

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

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

**Staff:** François Hémon-Morneau, Development Planner  
Rajvi Patel, Development Planner  
Samantha Dela Pena, Assistant Development Planner  
Megan Fernandes, Planning Technician  
Ellis Lewis, Development Planner  
Alex Sepe, Principal Planner/Supervisor, Development Services  
Ross Campbell, Manager, Zoning and Sign By-Law Services  
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:01 am and adjourned at 11:27 am.

2. **ADOPTION OF MINUTES:**

Moved by: D. Colp

Seconded by: A. C. Marques

THAT the minutes of the Committee of Adjustment hearing held April 18, 2023 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated May 1, 2023

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

None

5. **WITHDRAWALS/DEFERRALS**

**A-2023-0093 (Agenda item 8.5)**

HEAVENUE HOLDINGS INC.

11 SUN PAC BOULEVARD, UNIT 8

PEEL CONDOMINIUM PLAN 1046, LEVEL 1, UNIT 1, WARD 8

The Chair announced that Staff recommends deferral of Application **A-2023-0093** for the property municipally known as 11 Sun Pac Boulevard, Unit 8 (**Agenda Item 8.5.**)

Ms. Sachi Nikou, authorized agent for the applicant, addressed Committee advising that her client does not want the application deferred and wishes to proceed.

Staff advised that a deferral is recommended to a hearing no later than the last hearing of December, 2023 explaining that there is an on-going matter before the Ontario Land Tribunal with a hearing tentatively scheduled for June, 2023. Staff further advised that Traffic Staff have requested a parking study which has not yet been provided. Staff explained that if the appeal at the Ontario Municipal Board is approved, the variance won't be required.

The Chair expressed that he understands that the client is not happy and explained that the Condominium Corporation has appealed the Zoning By-law Amendment and further that a parking study has been requested by staff. Committee advised that it is beneficial to provide any studies requested in order that the Committee can make an informed decision.

Mr. Gurwinder Sandhu, owner of the unit, addressed Committee advising that he has a concern with a deferral stating that according to the Condominium Declaration he is eligible for a mezzanine. He explained that he is a mortgage broker and conducts business by appointments adding that he pays property taxes as well as fees to the Condominium Board.

Committee discussed the timelines proposed for a deferral and requested that the application be deferred no later than the last hearing of September, 2023 advising the applicant that he could return to the Committee on or before that date.

Following discussion, Committee reached the following decision.

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2023-0093 be deferred to a hearing no later than the last hearing of September, 2023.

CARRIED

6. **NEW CONSENT APPLICATIONS**

6.1. **B-2023-0013**

MARIA SCHEMBRI AND JASKARAN SINGH

17 RAILROAD STREET AND 59 ELIZABETH STREET NORTH

PART OF LOTS 8 AND 9, PLAN BR-4, WARD 1

The purpose of the application is to request consent to re-establish separate properties arising from a merger of adjacent lots. The severed property has a frontage of approximately 13.91 metres (45.64 feet) and an area of approximately 296 square metres (0.07 acres). It is proposed that the properties municipally known as 17 Railroad Street and 59 Elizabeth Street North, each occupied by a single detached dwelling, be re-established as individual properties.

Mr. Jeff Greene, Flagship Developments, authorized agent for the applicant, presented application B-2023-0013 briefly outlining the nature of the application.

Committee acknowledged receipt of a letter dated May 4, 2023 from Farah Faroque, Metrolinx, detailing their comments on Application B-2023-0013.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B -2023-0013 from a planning land use perspective. Staff requested that the Metrolinx recommendations be included with the decision. Committee concurred that the Metrolinx recommendations be included.

Mr. Greene responded that he agrees to enter into the clauses outlined in the letter but didn't want it to hold up the registration of the lots.

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

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

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application B-2023-0013 to re-establish separate properties arising from a merger of adjacent lots 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;

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2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received;
3. The applicant/owner shall provide confirmation from Metrollinx that the comments outlined in their letter dated May 4, 2023 have been satisfied.

