

**Date:** January 3, 2023  
**Time:** 9:00 a.m.  
**Location:** Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

**Members:** Ron Chatha (Chair)  
Desiree Doerfler (Vice Chair)  
Ana Cristina Marques  
David Colp

**Staff:** Mohamed Jalabi, Assistant Development Planner  
Simran Sandhu, Assistant Development Planner  
Chinoye Sunny, Development Planner  
Rajvi Patel, Development Planner  
Megan Fernandes, Planning Technician  
Ales Sepe, Principal Planner/Supervisor, Development Services  
Ross Campbell, Supervisor, Zoning and Sign By-Law Services  
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:00 am and adjourned at 10:58 am.

2. **ADOPTION OF MINUTES:**

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT the minutes of the Committee of Adjustment hearing held December 6, 2022 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated December 16, 2022

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

Member Desiree Doerfler declared a conflict of interest on Application A-2022-0387 in the name of Peel Condominium Corporation 344 due to previous ties to a former family member.

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5. **Withdrawals/Deferrals**

**B-2022-0026 (Agenda Item 6.1)**

KULBIR RAO AND NAVNEET RAO

33 SILKTOP TRAIL

LOT 30, PLAN 43M-1300, WARD 9

Committee acknowledged receipt of a letter dated December 21, 2022 from Tanvir Rai, Noble Prime Solutions Ltd. requesting a deferral of Application B-2022-0026 to work with staff towards a solution that will be acceptable.

Mr. Rai was in attendance to acknowledge the request for a deferral in accordance with the recommendation of staff.

Committee acknowledged receipt of a letter dated December 21, 2022 from MHBC Planning on behalf of TransCanada Pipelines Limited (TCPL) requesting the landowner be required to enter into an agreement with TCPL and same be registered on title prior to the registration of a reference plan.

Staff advised that a deferral is recommended no later than the last hearing of March, 2023. Staff explained that during the review of the application, Traffic Services Staff had expressed concerns regarding the proposed severed lot driveway connection to the public road noting that there is currently an active Site Plan Approval application to build a proper cul-de-sac that could potentially impact the driveway connection for the severed lot. Staff advised that a deferral will provide an opportunity for the applicant to amend the application to the satisfaction of City Staff.

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application B-2022-0026 be deferred no later than the last hearing of March, 2023.

CARRIED

**B-2022-0027 (Agenda Item 6.2)**

AECON CONSTRUCTION AND MATERIALS LIMITED

45, 55 VAN KIRK DRIVE/12 CANAM CRESCENT

PART OF LOT 11, CONCESSION 1 W.H.S., WARD 2

The Chair announced that staff recommends deferral of application B-2022-0027 to a hearing no later than the last hearing of March, 2023.

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Mr. Mustafa Ghassan, Delta Urban Inc., authorized agent for the applicant was in attendance to acknowledge the request for a deferral. He inquired if Committee could continue with the application while he sorted out the details later.

Staff advised that a deferral is recommended no later than the last hearing of March, 2023. Staff explained that while reviewing the Site Servicing Brief provided by the applicant, Engineering staff found that a sanitary easement may be required as a catch basin appears to be located on the retained parcel. Engineering staff are now requesting for an underground survey to be conducted and a Servicing Plan to be submitted. Staff advised that the information is requested prior to making a recommendation to the Committee of Adjustment.

Mr. Ghassan acknowledged his understating noting that he would like to return to the Committee sooner if possible. The Chair explained that the application could be considered earlier if all the information has been provided to staff to advance the application.

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application B-2022-0027 be deferred no later than the last hearing of March, 2023.

CARRIED

### 6. **NEW CONSENT APPLICATIONS** (*Deferred as discussed during procedural matters*)

#### 6.1. **B-2022-0026**

KULBIR RAO AND NAVNEET RAO

33 SILKTOP TRAIL

LOT 30, PLAN 43M-1300, WARD 9

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 762.16 square metres (0.188 acres). The proposed severed lot has a frontage of approximately 13.95 metres (45.77 feet), a depth of approximately 25 metres (82.02 feet) and an area of approximately 387.25 square metres (0.096 acres). The effect of the application is to create a new residential lot for future development of a single detached dwelling.

