

ISSUE DATE:

**February 25, 2013**



PL100867

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Austin Boake  
Appellant: Suzanne Steeves  
Appellant: Paul Vorstermans  
Subject: By-law No. 10-50  
Municipality: Township of Clearview  
OMB Case No.: PL100867  
OMB File No.: PL100867

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Austin Boake  
Appellant: Paul Vorstermans  
Subject: Proposed Official Plan Amendment No. OPA #9  
Municipality: Township of Clearview  
OMB Case No.: PL100867  
OMB File No.: PL101264

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Austin Boake  
Appellant: Rosie & Roy Symes  
Appellant: Paul Vorstermans  
Subject: By-law No. 11-30  
Municipality: Township of Clearview  
Municipal File No.: ZB 2011-004  
OMB Case No.: PL110462  
OMB File No.: PL110462

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants: Austin and Christine Boake  
Appellant: Paul Vorstermans  
Subject: Proposed Official Plan Amendment No. OPA #11  
Municipality: Township of Clearview  
OMB Case No.: PL110660  
OMB File No.: PL110660

**APPEARANCES:**

**Parties**

**Counsel**

Creemore Spring Breweries  
Limited

Marshall Green

Township of Clearview

Arianna Pilkington

County of Simcoe

Marshall Green

Christine and Austin Boake

Paul Vorstermans

**MEMORANDUM OF ORAL DECISION DELIVERED BY SYLVIA SUTHERLAND  
ON JANUARY 23, 2013 AND ORDER OF THE BOARD**

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**BACKGROUND**

[1] In a decision issued on April 5, 2012, the Board withheld its order allowing the appeals in part of Creemore Spring Brewery Limited (“Brewery”) and approving Amendment No. 9 (“OPA 9”) and Amendment No. 11 (“OPA11”) to the Official Plan of the Township of Clearview (“Township”), as well as the amendment of Zoning By-law (“ZBL”) 06-54, until being advised by the Township that the Final Site Plan was in a form acceptable to the Township, and was in substantial conformity with the Draft Site Plan, attached as Schedule C to the Minutes of Settlement, or is in a form acceptable to the Township, even though it may not be in substantial conformity with the Draft Site Plan attached a Schedule E, but with which the parties agree is otherwise acceptable. The purpose of the above was to allow for the expansion of the Brewery.

[2] The purpose of the current hearing was to hear evidence leading to the release of the Board’s Order.

**EVIDENCE**

[3] At the hearing, James Dymont gave expert land use planning evidence and opinion in support of the proposed expansion of the Brewery in downtown Creemore

through the policies of Official Plan Amendment 9 (“OPA 9”) and Official Plan Amendment 11 (“OPA 11”) and ZBL 11-30, as revised and supported by all parties to the appeal. The revised documents are to be found in Mr. Dyment`s affidavit (Exhibit 1).

[4] The site plan has been modified on many occasions, and the copy of the plan found in Mr. Dyment`s affidavit, and Mr. Dyment has been advised that upon approval of the OPAs and ZBL that are the subject of this hearing, the Township is prepared to give final approve to the Site Plan. Austin and Christine Boake and Paul Vorstermans told the Board that they have no objections to the site plan before the Board in Exhibit 1.

[5] Mr. Dyment outlined the salient factors of OPAs 9 and 11 and ZBL 11-30 stating that effect of these three instruments is to ensure that the development of the Brewery is compatible with the neighbouring land uses and the historic character of downtown Creemore. In his opinion, they are consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. He further stated that the expansion of the Brewery is in conformity with County of Simcoe Official Plan and the Official Plan of the Township of Creemore.

[6] It was his opinion that approval of the OPA 9, OPA 11 and ZBL 11-30 represents good planning for the subject lands and the Township, and is in the public interest.

### **DISPOSITION AND ORDER**

[7] Having heard the expert opinion of Mr. Dyment and the consent of the other parties to the revised documents, the Board orders that the appeals are allowed in part and Amendment 9 and Amendment 11 to the Official Plan of the Township of Clearview as set out in Exhibit 1 are approved.

