

Date: April 18, 2023
Time: 9:00 a.m.
Location: Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

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

Members Absent: Desiree Doerfler (with regrets)

Staff: François Hémon-Morneau, Development Planner
Rajvi Patel, Development Planner
Samantha Dela Pena, Assistant Development Planner
Megan Fernandes, Planning Technician
Ellis Lewis, Development Planner
Simran Sandhu, Development Planner
Chinoye Sunny, Development Planner
Alex Sepe, Principal Planner/Supervisor, Development Services
Ross Campbell, Manager, Zoning and Sign By-Law Services

1. **Call to Order**

The meeting was called to order at 9:00 am and adjourned at 1:30 p.m.

2. **ADOPTION OF MINUTES:**

Moved by: D. Colp

Seconded by: A. C Marques

THAT the minutes of the Committee of Adjustment hearing held March 28, 2023 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated April 10, 2023

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

None

Committee of Adjustment Minutes

5. **WITHDRAWALS/DEFERRALS**

Committee acknowledged receipt of a letter dated March 28, 2023 from Bhaskar Joshi, Out Of The Box Engineering Inc., authorized agent for the applicant, advising that application A-2022-0341 for the property municipally known as 9 Callalily Road is withdrawn.

A-2023-0086

PAWAN KUMAR AND BALVINDER KUMAR

8 ALLEGRO DRIVE

LOT 60, PLAN M-1944, WARD 4

Committee acknowledged receipt of a letter dated April 17, 2023 from Tanvir Rai, Noble Prime Solutions, authorized agent for the applicant, requesting that application A-2023-0086 for the property municipally known as 8 Allegro Drive be withdrawn (***Agenda Item 8.25***)

A-2023-0065

WAHEGURU EMPIRE INC.

2 LOWRY DRIVE

PART OF BLOCK O, PLAN M-286, PARTS 1, 2, PLAN 43R-22070, WARD 2

Committee acknowledged receipt of a letter dated April 17, 2023 from Balbir Bharwalia, Waheguru Empire Inc., authorized agent for the applicant, requesting that application A-2023-0065 for the property municipally known as 2 Lowry Drive be deferred (***Agenda Item 8.4***).

Neither the applicant nor a representative of the applicant was in attendance. Committee and staff discussed timelines for a deferral. Committee was not receptive to deferring the application to the next hearing as requested by the applicant advising that public notices would need to be re-circulated and there could potentially be changes to the application. Committee suggested a period of 2 months for the deferral. Staff concurred with Committee's recommendation.

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0065 be deferred to the hearing scheduled for June 20, 2023.

CARRIED

6. **NEW CONSENT APPLICATIONS**

APPLICATIONS B-2023-0008 and B-2023-0009 WERE RELATED AND HEARD CONCURRENTLY

6.1. **B-2023-0008**

1552262 ONTARIO INC.

0 ACE DRIVE

PART OF BLOCK 3, PLAN 43M-1907, WARD 9

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 2.96 hectares (7.33 acres). The proposed severed lot has a frontage of approximately 33.48 metres (109.84 feet); a depth of approximately 175.88 metres (577.03 feet) and an area of approximately 0.54 hectares (1.34 acres). It is proposed that the severed parcel be merged with the adjacent parcel to the north. (Concurrent Consent Application B-2023-0009)

6.2. **B-2023-0009**

1552262 ONTARIO INC.

0 ACE DRIVE

PART OF BLOCK 3, PLAN 43M-1907, WARD 9

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 2.21 hectares (5.46 acres). The proposed severed lot has a frontage of 70.8 metres (232.28 feet); a depth of approximately 133.94 metres (439.43 feet) and an area of approximately 1.05 hectares (2.60 acres). No new development is contemplated at this time. (Concurrent Consent Application B-2023-0008)

Mr. Jim Levac, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented applications B-2023-0008 and B-2023-0009 briefly outlining the nature of the applications. Mr. Levac explained that the lands are comprised of approximately 12.98 acres legally described as Blocks 2 and 3 on Registered Plan 43M-1907. He referred to the application sketch indicating that the two northern pieces are Block 2 while the 2 southerly pieces are Block 3. He explained that Block 3 had been previously severed adding that it has been a long time plan to relocate a number of dealerships to this location.

Mr. Levac explained that there are site plan applications submitted for both proposed dealerships advising that there was a parking deficiency on one of the parcels. He advised that they had two options, either to seek a variance to reduce the parking standard on the

Committee of Adjustment Minutes

Lexus dealership site or obtain a variance to park on lands off site on surplus lands owned by Policaro. He advised that a decision was made for the lot addition which will provide sufficient space for them to meet the required parking. Mr. Levac stated that addresses have been assigned to the proposed 2 dealerships and submitted the information to the Secretary-Treasurer.

Committee recalled previous applications and noted that it is the intent of the City to relocate the dealerships from Queen Street to provide more space for the operation of the businesses.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2023-0008 and B-2023-0009 from a planning land use perspective with conditions.

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

Mr. Levac indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application B-2023-0008 to sever a parcel of land currently having a total area of approximately 2.96 hectares (7.33 acres) proposing a severed lot having a frontage of approximately 33.48 metres (109.84 feet); a depth of approximately 175.88 metres (577.03 feet) and an area of approximately 0.54 hectares (1.34 acres) to be merged with the adjacent parcel to the north 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. That the owner finalize site plan approval under City File SPA-2022-0037, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. Subsection 50(3) and/or (5) of the Planning Act R.S.O 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent;
4. A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being Block 2 on Plan 43M 1907, shall be "merged"

Committee of Adjustment Minutes

for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed;

5. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s); and,
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.

REASONS:

1. This decision reflects that regard has been had to those matters to be regarded under the Planning Act, in as much as the dimensions and shape of the lot are adequate for the uses proposed.
2. Subject to the imposed conditions, the consent to the conveyance will not adversely affect the existing or proposed development.

CARRIED

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application B-2023-0009 to sever a parcel of land currently having a total area of approximately 2.21 hectares (5.46 acres) to create a lot having a frontage of 70.8 metres (232.28 feet); a depth of approximately 133.94 metres (439.43 feet) and an area of approximately 1.05 hectares (2.60 acres) 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. The Owner of the subject parcels (Block 2 Part 1-3, Block 2 Part 4, and Block 3 Part 5) shall provide a private accesses easement in favour of each other for the purpose of ingress and egress. The mutual access easement will be to the satisfaction of the City's Corporate Services and Public Works & Engineering Department. The applicant/owner hereby waives and releases the City from any claim for compensation, injurious affection or other damages, claims, demands, losses, costs, suits or other proceedings by anyone arising or why may arise as a result of such access arrangements. The Owner shall provide a draft reference plan showing, as separate parts, all parcels for which conveyances may be required under this agreement, to the satisfaction of the Commissioner, Public Works and Engineering, Commissioner, Planning and Development Services, the City

Committee of Adjustment Minutes

Solicitor, and deposited on title to the lands, for the purpose of providing a private access easement. A memorandum must also be submitted denoting all the parts depicted on the draft reference plan; 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.
2. Subject to the imposed conditions, the consent to the conveyance will not adversely affect the existing or proposed development.

CARRIED

6.4. **B-2023-0010**

WILLOW CEDAR ESTATES INC.

150-160 YELLOW AVENS BOULEVARD

BLOCK 4, PLAN 43M-1716, WARD 10

The purpose of the application is to request the consent of the Committee of Adjustment for a lease in excess of 21 years. The land to be leased has a frontage of approximately 25.903 metres (84.98 feet), a depth of approximately 33.686 metres (110.52 feet) and an area of approximately 719.56 square metres (0.178 acres), occupied by a commercial building (bank of Nova Scotia). The effect of the application is to facilitate a long term lease (in excess of 21 years) between the owner of the lands, Willow Cedar Estates Inc. and The Bank of Nova Scotia.

Mr. Steven De Santis, History Hill Group, authorized agent for the applicant, presented application B-2023-0010 briefly outlining the nature of the application.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2023-0010 from a planning land use perspective, with conditions.

