

Date: July 12, 2022
Time: 9:00 a.m.
Location: Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

Members: Ron Chatha (Chair)
Ana Cristina Marques
David Colp
Rod Power

Members Absent: Desiree Doerfler (with regrets)

Staff: Noel Cubacub, Development Planner
Emma Demelo, Development Planner
Angelo Ambrico, Principal Planner/Supervisor
Anastasia Abrazhevich, Assistant Development Planner
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services
Ross Campbell, Supervisor, 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 10:35 a.m.

2. **ADOPTION OF MINUTES:**

Moved by: D. Colp

Seconded by: R. Power

THAT the minutes of the Committee of Adjustment hearing held June 21, 2022 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated July 4, 2022.

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

None

5. **WITHDRAWALS/DEFERRALS**

A-2022-0168 (Agenda Item 8.2.)

ACUMEN BRAMPTON INC.

21 COVENTRY ROAD

PART OF BLOCK E, PLAN 977, PARTS 1, 2, PLAN, 43R-12163, WARD 8

Committee acknowledged receipt of a letter dated July 7, 2022 from David Waters, Weston Consulting, authorized agent for the applicant, requesting a deferral of Application A-2022-0168 to the August 2, 2022 hearing.

Ms. Mallory Nievas, Weston Consulting, was in attendance to acknowledge the request to defer the application. Ms. Nievas explained that the application proposes a change in use and an existing parking supply to support the use for the change to a commercial school adding that she understands from staff that additional time is required to come to an agreement on conditions of approval to support the application. Ms. Nievas expressed that the request to bring the application to the hearing scheduled for August 2, 2022 is to allow the academic institution to operate in September.

Committee acknowledged a parking study included with the application. Staff advised that a deferral is recommend to August 2, 2022 noting that the applicant did provide a traffic justification study which is supported by staff. Staff explained that traffic services staff require additional time to discuss with the applicant how these measures can be achieved in a manner that guarantees their full implementation.

Moved by: R. Power

Seconded by: A. C. Marques

THAT application A-2022-0168 be deferred to the hearing scheduled for August 2, 2022.

CARRIED

A-2022-0189 (Agenda Item 8.9.)

PIRATHEEBAN RANENDRARAJAH

29 LANGSTON DRIVE

PART OF LOTS 180 AND 181, PLAN M-303, PARTS 32 AND 64, PLAN 43R-10219, WARD 9

The Chair announced that staff recommend deferral of application A-2022-0189 for the property located at 29 Langston Drive.

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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.

6. **NEW CONSENT APPLICATIONS**

6.1. **B-2022-0006**

MEDTRONIC CANADA ULC

99 HEREFORD STREET

PART OF BLOCK 3, PLAN 43M-1673, WARD 6

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 4.18 hectares (10.32 acres). The proposed severed lot has a frontage of approximately 65 metres (213.25 feet), a depth of approximately 243 metres (797.24 feet) and an area of approximately 1.619 hectares (4 acres). The effect of the application is to establish two (2) separate lots from the existing lot to facilitate separate ownership. The existing 3-storey building on the southerly lot will remain. Future development of the newly created northerly lot for employment use is proposed.

Mr. David McKay, MHBC Planning, authorized agent for the applicant, presented application B-2022-0006 briefly outlining the nature of the proposal. Mr. McKay explained that the proposed severed land is surplus to the owner's operation and a sale of the land will facilitate future development for employment purposes.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0006 from a planning land use perspective subject to conditions.

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

Mr. McKay 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:

Seconded by:

THAT application B-2022-0006 to sever a parcel of land to establish two (2) separate lots from the existing lot to facilitate separate ownership be approved for the following reasons and subject to the following conditions:

Committee of Adjustment Minutes

1. A Secretary-Treasurer's Certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate.
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.

REASONS:

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

CARRIED

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1. **A-2022-0025**

JASWINDER SINGH KHOSA

69 NEWPORT STREET

LOT 72, PLAN M-641, WARD 7

The applicant is requesting the following variance(s):

1. To permit a driveway width of 7.7m (25.26 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit 0.38m (1.25 ft.) of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip adjacent to the side lot line.

