

Date: January 05, 2021
Time: 9:00 a.m.
Location: Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

Members: Ron Chatha (Chair)
Ana Cristina Marques
David Colp
Rod Power

Members Absent: Desiree Doerfler (with regrets)

Staff: Shelby Swinfield, Development Planner
David Vanderberg, Manager, Development Services,
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:05 a.m. and adjourned at 11:43 a.m.

2. **Adoption of Minutes**

Moved by: A. C. Marques

Seconded by: D. Colp

THAT the minutes of the Committee of Adjustment hearing held December 1, 2020 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated December 14, 2020.

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

None

5. **Withdrawals/Deferrals**

None

6. **NEW CONSENT APPLICATIONS**

None

7. **DEFERRED CONSENT APPLICATIONS**

None

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1 **A-2020-0132**

KARLA ISABEL MELO

PART OF LOT 65, PLAN M-1114, PART 13, PLAN 43R-20429 - 42 CLOVER BLOOM ROAD - WARD 9

The applicant is requesting the following variance(s):

1. To permit an existing accessory structure (gazebo) located in the yard of a property occupied by a quattroplex whereas the by-law does not permit accessory structures in this zone (R2B-697);
2. To permit an existing accessory structure (gazebo) having a gross floor area of 24.12 sq. m (259.63 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.

Mr. Alex Burgos, authorized agent for the applicant, presented application A-2020-0132 briefly outlining the variances requested. Mr. Burgos explained that the existing accessory structure was built without a building permit informing Committee that the owner of the property was unaware of the by-laws related to accessory structures noting that the owner requests that the structure be permitted to remain.

Mr. Adel Ferid, 9 Bison Run Road addressed Committee indicating support to maintain the existing gazebo commenting that the structure poses no safety risk.

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

Mr. Burgos sought clarification on proposed condition number 2 and the recommendation that the gazebo be of an open style construction and not be enclosed advising that a portion of the existing gazebo is currently enclosed to accommodate storage of a barbecue and other seasonal items.

Zoning Staff advised that if any portion of the structure is enclosed it would be considered an enclosure and would not comply with the condition as currently worded. Planning Staff added that the intent of the condition was for the gazebo to remain as is.

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In response to a question posed by Zoning Staff the applicant confirmed the square footage of the enclosed area is 12 feet by 6 feet. Staff calculated that the area is approximately 7 square metres and proposed revised wording for an amended condition that would address the enclosed portion of the gazebo for storage purposes.

Following discussion, Mr. Borgos 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-2020-0132 to permit an existing accessory structure (gazebo) located in the yard of a property occupied by a quattroplex and to permit an existing accessory structure (gazebo) having a gross floor area of 24.12 sq. m (259.63 sq. ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the gazebo remain primarily of an open style construction, except for a maximum area of 7 square metres, which may be enclosed for storage purposes;
3. That the applicant obtain a building permit for the gazebo within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; 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

8.2 A-2020-0133

GARTH MANSINGH AND HELENE MANSINGH

LOT 7, PLAN 478 - 1 MOORE CRESCENT - WARD 3

The applicants are requesting the following variance(s):

1. To permit a proposed accessory structure (shed) having a gross floor area of 26.28 sq. m (282.88 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 28.8 sq. m (310 sq. ft.) for two accessory structures (proposed shed and existing shed) whereas the by-law permits a maximum combined gross floor area of 23 sq. m (247.58 sq. ft.);
3. To permit an existing fence having a maximum height of 2.33m (7.64 ft.) whereas the by-law permits a fence to a maximum height of 2.0m (6.6 ft.).

Mr. Alex Burgos, authorized agent for the applicant, presented application A-2020-0133 briefly outlining the variances requested. Mr. Burgos advised that the property owner recently purchased a riding lawn mower to maintain the large lot noting that there is no place to store the equipment.

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

The Chair noted that there were no comments from the conservation authority acknowledging that there is a condition included by staff that satisfies committee.

