



COMMITTEE OF ADJUSTMENT

MINUTES

Wednesday April 14, 2010

1:00 p.m.

ATTENDANCE:

CHAIRPERSON: Lily French

MEMBERS PRESENT: Susan Norberg
Robert Cannon
Brenda Duncan
Juergen Partridge

STAFF: Kai Yew, Manager of Development
Brian Lauder, Community Development Planner
Stephanie McVittie, Intermediate Planner
Michael Rajk, Community Development Planner
Cindy Pillsworth, Secretary-Treasurer

Application "A" 008/10 Loblaws Properties Limited Part of Lot 6, Concession 7 (Alb)

Loblaws Properties Limited, owners (Agent: Heather Garrett, Zelinka Priamo) appeared before the Committee of Adjustment to request the following variance: 1) To reduce the number of Parking Spaces from 367 to 319 Parking Spaces for a temporary garden centre.

Heather Garrett, Agent, we have been working with staff to resolve the issues for this site. We have corrected the parking and added some more disability spaces. The Town requested two temporary disabled spaces by the temporary garden centre and they have been provided. We have resubmitted the site plan for planning but it is not quite ready for finalization. We are proposing to reduce the parking spaces from 367 to 319 parking spaces for the temporary garden centre.

Stephanie McVittie, Intermediate Planner, Good afternoon Madame Chair, Committee Members. Minor variance application "A" 008/10 proposes to reduce the number of parking spaces from 367 to 319 parking spaces. This variance is required in order to permit a temporary garden centre during the months of May, June and July on the subject property. This application was previously before the Committee of Adjustment in March, at which time Planning staff were recommending a deferral to rectify the on-site situation and to obtain a site plan which accurately reflects on-site conditions. As a result of receiving the accurate site plan, the variance was amended. Previously, the applicant was requesting the variance for the months of April, May, June and July however, due to the deferral; the variance will now be in effect for the months of May through July. The subject property is designated Bolton South Hill Commercial Area in the Official Plan. After reviewing the applicable policies, it is staff's opinion that the proposal meets the general intent and purpose of the Official Plan. The subject property is zoned General Commercial Exception 385 (C-385) by Zoning By-law 2006-50 as amended. The applicant is requesting a variance to reduce the number of parking spaces on site during the months which the seasonal garden centre will be operational. The garden centre is to consist of a cash tent, a shade structure and a garden shed. Due to the adjustments in location and size which have occurred since approximately 1998, planning staff is of the opinion that the variance should be applied to the 2010 and 2011 calendar years only. This will allow the garden centre to be operational for two seasons, at which time, should the applicant choose to proceed with the garden centre in 2012, the applicant would re-apply with the same location, or to another appropriate location. Therefore, planning staff are of the opinion that the variance should be amended to read To reduce the number of parking spaces from 367 to 319 parking spaces, during the months of May, June and July for the 2010 calendar year and April, May, June and July for the 2011 calendar year. It is planning staff's opinion that the proposal is appropriate and desirable, minor in nature, and meets the general intent and purpose of Zoning By-law 2006-50, as amended. In conclusion, planning staff is of the opinion that the variance meets the four tests as set out in the Planning Act and are recommending that minor variance application "A" 008/10 be approved, as amended, subject to conditions.

Lily French, Chair, are there any questions from the Committee Members?

Susan Norberg, Committee Member, I would like to comment that you have done a very good job very quickly. I would like to suggest that the Committee approves this for three years instead of

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them coming back every year. This would allow more time to determine if this new location will meet their needs.

Stephanie McVittie, Intermediate Planner, we are suggesting that this application be approved for two (2) years. Loblaws originally applied to locate the garden centre in the existing location and there were some concerns. As it is a new location staff would like to recommend that this application be approved for two years to ensure that all of the wrinkles have been worked out. The Committee can approve it for three years.

Brenda Duncan, Committee Member, my recollection was that it has been in the same location for a couple of years.

Heather Garrett, Agent, they did locate the garden centre in the proposed new location by accident and operated it for a week. It was then noticed and it was relocated to the approved location.

Brenda Duncan, Committee Member, I agree that it would be an onerous task to only approve this application for one year and I agree that it should be approved for three years.

Julio DiCresce, Committee Member, could Property Standards check to see if they are complying?

Cindy Pillsworth, Secretary-Treasurer, the Property Standards Department only responds to complaints.

Lily French, Chair, is there anyone here wishing to speak on this application. Seeing none could you please read the conclusion into the record?

Cindy Pillsworth, Secretary-Treasurer, Based on the information provided in this application and the information obtained through a site visit, but subject to such other information as may be presented at the meeting of the Committee of Adjustment, the Planning and Development Department is of the opinion that the proposed variance as amended, meets the four tests as set out in Section 45(1) of the Planning Act, R.S.O. 1990, as amended. Subject to any new information that is presented at the meeting of the Committee of Adjustment, the Planning and Development Department recommends the variance as identified in Application No. "A" 008/10 be approved as amended, subject to conditions. 1) That the Secretary-Treasurer of the Committee of Adjustment receives written confirmation from the Planning and Development Department that the related site plan application (SPA 10-02) has received Conditional Approval.

Brenda Duncan, Committee Member, I make a motion to conditionally approve this application for a period of three years subject to the condition and that it be approved for May, June, July for 2010, April, May, June, July for 2011 and April, May, June and July for 2012.

Moved by Brenda Duncan – Seconded by Julio Di Cresce

That the application is Conditionally Approved for a three year period for May, June, July for 2010, April, May, June, July for 2011 and April, May, June and July for 2012. All in favour. Carried.

