

APPLICATION # A-2023-0158
WARD #10

APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **UPASANA AHLUWALIA, AJIT MOHAN AHLUWALIA, SIDDARTH AHLUWALIA AND SAKSHAM AHLUWALIA** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Lot 28, Plan M-1132 municipally known as **233 MOUNTAINBERRY ROAD**, Brampton;

AND WHEREAS the applicants are requesting the following variance(s):

1. To permit an as-built above grade side entrance with a side yard setback of 1.05m (3.44 ft) extending from the front wall of the dwelling up to and including the door whereas the by-law only permits an above grade side entrance where the side yard within which the door is located has a minimum width of 1.2m (3.94 ft) up to and including the door;
2. To permit a 1.05m (3.44 ft) path of travel leading to the principal entrance to a second unit whereas the by-law requires an unencumbered side yard width 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 landing 0.69m (2.27 ft) above grade accessing a principal entrance to a second unit whereas the by-law requires the principal entrance to a second unit be accesses by a landing less than 0.6m (1.97 ft) above ground level.
4. To permit an existing driveway width of 7.85m (25.75 ft) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
5. To permit 0m of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line

OTHER PLANNING APPLICATIONS:

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: _____ NO _____ File Number: _____
Application for Consent: _____ NO _____ File Number: _____

The Committee of Adjustment has appointed **TUESDAY, June 20, 2023 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. This will also entitle you to be advised of an Ontario Land Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the applicant, the Minister, a specified person or a public body.

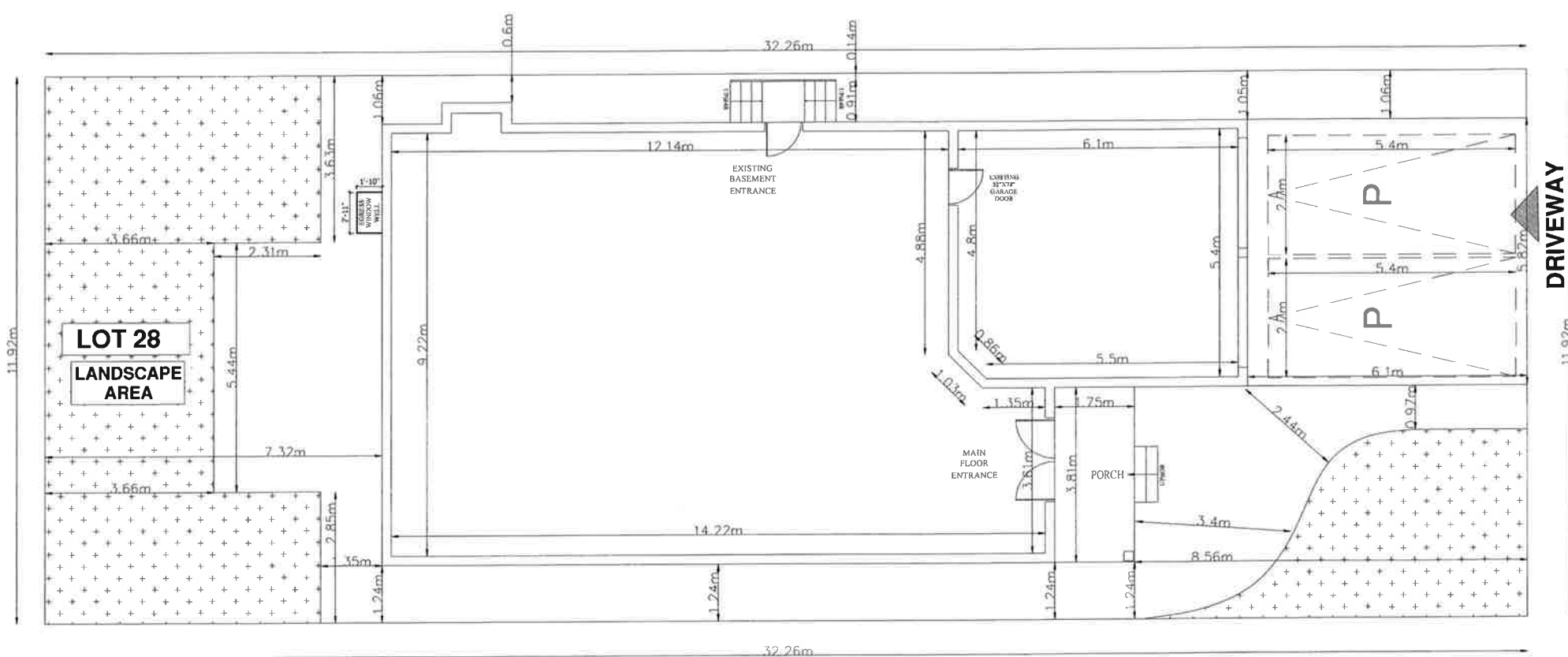
RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