REASONS:

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

CARRIED

7. **DEFERRED CONSENT APPLICATIONS**

None

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1. **A-2023-0089**

GAURAV BATRA AND DIVYA BATRA

5 KINGSMERE CRESCENT

LOT 229, PLAN 608, WARD 5

The applicants are requesting the following variance(s):

1. To permit an interior side yard setback of 1.52m (5.0 ft) to a proposed two story addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft) to the second storey;
2. To permit lot coverage of 34% whereas the by-law permits a maximum lot coverage of 30%.

Mr. Imran Khan, Imran Khan Architects, authorized agent for the applicant, presented application A-2023-0089 briefly outlining the variances requested related to an addition noting that the reduced setback pertains only to a small portion of the property.

Committee acknowledged receipt of e-mail correspondence dated May 3, 2023 from Lisa Scrivo, 1 Kingsmere Crescent in opposition to the proposal.

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Committee acknowledged receipt of a letter dated May 5, 2023 from Joan Gibbons, 4 Ridgetop Avenue in opposition to Application A-2023-0089.

Committee acknowledged receipt of a petition of opposition submitted by Lisa Scrivo on behalf of the residents of neighbouring streets.

Ms. Lisa Scrivo, 1 Kingsmere Crescent, addressed Committee requesting that the meeting be adjourned to review the information provided due to the limited time that was available for comments to be provided.

Committee advised that the application will not be adjourned or deferred to a future date stating that the application will be considered today and that the request to adjourn is denied. Ms. Scrivo continued by stating that the applicant has disregarded rules regarding property boundaries and spoke of an incident where her hedges were cut back without her knowledge. She expressed an opinion that it was to accommodate an extended driveway.

Ms. Scrivo spoke of drainage issues resulting from the extended driveway and damage to a chain link fence noting that the applicant was ordered by the City to cut back the driveway which to date remains incomplete. Ms. Scrivo commented that in reviewing the drawings it was evident that there are two kitchens noting that there are currently two units. She expressed that there will be a third unit which will be a triplex.

Committee explained that they have reviewed the drawings and they are considering two variances that are requested. Ms. Scrivo stated that the plans are not correct and that two kitchens are shown noting that it is not registered as a second unit dwelling. She stated that this is another example of blatant disregard for by-laws adding that if a self-contained unit is installed this will make this a triplex. It was her request that the zoning by-laws be upheld, that there be requirements to correct grading and registration of a second unit before considering any future request.

Ms. Ana Onofrio, 21 Kingsmere Crescent addressed Committee advising that the neighbourhood has always been comprised of bungalows and that changes will result in parking issues. She advised that cars are parked on the street and there will be no room for traffic to go through.

Ms. Maria Rose Muli, 14 Horwood Drive addressed Committee advising that the approval will allow for a third unit and expressed that there may be fire safety concerns with the installation of another kitchen. Committee responded that safety concerns are paramount and is a criteria that staff look at for any addition.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff explained that there is nothing in provincial legislation that regulates the quantity of bedroom units and that if there is a secondary unit approvals are required subject to providing the necessary information to ensure that it

## Committee of Adjustment Minutes

meets the Ontario Building Code before registration. Staff advised that the setback requested is minor and only to the southern lot line. In terms of grading staff advised that through the custom home approval process, a drainage plan is required for review.

Committee requested an additional condition be included that speaks to drainage. Staff was receptive to including a condition that drainage on adjacent properties not be adversely impacted.

Mr. Garav Batra, owner of the property addressed Committee advising that the hedges were cut during construction of the driveway and when the property owner approached him about the driveway matter it was immediately removed. He advised that there are two kitchens, one in the basement which will be occupied by family members. He expressed that he does not want to purchase another house and that he has spent a year and a half on the design plans. He spoke of occasions where the neighbouring property owners were invited to any festivals or gatherings that occur at his property.

Committee noted the concerns of the residents explaining that although the majority of the dwellings in the area are bungalows a 2 storey dwelling is permitted. Committee advised that a condition pertaining to drainage is to be included and made reference to proposed condition number 2 that the below grade entrance shall not be used to access an unregistered second unit.

Committee noted that there is no request for a triplex and Committee are not evaluating the application for a triplex. Committee explained that the applicant or anyone else can apply to register a second unit and during that process the City will review ingress and egress for emergency purposes including fire safety. Committee explained that housing is a big issue and municipalities are trying their best to accommodate housing shortages. Committee explained that the province has recently approved garden suites which in some cases are a little larger than a garden shed. Committee added that the variances are being considered only for lot coverage and a reduction to a setback and that the process for registration of a second unit is a separate process.

