



Date: July 13, 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
Alex Sepe, Development Planner
David Vanderberg, Manager, Development Services
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 12:48 p.m.

2. **ADOPTION OF MINUTES:**

Moved by: A. C. Marques

Seconded by: R. Power

THAT the minutes of the Committee of Adjustment hearing held June 22, 2021 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated July 7, 2021.

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

Member Desiree Doerfler declared a conflict of interest on Application A15-213 due to a relationship with a previous family member on the file.

5. **WITHDRAWALS/DEFERRALS**

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A-2021-0049 (*Agenda Item 10.2*)

2299004 ONTARIO INC.

100 KENNEDY ROAD SOUTH

PART OF LOT 3, CONC. 2 E.H.S., WARD 3

Committee was in receipt of a letter dated July 9, 2021 from Ravikat Sandhu, Noble Prime Solutions, authorized agent for the applicant, requesting a deferral of application A-2021-0049.

Mr. Jivtesh Bhaila, Noble Prime Solutions, was in attendance to acknowledge the request for a deferral. Mr. Bhaila stated that a deferral will allow them an opportunity to have a traffic study completed. Staff advised that it is the recommendation of staff that the application be deferred no later than the last hearing of October, 2021.

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2021-0049 be deferred to a hearing on or before the last hearing of October, 2021.

CARRIED

A-2021-0138 (*Agenda Item 9.10*)

2437859 ONTARIO INC.

0 SUN PAC BOULEVARD,

PART OF LOT 5, CONC. 7 N.D., WARD 8

Committee was in receipt of a letter dated July 12, 2021 from Colin Chung, Glen Schnarr & Associates Inc, authorized agent for the applicant, requesting a deferral of application A-2021-0138.

Mr. Chung was in attendance to acknowledge the request for a deferral to a hearing in September or earlier. Mr. Chung explained that he would like to meet with staff to resolve concerns and garner support from staff to extend the current use. Staff indicated support for a deferral.

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0138 be deferred to a hearing on or before September 14, 2021.

CARRIED

6. **NEW CONSENT APPLICATIONS**

6.1 **B-2021-0010**

ROBERT PAUL HUNTER

10828 TORBRAM ROAD

PART OF LOT 15, CONC. 5 E.H.S., WARD 9

The purpose of the application is to request consent of the Committee of Adjustment to the grant of an easement having a width of approximately 4.18m (13.72 ft.) and an area of approximately 0.01 hectares (134 square metres). The effect of the application is to create a sanitary easement over the subject property to facilitate the operation and maintenance of a sanitary sewer in favour of the adjacent property municipally known as 10818 Torbram Road.

Mr. Erik Mlirtsou, Candevcon Limited, authorized agent for the applicant, presented application B-2021-0010 briefly outlining the nature of the application.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2021-0010 from a planning land use perspective with conditions.

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

Mr. Mlirtsou indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application B-2021-0010 to create a sanitary easement over the subject property to facilitate the operation and maintenance of a sanitary sewer in favour of the adjacent property municipally known as 10818 Torbram Road be approved for the following reasons and subject to the following conditions:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a. A Secretary-Treasurer's Certificate fee shall be paid in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and

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- b. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.
2. The Owner shall provide confirmation that the private easement has been created and registered on title in perpetuity; and,
3. That the Owner provide an arborist report and tree preservation plan showing any trees within 5 metres of the easement.

REASONS:

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

CARRIED

7. **DEFERRED CONSENT APPLICATIONS**

APPLICATIONS B-2021-0004, A-2021-0103 AND A-2021-0104 WERE RELATED AND HEARD CONCURRENTLY

7.1 **B-2021-0004**

BHUPINDER TURNA AND AMANDEEP TURNA

8871 CREDITVIEW ROAD

PART OF LOT 5, CONC. 3 W.H.S., WARD 4

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 2375.03 square metres (0.24 hectares), together with a mutual access easement. The severed property has a frontage of approximately 18.29 metres (60 feet) and an area of approximately 668.317 square metres (0.07 hectares). It is proposed that the new lot be used for future residential development of a single detached dwelling.

Mr. Ambrish Saini, Ambee Engineering, authorized agent for the applicant, presented applications B-2021-0004, A-2021-0103 and A-2021-0104 briefly outlining the nature of the proposal.

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Committee acknowledged receipt of e-mail correspondence from Hali Harry-Paul, 142 Lloyd Sanderson Drive indicating opposition to applications B-2021-0004, A-2021-0103 and A-2021-0104.

Ms. Hali Harry Paul addressed Committee advising that she had previously submitted a letter detailing her concerns with regards to the applications, re-iterating her concerns. She expressed that the plans are not based on a proper survey but based on measurements taken from board fences. Ms. Harry-Paul added that the setbacks are tremendously short and the house will be one and a half times the size of her current house which will be overwhelming. She spoke of the impact of the removal of a tree which currently provides shade. Ms. Harry-Paul referred to 'monstrous' houses being constructed along Creditview Road where construction ends up being stalled.

Mr. Harry-Paul addressed Committee expressing that in regards to minor in nature the change to the feel of the neighbourhood and living in the community will be substantial, forcing them out of their home.

