



Date: March 7, 2023
Time: 9:00 a.m.
Location: Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

Members: Ron Chatha (Chair)
Desiree Doerfler (Vice Chair)
David Colp

Members Absent: Ana Cristina Marques (with regrets)

Staff: François Hémon-Morneau, Development Planner
Rajvi Patel, Development Planner
Samantha Dela Pena, Assistant Development Planner
Megan Fernandes, Planning Technician
Paul Brioux, Development Planner
Ellis Lewis, Development Planner
Alex Sepe, Principal Planner/Supervisor, Development Services
Ross Campbell, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:02 am and adjourned at 11:45 am.

2. **ADOPTION OF MINUTES:**

Moved by: D. Colp

Seconded by: D. Doerfler

THAT the minutes of the Committee of Adjustment hearing held February 14, 2023 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated February 28, 2023

4. **Declarations of Interest Under the Municipal Conflict of Interest Act:**

None

5. **WITHDRAWALS/DEFERRALS**

A-2023-0017 (Agenda item 8.3)

MANJIT SINGH BRAR AND JASKIRAN BRAR

16 STONEMOUNT TRAIL

LOT 154, PLAN 43M-1731, WARD 9

Committee acknowledged receipt of a letter dated March 3, 2023 from Manjit Brar, applicant and owner of the property municipally known as 16 Stonemount Trail, advising that the application has been withdrawn.

6. **NEW CONSENT APPLICATIONS**

APPLICATIONS B-2023-0001, A-2023-0033 AND A-2023-0034 WERE RELATED AND HEARD CONCURRENTLY

6.1. **B-2023-0001**

1000142489 ONTARIO INC.

9 ROGERS ROAD

LOT 43, PLAN 351, WARD 1

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.078 hectares (0.19 acres). The proposed severed lot has a frontage of approximately 8.0 metres (26 feet); a depth of approximately 40.9 metres (134.20 feet) and an area of approximately 399.1 square metres (0.098 acres). It is proposed that 2 lots be established from the existing lot for future residential development of a single detached dwelling on each lot.

Ms. Aimee Powell, Powell Planning and Associates, authorized agent for the applicant, presented applications B-2023-0001, A-2023-0033 and A-2023-0034 while referring to a presentation she had submitted. Ms. Powell explained that the proposal is for the property to be divided into half to facilitate residential development noting that the existing neighbourhood has low to medium density residential uses including parks with ample and varied commercial activity along Main Street. She stated that the lands are very well serviced by transit and have available water and waste collection services.

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Ms. Powell added that there are no environmental or natural heritage features on the site. She advised that the proposed development offers new development in accordance with provincial policy direction for the creation of additional units which can be built. She explained the variances requested for each of the proposed lots and was of the opinion that the four tests of the Planning Act are met.

Ms. Powell expressed that growth of this nature and scale has been mandated through Bill 23 noting that the subject application offers the most efficient way to increase density where there are existing services. She noted that it offers reinvestment to the community and an opportunity to better utilize existing services while respecting the neighbourhood character in a community that is within walking distance to downtown Brampton.

Ms. Powell added that where there are opportunities to redevelop underutilized lots, such as the subject site, good planning dictates that we foster development such as what is proposed. She added that the application is sympathetic, of a high caliber in nature and is contextually appropriate for the neighbourhood while offering housing where it is meant to occur as dictated by the City, Regional and Provincial Government.

Ms. Rita Kirby, 10 Rogers Road, addressed Committee, expressing concerns including parking on grass, possible removal of a mature tree and potential rental of the property. She advised that the property has had renters in the past.

Committee inquired if there were any enforcement issues on the property. Staff responded that there are no issues specific for the property noting that there were a number of complaints mainly related to garbage in the area.

Committee acknowledged receipt of the following correspondence:

E-mail correspondence dated March 1, 2023 from Melanie and Jeff Baptista, 19 Rogers Road in opposition to the proposal.

E-mail correspondence dated March 2, 2023 from Todd Sarjeant, resident, in opposition to the proposal.

E-mail correspondence dated March 2, 2023 from Jennifer Lilly, 28 Rogers Road in opposition to the proposal.

Letter dated March 3, 2023 from Kayla and Jamie Porter, residents of Rogers Road detailing concerns with the proposal.

E-mail correspondence dated March 2, 2023 from Drew Maynard, 23 Rogers Road detailing concerns with the proposal.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2023-0001, A-2023-0033 and A-2023-0034 from a planning land

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use perspective. Staff recommended that proposed condition 3 for the consent application be excluded as it was included in error.

Committee noted that one of the letters mentions that this is a historic district. Staff responded that the property is located in a mature neighbourhood but is not listed or designated as a heritage property on the City's register. Staff advised that there are policies in the Official Plan that speak to the general size, type and style of the dwellings noting that review will occur through the custom home architectural control application process to ensure conformity with the architectural style and massing of the surrounding area.

Committee inquired why there was no arborist report associated with this application noting the location of a mature tree. Staff explained that the applicant has indicated that it is the intent to preserve the mature tree noting that a condition is included that the private tree be preserved or if removed that the applicant provide compensation.

Committee noted that the lot is pie shaped with a narrow frontage and was concerned with lot coverage being compromised. Staff advised that the severance would create a rectangular lot more in keeping with the range of lots that are smaller and larger in the surrounding area. Staff advised that there is no maximum lot coverage requirement for this zone and the lots appear to be conforming to the performance standards noting that the finalized design of the home is not available at this time and will be reviewed during the custom home application process.

