



**Date:** March 30, 2021  
**Time:** 9:00 a.m.  
**Location:** Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

**Members:** Ron Chatha (Chair)  
Desiree Doerfler (Vice-Chair)  
Ana Cristina Marques  
David Colp  
Rod Power

**Staff:** Kelly Henderson, Development Planner  
Nicholas Deibler, Development Planner  
Jacqueline Lee, Development Planner  
Tejinder Sidhu, Development Planner  
Stephen Dykstra, Development Planner  
Mark Michniak, Development Planner  
Dana Jenkins, Development Planner  
Noel Cubacub, Development Planner  
Andrew Ramsammy, Development Planner  
Cynthia Owusu-Gyimah, Manager, Development Services  
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services  
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:00 a.m. and adjourned at 11:20 a.m.

2. **ADOPTION OF MINUTES:**

Moved by: A. C. Marques

Seconded by: R. Power

THAT the minutes of the Committee of Adjustment hearing held March 9, 2021 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated March 25, 2021.

4. **Declarations of Interest Under the Municipal Conflict of Interest Act:**

None

5. **WITHDRAWALS/DEFERRALS**

**A18-011 (Agenda Item 8.1)**

**THE GORE PLAZA INC.**

**NEXUS AVENUE AND EBENEZER ROAD, PT. LOT 5, CONC. 10 ND, WARD 8**

Mr. Clare Riepma, Riepma Consulting Inc., authorized agent for the applicant, addressed Committee requesting a deferral of Application A18-011. He commented that the staff report indicates that staff think it best to proceed by way of a site plan approval and if a variance is required as a result he could return to Committee with the minor variance application. It was his request that the application be deferred until a site plan is further advanced confirming upon question from Committee that an indefinite deferral is requested.

Staff responded that they have no concerns with a deferral however wished to clarify that the proposal not go directly to Site Plan approval but proceed to an Official Plan Amendment and a Zoning By-law Amendment.

Following discussion Committee reached the following decision:

Moved by: D. Colp

Seconded by: R. Power

THAT application A18-011 be deferred indefinitely.

CARRIED

6. **NEW CONSENT APPLICATIONS**

6.1 **B-2021-0005**

**SANDRINGHAM PLACE INC. & MARAWA CONSTRUCTION LTD.**

**WEST OF VIA ROSEDALE, NORTH OF SANDALWOOD, WARD 9**

**PT. LOT 14, CONC. 3 EHS, PARTS 3 AND 6, PLAN 43R34983**

The purpose of the application is to request the consent of the Committee to sever a parcel of land currently having a total area of approximately 10.81 hectares (26.71 acres). The proposed severed parcel has an area of approximately 5.6 hectares (13.84 acres). The effect of the application is to create a new lot to facilitate future development of Phases 7B1 and 7B2 which constitute the next phases of the continued development of the Rosedale Village community, consisting of single detached dwellings and townhouse dwelling units.

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Mr. Keith MacKinnon, KLM Planning Partners Inc., authorized agent for the applicant, presented application B-2021-0005. He advised that Rosedale Village has been developed in phases for the past thirty years noting that the subject application is expected to be the final consent in the process. He explained that the approved draft plan permits a number of single detached, semi-detached and townhouse dwelling units.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2021-0005 from a planning land use perspective, subject to conditions.

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

Mr. MacKinnon indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application b-2021-0005 to create a new lot to facilitate future development of Phases 7B1 and 7B2 which constitute the next phases of the continued development of the Rosedale Village community, consisting of single detached dwellings and townhouse dwelling units be approved for the following reasons and subject to the following conditions:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given.
2. That any easements, which may include blanket and/or reciprocal easements over the severed and retained lands as may be required to be conveyed prior to site plan approval at the discretion of the Commissioner of Planning and Development Services and the Commissioner of Public Works and Engineering for purposes including but not limited to: parking, access, services, maintenance and any other purposes identified by the City, Region of Peel and/or utility agency(s) shall be established; and,
3. The owner will be responsible for all costs associated with the conveyance, preparation, deposit and registration of any and all reference plan(s) and/or easements required for compliance with condition (2) above.
4. 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.

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5. 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.
6. Arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to the location of existing and installation of new services and private service easements.

### 7. **DEFERRED CONSENT APPLICATIONS**

None

### 8. **NEW MINOR VARIANCE APPLICATIONS**

#### 8.1 **A18-011 (Item deferred as discussed during procedural matters)**

**THE GORE PLAZA INC.**

**NEXUS AVENUE AND EBENEZER ROAD**

**PT. LOT 5, CONC. 10 ND, WARD 8**

The applicant is requesting the following:

1. To permit a building setback of 3m to Nexus Road whereas the By-law requires a minimum building setback of 6m to Nexus Road;
2. To permit 127 parking spaces whereas the by-law requires a minimum 144 parking spaces;
3. To permit a residential apartment dwelling (oriented to seniors) whereas the site specific zone does not permit the proposed use, but where previous conditional approvals by the Committee of Adjustment permit "a retirement home" (A04-330) and make reference to "a retirement residence" (A08-011 and A08-021) which, in the opinion of the applicant is a similar use generally defined by the by-law.

