



APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **MARK CABRAL VIVEIROS AND VANESSA MELO VIVEIROS** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Lot 158, Plan 679, municipally known as **2 DUNCAN BULL DRIVE**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit a fence in the front yard having a maximum height of 2.0m (6.6 ft.) whereas the by-law permits a fence in the front yard to a maximum height of 1.0m (3.3 ft.).

OTHER PLANNING APPLICATIONS:

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: _____ NO _____
Application for Consent: _____ NO _____

File Number: _____
File Number: _____

The Committee of Adjustment has appointed **TUESDAY, May 11, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

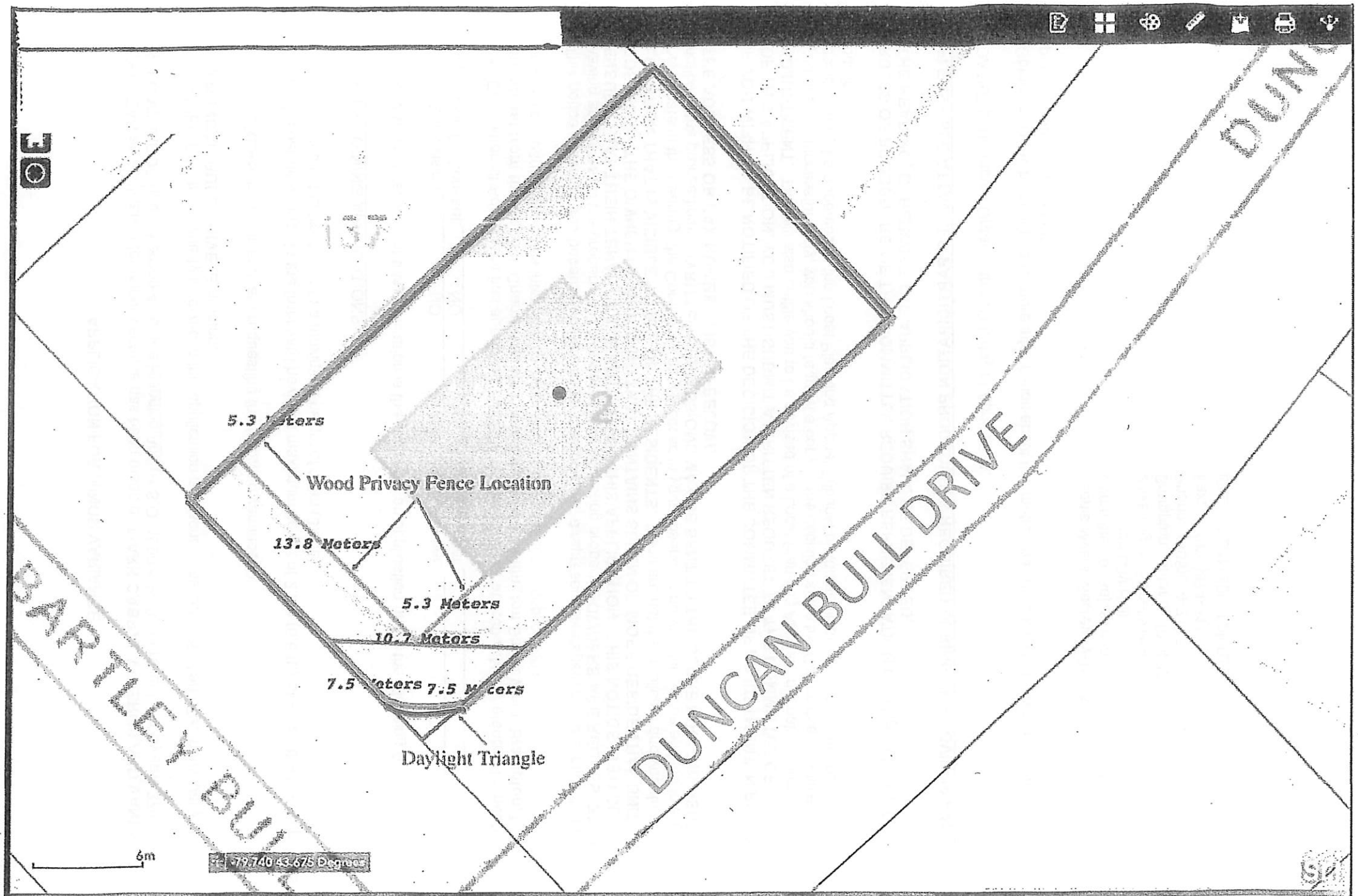
RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

