

Date: September 13, 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: Kelly Henderson, Development Planner
Noel Cubacub, Development Planner
Mohamed Jalabi, Assistant Development Planner
Simran Sandhu, Assistant Development Planner
Constance Tsang, Development Planner
Nitika Jagtiani, Development Planner
Angelo Ambrico, Principal Planner/Supervisor, Development Services
Ross Campbell, 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 11:50 am.

2. **ADOPTION OF MINUTES:**

Moved by: D. Colp

Seconded by: D.Doerfler

THAT the minutes of the Committee of Adjustment hearing held August 23, 2022 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated September 6, 2022.

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

Nil

5. **WITHDRAWALS/DEFERRALS**

Committee acknowledged receipt of a letter dated August 24, 2022 from Kuldip Tutt, owner of the property addressed as 53 Royce Avenue, advising that Consent Application B-2022-0001 and related Minor Variance Application A-2022-0030 are WITHDRAWN.

A-2022-0261 (Agenda item 8.15.)

JASVINDER SHOKER

112 MOUNTAINBERRY ROAD

LOT 175, PLAN M-1303, WARD 10

Committee acknowledged receipt of a letter received on September 9, 2022 in the City Clerk's Office from Dilpreet Singh, RDA Designs, authorized agent for the applicant, requesting a deferral of Application A-2022-0261 (**Agenda item 8.15.**)

Mr. Singh was in attendance to acknowledge the request for a deferral advising that he proposes to work with staff regarding the amount of concrete on the property.

Staff informed Committee that there is a By-law Enforcement matter pertaining to the property advising that an inspection has occurred and a notice has been sent, although the matter has not gone to prosecution.

Staff noted that they spoke to the applicant advising Committee that staff would support a deferral to provide an opportunity for the applicant to propose something that staff could support.

Timelines were discussed for a deferral date following which the Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0261 be deferred no later than the haring of November 15, 2022.

CARRIED

A-2022-0264 (Agenda item 8.17.)

GURPREET UBHI AND KULJEET UBHI

8884 CREDITVIEW ROAD

PART OF LOT 5, CONCESSION 4 WHS, WARD 4

Committee acknowledged receipt of a letter dated September 12, 2022 from from Elen Abunaha, Atara Design, authorized agent for the applicant requested a deferral of Minor

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Variance Application A-2022-0264 for the property addressed as 8884 Creditview Road
(Agenda item 8.17).

Ms. Abunaha was in attendance to acknowledge the request for a deferral advising that they are working with Planning, Heritage and Forestry staff to comply with their requests.

Staff advised that a deferral is recommended to a hearing no later than March, 2023 to allow staff time to discuss outstanding matters.

Ms. Abunaha requested a hearing for the following month of October. Staff responded that they are trying to provide time for Forestry to address outstanding enforcement matters and to circulate revised plans that were recently submitted.

Timelines were discussed with Committee advising that a deferral to October may not provide sufficient time to resolve matters and supported staff's recommendation for a deferral to a later date. Committee advised Ms. Abunaha that she could return to the Committee earlier than the last meeting of March, 2023 provided all outstanding matters have been resolved.

Ms. Abunaha consented to the recommendation put forward by staff and supported by Committee. Following discussion Committee reached the following decision.

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2022-0264 be deferred no later than the last hearing of March, 2023.

CARRIED

6. **NEW CONSENT APPLICATIONS**

6.1. **B-2022-0011**

1388688 ONTARIO LIMITED

499 MAIN STREET SOUTH

PART OF LOT 1, CONCESSION 1 WHS, WARD 3

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 22.1 hectares (54.61 acres); together with servicing and access easements over the existing driveway. The proposed severed lot has a frontage of approximately 55 metres (180.45 feet), a depth of approximately 127 metres (416.67 feet) and an area of approximately 0.65 hectares (1.61 acres). The effect of the application is to create a new lot to facilitate development of the first phase (Phase 1A) of the redevelopment of the Shopper's World site.

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Ms. Kelly Graham, SVN Architects & Planners, authorized agent for the applicant, presented application B-2022-0011 briefly outlining the nature of the application to facilitate the first phase of the masterplan for the site. She advised that the site formally contained a bus terminal which has since been decommissioned when the gateway terminal was constructed at the corner of Steeles Avenue and Main Street.

Ms. Graham made reference to various slides proposing development of the site with new public streets, an enlarged park with a new community hub, enhanced connections to the gateway transit terminal and new residential and commercial uses in a mix of tall mid rise and low rise buildings. She advised that the proposal will provide a separate lot for two large buildings.

Ms. Graham explained that the larger area of the site is subject to an active draft plan of subdivision. She noted that Phase 1 of the development site was left out of the draft plan of subdivision as it was always the intent to proceed through the consent process ahead of the rest of the site.

Reference was made to a site plan which included the portion of the site that will be conveyed to the Region of Peel for a road widening and also a public access easement. Ms. Graham explained that a private driveway will serve in the interim as an active transportation connection into the site. In conclusion Ms. Graham summarized the applicable planning policies.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0011 from a planning land use perspective, with conditions. Staff noted that since the staff recommendation report was made available they have worked on re-wording of the conditions informing Committee that the original condition number 3 has now been added into the consent agreement.

Staff added that condition 3 (l) was reworded to reflect the following *“At the request of the City and without delay the owner of the severed lands agrees to gratuitously convey rights-of-way (including the conveyance of lands fee simple) to the City based on the requirements of the approved draft plan(s) of subdivision on the retained lands for the future public north south road opposite to Lancashire Lane”*.

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

Ms. Graham 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

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THAT application-2022-0011 to sever a parcel of land currently having a total area of approximately 22.1 hectares (54.61 acres); together with servicing and access easements over the existing driveway to facilitate development of the first phase (Phase 1A) of the redevelopment of the Shopper's World site 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. That the owner shall enter into a consent agreement with the City which shall be registered on title to the severed and retained lands, at no cost to the City, in priority to all other encumbrances to the satisfaction of the Commissioner of Public Works & Engineering or their designate. The consent agreement shall generally include provisions regarding, but not limited to, the following:
 - a. Public access easement: Prior to site plan approval of any development on the severed lands, the Owner of the retained lands shall prepare all documents and gratuitously convey an at-grade public access easement in favour of the City and to the satisfaction of the Commissioner of Public Works and Engineering or their designate, for the purposes of vehicular and pedestrian access. The public access easement shall be in priority to all other interests except fee simple interest of the owner to the satisfaction of the City Solicitor or their designate
 - b. Condition of lands: The owner agrees that as a condition of site plan approval for development of the severed or retained lands, the driveway located within the public access easement that is to be conveyed as part of severance application, will be constructed as per the related and approved site plan drawings including but not limited to installation of any street lighting, traffic signage, curbs, pedestrian crossings (if applicable), required utilities and services to the satisfaction of the Commissioner of Public Work and Engineering or their designate.
 - c. Maintenance: The owner shall repair and maintain the lands subject to the public access easement in a state of good repair, free and clear of encumbrances and obstruction, except as otherwise permitted by the terms of the easement, including the clearing of snow and ice, at its sole cost and expense to the satisfaction of the Commissioner of Public Works and Engineering or their designate.
 - d. Maintenance: the owner will obtain all necessary municipal approvals and make appropriate arrangements as may be necessary for the construction, use (vehicular and pedestrian), and maintenance of the land subject to the public access easement, including entering into a cost sharing agreement with landowners who are also subject to or benefit from the public access easement for the purpose of sharing construction and maintenance costs associated with the public access easement including costs associated with snow clearing, asphalt maintenance, landscaping and

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replacement, to the satisfaction of the Commissioner of Public Works and Engineering or their designate.

