

NOTICE OF DECISION

FILE NO: A052/06

IN THE MATTER OF Subsection 45 of the Planning Act.

IN THE MATTER OF an application by **889273 ONTARIO INC. In Trust** c/o Jim Hundt, with respect to Part of Lot 2, Concession 4, (Municipally known as 7250 Keele Street, Concord).

The subject lands are zoned PBM1, Parkway Belt Restricted Industrial under By-law 1-88, as amended.

The applicant is requesting variances to permit the **construction of a proposed regenerative thermal oxidizer (RTO)** detached from the one-storey industrial building (in the parking lot), notwithstanding, the proposed changes to the existing By-Law & current By-Law requirements are as follows:

Proposal:	By-Law Requirements:
1. To permit the proposed RTO (Regenerative Thermal Oxidizer) outside of a wholly enclosed building.	1. All uses must be within a wholly enclosed building.
2. To reduce the number of required parking spaces to 206.	2. Required number of parking spaces = 489

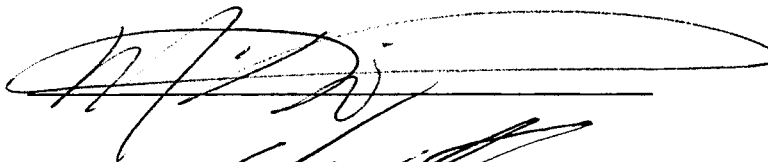
A sketch is attached illustrating the request.

Other Planning act Applications

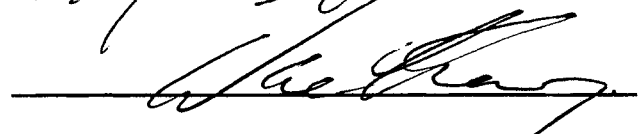
The land which is the subject in this application is also the subject of an application under the Planning act for:

Minor Variance File **A297/03** **APPROVED – Nov 27/03** – construct a detached tank storage area
Site Plan Amendment File **DA.02.087** **ON HOLD-** pending the outcome of this application.

Moved by:



Seconded by:



THAT the Committee is of the opinion that the variances sought can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

AND THAT Application No. **A052/06, 889273 ONTARIO INC. In Trust** c/o Jim Hundt, be **APPROVED** in accordance with the sketch attached and subject to the following conditions:

✓ I approved provided that variance in parking spaces be specific to existing use & will revert to by-law should use change. ✓

*AT M.H.P.
de. mm*

2. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee. **PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)**

VERY IMPORTANT: IT IS THE RESPONSIBILITY OF THE OWNER/APPLICANT AND/OR AGENT TO OBTAIN AND PROVIDE A CLEARANCE LETTER FROM EACH AGENCY AND/OR DEPARTMENT LISTED IN THE CONDITIONS WHETHER "IF REQUIRED" APPEARS IN THE CONDITION OR NOT AND FORWARD THIS CLEARANCE LETTER TO THE SECRETARY-TREASURER AS SOON AS THE CONDITIONS ARE FULFILLED. FAILURE TO COMPLY WITH THIS PROCEDURE WILL RESULT IN A LETTER BEING FORWARDED BY THE SECRETARY-TREASURER INDICATING THIS FILE HAS LAPSED AND, THEREFORE, WILL NECESSITATE THAT A NEW APPLICATION BE SUBMITTED TO LEGALIZE THIS PROPERTY.

THIS MINOR VARIANCE DECISION IS NOT A BUILDING PERMIT AUTHORIZING CONSTRUCTION UNDER THE BUILDING CODE ACT, R.S.O. 1990, AS AMENDED. A BUILDING PERMIT MAY BE REQUIRED. PLEASE CONTACT THE BUILDING STANDARDS DEPARTMENT IN THE EVENT THAT YOU REQUIRE FURTHER CLARIFICATION.

CARRIED.

