



TOWNSHIP OF CLEARVIEW COMMITTEE OF ADJUSTMENT MEETING AGENDA

Wednesday, February 14, 2024 3:00 P.M. Stayner Community Centre

1. CALL TO ORDER

Land Acknowledgement

I would like to begin our meeting by recognizing the First Nations, Metis and Inuit peoples of Canada as traditional stewards and caretakers of the land. We acknowledge that Clearview Township is located within the boundaries of Treaty 18, the traditional lands of the Anishinaabeg, Haudenosaunee, Tionontati, Wendat, and is the home of many First Nations, Metis, and Inuit peoples as part of an intricate nationhood that reaches across Turtle Island. At this time of truth and reconciliation, we welcome the opportunity to work together towards new understandings and new relationships and ask for guidance in all we do.

2. CONFIRMATION OF MINUTES

2.1 Minutes of the Committee of Adjustment meeting held on October 11th, 2023.

3. DISCLOSURE OF PECUNIARY INTEREST

4. APPLICATIONS

4.1 Consent File 24-B01 & Minor Variance File 24-A01 – 231 McKenzie Drive (The Estates of Clearview)

4.2 Minor Variance File 24-A02 – 9 Homestead Drive (MacDonald)

4.3 Minor Variance File 24-A03 – 47 Blackburn Avenue (Foubert)

5. NEW BUSINES

6. NEXT MEETING

Tentatively scheduled for Wednesday, March 13, 2024

7. ADJOURNMENT



Township of Clearview Committee of Adjustment Minutes

Meeting held in the Township of Clearview Council Chambers at the Clearview Administration Centre in Stayner on October 11, 2023, commencing at 3:00 p.m.

Members Present:

Chuck Arrand, Chairman
Dan Fantin
Gord Zeggil
Marc Royal
Robert McArthur

Staff Present:

Rossalyn Workman, Community Planner
Nick Ainley, Community Planner
Christine Taggart, Secretary-Treasurer
Amy Cann, Director Planning & Building

1. Call to Order

The Chairman called the meeting to order at 3:00 p.m.

2. Minutes

2.1 Minutes of the Committee of Adjustment meeting held on September 13, 2023.

Moved by G. Zeggil

That the minutes of the Committee of Adjustment meetings held September 13, 2023, be approved as circulated.

Carried.

3. Disclosure of Pecuniary Interest

3.1 Dan Fantin disclosed pecuniary interest in relation to Consent File 23-B06.

4. Applications

Minor Variance File 23-A15

2341 Concession 10 North – Wilson

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 4.42 metres. The total variance being requested is 0.08 metres.

The effect of the application is to allow for an addition to the existing dwelling on the subject lands.

The Secretary read the notice of application and advised that circulation of the applications was mailed on September 26, 2023, to the applicant, appropriate agencies, and property owners within 60 metres. The Secretary advised that comments were received from Bell Canada having no concern or object to the application.

The Chairman asked Planning Staff to provide any additional information. They had none.

The Chairman asked the applicant if they had a presentation they would like to make. They had none.

The Chairman asked Committee if they had any questions or comments. They had none.

It was then;

Moved by: R. McArthur

That minor variance application 23-A15 be approved 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.

Minor Variance File 23-A16

8 Homestead Drive – Hafner

PROPOSED MINOR VARIANCE: To request the approval of the Committee of Adjustment for relief from the Residential Estate Exception 3 (RE-3) zone minimum interior side yard setback requirement of 5 metres to 3.25 metres. The total variance being requested is 1.75 metres.

The effect of the application is to allow for the construction of an addition to an existing dwelling on the subject lands.

The Chairman announced the application and asked the Secretary-Treasurer to summarize the application and any correspondence received.

The Secretary read the notice of application and advised that circulation of the applications was mailed on September 26, 2023, to the applicant, appropriate agencies, and property owners within 60 metres. The Secretary advised that a letter of support was received from Owen Gray which included suggestions for conditions that could be added to the approval. A comment from Bell Canada was received having no concern or objection to the application.

The Chairman asked Planning Staff to provide any additional information. They had none.

The Chairman asked the applicant if they had a presentation they would like to make.

Adam Volkes, the agent acting on behalf of the owners, advised that he spoke with his clients regarding the letter submitted and they would like to maintain as many trees as possible. When the owners purchased the property, they planted additional trees. They have decreased the septic to accommodate the trees. An arborist was obtained to prune trees to support the life of the trees. They also plan to plant more trees in the future when their budget allows.

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

Member McArthur asked if there is an agreement between neighbours regarding the fence. Mr. Vokes advised that the fence will be maintained.

It was then;

Moved by: R. McArthur

That minor variance application 23-A16 be approved 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.

Member Fantin left the meeting.

Consent File 23-B06

1955 Concession 6 North – Winterland Airfield Holdings Ltd.

The of the application is to request a lease beyond 21 years.

The effect of the application is to allow for a long-term lease for the airport hangars and associated parking areas located on the subject lands.

The Chairman announced the application and asked the Secretary-Treasurer to summarize the application and any correspondence received.

The Secretary read the notice of application and advised that circulation of the applications was mailed on September 26, 2023, to the applicant, appropriate agencies, and property owners within 60 metres. The Secretary summarized the comments received by Bell Canada, having no concern or objection to the application, and a letter of objection from Clara Monni.

The Chairman asked Planning Staff to provide any additional information. They had none.

The Chairman asked the applicant if they had a presentation they would like to make. Mr. Geordie Dalglish advised that they would like to offer tenants a longer lease than 21 years and that they will all be aviation related uses.

The Chairman asked Mr. Dalglish if he understood the conditions that were read by the Secretary-Treasurer. Mr. Dalglish asked for clarification of condition one (1). Ms. Workman advised that no development charges are required as building permits are not required because they are regulated under an aerodrome status, and this approval would not change that. She then advised that this is a standard condition and typically used for severance applications, it is the certificate of consent payment that applies. Discussion ensued regarding the length of time to complete the conditions of approval.

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

Member Royal asked for clarification on a 21-year lease. Ms. Workman explained that leases less than 21 years can be completed by a lawyer however, longer leases require approval from the municipality.

Member Zeggil asked what happens if a tenant does not want to renew. Mr. Dalglish explained that they can sell the hanger to them or remove it.

It was then:

Moved by: G. Zeggil

That consent application 23-B06 be approved as applied for with 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 \$150.00 fee for each Certificate of Consent to be issued.
2. That the applicant provides a description of the land, and all associated buildings and structures, which may be registered under the requirements of the Registry Act or Land Titles Act as applicable.
3. That the lease agreement be established for a term of up to 99 years, with the option for renewal, over the lands described in the condition 2. That a copy of the executed and registered lease agreement be provided to the Township.
4. That the lease agreement provides an indemnification clause, to the satisfaction of the Township of Clearview, which indemnifies the Township from any and all liability stemming from the consent and specifically any liability related to the buildings and structures on the subject lands.

REASON FOR DECISION

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

Carried.

Member Fantin rejoined the meeting.

5. New Business

None.

7. Next Meeting

Tentatively scheduled for Wednesday, November 29, 2023.

8. Adjournment

There being no further business, the Chairman adjourned the meeting at 3:29 pm.

Chuck Arrand, Chair

Christine Taggart, Secretary-Treasurer



CLEARVIEW

COMMITTEE OF ADJUSTMENT

File Number: 24-B01 (2024-001)

Meeting Date: February 14, 2024

Report From: Nick Ainley, Community Planner

Application: Consent for 229 and 231 McKenzie Drive, Clearview
(Nottawasaga Station Phase 2)

RECOMMENDATION:

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

Approves consent 24-B01 pertaining to lands at 229 and 231 McKenzie Drive, Clearview subject to the following conditions:

1. That the owner 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.
2. That the owner 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. A qualified consent certificate (Form 4) shall be issued for both the severed parcel and the retained parcel. Issuance of consent certificates shall ultimately be completed in a manner acceptable to the Township Solicitor.
3. That the Owner shall convey the severed and retained parcels into separate ownership in order to maintain and preserve the severance approval status.
4. A Restrictive Covenant pursuant to section 118 of the Land Titles Act R.S.O. 1990, c. L. 5, shall be registered on the title of Parts 1 & 2 on Plan 51R-44414 in favour of the Township to prevent any Transfer or Charge of the Land without the Township's consent to ensure that the severed parcel (Part 2) cannot be conveyed independently from the receiving/adjacent lands (Part 1) until such time that the lands have merged under the subdivision control provisions of the Planning Act. The Restrictive Covenant shall also refer to Consent File 24-B01 (2024-001) for reference purposes.
5. The Owner shall provide an undertaking to the Township confirming and agreeing to the following:
 - i. The Owner shall provide notice of the Restrictive Covenant and its purpose to all prospective and future purchaser.

- ii. The Owner acknowledges that the municipality shall pass and register a by-law to deem Parts 1 & 2 on Plan 51R-44414 to no longer be within a plan of subdivision and legally merge the lands on title as a single parcel once the subdivision has been registered for a minimum of eight (8) years to the satisfaction of the municipality.
 - iii. The Owner acknowledges that the municipality may remove the Restrictive Covenant from the title of the lands following the successful deeming of Parts 1 & 2 on plan 51R-44414 to the satisfaction of the municipality.
 - iv. The Owner shall be responsible for all costs associated with the undertaking.
6. The Owner shall provide a deposit in the amount of \$10,000.00 to the municipality to be held as a security to cover any costs borne by the municipality associated with the administration of the Restrictive Covenant and any future dealings of the subject lands until such time as the deeming by-law has been registered and the Restrictive Covenant has been removed from title. Any residual amount of the security shall be released to the Owner following the successful deeming of the subject lands and removal of the Restrictive Covenant the satisfaction of the municipality.
7. The Owner shall successfully apply to the municipality for a Minor Variance to recognize and permit the current deficiency in the setback between the existing foundation and eastern interior side yard of 229 Mckenize Drive.
8. The Owner shall successfully apply to the municipality for a Minor Variance to recognize and permit the deficiency in the minimum lot area and frontage for 231 McKenzie Drive created as a result of the Consent 24-B01.
9. The Owner shall submit a revised lot grading and drainage plans for 229 & 231 McKenzie Drive to demonstrate that required side yard swale will be constructed as a "shared" swale along the newly created lot line to the satisfaction of the municipality.

NOTES REGARDING CONSENT:

- As per Section 53(41) of the Planning Act, R.S.O., 1990, all conditions of this decision shall be fulfilled and the Certificate of Consent issued within two years of this date. If all of the conditions have been met and all the authorities concerned have so notified the Committee in writing, the Secretary-Treasurer is authorized to issue the Certificate of Consent.
- This consent is granted on the basis that Subsection (3 or 5) of Section 50 of the Planning Act, R.S.O., 1990, will continue apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.

BACKGROUND:

Subject Lands

The lands subject to the Consent (Lot Addition) application presently under consideration are known municipally as 229 & 231 McKenzie Drive and are located in the final approved second phase of the overall The Estate of Clearview draft plan approved plan of subdivision (i.e., Nottawasaga Station Phase 2). The lands are situated in the eastern portion of the Stayner Settlement Area.

Both 229 & 231 McKenzie Drive each encompass lot areas of 405 m² and maintain 13.5 m of frontage onto McKenzie Drive. Both properties' also support single-detached dwellings that are currently under construction. Please refer to Schedules 'A' for visual description of subject lands.

The Proposal

The Applicant seeks to sever an approximately 6 m² parcel of land having 0.2 m of frontage from 231 McKenzie Drive (retained lands) and add it to 229 McKenzie Drive (receiving lands) located immediately to the west. Following the lot addition, the retained lands will encompass an area of 399 m² and have 13.3 m of frontage on McKenzie Drive. The receiving lands will encompass a total area of 411 m² and have 13.7 m of combined frontage on McKenzie Drive (refer to Schedule 'D').

The purpose of the application is to facilitate a lot addition in order address an error that occurred during the construction/installation of the foundation for the dwelling located on 229 McKenzie Drive. The error resulted in the dwelling foundation being poured 0.1 m closer to the eastern interior side yard than proposed or permitted. In addition to a deficiency in the minimum interior side yard setback of the (RS3-4) Zone (i.e. 1.2 m required vs. 1.1 m provided) the error also resulted in non-compliance with minimum fire separation requirements under the Ontario Building Code (OBC).

This application is also subject to a concurrent Minor Variance application (24-A01). The purpose of the proposed Minor Variance is to recognize and permit 231 McKenzie Drive becoming deficient in the minimum lot area and frontage requirements of the (RS3-4) Zone as a result of the current lot addition application. Approval of the current application has also been made conditional on the applicant successfully applying to the municipality for an additional Minor Variance application to recognize and permit the current deficiency in the setback between the existing foundation and eastern interior side yard of 229 Mckenize Drive.

Existing Policy Framework

The subject lands are designated 'Residential' within the Township of Clearview Official Plan (2001). The lands are zoned Residential Multiple Low Density Exception (RS3-4) Zone within the Township of Clearview Zoning By-law 06-54, as amended.

COMMENTS AND ANALYSIS:

In considering an application for Consent, a review of the Provincial Policy Statement, A Place to Grow, County and Local Official Plans must be undertaken. The proposed consents must be assessed for consistency, conformity and compliance.

Planning Act

In the Province of Ontario, the configuration of a lot on a registered plan of subdivision cannot be adjusted or modified for the purposes of adding additional lands to that lot. If alteration of a lot is required, Council must first pass a By-law in order to deem the lands not to be in a plan of subdivision. If what is commonly referred to as a 'Deeming By-law' is passed by Council, then a merger of lands is able to occur.

