

OCTOBER 20, 2020
9:00 A.M.
COUNCIL CHAMBERS
4TH FLOOR - CITY HALL

MEMBERS:

Ron Chatha, Chair
Desiree Doerfler, Vice Chair
Ana Cristina Marques
David Colp
Rod Power

STAFF:

Shelby Swinfield, Development Planner
David Vanderberg, Manager, Development Services
Steve Ganesh, Manager, Development Services,
Elizabeth Corazzola, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

ADOPTION OF MINUTES:

Moved by: R. Power

Seconded by: D. Colp

THAT the minutes of the Committee of Adjustment hearing held September 29, 2020 be approved, as printed and circulated.

CARRIED

DECLARATIONS OF INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT:

Member Desiree Doerfler declared a conflict of interest on Applications A-2020-0098 to A-2020-0105 stating previous business relations with Umbria Developers.

Member Ron Chatha declared a conflict of interest on Application B-2020-0019 due to family members' employment history.

WITHDRAWALS/DEFERRALS:

None

NEW CONSENT APPLICATIONS

(1)

B-2020-0018

**DANIELS CHOICE MOUNT PLEASANT
CORPORATION**

**BLOCK 4, PLAN 43M-1927
10-40 LAGERFELD DRIVE
WARD 6**

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 8313 square metres (2.05 acres). The effect of the application is to create a new lot having frontage of approximately 65.4 metres (214.57 feet) and an area of approximately 4478 square metres (1.11 acres), together with reciprocal easements including access, servicing, maintenance, parking and any associated easements for both the proposed severed and retained lands. A 25 storey rental apartment building is proposed for the “retained” land and one 6 storey midrise condominium plus two 3 storey blocks of back- to-back townhouses are proposed for the “severed” land.

Mr. Daniel Grandilli, authorized agent for the applicant, presented application B-2020-0018 explaining the nature of the application. He advised that the site is currently under Site Plan file SP18-002.000, for the purpose of creating 142 condominium units, a 25 storey high rise rental tower, a six storey mid rise and blocks of back-to-back three storey townhouse units. Mr. Grandhill made reference to the plans submitted with the application which depicts the location of the proposed structures.

Mr. Grandhiil explained that the entire development will be located on top of a 2.5 level underground garage which will be split by ownership between the condominium and the rental components. He advised that there will be two outdoor amenity spaces which will have a reciprocal operating agreement between the condo and the rental. He explained there will be exceptions throughout the underground garage for mechanical rooms, waste rooms, elevators, storage areas and bicycle parking.

Mr. Grandhiil informed Committee that construction of the site commenced under conditional building permits which were issued in August, 2020 by the Building Division.

Mr. Grandhiil spoke to the comments from the Region of Peel regarding servicing noting that they are allowing for servicing across the entire site. He advised that the necessary easements will be put in place in order to have sufficient servicing for the rental component of the site. He added that any cost sharing will be split between the two components of the site.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2020-0018 from a planning land use perspective subject to conditions. Staff requested an amendment to the conditions to include an additional condition requested by the Region of Peel.

Following discussion, Mr. Grandilli indicated that the proposed conditions, as amended, were acceptable.

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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: R. Power

Seconded by: A. C. Marques

THAT application B-2020-0018 to create a new lot having frontage of approximately 65.4 metres (214.57 feet) and an area of approximately 4478 square metres (1.11 acres), together with reciprocal easements including access, servicing, maintenance, parking and any associated easements for both the proposed severed and retained lands be approved for the following reasons and subject to the following conditions:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and
 - b. 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; and
2. That the owner finalize site plan approval under City File SP18-002.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services.
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 and/or possible required private 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

MEMBER R. CHATHA DECLARED A CONFLICT OF INTEREST ON APPLICATION B-2020-0019 AND DID NOT PARTICIPATE IN DISCUSSION. MEMBER D. DOERFLER ASSUMED THE CHAIR.

(2)

B-2020-0019

CANON CANADA INC.

**PART OF LOT 1, CONC. 5 WHS
8000 MISSISSAUGA ROAD
WARD 6**

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 74203.8 square metres (7.42 hectares). The effect of the application is to create a new lot having frontage of approximately 244.18 metres (800.85 feet), a depth of approximately 127.20 metres (417.32 feet) and an area of approximately 30,220.4 square metres (3.02 hectares). The proposed severed lands are excess to Canon's needs. No new development is proposed as part of this consent application.

Mr. David Ashbourne, authorized agent for the applicant, addressed Committee explaining the nature of the application. He advised that there is no proposal to develop the lands at this time noting that the land will remain vacant after the consent is finalized and approved.

Committee acknowledged receipt of an e-mail correspondence dated October 12, 2020 from Dinesh Rajendran, resident of 1 Beckonrose Court with suggestions for future development of the vacant lands.

Committee was informed that City of Brampton planning staff recommends deferral of application B-2020-0019 no later than the last meeting of 2020. Staff noted that they are not looking for a long deferral of this request noting that through the review of the application it was identified that there is a need for a mutual access easement for the severed parcel over the retained parcel to allow them to use the signalized access onto Mississauga Road. Staff added that the deferral will allow the applicant to delineate the access and include the easement in their request. Staff noted that there is a concern that outside this application there will not be a mechanism to compel the owner of the retained lands to provide access to the retained lands.

Mr. Ashbourne responded that at this time the request for an easement is unwarranted given that the consent fulfils all the conditions of Section 53 of the Planning Act. He added that the application provides the opportunity for adequate vehicular access as a right-in, right-out off Mississauga Road. He explained that there is no potential purchaser, no development proposed at this time and submitted that if a need arrives for access in the future that it be between the purchaser and the developer.

Committee suggested that the applicant work with staff while Mr. Ashbourne indicated that if the application is deferred he would prefer that it be no longer than a month. Timelines were discussed and following discussion Mr. Ashbourne indicated that the proposed December 1, 2020 hearing date is acceptable. Following discussion Committee reached the following decision:

Moved by: D. Colp

Seconded by: R. Power

THAT application B-2020-0019 be deferred to the hearing scheduled for December 1, 2020.

CARRIED

DEFERRED CONSENT APPLICATION

APPLICATIONS B-2020-0014, A-2020-0093 AND A-2020-0094 WERE RELATED AND HEARD CONCURRENTLY

(3)

B-2020-0014

1968611 ONTARIO LIMITED

BLOCK 11, PLAN 43M-1907
0 ACE DRIVE
WARD 9

The purpose of the application is to request consent to sever approximately 0.97 hectares (2.41 acres) from a parcel of land currently having a total area of approximately 1.95 hectares (4.82 acres). The effect of the application is to provide for a lot addition to the adjacent lands, legally described as Block 10 on Registered Plan 43M-1907. Future development is proposed for an industrial use building.

(4)

A-2020-0093

1968610 ONTARIO LIMITED

BLOCK 10, PLAN 43M-1907
0 INSPIRE BOULEVARD
WARD 9

The applicant is requesting a variance associated with Consent Application B-2020-0014 to treat all lands zoned Service Commercial –Section 2956 (SC-2956) as separate lots whereas all lands zoned Service Commercial –Section 2956 (SC-2956) shall be considered one lot for the purposes of the by-law.

(5)

A-2020-0094

1968611 ONTARIO LIMITED

BLOCK 11, PLAN 43M-1907
0 ACE DRIVE
WARD 9

The applicant is requesting a variance associated with Consent Application B-2020-0014 to treat all lands zoned Service Commercial –Section 2956 (SC-2956) as separate lots whereas all lands zoned Service Commercial –Section 2956 (SC-2956) shall be considered one lot for the purposes of the by-law.

Ms. Rosemarie Humphries, Humphries Planning Group, authorized agent for the applicant, presented applications B-2020-0014, A-2020-0093 and A-2020-0094 briefly outlining the nature of

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the applications. She added that there are no exceptions in terms of lot area and frontages explaining that previously there was an application for these lands where Block 10 and 11 were to be developed together noting that at that time through the Zoning By-law amendment process there was a site specific exception provided where the lots were considered to be one in terms of zoning interpretation. Ms. Humphries explained that effectively they are undoing a site specific exception so that the proposed configuration would not contain the site specific restriction that considers the lots as one so that these lots would continue to be considered as one.

