

SEPTEMBER 29, 2020
9:00 A.M.
COUNCIL CHAMBERS
4TH FLOOR - CITY HALL

MEMBERS:

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

MEMBERS ABSENT:

Ron Chatha (with regrets)

STAFF:

Shelby Swinfield, Development Planner
Daniel Watchorn, Development Planner
Noel Cubacub, Development Planner
Janany Nagulan, Development Planner
Casandra Jasinski, Heritage Planner
Cynthia Owusu-Gyimah, Manager, Development Services
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

ADOPTION OF MINUTES:

Moved by: D. Colp

Seconded by: A. C. Marques

THAT the minutes of the Committee of Adjustment hearing held September 8, 2020 be approved, as printed and circulated.

CARRIED

DECLARATIONS OF INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT:

None

WITHDRAWALS/DEFERRALS:

None

NEW CONSENT APPLICATIONS

APPLICATIONS B-2020-0015 AND A-2020-0068 WERE RELATED AND HEARD CONCURRENTLY

(1)

B-2020-0015

BETOVAN CONSTRUCTION LIMITED

BLOCKS 52, 53, and 54
MAST DRIVE
WARD 4

The purpose of the application is to request consent to sever approximately 131.01 square metres (0.032 acres) from a parcel of land currently having a total area of approximately 849.31 square metres (0.209 acres). The effect of the application is to provide for a lot addition to the adjacent lands, legally described as Lot 11, Plan 43M-935, municipally known as 16 Garry Court. The land will continue to be used for residential purposes.

(2)

A-2020-0068

GINA KAHJOTIA AND JASON PARTAP

LOT 11, PLAN 43M-935
16 GARNY COURT
WARD 4

The applicants are requesting the following variance(s):

1. To permit a rear yard setback of 7.3 metres whereas the by-law requires a minimum rear yard setback of 7.5 metres;
2. To permit an existing deck to encroach into the required rear yard setback by 4.9 metres resulting in a setback of 2.6 metres to the deck, whereas the by-law permits a maximum encroachment of 3 metres into the required rear yard, resulting in a setback of 4.5m to a deck;
3. To permit an accessory structure (prefabricated gazebo) having a maximum height of 3.3m (10.83 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure.

Mr. Ryan Mino-Leahan, KLM Planning Partners Inc., authorized agent for the applicant, presented applications B-2020-0015 and A-2020-0068 explaining the purpose of the applications. He explained that in 2018 Blocks 52, 53, and 54 on Mast Drive were deregistered from a registered plan of subdivision having the effect of merging the three Blocks on title to form one building lot. He advised that there are some lands that are associated with the lot on Mast Drive that are being conveyed because it is surplus and not required for the new dwelling on Mast Drive giving the owners on 16 Garry Court some more rear yard to utilize for residential purposes. He noted that both the severed and retained lots meet the lot requirements of the Zoning By-law.

Committee of Adjustment Minutes

Mr. Mino-Leahan explained that the variances are required to support a number of existing structures on the Garry Court property. He explained that the house has been there for over thirty years and there is no impact as a result of the variance. He advised that the second variance is for a deck that has been there for many years while the third variance is for a prefabricated gazebo that sits on the deck. Mr. Mino-Leahan summarized how the consent and minor variance applications meet the criteria set out in the Planning Act.

Mr. Mino-Leahan addressed a letter of objection that was submitted by a neighbouring property owner at 11 Mast Drive advising that the objection detailed in the letter is in relation to the expansion of the cul-de-sac. He stated that these concerns and comments have nothing to do with the applications before Committee explaining that there is no extension of the existing cul-de-sac proposed as a result of the applications and there is some construction that is going on in relation to a development to the north. He noted that the resident has enjoyed the cul-de-sac explaining that Mast Drive was expected to extend up to Malta Avenue, however there is an agreement between parties to leave the cul-de-sac where it is. He noted that there may be some inconveniences as a result of improvements that are being completed however these inconveniences are not associated with the applications before the Committee.

Committee acknowledged receipt of a letter dated September 21, 2020 from Nevil and Rosetta Solomon, 11 Mast Drive, in opposition to Applications B2020-0015 and A-2020-0068.

Committee acknowledged receipt of e-mail correspondence dated September 23, 2020 from Soomro Bashir, 14 Garry Court, indicating no objection to Application A-2020-0068.

Ms. Rosetta Solomon, 11 Mast Drive addressed Committee advising that she submitted a letter because the developer wants to confiscate a part of her property for two houses and stated that she does not want any part of her property to be taken for this purpose. She stated that she wants her property to remain as it is and does not want any interruptions with their lives at this stage.

Mr. Mino-Leahan responded that the lands referred to by Ms. Solomon are in relation to another matter, a development on going immediately north of the Mast Drive cul-de-sac. He explained that in order to leave Mast Drive in its existing configuration there was an agreement among the land owners, the City and the Region to leave Mast Drive as a cul-de-sac and not extend it. He noted that there are a number of improvements including being made bigger and installation of proper curbs and street lighting. He added that the City at one point required a piece of land to complete the cul-de-sac but they were able to make it work such that the land is no longer required today.

Mr. Hardial Sangha, 12 Mast Drive addressed Committee inquiring if there are any plans for the future to extend Mast Drive and will there be a house on the vacant land.

Mr. Manjit Rai, 8 Mast Drive addressed Committee inquiring about any expansion of Mast Drive.

Mr. Mino-Leahan confirmed that Mast Drive will remain as a permanent cul-de-sac and the three vacant lots at the end of the cul-de-sac are planned for development with houses consistent with the subdivision.

Committee of Adjustment Minutes

Ms. Solomon remarked that she does not want the developer to take any part of her property to build adding that the sole purpose is for the developer to take the frontage of her property.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2020-0015 and A-2020-0068 from a planning land use perspective and read aloud the proposed conditions outlined in the staff recommendation report for the minor variance application followed by the proposed conditions for the consent application.

Ms. Swinfield explained that the cul-de-sac is temporary and not built out to its full extent explaining that the City is requiring land to finish off the cul-de-sac. Staff confirmed that this developer is not taking any land through this application.

The Secretary-Treasurer requested additional conditions be included and read aloud the conditions for applications involving lot additions.

Mr. Mino questioned why these conditions were now being requested as he was not made aware of these conditions and would have liked to have had an opportunity to review them with his client's solicitor. The Secretary-Treasurer responded that these are standard conditions formulated by the City's legal staff many years previous which have been inadvertently overlooked by planning staff in the staff recommendation report. She explained that when she discovered the oversight there was no opportunity to bring the matter to the attention of the applicant or even to staff prior to the meeting.

Mr. Mino-Leahan explained that he had a previous experience with another municipality regarding a lot addition. He added that if staff can confirm that these conditions are standard he would move forward as he did not want to defer the matter.

Staff verified that the conditions are standard and were overlooked in the staff report advising that these conditions will ensure that the piece will be added to the other lot and that if the owner at Garney Court sells his land he is selling his property including the piece that is being added.

Staff explained that if the conditions are entrenched in a Committee of Adjustment decision the opportunity exists if the applicant wants to appeal the decision or they could alternatively return with a new application. Staff explained that the Committee does not have the ability to amend the conditions after it has rendered its decision.

Mr. Mino-Leahan commented that if staff are satisfied that these are standard conditions then he accepts the conditions. Following discussion Mr. Mino-Leahan 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: A. C. Marques

Committee of Adjustment Minutes

THAT application B-2020-0015 to provide for a lot addition of approximately 131.01 metres (0.032 acres) to the adjacent lands, legally described as Lot 11, Plan 43M-935, municipally known as 16 Garry Court be approved for the following reasons and subject to the following conditions:

1. 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;
2. 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. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent.
4. A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being Lot 11 on Plan 43M-935, shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed.
5. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s). (The "resultant" lot is the "severed" land and the land to which the "severed" land is to be merged.)