Ms. Maria Britto, 4922 Eight Line, RR 1, Georgetown addressed Committee posing a question inquiring if the by-laws will be amended to allow a secondary residence.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2021-0004, A-2021-0103 and A-2021-0104 from a planning land use perspective, with conditions. In response to questions raised by the residents staff explained that the setback variances are required as a result of the development standards prescribed as part of the Agricultural Zone. Staff explained that this designation on the property means that it is not really consistent with the prevailing residential zoning in the surrounding area. Staff was not able to comment on the accuracy of the survey plan.

Mr. Saini commented that the survey was prepared by J.D. Barnes and they will abide by what has been requested in the application in accordance with the survey. Planning Staff advised that they were not aware of this issue and suggested a deferral to determine the extent of the accuracy of the survey.

Zoning Staff explained that in terms of the survey, the lots have not been created at this time noting that through the approval of any consent application a new survey will be prepared for each property by way of a reference plan. Staff explained that the new dwellings that will be sited on the properties to be created will have dimensioned setbacks to the newly created lot lines. Staff expressed that J.D. Barnes is an Ontario licensed land surveyor. Staff explained that during the review of the building permits for the properties staff will be verifying compliance for setbacks to the property lines, not to the board fence which is likely constructed within their own private property.

In response to the question posed about a secondary unit staff explained that City of Brampton permits a second unit to be constructed in any single detached, semi-detached or townhouse dwelling throughout the city subject to compliance with the Zoning by-law and the

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Building Code. Staff explained that it is within the rights of any home owner to request and apply for a registration of a second unit as well as a change of use building permit.

Mr. Saini added that the proposed site plan is based on a recent survey prepared by J.D. Barnes.

Committee posed a question inquiring if there are any deficiencies would the applicant have to return to the Committee. Staff explained that any deviation from what the Committee approves will require further approval from the Committee or an amendment to the by-law.

Discussion took place on whether or not to defer the applications or to proceed. Staff advised that they are satisfied with the current survey and that a new reference plan will be the appropriate plan when everything is complete. Mr. Saini responded that they would prefer not to defer requesting to proceed with the application. Ms. Harry-Paul had no further comment.

Following discussion, Mr. Saini indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application B-2021-0004 to sever a parcel of land currently having a total area of approximately 2375.03 square metres (0.24 hectares), together with a mutual access easement from a future residential lot be approved for the following reasons and subject to the following conditions:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a) A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and,
 - b) Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.
2. Separate water and sanitary services shall be provided for each lot in accordance with the Ontario Building Code and to the satisfaction of the Chief Building Official. Should services serving one lot cross the other, the appropriate easements shall be registered prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer. A building permit is required for alteration to the existing services.
3. The applicant shall provide a mutual access easement over the retained lands in favor of the severed lands. In that regard, the applicant shall prepare and submit prior to depositing, a draft reference plan, prepared by an Ontario Land Surveyor, to the satisfaction of the

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City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works & Engineering; and,

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

REASONS:

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

CARRIED

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2021-0103 to permit a lot width of 18.29 metres; to permit a minimum lot area of 668.31 square metres; to permit a rear yard setback of 7.5m (24.60 ft.); to permit a front yard setback of 8.49m (27.85 ft.); to permit side yard setbacks of 0.61m (2.0 ft.) and 1.22m (4.0 ft.); and to permit 50% of the required front yard to be landscaped open 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 a site plan application shall be submitted prior to construction on the severed lot;
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

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Moved by: D. Colp

Seconded by: R. Power

THAT application A-2021-0104 to permit a lot width of 36.57; to permit a minimum lot area of 1706.71 square metres; to permit a side yard setback of 3.01m (9.88 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.) and to permit an existing accessory structure (shed) having a gross floor area of 16.27 sq. m (175.13 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 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 for the accessory structure within 60 days of the decision of approval;
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. **VALIDATION OF TITLE APPLICATION**

8.1 **V-2021-0001**

IQBAL GILL AND GAGANDEEP GILL

25 FLATLANDS WAY

PART OF LOT 92, PLAN 43M-1299

PART 2, PLAN 43R-23733, WARD 9

The purpose of the application is to request the consent of the Committee of Adjustment to validate the title of lands legally described as Part of Lot 92, Plan 43M-1299 and Part 2, Plan 43R-25733, having frontage on Flatlands Drive of approximately 9.42 metres (30 feet), a depth of approximately 21.92 metres (72 feet) and an area of approximately 206.14 square metres (0.50 acres).

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Ms. Wendy Greenspoon, Garfinkle, Biderman LLP, authorized agent for the applicant, presented application V-2021-0001 advising that the applicants acquired the property in August, 2019. She explained that previous conveyances that occurred offended the Planning Act and that this validation will validate all historical transactions. Ms. Greenspoon explained that the property is separately taxed and separately serviced and that no new lot or parcel is being created.

In response to a question posed by Committee Ms. Greenspoon explained that she was retained by a title insurer noting that there was an error in that the predecessors in title were also owners of abutting land. She advised that the applicants are now ready to sell.

Committee was informed that City of Brampton planning staff had no objection to the approval of application V-2021-0001 from a planning land use perspective with no proposed conditions.