Committee recalled the history on this property noting that initially there was an Official Plan Amendment through Council for 2 or 3 dealerships on this land. Committee noted that now there is the 2 and a half acre parcel at the corner of Ace Drive and Inspire Boulevard and one parcel proposing an industrial building.

Ms. Humphries advised that she was not involved in the application previously when the car dealerships were proposed and acknowledged that a site specific Official Plan Amendment and Zoning By-law Amendment was adopted to facilitate that development between the two properties. Ms. Humphries explained that since that time the two owners of the two blocks determined that it was not feasible to move forward with the proposed development. She explained that the lot addition to create the 7 and a half acre parcel would be created and developed for an industrial building. She added that if the application is approved they will have to go through the site plan process noting that they have gone through the pre-consultation meeting process. She explained that they have no intention of submitting an application for Ace Drive at this time for the 2 and a half acre parcel.

Ms. Humphries expressed that they will be submitting a Rezoning Application to include industrial uses back on this site. She explained that Committee will recall that the previous application was for service commercial uses and the site specific Zoning by-law effectively stripped the original industrial provisions making it specific to service commercial uses tailored for car dealerships. Ms. Humphries explained that if approved by the Committee they will submit a Site Plan Application and Re-Zoning Application to put back the original employment and industrial uses that were afforded to this property.

Committee noted that there were a number of individual applications considered by the Committee and that when the time comes to talk about an auto mall the Committee would like more information. Committee noted that over time the Committee has approved a number of dealerships and recalled discussion on this lot with an application that eventually went to LPAT and Council because the applicant had a strong desire to develop dealerships. Committee noted that now today Committee sees a different proposal. Committee referenced another application previously which was supported by the Committee because staff was fully in support noting that the Region now is questioning that. Committee noted that the building will be close to the homes. The Chair requested Regional comments before making a decision.

Staff explained that today the application is not to permit a use but rather to reconfigure the lands and allow them to be treated separately from a parking perspective. Staff expressed that before

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when the applications were before Committee and ultimately came before Council as an Official Plan Amendment and Rezoning Application they were at that time proposing new uses that were not permitted. Staff explained that that is why concerns were raised about traffic and the Regions concerned. Staff expressed that the concerns have not come up because no new use is being proposed.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2020-0014, A-2020-0093 and A-2020-094 from a planning land use perspective and read aloud the conditions for the minor variance applications followed by the proposed conditions for the consent application.

Ms. Humphries 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: R. Power

THAT application B-2020-0014 to provide for a lot addition to the adjacent lands, legally described as Block 10 on Registered Plan 43M-1907 for future development for an industrial use building be approved for the following reasons and subject to the following conditions:

1. That related applications A-2020-0093 and A-2020-0094 be approved;
2. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a. 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;
 - b. 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;
 - c. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent.
 - d. A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being Lot 11 on Plan 43M-935, shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed.

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- e. An undertaking shall be received from a solicitor confirming that the legal description of the “resultant” lot and the legal description in any mortgage(s) encumbering the “resultant” lot will be identical within four (4) weeks of the date of the Secretary-Treasurer’s Certificate under the Planning Act; or alternatively, that no part of the “resultant” lot is encumbered by any mortgage(s). (The “resultant” lot is the “severed” land and the land to which the “severed” land is to be merged.)

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: R. Power

THAT application A-2020-0093 to treat all lands zoned Service Commercial –Section 2956 (SC-2956) as separate lots be approved for the following reasons and subject to the following conditions:

1. That related consent application B-2020-0014 be approved; 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

Moved by: A. C. Marques

Seconded by: R. Power

THAT application A-2020-0094 to treat all lands zoned Service Commercial –Section 2956 (SC-2956) as separate lots be approved for the following reasons and subject to the following conditions:

1. That related consent application B-2020-0014 be approved; and
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

NEW MINOR VARIANCE APPLICATIONS

(4)

A-2020-0080

BHARJ INC.

PEEL CONDOMINIUM PLAN 1046,
LEVEL 1, UNITS 6 & 7
7 SUN PAC BOULEVARD,
UNIT 6 & 7
WARD 8

The applicant is requesting a variance to permit the construction of a 112 square metre mezzanine in Units 6 and 7 while providing 81 parking spaces whereas the by-law requires a minimum of 98 parking spaces.

Mr. Harpreet Bhons, authorized agent for the applicant, presented application A-2020-2080 briefly outlining the variance requested while providing a brief history. Mr. Bhons explained that a building permit was applied for by his client for the main floor and he executed a mezzanine but never used it. He stated that they are now applying for approval of a mezzanine area for an archive section on the second floor addition which is 112 square metres. He added that the parking required as a result of the mezzanine addition triggers more parking spaces which has been justified by a submitted parking justification study based on discussions with staff. Mr. Bhons added that there is currently no stairs leading to the mezzanine and it is not being used.

The Committee recalled that the owner of this unit had submitted a letter on a previous application that had been before the Committee noting that he had intended to do the same thing but was advised that it was something he could not do.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff noted that there have been a number of parking reduction variances for units within the building explaining that there is an illusion of a second floor but not a functional second floor. Staff noted that within those units the owners are creating mezzanines typically for storage area and in this case, with the accompanying study it does justify that the additional floor area will not have a negative impact. Staff read the proposed conditions and explained that the wording under proposed condition 2 ensures that as the floor area and uses change Committee will have to see applicants before them again if the parking need is increased.

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Committee posed a question inquiring if another application comes forward in the future is there a mechanism in place for those applications before the Committee. Staff responded that every time a use comes forward and more parking is required another parking study would be required to demonstrate that a use can operate with the limited parking. Staff advised that if staff review the studies and are not satisfied with the information, staff may not be able to support a variance that does not have a supporting parking study.

Mr. Amaninder Bharj addressed Committee advising that he was the very first person to occupy the plaza. He advised that when he approached the Planning Department to advise that he needed a mezzanine he was informed that it was not possible. He advised that he assumed that if he was told no then it would be the same for everyone. He expressed that other applications came in and were approved and he felt that it should be on a first come first served basis.

Ms. Maggie Medeiros, 7 Sun Pac Boulevard, Unit 1 addressed Committee explaining that the applicant has built the mezzanine confirming that Mr. Bharj was the first one in the units. She noted that it has come to their attention that in accordance with the Condominium Corporation declaration document, a mezzanine is not part of the declaration. Ms. Medeiros posed a question inquiring if the mezzanine was built with a permit, noting that it will bring in more parking. She recalled that there was another application previously and the major concern for them is parking availability. She informed Committee that the mezzanine was built before registration. She commented that there is no parking on the street and noted that there are now some retail units that bring more people to the plaza. Ms. Medeiros reiterated that parking is a major concern.

Committee noted that there may be issues with parking at the site and if there isn't now there may very well be in the future. Committee inquired if any of the work was done with permission and in the event other applications come forward is there any mechanism in place once the plaza is fully occupied.

Zoning Staff confirmed that a building permit was obtained for what is now being described as a mezzanine. Staff noted that at the time it was constructed it functioned as a dropped ceiling which is why there was no staircase leading to it. Staff expressed that although it may have been constructed as a mezzanine that for the purpose of building code compliance it may require minor modifications and the applicant will be required to obtain a building permit for the stairway.

Staff noted that anytime a new use goes into the plaza it will be evaluated for parking advising that a parking rate is attributed to all the vacant uses to determine the total parking requirement for the site to function as a whole however it is not attributed at any of the higher parking rates that would be associated with some permitted uses including offices, personal service shops or retail establishments. Staff advised that although the Committee has approved some variances for commercial uses the units could not be occupied without a need for a variance to address the parking deficiency. Staff explained that any new mezzanines that are proposed are required to be evaluated against the parking requirements for floor area.

Committee posed a question inquiring if the tenant or the owner changes would it be appropriate to mention that this mezzanine is strictly for storage. Staff provided wording for an additional

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condition for Committee's consideration to include that the additional floor area for the mezzanine shall be used strictly for storage of materials. Mr. Bhons responded that they are O.K with the condition for storage noting that the space will be used for archives and storage

Following discussion, Mr. Bhons 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: R. Power

THAT application A-2020-0080 to permit the construction of a 112 square metre mezzanine in Units 6 and 7 while providing 81 parking spaces 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 Public Notice;
2. That the requirement for parking for any combination of uses permitted in the "M4-1548" zone, or permitted by way of Minor Variance be calculated at the applicable parking rate in accordance with the Zoning By-law and shall not exceed 98 parking spaces;
3. That the additional floor area for the mezzanine shall be used strictly for storage of materials;
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

(5)

A-2020-0082

AGNIESZKA SZPALA

LOT 22, CONC. 3 WHS
0 CHURCHVILLE ROAD
WARD 6

The applicant is proposing construction of a new detached dwelling and is requesting the following variance(s):

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1. To permit an interior side yard setback of 1.2m (3.94 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.).

