

Date: September 14, 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

Members Absent: Rod Power (With Regrets)

Staff: Francois Hemon-Morneau, Development Planner
Alex Sepe, Development Planner
Xinyue (Jenny) Li, Development Planner
Elaha Safi, Assistant Development Planner
Simon LaCoste, Assistant 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 12:57 p.m.

2. **ADOPTION OF MINUTES:**

Moved by: A. C. Marques

Seconded by: D. Colp

THAT the minutes of the Committee of Adjustment hearing held August 24, 2021 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated September 9, 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 previous relationship with a family member.

5. **WITHDRAWALS/DEFERRALS**

B-2021-0009, A-2021-0117 and A-2021-0118 (*Agenda Items 6.1, 8.2 and 8.3*)

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 August 16, 2021 from Mr. Vinod Mahesan, 41 Marysfield Drive, requesting a deferral of applications B-2021-0009, A-2021-0117 and A-2021-0118 (Agenda Items 6.1., 8.2. and 8.3.). Mr. Mahesan was in attendance to acknowledge the request for a deferral to a hearing scheduled for January 4, 2022 advising that personal matters have prevented him from moving forward. He explained that the person he planned on having to represent him also suffered a personal tragedy.

Staff advised that no new information has been presented by the applicant and the position of staff has not changed since the application was deferred from a previous meeting, however staff accepts the request to defer the matter.

Following discussion, Committee reached the following decision:

Moved by: D. Colp

Seconded by: D. Doerfler

THAT applications B-2021-009, A-2021-0117 and A-2021-0118 be deferred to the hearing scheduled for January 4, 2022.

CARRIED

A-2021-0151 (*Agenda Item 8.5*)

2479546 ONTARIO INC.

65-75 BRAYDON BOULEVARD

BLOCK 175, PLAN M-1449, WARD 10

Committee acknowledged receipt of a letter dated September 1, 2021 from Mr. Joe Iozzo, Baldwin & Franklin Architects, requesting a deferral of application A-2021-0151 (Agenda Item 8.5.). Mr. Iozzo was in attendance to acknowledge the request for a deferral advising that he is working with staff towards a solution to benefit all parties. He advised that it is difficult to determine dates at this time and requested an indefinite deferral.

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Staff confirmed that the applicant has been in conversations with staff regarding an original request for a variance for no loading space. Staff explained that they are looking to determine the best location for a loading space on site.

Following discussion Committee reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2021-0151 be deferred indefinitely.

CARRIED

6. NEW CONSENT APPLICATIONS

6.1. B-2021-0017

WICKLOW HOLDINGS LIMITED

8050 TORBRAM ROAD

PART OF BLOCK D, H AND M, PLAN 848, WARD 7

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 1.95 hectares (4.82 acres). The proposed severed lot has a frontage of approximately 40.21 metres (131.92 feet), a depth of approximately 96.09 metres (315.26 feet), and an area of approximately 5,827.5 square metres (0.58 hectares). The effect of the application is to create a new lot (**Parcel B**) while retaining **Parcel A**, each lot occupied by existing industrial buildings that will remain.

Ms. Jenna Thibault, Weston Consulting, authorized agent for the applicant, addressed Committee providing a brief overview of the applications B-2021-0017, A-2021-0174 and A-2021-0175. Ms. Thibault requested a deferral of the applications which she expressed is consistent with the staff recommendation noting that she has been communicating with staff in order to discuss the comments received and understand the additional information that staff is requesting in order to complete the review of the applications. In terms of a future hearing date Ms. Thibault requested that the Committee allow them sufficient time to work with staff to determine an appropriate date to return to the Committee advising that it is their intention to return in the fall.

Committee posed a question pertaining to tandem parking for proposed Parcel B inquiring if there is a parking issue requiring a parking study.

Ms. Thibault responded that the tandem parking is an existing condition for Parcel B and that there have been no comments raised by transportation staff indicating that there is any concern. She advised that staff have asked for a brief parking memo to speak to the proposed parking reduction for Parcel A.

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Staff explained that tandem parking is a permitted configuration by the Zoning by-law for motor vehicle repair facilities noting that up to 50% of the parking that is required for vehicle repair facilities may be arranged in a tandem format. Staff noted that no zoning compliance issued were identified with respect to the parking configuration. Staff explained that they look to the required parking for each individual use to ensure that the tandem spaces only occupy 50% for the vehicle repair facilities and that the restaurant would have to make it's fill parking supply available.

Ms. Tribaul advised that they would ask for indefinite deferral but are looking to return to the Committee before the end of the year

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application B-2021-2017, A-2021-0174 and A-2021-0175 be deferred no later than the last hearing of 2021.

CARRIED

APPLICATIONS B-2021-0018 AND B-2021-0019 WERE RELATED AND HEARD CONCURRENTLY

6.2. **B-2021-0018**

HARJINDER SINGH AND VIRAN SINGH

10417 AIRPORT ROAD

PART OF LOTS 12 AND 13, CONCESSION 7 N.D., WARD 10

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 2.06 hectares (5.09 acres). The severed land (**Parcel B**) has a width of approximately 9.24 metres (30.31 feet), a depth of approximately 18.7 metres (61.35 feet), and an area of approximately 356 square metres (0.36 hectares). It is proposed that the severed land be added to Block 174, Plan 43M-1449 as a lot addition to facilitate completion of a residential lot on the south side of Sparta Drive.

6.3. **B-2021-0019**

HARJINDER SINGH AND VIRAN SINGH

10417 AIRPORT ROAD

PART OF LOTS 12 AND 13, CONCESSION 7 N.D., WARD 10

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 2.06 hectares (5.09 acres). The severed land (**Parcel C**) has a width of approximately 9.24 metres (30.31 feet), a depth of approximately 6.6 metres (21.65 feet), and an area of approximately 90 square metres (0.009 hectares). It is

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proposed that the severed land be added to Block 177, Plan 43M-1449 as a lot addition to facilitate completion of a residential lot on the south side of Sparta Drive.

Ms. Catherine McEwan, Korsiak Urban Planning, authorized agent for the applicant, presented applications B-2021-0018 and B-2021-0019 briefly outlining the nature of the proposal to sever 2 parcels of land from the subject property to add to Blocks 174 and 177 as lot additions to facilitate the completion of 2 lots. Ms. McEwan explained that the land is currently zoned agricultural noting that a pre-consultation meeting has been held to discuss rezoning of these lands that are proposed to be severed.

Committee acknowledged receipt of a letter dated September 7, 2021 from Toronto and Region Conservation Authority, recommending conditional approval subject to a condition requiring the applicant to submit their commenting review fee of \$1,470.00.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2021-0018 and B-2021-0019 from a planning land use perspective with conditions.

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

Ms. McEwan 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. Doerfler

Seconded by: A. C. Marques

THAT application B-2021-0018 to sever (**Parcel B**) having a width of approximately 9.24 metres (30.31 feet), a depth of approximately 18.7 metres (61.35 feet), and an area of approximately 356 square metres (0.36 hectares) to be added to Block 174, Plan 43M-1449 as a lot addition to facilitate completion of a residential lot on the south side of Sparta Drive 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.

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2. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent.
3. A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being Block 174, Plan 43M-1449, shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed.
4. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s). (The "resultant" lot is the "severed" land and the land to which the "severed" land is to be merged.)
5. That the owner shall submit a tree compensation plan for the removed trees located on the residential lots.

