



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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

J. Metcalfe (regrets)
J. Partridge (regrets)

STAFF PRESENT:

Community Development Planner: R. Conard
Manager of Development: S. Kirkwood
Intermediate Planner: S. McVittie
Secretary-Treasurer: C. Pillsworth

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 May 4, 2011 be approved.

Carried.

4. REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS – None stated.

5. MINOR VARIANCE APPLICATIONS

5.1 A015/11 Sergio and Carolin Panetta
16476 Mississauga Road (Ward 1)

The purpose of the application is to increase the number of dwellings per lot from 1 to 2.

Mr. and Mrs. Panetta, the owners, appeared before the committee to request approval of the variance to permit them to live in the existing house while the new house is being constructed and then the existing house will be demolished. The owners requested condition 1 to be removed and applied at the building permit stage and inquired how much security is required to be posted.

The Committee was informed that Planning staff had no concerns or objections to the approval of Application A015/11.

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 inquired how Town will know when the single family dwelling has been removed.

Planning staff advised that the applicant must enter into an agreement with the Town and the owner is required to post securities. If the applicant does not remove the existing dwelling within the two year timeline the Town then hires a demolition team and the securities will be used to cover associated demolition costs.

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 015/11 to increase the number of dwellings per lot from 1 to 2 be conditionally approved for a two year period ending on June 1, 2013 with the following conditions:

1. That the Secretary-Treasurer of the Committee of Adjustment receive written notification from the Region of Peel that arrangements satisfactory to the Region of Peel, Public Works Department have been made with respect to the following: Completed Road Occupancy Permit and a fee of \$260.00; Completed Notice to Commence Work 48 hours prior to commencing work; Proof of insurance with the Region of Peel added to the certificate as an additional insured with \$5 million minimum; and, Securities in the amount of \$3,000;
2. That the Secretary-Treasurer of the Committee of Adjustment receive written notification from the Building Section, that the Building Section is satisfied that the proposal will not negatively impact the existing septic system;
3. That the Secretary-Treasurer of the Committee of Adjustment receive a letter from the Heritage Officer confirming completion of the Heritage Assessment or the documentation and salvage of any identified heritage features or that satisfactory arrangements have been made; and,
4. That the Secretary-Treasurer of the Committee of Adjustment receives a letter from the Town of Caledon Planning Law Office confirming that the applicant has entered into an agreement with the Town of Caledon which includes provisions with respect to the demolition and removal of the existing house and related securities. The applicant shall pay the fees in accordance with the Town's Fees By-law prior to the preparation of the agreement.

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 016/11 Genny Branco
34 Mabee Drive (Ward 4)

The purpose of the application is to reduce the side setback from 7.5 metres to 2.5 metres in order to construct an accessory building.

Mr. Branco, the owner, appeared before the committee to request approval of the variance in order to construct an accessory building. Mr. Branco stated that staff are requesting to defer the application until a revised grading plan has been submitted showing that the proposed accessory building will not interfere with the structural envelope. Mr. Branco stated that the only damage would be from tires crossing over the structural envelope and he would return the grade back to its original form.

The Committee was informed that Planning staff is requesting the application be deferred so that the applicant can submit a revised grading plan showing that the proposed accessory building has been relocated and that no grading will take place outside the structure envelope. Planning staff also noted that the applicant has not completed a Reforestation Inspection.

The Committee inquired why the applicant has not completed a Reforestation Inspection and would if this would effect the application.

Planning staff advised the Reforestation Inspection would not interfere with this minor variance application and noted if the committee was to support the application staff request that a condition be included that a letter is received from the Design and Engineering Section of the Development Approval and Planning Policy Department that the applicant has submitted a grading plan showing that the grades match the existing grades at the edge of the structure envelope and is approved.

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 Lily French

That Application A016/11 to reduce the side setback from 7.5 metres to 4.5 metres for the proposed accessory building be Conditionally Approved with the following condition:

1. That a letter is received from the Design and Engineering Section of the Development Approval and Planning Policy Department that the applicant has submitted a grading plan showing that the grades match the existing grades at the edge of the structure envelope has been 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.

- 5.3 A 017/11 Saverio and Carmela Mondelli (Agent: P. Mondelli)
8 Evans Ridge, Bolton (Ward 5)

The purpose of the application is to reduce the rear yard setback from 7.5 metres to 5.8 metres in order to construct a deck.

P. Mondelli, agent, stated that the applicant is seeking a variance to construct a deck on the subject property.

The Committee was informed that Planning staff had no concerns or objections to the approval of Application A017/11.

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 Di Cresce – Seconded by Susan Norberg

That Application A017/11 to reduce the rear yard setback from 7.5 metres to 5.8 metres for the proposed deck 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.

5.4 A 018/11 Domenic Dambrosio (Agent: G. Faraong)
11 Golfdale Court, Caledon (Ward 4)

The purpose of the application is to reduce the side yard setback from 5.0 metres to 1.6 metres; and to reduce the Parking Space Setback from other lot lines from 10.0 metres to 4.4 metres in order to construct an addition to the existing garage.

G. Faraong, agent, appeared before the committee to request approval of the variance and noted that the owner is proposing to remove the existing shed.

The Committee was informed that Planning staff had no concerns or objections to the approval of Application A018/11.

The Committee inquired why the owner required an addition to the existing garage; square footage of accessory building and the large clothing truck parked on the parcel.