[8] The Board further orders that Zoning By-law 06-54 is amended as set out in Attachment 1 to this Order.

“Sylvia Sutherland”

SYLVIA SUTHERLAND  
MEMBER

ATTACHMENT 1

ATTACHMENT "1"

Exhibit 4 to  
Affidavit of James Dyment  
PL00867

**THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW  
ZONING BY-LAW NO.**

Being a By-law to amend zoning By-law 06-54 which is cited as the "Township of Clearview Comprehensive Zoning By-law".

**WHEREAS** the Council of the Corporation of the Township of Clearview deems it necessary, in the public interest to pass a by-law to amend By-law No. 06-54;

**AND WHEREAS** authority is granted under Section 34 of the Planning Act to enact this By-law;

**NOW THEREFORE** the Council of the Corporation of the Township of Clearview enacts as follows:

1. That Schedule B15 to By-law 06-54 is hereby amended by changing the zoning on land located on Lots 13,14,15, 16, Lot 17 N/S of Edward Street, Plan 315, Lot 13 and 14, Plan 88, formerly in the Village of Creemore (121, 127 and 131 Mill Street, 3 and 5 Elizabeth Street East and 6 and 8 Edwards Street East) now in the Township of Clearview from Prestige Industrial (MP) Zone, Residential Medium Density (RS4) Zone, and Residential Low Density (RS2) Zone to Downtown Commercial/Industrial (CM) Zone and as shown on Schedule "1" which is attached hereto and forms part of the By-Law.
2. By-law 06-54 is hereby amended by adding the following section within Section 3 Zones and Zone Provisions, 3.45 and entitled Downtown Commercial Industrial (CM) Zone.

Lands within the Downtown Commercial/Industrial (CM) Zone shall only be used in accordance with the following provisions:

3.45.1 PERMITTED USES

PRIMARY USES:

- All permitted uses of Section 3.23.1 General Commercial (C1); and,
- Brewery (only permitted in primary building)

ACCESSORY USES:

- Accessory outdoor display and sales;
- Accessory Buildings, limited to permitted uses of Section 3.23.1 General Commercial (C1) Zone;
- Staff or public amenity area; and,
- Staff or public parking area.

3.45.2 ZONE PROVISIONS

Notwithstanding the any other provisions of this by-law the following special provisions shall apply:

1. Minimum Lot Area	9000 m2
2. Minimum Lot Frontage	80 m
3. Minimum Front Yard	0 m
4. Maximum Front Yard	2 m (applies to buildings not structures)
5. Minimum Rear Yard	0 m unless adjoining a Residential Zone where the minimum setback shall be 5 m
6. Minimum Interior Side Yard	0 m unless adjoining a Residential Zone where the minimum setback shall be 4m
7. Minimum Number of Stories	2, of which the second story gross floor area shall be no less than 20% of the gross floor area of the first story
8. Minimum Exterior Side Yard	0 m
9. Maximum Lot Coverage	65%
10. Maximum Height of Principal Buildings	14 m
11. Maximum Height of Accessory Buildings	10 m
12. Maximum Limit of Accessory Buildings	No Limit
13. Maximum Height of Exhaust Stacks	15 m
14. Total number of parking spaces	60
15. Parking stall minimum widths	2.7
16. Minimum landscape screen between parking spaces on subject property and residential or commercial zoned property	4.0 m
17. Minimum landscaping screen between parking area and Edward Street	4.0 m

18. No Snow Storage will be provided on site	
19. Total number of barrier free parking spaces	4
20. Minimum Loading Space separation from a lot line of a residential use	24.0 m
21. Landscaping for parking and loading may be provided outside of the interior parking area on the same lot.	
22. Notwithstanding any other requirements a 1.8 metre solid wood fence shall be provided along eastern property line, terminating 4m back from Edward Street, terminating 2.4m back from Elizabeth Street	

All other provisions of the comprehensive zoning by-law not contrary to the above special provisions shall apply.

3. A new definition is added to Section 4 as follow:

**Brewery**

Means buildings and structures devoted to the manufacture, bottling, storage and accessory sales of beer.

