

**APPLICATION # A-2021-0129**  
**WARD #8**

**APPLICATION FOR MINOR VARIANCE**

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

AND WHEREAS the property involved in this application is described as Part of Block 1, Plan 43M-1802, Part 21, Plan 43R-33142 municipally known as **38 DAVENHIL ROAD**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit a landscaped open space of 31.82% of the lot area whereas the by-law requires a minimum of 35% of the lot area to be landscaped open space;
2. To permit a landscaped open space of 42.44 sq. m (456.82 sq. ft.) abutting the rear wall of the dwelling whereas the by-law requires a minimum landscaped open space area of 45 sq. m (484.38 sq. ft.) abutting the rear wall of the dwelling.

**OTHER PLANNING APPLICATIONS:**

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

Plan of Subdivision: \_\_\_\_\_ NO \_\_\_\_\_  
Application for Consent: \_\_\_\_\_ NO \_\_\_\_\_

File Number: \_\_\_\_\_  
File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, July 13, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

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

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

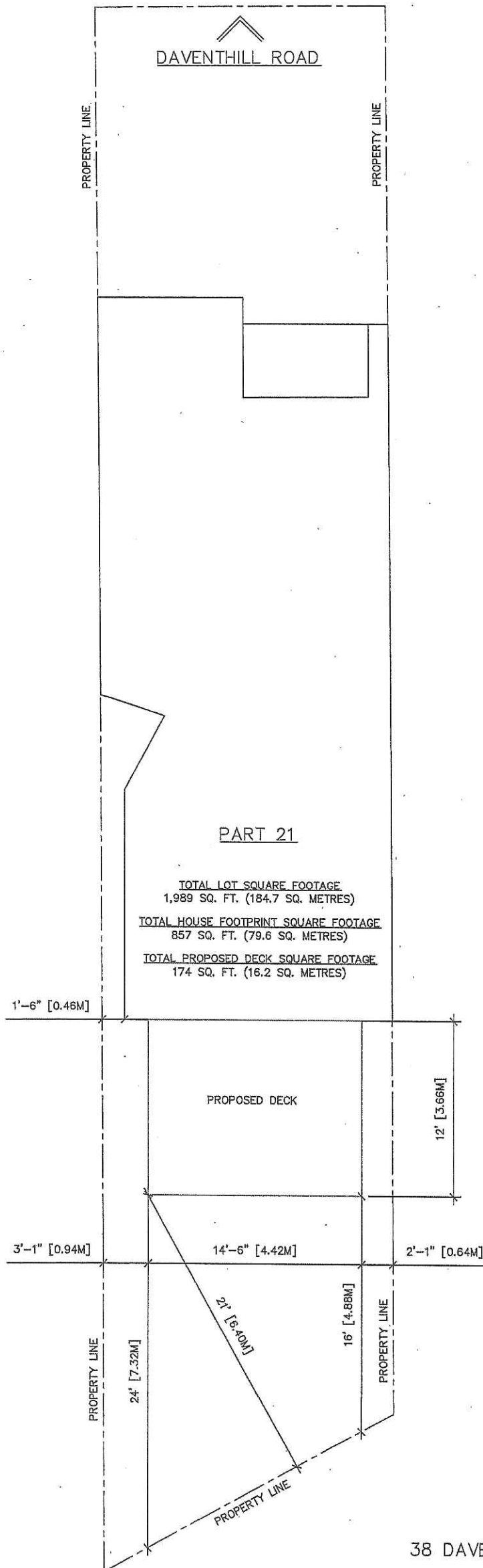
**RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.**

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

DATED at Brampton Ontario, this **30th Day of June, 2021.**

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

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



SITE PLAN

38 DAVENHILL ROAD, BRAMPTON, ON



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

**Electronic Hearing Procedures**  
**How to get involved in the Virtual Hearing**

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

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, July 8, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm, Friday, July 9, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, July 9, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at:  
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or  
<http://video.isilive.ca/brampton/live.html>.

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

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

38 Davenhill Rd.  
Brampton, ON L6P 3E1

June 2, 2021

A-2021-0129

Jeanie Myers  
Legislative Coordinator  
Secretary-Treasurer  
Committee of Adjustment  
City of Brampton, City Clerk's Office  
2 Wellington St. West  
Brampton, ON L6Y 4R2

Dear Ms. Myers,

Please accept this letter and the accompanying documents as my application for a minor variance on my property at 38 Davenhill Rd.

