

APPLICATION # A-2021-0185
WARD 6

APPLICATION FOR MINOR VARIANCE

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

AND WHEREAS the property involved in this application is described as Lot 35, Plan 43M-1532 municipally known as **69 NOVA SCOTIA ROAD**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit a swimming pool, accessory structure (shed) and patio to be located within 5 metres of the rear lot line and an Open Space (OS) zone whereas the by-law requires that no buildings or structures, including decks, swimming pools and patios, or part thereof shall be located within 5 metres of the rear lot line and Open Space (OS) zone.

OTHER PLANNING APPLICATIONS:

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

Plan of Subdivision: _____	NO	File Number: _____
Application for Consent: _____	NO	File Number: _____

The Committee of Adjustment has appointed **TUESDAY, September 14, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

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

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

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

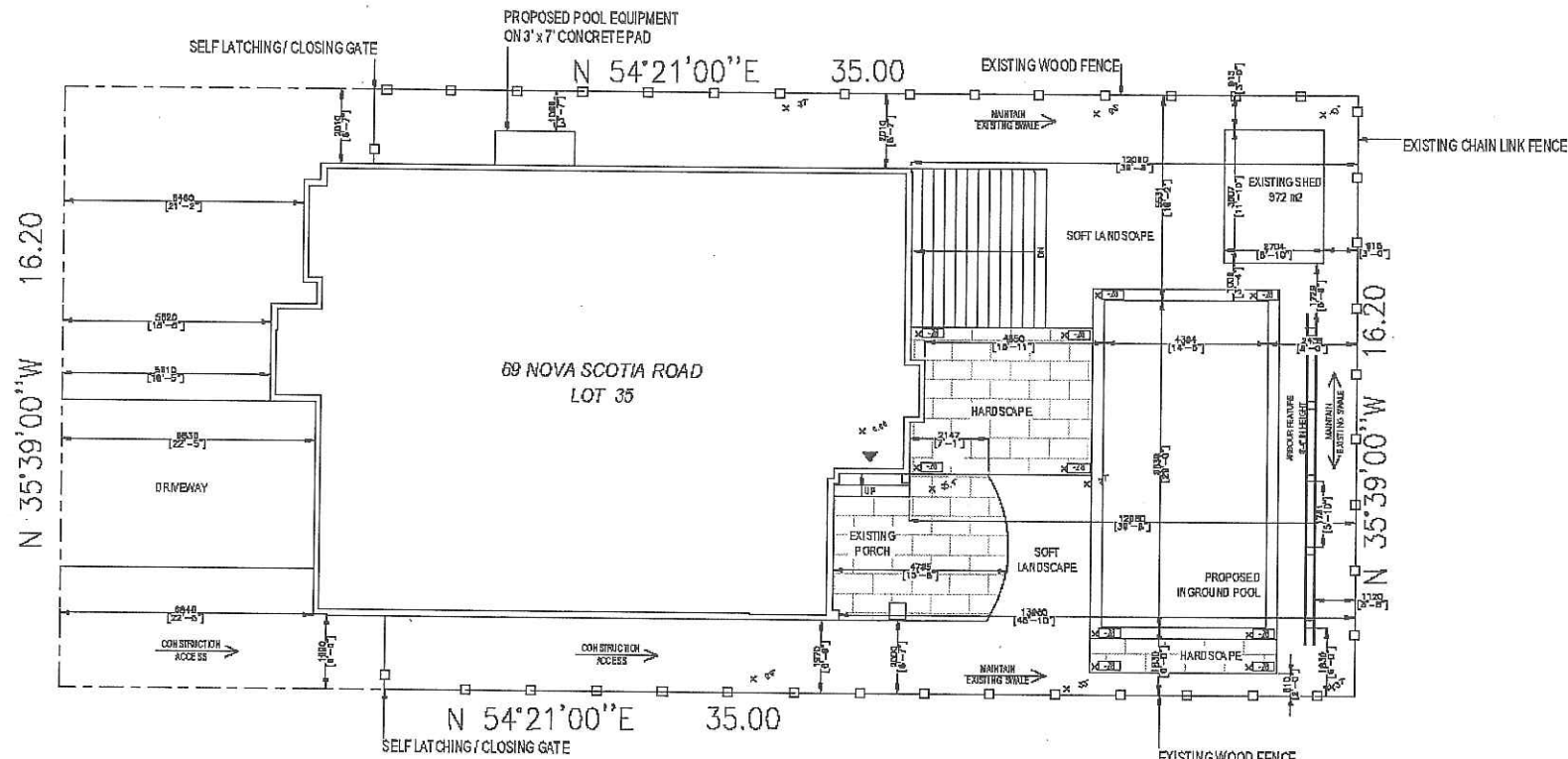
PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

DATED at Brampton Ontario, this 2nd day of September, 2021.

