

APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **SONIA BIBRA AND YOGESH SHARMA** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Lot 16, Plan M-304 municipally known **38 FENTON WAY**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit a building addition with a side yard setback of 4.5m (14.76 ft) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft).

OTHER PLANNING APPLICATIONS:

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: NO File Number: _____
Application for Consent: NO File Number: _____

The Committee of Adjustment has appointed **TUESDAY, May 30, 2023 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. This will also entitle you to be advised of an Ontario Land Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the applicant, the Minister, a specified person or a public body.

RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

DATED at Brampton Ontario, this this 18th Day of May, 2023.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer
Committee of Adjustment, City Clerk's Office,
Brampton City Hall, 2 Wellington Street West,
Brampton, Ontario L6Y 4R2
Phone: (905)874-2117 Fax: (905)874-2119
jeanie.myers@brampton.ca

Under the authority of the Emergency Management and Civil Protection Act and the Municipal Act, 2001, City Council approved Committee Meetings to be held electronically and/or as a hybrid meeting (both in-person and electronically).

**Electronic/Hybrid Hearing Procedures
How to get involved in the Hybrid Hearing**

As the pandemic has waned, Brampton City Hall is currently lifting in-person attendance restrictions due to the COVID pandemic. In-person attendance at Committee of Adjustment Hearings is now available at this time, along with a virtual participation option. Brampton City Council and its Committees will continue to meet electronically and in-person. For the **May 30, 2023** hearing, the Committee of Adjustment will conduct its meeting with concurrent electronic and in-person attendance.

How to Participate in the Hearing:

All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, May 25, 2023.**

- Advance registration for applicants, agents and other interested persons is required by one or two options:
 1. Participate remotely in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Thursday, May 25, 2023.**
 2. To participate in-person, please email the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Thursday, May 25, 2023.**
- Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone or in-person. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Thursday, May 25, 2023.** City staff will contact you and provide you with further details.

You will be contacted by the City Clerk's Office before the hearing date to confirm your attendance. Confirmation of in-person attendance will be subject to any in-person capacity limits that may be in place for Council Chambers at City Hall and prevailing public health orders and guidance.

- All Hearings will be livestreamed on the City of Brampton YouTube account at:
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or
<http://video.isilive.ca/brampton/live.html> .

If holding an electronic/hybrid rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca. If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

NOTE Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.brampton.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.



For Office Use Only
(to be inserted by the Secretary-Treasurer
after application is deemed complete)

FILE NUMBER: A-2023-0108

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION
Minor Variance or Special Permission
(Please read Instructions)

NOTE: It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** Sonia Bibra & Yogesh Sharma
Address 38 Fenton Way, Brampton, ON L6P 0P4

Phone # 905-782-4021 **Fax #** _____
Email canadabillions@gmail.com

2. **Name of Agent** W.E. Oughtred & Associates Inc.
Address 2140 Winston Park Drive, Suite 26, Oakville, ON L6H 5V5

Phone # 905-822-5644 **Fax #** _____
Email meagan@weoughtred.ca

3. **Nature and extent of relief applied for (variances requested):**

Sideyard setback to the proposed addition of 4.5m whereas the by-law requires 7.5m in this instance.

4. **Why is it not possible to comply with the provisions of the by-law?**

The proposed construction is a pool cabana which is attached to the house via an underground tunnel. The setback requirement for an accessory structure is 1.2m, and the cabana will appear as a detached structure.

5. **Legal Description of the subject land:**
Lot Number Lot 16 and Block MM, Plan M304
Plan Number/Concession Number _____
Municipal Address 38 Fenton Way

6. **Dimension of subject land (in metric units)**
Frontage 61.10m
Depth 119.67m
Area 8,547sq.m.

7. **Access to the subject land is by:**

Provincial Highway	<input type="checkbox"/>	Seasonal Road	<input type="checkbox"/>
Municipal Road Maintained All Year	<input checked="" type="checkbox"/>	Other Public Road	<input type="checkbox"/>
Private Right-of-Way	<input type="checkbox"/>	Water	<input type="checkbox"/>

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

two storey brick dwelling, under construction

PROPOSED BUILDINGS/STRUCTURES on the subject land:

Pool cabana with basement, attached to dwelling via tunnel
 Existing dwelling GFA: 1210.56m²
 Pool GFA: 167.3m²

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback 34.50m
 Rear yard setback 72.70m
 Side yard setback 10.67m
 Side yard setback 8.4m

PROPOSED

Front yard setback NO CHANGES
 Rear yard setback _____
 Side yard setback _____
 Side yard setback 4.95m

