



Date: May 11, 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
Rod Power

Members Absent: David Colp (with regrets)

Staff: Francois Hemon-Morneau, Development Planner
Daniel Watchorn, Development Planner
Xinyue (Jenny) Li, Development Planner
Tejinder Sidhu, 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 2:04 p.m.

2. **ADOPTION OF MINUTES:**

Moved by: R. Power

Seconded by: D. Doerfler

THAT the minutes of the Committee of Adjustment hearing held April 20, 2021 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated May 4, 2021.

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

Member Desiree Doerfler declared a conflict of interest on Application A15-213 stating that a former family member is involved.

5. **WITHDRAWALS/DEFERRALS**

A-2021-0097 (Agenda Item 8.16)

BALJINDER SINGH SANDHU AND MANDEEP SANDHU

39 BELLFLOWER LANE, LOT 70, PLAN 43M-1572, WARD 8

Mr. Deep Sahota, Orana Corporation, addressed Committee requesting a deferral of application A-2021-0097 advising that the report issued by staff is not favorable and he would like the opportunity to work with staff.

In response to a question raised by Committee, staff confirmed that there is no record of any enforcement action on the property. Staff responded that they are willing to work with the applicant and would support a deferral.

Following discussion on hearing dates and filing deadline dates, Committee reached the following decision:

Moved by: A.C. Marques

Seconded by: D. Doerfler

That Application A-2021-0097 be deferred to a hearing no later than July 13, 2021.

6. **NEW CONSENT APPLICATIONS**

None

7. **DEFERRED CONSENT APPLICATIONS**

None

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1 **A-2021-0081**

742634 ONTARIO INC. (MAIN STREET CENTRE)

2 FISHERMAN DRIVE, BLOCK 1, PLAN 766, WARD 2

The applicant is requesting the following variance(s):

1. To permit a private school/day nursery having a maximum floor area of 737 square metres whereas the by-law does not permit the proposed use;
2. To permit a physiotherapist office having a maximum floor area of 384.5 square metres whereas the by-law does not permit the office of a health practitioner;

Committee of Adjustment Minutes

3. To permit 144 parking spaces on site whereas the by-law requires a minimum of 171 parking spaces.

Mr. Chris Tonks, Prouse Dash & Crouch LLP, authorized agent for the applicant, presented application A-2020-0081 briefly outlining the variances requested. Mr. Tonks explained that the commercial plaza is located one block south of Sandalwood Parkway, off Huron Street and is occupied by 2 buildings noting that the current owner acquired the property approximately forty years ago.

Mr. Tonks explained that 2 of the current tenants at the property are seeking to expand permitted uses at the property, one for a Montessori school to add some additional programs and the other being a physiotherapist office.

Mr. Tonks advised that there has been some discussion with staff regarding a possible amendment to proposed condition 2 in the staff recommendation report noting that they are not certain that a site plan application is required in that there is no real expansion to the building. He added that if they go through a consultation process with the City they can demonstrate that while reserving the City's right to acquire a site plan application, if required from the applicant.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff proposed amended wording for condition number 2 of the staff recommendation report and removal of condition number 6 as previously proposed.

Mr. Tonks 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-2021-0081 to permit a private school/day nursery having a maximum floor area of 737 square metres, to permit a physiotherapist office having a maximum floor area of 384.5 square metres and to permit 144 parking spaces on site be approved for the following reasons and subject to the following conditions:

1. That the applicant obtains the necessary approvals under the Day Nurseries Act;
2. That a pre-consultation application be submitted by the Applicant to determine whether a site plan application is required. If a site plan application is required in the opinion and discretion of the Director of Development Services, such site plan application shall be submitted by the Applicant within 180 days of the Committee's final and binding decision, or within an extended period of time as approved by the Director of Development Services."

Committee of Adjustment Minutes

3. That a parking study shall be submitted and approved within 180 days of the Committee's final and binding decision or within an extended period of time as approved by Traffic Services Staff;
4. That the proposed expansion of the private school/day nursery use and physiotherapist use 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;
5. That prior to occupying the expanded portions of the private school/day nursery unit and physiotherapist unit, a building permit shall be obtained for all construction necessary to accommodate both uses as per the requirements of the Ontario Building Code;
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

8.2 **A-2021-0082**

PAUL WILLIS

111201 KENNEDY ROAD NORTH, PART OF LOT 16, CONCESSION 2 EHS, WARD 2

The applicant is requesting the following variance(s):

1. To permit a proposed detached garage having a gross floor area of 112.31 sq. m (1208.90 sq. ft.) whereas the by-law permits a maximum gross floor area of 48 sq. m (516.67 sq. ft.) for a detached garage.

Mr. Paul Willis, applicant and owner of the property, was in attendance for application A-2020-0082.

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

Mr. Willis indicated that the proposed conditions were acceptable.

Committee of Adjustment Minutes

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

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2021-0082 a proposed detached garage having a gross floor area of 112.31 sq. m (1208.90 sq. ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That drainage from the proposed detached garage shall flow directly onto the applicant's property;
3. That no commercial or industrial uses shall operate from the detached garage;
4. That prior to issuance of a building permit, elevations are to be approved 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

8.3 **A-2021-0083**

SRI GANESHHA DURGA HINDU TEMPLE

28 MELANIE DRIVE, UNIT 1, PEEL CONDOMINIUM [LAN 227, LEVEL 1, UNIT 1, WARD 7

The applicant is requesting the following variance(s):

1. To provide 69 parking spaces whereas the by-law requires a minimum of 99 parking spaces.

Mr. Gowri Shanker, authorized agent for the applicant, presented application A-2020-0083 briefly outlining the variance requested. He advised that a parking study for the entire site was submitted noting that the temple runs mostly on weekends and night time pointing out

Committee of Adjustment Minutes

that most people who come to the temple have their own transportation or arrive by public transit. He commented that the temple is closed most of the time during the day time. He commented that when the nursing homes have opened back up following the pandemic the residents from the nursing homes will be dropped off and picked-up.

Committee acknowledged receipt of the following correspondence:

E-mail correspondence dated May 5, 2021 from Lena Klrou-Clarke, 28 Melanie Drive, Units 15-16 in opposition to the application.

Letter dated May 5, 2021 from Navdeep Singh Maheru, 28 Melanie Drive, Unit 6 indicating opposition to Application A-2021-0082.

Letter dated May 6, 2021 signed by the owners of Units 2 and 3, Unit 4, Unit 5, Unit 6, Unit 7, Units 8 and 9, Unit 10, Units 11 and 12 and Units 13 and 14, indicating opposition.

E-mail correspondence from Devinder Bharj, Units 11 and 12, with a letter attached in opposition to the application.

Letter dated May 9, 2021 from Joseph Albanese, Lincoln Developments Co., 30 Melanie Drive, in opposition to Application A-2021-0083.

