

**SEPTEMBER 8, 2020**  
**9:00 A.M.**  
**COUNCIL CHAMBERS**  
**4<sup>TH</sup> FLOOR - CITY HALL**

**MEMBERS:**

Ron Chatha, Chair  
Desiree Doerfler, Vice Chair  
Ana Cristina Marques  
David Colp  
Rod Power

**STAFF:**

Shelby Swinfield, Development Planner  
David Vanderberg, Manager, Development Services  
Paul Aldunate, Planning and Economic Development  
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services  
Jeanie Myers, Secretary-Treasurer

**ADOPTION OF MINUTES:**

Moved by: D. Colp

Seconded by: R. Power

THAT the minutes of the Committee of Adjustment hearing held August 18, 2020 be approved, as printed and circulated.

CARRIED

**DECLARATIONS OF INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT:**

Member David Colp declared a conflict of interest on Application A19-200 stating that he has a history with the Policaro Group and has had previous dealings with the auto group.

**WITHDRAWALS/DEFERRALS:**

**B-2020-0011**

**ROSE GARDEN RESIDENCES INC.**

**PT. OF LOTS 49, 50, 51, 52, 55, 56, 57**  
**58 AND 86 AND ALL OF LOTS 53**  
**AND 54, PLAN BR-2**  
**122 - 130 MAIN STREET NORTH**  
**7 AND 11 CHURCH STREET EAST**  
**6 AND 7 NELSON STREET EAST**  
**WARD 1**

Committee was in receipt of a letter dated September 3, 2020 from Michael Vani, Weston Consulting, authorized agent for the applicant requesting a deferral of application B-2020-0011 in

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accordance with a recommendation from staff to allow additional technical review time to determine the appropriate configuration and conditioning of the proposed emergency access easement. Mr. Vani addressed Committee advising that they have been in discussions with staff and agree with staff's recommendation for a deferral.

Staff confirmed their recommendation for a deferral no later than the last hearing of 2020.

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application B-2020-0011 be deferred in accordance with staff's recommendation to a hearing date no later than the last hearing of 2020.

CARRIED

**A-2020-0051**

**BURSCO LIMITED**

**PT. OF LOT 5, CONC. 7, ND**  
**6 TRACEY BOULEVARD**  
**WARD 8**

Committee was in receipt of a letter dated August 30, 2020 from Vladimir Rudenko, Strogan Inc, authorized agent for the applicant requesting a deferral of Application A-2020-0051 in accordance with a recommendation from staff for submission of a formal pre-consultation application. Mr. Rudenko was in attendance to acknowledge the request for a deferral.

Staff confirmed support for a deferral of the application no later than the last hearing of March, 2021. Staff advised that a deferral will provide the applicant time to submit a pre-consultation application and advance a site plan for the property.

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2020-0051 be deferred in accordance with staff's recommendation no later than the last hearing of March, 2021.

CARRIED

**A-2020-0052**

**SONEIL KIPLING INC.**

**PT. OF LOT 5, CONC. 2, EHS**  
**263 QUEEN STREET EAST**  
**WARD 3**

Committee was in receipt of a letter dated September 3, 2020 from Sarah Clark, Glen Schnarr & Associates Inc., authorized agent for the applicant requesting a deferral of Application A-2020-0052 to the hearing scheduled for November 10, 2020.

Ms. Clark addressed Committee advising that a deferral would allow them to further discuss with staff the nature of the concerns with the application informing Committee that the request was made in response to an Order to Comply from the City of Brampton.

Staff responded that it is their preference that the application be heard noting that the proposal does not comply with the four tests of a minor variance. Staff expressed that given the policy

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frame work around it especially the new Queen Street Mixed Use Zone which was recently put in place for this property, staff are of the opinion that their opinion would not change.

Ms. Clark responded that they did receive the comments on September 3, 2020 and they would appreciate more time to discuss in depth the concerns of staff. It was her submission that there is merit in discussing the four tests.

In response to a question raised by Committee, Zoning Staff confirmed that a zoning violation notice was issued earlier which is proceeding independently recognizing that the owner had little time to apply for a minor variance until recently. Staff advised that the owner is now making the effort to comply with the Zoning by-law.

Committee considered the request and following discussion reached the following decision:

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2020-0051 be deferred to a hearing date of November 10, 2020.

CARRIED

### **NEW CONSENT APPLICATIONS**

(1)

**B-2020-0010**

**BURSCO LIMITED**

**PT. OF LOT 5, CONC. 7, ND**  
**TRACEY BOULEVARD**  
**WARD 8**

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 1.669 hectares (4.124 acres). The effect of the application is to create a separate lot having frontage on Tracey Boulevard of approximately 52.0 metres (170.60 feet), a depth of approximately 130.0 metres (426.5 feet) and an area of approximately 0.717 hectares (1.771 acres) to facilitate financing of the severed parcel. The severed and retained lands will continue to be used for service commercial uses.

Mr. Vladimir Rudenko, Strogan Inc., authorized agent for the applicant, presented application B-2020-0010 briefly outlining the nature of the proposal. He advised that the proposed severed lands are known as 6 Tracey Boulevard and the retained lands are municipally known as 205 Delta Park Boulevard. Mr. Rudenko explained that the lands are currently used for service commercial purposes and contain 3 buildings, a self-storage building on the severed lands and 2 service commercial buildings and associated parking on the retained lands. He advised that both parcels will be used for service commercial purposes.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2020-0010 from a planning land use perspective. Staff explained that a previous

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approval was granted for these lands however due to the conveyance not taking place the consent had lapsed.

Committee acknowledged receipt of a letter dated September 2, 2020 from Toronto and Region Conservation Authority indicating no objection to Application B-2020-0011 subject to a condition requiring payment of the commenting fee. Committee requested if the condition had been included in staff's recommendation. Staff advised that the recommendation report had been finalized however through discussion it was determined that the condition be included.

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

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

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

Moved by: R. Power

Seconded by: D. Colp

THAT application B-2020-0010 to sever a parcel of land to create a separate lot having frontage on Tracey Boulevard of approximately 52.0 metres (170.60 feet), a depth of approximately 130.0 metres (426.5 feet) and an area of approximately 0.717 hectares (1.771 acres) to facilitate financing of the severed parcel be approved for the following reasons and subject to the following conditions:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
  - a. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and
  - b. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. That the applicant submits the consent application review fee of \$1,400.00 made payable to TRCA.

### 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

**APPLICATIONS B-2020-0012, B-2020-0013, A-2020-0065 AND A-2020-0066 WERE RELATED AND HEARD CONCURRENTLY**

(2)

**B-2020-0012**                      **2185715 ONTARIO INC.**

**PT. OF LOT 17, CONC. 8, ND**  
**11570 McVEAN DRIVE**  
**WARD 10**

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 6.30 hectares (15.57 acres). The effect of the application is to create a lot having a frontage of approximately 42.5 metres (139.44 feet), a depth of approximately 73.1 metres (239.83 feet) and an area of approximately 0.30 hectares (0.74 acres), together with an access easement for a future driveway in favour of Lot 'A'. The land will continue to be used for residential purposes.

