

APPLICATION # A-2022-0268
WARD 6

DEFERRED APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **MOHAMMED ILYAS** 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 5, Concession 5 WHS municipally known formally as **2257 AND 2267 EMBLETON ROAD**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a Day Nursery whereas the by-law does not permit the proposed use;
2. To permit 40% of the required front yard to be landscaped open space whereas the by-law requires a minimum 70% of the required front yard to be landscaped open space;
3. To permit a front yard setback of 8.0m (22.25 ft.) whereas the by-law requires a minimum front yard setback of 12m.0m (39.37 ft.);
4. To permit a side yard setback of 6.0m (19.68 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);
5. To permit a building height of 12.0m (39.37 ft.) whereas the by-law permits a maximum building height of 10.0m (32.80 ft.).

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, March 28, 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.

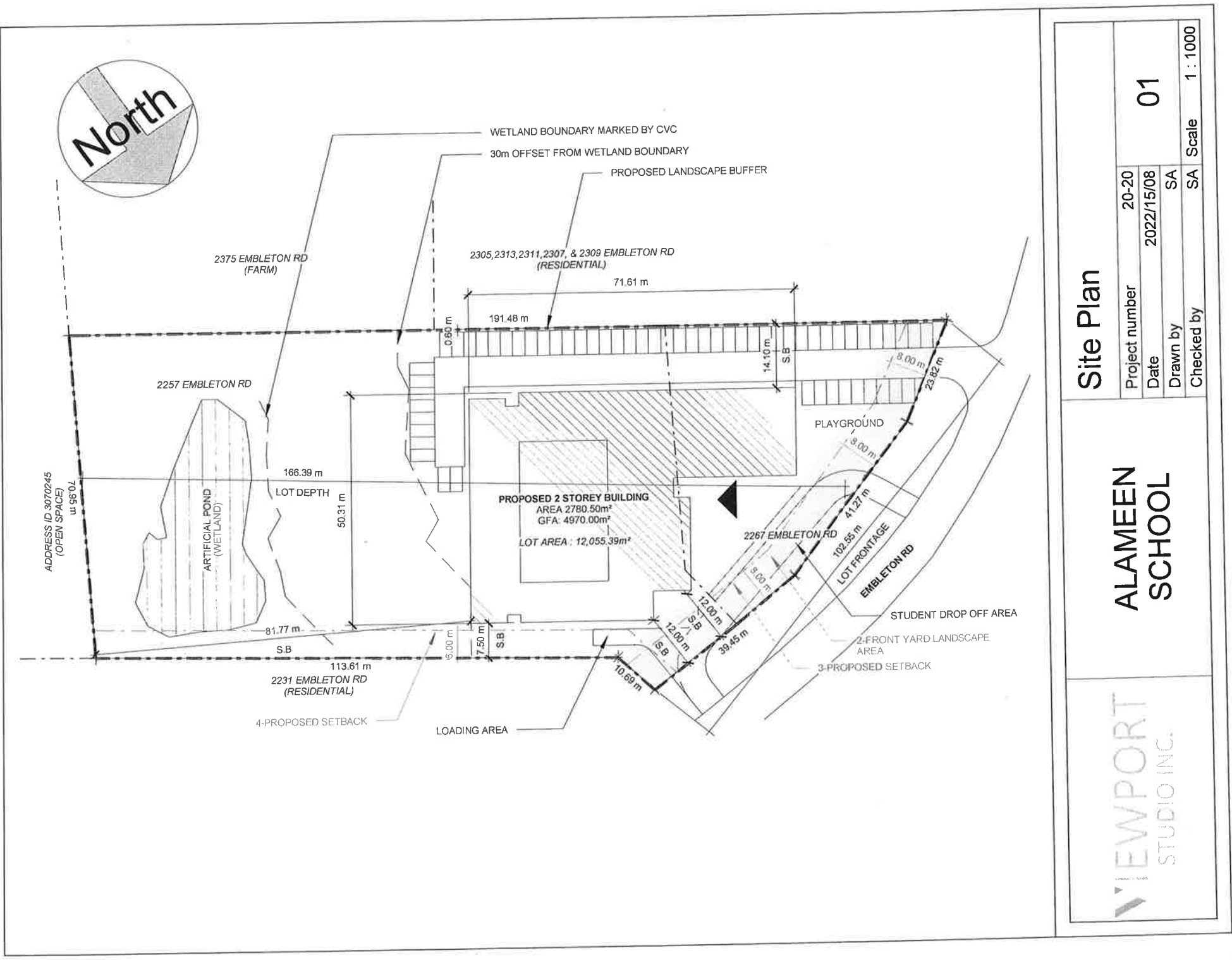
RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

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

DATED at Brampton Ontario, this 16th Day of March, 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



Site Plan		Project number		20-20		01	
		Date		2022/15/08			
		Drawn by		SA			
		Checked by		SA		Scale	
ALAMEEN SCHOOL						1 : 1000	



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 **March 28, 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, March 23, 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, March 23, 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, March 23, 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, March 23, 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.