#### 8.2 **A-2021-0022**

**BRANTHAVEN QUEEN WEST INC.**

**1817 AND 1831 QUEEN STREET WEST, PART OF LOT 5, CONC. 4 WHS, WARD 4**

The applicant is requesting the following variances associated with the proposed development of condominium townhouses:

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1. To permit 0.0 sq. m of rooftop amenity space whereas the by-law requires a minimum of 20.0 sq. m rooftop amenity area;
2. To permit residential uses to encroach within an Open Space (OS) zone whereas the by-law does not permit residential uses in an Open Space (OS) zone;
3. To permit 11.0 sq. m of landscaped open space in the rear yard whereas the by-law requires a minimum of 19 sq. m of landscaped open space for lands zoned R3C-2976;
4. To permit 19 sq. m of landscaped open space in the rear yard whereas the by-law requires a minimum of 22 sq. m of landscaped open space for lands zoned R3C-2940.

Mr. Mark Condello, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2021-0022 briefly outlining the variances requested. He advised that a site plan application has been advanced and conditions of draft plan approval have been cleared to facilitate a 70 unit townhouse development. Mr. Condello explained that 4 variances have been identified noting that variance 1 is specific to units 69 and 70, variance 2 results from environmental studies that delineate the development limits and variances 3 and 4 are a result of how landscaped open spaces are calculated through the Zoning By-law.

Mr. Condello explained that in discussions with staff they are requesting a slight modification to condition number 3 to read as 14 square metres as opposed to 15 square metres. He acknowledged that it was a slight rounding error on their part and the adjustment will provide more flexibility as they work through the building permit and site plan application.

Committee acknowledged receipt of a letter dated March 17, 2021 from Credit Valley Conservation indicating no objection to Application A-2021-0022.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff requested an amendment to proposed condition number 3 to read 14 square metres for unit 70, as noted by Mr. Condello.

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

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2021-0022 to permit 0.0 sq. m of rooftop amenity space; to permit residential uses to encroach within an Open Space (OS) zone; to permit 11.0 sq. m of landscaped open space in the rear yard and to permit 19 sq. m of landscaped open space in the rear yard be approved for the following reasons and subject to the following conditions:

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1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File SPA-2020-0036, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That unit 70 be required to have a second storey balcony with an area of approximately 14 sq. m. (150.7 sq. ft.);
4. That unit 69 be required to have a minimum rear yard depth of 5 m. (16.4 ft.); and,
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.3 **A-2021-0033**

#### **DEBIEY DUNN AND RONALD DUNN**

#### **19 CREEKWOOD DRIVE, LOT 26, PLAN 43M-1202, WARD 2**

The applicants are requesting the following variance(s):

1. To permit a 0.10m (0.33 ft.) setback to a proposed below grade entrance whereas the by-law requires a minimum 0.3m (0.98 ft.) setback to a below grade entrance in a required side yard where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling;
2. To permit an existing accessory structure (shed) having a 0.0m setback to the rear lot line and a 0.07m (0.23 ft.) to the side lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to all lot lines for an accessory structure.

Mr. Alfred Agyepong, authorized agent for the applicant, presented application A-2021-0033 briefly outlining the variances requested advising that they will comply with the staff recommendations.

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

Mr. Agyepong indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: R. Power

THAT application A-2021-0033 to permit 0.10m (0.33 ft.) setback to a proposed below grade entrance and to permit an existing accessory structure (shed) having a 0.0m setback to the rear lot line and a 0.07m (0.23 ft.) to the side lot line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant obtain a building permit for the below grade entrance within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That drainage from the accessory structure shall flow onto the subject property;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.4 **A-2021-0034**

#### **YARUO DEVELOPMENTS 2 INC.**

#### **305 & 315 FOGAL ROAD, PART OF LOT 5, CONC. 10 ND, WARD 10**

The applicant is requesting the following variance(s):

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1. To permit in-ground garbage storage containers to be used for restaurant waste whereas the by-law requires a climate controlled garbage area inside a building for all restaurant waste.

Mr. Gaetano Franco, Castlepoint Investments, authorized agent for the applicant, presented application A-2021-0034 briefly outlining the variance requested for an in ground garbage storage container system for one of the buildings, Building A, to accommodate a quick service restaurant with a drive-thru.

