



Committee of Adjustment Hearing Minutes  
Wednesday, May 4, 2011  
1:00 p.m.  
Council Chambers, Town Hall

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

J. Partridge (regrets)

**STAFF PRESENT:**

Community Development Planner: R. Conard  
Solicitor: P. Desario  
Legal Student: P. Gross  
Community Development Planner: B. Lauder  
Secretary-Treasurer: C. Pillsworth  
Community Development Planner: M. Rajk

1. **CALL TO ORDER**

The Chair called the meeting to order at 1:00 p.m.

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

3. **CONFIRMATION OF MINUTES**

That the Committee of Adjustment Minutes dated April 13, 2011 be approved.

Carried.

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

- 4.1 B 019/10 & A 041/10 Georgina and Mark O'Sullivan (Agent: Clare Riepma)  
15757 Horsehoe Hill Road (Ward 2)

The Committee was in receipt of a letter dated March 29, 2011 from C. Riepma the authorized agent for the applicant, requesting that Applications B 019/10 and A 041/10 be deferred until June 29, 2011 or sooner. Mr. Riepma advised that the reason for the deferral is to allow time to address the Credit Valley Conservation concerns.

Moved by Susan Norberg – Seconded by Lily French

That Application B 019/10 and A 041/10 be deferred until June 29, 2011 or sooner and that the deferral fee of \$207 is to be submitted.

Carried.

- 4.2 B 006/11 Bernardino D'Amato (Agent: Paul King)  
0 Hopcroft Road (Ward 5)

The Committee was in receipt of a letter dated April 21, 2011 from P. King, the authorized agent for the applicant, requesting that Application B 006/11 be deferred for a period of six months or less. Mr. King advised that the reason for the deferral is to permit time to address the Regions concern regarding water and sewer services and to address Town staff concerns with the minimum lot area, lot frontage and access for properties to the north side of Hopcroft Road.

Moved by Julio Di Cresce – Seconded by Joseph Metcalfe

That Application B 006/11 be deferred until November 16, 2011 or sooner and that the deferral fee of \$207 is to be submitted.

Carried.

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

The Committee was in receipt of a letter dated May 4, 2011 from W. Nott, the authorized agent for the applicant, requesting that Application B004/11 be deferred for a period of six months or less. Ms. Nott advised that the reason for the deferral is to allow time to address Toronto Region Conservation concerns regarding the type of Area of Natural Scientific Interest (ANSI) on the subject property and to meet with Town staff to confirm conformity with the Oak Ridges Moraine Conservation Plan.

Moved by Susan Norberg – Seconded by Joseph Metcalfe

That application B 004/11 be deferred until November 16, 2011 or sooner and that the deferral fee of \$207 is to be submitted.

Carried.

## 5. MINOR VARIANCE APPLICATIONS

- 5.1 A011/11 Ciro and Debbie Baldassarra  
1 McConachie Crescent (Ward 2)

The purpose of the application is to increase the maximum Building Area from 8% to 10.4 % to permit an existing gazebo.

Mr. and Mrs. Baldassarra, the owners, appeared before the committee to request approval of the variance to increase the building area and advised that the gazebo was constructed without the appropriate building permit.

The Committee was informed that Planning staff had no concerns or objections to the approval of Application A011/11.

The Committee inquired if the Building Section will be pursuing further action as per the Report.

Planning staff indicated that the Building Section will not be pursuing any further action as this variance addresses the zoning contravention.

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 Susan Norberg – Seconded by Robert Cannon

1. That Application A 011/11 to increase the maximum building area from 8% to 10.4% 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.

5.2 A 012/11 Peter and Sabrina Tsetsonis  
15275 Highway 50 (Ward 4)

The purpose of the application is to reduce the Building Rear Setback from 10 metres to 4.5 metres in order to construct an accessory building.

Mr. Tsetsonis, the owner, appeared before the committee to request approval of one minor variance.

M. Colabrese, tenant, indicated that he also lives here and the accessory building is to assist in keeping the property clean.

The Committee was informed that Planning staff has concerns and are requesting that the application be deferred in order for the applicant to submit a planning justification outlining why the minor variance is required and how the reduction to 4.5 metres will not negatively impact the neighbouring properties.

The Committee inquired what size the proposed accessory building is, what is the purpose of such a large accessory building and has the owner been informed that contractor's equipment cannot be stored in this building?

Mr. Tsetsonis indicated that the accessory building will be 45 x 70 feet in size for the storage of lawn tractor, ATV's, boat and cars. Mr. Tsetsonis provided the committee with letters from neighbours supporting his application.

The Chair asked the Secretary-Treasurer to read the letters into the record.

C. Pillsworth, Secretary-Treasurer advised that the letters from Susan Gail Petersen, and Albert and Josephine Guhl state Mr. Tsetsonis has discussed the proposal with his neighbours and support for the proposed garage variance.

