



Date: August 2, 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
David Colp

Staff: François Hémon-Morneau, Development Planner
Angelo Ambrico, Principal Planner/Supervisor, Development Services
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:00 a.m. and adjourned at 11:04 a.m.

2. **ADOPTION OF MINUTES:**

Moved by: D. Colp

Seconded by: D. Doerfler

THAT the minutes of the Committee of Adjustment hearing held July 12, 2022 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated July 22, 2022.

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

None

5. **WITHDRAWALS/DEFERRALS**

A-2022-0205 (Agenda Item 8.10.)

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1630604 ONTARIO LTD.

125 CHRYSLER DRIVE, UNITS 5-7

BLOCK 3, PLAN 43M-874, PART 1, PLAN 43R-23561, WARD 8

Committee acknowledged receipt of a letter dated July 28, 2022 from Cam Pietrangelo, authorized agent for the applicant, requesting a deferral of Application A-2022-0205 to a hearing no later than the last hearing of October, 2022.

Mr. Pietrangelo was in attendance to acknowledge the request to defer the application advising that he agrees with the recommendation of staff to defer the application.

Staff advised that a recommendation to defer the application no later than the last meeting of October will provide sufficient time to pursue a parking justification brief requested by staff.

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0205 be deferred no later than the last hearing of October, 2022.

CARRIED

A-2022-0212 (*Agenda item 8.16*)

METRUS (TERRA) PROPERTIES INC.

18 KENVIEW BOULEVARD

PART OF BLOCK 3, PLAN 43M-811, WARD 8

The Chair announced that staff recommend a deferral of Application A-2022-0212 to the next available hearing of the Committee of Adjustment.

Mr. Matthew Baldarassa, Baldassarra Architects, authorized agent for the applicant was in attendance to acknowledge the recommendation by staff adding that he would request to have the application placed on the last hearing date for August, 2022.

Staff advised that through the review of the application it was identified that an additional 6 parking spaces may be required to be removed which would result in changes to the variances requested.

Committee advised that with new information being provided requiring re-circulation it might not be possible to accommodate the application on the August 23, 2022 hearing.

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Committee suggested the September hearing date may be appropriate and inquired through the Secretary-Treasurer about the hearing dates for September and October. Committee proposed that the application be deferred no later than the October 4, 2022 hearing.

Committee advised Mr. Baldassarra that if he has everything ready he could return to the Committee on September 13, 2022 advising that the Committee is receptive to the September 13, 2022 hearing. Mr. Baldassara responded that the September 13, 2022 hearing date was acceptable noting that they are confident they can work with staff to resolve outstanding issues immediately.

Following discussion Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2022-0212 be deferred to a hearing on or before the October 4, 2022 hearing.

CARRIED

6. **NEW CONSENT APPLICATIONS**

6.1. **B-2022-0007**

2494747 ONTARIO LTD.

98-100 RUTHERFORD ROAD SOUTH

PART OF LOT 4, CONCESSION 2 EHS, WARD 3

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 62,115 square metres (15.34 acres). The proposed severed parcel has a frontage of approximately 45.68 metres (149.87 feet), a depth of approximately 63.24 metres (207.48 feet) and an area of approximately 1,433 square metres (0.35 acres). The effect of the application is provide for a lot addition to the adjacent property municipally known as 25 Clark Boulevard.

Mr. Neil Davis, Davis Webb LLP, authorized agent for the applicant, presented application B-2022-0007 briefly outlining the nature of the application. He explained that approximately 15 acres of the property is physically separated naturally by a water course and that it was agreed by the owners of both the Rutherford Road South property and the Clark Boulevard property that the proposed portion for the lot addition be added to the parcel that could make productive use and maintain it. Mr. Davis added that the proposal would add approximately one third of an acre to the property at 25 Clark Boulevard.

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Committee acknowledged receipt of a letter dated July 29, 2022 from Toronto and Region Conservation Authority indicating no objection to Application B-2022-0007 subject to a condition requiring the applicant to pay a \$1,470.00 review fee.

It was noted that due to a typographical error in the letter from TRCA an incorrect reference to the review fee was reflected in the proposed condition, however the correct reference to the fee was made in the paragraph below.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0007 from a planning land use perspective. Committee requested that the condition requested by TRCA be included with the conditions recommended by staff. Staff agreed that the conditions be amended to include the condition referred to in the letter from TRCA.

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

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

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

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application B-2022-0007 to provide for a lot addition to the adjacent property municipally known as 25 Clark Boulevard be approved for the following reasons and subject to the following conditions:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received;
3. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent;
4. A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being the property municipally identified as 25 Clark Boulevard legally described as PART LOTS 8 & 9 PLAN 644 BRAMPTON, PARTS 1 & 2 PLAN 43R32946 AND PART 5 PLAN 43R35417, shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed.