(3)

**B-2020-0013**                      **2185715 ONTARIO INC.**

**PT. OF LOT 17, CONC. 8, ND**  
**11570 McVEAN DRIVE**  
**WARD 10**

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 6.30 hectares (15.57 acres). The effect of the application is to create a lot having a frontage of approximately 42.5 metres (139.44 feet), a depth of approximately 63.3 metres (207.68 feet) and an area of approximately 0.29 hectares (0.72 acres) together with access easements for a future driveway in favour of the retained lands.. The land will be used for future residential purposes.

(4)

**A-2020-0065**                      **2185715 ONTARIO INC.**

**PT. OF LOT 17, CONC. 8, ND**  
**11570 McVEAN DRIVE**  
**WARD 10**

The applicant is requesting the following variance(s) associated with consent Application B-2020-0065:

1. To permit a minimum lot width of 42.5 metres whereas the by-law requires a minimum lot width of 45 metres;
2. To permit a minimum lot area of 0.30 hectares whereas the by-law requires a minimum lot area of 0.8 hectares.

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(5)

**A-2020-0066**

**2185715 ONTARIO INC.**

**PT. OF LOT 17, CONC. 8, ND**  
**11570 McVEAN DRIVE**  
**WARD 10**

The applicant is requesting the following variance(s) associated with consent application B-2020-0013:

1. To permit a minimum lot width of 42.5 metres whereas the by-law requires a minimum lot width of 45 metres;
2. To permit a minimum lot area of 0.29 hectares whereas the by-law requires a minimum lot area of 0.8 hectares.

Mr. Erik Mirtsou, Candevcon Limited, authorized agent for the applicant, presented applications B-2020-0012, B-2020-0013, A-2020-0065 and A-2020-0066 briefly outlining the nature of the applications. He advised that he had been before Committee a year previously for a similar application for a severance advising that essentially they are requesting a revised version of that submission to create two lots along McVean Drive with the resulting valley land in the rear to be part of a conveyance to the City.

Mr. Mirtsou provided details of the severances and the associated minor variance applications for frontage and lot area as well as easements associated with the consent applications.

Mr. Teddy Singh, 11518 McVean Drive, addressed Committee commenting that dividing the lot into a special parcel gives special treatment for one acre lots to an ex-mayor. He expressed that there is a road that has been blocked.

Mr. Sukhvinder Singh, 11518 McVean Drive, addressed Committee advising that as seen in the planning there is a road that goes through the back of the property that stops just before their land. He commented that they will have no access to almost one and a quarter acres at the rear of their land inquiring how they would gain access to that land.

Mr. Jaskarin Bains, 11423 McVean Drive, addressed Committee in opposition to the severance of the lot advising that the severance will impact him. He noted that the surrounding area will be a subdivision and this will be the only lot with severances for one acre estate lots which is unfair.

Mr. Bhupinder Chalian, 11518 McVean Drive addressed Committee declaring his opposition to the proposal.

Mr. Sukhvinder Singh addressed Committee stating that they want back access to the property noting that if the lot is approved the road gets stopped at the end of their lot.

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Committee was informed that City of Brampton planning staff had no objection to the approval of these applications from a planning land use perspective subject to a number of conditions noting that the approval of the applications follow a defined specific order. Staff read aloud the proposed conditions for the minor variance applications followed by the proposed conditions for the consent applications.

The Chair requested staff speak to the concerns raised by the neighbours, particularly if there will be any access issue for the neighbour.

Staff requested that the neighbor clarify what they are referring to with respect to a road being installed, questioning if the reference was to an easement that is being established. Staff explained that there is no separate road being proposed to access the lands to the back and that those environmental lands are being conveyed in a large chunk to be merged with the subdivision application to the south where eventually the environmental lands will be conveyed for conservation purposes.

Mr. Sukhvinder Singh explained that a road is proposed at the back starting at Mayfield Road all the way to the end noting that 11518 McVean Drive has been excluded, which is the last property before the subdivision. He noted that this is a new subdivision area and they must be given access to the back commenting that they will not accept any variation of the standard noting that it is a transition estate lot which has to be built according to the original plan. Mr. Singh expressed that they are not expecting any special treatment. He explained that the road has been blocked off and they will not have any access to one and a quarter acres at the rear.

In response to a question raised by Committee Mr. Singh acknowledged that there is access from McVean Drive at the front noting however that at the back there is a ravine that divides the property into two pieces pointing out that the back piece has no access unless the City is willing to provide access from the ravine. He commented that it is very unfortunate that access has been denied to one property.

Committee acknowledged receipt of a letter dated September 4, 2020 from Toronto and Region Conservation Authority, indicating no objection to Applications B-2020-0012, B-2020-0013, A-2020-0065 and A-2020-0066 for 11570 McVean Drive.

Mr. Singh responded that they were not aware of what was being done and that this is a one sided application commenting how can you not have access to one lot. He spoke of doing studies and being notified and being provided details so that they can notify staff of their concerns. Committee noted that reports and studies will be dealt with at the site plan stage.

Staff referenced air photos for the area and explained that to the west of the property there is an active subdivision application that has an incomplete road and that they will be using some of the severed lands to complete those roads there. Staff inquired if this was the roadway that the neighbours were referring to.

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Mr. Singh responded that the road mentioned by the planner has been determined and that the complete land has been determined and designated for estate lots. He questioned why one influential person is given special treatment for one acre lots when the planner has admitted that this is a subdivision. Mr. Singh indicated that he would use the media and other means commenting that the City has to know the consequences of it.

The Chair advised that the Committee is only dealing with the applications before the Committee and that Mr. Singh has the right to use whatever channel he chooses. Mr. Singh requested that the Committee consider their request of not providing access noting that the Committee has heard from the residents of the next door lot as well as from across the street.

The Committee inquired what was located south of his property and through discussion it was determined that the lots are subdivision lots, not estate lots. Staff confirmed that the frontage of the proposed lots are approximately 42.5 metres (140 feet) which are within the estate residential designation requirement.

Mr. Mirtsou explained that the severances are along McVean Drive with the environmental lands at the back to be eventually conveyed. He added that the severance to the front will have driveway easement access going north and south and if the neighbouring lots want to develop in the future there would be access in place for them. Mr. Mirtsou explained that the other access easement is strictly going through the front of McVean Drive to the west into the valley lands for maintenance and City purposes. He expressed that the subdivision referred to by the neighbor across the street is the subdivision to the west end of the property which is going through a draft plan of subdivision with access separately off different roads.

Committee expressed that these lots are quite conforming with what is going on in the neighbourhood noting that the proposal does not seem out of the norm. Committee expressed that there are smaller lots on both sides of McVean Drive and expressed confidence that City staff would never allow for somebody to be land locked by the end of the process. Committee stated that they understand the neighbours concerns and their perspective and expressed confidence that the City has done due diligence and the Committee and staff can put forward an unbiased approach and determination.

