



Date: March 9 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
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 9:00 a.m. and adjourned at 1:01 p.m.

2. **Adoption of Minutes**

Moved by: A. C. Marques

Seconded by: D. Colp

THAT the minutes of the Committee of Adjustment hearing held January 5, 2021 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated March 1, 2021

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

None

5. **Withdrawals/Deferrals**

A-2020-0051 (Agenda Item 9.2)

BURSCO LIMITED, 6 TRACEY BOULEVARD, WARD 8

Committee of Adjustment Minutes

Committee was in receipt of a letter dated March 5, 2021 from Vladimir Rudenko, Strogan Inc., authorized agent for the applicant, requesting a flexible deferral of application A-2020-0051, as recommended by staff, to provide an opportunity for submission of a parking brief.

Mr. Rudenko addressed Committee acknowledging his request for a deferral. Staff informed Committee that a flexible deferral is recommended to a hearing date no later than the last hearing of December, 2021.

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0051 be deferred in accordance with staff's recommendation to a hearing date no later than the last hearing of December, 2021.

CARRIED

A-2021-0014 (Agenda Item 8.8)

2509555 ONTARIO INC., 15 HALE ROAD, WARD 3

Committee was in receipt of a letter dated March 5, 2021 from Nickolas Dell, Harper Dell & Associates, authorized agent for the applicant, requesting a deferral of application A-2021-0014 to provide a parking utilization study as requested by staff.

Mr. Dell addressed Committee advising that he was recently retained to represent the applicant and requires time to provide the information requested. Staff advised that a deferral no later than the last hearing of June, 2021 is recommended.

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0014 be deferred in accordance with staff's recommendation to a hearing date no later than the last hearing of June, 2021.

CARRIED

A-2021-0016 (Agenda Item 8.10)

2660601 ONTARIO INC., 43 PROGRESS COURT, WARD 8

Committee was in receipt of a letter dated March 5, 2021 from Erik Mirtsou, Candevcon Limited, authorized agent for the applicant, requesting a deferral of application A-2021-0016 to address technical matters with staff.

Mr. Mirtsou addressed Committee advising that the deferral is requested to provide an opportunity to speak with staff to discuss matters including the internal movement on the site, setbacks pertaining to the exiting building in addition to how the site functions.

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Staff indicated support for a deferral in order that the applicant can discuss matters with staff advising that a deferral is recommended no later than the last hearing of June, 2021.

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2021-0146 be deferred in accordance with staff's recommendation to a hearing date no later than the last hearing of June, 2021.

CARRIED

6. **NEW CONSENT APPLICATIONS**

APPLICATIONS B-2021-0003 AND A-2021-0015 WERE RELATED AND HEARD CONCURRENTLY

6.1 **B-2021-0003**

FORESTSIDE ESTATES INC.

4298 QUEEN STREET EAST – PART OF LOT 5, CONC. 9 ND – WARD 8

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 6.77 hectares (16.73 acres). The effect of the application is to create a new lot having frontage of approximately 132 metres (433.07 feet), a depth of approximately 93.0 metres (305.12 feet) and an area of approximately 0.63 hectares (1.56 acres). The proposed "severed" lot is occupied by an industrial building and the proposed "retained" lot will be used for future medium and high density residential development included in a plan of subdivision.

A-2021-0015 (Agenda item 7.9)

FORESTSIDE ESTATES INC.

4298 QUEEN STREET EAST - PT. LOT 5, CONC. 9 ND - WARD 8

The applicant is requesting the following variances associated with the proposed "severed" lot under consent application B-2021-0003:

1. To permit a lot width of 119 metres whereas the by-law requires a minimum lot width of 194 metres;
2. To permit a lot area of 0.63 hectares whereas the by-law requires a minimum lot area of 1.47 hectares;
3. To permit a lot depth of 47 metres whereas the by-law requires a minimum lot depth of 151 metres.

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Mr. Steven Giankoulas, Candevcon Limited, authorized agent for the applicant, presented applications B-2021-0003 and A-2021-0015 providing a brief overview of the consent application which would result in a separate lot occupied by an existing industrial building. He added that the proposed retained parcel will be subject to future residential development noting that the variances requested under the associated minor variance application are a result of the severance of the land.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2021-0003 and A-2021-0015 from a planning land use perspective, subject to conditions.

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

Mr. Giankoulas indicated that the proposed conditions were acceptable.

The Committee, having regard to those matters under subsection 51(24) of the *Planning Act* R.S.O. 1990, c P.13, as amended and having considered the comments and recommendations of the commenting agencies, the proposed draft conditions and the evidence heard at the meeting, reached the following decision:

Moved by: D. Doerfler

Seconded by: R. Power

THAT application B-2021-0003 to create a new lot having frontage of approximately 132 metres (433.07 feet), a depth of approximately 93.0 metres (305.12 feet) and an area of approximately 0.63 hectares (1.56 acres) occupied by an industrial building while the proposed "retained" lot will be used for future medium and high density residential development included in a plan of subdivision 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 associated application A-2021-0015 be approved; and
5. 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.

REASONS:

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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: D. Doerfler

Seconded by: R. Power

THAT application A-2021-0015 to permit a lot width of 119 metres; to permit a lot area of 0.63 hectares and to permit a lot depth of 47 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 Notice of Decision;
2. That related application B-2021-0003 be approved;
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

7. **DEFERRED CONSENT APPLICATIONS**

None

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1 **A-2021-0005**

PAULA PIRES AND FIRMINO PIRES

267 QUEEN STREET WEST - PART OF LOT 5, CONC. 1 WHS - WARD 3

The applicants are requesting the following variance(s):

1. To permit 38.3% of the floor area of the dwelling to be used as a home occupation (spa) whereas the by-law permits a maximum of 15% of the floor area of the dwelling to be used as a home occupation.

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Mr. Graham Barrett, Barrett Municipal Planning, authorized agent for the applicant, presented application A-2021-0005 briefly outlining the variance requested. He explained that the property owner is proposing a home occupation to operate a small spa.

Mr. Barrett noted that there will be no more than two staff, including the owner, informing Committee that they notified the surrounding residents and businesses about the proposal. Mr. Barrett made reference to a letter of support from a neighbouring resident at 267 Queen Street West which had been submitted. The Secretary-Treasurer advised that she may have overlooked the letter but would follow up to verify if she had received it. Mr. Barrett advised that he would forward the letter to the Secretary-Treasurer.