DATED at Brampton Ontario, this 29th day of April, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer
Committee of Adjustment, City Clerk's Office,
Brampton City Hall
2 Wellington Street West,
Brampton, Ontario L6Y 4R2
Phone: (905)874-2117
Fax: (905)874-2119
jeanie.myers@brampton.ca



Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency

Electronic Hearing Procedures
How to get involved in the Virtual Hearing

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

How to Participate in the Hearing:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, May 6, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm, Friday, May 7, 2021**.
 - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, May 7, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at:
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or
<http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca. If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

NOTE Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.brampton.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.

D. J. K. Land Use Planning

1 Boreham Circle
Brampton, Ontario
L6Z 1T2
647 882-2149
djklplanning@gmail.com

Legislative Coordinator
Secretary-Treasurer
Committee of Adjustment
City of Brampton, City Clerk's Office

April 7, 2021

Attn: Jeanie Myers, Legislative Coordinator, Secretary-Treasurer, Committee of Adjustment

Re: Minor Variance Application
2 Duncan Bull Drive,
LT 158 Registered Plan 679, City of Brampton

A-2021-0084

Introduction

On behalf of the owners, Mark Cabral Viveiros & Vanessa Melo Viveiros, D.J.K. Land Use Planning is pleased to provide the following information in support of the Minor Variance application to allow for a 2 metre high privacy fence in the yard considered to be the front yard of 2 Duncan Bull Drive.

Although the front door of 2 Duncan Bull faces Duncan Bull Drive (**see Picture A**), the Zoning By-law defines the front lot line as the shortest lot line abutting a street and therefore, the property line abutting Bartley Bull Parkway is deemed to be the front lot line. Regardless of the by-law technicality, the proposed fence is in the yard that can be considered to effectively be the side yard (**see Picture B**). The yard facing Bartley Bull Parkway will be fenced to allow more useable privacy space for the Viveiros family.

The proposed fence location (**See Appendix 1 for privacy fence location plan**) has been carefully situated to not encroach into the required 7.5 metre visibility triangle, as identified by the City of Brampton staff. A copy of the survey (**See Appendix 2**) is also attached for reference purposes.



Picture A - front door faces Duncan Bull Drive

1 Boreham Circle
Brampton, Ontario
L6Z 1T2
647 882-2149
djkplanning@gmail.com



Picture B - Bartley Bull Parkway is deemed to be the front lot line, although it effectively is the side yard

Purpose and Intent of the Official Plan

The property is designated "Residential" in the Official Plan and "Low Density Residential" in the Flowertown Secondary Plan Area 6. The proposed 2 metre high privacy fence is in keeping with the Official Plan policies.

Bartley Bull Parkway is designated "Collector Road" on Area Plan 6. Given that Bartley Bull Parkway is designated as a collector road, the visibility triangle requirement for this intersection at Duncan Bull Drive is 7.5 metres. The proposed 2 metre privacy fence, which does not impact the required visibility triangle requirements, conforms to the purpose and intent of the Official Plan.

Purpose and Intent of the Zoning By-law

The lands are subject to By-law 270-2004, as amended. The site is zoned Residential R1B, which permits a single detached dwelling. Section 10.0, General Provisions for Residential Zones includes provision 10.10 Fences, which states that no fence in a Residential Zone within a required front yard, may exceed 1.0 metres in height. Given the fact that the Bartley Bull Parkway frontage effectively functions as a side yard, allowing a 2 metre fence is an appropriate variance to the By-law.

Section 6.0 of the By-law outline the General Provisions for All Zones includes provision 6.15 which relates to Visibility Triangle requirements of a corner lot. This provision states that on a corner lot, a sign, fence, hedge, shrub, bush, or tree or any other structure or vegetation shall not be permitted to be erected or to grow to a height greater than 0.8 metres above the grade of the streets that abut the lot within the triangular area formed by measuring from the actual or projected point of intersection of the lot lines abutting the

D. J. K. Land Use Planning

1 Boreham Circle
Brampton, Ontario
L6Z 1T2
647 882-2149
djkplanning@gmail.com

streets, a distance of 6 metres along each such lot line to two points and joining those two points, nor shall any sign be permitted to overhang the said triangular area. Due to the fact that Bartley Bull Parkway is designated as a Collector Road, the 6 metre distance for the triangle must be increased to 7.5 metres. The proposed fence is located in a manner so as to not impact the 7.5 metre visibility triangle. The general intent and purpose of the Zoning By-law are maintained with the variance requested.

