

Date: February 14, 2023
Time: 9:00 a.m.
Location: Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

Members: Ron Chatha (Chair)
Desiree Doerfler (Vice-Chair)
David Colp

Members Absent: Ana Cristina Marques (with regrets)

Staff: François Hémon-Morneau, Development Planner
Samantha Dela Pena, Assistant Development Planner
Megan Fernandes, Planning Technician
Chinoye Sunny, 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 11:12 a.m.

2. **ADOPTION OF MINUTES:**

Moved by: D. Colp

Seconded by: D. Doerfler

THAT the minutes of the Committee of Adjustment hearing held January 24, 2023 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letters dated February 6 and February 9, 2023.

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

None

5. **WITHDRAWALS/DEFERRALS**

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BRANTHAVEN CREDITVIEW INC.

8940 CREDITVIEW ROAD

PART OF LOT 5, CONCESSION 4 W.H.S.,

PART 1, PLAN 43R-14727, WARD 4

Committee acknowledged receipt of a letter dated February 1, 2023 from Colin Chung, Glen Schnarr & Associates Inc. requesting a deferral of Application A-2022-0022 for the property addressed as 8940 Creditview Road. (***Agenda item 9.1***)

Mr. Sebastian Alzamora, Glen Schnarr & Associates Inc., authorized agent for the applicant, was in attendance to acknowledge the request for a deferral advising that he supports staff in the recommendation to defer the application. He advised that the deferral will provide the opportunity for staff to review the development application and have greater discussions with the public.

Staff advised that a deferral of the application to a date no later than the last hearing of June 2023 will provide additional time for greater discussions with the public prior to the approval and construction of a temporary sales pavilion on the property.

Committee acknowledged receipt of e-mail correspondence dated February 10, 2023 from Paramjit Chahal, 8930 Creditview Road detailing concerns with the application.

Committee was in receipt of e-mail correspondence dated February 6, 2023 from Mahesh Lad, resident, detailing his concerns with Application A-2022-0022.

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2022-0022 be deferred no later than the last hearing of June, 2023

CARRIED

A-2023-0007 (Agenda Item 8.9)

MANJOT GILL AND AMITJOJ GILL

1 WHEATBERRY CRESCENT

LOT 255, PLAN M-2060, WARD 9

Committee acknowledged receipt of a letter dated February 13, 2023 from Tanvir Rai, Noble Prime Solutions Ltd., authorized agent for the applicant advising that Application A-2023-0007 for the property addressed as 1 Wheatberry Crescent is withdrawn.

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A-2023-0008 (Agenda Item 8.10)

UМАIR ZAHID

50 CALEDON CRECENT

LOT 217, PLAN 695, WARD 3

The Chair announced that staff are recommending a deferral of Application A-2023-0008 noting that staff has provided a supplementary report.

Mr. Rick Jablonski, Midtown Technical Services, authorized agent for the applicant, addressed Committee advising that on February 10, 2023 he was provided with a supplementary report from staff recommending a deferral of the application due to unfavourable responses from some of the neighbours. Mr. Jablonski advised that after consulting with the property owner he agrees to defer the application to the hearing date of April 18, 2023.

Staff advised Committee that upon review of the plans submitted by the applicant there were concerns regarding the proposed variances facilitating unregistered secondary units. Staff added that complaints from neighbours regarding property standard issues were received.

Staff are recommending a deferral of the application to a date no later than the last hearing of April, 2023 to allow sufficient time for the applicant to provide further information and for staff to review and provide additional feedback as necessary. Staff have discussed the matter with the applicant and will be working closely with the applicant to resolve any concerns prior to presenting a recommendation to the Committee of Adjustment.

Committee acknowledged receipt of the following correspondence:

E-mail correspondence dated February 8, 2023 from Donna Mazzaferro, 15 Caledon Crescent indicating opposition to Application A-2023-0008.

E-mail correspondence dated February 10, 2023 from Samantha Smith, 26 Caledon Crescent indicating opposition to Application A-2023-0008.

