



STAFF REPORT

TO: Committee of Adjustment

FROM: Joel Vines, Planner I

SUBJECT: **B00224 & B00324**, Les Kowalik
PLAN 1528 LOT 19
Municipal Address: 39 Christopher Avenue
Severance to Create Two (2) Additional Lots

DATE: May 15, 2024

A. LANDS SUBJECT TO THE APPLICATION:

The subject lands are located at 39 Christopher Avenue and are legally described as PLAN 1528 LOT 19, Town of Wasaga Beach, County of Simcoe. The subject lands have a frontage of approximately 47.7 metres (156.5 ft.), a depth of approximately 42.95 metres (140.91 ft.), and an area of approximately 2,049.0 square metres (22,055.25 sq. ft.).

B. PURPOSE AND EFFECT:

Two application(s) for Consent to Sever have been submitted by Les Kowalik, owner of the subject lands. The application(s) cumulatively propose two (2) severances, to enable the existing residential building lot to be reconfigured to achieve a total of three (3) residential building lots.

B00224

The portion of the property proposed to be severed, as shown on the severance sketch provided ('Part 1'), has a frontage of approximately 15.90 metres (52.16 ft.), a depth of approximately 42.96 metres (140.94 ft.), and a lot area of approximately 683.22 square metres (7,354.11 sq. ft.).

The portion of the property to be retained, as shown on the severance sketch provided ('Part 2 & Part 3'), has a frontage of approximately 31.8 metres (104.33 ft.), a depth of approximately 42.96 metres (140.94 ft.) and a lot area of approximately 1,366.44 square metres (14,708.23 sq. ft.).

B00324

The portion of the property proposed to be severed as shown on the severance sketch provided ('Part 2'), has a frontage of approximately 15.90 metres (52.16 ft.), a depth of approximately 42.96 metres (140.94 ft.), and a lot area of approximately 683.22 square metres (7,354.11 sq. ft.).

The portion of the property to be retained as shown on the severance sketch provided ('Part 3'), has a frontage of approximately 15.90 metres (52.16 ft.), a depth of approximately 42.96 metres (140.94 ft.), and a lot area of approximately 683.22 square metres (7,354.11 sq. ft.).

For reference to the proposed severance sketch(s), please see Attachment(s) 1 & 2 of this staff report.

C. COMMENTS:

At the time of the writing of this report, the following comments have been received. Should additional comments be received prior to the Committee making their decision on the matter, Committee shall have regard for the comments.

<u>Submitted From:</u>	<u>Comments:</u>
Public Works Department	Public Works does not oppose the applicant's requests. The retained lots do not have water or sanitary servicing connections; existing sanitary sewer and watermain are available at the frontage of the lot. Any future development on the subject lot(s) will be required to adhere with current Town of Wasaga Beach Engineering Standards and Policies, specifically the Infill Lot Grading and Drainage Policy. Conditions: 1. An <u>Overall Lot Grading Plan</u> is to be provided showing the three lots in accordance with current Town of Wasaga Beach Engineering Standards and Policies, specifically the Infill Lot Grading and Drainage Policy. The overall lot grading plan is to show the existing and proposed services. 2. A new set of sanitary sewer and municipal water services are to be installed to the frontage of each of the lots. 3. A Road Occupation Permit (ROP) is to be obtained prior to any works within the Town's Right-of-Way (ROW).
Nottawasaga Valley Conservation Authority (NVCA)	Not Regulated
Building Department	No Comments Received
Wasaga Distribution (WDI)	No Comments Received
Resident	I live directly across from the subject property. My family and I have lived at this location for close to 10 years. The reason we decided to buy our house and move here is because we loved the neighborhood. It is a mature area with beautiful homes set on large lots over 100 feet frontage. All the homes in the area have large lots.

	The applicant is seeking approval to sever the land and obtain 3 lots with approximate 50 foot frontage. I STRONGLY object to this proposal. The homes on these lots would seem crowded compared to other homes. The character of the neighborhood would be adversely affected. The lots would not be compatible with the adjacent lots. In order to conform with the lot sizes and homes in the area, ideally there should only be one lot with one home on subject parcel of land and at most possibly two lots. Since I cannot attend the meeting in person because I will be out of the Country I wish to have my objection on record. I also wish to be notified of the decision of this application.
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No other comments were received at the time of writing this staff report.