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

Mr. De Santis indicated that the proposed conditions were acceptable.

Committee of Adjustment Minutes

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: A. C. Marques

THAT application B-2023-0010 to facilitate a long term lease (in excess of 21 years) between the owner of the lands, Willow Cedar Estates Inc. and The Bank of Nova Scotia 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.

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

APPLICATIONS B-2023-0011, B-2023-0012, A-2023-0072 AND A-2023-0073 WERE RELATED AND HEARD CONCURRENTLY

6.4. B-2023-0011

LINK CHARITY CANADA INC.

7780 CREDITVIEW ROAD

PART OF LOT 14, CONCESSION 4 WHS, WARD 6

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 28,257 square metres (2.83 hectares); together with an easement for shared driveway access and underground servicing. The proposed severed lot has a depth of approximately 45.21 metres (148.33 feet) and an area of approximately 0.409 hectares (1.01 acres). The effect of the application is to create two additional lots for residential purposes resulting in a total of three lots, including the retained lot. The two new

Committee of Adjustment Minutes

lots are depicted as Lot 2a, currently occupied by a single detached dwelling and Lot 2b where future residential development is proposed. (Concurrent Consent Application B-2023-0012)

8.11. **B-2023-0012**

LINK CHARITY CANADA INC.

7780 CREDITVIEW ROAD

PART OF LOT 14, CONCESSION 4 WHS, WARD 6

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 28,257 square metres (2.83 hectares); together with an easement for shared driveway access and underground servicing. The proposed severed lot has a depth of approximately 45.21 metres (148.33 feet) and an area of approximately 0.1665 hectares (0.41 acres). The effect of the application is to create a new lot depicted as Lot 2b for future residential purposes. (Concurrent Consent Application B-2023-0011)

A-2023-0072

LINK CHARITY CANADA INC.

7780 CREDITVIEW ROAD

PART OF LOT 14, CONCESSION 4 WHS, WARD 6

The applicant is requesting the following variance(s) associated with Consent Application B-2023-0011:

1. To permit a lot width of 3.66 metres whereas the by-law requires a minimum lot width of 30 metres;
2. To permit a side yard setback of 2 metres whereas the by-law requires a minimum a side yard setback of 7.5 metres.

8.12. **A-2023-0073**

LINK CHARITY CANADA INC.

7780 CREDITVIEW ROAD

PART OF LOT 14, CONCESSION 4 WHS, WARD 6

The applicant is requesting the following variance(s) associated with Consent Application B-2023-0012:

Committee of Adjustment Minutes

1. To deem the south lot line (closest to Nova Scotia Road) to be the front lot line whereas the property does not have a lot line abutting a street;
2. To permit a building or structure on a lot which does not front upon a street whereas the by-law permits a building or structure to be constructed only on a lot which fronts upon a street;
3. To permit a rear yard setback of 8.3 metres whereas the by-law requires a minimum rear yard setback of 12 metres.

Mr. Harry Houtman, Link Charity Canada Inc., presented applications B-2023-0011, B-2023-0012, A-2023-0072 and A-2023-0073. Making reference to the site plan provided with the application he explained that the area of land above the subject property is a 5 acre parcel of land owned by Mr. and Mrs. Manser, noting that the property is now an estate property. Mr. Houtman explained that the subject property is also an estate property noting that the donor wanted to set up a large fund to support charities perpetually. He expressed that it is important for them to determine what can be done with the land in terms of sale and investment to support charities. He described one of the lots as being environmentally sensitive while the other proposed lot has no environmental features where no changes are proposed. Mr. Houtman added that the property has a single vehicle driveway along the side which curves up a very steep hill. He spoke of the property as being a plateau out from the golf course where the house has been built into the hillside noting that there has been no damage to the building that was constructed approximately fifty years ago.

Mr. Houtman spoke of the current property as being occupied by a single family home with a proposal for a proposed lot to be created for future residential development. He referred to the Heritage Impact Assessment noting that the Heritage Committee has no problems and that the proposal doesn't affect the image of Churchville. He added that there is no application to demolish the existing dwelling and that the proposals comply noting that any future use is subject to administrative authoritative rules.

Committee acknowledged receipt of a letter dated April 13, 2023 from Credit Valley Conservation detailing concerns with the proposal.

Committee acknowledged receipt of a letter dated April 17, 2023 from Sarabit Aujla, 27 Nova Scotia Road detailing concerns with the proposal for 7780 Creditview Road.

Committee acknowledged receipt of a letter dated April 17, 2023 from Deepak Oberoi, 25 Nova Scotia Road detailing concerns with the proposal for 7780 Creditview Road.

Committee acknowledged receipt of e-mail correspondence dated April 18, 2023 from Bob Crouch, 7736 Churchville Road in opposition to the proposal.

Mr. Amgad Riad, 20 Nova Scotia Road addressed Committee inquiring how the proposal will impact traffic and if access would be from Nova Scotia Road or Creditview Road.

Committee of Adjustment Minutes

Ms. Heba Gabriel, 35 Nova Scotia Road addressed Committee advising that a three storey building is proposed for one of the lots and inquired if this will be for multiple families or will it be a single family home. She was concerned with any impact on traffic.

Ms. Sarah Aujla, 27 Nova Scotia Road expressed that Link Charity is just drawing lines and doesn't appreciate what they have in the neighbourhood commenting that to propose 2 additional lots will disrupt their lives. She advised that when Kaneff was selling the golf course lots a laneway was left for the previous owner for emergency purposes which is used rarely. She added that the entire neighbourhood is against the proposal.

Mr. Karan Oberoi, 25 Nova Scotia Road addressed Committee expressing concerns with the possibility of trees that will be cut based on the building height. He advised that there are a lot of unknowns particularly for a three storey house.

Ms. Katherine Fowston, 7640 Creditview Road, addressed Committee advising that she has served on the Brampton Heritage Board for the last eight years. She explained that the proposal should have gone before the Brampton Heritage Board and requested a traffic study and an environmental study and that the proposal go before the Brampton Heritage Board. She remarked that the signage was posted further back and was not visibly noticeable from the street.

Mr. Christian Valenzia, 29 Nova Scotia Road addressed Committee expressing that his main concern is traffic going through the laneway which may not be safe for future development if a three storey building is constructed.

Mr. Rohan Oberoi, 25 Nova Scotia Road addressed Committee expressing concerns for the safety of his children stating that additional residents will contribute to increased traffic.

Committee was informed that City of Brampton planning staff was not in support of applications B-2023-0011, B-2023-0012, A-2023-0072 and A-2023-0073 from a planning land use perspective. Staff advised that refusal is recommended based on a variety of factors. Staff explained that the Official Plan designates the land as Open Space and Woodland and Valleyland/Watercourse Corridor. Staff added that besides the environmental policies within the Official Plan, the Credit Valley Conservation Authority has also provided comments. Staff noted that Credit Valley Conservation are not satisfied with the proposal for fragmenting portions of what would be a hazard area. Staff added that there is also a wetland on and adjacent to the property. Staff advised that Credit Valley Conservation staff are not supportive of the 2 severances noting that one of the lots would be adjacent to natural heritage features including a wetland.

Staff advised that the Official Plan has specific policies regarding the preservation of natural heritage features. Staff explained that the location of the building may not have sufficient setbacks to the natural heritage features. Staff added that the consent would have to meet the policies of the Official Plan noting that the traffic division and the building division raised concerns regarding access. Staff pointed out that one of the lots will be land locked and access to one of the lots will not have restricted access for fire and emergency services.

Committee of Adjustment Minutes

Mr. Houtman explained that in regards to a three storey house, the property along the golf course has a seven foot high wooden fence with a driveway that is already twelve feet below the site line. He noted that the building may have three floors but it would be one storey equal to the top of the fence with the other two floors below the fence line. He commented that the three story building will be residential and that any application that is made would have to comply with all the requirements. He commented that with a single detached dwelling with perhaps two families he did not envision any problems with traffic from two households. He spoke of the reference to an emergency exit which he commented was not an emergency exit but rather utilized by the owners over the winter for four or five months of the year rather than having to come up the steep hill.