REASONS:

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

CARRIED

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2020-0068 to permit a rear yard setback of 7.3 metres; to permit an existing deck to encroach into the required rear yard setback by 4.9 metres resulting in a setback of 2.6 metres to the deck and to permit an accessory structure (prefabricated gazebo) having a maximum height of 3.3m (10.83 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;

Committee of Adjustment Minutes

2. That the owner shall obtain a building permit for the rear yard deck within sixty (60) days of the final date of the Committee's decision, or as extended at the discretion of the Chief Building Official; 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

APPLICATIONS B-2020-0016 AND A-2020-0078 WERE RELATED AND HEARD CONCURRENTLY

(3)

B-2020-0016 **7724934 CANADA INC.**

PT. OF LOT 8, CONC. 1 EHS
370 MAIN STREET NORTH
WARD 1

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 73981.97 square metres (18.28 acres). The effect of the application is to create a new lot having frontage of approximately 45.9 metres (150.59 feet), a depth of approximately 131.6 metres (431.76 feet) and an area of approximately 6136 square metres (1.52 acres) to facilitate a land sale. It is proposed that the severed parcel be used for commercial purposes (a self- storage facility is proposed).

(4)

A-2020-0078 **7724934 CANADA INC.**

PT. OF LOT 8, CONC. 1 EHS
370 MAIN STREET NORTH
WARD 1

The applicant is requesting the following variance(s):

1. To permit a parking rate of 1 space for each 23 square metres of gross commercial floor area, resulting in a minimum requirement of 822 parking spaces (based on the proposed floor area) whereas the by-law requires that parking be provided at a rate of 1 space for each 19 square metres of gross commercial floor area, resulting in a parking requirement of 996 parking spaces (based on the proposed floor area).

Ms. Jinny Tran, Smart Centres, authorized agent for the applicant, presented applications

Committee of Adjustment Minutes

B-2020-0016 and A-2020-0078 briefly outlining the nature of the applications explaining that Council approved an Official Plan Amendment and Zoning By-law Amendment earlier this month. She explained that the severance will create a new lot for a self-storage facility and a separate lot for the remainder of the plaza noting that the site will continue to operate as one by way of a reciprocal access and operating agreement to allow for vehicular and pedestrian access over the severed and retained parcels. She spoke of a parking study that was submitted which concluded that there was a significant parking supply in the plaza.

Ms. Tran advised that in discussions with staff a modification was proposed to condition 4 b for clarity purposes to include additional wording "*and shall not prevent vehicular access from a public street to the severed lands*".

Committee acknowledged receipt of a letter dated September 22, 2020 from Toronto and Region Conservation Authority indicating no objection to Applications B-2020-0016 and A-2020-0078.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2020-0016 and A-2020-0078 from a planning land use perspective. Staff explained that the minor variance related to the parking reduction is demonstrated though the parking study which confirms that the parking spaces will be maintained and the site will continue to operate harmoniously.

Staff expressed that these lands are a gateway to the downtown area noting that should a proper redevelopment of the existing plaza occur alterations to the driveway will be explored at that time during the site plan details.

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

The Secretary-Treasurer requested an additional condition requiring payment of the fees associated with issuance of the Certificate of the Secretary-Treasurer explaining that the fee is collected in accordance with the Tarriff of Fees By-law.

Ms. Tran 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: D. Colp

Seconded by: R. Power

THAT application B-2020-0016 to create a new lot having frontage of approximately 45.9 metres (150.59 feet), a depth of approximately 131.6 metres (431.76 feet) and an area of approximately 6136 square metres (1.52 acres) to facilitate a land sale be approved for the following reasons and subject to the following conditions:

Committee of Adjustment Minutes

1. That the owner shall convey, at the Owner's expense, a public access easement to the City for the driveway area, sidewalk and landscaping to the satisfaction of the Commissioner of Planning, Building and Economic Development.
2. 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. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.
4. That prior to the issuance of the Certificate of the Secretary-Treasurer, the owner shall 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. Upon the redevelopment of the retained lands reaching a stage that the City deems to be satisfactory, the owner of the severed lands shall, immediately at the request of the City, alter the area as shown on a Registered R-plan as approved by the City of Brampton, to the satisfaction of the City of Brampton. The alterations may consist of a redesign/redevelopment of the surface treatment of the severed lands to improve the local transportation and open space network.
 - b. The potential alteration shall in no manner unduly restrict public access to the building and parking area on the severed lands, and shall not prevent vehicular access from a public street to the severed lands.
 - c. The works shall be completed within 12 months of the date of the request of the City, or within an extended period of time as approved by the Commissioner of Planning, Building and Economic Development.
 - d. In the event that the owners of the Severed Lands fail to complete the alteration works within the stated timeframe, the City may complete the works itself and charge an additional 15% administration fee to the owners. If the owners of the Severed Lands fail to pay the city its costs for completing the alteration works within a reasonable time as determined by the City, it will become a debt due to the City and may be collected from the owners in any manner permitted by law, including being added to the tax roll for the owners of the Severed Lands and recovered in the same manner and with the same penalties as municipal taxes on real property.

Committee of Adjustment Minutes

5. 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.

REASONS:

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

CARRIED

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2020-078 to allow a parking rate of 1 space for each 23 square metres of gross commercial floor area, resulting in a minimum requirement of 822 parking spaces (based on the proposed floor area) be approved for the following reasons and subject to the following conditions:

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

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

CARRIED

(5)

B-2020-0017

ROGERS COMMUNICATION INC.

PT. OF BLOCK A, PLAN 640
8200 DIXIE ROAD
WARD 3

The purpose of the application is to request the consent of the Committee of Adjustment to the grant of an easement having a width of approximately 20.88 metres and a depth of approximately 6.2 metres. The effect of the application is to create an easement in perpetuity for a storm water pipe and outfall in favour of the adjacent property municipally known as 45 West Drive, Brampton.

Mr. Martin Quarcoopome, Weston Consulting, authorized agent for the applicant, addressed Committee introducing his colleague, Darrin Cohen, who presented application B-2020-0017. Mr. Cohen explained that an easement is requested for a storm water pipe and outfall in favour of the neighbouring property at 45 West Drive. He explained that a previous consent application severed the lot to create the property at 45 West Drive to facilitate the development of a food processing facility advising that included in the design for that facility was the storm water pipe that will travel under a shared driveway. Mr. Cohen advised that all interested parties have approved the design

Committee of Adjustment Minutes

and location of the storm water pipe noting that an agreement was previously signed by both property owners which however was not in perpetuity which is the purpose of the application for consent.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2020-0017 from a planning land use perspective with conditions.

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

Mr. Cohen indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application B-2020-0017 to create an easement in perpetuity for a storm water pipe and outfall in favour of the adjacent property municipally known as 45 West Drive be approved for the following reasons and subject to the following conditions:

1. 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.
2. 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.

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

DEFERRED CONSENT APPLICATION

(6)

B19-017

MANOJ KAPIL

PART OF LOT 3, PLAN BR-21
67 MAIN STREET SOUTH
WARD 3

2020 09 29

Page 10 of 38

Committee of Adjustment Minutes

The purpose of the application is to request the consent of the Committee of Adjustment to sever a parcel of land currently having a total area of approximately 5,919 square metres (1.46 acres) together with an easement for right-of-way purposes. The effect of the application is to create a new residential lot having a depth of approximately 79.42 metres (260.56 feet) and an area of approximately 1,733 square metres (0.43 acres). It is proposed that the new lot accommodate a single detached dwelling.

(7)

A19-121

MANOJ KAPIL

PART OF LOT 3, PLAN BR-21
67 MAIN STREET SOUTH
WARD 3

The applicant is requesting the following variances related to the “severed” parcel in conjunction with consent application B19-017:

1. To permit a minimum lot width of 5.48m (17.98 ft.) whereas the by-law requires a minimum lot width of 23m (75.46 ft.);
2. To permit a rear yard setback of 7.84m (25.72 ft.) whereas the by-law requires a minimum rear yard setback of 19.86m (65.16 ft.).

Mr. Martin Quarcoopome, Weston Consulting, authorized agent for the applicant, presented applications B19-017 and A19-121 explaining that the proposal will facilitate a severance with the retained lot fronting onto Main Street and preserve the existing heritage home and all applicable zoning requirements while the new lot will facilitate a new detached dwelling and the lot will meet all applicable requirements except front yard width and rear yard setback.