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

Mr. Barrett indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2021-0005 to permit 38.3% of the floor area of the dwelling to be used as a home occupation (spa) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.2 A-2021-0007

2689255 ONTARIO INC.

0 ARMTHORPE ROAD-PART OF BLOCK K, PLAN M720 - WARD 8

Committee of Adjustment Minutes

The applicant is requesting the following variance(s):

1. To permit outside storage (truck trailers) whereas the by-law does not permit outside storage;
2. To permit a front yard setback of 0.904m (2.97 ft.) to a transformer whereas the by-law requires a minimum setback of 9.0m (29.53 ft.).

Mr. Sanjeev Kumar, Sanpro Engineering, authorized agent for the applicant, presented application A-2021-0007 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated March 4, 2021 from Rosemarie Humphries, Humphries Planning Group Inc., on behalf of Lorwood Holdings Incorporated, owner of lands located at 326 Deerhurst Drive and 52 Armthorpe Road.

Ms. Rosemarie Humphries, Humphries Planning Group Inc., addressed Committee advising that outside storage is not a permitted use and that the permission to store tractor trailers and trucks at this site will lead to potential incompatibilities, nuisances and adverse impacts on the surrounding uses. She commented that if you look at aerial photos it can be seen that there are no outside storage permissions in the area for lands north between Deerhurst Drive and Goreway Drive.

Ms. Humphries expressed that outdoor storage of tractor trailers is more in keeping with a transport terminal which is not a desirable use for this particular area. She added that their concerns stem from an area shown on the plan where outside storage would occur and how it could be enforced. She commented that it cannot necessarily be contained as shown in the plan. She noted that staff have indicated that they have no issue with the proposed variance however she pointed out that staff have only evaluated the request based on what the impact is from the street. It was her submission that staff have not considered the adjacent prestige industrial land uses and the impact on the adjacent lands but only looked at it as it relates to the street.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff advised that the subject property is designated industrial within the Official Plan and Secondary Plan which does allow outside storage areas subject to detailed design provisions. Staff explained that the outside storage location is proposed for the back of the building and will not be visible from the streetscape. Staff explained that the design of the property does mitigate as best as possible the impact of the outside storage noting that there is a limited area for the outside storage located in an area abutting a loading and parking area for the adjacent building.

Following discussion, Mr. Kumar 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: R. Power

Seconded by: D. Colp

THAT application A-2021-0007 permit outside storage (truck trailers) and to permit a front yard setback of 0.904m (2.97 ft.) to a transformer be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File SPA-2019-0065, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services prior to the establishment of the use;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.3 A-2021-0008

CANADIAN PROPERTY HOLDING (ONTARIO) INC.

55 MOUNTAINASH ROAD - LOT 11, CONC, 6 EHS - WARD 10

The applicant is requesting the following variance(s):

1. To permit an outdoor garden centre to operate between April 15 and July 15 annually, whereas the by-law does not permit the proposed use;
2. To permit 772 parking spaces resulting in a parking deficiency of 63 spaces for the overall site (associated with the garden centre) whereas the by-law requires a minimum of 835 parking spaces for the overall site.

Ms. Katelyn Crowley, Zelinka Priamo Ltd., authorized agent for the applicant, presented application A-2021-0008 briefly outlining the variances requested associated with a

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supermarket on site that operates an outdoor garden centre. It was her request that the variances be granted in perpetuity for the annual seasonal operation.

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

Ms. Crowley 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-2021-0008 to permit an outdoor garden centre to operate between April 15 and July 15 annually, and to permit 772 parking spaces resulting in a parking deficiency of 63 spaces for the overall site (associated with the garden centre) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be generally limited to that shown on the sketch attached to the Notice of Decision;
2. That the outdoor garden centre use shall only be permitted in conjunction with a permitted supermarket use and shall only be permitted between April 15 and July 15 on a yearly basis;
3. That the applicant shall obtain any required building permits prior to the erection of the temporary garden centre each year, to the satisfaction of the Chief Building Official;
4. That the applicant shall submit a site plan drawing showing the general proposed configuration of the outdoor garden centre to the satisfaction of the Director of Development Services; and
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

8.4 A-2021-0009

2722472 ONTARIO INC.

15 REGAN ROAD – PT. OF BLOCK G, PLAN M-286, PTS. 3, 4, 5, PLAN 43R14703 - WARD 2

The applicant is requesting the following variance(s):

1. To permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive whereas the by-law requires a minimum 20.0m (65.62 ft.) wide landscape strip where storage area faces a street;
2. To permit a reduced rear yard setback of 5.0m (16.40 ft.) to the outside storage of oversized motor vehicles whereas the by-law requires a minimum rear yard setback of 8.0m (26.25 ft.) to any outside storage;
3. To permit an outside storage area to be enclosed by a chain link fence whereas the by-law requires a fence constructed of masonry, metal or wood not less than 2.4m (7.87 ft.) in height;
4. To permit a portion of the outside storage area to be unenclosed by any fence whereas the by-law requires that the outside storage area be enclosed by a fence or wall not less than 2.4m (7.8 ft.) high;
5. To permit storage of motor vehicles for a period of 4 months;
6. To permit the repair of motor vehicles in the open in conjunction with outdoor storage of oversized motor vehicles whereas the by-law does not permit motor vehicle repair and does not permit repair and servicing of vehicles in the open (outside a building).

Ms. Sarah Clark, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2020-0009 advising that the property is occupied by a single storey building with a number of units contained in the building. She explained that at the rear of the site behind the building, there is a storage area where currently motor vehicles are stored. Ms. Clark advised that the space has been historically leased to a Honda Dealership located south of the property and over the coming months the Honda vehicles will be moved to another location while trucks and trailers will be stored in the area.

Ms. Clark advised that having read the staff recommendation report she wanted to confirm that only 4 of the 6 variances are required summarizing those as being limited to a reduction to the required landscape strip along Van Kirk Drive, a reduced rear yard setback from Van Kirk Drive, relief from the fencing requirements as identified in the site specific by-law and permission to undertake motor vehicle repairs and general servicing on the site.

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Committee acknowledged receipt of a letter dated March 4, 2021 from Tracey Coleman, Kingmont Consulting, 18 Regan Road detailing concerns with Application A-2021-0009.

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

Committee made reference to Variance number 3 and staff's suggestion to refuse noting that the applicant is requesting a metal fence.

Staff explained that the requirement of the by-law for outside storage on the property is that it has to meet certain performance standards including that the outside storage be enclosed by a 2.4 metre high wood board, masonry or decorative metal fence. Staff noted that there is currently a short chain link fence in place explaining that given that the nature of the outside storage is changing with trucks and trailers that are larger than finished vehicles staff feels it is an appropriate time to replace the fencing with the required size and wood board screening to provide additional screening.