DATED at Brampton Ontario, this 8th Day of June, 2023.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer
Committee of Adjustment, City Clerk's Office,
Brampton City Hall, 2 Wellington Street West,
Brampton, Ontario L6Y 4R2
Phone: (905)874-2117
Fax: (905)874-2119
jeanie.mvers@brampton.ca



SITE PLAN
SCALE 1:100



233 MOUNTAINBERRY ROAD

GENERAL NOTES		
DO NOT SCALE DRAWINGS. PROPERTY RIGHTS RETAINED BY: BG CONSTRUCTION DESIGN. ANY REPRODUCTION IN WHOLE OR IN PART UNDER THE RULES AND BY-LAWS OF THE CORPORATION IS STRICTLY FORBIDDEN. ANY REPRODUCTIONS MUST BE AUTHORIZED BY ALL DRAWINGS ARE IN METRIC SCALE		
SCOPE OF WORK		
PROPOSAL TO CONSTRUCT SECONDARY UNIT		
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.		
QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.5.1 OF THE BUILDING CODE		
SHIVANG TARIKA	106440	
NAME	SIGNATURE	BCIN
<i>SHIVANG TARIKA</i>		
NO	REVISION / ISSUE	DATE
SITE PLAN		
CITY : BRAMPTON		
233 MOUNTAINBERRY ROAD		
EXISTING DWELLING		
PROJECT	SHEET	
APRIL 2023	A1	
SCALE 3/32"=1'-0"		

Under the authority of the Emergency Management and Civil Protection Act and the Municipal Act, 2001, City Council approved Committee Meetings to be held electronically and/or as a hybrid meeting (both in-person and electronically).

**Electronic/Hybrid Hearing Procedures
How to get involved in the Hybrid Hearing**

As the pandemic has waned, Brampton City Hall is currently lifting in-person attendance restrictions due to the COVID pandemic. In-person attendance at Committee of Adjustment Hearings is now available at this time, along with a virtual participation option. Brampton City Council and its Committees will continue to meet electronically and in-person. For the **June 20, 2023** hearing, the Committee of Adjustment will conduct its meeting with concurrent electronic and in-person attendance.

How to Participate in the Hearing:

All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, June 15, 2023.**

- Advance registration for applicants, agents and other interested persons is required by one or two options:
 1. Participate remotely in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Thursday, June 15, 2023.**
 2. To participate in-person, please email the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Thursday, June 15, 2023.**
- Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone or in-person. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **4:30 pm Thursday, June 15, 2023.** City staff will contact you and provide you with further details.

You will be contacted by the City Clerk's Office before the hearing date to confirm your attendance.

Confirmation of in-person attendance will be subject to any in-person capacity limits that may be in place for Council Chambers at City Hall and prevailing public health orders and guidance.

- All Hearings will be livestreamed on the City of Brampton YouTube account at:
<https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or
<http://video.isilive.ca/brampton/live.html> .

If holding an electronic/hybrid rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca. If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

NOTE Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.brampton.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.

AMENDMENT LETTER

June 7, 2023

To: Committee of Adjustment
UPASNA AHULUWALIA
LOT 28, PLAN M-1132
A-2023-0158 – 233 MOUNTAINBERRY ROAD

Please **amend** application **A-2023-0158** to reflect the following:

1. To permit an as-built above grade side entrance with a side yard setback of 1.05m (3.44 ft) extending from the front wall of the dwelling up to and including the door whereas the by-law only permits an above grade side entrance where the side yard within which the door is located has a minimum width of 1.2m (3.94 ft) up to and including the door;
2. To permit a 1.05m (3.44 ft) path of travel leading to the principal entrance to a second unit whereas the by-law requires an unencumbered side yard width 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 landing 0.69m (2.27 ft) above grade accessing a principal entrance to a second unit whereas the by-law requires the principal entrance to a second unit be accesses by a landing less than 0.6m (1.97 ft) above ground level.
4. To permit an existing driveway width of 7.85m (25.75 ft) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
5. To permit 0m of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line



Applicant/Authorized Agent



For Office Use Only
(to be inserted by the Secretary-Treasurer
after application is deemed complete)

FILE NUMBER: A-2023-0158

The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

NOTE: It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** Upasna Ahluwalia, Ajit M Ahluwalia, Siddharth Ahluwalia & Saksham Ahluwalia
Address 233 Mountainberry Rd, Brampton, ON, L6R1W3
Phone # _____ **Fax #** _____
Email _____

2. **Name of Agent** Shivang Tarika
Address 106 Morningside Dr, Georgetown, L7G0M2, ON
Phone # 4168212630 **Fax #** _____
Email shivang@relysolution.com

3. **Nature and extent of relief applied for (variances requested):**

A. To permit an as-built above grade side entrance with a side yard width of 1.05 m extending from the front wall of the dwelling up to and including the door, whereas the by-law requires a continuous 1.2 m side yard to an above grade side entrance.

