

Filing Date: April 16th, 2021

Hearing Date: May 11th, 2021

File: A-2021-0099

**Owner/
Applicant:** **2042843 ONTARIO INC.**

Address: **34 Highwood Road**

Ward: 2

Contact: Xinyue (Jenny) Li, Planner 1

Recommendations:

That application A-2021-0099 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Public Notice;
2. That the owner and builders amend the existing Temporary Structures Agreement with the City to extend the date of expiry 3 years from the date of the Committee's decision or until such time all dwelling units in the plan related to this approval are sold, whichever comes first. A demolition permit shall be obtained prior to the removal of the temporary structure from the site;
3. That the owner provide a security in the amount of \$40,000 to ensure the removal of the sales office, parking areas, temporary access and all associated signage and flags;
4. That all signage associated with the temporary sales office is to be in accordance with the Sign By-law and shall not be installed or displayed until such time as appropriate permits have been issued;
5. That the owner agrees to sell lots pertaining to SPA-2019-0005 and shall not conduct sales for other subdivisions from the temporary sales office unless deemed appropriate by the Director of Development Services;

6. Failure to comply with and maintain the conditions of approval shall render the variance null and void.
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Background:

In April 2014 (City File: A4-033) the Committee approved an application to allow two temporary new home sales pavilion on the subject property with conditions for a temporary period of two (2) years. Under the condition only homes within the vicinity could be sold through the facility. The tenant used the facility to also sell homes within Caledon without permission from the landowner, therefore, voiding the granted variance and the use is ceased. In August 2015 (City File: A15-150) the committee refused the application to permit a temporary new homes sales pavilion on the subject land. The building still exist on the site although the use was ceased.

The applicant is now seeking a minor variance on the subject lands in order to permit the temporary use of a sales building on the lands to facilitate the sale of townhouse units proposed on the subject site (Application no. SPA-2019-0005).

A zoning By-law amendment to rezone the subject land from 'Agricultural' to 'Site Specific-Residential Townhouse Zone' to permit a proposed townhouse development on the site was conditionally approved by the Local Planning Appeal Tribunal (PL17052) on January 18th, 2019 pending on Site Plan conditions (SPA-2019-0005).

Existing Zoning:

The property is zoned Agricultural (A), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a temporary new homes sales pavilion whereas the Agricultural zone does not permit the proposed use.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the official Plan and 'Medium Density Residential' in the Snelgrove-Heart lake secondary plan (Area 1). The residential designation in the Official Plan permit predominately residential land uses including a full range of dwelling types ranging from single detached houses to high-rise apartments. Under the medium density residential category, single detached homes, semi-detached homes and townhouses are permitted. The temporary new homes sales pavilion is for the applicant to sell townhouses proposed to be constructed on the subject land.

The requested variance is not considered to have significant impacts within the context of the Official Plan. The requested variance is considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned 'Agricultural' (A) and conditionally approved by LPAT to rezone the land at 34 Highwood Road to Site Specific-Residential Townhouse Zone, which the final order is pending conditions for final Site Plan Control approval (SPA-2019-0005).

Conditional approval was granted by the Committee in 2014 to allow the establishment of the temporary sales pavilion use for a temporary period of three years. Temporary sales pavilion have typically been permitted in situations where they do not have an impact on the future development of the lands for the intended purposes. The requested variance to permit a temporary sales pavilion intend to facilitate the sale of the proposed townhouses on the same subject land. Given the temporary nature of the requested variance and no significant impact to surrounding properties are anticipated. Subject to conditions of approval, the proposed variance is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed variance is to permit a temporary sales pavilion on the subject land. Given the subject site is surrounded mainly by low density residential dwellings and the temporary sales pavilion is an existing structure that will only be used for the purpose of selling the proposed townhouse units on the same land, a temporary sales pavilion is considered to be appropriate for the site. There are limited onsite parking provided and due to the COVID-19 situation commercial activities are controlled by health restrictions.

Subject to conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Subject to the conditions of approval, the proposed variance to permit a temporary sales pavilion on the subject land is considered to be minor in nature.

Respectfully Submitted,



Xinyue (Jenny) Li,
Planner I, Development Services