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5. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s). (The "resultant" lot is the "severed" land and the land to which the "severed" land is to be merged.)
6. The applicant shall submit a \$1,470.00 review fee to Toronto and Region Conservation Authority, as outlined in their letter dated July 29, 2022.

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

6.2. **B-2022-0008**

THE PENTECOSTAL ASSEMBLIES OF CANADA

9281 GOREWAY DRIVE

PART OF LOTS 6 AND 7, CONCESSION 8 N.D., WARD 8

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 4.33 hectares (10.70 acres); together with an access easement on the proposed new lot in favour of The Pentecostal Assemblies of Canada and the expansion of an existing parking easement on the proposed new lot in favour of the property municipally known as 9257 Goreway Drive, Sienna Senior Living Inc. The proposed severed lot has a frontage of approximately 132.7 metres (435.37 feet), a depth of approximately 192.1 metres (630.25 feet) and an area of approximately 0.79 hectares (1.95 acres). The effect of the application is to establish two separate lots from the existing lot to facilitate future development of the newly created (severed) lot.

Mr. Stephen Giankoulas, Candevcon Limited, authorized agent for the applicant, presented application B-2022-0008 briefly outlining the nature of the application to create a new lot and expand an existing parking easement. He advised that the proposed severed lot will be used for future development which is currently unknown. Mr. Giankoulas added that the

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parking easement is proposed to be expanded to accommodate a different parking arrangement and additional parking spaces.

Committee inquired about the future development. Mr. Giankoulas advised that it may be mixed use development or similar to retirement or institutional use, or residential use.

Committee acknowledged receipt of a revised sketch and an amendment letter.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0008 from a planning land use perspective. Staff advised that the revised sketch and amendment letter has removed the request for an access easement noting that the application is for the creation of a new lot and the expansion of a parking easement.

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

Mr. Giankoulas indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application B-2022-0008 to sever a parcel of land currently having a total area of approximately 4.33 hectares (10.70 acres); together with the expansion of an existing parking easement on the proposed new lot in favour of the property municipally known as 9257 Goreway Drive, Sienna Senior Living Inc. to establish two separate lots from the existing lot to facilitate future development of the newly created (severed) lot be approved for the following reasons and subject to the following conditions:

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

REASONS:

1. This decision reflects that regard has been had to those matters to be regarded under the Planning Act, in as much as the dimensions and shape of the lot are adequate for the uses proposed.

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2. Subject to the imposed conditions, the consent to the conveyance will not adversely affect the existing or proposed development.

CARRIED

6.3. B-2022-0009

METRUS (TERRA) PROPERTIES INC.

0 KENVIEW BOULEVARD

PART OF LOT 15, CONCESSION 8 E.H.S. WARD 8

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 8.11 hectares (20.04 acres). The proposed severed lot has a frontage of approximately 193.16 metres (633.73 feet), a depth of approximately 179.37 metres (588.48 feet) and an area of approximately 2.54 hectares (6.28 acres). The effect of the application is to establish two separate lots from the existing lot to facilitate future development of the newly created (severed) lot for industrial use.

Mr. Matthew Baldassarra, Baldassarra Architects, authorized agent for the applicant, presented application B-2022-0009 briefly advising that the land is proposed to be split into western and eastern portions.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0009 from a planning land use perspective.

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

Mr. Drake indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application B-2022-0009 to sever a parcel of land to establish two separate lots from the existing lot to facilitate future development of the newly created (severed) lot for industrial use be approved for the following reasons and subject to the following conditions:

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

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3. Satisfactory arrangements shall be made between the owner and the Region regarding land dedication & access configuration, type and location.

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-2022-0171

PAPENDRA GILL

23 FALLEN OAK COURT

LOT 42, PLAN 43M-740, WARD 4

The applicant is requesting the following variance(s):

1. To permit a below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance within a required side yard;
2. To permit an interior side yard setback of 0.23m (0.75 ft.) 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 0.0m of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.

Mr. Vivek Gupta, ITI Permits, authorized agent for the applicant, presented application A-2022-0171 briefly outlining the variances requested. He advised that Planning staff pointed out a few things that were not acceptable and inquired if staff could provide him with more time to sort things out.

Committee was informed that City of Brampton planning staff was in support of this application, *in part*, with conditions. Staff advised that there are no concerns with the

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proposed location of the entrance or the setback. Staff added that the concern is with the driveway that has been widened resulting in the elimination of the permeable landscape strip.

Mr. Gupta expressed concern with the condition that referenced the concrete and non-permeable landscaping to the property line. Mr. Gupta expressed that this is the case with most semi-detached houses all over the world. He spoke of incorporating what would have the appearance of patio stones if the City is O.K with it.

