



Township of Clearview Committee of Adjustment Minutes

Meeting held via Zoom and broadcast on YouTube on September 8, 2021 commencing at 7:00 p.m.

Members Present:

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

Staff Present:

Rossalyn Workman

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 July 14, 2021.

Moved by D. Rowell

That the minutes of the Committee of Adjustment meeting held July 14, 2021 be approved as circulated.

Carried.

3. Disclosure of Pecuniary Interest

There was no disclosure of pecuniary interest.

4. Applications

Minor Variance 21-A21

12042 County Road 10 – Byl

PROPOSED MINOR VARIANCE: To request relief from Section 2.6.3 to permit a swimming pool to be located closer to the front lot line than the front wall of the primary building.

The effect of the application is to allow for the installation of an above ground pool on the subject lands.

The Chairman welcomed the owner, Paul Byl, to the meeting.

The Secretary read the notice of application and advised that circulation of the application was mailed on August 24, 2021 to the applicant, appropriate agencies and property owners within 60 metres. The Secretary advised that comments were received from the Chief Building Official, having no concerns or objection to the application.

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

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

It was then;

Moved by B. Burton

That minor variance 21-A21 be granted as applied for with the following condition:

- The swimming pool is permitted to be located closer to the front line than the front wall of the primary building.

Reasons:

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

Committee concurred in a decision to grant the minor variance as requested in the application known as File No. 21-A21.

Carried.

Minor Variance 21-A20

236 Sunnidale Street – Freeman

The Secretary-Treasurer advised that staff received a letter from the applicants requesting an amendment to condition 3 of their minor variance approval. She then read the letter which requested that they be permitted to maintain the existing shed until occupancy is received on the new detached accessory building and be given 30 days from occupancy to remove the existing shed.

The Chairman asked Member Burton if he had any concerns with the request, as he had originally motioned to approve the minor variance. Member Burton answered that he had no concerns and would support the change of the condition.

The Chairman asked the other Committee Members if they had any comments, they had none.

It was then;

Moved by: B. Burton

That Condition 3 of Minor Variance 21-A20 approval be amended to read: The applicant is required to apply for a demolition permit at the same time as they apply for the new accessory building permit and that the existing shed is to be removed within 30 days of receiving occupancy on the new accessory building. The applicant is also required to provide an undertaking in writing that this condition will be fulfilled and submitted as part of their building permit application submission.

Carried.

Consent File 21-B06 & 21-B07

1918 Concession 8 South – Warwick

The purpose of the application is to sever a portion of lands from 90B South Road and 1918 Concession 8 South to be added to 1930 Concession 8 South. An application for an access easement block of 15 metres by 50 metres over a stream crossing is also being considered.

PROPOSED SEVERED PARCEL: 75 metres of frontage, overall 12.77 (31.5 acres) vacant land.

RETAINED PARCEL: approximately 149 metres of frontage, overall 16.15 hectares (40 acres) with dwelling.

The receiving lands (1930 Concession 8 S) will have a resulting 151 metres of frontage on Concession 8 South overall, 13.7 hectares (33.8 acres) with dwelling.

The Chairman welcomed the agent, Gord Russell, and the owners, Douglas Warwick and Shanthy Weerasekera to the meeting.

The Secretary advised that the original Public Hearing notice was not circulated to the residents within the Condominium Corporation lands which abut the Devil's Glen Country Club. She explained that the system used by the Township's GIS Technician does not have mailing addresses for the condominium lands as the tax bills are mailed to the Devil's Glen Country Club. When staff became aware of this, the Public Hearing notice was then provided to the Condominium Corporation. The Secretary summarized new comments received by Simcoe Condominium Corporation #18

(Scott Crichton), Beth Evans, Greg Hemphill, Margaret Atkinson, Jason McDermott, Michael & Maureen Hagarty, Jennifer Ferguson and Paul Henry. The Secretary advised that an email was received by the applicant, Gord Russell, including revised sketch plans illustrating the desired lot configuration outlined in recommended Condition No. 1 of the Planning Addendum Report dated September 8, 2021. She then read the comment received by the Niagara Escarpment Commission. The Secretary then read the addendum report recommendation from the Planning Department.

The Chairman asked Ms. Workman if she had any comments and asked for confirmation that there was one change to condition 3 which is deleting the portion that would allow the use of the driveway that accesses south road. Ms. Workman answered yes and that after comments received by the Condominium Corporation, they only preferred the easement be over the bridge access and not to allow access to South Road. Ms. Workman also confirmed that condition 6 should read a portion of 1918 Concession 8, as they are not severing the entire parcel, which was discussed at the last meeting.

