

NOVEMBER 10, 2020
9:00 A.M.
COUNCIL CHAMBERS
4TH FLOOR - CITY HALL

MEMBERS:

Ron Chatha, Chair
Desiree Doerfler, Vice Chair
Ana Cristina Marques
David Colp
Rod Power

STAFF:

Shelby Swinfield, Development Planner
Steve Ganesh, Manager, Development Services,
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

ADOPTION OF MINUTES:

Moved by: A. C. Marques

Seconded by: R. Power

THAT the minutes of the Committee of Adjustment hearing held October 20, 2020 be approved, as printed and circulated.

CARRIED

DECLARATIONS OF INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT:

Member Desiree Doerfler declared a conflict of interest on Application A-2020-0118 stating a previous business relation with Umbria Developers.

WITHDRAWALS/DEFERRALS:

A-2020-0022

**KERRY'S PLACE RESIDENTIAL
SERVICES**

**LOT 90, PLAN 43M-702
58 NEWBURY CRESCENT
WARD 7**

Mr. Marc Kemerer, Devry Smith Frank LLP, authorized agent for the applicant, addressed Committee requesting that the application be deferred sine die noting that his client is currently going through the licensing process now that the Interim Control By-law has been lifted. Mr. Kemerer commented that it is unclear if Council will return to the topic or not and out of an

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abundance of caution requests that the application be deferred sine die to see how the other process goes.

Committee was advised that staff support of the applicant's request to defer the application for whatever length of time the Committee deems appropriate. Committee inquired if there was any suggestion of timelines.

Mirella Palermo, policy planner, addressed Committee advising that the Interim Control By-law expired on August 24, 2020 noting that there is no report coming forward regarding the Interim Control By-law because it has lapsed. Staff explained that on December 7, 2020 they will be bringing forward an information report to Planning Committee for a public meeting to move forward with recommending the proposed amendments that have been proposed through the study. Staff advised that the study's recommendation will be coming forward and in the new year they will move forward with the adoption of the policies noting that any changes will be acknowledged at the December 7, 2020 meeting.

Committee posed a question inquiring what an appropriate timeline would be for the deferral. Mr. Kemerer responded that it is not clear how long his client's licensing application will take commenting that there is also the aspect of an open house. He expressed that it is unclear when Council will be moving forward with the recommendations. It was his submission that a meeting in January or February would be premature advising that his client has been subject to two deferrals from the Committee and that a deferral sine die would be appropriate because of these timing uncertainties.

Staff informed Committee that they have been trying to move away from indefinite deferrals adding however that if the applicant is comfortable a deferral could be considered for a period no later than the last meeting of August, 2021. Mr. Kemerer acknowledged his acceptance of staff's recommendation.

Committee acknowledged the following correspondence:

E-mail correspondence dated November 4, 2020 from Tarjeet Punia, 26 Newbury Crescent in opposition to the application;

Letter dated November 9, 2020 from Amric Singh Ahluwalia, 54 Newbury Crescent in opposition to the proposal.

E-mail correspondence dated November 4, 2020 from Kim Johnston, 19 Newbury Crescent detailing concerns with the application;

E-mail correspondence dated November 4, 2020 from Irene Bardakjian, 58 Newbury Crescent in opposition to the application.

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Mr. Amric Singh Ahluwalia, 54 Newbury Crescent, addressed Committee advising that his concerns have been detailed in his written submission.

Committee commented that they do strongly take into consideration the comments of the neighbours and the perspective of the members of the public on things; providing ample opportunity for everyone to voice their opinions and present themselves. Committee reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2020-0022 be deferred to a hearing date no later than August 24, 2021.

CARRIED

NEW MINOR VARIANCE APPLICATIONS

(1)

A18-057

ANDRZEJ BEBNOWSKI

LOT 20, PLAN BR-4
20 WEST STREET
WARD 1

The applicant is requesting the following variances associated with a double duplex dwelling:

1. To permit a double duplex dwelling (4 units) on a lot having a width of 19.31m (63.35 ft.) whereas the by-law requires a minimum lot width of 20.0m (65.62 ft.) for a double duplex dwelling;
2. To permit eight (8) parking spaces in the rear yard whereas the by-law does not permit the rear yard to be paved for the purpose of parking, except on a driveway leading to a garage;
3. To permit a drive aisle width of 3.1m (10.17 ft.) for two-way traffic leading to the proposed parking area in the rear yard whereas the by-law requires a minimum drive aisle width of 6.0m (19.68 ft.) for two-way traffic.