Ms. Clark made a brief presentation comprised of 12 slides to speak to conditions 1 and 3 as outlined in the staff recommendation report related to fencing enclosures under the site specific by-law. She advised that they are seeking to maintain the existing chain link fence approximately 3 metres in height to enclose the outside storage.

Ms. Clark advised that the subject site is located within an older industrial area noting that 15 Regan Road is unique to the area in that it is the only property with a rear yard along Van Kirk Drive. She stated that most of the sites that have an interface to Van Kirk Drive are front yards. Ms. Clark clarified that the outside storage is permitted subject to certain performance standards explaining that the purpose of the application is not to permit an outside storage use but rather to seek relief from the site specific zoning regulations as well as relief from the fencing requirements. She expressed that they are asking staff to recognize the existing conditions along Van Kirk Drive today.

Referencing the property at 75 Van Kirk Drive Ms. Clark explained that the frontage is treated with a chain link fence which is consistent with other industrial properties in the area. She advised that they are seeking to continue a similar condition at 15 Regan Road which provides a chain link enclosure along Van Kirk Drive.

Ms. Clark provided examples of other sites along Van Kirk Drive with storage areas and chain link fencing. It was her opinion that the continued use of the chain link fence at 15 Regan Road will not produce any adverse or negative visual impact along Van Kirk Drive when the oversized motor vehicles are introduced on site. Other slides of aerial imagery and street view photos were referenced that pointed to other sites in the general area reflective of the character of Van Kirk Drive.

Ms. Clark summarized that in most cases the chain link fences are located along Van Kirk Drive where there are existing trucks and trailers visible from the street. Ms. Clark added

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that the introduction of a wooden, metal or masonry fence could be seen as out of character for the area. It was her submission that the character of Van Kirk Drive will not be negatively impacted or compromised nor will the presence of the existing chain link fence incur adverse impacts visually even when oversized vehicles are parked in the storage area. It was her request that the existing chain link fencing be maintained.

In response to a question raised by Committee pertaining to a letter of opposition from 18 Regan Road Ms. Clark advised that there were no photos available which would look at the subject site.

Committee noted that a number of minor variances had been approved in the past for temporary periods of three to five years and inquired if there is a zoning issue that should be addressed recognizing that the applicant is seeking a permanent use.

In response to questions raised by Committee pertaining to temporary approvals in the past and whether or not there is a zoning issue that should be addressed Zoning Staff offered clarification on the previous zoning permissions that have been approved in the past. Staff explained that a number of variances have been approved that would permit uses not permitted by the zoning by-law including outside storage of new vehicles parked on site that have been there for a number of years and are not associated with a business operating in a building on the same lot. Staff explained that now the request is different in that the outside storage is permitted as-of-right subject to certain conditions. Staff explained that since the outside storage proposed is associated with one of the businesses operating in the multi-unit plaza, no permission is required to permit the use. Staff advised that there are associated site condition requirements including fencing and landscaping which are variances identified as part of the proposal.

Committee posed questions pertaining to motor vehicle repair inquiring what kind of repairs are anticipated and how can it be regulated.

Zoning staff advised that the variance is required because vehicle repair is not a permitted use noting that vehicle servicing is also not permitted in this particular zone. Staff advised that they sought clarification on that advising Committee that what would be permitted would be such things as minor servicing such as checking engines and brakes and nothing that would involve mechanical repairs. Staff explained that nothing would be permitted that would require a license for vehicle repair adding that if vehicle repairs are undertaken outside they would not be in a position to obtain a license. Staff commented that the type of repair sought is servicing and maintenance of a vehicle that you might do on your driveway.

Ms. Clark confirmed that staff's interpretation is correct and commented on the submission from the owners of 18 Regan Road explaining that they would be looking at the front of the building and that the outside storage would not be visible to them.

Committee inquired if there was any material that could be used on the existing chain link fence that could provide screening.

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Staff advised that there are a number of alternatives for fencing which are intended to provide screening capabilities. Staff added that the by-law anticipates landscaping which would also provide screening characteristics between the storage area and the lot line explaining that staff may be looking for something more desirable to look at and to provide additional screening because of the variance to reduce the 20 metre landscaping.

Committee posed a question in terms of metal fencing and what would differentiate it from the current chain link fence.

Staff responded that it was noted during the presentation that the existing chain link fence is 3 metres in height which staff believe to be an incorrect measurement commenting that it was more like a standard 1.8 metre high fence. Staff explained that there is a requirement for a 2.4 metre high fence explaining that the by-law speaks to a metal fence as a decorative wrought iron fence referencing a property at 80 van Kirk Drive that has a tall decorative wrought iron fence that is visually appealing and provides a good look to the property while providing security. Staff made reference to the plastic mesh that can be weaved through chain link fences noting that the material decays over time and does not provide a long term solution.

Committee noted that due to the significant reduction in landscaping to accommodate the outside storage, a decorative fence should be installed noting that some flexibility could be provided in terms of landscaping while ensuring that screening is provided that is pertinent to the site.

Committee also expressed concern with the repair of motor vehicle as being “minor in nature” and wanted to ensure that the scope of repairs did not include full maintenance and repairs on site. Committee made reference to a previous application at Queen Street and Rutherford Road that had similar circumstances in terms of maintenance and a condition that was formulated pertaining to minimal things such as minor repairs related to vehicle safety only. Committee requested that similar wording be considered for the subject application addressing maintenance of vehicles which would minimize the type of activities that can occur in the open on site.

Ms. Clark acknowledged her acceptance of the condition as previously applied to an application referenced by Committee confirming that she was familiar with the conditions as she was the authorized agent on the previous application.

Discussion took place on the proposed wording for amended conditions.

Following discussion, Ms. Clark 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: D. Colp

Seconded by: R. Power

THAT application A-2021-0009 to permit a 4.5m (14.76 ft.) wide landscape strip along Van Kirk Drive; to permit a reduced rear yard setback of 5.0m (16.40 ft.) to the outside storage of oversized motor vehicles; to permit an outside storage area to be enclosed by a chain link fence; to permit a portion of the outside storage area to be unenclosed by any fence; to permit storage of motor vehicles for a period of 4 months and to permit the repair of motor vehicles in the open in conjunction with outdoor storage of oversized motor vehicles be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be generally limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant be required to construct a fence generally in accordance with the Zoning By-law and obtain approval of a limited site plan application demonstrating the type and extent of the required fencing and any compensating landscaping to the satisfaction of the Director of Development Services;
3. That the repair of motor vehicles in the open shall be limited to minor maintenance to ensure vehicle safety only and shall only be permitted in conjunction with permitted outdoor storage of oversized motor vehicles. Accessory uses, including vehicle repair, cleaning, servicing, (with the exception of minor maintenance required to ensure vehicle safety) etc. shall not be permitted;
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

8.5 A-2021-0010

SUHAIR ATA AND ZIAD KAILANI

1 FACET DRIVE - LOT 194, PLAN 43M-2022 - WARD 6

The applicants are requesting the following variance(s):

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1. To permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.12m (6.96 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Mr. Abhishek Rajior, MEM Engineering, authorized agent for the applicant, presented application A-2021-0010 briefly outlining the variances requested.