The building on the property is a two-storey townhouse with a walk-out basement. The building is attached to another townhouse on each side. The rear yard is adjacent to conservation land supervised by the Toronto and Region Conservation Authority (TRCA). I am requesting to build an elevated deck in the rear yard 2.62 m above the ground surface, extending 3.66 m away from the townhouse and 4.42 m wide, for a total area of 16.18 m. The extension of the deck (3.66 m) would be in line with or smaller than the majority of new decks built in the rear yards of the townhouses along Davenhill Rd.

Section 3446.2 of the zoning by-law stipulates that the open space landscaped area be a minimum of 35% of the lot area and a minimum of 45 m<sup>2</sup> in the rear yard. The proposed deck would reduce the open space landscaped area to 31.82% of the lot area and 42.44 m<sup>2</sup> in the rear yard, hence the reasons for this application.

I have contacted the planning departments of the City of Brampton and of the TRCA, both of which find the size of the proposed deck acceptable.

Please do not hesitate to contact me if you require additional information.

Yours truly,



Gino Teolis



FILE NUMBER: A-2021-0129

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

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

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

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

1.

Name of Owner(s)

Gino Teolis

Address

38 Davenhill Rd.

Brampton, ON L6P 3E1

Phone #

416-700-0468

Fax #

Email

iginoteolis@hotmail.com

2.

Name of Agent

Address

Phone #

Fax #

Email

3.

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

I am requesting permission to build an elevated deck in the rear yard 2.62 m above the ground surface, extending 3.66 m away from the townhouse and 4.42 m wide, for a total area of 16.18 m.

4.

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

Section 3446.2 of the zoning by-law states "An open space landscaped area having a minimum area of 45 square metres shall abut the rear or exterior side wall of each dwelling unit. The proposed deck would reduce the open space landscaped area to 42.44 square metres. The same section states that the minimum landscaped open space must be 35% of the lot area. The proposed deck would reduce the open space to 31.82%.

5.

Legal Description of the subject land:

Lot Number

Part 21 (PIN 14021-1262)

Plan Number/Concession Number

Plan 43R-33142

Municipal Address

38 Davenhill Rd. Brampton, ON L6P 3E1

6.

Dimension of subject land (in metric units)

Frontage

6 m

Depth

32.43 m (to the farthest corner)

Area

184.8 sq.m.

7.

Access to the subject land is by:

Provincial Highway

Municipal Road Maintained All Year

Private Right-of-Way

Seasonal Road

Other Public Road

Water

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

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

A two-storey townhouse (plus a walk-out basement), 15.00 m long, 6.00 m wide, and a total house footprint of approximately 79.6 sq. m.

**PROPOSED BUILDINGS/STRUCTURES** on the subject land:

An elevated deck in the rear yard 2.62 m above the ground surface, level with the first floor, extending 3.66 m away from the townhouse and 4.42 m wide, for a total area of 16.18 sq. m.

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

**EXISTING**

Front yard setback	6.03 m
Rear yard setback	8.15 m (to the closest corner)
Side yard setback	0 m (attached townhouse)
Side yard setback	0 m (attached townhouse)

**PROPOSED**

Front yard setback	6.03 m
Rear yard setback	4.70 m (to the closest corner)
Side yard setback	0 m (attached townhouse)
Side yard setback	0 m (attached townhouse)

10. Date of Acquisition of subject land: 03/15/2013
11. Existing uses of subject property: Residential
12. Proposed uses of subject property: Residential
13. Existing uses of abutting properties: Residential on both sides, conservation land in the rear.
14. Date of construction of all buildings & structures on subject land: 2010
15. Length of time the existing uses of the subject property have been continued: 11 years
16. (a) What water supply is existing/proposed?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Well ☐
- (b) What sewage disposal is/will be provided?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Septic ☐
- (c) What storm drainage system is existing/proposed?  
Sewers ☒ Other (specify) \_\_\_\_\_  
Ditches ☐  
Swales ☐



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

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

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

Yes ☐ No ☐ Unknown ☒

If answer is yes, provide details:

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

Gino Teolis  
Signature of Applicant(s) or Authorized Agent

DATED AT THE City \_\_\_\_\_ OF Brampton  
THIS 3rd DAY OF June, 2021.

