



CLEARVIEW

Township of Clearview Committee of Adjustment Minutes

Meeting held in the Township of Clearview Council Chambers at the Clearview Administration Centre in Stayner on September 11, 2019 commencing at 7:00 p.m.

Members Present:

Dave Rowell, Chairman
Ed Christie
Stephen Morphet
Chuck Arrand
Daniel Fantin
Christine Taggart, Secretary-Treasurer

Staff Present:

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 August 14, 2019.

Moved by C. Arrand

That the minutes of the Committee of Adjustment meeting held August 14, 2019 be approved as circulated.

Carried.

3. Disclosure of Pecuniary Interest

There was no disclosure of pecuniary interest.

4. Applications

Minor Variance File No. 19-A12

45 Caroline Street West – Duits

PROPOSED MINOR VARIANCE: To request the approval of the Committee of Adjustment for relief from the Residential Multiple Low Density (RS3) zone for the following:

- 1) maximum gross floor area of all accessory buildings requirement of 52 square metres to 134 square metres; and
- 2) maximum height of accessory buildings from 4.5 metres to 7.4 metres.

The effect of the application is to allow for the construction of a detached garage.

The Chairman announced the application.

The Chairman invited the agent Josh Duits and the owner, Gerrit Duits, to the table.

The Secretary read the notice of application and advised that circulation of the application was mailed on August 27, 2019 to the applicant, appropriate agencies and property owners within 60 metres. The Secretary then summarized the comments received by the Chief Building Official, having no objection to the application. The Secretary read the comments received from the Nottawasaga Valley Conservation Authority (NVCA), they requested a deferral of the application to allow NVCA staff to reach out to the applicant to determine if development can be permitted on the subject lands. The Secretary then summarized the comments received from Keith Carter of 45 Caroline Street West. He stated that he had concern with the proposed size of the building in case it could be used for a home commercial workshop and believed that a reduction to a single storey could help prevent this from occurring.

The Chairman asked Mr. Duits if he had any questions or comments. Mr. Josh Duits addressed Mr. Carter's comments by stating that anyone could establish a use in a building that is not permitted. Mr. Josh Duits advised that they have no intention of establishing a commercial use in the garage and that they only intend to use the building for storage. Mr. Josh Duits advised that his father, Gerrit Duits, currently lives at 5 Purple Hill Lane where he also has a large detached garage and does not use the building as a commercial use. Mr. Josh Duits advised that they have discussed their proposal with their neighbours to the south who are also in attendance of the meeting. He explained that they have already removed the tall pine trees and have erected a fence. Mr. Josh Duits explained that whether the pine trees still existed or if the building is constructed, their neighbour would still be without a view. Mr. Josh Duits commented that he believes that the proposed height is in keeping with the area. He commented that there are several other larger and taller accessory buildings in the area and that the new Alliance Subdivision was approved for larger detached garages. Mr. Josh Duits commented that Nottawasaga Valley Conservation Authority's comments are very frustrating. He explained that he built his own home in 2004 which is closer to the Mad River and located directly behind and west of this property. He stated that this is a lot of record. He stated they built a larger detached garage where they received a minor variance approval for Mr. Ventski at 152 Sarah Street which is located closer as well.

The Chairman asked if there was anyone in attendance that wished to provide comment on the application. Mr. John Martens of 42 Elizabeth Street West advised that he lives directly behind Mr. Duits property. He explained that they took down trees which he appreciated and that they have built a fence. He explained that he has been a neighbor for 15 years and has seen the many homes the applicant has built in Creemore and that they do very good work. Mr. Martens stated that he has no issue with their plans for the garage. He commented that he has never had a view due to trees and that this new building will make no difference.

The Chairman asked the Committee members if they had any comments or questions. Member Fantin asked for clarification about the recommend increased setback for the garage as explained in the report. Mr. Ainley advised that the proposed 24 feet in height could be considered similar to that of a primary structure. A primary structure would require a 6 metre setback. An accessory building only requires a setback of 1.2 metres but due to the proposed height of the building, a greater setback could alleviate privacy and view issues. Mr. Duits explained that an attic truss will be used which only allows for 13 feet width of floor area and that there is no way to create a window unless a dormer was installed, they have no intention of installing a dormer. Member Arrand asked the applicant how they intend to access the building. Mr. Josh Duits explained that they intend to lay gravel and grass as part of the landscaping which would lead to the back and would only be laying asphalt for the driveway to the garage attached to the house.

