

**APPLICATION # A-2022-0291**  
**WARD 8**

**APPLICATION FOR MINOR VARIANCE**

WHEREAS an application for minor variance has been made by **MEENAKSHI SAINI AND RAJINDER SAINI** 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 37, Plan 43M-1836 municipally known as **39 KELWAYS CIRCLE**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit an exterior stairway leading to a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit exterior stairways constructed below established grade between the main wall of a dwelling and the flankage lot line.

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

Plan of Subdivision: \_\_\_\_\_ NO \_\_\_\_\_ File Number: \_\_\_\_\_  
Application for Consent: \_\_\_\_\_ NO \_\_\_\_\_ File Number: \_\_\_\_\_

The Committee of Adjustment has appointed **TUESDAY, October 4, 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.**

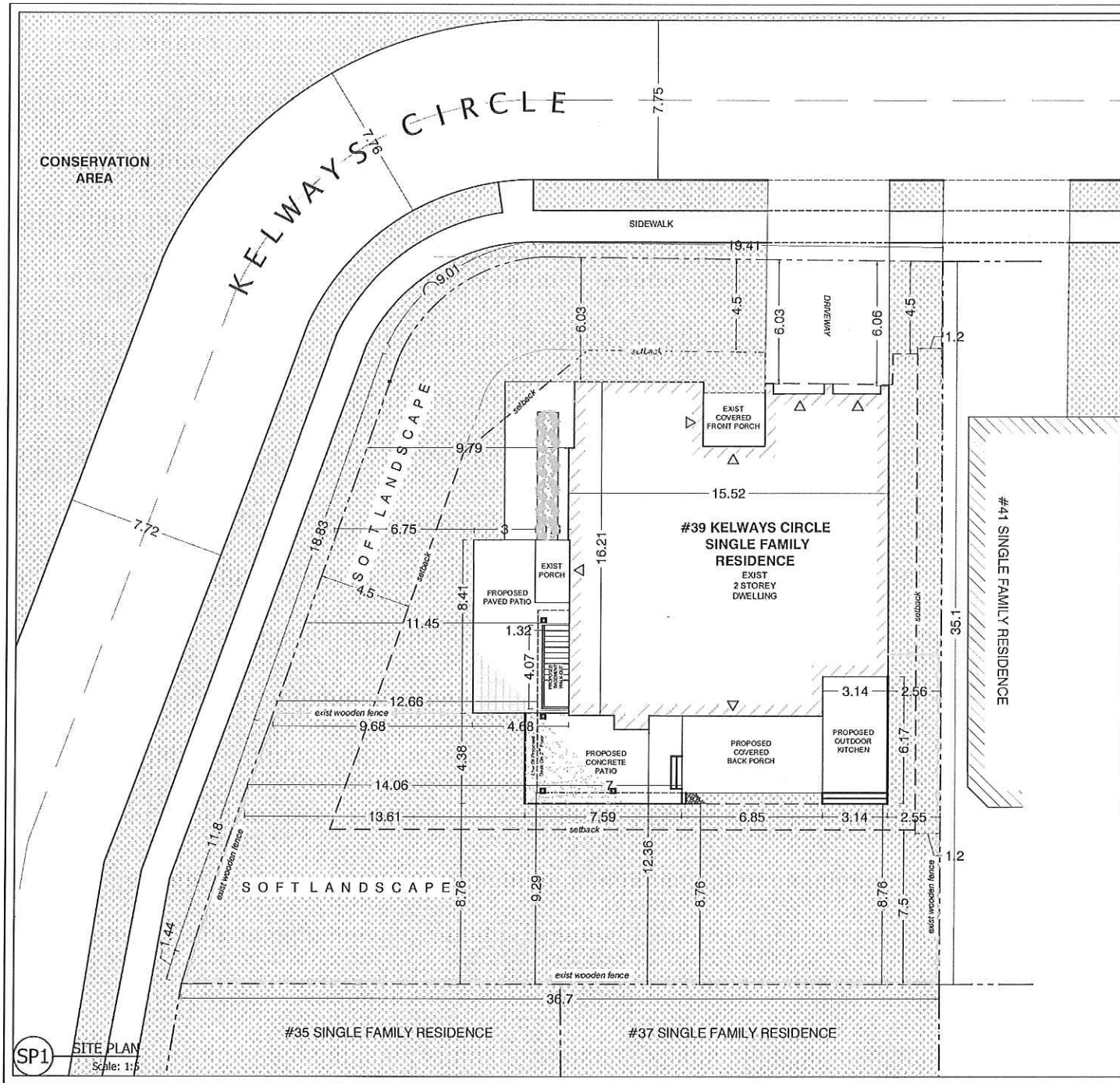
**PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC**