D. RECOMMENDATION(S):

In consideration of the foregoing, based on the below, the Planning Department supports application **B00224**, subject to the following conditions being applied:

1. THAT 5% (residential) Parkland Contribution as required by the *Planning Act* be paid as a requirement of the approval of the severance (the parcel severed). The determination of the value of the parkland contribution will be based upon an appraisal prepared by an individual who is a member of the Appraisal Institute of Canada (AIC); and pursuant to section 51.1(4) of the *Planning Act*.
2. THAT the applicant provides a deposited reference plan, said reference plan to show all of the parcel to be severed.
3. THAT the applicant shall pay to the Town of Wasaga Beach any additional costs and expenses incurred as a result of the review and approval of this application.
4. THAT an Overall Lot Grading Plan is to be provided to the Public Works/ Engineering Department, showing both lots in accordance with current Town of Wasaga Beach Engineering Standards and Policies, specifically the Infill Lot Grading and Drainage Policy. The overall lot grading plan is to show the existing and proposed services.
5. THAT a Road Occupation Permit (ROP) is to be obtained prior to any works within the Town's Right Of Way (ROW).
6. A new set of sanitary sewer and municipal water services are to be installed to the frontage of each of the lots.

7. THAT all conditions of this decision be fulfilled and the documents presented to the Planning Department for issuance of the Certificate of Consent within a period not to exceed 24 months from the date of decision.

In consideration of the foregoing, based on the below, the Planning Department supports application **B00324**, subject to the following conditions being applied:

1. THAT 5% (residential) Parkland Contribution as required by the *Planning Act* be paid as a requirement of the approval of the severance (the parcel severed). The determination of the value of the parkland contribution will be based upon an appraisal prepared by an individual who is a member of the Appraisal Institute of Canada (AIC); and pursuant to section 51.1(4) of the *Planning Act*.
2. THAT the applicant provides a deposited reference plan, said reference plan to show all of the parcel to be severed.
3. THAT the applicant shall pay to the Town of Wasaga Beach any additional costs and expenses incurred as a result of the review and approval of this application.
4. THAT an Overall Lot Grading Plan is to be provided to the Public Works/ Engineering Department, showing both lots in accordance with current Town of Wasaga Beach Engineering Standards and Policies, specifically the Infill Lot Grading and Drainage Policy. The overall lot grading plan is to show the existing and proposed services.
5. THAT a Road Occupation Permit (ROP) is to be obtained prior to any works within the Town's Right Of Way (ROW).
6. THAT a new set of sanitary sewer and municipal water services are to be installed to the frontage of each of the lots.
7. THAT the application for consent, file B00224 be approved by the Committee of Adjustment, and all conditions fulfilled.
8. THAT all conditions of this decision be fulfilled and the documents presented to the Planning Department for issuance of the Certificate of Consent within a period not to exceed 24 months from the date of decision.

E. SUBJECT SITE:

The subject lands are zoned "Residential Type 1" (R1), in the Town of Wasaga Beach Comprehensive Zoning By-law 2003-60 as amended, and are designated Residential in the Town of Wasaga Beach Official Plan.

The lands are located west of 39th Street South, east of Gold Finch Drive, and are located on the east portion of Christopher Avenue.

Planning Staff conducted a site visit on April 26, 2024. The subject lands are currently vacant; the surrounding area consists of an established neighbourhood with lands developed with single-detached dwellings.

The subject lands are not located in an area that is regulated by the Nottawasaga Valley Conservation Authority (NVCA).

F. ANALYSIS:

This section provides a summary of Planning staff's review of the relevant planning legislation and policies.

Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* provides a framework for municipalities within Ontario to develop Official Plans and Zoning By-laws, and also prescribes a framework and criteria through which land division such as by consent must be considered. Section 53(12) of the *Planning Act* provides that in determining whether consent is to be given, there shall be regard to Section 51(24) of the *Planning Act*, which provides a list of 13 criteria that planning authorities shall have regard for when considering the subdivision of land. The specific criteria under Section 51(24) of the *Planning Act* has been evaluated below:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

Staff Comment: No identified constraints, natural or cultural heritage, or hazard areas are identified on the subject lands. The proposed new lot(s) are located within a Settlement Area and have access to municipal services. Planning Staff have no concerns with respect to provincial interests outlined under Section 2 of the Act.