E-mail correspondence dated February 8, 2023 from Mike Cox, 31 Caledon Crescent detailing concerns with Application A-2023-0008.

E-mail correspondence dated February 9, 2023 from Ruth McGroarty and Handler Nieves, 236 Bartley Bull Parkway, indicating opposition to Application A-2023-0008.

Letter received on February 9, 2023 from Chris and Jim Boydell, 52 Caledon Crescent detailing their concerns with Application A-2023-0008.

E-mail correspondence dated February 9, 2023 from Michael and Margriet Eygenraam, 38 Caledon Crescent, detailing their concerns with Application A-2023-0008.

E-mail correspondence dated February 10, 2023 from L. V., a resident of Caledon Crescent detailing concerns with Application A-2023-0008.

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E-mail dated February 13, 2023 from residents of Peel Village detailing concerns with Application A-2023-0008.

Committee inquired about a balcony in the side yard. Staff advised that there are no concerns with the balcony in terms of massing issues or shadowing issues as the adjacent properties protrude into the rear yards. Staff noted that due to the design and layout of the adjacent buildings the balcony does not present massing, shadowing or privacy issues.

Mr. Jablonski confirmed that the balcony is on the driveway side of the property with the balcony also acting as a cover over the stairs that lead to the basement.

Committee inquired what would the discussion be in terms of the variances requested if a deferral is considered by the Committee.

Staff responded that the impact of the proposed changes would be assessed including the number of rooms, the impact and the use of the property on the neighbours and the concerns that have been brought forward. Staff advised that they would research if there are any unregistered second units or if any are proposed as well as the number of people living in the dwelling to achieve a better understanding of how the site will operate moving forward and if staff can support the proposal.

Committee inquired how many units are currently rented in the dwelling. Staff advised that they are not aware of any registered units. It was noted that the dwelling is a single dwelling unit at this time.

Committee inquired about a vacant lot across the street and if it is in transition.

Mr. Cavin Bennett, 45 Ferndale Crescent, addressed Committee advising that he is familiar with the area. He informed Committee that the vacant property across the street is a property that recently had a fire and is now a complete tear down noting that the dwelling was demolished and is not related to the current property.

Committee inquired if there were any orders against the property. Staff advised that there have been a number of complaints regarding garbage and an overgrown lawn which were complied with or determined to be no cause for complaint at the time.

Committee posed a question inquiring if staff from other departments communicate on these applications. Staff responded that a meeting involving staff from various departments to discuss the history of the property does take place noting that staff heard nothing about a second unit until today. Staff explained that the property owner would be entitled to a second unit adding that with recent changes under Bill 23 it could potentially be expanded to include a third unit provided the proper approvals are in place, including a building permit and an application for a second unit. Staff explained that the parking is sufficient for a second unit and meets the by-law requirements for parking. It was noted that a variance for

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lot coverage is not required given that the addition is a second storey addition above the garage.

Committee expressed concern with the number of residents/tenants and bedrooms proposed which would add to the number of vehicles parked at the property. Committee also had concerns with the number of complaints against the property. Committee also recognized that Bill 23 provides for more dwelling units.

Mr. Jablonski advised that the property is occupied by three brothers and their wives, adding that the owner does live at the property. He commented that they have always been respectful to anyone who comes to their house complaining about things, including garbage and the width of the driveway. He explained that the driveway was measured by the property standards officer and found that the driveway does comply with the by-law. He explained that it is the intent is to have a second unit for which they are eligible adding that they are currently in for site plan approval.

Committee explained for the benefit of the neighbours who may have been accustomed to seeing a bungalow that the building could be demolished and that a 2 storey dwelling could be constructed. Committee also noted that a second storey addition is permitted.

Following discussion, Committee reached the following decision.

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2023-0008 be deferred no later than the last hearing of April, 2023.

