



**Date:** April 20, 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:** Nikita Jagtiani, Development Planner  
Nicholas Deibler, Development Planner  
Alex Sepe, Development Planner  
Yinzhou Xiao, Development Planner  
Tejinder Sidhu, Development Planner  
Stephen Dykstra, Development Planner  
Mark Michniak, Development Planner  
Dana Jenkins, Development Planner  
Rob Nykyforchyn, Development Planner  
Andrew Ramsammy, Development Planner  
Xinyue (Jenny) Li, Development Planner  
Steve Ganesh, Manager, Development Services  
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services  
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:00 a.m. and adjourned at 11:05 a.m.

2. **ADOPTION OF MINUTES:**

Moved by: R. Power

Seconded by: A. C. Marques

THAT the minutes of the Committee of Adjustment hearing held March 30, 2021 be approved, as printed and circulated.

CARRIED

## Committee of Adjustment Minutes

### 3. **Region of Peel Comments**

Letter dated April 13, 2021

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

None

### 5. **WITHDRAWALS/DEFERRALS**

### 6. **NEW CONSENT APPLICATIONS**

#### 6.1 **B-2021-0006**

#### **PARKSIDE BUILDING GROUP INC.**

#### **165-235 FLETCHER'S CREEK BOULEVARD**

#### **PT. OF LOT 10, CONC. 2 WHS, BLOCK 181, PLAN 43M-1542, WARD 5**

The purpose of the application is to request the consent of the Committee of Adjustment to sever a parcel of land currently having a total area of approximately 4.687 hectares (11.58 acres), together with an easement for access purposes over the proposed retained lands in favour of the proposed severed lands. The effect of the application is to create a new lot having a depth of approximately 371.9 metres (1220.14 ft.) and an area of approximately 0.667 hectares (1.65 acres). It is proposed that the new lot accommodate a future proposed retirement home.

Mr. Jim Levac, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application B-2021-0006 advising that the application pertains to an 11.5 acre site located at the south east quadrant of Fletcher's Creek Boulevard and Bovaird Drive.

Mr. Levac explained that the lands were rezoned approximately 10 years ago for a shopping centre which is completed with the exception of 1 unit to be constructed, currently subject to a site plan application. He added that the vacant lands adjacent to the creek were zoned to permit a retirement home as a permitted additional use advising that the site specific zoning contains a provision that says the lands shall be treated as a single lot for zoning purposes.

Mr. Levac made reference to the severance sketch explaining the nature of the application advising that the severed and retained lands will be independently serviced noting that there is no need for additional private servicing easements.

Committee acknowledged receipt of a letter dated April 8, 2021 from Credit Valley Conservation indicating no objection to application B-2021-0006.

Committee acknowledged receipt of e-mail correspondence dated April 13, 2021 from Vena and Enos Daley, residents of 84 Monaco Court, in opposition to a proposed retirement home.

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Committee acknowledged receipt of a letter dated April 14, 2021 from Anny Menendez and Rajvinder Saini, 90 Vintage Gate, indicating concerns with the proposal.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2021-0006 from a planning land use perspective, with conditions.

Mr. Levac responded to the letters received noting that the site was zoned over 10 years ago to permit the use explaining that it is an existing legal use and that through the site plan approval process staff will want to mitigate any issues pertaining to such things as shadowing, drainage and garbage.

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

Mr. Levac indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application B-2021-0006 to create a new lot, together with an easement for access purposes over the proposed retained lands in favour of the proposed severed lands to facilitate development of a proposed retirement home be approved for the following reasons and subject to the following conditions:

1. 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;
2. 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;
3. That separate water, sanitary and storm services shall be provided for each lot in accordance with the Ontario Building Code and to the satisfaction of the Chief Building Official. Should services serving one lot cross the other, the appropriate easements shall be registered prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer. A building permit is required for alteration to the existing services.
4. The applicant shall provide comprehensive servicing information including any existing or proposed easements, to the satisfaction of the Commissioner of Public works and Engineering.
5. The applicant shall provide an access easement over the retained lands in favor of the severed lands. In that regard, the applicant shall prepare and submit prior to depositing, a draft reference plan, prepared by an Ontario Land Surveyor, to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works & Engineering;

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6. That upon approval of the Draft Reference Plan by the City's Transportation Division, the Surveyor shall deposit the Draft Reference Plan at the Land Registry Office of Peel; and provide copies of the deposited reference plan to the City's Transportation Division and the Legal Services Division.

### REASONS

1. This decision reflects that regard has been had to those matters to be regarded under the Planning Act, in as much as the dimensions and shape of the lot are adequate for the uses proposed.
2. Subject to the imposed conditions, the consent to the conveyance will not adversely affect the existing or proposed development.

CARRIED

### 6.2 **B-2021-0007**

#### **10254 HURONTARIO PROPERTY INC.**

#### **(10200) HURONTARIO STREET**

#### **PART OF LOT 12, CONC. 1 WHS, PARTS 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 AND 24, PLAN 43R-38924, WARD 2**

The purpose of the application is to request the consent of the Committee of Adjustment for a lease in excess of 21 years. The land to be leased has a frontage of approximately 423 metres, a depth of approximately 656 metres and an area of approximately 22.75 hectares (56.22 acres), occupied by an industrial building (Canadian Tire). The effect of the application is to facilitate a long term lease between the owner of the lands, 10254 Hurontario Property Inc. and Canadian Tire Inc.