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application V-2021-0001 to validate the title of lands legally described as Part of Lot 92, Plan 43M-1299 and Part 2, Plan 43R-25733, 25 Flatlands Way be approved for the following reason(s):

REASONS:

Pursuant to subsection 57 (6) of the Planning Act, 1990 Chap. C.P. (as amended), the Committee in considering whether to issue a certificate under subsection 57 (1), had regard to the prescribed criteria, namely; regard has been had to matters described under the Act, and the land conforms to the Official Plan and the Zoning By-law, as per the regulations.

CARRIED

9. **NEW MINOR VARIANCE APPLICATIONS**

9.1 **A-2021-0128**

RUPINDER GHAG AND JERNAIL JOHAL

2 BLACK BEAR TRAIL

LOT 74, PLAN 43M-1523, WARD 6

The applicants are requesting the following variance(s):

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1. To permit an accessory structure (proposed pavilion) having a gross floor area of 26.75 sq. m (287.93 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 pavilion) having a building height of 3.9m (12.80 ft.) whereas the by-law permits a maximum building height of 3.0m (9.84 ft.) for an accessory structure.

Mr. Anthony Bartolini, Square Design Group, authorized agent for the applicant, presented application A-2020-0128 briefly outlining the variances requested.

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

Mr. Bartolini 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-2021-0128 to permit an accessory structure (proposed pavilion) having a gross floor area of 26.75 sq. m (287.93 sq. ft.) and to permit an accessory structure (proposed pavilion) having a building height of 3.9m (12.80 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 proposed pavilion roof shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
3. That the pavilion remain of a primarily open style construction and shall not be fully enclosed; 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

9.2 **A-2021-0129**

GINO TEOLIS

38 DAVENHILL ROAD

PART OF BLOCK 1, PLAN 43M-1802, PART 21, PLAN 43R-33142, WARD 8

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.

Mr. Gino Teolis, applicant and owner of the property, presented application A-2020-0129 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated July 8, 2021 from Toronto and Region Conservation Authority indicating no objection to Application A-2021-0129 subject to conditions requiring a permit from TRCA and payment of their commenting fee.

Committee was informed that City of Brampton planning staff was in support of this application with conditions, in addition to the conditions requested by Toronto and Region Conservation Authority.

Mr. Telis 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-2021-0129 to permit a landscaped open space of 31.82% of the lot area and to permit a landscaped open space of 42.44 sq. m (456.82 sq. ft.) abutting the rear wall of the dwelling 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 applicant acquires a TRCA permit pursuant to Ontario Regulation 166.06; (as outlined in their letter dated July 8, 2021);

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3. The applicant submits a \$610 review fee to the TRCA office; (as outlined in their letter dated July 8, 2021);
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

9.3 A-2021-0130

1942411 ONTARIO INC.

2009 STEELES AVENUE WEST/7920 MISSISSAUGA ROAD

PART OF LOT 15, CONC. 5 W.H.S., WARD 6

The applicant is requesting the following variance(s):

1. To permit a minimum lot width of 15 metres along Mississauga Road whereas the by-law requires a minimum lot width of 45 metres;
2. To permit a minimum gross floor area of 6,250 square metres for Building C (office) whereas the by-law requires an office building with a minimum gross floor area of 8,500 square metres;
3. To permit an office parking rate of 1 space per 30 square metres of gross commercial floor area or portion thereof whereas the by-law requires 1 parking space for each 25 square metres of gross commercial floor area or portion thereof for offices, except an office of a health care practitioner, or uses permitted in Section 3542.1 (e).

Mr. Andrew Walker, Gagnon Walker Domes Ltd., authorized agent for the applicant, presented application A-2020-0130 briefly outlining the variances requested noting that the agenda identified the property as 2009 Steeles Avenue *East* as opposed to *West*.

Mr. Walker explained that the property is currently occupied by a single detached residential dwelling at the northeast corner of the site and a dwelling near the southerly boundary of the site. He added that the site is traversed by Lev's Creek and is surrounded primarily by industrial warehouses, offices service commercial uses, valleylands and vacant lots. Mr.

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Walker explained that it is proposed that the site be developed a mixed use complex with two hotels, a free standing office tower and a banquet hall and convention centre.

Mr. Walker provided background information advising that on December 9, 2020 City Council passed a zoning by-law and on January 7, 2021 the Clerk's declaration was issued indicating the by-law was now in full force and effect, there having been no appeals filed within the prescribed period. He briefly outlined the variances requested as well as the designations and land uses for the property summarizing that the variances requested reflect technical adjustments and acknowledgements and that the built form uses envisioned during the zoning stage has not changed as a result of these variances. Mr. Walker noted that he would address the matter of a refund of application fees following the introduction of the staff recommendation report.

Committee referred to comments from the Region of Peel and a reference to comments from CVC, noting that there is no commenting letter from CVC.

Mr. Walker responded that discussions are on-going with CVC throughout the long zoning process stage as well as the site plan approval stage. He commented that they are not impacted by the requested variances noting that these are just technical acknowledgements or adjustments to the development proposal and that the Site Plan Application proposes generous compensation areas.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff noted that CVC issues are being handled through the site plan review process.