DATED at Brampton Ontario, this 22nd Day of September, 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)





SP1 SITE PLAN  
Scale: 1:5

PROJECT NORTH	NORTH
DESIGN CONSULTANT	
<b>KEVIN MENDONS</b>	
kevinm@icloud.com	#416 738 1161

SITE PLAN FOR  
39 KELWAYS CIRCLE,  
BRAMPTON, ON.



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 **October 4, 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, September 29, 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, September 29, 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, September 29, 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, September 29, 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.***





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)** MEENASHAKSHI & RAJINDER SAINI  
**Address** 39 KELWAYS CIRCLE  
BRAMPTON, ON L6T 0G5

**Phone #** 416-464-6747 **Fax #** \_\_\_\_\_  
**Email** meenakshi.gta@gmail.com

2. **Name of Agent** KEVIN J. MENDONSA  
**Address** 2700 AQUITAINE AVE. APT #1502, MISSISSAUGA, ON. L5N 3J6

**Phone #** 416-738-1161 **Fax #** \_\_\_\_\_  
**Email** kevynm@icloud.com

3. **Nature and extent of relief applied for (variances requested):**  
As per Zoning By-Law 10.23.1 For a single dwelling, exterior stairways constructed  
below the established grade shall not be located in front of flankage lot line.  
We wish to seek relief from this by-law to construct a walkout for existing basement un the same dwellin.  
The basement consists of:- an area segregated for a home gym.  
A recreational area with a wet bar, and a washroom. (shared by the gym and the rec. area).  
Note:- This basement will not be used as a second unit dwelling

4. **Why is it not possible to comply with the provisions of the by-law?**  
Due to the existing basement having a low ceiling all along the side-yard' side,  
it is not possible to construct a below grade area along that side of the building.  
The rear of the dwelling as a chimney, padmounted A.C., rear deck thus leaving us with no option  
but to construct a below grade entrance on the flankage side to the dwelling

5. **Legal Description of the subject land:**  
**Lot Number** M1836 LOT 37  
**Plan Number/Concession Number** 10-12-0-001-46872-0000  
**Municipal Address** 39 KELWAYS CIRCLE, BRAMPTON ON L6T 0G5

6. **Dimension of subject land (in metric units)**  
**Frontage** 19.41M  
**Depth** 35.1M  
**Area** 1077.98M

7. **Access to the subject land is by:**

Provincial Highway	<input type="checkbox"/>	Seasonal Road	<input type="checkbox"/>
Municipal Road Maintained All Year	<input checked="" type="checkbox"/>	Other Public Road	<input type="checkbox"/>
Private Right-of-Way	<input type="checkbox"/>	Water	<input type="checkbox"/>

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.)

Existing structure = Single Family 2-Storey Dwelling  
Ground floor area = 229 SqM.  
Second floor area = 187.5 SqM  
Gross Floor Area = 416.5 SqM  
Ridge ht. = 10.86m  
dimensions of Dwelling = 16.21m(depth) x 15.52(width)

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

Proposed sun room (non-heated) 6.85m x 4.38m  
Proposed Outdoor Kitchen 6.17m x 3.14m  
Proposed basement walkout 4.07mX1.32m

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 6.03m  
Rear yard setback 12.36  
Side yard setback 14m  
Side yard setback 2.56

**PROPOSED**

Front yard setback 6.03m  
Rear yard setback 8.76m  
Side yard setback 11.45m  
Side yard setback 2.56m

10. Date of Acquisition of subject land: 2010

11. Existing uses of subject property: Residential

12. Proposed uses of subject property: Residential

13. Existing uses of abutting properties: Residential

14. Date of construction of all buildings & structures on subject land: 2012

15. Length of time the existing uses of the subject property have been continued: 10 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 # \_\_\_\_\_ Status \_\_\_\_\_

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 _____

[Signature]  
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton  
THIS 06 DAY OF September, 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, Kevin Mendonsa, OF THE City OF Mississauga

IN THE Province OF Ontario 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 Brampton

IN THE Region OF

Peel THIS 6 DAY OF

Sept, 2022

[Signature]  
A Commissioner etc.