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

Mr. Raigor 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: A. C. Marques

THAT application A-2021-0010 to permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line and to permit an exterior side yard setback of 2.12m (6.96 ft.) to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the 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 below grade entrance shall not be used to access an unregistered second unit;
4. That the applicant shall extend the existing fence to screen the below grade entrance in a manner satisfactory to the Director of Development Services; and
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-2021-0012

RAMAKANTH MANNAVA AND LAVANYA THATHA

73 BLUE WHALE BOULEVARD - LOT 7, PLAN M-1309 - WARD 9

The applicants are requesting the following variance(s):

1. To permit a below grade exterior stairway in the required interior side yard having a setback of 0.31m (1.02 ft.) to the side lot line where a continuous side yard width of 0.7m (2.30 ft.) is provided on the opposite side of the dwelling whereas the by-law only permits a below grade exterior stairway in the required interior side yard where a minimum 0.3m (0.97 ft.) setback to the side lot line is maintained and where a minimum 1.2m (3.94 ft.) continuous side yard width is provided on the opposite side of the dwelling.

Mr. Abhishek Raijor, MEM Engineering, authorized agent for the applicant, presented application A-2021-0012 briefly outlining the variances requested advising that the owner has already been issued a permit for a second unit in the basement noting that the entrance was proposed from the side door. He explained that due to site conditions the grading evaluation was not done properly and during inspection it was identified that the side door is constructed below grade. Mr. Raijor advised that there is a need to create one step down.

The Chair noted that site inspection revealed that the site is poorly managed and was inclined to agree with staff's recommendation.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff explained that the opposite side yard of the subject property does not have sufficient room to access the rear yard. Staff advised that given the reduced setback where the below grade entrance is located and the lack of sufficient room in the opposite side yard staff are not able to support the proposal.

Committee inquired about the gap or dimension below the door. Mr. Raijor responded that the step down is 7 and ½ inches noting that a landing is proposed 3 ft. x 3 ft. 4 in. which is less than 12 sq. ft. leaving a space of 1 ft. to the property line. He added that the basement is finished and if the door has to be constructed from the rear it will have financial implications for the owners.

Staff proposed wording for conditions for Committee's consideration in the event the Committee saw merit in approving the application. Zoning staff spoke to the as-built condition of the door in the side wall. Staff noted that when the building permit was obtained for the door in the side wall the door was indicated to be above grade however when site

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conditions were verified through site inspection for the permit that was issued it was verified to be below grade. Staff confirmed that the landing is one step deep all around that would not require additional steps. Staff proposed an additional condition that would require that unimpeded access shall be provided to the rear yard, including no more than a one-step grade difference. Staff also confirmed that the path of travel meets the minimum 1.2 metre requirement for a path of travel to the door commenting that there is no concern if this door is used as the principal entrance to a second unit if approved for below grade with one step.

In response to questions raised by Committee Mr. Raijor advised that there is a section of the Building Code that permits a below grade entrance if it is less than 24 inches provided the landing does have a drain connected to a weeping tile that is filled with stone that extends to the full depth of the excavated area. He advised that they will be meeting all the requirements of the Building Code. He explained that after constructing a 3 ft. landing they are left with approximately 1 ft. of space to the neighbouring property line and if the neighbor constructs a similar landing there will be the same resulting distance.

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

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

Moved by: A. C. Marques

Seconded by: R. Chatha

THAT application A-2021-00112 to permit a below grade exterior stairway in the required interior side yard having a setback of 0.31m (1.02 ft.) to the side lot line where a continuous side yard width of 0.7m (2.30 ft.) is provided on the opposite side of the dwelling be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to the extent shown on the sketch attached to the notice of decision;
2. That the entrance not be used to access an unregistered second unit;
3. That the owner update or obtain any building permits that may be required to the satisfaction of the Chief Building Official;
4. That unimpeded access shall be provided to the rear yard, including no more than a one step grade difference;
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:

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

CARRIED

NOTE: Member D. Colp was not able to participate in the vote due to technical issues.

8.7 A-2021-0013

CONSEIL SCOLAIRE VIAMONDE

7585 FINANCIAL DRIVE - BLOCK 1, PLAN 43M-0597 - WARD 6

The applicant is requesting the following variance(s):

1. To provide 139 parking spaces on site whereas the by-law requires a minimum of 147 parking spaces.

Mr. Alex Horber, Bortolloto Architecture & Interior Design, authorized agent for the applicant, presented application A-2021-0013 briefly outlining the variance requested associated with a parking deficiency resulting from a proposed addition to the school. Mr. Horber explained that the addition will provide nine classrooms and ancillary spaces noting that there will be no impact on a fire lane at the rear.

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

Mr. Horber 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. Doerfler

THAT application A-2021-0013 to provide 139 parking spaces on site be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File **SPA-2020-0178**, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;

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3. That the requirement for parking for any combination of uses permitted in the “M4-2757” zone, and any uses permitted by way of Minor Variance shall be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 147 parking spaces;
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-2021-0014 (Item deferred as discussed during procedural matters)

2509555 ONTARIO INC.

15 HALE ROAD - PART OF LOT 1, PLAN 43R-1794 - WARD 3

The applicant is proposing a vehicle impound facility (a permitted use) and is requesting the following variance(s):

1. To permit a lot area of 1550 square metres whereas the by-law requires a minimum lot area of 1800 square metres for a vehicle impound use;
2. To permit 8 parking spaces whereas the by-law requires a minimum of 17 parking spaces.

8.9 A-2021-0015 (Item discussed concurrently with Agenda item 5.1)

FORESTSIDE ESTATES INC.

4298 QUEEN STREET EAST - PT. LOT 5, CONC. 9 ND - WARD 8

The applicant is requesting the following variances associated with the proposed “severed” lot under consent application B-2021-0003:

1. To permit a lot width of 119 metres whereas the by-law requires a minimum lot width of 194 metres;
2. To permit a lot area of 0.63 hectares whereas the by-law requires a minimum lot area of 1.47 hectares;

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3. To permit a lot depth of 47 metres whereas the by-law requires a minimum lot depth of 151 metres.

