

DECEMBER 1, 2020
9:00 A.M.
COUNCIL CHAMBERS
4TH FLOOR - CITY HALL
WEBEX ELECTRONIC MEETING

MEMBERS:

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

STAFF:

Shelby Swinfield, Development Planner
Cynthia Owusu-Gyimah, Manager, Development Services
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

ADOPTION OF MINUTES:

Moved by: D. Colp

Seconded by: R. Power

THAT the minutes of the Committee of Adjustment hearing held November 10, 2020 be approved, as printed and circulated.

CARRIED

DECLARATIONS OF INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT:

Member Ron Chatha declared a conflict of interest on Application B-2020-0025 in the name of TACC Holburn Corporation due to engagement in future sales arrangements through Real Estate Brokerage.

Member Ron Chatha declared a conflict of interest on Application B-2020-0019 in the name of Canon Canada Inc. due to family members' employment history.

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WITHDRAWALS/DEFERRALS:

<u>B-2020-0011</u>	<u>ROSE GARDEN RESIDENCES INC.</u>	<u>PT. OF LOTS 49, 50, 51, 52, 55, 56 57, 58 & 86 AND ALL OF LOTS 53 AND 54, PLAN BR-2 122-130 MAIN STREET NORTH 7 & 11 CHURCH STREET EAST 6 & 7 NELSON STREET EAST E WARD 1</u>
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Committee acknowledged receipt of a letter dated November 13, 2020 from Michael Vani of Weston Consulting, authorized agent for the applicant, advising of withdrawal of consent application B-2020-0011 in the name of Rose Garden Residences Inc.

<u>B-2020-0024</u>	<u>BRAMPTON BRAMALEA CHRISTIAN FELLOWSHIP INC.</u>	<u>PT. OF LOT 17, CONC. 5 EHS 11613 BRAMALEA ROAD WARD 9</u>
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Mr. Keith MacKinnon, KLM Planning Partners Inc., authorized agent for the applicant, addressed Committee. He acknowledged receipt of staff's recommendation report recommending a deferral of the application to provide an opportunity to amend his application to include an easement requirement for emergency access over the severed lands in favour of the retained lands. Mr. MacKinnon expressed that he agrees to a deferral, requesting that the item be included on the next agenda, if possible, adding that he forwarded an amended application to Planning staff.

Staff indicated support for a deferral noting that the recommendation was to defer no later than the last meeting of March to provide some flexibility. The Secretary Treasurer informed Committee that she has not received anything from the applicant to advance the application to the next meeting and recommended that the application be deferred to January 26, 2021, at the earliest.

Following discussion, Committee reached the following decision:

Moved by: R. Power

Seconded by: A. C. Marques

THAT application B-2020-0024 be deferred to the hearing date of January 26, 2021.

CARRIED

NEW CONSENT APPLICATIONS

(1)

<u>B-2020-0023</u>	<u>FIRST GULF BUSINESS PARK INC.</u>	<u>PT. OF BLK 2, PLAN M-947 70 BISCAYNE CRES WARD 3</u>
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The purpose of the application is to request the consent of the Committee for a lease in excess of 21 years of a portion of a parcel of land currently having a total area of approximately 41121.38 square
2020 12 01

Committee of Adjustment Minutes

metres (10.16 acres). The land to be leased has an area of approximately 537.38 square metres (0.13 acres) occupied by a commercial building (Wendy's and Tim Hortons Restaurant). The effect of the application is to facilitate a long term lease between the owner of the lands, First Gulf Business Park Inc. and the TDL Group Corp.

Mr. Raphael Romeral, Dhillon Consulting, authorized agent for the applicant, presented application B-2020-0023 briefly explaining the purpose of the proposal for a long term lease including that there will be no physical changes to the site.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2020-0023 from a planning land use perspective, with conditions.

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

Mr. Romeral 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: A. C. Marques

Seconded by: D. Colp

THAT application B-2020-0023 to facilitate a long term lease in excess of 21 years between the owner of the lands, First Gulf Business Park Inc. and the TDL Group Corp be approved for the following reasons and subject to the following conditions:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a. 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;
 - b. 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;
2. That arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to the long term lease agreement.