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

Mr. Franco 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-2021-0034 to permit in-ground garbage storage containers to be used for restaurant waste be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant finalize site plan approval under application SPA-2020-0122, execute a site plan agreement and post any required securities to the satisfaction of the Director of Development Services within one (1) year of the date of the Committee's decision;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED



8.5 **A-2021-0035**

**AJAYPAL S. BAJWA AND PARVEEN DHILLON**

**28 RICHLAND CRES, LOT 14, PLAN 43M-1517, WARD 10**

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 0.47m (1.54 ft.) to a proposed deck whereas the by-law requires a minimum interior side yard setback of 0.6m (1.97 ft.), provided the combined total of the interior side yards on an interior lot is not less than 1.8m (5.91 ft.);
2. To permit an existing accessory structure (shed) having a rear yard setback of 0.31m (1.02 ft.) and a side yard setback of 0.26m (0.85 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to all lot lines for an accessory structure.

Ms. Nour Elgendy, Four Seasons-Sunrooms, authorized agent for the applicant, presented application A-2021-0035 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated March 26, 2021 from Toronto and Region Conservation Authority recommending conditional approval subject to conditions requiring the applicant to acquire a TRCA permit and submit the required review fee of \$580.00.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff requested an amendment to the proposed conditions to include the conditions outlined in the letter from Toronto and Region Conservation Authority,

Ms. Elgendy 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: R. Power

THAT application A-2021-0035 to permit an interior side yard setback of 0.47m (1.54 ft.) to a proposed deck and to permit an existing accessory structure (shed) having a rear yard setback of 0.31m (1.02 ft.) and a side yard setback of 0.26m (0.85 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the addition be in conformity with the Ontario Building Code, specifically that the amount of glazed openings be restricted based on the limiting distance;

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3. That drainage on adjacent property shall not be impacted;
4. That the applicant acquires a TRCA permit pursuant to Ontario Regulation 166/06;
5. That the applicant submits the \$580.00 review fee to TRCA;
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.6 **A-2021-0036**

#### **ANDREA NOWAK**

#### **35 CAMPBELL DRIVE, LOT 134, PLAN 606, WARD 5**

The applicant is requesting the following variance(s):

1. To permit an interior side yard setback of 1.26m (4.13 ft.) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey.

Mr. Pawel Nowak, applicant and owner of the property, presented application A-2021-0036 briefly outlining the variance requested. Making reference to the staff recommendation report, he requested additional time to fulfill a condition pertaining to an existing shed.

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

The Chair explained for the benefit of Mr. Nowak that condition 4 pertaining to the shed includes wording that the timelines can be extended at the discretion of the Director of Development Services.

Mr. Nowak responded that they were hoping to maintain the accessory structure until the construction is completed. The Chair informed Mr. Nowak that he can work with the Director of Development Services in terms of additional time, if needed. Mr. Nowak acknowledged his understanding and indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2021-0036 to permit an interior side yard setback of 1.26m (4.13 ft.) to a proposed second storey addition be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant remove the two existing storage tents within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Director of Development Services;
3. That the owner finalize site plan approval under City File SP19-017.000 to the satisfaction of the Director of Development Services;
4. That the applicant obtain a building permit for the existing accessory structure within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; and,
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.7 **A-2021-0037**

**2459727 ONTARIO INC.**

**67 SUN PAC BOULEVARD , PART BLOCK 2, PLAN 43M-561, PART 5, PLAN 43R15420, WARD 8**

The applicant is requesting the following variance(s):

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1. To permit truck and truck trailer parking with an associated office trailer on the property for a temporary period of five (5) years whereas the by-law does not permit the use;
2. To permit a minimum front yard depth of 13m (42.65 ft.) whereas the by-law requires a minimum depth of 20m (65.62 ft.);
3. To permit a minimum side yard width of 1.0m (3.28 ft.) whereas the by-law requires a minimum side yard width of 8.0m (26.24 ft.);
4. To permit no landscaping within a required side yard whereas the by-law requires a minimum of 50% of the required side yard to be landscaped.

Note: Approval granted under Application A16-015 expired in February, 2021.

Ms. Taranjeet Grewal, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2021-0037 briefly outlining the variances requested. Ms. Grewal advised that the property was subject to previous minor variance applications and site plan applications that were approved, including the most recent minor variance application A16-015 for a period of five years a site plan application SP07-032-001.

Ms. Grewal explained that the variances are the same variances as previously requested and approved noting that they are not seeking additional zoning changes.

Committee was informed that City of Brampton planning staff was in support of this application with conditions including a recommendation for approval for a temporary period of five years.

Committee posed a question inquiring why not a three year approval as opposed to five years. In response to Committee's question staff responded that the previous approval was for five years advising that five years provides adequate time for staff to reconsider if there are any changes in the future while providing the applicant an opportunity to operate at the facility.

Ms. Grewal expressed that there is a permanent office trailer currently on the property and the five years is requested to continue the use at the site.

Committee posed a question inquiring how the property has been maintained and if the owner is upholding their responsibilities. Staff confirmed that there is no record of enforcement activity for the site noting that the applicant did pursue and receive the required site plan approval. Staff advised that with the exception of the failure of some of the trees in the landscape buffer which are required to be replaced through any approval given by the Committee, there is no indication of failure to comply with past approvals or the approved site plan.

