



Township of Clearview Committee of Adjustment Minutes

Meeting held via Zoom and broadcast on YouTube on June 8, 2022, commencing at 7:00 p.m.

Members Present:

Shawn Davidson, Chairman
Barry Burton
Dave Rowell
Daniel Fantin
Chuck Arrand
Christine Taggart, Secretary-Treasurer

Staff Present:

Rossalyn Workman
Nick Ainley

1. Call to Order

The Chairman called the meeting to order at 7:00 p.m.

2. Minutes

2.1 Minutes of the Committee of Adjustment meeting held on May 11, 2022.

Moved by D. Rowell

That the minutes of the Committee of Adjustment meeting held May 11, 2022, be approved as circulated.

Carried.

3. Disclosure of Pecuniary Interest

There was no disclosure of pecuniary interest.

4. Applications

Minor Variance File 22-A06

236 Sunnidale Street – Joshua & Amy Freeman

PROPOSED MINOR VARIANCE: To request the approval of the Committee of Adjustment for relief from the Residential Large Lot (RS1) zone Maximum Height of Accessory Buildings requirement of 4.5 metres to 6.1 meters.

The effect of the application is to allow for the construction of a detached accessory building (garage) on the subject lands.

The Chairman welcomed the owners, Joshua and Amy Freeman, to the meeting.

The Secretary read the notice of application and advised that circulation of the applications was mailed on May 24, 2022, to the applicant, appropriate agencies and property owners within 60 metres. The Secretary advised that letters of support were received from Shantel Taylor, Scott McNabb, Kathy & Brad Denison, Carman Wright, John & Billy-Jo Hackett and Brad & Amy Wilson.

The Chairman asked Mr. & Mrs. Freeman if they had any questions or comments. Mrs. Freeman requested that condition four of the approval be amended to allow the existing shed to remain up to 30 days after occupancy is received on the new garage.

The Chairman asked Ms. Workman if she had any comments. Ms. Workman advised that she had spoken with the applicant's agent via email regarding keeping the shed until the new garage is built. She then advised that staff have no concerns in allowing the existing shed to remain for 30 days after receiving occupancy on the new garage.

The Chairman asked Committee if they had any questions or comments.

It was then;

Moved by: B. Burton

That condition four of the approval be amended to permit the existing accessory structure to remain up to 30 days after receiving occupancy of the new structure.

Carried.

It was then;

Moved by: C. Arrand

That minor variance application 22-A06 be granted as applied for and with the following conditions:

- That the approval granted in application 21-A20 remain for total gross floor area for the accessory building to be a maximum of 111.64 m²;
- That the maximum height of the accessory building is to be 6.1 metres and be limited to one storey;
- That the proposed use of the accessory building is not be used for human habitation or any commercial business;
- The existing accessory building (shed), be demolished and removed within 30 days of receiving occupancy on the new accessory detached building; and,

- The side yard setbacks for the garage be a minimum of 4.5 metres.

REASON FOR DECISION

1. The proposal conforms to the Official Plan;
2. The proposal conforms to the general intent and purpose of the Zoning By-law;
3. The variance is minor in nature; and
4. The variance is desirable for the appropriate development of the lands.

Carried.

Minor Variance File 22-A07

4289 Concession 12 – William & Joyce Aubry

PROPOSED MINOR VARIANCE: To request the approval of the Committee of Adjustment for relief from the Rural (RU) zone Minimum Interior Side Yard setback requirement of 4.5 metres to 2 meters.

The effect of the application is to allow for the construction of a detached accessory building (garage) on the subject lands.

The Chairman welcomed the owner, Joyce Aubry, to the meeting.

The Secretary read the notice of application and advised that circulation of the applications was mailed on May 24, 2022, to the applicant, appropriate agencies and property owners within 60 metres. The Secretary advised that no comments were received.

The Chairman asked Mrs. Aubry if she had any questions or comments, she had none.

The Chairman asked Committee if they had any questions or comments, there were none.

It was then;

Moved by: D. Rowell

That minor variance application 22-A04 be granted as applied for.

REASON FOR DECISION

1. The proposal conforms to the Official Plan;
2. The proposal conforms to the general intent and purpose of the Zoning By-law;
3. The variance is minor in nature; and
4. The variance is desirable for the appropriate development of the lands.

Carried.

Consent File 21-B08 & 21-B09

2745 3/4 Sideroad – Lafarge

The purpose effect of the application is to sever two lots from the subject lands.

PROPOSED SEVERED LOT A: 17.8 metres of frontage on 3/4 Sideroad overall, 5.88 hectares (14.5 acres) vacant land.

PROPOSED SEVERED LOT B: 120.51 metres of frontage on 3/4 Sideroad overall, 11.54 hectares (28.5 acres) vacant land.

RETAINED LOT C: 300 metres of frontage on Concession 5 overall, 31.84 hectares (79 acres) vacant land.

The Chairman welcomed James Newlands of MHBC Planning and Mal Wensierski of Lafarge to the meeting.

The Secretary read the notice of application and advised that circulation of the applications was mailed on May 24, 2022, to the applicant, appropriate agencies and property owners within 60 metres. The Secretary then summarized the comments received from the County of Simcoe, Hydro One, Enbridge, Nottawasaga Valley Conservation Authority, having no concerns or objection to the application. She then advised that comments were received from Todd Topper and Tammy Townsend with concerns relating to the lot line boundaries and an easement.

