



**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

J. Partridge (regrets)

**STAFF PRESENT:**

Community Development Planner: B. Lauder  
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 November 16, 2011 be approved.

Carried.

**4. DEFERRAL/WITHDRAWAL REQUESTS**

- 4.1 B 015/11 Leo and Leffie Parmaklis (Agent: J. Grogan)  
0 Airport Road (Ward 4)  
Lots 3, 4, 5 and part Lot 6, Plan CH-13 (Chinguacousy)

The Committee was in receipt of a letter dated December 8, 2011 from the Secretary-Treasurer explaining that Application B 010/10 was submitted for a lot creation and access easement. During review of the application staff identified the need for two additional consent applications for the creation of reciprocal access easements located on the severed and retained lands. Following staff's direction two additional consent applications were submitted and received approval. At the August 31, 2011 Committee hearing staff reviewed the number of applications and noted that application B 015/11 was not required as it formed part of application B 010/10. As a result of this decision staff added Application B 015/11 to the December 14<sup>th</sup> hearing for the Committee to provide a decision on a possible refund of the fees for application B 015/11.

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

Moved by R. Cannon – Seconded by J. Di Cresce

That Application B 015/11 is to lapse and that the Town of Caledon apply the application fee of \$3,000.00 in the following way \$500.00 x 2 to application B 010/10 and B014/11 for the Secretary-Treasurer Certificate Fee, \$1,623.64 for cash-in-lieu of parkland for application B 010/10 and \$376.36 refund to Mr. Parmaklis.

Carried.

- 4.2 B 016/11 Harvey and Lori Cook (Agent; B. Sutherland)  
14045 Airport Road (Ward 1)

The Committee was in receipt of a letter dated November 9, 2011 from B. Sutherland requesting that the application be deferred for a further six months to

meet with Region of Peel and Town staff in order to determine the appropriate size and location of the lot addition.

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

Moved by R. Cannon – Seconded by S. Norberg

That Application B 016/11 be deferred until June 20, 2012 and that the deferral fee is to be paid.

Carried.

- 4.3 A 075/11 Randy & Josie Yakimishyn (Agent: A. Hubick)  
22 Havencrest Drive (Ward 4)

The Committee was in receipt of a letter dated November 30, 2011 from A. Hubick requesting that the application be deferred for three months due to the fence built outside of the structural envelope.

B. Lauder, Community Planner Town requested the deferral to permit the applicant to work with the Town to resolve the fence built outside of the structural envelope.

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

Moved by L. French – Seconded by S. Norberg

That application A 075/11 be deferred until June 20, 2012 and that the deferral fee is waived.

Carried.

## 5. MINOR VARIANCE APPLICATIONS

- 5.1 A 070/11 Allan McMaster  
19699 Winston Churchill Boulevard (Ward 1)

The purpose of the application is to reduce the minimum rear yard setback to the south rear lot line from 10 metres to 3.6 metres and reduce the minimum rear yard setback to the northwest rear lot line from 10 metres to 5.7 metres for the existing detached accessory building.

Mr. McMaster, owner, appeared before the committee to request approval of the variance in order to recognize an existing shed.

The Chair inquired if staff had any new information.

Planning staff advised that there was no new information to provide.

The Chair inquired 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 S. Norberg – Seconded by R. Cannon

That Application A 070/11 to reduce the minimum rear yard setback to the south rear lot line from 10 metres to 3.6 metres and reduce the minimum rear yard setback to the northwest rear lot line from 10 metres to 5.7 metres for the detached accessory building be approved.

Carried.

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.

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 072/11 Marilyn and Johannes Lokker (Agent: Adrian Maes)  
18637 Hurontario Street (Ward 1)

The purpose of the application is to increase the maximum height of an accessory building from 4.5 metres to 5.3 metres and, increase the total building area for an accessory building from 5% to 6.7%.

A. Maes, agent, appeared before the committee to request approval of the variances in order to construct an accessory building on the subject property.

The Chair inquired if staff had any new information.

Planning staff advised that there was no new information to provide.

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

G. Kaindl, 18627 Hurontario Street, neighbour south of the subject property advised the committee that he had a regarding the drainage from the expressed subject property into his well and inquired what the applicant would do to ensure his property was not affected.

The Chair advised the agent and neighbours that the committee would stand down so that they can meet and discuss the proposal.

A. Maes, agent, advised the committee that the owner is satisfied with the drainage drawings that illustrate the drainage will not affect their 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 S. Norberg – Seconded by R. Cannon

That Application A 072/11 to increase the maximum height of accessory building from 4.5 metres to 5.3 metres and, increase the total building area for an accessory building from 5% to 6.7% be conditionally approved as per the following condition:

1. That the Secretary-Treasurer receive written confirmation from the Development Approval and Planning Policy Department that the applicant has verified that the proposed intensification of hard surfaces on the property will not have an adverse impact on the adjacent properties as a result of storm water leaving the site through the submission of an erosion and sediment control plan no later than June 29, 2012.