Mr. Colin Chung, Glen Schnarr & Associates Inc. addressed Committee advising that the applicant has been a very good corporate citizen since being on the site and respected the

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City's previous conditions of site plan approval noting that a lot of work was done through his office. Mr. Chung advised that the applicant has been very co-operative with the City, staff and the neighbours. He advised that the applicant is prepared to reinstate the landscaping to create green space along Sun Pac Boulevard.

Following discussion, Ms. Grewal indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2021-0037 to permit truck and truck trailer parking with an associated office trailer on the property for a temporary period of five (5) years; to permit a minimum front yard depth of 13m (42.65 ft.); to permit a minimum side yard width of 1.0m (3.28 ft.) and to permit no landscaping within a required side yard be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That no storage or waste collection is permitted in the front yard;
3. That no storage or waste collection is permitted in the rear yard;
4. That the applicant shall remove all dead trees in the front yard and shall provide in this landscape buffer: 5 Norway Maple, 70 mm caliper, in wire basket root ball, evenly spaced, as per City of Brampton Deciduous Tree Planting Detail;
5. That the use be approved for a temporary period of five (5) years from the final date of the decision of the Committee;
6. That no vehicle repair or storage of items other than trucks and trailers shall occur on the site, otherwise the variances shall be deemed null and void; and
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

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

CARRIED

### 8.8 **A-2021-0038**

#### **AMANPREET CHOUHAN**

#### **33 JEMIMA ROAD, LOT 141, PLAN 43M-2022, WARD 6**

The applicant is requesting the following variance(s):

1. To permit a 0.97m (3.18 ft.) wide path of travel leading to the primary access to a second unit whereas the by-law requires a minimum 1.2m (3.94 ft.) unobstructed path of travel leading to the primary entrance to a second unit.

Mr. Bhaskar Joshi, Out of the Box Engineering Inc., authorized agent for the applicant, presented application A-2021-0038 briefly outlining the variances requested. He advised that the owner wants to create a second unit in the basement noting that the property is a new property. Mr. Joshi confirmed upon question from Committee that the proposed entry will be from the rear of the property.

Committee was informed that City of Brampton planning staff was not in support of this application noting that it was communicated to the applicant that the current planning structure does not permit relief from the zoning by-law through a minor variance for a second unit dwelling. Staff made reference to section 3.2.8.2 (d) in the Official Plan that states that when an application for a second unit fails to conform to any of the requirements of the implementing zoning by-law, a zoning by-law amendment shall be required.

Zoning Staff explained that the by-law requires a clear 1.2 metre path of travel leading from the front of the dwelling to the principal entrance to the stairway below grade. Staff explained that the stairs in the rear yard fully comply and would be permitted as a secondary access however by virtue of the porch encroachment near the front of the building they could not meet the minimum requirement of 1.2 metres.

Staff noted for Committee's consideration that there has been direction to staff from Council to review the policy of the Official Plan that does require a re-zoning in the instance of non-compliance. Staff advised that policy staff are intending to bring an amendment forward for Council's consideration sometime in the spring, possibly April or May.

Committee noted the porch encroachment inquiring if there was no porch encroachment if the applicant would meet the 1.2 metre path of travel. Staff confirmed that Committee's assessment is correct noting that the applicant is proposing to relocate the air conditioning unit that is also in the path of travel.

Committee commented that the applicant has not commenced construction and noted that the path of travel was impacted minimally in one area due to the porch encroachment.

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Committee expressed that the applicant has come forward prior to doing any work and is looking to do what is in the best interest of everyone.

In response to a question raised by Committee staff explained that the opposite side of the dwelling does not have the required 1.2 metre path of travel and while the combined setbacks of the subject property and the adjacent property do meet the requirement when combined, the by-law requires the path of travel be solely on the subject property.

Through discussion staff assisted Committee with wording for conditions of approval. Mr. Bhaskar indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2021-0038 to permit a 0.97m (3.18 ft.) wide path of travel leading to the primary access to a second unit be approved for the following reasons and subject to the following conditions:

1. The extent of the variance shall be limited to that shown on the sketch attached to the Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the air conditioning unit currently located in the side yard path of travel be relocated to the rear yard;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.9 **A-2021-0039**

**AMANDEEP SINGH AND HARMANPREET GHOTRA**

**18 CLEARVIEW COURT, LOT 176, PLAN M-490, WARD 2**

The applicants are requesting the following variance(s):

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1. To permit a 0.96m (3.15 ft.) wide path of travel leading to the primary entrance to a second unit whereas the by-law requires a minimum 1.2m (3.94 ft.) unobstructed path of travel leading to the primary entrance to a second unit.