Section 50(4) of the *Act* only empowers a municipality to deem lands to no longer be within a registered plan of subdivision for the purposes of subsection 50(3) of the *Act* once the subdivision has been registered for a minimum of eight (8) years. Therefore, and by virtue of the lands subject to the current lot addition application being located within a final approved plan of subdivision that has been registered for less than eight (8) years (i.e., registration dated May 17, 2023) merger of the subject lands is unable to occur immediately as would typically be required as part of any standard lot addition application.

To address this timing restraint and deficiency in process, approval of the current application has been made conditional (among other requirements) upon a restrictive covenant being registered on the title of Parts 1 & 2 on Plan 51R-44414 in favour of the Township (refer to schedules 'C' & 'D'). The restrictive covenant will prevent any Transfer or Charge of the Land without the Township's consent to ensure that the severed parcel (Part 2) cannot be conveyed independently from the Adjacent Lands (Part 1) until such time and the lands have merged under the subdivision control provisions of the Planning Act.

Although not legally merged on title, the restrictive covenant will result in a similar outcome of ensuring that both the severed and receiving lands will effectively be tied to one another in perpetuity and prevent their individual conveyance. Additionally, with the restrictive covenant being registered in favour of the Township, the municipality will continue to maintain control over the conveyance of the lands until such time that they are able to be deemed no longer to be part of a plan of subdivision and be legally merged on title at a future date (i.e. May 2031). The future deeming and merger of the subject lands is a requirement of the municipality and is to be implemented via the process specified under the conditions of approval, specifically Conditions No. 5.

Provincial Policy Statement

The application is fulfilling and is consistent with the PPS policies, which promotes the creation of healthy, livable, and safe communities. The PPS provides direction that settlement areas will be the focus of growth and development. Additionally, Section 3.0 of the PPS goes on to state Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards. The subject lands are located within the Settlement Area of Stayner. The application proposes to correct a construction error that occurred as a result of the foundation for the dwelling located on 229 McKenzie Drive being installed in the wrong location, resulting in deficiencies in both the Township of Clearview Zoning By-law and OBC for fire separation. The proposed lot addition application will add land to the lot with the existing deficiency, bringing it into compliance with the minimum requirements for Fire Separation under the OBC.

The application will be consistent with the PPS and will promote the objective of continuing to focus growth and development within a settlement area. The proposed lot addition will also ensure that the health and safety of the community is projected over the long term.

The proposal is consistent with the Provincial Policy Statement (2020) issued under the *Planning Act*.

The Growth Plan

The lands subject to the current application are located within the built-up area of the Stayner Settlement Area. Both properties' support single-detached dwellings that are presently under

construction. The proposed lot addition is being sought by the applicant in order to resolve a deficiency in the minimum Fire Separation requirements of the OBC that was created as result of an error during the construction of the dwelling foundation on 229 McKenzie Drive. The application will recognize the existing situation and no new development is proposed. The proposed lot addition and ultimate merger of the lands will promote the protection of public health and safety by ensuring that minimum Fire Separation requirements under the OBC are achieved.

The proposal is consistent with the Growth Plan (2020) issued under the *Planning Act*.

County of Simcoe Official Plan

The County of Simcoe Official Plan (SCOP) designates Stayner as a Primary Settlement Area. The lands subject to the current application are located within Stayner. A primary goal of the County OP is to direct a significant portion of growth and development to settlement areas where it can be effectively serviced. Section 3.5 stipulates that the objective of Settlements is to develop a compact urban form that promotes the efficient use of land and provision of water, sewer, transportation, and other services; develop mixed use settlements as strong and vibrant places; and promote development forms and patterns which minimize land consumption and servicing costs. The subject land will continue to be utilized for residential use, with the objectives of Section 3.5 of the SCOP not being impacted by the current application.

For lands located within a designated Settlement Area, the County OP also relies on the local municipal OP to provide direction on specific land use designations and in this case the subject lands are designated 'Residential'. The following section of this report, entitled 'Clearview Township Official Plan' addresses the current application's consistency with the policies of the Township OP and 'Residential' designation.

The proposal is consistent with the County of Simcoe Official Plan (2016) issued under the *Planning Act*.

Clearview Township Official Plan

The subject lands are designated 'Residential' within the 2001 Township Official Plan.

Section 9.3.5 of the Township OP permits Consents for technical or legal reasons including boundary adjustments, provided that the Consent does not result in the creation of a new lot. The current application seeks to sever a 6 m² parcel of land from 331 McKenzie Drive and add it to 229 McKenzie Drive. The lot addition has been requested by the applicant in order to resolve a technical error created during the construction of the foundation for the dwelling located on 229 McKenzie Drive which resulted in noncompliance with minimum fire separation requirements of the OBC.

The current application will ultimately result in Part 2 on Plan 51R-44414 and 229 McKenzie Drive (refer to Schedules 'C' & 'D') formally merging on title and into a single parcel of land. However, unlike a typical lot addition application where the severed and receiving lands are able to merge immediately, the lands subject to the current application will not be able to formally merge until the subdivision in which they are located (i.e., Nottawasaga Station Phase 2) has been registered for a minimum of eight (8) years and the lands are able to be deemed to no longer be within a plan of subdivision. This cannot occur until at least May 2031

and is due to the constraints established under Section 50(4) of the Planning Act as discussed earlier within this report.

As the subject lands are unable to be deemed and merge until May 2031, they will technically exist as two (2) separate parcels of land for a temporary albeit extended period of time. Although temporary, to ensure that the current application continues to meet the intent of the Township OP's lot creation policies for legal and/or technical Consents, approval of the current application is subject to the registration of a restrictive covenant on the title of the subject lands in favour of the Township. The restrictive covenant will result in a similar outcome to if the lands were merged straightway, by legally tying ownership of the severed and receiving lands together and restricting their individual conveyance. This effectively address the issue of the severed and receiving lands technically remaining as two (2) sperate parcels until such time that the lands are able to be deemed to no longer to be lots in on a plan of subdivision and formally merged on title and into a single parcel following expiry of the eight (8) year minimum period required under Section 50(4) of the Act (i.e., May 2031). Furthermore, no new development is proposed as part of the current application and the lands will continue to be utilized for residential use.

The current application conforms to the Township of Clearview OP.

Clearview Zoning By-law

The subject lands are zoned 'Residential Multiple Low Density Exception' (RS3-4) within the Township of Clearview Zoning By-law 06-54, as amended.

The Applicant seeks to sever an approximately 6 m² parcel of land having 0.2 m of frontage from 231 McKenzie Drive (retained lands) and add it to 229 McKenzie Drive (receiving lands) located immediately to the west (refer to Schedule 'D'). Following the proposed lot addition and once the severed and receiving lands are deemed to no longer be within a plan of subdivision and able to be merged into a single parcel at a future date (as address under conditions No. 5 of this application), the retained lands will be sized 399 m² and have 13.3 m of frontage onto McKenzie Drive. The receiving lands will be sized 411 m² ha and have 13.7 m of combined frontage onto McKenize Drive (refer to Schedule 'D').

However, as merger of the severed and receiving lands into a single parcel cannot occur until May 2031, the current deficiency in the setback between the existing foundation and eastern interior side yard of 229 Mckenize Drive will continue to exist until the formal merger is complete. To address this deficiency and ensure this applications compliance with the Township of Clearview Zoning By-law, approval of the current application has been made conditional upon the Owner successfully applying to the municipality for a Minor Variance application to recognize and permit the current deficiency on 229 Mckenize Drive.

The applicant has also concurrently made application for an additional Minor Variance (i.e., Minor Variance 24-A01) in order to recognize and permit 231 McKenzie Drive becoming deficient in the minimum lot area (i.e. from 400 m² to 399 m²) and frontage (i.e., from 13.5 to 13.3 m) requirements of the (RS3-4) Zone as a result of the current Consent application. This requirement for successful completion of this additional Minor Variance application has also been made a condition of the current application's approval.

Additionally, it is advised that the parcel of land to be severed (i.e., Part 2) will not meet the definition of 'lot' within the Township Zoning By-law. Therefore, the sever lands are not able to

be individually developed for any use permitted under the (RS3-4) Zone before they are able to be deemed and merge with the adjacent lands to the west in May 2031.

The above noted Minor Variance application(s) will be accessed on their individual merits as part of separate recommendation reports to the Committee of Adjustment (COA). Following successful completion of the above Minor Variance applications (refer to Conditions No. 7 & 8), the lands subject to the current lot addition application can be considered to comply with the Township Zoning By-law.

The proposal conforms to the general intent and purpose of the Township's Zoning By-law.

Public & Agency Comments

Comments with no objection has been received from:

- Chief Building Official, Township of Clearview

In a letter dated February 2, 2024, the Township of Clearview Public Works Department provided comment requesting the following condition:

"Revised lot grading and drainage plans required for Lots 111 (229 McKenzie Drive) & 112 (231 McKenzie Drive) to demonstrate that required side yard swale will be constructed as a "shared" swale along the newly created lot line".

Please note that this request has been made a condition of Consent application 24-B01.

COMMUNICATION PLAN:

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

FINANCIAL IMPACT:

This proposal has no financial impact on the municipality.

REPORT SCHEDULES:

- Schedule A: Orthophoto
- Schedule B: Policy Framework
- Schedule C: Site Sketch Full (Plan 51R-44414)
- Schedule D: Site Sketch Enlarged (Plan 51R-44414)

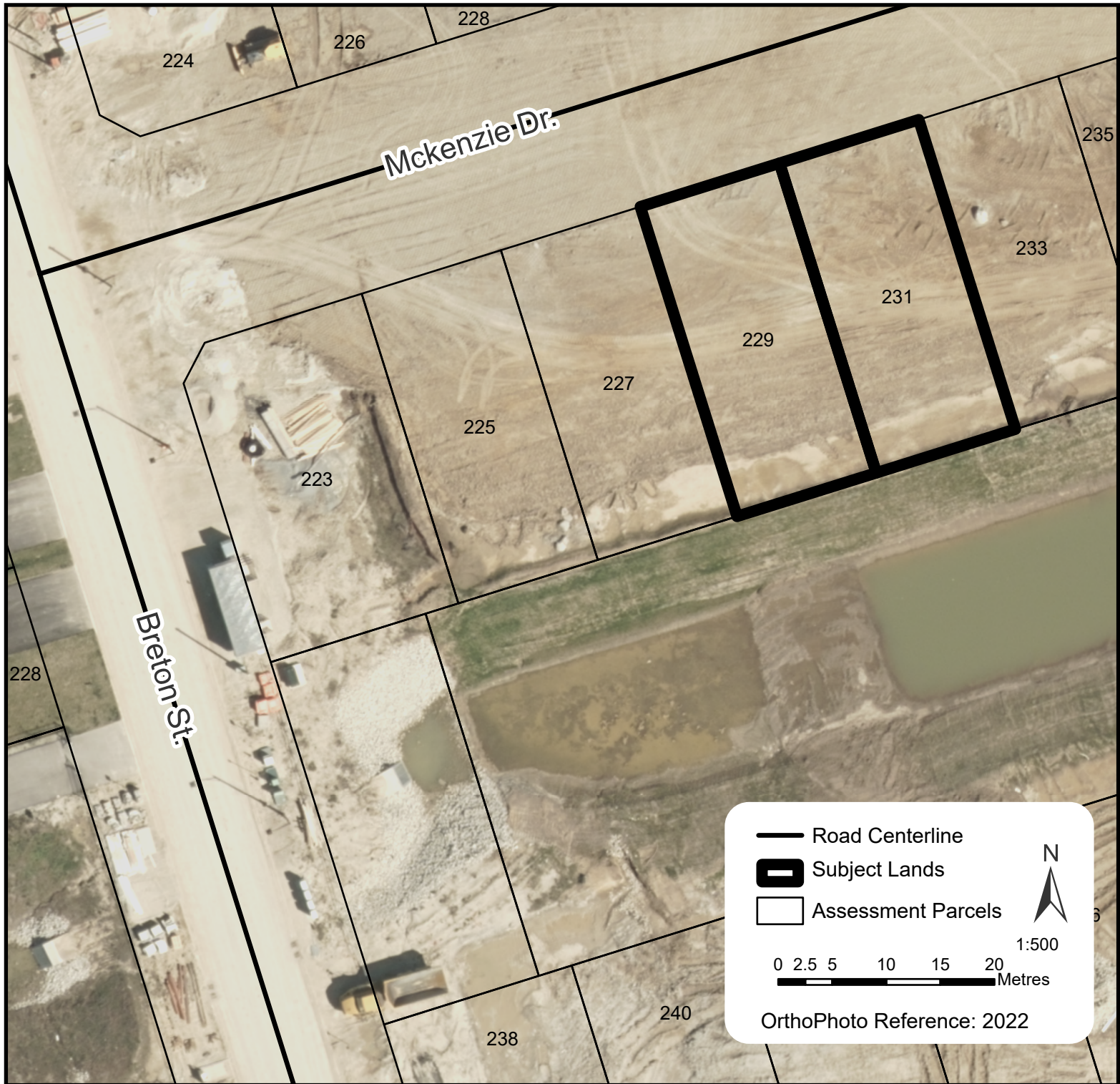
PREPARED BY:

Nick Ainley, B.U.R.PI
Community Planner, Policy and Approvals

REVIEWED BY:

Amy Cann, M. PL., MCIP, RPP
Director of Community Services

Schedule 'A': OrthoPhoto



Subject Lands:

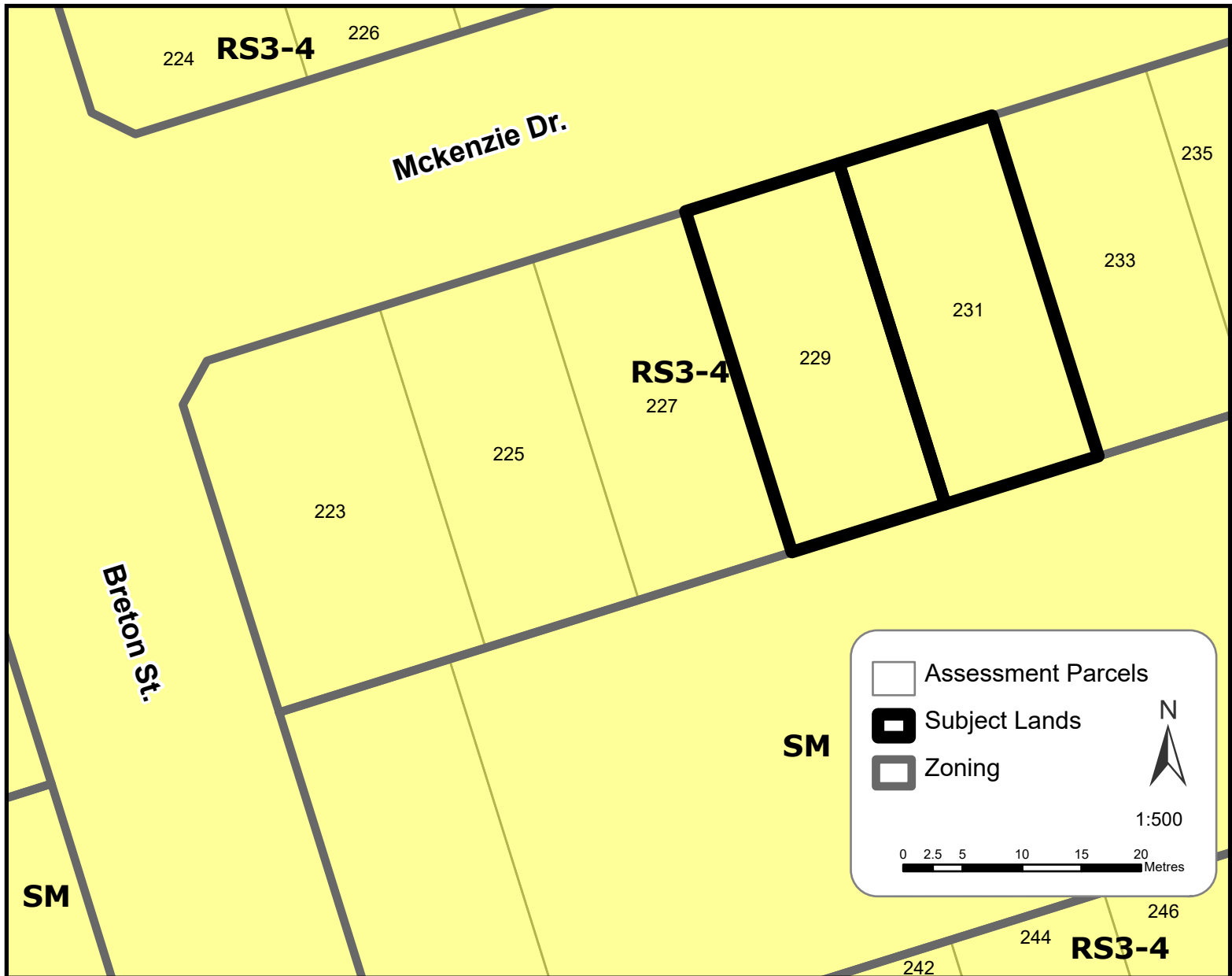
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229 MCKENZIE DR
(4329-010-002-05711)

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CLEARVIEW
TOWNSHIP

Schedule 'B': Planning Policy



Zoning Code, Zoning Description

RS3-4, RESIDENTIAL
MULTIPLE LOW DENSITY
EXCEPTION 4

SM, STORMWATER
MANAGEMENT FACILITY

Official Plan Designations

 Residential

Subject Lands:

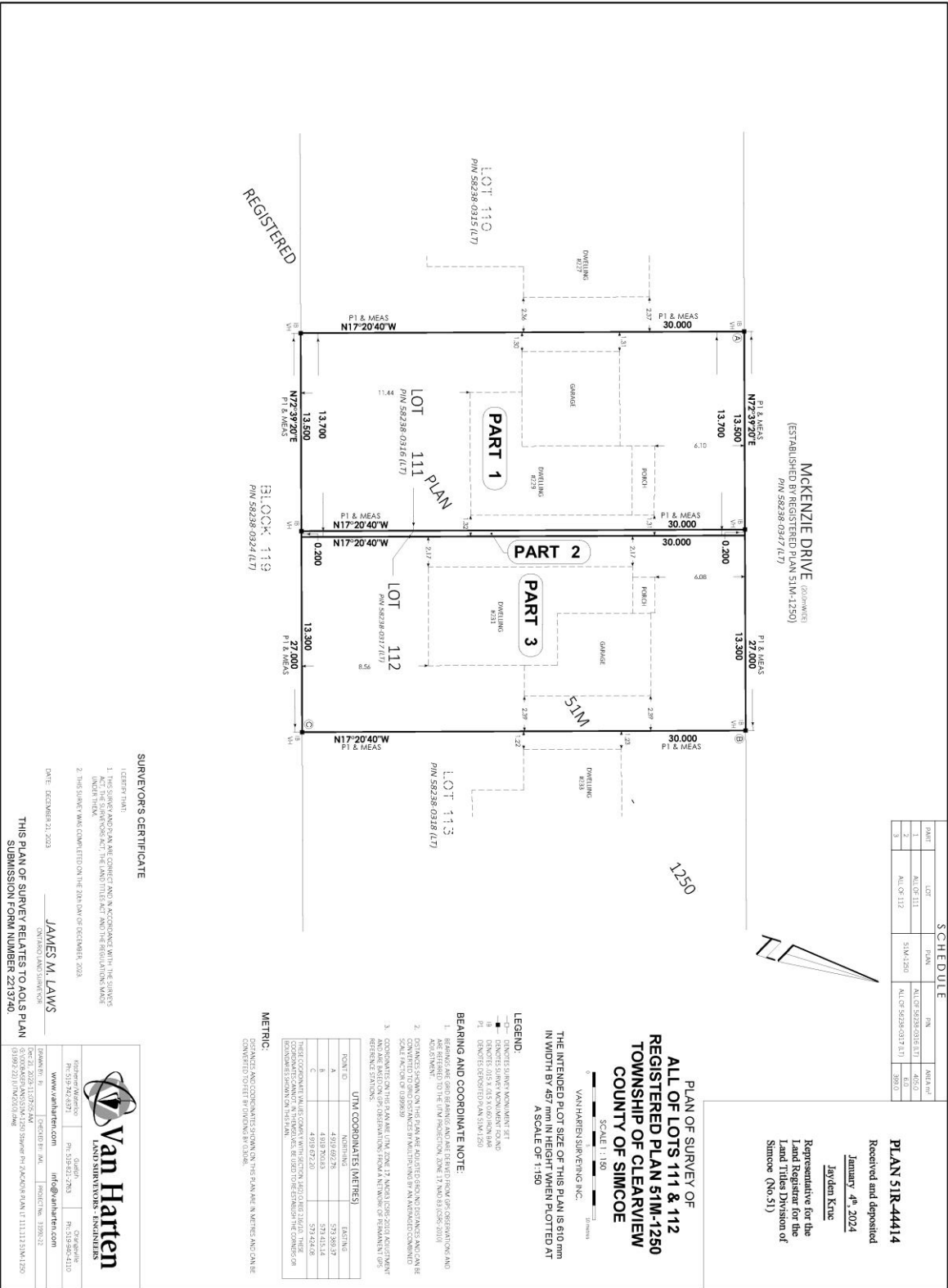
231 MCKENZIE DR
(4329-010-002-05712)
229 MCKENZIE DR
(4329-010-002-05711)

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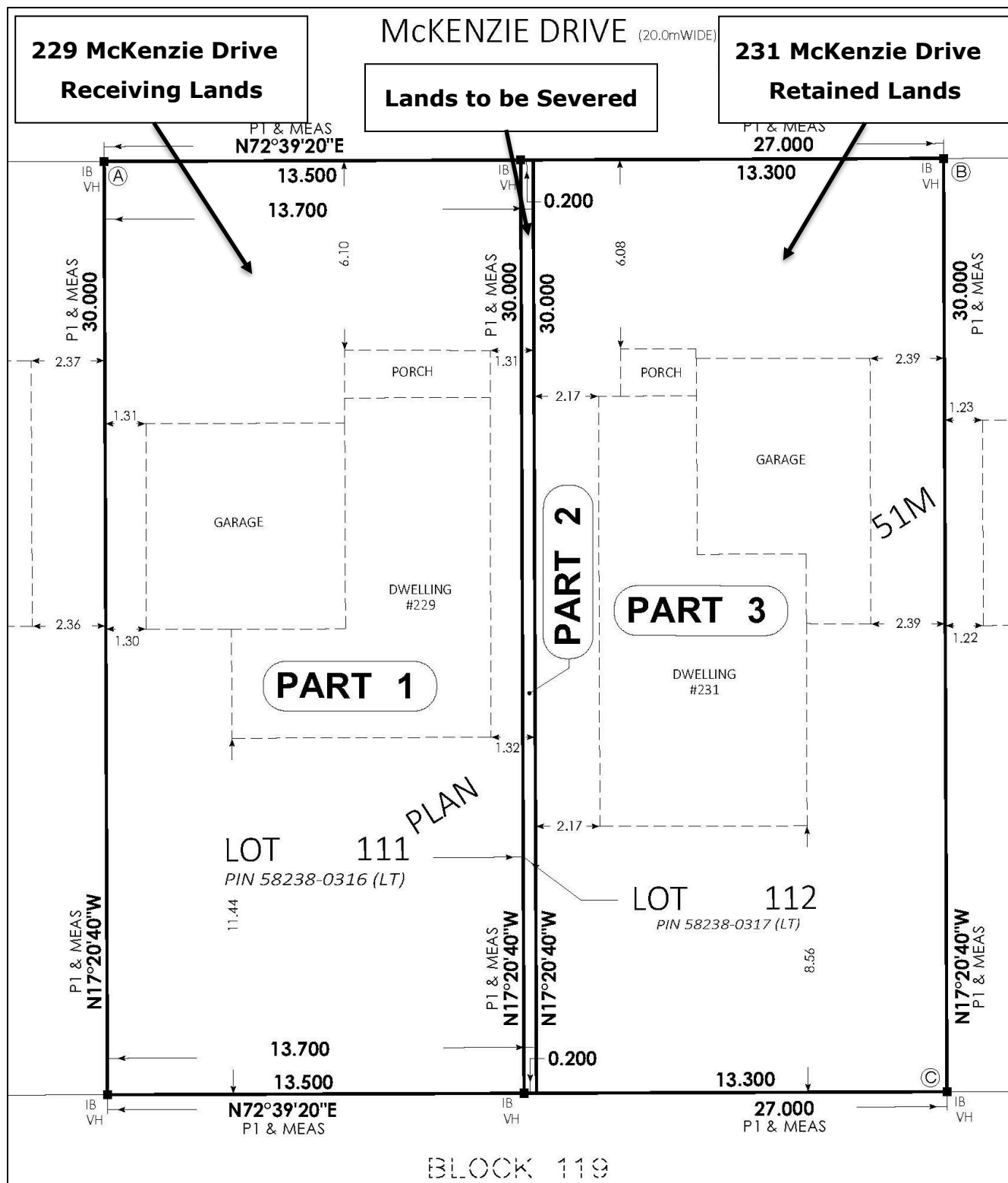


CLEARVIEW
TOWNSHIP

Schedule C – Site Sketch Full (Plan 51R-44414)



Schedule D – Site Sketch Enlarged (Plan 51R-44414)





CLEARVIEW

COMMITTEE OF ADJUSTMENT

File Number: 24-A01 (2024-001)
Meeting Date: February 14, 2024
Report From: Nick Ainley, Community Planner
Application: Minor Variance for 231 McKenzie Drive (Nottawasaga Station Phase 2)

RECOMMENDATION:

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

Approves minor variance 24-A01 pertaining to lands at 231 McKenzie Drive on the basis that it meets the four tests in accordance with the Planning Act and the following condition:

1. That approval of Minor Variance 24-A01 be contingent on confirmation of approval of concurrent Consent (lot addition) application 24-B01.

BACKGROUND:

Subject Lands

The lands subject to the proposed variance are municipally known as 231 McKenzie Drive and are located in the final approved second phase of the overall The Estate of Clearview draft plan approved plan of subdivision (i.e., Nottawasaga Station Phase 2). The lands are situated in the eastern portion of the Stayner Settlement Area. The subject lands are sized 405 m² and have 13.5 m of frontage on McKenzie Drive. The lands support single-detached dwelling that is currently under construction. Please refer to Schedule 'A' for visual description of subject lands.

The Proposal

The applicant is requesting approval of the following variations in the Township's Zoning By-law:

1. To provide relief from Section 2.4.4 of the Township Zoning By-law General Provisions in order to permit the alteration of an existing lot that would bring the lot into contravention with the Township of Clearview Zoning By-law in terms of lot area and frontage.

