

**APPLICATION # A-2021-0223**  
**WARD #3**

**APPLICATION FOR MINOR VARIANCE**

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

AND WHEREAS the property involved in this application is described as Part of Lot 9, Plan BR-21, Part 1, Plan 43R-21563 municipally known as **79 ELIZABETH STREET SOUTH**, Brampton;

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

1. To permit an accessory structure (proposed gazebo) having a gross floor area of 31.2 sq. m (335.83 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
2. To permit an accessory structure (proposed gazebo) with a building height of 3.8m (40.90 ft.) whereas the by-law permits a maximum building height of 3.0m (9.84 ft.) for an accessory structure.

**OTHER PLANNING APPLICATIONS:**

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

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

The Committee of Adjustment has appointed **TUESDAY, October 26, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

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

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

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

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

DATED at Brampton Ontario, this 14th Day of October, 2021.

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

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

REG'D PLAN BR-21 PART OF LOT 9  
(FORMERLY East Half Lot 5, Concession 1)  
CITY OF BRAMPTON, PEEL REGION  
(FORMERLY TOWN SHIP OF CHINGUACOUSY)  
PER SURVEY DATED April 12 1996  
BY GORDON GOOD SURVEYING INC. O.L.S.

PROPOSED REAR GAZEBO ONLY

ZONING R1B (MATURE NEIGHBORHOOD)

LOT AREA 3015.5 m2 (32,458.3 sf)  
EXIST SINGLE FAM. DWLG - DETACHED /w  
ATTACHED GARAGE - Total 249 m2

GENERAL PROVISIONS ACCESSORY STRUCTURE

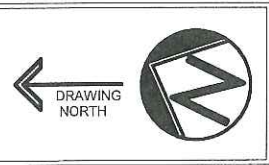
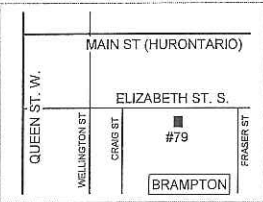
\*MAX GFA 10.3(e 115-2013)(ii) = 15 m2 (161 sf)  
PROP GAZEBO AREA 31.2 m2 (336 sf)

ACCESSORY STRUCTURE MINOR VARIANCE #1  
16.2 m2 GFA OVER ALLOWED 15 m2

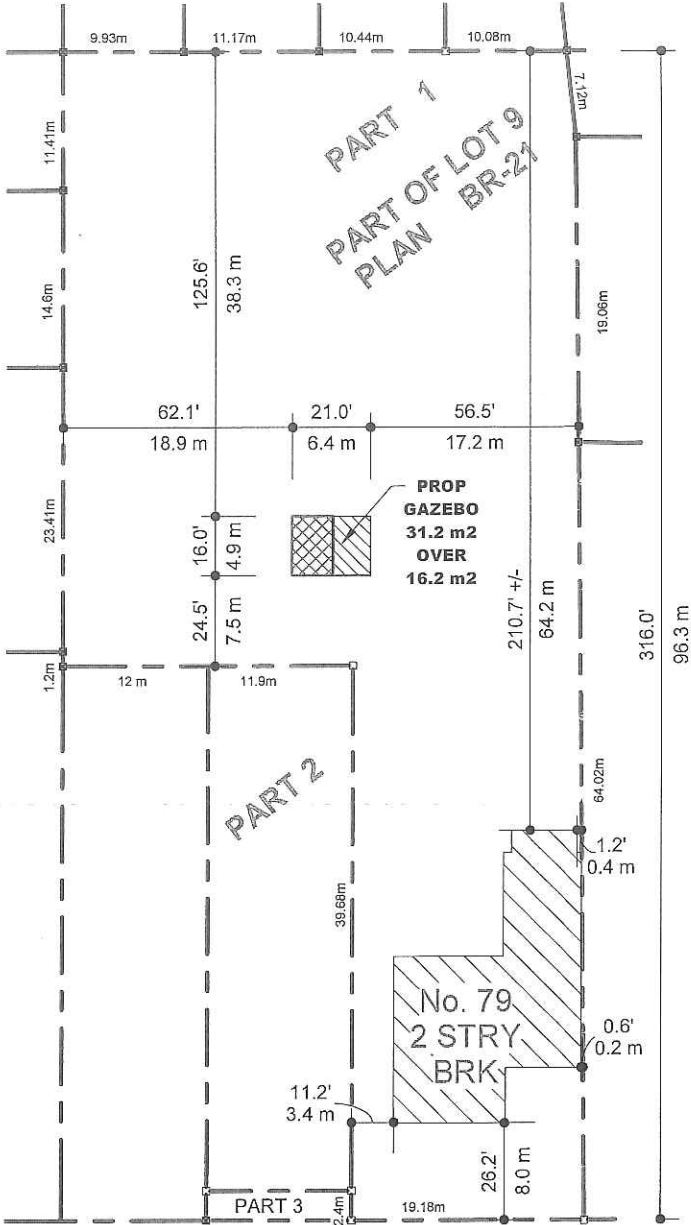
\*MIN SETBACK .6m (1.9')  
PROP SETBACK 7.5m (25')

