

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: B6/24
Related Application(s): PAC02-24
Owner(s): Tim Urech & Heather Snyder
Meeting Date: March 28th, 2025
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

Municipal Address	4992 25 th Sideroad & 5002 25 th Sideroad
Legal Description	CON 9 W PT LOT 26 & PLAN 51M310 BLK 9 & 10
Roll No.	432101000316602 & 432101000316601
Official Plan	Rural & Environmental – Significant Areas
Zoning By-law	Environnemental Protection (EP) Zone & Rural (RL) Zone

RECOMMENDATION:

Staff recommends **APPROVAL** of Application B6/24 with the following conditions:

1. That a reference plan of the severed parcel(s) be prepared by an Ontario Land Surveyor and copies provided to the Secretary-Treasurer. The plan should be approved by Township Staff prior to depositing it in the Land Titles Office.
2. That the applicant provides to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.
3. That Planning Act Sections 50(3) and (5) will continue to apply to the lot to be created (for both parcels).
4. That all municipal taxes be paid up to date.
5. That an easement is obtained to facilitate legal access across two separate lots and that no other entrance/access is permitted.
6. That any required modifications to the existing entrance is done to the satisfaction of the Township.
7. The applicant completes the registration of the S.119 Restrictive Covenants on title as a condition of approval, and a letter acknowledgement of the presence of the waste Site and potential nuisance impacts. The S.119 Restrictive Covenants provide notice on title

that, among other things, the County must be informed and provide consent for any further issuance of building permits or a rezoning application.

ORIGINAL PROPOSAL:

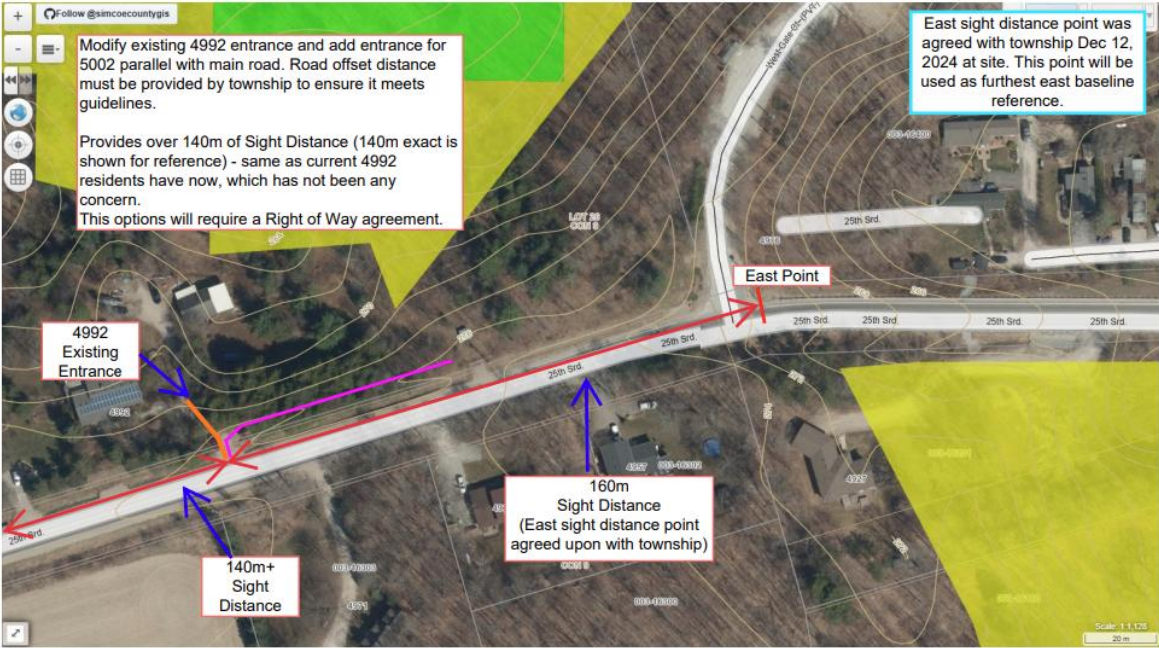


REVISED PROPOSAL:

4992 & 5002 Entrance Re-work Proposal - Rev1

Dec, 16, 2024

**OPTION-2
(4992 & 5002 Combination
Entrance)**



Measurements taken using Simcoe OpenGIS and re-drawn for clarity.