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. Doerfler

Seconded by: A. C. Marques

THAT application B-2021-0018 to sever (**Parcel C**) having a width of approximately 9.24 metres (30.31 feet), a depth of approximately 6.6 metres (21.65 feet), and an area of approximately 90 square metres (0.009 hectares) to be added to Block 177, Plan 43M-1449 as a lot addition to facilitate completion of a residential lot on the south side of Sparta Drive 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. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent.
3. A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being Block 177, Plan 43M-1449, shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed.
4. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s). (The "resultant" lot is the "severed" land and the land to which the "severed" land is to be merged.)
5. The applicant submits \$1,470 (Consent/Severance/Land Division– Minor) review fee to the TRCA as requested in their letter dated September 7, 2021;
6. That the owner shall submit a tree compensation plan for the removed trees located on the residential lots.

7. DEFERRED CONSENT APPLICATIONS

7.1. 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.

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1. **A-2021-0174** *(Item deferred as discussed concurrently with Agenda item 6.1)*

WICKLOW HOLDINGS LIMITED

8050 TORBRAM ROAD

PART OF BLOCKS D, H AND M, PLAN 848, WARD 7

The applicant is requesting the following variance(s) associated with the proposed retained lot under Consent Application B-2021-0017:

1. To permit a minimum lot width of 11 metres whereas the by-law requires a minimum lot width of 30 metres;
2. To permit an interior side yard setback of 2.0m (6.56 ft.) whereas the by-law requires a minimum interior side yard setback of 4.0m (13.12 ft.);
3. To permit 0.0m of landscaped open space along the lot line abutting Torbram Road whereas the by-law requires a minimum 3.0m (9.84 ft.) wide landscaped open space strip along any lot line abutting a street;
4. To provide 83 parking spaces on site whereas the by-law requires a minimum of 88 parking;
5. To permit an ancillary commercial use (office) not as part of an industrial mall whereas the by-law only permits ancillary commercial uses in an industrial mall;
6. To permit a parking aisle width of 6.2m (20.34 ft.) whereas the by law requires a minimum parking aisle width of 6.6m (21.65 ft.).

8.2. **A-2021-0175** *(Item deferred as discussed concurrently with Agenda item 6.1)*

WICKLOW HOLDINGS LIMITED

8050 TORBRAM ROAD

PART OF BLOCKS D, H AND M, PLAN 848, WARD 7

The applicant is requesting the following variance(s) associated with the proposed severed lot under Consent Application B-2021-0017:

1. To permit an interior side yard setback of 2.0m (6.56 ft.) whereas the by-law requires a minimum interior side yard setback of 4.0m (13.12 ft.);

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2. To permit a rear yard setback of 0.0m whereas the by-law requires a minimum rear yard setback of 7.0m (22.97 ft.);
3. To permit 0 loading spaces whereas the by-law requires a minimum of 2 loading spaces;
4. To permit an ancillary commercial use (restaurant) not as part of an industrial mall whereas the by-law only permits ancillary commercial uses in an industrial mall.

8.3. A-2021-0177

MANSUR SHAH AND MOHSIN SHAH

6 EVERLASTING COURT

LOT 103, PLAN 43M-1865, WARD 10

The applicants are requesting the following variance(s):

1. To permit an individual accessory structure (cabana) with a gross floor area of 47.6 sq. m (512.36 sq. ft.) whereas the by-law permit a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
2. To permit an accessory structure (cabana) with a height of 3.809m (12.50 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure;
3. To permit human habitation (washroom) within the proposed accessory structure (cabana) whereas the by-law does not permit human habitation within an accessory structure;
4. To permit a recreational facility (basketball court) with a setback of 0.99m (3.25 ft.) to the side lot line whereas the by-law permits a minimum setback of 1.2m (3.94 ft.) from any lot line to a recreational facility.

Mr. Anthony Bartolini, Square Design Group, authorized agent for the applicant, presented application A-2020-0177 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated September 7, 2021 from Toronto and Region Conservation Authority, recommending conditional approval subject to a condition requiring the applicant to submit their commenting review fee of \$610.00.

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.

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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. Doerfler

Seconded by: D. Colp

THAT application A-2021-0177 to permit an individual accessory structure (cabana) with a gross floor area of 47.6 sq. m (512.36 sq. ft.); to permit an accessory structure (cabana) with a height of 3.809m (12.50 ft.); to permit human habitation (washroom) within the proposed accessory structure (cabana) and to permit a recreational facility (basketball court) with a setback of 0.99m (3.25 ft.) to 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. The applicant submits \$610.00 Variance Residential– Minor review fee to the TRCA as requested in their letter dated September 2, 2021;
3. That roof drainage from the accessory structure shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
4. 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; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.4. **A-2021-0178**

ZAHID ASLAM AND RABIA RAFIQUE

11 SALEM COURT

PART OF BLOCKS 111 AND 133, PLAN M-1048, PART OF BLOCKS 133 AND 134, PLAN M-524, PARTS 9, 10 AND 11, PLAN 43R-19393, WARD 1

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The applicants are requesting the following variance(s):

1. To permit an above grade side door having an interior side yard setback of 1.02m (3.35 ft.) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) from an interior side yard to an above grade door;
2. To permit a path of travel of 1.02m (3.35 ft.) to the primary entrance to a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit.

Mr. Valiuddin Mohammed, Mechways Inc., authorized agent for the applicant, presented application A-2020-0178 briefly outlining the variances requested.

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

Mr. Mohammed 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-2021-0178 to permit an above grade side door having an interior side yard setback of 1.02m (3.35 ft.) and to permit a path of travel of 1.02m (3.35 ft.) to the primary entrance to a second unit 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 vegetation in the front yard located in the path of travel be removed or relocated to provide sufficient space to access the side yard;
3. That drainage on adjacent properties shall not be adversely affected;
4. That the above grade entrance shall not be used to access an unregistered second unit;
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:

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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

8.5. **A-2021-0179**

PUNEET GREWAL AND SUKHAMAN SINGH SANDHU

2 BEACHPOINT BOULEVARD

LOT 101, PLAN 43M-1541, WARD 6

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit below grade entrances between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.25m (7.38 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.);
3. To permit an existing accessory structure (shed) to be located in the exterior side yard having a rear yard setback of 0.58m (1.90 ft.) and an exterior side yard setback of 0.45m (1.48 ft.), whereas the by-law does not permit an accessory structure to be located in the exterior side yard.
4. To permit an existing driveway width of 7.43m (24.38 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
5. To permit a 0.0 metre permeable landscape strip whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.

Mr. Valiuddin Mohammed, Mechways Inc., authorized agent for the applicant, presented application A-2021-0179 briefly outlining the variances requested. Mr. Mohammed requested consideration for approval of variances 4 and 5 pertaining to driveway width and permeable landscaping

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions. Staff explained that the variances pertaining to driveway width and permeable landscaping were identified during site inspection advising that staff cannot support the increased driveway width which would allow an excessive number of vehicles to be parked on the driveway.