Mr. David Igelman, Design Plan Services Inc., authorized agent for the applicant, presented application A18-057 briefly outlining the variances requested for construction of a new double duplex dwelling on the subject property.

Mr. Igelman explained that approval of the variance for lot width reduction will not negatively impact the ability to facilitate the double duplex dwelling type on the subject lot adding that it will have no negative impact on the adjacent and surrounding properties. Mr. Igelman expressed that it will be virtually unnoticed from the street.

In terms of parking in the rear yard, Mr. Igelman explained that amenity space is provided within the building for the residents of the building and the paved area is designed to preserve some of

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the mature trees on the property. He added that further review of the parking will occur through the site plan process noting that during the preliminary review of the site plan which proposed parking in the front yard it was suggested by staff that parking be moved to the rear yard as it is a more appropriate location for the parking. He informed Committee that the site plan was revised as a result to relocate the parking to the rear as shown on the site plan attached to the application.

Mr. Igelman explained that the intent of the by-law in requiring a drive aisle width of 6 metres for two way traffic is to ensure that traffic can flow freely on a property where there are a large number of vehicles in motion. He added that the site is not intended to facilitate a mass amount of vehicles noting that it is more consistent with the character of a residential property. Mr. Igelman commented that clearance of the proposed driveway design has been provided by Transportation Planning Staff.

Committee acknowledged the following correspondence:

E-mail correspondence dated November 9, 2020 from Kevin Troake detailing concerns with the proposal.

E-mail correspondence dated November 4, 2020 from Bill Robbins, 73 Nelson Street West detailing concerns with the proposal.

E-mail correspondence dated November 4, 2020 from Natacha Sleiman detailing concerns with the proposal.

Mr. Bill Robbins, 73 Nelson Street West addressed Committee noting his concerns with the proposed location of the garbage bin against his back fence. He expressed concerns with rodent activity, odours, the presence of a large parking lot along the back and impact on property values.

Mr. Kevin Gobatto addressed Committee stating that he is not opposed to the application and that his only concern is with the parking lot at the back. He requested consideration for an acoustic fence between the subject property and his property.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff explained that the proposal is proceeding through a site plan where the use is permitted noting that this would have been the first public notification provided to the residents since it is not a requirement of the site plan process.

Zoning Staff confirmed that the zone is one of the few in the City that permits various multiple residential unit dwellings, to a maximum of four. Staff explained that the double duplex dwelling is permitted subject to a number of performance standards advising that the limitation of the variances requested in this application are related to performance standards and not for the use.

Staff noted that in terms of the concerns regarding the garbage bin and parking lot the application is going through site plan approval advising that the City is willing to work with the residents and contact can be made with the planner who is working on the site plan. In response to a question raised by Committee staff explained that the site plan process is not a public process noting that

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the residents can reach out to staff with their concerns. Mr. Robbins inquired how he could contact the planner and address the process in the proper manner. Staff shared the contact information of the planner who is assigned to the site plan file.

Following discussion, Mr. Igleman indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A18-057 to permit a double duplex dwelling (4 units) on a lot having a width of 19.31m (63.35 ft.); to permit eight (8) parking spaces in the rear yard and to permit a drive aisle width of 3.1m (10.17 ft.) for two-way traffic leading to the proposed parking area in the rear yard be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the owner finalize site plan approval under City File SP18-041.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(2)

A-2020-0106

BALWINDER SRAN AND
AMARJIT SRAN

LOT 53, PLAN 43M-587
25 HIGGINS CRES
WARD 3

The applicants are requesting the following variances(s):

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below grade in the required interior side yard;

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2. To permit an interior side yard setback of 0.79m (2.60 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit an existing driveway width of 7.34m (24.08 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Mr. Balwinder Sran, applicant and owner of the property, presented application A-2020-0106 briefly outlining the variances requested. He advised that on the opposite side yard there is 1.23 metres available for access to the rear yard and that with respect to the driveway width there is a stamped concrete walkway adjacent to the driveway which adds to the visual aspect.