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

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

NOVA SCOTIA ROAD



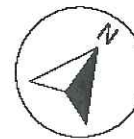
SITE DEVELOPMENT		
ZONING	RESIDENTIAL	
LOT AREA	M2	SQFT
TOTAL LOT AREA	510.3m ²	6102.8sq/ft
HOUSE AREA	M2	SQFT
HOUSE FOOTPRINT	138.2m ²	2,079.9sq/ft
LOT COVERAGE	BY LAW	PROVIDED
EXISTING HOUSE	-	34%
LANDSCAPE AREA (REAR LOT)	BY LAW	PROVIDED
TOTAL REAR AREA	N/A	2,026.8 sq/ft
SOFT LANDSCAPE AREA	N/A	337.4 sq/ft
HARD LANDSCAPE AREA	N/A	1,039.4 sq/ft
TOTAL SOFTSCAPE (%)	N/A	40%
TOTAL LANDSCAPE AREA (WHOLE LOT)	BY LAW	PROVIDED
TOTAL SOFT LANDSCAPE AREA	N/A	2,439.1 sq/ft
TOTAL HARD LANDSCAPE AREA	N/A	3,003.7 sq/ft
TOTAL SOFTSCAPE (%) (WHOLE LOT)	N/A	39.9%

LEGEND

X-1.040 - Proposed Grades T.W - Top of Wall

X-1.040 - Existing Grades B.W - Bottom of Wall

▲ - Entrance Door



NO	DESCRIPTION	REVISIONS
1	ISSUED FOR CONSTRUCTION	
2	ISSUED FOR BID	
3	ISSUED FOR BUILDING PERMIT	
4	ISSUED FOR SITE PLAN APPROVAL	DATE
5	SUBMITTALS	

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALS AND SIGNS BY THE DESIGNER.

DONOT SCALE DRAWINGS



PROJECT
PROPOSED POOL ENCLOSURE
ON
69 NOVA SCOTIA ROAD
BRANTFORD

DRAWING
SITE PLAN

DATE	2021-08-17	PROJECT NO.	
SCALE	AS NOTED	DRAWING IN	
DRAWN BY	PO VIEWED BY		A1

A1.0 Site Plan
1:150

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

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

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

How to Participate in the Hearing:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, September 9, 2021.**
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Friday, September 10, 2021.**
 - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, September 10, 2021.** City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

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

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

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

APPLICATION
Minor Variance or Special Permission
(Please read Instructions)

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

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

1. **Name of Owner(s)** Walter and Hermana Botter
Address 69 Nova Scotia Road
Brampton, ON
L6Y 5K1
Phone # 416-414-7492 **Fax #** _____
Email hbotter@rogers.com

2. **Name of Agent** Anthony Bartolini
Address 48 Cayton Crescent
Bradford, ON
L3Z 0V9
Phone # 647-456-7530 **Fax #** _____
Email squaredesigngroup@outlook.com

3. **Nature and extent of relief applied for (variances requested):**
- To permit a proposed pool and shed within OS1 Zone and City By-Law setbacks.
- To permit a proposed swimming pool, patio and accessory structures (shed and pergola) to be located within 5 metres from the rear lot line".

