



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

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

Members Absent: Desiree Doerfler (with regrets)

Staff: François Hémon-Morneau, Development Planner
Mohamed Jalabi, Assistant Development Planner
Simran Sandhu, Assistant Development Planner
Noel Cubacub, Development Planner
Angelo Ambrico, Principal Planner/Supervisor, Development Services
Ross Campbell, Supervisor, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:02 am and adjourned at 10:29 am.

2. **ADOPTION OF MINUTES:**

Moved by: A. C. Marques

Seconded by: D. Colp

THAT the minutes of the Committee of Adjustment hearing held September 13, 2022 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated September 26, 2022.

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

Nil

5. **Withdrawals/Deferrals**

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A-2022-0290 (*Agenda Item 9.17.*)

INDERPREET SINGH SHOKAR, AMANDEEP SINGH SHOKAR,

NEHA JAIN AND SHIKHA BEDI

6 OLIVIA MARIE ROAD

LOT 46, PLAN 43M-1721, WARD 4

Committee acknowledged receipt of a letter dated October 3, 2022 from Tanvir Rai, Noble Prime Solutions Ltd. requesting a deferral of application A-2022-0290 (***Agenda Item 9.17.***).

Mr. Rai was in attendance to acknowledge the request for a deferral advising that additional time is requested to propose and discuss the possibility of a reduced driveway width that can be supported by staff.

Mr. Swaran Vohra, 7 Olivia Marie Road, addressed Committee in support of the application.

Staff advised that a deferral is supported to discuss an appropriate proposal.

In response to a question raised by Committee staff confirmed that there is enforcement action on the property.

Timelines were discussed for a deferral date. Following discussion Committee reached the following decision:

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0290 be deferred to a hearing no later than the last hearing of 2022.

CARRIED

6. NEW CONSENT APPLICATIONS

6.1. B-2022-0012

ROBERT AND MAGDALENA LAMOUREUX,

NORMAND AND ROSEMARIA LAMOUREUX

7593 CREDITVIEW ROAD

PART OF LOTS 1 AND 2, PLAN TOR 11, WARD 6

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 10,784.872 square metres (2.665

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acres). The proposed severed lot has a frontage of approximately 6.8 metres (22.31 feet); a depth of approximately 256.75 metres (842.35 feet) and an area of approximately 9,977.294 square metres (2.465 acres). The effect of the application is to create a new lot for future residential development of a single detached dwelling.

Mr. Robert Lamoureux, applicant and owner of the property, presented applications B-2022-0012, A-2022-0280 and A-2022-0281. He advised that he grew up in Brampton and recently purchased the property advising that they were looking to build a home at the back of the property to raise his family. He commended that he is no stranger to the charm and history of the village and advocates to maintain the rural character of the village of Churchville.

Mr. Lamoureux expressed that by definition the severance is not going to be labelled as a subdivision advising that his family has spent countless hours over the last two years designing the property to fit the rural character of the village. He explained that they ensured the guidelines were strictly followed as set out by the heritage committee and have been very flexible to accommodate the requests for changes. He advised that they have agreed that measures be taken to protect the existing heritage home and are not opposed to a heritage easement agreement between them and future potential owners and the City to ensure it is preserved and protected in the long term and not be demolished in the future.

Mr. Lamoureux explained that the property is unique with existing structures that are over one hundred years old that have been captured in the minor variances. He added that the mixture of irregular shaped lots helps to accentuate the rural character of the village including those with very little frontage. Mr. Lamoureux spoke of the presence of a farm like gravel driveway, an antique barn board fence and native vegetation that is intended to be maintained. He added that the bungalow is designed with modern farmhouse architecture and accessory structures which are not visible from the street. He added that the low density and rural character of the area will be maintained and preserved.

Committee acknowledged receipt of e-mail correspondence dated September 29, 2022 from Jacqui Honsberger indicating opposition to applications B-2022-0012, A-2022-0280 and A-2022-0281.

Committee acknowledged receipt of e-mail correspondence dated October 3, 2022 from Bogdan and Simona Mihailescu, residents, indicating opposition to applications B-2022-0012, A-2022-0280 and A-2022-0281.

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Committee acknowledged receipt of a letter dated October 3, 2022 from Robert Crouch, 7736 Churchville Road, detailing concerns with Applications B-2022-0012, A-2022-0280 and A-2022-0281.

Committee was in receipt of a letter dated September 29, 2022 from Credit Valley Conservation indicating no objection to Applications B-2022-0012, A-2022-0280 and A-2022-0281.

Committee expressed that the details of the frontage it is not really clear in the drawing. Staff confirmed that the frontage for both proposed properties combined is 73 feet, 47 inches. Committee added that the proposed severed frontage is 22.3 feet.