Mr. Jaswinder Khosa, applicant and owner of the property, presented application A-2022-0025 briefly outlining the variance requested.

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

Mr. Khosa indicated that the proposed conditions were acceptable.

Committee of Adjustment Minutes

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-2022-0025 to permit a driveway width of 7.7m (25.26 ft.) and to permit 0.38m (1.25 ft.) of permeable landscaping adjacent 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 drainage on adjacent properties shall not be adversely impacted;
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

8.2. **A-2022-0168** (*Deferred as discussed during procedural matters*)

ACUMEN BRAMPTON INC.

21 COVENTRY ROAD

PART OF BLOCK E, PLAN 977, PARTS 1, 2, PLAN, 43R-12163, WARD 8

The applicant is requesting the following variance(s):

1. To permit a commercial school whereas the by-law does not permit a commercial school;
2. To provide 48 parking spaces whereas the by-law requires a minimum of 158 parking spaces.

8.3. **A-2022-0183**

Committee of Adjustment Minutes

MICHELE PANNOZZO AND GISELE ZANNELLA

12 CATHCART 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 0.07m (0.23 ft.) to an existing carport whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.);
2. To permit lot coverage of 45% whereas the by-law permits a maximum lot coverage of 30%.

Mr. Michelle Pannozzo, applicant and owner of the property, presented application A-2022-0183 briefly outlining the variances requested.

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

Mr. Pannozzo 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-2022-0183 to permit an interior side yard setback of 0.07m (0.23 ft.) to an existing carport and to permit lot coverage of 45% 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 obtain a building permit for the carport within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. That drainage on adjacent properties shall not be adversely impacted and that drainage from the existing carport roof shall flow onto the applicant's property; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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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

8.4. **A-2022-0184**

PUNIA CHANDER SUBHASH

10 KENNY COURT

LOT 24, PLAN M-1002, WARD 10

The applicant is requesting the following variance(s):

1. To permit a building height of 12.73m (41.76 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.);
2. To permit a fence height of 3.0m (9.84 ft.) whereas the by-law permits a maximum fence height of 1m (3.28 ft.) in the required front yard and 2m (6.56 ft.) in other yards;
3. To permit both an attached garage and a detached garage on a lot whereas by-law only permits a detached garage where there is no attached garage on the lot;
4. To permit a detached garage with a gross floor area of 56 sq. m (602.78 sq. ft.), whereas the by-law permits a maximum gross floor area of 48 sm. (516.67 sq. ft.) for a detached garage;
5. To permit a maximum garage door height of 3.07m (10.07 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.);
6. To permit an individual accessory structure (cabana) with a gross floor area of 61 sq. m (172.22 sq. ft.) whereas the by-law permits a maximum gross floor area of 20 sq. m (215.28 sq. ft.) for an individual accessory structure.

Ms. Elen Abunahla, Antara Design, presented application A-2022-0184 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated July 11, 2022 from Iolanda Fanelli, 5 St. John's Road detailing concerns with the variances requested.

Committee acknowledged receipt of e-mail correspondence dated July 7, 2022 from Armando Ricci, 4 Kenney Court detailing points of concern with Application A-2022-0184.

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

Committee posed a question pertaining to the size of the cabana. Staff responded that the cabana wasn't deemed to be over powering in relation to the size of the lot.

Mr. Subhash 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-2022-0184 to permit a building height of 12.73m (41.76 ft.); to permit a fence height of 3.0m (9.84 ft.); to permit both an attached garage and a detached garage on a lot; to permit a detached garage with a gross floor area of 56 sq. m (602.78 sq. ft.); to permit a maximum garage door height of 3.07m (10.07 ft.) and to permit an individual accessory structure (cabana) with a gross floor area of 61 sq. m (172.22 sq. ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File SPA-2022-0046 and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That no commercial or industrial uses shall operate from the attached and detached garage;
4. That the permission for a maximum garage door height of 3.07m (10.07 ft.) be limited to the attached garage;
5. That the variance for a maximum fence height of 3.0m (9.84 ft.) shall only apply to the front gate and that the remaining portion of the fence shall not exceed a maximum height of 2.5m (8.2 ft.). The design and construction of the fence shall not obstruct visibility to the yard located between the main dwelling and lot lines; 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

8.5. **A-2022-0185**

MANTHAN SHUKLA AND MUDRA THAKAR

65 BENGURST CRESCENT

PART OF BLOCK B, PLAN 43M-2043, PARTS 19 AND 20, PLAN 43R-38453, WARD 6

The applicants are requesting the following variance(s):

1. To permit an accessory structure (gazebo) to be located in the exterior side yard whereas the by-law does not permit an accessory structure in the exterior side yard.