10. Date of Acquisition of subject land: 2020

11. Existing uses of subject property: Residential

12. Proposed uses of subject property: Residential

13. Existing uses of abutting properties: Residential

14. Date of construction of all buildings & structures on subject land: under construction

15. Length of time the existing uses of the subject property have been continued: unknown

16. (a) What water supply is existing/proposed?
 Municipal Other (specify) _____
 Well
- (b) What sewage disposal is/will be provided?
 Municipal Other (specify) _____
 Septic
- (c) What storm drainage system is existing/proposed?
 Sewers Other (specify) _____
 Ditches
 Swales

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes No

If answer is yes, provide details: File # _____ Status _____

18. Has a pre-consultation application been filed?

Yes No

19. Has the subject property ever been the subject of an application for minor variance?

Yes No Unknown

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

M. Jan
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton
THIS 20th DAY OF April, 2023.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Meagan Sanderson, OF THE City OF Hamilton

IN THE Province OF Ontario SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF

Peel THIS 20th DAY OF

April, 2023

Jeanie Cecilia Myers
a Commissioner, etc.,
Province of Ontario
for the Corporation of the
City of Brampton
Expires April 8, 2024.

M. Jan
Signature of Applicant or Authorized Agent

Jeanie Myers
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: RE2-1500

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

L Barbuto
Zoning Officer

May 8, 2023
Date

DATE RECEIVED April 20, 2023

Date Application Deemed _____

STANDARD SITE PLAN DEVELOPMENT NOTES

(A) DEVELOPMENT DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT

- 1. THE CITY OF BRAMPTON REQUESTS THAT ALL IMPROVEMENTS SUBMITTED TO THE BUILDING DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT BE MADE IN ACCORDANCE WITH THE CITY OF BRAMPTON STANDARD SPECIFICATIONS FOR THE CITY OF BRAMPTON.
- 2. THE CITY OF BRAMPTON REQUESTS THAT ALL IMPROVEMENTS SUBMITTED TO THE BUILDING DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT BE MADE IN ACCORDANCE WITH THE CITY OF BRAMPTON STANDARD SPECIFICATIONS FOR THE CITY OF BRAMPTON.

(B) DESIGN DIVISION, PLANNING AND BUILDING DEPARTMENT

- 1. THE CITY OF BRAMPTON REQUESTS THAT ALL IMPROVEMENTS SUBMITTED TO THE BUILDING DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT BE MADE IN ACCORDANCE WITH THE CITY OF BRAMPTON STANDARD SPECIFICATIONS FOR THE CITY OF BRAMPTON.
- 2. THE CITY OF BRAMPTON REQUESTS THAT ALL IMPROVEMENTS SUBMITTED TO THE BUILDING DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT BE MADE IN ACCORDANCE WITH THE CITY OF BRAMPTON STANDARD SPECIFICATIONS FOR THE CITY OF BRAMPTON.

(C) TRANSPORTATION AND WORKS DEPARTMENT

- 1. THE CITY OF BRAMPTON REQUESTS THAT ALL IMPROVEMENTS SUBMITTED TO THE BUILDING DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT BE MADE IN ACCORDANCE WITH THE CITY OF BRAMPTON STANDARD SPECIFICATIONS FOR THE CITY OF BRAMPTON.
- 2. THE CITY OF BRAMPTON REQUESTS THAT ALL IMPROVEMENTS SUBMITTED TO THE BUILDING DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT BE MADE IN ACCORDANCE WITH THE CITY OF BRAMPTON STANDARD SPECIFICATIONS FOR THE CITY OF BRAMPTON.

(D) GENERAL NOTES

- 1. THE OWNER IS RESPONSIBLE FOR OBTAINING THE TREE PROTECTION PERMITS AND MAINTAINING THEM THROUGHOUT ALL PHASES OF CONSTRUCTION AND OPERATION OF THE PROJECT AS APPROVED BY THE PLANNING AND BUILDING DEPARTMENT.
- 2. THE OWNER IS RESPONSIBLE FOR OBTAINING THE TREE PROTECTION PERMITS AND MAINTAINING THEM THROUGHOUT ALL PHASES OF CONSTRUCTION AND OPERATION OF THE PROJECT AS APPROVED BY THE PLANNING AND BUILDING DEPARTMENT.

REGION OF PEEL CONSTRUCTION STANDARDS NOTES

- 1. ALL MATERIALS AND CONSTRUCTION METHODS MUST CONFORM TO THE CURRENT PERMITS, PUBLIC WORKS STANDARDS AND SPECIFICATIONS.
- 2. ALL MATERIALS AND CONSTRUCTION METHODS MUST CONFORM TO THE CURRENT PERMITS, PUBLIC WORKS STANDARDS AND SPECIFICATIONS.