Committee inquired if there is a pending request for a Municipal Zoning Order. Staff responded that there is no request.

Staff explained that the owner has submitted a Heritage Impact Assessment and has gone through the Heritage Permit Application process which were both approved by the Heritage Board with conditions that had to be met. Staff explained that the applicant is presenting an application and drawings which are consistent with the submission to the Heritage Board.

Committee inquired if the Heritage Impact Assessment is included with the application. Staff advised that it was not included with the application.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2022-0012, A-2022-0280 and A-2022-0281 from a planning land use perspective. Staff read aloud the proposed conditions and included a condition which was requested by the Region of Peel.

Committee expressed that the applications do not meet the four tests noting that the change in the frontage is equal to that of a semi-detached house or townhouse. Committee stated that the reduction of the frontage by 77% is excessive and the number of variances is not minor. It was the suggestion of the Committee that the applications be deferred to a future hearing date in order to provide Committee with more information.

Staff responded that the reduction in the frontage is due to the irregular shape of the property and will facilitate a driveway to the new home. Staff added that a lot of the variances are technical and for existing accessory structures. Staff noted that there is a lot of mature vegetation on the property and it is anticipated that the dwelling will not be visible from the street. Staff explained that a lot of the mature vegetation will be maintained noting that the only thing that will be visible from Creditview Road will be the new driveway.

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Staff summarized that Planning Staff and Heritage Staff are comfortable with the proposal and are in support of the proposal.

Committee posed a question regarding the lot frontages and inquired what would be visible from the street and how would the property change other than a new driveway.

Staff advised that the property will maintain the existing heritage home and the new driveway would provide access to the proposed new dwelling. Staff explained that the applicant will be enhancing the property at the front with a wooden fence of heritage properties.

Committee added that it would have been beneficial if the Heritage Impact Assessment had been provided as well as additional information pertaining to the number of variances.

Timelines were discussed to defer the application to a future hearing. Following discussion Committee reached the following decision:

Moved by: D. Colp

Seconded by: A. C. Marques

THAT applications B-2022-0012, A-2022-0280 and A-2022-0281 be deferred to a hearing no later than the last hearing of December, 2022.

CARRIED

7. REQUEST TO CHANGE CONDITIONS OF PROVISIONAL CONSENT

7.1. B-2021-0018

HARJINDER SINGH AND VIRAN SINGH

10417 AIRPORT ROAD

PART OF LOTS 12 AND 13, CONCESSION 7 N.D, WARD 10

Explanation of the Proposed Changes:

Condition # 3 – A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being Block 174, Plan 43M-1449, shall be "merged" for *Planning Act* purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed.

Request is to modify Condition # 3 to read as follows:

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3a) The owner register a s.118 restriction on the subject lands preventing the transfer or charge of the whole or any part of the lands (severed or retained) without the written consent of the Corporation of the City of Brampton and agrees that the City will only consent to the conveyance of the severed parcel that is the subject of this application to the registered owner of Block 174 on 43M-1449 and that the City will only consent to the release of the s.118 on the retained lands upon: the severed lands and Block 174 (the “Resultant Lot”) being in the same ownership and the owner of the Resultant Lot registering a s.118 on the Resultant Lot restricting the transfer or charge of anything less than the Resultant Lot without the City’s consent.

3b) The solicitor for the owner of Block 174 will provide an undertaking that immediately upon their client being the owner of the severed lands, they will register a s.118 restriction on the Resultant Lot restricting the transfer or charge of anything less than the Resultant Lot without the City’s consent.

7.2. B-2021-0019

HARJINDER SINGH AND VIRAN SINGH

10417 AIRPORT ROAD

PART OF LOTS 12 AND 13, CONCESSION 7 N.D, WARD 10

Explanation of the Proposed Changes:

Condition # 3 – A solicitor’s undertaking shall be received indicating that the “severed” land and the abutting land, being Block 177, Plan 43M-1449, shall be “merged” for *Planning Act* purposes at the time of the registration of the Transfer to which the Secretary-Treasurer’s Certificate is affixed.

Request is to modify Condition # 3 to read as follows:

3a) The owner register a s.118 restriction on the subject lands preventing the transfer or charge of the whole or any part of the lands (severed or retained) without the written consent of the Corporation of the City of Brampton and agrees that the City will only consent to the conveyance of the severed parcel that is the subject of this application to the registered owner of Block 177 on 43M-1449 and that the City will only consent to the release of the s.118 on the retained lands upon: the severed lands and Block 174 (the “Resultant Lot”) being in the same ownership and the owner of the Resultant Lot registering a s.118 on the Resultant Lot restricting the transfer or charge of anything less than the Resultant Lot without the City’s consent.

