

**Date:** November 15, 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  
Megan Fernandes, Planning Technician  
Rabia Ahmed, 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 1a.m.

2. **ADOPTION OF MINUTES:**

Moved by: A.C. Marques

Seconded by: D. Colp

THAT the minutes of the Committee of Adjustment hearing held October 25, 2022 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated November 7, 2022

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

None

5. **WITHDRAWALS/DEFERRALS**

**B-2022-0019 (Agenda Item 6.4)**

BOVAIRD WEST HOLDINGS INC.

LAGERFELD DRIVE

NORTHEAST OF BOVAIRD DRIVE WEST AND CREDITVIEW ROAD

BLOCK 2, PLAN 43M-1927, WARD 6

Committee acknowledged receipt of a letter dated November 11, 2022 from Oz Kemal, MHBC Planning, authorized agent for the applicant, requesting a deferral of Application **B-2022-0019** (Lagerfeld Drive at Bovaird Drive and Creditview Road) to the hearing scheduled for December 6, 2022. (***Agenda Item 6.4***)

Mr. Oz Kemal was in attendance to acknowledge the request to defer the application advising that he has since spoken with staff and would like to have the application considered at the December 6, 2022 hearing.

Staff advised that it is the recommendation to defer the application to a hearing no later than the last hearing of January, commenting that since no changes are required to the application it could be considered at the next hearing if it can be accommodated on the agenda.

Committee expressed that the timelines to bring the application forward to the December 6, 2022 hearing were very tight and expressed that the recommendation to defer the application no later than the last hearing of January, 2023 was more appropriate in the event new information comes forward.

Committee acknowledged receipt of e-mail correspondence dated November 10, 2022 from Farah Faroque, Metrolinx requesting that an environmental easement be registered on title and a warning clause be included in any agreements of purchase and sale or lease advising of their 300 metre right-of-way.

Following discussion Committee reached the following decision:

Moved by: A.C. Marques

Seconded by: D. Colp

THAT application B-2022-0019 be deferred to a hearing no later than the last hearing of January, 2023

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**B-2022-0020, A-2022-0039 and A-2022-0349 (Agenda Items 6.5; 8.27 and 9.1))**

2441925 ONTARIO LTD.

2 AUCTION LANE

PART OF LOT 5, CONCESSION 7 ND, WARD 8

The Chair announced that Staff recommends deferral of Applications **B-2022-0020, A-2022-0039 and A-2022-0349** for the property addressed as 2 Auction Lane. (**Agenda items 6.5, 8.27 and 9.1).**

Mr. Michael Barton, MBI development Consulting Inc., authorized agent for the applicant addressed Committee. He advised that staff have some issues with servicing easements and how they are proposed noting that he has received feedback from staff as recently as this morning.

Staff advised that the recommendation to defer the applications no later than the last hearing of January, 2023 will provide additional time for review.

Moved by: D. Colp

Seconded by: A. C. Marques

THAT applications B-2022-0020, A-2022-0039 and A-2022-0349 be deferred no later than the last hearing of January, 2023.

CARRIED

**A-2022-0334 (Agenda Item 8.12)**

MICHAEL BRO AND DIANA KHAMIS

23 MISSION RIDGE TRAIL

LOT 329, PLAN 43M-1799, WARD 10

The Chair announced that Staff recommends deferral of Application **A-2022-0334** for the property addressed as 23 Mission Ridge Trail (**Agenda Item 8.12).**

Mr. Michael Bro, applicant and owner of the property addressed Committee advising that the driveway existed at the time of purchase of the property. He explained that they widened the part of the driveway which was already a walkway. He added that in the midst of Covid they installed a pool and wanted to raise the fence to alleviate privacy and anxiety issues. He explained that his neighbours have no complaints noting that the fence does not provide full privacy but does provide a level of comfort.

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Staff advised that the recommendation to defer the application will provide more time to facilitate a second site visit as staff was not able to view the rear yard during the initial visit. Staff advised that the concerns are with the height of the fence having potential adverse visual impact to the adjacent properties.

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0344 be deferred no later than the last hearing of January, 2023.

CARRIED

### **A-2022-0339 (Agenda Item 8.17)**

MALKIT SINGH AND NACHHATTAR SINGH

399 RAY LAWSON BOULEVARD

LOT 1, PLAN M-775, WARD 4

The Chair announced that Staff recommends deferral of Application **A-2022-0339** for the property addressed as 399 Ray Lawson Boulevard (**Agenda Item 8.17**).

Mr. Malkit Singh, applicant and owner of the property, was in attendance to acknowledge the staff recommendation to defer the application. He noted the location of the plaza creates a blind spot when backing up and when people are walking by on Ray Lawson Boulevard. He advised that he can move safely out of his driveway if he makes a three point turn from his driveway.

Staff expressed safety concerns with the location of the driveway in relation to the plaza entrance, as well as a noise wall which creates a blind spot. Staff advised that they would like to work with the applicant to determine what size driveway would be effective to eliminate their concerns.

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0344 be deferred no later than the last hearing of January, 2023.

CARRIED

### **A-2022-0341 (Agenda Item 8.19)**

NANDINI SHUKLA AND PARV JOHARI

9 CALLALILY ROAD

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PART OF LOT 528, PLAN 43M-1748,

PART 5, PLAN 43R-32379, WARD 2

The Chair announced that Staff recommends deferral of Application **A-2022-0341** for the property addressed as 9 Callalily Road (**Agenda Item 8.19**).

Mr. Bhasakr Joshi, Out of the Box Engineering Inc., was in attendance to acknowledge the recommendation to defer the application. He advised that there is an existing basement unit which the applicant wants to legalize as a rental unit.

Staff advised that the deferral will provide sufficient time for the applicant to provide an updated sketch for staff to review. Staff noted that the existing concrete driveway is elevated and creates drainage concerns.

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0341 be deferred no later than the last hearing of January, 2023. 2022.

CARRIED

### 6. **NEW CONSENT APPLICATIONS**

**APPLICATIONS B-2022-0016, A-2022-0332 AND A-2022-0333 WERE RELATED AND HEARD CONCURRENTLY**

#### 6.1. **B-2022-0016**

BENTALLGREENOAK PRIME CANADIAN INVESTMENTS 1 LP

297 RUTHERFORD ROAD SOUTH AND 0 GLIDDEN ROAD

PART OF LOT 2, CONCESSION 2 E.H.S., WARD 3

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 72,230 square metres (17.85 acres). The proposed severed lot has a frontage of approximately 128.49 metres (421.55 feet), a depth of approximately 178.31 metres (585 feet) and an area of approximately 24,310 square metres (6.0 acres). The effect of the application is to re-establish two (2) distinct lots which have merged on title to allow for separate ownership for future buildings on the proposed retained and severed lots. It is proposed that the site be redeveloped to include a warehouse building on each lot.

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Mr. David McKay, MHBC Planning., authorized agent for the applicant, presented applications B-2022-0016, A-2022-0332 and A-2022-0333 briefly outlining the nature of the applications. He advised that relative to the variance applications the conditions specify a specific gross floor area and requested an increase to the numbers proposed in the staff recommendation reports. Mr. McKay requested an increase in the gross floor area to reflect 25, 792 square metres for A-2022-0332 and in increase to 7,402 square metres for A-2022-0333 explaining that the deviation represents an increase of 5% which will allow future tenants to add a mezzanine area.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2022-0016, A-2022-0332 and A-2022-0333 from a planning land use perspective. Staff supported the request to amend the conditions pertaining to the gross floor area.