Mr. Alex Temporale, ATA Architects Inc., authorized agent for the applicant, presented application A-2020-0082 briefly explaining that they have applied to the Heritage Committee and for Custom Home Review and received approval from both. He advised that planning staff had concerns in terms of interpreting the site plan to ensure the setback requirement of 1.2 metres was attainable. He noted that drawings were re-issued which clarified that the dwelling fits within the requested setbacks.

Mr. Temporale added that another issue related to a large silver maple on the property on the southern portion and its proximity to the house. He explained that an arborist went out and examined the tree and recommended removal of the tree because of its' deteriorated condition and limited long term survival. Mr. Temporale explained that they suggested to planning staff that they would seek approval with the added condition that they provide an arborist report and conservation plan for the trees on site. It was his opinion that there was no condition, other than the large tree that would negatively affect the request that they have made for the variance for the side yard setback. He advised that they are seeking support from the Committee.

Committee was informed that City of Brampton planning staff was recommending deferral of this application no later than the last hearing of 2020. Staff noted that a number of trees were identified within the probable construction area based on the reduced setback. Staff advised that they do require an arborist report that addresses all trees on site rather than just the silver maple at the rear. Staff advised that additional time is required to review the arborist information which had just been received.

Mr. Matthew Kania, owner of the property, addressed Committee advising that he was in attendance in the event there were any questions. He noted that this is their future home and respects the deferral but requested that there be no additional deferrals to delay the project. He noted that the subdivision is behind the property and that he has a number of trees and loves nature advising that they will not remove any trees that do not need to be removed and agreed to the arborist report.

Mr. Simratpal Singh, 7838 Churchville Road addressed Committee advising that the information presented addresses his concerns at this time and that anything further can be addressed at the meeting of December 1, 2020.

Following discussion, Committee reached the following decision:

Moved by: D. Colp

Seconded by: R. Power

THAT application A-2020-0082 be deferred to the hearing scheduled for December 1, 2020.

CARRIED

(6)

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(6)

A-2020-0083

BASHIR ABDI

LOT 84, PLAN M-1268
29 BUNCHBERRY WAY
WARD 9

The applicant is requesting the following variance(s):

1. To permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line;
2. To permit an existing accessory structure (shed) having a setback of 0.20m (0.66 ft.) to the side lot line whereas the by-law requires a minimum setback of 0.60m (1.97 ft.) for an accessory structure to the side lot line;
3. To permit an existing accessory structure (shed) having a setback of 0.25m (0.82 ft.) to the rear lot line whereas the by-law requires a minimum setback of 0.60m (1.97 ft.) for an accessory structure to the rear lot line;
4. To permit an existing driveway width of 5.8m (19.03 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17.06 ft.);
5. To permit an existing driveway having a separation distance of 3.0m (9.84 ft.) to the projected point of intersection of two streets whereas the by-law requires a minimum separation distance of 6.0 metres between a driveway and the projected point of intersection of two streets.

Mr. Alahasan Robah, YEJ Studio Consulting, authorized agent for the applicant, presented application A-2020-0083 briefly outlining the variances requested..

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions noting that staff recommends that variance number 4 be refused.

Committee observed during site inspection that some work had taken place and seemed to be halted noting that the entrance is there and needs to be finished.

Mr. Robah explained that the owner had hired a contractor and the owner was advised that the necessary permits were obtained informing Committee that the applicant stopped the work once it was discovered that this was not the case. Mr. Robah advised that there currently is a permit in place subject to approval from the Committee.

Following discussion, Mr. Robah 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: R. Power

Seconded by: D. Colp

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THAT application A-2020-0083 to permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line; to permit an existing accessory structure (shed) having a setback of 0.20m (0.66 ft.) to the side lot line; to permit an existing accessory structure (shed) having a setback of 0.25m (0.82 ft.) to the rear lot line; to permit an existing driveway width of 5.8m (19.03 ft. and to permit an existing driveway having a separation distance of 3.0m (9.84 ft.) to the projected point of intersection of two streets be approved for the following reasons and subject to the following conditions:

1. That Variance 4 be refused and the driveway be reinstated to the maximum permitted width of 5.2 metres;
2. That the extent of Variances 1, 2, 3, and 5 be limited to that shown on the sketch attached to the Public Notice;
3. That the curb cut shall not be extended toward the flankage lot line;
4. That drainage from the accessory structure shall flow onto the applicant's property and drainage on adjacent properties shall not be adversely affected;
5. That a building permit be obtained 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;
6. That the below grade entrance not be used to access an unregistered second unit;
7. That the fence remain in the existing location and height and not be removed or lowered;
8. 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

(7)

A-2020-0084

AMIT BAGRI AND DEVIKA BAGRI

LOT 58, PLAN M-486
57 ROSEBUD AVENUE
WARD 4

The applicants are requesting the following variance(s):

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1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit a 0.54m (1.77 ft.) interior side yard setback to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit lot coverage of 32.41% whereas the by-law permits a maximum lot coverage of 30%;
4. To permit an interior side yard setback of 0.94m (3.08 ft.) to a proposed below grade window in an interior side yard whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
5. To permit an interior side yard setback of 0.94m (3.08 ft.) to as-built additions in the interior side yard whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
6. To permit an accessory structure (shed) having a 0.0m setback to the property line whereas the by-law requires a minimum setback of 0.60m (1.97 ft.) for an accessory structure to all property lines;
7. To permit an existing hot tub having a side yard setback of 0.4m (1.31 ft.) whereas the by-law requires a minimum setback of 1.2m (3.97 ft.).

Mr. Amit Bagri, applicant and owner of the property, presented application A-2020-0084 briefly outlining the variances requested noting that the application was made for a below grade entrance to allow for a second dwelling unit on the property and other variances were identified during site inspection. He explained that he moved to the property in July and has not changed anything at the site noting that some of the existing structures were not in compliance. It was his request for a below grade entrance and a window in order that the basement could be rented.

Committee acknowledged receipt of e-mail correspondence dated October 14, 2020 from Karen Walsh, 54 Rosebud Avenue, detailing concerns with the application.

Committee acknowledged receipt of e-mail correspondence dated October 14, 2020 from Kathy and Kevin Scott, 59 Rosebud Avenue outlining their concerns with application A-2020-0084.

Committee acknowledged receipt of e-mail correspondence dated October 14, 2020 from David Townsend objecting to the application.

Committee acknowledged receipt of e-mail correspondence dated October 15, 2020 from Luanne Crilly, 78 Rosebud Avenue in opposition to application A-2020-0084.

Committee acknowledged receipt of e-mail correspondence dated October 15, 2020 from Laurene Boynto, 60 Rosebud Avenue objecting to the application.

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Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions. Staff noted that they are now recommending that proposed condition number 4 be removed.

Mr. Bagra expressed concerns with proposed condition number 2 and noted that this is a pre-existing condition and that most homes on the street have the same extensions. He added that he did not make the additions and requested that he be granted relief from recommendation number 2. Mr. Bagra expressed surprise with the number of letters of opposition adding that he had spoken to most of the neighbours about the proposal and provided assurance.

Mr. Bagra explained that a pamphlet was included with his property tax that indicated that he could reach out to the City's Zoning Department which he did. He explained that they provided guidance advising him that in reviewing his survey it was recommended that a below grade entrance would not be permitted from the left side of the property and that a possible option was to request for a below grade entrance which based on the Committee's view might be approved.

Mr. Bagra stated that he is trying to do things that will comply and be in conformity with the neighbourhood.

The Chair expressed that he was not in support of the below grade entrance and sought clarity on the condition regarding the demolition.

Staff explained that the two windowed bump outs on the interior side yard where the below grade entrance is proposed were constructed without building permits. Staff advised that there isn't sufficient room to access the rear yard noting that access to the rear yard would result in trespassing onto the neighbouring properties.

