



Committee of Adjustment Hearing Minutes
Wednesday, June 29, 2011
1:00 p.m.
Council Chambers, Town Hall

MEMBERS PRESENT:

R. Cannon
Chair B. Duncan
L. French
S. Norberg
J. Partridge

MEMBERS ABSENT:

J. Di Cresce (regrets)
J. Metcalfe

STAFF PRESENT:

Community Development Planner: B. Lauder
Secretary-Treasurer: C. Pillsworth

1. **CALL TO ORDER**

The Chair called the meeting to order at 1:02 p.m.

2. **DISCLOSURE OF PECUNIARY INTEREST** – None stated.

3. **CONFIRMATION OF MINUTES**

That the Committee of Adjustment Minutes dated June 1, 2011 be approved.

Carried.

4. **REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS**

5.1 & 6.1 B 019/10 & A 041/10 Mark and Gina O'Sullivan (Agent: Clare Riepma)
15757 Horseshoe Hill Road

Mr. C. Riepma, agent, appeared before the committee to request a deferral until the November hearing in order to permit the owner to be in attendance and to address staff's concerns.

The committee requested the agent to resubmit a proper sketch illustrating all buildings, setbacks, driveways, severed land, and retained land properly. The committee also indicated that the agent should work with the Planning Department and submit the Minimum Distance Separation report and any other information that maybe required.

The Committee having considered the request at the meeting reached the following decision:

Moved by Susan Norberg – Seconded by Lily French

That Application B 019/10 and A 041/10 be deferred to November 16, 2011 or sooner and the deferral fee of \$207 is to be paid.

Carried.

5.3 A 022/11 Anna & Dominic Pellettieri (Agent: Louis Orazem)
29 Sant Farm Drive (Ward 5)

Mr. L. Orzaem, agent, appeared before the committee to request a deferral until the August hearing in order to permit the owner to submit a revised proposal.

R. Belvedere, 3 Esposito Drive, indicated there are new owners to take possession in July that will be affected by this proposal and they have not been

made aware of this proposal and it would seem fair to allow them to have some input. The concern that I have regarding this proposal is the addition will be closer to our house, their eve's trough and roof will overhang on our cedars, drainage is a concern as the water runs into our backyard, and what are they proposing to use the workshop for.

S. Norberg, Committee Member, recommended that the application be deferred until September 21, 2011 or October 19, 2011 so that the applicant can resubmit the revised application and the new neighbours are informed of this application. The Committee having considered the comments and recommendations of the commenting agencies and the evidence heard at the meeting reached the following decision:

Moved by Susan Norberg – Seconded by Lily French

That Application A 022/11 be deferred to either September 21, 2011 or October 19, 2011 and the deferral fee of \$207 is to be paid.

Carried.

5. MINOR VARIANCE APPLICATIONS

- 5.1 A 021/11 Bernardino D'Amato (Agent: Paul King
0 Nixon Road (Ward 5))

The purpose of the application is to reduce the lot frontage from 50 metres to 40 metres.

Mr. P. King, the agent, appeared before the committee to request approval of the variance in order to fulfill a condition of Consent Application B 005/11.

The Committee was informed that Planning staff had no concerns or objections to the approval of Application A021/11.

The Chair asked whether there was anyone in attendance either in support of or in opposition to the application. No one in attendance came forward.

The Committee having considered the comments and recommendations of the commenting agencies and the evidence heard at the meeting reached the following decision:

Moved by Lily French – Seconded by Robert Cannon

That Application A 021/11 to reduce the lot frontage from 50 metres to 40 metres be approved.

The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application; and,
2. The general intent and purpose of the zoning by-law and Town of Caledon Official Plan are maintained and the variance is minor.

Carried.

The Chair advised those persons who were in attendance of the 20 day appeal period from the date of the decision being rendered.

- 5.4 A 023/11 20536242 Ontario Limited (Agent: P. Bettinelli)
365 Healey Road (Ward 5)

The purpose of the application is to reduce the number of parking spaces from 98 to 96 in order to construct a mezzanine.

Mr. Bettinelli, the agent, appeared before the committee to request approval of the variance and noted that on page 2 of the Planning Report, Building Section is referring to a wall between units 4 and 5. Mr. Bettinelli advised that there is no proposal to put up a wall between the units.

The Committee was informed that planning staff had no concerns or objections to the approval of Application A 023/11.

The Chair asked whether there was anyone in attendance either in support of or in opposition to the application. No one in attendance came forward.

The Committee having considered the comments and recommendations of the commenting agencies and the evidence heard at the meeting reached the following decision:

Moved by Robert Cannon – Seconded by Susan Norberg

That Application A 023/11 to reduce the number of parking spaces from 98 to 96 parking spaces is Conditionally Approved with the following condition:

1. That the Secretary-Treasurer receive written confirmation from the Development Approval and Planning Policy Department that the site has three (3) designated parking spaces, which is deemed to be satisfactory to the Zoning Administrator to ensure compliance with all zone provisions.