Mr. Bhupinder Chalian addressed Committee stating that north, south, east and west of the subject property there are all subdivision lots with no estate lots that are one acre, noting that all are 45, 50 and 60 foot lots.

Mr. Sukvinder Singh addressed Committee stating that when they came to the City requesting to subdivide the land they were advised to work with the neighbours to have access in and out. He commented that giving an estate lot to one person prevents the property at 11518 McVean Drive from being developed.

Committee discussed the frontage with staff confirming that the two properties have similar frontages pointing out that the adjacent property to the south is also designated estate residential



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holding the same designation as the subject property. Staff noted that all the remaining larger lots in the area are within the estate residential designation. Staff confirmed that if the adjacent property owner wished to put forward a proposal like this one they would be required to go through the same process. Staff added that the goal of Planning Staff is to close as many singular accesses off of McVean Drive as possible for traffic. Staff pointed out that this land owner is required to provide an easement over his lands for the lands to the south.

Mr. Mirtsou requested a minor word change for proposed conditions 5 (b) and 5 (c) requesting that the word "obtaining" be changed to "providing". Staff expressed no concerns with the request.

Mr. Singh addressed Committee commenting that access is already provided from McVean Drive requesting that Committee allow them to have one access the way it is and to the left and right they could develop 50 foot lots. He commented that the total width of the lots is 300 feet and if they develop 60 feet or 70 feet for a middle road to provide one access in and out would the Committee consider this. Mr. Singh remarked that the Committee is approving one estate lot in the whole subdivision.

The Chair advised Mr. Singh that he could come before the Committee in the future with his proposal noting that at this time Committee is looking at the applications before them. Mr. Singh responded that the Committee has already established the decision before the meeting started.

Following discussion, Mr. Mirtsou indicated that the proposed conditions, as amended, are 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: A. C. Marques

Seconded by: D. Colp

THAT application A-2020-0065 to permit a minimum lot width of 42.5 metres and to permit a minimum lot area of 0.30 metres be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That related consent applications B-2020-0012 and B-2020-0013 be approved; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and

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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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2020-0066 to permit a minimum lot width of 42.5 metres and to permit a minimum lot area of 0.29 metres be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That related consent applications B-2020-0012 and B-2020-0013 be approved; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

THAT application B-2020-0012 to sever a parcel of land to create a lot having a frontage of approximately 42.5 metres (139.44 feet), a depth of approximately 73.1 metres (239.83 feet) and an area of approximately 0.30 hectares (0.74 acres), together with an access easement for a future driveway in favour of Lot 'A' be approved for the following reasons and subject to the following conditions:

1. That related applications A-2020-0065 and A-2020-0066 be approved;
2. 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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3. That the Owner is to convey, at the Owner's expense, a 7.85 metre right-of-way widening along with the associated temporary grading easements and permanent easement for storm outfall, to the City along the entire frontage of McVean Drive from both the reinstated and severed lands, to the City to the satisfaction of the Commissioner of Public Works and Engineering. For lands that are being conveyed to the City fee simple they are being conveyed to the City, they are to be in priority to all other encumbrances, to the satisfaction of the Commissioner of Public Works and Engineering.
  - a. Approval of the draft reference plan(s), illustrating the parts for the conveyances referred to in Condition #3, and the consents that have been granted by the Committee of Adjustment for this application 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.
4. The access easements approved by the Committee of Adjustment will be in perpetuity and will be to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner of Public Works and Engineering.
5. That prior to the issuance of the Certificate of the Secretary-Treasurer, the Owner be required to enter into a Consent Agreement for the severed and retained lands, which Consent Agreement shall be registered on title to the lands subject to the application in priority to all other encumbrances, all to the satisfaction of the Commissioner of Planning, Building, and Economic Development Services and the City Solicitor, The Consent Agreement shall generally include provisions including but not limited to, the following:
  - a. That the Owner of both the retained and severed lands agree to obtain site plan approval from the City, if there are any changes to the current design and/or location of access(s) to McVean Drive.
  - b. Upon request of the City, the Owner of both the retained and severed lands shall agree to provide an access easement in favour of the property(ies) to the north possibly including the severed lands, 11636 McVean Drive and 11762 McVean Drive, to the satisfaction of the City. The Owner acknowledges this will require an attendance before the Committee of Adjustment and that they will be responsible for all costs associated with providing this easement, unless other arrangements are agreed upon with the owners benefitting from the easement. Upon that easement being obtained, the access to McVean Drive from the lands conveying the easement may be permanently closed at the discretion of the City.
  - c. Upon request of the City, the Owner of both the retained and severed lands shall agree to provide an access easement in favour of the property(ies) to the south possibly including the severed lands, 11570 McVean Drive and 11518 McVean Drive, to the satisfaction of the City. The Owner acknowledges this will require an attendance before the Committee of Adjustment and that they will be responsible for

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all costs associated with providing this easement, unless other arrangements are agreed upon with the owners benefitting from the easement. Upon that easement being obtained, the access to McVean Drive from the lands conveying the easement may be permanently closed at the discretion of the City.

- d. The Owner provide the securities requested by staff based on the cost of removing the access to McVean Drive and reinstating the boulevard.
- e. The Owners of the severed and retained lots are responsible for restoring the boulevard, at the Owner's expense, to the satisfaction of the City, if one of the accesses to McVean Drive on the retained or severed lots is closed.
- f. The Owner agrees and covenants that it will register and convey the access easement that it applied for in this application at the same time that the Severed and Retained lands are legally created to the satisfaction of the Commissioner of Planning, Building, and Economic Development Services.

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application B-2020-0013 to sever a parcel of land to create a lot having a frontage of approximately 42.5 metres (139.44 feet), a depth of approximately 73.1 metres (239.83 feet) and an area of and an area of approximately 0.29 hectares (0.72 acres) together with access easements for a future driveway in favour of the retained lands be approved for the following reasons and subject to the following conditions:

### REASONS:

1. That related applications A-2020-0065 and A-2020-0066 be approved;
2. 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.
3. That the Owner is to convey, at the Owner's expense, a 7.85 metre right-of-way widening along with the associated temporary grading easements and permanent easement for storm outfall, to the City along the entire frontage of McVean Drive from both the reinstated and severed lands, to the City to the satisfaction of the Commissioner of Public Works and Engineering. For lands that are being conveyed to the City fee simple they are being conveyed to the City, they are to be in priority to all other encumbrances, to the satisfaction of the Commissioner of Public Works and Engineering.