Following discussion, Mr. Walker 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-2021-0130 to permit a minimum lot width of 15 metres along Mississauga Road; to permit a minimum gross floor area of 6,250 square metres for Building C (office) and to permit an office parking rate of 1 space per 30 square metres of gross commercial floor area or portion thereof 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; and,
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:

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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

9.4 **A-2021-0131**

THOMAS ORR AND LYNN ORR

23 SUPINO CRESCENT

LOT 56, PLAN 43M-1602, WARD 10

The applicants are requesting the following variance(s):

1. To permit two (2) accessory structures (pool equipment shed and storage shed) in the interior side yard having a setback of 1.2m (3.94 ft.) to the side lot line whereas the by-law requires a minimum interior side yard setback of 1.5m (4.92 ft.);
2. To permit an existing fence in the interior side yard having a height of 2.42m (7.94 ft.) whereas the by-law permits a fence to a maximum height of 2.0m (6.56 ft.).

Mr. Erik Mirtsou, Candevcon authorized agent for the applicant, presented application A-2020-0131 briefly outlining the variances requested.

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

Mr. Mirtsou 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: A. C. Marques

THAT application A-2021-0131 to permit two (2) accessory structures (pool equipment shed and storage shed) in the interior side yard having a setback of 1.2m (3.94 ft.) to the side lot line and to permit an existing fence in the interior side yard having a height of 2.42m (7.94 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 drainage on adjacent properties not be adversely impacted;

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3. That the privacy fence with lattice not be extended further along the existing fence on the property; 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

APPLICATIONS A-2021-0132 TO A-2021-0134 WERE RELATED AND HEARD CONCURRENTLY

9.5 A-2021-0132

SCOTTISH HEATHER DEVELOPMENT INC.

8 IXWORTH CIRCLE

LOT 105, PLAN 43M-2097, WARD 6

The applicant is requesting the following variance(s):

1. To permit an above grade side entrance located in an interior side yard with a width of 0.65m extending from the front wall of the dwelling up to the door, whereas the by-law requires a minimum side yard width of 1.2m extending from the front wall up to and including the door.

9.6 A-2021-0133

SCOTTISH HEATHER DEVELOPMENT INC.

27 IXWORTH CIRCLE

LOT 118, PLAN 43M-2097, WARD 6

The applicant is requesting the following variance(s):

2. To permit an above grade side entrance located in an interior side yard with a width of 0.65m extending from the front wall of the dwelling up to the door, whereas the by-law requires a minimum side yard width of 1.2m extending from the front wall up to and including the door.

9.7 **A-2021-0134**

SCOTTISH HEATHER DEVELOPMENT INC.

29 IXWORTH CIRCLE

LOT 119, PLAN 43M-2097

The applicant is requesting the following variance(s):

1. To permit an above grade side entrance located in an interior side yard with a width of 0.95m extending from the front wall of the dwelling up to the door, whereas the by-law requires a minimum side yard width of 1.2m extending from the front wall up to and including the door.

Mr. Steven Safranyos, HomeCAD/DRAFT Design, authorized agent for the applicant, presented applications A-2020-0132 to A-2021-0134 briefly outlining the variances requested for applications which he advised were similar in nature.

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

Mr. Safranyos 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-2021-0132 to permit an above grade side entrance located in an interior side yard with a width of 0.65m extending from the front wall of the dwelling up to the door 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 side door not be used as a primary entrance to a second dwelling unit;
3. 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,
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

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2021-0133 to permit an above grade side entrance located in an interior side yard with a width of 0.65m extending from the front wall of the dwelling up to the door 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 side door not be used as a primary entrance to a second dwelling unit;
3. 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,
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2021-0134 to permit an above grade side entrance located in an interior side yard with a width of 0.95m extending from the front wall of the dwelling up to the door 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 side door not be used as a primary entrance to a second dwelling unit;

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3. 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,
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

9.8 **A-2021-0136**

PIYUSH SAREEN AND MANSI BAGGA

38 FEEDER STREET

LOT 325, PLAN 43M-2022, WARD 6

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 0.0m 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.);
2. To permit an interior side yard setback of 0.0m (0.0 ft.) to a proposed below grade entrance, resulting in a combined total interior side yard width of 0.63m (2.06 ft.) whereas the by-law requires a minimum of 1.2 metres on one side and 0.6 metres on the other side provided that the combined total of the interior side yards is 1.8 metres.

Mr. Piyush Sareen, applicant and owner of the property, presented application A-2020-0136 briefly outlining the variances requested advising that he plans to have the basement finished with a side entrance below grade instead of at the rear.

Committee acknowledged receipt of e-mail correspondence dated July 5, 2021 from Kamran Kabir, 36 Feeder Street, indicating no objection to Application A-2021-0136.

Committee acknowledged receipt of e-mail correspondence dated July 7, 2021 from Danny Somar, resident, indicating opposition to Application A-2021-0136.

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Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that the property is located within a subdivision that is not assumed by the City noting that there is currently an easement in place to cover all works not yet assumed by the City.

Committee posed a question inquiring how long does it take for the subdivision to be assumed. Staff were not able to make a determination on timelines advising that it would be subject to Developing and Engineering review.