CARRIED

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1. **A-2022-0408**

NABILA ASLAM

16 NUTWOOD WAY

PART OF BLOCK 148, PLAN 43M-1785, PARTS 12 AND 13, PLAN 43R-2967, WARD 9

The applicant is 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

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2. To permit an interior side yard setback of 0.41m (1.35 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Mr. Ravinder Singh, AEM Designs, authorized agent for the applicant, presented application A-2022-0408 briefly outlining the variances requested.

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

Mr. Singh 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-2022-0408 to permit a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.41m (1.35 ft.) to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval
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

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8.2. **A-2022-0409**

PARDEEP NIJJAR AND PARAMJIT NIJJAR

8613 CREDITVIEW ROAD

LOT 3, PLAN 43M-1885, WARD 4

The applicants are requesting the following variance(s):

1. To permit a rear yard setback of 2.93m (9.61 ft.) to a proposed sunroom addition whereas the by-law requires a minimum rear yard setback of 7.0m (22.97 ft.).

Ms. Nour Elgendy, Four Seasons Sunrooms, authorized agent for the applicant, presented application A-2022-0409 briefly outlining the variance requested to facilitate a one storey sunroom addition.

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

Ms. Elgendy 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-2022-0409 to permit a rear yard setback of 2.93m (9.61 ft.) to a proposed sunroom addition be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant be advised that the amount of glazed openings for the addition will be restricted based on the limiting distance, and is required to conform to Division B, 9.10.15.4. of the Ontario Building Code; 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
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8.3. **A-2022-0410**

8550 GOREWAY PORTFOLIO INC.

8550 GOREWAY DRIVE

PART OF LOTS 2, 3 AND 4, CONCESSION 7 ND, WARD 8

The applicants are requesting the following variance(s):

1. To permit a motor vehicle repair shop in conjunction with the permitted warehouse use whereas the by-law does not permit a motor vehicle repair shop as a principal or accessory use;
2. To permit the outside storage of oversized motor vehicles and truck trailer whereas the by-law does not permit outside storage;
3. To permit a fence in the front yard having a height of 1.8m (5.91 ft.) whereas the by-law does not permit a fence in the front yard.

Mr. Jonathan Rodger, Zelinka Priamo Ltd., authorized agent for the applicant, presented application A-2022-0410 briefly outlining the variances requested advising that a trailer facility is proposed at the site.

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

Mr. Rodger 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-2022-0410 to permit a motor vehicle repair shop in conjunction with the permitted warehouse use; to permit the outside storage of oversized motor vehicles and truck trailer and to permit a fence in the front yard having a height of 1.8m (5.91 ft.) be approved for the following reasons and subject to the following conditions:

1. That the owner finalize site plan approval under City File SPA-2022-0139, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
2. The proposed motor vehicle repair shop shall be ancillary to and operate only in conjunction with the existing permitted warehouse and truck terminal use as per approved site plan application SP-22-139B;

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

8.4. **A-2023-0001**

SEVERINO CAPUTO-NEVETS AIRPORT HOLDING INC.

81 DELTA PARK BOULEVARD

LOT 6, PLAN 43M-773, WARD 8

The applicant is requesting the following variance(s):

1. To permit 50 parking spaces whereas the by-law requires at least one parking space for each 55 sq. m of gross floor area, resulting in a minimum of 75 parking spaces.

Neither the applicant nor the authorized agent representing the applicant was in attendance when the application was called. In accordance with Committee procedure the application was placed at the end of the agenda to be recalled.

8.5. **A-2023-0002**

MICHAEL PINHEIRO AND MARIA PINHEIRO

2207 EMBLETON ROAD

PART OF LOT 5, CONCESSION 5 WHS, WARD 6

The applicants are requesting the following variance(s):

1. To permit a front yard setback of 3.53m (11.58 ft.) whereas the by-law requires a minimum front yard setback of 12.0m (40 ft.);

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2. To permit an interior side yard setback of 1.85m (6.07 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.);
3. To permit a garage door opening to be 4.86m (15.94 ft.) from the front lot line whereas the by-law requires a minimum 6.0m (19.68 ft.) from the front lot line.

