the 1982 Official Plan was created. Currently, the adequacy of any sewage disposal system, including ensuring that any well is located the correct distance from any septic system, will be confirmed during the building permit stage. The applicant has submitted preliminary reports demonstrating that the size of the lot and the proposed location of the well and septic are adequate. As such, Town staff have no concerns.

(d) Severance consents for new building lots will not be granted unless the land fronts on an assumed public road.

A new building lot is not proposed, and the intent of the lot boundary addition is to provide frontage on an assumed public road for the rear lot.

(e) The Committee should carefully consider the Minimum Distance Separation Formulae in the Agricultural Code of Practice (published by the Province of Ontario) when considering a consent application which would affect lands designated Rural in Schedule 'A' to this Plan.

Staff note there are no nearby agricultural lands that would be impacted by the proposal.

Section 6.1.2.1.5 of the 1982 Official Plan lists further criteria for Rural Residential severances. As the consent in question is a lot boundary addition, with no new residential lot being created, and as the portion of the property the new dwelling is proposed to be built on is designated residential, staff are satisfied the proposal conforms to these policies.

Minor Boundary Adjustments for All Land Uses

Severances which would allow for minor adjustments to property lines to recognize existing lines of occupancy or to enlarge a lot where such enlargement would not adversely affect the lot to be reduced, will be permitted. In these cases, the Committee should require that the part being severed will be consolidated through title registration with the lot to be expanded.

Hydrogeological Review

Section 13.3.3.3 of the Secondary Plan requires that a hydrogeological investigation is undertaken prior to new development being approved and allowed to proceed in areas designated for residential development to determine the estimated environmental impact of the development on the groundwater resources of the community.

Given the small scale of the proposed development, a Hydrogeological Investigation was not required. However, the applicant submitted a Scoped Preliminary Servicing Study (Sewage and Water Supply) and a Functional Servicing and Stormwater Management Technical Memo as part of the Zoning Bylaw Amendment application.

Schedule E2 Environmental Area Plan

Staff note that the portion of the property where the future dwelling is to be located is within the Regulatory Fill Area, as shown on Schedule E2 of the Environmental Area Plan. Policy 13.3.5.1 b) ii) of the Secondary Plan states that development or redevelopment proposed for lands located between the regulatory fill lines as shown by the Environmental Area Plan Schedule 'E2' as the regulatory fill area, is subject to the Lake Simcoe Region Conservation Authority fill regulation policies. The LSRCA has reviewed the proposal and has no concerns.

5.4 2016 Town of Georgina Official Plan

Staff note that neither the 1982 Official Plan nor the Pefferlaw Secondary Plan discuss consents for the purposes of Easement creation. Staff note however, that the lands are still subject to the 2016 Official Plan, Section 11.4.2.1 a) of which permits consents in all designations for the purpose of easement creation.

6. CONCLUSION:

Staff are of the opinion that Consent applications CON-2025-0002, CON-2025-0003 and CON-2025-0004 are consistent with relevant Provincial, Regional, and Town planning policies, as outlined in this report and comply with the criteria under Section 51(24) of the *Planning Act*.

Staff recommend that the applications be approved, subject to the recommended conditions.

APPROVAL

Prepared By:

Brittany Dobrindt
Planner II

Approved By:

Jeff Healey, MCIP, RPP
Supervisor of Development Planning

Attachments:

- Attachment 1 – Location Map*
- Attachment 2 – Site Photographs*
- Attachment 3 – Site Sketch*
- Attachment 4 – Comments*