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

(2)

MEMBER R. CHATHA DECLARED A CONFLICT OF INTEREST ON APPLICATION B-2020-0025 AND DID NOT PARTICIPATE IN THE DISCUSSION

B-2020-0025

TACC HOLBORN CORPORATION

PT. OF LOT 4, CONC. 10 ND
100 ROCKSPUR COURT
WARD 8

The purpose of the application is to request the consent of the Committee to the grant of an easement having a width of approximately 11 metres (36.09 feet), a depth of approximately 105.69 metres (346.75 feet) and an area of approximately 1,133 square metres (12195.51 square feet). The effect of the application is to create an access easement over Block 140 on Plan 43M-2092 in favour of Block 139 on Plan 43M-2092.

Ms. Lauren Capilongo, Malone Given Parsons, authorized agent for the applicant, presented application B-2020-0025 briefly outlining the purpose of the proposal to create an access easement. She informed Committee that Block 140 is going through the site plan approval process and that through that process it was identified that the access easement was required.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2020-0025 from a planning land use perspective, with conditions.

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

Ms. Capilongo 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: R. Power

Seconded by: D. Colp

THAT application A-2020-0025 to create an access easement over Block 140 on Plan 43M-2092 in favour of Block 139 on Plan 43M-2092 be approved for the following reasons and subject to the following conditions:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a. 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;
 - b. 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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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

DEFERRED CONSENT APPLICATIONS

MEMBER R. CHATHA DECLARED A CONFLICT OF INTEREST ON APPLICATION B-2020-0019 AND DID NOT PARTICIPATE IN THE DISCUSSION

(3)

B-2020-0019

CANON CANADA INC.

PART OF LOT 1, CONC. 5 WHS
8000 MISSISSAUGA ROAD
WARD 6

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 74203.8 square metres (7.42 hectares). The effect of the application is to create a new lot having frontage of approximately 244.18 metres (800.85 feet), a depth of approximately 127.20 metres (417.32 feet) and an area of approximately 30,220.4 square metres (3.02 hectares); together with a mutual access easement for the proposed severed and retained parcels. The proposed severed lands are excess to Canon's needs. No new development is proposed as part of this consent application.

Mr. David Ashbourne, The Lakeshore Group, authorized agent for the applicant, presented application B-2020-0019 explaining that the application was previously deferred at the October 20, 2020 meeting because staff had requested that an access easement be provided. He explained that the severance of the property at the north will allow the property at the south to exist wholefully confirming that no development is proposed for the vacant parcel.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2020-0019 from a planning land use perspective subject to conditions.

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

Mr. Ashbourne 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:

Committee of Adjustment Minutes

Moved by: A.C. Marques

Seconded by: D. Colp

THAT application B-2020-0019 to create a new lot having frontage of approximately 244.18 metres (800.85 feet), a depth of approximately 127.20 metres (417.32 feet) and an area of approximately 30,220.4 square metres (3.02 hectares); together with a mutual access easement for the proposed severed and retained parcels be approved for the following reasons and subject to the following conditions:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a. 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;
 - b. 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;
2. That arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

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

NEW MINOR VARIANCE APPLICATIONS

(4)

A-2020-0057

**MARIA FRANCESCA DE PINTO AND
CHRISTOPHER EDWARD ROGACKI**

**LOT 288, PLAN 810
24 FLAVIAN CRESCENT
WARD 8**

The applicants are requesting the following variance(s):

1. To permit a rear yard setback of 7.8m (25.60 ft.) to a proposed second storey addition whereas the by-law requires a minimum rear yard setback of 8.1m (26.57 ft.)

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2. To permit an existing accessory structure (shed) having a gross floor area of 22.9 sq. m (246.50 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;
3. To permit 0.0m setback to an existing play structure (recreational facility) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the lot line;
4. To permit a 0.0m setback to the eaves on an existing accessory structure whereas the by-law requires a minimum setback of 0.1m (0.33 ft.) or a maximum encroachment of 0.5m (1.64 ft.);
5. To permit an existing fence in the rear yard having a maximum height of 3.05m (10 ft.) whereas the by-law permits a fence in the rear yard to a maximum height of 2m (6.56 ft.).

Ms. Erin Zagar, EZ Dimensions, authorized agent for the applicant, presented application A-2020-0057 briefly outlining the variances requested for a proposed second storey addition on an existing one storey bungalow. Ms. Zagar detailed the additional variances related to existing accessory structures on the property as well as an existing fence.

Committee acknowledged receipt of a petition of support from the surrounding residents.