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

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2023-0089 to permit an interior side yard setback of 1.52m (5.0 ft) to a proposed two story addition be approved for the following reasons and subject to the following conditions:

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1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. The below grade entrance shall not be used to access an unregistered second unit;
3. That the owner submit a Custom Home application and finalize approval, post any required financial securities and insurance to the satisfaction of the Director of Development Services;
4. That drainage shall be directed onto the subject property and drainage not adversely impact adjacent properties;
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

**MEMBER R. CHATHA WAS NOT PRESENT DURING DISCUSSION OF APPLICATION A-2023-0090. MEMBER D. DOERFLER ASSUMED THE CHAIR.**

.2. **A-2023-0090**

SATWINDER BAINS

9 EASTERN AVENUE

LOT 5, Plan 339, WARD 3

The applicant is requesting the following variance(s):

1. To permit lot coverage of 32.2% whereas the by-law permits a maximum lot coverage of 30%;
2. To permit an interior side yard setback of 1.22m (4.0 ft) to a second storey 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) for each additional storey, or part thereof, where the lot width is less than or equal to 16 metres.

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Mr. John Ramirez, authorized agent for the applicant, presented application A-2023-0090 briefly outlining the variances requested for a new two storey dwelling.

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

Mr. Ramirez noted that the site plan approval application was closed and inquired if he should be inquiring for a custom home application.

Staff explained that following Bill 23 previous site plan applications moved to custom home applications noting that the applicant does have an active custom home application which he will finalize and receive the necessary approvals.

Mr. Ramirez stated that there were comments made through the site plan approval process prior to the change to custom home and inquired if those comments still applied.

Staff explained that he would be resubmitting the application with the revised drawings through the custom home stream where it will be reviewed.

Mr. Ramirez 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-2023-0090 to permit lot coverage of 32.2% and to permit an interior side yard setback of 1.22m (4.0 ft) to a second storey be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File CH-2022-0036, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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



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8.3. **A-2023-0091**

JASWINDER BAINS AND NARINDER BAINS

10 EASTERN AVENUE

LOT 47 AND PART OF LOT 46, PLAN D-14, WARD 3

The applicants are requesting the following variance(s):

1. To permit lot coverage of 32.76% whereas the by-law permits a maximum lot coverage of 30%;
2. To permit a building height of 10.0m (32.80 ft) whereas the by-law permits a maximum building height of 8.5m (27.89 ft.).

Mr. John Ramirez, authorized agent for the applicant, presented application A-2023-0091 briefly outlining the variances requested.

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

Mr. Ramirez indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2023-0091 to permit lot coverage of 32.76% and to permit a building height of 10.0m (32.80 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 finalize site plan approval under City File CH-2022-0034, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.4. **A-2023-0092**

SAURAV BUBBER AND MANSEE BUBBER

11 FERNDAL CRESCENT

LOT 428, PLAN 679, WARD 3

The applicants are requesting the following variance(s):

1. To permit a garden suite having a rear yard setback of 0.9m (2.95 ft) whereas the by-law requires a minimum rear yard setback of 2.5m (8.20 ft.);
2. To permit a garden suite having a side yard setback of 0.9m (2.95 ft.) whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft);
3. To permit a garden suite having a gross floor area of 41.63 sq. m (448.10 sq. ft) whereas the by-law permits a maximum gross floor area of 35 sq. m (376.74 sq. ft).

Mr. Saurav Bubber, applicant and owner of the property, presented application A-2023-0092 briefly outlining the variances requested advising that they propose to repurpose the garage as a garden suite.

Committee acknowledged receipt of a letter dated May 2, 2023 from the owners of the property with information on the proposal.

Committee acknowledged receipt of a letter dated May 4, 2023 from Gail and Glenn McIntyre detailing their concerns with the application.

Committee acknowledged receipt of a letter dated May 4, 2023 from Eric Bacon, 12 Ferndale Crescent, detailing his concerns with the application.