CHAIR: Mary Mauti

Signed by all members present who concur in this decision:

Mary Mauti
M. Mauti,
Chair,

~~ABSENT~~
T. DeCicco
Vice Chair,

[Signature]
L. Fluxgold,
Member,

[Signature]
D. H. Kang,
Member,

[Signature]
M. S. Panicali,
Member,

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.

per [Signature]
Dianne E. L. Grout, A.M.C.T.,
Manager of Development Services and
Secretary-Treasurer to Committee of
Adjustment
City of Vaughan

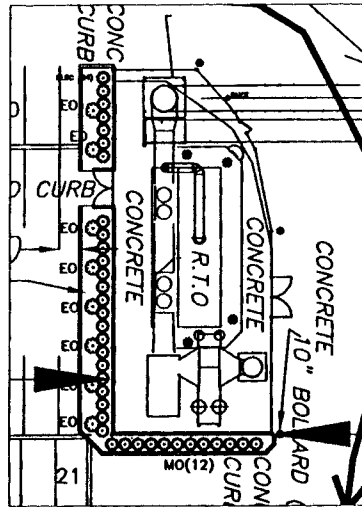
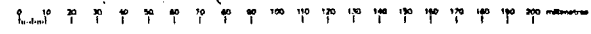
DATE OF HEARING:
LAST DATE OF APPEAL:

FEBRUARY 9, 2006
FEBRUARY 29, 2006

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30P.M . ON FEBRUARY 29, 2006.

NOTE:The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name of individual group members, and not in the name of the group.

NOTE: IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS: * FEBRUARY 29, 2007 *****

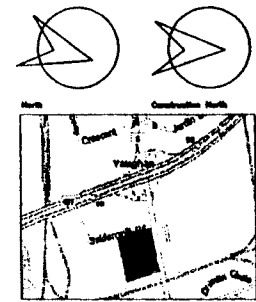
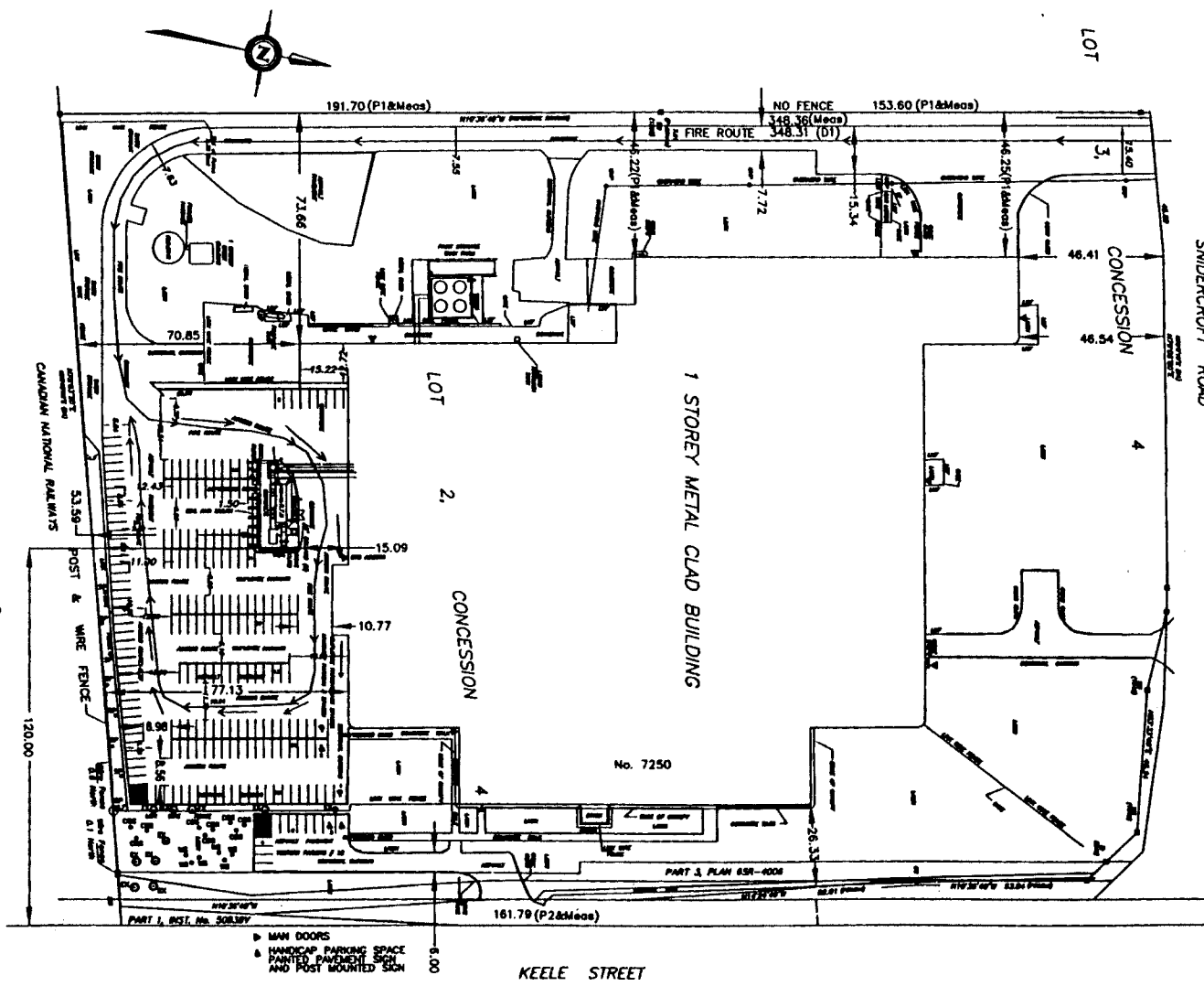