Appropriate Development

The proposed 2 metre privacy fence to be located on the Bartley Bull Parkway frontage is appropriate given this frontage effectively is the side yard of the property and the visibility triangle is respected in accordance with City standards. The variance requested is desirable for the appropriate development of this site.

Minor in Nature

The proposed variance to allow a 2 metre fence in the location along the effective side yard of the 2 Duncan Bull Drive is minor in nature. The requested variances are minor in nature.

Conclusion

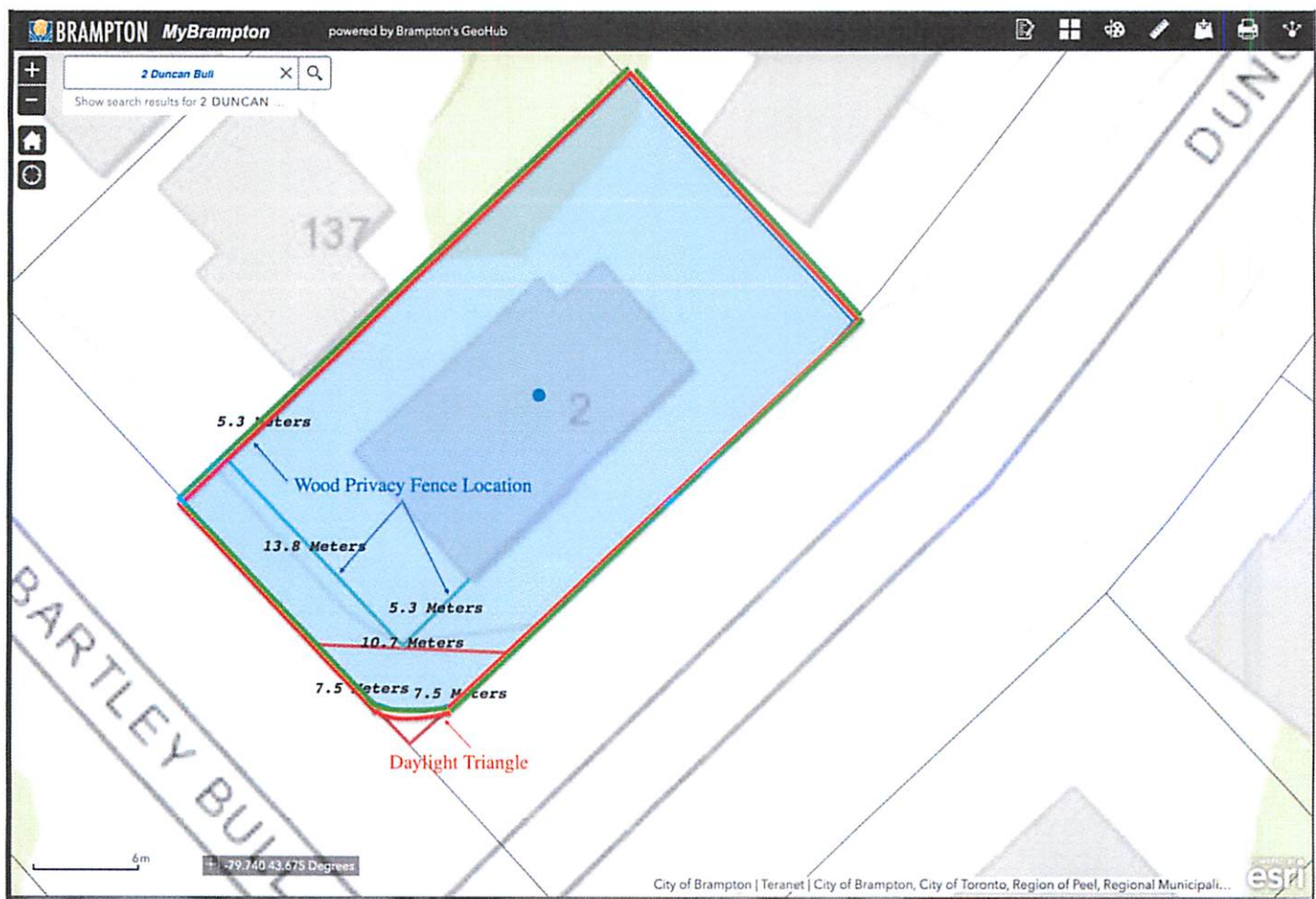
Based on the above information, the proposed variance is minor in nature, in keeping with the appropriate development of the subject lands, maintain the intent and purpose of the Zoning by-law and maintain the intent and purpose of the Official Plan. As such, the application for Minor Variance to permit a 2 metre privacy fence as depicted on Appendix 1 is appropriate and should be considered for approval.