Mr. Sareen noted that the dwelling at a neighbouring property at 35 Feeder Street has a rear entrance and received approval for a side entrance. He commented that if the subdivision has not been assumed by the City he should not be penalized for something the builder has done.

Staff responded that others may have been approved noting that with respect to 35 Feeder Street the proposed entrance does comply and a building permit could be issued. Staff advised that there is no requirement to wait for the subdivision to be assumed. Staff expressed that the proposed variance of 0 metres to the side lot line may be the concern of Engineering Staff and how drainage could be impacted. Staff noted that the entrance at 35 Feeder Street appears to be an above grade entrance adding that any permit is reviewed for compliance.

Committee advised Mr. Sareen that the best option may be to go through the back yard or he could defer the application to a future hearing. Mr. Sareen considered Committee's suggestion commenting that he would proceed with the rear yard option as he does not have time to wait.

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-2021-0136 to permit an interior side yard setback of 0.0m to an exterior stairway leading to a below grade entrance and to permit it an interior side yard setback of 0.0m (0.0 ft.) to a proposed below grade entrance, resulting in a combined total interior side yard width of 0.63m (2.06 ft.) be refused for the following reasons:

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

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 general intent and purpose of the zoning by-law is not maintained and the variance is not minor.

CARRIED

9.9 **A-2021-0137**

THE CORPORATION OF THE CITY OF BRAMPTON

8950 MCLAUGHLIN ROAD SOUTH

PART OF LOT 5, CONC. 2 W.H.S., WARD 4

The applicant is requesting the following variance associated with a proposal to develop the site as a retirement village:

1. To permit a seniors residential apartment dwelling whereas the by-law does not permit the proposed use.

Mr. Edward Starr, SHS Consulting, authorized agent for the applicant, presented application A-2020-0137 briefly outlining the variance requested. Mr. Starr advised that he represents a non-profit charitable organization, Golden Age Village for the Elderly (GAVE), proposing to build a campus of care for seniors. He explained that they are leasing land from the City of Brampton with the intent to build a residential apartment for independent living noting that the zoning on the property includes long term care but not a senior's apartment. Mr. Starr stated that he is aware that site plan approval is required however at this time they are seeking approval for the use.

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

Mr. Star 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-2021-0137 to permit a seniors residential apartment dwelling 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 seniors residential apartment dwellings shall only be permitted in conjunction with a long term care facility;
3. That the seniors residential apartment dwellings must be located within a building operated by a non-profit and non-commercial organization and only be for the housing of senior citizens;

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4. That the applicant submit a Site Plan application, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
5. The Region of Peel will require a subsequent Site Plan application to facilitate the proposed seniors residential apartment dwelling and any other proposed uses on the subject site. Through the submission of technical materials required under the Site Plan application process, the applicant is required to demonstrate that all necessary Site Servicing, Traffic and Regional Requirements are met to the satisfaction of the Region prior to Site Plan Approval;
6. The applicant must confirm through the required Site Plan application that the proposal does not exceed the capacity of Regional infrastructure. In the event that the proposal exceeds the capacity of Regional infrastructure (including water, wastewater, stormwater and transportation), any infrastructure upgrades required to facilitate the proposed development will be at the sole cost of the applicant;
7. The consultant is required to complete and submit the Single-Use Demand table for the Region to fulfil our modelling requirements and determine the proposal's impact to the Existing system. The demand table shall be in digital format and accompanied by the Supporting graphs for the hydrant flow tests and shall be stamped and signed by the Professional Consulting Engineer. This demand table will be required prior to Site Plan Approval; and,
8. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

9.10 **A-2021-0138 (*Item deferred as discussed during procedural matters*)**

2437859 ONTARIO INC.

0 SUN PAC BOULEVARD

PART OF LOT 5, CONC. 7 N.D., WARD 8

The applicant is requesting the following variance(s) for a temporary period of five (5) years:

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1. To permit outside storage (trailer parking) not in conjunction with a business located within a building on the same lot whereas the by-law requires outside storage to be associated with a business located within a building on the same lot.

9.11 A-2021-0139

SANJEEV DAWAR AND PUNEET DAWAR

9 ZACHARY DRIVE

LOT 120, PLAN 43M-1117, WARD 2

The applicants are requesting the following variance(s):

1. To permit a rear yard setback of 4.49m (14.73 ft.) to an existing sunroom addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.);
2. To permit a permeable landscape strip of 0.24m (.80 ft.) between the existing driveway and the side lot line whereas the by-law requires a minimum permeable landscape strip of 0.6m (1.97 ft.) along the side lot line.

Ms. Michele Starr, Deanlee Management Inc., authorized agent for the applicant, presented application A-2020-0139 briefly outlining the variances requested.

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

Mr. Mike Butler, 5 Zachary Drive addressed Committee advising that he has no issues with the property and was in attendance for information purposes.

Staff requested an amendment to proposed condition number 2 to include additional wording that would allow for an extended timeline beyond the 60 days at the discretion of the Chief Building Official.