Mr. Cavin Bennett, 45 Ferndale Crescent addressed Committee advising that his concerns are mainly around the existing unit which is already in place which he described as a barn. He advised that it is a 2 level garage that exceeds the building height requirements outlined by the City of Brampton.

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Mr. Bennett made reference to the request for a reduced setback which he stated is 64% closer in the rear and side and an increase in the floor area of the garden suite which is 16% larger than what a garden suite should be. He added that the existing building is almost larger than the existing house and is taller. He expressed concerns with an increase in the building footprint and an increase in water on adjacent properties resulting in drainage issues.

The property owner's father, Nav Bubber, addressed Committee to refute the statements put forward by Mr. Bennett. He advised that the garage was built in 2013 with a building permit in place adding that the garage is not bigger than the house noting that the area of the garage is 400 square feet while the area of the house is 1200 square feet. He added that the height restrictions were met based on the building permit that was approved. Mr. Bubber referred to a submission by his son stating that repurposing the existing garage rather than construction of a new garden suite will result in not having to waste construction materials that were put into the garage.

Mr. Saurav Bubber, property owner, advised that repurposing the garage will not result in any change to the exterior of the building which would not have an impact on drainage. He explained that repurposing the existing building will minimize the impact on the carbon footprint.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff explained that in terms of drainage no concerns were raised by the City's Engineering staff. Staff further explained that Zoning staff reviewed the height of the proposed garden suite and have determined that it is less than the height of the existing dwelling.

Committee requested an additional condition be included to address drainage concerns. Committee understood the concerns with reduced setbacks but recognized that this is an existing building that is being repurposed. Upon question to staff it was confirmed that a garden suite could be introduced to the property in addition to the existing garage.

Following discussion, Mr. Bubber 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: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2023-0092 to a garden suite having a rear yard setback of 0.9m (2.95 ft); to permit a garden suite having a side yard setback of 0.9m (2.95 ft.) and to permit a garden suite having a gross floor area of 41.63 sq. m (448.10 sq. ft) be approved for the following reasons and subject to the following conditions:

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1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner obtain a building permit for the alteration and conversion of the garage, and the garden suite must be registered prior to occupancy;
3. That the proposed garden suite not be used as an as a unregistered second unit;
4. That the applicant/owner submit a Custom Home Application for the proposed Garden Suite;
5. That the extent of the proposed garden suite be limited to having a gross floor area of 41.63 square metres contained within a single storey of the existing detached garage;
6. That drainage shall be directed onto the subject property and drainage not adversely impact adjacent properties;
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.5. **A-2023-0093 (Deferred as discussed during procedural matters)**

HEAVENUE HOLDINGS INC.

11 SUN PAC BOULEVARD, UNIT 8

PEEL CONDOMINIUM PLAN 1046, LEVEL 1, UNIT 1, WARD 8

The applicant is requesting the following variance(s):

1. To permit the construction of an 83.26 square metre mezzanine while providing 81 parking spaces on site whereas the by-law requires a minimum of 121 parking spaces on site.

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8.6. **A-2023-0094**

FATIMA ARRUDA AND VITALINO PEREZ

30 MANDERLEY PLACE

PART OF LOT 267, PLAN M-75, PART 21, PLAN 43R-3596, WARD 7

The applicants are requesting the following variance(s):

1. To provide a 0.609m (2 ft) side yard setback to a proposed one storey attached garage whereas the by-law requires a minimum 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.**

8.7. **A-2023-0095**

SATINDERJIT BAJWA, LAL BAJWA AND SURJIT BAJWA

48 MADRAS PLACE

LOT 217, PLAN M-74, WARD 7

The applicants are requesting the following variance(s):

1. To permit a two unit dwelling on a property zoned open space whereas the by-law does not permit a two unit dwelling on lands zoned open space.

Mr. Rahul Gupta authorized agent for the applicant, presented application A-2023-0095 briefly outlining the variances requested.

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

Committee posed a question to staff pertaining to the land at the rear and side of the property. Committee noted that usually lands that are City owned are separated by a chain link fence.

Staff confirmed that the lands at the rear east of the property are owned by the City. Staff advised that they would not recommend a condition for a fence commenting that it is best to keep as it is.