#### 6.2. **B-2022-0027** (*Deferred as discussed during procedural matters*)

AECON CONSTRUCTION AND MATERIALS LIMITED

45, 55 VAN KIRK DRIVE/12 CANAM CRESCENT

PART OF LOT 11, CONCESSION 1 W.H.S., WARD 2

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The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 60,192.90 square metres (6.02 hectares). The proposed severed lot has a frontage of approximately 112.09 metres (367.75 feet), a depth of approximately 118.63 metres (389.20 feet) and an area of approximately 6,457.97 square metres (0.65 hectares). The effect of the application is to establish two separate lots from the existing lot to facilitate the sale of the proposed severed lot for future development.

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

None

### 8. **NEW MINOR VARIANCE APPLICATIONS**

#### 8.1. **A-2022-0370**

EVELYN MONTEMAYOR AND MARK DAQUIZ

21 NEWPORT STREET

LOT 103, PLAN M-441, WARD 7

The applicants are requesting the following variance(s):

1. To permit an open roofed framework structure to encroach 3.75m (12.30 ft.) into a required rear yard resulting in a rear yard setback of 4.63m (15.19 ft.) whereas the by-law permits an open roofed framework structure to encroach a maximum of 2.0m (6.56 ft.) into a required rear yard; resulting in a rear yard setback of 6.38m (20.93 ft.);
2. To permit lot coverage of 31.3% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit a driveway width of 9.064m (29.73 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.).

Mr. Dennis Sentic, authorized agent for the applicant, presented application A-2022-0370 briefly outlining the variances requested. Mr. Sentic inquired if it staff would support the driveway width without the planters.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff noted that part of the reason for support of the driveway width is because the owner is proposing to implement permanent planters to prohibit parking on the full width of the driveway.

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

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2022-0370 to permit an open roofed framework structure to encroach 3.75m (12.30 ft.) into a required rear yard resulting in a rear yard setback of 4.63m (15.19 ft.); to permit lot coverage of 31.3% and to permit a driveway width of 9.064m (29.73 ft.) be approved for the following reasons and subject to the following conditions:

1. That the Owner/Applicant shall obtain a revision permit for the existing rear porch structure within 60 days of the Decision of Approval or extended at the discretion of the Chief Building Official;
2. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; 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

### 8.2. **A-2022-0371**

MOHAMMED FASIULLAH MASOOD AND MUMTAZ SHABANA MOHAMMED

14 DUBLIN ROAD

LOT 90, PLAN 43M-1878, 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 front lot line whereas the by-law does not permit a below grade entrance in the front yard;
2. To permit a front yard setback of 1.96m (6.43 ft.) to a below grade entrance whereas the by-law requires a minimum front yard setback of 3.0m (9.84 ft.).

Mr. Marwan AL-Farraj, Alfa Engineering Solutions, authorized agent for the applicant, presented application A-2022-0371 briefly outlining the variances requested to facilitate a

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basement unit for rental purposes. He explained that the configuration of the lot proposes challenges in terms of where to locate a second entrance noting that the entrance is proposed at the front.

Committee noted that corner lots do pose some challenges in terms of distance from the road and achieving screening with landscaping.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff explained that the applicant did express that it would be difficult to achieve any amount of screening noting that there is already an entrance along the same wall.

Committee advised that an alternate would be to install an entrance at the rear noting that there is an air conditioning unit on one side impeding access. Mr. AL-Farraji inquired if Bill 23 would have any impact on the proposal commenting that Bill 23 will allow for additional dwellings which is what he is trying to achieve. He added that the front porch is facing Dublin Road and that another entrance would be on the same level. He failed to see how it would propose an issue.

Committee noted that a garden suite could be considered to achieve a second unit. Committee explained that a separate entrance is required for a second unit and spoke of situations where sometimes there is an entrance through the garage.

Staff advised that they looked at previous similar applications where in one circumstance a garage was divided to provide an entrance to the garage. Committee advised that to approve the application as proposed is not possible however suggested a deferral if the applicant is willing to work with staff towards a resolution.

Mr. AL-Farraji inquired if an additional variance would be required if parking is removed from the garage. Staff advised that there is adequate parking available on site while removing one parking space from the garage. Staff also advised an alternative would be that given that there are already 2 existing accesses on the main floor noting that an interior stairway to the basement could be incorporated into the design.

