

Date: January 24, 2023
Time: 9:00 a.m.
Location: Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

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

Staff: François Hémon-Morneau, Development Planner
Mohamed Jalabi, Assistant Development Planner
Simran Sandhu, Assistant Development Planner
Megan Fernandes, Planning Technician
Rabia Ahmed, Development Planner
Alex Sepe, Principal Planner/Supervisor, Development Services
Ross Campbell, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:02 a.m. and adjourned at 11:53 a.m.

2. **ADOPTION OF MINUTES:**

Moved by: D. Doerfler

Seconded by: D, Colp

THAT the minutes of the Committee of Adjustment hearing held January 3, 2023 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated January 24, 2023

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

None

5. **WITHDRAWALS/DEFERRALS**

Committee of Adjustment Minutes

B-2022-0014, A-2022-0320 and A-2022-0321 (Agenda Items 7.1, 9.3 and 9.4)

MEHNA AUTO SALES INC.

93 JOHN STREET

PART OF LOT 43, PLAN BR-2, PART 4, PLAN 43R-13441, WARD 3

Committee acknowledged receipt of a letter dated January 23, 2023 from Anthony Siriani, Gagnon Walker Domes Ltd., authorized agent for the applicant, requesting a deferral of Applications B-2022-0014, A-2022-0320 and A-2022-0321 to a hearing no later than the last hearing of March, 2023.

Mr. Siriani was in attendance to acknowledge the request to defer the applications advising that following a previous deferral in October, 2022 his office has worked collaboratively with staff. Mr. Sirianni explained that as requested by staff a heritage consultant was retained to prepare a scoped Heritage Impact Assessment for the site, which is nearing completion. He advised that due to recent changes to the Ontario Heritage Act and regulations additional time was required to complete the report which is anticipated to be provided by the end of the week or sooner. Mr. Sirianni expressed that a deferral of the applications will provide staff sufficient time to review the report and provide comments.

Ms. Purva Singh, 89 John Street, addressed Committee stating that she does not have disclosure to the documents and wanted to know in detail what is proposed for the property. She added that as the immediate neighbour she faces problems with the tenants on the property and has concerns with the construction of the dwellings in terms of parking and rental of the units.

Mr. Sirinani explained that one 2 storey building is proposed resulting in a semi-detached unit on each parcel.

The Chair explained for the benefit of Ms. Singh that all the information concerning the applications can be found included in the agenda on the City's website.

Mr. Sirianni advised that the Heritage Impact Assessment will be provided to city staff as soon as it becomes available.

Staff explained that a recommendation to defer the application no later than the last hearing of March, 2023 will provide sufficient time for the applicant to provide a Heritage Impact Assessment for staff's review.

Following discussion, Committee reached the following decision:

Committee of Adjustment Minutes

Moved by: D. Doerfler

Seconded by: D. Colp

THAT applications B-2022-0014, A-2022-0320 and A-2022-0321 be deferred no later than the last hearing of March, 2023.

CARRIED

A-2022-0327 (Agenda Item 9.6)

PUSHKAR CHAVAN AND VAISHAKHI CHAVAN

43 ELYSIAN FIELDS CIRCLE

LOT 36, PLAN 43M-2015, WARD 6

Committee acknowledged receipt of a letter dated January 23, 2023 from Harjinder Singh, MEM Engineering, authorized agent for the applicant, requesting a deferral of Application A-2022-0327 for the property addressed as 43 Elysian Fields Circle.

Mr. Raman Kumar, MEM Engineering Inc., was in attendance to acknowledge the request for a deferral. He explained that Building Code compliance is required and he would like the opportunity to work with staff towards a solution that staff would consider.

Staff indicated support for a deferral to provide sufficient time for the applicant to provide an alternate solution.

Moved by: D. Colp

Seconded by: D. Doerfler

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

CARRIED

A-222-0400 (Agenda Item 8.12)

CHIRAG NANALAL SHAH AND KESHA RAMESHBHAI SHAH

23 GORE VALLEY TRAIL

LOT 37, PLAN 43M-1545, WARD 8

The Chair announced that staff recommends deferral of application A-2022-0400 for the property addressed as 23 Gore Valley Trail.

Committee of Adjustment Minutes

Mr. Malak Shah, Blue Prints Permits, authorized agent for the applicant addressed Committee requesting a deferral of the application to the last hearing of March, 2023. He advised that he has been working with staff to complete a site plan.

Staff advised that a deferral is recommended to allow sufficient time for the applicant to provide a revised sketch for staff's review. Staff expressed concerns with the exiting driveway width accommodating an excessive number of vehicles and the loss of permeable landscaping. Staff advised that Open Space staff do not support the proposal and requested that the applicant reduce the driveway width and increase the permeable landscape area.

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0400 be deferred no later than the last hearing of March, 2023.01.27

CARRIED

A-2022-0341 (Agenda Item 9.9)

NANDINI SHUKLA AND PARV JOHARI

9 CALLALILY ROAD

PART OF LOT 528, PLAN 43M-1748, PART 5, PLAN 43R-32379, WARD 2

The Chair announced that staff recommends deferral of application A-2022-0341 for the property addressed as 9 Callalily Road.

Mr. Aakosh Joshi, Out of the Box Engineering, authorized agent for the applicant, was in attendance to acknowledge the request for a deferral stating that he has no concerns with the recommendation of staff.

Staff explained that a deferral is recommended noting that the applicant is reconsidering a configuration of the below grade entrance to an above grade entrance.

Following discussion Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: D. Colp

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

CARRIED

Committee of Adjustment Minutes

A-2022-0401 (Agenda Item 8.13)

SUKHPAL SINGH AND GURJANT SINGH

73 BLACKTHORN LANE

LOT 160, PLAN M-175, WARD 1

Committee observed during site inspection to the property that the required signage associated with Application A-2022-0401 for the property had not been installed at the property in accordance with the legislative requirements.

The Secretary-Treasurer explained that the signage had not been picked up the authorized agent representing the applicant advising that the property owner had travelled to India and any attempt to reach that party was unsuccessful. The Secretary-Treasurer advised that communication on matters pertaining to Committee of Adjustment is usually through the authorized agent who was retained by the applicant to represent them.

Mr. Malav Shah, Blue Prints Permits, authorized agent for the applicant, addressed Committee advising that coincidentally he too was travelling to India and was not able to pick up the signage. It was his request that the Committee proceed with the application.