Mr. Michael Vani, Weston Consulting, authorized agent for the applicant, presented application B-2021-0007 explaining the nature of the proposal to permit a lease beyond 21 years, plus extensions. Mr. Vani expressed that the address referred to in the report has technically changed to 10200 Hurontario Street advising that the address of 10254 Hurontario Street applies to the heritage house to the north of the property pointing out an incorrect reference as well to the legal description.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2021-0007 from a planning land use perspective, with conditions.

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

Mr. Vani 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

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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-2021-0007 to facilitate a long term lease between the owner of the lands, 10254 Hurontario Property Inc. and Canadian Tire Inc. be approved for the following reasons and subject to the following conditions:

1. 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.
2. 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.
3. That arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the long term lease.

### REASONS:

1. This decision reflects that regard has been had to those matters to be regarded under the Planning Act, in as much as the dimensions and shape of the lot are adequate for the uses proposed.
2. Subject to the imposed conditions, the consent to the conveyance will not adversely affect the existing or proposed development.

CARRIED

## 7. **DEFERRED CONSENT APPLICATIONS**

None

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

### 8.1 **A-2021-0052**

#### **50 SUNNY MEADOWS COMMERCIALCENTRE INC.**

#### **50 SUNNY MEADOW BLVD., UNIT 109,**

#### **PEEL CONDOMINIUM PLAN 952, LEVEL 1, UNIT 4, WARD 9**

The applicant is requesting the following variance(s):

1. To permit the administrative offices for a community club (operated by a social organization) whereas the by-law does not permit a community club, including administrative offices for a community club/social organization.

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Mr. Aravind Gopi, architect, addressed Committee on behalf of the authorized agent for the applicant, advising that the agent was experiencing technical difficulties. Mr. Gopi presented application A-2020-0052 briefly outlining the variance requested.

The Chair acknowledged the work of the organization referred to in the application and its benefits for the community.

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

Mr. Gopi indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2021-0052 to permit the administrative offices for a community club (operated by a social organization) be approved for the following reasons and subject to the following conditions:

1. A building permit shall be obtained prior to the occupancy of the unit, if required.
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-2021-0053**

#### **752054 ONTARIO LTD.**

#### **10 CADETTA ROAD, LOT 4, PLAN 43M-343, WARD 10**

The applicant is requesting the following variance(s):

1. To permit a motor vehicle body shop whereas the by-law does not permit the use.

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*Note: Approval was granted under Application A19-119 to permit a motor vehicle repair shop.*

Mr. Ron Michaelangelo, applicant and owner of the property, presented application A-2021-0053 briefly outlining the variances requested. Mr. Michaelangelo explained that a basic paint shop is proposed for painting material handling equipment and new product advising that it is not a scenario pertaining to a full blown collision body shop.

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

Mr. Michaelangelo commented that the 600 square metres is denoted on the site plan 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: A. C. Marques

THAT application A-2021-0053 to permit a motor vehicle repair shop be approved for the following reasons and subject to the following conditions:

1. That the variance to permit a motor vehicle body shop be allowed to a maximum area of 600 square metres (6,458.35 square feet) and located generally in accordance with the sketch attached to the Notice of Decision;
2. That all motor vehicle repair and motor vehicle body shop work be conducted within the enclosed building;
3. That there be no expansion of the existing building envelope;
4. That the motor vehicle body shop use shall be conducted only in conjunction with a motor vehicle repair shop;
5. That the owner revise and finalize the limited site plan approval (SPA-2019-0018) to reflect the area identified for the motor vehicle body shop use within ninety (90) days of the final date of the decision of the Committee; and
6. That failure to comply with and maintain the conditions of the Committee shall render the variance 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

### 8.3 **A-2021-0054**

#### **SHRINIWAS PASNUR**

#### **3 DELPHINIUM WAY, LOT 257, PLAN 43M-1478, WARD 2**

The applicant is requesting the following variance(s):

1. To permit a below grade exterior stairway in the required side yard having a setback of 0.0m to the side lot line and where a continuous side yard width of 1.24m (4.07 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 (0.98 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;
2. To permit a driveway width of 6.81m (22.34 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.)

Mr. Salman Ellahi, authorized agent for the applicant, presented application A-2021-0054 briefly outlining the variances requested.

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

Mr. Ellahi 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-2021-0054 to permit a below grade exterior stairway in the required side yard having a setback of 0.0m to the side lot line and where a continuous side yard width of 1.24m (4.07 ft.) is provided on the opposite side of the dwelling and to permit a driveway width of 6.81m (22.34 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 Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the pathway to the below grade entrance is free of any obstructions including the existing landscaping located at the front of the house;
4. That the extended portion of the driveway shall not be parked or driven upon at any time by the whole or a part of a motor vehicle; 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-2021-0055**

#### **2580558 ONTARIO INC.**

#### **2 BLAIR DRIVE, PART OF BLOCK 2, PLAN 676, WARD 3**

The applicant is requesting the following variance(s):

1. To permit a Motor Vehicle Washing Establishment whereas the by-law does not permit the use.

Mr. Abhishek Rajgor, MEM Engineering, authorized agent for the applicant, presented application A-2021-0055 briefly outlining the variances requested. Mr. Rajgor explained that the existing industrial one storey building is owned and occupied by the owner who has a truck yard at the rear where they have been using the space for repairs. He explained that the request is to use one of the bays as a vehicle washing facility.