Mr. Quarcoopome explained that the front yard lot width of 5.48 metres is a result of how the by-law calculates lot frontage. He commented that the majority of the lot is not 5.4 metres and exceeds the requirement of 23 metres with an actual approximate width of the majority of the lot being nearly 40 metres. Mr. Quarcoopome added that the second variance is to accommodate a proposed building envelope for the severed portion and proposed future dwelling. He noted that this community enjoys two different contexts, one being the main street frontage where lots are generally much larger and those that tend to have smaller lots with shorter rear yards.

Mr. Quarcoopome commented that tree preservation has been a contentious item both for staff and the public noting that the arborist is available to provide comments if required. He added that they have retained a new arborist who will provide more information and expressed that some of the recommendations provided in the previous arborist report have changed. He spoke of the removal of 5 private trees solely on 67 Main Street numbered 940, 911, 939, 401 and 402 listed in the submitted arborist report stating that there will be no impact or removal of neighbouring trees. He explained that trees are proposed to be removed, 2 due to their health and condition while 3 smaller trees would be impacted by the proposed building envelope and would have to be removed to allow construction of the future dwelling.

Committee of Adjustment Minutes

Mr. Quarcoopome spoke of precedence in the neighbourhood noting that in his research he has found only 3 lots with similar configuration with frontage on both Main Street and Elizabeth Street, one being 67 Main Street, and one at 63 Main Street which has 2 huge structures on it where it would be very difficult in his opinion to develop the lot with a second lot given that the garage would be in the way. He contended that 73 Main Street does have a similar configuration and that that particular owner could sever that lot. He expressed that of all the lots in the historical district there is potentially only one lot that he found that could be severed like this one. Mr. Quarcoopome stated that given the heritage importance of the area severances are looked at with scrutiny.

In terms of the four tests of a minor variance he agreed with staff's assessment of the application. He noted that the proposed structure will be consistent with other homes in the neighbourhood and blend in with the surrounding historical homes nearby commenting that the Official Plan provides guidance on how they can develop in these types of communities. In terms of the Zoning by-law he noted that allowing a severance will meet the lotting patterns created in the past. He noted that frontage is a technical item which cannot be replicated on no more than one or two other lots. With respect to the rear yard he commented that the majority of the lots do have significant rear yards but there are others, particularly on the Elizabeth Street side that do have much smaller rear yards and that approval of a rear yard at 7.8 would be consistent with that.

Mr. Quarcoopome advised that the City does have an ongoing heritage study for Main Street South that it is currently on pause noting that the study is not approved and is still in draft. He advised that the City did provide criteria for the potential of severing off lots in the neighbourhood including requirements for access to the newly created lot, the retained lot conserving the original access from Main Street, siting both residences on both lots in a way that it is compatible with existing building sitings and that all standards and requirements of policy have been met to the City's satisfaction. It was his submission that the application meets all those requirements.

Mr. Quarcoopome advised that the frontage is much less than the by-law requirement and that the intent of the variance is to recognize how the by-law calculates lot frontage in that it is the narrowest point of the property. He expressed that the majority of the lot exceeds the by-law requirement. Mr. Quarcoopome spoke of the five trees to be removed noting that if the Committee wishes to preserve those trees to ensure screening between this future home and neighbouring yards is preserved to the fullest, they are prepared to move in the western line of the proposed building footprint to accommodate the preservation of those trees requiring the west line to move inward approximately 3.5 metres. He advised that this would decrease the building footprint and increase the amount of landscaping and preserve all healthy trees on site.

Mr. Quarcoopome noted that if approved they would be required to undertake site plan approval, seek heritage approval and obtain building permits to ensure that the lot could be developed to City standard and fit the historical context of the neighbourhood. It was his submission that they could work with a consulting team and staff closely and come to a design where landscaping and screening could be incorporated. Mr. Quarcoopome concluded that the conditions proposed by staff are adequate and requested that Committee approve the applications.

Committee of Adjustment Minutes

Committee acknowledged receipt of the following correspondence:

E-mail correspondence dated September 1, 2020 from Christine and Tony Helik, 71 Main Street South in opposition to applications B19-017 and A19-121 (including attachments);

E-mail correspondence dated September 24, 2020 from Christine and Tony Helik, 71 Main Street South with attached Arborist Report Peer Review;

E-mail correspondence dated September 25, 2020 from Paul Snape, Land Use Planner, detailing his reasons why he does not support the proposed severance (briefing note attached);

Letter dated September 24, 2020 from Heather Picken, Lawrence Lawrence Stevenson LLP, legal counsel for Christine and Tony Helik, detailing concerns with applications B19-017 and A19-121.

E-mail correspondence dated September 16, 2020 from J. Richards, 18 Alderway Avenue objecting to applications B19-017 and A19-121;

E-mail correspondence dated September 21, 2020 from Miklos Benner and Laura McRae Benner opposed to the proposed severance and development;

E-mail correspondence dated September 21, 2020 from Glen and Helen Corner, 83 Elizabeth Street South objecting to the proposed severance;

Letter dated September 22, 2020 from Nick and Jennifer Sansalone, 76 Elizabeth Street South, detailing concerns with the proposal;

E-mail correspondence dated September 23, 2020 from Shanmarie Love, 1 Belvedere Court, in opposition to applications B19-017 and A19-121;

E-mail correspondence dated September 23, 2020 from Deborah Kenny, 25 Main Street North rejecting the proposal;

E-mail correspondence dated September 23, 2020 from Wendy and Dave Goodridge, 123 Elizabeth Street South, objecting to applications B19-017 and A19-121;

E-mail correspondence dated September 24, 2020 advising that Cindy Meisner, 6 Elizabeth Street and 84 A Elizabeth Street, Lorrie Graham, 84a Elizabeth Street and Jean McLaughlin, 64 Elizabeth Street object to the proposed severance;

Letter received on September 24, 2020 from Manoj Kapil, owner of 67 Main Street South, in response to correspondence received and statements made at the hearing on August 18, 2020;

E-mail correspondence dated September 23, 2020 from Ramona Frial and Steven Brown, 69 Elizabeth Street South, expressing opposition to the applications;

Letter dated September 24, 2020 from Allen and Carol McClelland, 66 Elizabeth Street South, detailing their opposition to Applications B19-017 and A19-121;

Committee of Adjustment Minutes

E-mail correspondence dated September 24, 2020 from Sandi Hokansson, John and Maria Tracogna, 44 Panorama Crescent, in opposition to the applications;

Letter dated September 24, 2020 from Betty Lee, 65 Main Street South, in opposition to applications B19-017 and A19-121;

E-mail correspondence dated September 24, 2020 from Russ and Connie Rawding, 22 Frederick Street objecting to applications B19-017 and A19-121;

Letter dated September 24, 2020 from Claudio Texeira, 70 Elizabeth Street South, reiterating his concerns and objection to applications B19-017 and A19-121;

E-mail correspondence dated September 25, 2020 from Bob Crouch, 7736 Churchville Road, in opposition to the proposal.

E-mail correspondence dated September 28, 2020 from Jackie McNair (no address provided) objecting to the applications.

Mr. Paul Snape addressed Committee announcing that he is not an area resident but rather a planner with thirty years of experience which included holding the position of Director of Planning with the City of Brampton. He began by stating that the Heritage District Study is an important component to be considered first and foremost as well as whether a lot should be there or not. It was his opinion that the proposal does not meet the criteria. He informed Committee that he reviewed a number of documents and visited the property at 71 Main Street South where he was struck by the openness and park like setting of the property which will be impacted by where a new house would be located.

Mr. Snape remarked that firstly the proposal is premature and secondly it will have a real impact. He made reference to criteria set out under Section 51(24) of the Planning Act noting that failure to meet that criteria, the application is not supportable. Making specific reference to Section 51(24)(b) and whether the proposal is premature or in the public interest he commented that he just learned of an ongoing Heritage Conservation District Study which includes this area noting that the study looks to see how it can be preserved. He advised that the application is premature before the conclusion on the study and that a decision made independent of that study would be premature.