4. **Why is it not possible to comply with the provisions of the by-law?**
Unable to meet the minimum setback of OS1 Zone of 6.0m and City By-Law of 5.0m

5. **Legal Description of the subject land:**
Lot Number 35
Plan Number/Concession Number 43M-1532
Municipal Address 69 Nova Scotia Road

6. **Dimension of subject land (in metric units)**
Frontage 16.20 m2
Depth 35.00 m2
Area 566.9 m2

7. **Access to the subject land is by:**
Provincial Highway ☐ **Seasonal Road** ☐
Municipal Road Maintained All Year ☒ **Other Public Road** ☐
Private Right-of-Way ☐ **Water** ☐

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

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

Existing 2 storey dwelling

House Footprint: 193.2 square meters

PROPOSED BUILDINGS/STRUCTURES on the subject land:

12'-4" x 9'-0" proposed shed

10.31 square meters

29'-0" x 14'-5" proposed pool

38.8 square meters

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

EXISTING

Front yard setback 5.610 m2

Rear yard setback 12.080 m2

Side yard setback 1.970 m2

Side yard setback 2.010 m2

PROPOSED

Front yard setback N/A

Rear yard setback 0.915 m2

Side yard setback 0.915 m2

Side yard setback 11.526 m2

Pool

N/A

2.438 m2

6.141 m2

1.220 m2

10. Date of Acquisition of subject land: 2000
11. Existing uses of subject property: Residential
12. Proposed uses of subject property: Residential
13. Existing uses of abutting properties: Residential
14. Date of construction of all buildings & structures on subject land: 2000
15. Length of time the existing uses of the subject property have been continued: 2000
16. (a) What water supply is existing/proposed?
Municipal ☒ Other (specify) _____
Well ☐
- (b) What sewage disposal is/will be provided?
Municipal ☒ Other (specify) _____
Septic ☐
- (c) What storm drainage system is existing/proposed?
Sewers ☐ Other (specify) _____
Ditches ☐
Swales ☒

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

Yes ☐ No ☒

If answer is yes, provide details: File # _____ Status _____

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

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

Yes ☐ No ☒ Unknown ☐

If answer is yes, provide details:

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

H. Boller
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton
THIS 13 DAY OF August, 2021.

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

I, Hermana Boller, OF THE City OF Brampton
IN THE Region OF Peel SOLEMNLY DECLARE THAT:

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

DECLARED BEFORE ME AT THE
City OF Brampton
IN THE Region OF
Peel THIS 13th DAY OF
August, 2021

Jeanie Myers
A Commissioner etc.

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

H. Boller
Signature of Applicant or Authorized Agent
Jeanie Cecilia Myers
a Commissioner, etc.,
Province of Ontario
for the Corporation of the
City of Brampton
Expires April 8, 2024. J.M.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