**Application "A" 010/10
Fred and Patrica Kolb
Part of Lot 18, Concession 7 (Alb)**

Fred and Patricia Kolb, owners: (Agent: Nick deBoer) appeared before the Committee of Adjustment to request the following variance: 1) To (Section 26.2.17(a) reduce the setback from nearest residential dwelling from 150 metres to 103 metres; 2) To (Section 26.2.17 (c) reduce the setback from centre line of road allowance from 90 metres to 31 metres; and 3) To (Section 26.2.4) increase the maximum lot coverage from 0.4 hectares to 0.6 hectares on the subject property.

Nick deBoer, Agent, we are applying to construct a new dairy barn. In order to construct a new barn we are requesting a variance to increase the building area coverage from 0.4 hectares to 0.6 hectares. We also require two other variances to reduce the setbacks.

Michael Rajk, Community Development Planner, Good afternoon Madame Chair, Committee Members. Minor variance application A 010/10 proposes 1) To (Section 26.2.17 (a)) reduce the setback from nearest residential dwelling from 150 metres to 103 metres; 2) To (Section 26.2.17(c)) reduce the setback from centre line of road allowance from 90 metres to 31 metres; and, 3) To (Section 26.2.4) increase the maximum lot coverage from 0.4 hectares to 0.6 hectares. The applicant requests the Committee of Adjustment to authorize variances from Zoning By-law 87-250. This variance is required in order to construct a barn on the subject property. The property is located west of Mount Hope Road, north of Castleberg Side Road. The surrounding land uses are estate residential and agricultural uses to the north, agricultural uses to the east, and a golf course to the west and south. The subject property is designated Schedule "A" Town of Caledon Land Use Plan, Palgrave Estate Residential Community Schedules "G, H & I"; Policy Area 2 on Schedule "G", Development Pattern within the Town of Caledon Official Plan;

Environmental Zone 1 and 2 Schedule "I" Environmental Zoning Summary, Palgrave Estate Residential Community; Countryside Area Schedule "P" Town of Caledon Oak Ridges Moraine Conservation Plan Land Use Designations. Agricultural uses within the Palgrave Estate Residential Community shall be permitted in accordance with the Rural Area (Section 5.2). (Section 7.1.16.4). The Official Plan indicates that the uses permitted on lands designated Policy Area 2 exclusive of lands designated EZ 1 will be agricultural and associated uses. (Section 7.1.3.4). The Official Plan indicates that the establishment of new livestock should be in accordance with "Agricultural Code of Practice" issued jointly by the Ministry of Agriculture and Food and the Ministry of the Environment. Sections 5.1.3.10 and 5.2.3.9. The establishment of a barn is consistent with these designations. The proposed variances to reduce setbacks and increase lot coverage are consistent with the applicable Official Plan policies. It is planning staff's opinion that the proposal meets the general intent and purpose of the Official Plan. The subject property is zoned Rural (A2) under Zoning By-law 87-250, as amended. The applicant is proposing to reduce the setbacks and increase the lot area. It is planning staff's opinion that the application meets the general intent and purpose of Zoning By-law 87-250, as amended. In addition to the above, the applicant is proposing to locate the barn at the front of the property due to the natural features TRCA Regulated Area, Environmental Zone 1 & 2 located at the rear of the property. Also the location of the barn will be contained within the existing farm building cluster, thus avoiding the loss of farm land elsewhere on the property. The location of the barn will be away from estate residential developments at the north-west corner as well as the golf course at the south and west side of the property. A reduction of the setback from 150 metres to 103 metres and 90 metres to 31 metres is unlikely to aggravate any land use conflicts in this location given the presence of an existing dairy operation. Furthermore, the proposed increase in lot coverage will comply with Zoning By-law 2006-50 as amended which allows increased lot coverage up to 0.8 hectares. In conclusion, planning staff are of the opinion that the variance meets the 4 tests as set out in the Planning Act and are recommending that minor variance application "A" 010/10 be approved.

Susan Norberg, Committee Member, how many cows would you have at anytime?

Nick deBoer, Agent the farm would have 82 to 120 milking cows or a maximum increase of 50%. The 50% would include baby cows.

Susan Norberg, Committee Member, are you proposing to enhance the landscaping along the south side and if so will it include some trees?

Nick deBoer, Agent, we are proposing to do some landscaping along the south side and to plant some cedar trees.

Lily French, Chair, is there anyone here wishing to speak on this application? Seeing none could you please read the conclusion into the record?

Cindy Pillsworth, Secretary-Treasurer, Based on the information provided in this application and the information obtained through a site visit, but subject to such other information as may be presented at the meeting of the Committee of Adjustment, the Planning and Development Department is of the opinion that the proposed variance meets the four tests as set out in Section 45(1) of the Planning Act, R.S.O. 1990, as amended. Subject to any new information that is presented at the meeting of the Committee of Adjustment, the Planning and Development Department recommends the variance as identified in Application No. "A"010/10 be approved.

Moved by Robert Cannon – Seconded by Susan Norberg

That the application be Approved. All in favour. Carried.

Application "B" 002/10 and "B" 003/10

2033666 Ontario Limited

PIN 03321-0197-Part of Lot 29, Concession 11 Vaughan, being Part 3 on Plan 65R-28262, in the Town of Caledon, in the Regional Municipality of Peel, PIN 03321-0199 Part of the Road Allowance between the Township of Albion and the Township of Vaughan (closed by By-law R675362) being Part 2 on Plan 65R-28262, in the Town of Caledon, in the Regional Municipality of Peel.

2033665 Ontario Limited

PIN 14351-0059-Part of Lot 1, Concession 7 Albion, as in R0862205, in the Town of Caledon, in the Regional Municipality of Peel, PIN 03321-0196-Part of Lots 29 and 30, Concession 11 Vaughan, designated as Part 3 on Plan 65R-18771 except Parts 3 to 6, 11 on Plan 65R-28262 in the Town of Caledon, in the Regional Municipality of Peel, PIN 03321-0198-Part of the Road Allowance between the Township of Albion and the Township of Vaughan (closed by By-law R675362) being Parts 4 and 5 on Plan 65R-18771 except Parts 1 and 2 on Plan 65R-28262 in the Town of Caledon, in the Regional Municipality of Peel.