B To permit a 1.06m wide path of travel leading to the principal entrance to a second unit whereas the by-law requires a minimum 1.2m unobstructed path of travel leading to the primary entrance to a second unit.

4. **Why is it not possible to comply with the provisions of the by-law?**

The owner of the property wants to build a second dwelling unit to manage his mortgage. However to provide a second dwelling unit the entrance is as built and the owner would not like to change that, as it might cost a bit extra for him, which he is unable to afford at this time. The entrance is designed in such a way that it does not block the passage to move to the rear yard. We would like to ask for minor variance.

5. **Legal Description of the subject land:**
Lot Number 28
Plan Number/Concession Number M1132
Municipal Address 233 Mountainberry Rd, Brampton, ON, L6R1W3

6. **Dimension of subject land (in metric units)**
Frontage 11.92 M
Depth 32.26 M
Area 384.60

7. **Access to the subject land is by:**

Provincial Highway	<input type="checkbox"/>	Seasonal Road	<input type="checkbox"/>
Municipal Road Maintained All Year	<input checked="" type="checkbox"/>	Other Public Road	<input type="checkbox"/>
Private Right-of-Way	<input type="checkbox"/>	Water	<input type="checkbox"/>

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Ground Floor Area: 173.72sqm
Gross Floor Area: 401.52 sqm,
No. of Levels: 2
Width: 9.63 m
Length: 14.63 m

PROPOSED BUILDINGS/STRUCTURES on the subject land:

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9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback	6.1 M
Rear yard setback	7.32 M
Side yard setback	1.24 M
Side yard setback	0.6 M

PROPOSED

Front yard setback	6.1 M
Rear yard setback	7.32 M
Side yard setback	1.24M
Side yard setback	0.14 M

10. Date of Acquisition of subject land: 2017
11. Existing uses of subject property: Residential - Single Dwelling Unit
12. Proposed uses of subject property: Residential - Two Dwelling Unit
13. Existing uses of abutting properties: Residential
14. Date of construction of all buildings & structures on subject land: 2008
15. Length of time the existing uses of the subject property have been continued: 9yrs

16. (a) What water supply is existing/proposed?
 Municipal Other (specify) _____
 Well
- (b) What sewage disposal is/will be provided?
 Municipal Other (specify) _____
 Septic
- (c) What storm drainage system is existing/proposed?
 Sewers Other (specify) _____
 Ditches
 Swales

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes No

If answer is yes, provide details: File # _____ Status _____

18. Has a pre-consultation application been filed?

Yes No

19. Has the subject property ever been the subject of an application for minor variance?

Yes No Unknown

If answer is yes, provide details:

File # _____ Decision _____ Relief _____
File # _____ Decision _____ Relief _____
File # _____ Decision _____ Relief _____

Paras

Signature of Applicant(s) or Authorized Agent

DATED AT THE CITY OF OF BRAMPTON
THIS 18 DAY OF MAY, 2023.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, PARAS NARANG, OF THE TOWN OF GEORGETOWN
IN THE REGION OF HALTON SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE
CITY OF Brampton
IN THE Region OF
 Peel THIS 18th DAY OF
 May , 2023

Jeanie Cecilia Myers
a Commissioner, etc.,
Province of Ontario
for the Corporation of the
City of Brampton
Expires April 8, 2024.

Paras

Signature of Applicant or Authorized Agent

Submit by Email

Jeanie Myers
A Commissioner etc.