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

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

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application B-2022-0016 to re-establish two (2) distinct lots which have merged on title to allow for separate ownership for future buildings on the proposed retained and severed lots be approved for the following reasons and subject to the following conditions:

1. That separate water and sanitary services shall be provided for each lot in accordance with the Ontario Building Code and to the satisfaction of the Chief Building Official. Should services serving one lot cross the other, the appropriate easements shall be registered prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer. A building permit is required for alteration to the existing services.
2. 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.
3. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.

REASONS:

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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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0332 to permit a rear yard setback of 4.0 metres and to permit a parking ratio of 4.66 spaces per 1000 square metres for a warehouse 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-2022-0081 post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That the reduced parking ratio of 4.66 parking spaces per 1,000 square metres shall only apply to a warehouse (with associated office and educational floor areas of 15% or less) having a maximum gross floor area of 25,792 square metres. The parking requirements of Section 30.5 of the Zoning By-law shall be applied to any future increase in floor area that may be proposed, including the addition of mezzanines or building expansions;
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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0333 to permit a parking ratio of 4.66 spaces per 1000 square metres for a warehouse be approved for the following reasons and subject to the following conditions:

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1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File SPA-2022-0081 post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That the reduced parking ratio of 4.66 parking spaces per 1,000 square metres shall only apply to a warehouse (with associated office and educational floor areas of 15% or less) having a maximum gross floor area of 7,402 square metres. The parking requirements of Section 30.5 of the Zoning By-law shall be applied to any future increase in floor area that may be proposed, including the addition of mezzanines or building expansions;
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

### 6.2. **B-2022-0017**

HEART LAKE HOLDINGS INC.;

FIERA REAL ESTATE CORE FUND GP INC;

FIERA REAL ESTATE CORE FUND LP

15 NEWKIRK COURT

BLOCK 7, BLOCK 8 AND PART OF BLOCK 6, PLAN 43M-2107,

PART 8, PLAN 43R-39991, WARD 2

The purpose of the application is to request consent to the grant of an easement having a width of approximately 10.70 metres (35.11 feet); a depth of approximately 60.0 metres (196.85 feet) and an area of approximately 0.066 hectares (0.163 acres) for the purpose of access and passage; and an easement having a width of approximately 8.50 metres (27.88 feet); a depth of approximately 7.30 metres (23.95 feet) and an area of approximately 0.005 hectares (0.012



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acres) for the purpose of sanitary and stormwater sewer. The proposed easements are in favour of the properties municipally known as 20 and 25 Newkirk Court.

Mr. Marc De Nardis, Gagnon Walker Domes Ltd., authorized agent for the applicant, presented application B-2022-0017 briefly outlining the nature of the proposal. He informed Committee that of the seven buildings proposed for the site, five have been erected.

Committee acknowledged receipt of e-mail correspondence dated November 3, 2022 from Toronto and Region Conservation Authority indicating no objection to Applications B-2022-0017 and B-2022-0018.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0017 from a planning land use perspective.

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

Mr. De Nardis 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-2022-0017 for the grant of easements for the purpose of access and passage in favour of the properties municipally known as 20 and 25 Newkirk Court be approved for the following reasons and subject to the following conditions:

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

### REASONS:

1. This decision reflects that regard has been had to those matters to be regarded under the Planning Act, in as much as the dimensions and shape of the lot are adequate for the uses proposed.
2. Subject to the imposed conditions, the consent to the conveyance will not adversely affect the existing or proposed development.

CARRIED

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### 6.3. B-2022-0018

HEART LAKE MAYFIELD INDUSTRIAL GP INC.

HEART LAKE MAYFIELD INDUSTRIAL LP

20 AND 25 NEWKIRK COURT

PART OF BLOCKS 5 AND 6, PLAN 43M-2107,

PARTS 6, 7, 16 AND 17, PLAN 43R-39991, WARD 2

The purpose of the application is to request consent to the grant of an easement having a width of approximately 9.50 metres (31.17 feet); a depth of approximately 130.0 metres (426.51 feet) and an area of approximately 0.228 hectares (0.563 acres) for the purpose of access and passage in favour of the property municipally known as 15 Newkirk Court.

Mr. Marc De Nardis, Gagnon Walker Domes Ltd., authorized agent for the applicant, presented application B-2022-0018 briefly outlining the nature of the application.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0018 from a planning land use perspective.

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

Mr. De Nardis indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A.C. Marques

THAT application B-2022-0018 for the grant of easements for the purpose of access and passage in favour of the property municipally known as 15 Newkirk Court be approved for the following reasons and subject to the following conditions:

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

REASONS:

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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

### 6.4. **B-2022-0019 (*Deferred as discussed during procedural matters*)**

BOVAIRD WEST HOLDINGS INC.

LAGERFELD DRIVE

NORTHEAST OF BOVAIRD DRIVE WEST AND CREDITVIEW ROAD

BLOCK 2, PLAN 43M-1927, WARD 6

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 3.25 hectares (8.03 acres), together with reciprocal easements for access and servicing. The proposed severed lot has a frontage of approximately 108.57 metres (356.20 feet), a depth of approximately 138.28 metres (453.67 feet) and an area of approximately 1.73 hectares (4.27 acres). The effect of the application is to establish two separate lots from the existing lot to facilitate future development of the newly created (severed) lot to the east for residential/mixed use and the retained lot to the west for retail and commercial uses.

Committee acknowledged receipt of e-mail correspondence dated November 10, 2022 from Farah Faroque, Metrolinx requesting that an environmental easement be registered on title and a warning clause be included in any agreements of purchase and sale or lease advising of their 300 metre right-of-way.

### 6.5. **B-2022-0020 (*Deferred as discussed during procedural matters*)**

2441925 ONTARIO LTD.

2 AUCTION LANE

PART OF LOT 5, CONCESSION 7 ND, WARD 8

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 1.229 hectares (3.04 acres), together with reciprocal easements for parking, access and servicing. The proposed severed lot has a frontage of

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approximately 43.7 metres (143.37 feet), a depth of approximately 76.35 metres (250.50 feet) and an area of approximately 0.334 hectares (0.825 acres). The effect of the application is to establish two separate lots from the existing lot to facilitate future development of the newly created (severed) lot with a new 8 storey office building with 2 levels of underground parking. The retained lands will continue to be occupied by a banquet hall.

### 7. **DEFERRED CONSENT APPLICATIONS**

#### **APPLICATIONS B-2022-0012, A-2022-0280 AND A-2022-0281 WERE RELATED AND HEARD CONCURRENTLY**

##### 7.1. **B-2022-0012**

ROBERT AND MAGDALENA LAMOUREUX

NORMAND AND ROSEMARIA LAMOUREUX

7593 CREDITVIEW ROAD

PART OF LOTS 1 AND 2, PLAN TOR 11

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 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 and a detached garage.

Mr. Robert Lamoureux, applicant and owner of the property, presented applications B-2022-0012, A-2022-0280 and A-2022-0281 advising that the applications had previously been deferred.

Committee acknowledged receipt of the heritage permit and Heritage Impact Assessment which were provided since the previous meeting.

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.

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

Mr. Lamoureux 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

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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-2022-0012 to create a new lot for future residential development of a single detached dwelling and a detached garage 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. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services/or possible required private service easements.

### 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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0280 to permit a lot width of 6.8 metres; to permit a side yard setback of 5.02m (16.47 ft.); to permit an accessory structure (existing frame shed) having side yard setbacks of 1.0m (3.28 ft.) and 0.0m; to permit two (2) accessory structures in the front yard and to permit 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.) 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.