Mr. Snape asked 'would it be in the public interest' noting that a lot of people are opposed commenting that people will lose faith in the Planning process when a comprehensive study is in progress and a decision is made in advance of the study.

Mr. Snape made reference to a briefing note dated April 16, 2019 from staff in which staff say that Council has a concern regarding potential severances on Main Street and that perhaps an Interim Control By-law should be enacted. He pointed advised that it was also noted that the study is ongoing and will be finished in the third quarter of 2019. Mr. Snape commented that the briefing note also says staff have the ability to recommend refusal of any severance application that comes forward. He noted that staff recommend approval of the applications but don't see anything official

Committee of Adjustment Minutes

to say the Heritage Study has been abandoned. He commented that the study still has status and should be completed and is the proper process to go through to deal with the criteria that may be put in place to have the Heritage District Study approval by Council before a decision is made that would jump ahead of that process and potentially damage the Heritage District that the study wants to preserve.

Mr. Snape explained in his opinion that the proposal does not meet the criteria under Section 51(24) of the Planning Act in that it does not conform to the Official Plan and any adjacent plan of subdivision. He advised that the Official Plan talks about discouraging severances. He commented that there isn't anything conclusive that says that this lot should be created and that there will be a real impact here with loss of privacy on abutting properties, especially with a 2 storey house and upper floor windows. He remarked that this is a real impact and it is not logical to say that this impact would be any less for properties adjacent to those properties that just happen to have vehicular access to Elizabeth Street. Mr. Snape commented that it will set a dangerous precedent in the absence of a long term study. He noted that there are a lot of people and personalities involved and that people come and go commenting that the real thing at risk here is Brampton. He remarked that it does deserve a proper study to go before Council and that there will be a clear impact in maintaining a park like setting. He concluded that there is no need to talk about minor as it was his submission that a lot should not be created.

Ms. Chris Helik, 71 Main Street South, addressed Committee stating that when the residents want to do something on their property which would affect other neighbours it is good planning etiquette to speak with the neighbours first. She made reference to a previous meeting where the applicant requested all the neighbours phone numbers to address their concerns. She expressed that the applications were brought forward during the summer holidays with no prior warning from the applicant leaving them with only a few days to present their opposition. She added that the applicant did not care enough to call or knock on one door or e-mail one neighbor to address their concerns. She submitted that he did not attend the Heritage Committee meeting or stay on the September Committee of Adjustment meeting long enough to grant a site visit.

Ms. Helik expressed that the neighbours do care about the heritage and ecological implications, the impact on their privacy, effect of shading, drainage and emergency access, snow removal, intensification of easements and location of garbage. She added that the neighbours care about their fellow neighbours and their neighbourhood as evidenced by dozens of statements of opposition noting that there was not one in favour.

Ms. Helik made reference to the staff report and the section titled Desirable for the Appropriate Development of the Land stating that it fails to note any example of how this is desirable commenting that it is not desirable or appropriate for the abutting neighbours, the Brampton Heritage Board or the neighbourhood. She expressed that staff has only described how it is desirable for the applicant. She reminded Committee that the Heritage Board gave these applications careful consideration and after over one hour of discussion voted to not support them. She advised that the motion remains on file however no mention was made of the City's Heritage position.

Committee of Adjustment Minutes

Ms. Helik expressed that the existing streetscape cannot be maintained, as the City recommends, if you put a house in front of a historic garden. She added that the heritage value of the land, not just the house are both included in the by-law designating 67 Main Street South as a heritage property regardless of the outcome of the yet to be completed Heritage Impact Assessment Study. She made reference to a section in the Official Plan concerning development of land near a heritage resource commenting that you cannot mitigate a severance other than opposing it. She commented that the Peer Review indicates that there remains a possibility that the projected laneway cannot tolerate a construction project of this nature. She spoke of required services and underground trenching and expressed concerns on how the protected heritage laneway and root base beneath it could possibly be preserved

Ms. Helik advised that the Planning Department requested a deferral to address the expert Peer Review. She commented that in view of the serious impactful omissions and inconsistencies in the report submitted by the applicant this was a sensible thing to advocate for. She added that the City has not acknowledged any of the deficiencies pointed out by a second peer review pertaining to the applicant's latest arborist report. She spoke of the risks that remain with the neighbouring trees and the fact that seven trees have been tagged for injury in her yard alone. She commented on risks involved in pruning and resulting injury.

Ms. Helik expressed that written permission is required under the City by-law and the Forestry Act for the removal of boundary trees which permission has not been provided. She stated that there are not enough assurances provided that the tree hoarding will be properly installed and maintained during construction and at this time only the building envelope limits have been provided. Plans for servicing, grading, architectural and landscaping have not been provided which have the potential for additional impacts on trees if trenching is required or water infiltration or drainage is altered. She expressed that the peer review was necessary and it was clear that this project could not go forward without damage to neighboring trees or property. She stated that at the heart of the matter 'is this a minor variance' commenting that you cannot ignore the physical size of the proposed house.

Ms. Helik remarked that there is no other property on historic Main Street South that has been severed to accommodate house a behind it. She spoke of the percentage criteria for frontage that the property fails to meet and summarized that the exception is not minor. She spoke of memorable events that occurred throughout her lifetime in the neighbourhood and concluded that these applications have far reaching precedent implications, potentially devastating for Brampton that would dramatically and forever alter the character of her own back yard with significant visual impact if this lot is created and a house were constructed. She advised that the impacts are real and substantial and cannot be mitigated. Ms. Helik concluded that there are many valid planning, ecological and legal reasons why these applications should be turned down and requested that the Committee refuse the applications.

M. Heather Picken, Lawrence, Lawrence Stevenson LLP, legal counsel for Chris and Tony Helik addressed Committee noting that Committee had just heard from her client and will here from a large number of neighbours who have concerns how a potential decision to grant these

Committee of Adjustment Minutes

applications would be a precedent setting death knell for the preservation of the heritage gateway to the City' historic downtown area. She spoke of a new report from her client's arborist who remains gravely concerned about the applications and impact on neighbourhood trees pointing out that consent is to be given before anything can be down to boundary trees and since that consent is not going to be granted the consents cannot proceed under the City's Tree Preservation by-law and Forestry Act.

Ms. Picken stated that it has been made aware that the Heritage Board Committee is not in support of these applications and passed a motion recommending that the Committee of Adjustment refuse them. She expressed that the Committee has heard from Paul Snape, a well-respected land use planner with 30 years of experience, 20 of those years working in the City of Brampton where he rose to Director of Development Services. She stated that the concerns raised by all the parties are consistent that these applications are not supportable and should be refused.

Ms. Picken focused on the evidence presented by Mr. Snape wherein he explained that we must deal with the severance application first explaining that if the application does not meet the planning act criteria then the consent to sever the property cannot be granted. He concludes that the application is premature since the property is located in an area of the City that is subject to a Heritage Conservation District Study which is ongoing and is not finished. Mr. Snape concluded that in his opinion this application would jeopardize the study and create undue pressure for more and similar severances which would change the character of the area that is sought to be preserved.

Ms. Picken commented that she heard the applicant's planner speak to a section of the Planning Act that did contemplate the possibly of severances noting that it spoke to severances at the corner lots and that it is a proposal that has not been studied yet noting that it needs a fulsome review of the whole area before dealing with them on a piece meal basis.

Ms. Picken stated that the conventional design of houses in the area is that they are side by side facing the street with rear yards where privacy is expected. She added that this proposed application results in a loss of privacy with a 2 storey building with upper storey windows. Ms. Picken stated that she looked to staff's planning report to show that there is no justification for the severance noting that the proposed conditions are numerous, contradictory and create a catch 22 situation where the consent can't be issued unless the long list of conditions in the variance application are met which can't all be met until the severance is granted and the lot is created with a building permit granted and construction is started.