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

I, Gino Teolis, OF THE City \_\_\_\_\_ OF Brampton

IN THE Region \_\_\_\_\_ OF Peel \_\_\_\_\_ SOLEMNLY DECLARE THAT:

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

DECLARED BEFORE ME AT THE

City \_\_\_\_\_ OF Brampton  
IN THE Region \_\_\_\_\_ OF  
Peel THIS 3rd DAY OF  
June, 2021.

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

Gino Teolis  
Signature of Applicant or Authorized Agent

Submit by Email

FOR OFFICE USE ONLY

Present Official Plan Designation: \_\_\_\_\_

Present Zoning By-law Classification: \_\_\_\_\_

R3A-3446

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

Todd Hogg  
Zoning Officer

June 8, 2021.  
Date

DATE RECEIVED

Date Application Deemed  
Complete by the Municipality

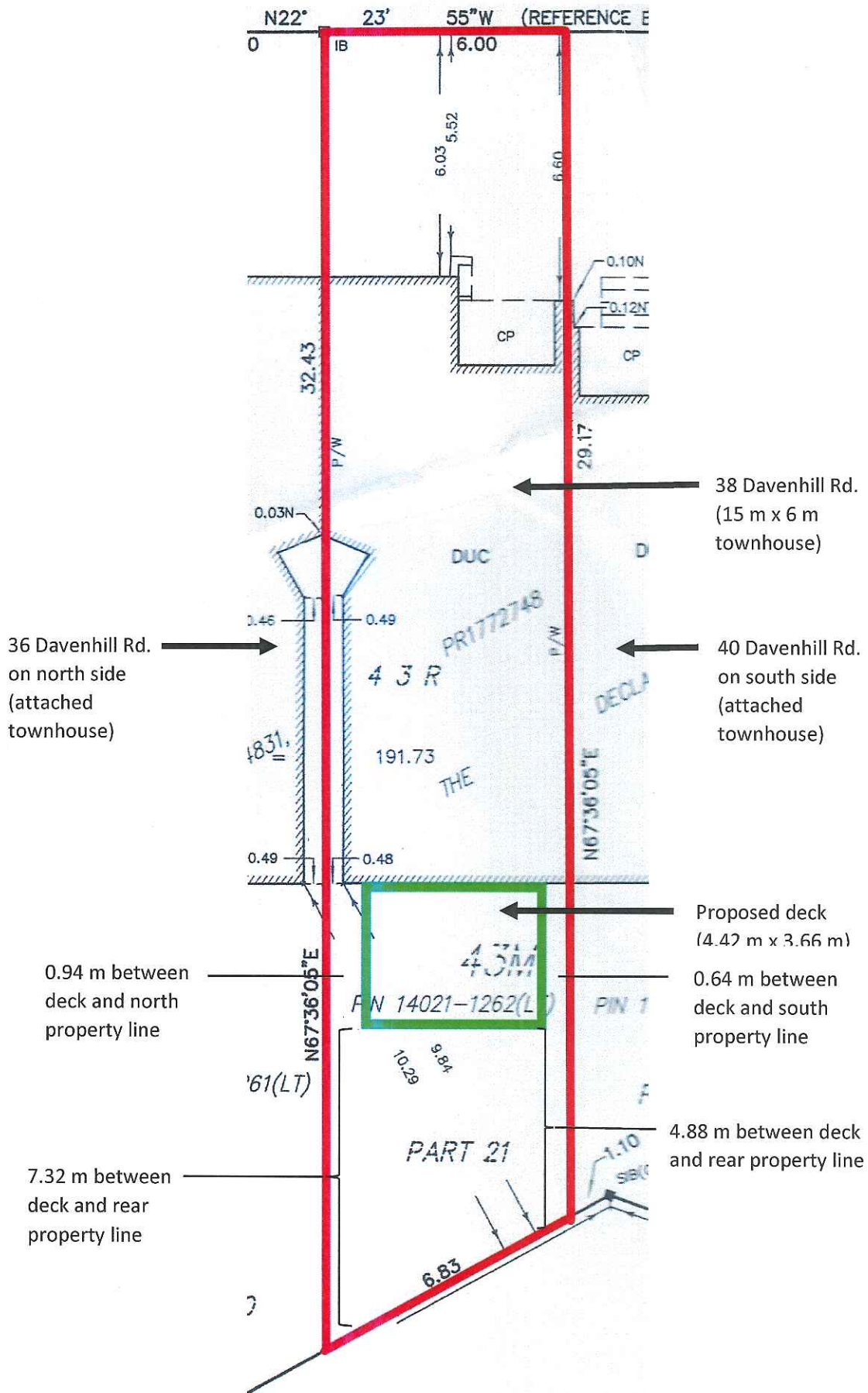
June 3, 2021

June 8, 2021





Sidewalk and Davenhill Rd. on east side (private road, 6.4 m wide)



38 Davenhill Rd. property (in red) showing the proposed location of the deck (in green). A portion of the survey covering 24 to 44 Davenhill Rd. was used to create this site plan.

PART 21

TOTAL LOT SQUARE FOOTAGE  
1,989 SQ. FT. (184.7 SQ. METRES)

TOTAL HOUSE FOOTPRINT SQUARE FOOTAGE  
857 SQ. FT. (79.6 SQ. METRES)

TOTAL PROPOSED DECK SQUARE FOOTAGE  
174 SQ. FT. (16.2 SQ. METRES)

1'-6" [0.46M]

PROPOSED DECK

12' [3.66M]

3'-1" [0.94M]

14'-6" [4.42M]

2'-1" [0.64M]

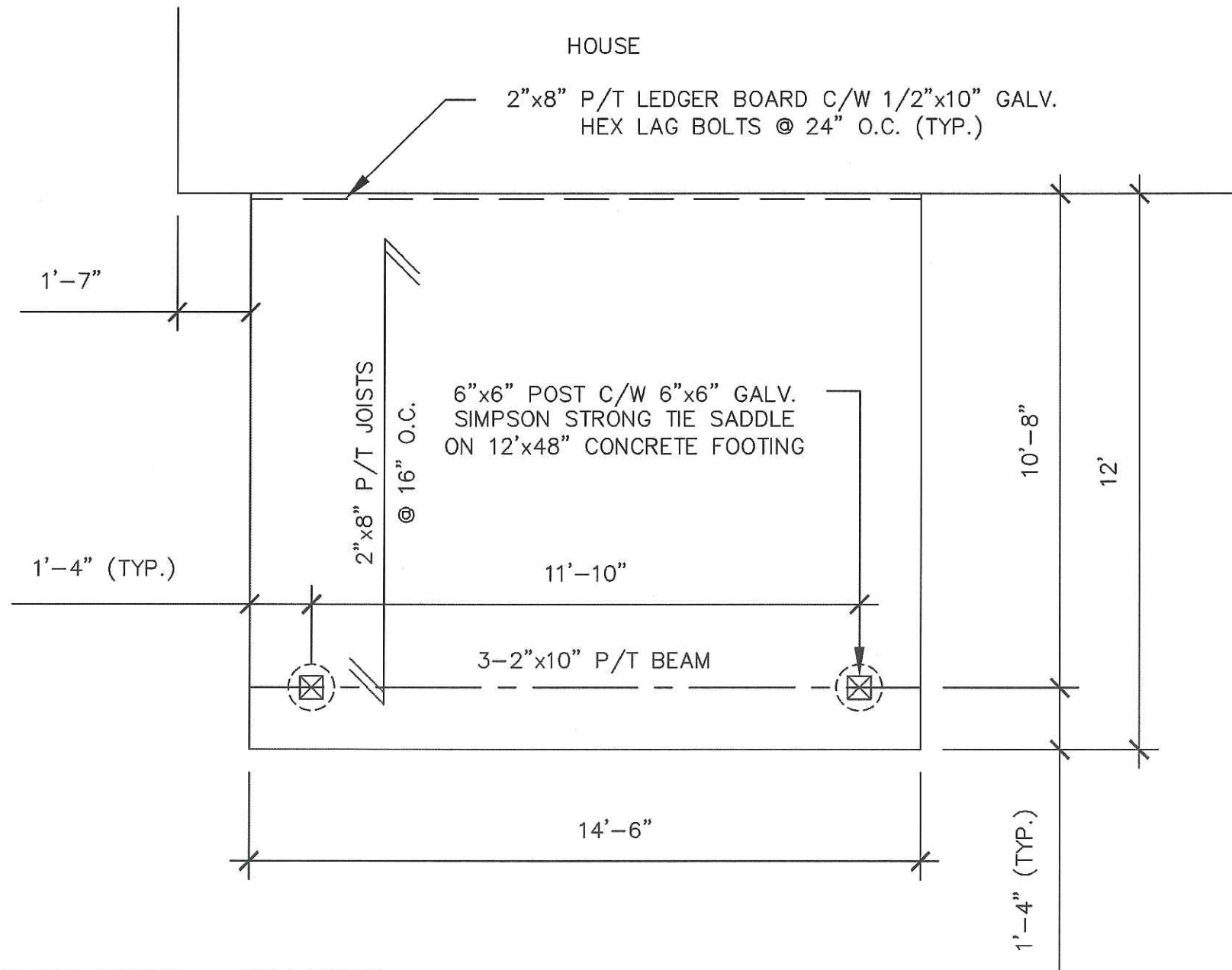
24' [7.32M]