The purpose of this application is to grant easements for the adjacent properties to the north and south for access, parking and pedestrian movement except where any buildings are located.

Rosemary Humphries, Agent, there are two applications before the Committee today and they are referred to as "B" 002/10 and "B" 003/10. I would like to speak to those two applications at the same time. The properties are owned by the same owner but have different Ontario Limited numbers. The owner is proposing to add a car dealership and car wash to the north parcel and requesting mutual right-of-ways.

Stephanie McVittie, Intermediate Planner, Good afternoon Madame Chair, Committee Members. Consent applications "B" 002/10 and "B" 003/10 propose to grant easements for the adjacent properties to the north and south respectively, for access, parking and pedestrian movement except where any buildings are located. The applicant has submitted a rezoning application to remove the holding symbol, a site plan amendment application and a site plan application in order to develop a car dealership, car wash and entrances onto Regional Road 50 south of the Heritage dwelling. As a result of the circulation of the above applications, it was determined that easements were required. The subject properties are designated Bolton Highway 50 Commercial Area in the Official Plan. After reviewing the applicable policies, it is staff's opinion that the proposal meets the general intent and purpose of the Official Plan. The subject properties are zoned Bolton Highway Commercial Exception 185 Holding 5 (CHB-185-H5) and Commercial 6 Exception 803 (C6-E-803 City of Vaughan By-law 1-88) by Zoning By-law 2006-50 as amended. The Zoning Administrator has indicated that the creation of easements does not affect the use or development of the property. Therefore, for the purposes of this application, zoning by-law provisions would not be applicable. In conclusion, planning staff are of the opinion that application "B" 002/10 and "B" 003/10 be approved, subject to conditions.

Lily French, Chair, does the Committee Members have any questions?

Susan Norberg, Committee Member, when you look at the property to the north it looks very nice and is well maintained. Are they proposing to provide some landscaping to protect this property?

Stephanie McVittie, Intermediate Planner, through the site plan process they will be providing landscaping along the property line.

Lily French, Chair, will they have a lane out to Regional Road 50?

Stephanie McVittie, Intermediate Planner, the entrance already exists and they will be utilizing it for the new dealership. There is also an access off Albion/Vaughan Road and Regional Road 50 and it will be a right in and right out intersection.

Lily French, Chair, where is the driveway for the existing industrial lot across the road?

Stephanie McVittie, Intermediate Planner, the driveway will be right across from the existing Honda access. The Region of Peel will be putting in stop lights at this intersection.

Brenda Duncan, Committee Member, what dealership will be located on this new site?

Rosemary Humphries, Agent, it will be a KIA dealership.

Julio Di Cresce, Committee Member, when the Honda dealership was being proposed why did they not receive access onto Regional Road 50?

Stephanie McVittie, Intermediate Planner, I do not know what Honda's proposal was for their dealership. The Region of Peel is proposing to taper the entrance and this has not been finalized as of yet.

Susan Norberg, Committee Member, is this easement to be part of the heritage property? Are they proposing to sever this lot?

Stephanie McVittie, Intermediate Planner, the proposal for Phase 2 is to construct a car dealership and car wash and the heritage parcel is not part of this proposal. At this time we do not know if they will be proposing to sever the lot in future.

Julio Di Cresce, Committee Member, has the Town or Region considered not permitting any more accesses onto Highway 50? It is not safe and a lot of accidents happen at Highway 50 and Mayfield Road.

Stephanie McVittie, Intermediate Planner, the Region is permitting one full move access on Regional Road 50 directly across from the industrial development and one right in and right out access on Regional 50. The Region determines the number of access permitted on Regional Road 50.

Lily French, Chair, are there any residents here wishing to speak on this application? Seeing none could you please read the conditions into the record?

Cindy Pillsworth, Secretary-Treasurer, 1) That the Secretary-Treasurer Certificate under the Planning Act shall be given within one year of the "mailed" date. 2) 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. 3) 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. 4) That the Secretary-Treasurer of the Committee of Adjustment receives a letter from the Town of Caledon Legal Services Department that the easement has been registered on title. and, 5) That the Secretary-Treasurer receives a letter from the Region of Peel with respect to the following: a) the owner must provide the Region of Peel with a reference plan indicating the following land dedications: a) a 45 metres right-of-way designation, 22.5 metres from centreline of roadway; 0.3 metre reserve along the frontage of Regional Road 50 behind the property line except at the approved access locations; c) traffic control signals easements for the equipment and maintenance of the future traffic control signals; d) lands are to be dedicated free and clear of any encumbrances; e) reciprocal access easements shall be created to provide rights-of-ways between the two parcels of land and the property to the north for use of the accesses to and from Regional Road 50.

Julio Di Cresce, Committee Member, I recommend that we defer this application so that the Region of Peel can review the access.

Kai Yew, Manager of Development, I would like to point out that the Region of Peel is recommending approval with a condition.

Julio Di Cresce, Committee Member, do they have access between the two sites?

Stephanie McVittie, Intermediate Planner, the traffic light will be located at the heritage site. These traffic lights will assist with the property to the west side of Regional Road 50 and will line up with the existing driveway.

Julio Di Cresce, Committee Member, there will not be very much space between the two intersections. Does the Region realize that adding light after light will cause more accidents and problems? I fail to see how lights are going to benefit Regional Road 50.

Kai Yew, Manager of Development, the traffic signal will assist the traffic on the west side to enter safely. The Region is requesting the access on Regional Road 50 to only permit right in and right out which will not cause any concerns. The owner could have requested two accesses for each site.