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 Julio Di Cresce – Seconded by Robert Cannon

That Application A012/11 to reduce the Rear Building Setback from 10 metres to 4.5 metres for the proposed accessory building be Conditionally Approved with attached Site Plan date stamped March 24, 2011 by the Planning Department no later than July 30, 2011 with the following conditions:

1. That the applicant remits the outstanding and overdue related TRCA Minor Variance application fee (\$360.00) within 60 days of receipt of this letter.
2. That the applicant obtains a permit from the TRCA pursuant to Ontario Regulation 166/06.

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.

## 6. CONSENT APPLICATIONS

6.1 B 002/11 Gardiner Farms Limited  
6197 Paterson Sideroad (Ward 4)

The purpose of this application is to sever 37.06 hectares or 91.5 acres to create an agricultural lot.

W. Nott, the agent, appeared before the committee to request the application be approved to permit a 91.5 acre agricultural lot. The purpose of the application is to recreate the original parcels which merged on title under single ownership.

The Chair asked whether there was anyone in attendance either in support of or in opposition to the application.

D. Plewes, 6050 Patterson Sideroad, expressed concerns regarding the impact on the woodlot and that it should be resolved and defined before any decision should happen. Why is the applicant not creating the original half township lot between Parcel B and Parcel C? Could you tell us the number of severances from Parcel C? What about the ground water contamination and site rehabilitation at the Old Caledon East dump?

Planning staff indicated that the applicant is not permitted to recreate lot lines through the woodland itself. Toronto Region Conservation Authority (TRCA) recommended that the severance be revised to include a minimum 30 metre buffer from the woodland feature so that it will remain under single ownership to prevent fragmentation. The Town of Caledon Environmental Policy also discourages fragmentation of ownership. The applicant will be required to enter into an agreement with the Town in order to conform to this policy.

The Committee explained that the Old Caledon East dump is owned by the Town.

R. Moody, 16730 Innis Lake Road, expressed concern regarding the maintenance of the fence that surrounds his property.

The Chair explained that the committee has no jurisdiction over fencing issues and that they are to be resolved with the owners of each parcel.

W. Nott, agent stated that Gardiner Farms will work with Mr. Moody on the maintenance of the fence.

The Chair inquired if the agent accepted the conditions. The agent 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 91.5 acre 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, if required.
3. That the Secretary-Treasurer receives a letter from the Region of Peel Public Works Department, Development Services Division with respect to the following:
  - A 36 metre right of way designation; 18 metres from the centreline of the Airport Road;

- A 0.3 metre reserve along the frontage of Regional Road 7 (Airport Road) behind the property line except at the approved access locations;
  - A 0.262 acre parcel of land for grading and fee simple acquisition as identified as Part 1 on the Draft-R Plan; and,
  - A 0.15 acre temporary working easement as identified as Part 2 on the Draft-R Plan;
  - a reference plan indicating the land requirements satisfactory to the Region of Peel.
4. That the Secretary-Treasurer receives a letter from the TRCA with respect to severance concept 2 in the submitted applications, subject to the following conditions:
    - That the proposed severance be revised to incorporate the 30 metre MVPZ from the significant woodlot under single ownership;
  5. That the applicant remits the outstanding TRCA Consent Application review fee of \$1,725.00 within 60 days of this letter.
  6. That a letter be received by the Secretary-Treasurer from the Town of Caledon's Zoning Administrator prior to final consent being granted review of a site development sketch, which is deemed to be satisfactory to the Zoning Administrator must be submitted for all lands containing any building or structure 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 variances as may be identified for those lands must be approved by the Committee of Adjustment of the Town of Caledon and that approval must be final and binding. Should either the severed or retained lands be vacant and contain no buildings or structures then a reference plan prepared and signed by an Ontario Land Surveyor will be sufficient.
  7. That the Secretary-Treasurer of the Committee of Adjustment receive written notification from the Town of Caledon's Planning Law Staff indicating that an agreement has been entered into with the applicant and registered on title to establish conditions requiring that natural self-sustaining vegetation be maintained or restored in order to ensure the long-term protection of any EPA on the lot.
  8. That the Secretary-Treasurer of the Committee of Adjustment 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.

6.2 B 003/11 Gardiner Farms Limited  
6197 Paterson Sideroad (Ward 4)

The purpose of this application is to sever 87.74 hectares or 216.8 acres to create an agricultural lot.

W. Nott, the agent, appeared before the committee to request the application be approved to permit a 87.74 hectare or a 216.8 acre agricultural lot. Parcel B is the major horse farm and breeding parcel. The lot line that is proposed will incorporate the barn that houses the horses.

The Chair inquired if there was any further information to be presented regarding this application that has not already been heard on the previous application?

