

Date: May 30, 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

Members Absent: David Colp (with regrets)

Staff: 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
François Hémon-Morneau, Principal Planner/Supervisor, Development Services
Ross Campbell, Manager, Zoning and Sign By-Law Services
Jeanie Myers, Secretary-Treasurer

1. **Call to Order**

The meeting was called to order at 9:02 am and adjourned at 2:32 pm.

2. **ADOPTION OF MINUTES:**

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT the minutes of the Committee of Adjustment hearing held March 7, 2023 be approved, as printed and circulated.

CARRIED

3. **Region of Peel Comments**

Letter dated May 23, 2023.

Supplementary letter dated May 29, 2023.

Committee of Adjustment Minutes

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

None

5. **WITHDRAWALS/DEFERRALS**

A-2023-0110 (Agenda Item 8.6)

IVY LEAGUE DEVELOPMENTS LIMITED

305 CHAROLAIS BOULEVARD, UNIT 6

BLOCK 306, PLAN M-295, WARD 4

Committee acknowledged receipt of a letter dated May 24, 2023 from Thomas Meyer, Ivy League Developments Limited, requesting a deferral of application A-2023-0110 (***Agenda Item 8.6***).

Mr. Meyer was in attendance to acknowledge the request for a deferral advising that a deferral will provide time for staff to more accurately define the proposed use. He expressed that a take-out restaurant is too broad of a definition noting that there are other restaurants on the property and that the proposed use is a more precise use.

Staff indicated no concerns with a deferral. Following discussion Committee reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2023-0110 be deferred to a hearing no later than August 1, 2013.

CARRIED

A-2023-0118 (Agenda Item 8.14)

EBRAHIM INVESTMENTS INC.

0 VICTORIA CRESCENT

PART OF BLOCK B, PLAN 636, WARD 7

Committee acknowledged receipt of a letter dated May 25, 2023 from Anthony Sirianni, Gagnon Walker Domes Ltd, authorized agent for the applicant requesting a deferral of application A-2023-0118 (***Agenda Item 8.14***).

Committee of Adjustment Minutes

Mr. Sirianni was in attendance to acknowledge the request for a deferral advising that there have been discussion with staff and a deferral to a hearing no later than the last hearing of July, 2023 will provide additional time to engage in further dialogue.

Staff indicated support for a deferral, as recommended by staff and requested by the applicant.

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2023-0118 be deferred to a hearing no later than the last hearing of July, 2023.

CARRIED

A-2023-0113

OM JAKHU AND CHANDER KANTA JAKHU

18 SCARLETT DRIVE

LOT 156, PLAN M-740, WARD 4

Committee acknowledged receipt of a letter dated May 28, 2023 from Oz Jahku and Chander Kanta Jakhu, applicants and owners of the property requesting a deferral of Application A-2023-0113 advising that due to unforeseen circumstances they were not able to collect the signage for posting at the site.

Mr. Arshad Siddique, C-Architecture Ltd., authorized agent for the applicant was in attendance to acknowledge the request to defer, advising that due to unforeseen circumstances neither the property owner nor the authorized agent were able to attend to picking up the required signage.

Staff recommended deferral of the application to the next available hearing. Following discussion Committee reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2023-0113 be deferred to a hearing date of June 20, 2023.

CARRIED

B-2022-0004, A-2023-0047 AND A-2023-0048

IRENE RAMSAMMY AND RON RAMSAMMY

11467 GOREWAY DRIVE

BLOCK 4, PLAN M-312, WARD 10

Committee of Adjustment Minutes

The Chair announced that staff recommends deferral of Applications B-2023-0004, A-2023-0047 and A-2023-0048 for the property addressed as 11467 Goreway Drive (**Agenda Items 7.2, 9.6 and 9.7**).

Mr. Prem Tewari, IDM (2008) Consultants Inc., authorized agent for the applicant was in attendance and advised that he accepts the recommendation by staff to defer.