8.10 A-2021-0016 (Item deferred as discussed during procedural matters)

2660601 ONTARIO INC.

43 PROGRESS COURT - PART BLOCK 1, PLAN M-863, PART 1, PLAN 43R-16312 - WARD 8

The applicant is requesting the following variance(s):

1. To permit an interior side yard setback of 0.3m (0.98 ft.) to an existing addition whereas the by-law requires a minimum side yard setback of 8.0m (26.24 ft.);
2. To permit a rear yard setback of 0.5m (1.64 ft.) to an existing addition whereas the by-law requires a minimum rear yard setback of 8.0m (26.24 ft.);
3. To provide 30 parking spaces on site whereas the by-law requires a minimum of 33 parking spaces.

8.11 A-2021-0017

VINEET CHOUDHARY AND ALKA JAWLA

50 PORTRUSH TRAIL - PT. OF LOT 310, PLAN 43M-1720, PtT. 23, PLAN 43R-31812 - WARD 5

The applicant is requesting the following variance(s):

1. To permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line;
2. To permit an existing accessory structure (shed) having a side yard setback of 0.3m (0.98 ft.) and a rear yard setback of 0.4m (1.31 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure from all nearest property lines.

Mr. Ketul Shaw, authorized agent for the applicant, presented application A-2021-0017 briefly outlining the variances requested associated with a corner lot. He advised that a letter of support from the neighbours had been submitted with the application. It was his request that the proposed 60 day timeline to obtain a building permit be extended up to six months commenting that a building permit cannot be obtained within 60 days.

Committee acknowledged receipt of a petition of support dated December 24, 2020 from surrounding area residents of 46, 48, 52, 53 and 54 Portrush Trail.

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Committee acknowledged receipt of e-mail correspondence dated March 4, 2021 from Sunilbhai Patel, 55 Portrush Trail, indicating partial support for Application A-2021-0017.

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

The Chair explained for the benefit of Mr. Shaw that the proposed condition includes wording that provides for an extension of the timeline at the discretion of the Chief Building Official.

Mr. Shaw acknowledged his understanding and indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0017 to permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line and to permit an existing accessory structure (shed) having a side yard setback of 0.3m (0.98 ft.) and a rear yard setback of 0.4m (1.31 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant 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 below grade entrance shall not be used to access an unregistered second unit;
4. That the fence remain constructed in its current location and height and shall not be removed or lowered;
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

8.12 A-2021-0018

MOHAMMED ALI

139 ECCLESTONE DRIVE - LOT 86, PLAN M-792 - WARD 5

The applicant is requesting the following variance(s):

1. To permit an above grade door located on a side wall having an interior side yard setback of 0.93m (3.05 ft.), and having an associated step with a setback of 0.66m (2.17 ft.), whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to a above grade door in the interior side yard and a setback of 0.9m (2.95 ft.) to any associated steps or landings.

Mr. Valiuddin Mohammed, Mechways Inc., authorized agent for the applicant, presented application A-2021-0018 briefly outlining the variances requested advising that the as-built door will be used for the sole purpose of access for personal use and is not for rental of the property.

Committee acknowledged receipt of e-mail correspondence dated March 4, 2021 from Sylvia Augello, 135 Ecclestone Drive indicating opposition to Application A-2021-0018.

Committee acknowledged receipt of e-mail correspondence dated March 4, 2021 from Daniele Febbo, resident, detailing concerns with Application A-2021-0018

A letter of support dated February 26, 2021 from the property owners at 137 Ecclestone Drive indicating support for Application A-2021-0018

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Zoning staff noted that the door would not qualify as a means of access to a second unit and requested an amendment to proposed condition number 2 to include that the above grade door shall not be used to access a “*registered*” or an unregistered second unit.

Mr. Mohammed 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 A-2021-0018 to permit an above grade door located on a side wall having an interior side yard setback of 0.93m (3.05 ft.), and having an associated step with a setback of 0.66m (2.17 ft.) 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 above grade door shall not be used to access a registered or an unregistered second unit;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.13 A-2021-0019

LLOYD DILLON

5 WETMEADOW DRIVE - LOT 108, PLAN M-1511 - WARD 6

The applicant is requesting the following variance(s):

1. To permit a below grade entrance in a required side yard whereas the by-law does not permit a below grade entrance to be located in a required side yard;
2. To permit an interior side yard setback of 0.0m to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) and the combined total of the interior side yards of not less than 1.8m (5.91 ft.).

Ms. Lloyds Dillon, applicant and owner of the property, presented application A-2021-0019 briefly outlining the variances requested to accommodate a side door to a second dwelling unit. Ms. Dillon expressed that there is a shortage of housing across the Greater Toronto Area and Peel Region. Ms. Dillon commented that she respects the opinion of staff that there is not enough drainage leading to the side entrance commenting that she seeks consideration from the Committee to take into account that the request is not unusual noting that there are other properties within the close area that have been granted consideration.

Ms. Dillon described the existing condition where there are 3 steps down and there is existing drainage through weeping tile. She commented that as a property owner it has been her observation that severe weather and excessive snow does not impair drainage to the dwelling.

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Committee observed during site inspection that there are 3 steps down with a landing and 3 steps up noting that the path was not clear and found it necessary to access the neighbouring driveway under icy conditions to view the entrance. Committee observed that the steps appeared to be smaller than regular sized steps.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that the interior side yard access is impeded by the below grade entrance noting that the opposite side yard is only 0.6 metres wide and not considered to provide sufficient access to the rear yard. Staff added that the below grade entrance at 0.0 metres is right up against the property line explaining that in subdivisions there are drainage considerations and designs put in place which, while it may not appear to be impacting drainage, there may be impacts on other parts of the property depending on how the grading works.

Committee posed a question inquiring what the distance was between the lot line and the steps. Zoning Staff confirmed that it appears, according to the drawing that there is a 4 foot setback between the wall of the dwelling and the property line, adding that there is the minimum 1.2 metre path of travel leading up to the stairs. As noted by Planning staff the foundation wall for the below grade entrance has a 0.0 metre setback to the property line. Staff were not able to determine if the configuration of the landing and the stairs have been reviewed for building code compliance confirming that there is no building permit on record and there is no additional information beyond what the Committee sees in this application.

Committee noted that the steps are smaller and inquired if there is a by-law requirement in terms of the dimensions of the steps. Zoning staff responded that the minimum width of the stairwell and the minimum depth and height of the stairs leading to the stairwell is dictated through the Ontario Building Code.