Mr. Manthan Shukla, applicant and owner of the property, presented application A-2022-0185 briefly outlining the variances requested.

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

Mr. Shukla indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2022-0185 to permit an accessory structure (gazebo) 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 variance be limited to that shown on the sketch attached to the Notice of Decision; and
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

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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

8.6. **A-2022-0186**

KEWAL SINGH AND RUPINDER GHOMAN

12 RAE AVENUE

LOT 33, PLAN M-322, WARD 10

The applicants are requesting the following variance(s):

1. To permit a building height of 15.875m (52.08 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.);
2. To permit 63.87% of the front yard to be landscaped open space whereas the by-law requires a minimum 70% of the front yard to be landscaped open space;
3. To permit a garage door height of 3.05m (10 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.).

Mr. Dilpreet Singh, RDA Designs, authorized agent for the applicant, presented application A-2022-0186 briefly outlining the variances requested.

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

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: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0186 to permit a building height of 15.875m (52.08 ft.); to permit 63.87% of the front yard to be landscaped open space and to permit a garage door height of 3.05m (10 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;

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2. That the owner finalize site plan approval under City File SPA-2022-0070 and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That no commercial or industrial uses shall operate from the attached garage;
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

8.7. **A-2022-0187**

AMANDEEP SINGH GILL AND HARPREET KAUR GILL

56 JAY STREET

LOT 39, PLAN M-763, WARD 2

The applicants are requesting the following variance(s):

1. To permit the total width of both side yards on the lot to be 1.13m (3.71 ft.) whereas the by-law requires the total width of both side yards on the lot to be a minimum of 1.8m (5.91 ft.);
2. To permit a door on the side wall of a dwelling where the distance between the walls of the two dwellings is 2.34m (7.68 ft.) whereas the by-law does not permit a door on the side wall where the distance between the walls of two dwellings is less than 2.4m (7.88 ft.);
3. To permit a below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance within a required interior side yard;
4. To permit a 1.11m (3.64 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit.

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Mr. Kamal Jaura, Jaura Design Studio Inc., authorized agent for the applicant, presented application A-2022-0187 briefly outlining the variances requested related to an as-built stairs in the interior side yard.

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

Mr. Jaura 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-2022-0187 to permit the total width of both side yards on the lot to be 1.13m (3.71 ft.); to permit a door on the side wall of a dwelling where the distance between the walls of the two dwellings is 2.34m (7.68 ft.); to permit a below grade entrance within a required interior side yard and to permit a 1.11m (3.64 ft.) path of travel leading to a principle entrance for a second unit 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 obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended 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 impacted; 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

8.8. **A-2022-0188**

MANETT RESIDENCES INC.

100 MANETT CRESCENT

BLOCK 19, PLAN 43M-1348, WARD 5

The applicant is requesting the following variance(s):

1. To permit a front yard setback of 2.4m (7.87 ft.) to a hydro transformer whereas the by-law requires a minimum setback of 15.0m (49.21 ft.) to all lot lines.

Mr. Matt Johnston, Urban Solutions Planning & Land Development, authorized agent for the applicant, presented application A-2022-0188 briefly outlining the variances requested. Mr. Johnston explained that the variances would accommodate a transformer for a ten storey building currently under construction.

It is noted that a resident, Diane Hewling was not able to address Committee due to microphone issues.