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- a. Approval of the draft reference plan(s), illustrating the parts for the conveyances referred to in Condition #3, and the consents that have been granted by the Committee of Adjustment for this application 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.
4. The access easements approved by the Committee of Adjustment will be in perpetuity and will be to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner of Public Works and Engineering.
5. That prior to the issuance of the Certificate of the Secretary-Treasurer, the Owner be required to enter into a Consent Agreement for the severed and retained lands, which Consent Agreement shall be registered on title to the lands subject to the application in priority to all other encumbrances, all to the satisfaction of the Commissioner of Planning, Building, and Economic Development Services and the City Solicitor, The Consent Agreement shall generally include provisions including but not limited to, the following:
  - a. That the Owner of both the retained and severed lands agree to obtain site plan approval from the City, if there are any changes to the current design and/or location of access(s) to McVean Drive.
  - b. Upon request of the City, the Owner of both the retained and severed lands shall agree to provide an access easement in favour of the property(ies) to the north possibly including the severed lands, 11636 McVean Drive and 11762 McVean Drive, to the satisfaction of the City. The Owner acknowledges this will require an attendance before the Committee of Adjustment and that they will be responsible for all costs associated with providing this easement, unless other arrangements are agreed upon with the owners benefitting from the easement. Upon that easement being obtained, the access to McVean Drive from the lands conveying the easement may be permanently closed at the discretion of the City.
  - c. Upon request of the City, the Owner of both the retained and severed lands shall agree to provide an access easement in favour of the property(ies) to the south possibly including the severed lands, 11570 McVean Drive and 11518 McVean Drive, to the satisfaction of the City. The Owner acknowledges this will require an attendance before the Committee of Adjustment and that they will be responsible for all costs associated with providing this easement, unless other arrangements are agreed upon with the owners benefitting from the easement. Upon that easement being obtained, the access to McVean Drive from the lands conveying the easement may be permanently closed at the discretion of the City.
  - d. The Owner provide the securities requested by staff based on the cost of removing the access to McVean Drive and reinstating the boulevard.

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- e. The Owners of the severed and retained lots are responsible for restoring the boulevard, at the Owner's expense, to the satisfaction of the City, if one of the accesses to McVean Drive on the retained or severed lots is closed.
- f. The Owner agrees and covenants that it will register and convey the access easement that it applied for in this application at the same time that the Severed and Retained lands are legally created to the satisfaction of the Commissioner of Planning, Building, and Economic Development Services.

CARRIED

(5)

**B-2020-0014**

**1968611 ONTARIO LIMITED**

**BLOCK 11, PLAN 43M-1907**  
**0 ACE DRIVE**  
**WARD 9**

The purpose of the application is to request consent to sever approximately 0.97 hectares (2.41 acres) from a parcel of land currently having a total area of approximately 1.95 hectares (4.82 acres). The effect of the application is to provide for a lot addition to the adjacent lands, legally described as Block 10 on Registered Plan 43M-1907. Future development is proposed for an industrial use building.

Ms. Rosemarie Humphries, Humphries Planning Group, authorized agent for the applicant, addressed Committee briefly explaining the nature of the application for a lot addition by conveying land from existing Block 11 to Block 10 resulting in the reconfiguration of the existing lots between Ace Drive and Dixie Road. Ms. Humphries explained that having received the staff recommendation report they were surprised that the recommendation of staff was to defer the application to submit a minor variance application to deal with how the Zoning By-law would apply to the properties.

Ms. Humphries explained that they will be submitting a (re) Zoning Application and a Site Plan Application in short order noting that the (re) Zoning Application will effectively deal with the proposed and existing land uses on the site while at the same time deal with the minor variance issue that staff has raised. It was her submission that she did not want to go through a duplication of planning application processes given the time and money involved. In addition, she noted that there is a live real estate transaction happening commenting that the applicant is under stress trying to get applications in with the City for employment and industrial uses. She advised that they did not want to wait to file a minor variance application. Ms. Humphries explained that staff had indicated that they needed to have a pre-consultation meeting for the site plan application advising that they have had one on the zoning aspect of the matter.

Ms. Humphries stated that it was her belief that the Committee could find merit in approving the lot addition application by making a condition that the applicant either submit a Zoning By-law Application which he will be doing or submitting a future minor variance application. Ms. Humphries expressed that they cannot submit a (re) Zoning Application for lands which they do not own and that until the Committee approves the lot addition application it would be difficult for the applicant to finalize retainers to complete the site plan submission requirements without knowing that there is support for this application which will result in further economic activity in the City. It was her request that the Committee approve the application with a condition that a future (re) Zoning application or a minor

## Committee of Adjustment Minutes

variance application be submitted or approved that deals with the zoning matter identified by staff on the properties.

Staff advised that the application should be deferred noting that while the staff recommendation report refers to no later than the last meeting of 2020, staff are not seeking a long deferral advising that what they are trying to achieve is that the consent application and the minor variance application are before the Committee at the same time so that the Committee has the benefit of evaluating the proposal as a whole. Staff advised that to impose a condition of approval that a minor variance application would need to be approved or that a Rezoning Application would need to be approved would prejudice that those applications will be deemed acceptable which staff does not want to do without the full picture.

Ms. Humphries responded that the lot addition does not create any zoning deficiencies in terms of lot area or frontage. She added that there was rezoning on the lands a year ago noting that those lots were to be developed as a single property, which is no longer the case reiterating that they have to apply for a re-zoning to deal with the use. It was her submission that filing a minor variance application would only be duplication pointing out that the applicant has one year to fulfill conditions of a consent application and that the onus is on the applicant to submit the re-zoning application to deal with the deficiency. Ms. Humphries expressed that creation of the lots does comply with the by-law. She remarked that she disagrees with staff.

Committee expressed that they tend to agree with staff and share their concerns. It was the consensus of the Committee that the application be deferred until all the information is before Committee to mitigate any concerns down the road. Following discussion Committee reached the following decision:

Moved by: D. Colp

Seconded by: R. Power

THAT application B-2020-0014 be deferred in accordance with staff's recommendation to a hearing date no later than the last hearing of 2020.

CARRIED

### **NEW MINOR VARIANCE APPLICATIONS**

(6)

**A-2020-0053**

**RAI GURINDER**

**LOT 4, PLAN 43M-1501**  
**14 EVERGLADE DRIVE**  
**WARD 10**

The applicant was not available to present application A-2020-0053 when the application was called. In accordance with committee procedure the application was placed at the end of the agenda to be re-called.

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(7)

**A-2020-0054**

**PD COMMERCIAL MAYFIELD  
ROAD INC.**

**BLOCK 195, PLAN 43M-1947  
1455, 1465 AND 1475 MAYFIELD ROAD  
WARD 6**

The applicant is requesting a variance to permit a commercial school (Kumon Math and Reading Centre) whereas the by-law does not permit a commercial school.

Mr. Colin Chung, Glen Schnarr & Associates Inc., authorized agent for the applicant, addressed Committee introducing his colleague, Taranjeet Grewal who presented Application A-2020- 0054. Ms. Grewal briefly outlined the variance requested advising that their client has currently entered into an agreement with the registered owners. She explained that the lands were subject to a minor variance application in 2019 for a supermarket as well as a reduction in parking spaces, stacking spaces associated with a restaurant drive-thru and setback to a daylight triangle. Ms. Grewal advised that the commercial school use is requested for Unit C-4.