4. That all other provisions of By-law 06-54, as amended, which are not inconsistent with the provisions of this By-law, shall continue to apply.
5. This By-law shall come into force on the day of passage by Council subject to the provisions of the Planning Act.

**BY-LAW NUMBER      READ A FIRST, SECOND, AND THIRD TIME AND FINALLY  
PASSED THIS      DAY OF**

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**Ken Ferguson, Mayor**

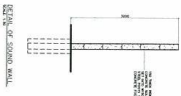
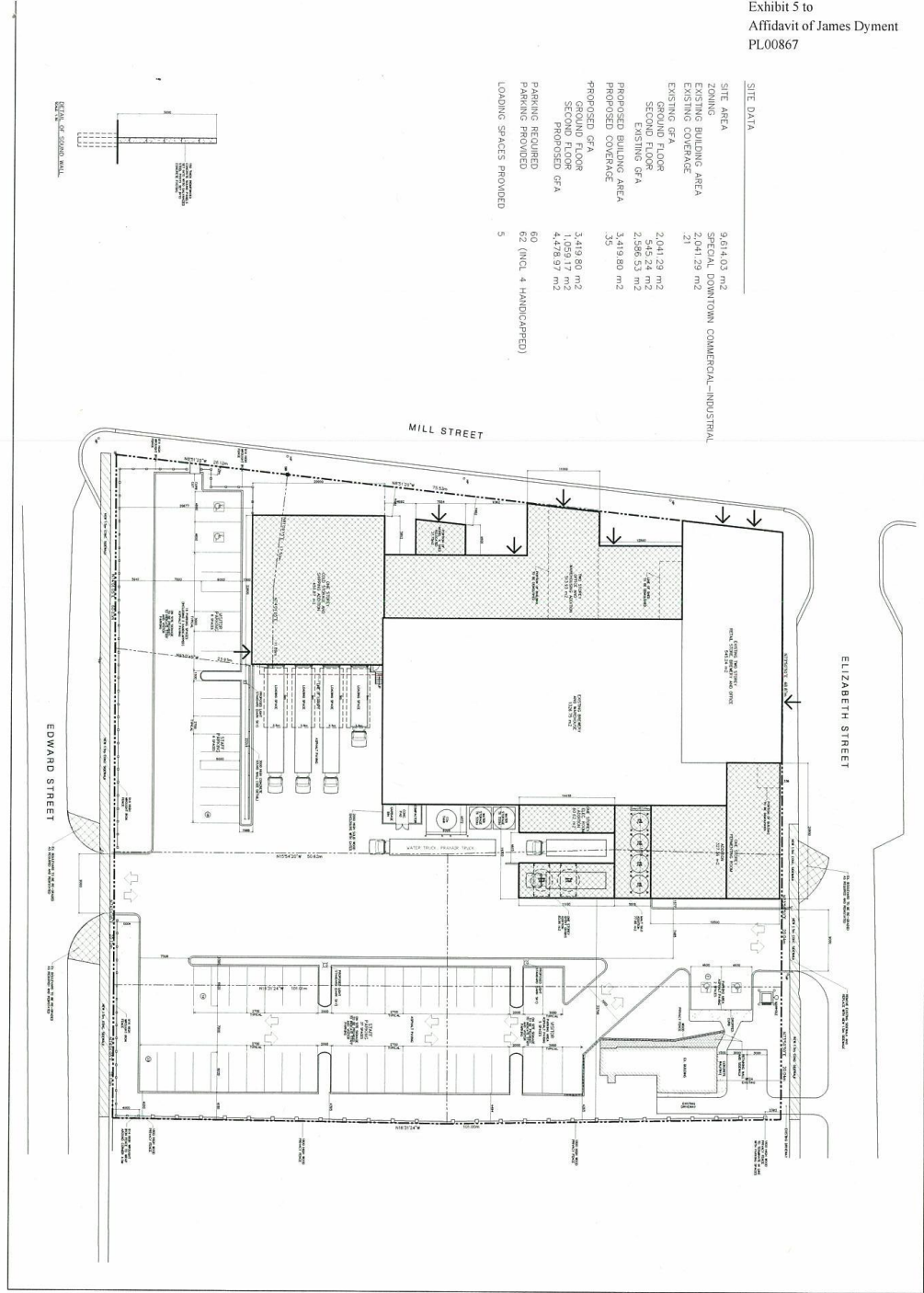
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**Robert Campbell, Clerk**

