

**APPLICATION # A-2022-0230**  
**WARD #9**

**APPLICATION FOR MINOR VARIANCE**

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

AND WHEREAS the property involved in this application is described as Lot 44, Plan 43M-2103 municipally known as **24 ICON STREET**, Brampton;

AND WHEREAS the applicant is requesting the following variance(s):

1. To permit an above grade door in the side wall where a minimum side yard width of 0.6m is provided extending from the front wall of the dwelling up to the door, whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m extending from the front wall of the dwelling up to and including the door.

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

Plan of Subdivision: NO  
Application for Consent: NO

File Number: 21T-11006B  
File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, August 23, 2022 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

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

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

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

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

DATED at Brampton Ontario, this 11th Day of August, 2022

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

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







Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically and/or as a hybrid meeting (both in-person and electronically).

**Electronic/Hybrid Hearing Procedures**  
**How to get involved in the Hybrid Hearing**

As the pandemic has waned, Brampton City Hall is currently lifting in-person attendance restrictions due to the COVID pandemic. In-person attendance at Committee of Adjustment Hearings is now available at this time, along with a virtual participation option. Brampton City Council and its Committees will continue to meet electronically and in-person. For the **August 23, 2022** hearing, the Committee of Adjustment will conduct its meeting with concurrent electronic and in-person attendance.

**How to Participate in the Hearing:**

All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, August 18, 2022.**

- Advance registration for applicants, agents and other interested persons is required by one or two options:
  1. Participate remotely in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Thursday, August 18, 2022.**
  2. To participate in-person, please email the Secretary-Treasurer at [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) or [jeanie.myers@brampton.ca](mailto:jeanie.myers@brampton.ca) by **4:30 pm Thursday, August 18, 2022.**
- Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone or in-person. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Thursday, August 18, 2022.** City staff will contact you and provide you with further details.

You will be contacted by the City Clerk's Office before the hearing date to confirm your attendance. Confirmation of in-person attendance will be subject to any in-person capacity limits that may be in place for Council Chambers at City Hall and prevailing public health orders and guidance.

- All Hearings will be livestreamed on the City of Brampton YouTube account at:  
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or  
<http://video.isilive.ca/brampton/live.html> .

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

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

***The City of Brampton is reviewing its Committee of Adjustment process. As a participant in this process, if you have comments or input you would like to share about your experience with the Committee of Adjustment, please email [cityclerksoffice@brampton.ca](mailto:cityclerksoffice@brampton.ca) to indicate your interest and you will be contacted with more information.***

KLM File: P-2033

A-2022-0230 To A-2022-0238

July 21, 2022

City of Brampton Committee of Adjustment  
2 Wellington Street West  
City Hall, 3<sup>rd</sup> Floor  
Brampton, ON L6Y 4R2

**Attention:** Jeanie Myers, Secretary-Treasurer, Committee of Adjustment

**Re:** Minor Variance Application Submissions

**Registered Owner of Property:** Neamsby Investments Inc. c/o Remington Group Inc.

**Legal Description:** Lots 44, 139, 146, 147, 149, 174, 182, 196, and 198, Plan 43M-2103

Dear Ms. Myers,

KLM Planning Partners Inc. is pleased to submit the following nine (9) Minor Variance Applications on behalf of our client, Neamsby Investments Inc. c/o The Remington Group Inc. These lands are located on the west side of Bramalea Road, between Countryside Drive and Mayfield Road and on the south side of the future construction of Inspire Boulevard.

Applications for Draft Plan of Subdivision and an amendment to the Zoning By-law 270-2004, as amended, were submitted, subsequently approved by the City and the Ontario Municipal Board and now registered to implement the proposed development on the lots subject to these Minor Variance Applications. For reference, the City's Draft Plan of Subdivision File Number is 21T-11006B and the Zoning By-law Amendment File Number is C04E16.003, the approved Zoning By-law is 63-2014. We submitted seventy-one (71) of the same Minor Variance applications for various other lots within Plan 43M-2103 and Plan 43M-2104. These applications (A-2022-0084 – A-2022-0154) were approved by the Committee of Adjustment on May 31, 2022.

A variance is requested for the above noted lots to permit an above grade door in the side wall where a minimum side yard width of 0.6m is provided extending from the front wall of the dwelling up to the door, whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m extending from the front wall of the dwelling up to and including the door.