Mr. Gupta indicated that the proposed conditions were acceptable.

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

Moved by: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0095 to permit a two unit dwelling on a property zoned open space 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 proposed 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

### 8.8. **A-2023-0096**

ATLANTIC PACKAGING PRODUCTS LTD.

195 WALKER DRIVE

PART OF BLOCKS G, CC, OO, PLAN 977, PART 2, PLAN 43R-9983, WARD 8

The applicant is requesting the following variance(s):

1. To permit a front yard setback of 6.69m (21.95 ft) to a proposed addition whereas the by-law requires a minimum front yard setback of 9.0m (29.53 ft);
2. To permit an interior side yard setback of 0.97m (3.18 ft) to a proposed addition whereas the by-law requires a minimum interior side yard setback of 4.0m (13.12 ft).

Mr. Vinod Kumar, Virtual Engineers, authorized agent for the applicant, presented application A-2023-0096 briefly outlining the variances requested.

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

Mr. Kumar indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2023-0096 permit a front yard setback of 6.69m (21.95 ft) to a proposed addition and to permit an interior side yard setback of 0.97m (3.18 ft) to a proposed addition be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant finalizes site plan approval under City File SPA-2022-0154, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.9. **A-2023-0097**

NACHIKET DEVAL AND TANU MALHOTRA

32 FANSHAWE DRIVE

PART OF LOT 14, PLAN M-101, PART 6 AND 6A, PLAN 43R-4811, WARD 2

The applicant is requesting the following variance(s):

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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 side yard;
2. To permit an interior side yard setback of 0.78m (2.56 ft) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Mr. Dinesh Bhutani, Heritage Solutions, authorized agent for the applicant, presented application A-2023-0097 briefly outlining the variances requested.

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

Mr. Bhutani 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-2023-0097 to permit a below grade entrance in a required side yard and to permit an interior side yard setback of 0.78m (2.56 ft) to a below grade entrance be approved for the following reasons and subject to the following conditions:

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



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8.10. **A-2023-0098**

MOINUDDIN SYED AND MOSHSINA MOIN

28 MONTPELIER STREET

PART OF LOT 106, PLAN 43M-1979, PARTS 11 AND 12, PLAN 43R-36724, WARD 6

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 1.76m (5.77 ft) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Mr. Dilpreet Singh, RDA Designs, authorized agent for the applicant, presented application A-2023-0098 briefly outlining the variances requested. He explained that staff are not supporting the application and would like to see screening which he advised they can provide. He added that the below grade entrance in the side yard would require only 2 steps down while if constructed at the rear it would be a straight down entrance requiring 10 to 12 steps. Mr. Singh expressed that the owner would prefer the option of locating it in the side yard primarily due to the cost.

Committee acknowledged receipt of e-mail correspondence dated May 3, 2023 from Mirella and Jack Fratia, 63 Edinburgh Drive, indicating opposition to the proposal.

Committee was informed that City of Brampton planning staff was not in support of this application advising that the proposal will have an anticipated negative impact on the subject property and the streetscape.

Mr. Singh explained that a fence is proposed that would cover the entrance and be appealing to the streetscape so as not to have a negative impact.

Committee advised that the property is a corner lot and the dwelling is a semi-detached dwelling and expressed concerns with the proposal.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2023-0098 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 1.76m (5.77 ft) to a below grade entrance whereas be refused for the following reasons:

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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 is not maintained and the variance is not minor.

CARRIED

### 8.11. **A-2023-0099**

DOUGLAS WRIGHT AND DIANE WRIGHT

18 ROSEDALE AVENUE WEST

PART OF LOTS 55 AND 56, PLAN BR-32, WARD 1

The applicants are requesting the following variance(s):

1. To permit a rear yard setback of 3.6m (11.82 ft) to a proposed 1 storey addition (sunroom) whereas the by-law requires a minimum rear yard setback of 8.05m (24.41 ft).

Mr. Douglas Wright, applicant and owner of the property, presented application A-2023-0099 briefly outlining the variances requested.

