

APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **VINCE D'AGATE AND ALESSANDRA FARGIOINE-D'AGATE** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Lot 287, Plan 43M-1622 municipally known as **32 HIGHVALLEY CIRCLE**, Brampton;

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

1. To permit an accessory structure having a building height of 3.05m (10 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure;
2. To permit an accessory structure having a gross floor area of 22.4 sq. m (241.11 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
3. To permit an accessory structure (cabana) to include habitable space (installation of a washroom) whereas the by-law does not permit an accessory structure to be used for human habitation.

OTHER PLANNING APPLICATIONS:

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

Plan of Subdivision: NO File Number: _____
Application for Consent: NO File Number: _____

The Committee of Adjustment has appointed **TUESDAY, January 24, 2023 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. This will also entitle you to be advised of an Ontario Land Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the applicant, the Minister, a specified person or a public body.

RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

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

DATED at Brampton Ontario, this this 12th Day of January, 2023.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer
Committee of Adjustment, City Clerk's Office,
Brampton City Hall, 2 Wellington Street West,
Brampton, Ontario L6Y 4R2
Phone: (905)874-2117
Fax: (905)874-2119
jeanie.myers@brampton.ca

Under the authority of the Emergency *Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically and/or as a hybrid meeting (both in-person and electronically).

Electronic/Hybrid Hearing Procedures How to get involved in the Hybrid Hearing

As the pandemic has waned, Brampton City Hall is currently lifting in-person attendance restrictions due to the COVID pandemic. In-person attendance at Committee of Adjustment Hearings is now available at this time, along with a virtual participation option. Brampton City Council and its Committees will continue to meet electronically and in-person. For the **January 24, 2023** hearing, the Committee of Adjustment will conduct its meeting with concurrent electronic and in-person attendance.

How to Participate in the Hearing:

All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, January 19, 2023.**

- Advance registration for applicants, agents and other interested persons is required by one or two options:
 1. Participate remotely in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary–Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Thursday, January 19, 2023.**
 2. To participate in-person, please email the Secretary–Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Thursday, January 19, 2023.**
- Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone or in-person. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Thursday, January 19, 2023.** City staff will contact you and provide you with further details.

You will be contacted by the City Clerk’s Office before the hearing date to confirm your attendance. Confirmation of in-person attendance will be subject to any in-person capacity limits that may be in place for Council Chambers at City Hall and prevailing public health orders and guidance.

- All Hearings will be livestreamed on the City of Brampton YouTube account at:
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or
<http://video.isilive.ca/brampton/live.html> .

If holding an electronic/hybrid rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca. If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party’s participation and the party will not be entitled to any further notice regarding the proceeding.

NOTE Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City’s website, www.brampton.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.



The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION
Minor Variance or Special Permission
 (Please read Instructions)

NOTE: It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** Vince D'Agate and Alessandra Fargione-D'Agate
Address 32 Highvalley circle Brampton L6P 2C7

Phone # 416-9946757 or 4169896007 **Fax #** _____
Email vicente@vostoronto.com

2. **Name of Agent** _____
Address _____

Phone # _____ **Fax #** _____
Email _____

3. **Nature and extent of relief applied for (variances requested):**
~~To permit an accessory structure having a building height of 3.05m (by-law permits a maximum height of 3.0m);~~

 2. To permit an accessory structure with a gross floor area of 22.4 sq. m (by-law permits a maximum of 15 sq. m);

~~3. To permit an accessory structure (cabana) to include habitable space (installation of a washroom).~~

4. **Why is it not possible to comply with the provisions of the by-law?**
because of existing inground pool requires washroom for guest and family
since the home washroom is not that accesible

5. **Legal Description of the subject land:**
Lot Number 287
Plan Number/Concession Number 43M-1622
Municipal Address 32 Highvalley circle .Brampton l6p 2c7

6. **Dimension of subject land (in metric units)**
Frontage 16.760
Depth 47.293
Area 792.63

7. **Access to the subject land is by:**
- | | | | |
|------------------------------------|-------------------------------------|-------------------|--------------------------|
| Provincial Highway | <input type="checkbox"/> | Seasonal Road | <input type="checkbox"/> |
| Municipal Road Maintained All Year | <input checked="" type="checkbox"/> | Other Public Road | <input type="checkbox"/> |
| Private Right-of-Way | <input type="checkbox"/> | Water | <input type="checkbox"/> |

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

3600 sq foot two storey dwelling home proposing a cabana/shed

PROPOSED BUILDINGS/STRUCTURES on the subject land:

Cabana/Shed shaded seating area to protect from sun since backyard has no shade all day long
22.4 sq m
plumbing for washroom and outside shower
non vented outdoor gas fire place

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback 38.419 m
 Rear yard setback 1.524m
 Side yard setback 0.6096 m
 Side yard setback 12.5904 m

PROPOSED

Front yard setback same as above
 Rear yard setback _____
 Side yard setback _____
 Side yard setback _____

10. Date of Acquisition of subject land: July 5 2005

11. Existing uses of subject property: Residential

12. Proposed uses of subject property: residential

13. Existing uses of abutting properties: residential

14. Date of construction of all buildings & structures on subject land: July 5 2005 and August 1 2022

15. Length of time the existing uses of the subject property have been continued: 17 years

16. (a) What water supply is existing/proposed?

Municipal Other (specify) _____
 Well

- (b) What sewage disposal is/will be provided?

Municipal Other (specify) _____
 Septic

- (c) What storm drainage system is existing/proposed?

