

Date: June 22, 2021
Time: 9:00 a.m.
Location: Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

Members: Ron Chatha (Chair)
Desiree Doerfler (Vice-Chair)
Ana Cristina Marques
David Colp
Rod Power

Staff: Francois Hemon-Morneau, Development Planner
Steve Ganesh, Manager, Development Services
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:00 a.m. and adjourned at 10:25 am.

2. **ADOPTION OF MINUTES:**

Moved by: R. Power

Seconded by: D. Colp

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

CARRIED

3. **Region of Peel Comments**

Letter dated June 14, 2021.

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

Member R. Chatha declared a conflict of interest on Application A-2021-0121 in the name of Brookvalley Developments Brampton Inc. stating that he provided realty services along with his team on this matter.

5. **WITHDRAWALS/DEFERRALS**

B-2021-0009 (Listed as item 6.1)

VINOD MAHESAN, VIPIN MAHESAN, GEETANJALI MAHESAN AND MANSI RASTOGI

41 MARYSFIELD DRIVE

LOT 25, PLAN 406, WARD 10

A-2021-0117 (Listed as item 8.6)

VINOD MAHESAN, VIPIN MAHESAN, GEETANJALI MAHESAN AND MANSI RASTOGI

41 MARYSFIELD DRIVE

LOT 25, PLAN 406, WARD 10

A-2021-0118 (Listed as item 8.7)

VINOD MAHESAN, VIPIN MAHESAN, GEETANJALI MAHESAN AND MANSI RASTOGI

41 MARYSFIELD DRIVE

LOT 25, PLAN 406, WARD 10

Committee was in receipt of a letter dated June 21, 2021 from Vinod Mahesan, authorized agent for the applicants, requesting a deferral of applications B-2021-0009, A-2021-0117 and A-2021-0118, listed as items 6.1, 8.6 and 8.7.

Committee was advised that staff recommends refusal of all three of the subject applications. Staff noted that as indicated in the staff recommendation report refusal is recommended because of the prescriptive Official Plan policies pertaining to the minimum lot area requirements in both the Official Plan and Zoning by-law. Staff explained that there are specific criteria for the Marysfield neighbourhood pertaining to lot area and the minor variances do not meet the criteria.

Mr. Vinod Mahesan was in attendance to acknowledge the request for a deferral of the applications advising that they had an initial conversation with city staff and was anticipating a favourable response from the City. He expressed that the overall refusal is surprising stating that his request has merit. Mr. Mahesan explained that they want to work with the City to understand the concerns while allowing some additional time for them to secure a professional planning opinion and supporting documentation to present to the Committee.

Committee acknowledged receipt of e-mail correspondence from Gursharn Singh, 36 Marysfield Drive indicating opposition to the proposal.

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Committee advised that they sometimes grant a deferral if they see merit. Committee expressed that they understand staff's position while noting that this is not a circumstance where there are Orders to Comply against the property. Committee considered the request for a deferral of the applications to September 14, 2021. Following discussion Committee reached the following decision:

Moved by: R. Power

Seconded by: A.C. Marques

THAT applications B-2021-0009, A-2021-0117 and A-2021-0118 be deferred to the hearing date of September 14, 2021.

CARRIED

6. **NEW CONSENT APPLICATIONS**

6.1 **B-2021-0009** *(item deferred as discussed during procedural matters)*

VINOD MAHESAN, VIPIN MAHESAN, GEETANJALI MAHESAN AND MANSI RASTOGI

41 MARYSFIELD DRIVE

LOT 25, PLAN 406, WARD 10

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.78 hectares (1.93 acres). The proposed severed lot has a frontage of approximately 30.495 metres (100.05 feet), a depth of approximately 128.05 metres (420.11 feet) and an area of approximately 0.3905 hectares (0.96 acres). The effect of the application is to create a new residential lot to facilitate the future development of a single detached dwelling.

7. **DEFERRED CONSENT APPLICATIONS**

None

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1 **A-2021-0112**

ALICE WIAFE

119 OLIVIA MARIE ROAD

PART OF BLOCK 135, PLAN 43M-1854, PARTS 77 AND 78, PLAN 43R-34447, WARD 4

The applicants are requesting the following variances(s):

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1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required side yard;
2. To permit an interior side yard setback of 0.71m (2.33 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Ms. Alice Wiafe, applicant and owner of the property was in attendance representing application A-2020-0112.

