

**Date:** February 16, 2021  
**Time:** 9:00 a.m.  
**Location:** 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  
Steve Ganesh, 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 9:00 am and adjourned at 10:54 am.

2. **ADOPTION OF MINUTES:**

Moved by: D. Colp

Seconded by: R. Power

THAT the minutes of the Committee of Adjustment hearing held January 26, 2021 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated February 8, 2021.

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

None

5. **WITHDRAWALS/DEFERRALS**

No written or verbal requests.

6. **NEW CONSENT APPLICATIONS**

**APPLICATIONS B-2021-0001 AND B-2021-0002 WERE RELATED AND HEARD CONCURRENTLY**

6.1 **B-2021-0001**

**TOP END CONSTRUCTION INC.**

**8917 HERITAGE ROAD (LOT A) – PART OF LOT 5, CONC. 5 WHS – WARD 6**

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.202 hectares (0.50 acres). The effect of the application is to create a new lot having frontage of approximately 15.12 metres (49.60 feet), a depth of approximately 34.28 metres (112.47 feet) and an area of approximately 0.52 hectares (0.13 acres). The proposed severed lot (**Lot A**) will be used for future residential development of a single detached dwelling. Concurrent consent application B-2021-0002.

6.2 **B-2021-0002**

**TOP END CONSTRUCTION INC.**

**8917 HERITAGE ROAD (LOT B) – PART OF LOT 5, CONC. 5 WHS – WARD 6**

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.202 hectares (0.50 acres). The effect of the application is to create a new lot having frontage of approximately 15.12 metres (49.60 feet), a depth of approximately 34.28 metres (112.47 feet) and an area of approximately 0.52 hectares (0.13 acres). The proposed severed lot (**Lot B**) will be used for future residential development of a single detached dwelling. Concurrent consent application B-2021-0001.

Ms. Gursimran Saini, authorized agent for the applicant, presented applications B-2021-0001 and B-2021-0002 advising that the property is located on the east side of Heritage Road, south of Embleton Road, situated in Ward 6. She explained that the site is currently occupied by a single storey detached dwelling which is proposed to be demolished to create 2 new single detached lots which comply with the Official Plan and Zoning By-law. Ms. Saini added that access to the retained lands will be by a temporary public access easement and spoke of a requirement for a road widening dedication. It was her submission that the proposed severances meet the criteria to grant a consent under the Planning Act.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2021-0001 and B-2021-0002 from a planning land use perspective with a number of conditions. Staff proposed an amendment to proposed condition 7 to include additional wording "*that other arrangements satisfactory to the*

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*Director of Development Services shall be made prior to the issuance of the Secretary Treasurer's Certificate".*

Ms. Saini indicated that the proposed conditions, as amended, 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. Doerfler

THAT application B-2021-0001 to create a new lot having frontage of approximately 15.12 metres (49.60 feet), a depth of approximately 34.28 metres (112.47 feet) and an area of approximately 0.52 hectares (0.13 acres) for future residential development of a single detached dwelling 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:
2. 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;
3. 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;
4. That arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements;
5. The applicant shall gratuitously convey to the City of Brampton an approx. 5.0 meter road allowance widening along the entire Heritage Road frontage, towards the ultimate right of way designation of 30 meters or 15 meters from centreline of the right of way;
6. The applicant shall prepare and submit prior, to depositing, a draft reference plan, prepared by an Ontario Land Surveyor, to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works and Engineering;
7. That the adjacent Draft Plan of Subdivision Application identified as C05W06.007 and 21T-06026B shall be registered and the Part Lot Control shall be lifted from the part lots surrounding the retained lands; or that other arrangements satisfactory to the Director of Development Services shall be made prior to the issuance of the Secretary Treasurer's Certificate.

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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

Moved by: R. Power

Seconded by: D, Doerfler

THAT application B-2021-0001 to create a new lot having frontage of approximately 15.12 metres (49.60 feet), a depth of approximately 34.28 metres (112.47 feet) and an area of approximately 0.52 hectares (0.13 acres) for future residential development of a single detached dwelling 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:
2. 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;
3. 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;
4. That arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements;
5. The applicant shall gratuitously convey to the City of Brampton an approx. 5.0 meter road allowance widening along the entire Heritage Road frontage, towards the ultimate right of way designation of 30 meters or 15 meters from centreline of the right of way;
6. The applicant shall prepare and submit prior, to depositing, a draft reference plan, prepared by an Ontario Land Surveyor, to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works and Engineering;
7. That the adjacent Draft Plan of Subdivision Application identified as C05W06.007 and 21T-06026B shall be registered and the Part Lot Control shall be lifted from the part lots surrounding the retained lands; or that other arrangements satisfactory to the Director of Development Services shall be made prior to the issuance of the Secretary Treasurer's Certificate.