REASON FOR THE APPLICATION:

The applicant submitted a Pre-consultation in April of 2024 which was circulated on April 18th, 2024 to facilitate the collection of comments from departments and agencies regarding a proposed boundary adjustment between the subject properties known as 4992 25th Sideroad and 5002 25th Sideroad.

During the circulation of the pre-consultation, Public Works had expressed significant concerns with the proposed entrance to the property and confirmed during several site inspections that the existing sight lines were not suitable to support the new lot configuration.

The applicant had originally proposed to transfer a portion – approximately 10.0 hectares of the existing 10.983 hectares – of 4992 25th Sideroad to 5002 25th Sideroad. The result would have been a larger (approximately 20 hectare) parcel at 5002 25th Sideroad and smaller parcel (approximately 1 hectare) at 4992 25th Sideroad. The adjustment would have also transferred the existing residence at 4992 to 5002 and would have resulted in the property known as 4992 25th Sideroad, becoming a vacant lot.

The application was heard at the Committee of Adjustment meeting on September 27th, 2024, and was deferred for the following reasons:

1. Concerns from neighbouring residents over legal rights on title granting recreational access to the lands legally known as Blocks 9 and 10 of PLAN 51M310.
2. Ongoing consultation from the Essa Public Works Department over safety regarding the proposed driveway entrance onto the 25th Sideroad.
3. Awaiting official legal opinion from the Township Solicitor.

Since the September 27th, 2024 meeting, the Township was able to clarify that the proposed lot line adjustment would not impact existing legal rights regarding the recreational access to lands known as Blocks 9 and 10 of PLAN 51M310. Additionally, the applicant has worked with the Public Works Department to provide a proposal that would satisfy safety concerns. The applicant has since submitted a revised site plan (see *Revised Proposal*) demarcating the proposed entrance for the proposed vacant parcel (4992 25th Sideroad).

The Public Works Department has confirmed satisfaction with the proposal and would support the entrance to the existing residential building being utilized for the proposed vacant parcel in accordance with the site plan. The applicant will be required to obtain an access easement and agree on title that no other access would be permitted to the new lot configuration.

DATE OF SITE INSPECTION:

March 5th, 2025.

PLANNING ANALYSIS:

1. Provincial Planning Statement (2024)

The Provincial Planning Statement 2024 (PPS) provides policies that direct development while protecting resources of provincial interest, public health, and safety and, the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The subject lands are located outside of a settlement area and are designated “Agricultural” by the County Official Plan, therefore are classified as “Rural Areas in Municipalities” in the context of the PPS.

Section 2.5 Rural Areas in Municipalities – Subsection 1 (h) identifies that rural areas be supported in providing opportunities in accordance with policy in [section] 4.3.

Section 4.3.3 – Subsection 2 outlines new land uses in prime agricultural areas, including the lot line adjustments as a permitted use.

Therefore, the proposed lot line adjustment generally conforms with the policies of the Provincial Planning Statement, 2024.

2. County of Simcoe Official Plan

The County of Simcoe Official Plan (“County OP”) was adopted by the County of Simcoe Council on November 25, 2008 and was fully approved by the Ontario Municipal Board in December 2016. Within the County OP, the subject properties are designated as “Greenlands” and “Rural” in accordance with Schedule 5.1.

Section 3.3.5 states Consents for the purpose of legal or technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in this Plan, Provincial policies and legislation.

The proposed lot line adjustment would not result in a new lot and would only transfer lands between existing properties.

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3. Township of Essa Official Plan

The Township of Essa Official Plan designates both of the subject properties partially as “Rural” and partially “Environmental – Significant Areas” in accordance with Schedule “A”.