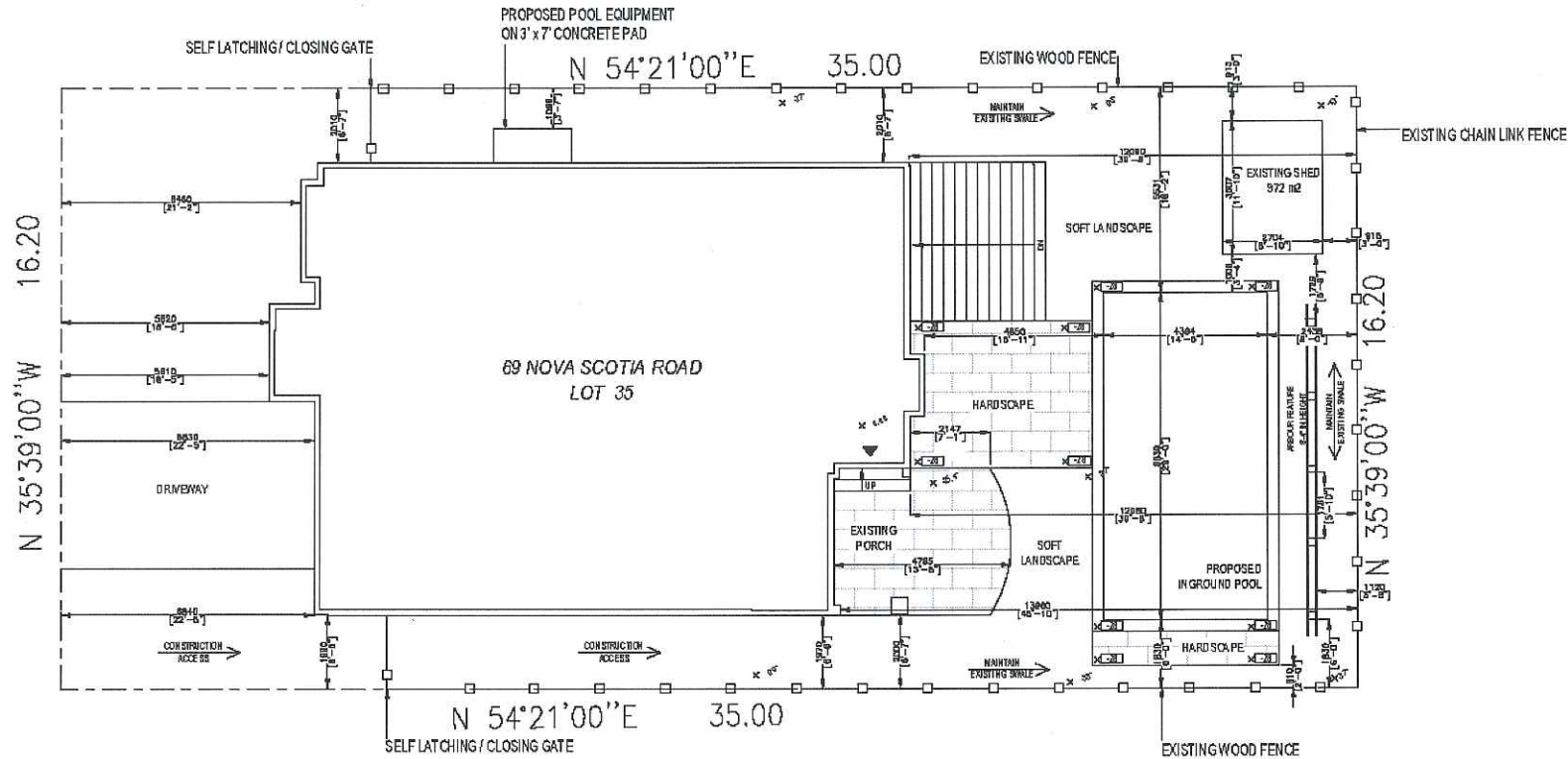
Present Zoning By-law Classification: R1B - 2753