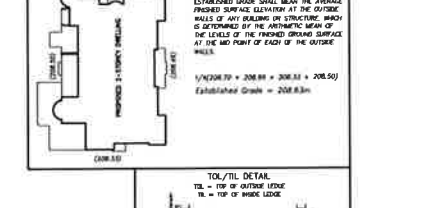
TREE PROTECTION NOTE

- 1. ALL TREES WITH DBH 100 MM OR GREATER SHALL BE FULLY PROTECTED BY A TREE PROTECTION SYSTEM (TPS) AS PER THE REGION OF PEEL CONSTRUCTION STANDARDS.
- 2. ALL TREES WITH DBH 100 MM OR GREATER SHALL BE FULLY PROTECTED BY A TREE PROTECTION SYSTEM (TPS) AS PER THE REGION OF PEEL CONSTRUCTION STANDARDS.

FRONT YARD SOF LANDSCAPING NOTE

- 1. THE FRONT YARD SOF LANDSCAPING SHALL BE INSTALLED IN ACCORDANCE WITH THE REGION OF PEEL CONSTRUCTION STANDARDS.
- 2. THE FRONT YARD SOF LANDSCAPING SHALL BE INSTALLED IN ACCORDANCE WITH THE REGION OF PEEL CONSTRUCTION STANDARDS.

ESTABLISHED GRADE



KEY PLAN NOT TO SCALE



SITE PLAN OF LOT 16 AND BLOCK MM REGISTERED PLAN M-304 CITY OF BRAMPTON REGIONAL MUNICIPALITY OF PEEL



GENERAL NOTES:
1. ALL UTILITIES TO BE INSTALLED SHALL BE INSTALLED IN ACCORDANCE WITH THE REGION OF PEEL CONSTRUCTION STANDARDS.
2. ALL UTILITIES TO BE INSTALLED SHALL BE INSTALLED IN ACCORDANCE WITH THE REGION OF PEEL CONSTRUCTION STANDARDS.

(E) UTILITIES CONNECTION

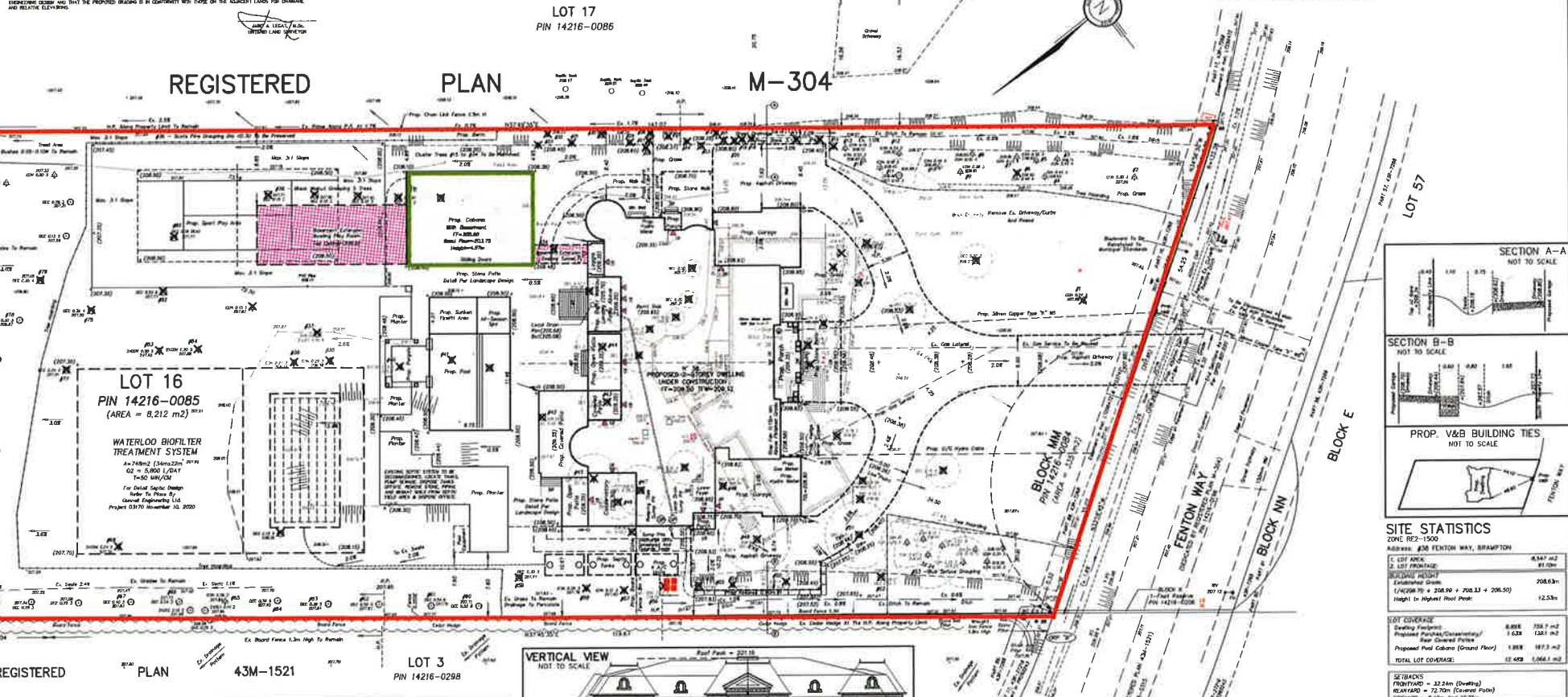
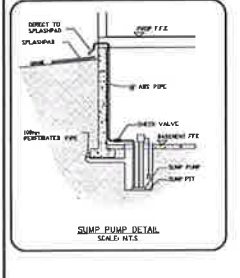
- 1. THE OWNER IS RESPONSIBLE FOR OBTAINING THE UTILITIES CONNECTION PERMITS AND MAINTAINING THEM THROUGHOUT ALL PHASES OF CONSTRUCTION AND OPERATION OF THE PROJECT AS APPROVED BY THE PLANNING AND BUILDING DEPARTMENT.
- 2. THE OWNER IS RESPONSIBLE FOR OBTAINING THE UTILITIES CONNECTION PERMITS AND MAINTAINING THEM THROUGHOUT ALL PHASES OF CONSTRUCTION AND OPERATION OF THE PROJECT AS APPROVED BY THE PLANNING AND BUILDING DEPARTMENT.