Committee was informed that City of Brampton planning staff was in support of this application with no conditions proposed.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2020-0054 to permit a commercial school (Kumon Math and Reading Centre be approved for the following reasons:

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)

**A-2020-0055**

**PAG REALTY 3 INC.**

**BLOCK 8, PLAN 43M-1907  
75 AND 85 ACE DRIVE  
WARD 9**

The applicant is requesting a variance to permit a building setback of 18.82m (61.75 ft.) to Dockstader Road whereas the by-law requires a maximum building setback of 8.0m (26.25 ft.) from Dockstader Road.



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Mr. Elroy van Groll, van Groll and Associates, authorized agent for the applicant, presented application A-2020 -0055 briefly outlining the variance requested advising that a minor change is requested to the setback for the building being 18.82 metre front yard setback. He explained that typically the zoning in this area is a 4.5 metre minimum setback however an exception was made to accommodate a previous owner's design and a maximum setback has now been set.

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

Zoning Staff requested an amendment to proposed condition number 3 to clarify that for purposes of this zone that the lot line abutting Dixie Road is actually the front yard. Staff wished to clarify if the intended yard is Dockstader Road where staff wished to prohibit the display of motor vehicles. Following confirmation, Staff proposed wording for an amended condition.

Mr. van Groll pointed out that the sketch does show parking for customers in that area for customers having their cars serviced. Staff clarified that parking for customer vehicles is still permitted in the area referred to by Mr. van Groll.

Mr. van Groll indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2020-0055 to permit a building setback of 18.82m (61.75 ft.) to Dockstader Road be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the owner finalize site plan approval under City File SPA-2020-0002, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That no display or storage of motor vehicles shall be permitted within the yard between the building and the lot line abutting Dockstader Road; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and

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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

(9)

**A-2020-0058**

**LISA McCONNELL**

**LOT 754, PLAN 679**  
**14 WATSON CRESCENT**  
**WARD 3**

The applicant is requesting the following variance(s):

1. To permit an interior side yard setback of 0.65m (2.13 ft.) to an existing carport whereas the by-law requires a minimum setback of 1.2m (3.94 ft.);
2. To permit lot coverage of 38.7% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit an existing accessory structure (shed) having an area 18.27 sq. m (196.66 sq. ft.) whereas the by-law permits a maximum area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure.

Mr. Hung Pham, authorized agent for the applicant, presented application A-2020-0058 briefly outlining the variances requested noting that the variance requested for lot coverage is directly related to an existing carport.

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

Mr. Pham 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-2020-0058 to permit an interior side yard setback of 0.65m (2.13 ft.) to an existing carport; to permit lot coverage of 38.7% and to permit an existing accessory structure (shed) having an area 18.27 sq. m (196.66 sq. 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 Public Notice;
2. That the applicant obtain building permits for the accessory structure and carport within 60 days of the final date of the Committee's decision, or within an extended period of time to be granted at the discretion of the Chief Building Official;
3. That drainage from the carport shall flow onto the applicant's property;

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4. That drainage on adjacent properties shall not be adversely affected; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

(10)

**A-2020-0059**

**INDERJIT SINGH &  
PARAMJIT KAUR**

**LOT 78, PLAN 43M-877  
24 FAYWOOD DRIVE  
WARD 4**

The applicants are requesting the following variance(s):

1. To permit an existing exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard.
2. To permit an interior side yard setback of 0.20m (0.66 ft.) to the existing exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Mr. Arshad Siddiqui, C-architecture, authorized agent for the applicant, presented application A-2020-0059 briefly outlining the variances requested noting that there will be 3 risers leading to the landing level which will be the primary entrance to the second unit. He commented that the proposed walkway will continue with steps leading up for access to the rear yard.

Ms. Maytri Sharma, 56 Brookfield Court addressed Committee in opposition to the application. She advised that she lives behind the subject property expressing concerns with safety noting the side yard is narrow and in the event of emergency there will not be proper access for medical or fire services.

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

Committee inquired about the risers and if there is a drain. Mr. Siddiqui responded that there will be a proper drain connected to a sump pump with no issue of water entering the dwelling. Staff advised that through the building permit review process the applicant would be required to ensure that proper drainage has been provided and conforms to the Ontario Building Code.

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Zoning Staff sought clarification on whether the entrance is a below grade entrance with stairs leading down to a concrete landing with a drain and then back up again. Staff noted that the drawings indicate that there is a landing with stairs leading down which implies that the entrance is above the ground which would entail a different variance.

Mr. Siddiqui confirmed that the door is below the grade. Following discussion, Mr. Siddiqui indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0059 to permit an existing exterior stairway leading to a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.20m (0.66 ft.) to the existing exterior stairway leading to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That a building permit be obtained for the below grade entrance and exterior stairway within sixty (60) days of the final date of the Committee's decision, or within an extended period of time to be granted at the discretion of the Chief Building Official;
3. That the below grade entrance shall not be used to access an unregistered second unit; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void

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

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

CARRIED

(11)

**A-2020-0060**

**SUNITA KAPIL**

**LOT 8, PLAN 893**  
**562 CONSERVATION DRIVE**  
**WARD 2**

The applicant is requesting the following variance(s):

1. To permit a proposed building addition having a reduced centre line setback of 24.5m

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(80.38 ft.) whereas the by-law requires a minimum centre line setback of 32m (104.98 ft.)

2. To permit a proposed building addition having a building height of 8.5m (27.89 ft.) whereas the by-law permits a maximum building height of 7.6m (24.93 ft.).

Mr. Jamie Mack, Mackitecture Inc., authorized agent for the applicant, presented application A-2020-0060 briefly outlining the variances requested advising that the client wanted to provide a secondary suite and through investigation on how to meet the design requirements it was determined that the best location was at the north of the property. Mr. Mack advised that the setback requirement to the front yard could not be met. In terms of the second variance for building height he explained that this is a walkout type lot where the average grade of the building was pushed lower which then reduced the maximum building height permitted.

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

Mr. Mack 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-2020-0060 to permit a proposed building addition having a reduced centre line setback of 24.5m (80.38 ft.) and to permit a proposed building addition having a building height of 8.5m (27.89 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 Public Notice;
2. That the applicant shall provide City-standard tree protection fencing around the root zone of any trees within 5 meters of the limit of construction, including trees on neighbouring lots, and shall demonstrate the installation of said protection to the satisfaction of the Director of Development Services prior to construction.
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

(12)

**A-2020-0062**

**SRISKANTHARAJAH KATHRIGAMU  
& UMA SRISKANTHARAJAH**

**LOT 34, PLAN 43M-1900  
44 LEVENDALE COURT  
WARD 8**

The applicants are requesting the following variance(s):

1. To permit an open roofed porch (veranda) to encroach into the required rear yard by 3.13m (10.27 ft.) resulting in a rear yard setback of 4.37m (14.34 ft.) to the roof projection whereas the by-law permits a rear yard encroachment of 1.8m (5.91 ft.) for an open roofed porch projection requiring a setback of 5.7m (18.70 ft.) to the roof;
2. To permit a driveway width of 8.0m (26.25 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22.0 ft.);
3. To permit a parking space having a depth of 3.01m (9.88 ft.) to facilitate a curb cut associated with the increased driveway width whereas the by-law requires a minimum parking space depth of 5.4m (17.72 ft.).

