



CLEARVIEW

COMMITTEE OF ADJUSTMENT

File Number: 25-A14 (2025-040)
Meeting Date: July 9, 2025
Report From: Danielle Waters, Community Planner
Application: Minor Variance for 8 & 10 Francis Street East, Creemore (Water First)

RECOMMENDATION:

Be it resolved, that Committee of Adjustment of the Township of Clearview hereby:

Denies minor variance 25-A14 in part, for sections 2.15.1 (driveway width) and 2.15.6.1, for the commercial structure and associated site works, pertaining to lands at 8 & 10 Francis Street East, Creemore on the basis that it does not meet the four tests in accordance with the Planning Act, specifically does not conform to the Official Plan, does not meet the general intent of the Zoning By-law, is not desirable for the development of the land, and is not minor in nature.

Approves minor variance 25-A14 in part, for the commercial structure and associated site works, pertaining to lands at 8 & 10 Francis Street East, Creemore on the basis that it meets the four tests in accordance with the Planning Act, subject to the following conditions:

1. That notwithstanding Section 3.20.2 d), 3.20.2 s), 2.13.2, 2.14.2, 2.14.4, 2.15.1 (aisle width) and 2.15.2, the commercial structure and associated site work shall otherwise comply with all other applicable provisions of the Township of Clearview Zoning By-law 06-54;
2. That the commercial structure and associated site works be substantially and proportionally in conformity with the dimensions as set out on the application and sketches submitted (Schedule C and D) and approved by the Committee;
3. That pursuant to s. 41 of the Planning Act and Township By-law 24-64, the Owner be required to obtain Site Plan Approval to facilitate the proposed development, and that the Site Plan includes the following:
 - a. That the site plan maintains and/or adds the vegetation buffer and fencing in conformance with the Zoning conformity (06-54, s. 2.13) to the satisfaction of the Township of Clearview's Planning Department.

- b. That applicant provides Cash-in-lieu of parking in conformance to the By-law 00-37, as a condition of Site Plan Approval and recorded through the implementing Site Agreement; and
 - c. That the site plan and implementing site plan agreement address the engineering requirements, including an Engineered Lot Grading Plan, applied to the proposed development to the satisfaction of the Township of Clearview's Public Works department.
4. That the applicant obtains an NVCA permit and provides the required dry floodproofing at the time of Building Permit Application.

BACKGROUND:

Subject Lands

The property is located in the Village of Creemore. The properties will be merged through a Cancellation Certificate and will have a total size of approximately 0.3 ha with 60.6 m of frontage on Francis Street East. 8 Francis St is currently vacant, and 10 Francis Street has an existing commercial structure.

The Proposal

The applicant is proposing the construction of a commercial building, and associated site works. The applicant has indicated a change to the proposed number of parking spots (s.2.14.2). The change can be seen below with a *. The applicant is seeking relief to the following sections of the Zoning By-law (06-54, as amended):

Zoning Section	Section Description	Required	Proposed
3.20.2 d)	Maximum Front Yard	2 m	6 m
3.20.2 s)	Parking Setback from Residential Lot (North and East Lot Lines)	3 m	1 m
2.13.2	Minimum Landscaping Screen (North and East Lot Lines)	3 m	1 m
2.14.2	Number of Parking Spaces	34	20 14 *
2.14.4	Loading Spaces	2	1
2.15.1	Maximum Entrance Width	9 m	17 m
2.15.2	Maximum Number of Entrances	1	2

2.15.6.1	Required Parking Surfacing	Asphalt	Gravel
2.15.1	Minimum Aisle Width	7 m	4.0 m (at loading space)

Existing Policy Framework

The subject lands are designated 'Commercial' in the Township of Clearview Official Plan (2024) and zoned 'General Commercial' (C1) and in the Township Zoning By-law (06-54, as amended).

COMMENTS AND ANALYSIS:

Planning Act, R.S.O. 1990, c. P.13

The Planning Act states in Section 3(5) that all decisions in respect of a planning matter shall:

- a) Be consistent with provincial policy statements, and;
- b) Conform with the provincial plans that are in effect on the date of the decision, or shall not conflict with them, as the case may be.

In accordance with Section 45(1) of the Planning Act, this Committee may authorize a minor variance if the following four tests are met:

1. Does the variance conform to the Official Plan;
2. Does the variance comply with the general intent and purpose of the Zoning By-law;
3. Is the proposal desirable for the development and use of the lands;
4. Is the proposal minor in nature;

The subsequent sections of this report will assess the proposal against the Provincial Planning Statement and the four tests.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The intent of the PPS is to build strong and healthy communities while at the same time, promoting efficient land use and development patterns.