Committee encouraged Mr. Gupta to work with staff advising that Committee's decisions have been consistent with the permeable landscaping requirement.

Following discussion, Mr. Gupta 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-2022-0171 to permit a below grade entrance within a required interior side yard; to permit an interior side yard setback of 0.23m (0.75 ft.) to a below grade entrance; and to permit 0.0m of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line be approved, *in part*, 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 Variance 3 to permit 0.0m of permeable landscaping between the driveway and the side lot line be refused;
3. That the below grade entrance shall not be used to access an unregistered second unit;
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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8.2. **A-2022-0197**

SWAPNIL GUPTA AND SHILPA ARORA

112 PAPPAIN CRESCENT

LOT 172, PLAN 43M-1588, WARD 2

The applicants are requesting the following variance(s):

1. To permit an accessory structure (proposed gazebo) having a gross floor area of 17.78 sq. m (191.38 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
2. To permit an accessory structure (proposed play structure) having a gross floor area of 17.55 sq. m (188.91 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
3. To permit three (3) accessory structures (gazebo, shed and play structure) whereas the by-law permits a maximum of two (2) accessory structures;
4. To permit a combined gross floor area of 42.53 sq. m (457.79 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.) for two (2) accessory structures.

Mr. Swapnil Gupta, applicant and owner of the property, presented application A-2022-0197 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that there is no concern with the size and location of the accessory structures.

Mr. Gupta 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: A. C. Marques

THAT application A-2022-0197 to permit an accessory structure (proposed gazebo) having a gross floor area of 17.78 sq. m (191.38 sq. ft.); to permit an accessory structure (proposed play structure) having a gross floor area of 17.55 sq. m (188.91 sq. ft.); to permit three (3) accessory structures (gazebo, shed and play structure); to permit a combined gross floor area of 42.53 sq. m (457.79 sq. ft.) be approved for the following reasons and subject to the following conditions:

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1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That 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-2022-0198**

MIKE CHRISTOFIDES, ELENA CHRISTOFIDES AND NEOPHYTOS CHRISTOFIDES

11 JAYFIELD ROAD

LOT 182, PLAN M-69, WARD 8

The applicants are requesting the following variance(s):

1. To permit a front yard setback of 5.54m (18.18 ft.) to a proposed garage extension whereas the by-law requires a minimum front yard setback of 6.0m (19.68 ft.);
2. To permit lot coverage of 39.3% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit an existing accessory structure (shed) having a setback of 0.43m (1.41 ft.) to the side lot line and 0.56m (1.84 ft.) to the rear lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines;
4. To permit a driveway width of 8.64m (28.35 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.);
5. To permit 0.0m 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. Ozwen Stambuk, Stambuk Homes, authorized agent for the applicant, presented application A-2022-198 briefly outlining the variances requested. He advised that the

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purpose of the front addition of the garage is to allow the owner to park their vehicle inside the garage.

Committee was informed that City of Brampton planning staff was in support of this application, *in part*, with conditions. Staff noted that the first 2 conditions relate to the width of the driveway and the elimination of the permeable landscaping adjacent to the lot line which is not supported by staff. Staff explained that it is therefore recommended that variance 5 be refused and variance 4 be amended to a reduction in the width of the driveway.

Mr. Stambuk indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0198 to permit a front yard setback of 5.54m (18.18 ft.) to a proposed garage extension; to permit lot coverage of 39.3%; to permit an existing accessory structure (shed) having a setback of 0.43m (1.41 ft.) to the side lot line and 0.56m (1.84 ft.) to the rear lot line; to permit a driveway width of 8.64m (28.35 ft.); and to permit 0.0m 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 5 to permit 0.0m of permeable landscaping adjacent to the side lot line be *refused*;
2. That Variance 4 be limited to a maximum driveway width of 8.04m (26.37 ft.).
3. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
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

8.4. **A-2022-0199**

KANNAN CHANDRASEKARAN AND LALITHA KANNAN

48 PELLEGRINO ROAD

LOT 77, PLAN 43M-2023, WARD 6

The applicants are requesting the following variance(s):

1. To permit a driveway width of 12.29m (40.32 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit 0.0m of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.

Mr. Kannan Chandrasekara, applicant and owner of the property, presented application A-2022-0199 briefly outlining the variances requested. He advised that he has a two dwelling unit approved by the City noting that the pavers that are at the front are used as a walking area and should not be included as part of the driveway. He expressed that the interlocking stones are permeable with sand that does not allow for stagnant water. He added that his elderly father has tripped on occasion and he included the pavers to allow his father easier access to and from the dwelling.

Mr. Venugopal Vijaya Chikkaveeraiah, 50 Pellegrino Road, addressed Committee advising that the interlock was installed for walking and he has not used the area for parking. He advised that he has no problem with the application.