Sewers Other (specify) _____
 Ditches
 Swales

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes No

If answer is yes, provide details: File # _____ Status _____

18. Has a pre-consultation application been filed?

Yes No

19. Has the subject property ever been the subject of an application for minor variance?

Yes No Unknown

If answer is yes, provide details:

File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

Vicente D'Agate Alessandra Fargione D'Agate
Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Brampton

THIS 27 DAY OF October, 2022

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Vicente D'Agate, OF THE city OF Brampton

IN THE name OF god SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

City OF Brampton

IN THE Region OF

Dec. THIS 9th DAY OF

Dec., 2022

Jeanie Cecilia Myers
A Commissioner etc.

Vicente D'Agate

Signature of Applicant or Authorized Agent

Jeanie Cecilia Myers
a Commissioner, etc.,
Province of Ontario
for the Corporation of the
City of Brampton
Expires April 8, 2024.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

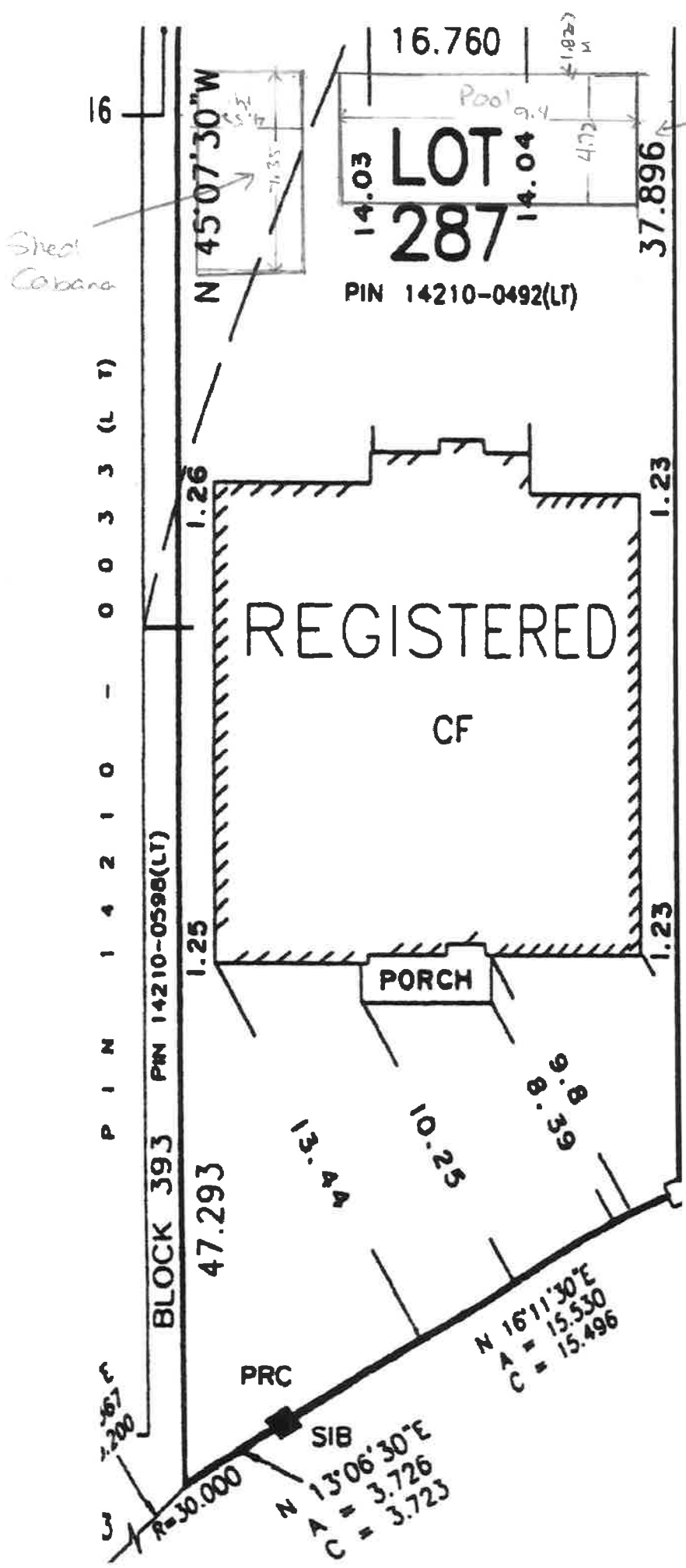
Present Zoning By-law Classification: _____