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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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0281 to permit a lot width of 14.43 metres; to permit a lot area of 807.578 square metres; to permit a side yard setback of 4.8m (15.75 ft.); to permit 57% of the front yard area as landscaped open space; to provide a floor space index of 0.2; to permit an existing accessory structure (bar) having a setback of 0.1m (0.33 ft.) to the nearest lot line and to permit an existing accessory structure (gazebo) having a setback of 0.9m (2.95 ft.) to the nearest 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 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. **NEW MINOR VARIANCE APPLICATIONS**

#### 8.1. **A-2022-0192**

AMANDEEP KAPILA AND RAJNI KAPILA

14 ADRIAN CRESCENT

LOT 165, PLAN 43M-1983, WARD 5

The applicants are requesting the following variance(s):

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1. To permit a balcony encroachment of 4.45m (14.60 ft.), resulting in a rear yard setback of 3.05m (10 ft.) whereas the by-law permits a maximum encroachment of 3.0m (9.84 ft.), resulting in a rear yard setback of 4.5m (14.76 ft.);
2. To permit a roof structure including eaves and cornices to encroach 4.45m (14.60 ft.), resulting in a rear yard setback of 3.05m (10 ft.) whereas the by-law permits a maximum encroachment of 2.0m (6.56 ft.), resulting in a rear yard setback of 5.5m (18.04 ft.).

Mr. Jonathan Benczkowski, Solarch, authorized agent for the applicant, presented application A-2022-0192 briefly outlining the variances requested.

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

Mr. Benczkowski, 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-2022-0192 to permit a balcony encroachment of 4.45m (14.60 ft.), resulting in a rear yard setback of 3.05m (10 ft.) and to permit a roof structure including eaves and cornices to encroach 4.45m (14.60 ft.), resulting in a rear yard setback of 3.05m (10 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 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:

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

CARRIED

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### 8.2. **A-2022-0324**

MOHANATHAS MUTHULINGAM AND MATHIVATHANY MOHANATHAS

90 MADDYBETH CRESCENT

PART OF LOT 10, PLAN 43M-1651,

PARTS 15 AND 16, PLAN 43R-30106, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in a required 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 side yard setback of 1.2m (3.94 ft.);
3. To permit a driveway width of 5.35m (17.55 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17.06 ft.).

Mr. Aakash Joshi, Out of the Box Engineering Inc., authorized agent for the applicant, presented application A-2022-0324 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated November 14, 2022 from Aji Vamanan, 92 Maddybeth Crescent indicating support for application A-2022-0324.

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: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0324 to permit a below grade entrance in the 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 driveway width of 5.35m (17.55 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;



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2. That the owner shall obtain a building permit for the below grade entrance 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;
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 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-2022-0325**

LISHA GROVER AND AKASH GROVER

12 PEPPERBUSH ROAD

LOT 65, PLAN 43M-1656, WARD 8

The applicants are requesting the following variance(s):

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

Mr. Salman Ellahi, authorized agent for the applicant, presented application A-2022-0325 briefly outlining the variances requested.

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

Mr. Ellahi 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. Colp

Seconded by: A. C. Marques

THAT application A-2022-0325 to permit a proposed 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 variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the fence used to screen the below grade entrance in the exterior side yard shall be maintained as currently constructed, and shall not be removed or lowered, but may be repaired or replaced when necessary; 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

### 8.4. **A-2022-0326**

MOTIELALL DHANDHARI AND YULAWAITTIE DHANDHARI

55 EL CAMINO WAY

LOT 70, PLAN 43M-1550, WARD 6

The applicants are requesting the following variance(s):

1. To permit an open framework roof structure to encroach 5.5m (18.04 ft.) into the required rear yard resulting in a minimum rear yard setback of 2.1m (6.89 ft.) whereas the by-law permits a maximum encroachment of 2m (6.56 ft.) into a required rear yard resulting in a setback of 4m (13.12 ft.);
2. To permit an interior side yard setback of 0.0m to an open framework roof structure whereas the by-law requires a minimum interior side yard setback of 0.6m (1.97 ft.);
3. To permit an existing accessory structure (shed) to be located within an exterior side yard whereas the by-law does not permit an accessory structure in an exterior side yard;

## Committee of Adjustment Minutes

4. To permit an existing accessory structure (shed) having a 0.0m setback to the rear and side 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.

Ms. Kruti Shah, RJ Cad Solutions Inc., authorized agent for the applicant, presented application A-2022-0326 briefly outlining the variances requested.

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

Ms. Shah indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0326 to permit an open framework roof structure to encroach 5.5m (18.04 ft.) into the required rear yard resulting in a minimum rear yard setback of 2.1m (6.89 ft.); to permit an interior side yard setback of 0.0m to an open framework roof structure; to permit an existing accessory structure (shed) to be located within an exterior side yard and to permit an existing accessory structure (shed) having a 0.0m setback to the rear and side 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 drainage from the accessory structure shall not flow onto the adjacent property and that drainage on adjacent properties shall not be adversely affected;
3. That the applicant obtain a building permit for the open framework roof structure 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;
4. That the owner shall obtain a revision permit for the rear porch, which was constructed not in accordance with the approved permit drawings, within 60 days of the decision of approval, or within an extended 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:

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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

### 8.5. **A-2022-0327**

PUSHKAR CHAVAN AND VAISHAKHI CHAVAN

43 ELYSIAN FIELDS CIRCLE

LOT 36, PLAN 43M-2015, 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 0.66m (2.17 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 0.66m (2.17 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;
3. To permit a 0.4m (1.31 ft.) setback to an existing accessory structure (gazebo) 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 provide 0.0m of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line;
5. To permit a driveway width of 8.56m (28.08 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-0327 briefly outlining the variances requested.

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

Mr. Grewal advised that the home owner purchased the dwelling with the door as-built noting that the owner desires to have the door approved for his own use, if it cannot be used as an entrance to a second unit.

Mr. Pushkar Chavan advised that he made no change to the dwelling since purchased advising that he was not aware that the door was not permitted.

Committee inquired if there is any enforcement action on the property. Staff advised that there is an occurrence currently in place under investigation for the side door noting that because of the height of the door they would require a landing under the Building Code. Staff explained that once the landing is in place there is no configuration of the stair that would allow it to remain on the property.

Committee posed a question inquiring if the door is recessed. Staff confirmed that the door is recessed which is a common option.

Mr. Grewal advised that he understands the landing requirement and is willing to do whatever is required.

Committee suggested a deferral of the application to allow the applicant an opportunity to work with staff.

Mr. Grewal was receptive to Committee's suggestion to defer the application.

Following discussion, Committee reached the following decision:

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0327 be deferred to a hearing no later than the last hearing of January, 2023.

CARRIED

### 8.6. **A-2022-0328**

BASHIR AHMED AND FAREEDA ABBASSI

76 STEDFORD CRESCENT

LOT 23, PLAN 43M-1989, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;

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2. To permit a 0.09m (0.30 ft.) interior side yard setback 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 driveway width of 9.15m (30 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
4. To provide 0.0m of permeable landscaping abutting the side property line on both sides, whereas the By-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line.

Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-0328 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, in part, 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: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0328 to permit a below grade entrance in the required interior side yard; to permit a 0.09m (0.30 ft.) interior side yard setback to a below grade entrance; to permit a driveway width of 9.15m (30 ft.) and to provide 0.0m of permeable landscaping abutting the side property line on both sides, be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That drainage on the adjacent properties shall not be adversely affected;
4. That Variance 3 for increased driveway width be refused;
5. That Variance 4 for the reduction of permeable landscaping be refused; 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:

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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

### 8.7. **A-2022-0329**

KANCHAN CHAOHAN

9 PANTOMINE BOULEVARD

LOT 117, PLAN 43M-1590, 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 0.97m (3.18 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit an existing as-built accessory structure having setbacks of 0.08m (0.26 ft.) and 0.12m (0.40 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;
4. To permit a side yard setback of 0.86m (2.82 ft.) to an existing roof structure whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.).

Mr. Pardeep Gogna, Rely Solution, authorized agent for the applicant, presented application A-2022-0329 briefly outlining the variances requested.

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

Mr. Gogna 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

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THAT application-2022-0329 to permit a below grade entrance within a required interior side yard; to permit an interior side yard setback of 0.97m (3.18 ft.) to a below grade entrance; to permit an existing as-built accessory structure having setbacks of 0.08m (0.26 ft.) and 0.12m (0.40 ft.) to the nearest property lines; and to permit a side yard setback of 0.86m (2.82 ft.) to an existing roof structure 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 for the below grade entrance 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;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That drainage from the accessory structure shall not flow onto the adjacent property and that drainage on adjacent properties shall not be adversely affected; and
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:

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

CARRIED

### 8.8. **A-2022-0330**

SATINDER SINGH AND PARMPREET JATHOL

21 REDFINCH WAY

PART OF BLOCK 232, PLAN M-1439, PART 1,

PLAN 43R-25715, WARD 6

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 2.56m (8.40 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Mr. Pardeep Gogna, Rely Solution, authorized agent for the applicant, presented application A-2022-0330 briefly outlining the variances requested.

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

Mr. Gogna 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-2022-0330 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 2.56m (8.40 ft.) to a below grade entrance 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

8.9. **A-2022-0331**

JASPAL VIRDEE AND JAGJIT VIRDEE

11 ROTUNDA STREET

PART OF LOT 115, PLAN 43M-1577, WARD 5

The applicants are requesting the following variance(s):

1. To permit a landing serving the principle entrance to a second unit with a height of 0.77m (2.56 ft.) above ground level whereas the by-law permits landings serving the principle entrance to a second unit with a maximum height of less than 0.6m (1.97 ft.) above ground level;
2. To permit an interior side yard setback of 0.38m (1.25 ft.) to a landing whereas the by-law requires a minimum setback of 0.9m (2.95 ft.) to a landing;
3. To permit a driveway width of 5.15m (16.90 ft.) whereas the by-law permits a maximum driveway width of 4.9m (16.08 ft.).

Mr. Pardeep Gogna, Rely Solution, authorized agent for the applicant, presented application A-2022-0331 briefly outlining the variances requested.

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

Mr. Gogna 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:

Seconded by:

THAT application A-2022-0331 to permit a landing serving the principle entrance to a second unit with a height of 0.77m (2.56 ft.) above ground level; to permit an interior side yard setback of 0.38m (1.25 ft.) to a landing and to permit a driveway width of 5.15m (16.90 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 obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operation Section for any construction of works within the City's road allowance; and

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3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.10. **A-2022-0332 (Considered concurrently with Application B-2022-0016)**

BENTALLGREENOAK PRIME CANADIAN INVESTMENTS 1 LP

0 GLIDDEN ROAD

PART OF LOT 2, CONCESSION 2 EHS, WARD 3

The applicant is requesting the following variance(s) in conjunction with the proposed retained lot under Consent Application B-2022-0016:

1. To permit a rear yard setback of 4.0 metres whereas the by-law requires a minimum rear yard setback of 7.0 metres.
2. To permit a parking ratio of 4.66 spaces per 1000 square metres for a warehouse whereas the by-law requires that parking for a warehouse use be calculated in accordance with the provisions of Section 30.5.

### 8.11. **A-2022-0333 (Considered concurrently with Application B-2022-0016)**

BENTALLGREENOAK PRIME CANADIAN INVESTMENTS 1 LP

297 RUTHERFORD ROAD SOUTH

PART OF LOT 2, CONCESSION 2 E.H.S., WARD 3

The applicant is requesting the following variance(s) in conjunction with the proposed severed lot under Consent Application B-2022-0016:

1. To permit a parking ratio of 4.66 spaces per 1000 square metres for a warehouse whereas the by-law requires that parking for a warehouse use be calculated in accordance with the provisions of Section 30.5.

8.12. **A-2022-0334** (*Deferred as discussed during procedural matters*)

MICHAEL BRO AND DIANA KHAMIS

23 MISSION RIDGE TRAIL

LOT 329, PLAN 43M-1799, WARD 10

The applicants are requesting the following variance(s):

1. To permit an existing accessory structure (gazebo) having a gross floor area of 17.83 sq. m (191.92 sq. ft.) whereas the by-law permits an accessory structure having a maximum gross floor area of 15 sq. m (161.46 sq. ft.);
2. To permit an existing fence (including privacy screen) having a height of 2.79m (9.15 ft.) whereas the by-law permits a maximum height of 2.0m (6.56 ft.) for a fence in the rear and side yard;
3. To permit a driveway width of 8.33m (27.33 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
4. To provide 0.0m of permeable landscaping abutting the side property line on both sides whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line.

8.13. **A-2022-0335**

GIAN SINGH NAGRA, CHANVEER NAGRA AND PRINCE NAGRA

29 SUN PAC BOULEVARD

PART OF BLOCK 2, PLAN 43M-561, PART 2, PLAN 43R-32770, WARD 8

The applicants are requesting the following variance(s):

1. To permit the sale and lease of trucks and trailers for temporary period of five (5) years whereas the by-law does not permit the proposed use.

Mr. Ethan Bohnert, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2022-0335 briefly outlining the variances requested. Mr. Bohnert

Committee recalled that there has been other applications for temporary use on the subject property and inquired if there is any intention from the property owner to come in with a proposed building.

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Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff explained that the application has been discussed with the applicant and the owner and there is no proposal for development at this time. Staff noted that the proposal will not be limiting the ultimate development of the property and that although staff would like to see the property ultimately developed, staff supports the application at this time.

Committee expressed that the temporary use has been on-going for some time and requested an additional condition be included that there shall be no maintenance and/or repair of vehicles provided on site. Staff expressed support for the proposed conditions. Committee expressed that five years is a long time for a temporary approval and that it has been quite some time for the temporary use at the site.

Mr. Bohnert 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: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0335 to permit the sale and lease of trucks and trailers for temporary period of five (5) years 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 proposed lease and sale of trucks and trailers use shall be accessory and subordinate to the primary permitted temporary truck and trailer storage use on site;
3. That there shall be no maintenance and/or repair of vehicles provided on site;
4. 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:

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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In response to a request from one of the residents in attendance, it was the decision of the Committee to vary the order of the agenda to move item 8.27 (37 West Street) forward for consideration.

### 8.27. **A-2022-0348**

NRB HOLDINGS LTD.

37 WEST STREET

PART OF LOTS 57 AND 58, PLAN BR-35, WARD 1

The applicants are requesting the following variance(s):

1. To permit a 0.4m (1.31 ft.) interior side yard setback to a proposed garden suite whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.);
2. To permit a 1.8m (5.91 ft.) rear yard setback to a proposed garden suite whereas the by-law requires a minimum rear yard depth of 2.5m (8.20 ft.);
3. To permit a maximum lot coverage of 30.1% whereas the by-law permits a maximum lot coverage of 30%;
4. To permit a combined driveway width of 8.4m (27.56 ft.) for two driveways whereas the by-law permits a combined driveway width of 7.32m (24 ft.).