Mr. Kamal Gupta, 55 Pellegrino Road, addressed Committee stating that there is no way that anyone can park a car on the extension. He advised that the purpose is for a walkway and he supports the application.

Mr. Krishna Vedula, 57 Rangemore Road, addressed Committee stating that he is adjacent to the subject property and he has never seen a car parked in the area. He advised there is grass growing in between the pavers so it is definitely permeable which wouldn't happen with a concrete surface.

Committee was informed that City of Brampton planning staff was not in support of this application, with conditions. Staff advise that the additional width of the driveway results in a significant loss of soft landscaping and the width of the driveway visually takes up the entire width of the property. Staff noted the elimination of the permeable landscaping between the neighbours that results in full hard landscaping in front of the dwelling.

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Mr. Chandrasekara advised that everyone on the street has done the same thing advising that he chose highly permeable treatment and beautiful landscaping. He advised that he has seen one winter with no problems.

Committee noted that the entire frontage was paved and residents should check the City by-laws before hiring contractors to do work. Committee stated that the contractors should provide guidance noting that sometimes Committee has been very lenient but in this circumstance he should work with staff to bring the property back into compliance noting that he would have to remove some of the interlocking.

Mr. Chandrasekara inquired what would have to be removed. Mr. Chandrasekara was encouraged to work with the by-law enforcement officer who has issued the violation notice explaining that he could maintain six feet of the walkway stone in front of the stairs and six feet from the edge of the building before it wraps around to the side yard which is the standard. Staff explained that it appears he has sufficient room where a vehicle is capable of being parked in front of the stairs. Staff further explained that there is no requirement that the entire driveway needs to be ripped up.

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: D. Doerfler

THAT application A-2022-0199 to permit a driveway width of 12.29m (40.32 ft.) and to permit 0.0m of permeable landscaping between the driveway and the side lot line 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

8.5. A-2022-0200

CORNELIUS ACKAH-BAIDOO AND GRACE ANTWI

46 PELLEGRINO ROAD

LOT 78, PLAN 43M-2023, WARD 6

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The applicants are requesting the following variance(s):

1. To permit a driveway width of 7.26m (23.82 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit 0.0m of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.

Mr. Cornelius Ackah-Baidoo, applicant and owner of the property, presented application A-2022-0200 briefly outlining the variances requested. He spoke of an incident during one winter where he fell when exiting the vehicle, advising that the extended area is not parked upon and the interlock area doesn't impact the neighbours.

Mr. Kamal Gupta, 55 Pellegrino Road, addressed Committee indicating support of the application commenting that the area looks good and is not used for parking.

Mr. Krishna Vedula, 57 Rangemore Road, addressed Committee indicating support of the application adding that the owner fell and to avoid a future incident installed the interlock which is permeable.

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

Mr. Ackah-Baidoo inquired if staff would be open to how much hard surface could remain in conjunction with the permeable requirement. Staff expressed that they are always willing to help advising Mr. Ackah-Baidoo that he should connect with By-law Enforcement Staff who would be enforcing the ground rules of the decision if approved. Staff added that removing only a portion of the pavement is required explaining that 6 feet in front of the house is permitted as a continuous walkway for access around the home. In terms of the reference to interlock being permeable staff explained that the by-law interpretation of permeable is *capable of supporting vegetation*.

Following discussion, Mr. Ackah-Baidoo indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0200 to permit a driveway width of 7.26m (23.82 ft.) and to permit 0.0m of permeable landscaping between the driveway and the side lot line be approved, *in part*, for the following reasons and subject to the following conditions:

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1. That Variance 2 to permit 0.0m of permeable landscaping adjacent to the side lot line be *refused*;
2. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.6. **A-2022-0201**

ATTIA CHEEMA AND MANSUR CHEEMA

1 MIRACLE TRAIL

LOT 134, PLAN 43M-1922, WARD 6

The applicants are requesting the following variance(s):

1. To permit an existing accessory structure (shed) in an exterior side yard whereas the by-law does not permit an accessory structure in an exterior side yard;
2. To permit an existing accessory structure (gazebo) having a gross floor area of 16.47 sq. m (177.28 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
3. To permit a combined gross floor area of 25.61 sq. m (275.66 sq. ft.) for two (2) accessory structures (shed and gazebo) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
4. To permit an existing driveway width of 8.1m (26.57 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Ms. Tanawush Cheema, authorized agent for the applicant, presented application A-20220201 briefly outlining the variances requested inquiring if Committee would be open to permitting some extension of the driveway which is recommended to be refused by staff.

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Mr. Mujahid Masood, resident of 27 Robert Parkinson Drive, addressed Committee advising that he has no concerns with the application, indicating support.