Ms. Starr 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-2021-0139 to permit a rear yard setback of 4.49m (14.73 ft.) to an existing sunroom addition and to permit a permeable landscape strip of 0.24m (.80 ft.) between the existing driveway and the side lot line be approved for the following reasons and subject to the following conditions:

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1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit within sixty (60) days of the decision of approval or within an extended period of time at the discretion of the Chief Building Official;
3. That the sunroom addition remains in its current one storey configuration;
4. That roof drainage from the sunroom shall flow onto the applicant's property and that drainage on adjacent properties shall not be adversely affected; 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

10. **DEFERRED MINOR VARIANCE APPLICATIONS**

10.1 **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.

Mr. Joe Plutino, Mainline Planning Services Inc., authorized agent for the applicant, presented application A15-213 advising that they have reviewed conditions received from Staff noting that they are good with conditions 1 to 4, 9 and 10 but have issues with the remaining conditions. He expressed that condition number 5 is contradictory to condition 2 noting that the three years were requested primarily because the secondary plan cannot come into force until the Ministry releases the lands from the GTA West Corridor Study.

Mr. Plutino stated that the Committee indicated that two years would be sufficient. He made reference to condition 5 which recommends submission within 12 months of a zoning by-law

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amendment application explaining that they may not be in a position to submit a complete application within a year if the Ministry releases the lands for development. He advised that because this is a minor situation and they are not developing the property, expand on uses or build any new structures that they go back to three years and within two years submit the application or alternatively reduce the requirements for studies that would only be required if there was development. He commented that two years to submit an application would provide more flexibility.

Committee explained that there was considerable discussion at the previous meeting and would like to keep discussion brief, requesting that staff read the conditions requested by the Committee. Committee noted that staff is recommending refusal of the application commenting that at this time the Committee is looking at the conditions seeking a middle ground in an effort to move ahead.

Staff read aloud the conditions that were formulated following the deferral of the application. Staff noted that it is the recommendation of staff not to support the application and that the recommendation has not changed however conditions were prepared at the request of Committee for consideration in their ultimate rendering of a decision.

Committee sought clarification from staff on a temporary use by-law. Staff explained that through the temporary use by-law process, staff would work with the applicant to minimize costs associated with the studies and work with the applicant to go above and beyond the three years to the ultimate development of the land. Staff noted that there are occasions where applicants across the City come to the Committee for continuation of the three years which staff look at on a case by case basis.

Mr. Plutino responded that Committee's consideration of three years would be much easier to agree to as opposed to two years. He expressed concerns with proposed condition 6 and suggested revised wording "*that the existing structures will not be expanded and no further construction will be permitted for this temporary use without prior approval of the City and the Region*".

With respect to proposed conditions 7 and 8, Mr. Plutino made reference to an aerial photo that depicted driveways that existed in 2000 when the property was purchased and the construction yard was installed. He noted that the operation was moved with the exception of only a few people working at the site with no traffic coming in and out of the site. It was his submission that the conditions are onerous to expect the owner to comply with a request to reduce the driveways to one.

Committee noted that historically there were two driveways but perhaps one driveway is satisfactory. In response to a question posed by Committee Mr. Plutino stated that in terms of condition number 6 his client does not propose to construct any structures on the property and made reference to the wording he had previously provided. Staff commented that the

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City has no jurisdiction over a regional road and suggested that staff from the Region comment on the conditions.

Mr. Jason De Luca, Region of Peel, addressed Committee advising that conditions 7 and 8 are extremely important to the Region from a liability perspective. He explained that they cannot allow accesses in association with the use that has not been under regional review and do not conform to the control access by-law. He stated that the applicant's consultant refers to the existing state of the property when it was purchased and that these comments are not relevant to the regional requirements. Mr. De Luca advised that the Region requires that the use conform to the current zoning of the property and conform to the Region's access control by-law. He commented that they are not against deviation from the by-law, dual access or full movements explaining that they do require a scoped traffic impact study which would allow them to review the feasibility and safety of a dual access with full movements. Mr. De Luca remarked that until such time as they have had an opportunity to review a study they cannot sign off on anything other than a restricted single turn.

Mr. Plutino responded that he accepts the explanation from the Region and offered that if they change condition 7 to remove 1 driveway and delete condition 8 and if they agreed to reduce the number of accesses would the Region delete condition 8

Ms. Rani Kol, Region of Peel, addressed Committee advising that it would be great if they are willing to manage with a single access to and from the site explaining that the restricted access would require a scoped traffic impact study that outlines the need for anything beyond a right-in, right-out access. She explained that they would look to implement any design changes to accommodate the right-in, right-out. She added that they would need some information to support a full move access to ensure it is to their standards.

There was discussion on access to the site with the Region advising that a scoped traffic study would allow them to confirm things that are being discussed. Mr. De Luca stated that to conduct an analysis through a Committee of Adjustment hearing would not be fair to the traffic staff to sign off when they are dealing with regional infrastructure and liability. He expressed that they have no choice but to request conditions 7 and 8.

Committee expressed that they are trying to move forward, Committee noted that they previously suggested 2 years and were not able to move forward. Mr. Plutino commented that they only recently received the conditions while the Region noted that the comments were provided to the City well in advance of the timelines discussed.