2. To provide relief from the minimum lot area requirement of 400 m² to 399 m².
3. To provide relief from the minimum lot frontage requirement of 13.5 m to 13.3 m.

This application is also subject a concurrent Consent (lot addition) application (24-B01) which is the cause of the deficiencies associated with 231 McKenzie Drive being addressed in this Minor Variance application. The concurrent lot addition application seeks to sever an approximately 6 m² parcel of land having 0.2 m of frontage from 231 McKenzie Drive (retained lands) and add it to 229 McKenzie Drive (receiving lands) located immediately to the west. Following the lot addition, the retained lands and the land subject to the current Minor Variance application (i.e., 231 McKenzie Drive) will have a lot area of 399 m² and 13.3 m of frontage on McKenzie Drive (refer to Schedule 'C'). The purpose of both the concurrent lot addition and current Minor Variance application(s) is ultimately to resolve an error that occurred during the construction/installation of the foundation for the dwelling located on the adjacent lands to the west (i.e., 229 McKenzie Drive). The misplaced foundation was not compliant with minimum fire separation requirements of the Ontario Building Code (OBC) between the single-detached dwellings presently under construction on the subject lands and the single-detached dwelling under construction on 299 McKenzie Drive.

Existing Policy Framework

The subject lands are designated 'Residential' within the Township of Clearview Official Plan (2001). The lands are zoned Residential Multiple Low Density Exception (RS3-4) Zone within the Township of Clearview Zoning By-law 06-54, as amended.

COMMENTS AND ANALYSIS:

In accordance with the Planning Act a minor variance is to be reviewed with four tests in mind: is the proposal minor in nature; is the proposal desirable for the development and use of the lands; does the variance conform to the Official Plan; does the variance comply with the general intent and purpose of the Zoning By-law? The four tests are explored below.

Provincial Policy Statement

The Provincial Policy Statement (PPS 2020) sets out the parameters under which development is to occur within the Province. The PPS directs residential development to defined Settlement Areas and permits the development of single-detached dwellings on lands designated for residential use.

The proposal is consistent with the Provincial Policy Statement (2020) issued under the *Planning Act*.

Clearview Township Official Plan

The Township of Clearview Official Plan designates the lands 'Residential'. The 'Residential' designation permits residential uses including single-detached dwellings. Specific matters governing the size and configuration of a residential lot is generally deferred to the Township's implementing Zoning By-law. However, the Residential designation permits single-detached dwellings on a single residential lot located within defined Settlement Areas.

It is the opinion of municipal staff that in the current proposal conforms to the Township's Official Plan.

Clearview Zoning By-law

The Applicant is requesting a 1 m² variance to the minimum required lot area as well as a 0.2 m variance to the minimum frontage requirements the Township's Zoning By-law, from 400 m² to 399 m² and 13.5 m to 13.3 m, respectively. As these variances result in 231 McKenize Drive becoming deficient in terms of the minimum lot area and frontage requirements of the subject lands current (RS3-4) zoning, relief from Section 2.4.4 of the General Provision of the Township Zoning By-law is also being sought. Section 2.4.4 currently prohibits the alteration of an existing lot via Consent where the alteration brings the lot into contravention of the Township Zoning By-law in terms of lot area and/or frontage.

The requested variances maintain the general intent of the Township of Clearview Zoning By-law. The primary intent of the minimum lot area and frontage requirements of the Township Zoning By-law is to ensure that an individual lot is of adequate size and dimensions to support the development of the uses permitted under the Zone as well as to ensure that all development within a given zone is consistent and developed in a uniform manner under identical requirements.

At a reduction 1 m² in area and 0.2 m in frontage, the requested variances in the minimum requirements of the (RS3-4) Zone will not result in impacts to the development of the subject lands for the permitted residential use. Specifically, the design or configuration of the single-detached dwelling presently under construction on the subject land will not be impacted or altered.

The proposal necessitates variance to Section 2.4.4 of the Township Zoning By-law because the associate consent (24-B01) puts the retained lands into contravention of the By-law in terms of lot area and frontage. Sec. 2.4.4 of the By-law prohibits this impact on otherwise compliant lots. Given the technical nature and minor extent of the associate consent and proposed variance, this can be considered reasonable in the current circumstance. In addition to the current variances not impacting the subject lands ability to develop the residential uses permitted under the Zone, the limited nature of the variances will not materially result in the subject lands appearing as being in contravention of the Zoning By-law. The lands will continue appear and function similar to that if they meet the minimum lot area of frontage requirements of the (RS3-4) Zone.

It merits note that, while undertaking a Zoning Conformity Check for the associated consent (24-B01) it was found that the boundary adjustment also cause non-compliance for the interior sideyard setback of the receiving lands. This variance was not included as part of this application and therefore requires subsequent application and approval from the Committee of Adjustment. This additional variance application is anticipated to come forward to the March 2024 hearing and has been added as a recommended condition of the associated consent.

The requested variances meet the general intent and purpose of the Zoning By-law.

Minor in Nature

The Planning Department considers the request to allow a minimum lot area of 399 m², lot frontage of 13.3 m as well as relief from Section 2.4.4 of the Township Zoning By-law General Provision, minor in nature.

At a reduction 1 m² in area and 0.2 m in frontage, the requested variances in the minimum requirements of the (RS3-4) Zone can be considered negligible in terms of scale. The variances will not impact the residential use of the subject lands, specifically the development of the existing single-detached dwelling currently under construction. Furthermore, the limited nature of the requested variances will not materially change the appearance and/or function of the subject lands. Consistency with development on adjacent lands and the overall subdivision in which the lands are located will also be maintained.

The subject lands and all proposed development on the subject lands will continue to meet all other requirements of the (RS3-4) Zone and provisions of the Township's Zoning By-law.

The request variances are minor in nature.

Desirable for the Development of the Lands

The applicant is requesting relief from the minimum lot area and frontage requirements of the (RS3-4) Zone and Section 2.4.4 of the Township of Clearview Zoning By-law General Provisions.

The proposed variances can be considered desirable for the development of the lands as they will enable development of the single-detached dwellings presently under construction on both the subject lands and adjacent lands to the west to continue to proceed. Providing additional housing units within the Township in an expedient manner. The current variances will not result in impacts to the development of the subject lands and would be indiscernible to the public.

The requested variances can be appropriate and desirable for the development on this residential lot.

Public & Agency Comments

Comments with no objection has been received from:

- Chief Building Official, Township of Clearview

In a letter dated February 2, 2024, the Township of Clearview Public Works Department provided comment requesting the following condition:

"Revised lot grading and drainage plans required for Lots 111 (229 McKenzie Drive) & 112 (231 McKenzie Drive) to demonstrate that required side yard swale will be constructed as a "shared" swale along the newly created lot line".

Please note that this request has been made a condition of Consent application 24-B01.

COMMUNICATION PLAN:

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

FINANCIAL IMPACT:

This proposal has no financial impact on the municipality.

REPORT SCHEDULES:

Schedule A: Orthophoto

Schedule B: Policy Framework

Schedule C: Site Sketch (Plan 51R-44414)

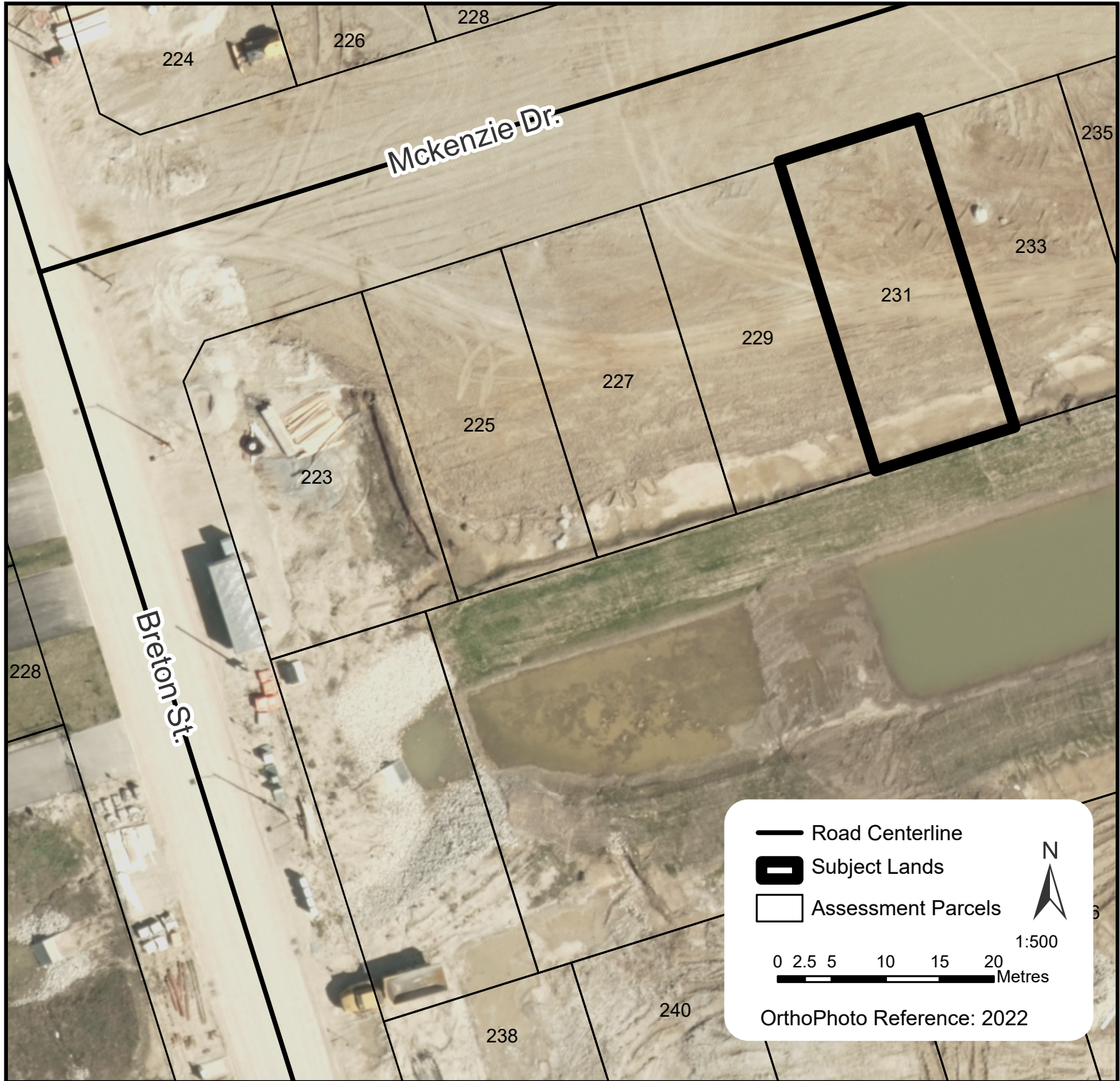
PREPARED BY:

Nick Ainley, B.U.R.Pl
Community Planner, Policy and Approvals

REVIEWED BY:

Amy Cann, M. PL., MCIP, RPP
Director of Planning & Building

Schedule 'A': OrthoPhoto



Subject Lands:

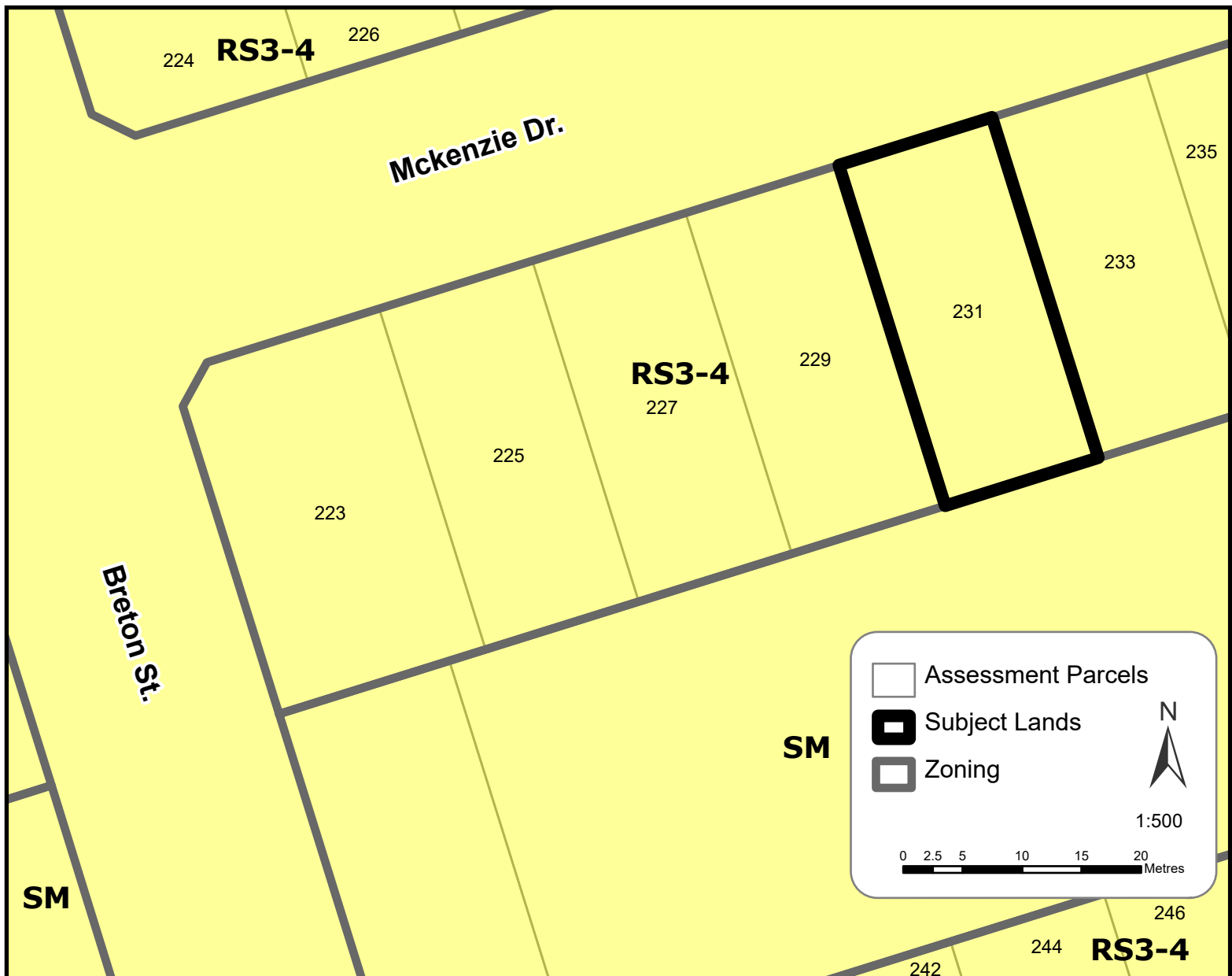
231 MCKENZIE DR
(4329-010-002-05712)