The Chair inquired if the agent accepted the conditions. W. Nott, agent 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 Lily French – Seconded by Robert Cannon

That Application B 003/11 to create a 87.74 hectare or 216.8 acre 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, if required.
3. That the Secretary-Treasurer receives a letter from the Region of Peel Public Works Department, Development Services Division with respect to the following:
  - A 36 metre right of way designation; 18 metres from the centreline of the Airport Road;
  - A 0.3 metre reserve along the frontage of Regional Road 7 (Airport Road) behind the property line except at the approved access locations;
  - A 0.262 acre parcel of land for grading and fee simple acquisition as identified as Part 1 on the Draft-R Plan; and,
  - A 0.15 acre temporary working easement as identified as Part 2 on the Draft-R Plan;
  - a reference plan indicating the land requirements satisfactory to the Region of Peel.
4. That the Secretary-Treasurer receives a letter from the TRCA with respect to severance concept 2 in the submitted applications, subject to the following conditions:
  - That the proposed severance be revised to incorporate the 30 metre MVPZ from the significant woodlot under single ownership;
5. That the applicant remits the outstanding TRCA Consent Application review fee of \$1,725.00 within 60 days of this letter.
6. That a letter be received by the Secretary-Treasurer from the Town of Caledon's Zoning Administrator prior to final consent being granted review of a site development sketch, which is deemed to be satisfactory to the Zoning Administrator must be submitted for all lands containing any building or structure 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 variances as may be identified for those lands must be approved by the Committee of Adjustment of the Town of Caledon and that approval must be final and binding. Should either the severed or retained lands be vacant and contain no buildings or structures then a reference plan prepared and signed by an Ontario Land Surveyor will be sufficient.
7. That the Secretary-Treasurer of the Committee of Adjustment receive written notification from the Town of Caledon's Planning Law Staff indicating that an agreement has been entered into with the applicant and registered on title to establish conditions requiring that natural self-sustaining vegetation be maintained or restored in order to ensure the long-term protection of any EPA on the lot.

8. That the Secretary-Treasurer of the Committee of Adjustment 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.

6.3 B 005/11 Bernardino D'Amato (Agent: Paul King)  
0 Hopcroft Road (Ward 5)

The purpose of this application is to sever 0.995 hectares or 2.45 acres to create an industrial lot.

P. King, agent, advised the application is to sever 0.995 hectares or 2.45 acres with a frontage of 40.3 metres in order to create an industrial lot on Nixon Road. The existing dwelling will be demolished.

The Chair asked whether there was anyone in attendance either in support of or in opposition to the application.

M. Frighetto, 3 Hopcroft Road, stated that there are drainage issues from the D'Amato property. A buffer was created that would channel the water but now I am have flooding on my property.

P. King, agent, stated that there is an existing easement for drainage and should be included in the Site Plan Approval process when this parcel is developed.

M. Frighetto, requested consideration of Hopcroft Road becoming assumed or maintained by the Town.

The Chair advised that Hopcroft Road is a private road and the Town has no jurisdiction.

The Chair inquired if the agent accepted the conditions. The agent 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 Julio Di Cresce

That Application B005/11 to sever 0.995 hectares or 2.45 acres industrial 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, if required.
3. That the Secretary-Treasurer shall receive written confirmation from the Region of Peel that arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and new services and / or possible required private service easements.
4. That the Secretary-Treasurer shall receive written confirmation from the Region of Peel that the owner must provide the Region with the following land dedications free and clear of all encumbrances: a 45 metre right of way

designation; 22.5 metres from the centreline of the roadway for the retained lands along Regional Road 50 (Queen Street).

5. That the Secretary-Treasurer shall receive written confirmation from the Region of Peel that the owner provides a reference plan indicating all land requirements and any required private servicing easements satisfactory to the Region of Peel.
6. That the Secretary-Treasurer shall receive written confirmation from Planning and Development staff that a minor variance to reduce the minimum lot frontage of both the severed and the retained lands has been approved and is in full force and effect.
7. That the Secretary-Treasurer shall receive written confirmation from the Building Section that the dwelling has been demolished.
8. Prior to final consent being granted review of a site development sketch, which is deemed to be satisfactory to the Zoning Administrator must be submitted for all lands containing any building or structure 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 variances as may be identified for those lands must be approved by the Committee of Adjustment of the Town of Caledon and that approval must be final and binding. Should either the severed or retained lands be vacant and contain no buildings or structures then a reference plan prepared and signed by an Ontario Land Surveyor will be sufficient.

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.

5.3 A 014/11 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.

P. King, agent, stated that the minor variance is required to fulfill a condition for Consent Application B 005/11 and B 006/11 which was deferred.

The Committee was informed that Planning staff had no concerns or objections to the approval of Application A 014/11.

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 Julio DiCresce – Seconded by Joseph Metcalfe

That Application A 014/11 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.

7. **CLOSED MEETING** – None scheduled

8. **ADJOURNMENT**

On verbal motion moved by Joseph Metcalfe and seconded by Robert Cannon, the hearing adjourned at 3:45 p.m.



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Chair  
Brenda Duncan



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Secretary-Treasurer  
Cindy Pillsworth