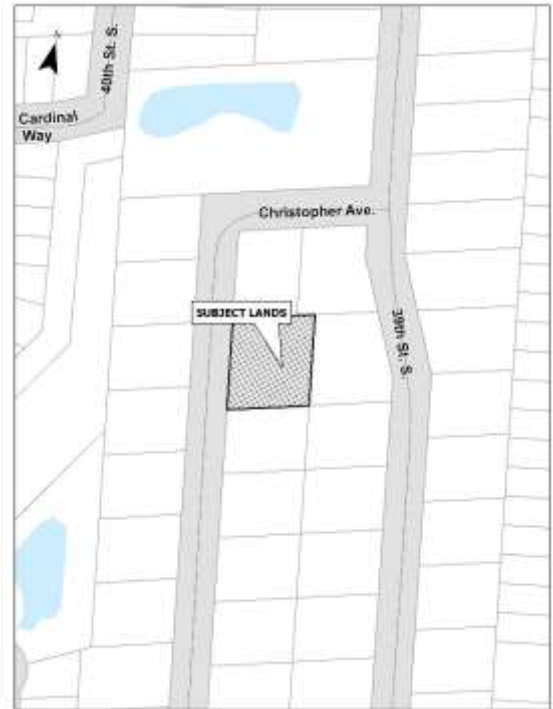
- (b) whether the proposed subdivision is premature or in the public interest;

Staff Comment: The proposed severance(s) are considered in the public interest, as they contribute to achieving the residential intensification targets as established by the County and Municipal Official Plans. The additional lot(s) will also contribute to better use of existing and future municipal services. There is no evidence to suggest that the proposed severance(s) to create two (2) additional residential building lot(s) is premature.

- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

Staff Comment: A review of applicable policies from the Town's Official Plan is provided in this staff report, which indicates general conformity. The proposal is for an infill lot, as the lands subject to the application(s) for consent are located in an existing residential area serviced with water and sewer. The proposed severance(s) would not unduly extend a

Figure 1: Site Location



developed area.

- (d) the suitability of the land for the purposes for which it is to be subdivided;

Staff Comment: The subject lands are designated Residential in the Town's Official Plan and zoned "Residential Type 1" (R1) in the Zoning By-law, which permit low-density residential uses. The proposed severed and retained parcels exceed the minimum lot frontage and area requirements for lots served by a public water system and sanitary sewer system, and will support building envelopes that should maintain compliance with the R1 provisions of the Town's Zoning By-law 2003-60. Within the surrounding neighbourhood, properties fronting on Christopher Avenue and 39th Street South contain frontages ranging from approximately 23.0 metres (75.45 feet), to 50 metres (164.04 feet) and areas ranging from approximately 1,470 square metres (15,823.0 square feet), to 2,737.0 square metres (29,461.0 square feet). The proposed lot frontages resulting from the severance would be 15.9 metres (52.16 feet), and the areas would be 683.22 square metres (7,354.11 square feet). The proposed lot frontages and areas are smaller than the existing lot frontages and areas within the neighbourhood. The built form of the street varies with regard to the size of dwellings.

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Staff Comment: Not applicable; the application(s) do not propose to construct any new affordable housing units.

- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

Staff Comment: No new highways are proposed by way of the consent application(s). Planning staff have no concern with respect to the adequacy of existing public roads currently providing access to the subject lands. Christopher Avenue is classified as a 'Local Municipal Road', as per the Town of Wasaga Beach Official Plan Schedule 'B' – Transportation System. The need for road widening has not been identified by the Town's Public Works and Engineering Department.

- (f) the dimensions and shapes of the proposed lots;

Staff Comment: The dimension and shape of the severed and retained lands proposed through the application(s) meet and exceed the minimum lot area and minimum lot frontage requirements of the "Residential Type 1" (R1) Zone, for properties with access to municipal water and sanitary sewer services.

- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

Staff Comment: No additional restrictions are proposed to be imposed on the subject lands through the severance process.

- (h) conservation of natural resources and flood control;

Staff Comment: The subject lands are not regulated by the Nottawasaga Valley Conservation Authority (NVCA), and are not identified within the Town of Wasaga Beach Official Plan as being designated within a Natural Heritage System or Natural Hazard area.

- (i) the adequacy of utilities and municipal services;

Staff Comment: Municipal water and sanitary sewer services are currently available at the property.

