



#### APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **YATINKUMAR PRAJAPATI AND JAVNIKA PRAJAPTI** 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 Part of Lot 25, Plan 43M-1303, Part 28, Plan 43R-23396 municipally known as **148 MOUNTAINBERRY ROAD**, Brampton;

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

1. To permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line.

#### 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 \_\_\_\_\_  
Application for Consent: \_\_\_\_\_ NO \_\_\_\_\_

File Number: \_\_\_\_\_  
File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, December 1, 2020 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 a Local Planning Appeal 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 Local Planning Appeal Tribunal by the applicant or another member of the public.

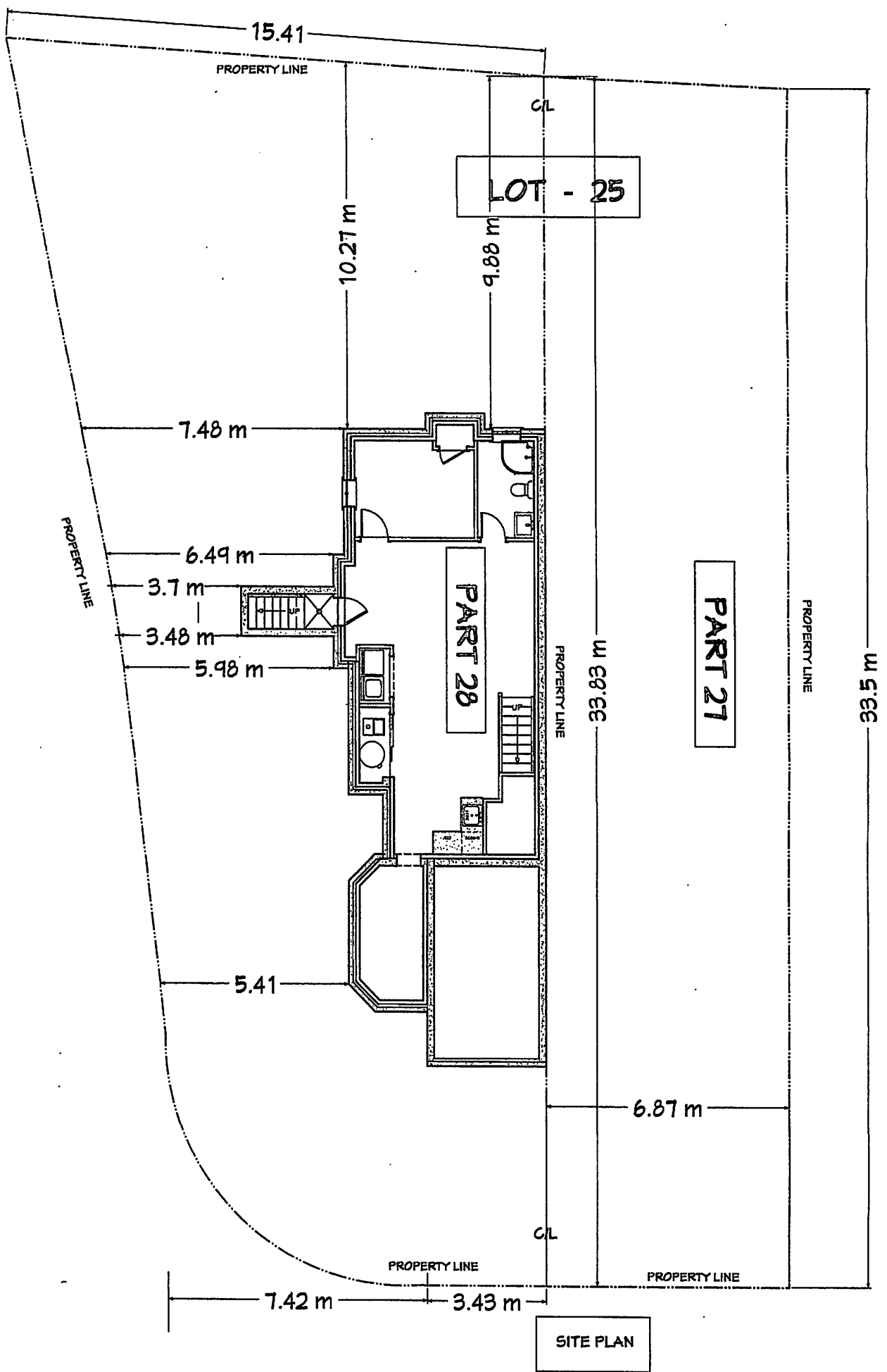
**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

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

DATED at Brampton Ontario, this 19th day of November, 2020.