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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

### 7. **DEFERRED CONSENT APPLICATIONS**

None

### 8. **NEW MINOR VARIANCE APPLICATIONS**

#### 8.1 **A-2020-0016**

#### **MUHAMMAD AND KANEEZ AKRAM**

#### **221 QUEEN STREET WEST - LOT 8, PLAN A-12 – WARD 3**

The applicants are requesting the following variances(s):

1. To permit a home occupation (law office) to occupy 26.9% of the gross floor area of the dwelling whereas the by-law limits the area associated with a home occupation to a maximum of 15% of the floor area of the dwelling;
2. To permit the rear yard to be paved for the purpose of parking whereas the by-law does not permit the rear yard to be paved for parking purposes;
3. To permit 0.0m of permeable landscaping along the interior side lot lines whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the extended driveway/parking area and the interior side lot lines.

Mr. Tanvir Rai, Noble Prime Solutions Ltd., authorized agent for the applicant, presented application A-2020-0016 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

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THAT application A-2020-0116 to permit a home occupation (law office) to occupy 26.9% of the gross floor area of the dwelling; to permit the rear yard to be paved for the purpose of parking and to permit 0.0m of permeable landscaping along the interior 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;
2. That a Grading and Servicing Plan and Stormwater Management Brief shall be approved prior to construction of the driveway and parking area to the satisfaction of the Commissioner of Public Works and Engineering, prior to the establishment of the use;
3. That the existing wood screening fence remain constructed in its current location and height and shall not be removed, lowered, or replaced with a non-wood screening style of fencing;
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-2020-0122**

#### **SANA ISSA AND AMRO HAYEK**

#### **42 CACHET CRESCENT – LOT 1, PLAN 43M-1822 – WARD**

The applicants are requesting the following variance(s):

1. To permit an existing driveway width of 9.60m (31.50 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.);
2. To permit 0.0m of permeable landscaping between the driveway and side property line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping along the side lot line.
3. To permit a proposed accessory structure (pool equipment/change room) to be located in the exterior side yard whereas the by-law does not permit an accessory structure to be located in the exterior side yard;

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4. To permit an existing accessory structure (cabana) having a height of 3.30m (10.83 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure;
5. To permit an existing accessory structure (cabana) with a floor area of 32.34 sq. m (348.1sq. ft.) whereas the by-law permits an individual accessory structure to a maximum floor are of 15 sq. m (161.46 sq. ft.);
6. To permit a combined area of 43.48 sq. m (468 ft.) for two (2) accessory structures (gazebo and shed) whereas the by-law permits a maximum combined area of 20 sq. m (215.28 sq. ft.) for two (2) accessory structures;
7. To permit a swimming pool on a corner lot which extends into the exterior side yard and the defined triangular site line area whereas the by-law does not permit a swimming pool to extend into the exterior side yard or the defined triangular site line area when a corner lot abuts the side yard of an adjacent residential lot having habitable room on the front corner of the ground floor.

Mr. Daniel Falzon, Lasonne Engineering Limited, authorized agent for the applicant, presented application A-2020-0122 briefly outlining the variances requested related to a proposed pool and landscaping project.

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

Mr. Falzon 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. Doerfler

THAT application A-2020-0122 to permit an existing driveway width of 9.60m (31.50 ft.); to permit 0.0m of permeable landscaping between the driveway and side property line; to permit a proposed accessory structure (pool equipment/change room) to be located in the exterior side yard; to permit an existing accessory structure (cabana) having a height of 3.30m (10.83 ft.); to permit an existing accessory structure (cabana) with a floor area of 32.34 sq. m (348.1sq. ft.); to permit a combined area of 43.48 sq. m (468 ft.) for two (2) accessory structures (gazebo and shed) and to permit a swimming pool on a corner lot which extends into the exterior side yard and the defined triangular site line area be approved for the following reasons and subject to the following conditions:

1. That Variance 2 be **refused** and the required permeable landscape strip shall be reinstated no later than June 1, 2021, to the satisfaction of the Director of Development Services;