Committee noted that at the last hearing they had requested the parties work together commenting that they simply want the continuation of the business. It was expressed that there is a freeze on the property and that Committee has suggested 2 years to allow the business to continue.

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In response to a question posed by Committee Staff advised that they could expand the 2 years to 3 years in the conditions for consideration noting that they are not changing their original recommendation.

Committee inquired if the applicant would agree to the conditions if they go from 2 years to 3 years. Mr. Plutino responded that he would agree to conditions 7 and 8 if condition 6 is reworded to the wording he had provided. Mr. De Luca responded that if extended to 3 years then condition 6 becomes more important. He explained that there is a major secondary plan which has been prepared and adopted by Council. He stated that the secondary plan is being facilitated through a Class Environmental Assessment which has identified the need for an arterial road and that they have confirmed that the future alignment of the road goes through the applicant's lands. Mr. De Luca advised that the future road is a major component of this employment area and is necessary to facilitate the industrial land use vision of this area. Given the minor variance path for this proposal the Region will require the condition to provide a level of assurance that the proposal does not conflict with the Region's and the City's secondary plan and an environmental assessment design that has been years in the making. Mr. De Luca commented that they don't have detailed design and this condition should not be an issue.

Discussion continued on condition 6 with staff providing the following wording: *"That the applicant obtain a building permit for the accessory structures and the building addition within 60 days of the final date of the Committee's decision or to be extended at the discretion of the Chief Building Official. Existing buildings shall not be expanded and no further floor area shall be added to existing buildings. Given the temporary nature of the permission sought in the application, no building permit shall be sought or construction permitted across the entirety of the property, with the exception of a building (permit) for existing structures."*

Mr. De Luca responded that the condition was drafted in consultation with numerous departments. He proposed alternate wording to a portion of the condition to include that *"Given the temporary nature of the permission sought in the application, no building permit shall be sought or construction permitted across the entirety of the property, as a portion of the property is subject to the City of Brampton and the Region of Peel's current Class Environmental Assessment"* He stated that he has firm instruction that this condition is very important.

Mr. Plutino commented that the Environmental Assessment is upsetting to his client. He advised that he was O.K with the City's wording but with regard to the Region's reference to an Environment Assessment was a concern. The entire condition was re-read in sections.

Mr. De Luca commented that the reference to existing structures should be tied to a topographical survey. Staff provided additional wording that could be included in the condition. There was discussion on the structures that are currently on site. Mr. Plutino advised that the drawing referenced was an old drawing and assured staff that he could

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provide a more current drawing that shows existing structures. Mr. Plutino advised that staff are aware of a current survey that was part of a site plan application and a recent meeting. Staff advised that they could make it a condition that the survey be provided. Mr. Plutino advised that he could forward the survey which could be attached to the decision. Staff provided additional wording to include *“Existing structures shall be confirmed by the preparation of a property survey within 30 days of the date of the Committee’s decision. Once submitted, the survey shall form part of the decision of the Committee of Adjustment for the purpose of determining the location of existing buildings and structures.”*

Mr. Angelo Ricci, owner of the property addressed Committee commenting that he is not happy and needs to go over this and consider what his options are. He stated that he doesn’t like condition 6 commenting that he is willing to give up one driveway.

Discussion continued on the proposed conditions. Mr. De Luca advised that the changes to condition 6 are significant and he would have to take it back to other parties at the Region.

Committee expressed that considerable discussion has taken place with no parties in agreement. Committee suggested a further deferral of the application for a month advising that the parties involved communicate and discuss the conditions. Through discussion it was determined that the application be deferred no later than the hearing date of September 14, 2021.

Mr. Plutino requested that Committee distribute the wording for condition number 6 which he suggested be scoped.

Staff noted that the proposed wording may satisfy staff at the City. Staff expressed that in fairness to staff at the Region and given the departments that have to be consulted with at the Region, as well as the linkage between condition 6 and the timing stipulated in conditions 2 and 5, the objective is to give all three parties time to ensure that the amended wording in condition 6 satisfies an appropriate time horizon as stipulated in conditions 2 and 5. Staff pointed out that they will be focusing on all conditions noting that these are strictly conditions for Committee’s consideration reiterating staff’s original position still stands.

Following discussion Committee reached the following decision:

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A15-213 be deferred to a hearing date no later than September 14, 2021.

CARRIED

10.2 **A-2021-0049 (Item deferred as discussed during procedural matters)**

2299004 ONTARIO INC.

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100 KENNEDY ROAD SOUTH

PART OF LOT 3, CONC. 2 E.H.S., WARD 3

The applicant is requesting the following variance(s):

1. To permit a Retail Food Warehouse for a temporary period of three (3) years whereas the by-law does not permit the use;
2. To permit 123 parking spaces whereas the by-law requires a minimum of 368 parking spaces.

10.3 A-2021-0097

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 a driveway width of 8.25m (27.06 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To provide a permeable landscape strip of 0.0m between the existing driveway and the side lot line whereas the by-law requires a minimum permeable landscape strip of 0.6m (1.97 ft.) along the side lot line.

Mr. Deep Sahota, Orana Drafting, authorized agent for the applicant, presented application A-2020-0097 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated July 8, 2021 from James Parshad, resident, indicating opposition for an increased driveway width.