Mr. Houtman commented that the residents of 27 Nova Scotia Road may have a conflict of interest as they want to buy the property and have a vested interest in doing so. He spoke of the Manser property and the subject property and a scenario where a portion of the property could be bought by the City of Brampton. He noted that this is agricultural land where perhaps the City might have an interest in it for parkland. Mr. Houtman remarked that he was not aware that he had to appear before the Brampton Heritage Committee advising of the expense to have the Heritage Impact Assessment completed.

Mr. Houtman summarized that there is no environmental impact on any of the three lots and no impact on traffic. He stated that he predicts that the new building will not peak out over the seven foot high fence line and will not bother anybody's view eastward to the river.

Ms. Sarabit Aujla, 27 Nova Scotia Road addressed Committee advising that they have all been looking after the property since it is "in their back yards". She advised that she did express that she would be interested in the property if it went on the market. She stated that Link Charities is only drawing lines and is not a builder adding that Link Charities is just trying to make as much money as they can.

Committee expressed that they agree with the recommendation of staff and the Credit Valley Conservation. Committee was not prepared to support a landlocked lot and expressed concerns with the reduced width of the lot.

A resident spoke from the galley requesting that a gate to the property be locked. He noted that the gate is unlocked and if the Committee is not approving the applications they would like to have the gate locked.

Mr. Houtman advised that there is no land locked lot as the two lots will have a mutual access. He added that the current house is 4000 square feet in area and the new house will also be 4000 square feet, three storeys staggered down the hillside.

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

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 evidence heard at the meeting, reached the following decision:

Moved By: A. C. Marques

Seconded by D. Colp

THAT applications B-2023-0011 to sever a parcel of land currently having a total area of approximately 28,257 square metres (2.83 hectares); together with an easement for shared driveway access and underground servicing resulting in a lot proposing a depth of approximately 45.21 metres (148.33 feet) and an area of approximately 0.409 hectares (1.01 acres) be refused for the following reason(s):

REASONS:

1. Approval of the application in conjunction with a concurrent consent application would reflect that no regard has been given to those matters to be regarded under Section 51(24) of the *Planning Act*, in as much as the proposal does not adhere to the City of Brampton Official Plan policies pertaining to consent applications, specifically Official Plan Policy 5.17.13; and
2. The suitability of the land for the purposes for which it is to be subdivided remain unclear requiring further information on the proposed development.

CARRIED

THAT application B-2023-0012 to sever a parcel of land currently having a total area of approximately 28,257 square metres (2.83 hectares) together with an easement for shared driveway access and underground servicing proposing a lot depth of approximately 45.21 metres (148.33 feet) and an area of approximately 0.1665 hectares (0.41 acres) be refused for the following reasons:

1. Approval of the application in conjunction with a concurrent consent application would reflect that no regard has been given to those matters to be regarded under Section 51(24) of the *Planning Act*, in as much as the proposal does not adhere to the City of Brampton Official Plan policies pertaining to consent applications, specifically Official Plan Policy 5.17.13; and
2. The suitability of the land for the purposes for which it is to be subdivided remain unclear requiring further information on the proposed development.

CARRIED

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0072 to permit a lot width of 3.66 metres and to permit a side yard setback of 2 metres be refused for the following reason(s):

Committee of Adjustment Minutes

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

1. The variance(s) are 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 variances are not minor.

CARRIED

Moved By: A. C. Marques

Seconded by D. Colp

THAT applications A-2023-0072 to deem the south lot line (closest to Nova Scotia Road) to be the front lot line; to permit a building or structure on a lot which does not front upon a street and to permit a rear yard setback of 8.3 metres be refused for the following reason(s):

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

1. The variance(s) are 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 variances are not minor.

CARRIED

7. **DEFERRED CONSENT APPLICATIONS**

None

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1. **A-2022-0211**

ROGERS COMMUNICATION INC.

8200 DIXIE ROAD

PART OF BLOCK A, PLAN 640, PARTS 1 TO 4, PLAN 43R-38385, WARD 3

The applicant is proposing development of the site with an industrial warehouse and is requesting the following variance(s):

1. To permit a warehouse whereas the by-law does not permit the proposed use;
2. To permit outside storage whereas the by-law does not permit the proposed use;

Committee of Adjustment Minutes

3. To permit a gross floor area of 132,200 square metres whereas the by-law permits a maximum gross floor area of 96,100 square metres.

Ms. Sarah Clark, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2022-0211 briefly outlining the variances requested. Ms. Clark advised that the application was originally submitted in 2022 and deferred in order to have discussions with staff to confirm the variance request informing Committee that nothing has changed following those discussions.

Ms. Clark explained that the property is approximately 25.5 acres in size and is currently occupied by a single storey industrial building utilized by Rogers Communication, previously occupied by Nortel. She explained that a site specific zoning by-law amendment was pursued by the previous owner which permits the existing industrial building on site.

Ms. Clark explained the zoning on the property as split zoned noting that there is a combined maximum gross floor area cap over the two zones for the entire site. She advised that redevelopment of the site is proposed and explained the nature of the variances requested.

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

Ms. Clark indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0211 to permit a warehouse; to permit outside storage and to permit a gross floor area of 132,200 square metres 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 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

8.2. **A-2022-0404**

MOHIT GUPTA AND PREETY GUPTA

75 HOLLOWGROVE BOULEVARD

LOT 1, PLAN 43M-2027, WARD 10

The applicants are requesting the following variance(s):

1. To permit a driveway width of 7.54m (24.74 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit 0.0m of permeable landscaping abutting the property line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping abutting the property line.

Mr. Jivtesh Bhalia, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2022-0404 briefly outlining the variances requested. He advised that they have been working with staff since the application was submitted.

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

Mr. Bhalia indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0404 to permit a driveway width of 7.54m (24.74 ft.) and to permit 0.0m of permeable landscaping abutting the property line be approved, in part, 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 Variance 2 to permit a reduced permeable landscaping strip of 0.0m (0.0 ft), whereas a minimum landscaping strip of 0.6m (1.96 ft) is required be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a 0.3m (1.0 ft) permeable landscaping strip between the side lot line and proposed concrete planter;

Committee of Adjustment Minutes

3. 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; 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

8.3. **A-2023-0064**

FRANK BISOGNO AND GENNARO BISOGNO

37 FENTON WAY

LOT 54, PLAN M-304, WARD 10

The applicants are requesting the following variance(s):

1. To permit a detached garage in addition to an attached garage whereas the by-law only permits a detached garage or an attached garage;
2. To permit a detached garage having a gross floor area of 199.44 sq. m (2,146.75 sq. ft.) whereas the by-law permits a detached garage having a maximum gross floor area of 48 sq. m (516.67 sq. ft.);
3. To permit a detached garage having a building height of 8.86m (29.07 ft.) whereas the by-law permits a detached garage having a maximum building height of 4.5m (14.76 ft.);
4. To permit habitable space on the second level of a detached garage (installation of a washroom) whereas the by-law does not permit habitable space in a detached garage.

Mr. Vishu Sood, Eco-Arch Consultants Inc., authorized agent for the applicant, presented application A-2023-0064 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. Sood 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: A. C. Marques

THAT application A-2023-0064 to permit a detached garage in addition to an attached garage; to permit a detached garage having a gross floor area of 199.44 sq. m (2,146.75 sq. ft.); to permit a detached garage having a building height of 8.86m (29.07 ft.) and to permit habitable space on the second level of a detached garage (installation of a washroom) 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 the detached garage shall not be used as a separate dwelling unit and that the permission for habitable space in the garage shall be limited to the provision of one washroom;
3. That no commercial or industrial uses shall operate from the detached garage;
4. That Variance 3 to permit a detached garage having a building height of 8.66m (28.41 ft.) be refused. Staff recommend that approval be based on the proposed building height of 6.71m (22 ft) as depicted in Appendix A;
5. The applicant shall adhere to the City of Brampton Tree Preservation By-law 317-2012 and shall obtain a tree removal permit and/or provide tree compensation to the satisfaction of the City of Brampton Urban Forestry Department;
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

8.4. **A-2023-0065 (Deferred as discussed during procedural matters)**

WAHEGURU EMPIRE INC.

