



APPLICANTS	ICP Developers INC. 5400 Bimini Crt., Mississauga ON L5M 6G9
PROPERTY	1860 Appleby Line, PLAN M249 PT BLKS 11,19 RP 20R13463 PARTS 4,7,10 RP 20R13597 PARTS 5,6,8,11,21, City of Burlington, Regional Municipality of Halton.

DECISION - 540-02-A009/2014:

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO., 1990, as amended, CP. 13;

The Committee, in its opinion, finds the variance application:

- (1) to be minor
- (2) to be desirable for the appropriate development or use of the property
- (3) to be within the general intent and purpose of the Official Plan
- (4) to be within the general intent and purpose of the zoning by-law

Therefore, application under File 540-02-A009/2014 be GRANTED as follows:

1. To permit the required parking for the development to be 315 parking spaces including 11 accessible parking spaces instead of the minimum required 335 parking spaces, including 11 accessible parking spaces for the proposed development.
2. To permit retail and service commercial uses in Phase One of Building 1 with a minimum floor area of 2044.4 m² whereas Zoning By-law 2020 permits retail and service commercial uses on the ground floor and below grade floors only in buildings having a minimum floor area of 3000 m².
3. To permit retail and service commercial uses in Phase Two of Building 2 with a minimum floor area of 2983.4 m² whereas Zoning By-law 2020 permits retail and service commercial uses on the ground floor and below grade floors only in buildings having a minimum floor area of 3000 m².
4. To permit a maximum of 74% of the combined floor area for Phase One of Building 1 and Phase Two Building 2 to be used for retail and service commercial uses instead of the permitted maximum of 50% of the floor area.
5. To permit 2 outdoor patios associated with 2 standard restaurants with 0 parking spaces instead of the required 1 parking space per 4 persons capacity for an outdoor patio.
6. To permit the second storey of Building 2 to be 9% of the area of the first storey instead of the requirement that the second storey be no less than 50% of the first storey.
7. To permit parking areas that are separated from adjoining parking areas by a 2.6 m landscape area instead of the minimum required 3.0 m.
8. To permit Phase one of Building 1 to be a one storey building instead of the minimum required two storeys

REASONS:

Committee felt that the variances met the four test of the Planning Act for the same reasons noted in the Planning comments in the Agenda; modified the condition so that the applicant must obtain a building permit by March 15, 2019 as the Committee deemed the 5 year time frame more appropriate.

CONDITIONS:

Fulfillment of the following conditions within the time specified, which period begins from the last date of appeal:

- (i) Obtain appropriate form of site plan approval;
- (ii) Obtain a zoning certificate (required for building permit) and a building permit within 5 years.

The decision of the minor variance application will not come into full force and effect until all conditions have been satisfied; therefore any conditions listed under the "CONDITIONS" section must be fulfilled. The time period given is a maximum period only and cannot be extended.

These variances be granted for the commercial development only, as per approved plans by the Committee or final approved site plan subject to the following:

- (i) That a Zoning Clearance Certificate and Building Permit be issued for Phase 3 by March 15, 2019.

This decision is subject to appeal to the Ontario Municipal Board by filing with the secretary-treasurer of the Committee of Adjustment, a "Notice of Appeal Form," giving reasons for the appeal, accompanied with the prescribed fee on or before **March 16, 2014**.

"P.Thoem"

P. Thoem, Acting Chair

"S. Sarraf"

S. Sarraf, Member

"D. Kumar"

D. Kumar, Member

I certify this to be a true copy of the committee's decision given February 24, 2014.



Amanda D'Angelo
Acting Secretary-Treasurer