Mr. Bhaskar Joshi, Out of the Box Engineering Inc., authorized agent for the applicant, presented application A-2021-0039 briefly outlining the variance requested associated with an entrance to a second unit. He advised that the owners are proposing to convert the existing unit in the basement to a legal second unit explaining that there is an existing side door approved by the City on the left hand side noting that the owners propose a new entrance on the right hand side of the dwelling for access to the second unit.

Committee noted that this is an older neighbourhood pointing out for the benefit of Mr. Joshi that each application is evaluated individually.

Committee acknowledged receipt of a letter dated March 26, 2021 from Toronto and Region Conservation Authority indicating support for a conditional approval subject to a condition requiring the applicant to submit the required review fee of \$580.00.

It was noted by the Committee through discussion that the required signage had not been posted at the subject site.

Serika and Garth Smith, 16 Clearview Court, addressed Committee seeking clarification on the location of the side door advising that if the door is located on the left side it will decrease their current space or walkway leading to the back of the house.

Mr. Joshi confirmed that they are proposing a new entrance on the right hand side of the dwelling. Ms. Smith posed a question inquiring if the door was proposed on the side adjacent to their property.

Staff clarified that the proposal is not to take any additional property but rather to reduce the required path of travel a person would have to walk along to get to the entrance door which would be along the side of the existing side yard. Through discussion, it was confirmed that the path of travel is proposed adjacent to the property at 20 Clearview Court.

Committee was informed that City of Brampton planning staff was not in support of this application commenting that similar to the previous application the application is not supportable for the same reasons.

Committee commented that the distance for the path of travel was less than in the previous application discussed noting that during site inspection access was not provided and signage was not posted at the property.

Following discussion, Committee reached the following decision:

Moved by: D. Colp

Seconded by: R. Power



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THAT application A-2021-0039 to permit a 0.96m (3.15 ft.) wide path of travel leading to the primary entrance to a second unit 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 and City of Brampton Official Plan are not maintained and the variance is not minor.

CARRIED

### 8.10 **A-2021-0041**

#### **KULWINDER SINGH AND AMANJEET KAUR**

#### **28 LADY BELLE CRESCENT, LOT 27, PLAN 43M-1569, WARD 9**

The applicants are requesting the following variance(s):

1. To permit an encroachment (existing fireplace projection) having a setback of 0.88m (2.89 ft.) located in the path of travel leading to the primary entrance to a second unit whereas the by-law requires a clear path of travel having a minimum width of 1.2m (3.94 ft.) to a primary entrance to a second unit;
2. To permit an existing 0.4m (1.31 ft.) wide landscaped open space strip adjacent to the driveway whereas the by-law requires a minimum 0.6m (1.97 ft.) wide landscaped open space strip between the driveway and the side lot line.

Mr. Scrichandra Kuriseti, authorized agent for the applicant, presented application A-2021-0041 briefly outlining the variances requested.

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

Mr. Kuriseti indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2021-0041 to permit an encroachment (existing fireplace projection) having a setback of 0.88m (2.89 ft.) located in the path of travel leading to the primary entrance to a second unit and to permit an existing 0.4m (1.31 ft.) wide landscaped open

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space strip adjacent to the driveway be approved for the following reasons and subject to the following conditions:

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

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

CARRIED

### 8.11 **A-2021-0042**

**DONNA SMITH, JEREMY SMITH AND EVE-LYNN SMITH**

**40 INGLEWOOD DRIVE, LOT 390, PLAN 679, WARD 3**

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 1.26m (4.14 ft.) to a proposed second storey addition whereas the by-law requires a minimum setback of 1.8m (5.91 ft.) to the second storey;
2. To permit an existing building addition (labelled as storage shed) in the interior side yard having a setback of 0.30m (0.98 ft.) whereas the by-law requires a minimum interior side yard width of 1.8m (5.91 ft.);
3. To permit an existing accessory structure (tool shed) having a setback of 0.076m (0.25 ft.) to the side lot line whereas the by-law requires a minimum setback of 0.60m (1.97 ft.) to all lot lines;
4. To permit an existing accessory structure (garden shed) having a setback of 0.512m (1.68 ft.) to the side lot line whereas the by-law requires a minimum setback of 0.60m (1.97 ft.) to all lot lines;
5. To permit an existing fence (privacy screen on patio) having a height of 2.13m (6.99 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.).

Mr. John Vanderwoerd, Vanderwoerd Drafting and Design, authorized agent for the applicant, presented application A-2021-0041 briefly outlining the variances requested. He explained that the owner wishes to expand the home for additional space advising that the logical space was above the existing garage. He informed Committee that during the building permit process it was realized that the required side yard setbacks to the second floor were not met and during the minor variance process it was determined that existing

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structures did not comply, noting that a couple of structures have since been removed and variances are requested to address the others.