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

Zoning Officer

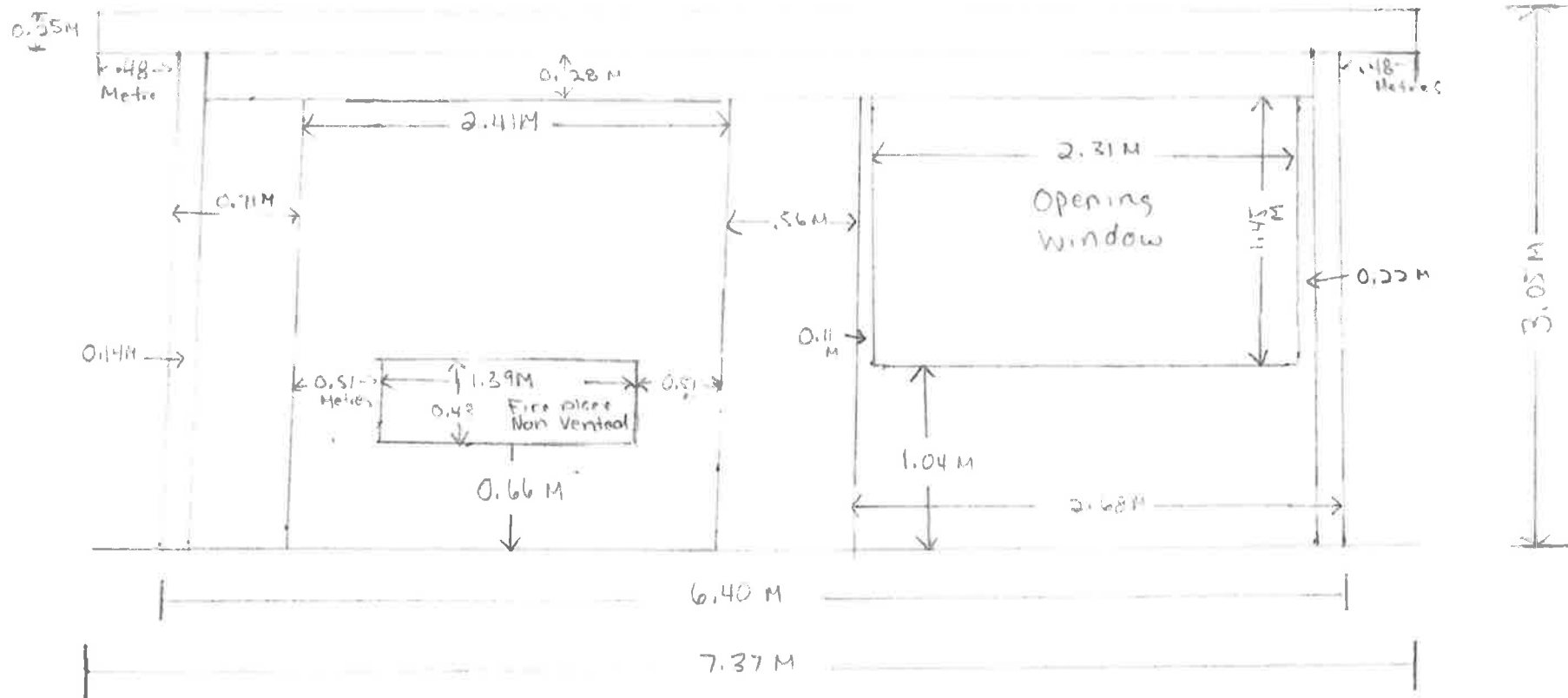
Date

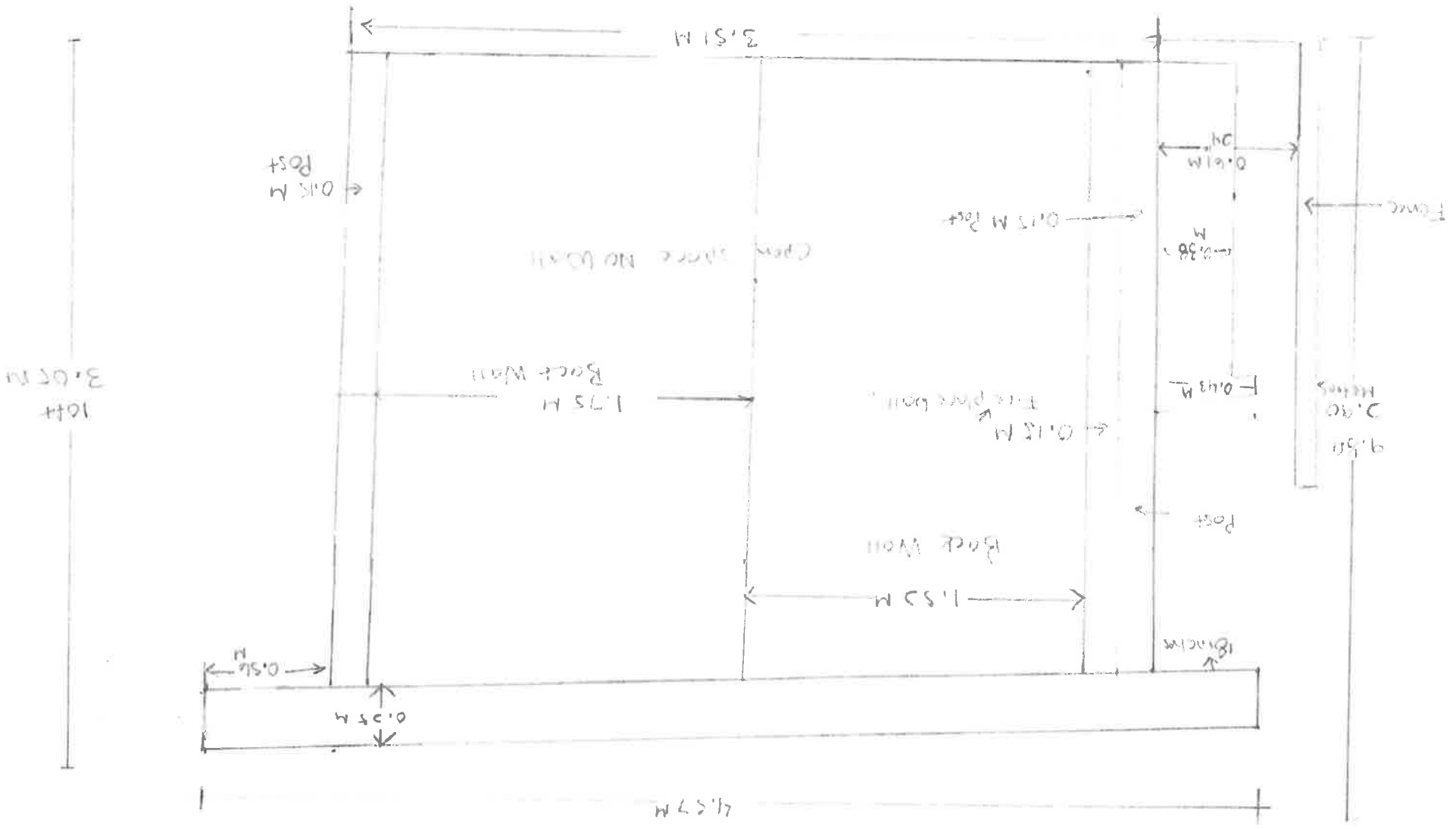
DATE RECEIVED December 9, 2022



Pool &
 Cabana
 are
 Not
 accurate