Respectfully submitted,

Dan Kraszewski

Dan Kraszewski, R.P.P., M.C.I.P., OALA
D.J.K. Land Use Planning

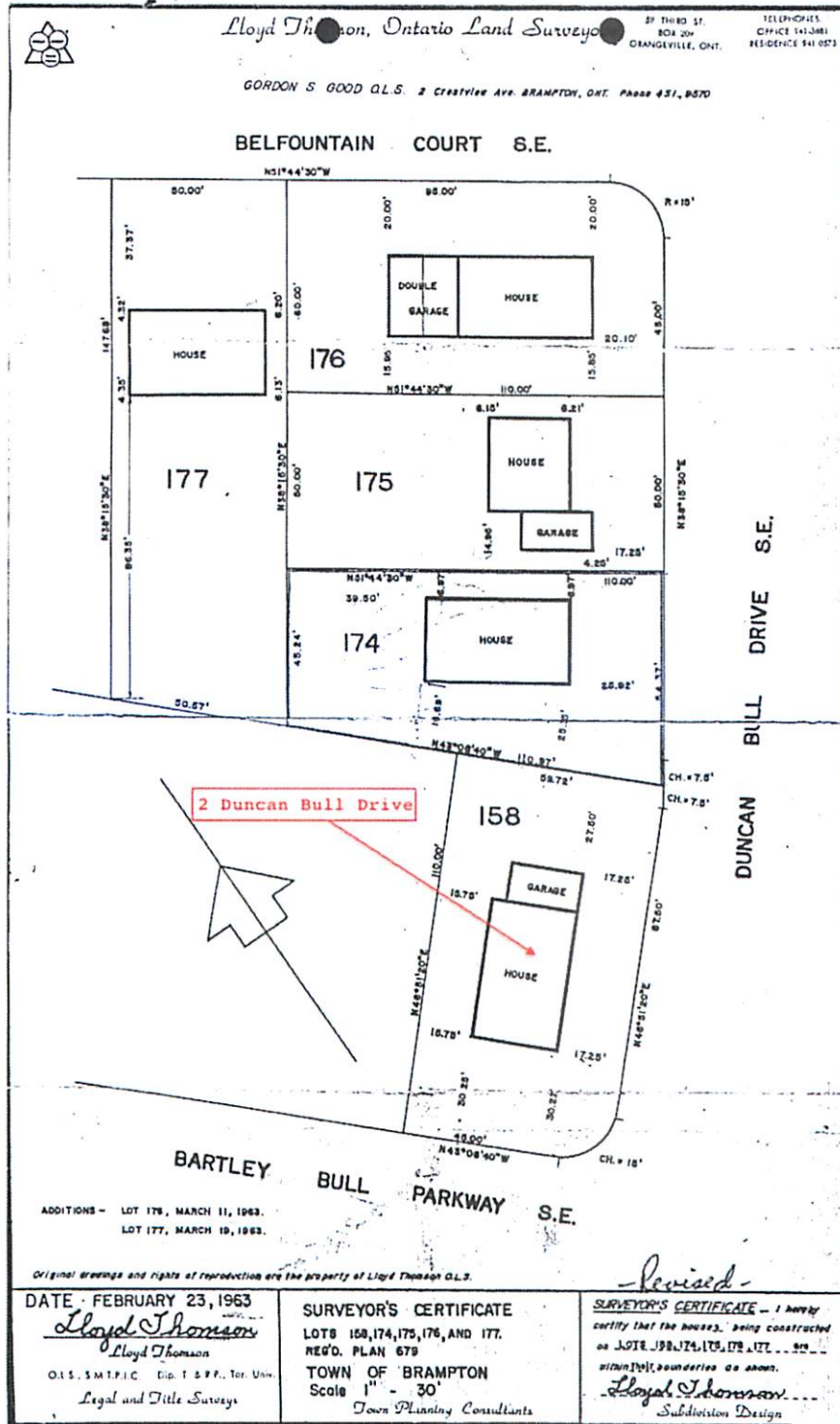
Appendix 1 – Proposed 2 metre high privacy fence location plan