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

Mr. Wright 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. Doerfler

THAT application A-2023-0099 to permit a rear yard setback of 3.6m (11.82 ft) to a proposed 1 storey 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 submit a Heritage Memo within 60 days of the decision of approval or as extended at the discretion of the Director in Integrated City Planning. The Heritage Memo is to be prepared by a qualified Heritage Professional addressing

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the property's heritage status, the proposed development as provided in the application, any impacts on the heritage attributes of the house due to the proposed sunroom addition, and conclusions and recommendations, to the satisfaction of the Director of Integrated City Planning;

3. That the amount of glazed openings for the rear and side wall of the addition will be restricted based on the limiting distance, and shall conform to Division B, 9.10.15.4. of the Ontario Building Code;
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

### 8.12. **A-2023-0101**

1666426 ONTARIO INC.

194-196 MAIN STREET SOUTH

LOT 430, PLAN 625, PART 2, PLAN 43R-6223, WARD 3

The applicant is requesting the following variance(s):

1. To permit a bank, trust company or finance company whereas the by-law does not permit the use;
2. To permit a retail establishment whereas the by-law does not permit the use;
3. To provide 30 parking spaces whereas the by-law requires a minimum of 41 parking spaces.

*Note: Approval granted under Application A17-184 has expired.*

Ms. Samireh Ispahany, applicant and owner of the property presented application A-2023-0101 briefly outlining the variances requested advising that she requests a renewal of a previous approved application. Ms. Ispahany explained that since the approval was

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granted in 2017 there have been no issues in the past five years and they have contributed to the overall commercial landscape of Main Street.

Ms. Ispahany provided a letter from the head office of Pizza Pizza, an anchor tenant, confirming that approximately 70% of the sales for Pizza Pizza are for delivery orders. A letter was also provided from Nanwood Dental confirming that the hours of operation are from 10:00 am to 7:00 pm on Tuesdays and Fridays only.

Ms. Ispahany expressed that her concern is for a parking study that has been requested that would be quite costly ranging from \$4500.00 to \$5500.00. She added that this could delay her another forty-five days which could cause her to lose a potential tenant. It was her request that the decision be made permanent. She explained that five years ago she was represented by legal counsel adding that this is a small investment property which contributes to the commercial landscape.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff explained that the variance seeks a reduction in parking which is 27% noting that Transportation Staff typically request a parking study for a reduction that is greater than 10%. Staff advised that in this case staff are requesting a parking memo since the parking reduction has existed on site for a number of years explaining that a parking memo is typically less expensive than a detailed parking study and is intended to access and monitor the parking demands of the site to ensure the site can adequately operate despite the parking reduction.

Ms. Ispahany noted that the site was previously occupied by Tim Horton's and a Dairy Queen advising that the parking lot was never at 50% parking capacity.

Upon question from Committee staff confirmed that there have been no complaints registered regarding parking.

Committee inquired what uses are currently permitted. Staff responded that a hotel, dining room restaurant or a banquet hall are permitted.

A member of the Committee noted that parking on the site is usually not at capacity. Committee expressed that it would be beneficial to provide the parking memo as requested in the proposed conditions given that the request is for permanent use as opposed to a temporary period.

Staff advised that a traffic technologist could help scope the work and help the applicant understand the requirements.

Following discussion, Ms. Ispahany indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: D. Colp

THAT application A-2023-0101 to permit a bank, trust company or finance company; to permit a retail establishment and to provide 30 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 Owner is to submit a parking memo to the satisfaction of the Commissioner of Public Works and Engineering within 60 days of the final date of the Committee's decision; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.13. **A-2023-0102**

ANDREA FOSTER AND KIRK FOSTER

20 GOLF VIEW DRIVE

LOT 516, PLAN 695, WARD 3

The applicants are requesting the following variance(s):

1. To permit an accessory structure (storage shed) having a gross floor area of 22.3 sq. m (240 sq. ft) whereas the by-law permits an accessory structure having a maximum gross floor area of 15 sq. m (161.46 sq. ft) for an individual accessory structure;
2. To permit two (2) accessory structures (storage shed and pool shed) having a combined gross floor area of 31.22 sq. m (336.05 sq. ft) whereas the by-law permits

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two (2) accessory structures having a maximum combined gross floor area of 20 sq. m (215.28 sq. ft);

3. To permit an eave to encroach to 1.02m (3.35 ft) into the rear yard whereas the by-law permits an eave to encroach a maximum of 0.5m (1.64 ft);
4. To permit an existing accessory structure (pool shed) in a required interior side yard having a side setback of 0.48m (1.57 ft) whereas the by-law does not permit an accessory structure to be located within the required 1.8 m side yard.