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

Mr. Sahota 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

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THAT application A-2021-0097 to permit a driveway width of 8.25m (27.06 ft.) and to provide a permeable landscape strip of 0.0m between the existing driveway and the side 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 shall not be adversely affected;
3. That the existing municipal curb depression shall not be widened in the area of the extended driveway width; 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

10.4 **A-2021-0103** (*Item discussed currently with related application B-2021-0004, Agenda item 7.1*)

BHUPINDER TURNA AND AMANDEEP TURNA

8871 CREDITVIEW ROAD

PART OF LOT 5, CONC. 3 W.H.S., WARD 4

The applicants are requesting the following variances associated with the proposed severed lot under consent application B-2021-0004:

1. To permit a lot width of 18.29 metres whereas the by-law requires a minimum lot width of 45 metres;
2. To permit a minimum lot area of 668.31 square metres whereas the by-law requires a minimum lot area of 0.4 hectares (4000 square metres);
3. To permit a rear yard setback of 7.5m (24.60 ft.) whereas the by-law requires a minimum rear yard setback of 15m (49.21 ft.);

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4. To permit a front yard setback of 8.49m (27.85 ft.) whereas the by-law requires a minimum front yard setback of 12m (39.37 ft.);
5. To permit side yard setbacks of 0.61m (2.0 ft.) and 1.22m (4.0 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);
6. To permit 50% of the required front yard to be landscaped open space whereas the by-law requires 70% of the required front yard to be landscaped open space.

10.5 **A-2021-0104** (*Item discussed currently with related application B-2021-0004, Agenda item 7.1*)

BHUPINDER TURNA AND AMANDEEP TURNA

8871 CREDITVIEW ROAD

PART OF LOT 5, CONC. 3 W.H.S., WARD 4

The applicants are requesting the following variances associated with the proposed retained lot under consent application B-2021-0004:

1. To permit a lot width of 36.57 metres whereas the by-law requires a minimum lot width of 45 metres;
2. To permit a minimum lot area of 1706.71 square metres whereas the by-law requires a minimum lot area of 0.4 hectares (4000 square metres);
3. To permit a side yard setback of 3.01m (9.88 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);
4. To permit an existing accessory structure (shed) having a gross floor area of 16.27 sq. m (175.13 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.

REQUEST FOR REFUND (*Agenda Item 9.3*)

Discussion was re-opened on Agenda item **9.3** following a two thirds majority vote to consider a request by the authorized agent for the applicant for refund of application fees.

9.3 **A-2021-0130**

1942411 ONTARIO INC.

2009 STEELES AVENUE WEST/7920 MISSISSAUGA ROAD

Mr. Andrew Walker, Gagnon Walker Domes Ltd, authorized agent for the applicant, addressed Committee requesting a refund of the application fees advising that the variances reflect technical adjustments and acknowledgements. He referred to the NHS

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that is a physical fixed feature that impacts the ability to meet the frontage advising that if that feature was not there the variance could be met.

Staff explained that the first 2 variances were to correct issues with a site specific by-law that was approved with the application and that the third variance is to change the parking rates in the site specific by-law to reflect the overall parking rates in the by-law now that were undated subsequent to the site specific by-law being adopted. Staff explained that typically they circulate the draft by-laws to the applicant for their review and comment as part of their standard process. Staff expressed that it was not necessarily an error as it reflected the rates that were in place at the time.

Mr. Walker responded that when the site specific by-law was passed the 1 to 25 rate was written into the site specific by-law and that typically if you are not deviating from the parent by-law you don't typically go into the parent by-law. He added that Council on the same date passed a zoning by-law which modernized the parking rate for offices to 1 to 30 noting that they wanted to utilize the parent by-law which was the original intent. In terms of lot width he spoke of the by-law that refers to the Mississauga Road frontage as the front lot line.

Committee sought confirmation on whether there was an actual error.

Staff commented that there is no suggestion of an error by staff or by the consultant's team who would have been involved. Staff advised that it is a regular occurrence that once something proceeds through site plan application there are minor modifications that are required and minor variances to address similar technical amendments. Staff advised that they don't see an error in this case nor is it different than many applications that come before the Committee to address minor technical amendments that are needed.

Mr. Walker responded that the site plan has not changed and that the issue of the lot frontage was clearly delineated on the plan and the limits of development were firmly established. He noted that it wasn't until the site plan was filed that it was deemed to be not in conformity commenting that how could it be in conformity during the zoning stage and no longer during the site plan.

Committee noted that they have to consider things individually and cannot set a precedent by reimbursing people when the City is doing its' best and due diligence in terms of process. Committee expressed that there were no errors made and a reimbursement of the application fees is not warranted.

Following discussion Committee reached the following decision:

THAT the request for a refund of application fees be refused.

Moved by: D. Colp

Seconded by: R. Power

CARRIED

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11. **ADJOURNMENT:**

Moved by: A.C. Marques

Seconded by: D. Doerfler

That the Committee of Adjustment hearing be adjourned at 12:48 p.m. to meet again on Tuesday, August 3, 2021.

CARRIED