D. J. K. Land Use Planning

1 Boreham Circle
Brampton, Ontario
L6Z 1T2
647 882-2149
djklplanning@gmail.com

Appendix 2 – Survey Plan





For Office Use Only
(to be inserted by the Secretary-Treasurer
after application is deemed complete)

FILE NUMBER: A-2021-0084

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

NOTE: It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** Mark Cabral Viveiros & Vanessa Melo Viveiros
Address 2 Duncan Bull Drive, Brampton Ontario, L6W 1H3

Phone # 647-500-8095

Fax # _____

Email markcviveiros@gmail.com

2. **Name of Agent** D.J.K. Land Use Planning Dan Kraszewski
Address 1 Boreham Circle, Brampton, Ontario, L6Z 1T2

Phone # 647 882-2149

Fax # _____

Email djkplanning@gmail.com

3. **Nature and extent of relief applied for (variances requested):**

Relief from maximum 1 metre fence height in the front yard to allow a 2 metre high fence.

4. **Why is it not possible to comply with the provisions of the by-law?**

Although the front door of this house faces Duncan Bull Drive, the Zoning By-law defines the front lot line as the shortest lot line abutting a street, therefore the property line abutting Bartley Bull is deemed the front lot line. The proposed fence is affectively on the side yard and has been located so as to not encroach into the required 7.5 metre visibility triangle.

5. **Legal Description of the subject land:**

Lot Number LT 158, Registered Plan 679 BRAMPTON ; S/T BR46430 BRAMPTON

Plan Number/Concession Number CON. 1 E.H.S.

Municipal Address 2 Duncan Bull Drive

6. **Dimension of subject land (in metric units)**

Frontage approx. 33.53

Depth approx. 18.3

Area approx. 613.6

7. **Access to the subject land is by:**

Provincial Highway ☐

Municipal Road Maintained All Year ☒

Private Right-of-Way ☐

Seasonal Road ☐

Other Public Road ☐

Water ☐

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

1 storey dwelling (120.8 sq.m - approx.)

PROPOSED BUILDINGS/STRUCTURES on the subject land:

No structures proposed

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback Front Yard (Bartley Bull Parkway) 9.22 metres (30.25 ft.)

Rear yard setback Rear Yard 8.38 metres (27.50 ft.)

Side yard setback Exterior Side Yard (Duncan Bull) 5.23 metres (17.25 ft.)

Side yard setback Interior Side Yard 4.8 metres (15.75 ft.)

PROPOSED

Front yard setback No structures proposed

Rear yard setback

Side yard setback

Side yard setback

10. Date of Acquisition of subject land: January 7, 2021
11. Existing uses of subject property: Single Family Residence
12. Proposed uses of subject property: Single Family Residence
13. Existing uses of abutting properties: Single Family Residences
14. Date of construction of all buildings & structures on subject land: 1960's
15. Length of time the existing uses of the subject property have been continued: Since the 1960's
16. (a) What water supply is existing/proposed?
Municipal ☒ Other (specify) _____
Well ☐
- (b) What sewage disposal is/will be provided?
Municipal ☒ Other (specify) _____
Septic ☐
- (c) What storm drainage system is existing/proposed?
Sewers ☒ Other (specify) _____
Ditches ☐
Swales ☐

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☐ No ☒

If answer is yes, provide details: File # _____ Status _____

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☐ No ☒ Unknown ☐

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

Signature of Applicant(s) or Authorized Agent

DATED AT THE _____ City _____ OF _____ Brampton _____

THIS 7 DAY OF April, 2021.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Mark Viveiros, OF THE _____ City _____ OF _____ Brampton _____

IN THE _____ Region _____ OF _____ Peel _____ SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF _____

Peel THIS 8th DAY OF _____

April, 2021

Jeanie Myers
A Commissioner etc.