3b) The solicitor for the owner of Block 177 will provide an undertaking that immediately upon their client being the owner of the severed lands, they will register a s.118 restriction on the

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Resultant Lot restricting the transfer or charge of anything less than the Resultant Lot without the City's consent.

Ms. Catherine McKewan, Korsiak Urban Planning, authorized agent for the applicant, presented applications A-2021-0018 and A-2021-0019 briefly outlining the nature of the applications. Ms. McKewan advised that Committee granted consent to sever two parcels of land from the Singh property to be conveyed to Mattamy Homes. She explained that there appeared to be challenges to fulfill the conditions noting that in July, 2022 they submitted applications to change the conditions and worked with their legal staff as well as City staff to come up with conditions that were satisfactory.

Committee recalled that at the previous meeting there was discussion from concerned residents and inquired if there has been any communication, meeting or if any explanation has been provided to the residents. The Secretary-Treasurer advised that the only record received in the City Clerk's Office was the letter previously acknowledged and verbal presentation by a resident at the previous hearing.

Committee was informed that City of Brampton planning staff was in support of these applications, with conditions. In response to a question posed by Committee staff explained that the only development proposal for these lands is the re-zoning application and the consent applications for lot additions to complete the residential lots. Staff added that with regard to the retained lands there is question as to what can be developed noting that at this point in time there is no development application and the owner is exploring development potential.

Ms. McKewan 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: A. C. Marques

Seconded by: D. Colp

THAT application B-2021-0018 proposing a change to Condition Number 3 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; and,
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.
3. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent;

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4. The owner register a s.118 restriction on the subject lands preventing the transfer or charge of the whole or any part of the lands (severed or retained) without the written consent of the Corporation of the City of Brampton and agrees that the City will only consent to the conveyance of the severed parcel that is the subject of this application to the registered owner of Block 174 on 43M-1449 and that the City will only consent to the release of the s.118 on the retained lands upon: the severed lands and Block 174 (the "Resultant Lot") being in the same ownership and the owner of the Resultant Lot registering a s.118 on the Resultant Lot restricting the transfer or charge of anything less than the Resultant Lot without the City's consent;
5. The solicitor for the owner of Block 174 will provide an undertaking that immediately upon their client being the owner of the severed lands, they will register a s.118 restriction on the Resultant Lot restricting the transfer or charge of anything less than the Resultant Lot without the City's consent.
6. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s). (The "resultant" lot is the "severed" land and the land to which the "severed" land is to be merged.);
7. The applicant shall gratuitously convey to the City of Brampton, free of all encumbrances and with good and marketable title (with partial discharges of any existing charges to be registered in the same docket as and immediately after the conveyance in order to comply with the Planning Act), portions of the subject property that are determined to be within the limits of the natural heritage system to the satisfaction of the Director of Development Services, in consultation with the Toronto and Region Conservation Authority. In this regard the applicant shall prepare a reference plan depicting the limits of the natural heritage system to be conveyed and, after the Reference Plan is approved by the Director of Development Services, shall be deposited with the Land Registry Office;
8. That the owner shall submit a tree compensation plan for the removed trees located on the residential lots.

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application B-2021-0019 proposing a change to Condition Number 3 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; and,

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2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.
3. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent.
4. The owner register a s.118 restriction on the subject lands preventing the transfer or charge of the whole or any part of the lands (severed or retained) without the written consent of the Corporation of the City of Brampton and agrees that the City will only consent to the conveyance of the severed parcel that is the subject of this application to the registered owner of Block 177 on 43M-1449 and that the City will only consent to the release of the s.118 on the retained lands upon: the severed lands and Block 177 (the "Resultant Lot") being in the same ownership and the owner of the Resultant Lot registering a s.118 on the Resultant Lot restricting the transfer or charge of anything less than the Resultant Lot without the City's consent.
5. The solicitor for the owner of Block 177 will provide an undertaking that immediately upon their client being the owner of the severed lands, they will register a s.118 restriction on the Resultant Lot restricting the transfer or charge of anything less than the Resultant Lot without the City's consent.
6. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s). (The "resultant" lot is the "severed" land and the land to which the "severed" land is to be merged.)
7. The applicant shall gratuitously convey to the City of Brampton, free of all encumbrances and with good and marketable title (with partial discharges of any existing charges to be registered in the same docket as and immediately after the conveyance in order to comply with the Planning Act), portions of the subject property that are determined to be within the limits of the natural heritage system to the satisfaction of the Director of Development Services, in consultation with the Toronto and Region Conservation Authority. In this regard the applicant shall prepare a reference plan depicting the limits of the natural heritage system to be conveyed and, after the Reference Plan is approved by the Director of Development Services, shall be deposited with the Land Registry Office;
8. The applicant submits \$1,470 (Consent/Severance/Land Division– Minor) review fee to the TRCA as requested in their letter dated September 7, 2021;
9. That the owner shall submit a tree compensation plan for the removed trees located on the residential lots.