Mr. Amrik Natt and Karndeeep Natt, 7 New Forest Terrace addressed Committee advising that the applicant hasn't changed anything on the application. He expressed concerns with the proposal which will result in the creation of a narrow lot noting that he doesn't have concerns with access if the access is from Creditview Road.

Committee acknowledged receipt of e-mail correspondence dated May 25, 2023 from Amrinder and Rashpinder Pandler detailing their concerns with the applications.

Committee acknowledged receipt of e-mail correspondence dated May 25, 2023 from Amrik Natt indicating opposition to the applications.

Committee noted the significant decrease in lot frontage and was not prepared to support a lot that does not meet the criteria.

Staff recommends deferral of the applications no later than the last hearing of September 2023 explaining that they have now provided the applicant with red line comments and are closely working with the applicant to address concerns before making a recommendation to Committee. Staff explained that Traffic Staff are looking at closing the access to Goreway Drive noting that the property will now have frontage on New Forest Terrace.

Committee advised that the proposal as presented would not be supported by Committee. Mr. Tewari commented that he would like to meet with staff as soon as possible. Committee advised that they wanted to proceed with the application.

Moved by: R. Chatha

Seconded by A.C. Marques

THAT the request for a deferral of Applications B-2023-0004, A-2023-0047 and A-2023-0048 be refused. In accordance with Committee procedure the applications were to be recalled in the order as listed on the agenda.

CARRIED

A-2023-0130

DI POCE MANAGEMENT LIMITED

0 QUEEN STREET EAST

PART OF BLOCK 4, PLAN 43M-1624, WARD 8

Committee of Adjustment Minutes

The Chair announced that Staff recommends that application A-2023-0130 for the property addressed as 0 Queen Street East be withdrawn (**Agenda Item 8.24**).

Ms. Celeste Salvagna, Di Poce Management Limited, addressed Committee stating that staff advise that the minor variance process is not the best approach. She advised that two previous approvals for the site were received from the Committee of Adjustment.

Committee advised that a temporary use by-law is reviewed through Council and there is a greater scope commenting that it is better to go to Council.

Committee suggested a deferral to allow the applicant to work with staff and have a discussion to determine the best option and outcome.

Ms. Salvagna advised that she has been in discussion with planning staff who recommend a temporary use by-law. She commented that some sites are more complicated requiring a more detailed process however in this instance they are not proposing any site works. She advised that as land owners they have a number of properties in the area where development is proposed. She advised that they were hoping to come to Committee to allow this to continue until they have a vision and process in place to move forward.

Committee advised that a deferral may be prudent as opposed to staff's recommendation to withdraw the application recognizing that a fee has been paid for the application. Committee advised that in the event the application does come before Committee it will require recommendations from staff pertaining to proposed conditions.

Ms. Salvagna was receptive to Committee's suggestion for a deferral no later than the last hearing of 2023.

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2023-0130 be deferred no later than the last hearing of 2023.

CARRIED

6. **NEW CONSENT APPLICATIONS**

6.1. **B-2023-0014**

SYED IKHLAQ JAFRI AND SAIMA JAFRI

35 AND 37 KALMIA ROAD

PART OF BLOCK 291, PLAN 43M-1920, PARTS 18 AND 19, PLAN 43R-36033, WARD 5

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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 7.25 metres (23.79 feet), a depth of approximately 32.72 metres (107.35 feet) and an area of approximately 237.22 square metres (0.06 acres). It is proposed that the properties municipally known as 35 Kalmia Road and 37 Kalmia Road, each occupied by a semi-detached dwelling, be re-established as individual properties.

Ms. Arlene Beaumont, W. E. Oughtred & Associates Inc., authorized agent for the applicant, presented application B-2023-0014 briefly outlining the nature of the application. Ms. Beaumont pointed out an error in the legal description advising that the legal description should read as Block 291 as opposed to Block 281 as shown.

Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2023-0014 from a planning land use perspective.

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

Ms. Beaumont indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application B-2023-0014 to re-establish separate properties arising from a merger of adjacent lots 35 Kalmia Road and 37 Kalmia Road be approved for the following reasons and subject to the following conditions:

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

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.