Jeanie Cecilia Myers
a Commissioner, etc.,
Province of Ontario
for the Corporation of the
City of Brampton
Expires April 8, 2024.

Signature of Applicant or Authorized Agent

Submit by Email

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

R1B and Mature Neighbourhood

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

Zoning Officer

April 8, 2021
Date

DATE RECEIVED March 8, 2021

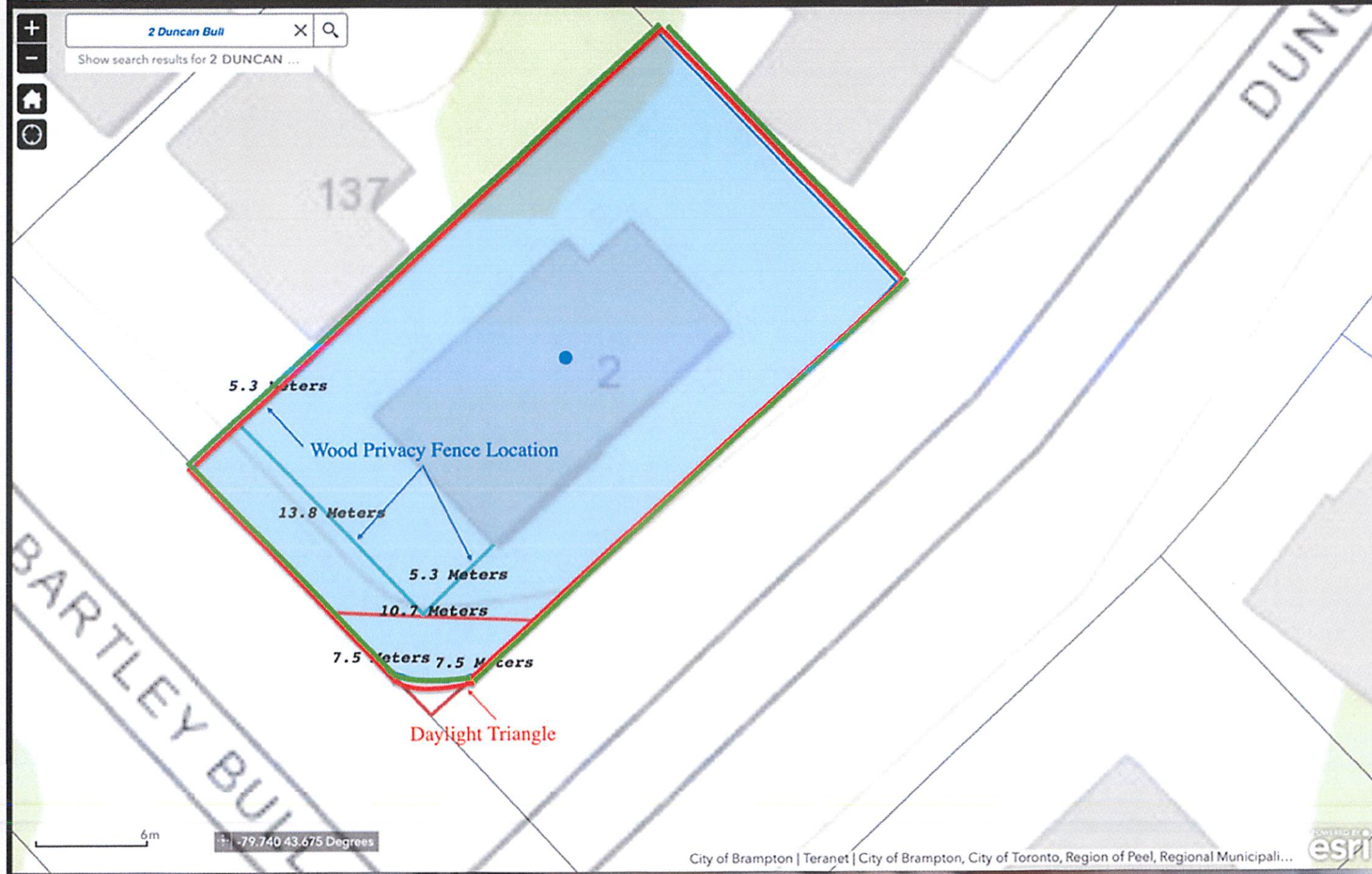
Date Application Deemed Complete by the Municipality March 8, 2021