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Mr. Mohammed indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2021-0179 to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line; to permit an exterior side yard setback of 2.25m (7.38 ft.) to a proposed below grade entrance; to permit an existing accessory structure (shed) to be located in the exterior side yard having a rear yard setback of 0.58m (1.90 ft.) and an exterior side yard setback of 0.45m (1.48 ft.); to permit an existing driveway width of 7.43m (24.38 ft.) and to permit a 0.0 metre permeable landscape strip be approved, in part, 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 variance 4 to permit an existing driveway width be refused;
3. That variance 5 to permit the removal of the permeable landscape strip be refused;
4. That the below grade entrance shall not be used to access an unregistered second unit;
5. That the applicant shall extend or adjust the existing fence or provide landscaping to screen the below grade entrance in a manner satisfactory to the Director of Development Services;
6. That drainage on adjacent properties shall not be adversely affected;
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.6. **A-2021-0180**

LAKERMAN SINGH AND BISWATIE OODAL

57 CORDGRASS CRESCENT

LOT 109, PLAN M-1233, WARD 9

The applicants are requesting the following variance(s):

1. To permit a below grade exterior stairway in the required side yard having a setback of 0.17m to the side lot line and where a continuous side yard width of 1.2m is provided on the opposite side of the dwelling, whereas the by-law permits a below grade exterior stairway in the required interior side yard where a minimum 0.3m setback to the side lot line is maintained and where a minimum 1.2m continuous side yard width is provided on the opposite side of the dwelling;
2. To permit a driveway width of 7.06m (23.16 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17 ft.);
3. To permit 0.25m (0.82 ft.) of permeable landscaping adjacent to the side lot line, whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot.

Mr. Gurwinder Grewal, MEM Engineering, authorized agent for the applicant, presented application A-2021-0180 briefly outlining the variances requested. He explained that the stairway is existing and the owners intend to register the as built basement as a second unit.

Committee acknowledged receipt of e-mail correspondence dated September 13, 2021 from Allan Morhart, adjacent property owner, expressing concerns on the maintenance and upkeep of the property.

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions. Staff advised that the excessive driveway width would allow an excessive number of vehicles to be parked side by side noting that the reduction of the permeable landscaping inhibits drainage.

Mr. Grewal 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-2021-0180 to permit a below grade exterior stairway in the required side yard having a setback of 0.17m to the side lot line and where a continuous side yard width of 1.2m is

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provided on the opposite side of the dwelling; to permit a driveway width of 7.06m (23.16 ft.) and to permit 0.25m (0.82 ft.) of permeable landscaping adjacent to the side lot line be approved, in part, 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 variance 2 to permit an increased driveway width be refused;
3. That variance 3 to permit a reduction of permeable landscaping adjacent to the side lot line be refused;
4. The owner shall obtain a building permit within 60 days of the decision of approval or within an extended period as approved by the Chief Building Official;
5. That the below grade entrance shall not be used to access an unregistered second unit;
6. That drainage on adjacent properties shall not be adversely affected;
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.7. **A-2021-0181**

IKBAL CHAWLA AND SUKHVINDER CHAWLA

45 DONCASTER DRIVE

PART OF LOT 254, PLAN 742, WARD 7

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard
2. To permit an interior side yard setback of 2.24m (7.35 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.).

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Mr. Gurwinder Grewal, MEM Engineering, authorized agent for the applicant, presented application A-2021-0181 briefly outlining the variances requested.

Mr. Glenn Capper, 47 Doncaster Drive addressed Committee expressing concerns with the separate entrance located in the side yard. He expressed that it will devalue his property, cause congestion on the driveway and safety concerns with people entering and exiting the driveway. It was expressed that there would be no issue if the entrance was located at the rear of the property.

Committee acknowledged receipt of e-mail correspondence dated September 8, 2021 from Glen Capper, 47 Doncaster Road in opposition to Application A-2021-0181.

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

Mr. Grewal 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-2021-0181 to permit a below grade entrance in the required interior side yard and to permit an interior side yard setback of 2.24m (7.35 ft.) 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 below grade entrance shall not be used to access an unregistered second unit;
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

8.8. **A-2021-0182**

FARHAN SHAHID AND SEHAR SHEIKH

7 NOVICE DRIVE

PART OF BLOCK 139, PLAN 43M-2032, PARTS 18 AND 19, PLAN 43R-39537, WARD 6

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrances between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.06m (6.76 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Mr. Gurinder Grewal, MEM Engineering, authorized agent for the applicant, presented application A-2021-0182 briefly outlining the variances requested. He advised that the owner of the property wishes to legalize the basement as a second unit.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff informed Committee that additional information has been received for Committee's consideration. Staff advised that following submission of the staff report comments were received from the original builder of the subdivision as requested by the City's engineering staff. Staff advised that the builder of the subdivision has indicated that they would not support the application due to ongoing requirements of the subdivision under maintenance by the developer. Staff expressed that the subdivision has not been assumed by the City and the developer has issues over liability and warranty along with architectural control and aesthetics as well as the cost associated with assumption of the subdivision. Staff requested consideration for a deferral to provide an opportunity to re-evaluate having only received the information yesterday. Staff suggested a deferral to November may be appropriate.

Mr. Abhishek Rajgor, MEM Engineering, addressed Committee advising that the concern with a deferral will delay construction until next year due to winter. It was his request that the application be considered and that staff make a judgement for a positive result.

Committee suggested a deferral no later than the last hearing date of 2021 with the possibility of the application coming forward earlier if the issues are resolved. Committee expressed that staff should be provided an opportunity to review whatever new information comes forward which could prove beneficial to the applicant as well.

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Staff responded that they continue to work with the applicant to determine if this is the ideal location for the entrance or explore alternate locations which might be more supportable by staff and the developer.

Following discussion Committee reached the following decision.

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2021-0182 be deferred no later than the last hearing of 2021.

CARRIED

8.9. A-2021-0183

RUTH ELEANOR WEST

141 ELIZABETH STREET SOUTH

PART OF LOT 10, PLAN BR-27, PART 2, PLAN 43R-2195, WARD 3

The applicant is requesting the following variance(s):

1. To permit an encroachment of 3.272m (10.73 ft.) into the required front yard for an open roofed structure above a porch, resulting in a front yard setback of 2.728m (8.95 ft.) whereas the by-law permits a maximum encroachment of 2m (6.56 ft.) for an open roofed structure above a porch resulting in a front yard setback of 4m (13.12 ft.);
2. To permit lot coverage of 37.57% whereas the by-law permits a maximum lot coverage of 30%.

Note: Approval was granted under Application A-2021-0147 for lot coverage of 34.46%.

Mr. Agyei Peprah-Asiase, authorized agent for the applicant, presented application A-2020-0183 briefly outlining the variances requested.

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

Mr. Peprah-Asiase 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-2021-0183 to permit an encroachment of 3.272m (10.73 ft.) into the required front yard for an open roofed structure above a porch, resulting in a front yard

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setback of 2.728m (8.95 ft.) and to permit lot coverage of 37.57% 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
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

8.10. **A-2021-0184**

ALLENBY GARDENS HOME CORP

188 MAIN STREET SOUTH

PART OF LOT 3, CONCESSION 1 E.H.S., WARD 3

The applicant is requesting the following variance(s):

1. To permit a restaurant use in Building C whereas the by-law only permits a tavern.

Ms. Andrea Sinclair, MHBC Planning, Urban Design & Landscape Architecture, authorized agent for the applicant, presented application A-2020-0184 briefly outlining the variance requested. She advised that the site has specific zoning that permits a dining room restaurant, a take-out restaurant and a convenience restaurant but only in Buildings A and B and they would like to carry the permissions over to Building C to accommodate a client that wants to locate a restaurant in one of the vacant units. She expressed that as indicated in the application the Zoning By-law permits a tavern which is a similar use to a restaurant.