REASONS:

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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. **DEFERRED CONSENT APPLICATIONS**

None

9. **NEW MINOR VARIANCE APPLICATIONS**

9.1. **A-2022-0062**

STEFAN LOUT AND CONSTANCE LOUT

1 ISABELLA STREET

LOT 13, PLAN BR-8, WARD 1

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 1.3m (4.27 ft.) to a proposed building addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.);
2. To permit a rear yard setback of 5.4m (17.72 ft.) to a proposed building addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.);
3. To permit lot coverage of 36.4% whereas the by-la permits a maximum lot coverage of 30%.

Ms. Erin Zagar, EZ Dimensions, authorized agent for the applicant, presented application A-2022-0062 briefly outlining the variances requested advising that a heritage permit has recently been issued.

Committee acknowledged receipt of a petition of support from surrounding residents.

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

Ms. Zagar indicated that the proposed conditions were acceptable.

Committee of Adjustment Minutes

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0062 to permit an interior side yard setback of 1.3m (4.27 ft.) to a proposed building addition; to permit a rear yard setback of 5.4m (17.72 ft.) to a proposed building addition and to permit lot coverage of 36.4% 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

9.2. **A-2022-0251**

MEET PATEL AND KRUPA PATEL

84 ALLEGRO DRIVE

PART OF LOT 60, PLAN 43M-1931, PARTS 17 AND 18, PLAN 43R-36089, WARD 4

The applicants are requesting the following variance(s):

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.15m (0.49 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit a deck encroachment of 4.23m (13.88 ft.) into the required rear yard setback resulting in a rear yard setback of 2.77m (9.09 ft.) whereas the by-law permits a

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maximum deck encroachment of 1.8m (5.91 ft.) resulting in a rear yard setback of 5.2m (17.06 ft.).

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2022-0251 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-2022-0251 to permit an exterior stairway leading to a below grade entrance in the required interior side yard; to permit an interior side yard setback of 0.15m (0.49 ft.) to the exterior stairway leading to a below grade entrance and to permit a deck encroachment of 4.23m (13.88 ft.) into the required rear yard setback resulting in a rear yard setback of 2.77m (9.09 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 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

9.3. **A-2022-0276**

GRAZYNA ZAJAC AND STANISLAW ZAJAC

2670 EMBLETON ROAD

PART OF LOT 1, PLAN 310, WARD 6

The applicants are requesting the following variance(s):

1. To permit a side yard setback of 4.42m (14.50 ft.) to an existing one storey addition whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);
2. To permit a ground floor area of 138.5 square metres whereas the by-law requires a minimum ground floor area of 170 square metres for a one storey building;
3. To permit a side yard setback of 0.36m (1.18 ft.) to an existing accessory structure (pool cabana) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line;
4. To permit an existing accessory structure (pool cabana) with a gross floor area of 30.6 sq. m (329.38 sq. ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.60 sq. ft.) for an individual accessory structure;
5. To permit an existing garage door height of 2.85m (9.35 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.);
6. To permit an existing detached garage height of 5.57m (18.27 ft.) whereas the by-law permits a maximum building height of 4.5m (14.76 ft.);
7. To permit a gross floor area of 74.9 sq. m (806.22 sq. ft.) for an existing detached garage with a proposed attached accessory structure (gazebo) whereas the by-law permits a maximum gross floor area of 48 sq. m (516.67 sq. ft.);
8. To permit two (2) accessory structures (cabana and shed) with a combined gross floor area of 44.8 sq. m (482.22 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 40 sq. m (430.56 sq. ft.).

Mr. Wojtek Holownia, BW art Architects Inc, authorized agent for the applicant, presented application A-2022-0276 briefly outlining the variances requested. Mr. Holownia requested consideration for 90 days in which to obtain a building permit as opposed to the recommended 60 days in condition number 3.

Committee acknowledged receipt of a petition of support submitted by Mr. Holownia signed by 3 area residents.

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Committee acknowledged receipt of a letter dated September 29, 2022 from Credit Valley Conservation indicating no objection to Application A-2022-0276. Committee noted that the review fee of \$468.00 remains outstanding.

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

Committee requested that a condition be included requiring the applicant to submit the review fee to Credit Valley Conservation, as noted in the commenting letter. Committee also requested that Condition number 3 be amended to reflect 90 days in which to obtain a building permit.

