



CLEARVIEW

Township of Clearview Committee of Adjustment Minutes

Meeting held in the Township of Clearview Council Chambers at the Clearview Administration Centre in Stayner on February 13, 2019 commencing at 7:00 p.m.

Members Present:

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

Staff Present:

Nick Ainley, Community Planner

1. Call to Order

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

2. Minutes

2.1 Minutes of the Committee of Adjustment meeting held on January 16, 2019.

Moved by C. Arrand

That the minutes of the Committee of Adjustment meeting held January 16, 2019 be approved as circulated.

Carried.

3. Disclosure of Pecuniary Interest

There was no disclosure of pecuniary interest.

4. Applications

Consent File No. 18-B26 & 18-B27

6572 & 6473 Highway 26 – Somerville

PROPOSED SEVERED LOT: 39.6 metres of frontage, overall 0.5 hectares vacant land.

RETAINED LOT: approximately 169 metres of frontage, overall 38 hectares with hay shed and drive shed. The retained lands are to be consolidated with 6473 Highway 26.

PROPOSED EASEMENT: total of 15 metres of frontage, overall 225 square metres.

The effect of the application is to sever a surplus dwelling lot from 6572 Highway 26 to facilitate a farm consolidation. An application for consent for an access easement for the retained lands is also being considered.

The Chairman invited the owner Wayne Somerville and Scott Somerville to the table.

The Secretary read the notice of application and advised that circulation of the application was mailed on January 29, 2019 to the applicant, appropriate agencies and property owners within 60 metres. The Secretary then summarized the comments received by the Ministry of Transportation and the Chief Building Official all having no objection to the application.

The Chairman asked Mr. Somerville if he had any questions or comments. Mr. Somerville advised that he had 3 different brokers provide an opinion regarding how he should sever the property and whether to include the buildings. He then advised that he decided to leave the barns with the farm parcel. Mr. Somerville explained that the electrical will be disconnected from the farm buildings so that the house will be self-contained on the lot. He further explained that he plans to store machinery in the first shed and the other shed requires repair, or they may decide to demolish the building.

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

The Chairman asked if Committee had any questions or comments. Member Morphet commented that he appreciates that Mr. Somerville will be fixing up the buildings. He then commented that he does not like easements for access however, understands that the Ministry of Transportation will not allow any further entrances and therefore supports the application. Mr. Somerville commented that there is approximately a 20-metre-wide entrance which will allow sufficient room for the farm equipment.

It was then;

Moved by S. Morphet

That Consent application 18-B26 be granted subject to the following conditions:

1. That the applicant meet all the requirements, financial and otherwise of the Municipality including payment of the fee of \$150.00 for each Certificate of Consent to be issued;

2. That the applicant provides a description of the land which may be registered under the requirements of the Registry Act or Land Titles Act as applicable;
3. That any mortgage on the property be discharged from any lands being severed and for any lands to be added to a lot with a mortgage, that the mortgage shall be extended onto the additional land and that the solicitor provide an undertaking in writing that this condition will be fulfilled;
4. That the applicant successfully apply to the municipality to amend the Zoning By-law to prohibit a new residential uses on the retained lands;
5. That the property subject to the farm consolidation is conveyed into the same name as the owner of abutting land to the South being assessed as Roll No. 432904000308900 and 432904000309100 (1034 $\frac{3}{4}$ Sideroad and 6473 Highway 26) and that the solicitor provide an undertaking in writing that this condition will be fulfilled; and
6. That the applicant apply to the Ministry of Transportation to obtain an Entrance Permit to reflect the mutual entrance that is being created for the severed and remnant parcel.

It was then;

Moved by C. Arrand

That Consent application 18-B27 be granted subject to the following conditions:

1. That the applicant meet all the requirements, financial and otherwise of the Municipality including payment of the fee of \$150.00 for each Certificate of Consent to be issued;
2. That the applicant provides a description of the land which may be registered under the requirements of the Registry Act or Land Titles Act as applicable;
3. That any mortgage on the property to be discharged from the proposed easement; and;
4. That the Lawyer provide an undertaking that the easement will be registered after the registration of a the severed parcel from File 18-026, 2018-075, but that it be applied to both the severed and remnant parcel; and
5. That the applicant apply to the Ministry of Transportation to obtain an Entrance Permit to reflect the mutual entrance that is being created for the severed and remnant parcel.

REASON FOR DECISION

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

Carried.

Consent File No. 18-B28

3197 & 3255 County Road 124 – Kelly

PROPOSED SEVERED LOT: 50 metres of frontage, overall 1.09-hectare vacant land.

RETAINED LOT: approximately 256 metres of frontage on County Road 124, overall 40 hectares with barn. The retained lands are to be consolidated with 3255 County Road 124.

The effect of the application is to sever a surplus dwelling lot from 3197 County Road 124 to facilitate a farm consolidation.