Member Arrand commented that he had concern for the closeness of the eve to the neighbours property and the water run off. Mr. Duits advised that they are required to do an engineered lot grading plan which will have to ensure that water will be controlled on the property. He explained that a soak away pit could be used if necessary.

Member Christie commented that he is pleased with the application and in full agreement to move forward with a motion to approve the application.

The Chair commented that currently there is a proposal of 12.3 metres between the house and garage and asked if it could be reduced to 11 metres to have less of a visual impact. Mr. Duits advised that they did a test to check views from 50 feet or 100 feet and that there was no difference in the view.

The Chair advised that the Committee of Adjustment gave permission for an increased height and gross floor area for detached accessory buildings in the Alliance Homes Subdivision on February 7, 2018.

The Chair commented that he believes the comments received by the Nottawasaga Valley Conservation Authority do not affect the decision on area or height variances for the detached garage.

It was then;

Moved by E. Christie

That minor variance 19-A12 be granted subject to the following conditions:

1. That the ground floor area of any detached accessory structure on the subject lands encompass no more than 93.5 m².
2. That no windows, man doors or access points on or to the detached accessory structure are located adjacent to the institutional lands to the east and/or the residential lands to the south.

Reasons:

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.

Committee concurred in a decision to grant the minor variance as requested in the application known as File No. 19-A12.

Carried.

Consent File No. 19-B08

3493 County Road 42 – Carruthers

PROPOSED SEVERED PARCEL: 350 metres of frontage, overall 20.25 hectares vacant land.

RETAINED PARCEL: approximately 257 metres of frontage, overall 39.95 hectares with dwelling and barns.

The effect of the application is to facilitate a lot addition, the severed parcel is to be added to the adjacent lands at 6920 3/4 Sideroad.

There was no one in attendance to represent the application.

The Secretary read the notice of application and advised that circulation of the application was mailed on July 30, 2019 to the applicant, appropriate agencies and property owners within 60 metres. The Secretary then summarized the comments received by the Chief Building Official, Bell Canada and Hyrdo One, having no objection to the application.

The Secretary advised that the purpose of the deferral was to determine if the owner of the receiving lands wanted the severed parcel added to the lands to the north rather than the lands to the west. It was confirmed by their lawyer that the lands to

the west and north have already merged on title and therefore, they are happy for the application to move forward as originally applied for.

The Chairman asked if there was anyone in attendance that wished to provide comment on the application, there were none.

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

It was then;

Moved by C. Arrand

That Consent application 19-B08 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 for each Certificate of Consent being 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.
3. That any mortgage on the property be discharged from any lands being severed and for any lands to be added to a lot with a mortgage, that mortgage shall be extended onto the additional land and that the solicitor provide an undertaking in writing that this condition will be fulfilled.
4. That the property to be severed is conveyed into the same name as the owner of abutting land to the east being assessed as Roll No. 432901000104000 (6920 $\frac{3}{4}$ Sideroad) and that the solicitor provide an undertaking in writing that this condition will be fulfilled as well margining the pin numbers to have only one pin number for the new parcel.
5. That a one-foot square from the land being added to (6920 $\frac{3}{4}$ Sideroad) is conveyed and that the solicitor provide an undertaking in writing that this condition will be fulfilled as well merging the pin numbers to have only one pin number for the new parcel. The one-foot square shall be conveyed to the Township of Clearview and should only be required if the solicitor determines that it is necessary through title search.

REASON FOR DECISION

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

Carried.

5. New Business

5.1 Appointment of Deputy Secretary-Treasurer

The Secretary explained to Committee that it would be beneficial to have a back up in case of her absence.

Moved by S. Morphet

That Mara Burton is hereby appointed as the Deputy Secretary-Treasurer.

Carried.

7. Next Meeting

Tentatively scheduled for Wednesday, October 9, 2019.

8. Adjournment

There being no further business, the Chairman adjourned the meeting at 7:36 pm.



Dave Rowell, Chair



Christine Taggart, Secretary-Treasurer



CLEARVIEW

MOVED BY: *Steph Rupp* DATE: September 11, 2019

SECONDED BY: *Ej Burton* RESOLUTION No. 2019-09-01

RESOLVED THAT Mara Burton is hereby appointed as the Deputy Secretary-Treasurer.

CARRIED