

Date: June 21, 2022
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
Rod Power

Members Absent: David Colp

Staff: François Hémon-Morneau, Development Planner
Anastasia Abrazhevich, Assistant Development Planner
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:04 a.m. and adjourned at 11:38 am.

2. **ADOPTION OF MINUTES:**

Moved by: R. Power

Seconded by: D. Doerfler

THAT the minutes of the Committee of Adjustment hearing held May 31, 2022 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated June 13, 2022.

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

Member R. Chatha declared a conflict of interest on Application A-2022-0182 for the property addressed as 15 Skylight Drive stating he was involved professionally in the past.

5. **WITHDRAWALS/DEFERRALS**

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A-2022-0167 (Agenda Item 8.4)

AMANDER PHOGAT

2 BEVINGTON ROAD

LOT 1, PLAN 43M-1812, WARD 6

The Chair announced that staff recommends deferral of application A-2022-0167 for the property located at 2 Bevington Road.

Ms. Kruti Shah, RJ Cad Solutions Inc., authorized agent for the applicant, was in attendance for application A-2022-0167 explaining the nature of the variances.

Committee was advised that staff are recommending deferral of 4 applications, including the subject application to a hearing no later than the last hearing of August, 2022. Staff explained that the reason for the recommended deferral is that Development Services Staff are currently reviewing the Official Plan and through the process are looking at the cumulative impact variances of this nature can pose on neighbourhoods and prominent locations such as corner lots.

Staff advised that they are generally concerned with the long term and City wide impact noting that typically staff have recommended conditions requiring the implementation of vegetation or extension of fencing to screen below grade entrances. Staff informed Committee that staff have been advised to consider the use of an agreement to be registered on title to protect the long term impact and character of these neighbourhoods. Staff commented that the conditions originally imposed cannot be fulfilled or maintained on a long term basis noting that staff will be able to rely on the use of an agreement as registered on title. Staff advised that Development Services and Legal Staff will be meeting to discuss this approach.

Committee expressed concern that the applicants and authorized agents had not been notified allowing them the opportunity to advise their clients. Committee commented that all the work has been done and that public notices have been circulated to all the neighbours. Staff responded that they are hoping to have the details of the agreement finalized within the coming weeks and the applications can come back before the Committee for consideration once they have a clear direction from Legal Staff and the Director of Development Services.

Following discussion, Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: A. C. Marques

That application A-2022-0167 be deferred no later than the last hearing of August, 2022.

CARRIED

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A-2022-0173 (Agenda Item 8.8)

RAHUL RANA, RAJINDER SINGH RANA AND NEERU RANA

1 ABBOTSBURY DRIVE

LOT 303, PLAN 43M-1751, WARD 5

The Chair announced that staff recommends deferral of application A-2022-0173 for the property located at 1 Abbotsbury Drive.

Ms. Kruti Shah, RJ Cad Solutions Inc., authorized agent for the applicant, was in attendance for application A-2022-0173.

Mr. Sameer Ansary, 62 Flurry Circle, addressed Committee advising that he has concerns and was in attendance to seek details on the project noting that his property is directly behind the subject property.

Committee explained that the Committee is now considering if this application will be considered today or deferred to a future hearing. Committee advised Mr. Ansary that if there is a future date he will receive public notice.

Committee posed a question to staff inquiring if there will be any discussion with the applicants in terms of what type of landscaping or visual barriers there will be. Staff responded that discussions will occur with the individual applicants in terms of whether a fence or vegetation will be recommended.

Staff advised that as previously discussed it is recommended that the application be deferred to a hearing no later than the last hearing of August, 2022.

Following discussion, Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: A. C. Marques

That application A-2022-0173 be deferred no later than the last hearing of August, 2022.

CARRIED

A-2022-0176 (Agenda Item 8.11)

KAMALJIT ATWAL AND NAVNEET ATWAL

10 BENGEL ROAD

BLOCK 71, PLAN 43M-1918 AND BLOCK 31, PLAN 43M-1739, WARD 10

The Chair announced that staff recommends deferral of application A-2022-0176 for the property located at 10 Bengel Road.

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Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, was in attendance for application A-2022-0176.

Staff advised that as previously discussed it is recommended that the application be deferred to a hearing no later than the last hearing of August, 2022.

Following discussion, Committee reached the following decision:

Moved by: R. Power

Seconded by: D. Doerfler

That application A-2022-0176 be deferred no later than the last hearing of August, 2022.

CARRIED

A-2022-0058 (Agenda Item 9.4)

ROHIT AGRAWAL AND ADITI GUPTA

43 GERMAIN CIRCLE

PART OF LOT 200, PLAN 43M-1962, PART 8, PLAN 43R-37449, WARD 5

The Chair announced that staff recommends deferral of application A-2022-0058 for the property located at 43 Germain Circle.