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6.2. **B-2023-0015**

VINOD MAHESAN, VIPIN MAHESAN,

GEETANJALI MAHESAN, MANSI RASTOGI

41 MARYSFIELD DRIVE

LOT 25, PLAN 406, WARD 10

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.78 hectares (1.93 acres). The proposed severed lot has a frontage of approximately 30.495 metres (100.05 feet), a depth of approximately 128.05 metres (420.11 feet) and an area of approximately 0.3905 hectares (0.96 acres). The effect of the application is to create a new residential lot to facilitate the future development of a single detached dwelling.

Mr. Vinod Mahesan, applicant and authorized agent for the applicant, presented applications B-2023-0015, A-2023-0138 and A-2023-0139 briefly outlining the nature of the applications.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2023-0015, A-2023-0138 and A-2023-0139 from a planning land use perspective.

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

Mr. Mahesan indicated that the proposed conditions were acceptable.

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

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application B-2023-0015 to create a new residential lot to facilitate the future development of a single detached dwelling be approved for the following reasons and subject to the following conditions:

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

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3. That the applicant submit a Tree Preservation Plan to the satisfaction of the Director of Development Services and the Director of Parks Maintenance and Forestry.

REASONS:

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

CARRIED

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2023-0138 to permit a minimum lot area of 0.3905 hectares 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

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2023-0139 to permit a minimum lot area of 0.3905 hectares 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

6.3. **B-2023-0016**

HEART LAKE HOLDINGS INC., FIERA REAL ESTATE CORP FUND GP INC.

FIERA REAL ESTATE CORE FUND LP

15 NEWKIRK COURT

BLOCK 7, PLAN 43M-2107, PARTS 8, 8 AND 10, PLAN 43R-39991, WARD 2

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 177 metres (580.71 feet), a depth of approximately 145 metres (475.72 feet) and an area of approximately 2.32 hectares (573 acres), occupied by an industrial building. The effect of the application is to facilitate a long term lease (in excess of 21 years) between the owner of the lands, Heart Lake Holdings Inc., Fiera Real Estate Corp Fund GP Inc., Fiera Real Estate Core Fund LP and Handi Foods Ltd.

Mr. Marc De Nardis, Gagnon Walker Domes Ltd., authorized agent for the applicant, presented application B-2023-0016 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-2023-0016 from a planning land use perspective.

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

Mr. De Nardis 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. Doerfler

THAT application B-2023-0016 to facilitate a long term lease (in excess of 21 years) between the owner of the lands, Heart Lake Holdings Inc., Fiera Real Estate Corp Fund GP Inc., Fiera

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Real Estate Core Fund LP and Handi Foods Ltd be approved for the following reasons and subject to the following conditions:

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

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. **DEFERRED CONSENT APPLICATIONS**

APPLICATIONS B-2022-0025 A-2022-0372 AND A-2022-0373 WERE RELATED AND HEARD CONCURRENTLY

7.1. **B-2022-0025**

SRADHANANDA MISHRA

9893 TORBRAM ROAD

PART OF LOTS 9 AND 10, CONCESSION 6 E.H.S., WARD 8

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.54 hectares (1.33 acres); together with a mutual access easement. The proposed severed lot has a frontage of approximately 17.01 metres (55.81 feet), a depth of approximately 44.40 metres (145.67 feet) and an area of approximately 0.09 hectares (0.22 acres). The effect of the application is to provide for a lot addition to the land occupied by an existing Place of Worship which will continue to operate. Future development of the proposed retained lot (vacant land) is contemplated.

Mr. Andrew Walker, Gagnon Walker Domes Ltd., authorized agent for the applicant, presented application B-2022-0025, A-2022-0372 and A-2022-0373 briefly outlining the nature of the applications for a 0.6 hectare parcel of land located on the east side of Torbram

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Road, north of the intersection of Torbram Road and North Park Drive. He noted that a portion of the property is vacant while an existing Place of Worship will continue to operate from its current location.

Mr. Walker advised that the existing place of worship building is a heritage designated resource on the City's Heritage register and has historically and continues to operate as a place of worship. He added that a scoped Heritage Impact Assessment was submitted and was approved by the Brampton Heritage Board.

