

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: B6-25
Related Application(s): N/A
Owner(s): Kevin Bays & David Tarzwell
Meeting Date: April 25th, 2025
Prepared by: Anmol Burmy, Planning and Development Coordinator

PROPERTY INFORMATION:

Municipal Address	8718 & 8726 9 th Line, Essa
Legal Description	CON 8 E PT LOT 31 AND CON 8 E PT LOT 31
Roll No.	432101000816800 AND 432101000816900
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached (R1) Zone

RECOMMENDATION:

Staff recommends **APPROVAL** of Application B6-25 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 Registry 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 all municipal taxes be paid up to date.
4. That all external cost associated with the application be borne by the applicant.
5. That all enforcement matters with the Township are cleared.
6. That Planning Act Sections 50(3) and (5) will continue to apply to the lot to be created (for both parcels).

PROPOSAL:



REASON FOR THE APPLICATION:

The applicant has submitted a proposal for a lot line adjustment between the adjacent properties at 8718 9th Line and 8726 9th Line. The proposal entails the transfer of 0.4 hectares from 8718 9th Line to 8726 9th Line. This would result in new lot areas of 2.53 hectares (8726 9th line) and 0.69 hectares (8718 9th Line).

DATE OF SITE INSPECTION:

April 3rd, 2025

PLANNING ANALYSIS

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.

The subject lands are located outside of a settlement area but are designated "Settlements" by the County Official Plan, therefore being classified as a Residential area and not Prime Agricultural Lands in the context of the PPS.

The proposed Consent (lot line adjustment) would not result in the creation of a new lot and would facilitate a boundary adjustment. Therefore, the proposed Consent is generally consistent with the policies of the Official Plan.

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 "Settlements" 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. Therefore, the proposed Consent is generally consistent with the intent and purpose of the County of Simcoe's Official Plan.

3. Township of Essa Official Plan

The Township of Essa Official Plan designates the subject properties as "Residential" in accordance with Schedule "A".

Section 26.3.1 (l) 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. 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 properties are municipally known as 8718 9th Line and 8726 9th Line are currently zoned as Residential, Low Density, Detached (R1) Zone.

The proposed Consent would not result in any compliance issues for either lot, as the existing lots would maintain compliance with related to relevant provisions and permitted uses for lands zoned Residential, Low Density, Detached (R1) Zone after the lot line adjustment. Therefore, the proposed Consent is generally consistent with the intent and purpose of Zoning By-law 2003-50.

DEPARTMENT AND AGENCY COMMENTS:

No department or agency comments.

PUBLIC COMMENTS:

Pamela Reid & Val Di Giovanni: 8706 9th Line

1. Will there be an "Intended use" clarification forthcoming for the record? Our concerns are as follows:

- a) Should there be any type of pavement/gravel/other surface adjustments, then drainage could be impacted and possibly affect both water quality and level in our well.
- b) In addition, a change in the watershed could affect flooding levels on our property which, we believe, has a high-water table based on accumulations during heavy rains and sump pump operations. (Note: a gravel pad has already been installed.)
- c) Based on recent activity, several containers and contents which were stored on the North side of Lot A, were moved to the south side of the proposed Lot B adjustment. (See note under item B above) Our concern is that there was a fire when the material was on Lot A. If “future use intention” is to replicate the existing storage from Lot A, and a fire should happen to start, less than 50 feet from the property line, it could ignite the current tree grove; with no water hydrants in the area, we might have a major problem!!!

The proposed lot line adjustment is intended to extend the rear yard of the property at 8718 9th Line to provide the owners with additional outdoor space. At this time, there are no plans to construct any buildings or structures on the newly acquired portion of the lot. However, future construction of accessory buildings may be permitted in accordance with applicable zoning regulations. As a condition of approval, the owner is required to remove the existing shipping containers located on the property prior to final consent being granted.

2. The dimensions are not to scale, and we cannot determine how the “new” lot lines affect our property. (Our well is located close to the existing property line and could be affected by future use and drainage pattern).

The new lot lines do not have any affects on your property at this time. If future use will require a building permit, adequate drainage will be required in accordance with a drainage plan.

3. Please note that address and lot allocations are reversed, and it is not possible to do as described.

This has brought been brought to the attention of the Secretary Treasurer.

4. With both properties already having road access (before and after the proposed adjustment) we do not understand “Request for easement between the adjacent properties”. Possible for currently undisclosed future use??

This was an error made when sending out the notices. To confirm, the property WILL NOT have an easement between the two properties.

CONCLUSION:

Staff are recommending **APPROVAL** of this application as the proposal is generally in keeping with all relevant planning policies and staff considers the approval of said applications to be good planning.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anmol Burmy', with a stylized flourish at the end.

Anmol Burmy
Planning and Development Coordinator
Township of Essa