PROJECT CONTACT DATA

CLIENT: [Name]
ADDRESS: [Address]
PHONE: [Phone Number]

ADDRESS CERTIFICATE

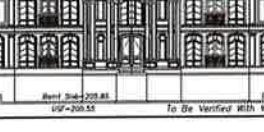
I HAVE VERIFIED THAT THE INFORMATION CONTAINED IN THIS ADDRESS CERTIFICATE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



BEARING NOTE: ALL BEARINGS SHOWN HEREON WERE DERIVED FROM THE GPS OBSERVATIONS...
METRIC NOTE: ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED...
DISTANCE NOTE: DIMENSIONS SHOWN HEREON ARE DISTANCES AND CAN BE CONSIDERED AS DISTANCES...
ELEVATION NOTE: ALL ELEVATIONS SHOWN HEREON ARE IN METERS UNLESS OTHERWISE SPECIFIED...

UNDERGROUND SERVICES NOTE: ALL UTILITIES TO BE INSTALLED SHALL BE INSTALLED IN ACCORDANCE WITH THE REGION OF PEEL CONSTRUCTION STANDARDS...
SURVEYOR'S CERTIFICATE: I HAVE VERIFIED THAT THE INFORMATION CONTAINED IN THIS ADDRESS CERTIFICATE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CUNNINGHAM MCCONNELL LIMITED
ONTARIO LAND SURVEYORS
1200 BAYVIEW AVENUE, SUITE 100
SCARBOROUGH, ONTARIO M1H 3P5
Tel: (416) 291-1111
Fax: (416) 291-1112
www.cunningham-mcconnell.com