Staff advised that it would be a requirement through the building permit process that the shed be reviewed for building code compliance in addition to obtaining a permit from the conservation authority as applicable law.

Mr. Burgos indicated that the proposed conditions were acceptable advising that they have obtained a permit from Toronto and Region Conservation Authority.

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-2020-0133 to permit a proposed accessory structure (shed) having a gross floor area of 26.28 sq. m (282.88 sq. ft.); to permit a combined gross floor area of 28.8 sq. m (310 sq. ft.) for two accessory structures (proposed shed and existing shed) and to

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permit an existing fence having a maximum height of 2.33m (7.64 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the accessory structure shall not be used as a garage as defined by the Zoning By-law;
3. That the applicant shall obtain all required permits and approvals from the Toronto and Region and Conservation Authority, to the satisfaction of said authority;
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

8.3 A-2020-0134

SANDEEP SINGH SANGHA

PT. OF LOT 5, CONC. 4 WHS - 8951 MISSISSAUGA ROAD - WARD 4

The applicant is proposing a 2 storey addition and is requesting the following variance(s):

1. To permit a front yard setback of 9.2m (30.18 ft.) whereas the by-law requires a minimum front yard setback of 12m (39.37 ft.);
2. To permit a rear yard setback of 7.5m (24.60 ft.) whereas the by-law requires a minimum rear yard setback of 15m (49.21 ft.).

Mr. Peter Vorsikas, Empire Design Company, authorized agent for the applicant, was present for application A-2020-0134 however experienced technical difficulties during the presentation. The Chair advised that the Committee has the application and all the information in front of them to proceed with the application.

Committee acknowledged receipt of a letter dated December 17, 2020 from Credit Valley Conservation indicating no objection to the application.

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Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff noted that proposed condition number 2 requiring any permits from Credit Valley Conservation was incorporated into the staff recommendation report prior to receiving the commenting letter from CVC. The Chair suggested that the condition remain, as proposed.

Mr. Vorsika 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-2020-0134 to permit a front yard setback of 9.2m (30.18 ft.) and to permit a rear yard setback of 7.5m (24.60 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the applicant obtain all permits and pay all fees associated with the review of this application by the Credit Valley Conservation Authority, if required;
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

8.4 A-2020-0135

SANDEEP SINGH HUNDAL AND MANDEEP SINGH HUNDAL

LOT 56, PLAN M-1298 - 9 CORALREEF CRESCENT - WARD 9

The applicants are requesting the following variance(s):

1. To permit a lot coverage of 37.88% whereas the by-law permits a maximum lot coverage of 30%;

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2. To permit an interior side yard setback of 0.30m (0.98 ft.) to an open roofed porch (as built) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) on one side and 0.9m (2.95 ft.) on the other side;
3. To permit an existing accessory structure (shed) having a rear yard setback of 0.2m (0.66 ft.) and a side yard setback of 0.13m (0.43 ft.) whereas the by-law requires an accessory structure to be located no closer than 0.6m (1.97 ft.) to the nearest lot line.

Mr. Ravinder Singh, AEM Designs, authorized agent for the applicant, presented application A-2020-0135 briefly outlining the variances requested for an open roofed porch contributing to an increase in lot coverage as well as for reduced setbacks to an existing accessory structure.

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-2020-0135 to permit a lot coverage of 37.88%; to permit an interior side yard setback of 0.30m (0.98 ft.) to an open roofed porch (as built) and to permit an existing accessory structure (shed) having a rear yard setback of 0.2m (0.66 ft.) and a side yard setback of 0.13m (0.43 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the applicant obtain a building permit 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;
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

8.5 A-2020-0137

MANISH AND NAMRATA KAPOOR

LOT 113, PLAN 43M-1523 - 2 JANUARY COURT - WARD 6

The applicants are requesting the following variance(s):

1. To permit a driveway having a width of 10.66m (34.97 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.);
2. To permit an existing accessory structure (shed) to be located in an exterior side yard whereas the by-law does not permit an accessory structure within an exterior side yard;
3. To permit an existing accessory structure (shed) having a side yard setback of 0.47m (1.54 ft.) and a side yard setback of 0.55m (1.80 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure from all nearest property lines;
4. To permit an existing accessory structure (gazebo) having a gross floor area of 18.4 sq. m (198.06 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m. (161.5 sq. ft.) for an individual accessory structure;
5. To permit two (2) existing accessory structures (shed and gazebo) having a combined gross floor area of 26.9 sq. m (289.55 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.).