The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application; and,
2. The general intent and purpose of the zoning by-law and Town of Caledon Official Plan are maintained and the variance is minor.

Carried.

The Chair advised those persons who were in attendance of the 20 day appeal period from the date of the decision being rendered.

5.5 A 024/11 Joe and Linda Pereira (Agent: Chris Tonks)
135 James Street, Bolton (Ward 5)

The purpose of the application is to permit the construction of a fence to reduce the distance from the point of intersection of the street lines and forming the sight triangle, to 3 metres; and, to permit a 1.82 metre high fence inside a portion of the sight triangle located at the intersection of James Street and Hemlock Street.

C. Tonks, agent, advised that the applicant has received the planning report and are supportive of the conditions. Mr. Tonks also advised that he has consulted the owners of 122 Hemlock and 131 Hemlock and they are supportive of the application. The owner is proposing to construct a rod iron fence instead of a wood fence in order to permit safe vehicle sight triangle. This application was before Council seeking approval to increase the height of the fence and was recommended that we seek approval from the Committee of Adjustment first then come back before Council for their approval.

The Committee was informed that planning staff had no concerns or objections to the approval of Application A 024/11.

S. Norberg, Committee Member inquired if the sketch plan was to scale and requested clarification as to where the pool and fence would be located, where the pool equipment will be stored and if the trees will be removed or relocated.

J. Pereira, owner, indicated that the sketch plan is not to scale. The pool will be approximately 14 feet from the house, four feet from the fence. Equipment will be stored on the side of the property in a shed and trees will be removed.

L. French, Committee Member requested clarification as to what portion of the wood fence will remain and where the wrought iron fence will be located.

B. Lauder, Planner indicated that the owner should be aware that in the zoning by-law that the equipment and air conditioner must meet the zoning setback of 0.6 metres for the rear and side lot line. If the committee was to approve this application I would suggest that the word surveyor be added to the conditions in order to ensure that a plan has been submitted indicating the location of the wood and wrought iron fence location.

The Chair asked whether there was anyone in attendance either in support of or in opposition to the application. No one in attendance came forward.

The Committee having considered the comments and recommendations of the commenting agencies and the evidence heard at the meeting reached the following decision:

Moved by Lily French – Seconded by Robert Cannon

That Application A 024/11 be amended to read “to reduce the distance from the point of intersection of the street lines and forming the sight triangle from 9 meters to 3 metres for the purpose of construction a 1.82 metre high pool enclosure fence” be conditionally approved.

1. That a letter is received from the Design and Engineering Team that a survey prepared by an Ontario Land Surveyor indicating that the northeast marker stake is deemed to be accurately aligned and is offset from the west edge of the sidewalk by 3 feet to the west,
2. That a letter is received from the Design and Engineering Team that the applicant has submitted a survey by an Ontario Land Surveyor indicating the west to east run of the fence shall break at 45 degrees bearing southeast from a point 10 feet west of the stake or 13 feet west of the west edge of the sidewalk. The existing small spruce tree marks this point very closely,
3. That a letter is received from the Design and Engineering Team that the applicant has submitted a survey by an Ontario Land Surveyor setting a point at 10 feet north of the stake on the proposed north to south alignment, the 45 degree break will be aligned,
4. That a letter is received from the Design and Engineering Team that the applicant has submitted a survey showing an 18 inch space behind the fire hydrant at 14 feet north of the northeast stake,
5. That a letter is received from the Development Approval and Planning Policy Department and By-law and Property Standards Division that a survey by an Ontario Land Surveyor has been submitted showing the fence detail plan confirming the design of the wrought iron (or appropriate alternative design) fence has been approved, and,
6. That a letter is received from the By-law and Property Standards Division that the applicant has successfully obtained a variance from Council to the Town’s Fencing By-law 2005-36 for the proposed fence.

The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application; and,
2. The general intent and purpose of the zoning by-law and Town of Caledon Official Plan are maintained and the variance is minor.

Carried.

6. CONSENT APPLICATIONS

6.2 B 008/11 Cynthia and David Storey (Agent: Debbie Andrews)
30 McKenzie Street (Ward 1)

The purpose of the application is to grant a municipal sanitary sewer hook up in favour of the parcel referred to as 32 McKenzie Street, Caledon.

D. Andrews, agent, requested approval for the easement in favour of the property to the east and also requested the application fee to be waived. D. Andrews noted that the applicant did not expect the process to be so expensive.

S. Norberg, Committee Member, inquired if there have been any other applications that a refund has been granted due to undue hardship and suggested a motion that 50% of the application fee be refunded to the applicant.

The committee members were in favour of refunding 50% of the application fee.

The Chair inquired if the applicant accepted the conditions. The applicant indicated that the proposed conditions were acceptable.