E-mail correspondence dated May 10, 2021 from Imran M of 30 Melanie Drive in opposition.

Mr. Rajeev Krishnarasa, Manager of the Temple, addressed Committee advising that most of the devotees are from the nursing homes who are dropped off and picked up. He advised that bus routes are a key component being that they are located along Steeles Avenue and Torbram Road, one of the main reasons why they chose the location. Mr. Krishnarasa advised that after 6:00 pm all the garages are closed and the number of vehicles they will mostly get is 10 cars a day. He advised that they have been there for over a year and made reference to a parking study which justifies the parking. In regards to the commenting letter received from 30 Melanie Drive he advised that signage can be posted and volunteers can be posted to control the parking.

Mr. Joseph Albanese, 30 Melanie Drive, addressed Committee advising that he purchased the property in 1983 noting that the property has been occupied with Commercial/Industrial uses. Mr. Albanese spoke of a restaurant on site that experiences parking issues as a result of cars from the temple since the temple opened approximately a year and a half ago noting that on Sunday the parking lot is full of cars. He advised that parking control has been on site and the vehicle owners refuse to move their vehicles when told to do so.

Mr. Albanese spoke to an issue pertaining to a side yard in terms of the size of the side yard which differs in the sketch submitted with the application from information he provided with his letter. Mr. Albanese advised that they claim they own 18 metres which is a big issue. It was his submission that they only have 8.3 metres.

Committee of Adjustment Minutes

Mr. Shanker responded that there is a common laneway between the 2 properties. He commented that the loading area is almost 20 metres long used by trucks that come into the overhead door. He referred to a back-up area that is 20 metres, a common laneway. He added that 8.3 belongs to Building 2 and 8.3 belongs to Building 1. He advised that it has been approved and accepted by the City. Making reference to the restaurant, Mr. Shanker added that because of COVID the restaurant is only for take-out commenting that he can work with Mr. Albanese. He made reference to concrete barriers that prevent parking.

Mr. Jaswinder Akalirai, 28 Melanie Drive, Unit 5, (Auto Beauty) addressed Committee informing Committee that there are so many properties with parking. He noted that when there isn't sufficient parking people are parking in front of the doors and he has to go door to door to find out who is parking in front of the doors, which is a waste of his time. He added that signage is posted advising people not to block the doors which already is a problem. He submitted that he is not in support of the variance.

Committee heard from the husband of Lena Klrou-Clarke, 28 Melanie Drive, Units 15 and 16 who advised that his wife is having difficulty logging in. He informed Committee that they run a small business as a candle factory servicing churches for candles they burn for their services. He noted that they have transport trucks come to the site on Sundays commenting that parking is so tight that he can't get trucks back to the building and due to parking in front of his doors he is unable to get his delivery van out to make a living.

Mr. Ravinder Sahota, Unit 4, addressed Committee advising that there are big issues with the parking and he does not support the variance.

Navdeep Maheru of A1 Muffler and Tire, Unit 6, addressed Committee advising that parking is an issue and he does not support the variance.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff read the proposed conditions of approval.

Committee inquired if there were any police reports or by-law reports for the property and inquired about the 69 parking spaces in the complex when there are parking spaces allotted through leases to individual units.

Staff advised that evaluation of the variance is based on the zoning by-law requirement as it applies to the entire site. Staff noted that the parking study provided gives a list of all the uses in each unit and that the parking rate is applied to each of these uses and the rates are then totaled to reflect what the zoning by-law requires as a total for parking for the entire site. Staff informed Committee that lease agreements and the exclusive use of some parking spaces are between the owner and the tenants of the building to work out among themselves.

Staff noted that there are a number of licensed motor vehicle repair shops in this complex that have been there for a number of years that require more parking compared to the

Committee of Adjustment Minutes

candle manufacturer that requires less parking. Staff noted that because the property is private property in terms of parking enforcement the City's parking enforcement doesn't get involved. Staff noted a complaint in 2019 pertaining to vehicles parked in a fire route where the City's response was that it was on a private property matter and should be dealt with by the property management or the fire department.

Committee commented there was no correspondence submitted or anyone present from the Condominium Corporation or Management. Committee made reference to the parking study and information on a Place of Worship based on the gross floor area requiring 22 parking spaces. In comparison, it noted that Units 5, 6, 7 require 2 parking spaces calculated on a rate for manufacturing and repairs. Committee expressed there were deficiencies and commented that the neighbours are to be considered noting that we are all going through the same pandemic. Committee added that there are some "ugly" looking roadblocks between 28 and 30 Melanie Drive which needs to be addressed with something more permanent.

Committee noted that the applicant has indicated that the temple would only be used after 6:00 pm and on Sundays where the parking study indicates operations from 9:00 am to 1:00 pm and 6:00 pm to 9:00 pm seven days a week.

Mr. Shanker replied that the temple is pretty empty and has been closed for over a year and a half with 1 or 2 people coming to the temple by public transit. He added that during the daytime from 9:00 am to 1:00 pm people will be dropped off and picked up.

Committee sought clarification once again on the hours of operation. Mr. Rajeev Krishnarasa responded that he did indicate that most people come after 6:00 p.m. and on Sundays. He remarked that he was incorrect in saying that they are only open at that time.

Committee sought clarification on whether or not the building is under condominium corporation control or is there a property manager for the building. Mr. Krishnarasa advised that all the units are individually owned and there is a manager (Raj) in Unit 2 who solely manages the building.

Committee advised that there would have to be some kind of understanding that something of this significance in terms of parking would have to have an agreement with all the other property owners who have been in their units for a number of years.

Committee noted that the parking study indicates a shortage of 8 parking spaces for the site even before the temple was there. Committee expressed that the parking study seems to be taking the property as a whole and assigning a number of parking spots rather than taking into account the unit owners who have been there for a number of years. Committee estimated the temple would be taking over 45% of the parking, commenting that the immense parking requirement does not seem viable for support.

Committee of Adjustment Minutes

The Chair pointed out that it was indicated that the property manager is in Unit 2 who has also signed a letter indicating a position of non-support. Committee inquired if the individual unit owners could post signage regarding their own parking spaces. Staff responded that for the orderly use of the property the unit owners could post signage within certain limitations including posting on the wall of the building and within a size limitation for the signs. Staff advised that enforcement of those signs and any agreements between the unit owners and the Condominium Corporation Management would have to be resolved through their condominium declarations or any by-laws associated with the property.

Ms. Lena Klrou-Clarke, 28 Melanie Drive, who experienced technical difficulties earlier was able to connect and address Committee. She explained that her husband spoke earlier and conveyed her concerns commenting that she doesn't have much to add other than to advise that parking at the site is horrible.