Mr. John Sibenik, authorized agent for the applicant, presented application A-2020-0137 briefly outlining the variances requested advising that the owners purchased the property in June of 2017 and more recently in July of 2020 a zoning notice for non-compliance was issued for the driveway width. He explained that he received approval to proceed with a minor variance application to seek relief for the driveway width noting that following a preliminary review of the application a few other variances were identified pertaining to the accessory structures. He advised that it was further identified that the driveway width was greater than what was shown on the original submitted application.

Mr. Sibenik explained that the patterned concrete between the walkway and the driveway provides a desirable and interconnected streetscape and compliments the landscaping for the property. He added that the shed in the exterior side yard is screened by the landscaping and fencing and added that drainage is not impacted. Mr. Siebenik expressed that the gazebo is an open concept structure that compliments a large rear yard and provides shelter form the rain and the sun explaining that the combined size of the structures does not affect the amenity

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space. A petition of support signed by five area residents on January Court indicating support of the variances was submitted and acknowledged as received.

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

Mr. Sibenik posed a question inquiring if the recommendation for a building permit pertained to the enclosed shed or the gazebo. Staff responded that the permit is for the gazebo which is exceeding the permitted size. Mr. Sibenik advised that the gazebo is considered a temporary prefabricated structure and questioned if a permit is required for such a structure.

Zoning Staff advised that the Building Code would likely apply because of the size of the structure and the fact that it has a roof. Staff clarified that the comment to obtain a building permit was received from staff within the building division.

Mr. Sibenik advised that his client may be modifying his rear yard later this summer and the gazebo structure may be removed somewhere between May and August. Staff inquired if the owner was intending to relocate the structure. Mr. Sibenik advised that the owner intends to remove the gazebo later and inquired if the option could be to remove the gazebo in lieu of obtaining a building permit. Staff responded that the structure is currently non-compliant and staff would recommend that the structure be removed within 30 days.

Mr. Sibenik commented that it is difficult to remove at this time of the year and asked if there would be any consideration for a later timeframe noting that it is not the intent to create more structures.

Committee noted that the condition contains wording that would allow for an extension of the timelines in which to obtain a building permit at the discretion of the Chief Building Official.

Zoning Staff clarified that the intent of the condition is that a building permit be obtained within 60 days, not applied for within 60 days. Staff added that the expectation is that the building permit application be submitted within the next couple of weeks and reviewed for technical compliance to the building code. Staff recommended that the condition be reworded to provide more flexibility given that the applicant may wish to remove the gazebo or reduce the size. Staff proposed revised wording for condition number 3 for the consideration of Committee and Mr. Sibenik which included timelines of an additional 30 days if the applicant proposes to reduce the structure therefore providing that a building permit be obtained within 90 days and should the applicant choose to remove the structure from the property staff suggested 60 days.

Mr. Sibenik 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:

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Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2020-0137 to permit a driveway having a width of 10.66m (34.97 ft.); to permit an existing accessory structure (shed) to be located in an exterior side yard; to permit an existing accessory structure (shed) having a side yard setback of 0.47m (1.54 ft.) and a side yard setback of 0.55m (1.80 ft.); to permit an existing accessory structure (gazebo) having a gross floor area of 18.4 sq. m (198.06 sq. ft.) and to permit two (2) existing accessory structures (shed and gazebo) having a combined gross floor area of 26.9 sq. m (289.55 sq. ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the applicant obtain a building permit for the existing accessory structure (gazebo) within ninety (90) 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. Alternatively, the applicant may reduce the size of the gazebo to less than 10 square metres or remove the structure from the property within sixty (60) days of the final date of the Committee's decision;
3. That the existing gazebo remain of an open style construction and shall not be enclosed;
4. The extended portion of the driveway shall not be parked or driven upon at any time by the whole or a part of a motor vehicle;
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

8.6 A-2020-0138

CSPAC INDUSTRIAL ACE DR. GP INC.