Staff added that since that information has not been provided it would have to be verified if Committee approved the application with stairs leading down to the landing and back up. Staff explained that if any modifications are required to what is existing, that would be required through the building permit process and the modifications would be required through inspections before being passed as code compliant.

Committee inquired if approved, would any modifications be required to the steps. Staff explained that modifications to the steps may not be required noting that a code compliant landing is 3 ft. x 3 ft. Staff added that if the applicant needed to increase the width of the stairs or the size of the landing a permit could not be issued if it resulted in them encroaching onto the neighbouring property. Staff advised that construction is permitted only within the lot lines of the property. In response to a question raised by Committee staff advised that if the applicant is not successful the entrance would have to be closed and returned to original site conditions.

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Committee sought clarification noting that the drawing in front of the Committee shows a 4 foot wide set of stairs while on site it does not look like 4 feet. Ms. Dillon responded that it is indeed 4 feet and the width of the step is 24 inches with an 8 inch step up.

Committee inquired from the applicant that in order to achieve what is shown on the drawing would tshe have to demolish to some degree what is existing on site. Ms. Dillon advised that the drawing would have to be modified noting that that the existing construction is 24 inches in width with each step being 8 inches in height.

The Chair explained that the Committee is reliant on the information on the sketch submitted noting that the sketch provided did not indicate that the dimensions were not accurate.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2021-0019 to permit a below grade entrance in a required side yard and to permit an interior side yard setback of 0.0m to a below grade entrance be refused for the following reasons:

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

1. The variance is not desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law is not maintained and the variance is not minor.

CARRIED

8.14 A-2021-0020

DEONARINE SHEORATTAN AND SHANTA NALINI MISIR

21 SEASCAPE CRESCENT - LOT 56, PLAN 43M-1791 - WARD 10

The applicants are proposing a one storey addition and are requesting the following variance(s):

1. To permit a rear yard setback of 3.02m (9.91 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

Ms. Cristin Miller, CML Design, authorized agent for the applicant, presented application A-2021-0020 briefly outlining the variances requested to facilitate the construction of a one storey rear addition.

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

Mr. Kandarp Shukla, 53 Seascaple Crescent, addressed Committee expressing concern with the proposed 3.02 metre rear yard setback and the encroachment. He commented that it is more than a 50% encroachment. He posed a question inquiring if there is a height restriction commenting that it is one storey now but could possibly be two storeys later on.

Ms. Miller responded that the addition is limited to one storey making reference to proposed condition number 1 which she expressed will limit the addition to one storey. She explained that the variance pertains to a portion of the rear yard only adding that the other portion will maintain beyond what is required in the by-law. She noted that grading and drainage for the site will not be altered.

Zoning staff noted that condition 1 does suggest that the variance be limited to what is shown on the drawing which will be attached to the Notice of Decision. Staff added that the drawing itself does not speak specifically to building height advising that staff have been provided with building height and elevations for the structure itself. Staff suggested that a condition could be added to speak to building height in that it could be restricted to 4.0 metres measured to the peak of the proposed roof.

Ms. Miller requested that perhaps 4.5 or 5 metres be considered to allow for tolerance. Staff expressed reluctance to suggest 5.0 metres and suggested 4.2 metres would be sufficient to allow for tolerance.

Ms. Miller 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-2021-0020 to permit a rear yard setback of 3.02m (9.91 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extend of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. The proposed addition shall not exceed a height of 4.2m (13.78 ft.) measured to the peak of the proposed roof;
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

COMMITTEE RECESSED AT 11:38 AM AND RECONVENED AT 11:52 A.M

8.15 A-2021-0021

JASWINDER SINGH AND AMARPREET KAUR

27 FALLSTAR CRESCENT - LOT 81, PLAN 43M-1492 - WARD 6

The applicant is requesting the following variance(s):

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.10m (0.32 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires an interior side yard setback of 0.6m (1.97 ft.), provided the combined total of the interior side yards on an interior lot is not less than 1.8m (5.91 ft.).

Mr. Jaswinder Singh, applicant and owner of the property, presented application A-2021-0021 briefly outlining the variances requested. He informed Committee that the exterior stairway was in place when the property was purchased adding that his intent is to legalize a second unit.

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

Mr. Singh commented that it will take more than 60 days to secure a building permit. The Chair explained for the benefit of Mr. Singh that the proposed condition includes wording that provides for an extension of the timeline at the discretion of the Chief Building Official.

Mr. Singh acknowledged his understanding and 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-2021-0021 to permit an exterior stairway leading to a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.10m (0.32 ft.) to the exterior stairway leading to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the 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 below grade entrance shall not be used to access an unregistered second unit;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.16 A-2021-0023

KULDIP S. DHILLON AND SAPNA BASRAON

28 ZACHARY DRIVE - LOT 102, PLAN M-1127 - WARD 2

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.06m (0.19 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) with the distance between detached buildings to be not less than 2.1m (6.89 ft.).

Neither the applicant nor the authorized agent was available to participate when the application was called. In accordance with Committee procedure the application was placed at the end of the agenda to be recalled.

APPLICATIONS A-2021-0024 AND A-2021-2025 WERE RELATED AND HEARD CONCURRENTLY

8.17 A-2021-0024

SCOTTISH HEATHER DEVELOPMENT INC.

5 FORDHAM ROAD - LOT 54, PLAN 43M-2097 - WARD 6

The applicant is requesting the following variance associated with a proposed semi-detached dwelling:

1. To permit a dwelling unit width of 5.56m (18.24 ft.) whereas the by-law requires a minimum dwelling unit width of 6.0m (19.68 ft.).

8.18 A-2021-0025

SCOTTISH HEATHER DEVELOPMENT INC.

7 FORDHAM ROAD - LOT 54, PLAN 43M-2097 - WARD 6

The applicant is requesting the following variance associated with a proposed semi-detached dwelling:

1. To permit a dwelling unit width of 5.56m (18.24 ft.) whereas the by-law requires a minimum dwelling unit width of 6.0m (19.68 ft.).

Mr. Stephen Safranyos, HomeCAD/DRAFT Design, authorized agent for the applicant, presented applications A-2021-0024 and a-2021-0025 briefly outlining the variances requested acknowledging an oversight in that he didn't realize the width requirement for a semi-detached dwelling.

Committee was informed that City of Brampton planning staff was in support of these applications with conditions.