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2. That the extent of Variances 1, 3, 4, 5, 6, and 7 be limited to that shown on the sketch attached to the Public Notice;
3. That the applicant obtain a building permit for the accessory structures 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. 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 the cabana structure shall be of a primarily open style construction and shall not be fully enclosed;
6. That the rear yard shall be screened from the adjacent side yard and street by a solid wood board fence;
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

### 8.3 **A-2020-0162**

#### **ARBOR MEMORIAL INC.**

#### **10061 CHINGUACLUSY ROAD – PART OF LOT 11, CONC. 2 WHS – WARD 5**

The applicant is requesting the following variance(s):

1. To permit the continued use of a portion of the property as a golf driving range for a temporary period of five (5) years whereas the by-law does not permit the use.

Note: A previous approval granted under Application A15-044 will expire on March 23, 2021.

Mr. Sam Che, Brampton Golf Range, authorized agent for the applicant, presented application A-2020-0162 briefly outlining the variances requested. He provided a brief history on the operation of the Brampton Golf Range which operates as a temporary use on a portion of lands that are currently not needed by the landlord and on a property that would otherwise remain vacant. He explained that the seasonal family run business operates



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approximately 6 months of the year serving families and individuals. Mr. Che spoke of the difficulties and challenges they have encountered during COVID, advising that they were forced to shut down. He commented that he anticipates further impact this year on the business and spoke of fixed operational business expenses including rent, utilities and insurance. It was his request that approval for a temporary period of 5 years be considered by the Committee.

Committee commented that there are not many sports activities that you can enjoy outside while practicing social distancing recognizing that the golf range provides an opportunity to connect with nature and the environment.

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions. Staff explained that the recommendation for a temporary approval period of 3 years originates from a standard recommendation related to any temporary approval recommendation consistent with past recommendations. Staff added that no issues have been identified if the Committee sees merit in an approval for a temporary period of 5 years.

Mr. Che expressed that 5 years would be acceptable in such uncertain times noting that the additional 2 years would provide added insurance in that they can continue the use.

Committee commented that the extension to 5 years is not normally considered by Committee noting that there has not been any negative feedback and the use provides a great opportunity for people to capitalize on these facilities.

Following discussion, Mr. Che 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: A. C. Marques

THAT application A-2020-0162 to permit the continued use of a portion of the property as a golf driving range for a temporary period of five (5) years be approved for the following reasons and subject to the following conditions:

1. That the variance be approved for a temporary period of five (5) years from the final date of the Committee's decision;
2. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
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

### 8.4 **A-2020-0163**

#### **RAVNEET GILL AND SAMANDEEP GILL**

#### **192 TORRANCE WOODS – LOT 43, PLAN 43M-877 – WARD 4**

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 a flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and a flankage lot line;
2. To permit an exterior side yard setback of 2.5m (8.20 ft.) to a below grade stairway leading to a below grade entrance in the required exterior side yard whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Mr. Harjinder Singh, authorized agent for the applicant, presented application A-2020-0163 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: R. Power

THAT application A-2020-0163 to permit a below grade entrance to be located between the main wall of a dwelling and a flankage lot line and to permit an exterior side yard setback of 2.5m (8.20 ft.) to a below grade stairway leading to a below grade entrance in the required exterior side yard 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 Public Notice;
2. That the applicant obtain a building permit for the below grade entrance 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 the fence remain constructed in its current location and height and shall not be removed or lowered;
4. That the below grade entrance shall not be used to access an unregistered second unit;
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

### 8.5 **A-2020-0164**

#### **BIKRAMJEET BAJWA AND PAWANJIT KAUR**

#### **2 FASCINATION STREET - LOT 167, PLAN M-2060 – WARD 9**

The applicants are requesting the following variance(s):

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

Mr. Harinder Singh, authorized agent for the applicant, presented application A-2020-0164 briefly outlining the variance 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.

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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-2020-0164 to permit a proposed below grade entrance to be located between the main wall of a dwelling and a 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 applicant shall extend or adjust the existing fence (if required) to screen the below grade entrance in a manner satisfactory to 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

### 8.6 **A-2020-0165**

#### **DANIEL TIBURCIO AND CHERRY TANEGA**

#### **34 PATHWAY DRIVE - LOT 37, PLAN 43M-1825 – WARD 5**

The applicants are requesting the following variance(s):

1. To permit a proposed swimming pool on a corner lot, which extends into the exterior side yard and the defined triangular site line area prescribed by Section 10.7 whereas the by-law does not permit a swimming pool to extend into the exterior side yard or the defined triangular site line area when a corner lot abuts the side yard of an adjacent residential lot having a habitable room on the front corner of the ground floor;
2. To permit a proposed accessory building (pavilion/gazebo) having a gross floor area of 17.2 sq. m (185.14 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.