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](mailto:jeanie.myers@brampton.ca)



<p>THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS. QUALIFICATION INFORMATION</p> <p><i>[Signature]</i></p> <p>NAME: SAUMIL BHATT      SIGNATURE:      BCIN: 101783</p>	<p>PROJECT</p> <p>148 MOUNTAINBERRY ROAD</p> <p>BRAMPTON</p>	<p><b>Sa-Ga Designs</b></p> <p>DESIGN-PLAN-PERMIT-BUILD</p> <p>SITE PLAN</p>	<p>FOR REVIEW</p> <p>DRAWN BY: SB      SCALE:</p> <p>PROJECT NO:</p> <p>October 29, 2020</p> <p><b>A-1</b></p>
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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 during the COVID-19 Emergency

**Electronic Hearing Procedures**  
**How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committee are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

**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, November 26, 2020**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm, Friday, November 27, 2020**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. 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 **4:30 pm, Friday, November 27, 2020**. City staff will contact you and provide you with further details.
- 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 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](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto: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](http://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.



Committee of Adjustment

City of Brampton  
2 Wellington Street West, Brampton

A-2020-0130

Reference: 148 MOUNTAINBERRY ROAD, BRAMPTON, ON, L6R 2L2

Date: Oct-28, 2020

Dear Sir/Madam

Hello, My name is Saumil and I am an authorized agent (Designer) for this proposed project.

The above-addressed property has an issue of getting permits from The City of Brampton, particularly zoning-by law. The homeowner wants to convert their as-built basement into a second dwelling unit by making a few changes as per the O.B.C 2012.

The property is a two storey semi-detached dwelling unit with a single car garage in it as per the site plan and building drawings attached. There is a below-grade concrete stair (as built by the previous owner) located in the side yard-flankage lot line. This stair would be the main entrance for the secondary unit in the basement.

As per the by-law, below-grade stairs are not permitted in the side yard (flankage side). By-law would allow if it enclosed creating an addition.

Here, in this case, we cannot frame a wall surrounding the stair to enclose it, as there is a big window right above the stair opening.

However, the stair is protected by guards and built as per the normal norms. The side yard where the stair is located and the backyard is already wooden fenced with a wide wooden gate. I am attaching a few pictures for reference.

I request the committee to look into it and grant us permission to move forward to get legal access through the stair which is in question.

Please let me know if you need any additional information.

Thanks

Regards



Saumil Bhatt C.E.T.  
Cell: 416 671 1352

BCIN 101763

Flower City



brampton.ca

FILE NUMBER: A-2028-0130

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) Yatin Prajapati & Javrika Prajapati  
Address 348 Mountainberry Rd, Brampton, ON  
L6R 2L2

Phone # 647 780 4142 Fax # -

Email prajapatiyatin3@gmail.com

2. Name of Agent Saumil Bhatt

Address 38, Baddow Road, Brampton, L6P 3Z6

Phone # 416 671 1352 Fax # -

Email saumil\_bhatt@yahoo.com

3. Nature and extent of relief applied for (variances requested):  
Variance requested for a below grade  
concrete stair which is located on the side yard.  
(flankage lot line)

4. Why is it not possible to comply with the provisions of the by-law?  
Zoning by-law do not permit below grade  
entrance located in side yard (flankage lot line)  
stair enclosure not possible, as there is one  
window above it.

5. Legal Description of the subject land:  
Lot Number Lot-25 [Part-28]  
Plan Number/Concession Number 43M-1303  
Municipal Address 348 Mountainberry Road, Brampton  
L6R 2L2

6. Dimension of subject land (in metric units)  
Frontage 10.85 m  
Depth 33.83 m  
Area 417.95 m<sup>2</sup>

7. Access to the subject land is by:  
Provincial Highway ☐ Seasonal Road ☐  
Municipal Road Maintained All Year ☒ Other Public Road ☐  
Private Right-of-Way ☐ Water ☐

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 semi detached single family home.  
gross floor Area @ 170 m<sup>2</sup>

PROPOSED BUILDINGS/STRUCTURES on the subject land:

Proposed second dwelling unit basement

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 6.13 m  
Rear yard setback 10.27 m  
Side yard setback 3.48 m  
Side yard setback 6.49 m

PROPOSED

Front yard setback 6.13 m  
Rear yard setback 10.27 m  
Side yard setback 3.48 m  
Side yard setback 6.49 m

10. Date of Acquisition of subject land: 31-Oct-2016
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: 1999-2000
15. Length of time the existing uses of the subject property have been continued: 4 years

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 _____

[Signature]

Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton  
THIS 27<sup>th</sup> DAY OF November, 2020

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, Squini Bhatt OF THE City OF Brampton

IN THE Region OF  Peel  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 3<sup>rd</sup> DAY OF  
November, 2020

April Dela Cerna  
A Commissioner etc.