\*MAX ACCESS. BLDG HEIGHT = 3m  
PROP. ACCESS BLDG HT AT MIDPT = 3.8m

ACCESSORY STRUCTURE MINOR VARIANCE #2  
0.8 m HT OVER ALLOWED 3 m



1 SITE PLAN  
1" = 40'-0"



ELIZABETH ST S



PROP. GAZEBO

79 ELIZABETH ST S

No.	Description	Date
1	ZONING REVIEW	SEPT 03/21

I review and take responsibility for the design and am qualified in the appropriate category as an 'other designer' under sub-section 3.2.5 of Division C as per exception 3.2.4.3 (d) of the Ontario Building Code.

Erin Zagar  
EZDimensions  
reg. BCIN 20904

SITE PLAN

Project number		A1
Date	AUG 21, 2021	
Drawn by	Erin Zagar	
Checked by	Checker	
		Scale As indicated

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

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

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

**How to Participate in the Hearing:**

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, October 21, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Friday, October 22, 2021**.
  - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, October 22, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at:  
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or  
<http://video.isilive.ca/brampton/live.html> .

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

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



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

**APPLICATION**

**Minor Variance or Special Permission**

(Please read Instructions)

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

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

1. **Name of Owner(s)** Cynthia & Beverly Hartzenberg  
**Address** \_\_\_\_\_  
79 Elizabeth St S  
Brampton Ont L6Y 1R3  
**Phone #** 905-452-6403 **Fax #** \_\_\_\_\_  
**Email** bchartz@rogers.com

2. **Name of Agent** Erin Zagar  
**Address** \_\_\_\_\_  
76 Mill St S.  
Brampton Ont L6Y 1S8  
**Phone #** 905-866-8358 **Fax #** \_\_\_\_\_  
**Email** erinzagar@live.com

3. **Nature and extent of relief applied for (variances requested):**  
PROPOSED 31.2 GFA REAR YARD GAZEBO  
MV #1 Permit 16.2 m2 over allowed 15m2 GFA  
PROPOSED ROOF HT @ MIDPOINT 3.8m  
MV. #2 Permit 0.8 m over allowed height from grade to mid point of roof 3m

4. **Why is it not possible to comply with the provisions of the by-law?**  
The bylaw only permits an accessory structure at max 15 m2 GFA and with a height of 3m at roof midpoint.

5. **Legal Description of the subject land:**  
**Lot Number** PART LOT 9  
**Plan Number/Concession Number** REG'D PLAN BR-21  
**Municipal Address** 79 ELIZABETH ST. S.

6. **Dimension of subject land (in metric units)**  
**Frontage** 18.3 m  
**Depth** 96.3 m  
**Area** 3015.5 m2

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

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

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

EXISTING 2 STOREY BRICK DWELLING WITH TANDEM GARAGE AND REAR PORCH (249 m2 TOTAL)

PROPOSED BUILDINGS/STRUCTURES on the subject land:

NEW 32.2m2 REAR YARD GAZEBO
EX. BLDG + PROP GAZEBO = 12.6% LOT COVERAGE

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

EXISTING	EXISTING DWELLING
Front yard setback	8m
Rear yard setback	64.2m2 +/-
Side yard setback	North .2m
Side yard setback	South 3.4m
PROPOSED	PROPOSED GAZEBO
Front yard setback	7.6m
Rear yard setback	38.4m +/-
Side yard setback	North 19.5 m +/-
Side yard setback	South 16 m +/-

10. Date of Acquisition of subject land: In the family since 1925

11. Existing uses of subject property: RESIDENTIAL

12. Proposed uses of subject property: RESIDENTIAL

13. Existing uses of abutting properties: RESIDENTIAL

14. Date of construction of all buildings & structures on subject land: 1949

15. Length of time the existing uses of the subject property have been continued: Since 1949

16. (a) What water supply is existing/proposed?			
Municipal	<input checked="" type="checkbox"/>	Other (specify)	
Well	<input type="checkbox"/>		
(b) What sewage disposal is/will be provided?			
Municipal	<input checked="" type="checkbox"/>	Other (specify)	
Septic	<input type="checkbox"/>		
(c) What storm drainage system is existing/proposed?			
Sewers	<input checked="" type="checkbox"/>	Other (specify)	
Ditches	<input type="checkbox"/>		
Swales	<input type="checkbox"/>		

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

Yes ☐ No ☒

If answer is yes, provide details: File # \_\_\_\_\_ Status \_\_\_\_\_

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

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

Yes ☐ No ☐ Unknown ☒

If answer is yes, provide details:

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

Signature of Applicant(s) or Authorized Agent

DATED AT THE CITY OF BRAMPTON  
THIS 20 DAY OF Sept, 2021.

