



Committee of Adjustment Hearing Minutes
Wednesday, February 9, 2011
1:00 p.m.
Council Chambers, Town Hall

MEMBERS PRESENT:

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

MEMBERS ABSENT:

J. Di Cresce (regrets)
J. Partridge (regrets)

STAFF PRESENT:

Secretary-Treasurer: C. Pillsworth
Acting Secretary-Treasurer: C. Finnerty
Community Development Planner: B. Lauder
Community Development Planner: R. Conard
Community Development Planner: M. Rajk
Municipal Solicitor/Prosecutor: C. Grant

1. **CALL TO ORDER**

The Chair called the meeting to order at 1:03 p.m.

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

3. **CONFIRMATION OF MINUTES**

That the Committee of Adjustment Minutes dated January 12, 2011 be approved.

Carried.

4. **REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS** – None requested.

5. **DEFERRED MINOR VARIANCE APPLICATIONS**

5.1 A025/10 C. & E. Real Estate Limited (Agent: Scott Burns)
14010 Hurontario Street (Ward 2)

The purpose of the application is to seek permission to permit a drive-through service facility; to recognize a used motor vehicle sales establishment on the subject property; and; to expand a legal non-conforming use (restaurant) from 105 square metres to 170 square metres.

The Committee was in receipt of a letter dated January 29, 2011 from S. Burns, the authorized agent for the applicant, requesting that Application A025/10 be deferred for a period of six months or less. Mr. Burns advised that the reason for the deferral is to allow Mark Jamieson of BA Consulting Group to undertake a traffic study to address the comments received from the Region of Peel, Town of Caledon and Ministry of Transportation.

The Committee sought clarification from Planning and Development Department staff to provide further information with respect to how it was determined that the restaurant on the property is a legal non-conforming use as noted in the Report provided on December 15, 2010.

The Committee having considered the comments reached the following decision:

Moved by Susan Norberg – Seconded by Robert Cannon

THAT Minor Variance Application A025/10 is deferred to the hearing of August 10, 2011 or sooner and the applicant pay the required deferral fee.

Carried.

5.2 A047/10 Roberto Rocca (Agent: Jim & Veronica Greco)
25 Antrim Court (Ward 3)

The purpose of this application is to seek permission to increase the Building Area from 25% to 39.9%; to reduce the Front Building Setback from 9.0 metres to 7.7 metres; and; to reduce the Side Building Setback from 1.5 metres to 1.4 metres.

Mr. Greco, the authorized agent for the applicant, appeared before the committee to request approval of the application. Mr. Greco advised that the owners currently live on Gore Road and would like to build a house here in order to downsize.

The Committee was informed that Town of Caledon Planning staff had no concerns or objections to the approval of application A047/10.

The Chair asked whether there was anyone in attendance either in support of or in opposition to the application. There was no response. Other than the applicant/agent, there were no other person(s) present having indicated an interest in 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 Brenda Duncan – Seconded by Susan Norberg

That application A 047/10 to allow the following variances:

- 1) To increase the Building Area from 25% to 40%;
- 2) To reduce the Front Building Setback from 9.0 metres to 7.7 metres;
- 3) To reduce the Side Building Setback from 1.5 metres to 1.4 metres;

be approved for the following reasons: 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.

Those persons in attendance were advised of the 20-day appeal period from the date of the decision being rendered.

6. MINOR VARIANCE APPLICATIONS

6.1 A006/11 Marie Maude & Pasqualina Sottile (Agent: Romolo Sottile)
13135 Nunnville Road, Bolton (Ward 5)

The purpose of this application is to seek permission to permit the parking of vehicles and equipment associated with a contractor's facility in the existing residential garage.

R. Sottile, the authorized agent for the applicants, appeared before the committee to request the application be deferred in order to hire a professional to assist with application and resolve the driveway problems. Mr. Sottile advised

that the property has been cleaned up and one truck is parked in the garage. Mr. Sottile provided letters to the Committee from neighbours that support the parking of the commercial vehicle in the garage.

The Committee was advised by Town Planning staff that the application does not meet the four tests as set out in the Planning Act and recommend refusal. Staff noted that in March 2009 and June 2010 the Town's By-law and Property Standards Section received complaints regarding a contractor's facility operating on the site. The Owner's were requested to remove all debris, vehicles and equipment related to the contractor's facility from the subject property, however, they failed to comply with the Town's requests and were subsequently charged. The charges have been adjourned at the request of the Owner's who have agreed to clean up the site and submit a minor variance application. The application does not meet the Special Residential designation in the Town of Caledon Official Plan and is zoned Estate Residential Exception 13. This zone does not permit parking or storage associated with a contractor's facility and also restricts the parking of commercial motor vehicles that exceed 3,000 kilograms. The Town Public Works and Engineering Department indicated that the proposal is not minor in nature due to the potential impacts of heavy trucks travelling along Nunnville Road as well as noise impacts.

M. Cardinale, owner of 52 Hubert Corless Drive addressed the Committee advising that she lives across from 13135 Nunnville Road. Ms. Cardinale expressed that the application is not minor and noted concerns regarding early morning construction equipment noise, unloading and storage of construction equipment and dust.

S. Olsen, L. Schepanow, owners of 84 Coolspring Crescent addressed the Committee. They indicated the location of their home on the overhead display and expressed concerns relating to dust, equipment parked on the driveway and trucks going up and down the residential roads.

The Committee was in receipt of a letter from P. Canali, owner of 13290 Nunnville Road, expressing concerns with the parking and storage of commercial vehicles on the subject property and if this minor variance was approved it would possibly lead to the industrialization of the residential neighbourhood.

The Committee was in receipt of a letter from R. and L. Chabot, owners of 94 Coolspring Crescent indicating that they have concerns with the noise and exhaust fumes in a residential area.

The Committee was in receipt of a letter from L. Milliken, owner of 13134 Nunnville Road which indicated that they have no concern as long as the owner parks the vehicles in the garage and not spread all over the driveway.

The Committee noted that during the site visit there were no commercial vehicles parked on the property and the property had been cleaned up. The committee indicated that the owner has not addressed the number of driveways or the weight of vehicles on the property.

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 Brenda Duncan

THAT application A 006/11 to allow the following variance:

- To permit the parking of vehicles and equipment associated with a contractor's facility in the existing residential garage

be refused for the following reasons:

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

1. The variance is not minor in nature;

2. The variance is not appropriate or desirable for the appropriate development or use of the land, building or structure referred to in the application;
3. The general intent and purpose of the Zoning By-law and Town of Caledon Official Plan is not being maintained; and,
4. The Committee also noted concerns regarding construction noise, dust, weight of vehicles and the impact of heavy construction equipment traffic on Nunnville Road.

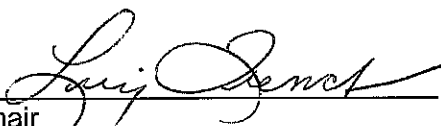
Carried.

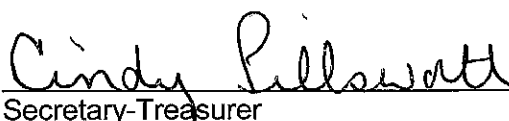
Those persons in attendance were advised of the 20-day appeal period from the date of the decision being rendered.

7. **CLOSED MEETING** – None scheduled

8. **ADJOURNMENT**

On verbal motion moved by Brenda Duncan and seconded by Robert Cannon, the hearing adjourned at 2:30 p.m.


Chair
Lily French


Secretary-Treasurer
Cindy Pillsworth