Mr. Shanker commented that the parking study is very clear indicating that parking is available. Committee cautioned that the parking study was completed April 15, 2021 somewhere at the start of the third wave of a pandemic and during a stay at home order. Committee commented that they would not be looking at this parking study as being complete or representative of typical operations prior to COVID or after COVID. Committee expressed that the information is quite skewed as the representation of attendees would be quite different.

Following discussion Committee reached the following decision:

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2021-0083 to provide 69 parking spaces be refused for the following reasons:

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 variance is not minor.

CARRIED

8.4 **A-2021-0084**

MARK CABRAL VIVEIROS AND VANESSA MELO VIVEIROS

2 DUNCAN BULL DRIVE, LOT 158, PLAN 679, WARD 3

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.).

Committee of Adjustment Minutes

Mr. Dan Kraszewski, D.J.K. Land Use Planning, authorized agent for the applicant, presented application A-2020-0084 briefly outlining the variances requested. Mr. Kraszewski explained that the front face of the building faces Duncan Bull Drive while the exterior side yard is along Bartley Bull Parkway adding that according to the zoning by-law the shortest property frontage is considered the front yard which is Bartley Bull Parkway.

Mr. Kraszewski informed Committee that in advance of submitting the application they spoke with zoning staff to confirm the variance as well as transportation services staff to ensure that they provided the correct day-light triangle at the corner being a 7.5 metre day-light triangle. Mr. Kraszewski explained that they have respected the triangle noting that the fence does not encroach into the triangle.

Committee acknowledged receipt of a letter dated May 3, 2021 from Mary Guild, 128 Bartley Bull Parkway detailing concerns with the proposal.

Committee acknowledged receipt of e-mail correspondence dated May 4, 2021 from Claudio Moshchella, 124 Bartley Bull Parkway detailing concerns.

Mr. David Sa, 137 Bartley Bull Parkway, addressed Committee advising that he has sold his house and was representing the new buyers advising that when the new buyers purchased the property the proposal was not in place. Mr. Sa commented that the proposed fence is in front of a stop sign which aligns with the fence. He expressed that sight lines would not allow you to see around the fence adding that you would have to drive forward five feet which would put you in the walking path of children coming from school. It was his opinion that the fence is coming off the property too far.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff noted that the fence is not proposed within the visibility triangle for the intersection and according to City standards would not be impeding visibility which has been confirmed through transportation staff. Staff noted that the fence is setback from the property line and does not go up to the sidewalk.

Following discussion, Mr. Kraszewski 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: R. Power

THAT application A-2021-0084 to permit a fence in the front yard having a maximum height of 2.0m (6.6 ft.) be approved for the following reasons and subject to the following conditions:

Committee of Adjustment Minutes

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

8.5 **A-2021-0085**

MAYFIELD (RCH) PROPERTIES INC.

8 PUFFIN CRESCENT, LOT 104, PLAN 43M-2102, WARD 9

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

1. To permit a rear yard setback of 7.37m (24.18 ft.) whereas the by-law requires a minimum rear yard setback of 7.50m (24.60 ft.).

Mr. David Dyce Huie, RN Design Ltd., authorized agent for the applicant, presented application A-2020-0085 briefly outlining the variances requested.

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

Mr. Huie 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-2021-0085 to permit a rear yard setback of 7.37m (24.18 ft.) be approved for the following reasons and subject to the following conditions:

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

Committee of Adjustment Minutes

2. That a clause be provided within the agreement of purchase and sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance;
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

8.6 **A-2021-0086**

ANDREA BERNICE WILLIAMS

28 CALEDON CRESCENT, LOT 228, PLAN 695, WARD 3

The applicant is requesting the following variance(s):

1. To permit an existing accessory structure (shed) having a rear yard setback of 0.49m (1.61 ft.) and a side yard setback of 0.5m (1.64 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines for an accessory structure.

Mr. Derek Williams, authorized agent for the applicant, was in attendance for application A-2020-0086. Andrea Williams, applicant and owner of the property, was also in attendance.

Committee acknowledged receipt of e-mail correspondence dated May 6, 2021 from Stephanie Smith, resident, indicating opposition to Application A-2021-0086.

Committee acknowledged e-mail correspondence dated May 5, 2021 from Linda Skillen, resident, indicating opposition to Application A-2021-0086.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff advised that the small size of the accessory structure in relation to the reduced setbacks will not have a significant impact on the character of the neighbourhood.

Committee of Adjustment Minutes

Mr. Williams 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-2021-0086 to permit an existing accessory structure (shed) having a rear yard setback of 0.49m (1.61 ft.) and a side yard setback of 0.5m (1.64 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That roof drainage from the accessory structure shall flow onto the applicant's property;
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

8.7 **A-2021-0087**

RAGHBIR UBHI

8 TORTOISE COURT, LOT 1, PLAN M-90, WARD 10

The applicant is requesting the following variance(s):

1. To permit an accessory structure (cabana 1) having a gross floor area of 78.25 sq. m (842.28 sq. ft.) whereas the by-law permits a maximum gross floor area of 23.0 sq. m (247.60 sq. ft.) for an individual accessory structure;
2. To permit an accessory structure (cabana 1) having a building height of 4.57m (15.0 ft.) whereas the by-law permits a maximum building height of 4.5m (14.76 ft.)
3. To permit an accessory structure (cabana 2) having a gross floor area of 69.32 sq. m (746.15 sq. ft.) whereas the by-law permits a maximum gross floor area of 23.0 sq. m (247.60 sq. ft.) for an individual accessory structure;

Committee of Adjustment Minutes

4. To permit an accessory structure (cabana 2) having a building height of 5.03m (16.50 ft.) whereas the by-law permits a maximum building height of 4.5m (14.76 ft.)
5. To permit an accessory structure (pergola) having a height of 5.19m (17.03 ft.) whereas the by-law permits a maximum height of 4.5m (14.76 ft.);
6. To permit an accessory structure (shed) having a gross floor area of 48.25 sq. m (519.36 sq. ft.) whereas the by-law permits a maximum gross floor area of 23.0 sq. m (247.60 sq. ft.) for an individual accessory structure;
7. To permit 4 accessory structures (cabana 1, cabana 2, pergola and shed) whereas the by-law permits a maximum of 2 accessory structures;
8. To permit 4 accessory structures (cabana 1, cabana 2, pergola and shed) having a combined gross floor area of 212.24 sq. m (2284.53 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 40 sq. m (430.56 sq. m).

Ms. Elen Abunahla, authorized agent for the applicant, presented application A-2020-0087 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated May 6, 2021 from Toronto and Region Conservation Authority indicating conditional approval subject to a condition requiring the applicant to obtain a TRCA permit pursuant to Ontario Regulation 166/06.