Committee was informed that City of Brampton planning staff was in support of this application with conditions.

Mr. Sran indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2020-0106 to permit an exterior stairway leading to a below grade entrance in the required interior side yard, to permit an interior side yard setback of 0.79m (2.60 ft.) to an exterior stairway leading to a below grade entrance and to permit an existing driveway width of 7.34m (24.08 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. The extended portion of the driveway shall not be parked or driven upon at any time by the whole or a part of a motor vehicle; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

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(3)

A-2020-0107

PEEL HOLDING INC.

PT. OF BLK. B, PLAN M-269
PART 1, PLAN 43R-13500
222 ADVANCE BLVD. UNIT 2
WARD 3

The applicant is requesting a variance to permit a Motor Vehicle Sales Establishment with outdoor display of three (3) vehicles for sale whereas the by-law does not permit the proposed use.

Mr. Tanvir Rai, Noble Prime Solutions Ltd., authorized agent for the applicant, presented application A-2020-0107 briefly outlining the variance requested.

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions.

Mr. Sandhu indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2020-0107 to permit a Motor Vehicle Sales Establishment with outdoor display of three (3) vehicles for sale be approved for the following reasons and subject to the following conditions:

1. That Motor Vehicle Sales Establishment use be limited to Unit 2 and the associated outdoor display be limited to one (1) vehicle.
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(4)

A-2020-0108

ANNA CICIONE

PT. OF LOT 39, PLAN BR 7
6 MILL STREET SOUTH
WARD 3

The applicant is proposing a one storey rear addition and is requesting the following variances(s):

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1. To permit a rear yard setback of 4.71m (15.45 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.);
2. To permit a lot coverage of 35.08% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit an existing accessory structure (shed) having a setback of 0.0 metres to the rear and side lot lines whereas the by-law requires an accessory structure to be located no closer than 0.6m (1.97 ft.) to the nearest lot line.

Mr. Albert Yerushalmi, Eden Engineering & Design Inc, authorized agent for the applicant, presented application A-2020-0108 briefly outlining the variances requested for a proposed addition which will include a washroom and family room to enhance the dwelling unit.

Committee was informed that City of Brampton planning staff was in support of this application with conditions

Mr. Yerushalmi indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0108 to permit a rear yard setback of 4.71m (15.45 ft.); to permit a lot coverage of 35.08% and to permit an existing accessory structure (shed) having a setback of 0.0 metres to the rear and side lot lines be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the applicant submit elevations of the proposed addition and that those elevations shall be approved to the satisfaction of the Director of Development Services prior to construction commencing;
3. The drainage on adjacent properties shall not be impacted;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and

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2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(5)

A-2020-0109

**SHIBA BASNET AND SEEMA
BASNET**

**LOT 90, PLAN M-829
8 PREAKNESS COURT
WARD 4**

The applicants are requesting the following variances(s):

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.95m (3.12 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Mr. Devendra Yeole, Innovation Trigger Consulting, authorized agent for the applicant, presented application A-2020-0109 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application with conditions.

Mr. Yeole indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2020-0109 to permit an exterior stairway leading to a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.95m (3.12 ft.) to an exterior stairway leading to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. The applicant obtain a building permit for the below grade entrance within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;

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4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(6)

A-2020-0110

AAMIR FIDA AND QURAT UL AIN

LOT 65, PLAN M-441
26 NEWPORT STREET
WARD 7

The applicants are requesting the following variances(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 a main wall of a dwelling and the flankage lot line;
2. To permit a below grade entrance stair having an exterior side yard setback of 1.83m (6.00 ft.) whereas the by-law requires an exterior side yard setback of 3.0m (9.84 ft.);
3. To permit an existing driveway width of 8.9m. (29.19 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24.00 ft.);
4. To permit an encroachment of the eave on the canopy above the below grade entrance of 0.7m (2.30 ft.) whereas the by-law permits a maximum encroachment of an eave of 0.5m (1.64 ft.).

Mr. Devendra Yeole, Innovation Trigger Consulting, presented application A-2020-0110 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application with conditions.