Committee was informed that City of Brampton planning staff was in support of this application, *in part*, with conditions. Staff expressed no concerns with the accessory structures noting that the driveway width is not supported as it facilitates the parking of an additional vehicle.

Ms. Cheema 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: D. Colp

THAT application A-2022-0201 to permit an existing accessory structure (shed) in an exterior side yard; to permit an existing accessory structure (gazebo) having a gross floor area of 16.47 sq. m (177.28 sq. ft.); to permit a combined gross floor area of 25.61 sq. m (275.66 sq. ft.) for two (2) accessory structures (shed and gazebo) and to permit an existing driveway width of 8.1m (26.57 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.) be approved, *in part*, for the following reasons and subject to the following conditions:

1. That variance 4 to permit a driveway width of 8.1m (26.57 ft.) be *refused*;
2. That the extent of variances 1, 2, and 3 be limited to that shown on the sketch attached to the Notice of Decision;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.7. **A-2022-0202**

JUAN MANUEL LUCERO

38 BACCARAT CRESCENT

LOT 31, PLAN M-1247, WARD 2

The applicants are requesting the following variance(s):

1. To permit an open-roofed structure to encroach a maximum of 2.58m (8.46 ft.) into a required rear yard, resulting in a rear yard setback of 4.58m (15.03 ft.) whereas the by-law permits a maximum encroachment of 2.0m (6.56 ft.) into a required rear yard, resulting in a rear yard setback of 5.5m (18.04 ft.);
2. To permit an interior side yard setback of 0.57m (1.87 ft.) to an attached open-roofed structure whereas the by-law requires a minimum interior side yard setback of 0.90m (2.95 ft.);
3. To permit an existing accessory structure having setbacks of 0.30m (0.98 ft.) (2 sheds) and 0.48m (1.57 ft.) (Pergola) to the nearest property lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines;
4. To permit three (3) accessory structures (2 sheds and a pergola) whereas the by-law permits a maximum of two (2) accessory structures;
5. To permit a combined gross floor area of 25.42 sq. m (262.86 sq. ft.) for three (3) accessory structures whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.) for two (2) accessory structures.

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2022-0202 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff expressed no concerns with existing site conditions advising that the applicant obtain building permits for the accessory structures. Staff noted that it is not included as a condition advising that if a building permit is not obtained it will become a matter of enforcement.

Mr. Tarika indicated that the proposed conditions were acceptable.

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

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Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2022-0202 to permit an open-roofed structure to encroach a maximum of 2.58m (8.46 ft.) into a required rear yard, resulting in a rear yard setback of 4.58m (15.03 ft.); to permit an interior side yard setback of 0.57m (1.87 ft.) to an attached open-roofed structure; to permit an existing accessory structure having setbacks of 0.30m (0.98 ft.) (2 sheds) and 0.48m (1.57 ft.) (Pergola) to the nearest property lines; to permit three (3) accessory structures (2 sheds and a pergola) and to permit a combined gross floor area of 25.42 sq. m (262.86 sq. ft.) for three (3) 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

8.8. **A-2022-0203**

ADAI KALARAJ POTHAGAR AND MARIA ANTONY KOVEENA PRAKASAM

24 JEMIMA ROAD

LOT 113, PLAN 43M-2022, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance within a required interior side yard whereas the by-law does not permit exterior stairways constructed below the established grade within a required interior side yard;
2. To permit an interior side yard setback of 0.0m 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. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2022-0203 briefly outlining the variances requested. He advised that staff are not supporting the application primarily because the property has not been assumed. Mr. Tarika inquired when the property could be expected to be assumed and if they could defer the application to that time or if the owner has no grading issues and provides a letter to the developer that they have no concerns could the application proceed at this time.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff explained that the property is part of a subdivision that has not been assumed which means that the developer and their engineers as well as the builders are responsible for all things grading related and the structure of the building. Staff advised that it usually takes five to seven years for a subdivision to be assumed.

Staff expressed that Committee may want to consider if it is worthwhile recommending a deferral of the application until grading and drainage issues have been resolved to the satisfaction of the developer, in the interim. Staff advised that there is potential to construct in an unassumed subdivision for below grade features such as entrances and decks where grading has been established and there are no concerns from development engineering.

Committee was not aware that the timelines for assuming a subdivision were five to seven years and considered if a deferral request would be appropriate from the authorized agent.

Mr. Tarika advised that they could consider a deferral given that the assumption may occur in the near future since the property was registered in September of 2016. He also inquired if the owner is able to write to the builder that he will take the responsibility if any grading issues arise.

Committee expressed that an undertaking from the owner could be considered but would support a deferral to allow the applicant to have the discussion with staff.