- e. Indemnification: The owner shall, at all times hereafter fully indemnify and save harmless the City, its elected officials, officers, employees, agents, their successors and assigns, or any of them, from and against all actions, causes of action, suits, claims and other proceedings which may be brought against or made upon the City, its elected officials, officers, employees, agents, their successors and assigns, or any of them and from and against all loss, liability, judgment, costs, charges, demands, damages or expenses which the City, its elected officials, officers, employees, agents, their successors and assigns or any of them may sustain, suffer or be put to resulting from or arising out of:
- i. The failure of the owner to design, construct and/or maintain the driveway on the lands subject to the public access easement;
 - ii. Any loss, damage or injury (including death resulting from injury) to any person or property, howsoever caused directly or indirectly, resulting from or sustained by reason of any act or omission of the owner or any person for whom it is in law responsible for in connection with any of the purposes set out in the public access easement or any other activities, actions or occurrence on any part of the lands subject to the public access easement lands whether or not contemplated pursuant to the terms of this agreement or the public access easement;
 - iii. the passage on, use or occupation of the lands subject to the public access easement by the owner, its contractors, subcontractors, guests or invitees, members of the general public and any other person driving or operating vehicles or equipment on any part of the lands subject to the public access easement lands;
 - iv. the owner's breach or failure to perform any covenant or provisions herein; and
 - v. any collision, accident or other occurrence on or within any part of the lands subject to the public access easement resulting in damage or injury to any vehicle or other property or any personal injury to or the death of any person;
- f. Insurance: The owner shall take out and maintain, at its expense, commercial general liability insurance with respect to the public access easement acceptable as to form, limits and conditions to the City for a limit of not less than Five Million Dollars (\$5,000,000.00) per occurrence (such limit to be increased from time to time to reflect an amount which would be maintained by a prudent owner as determined by the City) covering possible damages, losses, claims and expenses for or in connection with any personal injury, death or property damages that might be incurred on or about the lands subject to the public access easement. The insurance policy shall include the City as an additional insured and shall contain a cross-liability and severability of interest clause and include contractual liability coverage. The liability insurance policy shall provide that any breach of a condition of the policy by an insured shall not affect protection given by the policy to any other insured. The liability insurance policy shall contain a clause providing that the insurer will not cancel or refuse to render the said insurance without first giving the City thirty (30) days prior written notice thereof. The owner shall supply the City with satisfactory evidence of such insurance upon request by the City, and a certificate of insurance shall be remitted to the City within thirty (30) days of issuance and evidence of continuance shall be remitted to the City at least

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thirty (30) days prior to the expiration of any insurance policy. The owner shall provide to the City a copy of the insurance policy upon request.

- g. The Owner agrees not to construct, erect or permit and to remove any building, structures, or improvements upon, under, along, or across the lands subject to the public access easement, nor deposit on or remove any fill from the same and not to do or suffer to be done any other thing that in any way interfere with the rights and easements granted to the City unless a temporary interference with the rights and easements is required:
 - i. for the purpose of construction, maintenance and repair of the lands subject to the public access easement and for any demolition or replacement thereof (collectively, the "Work"), provided that such Work does not materially interfere with the use of the lands subject to the public access easement;
 - ii. as result of development on adjacent lands that has been approved by the City.

so long as the Owner limits the area of the land that is impacted on and the amount of time that the rights and easements granted to the City are interfered with and ensures that access for vehicles and pedestrians on the lands is maintained at all times, with the Owner restoring the lands subject to the public access easement at its cost and expense to the state they were in prior to any interference with the rights and easements granted to the City as soon as possible and to the satisfaction of the Commissioner so that the public may safely resume use of the entirety of the lands;

- h. Where the Owner requires the temporary interference with the rights and easements of the City in accordance with section f) above, the Owner shall provide the Commissioner of Public Works and Engineering (including his or her designates, the "Commissioner") with at least sixty (60) days prior written notice of such interruption (save and except in emergency situations) and obtain the consent of the Commissioner, acting reasonably, to the timing and duration of such interruption (save and except in emergency situations where such consent is not required);
- i. The Owner, for itself, successors and assigns, covenants with the City, its or their successors and assigns, that the City shall have the right to enter upon the lands subject to the public access easement and to remove any and all unauthorized trees, buildings, structures, obstructions, or fill or other thing which may obstruct or hinder the public from exercising their rights under the public access easement and shall not thereby render itself liable in damages to the Owner.
- j. The Owner may not grant any encroachment or license or easement or any other form of legal right over the lands subject to the public access easement without the previous approval of the City, which approval may not be unreasonably withheld;
- k. In the event of an alleged failure or defect in the state of repair and maintenance of the lands subject to the public access easement which are not cured to the satisfaction of the Commissioner within sixty (60) days written notice thereof to the Owner (or, in the event of an emergency situation, within such lesser period of time as is reasonable in the circumstances), the City, its contractors and subcontractors may, but shall not be obliged to, have the right to maintain, repair, and/or replace works

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related to the lands subject to the public access easement in order to remedy such failure or defect and the Owner shall reimburse the City for all costs and expenses incurred by the City as a result thereof.

- I. At the request of the City and without delay the owner of the severed lands agrees to gratuitously convey rights-of-way (including the conveyance of lands fee simple) to the City based on the requirements of the approved draft plan(s) of subdivision on the retained lands for the future public north south road opposite to Lancashire Lane.
4. Arrangements satisfactory to the City of Brampton Commissioner of Public Works and Engineering and Chief Building Official shall be made with respect to the location of existing and installation of new services and required municipal/private easements. This includes a satisfactory reference plan, easement documentation and registration of the required easements.
5. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and required municipal/private easements. This includes a satisfactory reference plan, easement documentation and registration and servicing component;
6. Satisfactory arrangements shall be made between the Owner and the Region regarding land dedication and access configuration; and,
7. The applicant submits \$1,400 review fee to the Region of Peel as per their letter dated September 6th, 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

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1. **A-2021-0258**

ALEXANDRE RODRIGUES AND MARIA REGINA RODRIGUES

168 KENNEDY ROAD SOUTH, UNIT 9

PART OF LOT 2 CONCESSION 2 EHS, WARD 3

The applicant is requesting the following variance(s):

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1. To permit a convenience store with take out (Unit 9) beyond 50 metres from the front lot line whereas the by-law does not permit a convenience store with take out that is located more than 50 metres from the front lot line;
2. To provide 142 parking spaces whereas the by-law requires a minimum of 223 parking spaces.