Exhibit 5 to  
Affidavit of James Dymont  
PL00867

**SITE DATA**

SITE AREA	9,614.03 m <sup>2</sup>
ZONING	SPECIAL DOWNTOWN COMMERCIAL—INDUSTRIAL
EXISTING BUILDING AREA	2,041.29 m <sup>2</sup>
EXISTING COVERAGE	21
EXISTING GFA	2,041.29 m <sup>2</sup>
PROPOSED BUILDING AREA	5,455.53 m <sup>2</sup>
PROPOSED COVERAGE	57
PROPOSED GFA	3,419.80 m <sup>2</sup>
GROUND FLOOR	3,419.80 m <sup>2</sup>
SECOND FLOOR	0.00 m <sup>2</sup>
PROPOSED GFA	4,978.97 m <sup>2</sup>
PARKING REQUIRED	60
PARKING PROVIDED	62 (INCL. 4 HANDICAPPED)
LOADING SPACES PROVIDED	5



**REVISIONS**

NO.	DATE	DESCRIPTION
01	12/15/2010	ISSUED FOR PERMIT
02	01/20/2011	REVISIONS TO PERMIT
03	02/10/2011	REVISIONS TO PERMIT
04	03/01/2011	REVISIONS TO PERMIT
05	03/15/2011	REVISIONS TO PERMIT
06	04/01/2011	REVISIONS TO PERMIT
07	04/15/2011	REVISIONS TO PERMIT
08	05/01/2011	REVISIONS TO PERMIT
09	05/15/2011	REVISIONS TO PERMIT
10	06/01/2011	REVISIONS TO PERMIT
11	06/15/2011	REVISIONS TO PERMIT
12	07/01/2011	REVISIONS TO PERMIT
13	07/15/2011	REVISIONS TO PERMIT
14	08/01/2011	REVISIONS TO PERMIT
15	08/15/2011	REVISIONS TO PERMIT
16	09/01/2011	REVISIONS TO PERMIT
17	09/15/2011	REVISIONS TO PERMIT
18	10/01/2011	REVISIONS TO PERMIT
19	10/15/2011	REVISIONS TO PERMIT
20	11/01/2011	REVISIONS TO PERMIT
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23	12/15/2011	REVISIONS TO PERMIT
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25	01/15/2012	REVISIONS TO PERMIT
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27	02/15/2012	REVISIONS TO PERMIT
28	03/01/2012	REVISIONS TO PERMIT
29	03/15/2012	REVISIONS TO PERMIT
30	04/01/2012	REVISIONS TO PERMIT
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96	01/01/2015	REVISIONS TO PERMIT
97	01/15/2015	REVISIONS TO PERMIT
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100	03/01/2015	REVISIONS TO PERMIT