Committee inquired if there are any orders on the property. Staff advised that there are 2 orders, one for finishing a basement without a building permit and another for construction of a side door without the benefit of a permit. Committee inquired if there is any provision to charge additional fees if the application is deferred. The Secretary-Treasurer explained that in accordance with the Tarriff of fees by-law there is an applicable administrative fee as well as a cost for re-circulation of public notices.

Committee explained that the applicant has not achieved compliance with the Planning Act which requires posting signage at the property and that the property owner is responsible for the cost of re-circulation of the public notices. Committee commented that the authorized agent representing the property owner should be responsible.

The Secretary-Treasurer advised that contact will be made with the authorized agent as well as the applicant regarding fees required to be paid in advance of re-circulation of public notices.

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2023-0401 be deferred no later than the last hearing of March, 2023.

CARRIED

Committee of Adjustment Minutes

A-2022-0158 (Agenda Item 9.2)

2466482 ONTARIO INC.

26 BRAMSTEELE ROAD

PART OF LOT 1, CONCESSION 2 E.H.S., WARD 3

Mr. Patrick Pearson, Glen Schnarr & Associates Inc., authorized agent for the applicant, appeared before Committee requesting a deferral of Application A-2022-0158. He explained that the application was submitted to extend previously approved variances noting that in October he sought a deferral as he was advised that the parking study previously submitted was outdated. He added that an updated parking study was provided and remarked that staff are supporting the application in part. Mr. Pearson advised that he was requesting additional time to meet with staff to discuss, requesting that the application be deferred no later than April, 2023.

Committee noted that there are a lot of uses on the property and recalled the application being before the Committee in the past.

Staff provided a background on the application including a request for a parking study. Staff pointed out that staff are not in support of the variance to permit a motor vehicle establishment on the property noting that the use accounts for approximately 38% of the total building floor area. Staff added that this use combined with the convenience restaurant use are considered to be non-employment uses and accounts for approximately 63% of the overall building floor area. Staff expressed that this represents a significant land use change from industrial uses to a primarily non-industrial use which changes the planned employment function of the land to commercial. Staff advised that the proposal is not in keeping with the general employment designation and doesn't align with the Zoning By-law.

Staff advised that the recommendation as listed in the staff recommendation report stands however if Committee grants a deferral staff will continue to work with the applicant.

Committee noted that previous approval was given for a temporary period of two years and requested that staff provide the previous decisions to assist Committee in understanding the history of the property.

Committee inquired if there are any outstanding orders on the property. Staff responded that there is one order to comply for Unit 2 for a spray booth constructed without a permit which is the unit identified to be the auto repair facility.

Committee expressed that the parking study is not appropriate for the site and inquired how traffic issues would be addressed to meet the April deadline requested.

Mr. Pearson advised that the variance requests a reduction of 33 parking spaces which he commented is a technical error. He explained that there are 33 parking spaces plus 6 tandem spaces noting that the parking report justified the 33 parking spaces and the 6 tandem spaces. He commented that the application was incorrect in that the request in the application should have included 33 parking spaces plus 6 tandem spaces. He spoke of the outdoor patio which was utilized during the pandemic noting that he was advised that the program just expired in January, 2023.

Committee of Adjustment Minutes

Committee referred to the parking justification which was conducted pointing out an error in the report in that it identifies the municipality of the City of Richmond Hill. Committee noted that the report states that the study was undertaken January 12 and January 14. Committee advised that there has been more than enough time since May of last year to address the issues. Committee considered the on-going businesses and inquired of any impact if Committee does not support a deferral. Staff advised that at the end of the duration of any previous approval technically they would be operating without approval. Staff advised that no enforcement action would be undertaken until the decision is made on the file.

Following discussion, Committee reached the following decision:

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0158 be deferred no later than the last hearing of April, 2023.

CARRIED

6. **NEW CONSENT APPLICATIONS**

6.1. **B-2022-0028**

UMBRIA DEVELOPERS INC.

12 HENDERSON AVENUE

PART OF LOT 5, CONCESSION 1 W.H.S., WARD 3

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 3.07 hectares (7.58 acres); together with easements for storm water services, storm water management pond, watermain and fire hydrant in favour of the retained lands and an easement for access in favour of the severed lands. The proposed severed lot has a frontage of approximately 13 metres (42.65 feet), a depth of approximately 90 metres (295.27 feet) and an area of approximately 1.74 hectares (4.30 acres). The effect of the application is to create a new lot for future residential purposes (One 13-Storey Residential Apartment Building).

Mr. Jason Afonso, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application B-2022-0028 briefly outlining the nature of the application. He explained that the subject property was subject to a recent re-zoning application to allow for development of 148 stacked townhouse units as a phase 1 component and a 13 storey residential apartment building as a phase 2 component. Mr. Afonso advised that proposed servicing and access easements are also requested as part of the application.

Committee of Adjustment Minutes

Committee acknowledged receipt of a letter dated January 18, 2023 from Credit Valley Conservation indicating no objection to the application advising that the applicant shall provide payment of the review fee to Credit Valley Conservation.

Committee requested that the condition respecting the fees to Credit Valley Conservation be included.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0028 from a planning land use perspective, with conditions. Staff included the condition pertaining to CVC.

Mr. Afonso expressed that he has an issue with the wording for proposed condition number 4 noting that the City is asking for the services to be constructed prior to issuance of the consent certificate. He proposed that additional wording be included "*or an alternate arrangement*" to the satisfaction of the Director of Environmental and Development Engineering.

Staff advised that the condition was requested by Engineering Staff and was receptive to including the additional wording, as proposed, to provide leniency towards the applicant and the owner to finalize their works.

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

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

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application B-2022-0028 to create a new lot for future residential purposes (One 13-Storey Residential Apartment Building); together with easements for storm water services, storm water management pond, watermain and fire hydrant in favour of the retained lands and an easement for access in favour of the severed lands be approved for the following reasons and subject to the following conditions:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
2. Separate water, sanitary and storm services shall be provided for each lot in accordance with the Ontario Building Code and to the satisfaction of the Chief Building Official. Should services serving one lot cross the other, the appropriate easements shall be registered prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer. A building permit is required for alteration to the existing services;

Committee of Adjustment Minutes

3. Prior to the issuance of the consent certificate the Owner agrees to make arrangements to the satisfaction of the Commissioner of Public Works and Engineering to register a private servicing easement over the severed lands in favour of the retained lands;
4. Prior to the issuance of the consent certificate the proposed changes to the storm sewer system in order to comply with the Ontario Building Code shall be reviewed, approved and constructed, or an alternate arrangement, to the satisfaction of the Director of Environmental and Development Engineering;
5. The Owner shall submit a draft reference plan illustrating the private easements for review and approval by the City prior to depositing;
6. The Owner shall make arrangements to the satisfaction of the City Division and the Commissioner of Public Works and Engineering to convey a private access easement in favour of the severed lands over the retained lands;
7. The cul-de-sac shall be incorporated with the deposited reference plan;
8. That the owner finalize site plan approval under City File SPA-2022-0007 and execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
9. 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;
10. The applicant shall provide payment of the review fee to Credit Valley Conservation as indicated in their letter dated January 18, 2023.