Section 8.0 of the PPS defines development as the creation of new lots, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.

Section 2.3 – Settlement Areas is applicable to this application. Section 2.3.1 states that "settlement areas shall be the focus of growth and development". The PPS prioritizes growth within designated settlement areas. The proposal is occurring in the settlement area of Creemore, where commercial development is promoted and permitted.

The proposal is consistent with the Provincial Planning Statement (2024) issued under the Planning Act.

County of Simcoe

The subject lands are designated "Settlements" in accordance with Schedule 5.1 (Land Use Designations) in the Simcoe County Official Plan. The objectives of the Settlements designation are "to focus population and employment growth and development within settlements, with particular emphasis on primary settlement areas and to promote development forms and patterns which minimize land consumption and servicing costs". (p. 26). The Settlements designation permits commercial uses.

The County has been circulated the subject application, and at the time of writing this report, planning comments have yet to be received. The Committee shall have regard to any County comments that may be received.

The proposed application is consistent with the County's Official Plan.

Clearview Township Official Plan (2024)

The subject lands are designated 'Commercial' in the 2024 Township Official Plan. A full range of commercial uses, including, offices and personal and professional services, may be permitted in the "Commercial" designation, subject to all applicable policies in this Official Plan and to the provisions of the implementing Zoning By-law. When reviewing a proposal for commercial development, the Official Plan is looking for several key characteristics, such as the requirement for water and wastewater services, ensuring that the proposed use will not have an undue impact on traffic, ensuring that there is sufficient parking and loading spaces, and an area for landscaping, drainage and snow storage.

Not Supportable Variances

Section 2.15.1 (Max. Entrance Width) – The variance for increasing the maximum width of the driveway may cause undue impact on traffic, and flow onto the Townships road and allow for multiple cars to move in and out of the driveway. The applicant has not provided sound justification or turning radius that indicates the needs for the increased entrance for their large trailers. The current entrances on the property are smaller than the required 9 m. As per comments from Public Works, entrance widths are limited to 9m to ensure there is sufficient boulevard area to accommodate winter maintenance operations, as well to promote safer and more efficient traffic flow.

Section 2.15.6.1 (Required Parking Surface) – Throughout the Official Plan, development is to occur that will not impose a financial burden on the Township or adversely affect the Township's economic situation. With comments received from Public Works, the proposed gravel parking lot would cause additional maintenance work for the Township.

At the time of writing this report, the applicant has not provided satisfactory evidence that the proposed variances would not impact the surrounding neighbourhood.

The proposed application in part does not conform to the Township's Official Plan.

Supportable Variances

The following variances are supportable: Section 3.20.2 d), Section 3.20.2 s), Section 2.14.2, Section 2.14.4, Section 2.15.1 (Min. Aisle Width) and Section 2.15.2, as they conform to the intent of the Official Plan.

The proposed application in part, conforms to the Township's Official Plan.

Clearview Zoning By-law (06-54, as amended)

The subject lands are zoned 'General Commercial' (C1) in the Township Zoning By-law (06-54, as amended). Permitted uses within this zone include business offices, and the proposed structure and site works will fall within this use.

Not Supportable Variances

Section 2.15.1 (Max. Entrance Width) – The purpose of a maximum entrance/driveway width, is to control the movement of vehicles onto Township roads. Entrance widths are limited to 9m to ensure there is sufficient boulevard area to accommodate winter maintenance operations, as well to promote safer and more efficient traffic flow. Planning and Engineering staff are not supportive of the variance given the major deviation from the required size and does not comply with the general intent and purpose of this section within the zoning by-law.

Section 2.15.6.1 (Required Parking Surface) – Asphalt is required in the Township's settlement areas, as per the Township Zoning By-Law. Tracking of gravel onto the municipal right of way can lead to several negative impacts. It can cause road damage, create safety hazards, and increase maintenance costs for the municipality. Furthermore, it can negatively affect water quality by introducing sediment into the storm sewer. The Township has taken a firm stance on this requirement, with many recent examples within settlement areas, that have required a hard surface. It has been indicated that a minor variance to change to the parking surface is not the correct application avenue, and that the change would require a zoning by-law amendment, however, this application would also not be supported.

It should be noted, that despite other legal non-conforming surfaces and entrances widths of commercial lots within Creemore, this does not necessarily provide justification for the deviation from the by-law.

