

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application:** B8/23  
**Related Application(s):** N/A  
**Owner(s):** Linda Brown  
**Meeting Date:** June 30<sup>th</sup>, 2023  
**Prepared by:** Owen Curnew, Development Planner

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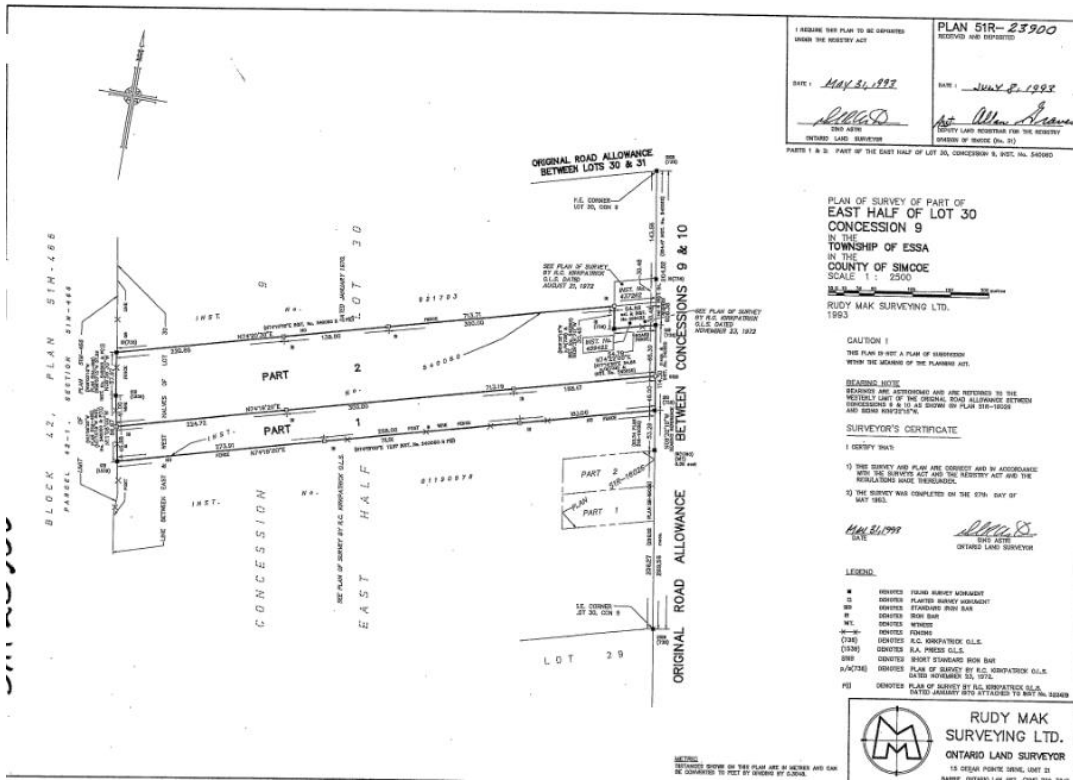
**PROPERTY INFORMATION:**

<b>Municipal Address</b>	8616 & 8630 10 <sup>th</sup> Line
<b>Legal Description</b>	PT E 1/2 LT 30 CON 9 ESSA TWP PT 1, 51R23900 ; ESSA & PT E 1/2 LT 30 CON 9 ESSA TWP PT 2, 51R23900 ; ESSA
<b>Roll No.</b>	010-008-19420/19401
<b>Official Plan</b>	Rural
<b>Zoning By-law</b>	Rural (RL)

**RECOMMENDATION:**

Planning Staff recommends **APPROVAL** of Application B8/23 based on Planning Policy and all considerations.

**PROPOSAL:**



**REASON FOR THE APPLICATION:**

The applicant is requesting a Validation Certificate for the following reason: the two properties known as 8616 10th line and 8630 10th Line inadvertently merged on title, and the owner would like to restore the original configuration where 8616 10th Line was 3.28 hectares (8.11 acres) and 8630 10th Line was 6.90 hectares (17.04 acres).

**SITE INSPECTION DATE**

May 15<sup>th</sup>, 2023

**PLANNING ANALYSIS**

**1. Provincial Policy Statement**

The Provincial Policy Statement 2020 (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.

Section 1.5 outlines how to direct development in Rural Lands.

Section 1.5.2c) stipulates that residential development, including lot creation, that is logically

appropriate are permitted uses within Rural Lands and subsequently outlines the considerations for appropriate development in Rural Lands.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

**These were separate lots that are individually serviced and have historically functioned competently.**

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

**Infrastructure is already in place to support the existing and proposed use of the lots.**

1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

**The lots both are used for residential purposes; both contain a single-detached dwelling and are not active farming operations.**

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

**The lots are used primarily for residential purposes and do not contribute to the Rural Economy, and existing structures do not hinder the future potential of the lots.**

1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

**The land uses would not be new as the two lots are both and will remain used for residential purposes, no livestock or nutrient storage facilities will be present so an MDS will not be required as the lots are existing and not expanding.**

**Therefore, because the two lots are separate but have merged in title, the Validation Certificate would not result in the creation of a new lot but would formally separate the lots on title.**

## **2. Growth Plan for the Greater Golden Horseshoe (2005)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (“Growth Plan”) was prepared by the Province to guide the building of stronger, more prosperous communities

through the management of growth. The Growth Plan contains various principles that guide decisions on how land is to be developed and provide direction on how to properly manage growth across the Greater Golden Horseshoe. These principles include building compact, vibrant, and complete communities, managing growth, protecting natural resources, optimizing the use of infrastructure, and providing for different approaches to managing growth that recognizes the diversity of communities.