BLOCK 4, PLAN 43M-1907 - 100 ACE DRIVE - WARD 9

The applicant is requesting a variance to permit outside storage of trucks and truck trailers in the interior side yard whereas the by-law only permits outside storage in the rear yard screened from view from the street.

Mr. Philip Stewart, Pound & Stewart Associates Limited, authorized agent for the applicant, presented application A-2020-0138 briefly outlining the variance requested. Mr. Stewart

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advised that through the zoning review of the associated site plan application the variance was identified. He commented that there are positive staff comments and noted that the professional planning opinion that they provided appears to be endorsed by city staff.

Committee noted that there is no mention in the staff report of a condition from Toronto and Region Conservation Authority. Staff advised that the property is also subject to a site plan application whereby the TRCA would be involved in that review and that their review would be encompassed under finalizing the site plan noting that any permitting requirements would be included. Staff suggested that a standard condition requiring the applicant to obtain any approval and pay any required fees to the satisfaction of TRCA, if required, be included.

Mr. Stewart advised that the block of land is part of a registered plan of subdivision noting that TRCA's involvement has been well established in creating this block. He advised that he recognizes that the condition is a standard requirement and would accept it in order to move forward stating that if the conservation authority has not commented than it may be that they have no comment.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff included proposed wording for a standard condition respecting TRCA for Committee's consideration.

The Chair noted that the Committee is not intending to delay the application from moving forward. Zoning Staff noted that the variance is strictly to allow outside storage of trucks and trailers on the property advising that this aspect is not subject to a building permit. It was staff's opinion that it might be appropriate to role the conservation authority approval into condition number 3 which is the finalization of a site plan. Staff advised that the conservation authority is regularly given the full opportunity to comment on the site plan and any site plan agreement. Staff proposed revised wording for condition number 3 for Committee's consideration.

Mr. Stewart was receptive to the revised wording of condition number 3 and indicated that the proposed conditions, as amended, were acceptable.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2020-0138 to permit outside storage of trucks and truck trailers in the 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 Public Notice;

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2. That the applicant shall install screening between the storage area and the street, to the satisfaction of the Director of Development Services;
3. That the owner finalize site plan approval under City File SPA-2020-0078 (including confirmation of support from the Toronto and Region Conservation Authority), execute a site plan agreement, and post any required financial securities and insurance 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

8.7 A-2020-0139

1347987 ONTARIO LIMITED

PART OF BLOCK 5, PLAN 43M-618, PART 1, PLAN 43R-13924 - 4 EDVAC DRIVE - WARD 8

The applicant is requesting a variance to permit 40% of the gross floor area of the building to be used as a food processing facility whereas the by-law does not permit the proposed use.

Mr. Brad Zhang, Toppits Foods Limited, authorized agent for the applicant, presented application A-2020-0137 briefly outlining the variance requested, advising that they are currently operating in Vaughan and has put an offer in to purchase the property. Mr. Zhang advised that they have been in the food business for forty-five years in Ontario and that leveraging this property will allow them to grow their business and create employment in the City of Brampton.

Committee acknowledged receipt of e-mail correspondence dated December 16, 2020 from Tim Harnett, owner of Units 1 and 2, 3A Edvac Drive, detailing concerns with the application.

E-mail correspondence dated December 18, 2020 in opposition to the application was also acknowledged as received from Gary Hall, Unit 12, 3A Edvac Drive.

It was acknowledged that Ernie De Angelis had requested to participate but was not in attendance.

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Mr. Jim Wilson, current owner of the property, addressed Committee advising that food processing will greatly benefit the City of Brampton in many ways noting that food processing is an essential business and will provide employment opportunities for the City which are greatly needed during these COVID times. He expressed that it will add support through the various infrastructures and help support the payment of property taxes.

