

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application(s):** A3/25, B1/25, B2/25, and B3/25  
**Related Application(s):** Z1-23– 4 Bank Street  
**Owner(s):** Centre West Management  
**Meeting Date:** March 28<sup>th</sup>, 2025  
**Prepared by:** Owen Curnew, Development Planner

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**PROPERTY INFORMATION:**

<b>Municipal Address</b>	4 Bank Street
<b>Legal Description</b>	ESSA CON 3 PT LOT 31 PLAN;51M1129 PT BLK 66 RP;51R41996 PARTS 2 6 AND 14
<b>Roll No.</b>	4321-010-010-05418
<b>Official Plan</b>	Residential
<b>Zoning By-law</b>	Residential, Low Density, Detached (R1)

**RECOMMENDATION:**

Planning Staff recommends Approval of Applications A3/25, B1/25, B2/25, and B3/25 based on Planning Policy and all considerations, with the following conditions:

1. That the Secretary-Treasurer's Certificate fees shall be paid, in the current amount at the time of the issuance of the Secretary-Treasurer's Certificate.
2. That the Secretary-Treasurer receive confirmation from the Planning Department that all of the lots created as a result of the Provisional Consent Approval, including the severed and retained lots, satisfy all applicable zoning by-law standards.
3. That the Secretary-Treasurer receives a reference plan for approval by the Planning Department and Legal Services Section prior to depositing it in the Land Registry Office.
4. That the Secretary-Treasurer receives written confirmation from the Township's Treasurer that there are no financial obligations outstanding.
5. That the Secretary-Treasurer receive confirmation from the Planning Department that any applicable cash-in-lieu of parkland dedication has been paid in full for the three severed townhouse lots.

- 6. That the subject property is rezoned to accommodate the proposed development.**
- 7. That the applicant provides to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.**
- 8. That all external costs associated with the application be borne by the applicant.**
- 9. That the applicant acknowledges and agrees to pay all costs related to the hiring of legal counsel and external consultants associated with any review of the Application.**
- 10. The Applicant enter into a Development Agreement with the Township to ensure appropriate development of the proposed lots for the three severed lots housing the townhouse units.**





## **BACKGROUND:**

A Zoning By-law Amendment application (File No. Z1-23) was submitted by Celeste Phillips, Celeste Phillips Planning Inc., on behalf of the owner, Centre West Management Ltd., and deemed complete in January 2023. The applicant originally proposed to rezone the lands from Residential, Low Density, Detached (R1) to Residential, Medium Density, Townhome with Special Provisions (R3-XX) to allow for the creation of ten (10) residential lots. The special provisions were to accommodate the buildings and allow for a reduced buffer strip of 1.0m instead of the minimum 3.0m landscape buffer.

The applicant went through two (2) submissions, and due to a number of technical concerns, staff were not able to provide a recommendation to Council within the legislated timeframe of 120 days. This resulted in the applicant submitting an appeal to the Township for submission to the Ontario Land Tribunal (OLT) for Z1-23 – 4 Bank Street for a non-decision (Case No. OLT-24-000395). The Ontario Land Tribunal acknowledged the appeal on April 18<sup>th</sup>, 2024.

After two (2) mediations through the OLT, the Township and applicants have come to an agreement and produced draft Minutes of Settlement in which staff would support a maximum of three (3) new lots of the existing property in hopes of developing three (3) townhouse units and one (1) single-family unit.

While the Minutes of Settlement are currently still being finalized between the Township and Applicant solicitors through the OLT, the Township solicitor has advised Staff to process the subject applications at this time. The proposed Consents and Minor Variance would be conditional upon a Zoning By-law Amendment, as outlined above.

## **REASON FOR THE APPLICATIONS:**

The applicant has applied for three (3) Consent applications which would result in the creation of three (3) new residential lots on the existing property known as 4 Bank Street. Additionally, the applicant has applied for a Minor Variance for relief from the minimum frontage requirement for lands zoned Residential, Low Density, Detached (R1) for retained lands as shown on the *Proposal*. The applicant intends to construct three (3) townhouses on proposed lots 'A', 'B', and 'C', and to construct a single-family dwelling on the retained lands.

## **SITE INSPECTION DATE**

March 5<sup>th</sup>, 2025

## **PLANNING ANALYSIS - CONSENTS**

### **1. Provincial Planning Statement (2024)**

The Provincial Planning Statement (PPS) 2024 provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

Section 2.3.1 General Policies for Settlement Areas of the PPS outlines and directs development of lands located in Settlement Areas.

The PPS does not regulate nor provide comment on Consents but does outline the criteria for land use patterns, clear direction to support intensification and redevelopment to provide a range of housing options in Section 2.3.1.3.

**The proposed Consents would provide the opportunity to increase the 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 proposal to create three (3) new lots at 4 Bank Street is generally consistent with the intent and purpose of the PPS.**

## **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 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 lots would have access from Bank Street (a municipally assumed road).**

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 lots 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 Consents generally align with the stated objectives of the Settlement designation in the County OP, and is generally consistent with the intent and purpose of the County OP.**

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

The Township of Essa Official Plan designates the subject properties as “Residential” in accordance with Schedule “B” – Angus, and is located within a Settlement Area.