Mr. Mithulaan Sriskantharajah, authorized agent for the applicant, presented application A-2020-0062 briefly outlining the variances requested noting that variances 2 and 3 are related to the driveway and variance 1 is related to the open roofed porch which will enhance the backyard experience and provide protection for outdoor use of the backyard and patio. He advised that there is an existing front entrance and landing adjacent to the driveway noting that a walkway would count towards the total driveway width. He advised that the homeowners would like to build a walkway from the entrance all the way to the curb resulting in the existing driveway being extended 2 metres. He spoke of a curb cut for the walkway to extend for esthetic purposes.

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions recommending refusal of variances 2 and 3.

Mr. Sriskantharajah commented that variances 2 and 3 are not requested for a parking spot noting that the intent is only for a walkway. He advised that a permit for a curb cut was refused reiterating that there is no intent for a parking spot. Mr. Sriskantharajah made reference to a recent application that was heard by the Committee (A-2020-0047) for a widened driveway commenting that the precedent has been set.

The Chair informed Mr. Sriskantharajah that all application are individually evaluated and are not precedent setting. Mr. Sriskantharajah was advised that in some instances permanent physical barriers can be used to prevent the parking of vehicles.

Staff advised that the definition of a driveway includes any hard surface capable of being parked upon noting that if the walkway is intended as a walkway but is installed at the same grade as the driveway, for the purposes of the Zoning by-law it is considered to be part of a driveway. Staff

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agreed with Committee that if there was some sort of permanent barrier or significant grade change that prevented the parking of vehicles that is where the differentiation would come into play.

Zoning Staff noted the difference between this application and the prior application referred to by the applicant which was heard at the previous meeting particularly for a curb cut which is for a road access expansion which does reinforce the fact that this is for parking purposes. Staff noted that the request is not only for expansion of the driveway above the sidewalk and provide access from the walkway to the front porch but also an expansion of the municipal curb between the sidewalk and the roadway. Staff confirmed that the driveway being approximately 6 metres and expanded by a walkway of 0.71 metres which would allow the permitted 6.71 metres, would be permitted as-of-right and would not require any barriers. Staff advised that a depth of 1.8 metres (6 feet) would be permitted in front of the steps and could also be paved as it is deemed to be an area that provides access to the porch is an area not capable of being parked upon.

Mr. Sriskantharajah responded that he understands the concerns noting that the curb cut was only for aesthetic purposes. He inquired if the 1.8 metres staff referred to could travel all the way down from the existing stairs to the sidewalk. Staff explained that the allowance for extending a driveway from the front of a garage is 1.8 metres (6 feet) advising that the applicant could create a walkway 1.8 metres (6 feet) that leads from the driveway that goes in front of the porch. Staff advised that it appears that the applicant is requesting that the 1.8 metres (6 feet) be extended all the way to the sidewalk advising Committee that if Committee does see merit in approving this request staff have proposed conditions for consideration.

Mr. Sriskantharajah indicated that the proposed conditions, amended, were acceptable.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2020-0062 to permit an open roofed porch (veranda) to encroach into the required rear yard by 3.13m (10.27 ft.) resulting in a rear yard setback of 4.37m (14.34 ft.) to the roof projection; to permit a driveway width of 8.0m (26.25 ft.) and to permit a parking space having a depth of 3.01m (9.88 ft.) to facilitate a curb cut associated with the increased driveway width be approved for the following reasons and subject to the following conditions:

1. That Variance 1 to permit an increased encroachment for an open roofed porch be **approved**;
2. That Variance 2 is approved in part and a maximum driveway width of (driveway and paved walkway combined) of 8.0m (26.25 ft.) between the sidewalk and the front porch shall be permitted provided that the excess width is not parked upon and is exclusively used as a walkway;

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3. That Variance 3, to permit a reduced parking space depth, is **refused** and that the portion of the driveway between the sidewalk and the municipal curb shall not exceed a maximum 6.71m (22.0 ft.) as permitted by the Zoning By-law. An increase in the width of the existing curb shall not be permitted;
4. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
5. That drainage on adjacent properties shall flow onto the applicant's property;
6. That drainage on adjacent properties shall not be adversely affected; and
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

### APPLICATION A-2020-0053 WAS RECALLED (ITEM 6)

**A-2020-0053**

**RAI GURINDER**

**LOT 4, PLAN 43M-1501**  
**14 EVERGLADE DRIVE**  
**WARD 10**

The applicant is requesting the following variance(s):

1. To permit a proposed accessory structure (gazebo) having an area of 87.13 sq. m (937.86 sq. ft.) whereas the by-law permits a maximum area of 23 sq. m (247.60 sq. ft.) for an individual accessory structure;
2. To permit a proposed accessory structure (gazebo) having a maximum building height of 4.62m (15.16 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure;
3. To permit a combined gross floor area of 131.44 sq. m (1414.80 sq. ft.) for two accessory structures (proposed gazebo and existing shed) whereas the by-law permits a maximum combined gross floor area of 40 sq. m. (430.56 sq. ft.).

Mr. Rai Gurinder, applicant and owner of the property, presented application A-2020-0053 briefly outlining the variances requested.

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



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Mr. Gurinder indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0053 to permit a proposed accessory structure (gazebo) having an area of 87.13 sq. m, (937.86 sq. ft.); to permit a proposed accessory structure (gazebo) having a maximum building height of 4.62m (15.16 ft.) and to permit a combined gross floor area of 131.44 sq. m (1414.80 sq. ft.) for two accessory structures (proposed gazebo and existing shed) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the proposed gazebo be of an open style construction and not be enclosed;
3. That the owner shall obtain a building permit for the existing accessory structures within sixty (60) days of the decision of approval, or within an extended period of time to be granted at the discretion of the Chief Building Official; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

(13)

**A-2020-0063**

**JOHN ANDERSON AND**  
**CLOVA ANDERSON**

**PT. OF LOT 12, CONC. 6, WHS**  
**10315 WINSTON CHURCHILL BLVD.**  
**WARD 6**

The applicant is requesting the following:

1. To permit the construction of an open roofed porch in the front yard whereas Interim Control By-law 305-2004 does not permit the construction of any buildings or structures.