21' [6.40M]

16' [4.88M]

SITE PLAN

38 DAVENHILL ROAD,  
BRAMPTON, ON

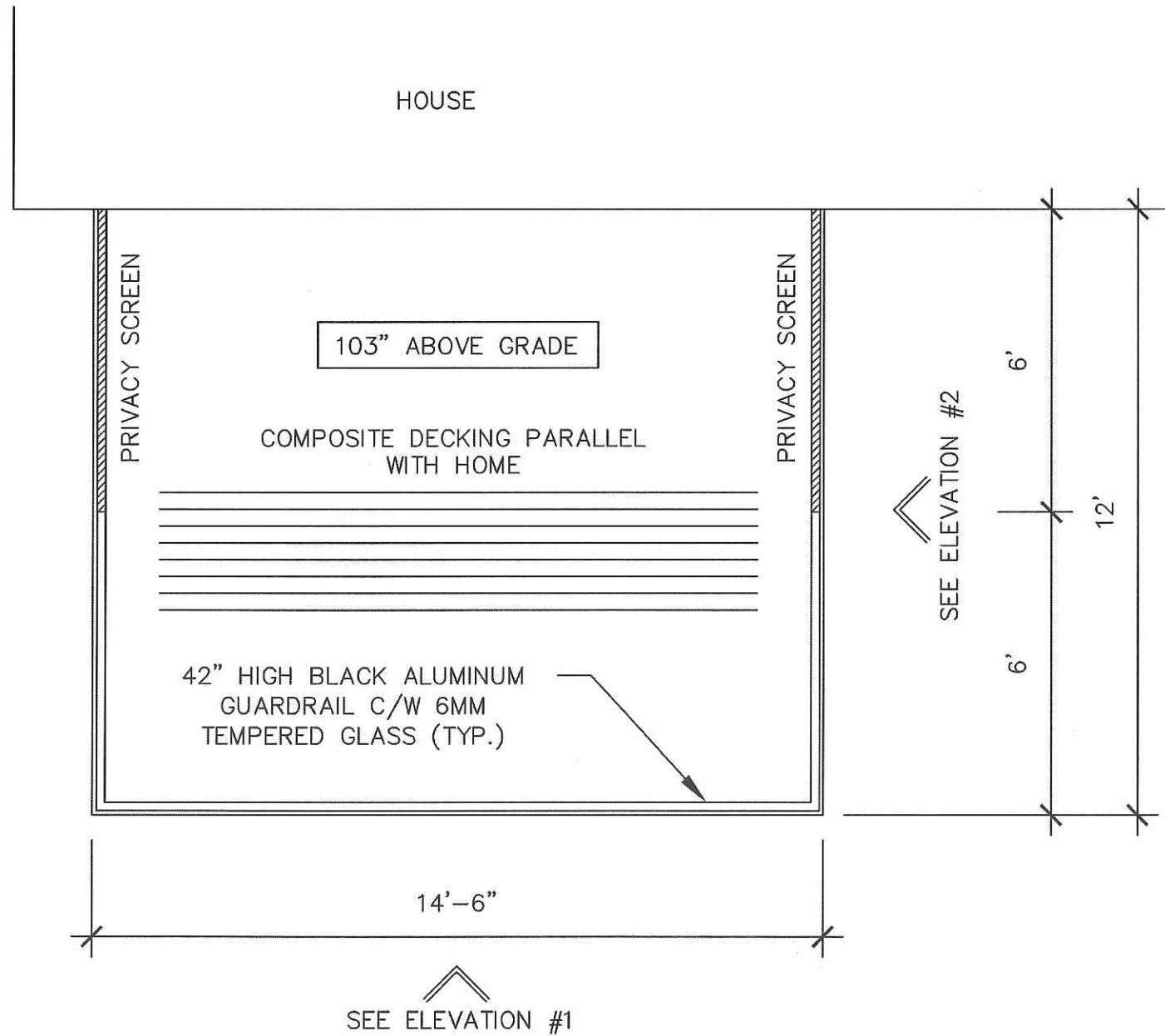


PLAN VIEW – FRAMING

REV #0

38 DAVENHILL ROAD, BRAMPTON, ON