Mr. Patrick Cheeseman, authorized agent for the applicant, presented application A-2021-0258 briefly outlining the variances requested.

In response to a question raised by Committee, Mr. Cheeseman advised that the parking study was conducted in May and June confirming that the parking numbers apply to the entire site. Committee noted that the parking study showed that the deficiency would be 6 spaces related specifically to the subject unit.

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

Mr. Cheeseman 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-2021-0258 to permit a convenience store with take out (Unit 9) beyond 50 metres from the front lot line and to provide 142 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 take-out establishment shall only be permitted in conjunction with a convenience store within the same unit;
3. That the parking requirement for parking for any combination of uses permitted in the "*Industrial 1 – Special Section 3445 (M1-3445)*" zone, and any uses permitted by way of Minor Variance shall not exceed 223 parking spaces;
4. That the applicant shall obtain a building permit for the "change of use" within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.2. **A-2022-0247**

TARIQ FAROOQ AND GULZAR BEGUM

96 SAL CIRCLE

LOT 70, PLAN M-1030, WARD 10

The applicants are requesting the following variance(s):

1. To permit a below grade entrance between the main wall of the dwelling and the front lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the front lot line;
2. To permit a driveway width of 8.15m (26.74 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit 0.25m (0.82 ft.) 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. Mohammed Syed, Mechways Inc, authorized agent for the applicant, presented application A-2022-0247 briefly outlining the variances requested.

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

Mr. Syed indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2022-0247 to permit a below grade entrance between the main wall of the dwelling and the front lot line; to permit a driveway width of 8.15m (26.74 ft.) and to permit 0.25m (0.82 ft.) of permeable landscaping between the driveway and the side lot line be approved for the following reasons and subject to the following conditions:

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1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner implement planning to adequately screen the below grade entrance and minimize visual impact to 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;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.3. **A-2022-0248**

JACK SZYDLOWSKI AND JOHANNA SZYDLOWSKI

6 BIRD AVENUE

LOT BLOCK A, PLAN BR-24, WARD 1

The applicants are requesting the following variance(s):

1. To permit a roof to encroach 6.04m (19.82 ft.) into the rear yard, resulting in a rear yard setback of 1.46m (4.80 ft.) whereas the by-law permits a roof to encroach a maximum of 2.0m (6.56 ft.), resulting in a rear yard setback of 5.5m (18.04 ft.).

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

8.4. **A-2022-0249**

SANDEEP SODHI AND GURDEEP SINGH SADHRA

41 TOTTEN DRIVE

PART OF BLOCK 360, PLAN 43M-1731, PARTS 26 AND 27, PLAN 43R-31750, WARD 9

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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 a below grade entrance within a required interior side yard;
2. To permit an interior side yard setback of 0.23m (0.75 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94).

Mr. Shivang Tarika, authorized agent for the applicant, presented application A-2022-0249 briefly outlining the variances requested.

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

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. Colp

Seconded by: A. C. Marques

THAT application A-2022-0249 to permit a below grade entrance within a required interior side yard and to permit an interior side yard setback of 0.23m (0.75 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 and in accordance with the revised site plan drawing (Appendix A);
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

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8.5. **A-2022-0250**

HARSHAL SANATKUMAR SONI AND HIRAL SHAILESH SONI

39 HAWTREY ROAD

LOT 222, PLAN 43M-2058, WARD 6

The applicants are requesting the following variance(s):

1. To permit a deck with a rear yard setback of 2.69m (8.83 ft.) whereas the by-law requires a minimum rear yard setback of 3.5m (11.48 ft.).

Mr. Shivang Tarika, authorized agent for the applicant, presented application A-2022-0250 briefly outlining the variance requested for a proposed deck.

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

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: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0250 to permit a deck with a rear yard setback of 2.69m (8.83 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit for the rear yard deck within sixty (60) days of the final date of the Committee's decision, or as extended at the discretion of the Chief Building Official; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

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8.6. **A-2022-0252**

SUKHBIR KAUR AND HARPAL SINGH

209 VAN SCOTT DRIVE

LOT 217, PLAN M-1426, WARD 2

The applicants are requesting the following variance(s):

1. To permit a landing and associated steps for an above grade entrance with a side yard setback of 0.31m (1.02 ft.) whereas the by-law requires a minimum setback of 0.9m (2.95 ft.) for any steps or landing associated with an above-grade entrance from the side lot line;
2. To permit a driveway width of 7.47m (24.51 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit 0.10m (0.33 ft.) 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. Shivang Tarika, authorized agent for the applicant, presented application A-2022-0252 briefly outlining the variances requested.

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

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-2022-0250 to permit a landing and associated steps for an above grade entrance with a side yard setback of 0.31m (1.02 ft.); to permit a driveway width of 7.47m (24.51 ft.) and to permit 0.10m (0.33 ft.) of permeable landscaping between the driveway and the side lot line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the above grade entrance shall not be used to access an unregistered second unit;

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3. That a building permit be obtained for the above grade entrance within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
4. That drainage on adjacent properties shall not be adversely affected;
5. That there shall be no additional widening of the driveway between the sidewalk and the street curb; and
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.7. **A-2022-0253**

CARLOS PEREIRA

91 HAROLD STREET

LOT 21, PLAN 515, WARD 3

The applicant is requesting the following variance(s):

1. To provide a 2.16m (7.09 ft.) rear yard setback to a proposed 2 storey addition whereas the by-law requires a minimum rear yard setback of 7.62m (25 ft.) *{25% of the depth of the lot}*;
2. To permit a driveway width of 8.17m (26.80 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.), or the width of the garage, whichever is greater, for a driveway on the flankage lot line;
3. To permit an accessory structure (existing gazebo) in the front yard whereas the by-law prohibits accessory structures in the front yard;
4. To permit an existing fence in the front yard having a maximum height 1.78m (5.84 ft.) whereas the by-law permits a maximum height of 1.0m (3.28 ft.) for a fence in the front yard;

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5. To permit an existing fence in the visibility triangle having a maximum height of 1.78m (5.84 ft.) whereas the by-law permits a maximum fence height of 0.8m (2.62 ft.) in the visibility triangle.

Mr. Raymond McCarthy, Vizion Media Inc., authorized agent for the applicant, presented application A-2022-0253 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated September 8, 2022 from Ashwin Kothandaraman, 95 Harold Street indicating support for Application A-2022-0253.

Mr. Ashwin Kothandaraman, 95 Harold Street addressed Committee advising that he concurs with all the variances requested in the application.

Mr. Roy Vanofwegen, owner of 4 Brenda Avenue addressed Committee in opposition to the proposal. He explained that his property abuts the back property line of the subject property and expressed that the by-law is in place to protect property owners from having two storey buildings too close to property lines noting that this will affect his property value. It was his submission that the by-law should be upheld.