Mr. Yeole indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2020-0110 to permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line'; to permit a below grade entrance stair having an

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exterior side yard setback of 1.83m (6.00 ft.); to permit an existing driveway width of 8.9m. (29.19 ft.) and to permit an encroachment of the eave on the canopy above the below grade entrance of 0.7m (2.30 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the fence remain constructed in its current location and height and shall not be removed or lowered;
4. That the applicant obtain a building permit for the below grade entrance within sixty (60) days of the final date of the Committee's decision, or within an extended period of the time at the discretion of the Chief Building Official;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(7)

A-2020-0111

MANJIT KAUR GREWAL

LOT 27, PLAN M-804
87 WOOLISTON CRES
WARD 4

The applicant is requesting the following variances(s):

1. To permit an exterior side yard setback of 2.526m (8.29 ft.) to an enclosed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.);
2. To permit an existing driveway width of 8.32m (27.30 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit a 0.0m permeable landscape strip abutting a property line whereas the by-law requires a minimum 0.60m (1.97 ft.) permeable landscape strip.

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Mr. Patrick Cheeseman, authorized agent for the applicant, presented application A-2020-0111 briefly outlining the variances requested advising that he has read the staff recommendation report noting that the owner will comply.

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions.

Mr. Cheeseman indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2020- 0111 to permit an exterior side yard setback of 2.526m (8.29 ft.) to an enclosed below grade entrance; to permit an existing driveway width of 8.32m (27.30 ft.) and to permit a 0.0m permeable landscape strip abutting a property line be approved, in part, for the following reasons and subject to the following conditions:

1. That Variance 2 be approved to a maximum width of 7.02 metres (23.03 feet) and that the extended portion of the driveway shall be removed within ninety (90) days and said removal shall be demonstrated to the satisfaction of the Director of Development Services within ninety (90) days, or within an extended period of time as approved by the Director of Development Services;
2. That Variance 3 be **refused** and the 0.6m permeable landscape strip shall be reinstated and said reinstatement shall be demonstrated to the satisfaction of the Director of Development Services within ninety (90) days, or within an extended period of time as approved by the Director of Development Services;
3. That the extent of Variance 1 be limited to the extent shown on the sketch attached to the Public Notice;
4. That the fence remain constructed in its current location and height and shall not be removed or lowered;
5. That the below grade entrance shall not be used to access an unregistered second unit;
6. The extended portion of the driveway shall not be parked or driven upon at any time by the whole or a part of a motor vehicle;
7. That the applicant obtain a building permit for the below grade entrance and enclosure within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; and

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8. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(8)

A-2020-0112

DIPEN PAREKH AND SONAL SHAH

LOT 29, PLAN 43M-1962
393 ROYAL WEST DRIVE
WARD 5

The applicants are requesting the following variances(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 a main wall of a dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 3.156m (10.35 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

Ms. Sonal Shah, applicant and owner of the property, presented application A-2020-0112 briefly outlining the variances requested. She commented that she would like to finish the basement and is happy to extend the fence over for privacy (condition number 3).

Committee was informed that City of Brampton planning staff was in support of this application with conditions.

Ms. Shah indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2020-0112 to permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line and to permit an exterior side yard setback of 3.156m (10.35 ft.) to an exterior stairway leading to a below grade entrance be approved for the following reasons and subject to the following conditions:

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1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the applicant shall extend the existing fence to screen the below grade entrance in a manner satisfactory to the Director of Development Services; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(9)

A-2020-0113

**RAJANMOL DHINDSA AND
PREET BOPARAI DHINDSA**

**LOT 118, PLAN M-1898
24 TEMPLAR STREET
WARD 4**

The applicants are requesting the following variances(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 a main wall of a dwelling and the flankage lot line;
2. To permit an existing accessory structure (shed) to be located in the exterior side yard whereas the by-law does not permit an accessory structure to be located in the exterior side yard.

Mr. Ismatullah Amiri, Nesta Design, authorized agent for the applicant, presented application A-2020-0113 briefly outlining the variances requested explaining that a building permit will be applied for later for the second unit in the basement.

Committee was informed that City of Brampton planning staff was in support of this application with conditions.