Mr. Walker explained that the place of worship will remain as is and no development is currently proposed for the vacant parcel. He added that the severed portion of lands will be merged with the lands occupied by the place of worship and will accommodate the parking area currently being utilized.

Mr. Walker submitted that the consent application represents good planning and summarized how the associated minor variance applications for the severed and retained lands meet the four tests of the *Planning Act*.

Ms. Chantal DeSereville, Weirfoulds LLP, external counsel to the City of Brampton addressed Committee advising that she was asked to be in attendance in the event the Committee had any questions.

Committee acknowledged receipt of the following correspondence.

Letter dated May 25, 2023 from Wade Morris (with attachments)

Letter dated May 29, 2023 from Allan McConnell (with attachments)

Letter dated May 25, 2023 from Aimee Powell, Powell Planning & Associates detailing that the applications should be denied.

Email correspondence from the following indicating opposition to the proposal:

Suman Behera, devotee of Shree Jagannath Temple Canada;

Harihar Behera, Vice President and Director of Shree Jagannath Temple Canada;

Bidyutprava Behera, member of Shree Jagannath Temple Canada;

Salina Behera, member of Shree Jagannath Temple Canada;

Sabita Dash, member of Shree Jagannath Temple Canada;

Biren Jana, devotee of Shree Jagannath Temple Canada;

Anil Sahu, devotee of Shree Jagannath Temple Canada;

Bibhuti Dash, 17 Great Plains Drive;

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Sisir Dash, 68 Seaside Circle;

Niroj Kumar Sahoo, devotee of Shree Jagannath Temple Canada.

Committee noted that the staff recommendation report has a number of attachments. Staff advised that they are in support of the applications with conditions. Committee determined that a previous report was included from a hearing in March, 2023.

Ms. Aimee Powell, Powell Planning & Associates addressed Committee. She stated that the minor variances being sought numerically and contextually offend the four tests of the *Planning Act*. She advised that in the absence of a presented future use to characterize, the test of site and neighbourhood appropriateness and desirability fails. She added that the applications fail to identify how the overall variances are minor in nature and overlooks the impact of seeking a lot size of 77% which is impactful and changes the character of the site and has a significant impact.

Ms. Powell stated that the variances are impactful and will result in a major change in landscape and a major change in the site's feel and functionality. She submitted that the applications fail reasonable and good planning and the request to accommodate an undersized lot for a Place of Worship does not meet the four tests and should be denied.

Mr. Alan McConnell, A.G. McConnell, Barrister and Solicitor, addressed Committee advising that he represents the owner in the Superior Court of Justice in a matter involving the subject land. He commented that Mr. Morris represents the temple (Shree Jagannath Temple Canada) and that he disagrees with Mr. Morris' argument. He made reference to parcel registers and PINS (Property Identification Numbers) all of which reflect title to Mr. Mistra. He explained that Mr. Morris filed a statement of defense and counter claim which sets out certain documents in a matter of who is the actual owner of the property. He expressed that all issues are properly before the Court of Justice and it is not for the Committee of Adjustment to decide whether the applicant has legal status to make the application.

Mr. McConnell explained that it would be who owns fee simple and that Mr. Mistra is the owner of fee simple in the lands. He added that the transfers indicate such and that Mr. Mistra is not holding land in trust. Mr. McConnell advised that the information is sufficient for Committee and that the Land Titles system guarantees land ownership. He submitted that the Committee continue to evaluate and process the applications as the issue regarding ownership remains in Superior Court. He stated that the City Solicitor provided in a communication in March that there was no Court Order noting that there is still no court order and nothing to stop the applications from going forward. Mr. McConnell stated that there are no grounds to dismiss or defer the applications and that the *Planning Act* sets out that the Committee of Adjustment has the authority to deal with the applications.