Mr. Tomasz Goral, Goral Design, authorized agent for the applicant, presented application A-2023-0002 briefly outlining the variances requested. Mr. Goral advised that this was his second submission to the Committee for this property explaining that the first application was approved however he was advised that there was no sanitary connection for the property and through the review it was determined that the septic system on the property is not adequate. He explained that he has had to reduce the size of the dwelling and flip it to allow room for a new septic system noting that there is a water line connection but no sanitary sewer connection.

Committee acknowledged receipt of e-mail correspondence dated February 2, 2023 from Credit Valley Conservation indicating no objection to Application A-2023-0002.

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

Mr. Goral 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-2023-0002 to permit a front yard setback of 3.53m (11.58 ft.); to permit an interior side yard setback of 1.85m (6.07 ft.) and to permit a garage door opening to be 4.86m (15.94 ft.) from the front lot line be approved for the following reasons and subject to the following conditions:

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

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8.6. **A-2023-0004**

DHARMENDRA KUMAR AND AXHANA SINGH CHHETRI

38 NEWBRIDGE CRESCENT

PART OF LOT 65, PLAN M-338, PART1, PLAN 43R-10480, WARD 7

The applicants are requesting the following variance(s):

1. To permit an above grade side door having an interior side yard setback of 0.83m (2.72 ft.) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) from an interior side yard to an above grade door;
2. To permit a 0.83m (2.72 ft.) path of travel leading to the primary entrance to a second unit whereas the by-law requires an unencumbered side yard with of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance to the second unit.

Mr. Chetan Dalal, JND Design Studio Inc., authorized agent for the applicant, presented application A-2023-0004 briefly outlining the variances requested.

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

Mr. Dalal 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:

THAT application A-2023-0004 to permit an above grade side door having an interior side yard setback of 0.83m (2.72 ft.) and to permit a 0.83m (2.72 ft.) path of travel leading to the primary entrance to a second unit 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. The owner shall obtain a building permit for the existing side door within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. That the 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:

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

CARRIED

8.7. **A-2023-0005**

DALJIT KAUR BAL, HARJINDER SINGH BAL AND HARLEEN KAUR BAL

30 MARINE DRIVE

LOT 15, PLAN 43M-1298, WARD 9

The applicant is 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 a below grade entrance in the interior side yard having a setback of 0.06m (0.20 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit an accessory structure (shed) having a side and rear yard setback of 0.15m (0.50 ft.) 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 permit 0.0m permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0005 briefly outlining the variances requested. He explained that they are proposing three steps down to a landing and three steps up to allow access to the rear of the property.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

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Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2023-0005 to permit a below grade entrance in the required interior side yard; to permit a below grade entrance in the interior side yard having a setback of 0.06m (0.20 ft.); to permit an accessory structure (shed) having a side and rear yard setback of 0.15m (0.50 ft.) and to permit 0.0m permeable landscaping between the driveway and the side lot line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That Variance 3 to permit a shed located 0.15m (0.49 ft) from the side and rear lot line be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a 0.60m (2.0 ft) setback between the side/rear lot line and the edge of the shed;
4. That Variance 4 to permit 0.0m (0.0 ft) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.60m (2.0 ft) of permeable landscaping between the driveway and the side lot line be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a 0.30m (1.0 ft) permeable landscaping strip between the driveway and the side lot line;
5. That the owner shall obtain a building permit within 60 days of the decision of approval; and
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.8. **A-2023-0006**

VIKRAMJIT SINGH

23 PENBRIDGE CIRCLE

LOT 89, PLAN M-1496, WARD 6

The applicant is requesting the following variance(s):

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1. To permit a below grade 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 0.0m permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line;
3. To permit an existing driveway width of 6.96m (22.83 ft.) whereas the by-law permit a maximum driveway width of 6.71m (22 ft.).