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

Ms. Wiafe indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0112 to permit an exterior stairway leading to a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.71m (2.33 ft.) to an exterior stairway leading to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That the below grade entrance shall not be used to access an unregistered second unit; and
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

8.2 **A-2021-0113**

HAIMRAJEE LAKERAM

128 BLOOMSBURY AVENUE

LOT 30, PLAN 43M-1738, WARD 10

The applicant is requesting the following variances(s):

1. To permit a setback of 4.77m (15.65 ft.) to the door of a proposed garage extension whereas the by-law requires a minimum setback of 6m (19.68 ft.) to the front of the garage door;
2. To permit an existing driveway width of 12.1m (39.70 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.).

Ms. Arpani Saini, Ambee Architecture Inc., authorized agent for the applicant, was in attendance representing application A-2020-0113.

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

Ms. Saini indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2021-0113 to permit a setback of 4.77m (15.65 ft.) to the door of a proposed garage extension and to permit an existing driveway width of 12.1m (39.70 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 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

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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-2021-0114**

GAYATRI ANAND

3 HAGGERT AVENUE SOUTH

PART OF LOT 10, PLAN 429, WARD 3

The applicant is requesting the following variances(s):

1. To permit a front yard setback of 3.08m (10.10 ft.) to a proposed single storey porch addition whereas the by-law requires a minimum front yard setback of 6.0m (19.68 ft.);
2. To permit lot coverage of 31.32% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit an interior side yard setback of 0.65m (2.13 ft.) to an existing shed located within a required interior side yard whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Mr. Tribhuwan Anand, authorized agent for the applicant, was in attendance representing application A-2020-0114.

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

Mr. Anand indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2021-0114 to permit a front yard setback of 3.08m (10.10 ft.) to a proposed single storey porch addition; to permit t coverage of 31.32% and to permit an interior side yard setback of 0.65m (2.13 ft.) to an existing shed located within a required interior side yard be approved for the following reasons and subject to the following conditions:

1. That the extend of the variances be limited to that show on the sketch attached to the Notice of Decision;
2. That drainage on adjacent properties not be adversely impacted;

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

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

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

CARRIED

8.4 **A-2021-0115**

IVANO CONTE AND PATTI GALIFI

34 ODEON STREET

LOT 97, PLAN 43M-1601, WARD 10

The applicants are requesting the following variances(s):

1. To permit 4 existing accessory structures, whereas the by-law permits a maximum of 2 accessory structures on a residential lot;
2. To permit the Gross Floor Area (GFA) of the existing cabana to be 56m², whereas the by-law permits a maximum GFA of 15m² for an individual accessory structure;
3. To permit a building height of 3.3m for the existing cabana, whereas the by-law permits a maximum building height of 3.0m for an accessory structure;
4. To permit a setback of 0.28m to the existing cabana, whereas the by-law requires a minimum setback of 0.6m to an accessory structure;
5. To permit the Gross Floor Area (GFA) of an existing gazebo to be 16.1m², whereas the by-law permits a maximum GFA of 15m² for an individual accessory structure;
6. To permit a building height of 3.65m for the existing gazebo, whereas the by-law permits a maximum building height of 3.0m for an accessory structure;
7. To permit a 0.3m setback to the existing play structure, whereas the by-law requires a minimum setback of 1.2m to a recreational structure;
8. To permit a building height of 3.05m for the existing play structure, whereas the by-law permits a maximum building height of 3.0m for an accessory structure;

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9. To permit the combined Gross Floor Area (GFA) of four accessory structures to be 80.1m², whereas the by-law permits a maximum combined GFA of 20m² for two accessory structures;
10. To permit a washroom to be included in the cabana creating a habitable space, whereas the by-law does not permit an accessory structure to be used for human habitation.

Mr. Valdemar Oliveira, authorized agent for the applicant, presented application A-2020-0115 briefly outlining the variances requested noting that approximately 90 to 95% of the structure has been built.

Committee acknowledged receipt of e-mail correspondence from Rosanna and Pietre Bitondo, 41 Saint Hubert Drive detailing their concerns with the application.