Deanna Michele Starr, a Commissioner, etc.,  
Province of Ontario, for Deanlee Management Inc,  
and its subsidiaries, associates and affiliates,  
Expires November 15, 2024.

[Signature]  
Signature of Applicant or Authorized Agent

FOR OFFICE USE ONLY

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

Present Zoning By-law Classification: R1E - 1959

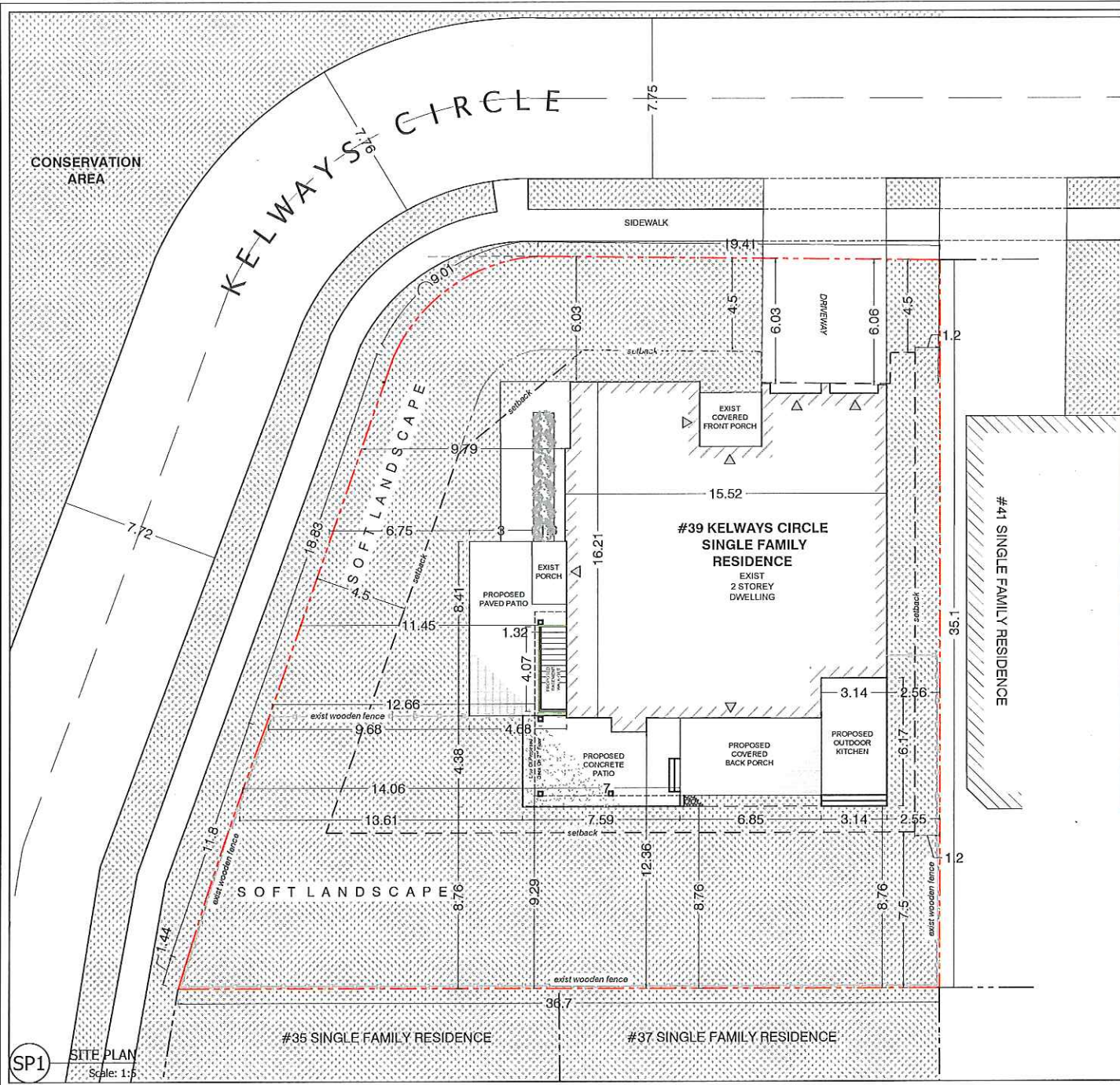
This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