Committee expressed concern with the reduced lot frontages by dividing the lot and the loss of frontage for each lot recognizing that the lot depth appears adequate. Committee commented that the houses will have to be pushed back further from the street due to the proposed reduced lot width.

Committee noted that the property is located right at the curb of the street and will have 2 driveways at that particular location which could be a concern in terms of traffic. Committee commented that it will be mostly driveway visible from the front which will not tie in with the character of the street. Committee observed that the character of the street is quaint and unique which is punctuated with the street scape commenting that character and tree scape are important to any neighbourhood. Committee remarked that the street is a jewel and very well maintained noting that the character is worth preserving.

Mr. Drew Maynard, 23 Rogers Road, addressed Committee advising that the area is really unique and has been changing with an increase in multi-family units and rental properties. He added that he was fearful that the neighbourhood is being destroyed simply for profit by dividing lots into smaller lots adding that the residents are upset as they maintain their homes and have a lot of pride in these older homes. Mr. Maynard expressed that there has been more crime in the area and spoke of over 400 calls to by-law enforcement for an individual property. It was his opinion that the variances requested are not minor and does not go with the character of the street or add anything to the neighbourhood.

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Ms. Powell addressed Committee starting that in terms of character of the neighbourhood what makes character unique and interesting is the diversity of housing stock. She made reference to a neighbouring street (Archibald Street) which has a mix of bungalows and two storey dwellings noting that there is not a lot of uniformity overall which contributes to character uniqueness and interest. She added that the site does have its limitations and they are before the Committee to seek relief from standards for the planning good.

Ms. Powell stated that this province is in a housing crisis and we have land owners that are willing to reinvest in the neighbourhood to improve the existing housing stock in a sympathetic nature. She added that as staff commented there will be very stringent urban design guidelines and redevelopment guidelines which they will have to adhere to as conditions of approval. Ms. Powell expressed that they have made an acknowledgement that the tree at the front is to remain and if it is not possible then staff will seek compensation as written in the conditions.

Committee recognized that there is a shortage of housing supply and that there is a push to create more dwellings noting that options available include basement apartments and garden suites. Committee commented that creating tiny lots is not the ultimate solution and the proposal is not desirable or appropriate for the area.

Committee agreed that having unique homes of different types does add character noting that what was striking about the street was that the houses all visually seem to be the same size, are setback from the street the same distance and appear to be positioned centered on the lots and yet each home has a different character. Committee expressed that the repetition of the size and positioning along the street contributes to the character and the trees add to the character of the street.

Ms. Kemba Williams, owner of the property, addressed Committee advising that they took a long time to look at the property and see what would fit with the neighbourhood noting that detached homes would fit with the neighbourhood given that all the homes on the street are detached homes. She advised that they took the time to assess what Bill 23 is asking for in terms of more density. She noted that the home is within walking distance to downtown and transit. She expressed that it adds the ability for families to share whether it be tenants or families with grandparents or children who grow up and cannot afford to buy.

Ms. Williams informed Committee that the plans were reviewed by City staff from various departments multiple times and was surprised that there was so much opposition to the idea of having brand new homes built in the area which will not detract from the neighbourhood from a value perspective and will meet the needs of the City and the province. It was her opinion that the plan has merit advising that she spoke to neighbours in the area who have been fine with change in the area. She remarked that the tree will be saved and will not interrupt the driveways that are proposed.

In response to a question raised by Committee staff confirmed that currently there is potential for 3 units on this property, a second unit within the home and a garden street. Staff advised

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that in the coming months there is the possibility of providing 2 units in the dwelling without a garden street. Staff advised that it is also possible that the garage can be converted into living space provided 2 parking spaces can be maintained on the driveway.

Committee expressed concern with the proposed lot width which will be almost 50% less than the by-law requirement.

Mr. Maynard commented on the location of a hydro pole in front of the property.

Following discussion, Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application B-2023-0001 to establish 2 lots from the existing lot for future residential development of a single detached dwelling on each lot be refused for the following reason(s):

1. Approval of the application would reflect that no regard has been given to those matters to be regarded under Section 51(24) of the *Planning Act*, in as much as it is the opinion of the Committee that the proposed lots are not in keeping with the established character of the lots in the mature neighbourhood.

CARRIED

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2023-0033 to permit a lot width of 8 metres and to permit a lot area of 377 square metres be refused for the following reasons:

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

1. The variance is not desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The variance is not minor.

CARRIED

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2023-0034 to permit a lot width of 8 metres and to permit a lot area of 399.1 square metres be refused for the following reasons:

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

1. The variance is not desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The variance is not minor.

CARRIED

6.2. **B-2023-0002**

RALPH STEIN AND IVAN BAIN

343 BISCAYNE CRESCENT

PART OF BLOCK 6, PLAN 43M-947, PART 2, PLAN 43R-18514, WARD 3

The purpose of the application is to request the consent of the Committee of Adjustment to grant an easement having a width of approximately 3.0 metres (9.84 feet); a depth of approximately 63 metres (206.70 feet) and an area of approximately 189 square metres (0.467 acres) for the purpose of access in favour of the adjacent property municipally known as 150 First Gulf Boulevard. Concurrent Consent Application B-2023-0003.

Ms. Rebecca Elphick, J.L. Richards & Associates, authorized agent for the applicant, presented application B-2023-0002 briefly outlining the nature of the application. She noted that Committee previously approved a mutual access easement between the adjacent properties informing Committee that the easement was not registered on title and subsequently the approval lapsed.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2023-0002 from a planning land use perspective, subject to conditions.