Committee was informed that City of Brampton planning staff was in support of this application, *in part*, with conditions. Staff noted that the height of the building is permitted and requires no variance.

Committee explained for the benefit of Mr. Vanofwegen that there is no request for a variance for the height of the two storey addition. Mr. Vanofwegen commented that his concern is with the distance of the addition from the property line and with the back yard having a two storey wall beside it. He read aloud the variance *to provide a 2.16m (7.09 ft.) rear yard setback to a proposed 2 storey addition whereas the by-law requires a minimum rear yard setback of 7.62m (25 ft.)*.

Staff explained that the request is to permit a reduced setback to the rear property line explaining that the garage is extending further, requiring the variance. Staff noted that the proposed height is permitted.

Staff clarified that the Brenda Street frontage is the front property line of the subject property noting that the yard between Mr. Vanofwegen's property and the subject property is interpreted in the Zoning By-law as a side yard, not a rear yard. Staff advised that the house fronts onto Harold Street however the front property line is on Brenda Street. Staff advised that the rear yard setback is for any portion of the house regardless of whether or not the house is one storey or two storey.

Mr. McCarthy noted that there is an existing garage on site which the owner wants to enclose. He advised that there is already a two storey building on site explaining that the owner is replacing that building with a better building. He commented that it will not affect the neighbouring property.

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In response to a question raised by Committee staff explained that the garage is currently not in line with the building so it is proposed to be built out in line with the building. Staff clarified that based on the orientation of the dwelling the property functionally utilizes the front of the yard as the rear and the rear of the yard as the side. Staff noted the entrance is towards Harold Street.

Mr. Vanofwegen advised that the existing carport is being converted and expressed opposition to the height of the second storey addition to the garage. He maintained his position that he does not want a second storey in close proximity to his back yard. He commented that there currently is a second storey which is setback much further. Mr, Vanofwegen requested that the by-law be respected which is in place for his protection commenting that the addition benefits the property owner but does not benefit him.

Following discussion, Mr. McCarthy 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-2022-0253 to permit a 2.16m (7.09 ft.) rear yard setback to a proposed 2 storey addition; to permit a driveway width of 8.17m (26.80 ft.); to permit an accessory structure (existing gazebo) in the front yard; to permit an existing fence in the front yard having a maximum height 1.78m (5.84 ft.) and to permit an existing fence in the visibility triangle having a maximum height of 1.78m (5.84 ft.) be approved, *in part*, for the following reasons and subject to the following conditions:

1. That the extent of be limited to that shown on the sketch attached to the Notice of Decision;
2. That Variance 2 for a driveway width of 8.17m (26.80 ft.) be refused; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

Committee of Adjustment Minutes

8.8. **A-2022-0254**

ANDREA CARNEIRO AND STEVE MACEDO

584 QUEEN MARY DRIVE

LOT 4, PLAN 43M-2090, WARD 6

The applicant is requesting the following variance(s):

1. To permit an accessory structure (cabana) to include a habitable floor area (installation of washroom) whereas the by-law does not permit an accessory structure to be used for human habitation.

Ms. Andrea Carneiro, applicant and owner of the property, presented application A-2022-0254 briefly outlining the variance requested. She explained that the construction of the cabana with a washroom will assist her family from having to come in and out of the house frequently while using the pool.

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

Mr. Carneiro indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2022-0254 to permit an accessory structure (cabana) to include a habitable floor area (installation of washroom) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the accessory structure (cabana) shall not be used as a separate dwelling unit and that permission for habitable space in the accessory building shall be limited to the provisions of one washroom;
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

8.9. **A-2022-0255**

SANDEEP SANDHU AND VALENTINA PRABHJOT KAUR SANDHU

23 HOYLE DRIVE

LOT 38, PLAN 43M-1582, WARD 10

The applicants are requesting the following variance(s):

1. To permit 0.0m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side lot line;
2. To permit a 0.93m (3.05 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit.

Mr. Sandeep Sandhu, applicant and owner of the property, presented application A-2022-0255 briefly outlining the variances requested.

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

Mr. Qamar 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-2022-0255 to permit 0.0m of permeable landscaping abutting the side lot line and to permit a 0.93m (3.05 ft.) path of travel leading to a principle entrance for a second unit be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That drainage on adjacent properties is not adversely affected;
3. That the primary entrance to the second unit shall not be used to access an unregistered second unit;

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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

8.10. **A-2022-0256**

PARTHEEPAN DITHENUKA, ARIYARANTNAM PARTHEEPAN,

PARTHEEPAN KOMATHY AND JASINGAM AGENNITH

4 HENRY MOODY DRIVE

LOT 49, PLAN 43M-2054, WARD 6

The applicants are requesting the following variance(s):

1. To permit an above grade door in the side wall where a minimum side yard width of 0.67m (2.20 ft.) 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 (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a 0.67m (2.20 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit.

Mr. Shivang Tarika, authorized agent for the applicant, presented application A-2022-0256 briefly outlining the variances requested. He advised that he accepts the proposed conditions where staff are supporting 1 variance advising that he spoke with staff who confirmed that he can apply for a secondary unit with a common entrance.

Committee was informed that City of Brampton planning staff was in support of this application, *in part*, with conditions. Staff advised that in accordance with the Ontario Building Code standards, the proposed above grade entrance would not be sufficient for the required egress path to a public thoroughfare. Staff noted that the subdivision is located in a plan of subdivision that is not assumed by the City.

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In response to a question raised by Committee staff confirmed that the Building Code does allow entry through the main dwelling unit noting that the main door will be their primary access and that a path of travel would have to be provided inside the dwelling.

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-2022-0256 to permit an above grade door in the side wall where a minimum side yard width of 0.67m (2.20 ft.) is provided extending from the front wall of the dwelling up to the door, and to permit an above grade door in the side wall where a minimum side yard width of 0.67m (2.20 ft.) is provided extending from the front wall of the dwelling up to the door 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 1 be refused;
3. That the above grade entrance shall not be used as a primary entrance to a second dwelling unit;
4. That a building permit be obtained for the above grade entrance within an acceptable period of time at the discretion of the Chief Building Official;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

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8.11. **A-2022-0257**

GURPREET SINGH AND NEHA KALSI

4 JEMIMA ROAD

LOT 123, 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 stairways constructed below established grade within a required interior side yard;
2. To permit an interior side yard setback of 0.09m (0.30 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard of 1.2m (3.94 ft.);
3. To permit a rear yard setback of 2.06m (6.76 ft.) for a deck off the main floor whereas the by-law requires a minimum rear yard setback of 3.5m (11.48 ft.) to a wood deck off the main floor.

Mr. Shivang Tarika, authorized agent for the applicant, presented application A-2022-0257 briefly outlining the variances requested. Mr. Tarika commented that staff are not supporting the application noting that the property has not been assumed. He advised that he reached out to the developer

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that the property is located in an unassumed area of the City and that the work involves grading around the dwelling. Staff noted that with a previous application for a property on the same street the developer's engineer was concerned that they may cause issues with the dwelling as well as the adjacent dwelling given the reduced setback.