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

6.2. **B-2022-0029**

NATIONAL BRIXEN (STEELES) INC.

260 MALTA AVENUE

PART OF BLOCKS 31 AND 32, PLAN 43

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.477 hectares (1.18 acres). The proposed severed lot (**Parcel B**) ranging in width from approximately 7 metres (23 feet) to 8 metres (26 feet) will be

Committee of Adjustment Minutes

conveyed to the Region of Peel to achieve the ultimate right-of-way width for Steeles Avenue West. The effect of the application is to provide for an increased road widening along Steeles Avenue West, including the required 0.3 metre (1 foot) reserve.

Mr. Steven Closs, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application B-2022-0029. Mr. Closs explained that this application as well as related application B-2022-0030 are subject to active site plans. He explained that the land is being severed from the Steeles Avenue frontage to meet the ultimate right-of-way width for Steeles Avenue West. He expressed that it is a technical consent with no policy implications.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0029 from a planning land use perspective.

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

Mr. Closs indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application B-2022-0029 to provide for an increased road widening along Steeles Avenue West, including the required 0.3 metre (1 foot) reserve be approved for the following reasons and subject to the following conditions:

1. That the owner finalize Site Plan Approval under City File SPA-2021-0143, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
2. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and,
3. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.

REASONS:

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.

Committee of Adjustment Minutes

2. Subject to the imposed conditions, the consent to the conveyance will not adversely affect the existing or proposed development.

CARRIED

6.3. **B-2022-0030**

NATIONAL BRIKEN (STEELES) INC.

245 STEELES AVENUE WEST

PART OF BLOCKS 31 AND 32, PLAN 43M-1644, WARD 4

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.623 hectares (1.54 acres). The proposed severed lot (**Parcel A**) ranging in width from approximately 7 metres (23 feet) to 8 metres (26 feet) will be conveyed to the Region of Peel to achieve the ultimate right-of-way width for Steeles Avenue West. The effect of the application is to provide for an increased road widening along Steeles Avenue West, including the required 0.3 metre (1 foot) reserve.

Mr. Steven Closs, Glen Schnarr & Associates Inc., presented application B-2022-0030 explainign that the application is similar to the previous application presented.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0030 from a planning land use perspective.

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

Mr. indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application B-2022-0030 to provide for an increased road widening along Steeles Avenue West, including the required 0.3 metre (1 foot) reserve be approved for the following reasons and subject to the following conditions:

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

Committee of Adjustment Minutes

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

7. DEFERRED CONSENT APPLICATIONS

APPLICATIONS B-2022-0014, A-2022-0320 AND A-2022-0321 WERE RELATED AND HEARD CONCURRENTLY

7.1. B-2022-0014 (*Deferred as discussed during procedural matters*)

MEHNA AUTO SALES INC.

93 JOHN STREET

PART OF LOT 43, PLAN BR-2, PART 4, PLAN 43R-13441, WARD 3

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.063 hectares (1.55 acres). The proposed severed lot has a frontage of approximately 7.93 metres (26 feet), a depth of approximately 37.27 metres (122.28feet) and an area of approximately 0.029 hectares (0.073 acres). The effect of the application is to create two individual lots from the existing lot for future residential development of a new semi-detached dwelling on each proposed lot.

APPLICATIONS B-2022-0015 AND A-2022-0323 WERE RELATED AND HEARD CONCURRENTLY

7.2. B-2022-0015

PAUL PFUNDT AND ROBERTA ROSEMARIE ELIZABETH PFUNDT

10300 THE GORE ROAD

PART OF LOT 7, CONCESSION 4 WHS, PART 4, PLAN 43R-30530, WARD 10

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 15.77 hectares (38.97 acres). The proposed severed lot has an area of approximately 15.16 hectares (37.46 acres). The effect of the application is to separate the proposed retained lot which remains occupied by a single detached dwelling,

Committee of Adjustment Minutes

a designated heritage building and an accessory structure (shed) from the proposed severed lot which is currently zoned Agricultural and Floodplain.

Mr. Steven Giankoulas, Candevcon Limited, authorized agent for the applicant, presented applications B-2022-0015 and A-2022-0323 briefly outlining the nature of the applications.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2022-0015 and A-2022-0323 from a planning land use perspective.

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

Mr. Giankoulas indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application B-2022-0015 to create a new by separating the proposed retained lot which remains occupied by a single detached dwelling, a designated heritage building and an accessory structure (shed) from the proposed severed lot which is currently zoned Agricultural and Floodplain be approved for the following reasons and subject to the following conditions:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received; and,
3. Satisfactory arrangement shall be made between the owner and the Region regarding land dedication and access configuration.

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: D. Colp

Seconded by: D. Doerfler

Committee of Adjustment Minutes

THAT application A-2022-0323 to permit a minimum lot area of 0.33 hectares and to permit a minimum rear yard setback of 0.5m (1.64 ft.) to an existing accessory structure (shed) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and,
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

7.3. **B-2022-0019**

BOVAIRD WEST HOLDINGS INC.

LAGERFELD DRIVE, NORTHEAST OF BOVAIRD DRIVE WEST AND CREDITVIEW ROAD

BLOCK 2, PLAN 43M-1927, WARD 6

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

Mr. Oz Kemal, MHBC Planning, authorized agent for the applicant, presented application B-2022-0019 briefly outlining the nature of the application. He advised that the application had been previously deferred to include servicing and access easements.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0019 from a planning land use perspective, with conditions.