Ms. Chantal DeSereville, Weirfoulds LLP, addressed Committee advising that the issue of ownership is not before the Committee and that the issue of ownership is for the court to decide. She expressed that the Committee has a statutory role to access the applications in

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accordance with the tests under the *Planning Act*, in accordance with information provided. She noted that the information that Committee has in front of them today is that the applicant, Mr. Mistra is the registered owner of the property. She explained that the Committee has 3 options, one option is to approve, another option is to refuse and the third option is to defer.

Ms. DeSereville explained that if approved today, in accordance with Bill 23 the objector will not have the right of appeal to the Ontario Municipal Board on the planning merits. Ms. DeSereville advised that if the Committee refuses the applications Mr. Mistra can appeal and if deferred according to the *Planning Act* there is the opportunity to appeal for non-decision within ninety days.

Mr. Biren Jana, 90 English Street addressed Committee stating that he is not sure what the intent of the vacant parcel is and that they are already surrounded by commercial properties.

Mr. Sasir Dash, 68 Seaside Circle addressed Committee stating his opposition to the proposal. He added that the property is for a place of worship and requested that the land use for the vacant parcel not be changed.

Committee inquired if there is an agreement between the applicant and the place of worship pertaining to parking. Mr. Walker responded that he is not aware of any lease agreements. He added that the site plan illustrates the parking spaces that meet the zoning by-law and reflects how it is currently used on site. He explained that an aerial view of the property shows buses parked there periodically noting that no parking variance is required from the zoning by-law and that parking is based on the seating area for the congregation.

Discussion continued on parking with the required number of parking spaces to be 17. Committee expressed concerns with traffic noting that there are two accesses off Torbram Road and expressed that 17 parking spaces is not sufficient.

Mr. Walker advised that future development potential for the vacant parcel of land is being explored and the proposal would be subject to a Zoning By-law Amendment application and the site plan approval process once a development idea has been determined.

Committee noted that the place of worship occasionally will have a parade and questioned where parking would be accommodated. Committee commented that a traffic assessment report may be required when severed.

Mr. Walker explained that the parking requirement for a place of worship is based on specific calculations. He noted that the building is a heritage resources and the size of the building is limited in terms of expansion. He reiterated that the site is not deficient in parking.

Committee inquired if there were any complaints against the property pertaining to parking. Staff confirmed that nothing has been identified for the subject property and that 17 parking spaces are identified noting that the overall size of the building is 100 square metres with a net worship area of 84 square metres.

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Committee was informed that City of Brampton planning staff had no objection to the approval of application B-2022-0025, A-2022-0372 and A-2022-0373 from a planning land use perspective. Staff advised that the applicant is requesting a mutual access easement and any future changes for land use for the vacant land will need to go through the appropriate processes at which time traffic issues can be looked at.

Committee inquired why staff did not request a traffic impact report now rather than later. Committee commented that Torbram Road has a speed limit of 70 kilometers and is in close proximity to the North Park Drive intersection. Committee expressed that 17 parking spaces may satisfy staff noting that there are more than 17 devotees. Committee advised that they would like to see a traffic impact report in order to make a decision noting that for large gatherings there may be further burden on the neighbourhood.

Mr. Walker stated that he does not agree that a parking study is required for an existing use. He added that parking should have been a consideration when looking for a new site and that they have not put forward a plan to expand. Mr. Walker advised that they meet the zoning by-law requirements for parking and if deficient a parking study would be required. He explained that the number of parking spaces are illustrated on the plan in a proper planning manner and that severing a portion of land and adding it to another will result in parking being on one parcel rather than two.

Committee suggested the applications be deferred for three months to a hearing no later than the last hearing of August. Mr. Andrew was not receptive to Committee's suggestion and requested that the Committee move forward with the applications.

Following discussion Committee reached the following decision:

Moved by: A.C. Marques

Seconded by: D. Doerfler

THAT application B-2022-0025 to sever a parcel of land currently having a total area of approximately 0.54 hectares (1.33 acres); together with a mutual access easement to provide for a lot addition to the land occupied by an existing Place of Worship which will continue to operate be refused for the following reasons:

REASONS:

1. Approval of the application would reflect that regard has not been had to those matters to be regarded under the Planning Act, in as much as it is the opinion of the Committee that the related minor variance applications are not minor and that additional information is required on the future use of the vacant parcel to evaluate and access the parking requirements and any potential impact.