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Mr. Adrian Hordyk, Cedar Springs Landscape Group, authorized agent for the applicant, presented application A-2020-0165 briefly outlining the variances requested. Mr. Hordyk advised that the variances are related to a rear yard landscape project noting that the property is a corner lot with limited space.

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

Mr. Hordyk 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

THAT application A-20200-0165 to permit a proposed swimming pool on a corner lot, which extends into the exterior side yard and the defined triangular site line area prescribed by Section 10.7 and to permit a proposed accessory building (pavilion/gazebo) having a gross floor area of 17.2 sq. m (185.14 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 shall obtain a building permit prior to commencing construction;
3. That the proposed gazebo be of a primarily open style construction and shall not be fully enclosed;
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-2020-0166**

#### **2300 NORTH PARK DRIVE GP INC.**

#### **2300 NORTH PARK DRIVE - LOT 9, CONCESSION 6 EHS – WARD 10**

The applicant is requesting the following variance(s):

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1. To permit outside storage of oversized motor vehicles (fleet vehicles) whereas the by-law does not permit outside storage other than outside storage of stock and custom mobile offices and buildings.

Mr. Mark Roloson, Aecon Canada Ltd., authorized agent for the applicant, presented application A-2020-0166 briefly outlining the variances requested explaining that the van style fleet will be parked behind the building with no visibility to the street. He explained that he agrees to the conditions proposed by staff including limiting the proposed length of the vehicles to ensure no tractor trailer parking be permitted in the area.

Committee acknowledged receipt of e-mail correspondence dated February 14, 2021 from Sandra Fratelli, 83 Trailside Walk, detailing her concerns with the application.

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

Mr. Roloson 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-2020-0166 to permit outside storage of oversized motor vehicles (fleet vehicles) 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 maximum size of the vehicles stored within the area identified on the sketch attached to the Public notice shall be 6.8 metres (22.3 feet) in length;
3. That no cleaning, maintenance or repairs of the fleet vehicles shall take place on the property; 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

8.8 **A-2020-0167**

**RAJA RAEES NAWAZ AND NAHEED KOSER**

**8921 MISSISSAUGA ROAD - PART OF LOT 5, CONC.4 WHS - WARD 6**

The applicants are requesting the following variance(s):

1. To permit a minimum lot width of 6.98 metres whereas the by-law requires a minimum lot width of 45 metres for lots having an area of 5 hectares or less;
2. To permit a building height of 12.0m (39.37 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.);
3. To permit a garage door height of 3.0m (9.84 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.).

Mr. Peter Vozikas, Empire Design, authorized agent for the applicant, presented application A-2020-0167 briefly outlining the variances requested. He advised that originally there were 4 variances applied for explaining that City Staff recognized that the front yard landscaping met the requirements of the Zoning by-law thereby reducing the variances to 3.

Mr. Vozikas explained that the existing property has conservation lot frontage which they are unable to alter. He added that based on the grandeur of the home the garage door heights are proportional to the façade of the building. With respect to the proposed height he commented that the limited requested variance of 12 metres is proportional to the size of the home. He commented that the roof pitch is not extreme but reflects onto this home in an elegant manner.

Mr. Vozikas advised that the lot size and location of the proposed dwelling on the property is in keeping with the surrounding neighbourhood and not impacting on the current status of the lands. It was his submission that the proposal fits well within the planning guidelines.

He expressed that the home is quite a large home but in turn it will be noted history in the City of Brampton as one of the largest homes ever built allowing other municipalities to recognize the City of Brampton as having wealth and stature with great potential.

Committee acknowledged receipt of a letter dated February 11, 2021 from Credit Valley Conservation, indicating no objection to Application A-2020-0167.

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

Mr. Vozikas indicated that the proposed conditions were acceptable.