The comments and recommendations of the commenting agencies were read out.

Ms. Elphick indicated that the proposed conditions were acceptable.

The Committee, having regard to those matters under subsection 51(24) of the *Planning Act* R.S.O. 1990, c P.13, as amended and 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 B-2023-0002 to create an access easement in favour of the adjacent property municipally known as 150 First Gulf Boulevard be approved for the following reasons and subject to the following conditions:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received;

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3. That a mutual access easement with a width of 3.6m (9.84 ft.) for the purpose of access in favour of the adjacent property municipally known as 150 First Gulf Blvd (as depicted in Appendix B) be approved.
4. That the Applicant/Owner provide proof that the required access easement has been registered on title in perpetuity and that the access easements will be to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works & Engineering.

REASONS:

1. This decision reflects that regard has been had to those matters to be regarded under the Planning Act, in as much as the dimensions and shape of the lot are adequate for the uses proposed.
2. Subject to the imposed conditions, the consent to the conveyance will not adversely affect the existing or proposed development.

CARRIED

6.3. **B-2023-0003**

2849150 ONTARIO INC.

150 FIRST GULF BOULEVARD

PART OF BLOCK 6, PLAN 43M-947, PART 1, PLAN 43R-18514, WARD 3

The purpose of the application is to request the consent of the Committee of Adjustment to grant an easement having a width of approximately 3.0 metres (9.84 feet); a depth of approximately 63 metres (206.70 feet) and an area of approximately 189 square metres (0.467 acres) for the purpose of access; and a servicing easement for stormwater purposes in favour of the adjacent property municipally known as 393 Biscayne Avenue. Concurrent Consent Application B-2023-0002.

Ms. Rebecca Elphick, J.L. Richards & Associates, authorized agent for the applicant, presented application B-2023-0003.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2023-0003 from a planning land use perspective.

The comments and recommendations of the commenting agencies were read out.

Ms. Elphick indicated that the proposed conditions were acceptable.

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The Committee, having regard to those matters under subsection 51(24) of the *Planning Act* R.S.O. 1990, c P.13, as amended and 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 B-2023-0003 to create an access easement and a servicing easement for stormwater purposes in favour of the adjacent property municipally known as 393 Biscayne Avenue be approved for the following reasons and subject to the following conditions:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received;
3. That a mutual access easement with a width of 3.0m (11.81 ft.) for the purpose of access in favour of the adjacent property municipally known as 343 Biscayne Cres (as depicted in Appendix B) be approved.
4. That the Applicant/Owner provide proof that the required access easement has been registered on title in perpetuity and that the access easements will be to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works & Engineering.

CARRIED

7. **DEFERRED CONSENT APPLICATIONS**

None

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1. **A-2023-0003**

POOJA SHRESTHA AND JIVESH THAPA CHHETRI

37 VALONIA ROAD

LOT 73, PLAN 43M-1048, WARD 1

The applicants are requesting the following variance(s):

1. To permit 1 parking space for a principal unit whereas the by-law requires 2 parking spaces for a principal unit.

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Mr. Valuddin Mohammed, Mechways Inc., authorized agent for the applicant, presented application A-2023-0003 briefly outlining the variance requested.

Ms. Jakki Buckeridge-Megwetch, 31 Valonia Drive addressed Committee in support of the application.

In response to a question raised by Committee Mr. Mohammed explained that the one and a half car garage does not provide enough storage for boxes and maintenance items including a lawnmower and other household utility items. He advised that the owner wants to convert part of the garage for storage purposes. He advised that the City recommended that they seek a variance as it did not comply with the zoning by-law.

Staff advised that it is possible that the door may be blocked off and would not be capable of accommodating a parking spot.

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

Committee inquired if this is single car family and if there is more than one car where will parking occur. Staff advised that one vehicle was observed during site inspection and they are supportive of the application.

Mr. Mohammed 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-2023-0003 to permit 1 parking space for a principle unit be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of 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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8.2. **A-2023-0010**

MIHIR PALANPURWALA

9 BLACKMERE CIRCLE

LOT 173, PLAN M-614, WARD 3

The applicant is requesting the following variance(s):

1. To permit the parking of an oversized motor vehicle whereas the by-law prohibits the parking of oversized motor vehicles;
2. To permit an existing accessory structure (shed) having a rear yard setback of 0.45m (1.48 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest property lines for an accessory structure.

Mr. Mihir Palanpurwala, applicant and owner of the property, presented application A-2023-0010 briefly outlining the variances requested advising that he isn't permitted to park his vehicle in the driveway and has been parking on the street.

Committee acknowledged receipt of e-mail correspondence dated February 27, 2023 from Bob Thomas, 6 Blackmere Circle in opposition to Application A-2023-0010.

Committee acknowledged receipt of e-mail correspondence dated March 4, 2023 from Joe Santos, 10 Blackmere Circle in opposition to Application A-2023-0010.

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

Mr. Palanpurwala 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-2023-0010 to permit the parking of an oversized motor vehicle and to permit an existing accessory structure (shed) having a rear yard setback of 0.45m (1.48 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 Notice of Decision;
2. That the permitted oversized vehicle be limited to the detailed vehicle information which is for a white Mercedes "Sprinter Van" model, measuring approximately 6.96 meters in length, 2.02 meters in width and 2.68 meters in height. C;

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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

8.3. **A-2023-0017** (*Application Withdrawn*)

MANJIT SINGH BRAR AND JASKIRAN BRAR

16 STONEMOUNT TRAIL

LOT 154, PLAN 43M-1731, WARD 9

The applicants are requesting the following variance(s):

1. To permit an existing driveway width of 8.67m (28.44 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit an existing accessory structure (shed) having an area of 17.71 sq. m (311.26 sq. ft.) whereas the by-law permits a maximum area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
3. To permit two existing accessory structures (shed and gazebo) with a combined area of 28.95 sq. m (311.61 sq. ft.) whereas the by-law permits a maximum combined area of 20 sq. m (215.28 sq. ft.).