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

L. Barbutto August 17, 2021
Zoning Officer Date

DATE RECEIVED August 13, 2021

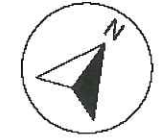
NOVA SCOTIA ROAD



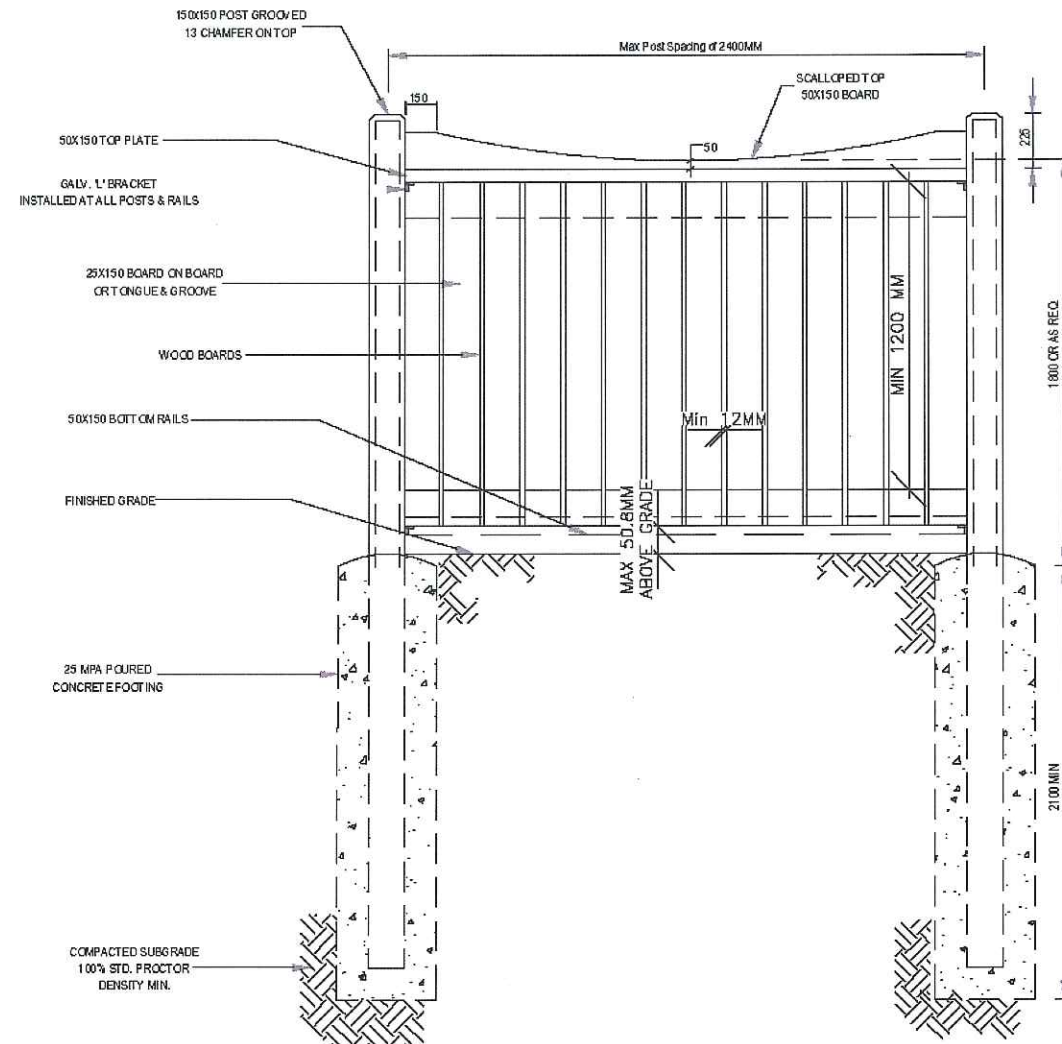
SITE DEVELOPMENT		
ZONING	RESIDENTIAL	
LOT AREA	M2	SQ/FT
TOTAL LOT AREA	300.3m2	1102.8sq/ft
HOUSE AREA	M2	SQ/FT
HOUSE FOOTPRINT	130.2m2	2,079.9sq/ft
LOT COVERAGE	BY LAW	PROVIDED
EXISTING HOUSE	-	34%
LANDSCAPE AREA (REAR LOT)	BY LAW	PROVIDED
TOTAL REAR AREA	N/A	2,030.8sq/ft
SOFT LANDSCAPE AREA	N/A	557.4sq/ft
HARD LANDSCAPE AREA	N/A	1,059.4sq/ft
TOTAL SOFTSCAPE (%)	N/A	46%
TOTAL LANDSCAPE AREA (WHOLE LOT)	BY LAW	PROVIDED
TOTAL SOFT LANDSCAPE AREA	N/A	2,439.1sq/ft
TOTAL HARD LANDSCAPE AREA	N/A	3,003.7sq/ft
TOTAL SOFTSCAPE (%) (WHOLE LOT)	N/A	33.3%

LEGEND			
X-1.043	-Proposed Grades	T.W	-Top of Wall
X-1.040	-Existing Grades	B.W	-Bottom of Wall
▲	-Entrance Door		

A1.0 Site Plan
1:150



No		DESCRIPTION
		REVISIONS
		ISSUED FOR CONSTRUCTION
		ISSUED FOR BID
		ISSUED FOR BUILDING PERMIT
		ISSUED FOR SITE PLAN APPROVAL
		DATE
		SUBMITTALS
		CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.
		THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALED AND SIGNED BY THE DESIGNER. DO NOT SCALE DRAWINGS.
		PROPOSED POOL ENCLOSURE
		ON
		69 NOVA SCOTIA ROAD
		BRAMPTON
		DRAWING
		SITE PLAN
		PROJECT
		DATE
		2021-08-17
		PROJECT NO.
		SCALE
		AS NOTED
		DRAWN BY
		REVIEWED BY
		A1



A1.1 WOOD FENCE DETAIL
1:25

No.	DESCRIPTION	REVISIONS

ISSUED FOR CONSTRUCTION
ISSUED FOR BID
ISSUED FOR BUILDING PERMIT
ISSUED FOR SITE PLAN APPROVAL
SUBMITTALS

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCY TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