Mr. Wilson advised that Toppitts Foods are a very good corporate citizen in the City of Vaughan looking to expand into the City of Brampton. He noted that there are at least three other food processing companies in this area, one being Ocean Jewels, a frozen food processing company located directly across the street from 4 Edvac Drive.

In response to a question posed by Committee, Mr. Wilson advised that his current tenant is in the meeting convention business noting that the industry has been decimated by COVID. He expressed that the building requires a thriving business to sustain itself.

Mr. Zhang provided an additional comment noting that they are in the food industry and environment protection is their top priority. He explained that of the 40% dedicated to food processing, most of the space will be used for processing or packaging equipment such as a weigher that weighs the product or a bagger that packages the product. He noted that some of the production will not involve equipment including bacon wrapped scallops or sea food skewers which is manual work. It was his submission that this processing facility will have minimal impact on the environment.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff commented that they understand the letters of concern received noting that there were concerns with a previous food processing use mainly with smell and air quality. Staff advised that this use is much less impactful.

Zoning Staff advised that there was a previous variance approved to permit food processing at 3 Edvac Drive involving spice grinding and packaging which did result in some environment considerations through the HVAC system. Staff explained that there were some complaints of impacts on health noting that there were a number of concerns resulting from that approval in 2007.

Staff noted that as the applicant has suggested, there are a number of food processing facilities in this area explaining that the adjacent property would permit uses such as bakeries and dairy. Staff advised that there are other more intense uses farther along Edvac Drive pointing out that the building is not a multi-tenant building like the previous one. Following discussion, Mr. Zhang indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: A. C. Marques

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THAT application A-2020-0139 to permit 40% of the gross floor area of the building to be used as a food processing facility 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 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

8.8 A-2020-0140

PHIL AND JOANNE SEQUEIRA

LOT 494, PLAN 43M-1192 - 83 WHITE TAIL CRESCENT - WARD 4

The applicants are requesting a variance to permit an existing accessory structure (shed) having a rear yard setback of 0.083m (0.27 ft.) and a side yard setback of 0.11m (0.36 ft.) whereas the by-law requires an accessory structure to be located no closer than 0.6m (1.97 ft.) to the nearest lot line.

Mr. Phil Sequeira, applicant and owner of the property, presented application A-2020-0140 briefly outlining the variance requested for an existing shed that he constructed in 2000. It was his request that the shed be permitted to remain in accordance with the recommended conditions.

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

Mr. Sequeira 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

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THAT application A-2020-0140 to permit an existing accessory structure (shed) having a rear yard setback of 0.083m (0.27 ft.) and a side yard setback of 0.11m (0.36 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the mezzanine shall be used for storage purposes only;
3. That the requirement for parking for any combination of uses permitted in the "M4-1548" zone, or permitted by way of Minor Variance be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 98 parking spaces; 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.

8.9 A-2020-0142

2389112 ONTARIO INC.

PEEL CONDOMINIUM PLAN 1046, LEVEL 1, UNITS 25 AND 26, 15 SUN PAC BLVD, UNITS 12 & 13 - WARD 8

The applicants are requesting a variance to permit the construction of a 123.3 square metre mezzanine in Units 12 & 13 and to allow 30% of the unit to be used for accessory retail use while providing 81 parking spaces on site, whereas the by-law requires a minimum of 98 parking spaces.

Mr. Chris Marchese, Design Plan Services Inc., authorized agent for the applicant, presented application A-2020-0142 briefly outlining the variances requested. Mr. Marchese advised that a traffic study was submitted in support of the application.

Committee posed a question inquiring what type of business will be operating from this location. Mr. Marchese advised that the owner runs an Indian Culture goods place from this location noting that they bring in a lot of products from overseas for distribution to large distributing warehouses. He commented that this is not a store where people come in and out regularly but is more of a high bulk distribution.