FOR OFFICE USE ONLY

Present Official Plan Designation: _____

Present Zoning By-law Classification: _____

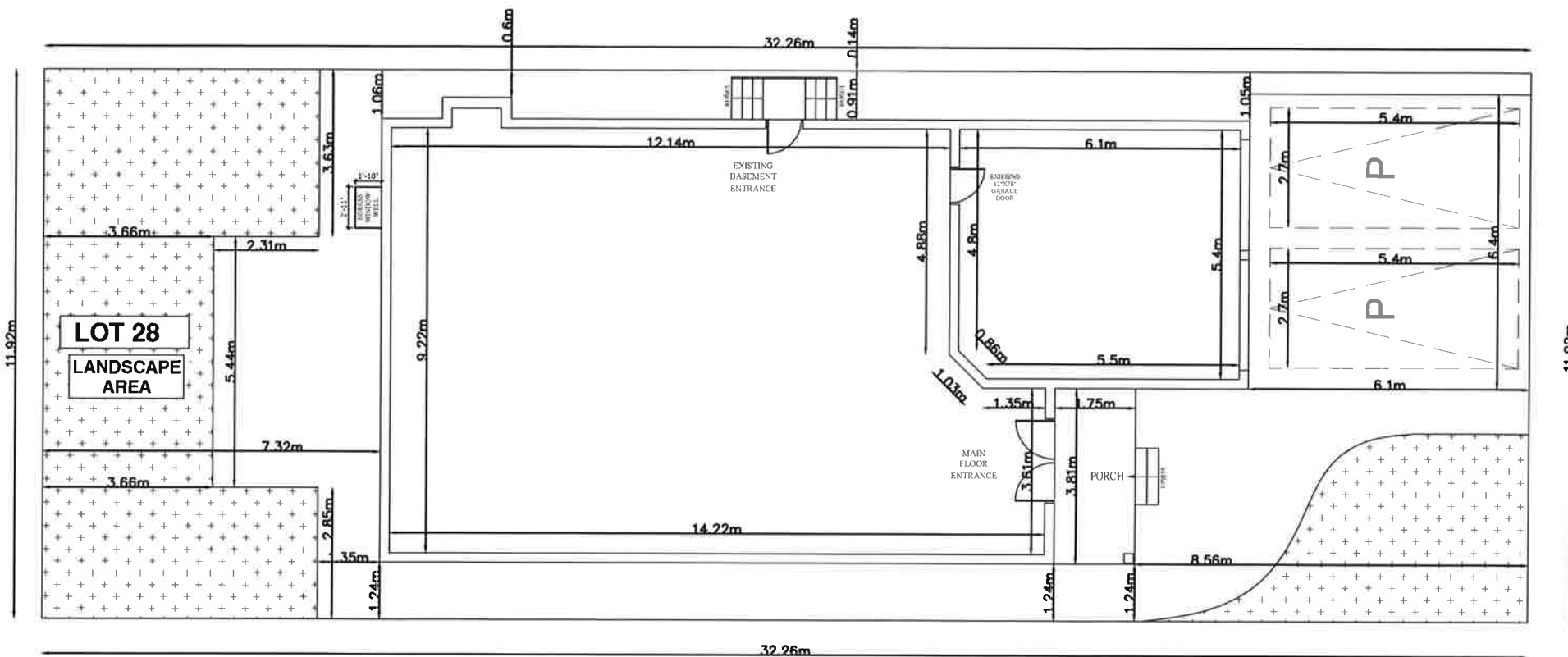
This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

Zoning Officer

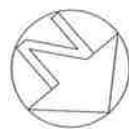
Date

DATE RECEIVED MAY 18, 2023

Date Application Deemed Complete by the Municipality _____



SITE PLAN
SCALE 1:100



233 MOUNTAINBERRY ROAD

GENERAL NOTES

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 PROPERTY RIGHTS RETAINED BY:
 BG CONSTRUCTION DESIGN
 ANY REPRODUCTION IN WHOLE OR IN PART
 UNDER THE RULES AND BY-LAWS OF THE
 CORPORATION IS STRICTLY FORBIDDEN.
 ANY REPRODUCTIONS MUST BE
 AUTHORIZED BY
 ALL DRAWINGS ARE IN METRIC SCALE

SCOPE OF WORK

PROPOSAL TO CONSTRUCT
 SECONDARY UNIT

THE UNDERSIGNED HAS REVIEWED AND
 TAKES RESPONSIBILITY FOR THIS DESIGN,
 AND HAS THE QUALIFICATIONS AND
 MEETS THE REQUIREMENTS SET OUT
 IN THE ONTARIO BUILDING CODE
 TO BE A DESIGNER.