Neither the applicant nor the authorized agent representing the applicant was in attendance when the application was called. In accordance with Committee procedure the application was placed at the end of the agenda to be recalled.

8. NEW MINOR VARIANCE APPLICATIONS

8.1. A-2022-0067

SIKANDER SINGH AND HARJIT SIRA

58 MUIRLAND CRESCENT

LOT 61, PLAN 43M-1142, WARD 5

The applicants are requesting the following variance(s):

1. To permit a driveway width of 7.45m (24.44 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

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Mr. Syed Sujan Shrestha, Shrestha Engineering Inc., authorized agent for the applicant, presented application A-2022-0067 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated June 20, 2022 from Parminder Dhindsa, 50 Muirland Crescent, indicating no objection to Application A-2022-0067.

Mr. Ashok Bilimoira, 56 Muirland Crescent addressed Committee in opposition to the application stating that the driveway widening should not extend beyond what is permitted. He made reference to a hydro box and bell utility box noting that the widening may be dangerous to the utility boxes. Mr. Bilimoira expressed concerns with water possibly backing up and creating drainage problems.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff noted that one of the spaces in the attached garage was converted in a manner that facilitates a below grade entrance thereby reducing one parking space inside the garage. Staff explained that the extension of the driveway would provide for the parking of 6 vehicles and a substantial loss of the permeable landscaping. Staff agreed with the resident who spoke of the hydro box being fairly close to the proposed expansion. Staff summarized how the application fails three of the four tests of the *Planning Act*.

Committee observed during site inspection that the property was not well maintained. Committee advised the agent that he and his client could work with staff towards a solution.

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-2022-0067 to permit a driveway width of 7.45m (24.44 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

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8.2. **A-2022-0068**

2821063 ONTARIO INC.

42 EASTERN AVENUE

LOT 7, PLAN 430, WARD 3

The applicant is requesting the following variance(s):

1. To permit a home occupation (office) occupying 49% of the gross floor area of the dwelling whereas the by-law permits a home occupation to be a maximum of 15% of the gross floor area of the main dwelling;
2. To permit a driveway width of 11.28m (37 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.).

Mr. Maurizio Rogato, Blackthorn Development Corp., authorized agent for the applicant, presented application A-2022-0068 briefly outlining the variances requested advising that the patients of the proposed dental office will be by appointment only.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that the proposal is not anticipated to have a negative impact on the functioning of the residential dwelling or impact the residential character of the neighbourhood.

Mr. Rogato, 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-2022-0068 to permit a home occupation (office) occupying 49% of the gross floor area of the dwelling and to permit a driveway width of 11.28m (37 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 remove the existing residential unit(s) located in the basement of the dwelling in a manner consistent with the revised basement floor plan (Drawing A2-0 submitted as part of the application);
3. That the owner reinstate permeable landscaping between the portion of the widened driveway and front property line in a manner consistent with what is shown on the sketch

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attached to the notice of decision. The owner shall also reinstate landscaping in the boulevard between the front lot line and the road. The owner shall complete the works within 90 days of the date of approval or as extended at the discretion of the Director of Development Services;

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

8.3. **A-2022-0082**

CANUS PROPERTIES LTD

0 GOREWAY DRIVE

PART OF LOT 2, CONCESSION 8 EHS, WARD 8

The applicant is requesting the following variance(s) for a temporary period of three (3) years:

1. To permit a temporary truck parking/storage lot with no permanent building on the lot whereas the by-law does not permit a truck parking/storage lot.

Ms. Harjot Sra, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2022-0082 briefly outlining the variances requested advising that they are submitting a re-zoning application by August 31, 2022. She described the details regarding the designations of the property advising that the proposed variance is only on the land that is zoned Highway Commercial.

Committee was in receipt of e-mail correspondence dated June 17, 2022 from Joe Hamadi, Sora Group, detailing concerns with application A-2022-0082.

Mr. Joe Hamati, representing the owner of the adjacent building on the north side explaining that they recently sold the subject property to the applicant. Mr. Hamati explained that they created the driveway from Goreway Drive as a mutual driveway for car use only. He stated that there is no room to use the driveway for trailers to turn, noting the

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width of the driveway, the presence of a hydro pole and a very busy bus stop beside the driveway. Mr. Hamati expressed that the trailer won't be able to make the turn into the property from the intersection. He expressed concerns with storm water management and commented that the proposal for a three year temporary use is excessive.