CARRIED

Moved by: A.C. Marques

Seconded by: D. Doerfler

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That Application A-2022-0372 to permit a minimum lot area of 1,500 square metres and to permit a minimum landscaped open space strip of 1.5 metres along the site limits 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

Moved by: A.C. Marques

Seconded by: D. Doerfler

THAT Application A-2022-0373 to permit a minimum lot area of 4,500 square metres and to permit a minimum interior side yard setback of 2.4m (7.87 ft.) to an existing building 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

7.2. **B-2022-0004**

IRENE RAMSAMMY AND RON RAMSAMMY

11467 GOREWAY DRIVE

BLOCK 4, PLAN M-312, WARD 10

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 3,873.77 square metres (0.957 acres). The proposed severed lot has a frontage of approximately 21.42m (70.26 feet); a depth of approximately 40.70 metres (133.53 feet) and an area of approximately 1,334.90 square metres (0.329 acres). It is proposed that 2 lots be established from the existing lot for future residential development of a single detached dwelling on the proposed severed lot.

Mr. Prem Tewari, IDM (2008) Consultants Inc., authorized agent for the applicant, addressed Committee advising that a meeting has never happened with staff. He advised that he is opposed to staffs approach to create a rectangular lot to satisfy the requirements of a turning circle commenting that the City doesn't want access onto Goreway Drive. Mr. Tewari requested consideration for a deferral to September, 2023.

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Committee advised that the application as presented would not be supported. Mr. Tewari responded that he had not had the opportunity to speak to staff advising that staff wanted a different option. He advised that staff were to get back to him acknowledging that he did receive comments from staff that he did not agree with.

Staff advised that the City's parking and traffic staff met back in March and traffic staff provided comments on closing the access. Staff requested a plan and provided comments to the applicant last Friday. Staff advised Committee that they would continue to work with the applicant.

Following discussion Committee reached the following decision:

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application B-2023-0004, A-2023-0047 and A-2023-0048 be deferred no later than the last hearing of September, 2023.

CARRIED

COMMITTEE RECESSED AT 12:08 P.M. AND RECONVENED AT 12:16 P.M.

7.3. **B-2022-0007**

MAY JUNIOR HOLDINGS LIMITED

0 WINSTON CHURCHILL BOULEVARD

PART OF LOT 1, CONCESSION 6 WHS, WARD 6

The purpose of the application is to request the consent of the Committee of Adjustment to the grant of an easement having a width of approximately 8.0 metres (26.25 feet); a depth of approximately 62.0 metres (203.41 feet) and an area of approximately 0.050 hectares (0.124 acres). It is proposed that a service utility and sanitary force-main sewer easement be established in favour of the abutting properties municipally known as 8175 and 8310 Winston Churchill Boulevard.

Mr. Marc De Nardis, Gagnon Walker Domes Ltd., authorized agent for the applicant, presented application B-2023-0007 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-2023-0007 from a planning land use perspective.

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

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

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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. Doerfler

THAT application B-2023-0007 to establish a service utility and sanitary force-main sewer easement in favour of the abutting properties municipally known as 8175 and 8310 Winston Churchill Boulevard 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. Arrangement satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements; 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

8. **NEW MINOR VARIANCE APPLICATIONS**

8.1. **A-2022-0058**

HARJINDER NAHAR

10 NEEDLEWOOD LANE

LOT 96, PLAN 43M-1340, 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;

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2. To permit an interior side yard setback of 0.06m (0.20 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback 0.30m (0.98 ft.) 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;
3. To permit a driveway width of 6.97m (22.87 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
4. To permit 0.0m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side lot line.

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2023-0058 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. Doerfler

Seconded by: A. C. Marques

THAT amended application A-2023-0058 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 0.06m (0.20 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 variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

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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

8.2. **A-2023-0100**

FORCOMM HOLDINGS LTD.