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

I, ERIN ZAGAR, OF THE CITY OF BRAMPTON  
IN THE REGION OF PEEL SOLEMNLY DECLARE THAT:

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

DECLARED BEFORE ME AT THE

CITY OF Brampton  
IN THE Region OF  
Peel THIS 20<sup>th</sup> DAY OF  
September, 2021

Signature of Applicant or Authorized Agent

A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation: \_\_\_\_\_

Present Zoning By-law Classification: \_\_\_\_\_

R1B

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

Zoning Officer

Sept 21, 2021

Date

DATE RECEIVED September 20, 2021

REG'D PLAN BR-21 PART OF LOT 9  
(FORMERLY East Half Lot 5, Concession 1)  
CITY OF BRAMPTON, PEEL REGION  
(FORMERLY TOWN SHIP OF CHINGUACOUSY)  
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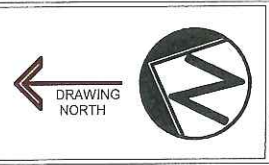
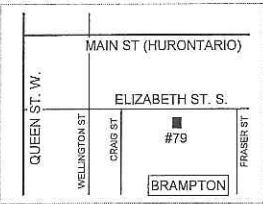
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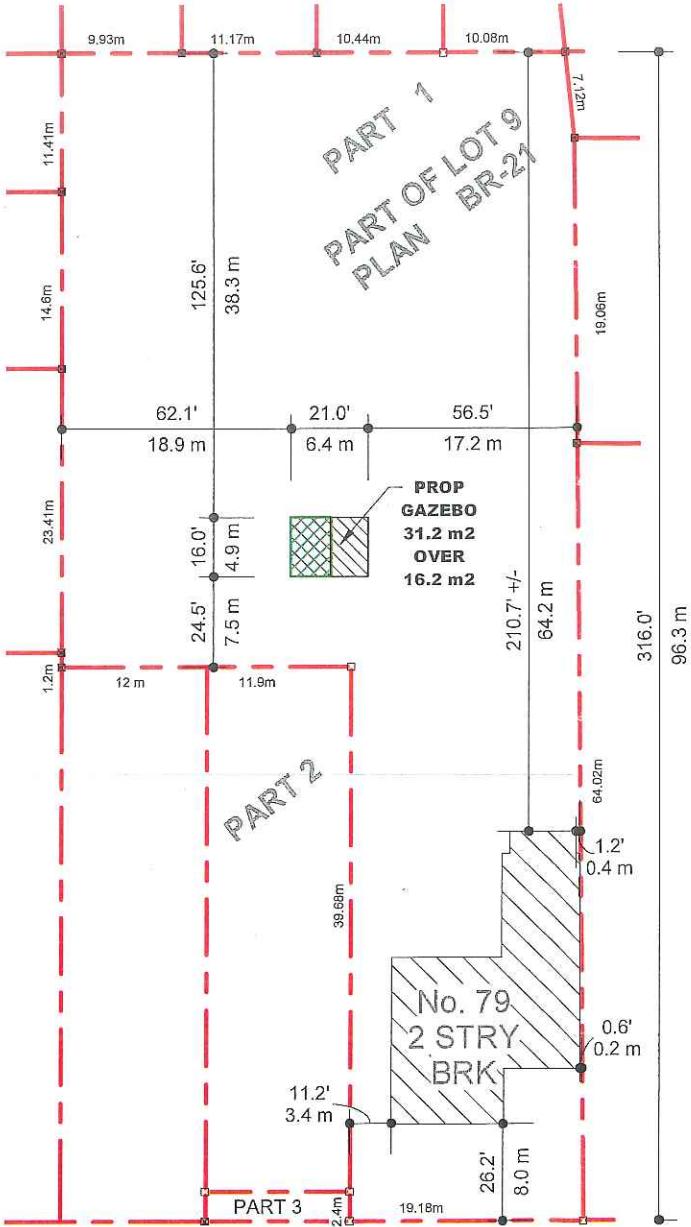
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PROP SETBACK 7.5m (25')