Ms. Sinclair pointed out that the staff report notes the addition of a dining room adding that she would like to make it consistent with the Zoning by-law which lists the use as a dining room restaurant, take-out restaurant or convenience restaurant. She expressed that this will avoid a circumstance where they may be back before the Committee again.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff advised that they would be agreeable to the minor change

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referred to by the applicant and deferred to Zoning Staff to ensure the wording is correct and captures the uses.

Zoning staff explained that the distinguishing feature between a convenience restaurant and a dining room restaurant is the inclusion of a potential drive-through noting that if a convenience restaurant is permitted in Building C there may be future requests to add a drive-through facility to that building. Staff further explained that the difference between a dining room restaurant and a take-out restaurant is the number of seats explaining that a take-out restaurant is permitted up to ten seats while anything over ten seats will be classified as a dining room restaurant and the inclusion of a drive-through facility will create a convenience restaurant.

Ms. Sinclair added that there is no intent at this time to add a drive-through noting that it is already permitted everywhere else across the site. Ms. Sinclair indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2021-0184 to permit a restaurant use in Building C 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:

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

Discussion was re-opened on a two thirds majority vote with staff seeking clarification on whether or not the Committee was including the additional take out restaurant or convenience restaurant advising that if an application is received in the future for a take-out restaurant this would now be permitted. Staff advised that this would require an amendment to the staff recommendations.

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Staff advised that they are generally in support of what is being requested and was in favour of amending the report. Staff proposed that the wording be changed to reflect a dining room or convenience or take out restaurant in Building C.

Ms. Sinclair indicated that the proposed conditions, as amended, were acceptable.

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0184 to permit a restaurant use in Building C be approved for the following reasons and subject to the following amended conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That restaurant uses may include a dining room, a convenience and/or a take-out restaurant.
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-2021-0185**

WALTER BOTTER AND HERMANA BOTTER

69 NOVA SCOTIA ROAD

LOT 35, PLAN 43M-1532, WARD 6

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.

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Mr. Anthony Bartolini, Square Design Group, authorized agent for the applicant, presented application A-2020-0185 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated September 8, 2021 from Credit Valley Conservation, indicating no objection and requesting the applicant to submit their commenting review fee of \$310.00.

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: D. Doerfler

Seconded by: D. Colp

THAT application A-2021-0185 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 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 flow onto the applicant's property;
3. That drainage on adjacent properties shall not be adversely affected;
4. That the accessory building shall not be used as a separate dwelling unit;
5. That the applicant is required to obtain a permit from CVC pursuant to Ontario Regulation 166/06 and submit the required fee to CVC;
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

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8.12. **A-2021-0186**

SANTOSH SEETHARAMAN AND HARINI JEGANNATHAN

2 FORESTGROVE CIRCLE

LOT 85, PART OF LOT 86, PLAN 43M-1153, PART 8, PLAN 43R-21253, WARD 2

The applicants are requesting the following variance(s):

1. To permit a building addition having an interior side yard setback of 3.22m (10.56 ft.) whereas the by-law requires a minimum interior side yard setback of 4.0m (13.12 ft.) for a lot abutting a reserve or landscape buffer block;
2. To permit an existing accessory structure (storage shed) to be located in the front half of the interior side yard with a setback of 0.34m from the side lot line, whereas the by-law requires that an accessory structure located in the interior side yard shall not encroach into the minimum required 4m side yard setback and that the accessory building shall not be located closer to the front wall of the main building than one-half ($\frac{1}{2}$) the length of the main building wall facing the interior side lot line.

Mr. Valiuddin Mohammed, Mechways Inc., authorized agent for the applicant, presented application A-2020-0186 briefly outlining the variances requested.

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

Mr. Mohammed 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-2021-0186 to permit a building addition having an interior side yard setback of 3.22m (10.56 ft.) and to permit an existing accessory structure (storage shed) to be located in the front half of the interior side yard with a setback of 0.34m from 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 roof drainage from the accessory structures shall flow onto the applicant's property;
3. That the accessory building shall not be used as a separate dwelling unit;

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4. That the applicant shall obtain a building permit for the building addition at the discretion of the Chief Building Official;
5. That the below grade entrance shall not be used to access an unregistered second unit;
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

8.13. A-2021-0187

CRESTPOINT REAL ESTATE (FINANCIAL DRIVE) INC.

7525 and 7535 FINANCIAL DRIVE

BLOCK 2, PLAN 43M-1597, WARD 6

The applicant is requesting the following variance(s):

1. To provide 147 parking spaces on site whereas the by-law requires a minimum of 268 parking spaces on site.

Mr. Sath Nathan, Ehvert Engineering, authorized agent for the applicant, presented application A-2021-0187 briefly outlining the variances requested. He advised that a parking study was performed for the site concluding that the parking supply as existing is in excess of what is required for the day to day operation.

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

Mr. Nathan 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

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THAT application A-2021-0187 to provide 147 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 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-2021-0188**

AMIT CHHABRA AND RASHMI CHHABRA

25 CLOVERCREST DRIVE

LOT 113, PLAN 43M-1570, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit below grade entrances between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.1m (6.89 ft.) to a below grade exterior stairs whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2020-0188 briefly outlining the variances requested.

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.

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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. Doerfler

Seconded by: D. Colp

THAT application A-2021-0188 a below grade entrance between the main wall of a dwelling and the flankage lot line and to permit an exterior side yard setback of 2.1m (6.89 ft.) to a below grade exterior stairs 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 below grade exterior stairs shall not be used to access an unregistered second unit;
3. That a building permit for the below grade entrance shall be obtained 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;
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

8.15. **A-2021-0189**

KISHOR GAREWAL AND SAMINA USMAN

3 AYLESBURY DRIVE

LOT 231, PLAN 43M-1878, WARD 6

The applicants are requesting the following variance(s):

1. To permit a 0.65m (2.13 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit;

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2. To permit a driveway width of 6.93m (22.74 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Mr. Alhasan Robah, YEJ Studio and Consulting, authorized agent for the applicant, presented application A-2020-0189 briefly outlining the variances requested.

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

Mr. Robah 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: D. Doerfler

THAT application A-2021-0189 to permit a 0.65m (2.13 ft.) path of travel leading to a principle entrance for a second unit and to permit a driveway width of 6.93m (22.74 ft.) be approved, in part, 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 Variance 1 for a reduced path of travel leading to a principle entrance for a second unit be refused;
3. That drainage on adjacent properties shall not be adversely affected;
4. That the existing driveway shall not be further widened or expanded; and,
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.16. **A-2021-0191**

RAM KONGARA AND SRIDEVI KONGARA

8 LOCOMOTIVE CRESCENT

LOT 54, PLAN 43M-1878, WARD 6

The applicants are requesting the following variance(s):

1. To permit a path of travel of 0.92m (3 ft.) to the primary entrance to a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit.

Mr. Alhasan Robah, YEJ Studio and Consulting authorized agent for the applicant, presented application A-2021-0191 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated September 10, 2021 from Credit Valley Conservation, indicating no objection and requesting the applicant to submit their commenting review fee of \$310.00.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff requested that an additional condition be included requiring the applicant to submit the \$310.00 review fee to Credit Valley Conservation.

Mr. Robah 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: D. Doerfler

THAT application-2021-0191 to permit a path of travel of 0.92m (3 ft.) to the primary entrance to a second unit 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 primary entrance to the second unit shall not be used to access an unregistered second unit;
3. That the applicant submit the \$310.00 review fee directly to CVC, as indicated in their letter dated September 10, 2021;

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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

8.17. **A-2021-0193**

9517103 CANADA INC., ROSEMARY AND NORMAND LAMOUREUX

56-62 ELIZABETH STREET SOUTH

PART OF LOT 1, PLAN BR-21, WARD 3

The applicants are requesting the following variance(s):

1. To permit two (2) additional residential units in an existing legal non-conforming 4-plex resulting in a 6-unit dwelling whereas a 4-unit dwelling is an existing legal non-conforming use;
2. To permit an existing accessory structure (shed) having a setback of 0.38m (1.25 ft.) to the side lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines for an accessory structure.