8 CADETTA ROAD

LOT 3, PLAN M-343, WARD 10

The applicant is requesting the following variance(s):

1. To permit a concrete mixing plant operation as a permitted use whereas the by-law does not permit a concrete mixing plant operation;
2. To permit a reduced side yard width of 1.0m (3.31 ft) whereas the by-law requires a minimum interior side yard width of 8.0m (26.24 ft);
3. To permit a minimum rear yard setback of 2.5m (8.20 ft) whereas the by-law requires a minimum rear yard setback of 7.0m (23 ft);
4. To permit a maximum building height of 12.5m (41 ft) whereas the by-law permits a maximum building height of 10.0m (32.80 ft);
5. To vary Schedule 'C' – Section 1511 of the by-law to permit a 2.5 metre wide Landscaped Open Space Area whereas Schedule 'C' – Section 1511 of the by-law requires a minimum Landscaped Open Space Area of 4.6 metres.

Mr. Tomas Glancy, MHBC Planning, Urban Design and Landscape Architecture, authorized agent for the applicant, presented application A-2023-0100 briefly outlining the variances requested.

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

Mr. Glancy 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

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THAT application A-2023-0100 to permit a concrete mixing plant operation as a permitted use; to permit a reduced side yard width of 1.0m (3.31 ft); to permit a minimum rear yard setback of 2.5m (8.20 ft); to permit a maximum building height of 12.5m (41 ft) and to vary Schedule 'C' – Section 1511 of the by-law to permit a 2.5 metre wide Landscaped Open Space Area be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant finalizes site plan approval under City File SPA-2023-0048, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
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

8.3. **A-2023-0107**

CARLTON RAMDEEN AND PADMINI MATHURA

11 LANSDOWNE DRIVE

LOT 42, PLAN M-820, WARD 7

The applicants are requesting the following variance(s):

1. To permit a driveway width of 12.05m (39.53 ft) whereas the by-law permits a maximum driveway width of 7.32m (24ft).

Mr. Dilpreet Singh, RDA Designs, authorized agent for the applicant, presented application A-2023-0107 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.

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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: A. C Marques

THAT application A-2023-0107 to permit a driveway width of 12.05m (39.53 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 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;
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

8.4. **A-2023-0108**

SONIA BIBRA AND YOGESH SHARMA

38 FENTON WAY

LOT 16, PLAN M-304, WARD 7

The applicants are requesting the following variance(s):

1. To permit a building addition with a side yard setback of 4.5m (14.76 ft) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft).

Mr. Bill Oughtred, W. E. Oughtred & Associates, authorized agent for the applicant, presented application A-2023-0108 briefly outlining the variances requested.

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

Committee of Adjustment Minutes

Mr. Oughtred 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-2023-0108 to permit a building addition with a side yard setback of 4.5m (14.76 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 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-2023-0109**

BHUVNESH SHARMA AND NEHA SHARMA

1 JAFFA DRIVE

LOT 42, PLAN M-446, WARD 8

The applicants are requesting the following variance(s):

1. To permit a below grade entrance to be located between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.3m (7.55 t) whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft).

Mr. Bhuvnesh Sharma, applicant and owner of the property, presented application A-2023-0109 briefly outlining the variances requested.

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Ms. Jennifer LaRocha, 9 Jaffa Drive addressed Committee commenting that she wants to make sure that the proposal won't affect her property and that it doesn't affect the overall value of the property.

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

Mr. Sharma 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-2023-0109 to permit a below grade entrance to be located between the main wall of the dwelling and the flankage lot line and to permit an exterior side yard setback of 2.3m (7.55 t) 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 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; 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

8.6. **A-2023-0110 (Deferred as discussed during procedural matters)**

IVY LEAGUE DEVELOPMENTS LIMITED

305 CHAROLAIS BOULEVARD, UNIT 6

BLOCK 306, PLAN M-295, WARD 4

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The applicant is requesting the following variance(s):