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

Mr. Kemal 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

Committee of Adjustment Minutes

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 B-2022-0019 to establish two separate lots from the existing lot; together with reciprocal easements for access and servicing to facilitate future development of the newly created (severed) lot to the east for residential/mixed use and the retained lot to the west for retail and commercial uses be approved for the following reasons and subject to the following conditions:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
2. Prior to the issuance of the consent certificate the Owner agrees to make arrangements to the satisfaction of the Commissioner of Public Works and Engineering to register all the required private servicing easement over the severed lands in favour of the retained lands;
3. The owner agrees to provide blanket accesses easement between retained land (Parcel A) and severed land (Parcel B). The blanket access easement will be in perpetuity and to the satisfaction of the City Solicitor and the City's Commissioner, Public Works & Engineering;
4. The owner agrees that accesses to Creditview Road and Lagerfeld Dr. from the retained portion will be restricted to right-in-right-out movements only;
5. The Owner shall provide confirmation to Metrolinx that the warning clause as provided in their correspondence (See Appendix A) has been inserted into all Development Agreements, Offers of Purchase and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor;
6. 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.

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

REASONS:

1. This decision reflects that regard has been had to those matters to be regarded under the Planning Act, in as much as the dimensions and shape of the lot are adequate for the uses proposed.

Committee of Adjustment Minutes

2. Subject to the imposed conditions, the consent to the conveyance will not adversely affect the existing or proposed development.

CARRIED

APPLICATIONS B-2022-0020, A-2022-0039 AND A-2022-0349 WERE RELATED AND HEARD CONCURRENTLY

7.4 **B-2022-0020**

441925 ONTARIO LTD.

2 AUCTION LANE

PART OF LOT 5, CONCESSION 7 ND, WARD 8

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 1.229 hectares (3.04 acres), together with easements for parking, access, sanitary and water servicing and storm servicing. The proposed severed lot has a frontage of approximately 43.7 metres (143.37 feet), a depth of approximately 76.35 metres (250.50 feet) and an area of approximately 0.334 hectares (0.825 acres). The effect of the application is to establish two separate lots from the existing lot to facilitate future development of the newly created (severed) lot with a new 8 storey office building with 2 levels of underground parking. The retained lands will continue to be occupied by a banquet hall.

Mr. Michael Barton, MBI Development Consulting Inc., authorized agent for the applicant, presented applications B-2022-0020, A-2022-0039 and A-2022-0349 briefly outlining the nature of the applications. He advised that he has been working with staff to identify a number of minor variances, including parking.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2022-0020, A-2022-0039 and A-2022-0349 from a planning land use perspective.

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

Mr. Barton indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application B-2022-0020 to establish two separate lots from the existing lot, together with easements for parking, access, sanitary and water servicing and storm servicing to facilitate future development of the newly created (severed) lot with a new 8 storey office

Committee of Adjustment Minutes

building with 2 levels of underground parking be approved for the following reasons and subject to the following conditions:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received;
3. The applicant shall submit a proper document showing shared above and under ground parking and access as required in perpetuity between retained and severed land for review and approval;
4. 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 service easements. Region of Peel shall be circulated on any draft easement documents for review and comment.

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: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0039 to provide 302 parking spaces for both the severed and retained lots; to permit parking provided on the adjacent severed lot to be used in conjunction with uses established on the retained lot; to permit a landscaped open space of 4.3 metres abutting Regional Road 107 (Queen Street); to permit garbage and refuse not screened within an enclosure be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

1. The variance authorized is desirable for the appropriate development or use of the land, building or structure referred to in the application, and

Committee of Adjustment Minutes

2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0349 to permit a lot area of 0.33 hectares; to permit a lot width of 43.7 metres; to permit an interior side yard setback of 1.72 metres on the east side; to permit a rear yard setback of 4.5 metres to the parking ramp; to permit a maximum lot coverage of 36.5%; to provide 302 parking spaces for both the severed and retained lots; to permit parking provided on the adjacent retained lot to be used in conjunction with uses established on the severed lot; to permit a landscaped open space of 3.25 metres abutting Regional Road 107 (Queen Street) whereas the by-law requires a minimum landscaped open space of 6.0 metres abutting Regional Road 107; to permit garbage and refuse not screened within an enclosure; to permit an office to be located beyond 180 metres of Goreway Drive and to permit a 0 metre parking aisle width be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File SPA-2021-0220, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and,
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8. **NEW MINOR VARIANCE APPLICATIONS**

APPLICATIONS A-2022-0389 to A-2022-0393 WERE RELATED AND HEARD CONCURRENTLY

8.1. **A-2022-0389**

MAYFIELD (RCH) PROPERTIES INC.

6 KESSLER DRIVE

LOT 2, PLAN 43M-2102, WARD 9

The applicant is requesting the following variance(s) for a proposed single detached dwelling:

1. To permit a rear yard setback of 7.38m (24.22 ft.) whereas the bylaw requires a minimum rear yard setback of 7.5m (24.60 ft.).

8.2. **A-2022-0390**

MAYFIELD (RCH) PROPERTIES INC.

8 KESSLER DRIVE

LOT 1, PLAN 43M-2102, WARD 9

The applicant is requesting the following variance(s) for a proposed single detached dwelling:

1. To permit a rear yard setback of 7.38m (24.22 ft.) whereas the bylaw requires a minimum rear yard setback of 7.5m (24.60 ft.).

8.3. **A-2022-0391**

MAYFIELD (RCH) PROPERTIES INC.

KESSLER DRIVE

PART OF BLOCK 163, PLAN 43M-2102

PART OF BLOCK 247, PLAN 43M-2103, WARD 9

The applicant is requesting the following variance(s) for a proposed single detached dwelling:

Committee of Adjustment Minutes

1. To permit a rear yard setback of 7.40m (24.28 ft.) whereas the bylaw requires a minimum rear yard setback of 7.5m (24.60 ft.).

8.4. **A-2022-0392**

MAYFIELD (RCH) PROPERTIES INC.

KESSLER DRIVE

PART OF BLOCK 162, PLAN 43M-2102

PART OF BLOCK 248, PLAN 43M-2103, WARD 9

The applicant is requesting the following variance(s) for a proposed single detached dwelling:

1. To permit a rear yard setback of 7.20m (23.62 ft.) whereas the bylaw requires a minimum rear yard setback of 7.5m (24.60 ft.),

8.5. **A-2022-0393**

MAYFIELD (RCH) PROPERTIES INC.

KESSLER DRIVE

PART OF BLOCK 161, PLAN 43M-2102

PART OF BLOCK 249, PLAN 43M-210, WARD 9

The applicant is requesting the following variance(s) for a proposed single detached dwelling:

1. To permit a rear yard setback of 7.41m (24.31ft.) whereas the bylaw requires a minimum rear yard setback of 7.5m (24.60 ft.).