Mr. Masood, property owner advised that with the high mortgage interest rates it becomes difficult to sustain his family's livelihood. He expressed that these are different times that requires different solutions, stating that an exception should be made.

Committee suggested a deferral date of no later than the last hearing of March, 2023. Committee noted that the application could be withdrawn if no variance is requested based on a new proposal. Mr. AL-Farraji was receptive to Committee's suggestion to defer the application to a future hearing.

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0371 be deferred to a hearing no later than the last hearing of March, 2023.

CARRIED

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8.3. **A-2022-0374**

HARJINDERPAL SINGH GORAYA

44 RAVENSWOOD DRIVE

LOT 130, PLAN M-774, WARD 4

The applicant is requesting the following variance(s):

1. To permit a rear yard setback of 6.09m (19.98 ft.) to a one storey rear addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.) to a rear addition;
2. To permit a rear yard setback of 0.1m (0.33 ft.) to an existing accessory structure (shed) in the rear yard whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

Mr. Abhay Vaid, authorized agent for the applicant, presented application A-2022-0374 briefly outlining the variances requested.

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

Mr. Vaid indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0374 to permit a rear yard setback of 6.09m (19.98 ft.) to a one storey rear addition and to permit a rear yard setback of 0.1m (0.33 ft.) to an existing accessory structure (shed) in the rear yard be approved for the following reasons and subject to the following conditions:

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

### 8.4. A-2022-0375

HARMESH BRAR AND MANJOTPREET BRAR

8 ELDERBANK COURT

LOT 4, PLAN M-565, WARD 2

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance in the interior side yard having a setback of 0.05m (0.16 ft.) whereas the by law requires a minimum setback of 0.3m (0.98 ft.) to a below grade entrance in a required side yard provided there is a continuous 1.2m (3.94 ft.) side yard on the opposite side of the dwelling.

Mr. Pardeep Gogna, Rely Solution, authorized agent for the applicant, presented application A-2022-0375 briefly outlining the variances requested.

Mr. Brian Patton, 76 Elderbank Court addressed Committee in opposition to the application. He expressed that the proposed changes may be creating another rooming house, noting that there are currently four or five rooming houses on the street. Mr. Patten expressed that 6 to 12 people per house results in excess cars on the street with vehicles parked illegally creating an impediment to snow removal and garbage pick-up. It was his submission that the proposal is of no benefit to the neighbours.

Committee expressed that a second unit is permitted, noting that a rooming house is not a permitted use. In response to a question raised by Committee, Mr. Gogna responded that he does not know if the dwelling is currently rented. Staff confirmed that there is no enforcement action on the property and no request for a second unit has been received.

Committee advised the resident that he could contact by-law enforcement on the matter.

Committee expressed that they are not in a position to understand how the neighbourhood perceives rooming houses expressing that it would be prudent to understand what is happening in the neighbourhood.

Staff advised that an investigation could be initiated advising Committee that there is currently a backlog of complaints. Committee commented that rather than create a result that would increase the backlog it would be helpful to understand and benefit the Committee to know what is happening in the neighbourhood. Committee expressed that the intent is not clear at this time, noting that the setback distance is less than the required 1.2 metres.



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Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Mr. Gogna requested consideration for a deferral of the application. Discussion took place on timelines for a deferral.

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0375 be deferred no later than the last hearing of April, 2023.

CARRIED

### 8.5. **A-2022-0376**

JITESH SHARAWAT AND ANJALI SHARMA

9 LEAGROVE STREET

LOT 199, PLAN M-1386, WARD 6

The applicants are requesting the following variance(s):

1. To permit existing accessory structures (shed and play structure) to be located in the exterior side yard whereas the by-law does not permit accessory structures in an exterior side yard;
2. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
3. To permit 0.42m (1.38 ft.) of permeable landscaping adjacent to the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip between the driveway and the side property line.