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

Mr. Oliveira 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-2021-0115 to permit 4 existing accessory structures; to permit the Gross Floor Area (GFA) of the existing cabana to be 56m²; to permit a building height of 3.3m for the existing cabana; to permit a setback of 0.28m to the existing cabana; to permit the Gross Floor Area (GFA) of an existing gazebo to be 16.1m²; to permit building height of 3.65m for the existing gazebo; to permit a 0.3m setback to the existing play structure; to permit a building height of 3.05m for the existing play structure; to permit the combined Gross Floor Area (GFA) of four accessory structures to be 80.1m² and to permit a washroom to be included in the cabana creating a habitable space 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 structures shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
3. That the accessory building (cabana) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory building shall be limited to the provision of one washroom, shower, and sink;
4. That the existing gazebo remain of a primarily open style construction and shall not be fully enclosed; and

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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

8.5 **A-2021-0116**

MANJEET KAUR

23 SHEEPBERRY TERRACE

LOT 181, PLAN 43M-1439, WARD 6

The applicant is requesting the following variances(s):

1. To permit a below grade entrance in the interior side yard having as setback of 0.25m to the side lot line and where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling, whereas the by-law permits a below grade entrance in the interior side yard provided that a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling and a minimum setback of 3.0m (9.84 ft.) to the below grade stairway is maintained;
2. To permit an existing accessory structure (shed) having a setback of 0.46m (1.51 ft.) to the side lot line and 0.51m (1.67 ft.) to a rear lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line.

Mr. Arshad Siddique, C- Architecture, authorized agent for the applicant, presented application A-2020-0116 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated June 16, 2021 from Credit Valley Conservation indicating no objection to Application A-2021-0116.

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

Mr. Siddiqui indicated that the proposed conditions were acceptable.

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

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Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0116 to permit a below grade entrance in the interior side yard having as setback of 0.25m to the side lot line and where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling and to permit an existing accessory structure (shed) having a setback of 0.46m (1.51 ft.) to the side lot line and 0.51m (1.67 ft.) to a rear lot line 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. The owner shall obtain a building permit within 60 days of the decision of approval.
3. That the below grade entrance shall not be used to access an unregistered second dwelling unit;
4. That drainage on adjacent properties shall not be adversely affected;
5. That the applicant submits \$310.00 review fee to the Credit Valley Conservation as outlined in their letter dated June 16, 2021;
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.6 **A-2021-0117** (*item deferred as discussed during procedural matters*)

VINOD MAHESAN, VIPIN MAHESAN, GEETANJALI MAHESAN AND MANSI RASTOGI

41 MARYSFIELD DRIVE

LOT 25, PLAN 406, WARD 10

The applicant is requesting the following variance(s) associated with the proposed severed lot under Consent Application B-2021-0009:

1. To permit a minimum lot area of 0.3905 hectares whereas the by-law requires a minimum lot area of 0.4 hectares.

CARRIED

8.7 **A-2021-0118** (*item deferred as discussed during procedural matters*)

VINOD MAHESAN, VIPIN MAHESAN, GEETANJALI MAHESAN AND MANSI RASTOGI

41 MARYSFIELD DRIVE

LOT 25, PLAN 406, WARD 10

The applicant is requesting the following variance(s) associated with the proposed retained lot under Consent Application B-2021-0009:

1. To permit a minimum lot area of 0.3905 hectares whereas the by-law requires a minimum lot area of 0.4 hectares.

8.8 **A-2021-0119**

VARINDER DHILLON

30 CYNTHIA CRESCENT

LOT 4, PLAN 43M-978, WARD 10

The applicants are requesting the following variance(s):

1. To permit a building height of 11.65m (38.22 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

Mr. Shashank Chitale, Antrix Architects Inc., authorized agent for the applicant, presented application A-2020-0119 briefly outlining the variances requested to allow the height as proposed in their design.

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

Mr. Chitale 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-2021-0119 permit a building height of 11.65m (38.22 ft.) be approved for the following reasons and subject to the following conditions:

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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 finalize site plan approval under City File SPA-2021-0064 and post any required financial securities and insurance to the satisfaction of 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

8.9 **A-2021-0120**

MICHAEL CACHIA AND STEPHANIE CACHIA

38 WATSON CRESCENT

LOT 742, PLAN 679, WARD 3

The applicants are requesting the following variance(s):

1. To permit a setback of 5.26m (17.26 ft.) from a garage opening to the front lot line whereas the by-law requires a minimum setback of 6.0m (19.68 ft.);
2. To permit a parking space having a minimum depth of 5.26m (17.26 ft.) whereas the by-law requires a minimum depth of 5.4m (17.72 ft.).

