



APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **MOHAMMAD ASEFI AND LAYMA ARBARI** 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 431, Plan 889 municipally known as **82 SUTHERLAND CRESCENT**, Brampton;

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

1. To permit an existing accessory structure (gazebo) having a gross floor area of 19.32 sq. m (207.96 sq. ft.) whereas the by-law permits an individual accessory structure to a maximum size of 15 sq. m (161.46 sq. ft.).

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
Application for Consent: NO

File Number: _____
File Number: _____

The Committee of Adjustment has appointed **TUESDAY, November 10, 2020 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 a Local Planning Appeal 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 Local Planning Appeal Tribunal by the applicant or another member of the public.

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

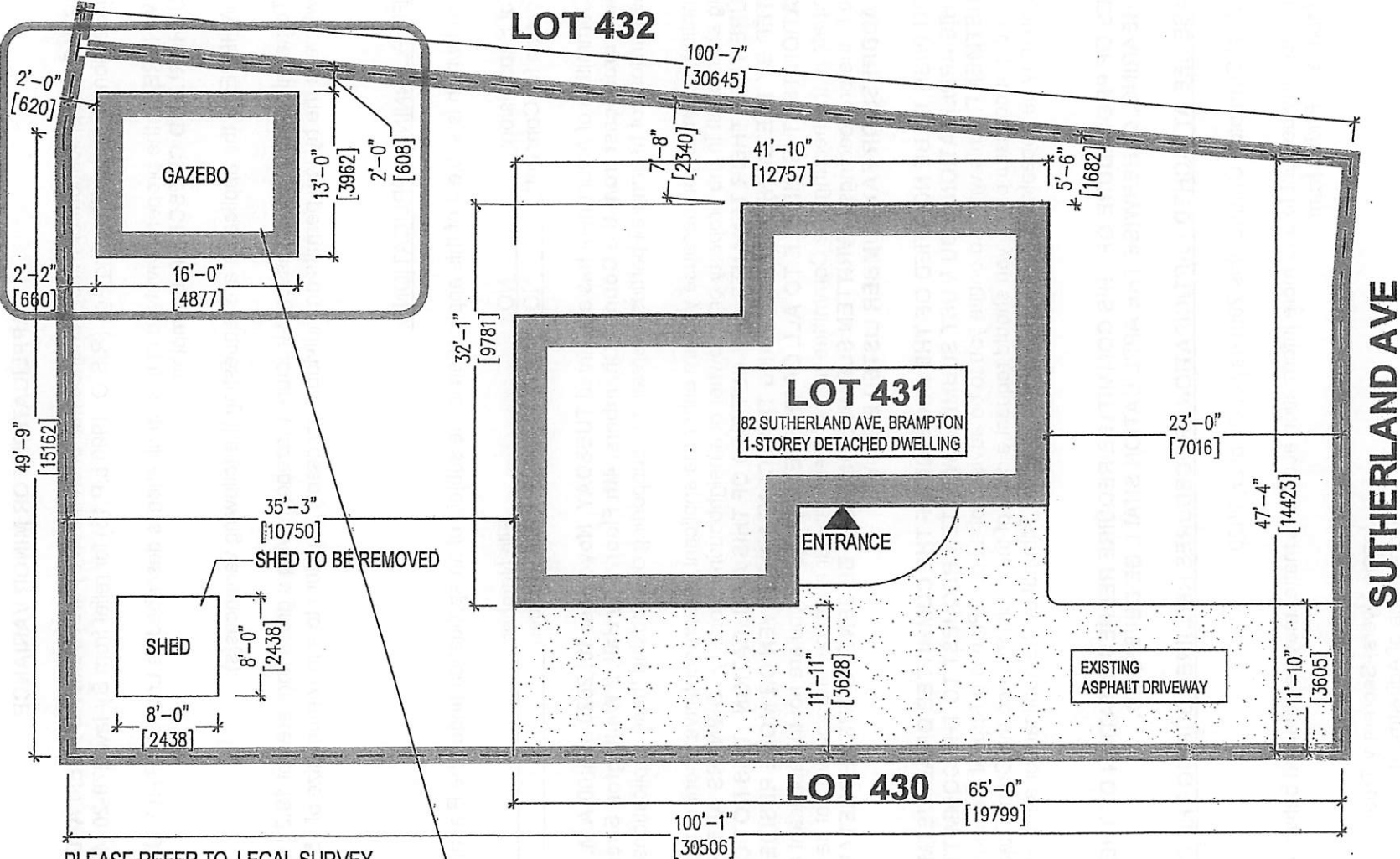
DATED at Brampton Ontario, this 29th day of October, 2020.