2 LOWRY DRIVE

PART OF BLOCK O, PLAN M-286, PARTS 1, 2, PLAN 43R-22070, WARD 2

The applicant is requesting the following variance(s):

Committee of Adjustment Minutes

1. To permit a place of commercial recreation (basketball/badminton courts) as a permitted use whereas the by-law does not permit a place of commercial recreation.

8.5. **A-2023-0066**

MAYANK ADALJA AND SHILPA ADALJA

47 PURPLE SAGE DRIVE

LOT 37, PLAN 43M-2092, WARD 8

The applicants are requesting the following variance(s):

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 1.8m (5.91 ft) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Ms. Kruti Shah, RJ CAD Solutions, authorized agent for the applicant, presented application A-2023-0066 briefly outlining 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. Colp

Seconded by: A. C. Marques

THAT application A-2023-0066 to permit a below grade entrance between the main wall of a dwelling and the flankage lot line and to permit an exterior side yard setback of 1.8m (5.91 ft) to a below grade entrance be approved, in part, 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 Variance 1 to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing wooden fencing in order to adequately screen the proposed below grade entrance;

Committee of Adjustment Minutes

3. That the proposed fence used to screen the below grade entrance shall be constructed as shown on the sketch, shall not be removed or lowered but may be repaired or replaced when necessary, and shall not remove or affect the existing fence on the property;
4. That the below grade entrance shall not be used to access an unregistered second unit; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.6. **A-2023-0067**

GURDEV SINGH

7 BLACKSTONE RIVER DRIVE

LOT 70, PLAN 43M-1946, WARD 9

The applicant is requesting the following variance(s):

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.25m (0.82 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Neither the applicant nor a representative of 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.

Committee of Adjustment Minutes

8.7. **A-2023-0068**

IJAZ HUSSAIN AND FARKHANDA IJAZ

12 CANIS STREET

LOT 29, PLAN 43M-1849

The applicants are requesting the following variance(s):

1. To permit a proposed below grade entrance in the required interior side yard having a setback of 0.2m (0.66 ft.) whereas the by-law requires a minimum 0.3m (0.98 ft.) setback to a below grade entrance in a required side yard where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling.

Mr. Arshad Siddiqui, C-Architecture Ltd., authorized agent for the applicant, presented application A-2023-0068 briefly outlining the variances requested.

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

Mr. Siddiqui indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0068 to permit a proposed below grade entrance in the required interior side yard having a setback of 0.2m (0.66 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. 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:

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-2023-0069**

MOHAMMAD MATIN AND TANIA SULTANA

7 JEMIMA ROAD

LOT 128, PLAN 43M-2022, 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 0.62m (2.03 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 0.0m of permeable landscaping between the driveway and the side lot whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line;
3. To permit a step for a side entrance having a setback of .37m (1.21 ft) whereas the by-law requires any steps to a side entrance to have a minimum setback of 0.9m (2.95 ft.) to an interior side lot line.

Mr. Manpreet Kohli, Punjab Design and Construction, authorized agent for the applicant, presented application A-2023- 0069 briefly outlining the variances requested. He advised that the neighbours had already been approved for a side door.

Committee explained that each application is different and is evaluated separately.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that there is insufficient space at the bottom of the stairs for a landing and would result in non-compliance with the Ontario Building Code. Staff explained that in terms of the variance for reduced permeable landscaping the intent of the by-law is to ensure that sufficient space is provided to allow for drainage and that the front yard is not dominated by hardscaping.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2023-0069 to permit an above grade door in the side wall where a minimum side yard width of 0.62m (2.03 ft) is provided extending from the front wall of the dwelling up to the door; to permit 0.0m of permeable landscaping between the driveway and

Committee of Adjustment Minutes

the side lot; and to permit a step for a side entrance having a setback of .37m (1.21 ft) be refused for the following reasons:

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

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

CARRIED

8.9. **A-2023-0070**

LUKE QUINN

12 CRAIG STREET

PART OF BLOCK C, PLAN BR-30, PART 1, PLAN 43R-4978, WARD 3

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 1.25m (4.10 ft) to a second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to a second storey;
2. To permit lot coverage of 39.2% whereas the by-law permits a maximum lot coverage of 30%.

Mr. Sal Crimer, authorized agent for the applicant, presented application A-2023-0070 briefly outlining the variances requested.

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

Mr. Crimer indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0070 to permit an interior side yard setback of 1.25m (4.10 ft) to a second storey addition and to permit lot coverage of 39.2% be approved for the following reasons and subject to the following conditions:

Committee of Adjustment Minutes

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

8.10. **A-2023-0071**

HERNANI OLIVERIA AND ASHLEY MARISA MACEDO MOREIRA

85 WOODWARD AVENUE

PART OF BLOCK F AND PART OF LOTS 15 AND 16, PLAN BR-26, WARD 1

The applicants are requesting the following variance(s):

1. To permit a side yard setback of 1.22m (4 ft) to a second storey addition whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft) to the first storey, or part thereof, plus 0.6m (1.97 ft) from each additional storey;
2. To permit lot coverage of 35% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit a fence in the front yard having a maximum height of 1.83m (6 ft) whereas the by-law permits a maximum height of 1m (3.3 ft) from a fence in the front yard.

Mr. Eddie Peres, EKP Design Inc., authorized agent for the applicant, presented application A-2023-0071 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. Peres 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:

Committee of Adjustment Minutes

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2023-0071 to permit a side yard setback of 1.22m (4 ft) to a second storey addition; to permit lot coverage of 35% and to permit a fence in the front yard having a maximum height of 1.83m (6 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 three to permit a fence of 1.83m in the required front yard whereas the by-law permits a maximum fence of 1m in the required front yard be refused; Staff recommend that approval be based on the proposed fence height of 1.37m (4 ft 6 inch) as depicted in Appendix B;
3. The applicant shall submit a drawing and or plan depicting the materials of the fence to the satisfaction of the Director of Development Services within 60 days of the final date of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
4. That the applicant shall remove the existing 1.83m fence that is currently located on the subject property within 120 days of the final date of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.11. **A-2023-0072 (Considered concurrently with agenda items 6.4 and 6.5)**

LINK CHARITY CANADA INC.

7780 CREDITVIEW ROAD

PART OF LOT 14, CONCESSION 4 WHS, WARD 6

The applicant is requesting the following variance(s) associated with Consent Application B-2023-0011:

Committee of Adjustment Minutes

1. To permit a lot width of 3.66 metres whereas the by-law requires a minimum lot width of 30 metres;
2. To permit a side yard setback of 2 metres whereas the by-law requires a minimum a side yard setback of 7.5 metres.

8.12. **A-2023-0073** (*Considered concurrently with agenda items 6.4 and 6.5*)

LINK CHARITY CANADA INC.

7780 CREDITVIEW ROAD

PART OF LOT 14, CONCESSION 4 WHS, WARD 6

The applicant is requesting the following variance(s) associated with Consent Application B-2023-0012:

1. To deem the south lot line (closest to Nova Scotia Road) to be the front lot line whereas the property does not have a lot line abutting a street;
2. To permit a building or structure on a lot which does not front upon a street whereas the by-law permits a building or structure to be constructed only on a lot which fronts upon a street;
3. To permit a rear yard setback of 8.3 metres whereas the by-law requires a minimum rear yard setback of 12 metres.

8.13. **A-2023-0074**

ANDREJ KANCZUGA AND DANUTA KANCZUGA

108 RIVER ROAD

PART OF LOT 6, CONCESSION 5 WHS, WARD 6

The applicants are requesting the following variance(s):

1. To permit a 4.15m (13.62 ft) side yard setback to a proposed addition (sunroom) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.).

