

APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **ASHISH KUMAR AND BHUMIKA MIGLANI** 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 152, Plan 43M-1718, Part 18, Plan 43R-1846 municipally known as **65 SUGARBERRY DRIVE**, Brampton;

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

1. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.44m (8.0 ft.) whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.);
3. To permit a driveway width of 5.64m (18.50 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17 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
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 this 16th Day of March, 2023.

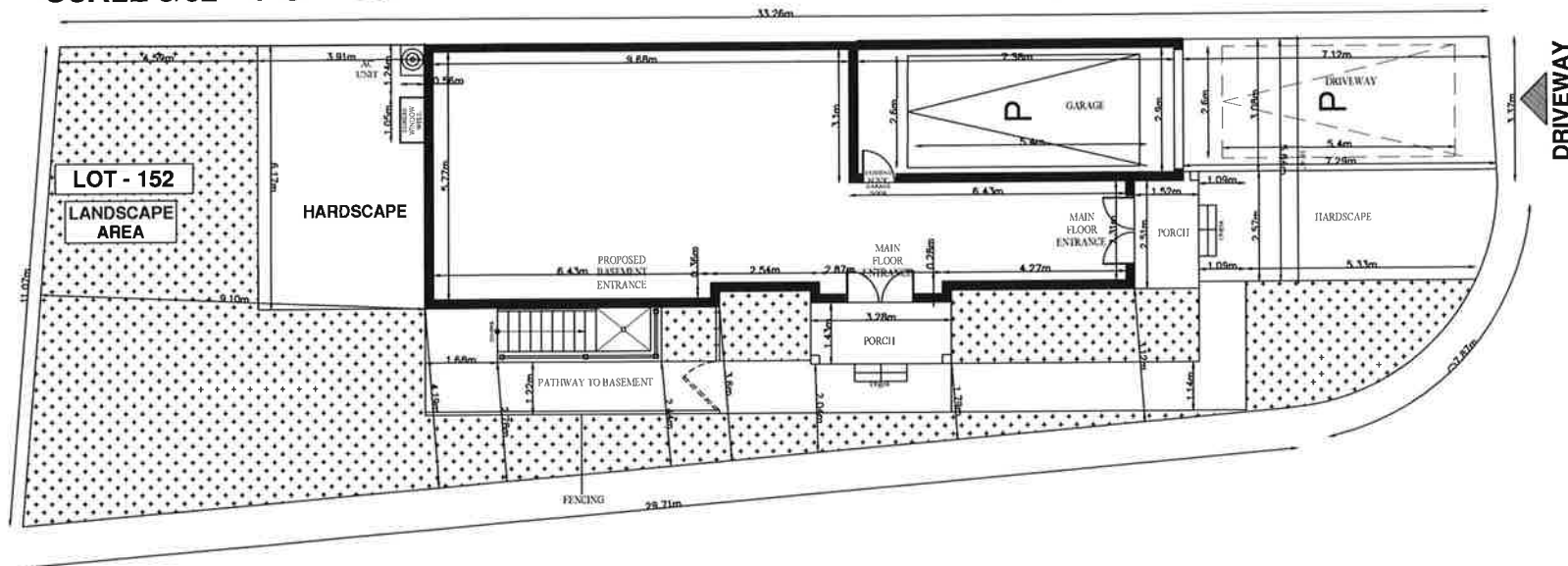
Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

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
SCALE 3/32"=1'-0"



65 SUGARBERRY DRIVE



GENERAL NOTES

DO NOT SCALE DRAWINGS
PROPERTY RIGHTS RETAINED BY:
BG CONSTRUCTION DESIGN
ANY REPRODUCTION IN WHOLE OR IN PART
UNDER THE RULES AND BY-LAWS OF THE
CORPORATION IS STRICTLY FORBIDDEN.
ANY REPRODUCTIONS MUST BE
AUTHORIZED BY
ALL DRAWINGS ARE IN METRIC SCALE

SCOPE OF WORK

PROPOSAL TO CONSTRUCT
SECONDARY UNIT AND
BELOW GRADE ENTRANCE
FROM LEFT SIDE.

THE UNDERSIGNED HAS REVIEWED AND
TAKES RESPONSIBILITY FOR THIS DESIGN,
AND HAS THE QUALIFICATIONS AND
MEETS THE REQUIREMENTS SET OUT
IN THE ONTARIO BUILDING CODE
TO BE A DESIGNER.

QUALIFICATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT
UNDER DIV. C.32.5.1 OF THE BUILDING CODE

SHIVANG TARIKA 106440
NAME SIGNATURE BCIN

SHIVANG TARIKA

NO	REVISION / ISSUE	DATE

SITE PLAN

CITY : BRAMPTON

65 SUGARBERRY DRIVE

EXISTING DWELLING

PROJECT	SHEET A1
JAN 2023	
SCALE 3/32"=1'-0"	

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)** Ashish Kumar , Bhumika Miglani
Address 65 Sugarberry Dr. BRAMPTON, ON, L6X0K4

Phone # 2368866910 **Fax #** _____
Email ashishkumar23555@gmail.com

2. **Name of Agent** Shivang Tarika
Address 106 Morningside Dr. Georgetown, L7G0M2, ON

Phone # 4168212630 **Fax #** _____
Email shivang@relysolution.com

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

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

2) To permit an exterior side yard setback of 2.44 meters whereas the by-law requires a minimum exterior side yard setback of 3.00 meters.