Mr. Pardeep Gogna, Rely Solution, authorized agent for the applicant, presented application A-2022-0376 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: A. C. Marques

Seconded by: D. Colp

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THAT application A-2022-0376 to permit existing accessory structures (shed and play structure) to be located in the exterior side yard; to permit a below grade entrance between the main wall of the dwelling and the flankage lot line and to permit 0.42m (1.38 ft.) of permeable landscaping adjacent to the side property 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 owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended 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 the applicant shall ensure drainage of run-off water from the accessory structure into the subject property.
5. That the applicant maintain the as built fencing to provide adequate screening to the below grade entrance.
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.6. **A-2022-0377**

AMRITPAL SINGH

35 BOUNDBROOK DRIVE

PART OF LOT 506, PLAN 43M-1748, PART 27, PLAN 43R-32503, WARD 2

The applicant is requesting the following variance(s):

1. To permit a below grade entrance in the interior side yard whereas the by-law does not permit a below grade entrance in the interior side yard;
2. To permit an interior side yard setback of 0.0m to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);

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3. To permit an interior side yard setback of 0.36m (1.18 ft.) to an existing accessory structure (gazebo) in the rear yard whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

Mr. Pardeep Gogna, Rely Solution, authorized agent for the applicant, presented application A-2022-0377 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. Doerfler

Seconded by: A. C. Marques

THAT application A-2022-0377 to permit a below grade entrance in the interior side yard; to permit an interior side yard setback of 0.0m to a below grade entrance and to permit an interior side yard setback of 0.36m (1.18 ft.) to an existing accessory structure (gazebo) in the rear yard be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended 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 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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8.7. **A-2022-0378**

ASHOK KUMAR BODALIA AND KAUSHIKABEN BODALIA

9 LADYSMITH STREET

LOT 41, PLAN 43M-2060, WARD 9

The applicants are requesting the following variance(s):

1. To permit an above grade door in the side wall of a dwelling where a minimum side yard width of 0.6m (1.97 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 driveway width of 8.03m (26.35 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. 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.

Mr. Raman Kumar, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-0378 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. Kumar indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2022-0378 to permit an above grade door in the side wall of a dwelling where a minimum side yard width of 0.6m (1.97 ft.) is provided extending from the front wall of the dwelling up to the door; to permit a driveway width of 8.03m (26.35 ft.) and to provide 0.0m of permeable landscaping abutting the side property line be approved, in part, for the following reasons and subject to the following conditions:

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

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2. The owner shall obtain a building permit for the existing side door within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. That the side door shall not be used as a primary entrance to a second dwelling unit;
4. That Variance 3 for the reduction of permeable landscaping be refused;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.8. **A-2022-0379**

KARAMPREET GILL

6 KEYSTONE DRIVE

LOT 59, PLAN M-414, WARD 3

The applicant is requesting the following variance(s):

1. To permit a maximum lot coverage of 35.8% whereas the by-law permits a maximum lot coverage of 30%;
2. To permit an interior side yard setback of 0.7m (2.30 ft.) on the east and 1.5m (4.92 ft.) on the west to the second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (8.91 ft.) to the second storey.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0379 briefly outlining the variances requested.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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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-2022-0379 to permit a maximum lot coverage of 35.8% and to permit an interior side yard setback of 0.7m (2.30 ft.) on the east and 1.5m (4.92 ft.) on the west to the second storey addition be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the 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

### 8.9. **A-2022-0380**

KAMALJIT DULKU AND PREETI DULKU

8 LABRISH ROAD

PART OF BLOCK 393, PLAN 43M-2058, PARTS 19 AND 20, PLAN 43R-39.61, WARD 6

The applicants are requesting the following variance(s):

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

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0380 briefly outlining the variances requested.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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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. Doerfler

Seconded by: A.C. Marques

THAT application A-2022-0380 to permit a below grade entrance between the main wall of the dwelling and the flankge lot line be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

### 8.10. **A-2022-0381**

SANDEEP DHALIWAL AND DEVINDER

88 KINGKNOLL DRIVE

LOT 5, PLAN M-779, WARD 4

The applicants are requesting the following variance(s):

1. To permit a driveway width of 9.55m (31.33 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0381 briefly outlining the variances requested.

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

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Committee inquired if there is any concern with the driveway width and the ability to park extra vehicles on the driveway as observed during site inspection to the property. In response to a question raised by Committee, Mr. Rai responded that there are multiple families living at the property.

Committee discussed the driveway width and noted that a condition could be added that would restrict vehicles from parking at any time on the extended portion of the driveway in front of the porch area.

A motion was put forward to support the recommendation to approve with amended conditions. There was no seconder to the motion.

Further discussion took place among staff and Committee. Staff confirmed that there is currently no enforcement action on the property. It was noted that the proposed condition restricting parking in front of the porch would be very difficult to enforce.