Lily French, Chair, it sounds like this application needs to move forward.

Kai Yew, Manager of Development, the Region of Peel can permit or not permit any access on Regional Road 50. Town staff has a very tight time line in order to complete the site plan process as the owner wishes to start construction.

Moved by Julio Di Cresce – Seconded by Robert Cannon

That the application be Conditionally Approved. All in favour. Carried

**Application "A" 011/10
Southfield Communities Inc.
Lot 25, Plan 43M-1576 (Alb)**

Southfield Communities Inc., owners: (Agent: Tom Baskerville) appeared before the Committee of Adjustment to request the following variance: 1) To reduce the Interior Side Yard Setback from 1.2 metres to 0.6 metres on the subject property.

Tom Baskerville, Agent, Southfield Communities Inc. is applying for a minor variance for this lot. This lot is located on a corner and requires a reduction in the side yard in order to construct a house on this lot.

Eric Conley, Senior Development Planner, the subject property is designated Residential Area on Schedule B Mayfield West Land Use Plan in the Town of Caledon Official Plan and zoned Mixed Density Residential Exception 456 under Comprehensive Zoning By-law 2006-50, as amended. The subject property is located at the southwest corner of Benadir Avenue and Caspian Street in the developing South Fields/Strawberry Fields neighbourhood of Mayfield West. The subject property is a corner lot intended for construction of one detached dwelling. This property remains undeveloped pending approval of this minor variance application. House construction on adjacent properties is well advanced. A site visit was conducted on April 6, 2010 and confirmed that the Notice of Hearing sign was posted and clearly visible on the subject property. It is the opinion of planning staff that the proposal meets the general intent and purpose of the Official Plan. The zoning on the subject property is RMD-456 which permits the detached dwelling being proposed for development on the subject property. The development standards applicable to detached residential lots in the RMD-456 zone very slightly depending on the widths of the lots. For lots with a width in excess of 13.2 metres, which is the case on this application, the required interior side yard is 1.2 metres. The applicant is proposing an interior side yard of 0.6 metres which does not

comply with the zoning requirements, hence the need for a minor variance to the By-law standard. Interior side yards of 0.6 metres are permitted on narrower housing lots in the South Fields community provided that the lot grading incorporates split drainage to the front and the rear of such lots. There are numerous instances in the surrounding neighbourhood where house construction involving 0.6 metres interior side yards is underway. The engineering drawings submitted in conjunction with this application demonstrate that the lot will be graded to accommodate the required split drainage. Public Works and Engineering Department have stated that upon review of the engineering drawings for this property it is found that a 0.6 metre side yard on the west side of the lot was planned. We therefore have no engineering concerns. However, it should be noted that as per Town Development Standards Section 3.13.1, Residential Lot Drainage and Sodding Requirements will apply when the lot is divided as follows, clear stone rather than topsoil and sod is required for combined side yards between two buildings which are 1.5 metres or less. Based on the preceding observations it is the opinion of planning staff that the application meets the general intent and purpose of the Zoning By-law 2006-50, as amended. It is planning staff's opinion that the application meets the four tests as set out in the Planning Act and are recommending approval.

Julio Di Cresce, Committee Member, will you be requiring several variance applications?

Eric Conley, Senior Development Planner, they may require a few more variance applications.

Julio Di Cresce, Committee Member, is this variance required because they are trying to build a large home on this property?

Tom Baskerville, Agent, this is the same size of other lots in the area. The typical lot size in this subdivision is 36 foot or 43 foot lots. The requirement is to have 0.6 metres on one side and 1.2 metres on the other side. We were not aware at the time that a variance would be required.

Brenda Duncan, Committee Member, the lot next door will it meet the side yard setbacks of 0.6 metres and the 1.2 metres.

Eric Conley, Senior Development Planner, the lot next door requires a setback of 1.2 metres and it will meet this zone provision.

Lily French, Chair, is there any questions from the neighbours regarding this lot? Seeing none could we please have the conclusion read into the record?

Cindy Pillsworth, Secretary-Treasurer, Based on the information provided in this application and the information obtained through a site visit, but subject to such other information as may be presented at the meeting of the Committee of Adjustment, the Planning and Development Department is of the opinion that the proposed variance meets the four tests as set out in Section 45(1) of the Planning Act, R.S.O. 1990, as amended. Subject to any new information that is presented at the meeting of the Committee of Adjustment, the Planning and Development Department recommends the variance as identified in Application No. "A"011/10 be approved.

Moved by Brenda Duncan – Seconded by Robert Cannon

That the application be Approved. All in favour. Carried.

**Application "A" 012/10
R.N. Capital Management Ltd.
Part of Lot 1, Concession 4 EHS (Cal)**

R.N. Capital Management Ltd., owners: (Agent: Burych Lawyers) appeared before the Committee of Adjustment to request the following variances: 1) To (Section 26.2.17(a) reduce the setback from nearest residential dwelling from 150 metres to 103 metres; 2) To (Section 26.2.17 (c) reduce the setback from centre line of road allowance from 90 metres to 31 metres; and 3) To (Section 26.2.4) increase the maximum lot coverage from 0.4 hectares to 0.6 hectares on the subject property.

Jacquelyn Chan, Agent, the application that is before the Committee is to request the following variances 1) to increase the maximum building are from 0.4 hectares to 0.51 hectares for the proposed turkey barn as per attached sketch plan; 2) To reduce any residential use on another lot from 150 metres to 115 metres, existing manure storage area; and, 3) To reduce from the centreline of any street referred to as St. Andrew's Road from 90 metres to 67 metres for the existing beef barn.