Mr. John Sanderson, authorized agent for the applicant, presented application A-2020-0193 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated September 4, 2021 from Irma Kazer, 50 Elizabeth Street South, commenting on water issues, drainage and fencing issues.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff advised that there were other conditions received from fire services after the report was finalized and requested that the conditions be included. Staff noted that all these measures recommended by fire services are currently in place noting that the building permit process will address all fire safety issues.

Mr. Sanderson indicated that the proposed conditions, as amended, 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. Doerfler

Seconded by: A. C. Marques

THAT application A-2021-0193 to permit two (2) additional residential units in an existing legal non-conforming 4-plex resulting in a 6-unit dwelling and to permit an existing accessory structure (shed) having a setback of 0.38m (1.25 ft.) to 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 the owner shall obtain a building permit for the creation of the additional dwelling units within 90 days of the decision of approval or within an extended period as approved by the Chief Building Official;
3. That until the owner obtains a building permit and implements the works required under it, that the following fire safety measures shall be continued to be maintained:
 - Remove and/or inhibit the storage of items in the storage lockers on the basement level in lockers allocated for apartments 56, 56A, 58, 62, 60 and 60a;
 - Remove and/or inhibit free access to the laundry facility;
 - Provide fixed step(s) below largest window in apartment 56A and 60A; and,
 - Provide a smoke alarm on the ceiling of the basement level at the bottom of the stairs on both the North and South sides of the Property.
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

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8.18. **A-2021-0194**

KULJIT MANN AND PARAMJEET KAUR

27 LEONE LANE

LOT 28, PLAN M-287, WARD 10

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

1. To permit an interior side yard setback of 5.81m (19.06 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.);
2. To permit a garage door height of 3.66m (12 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.).

Mr. Kurtis Van Keulen, Huis Designs, authorized agent for the applicant, presented application A-2021-0194 briefly outlining the variances requested.

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

Staff requested an additional condition to avoid any confusion about the oversized garage doors if the intent is to use the garage for oversized vehicles which could conflict with the Zoning by-law and provided wording that parking and/or storage of Oversized Motor Vehicles as defined in the Zoning By-law shall not be permitted, including inside the garage.

Mr. Van Kuelen was agreeable to the inclusion of the application advising that there is no intent to use the garage for oversized vehicles. Following discussion, Mr. Keulen 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-2021-0194 to permit interior side yard setback of 5.81m (19.06 ft.) and to permit a garage door height of 3.66m (12 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;

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2. That the owner finalize site plan approval under City File SPA-2021-0117, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. The parking and/or storage of Oversized Motor Vehicles as defined in the Zoning By-law shall not be permitted, including inside the garage;
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

8.19. **A-2021-0196**

INVESTORS GROUP TRUST CO. LTD.

2 AND 4 HANOVER ROAD

PART OF BLOCKS X AND AK, PLAN 857, PARTS 1 to 20, 23 AND 24, PLAN 43R-10770,
WARD 7

The applicant is requesting the following variance(s):

1. To permit an exterior side yard setback of 10.0m (32.80 ft.) to a hydro transformer whereas the by-law requires a minimum exterior side yard setback of 16.0m (52.50 ft.).

Ms. Taranjeet Uppal, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2021-0196 briefly outlining the variance requested. Ms. Uppal explained that the site contains 2 rental apartment buildings and a site plan application has been submitted for the addition of 2 new residential rental buildings. She advised that these new building require a hydro transformer which must be located in accordance with Electra requirements. Ms. Uppal informed Committee that the transformer will be screened from view.

Committee acknowledged receipt of a letter dated September 13, 2021 from Toronto and Region Conservation Authority, recommending conditional approval subject to a condition requiring the applicant to submit their commenting review fee of \$1,155.00.

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Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff requested that the 2 conditions requested by TRCA be included.

Ms. Uppal expressed that the comments from TRCA were only received yesterday and they have not had an opportunity to consult with TRCA adding that they are not sure if a separate permit is required since a permit is required for an active site plan application for the overall site which includes the transformer. She requested that the condition be removed or modified to be considered in conjunction with the site plan application.

Staff suggested that the application could be deferred to provide an opportunity to have further conversations with TRCA and the applicant.

Mr. Colin Chung, Glen Schnarr & Associates Inc. addressed Committee commenting that it doesn't matter what conditions the City of Brampton requires noting that this is TRCA's jurisdiction to require a permit. He expressed that they could resolve the matter and was prepared to accept the conditions requested by TRCA and will reach out to TRCA.

Ms. Chung 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. Doerfler

Seconded by: A. C. Marques

THAT application A-2021-0196 to permit an exterior side yard setback of 10.0m (32.80 ft.) to a hydro transformer be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File SPA-2021-0149, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That the applicant acquires a TRCA permit pursuant to Ontario Regulation 166/06 for the proposed hydro transformer located at the east of the property;
4. That the applicant submits \$1,155 (Variance – Minor) review fee to TRCA as indicated in their letter dated September 13, 2021;
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:

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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

8.20. A-2021-0197

AIRPORT HIGHWAY 7 DEVELOPMENTS LTD.

9025 AIRPORT ROAD, UNIT 2

PART OF LOT 6, CONCESSION 6 E.H.S., WARD 8

The applicant is requesting the following variance(s):

1. To permit a retail establishment to operate from Unit 2 having no outdoor storage whereas the by-law does not permit the proposed use.

Mr. Mark Condello, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2021-0197 briefly outlining the variances requested specific to Unit 2 in the plaza for a cannabis retailer. Mr. Condello explained that staff have confirmed that a cannabis retailer is defined as a retail establishment. He informed Committee that the unit is currently occupied by a dentist who plans on relocating to a larger unit to accommodate a growing business and practice. Mr. Condello explained that the property is split zoned between 2 special exceptions, one zone not permitting the retail use while the zoning for the balance of the plaza does identify retail establishments as a permitted use.

Mr. Condello advised that in January, 2019 City Council did approve a motion to allow privately owned retail cannabis stores in Brampton following several weeks of public consultation. He advised that cannabis retailers are managed by the Alcohol and Gaming Commission of Ontario and this would be the first step in the process and the tenant would be required to apply for a permit from the Alcohol and Gaming Commission of Ontario. He further noted that cannabis retailers are required to be setback 150 metres from a school commenting that the area is primarily industrial.

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

Mr. Condello 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. Doerfler

Seconded by: D. Colp

THAT application A-2021-0197 to permit a retail establishment to operate from Unit 2 having no outdoor storage 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 obtain a permit for a change of use prior occupancy of the unit;
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

8.21. A-2021-0198

COCA-COLA CANADA BOTTLING LIMITED

15 WESTCREEK BOULEVARD

PART OF LOT 14, CONCESSION 3 E.H.S., WARD 3

1. To permit outside storage on lands zoned Industrial One - M1 whereas the by-law does not permit outside storage on lands zoned Industrial One - M1;
2. To permit outside storage including truck parking on an area equivalent to 56.53% of the gross floor area of the main building whereas the by-law permits outside storage to occupy a maximum 5% of the gross floor area of the main building;
3. To permit outside storage including truck parking in the exterior side yard whereas the by-law only permits outside storage in the rear yard;

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4. To permit outside storage including truck and trailer parking as a non-accessory use that is not associated with a business located within a building or structure on the same lot whereas the by-law only permits outside storage as an accessory use.