- (j) the adequacy of school sites;

Staff Comment: No school board comments/concerns have been received, within the context of this application.

- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Staff Comment: Cash-in-lieu of parkland dedication will be required as a condition of consent for both application(s).

- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy;

Staff Comment: The proposed severed and retained lands are located within a Settlement Area with access to municipal water and sanitary services. The creation of two (2) new residential building lot(s) will contribute to the efficient use of existing infrastructure.

- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*, 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Staff Comment: Site Plan Control does not apply to these application(s) for consent.

Planning staff have evaluated the application(s) for consent in the context of the criteria outlined under the *Planning Act*, and with the conditions imposed by Planning staff, recommend that the application(s) for consent satisfy the criteria of 51(24) of the *Planning Act*.

Provincial Policy Statement (2020)

The *Provincial Policy Statement (PPS)* 2020, provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The policies direct growth to settlement areas and Wasaga Beach is recognized as a Settlement Area in the County of Simcoe Official Plan. The policies state that planning authorities shall identify and promote opportunities for intensification, taking into consideration available infrastructure and public services.

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long term prosperity, environmental health and social well-being depend

on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. In accordance with Section 1.1.3.1 of the PPS, settlement areas shall be the focus of growth and development.

Staff Comment: The subject lands are located within a Settlement Area, with access to municipal water and sanitary services.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources;
- b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) Prepare for the impacts of a changing climate;
- e) Support active transportation;
- f) Are transit-supportive, where transit is planned, exists or may be developed; and
- g) Are freight supportive.

Staff Comment: The subject lands are located within a Settlement Area, with access to municipal water and sanitary services. The proposed creation of two (2) residential building lots will provide more efficient use of the existing and planned municipal infrastructure. Planning staff have no concerns with respect to Section 1.1.3.2 of the PPS.

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

2.1.1 Natural features and areas shall be protected for the long-term.

Staff Comment: No natural heritage features are identified on the subject lands.

3.0 Protecting Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.

Staff Comment: The subject lands are not within an area containing identified natural or human-made hazards. Staff have no concerns with respect to Section 3.0 of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

A Place to Grow – Growth Plan for the Greater Golden Horseshoe (2020), provides direction for growth and building complete communities. Complete communities are those which are well designed, compact, offer transportation choices, accommodate people at all stages of life, have a variety and mix of housing, a good range of jobs, and easy access to stores and services. It is submitted that the application for severance conforms to A Place to Grow policies, as the lands are located in proximity to public schools, commercial areas, and medical offices.

Staff Comment: Planning staff are of the opinion that the application(s) for Consent to sever, if granted, will conform to *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (August 2020)*.

Simcoe County Official Plan

The subject lands are designated as “Settlement” in the Official Plan for the County of Simcoe. One of the objectives of the Settlement designation is to develop a compact urban form that promotes the efficient use of land and provision of water, sewer, transportation and other services. The lands have access to municipal water and sanitary services, are located in proximity to transit routes and to medical offices, schools and shopping areas.

Staff Comment: Based on the above, Planning staff recommend that the application(s) for Consent conform to the Simcoe County Official Plan.

Town of Wasaga Beach Official Plan

The subject lands are designated Residential within the Town of Wasaga Beach Official Plan. Pending the approval of the application(s) for consent, the proposed future use of the lands will be for residential purposes. It is recommended that the application(s) for consent conform to the “Residential” designation policies of the plan.

Applications for consent must also conform to Section 19.4 of the Official Plan. Planning staff have reviewed the policies as follows:

19.4.2 *Consents shall only be permitted where it can be shown that a registered plan of subdivision is not necessary for the proper and orderly development of the Municipality.*

Staff Comment: The proposed severed and retained lands through both application(s) for consent are located on Christopher Avenue, a local municipal roadway where municipal water and sanitary services are available. The application(s) for consent

propose to establish two (2) new residential lot(s). A plan of subdivision is not required.