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. Doerfler

Seconded by: A. C. Marques

THAT application A-2022-0257 to permit a below grade entrance within a required interior side yard; to permit an interior side yard setback of 0.09m (0.30 ft.) to a below grade entrance and to permit a rear yard setback of 2.06m (6.76 ft.) for a deck off the main floor be refused for the following reasons:

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

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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

Following the decision of the Committee Mr. Tarika requested a deferral to the end of the year to provide a chance to have the variances approved. Committee advised Mr. Tarika that the decision has been made on the application and his request for a deferral should have been made at the beginning of the meeting.

8.12. **A-2022-0258**

GAITRIE CHETRAM AND GAUTAM CHETRAM

52 MIRABELL COURT

LOT 28, PLAN M-776, WARD 3

The applicants are requesting the following variance(s):

1. To permit a below grade side entrance within a required interior side yard whereas the by-law does not permit stairways constructed below established grade within a required interior side yard;
2. To permit an interior side yard setback of 0.05m (0.16 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard of 1.2m (3.94 ft.);
3. To permit an interior side yard setback of 0.46m (1.51 ft.) to an existing accessory structure whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines for an accessory structure;
4. To permit a driveway width of 5.9m (19.36 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17.06 ft.).

Mr. Shivang Tarika, authorized agent for the applicant, presented application A-2022-0258 briefly outlining the variances requested.

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

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-2022-0258 to permit a below grade side entrance within a required interior side yard; to permit an interior side yard setback of 0.05m (0.16 ft.) to a below grade entrance; to permit an interior side yard setback of 0.46m (1.51 ft.) to an existing accessory structure and to permit a driveway width of 5.9m (19.36 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 a building permit be obtained for the below grade entrance within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That drainage on adjacent properties shall not be adversely affected; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.13. **A-2021-0259**

MUKESH MALIK AND RATAN MALIK

616 QUEEN MARY DRIVE

LOT 42, PLAN 43M-2090, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of a dwelling and the flankage lot line.

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Mr. Kamal Jaura, Jaura Designs, authorized agent for the applicant, presented application A-2022-0259 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff noted that the subject property is located in a recently constructed subdivision that has not been assumed by the City. Staff explained that until the subdivision is assumed the developer is responsible for ensuring that the ongoing requirements of the subdivision, including maintenance, grading and drainage be respected.

Staff informed Committee that on September 8, 2022 the City received comments from the developer's engineer requesting that grading information be included on the plan to indicate drainage being diverted away from the house.

Following discussion, Mr. Jaura indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0259 to permit a below grade entrance between the main wall of a dwelling and the flankage lot line be approved for the following reasons and subject to the following conditions:

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

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8.14. **A-2022-0260**

CHARANDAI SARJOO

78 MILLHOUSE MEWS

PART OF BLOCK 172, PLAN 43M-1532, PARTS 49, 50, PLAN 43R-27794, WARD 6

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 interior side yard;
2. To permit an interior side yard setback of 0.59m (1.94 ft.) to an 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. Dilpreet Singh, RDA Designs, authorized agent for the applicant, presented application A-2022-0260 briefly outlining the variances requested.

Mr. Noah Jnaid, addressed Committee on behalf of his father, Mohamad Jnaid, 76 Millhouse Mews expressing concerns with the side door entrance between two units commenting that it will affect privacy due to foot traffic. Mr. Jnaid commented that any travel between the units such as bringing garbage containers to the front will be disruptive and will occur on his property.

Committee spoke of the configuration of the proposed below grade entrance with a landing and steps. Mr. Singh confirmed that there will be three risers down to a landing and 3 risers up for access to the rear. He explained that there will be a 10 inch wide retaining wall with a remaining 0.59 metres, approximately two feet of space remaining to the property line.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that they understand the concerns with potential trespassing onto the neighbouring property expressing that it is an enforcement issue and would encourage the resident to contact by-law enforcement if any issue arise. Staff advised that their primary concerns are with drainage and access commenting that they found no issues.

Mr. Jnaid suggested that perhaps the fence could be extended to provide privacy. Staff confirmed that the fence could be extended further and to a maximum height of 6 feet, 6 inches which is permitted to be located on the property line.

Following discussion, Mr. Singh 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. Colp

Seconded by: A. C. Marques

THAT application A-2022-0260 to permit a below grade entrance within a required interior side yard and to permit an interior side yard setback of 0.59m (1.94 ft.) to an exterior stairway leading 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 a building permit be obtained for the below grade entrance within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That drainage on adjacent properties shall not be adversely affected; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.15. **A-2022-0261 (Deferred as discussed during procedural matters)**

JASVINDER SHOKER

112 MOUNTAINBERRY ROAD

LOT 175, PLAN M-1303, WARD 10

The applicant is requesting the following variance(s):

1. To permit a driveway width of 8.31m (27.26 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

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8.16. **A-2022-0263**

SUKDEV SINGH AND KULVIR KAUR

10 KIRK DRIVE

LOT 175, PLAN 43M-817, WARD 5

The applicants are requesting the following variance(s):

1. To permit a driveway width of 7.58m (24.87 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit a roof to encroach 3.54m (11.61 ft.) into the minimum required rear yard setback, resulting in a rear yard setback of 4.34m (14.24 ft.) whereas the by-law permits a maximum roof encroachment of 2m (6.56 ft.) into the minimum required rear yard setback, resulting in a rear yard setback of 5.88 m (19.29 ft.);
3. To permit lot coverage of 37% whereas the by-law permits a maximum lot coverage of 30%.

Mr. Inderjit Singh, authorized agent for the applicant, presented application A-2022-0263 briefly outlining the variances requested.

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

Mr. Singh indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0263 to permit a driveway width of 7.58m (24.87 ft.); to permit a roof to encroach 3.54m (11.61 ft.) into the minimum required rear yard setback, resulting in a rear yard setback of 4.34m (14.24 ft.) and to permit lot coverage of 37% be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That drainage on adjacent properties shall not be adversely affected; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.17. **A-2022-0264** (*Deferred as discussed during procedural matters*)

GURPREET UBHI AND KULJEET UBHI

8884 CREDITVIEW ROAD

PART OF LOT 5, CONCESSION 4 WHS, WARD 4

The applicants are proposing construction of a 2 storey dwelling and are requesting the following variance(s):

1. To permit interior side yard setbacks of 2.66m (8.73 ft.) and 2.89m (9.48 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.);
2. To permit 56% of the required front yard to be landscaped open space whereas the by-law requires a minimum 70% of the required front yard to be landscaped open space.

8.18. **A-2022-0265**

RAY GUNNESS AND MELANIE GUNNESS

22 NEWBRIDGE CRESCENT

PART OF LOT 61, PLAN M-338, PART 11, PLAN 43R-10806, WARD 4

The applicants are requesting the following variance(s):

1. To permit a 1.02m (3.47 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit.

Mr. Dilip Chhaniyara, authorized agent for the applicant, presented application A-2022-0265 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated September 6, 2022 from Robert Mackey, 20 Newbridge Crescent, detailing concerns with Application A-2022-0265

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Committee acknowledged receipt of e-mail correspondence dated September 6, 2022 from Craig Richmond, 26 Newbridge Crescent, detailing concerns with Application A-2022-0265.