8.4. **A-2023-0018**

NAVDEEP SINGH CHHINA AND TANBIR CHHINA

2 BENHURST CRESCENT

LOT 75, PLAN 43M-2043, WARD 6

The applicants are requesting the following variance(s):

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

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2. To permit an exterior side yard setback of 2.11m (6.92 ft.) to a below grade entrance whereas the by-law requires a minimum setback of 3.0m (9.84 ft.).

Mr. Harjinder Singh, MEM Engineering Inc., authorized agent for the applicant, presented application A-2023-0018 briefly outlining the variances requested.

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

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: D. Colp

Seconded by: D. Doerfler

THAT application A-2023-0018 to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line and to permit an exterior side yard setback of 2.11m (6.92 ft.) 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 Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the proposed fence used to screen the below grade entrance shall be constructed as shown on the sketch, shall not be removed or lowered but may be repaired or replaced when necessary, and shall not remove or affect the existing fence on the property; and
4. That failure to comply with and maintain the conditions of 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

8.5. **A-2023-0019**

JANGBAHADUR SINGH MANN

80 CANDY CRESCENT

LOT 26, PLAN M-815, WARD 5

The applicant is requesting the following variance(s):

1. To permit an above grade door in the side wall where a minimum side yard width of 0.94m (3.08 ft.) is provided extending from the front wall of the dwelling up to and including the door whereas the by-law does not permit an above grade side door in the side wall unless the minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door is maintained;
2. To permit a 0.94m (3.08 ft.) path of travel leading to the principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit;
3. To permit an existing accessory structure (shed) having a setback of 0.2m (0.66 ft.) to the nearest property line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

Mr. Harjinder Singh, MEM Engineering Inc., authorized agent for the applicant, presented application A-2023-0019 briefly outlining the variances requested.

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

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: D. Colp

Seconded by: D. Doerfler

THAT application A-2023-0019 to permit an above grade door in the side wall where a minimum side yard width of 0.94m (3.08 ft.) is provided extending from the front wall of the dwelling up to and including the door; to permit a 0.94m (3.08 ft.) path of travel leading to the principle entrance for a second unit and to permit an existing accessory structure (shed) having a setback of 0.2m (0.66 ft.) to the nearest property line 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 Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit; and
3. That failure to comply with and maintain the conditions of 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

8.6. **A-2023-0020**

TEJBIR SINGH AND NAVPREET KAUR RANDHAWA

9 GOODVIEW CRESCENT

LOT 110, PLAN 43M-2102, WARD 9

The applicants are requesting the following variance(s):

1. To permit an above grade door in the side wall where a minimum side yard width of 0.68m (2.23 ft.) is provided extending from the front wall of the dwelling up to the door whereas the by-law does not permit an above grade side door in the side wall unless the minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door is maintained;
2. To permit a 0.68m (2.23 ft.) path of travel leading to the principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit.

Mr. Harjinder Singh, MEM Engineering Inc., authorized agent for the applicant, presented application A-2023-0020 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated March 1, 2023 from Lakhvir Singh and Harpreet Kaur Saini indicating no objection to Application A-2023-0020.

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

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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: D. Doerfler

Seconded by: D. Colp

THAT application A-2023-0020 to permit an above grade door in the side wall where a minimum side yard width of 0.68m (2.23 ft.) is provided extending from the front wall of the dwelling up to the door and to permit a 0.68m (2.23 ft.) path of travel leading to the principle entrance for a second unit 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 Notice of Decision;
2. That Variance 2 to permit a 0.68m (2.23 ft.) path of travel leading to the principal entrance for a second unit be refused. The applicant is to be aware that 0.68m (2.23 ft.) is not sufficient for the required egress path to a public thoroughfare, as required by the Ontario Building Code (OBC). Should the Committee approve a variance for a reduction for the 1.2m (3.94 ft.) path of travel required in the Zoning By-Law, the side door will not be permitted as primary entrance to a secondary dwelling unit and that the same be reflected in the notice of decision;
3. That the above grade entrance shall not be used to access an unregistered second unit; and
4. That failure to comply with and maintain the conditions of 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

8.7. **A-2023-0021**

MAALATHY SOORİYAKATHAN

9 MADDYBETH CRESCENT

LOT 46, PLAN 43M-1651, WARD 6

The applicants are requesting the following variance(s):

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1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.07m (0.23 ft.) to the below grade entrance whereas the by-law requires a minimum interior side yard setback of 0.6 metres, provided that the combined total of the interior side yards is not less than 1.8 metres.

Mr. Harinder Singh, MEM Engineering Inc., authorized agent for the applicant, presented application A-2023-0021 briefly outlining the variances requested.

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

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: D. Doerfler

Seconded by: D. Colp

THAT application A-2023-0021 to permit a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.07m (0.23 ft.) to the 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 Notice of Decision;
2. That the applicant ensures the existing below grade entrance includes both three steps down and three steps up in order to provide a continuous path of travel to the rear yard as per the provided concept plan (Appendix A);
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That the owner shall obtain a building permit within 60 days of the decision of approval; and
5. That failure to comply with and maintain the conditions of 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

Committee of Adjustment Minutes

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

8.8. **A-2023-0022**

AFTAB IFTIKAR AND NAILA ZAFAR

13 SANDY BEACH ROAD

LOT 23, PLAN 43M-1511, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.34m (1.12 ft.) to the below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit a driveway width of 8.09m (26.54 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
4. To permit 0.31m (1.02 ft.) of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line.