Mr. Safranyos indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0024 to permit a dwelling unit width of 5.56m (18.24 ft.) be approved for the following reasons and subject to the following conditions:

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

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2. That a clause be included within the Agreement of Purchase and Sale for the property advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances;
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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0025 to permit a dwelling unit width of 5.56m (18.24 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That a clause be included within the Agreement of Purchase and Sale for the property advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances;
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

8.19 A-2021-0027

NINA ASENSIO AND JOE ASENSIO

125 ELIZABETH STREET SOUTH - LOT 36, PLAN BR-27 - WARD 3

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The applicants are requesting the following variance(s):

1. To permit an accessory structure (covered patio) having a gross floor area of 29.18 sq. m (314.09 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
2. To permit an accessory structure (covered patio) having a maximum height of 3.60m (11.81 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.).

Mr. Rick Jablonski, Midtown Technical Services, authorized agent for the applicant, presented application A-2021-0027 briefly outlining the variances requested. He commented that the owner has an amazing backyard and the free standing porch (covered patio) will add to the owners' enjoyment. Mr. Jablonski explained that the variances requested were previously approved however the owner did not proceed with the project.

Committee acknowledged receipt of e-mail correspondence dated March 4, 2021 from Marg Donaldson, resident, in opposition to Application A-2021-0027.

Committee acknowledged receipt of e-mail correspondence dated March 3, 2021 from Pat Gunby, 116 Mill Street South indicating opposition to Application A-2021-0027.

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

Ms. Nina Arsensio, owner of the property, addressed Committee commenting that she has lived at the property since 2005 and loves her neighbours and the character of the neighbourhood. She added that she is looking forward to a covered porch/patio and excited to sit outside with her laptop.

Following discussion, Mr. Jablonski 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. Doerfler

THAT application A-2021-0027 to permit an accessory structure (covered patio) having a gross floor area of 29.18 sq. m (314.09 sq. ft.) and to permit an accessory structure (covered patio) having a maximum height of 3.60m (11.81 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 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

8.20 A-2021-0028

BALDEV NAYYAR AND PHOOL NAYYAR

28 BLACKWELL PLACE - LOT 76, PLAN 43M-785 - WARD 3

The applicants are requesting the following variance(s):

1. To permit a rear yard setback of 4.19m (13.75 ft.) to a proposed addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.);
2. To permit a deck to encroach a maximum of 4.31m (14.14 ft.) into the required rear yard resulting in a rear yard setback of 3.19m (10.14 ft.) whereas the by-law permits a maximum deck encroachment of 3.0m (9.84 ft.) into the required rear yard, resulting in a rear yard setback of 4.5m (14.76 ft.).

Mr. Rick Jablonski, Midtown Technical Services, authorized agent for the applicant, presented application A-2021-0028 briefly outlining the variances requested. He explained that the addition consists of a sunroom on the main floor off the kitchen with a below grade stair leading to an exercise room.

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

Mr. Jablonski expressed that it would be difficult to secure a building permit within 60 days. Zoning staff responded that 60 days is associated with work that has already been started or completed noting that there is no restriction in this instance.

Mr. Jablonski acknowledged his understanding and 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-2021-0028 to permit a rear yard setback of 4.19m (13.75 ft.) to a proposed addition and to permit a deck to encroach a maximum of 4.31m (14.14 ft.) into the

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required rear yard resulting in a rear yard setback of 3.19m (10.14 ft.) be approved for the following reasons and subject to the following conditions:

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

8.21 A-2021-0031

HASSAN MURAD AND SHIFA MASOOD

33 DONOMORE DRIVE - LOT 271, PLAN 43M-1812 – WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit a combined total width of 0.97m (3.18 ft.) for both interior side yards on an interior lot whereas the by-law requires a minimum of 1.8m (5.91 ft.) for the combined total width of the interior side yards on an interior lot.

Mr. Farooq Siddiqi, Canadian Infrastructure Design Inc., authorized agent for the applicant, presented application A-2021-0031 briefly outlining the variances requested. Mr. Siddiqi acknowledged receipt of the staff recommendation report where it states “*the intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum interior side yard setback is to ensure sufficient space is maintained for access to the rear yard*”. It was his contention that the access to the rear yard is not obstructed or impeded and that a person could walk to the back yard with ease.

Mr. Siddiqi made reference to a section of the by-law 10.16 subsection (f) which provides for a below grade side door meeting the minimum 1.2 metre side yard requirement. He stated that steps shall be provided at both the front and rear of the landing providing pedestrian access from the front yard to the rear yard. Mr. Siddiqu expressed that with this application

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he has shown 2 steps which could be 1 and ½ steps noting that the grading could be altered in accordance with the City of Brampton criteria.

Mr. Siddiqi spoke of staff's suggestion that the desirable entrance would be from the back yard noting that there would be significant cost incurred by the owner which would involve removing the deck, relocating a patio door, fireplace, chimney and windows for construction of a basement stair to the basement floor level. He made reference to affordable housing policies and requested approval of the application. He added that he would be glad to work with staff noting that in this scenario there are only 2 steps down to the below grade entrance.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that the property has a dwelling which is oriented such that there is only one side yard with a 1.2 metre setback being the side yard in which the below grade entrance is located. Staff advised that the below grade entrance would hinder access to the rear yard given that the adjacent side yard only has a setback of 0.62 metres.

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-2021-0031 to permit a below grade entrance in the required interior side yard and to permit a combined total width of 0.97m (3.18 ft.) for both interior side yards on an interior lot be refused for the following reasons:

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

1. The variance is not desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law is not maintained and the variance is not minor.

CARRIED

8.22 A-2021-0032

PD COMMERCIAL MAYFIELD ROAD INC.

1455, 1465 AND 1475 MAYFIELD ROAD - BLOCK 195, PLAN 43M-1627 – WARD 6

The applicant is requesting the following variance(s):

1. To permit an office, including the office of a physician, dentist or drugless practitioner whereas the by-law does not permit office uses.

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Mr. Mark Condello, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2021-0032 briefly outlining the variance requested. Mr. Condello explained that when Paradise Developments was going through the site plan it was always identified that these uses would be permitted for the commercial plaza. He stated that there was a miscommunication between staff and the applicant in that the uses were permitted as-of-right.

Mr. Mitch Taleski, Paradise Developments, addressed Committee advising that he was in attendance in the event there were any questions during the discussion. Mr. Taleski informed Committee that they have secured 2 tenants, a physiotherapist and a dentist with whom they have signed leases, expressing that these are excellent uses for the community.