Mr. Rai advised that he could work with staff towards amending the application to find something appropriate for Committee's consideration.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0381 to permit a driveway width of 9.55m (31.33 ft.) be *refused* for the following reasons:

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

1. The variance is not desirable for the appropriate development or use of the land, building or structure referred to in the application, and
2. The variance is not minor.

CARRIED

### **MEMBER R. CHATHA DISSENTED TO COMMITTEE' S DECISION ON APPLICATION A-2022-0381**

#### **8.11. A-2022-0382**

RUPALI SANDEEP BUCHAKE

39 FORSYTHIA ROAD

PART OF LOT 539, PLAN M-811, WARD 8



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The applicants are requesting the following variance(s):

1. To permit a driveway width of 7.32m (24 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit an interior side yard setback of 0.0m to an existing side yard porch whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.);
3. To permit lot coverage of 35.24% whereas the by-law permits a maximum lot coverage of 33.3% for a semi-detached dwelling.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0382 briefly outlining the variances requested.

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

Committee sought clarification on the driveway width indicated as 24 feet inquiring if the driveway width includes the concrete. Mr. Rai advised that the concrete is included in the driveway width noting that the property owner received a permit for a curb cut.

A motion was put forward to approve the application. There was a seconder to the motion. The motion did not carry.

Further discussion took place among the Committee Members. Mr. Rai confirmed upon question from Committee that the concrete portion has already been done and is included in the width of the driveway.

Staff confirmed that the total width identified on the public notice does include the concrete and that the landscape strip is only required on one side since this is a semi-detached dwelling noting that the permeable landscaping is provided on the other side.

Committee expressed concern with the fact that the extra 2 feet does impact the front yard. Mr. Rai advised that a permit was obtained for the curb cut explaining that the front of the property is actually 22 feet while the driveway widens out further to 24 feet.

Staff explained that the property is rectangular in shape while the neighbouring property is pie-shaped. Staff added that a curb was poured at some point along the driveway of the neighbouring property and that the applicant may be measuring from the curb as opposed to actual property lines.

Further discussion took place on the curb and concrete. Staff advised that the curb cut was issued for a driveway that was smaller than what is being proposed. Staff advised that the lot is 35 feet wide. Committee inquired if the application would be in keeping with the neighbourhood. Staff advised that after conduction a site visit staff have no concerns. Staff

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explained that there are a number of properties in the area with similar driveway widths and is in keeping with the neighbourhood.

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-2022-0382 to permit a driveway width of 7.32m (24 ft.); to permit an interior side yard setback of 0.0m to an existing side yard porch and to permit lot coverage of 35.24% be refused for the following:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. The owner shall obtain a building permit for the existing side porch within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. The owner must obtain a Road Occupancy and Access Permit for the existing curb cut from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances.
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.12. **A-2022-0383**

PARDEEP SINGH AND PAWANJOT DHANOA

40 BELLINI AVENUE

LOT 112, PLAN 43M-2060, WARD 9

The applicants are requesting the following variance(s):

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1. To permit a detached garage where there is an existing attached garage on the lot whereas the by-law permits an attached garage only if there is no attached garage already on the lot;
2. To permit a detached garage with an area of 216.02 sq. m (2325.22 sq. ft.) whereas the by-law permits a detached garage with a maximum area of 48 sq. m (516.67 sq. ft.);
3. To permit a detached garage having a height of 7.26m (23.82 ft.) whereas the by-law permits a detached garage with a maximum height of 4.5 m (14.76 ft.) ;
4. To permit a maximum height of 11.12m (36.48 ft.) for the main dwelling whereas the by-law permits the main dwelling to have a maximum height of 10.6m (34.78 ft.).

Ms. Jade Soriani, Justin Sherry Design Studio, authorized agent for the applicant, presented application A-2022-0383 briefly outlining the variances requested.