\*MAX ACCESS. BLDG HEIGHT = 3m  
PROP. ACCESS BLDG HT AT MIDPT = 3.8m

ACCESSORY STRUCTURE MINOR VARIANCE #2  
0.8 m HT OVER ALLOWED 3 m



1 SITE PLAN  
1" = 40'-0"



ELIZABETH ST S



PROP. GAZEBO

79 ELIZABETH ST S

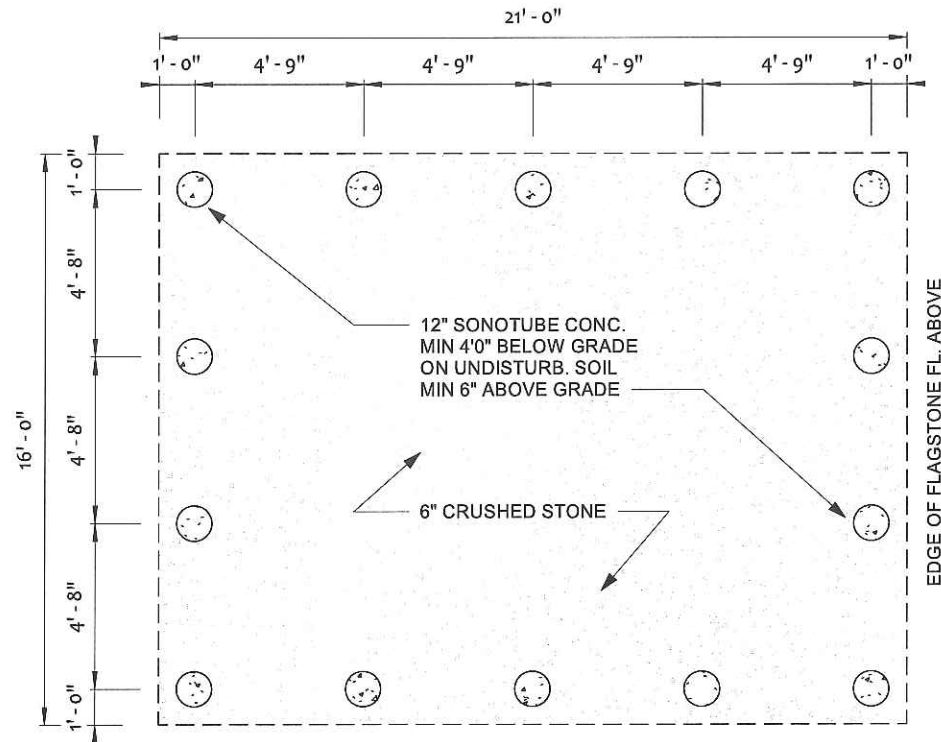
No.	Description	Date
1	ZONING REVIEW	SEPT 03/21

I review and take responsibility for the design and am qualified in the appropriate category as an 'other designer' under sub-section 3.2.5 of Division C as per exception 3.2.4.3 (d) of the Ontario Building Code.

Erin Zagar  
EZDimensions  
reg. BCIN 20904

SITE PLAN

Project number		A1
Date	AUG 21, 2021	
Drawn by	Erin Zagar	
Checked by	Checker	
		Scale As indicated



1 0-FNDN PIERS  
1/4" = 1'-0"