1 R.T.O. PLANTINGS

TREE LEGEND:

- PLSC - PURPLE LEAF SAND CHERRY (PLANTED 1M APART)
- EO - ENGLISH OAK (50MM INTAL CALIPER, 3M SPACING)
- MO - MOCK ORANGE (PLANTED 1M APART)
- CS - COLDWIND BLUE SPRUCE (2M HIGH, BALLED AND BURLAPPED)
- WS - WHITE SPRUCE (2M HIGH, BALLED AND BURLAPPED)
- SP - SCOTCH PINE (2M HIGH, BALLED AND BURLAPPED, 10M SPACING)
- EX - EXISTING TREE

NOTE: PLANTING AREA FOR RTO BETWEEN CONCRETE PAD AND CONCRETE CURB IS SOIL TOPPED WITH MULCH.



NOTE:
 1. THESE DRAWINGS CONTAIN INFORMATION THAT IS PROPRIETARY AND CONFIDENTIAL AND MAY NOT BE USED OR DISSEMINATED EXCEPT AS MAY BE AUTHORIZED BY LEHMANN & ASSOCIATES.
 2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT, AND TO REPORT ANY DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING WITH THE WORK.

Revision	Date	By/Issued By
2	LANDSCAPING ADDED	29/11/05
1	SITE PLAN APPLICATION	13/10/05

LEHMANN & ASSOCIATES
 CONSULTING ENGINEERS
 18 Regent Place, Burlington, ON

A Detail No.
 B Drawing No. - where detail required

project title
R T O RELOCATION
 FROM PLANT 233 TO PLANT 244
 7250 KEELE STREET
 CONCORD, ONT.

SITE PLAN

designed by C.L.
 drawn by N.B.
 checked by
 approved by
 project date 07-08-05
 project no. 0525
 drawing no. SP1