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CLEARVIEW
TOWNSHIP

Schedule 'B': Planning Policy



Zoning Code, Zoning Description

RS3-4, RESIDENTIAL
MULTIPLE LOW DENSITY
EXCEPTION 4

SM, STORMWATER
MANAGEMENT FACILITY

Official Plan Designations

 Residential

Subject Lands:

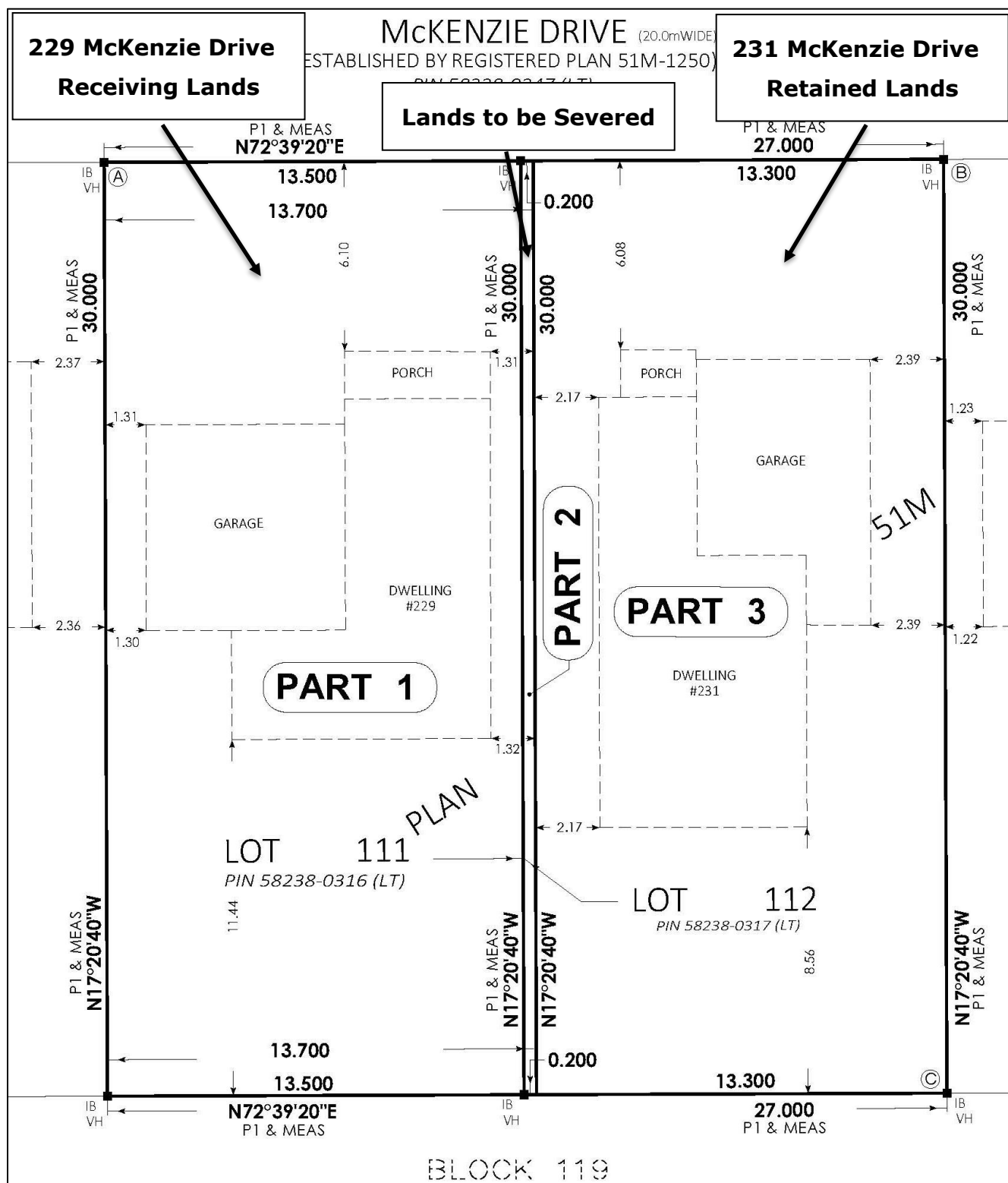
231 MCKENZIE DR
(4329-010-002-05712)

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CLEARVIEW
TOWNSHIP

Schedule 'C' – Site Sketch (Plan 51R-44414)





CLEARVIEW

COMMITTEE OF ADJUSTMENT

File Number: 24-A04 (2024-002)
Meeting Date: February 14, 2024
Report From: Nick Ainley, Community Planner
Application: Minor Variance for 9 Homestead Drive (Macdonald)

RECOMMENDATION:

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

Approves minor variance 24-A02 pertaining to lands at 9 Homestead Drive on the basis that it meets the four tests in accordance with the Planning Act.

BACKGROUND:

Subject Lands

The lands subject to the proposed variance are municipally known as 9 Homestead Drive and are situated within the Collingwoodland Plan of Subdivision located in northwest segment of the Township. The property encompasses an area of approximately 0.23 ha (0.56 acres) and is a corner lot, having approximately 41.3 m of frontage on Forest Path and approximately 44 m on Homestead Drive. The subject lands presently contain an existing single-detached dwelling.

In accordance with the Township Zoning By-law, the Forest Path frontage is formally recognized as the front lot line of the subject lands, due to it being the shortest lot line that divides the lots from a public street. This results in the southern lot line being the rear yard of the subject lands. However, the southern lot line appears and essentially functions as the interior side yard to the adjacent lands to the south (refer to Schedule 'A').

The Proposal

The applicant is proposing to construct an addition to the south (rear) and east (interior side) side of the existing single-detached dwelling. In order to proceed, the applicant is requesting approval of the following variance:

1. To provide relief from the minimum rear yard setback requirement of 10 m to 7.7 m.

Existing Policy Framework

The subject lands are designated 'Estate Residential' in the Township of Clearview Official Plan (2001) and zoned 'Residential Estate Exception Three' (RE-3) in the Township Zoning By-law (06-54, as amended).

COMMENTS AND ANALYSIS:

In accordance with the Planning Act a minor variance is to be reviewed with four tests in mind: is the proposal minor in nature; is the proposal desirable for the development and use of the lands; does the variance conform to the Official Plan; does the variance comply with the general intent and purpose of the Zoning By-law? The four tests are explored below.

Provincial Policy Statement

The Provincial Policy Statement (PPS 2020) sets out the parameters under which development is to occur within the Province. The PPS permits the development of single detached dwellings as well as additions to existing structures.

The proposal is consistent with the Provincial Policy Statement (2020) issued under the *Planning Act*.

Clearview Township Official Plan

The 2001 Township of Clearview Official Plan designates the lands 'Estate Residential'. The Estate Residential designation permits single detached dwellings. The proposed addition will be in keeping with the general size, scale and character of the homes in the surrounding area.

The proposal conforms to the Township's Official Plan.

Clearview Zoning By-law

The Applicant is requesting a 2.3 m reduction to the required rear yard setback, from 10 m to 7.7 m. The variance is being requested to permit the construction of an addition to the south and east side of the existing dwelling located on the subject lands.

The request to vary the rear yard setback maintains the general intent and purposes of the Zoning By-law. The primary intent of the rear yard setback requirement is to ensure:

- separation of uses and buildings along lot lines;
- provide for visual amenity and privacy separation between uses and properties as well as provide private amenity area on a property for enjoyment by homeowner.

In this circumstance, the lands located immediately south to the proposed addition contain an existing single-detached dwelling.

The proposed addition is of a scale that is compatible and consistent with the size the existing residential lot and that the proposed setback of 7.7 m from the southern lot line will continue to provide a sufficient level of separation from adjacent land uses and buildings. Additionally, and as indicated earlier within this report, although the southern lot line is technically the rear lot line, it appears and essentially functions more closely to an interior side yard for the

existing dwelling on the subject lands to the adjacent lands to the south. This is primarily due to the driveways and siting of dwellings on both properties being from and onto Homestead Drive (refer to Schedule 'A').

Therefore, while the current variance will technically reduce the minimum rear yard setback for the subject lands from 10 m to 7.7 m, it will appear and essentially result in the subject lands maintaining 7.7 m setback to the interior side yard of the adjacent lands to the south. It is further advised that at 7.7 m, the standard minimum interior side yard setback of the Residential Estate Exception (RE-3) Zone of 5 m is exceeded. Therefore, the proposed addition to the southern side of the existing dwelling will appear as being similar to interior side yard setback permissions of the adjacent lands of the south and be consistent with the overall siting of existing homes fronting onto Homestead Drive. The requested variances is not anticipated to impact the homeowners ability to enjoy the private amenity area of their property as the subject lands will continue to maintain a setback of approximately 14.9 m to the eastern property line, which currently and will continue to be utilized and function as the property's rear yard and private amenity area.

It is the opinion of municipal staff that the proposed 2.3 m reduction in the rear yard setback meets the general intent and purposes of the Zoning By-law.

Minor in Nature

The requested variance of 2.3 m to the required rear yard setback is minor in nature. It is considered minor as the proposed addition is not anticipated to impact or alter the privacy of adjacent lands. At a distance of 7.7 m, the proposed addition will continue to be sufficiently setback from the adjacent lands to the south. All windows and access points on the south side of the proposed addition are located on the ground floor and will continue to maintain an adequate level of separation to the southern rear lot line. The lands to the south are also currently and will continue to be buffered by existing mature vegetation. The scale of proposed addition can also be considered as compatible with the size of the existing residential lot.

The request for a reduction in the rear yard setback from 10 m to 7.7 m to permit the construction of an addition to the applicant's existing dwelling is minor in nature.

Desirable for the Development of the Lands

The applicant is requesting relief from the minimum rear yard setback requirement of 10 m to 7.7 m, in order to construct an addition to the south and east side of their existing dwelling. The proposed addition is intended to provide the Applicant with increased living space on the first floor in the form of new office space as well as a new kitchen area, including dining room and sunroom (refer to Schedule 'D'). The proposed addition is anticipated to increase the functionality and enjoyment of the Applicant's home as well as the overall assessment value of the property.

Impacts to neighboring properties are anticipated to be minimal as the proposed addition will continue to maintain a minimum setback of 7.7 m from the southern lot line. The proposed addition will also be of a similar design and character to that of the existing dwelling, and in the opinion of municipal staff the requested reduction is appropriate and desirable for the development on this residential lot.

Public & Agency Comments

The following comments have been received for the current application:

- In a letter dated, February 2, 2024, the Township of Clearview Public Works Department provided comments stating that a Lot grading and drainage plan will be required as part of a building permit submission. The private septic system should be identified to confirm there will not be any conflict with the proposed addition. Please refer to the Township's Lot Grading and Drainage Policy.
- In a letter dated February 4, 2023, the Township of Clearview Building Department provided comment indicating the following:
 1. Further to our review of the proposal I would offer the following comments for your consideration.
 2. The Building Department has not received building permit application(s) to date for the proposed development and as such a detailed analysis has not occurred with regards to the proposed building(s).
 3. A building permit will be required for proposed addition.
 4. The design will be required to be undertaken by a suitably qualified designer(s).
 5. Please note a detailed analysis has not occurred with regards to the septic system. A detailed analysis of the impacts of on the septic system will occur as part of the detailed building permit submissions in the future.
 6. The Building Department has no objection to proposed notices as presented.

COMMUNICATION PLAN:

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

FINANCIAL IMPACT:

This proposal has no financial impact on the municipality.