Mr. Sebastian Zupanec, 38 Deerhurst Drive addressed Committee explaining that Mr. Hamati is his landlord and he shares the same concerns as expressed by Mr. Hamati. He added that they would be the ones sharing the driveway where they currently have parked cars in that area noting that the area is already congested and the turn is so sharp it will stop traffic.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that the concerns of the neighbours would be addressed through the conditions recommended. Staff confirmed that the access is a right-in, right-out access and commented that sufficient changes to the access and other aspects of the property will be made through a site plan application. Staff commented that a pre-consultation application was submitted in December of 2021 and the owner and applicant has demonstrated sufficient due diligence to develop the site in a manner that is deemed desirable and aligned with the greater policies intended for the site,

Committee noted that one of the issues raised by the speakers was drainage. Staff responded that through the site plan application process drainage and site access will be looked at.

Committee inquired if the shared driveway was owned by the applicant and the next door neighbor is leasing the property.

Mr. Colin Chung, Glen Schnarr and Associates, addressed Committee advising that the existing driveway falls between the neighbor to the north and the existing property clarifying that it is a dual owned driveway legally under two property titles.

Committee inquired if the change would require approval from dual owners to proceed and if through the pre-consultation application process did it go through transportation review.

Mr. Chung explained that there is a permanent application for an industrial building with associated truck parking forthcoming with a deadline for August 31, 2022 for the formal application to be submitted to the City. Mr. Chung explained that through the pre-consultation application the traffic division raised certain issues that needed to be addressed. He added that through the permanent application there will be an industrial building fronting onto Goreway Drive which will deter any truck access from Goreway Drive for the permanent industrial development. He added that the truck movement and truck access will be off Deerhurst Drive on the east end of the subject property.

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Mr. Chung explained that the temporary application will explore a Goreway Drive access however as noted by the planner, there is a condition for a site plan application and through that process they will explore the appropriate Goreway Drive entrance including relocation of the hydro pole. He added that the access off Deerhurst Drive will be explored through the site plan application process.

Mr. Joe Hamati expressed that the physical location of the access from Goreway Drive is not safe for trailers turning into the site. He stated that a trailer will have to take two lanes to make the turn resulting in blocked traffic. Mr. Hamati added that the driveway is only 7 metres wide commenting that the property is not zoned for the use and that this should not be a minor variance application but rather a re-zoning application. He expressed that the proposal really needs to be looked at very carefully.

Mr. Chung responded that it is not suggested that the existing driveway will remain as is. He referred to Page 4 of the staff report which include a picture of the driveway. He added that the site plan application process will look at all the issues concerning the hydro pole, drainage and grading noting that they are not trying to squeeze traffic through the existing driveway. Mr. Chung explained that an engineered detailed plan for grading and drainage will be reviewed through the site plan application process and that without site plan approval there will be no temporary truck parking.

Mr. Chung explained that the application before the Committee is to enable a transition for the site to be utilized while a permanent re-zoning application is advanced. It was his submission that three years is sufficient to enable the permanent application process to proceed while utilizing the site with satisfactory and safe turning movement that will be determined through the site plan application.

Mr. Hamati reiterated his concerns with the access from Goreway Drive noting that another access has not been shown in the application. Mr. Chung responded that the minor variance application sketch shows conceptually where the driveway would occur. He commented that there is another shared driveway that exists today off Deerhurst Drive that can be explored.

Committee posed a question inquiring if there is a requirement for a legal agreement for a shared driveway. Mr. Chung responded that a legal agreement would be required.

Committee noted that the access does seem to be challenging and suggested a deferral in order for the applicant to work with the concerned neighbour noting that there is still work to be done.

Mr. Chung made reference to the staff recommendation report and a condition that requires site plan approval. Mr. Chung added that a site grading and drainage plan would be submitted for review and suggested condition number 2 be revised to include additional wording pertaining to access and site grading and drainage plans. Mr. Chung commented

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that the staff report has flagged issues that need to be addressed noting that if the conditions are not met they won't be able to operate.

Mr. Hamadi reiterated his concerns regarding access while stating that the suggested timeline of three years be shortened. Mr. Chung referenced the staff recommendation report and pointed out that there is a conceptual drawing included that can be explored in terms of access from Deerhurst Drive. He emphasized that the City has recommended conditions and they have to satisfy every issue.

Committee acknowledged the concerns raised by Mr. Hamati noting that the application process required through the conditions will require review from multiple departments at the City of Brampton. In terms of the three years recommended for temporary approval Committee suggested that anything less than three years would not be feasible. Committee requested a condition to include that no maintenance or repairs would occur on site.

In response to Committee's request staff suggested that Condition number 5 be amended to include that no repair or maintenance of trucks or trailers shall be permitted on site.