Mr. David Dyce Huie, RN Design Ltd., authorized agent for the applicant, presented applications A-2022-0389 to A-2022-0393 briefly outlining the variances requested.

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

Mr. Huie 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: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0389 to permit a rear yard setback of 7.38m (24.22 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That a clause be provided within the Agreement of Purchase and Sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance; 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: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0390 to a rear yard setback of 7.38m (24.22 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That a clause be provided within the Agreement of Purchase and Sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance; 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

Committee of Adjustment Minutes

2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0391 to a rear yard setback of 7.40m (24.28 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That a clause be provided within the Agreement of Purchase and Sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance; 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: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0392 to a rear yard setback of 7.20m (23.62 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That a clause be provided within the Agreement of Purchase and Sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance; 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

Committee of Adjustment Minutes

2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0393 to a rear yard setback of 7.41m (24.31ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That a clause be provided within the Agreement of Purchase and Sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.6. **A-2022-0394**

CHARANJEET SANDHU AND KULJEET KAUR SANDHU

12 CALLALILY ROAD

PART OF LOT 523, PLAN 43M-1748, PART 49, PLAN 43R-32503, WARD 2

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.15m (0.50 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit a driveway width of 8.21m (26.9 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17 ft.);

Committee of Adjustment Minutes

4. To permit a permeable landscaping strip of 0.15m (0.50 ft.) whereas the by-law requires a minimum 0.6m (1.97 ft.) permeable landscaping strip abutting one property line.

Mr. Aakash Joshi, Out of The Box Engineering, authorized agent for the applicant, presented application A-2022- 0394 briefly outlining the variances requested.

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

Committee expressed that people in general are parking on the road and everywhere posing a question that while this didn't occur at the subject property are there any concerns or mitigation.

Staff responded that staff's assessment applies strictly to the subject property and their review is for the scope of work for the property. Staff advised that they are not aware of any complaints against the property.

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

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0394 to permit a below grade entrance in the required interior side yard; to permit an interior side yard setback of 0.15m (0.50 ft.) to a below grade entrance; to permit a driveway width of 8.21m (26.9 ft.) and to permit a permeable landscaping strip of 0.15m (0.50 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the applicant provides a side yard drainage design that ensures that the drainage from the applicant's side yard follows the approved drainage design for the property, is contained within the subject property, and does not impact the adjacent lands;
4. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval; 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

Committee of Adjustment Minutes

2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

8.7. A-2022-0395

SONAL PATEL

142 BRUSSELS AVENUE

PART OF BLOCK 2, PLAN 43M-1680, PARTS 1 AND 2, PLAN 43R-30448, WARD 2

The applicants are requesting the following variance(s):

1. To permit a below grade entrance to be located between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit an existing fence having a maximum fence height of 2.4m (7.87 ft.) whereas the by-law permits a maximum height of 2.0m (6.56 ft.).

Ms. Kruti Shah, RJ Cad Solutions Inc, authorized agent for the applicant, presented application A-2022-0395 briefly outlining the variances requested.

Mr. Stephen Morrell, 63 Heartview Rod addressed Committee commenting that he has concerns. Mr. Morrell advised that he is the original owner of the property across the street where he has resided for 16 years. He stated that the request does not conform to the by-law, is unsightly and out of character and will visually be an eyesore. He spoke of tenants contributing to additional garbage and recycling which will attract more pests. Mr. Morrell added that it is a single car driveway which is an issue with parking congestion in the area. He expressed concerns with parking in front of the house and was of the opinion that property values will be diminished.

Committee acknowledged receipt of e-mail correspondence dated January 19, 2023 from Pawan Singh, 140 Brussels Avenue, indicating no objection to Application A-2022-0395.

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

Committee inquired if the entrance will be screened. Staff responded that low growing scrubs are proposed to adequately screen the below grade entrance which is proposed in the side yard.

Mr. Morrell remarked that no shrubbery will be able to cover the entrance proposed below the bay window at the site.

Committee inquired if the fence will be extended indicating that if the entrance is exposed Committee is less likely to support.

Committee of Adjustment Minutes

Staff responded that the entrance is not proposed to be covered by a fence but will be screened by shrubbery. Staff indicated that the fence could be extended further.

Mr. Morrell commented that the fence is a noise barrier fence and according to the agreement of purchase and sale nothing should be done to the fence. Staff clarified that the reference to a fence is not to the noise barrier fence referred to by Mr. Morrell.

Committee requested that condition 2 be amended to include addition wording pertaining to extending the existing fence.

Ms. Shah 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. Doerfler

Seconded by: D. Colp

THAT application A-2022-0395 to permit a below grade entrance to be located between the main wall of the dwelling and the flankage lot line and to permit an existing fence having a maximum fence height of 2.4m (7.87 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant implement planting to screen the proposed below grade entrance as shown on the sketch or extend the existing fence in a manner satisfactory to the Director of Development Services;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

Committee of Adjustment Minutes

8.8. **A-2022-0396**

INDARJIT RAMLAGAN AND KALOUTI RAMLAGAN

162 LUELLA CRESCENT

LOT 14, Plan 43M-1583, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance having a setback of 9.7m (31.82 ft.) to the TransCanada Pipeline right-of-way whereas the by-law does not permit any permanent structures and excavations to be located within 10.0m (32.80 ft.) of the TransCanada pipeline right-of-way;
2. To permit a rear yard setback of 0.6m (1.97 ft.) to an existing accessory structure (shed) whereas the by-law does not permit any permanent structures to be located within 10.0m (32.80 ft.) of the TransCanada pipeline right-of-way;
3. To permit an existing driveway width of 7.5m (24.60 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Ms. Kruti Shah, RJ Cad Solutions Inc, presented application A-2022-0366 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated January 18, 2023 from MHBC Planning on behalf of TransCanada Pipelines Limited indicating support for the variances requested.

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

Ms. Shah indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0366 to permit a below grade entrance having a setback of 9.7m (31.82 ft.) to the TransCanada Pipeline right-of-way; to permit a rear yard setback of 0.6m (1.97 ft.) to an existing accessory structure (shed) and to permit n existing driveway width of 7.5m (24.60 ft.) be approved, *in part*, for the following reasons and subject to the following conditions:

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

Committee of Adjustment Minutes

2. That variance 3 for a driveway width of 7.5 m (24.60 ft.) be refused;
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

8.9. **A-2022-0397**

JAGDEV SINGH UPPAL AND KAMALJIT KAUR UPPAL

49 EASTBROOK WAY

LOT 58, PLAN 43M-1442, WARD 10

The applicants are requesting the following variance(s):

1. To permit an existing driveway width of 7.61m (24.97 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit 0.0m of permeable landscaping along the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip between the driveway and the side property line;
3. To permit an interior side yard setback of 0.14m (0.60 ft.) to a proposed below grade entrance whereas the by-law requires a minimum setback of 0.3m (0.98 ft.) provided that a continuous side yard width of no less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling.