Mr. Holownia indicated that the proposed conditions, as amended, are 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-2022-0276 to permit a side yard setback of 4.42m (14.50 ft.) to an existing one storey addition; to permit a ground floor area of 138.5 square metres; to permit a side yard setback of 0.36m (1.18 ft.) to an existing accessory structure (pool cabana); to permit an existing accessory structure (pool cabana) with a gross floor area of 30.6 sq. m (329.38 sq. ft.); to permit an existing garage door height of 2.85m (9.35 ft.); to permit an existing detached garage height of 5.57m (18.27 ft.); to permit a gross floor area of 74.9 sq. m (806.22 sq. ft.) for an existing detached garage with a proposed attached accessory structure (gazebo) and to permit two (2) accessory structures (cabana and shed) with a combined gross floor area of 44.8 sq. m (482.22 sq. 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 no commercial or industrial uses shall operate from the detached garage;
3. That the owner shall obtain a building permit for all accessory structures within 90 days of the decision of approval;
4. That the applicant shall submit a review fee of \$469.00 to Credit Valley Conservation as detailed in their letter dated September 29, 2022;
5. That failure to comply with and maintain the conditions of Committee shall render the approval null and void.

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

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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

9.4. **A-2022-0277**

POLICARPIO TAYAG JR AND MARILOU LINA

32 HALLEN ROAD

LOT 358, PLAN M-426, WARD 4

The applicants are requesting the following variance(s):

1. To permit a driveway width of 7.7m (25.26 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Ms. Marilou Lina, applicant and owner of the property, presented application A-2022-0277 briefly outlining the variances requested. Ms. Lina explained that they hired a contractor to extend the driveway and was advised by the contractor that a permit was not required.

Committee acknowledged receipt of e-mail correspondence dated September 29, 2022 from Maureen and Randall Roe, 44 Hallen Road, detailing their objection to Application A-2022-0277.

Committee acknowledged receipt of e-mail correspondence dated September 28, 2022 from Chris and Mary Manoharan, 261 Elgin Drive detailing their concerns with Application A-2022-0277.

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

Ms. Lina 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

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THAT application A-2022-0277 to permit a driveway width of 7.7m (25.26 ft.) be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

9.5. **A-2022-0278**

BALWINDER SINGH AND RAINA BADHAN

23 GULFBROOK CIRCLE

PART OF LOT 24, PLAN 43M-1880, PART 7, PLAN 43R-34887, WARD 2

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 1.95m (6.40 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 driveway width of 5.31m (17.42 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17 ft.);
4. To permit a 3.52m (11.55 ft.) separation distance between a driveway and the point of intersection of two streets whereas the by-law requires a minimum 6.0m (19.68 ft.) separation distance between a driveway and projected point of intersection of two streets.

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Mr. Aakash Joshi, Out of the Box Engineering, authorized agent for the applicant, presented application A-2022-0278 briefly outlining the variances requested.

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

Mr. Joshi indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A.C. Marques

THAT application A-2022-0278 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 1.95m (6.40 ft.) to a proposed below grade; to permit an existing driveway width of 5.31m (17.42 ft.) and to permit a 3.52m (11.55 ft.) separation distance between a driveway and the point of intersection of two streets 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

9.6. **A-2022-0279**

JAGNARINE SOBHARAM AND NANDRANIE SOBHARAM

13 HEDGESON COURT

PART OF BLOCK A, PLAN 954, PART 13, PLAN 43R-1614, WARD 7

The applicants are requesting the following variance(s):

1. To vary Schedule C, Section 126 of the by-law to permit an existing one storey addition in the front yard whereas the by-law requires that all buildings and structures be constructed in accordance with Schedule C, Section 126 to the by-law;
2. To vary Schedule C, Section 126 of the by-law to permit an existing open-roofed porch located outside the approved building envelope whereas the by-law requires that all buildings and structures be constructed in accordance with Schedule C, Section 126 to the by-law;
3. To permit lot coverage of 45% whereas the by-law permits a maximum lot coverage of 30%;
4. To permit an existing accessory structure (shed) having a side yard setback of 0.4m (1.31 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

Mr. Brandon Sobharam, authorized agent for the applicant, presented application A-2022-0279 briefly outlining the variances requested.