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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. Doerfler

THAT application A-2020-0167 to permit a minimum lot width of 6.98 metres; to permit a building height of 12.0m (39.37 ft.) and to permit a garage door height of 3.0m (9.84 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 garages shall not be used to store oversized motor vehicles;
3. That the applicant shall obtain all required permits and pay all required fees to the satisfaction of the Credit Valley Conservation 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

### 8.9 **A-2021-0001**

#### **1337564 ONTARIO INC.**

#### **1729 QUEEN STREET EAST - PART OF LOT 5, PLAN 154 - WARD 7**

The applicant is requesting the following variance(s):

1. To vary Schedule "C" Section 386 of the by-law to permit an outside sales area from April 1 to October 31 each year until 2025, while providing 54 parking spaces whereas the by-law requires a minimum of 83 parking spaces;
2. To vary Schedule "C" Section 386 of the by-law to permit an 82.8 sq. m (891.25 sq. ft.) outside storage area at the rear southeast end of the building whereas the by-law does not permit outside storage;
3. To vary Schedule "C" Section 386 of the by-law to permit a 371.62 sq. m. (4000 sq. ft.) shade structure in the east side yard and a 71.35 sq. m. (768 sq. ft.) cashier tent in the front yard from April 1 to October 31 each year until 2025.



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Mr. Danny Mazzilli, Fantasy Fruit Market, authorized agent for the applicant and operator of Fantasy Garden Centre, presented application A-2021-0001 briefly outlining the variances requested. Mr. Mazzilli advised that they have been operating at the location since 1999 and that prior to that the owners were operating at the location since mid1960.

Mr. Mazzilli advised that the garden centre is a permitted use and that they have applied for the associated variances several times over the last twenty years. He expressed that there have been several approvals over the years and they are requesting 5 years at this time, as opposed to the 3 years recommended by staff advising that they have 8 years left on their lease noting that they are fine with all the other recommended conditions

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff noted that Queen Street is an area in transition noting for Committee's benefit that there have been no complaints in the past.

Following discussion, Mr. Mazzilli 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: A. C. Marques

THAT application-2021-0001 to vary Schedule "C" Section 386 of the by-law to permit an outside sales area from April 1 to October 31 each year until 2025, while providing 54 parking spaces; to vary Schedule "C" Section 386 of the by-law to permit an 82.8 sq. m (891.25 sq. ft.) outside storage area at the rear southeast end of the building and to vary Schedule "C" Section 386 of the by-law to permit a 371.62 sq. m. (4000 sq. ft.) shade structure in the east side yard and a 71.35 sq. m. (768 sq. ft.) cashier tent in the front yard from April 1 to October 31 each year until 2025 be approved for the following reasons and subject to the following conditions:

1. That the variances be approved from for a temporary period of five (5) years from the final date of the Committee's decision;
2. That the extent of the variances be generally limited to that shown on the sketch attached to the Public Notice;
3. That the applicant shall obtain any required building permits prior to the erection of the temporary structures each year, to the satisfaction of the Chief Building Official;
4. That the requested variances shall only be permitted in association with a permitted garden centre use;
5. That the permitted outdoor storage shall only include items incidental to a garden centre and an outdoor wine grape sales use;

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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

### 8.10 **A-2021-0002**

#### **MONTEREY PARK INC.**

#### **15 FISHERMAN DRIVE, UNIT 12 & 13 - PART OF BLOCK 4, PLAN 43M-766 – WARD 2**

The applicant is requesting the following variance(s):

1. To permit a place of worship having an area of 438.44 square metres (Units 12 and 13) whereas the by-law limits the total gross floor area of an individual place of worship to 350 square metres;
2. To permit a total cumulative gross floor area devoted to all places of worship of 1061.54 square metres whereas the by-law limits the total combined gross floor area for all places of worship to 700 square metres.

Mr. Randall Dickie, Urban Growth Inc., authorized agent for the applicant, presented application A-2020-0002 briefly outlining the variances requested advising that the subject site is occupied by a 45 unit industrial complex built in the 1980's. He explained that there are no physical changes proposed, informing Committee that in working through a site plan application to refurbish the site the variances were identified. Mr. Dickie explained that there is ample parking on site and the request is to allow the Place of Worship to remain.