Committee noted that the property is a detached property and the application is not complaint based. Committee requested if staff could assist with conditions that could be imposed to allow the window structures to remain. Committee expressed that if the additions were already there when the house was purchased they would not like to see the applicant incur the costs for something that was there when he purchased the property.

Zoning Staff proposed modifications to the proposed conditions to address the maintenance of the two existing bump outs in the interior side yard. Staff advised that if other houses on the same street and the same model type have those same projections then it may have been a modification made by the builder and a building permit may not be necessary. Staff advised that staff would have the opportunity to review the drawings for the certified models to determine if a building permit would then be necessary.

Zoning Staff provided contact information to assist the applicant in securing documents noting that with the Building Division closed to the public the applicant may have difficulty securing the information.

Committee of Adjustment Minutes

Mr. Bagra inquired if he had to apply for building permits for the existing extensions. Committee explained that the condition was modified to include additional wording "if necessary". Following discussion, Mr. Bagra 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-2020-0084 to permit an exterior stairway leading to a below grade entrance in the required interior side yard; to permit lot coverage of 32.41%; to permit an interior side yard setback of 0.94m (3.08 ft.) to a proposed below grade window in an interior side yard; to permit an interior side yard setback of 0.94m (3.08 ft.) to as-built additions in the interior side yard; to permit an accessory structure (shed) having a 0.0m setback to the property line and to permit an existing hot tub having a side yard setback of 0.4m (1.31 ft.) be approved for the following reasons and subject to the following conditions:

1. That Variances 1 and 2 be **refused** and the below grade entrance shall not be permitted;
2. That the extent of Variances 3, 4, 5, 6 and 7 be limited to that shown on the sketch attached to the Public Notice;
3. That the owner obtain a building permit, if necessary, for the existing additions within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
4. That drainage from the accessory structure roof shall flow onto the applicant's property;
5. That the accessory structure between the main wall of the dwelling and the interior lot line be removed;
6. That drainage on adjacent properties not be impacted; and
7. 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 of Adjustment Minutes

(8)

A-2020-0085

JUSTIN TRI QUANG LE

LOT 104, PLAN 43M-1881
7 BELLCREST ROAD
WARD 4

The applicant is requesting the following variance(s):

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.18m (0.60 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 0.6m (1.97 ft.);
3. To permit a combined total of 1.42m (4.66 ft.) of the interior side yards whereas the by-law requires a combined total of the interior side yards on an interior lot of not less than 1.8m (5.90 ft.).
4. To permit an existing driveway width of 7.6m (24.93 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22.0 ft.).
5. To permit a 0.0m permeable landscape strip abutting a property line whereas the by-law requires a minimum 0.60m (1.97 ft.) permeable landscape strip.

Mr. Justin Le, applicant and owner of the property, presented application A-2020-0085 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated October 16, 2020 from Ken Wearana, 59 George Robinson Drive indicating opposition to application A-2020-0085.

Committee acknowledged receipt of a letter received on October 19, 2020 from Ershad Haque, 11 Bellcrest Road, in opposition to the application.

Committee acknowledged receipt of a letter received on October 19, 2020 from Michelle Brasil, 109 Fruitvale Circle, in opposition to the application.

Committee acknowledged receipt of a letter received on October 19, 2020 from Dimmie and Dennis Pejic, detailing their concerns with the application.

Committee acknowledged receipt of a letter received on October 19, 2020 from Gurpreet Bola, in opposition to application A-2020-0085.

Committee acknowledged receipt of a letter received on October 19, 2020 from Dimmie and Dennis Pejic, detailing their concerns with the application.

Committee of Adjustment Minutes

Committee inquired if Mr. Le was still the owner of the property and if the property was sold. Mr. Le responded that there was a closing date at the end of September confirming that the property has not closed. The Chair responded that he was not convinced of his intent and that he was moving away and allowing others to do whatever is required.

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions. Staff wished to clarify the variances requested. Zoning Staff clarified that a revised sketch had been provided to the Secretary-Treasurer modifying the side yard setback to the existing stairwell and that there is a minor difference of 4 centimeters between the 0.18 metres reflected in the public notice versus 0.14 metres reflected on the sketch attached to the public notice. Staff also clarified that the 0.0 metre permeable landscaping was amended to 0.48 metres of permeable landscaping.

The Chair noted that during site inspection that if someone wants to access the rear yard they would have to go through the neighbour's property which he would not be supporting however he proposed that consideration could be given to a scenario whereby the configuration of the stairs would be such that steps on either side of the landing would provide access from the front to the rear yard. He noted that he was O.K. with the entrance but not as it is currently constructed.

Staff advised that if Committee wants to defer the application then a short deferral is recommended. The Chair expressed that he wanted to ensure that the application could proceed with assurance that the correct dimensions are reflected noting that with conditions recommended by staff perhaps the application could proceed with modifications to the variances and the proposed conditions.

Zoning Staff suggested that the variances could be modified to capture the variances noting that the driveway is a lesser variance than what was originally proposed and recognizing that the side yard setback to the stairway is only 4 centimeters of a difference and is currently constructed. Staff sought clarification from Planning Staff if any consideration was given to a 0.48 metre permeable landscape strip as opposed to the 0.0 metre permeable landscape strip which is not supported by staff.

Zoning Staff went through the proposed conditions recommended and provided revised wording to the Committee for consideration including wording to capture Committee's recommendation for the stairs and access to the rear yard.

The Chair commented that he shares the pain of the next door neighbour and noted that at the same time, the applicant is now in touch with the municipality trying to bring everything in order. He noted that the next door neighbor has had to go through a lot of hassle which no one wants to go through. He expressed that he does not want to see anyone taking advantage of the generosity of their next door neighbours.

Mr. Le responded that he is not in a position to take advantage of anyone's generosity noting that he assisted his next door neighbours when they moved in and helped trouble shoot. He advised that he did discuss his plans to put this in place noting that they were aware but unfortunately

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when it was constructed it was not what they had imagined. He expressed that this is his first process going through construction and he learned through the process, noting that this was definitely his mistake. He asked for Committee's support to make things right and help him get through this noting that he has not closed on the property as he wants to make things right.

Committee expressed that they make their decision on certain criteria and the information before the Committee. Committee expressed that under these circumstances that they want to move ahead noting that staff has helped to put together the conditions to help bring the property into compliance.

Mr. Le informed Committee that there is a building permit in process. Committee advised that modifications would be required based on the recommended conditions. Staff confirmed that a building permit application has been submitted as well as an application to register a second unit. Staff expressed that the plans and drawings associated with the permit would need to be modified to include the conditional approval recommended today for the stairs.

Mr. Le 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: D. Doerfler

THAT application A-2020-0085 to permit an exterior stairway leading to a below grade entrance in the required interior side yard; to permit an interior side yard setback of 0.18m (0.60 ft.) to the exterior stairway leading to a below grade entrance; to permit a combined total of 1.42m (4.66 ft.) of the interior side yards; to permit an existing driveway width of 7.6m (24.93 ft.) and to permit a 0.0m permeable landscape strip abutting a property line be approved for the following reasons and subject to the following conditions:

1. That Variance 5 be approved in part and that a 0.48m permeable landscape strip shall be maintained between the driveway and the side lot line;
2. That Variance 4 to permit an extended driveway width be approved to a maximum width of 7.12 metres (23.35 feet);
3. That no vehicle, in whole or in part, shall be parked upon the extended portion of the driveway at any time;
4. That Variance 2 be modified to permit an interior side yard setback of 0.14m to the exterior stairway leading to a below grade entrance;
5. That the approval of Variances 1 and 2 (as modified) is conditional on the reconfiguration of the below grade stairwell to include stairs at both the front and rear of the landing to provide pedestrian access from the front yard to the rear yard;

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6. That a building permit be obtained for the below grade entrance, including the required reconfiguration, 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;
7. That the entrance not be used to access an unregistered second unit;
8. That drainage on adjacent properties not be impacted; and
9. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

(9)

A-2020-0086

**AMANDA SALMOND AND MICHAEL
BENNIE**

**LOT 96, PLAN 646
42 GREYSTONE CRESCENT
WARD 3**

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 1.489m (4.89 ft.) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to a second storey;
2. To permit an existing accessory structure (storage shed) having a side yard setback of 0.15m (0.50 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to all property lines;
3. To permit an existing accessory structure (storage shed) having a rear yard setback of 0.30m (0.98 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to all property lines.