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CONDOL SCALE DRAWINGS



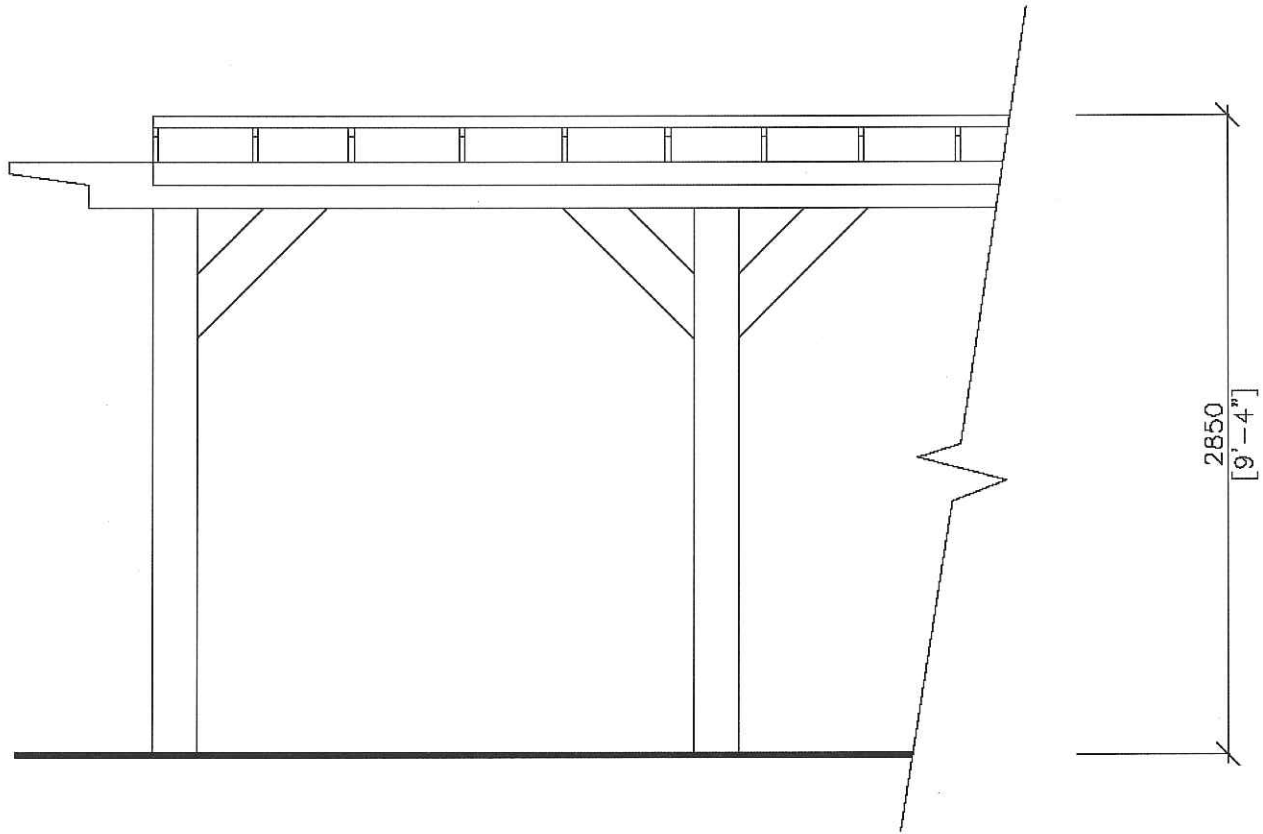
PROPOSED POOL ENCLOSURE

ON

69 NOVA SCOTIA ROAD

BRAVMPTON

DRAWING	
FENCE DETAIL	
PROJECTED	
DATE	PROJECT NO.
2021-08-17	
SCALE	DRAWING NO.
AS NOTED	A1.1
DRAWN BY	REVIEWED BY



A2.0 ARBOUR FEATURE
1/25

No.	DESCRIPTION	
	REVISIONS	

ISSUED FOR CONSTRUCTION
ISSUED FOR BID