Brian Lauder, Community Development Planner, the subject property is 78.8 acres in size and is located on the west side of St. Andrew's Road north of Olde Base Line Road. The property also has frontage on Olde Base Line Road. The surrounding properties consist of rural residential to the north, a mixture of rural residential and agricultural to the south and east and agricultural to the west. A site visit on March 30, 2010 confirmed that the Notice of Hearing sign was not posted on the subject property. Since that time staff has received photographic confirmation that the required sign has been posted and is clearly visible. Region of Peel have stated that the subject property is designated Prime Agricultural Area and Area with Special Policies referred to as the Oak Ridges Moraine Conservation Area on Schedule D, Regional Structure. Regional staff has no concerns

with this application. The subject property is designated Prime Agricultural and Environmental Policy Area on Schedule A, Town of Caledon Land Use Plan in the Town of Caledon Official Plan. The proposed livestock building will be located in the Prime Agricultural portion of the subject property. The establishment of a farm is consistent with the Prime Agricultural policies. These policies further state that the Town shall use the Minimum Distance Separation Formulae I and II to ensure adequate separation distances between agricultural uses and non-agricultural uses. With respect to the variance to reduce the minimum separation distance from the existing manure storage building to the existing house on the adjacent residential lot, staff has determined that the MDS II calculation dated March 12, 2010 states that any manure storage area should be at least 195 metres from the existing house. The requested variance of 115 metres would not be consistent with this calculation. As a condition of approval, the Secretary-Treasurer shall receive written confirmation that the applicant has made arrangements to the satisfaction of the Building Section for the existing manure storage building. With respect to the proposed variance to reduce the minimum distance separation from the existing barn to the centreline of the road allowance from 90 metres to 67 metres, the MDS II calculation dated March 12, 2010 confirms that the minimum distance separation from a livestock building to the road allowance should be 39 metres. The requested variance is consistent with this calculation. It is planning staff's opinion that the proposal meets the general intent and purpose of the Official Plan. The subject property is zoned Agricultural (A1) and Hazard Lands (HL) by By-law 87-250, as amended. All of the existing and proposed buildings to which the requested variances apply are located in the A1 Zone. The A1 Zone permits a maximum building area of the lesser of: 5% or 0.4 hectares. When the proposed livestock building is constructed, the maximum building area will be 5.07 hectares and therefore a minor variance will be required. The proposed livestock building (turkey barn) will be located within the existing farm cluster, and will be located away from any existing Residential uses and road allowances. Staff is of the opinion that the requested variance meets the general intent and purpose of the Zoning By-law. The A1 Zone requires a minimum separation distance from a manure storage area to a Residential use on another lot of 150 metres. The existing covered manure storage area is only 115 metres from the existing house on the adjacent Residential lot to the southeast, and therefore the applicant has requested a minor variance to allow the existing reduction. The MDS II calculation dated March 12, 2010 confirmed that this minimum separation distance needs to be 195 metres. As a condition of approval, the applicant will be required to obtain either a building permit or a demolition permit for the existing manure storage building to the satisfaction of the Building Section. Therefore, minor variance # 2 will not be required. Staff notes that the A1 Zone also requires a minimum distance separation from a manure storage area to a Residential zone boundary of 150 metres. This proposed variance was not included in this application. However, a minor variance will not be required, since the applicant will be required to make arrangements to the satisfaction of the Building Section for the existing manure storage building. The A1 Zone also requires a minimum separation distance from a livestock building to the centreline of a street of 90 metres. The existing livestock building (cattle barn) is only 67 metres from the centreline of St. Andrew's Road, and therefore a minor variance is required. The MDS II calculation submitted by the applicant has confirmed that this minimum required separation distance needs to be at least 39 metres measured to the westerly limit of the road allowance. Staff is of the opinion that this variance meets the general intent and purpose of the Zoning By-law. It is planning staff's opinion that the application meets the general intent and purpose of Zoning By-law 87-250, as amended. The subject property falls within the Oak Ridges Moraine Conservation Plan and since Zoning By-law 2008-50 is not yet in full force and effect zoning identified in By-law 87-250 is applicable. The subject property is zoned Agricultural – Oak Ridges Moraine (A1-ORM) and Environmental Policy Area 2 – Oak Ridges Moraine (EPA2-ORM) by By-law 2008-50. The proposed livestock building will be located in the A1-ORM portion of the subject property. Because the permitted uses and zone standards in the A1-ORM Zone are identical to those of the A1 Zone in 87-250, staff is of the opinion that the requested variance to reduce the minimum separation distance of the proposed livestock building meets the general intent and purpose of Zoning By-law 2008-50. The existing livestock building is located in the EPA2-ORM Zone. The EPA2-ORM Zone permits an existing farm. While the existing livestock building may not comply with all of the applicable EPA2-ORM Zone standards, it would be considered a legal non-complying building with respect to By-law 2008-50. It is planning staff's opinion that the application meets the general intent and purpose of Zoning By-law 2008-50. It is planning staff's opinion that variance numbers 1 and 3 as identified in Application A 012/10 be approved subject to a condition.

Susan Norberg, Committee Member, in all the information provided did they not submit a MDS 2 report?

Brian Lauder, Community Development Planner, we did not receive the MDS II report until the application was circulated.

Susan Norberg, Committee Member, what was submitted with the application?

Brian Lauder, Community Development Planner, the MDS II report came as part of the application submission. During the review and preparation of the report staff determined that the MDS II calculation states that any manure storage area should be at least 195 metres from the existing house.

Jacquelyn Chan, Agent, the owner is proposing to convert the manure storage building into a hay storage area.

Susan Norberg, Committee Member, I am concerned with the odours. Where will the manure be stored? When I was conducting my site inspection the smell from the manure was very strong and I could not open my windows.

Jacquelyn Chan, Agent, the manure storage will be relocated 195 metres and the manure for the turkey barn will be self contained. The owner will hire a contractor to remove the turkey manure and there will be ventilation provided.

Robert Cannon, Committee Member, why are there so many buildings and did they receive building permits for all of them?