Mr. Jivtesh Bhaila, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0348 briefly outlining the variances requested.

Committee was in receipt of e-mail correspondence dated November 14, 2022 from Matt Dunne, 51 West Street detailing concerns with Application A-2022-0348.

Committee was in receipt of e-mail correspondence dated November 14, 2022 from Kevin Troake, 12 West Street expressing his concerns with Application A-2022-0348.

Ms. Barbara Johnstone, 84 Nelson Street addressed Committee advising that she has resided in the area for over 30 years. She stated that they enjoy a strong community and expressed that one of the best things about living in the downtown core is walkability noting that it is one of the benefits of living in an urban setting. Ms. Johnstone added that they stood before the Committee several years ago to object to the two-storey garage that is currently part of the application. She expressed that they are adamantly opposed to the proposal, as are many of the neighbours.

Ms. Johnstone explained that the structure has an imposing presence in her back yard and following a decision by the Ontario Municipal Board to allow the structure to remain even though it exceeded the by-law requirement, they spent a considerable amount of money on a court yard to create an amenity space on the west side of the property. She expressed

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a court yard to create an amenity space on the west side of the property. She expressed that since the subject property has been purchased it has a number of unrelated tenants commenting that the owner neglects the property. It was her opinion that the owner is not interested in community cohesion.

Ms. Johnstone remarked that the variances are not minor in nature and cumulatively represent a major departure from the character of the established community. She added that the proposal has the potential to impact all adjoining properties.

Ms. Johnstone stated that the applicant consistently neglects the property and has no oversight as to the conduct of his tenants. She remarked that this is a business holding company interested in maximizing an investment, not community cohesion.

Ms. Johnstone expressed that in these times of environmental sensitivity we should be looking at ways to improve drainage, increase green space and reduce hard surfaces. She expressed that the application requests additional parking surface to accommodate multiple tenancy and vehicles and added that there is a pool in the back yard completely surrounded by hard surface.

Ms. Johnstone referred to the dwelling as a rooming house with individuals unrelated and having no responsibility to the surrounding community. She spoke of the size of an existing pool shed and the garage and made reference to a two tower apartment building on Railroad Street which provides additional rental units within one block of the subject property commenting that the community has taken its' fair share of rental housing.

Ms. Johnstone presented a signed petition from the neighbouring residents. She summarized by requesting the Committee to reject the application or to delay it so that they can canvass more widely.

Ms. Tracey Pepe, 53 West Street, addressed Committee in opposition to the proposal. She advised that she recently ran for City Councillor and when canvassing the area she learned that three of the tenants declared that they were students of non-Canadian resident status. She advised that she also observed that there were another four students in the house.

Ms. Pepe expressed that there have been notifications to By-law Enforcement of over a hundred calls minimal related to how the current tenant or applicant is handling the current status of the community. She advised that there are generally five vehicles parked illegally and blocking the sidewalk. She spoke of fireworks that are used on occasions other than those that are designated and expressed concerns with the danger of these fireworks. She spoke of minimal maintenance standards that are not met and of a tree that was blown down in a storm left for weeks on the property while others in the neighbourhood cleared the damaged trees on their properties. Ms. Pepe expressed that if the driveway is added the current applicant does not even shovel the existing driveway nor maintain standards advising that ice build-up is a problem. She was concerned about an additional driveway being added to a current driveway that is not maintained.

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Ms. Suzanne White, 82 West Street, addressed Committee advising that there was a notice placed on the property concerning maintenance issues and spoke of parking tickets on the vehicles.

Ms. John Perlanski, 84 Nelson Street West, addressed Committee stating that although there are a number of empty chairs in the chambers, the petition that was presented represents a substantial voice in the community.

Charlene Couture, 34 West Street, addressed Committee advising that she has a concern with the number of tenants and the vehicles being parked on both sides of the street. She spoke of an incident when a person had fallen and emergency services had difficulty navigating through the street.

Susmita Rai, 33 West Street, addressed Committee commenting that there are so many pool parties and maybe the property is rented for events. She remarked that there are parties lasting into the late evenings and she feels unsafe.

Xie Yixuan, 40 West Street, addressed Committee expressing that she is opposed to additional residential units on the property. She expressed concerns with noise from screaming residents, noisy mufflers, vehicles parked in front of her driveway and depreciation in the value of her property.

Mr. Jivtesh Bhaila addressed Committee advising that the applicant's name is incorrect on the staff recommendation report.

Committee acknowledged the petition that had been submitted by Ms. Johnstone, signed by 67 area residents.

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions. Staff read aloud the conditions and requested an additional condition be included that the garden suite shall not be used to access an unregistered second unit.

Committee posed a question inquiring how many registered units were in the dwelling. Mr. Bhaila advised that the basement is not a second unit informing Committee that the dwelling is leased to a single tenant with a twelve month lease. He advised that some of the concerns expressed by the neighbours were communicated to the tenants noting that it is not an easy process to evict tenants. He advised he will bring the information back to the tenants.

Committee advised Mr. Bhaila that the neighbours have stated their concerns to the tenants on various occasions. Committee inquired if there is any enforcement action on the property. Staff confirmed that there have been numerous complaints this year on the property, many for parking. Staff explained that there is an investigation on going for a second unit that has not been completed at this time.



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Committee posed questions pertaining to a garden suites inquiring if the structure is a garage or a shed. Mr. Bhaila advised that this is a garage that was built with the benefit of a building permit. He informed Committee that the intent is to convert the garage to a garden suite. He explained that if the structure was located towards the centre of the property it would be allowed, noting that the reduced setbacks are the variances requested. He advised that the structure will not be demolished as it is in good condition with no exterior changes proposed noting that the interior will be renovated to comply with the Building Code, including insulation, separate heating system and water lines to the existing structure.

Committee commented that they were not informed of the by-laws pertaining to garden suites and would have liked to have been provided with some guidelines. Staff responded that the garden suite by-law was passed in June of 2022 which gives property owners as-of-right permission to have a garden suite on their property as well as the as of-right permission to have an additional second dwelling unit. Staff explained these changes resulted in response to some of the housing challenges. Staff noted that in this instance they did review the conversion of the existing structure on the planning merits and found the setbacks to be relatively minor in nature in response to the permissions stated in the zoning by-law.

Ms. Tracey Pepe addressed Committee with questions on installing a driveway to the property line to her neighbour, how can a grandfather clause be permitted for something that was illegally built in the first place and how could the gentlemen representing the owner not be aware of the situation in the community with the tenants. She spoke of major issues with drainage for the run off tables and that adding an additional driveway will add to the current problems. Committee pointed out that staff are not supporting the variance for the driveway.

Planning Staff responded that they do not support the second driveway for additional parking stating that the main single detached dwelling requires one parking space and the garden suite requires one parking space which can be accommodated on the existing driveway as is. Staff noted that the interior and side yard setbacks comply with the four tests of the Planning Act and that the garden suite is permitted as-of-right.

Committee sought clarification on parking requirement for a garden suite and a second unit. Zoning Staff clarified that a garden suite does not require additional parking, noting that the dwelling requires two parking spaces and if there is a second unit in the basement a third parking space is required.

Ms. Suzanne White addressed Committee commenting on maintenance issues with the property noting that several notices were served to maintain the property. She advised that she has been informed that the property owner is responsible for maintaining the property. She commented that there are plenty of apartments available at 45 Railroad Street.

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Ms. Johnstone addressed Committee inquiring if the dwelling has a basement apartment, is it legal and are they permitted to have a garden suite and a basement apartment. She commented that it is a rooming house.