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

Mr. Sobharam 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-2022-0279 to vary Schedule C, Section 126 of the by-law to permit an existing one storey addition in the front yard; to vary Schedule C, Section 126 of the by-law to permit an existing open-roofed porch located outside the approved building envelope; to permit lot coverage of 45% whereas the by-law permits a maximum lot coverage of 30% and to permit an existing accessory structure (shed) having a side yard

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setback of 0.4m (1.31 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 the owner shall obtain a building permit within 60 days of the decision of approval;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

9.7. **A-2022-0280 (*Deferred as discussed with Application B-2022-0012, Agenda Item 6.1*)**

ROBERT AND MAGDALENA LAMOUREUX,

NORMAND AND ROSEMARIA LAMOUREUX

7593 CREDITVIEW ROAD

PART OF LOTS 1 AND 2, PLAN TOR 11, WARD 6

The applicants are requesting the following variance(s) associated with the proposed severed parcel under consent application B-2022-0012:

1. To permit a lot width of 6.8 metres whereas the by-law requires a minimum lot width of 30 metres;
2. To permit a side yard setback of 5.02m (16.47 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);
3. To permit an accessory structure (existing frame shed) having side yard setbacks of 1.0m (3.28 ft.) and 0.0m whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line for an accessory structure;
4. To permit two (2) accessory structures in the front yard whereas the by-law prohibits accessory structures in the front yard;

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5. To permit two (2) accessory structures with individual sizes of 50.22 sq. m (540.56 sq. ft.) and 98.87 sq. m (1,064.23 sq. ft.) for a combined area of 149.09 sq. m (1,604.79 sq. ft.) whereas the by-law permits an individual accessory structure with a maximum area of 23 sq. m (247.57 sq. ft.) and a maximum combined area of 40 sq. m (430.56 sq. ft.).

9.8. **A-2022-0281 (Deferred as discussed with Application B-2022-0012, Agenda Item 6.1)**

ROBERT AND MAGDALENA LAMOUREUX,

NORMAND AND ROSEMARIA LAMOUREUX

7593 CREDITVIEW ROAD

PART OF LOTS 1 AND 2, PLAN TOR 11, WARD 6

The applicants are requesting the following variance(s) associated with the proposed retained parcel under consent application B-2022-0012:

1. To permit a lot width of 14.43 metres whereas the by-law requires a minimum lot width of 30 metres;
2. To permit a lot area of 807.578 square metres whereas the by-law requires a minimum lot area of 1,350 square metres;
3. To permit a side yard setback of 4.8m (15.75 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);
4. To permit 57% of the front yard area as landscaped open space whereas the by-law requires a minimum of 70% of the front yard area to be landscaped open space;
5. To provide a floor space index of 0.2 whereas the by-law permits a maximum floor space index of 0.17.
6. To permit an existing accessory structure (bar) having a setback of 0.1m (0.33 ft.) to the nearest lot line whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line for an accessory structure;
7. To permit an existing accessory structure (gazebo) having a setback of 0.9m (2.95 ft.) to the nearest lot line whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line for an accessory structure.

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9.9. **A-2022-0282**

SHARON BENNETTT AND EDGAR BENNETT

7 FAWSON COVE WAY

PART OF LOT 495, PLAN 43M-1691, PART 43, PLAN 43R-30971, WARD 9

The applicants are requesting the following variance(s):

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.28m (0.92 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.);
3. To permit an accessory structure (shed) having rear and side yard setbacks of 0.2m (0.66 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

Ms. Arpana Saini, Ambee Engineering, authorized agent for the applicant, presented application A-2022-0282 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated October 3, 2022 from Jeffery Wilson, 9 Fawson Cove Way indicating objection to Application A-2022-0276.

Ms. Saini explained that the objector may be referring to construction that took place by the contractor during the summer. She described the condition of the property over the summer as a mess which has since been cleaned up advising that debris has been removed from the site. She informed Committee that the property owner has assured the neighbour that they will not be bothered informing Committee that a permit was issued for the second unit. Ms. Saini advised that originally the entrance was to be above grade however the contractor did not construct according to the drawings. She confirmed that the landing is now proposed with 3 new steps going to the back yard.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that upon site visit construction of the below grade entrance had commenced without a building permit and additional variances were identified related to an existing accessory structure.

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Ms. Saini confirmed for Committee that the discussion that took place regarding the condition of the property will be relayed to the proper owners.

Following discussion, Ms. Saini 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-2022-0282 to permit an exterior stairway leading to a below grade entrance in the required interior side yard; to permit an interior side yard setback of 0.28m (0.92 ft.) to an exterior stairway leading to a below grade entrance and to permit an accessory structure (shed) having rear and side yard setbacks of 0.2m (0.66 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 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 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

9.10. **A-2022-0283**

BHOLA JADUNANDAN AND DAI AWANTIE JADUNANDAN

19 CASPER CRESCENT

LOT 78, PLAN M-786, WARD 3

The applicants are requesting the following variance(s):