3) To permit a driveway width of 5.64m (18.06 ft.), whereas the by-law permits a maximum driveway width of 5.2 m (17.01 ft.);

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

The owner of the property wants to build a second dwelling unit to manage his mortgage. However to provide a second dwelling unit the entrance has to be below the grade which is not possible on rear yard and the other side of the property and privacy reason. So the only space where owner can construct the entrance is the side of the property. The entrance is designed in such a way that it doesn't block the passage to move to the rear yard. We

5. **Legal Description of the subject land:**
Lot Number 152L
Plan Number/Concession Number M1718
Municipal Address 65 Sugarberry Dr, BRAMPTON, ON, L6X0K4

6. **Dimension of subject land (in metric units)**
Frontage 8.58 m
Depth 33.26 m
Area 321.90

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.)

Ground Floor Area: 79.46 sqm
Gross Floor Area: 262.12 sqm, No. of storeys: 2, Width: 6.17 m, Length: 17.67m

PROPOSED BUILDINGS/STRUCTURES on the subject land:

Below Grade entrance = 5.65 sqm

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	6.95m
Rear yard setback	9.1m
Side yard setback	0
Side yard setback	1.79m

PROPOSED

Front yard setback	6.95m
Rear yard setback	9.1m
Side yard setback	0
Side yard setback	1.79m

10. Date of Acquisition of subject land: 2014
11. Existing uses of subject property: Residential - Single Dwelling Unit
12. Proposed uses of subject property: Residential - Two Dwelling Unit
13. Existing uses of abutting properties: Residential
14. Date of construction of all buildings & structures on subject land: 2012
15. Length of time the existing uses of the subject property have been continued: 11 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 _____

Shivang Tarika
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton
THIS 28 DAY OF February, 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, Shivang Tarika, OF THE Town OF Halton Hills
IN THE Region OF Halton 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
Per THIS 28th DAY OF
Feb., 2023

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

J.M.
Shivang Tarika
Signature of Applicant or Authorized Agent

Jeanie Myers
A Commissioner etc.

Submit by Email

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

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

Zoning Officer

Date

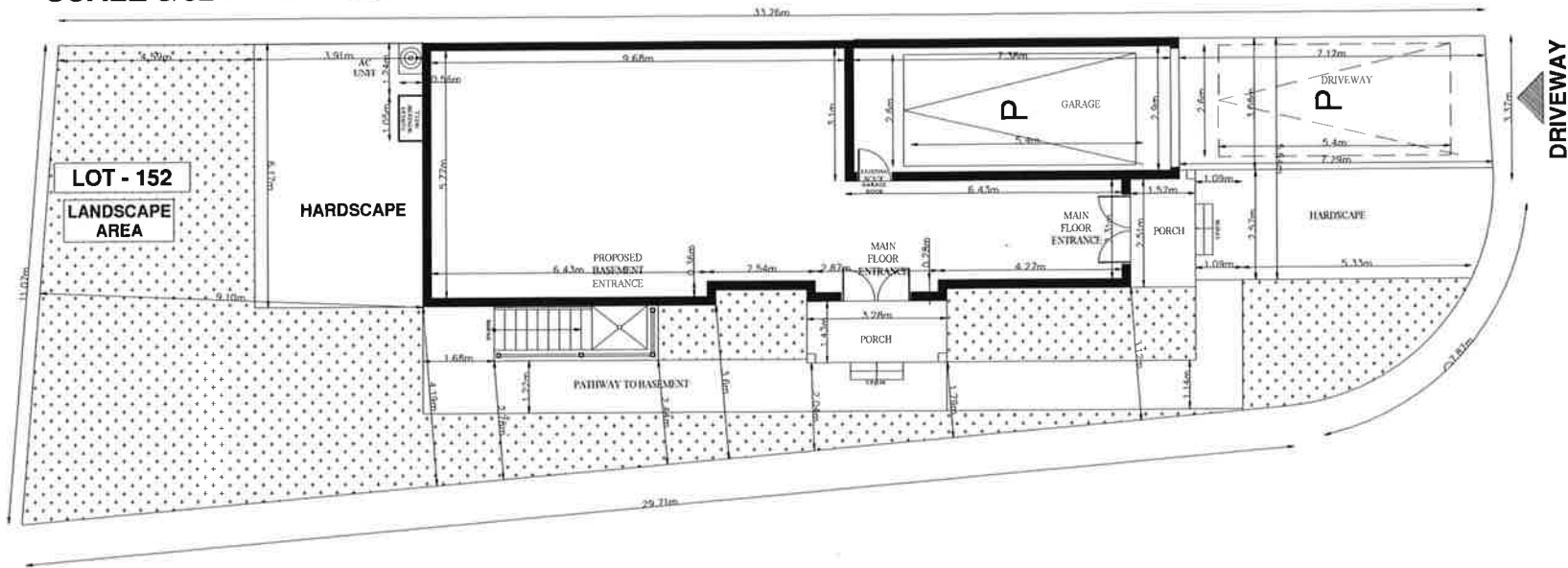
DATE RECEIVED Feb. 28, 2023

Date Application Deemed
Complete by the Municipality

SITE PLAN
SCALE 3/32"=1'-0"