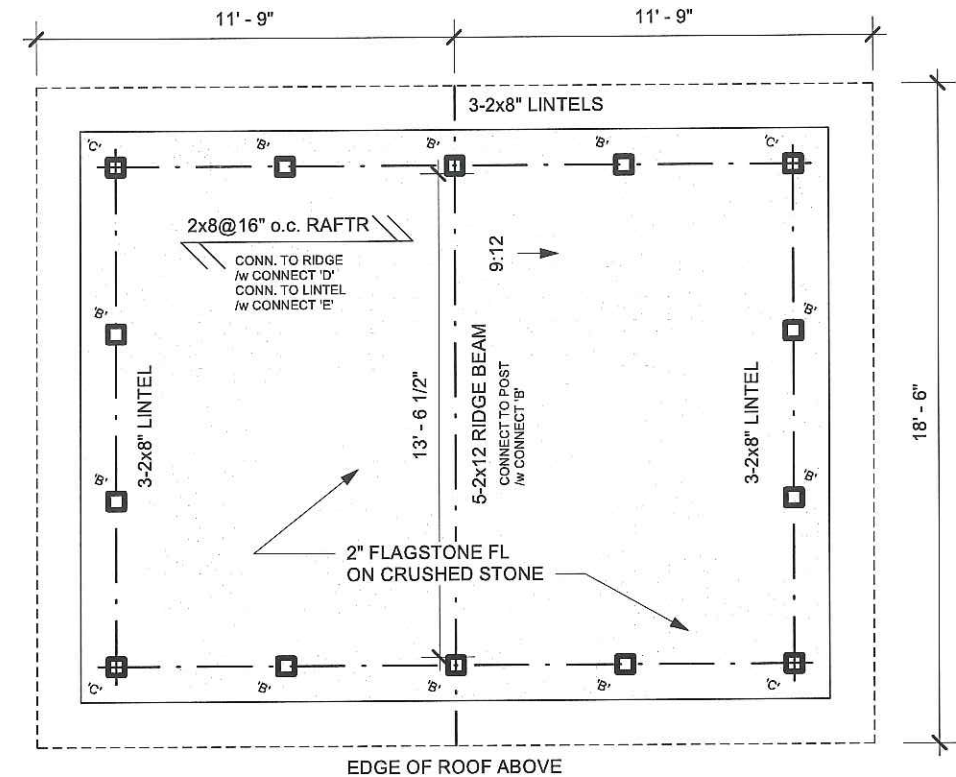
CONC. PIER MIN. 4'-0"  
BELOW GRADE & MIN  
6" ABOVE GRADE

PIER TO POST METAL  
SHUE EMBEDD  
MIN 4" INTO CONC.  
(CONNECTOR 'A')  
  
6 x 6" P.T. POST TREAT  
CUT ENDS CONNECT TO  
LINTEL /w METAL  
CONNECTOR 'C' AT CORNER  
'B' CONNECTOR OTHER

RIDGE BEAM CONNECT TO  
POST /w CONNECT 'B'  
POST WIDTH EQUAL TO  
BEAM WIDTH

CONNECT RAFTER TO RIDGE  
BEAM WITH CONNECT 'D' &  
TO LINTEL /w CONNECT 'E'  
TO PREVENT UPLIFT

TYPICAL FINISHING ROOF



2 1-MAIN FL  
1/4" = 1'-0"

No.	Description	Date
1	ZONING REVIEW	SEPT 03/21

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Erin Zagor  
EZDimensions  
reg. BCIN 20904

## PROP PLANS

Project number		<b>A2</b>
Date	AUG 21, 2021	
Drawn by	ERIN ZAGAR	
Checked by	Checker	
Scale 1/4" = 1'-0"		

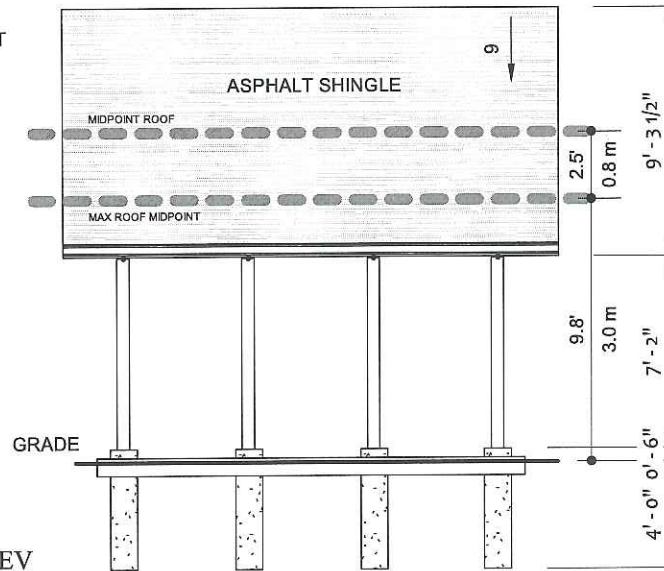
TYPICAL POST FRAME  
LINTEL BEAM AS SPEC.  
ON PLAN CONNECT TO POST  
SEE CONNECTOR B & C

6x6" P.T. POSTS TREAT  
CUT ENDS

ANCOR BOTTOM TO  
CONC. PIER /w METAL  
SHUE EMBEDDED  
MIN 4" INTO CONC.  
SEE CONNECTOR 'A'