Ms. Picken stated that under the Planning Act, once a consent, always a consent and if later one of the conditions in the variance application is not met and the variance approval is rendered null and void as noted in condition number 7, the consent condition says the variance approval has to be done. She commented "how does the Committee deal with the fact that the severance consent would have already been issued" stating that it makes no sense. She referred to condition number 4.....*to the satisfaction of the Director of Development Services* which takes it out of the public process leaving the compliance process open to the subjective discretion of the Director

Committee of Adjustment Minutes

further referring to subsection 4 a which goes on to say the impacts that the Director has to be satisfied about. She explained that the relevant parties are the specific owners of the boundary trees noting that the 3 owners of the boundary trees have confirmed in writing that they don't give their consent for the boundary trees to be injured pointing out that right now the consents are not available from those neighbours and therefore the conditions will not be possible to clear. She submitted that the approval should not be given in the first place advising that the Committee is creating a severed lot forever and that the conditions that staff are putting in cannot be met and there is nothing the Committee can do about it as once a consent, always a consent. Ms. Picken went on to explain how other conditions have to be met which underscores that the Committee does not have sufficient information and planning evidence and justification to render a positive decision.

Ms. Jennifer Sansalone, 76 Elizabeth Street South, addressed Committee confirming her opposition to the proposal commenting that the proposed dwelling will be in the corner of her back yard. She expressed that a building of this scale is not minor and could be replicated at 73 Main Street South which is next to her lot as the opposite parcel.

Ms. Kimberley Sim, 72 Elizabeth Street South, addressed Committee noting that it was mentioned that there are other homes in the area with a 7 metre rear lot. She commented that she has not seen this in walking around the neighbourhood. She added that this will impact her privacy. Ms. Sim spoke of small trees between the properties and was concerned that those trees would be damaged. She stated this is not a minor variance, it is a huge variance. She noted that the new proposed building is not consistent with the ratio of house to land in the area.

Mr. Allan McClelland, 66 Elizabeth Street South, addressed Committee advising that he has lived at the property for 25 years. He commented that they continue to strongly oppose these applications as outlined in their written submissions noting that the consent application does not meet the criteria set out in the Planning Act or the City's Official Plan and the minor variance applications does not satisfy any of the four tests set out in the Planning Act. He commented that he has reviewed and listened to the submissions of Heather Picken and Paul Snape and agree with their analysis and position.

Mr. McClelland stated that the City's Heritage Board did not support these applications and commented that the Board was disappointed with the Heritage Impact Assessment and related staff report. Mr. McClelland stated that the Board Members spent two hours listening to presentations and questioning staff. He submitted that the Board almost unanimously felt strongly that this proposal is not desirable or appropriate for the area and should not be supported. He commented that it is extremely disappointing that this advice was not shared with the Committee.

Mr. McClelland spoke of the width of the historic laneway and their hand crafted wrought iron fence which was positioned on the north side of the boundary trees to avoid damage to any tree while providing adequate space for future growth. He spoke of concerns with the impact of the proposal on the neighbourhood and the permanent loss of heritage resources for the City. He added that

Committee of Adjustment Minutes

they will lose their privacy and the enjoyment of their property. He spoke of landscaping and trees that frames their home and is enjoyed by many.

Mr. McClelland spoke to the most recent arborist report and the inadequate tree protection and consent. He commented that it is proposed that the laneway will be used for access of all equipment and materials and the removal of fill noting that all this weight will pass over the tree protection zones and the boundary trees along the laneway. He added that trenching for installation of utilities is a potential risk for the trees noting that they are not convinced that the proposed tree protection measures are adequate. Mr. McClelland spoke of tree pruning of some boundary trees by the applicant when he moved into the home. He advised that one of the trees is documented in the report as having pruning wounds and that no permission was asked or granted. He added that they have no intention of granting consent for trees to be removed or injured in any way. Mr. McClelland concluded that Brampton does have something unique in Canada and it is extremely rare for a large city to have an opportunity to still maintain its historic leafy neighbourhoods. He added that the Committee has ample information in front of them to refuse these applications.

Ms. Ramona Frial, 69 Elizabeth Street South, addressed Committee advising that she agrees with the comments of speakers Jennifer Sansalone and Allen McClelland stating that she moved to downtown Brampton because of its character and tree canopy. She expressed that it is her fear that this would be impacted if approved and there will be loss of privacy suffered by the neighbours..

Ms. Betty Lee addressed Committee advising that she lives immediately north of the property and reiterated her concerns that the house on the severed lot will directly face her backyard. She spoke of the huge tress close to the fence with large root zones that could be lost as well as a hedge area on the severed lot. She expressed concerns with traffic as well as loss of privacy.

Mr. Claudio Texeira, 70 Elizabeth Street South, addressed Committee advising that he has lived in the area for 13 years, directly west of the property and abutting at 67 Main Street South. He spoke of concerns with certain damage or death to walnut trees and the removal of vegetation between properties. He stated that he will not sign off or grant permission to trim back the canopy of the trees. He advised that he is very proud of his 108 year old home and was concerned with structural impact damage to his foundation. He spoke of the laneway which will utilize this point exclusively for construction. Mr. Texeira added that there will be drainage issues with water flowing into his property and was concerned that he should be saddled with this burden requesting that the Committee of Adjustment and the City respect and acknowledge his legitimate concerns in the same manner as the applicant has been granted numerous opportunities for deferral and has been supported in his request for this major variance.

Mr. Craig Stewart addressed Committee advising that he supports the comments of Ms. Picken and Mr. Snape commenting that he is confused how a minor variance application even got this far.

Ms. Lynn Rudolph, 88 Elizabeth Street South, addressed Committee advising that booth her and her husband David strongly oppose these applications. She expressed that if the dwelling is 2

Committee of Adjustment Minutes

storeys it will be 10,000 square feet commenting why do people want to build monster homes and why not move to the country. She implored Committee to reject the applications.

Mr. Manoj Kapil introduced Peter Kurtz, Kurtz Forestry. Mr. Kurtz, forestry consultant addressed Committee advising that further to the first arborist report prepared by D. A. White his office was charged with doing the preservation planning for trees respecting all neighbouring trees and trees on site. He advised that he attended the site and has heard all the testimony. Mr. Kurtz advised that contrary to the Duggan and Associates Peer Review they have addressed planning issues regarding the Trees Preservation by-law and the Forestry Act. He stated that they outlined the preservation planning and that in large instances the proposal is not able to respect the two time dripline preservation zone noting that if that was imposed there would be no infill development. He commented that it is not necessary to protect two times the dripline noting that their preservation planning is based on minimum standards for dripline as outlined in the report.

Mr. Kurtz advised that no trimming will be required if they are able to use the historic laneway for construction trucks moving in and out. He spoke of horizontal hoarding to be used in accordance with City of Brampton standards. On the issue of concerns raised by the neighbours regarding installing services he advised that trenching is not always imperative and that there are other technologies that can be employed, including directional boring. He commented that if the construction of the house is scaled back it would stay out of the driplines of all the trees. He concluded that it is quite feasible that this house could be constructed should the committee of Adjustment and the City of Brampton allow it.

Committee acknowledged correspondence from the Region of Peel suggesting that the committee consider comments from Toronto and Region Conservation Authority.

Committee thanked everyone for taking the time to come forward, including the applicant. Committee noted that the applicant took the time to submit his concerns on behalf of how he has been treated. Making reference to the applicant's letter, Committee noted there were some references to corruption with the Committee of Adjustment and Members of Council. Committee explained that they have never been approached by Mr. Kapil or any of his colleagues with respect to trying to sway a decision in any particular way. Committee stated that these are independent reviews that the committee takes quite seriously.

Concerning Mr. Kapil's reference to racial slurs that were made to him as the applicant, Committee expressed that anything along those lines is completely unacceptable and that this type of behavior will not be tolerated.

Committee expressed that if the Heritage District Study is ongoing and going through Council and is strongly being considered for the greater good of the community and the heritage of the City as a whole, it would set a bad precedent if Committee makes decisions outside of those studies that are moving forward. Committee noted that these are professionals that are doing these studies for the best interest of the community members and the City as a whole.

Committee of Adjustment Minutes

Committee spoke of how they have to consider the reputation of the City of Brampton in terms of its heritage value and what is in the best interest of the community adding that they just don't look at one perspective, they try to look at both. Committee expressed that perhaps these applications need further assessment.