Staff responded that it has not yet been determined if there is a legal second unit or a rooming house explaining that if there is a second unit it would have to be registered and if approved staff explained that if there is a second unit, three parking spaces would be required.

Mr. Bhaila advised that the basement suite is not registered noting that the entire dwelling is rented to one tenant only. He explained that the driveway can accommodate three parking spaces advising that eventually the plan is to legally register a second unit and have a garden suite. He explained that he discussed the request for the variance related to the request for two driveways adding that staff had confirmed that if they had gone up to 7.32 metres in width they would be permitted to have two driveways.

Committee inquired if the basement is finished. Mr. Bhaila explained that the basement is partially finished. Committee inquired if there is a kitchen. Mr. Bhaila confirmed that there is a kitchenette with a 24 inch stove which has never been turned on and that once all the renovations are complete they will register it as a second unit dwelling.

Ms. Pepe inquired how many tenants are in the dwelling. Mr. Bhaila responded that the lease agreement allows no more than 4 unrelated family members and that the lease is for one individual for the entire dwelling. He added that it is not the intention to use the dwelling as a rooming house, even though there is a zoning provision that allows a rooming house.

Committee spoke of the four tests that apply to each application and noted that the intent is beyond the requirements of the four tests and not as presented. Committee noted that there are many complaints where the neighbours are suffering recognizing as well the challenges faced by property owners during Covid times. Committee expressed that there are many concerns put forward by the neighbours and commented that there are still some unanswered questions.

Committee spoke of the one lease but commented that it is clearly evident that there are several tenants. Mr. Bhaila expressed that when a tenant signs a lease it is very hard to get a good picture of who will reside in the dwelling adding that it becomes very difficult to evict tenants.

Committee recognized the concerns of the neighbours and expressed that the individual renting this dwelling has an obligation and understands the Landlord and Tenant Protection Act. Committee expressed that the owner ought to have known the people that will be there, how it is going to be run and the number of people that will reside in the premises. Committee added that the owner has a responsibility to uphold what the community looks for and what is respectable commenting that this should not just be an investment noting that Brampton is a place for residents to work, play and live.

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Committee noted that there has been a lot of feedback from the community and expressed that the intent does not seem appropriate for the area.

Ms. Rai inquired what is the intention of the owner to make additions to the property and how could they not be aware of how many people are living at the property. It was her submission that this is clearly a violation of the law.

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-2022-0348 to permit a 0.4m (1.31 ft.) interior side yard setback to a proposed garden suite; to permit a 1.8m (5.91 ft.) rear yard setback to a proposed garden suite; to permit a maximum lot coverage of 30.1% and to permit a combined driveway width of 8.4m (27.56 ft.) for two driveways 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 variance is not minor.

CARRIED

### 8.14. **A-2022-0336**

AJEET SINGH AND ANUPMA RAI

41 SLEIGHTHOLME CRESCENT

LOT 40, PLAN 43M-1804, WARD 10

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 3.9m (12.80 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

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Ms. Kruti Shah, RJ Cad Solutions Inc., authorized agent for the applicant, presented application A-2022-0336 briefly outlining the variances requested.

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

Ms. Shah indicated that the proposed conditions were acceptable.

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

Moved by: A.C. Marques

Seconded by: D. Colp

THAT application A-2022-0336 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 3.9m (12.80 ft.) to a proposed below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the 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

### **COMMITTEE RECESSED AT 11:30 AM AND RECONVENED AT 11:40 AM**

#### **8.15. A-2022-0337**

SUKHUWAN DHALIWAL AND JASPINDER DHALIWAL

96 HANBURY CRESCENT

LOT 48, PLAN 43M-2011, WARD 5

The applicants are requesting the following variance(s):

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1. To permit a rear yard setback of 4.459m (14.63 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.);
2. To permit a roof overhang (eave) to encroach 1.1m (3.61 ft.) into the required interior side yard resulting in an interior side yard setback of 0.1m (0.33 ft.) whereas the by-law permits a roof overhang (eave) to encroach a maximum of 0.5m (1.64 ft.) resulting in an interior side yard setback of 0.7m (2.30 ft.);
3. To permit a driveway width of 8.6m (28.22 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.);
4. To permit an accessory structure having a setback of 0.23m (0.75 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines for an accessory structure;
5. To permit an 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 the exterior side yard.

Ms. Jaspinder Dhaliwal, applicant and owner of the property, presented application A-2022-0337 briefly outlining the variances requested. Ms. Dhaliwal advised that there is no below grade entrance on the property and sought clarification on proposed condition number 2.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff acknowledged a mistake in that proposed condition number 2 was included inadvertently.

Committee requested that condition number 2 be deleted.

Ms. Dhaliwal 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. Colp

Seconded by: A. C. Marques

THAT application A-2022-0337 to permit a rear yard setback of 4.459m (14.63 ft.); to permit a roof overhang (eave) to encroach 1.1m (3.61 ft.) into the required interior side yard resulting in an interior side yard setback of 0.1m (0.33 ft.); to permit a driveway width of 8.6m (28.22 ft.); to permit an accessory structure having a setback of 0.23m (0.75 ft.) and to permit an 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;

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2. That 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; 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

### 8.16. **A-2022-0338**

DHARMENDER KUMAR AND MONIK RATHI

614 QUEEN MARY DRIVE

LOT 36, PLAN 43M-2090, WARD 6

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line;
2. To permit an exterior side yard setback of 2.5m (8.20 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 fence height of 2.4m (7.87 ft.) in the exterior side yard and rear yard whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.) in the side and rear yard.

Mr. Kamal Jaura, Jaura Design, authorized agent for the applicant, presented application A-2022-0338 briefly outlining the variances requested.

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

Mr. Jaura 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-2022-0338 to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line; to permit an exterior side yard setback of 2.5m (8.20 ft.) to a proposed below grade entrance and to permit a fence height of 2.4m (7.87 ft.) in the exterior side yard and rear yard 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; 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

### 8.17. **A-2022-0339 (Deferred as discussed during procedural matters)**

MALKIT SINGH AND NACHHATTAR SINGH

399 RAY LAWSON BOULEVARD

LOT 1, PLAN M-775, WARD 4

The applicants are requesting the following variance(s):

1. To permit an existing driveway width of 11.27m (36.97 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.).

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### 8.18. **A-2022-0340**

VAN DER GRAFF HOLDINGS INC.

2 VAN DER GRAFF COURT

BLOCK 4, PLAN M-643, WARD 8

The applicants are requesting the following variance(s):

1. To provide 134 parking spaces on site whereas the by-law requires a minimum of 138 parking spaces;
2. To permit an exterior side yard setback of 5.0m (16.40 ft.) whereas the by-law requires a minimum side yard setback of 7.6m (24.93 ft.).

Ms. Lisa Christie, W.E. Oughtred & Associates Inc., authorized agent for the applicant, presented application A-2022-0340 briefly outlining the variances requested. Ms. Christie advised that the number of required parking spaces is 143 as opposed to 138 as written in the staff recommendation report.

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

Ms. Christie 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-2022-0340 to provide 134 parking spaces on site and to permit an exterior side yard setback of 5.0m (16.40 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

8.19. **A-2022-0341** (*Deferred as discussed during procedural matters*)

NANDINI SHUKLA AND PARV JOHARI

9 CALLALILY ROAD

PART OF LOT 528, PLAN 43M-1748,

PART 5, PLAN 43R-32379, WARD 2

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in a required 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 side yard setback of 1.2m (3.94 ft.).