Mr. Kevin Nunn, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2021-0198 briefly outlining the variances requested. He advised that his client is looking to utilize a portion of the property for outdoor truck and trailer parking as well as leasing a portion of the parking area to an outside operator

Committee acknowledged receipt of a letter dated September 10, 2021 from Toronto and Region Conservation Authority, recommending conditional approval subject to a condition requiring the applicant to submit their commenting review fee of \$1,155.00.

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

Mr. Nunn indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2021-0198 to permit outside storage on lands zoned Industrial One - M1; to permit outside storage including truck parking on an area equivalent to 56.53% of the gross floor area of the main building; to permit outside storage including truck parking in the exterior side yard and to permit outside storage including truck and trailer parking as a non-accessory use that is not associated with a business located within a building or structure on the same lot 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 within 90 days of the Committee's decision, or within an extended period of time as approved by Director of Development Services. Through the Site Plan review process, the applicant shall maintain a 3.0m wide landscape strip along Westcreek Boulevard and provide adequate screening to limit the visual impact of the outdoor truck and trailer parking;
3. That the use not be established until such time as the site plan has been approved and all related on-site improvements are implemented to the satisfaction of the Director of Development Services;

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4. That the outdoor storage of trucks and trailers be limited to the areas on the property identified on the sketch attached to the Notice of Decision;
5. That no other outside storage of materials or equipment other than truck and trailer parking shall occur on the property at any time;
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

COMMITTEE RECESSED AT 11:11 A.M AND RECONVENED AT 11:20 A.M.

8.22. **A-2021-0199**

MICHELLE GAUTHIER

3 CHESTERFIELD ROAD

LOT 328, PLAN 625, WARD 3

The applicant is requesting the following variance(s):

1. To permit an existing fence in the front yard having a maximum height of 2.23m (7.32 ft.) whereas the by-law permits a fence in the front yard to a maximum height of 1.0m (3.28 ft.);
2. To permit an existing fence having a maximum height of 2.23m (7.32 ft.) whereas the by-law permits a maximum height of 2.0m (6.56 ft.).

Ms. Michelle Gauthier, applicant and owner of the property, presented application A-2021-0199 briefly outlining the variances requested. She advised that the original submission was for one variance noting that upon site inspection a second variance was identified also related to the fence. She explained that they had built the fence out to accommodate a mature pear tree expressing that they were concerned with damaging the aging tree. The height of the fence was planned around a pool enclosure noting that it would be incredibly difficult to move it given the cement footings.

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Committee acknowledged receipt of several letters of support from neighbouring property owners included with the application submission.

Committee acknowledged receipt of e-mail correspondence dated September 10, 2021 from Donald Kirkpatrick, 12 Chesterfield Road detailing concerns with application A-2021-0199.

Ms. Nancy Candido, 2 Allendale Road, addressed Committee in support of the application advising that the property owners have beautified their property and maintain the existing fence on a yearly basis. She commented that they have not seen the issues stated in the letter of objection.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff explained that traffic services reviewed the application considering sight lines and any possible impact the fence may have noting that in terms of sight lines no issues were identified by staff.

Following discussion, Ms. Gauthier 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-2021-0199 to permit an existing fence in the front yard having a maximum height of 2.23m (7.32 ft.) and to permit an existing fence having a maximum height of 2.23m (7.32 ft.) be approved for the following reasons and subject to the following conditions:

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

8.23. **A-2021-0200**

NORTH BRAMALEA UNITED CHURCH

363 HOWDEN BOULEVARD

BLOCK D AND PART OF BLOCK E, PLAN M-158, PART 1, PLAN 43R-9440, WARD 7

The applicant is requesting the following variance(s):

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1. To permit a front yard setback of 3.15m (10.33 ft.) and an interior side yard setback of 5.54m (18.18 ft.) to an existing temporary structure whereas the by-law requires a minimum 7.5m (24.60 ft.) front yard and interior side yard setback.

Note: Approval granted under application A19-170 will expire in October, 2021.

Mr. Jim Christian, authorized agent for the applicant, presented application A-2021-0200 briefly outlining the variances requested for a temporary structure on the property. He advised that the structure has never been used outlining the processes involved leading up to receiving approvals and the permit, together with the impact of COVID. He advised that they have not had time to execute the operation of the prayer facility which was originally intended as a trial before pursuing a permanent use. He advised that at this time they are seeking a temporary approval.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff requested an amendment to proposed condition number 2 to amend the temporary structure agreement to provide for a further 2 years.

Mr. Christian 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-2021-0200 to permit a front yard setback of 3.15m (10.33 ft.) and an interior side yard setback of 5.54m (18.18 ft.) to an existing temporary 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 enter into an amending temporary structure agreement with the City, extending the date by which the temporary structure must be removed by a further 2 years;
3. That drainage on adjacent properties shall not adversely affected;
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

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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

8.24. **A-2021-0201**

OURAY DEVELOPMENTS INC.

10 MAYBROOK WAY

PART OF LOT 5, CONCESSION 10 N.D., WARD 8

The applicant is requesting the following variance(s):

1. To permit a temporary new homes sales office whereas the by-law does not permit the proposed use;
2. To permit an interior side yard setback of 6.49m (21.30 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.61 ft.);
3. To permit 31% of the required front yard to be landscaped open space in the front yard whereas the by-law requires 70% of the front yard to be landscaped open space.

Mr. Manny Dacunha, Country Wide Homes, authorized agent for the applicant, presented application A-2020-0201 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated September 7, 2021 from Toronto and Region Conservation Authority, recommending conditional approval subject to a condition requiring the applicant to submit their commenting review fee of \$1,155.00.

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

Mr. Dacunha 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-2021-0201 to permit a temporary new homes sales office; to permit an interior side yard setback of 6.49m (21.30 ft.) and to permit 31% of the required front yard to

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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 the proposed variance be allowed for a temporary period of three (3) years from the date of the Committee's decision or until all dwelling units under plan of subdivision 21T-14001B are sold, whichever occurs first;
3. The applicant shall obtain site plan approval for the temporary sales pavilion;
4. That the sales office shall relate only to subdivision application 21T-14001B;
5. The owner and builders shall enter into a temporary sales office agreement with the City for period of three (3) years from the date of the decision of approval or until such time as all lots in the specifically referenced Planning Development application are sold, whichever comes first;
6. The owner shall provide securities in the amount \$40,000 to ensure the removal of the sales pavilion, parking areas, temporary access and all associated signage and flags;
7. A building permit is required prior to the erection of the temporary sales pavilion;
8. All signage associated with the temporary sales pavilion shall be in accordance with the sign by-law and shall not be installed or displayed until such times as appropriate permits have been issued;
9. That the applicant acquires a TRCA permit pursuant to Ontario 166/06 for the proposed work;
10. That the applicant submits \$1,155 (Variance – Minor) review fee to the TRCA as requested in their letter dated September 7, 2021;
11. 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. **A15-213**

1334717 ONTARIO INC.

8211 MAYFIELD ROAD

PART OF LOT 17, CONCESSION 11 E.H.S., WARD 10

The applicant is seeking permission to permit the temporary operation of a construction yard and administrative office with associated outside storage whereas the by-law does not permit the proposed use.