The proposed variances do not conform to the general intent and purpose of the Township's Zoning By-law.

Supportable Variances

Section 3.20.2 d) (Max. Front Yard) – The purpose of a maximum front yard setback within a commercial zone, is to ensure consistency within a district, and encourage parking within the rear of a property, as well as to ensure that commercial business is the primary focus of the property, making it close to sidewalks so there is easy access to public walking along the street. The proposed structure will be located closer to the road than the existing structure on the lot and will remain consistent with other buildings along Francis Street.

Section 3.20.2 s) (Parking Setback from Residential Lot) and Section 2.13.2 (Min. Landscaping Screen) – The requirement for a setback for parking and minimum landscaping screen is to ensure proper separation from uses, and specifically residential uses in this case. As per justification received from the Pascuzzo Planning – "existing substantial vegetation/tree cover will remain at north and eastern property lines. The existing parking is currently setback 1 m from the eastern property line. Fencing on the eastern property line will remain".

Section 2.14.2 (Number of Parking Spaces) – The required number of parking spaces is based on a calculation on the proposed size of the building, and the use. The use requires 1 parking spot per 10m² of space. The proposed use and associated storage falls under a business office. While most of the use of the structure is used for storage, this still requires an increase in parking. Justification has been received from Pascuzzo Planning which can be seen in Schedule F of this report. Based on the justification provided, the required parking is in excess of what

may be required on the site to accommodate the business. An error in the notice has been corrected, and 20 parking spaces are to be provided. The 20 parking spaces provided meet the general intent of the zoning by-law.

- Business Or Professional Office - Means premises used for **conducting the affairs of businesses**, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or **storage of information** rather than the production and distribution of goods.

Section 2.14.4 (Loading Spaces) – The number of loading spaces is calculated based on the size of a structure. The proposed structure is slightly over the size requirement for 2 spaces. The applicant has provided justification for only requiring a single loading space.

Section 2.15.1 (Min. Aisle Width) – The requirement for a minimum aisle width is to ensure the flow of two-way traffic throughout the property. The purposed reduction in the width is to allow for a loading space at the rear of the property. Given that the reduction in width is only proposed at a specific location, and not for the entire site, and that the reasoning is temporary in nature (only when a truck is parked for loading), the general intent of the zoning by-law is being met.

Section 2.15.2 (Max. Entrances) – The requirement for only allowing one entrance on a property is to minimize and control traffic onto the Township roads. There are two entrances existing on the property and this variance would legalize the existing entrances.

The proposed variances conform to the general intent and purpose of the Township’s Zoning By-law.

Desirable for the Development of the Lands

Not Supportable Variances

The request for variances to Section 2.15.1 (Max. Entrance Width) and 2.15.6.1 (Required Parking Surface) are not supportable as they are expected to stand-out, look out of place or detract from the character of this established neighbourhood, a determination that was made after visiting the site.

As per comments received from Public Works, gravel driveways can increase maintenance costs to the municipality, and cause damage to the roads. A gravel surface will also generate dust, causing impact to surrounding properties. The Township has a firm stance on requiring hard surfacing within a settlement area, and a change to this is precedent setting, and should be a decision made through a Zoning Bylaw Amendment with a decision from Council. Though there are other driveways within Creemore that are legal non-conforming, this does not necessarily give way for a supportive deviation to the by-law for other properties. An increase in the width of the driveway will increase traffic flows and movement onto the Township Road.

The proposed application in part, is not desirable for the appropriate development and use of the lands.

Supportable Variances

The following variances are supportable: Section 3.20.2 d), Section 3.20.2 s), Section 2.14.2, Section 2.14.4, Section 2.15.1 (Min. Aisle Width) and Section 2.15.2.

Several of these variances will be mitigated at the Site Plan Application stage, by ensuring buffers remain in place to limit impact on surrounding residential properties. There is existing

vegetation and fencing that Staff viewed while on site that will remain in place to ensure buffering (See condition 4). The proposed commercial structure and associated site works are not expected to stand-out, look out of place or detract from the character of this established neighbourhood, a determination that was made after visiting the site.

The proposed application in part, is desirable for the appropriate development and use of the lands.

Minor in Nature

The question of the minor nature of the application relates to the scale and impact.