Mr. Kirk Foster, applicant and owner of the property, presented application A-2023-0102 briefly outlining the variances requested.

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

Mr. Foster 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-2023-0102 to permit an accessory structure (storage shed) having a gross floor area of 22.3 sq. m (240 sq. ft); to permit two (2) accessory structures (storage shed and pool shed) having a combined gross floor area of 31.22 sq. m (336.05 sq. ft); to permit an eave to encroach to 1.02m (3.35 ft) into the rear yard and to permit an existing accessory structure (pool shed) in a required interior side yard having a side setback of 0.48m (1.57 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 owner shall obtain a building permit for the existing oversized shed within 60 days of the final date of the Committee's decision or within an extended period of time at the discretion of the Chief Building Official
3. The applicant shall remove the existing pergola located in the rear yard to the satisfaction of the Director of Development Services within 90 days of the final date of the Committees or within an extended period of time at the discretion of the Director of Development Services
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.14. **A-2023-0103**

PEEL FINANCIAL INC.

8125 DIXIE ROAD

PART OF BLOCK A, PLAN 636, WARD 7

The applicant is requesting the following variance(s):

1. To permit a bank, trust company or finance company whereas the by-law does not permit the use(s).

Mr. Zechariah Bouchard, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2023-0103 briefly outlining the variances requested. Mr. Bouchard explained that the site is occupied by a one and a half storey bank building that was built in 1964 noting that his client purchased the property in December, 2022. He stated that the building has certain features suitable for the proposed use.

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

Mr. Bouchard indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2023-0103 to permit a bank, trust company or finance company be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

### 8.15. **A-2023-0104**

FARZANA BAGAM

72 CIRCUS CRESCENT

LOT 7, PLAN 43M-2074, WARD 6

The applicant is requesting the following variance(s):

1. To permit an exterior stairway leading to a proposed below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit a 0.12m (0.40 ft) side yard setback to an exterior stairway leading to a below grade entrance in the required interior side yard, with a combined side yard setback of 0.76m (2.50 ft), whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.) on one side and 0.6m (1.97 ft) on the other side provided that the combined total for both interior lots is 1.8m (5.91 ft.).

Mr. M. Arshad Siddiqui, C-Architecture Ltd., authorized agent for the applicant, presented application A-2023-0104 briefly outlining the variances requested. He advised that he read the staff comments and understands that a condition would require that the applicant engage a third party inspector to provide a closed-circuit television (CCTV) sewer inspection video and CCTV sewer report of the catch basin located at the rear and storm sewer pipe. Mr. Siddiqui stated that he advised the owner of the requirement and he is satisfied to engage a company to satisfy staff.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that intent of the by-law in prohibiting below grade entrances in the interior side yard as well as requiring a minimum side yard setback is to ensure that sufficient space is maintained for drainage purposes and access to the rear yard.



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Staff explained that upon review it was determined that there is a catch basin in the rear yard connected by a storm sewer pipe located in the interior side yard noting that the subject property and the abutting properties drain into the catch basin located in the rear yard. Staff advised that City Engineering Staff noted that the location and construction of the below grade stairs may damage the storm sewer pipe.

Committee noted that the application indicates this is a proposed below grade entrance however Mr. Siddiqui confirmed that this is an as-built situation advising that the owner would have to go for a below grade stairs at the rear yard if not approved.

Committee had concerns with the reduced side yard setback. Committee advised that if this is not approved the owner would have to close the door and could construct in the rear yard.

Staff advised that the subdivision is not assumed by the City and is still with the developer. Staff explained that there are a variety of tests that need to occur including inspection of infrastructure noting that the developer did an inspection (CCTV) of that storm sewer pipe in October. Staff added that the problem now is that a below grade entrance is built above the storm sewer infrastructure and that City Staff don't know if that is damaged. Staff advised that the ultimate recommendation is refusal.