Discussion continued on access to the site via Goreway Drive or Deerhurst Drive. It was noted that through the site plan application process the issue will be explored. Staff noted that the current proposal shows access off Goreway Drive. Mr. Chung stated that even if Goreway Drive will be improved and is still not safe, staff will explore access from Deerhurst Drive. Proposed condition number 2 was amended to reflect the additional wording suggested by M. Chung during his presentation.

Committee pointed out that the application before the Committee for consideration is for use only, not for access.

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

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

Moved by: D. Doerfler

Seconded by: R. Power

THAT application A-2022-0082 to permit a temporary truck parking/storage lot with no permanent building on the lot for a temporary period of three (3) years be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;

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2. That a Site Plan application shall be submitted within 60 days of the Committee's decision, or within an extended period of time as approved by the Director of Development Services. The use associated with Minor Variance application A-2022-0082 shall not be established until such time as the site plan has been approved, including appropriate driveway access either at Goreway Drive or Deerhurst Drive, site grading and drainage plans have been approved and all related on-site improvements are implemented to the satisfaction of the Director of Development Services;
3. That a Zoning By-Law Amendment application for the permanent use associated with PRE-2021-0209 shall be submitted no later than August 31st, 2022;
4. That the outdoor storage of trucks and trailers be limited to the areas on the property identified on the sketch attached to the Notice of Decision;
5. That no other outside storage of materials or equipment other than truck and trailer parking shall occur on the property at any time and no repair or maintenance of trucks or trailers shall be permitted on site;
6. That failure to comply with and maintain the conditions of 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-2022-0167** *(Deferred as discussed during procedural matters)*

AMANDER PHOGAT

2 BEVINGTON ROAD

LOT 1, PLAN 43M-1812, WARD 6

The applicant is requesting the following variance(s):

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1. To permit a below grade entrance 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 and the flankage lot line.

8.5. **A-2022-0169**

SUNEEL GHEI AND NISHA GHEI

17 BOWMAN AVENUE

LOT 34, PLAN M-304, WARD 10

The applicants are requesting the following variance(s):

1. To permit five (5) accessory structures (2 cabanas and 3 pergolas) whereas the by-law permits a maximum of two (2) accessory structures;
2. To permit an accessory structure (proposed pergola) having a gross floor area of 24 sq. m (258.33 sq. ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.57 sq. ft.) for an individual accessory structure ;
3. To permit an accessory structure (proposed pergola) having a gross floor area of 32sq. m (344.45 sq. ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.57 sq. ft.) for an individual accessory structure ;
4. To permit a proposed accessory structure (proposed cabana) having a height of 4.5m (14.76 ft.) whereas the by-law permits a maximum height of 3.5m (11.48 ft.) for an accessory structure with a flat roof;
5. To permit a combined gross floor area of 82.75 sq. m (890.71 sq. ft.) for five (5) accessory structures whereas the by-law permits a maximum combined gross floor area of 40 sq. m (430.56 sq. ft.) for two (2) accessory structures.

Mr. Sunil Ghei, applicant and owner of the property, presented application A-2022-0169 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff explained that due to the large size of the property the proposed accessory structures are not anticipated to negatively impact adjacent properties or appear as over development of the property.

Mr. Ghei 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: A. C. Marques

THAT application A-2022-0169 to permit five (5) accessory structures (2 cabanas and 3 pergolas); to permit an accessory structure (proposed pergola) having a gross floor area of 24 sq. m (258.33 sq. ft.); to permit an accessory structure (proposed pergola) having a gross floor area of 32sq. m (344.45 sq. ft.); to permit a proposed accessory structure (proposed cabana) having a height of 4.5m (14.76 ft.) and to permit a combined gross floor area of 82.75 sq. m (890.71 sq. ft.) for five (5) accessory structures be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

8.6. **A-2022-0170**

HARDIPSINH THAKOR AND POOJA THAKOR

31 CALLALILY ROAD

LOT 533, PLAN 43M-1748, PART 16, PLAN 43R-32379, WARD 2

The applicants are requesting the following variance(s):

1. To permit a below grade entrance within a required side yard whereas the by-law does not permit a below grade entrance in a required side yard;
2. To permit an interior side yard setback of 0.1m (0.33 ft.) to a below grade entrance whereas the by law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

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Mr. Hardipsinh Thakor, applicant and owner of the property, presented application A-2022-0170 briefly outlining the variances requested.