Mr. Patrick Cheeseman, authorized agent for the applicant, presented application A-2020-0086 briefly outlining the variances requested related to a proposed addition and existing accessory structure.

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

Mr. Cheeseman 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: R. Power

Seconded by: A. C. Marques

THAT application A-2020-0086 to permit an interior side yard setback of 1.489m (4.89 ft.) to a proposed second storey addition; to permit an existing accessory structure (storage shed) having a side yard setback of 0.15m (0.50 ft.) and to permit an existing accessory structure (storage shed) having a rear yard setback of 0.30m (0.98 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 public notice; 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

(10)

A-2020-0087

WINDY HILL PROPERTIES INC.

LOT 1, PLAN 43M-2063
2 MIDMORNING ROAD
WARD 6

The applicant is proposing construction of a single detached dwelling and is requesting a variance to permit an interior side yard setback of 0.71m (2.33 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.)

Mr. Ezequiel Sanchez, RN Design Ltd., authorized agent for the applicant, presented application A-2020-0087 briefly outlining the variances requested.

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

Mr. Sanchez indicated that the proposed conditions were acceptable.

Committee of Adjustment Minutes

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

Moved by: A.C. Marques

Seconded by: R. Power

THAT application A-2020-0086 to permit an interior side yard setback of 0.71m (2.33 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 Public Notice;
2. That a clause be included within the Agreement of Purchase and Sale for the lot advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; 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

(11)

A-2020-0088

NAVIN SEODARSAN AND TINA BAKSH

LOT 9, PLAN 43M-1975
62 BURLWOOD ROAD
WARD 10

The applicants are requesting the following variance(s):

1. To permit an accessory structure (cabana) to include habitable space (installation of washroom) whereas the by-law does not permit accessory structures to be used for human habitation.

Mr. Mark Lee, Fausto Cortese Architects, authorized agent for the applicant, presented application A-2020-0088 briefly outlining the variance requested.

Mr. Navin Seodarsan, applicant and owner of the property addressed Committee advising that the extension of the house with a deck was constructed with a permit and that a permit was also obtained for an existing pool. He explained that the request for plumbing within the cabana is for convenience primarily for his young children who are running in and out of the house noting that the

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bathroom is located the front of the house where the children are having to run across ceramic flooring which is slippery at times. He noted that a bathroom within the cabana is proposed.

Mr. Gurjeet Thandi, 60 Burlwood Road, addressed Committee expressing that they are opposing the building of the cabana noting that the notice refers to a proposed cabana which has already been constructed without permission. He noted that there are 2 buildings at the left side of their back yard and it feels like his neighbor is trying to construct a fortress around them with no regard to their privacy.

Mr. Thandi expressed that it looks like an eyesore in a prestigious area where neighbours had agreed where they would build their sheds. He stated that they have no freedom in their back yard expressing that perhaps a smaller version could be built. He further added that the surrounding neighbours are not affected by this the way that they are as the adjacent property owners.

Committee displayed the picture that was submitted noting that the Committee's jurisdiction is limited to the variance requested in this application. Committee noted that if the washroom wasn't proposed, the shed would be permitted. Committee observed that with the majority of the backyards the builder has provided balconies to almost every house where a person can come outside and stand on the balcony. Committee advised that this is not within their jurisdiction.

Committee acknowledged receipt of e-mail correspondence dated October 15, 2020 from Jaspal Thandi (Gurjeet Singh) and Gary Thandi, 60 Burlwood Road, detailing their concerns with application A-2020-0088. A separate e-mail included a photograph showing the cabana and an existing shed.

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff confirmed that the plans received showed a sink and toilet which is why the conditions speak specifically to that.

Staff confirmed that the structure itself is permitted and if the applicants were not coming for the installation of a washroom today then the structure itself would comply.

Mr. Thandi advised that he has communicated with City Councilors and was told that there is no permit for the balcony and no permit for the pool. He expressed that now that the cabana is already built without a permit it becomes a trust issue. Mr. Thandi advised that he has been putting together a file since 2019 as detailed in the letter he submitted. He advised that the cabana is used as a summer getaway for the applicants but they have to look at it 365 days a year.

Committee explained that the variance is before Committee for habitable space only. Committee sought clarity from staff on the cabana and the pool and any construction in the past.

Zoning Staff confirmed that the cabana in its size and location fully complies with the zoning by-law requirements for size, height and setbacks for an accessory structure. Staff expressed that as Committee had noted, the only variance needed to allow the structure to function as intended is to allow the plumbing which then makes it habitable space. Staff noted that if it did not include plumbing it would not need a variance and the structure is small enough that it would not require a

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building permit. Staff clarified that the only requirement for a building permit is because of the plumbing.

Staff confirmed that there is an application for a building permit for the cabana that has not been issued and is contingent on approval of the plumbing inside noting that staff could not issue a permit that doesn't comply with the zoning by-law.

Staff explained that the pool and pool enclosure was installed and being used without the benefit of a building noting that the owner has obtained a pool enclosure permit that was issued in August. In terms of the balcony, staff advised that the balcony construction was started back in 2017 without benefit of a permit however since that time a permit was obtained and issued in 2017 and construction is on-going.

Staff advised that all inspections have not been finalized however the balcony would have been reviewed for compliance for the setback requirements to the zoning by-law which, for a balcony on a second storey, allows a 3 metre encroachment into a 7.5 metre rear yard. Staff advised that the owner would be required to maintain a 4.5 metre setback from the rear lot line which is approximately 14.7 feet. Staff expressed that compliance with the building permit that was issued will be determined through mandatory inspections by the building inspectors. Staff summarized that before Committee for consideration is the plumbing inside a permitted accessory building which does not in any way contravene the Zoning By-law in terms of size, location and height.

The Chair remarked to the property owner that it doesn't make him happy that he started construction on multiple occasions without obtaining permits and that he should have known in 2017 when construction started on the balcony. The Chair advised that the permit for the balcony has not been closed and final inspections will occur before final certification.

Mr. Seodarsan explained that they hired a contractor who did the upper deck and obtained a permit advising that the permit was placed in the front window before excavating. He added that a permit was also submitted in 2017 for the pool but the City rejected the pool permit because the land had not been assumed. He reiterated that they did have the permit prior to the work being started.

Zoning Staff confirmed that an Order to Comply was strictly for the cabana and that the owner did in fact obtain a permit for the balcony prior to construction, as he had indicated.

Following discussion Mr. Seodarsan 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: R. Power

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THAT application A-2020-0088 to permit permit an accessory structure (cabana) to include habitable space (installation of washroom) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the accessory building shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory building shall be limited to the provision of a toilet and sink;
3. That a building permit be obtained for the accessory 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; 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

(12)

A-2020-0089

GURJOT TOOR

PT. OF LOT 1, CONC. 8 ND
8196 GOREWOOD DRIVE
WARD 8

The applicant is requesting a variance to permit the temporary outside storage of oversized motor vehicles on the rear portion of the property for a period of 3 years whereas the by-law does not permit the proposed use.

Mr. Terrance Glover, Urban in Mind, authorized agent for the applicant, made a brief presentation for application A-2020-0089 explaining that the site is set up with an existing dwelling that is being utilized while the rear of the property is currently vacant. He spoke of the designation for the property and pointed out that the existing zoning by-law designates the property as residential rural estate. He advised that in the past the zoning saw this site as residential rural estate noting that when redevelopment occurs the zoning will have to comply with the Official Plan which designates the property as industrial lands.

Mr. Glover explained that the overall development for Gorewood Drive is being pursued and a pre-consultation has occurred noting that these properties are all contained within that development.

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He explained that the application before Committee will allow for an interim solution between now and 3 years from now when redevelopment potential on all the properties is expected.

Mr. Glover referenced a previous application for 8188 Gorewood Drive which is very similar for an interim use for up to 3 years which had a condition of approval that they enter into a limited site plan and that official access be created onto Intermodal Drive from 8188 Gorewood Drive. He advised that they are currently going through the process to meet the municipal standards for a proper entrance and exit onto Intermodal Drive noting that this property will also gain access through 8188 Gorewood Drive to Intermodal Drive. He pointed out that they have created a separation by way of a proposed fence between the existing dwelling and the parking at the rear so that there will be no through movement from Gorewood Drive to Intermodal Drive.