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

Mr. Johnston 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-2022-0188 to permit a front yard setback of 2.4m (7.87 ft.) to a hydro transformer 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 applicant submit a Landscaped Plan that is red lined depicting impacts to proposed vegetation resulting from the location of the hydro transformer. The plan shall be reviewed and approved by Open Space staff; 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

8.9. **A-2022-0189** *(Item to be re-called at the end of the agenda)*

PIRATHEEBAN RANENDRARAHAH

29 LANGSTON DRIVE

PART OF LOTS 180 AND 181, PLAN M-303, PARTS 32 AND 64, PLAN 43R-10219, WARD 9

The applicant is requesting the following variance(s):

1. To permit an existing below grade entrance in a required interior side yard whereas the by-law does not permit a below grade entrance in a required interior side yard;
2. To permit a 0.98m (3.22 ft.) side yard setback to an existing below grade entrance whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.).

8.10. **A-2022-0190**

KAMALJIT KAUR

11 ATTMAR DRIVE

LOT 25, PLAN 43M-1709, WARD 8

The applicant is requesting the following variance(s):

1. To permit a driveway width of 8.83m (29 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit 0.0m of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip adjacent to the side lot line.

Mr. Parminder Singh, authorized agent for the applicant, presented application A-2022-0190 briefly outlining the variances requested.

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Committee was informed that City of Brampton planning staff was not in support of this application. Staff explained that the driveway was widened to a considerable degree which allows for the parking of a third vehicle in front of the dwelling's main entrance. Staff acknowledged that the applicant has widened the driveway to accommodate transport services for medical trips however the variances result in a number of negative impacts which staff do not support.

One member of the Committee suggested deferral of the application may be prudent given that staff are willing to work with the applicant to accommodate their needs by exploring alternative options to facilitate transportation services. Committee noted that the staff recommendation was not a deferral but a refusal of the application.

Staff explained that there are alternatives to permit the use of transport services at the home that don't require an extensive extension to the width of the driveway. Committee was advised that staff would prefer that the application not be deferred.

Committee inquired about the permeable landscaping noting that the subject property and the adjacent property both seem to have an issue with landscaping.

Staff explained that a variance for 0.0 metres of landscaping has been included as a requested variance and that approval of that variance would be required in order for the owner to maintain the 2 feet of concrete.

Mr. Singh advised that his father is deceased and his mother and sister live alone at the dwelling. He advised that the extension was done in 2011 together with the adjacent neighbour.

Committee explained that the concrete area between the 2 properties needs to be sorted out which would reduce the overall width of the driveway. Mr. Singh responded that the cost of the modifications would be costly for his mother and sister.

Committee expressed that there may not be any value in deferring the application while Mr. Singh advised he would do his best to resolve the issue.

Committee suggested that sometimes you don't need to cut the driveway suggesting that a permanent fixture such as a bench could be introduced to the driveway to reduce the driveway width.

Staff confirmed that there is enforcement activity on the property at 9 Attmar Drive for removal of the required permeable landscaping and that the alternative to bring the property in compliance will require the removal of the concrete, 2 feet on each side of the property line. Staff further explained that the placement of permanent landscape fixtures such as benches and flower pots is no longer accepted by by-law enforcement as it has proven to be ineffective in the long run. Staff advised that to bring the property into compliance the additional width would have to be removed.

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Committee suggested a deferral to work with staff in order to bring the property into compliance. Committee noted that the concrete portion between the 2 properties will have to be removed. Committee advised that if the permeable landscaping is taken care of it would not take much to bring the property into compliance.

Staff suggested an option available to Committee that if Committee is recommending refusal of the variance for permeable landscaping and allowing an increased driveway width staff would assist with conditions. Staff proposed wording for Committee's consideration that would approve the variances *in part* proposing that variance number 2 for 0.0 metres of landscaping be refused and the increased driveway width be approved to an extent that the maximum width shall not exceed 8.23m (27 ft.).

