

**COMMITTEE OF ADJUSTMNET  
PLANNING REPORT**

**Application:** B5/23  
**Related Application(s):** OPA46/Z4-23  
**Owner(s):** Sheri Norman  
**Meeting Date:** June 30<sup>th</sup>, 2023  
**Prepared by:** Owen Curnew, Development Planner

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**PROPERTY INFORMATION:**

<b>Municipal Address</b>	231 Barrie Street
<b>Legal Description</b>	LT 3 W/S BARRIE ST PL 119 ESSA TWP; LT 4 W/S BARRIE ST PL 119 ESSA TWP; PT LT 5 W/S BARRIE ST PL 119 ESSA TWP PTS 1, 2, 4 & 5, 51R3348 ; ESSA,
<b>Roll No.</b>	010-011-02800
<b>Official Plan</b>	Commercial
<b>Zoning By-law</b>	Community Commercial (C1)

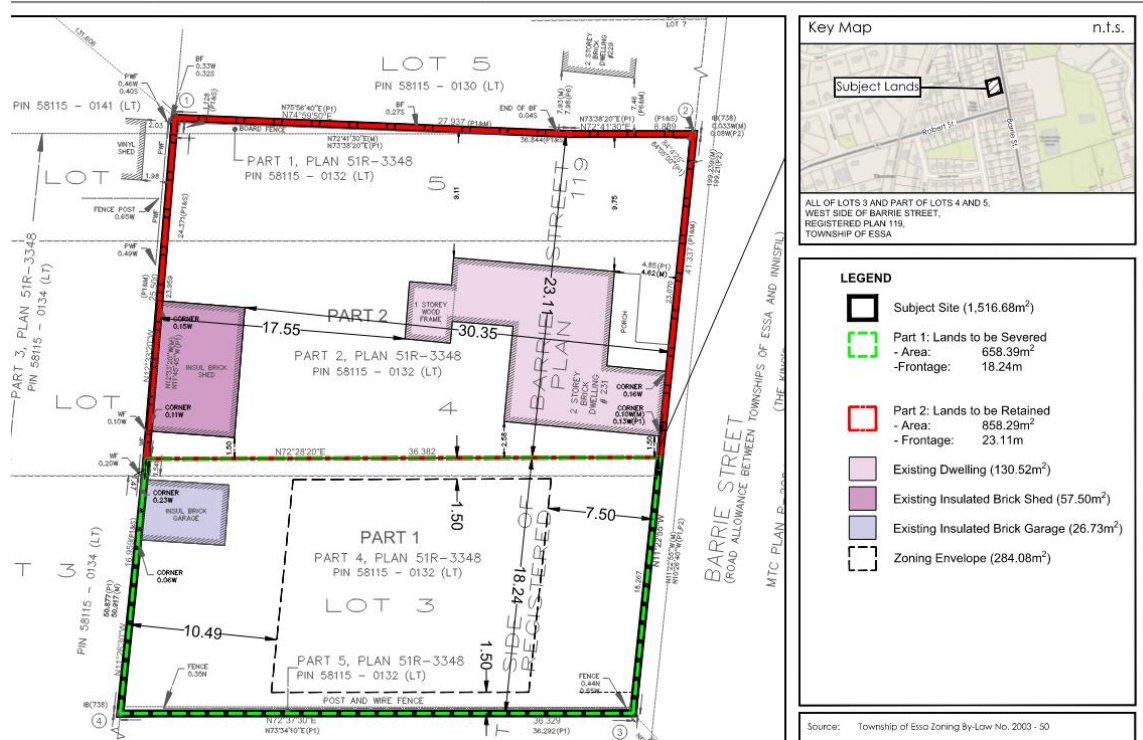
**RECOMMENDATION:**

Planning Staff recommends **APPROVAL** of Application B5/23 based on Planning Policy and all considerations, 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 provide to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.
3. That all municipal taxes be paid up to date.
4. The applicant provides a lot grading and drainage plan prepared by a professional engineer to be approved by the municipality at no cost to the municipality, to the satisfaction of the municipality.
5. That the applicant obtain an entrance permit from the County of Simcoe, and pay all associated fees.

6. The applicant rezones the lands to address the deficiencies created as a result of the severance.

**PROPOSAL:**



**REASON FOR THE APPLICATION:**

The applicant is proposing to sever a 658.39m<sup>2</sup> parcel of land of an existing 1,516.68m<sup>2</sup> parcel. The retained lot would be 858.29m<sup>2</sup>, and the severed lot would be 658.39m<sup>2</sup>. The applicant is not proposing any development currently.

**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 1.1.3 of the PPS outlines and directs development of lands located in Settlement Areas.

Section 1.1.3.3 of the PPS states that Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.1.3.4 outlines that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

**The proposed Consent would provide the opportunity to add to the existing housing stock within the settlement area by potentially allowing a range of different housing options to be developed on the proposed lot. The development utilizes existing land to provide opportunities for housing to be developed in a compact form through intensification and redevelopment of the existing lands and would not impact public health or safety. Thus, the proposed lot creation is generally consistent with the intent and purpose of the PPS.**

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (“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.

The policies contained in the Growth Plan direct development to settlement areas with an importance on utilising existing urban areas with existing infrastructure. As outlined in Section 2.2.1 (2 d))

d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise; in accordance with the Growth Plan, development, including lot creation, will be directed to identified settlement areas and growth within these settlement areas will be appropriately serviced by municipal services.

**The proposed severance would create a new lot within a settlement area and utilizes the existing urban area by allowing for future residential development in response to the**

**demand for housing. The new lot will have access to municipal services; thus, the proposed new lot creation is generally consistent with the intent and purpose of the Growth Plan for the Greater Golden Horseshoe.**

### **3. 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 property is designated as “Settlements” in accordance with Schedule 5.1.