Mr. Andreg Kanczuga, applicant and owner of the property, presented application A-2023-0074 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated April 17, 2023 from Credit Valley Conservation indicating no objection to Application A-2023-0074.

Committee of Adjustment Minutes

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

Mr. Kanczuga indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0074 to permit a 4.15m (13.62 ft) side yard setback to a proposed addition (sunroom) 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 sunroom addition within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.14. **A-2023-0075**

VEEPAL SINGH DHUGGA AND RAMANDEEP KAUR DHUGGA

31 LEONE LANE

LOT 26, PLAN M-287, WARD 10

The applicants are requesting the following variance(s):

1. To permit a building height of 11.3m (37.07 ft) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

Ms. Margie Perrotta, TruCustom Homes Inc., authorized agent for the applicant, presented application A-2023-0075 briefly outlining the variances requested.

Committee of Adjustment Minutes

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

Ms. Perotta indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0075 to permit a building height of 11.3m (37.07 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. The applicant shall adhere to the City of Brampton Tree Preservation By-law 317-2012 and shall obtain a tree removal permit and/or provide tree compensation to the satisfaction of the City of Brampton Urban Forestry Department;
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

8.15. **A-2023-0076**

KULWARANJIT SINGH DHUGGA AND KULDEEP KAUR DHUGGA

1 BELLINI AVENUE

LOT 18, PLAN M-232, WARD 10

The applicants are requesting the following variance(s):

1. To permit a building height of 11.3m (37.07 ft) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.).

Ms. Margie Perrotta, TruCustom Homes Inc., authorized agent for the applicant, presented application A-2023-0076 briefly outlining the variances requested.

Committee of Adjustment Minutes

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

Ms. Perrotta indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2023-0076 to permit a building height of 11.3m (37.07 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. The applicant shall adhere to the City of Brampton Tree Preservation By-law 317-2012 and shall obtain a tree removal permit and/or provide tree compensation to the satisfaction of the City of Brampton Urban Forestry Department;
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

COMMITTEE RECESSED AT 10:52 AM AND RECONVENED AT 11:01 AM

8.16. **A-2023-0077**

SYED ABBAS

29 BANNER ROAD

LOT 171, PLAN M-1076, WARD 5

The applicant is requesting the following variance(s):

1. To permit a below grade entrance within a required side yard whereas the by-law does not permit a below grade entrance within a required side yard;

Committee of Adjustment Minutes

2. To permit an interior side yard setback of 0.0m whereas the by-law requires a minimum interior side yard setback of 0.3m (0.98 ft.).

Mr. Chetan Dalal, authorized agent for the applicant, presented application A-2023-0077 briefly outlining the variances requested.

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

Mr. Delal indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2023-0077 to permit a below grade entrance within a required side yard and to permit an interior side yard setback of 0.0m be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

8.17. **A-2023-0078**

BUSHRA AMIR

2231 EMBLETON ROAD

PART OF LOT 5, CONCESSION 5 WHS, PARTS 1 AND 3, PLAN 43R-27848, WARD 6

The applicant is requesting the following variance(s):

Committee of Adjustment Minutes

1. To permit a 10.5m (34.45 ft) front yard setback to a proposed dwelling whereas the by-law requires a minimum front yard setback of 12.0m (40 ft);
2. To permit a minimum 5.0m (16.40 ft) side yard setback to a proposed dwelling whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.).

Mr. Nader Akel, authorized agent for the applicant, presented application A-2023-0078 briefly outlining the variances requested.

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

Mr. Akel indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0078 to permit a 10.5m (34.45 ft) front yard setback to a proposed dwelling and to permit a minimum 5.0m (16.40 ft) side yard setback to a proposed dwelling be approved for the following reasons and subject to the following conditions:

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

8.18. **A-2023-0079**

KUSUM BAHL

72 ARTHURS CRESCENT

LOT 28, PLAN M-41, WARD 4

The applicant is requesting the following variance(s):

Committee of Adjustment Minutes

1. To permit an as-built above grade side door having an interior side yard setback of 0.94m (3.08 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 0.94m (3.08 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;
3. To permit a driveway width of 6.81m (22.34 ft) whereas the by-law permits a maximum driveway width of 5.56m (18.24 ft.).

Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, presented application A-2023-0079 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. Grewal indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0079 to permit an as-built above grade side door having an interior side yard setback of 0.94m (3.08 ft.); to permit a 0.94m (3.08 ft.) path of travel leading to the primary entrance to a second unit; and to permit a driveway width of 6.81m (22.34 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 3 to permit a maximum driveway width of 6.81m whereas the by-law permits a maximum driveway width of 5.2m be refused;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

Committee of Adjustment Minutes

8.19. **A-2023-0080**

MUHAMMAD ADIL KHAN AND ANEELA KHAN

10 VANDERBRINK DRIVE

LOT 101, PLAN M-1691, WARD 9

The applicants are requesting the following variance(s):

1. To permit an as-built above grade side door having an interior side yard setback of 0.66m (2.17 ft) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) extending from the front wall of the dwelling, up to and including the door;
2. To permit a driveway width of 8.66m (28.41 ft) whereas the by-law permits a maximum driveway width of 6.71m (22 ft).

Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, presented application A-2023-0080 briefly outlining the variances requested.

Mr. Ajit Kumar, 9 Vanderbrink Drive addressed Committee to raise his concerns advising that he is currently oversees but wanted to express his concerns. Mr. Kumar advised that the property owner is treating his property like a commercial property referring to the dwelling as a lodge with numerous tenants. He spoke of parking issues and problems related to snow clearing where the snow is piled so high it becomes difficult to get out of his driveway. Mr. Kumar added that there are cars parked everywhere reiterating that the house looks like a lodge.

Committee acknowledged receipt of e-mail correspondence dated April 15, 2023 from Ranjit Kooner, 4 Vanderbrink Drive indicating opposition to Application A-2023-0080.

Committee acknowledged receipt of e-mail correspondence dated April 14, 2023 from Jimmy Bhati, 6 Vanderbrink Drive indicating opposition to Application A-2023-0080.

Committee acknowledged receipt of e-mail correspondence dated April 14, 2023 from Harjot Randhawa, 8 Vanderbrink Drive indicating opposition to Application A-2023-0080.

Committee acknowledged receipt of e-mail correspondence dated April 17, 2023 Ajit Kumar Bhaskar, 9 Vanderbrink Drive, detailing opposition to the application.

Mr. Kumar's daughter was on line however was having difficulty connecting. Later when she was able to connect to speak on behalf of her father, Committee informed her that Mr. Kumar had already connected and stated his concerns.

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

Committee of Adjustment Minutes

Committee inquired if there were any complaints against the property. Staff advised that in 2022 there were 20 parking complaints filed which were complied with and the files were closed. Staff added that so far this year there has been one complaint filed and the file has been closed. Upon question from Committee staff confirmed that the dwelling is registered as a 2 unit dwelling. Staff explained that the building permit for a second unit was issued in 2021 and final inspection occurred recently in 2023.

Committee posed a question to the authorized agent inquiring how many tenants resided in the dwelling. Mr. Grewal responded that he was not sure if the dwelling was rented to multiple families, advising that most of the dwelling is used for rental purposes.

Committee recognized the concerns of the neighbours and was not prepared to support the application noting that in some instances the committee has supported a widened driveway to accommodate elderly and disabled residents.

Mr. Harjot Randhawa, 8 Vanderbrink Drive addressed Committee advising that he filed a complaint because he experiences problems with tenants trespassing onto his property and that he has tried to contact the property owner multiple times. He expressed that the side door is used all the time and needs to be closed.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2023-0080 to permit an as-built above grade side door having an interior side yard setback of 0.66m (2.17 ft) and to permit a driveway width of 8.66m (28.41 ft) be refused for the following reasons:

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

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

CARRIED

8.20. **A-2023-0081**

2732594 ONTARIO INC.

316 ORENDA ROAD

PART OF BLOCK A, PLAN 636, PARTS 1, 2, PLAN 43R-11024, WARD 7

The applicants are requesting the following variance(s):

Committee of Adjustment Minutes

1. To permit a motor vehicle sales establishment as a permitted use whereas the by-law does not permit a motor vehicle sales establishment;
2. To provide 100 parking spaces whereas the by-law requires a minimum of 169 parking spaces.