[Signature]

Signature of Applicant or Authorized Agent

April Dela Cerna, Ad.  
a Commissioner, etc.,  
Province of Ontario,  
for the Corporation of the  
City of Brampton.  
Expires May 8, 2021.

FOR OFFICE USE ONLY

Present Official Plan Designation: \_\_\_\_\_

Present Zoning By-law Classification: \_\_\_\_\_

R21-837

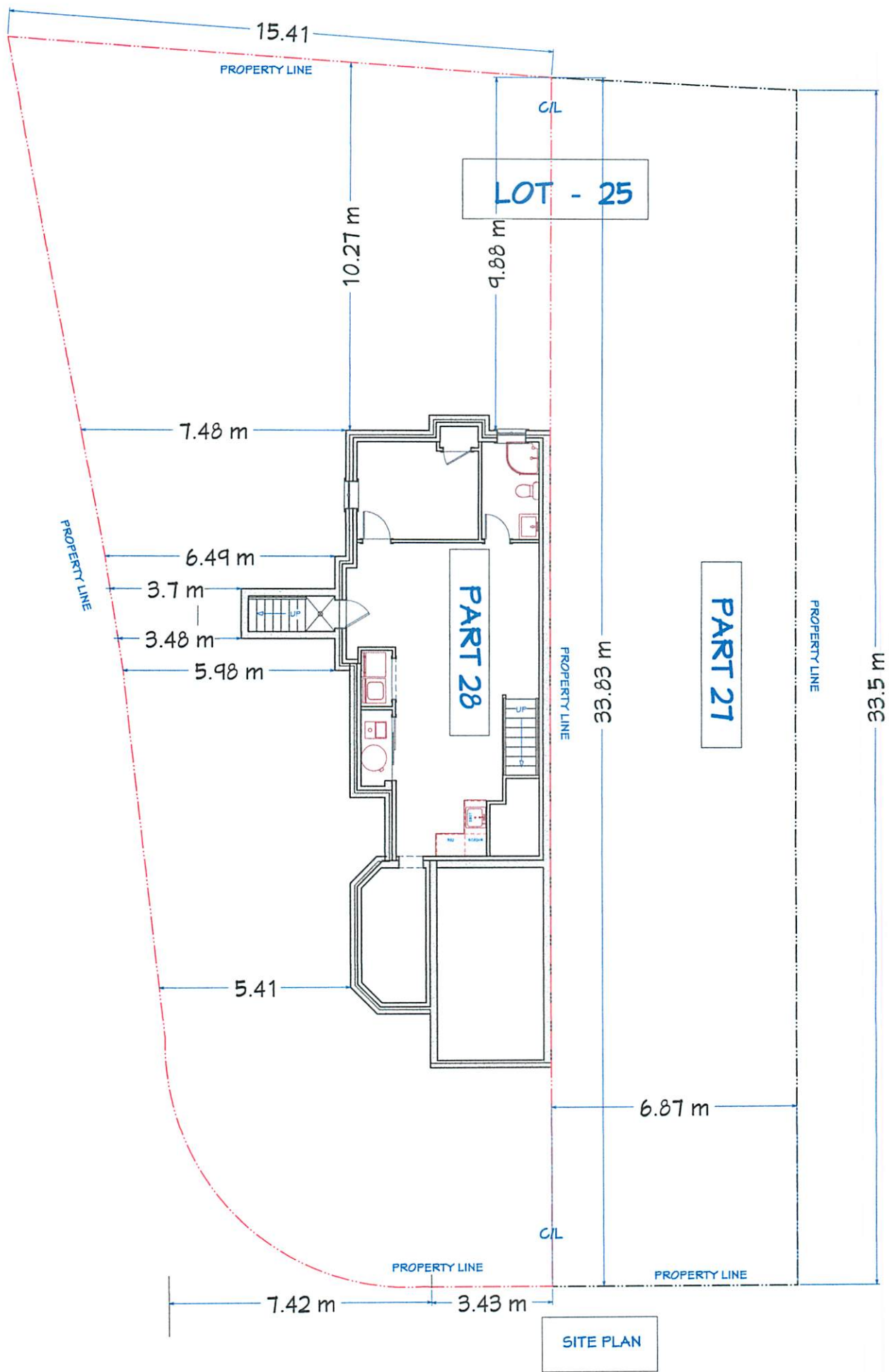
This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