 Scale
 Only
 Approx

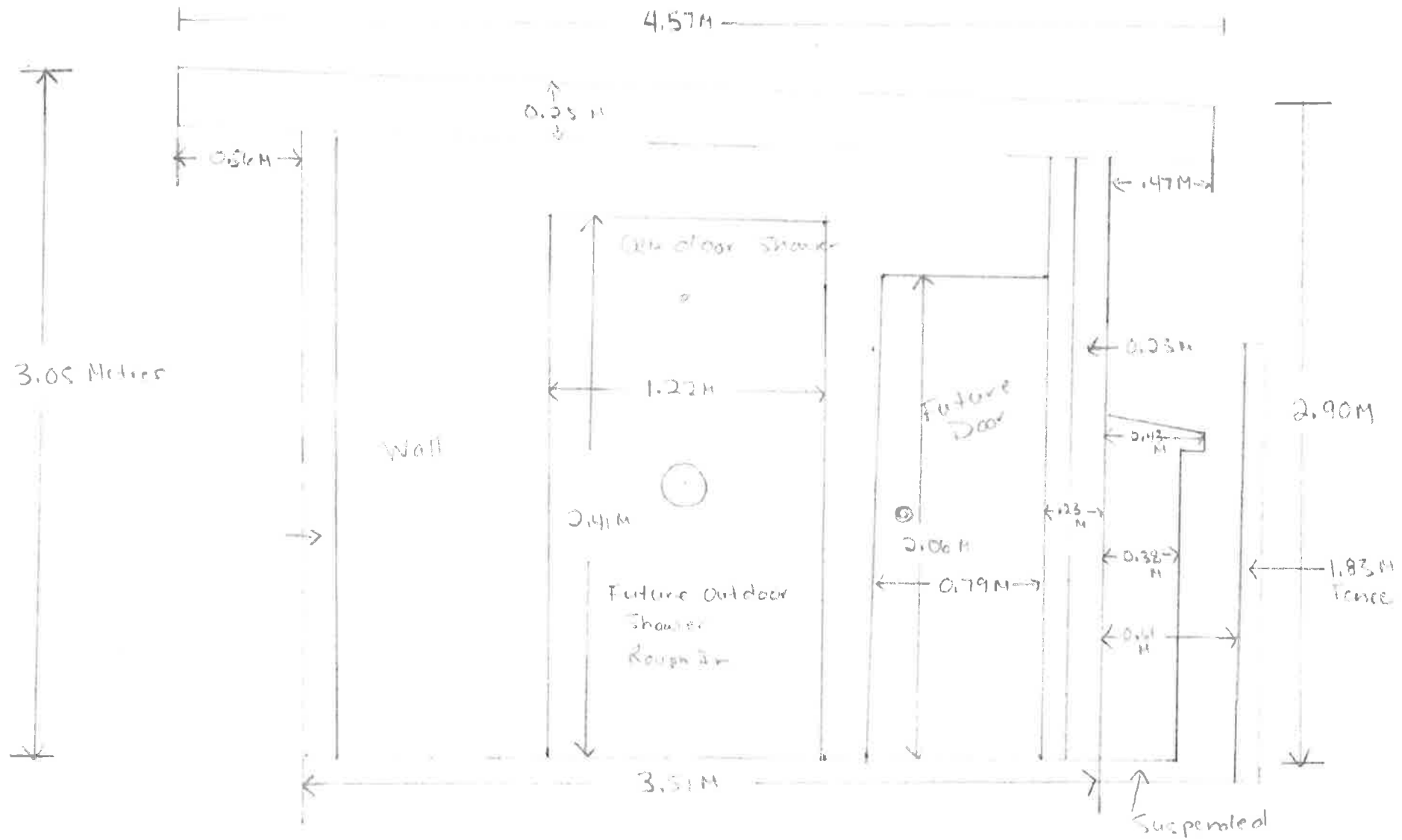
Front Elevation



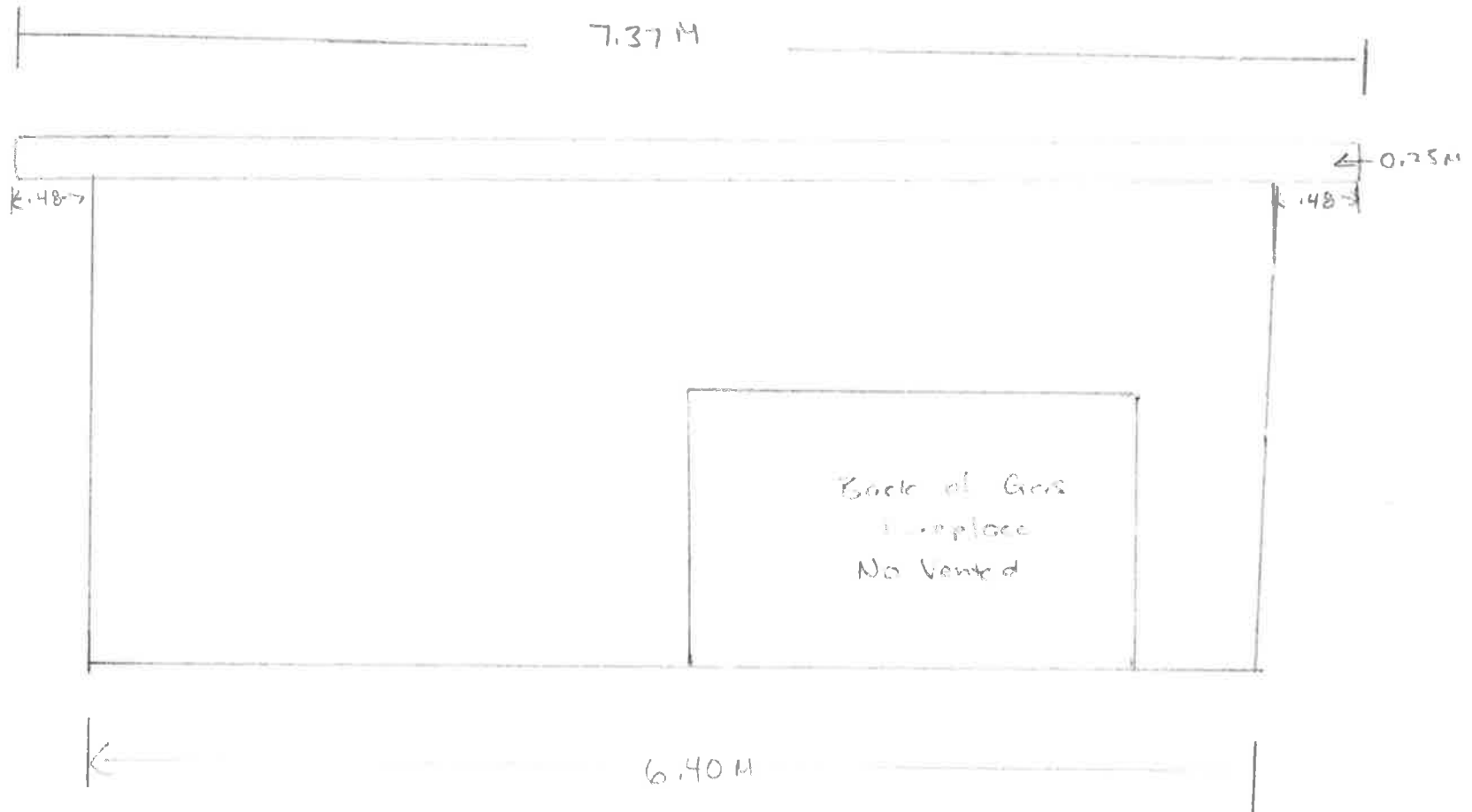


left side

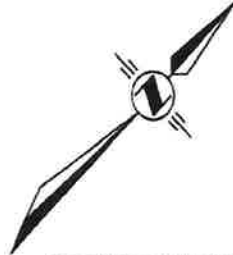
Right Side



Back of Shed / Cabana