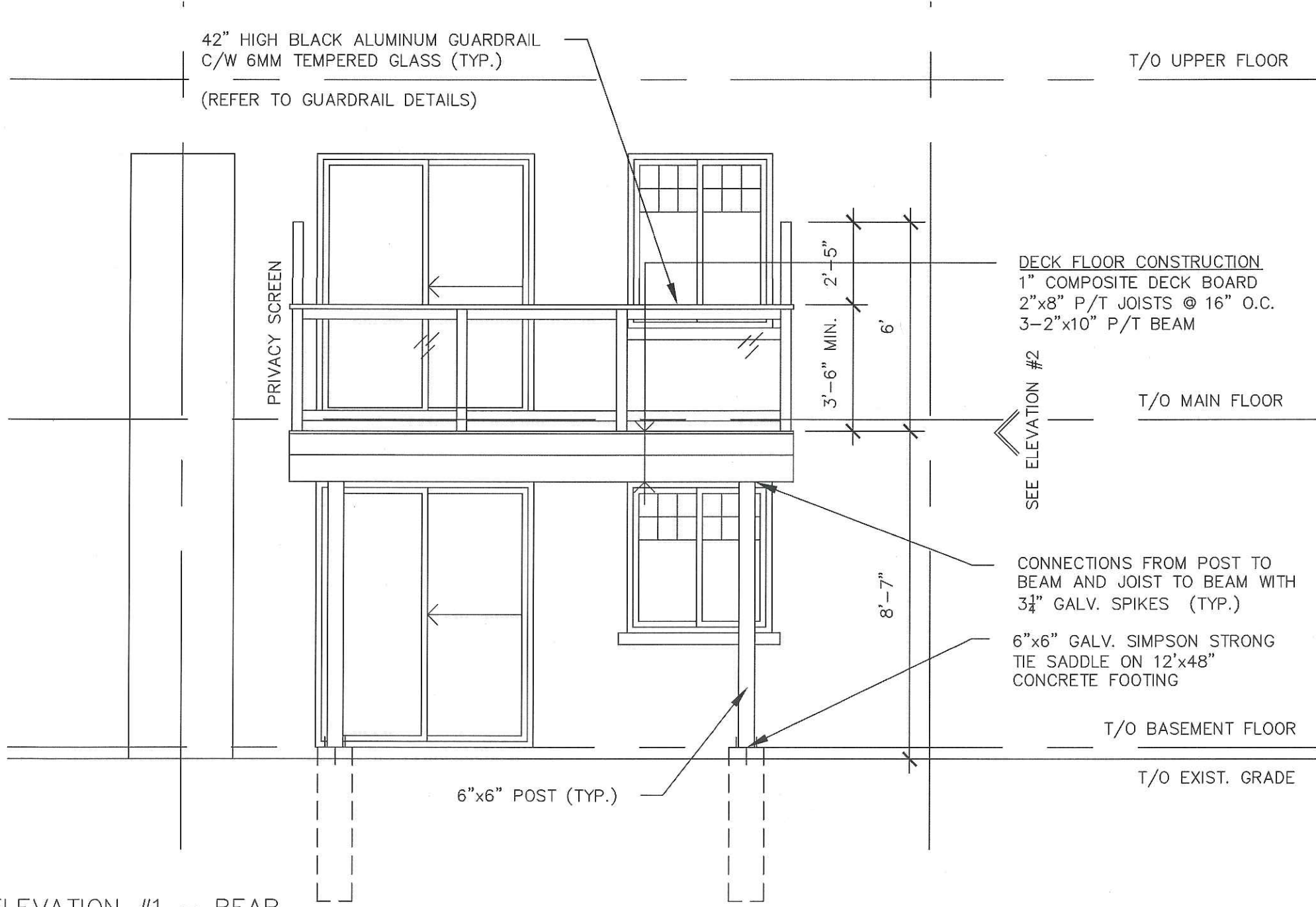




PLAN VIEW – GUARDRAILS

REV #0

38 DAVENHILL ROAD, BRAMPTON, ON



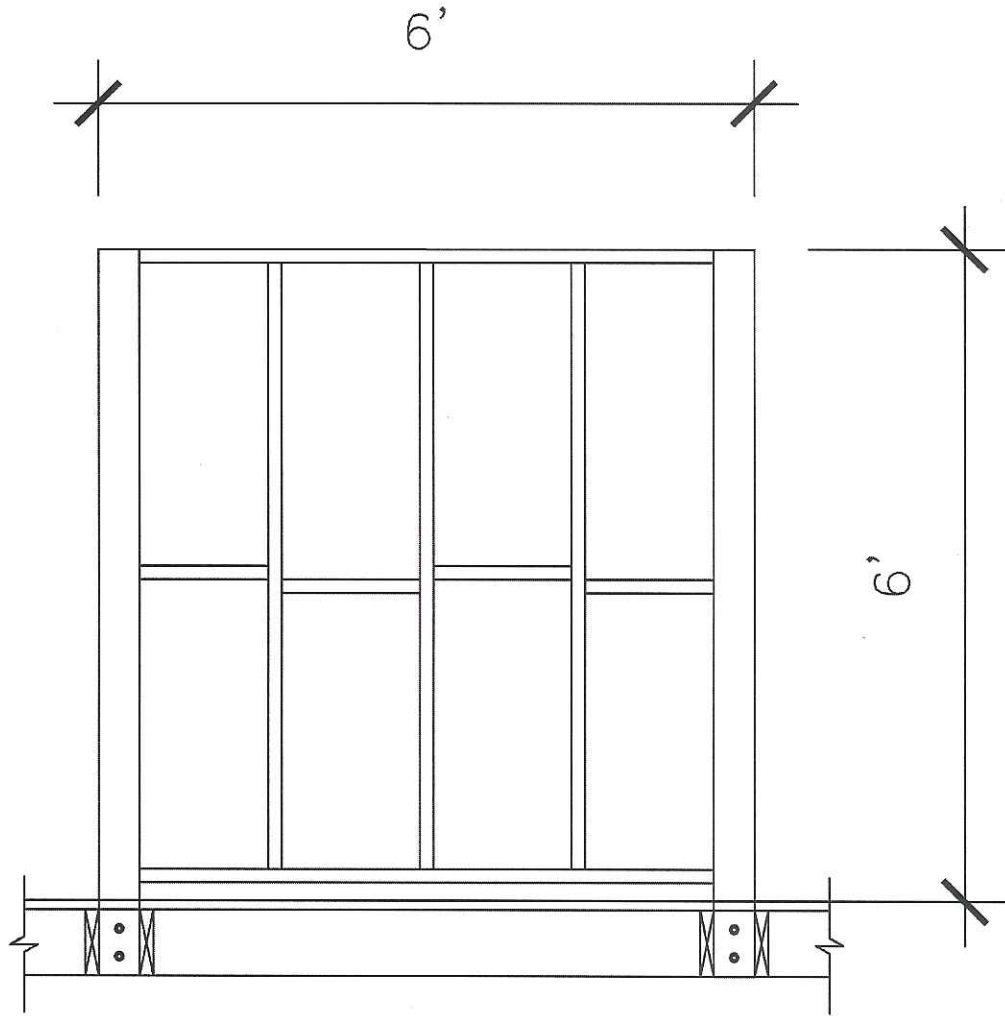
ELEVATION #1 - REAR