ISSUED FOR BUILDING PERMIT
ISSUED FOR SITE PLAN APPROVAL DATE
SUBMITTALS

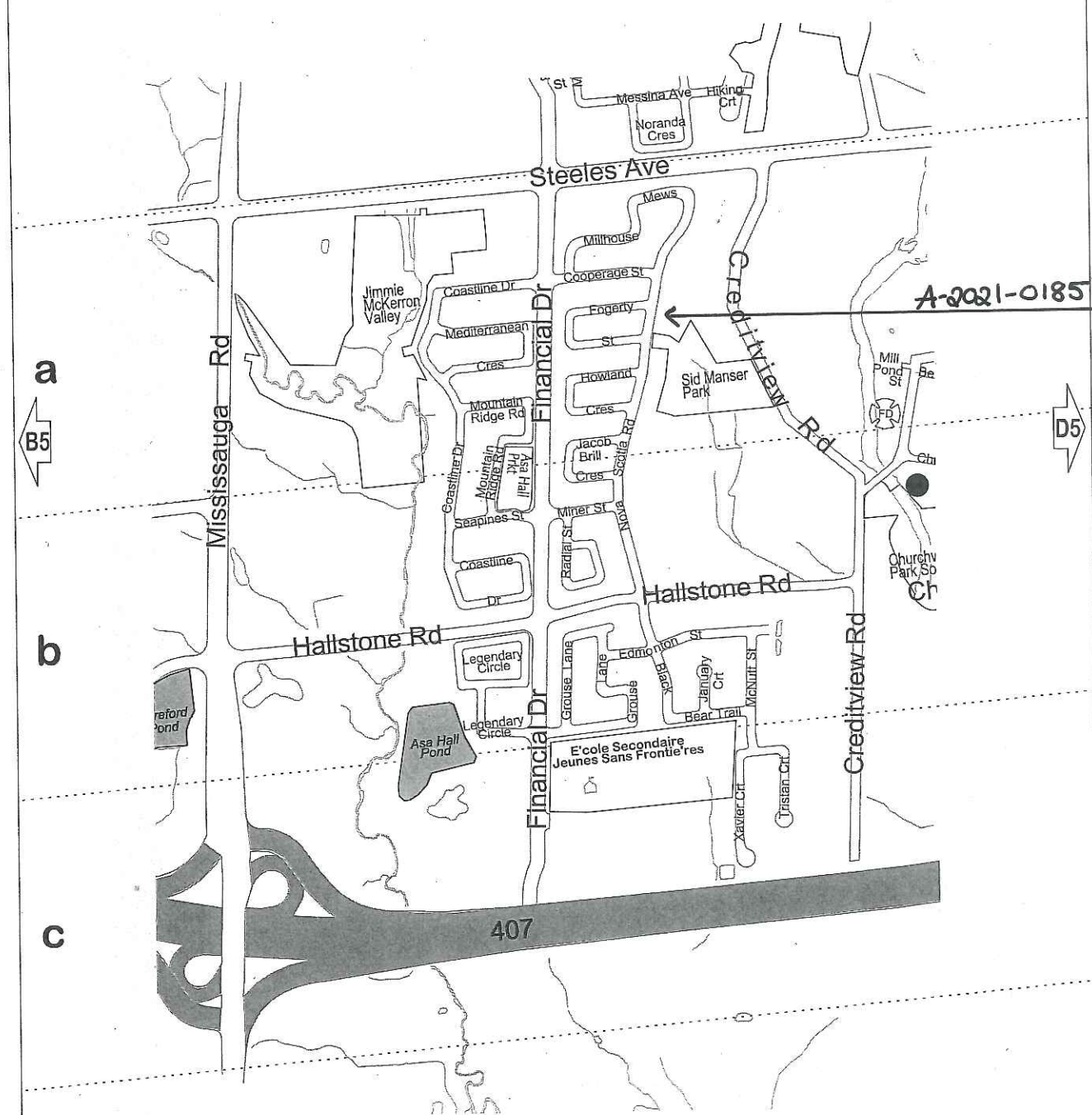
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DO NOT SCALE DRAWINGS



PROJECT
PROPOSED POOL ENCLOSURE
ON
69 NOVA SCOTIA ROAD
BRAMPTON

DRAWING
ARBOUR FEATURE

DESIGNED	PROJECT NO.
DATE 2021-08-17	
SCALE AS NOTED	DRAWING NO. A2
DRAWN BY	REVIEWED BY



a
B5

b

c

D5