Brian Lauder, Community Development Planner, I cannot speak to all of the buildings but I did review three or four permits. The existing manure storage building did not receive a building permit. The applicant will be required to either apply for a building permit or a demolition permit for the existing manure storage building to the satisfaction of the Building Department. Based on this information Variance Number 2 will not be required.

Lily French, Chair, is there anyone here wishing to speak on this application? Please state your name for the record.

Greg Taylor, neighbour, I am one of the owners at 15444 St. Andrew's Road. My mother is the second owner and is in a nursing home. I have prepared documentation that I would like to provide to the Committee Members to follow during my presentation. This is a survey of my lot and the two existing driveways. The entrance at the south of my parcel has had 9 boulders placed there on or about November 24, 2009 from Mr. Nimmo. These boulders have been placed on Town property and not on mine. I am not sure if the Town is aware of these boulders on their property. This shows a lack of respect for his neighbours, so we cannot assume that he will be concerned with our issues if the turkey farm operation is approved. I request the Town of Caledon to remove these boulders forthwith. The entrance to the north of my parcel is also used by R.N. Capital Management, their staff, contractors, subcontractors and visitors all seem to use my residential laneway for commercial purposes. Pickup trucks, trailers, cars, ATVs, Bobcats, tractors and dump trucks rumble across my property on a daily basis causing concern about a new farming operation that will lead to an inevitable increase in the flow and type of traffic crossing my laneway. I purpose that RN Capital Management use the northern driveway as their main and only access route to their commercial operations. How many farms in Caledon have the luxury of two driveways? As property owner with tenants moving in on May 1, 2010 I have major concerns for their safety and that of their children. I am not insured for commercial farm operations and their employees with unknown insurance coverage crossing my property. The trucks when leaving RN Capital Management they are turning right then entering Olde Base Line which does not permit trucks. Over the years, we have witnessed a steady increase in the number and types of wildlife that our neighbour Robert Nimmo has obtained and introduced onto his property. These include peacocks, ducks, geese, swans and other wildlife. We have made several representations to Robert Nimmo about these matters but he has taken the unhelpful position that the peacocks which have produced several rounds of offspring and now third generation and are no longer under his control. Yet, in the fall of each year he manages to collect and contain these birds for the winter months. Will he adopt the same position with respect to the introduction of turkeys? There is no fence between our properties and given a lack of cooperation and consideration during the past 18 months as well as his failure to control the wildlife that he presently owns we predict that the introduction of turkeys will compound these existing problems. These peacocks come onto my property and I have contacted the Animal Shelter and nothing has been done. They leave their droppings on my doorstep and window sills. They also peck away at my window sills and there are peck marks to prove this. They also have a dog that challenges people that come to the property. I also want to show you that they placed a sign on their property that is in front of my dining room window. I contacted the By-law Department as he had also placed real estate signs along St. Andrew's Road and these signs have now been removed. I would like to have the following concerns discussed before the Committee of Adjustment makes a variance to the existing by-laws and town guidelines. We need to know the size of the operation, distance from the Taylor property concerning noise levels and air pollution? Will there be noise from the birds, fans, equipment that will be inside the barn. Will there be possible dust from the fans blowing into the air and travelling to the neighbours. I understand that birds produce dander along with feathers and manure combine with the litter to form dust, the dust will become air borne and then can be discharged by the exhaust fans. Does he plan to use an incinerator on site, if so then the question of smell from dead birds, the smell of poultry from the barn through the fans? I ask that Mr. Nimmo be restricted to use his cattle drive for farming operations. The use of the mutual driveway has been damaged due to the trucks and now a danger with young children living at the house. What about the danger of disease, birds carry Avian or Bird Flu disease. I also want to point out to the Committee that the boundaries showing on the drawing submitted by Mr. Nimmo is not correct? The northern and southern boundaries of the Taylor property shown on earlier site plans are incorrect and misleading. We own part of the large pond and a southern access route as well as the entrance off St. Andrew's Road at the northern boundary.

Julio Di Cresce, Committee Member, is there any other turkey operations in Caledon?

Brian Lauder, Community Development Planner, I am not aware of any turkey operations in Caledon.

Julio Di Cresce, Committee Member, it would be very helpful if we had something comparative?

Robert Cannon, Committee Member, how far is the Taylor lot to Olde Base Line Road?

Greg Taylor, neighbour, we are about 100 yards from Olde Base Line Road.

Robert Cannon, Committee Member, you stated that the boulders are not located on your property is that correct?

Greg Taylor, neighbour, yes that is correct we do not own where the boulders have been placed.

Lily French, Chair, I have a question regarding the shared driveway?

Greg Taylor, neighbour, in June 1998 my mother granted permission to Mr. Nimmo to share the residential access. We were not aware that he would be using it for commercial farming.

Lily French, Chair, have you spoken with Mr. Nimmo?

Greg Taylor, neighbour, we have had some email and discussions.

Susan Norberg, Committee Member, is the reciprocal access registered on title?

Greg Taylor, neighbour, no it is not registered on title.

Robert Cannon, Committee Member, the driveway is located on your property, why do you not close the access to his property from your driveway?

Greg Taylor, neighbour, the northern part of my property cuts across the driveway and I could shut the driveway off.

Susan Norberg, Committee Member, you could fence the property and put a gate across the driveway.

Diamantino DaSilva, neighbour, 4890 Olde Base Line Road. My concern is that the lots are residential and there is no town water available. Will this affect the ground water or the water table for our lots? There was a turkey farm located on Bramalea Road that ran 24 hours a day and you could smell it miles away. My concern is the manure, the health concerns that this will create and the smell.

Robert Cannon, Committee Member, where is your lot located from the subject property?

Diamantino DaSilva, neighbour, my property is located on Olde Base Line Road and the back of my property faces this parcel.