Mr. John Anderson, applicant and owner of the property, presented application A-2020-0063 briefly outlining the nature of the application. He explained that they want to construct a small open

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porch to provide protection from snow and rain. He advised that they would like to proceed with the project noting that the property is under an Interim Control By-law

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

Mr. Anderson indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0063 to permit the construction of an open roofed porch in the front yard be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice; and
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

(14)

**A-2020-0064**

**SAFDAR HUSSAIN**

**LOT 325, PLAN M-27**  
**80 ABELL DRIVE**  
**WARD 1**

The applicant is requesting the following variance(s):

1. To permit an interior side yard setback of 0.68m (2.23 ft.) to an existing building addition (below grade entrance enclosure) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Mr. Alankar Lavatre, authorized agent for the applicant, presented application A-2020-0064 briefly outlining the variances requested for an existing as built below grade stairs leading to the basement.

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Mr. Wade Trenholm, 39 Abell Drive, addressed Committee in opposition explaining that the side enclosure is pre-existing noting that the roof structure appears to extend to the fence line which makes it appear intrusive between the two homes.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. In response to the concerns raised by the resident, staff expressed that a condition could be included relating to the permittee encroachment of the roof structure.

The Chair expressed that there didn't appear to be an encroachment issue which was confirmed by staff. Zoning Staff explained that the existing situation was inherited by the owner and that the zoning by-law would permit the roof of that structure to extend up to 0.5 metres beyond the building setback which would leave a setback of 0.18 metres between the lot line and the roofed structure. Staff formulated a condition for Committee's consideration. Committee was receptive to including the additional conditions.

Mr. Lavatre 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-2020-0064 to permit an interior side yard setback of 0.68m (2.23 ft.) to an existing building addition (below grade entrance enclosure) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That a building permit be obtained for the building addition within 60 days of the final date of the Committee's decision;
3. That the entrance not be used to access an unregistered second unit;
4. That the applicant provides a side yard drainage design that ensures that the drainage, is contained within the subject property and does not impact the adjacent lands, and that the design be implemented within 180 days of the final date of the Committee's decision, and demonstrated to the satisfaction of the Commissioner of Public Works and Engineering;
5. That the roof above the below grade entrance enclosure shall not exceed the maximum 0.5m (1.60 ft.) permitted by the Zoning By-law;
6. That drainage from the existing covered below grade entrance roof must flow onto the applicant's property; and
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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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

### **DEFERRED MINOR VARIANCE APPLICATIONS**

**MEMBER D. COLP DECLARED A CONFLICT OF INTEREST ON APPLICATION A19-200 AND DID NOT PARTICIPATE IN DISCUSSION.**

(15)

**A19-200**

**2713442 ONTARIO INC.**

**BLOCK 3, PLAN 43M-1907**  
**0 ACE DRIVE**  
**WARD 9**

The applicant is requesting the following variance(s):

1. To permit motor vehicle sales and leasing establishments with accessory motor vehicle repair and the outdoor display and storage of vehicles for sale whereas the by-law does not permit the proposed use;
2. To permit a free standing motor vehicle body shop/collision centre (within Area "C" as depicted on the public notice sketch) whereas the by-law does not permit the proposed use.

Mr. Jim Levac, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A19-200 briefly outlining the variances requested noting that the issues raised at the previous hearing including input from the Economic Development Department and additional input from Toronto and Region Conservation Authority have been addressed. He introduced legal counsel, Patricia Foran to speak in more detail.

Ms. Patricia Foran, Aird & Berlis LLP addressed Committee noting that she provided a written summary of her oral presentation. Ms. Foran expressed that the numbered company (2713442 Ontario Inc.) requests that the Committee approve the minor variance application subject to the conditions identified in the September 8, 2020 Planning Staff report. She explained that the Committee not only has the jurisdiction to grant the minor variances requested but it must now move forward and make a decision adding that there is overwhelming factual and opinion evidence before the Committee confirming that the four tests for approving a minor variance are met.

Ms. Foran expressed that the Committee may recall that when the application was considered last December, staff did not express support for an approval. She noted that Committee adjourned the application to enable the applicant and municipal representatives to meet and discuss the application which, she expressed, has happened. She advised that the applicant has met with

## Committee of Adjustment Minutes

staff and all of the outstanding issues identified by staff and the committee have been fully addressed as set out in the staff recommendation report. Ms. Foran noted that Committee also has a clear expression of support for the approval of the minor variances from TRCA. She noted that the Committee had additional questions regarding the position of Economic Development Staff and pointed out that their written support for the approval is expressed.

Ms. Foran proceeded to explain how the application conforms to the general intent and purpose of the Official Plan advising that the lands are designated Prestige Industrial in the Countryside Villages Secondary Plan noting that staff discuss the Secondary Plan applicable concluding that the Secondary Plan through special policies provides for motor vehicle dealerships in the auto mall to the north and that previous approvals have been provided for expansion to the auto mall. Ms. Foran pointed out that it is staff's opinion that the proposal is a logical extension of the established auto mall and that the inclusion of office uses is important in helping to achieve the Prestige Industrial designation. She added that the proposal has demonstrated that the employment objectives of the Secondary Plan have been met through the submission of an Employment Report.

Making reference to the second test and the general intent and purpose of the City's Zoning By-law Ms. Foran expressed that staff conclude that the proposed motor vehicle sales establishment with accessory motor vehicle repair and outdoor display of and storage of vehicles for sale is considered to be in keeping with the industrial zoning when compared with other permitted uses. She pointed out that it is a logical extension of the existing auto mall in the area.

Ms. Foran spoke to the third test, desirable for the appropriate development of the land, noting that the proposal to add 379 high quality jobs is not contradicted as the proposal provided more employment opportunities than were anticipated under the previous submission. She added that the proposal presents no negative impacts on the viability of surrounding employment lands and that the site is physically suited for the proposed use. Ms. Foran explained that Toronto and Region Conservation Authority expresses support for the approval of the application noting that the proposed works are located outside of and are sufficiently setback from all features.

With regard to the fourth test, minor in nature, Ms. Foran advised that the staff recommendation report illustrates the number of similar applications that have been approved through minor variance. She concluded that the minor variances will foster high quality employment opportunities for Brampton residents in a prestige development which will attract and retain talent in the City. Ms. Foran referenced an application considered earlier today by the Committee for a property located at 75 and 85 Ace Drive pointing out that this was a property that was before the Committee two years ago. She remarked that this is a wonderful opportunity for the City of Brampton.

Committee heard from Economic Development staff who noted that since the application was deferred the applicant has submitted a more robust package providing a better understanding of how much more employment will be provided, the number of office jobs for the head office and the amount of retail which will be limited. Staff advised that the applicant plans to build sooner, rather

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than later which staff supports. Staff expressed that from an economic development perspective staff support the application and look forward to new jobs coming to Brampton.