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

Ms. Zagar posed a question related to proposed condition number 3 inquiring if the building permit for the shed could be included with the building permit for the addition. Staff suggested that the applicant reach out to staff within the building division and advice that they would like to have the permits compressed.

Ms. Zagar indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0057 to permit a rear yard setback of 7.8m (25.60 ft.) to a proposed second storey addition; to permit an existing accessory structure (shed) having a gross floor area of 22.9 sq. m (246.50 sq. ft.); to permit 0.0m setback to an existing play structure (recreational facility); to permit a 0.0m setback to the eaves on an existing accessory structure and to permit an existing fence in the rear yard having a maximum height of 3.05m (10 ft.) be approved for the following reasons and subject to the following conditions:

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

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2. That roof drainage from the accessory structure shall flow onto the applicant's property;
3. That the applicant obtain a building permit for the accessory structure within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
4. That drainage on adjacent properties shall not be adversely affected;
5. That the accessory structure (shed) shall not be used as habitable space;
6. That the owner finalize site plan approval under City File SPA-2020-0129, and if required, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
7. 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

(5)

A-2020-0119

CHRISTINE MERRIFIELD

PT. OF LOTS 27 & 28, PLAN BR-2
13 SCOTT STREET
WARD 1

The applicant is requesting a variance to permit the expansion of an existing legal non-conforming use (duplex) by adding one (1) additional unit in the basement of the existing dwelling resulting in a total of three (3) dwelling units whereas the by-law does not permit the proposed additional unit.

Ms. Christine Merrifield, applicant and owner of the property, presented application A-2020-0119 briefly outlining the variance requested. She explained that she purchased her home in 1984 which at the time was a legal non-conforming 2 and a half storey duplex. Ms. Merrifield added that there was a finished basement when she purchased the home noting that the original owners did get permission for the finished basement but did not have the basement apartment registered. She commented that she is requesting that her building be considered as a legal triplex. Ms. Merrifield detailed a number of improvements she has made to her home over the years.

Committee acknowledged receipt of a letter dated November 30, 2020 from Toronto and Region Conservation Authority indication no objection to the application.

Committee of Adjustment Minutes

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff confirmed that the building is a legal non-conforming duplex and that the request is for an expansion of that legal non-conforming use to allow a third unit in the basement.

Zoning Staff explained that this is a unique situation where the use as a duplex is legal non-conforming because it was constructed as a permitted use at the time that the by-law allowed a duplex dwelling, back in the 1960's. Staff confirmed that prior to 1968 multiple units up to a maximum of 4 were permitted noting that there is a building permit on record for a finished basement which was not to be used as a separate dwelling unit. Staff advised that there are also records indicating that the basement has been occupied as a third dwelling unit dating back to the early 1970's and 1980's.

Staff explained that the request today is to legalize the third unit which has been used as a third dwelling unit since prior to 1994. Staff added that because it is a third unit that pre-dates July, 1994 it falls under the jurisdiction of the Fire Department as opposed to the Building Code. Staff informed Committee that if it clears fire safety inspection for fire code compliance then no further building code compliance is necessary. Staff expressed that in this instance we are expanding a legal non-conforming use rather than granting a new use.

Ms. Merrifield indicated that the proposed condition was acceptable stating that the fire department can come in to check commenting that this is her home and she has everything she needs in terms of fire protection.

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

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2020-0119 variance to permit the expansion of an existing legal non-conforming use (duplex) by adding one (1) additional unit in the basement of the existing dwelling resulting in a total of three (3) dwelling units be approved for the following reasons and subject to the following condition:

1. The owner shall arrange for a fire safety inspection to be completed by Brampton Fire and Emergency Services within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official and obtain any required permits, to the satisfaction of the Chief Building Official.

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 of Adjustment Minutes

(6)

A-2020-0120

HARKANWAR SINGH AND
HARKIRAN GULATI

LOT 218, PLAN 742
693 BALMORAL DRIVE
WARD 7

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 2.06m (6.76 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.).

Mr. Ismatullah Amiri, Nesta Design Co., authorized agent for the applicant, presented application A-2020-0120 briefly outlining the variances requested.