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

Ms. Abunahla indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: R. Power

THAT application A-2021-0087 to permit an accessory structure (cabana 1) having a gross floor area of 78.25 sq. m (842.28 sq. ft.); to permit an accessory structure (cabana 1) having a building height of 4.57m (15.0 ft.); to permit an accessory structure (cabana 2) having a gross floor area of 69.32 sq. m (746.15 sq. ft.); to permit an accessory structure (cabana 2) having a building height of 5.03m (16.50 ft.); to permit an accessory structure (pergola) having a height of 5.19m (17.03 ft.); to permit an accessory structure (shed) having a gross floor area of 48.25 sq. m (519.36 sq. ft.); to permit 4 accessory structures (cabana 1, cabana 2, pergola and shed) and to permit 4 accessory structures (cabana 1, cabana 2, pergola and shed) having a combined gross floor area of 212.24 sq. m (2284.53 sq. ft.) be approved for the following reasons and subject to the following conditions:

Committee of Adjustment Minutes

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 structures shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
3. That the accessory buildings (cabana 1, cabana 2, pergola and shed) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory buildings shall be limited to the provision of one washroom and one bar sink;
4. That the proposed cabanas and pergola be of a primarily open style construction and shall not be fully enclosed;
5. The applicant acquires a TRCA permit pursuant to Ontario Regulation 166/06;
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

8.8 **A-2021-0088**

PERMINDER ROOPRAI

31 POSSESSION CRESCENT, LOT 41, PLAN 43M-1992, WARD 10

The applicant is requesting the following variance(s):

1. To permit an a rear yard setback of 7.1m (23.29 ft.) to an existing 1 storey sunroom addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.);
2. To permit an existing driveway width of 13.09m (42.94 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.);
3. To permit 0.0m of permeable landscaping along the side lot line whereas the by-law requires a minimum permeable landscape strip of 0.6m (1.97 ft.) between the driveway and the side lot line.

Committee of Adjustment Minutes

Mr. Perminder Rooprai, applicant and owner of the property, presented application A-2020-0088 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated May 5, 2021 from Kashmir Dharni, 33 accessory structure Crescent indicating support for the application.

Committee acknowledged receipt of e-mail correspondence dated May 6, 2021 from Jatinder Khasria indicating support for the application.

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

Mr. Rooprai expressed that he understands the recommendations inquiring if the neighbours don't object to variances 2 and 3 would it still be a refusal. Committee explained that the neighbours may be O.K. with the variances however the variances don't meet the 4 tests of the Planning Act. Committee inquired if the additional space is required for parking.

Mr. Roopria advised that the additional space is not intended for parking but is more for convenience to accommodate his elderly parents.

Staff advised that the 2 variances are inter-related. Staff explained that the driveway is approximately 2 feet too wide and the required 2 feet of permeable landscaping along the side lot line has been removed and paved with stone which is capable of being parked upon. Staff pointed out that there is no condition associated with the recommended approval of the sunroom addition requiring removal of the 2 feet of non-permeable surface and reinstatement of the permeable landscaping. Staff noted that the reinstatement of the permeable landscaping is all that is required to bring the property into compliance.

Committee was advised that there is no notice of violation at this time and if there was an order to comply the removal of the stone that has been added to the left side of the driveway is all that is required. Staff reiterated that there is no outstanding compliance issue at this time confirming that there has been no complaint against the driveway.

Committee discussed possible support for the variances given that there are no orders to comply and no complaints pertaining to the driveway. Staff assisted Committee with amended conditions

Mr. Rooprai 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-2021-0088 to permit an a rear yard setback of 7.1m (23.29 ft.) to an existing 1 storey sunroom addition; to permit an existing driveway width of 13.09m (42.94 ft.)

Committee of Adjustment Minutes

and to permit 0.0m of permeable landscaping along the side lot line be approved for the following reasons and subject to the following conditions:

1. That variances 2 and 3 are approved only to the extent as shown on the sketch attached to the Notice of Decision;
2. That the increased driveway width and hardscaped landscaping adjacent to the side lot line shall not be parked upon the whole or a part of a motor vehicle;
3. The owner shall obtain a building permit within sixty (60) days of the decision of approval;
4. That the sunroom addition remains in its current one storey configuration;
5. That roof drainage from the sunroom shall flow onto the applicant's property and that drainage on adjacent properties shall not be adversely affected.
6. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.9 **A-2021-0089**

**PANGREEN LIMITED PARTNERSHIP, 9404635 CANADA INC., HIGHWAY 50 & 7
EQUITIES INC., GREYCAN 7 PROPERTIES LIMITED PARTNERSHIP AND GREYCAN 7
PROPERTIES GP INC.**

**4629 QUEEN STREET EAST/0 GORE ROAD, PART OF LOTS 3 AND 4, CONCESSION
10 ND, WARD 8**

The applicants are requesting the following variance(s):

1. To permit a building height of less than 3 storeys for that portion of the building located within 80 metres of Regional Road 107 and Highway 50 whereas the by-law requires a

Committee of Adjustment Minutes

minimum building height of 3 storeys for a building located within 80 metres of Regional Road 107 and Highway 50;

2. To permit outside storage of transport trailers within 47 metres of Highway 50 whereas the by-law requires a minimum setback of 200 metres from Highway 50 and Regional Road 107 for outside storage;
3. To permit a minimum 3.5m of landscaped open space along the lot line abutting Highway 50, except at approved access locations, whereas the by-law requires a minimum 6 metres of landscaped open space abutting Highway 50, except at approved access locations.

Mr. Michael Vani, Weston Consulting, authorized agent for the applicant, presented application A-2020-0089 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated May 5, 2021 from Toronto and Region Conservation Authority indicating conditional approval subject to a condition requiring the applicant submit \$520.00 remaining balance of the review fees.

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

Mr. Vani indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: R. Power

THAT application A-2021-0089 to permit a building height of less than 3 storeys for that portion of the building located within 80 metres of Regional Road 107 and Highway 50; to permit outside storage of transport trailers within 47 metres of Highway 50 and to permit a minimum 3.5m of landscaped open space along the lot line abutting Highway 50, except at approved access locations be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the owner finalize site plan approval under City File SP19-045.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That the applicant submits \$520 remaining balance of the review fees to TRCA as outlined in their letter dated May 5, 2021;

Committee of Adjustment Minutes

4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.10 **A-2021-0090**

DAVID SINGH

37 HAVERTY TRAIL, LOT 195, PLAN 43M-1812, WARD 6

The applicant is requesting the following variance(s):

1. To permit an exterior side yard setback of 1.37m (4.50 ft.) to a proposed building addition (enclosed below grade entrance) whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.)

Mr. Mohammed Syed, Mechways Inc., authorized agent for the applicant, presented application A-2020-0090 briefly outlining the variances requested for an enclosed below grade entrance. He commented that the property is designed in such a way that there is no other location on the property for the proposal which is why it encroaches into the interior side yard.