Carried.

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.

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 073/11 Diamondwood Properties (Agent: D. Libawski)  
40 Diamondwood (Ward 4)

The purpose of the application is to reduce the rear yard setback from 15 metres to 5 metres.

Mr. Libawski, the agent, appeared before the committee to request approval of the variance in order to construct a single family dwelling on the subject property.

The Chair inquired if staff had any new information.

Planning staff advised that there was no new information to provide.

The Chair inquired 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 J. Di Cresce – Seconded by J. Metcalfe

That Application A 073/11 to reduce the rear yard setback from 15 metres to 5 metres be approved.

Carried.

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.

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

5.4 A 074/11 Dan and Brenda Merjo  
2929 Highpoint Sideroad (Ward 4)

The purpose of the application is to increase the maximum building area of a non-agricultural use from 500 square metres to 578 square metres for a storage building.

Mr. Merjo, the owner, appeared before the committee to request approval of the variance in order to construct an accessory building on the subject property.

The Chair inquired if staff had any new information.

Planning staff advised that there was no new information to provide.

The Chair inquired 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 R. Cannon – Seconded by L. French

That Application A 074/11 to increase the maximum building area of a non-agricultural use from 500 square metres to 578 square metres for a storage building be conditionally approved as per the following condition:

1. That the Secretary-Treasurer receive written confirmation from the Town of Caledon Public Works Department that a Road Occupancy Permit has been issued and to restore the affected area within the Town's road

allowance as stipulated in the Standard Terms and Conditions by June 29, 2012.

Carried.

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.

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

- 5.5 A 076/11 The Great West Life Assurance Company (Agent: J.L. Richards)  
Part Lot 2, Concession 6, Parts 1, 2 & 3, Plan 43R34252 (Alb)  
0 Simpson Road (Ward 5)

The purpose of the application is to 1) increase the maximum net floor area for an accessory office from 15% to 35% of the total net floor area of the unit or building containing the permitted use to which it is accessory; 2) reduce the parking requirement for a contractor's facility from 1 parking space per 45 square metres of total net floor area or portion thereof to 1 parking space per 80 square metres of total net floor area and, 3) reduce the number of loading spaces from 2 to 1 loading spaces for that portion of the net floor area that is 2,326 square metres to 7,440 square metres to 1 loading space.

Mr. Richards, the agent, appeared before the committee to request approval of the variances in order to construct an industrial building on the subject property.

The Chair inquired if staff had any new information.

Planning staff advised that there was no new information to provide.

The Chair inquired 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 J. Di Cresce – Seconded by S. Norberg

That application A 076/11 to increase the maximum net floor area for an accessory office from 15 % to 35% of the total net floor area of the unit or building containing the permitted use to which it is accessory; 2) reduce the parking requirement for a contractor's facility from 1 parking space per 45 square metres of total net floor area or portion thereof to 1 parking space per 80 square metres of total net floor area; 3) reduce the number of loading spaces from 2 to 1 loading spaces for that portion of the net floor area that is 2,326 square metres to 7,440 square metres to 1 loading space be approved.

Carried.

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.

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 019/11 Federation of Ontario Naturalists (Agent: A. Bell)  
16679 Hurontario Street (Ward 1)

The purpose of this application is to sever 0.9 hectares with a frontage of 105.9 metres to create a residential lot on Hurontario Street.

A. Bell, agent, appeared before the committee to seek approval to sever 0.9 hectares with a frontage of 105.9 metres to create a residential lot on Hurontario Street.

The Chair inquired if staff had any new information.

Planning staff advised that the Region of Peel has submitted revised comments indicating that their condition is no longer required as it is not applicable.

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

The committee inquired who owned the right of way.

A. Bell, agent, noted to the Committee that to the best of her knowledge the right of way is owned by the Ontario Nature Federation.

R. Noppe, 16855 Hurontario Street, the neighbour, informed the committee that there are trees across the right of way and there is no access from Hurontario Street to Kennedy Road.

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 S. Norberg – Seconded by R. Cannon

That Application B 019/11 to sever 0.9 hectares with a frontage of 105.9 metres to create a residential lot on Hurontario Street be approved for the following reasons and subject to the following conditions:

1. That the Secretary-Treasurer's Certificate fees shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate.
2. That the approval of the draft reference plan(s) shall be obtained from the Secretary-Treasurer and the required number of prints of the resultant deposited reference plan(s) shall be received.
3. The Secretary-Treasurer shall receive a letter from the Niagara Escarpment Commission (NEC) confirming that the applicant has registered a restrictive covenant on title for the retained lands including but not limited to the following:
  - i) the property will be accessible to the public and used as a nature preserve as defined in the Niagara Escarpment Plan;
  - ii) that the property will be transferred to an appropriate conservation organization or public body should the original approved conservation organization holding the property fails ceases to exist, or wishes to transfer or dispose of the nature preserve in whole or in part.
4. That the Secretary-Treasurer receive a letter from the Development Approval and Planning Policy Department confirming that the location of the new well meets the applicable requirements of the Ontario Building Code as it relates to the minimum distance from a septic system and that the existing well has been decommissioned.