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

Ms. Soriani indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0383 to permit a detached garage where there is an existing attached garage on the lot; to permit a detached garage with an area of 216.02 sq. m (2325.22 sq. ft.); to permit a detached garage having a height of 7.26m (23.82 ft.) and to permit a maximum height of 11.12m (36.48 ft.) for the main dwelling 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 no commercial or industrial uses shall operate from the attached garage;
3. That the roof design adhere to what is shown on the attached sketch, 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

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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

8.13. **A-2022-0384**

STEVEN ALLIN AND MARY ANN ALLIN

11 ALEXANDER STREET

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

The applicants are requesting the following variance(s):

1. To permit an above grade side entrance with a side yard width of 1.1m (3.61 ft.) extending from the front wall of the dwelling up to and including the door, whereas the by-law only permits an above grade side entrance when the side yard within which the door is located has a minimum width of 1.2 m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a 1.1m (3.61 ft.) wide path of travel leading to a principal entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the principal entrance for a second unit;
3. To permit a rear yard setback of 11.1m (36.42 ft.) whereas the by-law requires a minimum rear yard setback of 25% of the lot depth resulting in a minimum setback of 11.36m (37.27 ft.);
4. To permit lot coverage of 38% whereas the by-law permits a maximum lot coverage of 30%.

**Note: Approval was granted under application A-2022-0269 to permit lot coverage of 36%**

Mr. Matthew Partridge, Canopy Homes, authorized agent for the applicant, presented application A-2022-0384 briefly outlining the variances requested. Mr. Partridge noted that the application was before the Committee previously explaining that an updated survey revealed that the City had acquired some property.

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

Mr. Partridge indicated that the proposed conditions were acceptable.

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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. Doerfler

Seconded by: D. Colp

THAT application A-2022-0384 to permit an above grade side entrance with a side yard width of 1.1m (3.61 ft.) extending from the front wall of the dwelling up to and including the door; to permit a 1.1m (3.61 ft.) wide path of travel leading to a principal entrance for a second unit; to permit a rear yard setback of 11.1m (36.42 ft.) and to permit lot coverage of 38% be approved for the following reasons and subject to the following conditions:

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

### 8.14. **A-2022-0385**

CHETAN KUMAR MISTRY AND JIGNASHABEN MISTRY

19 MATTHERHORN ROAD

LOT 59, PLAN 43M-2043, 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;
2. To permit an interior side yard setback of 0.09m (0.30 ft.) to a below grade entrance, resulting in a combined side yard of 0.73m (2.40 ft.) whereas the by-law requires a

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minimum 0.6m (1.97 ft.) provided the combined total of the interior side yards on an interior lot is not less than 1.8m (5.90 ft.).

Mr. Chetan Kumar Mistry, applicant and owner of the property, presented application A-2022-0385 briefly outlining the variances requested.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that access will be impeded to the rear yard, noting that there are no risers going up to the rear and the side yard setback does not provide sufficient enough space for access to the rear of the property.

Committee explained to the applicant that the entrance could be located at the rear of the dwelling noting that a variance would not be required. Mr. Mistry commented that perhaps he could have risers going to the rear. Staff explained that the number of risers (seven) would have an impact on drainage.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0385 to permit a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.09m (0.30 ft.) to a below grade entrance, resulting in a combined side yard of 0.73m (2.40 ft.) be *refused* for the following reasons:

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

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

CARRIED

### 8.15. **A-2022-0386**

KULDEEP MANN AND BEANT MANN

43 SINATRA STREET

LOT 112, PLAN 43M-2060, WARD 9

The applicants are requesting the following variance(s):

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1. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.47m (8.10 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

Mr. Jaideep Kadire, authorized agent for the applicant, presented application A-2022-0386 briefly outlining the variances requested.

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

Mr. Kadire 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-2022-0386 to permit a below grade entrance between the main wall of the dwelling and the flankage lot line and to permit an exterior side yard setback of 2.47m (8.10 ft.) to a below grade entrance be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

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**MEMBER D. DOERFLER DECLARED A CONFLICT OF INTEREST ON APPLICATION A-2022-0387 AND DID NOT PARTICIPATE IN DISCUSSION.**

8.16. **A-2022-0387**

PEEL CONDOMINIUM CORPORATION 344

50 AND 70 DELTA PARK BOULEVARD

PEEL CONDOMINIUM PLAN 344, LEVEL 1 (LOT 4, CONCESSION 7 N.D.), WARD 8

The applicant is requesting the following variance(s):

1. To provide 16% of landscaped open space within the required side yard along the north property line and 24% along the south property line from the required front yard to the rear wall of the rear most building whereas the by-law requires 50% of the required front yard from the required front yard to the rear most building to be landscaped open space;
2. To permit an aisle leading to parking spaces with a width of 6.1m (20 ft.) whereas the by-law requires an aisle leading to parking spaces with a minimum width of 6.6m (21.65 ft.).