2.2.9.3 Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:

- a) the management or use of resources;
- b) resource-based recreational uses; and
- c) other rural land uses that are not appropriate in settlement areas provided they:
  - i. are compatible with the rural landscape and surrounding local land uses;
  - ii. will be sustained by rural service levels; and
  - iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

**These are previously existing lots that have merged inadvertently, and their previous configuration as two separate lots demonstrates that the lands are suitable and were historically allowed to be separate lots used for residential purposes.**

2.2.9.6 New multiple lots or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.

**The current lot is designated Rural in the Township of Essa Official Plan and zoned Rural (RL) in Zoning By-law 2003-50. The Rural designation permits Consents (severances) in Rural lands and given that this would be restoring the original configuration of a previously existing lots. It should not be considered as site alteration or new lot creation; rather, it is a remedial action to the inadvertent merger of two previously separate lots and is not required to adhere to minimum lot size requirements of new lots.**

### **3. County of Simcoe Official Plan**

The County of Simcoe Official Plan, 2016 (“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 property is designated as “Greenlands” in accordance with Schedule 5.1.

Section 3.3 of the County of Simcoe Official Plan outlines general development policies for subdividing land across the County.

3.3.4 Lots may be created only where they have access to and frontage on a public highway and where an access permit to that highway can be obtained in accordance with the policies of this Plan and the County of Simcoe, the Province of Ontario, or local municipalities. Exceptions may occur in plans of condominium where the condominium development has access to a public highway. Subject to local municipal bylaws and official plans lots may be created on existing private roads or water only access.

**The lots were previously separate and were individually serviced, as well as provided individual access to each lot off a municipal road (i.e., 10<sup>th</sup> Line).**

3.3.5 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.

**No new lots will be created, and the Consent – Validation Certificate will allow for the lots to become legal separated.**

**Thus, the request for a Validation Certificate is appropriate and is generally consistent with the intent and purpose of the County of Simcoe Official Plan.**

#### **4. Township of Essa Official Plan**

The Township of Essa Official Plan, 2001 designates the subject property as “Rural” in accordance with its’ Schedule A.

Section 26.3 of the Official Plan contains consent criteria applicable to all land use designations.

Section 26.3. 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 Validation Certificate would result in the creation of a new lot; it would restore the original configuration of the previously separate lots. This is generally consistent with the objectives of the Official Plan.

**Thus, the request for a Validation Certificate is appropriate as it is generally consistent with the intent and purpose of the Township of Essa’s Official Plan.**

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

The property is zoned ‘Rural-FF (RL-FF)’ in the Township of Essa’s Zoning By-law 2003-50. The subject property is an existing residential lot. The applicant proposes a Validation Certificate to unmerge the property that received a severance that was in contravention to several Planning Documents. A new lot would not be created.

Section 7.3 outlines zone regulations in lands zoned Rural (Refer to Table 1).

Table 1.

Z O N E	USE OF LOT	MINIMUM LOT PROVISIONS			MINIMUM YARD SETBACK PRIMARY PERMITTED USE				MINIMUM BLDG. GROUND FLOOR AREA	
		Frontage (m)	Area	Max. Coverage	Front (m)	Interior Side (m)	Exterior Side (m)	Rear (m)	1 Storey	2 Storey
R L	Agricultural	45.0	36 ha	10%	30.0	7.5	30.0	30.0	N/A	
	Residential	45.0	2782.0 m <sup>2</sup>	35%	18.0	3.0	18.0	7.5	93.0 m <sup>2</sup>	55.0 m <sup>2</sup>

The lot is under the 36-hectare minimum lot area stipulated in Essa Zoning By-law, 50.

The Township staff recognizes that no new lot would be created. However, the Validation Certificate is a remedial action towards the improper merger of the subject property that was in contravention of relevant Planning Documents. Considering this, Township Staff suggests that the criteria outlined in the Zoning By-law 2003-50 not apply in the instance of a Validation Certificate.

**DEPARTMENTS AND AGENCY COMMENTS:**

**County of Simcoe**

No comments were received during the circulation period.

**Nottawasaga Valley Conservation Authority (NVCA)**

No comments were received during the circulation period.

**PUBLIC COMMENTS:**

No comments were received during the circulation period.

**CONCLUSION:**

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

Respectfully submitted,

Owen Curnew  
Development Planner  
Township of Essa

**LIST OF STANDARD SEVERANCE CONDITIONS (Not Inclusive)**

Below is a list of the *Standard Conditions of Approval* which may be imposed by the Committee. Please note the list of conditions is not deemed inclusive, as other conditions from agencies, municipal departments, or the Committee itself may be imposed.

1. That the Nottawasaga Valley Conservation Authority approve of the application in writing, where required.
2. That the applicant satisfy the concerns of the Manager of Public Works, County Engineer, and/or the Ministry of Transportation, or other commenting agency ie. C.A.R.E., Railway Line, etc.
3. That the applicant obtain an entrance permit from the Manager of Public Works, County Engineer, and/or the Ministry of Transportation.
4. That a parcel of land be conveyed to the Municipality for road widening purposes, plus any necessary daylight triangle, free and clear of all encumbrances and at no cost to the Municipality, where required.
5. A reference plan of the severed parcel(s) be prepared by an Ontario Land Surveyor and be provided to the Secretary-Treasurer.
6. That the applicant provide to the Secretary-Treasurer of the Committee of Adjustment deeds, to be signed prior to registration of any lands.
7. That all municipal taxes be paid up-to-date.