

# **Summary of Comments**

## **B-017-2023 - 6439 Yonge Street**



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** B-017-2023  
**ASSOCIATED FILE:** N/A  
**MEETING DATE:** December 12, 2024  
**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment  
**FROM:** Keirsten Morris, Senior Planner  
**SUBJECT:** Consent to sever 6439 Yonge Street

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	6439 Yonge Street
<b>Legal Description</b>	Concession 4, Part North ½ Lot 16, Part South ½ Lot 16, Plan 162
<b>Official Plan</b>	Rural Area, Agricultural Area and Key Natural Heritage and Key Hydrologic Features (Schedule B)
<b>Zoning By-law</b>	Residential Rural (RR), Agricultural General (AG) and Environmental Protection (EP) Zones

### RECOMMENDATION:

The Planning Department recommends approval of application B-017-2023.

### REASON FOR APPLICATION:

The applicant is proposing to sever a portion of the subject lands for the purpose of re-establishing two historical lots of record. The severed lands are proposed to have an approximate lot area of 0.56 hectares (1.25 acres) and a frontage of 59.6m on Yonge Street (County Road 4). The retained lands are proposed to have an approximate lot area of 18.085 hectares (44.69 acres) and a frontage of 110.8m on Yonge Street (County Road 4).

The subject application was deferred at the September 21, 2023, Committee of Adjustment meeting to provide the applicant opportunity to discuss further with Planning and Legal Services staff and verify that the proposal meets the requirements of Town, County and Provincial planning policies for a severance for 'legal or technical reasons' as defined by the current Provincial Planning Statement (PPS) 2024 and discussed further herein.

### SURROUNDING LANDS:

<b>North</b>	Agricultural uses, single detached dwellings and accessory structures
<b>East</b>	Agricultural uses
<b>South</b>	Single detached dwellings
<b>West</b>	Yonge Street, agricultural uses

**ANALYSIS:**

<b>Site Inspection Date</b>	December 2, 2024
<b>Consistent with the Provincial Planning Statement (PPS):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are located within a prime agricultural area based on definitions and policies of the Provincial Planning Statement (PPS) 2024. The PPS states that lot creation in prime agricultural areas is discouraged and only permitted for agricultural uses, agricultural-related uses, a surplus farm residence or infrastructure (Section 4.3.3.1). Section 4.3.3.2 of the PPS states lot adjustments in prime agricultural areas may be permitted for 'legal or technical reasons' which is defined as "means severances for purposes such as easements, corrections of deeds, quick claims, and minor boundary adjustments, which do not result in the creation of a new lot".</p> <p>Planning and Legal Services staff are of the opinion that the proposed severance meets the PPS definition of a severance for legal or technical reasons and is not a creation of a new lot. The two lots have historically been treated as individual lots as they had two separate assessments, two separate PINs and were purchased as two separate lots. They inadvertently merged upon the Province's implementation of subdivision control in 1970. Therefore, the proposed severance is not technically a 'new' lot creation but a re-establishment of individual lots that have been treated as such since 1957. Staff are therefore of the opinion that the proposed severance is consistent with the PPS.</p>
<b>Conforms to the County of Simcoe Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Agricultural and Greenlands in the Simcoe County Official Plan (SCOP). The area of the property that is subject to the proposed severance is within the Agricultural designation. In the Agricultural designation, lot creation is discouraged and may only be permitted under limited circumstances (SCOP Section 3.6.7). However, Section 3.3.5 of the SCOP permits consents in any designation for the purpose of 'legal or technical reasons' as defined by the PPS.</p> <p>As noted, in the opinion of Town staff, the proposal is not technically the creation of a new lot and meets the definition of a severance for 'legal or technical reasons' in the PPS and SCOP. Therefore, the proposal conforms with the County of Simcoe Official Plan in Staff's opinion.</p>
<b>Conforms to the Town of Innisfil Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Rural Area, Agricultural Area and Key Natural Heritage and Key Hydrologic Features on Schedule B of the Town Official Plan. The proposed severed lands are within the Rural Area designation. Severances are permitted within the Rural Area designation subject to the requirements listed in Section 18.4.7 of the Official Plan which include permitted use (rural residential), consideration of availability of vacant lots in non-urban areas, non-expansion of strip development, entrance availability, private servicing considerations, drainage and lot area, compatibility and compliance with Minimum Distance Separation (MDS) from nearby livestock barns.</p>

	<p>As discussed, the proposal would not result in the creation of a new lot but a re-establishment of a historically existing lot of record that is separately addressed, contains existing rural residential structures, has an existing entrance and access from Yonge Street and contains existing private services. In addition, severances for legal or technical reasons are exempt from MDS based on Implementation Guideline #8 of OMAFRA’s MDS Guidelines. Therefore, staff are of the opinion that the proposed re-establishment of an existing lot of record meets the intent of the Rural Area designation policies and conforms to the Town Official Plan for a severance for legal or technical reasons.</p> <p>Staff note that there is an error on GIS mapping that shows the proposed severed lands designated Agricultural Area rather than Rural Area. It has been determined that this is an internal mapping error that does not align with the accurate designations on the property. Staff have therefore evaluated the proposed severance based on the accurate Official Plan schedule as discussed above. The GIS mapping error will be fixed internally by staff.</p>
<p><b>Complies with the Town Zoning By-law:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>The subject lands are zoned Residential Rural (RR), Agricultural General (AG) and Environmental Protection (EP) in Zoning By-law No. 080-13, as amended. The proposed severed lot is fully within the RR zone and outside of the AG and EP zones on the lot. The proposed severed lot complies with the standards of the RR zone.</p> <p>Similar to the Town Official Plan Mapping, there is also a GIS mapping error that applies to the zoning, showing the proposed severed lot zoned AG rather than RR. This is also an internal mapping error and will be fixed internally by staff. The hard copies of the approved Zoning By-law and a review of all subsequent housekeeping amendments confirm the severed lot is in fact zoned RR.</p> <p>In consideration of the above, the subject application maintains the purpose and intent the Town’s Zoning By-law.</p>
<p><b>Conforms to Section 2, 51(24) and 53(12) of the Planning Act:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>Staff have reviewed the matters under Sections 2, 51(24) and 53(12) of the Planning Act, and are of the opinion the proposal conforms to these sections.</p>

**CONCLUSION:**

The Planning Department recommends approval of application B-017-2024.

**PREPARED BY:**

Keirsten Morris, Senior Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP, Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** December 3, 2024

**FROM/CONTACT:** Jocelyn Penfold ex 3506 jpenfold@innisfil.ca

**FILE/APPLICATION:** B-017-2023

**SUBJECT:** 6439 Yonge Street

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**Comments to applicant/owner for information purposes** (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. No comments.

**Condition of Approval** (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No comments.



Engineering

**MEMORANDUM TO FILE**

**DATE: December 5, 2024**

**FROM/CONTACT: Adil Khan ex 3244 akhan@innisfil.ca**

**FILE/APPLICATION: B-017-2023**

**SUBJECT: 6439 Yonge Street**

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**Comments to applicant/owner for information purposes** (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. When applying for building permit for a new dwelling, please provide a scoped hydrogeological assessment and submit engineering design drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town.

**Condition of Approval** (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No conditions.