Mr. Harinder Singh, MEM Engineering Inc., authorized agent for the applicant, presented application A-2023-0022 briefly outlining the variances requested.

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

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: D. Doerfler

Seconded by: D. Colp

THAT application A-20223-0022 to permit a below grade entrance in the required interior side yard; to permit an interior side yard setback of 0.34m (1.12 ft.) to the below grade entrance; to permit a driveway width of 8.09m (26.54 ft.) and to permit 0.31m (1.02 ft.) of permeable landscaping adjacent to the side lot line be approved for the following reasons and subject to the following conditions:

Committee of Adjustment Minutes

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant be aware Engineering Staff has identified an existing rear lot catch basin storm pipe running below grade within the side yard along the side of the house. Construction of the below grade entrance and required foundation may be impeded, and it would negatively impact the existing sewer pipe. It recommended that the below grade entrance be located in the rear yard; and
3. The owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances;
4. That the below grade entrance shall not be used to access an unregistered second unit;
5. That the owner shall obtain a building permit within 60 days of the decision of approval; and
6. That failure to comply with and maintain the conditions of 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

8.9. **A-2023-0023**

GURBAKSH KAUR DHILLON

202 KINGKNOLL DRIVE

LOT 23, PLAN 43M-1511, WARD 4

The applicant is requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard having a setback of 0.18m (0.60 ft.) whereas the by-law requires a minimum 0.3m (0.98 ft.) setback to a below grade entrance in a required side yard where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling;
2. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard.

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Mr. Abijit Ganguli, AG Consulting Solutions, authorized agent for the applicant, presented application A-2023-0023 briefly outlining the variances requested.

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

Mr. Ganguli 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-2023-0023 to permit a below grade entrance in the required interior side yard having a setback of 0.18m (0.60 ft.) and to permit a below grade entrance in the required interior 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 Notice of Decision;
2. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval
3. That the below grade entrance shall not be used to access an unregistered second unit; 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

8.10. **A-2023-0025**

MOHAMMAD ASIF AND FARYAL KANWAL

193 VODDEN STREET WEST

LOT 21, PLAN M-417, WARD 1

The applicants are requesting the following variance(s):

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1. To permit lot coverage of 34.34% whereas the by-law permits a maximum lot coverage of 30%;
2. To permit a garden suite having a height of 5.49m (18.011 ft.) whereas the by-law permits a maximum height of 4.5m (14.76 ft.) for a garden suite.

Mr. Mazhar Raja, Caprija Corporation, authorized agent for the applicant, presented application A-2023-0025 briefly outlining the variances requested.

In response to a question raised by Committee staff confirmed that the lot coverage includes the area of the garden suite that is proposed and that because this is a mature neighbourhood the maximum 30% lot coverage applies. Staff explained that Bill 23 does allow for garden suites everywhere however the Zoning By-law does allow municipalities to put in zoning regulations for such things as setbacks, height and area.

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

Ms. Ingrid Encisco, 36 Deerpark Crescent, addressed Committee expressing concern that the proposed garden suite will be too tall and that their view will be blocked. She also commented that if it is a rental there will not be a lot of parking.

Committee explained that the introduction of garden suites is a measure implemented by government to combat deficiencies.

Committee inquired if the garden suite can be 2 storeys. Staff explained that the height requirement limits it to one storey noting that on larger rural lots 2 storeys are allowed.

Mr. Raja explained that 4.5m is the maximum height allowed advising Committee that they are sinking 2 to 3 feet into the ground and that the garden suite will not be as high as a 2 story house.

Committee noted that the garden suite will not be too close to the neighbouring property.

Mr. Raja 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-2023-0025 to permit lot coverage of 34.34% whereas the by-law permits a maximum lot coverage of 30% and to permit a garden suite having a height of 5.49m (18.011 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 Notice of Decision;

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2. That the existing fence used to screen the proposed garden suite in the rear yard shall be maintained, and shall not be removed or lowered, but may be repaired or replaced when necessary; 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

8.11. **A-2023-0026**

NIRMALA PRAKASH AND SHEURI PRAKASH

37 MAROTTA AVENUE

LOT 83, PLAN M-1360, WARD 5

The applicants are requesting the following variance(s):

1. To permit a 2.7m (8.56 ft.) encroachment into the minimum required rear yard, resulting in a rear yard setback of 3.3m (10.83 ft.) to an open roofed porch whereas the by-law permits a maximum encroachment of 2.0m (6.56 ft.) resulting in a rear yard setback of 4.0m (13.12 ft.).

Ms. Tarunpreet Kaur, Lumon Canada Inc., authorized agent for the applicant, presented application A-2023-0026 briefly outlining the variances requested.

Mr. Nipun Jain, 56 Melissa Court, addressed Committee inquiring what the variance would mean for him in terms of the porch distance from the fence and if it would impede their view or sunlight.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff explained the variance requested.

Mr. Jain questioned if during construction and there is any damage to the fence would the owner be willing to take responsibility for any repairs. Ms. Kaur acknowledged her understanding.