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

Mr. Vanderwoed 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: R. Power

THAT application A-2021-0042 to permit an interior side yard setback of 1.26m (4.14 ft.) to a proposed second storey addition; to permit an existing building addition (labelled as storage shed) in the interior side yard having a setback of 0.30m (0.98 ft.): to permit an existing accessory structure (tool shed) having a setback of 0.076m (0.25 ft.) to the side lot line; to permit an existing accessory structure (garden shed) having a setback of 0.512m (1.68 ft.) to the side lot line and to permit an existing fence (privacy screen on patio) having a height of 2.13m (6.99 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That drainage on adjacent properties shall no be adversely affected;
3. That roof drainage from the accessory structure shall flow onto the applicant's property;
4. That the applicant obtain a building permit for the existing side yard addition within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
5. That the applicant remove the gazebo and play structure within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Director of Development Services; 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

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

CARRIED

8.12 **A-2021-0043**

**DANIELS CHOICE MOUNT PLEASANT CORPORATION**

**10, 20, 30 & 40 LAGERFELD DRIVE, LOT 10, PLAN 43M-1927, WARD 6**

The applicant is requesting the following variance(s):

1. To permit 480 parking spaces (413 residential + 67 visitor) whereas the by-law requires a minimum of 488 parking spaces (421 residential + 67 visitor).

Ms. Alicia Rinaldi, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2021-0043 briefly outlining the variance requested to accommodate the final site plan concept. Ms. Rinaldi summarized how the application meets the four tests of the Planning Act.

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

Ms. Rinaldi indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2021-0043 to permit 480 parking spaces (413 residential + 67 visitor) be approved for the following reasons and subject to the following conditions:

1. That the requirement for parking for any combination of uses permitted in the "Residential Apartment A – Special Section 3527" zone be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 488 parking spaces (421 residential and 67 visitor);
2. That the owner finalize site plan approval under City File SP18-002.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; 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:

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

CARRIED

### 8.13 **A-2021-0044**

#### **GAURAV BHARGAVA AND RUPALI BHARGAVA**

#### **56 UNWIND CRESCENT, LOT 91, PLAN 43M-1962, WARD 5**

The applicants are requesting the following variance(s):

1. To permit a deck encroachment of 4.88m (16.01 ft.) into the required rear yard setback, resulting in a rear yard setback of 2.64m (8.66 ft.) whereas the by-law permits a maximum deck encroachment of 3.0m (9.84 ft.) into a required rear yard, resulting in a required setback of 4.5m (14.76 ft.).

Mr. Gaurav Bhargava, applicant and owner of the property, presented application A-2021-0044 briefly outlining the variances requested explaining that the property is a ravine lot with no houses at the back.

Committee acknowledged receipt of a letter dated March 26, 2021 from Credit Valley Conservation indicating no objection to application A-2021-0044. The letter spoke to outstanding review fees.

Mr. Bhargava informed Committee that the fees have since been paid.

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

Mr. Bhargava indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2021-0044 to permit a deck encroachment of 4.88m (16.01 ft.) into the required rear yard setback, resulting in a rear yard setback of 2.64m (8.66 ft.) be approved for the following reasons and subject to the following conditions:

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1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner provide written confirmation agreeing that should any archaeological resource be discovered they may constitute a new archaeological site, and therefore be subject to Section 48(1) of the Ontario Heritage Act;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.14 **A-2021-0045**

#### **SCOTTISH HEATHER DEVELOPMENT INC.**

#### **7 IXWORTH CIRCLE, LOT 108, PLAN 43M-2097, WARD 6**

The applicant is requesting the following variance associated with a proposed detached dwelling:

1. To permit a rear yard setback of 7.36m (24.15 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

Mr. Stephen Safranyos of HomeCAD/DRAFT Design, authorized agent for the applicant, presented application A-2021-0045 briefly outlining the variances requested. Mr. Safranyos explained that there was an offer on the house and when the house was sited it was realized that it did not fit at the one corner due to a slight irregularity in the shape of the rear yard.

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

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THAT application A-2021-0045 to permit a rear yard setback of 7.36m (24.15 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That a clause be included within the Agreement of Purchase and Sale for the property (7 *Inxworth Circle*) advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; 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

### 8.15 **A-2021-0046**

#### **VISHU MEHTA AND KOMALJEET KAUR**

#### **62 UNWIND CRESCENT, LOT 88, PLAN 43M-1962, WARD 5**

The applicants are requesting the following variance(s):

1. To permit a deck encroachment of 4.57m (14.50 ft.) into the required rear yard setback resulting in a rear yard setback of 2.99m (9.81 ft.) whereas the by-law permits a maximum deck encroachment of 3.0m (9.84 ft.) into a required rear yard, resulting in a required setback of 4.5m (14.76 ft.).

Mr. Laxman Patel, authorized agent for the applicant, presented application A-2021-0046 briefly outlining the variance requested.