REPORT SCHEDULES:

- Schedule A: Orthophoto
- Schedule B: Policy Framework
- Schedule C: Site Plan
- Schedule D: Floor Plans & Elevation Drawings

PREPARED BY:

Nick Ainley, B.U.R.Pl
Community Planner, Policy and Approvals

REVIEWED BY:

Amy Cann, M. PL., MCIP, RPP
Director of Planning & Building

Schedule 'A': OrthoPhoto



Subject Lands:

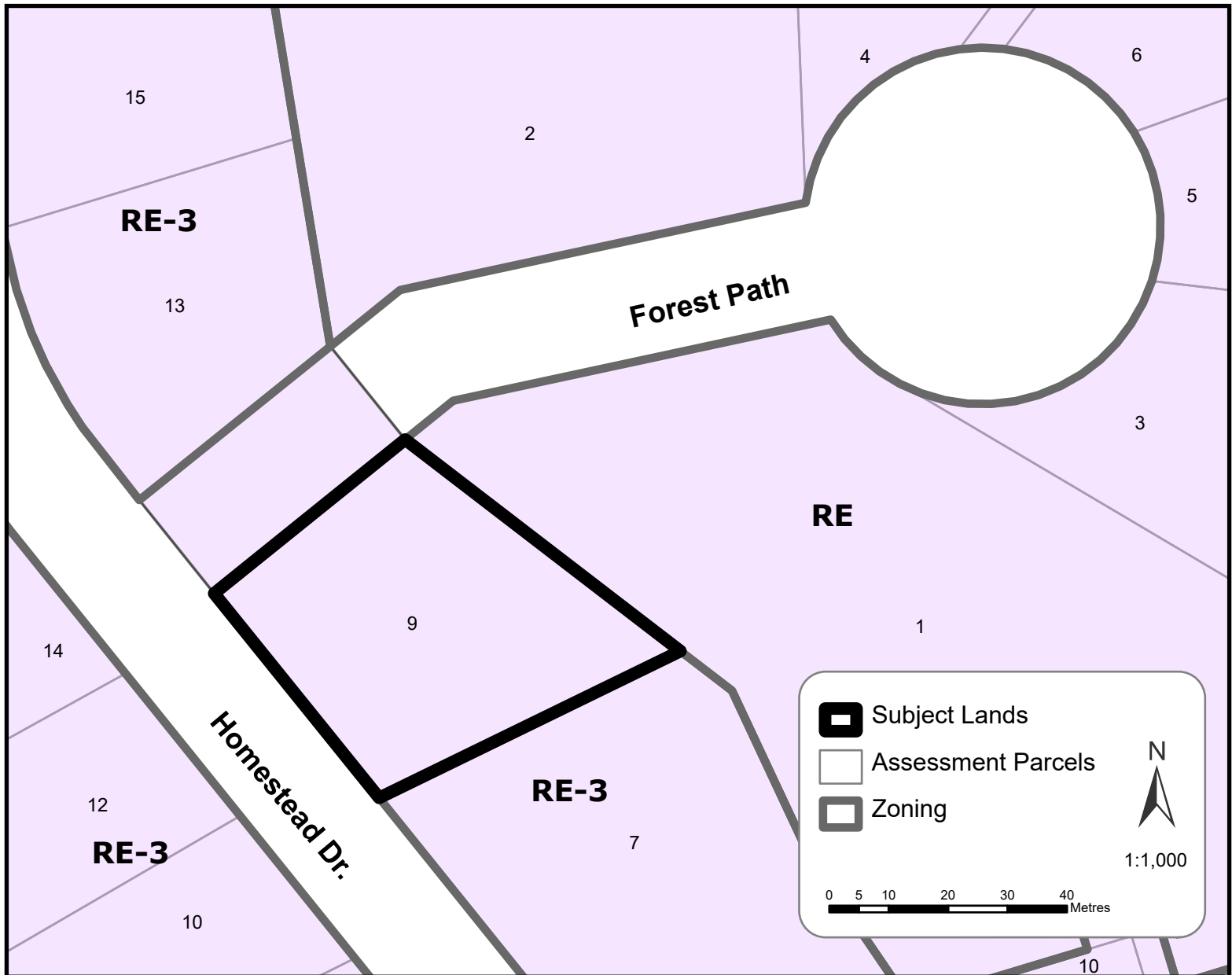
9 HOMESTEAD DR
(4329-010-012-04914)

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CLEARVIEW
TOWNSHIP

Schedule 'B': Planning Policy



Zoning Code, Zoning Description

RE, RESIDENTIAL ESTATE

RE-3, RESIDENTIAL ESTATE EXCEPTION 3

Official Plan Designations

 Estate Residential

Subject Lands:

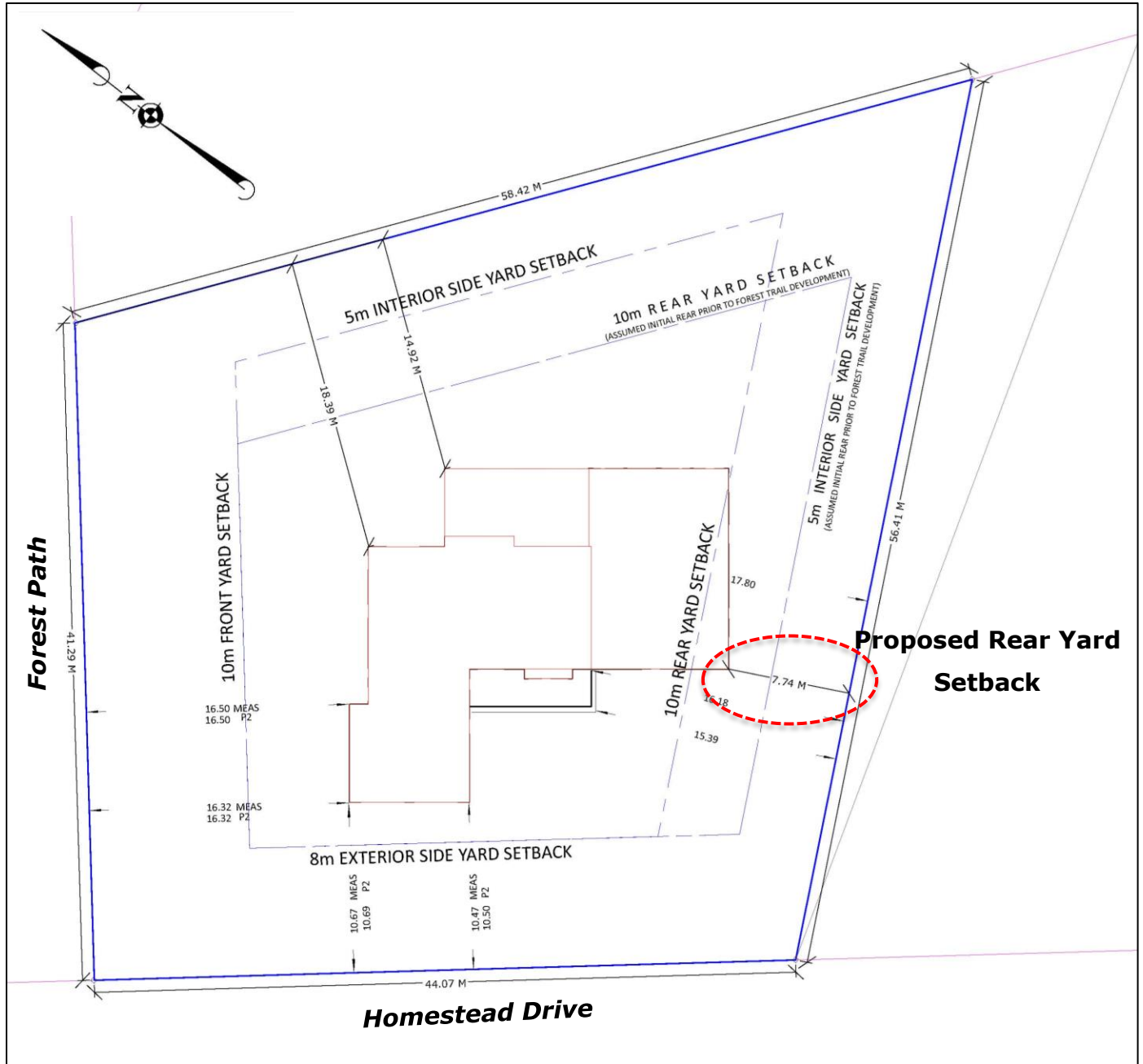
9 HOMESTEAD DR
(4329-010-012-04914)

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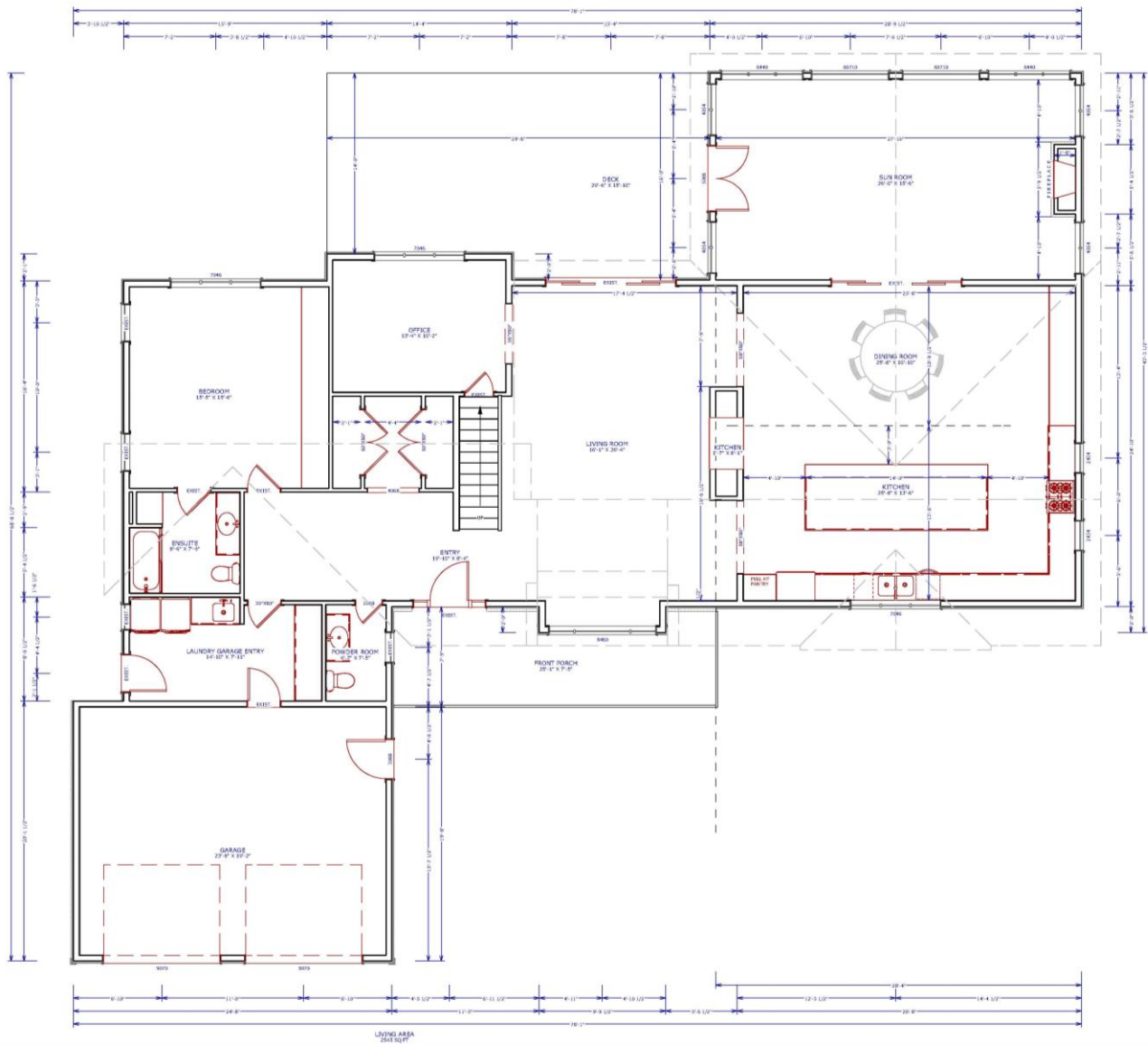


CLEARVIEW
TOWNSHIP

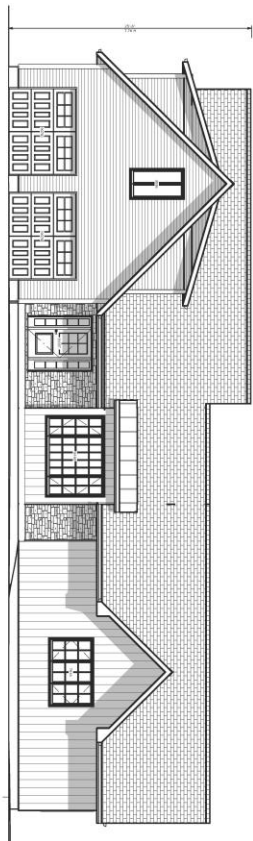
SCHEDULE C: Site Plan



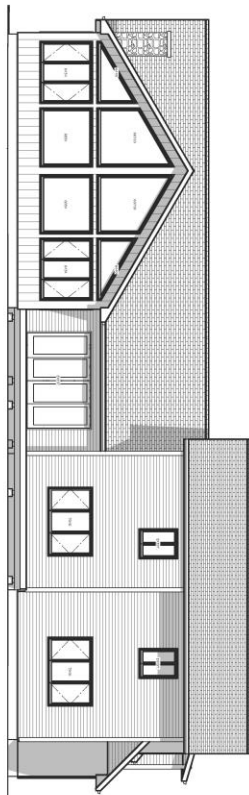
SCHEDULE D: Floor Plans & Elevation Drawings



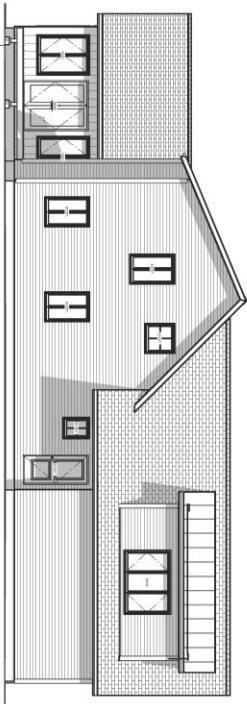
Ground Floor



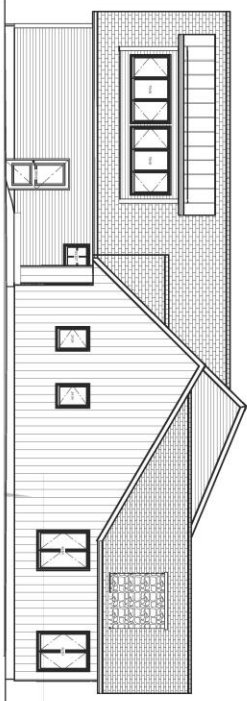
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

PROJECT

D-23-11 -
MACDONALD
TOWNSHIP OF
CLEARVIEW

CLIENT

MACDONALD
RESIDENCE

DRAWING TITLE
PROPOSED
ELEVATIONS



4-115 FIRST STREET,
SUITE 403
COLLINGWOOD, ON.
L9Y 4W3
(705) 994-3075

DATE

Tuesday, January 16,
2024

SCALE

3/32" = 1'-0"

SHEET
NO. A - 6
DRAWN
BY A.V.



