

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application:** B9/23  
**Related Application(s):** Z3/22  
**Owner(s):** Bella Joya Family Trust  
**Meeting Date:** September 29<sup>th</sup>, 2023  
**Prepared by:** Owen Curnew, Development Planner

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**PROPERTY INFORMATION:**

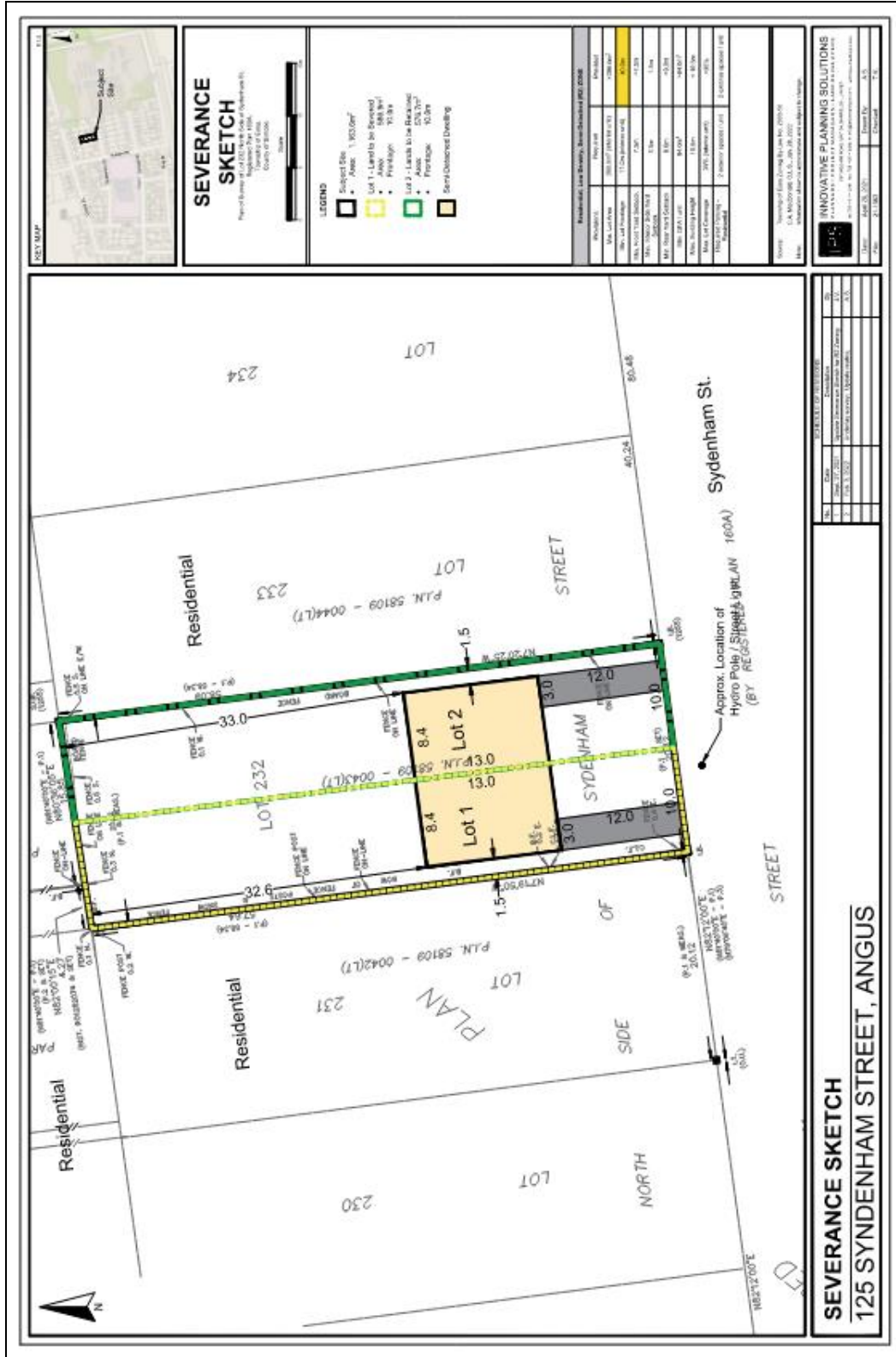
<b>Municipal Address</b>	125 Sydenham Street
<b>Legal Description</b>	LT 232 N/S SYDENHAM ST PL 160A ; ESSA
<b>Roll No.</b>	4321-010-010-34800
<b>Official Plan</b>	Residential
<b>Zoning By-law</b>	Residential, Low-Density, Semi-detached with Special Provisions (R2-13)

**RECOMMENDATION:**

Planning Staff recommends Approval of Application B9/23 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 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 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, and to the satisfaction of the municipality.
5. That the applicant obtains an entrance permit from the Public Works Department and pays all associated fees.

**PROPOSAL:**



### **REASON FOR THE APPLICATION:**

The applicant is proposing to sever the existing parcel of land with a lot area of 1,163.6m<sup>2</sup>. The Consent would split the existing parcel in half into equal parts, resulting in the severed and retained lot having a lot area of approximately 581m<sup>2</sup> each.

### **SITE INSPECTION DATE**

No inspection.

### **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 would help meet the demand for housing in urban areas. The new lot will have access to full municipal services. As such, 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 “Residential” in accordance with Schedule “B” – Angus 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.

**The applicant provided the Public Works Department with a Functional Servicing Brief and it was determined by the Public Works Department that the proposal would fall within servicing capacity.**

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 completed a Zoning By-law Amendment that rezoned the lot and changed the required minimum lot provisions. The lot is in conformance with the provisions of Section 10.4.13.**

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.

**The proposed units would add to the existing 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 proposed lot will have no existing Cultural Heritage Resources and any existing resources will not be impacted.**

g. That the application represents the logical infilling 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 has completed a Zoning By-law Amendment (Z3-22) to rezone the proposed retained and severed lots from 'Residential, Low-Density, Detached (R1)' Zone to 'Residential, Low Density, Semi-Detached with Special Provisions (R2-13)'.

The proposed retained and severed lots will comply with the zoning provisions of their specified zones.

**COMMENTS:**

**Nottawasaga Valley Conservation Authority (NVCA)**

Comments Pending.

**County of Simcoe**

Comments Pending.

**Planning Comments**

Please refer to *planning analysis*.

**CONCLUSION:**

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

**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.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'O' and 'C' followed by a long horizontal line.

**Owen Curnew**  
Development Planner  
Township of Essa