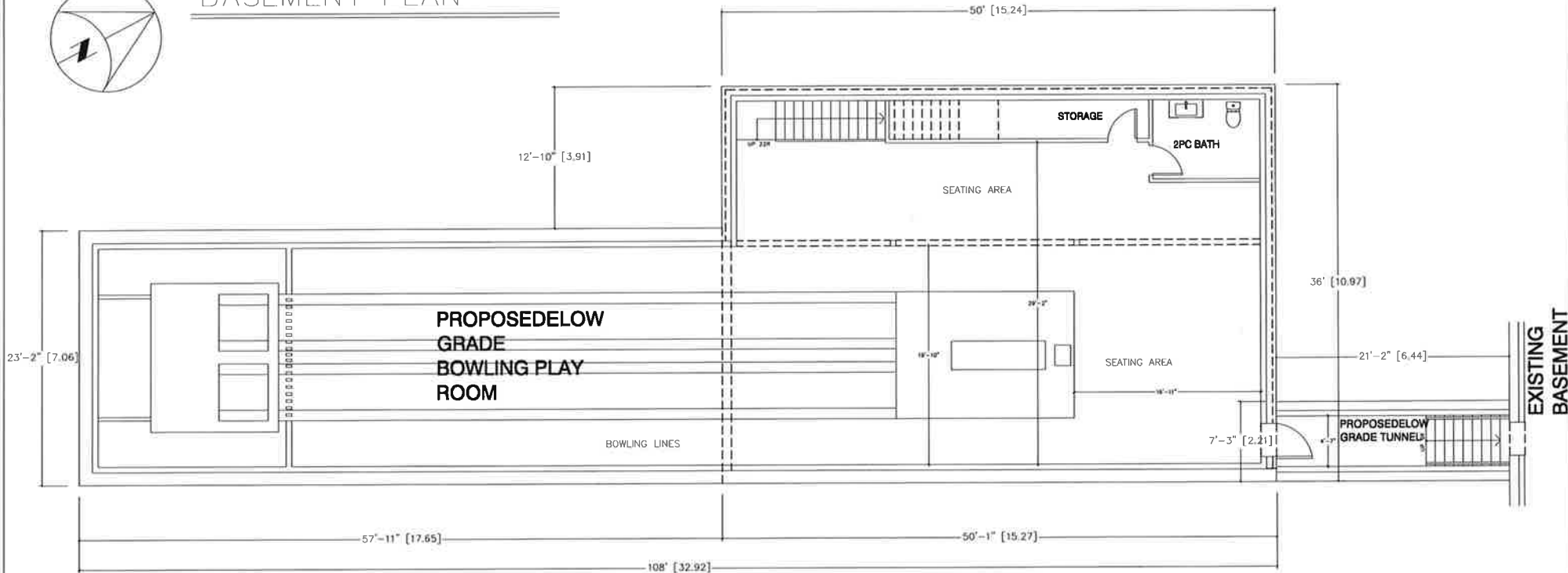


ARBORIST'S REPORT NOTE: ALL TREES WITH DBH 100 MM OR GREATER SHALL BE FULLY PROTECTED BY A TREE PROTECTION SYSTEM (TPS) AS PER THE REGION OF PEEL CONSTRUCTION STANDARDS.

#38 FENTON WAY, BRAMPTON
SITE PLAN
DATE: AUGUST 4, 2020
SCALE: 1:250
RFP C630341
1ST SUBMISSION
SPA 2020-0179



BASEMENT PLAN



TOTAL AREA: 306.50 SQ.M.

ALL DIMENSIONS ARE IMPERIAL
(DIMENSIONS IN BRACKETS ARE METRIC)

GUITBERG GROUP INC.



33 BELVEDERE CRES.
RICHMOND HILL
ONTARIO, L4C 3W1
TEL: (905) 508-7436
EMAIL: VGGUITBERG@GROGERS.COM

POOL CABANA
BASEMENT PLAN

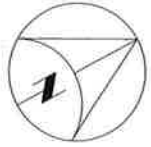
PRIVATE RESIDENCE
AT 38 FENTON WAY
CITY OF BRAMPTON, ON

DRAWN BY J.M. CHECKED V.G.