As per By-law 103-2021, Section 10.24 of Zoning By-law 270-2002, as amended, was further amended as follows:

10.24 Above Grade Site Entrances

10.24.1 *An at or above grade door located on a side wall of a single detached, semi-detached, or townhouse dwelling shall only be permitted when:*



- a) *The side yard within which the door is located has a minimum width of 1.2 metres extending from the front wall of the dwelling up to and including the door; or*
- b) *The side yard within which the door is located has a minimum width of 1.2 metres extending from the rear wall of the dwelling up to and including the door, provided that a continuous side yard width of not less than 1.2 metres is provided on the opposite side of the dwelling*

The above grade side entrance provisions within Section 10.24 of the Zoning By-law are intended to permit the secondary above grade door as a principal entrance for a second unit. The proposed single detached dwelling units on the subject lands will consist of only one unit and therefore the two-unit dwelling provisions should not apply to the lands. The models were designed and approved under the provisions of the old by-law and have since been sold as designed with the 0.6 metre side yard width. These variances are required at the building permit stage, as Section 10.24 of the Zoning By-law has since been amended from the time the plans were approved.

In regard to Section 45(1) of the Planning Act, the variance meets all four tests of a Minor Variance as explained below.

**1. Is the Application Minor in Nature?**

The Minor Variance Application is a request to modify the permissions for side door requirements from a minimum side yard width of 1.2 metres to 0.6 metres. The application is minor in nature as the requested variance will not have a negative visual impact on the public realm. The Draft Plan on the Subject Lands has been approved for use of single detached dwellings. The dwellings have been designed to consist of one single unit and the proposed minor variance does not change the use.

**2. Is the Application an appropriate and desirable use of the land?**

The Minor Variance Application does not propose to modify the use on the Subject Lands. The permitted use of single detached residential dwellings conforms to the Zoning By-law, Official Plan, and Secondary Plan, expanded upon below. The Draft Plan of Subdivision for the Subject Lands has been approved and includes single detached residential dwellings in this location. The location of the above grade side door is intentionally leading into a mudroom attached to the garage. The side door is not intended for the use of a secondary suite and therefore does not require the wider access where the door is intended to be used as a primary entrance to a secondary suite.

**3. Is the Application in keeping with the general intent and purpose of the Zoning By-law?**

The City of Brampton Zoning By-law regulates what land uses and building types are permitted on properties within the City. The Minor Variance Application does not require modification to other zoning variances as the current zoning on site allows for single detached residential dwellings as a permitted use. In this instance, the Zoning By-law cannot be complied with regarding Section 10.24. The models of the single detached dwellings were designed, generally approved, and sold under the provisions of the former Section 10.24 of Zoning By-law 270-2004. The side door is a secondary entrance to the primary single unit and therefore does not require the wider access as if it were a primary entrance to a secondary suite.

**4. Is the Application in keeping with the general intent and purpose of the Official Plan?**

The Official Plan is used to manage how the City grows and develops. The Official Plan guides housing, industry, offices and shops, as well as the infrastructure required to support a growing

City. The Subject Lands are designated Residential on the City of Brampton Official Plan and Medium Density on the Countryside Villages Secondary Plan, which permits and allows for residential uses on the lands. The City of Brampton is experiencing continued growth in population leading to a need for additional housing. For this reason, the residential dwellings on the Subject Lands are in keeping with the intent and purpose of the Official Plan by supplying housing to a growing City. Policy 3.2.8.2 of the Official Plan essentially prohibits the Committee of Adjustment from granting a variance to the two-unit dwelling Zoning By-law regulations, regardless of the circumstance or site-specific considerations involved. The proposed single-detached dwelling units on the Subject Lands have not been designed to accommodate Second Units, and therefore would not apply to the Second Unit policies in the Official Plan.

For the above reasons, we can conclude that the requested Minor Variance Applications to allow for a change in requirement to the side door permissions regarding minimum side yard width are appropriate for the Subject Lands and represent good planning.

In support of these Minor Variance Applications, please find enclosed:

1. One (1) copy of a Minor Variance Application form for each of the 9 lots;
2. One (1) copy of the Subject Lands Figure for the Lots subject to this Minor Variance Application;
3. One (1) copy of the Variance Sketch for each of the 9 lots; and,
4. A cheque made payable to the City of Brampton in the amount of \$5,904.00 to cover the applicable 2022 Minor Variance Application fee (\$656.00 x 9 lots).

We trust that the above materials are in order. Should you have any questions with respect to the enclosed, please do not hesitate to contact the undersigned. We look forward to working with the City of Brampton and all other applicable Agencies with regard to this Application.

Yours truly,

**KLM Planning Partners Inc.**



Lauren Dynes  
Intermediate Planner

Copy: Jason Sheldon, The Remington Group Inc.  
Keith MacKinnon, KLM Planning Partners Inc.