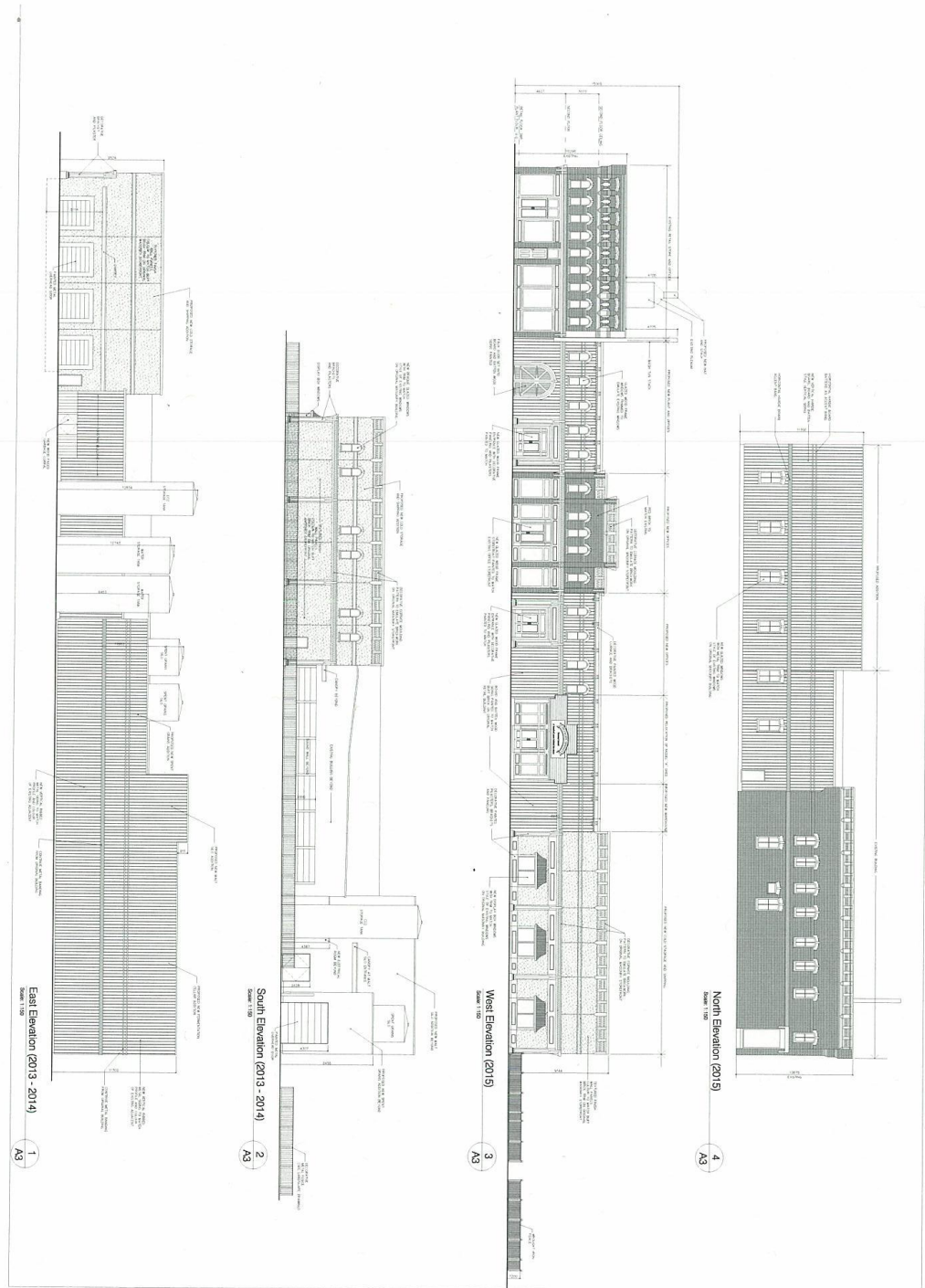
**ISSUED**

**Jedd Jones**  
Architect Ltd.  
1000 ...  
...

**Caenona Springs Brewery Limited**  
Expansion  
197 Mill Street  
Caenona Springs  
Ontario

**Site Plan**  
Scale: 1/8" = 1'-0"  
Date: 12/15/2013





REVISIONS

NO.	DATE	DESCRIPTION

ISSUED

NO.	DATE	DESCRIPTION

**Jlad Jone Architects Ltd.**  
 139 Mill Street  
 Chesham, Ontario  
 L9B 4K6  
 Phone: (519) 885-2822  
 Fax: (519) 885-2823  
 Email: info@jjad.com

**Clearance Springs Brews Expansion**  
 139 Mill Street  
 Chesham, Ontario  
 L9B 4K6  
 Project No: 1011

**1011**



**SCHEDULE '1'  
BY-LAW NO. xx**



Area to be rezoned from Prestige Industrial (MP) Zone, Residential Medium Density (RS4) Zone and Residential Low Density (RS2) Zone to Downtown Commercial/Industrial (CM) Zone.

This is Schedule '1' to Zoning By-Law No. xx  
Passed this xxth day of xx, 20xx

Ken Ferguson, Mayor

Robert Campbell, Clerk