Mr. Joe Plutino, Mainline Planning Services, authorized agent for the applicant, presented application A15-213 acknowledging that the conditions that have been formulated and are before the Committee for consideration are acceptable.

For the benefit of Committee, planning staff read aloud the conditions that were formulated.

Mr. Plutino 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 A15-213 to permit the temporary operation of a construction yard and administrative office with associated outside storage 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 variance for the continued use of the property for a construction yard shall be permitted for a temporary period of three (3) years from the final date of the Committee's decision;
3. That there shall be no discharge of oils, fluids or other environmental contaminants onto the site or the Regional right-of-way and that the existing contaminated soil and areas containing contaminants shall be remediated within 60 days of the date of the Committee's decision or to be extended at the discretion of the Director, Environment and Development Engineering;

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4. That all inoperative vehicles and other outside storage of goods, materials and equipment that is not directly associated with the construction yard activity shall be removed from the site within 60 days date of the Committee decision or to be extended at the discretion of the Director, Development Services;
5. That the applicant shall submit a complete application in accordance with Section 34 or 39 of the *Planning Act* for an amendment to the Zoning By-law or for a Temporary Use By-law within 24 months of the Committee's decision to facilitate the continued use of the property for purposes not permitted by the existing 'Agricultural (A)' zone designation. This process can be facilitated through re-activation of the Site Plan (SP13-035.000) in conjunction with a complete application under Section 34 or 39 of the *Planning Act*;
6. That the applicant obtain building permits for the following existing accessory structures identified on the Survey Plan (SP1) dated September 2020 as attached to the Notice of Decision:
 - Storage Tent Structure;
 - Wood Frame Storage Structure; and,
 - Moveable site office attached to the 1-storey building, if required.

Permits shall be obtained within 60 days of the date of the Committee's decision or as extended at the discretion of the Chief Building Official. Existing buildings as identified on the survey attached to the Notice of Decision shall not be expanded or relocated 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 building permits for existing structures as set out above.

7. In line with the Region's Controlled Access By-law (62-2013), the Region will only permit one (1) restricted access onto Mayfield Road in a location determined by the applicant and approved by the Region. The applicant shall conform to this by-law to the satisfaction of the Region within 180 days of the date of the decision of the Committee, or as extended at the discretion of the Region's Manager of Traffic Engineering;
8. Should the Applicant wish to pursue additional turning movement permissions, a scoped traffic study will be required to evaluate the possibility to utilize this access in the interim as a partially restricted (left-in/right-in/right-out) access, or as a full movement access (all turning movements permitted); this study shall also evaluate the requirements for turning lanes which may be required to support the interim movements (potential left turn lane/right turn lane). This traffic study must be submitted by the applicant and approved by the Region;

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9. That drainage on adjacent properties shall not be adversely affected; and,
10. 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-2021-0117 (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.

9.3. **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.

9.4. **A-2021-0138**

2437859 ONTARIO INC.

0 SUN PAC BOULEVARD

PART OF LOT 6, CONCESSION 7 ND, PARTS 5 & 6, PLAN 43R-35777, WARD 8

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

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.

Mr. Colin Chung, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2020-0138 briefly outlining the variance requested. Mr. Chung explained that the variance is being sought for a temporary period of five years noting that the zoning by-law permits outside storage on the site but requires a business to be located in conjunction with the trailer parking.

Mr. Chung made reference to a presentation pointing out that the site to the north has a permission for truck parking. He explained that the owner of the property has filed a pre-consultation application for a hotel and convention centre adding that it is in their opinion the highest and best use of the site. Mr. Chung advised that it is not easy to garner and market a viable business during COVID and for the time being the owner is not pursuing the proposal until things return to the new normal. He expressed that in the meantime the owner would like to generate some income by parking trailers on site on a temporary basis.

Mr. Chung made reference to a letter from Councillor Dhillon included in his presentation which he stated reflects that City Council recently ratified a resolution that encourages and promotes and receives the trucking industry and the ability for the trucking industry to provide a supply of truck parking. He commented that there are not a lot of locations for truck parking and again referenced a letter circulated by Councillor Dhillon, commenting that this is an effort to promote economic development to strengthen the trucking industry.

Mr. Chung advised that the plan submitted with the application shows an ability of additional truck parking spaces on site and an appropriate land area that is available to create a berm and screening along Sun Pac Boulevard and Queen Street. He expressed that they can deal with a berm and adequately screen the temporary use. Mr. Chung made reference to conditions imposed on a previous application for the Coca Cola site at Westcreek Boulevard and indicated that the conditions could be replicated for the subject site.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that the application is about much more than screening commenting that staff does not want to preclude the planned function of the Queen Street

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Corridor. Staff explained that the Official Plan, as well as the Secondary Plan does not permit retail or industrial uses that involve outside storage.

Staff made reference to Councils' resolution and the motion that directed staff to work with private land owners, task forces and the trucking and development industry to inform of locations that are desirable for the parking of trucks and the approvals required for establishing such facilities. Staff advised that they want to find strategic locations for truck parking in close proximity to logistic warehouses and move away from providing truck parking along the intensification corridor.

Staff spoke of the site being in close proximity to a major transit station area and advised that the long range planning objective includes high density, mixed-use, transit supportive neighborhoods that provide access to amenities, jobs, housing and recreation opportunities. Staff commented that they appreciate the provision of providing proper screening and berming to shield the use from Queen Street but want to protect the planned function of the Queen Street Corridor. Staff expressed that it is also noted in Living the Mosaic, Brampton 2040 Vision.

Mr. Chung responded that he does not disagree with the comments regarding the vision for the Queen Street Corridor. He noted that the permission is temporary and that with COVID and the condition of the economy the owner cannot garner a hotel operator who would be interested in operating a hotel at this site and that while they are waiting for the market to improve they are looking for truck parking on the site. He commented that if a major hotel operator does come along within the next 2 years the owner will abandon the truck parking and proceed with the permanent use. Mr. Chung expressed that truck parking does not involve land intensive alteration and can be easily abandoned to pursue a permanent use. He added that the temporary use can still achieve the City's vision for the permanent development vision of the Queen Street Corridor.

Staff responded that it is hard to support the proposed use noting that Council has given explicit direction as far as moving truck parking away from strategic locations that are planned for development. Staff commented that it could defer investment very easily and should be located near logistic warehousing and near the appropriate area for this use away from the intensification corridor.

Mr. Chung advised that the site is zoned service commercial and in terms of impact there is already permission for truck parking immediately north of the site which City staff supported. He commented that the owner is reaching out to the Committee of Adjustment recognizing the land use planning context and opinion and that there is a business case to be made. Mr. Chung expressed that he would be happy to look at a time frame less than five years to coincide with the approval to the north so that staff doesn't feel penalized.

Committee commented that this committee is mindful of the Queen Street Corridor and recalled applications from the past for truck parking, including an application where Committee refused the application because the area was not appropriate for the use.

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Committee noted that Sun Pac Boulevard is an area designed for this type of facility and made reference to other applications for Sun Pac Boulevard. Committee commented that this is not the first time that a request has come before Committee for Sun Pac Boulevard but acknowledged staff's challenge as well as the Council resolution.

Committee commented that they have struggled with having appropriate land space available for truck storage and sought clarification on if there could be truck storage on the property if there is a business with it. Committee noted that it is a temporary use and recognizes the challenges with COVID. Committee inquired how long the applicant has owned the property and how long has there been a site plan.