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

Mr. Condello 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: A. C. Marques

THAT application A-2021-0032 to permit an office, including the office of a physician, dentist or drugless practitioner be approved for the following reasons and subject to the following conditions:

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

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

CARRIED

9. **DEFERRED MINOR VARIANCE APPLICATIONS**

9.1 **A16-186**

2378682 ONTARIO INC. - 12 HALE ROAD - PT. LOT 1, CONC. 2 EHS - WARD 3

The applicant is requesting the following variance(s):

1. To permit motor vehicles sales in conjunction with a motor vehicle repair shop whereas the by-law does not permit motor vehicles sales;

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2. To permit a motor vehicle washing establishment (car detailing) in conjunction with a motor vehicle repair shop whereas the by-law does not permit a motor vehicle washing establishment;
3. To permit 0 stacking spaces whereas the by-law requires a minimum of 10 stacking spaces;
4. To permit 0.0 metres landscaped open space strip whereas the by-law requires a minimum 3.0m (9.84 ft.) wide landscaped open space strip along any lot line abutting a street;
5. To permit a drive aisle width of 6.21m (20.37 ft.) whereas the by-law requires a minimum drive aisle width of 6.6m (21.65 ft.) leading to parking spaces;
6. To permit outside storage of motor vehicles in the front yard whereas the by-law permits outside storage only within a rear yard or interior side yard, screened from view by a solid fence from a street.

Mr. Nickolas Dell, Harper Dell and Associates, authorized agent for the applicant, presented application A16-186 briefly outlining the variances requested. He advised that the neighbourhood is dominated by motor vehicle sales, repair and detailing uses. He spoke of outside storage being a grey area when it comes to motor vehicle uses where it is difficult to determine what activity a vehicle will have in a parking space and when it can be determined to become outside storage or temporary parking. He referred to the definition in the by-law for outside storage as motor vehicles that are not actively engaged commenting that when you have a sales use there is a degree in which cars will be on display. He referred to the display spaces which he commented is in an area where the landscape buffer has been mitigated.

Mr. Dell expressed that staff are of the opinion that there is not enough adequate screening to provide outdoor display or storage. He commented that perhaps there is a condition that could be considered and accepted by the Committee for the amount of time cars can be displayed.

Mr. Dell made reference to a section of the Official Plan which speaks specifically to outside storage. He commented that the section of the Official Plan talks about a varying requirement for screening for outside storage suggesting that with this site there is a varying amount of screening and it is not a complete removal of screening.

Mr. Dell explained that Sunrise Auto has been operating at the site for thirty years with a license for selling cars and are looking for the benefit of display and increase the amount of parking which is consistent with the character of the neighbourhood. He referred to other properties in the area, 21 and 26 Hale Road that received approval from the Committee for

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a reduction in the landscape strip. He expressed that the area is dominated by this use and expressed that the impact to the street will be minimal.

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions. Staff advised that they spoke with the applicant noting that the main concerns are that there are 2 two conflicting variances; one request to remove all the required landscape strip and then to move outside storage from the rear yard where it is permitted, to the front yard. Staff advised that where there is a proposal to remove any type of screening and adding something that needs to be screened, rectifying the two variances together is very difficult.

Staff noted that there is a small portion of the front yard where landscaping has been provided however between the cars and the property line there would be none provided. Staff pointed out that there is a municipal boulevard that does have grass pointing out that it is not landscaped in any way to provide visual screening to the storage. Staff added that the proposal would result in removal of the landscaping strip that was installed in 2018, including some very young trees that would be required to be removed as part of this proposal. Staff expressed that they would like to see the existing condition be maintained.

Committee posed a question regarding the municipal boulevard in terms of ownership. Staff responded that anything between the property line and the street belongs to the City noting that there is currently a small landscaped area on the applicant's property pointing out that the majority of the grass is on City property.

Mr. Dell responded that he understands staff's concerns advising that his client's intent is to obtain more parking spaces however in an effort to move forward his client would be amenable to removing the ability to display and remove those parking spaces for display. Mr. Dell explained that in today's digital age and especially in a COVID environment the sales operation does not require display. He added that the main intent is to achieve more parking. He referred to the site plan noting that the Official Plan allows for a varying amount of screening when it relates to parking noting that because there is a sales use in place he wanted staff to have an understanding that display is something that may take place.

Staff expressed that if the intent to use the space for additional parking staff would be more supportive of a reduction in landscaping if the spaces were not proposed for outdoor storage.

Discussion took place on the proposed conditions and modifications to those conditions which would allow the application to move forward rather than a deferral to submit a revised sketch.

Following discussion, Mr. Dell indicated that the proposed conditions, as amended, 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. Doerfler

Seconded by: D. Colp

THAT application A16-186 to permit motor vehicles sales in conjunction with a motor vehicle repair shop; to permit a motor vehicle washing establishment (car detailing) in conjunction with a motor vehicle repair shop; to permit 0 stacking spaces; to permit 0.0 metres landscaped open space strip; to permit a drive aisle width of 6.21m (20.37 ft.) and to permit outside storage of motor vehicles in the front yard be approved, in part, for the following reasons and subject to the following conditions:

1. That Variance 6 be **refused** and that no outdoor storage of display vehicles shall be permitted in the front yard or within any remaining landscaped areas;
2. That Variances 1, 2, 3, 4 and 5 shall be limited generally to that shown on the sketch attached to the Notice of Decision except that the "Display" spaces shown on the plan shall only be used for customer or employee parking and shall not be used to display or store vehicles offered for sale;
3. That the motor vehicles sales use and motor vehicles washing establishment (car detailing) use shall only be permitted in conjunction with a permitted motor vehicle repair shop;
4. That the motor vehicle washing establishment shall be limited to a car detailing operation;
5. That the extent of Variance 3 shall only apply to an automatic car washing facility and shall apply only to a car detailing operation;
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

9.2 A-2020-0051 (Item deferred, as discussed during procedural matters)

BURSCO LIMITED

6 TRACEY BOULEVARD - PT. OF LOT 5, CONC. 7 ND - WARD 8

The applicant is requesting the following variance(s):

1. To permit a proposed 4 storey self-storage facility (2 storey addition to the existing building) whereas the by-law permits a maximum 2 storey building;
2. To permit 51 parking spaces whereas the by-law requires a minimum of 82 parking spaces.

A-2021-0023 (Item 8.16)

The application was re-called with no one in attendance to represent the application.

Following discussion, Committee reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2021-0023 be deferred to the hearing scheduled for March 30, 2021.

CARRIED

9 ADJOURNMENT:

Moved by: R. Power

Seconded by: D. Colp

That the Committee of Adjustment hearing be adjourned at 1:01 p.m. to meet again on Tuesday, March 30, 2021.