Mr. Joseph Plutino, Mainline Planning Services Inc., authorized agent for the applicant, presented application A-2022-0387 briefly outlining the variances requested. In attendance with Mr. Plutino was Nicholas Malta, a colleague. Mr. Plutino made reference to a power point presentation which Committee acknowledged they had received.

Committee posed a question regarding parking. Mr. Plutino explained that a number of variances are required to achieve additional parking noting that the Condominium Corporation has expressed a need to expand the parking. In response to a question raised by Committee, Mr. Plutino explained that the property was developed around 1970 and that at the time the properties were being developed the driveways would be at each of the property lines with no separation in between. He added that the landscape buffer was needed noting that the buffer as well as the parking spaces will provide a barrier as well as a buffer, providing safe operation of sites.

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

Mr. Plutino indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp



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THAT application A-2022-0387 to provide 16% of landscaped open space within the required side yard along the north property line and 24% along the south property line from the required front yard to the rear wall of the rear most building and to permit an aisle leading to parking spaces with a width of 6.1m (20 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 finalize Site Plan Approval under City File SPA-2022-0165, execute a site plan agreement, and posting any required financial securities and insurance to the satisfaction of the Director of Development Services;
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-2022-0388**

METRUS (TERRA) PROPERTIES INC.

18 KENVIEW BOULEVARD

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

The applicant is requesting the following variance(s):

1. To permit a lot area of 2.14 hectares whereas the by-law requires a minimum lot area of 3.8 hectares.

Mr. Matthew Baldassarra, Baldassarra Architects Inc., authorized agent for the applicant, presented application A-2022-0388 briefly outlining the variances requested.

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

Mr. Baldassara 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-2022-0388 to permit a lot area of 2.14 hectares be approved for the following reasons and subject to the following conditions:

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

### **REQUEST FOR REFUND**

Mr. Baldassarra provided a brief overview advising that an application was made back in May, 2022 noting that there were ongoing discussions with staff to establish all the deficiencies. He explained that they received an e-mail from staff in June of 2022 outlining all the variances they would be required to apply for.

Mr. Baldassarra advised that they appeared before Committee on August 2, 2022 with a consent application for approval and returned to Committee on September 15, 2022 to have all the variances approved. He added that staff received updated zoning comments on July 31, 2022 flagging an additional variance. He expressed that the information was not provided to them until August 29, 2022 noting that the variance could have been dealt with at the last hearing but for some reason the information was not provided to them. He informed Committee that he was advised by planning staff that a request for a refund of the funds be presented to Committee today.

Committee inquired if there were any significant time delays that perhaps impacted the applicant in a negative manner. Committee noted a significance difference in the lot area and if there is any impact on parking. Committee inquired where the oversight occurred.

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Staff advised through the site plan approval process it was determined that there is sufficient parking for the proposed industrial building adding that staff do not anticipate any negative impact to parking or to the character of the area.

Staff advised that the planner did advise Mr. Baldassarra to submit a letter requesting a refund of the fees. Mr. Baldassarra advised that he was not aware of the request for a letter noting that he did receive a recommendation from the planner to address the matter at Committee.

Committee noted that a letter would have been beneficial to provide background information to the Committee. Committee inquired about the lot area and if there is a minimum lot area requirement for this specific area or if this was something unusual that would not be found in the Planning Act or the development requirements.

Staff explained that there is a specific requirement for lot area on the property commenting that it appears that the variance was missed.

Committee expressed that it would have been beneficial to include the previous recommendation report or some sort of history to assist the Committee.

Committee advised that as a Committee they are not permitted to interact with staff. Committee advised that they attend the sites and are provided with a staff recommendation report. Committee commented that not enough details have been provided adding that Committee cannot set a precedent. Following discussion Committee reached the following decision:

Moved by: D. Colp

Seconded by: D. Doerfler

That the request for a refund of application fees be refused.

CARRIED

### 10. ADJOURNMENT

Moved by: D. Colp

Seconded by: A. C. Marques

That the Committee of Adjustment hearing be adjourned at 10:58 a.m. to meet again on Tuesday, January 24, 2023.

CARRIED