The Chairman invited the agent acting on behalf of the owner, Barry Manchester, to the table.

The Secretary read the notice of application and advised that circulation of the application was mailed on January 29, 2019 to the applicant, appropriate agencies and property owners within 60 metres. The Secretary then summarized the comments received by the Nottawasaga Valley Conservation Authority, County of Simcoe, Enbridge and the Chief Building Official all having no objection to the application. The Secretary advised that letters of concern were received from Malcom and Megan Cole and Martha and John Redick in regard to the possible removal of the wooded area located along the southeastern portions of the subject lands.

The Chairman asked Mr. Manchester if he had any questions or comments, he had none.

The Chairman asked if there was anyone in attendance that wished to provide comment on the application.

Mr. John Redick and Mrs. Martha Redick advised that they have lived on a 5-acre parcel of land to the east of the subject property for 18 years. They explained that they are concerned that if there is any change to the woodlot area of the subject property, it could impact their well by either by drying up the well or pesticides could contaminate their drinking water.

The Chairman asked if Committee had any questions or comments. Member Fantin commented that he agrees with the Redick's and Malcom's concerns however, the Nottawasaga Valley Conservation Authority (NVCA) provided comment that they had no concerns. Mr. Redick commented that this owner went ahead and bulldozed a property north of this area without any approvals and is concerned it could happen again. Mr. Manchester advised that his client is fully aware that there are approvals

required from the County of Simcoe and the NVCA before any works within the woodlot.

The Chair asked if the owner intends to expand the agricultural area of the property. Mr. Manchester advised that his client would like to expand the agricultural production as much as possible and will obtain the proper approvals required to do so. Member Fantin commented that he would like to see a large portion of the woodlot maintained as is.

Member Christie asked for clarification on the process at the NVCA. Mr. Ainley advised that the process would be between the owner and the NVCA as well as the County of Simcoe.

Discussion ensued between Member Morphet and Mr. Reddick regarding the agricultural permissions. Member Morphet explained that regardless of the consent application, the owner could still move forward to expand his agricultural production on the property.

Mrs. Redick asked if it is possible to have the woodlot zoned as Environmental Protection (EP). Mr. Ainley advised that Council has the ability to apply the EP zoning through the rezoning process. He explained that at the Zoning By-law Amendment public meeting it was discussed to include an EP zoning however, Council approved the zoning without applying the EP.

Mr. Christie asked Mr. Manchester what the owners plans are for the wooded area. Mr. Manchester advised that he only knows that his client plans to expand the farm but does not know to what extent.

Mr. Redick asked what the difference is between woodlot and woodlot/hazard. Mr. Ainley explained that the property is zoned Agricultural and that the Official Plan designation shows portions of the subject lands as Greenland Hazard Land Areas. He further explained that there is a hazard land overlay identifying the significance of that area which is regulated by the NVCA.

Mrs. Redick asked if they could approach Council and request a change to EP. Mr. Ainley answered that they could. He further explained that Council would have to direct staff to review and determine which portions could be rezoned to EP and this would likely require studies.

The Chair commented that he appreciates Mr. and Mrs. Redick's concerns however, Committee must consider the application as the farming consolidation.

Member Fentin asked what would occur if the real estate deal falls through. Mrs. Taggart explained that it is a conditional approval that is given and the applicant must fulfil the conditions, one being an undertaking from the lawyer that the lands be consolidated under one pin, before a certificate of consent can be issued.

It was then;

Moved by C. Arrand

That Consent application 18-B28 be granted subject to the following conditions:

1. That the applicant meet all the requirements, financial and otherwise of the Municipality including payment of the fee of \$150.00 for each Certificate of Consent to be issued;
2. That the applicant provides a description of the land which may be registered under the requirements of the Registry Act or Land Titles Act as applicable;
3. That the applicant successfully apply to the municipality to amend the Zoning By-law to prohibit a new residential use on the retained lands and prohibit livestock uses on the portion of the retained lands containing the existing barn structure;
4. That the applicant meet all of the requirements of the Simcoe County Transportation Department as specified in their email dated December 6, 2018.
5. That the property subject to the farm consolidation is conveyed into the same name as the owner of abutting land to the North being assessed as Roll No. 432901000813800 (3255 County Road 124) and that the solicitor provide an undertaking in writing that this condition will be fulfilled as well as merging the pin numbers to have only one pin number for the new parcel;
6. That any mortgage on the property be discharged from any lands being retained and that the solicitor provide an undertaking in writing that this condition will be fulfilled.

REASON FOR DECISION

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

Carried.

5. New Business

6. Next Meeting

Tentatively scheduled for Wednesday, March 13, 2019.

7. Adjournment

There being no further business, the Chairman adjourned the meeting at 7:50pm.



Dave Rowell, Chair



Christine Taggart, Secretary-Treasurer