The Chairman asked Mr. Russell if he had any comments. Mr. Russell advised that a new Niagara Escarpment Commission Development permit is required based on the new configuration. He then advised that they had discussions with members of the Condominium Corporation which allowed them to achieve what the Township has recommended in terms of the new lot configuration. Mr. Russell then asked Committee if they will accept the new lot configuration and asked if staff is in agreement as well. The Chairman explained to Mr. Russell that staff is recommending the lot configuration and Committee will listen to his comments first and then decide on the new lot configuration. Mr. Russell stated that they concur with the recommendation of Staff's report dated September 8th and wanted to ensure that the correct address should be 90B South Road. He then commented that condition 1 would be fulfilled if Committee agrees to the new lot configuration and requested that it be removed. Mr. Russell then requested Committee to allow an extension of the one-year requirement to complete conditions if needed or if they are required to reapply, he asked Committee to waive any fees.

The Chairman spoke to new legislation that has only received royal assent with regard to an extension for completing conditions however, there is no indication as to when this will occur or if it will be retroactive. The Chairman then advised that the Committee does not have the ability to waive application fees and that the request would have to be made to the Council of the Township of Clearview.

The Chairman asked the Committee members if they had any comments or questions. Member Rowell asked Mr. Warwick if they have ever considered developing the road from Concession 8. Mr. Warwick advised that due to the elevations of the property, they could make a road that may work well in the summer, but it would be a difficult road in the winter. He advised that they did have an estimate done about

8 years ago but it did not guarantee that it would be safe in the winter. He advised that they have a good relationship with the Condominium Corporation and are members of the Club and have a road license to access South Road. He advised that it would be an engineering feat to build the road from Concession 8 and would prefer not to do that. Member Rowell asked if they have about 20 years left of their agreement. Mr. Warwick advised they have 18 years left. Member Rowell asked if the agreement is revokable by either party or can it be cancelled at any time for any reason. Mr. Warwick answered that they would have to be very unreasonable neighbours to have it revoked and believe they will have the agreement for a long time. Ms. Shanthy commented that many members have road access agreements.

The Chairman asked Committee if there were any further comments, there were none. He then asked Committee if they had any amendments to the recommendation from staff. Member Rowell advised that he would like to leave the recommendation as it stands and not remove condition one as requested by the applicant.

It was then;

Moved by: D. Rowell

That consent application 21-B06 be granted subject to the following conditions:

1. That the full length of the portion of land that is 13.9 m wide extending west toward and abutting South Road, be removed from the property to be severed, and that the longer rear lot line be extended perpendicular to the side lot lines to be approximately 151.4 m which is the entire width of the newly created lot, such that the lot is rectangular once merged with 1930 Concession 8 South.
2. That the applicant meet all requirements, financial and otherwise of the Municipality including payment of the fee of \$150.00 for each Certificate of Consent to be issued.
3. 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.
4. That any mortgage on the property be discharged from any lands being severed and that the solicitor provide an undertaking in writing that his condition will be fulfilled.
5. That the applicant successfully apply, if required, to revise the approved development permit, Niagara Escarpment Development Permit No. 11965/S/R/2019-2020/9187 dated February 21, 2021, to reflect, the recommendations to remove the full length of the port of the land that is 13.9 m wide extending west toward and abutting South Road and that the

- longer rear lot line be extended perpendicular to the side lot lines to be approximately 151.4 m which is the entire width of the newly created lot, such that the lot is rectangular once merged with 1930 Concession 8 South.
6. That a portion of the property known as 1918 Concession 8 South be merged, including the merging of pin numbers, with the property known as 1930 Concession 8 South.
 7. That a one foot square from Lot B (1930 Concession 8 South) is conveyed to the Township of Clearview road allowance to facilitate the merging of the lands 1918 Concession 8 South 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 reconfigured parcel, should it be required.
 8. That an entrance permit be obtained from the Township of Clearview Public Works Department for Lot A (90B South Road), and that one of the entrances be closed on Lot B (1930 Concession 8 South) to the Township's satisfaction.
 9. That the conditions of 21-B07 (easement) must be fulfilled once the conditions of 21-B06 (lot addition) are completed.

REASON FOR DECISION

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

Carried.

It was then;

Moved by: D. Rowell

That consent application 21-B07 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 lands which may be registered under the requirements of the Registry Act or Land Titles Act as applicable;
3. That the solicitor provide an undertaking confirming that the easement which will be a 15 m x 50 m rectangle will be registered in favour of allowing access for the owners of the newly created Lot B, which is the lands located to the south of the lands that will be conveying the easement.

4. That the conditions of 21-B06 (lot addition) must be fulfilled prior to the conditions of 21-B07 (easement) being completed.

REASON FOR DECISION

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

Carried.

5. New Business

No new business.

7. Next Meeting

Tentatively scheduled for Wednesday, October 13, 2021.

8. Adjournment

There being no further business, the Chairman adjourned the meeting at 7:37 pm.

Shawn Davidson

[Shawn Davidson \(Nov 11, 2021 12:10 EST\)](#)

Shawn Davidson, Chair

Christine Taggart

[Christine Taggart \(Nov 11, 2021 12:26 EST\)](#)

Christine Taggart, Secretary-Treasurer