Hothi S  
Zoning Officer

NOV. 04. 2020  
Date

DATE RECEIVED November 3, 2020





THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS. QUALIFICATION INFORMATION

*Sa-Ga Designs*

NAME: SAUMIL BHATT SIGNATURE: BCIN: 101763

PROJECT

148 MOUNTAINBERRY ROAD

BRAMPTON

**Sa-Ga Designs**

DESIGN-PLAN-PERMIT-BUILD

SITE PLAN

FOR REVIEW

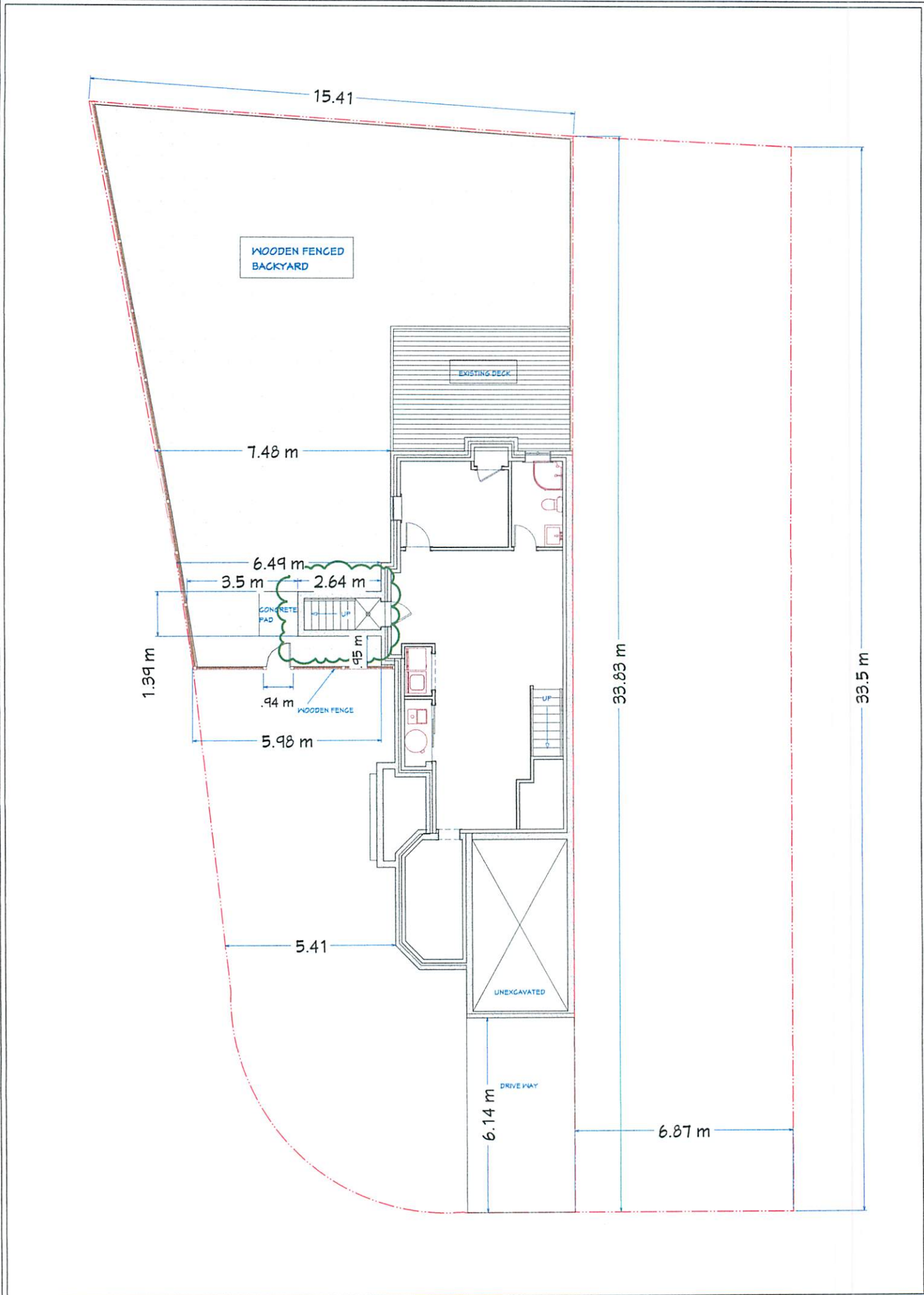
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PROJECT NO:

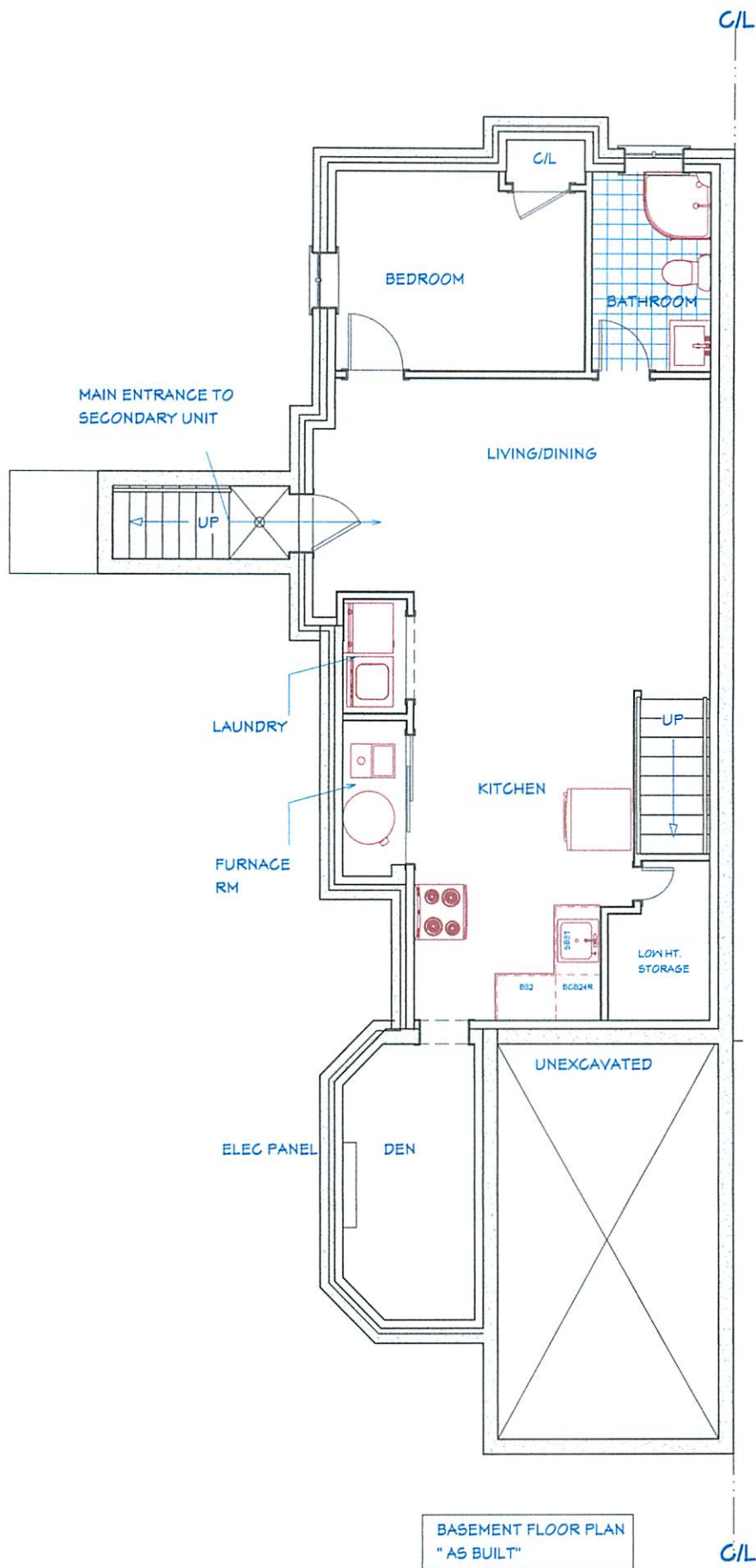
October 29, 2020

**A-1**





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		<div>SITE PLAN</div> <div>BELOW GRADE ENTRANCE</div> <div>"AS BUILT"</div>	<div>PROJECT NO:</div> <div>October 29, 2020</div>
			<div>A-2</div>