Lot #	Legal Description	M-Plan	PIN	GFA (sq.ft.)	Address
44	Lot 44, Plan 43M-2103	43M-2103	14225-2236	2665	24 Icon Street
139	Lot 139, Plan 43M-2103	43M-2103	14225-2331	2665	40 Kessler Drive
146	Lot 146, Plan 43M-2103	43M-2103	14225-2338	2309	Kessler Drive/Grassbank Road
147	Lot 147, Plan 43M-2103	43M-2103	14225-2339	2306	Claremont Drive/Grassbank Road
149	Lot 149, Plan 43M-2103	43M-2103	14225-2341	2187	75 Claremont Drive
174	Lot 174, Plan 43M-2103	43M-2103	14225-2366	2016	92 Claremont Drive
182	Lot 182, Plan 43M-2103	43M-2103	14225-2374	2665	33 Keyworth Crescent
196	Lot 196, Plan 43M-2103	43M-2103	14225-2388	2665	46 Keyworth Crescent
198	Lot 198, Plan 43M-2103	43M-2103	14225-2390	2287	Goodview Drive/Inspire Boulevard





For Office Use Only  
(to be inserted by the Secretary-Treasurer  
after application is deemed complete)

FILE NUMBER: A-2022-0236

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

APPLICATION  
Minor Variance or Special Permission  
(Please read Instructions)

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

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

1. Name of Owner(s) Nearsby Investments Inc. c/o Remington Group Inc.  
Address 7501 Keele Street, Suite 100  
Concord, ON L4K 1Y2  
attn: Jason Sheldon  
Phone #  
Email jsheldon@remingtongroupinc.com  
Fax #

2. Name of Agent KLM Planning Partners Inc.  
Address 64 Jardin Drive Unit 1B  
Concord, ON L4K 3P3  
attn: Keith MacKinnon / Lauren Dynes  
Phone # 905.669.4055 (ext. 234)  
Email kmackinnon@klmplanning.com / ldynes@klmplanning.com  
Fax #

3. Nature and extent of relief applied for (variances requested):  
To permit an above grade door in the side wall where a minimum side yard width of 0.6m is provided extending from the front wall of the dwelling up to the door, whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m extending from the front wall of the dwelling up to and including the door.

4. Why is it not possible to comply with the provisions of the by-law?  
The Zoning By-law cannot be complied with as the models of the single detached dwellings were designed, generally approved, and sold under the provisions of the old By-law. The location of the side door is intentionally leading into a mudroom attached to the garage. The side door is not intended for the use of a secondary suite and therefore does not require the wider access to be used as a primary door to a secondary suite.

5. Legal Description of the subject land:  
Lot Number 44  
Plan Number/Concession Number 43M-2103  
Municipal Address 24 Icon Street

6. Dimension of subject land (in metric units)  
Frontage 11.60m  
Depth 27.50m  
Area 319m2

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



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

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

Vacant residential land.

**PROPOSED BUILDINGS/STRUCTURES** on the subject land:

Two-storey single detached residential dwelling with a GFA of 2,665 sq.ft.

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

**EXISTING**

Front yard setback	N/A
Rear yard setback	N/A
Side yard setback	N/A
Side yard setback	N/A

**PROPOSED**

Front yard setback	6.05m
Rear yard setback	7.56m
Side yard setback	0.65m
Side yard setback	1.25m

10. Date of Acquisition of subject land: 1998
11. Existing uses of subject property: Vacant - Residential
12. Proposed uses of subject property: Residential
13. Existing uses of abutting properties: Vacant Residential
14. Date of construction of all buildings & structures on subject land: N/A - Vacant
15. Length of time the existing uses of the subject property have been continued: 7 years
16. (a) What water supply is existing/proposed?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Well ☐
- (b) What sewage disposal is/will be provided?  
Municipal ☒ Other (specify) \_\_\_\_\_  
Septic ☐
- (c) What storm drainage system is existing/proposed?  
Sewers ☒ Other (specify) \_\_\_\_\_  
Ditches ☐  
Swales ☐

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

Yes ☒ No ☐

If answer is yes, provide details: File # 21T-11006B Status Approved

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

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

Yes ☐ No ☒ Unknown ☐

If answer is yes, provide details:

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

*Lauren Dynes*

Signature of Applicant(s) or Authorized Agent

DATED AT THE City \_\_\_\_\_ OF Vaughan \_\_\_\_\_

THIS 20 \_\_\_\_\_ DAY OF July \_\_\_\_\_, 2022.

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

I, Lauren Dynes, OF THE Town OF Aurora

IN THE Region OF York SOLEMNLY DECLARE THAT:

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

DECLARED BEFORE ME AT THE

City \_\_\_\_\_ OF Vaughan \_\_\_\_\_

IN THE Region OF \_\_\_\_\_

York THIS 20 \_\_\_\_\_ DAY OF

July 2022  
*Ruby Lyn Salas del Mundo*  
 a Commissioner, etc., Province of Ontario,  
 for KLM Planning Partners Inc.  
 Expires September 9, 2024  
 A Commissioner etc.

*Lauren Dynes*

Signature of Applicant or Authorized Agent

FOR OFFICE USE ONLY

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

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

R1F-9 Section 2368

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

Rose Bruno

Zoning Officer

July 21, 2022

Date

DATE RECEIVED

July 21, 2022