Committee acknowledged receipt of a letter dated April 16, 2021 from Toronto and Region Conservation Authority indicating conditional approval subject to the applicant submitting a \$1,100.00 review fee to TRCA.

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

Committee requested that the condition outlined in the letter from TRCA be included. Staff was in agreement with including the additional condition.

Mr. Rajgor indicated that the proposed conditions, as amended, were acceptable.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2021-0055 to permit a Motor Vehicle Washing Establishment 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 submit a Site Plan application, including a swept path analysis, for the proposed reconfiguration of the site, and that the use shall not be established until such time as the site plan has been approved and all related on-site improvements are implemented to the satisfaction of the Director of Development Services;
3. That the motor vehicle washing establishment shall only be permitted in conjunction with a motor vehicle repair shop on the same lot;
4. That the applicant shall obtain a building permit for the accessory structure within ninety (90) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official ;
5. That the applicant submits \$1,100.00 review fee to Toronto and Region Conservation Authority; and
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.5 **A-2021-0056**

**MATTAMY (FLETCHER'S CREEK) LIMITED**

**6 WORTHINGTON AVENUE, BLOCK 325, PLAN 43M-1386, WARD 6**

The applicant is requesting the following variance(s):

1. To permit a new homes sales pavilion for a temporary period of five (5) years, having a minimum setback of 3.0 metres to Salvation Road (formerly Creditview Road), a setback of 3.0 metres to Worthington Avenue, and a setback of 18.9 metres to Bovaird Drive West whereas the by-law does not permit any buildings or structures;
2. To permit a landscaped open space area of 1.4 metres abutting Worthington Avenue whereas the by-law requires a minimum landscaped open space area of 3.0 metres;
3. To permit a landscaped open space area of 0.6 metres abutting Salvation Road (formerly Creditview Road) whereas the by-law requires a minimum landscaped open space area of 3.0 metres.

*Note: Approval granted under application A16-112 for a temporary period of 5 years will expire in August, 2021.*

Ms. Catherine McEwan, Korsiak Urban Planning, authorized agent for the applicant, presented application A-2021-0056 briefly outlining the variances requested. Ms. McEwan made reference to previous variance approvals for the property and requested that the existing sales office use be continued for future developments that are currently under construction.

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

Ms. McEwan 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-2021-0056 to permit a new homes sales pavilion for a temporary period of five (5) years, having a minimum setback of 3.0 metres to Salvation Road (formerly Creditview Road), a setback of 3.0 metres to Worthington Avenue, and a setback of 18.9 metres to Bovaird Drive West; to permit a landscaped open space area of 1.4 metres abutting Worthington Avenue and to permit a landscaped open space area of 0.6 metres

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abutting Salvation Road (formerly Creditview Road) be approved for the following reasons and subject to the following conditions:

1. That the sales pavilion relate only to SP17-126, SP-17-087, PRE-2020-0146, SPA-2020-0190 and any associated applications within Block Plan Area 44-1 of the Fletcher's Meadow Secondary Plan and Block Plan Area 45-3 of the Credit Valley Secondary Plan as well as any other applications as deemed appropriate by the Director of Development Services;
2. That the proposed variances be allowed for a temporary period of five (5) years from the final date of the Committee's decision or until all dwelling units identified in condition one (1) are sold, whichever comes first;
3. That the owner and builders amend the existing Temporary Structures Agreement with the City to extend the date of expiry five (5) years from the date of the Committee's decision or until such time all dwelling units identified in condition one (1) are sold, whichever comes first;
4. That the owner provide a security in the amount of \$40,000 to ensure the removal of the sales office, parking areas, temporary access and all associated signage and flags;
5. That all signage associated with the temporary sales office is to be in accordance with the Sign By-law and shall not be installed or displayed until such time as appropriate permits have been issued; and
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.6 **A-2021-0057**

#### **2131493 ONTARIO INC.**

#### **10124 HURONTARIO STREET, LOT 11, CONC. 1 WHS, WARD 2**

The applicant is requesting the following variance(s):

1. To permit a Motor Vehicle Sales Establishment whereas the by-law does not permit the proposed use;

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2. To permit Motor Vehicle Repair accessory to Motor Vehicle Sales whereas the by-law does not permit the proposed use;
3. To permit outdoor storage (display of vehicles for sale or lease) whereas the by-law does not permit outdoor storage;
4. To permit a front yard setback of 3.0m (9.84 ft.) whereas the by-law requires a minimum front yard setback of 21m (68.90 ft.).

Ms. Elyssa Pompa, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2021-0057 briefly outlining the variances requested. Ms. Pompa advised that their client is working with Attrell Toyota for the development of a motor vehicle sales facility with motor vehicle repair ancillary to motor vehicle sales on the property.

Ms. Pompa advised of a pre-consultation application and consultation meeting with the City of Brampton in February of this year noting that staff provided comments. She advised that the variances reflect the nature of the proposal as well as comments provided by staff. Ms. Pompa summarized how the proposed variances meet the 4 tests under the Planning Act.