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

Mr. Dickie 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

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THAT application A-2021-0002 to permit a place of worship having an area of 438.44 square metres (Units 12 and 13) and to permit a total cumulative gross floor area devoted to all places of worship of 1061.54 square metres 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-2019-0069, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That the applicant obtain a change of use 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;
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

### 8.11 **A-2021-0003**

#### **HARINDER AND SUMANPREET GAHIR**

#### **9035 CREDITVIEW ROAD - PART OF LOT 6, CONC. 3 WHS – WARD 5**

The applicants are proposing a 3 storey elementary school and are requesting the following variance(s):

1. To permit a Day Nursery whereas the by-law does not permit a Day Nursery;
2. To permit a front yard setback of 6.2m (20.34 ft.) whereas the by-law requires a minimum front yard setback of 12.0m (39.37 ft.);
3. To permit a building height of 15.0m (49.21 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

Mr. Jun Gu of ATA Architects Inc., authorized agent for the applicant, presented application A-2020-0003 briefly outlining the variances requested.

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Committee acknowledged receipt of e-mail correspondence dated February 11, 2021 from Mr. Halim Mikhael, Lullaboo Nursery and Childhood Centre, detailing concerns with the proposal.

Mr. Halim Mikhael, addressed Committee advising that he has nothing further to add at this time recognizing that staff are recommending a deferral of the application.

Mr. Harinder Gahir, applicant and owner of the property addressed Committee advising that the recommendation is for a deferral no later than June, 2021. It was his request that the application be considered at an earlier date.

Committee explained for the benefit of Mr. Gahir that the recommendation does not restrict him to June, 2021 noting that he can return to the Committee earlier if a solution is reached.

Staff explained that the recommendation reads "*no later than the last meeting in June, 2021*" informing Committee that through the review of the application a future road widening allowance was identified noting that the lot will be insufficient and a deferral provides an opportunity to include an additional variance for lot width.

Committee and staff were in agreement that if resolved the applicant could return to the Committee at an earlier date. Mr. Gu was receptive to the recommendation.

Following discussion, Committee reached the following decision:

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2021-0003 be deferred no later than the last meeting of June, 2021.

CARRIED

### 8.12 **A-2021-0004**

#### **FRANK AND KARLENE GASPER**

#### **17 JEROME CRESCENT - LOT 185, PLAN 862 – WARD 8**

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 1.42m (4.66 ft.) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey;
2. To permit an interior side yard setback of 1.42m (4.66 ft.) to a proposed deck off the second storey whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.);

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3. To permit a building height of 8.99m (29.50 ft.) whereas the by-law permits a maximum building height of 7.6m (24.94 ft.).

Mr. Frank Gasper, applicant and owner of the property, addressed Committee acknowledging that he understands that staff recommends deferral of the application. He expressed that he wanted to be able to discuss what remedies could occur regarding the building height. Mr. Gasper noted that previously the drawings were made with the height reduced and he wanted to get an idea about the height indicating that he is currently looking at the dormers as being the problem. He expressed that ideally he would like to have the addition built as is but noted that the variance is substantially higher than the minimum for this particular neighbourhood

Committee acknowledged receipt of a letter dated February 10, 2021 from Allan Mitchell, 19 Jerome Crescent detailing his concerns with the proposal.

Committee was informed that staff recommends a deferral of the application no later than the last meeting of June, 2021. Staff expressed that they would like to meet further with the applicant to discuss his questions while inviting other staff to be present. Staff noted that the applicant is going through the site plan process and would like to meet with applicant, the planner assigned to the site plan as well as zoning staff.

Mr. Gasper advised that he would like to have a meeting as soon as possible with Planning Staff. Following discussion, Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: R. Power

THAT application A-2021-0004 be deferred no later than the last meeting of June, 2021.

CARRIED

### 9. **DEFERRED MINOR VARIANCE APPLICATIONS**

#### 9.1. **A-2020-0149**

##### **BALVINDER AND JAGDISH KAHLON**

##### **18 LONE OAK AVENUE – LOT 50, PLAN M-850 – WARD 7**

The applicants are requesting the following variance(s):

1. 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 in an exterior side yard;

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2. To permit an existing accessory structure (shed) having a gross floor area of 16.6 sq. m (178.68 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 a combined gross floor area of 26.6 sq. m (286.32 sq. ft.) for two accessory structures (existing shed and pre-fabricated gazebo) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
4. 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;
5. To permit a setback of 0.28m (0.92 ft.) to a stair and landing serving an above grade entrance in the interior side yard whereas the by-law requires a minimum setback of 0.9m (2.95 ft.) to any stairs or landing to an above grade door in the interior side yard.

Mr. Harvinder Kahlon, authorized agent and son of the applicant, presented application A-2020-0149 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated February 10, 2021 from Catherine and Peter Camilleri, 36 Lansdowne Drive, detailing their concerns with Application A-2020-0149.