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

Committee acknowledged receipt of e-mail correspondence from Sanjeev Malhotra, 59 Donomore Drive indicating no objection to the application.

Mr. Syed 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-2021-0090 to permit an exterior side yard setback of 1.37m (4.50 ft.) to a proposed building addition (enclosed below grade entrance) be approved for the following reasons and subject to the following conditions:

Committee of Adjustment Minutes

1. That the existing driveway of 7.16 metres will be reduced to 6.71 metres to comply with the zoning by law as noted on the sketch attached to the Notice of Decision;
2. That the extent of Variance 1 be limited to the extent shown on the sketch attached to the Notice of Decision;
3. That prior to the issuance of a building permit, elevations are to be approved to the satisfaction of the Director of Development Services;
4. That the applicant shall obtain a building permit for the building addition at the discretion of the Chief Building Official;
5. That the below grade entrance shall not be used to access an unregistered second unit; 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

8.11 **A-2021-0091**

RANJIT SINGH DOSANJH AND HARJIT KAUR DOSANJH

20 MORRIS COURT, LOT 8, PLAN 43M-978, WARD 10

The applicants are proposing a 2 storey detached dwelling and are requesting the following variance(s):

1. To permit a garage door height of 3.66m (12.00 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.);
2. To permit a building height of 12.75m (41.83 ft.) whereas the by-law permit a maximum building height of 10.6m (34.78 ft.);
3. To permit an interior side yard width of 3.03m (9.94 ft.) whereas the by-law requires a minimum interior side yard width of 7.5m (24.60 ft.).

Committee of Adjustment Minutes

Mr. Kurtis Van Keulen, Huis Design Studio Ltd., authorized agent for the applicant, presented application A-2020-0091 briefly outlining the variances requested. Mr. Van Keulen explained that the garage door has been scaled to the size of the dwelling and includes a window above the door to provide more height. He expressed that the building height is not impactful informing Committee that they have undertaken some in depth work with TRCA noting that the owner desires to work with TRCA to raise the house out of the ground substantially.

Committee acknowledged receipt of a letter dated May 5, 2021 from Toronto and Region Conservation Authority indicating support for conditional approval subject to a condition requiring the application to acquire a TRCA permit pursuant to Ontario Regulation 166/06.

Committee acknowledged receipt of a letter from Jaswinder and Kulwinder Kohal, 27 Morris Court, indicating no objection to application A-2021-0091.

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

Mr. Van Keulen indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: R. Power

THAT application A-2021-0091 to permit a garage door height of 3.66m (12.00 ft.); to permit a building height of 12.75m (41.83 ft.) and to permit an interior side yard width of 3.03m (9.94 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 owner finalize site plan approval under City File SPA-2021-0012 and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. The applicant acquires a TRCA permit pursuant to Ontario Regulation 166/06;
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

Committee of Adjustment Minutes

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-2021-0092**

BENNY WONG, AMY WONG AND RICHARD WONG

11 SMALLWOOD ROAD, LOT 240, PLAN 43M-2043, WARD 6

The applicants are requesting the following variances(s):

1. To permit a rear yard setback of 1.8m (5.91 ft.) to a proposed deck and landing whereas the by-law requires a rear yard setback of 3.5m (11.48 ft.) to a wood deck off the main floor.

Mr. Chuck Zhou, authorized agent for the applicant, presented application A-2020-0092 briefly outlining the variances requested.

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

Mr. Zhou 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-2021-0092 to permit a rear yard setback of 1.8m (5.91 ft.) to a proposed deck and landing e approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. The owner shall obtain a building permit within sixty (60) days of the decision of approval or within an extended period of time as approved by the Director of Development Services; 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

8.13 **A-2021-0094**

JEAN AND JUERGEN ROTSCVH

142 ROYAL PALM DRIVE, LOT 118, PLAN M-111, WARD 2

The applicants are requesting the following variances(s):

1. To permit an accessory structure (proposed solarium) having a gross floor area of 19.8 sq. m (213.13 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 2 accessory structures (proposed solarium and existing shed) having a combined total gross floor area of 26.8 sq. m (288.47 sq. ft.) whereas the by-law permits 2 accessory structures having a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
3. To permit an accessory structure (proposed solarium) having a building height of 3.19 ft. (10.47 ft.) whereas the bylaw permits a maximum building height of 3.0m (9.84 ft.) for an accessory structure.

Mr. Juergen Rotscvh, applicant and owner of the property, presented application A-2020-0094 briefly outlining the variances requested. Mr. Rotscvh explained that he purchased the property in 1978 which borders onto the Heart Lake Conservation area, a terrific breeding ground for mosquitos. He explained that the proposed solarium will provide some protection.

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

Mr. Rotscvh 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: R. Power

THAT application A-2021-0094 to permit an accessory structure (proposed solarium) having a gross floor area of 19.8 sq. m (213.13 sq. ft.); to permit 2 accessory structures (proposed solarium and existing shed) having a combined total gross floor area of 26.8 sq. m (288.47 sq. ft.) and to permit an accessory structure (proposed solarium) having a building height of

Committee of Adjustment Minutes

3.19 ft. (10.47 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 roof drainage from the accessory structures shall flow onto the applicant's property;
3. That drainage on adjacent properties shall not be adversely affected;
4. Although an archaeological assessment is not required by the City of Brampton, the applicant is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction, the applicant should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services;
5. The applicant acquires a TRCA permit pursuant to Ontario Regulation 166/06 for the shed;
6. The applicant submits \$580 review fee to TRCA;
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.14 **A-2021-0095**

SUKHWINDER SINGH, RAJWINDER SINGH AND DIDAR SINGH

4 MEADOWLARK DRIVE, WARD 4

The applicants are requesting the following variances(s):

1. To permit a 0.9m (2.95 ft.) interior side yard setback to an above grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);

Committee of Adjustment Minutes

2. To permit a 0.65m (2.13 ft.) interior side yard setback to a step leading to an above grade entrance whereas the by-law requires a minimum interior side yard setback of 0.9m (2.95 ft.) to a step leading to a below grade entrance;
3. To permit a driveway width of 8.6m (28.22 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
4. To permit a permeable landscape strip 0.16m (0.53 ft.) along the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) permeable landscaping between the driveway and the side property line.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2020-0095 briefly outlining the variances requested.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: R. Power

THAT application A-2021-0095 to permit a 0.9m (2.95 ft.) interior side yard setback to an above grade entrance; to permit a 0.65m (2.13 ft.) interior side yard setback to a step leading to an above grade entrance; to permit a driveway width of 8.6m (28.22 ft.) and to permit a permeable landscape strip 0.16m (0.53 ft.) along the side lot line be approved for the following reasons and subject to the following conditions:

1. That Variance 3 to permit a driveway width of 8.6 metres be **refused**;
2. That Variance 4 to permit 0.16m of permeable landscaping adjacent to the side lot line be **refused**;
3. That the driveway and permeable landscaping area be restored in compliance with the Zoning By-law within ninety (90) days of the date of the Committee's final decision;
4. That the above grade entrance shall not be used to access an unregistered second unit;
5. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;

Committee of Adjustment Minutes

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

8.15 **A-2021-0096**

RUTHGERUS JABOBUS DAMEN AND MARIA LIGAYA DAMEN

36 CRANMORE COURT, LOT 75, PLAN M-546, WARD 2

The applicants are requesting the following variance(s):

1. To permit a portion of a proposed open sided roof structure attached to the dwelling to project 5.74m (18.83 ft.) into the required rear yard resulting in a setback of 1.86m (6.10 ft.) to the rear lot line whereas the by-law permits a maximum encroachment of 2.0m (6.56 ft.) for an open sided roof structure into the required rear yard with a resulting required setback of 5.6m (18.38 ft.).