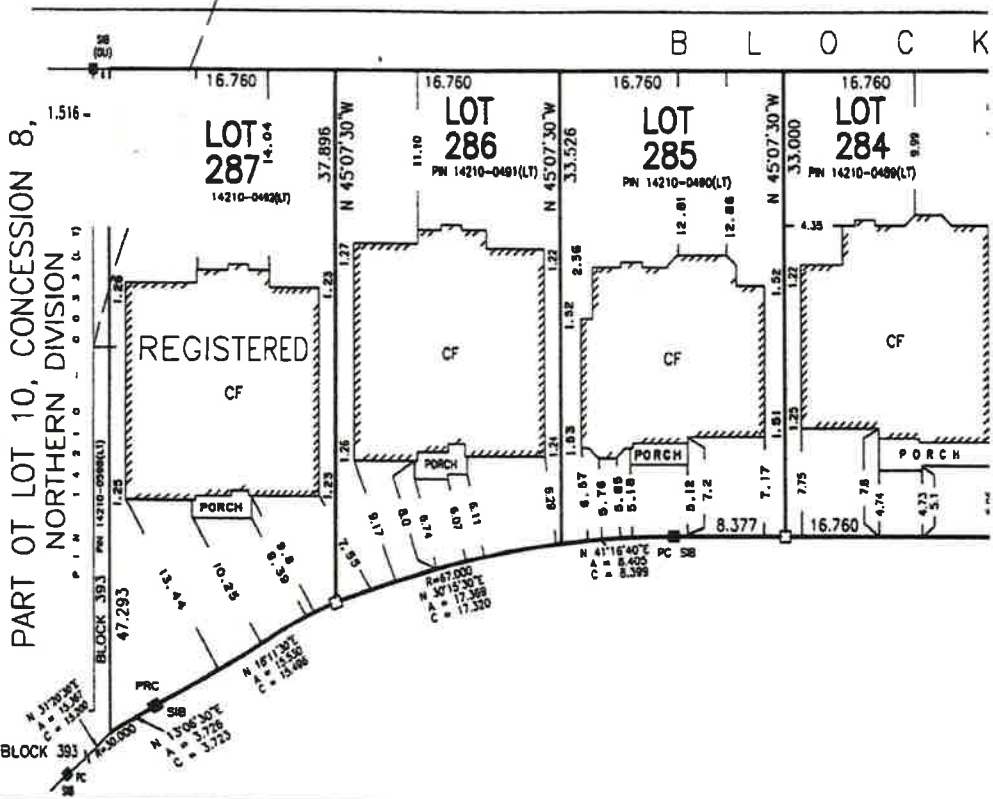
SURVEYOR'S REAL PROPERTY REPORT
 PART 1) PLAN OF
LOTS 280 TO 287 BOTH INCLUSIVE
REGISTERED PLAN 43M-1622
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEEL
 SCALE 1:400
P. SALNA Co. LTD., O.L.S.