Mr. Tanvir Rai Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0006 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. Rai indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2022-0006 to permit a below grade between the main wall of the dwelling and the flankage lot line; to permit 0.0m permeable landscaping between the driveway and the side lot line and to permit an existing driveway width of 6.96m (22.83 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 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 0.3m (0.98 ft.) permeable landscaping strip along the property line be approved;
3. That the proposed fence used to screen the below grade entrance shall be constructed as provided, and shall not be removed or lowered, but may be repaired or replaced when necessary;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

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

CARRIED

8.9. **A-2023-0007 *Withdrawn as discussed during procedural matters***

MANJOT GILL AND AMITOJ GILL

1 WHEATBERRY CRESCENT

LOT 255, PLAN M-2060, WARD 9

1. To permit a 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;
2. To permit an exterior side yard setback of 3.38m (11.09 ft.) whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).
3. To permit 0.3m (0.98 ft.) permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.

8.10. **A-2023-0008 *(Deferred as discussed during procedural matters)***

UMAIR ZAHID

50 CALEDON CRECENT

LOT 217, PLAN 695, WARD 3

The applicant is requesting the following variance(s):

1. To permit a side yard setback of 1.3m (4.27 ft.) to the second storey whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.);
2. To permit a balcony encroachment in the side yard having a setback of 1.52m (5.0 ft.) whereas the by-law does not permit a balcony in the side yard;
3. To permit a driveway width of 7.37m (24.18 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.);
4. To permit 0.3m (0.98 ft.) permeable landscape strip whereas the by-law requires a minimum 0.6m (1.97 ft.) permeable landscape strip.

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8.11. **A-2023-0009**

LESZEK WOJCICKI

45 JUNIPER CRESCENT

LOT 12, PLAN 862, WARD 8

The applicant is requesting the following variance(s):

1. To permit an interior side yard setback of 0.76m (2.50 ft.) to an as-built attached carport whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) to an attached carport.

Mr. Leszek Wojcicki, applicant and owner of the property, presented application A-2023-0009 briefly outlining the variances requested.

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

Mr. Wojcicki 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-2023-0009 to permit an interior side yard setback of 0.76m (2.50 ft.) to an as-built attached carport be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit within 60 days of the decision of approval; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

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

CARRIED

8.12. **A-2023-0011**

JAYANT PATEL AND HIRAL PATEL

8414 CREDITVIEW ROAD

PART OF LOT 3, CONCESSION 3 WHS, WARD 4

The applicant is requesting the following variance(s):

1. To permit an existing lot area of 0.1621 hectares for non-agricultural purposes whereas the by-law requires a minimum lot area of 0.4 hectares for non-agricultural purposes;
2. To permit an existing lot width of 30.5 metres whereas the by-law requires a minimum lot width of 45 metres;
3. To permit an easterly interior side yard setback of 4.51m (14.80 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.);
4. To permit a westerly interior side yard setback of 4.05m (13.25 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.);
5. To permit a rear yard setback of 1.28m to a Floodplain Zone whereas the by-law requires a rear yard setback of 15m;
6. To permit a balcony and deck encroachment of 15m into the required rear yard setback, resulting in a rear yard setback of 0.0m to the Floodplain Zone whereas the by-law permits a maximum balcony and deck encroachment of 3m into the required rear yard, resulting in a rear yard setback of 12m.
7. To permit a portion of the balcony (cantilevered) to be located within a Floodplain Zone whereas the by-law does not permit the balcony to be located within the Floodplain Zone;
8. To permit two existing accessory structures (sheds) to be located within a Floodplain Zone whereas the by-law does not permit accessory structures within a Floodplain Zone;
9. To permit 62% of the required front yard to be landscaped whereas the by-law requires a minimum required front yard landscaping of 70%.