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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 2.47m (8.10 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 a driveway width of 9.0m (29.53 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
4. To permit 0.1m (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.
5. To permit a minimum separation distance of 5.1m (16.73 ft.) to a driveway from the projected point of intersection of two streets whereas the by-law requires a minimum separation distance of 6.0m (19.68 ft.) between a driveway and the projected point of intersection of two streets.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0283 briefly outlining the variances requested.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0283 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 2.47m (8.10 ft.) to a proposed below grade entrance; to permit a driveway width of 9.0m (29.53 ft.); to permit 0.1m (0.33 ft.) of permeable landscaping between the driveway and the side lot line and to permit a minimum separation distance of 5.1m (16.73 ft.) to a driveway from the projected point of intersection of two streets whereas the by-law requires a minimum separation distance of 6.0m (19.68 ft.) between a driveway and the projected point of intersection of two streets 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;

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2. That the below grade entrance shall not be used to access an unregistered second unit;
3. The owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances.
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

9.11. **A-2022-0284**

RAYMAN ALILAIN AND IVY ALILAIN

22 WILLOW HEIGHTS COURT

LOT 32, PLAN M-1398, WARD 9

The applicants are requesting the following variance(s):

1. To permit a rear yard setback of 4.88m (16 ft.) to a proposed one storey sunroom addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

Ms. Nour Elgendy, Four Seasons Sunrooms, authorized agent for the applicant, presented application A-2022-0284 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated September 28, 2022 from Surmandeep Singh Sidhu, 20 Willow Heights, indicating support for Application A-2022-0284.

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

Ms. Elgendy 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. Colp

THAT application A-2022-0284 to permit a rear yard setback of 4.88m (16 ft.) to a proposed one storey sunroom addition 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 Public Notice;
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

9.12. **A-2022-0285**

KAMALDEEP ARORA AND RABINDER ARORA

31 NEWBRIDGE CRESCENT

PART OF LOT 104, PLAN M-338, PART 3, PLAN 43R-10957, WARD 7

The applicants are requesting the following variance(s):

1. To permit a 1.01m (3.31 ft.) path of travel leading from the front of the property to the 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;
2. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;

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3. To permit an interior side yard setback of 1.0m (3.28 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
4. To permit a fence height of 2.29m (7.51 ft.) along an existing deck whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.).

Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-0285 briefly outlining the variances requested.

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

Mr. Grewal 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-2022-0285 to permit a 1.01m (3.31 ft.) path of travel leading from the front of the property to the principle entrance for a second unit; to permit an exterior stairway leading to a below grade entrance in the required interior side yard; to permit an interior side yard setback of 1.0m (3.28 ft.) to the exterior stairway leading to a below grade entrance and to permit a fence height of 2.29m (7.51 ft.) along an existing deck whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.) approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

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9.13. **A-2022-0286**

IMANJIT SINGH DHALIWAL

35 MINNA TRAIL

LOT 158, PLAN 43M-2022, 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.

Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-286 briefly outlining the variances requested. 7

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

Committee posed a question inquiring if the subdivision has been assumed by the City. Staff commented that there is no information to provide.

Following discussion, Mr. Grewal 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-2022-0286 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:

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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

9.14. **A-2022-0287**

SURESH SHARMA AND SUNDER SEEMA SHARMA

33 FOUR SEASONS CIRCLE

LOT 89, PLAN M-1424, WARD 6

The applicants are requesting the following variance(s):

1. To permit a 0.72m (2.36 ft.) path of travel leading to the 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;
2. To permit an existing above grade side door in the side wall where a minimum side yard width of 0.72m (2.36 ft.) is provided extending from the front wall of the dwelling up to and including 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.) setback extending from the front wall of the dwelling up to and including the door;
3. To permit an existing driveway width of 6.99m (22.93 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
4. To permit an existing fence in the rear yard having a maximum height of 2.03m (6.66 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.).

Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-0287 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 explained that the proposed path of travel measured at 0.72 metres does not provide safe and easy access for emergency and everyday use. Staff further explained that upon discussion with staff within the Building

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Division staff would not issue a permit for a legal second unit given non-compliance with the minimum requirements of the Ontario Building Code.