REV #0

38 DAVENHILL ROAD, BRAMPTON, ON







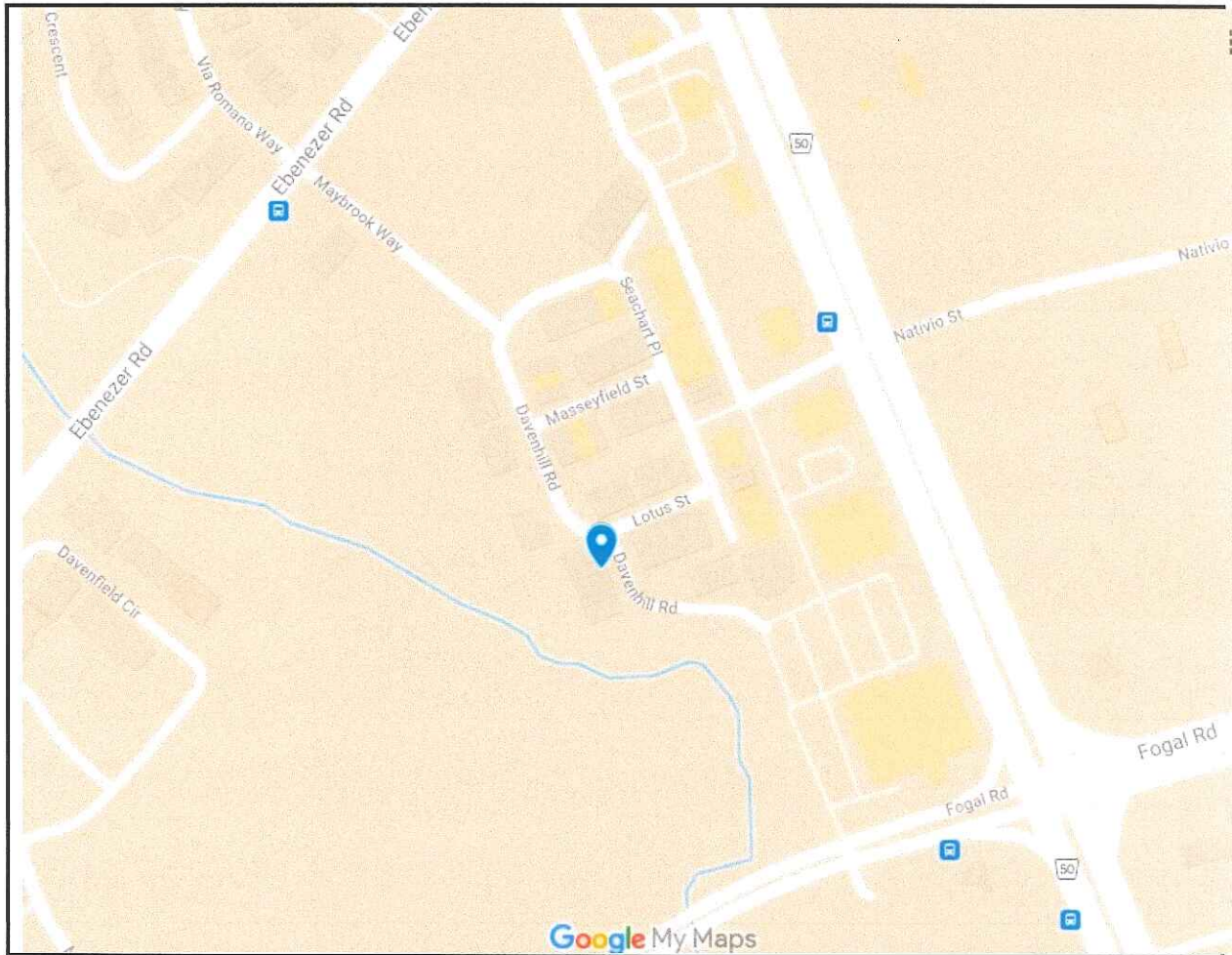
NOTES:

1. 4"x4" POSTS BLOKED WITH 2"x8" FRAMING AND 2-  $\frac{3}{8}$ "x6" GALV. HEX. LAGS
2. 2"x4" FRAMING 16" O.C. FINISHED WITH P/T DECK BOARDS

ELEVATION — PRIVACY SCREEN FRAMING

REV #0

38 DAVENHILL ROAD, BRAMPTON, ON



Map showing location of 38 Davenhill Rd.