Mr. Michael Cachia, applicant and owner of the property, was in attendance representing application A-2020-0120.

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

Mr. Cachia indicated that the proposed conditions were acceptable.

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

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Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0120 a setback of 5.26m (17.26 ft.) from a garage opening to the front lot line and to permit a parking space having a minimum depth of 5.26m (17.26 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;
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:

3. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and
4. 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 R. CHATHA DECLARED A CONFLICT OF INTEREST ON APPLICATION A-2021-0121 AND DID NOT PARTICIPATE IN DISCUSSION. MEMBER D. DOERFLER ASSUMED THE CHAIR.

8.10 A-2021-0121

BROOKVALLEY DEVELOPMENTS BRAMPTON INC.

47 RAINBROOK CLOSE

PART OF BLOCK 57, PLAN 43M-1745, PART OF BLOCK 135, PLAN 43M-1182, WARD 10

The applicant is requesting the following variance(s) associated with a proposed single detached dwelling:

1. To permit a rear yard setback of 9.56m (31.37 ft.) whereas the by-law requires a minimum rear yard setback of 10.0m (32.80 ft.).

Mr. David Huie, RN Design Ltd) authorized agent for the applicant, presented application A-2020-0121 briefly outlining the variances requested advising that the variance is due to the angle of the property line.

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

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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: A. C. marques

THAT application A-2021-0121 to permit a rear yard setback of 9.56m (31.37 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;
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; 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

8.11 **A-2021-0122**

SUKHDIP VIRK AND SUKHPREET KAUR

45 ALABASTER DRIVE

LOT 106, PLAN 43M-524, WARD 1

The applicant is requesting the following variance(s):

1. To permit an existing above grade door located on the side wall having a setback of 1.1m (3.61 ft.) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to an above grade door located on the side wall of a dwelling;
2. To permit the existing above grade door located in the side yard having a width of 1.1m (3.61 ft.) to be used as the primary entrance for a second unit whereas the by-law

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requires a minimum side yard width of 1.2m (3.94 ft.) leading from the front of the dwelling to a door used as the primary entrance for a second unit.;

3. To permit an existing accessory structure (shed) having a setback of 0.0m to the side lot line and 0.45m (1.48 ft.) to a rear lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line.

Ms. Sukhdip Virk, applicant and owner of the property, presented application A-2020-0122 briefly outlining the variances requested.

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

Ms. Virk indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0122 to permit an existing above grade door located on the side wall having a setback of 1.1m (3.61 ft.); to permit the existing above grade door located in the side yard having a width of 1.1m (3.61 ft.) to be used as the primary entrance for a second unit and to permit an existing accessory structure (shed) having a setback of 0.0m to the side lot line and 0.45m (1.48 ft.) to a rear lot line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That drainage on adjacent properties not be adversely impacted;
3. That the above grade entrance shall not be used to access an unregistered second unit; and
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

RATHCLIFFE PROPERTIES LIMITED

400 AND 420 PARKHURST SQUARE

PART OF LOT 1, CONCESSION 7 N. D., WARD 8

The applicant is requesting the following variance(s):

1. To permit a rear yard setback of 8.62m to lands zoned Agricultural whereas the by-law requires a minimum rear yard setback of 13.7 metres to lands zoned Agricultural;
2. To permit a street line setback of 28.40m abutting Steeles Avenue whereas the by-law requires a 46m street line setback to Steeles Avenue;
3. To permit a street line setback of 4.53m abutting Parkhurst Square to a proposed hydro transformer whereas the by-law requires a 15m setback abutting Parkhurst Square;
4. To permit a lot coverage of 48% whereas the by-law permits a maximum lot coverage of 35%;
5. To permit an 8.21 metre wide landscape open space strip abutting Steeles Avenue, except approved driveway locations, whereas the by-law requires a minimum 15 metre wide landscaped open space strip, except at approved driveway locations;
6. To permit outside storage of goods, materials or machinery whereas the by-law does not permit outside storage of goods, materials or machinery.

Mr. Joseph Guzzi, Dillon Consulting Limited) authorized agent for the applicant, was in attendance representing application A-2020-0123. He explained that the variances will facilitate the redevelopment of employment lands into a modern warehouse facility while taking advantage of the sites ideal location adjacent to the transportation network in the area. Mr. Guzzi advised that two warehouse buildings are proposed adding that the submission summarizes how the four tests of the Planning Act are met. He noted that the angular nature of the lot may make the variances appear more substantial than they are.