Mr. Abdul Rauf Qamar, authorized agent for the applicant, presented application A-2022-0397 briefly outlining the variances requested.

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

Mr. Qamar 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: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0397 to permit an existing driveway width of 7.61m (24.97 ft.); to permit 0.0m of permeable landscaping along the side property line and to permit an interior side yard setback of 0.14m (0.60 ft.) to a proposed below grade entrance be approved, *in part*, for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That Variance 2 to permit 0.0m of permeable landscaping along the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip between the driveway and the side property line be refused. Staff recommend that a 0.3 m permeable landscaping strip along the west side property line be approved.
3. That a revised sketch depicting a 0.3m reinstated permeable landscaping along the west side property line be submitted and approved by the Director of Development Services within 60 days of the decision of approval or extended at the discretion of the Director of Development Services;
4. That the applicant shall obtain a Building permit for the existing deck within 60 days of the decision of approval or extended at the discretion of the Chief Building Official;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

8.10. A-2022-0398

GOBITHA PIRATHEEPAN AND PIRANTHEEPAN KULENDRAN

9 FERNCastle CRESCENT

LOT 152, PLAN 43M-1614, WARD 6

The applicants are requesting the following variance(s):

1. To permit a 0.66m (2.17 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit.

Ms. Kulendran Pirantheepan, applicant and owner of the property, presented application A-2022-0398 briefly outlining the variances requested. She noted that her agent was not present and that she has not been successful in her attempts to contact the agent. She informed Committee that her agent advised her to apply for the minor variance application.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that upon discussion with the Building Department the minor variance does not comply with the Ontario Building Code which requires a minimum means of egress path leading to a public thoroughfare.

Staff expressed that the Official Plan provides that a second unit must be in compliance with the Ontario Building Code nothing that the path of travel fails to comply with the Ontario Building Code and encroaches onto the neighbouring property. Staff further explained that a minimum path of travel is required to provide sufficient space for emergency responders.

Ms. Pirantheepan expressed that when she purchased the property she was of the understanding that the basement unit was a legally approved basement and was not provided with information concerning an order until after she had been provided with the key to the dwelling.

Committee commented that there is not enough space for someone to be legally renting. Committee observed that the door is recessed and appears to be a builder's door noting that the door does not need to be removed. Committee expressed that the concern is with the path of travel as a primary entrance to a second unit.

Staff confirmed that the door is a builder's door and it does meet the required setback to the property line for the door to be there. Staff advised that an adequate path of travel has not been provided.

Mr. Haroon Malik, a designer, 14 Torrance Woods, addressed Committee advising that he had experienced a similar issue with an application advising that he communicated with staff in the Building Department and was able to show an alternate entrance as the primary entrance.

Ms. Pirantheepan inquired if the front entrance was permitted to be used if there is only a family member in the basement. Committee advised that she should speak with staff for clarification.

Committee of Adjustment Minutes

Mr. Greg Cooper, 7 Ferncastle Drive addressed Committee advising of multiple vehicles associated with an Airbnb. He advised that vehicles left on the street are a hindrance to snow ploughing.

Mr. Bobby Sidhu, 13 Ferndale Crescent addressed Committee advising that there have been vehicles blocking his driveway on multiple occasions. He expressed concerns with parked vehicles impeding him from placing his garbage out for collection.

Mr. Mehdii Ali, 11 Ferncastle Crescent addressed Committee advising that the house was rented out after the previous owners left expressing concerns with the presence of raccoons, skunks, garbage and parking. He expressed that he has placed calls with by-law enforcement multiple times adding that he is hoping that approval is not granted.

Ms. Pirantheepan expressed that she understands the feelings of the neighbours and expressed that the issues referred to by the neighbours previously existed. She admitted that it is her responsibility and that she should have visited the property to check on the tenants informing Committee that she has since provided her telephone number to a neighbour to inform her if anything is happening.

Committee requested that staff bring the matter to enforcement. Staff responded that there is enforcement action on the property.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0398 to permit a 0.66m (2.17 ft.) path of travel leading to a principle entrance for a second unit be refused the following reasons:

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

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

CARRIED

8.11. **A-2022-0399**

VINCE D'AGATE AND ALESSANDRA FARGIOINE-D'AGATE

32 HIGHVALLEY CIRCLE

LOT 287, PLAN 43M-1622, WARD 8

The applicants are requesting the following variance(s):

Committee of Adjustment Minutes

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

Ms. Alessandra D'Agate, applicant and owner of the property, presented application A-2022-0399 briefly outlining the variances requested.

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

Ms. D'agate indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0399 to permit an accessory structure having a building height of 3.05m (10 ft.); to permit an accessory structure having a gross floor area of 22.4 sq. m (241.11 sq. ft.) and to permit an accessory structure (cabana) to include habitable space (installation of a 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 Notice of Decision;
2. That the accessory structure (existing cabana) 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 one washroom, sink, and outdoor shower;
3. That the owner shall obtain a building permit for the accessory structure (cabana) within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
4. That the rear lot catch basin shall be free of debris and drainage unobstructed;
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:

Committee of Adjustment Minutes

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

CARRIED

8.12. **A-2022-0400** (*Deferred as discussed during procedural matters*)

CHIRAG NANALAL SHAH AND KESHA RAMESHBHAI SHAH

23 GORE VALLEY TRAIL

LOT 37, PLAN 43M-1545, WARD 8

The applicants are requesting the following variance(s):

1. To permit a driveway width of 10.15m (33.30 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

8.13. **A-2022-0401** (*Deferred as discussed during procedural matters*)

SUKHPAL SINGH AND GURJANT SINGH

73 BLACKTHORN LANE

LOT 160, PLAN M-175, WARD 1

The applicants are requesting the following variance(s):

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

8.14. **A-2022-0402**

KANEFF PROPERTIES LTD.