Mr. Chung responded that there is no site plan application for the permanent hotel and convention centre explaining that the owner has filed a formal pre-consultation application which is a prelude to filing an application for site plan approval. He advised that the applicant has owned the property for approximately 2 years and filed the pre-consultation application while continuing to try to secure a partner for the hotel operation. He requested the Committee's indulgence for a temporary period to allow trucks and trailers to be parked on site explaining that the owner is happy to construct a berm with landscaping and trees to eliminate the visual impact. Mr. Chung advised that they want to work with staff and do a site plan application.

Committee noted that the intent is clear in that the property is not meant for truck storage and suggested that the berming and screening on the Coca Cola property is an example of great berming and screening that it is very well done. Committee commented that they have not had many applicants in the past that are willing to provide landscaping and a berm which is much more extensive. Committee suggested that berming on this property may actually screen the property to the north as well. Committee suggested a temporary use for 3 years with berming and screening in place could be considered.

Staff clarified that while some outside storage is permitted it is very restrictive in the zone that applies and would be permitted only for seasonal goods in contained packaging associated with a permitted use on site. Staff advised that this is a service commercial zoned property and that primarily retail warehouses and garden centres are permitted in the zone.

Committee expressed that trucking is important in the City of Brampton, the GTA and the country that keeps the world moving, especially during the pandemic. Committee compared the Coca Cola application on Westcreek Boulevard noting that it is not located in the main drag as this one is in close proximity to Queen Street. Committee expressed that the applicant's objective is understood in that the hotel industry is his ultimate end goal noting that in looking at a financial investment it is a good investment to keep working in the trucking industry compared to the hotel industry. Committee expressed that to support the proposal for a temporary period there has to be some measures in place including that it has to be aesthetically pleasing and not look like a standard trucking yard that hinders the

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overall look of what we are hoping to achieve in the City of Brampton. Committee suggested a 3 year temporary approval as opposed to 5 years which would provide them with something to work with in conjunction with the 2040 vision.

Mr. Chung responded that he had suggested a temporary period of 3 years to appease staff's concerns noting that the berming and landscaping is not going to be a cheap endeavor for the owner. He commented that the Committee has the ability to implement a condition of approval requiring site plan approval which gives staff the authority and the power to satisfy themselves that the screening impacts are addressed. He remarked that the condition on site plan approval gives the City of Brampton and staff the authority to implement what Committee is concerned about.

Committee commented that they have seen many applications noting that the pandemic has changed business needs and that the demand for warehouses have increased significantly. Committee requested assistance from staff for appropriate wording for conditions that will protect the City as well as the applicant and establish some common ground for the applicant, the City and the Committee.

Committee and staff discussed conditions of approval while referring back to the conditions imposed on a previous application for Westcreek Boulevard.

Staff commented that while the Westcreek Boulevard application may be a good example it could be argued that this is an example where Council has recently directed staff to work with the industry particularly for the storage of trucks in those locations that are strategic in nature. Staff noted that with the subject property it is clear from Staff's perspective that Council is looking to move away from the continual perpetuation of outside storage of tractor trailers on intensification corridors. Staff pointed out that this site is a different site that aligns with Council's direction and resolution to discourage the parking of trucks and trailers along intensification corridors and encourage them in situations like Westcreek Boulevard.

Staff inquired if the applicant would be willing to work with the City through a different planning instrument such as a temporary rezoning by-law process that could see the site developed in a way to minimize throw away costs to the applicant while providing a temporary use. Staff commented that the investment that is done now in the landscaping and berming could be used for the eventual development of the lands. Staff added that staff are in a situation where it is not necessarily one of zoning but more of policy and Council direction.

Mr. Chung responded that in terms of a temporary zoning by-law application, at the end of the day the outcome is no different commenting that the reality is that you cannot avoid site plan approval. Mr. Chung expressed that he understands that staff are not supporting the application but offered the conditions of approval that could be replicated onto the Sun Pac Boulevard site that gives staff the assurance that they have the site plan approval process to manage issues and conditions and elements of implementation through site plan approval.

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Staff expressed that a temporary rezoning was suggested because in the opinion of staff when there are instances where there is a major deviation from a Council policy direction those matters should be brought before Council for full Council discussion.

Committee expressed concern with the timelines involved in a temporary rezoning commenting that during COVID no one is moving forward with construction. Committee was supportive of a 3 year temporary approval and discussed conditions of approval. Zoning staff assisted Committee by presenting modified wording of the conditions for Committee's consideration.

Committee suggested that condition 2 be modified to include that there is a berm rather than landscaping or a berm. Committee also inquired about a traffic study noting the traffic volume coming in and out of Queen Street.

Mr. Chung was in agreement with Committee for a change to condition 2 to require both screening and berming. Committee noted there are large volumes of truck traffic due to the nature of businesses in the area and expressed that it may not change anything without the applicant incurring additional costs.

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

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2021-0138 to permit outside storage (trailer parking) not in conjunction with a business located within a building on the same lot be approved for the following reasons and subject to the following conditions:

1. That the variance shall be approved for a temporary period of three (3) years from the final date of the decision of the Committee;
2. That a 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. Through the Site Plan review process, the applicant shall maintain the required landscaped open space as prescribed by the applicable site specific zone and shall provide adequate screening and berming along the lot lines abutting Queen Street East and Sun Pac Boulevard to limit the visual impact of the outdoor truck and trailer parking;
3. That the use shall not be established until such time as the site plan has been approved and all related on-site improvements are implemented to the satisfaction of the Director of Development Services;

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4. That the outdoor storage of trucks and trailers be limited to the area shown on the sketch attached to the Notice of Decision;
5. That no other outside storage of materials or equipment other than truck and trailer parking shall occur on the property at any time and no vehicle repair shall occur in the open, with the exception of minor maintenance or servicing, e.g. windshield wiper replacement or similar maintenance;
6. That failure to comply with and maintain the conditions of the Committee shall render the decision 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

9.5. **A-2021-0151** (*Item deferred as discussed during procedural matters*)

The applicant is requesting the following variance(s):

1. To permit a gross leasable floor area of 1461 square metres whereas the by-law permits a maximum gross leasable floor area of 1400 square metres;
2. To permit the use of a deep collection waste disposal container (Molok) for restaurant waste whereas the by-law requires that restaurant waste be stored within a climate controlled garbage area inside a building.

9.6. **A-2021-0161**

SAURIN DAVE AND GEETANJALI DAVE

2 BLUE DIAMOND DRIVE

LOT 1, PLAN 43M-1571, WARD 8

1. To permit an accessory building (proposed gazebo) with a building height of 3.34m (10.96 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.);
2. To permit a driveway width of 7.92m (25.98 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.);

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3. To permit 0.14m (0.50 ft.) permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum permeable landscape strip of 0.6m (1.97 ft.) between the driveway and the side lot line.

Mr. Dave Saurin, applicant and owner of the property, presented application A-2020-0161 briefly outlining the variances requested.

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

Mr. Saurin 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

1. THAT application A-2021-0161 to permit an accessory building (proposed gazebo) with a building height of 3.34m (10.96 ft.); to permit a driveway width of 7.92m (25.98 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.); And to permit 0.14m (0.50 ft.) permeable landscaping between the driveway and the side lot line be approved for the following reasons and subject to the following conditions:

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. ADJOURNMENT

Moved by: D. Colp

Seconded by: A. C. Marques

That the Committee of Adjustment hearing be adjourned at 12:57 p.m. to meet again on Tuesday, October 5, 2021.

CARRIED