8.20. **A-2022-0342**

AMANDEEP KAUR DEOL

28 BELLINI AVENUE

LOT 13, PLAN M-538, WARD 10

The applicant is requesting the following variance(s):

1. To permit a two way driveway having a width of 3.66m (12 ft.) whereas the by-law requires a minimum width of 6.0m (19.68 ft.) for a two way driveway;
2. To permit an accessory structure (cabana) having a gross floor area of 27 sq. m (290.63 ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.57 sq. ft.);
3. To permit 61% landscaped open space in the front yard whereas the by-law requires a minimum of 70% landscaped open space in the front yard;
4. To permit a fence in the front yard having a height of 2.45m (8.04 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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Mr. Jim Pfeffer, authorized agent for the applicant, presented application A-2022-0342 briefly outlining the variances requested noting that he had provided a presentation for Committee's consideration.

Committee acknowledged receipt of a letter dated November 10, 2022, including attachments from Jim Pfeffer, authorized agent for the applicant.

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

Mr. Pfeffer 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-2022-0342 to permit a two way driveway having a width of 3.66m (12 ft.); to permit an accessory structure (cabana) having a gross floor area of 27 sq. m (290.63 ft.); to permit 61% landscaped open space in the front yard and to permit a fence in the front yard having a height of 2.45m (8.04 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-2022-0114, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That the Archaeological Assessment as requested in the Site Plan Application for the same property (SPA-2022-0114) be accepted into the Archaeological Register under the Ministry of Citizenship and Multiculturalism (MCM) prior to the Site Plan being approved;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

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### 8.21. **A-2022-0343**

CALLOWAY REAL ESTATE INVESTMENT TRUST INC.

55 MOUNTAINASH ROAD, UNIT F6

BLOCK 74, PLAN 43M-1132, WARD 10

The applicant is requesting the following variance(s):

1. To permit a medical office (vascular clinic) whereas the by-law does not permit the proposed use;
2. To permit outside storage (oxygen tank) whereas the by-law does not permit outside storage.

Ms. Mary Malhi, Smart Centres, authorized agent for the applicant, presented application A-2022-0343 briefly outlining the variances requested.

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

Ms. Malhi 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-2022-0343 to permit a medical office (vascular clinic) and to permit outside storage (oxygen tank) 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

8.22. **A-2022-0344**

SUKHPREET MANN AND HARMINDER MANN

187 QUEEN STREET WEST

LOT 8, PLAN BR-28, WARD 3

The applicants are requesting the following variance(s) or special permission:

1. To expand the legal non-conforming use to permit a second dwelling unit whereas the by-law permits the legal non-conforming use as a single detached dwelling.

Mr. Syed Haroon Hussain, authorized agent for the applicant, presented application A-2022-0344 briefly outlining the variances requested.

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

Mr. Hussain 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-2022-0344 to permit the legal non-conforming use to permit a second dwelling unit 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

8.23. **A-2022-0345**

I2 DEVELOPMENTS (BRAMPTON) INC.

225 MALTA AVENUE

PART OF BLOCK 2, PLAN 43M-2062

PART OF BLOCK 35, PLAN 43M-1644, WARD 4

The applicant is requesting the following variance(s):

1. To treat all lands zoned R4A(3) – 3017 and R4A(3) -3023 as one lot for required bicycle and vehicular parking, access and lot area whereas the by-law does not permit all lands to be treated as one lot;
2. To permit visitor parking to be provided at a rate at 0.11 spaces per dwelling unit whereas the by-law requires visitor parking to be provided at a rate of 0.15 spaces per dwelling unit;
3. To permit 100% of the bicycle spaces to be vertical whereas the by-law permits a maximum of 50% of the required bicycle parking to be vertical spaces and the rest must be horizontal;
4. To permit a minimum length of 1.2m (3.94 ft.) for vertical parking spaces whereas the by-law requires a minimum length of 1.6m (5.25 ft.) for a vertical bicycle parking space;
5. To permit a minimum of 0.47 bicycle parking spaces per apartment dwelling unit and a minimum of 0.05 visitor bicycle parking spaces per apartment dwelling unit whereas the by-law requires that a minimum of 0.50 bicycle parking spaces shall be provided per apartment dwelling unit and a minimum of 0.10 visitor bicycle parking spaces shall be provided per apartment dwelling unit.

Mr. Ryan Mino, KLM Planning Partners Inc., authorized agent for the applicant, presented application A-2022-0345 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff noted a change to requested variance 3 to reflect 90% as opposed to the 100% as requested in the application.

Mr. Mino acknowledged the amendment to proposed variance number 3 to reflect 90% of the bicycle spaces to be vertical and his acceptance of the amended variance.

Mr. Mino 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 **amended** application A-2022-0345 to treat all lands zoned R4A(3) – 3017 and R4A(3) -3023 as one lot for required bicycle and vehicular parking, access and lot area; to permit visitor parking to be provided at a rate at 0.11 spaces per dwelling unit; to permit **90%** of the bicycle spaces to be vertical; to permit a minimum length of 1.2m (3.94 ft.) for vertical parking spaces and to permit a minimum of 0.47 bicycle parking spaces per apartment dwelling unit and a minimum of 0.05 visitor bicycle parking spaces per apartment dwelling unit 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 location and arrangement of horizontal and vertical bicycle parking spaces be satisfactory to City's Active Transportation Department;
3. 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:

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

### 8.24. **A-2022-0346**

I2 DEVELOPMENTS (BRAMPTON) INC.

209 STEELES AVENUE WEST

PART OF BLOCK 2 AND ALL OF BLOCK 3, PLAN 43M-2062

PART OF BLOCK 35, Plan 43M-644, WARD 4

The applicant is requesting the following variance(s):

## Committee of Adjustment Minutes

1. To permit visitor parking to be provided at a rate at 0.11 spaces per dwelling unit whereas the by-law requires visitor parking to be provided at a rate of 0.15 spaces per dwelling unit;
2. To permit 100% of the bicycle spaces to be vertical whereas the by-law permits a maximum of 50% of the required bicycle parking to be vertical spaces and the rest must be horizontal;
3. To permit a minimum length of 1.2m (3.95 ft.) for vertical parking spaces whereas the by-law requires a minimum length of 1.6m (5.25 ft.) for a vertical bicycle parking space;
4. To permit the first storey of any wall adjacent to a street, a minimum of 55% of the gross area of the wall shall have clear vision windows and/or doors, whereas the by-law requires the first storey of any wall adjacent to a street, a minimum of 70% of the gross area of the wall shall have clear vision windows and/or doors.

Mr. Ryan Mino, KLM Planning Partners Inc., authorized agent for the applicant, presented application A-2022-0346 briefly outlining the variances requested. Staff noted a change to requested variance 2 to reflect 90% as opposed to the 100% as requested in the application.

Mr. Mino acknowledged the amendment to proposed variance number 2 to reflect 90% of the bicycle spaces to be vertical and his acceptance of the amended variance.

Mr. Mino 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 **amended** application A-2022-0346 permit visitor parking to be provided at a rate at 0.11 spaces per dwelling unit; to permit **90%** of the bicycle spaces to be vertical; to permit a minimum length of 1.2m (3.95 ft.) for vertical parking spaces and to permit the first storey of any wall adjacent to a street, a minimum of 55% of the gross area of the wall shall have clear vision windows and/or doors 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 location and arrangement of horizontal and vertical bicycle parking spaces be satisfactory to City's Active Transportation Department;
3. That the owner finalize site plan approval under City File SPA-2021-0230, execute a site plan agreement, and post required financial securities and insurance to the satisfaction of the Director of Development Services;

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4. 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:

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

### 8.25. **A-2022-0347**

AMRITPAL SINGH SIDHU AND JASKARAN SINGH

19 EMMETT CIRCLE

LOT 290, PLAN 43M-160, WARD 6

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line;
2. To permit an exterior side yard setback of 1.67m (5.48 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 7.26m (23.82 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
4. To provide 0.0m of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m wide permeable landscape strip abutting the side property line.