5. The Secretary-Treasurer receive a letter from the Development Approval and Planning Policy Department confirming that the applicant has provided a legal access to the neighbouring property for the purpose of firefighting.
6. That the Secretary-Treasurer receive a clearance letter from the Town's Corporate Services Department that there are no outstanding financial obligations.

Carried.

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.

6.2 B 024/11 A. and G. Sgambelluri (Agent: B. Sutherland)  
37 Isabella Street (Ward 1)

The purpose of this application is to sever 0.19 hectares (0.46 acres) with a frontage of 37.58 metres to create a residential lot on Isabella Street.

B. Sutherland, agent, clarified that the owner is intending to sever the lot into two parcels and to construct their own single family dwelling. Mr. Sutherland also stated that his client is aware that the detached garage and wood shed are to be decommissioned and the Building Department is requesting that the septic on the retained parcel be inspected to ensure it meets the Ontario Building Code. Mr. Sutherland submitted on behalf of his client a letter in support of this application from surrounding neighbours.

The Chair inquired if staff had any new information.

Planning staff advised that there was no new information to provide.

The Chair inquired if staff could identify the properties that have submitted letters not in support of the application. The Secretary-Treasurer provided a map indicating the parcels that are not in support of the application.

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

D. Puckering, neighbour east of subject property, 42 High Street, stated his opposition to the application. Mr. Puckering advised the Committee that on December 10, 2011, he submitted a letter opposing to this application and stated that this application may set precedent for others to seek severances and could create more homes in small hamlets. Mr. Puckering also indicated that for the past three elections they have canvassed extensively for Council to control growth and that the development fees do not presently pay for development costs and approving this plan would be counter to that plan. Mr. Puckering also indicated that he had a concern with water runoff, safety issue for children and vehicular traffic.

The committee inquired if the lots on the north side of High Street are the same size as the lot being proposed.

B. Sutherland, agent, advised that the proposed lots will be similar in size as the lots on the north side of High Street. The proposed lots will also meet the zoning for lot area and lot frontage.

The committee inquired if the grading will be addressed.

Planning staff advised that a condition has been provided for the submission of a grading plan that illustrates how these two lots will function and for staff approval.

The committee members indicated that the list that was submitted in support of the application included the tenants that reside at 37 Isabella Street and should

not be considered as they do not own the property. A letter of objection has been received from Mrs. Holleran and her name should be removed from the petition as she no longer supports the application.

B. Sutherland, agent, stated that he agrees with the Committee.

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 J. Metcalfe – Seconded by R. Cannon

That Application B 024/11 to sever an area of 0.19 hectares (0.46 acres) with a frontage of 37.58 metres to create a residential lot be approved for the following reasons and subject to the following conditions:

1. That the Secretary-Treasurer's Certificate fees shall be paid in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate.
2. That the approval of the draft reference plan(s) shall be obtained from the Secretary-Treasurer and the required number of prints of the resultant deposited reference plan(s) shall be received.
3. The Secretary-Treasurer receive a letter from the Region of Peel confirming that the applicant has made satisfactory arrangements with respect to the location of existing and installation of new services and/or possible required private service easements.
4. The Secretary-Treasurer receive a letter from the Public Works Department that satisfactory arrangements have been made for the entrances to the retained and severed parcels.
5. The Secretary-Treasurer receive a letter from the Development Approval and Planning Policy Department confirming that the applicant has submitted a grading plan and a letter from an engineer showing how the retained parcel and the severed parcel will drain independently once they have been fully developed and how the proposed changes will impact adjacent properties.
6. The Secretary-Treasurer receive a letter from the Development Approval and Planning Policy Department confirming that as per the report from Glenn Schnarr and Associates the well on the severed parcel has been decommissioned in accordance Ministry of Environment (MOE) guidelines.
7. The Secretary-Treasurer receive a letter from the Development Approval and Planning Policy Department confirming that a demolition permit has been issued and the existing concrete block garage and wood shed have been demolished.
8. That the Secretary-Treasurer receive a cheque made payable to the Town of Caledon for cash-in-lieu of parkland in accordance with Section 53(13) of the Planning Act, or in accordance with the Town's Policy.
9. That the Secretary-Treasurer receive a clearance letter from the Town's Corporate Services Department that there are no outstanding financial obligations.

Carried.

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.

7. **CLOSED MEETING** – None scheduled

8. **ADJOURNMENT**

On verbal motion moved by Julio Di Cresce and seconded by Lily French, the hearing adjourned at 2:31 p.m.



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Brenda Duncan  
Chair



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Cindy Pillsworth  
Secretary-Treasurer