2 Duncan Bull



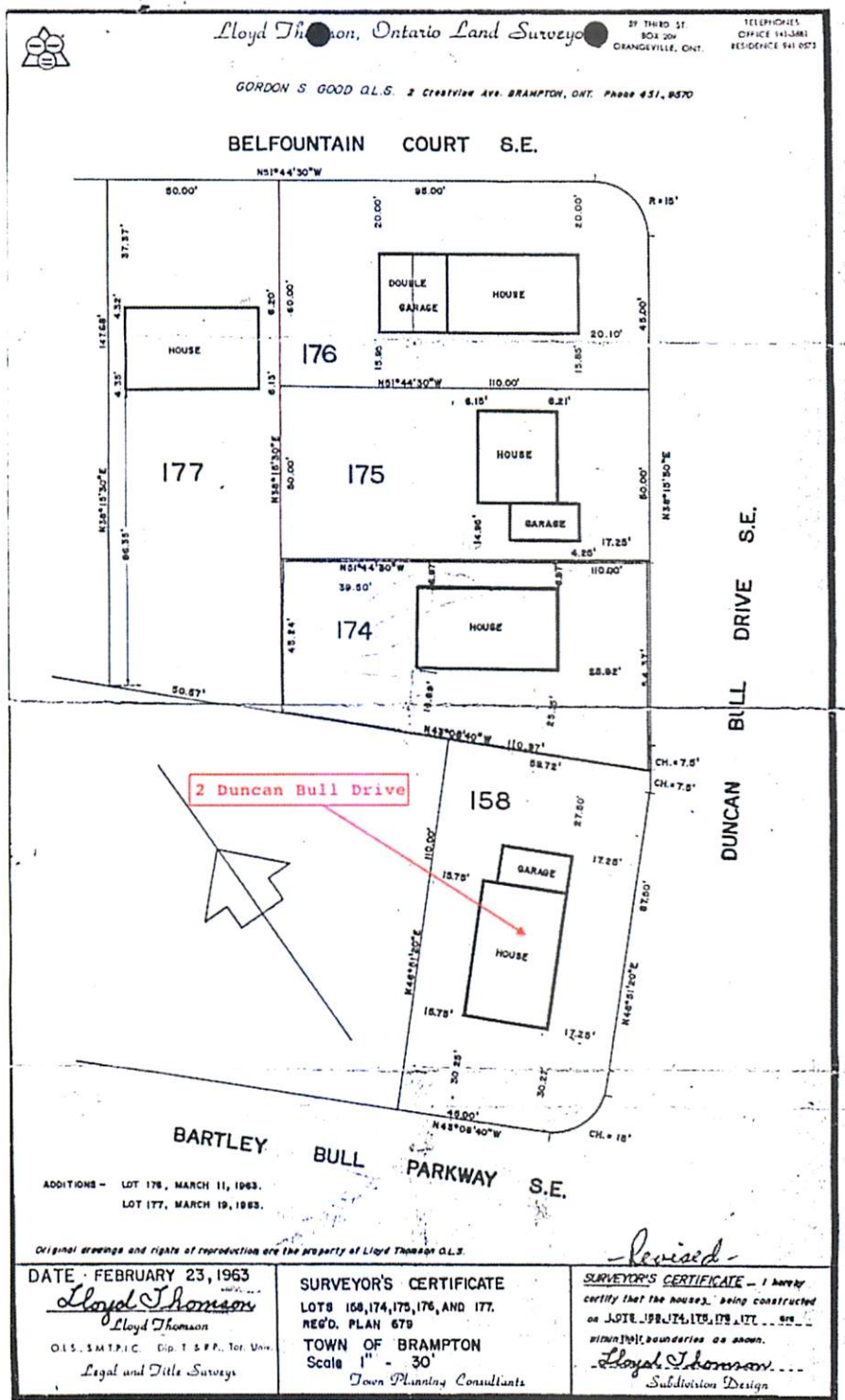
Show search results for 2 DUNCAN ...