SITE STATISTICS

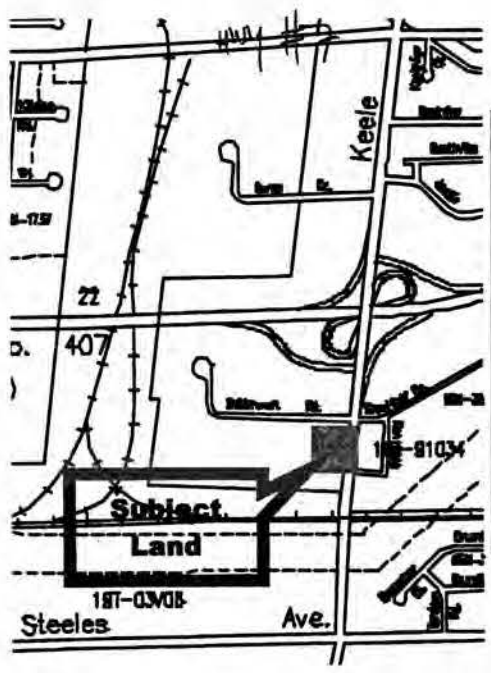
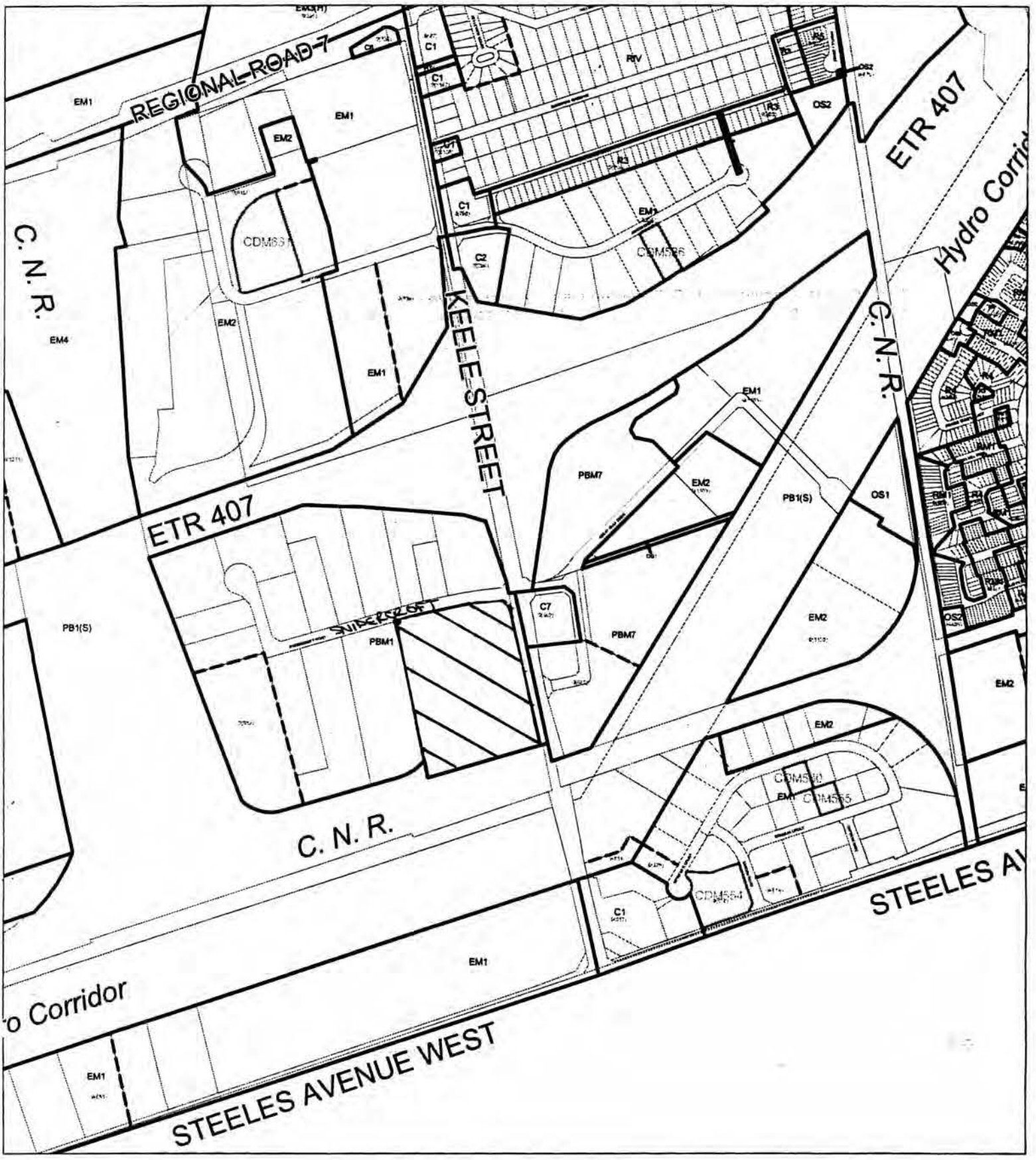
TOTAL AREA OF PROPERTY	84403.73 m ²
PLANT AREA	28780 m ²
OFFICE AREA	2,084.1 m ²
TOTAL BUILDING AREA	31,482.1 m ²
LOT COVERAGE	37.31%
PAVED AND GRAVEL AREA	11022.04 m ²
SNOW STORAGE AREA	1242 m ²
(PERCENTAGE TO PAVED AND GRAVEL)	11.2 %
CURRENT PARKING	177
PARKING REQUIRED	130
EMPLOYEE PARKING + (HANDICAP)	182 (5)
VISITOR PARKING + (HANDICAP)	163 (5)
PROPOSED TOTAL PARKING	308 (5)