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

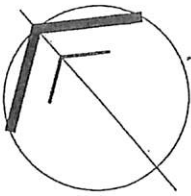
AS-BUILT GAZEBO AT REAR YARD

82 SUTHERLAND AVE, BRAMPTON



PLEASE REFER TO LEGAL SURVEY
ATTACHED TO THIS APPLICATION FOR
MORE INFORMATION ON THE
SUBJECT LOT

SCOPE OF COMMITTEE
OF ADJUSTMENT
APPLICATION:
AS-BUILT GAZEBO



No.	Description	D

AS-BUILT
GAZEBO AT
REAR YARD

82 SUTHERLAND
AVE, BRAMPTON

Drawing by:
NESTA DESIGN CO.
48 COVEBANK CRESCENT
BRAMPTON, ON, L6P 2Y1
PHONE: 647-741-4552
EMAIL: enivi@nestadesign.ca

Checked by:

Drawn by
Date 14/10/2020
DRAWING NAME:

SITE PLAN

SHEET NUMBER:

A1

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 during the COVID-19 Emergency

**Electronic Hearing Procedures
How to get involved in the Virtual Hearing**

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committee are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

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, November 5, 2020.**
- Advance registration for applicants, agents and other interested persons is required to participate 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, Friday, November 6, 2020.**
 - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. 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 Friday, **November 6, 2020.** City staff will contact you and provide you with further details.
- 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 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. Questions about the collection of personal information should be directed to the Freedom of Information and Privacy Coordinator, 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)** MOHAMMAD ASEFI / LAYMA AKBARI
Address 82 SUTHERLAND AVE, BRAMPTON ON L6V 2H7

Phone # (647) 573 6990 **Fax #** _____
Email khalid.asefi@hotmail.com

2. **Name of Agent** ISMATULLAH AMIRI (NESTA DESIGN CO)
Address 48 COVEBANK CRES, BRAMPTON - L6P 2Y1

Phone # 647-741-4552 **Fax #** _____
Email amiri@nestadesign.ca

3. **Nature and extent of relief applied for (variances requested):**
A RELIEF FROM ZONING BY LAW TO ALLOW AN AS-BUILT GAZEBO @ REAR YARD.
THE GAZEBO IS 19.32 M2 WHEREAS MAXIMUM ALLOWED SIZE FOR A SINGLE ACCESSORY
STRUCTURE IS 15 M2. COMBINED SIZE FOR MULTIPLE ACCESSORY STRUCTURE IS 20 M2.
THE AS-BUILT CONDITION OF THE GAZEBO IS 19.2 M2 WHICH EXCEEDS THE 15M2 HOWEVER IT IS WITHIN THE
LIMIT SPECIFIED FOR COMBINED STRUCTURES.

4. **Why is it not possible to comply with the provisions of the by-law?**
THE ZONING BY LAW DOES NOT PERMIT GAZEBO STRUCTURE MORE THAN 15M2 WHEREAS THE AS-BUILT
STRUCTURE IS 19.32 M2

5. **Legal Description of the subject land:**
Lot Number LOT 431 *(Conflicting data between legal survey and city website)*
Plan Number/Concession Number PLAN M889 LOT 431 ✓
Municipal Address 82 SUTHERLAND AVE, BRAMPTON

6. **Dimension of subject land (in metric units)**
Frontage 14.98 M
Depth 30.48 M
Area 484.4 M2

7. **Access to the subject land is by:**
Provincial Highway ☐ **Seasonal Road** ☐
Municipal Road Maintained All Year ☒ **Other Public Road** ☐
Private Right-of-Way ☐ **Water** ☐

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.)

SINGLE FAMILY DWELLING 12.76 M X 9.78 M Area = 95.6 m²

PROPOSED BUILDINGS/STRUCTURES on the subject land:

AS-BUILT GAZEBO 4.877 M X 3.962 M

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 7.02 M

Rear yard setback 10.75 M

Side yard setback (INTERIOR) 1.68 M

Side yard setback (INTERIOR) 3.63 M

PROPOSED

Front yard setback N/A

Rear yard setback 0.6 M

Side yard setback 0.6M

Side yard setback N/A

10. Date of Acquisition of subject land: 2017
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: 1969
15. Length of time the existing uses of the subject property have been continued: RESIDENTIAL SINCE CONSTRUCTION
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 _____


Signature of Applicant(s) or Authorized Agent

DATED AT THE _____ CITY _____ OF _____ BRAMPTON
THIS 14th DAY OF OCTOBER, 2020.