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

Mr. Amiri indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2020-0120 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 2.06m (6.76 ft.) to an exterior stairway leading to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the accessory structure identified as “existing shed” be removed and said removal be demonstrated within sixty (60) days of the final date of the Committee’s decision, or within an extended period of time as extended by the Director of Development Services;
4. That drainage on adjacent properties shall not be adversely affected; and

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

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

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

CARRIED

(7)

A-2020-0123

**SHERIDAN COLLEGE INSTITUTE OF
TECHNOLOGY AND ADVANCED
LEARNING**

**PT. OF LOT 15, CONC. 1 WHS
7899 MCLAUGHLIN ROAD
WARD 4**

The applicant is requesting the following variance(s):

1. To permit outdoor festivals and special events that are not accessory to the permitted college use whereas the by-law permits a college and accessory uses only.

Ms. Kelly Jackson, Sheridan College, authorized agent for the applicant, presented application A-2020-0123 briefly outlining the variance requested. She advised that Sheridan is a pillar in the Brampton community and its' grounds have served for several community and cultural events throughout the years. She explained that in 2019 it was brought to the attention of the institution that the property was inadequately zoned to use the grounds for accessory use. She added that no outside construction of any kind is proposed.

Committee acknowledged receipt of a letter dated November 26, 2020 from Credit Valley Conservation indicating no objection to the application.

Committee was informed that City of Brampton planning staff was in support of this application with no conditions proposed.

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2020-0123 be approved for the following reasons:

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)

A-2020-0124

VIDOLL REGISFORD

PT. OF LOT 34, PLAN BR-2
56 JOHN STREET
WARD 3

The applicant is requesting a variance to permit a portion of the rear yard to be paved for the purpose of parking (as existing) whereas the by-law does not permit the rear yard to be paved for the purpose of parking except on a driveway leading to a garage.

Mr. Shane Edwards, Huis Design Studio, authorized agent for the applicant, presented application A-2020-0124 briefly outlining the variance requested associated with the existing paved area in the rear yard which spans the width of the property. He noted that there is no driveway for 56 John Street but a legalized shared right-of-way with the exiting property at 62 John Street. Mr. Edwards advised that his client purchased the property in 2012 noting that the parking area existed before that estimating it to be there since at least 1993.

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

Mr. Edwards indicated that the proposed conditions were acceptable pointing out that the site plan includes a proposed detached garage.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2020-0124 to permit a portion of the rear yard to be paved for the purpose of parking (as existing) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the owner finalize site plan approval under City File SPA-2020-0119, and if required, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; 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:

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

CARRIED

(9)

A-2020-0125

WILLIAM AND LORNA WATTERSON

PT. OF LOTS 1 & 2, PLAN BR-3
17 FREDERICK STREET
WARD 3

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 0.65m (2.1 ft.) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.9 ft.);
2. To permit a rear yard setback of 4.64m (15.25 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.);
3. To permit a roof above a rear porch to encroach into the required rear yard setback of 2.94m (9.65 ft.) resulting in a setback of 4.56m (14.96 ft.) to the roof whereas the by-law permits a maximum roof encroachment of 2.0m (6.56 ft.) into the required rear yard setback resulting in a required setback of 5.5m (18.04 ft.) to a roofed porch.

Ms. Erin Zagar, EZ Dimensions, authorized agent for the applicant, presented application A-2020-0125 briefly outlining the variances associated with a proposed second storey addition. Ms. Zagar advised that a petition of support signed by the area residents was submitted.

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

Ms. Zagar 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: A.C. Marques

Seconded by: D. Colp

THAT application A-2020-0125 to permit an interior side yard setback of 0.65m (2.1 ft.) to a proposed second storey addition; to permit a rear yard setback of 4.64m (15.25 ft.) and to permit a roof above a rear porch to encroach into the required rear yard setback of 2.94m (9.65 ft.) resulting in a setback of 4.56m (14.96 ft.) to the roof be approved for the following reasons and subject to the following conditions:

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

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

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

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

CARRIED

(10)

A-2020-0126

GERARD HARRICHARAN

LOT 379, PLAN 625
24 ALLENDALE ROAD
WARD 3

The applicant is requesting the following variance(s):

1. To permit lot coverage of 37.47% whereas the by-law permits a maximum lot coverage of 30%:
2. To permit an existing accessory structure (shed) having a setback of 0.30m (0.98 ft.) to the rear and side lot lines whereas the by-law requires an accessory structure to be located no closer than 0.60m (1.97 ft.) to the nearest lot line.