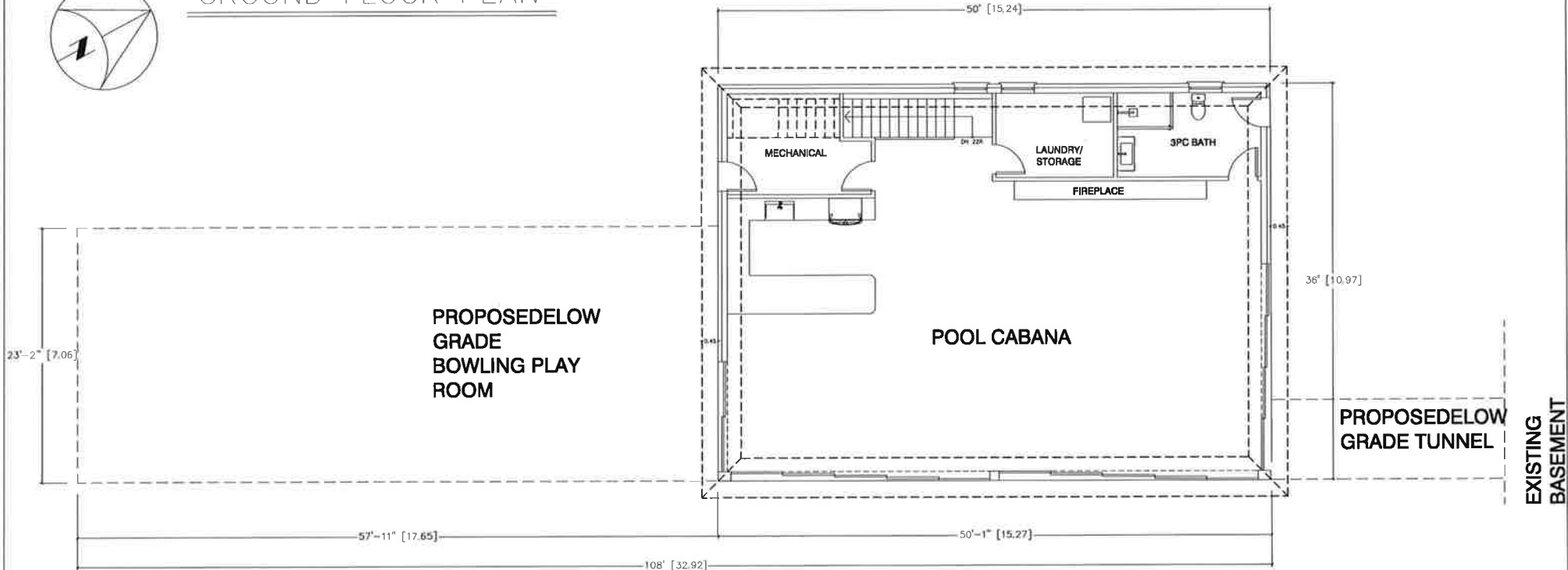
SCALE 1 : 100 DATE APRIL '23

PROJECT NUMBER
R-07/04/23

A - 1



GROUND FLOOR PLAN



PROPOSED BELOW GRADE BOWLING PLAY ROOM

POOL CABANA

PROPOSED BELOW GRADE TUNNEL

EXISTING BASEMENT

TOTAL AREA: 105 SQ.M.

ALL DIMENSIONS ARE IMPERIAL
(DIMENSIONS IN BRACKETS ARE METRIC)

GUITBERG GROUP INC.



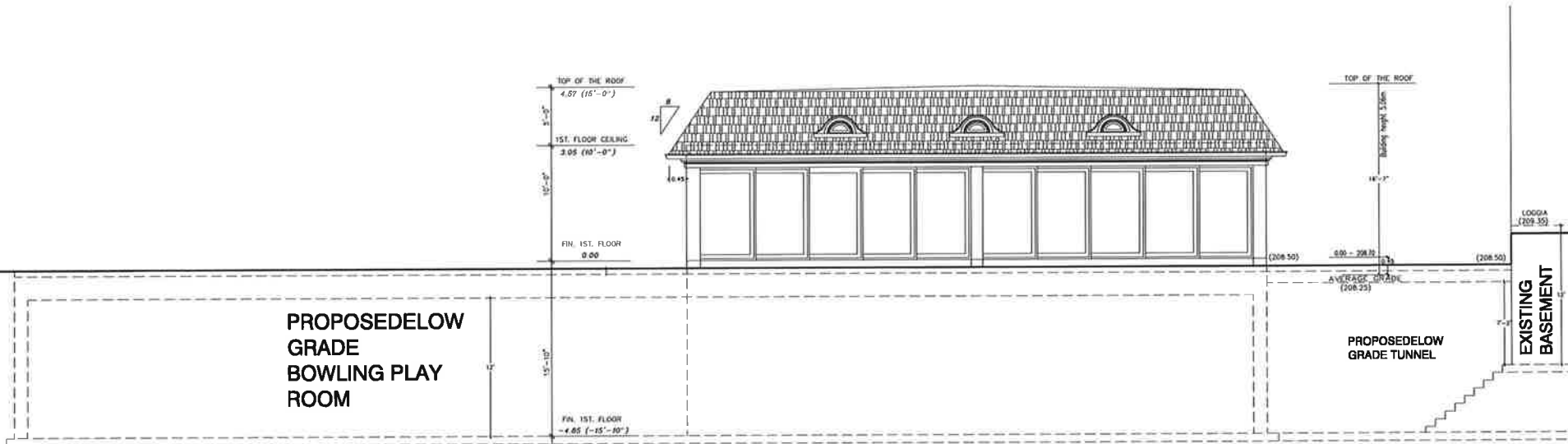
33 BELVEDERE CRES.
RICHMOND HILL
ONTARIO, L4C 8W1
TEL: (905) 508-7436
EMAIL: VCGUITBERG@GROUERS.COM

POOL CABANA
GROUND FLOOR PLAN

PRIVATE RESIDENCE
AT 38 FENTON WAY
CITY OF BRAMPTON, ON

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1 : 100	DATE	APRIL '23
PROJECT NUMBER	R-07/04/23	A - 2	