NOTE:
 ALL FOUND OR PA
 ARE IRON BARS U
 ALL FOUND MONU
 J. D. BARNES S/L
 UNLESS NOTED O
 ALL BOUNDARY IN
 OR MEASURED IN
 UNLESS NOTED O'

DOCUMENTS RELEASED PURSUANT TO A REQUEST
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COTTRELL
 (BY REGISTER)



LEGEND

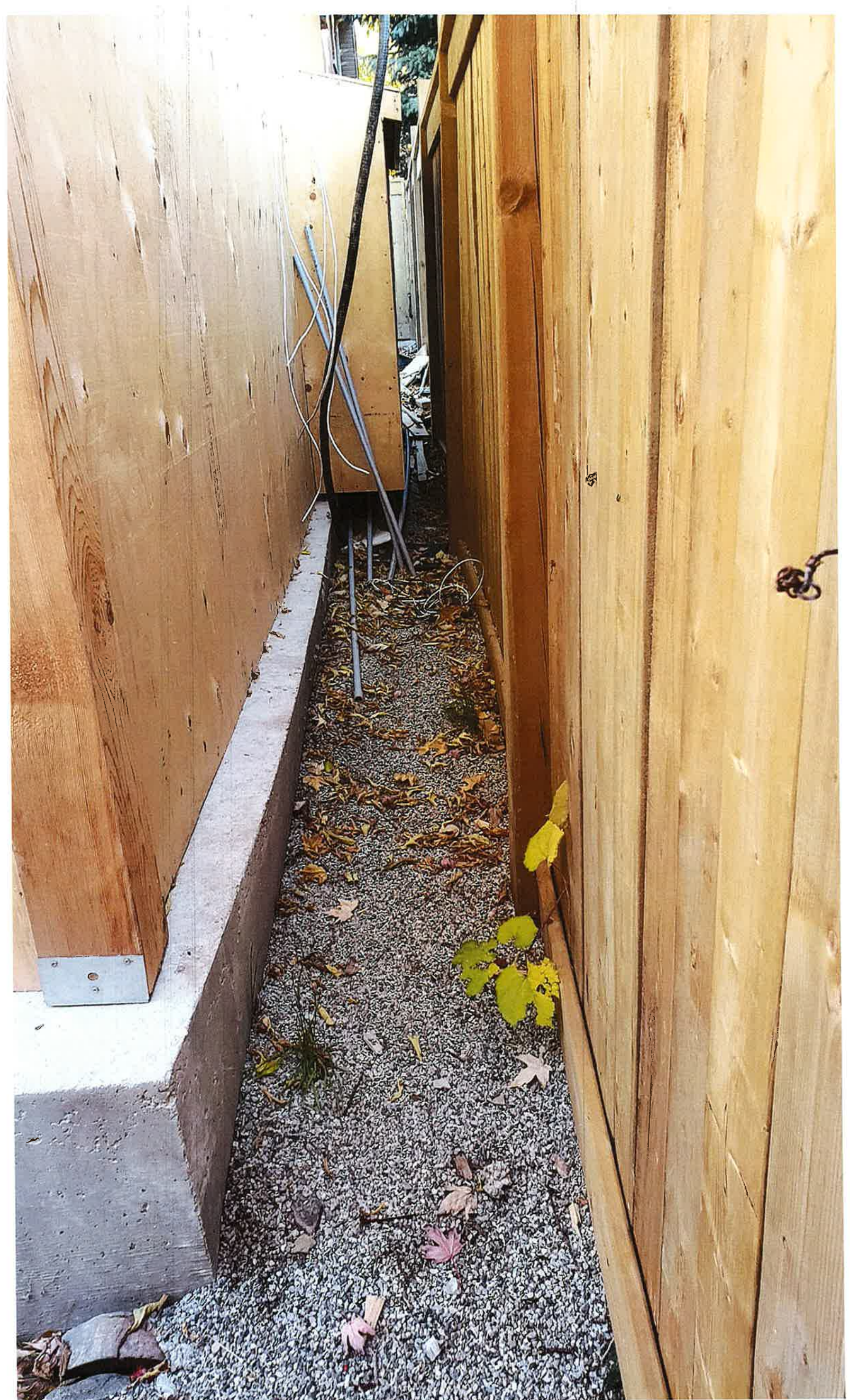
- DENOTES SURVEY MONUMENT PLANTED
- DENOTES SURVEY MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- WIT DENOTES WITNESS
- OU DENOTES ORIGIN UNKNOWN
- CC DENOTES CUT CROSS
- S DENOTES SET
- M DENOTES MEASURED
- N DENOTES NOTES BY P.SALNA CO.LTD., O.L.S.
- PC DENOTES POINT OF CURVATURE
- PRC DENOTES POINT OF REVERSE CURVATURE