CLEARVIEW

COMMITTEE OF ADJUSTMENT

File Number: 24-A03 (2024-03)
Meeting Date: February 14, 2024
Report From: Rossalyn Workman, Community Planner
Application: Minor Variance for 47 Blackburn Avenue, Nottawa (Foubert)

RECOMMENDATION:

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

Approves minor variance 24-A03 pertaining to lands at 47 Blackburn Avenue, Nottawa on the basis that it meets the four tests in accordance with the Planning Act, subject to the following conditions:

1. That a building permit be obtained to allow for the additional gross floor area in the existing detached garage to be used for storage and bathroom only, as detailed in the plan by Ron Martin dated October 3, 2023.

BACKGROUND:

Subject Lands

The property is located in the Village of Nottawa. The property is sized approximately 0.44 ha (1.11 acres) with 80 m (260 ft) of frontage on Blackburn Avenue in Nottawa. There is an existing house, detached accessory garage and pool.

A previous minor variance (2017-024 17-A05) was granted in June 14, 2017 by the Committee of Adjustment. The approval allowed the construction of a detached accessory garage having a maximum gross floor area (GFA) of 162 m² where the by-law permits a maximum gross floor area of 100 m², in addition the approval permitted an increase in the height of the building from 6 m to 7.5 m.

The subject variance is necessitated to address the garage additional gross floor area, which exceeds the GFA granted by the previous variance, and that was constructed without the benefit of a building permit.

The Proposal

The purpose of the application is to request an additional 44 m² gross floor area for an existing detached accessory garage to be added to the existing gross floor area of 162 m². This additional area would result in a new total maximum gross floor area for a detached accessory garage of 206 m². The provisions in the Residential Hamlet (RS) Zone permit a maximum gross floor area of 100 m².

Existing Policy Framework

The subject lands are designated 'Residential' in the Township of Clearview Official Plan (2001) and zoned 'Residential Hamlet' (RS) and 'Hazard Land Overlay' (FP) in the Township Zoning By-law (06-54, as amended).

COMMENTS AND ANALYSIS:

In accordance with the Planning Act a minor variance is to be reviewed with four tests in mind: is the proposal minor in nature; is the proposal desirable for the development and use of the lands; does the variance conform to the Official Plan; does the variance comply with the general intent and purpose of the Zoning By-law? The four tests are explored below.

Provincial Policy Statement

The Provincial Policy Statement (PPS) sets out the parameters under which development is to occur within the Province. The PPS prioritizes development within designated settlement areas. The PPS permits the development of single detached dwellings as well as accessory buildings, including a detached garage. The proposal is occurring in the settlement area of Nottawa, where residential development is promoted and permitted.

The proposal is consistent with the Provincial Policy Statement (2020) issued under the *Planning Act*.

Clearview Township Official Plan

The subject lands are designated 'Residential' in the 2001 Township Official Plan.

The Residential designation permits single dwellings as well as detached accessory buildings, such as garages.

The existing detached garage has been built in keeping with character of the existing house, and in keeping with the properties in the surrounding subdivision. The existing garage is intended to be used for storage, personal studio space, parking of vehicles and for recreational equipment. The request to allow for additional gross floor area within the detached garage for additional storage is in keeping and meets the intent of the residential policies.

The proposal conforms to the Township's Official Plan.

Clearview Zoning By-law

The subject lands are zoned Residential Hamlet (RS) and Hazard Land Overlay (FP) in the Township Zoning By-law (06-54, as amended).

The applicant is requesting that a variance of 106 m² additional GFA within the existing footprint of the detached garage be utilized for storage, personal studio space and parking vehicles. The original approval provided the owner an additional 62 m² GFA where the by-law requires that only 100 m² GFA be permitted for detached accessory buildings.

The request to increase the gross floor area of the proposed detached garage maintains the general intent and purposes of the Zoning By-law. The detached garage is meant to be subordinate and incidental to the house. The garage is existing, and the additional area requested would not impact the existing footprint of the building. There are no changes proposed to the existing foot print which means that the garage visually and functionally remains subordinate and incidental to the house. The garage is proposed to contain uses that are accessory to the primary residential use of the lands.

The proposal conforms to the general intent and purpose of the Township's Zoning By-law.

Minor in Nature

The increase of the gross floor area of the proposed detached garage by 106 m² is minor in nature.

It is considered minor as the footprint of the garage generally meets the 100 m² and the building footprint is not proposed to change. The variance is required to account for the GFA attributed to the second storey of the garage, which is increasing from 62 m² to include an additional 44 m². The combined total additional useable internal space will be just over double what is currently permitted, the impacts as a result of this expansion remain low, the space will be used for storage. The additional space would permit the owners an opportunity for more storage, affording an opportunity to keep the property tidy, where items left outside potentially would be come unsightly to neighbours should this area not be permitted for storage. If the space was to be used for human habitation there would be greater potential conflicts and impacts to neighbouring properties, such as noise and privacy issues.

The increase of the internal area is also minor considering that no additional detached structures will be permitted to be built on this property. The zoning provisions allow for up to a total of three buildings provided they do not go over the maximum gross floor area. Having one detached accessory building reduces the impacts to surrounding properties and ensures that the single detached dwelling remains the predominate use on the property. No additional accessory buildings will be permitted on the property, as the existing garage maximizes the available GFA.

The proposed minor variance is minor in nature.

Desirable for the Development of the Lands

This application is requesting to expand maximum gross floor area of the existing garage to permit a total of 206 m² GFA. The Zoning By-law and Official Plan allow for accessory structures to be subordinate and incidental to the primary structure. The existing detached garage is smaller than the existing dwelling, and the request to increase the useable area

inside will not impact the existing footprint of the building. The additional useable space will be used for storage.

The size of this property is 0.44 ha (1.11 acres) and the larger lot supports the existing accessory garage and does not compromise the architectural integrity of the house. The usability of the interior of the garage will increase should this request be granted, however, the garage is located on the east side of the lot, there are no houses to the east and limited land use conflicts. An existing window is located on the east side of the second floor of the garage, and since this area in the building is proposed for storage there will be limited conflicts with neighbouring properties, such as privacy. The bathroom does not have a window. See Schedule C and proposed uses of the second story.

The neighbouring properties will be minimally impacted by this request as the location of the existing garage is placed to the east of the existing house and to the east side of the lot. The existing garage design is in keeping with the design of the house, and the request is appropriate and desirable for the development on this large residential lot. Garage space is meant for storage for outdoor furniture, recreational and maintenance vehicles, storage, personal studio space as well as parking vehicles. The request to expand the useable area will afford the Owners additional space for storage.

The proposed minor variance is desirable for the appropriate development and use of the lands.

Public & Agency Comments

Comments with no objection has been received from the:

- Public Works Department
- Building Department, with a note that no human habitation is permitted.
- Nottawasaga Valley Conservation Authority, with a note that no human habitation is permitted.

Comments can be found attached to this report as Schedule 'D'.

COMMUNICATION PLAN:

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

FINANCIAL IMPACT:

This proposal has no financial impact on the municipality.

REPORT SCHEDULES:

- | | |
|-------------|-------------------|
| Schedule A: | Orthophoto |
| Schedule B: | Policy Framework |
| Schedule C: | Site Sketch |
| Schedule D: | Comments Received |

PREPARED BY:

Rossalyn Workman, MURP, MCIP, RPP
Community Planner, Policy and Approvals

REVIEWED BY:

Amy Cann, M. PL., MCIP, RPP
Director of Planning & Building

Schedule A: Orthophoto

Schedule 'A': OrthoPhoto



Subject Lands:

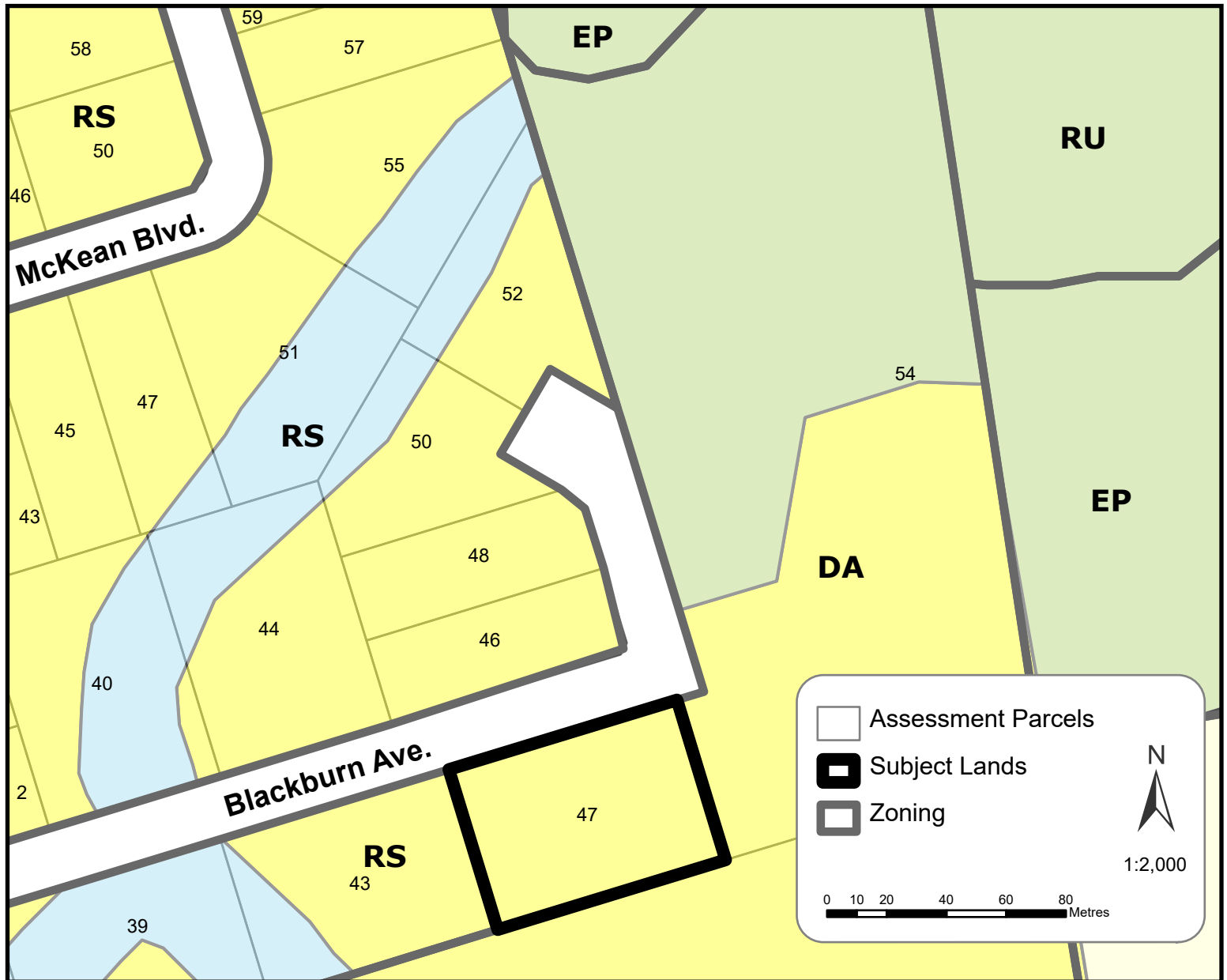
47 BLACKBURN AVE
(4329-010-006-20078)

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Schedule B: Policy Framework

Schedule 'B': Planning Policy



Zoning Code, Zoning Description

DA, DEVELOPMENT AREA
 EP, ENVIRONMENTAL PROTECTION
 RS, RESIDENTIAL HAMLET
 RU, RURAL

Official Plan Designations

Residential
 Rural
 Greenland - Hazard Land Areas
 Greenland - Natural Heritage Areas