Committee advised that the problem is that people go ahead with construction without going through the proper process or consulting with the City. Committee explained that construction could occur at the rear of the property and that the applicant should work with City Staff.

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: A. C. Marques

Seconded by: D. Colp

THAT application A-2023-0104 to an exterior stairway leading to a proposed below grade entrance in the required interior side yard and to permit a 0.12m (0.40 ft) side yard setback to an exterior stairway leading to a below grade entrance in the required interior side yard, with a combined side yard setback of 0.76m (2.50 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

Committee of Adjustment Minutes

8.16. **A-2023-0105**

VASILIOS PAPOUTSIS

61 RIVER ROAD

LOT 14, PLAN D-25, WARD 6

The applicant is requesting the following variance(s):

1. To permit a side yard setback of 0.94m (3.08 ft) to an existing addition whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft).

Mr. Vasilios (Bill) Papoutsis, applicant and owner of the property, presented application A-2023-0105 briefly outlining the variances requested. He commented that the addition predated the purchase of the property.

Committee acknowledged receipt of a letter dated May 4, 2023 from Credit Valley Conservation indicating no objection to Application A-2023-0105.

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

Mr. Papoutsis indicated that the proposed conditions were acceptable.

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

Moved by: D. Colp

Seconded by: D. Doerfler

THAT application A-2023-0105 to permit a side yard setback of 0.94m (3.08 ft) to an existing addition be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit for the 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

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

CARRIED

8.17. **A-2023-106**

HARINDER SINGH AND NAVNEET KAUR PANNU

16 ABIGAIL GRACE CRESCENT

LOT 121, PLAN 43M-2063, WARD 6

The applicants are requesting the following variance(s):

1. To permit an accessory structure (pavilion) having a gross floor area of 17.84 sq. m (192.03 sq. ft) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft) for an individual accessory structure;
2. To permit a combined gross floor area of 29 sq. m (312.15 sq. ft) for two (2) accessory structures (pavilion and shed) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq ft);
3. To permit an accessory structure (pavilion) having a height of 3.5m (11.48 ft) whereas the by-law permits a maximum height of 3.0m (9.84 ft) for an accessory structure.

Mr. Chris Kotowicz, Clear Kut Landscaping, authorized agent for the applicant, presented application A-2023-0106 briefly outlining the variances requested.

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

Mr. Kotowicz 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-2023-0106 to permit an accessory structure (pavilion) having a gross floor area of 17.84 sq. m (192.03 sq. ft); to permit a combined gross floor area of 29 sq. m (312.15 sq. ft) for two (2) accessory structures (pavilion and shed) and to permit an accessory structure (pavilion) having a height of 3.5m (11.48 ft) be approved for the following reasons and subject to the following conditions:

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

### **APPLICATION A-2023-0094 WAS RECALLED (Agenda Item 8.6)**

FATIMA ARRUDA AND VITALINO PEREZ

30 MANDERLEY PLACE

PART OF LOT 267, PLAN M-75, PART 21, PLAN 43R-3596, WARD 7

The applicants are requesting the following variance(s):

1. To provide a 0.609m (2 ft) side yard setback to a proposed one storey attached garage whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft).

Mr. Nelson Espinola, Escaladesigns Inc. authorized agent for the applicant, presented application A-2023-0094 briefly outlining the variances requested.

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

Committee noted that the overhang was close to the property line and requested that a condition be included regarding drainage.

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

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

Moved by: D. Colp

Seconded by: D. Doerfler

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THAT application A-2023-0094 provide a 0.609m (2 ft) side yard setback to a proposed one storey attached garage 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 owner shall obtain a building permit for the existing garage addition located in the side yard within 60 days of the final date of the Committee's decision or within an extended period of time at the discretion of the Chief Building Official;
3. That no commercial or industrial uses shall operate from the garage;
4. That drainage shall be directed onto the subject property and drainage not adversely impact adjacent properties; 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. **DEFERRED MINOR VARIANCE APPLICATIONS**

None

### 10. **ADJOURNMENT**

Moved by: D. Colp

Seconded by: A. C. Marques

That the Committee of Adjustment hearing be adjourned at 11:27 a.m. to meet again on Tuesday, March 28, 2023.

CARRIED