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*Signature*

NAME  
SAUMIL BHATT

SIGNATURE

BCIN  
101763

PROJECT

148 MOUNTAINBERRY  
ROAD

BRAMPTON

**Sa-Ga Designs**

DESIGN-PLAN-PERMIT-BUILD

BASEMENT PLAN

FOR REVIEW

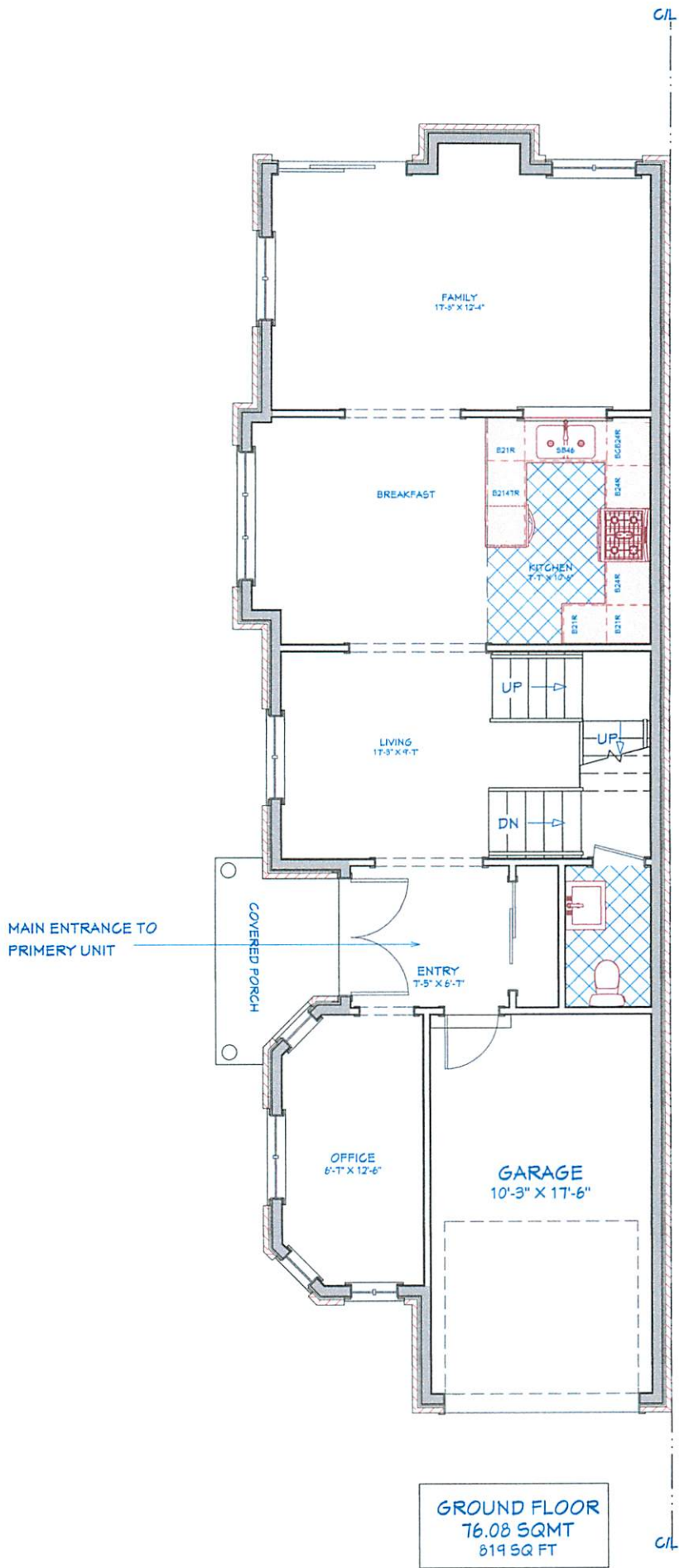
DRAWN BY: SB

SCALE:

PROJECT NO:

October 28, 2020

**A-3**



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*Sa-Ga Designs*

NAME  
SAUMIL BHATT

SIGNATURE

BCIN  
101763

PROJECT

148 MOUNTAINBERRY  
ROAD

BRAMPTON

**Sa-Ga Designs**

DESIGN-PLAN-PERMIT-BUILD

GROUND FLOOR PLAN

FOR REVIEW

DRAWN BY: SB SCALE:

PROJECT NO:

October 28, 2020

**A-4**



A-2020-0130