The Chairman asked Mr. Newlands & Ms. Wensierski if they had any questions or comments.

Mr. Newlands advised that Lafarge supports the recommendation that staff are presenting to the Committee. He then advised that one of the conditions which requires a zoning by-law amendment which was approved by Council at their meeting May 30, 2022. Mr. Newlands commented that this application is very similar to an application which was before Committee previously on another rehabilitated gravel pit owned by Lafarge and was approved in November of 2019.

The Chairman asked Committee if they had any questions or comments.

Member Burton asked if the applicant understands the conditions of the approval. Mr. Newlands advised that Lafarge are aware of the conditions.

Member Rowell asked Ms. Wensierski if they have had an opportunity to meet with Mr. Topper regarding the survey. Ms. Wensierski advised that she and their surveyors were on site this morning and the surveyors installed additional demarcation on the northern boundary. She advised that Mr. Topper was unable to attend due to a last-minute engagement but did go to the Topper household and spoke with Mrs. Topper and discussed what was done and stakes in places marked orange. Ms. Wensierski advised that they requested Mrs. Topper to come with them to see the stakes but

she declined. She also advised that she had a telephone conversation with Mr. Topper this afternoon to explain what was done as well and that if he had any further questions, he could contact them.

Member Rowell asked how large the piece of land is. Ms. Wensierski explained that it is more of a historical thing where they farmed a portion of the lands and when on site you can see the old farm posts down the east and west but missing in the middle. They want to ensure the Toppers are aware of where the property line is, particularly since Mr. Topper advised he wanted to potentially install a fence and they strongly advised that he did not install the fence until they had a legal surveyor demarcate the property lines appropriately.

The Chairman asked if anyone could confirm who owns the small pie shaped piece of land that cuts into the property. Mr. Newlands advised that they are not aware of who owns it but that they know it is not within the ownership of Lafarge.

It was then:

Moved by: C. Arrand

That consent application 21-B08 and 21-B09 be granted subject to the following conditions:

1. That the applicant meet all the requirements, financial and otherwise of the Municipality including servicing by-law charges and payment of the fee of \$150.00 per lot for each Certificate of Consent to be issued.
2. That the applicant provides a description of the land which may be registered under the requirements of the Registry Act or Land Titles Act as applicable, for each lot created.
3. That the applicant pay a minimum of \$6,698.23 per newly created lot to the municipality or an amount equal to the 5% Parkland Contribution as required by the Planning Act as a requirement of the approval. Please note that the flat rate number is a minimum as it is adjusted annually in accordance with the Statistics Canada Quarterly, Construction Price Statistics, based on the twelve-month period ending September 30th.
4. That the applicant be required to obtain a hydrogeological impact study completed by a qualified Engineer or Hydrogeologist proving that sufficient quality and quantity of water can be sourced on the severed lots, and that new wells will not adversely impact any existing neighboring well. The conclusions of the study and implementation maybe done through the registration of an agreement registered on title of the lands.

5. That the applicant successfully apply to the municipality to amend the Zoning By-law Project Number 2021-050, to allow rural lands uses; and to recognize environmental protection lands.
6. That the applicant be required to enter into a development agreement and pay the \$2000.00 cost for the agreement and peer review fees, with the Township, which will include the following:
 - a. Recommendations of the hydrogeological impact study, as well as any results for construction of the well on severed properties, and results from water quality sample including any recommendations as a result of the analysis; and
 - b. Recommendations and mitigation measures of the River Stone Scoped Environmental Impact Study May 2021 and River Stone Scoped Environmental Impact Study Amendment, Dated February 2022.

REASON FOR DECISION

The Committee believes that the request is desirable for the appropriate development and use of the lands.

Carried.

Consent File 22-B12

9145 Don Ross Road - Kiezebrink

The purpose of the application is to request a validation of title for the lands municipally known as 9145 Don Ross Road which had inadvertently merged with abutting lands located within Essa Township.

The Chairman welcomed Kristine Loft, agent acting on behalf of the owners, to the meeting.

The Chairman asked Ms. Loft if she had any questions or comments, she had none.

The Chairman asked Committee members if they had any questions or comments.

Member Rowell asked Ms. Loft about the status of the road. Ms. Loft advised that the GIS mapping is not 100 percent accurate and would need to see a survey but that there is an easement in place.

It was then;

Moved by: C. Arrand

That the Committee of Adjustment of the Township of Clearview hereby approves the issuance of a validation certificate pertaining to lands municipal known as 9145 Don

Ross Drive, Clearview and described legally as; PT LT 23 CON 2 SUNNIDALE AS IN RO245034 (PARCEL 1), * S/T RO245034 [PIN 58202-0328] on the basis that it conforms to the prescribed criteria outlined in Sec. 57(7) and O. Reg. 144/95 of the Planning Act R.S.O. 1990, c. P. 13, subject to no conditions.

Carried.

5. New Business

None.

7. Next Meeting

Tentatively scheduled for Wednesday, July 13, 2022.

8. Adjournment

There being no further business, the Chairman adjourned the meeting at 7:28 pm.

Shawn Davidson

[Shawn Davidson \(Jul 14, 2022 14:10 EDT\)](#)

Shawn Davidson, Chair

Christine Taggart

[Christine Taggart \(Jul 14, 2022 08:35 EDT\)](#)

Christine Taggart, Secretary-Treasurer