EAST ELEVATION




PROPOSED BELOW GRADE BOWLING PLAY ROOM

PROPOSED BELOW GRADE TUNNEL

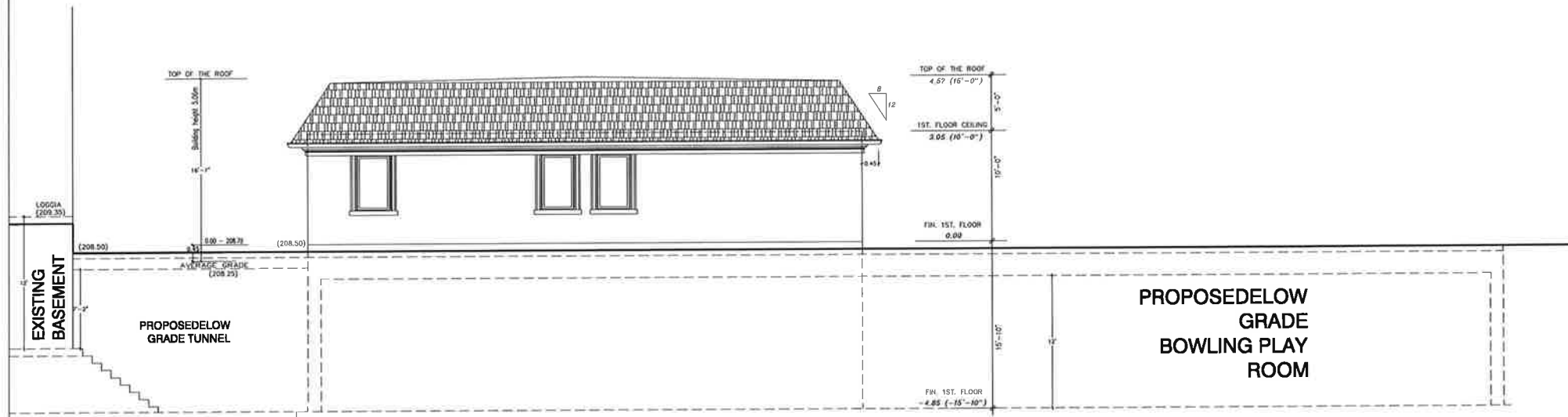
EXISTING BASEMENT

ALL DIMENSIONS ARE IMPERIAL
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GUITBERG GROUP INC.  33 BELVEDERE CRES. RICHMOND HILL ONTARIO, L4C 8W1 TEL: (905) 508-7436 EMAIL: VIC@GUITBERGROGERS.COM	POOL CABANA EAST ELEVATION	
	DRAWN BY J.M. SCALE 1 : 100 PROJECT NUMBER R-07/04/23	CHECKED V.G. DATE APRIL '23 A - 3

PRIVATE RESIDENCE
AT 38 FENTON WAY
CITY OF BRAMPTON, ON

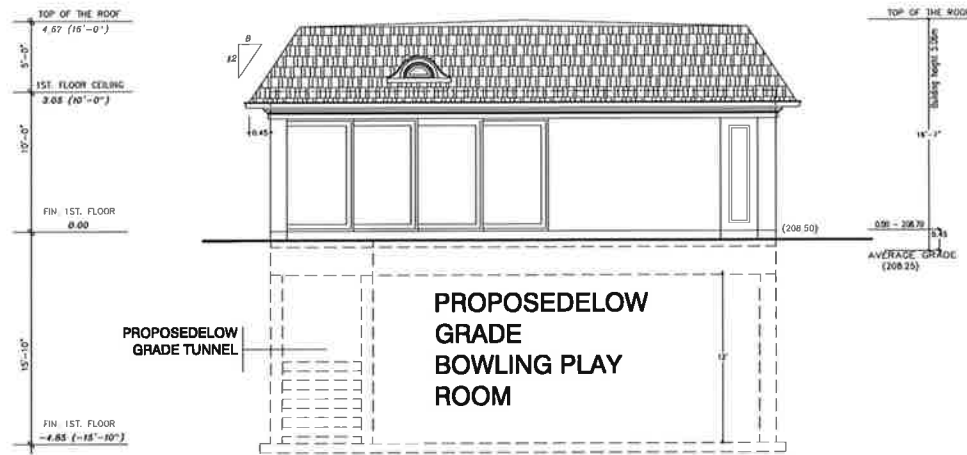
WEST ELEVATION



ALL DIMENSIONS ARE IMPERIAL
(DIMENSIONS IN BRACKETS ARE METRIC)

<p>GUITBERG GROUP INC.</p>  <p>33 BELVEDERE CRES. RICHMOND HILL ONTARIO, L4C 8W1 TEL: (905) 508-7436 EMAIL: VCGUITBERG@ROGERS.COM</p>	<p>POOL CABANA WEST ELEVATION</p>	
	<p>DRAWN BY J.M.</p> <p>SCALE 1 : 100</p> <p>PROJECT NUMBER R-07/04/23</p>	<p>CHECKED V.G.</p> <p>DATE APRIL '23</p> <p>A - 4</p>
<p>PRIVATE RESIDENCE AT 38 FENTON WAY CITY OF BRAMPTON, ON</p>		

NORTH ELEVATION



ALL DIMENSIONS ARE IMPERIAL
(DIMENSIONS IN BRACKETS ARE METRIC)

GUITBERG GROUP INC.