65 SUGARBERRY DRIVE



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REQUIRED UNLESS DESIGN IS EXEMPT
UNDER DIV. C.32.1 OF THE BUILDING CODE

SHIVANG TARIKA106440

NAMESIGNATUREBCIN

SHIVANG TARIKA

NO	REVISION / ISSUE	DATE

SITE PLAN

CITY : BRAMPTON

65 SUGARBERRY DRIVE

EXISTING DWELLING

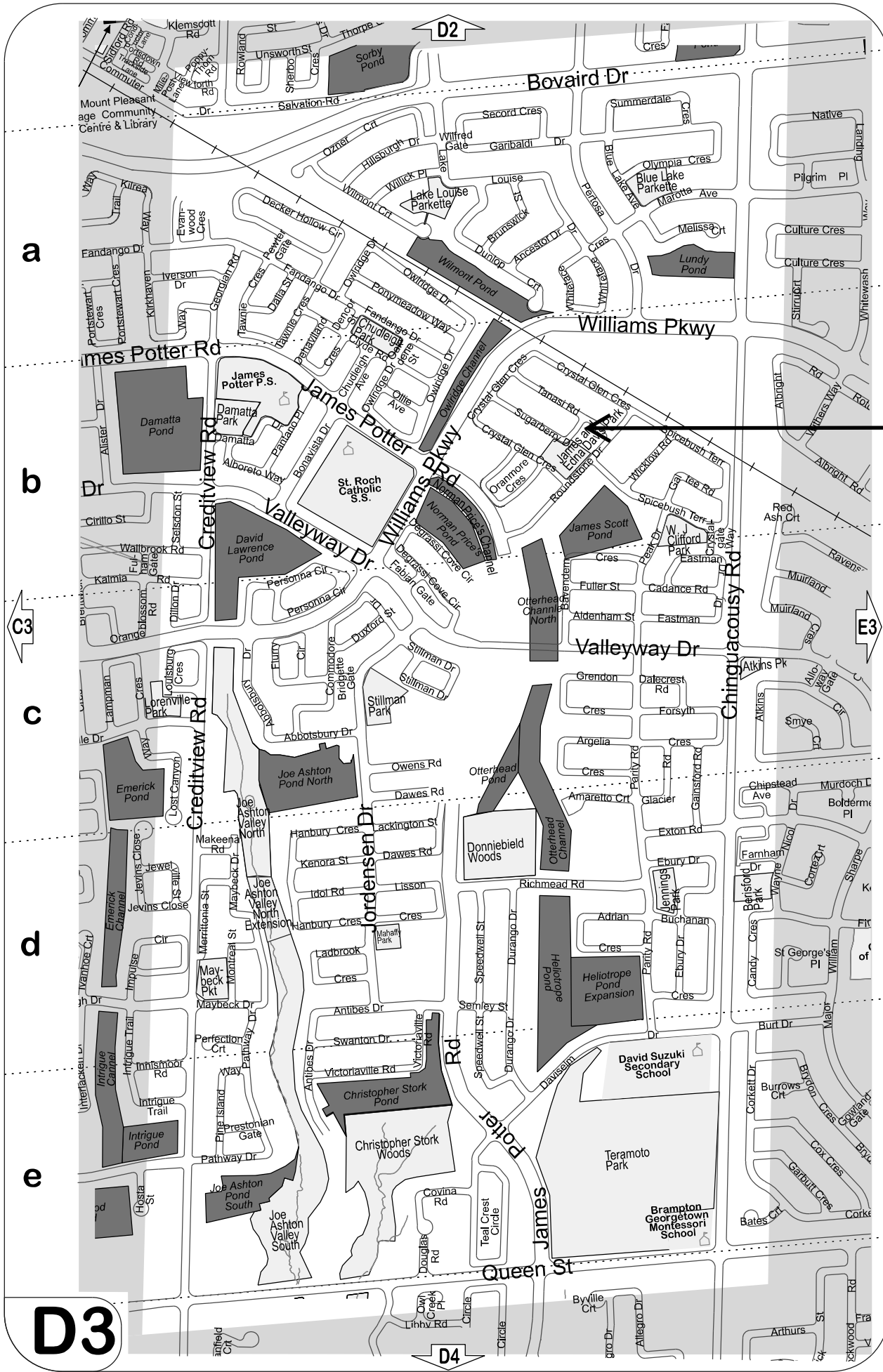
PROJECT

JAN 2023

SCALE 3/32"=1'-0"

SHEET

A1



A-2023-0060

D3

D4