Mr. Glover advised that the property is surrounded by industrial uses to the north and west with conservation area to the east of the property. He expressed that there will be no impact on the conservation area as a result of the application. Mr. Glover noted that there are negotiations with other owners to redevelop the entire property in stages noting that instead of the land being vacant they can transition from the rural estate residential to uses more in line with industrial uses.

Mr. Glover made reference to previous applications approved by the Committee for the same use noting that he would like to discuss Conditions 3, 4 and 5 as they relate to condition number 7.

Committee acknowledged receipt of a letter dated October 14, 2020 from Toronto and Region Conservation Authority indicating no objection to the application

Committee was informed that City of Brampton planning staff was in support of this application with conditions. Staff read aloud the proposed conditions.

Mr. Glover made reference to condition number 3 noting that the reference to an access easement is a permanent feature. He advised that they have no problem merging the properties on title but pointed out that this is a temporary use for 3 years and an access easement for that period of time does not need approval from the Committee of Adjustment because it is for a period less than 21 years and a day. Mr. Glover made reference to the condition requiring site plan approval requesting that the wording be change to a "limited" site plan.

In terms of proposed condition number 5, Mr. Glover explained that the owner has a business related to this property that is at a different location noting that the owner likes to move his trucks associated with a driving school around. He noted that condition 7 states that failure to comply with and maintain the conditions of the Committee will render the approval null and void and wanted to avoid a circumstance where something down the road could inadvertently happen if someone doesn't read the conditions properly.

Committee sought clarity on proposed condition number 3. Staff explained that in order for the subject lands to obtain access via Intermodal Drive, an access easement would be required otherwise trucks passing over would be considered trespassing. Staff noted that if the applicant does merge the properties on title then the issue will go away as they would then be considered

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one property. With respect to condition number 4 staff was in agreement to include that the site plan be a limited site plan and explained that condition number 5 is a standard condition that has been included to the other properties for parking without a business operating on site.

Committee sought clarification on access from Intermodal Drive. Staff explained that a previous recommendation for 8188 Gorewood Drive was to close an unapproved access to Intermodal Drive noting that the applicant is working to have that access approved and if approved to municipal standards it would be permitted.

Mr. Glover expressed that with condition number 3 if there is an agreement in place between two party members it should allow a non-trespassing issue and would prefer to remove the condition as it can be accomplished through a private agreement. With respect to condition number 5 Mr. Grover advised that although it is a standard condition they have had some difficulty with it and that in this instance it may not have been thought through in terms of its implications.

Staff proposed alternate wording for proposed condition number 5 to satisfy the applicant's concern. With respect to proposed condition 3 staff are not completely satisfied that an easement is not required to satisfy these concerns noting that staff would need to consult with the City's lawyers to discuss and would result in a recommendation to defer. Staff advised that if the properties could be merged it would be the easiest solution.

Ms. Anumeet Toor, sister of the applicant at 8188 Gorewood Drive, addressed Committee advising that a permission to enter agreement has been set up with Realty and the City's Legal Services to enter into Intermodal Drive because there is a reserve. Staff responded that the agreement referenced refers to access over the City's 0.3 metre reserve onto Intermodal Drive which is not the same as an access easement in favor of one property over another property. Staff added that this is what needs to be established to prevent a trespass from taking place or the properties need to be merged.

Mr. Glover advised that a merger on title should be sufficient and they don't want to go through the consent process. He stated that it is a temporary use which they are now 4 to 6 months into without permission because of having to resolve issues reiterating that a merger on title will be sufficient. Staff confirmed that a merger on title will satisfy the condition.

Mr. Glover 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-2020-0089 to permit the temporary outside storage of oversized motor vehicles on the rear portion of the property for a period of 3 years 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 Public Notice;
2. That Variance 1 be approved for a temporary period of up to three (3) years;
3. That the owner shall merge the subject property with the property at the 8188 Gorewood Drive OR obtain an access easement over the property at 8188 Gorewood Drive in favour of the subject lands, to the satisfaction of the Director of Development Services;
4. That a limited site plan shall be approved prior to the establishment of the use, to the satisfaction of the Director of Development Services;
5. That parking of vehicles associated with more than one business operating from another site shall not be permitted;
6. That the outdoor storage permitted shall be limited to dump trucks, truck trailers, trailer chassis and construction material, and shall not include dumpsters or construction waste, or any waste deemed to be hazardous;
7. 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 12:19 P.M AND RECONVENED AT 12:25 P.M.

(13)

A-2020-0090

**KISHORE GILLELLAMUDI AND
LAKSHMI GILLELLAMUDI**

**LOT 80, PLAN 43M-1713
22 VINTONRIDGE DRIVE
WARD 8**

The applicants are requesting the following variance(s):

1. To permit a chimney encroachment within the minimum 1.2 metre path of travel from the front wall of the dwelling to a door in the rear yard used to access a second unit, resulting in a reduced path of travel of 0.991m (3.25 ft.) at the chimney location whereas the by-law

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does not permit encroachments into the minimum 1.2 metre path of travel to the access for a second unit;

2. To permit a 0.40m (1.31 ft.) permeable landscape strip abutting the side lot line whereas the by-law requires a minimum 0.60m (1.97 ft.) permeable landscape strip abutting both side lot lines in the front yard.

Mr. Kishore Gill, applicant and owner of the property addressed Committee presenting application A-2020-0090 briefly outlining the variances requested. He spoke of a chimney structure which reduces the path of travel to the access to the second unit and stated that there is a 0.40 metre landscape strip as opposed to the required 0.6 metre.

Mr. Rohit Kumar, authorized agent for the applicant, was also present in the event Committee had any questions.

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

The Chair expressed that the dwelling is a detached dwelling and was of the opinion that the 0.991m (3.25 ft.) is minor resulting primarily from the location of the chimney. Committee noted that there is access on both sides of the dwelling with less on one side and more on the other.

A member of the Committee requested clarification from staff on the request for the access to a second unit. Staff explained that the variance is to the implementing Zoning by-law for the two unit provisions, section 10.16 of the by-law that requires a clear and free 1.2 metre path of travel.

Staff expressed that the reduction would significantly inhibit the access to the rear yard for those everyday purposes such as moving a lawnmower or for emergency purposes such as navigating a stretcher in the event of an emergency into the rear yard of the property.

Committee expressed that they were fine with the reduction and requested if staff could assist in amending the proposed conditions. Staff revisited the proposed conditions based on the discussion and proposed amended conditions for Committee's consideration.

Mr. Kumar 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-2020-0090 to permit a chimney encroachment within the minimum 1.2 metre path of travel from the front wall of the dwelling to a door in the rear yard used to access a second unit, resulting in a reduced path of travel of 0.991m (3.25 ft.) at the chimney location and to permit a 0.40m (1.31 ft.) permeable landscape strip abutting the side lot line be approved for the following reasons and subject to the following conditions:

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1. That the extent of Variances 1 and 2 be limited to that shown on the sketch attached to the Public Notice;
2. That the 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

(14)

A-2020-0091

ARIFF JAILALL AND SAVITRI
LOOKNAUTH

LOT 315, PLAN 43M-2058
3 FRUITVALE CIRCLE
WARD 6

The applicants are requesting a variance to permit a parking space depth of 4.34m (14.24 ft.) whereas the by-law requires a minimum parking space depth of 5.4m (17.72 ft.).

Mr. Ariff Jailall, applicant and owner of the property, presented application A-2020-0091 briefly outlining the variance requested advising that he wishes to widen a single car driveway and needs permission for a parking space depth.

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

Mr. Jailall 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: R. Power

Seconded by: D. Colp

THAT application A-2020-0091 to permit a parking space depth of 4.34m (14.24 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 Public Notice;
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

(15)

A-2020-0092

**VISHAVPREET TATLA AND
SIMRANJIT TATLA**

**LOT 66, PLAN 43M-1613
38 SHOWBOAT CRESCENT
WARD 1**

The applicants are requesting a variance to permit a proposed below-grade exterior stairway to be located between the main wall of the dwelling and the front lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the front lot line.

Mr. Salman Ellahi, authorized agent for the applicant, presented application A-2020-0092 briefly outlining the variances requested commenting that the stairway does not hinder the side yard or the front yard.