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) Mohammed Ilyas
Address 389 Main Street North, Brampton, ON L6X 3P1

Phone # 905.598.2930 Fax # _____
Email ilyas@al-ameenschool.com

2. Name of Agent Sami Abu Shanb
Address 20-3665 Flamewood Dr, Mississauga, ON L4Y 3P5

Phone # 437.238.4004 Fax # _____
Email sami@viewportstudio.ca

3. Nature and extent of relief applied for (variances requested):
1-Permitting " Day Nursery /Day Care" for the lot use.
2-Reducing the ratio of landscape area in front yard to be 40% of total front yard instead of 70%.
3-Reducing the front setback to be 8.0 m instead of 12.0m.
4-Reducing East side setback to be 6.0m instead of 7.5m.
5- Increasing permitted height to 12.0 m instead of 10.0m.

"Refer to site plan drawing "

4. Why is it not possible to comply with the provisions of the by-law?
The subjected lot consisted of two properties 2257 and 2267 Embleton Rd. (consolidated) the proposed development on this lot is a private school with a daycare. The lot is located in the CVC regulation area, a setback of 30m from the wetland boundary at the South is required to comply with CVC regulations. After deducting the wetland area and the 30m setback, the remaining portion of the lot is only 6690 m² (55 % of the lot area).
Approving our minor variance application will allow us to create a building with a total coverage area of 25% along with the required car parking.

5. Legal Description of the subject land:
Lot Number 5
Plan Number/Concession Number CON.5 W.H.S.
Municipal Address 2257 & 2267 Embleton Rd. Brampton, ON L6Y 0G2

6. Dimension of subject land (in metric units)
Frontage 102.55m
Depth 166.39m
Area 12,055.39 m²

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.)

2267 Embleton Rd - Single family house, building area:270m², GFA :220m², 2 storeys

- Shad building area:270m²7.75m², 1storey

2257 Embleton Rd - Single family house, building area 268m², GFA: 210m², 1 storey

-Storage / Barn, building area:240m², 1 storey

- Shad, building area 12m², 1 storey

- Shad, building area 13m², 1 storey

Note: all structures in both properties to be demolished.

PROPOSED BUILDINGS/STRUCTURES on the subject land:

Private school for students from per-school to grade 12 (day nursery is included), building area: 2,780.50 m², gross floor area: 4,970 m², number of storeys: 2, building width: 50.31m, building depth: 71.61m maximum building height: 12.00m.

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

Rear yard setback

Side yard setback

Side yard setback

PROPOSED

Front yard setback

12.00 Side and front yard are subjected to be reduced in minor variance

Rear yard setback

81.77

Side yard setback

7.50

Side yard setback

14.10

10. Date of Acquisition of subject land: 2267 Embleton Rd: Jan /2018
2257 Embleton Rd: April/2021
11. Existing uses of subject property: Residential
12. Proposed uses of subject property: Private school and day nursery.
13. Existing uses of abutting properties: Residential, Farm, Other use (refer to attached site plan)
14. Date of construction of all buildings & structures on subject land: 2267 Embleton Rd: 1908
2257 Embleton Rd: 1959
15. Length of time the existing uses of the subject property have been continued: 2267 Embleton Rd: 114 Years
2257 Embleton Rd: 63 Years

16. (a) What water supply is existing/proposed?

Municipal

☒

Well

☒

Other (specify)

- (b) What sewage disposal is/will be provided?

Municipal

☐

Septic

☒

Other (specify)

- (c) What storm drainage system is existing/proposed?

Sewers

☐

Ditches

☐

Swales

☒

Other (specify)

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 of Applicant(s) or Authorized Agent

DATED AT THE city OF Brampton
THIS 16th DAY OF August, 2022

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, Sami Abu Shanb, OF THE city OF Mississauga
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 16th DAY OF
August, 2022

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

Signature of Applicant or Authorized Agent

Jeanie Myers
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

RHm1

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

August 15, 2022

Date

DATE RECEIVED

August 16th, 2022



Bovaird Dr

a

b

A3
C

Heritage Rd

Mississauga Rd

C3

d

e

Armistead Parkette

Huttonville Community Centre

Huttonville P.S.

Embledon Rd

B3

B4

A-2022-0268

Queer