Mr. Maurizio Rogato, Blackthorn Development Corp, authorized agent for the applicant, presented application A-2023-0081 briefly outlining the variances requested advising that the proposal will make use of an under utilized building.

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

Mr. Rogato indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2023-0081 to permit a motor vehicle sales establishment as a permitted use and to permit 100 parking spaces 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 Gross Floor Area of the motor vehicle sales establishment does not exceed 1322.00 sq.m (14,229.99 sq. ft) as per the sketch attached to the Notice of Decision;
3. That no outdoor display or storage of vehicles shall be permitted on site;
4. That the applicant/owner obtain a change of use permit prior to occupancy of the building;
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

8.21. **A-2023-0082**

THE CORPORATION OF THE CITY OF BRAMPTON

8950 MCLAUGHLIN ROAD SOUTH

PART OF LOTS 4 AND 5, CONCESSION 2 WHS, WARD 4

The applicant is requesting the following variance(s):

1. To permit a hydro transformer with an exterior side yard setback of 6.34m (20.80 ft) whereas the by-law requires a minimum exterior side yard setback of 7.9m (25.92 ft);
2. To permit a generator with an interior side yard setback of 3.74m (12.27 ft) whereas the by-law requires a minimum interior side yard setback of 7.9m (25.92 ft.);
3. To permit a building height of 4 storeys for a proposed long term care facility whereas the by-law permits a maximum building height of 3 storeys;
4. To permit loading spaces with no access to a street whereas the by-law requires loading spaces to be accessible from a street;
5. To permit parking spaces with no access to a street whereas the by-law requires parking spaces to be accessible from a street;
6. To permit a rear yard setback of 3.71m (12.17 ft) whereas the by-law requires a minimum rear yard setback of 7.9m (25.92 ft);
7. To permit an interior side yard setback of 4.17m (13.68 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft);
8. To permit lot coverage of 33.93% whereas the by-law permits a maximum lot coverage of 33.3%.

Mr. Ed Starr, SHS Consulting, authorized agent for the applicant, presented application A-2023-0082 briefly outlining the variances requested. He explained that the site is being developed as a campus of care for the elderly informing Committee that Phase 1 of the proposal is for the long term care facility while Phase 2 will be for the rentals for seniors. He added that the City of Brampton is leasing the property to the Golden Age Village for the Elderly (GAVE).

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

Mr. Starr 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: A. C. Marques

THAT application A-2023-0082 to permit a hydro transformer with an exterior side yard setback of 6.34m (20.80 ft); to permit a generator with an interior side yard setback of 3.74m (12.27 ft); to permit a building height of 4 storeys for a proposed long term care facility; to permit loading spaces with no access to a street; to permit parking spaces with no access to a street; to permit a rear yard setback of 3.71m (12.17 ft); to permit an interior side yard setback of 4.17m (13.68 ft.) and to permit lot coverage of 33.93% 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 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;
3. That as a condition of minor variance approval, the applicant shall make all necessary arrangements/agreements with the City for use and or improvements to the private City Road for access to their rear parking lot and loading areas;
4. That approval does not constitute permission to use City property;
5. That if the approved variances result in, or require, the applicant using City property that it does not have permission to use, that it obtain permission from the City by entering into any relevant agreements, as determined by the City, to the satisfaction of the Commissioner of Planning, Building and Growth Management, or the satisfaction of City Council where staff, at their sole discretion, determine it is necessary; 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

Committee of Adjustment Minutes

8.22. **A-2023-0083**

ANIL GUPTA AND ANITA GUPTA

98 MEADOW BOULEVARD

LOT 81, PLAN M-1262, WARD 9

The applicants are requesting the following variance(s):

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 2.02m (6.63 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Ms. Shefali Gupta, authorized agent for the applicant, presented application A-2023-0083 briefly outlining the variances requested.

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

Ms. Gupta indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0083 to permit a below grade entrance between the main wall of a dwelling and the flankage lot line and to permit an exterior side yard setback of 2.02m (6.63 ft.) to a 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 the existing fence used to screen the below grade entrance shall be constructed as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
3. The below grade entrance shall not be used to access an unregistered second unit;
4. That Variance 1, to permit a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line be refused. Staff recommend that approval

Committee of Adjustment Minutes

be based on the revised site plan provided by the applicant (Appendix A) showcasing an existing fence screening the entrance and stairway; and

5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.23. **A-2023-0084**

KAMLESH PARMAR AND NIKITA PARMAR

52 ESKER DRIVE

LOT 48, PLAN M-537, WARD 2

The applicants are requesting the following variance(s):

1. To permit a deck encroachment of 3.48m (11.42 ft) into the required rear yard, resulting in a rear yard setback of 4.52m (14.83 ft) whereas the by-law permits a maximum deck encroachment of 3.0m (9.84 ft), resulting in a rear yard setback of 5.0m (16.40 ft);
2. To permit an interior side yard setback of 0.432m (1.42 ft.) to an as-built deck whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Mr. Rohit Kumar, RK Architects Inc., authorized agent for the applicant, presented application A-2023-0084 briefly outlining the variances requested. Mr. Kumar requested consideration from the Committee to amend proposed condition 2 from 60 days to 90 days.

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

Committee agreed to amend the condition from 60 days to 90 days, as requested by Mr. Kumar. Staff concurred with Committee's decision.

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

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

Committee of Adjustment Minutes

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2023-0084 to permit a deck encroachment of 3.48m (11.42 ft) into the required rear yard, resulting in a rear yard setback of 4.52m (14.83 ft) and to permit an interior side yard setback of 0.432m (1.42 ft.) to an as-built deck be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant obtain a building permit for the deck within 90 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; and
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

8.24. **A-2023-0085**

RISHI BEDI AND RUCHI BEDI

37 PROVOST TRAIL

LOT 87, PLAN 43M-2015, WARD 6

The applicants are requesting the following variance(s):

1. To permit a deck encroachment of 4.0m (13.12 ft) into the required rear yard, resulting in a rear yard setback of 3.5m (11.48 ft) whereas the by-law permits a maximum deck encroachment of 3.0m (9.84 ft), resulting in a rear yard setback of 4.5m (14.76 ft);
2. To permit a driveway width of 6.81m (22.34 ft) whereas the by-law permits a maximum driveway width of 6.71m (22 ft).

Mr. Rishi Bedi, applicant and owner of the property presented application A-2023-0085 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated April 13, 2023 from Naeem (Norm) Saleh, 35 Provost Trail detailing concerns with application A-2023-0085.

Committee of Adjustment Minutes

Mr. Nareen Saleh, 35 Provost Trail addressed Committee advising he opposed the application for a number of reasons as outlined in his letter to the Committee.

Committee noted that height may be one of the concerns explaining that the grading is sloped. Committee pointed out that there were no comments from Credit Valley Conservation. Staff advised that the property does not back onto open space.

Mr. Saleh advised that the outreach of the deck is an invasion of privacy for his family.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Committee was satisfied that the 4 tests of the *Planning Act* had been met

Mr. Bedi indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0085 to permit a deck encroachment of 4.0m (13.12 ft) into the required rear yard, resulting in a rear yard setback of 3.5m (11.48 ft) and to permit a driveway width of 6.81m (22.34 ft) be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

Committee of Adjustment Minutes

8.25. **A-2023-0086** (*Withdrawn as discussed during procedural matters*)

PAWAN KUMAR AND BALVINDER KUMAR

8 ALLEGRO DRIVE

LOT 60, PLAN M-1944, WARD 4

The applicants are requesting the following variance(s):

1. To permit a deck encroachment of 3.17m (10.40 ft) into the required rear yard, resulting in a rear yard setback of 4.33m (14.21 ft) whereas the by-law permits a maximum deck encroachment of 1.8m (5.91 ft) resulting in a rear yard setback of 5.7m (18.70 ft).