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:

Moved by: R. Power

Seconded by: D. Doerfler

THAT application A-2020-0092 permit a proposed below-grade exterior stairway to be located between the main wall of the dwelling and the front 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 Public Notice;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

(16)

A-2020-0095

11952056 CANADA INC.

LOT 131, PLAN 43M-763
13 EBBY AVENUE
WARD 2

The applicant is requesting the following variance(s):

1. To permit a 1.19m (3.90 ft.) path of travel to a door to be used as a primary access to a second unit whereas the by-law requires an unobstructed 1.2m (3.94 ft.) path of travel to a primary access to a second unit;
2. To permit an existing driveway width of 7.1 (23.30 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22.0 ft.).
3. To permit a 0.30m (0.98 ft.) permeable landscape strip abutting a property line whereas the by-law requires a minimum 0.60m (1.97 ft.) permeable landscape strip abutting both property lines.

Mr. Philopose Varkey, authorized agent for the applicant, presented application A-2020-0095 briefly outlining the variances requested explaining that the below grade entrance was constructed by the previous owner with a City permit in 2017.

Committee acknowledged e-mail correspondence dated October 20, 2020 from Jackie Bishum, 11 Ebby Avenue, in opposition to the application.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff explained that this is a case where staff are looking at a proposed reduction to the implementing by-law to a second unit. Staff added that the driveway variances were not spoken to in the staff report explaining that this driveway relief request was addressed through a minor variance application in 2016 and refused by the Committee and subsequently appealed to the Ontario Municipal Board. Staff explained that the OMB upheld the decision of the Committee and the driveway variances were refused. Staff expressed that since that time the owner has not removed the non-compliant portions of the driveway in accordance with the decision of the Board and staff are maintaining the position of the Board and recommending refusal.

Committee expressed that the agent should have been aware of the work that was not completed. Mr. Varkey responded that they will comply with the requirements for the driveway variances noting that his client was unaware of the deficiencies when he purchased the property and would like

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approval for the variance for the setback requested for variance number 1. Mr. Varkey commented that the building permit was issued in 2017 and questioned why there is a problem now.

Zoning Staff clarified that the 2016 variance that was requested for the side entrance that is currently constructed with a permit was issued on the basis of the Ontario Municipal Board's ultimate approval of the location of the side entrance.

Zoning Staff explained that the matter before the Committee today is slightly different advising that the new owner is asking to use that permitted door as the principal entrance to a second unit explaining that the path of travel to the door is slightly deficient. Staff explained that at this time the door cannot be used as an entrance to a second unit because the path of travel does not comply. In terms of the driveway matter staff confirmed that there are no orders outstanding noting that the Ontario Municipal Board refused the widened driveway.

Staff confirmed that the variance is for a reduction of 1 centremetre on the path of travel noting that the entrance is fully constructed in compliance with the permit that was previously issued.

Following discussion, Mr. Varkey 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: R. Power

Seconded by: D. Colp

THAT application A-2020-0095 to permit a 1.19m (3.90 ft.) path of travel to a door to be used as a primary access to a second unit; to permit an existing driveway width of 7.1 (23.30 ft.) and to permit a 0.30m (0.98 ft.) permeable landscape strip abutting a property line be approved for the following reasons and subject to the following conditions:

1. That Variance 1 be approved only to the extent identified in the Public Notice;
2. That Variances 2 and 3 be **refused**;
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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(17)

A-2020-0096

**ROBERTO LOPEZ AND ELECTRA
LOPEZ**

**PT. BLOCK 275, PLAN 43M-1886
PART 21, PLAN 43R-35625
1 ALAMOSA COURT
WARD 4**

The applicants are requesting a variance to permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line.

Mr. Tanvir Rai, Noble Elite Solutions Inc., authorized agent for the applicant, presented application A-2020-0096 briefly outlining the variance requested.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0096 to permit a below grade entrance to be located 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 Public Notice;
2. That the fence shall remain constructed in its current location and height;
3. That the below grade entrance shall not be used to access an unregistered second unit; 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

(18)

A-2020-0097

GENE AND JOY COSTALES

LOT 127, PLAN 43M-1821
31 RAINBROOK CLOSE
WARD 10

The applicants are requesting a variance to permit a proposed building addition to be located 8.72 metres from a Floodplain Zone (F) whereas the by-law requires a minimum setback of 10 metres from a Floodplain Zone (F).

Mr. Matthew Jacewicz, authorized agent for the applicant, presented application A-2020-0097 briefly outlining the variance requested.

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

Committee acknowledged receipt of a letter dated October 14, 2020 from Toronto and Region Conservation Authority indicating conditional approval subject to a condition requiring the applicant to acquire a TRCA permit pursuant to Ontario Regulation 166/06.

Mr. Jacewicz 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: R. Power

Seconded by: D. Doerfler

THAT application A-2020-0097 to permit a proposed building addition to be located 8.72 metres from a Floodplain Zone (F) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
2. That the applicant shall obtain any required approvals or permits from the Toronto and Region Conservation Authority, to the satisfaction of said Authority;
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

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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

MEMBER D. DOERFLER DECLARED A CONFLICT OF INTEREST ON APPLICATIONS A-2020-0098 TO A-2020-0105 AND DID NOT PARTICIPATE IN DISCUSSION ON THE APPLICATIONS

APPLICATIONS A-2020-0098 TO A-2020-0105 WERE RELATED AND HEARD CONCURRENTLY

(19)

A-2020-0098

UMBRIA DEVELOPERS INC.

LOT 25, PLAN 43M-2086
40-42 HASHMI PLACE
WARD 4

The applicant is proposing construction of semi-detached dwellings and is requesting the following variances:

1. To permit a rear yard depth of 6.0m (19.68 ft.) whereas the by-law requires a minimum rear yard depth of 7.5m (24.60 ft.);
2. To permit a lot depth of 20.3m (66.60 ft.) whereas the by-law requires a minimum lot depth of 25m (82.02 ft.);
3. To permit a lot area of 20 times the minimum lot width whereas the by-law requires a lot area equal to 25 times the minimum lot width;
4. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

(20)

A-2020-0099

UMBRIA DEVELOPERS INC.

LOT 26, PLAN 43M-2086
44-46 HASHMI PLACE
WARD 4

The applicant is proposing construction of semi-detached dwellings and is requesting the following variances:

1. To permit a rear yard depth of 6.0m (19.68 ft.) whereas the by-law requires a minimum rear yard depth of 7.5m (24.60 ft.);
2. To permit a lot depth of 20.2m (66.27 ft.) whereas the by-law requires a minimum lot depth of 25m (82.02 ft.);
3. To permit a lot area of 20 times the minimum lot width whereas the by-law requires a lot area equal to 25 times the minimum lot width;

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4. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

(21)

A-2020-0100

UMBRIA DEVELOPERS INC.

LOT 27, PLAN 43M-2086
48-50 HASHMI PLACE
WARD 4

The applicant is proposing construction of semi-detached dwellings and is requesting the following variances:

1. To permit a rear yard depth of 6.0m (19.68 ft.) whereas the by-law requires a minimum rear yard depth of 7.5m (24.60 ft.);
2. To permit a lot depth of 20.2m (66.27 ft.) whereas the by-law requires a minimum lot depth of 25m (82.02 ft.);
3. To permit a lot area of 20 times the minimum lot width whereas the by-law requires a lot area equal to 25 times the minimum lot width;
4. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

(22)

A-2020-0101

UMBRIA DEVELOPERS INC.

LOT 28, PLAN 43M-2086
52-54 HASHMI PLACE
WARD 4

The applicant is proposing construction of semi-detached dwellings and is requesting the following variances:

1. To permit a rear yard depth of 6.0m (19.68 ft.) whereas the by-law requires a minimum rear yard depth of 7.5m (24.60 ft.);
2. To permit a lot depth of 20.2m (66.27 ft.) whereas the by-law requires a minimum lot depth of 25m (82.02 ft.);
3. To permit a lot area of 20 times the minimum lot width whereas the by-law requires a lot area equal to 25 times the minimum lot width;
4. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

(23)

A-2020-0102

UMBRIA DEVELOPERS INC.

LOT 29, PLAN 43M-2086
19-21 ALLEGRO DRIVE
WARD 4

The applicant is proposing construction of semi-detached dwellings and is requesting the following variances:

1. To permit a rear yard depth of 6.0m (19.68 ft.) whereas the by-law requires a minimum rear yard depth of 7.5m (24.60 ft.);
2. To permit a lot depth of 20.3m (66.60 ft.) whereas the by-law requires a minimum lot depth of 25m (82.02 ft.);
3. To permit a lot area of 20 times the minimum lot width whereas the by-law requires a lot area equal to 25 times the minimum lot width;
4. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

(24)

A-2020-0103

UMBRIA DEVELOPERS INC.