Mr. Ronald Heeralall, Lumon Canada, authorized agent for the applicant, presented application A-2020-0096 briefly outlining the variances requested.

Mr. Bay Chin, 58 Amberwood Square, addressed Committee in opposition to the proposed setback commenting that the application fails to recognize the height of the roof covering which will overlook his property noting in addition there may be issues with water. He commented that he has a good relationship with the applicant and is of the opinion that the setback is too close.

Mr. Ruthgerus Damen addressed Committee advising that there is an existing patio which is not sufficient to support the roof structure. He advised that the existing patio will be removed and replaced with a new support base of concrete. Mr. Heeralall confirmed that the new patio that will be in place will require move structural integrity.

Mr. Chin noted that he does not support the setback as proposed but would be happier with a reduced setback. Mr. Damen noted that the setback could be increased and that it is only close to the fence line at one point. He indicated that discussions were on-going with the neighbouring property owners.

Committee of Adjustment Minutes

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

Staff explained that the allowable projection for the attached open roofed structure is 2 metres into the required rear yard setback noting that in order to comply with the by-law they would need to be at least 5.6 metres away from the rear lot line. Staff advised that as noted due to the irregular shape of the lot there is a need for a reduced setback in the far corner of the roofed structure down to 1.86 metres. As discussed between parties, staff noted that if the setback is increased from the rear lot line it would not be an issue if the Committee's condition was modified to say "generally in accordance" with the sketch attached to the Notice of Decision.

Staff noted that an accessory structure is permitted in the rear yard and if this structure was detached it would be permitted as an accessory structure having an area of 15 square metres located in the rear yard within 0.6 metres of the lot line. Staff added that the maximum height of an accessory structure is 3.0 metres.

Staff observed that the proposed structure has a height of approximately 2.4 metres in the area closest to the neighbor commenting that a condition could be imposed to alleviate any concern of the neighbour. Committee was in agreement that the proposed condition could provide comfort to the neighbour.

Discussion continued with staff confirming that the elevations provided show a 2.4 metre height suggesting that the condition would be in accordance with the plans provided.

Mr. Chin spoke of water drainage and having the water kept on the applicant's property. Staff included conditions that would address the drainage concern. Mr. Damen advised that there is a drain in the corner of his lot to the right commenting that the drain is within 2 or 3 feet from the fence line which.

Following discussion, Mr. Heeralall indicated that the proposed conditions, as amended, were acceptable.

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

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2021-0096 to permit a portion of a proposed open sided roof structure attached to the dwelling to project 5.74m (18.83 ft.) into the required rear yard resulting in a setback of 1.86m (6.10 ft.) to the rear lot line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance shall be generally limited to that shown on the Notice of Decision. Any alterations to the structure to increase the proposed setback from the rear lot line (reducing the extent of the variance) shall be permitted;

Committee of Adjustment Minutes

2. That drainage from the roof structure shall be directed onto the subject property and drainage on adjacent properties shall not be adversely impacted;
3. That the maximum height of the roof structure shall be generally in accordance with the elevation drawings submitted as part of the application. In this regard, the maximum height of the roof structure, measured to the underside of the roof, shall not exceed 2.4 m where the setback from the structure is 1.86m from the rear lot line. The maximum height of the roof structure, measured to the underside of the roof, at the wall of the dwelling shall not exceed 3.15m;
4. That the area beneath the proposed roof structure shall remain unenclosed;
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

8.16 **A-2021-0097 (Item deferred as discussed during procedural matters)**

BALJINDER SINGH SANDHU AND MANDEEP SANDHU

39 BELLFLOWER LANE, LOT 70, PLAN 43M-1572, WARD 8

The applicants are requesting the following variance(s):

1. To permit an existing driveway width of 9.75m (32 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

8.17 **A-2021-0098**

RYAN BROWNE AND SHANNON BROWNE

100 DELLS CRESCENT, LOT 48, PLAN 43M-1560, WARD 6

The applicants are requesting the following variance(s):

Committee of Adjustment Minutes

1. To permit an accessory structure (proposed storage shed) having a gross floor area of 16.7 sq. m (179.76 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 (proposed storage shed) having a building height of 3.2m (10.50 ft.) whereas the by-law permits a maximum building height of 3.0m (9.84 ft.) for an accessory structure.

Mr. Ryan Browne, applicant and owner of the property, presented application A-2020-0098 briefly outlining the variances requested.

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

Mr. Browne 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-2021-0098 to permit an accessory structure (proposed storage shed) having a gross floor area of 16.7 sq. m (179.76 sq. ft.) and to permit an accessory structure (proposed storage shed) having a building height of 3.2m (10.50 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the drainage from the accessory structure be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
3. That the accessory building shall not be used as a separate dwelling 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

COMMITTEE RECESSED AT 12:00 PM AND RECONVENED AT 12:06 PM

8.18 **A-2021-0099**

2042843 ONTARIO INC.

34 HIGHWOOD ROAD, PART OF LOT 18, CONCESSION 1 EHS, WARD 2

The applicant is requesting the following variance(s):

1. To permit a temporary new homes sales pavilion to facilitate the sale of units within a proposed townhouse development on the lands whereas the by-law does not permit the proposed use.

Mr. Chad John-Baptiste, WSP authorized agent for the applicant, presented application A-2020-0099 briefly outlining the variances requested. He explained that they would like to utilize the existing sales centre as it exists to allow development to go forward.

Committee acknowledged receipt of e-mail correspondence from Andrew Gill, requesting a copy of the decision regarding application A-2021-0099.

Committee acknowledged receipt of e-mail correspondence from C. John, 20 Highwood Road opposed to townhouses of condominiums in the vicinity of Highwood Road and Highway 10.