The Committee having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by Susan Norberg – Seconded by Juergen Partridge

That Application B 008/11 to grant a municipal sanitary sewer hook up in favour of the parcel referred to as 32 McKenzie Street, be approved for the following reasons and subject to the following conditions:

1. That the Secretary-Treasurer's Certificate fees shall be paid, to the Secretary-Treasurer to the Committee of Adjustment, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificates.
2. That the approval of the draft reference plan(s) shall be obtained from the Secretary-Treasurer and the required number of prints of the resultant deposited reference plan(s) shall be received.
3. That the Secretary-Treasurer receive written confirmation that arrangements satisfactory to the Region of Peel have been made with respect to the location of existing and installation of new services and/or possible required service easements.
4. That the Secretary-Treasurer receive written notification from the Building Section that a building permit has been issued or that satisfactory arrangements have been made.
5. That the Secretary-Treasurer receive written confirmation from the Town of Caledon Zoning Administrator prior to final consent being granted that a site development sketch satisfactory to the Zoning Administrator has been submitted, showing all buildings and structures in order to ensure compliance with all zone provisions. The sketch must be drawn to scale in metric and prepared and signed by an Ontario Land Surveyor and any minor variances as may be identified have been approved by the Committee of Adjustment and that approval must be final and binding.

Reasons: The decision reflects that in the opinion of the Committee:

1. That regard has been had to those matters to be regarded under the Planning Act, inasmuch as the dimensions and shape of the lot are adequate for the uses proposed.
2. Subject to imposed conditions, the consent to the conveyance, will not adversely affect the proposed development.

Carried.

Moved by Susan Norberg – Seconded by Juergen Partridge

That the applicant be refunded 50% of the application fee.

Carried.

6.3 B 004/11 Gardiner Farms Limited (Agent: Wendy Nott)
6197 Patterson Sideroad (Ward 4)

The purpose of the application is to create an agricultural lot of 36 hectares or 88.9 acres on Patterson Sideroad.

Wendy Nott, agent, advised that the application was amended to sever 88.9 acres in order to address the Toronto Region Conservation Authority concern that the severed parcel would fragment a feature on site. A revised sketch plan has been reviewed and approved by the Toronto Region Conservation Authority and Town staff indicating there is no longer any fragmentation of the feature.

The Chair inquired if the applicant accepted the conditions. The applicant indicated that the proposed conditions were acceptable.

The Committee having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by Robert Cannon – Seconded by Lily French

That Application B 004/11 to create a 36 hectare agricultural lot be approved for the following reasons and subject to the following conditions:

1. That the Secretary-Treasurer's Certificate fees shall be paid, to the Secretary-Treasurer to the Committee of Adjustment, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificates.
2. That the approval of the draft reference plan(s) shall be obtained from the Secretary-Treasurer and the required number of prints of the resultant deposited reference plan(s) shall be received.
3. That the Secretary-Treasurer receive a letter from the Design and Engineering Team indicating that satisfactory arrangements have been made with the owner with respect to a conveyance to the Town gratuitously and free of all encumbrances of a dedicated road widening along the frontage of the severed lands sufficient in perpendicular width to result in a right-of-way width of 13 metres (42.65 feet) from the centreline of Innis Lake Road and Patterson Sideroad.
4. That the Secretary-Treasurer receive written confirmation from the Town of Caledon Zoning Administrator prior to final consent being granted that a site development sketch satisfactory to the Zoning Administrator has been submitted, showing all buildings and structures in order to ensure compliance with all zone provisions. The sketch must be drawn to scale in metric and prepared and signed by an Ontario Land Surveyor and any minor variances as may be identified have been approved by the Committee of Adjustment and that approval must be final and binding.
5. That a letter is received from the Development Approval and Planning Policy Department that the applicant has entered into a site plan agreement to establish conditions requiring that natural self-sustaining vegetation be maintained or restored in order to ensure the long term protection of any Environmental Policy Areas on the lot.
6. That the Secretary-Treasurer receive a cheque made payable to the Town of Caledon for cash-in-lieu of parkland in accordance with Section 53(13) of the Planning Act, or in accordance with the Town's Policy.

Reasons: The decision reflects that in the opinion of the Committee:

1. That regard has been had to those matters to be regarded under the Planning Act, inasmuch as the dimensions and shape of the lot are adequate for the uses proposed.
2. Subject to imposed conditions, the consent to the conveyance, will not adversely affect the proposed development.

Carried.

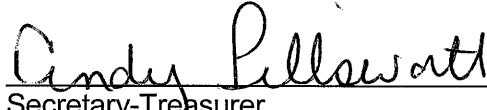
7. **CLOSED MEETING** – None scheduled

8. **ADJOURNMENT**

On verbal motion moved by Lily French and seconded by Robert Cannon, the hearing adjourned at 2:45 p.m.



Chair
Brenda Duncan



Secretary-Treasurer
Cindy Pillsworth