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

Mr. Kahlon commented that the landing was constructed before they purchased the house in December, 2020. He posed questions to Committee regarding the proposed conditions.

Committee explained the proposed conditions for the benefit of Mr. Kahlon pointing out that the below grade entrance can be used noting however that there is a registration process if the entrance is used to access a basement apartment. Mr. Kahlon commented that there is no basement apartment.

Following discussion, Mr. Kahlon 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-2020-0149 to permit an existing accessory structure (shed) to be located in an exterior side yard; to permit an existing accessory structure (shed) having a gross floor area of 16.6 sq. m (178.68 sq. ft.); to permit a combined gross floor area of 26.6 sq. m (286.32 sq. ft.) for two accessory structures (existing shed and pre-fabricated

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gazebo); to permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line and to permit a setback of 0.28m (0.92 ft.) to a stair and landing serving an above grade entrance 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;
2. That the applicant obtain a building permit for the accessory structure(s) and landing (if required) 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 the fence remain constructed in its current location and height and shall not be removed or lowered;
4. That the below grade entrance shall not be used to access an unregistered second unit;
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

### 10. **OTHER BUSINESS**

#### 10.1. **A-2020-0140**

##### **PHIL AND JOANNE SEQUEIRA**

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

Committee acknowledged receipt of a letter from Phil and Joanne Sequeira requesting a refund of the application fees associated with application A-2020-0140 which was considered and approved by the Committee at an earlier hearing on January 5, 2021.

Mr. Phil Sequeira addressed Committee making reference to the letter he submitted to the Committee. He advised that he has been dealing with an Order to Comply he received back in July, 2019 explaining that the structure for which he received approval for from the Committee on June 5, 2021 was built approximately twenty years ago with no issues from the surrounding neighbours.

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Mr. Sequeira outlined recent events including personal losses involving family members and financial burdens associated with COVID-19 and respectfully requested some compensation with regards to the application fee from the Committee expressing that the financial strain on the family is quite difficult during COVID-19. He spoke of the 2 year journey he has endured since July, 2019 trying to resolve the non-compliant issue, in an effort to put it behind him while at the same time having to deal with family issues.

Committee recalled the application which was considered in January and commented that it has been a tough time for many during COVID-19 either financially or health wise. Committee noted that it is a challenging time for everyone and that many people are working from home. Committee explained that Committee considers all circumstances and requested staff to provide a background surrounding the issue resulting in the application being in front of the Committee.

Staff explained that the violation originated as a result of a complaint to the City against the shed which was investigated by the City's Property Standards Officers who take measurements to determine whether or not the shed meets the size requirements, height and setback requirements established in the Zoning By-law.

Staff explained that recognizing that the shed was in place for approximately twenty years, staff did try to resolve the issue to see if the shed could be considered legal non-complying however the requirements at the time the shed was placed on the property mandated that the shed be placed 0.6 metres to all lot lines. Staff added that the alternatives provided to the property owner were to either relocate the shed in compliance with the by-law or to apply for a minor variance which would have been required at any point in time over the past twenty years.

Staff explained that in this circumstance the request was not the result of a staff error or staff oversight. Staff advised that in the past Committee has occasionally considered granting refunds where staff has made an error or staff failed to identify a variance that should have been identified. Staff noted that in this instance the owner has been trying to resolve the issue by pursuing every avenue he can. Staff noted that By-law Enforcement staff and Zoning staff have been working with the applicant throughout the process to provide information as needed.

Committee noted that if there was any error or negligence from staff's perspective Committee would look at the request for a refund differently. Committee also noted that from the owner's point of view the structure has been in place for twenty years with no objection.

Mr. Sequeira stated that if the non-compliant issue surrounding the shed had been raised twenty years ago he would have addressed the matter at that time.

Committee thanked the owner for bringing the shed into compliance and recognized the struggles and hardships of the applicant during COVID-19 expressing condolences on the loss of family members. Committee stated that if this had been a mistake on the City's part the conversation would be different. Committee considered the request for a refund and reached the following decision:



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Moved by: D. Doerfler

Seconded by: R. Power

THAT the request for a refund of application fees be refused.

CARRIED

11. **ADJOURNMENT:**

Moved by: A. C. Marques

Seconded by: D. Colp

That the Committee of Adjustment hearing be adjourned at 10:54 a.m. to meet again on Tuesday, March 9, 2021.