8.26. **A-2023-0087**

GURVIR GREWAL AND GURJOT GREWAL

6 DUMFRIES AVENUE

LOT 228, PLAN M-608, WARD 2

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 0.99m (3.25 ft) is provided extending from the front wall of the dwelling up to and including the door whereas the by-law does not permit an above grade side door in the side wall unless the minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door is maintained;
2. To permit a 0.99m (3.25 ft) path of travel leading to the 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.

Mr. Jivtesh Bhalia, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0087 briefly outlining the variances requested.

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

Mr. Bhalia indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

Committee of Adjustment Minutes

THAT application A-2023-0087 to permit an above grade door in the side wall where a minimum side yard width of 0.99m (3.25 ft) is provided extending from the front wall of the dwelling up to and including the door and to permit a 0.99m (3.25 ft) path of travel leading to the principle entrance for a second unit be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

8.27. **A-2023-0088**

KUMARAN DAYALAN AND NISHADEVI KUMARAN

159 BUFFORD DRIVE

LOT 20, PLAN M-1627, WARD 3

The applicants are requesting the following variance(s):

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

Mr. Jivtesh Bhaila, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0088 briefly outlining the variances requested.

Mr. Kevin O'Toole, 161 Bufford Drive, accompanied by his spouse, addressed Committee advising that the documents they received refers to a minor variance. He commented that in the circumstances they are facing where they live in an area where the lots are small with buildings that come close to the lot line, they do not consider it minor. He expressed that the changes proposed are significant and material to the property and to the enjoyment of their property.

Committee of Adjustment Minutes

Mr. O'Toole commented that the proposal is not desirable for the development of the area and is not the intent and purpose of the Zoning by-law. He pointed out that they are the original owners of the house and took comfort in the fact that careful attention had been paid to the site plan to the construction options by the City of Brampton in terms of allowing the construction of single family residential homes so close to the property line, especially in the side yard. He expressed that the proposal is inconsistent and contradictory to the nature and purpose of the by-law adding that they oppose the two variances requested.

Mr. O'Toole explained that construction of the step close to the property line would require something coming onto his property. He commented that it would require access to his property which he is not prepared to give. He expressed that he does not view the installation as a decorative aspect but rather as a functional door that will be installed directly opposite his living room window. Mr. O'Toole stated that the door will be used quite regularly and they are not granting any right-of-way that would involve movement onto their property.

Mr. O'Toole commented that there is an issue from a liability perspective and that his privacy will be impacted noting that any lighting installed over the entrance will shine directly through his window. He commented that the activity around the door will have an impact on their quiet enjoyment of their property. He added that if the Committee does grant approval construction should occur Monday to Friday between the hours of 9:00 am and 5:00 pm. He summarized that he considered their opposition to be valid and sustainable and that the disturbance caused from the construction will be significant for the enjoyment of their property.

Committee commented that there is approximately two feet on one side of the property and referred to a photo included in the staff recommendation report that displayed the distance on the opposite side between the properties addressed as 157 and 159 Bufford Drive.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff read aloud the recommended conditions. Through discussion it was confirmed that there are two steps leading down to a landing and two steps leading back up from the landing to the rear yard.

Discussion took place on the installation of a door either at grade or above grade. Staff confirmed that a door at grade is permitted with one step into the building. Committee noted that in the past there have been various requests for a number of steps leading down and back up which Committee viewed as being problematic in emergency situations. Committee advised that in this scenario there are two steps below grade and two steps leading back up which satisfies the Committee for access to the rear.

In response to the concerns raised by the neighbouring property owners Committee requested that a condition be incorporated to reflect that drainage on the neighbouring property not adversely affect the property owners and further that a condition pertaining to fencing or screening be included to address the privacy concerns.

Committee of Adjustment Minutes

Ms. Bernadette O'Toole addressed Committee commenting that if a fence is to go up it would be necessary to go up prior to the below grade entrance being put in. She expressed that if they are going to agree to a fence to separate the properties there is no room since the entrance will be going right up to the property line.

Mr. O'Toole requested that the fence go up before the construction begins. Committee advised that they have no jurisdiction and staff explained that there is nothing preventing the neighbour from installing a fence on the property line noting that the fence can straddle the property line. Staff explained that there is a by-law that speaks to the cost sharing which would be nominal related to fifty percent of the cost of a chain link fence.

Mr. O'Toole commented that the proposal involves a substantial undertaking and they are affected by the proposal. He advised that they are trying to mitigate the disturbance that they are facing from this proposal.

Mr. Bhaila commented that he spoke to the owner regarding the concerns outlined in the letter submitted by the neighbouring property owners at 161 Bufford Drive. He assured the neighbours that the owner will co-operate and will try his best to address their concerns including noise issues with construction occurring on weekdays before 5:00 pm. He advised that in terms of the fence it would be best to install the posts for the fence on the retaining wall for the below grade entrance during construction of the retaining wall.

Following discussion, Mr. Bhaila 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:

Seconded by:

THAT application A-2023-0088 to permit a below grade entrance in a required side yard and to permit an interior side yard setback of 0.0m 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. The below grade entrance shall not be used to access an unregistered second unit;
3. That drainage on the adjacent property (*161 Bufford Drive*) shall not be adversely impacted;
4. That a fence to screen the below grade entrance and maintain the privacy of the neighbouring property be constructed, and not be removed or lowered, but may be repaired or replaced when necessary;

Committee of Adjustment Minutes

5. That failure to comply with and maintain the conditions of 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-2022-0158**

2466482 ONTARIO INC.

26 BRAMSTEELE ROAD

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

The applicant is requesting the following variance(s):

1. To permit a motor vehicle sales establishment whereas the by-law does not permit a motor vehicle sales establishment;
2. To permit 39 parking spaces (including 6 tandem parking spaces) whereas the by-law requires a minimum of 50 parking spaces.

Mr. Patrick Pearson, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2022-0158 briefly outlining the variances requested. He advised that a number of variances were previously approved by the Committee and he is currently seeking permanent approval for the variances requested.

Mr. Pearson explained that they were originally requesting three uses and the application was deferred. He explained that a parking study was requested by staff and re-submitted following a previous deferral of the application. He explained that staff had concerns with the use for a restaurant which was requested and after meeting with staff to discuss the primary industrial use on the site they decided to remove the proposed restaurant use following those discussions. He added that the site has been operating with a motor vehicle sales facility for six years and summarized how the application is appropriate for the land and the surrounding uses for the area.

Committee of Adjustment Minutes

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

Mr. Pearson indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2022-0158 to permit a motor vehicle sales establishment and to permit 39 parking spaces (including 6 tandem parking spaces) be approved for the following reasons and subject to the following conditions:

1. That the extent of variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner obtain a permit for a change of use;
3. That a limited Site Plan application be submitted within 90 days of the Notice of Decision or as extended at the discretion of the Director of Development Services. The Site Plan application shall address required changes to the driveway accesses along Hale Road and the removal of the patio;
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

9.2. **A-2022-0327**

PUSHKAR CHAVAN AND VAISHAKHI CHAVAN

43 ELYSIAN FIELDS CIRCLE

LOT 36, PLAN 43M-2015, WARD 6

The applicants are requesting the following variance(s):

Committee of Adjustment Minutes

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 0.4m (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;
3. To provide 0.0m of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line;
4. 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.).

Mr. Gurwinder Grewal, MEM Engineering Inc., authorized agent for the applicant, presented application A-2022-0327 briefly outlining the variances requested.

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

Mr. Grewal indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2022-0327 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; to permit a 0.4m (1.31 ft.) setback to an existing accessory structure (gazebo); to permit 0.0m of permeable landscaping abutting the side property line and to permit a driveway width of 8.56m (28.08 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 proposed above grade side door shall not be used as a primary entrance to a second dwelling unit;
3. That the existing above grade side door shall not be used to access an unregistered second unit;

Committee of Adjustment Minutes

4. That the applicant/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; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

9.3. **A-2022-0375**

HARMESH BRAR AND MANJOTPREET BRAR

8 ELDERBANK COURT

LOT 4, PLAN M-565, WARD 2

The applicants are requesting the following variance(s):

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

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2023-0375 briefly outlining the variances requested.