D. Dambrosio, owner indicated that the shed will remain on the property. The first garage will be used for personal storage. The additional garage will provide additional parking spaces for vehicles and lawn equipment. The new garage will be long in length to permit two vehicles to park back to back. The roof will have a gable pitch to it. The clothing truck is only parked there occasionally.

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 Julio Di Cresce

That Application A018/11 to reduce the Side Yard Setback from 5.0 metres to 1.6 metres; and, to reduce the Parking Space Setback from any other lot lines from 10 metres to 4.4 metres in order to construct an addition to the existing garage 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.

5.5 A 019/11 D-Train Limited (Agent: Gregory Deltin)
0 Kennedy Road (Ward 1)

The purpose of the application is to reduce the Minimum Distance Separation from 150 metres to 117.9 metres in order to construct a detached dwelling on the subject property.

G. Deltin, owner, appeared before the committee to request approval of the variance. Mr. Deltin advised that he has contacted the Credit Valley Conservation Authority (CVC) regarding the building envelope and was advised that the

property has wetlands to the north and watercourses to the east of the current approved envelope. The Oak Ridges Moraine policy is 30m from both the wetland and the watercourse for development and site alteration. CVC policy is that development should be setback 10m from the wetland and watercourse. In addition, some development is permitted in the floodplain; however, the development needs to be subject to no greater than 0.8m of flooding and a maximum velocity of 1.7m/s under regional storm conditions. Additionally, it must demonstrate that the development will be adequately dry-flood proofed.” Further relevant ORM policy is Section 22(2) of the ORMCP; relevant Town policy is Section 7.10.5.1.1 of the Town Official Plan; relevant CVC policy is Sections 7.2.1, 7.4, and 7.5 of the CVC Watershed Planning and Regulation Policies”. Mr. Deltin provided a sketch plan, prepared by Richard Kossak, Engineer, which demonstrates the 150 metres from the right and left side of the barn leaving no place to locate the dwelling.

The Committee inquired if staff is seeking a deferral of this application.

Planning staff advised that it would be best to defer the application to allow staff to work with the applicant and other agencies to determine if there is another suitable area for a revised building envelope. In 2000, Minimum Distance Separation was not required but staff must ensure that the required separation distance of the proposed dwelling meets the general intent and purpose of the zoning by-law.

The Committee inquired how a building envelope is established, its purpose and what the rationale is for Minimum Distance Separation.

Planning staff indicated that the existing lot was created through the approval of consent application B 020/00. The consent application had to comply with the Caledon High Potential Mineral Aggregate Resource Area (CHPMARA) and the Credit Valley Conservation policies because of the stream or watercourse. The CHPMARA surrounds the lot and is to be located 300 metres from any aggregate. An envelope is created to ensure that any development is within this established envelope. A condition confirming compliance with the applicable provisions of the Zoning By-law from the Zoning Administrator was not included.

The applicant explained that the house could not be moved closer to the front lot line as the house must be setback a minimum of 15 metres.

Planning staff indicated that the Oak Ridges Moraine By-law is not in full force and effect and not sure when it will be, but it will be more restrictive. Anyone applying for a building permit must still comply with the zoning provisions. The rationale for MDS is to protect odour or noise from surrounding agricultural properties and also to protect the farmer if they wish to expand the farm operation.

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 A019/11 to reduce the Minimum Distance Separation from 150 metres to 117.9 metres in order to construct a detached dwelling on the subject property 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.

5.6 A 020/11 Imron Janjua
19718 Airport Road (Ward 1)

The purpose of the application is to increase the number of dwellings from 1 to 2 for a temporary period.

I. Janjua, owner, appeared before the committee to request approval of the variance to permit them to live in the existing house until the new one is constructed and then the existing house will be demolished.

Planning staff had no concerns or objections to the approval of Application A020/11. Planning staff advised the owner that the Region of Peel has requested a condition to ensure the road is not damaged by trucks entering the property. Planning Law and Building Section will advise the applicant of the amount of security that is required for the demolition.

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

That Application A 020/11 to increase the number of Dwellings per lot from 1 to 2 be conditionally approved for a two year period ending on June 1, 2013 with the following conditions:

1. That the Secretary-Treasurer of the Committee of Adjustment receive written notification from the Region of Peel that arrangements satisfactory to the Region of Peel, Public Works Department have been made with respect to the following: Completed Road Occupancy Permit and a fee of \$260.00; Completed Notice to Commence Work 48 hours prior to commencing work; Proof of insurance with the Region of Peel added to the certificate as an additional insured with \$5 million minimum; and, Securities in the amount of \$3,000;
2. That the Secretary-Treasurer of the Committee of Adjustment receive written notification from the Building Section, that the Building Section is satisfied that the proposal will not negatively impact the existing septic system;
3. That the Secretary-Treasurer of the Committee of Adjustment receive a letter from the Heritage Officer confirming completion of the Heritage Assessment or the documentation and salvage of any identified heritage features or that satisfactory arrangements have been made; and,
4. That the Secretary-Treasurer of the Committee of Adjustment receives a letter from the Town of Caledon Planning Law Office confirming that the applicant has entered into an agreement with the Town of Caledon which includes provisions with respect to the demolition and removal of the existing house and related securities. The applicant shall pay the fees in accordance with the Town's Fees By-law prior to the preparation of the agreement.

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.

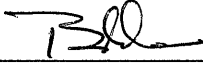
Carried.

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 Robert Cannon and seconded by Julio Di Cresce, the hearing adjourned at 3:00 p.m.



Chair
Brenda Duncan



Secretary-Treasurer
Cindy Pillsworth