Following discussion, Ms. Pompa indicated that the proposed conditions in the staff recommendation report 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-2021-0057 to permit a Motor Vehicle Sales Establishment; to permit Motor Vehicle Repair accessory to Motor Vehicle Sales; to permit outdoor storage (display of vehicles for sale or lease) and to permit a front yard setback of 3.0m (9.84 ft.) be approved for the following reasons and subject to the following conditions:

1. That a site plan application shall be submitted and the site plan shall be approved within 180 days of the Committee's final decision, or within an extended period of time as approved by the Director of Development Services;
2. The outdoor storage place shall only used for vehicle display purposes;
3. The motor vehicle repair shop shall only be accessory to the vehicle sales establishment and shall be screened from the public view to the satisfaction of the Director of Development Services;
4. Sufficient and appropriate landscaping shall be provided to screen the outdoor storage space from the street to the satisfaction of Director of Development Services;

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5. Satisfactory arrangements shall be made with the Region of Peel with respect to modelling and identifying available capacity;
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.7 **A-2021-0058**

#### **NAJEEB SUMRANI AND AMINA SUMRANI**

#### **19 SADDLEBACK SQUARE, LOT 44, PLAN 43M-1527, WARD 5**

The applicants are requesting the following variance(s):

1. To permit an existing accessory structure (shed) to be located in the exterior side yard whereas the by-law does not permit an accessory structure to be located in the exterior side yard;
2. To permit an existing accessory structure (shed) having a rear yard setback of 0.5m (1.64 ft.) whereas the by-law requires a minimum rear yard setback of 0.6m (1.97 ft.) to an accessory structure.
3. To permit a rear yard setback of 4.37m (14.34 ft.) to an existing building addition whereas the by-law requires a minimum rear yard setback of 6.0m (19.68 ft.) to a building addition.
4. To permit a lot coverage of 51.4% whereas the by-law permits a maximum lot coverage of 45%.

Mr. Alankar Lavatre, authorized agent for the applicant, presented application A-2021-0058 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application with a number of conditions advising that the application meets the 4 tests of the Planning Act.

Mr. Lavatre 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: A. C. Marques

THAT application A-2021-0058 to permit an existing accessory structure (shed) to be located in the exterior side yard; to permit an existing accessory structure (shed) having a rear yard setback of 0.5m (1.64 ft.); to permit a rear yard setback of 4.37m (14.34 ft.) to an existing building addition and to permit a lot coverage of 51.4% 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 roof drainage from the accessory structure shall not be adversely impact adjacent lands;
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 a building permit for the building addition shall be obtained within sixty (60) days from the date of the decision, or within an extended period of time at the discretion of the Chief Building Official; and,
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

**APPLICATIONS A-2021-0059 TO A-2021-0068 WERE RELATED AND HEARD CONCURRENTLY**

8.8 **A-2021-0059**

**NEAMSBY INVESTMENTS INC.**

**KEYWORTH CRESCENT**

**BLOCK 219, PLAN 43M-2103, WARD 9**

The applicant is requesting the following variance associated with a proposed Townhouse Block:

1. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

8.9 **A-2021-0060**

**NEAMSBY INVESTMENTS INC.**

**GRASSBANK ROAD, BLOCK 220, PLAN 43M-2103 , WARD 9**

The applicant is requesting the following variance associated with a proposed Townhouse Block:

1. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

8.10 **A-2021-0061**

**NEAMSBY INVESTMENTS INC.**

**GRASSBANK ROAD, BLOCK 221, PLAN 43M-2103, WARD 9**

The applicant is requesting the following variance associated with a proposed Townhouse Block:

1. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

8.11 **A-2021-0062**

**NEAMSBY INVESTMENTS INC.**

**GRASSBANK ROAD, BLOCK 222, PLAN 43M-2103, WARD 9**



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The applicant is requesting the following variance associated with a proposed Townhouse Block:

1. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

### 8.12 **A-2021-0063**

#### **NEAMSBY INVESTMENTS INC.**

#### **GRASSBANK ROAD, BLOCK 223, PLAN 43M-2103, WARD 9**

The applicant is requesting the following variance associated with a proposed Townhouse Block:

1. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

### 8.13 **A-2021-0064**

#### **NEAMSBY INVESTMENTS INC. AND PATILDA CONSTRUCTION INC.**

#### **INSPIRE BOULEVARD**

#### **BLOCK 225, PLAN 43M-2103, AND PART OF BLOCK 91, PLAN 43M-2104, WARD 9**

The applicant is requesting the following variance associated with a proposed Townhouse Block:

1. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

### 8.14 **A-2021-0065**

#### **NEAMSBY INVESTMENTS INC. AND PATILDA CONSTRUCTION INC.**

#### **INSPIRE BOULEVARD**

#### **BLOCK 226, PLAN 43M-2103, AND PART OF BLOCK 91, PLAN 43M-2104, WARD 9**

The applicant is requesting the following variance associated with a proposed Townhouse Block:

1. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

8.15 **A-2021-0066**

**NEAMSBY INVESTMENTS INC.**

**INSPIRE BOULEVARD**

**BLOCK 227, PLAN 43M-2103, WARD 9**

The applicant is requesting the following variance associated with a proposed Townhouse Block:

1. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

8.16 **A-2021-0067**

**NEAMSBY INVESTMENTS INC.**

**INSPIRE BOULEVARD AND CLAREMONT DRIVE,**

**BLOCK 228, PLAN 43M-2103WARD 9**

The applicant is requesting the following variance associated with a proposed Townhouse Block:

1. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

8.17 **A-2021-0068**

**NEAMSBY INVESTMENTS INC.**

**INSPIRE BOULEVARD AND CLAREMONT DRIVE,**

**BLOCK 229, PLAN 43M-2103, WARD 9**

The applicant is requesting the following variance associated with a proposed Townhouse Block:

1. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

Ms. Lauren Dynes, KLM Planning Partners Inc., authorized agent for the applicant, presented applications A-2021-0059 to A-2021-0068 briefly outlining the variance requested. Ms. Dynes

Committee was informed that City of Brampton planning staff was in support of these applications with no conditions.