Committee acknowledged receipt of e-mail correspondence dated September 6, 2022 from Kimberley and Robert Misich, 24 Newbridge Crescent, detailing concerns with Application A-2022-0265.

Mr. Robert Misich, resident of 24 Newbridge Crescent addressed Committee confirming that he had submitted a letter detailing his concerns. He commented that the homes are supposed to be single dwelling homes and if that has changed, then the by-law should be changed.

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

Committee inquired if there are any orders to comply on the property noting that the comments from the residents indicate maintenance issues. Staff advised that there is an occurrence report for construction without a building permit that is under investigation.

Mr. Chhaniyara explained that some restoration work had taken place and the owner ceased the work when the by-law officer attended the property. He commented that if the variance is approved and the permit is issued they can recommence.

Following discussion, Mr. Chhaniyara 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-2022-0265 to permit a 1.02m (3.47 ft.) path of travel leading to a principle entrance for a second unit be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the above grade entrance shall not be used to access an unregistered second unit;
3. That drainage on adjacent properties shall not be adversely impacted;
4. The owner shall obtain a building permit for the existing side door within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.19. **A-2022-0266**

DANIAL SALEEM ALAMI AND TALAL SALEEM ALMANI

92 ABBOTSBURY DRIVE

PART OF LOT 36, PLAN 43M-1751, PART 2, PLAN 43R-32308, WARD 4

The applicants are requesting the following variance(s):

1. To permit an existing below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 1.33m (4.36 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.);
3. To permit an existing accessory structure (shed) to be located in an exterior side yard whereas the by-law does not permit an accessory structure to be located in an exterior side yard;
4. To permit an existing accessory structure (shed) having setbacks of 0.21m (0.69 ft.) and 0.30m (0.98 ft.) 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.

Mr. Mazhar Raja, Caprija Corporation, authorized agent for the applicant, presented application A-2022-0266 briefly outlining the variances requested.

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

Mr. Raja 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-2022-0266 to permit an existing below grade entrance between the main wall of the dwelling and the flankage lot line; to permit an exterior side yard setback of 1.33m (4.36 ft.) to a proposed below grade entrance; to permit an existing accessory structure (shed) to be located in an exterior side yard and to permit an existing accessory structure (shed) having setbacks of 0.21m (0.69 ft.) and 0.30m (0.98 ft.) to the nearest property lines be approved for the following reasons and subject to the following conditions:

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

8.20. **A-2022-0267**

GURDEEP SINGH LAKHESAR AND NIDHI KHATTAR

66 ENCLAVE TRAIL

LOT 9, PLAN 43M-2060, WARD 9

The applicants are requesting the following variance(s):

1. To permit a parking space depth of 4.28m (14.04 ft.) whereas the by-law requires a minimum parking space depth of 5.4m (17.72 ft.).

Mr. Gurdeep Singh Lakhesar, applicant and owner of the property, presented application A-2022-0267 briefly outlining the variances requested. Mr. Lakhesar advised that he discussed a request for a curb cut with the City and was advised to submit a minor variance application. He explained that prior to submitting the application he consulted with City Staff and it was confirmed that staff could support a 1 metre curb cut to permit a driveway extension. Mr. Lakhesar commented that he does not fully understand the staff report, commenting that if there is any concern from the City he could address that.

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Committee was informed that City of Brampton planning staff was not in support of this application advising that the widened area of the driveway would be located in front of the side wall of the dwelling. Staff observed during site inspection that the distance between the sidewalk and the proposed expansion is too short to accommodate another vehicle. Staff noted that the additional proposed width would allow vehicles to block the driveway which is contrary to the intent of the by-law.

Committee noted that vehicles would encroach into the side walk which would cause a safety concern.

Mr. Lakhesar responded that he understands the concerns of the Committee that the parking may interfere with the walkway but commented that he highly doubts that it will interfere with the sidewalk. He noted that in the community there are similar conditions.

Committee explained that each and every application is different. Mr. Lakhesar advised that he is asking the City to tell him how much is allowed and referred to confirmation he received from staff by e-mail that they are O.K. with 1 metre.

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-2022-0267 to permit a parking space depth of 4.28m (14.04 ft.) be refused for the following reasons:

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

1. The variance is not desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law is not maintained and the variance is not minor.

CARRIED

Following the decision of the Committee Mr. Lakhesar inquired if there is a way forward. Committee suggested that he consult with staff for proper guidance. Committee advised that he is permitted a hard surface 6 feet from the brick wall of the dwelling. Staff advised that the applicant can still widen the driveway to the maximum permitted according to the lot width. Staff explained that there is insufficient depth resulting in a vehicle encroaching onto the sidewalk.

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MOHAMMED ILYAS

2257 AND 2267 EMBLETON ROAD

PART OF LOT 5, CONCESSION 5 WHS, WARD 6

The applicant is requesting the following variance(s):

1. To permit a Day Nursery whereas the by-law does not permit the proposed use;
2. To permit 40% of the required front yard to be landscaped open space whereas the by-law requires a minimum 70% of the required front yard to be landscaped open space;
3. To permit a front yard setback of 8.0m (22.25 ft.) whereas the by-law requires a minimum front yard setback of 12m.0m (39.37 ft.);
4. To permit a side yard setback of 6.0m (19.68 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);
5. To permit a building height of 12.0m (39.37 ft.) whereas the by-law permits a maximum building height of 10.0m (32.80 ft.).

Mr. Mohammed Ilyas, applicant and owner of the property, presented application A-2022-0268 briefly outlining the variances requested advising that he has been in communication with the City of Brampton to build a private school building. Mr. Ilyas stated that he was advised through a pre-consultation application in January of last year that they were not able to construct the building due to setback constraints. He explained that in order to comply he purchased a larger adjacent property noting that although they were in compliance with the setbacks Credit Valley Conservation advised through a second submission in April that there is a requirement for an additional 30 metre setback from the wetlands located at the rear of the property.

Mr. Ilyas explained that he is aware that staff are not supporting variances 2, 3 and 4 as staff did not have enough information to support it commenting that he was not advised what additional information was needed. It was his request that Committee allow the variances requested to avoid a delay in the project as well as additional expenses. He explained that proceeding with the site plan application at this point as requested by staff requires various studies, including a storm water management report, site serving, landscaping and grading plans. He expressed concern that he may have to redo those plans at a later date if the variances are not permitted.

Staff advised that they reached out to the applicant to recommend a deferral in order to finalize the variances however it was not the applicant's preferred approach noting that it was the decision of the applicant to proceed. Staff explained that as a compromise they could support the use and building height however without a formal site plan review they are unable to confirm the setbacks or recommend support of the setback variances without a

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detailed review. In response to a question posed by Committee staff confirmed that with the approach the applicant has chosen it will be necessary to return to the Committee for additional variances in absence of a deferral.