Mr. Amiri indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

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Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0113 to permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line and to permit an existing accessory structure (shed) to be located in the exterior side yard be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That roof drainage from the accessory structure shall flow onto the applicant's property;
4. That drainage on adjacent properties shall not be adversely affected;
5. That the applicant shall extend the existing fence to screen the below grade entrance in a manner satisfactory to the Director of Development Services; and
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(10)

A-2020-0114

SHOKIN SINGH AND MANJIT KAUR
KULAR

PT. LOT 14, CONC. 9 EHS
10796 THE GORE ROAD
WARD 10

The applicants are requesting the following variances(s):

1. To permit an accessory structure (shed) on a lot within the Rural Estate Zone having a gross floor area of 128.58 sq. m (1384.02 sq. ft.) whereas the by-law permits an individual accessory structure to a maximum size of 23 sq. m (247.57 sq. ft.);
2. To permit an existing fence in the front yard having a maximum height of 1.8m (5.90 ft.) whereas the by-law permits a fence in the front yard to a maximum height of 1.0m (3.28 ft.);

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3. To permit 58.71% of the front yard to be landscaped open space (as existing) whereas the by-law requires a minimum 70% of the front yard to be landscaped open space.

Mr. Harjinder Singh, MEM Engineering, authorized agent for the applicant, presented application A-2020-0114 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff noted that proposed condition number 5 is recommended explaining that if the structure was determined to be a detached garage as defined by the Zoning By-law a site plan application would be required. Staff advised that the applicant has confirmed that the structure will be used as an accessory structure and therefore a site plan is not required.

Mr. Singh indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0114 to permit an accessory structure (shed) on a lot within the Rural Estate Zone having a gross floor area of 128.58 sq. m (1384.02 sq. ft.); to permit an existing fence in the front yard having a maximum height of 1.8m (5.90 ft.) and to permit 58.71% of the front yard to be landscaped open space (as existing) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That roof drainage from the accessory structure shall flow onto the applicant's property;
3. That drainage on adjacent properties shall not be adversely affected;
4. That the accessory building shall not be used as a separate dwelling unit;
5. That the accessory building shall not be used as a garage as defined within the Zoning By-law;
6. That the existing accessory structures be removed upon completion of the construction of the proposed accessory shed;
7. That the existing open style fencing shall not be replaced by a solid or opaque form of fencing;
8. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(11)

A-2020-0115

**DANIELS CHOICE MOUNT PLEASANT
CORPORATION**

**BLOCK 4, PLAN 43M-1927
10-40 LAGERFELD DRIVE
WARD 6**

The applicants are requesting the following variances(s):

1. To permit a building height of 26 storeys whereas the by-law permits a maximum building height of 25 storeys;
2. To permit 100% of the required bicycle parking to be vertical spaces whereas the by-law permits a maximum of 50% of the required bicycle parking to be vertical spaces and the rest must be horizontal spaces.

Ms. Arleigh Hack, Glen Schnarr & Associates, authorized agent for the applicant, presented application A-2020-0115 briefly outlining the variances requested advising that the applicant is advancing a site plan application. Ms. Hack spoke to the comments received from the Region of Peel which requested confirmation on the need for a potential secondary fire line as a result of the increased building height. Ms. Hack advised that the applicant has confirmed with the Region of Peel that the site will not require the secondary fire line as per the Ontario Building Code.

Committee was informed that City of Brampton planning staff was in support of this application with conditions.

Ms. Hack indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2020-0115 to permit a building height of 26 storeys and to permit 100% of the required bicycle parking to be vertical spaces be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;

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2. That the owner finalize site plan approval under City File SP18-002.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

(12)

A-2020-0117

**MOHAMMAD ASEFI AND LAYMA
AKBARI**

**LOT 431, PLAN 889
82 SUTHERLAND AVENUE
WARD 1**

The applicants are requesting the following variances(s):

1. To permit an existing accessory structure (gazebo) having a gross floor area of 19.32 sq. m (207.96 sq. ft.) whereas the by-law permits an individual accessory structure to a maximum size of 15 sq. m (161.46 sq. ft.).

Mr. Ismatullah Amiri, Nesta Design, authorized agent for the applicant, presented application A-2020-0117 briefly outlining the variances requested. Mr. Amiri advised that the applicants would like to keep a partition wall between the shed and the rear property line if possible for privacy.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff explained that in regard to a partition wall there is nothing in the conditions that would prevent the partition wall from remaining.