Mr. Ravinder Singh, AEM Designs, authorized agent for the applicant, presented application A-2020-0126 briefly outlining the variances requested. He advised that a carport is proposed noting that there is no garage on the property.

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: R. Power

THAT application A-2020-0126 to permit lot coverage of 37.47% and to permit an existing accessory structure (shed) having a setback of 0.30m (0.98 ft.) to the rear and side lot lines be approved for the following reasons and subject to the following conditions:

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

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2. That drainage on adjacent properties shall not be adversely affected; 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

(11)

A-2020-0127

ANUM RAUF

LOT 131, PLAN M-1896
1 ELMCREST DRIVE
WARD 4

The applicant is requesting a variance to permit an exterior side yard setback of 3.35m (11 ft.) to an enclosed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

Ms. Anum Rauf, applicant and owner of the property, presented application A-2020-0127 briefly outlining the variances requested associated with a below grade entrance. She explained that she has resided at the property for several years and spoke of other improvements she has planned for the property in the future.

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

Ms. Rauf indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2020-0127 to permit an exterior side yard setback of 3.35m (11 ft.) to an enclosed below grade entrance be approved for the following reasons and subject to the following conditions:

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

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2. That the applicant shall extend fencing having a maximum height of 2m along the exterior side lot line to screen the below grade entrance from view from Dusk Drive in a manner satisfactory to the Director of Development Services.
3. That the below grade entrance shall not be used to access an unregistered second unit;
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

(12)

A-2020-0128

2581558 ONTARIO INC.

PT. OF BLOCK C, PLAN 518
72 ORENDA ROAD
WARD 3

The applicant is requesting the following variance(s):

1. To permit a Motor Vehicle Sales Establishment in conjunction with the existing Motor Vehicle Repair Shop whereas the By-law does not permit the proposed use;
2. To permit an existing accessory structure having a gross floor area of 246 sq. m (2647.92 sq. ft.) whereas the by-law permits a maximum gross floor area of 100 sq. m (1076.39 sq. ft.) for an accessory structure used for purposes other than an office;
3. To permit an interior side yard setback of 2.9m (9.51 ft.) to an existing accessory structure whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.) for an accessory structure to any lot line.

Ms. Taranjeet Grewal, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2020-0128 briefly outlining the variances requested. She advised that that they have been retained to advance a minor variance application for motor vehicle sales and to bring the existing accessory structure into zoning conformance.

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

Ms. Grewal indicated that the proposed conditions were acceptable.

Committee of Adjustment Minutes

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2020-0128 to permit a Motor Vehicle Sales Establishment in conjunction with the existing Motor Vehicle Repair Shop; to permit an existing accessory structure having a gross floor area of 246 sq. m (2647.92 sq. ft.) and to permit an interior side yard setback of 2.9m (9.51 ft.) to an existing accessory structure be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice, and the number of vehicles for sale shall not exceed five (5);
2. That the motor vehicle sales use shall only be permitted in conjunction with a licensed motor vehicle repair shop;
3. That the applicant obtain a building permit for the accessory structure within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
4. That all outdoor storage related to a business not operating from a building on the property shall be removed prior to the establishment of the motor vehicle sales use that any outdoor storage of materials shall only be permitted in conjunction with a business operating within a building on the same lot;
5. That no outdoor storage is permitted in the front yard with the exception of five (5) display vehicles;
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

Committee of Adjustment Minutes

(13)

A-2020-0129

RAGHBIR UBHI

LOT 11, PLAN M-90
8 TORTOISE COURT
WARD 10

The applicant is requesting the following variance(s):

1. To permit an accessory structure (shed) having a gross floor area of 48.25 sq. m (519.36 sq. ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.60 sq. ft.) for an individual accessory structure;
2. To permit an accessory structure (cabana) having a gross floor area of 123.55 sq. m (1329.88 sq. ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.60 sq. ft.) for an individual accessory structure;
3. To permit a combined gross floor area of 171.8 sq. m (1849.24 sq. ft.) for two (2) accessory structures (shed and cabana) whereas the by-law permits a maximum combined gross floor area of 40 sq. m (430.56 sq. ft.);
4. To permit a fence in the front yard having a maximum height of 2.69m (8.83 ft.) whereas the by-law permits a fence in the front yard to a maximum height of 1.0m (3.28 ft.).