Following discussion, Mr. Grewal 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-2022-0287 to permit a 0.72m (2.36 ft.) path of travel leading to the principle entrance for a second unit; to permit an existing above grade side door in the side wall where a minimum side yard width of 0.72m (2.36 ft.) is provided extending from the front wall of the dwelling up to and including the door; to permit an existing driveway width of 6.99m (22.93 ft.) and to permit an existing fence in the rear yard having a maximum height of 2.03m (6.66 ft.) 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 to permit a 0.72m (2.36 ft.) path of travel leading to the principal entrance for a second unit be refused;
3. That the above grade entrance shall not be used as a primary entrance to access an unregistered or registered second unit;
4. That the owner shall obtain a building permit for the existing side door within 60 days of the decision of approval or as extended by 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

9.15. **A-2022-0288**

HARPREET LUTHRA AND PARMINDER LUTHRA

42 LEONE LANE

LOT 21, PLAN M-287, WARD 10

The applicants are requesting the following variance(s):

1. To permit a garage door height of 3.05m (10 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.);
2. To permit a building height of 15.10m (49.54 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.);
3. To permit a front yard landscaped open space area of 60.70% whereas the by-law requires a minimum landscaped open space area of 70% of the front yard;
4. To permit a fence in the required front yard having a maximum height of 1.8m (5.91 ft.) whereas the by-law permits a maximum height of 1.0m (3.28 ft.) for a fence within a required front yard;
5. To permit two (2) accessory structures (shed and gazebo) with a combined gross floor area of 59.9 sq. m (644.76 sq. ft.) whereas the by-law permits two (2) accessory structures with a maximum combined gross floor area of 40 sq. m (430.56 sq. ft.);
6. To permit an accessory structure (gazebo) with a gross floor area of 41.82 sq. m (450.15 sq. ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.57 sq. ft.) for an individual accessory structure;
7. To permit an accessory structure (gazebo) with a maximum building height of 4.66m (15.29 ft.) whereas the by-law permits a maximum height of 4.5m (14.76 ft.) for an accessory structure.

Mr. Shane Edwards, Huis Design Studio, authorized agent for the applicant, presented application A-2022-0288 briefly outlining the variances requested. Mr. Edwards summarized that the dwelling was designed to keep with the preference of the home owner and to fit in with the custom estate dwellings in the vicinity.

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

Mr. Edwards 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. Colp

THAT application A-2022-0288 to permit a garage door height of 3.05m (10 ft.); to permit a building height of 15.10m (49.54 ft.); to permit a front yard landscaped open space area of 60.70%; to permit a fence in the required front yard having a maximum height of 1.8m (5.91 ft.); to permit two (2) accessory structures (shed and gazebo) with a combined gross floor area of 59.9 sq. m (644.76 sq. ft.); to permit an accessory structure (gazebo) with a gross floor area of 41.82 sq. m (450.15 sq. ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.57 sq. ft.) for an individual accessory structure and to permit an accessory structure (gazebo) with a maximum building height of 4.66m (15.29 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 the owner finalize site plan approval under City File SPA-2022-0125 and execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That no commercial or industrial uses shall operate from the attached garage;
4. That the proposed fence in the required front yard not be a solid fence;
5. That the owner shall obtain a building permit for the existing gazebo within 60 days of the decision of approval;
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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9.16. **A-2022-0289**

DHIREN MEHTA AND BEENA MEHTA

4 OLIVIA MARIE ROAD

LOT 45, PLAN 43M-1721, WARD 4

The applicants are requesting the following variance(s):

1. To permit a driveway width of 9.2m (30.18 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0289 briefly outlining the variances requested.

Mr. Swaran Vohra, 7 Olivia Marie Road, addressed Committee in support of the application.

Mr. Inderpreet Singh Shoker, 6 Olivia Marie Road, addressed Committee in support of the application.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0289 to permit a driveway width of 9.2m (30.18 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. The owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances;
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

9.17. **A-2022-0290** (*Deferred as discussed during procedural matters*)

INDERPREET SINGH SHOKAR, AMANDEEP SINGH SHOKAR,

NEHA JAIN AND SHIKHA BEDI

6 OLIVIA MARIE ROAD

LOT 46, PLAN 43M-1721, WARD 4

The applicants are requesting the following variance(s):

1. To permit a driveway width of 9.78m (32.09 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

9.18. **A-2022-0291**

MEENAKSHI SAINI AND RAJINDER SAINI

39 KELWAYS CIRCLE

LOT 37, PLAN 43M-1836, WARD 8

The applicants are requesting the following variance(s):

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

Mr. Kevyn Mendonsa, authorized agent for the applicant, presented application A-2022-0291 briefly outlining the variances requested.

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

Mr. Mendonsa 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-2022-0291 to permit an exterior stairway leading to 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

10. **DEFERRED MINOR VARIANCE APPLICATIONS**

10.1. **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):

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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.).

Mr. Zulhash Uddin, PWTEAM Design & Building Permit, authorized agent for the applicant, presented application A-2022-0248 briefly outlining the variances requested.

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

Mr. Uddin 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-2022-0248 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.) 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 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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11. **Adjournment**

Moved by: A. C. Marques

Seconded by: D. Colp

That the Committee of Adjustment hearing be adjourned at 10:29 am to meet again on Tuesday, October 25, 2022.

CARRIED