Zoning Staff requested additional wording be included in proposed condition number 4 to ensure clarity when Zoning Staff have to review compliance of something that could result in potentially two walls being added.

Mr. Amiri indicated that the proposed conditions, as amended, were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Doerfler

Seconded by: D. Colp

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THAT application A-2020-0117 to permit an existing accessory structure (gazebo) having a gross floor area of 19.32 sq. m (207.96 sq. ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That roof drainage from the accessory structure shall flow onto the applicant's property;
3. That drainage on adjacent properties shall not be adversely affected;
4. That the gazebo remain primarily of an open style construction and shall not be enclosed on more than two (2) sides;
5. That the applicant obtain a building permit for the gazebo within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

MEMBER D. DOERFLER DECLARED A CONFLICT OF INTEREST ON APPLICATION A-2020-0118 AND DID NOT PARTICIPATE IN DISCUSSION

(13)

A-2020-0118 **UMBRIA DEVELOPERS INC.**

BLOCK 34, PLAN 43M-2086
39-41 ALLEGRO DRIVE AND
60-62 HASHMI PLACE
WARD 4

The applicant is requesting the following variance associated with construction of back-to-back semi-detached dwellings:

1. To permit a building height of 11.9m (38.04 ft.) whereas the by-law permits a maximum building height of 11.5m (37.73 ft.).

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Mr. Jason Afonso, Glen Schnarr & Associates, authorized agent for the applicant, presented application A-2020-0118 briefly outlining the variance requested explaining that the lot is currently vacant while the property is under construction for municipal services. He explained that the variance is requested due to the grading of the lot.

Committee was informed that City of Brampton planning staff was in support of this application with conditions.

Mr. Afonso indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2020-0118 to permit a building height of 11.9m (38.04 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variance; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

DEFERRED MINOR VARIANCE APPLICATIONS

(14)

A-2020-0052

SONEIL KIPLING INC.

PT. OF LOT 5, CONC. 2 EHS
263 QUEEN STREET EAST
WARD 3

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The applicant is requesting a variance to permit the temporary outside storage/parking of oversized motor vehicles (dump trucks) for a period of five (5) years whereas the by-law does not permit the use.

Mr. Colin Chung, Glen Schnar & Associates, authorized agent for the applicant, presented application A-2020-0052 advising that they had previously requested a deferral of the application for the purpose of meeting with staff to discuss the merits and contextual nature of the oversized vehicle/dump truck parking.

Mr. Chung explained that the current owner acquired the property recently advising that this is an existing retail plaza for which the City of Brampton has a vision for development along Queen Street. He commented that the current owner is supportive of that vision explaining that in the interim the owner is trying to generate income by utilizing the back of the retail plaza, separate from the retail clients parking area, for leasing space for the parking of dump trucks.

Mr. Chung informed Committee that the dump trucks and parking is under an order to comply advising that the owner was not aware when he signed a lease agreement with the tenant that the parking of dump trucks was in conflict with the Zoning By-law. Mr. Chung advised that the owner is looking for a temporary variance for a period of five years advising that staff is not supportive having a concern with the conflict with the ultimate vision and development of this site along Queen Street.

Mr. Sandy Dhaliwal of Comfort Inn, 5 Rutherford Road South, addressed Committee expressing concern with truck parking which operates 24 hours a day. He stated that there is no security and no cameras and finds it dangerous when the trucks come in at high speeds. He noted that trucks are idling overnight, there is washing of trucks, loud music and oil changes and made reference to a shooting that occurred in the truck compound that led to a death. Mr. Dhaliwal expressed concerns with safety.

Committee was informed that City of Brampton planning staff was not in support of this application advising that it is not supportable against the four tests of the Planning Act.

Mr. Chung responded to the concerns raised by Mr. Dhaliwal advising that these are operational issues that can be mended through communication and discussion with the current tenant and something that can be addressed by clear enforcement by the owner.