Ms. Elen Abunahla, Antara Design, authorized agent for the applicant, presented application A-2020-0129 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff requested two additional conditions contained in the comments received from Toronto and Region Conservation Authority be included.

Committee acknowledged receipt of a letter dated November 27, 2020 from Toronto and Region Conservation Authority indicating no objection to the application.

Ms. Abunahla indicated that the proposed conditions, as amended, were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0129 to permit an accessory structure (shed) having a gross floor area of 48.25 sq. m (519.36 sq. ft.); to permit an accessory structure (cabana) having a gross floor area of 123.55 sq. m (1329.88 sq. ft.); to permit a combined gross floor area of 171.8 sq. m (1849.24 sq. ft.) for two (2) accessory structures (shed and cabana) and to permit a fence in the front yard having a maximum height of 2.69m (8.83 ft.) 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 Public Notice;
2. That the proposed cabana be of an open style construction;
3. That the drainage from the open, roofed structure and all accessory structures be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
4. That the existing open style fencing shall not be replaced by a solid or opaque form of fencing;
5. That the applicant submits a TRCA permit application (Application for Development, Interference with Wetlands & Alterations to Shorelines and Watercourses-Ontario Regulation 166/06) and the associated review fee of \$210 (Works on Private Residential Property – Minor Ancillary);
6. That the applicant submits the required review fee of \$580 (Variance-Residential-Minor) to TRCA; and
7. 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

(14)

A-2020-0130

YATIN PRAJAPATI AND
JAVNIKA PRAJAPATI

PT. OF LOT 25, PLAN 43M-1303
PT. 28, PLAN 43R-23396
148 MOUNTAINBERRY ROAD
WARD 10

The applicants are requesting the following variance(s):

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

Mr. Saumil Bhatt, authorized agent for the applicant, presented application A-2020-0130 briefly outlining the variances requested for a below grade entrance.

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

Mr. Bhatt indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0130 to permit a below grade entrance to be located between the main wall of a dwelling and the flankage 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 Public Notice;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the fence remain constructed in its current location and height and shall not be removed or lowered;
4. That the applicant obtain a building permit, if required, for the below grade entrance sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

DEFERRED MINOR VARIANCE APPLICATION

(15)

A-2020-0082

AGNIESZKA SZPALA

PT. LOT 15, CONC. 3 WHS
0 CHURCHVILLE ROAD
WARD 6

The applicant is proposing construction of a new detached dwelling and is requesting a variance(s):

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1. To permit an interior side yard setback of 1.2m (3.94 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.).

Mr. Alexander Temporale, ATA Architects authorized agent for the applicant, presented application A-2020-0082 briefly outlining the variance requested advising that the matter was previously deferred to allow staff additional time to review the arborist report. Mr. Temporale explained that since that time the owners have agreed to retain the existing trees along the border noting that the arborist report was updated to provide details on how the trees will be conserved. He added that the owner has also been in contact with the adjacent property owner and provided information on the replacement of trees if requested by staff noting that a letter would be forwarded providing more details.

Mr. Temporale explained that they have also provided detailed information regarding drainage along the southern border providing profiles and indicating that a French drain would be installed to ensure water on the subject property would be maintained on the subject property.

Committee acknowledged receipt of e-mail correspondence dated November 26, 2020 from Mike Kneebone detailing concerns regarding drainage and a letter dated November 25, 2020 from Jim Natterer stating concerns with the removal of mature trees and the installation of French drains.

It was acknowledged that there were a few people registered to participate however no one was present at the session to address Committee.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff expressed that regarding the concerns of the neighbours surrounding French drains that they have no knowledge on that construction practice. Staff acknowledged however that the project would be subject to building permits and a full scale review which provides staff with the opportunity to review for deficiencies.

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

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2020-0082 to permit an interior side yard setback of 1.2m (3.94 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That any works on the property shall be completely in accordance with the recommendations set out within the Tree Inventory and Protection Plan prepared by the Urban Arborist, dated November 10, 2020;

Committee of Adjustment Minutes

3. That the removal of any trees on a shared property line or adjacent property shall require written consent of the adjacent property owner, to the satisfaction of the Director of Development Services;
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

ADJOURNMENT:

Moved by: R. Power

Seconded by: A.C. Marques

That the Committee of Adjustment hearing be adjourned at 10:23 a.m. to meet again on Tuesday, January 5, 2021.

COMMITTEE CHAIR

SECRETARY-TREASURER