Following discussion, Ms. Kaur 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: D. Doerfler

Seconded by: D. Colp

THAT application A-2023-0026 to permit a 2.7m (8.56 ft.) encroachment into the minimum required rear yard, resulting in a rear yard setback of 3.3m (10.83 ft.) to an open roofed porch 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 Notice of Decision;
2. That the proposed open roof porch remains open and not enclosed, as shown on the rendering sketch provided by the applicant in Appendix A;
3. That the owner shall obtain a building permit a within 60 days of the decision of approval; and
4. That failure to comply with and maintain the conditions of 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

COMMITTEE RECESSED AT 11:00 AM AND RE-ADJOURNED AT 11:08 AM

8.12. A-2023-0027

SHAWN BELL AND ERIN BELL

117 ELLIOTT STREET

LOT 100, PLAN 354, WARD 3

The applicants are requesting the following variance(s):

1. To permit a garden suite having a side yard setback of 0.91m (3.0 ft.) whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.) for a garden suite;
2. To permit an existing accessory structure (pool shed) having a setback of 0.15m (0.50 ft.) to the nearest lot lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the rear lot line and 2.4m (7.87 ft.) to the side lot line for an accessory structure.

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Mr. Shawn Bell, applicant and owner of the property, presented application A-2023-0027 briefly outlining the variances requested.

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

Mr. Bell 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-2023-0027 to permit a garden suite having a side yard setback of 0.91m (3.0 ft.) and to permit an existing accessory structure (pool shed) having a setback of 0.15m (0.50 ft.) to the nearest 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 Notice of Decision;
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

8.13. **A-2023-0028**

DAVID SMITH, DEIRDRE CHONG AND STAN CHONG

17 MELVILLE CRESCENT

LOT 262, PLAN 679, WARD 3

The applicants are requesting the following variance(s):

1. To permit a front yard setback of 5.288m (17.35 ft.) to a proposed addition (enclosed porch) whereas the by-law requires a minimum front yard setback of 6.0m (19.68 ft.);
2. To permit a side yard setback of 0.12m (0.40 ft.) to an existing addition whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.).

Committee of Adjustment Minutes

Mr. David Smith, applicant and owner of the property, presented application A-2023-0028 briefly outlining the variances requested.

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

Mr. Smith 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-2023-0028 to permit a front yard setback of 5.288m (17.35 ft.) to a proposed addition (enclosed porch) and to permit a side yard setback of 0.12m (0.40 ft.) to an existing addition 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 Notice of Decision;
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

8.14. **A-2023-0029 (Application Withdrawn)**

PRANAVKUMAR SHAH AND BRINDABEN

14 NEEDLEWOOD LANE

PART OF LOT 94, PLAN M-1340, PART 26, PLAN 43R-24075, WARD 9

The applicants are requesting the following variance(s):

1. To permit a driveway width of 5.4m (17.72 ft.) whereas the by-law permits a maximum driveway width of 4.9m (16.08 ft.);
2. To permit an existing fence having a maximum height of 3.2m (10.50 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.).

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8.15. **A-2023-0030**

AARON FOX AND PRAGASHINI FOX

19 TRELEAVEN DRIVE

LOT 80, PLAN 354, WARD 3

The applicants are requesting the following variance(s):

1. To permit a proposed accessory structure (home office/ home gym) having a gross floor area of 34.2 sq. m (368.13 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
2. To permit a combined gross floor area of 40.23 sq. m (430.03 sq. ft.) for two accessory structures (proposed home office/ home gym and an existing shed) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
3. To permit an existing accessory structure (shed) having a setback of 0.53m (1.74 ft.) to the side lot line whereas the by-law requires a minimum setback of 2.4m (7.87 ft.) to the side lot line for an accessory structure.

Mr. Aaron Fox, applicant and owner of the property, presented application A-2023-0030 briefly outlining the variances requested.

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

Mr. Fox 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-2023-0030 to permit a proposed accessory structure (home office/ home gym) having a gross floor area of 34.2 sq. m (368.13 sq. ft.); to permit a combined gross floor area of 40.23 sq. m (430.03 sq. ft.) for two accessory structures (proposed home office/ home gym and an existing shed) and to permit an existing accessory structure (shed) having a setback of 0.53m (1.74 ft.) to the side lot line 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 Notice of Decision;
2. 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

8.16. **A-2023-0031**

ST. LEONARDS HOUSE PEEL

1105 QUEEN STREET EAST

PART OF BLOCK E, PLAN 895, PART 1, PLAN 43R-3284, WARD 3

The applicants are requesting the following variance(s):

1. To permit a homeless shelter whereas the by-law does not permit the proposed use.

Ms. Leslie Barnes, St. Leonards House, authorized agent for the applicant, presented application A-2023-0031 briefly outlining the variances requested to operate a temporary Out of the Cold Program to provide overnight accommodation for 16 men experiencing homelessness. She advised that the program would operate from mid-November to mid-March.

Committee acknowledged receipt of e-mail correspondence dated March 2, 2023 from Russell and Diane Daniels, indicating opposition to the proposal.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that they have no concerns with the timelines for the Out of the Cold Program.

Ms. Barnes explained that renovations have been done to the gymnasium to include a shower and additional bathroom so that men could come in off the street and have a shower and a meal.

Committee inquired about staffing for the increased number of beds for the Out of the Cold Program and for people coming in and out of the facility. Ms. Barnes explained that the men would be coming in from 6:00 pm and stay until 8:00 am and that there will be three or four staff on site. She added that there will be a nurse to provide some primary care.