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

Mr. Thakor 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-2022-0170 to permit a below grade entrance within a required side yard and to permit an interior side yard setback of 0.1m (0.33 ft.) to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That drainage on adjacent properties shall not be adversely affected.
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-2022-0172**

SARBJIT SINGH KHAIRA AND SARBJEET KAUR KHAIRA

110 EDENBROOK HILL DRIVE

LOT 165, PLAN M-1496, WARD 6

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance in the interior side yard having a setback of 0.07m (0.23 ft.) whereas the by-law does permits a below grade entrance in the side yard having a minimum setback of 0.3m (0.98 ft.) provided there is a continuous 1.2m (3.94 ft.) side yard on the opposite side;
2. To permit a proposed driveway width of 7.29m (23.92 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit 0.33m (1.08 ft.) of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line.

Mr. Ravinder Singh, AEM Designs, authorized agent for the applicant, presented application A-2022-0172 briefly outlining the variances requested.

Committee was in receipt of e-mail correspondence dated June 16, 2022 from Lisa Di Camillo, resident, detailing concerns with application A-2022-0172.

Ms. Di Camilio was in attendance and addressed Committee with concern about water management noting that the water drains between the two houses. She inquired where the water will drain if a side entrance is installed and expressed concerns with the proposal commenting that the area is a single family area.

Committee was informed that City of Brampton planning staff was in support of this application, *in part*, with conditions. Staff explained that additional variances were identified by staff relating to a reduction in the permeable landscaping and an increased driveway width. Staff advised that conditions 3 and 4 would address the concerns of the neighbour in that the below grade entrance shall not be used to access an unregistered second unit and drainage on adjacent properties shall not be adversely impacted.

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Ms. Di Camilio made reference to condition number 4 which states that drainage on adjacent properties shall not be adversely impacted and inquired what recourse or action she could take if the drainage is impacted.

Staff advised that if there are any drainage issues identified by the resident following construction of the below grade entrance she could contact By-Law Enforcement to file a complaint or contact City Staff.

Committee posed a question inquiring if a building permit is required and if through the review of that permit would the City's engineering department be involved to determine how drainage would be directed.

Staff advised that a building permit is required and is not included as a condition due to the fact that construction has not commenced. Zoning Staff further explained that the City's engineering department is not involved in the building permit review process noting however that the Building Division is required to review all permit applications for compliance with the Building Code. Staff explained that construction of a below grade entrance will require technical review for such things as a drain at the bottom to ensure there is no ponding, appropriate treatment of retaining structures, weeping tile and proper footings. Staff clarified that a second unit is permitted within the dwelling provided the requirements and restrictions of the Zoning By-law have been met in addition to registering the second unit and obtaining a change of use permit.

Ms. Di Camilio inquired if she would receive notice if the second unit is registered. Staff responded that notice is not provided to residents as it is an as-of-right land use permission and if the proposal complies with the by-law there will be no further notice to the public for the creation of a second unit.

Following discussion, Mr. Singh 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-2022-0172 to permit a proposed below grade entrance in the interior side yard having a setback of 0.07m (0.23 ft.); to permit a proposed driveway width of 7.29m (23.92 ft.) and to permit 0.33m (1.08 ft.) of permeable landscaping adjacent to the side lot line be approved for the following reasons and subject to the following conditions:

1. That Variance 2 for a driveway width of 7.29m (23.92 ft.) be refused;
2. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;

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3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That drainage on adjacent properties not be adversely impacted;
5. The owner shall remove the rear yard roof structure within 60 days of the decision of approval;
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

8.8. **A-2022-0173** (*Deferred as discussed during procedural matters*)

RAHUL RANA, RAJINDER SINGH RANA AND NEERU RANA

1 ABBOTSBURY DRIVE

LOT 303, PLAN 43M-1751, WARD 5

The applicant is requesting the following variance(s):

1. To permit a below grade entrance 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 and the flankage lot line.

8.9. **A-2022-0174**

CENTENNIAL MALL BRAMPTON LTD.

227 VODDEN STREET EAST, UNIT 1A

PART OF BLOCK H AND XF, PLAN 889, WARD 1

The applicant is requesting the following variance(s):

1. To permit a bingo hall whereas the by-law does not permit the proposed use.

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Mr. John Rinn, authorized agent for the applicant, presented application A-2022-0174 briefly outlining the variance requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff explained that the introduction of a bingo hall in Unit 1A of the property is generally consistent with the policies of the Official Plan and Secondary Plan and the Zoning By-law.