Mr. Jivtesh Bhaila, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0347 briefly outlining the variances requested.

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

Mr. Bhaila 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-2022-0347 to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line; to permit an exterior side yard setback of 1.67m (5.48 ft.) to a proposed below grade entrance; to permit a driveway width of 7.26m (23.82 ft.) and to provide 0.0m of permeable landscaping abutting the side property 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 the fence used to screen the below grade entrance in the exterior side yard shall be maintained as currently constructed, and shall not be removed or lowered, but may be repaired or replaced when necessary;
4. 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:

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-2022-0349 (Deferred as discussed during procedural matters)**

2441925 ONTARIO LTD.

2 AUCTION LANE

PART OF LOT 5, CONCESSION 7 ND, WARD 8

The applicant is requesting the following variance(s) in conjunction with the proposed severed lot under Consent Application B-2022-0020:

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1. To permit a lot area of 0.33 hectares whereas the by-law requires a minimum lot area of 0.6 hectares;
2. To permit a lot width of 43.7 metres whereas the by-law requires a minimum lot width 50.0 metres;
3. To permit an interior side yard setback of 1.72 metres on the east side whereas the by-law requires a minimum side yard depth of 6.0 metres;
4. To permit a rear yard setback of 4.5 metres to the parking ramp whereas the by-law requires a minimum rear yard depth of 6.0 metres;
5. To permit a maximum lot coverage of 36.5% whereas the by-law requires a minimum lot coverage of 35%;
6. To provide 302 parking spaces for both the severed and retained lots whereas the by-law requires a minimum of 584 parking spaces for both the severed and retained lots;
7. To permit parking provided on the adjacent retained lot to be used in conjunction with uses established on the severed lot whereas the by-law requires that where parking is required it shall be provided or maintained on the same lot as the use for which they are required or provided;
8. To permit a landscaped open space of 3.25 metres abutting Regional Road 107 (Queen Street) whereas the by-law requires a minimum landscaped open space of 6.0 metres abutting Regional Road 107;
9. To permit garbage and refuse not screened within an enclosure whereas the by-law requires garbage and refuse to be screened within an enclosure;
10. To permit an office to be located beyond 180 metres of Goreway Drive whereas the by-law requires that an office be located within 180 metres of Goreway Drive;
11. To permit a 0 metre parking aisle width whereas the by-law requires a minimum 6.6 metre parking aisle width.

### 8.29. **A-2022-0350**

MENKES CREDITVIEW INC.

0 LAGERFELD DRIVE,

(NORTHWEST CORNER OF LAGERFELD DRIVE AND CREDITVIEW ROAD, WARD 8

## Committee of Adjustment Minutes

The applicant is requesting the following variance(s):

1. To permit a maximum building height of 34 storeys whereas the by-law permits a maximum building height of 25 storeys;
2. To provide parking for a residential condominium or rental apartment at a rate of 0.65 parking spaces per unit whereas the by-law requires a rate of 1.0 parking spaces per residential unit;
3. To provide visitor parking for a residential condominium or rental apartment at a rate of 0.10 parking spaces per unit whereas the by-law requires a rate of 0.20 spaces per residential unit.

Mr. Colin Chung, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2022-0350 briefly outlining the variances requested. He explained that the property is located at the northwest corner of Lagerfeld Drive and Bovaird Drive within walking distance of the existing Mount Pleasant Go Station.

Committee acknowledged receipt of e-mail correspondence dated November 10, 2022 from Farah Faroque, Metrolinx indicating no objection to the application.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff explained that they are in support of the application as submitted although the staff recommendation report has been structured differently in terms of the parking variance. Staff requested an additional condition be included and proposed wording to reflect that the owner agrees to convert any unsold parking spaces into visitor parking spaces.

Committee inquired if the agent was in agreement with the proposed wording. Mr. Chung advised that he accepts the additional condition noting that an agreement was reached after the staff recommendation report had been provided. Mr. Chung requested that the reference to "*in part*" in the staff recommendation be removed.

Following discussion, Mr. Chung 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. Colp

Seconded by: A. C. Marques

THAT application A-2022-0350 to permit a maximum building height of 34 storeys; to provide parking for a residential condominium or rental apartment at a rate of 0.65 parking spaces per unit and to provide visitor parking for a residential condominium or rental apartment at a rate of 0.10 parking spaces per unit 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 finalize site plan approval under City File SPA-2022-0152, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the plan Director of Development Services;
3. That the owner agrees that any unsold visitor parking spaces are converted to residential parking spaces;
4. 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:

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-2022-0039** (*Deferred as discussed during procedural matters*)

2441925 ONTARIO LTD.

2 AUCTION LANE

PART OF LOT 5, CONCESSION 7 ND, WARD 8

The applicant is requesting the following variance(s) in conjunction with the proposed retained lot under Consent Application B-2022-0020:

1. To provide 302 parking spaces for both the severed and retained lots whereas the by-law requires a minimum of 584 parking spaces for both the severed and retained lots;
2. To permit parking provided on the adjacent severed lot to be used in conjunction with uses established on the retained lot whereas the by-law requires that where parking is required it shall be provided or maintained on the same lot as the use for which they are required or provided;

## Committee of Adjustment Minutes

3. To permit a landscaped open space of 4.3 metres abutting Regional Road 107 (Queen Street) whereas the by-law requires a minimum landscaped open space of 6.0 metres abutting Regional Road 107;
4. To permit garbage and refuse not screened within an enclosure whereas the by-law requires garbage and refuse to be screened within an enclosure.

### 9.2. **A-2022-0261**

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 7.71m (25.28 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Mr. Dilpreet Singh, RDA Designs, authorized agent for the applicant, presented application A-2022-0261 briefly outlining the variances requested advising that the application was previously deferred. He expressed that since the deferral he has been in discussions with staff.

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-2022-0261 to permit a driveway width of 7.71m (25.28 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;

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3. 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:

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-2022-0280 (Considered concurrently with Application B-2022-0012)**

ROBERT AND MAGDALENA LAMOUREUX

NORMAND AND ROSEMARIA LAMOUREUX

7593 CREDITVIEW ROAD

PART OF LOTS 1 AND 2, PLAN TOR 11

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.);
4. To permit two (2) accessory structures in the front yard whereas the by-law prohibits accessory structures in the front yard;
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.).

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9.4. **A-2022-0281** (*Considered concurrently with Application B-2022-0012*)

ROBERT AND MAGDALENA LAMOUREUX

NORMAND AND ROSEMARIA LAMOUREUX

7593 CREDITVIEW ROAD

PART OF LOTS 1 AND 2, PLAN TOR 11

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; To permit a lot area of 807.578 square metres whereas the by-law requires a minimum lot area of 1,350 square metres;
2. 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.);
3. 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;
4. To provide a floor space index of 0.2 whereas the by-law permits a maximum floor space index of 0.17.

10. **ADJOURNMENT**

Moved by: A.C. Marques

Seconded by: D. Colp

That the Committee of Adjustment hearing be adjourned at 12:14 p.m. to meet again on Tuesday, December 6, 2022.

CARRIED