CONC PIERS MIN. 4'  
BELOW GRADE ON  
UNDIST. SOIL & MIN  
6" ABOVE GRADE

**NOT ENCLOSED** EXCEPT  
SEASONAL 'BUG SCREEN'  
REMOVABLE PANEL BTWN  
POSTS



1 NORTH/SOUTH ELEV  
3/16" = 1'-0"

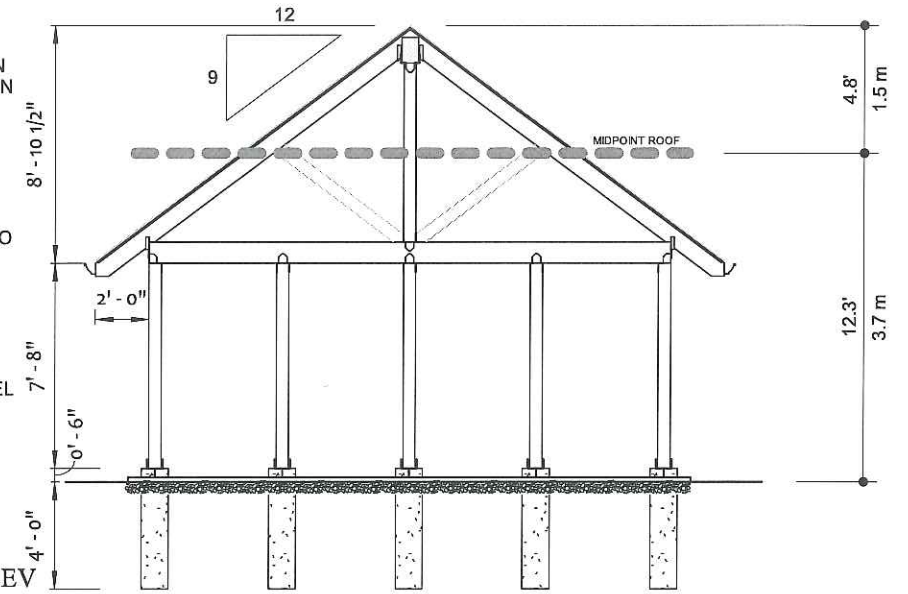
TYP. ASPHALT ROOF  
ASPHALT SHINGLES ON  
1/2" ROOF SHEETING ON  
T&G FIN BOARDS (OPT) ON  
ROOF RAFTERS

RAFTERS CONNECT TO  
RIDGE BEAM & LINTEL  
SEE CONNECTOR D & E

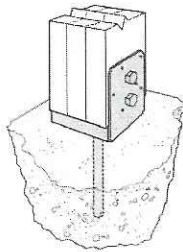
RIDGE BEAM CONNECT TO  
POST /w CONNECTOR  
SEE CONNECTOR B

DECORATIVE STRUTS @  
GABLE ENDS OPTIONAL

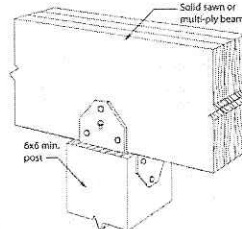
POST CONNECT TO LINTEL  
BEAM /w CONNECTOR  
SEE CONNECT B & C



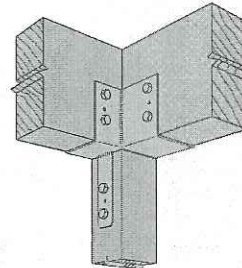
2 EAST/WEST ELEV  
3/16" = 1'-0"