Following discussion, Mr. Rinn 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-2022-0174 to permit a bingo hall 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 owner obtain a permit for a change of use prior to occupancy of the building;
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

8.10. **A-2022-0175**

SHAFIQ FOZIA

353 VETERANS DRIVE, UNIT 1,

PART OF BLOCK 208, PLAN 43M-2023, PARTS 18 AND 19, PLAN 43R-37932, WARD 6

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The applicant is requesting the following variance(s):

1. To permit a second dwelling unit in a live-work townhouse whereas the by-law does not permit the use.

Mr. Alankar Lavatre, As LV Designs, authorized agent for the applicant, presented application A-2022-0175 briefly outlining the variances requested. Mr. Lavatre commented that the City has not previously allowed a second unit in a live-work residential townhouse. He stated that the commercial unit on the first floor has 1 person running a store stating that the owner wishes to develop the second unit in the basement for personal use considering the real estate market as well as affordability. He stated that they do meet all other Zoning By-law and Building Code requirements. Mr. Lavatre explained that the second unit proposes a floor area of 700 square feet with a single bedroom providing space for a maximum of 2 adults and a child.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that the property is part of an overall development consisting of live-work units. These units were constructed and planned to only accommodate one residential unit in the building and one commercial/office unit on the ground floor. Staff are concerned that the inclusion of an additional residential unit will interfere with the live-work aspect of the property. Staff commented that the use is not contemplated in the Zoning By-law and the Official Plan.

Committee advised that the property owner would have been aware when they initially occupied the property of the live-work aspect. Committee noted that there is a business operating from the unit as a commercial component and there is a family living there.

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-2022-0175 to permit a second dwelling unit in a live-work townhouse 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

8.11. **A-2022-0176** (*Deferred as discussed during procedural matters*)

KAMALJIT ATWAL AND NAVNEET ATWAL

10 BENGEL ROAD

BLOCK 71, PLAN 43M-1918 AND BLOCK 31, PLAN 43M-1739, WARD 10

The applicants are requesting the following variance(s):

1. To permit a below grade 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 exterior side yard setback of 2.11m (6.92 ft.) to a below grade entrance whereas the by law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

MEMBER D. DOERFLER WAS NOT PRESENT DURING DISCUSSION AND VOTING ON APPLICATION A-2022-0177

8.12. **A-2022-0177**

JASPAL NAGRA AND RAMANDEEP NAGRA

73 CONNOLLY CRESCENT

PART OF LOT 481, PLAN 43M-1691, PART 15, PLAN 43R-30971, 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 stairs constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.2m (0.66 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit a driveway width of 6.17m (20.24 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17.06 ft.).

Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-0177 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, *in part*, with conditions. Staff advised that the variance for driveway width is not

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supportable noting that the driveway width has the potential to facilitate additional vehicle parking side by side

Mr. Grewal indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2022-0177 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 0.2m (0.66 ft.) to the exterior stairway leading to a below grade entrance and to permit a driveway width of 6.17m (20.24 ft.) be approved, *in part*, for the following reasons and subject to the following conditions:

1. That Variance 3 for a driveway width of 6.17m (20.24 ft.) be refused;
2. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That drainage on adjacent properties not be adversely impacted;
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

8.13. **A-2022-0178**

JASWINDER BRAR AND SWARANJEET BRAR

8869 CREDITVIEW ROAD

LOT 12, PLAN 43M-1881, WARD 4

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The applicants are requesting the following variance(s):

1. To permit a building addition (enclosure of a below grade entrance) with an interior side yard setback of 0.46m (1.51 ft.) whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.).

Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-0178 briefly outlining the variances requested.

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

Mr. Grewal indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2022-0178 to permit a building addition (enclosure of a below grade entrance) with an interior side yard setback of 0.46m (1.51 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 below grade entrance shall not be used to access an unregistered second unit;
3. That drainage from the proposed structure roof must flow onto the applicant's property and that drainage on adjacent properties shall not be adversely impacted;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

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8.14. **A-2022-0179**

THOMAS JOSHUA AND MINI THOMAS

165 RUSSELL CREEK DRIVE

LOT 80, PLAN 43M-2060, WARD 9

The applicants are requesting the following variance(s):

1. To permit a deck having no direct access to the ground to encroach 3.9m (12.80 ft.) into the required rear yard, resulting in a rear yard setback of 3.6m (11.81 ft.) whereas the by-law permits a deck having direct access to the ground to encroach a maximum of 3.0m (9.84 ft.) into the required rear yard, resulting in a required rear yard setback of 4.5m (14.76 ft.).

Mr. Syed Shams Ali, Mechways Inc., authorized agent for the applicant, presented application A-2022-0179 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff explained that the proposed deck is is not anticipated to negatively impact the rear yard amenity area for the property nor will it increase the ability to overlook into adjacent properties' backyards.

Mr. Ali 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-2022-0179 to permit a deck having no direct access to the ground to encroach 3.9m (12.80 ft.) into the required rear yard, resulting in a rear yard setback of 3.6m (11.81 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 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

8.15. **A-2022-0180**

NEVETS-AIRPORT HOLDINGS INC.