Mr. Peter Vozikas, Empire Design Company, authorized agent for the applicant, presented application A-2023-0011 briefly outlining the variances requested. Mr. Vozikas advised that the

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variances are minor in nature and that the proposal has many similarities to properties in the neighbourhood and is comparable to previously granted approvals for applications.

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

Mr. Vozikas 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-2023-0011 to permit an existing lot area of 0.1621 hectares for non-agricultural purposes; to permit an existing lot width of 30.5 metres; to permit an easterly interior side yard setback of 4.51m (14.80 ft.); to permit a westerly interior side yard setback of 4.05m (13.25 ft.); to permit a rear yard setback of 1.28m to a Floodplain Zone; to permit a balcony and deck encroachment of 15m into the required rear yard setback, resulting in a rear yard setback of 0.0m to the Floodplain Zone; to permit a portion of the balcony (cantilevered) to be located within a Floodplain Zone; to permit two existing accessory structures (sheds) to be located within a Floodplain Zone and to permit 62% of the required front yard to be landscaped 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 must obtain a Custom House Architectural Control approval before a building permit application be submitted;
3. That no widening or relocation of the existing driveway onto Creditview Road shall be permitted within the City's right of way;
4. The owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances;
5. That the applicant obtain a tree removal permit or provide tree compensation from the City of Brampton's Urban Forestry department;
6. That the applicant shall obtain any required approvals or permits and pay all required fees to the satisfaction of the Credit Valley Conservation Authority;
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.13. **A-2023-0013**

CATHERINE MCCALLUM

132 ELIZABETH STREET SOUTH

PART OF LOTS 7 AND 8, PLAN BR-27, WARD 3

The applicant is requesting the following variance(s):

1. To permit an accessory structure (proposed shed) having a gross floor area of 23.8 sq. m (256.20 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an accessory structure;
2. To permit an accessory structure (proposed shed) having a maximum height of 3.2m (10.50 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.).

Mr. Bruce Pengilley, authorized agent for the applicant, presented application A-2023-0013 briefly outlining the variances requested.

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

Mr. Pengilley 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-2023-0013 to permit an accessory structure (proposed shed) having a gross floor area of 23.8 sq. m (256.20 sq. ft.) and to permit an accessory structure (proposed shed) having a maximum height of 3.2m (10.50 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.14. **A-2023-0014**

VIVEK KUMAR KHANNA AND BASUDHA KHANNA

198 EARNSCLIFF CIRCLE

LOT 248, PLAN 765, WARD 7

The applicants are requesting the following variance(s):

1. To permit an as-built 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 1.96m (6.43 ft.) to an as-built below grade entrance whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.).

Mr. Dhruv Verma, Ratio Engineering, authorized agent for the applicant, presented application A-2023-0014 briefly outlining the variances requested.

Committee was informed that there was a member of the public who wanted to speak in opposition to the application however the person did not want to be identified. The Chair explained that individuals wishing to delegate and address Committee are to provide their names for the record. The individual did not address Committee.

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

Mr. Verma 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-2023-0014 to permit an as-built below grade entrance in the required interior side yard and to permit an interior side yard setback of 1.96m (6.43 ft.) to an as-built

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below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.15. **A-2023-0015**

JOHN CURIC AND MARIA ELIZABETH ROCHA

22 FERNDAL CRESCENT

LOT 311, PLAN 679, WARD 3

The applicants are requesting the following variance(s):

1. To permit a front yard setback of 5.07m (16.63 ft.) whereas the by-law requires a minimum front yard setback of 6.0m (19.68 ft.);
2. To permit a lot coverage of 33.47% whereas the by-law permits a maximum lot coverage of 30%.

Mr. Shane Edwards, Huis Design Studio Ltd., authorized agent for the applicant, presented application A-2023-0015 briefly outlining the variances requested. Mr. Edwards advised that the dwelling was designed in keeping with the preferences of the home owners and to fit in with the other dwellings in 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.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2023-0015 to permit a front yard setback of 5.07m (16.63 ft.) and to permit a lot coverage of 33.47% be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

8.16. **A-2023-0016**

SURJIT KAUR MALHI

47 FERNDAL CRESCENT

LOT 410, PLAN 679, WARD 3

The applicants are requesting the following variance(s):

1. To permit a side yard setback of 1.42m (4.66 ft.) to the second storey whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.) to the second storey
2. To permit a lot coverage of 36.5% whereas the by-law permits a maximum lot coverage of 30%.