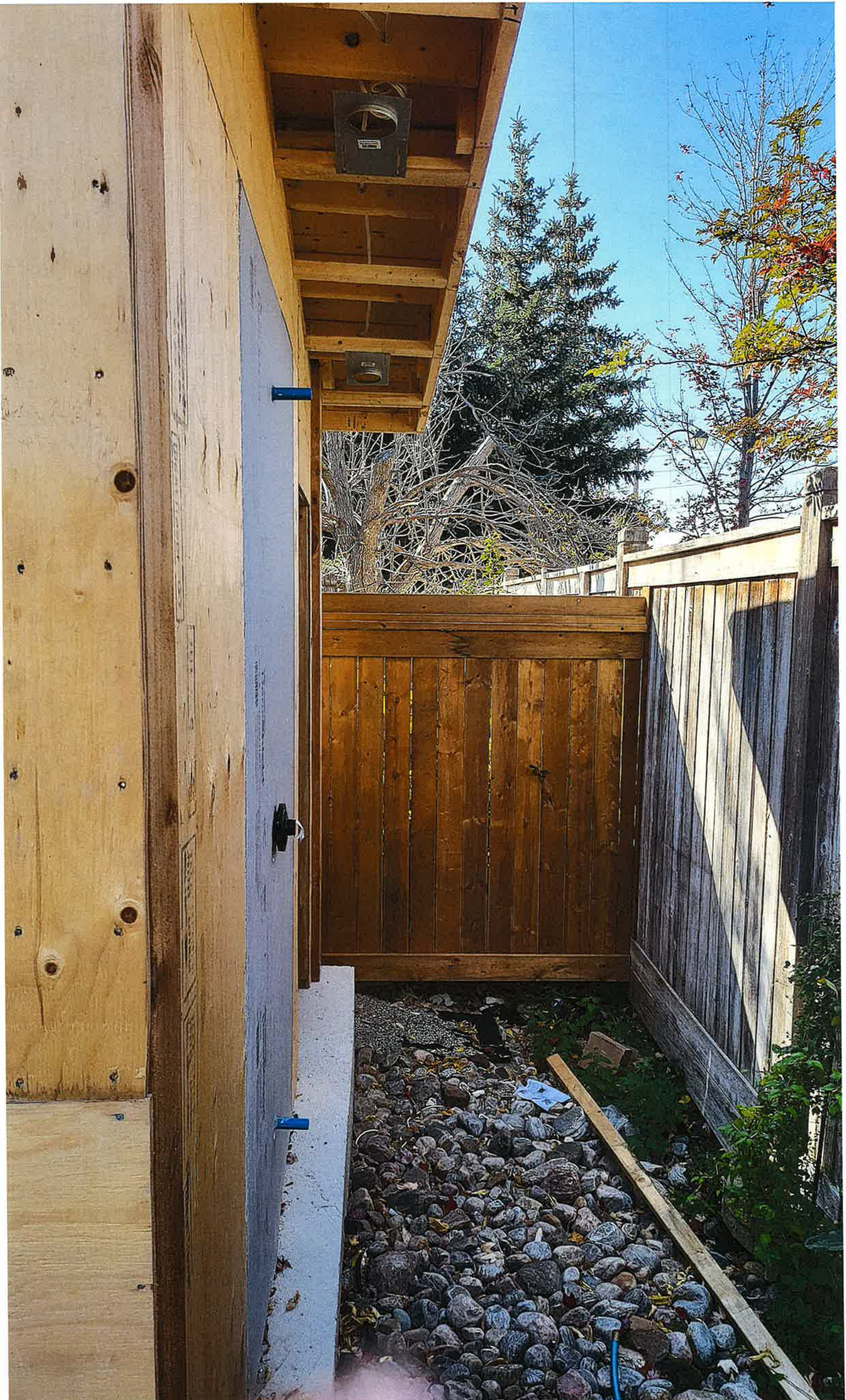
- CF DENOTES CONCRETE FOUNDATION WALLS
- TWE DENOTES TOP OF WALL ELEVATION
- GSE DENOTES GARAGE SILL ELEVATION
- PL DENOTES REGISTERED PLAN 43M-1622
- BR DENOTES 2 STOREY BRICK DWELLING
- DENOTES FOUND TEMPORARY WITNESS MONUMENTS BY P.SALNA Co.LTD., O.L.S.
- C DENOTES CALCULATED

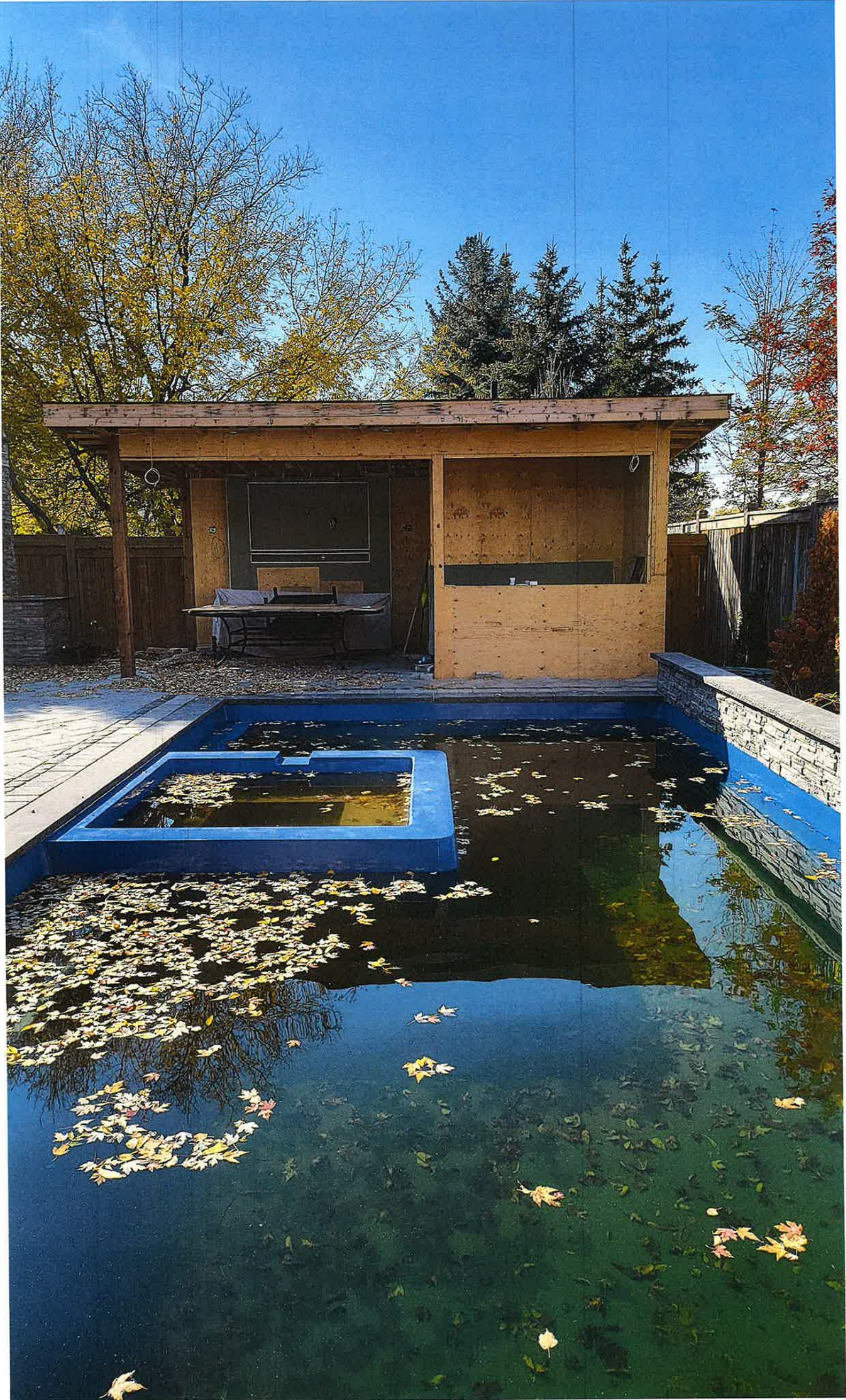
NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE
 THIS PLAN IN WHOLE OR IN PART WITHOUT THE
 WRITTEN PERMISSION OF P.SALNA O.L.S.