Committee noted that the applicant owns the property yet the developer has the responsibility and was concerned with liability. Staff explained that the fact that the subdivision has not been assumed means that the City has not taken responsibility for services under the road or within the road allowances. Staff added that the developer may not have met all of the obligations for the development of the subdivision which may include requirements for paved driveways, sodding and fencing and grading in accordance with the grading and drainage plan. Staff explained that the property owner does have full ownership of the parcel of land and recognizing that the subdivision has not been assumed and that there is no assurance at this time that the entrance won't affect the developer's obligation to perform their requirements under the subdivision agreement may be why staff has recommended refusal of the application. Staff added that the applicant can reach out to development engineering staff and the developer to determine when assumption is anticipated to occur.

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Mr. Tarika requested a deferral of the application. Following discussion, Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0203 be deferred no later than the last hearing of December, 2022.

CARRIED

8.9. **A-2022-0204**

YADMINDER PAL BANWAIT AND MANWINDER SOMAL

58 VANDERBRINK DRIVE

LOT 200, PLAN M-1691, WARD 2

The applicants are requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.17m (0.56 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.).

Mr. Shivang Tarika, Rely Solutions, authorized agent for the applicant, presented application A-2022-0204 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff expressed no concerns with the location of the below grade entrance and resulting setback.

Mr. Tarika 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: D. Colp

THAT application A-2022-0204 to permit an exterior stairway leading to a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.17m (0.56 ft.) to the exterior stairway leading to a below grade entrance 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 below grade entrance shall not be used to access an unregistered second unit;
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-2022-0205** (*Deferred as discussed during procedural matters*)

1630604 ONTARIO LTD.

125 CHRYSLER DRIVE, UNITS 5-7

BLOCK 3, PLAN 43M-874, PART 1, PLAN 43R-23561, WARD 8

The applicant is requesting the following variance(s):

1. To provide 278 parking spaces whereas the by-law requires a minimum of 331 parking spaces.

8.11. **A-2022-0206**

HGLB HOLDINGS LTD

0 CLARKWAY DRIVE

BLOCK 51, PLAN 43M-1603, WARD 10

The applicant is requesting the following variance(s):

1. To permit a rear yard setback of 5.7m (18.70 ft.) whereas the by-law requires a minimum rear yard setback of 6.0m (19.68 ft.);
2. To permit a bay window encroachment of 1.1m (3.61 ft.) into a required rear yard, resulting in a rear yard setback of 4.9m (16.07 ft.) whereas the by-law permits a maximum encroachment of 1.0m (3.28 ft.) into a required rear yard, resulting in a rear yard setback of 5.0m (16.40 ft.);

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3. To permit 9 visitor parking spaces whereas the by-law requires a minimum of 11 visitor parking spaces;
4. To permit a minimum lot area of 124 square metres whereas the by-law requires a minimum lot area of 150 square metres;
5. To permit an exterior side yard setback of 1.1m (3.61 ft.) to a private road whereas the by-law requires a minimum exterior side yard setback of 2.0m (6.56 ft.) to a private road.

Mr. Maurizio Rogato, Blackthorn Development Corp, authorized agent for the applicant, presented application A-2022-0206 briefly outlining the variances requested. He explained that the minor variances will facilitate the approval and advancement of a site plan application. Mr. Rogato added that the site plan application which is advancing proposes the development of townhouses

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

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: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0206 to permit a rear yard setback of 5.7m (18.70 ft.); to permit a bay window encroachment of 1.1m (3.61 ft.) into a required rear yard, resulting in a rear yard setback of 4.9m (16.07 ft.); to permit 9 visitor parking spaces; to permit a minimum lot area of 124 square metres and to permit an exterior side yard setback of 1.1m (3.61 ft.) to a private road whereas the by-law requires a minimum exterior side yard setback of 2.0m (6.56 ft.) to a private road 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-2021-0122, 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

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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-2022-0207**

SONIA SINGH AND RANJEET SINGH

18 GLADEVIEW COURT

LOT 9, PLAN 43M-2059, WARD 4

The applicants are requesting the following variance(s):

1. To permit a driveway width of 15.1m (49.54 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.);
2. To permit an individual accessory structure (storage shed) having a gross floor area of 55.75 sq. m (600 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
3. To permit an accessory structure (storage shed) having a height of 5.0m (16.40 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure.

Mr. Ravinder Singh, AEM Designs, authorized agent for the applicant, presented application A-2022-0207 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that they have worked with the applicant and the sketch was changed from what was originally submitted, to protect a street tree.