Ms. Barnes 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

Committee of Adjustment Minutes

THAT application A-2023-0031 to permit a homeless shelter 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 Notice of Decision;
2. The Owner obtain a permit for a change of use prior to occupancy of the space;
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

8.17. **A-2023-0032**

LORENZO ACCETTOLA AND LAURA ACCETTOLA

44 UPPER RIDGE CRESCENT

LOT 294, PLAN 43M-1622, WARD 8

The applicants are requesting the following variance(s):

1. To permit a swimming pool with a setback of 2.68m (8.80 ft.) to a lot line abutting an Open Space –Section 1807 zone whereas the by-law requires a minimum 10m (32.80 ft.) setback for any building, structure or swimming pool from any lot line abutting an Open Space –Section 1807 zone.

Mr. Anthony Bartolini, Square Design Group, authorized agent for the applicant, presented application A-2023-0032 briefly outlining the variances requested.

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

Mr. Bartolini 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

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THAT application A-2023-0032 to permit a swimming pool with a setback of 2.68m (8.80 ft.) to a lot line abutting an Open Space –Section 1807 zone be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
3. Should previously undocumented archeological resources be discovered, there may be a new archeological site and therefore will be subject to Section 48 of the Ontario Heritage Act. The proponent/ person discovering the archaeological resources must immediately cease alteration of the site and engage with a licensed consultant archaeologist to carry out the archaeological field work, in compliance with Section 48 (1) of the Ontario Heritage Act. City Heritage staff must also be contacted.

The Funeral, Burial and Cremation Services Act requires any persons discovering human remains to notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services. In no way will the City of Brampton be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this clearance. Further measures may need to be taken in the event that additional artifacts or archeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

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

8.18. **A-2023-0033 (Considered concurrently with consent application B-2023-0001)**

1000142489 ONTARIO INC.

9 ROGERS ROAD

LOT 43, PLAN 351, WARD 1

The applicant is requesting the following variance(s) associated with the proposed “retained” lot under consent application B-2023-0001:

1. To permit a lot width of 8 metres whereas the by-law requires a minimum lot width of 15 metres;

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2. To permit a lot area of 377 square metres whereas the by-law requires a minimum lot area of 450 square metres.

8.19. **A-2023-0034** (*Considered concurrently with consent application B-2023-0001*)

1000142489 ONTARIO INC.

9 ROGERS ROAD

LOT 43, PLAN 351, WARD 1

The applicant is requesting the following variance(s) associated with the proposed “severed” lot under consent application B-2023-0001:

1. To permit a lot width of 8 metres whereas the by-law requires a minimum lot width of 15 metres;
2. To permit a lot area of 399.1 square metres whereas the by-law requires a minimum lot area of 450 square metres.

8.20. **A-2023-0035**

ZAK GHANIM

35 CUMBERLAND CRESCENT

LOT 70, PLAN 582, WARD 1

The applicant is requesting the following variance(s):

1. To permit a detached garage with a separation distance of 0.54m (1.77 ft.) to a main building whereas the by-law requires a minimum separation distance of 1.0m (3.28 ft.) between a detached garage and a main building;
2. To permit 0.0m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side lot line.

Mr. Hooman Riahi, authorized agent for the applicant, presented application A-2023-0035 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated March 6, 2023 from Rick Moohs, resident, expressing concern that the dwelling will be used as a lodging house.

Committee inquired if there are any orders to comply for the property. Staff explained that there is a history of parking infractions noting that the owner is in the process of converting the dwelling into 2 units. Staff advised that there are no complaints pertaining to a lodging house.

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

Mr. Riahi 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-2023-0035 to permit a detached garage with a separation distance of 0.54m (1.77 ft.) to a main building and to permit 0.0m of permeable landscaping abutting the side lot line 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 Notice of Decision;
2. That Variance 2 to permit 0.0m of permeable landscaping abutting the side lot line be refused Staff recommend that approval be based on the revised Site Plan provided by the applicant (Appendix A) showcasing a 0.3m (1.0 ft.) permeable landscaping strip along the property line be approved;
3. That the owner shall obtain a building permit within 60 days of decision of approval; and
4. That failure to comply with and maintain the conditions of 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

8.21. **A-2023-0036**

AVIGYA ARJEL AND SACHI ARJEL

26 BANNISTER CRESCENT

LOT 255, PLAN 43M-1955, WARD 6

The applicants are requesting the following variance(s):

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1. To permit a proposed below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit a 0.02m (0.66 ft.) interior side yard setback to a proposed below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0036 briefly outlining the variances requested.

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

Mr. Rai 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-2023-0036 to permit a proposed below grade entrance in the required interior side yard and to permit a 0.02m (0.66 ft.) interior side yard setback to a proposed 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 Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
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

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8.22. **A-2023-0038**

SUKHVINDER SINGH AND NAVNEET SINGH

22 MOORECROFT PLACE

LOT 103, PLAN 43M-2092, WARD 8

The applicants are requesting the following variance(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 0.05m (0.16 ft.) and a combined interior side yard setback of 0.71m (2.33 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires an interior side yard setback of 0.6m (1.97 ft.) with a minimum combined interior side yard setback of 1.8m (5.91 ft.).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0038 briefly outlining the variances requested. He commented that due to the configuration of the house the proposed location is the only option available to them.

Committee acknowledged receipt of e-mail correspondence dated February 25, 2023 from Kamlesh Soni, resident of 20 Moorcroft Place, indicating no objection to Application A-2023-0038.