Mr. Chung made reference to the application sketch noting that the area has its' own dedicated driveway separate from the driveway to the retail parking area. Mr. Chung stated that it does not create conflict with the existing retail function and operation noting that it is temporary in nature and is an area utilized for the parking of dump trucks. In terms of some of the issues raised Mr. Chung advised that the Committee can limit the number of dump trucks as well as the timeframe for which this variance can be permitted. He advised that they had asked for five years to coincide with the City's vision coming to fruition however the Committee could consider a shorter timeframe for which this variance can be permitted to ensure the temporary nature of the operation can continue without the safety issues raised by the neighbouring property owner.

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Committee posed a question pertaining to the size of the area shown in green on the application sketch. Mr. Chung responded that the area is less than an acre in size noting that only a portion of that area is being used today for parking of oversized vehicles. He added that they are not asking to expand the area but only that the exiting area be permitted.

Committee noted that this is a heavy truck area where businesses are similar in nature along Queen Street and Rutherford Road. Committee expressed that this is mainly a retail plaza noting that at the rear of the property trucks are entering this plaza for deliveries. With respect to a Day Care on site Committee expressed that there are a number of entrances and that the children would likely be dropped off at the front as opposed to the rear of the property.

Committee expressed concerns with activities such as oil changes noting that they often see through their site inspections signage posted advising that this is not permitted. Committee noted that dump trucks will make more noise and looked to see what could be implemented to mitigate the concerns that were raised.

Zoning Staff responded that the area was recently rezoned as a transition area in anticipation of some future development proposals to a more intensified mixed use development. Staff noted that Rutherford Road is used extensively for truck parking and vehicular movement particularly associated with the industrial lands to the south. Staff pointed out that the industrial property immediately south has also been rezoned and no longer would permit as-of-right the parking and outside storage of oversized motor vehicles. Staff advised that the future development zone will be more restrictive and will permit no change of use other than what existed at the time of the passing of the by-law. Staff expressed that no further intensification of industrial development will be permitted.

Staff advised that in terms of the permitted use vehicular parking is not a permitted use and that a motor vehicle leasing or rental establishment is also not a permitted use in this area. Staff explained that there are strict prohibitions in the Zoning By-law to prohibit any kind of vehicle repair or body shop or vehicle servicing including changing tires, general maintenance, washing, repairing or oil changes.

Mr. Chung clarified that there is a dedicated loading laneway on the south side of the existing retail plaza that is a laneway that accesses Rutherford Road South noting that it is the only access to the dump truck parking area. He added that it is the most convenient and most accessible driveway to Rutherford Road. Mr. Chung commented that south of the site and the hotel there is a lot of truck movement and vehicle movement in an existing industrial precinct. He expressed that this is an underutilized area behind the plaza explaining that the COVID pandemic has put additional hardship on all of the retailers and they are simply trying to generate additional income for the owner without creating adverse negative impact to the operation of the plaza or for the adjacent land such as the hotel.

Committee noted that the area is highly utilized for truck purposes with various locations south of Queen Street that are used for truck parking and shipping coming in and out. Committee expressed that the use is compressed into one area and mitigates any safety risk to the public

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being out of a residential area and in a location that is zoned for industrial use. Committee also observed that the truck parking area is out of site.

Committee expressed concern with a maintenance issue noting that in the past they have come across this where trucks are being parked in conjunction with maintenance on vehicles occurring all hours that run into the evening. Committee referenced the adjacent hotel where people are paying good morning to stay the night and visit the City and shouldn't be disrupted by this type of activity.

Committee commented that the COVID-19 pandemic has affected everyone and if the area could be utilized to generate income and build jobs throughout the community then the Committee could take that into consideration. Committee expressed that the owner should be responsible for no maintenance and ensure that the area is used strictly for parking. Committee added that Queen Street is a high traffic area and if they could narrow down traffic coming in strictly from Rutherford Road then it would be advantageous. Committee added that a shorter duration for a temporary approval may be considered.

Mr. Chung acknowledged that the reduced timeframe for the permission is acceptable in order for the owner and the tenant to prove that they can maintain the dump truck parking without any adverse negative impact. Mr. Chung supported the suggestion from Committee to dedicate Rutherford Road as the sole driveway for the parking of dump trucks coming off Rutherford Road. He expressed that the intent was never to use the site for repair and the washing of vehicles.