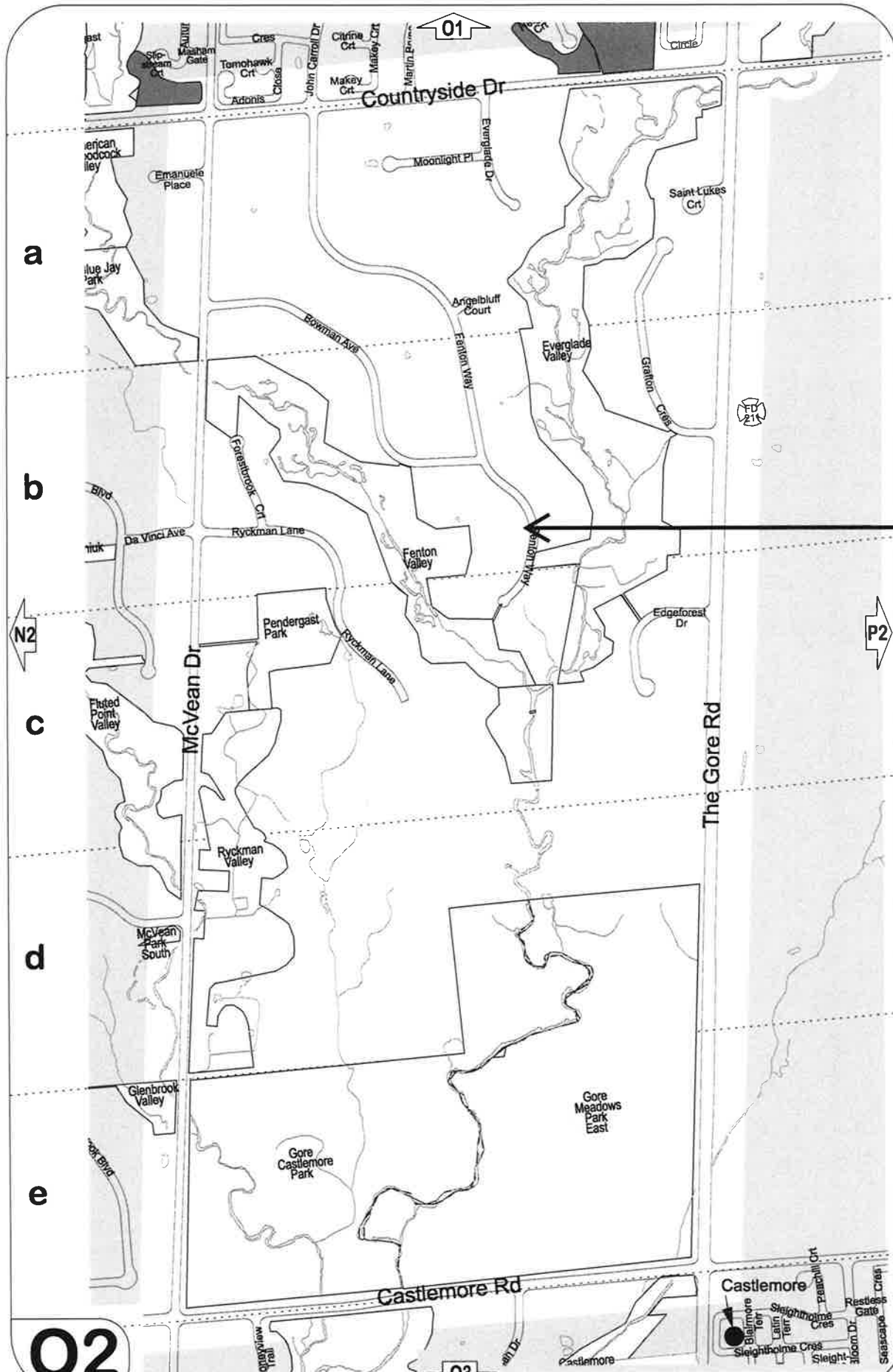


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EMAIL: VIC@GUITBERGROGERS.COM

POOL CABANA
NORTH ELEVATION

PRIVATE RESIDENCE
AT 38 FENTON WAY
CITY OF BRAMPTON, ON

DRAWN BY	J.M.	CHECKED	V.G.
SCALE	1 : 100	DATE	APRIL '23
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		A-5	



A-2023-0108