NOTES

BEARINGS ARE ASTRONOMIC AND
 DERIVED FROM THE NORTH WEST
 LIMIT OF HIGHVALLEY CIRCLE
 AS SHOWN ON REGISTERED PLA
 HAVING A BEARING OF N 44°52'







A-2022-0399

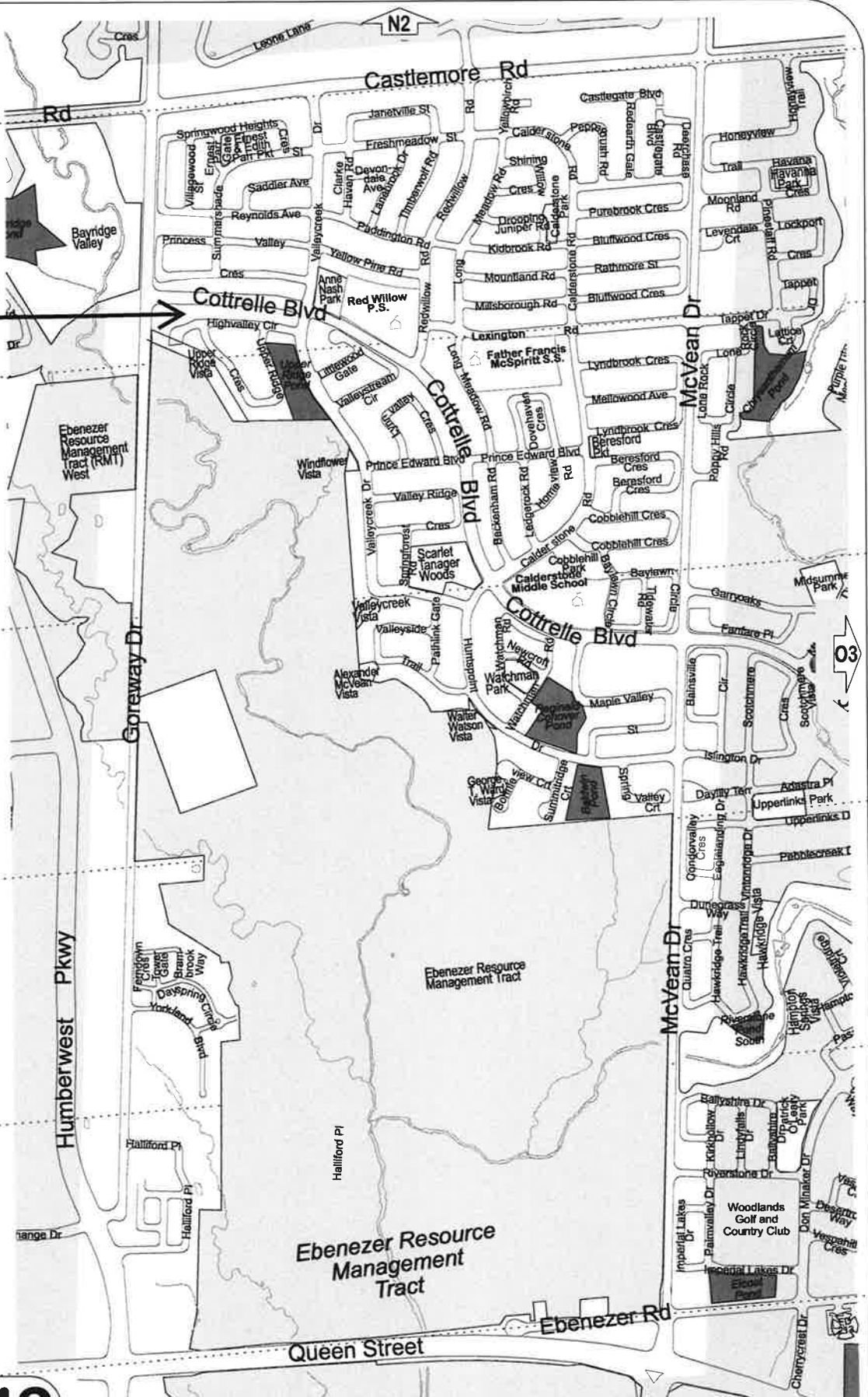
a

b

c

d

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N3

N4