Section 26.6.2 outlines criteria when considering applications for consent. According to this Section, the Township shall be satisfied that the following approval of the consent will not contravene:

The proposal will not contravene any of the criteria listed in Section 2.6.2.2.

#### 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.

**The applicant provided the Public Works Department with a Functional Servicing Report and it was determined by the Public Works Department that the proposed development could potentially be serviced.**

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 Township will support the Zoning By-law Amendment (Z1-23) on the subject lands to allow for the Townhouses, as mediated through the Ontario Land Tribunal. The Minor Variance would help facilitate a reduced lot frontage for the retained lands, and to regulate the exception to the Zoning By-law. The proposed lots ‘A’, ‘B’, and ‘C’ will conform with all provisions set out in Section 17 Residential Zone Regulations of Zoning By-law 2003-50.**

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

**The applicant will be addressing all technical concerns of the development during the Building Permit stage. The approval of the Consents would not result in adverse effects to the above-mentioned considerations.**

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.

**The proposed units would add to the housing stock in the area and would not place 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 property is currently vacant, so there are no considerations to be made for cultural heritage resources at this time. The general increase of units itself does not pose any conflicts given the number of units permitted on the lot through ARUs (i.e. gentle-intensification) is three (3). The approval would result in four (4) units – a minor increase in this regard.**

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

**The proposed lots are within the settlement area and do not abut any settlement boundaries or borders. Additionally, the proposed in-filling is consistent with otherwise compact built-form along the rest of Bank Street. 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 proposal is for more than one (1) Consent to occur. Based on the policy, staff recommends the applicant enter into a Development Agreement with the Township to ensure appropriate development of the proposed sites.**

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

The property is in the process of completing a Zoning By-law Amendment (Z1-23) to rezone the

severed lots from 'Residential, Low-Density, Detached (R1)' to 'Medium Density, Townhome with Special Provisions (R3-14)'.

**The proposed retained and severed lots will comply with the zoning provisions of their specified zones assuming the Minor Variance is approved. Therefore, the proposed Consents are generally consistent with the intent and purpose of Zoning By-law 2003-50, contingent on the approval of the minor variance.**

## **PLANNING ANALYSIS – MINOR VARIANCE**

### **Test 1.**

**Does the minor variance maintain the general intent and purpose of the Township Official Plan (OP)? Yes**

Essa Townships Official Plan:

Section 8.2 of the OP outlines permitted uses in lands designated Residential:

The predominant use of those lands designated as Residential shall be for single detached, semi-detached and duplex dwellings. Development within this designation is intended to maintain the low density residential character of the settlement areas with the provision for medium density development such as townhouses and low-rise apartment buildings being located in accordance with the policies of this Plan and being serviced with full municipal services. Home occupation, neighbourhood commercial uses, and open space uses may also be permitted.

**Given that the variance would help to support permitted uses within lands designated Residential and would not expand or contravene these specified uses, the variance maintains the general intent and purpose of the Township's OP.**

### **Test 2.**

**Does the minor variance maintain the general intent and purpose of the By-law? Yes**

Essa Township Zoning By-law (2003-50):

Section 14 of Essa Township's Zoning By-law (2003-50) states that a single-family dwelling is a permitted use within lands zoned Residential, Low Density, Detached (R1).

The variance would only affect the lands zoned R1 at this time, and would not result in the expansion or contravention of permitted uses.

**Thus, the Minor Variance would generally maintain the intent and purpose of Essa Township's Zoning By-law (2003-50).**

**Test 3.**

**Is the minor variance desirable for the appropriate development or use of the land, building or structure? Yes**

The Minor Variance would allow the applicant relief from Section 17 of Zoning By-law 2003-50 which regulates the minimum frontage for lands zoned Residential, Low Density, Detached (R1) at 18.0m. The applicant is requesting a minimum lot frontage of 9.2m for the retained lands.

Given that the 9.2m width will be sufficient in providing enough space for an accessible driveway, and will not cause any impacts on neighbouring properties, the variance should be considered appropriate development.

**Therefore, the Minor Variance should be considered appropriate use of the land and building.**

**Test 4.**

**Is the requested variance minor in nature? Yes**

The Minor Variance would allow the applicant relief from Section 17 of Zoning By-law 2003-50 which regulates the minimum frontage for lands zoned Residential, Low Density, Detached (R1) at 18.0m. The applicant is requesting a minimum lot frontage of 9.2m for the retained lands.

The variance is proposing a 49% reduction to the minimum frontage for the retained lands. Given that the minimum frontage for lands zoned R3 is 6.0m, meaning that a 6.0m lot width provides adequate space to gain road access from Bank Street, the size of the reduction is diminished as the abutting R3 lots exemplify that a width of less than 9.2m can accommodate suitable access.

**Thus, the Minor Variance should be considered 'minor' in nature.**

**COMMENTS:**

No comments received.

**CONCLUSION:**

Staff are recommending **APPROVAL** of applications **A3/25, B1/25, B2/25, and B3/25** as the

proposals are generally in keeping with all relevant planning policies and staff consider the approval of said applications to be good planning.

Respectfully submitted,

**Owen Curnew**  
Development Planner  
Township of Essa