Joseph Langen, neighbour, 15571 St. Andrew's Road. You can smell the manure that is there now. Where will the turkey manure be stored or placed? The cattle manure when it is turned over smells. Mr. Nimmo placed the cow manure on the fields 3 weeks ago and has not turned it over and it smells with the wind. I was reading an article that turkeys can cause cancer. This is a very big concern that I have.

Patty Spiteri, neighbour, 15545 St. Andrew's Road. I live across the street from Mr. Nimmo. I did not have any problem with the proposal. The concern that I have is with the smell of the turkey manure. I originally signed the paper that Mr. Nimmo brought around trying to be a good neighbour. How will this affect resale value?

Mana Medeiros, neighbour, 15549 St. Andrew's Road. I live across from this parcel. I live in the country and you should expect the smells. I have no concern with this application.

Mr. Burych, Lawyer for Mr. Nimmo, Mr. Taylor, many of those pictures have nothing to do with this minor variance application. Where the boulders are located if they are owned by the Town of Caledon this has nothing to do with this application. There is an existing shared driveway between the properties that your mother granted permission. Mr. Nimmo did try to buy this parcel of land and you will not sell. Regarding the vehicle traffic we can propose to have the trucks enter through the north driveway. Mr. Nimmo did not introduce the peacocks to the area they arrived on their own. Mr. Nimmo has made arrangements for the turkey manure to be contained in the barn and will be picked up by a broker and transported off the property. The turkey barn is to be constructed using materials that will dampen noise from inside the turkey barn. The turkeys to be raised on the property will be contained in the turkey barn and no slaughtering will take

place on the property. The impact of the trucks transporting the trucks to and from the property will be minimal and is expected to occur approximately every eleven weeks. The proposed turkey barn will use a ventilation system to cause no negative impact and the turkey barn will pose no visual impact on our client's closest neighbours. The Turkey Farms of Ontario have attended the property and have approved the use and operations of the proposed turkey barn site and the Credit Valley Conservation had no issues. There will not be any concern with e-coli. The nutrient management report was approved by the Ministry of Agriculture and they have no odour concern.

Lily French, Chair, is there anyone else here wishing to speak on this application? Was there any letters submitted?

Greg Taylor, neighbour, I would like to respond to a few issues. I have contacted two contractors for fence estimates and it is very expensive. Mr. Nimmo has offered to purchase this property and by proposing this he is lowering or devaluing our property. He does have first right of refusal.

Cindy Pillsworth, Secretary-Treasurer, I have received 16 letters of support and another 2 letters that are not near this parcel. I have also prepared a location map for the committee reference and for the neighbours.

Juergen Partridge, Committee Member, do they need a variance if no increase was necessary.

Brian Lauder, Community Development Planner, the site is at the maximum building area for the lot. Adding any buildings will require a variance.

Robert Cannon, Committee Member, could you please read the name and addresses into the record that are supporting this application.

Cindy Pillsworth, Secretary-Treasurer, Drew Thrower and Patty Davis, 15616 St. Andrew's Road, Patti and Joe Spiteri, 15545 St. Andrew's Road, Joe Medeiros, 15549 St. Andrews Road, Dave Hodgson, 4922 Olde Base Line Road, Lori Ball, 4880 Olde Base Line Road, Nicholas Parrotta, 4870 Olde Base Line Road, Arvinder Thind, 4832 Olde Base Line Road, Mattia Bellantoni, 4828 Olde Base Line Road, Kamal Jeetkaur, 4774 Olde Base Line Road, Doug MacLeod, 4696 Olde Base Line Road, Bruce and Linda Gilstrom, 15691 Horseshoe Hill Road, E. and L. Somerville, 15673 St. Andrews Road, Cam Lindsey, 5065 Olde Base Line Road, Chuck Garner, 15386 Bramalea Road, Aldo Vincenzi, 15296 Bramalea Road, Joe and Lynne Belford, 15740 St. Andrews Road.

Lily French, Chair, the nutrient management that was done in 2009 was this just for the beef barn and they you had to do it for the turkey barn?

Robert Nimmo, Owner, last fall we did it for the beef barn and then we had to do one for the turkey barn.

Lily French, Chair, could we please have the conclusion read into the record?

Cindy Pillsworth, Secretary-Treasurer, Based on the information provided in this application and the information obtained through a site visit, but subject to such other information as may be presented at the meeting of the Committee of Adjustment, the Planning and Development Department is of the opinion that proposed variance #'s 1 and 3 meet the four tests as set out in Section 45(1) of the Planning Act, R.S.O. 1990, as amended. Subject to any new information that is presented at the meeting of the Committee of Adjustment, the Planning and Development Department recommends that variance #'s 1 and 3 as identified in Application No. "A"102/10 be approved subject to the following Condition: 1. That the Secretary-Treasurer receives written confirmation that the applicant has made arrangements to the satisfaction of the Building Section for the existing manure storage building. Based on the foregoing, staff is further of the opinion that variance #2 is not required.

Lily French, Chair, could we please have a motion?

Brenda Duncan, Committee Member, the Town has received a number of letters from the neighbours in support of this application. Mr. Taylor your concern with the driveway I would suggest that you seek legal advice regarding the driveway. I move approval of this application with the condition and that the second variance is removed.

Moved by Brenda Duncan – Seconded by Juergen Partridge

That the application be Conditionally Approved and that Variance Number is refused. Brenda Duncan, Lily French, Juergen Partridge, Julio Di Cresce supported the decision. Carried.

Susan Norberg, Robert Cannon did not support the decision.

**Application "A" 013/10
Orchard Garden Markets Limited
Part of the East Half of Lot 18, Concession 6 EHS (Ching)**

Orchard Garden Markets Limited, owners, (Agent: Stephen Bernatt) appeared before the Committee of Adjustment to request the following variance: 1) permit a Day Care Centre within the existing building of 348.4 square metres with a play area of 93.0 square metres.