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-2022-0207 to permit a driveway width of 15.1m (49.54 ft.); to permit an individual accessory structure (storage shed) having a gross floor area of 55.75 sq. m (600 sq. ft.) and to permit an accessory structure (storage shed) having a height of 5.0m (16.40 ft.) be approved for the following reasons and subject to the following conditions:

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1. That variance 1 to permit a driveway width of 15.1m (49.54 ft.) be limited to that shown on Appendix A depicting the revised driveway layout;
2. That the extent of the variances 2 and 3 be limited to that shown on the sketch attached to the Notice of Decision;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.13. **A-2022-0208**

DINESH SHARMA AND LAMYAI SHARMA

47 LARKSPUR ROAD

LOT 54, PLAN 43M-1204, WARD 9

The applicants are requesting the following variance(s):

1. To permit 3 parking spaces whereas the by-law requires a total of 4 parking spaces (2 spaces for the dwelling and 2 spaces for a home occupation);
2. To permit an existing accessory structure (shed) having a rear yard setback of 0.08m (0.26 ft.) and a side yard setback of 0.17m (0.56 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest property lines.

Ms. Rashmi Sharma, RNH Designs, authorized agent for the applicant, presented application A-2022-0208 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff expressed that no negative impact is anticipated with the home occupation.

Ms. Sharma 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: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2022-0208 to permit 3 parking spaces and to permit an existing accessory structure (shed) having a rear yard setback of 0.08m (0.26 ft.) and a side yard setback of 0.17m (0.56 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null 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-2022-0209**

PARIDISE HOMES NW INC.

SOUTHEAST CORNER OF MAYFIELD ROAD AND VETERANS DRIVE

BLOCK 21, PLAN 43M-2083, WARD 6

The applicant is requesting the following variance(s):

1. To permit a building setback of 0.8m (2.62 ft.) to any lot line abutting a street or daylight triangle whereas the by-law requires a minimum building setback of 3.0m (9.84 ft.) to a lot abutting a street or daylight triangle;
2. To permit a minimum 0.8m (2.62 ft.) wide landscape strip along all property lines whereas the by-law requires a minimum 3.0m (9.84 ft.) wide landscape strip along all property lines.

Mr. Mark Condello, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2022-0209 briefly outlining the variances requested. He advised that the variances were identified through the subsequent site plan review process

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explaining that Paradise Developments proposes to develop the site with a retail plaza. Mr. Condello added that the variances are to address multiple pinch points along the property lines and will facilitate efficient building design, pedestrian and vehicle ingress and egress as well as emergency services. Mr. Condello expressed that the proposed development will maintain good urban design principles.

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

Mr. Condello 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-2022-0209 to permit a building setback of 0.8m (2.62 ft.) to any lot line abutting a street or daylight triangle and to permit a minimum 0.8m (2.62 ft.) wide landscape strip along all property lines 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

8.15. **A-2022-0210**

KSHITIJ AGGARWAL AND PONAM AGGARWAL

3 CHEVIOT CRESCENT

LOT 2, PLAN M-796, WARD 2

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The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.25m (0.82 ft.) to the proposed below grade entrance, resulting in combined side yards of 1.68m (5.51 ft.) whereas the by-law requires the total width on both side yards on any lot to be not less than 2.1m (6.89 ft.).

Mr. Ismatullah Amiri, Nesta Design Co., authorized agent for the applicant, presented application A-2022-0210 briefly outlining the variances requested.

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

Mr. Amiri indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0210 to permit a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.25m (0.82 ft.) to the proposed below grade entrance, resulting in combined side yards of 1.68m (5.51 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 below grade entrance shall not be used to access an unregistered second unit;
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

8.16. **A-2022-0212** (*Deferred as discussed during procedural matters*)

METRUS (TERRA) PROPERTIES INC.

18 KENVIEW BOULEVARD

PART OF BLOCK 3, PLAN 43M-811, WARD 8

The applicant is requesting the following variance(s) associated with the proposed severed lot under consent application B-2022-0009:

1. To permit all uses permitted in the M1 zone and associated parking on lands zoned HC2-2686 whereas the by-law does not permit the uses on lands zoned HC2-2686;
2. To permit an exterior side yard setback of 22.80m abutting Steeles Avenue whereas the by-law requires a minimum exterior side yard setback of 32.0m abutting Steeles Avenue;
3. To permit a 1.55m wide landscaped open space strip abutting Steeles Avenue, except at approved driveway locations, whereas the by-law requires a minimum 9.0m wide landscaped open space strip abutting Steeles Avenue, except at approved driveway locations;
4. To permit a 4.35m wide landscaped open space strip abutting Kenview Boulevard except at approved driveway locations, whereas the by-law requires a minimum 4.5m wide landscaped open space strip abutting Kenview Boulevard, except at approved driveway locations;
5. To permit a 0.0m landscaped open space abutting the rear lot line whereas the by-law requires a minimum 3.0m wide continuous landscaped strip abutting the rear lot line;
6. To permit a 4.05m wide landscaped open space strip abutting Catstleview Drive and Daylight Triangle, except at driveway locations, whereas the by-law requires a minimum 6.0m wide landscaped open space strip be provided along the 0.3m reserves except at driveway locations;
7. To permit a 1.55m wide landscaped open space strip abutting Steeles Ave, except at driveway locations, whereas the by-law requires a minimum 6.0m wide landscaped open space strip be provided along the 0.3m reserves except at driveway locations;
8. To permit a 4.05m wide landscaped open space strip abutting Castleview Drive and Daylight Triangle, except at driveway locations, whereas the by law requires a minimum 9.0m wide landscaped open space strip be provided along the 0.3m reserves except at driveway locations;