0 FINANCIAL DRIVE

BLOCK 283, PLAN 43M-1886, WARD 4

The applicant is requesting the following variance(s):

Committee of Adjustment Minutes

1. To permit a minimum building height of 6.02m (19.75 ft.) whereas the by-law permits a maximum building height of 9.5m (31.17 ft.);
2. To permit an interior side yard setback of 3.0m (9.84 ft.) to a hydro transformer whereas the by-law requires a minimum interior side yard setback of 9.0m (29.53 ft.).

Mr. Kevin Freeman, Kaneff Group, authorized agent for the applicant, presented application A-2022-0402 briefly outlining the variances requested. He advised that a site plan application is currently under review with the City to facilitate the construction of an office building.

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

Mr. Freeman 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: D. Doerfler

THAT application A-2022-0402 to permit a minimum building height of 6.02m (19.75 ft.) and to permit an interior side yard setback of 3.0m (9.84 ft.) to a hydro transformer be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

Committee of Adjustment Minutes

8.15. **A-2022-0403**

MOHINDER PHARWAHA, MANDEEP PHARWAHA AND SURINDER PHARWAHA

1 BOWMAN AVENUE

LOT 27, PLAN M-304, WARD 10

The applicant is requesting the following variance(s):

1. To permit a building height of 13.15m (43.14 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

Mr. Shane Edwards, Huis Design Studio Ltd., authorized agent for the applicant, presented application A-2022-0403 briefly outlining the variance requested. He explained that the design of the dwelling is in keeping with the preferences of the owners as well as the character of the neighbourhood.

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

Mr. Edwards 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: D. Doerfler

THAT application A-2022-0403 to permit a building height of 13.15m (43.14 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

8.16. **A-2022-0405**

FORESTSIDE ESTATES INC.

4320 QUEEN STREET EAST

PART OF LOTS 4 AND 5, CONCESSION 9 ND, WARD 8

The applicant is requesting the following variance(s):

1. To permit 298 dwelling units whereas the by-law permits a maximum of 272 dwelling units;
2. To provide a parking rate of 0.98 parking spaces per dwelling unit whereas the by-law requires a minimum of 1.0 parking spaces per dwelling unit.

Mr. Marshall Smith, KLM Planning Partners Inc., authorized agent for the applicant, presented application A-2022-0405 briefly outlining the variances requested. He advised that the variances relate solely to a reduction in parking noting that a parking review was submitted which states that the parking is sufficient for the site.

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

Mr. Marshall 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: D. Doerfler

THAT application A-2022-0405 to permit 298 dwelling units and to permit a parking rate of 0.98 parking spaces per dwelling unit be approved for the following reasons and subject to the following conditions:

1. That the owner finalize site plan approval under City File SPA-2022-0096, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
2. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

Committee of Adjustment Minutes

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

CARRIED

8.17. **A-2022-0406**

MADHUPARNA DEBNATH AND SOTABDO DEBNATH

48 DEEPCORAL COURT

PART OF LOT 357, PLAN 43M-1613, PART 11, PLAN 43R-29370, WARD 1

The applicants are requesting the following variance(s):

1. To permit a driveway width of 5.2m (17.06 ft.) whereas the by-law permits a maximum driveway width of 4.9m (16.07 ft.).

Mr. Jahangir Alam, North Arrow, authorized agent for the applicant, presented application A-2022-0406 briefly outlining the variances requested.

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

Mr. Alam 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: D. Doerfler

THAT application A-2022-0406 to permit a driveway width of 5.2m (17.06 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

Committee of Adjustment Minutes

2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

8.18. **A-2022-0407**

ROHIT PRASAD AND NEHA PRASAD

125 SUNNY MEADOW BOULEVARD

LOT 13, PLAN 43M-1299, WARD 9

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance in the interior side yard having a setback of 0.06m (0.20 ft.) whereas the by law requires a minimum setback of 0.3m (0.98 ft.) to a below grade entrance in a required side yard provided there is a continuous 1.2m (3.94 ft.) side yard on the opposite side of the dwelling.

Mr. Haroon Malik, weDesignBuild Inc, authorized agent for the applicant, presented application A-2022-0407 briefly outlining the variances requested.

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

Mr. Malik 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: D. Doerfler

THAT application-2022-0407 to permit a proposed below grade entrance in the interior side yard having a setback of 0.06m (0.20 ft.) be approved for the following reasons and subject to the following conditions:

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

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

Committee of Adjustment Minutes

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

CARRIED

9. **DEFERRED MINOR VARIANCE APPLICATIONS**

9.1. **A-2022-0039** (*Discussed concurrently with B-2022-0020, Agenda item 7.4*)

2441925 ONTARIO LTD.

2 AUCTION LANE

PART OF LOT 5, CONCESSION 7 ND, WARD 8

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

1. To provide 302 parking spaces for both the severed and retained lots whereas the by-law requires a minimum of 584 parking spaces for both the severed and retained lots;
2. To permit parking provided on the adjacent severed lot to be used in conjunction with uses established on the retained lot whereas the by-law requires that where parking is required it shall be provided or maintained on the same lot as the use for which they are required or provided;
3. To permit a landscaped open space of 4.3 metres abutting Regional Road 107 (Queen Street) whereas the by-law requires a minimum landscaped open space of 6.0 metres abutting Regional Road 107;
4. To permit garbage and refuse not screened within an enclosure whereas the by-law requires garbage and refuse to be screened within an enclosure.

9.2. **A-2022-0158** (*Deferred as discussed during procedural matters*)

2466482 ONTARIO INC.

26 BRAMSTEELE ROAD

PART OF LOT 1, CONCESSION 2 E.H.S., WARD 3

Committee of Adjustment Minutes

9.3. **A-2022-0320 (Deferred as discussed during procedural matters)**

MEHNA AUTO SALES INC.

93 JOHN STREET

PART OF LOT 43, PLAN BR-2, PART 4, PLAN 43R-13441, WARD 3

The applicant is requesting the following variance(s) for construction of a new semi-detached dwelling in conjunction with the proposed severed lot under Consent Application B-2022-0014:

1. To permit a semi-detached dwelling whereas the by-law does not permit a semi-detached dwelling within an R1B zone;
2. To permit a minimum lot area of 290 square metres whereas the by-law requires a minimum lot area of 450 square metres;
3. To permit a minimum lot width of 7.90 metres whereas the by-law requires a minimum lot width of 15 metres.

9.4. **A-2022-0321 (Deferred as discussed during procedural matters)**

MEHNA AUTO SALES INC.