Committee was informed that staff support the applications first reading aloud the proposed conditions for consent application B19-017 followed by the proposed conditions for minor variance application A19-121. Staff explained that in regards to the arborist report, the applicant would be required to submit and receive site plan approval for the new detached dwelling on the property advising that there would be further refinement and work done to the arborist report to narrow the scope of it based on the actual dwelling proposed. Staff noted that at this time the reports are based on the building envelope.

Staff expressed that as it was pointed out by a few property owners that without their consent there can be no damage to trees that are considered to be shared stating that staff are aware of this provision and what this does is force the applicant to build a smaller dwelling. Staff added that without the consent the proposal will have to change. In terms of concerns surrounding construction vehicles staff noted that whether the consent occurred or not the owner would be within his right to do construction on his property, such as construction of a detached garage and could use that laneway for construction vehicles. Staff added that with respect to drainage concerns for the property to the west the applicant would be required to submit through the site plan process and the building permit application process detailed grading and servicing drawings to show that the property would not be impacted and if that could not be achieved they would be required to alter the proposal until it could be.

Ms. Cassandra Jasinski, Heritage Planner, addressed Committee on the status of the Main Street South Heritage Conservation District advising that that under Part V of the Ontario Heritage Act there are two stages that have to be followed in terms of designating heritage conservation district, the first being the preparation of the heritage conservation district study and the second being the preparation of the heritage conservation district plan. Staff noted that the heritage conservation district study was completed and approved in 2014 and the heritage conservation district plan is currently in draft form and undergoing consultation noting that a number of events have led to delays with the heritage conservation district plan advising that they have also been consulting with the community quite extensively.

Ms. Jasinski explained that the heritage conservation district plan had gone through a statutory public meeting on December 5, 2016 and at that meeting there were draft Official Plan and Secondary Plan Amendments provided for the public. She added that the content of the proposed amendments did include consideration of where severances would be appropriate and could be reviewed and potentially recommended for an area.

Ms. Jasinski read aloud some of the amendments that were proposed and put out for public comment in 2016 advising that while they are not yet in force, as a heritage planner she did look towards this noting that this is how they are hoping to proceed through the Main Street South

Committee of Adjustment Minutes

Heritage Conservation District. She made reference to a previous severance application for 76 Main Street South which was considered and approved by Committee commenting that the decision on that application was in many ways far more impactful from a heritage staff perspective than what is being proposed with these applications. She stated that the application at 67 Main Street South follows most of the guidelines that are included in the draft Official Plan and Secondary Plan Amendments while the severance that was approved for 76 Main Street South will allow for a new driveway to come off of Main Street South, the house will be visible from Main Street South and there will be impact on some vegetation at the rear.

Ms. Jasinski noted that the briefing memo referred to by Mr. Snape was a result of the decision that was made for 76 Main Street South and the Local Planning Appeal Tribunal decision that occurred as a result. Ms. Jasinski stated that the context of the memo was addressing concerns raised by the Brampton Heritage Board as a result of the severance at 76 Main Street South which is why Heritage staff required that a Heritage Impact Assessment be submitted and why it was brought before the Board for consideration.

Ms. Jasinski stated that it was correctly stated that the Heritage Board was not in favor of the applications being approved noting that staff did put forward a number of recommendations that would limit the size of the house and ensure that additional consideration be given to the design as it impacted the neighbourhood character overall. She commented that heritage staff do not review these applications lightly and have to consider them from an objective heritage stand point. Ms. Jasinski explained that this property is designated under Part 1V of the Ontario Heritage Act and has a by-law registered on title which sets out its' heritage attributes. She added that the designation by-law for this property is quite old and has not been updated and as a result does not follow all the requirements that are given under the current Ontario Heritage Act. She explained that the designation by-law does speak strongly to the heritage attributes and features of the physical building including such things as the overall style, high ceilings, roofline, fireplaces and windows.

Ms. Jasinski concluded that when considering impact to this designated property in particular her main concern was the impact to the structure and impact of the new construction on the Main Street South Corridor which is listed under the Ontario Heritage Act on the Municipal Listing of Cultural Resources. Ms. Jasinski added that from a Main Street South Corridor perspective her main concern was site lines from Main Street to the new construction and additional staff recommendations were put forward including a number of conditions which she summarized.

Committee summarized a few points on the applications that have been before the Committee for a third time which included that the application does not meet the four tests and is not minor in nature commenting that it is multi-faceted. Committee noted that amongst them is the refusal by the Heritage Board to accept the staff report. Committee noted that the area has an incredible heritage component to it and having the Heritage Board not on board with this gives cause for concern. Committee referenced the briefing note which was presented by the City of Brampton to the Mayor, Councillors and Senior Leadership which seemed not to be supportive of severing lots.

Committee of Adjustment Minutes

Committee expressed that the application is premature and the Arborist Report is based on minimal requirements for infill development which does not respect a heritage neighbourhood.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application B19-017 to create a new residential lot having a depth of approximately 79.42 metres (260.56 feet) and an area of approximately 1,733 square metres (0.43 acres) together with an easement for right-of-way purposes to accommodate a single detached dwelling be refused for the following reasons:

1. Approval of the application would reflect that no regard has been given to those matters to be regarded under Section 51(24) of the Planning Act, in as much as it is the opinion of the Committee that the proposed lot is not in keeping with the established character of the lots in the neighbourhood; and
2. The application is premature.

Moved by: D. Colp

Seconded by: R. Power

That application A19-121 to permit a minimum lot width of 5.48m (17.98 ft.) and to permit a rear yard setback of 7.84m (25.72 ft.) be refused for the following reasons:

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

1. The variance is not desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law is not maintained and the variance is not minor.

CARRIED

COMMITTEE RECESSED AT 12:03 P.M. AND RECONVENED AT 12:16 P.M

NEW MINOR VARIANCE APPLICATIONS

(8)

A-2020-0056

ADRIANA PATRICIA SERANO

LOT 714, PLAN 811
187 FOLKSTONE CRES.
WARD 8

Committee of Adjustment Minutes

The applicant is requesting the following variance(s):

1. To permit lot coverage of 31% whereas the by-law permits a maximum lot coverage of 30%;
2. To permit an interior side yard setback of 1.487m (4.88 ft.) whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.);
3. To permit an open roofed porch to encroach 1.939m (6.36 ft.) into the minimum required front yard resulting in a setback of 5.661m (18.57 ft.) whereas the by-law permits a maximum encroachment of 1.8m (5.91 ft.) resulting in a front yard setback of 5.8m (19.03 ft.);
4. To permit an existing fence in the front yard having a maximum height of 1.37m (4.49 ft.) whereas the by-law permits a maximum fence height of 1.0m (3.28 ft.) in the front yard;
5. To permit an existing fence in the side and rear yard having a maximum height of 2.44m (8.00 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.) in the side and rear yards.

Ms. Adriana Serano, applicant and owner of the property, presented application A-2020-0056 briefly outlining the variances requested.

Committee acknowledged receipt of the following correspondence:

E-mail correspondence dated September 22, 2020 from Brad Romanek, 181 Folkstone Crescent, objecting to requested variances 4 and 5 related to fence height;

E-mail correspondence dated September 23, 2020 from John Higgins, 194 Folkstone Crescent detailing concerns with the application.