Section 26.3 1) of the Official Plan contains consent criteria applicable to all land use designations: “Consents may be granted for technical reasons such as boundary adjustments, easements, rights-of-way, or other similar purposes that do not result in the creation of a new lot provided the objectives of the Plan are upheld.”

The proposed Consent would not result in the creation of a new lot nor site alteration. Therefore, the proposed lot line adjustment application is generally consistent with the intent and purpose of the Official Plan.

4. Township of Essa Zoning By-law (2003-50)

The Township of Essa Zoning By-law (2003-50) zones both subject properties partially Environmental Protection (EP) Zone and partially Rural (RL) Zone.

The proposed Consent would not result in any compliance issues for either lot, as the existing lots would maintain compliance with relevant provisions and permitted uses for their respective zones. Therefore, the proposed Consent is generally consistent with the intent and purpose of Zoning By-law 2003-50.

DEPARTMENT AND AGENCY COMMENTS:

County of Simcoe Comments

- The properties fall within the D-4 Assessment Area for a closed County owned waste management site. The majority of the property is included as a Provincial Area of Natural or Scientific Interest (ANSI).

3.3.15 (Natural Heritage) of the SCOP states that development and site alteration shall not be permitted:

- ii. in the following unless it has been demonstrated that there will be no *negative impacts* on the natural features or their ecological functions: *significant areas of natural and scientific interests (ANSIs)*.

Due to the ANSIs being located on the majority of both properties, the Township should consider the need for an Environmental Impact Statement (EIS) to support any development or site alterations.

Given the properties are towards the outer boundary of the D-4 assessment area and that the landfill property is a smaller closed landfill Site, the County would be willing to waive the D-4 assessment requirements.

- The County will require registration of S.119 Restrictive Covenants on title as a condition of approval, and a letter acknowledgement of the presence of the waste Site and potential nuisance impacts. The S.119 Restrictive Covenants provide notice on title that, among other things, the County must be informed and provide consent for any further issuance of building permits or a rezoning application.
- Policy 3.3.5 of the SCOP permits consents in any designation for the purpose of legal or technical reasons (including severances for the purposes of easements and minor boundary adjustments which do not result in the creation of a new lot), as defined by the PPS, and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots.
- In addition, Section 3.3.2 of the SCOP indicates that subdivision of land by consent is permitted only for the land uses permitted in the designation or that maintain the intent of the Plan's objective and policies.

As identified by the County, the staff will be recommending the following condition of approval:

The applicant completes the registration of the S.119 Restrictive Covenants on title as a condition of approval, and a letter acknowledgement of the presence of the waste Site and potential nuisance impacts. The S.119 Restrictive Covenants provide notice on title that, among other things, the County must be informed and provide consent for any further issuance of building permits or a rezoning application.

NVCA Comments

Preliminary comments from the NVCA were received as part of a pre-consultation process, the details of which are provided below. No new comments were received in relation to this application for consent.

- This property falls partially within an area affected by Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits Regulation) where a permit is required from the NVCA under the Conservation Authorities Act prior to development.
- The area is affected by the regulation due to the presence of an unevaluated wetland and its associated 30m buffer.
- The proposed property (4992 25th Sideroad), as delineated within the quoted site plan, would fall outside of any area affected by Ontario Regulation 41/24 as such a permit would not be required from the NVCA under the Conservation Authorities Act for future development within the delineated boundary.

No other department or agency comments were during the second circulation of the application.

PUBLIC COMMENTS:

Concerns have been expressed by neighbours over legal rights to accessing the lands known as

Block 9 and 10. Update: in an email received on September 26th, 2024, the neighbours at 4 Algonquin Heights Court expressed that they had no outstanding concerns regarding the application for a lot line adjustment on 5002 and 4992 25th Sideroad.

These concerns were addressed in consultation with the Township solicitor that no existing access rights would be impeded as a result of the lot line adjustment.

CONCLUSION:

Staff are recommending the **APPROVAL** of this application since it generally complies with all appropriate provincial and municipal requirements.

Respectfully submitted,

Owen Curnew
Development Planner
Township of Essa