In terms of the drive through access to the property to the west, Committee inquired if there is an easement or right-of-way agreement expressing concern that there is a child care unit that is occupied. Committee observed during site visit a number of people lingering in the area as well. Committee inquired what the legal aspects were in driving across the neighbouring property.

Staff responded that if there is no access easement granted in favour of these lands over the property to the west then there should not be any persons accessing that property via this property and would be considered trespassing.

Committee remarked that there is no barrier to prevent one from driving from one property to the next and unless there is an agreement with the adjacent property then something should be done between the two properties. Committee expressed that if trucks are coming off of Queen Street and accessing the back of the building they would be coming across the day care. Committee expressed that a condition should be to have access only from Rutherford Road.

Mr. Chung confirmed that there is no legal right or easement that enables the neighbor to the west of the plaza to access the laneway in front of the area currently proposed for dump truck parking. He suggested that he would accept a requirement to place bollards for blocking access so that there is no through traffic of dump trucks coming off Queen Street.

Staff proposed and read aloud a number of conditions based on the discussion for Committee's consideration. Committee inquired if a condition could be included for solid fencing between the

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shared properties. Staff responded that they would like to see wood board screening however in discussions with the applicant and given the temporary nature of the use it was indicated that they were not inclined to install permanent fencing of that nature. Committee decided not to impose a condition in reference to the fencing.

Mr. Chung advised that he would be pleased to talk to staff about visual screening to the existing hotel explaining that there is an existing wood fence along the common property line as well as chain link fence around the parking area. He advised that there is already temporary fencing and he would be happy to work with staff through the condition on site plan.

Committee clarified that in terms of maintenance they are generally speaking of tire repairs such as changing tires and oil changes noting that they don't have an issue with such minor things as replacing a light bulb or wiper blades that could be safety issues and necessary to get the truckers on the road. Committee remarked that they would never challenge these minor things.

Staff requested a minor change to the proposed condition number 2 in light of the discussion to include "with the exception of minor maintenance required to ensure vehicle safety".

Committee inquired if a condition could be added about signage. Staff expressed reluctance to include a condition without knowing the sign by-law and suggested that it should be made abundantly clear to the tenant. Committee requested that a condition be included that there would be no congregating in the storage area to address the concerns of the representative of the adjacent hotel. Staff proposed additional wording for a condition that there shall be no loitering or congregating of truck drivers or other individuals in the area used for dump truck parking/storage.

Committee posed a question inquiring if there should be a limit on the hours of operation and if security cameras should be installed, as well as the number of vehicles that could be addressed through the limited site plan. Through discussion it was determined that no condition regarding these items would be imposed.

Following discussion, Mr. Chung indicated that the proposed conditions were acceptable.

The Committee, having considered the comments and recommendations of the commenting agencies, the proposed conditions formulated at the meeting and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2020-0052 to permit the temporary outside storage/parking of oversized motor vehicles (dump trucks) for a period of five (5) years be approved for the following reasons and subject to the following conditions:

1. That the Variance shall be limited to the area identified on the sketch attached to the public notice;
2. That the Variance shall be restricted to the parking and storage of oversized motor vehicles (dump trucks) only. Accessory uses, including vehicle repair, cleaning, servicing, (with the

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exception of minor maintenance required to ensure vehicle safety) etc. shall not be permitted;

3. There shall be no loitering or congregating of truck drivers or other individuals in the area used for dump truck parking/storage;
4. That a limited site plan shall be submitted demonstrating the proposed layout and limitations of the parking area;
5. That vehicles shall not be idled while parked in the lot;
6. The parking area for Oversized Motor Vehicles shall only be accessed by the drive aisle leading from Rutherford Road South;
7. That a concrete barrier be installed preventing access to the property via the property to the west, provided it does not impede upon a designated fire route to the satisfaction of the Director of Development Services prior to the use being established;
8. That the variance shall be Authorized for a maximum period of three (3) years from the final date of the Committee decision; and
9. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Reasons: The decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

ADJOURNMENT:

Moved by: D. Colp

Seconded by: A.C. Marques

That the Committee of Adjustment hearing be adjourned at 11:41a.m.to meet again on Tuesday, December 1, 2020.

COMMITTEE CHAIR

SECRETARY-TREASURER