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

Ms. Serano 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-2020-0056 to permit lot coverage of 31%; to permit an interior side yard setback of 1.487m (4.88 ft.); to permit an open roofed porch to encroach 1.939m (6.36 ft.) into the minimum required front yard resulting in a setback of 5.661m (18.57 ft.); to permit an existing fence in the front yard having a maximum height of 1.37m (4.49 ft.) and to permit an existing fence in the side and rear yard having a maximum height of 2.44m (8.00 ft.) be approved for the following reasons and subject to the following conditions:

Committee of Adjustment Minutes

1. That Variances 4 and 5 be **refused** and that the non-conforming portions of the fence be removed within thirty (30) days of the date of the Site Plan Approval, and said removal shall be demonstrated to the satisfaction of the Director of Development Services;
2. That the extent of Variances 1, 2 and 3 be limited to that shown on the sketch attached to public notice;
3. That the owner finalize Site Plan Approval under file SP17-030.000 to the satisfaction of the Director of Development Services within 180 days of the date of the final decision of the Committee, or as extended at the discretion of the Director of Development Services upon receipt of a written request for extension from the owner;
4. That drainage on adjacent properties not be adversely affected;
5. That any outdoor storage in the rear yard be removed and said removal demonstrated to the satisfaction of the Director of Development Services within sixty (60) days of the date of the final decision of the committee;
6. That any use of the basement as a secondary unit shall require registration and compliance with the Zoning- By law and Building Code; and
7. That failure to comply with and maintain any of the conditions of the Committee will render the approval null and void.

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

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

CARRIED

(9)

A-2020-0067

RAVINDER HARMESH AND
PRITAM SINGH MEHMI

LOT 27, PLAN M-1026
294 FERNFOREST DRIVE
WARD 9

The applicants are requesting a variance to permit a rear yard setback of 3.06m (10.04 ft.) to a proposed sunroom addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

Ms. Shivani Khapare, Lifestyle Sunrooms, authorized agent for the applicant, presented application A-2020-0067 briefly outlining the variance requested for the addition of a three season unheated sunroom. She explained that it will contribute to the outside amenity space and does not impact drainage or privacy noting that it aligns with the character of the neighbourhood.

Committee of Adjustment Minutes

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 4 and proposed wording for Committee's consideration to reflect that the proposed sixty days be not from the decision but rather from the approval of the elevation drawings.

Ms. Shivani was receptive to the proposed amendment and indicated that the proposed conditions, as amended, were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2020-0067 to permit a rear yard setback of 3.06m (10.04 ft.) to a proposed sunroom addition be approved for the following reasons and subject to the following conditions:

1. That elevation drawings shall be submitted within thirty (30) days of the Committee's decision and the elevations shall be approved within thirty (30) days of the Committee's final decision, or within an extended period of time as approved by the Director of Development Services;
2. That drainage on adjacent properties shall not be adversely affected;
3. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
4. That the owner shall obtain a building permit, consistent with the approved elevation drawings required by Condition 1 above, within sixty (60) days of the date of approval of the drawings by the Director of Development Services;
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

Committee of Adjustment Minutes

(10)

A-2020-0069

RAMAN MALIK AND MIGNON MALIK

LOT 154, PLAN 43M-1822
24 IMPULSE CIRCLE
WARD 5

The applicants are requesting the following variance(s):

1. To permit a deck encroachment of 4.8m (15.75 ft.) into the required rear yard setback, resulting in a rear yard setback of 3.12m (10.24 ft.) whereas the by-law permits a maximum deck encroachment of 3.0m (9.84 ft.) into a required rear yard resulting in a rear yard setback of 4.5m (14.76 ft.).

Mr. Raman Malik, applicant and owner of the property, presented application A-2020-0069 briefly outlining the variance requested for development of a second storey deck.

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

Mr. Malik 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: A. C. Marques

THAT application A-2020-0069 to permit a deck encroachment of 4.8m (15.75 ft.) into the required rear yard setback, resulting in a rear yard setback of 3.12m (10.24 ft.) be approved for the following reasons and subject to the following conditions:

1. That the variance be approved only to the extent shown in the sketch attached to the Public Notice;
2. That the owner shall obtain a building permit for the rear yard deck within sixty (60) days of the final date of the Committee's decision, or as extended at the discretion of the Chief Building Official; 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

Committee of Adjustment Minutes

2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

APPLICATIONS A-2020-0070 TO A-2020-0073 WERE RELATED AND HEARD CONCURRENTLY

(11)

<u>A-2020-0070</u>	<u>SCOTTISH HEATHER DEVELOPMENT INC.</u>	<u>PT. LOTS 3 & 4, CONC. 5, WHS. LOT 67, DRAFT PLAN 21T-06024B BANNER ELK STREET WARD 6</u>
---------------------------	---	--

The applicant is proposing construction of a single detached dwelling and is requesting the following variance(s):

1. To permit a rear yard setback of 6.44m (21.13 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

(12)

<u>A-2020-0071</u>	<u>SCOTTISH HEATHER DEVELOPMENT INC.</u>	<u>PT. LOTS 3 & 4, CONC. 5, WHS. LOT 80, DRAFT PLAN 21T-06024B MERRIMAC DRIVE WARD 6</u>
---------------------------	---	---

The applicant is proposing construction of a single detached dwelling and is requesting the following variance(s):

1. To permit a rear yard setback of 6.69m (21.95 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

(13)

<u>A-2020-0072</u>	<u>SCOTTISH HEATHER DEVELOPMENT INC.</u>	<u>PT. LOTS 3 & 4, CONC. 5, WHS. LOT 91, DRAFT PLAN 21T-06024B HERITAGE ROAD WARD 6</u>
---------------------------	---	--

The applicant is proposing construction of a single detached dwelling and is requesting the following variance(s):

1. To permit a rear yard setback of 6.79m (22.28 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

(14)

<u>A-2020-0073</u>	<u>SCOTTISH HEATHER DEVELOPMENT INC.</u>	<u>PT. LOTS 3 & 4, CONC. 5, WHS. LOT 63, DRAFT PLAN 21T-06024B FORDHAM ROAD WARD 6</u>
---------------------------	---	---

Committee of Adjustment Minutes

The applicant is proposing construction of a single detached dwelling and is requesting the following variance(s):

1. To permit a rear yard setback of 6.44m (21.13 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

Mr. Steven Safranyos, HomeCAD/DRAFT Design, authorized agent for the applicant, presented applications A-2020-0070 to A-2020-0073 briefly outlining the variances requested noting that the variances are similar for the four corner lots that have deficient rear yards primarily as a result of how the site plan was presented to the builder and the product typical to the subdivision.

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

Mr. Safranyos indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2020-0070 to permit a rear yard setback of 6.44m (21.13 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 a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variance(s) affecting the property. In the event the lot has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the lot acknowledge and accept the variance; 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

Committee of Adjustment Minutes

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2020-0071 to permit a rear yard setback of 6.69m (21.95 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 a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variance(s) affecting the property. In the event the lot has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the lot acknowledge and accept the variance; 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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2020-0072 to all permit a rear yard setback of 6.79m (22.28 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 a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variance(s) affecting the property. In the event the lot has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the lot acknowledge and accept the variance; 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

Committee of Adjustment Minutes

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-2020-0073 to permit a rear yard setback of 6.44m (21.13 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 a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variance(s) affecting the property. In the event the lot has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the lot acknowledge and accept the variance; 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

(15)

A-2020-0074

**HETALKUMAR SHAH AND
BIJAL SHAH**

**LOT 165, PLAN 43M-1027
33 RED CEDAR CRESCENT
WARD 9**

The applicants are requesting the following variance(s):

1. To permit an 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 interior required side yard;
2. To permit an interior side yard setback of 0.60m (1.97 ft.) to a stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);

Committee of Adjustment Minutes

3. To permit an existing driveway width of 9.04m (29.66 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22.00 ft.).

Mr. Marwan Al-Farraj, Alfa Engineering Solutions, authorized agent for the applicant, presented application A-2020-0074 briefly outlining the variances requested.

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

Mr. Al-Farraj sought clarification on condition number one and the proposed sixty days in which to obtain a building permit commenting that the below grade entrance will be an entrance to a secondary suite stating that currently the processing time for permits is ten to twelve weeks.

Zoning Staff confirmed that currently the processing time for registration of two unit dwellings is as the agent stated suggesting that ten to twelve weeks it is a conservative estimate depending on complexity or any issues that might need to be resolved. Staff advised that sixty days is not feasible even if the application was filed today recommending for Committee's consideration a timeframe of 180 days noting that the condition does include wording that the sixty days can be extended at the discretion of the Chief Building Official.

Mr. Al-Farraj indicated that the proposed conditions, as amended, were acceptable.

