

**COMMITTEE OF ADJUSTMNET
PLANNING REPORT**

Application: B1/24
Related Application(s): N/A
Owner(s): Kelley Barrow-Smith & Kirk Smith
Meeting Date: June 28th, 2024
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

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| Municipal Address | 239 Centre Street, Angus |
| Legal Description | CON 4 PT LOT 31 RP 51R2353;PART 6 |
| Roll No. | 432101000445917 |
| Official Plan | Residential |
| Zoning By-law | Residential, Low Density, Detached (R1) Zone |

RECOMMENDATION:

Staff recommends **APPROVAL** of Application B1/24 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 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. That Planning Act Sections 50(3) and (5) will continue to apply to the lot to be created (for both parcels).
5. That all external cost associated with the application be borne by the applicant.

REASON FOR THE APPLICATION:

The applicant had originally submitted two applications: one for a Consent (B1-24) and one for a Minor Variance (A2-24). The applicant intended to sever a portion of the subject property, 239 Centre Street, to create a new lot, which would have required a Minor Variance for reduced setbacks and lot size requirements. The applicant has come to an agreement with the neighbouring property, 57 Collier Crescent, to transfer a portion of 239 Centre Street to 57 Collier Street and will no longer be pursuing a Minor Variance.

The applicant has amended the Consent application (B1-24) and is now proposing a Lot Line Adjustment to transfer 465.70m² of land from the property known as 239 Centre Street to the neighbouring property known as 57 Collier Crescent. The current lot area of 239 Centre Street is 1661.94m², and the current lot area of 57 Collier Crescent is ~840m². The lot line adjustment would reduce the lot area of 239 Centre Street to 1196.24m² and increase the lot area of 57 Collier Street to ~1305.7m².

DATE OF SITE INSPECTION:

June 12th, 2024

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 1.1.3.4 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 (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. 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 development 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)), 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 Consent would not result in the creation of a new lot. Thus, the proposed Consent 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 3.3.5 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.

4. Township of Essa Official Plan

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

Section 26.3 1) 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.

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

The property municipally known as 239 Centre Street is currently zoned 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) 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:

County of Simcoe

No comments from the public were received.

PUBLIC COMMENTS:

| # | Resident concern/comment |
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| 1 | 57 Collier Crescent is in opposition to the severing of the lot behind their property. They believe that any proposed changes should not have a direct impact on their neighbours properties. They claim that this proposed severance will directly impact them financially. They claim further that they purchased the property “at a premium” due to the existing homes and expansive lots we backed onto (specifically due to the distance from our rear neighbour and paid the increased price accordingly). They are concerned that the severance will allow a home to be built closely to their fence line. They warn that they “have every intention of fighting this matter indefinitely, including as many appeals and or letters to our local MP as required.” |
| 2 | 59 Collier Crescent are in opposition to the proposed severance and minor variance, and believe that a future build on Stringer Avenue would “fall outside of the perceived community design vision”. They comment on the heavy traffic flow coming through this area, with Stringer Avenue being one of only two enterances to the subdivision. “The East end of the subdivision has numerous higher-density housings making it the busiest end of the subdivision for traffic flow. As many of the residents come from East of Angus, they regularly travel into the |

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| | <p>subdivision via Stringer on their way home, making it the busiest entrance of the two. The proposed severance would add another interference to this flow which would only increase the safety risk for both drivers and, as it falls on the sidewalk side of the street, to pedestrians as well so must be considered in the proposal decision. Many school children and pedestrians frequent this street on route to a local destination or to simply enjoy the weather.” They additionally comment that “community design controls help increase and maintain property values within the area encouraging future development and growth”. They claim that the existing controls on lot size, dwelling types and infrastructure have played a vital role in drawing people to the area, and that the proposed change is in opposition to the vision of an attractive community layout as it differs from the initial design flow into of the subdivision. It casts an image of 'build anywhere you want if you can get to it ' and errs toward a haphazard approach to community design. Further fitting a lot and a future house into an already limited space behind existing lots in an established neighbourhood will only impact the visual attraction and decrease house values. The community design image is what attracts people to the area and taking a stance against these scattered requests would only support the long-term stability of the area and maintain current housing valuation. Any community with a long-term plan and a governing body that maintains their established course proves itself to be attractive to future growth and building potential. To this end we are asking the planning committee to reject the proposal for lot severance and waiver of minimum lot sizing as it proposes two main issues that are important to families and the community as a whole. Primarily the safety of the area's family and friends, while maintaining local investment value. With area safety being paramount we must be proactive when making these considerations as sometimes we only have one chance to do the right thing. Summary of concerns: Traffic and pedestrian safety risk from added driveway and parking on busy entrance street Proximity of proposed driveway to stop signs on Stringer Avenue Non standard approach to lot sizing and placement against community vision Expected impact to existing housing valuation. Crowding of back yards. Visual impedance of view hindering any future sale of existing property.</p> |
| 3 | <p>61 Collier Crescent are in opposition to the proposed severance and minor variance. They state that benefits of living in this community have been the quiet neighbourhood and generous lot sizes. They claim that the waiver of lot sizing for 239 Center Street and active build on Stringer Avenue fall outside of the perceived community design and vision. They are concerned with the accessibility to/from Collier Crescent as Stringer Ave is designed to be one of two access points for motor vehicles to enter the subdivision.</p> <p>In addition, many children are accompanied by their parents and occupy our sidewalks on Stringer Ave as this is where the school bus stops are located, making this an obvious safety concern and easy preventative decision. Having controls on minimum lot size, dwelling types and infrastructure change has played a vital role in drawing people to the area. The proposed change seems to go against the vision of an attractive community layout as it differs from the initial design flow into of the subdivision. We want the values and the attraction of what brought us to Angus in the first place to be maintained.</p> |
| 4 | <p>5 Legion Way is in opposition to the proposed minor variance. The size of the proposed property appears particularly small compared to the surrounding residences. This discrepancy leads me to question the compatibility of the proposed construction with the established</p> |

character and spatial dynamics of our community. I understand that a minor variance might be under consideration to accommodate the construction of a smaller residence on this property. While I fully support reasonable development and the responsible use of land within our community, I am concerned that allowing a variance in this instance could set a precedent that may adversely affect the neighborhood's overall ambiance, integrity, and property values. Furthermore, the specific details regarding the type and design of the house intended for this property have not been made sufficiently clear to the residents. In the interest of transparency and community engagement, I kindly request detailed information about the proposed construction, including the design, dimensions, and how it aligns with the current zoning and development standards set forth by Essa Township. I believe that it is in the best interest of our community to maintain a consistent and harmonious aesthetic that reflects the character and values of our neighborhood. Therefore, I respectfully disagree with the application for the minor variance that would allow the construction of a smaller, potentially incongruous house at this location.

PLANNING STAFF RESPONSE:

The comments submitted by residents pertained to the original proposal, which would have saw the creation of one new lot on 239 Centre Street. The proposal has been amended, and the applicant now wishes to pursue a boundary adjustment between the subject lands and the neighbouring property, 57 Collier Crescent. Staff believes that the main concerns were regarding potential interruptions to traffic and public safety as a result of the new lot, and given that the new lot is no longer proposed, many of the concerns no longer apply and can be considered to have been 'addressed'.

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,



Owen Curnew
Development Planner
Township of Essa