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 formulated at the meeting and the evidence heard at the meeting, reached the following decision:

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2022-0190 to permit a driveway width of 8.83m (29 ft.) and to permit 0m of permeable landscaping adjacent to the side lot line be approved, in part, for the following reasons and subject to the following conditions:

1. That variance number 2 to permit 0.0m of permeable landscaping adjacent to the side lot line be **refused**;
2. That variance number 1 to permit an increased driveway width be approved only to the extent that the maximum width shall not exceed 8.23m (27 ft.);
3. 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

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8.11. **A-2022-0191**

NAVDEEP GHUMAN

37 HUBBELL ROAD

PART OF LOT 130, PLAN 43M-2052, PART 10, PLAN 43R-38446, WARD

The applicant is requesting the following variance(s):

1. To permit a parking space depth of 4.91m (16.10 ft.) to facilitate a curb cut whereas the by-law requires a minimum parking space depth of 5.4m (17.72 ft.).

Mr. Aakash Joshi, Out of the Box Engineering authorized agent for the applicant, presented application A-2022-0191 briefly outlining the variances requested.

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

Mr. Joshi indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2022-0191 to permit a parking space depth of 4.91m (16.10 ft.) to facilitate a curb cut 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. The owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance & Operations Section at least two weeks prior to construction of works within the city's road allowance; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

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

CARRIED

8.12. **A-2022-0192**

KARMJEET SINGH AND RAMANDEEP KAUR AUJLA

56 BARR CRESCENT

LOT 16, PLAN M-537, WARD 6

The applicants are requesting the following variance(s):

1. To permit a proposed 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 of the dwelling and the flankage lot line;
2. To permit an exterior side yard depth of 2.60m (8.53 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard depth of 3.0m (9.84 ft.).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0192 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated July 6, 2022 from Richard Sargent, 31 Barr Crescent indicating objection to Application A-2021-0192.

Committee acknowledged receipt of e-mail correspondence dated July 7, 2022 from Sherry Hughes, 52 Barr Crescent indicating objection to Application A-2021-0192.

Committee acknowledged receipt of e-mail correspondence dated July 11, 2022 from Anna-Marie and William Dewar indicating objection to Application A-2022-0192.

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: D. Colp

Seconded by: R. Power

THAT application A-2022-0192 to permit a proposed below grade entrance between the main wall of the dwelling and the flankage lot line and to permit an exterior side yard depth

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of 2.60m (8.53 ft.) to a proposed 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 Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the owners maintain the existing fence to screen the below grade entrance;
4. That the existing gazebo be relocated in order to maintain setback requirements, that the existing shed be removed, and that the existing concrete on the north side of the driveway be removed and restored with permeable landscaping in a manner consistent with the sketch attached to the notice of decision;
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-2022-0193**

PRADEEP SATHYASEELAN AND SIMI VATTATHARA LOHITH

13 TUNDRA SWAN ROAD

PART OF BLOCK 442, PLAN 43M-1667, PARTS 7 AND 8, Plan 43R-30470, WARD 10

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in a required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit a 0.85m (2.79 ft.) setback to an existing below grade entrance whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0193 briefly outlining the variances requested.

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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: R. Power

THAT application A-2022-0193 to permit a below grade entrance in a required interior side yard and to permit a 0.85m (2.79 ft.) setback to an existing 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 Notice of Decision;
2. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended 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 not be adversely impacted; 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

8.14. **A-2022-0194**

ADEOLA ADEYINKA OLOMOLA

26 HAYMARKET DRIVE

PART OF BLOCK 377, PLAN 43M-2058, PART 11, PLAN 43R-39007, WARD 6

The applicant is requesting the following variance(s):

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1. To permit a two unit dwelling in a back-to back townhouse whereas the by-law does defines a two unit dwelling as a single detached, semi-detached or townhouse dwelling which contains a second unit.

Ms. Adeola Olomola, applicant and owner of the property, presented application A-2022-0194 briefly outlining the variances requested for a two unit dwelling.

Committee acknowledged receipt of a written submission dated July 9, 2022 from the applicant.

Committee was informed that City of Brampton planning staff was not in support of this application briefly outlining that the application fails the four tests of the *Planning Act*. Staff advised that currently there are no Official Plan policies or Planning Act policies to support a second unit in a back-to-back townhouse.