81 DELTA PARK BOULEVARD

PART OF LOT 6, PLAN 43M-773, PARTS 1 AND 2, PLAN 43R-38860, WARD 8

The applicant is proposing development of the property with an industrial building and is requesting the following variance(s):

1. To permit a westerly side yard setback of 2.54m (8.33 ft.) and an easterly side yard of 6.6m (21.65 ft.) whereas the by-law requires a minimum side yard setback of 8m (26.25 ft.);
2. To permit 3.0m (9.84 ft.) landscaped open space in the front yard whereas the by-law requires a minimum 50% of the required front yard to be landscaped open space free of parking, driveway and paved area, resulting in a minimum of 9.0m (29.53 ft.) for a building less than 12m (39.37 ft.) but greater than 10m (32.80 ft.) in height above grade;
3. To permit 0.0m landscaped open space in the side yard whereas the by-law requires a minimum 50% of the required side yard to be landscaped open space free of parking, driveway and paved area, resulting in a minimum of 4.0m (13.12 ft.).

Mr. Frank Bellini, authorized agent for the applicant, presented application A-2022-0180 briefly outlining the variances requested advising that there is an on-going site plan for construction of a warehouse and office.

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

Mr. Bellini 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

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THAT application A-2022-0180 to permit a westerly side yard setback of 2.54m (8.33 ft.) and an easterly side yard of 6.6m (21.65 ft.); to permit 3.0m (9.84 ft.) landscaped open space in the front yard and to permit 0.0m landscaped open space in the 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 the owner finalize site plan approval under City File SPA-2022-0016, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
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

MEMBER R. CHATHA DECLARED A CONFLICT OF INTEREST ON APPLICATION A-2022-0182 AND LEFT THE ROOM PRIOR TO DISCUSSION. MEMBER D. DOERFLER ASSUMED THE CHAIR.

8.16. A-2022-0182

TACC HOLBURN (BLOCK 139) INC.

15 SKYRIDGE DRIVE

BLOCK 139, PLAN 43M-2092, WARD 8

The applicant is requesting the following variance(s):

1. To permit an electrical switchgear box with a front yard setback of 1.4m (4.60 ft.) and an interior side yard setback of 1.2m (3.94 ft.) whereas the by-law requires utility installations to comply with the minimum required building setbacks of 3.0m (9.84 ft.) to the front and interior side lot lines.

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Ms. Nantalie Lam, Malone Given Parsons, authorized agent for the applicant, presented application A-2022-0182 briefly outlining the variance requested associated with an electrical switchgear box.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that the property is subject to a site plan application for a mixed-use high-density residential development consisting of two high-rise mixed-use towers, with a connecting podium.

Ms. Lam 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-2022-0182 to permit an electrical switchgear box with a front yard setback of 1.4m (4.60 ft.) and an interior side yard setback of 1.2m (3.94 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 owner finalize site plan approval under City File SPA-2021-0227 and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
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. **DEFERRED MINOR VARIANCE APPLICATIONS**

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9.1. **A-2021-0049**

2299004 ONTARIO INC.

100 KENNEDY ROAD SOUTH

PART OF LOT 3, CONCESSION 2 EHS, WARD 3

The applicant is requesting the following variance(s):

1. To permit a Retail Food Warehouse for a temporary period of three (3) years whereas the by-law does not permit the use;
2. To permit 123 parking spaces whereas the by-law requires a minimum of 368 parking spaces.

Mr. Jivtesh Bhaila, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2021-0049 briefly outlining the variances requested. Mr. Bhaila advised that they have been working with staff noting that the application was previously deferred in order to provide a parking study.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that a parking study has been submitted which justifies variance 2 for the reduction in parking spaces. Staff explained that the reduction in the total number of required parking spaces is not anticipated to impact the functioning of the site or generate negative impacts to the surrounding properties.

Mr. Bhaila 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-2021-0049 to permit a Retail Food Warehouse for a temporary period of three (3) years and to permit 123 parking spaces 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 retail area shall not exceed a maximum of 465.44 sq. m (5010.00 sq. ft.) as depicted on the sketch attached to the notice of decision;

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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-2021-0142**

PRITPAL MUNDAY AND SARBJIT MUNDAY

5 ISABELLA STREET

LOT 15, PLAN BR-8, WARD 1

The applicants are requesting the following variances:

1. To permit an interior side yard setback of 1.31m (4.30 ft.) to the first and second storey of a new two-storey dwelling whereas the by-law requires a minimum interior side yard setback of 1.8m (5.90 ft.);
2. To permit a detached garage with a gross floor area of 54.5 square metres whereas the by-law permits a maximum gross floor area of 48 square metres for a detached garage;
3. To permit a front yard setback of 4.53m (14.82 ft.) to the proposed dwelling whereas the by-law requires a minimum front yard setback of 6m (19.68 ft.);
4. To permit a porch to encroach 3.3m (10.83 ft.) into the required front yard, resulting in a front yard setback of 2.7m (8.86 ft.), whereas the by-law permits a porch to encroach a maximum 1.8m (5.90 ft.) into the required front yard, resulting in a required front yard setback of 4.2m (13.78 ft.);
5. To permit an interior side yard setback of 0.88m (2.89 ft.) to the front porch whereas the by-law requires a minimum interior side yard setback of 1.8m (5.90 ft.);
6. To permit a driveway width 9.82m (32.22 ft.) for the portion of the driveway located in the rear yard leading to the detached garage whereas the by-law does not permit the driveway in a rear yard to exceed the width of the garage (7.67m).

Mr. Amritpal Bansal, Khalsa Design Inc., authorized agent for the applicant, presented application A-2021-0142 briefly outlining the variances requested. Mr. Bansal explained

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that he has worked with Planning and Heritage Staff to come up with a design that is more appropriate for the neighbourhood.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that they are currently working with the applicant, heritage staff and other appropriate staff to discuss the building design and the requirements for construction prior to site plan approval.

Committee recalled that the application had been previously discussed and that a number of concerns were expressed regarding the heritage component.

Staff advised that a Heritage planner was on the call to talk about the heritage aspects however the staff member did not connect to address Committee.

Mr. Bansal expressed that they have been working directly with Heritage Staff regarding the design of the dwelling to ensure Heritage Staff were able to support the design. He informed Committee that a Heritage Impact Assessment has been submitted and that before they returned to Committee they worked to ensure the design was acceptable.

Mr. Bansal 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-2021-0142 to permit an interior side yard setback of 1.31m (4.30 ft.) to the first and second storey of a new two-storey dwelling; to permit a detached garage with a gross floor area of 54.5 square metres; to permit a front yard setback of 4.53m (14.82 ft.) to the proposed; to permit a porch to encroach 3.3m (10.83 ft.) into the required front yard, resulting in a front yard setback of 2.7m (8.86 ft.); to permit an interior side yard setback of 0.88m (2.89 ft.) to the front porch and to permit a driveway width 9.82m (32.22 ft.) for the portion of the driveway located in the rear yard leading to the detached garage be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall submit a Heritage Impact Assessment to be approved by Heritage Staff prior to site plan approval;
3. That the owner finalize Site Plan approval under City File SPA-2021-0038, execute a site plan agreement, if applicable, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and,
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

9.3. **A-2021-0279**

THARO CHHOUK AND WAI-YIN CHEUNG

63 DEERFIELD CRESCENT

LOT 38, PART OF BLOCK C, PLAN 767, WARD 7

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 1.22m (4.00 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 a building height of 8.1m (26.57 ft.) for a proposed building addition whereas the by-law permits a maximum building height of 7.6m (24.93 ft.).

Mr. Mariusz Gontarz of MG Architects Inc., authorized agent for the applicant, presented application A-2021-0279 briefly outlining the variances requested for the subject property which is located within a mature neighbourhood.

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

Mr. Gontarz 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-2021-0279 to permit an interior side yard setback of 1.22m (4.00 ft.) to a proposed second storey addition and to permit a building height of 8.1m (26.57 ft.) for a

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proposed building 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 owner finalize site plan approval under City File SPA-2022-0084 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:

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

9.4. **A-2022-0058**

ROHIT AGRAWAL AND ADITI GUPTA

43 GERMAIN CIRCLE

PART OF LOT 200, PLAN 43M-1962, PART 8, PLAN 43R-37449, WARD 5

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line;
2. To permit an exterior side yard setback of 1.887m (6.19 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Neither the applicant nor the authorized agent was in attendance when the application was re-called. Committee discussed that this is one of four applications that staff recommends a deferral to no later than the last hearing of August, 2022. The Secretary-Treasurer advised that the public notice includes an advisory noting that rules of procedure of this committee require representation of the application at the hearing, otherwise the application shall be deferred.

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Committee commented that usually the application is deferred to the following hearing date however noted that since public notices would have to be re-circulated it would be prudent to defer the application in accordance with the recommendation of staff. Staff advised Committee that the applicant had been informed of this recommendation to defer the application as outlined in the staff recommendation report.

Following discussion, Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: A. C. Marques

That application A-2022-0058 be deferred no later than the last hearing of August, 2022.

CARRIED

10. **Adjournment**

Moved by: R. Power

Seconded by: A. C. MARques

That the Committee of Adjustment hearing be adjourned at 11:38 am to meet again on Tuesday, July 12, 2022.

CARRIED