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, ISMATULLAH AMIRI, OF THE CITY OF BRAMPTON

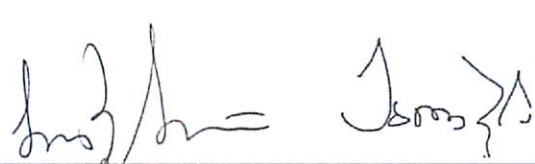
IN THE REGION OF PEEL SOLEMNLY DECLARE THAT:

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
Peel THIS 14th DAY OF
OCTOBER, 2020.


A Commissioner etc.


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, 2021.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

R1B, MATURE NEIGH

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

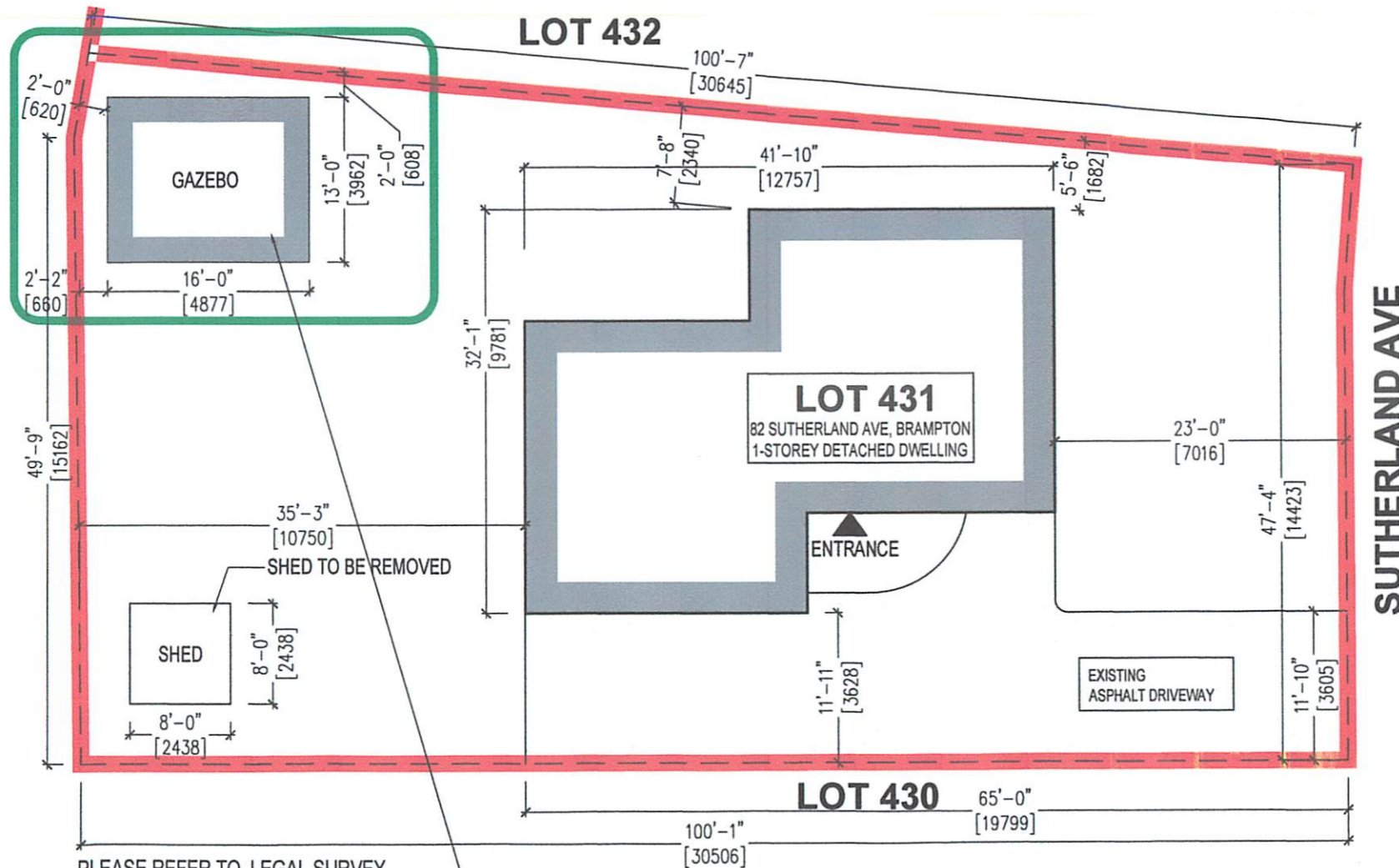
Hothi S
Zoning Officer

OCT. 14. 2020
Date

DATE RECEIVED October 14, 2020

AS-BUILT GAZEBO AT REAR YARD

82 SUTHERLAND AVE, BRAMPTON



PLEASE REFER TO LEGAL SURVEY
ATTACHED TO THIS APPLICATION FOR
MORE INFORMATION ON THE
SUBJECT LOT

**SCOPE OF COMMITTEE
OF ADJUSTMENT
APPLICATION:
AS-BUILT GAZEBO**

1

SITE PLAN
5/64" = 1'-0"



No.	Description	Date

**AS-BUILT
GAZEBO AT
REAR YARD**

82 SUTHERLAND
AVE, BRAMPTON

Drawn by:

NESTA DESIGN CO.
48 COVEBANK CRESCENT
BRAMPTON, ON, L6P 2Y1
PHONE: 647-741-4552
EMAIL: amiri@nestadesign.ca

Checked by:

Drawn by

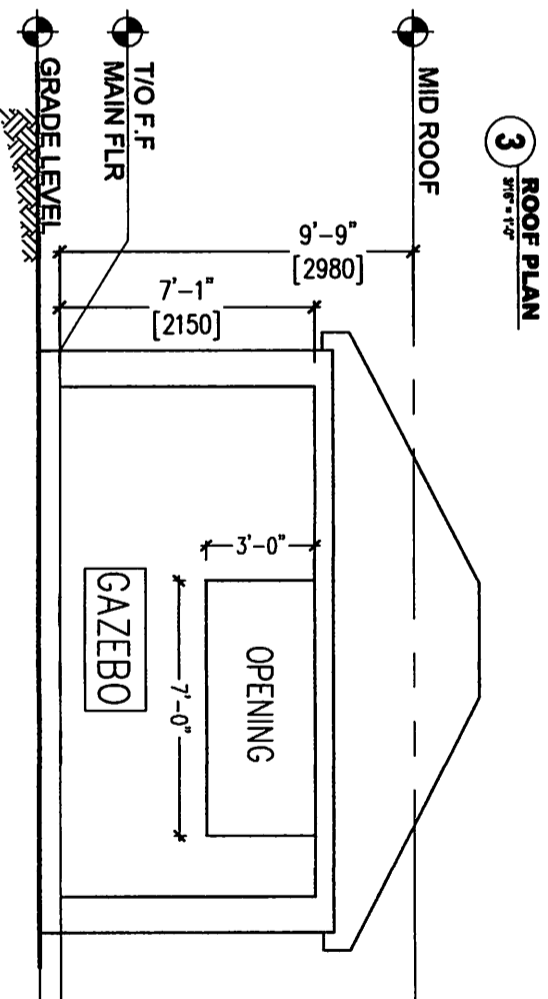
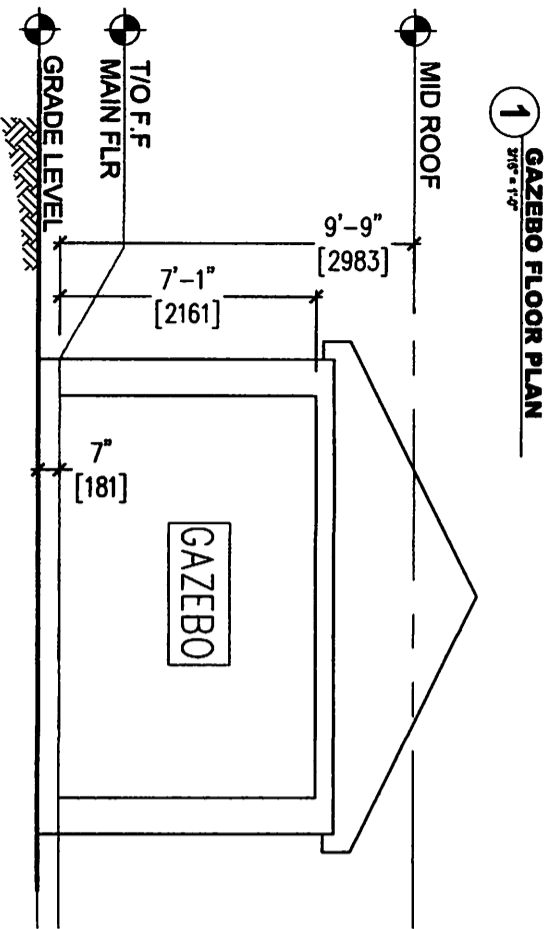
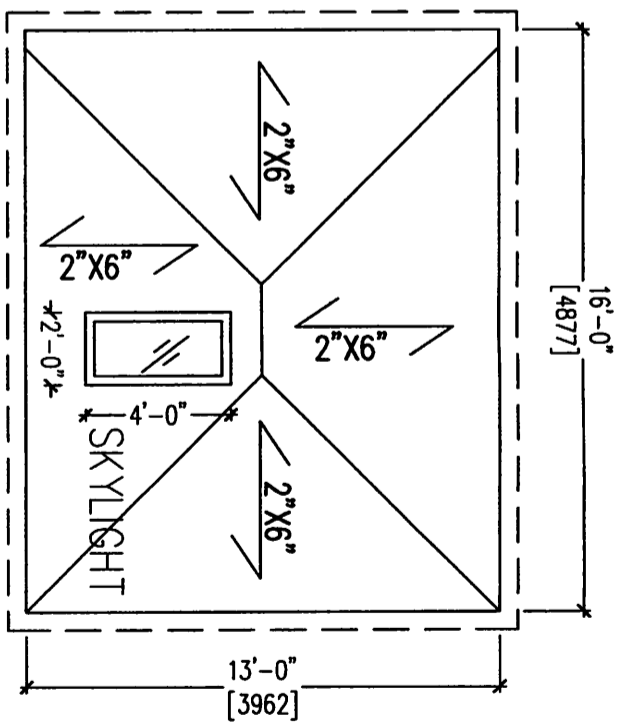
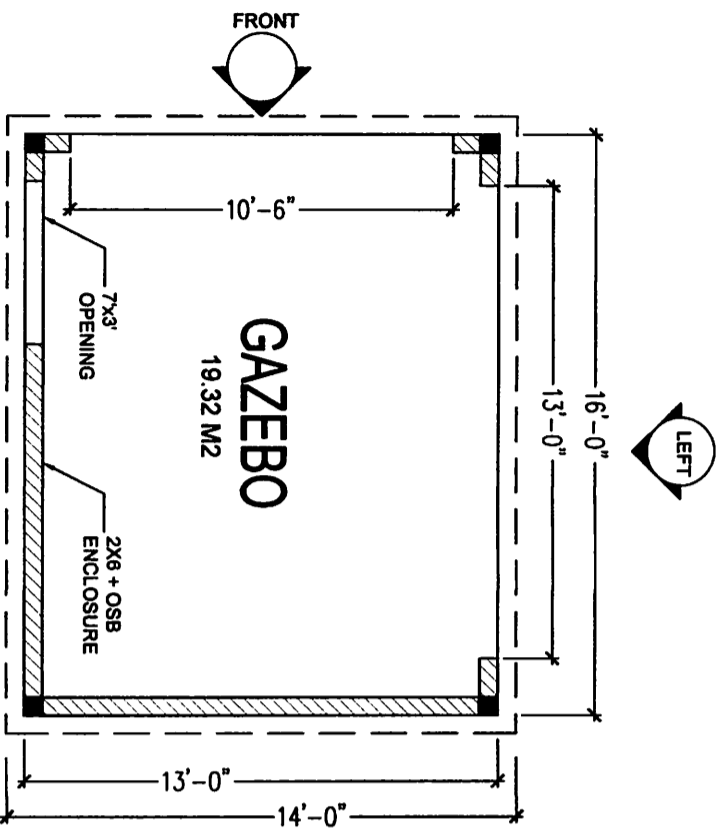
Date 14/10/2020

DRAWING NAME

SITE PLAN

SHEET NUMBER

A1



No.	Description	Date

AS-BUILT
GAZEBO AT
REAR YARD
82 SUTHERLAND
AVE, BRAMPTON

Drawing by:
NESTA DESIGN CO.
48 COVERBANK CRESCENT
BRAMPTON, ON L6P 2V1
PHONE: 947.741-6582
EMAIL: enrth@nestadesign.ca

Checked by:

Drawn by:
Date: 14/10/2020
Drawing Name:
SHEET NUMBER: **A2**

SITE PLAN

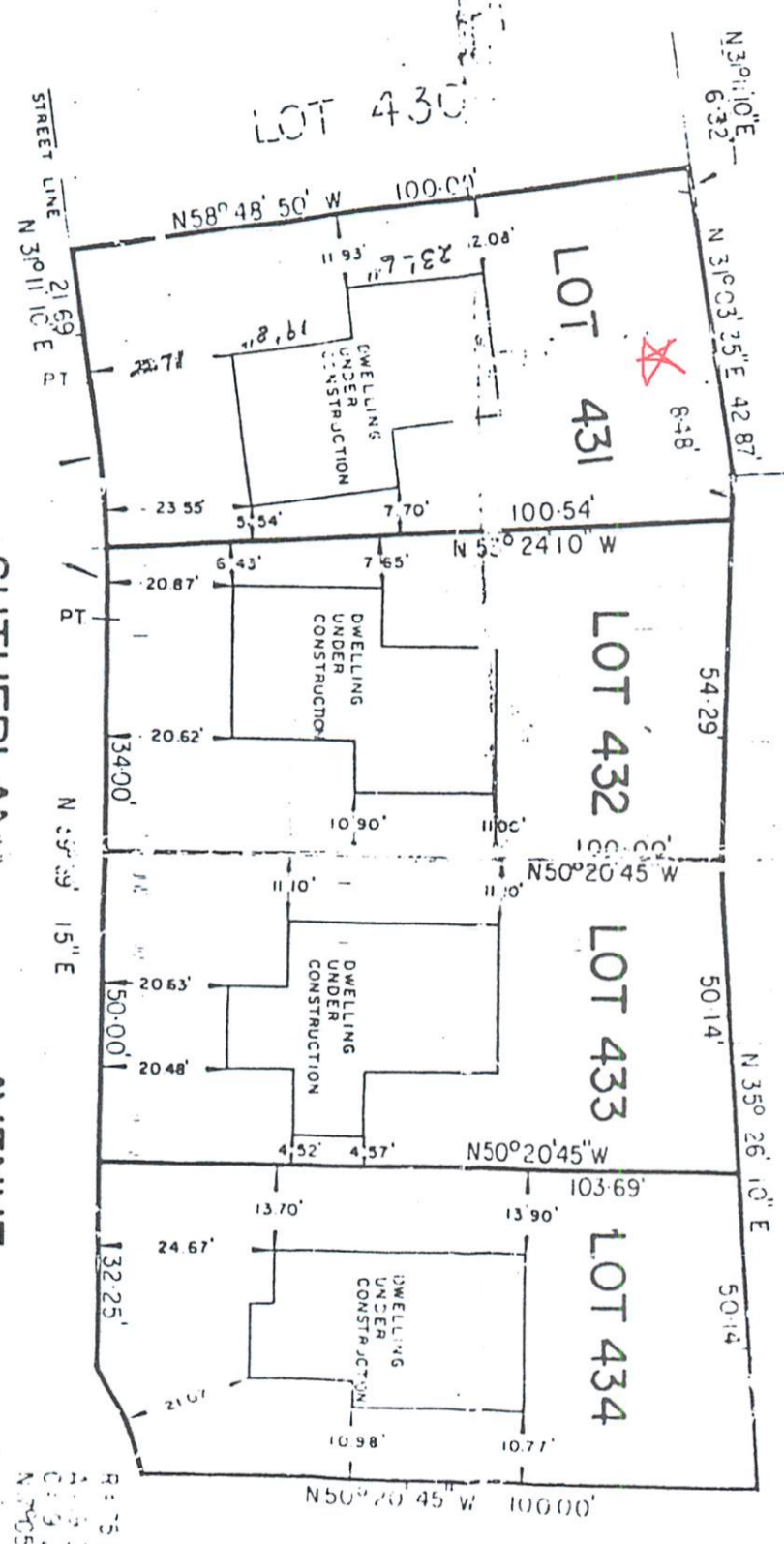
157-4033

PLAN OF SURVEY OF
LOTS 431, 432, 433 AND 434 REGISTERED PLAN 889

J. ROYAN
82 SUTHERLAND AVE.
BRAMPTON ONT
L6V-2H7
LOT #431

SCALE 1" = 30'

LOT 437 LOT 436 LOT 435 LOT 434 LOT 433 LOT 432



SUTHERLAND AVENUE

A=26.44'
C=26.43'
N33°53'30"E
R=280.00'

DATE DEC 11, 1970

H.J. Reinthaler
ONTARIO LAND SURVEYOR

SCHAEFFER & REINTHALER
ONTARIO LAND SURVEYORS
465 WILSON AVE. DOWNSVIEW, ONT
635-5423

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