NOTE:- ALL THE DIMENSIONS ARE IN METERS



- NOTE:
- FOR DETAILS ON RTO (PARTIAL) PLANT ELEVATION SEE DRAWING E1
 - FOR DETAILS ON MAJOR MECHANICAL ROOF EQUIPMENT SEE DRAWING 44-21-D
 - FOR DETAILS ON RTO RELOCATION SEE DRAWING 4637-M501 SHT 1&2 OF 2

A052106



<p>City of Vaughan <i>The City Above Toronto</i></p>		<h1>COMMITTEE OF ADJUSTMENT</h1>	
		File No: A052/06	Applicant: 889273 ONTARIO INC.
		Subject Area Municipally located at 7250 Keele St. (Concord)	

PLANNING ACT GUIDELINES FOR APPEALING VARIANCES

Subsection 45 - 20 inclusive

- (12) The applicant, the Minister or any other person who has an interest in the matter may within twenty days of the making of the decision appeal to the Municipal Board against the decision of the Committee by serving personally on or sending by registered mail to the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Municipal Board* under the Ontario Municipal Board Act as payable on an appeal from a Committee of Adjustment to the Board.
- (13) The Secretary-Treasurer of a Committee, upon receipt of a notice of appeal served or sent to him/her under subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in Subsection (12) to the Municipal Board by registered mail, together with all papers and documents filed with the Committee of Adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board.
- (14) If within such twenty days no notice of appeal is given, the decision of the Committee is final and binding, and the Secretary-Treasurer shall notify the applicant and shall file a certified copy of the decision with the Clerk of the Municipality.
- (15) Where all appeals to the Municipal Board are withdrawn by the persons who gave notice of appeal, the decision of the Committee is final and Binding and the Secretary of the Board shall notify the Secretary-Treasurer of the Committee who in turn shall notify the applicant and file a certified copy of the decision with the Clerk of the Municipality.
- (16) On an appeal to the Municipal Board, the Board shall except as provided in Subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, and Secretary-Treasurer of the Committee and to such other persons and in such manner as the Board may determine.
- (17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Municipal Board may dismiss all or part of an appeal without holding a hearing, on its own motion or on the motion of any party if,
- (a) it is of the opinion that,
 - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board could allow all or part of the appeal,
 - (ii) the appeal is not made in good faith or is frivolous or vexatious, or
 - (iii) the appeal is made only for the purpose of delay;
 - (b) the appellant has not provided written reasons for the appeal;
 - (c) the appellant has not paid the fee prescribed under the *Ontario Municipal Board Act*; or
 - (d) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board.
- (17.1) Before dismissing an appeal, the Municipal Board shall notify the appellant and give the appellant an opportunity to make representation in respect of the appeal and the Board may dismiss an appeal after holding a hearing or without holding a hearing on the motion, as it considers appropriate.
- (18) The Municipal Board may dismiss the appeal and may make any decision that the Committee could have made on the original application.
- (18.1) On an appeal, the Municipal Board may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection. (18.1.1) The Municipal Board is not required to give notice under subsection (18.1) if in its opinion, the amendment to the original application is minor.
- (18.2) Any person or public body who receives notice under subsection (18.1) may, not later than thirty days after the day that written notice was given, notify the Board of an intention to appear at the hearing or the resumption of the hearing, as the case may be.
- (18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Board may issue its order.
- (18.4) If a notice of intent under subsection (18.2) is received, the Board may hold a hearing or resume the hearing on the amended application, or it may issue its order without holding a hearing or resuming the hearing.
- (19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the Secretary-Treasurer of the Committee.
- (20) The Secretary-Treasurer shall file a copy of the order of the Municipal Board with the Clerk of the Municipality.

\$150.00 processing fee, payable to the TREASURER CITY OF VAUGHAN.

AND

\$125.00, by separate cheque, payable to the MINISTER OF FINANCE, for the primary variance appeal and \$25.00 for each related variance appeal.