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

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2020-0074 to permit an exterior stairway leading to a below grade entrance in the required interior side yard; to permit an interior side yard setback of 0.60m (1.97 ft.) to a stairway leading to a below grade entrance and to permit an existing driveway width of 9.04m (29.66 ft.) be approved for the following reasons and subject to the following conditions:

1. That a building permit be obtained for the below grade entrance within 180 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the extended driveway (concrete) shall not be parked upon at any time by the whole or part of a motor vehicle;
4. That drainage on adjacent properties shall be maintained and that adjacent properties shall not be adversely affected;

Committee of Adjustment Minutes

5. That the extent of the variances be limited to that shown on the sketch attached to the public notice and no portion of the driveway shall be extended further; and
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

(16)

A-2020-0076

GWL REALTY ADVISORS

LOT 15, CONC. 7, S.D.
3389 & 3495 STEELES AVE., E
WARD 8

The applicants are requesting a variance to permit outside storage of oversized motor vehicles (fleet vehicles) whereas the by-law does not permit outside storage.

Mr. Mark Roloson, authorized agent for the applicant, presented application A-2020-0076 briefly outlining the variances requested for the storage of a specified number of fleet vehicles which are van style vehicles exceeding the maximum height in the by-law by 1 inch or approximately 3 cm.

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

Mr. Roloson 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: A. C. Marques

THAT application A-2020-0076 to permit outside storage of oversized motor vehicles (fleet vehicles) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Public Notice;
2. That the maximum size of the vehicles stored within the area identified on the sketch attached to the Public Notice shall be a maximum of 6.97 metres (22.86 feet) in length;

Committee of Adjustment Minutes

3. That no cleaning, maintenance or repairs of the fleet vehicles shall take place on the property;
4. That no outside storage, other than the storage of fleet vehicles, shall be permitted on the property;
5. That the applicant submit a limited Site Plan within sixty (60) days of the final date of the Committee's decision, and that the use shall not be implemented until Site Plan Approval is granted; and
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

(17)

A-2020-0077

**TEJENDRA KAUR VIRK AND
DEVENDER SINGH VIRK**

**LOT 15, PLAN 43M-607
30 CLARRIDGE COURT
WARD 5**

The applicants are requesting a variance to permit a 1.09m (3.58 ft.) path of travel to a door to be used as a primary access to a second unit whereas the by-law requires an unobstructed 1.2m (3.94 ft.) path of travel to a primary access to a second unit.

Mr. Valiuddin Mohammed, Mechways, authorized agent for the applicant, presented application A-2020-0077 briefly outlining the variance requested to allow passage for a second suite.

Committee was informed that City of Brampton planning staff was not in support of this application noting that the application needs to satisfy 4 tests of a minor variance and that this application meets 3 of the tests. Committee requested clarification on the aspect of this application.

Zoning Staff explained that this application is for a reduction to the path of travel to an existing entrance noting that Committee is not dealing with the actual location of the entrance itself but rather it is a requirement for the creation of a second unit that a continuous path of travel have a minimum width of 1.2 metres from the front of the dwelling to any access used as the principal access to a second unit. Staff explained that as noted by Committee it is only a few inches shy of the requirement noting that there are specific policies as Planning Staff advised in the report that there are policies in the Official Plan that deal with any deviation from the implementing

Committee of Adjustment Minutes

requirements of the Zoning by-law where a re-zoning is required when it does not meet the Official Plan policies.

Mr. Mohammed referred to the application sketch noting that the arrow on the sketch is shown in the wrong direction noting that it is less than 1 inch.

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: R. Power

Seconded by: A. C. Marques

THAT application A-2020-0077 to permit a 1.09m (3.58 ft.) path of travel to a door to be used as a primary access to a second unit be refused for the following reason:

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

1. The general intent and purpose of the City of Brampton Official Plan is not maintained.

CARRIED

(18)

A-2020-0079

**CRESTPOINT REAL ESTATE
(FINANCIAL DRIVE) INC.**

**BLOCK 2, PLAN 43M-1597
7525 & 7535 FINANCIAL DRIVE
WARD 6**

The applicant is requesting a variance to permit outside storage of oversized motor vehicles (trucks and trailers) whereas the by-law does not permit outside storage.

Mr. Sath Nathan, authorized agent for the applicant, presented application A-2020-0079 briefly outlining the variance requested.

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

Mr. Nathan requested consideration of the Committee for an extension of the proposed sixty days recommended in condition number 3 in light of the second wave of COVID-19. Through discussion it was decided that the condition be amended to reflect a timeline of 120 days.

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

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

Moved by: R. Power
2020 09 29

Seconded by: A. C. Marques
Page 35 of 38

Committee of Adjustment Minutes

THAT application A-2020-0079 to permit outside storage of oversized motor vehicles (trucks and trailers) 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 no outside storage, other than the storage of oversized motor vehicles within the area identified on the sketch attached to the Public Notice, shall be permitted on the property;
3. That the applicant submit a limited Site Plan within 120 days of the final date of the Committee's decision, and that the use shall not be implemented until Site Plan Approval is granted; and
4. The 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

(19)

A-2020-0081

MATTHEW & JILL SAMATAS

LOT 51, PLAN BR-35
86 WEST STREET
WARD 1

The applicants are requesting the following variance(s):

1. To permit an existing fence (privacy screen on deck) having a maximum height of 2.74m (9.0 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.);
2. To permit an existing accessory structure (shed) having a side yard setback of 0.381m (1.25 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to all property lines;
3. To permit an existing accessory structure (shed) having a side yard setback of 0.381m (1.25 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to all property lines;
4. To permit four (4) existing accessory structures (2 sheds, a play structure and a converted garage) having a combined area of 36.37 sq. m (391.48 sq. ft.) whereas the by-law permits a maximum of two (2) accessory structures with a combined area of 20 sq. m (215.28 sq. ft.);

Committee of Adjustment Minutes

5. To permit an existing accessory structure (converted garage) having an area of 22.48 sq. m (241.98 sq. ft.) whereas the by-law permits a maximum area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure.

Mr. Matthew Samatos, presented application A-2020-0081 briefly outlining the variances requested noting that with respect to the existing privacy screen the height is actually 6 feet from the deck however measures 9 feet from the grade.

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

Mr. Samatos sought clarification on proposed condition number 2 specifically in terms of the height of the porch.

Zoning Staff clarified that the roof is peaked in nature and that the intent is that the height of the roof structure should not exceed the ceiling height of the main dwelling suggesting that condition number 2 be amended to reflect that the open roofed porch not exceed 1 storey in height.

Discussion continued on the height of the roof with Mr. Samatos confirming that the measurement to the top of the beam is 136 inches taken from the underside of the beam. Staff proposed wording to reflect that the open roofed porch shall not exceed 1 storey in height and that the height of the joist hangers and underside of the support beam for the roof shall not be more than 3.5m above ground level.

Following discussion, Mr. Samatos indicated that the proposed conditions, as amended, were acceptable.

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

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2020-0081 to permit an existing fence (privacy screen on deck) having a maximum height of 2.74m (9.0 ft.); to permit an existing accessory structure (wood shed) having a side yard setback of 0.381m (1.25 ft.); to permit an existing accessory structure (metal shed) having a side yard setback of 0.381m (1.25 ft.); to permit four (4) existing accessory structures (2 sheds, a play structure and a converted garage) having a combined area of 36.37 sq. m (391.48 sq. ft.) and to permit an existing accessory structure (converted garage) having an area of 22.48 sq. m (241.98 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

Committee of Adjustment Minutes

2. That the open roofed porch shall not exceed 1 storey in height and that the height of the joist hangers and underside of the support beam for the roof shall not be more than 3.5m above ground level;
3. That the drainage from the open, roofed structure and all accessory structures be directed onto the subject property and drainage on adjacent properties not be adversely impacted; and
4. That failure to comply with and maintain any condition of the Committee will render the variances 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

ADJOURNMENT:

Moved by: R. Power

Seconded by: A. C. Marques

That the Committee of Adjustment hearing be adjourned at 1:50 p.m. to meet again on Tuesday, October 20, 2020.

COMMITTEE CHAIR

SECRETARY-TREASURER