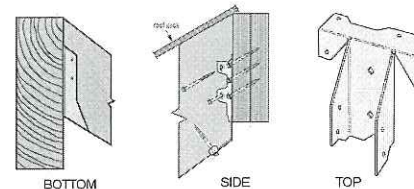
A  
PIER TO POST METAL SHUE



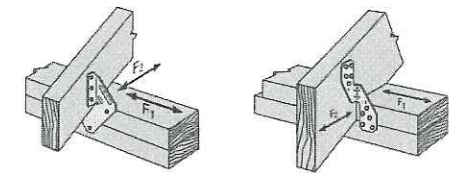
B  
BEAM TO POST CONNECTION



C  
END POST 2 BEAM CONNECTION



D  
TYPICAL RAFTER HANGERS



E  
TYPICAL JOIST UPLIFT TIES

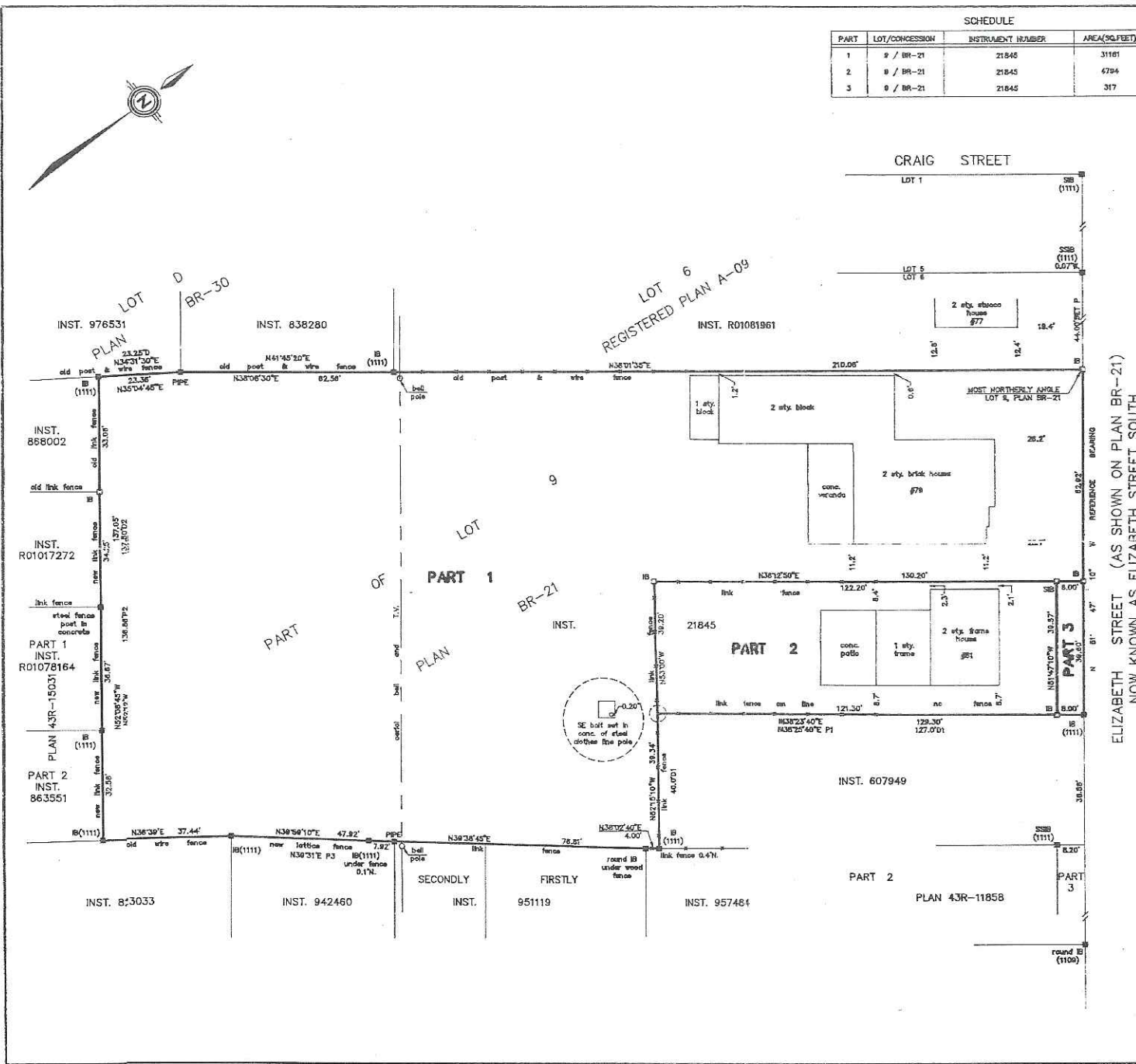
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1	ZONING REVIEW	SEPT 03/21

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Erin Zagar  
EZDimensions  
reg. BCIN 20904

## PROP ELEVATIONS

Project number		A3
Date	AUG 21, 2021	
Drawn by	Erin Zagar	
Checked by	Checker	
		Scale 3/16" = 1'-0"



SCHEDULE			
PART	LOT/CONCESSION	INSTRUMENT NUMBER	AREA(SQ.FEET)
1	9 / BR-21	21845	31161
2	9 / BR-21	21845	4794
3	9 / BR-21	21845	317

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

PLAN 43R-21563

RECEIVED AND DEPOSITED

DATE Apr 25, 1996

DATED APRIL 12, 1996

Gordon S. Good  
GORDON S. GOOD, O.L.S.

Michael E. Ete  
LAND REGISTRAR FOR THE REGISTRY DIVISION OF PEEL (No. 43).

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

PLAN OF SURVEY OF  
**PART OF LOT 9**  
AS SHOWN ON A PLAN OF SURVEY OF PART OF THE EAST HALF OF LOT 5, CONCESSION 1, WEST OF HURONTARIO STREET NOW REFERRED TO AS  
**PLAN BR-21**  
**CITY OF BRAMPTON**  
**REGIONAL MUNICIPALITY OF PEEL**  
FORMERLY TOWNSHIP OF CHINGUACOUSY  
SCALE: 1 INCH = 20 FEET  
GORDON S. GOOD, O.L.S.  
1996

- NOTES
- IB DENOTES SURVEY MONUMENT FOUND
  - D DENOTES SURVEY MONUMENT SET
  - SB DENOTES STANDARD IRON BAR
  - EB DENOTES IRON BAR
  - KL.S DENOTES WEST OF HURONTARIO STREET
  - P DENOTES PLAN A-09
  - P1 DENOTES PLAN OF SURVEY BY G. GOOD, O.L.S. (900449)
  - P2 DENOTES PLAN 43R-1851
  - P3 DENOTES PLAN OF SURVEY BY G. GOOD, O.L.S. (8338)
  - D DENOTES INSTRUMENT 876531
  - D1 DENOTES INSTRUMENT 807949
  - D2 DENOTES INSTRUMENT 21845
  - M DENOTES FIELD MEASURED

BEARING NOTE

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE DERIVED FROM PLAN 43R-11858 AND ARE REFERRED TO THE WEST LIMIT OF ELIZABETH STREET S. AS SHOWN HAVING A BEARING OF N51°47'10"W.