Mr. Shane Edwards, Huis Design Studio Ltd., authorized agent for the applicant, presented application A-2023-0016 briefly outlining the variances requested. He advised that the variance for the reduced side yard setback applies to only 32% of the second storey main wall while the rest of the main wall does comply. He advised that the dwelling was designed to fit in with the other dwellings in the neighbourhood.

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Mr. Cavin Bennett, 45 Ferndale Crescent addressed Committee advising that as a direct neighbour he has concerns regarding the proposal. He spoke of concerns with if there will be respect on the street during construction regarding traffic and noise and how waste containers will be disposed of at the appropriate times. He commented that the property is currently a rental and they are concerned with who will live in the dwelling once it is constructed.

Mr. Bennnett spoke of concerns with water drainage between the properties explaining that during the winter thaw there is considerable water across the back yards. He expressed concerns with natural gas and hydro strain on the property in the neighbouring streets. He spoke of a fence between his property and the proposed new build commenting that the fence is falling down and there has been no agreement to replace the fence.

Mr. Bennett spoke of the loss of privacy and the esthetics and looks of the proposed dwelling and remarked that while it is great to improve the property it has to look like the neighbourhood.

Committee advised that any new dwelling proposed is reviewed by staff to ensure that it will fit in with the character of the neighbourhood. Committee explained that some of the concerns raised about drainage gas and hydro are things that staff look at during the site plan stage.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that site servicing will be reviewed under the building permit stage or through the custom home application process noting that currently there is no site plan stage for the mature neighbourhood. Staff added that the City does have hording requirements for new construction which contains construction on the site and keeps the street clean as well. Staff explained that securities are taken for these types of matters and restrictions apply to work during certain hours.

Committee inquired how the drainage issue raised by the neighbour will be addressed. Mr. Edwards responded that they are currently going through the architectural control application process for this project prior to the building permit application for which a site grading plan review is required. He explained that a surveyor has drafted a full site grading plan for this property noting that improvements would have been made from what is currently existing and that any drainage concerns should be rectified.

Following discussion, 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. Doerfler

Seconded by: D. Colp

THAT application A-2023-0016 to permit a side yard setback of 1.42m (4.66 ft.) to the second storey and to permit a lot coverage of 36.5% 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;

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2. That the Owner/Applicant obtain a tree removal permit from the City's Urban Forestry Division;
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

9. **DEFERRED MINOR VARIANCE APPLICATIONS**

9.1. **A-2022-0022** (*deferred as discussed during procedural matters*)

BRANTHAVEN CREDITVIEW INC.

8940 CREDITVIEW ROAD

PART OF LOT 5, CONCESSION 4 W.H.S.,

PART 1, PLAN 43R-14727, WARD 4

The applicant is requesting the following variance(s):

1. To permit a temporary sales office for a period of three (3) years whereas the by-law does not permit the proposed use in an Agricultural Zone.

9.2. **A-2022-0359**

BHAVIN SHAH

42 LYLE WAY

LOT 60, PLAN 43M-3030, WARD 8

The applicants are requesting the following variance(s):

1. To permit an accessory structure (gazebo) having a building height of 3.327m (10.92 ft.) whereas the by-law permits a maximum building height of 3.0m (9.84 ft.) for an accessory structure;

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2. To permit an accessory structure (gazebo) having a gross floor area of 23.78 sq. m (256 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 uncovered pool (hot tub) with an rear yard setback of 0.78m (2.56 ft.) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot lines;
4. To permit a driveway width of 15.72m (51.57 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.);
5. To permit a recreational facility (sports court) with an interior side yard setback of 0.762m (2.50 ft.) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot lines.