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Committee posed a question to staff inquiring if a standard condition requiring a clause in the agreement of purchase of sale for acknowledgment of the variance should be included. Staff responded that the condition was not necessary

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT applications A-2021-0059 to A-2021-0068 to permit a building height of 11.5m (37.73 ft.) be approved for the following reasons:

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

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
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

### 8.18 **A-2021-0069**

#### **SATINDER KAUR BATH AND BHUPINDER SINGH BATH**

#### **28 YUILE COURT**

#### **LOT 99, PLAN 43M-1525, WARD 4**

The applicants are requesting the following variance(s):

1. To permit an existing door on the side wall of the dwelling (proposed to access a second unit) located within 1.18m (3.87 ft.) of the side lot line, whereas the by-law requires a minimum unencumbered side yard width of 1.2 m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit.

Mr. Jivtesh Bhaila, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2021-0069 briefly outlining the variance requested. Mr. Bhaila advised that the existing door was built by the builder noting that the required 1.2 metre requirement is short by less than 1 inch.

Mr. Jivtesh spoke to the staff report and the 4 tests outlined in the staff recommendation report noting that staff has referenced a section in the Official Plan that states that where an application for a second dwelling unit fails to conform to any of the requirements of the implementing by-law, a zoning by-law amendment is required. Mr. Jivtesh commented that staff also advise that a report or recommendation is being presented to Council that the

## Committee of Adjustment Minutes

policy be deleted or revised noting that if everything goes according to plan this could be approved by mid June and the minor variance would conform to the Official Plan. Mr. Jivtesh summarized how staff have determined that the remaining 3 tests have been met.

Committee was informed that City of Brampton planning staff was not in support of this application advising that all 4 of the tests of the Planning Act have not been met. Staff read aloud a policy in the Official Plan explaining that in 2014 Council wanted to be very hands on in the review of these types of applications and was specific in having a policy included in the Official Plan. Staff advised that the proper process would be to go through rezoning to have the proposal analyzed. Staff expressed that for this reason staff have consistently not been able to support applications of this nature pointing out that since 2014 staff have not received a single application for rezoning for a request for a second dwelling unit.

Staff confirmed that policy staff will bring forward a report to Council next month proposing to delete the policy which will then allow the applications to proceed to the Committee of Adjustment. Staff explained that if the policy was not in place staff would have recommended approval.

Committee inquired if the application was deferred and comes back after the policy change what would be the scenario. Staff explained the process advising that once the policy is removed any further applications would come forward to the Committee for evaluation noting that in this particular case where the difference is only 2 centimeters staff would not have a problem supporting the application given that unencumbered access is provided.

Committee inquired if there was no second unit could the door be used as a primary entrance. Zoning staff confirmed that if the variance today is not approved it could not be evaluated as the principal entrance to a second unit noting that a second unit is permitted as-of-right and the owner would have to make alternate accommodations to relocate the second unit entrance. Staff advised that in the absence of the Official Plan policy the variance is very minor in that they are dealing with a fraction of an inch of room in the side yard.

Staff assisted Committee with conditions of approval. Following discussion, Mr. Bhaila indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2021-0069 to permit an existing door on the side wall of the dwelling (proposed to access a second unit) located within 1.18m (3.87 ft.) of the side lot line be approved for the following reasons and subject to the following conditions:

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1. The extent of the variance shall be limited to that shown on the sketch attached to the Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That failure to comply with and maintain the conditions of the Committee's decision 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-2021-0070**

#### **MANPREET SINGH AND MANJEET KAUR SAINI**

#### **15 OCEAN AVENUE, LOT 74, PLAN M-1298, WARD 9**

The applicants are requesting the following variance(s):

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required side yard;
2. To permit an interior side yard setback of 0.16m (0.52 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit 0.21m (0.69 ft.) of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line.

Mr. Jivtesh Bhaila, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2021-0070 briefly outlining the variances requested acknowledging receipt of the staff recommendation report. He expressed that he had no comments on the report.