SURVEYORS CERTIFICATE

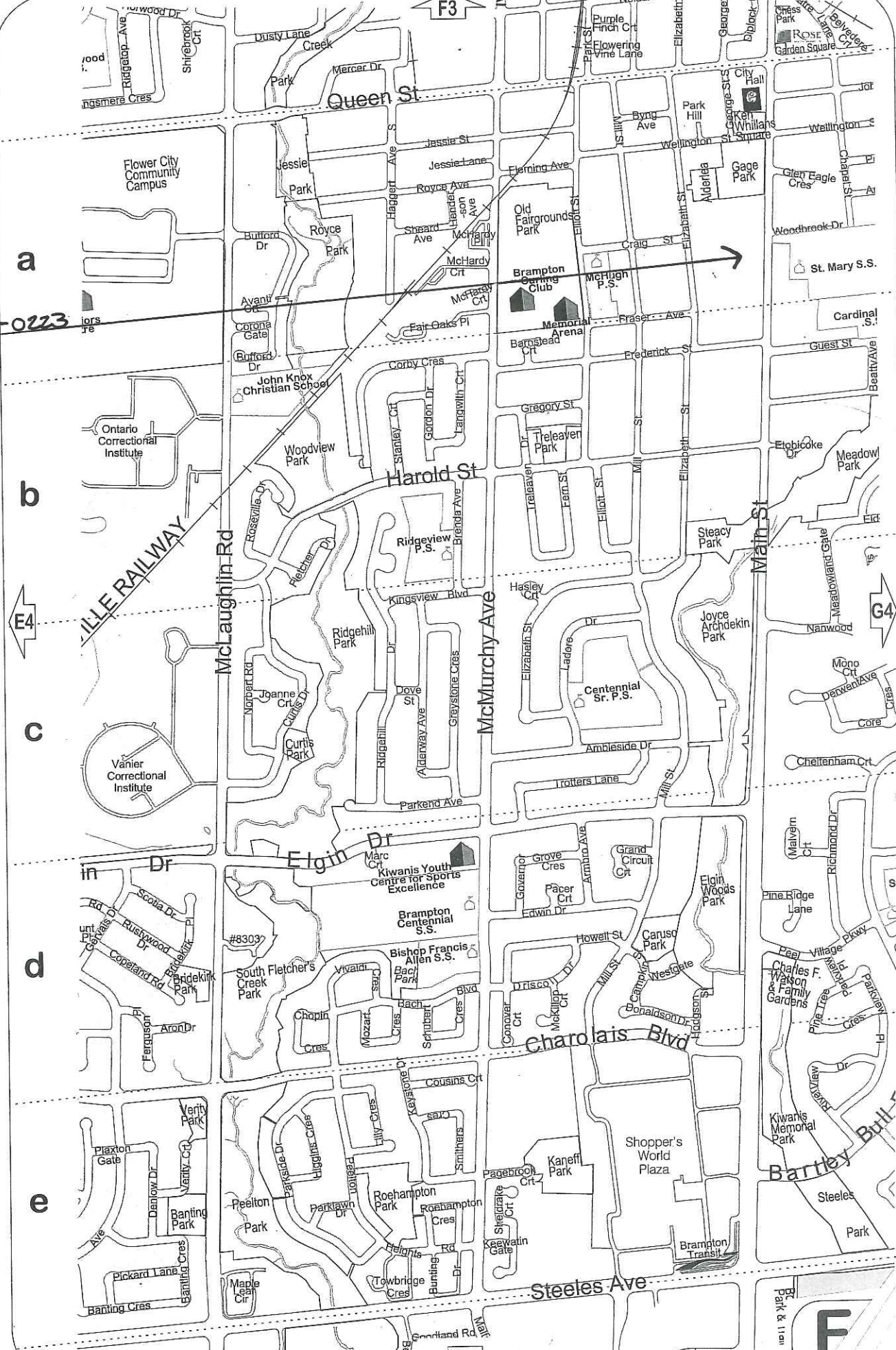
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
- THIS SURVEY WAS COMPLETED ON THE 8th DAY OF APRIL, 1996.

APRIL 12, 1996

DATED

Gordon S. Good  
GORDON S. GOOD  
ONTARIO LAND SURVEYOR



A-2021-0223

a

b

c

d

e

E4

G4

F