Not Supportable Variances

The request for variances to Section 2.15.1 (max. entrance width) and 2.15.6.1 (required parking surface) are anticipated to have an adverse impact on the surrounding area. The scale and related impact of these proposed changes are not minor in nature. The entrance will allow an increase volume of traffic onto the Township roads at one time, and the gravel will increase maintenance costs to the municipality through damage to the roads.

As the proposed application in part, is not considered to conform to the Official Plan, to not meet the general intent of the Zoning By-law, to not be appropriate for the desirable development of the lot, and therefore, the variances are not considered to be minor.

Supportable Variances

The following variances are supportable: Section 3.20.2 d), Section 3.20.2 s), Section 2.14.2, Section 2.14.4, Section 2.15.1 (Min. Aisle Width) and Section 2.15.2.

The proposed changes are minor in nature as the changes are small scale in nature and impact. Several of these variances will be mitigated at the Site Plan Application stage, by ensuring buffers remain in place to limit impact on surrounding residential properties.

As the proposed application in part, is considered to conform to the Official Plan, to meet the general intent of the Zoning By-law, to be appropriate for the desirable development of the lot, and therefore, the variances are considered to be minor.

Conclusion

Planning Staff recommends Minor Variance Application 25-A14, for sections 2.15.1 (max. entrance width) and 2.15.6.1, be denied. On the basis, that the application does not meet the four tests of the Planning Act, specifically does not conform to the Official Plan, does not meet the general intent of the Zoning By-law, is not desirable for the development of the land, and is not minor in nature.

Planning Staff recommends Minor Variance Application 25-A14, for sections 3.20.2 d), 3.20.2 s), 2.13.2, 2.14.2, 2.14.4, 2.15.1 (min. aisle width) and 2.15.2, be approved. On the basis, that the application is consistent with, Provincial policies, conforms to the County of Simcoe and Township Official Plans, and meets the four tests of the Planning Act.

Public & Agency Comments

Notice of this application has been circulated to the public, various review agencies and Township staff, and a public notice sign posted on the lands. The Committee shall have regard for any comments received after the preparation of this report. Comments can be found attached to this report as Schedule 'E'. At the time of the preparation of this report, the Township has received the following comments:

Township Public Works & Engineering Department

- Public Works staff do not support a variance to increase the Maximum Entrance Width from 9m to 17m. Entrances widths are limited to 9m to ensure there is sufficient boulevard area to accommodate winter maintenance operations, as well to promote safer and more efficient traffic flow.
- Public Works staff do not support a variance to permit the required parking surfacing to be gravel. Asphalt is required in the Township's settlement areas, as per the Township Zoning By-Law. Tracking of gravel onto the municipal right of way can lead to several negative impacts. It can cause road damage, create safety hazards, and increase maintenance costs for the municipality. Furthermore, it can negatively affect water quality by introducing sediment into the storm sewer.
- The applicant will be required to enter into a Site Plan Agreement which will address the engineering requirements applied to the proposed development.

Township Building Department

The Building Department has reviewed the notices and based on their review, has no objections to the proposed development as presented.

Nottawasaga Valley Conservation Authority (Source Water Protection)

This property is located in an area designated for restricted land use under the Clean Water Act. NVCA will need to confirm with the applicant that there are no DNAPLs handled or stored on site before issuing the Notice to Proceed.

Nottawasaga Valley Conservation Authority (Planning)

The property is entirely affected by Ontario Regulation 41/24 this Authority's Prohibited Activities, Exemptions and Permits Regulation and is regulated due to the Flood Hazard associated to the Mad River. Any development or site alteration on the property will require a permit from the NVCA prior to commencement under the Conservation Authorities Act. Based on the provided site plan NVCA staff wish to advise that the proposed structure will need to be dry floodproofed to conform to NVCA Planning and Regulation Guidelines. Additional information can be found in Schedule E.

COMMUNICATION PLAN:

The Notice of Decision regarding this application will be distributed in accordance with the requirements of the Planning Act.

FINANCIAL IMPACT:

Potential financial and legal implications should the decision of the Committee be appealed to the Ontario Land Tribunal (OLT) and Council chooses to defend the Committee's decision.

REPORT SCHEDULES:

- Schedule A: Orthophoto
- Schedule B: Policy Framework
- Schedule C: Site Sketch
- Schedule D: Drawings
- Schedule E: Comments Received
- Schedule F: Applicant's Planning Justification Memo

PREPARED BY:

Danielle Waters, MSc., MCIP, RPP
Community Planner

REVIEWED BY:

Rossalyn Workman, MURP, DIP.LMM, MCIP, RPP
Manager of Planning