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

Mr. Bhaila indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2021-0070 to permit an exterior stairway leading to a below grade entrance in the required interior side yard; to permit an interior side yard setback of 0.16m (0.52 ft.) to an exterior stairway leading to a below grade entrance and to permit 0.21m (0.69 ft.) of permeable landscaping adjacent to the side lot line be approved for the following reasons and subject to the following conditions:

1. That the extent of the Variances 1 and 2 be limited to that shown on Schedule A attached to the staff recommendation report (Notice of Decision);
2. That Variance 3 be approved to a minimum width of 0.42m (1.37 ft.) of permeable landscaping adjacent to the side lot line as shown on Schedule A attached to the staff recommendation report (Notice of Decision);
3. That a building permit for the below grade entrance shall be obtained within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
4. That the below grade stairs be constructed to provide steps on both sides of the landing as indicated on Schedule A, attached to the staff recommendation report (Notice of decision) to the satisfaction of the Director of Development Services;
5. That the below grade entrance shall not be used to access an unregistered second unit;
6. That drainage on adjacent properties shall not be adversely affected;
7. That the existing shed in the rear yard be relocated to meet minimum setback requirements of the Zoning By-law as shown on Schedule A, attached to the staff recommendation report (Notice of decision); and
8. 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

8.20 **A-2021-0071**

**LLOYS DILLON**

**5 WETMEADOW DRIVE, LOT 108, PLAN M-1511, 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 side yard;
2. To permit an interior side yard setback of 0.10m (0.33 ft.) to a below grade entrance, resulting in a combined total interior side yard width of 0.75m (2.46 ft.) whereas the by-law requires a minimum interior side yard width of 0.6m (1.97 ft.), provided that the combined total interior side yard width is not less than 1.8m (5.91 ft.).

Mr. Dave Dillon, authorized agent for the applicant, presented application A-2021-0071 briefly outlining the variances requested. Mr. Dillon advised that he has read the staff recommendation report where some concerns were highlighted, namely that the variances do not maintain the general intent of the Zoning-By-law, negatively impact access to the rear yard and drainage and are not minor in nature. Mr. Dillon expressed that the owner is committed to legalizing the structure, so much so, that a second application has been submitted adding that the applicant is seeking an approval or a conditional approval to allow the applicant to make the necessary adjustments to bring it into compliance.

Mr. Dillon advised that in terms of drainage there is pump and a permeable area for water drainage adding that the applicant is quite familiar with the topography of the area.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that the application was previously submitted for the March 9, 2021 hearing at which time staff recommended refusal and Committee adopted staff's recommendation. Staff noted that the only difference from the previous application is the proposed 0.10 metre setback as opposed to the previous submission of 0.0 metres.

Staff advised that the intent of the by-law in requiring a minimum setback and minimum cumulative side yard setback is to ensure that sufficient space is provided for drainage and access to the rear yard. Staff noted that the location of the below grade entrance in the only side yard with a 1.2 metre setback impedes access to the rear yard summarizing that 3 of the 4 tests have not been met.

Committee recalled the previous application and noted that access to the rear yard was restricted and in order to access the rear had to enter upon the adjacent property. Committee noted the presence of rubber tiles that were unstable and inquired if a proper path of travel to the rear was provided and a drain that comes from the roof of the building could be redirected would it change staff's opinion. Staff responded that consideration

## Committee of Adjustment Minutes

could be given to some changes however based on site visit to the property could not support the current condition.

Zoning Staff clarified that the variance is not to the width of the path of travel but to the location of the below grade entrance in a required side yard that doesn't meet the setback requirements. Staff suggested for Committee's consideration that a paved walkway leading to the below grade entrance shall be provided from the front yard and, if necessary, a fill and grading permit shall be obtained to facilitate the paving of a walkway.

Committee commended the applicant for coming back to the Committee and filing an additional fee. Committee considered support for the proposal and staff assisted Committee with wording for a number of conditions for consideration. Committee was receptive to the recommended conditions put forward by staff.

Mr. Dillon was fully supportive of the recommendation and following discussion, Mr. Dillon 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: R. Power

Seconded by: A. C. Marques

THAT application A-2021-0071 to 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 (0.33 ft.) to a below grade entrance, resulting in a combined total interior side yard width of 0.75m (2.46 ft.) be approved for the following reasons and subject to the following conditions:

1. The extent of the variance shall be limited to that shown on the sketch attached to the Notice of Decision;
2. That stairs shall be provided and maintained on both sides of the landing to provide pedestrian access to the rear yard;
3. That drainage shall be maintained on the subject lot and shall not adversely impact drainage on the adjacent property or impede the maintenance of the path of travel to a principal entrance to a second unit;
4. That the below grade entrance shall not be used to access an unregistered second unit;
5. That a paved walkway leading to the below grade entrance shall be provided from the front yard and, if necessary, a fill and grading permit shall be obtained to facilitate the paving of a walkway;
6. That failure to comply with and maintain the conditions of the Committee's decision 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

### 8.21 **A-2021-0072**

#### **LAI SING COMPANY LIMITED**

#### **2 KENNEDY ROAD SOUTH, UNIT 10,**

#### **PART BLOCKS A AND B, PLAN 518, WARD 3**

The applicant is requesting the following variance(s):

1. To permit a Motor Vehicle Rental Establishment (Unit 10) for up to 15 vehicles whereas the by-law permits a small scale Motor Vehicle Rental Establishment for up to 5 vehicles.

Mr. Jean Paul Goes, Hertz Canada Limited, authorized agent for the applicant, presented application A-2021-0072 briefly outlining the variances requested. Mr. Goes advised that Hertz has operated at the site for several years during which time a minor variance was approved to change the parking restrictions.

Mr. Goes informed Committee that they have entered into a lease agreement and extension for five years however to continue a variance is required to increase the number of parking spaces to 15, as was previously approved.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff advised that a lot has changed since 2007 when the City had special zoning requirements in place along the Queen Street Corridor to prohibit auto related uses that were considered to be incompatible with other uses in the area. Staff provided a background on previous submissions advising that there is no longer a need for a variance for the use or parking. Staff explained that the owner is permitted a small scale use restricted to five vehicles where an increase to fifteen vehicles is requested. It was staff's position that the variance requested be in perpetuity, with no timeline restrictions.