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

Mr. Patel 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:

## Committee of Adjustment Minutes

Moved by: D. Doerfler

Seconded by: R. Power

THAT application A-2021-0046 to permit a deck encroachment of 4.57m (14.50 ft.) into the required rear yard setback resulting in a rear yard setback of 2.99m (9.81 ft.) be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

### 8.16 **A-2021-0047**

#### **HIREN ANIRUDHBHAI AKBARI AND MEENAKSHI ADIWAL**

#### **146 BIG MOE CRESCENT, PT. OF BLK 150, PLAN 43M-1446, WARD 10**

The applicants are requesting the following variance(s):

1. To permit a below grade entrance to be located between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit an existing accessory structure (shed) to be located in the exterior side yard whereas the by-law does not permit an accessory structure to be located in the exterior side yard.

Mr. Simramdeep Sahota, authorized agent for the applicant, presented application A-2021-0047 briefly outlining the variances requested.

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

Mr. Sahota 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:



## Committee of Adjustment Minutes

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2021-0047 to permit a below grade entrance to be located between the main wall of the dwelling and the flankage lot line and to permit an existing accessory structure (shed) to be located in the exterior side yard be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That a building permit for below grade entrance shall be obtained within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That fencing having a maximum height of 2 metres shall be erected to screen the below grade entrance from view from Lucio Court to the satisfaction of 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

### 8.17 **A-2021-0048**

#### **GURPREET SINGH BINDER AND JASMEET KAUR**

#### **1 GROUSE LANE, LOT 1, PLAN 43M-1523, WARD 6**

The applicants are requesting the following variance(s):

1. To permit a below grade entrance to be located between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit a below grade entrance in the required exterior side yard having a setback of 2.84m (9.32 ft.) whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

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Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2021-0048 briefly outlining the variances requested acknowledging that he had read the staff recommendation report.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2021-0048 to permit a below grade entrance to be located between the main wall of the dwelling and the flankage lot line and to permit a below grade entrance in the required exterior side yard having a setback of 2.84m (9.32 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 attached Schedule A;
2. That the existing shed in the rear yard be relocated to meet a minimum setback of 0.61m (2 ft.) to all lot lines shown on the attached Schedule A;
3. That fencing be expanded to screen the below grade entrance located between the main wall of the dwelling and the flankage lot line. The fence is not to exceed maximum permitted height of 1 m (3.3 ft.) in the front yard and 2.0 m (6.5 ft.) in other yards;
4. That tree protection fencing be placed around the tree in the front yard and not be removed until the completion of construction;
5. That no waste collection or storage is permitted in the front yard;
6. That the below grade entrance shall not be used to access an unregistered second unit; and
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

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

CARRIED

8.18 **A-2021-0049**

**22990004 ONTARIO INC.**

**100 KENNEDY ROAD SOUTH, PART LOT 3, CONC. 2 EHS, WARD 3**

The applicant is requesting the following variance(s):

1. To permit retail use for a temporary period of three (3) years whereas the by-law does not permit the proposed use.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, addressed Committee advising that that he would like to defer the application for the time being at least to the next meeting to meet with planning staff and to provide them with additional information as required.

Staff advised that a deferral of the application is recommended to allow the applicant sufficient time to provide the requested information required to evaluate the application. Staff advised that they are recommending a deferral no later than the last meeting of July, 2021 in order to receive and review the requested information.

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2021-0049 be deferred no later than the last meeting of July, 2021.

CARRIED

8.19 **A-2021-0050**

**NUGOORU SAIRAM AND SPANDANA DIGVIJAY PODISETTY**

**58 SWALES CRESCENT, LOT 286, PLAN M-1691, WARD 9**

The applicants are requesting the following variance(s):

1. To permit a below grade entrance within a required interior side yard whereas the by-law does not permit a below a grade entrance within a required interior side yard;
2. To permit an interior side yard setback of 0.116m (0.38 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

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Mr. Ismatullah Amiri, Nesta Design, authorized agent for the applicant, presented application A-2021-0050 briefly outlining the variances requested for a below grade entrance in the interior side yard.

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

Mr. Amiri indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2021-0050 to permit a below grade entrance within a required interior side yard and to permit an interior side yard setback of 0.116m (0.38 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That a building permit for the below grade entrance shall be obtained within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That the below grade stairs be modified to create steps on both sides of the landing leading to the rear yard as indicated on the sketch attached to the Notice of Decision, to the satisfaction of the Director of Development Services;
4. The air conditioning (AC) unit be relocated to accommodate a clear 0.9m (3 ft.) landing at the top of the stair, as required by the Ontario Building Code. The AC unit must be relocated within sixty (60) days of the final date of the Committee's decision, or within an extended period of the time at the discretion of the Chief Building Official;
5. That the below grade entrance shall not be used to access an unregistered second unit;
6. That the existing shed in the rear yard shall be relocated to meet minimum setback requirements of the Zoning By-law setback as shown on the sketch attached to the Notice of Decision; and
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.20 **A-2021-0051**

#### **UDAY BHASKAR GUGILIA NAGABHUSHANAM & MALATHI GUGILIA**

#### **7 RUSTYWOOD DRIVE, LOT 106, PLAN M-426, WARD 4**

The applicants are proposing a sunroom addition and are requesting the following variance(s):

1. To permit lot coverage of 36% whereas the by-law permits a maximum lot coverage of 30%.

Mr. Uday Bhaskar, applicant and owner of the property, presented application A-2021-0051 briefly outlining the variance requested for a small sunroom addition.