Committee acknowledged receipt of a letter dated June 18, 2021 from Toronto and Region Conservation Authority indicating no objection subject to a condition that the applicant acquire 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.

Mr. Guzzi indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2021-0123 to permit a rear yard setback of 8.62m to lands zoned Agricultural; to permit a street line setback of 28.40m abutting Steeles Avenue; to permit a street line setback of 4.53m abutting Parkhurst Square to a proposed hydro transformer; to permit a lot coverage of 48%; to permit an 8.21 metre wide landscape open space strip abutting Steeles Avenue, except approved driveway locations and to permit outside storage of goods, materials or machinery be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File SPA-2020-0187, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of 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-2021-0125**

MOHAMMED RAHMAN AND SIFAT SIRAJI

81 READY COURT

LOT 24, PLAN 43M-984, WARD 4

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 1.6m (5.25 ft.) to a proposed second storey addition above the existing garage whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.) to the second storey.

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Mr. Tanvir Rai, Noble Prime Solutions Ltd., authorized agent for the applicant, presented application A-2020-0125 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence from Carlos Fe (no address provided) indicating he is not in favour to the proposal.

Committee was informed that City of Brampton planning staff was in support of this application 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: R. Power

Seconded by: A. C. Marques

THAT application A-2021-0125 to permit an interior side yard setback of 1.6m (5.25 ft.) to a proposed second storey addition above the existing garage 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 a Limited Site Plan application shall be submitted within 90 days of the Committee's decision 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

8.14 **A-2021-0126**

PARAMJIT GILL

5 CRESCENT HILL DRIVE SOUTH

LOT 1, CONC.4 EHS, WARD 7

The applicant is requesting the following variance(s):

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1. To permit a front yard setback of 13.8m (45.41 ft.) whereas the by-law requires a minimum front yard setback of 15m (49.21 ft.);
2. To permit a dwelling height of 9.8m (32.15 ft.) whereas the by-law permits a maximum dwelling height of 7.6m (24.93 ft.).

Mr. Harpreet Bhons, Technoarch Inc., authorized agent for the applicant, presented application A-2020-0126 briefly outlining the variances requested commenting that the property is more than an acre in size. He advised that a site plan application has been submitted.

Mr. Douglas Critch, 27 Crescent Hill Drive, addressed Committee advising that he is in generally in favour of the application noting that his only concern pertains to an entrance requesting that it not be used to access an unregistered second unit.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff revisited the site plan noting that the below grade steps are indicated to be for the owner's use adding that a condition could be included to address the neighbour's concerns.

Discussion took place with staff proposing wording for a condition to be included.

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

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2021-0127 to permit front yard setback of 13.8m (45.41 ft.) and to permit a dwelling height of 9.8m (32.15 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-2020-0177, 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 proposed below grade entrance in the interior side yard shall not be used to access an unregistered second unit;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.15 **A-2021-0127**

MICHAEL PINHEIRO & MARIA PINHEIRO

2207 EMBLETON DRIVE

LOT 5, CONC.5 WHS, WARD 6

The applicants are requesting the following variance(s):

1. To permit a front yard setback of 4.9m (16.08 ft.) whereas the by-law requires a minimum front yard setback of 12m (39.37 ft.).

Mr. Tomasz Goral, authorized agent for the applicant, was in attendance representing the application.

Committee acknowledged receipt of a letter dated June 16, 2021 from Credit Valley Conservation indicating no objection to Application A-2021-0127.

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

Mr. Goral indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0127 to permit a front yard setback of 4.9m (16.08 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant submits \$310.00 review fee to the Credit Valley Conservation as outlined in their letter dated June 16, 2021; and

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

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

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

CARRIED

9. **DEFERRED MINOR VARIANCE APPLICATIONS**

9.1. **A-2021-0014**

250955 ONTARIO INC.

15 HALE ROAD

LOT 1, CONC. 2 EHS, PART 1, PLAN 43R-1794, WARD 3

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

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

Mr. Nicholas Dell, Harper Dell and Associates, authorized agent for the applicant, presented application A-2020-0014 briefly outlining the variances requested. Mr. Dell spoke to a parking study prepared by his office which challenged the assumption of demand that the Zoning by-law assumes for a particular use, in this case for an impound facility. He advised that in situations where you don't quite meet the size of the lot or provide the number of parking spaces that the by-law assumes a facility should demand, a parking study is appropriate.