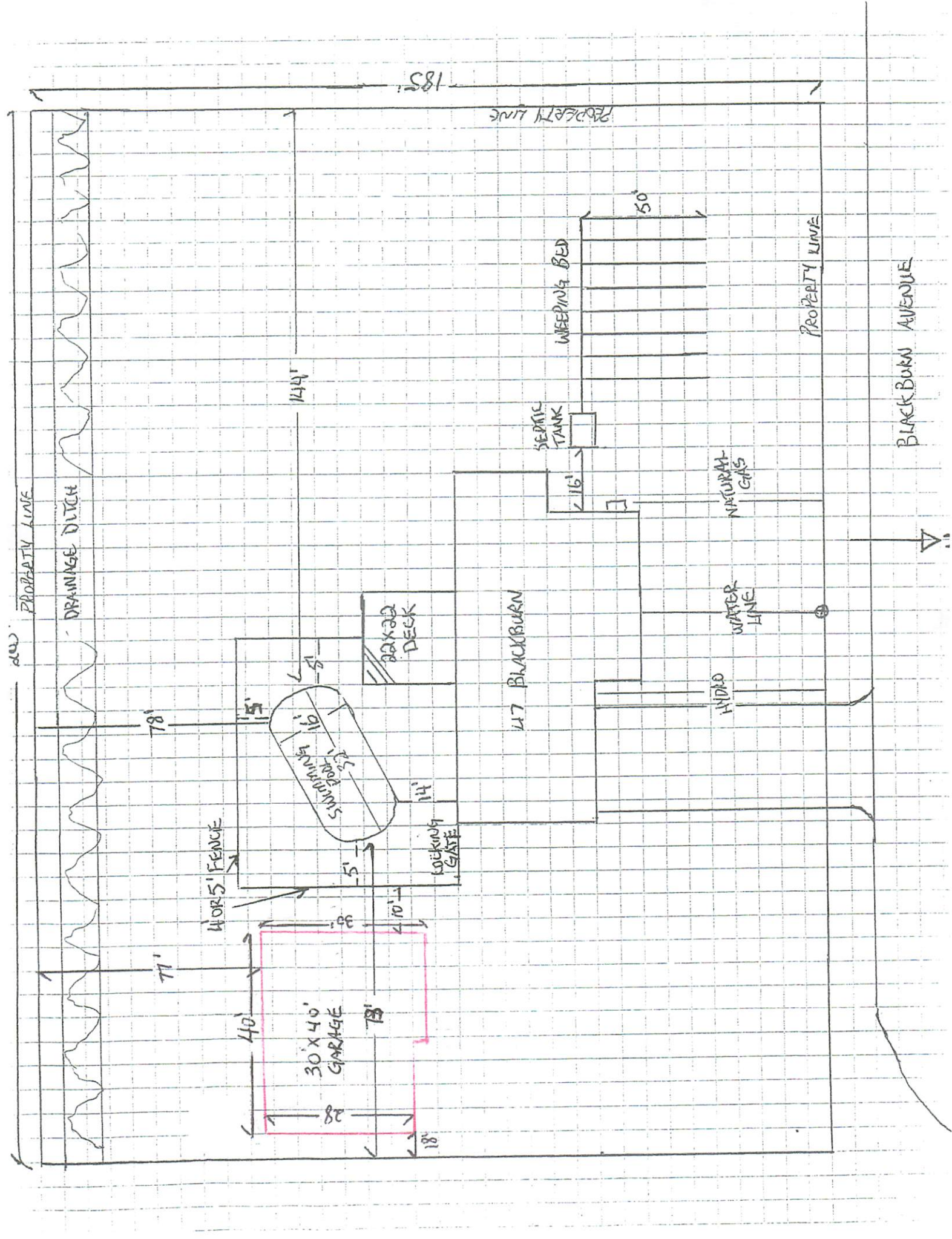
Subject Lands:

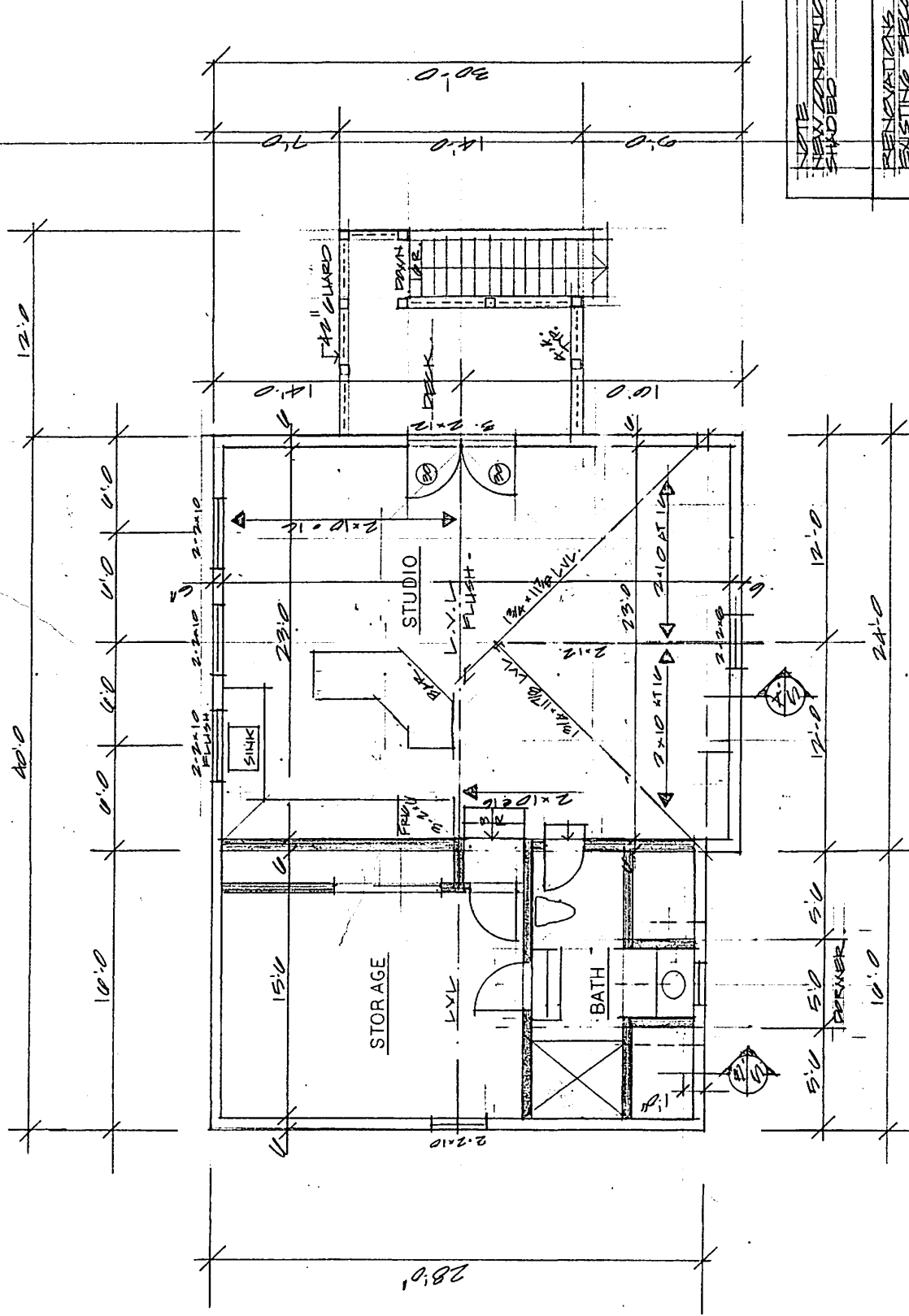
47 BLACKBURN AVE
 (4329-010-006-20078)

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Schedule C: Site Plan





NOTE NEW CONSTRUCTION SHADED	
RENOVATIONS TO FINISH EXISTING SECOND FLOOR (NOT STRUCTURAL)	
NUMBER 3/23	BY: R.M. (31433)
14'1"0"	
FLUBERT GARAGE	
SCALE: 1/8"=1'-0"	APPROVED BY: <u>BN</u>
DATE:	REVISED
SECOND FLOOR PLAN	
DRAWING NUMBER	
2	

Schedule D: Comments Received



CLEARVIEW

MEMORANDUM

DATE:	5 February 2024	Project No:	2024-001[24-B01-24-A01] 2024-002[24-A02] 2024-003[24-A03]
STATUS:	<input type="checkbox"/> Draft <input checked="" type="checkbox"/> Final <input type="checkbox"/> Confidential <input type="checkbox"/> Internal Use Only		
TO:	Planning Department	DEPT:	Planning
FROM:	Scott McLeod, Chief Building Official	DEPT:	Building Department
RE:	2024-001[24-B01-24-A01] 2024-002[24-A02] 2024-003[24-A03]		

The Building Department has reviewed the notices and based on our review the Building Department has no objection to proposed notices as presented.

2024-001[24-B01-24-A01]

1. The Building Department has reviewed the notice and based on our review the Building Department has no objection to proposed notices as presented.

2024-002[24-A02]

1. Further to our review of the proposal I would offer the following comments for your consideration.
2. The Building Department has not received building permit application(s) to date for the proposed development and as such a detailed analysis has not occurred with regards to the proposed building(s).
3. A building permit will be required for proposed addition.
4. The design will be required to be undertaken by a suitably qualified designer(s).
5. Please note a detailed analysis has not occurred with regards to the septic system. A detailed analysis of the impacts of on the septic system will occur as part of the detailed building permit submissions in the future.
6. The Building Department has no objection to proposed notices as presented.

2024-003[24-A03]

1. Further to our review of the proposal I would offer the following comments for your consideration.
2. The Building Department have received a building permit application for the conversion of the garage loft space into studio and storage space. The studio space is not permitted to be used as living space such as an accessory apartment or overnight accommodation.
3. The Building Department has no objection to proposed notices as presented.

Please do not hesitate to contact me should you require additional information regarding this matter.

Yours truly,

A Scott McLeod C.B.C.O, Dipl.M.M.,

BCIN 10151

Chief Building Official



Nottawasaga Valley
Conservation Authority

February 2, 2024

SENT BY EMAIL

Township of Clearview
217 Gideon Street,
Stayner, ON
L0M 1S0

Attn: Lori Kennedy
Building and Planning Assistant
lkennedy@clearview.ca

RE: Revised NVCA Comments for a Minor Variance Application
47 Blackburn Avenue
Township of Clearview
Town File No. 24-A03
NVCA ID #31533

Dear Staff,

Nottawasaga Valley Conservation Authority [NVCA] staff is in receipt of an application for a minor variance to legalize a 44 m² addition to the maximum gross floor area of the existing detached accessory building on the lands known as 47 Blackburn Avenue, Township of Clearview.

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 172/06. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies. Finally, NVCA has provided comments as per our Municipal Partnership and Service Agreement with the Township of Clearview and with advisory comments related to policy applicability.

Ontario Regulation 172/06

1. The NVCA mapping for the property illustrates meander erosion hazard and a flood hazard associated with a tributary of the Batteaux River, and a wetland interference hazard in the application area of the property. Due to the presence of these hazards, the subject property is entirely regulated pursuant to Ontario Regulation 172/06 the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.
2. Permits would be required from the NVCA prior to any construction or grading associated with development within the hazards on the property.
3. Should the applicant intend to make further changes to the property, staff recommend that the applicant(s) pre-consult with our Permits and Regulations Department to determine permit requirements.

Provincial Policy Statement PPS (2020)

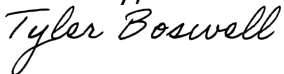
4. The PPS defines **development** to be the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.
5. This application does constitute as development as it requires approval under the Planning Act.

Natural Hazards - Regulatory Comments

6. It is noted in the permit conditions (#6) of NVCA Permit No. 2017-7001 for this property that the storage loft of the detached garage must not be used as habitable space. As is the case on this property, accessory dwelling units are not permitted in natural hazards or where there are concerns with safe access and egress on the property.
7. Based on the submitted site plan and NVCA regulatory mapping, NVCA staff would require a natural hazard study to demonstrate that the proposed development is situated outside of any regulated area and has safe access for any additional dwelling unit.
8. The illegal use is a non-compliance, please reach out to permits@nvca.on.ca to resolve the matter.
9. There are no concerns with the added additional gross floor area. This space cannot be used for habitation.

Conclusion

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the proposed minor variance and based upon our mandate and policies under the Conservation Authorities Act, we have no concerns as the application is presented. The NVCA recommends that the application be granted. Please feel free to contact the undersigned at extension 233 or tboswell@nvca.on.ca should you require any further information or clarification on any matters contained herein.

Sincerely,


Tyler Boswell
Planner



CLEARVIEW

MEMORANDUM

DATE:	2 February 2024	Project No:	2024-001 - 24-B01 & 24-A01 2024-002 - 24-A02 2024-003 - 24-A03
STATUS:	<input checked="" type="checkbox"/> Draft <input checked="" type="checkbox"/> Final <input type="checkbox"/> Confidential <input type="checkbox"/> Internal Use Only		
TO:	Secretary-Treasurer	DEPT:	Planning
FROM:	Christine Taggart	DEPT:	Public Works
RE:	Committee of Adjustment Applications 2024-001 – Consent 24-B01 & Minor Variance 24-A01 2024-002 – Minor Variance 24-A02 2024-003 – Minor Variance 24-A03		

Consent 24-B01 & Minor Variance 24-A01 – 231 McKenzie Drive

- Revised lot grading and drainage plans required for Lots 111 & 112 to demonstrate that required side yard swale will be constructed as a “shared” swale along the newly created lot line.

Minor Variance 24-A02 – 9 Homestead Drive

- A Lot grading and drainage plan will be required as part of a building permit submission. The private septic system should be identified to confirm there will not be any conflict with the proposed addition. Please refer to the Township’s Lot Grading and Drainage Policy.

Minor Variance 24-A03 – 47 Blackburn Avenue

- No concerns.

Christine Taggart
Development Implementation Technologist