Committee was informed that City of Brampton planning staff was in support of this application with a number of conditions pointing out that staff's position remains the same as it did at the meeting held in July commenting that the application meets the four tests prescribed by the Planning Act. Staff noted that there are conditions related to minimum requirements for office space and maximum requirements for retail space to ensure the employment objectives of the secondary plan are met. Staff also noted that a condition recommended by TRCA is included requiring the applicant to obtain a permit from the conservation authority. Staff summarized the appendixes that have been attached to the staff recommendation report.

Committee acknowledged receipt of a letter dated August 27, 2020 from Toronto and Region Conservation Authority indicating no objection to Application A19-200.

Committee commended everybody, including staff and the applicant for providing lots of information which has exhausted all the Committee's concerns. Committee was appreciative of the statistics provided. The Chair noted that COVID-19 has changed everything including the auto sector that was impacted and expressed that this is the right location and the right time to move forward.

Ms. Foran, on behalf of the applicant, indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A19-200 to permit motor vehicle sales and leasing establishments with accessory motor vehicle repair and the outdoor display and storage of vehicles for sale and to permit a free standing motor vehicle body shop/collision centre (within Area "C" as depicted on the public notice sketch) be approved for the following reasons and subject to the following conditions:

1. That within 180 days of Committee's decision, or within an extended period of time as approved by the Director of Development Services, the applicant shall submit a Condominium application and that within 180 days, or within an extended period of time as approved by the Director of Development Services, of the registration of a condominium for Block 3 and Council adoption of a Part Lot Control Exemption By-law for the lands, a Site Plan Application shall be submitted;
2. Site Plans submitted for the lands subject to this application shall adhere to the design principles of the Community Design Guidelines for Block Plan Area 48-1, which shall include limiting the display of vehicles (outdoor storage) in the front yard, to the satisfaction of the Director of Development Services;

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3. That in conjunction with the establishment of any vehicle dealership(s) on the lands that are shown as the northern parcel on the sketch attached to the public notice (i.e. the lands north of the proposed private drive that includes buildings A, B and C), a minimum of 1,200 square meters of office space is required to be developed in this area, which may be in a separate building from the vehicle dealership(s);
4. That any building including a vehicle dealership use on the lands that are shown as the three southerly parcels on the sketch attached to the public notice (i.e. the lands south of the proposed private drive) must include a minimum of 465 square meters of office space per building and must be a minimum of 8 metres in height;
5. That any building that does not include a vehicle dealership use on the lands that are shown as the three southerly parcels on the sketch attached to the public notice (i.e. the lands south of the proposed private drive) must include a minimum of 331 square meters of office space per building and must be a minimum of 8 metres in height;
6. That the proposed retail gross floor area shall be a maximum of 4,000 square meters for the entire Block, being Block 3 of Plan 43M-1907 as shown on the sketch attached to the public notice, and that no more than 1,000 square meters of retail floor area shall be permitted per building;
7. That storage of vehicles shall not occupy any portion of the existing lot or any future legally created lots/part lots within Block 3 until such time as the principal building has been constructed on that individual future lot/part lot, with the exception that limited storage may be permitted during the site plan application process for a lot only if approved by and subject to conditions and restrictions identified by the Director of Development Services;
8. The applicant submits a TRCA permit application (Application for Development Interference with Wetlands & Alterations to Shorelines and Watercourse – Ontario Regulation 166/06) and the associated fee of \$9,950 (Projects on Commercial/Industrial Properties – Standard) and obtains a TRCA permit;
9. 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

(16)

**A-2020-0012**

**BRAMALEA ROAD PHASE TWO**  
**HOLDINGS LIMITED**

**PT. OF BLOCK C, PLAN 636**  
**68 BRAMALEA ROAD**  
**WARD 7**

The applicant is requesting the following variance(s):

1. To permit a Day Nursery and associated outdoor play area whereas the by-law does not permit the proposed use;
2. To provide no additional parking spaces for the proposed new use (Day Nursery) whereas the by-law requires parking to be provided at a rate of 1 parking space for each employee plus 1 additional parking space for each 10 children capacity.

Mr. Marc De Nardis, Gagnon Walker Domes Ltd., authorized agent for the applicant, presented application A-2020-0012 briefly outlining the variances requested. Mr. De Nardis advised that since the application was deferred at the July 7, 2020 meeting advising that they have worked closely with City Staff to address their concerns.

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

Mr. De Nardis 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-2020-0012 to permit a Day Nursery and associated outdoor play area and to provide no additional parking spaces for the proposed new use (Day Nursery) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the unit entrance facing Bramalea Road not be used as the main entrance for clients dropping off children to the daycare, and be limited to a staff/maintenance entrance;
3. That a limited site plan application for the proposed outdoor play area and the signage details for the dedicated daycare spaces shall be approved and the site changes depicted on the approved plan be implemented prior to the establishment of the use;
4. That the tenant within the daycare use distribute a notice to customers/parents/guardians advising them of the drop-off plan, including a copy of the Parking Modification Plan (Appendix 1) that shows the drop off area, spaces, and pedestrian routes and indicates that the main unit entrance shall not be used for drop-off;



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

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

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

CARRIED

(17)

**A-2020-0028**

**ALI ZAYED**

**PT. OF LOT 17, CONC. 6, WHS**  
**9362 HERITAGE ROAD**  
**WARD 6**

The applicant is requesting the following variance(s):

1. Relief from Interim Control By-law 306-2003 to permit construction of a new (replacement) 2 storey dwelling whereas Interim Control By-law 306-2003 prohibits the erection of new buildings or structures;
2. To rebuild and enlarge a legal non-conforming dwelling (destroyed by fire) whereas the by-law does not permit the expansion of the existing non-conforming residential use in a Floodplain zone.

Mr. Ali Zayed, applicant and owner of the property, presented application A-2020-0028 briefly outlining the variances requested advising that since a deferral comments have been submitted from Credit Valley Conservation and the Ministry of Transportation.

Committee acknowledged receipt of a letter dated August 12, 2020 from Credit Valley Conservation indicating no objection to the application.

Committee acknowledged receipt of e-mail correspondence dated July 29 and August 10, 2020 from the Ministry of Transportation indicating no objection to the application.

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

Mr. Zayed 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

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THAT application A-2020-0028 to provide relief from Interim Control By-law 306-2003 to permit construction of a new (replacement) 2 storey dwelling and to rebuild and enlarge a legal non-conforming dwelling (destroyed by fire) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the public notice;
2. That the applicant provide tree protection fencing according to City of Brampton standards for the municipally owned trees along Heritage Road prior to any demolition or construction on the site, and demonstrate the installation to the satisfaction of the Director of Development services;
3. That the residential dwelling shall not be used for the purposes of a two unit dwelling;
4. That the applicant obtain any required permits from the Credit Valley Conservation authority prior to commencing construction;
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

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**ADJOURNMENT:**

Moved by: D. Colp

Seconded by: R. Power

That the Committee of Adjustment hearing be adjourned at 12.18 p.m. to meet again on Tuesday, September 29, 2020.

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COMMITTEE CHAIR

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SECRETARY-TREASURER