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

Mr. Tarika indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

Committee of Adjustment Minutes

THAT application A-2022-0375 to permit a proposed below grade entrance in the interior side yard having a setback of 0.05m (0.16 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 the below grade entrance shall not be used to access an unregistered second unit;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

9.4. **A-2023-0008**

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.

Mr. Rick Jablonski, Midtown Technical Services, authorized agent for the applicant, presented application A-2023-0008. He advised that the application was deferred from the February 14th Committee of Adjustment meeting commenting that the Committee Members

Committee of Adjustment Minutes

and other City Officials discussed the application as if they were going to render a decision on the minor variances on that day. Mr. Jablonski added that he wanted to provide clarity on a number of items mentioned at the previous meeting.

In regards to concerns expressed regarding the number of persons residing in the dwelling, Mr. Jablonski explained that there are seven occupants, all family members currently living in this single family dwelling. He advised that moving forward there will also be a basement legally converted to a second unit with three bedrooms so that the building will become a 2 family dwelling.

Mr. Jablonski expressed that it had been mentioned in the February meeting that there will be eight bedrooms. He explained that there will be three bedrooms dedicated to the basement second unit, one bedroom on the main floor and three bedrooms on the second floor with a bedroom added above the garage resulting in five bedrooms in the primary unit and three bedrooms in the second unit.

Mr. Jablonski briefly outlined the variances requested explaining that it is his understanding that the driveway does meet and conforms to the by-law requirements. He added that Zoning staff requested the variances during the site plan approval process because the dwelling fell into the mature neighbourhood, a process that has since been dissolved noting that they are still required to complete the process.

Mr. Jablonski stated that since the February meeting no contact has been made by the planner to work with him or the owner on some of the issues. He commented that it appears that more credence has been given to the letters of opposition. He expressed that he has carefully reviewed the letters of opposition, noting that one is fine with the addition but opposes the driveway, one letter has no address or the individual's name, three of the letters are from people further away while two of the letters are from people that live closer to 50 Caledon Crescent.

He explained that Mr. Zahid has provided five letters of support from the neighbours that live adjacent to his property pointing out that one of the letters is from an owner who had originally opposed the application back in February.

Mr. Umair Zahid, owner of the property addressed Committee commenting that at the last hearing a deferral of the application was suggested because there were some issues. He expressed that it was suggested that a deferral means that someone from the City would reach out to him or his agent to resolve some things but nobody has. He commented that the staff recommendation report from February 14, 2023 was basically in his favour but there were some opposing letters from the neighbours commenting that twenty-six minutes were spent on the letters and questioning if he was a good citizen or a good neighbour with some suggestion that the dwelling was being used for student housing and that the owner does not reside there.

Committee of Adjustment Minutes

Mr. Zahid explained that he lives in the dwelling with his two brothers and his mother explaining that he purchased the house six years ago. He commented that most of the neighbours are retired lovely people who have more time at home compared to him because he works six days a week, sometimes seven days a week. He added that this process has given him the opportunity to go door to door to talk to his neighbours and to inquire if they had an objection to the proposal.

Mr. Zahid informed Committee that his two brothers are married and he himself recently married noting that the family is expanding. He commented that there were no previous violations on the property, but a number of complaints noting that the overall condition of the property changed two years ago when he hired a contractor explaining that his contractor was stuck out of the county due to Covid and he has since had to hire a new architect. He noted that there are letters of opposition, some from people that are not in close proximity noting that he has five letters of support.

Mr. Zahid spoke of organizations that he is associated with that do a lot of charity work including blood donor clinics and raising money for Sick Kids Hospital.

Mr. Zahid summarized that there are a couple of houses that have completed the same type of addition adding that he will not be renting out the property and the number of cars will remain the same as it currently is.

Committee acknowledged receipt of letters submitted by the applicant indicating support from residents of 27, 28, 46, 48 and 54 Caledon Crescent.

Committee acknowledged receipt of a letter dated April 13, 2023 from Chris and Kim Boydell, 52 Caledon Crescent detailing concerns with Application A-2023-0008.

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

Committee pointed out to the applicant that variances 1 and 2 are being refused while staff recommends approval of the variances pertaining to the driveway width and permeable landscaping.

Mr. Jablonski commented that several of these garage additions have been done inquiring why the Committee would object when there is precedent on the street. Committee responded that each and every property is different and that staff has evaluated the application.

Staff responded that the Official Plan provides mature neighbourhood policies noting the policy relevant to additions to existing dwellings. Staff explained that for the rear yard there is a proposed addition at grade as well as a proposed basement addition in combination with an addition above the garage. Staff expressed concern with the massing of the home coupled with reduced setbacks. Staff further explained that balconies are not typically permitted in the side yard and expressed concerns with privacy onto the abutting property.

Committee of Adjustment Minutes

Mr. Zahid added that in terms of the balcony it is in the rear yard and he has a letter of support from the neighbour that faces the balcony side. Mr. Jablonski expressed that the balcony is facing the rear of the garage and will serve as a shelter or shed to the stairs underneath.

Mr. Zahid expressed that he wanted the letter from the neighbour to be considered. He noted that in the previous report everything was in compliance and the new report was not in favour.

Committee explained that when an application is deferred and additional information comes forward staff will evaluate and clarify anything that needs to be addressed. Committee acknowledged that the previous report supported all the variances while there is currently a new report prepared by staff.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2023-0008 to permit a side yard setback of 1.3m (4.27 ft.) to the second storey; to permit a balcony encroachment in the side yard having a setback of 1.52m (5.0 ft.); to permit a driveway width of 7.37m (24.18 ft.); to permit 0.3m (0.98 ft.) permeable landscape strip 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 Variances 1 and 2 be refused;
3. That the applicant/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.
4. If a curb cut is requested, the owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance & Operations Section.
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

9.5. **A-2023-0042**

DANTE LIMBAGA AND FRANCIS LIMBAGA

96 RUTHERFORD ROAD NORTH

LOT 529, PLAN 889, WARD 1

The applicants are requesting the following variance(s):

1. To permit a rear yard setback of 7.49m (24.57 ft.) whereas the by-law requires a minimum rear yard setback of 8.48m (27.82 ft.);
2. To permit a driveway width of 7.74m (25.39 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.).

Mr. Dante Limbaga, applicant and owner of the property presented application A-2023-0042 briefly outlining the variances requested.

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

Mr. Limbaga indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: A. C. Marques

THAT application A-2023-0042 to permit a rear yard setback of 7.49m (24.57 ft.) and to a driveway width of 7.74m (25.39 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 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

APPLICATION A-2023-0067 WAS RECALLED (*Agenda Item 8.6*)

GURDEV SINGH

7 BLACKSTONE RIVER DRIVE

LOT 70, PLAN 43M-1946, WARD 9

The applicant is requesting the following variance(s):

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.25m (0.82 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Mr. Gurdev Singh, applicant and owner of the property, presented application A-2023-0067 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. Colp

Seconded by: A. C. Marques

THAT application A-2023-0067 to permit an exterior stairway leading to a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.25m (0.82 ft.) to the exterior stairway leading to a below grade entrance 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;

Committee of Adjustment Minutes

2. That the applicant shall construct three risers on both sides of the existing landing in order to provide a continuous path of travel to the rear yard as per the updated concept plan (Appendix A);
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That the owner shall obtain a building permit 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
2. The general intent and purpose of the zoning by-law and City of Brampton Official Plan are maintained and the variance is minor.

CARRIED

10. **ADJOURNMENT**

Moved by: D. Colp

Seconded by: A. C. Marques

That the Committee of Adjustment hearing be adjourned at 1:30 p.m. to meet again on Tuesday, May 9, 2023.

CARRIED