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

Mr. Rai 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-2023-0038 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 0.05m (0.16 ft.) and a combined interior side yard setback of 0.71m (2.33 ft.) to the 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 Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. 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

8.23. **A-2023-0039**

CHARANJIT KHIPPLE

69 VIVIAN'S CRESCENT

LOT 35, PLAN M-983, WARD 4

The applicants are requesting the following variance(s):

1. To permit an above grade door in the side wall where a minimum side yard width of 1.13m (3.71 ft.) is provided extending from the front wall of the dwelling up to the door whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0039 briefly outlining the variances requested.

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

Mr. Rai 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-2023-0039 to permit an above grade door in the side wall where a minimum side yard width of 1.13m (3.71 ft.) is provided extending from the front wall of the dwelling up to the door 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 Notice of Decision;
2. That the above grade entrance shall not be used to access an unregistered second unit;

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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

8.24. **A-2023-0040**

JOHN TEIXEIRA

43 CHAPEL STREET

PART OF LOT 7, PLAN BR-36, WARD 3

The applicant is requesting the following variance(s):

1. To permit a side yard setback of 0.22m (0.72 ft.) to an attached garage whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.);
2. To permit a driveway width of 2.53m (8.30 ft.) whereas the by-law requires a minimum driveway width of 3.0m (9.84 ft.).

Mr. John Teixeira, applicant and owner of the property, presented application A-2023-0040 briefly outlining the variances requested.

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

Committee posed a question about condition number 2 inquiring if the proposed 60 day timeline for submission of a Heritage Impact Assessment is adequate. Staff explained that there is a soon to be submitted Heritage Impact Assessment for the designation of the property which will tie into that and if more time is required to finalize the submission additional time can be provided.

Mr. Teixeira 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

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THAT application A-2023-0040 to permit a side yard setback of 0.22m (0.72 ft.) to an attached garage and to permit a driveway width of 2.53m (8.30 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 Notice of Decision;
2. That the applicant shall submit a scoped Heritage Impact Assessment within 60 days of the decision of the approval or as extended at the discretion of the Director of Integrated City Planning;
3. Should previously undocumented archeological resources be discovered, there may be a new archeological site and therefore subject to Section 48 of the Ontario Heritage Act. The proponent/person discovering the archaeological resources must immediately cease alteration of the site, engage a licensed consultant archaeologist to carry out the archaeological field work, in compliance with Section 48 (1) of the Ontario Heritage Act, and also contact City Heritage staff;
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

8.25. **A-2023-0041**

ANDREW ENOFE

5 WILLIAM STREET

PART OF LOT 8, PLAN BR-24, WARD 1

The applicant is requesting the following variance(s):

1. To permit the expansion of the existing legal non-conforming semi-detached dwelling whereas the by-law does not permit the use;
2. To permit a fence in the rear yard with a height of 2.26m (7.41 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.);

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3. To permit a side yard setback of 0.0m to the second storey whereas the by-law requires a minimum side yard setback of 1.8m (5.90 ft.) to the second storey.

Mr. Israel Ufomadu, authorized agent for the applicant, presented application A-2023-0041 briefly outlining the variances requested.

Committee inquired about the semi-detached dwelling and the legal non-conforming status. Staff explained that the entire building is legal non-conforming and the proposal is to expand the second story to allow for more interior space and because it is a zero lot line the setback is at 0.0m.

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

Mr. Ufomadu 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-2023-0041 to permit the expansion of the existing legal non-conforming semi-detached dwelling; to permit a fence in the rear yard with a height of 2.26m (7.41 ft.) and to permit a side yard setback of 0.0m to the second storey 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 Notice of Decision;
2. That the height of the existing fence along the rear yard shall not exceed 2.26m (7.41 ft.);
3. That the proposed building addition shall not be used to access an unregistered second unit;
4. That failure to comply with and maintain the conditions of 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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8.26. **A-2023-0043**

ANIEL BALLIRAM, SERITA SEEPERSAD AND KAMLA SEEPERSAD

70 RIVER ROCK CRESCENT

LOT 261, PLAN M-1504, WARD 6

The applicants are requesting the following variance(s):

1. To permit an accessory structure (gazebo) having a gross floor area of 24.4 sq. m (262.64 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
2. To permit an existing driveway width of 11.75m (38.56 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit 0.2m (0.66 ft.) of permeable landscaping abutting the side property line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping abutting the side property line;
4. To permit a fence along the rear property line having a maximum height of 2.34m (7.68 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.).

Ms. Aniel Balliram applicant and owner of the property, presented application A-2023-0043 briefly outlining the variances requested.

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

Ms. Balliram 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-2023-0043 to permit an accessory structure (gazebo) having a gross floor area of 24.4 sq. m (262.64 sq. ft.); to permit an existing driveway width of 11.75m (38.56 ft.); to permit 0.2m (0.66 ft.) of permeable landscaping abutting the side property line and to permit a fence along the rear property line having a maximum height of 2.34m (7.68 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 Notice of Decision;

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2. That Variance 2 to permit an existing driveway width of 11.75m (38.56 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22.0 ft.) be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a proposed 6.96m (22.83 ft.) driveway width measured from the curb to the curbed edge of the raised walkway area;
3. That the owner shall obtain a building permit within 60 days of the decision of approval; and
4. That failure to comply with and maintain the conditions of 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. **DEFERRED MINOR VARIANCE APPLICATIONS**

None

10. **ADJOURNMENT**

Moved by: D. Colp

Seconded by: D. Doerfler

That the Committee of Adjustment hearing be adjourned at 11:45 a.m. to meet again on Tuesday, March 28, 2023.

CARRIED