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

Mr. John-Baptiste 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-2021-0099 to permit a temporary new homes sales pavilion to facilitate the sale of units within a proposed townhouse development on the lands be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner and builders amend the existing Temporary Structures Agreement with the City to extend the date of expiry 3 years from the date of the Committee's decision or until such time all dwelling units in the plan related to this

Committee of Adjustment Minutes

approval are sold, whichever comes first. A demolition permit shall be obtained prior to the removal of the temporary structure from the site;

3. 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;
4. 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;
6. That the owner agrees to sell lots pertaining to SPA-2019-0005 and shall not conduct sales for other subdivisions from the temporary sales office unless deemed appropriate by the Director of Development Services;
7. Failure to comply with and maintain the conditions of approval shall render the variance 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

MEMBER DESIREE DOERFLER DECLARED A CONFLICT OF INTEREST ON APPLICATION A15-213 AND DID NOT PARTICIPATE IN DISCUSSION

9. **DEFERRED MINOR VARIANCE APPLICATIONS**

9.1 **A15-213**

1334717 ONTARIO INC

8211 MAYFIELD ROAD, PART OF LOT 17, CONCESSION 11 EHS, WARD 10

The applicant is requesting the following variance(s):

1. To permit the temporary operation of a construction yard and administrative office with associated outside storage whereas the by-law does not permit the use.

Committee of Adjustment Minutes

Mr. Joe Plutino, Mainline Planning Services Inc., authorized agent for the applicant, presented application A15-213 briefly outlining the variance requested. Mr. Plutino advised that in 2012 the Committee granted a minor variance for the proposed temporary use of the land based on a favorable staff report finding the matter had met all of the 4 tests pursuant to the Planning Act. He advised that there is an established existing internal use on the property with the ultimate intent to develop the lands in accordance with the secondary plan and the prestige industrial designation on the property. Mr. Plutino advised that they made several presentations to the municipality, the region and the province illustrating their plans noting that they could not be submitted due to a development freeze since they were brought forward in 2014. He made reference to a site plan which was submitted to address Committee's conditions of approval but was never finalized as staff could not process the site plan application while the lands are under a development freeze pointing out that the province would not approve development while lands were being considered to be needed for a provincial GTA West Corridor Management Study.

Mr. Plutino commented that the site plan application was accepted and held in abeyance commenting that any lack of process was because the City could not progress the matter. He commented that without a report on the matter they could not return to the Committee in 2015 with an explanation as to why they had to defer it sine die. He advised that the municipality requested the deferral and although they were close to a solution shortly after it was deferred the Province took the matter off the table until the end of 2018. Mr. Plutino advised that he was assured by staff that the client wouldn't be bothered while the application was deferred explaining that after three years the client received an order to comply. He advised that they have been working to bring the matter to a resolution in order that business could continue.

Mr. Plutino explained the construction yard contains only heavy equipment and no tractor trailers with heavy equipment located at the western boundary of the property. He expressed that a development freeze is in place, the secondary plan is before LPAT which includes the subject property and other lands. He explained that the secondary plan is not in force on this property and won't be in force until a decision is rendered by LPAT. He pointed out that the secondary plan is not in force and the policies of the secondary plan do not apply. He spoke of a pre-consultation application submitted in 2020 to update the 2013 site plan application that has been in abeyance for approximately 7 years. He made reference to various attachments of a document he submitted including a covering letter and various photos showing the condition of the site. He displayed photos of a berm that has been constructed around the site to ensure storm water does not impact neighbouring properties.

Mr. Plutino continued by stating that the proposal is minor and appropriate for an internal use of the land, building or structure. He added that staff say that the secondary plan contains a vision of the municipally which they agree with noting that the opinion of staff is flawed in that the secondary plan is not in force and cannot be used as rational to dictate that outside storage cannot occur. He commented that in terms of the purpose and intent of

Committee of Adjustment Minutes

the Official Plan staff say the proposal does not maintain the purpose and intent which he does not agree with. He stated that the primary designation is industrial which does permit employment uses including construction offices and outside storage. He made reference to various attachments including a map depicting the areas that are before LPAT.

Mr. Plutino expressed that the intent is to preserve the site for employment purposes. He commented that the use is a designated essential service and that they are only looking at using the structures that are currently there on an interim use which will have no impact on the intent of the Official Plan. He stated that his opinion is supported by a professional policy planner who advises that an Official Plan Amendment and Zoning By-law Amendment are not required.

Mr. Plutino explained that the use is temporary and does not interfere as there is no development in the area due to a moratorium. He advised that the variance is appropriate for the temporary use. Mr. Plutino expressed that the use is established and his client has spent 7 million dollars to move the major portion of his company to an existing building in North York, commenting that his heart is in Brampton. He stated that his client wants to do more comprehensive development and is considered an essential service and permitted to operate during the pandemic to facilitate construction projects. He added that there are no environmental hazards, no spills and the work there is to repair machines and for storage. He added that the construction yard is needed to support his business.

Committee acknowledged receipt of e-mail correspondence dated May 6, 2021 from Frank Odorico, Odocom Enterprises Inc. in opposition to application A15-213.

Committee was informed that City of Brampton planning staff was not in support of this application summarizing that the application fails to meet the 4 tests of the Planning Act. Staff commented that it is the opinion of staff that a temporary use by-law is the appropriate mechanism to address the matters of this proposal.

Staff advised that a notice of violation, as acknowledged by the agent, was issued in 2017 for the continued use of the property for the purposes of the application. Staff advised that they held off on issuing the notice as this application was subsequently submitted for the renewal of the prior variance which was subsequently deferred. Staff advised that Enforcement staff confirmed that the use was on going noting that nothing further has happened to date.

Mr. Jason De Luca, principle planner with the Region of Peel, addressed Committee advising that their commenting letter outlines all of their concerns with the application. He stated that if this use were to be considered it is highly recommended that it be through a temporary use zoning by law and a zoning by-law amendment process which would allow a comprehensive review of the application which he stated is not minor in nature. Mr. De Luca stated that there are a number of important environmental assessment processes happening within which this property is located. He spoke of the SP47 secondary plan employment area, an environmental assessment where new regional roads are being

Committee of Adjustment Minutes

created, a GTA West Environmental Assessment where consultation with MTO is a must. Mr. De Luca added that the design of the site and the study requirements associated with the site begs for it to be considered through a zoning by-law process, bringing the zoning into conformity with the planned policy for the area.

Committee posed a question inquiring what the Region's position is in terms of the entrance that is currently being used on Mayfield Road. Mr. De Luca responded that it would have to be studied in detail through a zoning by-law amendment and site plan process, adding that they have very strict access requirements onto Mayfield Road advising that comments provided in 2015 suggested that consultation with the Region on access was very much required.

In response to questions raised by the Committee staff advised that the analysis is based on the current situation. Staff noted that there is information on the previous variance and the decision and the application was deferred indefinitely wherein it was requested that a site plan application be submitted. Staff noted that following the submission of the site plan there was a development freeze.