Mr. Anthony Bartolini, Square Design Group, authorized agent for the applicant, presented application A-2022-0359 briefly outlining the variances requested. He noted that staff are recommending refusal of one of the variances informing Committee that he does not have a problem with the recommendation.

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

Mr. Bartolini 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-2022-0359 to permit an accessory structure (gazebo) having a building height of 3.327m (10.92 ft.); to permit an accessory structure (gazebo) having a gross floor area of 23.78 sq. m (256 sq. ft.); to permit an uncovered pool (hot tub) with an rear yard setback of 0.78m (2.56 ft.); to permit a driveway width of 15.72m (51.57 ft.) and to permit a recreational facility (sports court) with an interior side yard setback of 0.762m (2.50 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;
2. That variance 4 to permit a driveway width of 15.72m whereas the by-law permits a maximum driveway width of 9.14m (30 ft.) be refused;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

A-2023-0001 (Agenda Item 8.4) APPLICATION WAS RECALLED

Mr. Frank Bellini, Arcade Design, authorized agent for the applicant, presented application A-2023-0001 briefly outlining the variances requested.

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

Mr. Bellini 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-2023-0001 to permit 50 parking spaces whereas the by-law requires at least one parking space for each 55 sq. m of gross floor area 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 finalizes site plan approval under City File SPA-2022-0016, 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

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A-2023-0001 - REQUEST FOR REFUND

Committee acknowledged receipt of a letter dated January 31, 2023 from Frank Bellini, Arcade Design, requesting a refund of application fees associated with application A-2023-0001.

Mr. Bellini advised that in the original application submission the variance for parking was missed and requested consideration for a refund of the application fees.

Committee posed a question inquiring who missed the variance. Mr. Bellin responded that staff had missed the variance. He explained that through the site plan approval process he was requested to provide a parking study commenting that because he had to do a parking study for some reason the variance was missed and caused him to have to come back again before the Committee.

Staff advised that during the initial submission for site plan the parking deficiency was identified however during a subsequent submission it was not identified and was missed by staff although the site plan did show a deficiency.

Mr. Bellini advised that the parking study was submitted noting that staff was satisfied with the report and he was under the impression that because the report was submitted the parking was sufficient.

Staff advised that traffic had identified a deficiency back in March and noted that a variance application would be required for parking and other discrepancies. Staff acknowledged that when the first minor variance application was received the variance was missed as it was likely reviewed without the parking standard.

Committee explained that through the site plan review staff advise the applicant of the variances required. Committee noted that the applicant knew there was a deficiency as well and in order to rectify he would have to make some changes by reducing the building or apply to the Committee of Adjustment for a variance.

Committee also noted that the applicant had an obligation to review the comments sent back and was of the opinion that there was sufficient time to address the deficiency. Committee expressed that the responsibility may be 50% for staff and 50% for th applicant and discussed the possibility of refunding 50% of the application fees.

Mr. Bellini advised that staff do the final review and identify deficiencies and that even though he knew about the deficiency he was of the opinion that the parking study addressed the matter. Committee expressed that the applicant knew he had a parking deficiency and was aware of it.

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Mr. Bellini advised that he was here before the Committee because he was advised by staff to appear before the Committee to request a refund because staff missed the variance. He explained that he understands that when an application is received it is circulated to various departments reiterating that the variance was missed.

Discussion continued and following discussion Committee reached the following decision:

Moved by: D. Colp

Seconded by: D. Doerfler

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

CARRIED

MEMBER R. CHATHA DISSENTED TO COMMITTEE'S DECISION ON THE REFUND OF APPLICATION FEES.

10. ADJOURNMENT

Moved by: D. Colp

Seconded by: D. Doerfler

That the Committee of Adjustment hearing be adjourned at 11:12 a.m. to meet again on Tuesday, March 7, 2023.

CARRIED