HOTHU S.  
Zoning Officer

SEPT 07 2022  
Date

DATE RECEIVED September 7, 2022





SP1 SITE PLAN  
Scale: 1:5



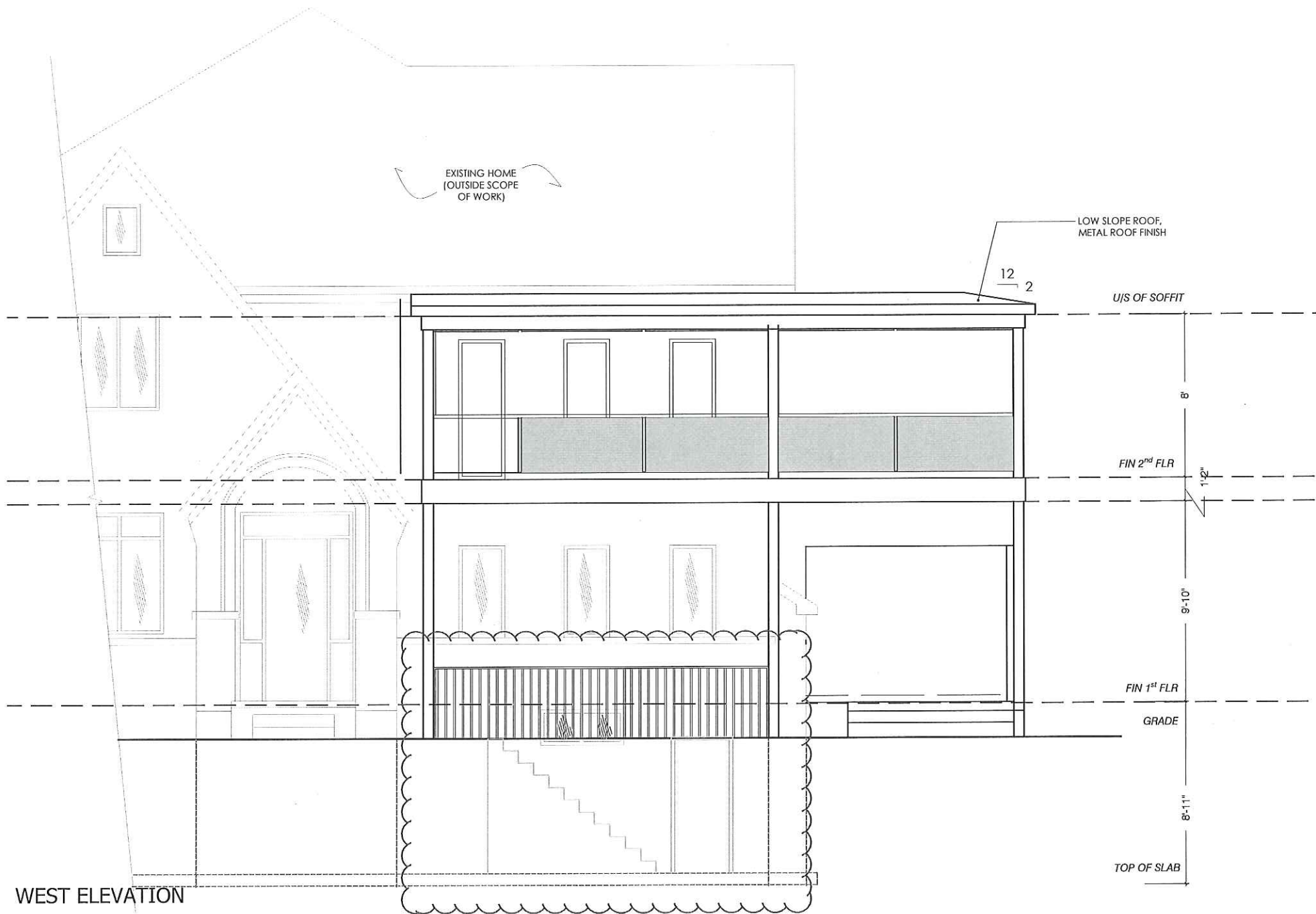
PROJECT NORTH

NORTH

DESIGN CONSULTANT

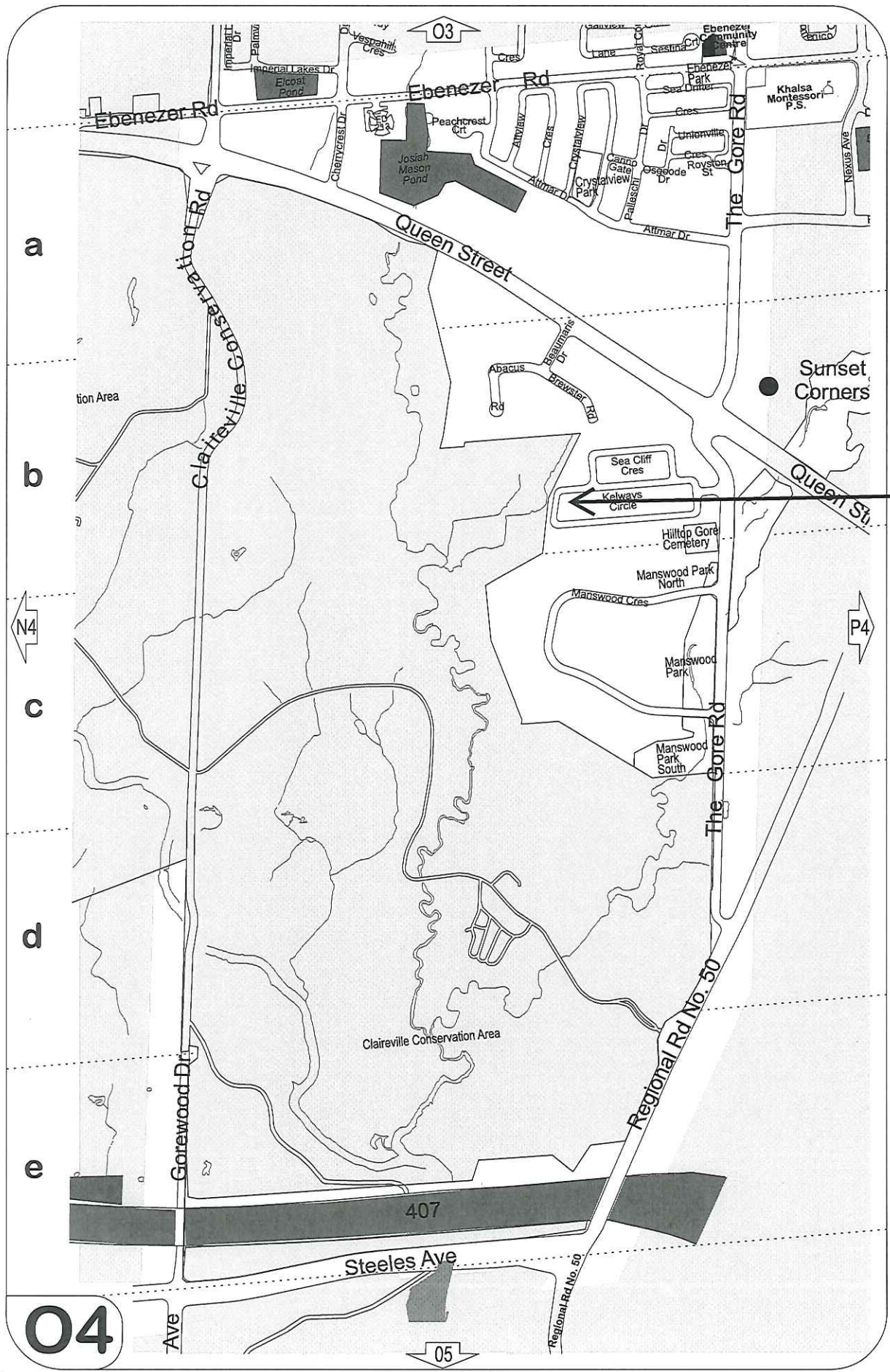
KEVIN MENDONSA  
kevinm@icloud.com #416 738 1161

SITE PLAN FOR  
39 KELWAYS CIRCLE,  
BRAMPTON, ON.



PROPOSED SIDE ENTRANCE OF FLANKAGE OF PROPERTY  
39 KELWAYS CIRCLE. BRAMPTON ON.





A-2022-0291

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