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9. To provide 138 parking spaces on site whereas the by-law requires a minimum of 146 parking spaces.

9. **DEFERRED MINOR VARIANCE APPLICATIONS**

9.1. **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.).

Mr. Rohit Agrawal, applicant and owner of the property, presented application A-2022-0058 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 application was one of four previously deferred applications at the June 21, 2022 hearing following staff's recommendation regarding the use of an agreement to ensure the long term compliance with conditions. Staff informed Committee that they are no longer considering that approach.

Staff noted that the applicant has submitted a revised site plan which does show vegetation proposed along the lot line.

Following discussion, Mr. Agrawal 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-2022-0058 to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line and to permit an exterior side yard setback

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of 1.887m (6.19 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 applicant implement planting to screen the proposed below grade entrance and provide elevations of the staircase railing in a manner satisfactory to the Director of Development Services;
3. That the below grade entrance shall not be used to access an unregistered second unit;
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

9.2. **A-2022-0167**

SAMANDER PHOGAT

2 BEVINGTON ROAD

LOT 1, PLAN 43M-1812, WARD 6

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.

Ms. Kruti Shah, RJ Cad Solutions Inc., authorized agent for the applicant, presented application A-2022-0167 briefly outlining the variance requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that the applicant has submitted a revised site plan which demonstrates that the below grade entrance will be screened by vegetation.

Ms. Shah 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: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2022-0167 to permit a below grade entrance between the main wall of the dwelling and the flankage lot line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;
3. That the below grade entrance shall not be used to access an unregistered second unit; 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:

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-2022-0168**

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.

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Ms. Mallory Nievas, Weston Consulting authorized agent for the applicant, presented application A-2022-0168 briefly outlining the variances requested. She advised that the addition of a commercial school use in the building is similar in nature to the permitted use of a private school since that are both educational facilities. Ms. Nievas explained that the existing limitation on the site will remain, proposing a maximum building occupancy of 480 people and 1400 square metres. She added that in terms of the parking reduction, there will be busing of students and students will be provided with presto cards to encourage transit use. She advised that the owners will monitor traffic conditions on site and the surrounding area to ensure there are no negative impacts.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff expressed that they met with the applicant and traffic services staff to discuss conditions to be implemented.

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

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0168 to permit a commercial school and to provide 48 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 variance be approved for a temporary period of three (3) years;
3. That the owner shall submit a parking utilization study to justify the reduction in the number of parking spaces prior to a future extension of the Commercial School use;
4. That the maximum combined gross floor area for the commercial school and private school shall not exceed 1,400 square metres for classrooms and the maximum building occupancy of 480 persons in association with private school and commercial school;
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

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

CARRIED

9.4. **A-2022-0173**

RAHUL RANA, RAJINDER SINGH RANA AND NEERU RANA

1 ABBOTSBURY DRIVE

LOT 303, PLAN 43M-1751, WARD 5

The applicants are 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.

Ms. Kruti Shah, RJ Cad Solutions Inc., authorized agent for the applicant, presented application A-2022-0173 briefly outlining the variance requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that a revised site plan attached to the report as Appendix A has been submitted which includes vegetation to screen the below grade entrance.

Ms. Shah 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: D. Colp

THAT application A-2022-0173 to permit a below grade entrance between the main wall of the dwelling and the flankage lot line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;

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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

9.5. **A-2022-0176**

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.).

Mr. Raman Kumar, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-0176 briefly outlining the variances requested.

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

Mr. Kumar 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-2022-0176 to permit a below grade between the main wall of the dwelling and the flankage lot line and to permit an exterior side yard setback of 2.11m (6.92

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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 Notice of Decision;
2. That owners shall extend the existing fence to screen the below grade entrance in a manner satisfactory to the Director of Development Services;
3. That the below grade entrance shall not be used to access an unregistered second unit;
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

10. **ADJOURNMENT**

Moved by: D. Colp

Seconded by: D .Doerfler

That the Committee of Adjustment hearing be adjourned at. 11:04 a.m.to meet again on Tuesday, August 23, 2022.

CARRIED