Stephen Bernatt, Agent, the property is located north of Mayfield Road and on Airport Road. My client has received a request to permit a non profit day care centre to be located in his building. The zoning does not permit a day care centre and that is why we are requesting this variance. We have done some studies to determine if there are any facilities available for this type of use and have not found any in the area. I have applied in Vaughan to permit day care centres and have had no problems what so ever. There is sufficient parking on site and we can provide handicap parking that is required also.

Brian Lauder, Community Development Planner, the subject property is 2.81 acres in size and is located on the west side of Airport Road north of Mayfield Road in the settlement of Tullamore. The subject property is designated Highway Commercial in the Town of Caledon Official Plan and zoned Highway Commercial under Zoning By-law 2006-50, as amended. The Region of Peel Official Plan designates the parcel as Rural System. Region of Peel has identified concerns relating to the use of the existing accesses from Airport Road for the proposed day care use. The existing access does not meet the spacing requirements of the Region's Controlled Access By-law and therefore Regional staff does not support the requested variance. Staff is of the opinion that in order to adequately address the access concerns a Town Official Plan and Zoning By-law Amendment would be required. The Town of Caledon Official Plan designation does not list a day care centre as a use. Staff is therefore of the opinion that the proposed use should be addressed through an Official Plan Amendment application. It is planning staff's opinion that the proposal does not meet the general intent and purpose of the Official Plan. The subject property is zoned Highway Commercial and does not list a day care centre as a permitted use. Staff is therefore of the opinion that the requested variance does not meet the general intent and purpose of the Zoning By-law as amended. Based on the concerns expressed by Regional staff, Town of Caledon staff is of the opinion that the proposed use is not minor in nature. Whether or not the proposed use represents appropriate and desirable development; would have to be demonstrated through an Official Plan and Zoning By-law amendment application.

Julio Di Cresce, Committee Member, could you explain what the Region is asking for?

Brian Lauder, Community Development Planner, The Region has a Controlled Access by-law stating that the frontage of the lands does not meet the spacing requirements of minimum 300 metres for full move access. The existing site access to Regional Road 7 or Airport Road is only 160 metres in separation from Mayfield Road. The Region is concerned that the proposed day care centre would generate a significant safety concern for the drop-off and pick-up traffic movements as well as a concern from a capacity perspective.

Julio Di Cresce, Committee Member, there was a food market here before did that cause any concerns?

Brian Lauder, Community Development Planner, when the food market was there they had different requirements. Mayfield Road and Airport Road have been redesigned and now must meet the separation requirement between accesses.

Julio Di Cresce, Committee Member, what would work on this site?

Brian Lauder, Community Development Planner, this use does not meet the full movement requirement. If they had a right in and a right out this might work for them. There would be impact on the adjacent road and a study would need to be completed.

Julio Di Cresce, Committee Member, what type of use could be located on this site?

Brian Lauder, Community Development Planner, the property is zoned Highway Commercial. It permits about 20 uses.

Julio DiCresce, Committee Member, name two uses?

Brian Lauder, Community Development Planner, they could have a restaurant, retail store, hotel, or a motor vehicle establishment.

Susan Norberg, Committee Member, I know people are desperate for day care facilities. Where could you establish a day care centre that would be in a safe place? How many children are be proposed for this day care centre?

Stephen Bernatt, Agent, they are proposing to have 30 children for this day care centre.

Brian Lauder, Community Development Planner, staff does not dispute day care centres are required. The Town has had other owners apply for day care centres and have gone through the

proper process and locations. The Town of Caledon Official Plan or Zoning By-law does not list this as a permitted use,

Brenda Duncan, Committee Member, what steps have you taken regarding the day care centre?

Stephen Bernatt, Agent, we have gone to the Ministry and have been informed that funding is available. We are trying to establish a day care centre through the minor variance process and if the committee does not approve it then we will go through an Official Plan and Rezoning Amendment.

Lily French, Chair, Mr. Bernatt, we are not disputing a day care centre, but it must meet the four tests. Could we please have the conclusion read into the record?

Cindy Pillsworth, Secretary-Treasurer, Based on the information provided in this application and the information obtained through a site visit, but subject to such other information as may be presented at the meeting of the Committee of Adjustment, the Planning and Development Department is of the opinion that the proposed variance does not meet the four tests as set out in Section 45(1) of the Planning Act, R.S.O. 1990, as amended. Subject to any new information that is presented at the meeting of the Committee of Adjustment, the Planning and Development Department recommends the variance as identified in Application No. "A"013/10 be refused.

Juergen Partridge, Committee Member, I make a motion to approve this application.

Cindy Pillsworth, Secretary-Treasurer, Mr. Partridge, could you please indicate how this application meets the four tests as set out in the Planning Act for the decision and record?

Juergen Partridge, Committee Member, I consider this to be minor in nature, a good use for the property, no traffic concerns and it is a reasonable request.

Robert Cannon, Committee Member, I second this motion.

Lily French, Chair, could I please have a show of hands in support of this motion. Seeing none the motion has failed.

Susan Norberg, Committee Member, I make a motion that Minor Variance Application "A" 013/10 be refused. This application does not meet the Official Plan or the Zoning By-law. The Region of Peel has concerns regarding the safety of traffic entering in and out for a day care centre so this would not be good development.

Moved by Susan Norberg – Seconded by Brenda Duncan

That the application be Refused. Susan Norberg, Brenda Duncan, Lily French, Julio Di Cresce in favour. Carried.

Juergen Partridge and Robert Cannon did not support the decision.

Moved by Robert Cannon – Seconded by Julio DiCresce

That the meeting be adjourned. Carried

Cindy Pillsworth, ACST
Secretary-Treasurer