Committee acknowledged receipt of a letter dated September 9, 2022 from Credit Valley Conservation indicating a permit will be required from Credit Valley Conservation prior to any development on the property.

Mr. Ilyas advised that when he submitted the pre-consultation application he was told that prior to going through the site plan application that they needed to make sure that all zoning requirements and setbacks have been taken care noting that now he is being told that a site plan application has to be submitted. He advised that he did not want to move forward thinking that his proposal may not be approved at a later stage.

Committee was informed that City of Brampton planning staff was in support of this application, *in part*, with conditions. Staff explained that a minor variance application is not the appropriate pace to technically review an application noting that the appropriate avenue is through the site plan application process. Staff advised that through a pre-consultation process preliminary comments are provided noting that the applicant has not re-submitted a pre-consultation application to verify if they have met the comments that were previously provided.

Committee suggested the applicant consider a deferral and put together a site plan application. Mr. Ilyas consented to a deferral. Timelines were discussed for a deferral with Mr. Ilyas requesting a deferral for a period of six months.

Following discussion Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2022-0268 be deferred to a hearing no later than the last hearing of March, 2023.

CARRIED

COMMITTEE RECESSED AT 11:13 AM AND RECONVENED AT 11:23 AM

8.22. **A-2022-0269**

STEVEN ALLIN AND MARY ANN ALLIN

11 ALEXANDER STREET

PART OF LOT 110, PLAN BR-2, PART 1, PLAN 43R-20649, WARD 6

The applicants are requesting the following variance(s):

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1. To permit a rear yard setback of 11.21m (36.78 ft.) whereas a minimum rear yard setback of 25% of the lot depth is required resulting in a minimum rear yard setback of 11.36m (37.27 ft.);
2. To permit lot coverage of 36% whereas the by-law permits a maximum lot coverage of 30%.

Mr. Mathew Partridge, Canopy Design Architecture, authorized agent for the applicant, presented application A-2022-0269 briefly outlining the variances requested.

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

Mr. Partridge 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-2022-0269 to permit a rear yard setback of 11.21m (36.78 ft.) and to permit lot coverage of 36% be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File SPA-2022-0141, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That the above grade entrance shall not be used to access an unregistered second unit;
4. That drainage on adjacent properties shall not be adversely affected; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

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8.23. **A-2022-0270**

ALOK GOYAL AND MANISHA GOYAL

28 ANGELGATE ROAD

LOT 371, PLAN 43M-1883, WARD 4

The applicants are requesting the following variance(s):

1. To permit a deck to encroach 2.43m (7.97 ft.) into a required rear yard, resulting in a rear yard setback of 5.07m (16.63 ft.) whereas the by-law permits a maximum deck encroachment of 1.8m (5.91 ft.) into a required rear yard, resulting in a rear yard setback of 5.7m (18.70 ft.).

Mr. Laxman Patel, authorized agent for the applicant, presented application A-2022-0270 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated September 8, 2022 from Credit Valley Conservation indicating no objection to Application A-2022-0270.

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

Mr. Patel 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-2022-0270 to permit a deck to encroach 2.43m (7.97 ft.) into a required rear yard, resulting in a rear yard setback of 5.07m (16.63 ft.) be approved for the following reasons and subject to the following conditions:

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

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

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

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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

8.24. **A-2022-0271**

AJAY KUMAR AND TARUNA KUMAR

81 DAIRYMAID ROAD

LOT 10, PLAN 43M-2088, WARD 6

The applicants are requesting the following variance(s):

1. To permit a 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 4.07m (13.35 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0271 briefly outlining the variances requested. Mr. Rai commented on the recommendation of staff to secure an arrangement with the developer in order to construct a below grade entrance. Mr. Rai explained that the developer is requesting a \$20,000.00 deposit advising that the owner is skeptical to make that deposit which may not be refundable. He expressed that he is not certain if the condition could be removed

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that given that the property is located in an area that is unassumed staff wanted to provide the applicant with some potential options explaining that if the applicant wants to proceed with the works he can provided staff are provided with written verification from the developer that the securities have been received. Staff added that if they proceed at a point when the subdivision has assumed condition number 2 would not be required as the developer would have been released from that commitment.

Mr. Rai reiterated that they do not want to provide the deposit and would proceed with a building permit once condition 2 is waived off. Staff advised that they would be agreeable to that approach.

Committee inquired if there is a time limit on moving forward. Staff advised that typically they like to include a time limit explaining that since the subdivision is not assumed they are not including a time limit.

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Discussion took place on an amendment to proposed condition number 2 that would provide that in the event the Plan of Subdivision is assumed by the City of Brampton prior to obtaining a building permit, Condition number 2 will not be applicable.

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

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0271 to permit a below grade entrance between the main wall of a dwelling and the flankage lot line and to permit an exterior side yard setback of 4.07m (13.35 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 and the updated Site Plan as shown in Appendix A of this report;
2. That the Owner make any and all necessary arrangements with the Developer as required in order to construct the below grade entrance and that the Owner provide a written letter between the developer and they as verification that all requirements have been met to begin works. (*In the event the Plan of Subdivision is assumed by the City of Brampton prior to obtaining a building permit, Condition number 2 will not be applicable*);
3. That fencing having a maximum height of two (2) metres shall be erected to screen the below grade entrance from view from Dairymaid Road to the satisfaction of the Director of Development Services;
4. That the below grade entrance shall not be used to access an unregistered second unit;
5. That a building permit for below grade entrance shall be obtained, within an appropriate period of time at the discretion of the Chief Building Official;
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

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8.25. **A-2022-0272**

VIKRAM SURAVARAPU, RASHIDA NARAHARA SETTI AND SWETHA SALIAN

44 RIBBON DRIVE

LOT 27, PLAN 43M-1262, WARD 9

The applicants are requesting the following variance(s):

1. To permit a 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 1.8m (5.91 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.);
3. To permit an existing accessory structure (shed) to be located in the exterior side yard whereas the by-law does not permit an accessory structure to be located in an exterior side yard;
4. To permit 0.0m of permeable landscaping adjacent to the side line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line.
5. To permit a 3.75m (12.30 ft.) separation distance between a driveway and the point of intersection of two streets whereas the by-law requires a minimum 5.0m (16.40 ft.) separation distance between a driveway and projected point of intersection of two streets.

Mr. Tanvir Rai, Nobel Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0272 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, *in part*, with conditions. Staff advised that the owner has widened the driveway with concrete along the west side of the property which results in the elimination of the permeable landscaping between the driveway and the side lot line. Staff explained that the removal of the landscaping, combined with the adjacent property's driveway and elimination of permeable landscaping creates an abundance of hard surfacing along the side of the property which could inhibit proper drainage.