Mr. Goes 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:

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Moved by: A. C. Marques

Seconded by: R. Power

THAT application A-2021-0072 to permit a Motor Vehicle Rental Establishment (Unit 10) for up to 15 vehicles be approved for the following reasons and subject to the following conditions:

1. That the extent of the storage of rental vehicles be limited to that portion of the rear yard shown on the sketch attached to the Notice of Decision;
2. That no motor vehicle sales, repair or servicing may occur on site; and,
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.22 **A-2021-0073**

#### **KHAWAR MIAN**

#### **42 DUFAY ROAD, PART BLOCK 121, PLAN 43M-1940, WARD 6**

The applicant is requesting the following variance(s):

1. To permit a parking space depth of 5.1m (16.73 ft.) whereas the by-law requires a minimum parking space depth of 5.4m (17.72 ft.).

Mr. Khawar Mian, applicant and owner of the property, presented application A-2021-0073 briefly outlining the variance requested.

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

Mr. Mian indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

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THAT application A-2021-0073 to permit a parking space depth of 5.1m (16.73 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 no further expansion of paved area will be permitted beyond that requested in this variance;
3. That Driveway may not be widened further in future due to proximity of the street lighting pole (should be 1.5 m away from driveway) and daylight rounding;
4. That the extended portion of the driveway shall not be parked or driven upon at any time by any oversized motor vehicle (having a height greater than 2.6 m or overall length greater than 6.7 metres or combination of both).
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

### **APPLICATIONS A-2021-0074 TO A-2021-0077 WERE RELATED AND HEARD CONCURRENTLY**

#### **8.23 A-2021-0074**

##### **YELNIF HOLDINGS LTD.**

##### **8 FINLEY ROAD, PART OF BLOCK A, PLAN 676, WARD 3**

The applicant is requesting the following variance(s):

1. To permit 31 parking spaces whereas the by-law requires a minimum of 34 parking spaces.

8.24 **A-2021-0075**

**JARAH HOLDINGS LTD.**

**11 FINLEY ROAD, PART OF BLOCK A, PLAN 676, WARD 3**

The applicant is requesting the following variance(s):

1. To permit 55 parking spaces whereas the by-law requires a minimum of 118 parking spaces.

8.25 **A-2021-0076**

**JARAH HOLDINGS LTD.**

**12 FINLEY ROAD, PART OF BLOCK A, PLAN 676, WARD 3**

The applicant is requesting the following variance(s):

1. To permit 21 parking spaces whereas the by-law requires a minimum of 70 parking spaces.

8.26 **A-2021-0077**

**JARAH HOLDINGS LTD.**

**22 FINLEY ROAD, PART OF BLOCK A, PLAN 676, WARD 3**

The applicant is requesting the following variance(s)

1. To permit 138 parking spaces whereas the by-law requires a minimum of 143 parking spaces.

Mr. Erik Mirtsou, Candevcon Limited, authorized agent for the applicant, presented applications A-2021-0074 to A-2021-0077 briefly outlining the variances requested for the subject industrial site. Mr. Mirtsou explained that the variances apply to different buildings under the same operation noting that the site is going through the site plan review process concurrently with the minor variance applications.

Committee acknowledged receipt of letters dated April 16, 2021 from Toronto and Region and Region Conservation Authority indicating conditional approval subject to the applicant submitting a \$1,100.00 review fee to TRCA for application A-2021-0071 and a \$1,100.00 review fee for applications A-2021-0075, A-2021-0076 and A-2021-007.

Committee was informed that City of Brampton planning staff was in support of these applications with amended conditions. Conditions were amended to include conditions in the commenting letters received from Toronto and region Conservation Authority.

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Mr. Mlirtsou 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: D. Doerfler

THAT application A-2021-0074 to permit 31 parking spaces be approved for the following reasons and subject to the following conditions:

1. That the Owner finalize site plan approval under City File SPA-2020-0108, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
2. That the parking requirement for any combination of uses and floor area shall be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 34 spaces;
3. That the Owner submit the \$1,100.00 review fee to Toronto and Region Conservation Authority; (A-2021-0074);
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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2021-0075 to permit 55 parking spaces be approved for the following reasons and subject to the following conditions:

1. That the Owner finalize site plan approval under City File SPA-2020-0108, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
2. That the parking requirement for any combination of uses and floor area shall be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 118 spaces;

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3. That the Owner submit the \$1,100.00 review fee to Toronto and Region Conservation Authority; (a single fee of \$1,100.00 applies to A-2021-0075, A-2021-0076 and A-2021-0077 collectively);
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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2021-0076 to permit 21 be approved for the following reasons and subject to the following conditions:

1. That the Owner finalize site plan approval under City File SPA-2020-0108, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
2. That the parking requirement for any combination of uses and floor area shall be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 70 spaces;
3. That the Owner submit the \$1,100.00 review fee to Toronto and Region Conservation Authority; (a single fee of \$1,100.00 applies to A-2021-0075, A-2021-0076 and A-2021-0077 collectively);
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