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

Mr. Bhaskar indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2021-0051 to permit lot coverage of 36% be approved for the following reasons and subject to the following conditions:

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

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

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

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

CARRIED

9. **DEFERRED MINOR VARIANCE APPLICATIONS**

9.1 **A-2020-0157**

**GIAN SINGH NAGRA, JASWINDER NAGRA, CHAVNEER NAGRA AND PRINCE NAGRA**

**28 MARKEY COURT, LOT 97, PLAN 43M-2014, WARD 10**

The applicants are requesting the following variance(s):

1. To permit a driveway width of 11.14m (36.55 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.).

Mr. Gian Singh Nagra, applicant and owner of the property, presented application A-2020-0157 briefly outlining the variance requested.

Committee was informed that City of Brampton planning staff was in support of this application with conditions advising that the application meets the four tests of the Planning Act. Staff requested an additional condition be included proposing wording that the existing municipal curb depression shall not be widened in the area of the extended driveway width noting that the applicant had not been advised of the condition.

The Chair explained the additional condition for the benefit of Mr. Nagra. Mr. Nagra responded that he was O.K with the additional condition 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: R. Power

THAT application A-2020-0157 to permit a driveway width of 11.14m (36.55 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the existing municipal curb depression shall not be widened in the area of the extended driveway width; and

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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

### 9.2 **A-2021-0004**

#### **FRANK GASPER AND KARLENE GASPER**

#### **17 JEROME CRESCENT, LOT 185, PLAN 862, WARD 8**

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 1.42m (4.66 ft.) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey;
2. To permit an interior side yard setback of 1.42m (4.66 ft.) to a proposed deck off the second storey whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.);
3. To permit a building height of 8.001m (26.25 ft.) whereas the by-law permits a maximum building height of 7.6m (24.94 ft.).

Mr. Frank Gasper, applicant and owner of the property, presented application A-2021-0004 briefly outlining the variances requested. He informed Committee that he reached out to the neighbour who had submitted a letter at the previous hearing and provided detailed drawings of the proposal.

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

Mr. Gasper 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:

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Moved by: D. Colp

Seconded by: R. Power

THAT application A-2021-0004 to permit an interior side yard setback of 1.42m (4.66 ft.) to a proposed second storey addition; to permit an interior side yard setback of 1.42m (4.66 ft.) to a proposed deck off the second storey and to permit a building height of 8.001m (26.25 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File **SPA-2020-0166**, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That a privacy screen, having a maximum height of 1.8m, shall be added and affixed to the north side of the second storey deck to the satisfaction of the Director of Development Services. Required screening shall meet the definition for Privacy Screen set out in the By-law and comply with the requirements and restrictions of Section 10.10;
4. That the above grade entrance shall not be used to access an unregistered second unit;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

### 9.3 **A-2021-0023**

**KULDIP S. DHILLON AND SAPNA BASRAON**

**28 ZACHARY DRIVE, LOT 102, PLAN M-1127, WARD 2**

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;



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2. To permit an interior side yard setback of 0.06m (0.19 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) with the distance between detached buildings to be not less than 2.1m (6.89 ft.).

Ms. Sapna Basraon, applicant and owner of the property, presented application A-2021-0023 briefly outlining the variances requested advising that the landing inside requires a maximum of 1 or 2 steps below grade to introduce a side door to a registered second unit. Ms. Basraon explained that the basement is currently finished with a permit by the previous owner, noting that the side door has the least impact on existing construction. She advised that they have proposed steps on both sides to keep the connection to the back yard and to avoid blocking access to the back yard.

The Committee recalled that the application was deferred at the previous meeting commenting that the applicants were not in attendance to participate. Committee advised that some concerns were brought forward by the neighbours. Committee also noted that the signage had not been posted at the property when the application was listed for the previous meeting.

Ms. Basraon responded that they had tried to connect by telephone at the previous meeting but were unsuccessful. She commented that the signage had been posted.

Committee was informed that City of Brampton planning staff was not in support of this application. Following discussion Committee reached the following decision:

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2021-0023 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 and City of Brampton Official Plan are not maintained and the variance is not minor.

CARRIED

## 10. **ADJOURNMENT:**

Moved by: A. C. Marques

Seconded by: R. Power

That the Committee of Adjustment hearing be adjourned at 11:20 a.m. to meet again on Tuesday, April 20, 2021.