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: A. C. Marques

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THAT application A-2022-0272 to permit a below grade entrance between the main wall of a dwelling and the flankage lot line; to permit an exterior side yard setback of 1.8m (5.91 ft.) to a below grade entrance: to permit an existing accessory structure (shed) to be located in the exterior side yard; to permit 0.0m of permeable landscaping adjacent to the side line and to permit a 3.75m (12.30 ft.) separation distance between a driveway and the point of intersection of two streets 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 4 to permit 0.0m of permeable landscaping adjacent to the side 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

8.26. **A-2022-0273**

ADMINS BRAMPTON INVESTMENT CORP

17 BRAMALEA ROAD

BLOCK E, PLAN 720, WARD 7

The applicant is requesting the following variance(s):

1. To permit a commercial, technical or recreational school in Building B (2,018 sq. m building) whereas the by-law does not permit the proposed use;
2. To permit 374 parking spaces on site whereas the by-law requires a minimum of 387 parking spaces.

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

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8.27. **A-2022-0274**

PARTH SHAH AND SNEHA PANCHAL

47 BRAMFIELD STREET

PART OF BLOCK 468, PLAN 43M-1504, WARD 6

The applicants are requesting the following variance(s):

1. To permit a parking space depth of 5.23m (17.16 ft.) whereas the by-law requires a minimum parking space depth of 5.4m (17.72 ft.);
2. To permit an existing accessory structure (shed) to be located in an exterior side yard whereas the by-law does not permit an accessory structure in an exterior side yard.

Mr. Parth Shah, applicant and owner of the property, presented application A-2022-0274 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff noted that although staff have no concerns with the existing gazebo the applicant has indicated that the gazebo will be removed.

Mr. Shah inquired about approval as it relates to a curb cut. Staff explained that the application speaks only to the parking space depth and does not facilitate a curb cut. Mr. Shah was advised that contact should be made with staff for details on making an application for a curb cut.

Mr. 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. Colp

Seconded by: A. C. Marques

THAT application A-2022-0274 to permit a parking space depth of 5.23m (17.16 ft.) and to permit an existing accessory structure (shed) to be located in an exterior side yard be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the fence remain constructed in its current location and height and shall not be removed or lowered;

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3. That drainage on adjacent properties shall not be adversely affected; 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

8.28. **A-2022-0275**

RANJI BISSESSAR AND SONYA DHANJAL

39 GUEST STREET

PART OF LOTS 1 AND 2, PLAN BR-31, WARD 3

The applicants are requesting the following variance(s):

1. To permit an easterly side yard setback of 0.89m (2.92 ft.) to the first storey whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the first storey where the lot width is less than or equal to 16 metres;
2. To permit a westerly side yard setback of 1.31m (4.30 ft.) and an easterly side yard setback of 1.12m (3.67 ft.) to the second storey whereas the by-law requires a minimum setback of 1.8m (5.91 ft.) where the lot width is less than or equal to 16 metres;
3. To permit a maximum building height of 9.04m (26.66 ft.) to the mid point of the roof whereas the by-law permits a maximum building height of 8.5m (27.90 ft.) to the mid point of the roof;
4. To permit a maximum lot coverage of 35.4% whereas the by-law permits a maximum lot coverage of 30%.

Mr. Daniel Berry, Vulcan Design, authorized agent for the applicant, presented application A-2022-0275 briefly outlining the variances requested.

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

Mr. Berry 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-2022-0275 to permit an easterly side yard setback of 0.89m (2.92 ft.) to the first storey whereas; to permit a westerly side yard setback of 1.31m (4.30 ft.) and an easterly side yard setback of 1.12m (3.67 ft.) to the second storey; to permit a maximum building height of 9.04m (26.66 ft.) to the mid point of the roof and to permit a maximum lot coverage of 35.4% be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That drainage on adjacent properties shall not be adversely affected;
3. That the owner finalize site plan approval under City File: SPA-2022-0151 within 120 days, or within an extended period of time as approved by the Director of Development Services;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

9. **DEFERRED MINOR VARIANCE APPLICATIONS**

9.1. **A-2022-0212**

METRUS (TERRA) PROEPRERTIES INC.

18 KENVIEW BOULEVARD

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

Committee of Adjustment Minutes

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;
9. To provide 132 parking spaces on site whereas the by-law requires a minimum of 146 parking spaces.

Mr. Matthew Baldassarra, authorized agent for the applicant, presented application A-2022-0212 briefly outlining the variances requested advising that the application was previously deferred to provide an opportunity to work with staff.

Committee of Adjustment Minutes

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

Mr. Baldassarra 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-2022-0212 to permit all uses permitted in the M1 zone and associated parking on lands zoned HC2-2686; to permit an exterior side yard setback of 22.80m abutting Steeles Avenue; to permit a 1.55m wide landscaped open space strip abutting Steeles Avenue, except at approved driveway locations; to permit a 4.35m wide landscaped open space strip abutting Kenview Boulevard except at approved driveway locations; to permit a 0.0m landscaped open space abutting the rear lot line; to permit a 4.05m wide landscaped open space strip abutting Catstleview Drive and Daylight Triangle, except at driveway locations; to permit a 1.55m wide landscaped open space strip abutting Steeles Ave, except at driveway locations; to permit a 4.05m wide landscaped open space strip abutting Castleview Drive and Daylight Triangle, except at driveway locations and to permit 132 parking spaces on site 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

APPLICATION A-2022-0248 WAS RECALLED

A-2022-0248

JACK SZYDLOWSKI AND JOHANNA SZYDLOWSKI

6 BIRD AVENUE

LOT BLOCK A, PLAN BR-24, WARD 1

Neither the applicant nor the authorized agent representing the applicant was in attendance when the application was called. It was the decision of the Committee to defer the application to the hearing scheduled for October 4, 2022.

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0248 be deferred to October 4, 2022.

CARRIED

APPLICATION A-2022-0273 WAS RECALLED

A-2022-0273

ADMINS BRAMPTON INVESTMENT CORP

17 BRAMALEA ROAD

BLOCK E, PLAN 720, WARD 7

The applicant is requesting the following variance(s):

1. To permit a commercial, technical or recreational school in Building B (2,018 sq. m building) whereas the by-law does not permit the proposed use;
2. To permit 374 parking spaces on site whereas the by-law requires a minimum of 387 parking spaces.

Mr. Mark Rogers, J. D. Rogers & Associates Inc., authorized agent for the applicant, presented application A-2022-0273 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff confirmed that a traffic justification letter provided by the applicant was acceptable by traffic staff.

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Mr. Rogers 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-2022-0273 to permit a commercial, technical or recreational school in Building B (2,018 sq. m building) and to permit 374 parking spaces on site 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 parking requirement for parking for any combination of uses permitted in the "Industrial Two – Special Section 2936 (M2-2936)" zone, and any uses permitted by way of Minor Variance shall not exceed 387 parking spaces;
3. That the applicant shall obtain a building permit for the "change of use" within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; 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

ADJOURNMENT

Moved by: D. Doerfler

Seconded by: D. Colp

That the Committee of Adjustment hearing be adjourned at 11:50 a.m. to meet again on Tuesday, October 4, 2022.

CARRIED