Ms. Olomola advised that the unit is a corner lot unit similar to a row townhouse. She advised that she would not have to construct a new entrance as the builder has already constructed a separate entrance on the property and the basement portion was done by the builder. She advised that she is not requesting to do anything structurally to damage the property explaining that there is a side yard with appropriate space for a second dwelling. In terms of density she explained that the area has semi-detached dwellings and fully detached dwellings that accommodate second units and expressed that the corner lots of these townhouse units are similar to a detached row townhouse with the difference being that instead of a back yard there is a side yard.

Staff explained that the zoning by-law permits a second unit as-of- right in a single detached, semi-detached and a townhouse unit adding that this is the limitation currently in the zoning by-law and anticipated by the Official Plan and the *Planning Act*. Staff noted that the basement may have been finished by the builder however is intended to be used as part of the principal dwelling.

Staff explained that the unit has no rear yard and there is no ability to add any lighting which may be required. Staff explained that there may be other implications that could result in additional variances. Staff noted the location of a door inside the garage explaining that the door could not be used to access a second unit because it is in location that forms part of the required parking space and is not separated from the remainder of the garage by a corridor as required by the Building Code.

In response to a question raised by the Committee, staff confirmed that the subdivision has not been assumed by the City of Brampton.

Ms. Olomola advised that the basement was constructed by the builder with a 3 piece rough in noting that she had the framing completed. Committee advised that the basement could

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be used for her own personal use explaining that legally when a second unit is approved there is other criteria involved.

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

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2022-0194 to permit a two unit dwelling in a back-to back 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

8.15. **A-2022-0195**

901580 ONTARIO LTD.

5981 MAYFIELD ROAD

PART OF LOT 17, CONCESSION 6 EHS, WARD 10

The applicant is requesting the following variance(s):

1. To vary Schedule C - Section 213 of the by-law to permit parking and drive-through stacking lanes in an area identified as required landscaping whereas the by-law requires compliance with Schedule C-Section 213 of the by-law;
2. To vary Schedule C - Section 213 of the by-law to allow landscaping in areas identified as parking whereas the by-law requires compliance with Schedule C-Section 213 of the by-law;
3. To vary Schedule C - Section 213 of the by-law to permit a total of 34 parking spaces whereas Schedule C – Section 213 identifies a total of 47 parking spaces to be provided.

Mr. Sandy Dhaliwal, applicant and owner of the property, presented application A-2022-0195 briefly outlining the variances requested.

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Mr. Ajmer Bola, 5955 Mayfield Road, addressed committee advising that he is the next door neighbour to the subject property. He referred to the proposed drive thru for Starbucks commenting that traffic is a problem and where will traffic be directed. He questioned how far the driveway will be from his house and inquired about 4 lots behind his house. Mr. Bola expressed that the fence has to be higher than 5 feet of masonry construction for privacy purposes.

Mr. Bola expressed that he is strongly opposed to truck parking explaining that trucks are left at the site overnight while noting that the hardscape is terrible.

Committee noted that Mayfield Road has a right-in, right-out access and traffic also comes through Airport Road advising that it is a busy area due to the nature of the businesses in the area.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff explained that through the site plan application process concerns related to traffic will be addressed. Staff advised that the site specific zone includes a Schedule 'C' that can be overly restrictive in regulating development on the site noting that concerns regarding parking, noise and such will be addressed during the site plan application process.

Committee explained for the benefit of Mr. Bola that his concerns will be addressed at the site plan stage advising that there will be lots of opportunities for the owner and the neighbour to work with staff. It was noted that the entire neighbourhood is going through change and that this type of development is expected. It was noted that changes are occurring to the entire pocket including a site on the Caledon side where Industrial development is proposed.

Committee recalled that Mr. Bola brought his concerns forward in the past for a property on the opposite side of his property but the project was not approved. Committee advised that this is a different use while the property owner, Mr. Dhaliwal expressed that he is always accessible for the neighbour to discuss matters.

Following discussion, Mr. Dhaliwal 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-2022-0195 to vary Schedule C - Section 213 of the by-law to permit parking and drive-through stacking lanes in an area identified as required landscaping; to vary Schedule C - Section 213 of the by-law to allow landscaping in areas identified as parking and to vary Schedule C - Section 213 of the by-law to permit a total of 34 parking spaces 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-2022-0026, execute a site plan agreement, and posting 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**

9.1. **A-2022-0049**

GOBBATO GROUP INC.