Committee inquired what assessments would be asked for with a temporary use by-law. Staff explained that any studies required would be in consultation with other departments to identify what studies are required. Staff advised that it is a more robust process which is one of the reasons they have taken the position that they have.

Committee made reference to a property located in close proximity that recently went through a temporary use zoning by-law inquiring if the same was advised for this applicant. Staff responded that generally the position of staff for these types of applications is a temporary use by-law.

Committee displayed pictures resulting from site inspection to the property including the building that was being used as an office, things strewn all over the place, vehicles with no license plates stored on the property that are not associated with construction vehicles. There were photos of numerous cars that appeared to have been there for some time and barrels on site with indications of something leaking. Committee also displayed photos of tractor trailers on site and a secondary road. Committee commented that if approval was granted for temporary use of the site, there is a lot of cleaning to be done and environmental issues to be addressed.

Committee noted that since 2015 when the application was deferred, six years has passed noting that the property is in poor condition while Committee is put on the spot to grant more time which Committee commented is challenging. Committee noted that the application does not ask for a specific time frame pointing out that a 50 page document was submitted just before the meeting commenced. Committee added that it is too much information at the last minute for Committee to review.

Committee of Adjustment Minutes

Mr. Plutino acknowledged that the site is in need of cleaning and the building has not been maintained as it was when the central office was there. He expressed that the Committee is only looking at the negative side of the site. Mr. Plutino made reference to comments from the Region of Peel from December, 2015 which detailed that a site plan application cannot be processed due to the GTA West protection corridor and that none of the Region's comments have been satisfied to date. Mr. Plutino commented that the adjournment sine die was the recommendation of staff.

Mr. Plutino displayed photos of equipment and storage containers, construction materials and trailers explaining that the property has been used to support a major company and major works. He commented that for 6 years nobody bothered the applicant. He advised that his client will commit to cleaning up the site. He added that this is an existing use and some consideration should be given to the people that work there and to what this business has done. It was his submission that the application meets the four tests. He commented that the interim use will not affect the intent of the Official Plan. He requested that they be permitted to submit an application for what will happen on the property. He added that they want to be able to stay in business for a few more years while the appeal is being settled.

Mr. De Luca addressed Committee noting that in looking at air photos there are significant site alterations on this site. He commented that this is not minor and that there is no way through a minor variance that they can recommend development of the entire site when they will need a significant portion of the site to create a road network. He added that through the site plan approval process they could analyze the specifics of the road design.

In response to questions raised by Committee staff advised that a temporary use zoning by-law is meant to move faster than the 12 to 16 months for a zoning by-law amendment. Staff advised that a public meeting is required and staff would bring forward a recommendation report following that estimating it would be approximately 6 months. Staff noted that this is the preferred approach advising that the fees for a temporary use by-law have been reduced and is cheaper than the fees associated with a minor variance application.

Mr. Angelo Riccio, owner of the property, addressed Committee advising that he moved to the City of Brampton when there were 33,000 people, commenting that he resides at the same property he purchased in 1969. He advised that he wants to remain operating his business at the site advising his intention is to develop the land in the future and comply with the City and the Region if they need lands for the arterial roads.

Mr. Riccio explained that the garbage behind the building was left behind by someone they allowed to remain on site to renovate a trailer they purchased. He commented he will clean up the site and investigate the spill and remove the barrels. He commented that there is no way that any water or contaminants are going onto the property next door. He referred to a previous concern from a neighbour with water going onto his property which he explained resulted from a hole in the berm which has since been resolved. He inquired why he could not stay at the property and operate his business and what he was doing wrong and who is

Committee of Adjustment Minutes

he impacting. He spoke of a letter submitted by a neighbouring property owner and continued to ask what he was doing wrong.

Committee advised that staff are trying their best noting that he got an approval in 2012 which expired in 2015. Committee commented that he is still running his business and staff have been lenient. Committee recommended that the applicant work with staff to find a solution and requested that staff provide some conditions of approval for a minimum timeframe for temporary approval.

Committee commented that they want to see the business stay noting that the site needs to be cleaned up noting that there is concern with oil spills but respect the fact that the firm has been in Brampton for a long time. Committee expressed that should the applicant work with staff and apply for a rezoning application would a year and a half to 2 years be sufficient for the applicant to stay on site while the studies are ongoing. Committee expressed that 2 years would be a maximum timeframe they could consider with conditions.

Staff advised that in 2012 the conditions that were associated with the approval were never complied with including site plan approval that was never finalized. Committee suggested if approval is granted that it be for a maximum period of 2 years.

Zoning Staff formulated conditions for Committee's consideration including a condition that the approval be for a maximum period of 2 years, that there be no discharge of oils, fluids or other environmental contaminants and that the existing contaminated soil and areas containing contaminants be cleaned up to the satisfaction of the Director of Development Services, that all inoperative vehicles and outside storage of material not associated with the construction yard activity be removed from the site within sixty days and that within the next 2 years the applicant submit a pre-consultation application for an amendment to the zoning by-law or for a temporary use by-law to permit the on-going use of the construction yard. Zoning Staff requested that there be input from Planning Staff as well as Regional Staff in terms of recommended conditions.

Planning Staff responded that they are happy to work with conditions today but given the complexities of the file and the history as well as the involvement of the Region of Peel suggested a deferral of the application. Staff expressed that a short deferral would allow them to flush out conditions to avoid a circumstance where issues could result from creating conditions on the fly at the meeting.

Committee agreed that the recommendation to defer would be beneficial suggesting that they don't want to go through all the discussion again.

Mr. Plutino advised that they already had a meeting and it was recommended in the meeting that through the review of the site plan that they do a rezoning application for Council's review, noting that they have asked for a number of studies. He suggested that they already know what the studies have to be. He spoke of the Region's request for a TIS on an existing site which he commented is excessive. Mr. Plutino suggested that they add a

Committee of Adjustment Minutes

Phase 1 environment site assessment to confirm the state of the site to alleviate the concerns raised by staff.

Mr. De Luca responded that their concerns extend beyond that and were included in their comments along with comments from servicing related to outflows from the site.

Mr. Plutino advised that in order for them to submit an application it will take several months to put together the reports commenting that 2 years seems reasonable.

Mr. De Luca reiterated there are concerns beyond traffic related to servicing and storm water management. He commented that he liked staff's recommendation for a deferral in order that they are provided time to consider what conditions they would like to see.

Discussion took place on meeting dates and following discussion, Committee reached the following decision:

Moved by: A. C. Marques

Seconded by: R. Power

THAT application A15-213 be deferred to a hearing date no later than July 13, 2021.

CARRIED

10. **ADJOURNMENT:**

Moved by: A. C. Marques

Seconded by: R. Power

That the Committee of Adjustment hearing be adjourned at 2:04 p.m. to meet again on Tuesday, June 1 2021.