Mr. Dell expressed that the parking study found that the way the business is run is different from what the by-law assumes for a vehicle impound facility noting that the parking numbers assumed by the by-law are not always appropriate based on hours of operation and number of employees.

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

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Mr. Dell 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-2021-0014 to permit a lot area of 1550 square metres and to permit 8 parking spaces 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 requirement for parking for any combination of uses permitted within the 'M2' zone shall not exceed 17 parking spaces to ensure that the permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement;
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

9.2. **A-2021-0016**

2660602 ONTARIO INC.

43 PROGRESS COURT

PT.BLOCK 1, PLAN M-863, PT.1, PLAN 43R-16312, WARD 8

The applicant is requesting the following variance(s):

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

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3. To provide 30 parking spaces on site whereas the by-law requires a minimum of 33 parking spaces.

Mr. Erik Mirtsou, Candevcon Limited, authorized agent for the applicant, presented application A-2020-0016 briefly outlining the variances requested. He made reference to proposed condition number 5 of the staff recommendation report and requested consideration for revised wording to assign with proposed condition number 4.

Committee acknowledged receipt of e-mail correspondence dated March 3, 2021 from Nick Rapallo, Delsatr (2000) Inc., 57 Progress Court in opposition to the application.

Mr. Nick Rapallo, 57 Progress Court, addressed Committee commenting that they have been affected as the adjacent property commenting that although it was noted that there are no drainage issues he has experienced ice buildup on the property this year. Mr. Rapallo added that property value has been affected. He made reference to the variance pertaining to the reduced setback from 8 metres to 0.3 metres commenting that there is less than twelve inches between the fence line and the building.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Zoning staff proposed revised wording for condition number 5 noting concern with the limited site plan timeframe being the same as the building permit timeframe since the building permit could not be issued until site plan has been obtained. Staff proposed wording to read that the owner shall obtain a building permit within ninety (90) days of the date of Site Plan approval or within an extended period of time as approved by the Chief Building Official.

Committee noted that proposed condition number 2 addresses the concerns expressed by the neighbour in terms of drainage.

Mr. Rapallo posed a question inquiring what makes up a minor variance noting that he has been listening to the previous applications where the variations went from 10 metres to 9.6 metres, from 1.2 metres to 1.1 metres but nowhere does it go from 8 metres to 0.3 metres.

Committee advised that every application is different with different circumstances. Committee noted that a condition is included to address his drainage concerns.

Mr. Rapallo advised that he has been at the property for fifteen years and he has not experienced ice issues like he has since the wall was erected. He inquired if an environmental study was done questioning how it was concluded that they are not adversely impacted.

Committee responded that if the property is not being maintained according to standard he could call the City had report the matter.

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Mr. Mirtsou made reference to condition number 2 noting that an environment study has not been done for an existing building commenting that they will have to assess any existing drainage impact to satisfy condition number 2.

Committee noted that drainage must remain on the property so when this application goes to a Limited Site Plan there will be a requirement that any drainage stays on the property. Staff confirmed that before City Engineering Staff approve a grading plan the drainage must be self-contained on the property noting that the City will be working with the applicant to address the concern brought forward by the neighbour.

Following discussion, Mr. Mirtsou 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: A. C. Marques

Seconded by: D. Colp

THAT application A-2021-0016 to permit an interior side yard setback of 0.3m (0.98 ft.) to an existing addition; to permit a rear yard setback of 0.5m (1.64 ft.) to an existing addition and to provide 30 parking spaces on site be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That drainage on adjacent properties shall not be adversely affected;
3. That the requirement for parking for any combination of uses permitted within the 'M3-1561' zone shall not exceed 33 parking spaces to ensure that the permissions granted by the variance do not create a further parking reduction should the uses on the site be altered, altering the ultimate parking requirement;
4. That a Limited Site Plan application shall be submitted within 90 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
5. That the owner shall obtain a building permit within ninety (90) days of the date of Site Plan approval or within an extended period of time as approved by the Chief Building Official;
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:

Committee of Adjustment Minutes

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

10. **ADJOURNMENT**

Moved by: R. Power

Seconded by: A. C. Marques

That the Committee of Adjustment hearing be adjourned at 10:25 a.m. to meet again on Tuesday, July 13, 2021.