QUALIFICATION INFORMATION
 REQUIRED UNLESS DESIGN IS EXEMPT
 UNDER DIV. C-325.1 OF THE BUILDING CODE

SHIVANG TARIKA 10640
 NAME SIGNATURE BCIN

SHIVANG TARIKA

NO	REVISION / ISSUE	DATE

SITE PLAN

CITY : BRAMPTON

233 MOUNTAINBERRY ROAD

EXISTING DWELLING

PROJECT	SHEET
APRIL 2023	A1
SCALE 3/32" = 1'-0"	

LOT 27
PIN 14221 - 0640

LOT 28
PIN 14221 - 0641

LOT 36
PIN 14221 - 1028

BLOCK 241
PIN 14221 - 0968

LOT 27
PIN 14221 - 0479

LOT 28
PIN 14221 - 0480

BLOCK 63
PIN 14221 - 0481

BLOCK 242
PIN 14221 - 0969

REGISTERED



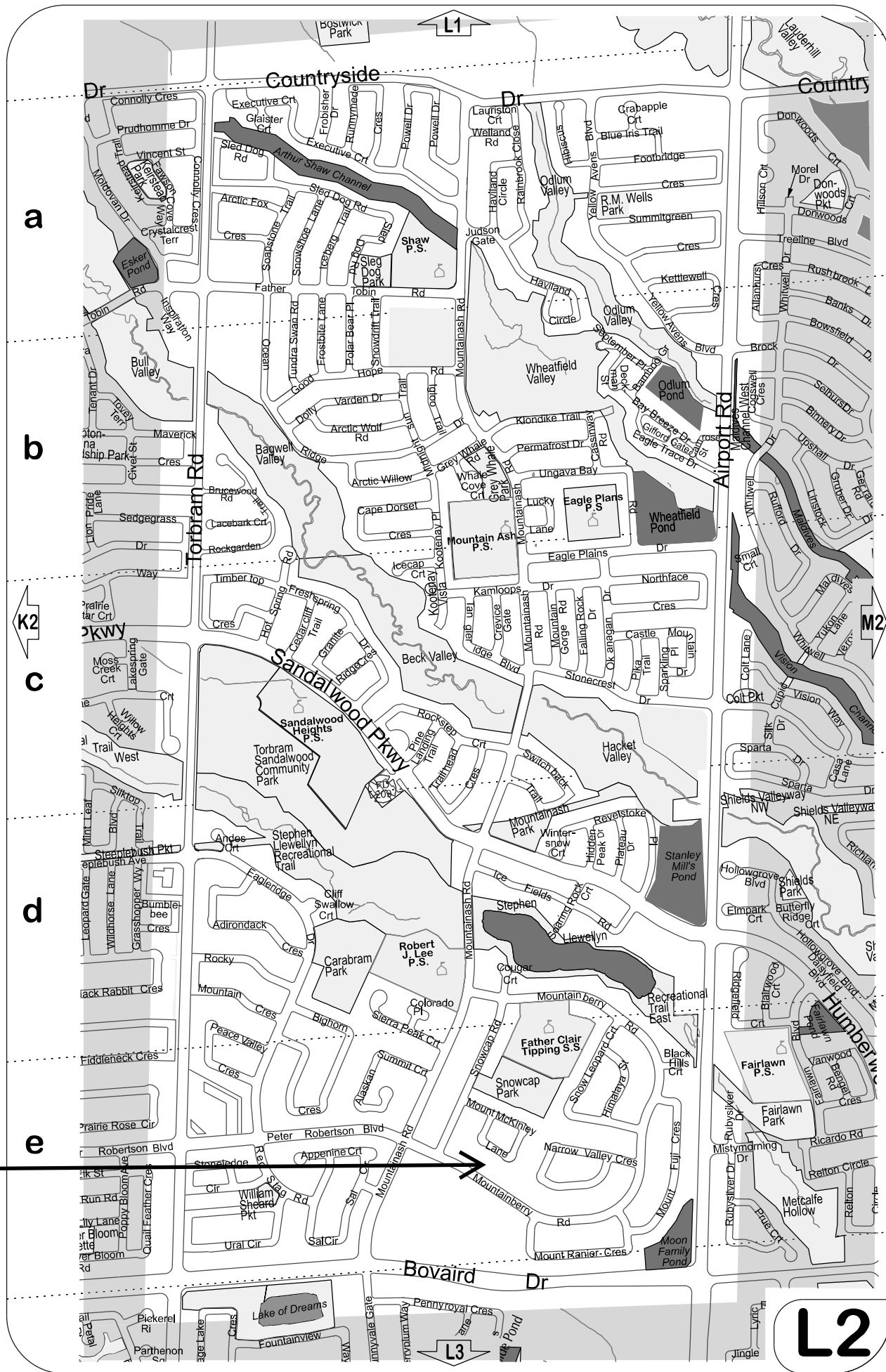
REGISTERED PLAN 43M-1303

N 77° 41' 25" E

(REFERENCE BEARING)

MOUNTAINBERRY

ROAD



a

b

c

d

e

A-2023-0158

L2