93 JOHN STREET

PART OF LOT 43, PLAN BR-2, PART 4, PLAN 43R-13441, WARD 3

The applicant is requesting the following variance(s) for construction of a new semi-detached dwelling in conjunction with the proposed retained lot under Consent Application B-2022-0014:

1. To permit a semi-detached dwelling whereas the by-law does not permit a semi-detached dwelling within an R1B zone;
2. To permit a minimum lot area of 290 square metres whereas the by-law requires a minimum lot area of 450 square metres;
3. To permit a minimum lot width of 7.90 metres whereas the by-law requires a minimum lot width of 15 metres.

Committee of Adjustment Minutes

9.5. **A-2022-0323 (Discussed currently with Application B-2022-0015, Agenda item 7.2)**

PAUL PFUNDT AND ROBERTA ROSEMARIE ELIZABETH PFUNDT

10300 THE GORE ROAD

PART OF LOT 7, CONCESSION 4 WHS, PART 4, PLAN 43R-30530, WARD 10

The applicant is requesting the following variance(s) in conjunction with the proposed retained lot under Consent Application B-2022-0015:

1. To permit a minimum lot area of 0.33 hectares whereas the by-law requires a minimum lot area of 4.0 hectares;
2. To permit a minimum rear yard setback of 0.5m (1.64 ft.) to an existing accessory structure (shed) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest property lines for an accessory structure.

9.6. **A-2022-0327 (Deferred as discussed during procedural matters)**

PUSHKAR CHAVAN AND VAISHAKHI CHAVAN

43 ELYSIAN FIELDS CIRCLE

LOT 36, PLAN 43M-2015, WARD 6

The applicants are requesting the following variance(s):

1. To permit an above grade door in the side wall where a minimum side yard width of 0.66m (2.17 ft.) is provided extending from the front wall of the dwelling up to the door, whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a 0.66m (2.17 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit;
3. To permit a 0.4m (1.31 ft.) setback to an existing accessory structure (gazebo) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines for an accessory structure;
4. To provide 0.0m of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line;

Committee of Adjustment Minutes

5. To permit a driveway width of 8.56m (28.08 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

9.7. **A-2022-0334**

MICHAEL BRO AND DIANA KHAMIS

23 MISSION RIDGE TRAIL

LOT 329, PLAN 43M-1799, WARD 10

The applicants are requesting the following variance(s):

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

Mr. Micheal Bro, applicant and owner of the property, presented application A-2022-0334 briefly outlining the variances requested. He advised that he previously built a pool for his children commenting that he just wanted to beautify the property.

Committee acknowledged receipt of a letter dated January 18, 2023 from Nadia Chowdhury, 21 Mission Ridge Trail indicating support for Application A-2022-0334.

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

Mr. Bro 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: D. Doerfler

Committee of Adjustment Minutes

THAT application A-2022-0334 to permit an existing accessory structure (gazebo) having a gross floor area of 17.83 sq. m (191.92 sq. ft.); to permit an existing fence (including privacy screen) having a height of 2.79m (9.15 ft.); to permit a driveway width of 8.33m (27.33 ft.) and to provide 0.0m of permeable landscaping abutting the side property line on both sides be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision and in accordance with the revised site plan drawing (Appendix 3);
2. That the height of the existing fence along the perimeter of the rear and side yard amenity area shall not exceed 2.79m (9.15 ft.);
3. That the Owner obtain a building permit for the gazebo within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
4. That 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

9.8. **A-2022-0339**

MALKIT SINGH AND NACHHATTAR SINGH

399 RAY LAWSON BOULEVARD

LOT 1, PLAN M-775, WARD 4

The applicants are requesting the following variance(s):

1. To permit an existing driveway width of 18.18m (59.65 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.).

Mr. Malkit Singh, applicant and owner of the property was in attendance and was assisted by his nephew.

Committee of Adjustment Minutes

Mr. Hira Deol, nephew of the applicant presented application A-2022-0339 briefly outlining the variances requested. He advised that the applicant has been diligently working with staff to provide an accurate drawing.

Mr. Deol explained that staff are requesting a metal post be installed on the driveway noting that staff are of the opinion that there is a parking space in the patio area. He explained that the owner needs the space to execute a three point turn to ensure safe exit from the driveway. He noted that staff request the metal post but the owners would prefer to leave the driveway as is.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that they have worked with the applicant and supports the latest sketch which depicts a post on it noting that the driveway is continuous.

Staff added that the driveway does provide enough space to achieve reversing out of the driveway. Staff advised that Traffic Services Staff had safety concerns and that the post does help to reduce the number of vehicles leaving the driveway.

Committee expressed that the location of the property is unique being the last house next to the plaza on a busy street.

Mr. Singh addressed Committee advising that they have owned the property since 1991 and that they require a little room to do a three point turn.

Mr. Deol added that the configuration of the driveway limits the number of vehicles.

Committee posed a question inquiring if a three point turn could be achieved with the post in place. Mr. Singh responded that it would be very difficult. Mr. Deol also expressed that it would be very difficult to execute a three point turn. Staff advised that the post is meant to provide a separation between the driveway and the patio area.

Committee expressed that the installation of the post will hinder the applicant and recommended a condition that there be no parking in the patio area.

Mr. Singh and Mr. Deol 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. Doerfler

Seconded by: R. Chatha

THAT application A-2022-0339 to permit an existing driveway width of 18.18m (59.65 ft.) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That there be no parking of vehicles in the patio area;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Committee of Adjustment Minutes

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

NOTE: MEMBER D. COLP DISSENTED (A-2022-0339)

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

NANDINI SHUKLA AND PARV JOHARI

9 CALLALILY ROAD

PART OF LOT 528, PLAN 43M-1748, PART 5, PLAN 43R-32379, WARD 2

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in a required side yard;
2. To permit an interior side yard setback of 0.09m (0.30 ft.) to a below grade entrance whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.).

9.10. **A-2022-0349 (Considered concurrently with Application B-2022-0020-Agenda Item 7.4)**

2441925 ONTARIO LTD.

2 AUCTION LANE

PART OF LOT 5, CONCESSION 7 ND, WARD 8

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

1. To permit a lot area of 0.33 hectares whereas the by-law requires a minimum lot area of 0.6 hectares;
2. To permit a lot width of 43.7 metres whereas the by-law requires a minimum lot width 50.0 metres;

Committee of Adjustment Minutes

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

10. **ADJOURNMENT**

Moved by: D. Colp

Seconded by: D. Doerfler

That the Committee of Adjustment hearing be adjourned at 11:53 a.m. to meet again on Tuesday, February 14, 2023.

CARRIED