Moved by: D. Colp

Seconded by: D. Doerfler

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THAT application A-2021-0077 to permit 138 parking spaces be approved for the following reasons and subject to the following conditions:

1. That the Owner finalize site plan approval under City File SPA-2020-0108, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
2. That the parking requirement for any combination of uses and floor area shall be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 143 spaces;
3. That the Owner submit the \$1,100.00 review fee to Toronto and Region Conservation Authority; (a single fee of \$1,100.00 applies to A-2021-0075, A-2021-0076 and A-2021-0077 collectively);
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

### **APPLICATIONS A-2021-0078 AND A-2021-0079 WERE RELATED AND HEARD CONCURRENTLY**

#### **8.27 A-2021-0078**

##### **LAKEPATH HOLDINGS INC.**

##### **11 LOAFER'S LAKE LANE, LOT 1R, PLAN 43M-2080, WARD 2**

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

1. To permit a rear yard setback of 4.02m (13.19 ft.) whereas the by-law requires a minimum rear yard setback of 6.0m (19.68 ft.);
2. To permit a rear yard encroachment of 3.44m (11.29 ft.) resulting in a rear yard setback of 2.56m (8.39 ft.) to a proposed deck whereas the by-law permits a maximum rear yard encroachment of 3.0m (9.84 ft.) resulting in a rear yard setback of 3.0m (9.84 ft.) to the proposed deck.

8.28 **A-2021-0079**

**LAKEPATH HOLDINGS INC.**

**13 LOAFER'S LAKE LANE, LOT 1L, PLAN 43M-2080, WARD 2**

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

1. To permit a rear yard setback of 4.16m (13.68 ft.) whereas the by-law requires a minimum rear yard setback of 6.0m (19.68 ft.);
2. To permit a rear yard encroachment of 3.39m (11.12 ft.) resulting in a rear yard setback of 2.61m (8.56 ft.) to a proposed deck whereas the by-law permits a maximum rear yard encroachment of 3.0m (9.84 ft.) resulting in a rear yard setback of 3.0m (9.84 ft.) to the proposed deck.

Ms. Grace Carere, Royal Cliff Homes, authorized agent for the applicant, presented applications A-2021-0078 and A-2021-0079 briefly outlining the variances requested. Ms. Carere explained that the dwellings were designed with a boxed out bay window which was believed to be acceptable.

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

Ms. Carere 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-2021-0078 to permit a rear yard setback of 4.16m (13.68 ft.) and to a rear yard encroachment of 3.39m (11.12 ft.) resulting in a rear yard setback of 2.61m (8.56 ft.) to a proposed deck 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 (*11 Loafers Lake Lane*) 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; and



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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: R. Power

Seconded by: D. Doerfler

THAT application A-2021-0079 to permit a rear yard setback of 4.02m (13.19 ft.) and to permit a rear yard encroachment of 3.44m (11.29 ft.) resulting in a rear yard setback of 2.56m (8.39 ft.) to a proposed deck 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 (*13 Loafers Lake Lane*) 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; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.29 **A-2021-0080**

**BARTOLOMEO DIGIOVANNI AND CONNIE DIGIOVANNI**

**27 LEEWARD DRIVE, LOT 242, PLAN 43M-820, WARD 3**

The applicants are requesting the following variance(s):

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1. To permit an existing open roofed porch to encroach 2.65m (8.70 ft.) into the required rear yard, resulting in a setback of 5.1m (16.73 ft.) whereas the by-law permits a maximum encroachment of 2.0m (6.56 ft.), resulting in a rear setback of 5.75m (18.86 ft.);
2. To permit lot coverage of 39.3% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit a side yard setback of 0.84m (2.76 ft.) to a proposed building addition enclosing the below grade stairs whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.).

Mr. Jeff DiGiovanni, authorized agent for the applicant, presented application A-2021-0080 briefly outlining the variances requested. Mr. DiGiovanni acknowledged receipt of the staff recommendation report advising that he is in agreement with the proposed conditions as specified in the report.

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

Mr. DiGiovanni informed Committee that he already has a building permit and if the application is approved the permit will be revised. Following discussion, Mr. DiGiovanni indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2021-0080 to permit an existing open roofed porch to encroach 2.65m (8.70 ft.) into the required rear yard, resulting in a setback of 5.1m (16.73 ft.); to permit lot coverage of 39.3% and to permit a side yard setback of 0.84m (2.76 ft.) to a proposed building addition enclosing the below grade stairs 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 drainage on adjacent properties shall not be adversely affected;
3. That drainage from the proposed enclosure roof must flow onto the subject property;
4. That the below grade entrance shall not be used to access an unregistered second unit;
5. That the roofed structure which connects the dwelling at 27 Leeward Drive and the dwelling at 20 Leeward Drive be removed within 180 days of the final date of the

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Committee's decision, and said removal be demonstrated to the satisfaction of the Director of Development Services, or that the structure be altered to comply with the Zoning By-law and Ontario Building Code to the satisfaction of the Chief Building Official and that a building permit be obtained for the alteration, if required;

6. That a building permit be obtained for the below grade entrance and enclosure within 180 days of the final date of the Committee's decision; and
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

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

### 10. **ADJOURNMENT**

Moved by: A. C. Marques

Seconded by: D. Doerfler

That the Committee of Adjustment hearing be adjourned at   a.m. to meet again on Tuesday, May 11, 2021.