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For the record, the Secretary-Treasurer acknowledged receipt of e-mail correspondence during the hearing from Sakeena Kelly, Property Manager indicating concern with the increase in the retail use above the permitted 15%. Included in the e-mail was a copy of the condominium declaration comprised of 25 pages.

Committee noted that similar requests have been made in the past for parking and noted that if parking is not a concern now it may be in the future.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff acknowledged awareness that there have been a number of applications that have come forward for parking reductions advising for the benefit of Committee, the property owner and the condominium board that while staff are recommending conditional approval of this application, moving forward the Planning Department would like to see a more overall comprehensive approach to any further parking reduction on this site. It was staff's submission that any parking reductions not be on a unit by unit basis but rather based on an application including the entire property and addressing the parking requirement as a whole. Staff advised that this was something they will keep in mind should they see a parking variance come forward.

Committee was not opposed to moving forward with the application however commented that the plaza is not fully occupied and that parking will become less available. Committee noted that there is a condition that limits the mezzanine to storage purposes but expressed concern that if the unit is sold and a new tenant has a different type of business nature, the condition for storage only may not be observed. Staff explained that the condition limiting the mezzanine to storage purposes only will remain with the unit in perpetuity and that if new owners come in they would also be required to use the mezzanine for storage purposes only in order to be in compliance. Staff advised that otherwise, the variance will become null and void.

Mr. Marchese responded that they were hired for this application only and expressed that he agrees with staff that moving forward one comprehensive planning would be a good approach. Following discussion, Mr. Marchese indicated that the proposed conditions were acceptable.

Zoning Staff added for the consideration of Committee and for the benefit of the applicant that on December 9, 2020 City Council passed a Zoning By-law Amendment that reduced the parking rate for several uses throughout the City. Staff explained that going forward after the appeal period expires there may be a reduced parking requirement for this site specifically related to office uses where the parking rate has been reduced. Staff explained that while there is a site specific rate that applies to this property for the permitted uses, any accessory office or office uses as principal use will be calculated at a lower rate. Staff added that overall, if there are no appeals against the Zoning by-law Amendment the parking requirement on this site will be reduced.

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: A. C. Marques

Seconded by: R. Power

THAT application A-2020-0142 to permit the construction of a 123.3 square metre mezzanine in Units 12 & 13 and to allow 30% of the unit to be used for accessory retail use while providing 81 parking spaces on site 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 Public Notice;
2. That the mezzanine shall be used for storage purposes only;
3. That the requirement for parking for any combination of uses permitted in the "M4-1548" zone, or permitted by way of Minor Variance be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 98 parking spaces; 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-2020-0143

ANDREW WATTS AND KAMILA GOLEC

LOT 84, PLAN M-261 - 42 MAJESTIC CRESCENT - WARD 8

The applicants are requesting the following variance(s):

1. To permit a side yard setback of 1.57m (5.15 ft.) to a proposed second storey addition whereas the by-law requires a minimum side yard setback of 1.8m (5.90 ft.) to the second storey;
2. To permit a side yard setback of 0.6m (1.97 ft.) to a proposed porch on the first floor whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.);

Committee of Adjustment Minutes

3. To permit a lot coverage of 35.7% whereas the by-law permits an existing legal non-complying lot coverage of 33%.

Mr. Raffi Tashdjian, Tashdjian Design, authorized agent for the applicant, presented application A-2020-0143 briefly outlining the variances requested. Mr. Tashdjia noted that although the maximum lot coverage permitted is 30%, the lot coverage is currently 33%.

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

Mr. Tashdjian 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-2020-0143 to permit a side yard setback of 1.57m (5.15 ft.) to a proposed second storey addition; to permit a side yard setback of 0.6m (1.97 ft.) to a proposed porch on the first floor and to permit a lot coverage of 35.7% 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

ADJOURNMENT:

Moved by: D. Colp

Seconded by: A. C. Marques

That the Committee of Adjustment hearing be adjourned at 10:43 a.m. to meet again on Tuesday, January 26, 2021.

CARRIED