LOT 30, PLAN 43M-2086
23-25 ALLEGRO DRIVE
WARD 4

The applicant is proposing construction of semi-detached dwellings and is requesting the following variances:

1. To permit a rear yard depth of 6.0m (19.68 ft.) whereas the by-law requires a minimum rear yard depth of 7.5m (24.60 ft.);
2. To permit a lot depth of 20.2m (66.27 ft.) whereas the by-law requires a minimum lot depth of 25m (82.02 ft.);
3. To permit a lot area of 20 times the minimum lot width whereas the by-law requires a lot area equal to 25 times the minimum lot width;
4. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

(25)

A-2020-0104

UMBRIA DEVELOPERS INC.

LOT 31, PLAN 43M-2086
27-29 ALLEGRO DRIVE
WARD 4

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The applicant is proposing construction of semi-detached dwellings and is requesting the following variances:

1. To permit a rear yard depth of 6.0m (19.68 ft.) whereas the by-law requires a minimum rear yard depth of 7.5m (24.60 ft.);
2. To permit a lot depth of 20.2m (66.27 ft.) whereas the by-law requires a minimum lot depth of 25m (82.02 ft.);
3. To permit a lot area of 20 times the minimum lot width whereas the by-law requires a lot area equal to 25 times the minimum lot width;
4. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

(26)

A-2020-0105

UMBRIA DEVELOPERS INC.

LOT 32, PLAN 43M-2086
31-33 ALLEGRO DRIVE
WARD 4

The applicant is proposing construction of semi-detached dwellings and is requesting the following variances:

1. To permit a rear yard depth of 6.0m (19.68 ft.) whereas the by-law requires a minimum rear yard depth of 7.5m (24.60 ft.);
2. To permit a lot depth of 18.8m (61.68 ft.) whereas the by-law requires a minimum lot depth of 25m (82.02 ft.);
3. To permit a lot area of 18 times the minimum lot width whereas the by-law requires a lot area equal to 25 times the minimum lot width;
4. To permit a building height of 11.5m (37.73 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

Mr. Jason Afonso, Glen Schnarr & Associates Inc., authorized agent for the applicant, addressed Committee on applications A-2020-0098 to A-2020-0105. He noted that with respect to application A-2020-0100 the application requests a building height of **11.55** metres noting that the public notice reflects **11.5** metres. In addition he noted that application A-2020-0102 requests a rear yard depth of **5.9** metres while the public notice reflects **6.0** metres.

Committee acknowledged receipt of e-mail correspondence of the same content dated October 15, 2020 and October 16, 2020 in opposition to applications A-2020-0098 to A-2020-0105 from the following residents:

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Umesh Patel, 14 Ashfield Place; Vijay Kumar, 10 Allegro Place; Sunita and Ramachandraish Rudra, 44 Allegro Place; Ashok Pataudi, 20 Allegro Drive; Dharmesh Patel, Manjit Grewal, 18 Allegro Drive; Anbalagan Perumal, 138 Allegro Drive; Chiragkumar Lapsiwala and 2 Byville Court.

Committee was informed that City of Brampton planning staff was in support of these applications with conditions.

In response to the issues raised by Mr. Afonso, the Secretary-Treasurer expressed that the changes were so minimal that in her opinion re-circulation of public notices would not be required and that any revised wording would be reflected in the Notice of Decisions. Committee was in agreement.

Mr. Afonso 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: R. Power

Seconded by: D. Colp

THAT application A-2020-0098 to permit a rear yard depth of 6.0m (19.68 ft.); to permit a lot depth of 20.3m (66.60 ft.); to permit a lot area of 20 times the minimum lot width and to permit a building height of 11.5m (37.73 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 Public Notice;
2. That a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; 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

Moved by: R. Power

Seconded by: D. Colp

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THAT application A-2020-0099 to permit a rear yard depth of 6.0m (19.68 ft.); to permit a lot depth of 20.2m (66.27 ft.); to permit a lot area of 20 times the minimum lot width; and to permit a building height of 11.5m (37.73 ft.) be approved for the following reasons and subject to the following conditions:

That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;

1. That a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; 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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0100 to permit a rear yard depth of 6.0m (19.68 ft.); to permit a lot depth of 20.2m (66.27 ft.); to permit a lot area of 20 times the minimum lot width and to permit a building height of 11.55m (37.89 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 Public Notice;
2. That a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; 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

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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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0101 to permit a rear yard depth of 6.0m (19.68 ft.); to permit a lot depth of 20.2m (66.27 ft.); to permit a lot area of 20 times the minimum lot width; and to permit a building height of 11.5m (37.73 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 Public Notice;
2. That a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; 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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0102 to permit a rear yard depth of 5.9m (19.36 ft.); to permit a lot depth of 20.3m (66.60 ft.); to permit a lot area of 20 times the minimum lot width; and to permit a building height of 11.5m (37.73 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 Public Notice;
2. That a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; and
3. 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: R. Power

Seconded by: D. Colp

THAT application A-2020-0103 to permit a rear yard depth of 6.0m (19.68 ft.); to permit a lot depth of 20.2m (66.27 ft.); to permit a lot area of 20 times the minimum lot width; and to permit a building height of 11.5m (37.73 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 Public Notice;
2. That a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; 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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0104 to permit a rear yard depth of 6.0m (19.68 ft.); to permit a lot depth of 20.2m (66.27 ft.); to permit a lot area of 20 times the minimum lot width; to permit a building height of 11.5m (37.73 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 Public Notice;

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2. That a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; 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

Moved by: R. Power

Seconded by: D. Colp

THAT application A-2020-0105 to permit a rear yard depth of 6.0m (19.68 ft.); to permit a lot depth of 18.8m (61.68 ft.); to permit a lot area of 18 times the minimum lot width; and to permit a building height of 11.5m (37.73 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 Public Notice;
2. That a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; 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

DEFERRED MINOR VARIANCE APPLICATION

(27)

A19-099

2258403 ONTARIO LIMITED

LOT 7, PLAN 43M-863
62 PROGRESS COURT
WARD 8

The applicant is requesting the following variances:

1. To permit a rear yard setback of 2.95m (9.68 ft.) whereas the by-law requires a minimum rear yard setback of 8.0m (26.25 ft.);
2. To permit a parking aisle width of 6.01m (19.72 ft.) whereas the by-law requires a minimum parking aisle width of 6.6m (21.65 ft.);
3. To provide 44 parking spaces on site whereas the by-law requires a minimum of 89 parking spaces;
4. To provide 25.3% landscaped open-space area in the front yard, 28.0% landscaped open space area in the north interior side yard and 2.3% landscaped open space area in the south interior side yard whereas the by-law requires a minimum 50% landscaped open space area in the front and interior side yards.

Mr. Maurizio Rogato, Blackthorn Development Corp, authorized agent for the applicant, presented application A19-099 advising that the Committee has granted historical deferrals and that since the last deferral of July 28, 2020 they have made best use of time resulting in a potential solution to the application.

Mr. Rogato explained that he supports staff's report and conditions which will enable a site plan process which will address details involving landscaping, code compliance and bringing into rectification the non-compliant issues associated with the structure.

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

Mr. Rogato 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-19-099 to permit a rear yard setback of 2.95m (9.68 ft.); to permit a parking aisle width of 6.01m (19.72 ft.); to provide 44 parking spaces on site; and to provide 25.3% landscaped open-space area in the front yard, 28.0% landscaped open space area in the north
2020 10 20

Committee of Adjustment Minutes

interior side yard and 2.3% landscaped open space area in the south interior 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 Public Notice;
2. That drainage on adjacent properties shall not be adversely affected;
3. That the owner finalize site plan approval under City File SP17-007.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services within 150 days of the date of the Committee's decision or as extended at the discretion of the Director of Development Services;
4. That the owner shall obtain a building permit within 150 days of the date of the Committee's decision or as extended at the discretion of the Director of Development Services; and,
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

ADJOURNMENT:

Moved by: D. Doerfler

Seconded by: D. Colp

That the Committee of Adjustment hearing be adjourned at 1:22 p.m. to meet again on Tuesday, November 10, 2020.

COMMITTEE CHAIR

SECRETARY-TREASURER