19.4.3

a) Consents should be granted only in areas where undue extensions of Municipal services would not be required;

Staff Comment: Municipal water and sanitary services are available to the proposed severed and retained lands; therefore extensions are not required.

b) Consents should only be granted when the land fronts on an existing public road, maintained to Municipal standards of construction;

Staff Comment: The proposed severed and retained lands through both application(s) will continue to front onto Christopher Avenue, a municipally owned and maintained roadway, which is classified as “Local Municipal Road” within Schedule B, “Transportation System” of the Town’s Official Plan.

c) Consents should have the effect of infilling existing developed areas, rather than unduly extending such areas;

Staff Comment: It is recommended that the application(s) for consent to create two (2) new residential parcels is consistent with this policy.

d) Consents should recognize and have regard for the character of established residential neighborhoods and should take into consideration the impact and compatibility of the proposed development with the existing built form and fabric of an area;

Staff Comment: The subject lands are located within an area that supports existing residential parcels zoned “Residential Type 1” (R1). Within the surrounding neighbourhood, properties fronting on Christopher Avenue and 39th Street South contain frontages ranging from approximately 23.0 metres (75.45 feet), to 50 metres (164.04 feet) and areas ranging from 1,470 square metres (15,823.0 square feet), to 2,737.0 square metres (29,461.0 square feet). The proposed lot frontages resulting from the severance would be 15.9 metres (52.16 feet), and the areas would be 683.22 square metres (7,354.11 square feet). The proposed lot frontages and areas are smaller than the existing lot frontages and areas within the neighbourhood. The built form of the street varies with regard to the size of dwellings. Planning Staff are of the opinion that the proposed severed and retained lots would be generally compatible with the surrounding neighbourhood.

e) The size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available, soil conditions, surrounding development, and neighbourhood character, and in no case shall any parcel be created which does not conform to the provisions of the comprehensive Zoning By-law;

Staff Comment: The proposed severed and retained lands would meet and exceed the minimum lot frontage and lot area requirements of the R1 Zone, for lots serviced with Municipal water and sewer.

f) Direct access to and from arterial and collector roads should be controlled and properly designed and residential lots should, where possible, have access only from local roads;

Staff Comment: The proposed severed and retained parcels through both application(s) for consent will maintain frontage on Christopher Avenue, an existing local municipal roadway. New access(s) to the severed and retained parcel(s) through both application(s) will be constructed in compliance with Section 3.38 “Off Street Parking Requirements” of Zoning By-law 2003-60.

g) Consents should not be granted for land adjacent to a road from which access is to be obtained, where a traffic hazard would be created because of limited sight lines on curves or grades;

Staff Comment: It is not anticipated that there would be a traffic hazard created by the approval of the application(s) for consent for severance.

h) Consents should not be granted if the effect of granting the severance would prejudice the future development of an area. In particular, consents should not be granted if the effect is to exploit the frontage of the lands with little regard for the remainder of the property. In addition, consents in commercial and tourism designations may not be granted if the division of the property will prevent the efficient and appropriate present or future development of the property.

Staff Comment: The proposed application(s) for severance to create additional building lot(s) would not prejudice future development of the lands. The subject lands are not located in a commercial or tourism designation.

i) Consents for new uses wholly within Natural Heritage System Category 1 Lands shall not be granted. Prior to consideration of a consent application within Natural Heritage System Category 2 Lands, an Environmental Impact Study is required to the satisfaction of the Town.

Staff Comment: The subject lands are not located within the Natural Heritage System Category 1 or Category 2 lands, as per The Town’s Official Plan.

Planning staff are satisfied that the proposed application(s) for lot creation are consistent with the direction of the Town of Wasaga Beach Official Plan.

Town of Wasaga Beach Comprehensive Zoning By-law

The subject lands are zoned “Residential Type 1” (R1) within Zoning By-law 2003-60, as amended. For lots serviced with municipal water and sewer within the R1 Zone, the minimum lot frontage is 12 metres (39 feet), and the minimum lot area is 464.5 square metres (5,000 square feet). Pending the approval of the application(s) for consent, the proposed severed and retained lot(s) through both application(s) for consent would meet and exceed the minimum lot frontage and minimum lot area requirements in

the R1 Zone.

G. CONCLUSION:

In consideration of the above, the Planning Department supports application(s) **B00224 and B00324** for the lands legally described as PLAN 1528 LOT 19. Should the Committee choose to approve application(s) **B00224 and B00324**, Planning staff recommend that these approval(s) also be subject to the above noted conditions.

Respectfully Submitted,



Joel Vines
Planner I

Appendix 1 – Proposed Severance Sketch, Town File B00224

Appendix 2 – Proposed Severance Sketch, Town File B00324

Appendix 3 – Town of Wasaga Beach Public Works/Engineering Comments