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

Section 3.3.4 of the County OP requires lots to have appropriate road access. The proposed severed lot will need to apply for an entrance permit with the County and the County has provided comments suggesting they would support the proposed access. Thus, conditional approval of the application is recommended until adequate road access is established before issuance of a Consent Certificate to ensure conformity with the County OP.

Section 3.5.2 states, that development within settlement areas should aim to develop a compact urban form that promotes the efficient use of land and provision of water, sewer, transportation, and other services. Additionally, Section 3.5.4 also states that an objective of the Settlement designation is to promote development forms and patterns which minimize land consumption and servicing costs. The proposed new lot will contribute to the compact urban design of the surrounding area and will be an efficient use of the land with access to existing municipal services. Therefore, the proposed consent generally aligns with the stated objectives of the Settlement designation in the County OP.

**Based on a review of the County OP, the proposed new lot is generally consistent with the intent and purpose of the County OP.**

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

The Township of Essa Official Plan designates the subject property as “Commercial” in accordance with Schedule “C” – Thornton and is located within a Settlement Area.

Section 26.6 of the Township of Essa’s Official Plan outlines policies and consideration for Consents with Settlement Areas.

Section 26.6.1 When considering applications for consent to sever parcels in the settlement areas, in addition to the general consent policies, consideration shall be given to the following:

a. In consideration of severance for residential, commercial, industrial, or institutional purposes, that approval of the application will conform to all applicable policies of this Plan including the general development policies and the applicable land-use policies.

**The application conforms with the general development policies, and it has been recommended that the applicant be granted conditional approval to ensure that conformance is met before issuance of Consent Certificate.**

b. That all other municipal services and improvements deemed necessary are, or will be, made available.

**There is existing services to the lot, and septic will have to be dealt with during the Building Permit stage and issuance of occupancy.**

c. That the lot size, width and area are adequate for the use proposed and that the lot size and proposed use will not contravene the provisions of the Zoning By-law.

**The application was submitted with a Zoning By-law Amendment that will address any deficiencies created as a result of the severance.**

d. That the topography, hydrogeology, and drainage of the site are satisfactory for the lot size and use proposed.

**The applicant will need to provide the Township with a lot grading and drainage plan by a professional engineer to the satisfaction of the Township's Engineer; this is a recommended condition of approval.**

e. That consideration has been given to the availability and adequacy of existing community facilities such as schools, parks and shops to ensure that the proposed new development does not place an undue burden on existing facilities.

**There is no proposed unit size to assess the burden, the Zoning itself will allow for a range of housing types but non that will put any undue burden on existing facilities.**

f. That consideration has been given to the compatibility of the proposed use or type of structure with the surrounding uses, including Cultural Heritage Resources.

**The proposed lot will have no existing Cultural Heritage Resources and any existing resources will not be impacted.**

g. That the application represents the logical in filling of an existing settlement area and in no way could be considered an expansion of the settlement area.

**The proposed lot is within the settlement area and does not abut any settlement boundaries or borders; thus, this is not a concern.**

h. Notwithstanding anything else contained within the Plan, within a settlement area more than one severance may be permitted provided the proponent enters into a Development Agreement with the Township

**The proposed Consent (severance) proposes only one new lot.**

**Thus, the proposed Consent (severance) 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 currently has an application for Zoning By-law Amendment (Z4-23) to rezone the proposed severed lot from 'Commercial (C1)' Zone to 'Residential, Low Density, Semi-Detached (R2)' Zone with special provision (SP-XX) and the retained lot to 'Residential, Low Density, Detached (R1)' with Special Provisions (SP-XX).

The proposed Retained and Severed lots will comply with the zoning provisions of their specified zones. A provision of the Consent will be to obtain the Zoning By-law Amendment.

**Therefore, the proposed lots will comply with the Zoning By-law 2003-50.**

#### **DEPARTMENT AND AGENCY COMMENTS:**

##### **County of Simcoe**

The subject lands are designated 'Settlements' in Schedule 5.1 – Land Use Designations in the County of Simcoe Official Plan (SCOP) and are located within the Thornton Settlement Area in the Township of Essa. From a provincial policy and County of Simcoe Official Plan perspective, Settlement Areas and the lands within the Settlements designation are to be the focus of population and employment growth within the County. Compact urban form that promotes the efficient use of land and provision of water, sewer, transportation and other services is supported and development consisting of mixed uses to create strong and vibrant central places and sustainable communities is promoted. Residential use and lot creation is supported within the Settlements designation. As such, County Planning Staff do not have any objections to the proposal in principle and recognize that the applications should be evaluated based on the local planning policy context. The County is the approval authority for privately initiated official plan amendments. If the local official plan amendment is adopted by the Township, additional fees will be required to be submitted to the County for review and processing in accordance with the County of Simcoe Fees and Charges By-law available on the County website at [www.simcoe.ca](http://www.simcoe.ca).

It is understood that the Applicant is applying for consent to create a second property and

construct a new building. Transportation & Engineering staff will support the Application for Consent provided the following comments are addressed by the Applicant:

1. The County of Simcoe will approve the location of the proposed building, provided the setback of 7.5 metres from County Road 27 is maintained. If the setback of 7.5 metres cannot be met, the Applicant shall apply for a Variance with the County of Simcoe to have the setback reduced.
2. The County of Simcoe has no record of an Entrance Permit being issued for the existing entrance on this property. Therefore, each property (severed and retained) shall apply to the County for an Entrance Permit.

**PUBLIC COMMENTS :**

No comments from the public were received.

**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.