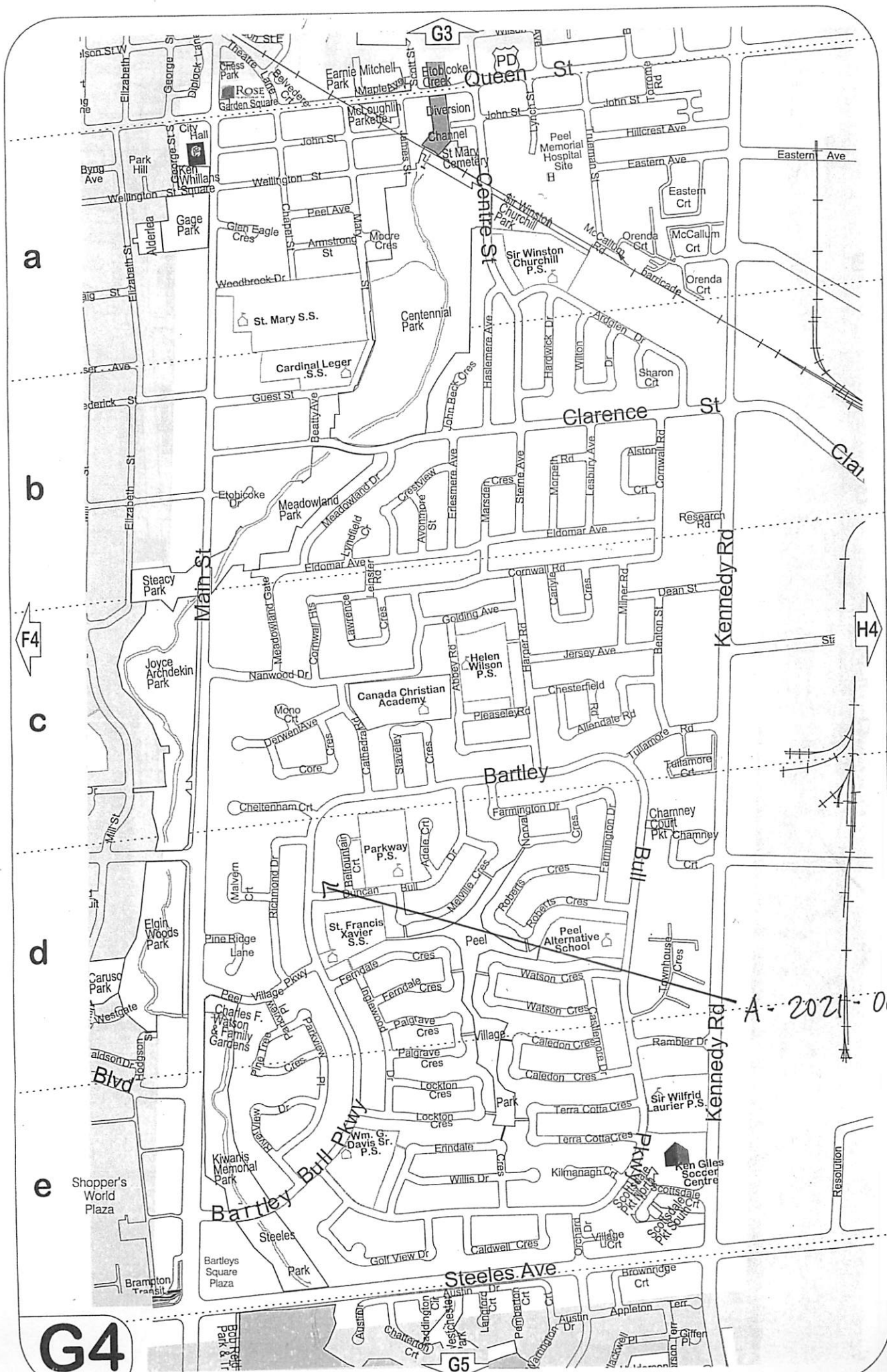


D. J. K. Land Use Planning

1 Boreham Circle
Brampton, Ontario
L6Z 1T2
647 882-2149
djklplanning@gmail.com

Appendix 2 – Survey Plan





A-2021-0084

G4

G5

G3