16 WEST STREET

LOT 19, PLAN BR-4, WARD 1

The applicant is requesting the following variance(s):

1. To permit 0.0m of permeable landscaping adjacent to both side lot lines whereas the by-law requires a minimum 0.6m (1.97 ft.) permeable landscape strip adjacent to both side lot lines;
2. To permit a 1.22m (4.0 ft.) interior side yard setback to the second storey whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey;
3. To permit a lot width of 19.24 metres for a double duplex dwelling whereas the by-law requires a minimum lot width of 20 metres to allow for a double duplex dwelling;
4. To provide six parking spaces whereas the by law requires a minimum of 8 parking spaces;

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5. To permit parking in the rear yard whereas the by-law does not permit parking in the rear yard;
6. To permit a parking aisle having an irregular aisle width corresponding with the angle of the side lot line whereas the by-law requires a minimum parking aisle width of 6.6m.

Mr. Luca Gobbato, Gobbato Group, authorized agent for the applicant, presented application A-2022-0049 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated July 8, 2022 from Stephan and Olive Hornung, residents of West Street, detailing concerns with the proposal.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. In response to the comments provided by the residents, staff explained that this is not an application to amend the zoning by-law noting that the use is permitted.

Following discussion, Mr. Gobatto 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-2022-0049 to permit 0.0m of permeable landscaping adjacent to both side lot lines; to permit a 1.22m (4.0 ft.) interior side yard setback to the second storey; to permit a lot width of 19.24 metres for a double duplex dwelling; to provide six parking spaces; to permit parking in the rear yard and to permit a parking aisle having an irregular aisle width corresponding with the angle of 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 a solid privacy fence, having a height of 2 metres (6 foot, 6inches), shall be constructed and maintained in the rear and side yards to screen the driveway and rear parking lot from adjacent properties to the satisfaction of the Director of Development Services;
3. That drainage on adjacent properties shall not be adversely affected;
4. That the owner finalize site plan approval under City File SPA-2021-0204 to the satisfaction of the Director of Development Services;

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5. That the use not be established until such time as the site plan has been approved and all related on-site improvements are implemented to the satisfaction 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
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-2022-0061**

TARLOCHAN SINGH AND KULWINDER SINGH

41 SOUTHLAKE BOULEVARD

LOT 399, PLAN 43M-1613, WARD 1

The applicants are requesting the following variance(s):

1. To permit an existing driveway width of 7.02m (23.03 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Mr. Dilpreet Singh, RDA Designs, authorized agent for the applicant, presented application A-2022-0061 briefly outlining the variance requested. Mr. Singh explained that the application was previously deferred and since that time the request for the location of a below grade entrance has been removed from the application.

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

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: A. C. Marques

Seconded by: R. Power

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THAT application A-2022-0061 to permit an existing driveway width of 7.02m (23.03 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:

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

CARRIED

APPLICATION A-2022-0189 WAS RE-CALLED

A-2022-0189 (Agenda Item 8.9.)

PIRATHEEBAN RANENDRARAHAH

29 LANGSTON DRIVE

PART OF LOTS 180 AND 181, PLAN M-303, PARTS 32 AND 64, PLAN 43R-10219,
WARD 9

Neither the applicant nor the authorized agent representing the applicant was present to present the application when the application was re-called. The Secretary-Treasurer advised that staff are requesting revised information suggesting that the August 23, 2022 hearing would be the earliest available to accommodate the application. Staff advised that it is recommended that the application be deferred to August 23, 2022 to provide sufficient time to work with the applicant.

Following discussion, Committee reached the following decision:

Moved by: R. Power

Seconded by: A, C, Marques

That application A-2022-0189 be deferred no later than August 23, 2022.

CARRIED

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10. **ADJOURNMENT**

Moved by: R. Power

Seconded by: D. Colp

That the Committee of Adjustment hearing be adjourned at 10:35 a.m. to meet again on Tuesday, August 2, 2022.

CARRIED