1. To permit a take-out restaurant (Unit 6) whereas the by-law does not permit the proposed use.

8.7. **A-2023-0111**

MANPREET MANGAT AND AMANJIT KAUR

12 ROSEGARDEN DRIVE

LOT 9, PLAN M-350, WARD 10

The applicants are requesting the following variance(s):

1. To permit a garden suite having a gross floor area of 280 sq. m (3,013.90 sq. ft) whereas the by-law permits a maximum gross floor area of 80 sq. m (861.11 sq. ft) for a garden suite;
2. To permit a garden suite having a height of 8.0m (26.25 ft) whereas the by-law permits a maximum height of 7.5m (24.60 ft) for a garden suite;
3. To permit a below grade entrance in a garden suite whereas the by-law does not permit a below grade entrance in a garden suite;
4. To permit a garage door height of 3.0m (9.84 ft) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft).

Mr. Manpreet Mangat, applicant and owner of the property, presented application A-2023-0111 briefly outlining the variances requested. He advised that he agrees with having the property designated noting that the property needs a lot of work. He advised that the initial heritage grants are not adequate and that he has to spend a lot of money commenting that the grants need to be increased. He also spoke of tax rebates which the Committee advised does not fall within the Committee's jurisdiction.

Committee provided clarification on condition number 7 advising that second units are required to go through a registration process. Staff clarified that a basement unit is not permitted within a garden suite.

Mr. Mangat posed question pertaining to centering the proposed new dwelling on the lot. Committee explained that the dwelling would have to go through a custom home review. Staff noted that if any deficiencies are identified through the custom home review variances may be required. Staff added that if the application does not have any variances for the future home and that the variances are related to the heritage dwelling. Mr. Mangat was receptive to advancing the application, as presented.

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

Mr. Mangat 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-2023-0111 to permit a garden suite having a gross floor area of 280 sq. m (3,013.90 sq. ft); to permit a garden suite having a height of 8.0m (26.25 ft); to permit a below grade entrance in a garden suite and to permit a garage door height of 3.0m (9.84 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/Applicant provide an updated Heritage Impact Assessment / addendum to the Heritage Impact Assessment prior to the approvals of building permit. The report must provide information on the proposed custom home, its relation with the existing heritage house and the usage of proposed garden suite to the Director of Integrated City Planning;
3. That the Owner/Applicant must provide an Archaeological Assessment(s) for all lands within the subject application, and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City Heritage Staff and the Ministry of Citizenship and Multiculturalism. If the lands were subject to a previous Archaeological Assessment that was accepted by the Ministry of Citizenship and Multiculturalism and City Heritage staff, the applicant must provide a copy of the report(s) and associated correspondence from the Ministry and Heritage staff confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
4. The owner must not oppose the heritage designation as warranted through the HIA previously submitted by the applicant;
5. That the owner/applicant construct a new septic system and the existing septic system shall be decommissioned to the satisfaction of the Chief Building Official prior to the construction of the new home. A building permit is required for alterations to the septic system;
6. That the proposed garden suite not be used as an as a unregistered second unit;
7. That the below grade entrance in the garden suite not be used to access an unregistered second unit;
8. That the applicant/owner shall submit a Custom Home Application for the proposed Garden Suite;

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9. 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-2023-0112**

SREENATH KUNDOORI AND SHAILAJA KUNDOORI

73 BRUSHWOOD DRIVE

PART OF BLOCKS 49 AND 119, PLAN 43M-2050

PARTS 1 AND 16, PLAN 43R-39851, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 1.91m (6.27 ft) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft).

Mr. Mohammed Valiuddin, Mechways Inc authorized agent for the applicant, presented application A-2023-0112 briefly outlining the variances requested.

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

Mr. Valiuddin 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

Committee of Adjustment Minutes

THAT application A-2023-0112 to permit a below grade entrance between the main wall of the dwelling and the flankage lot line and to permit an exterior side yard setback of 1.91m (6.27 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. The below grade entrance shall not be used to access an unregistered second unit;
3. That the owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.9. **A-2023-0113 (*Deferred as discussed during procedural matters*)**

OM JAKHU AND CHANDER KANTA JAKHU

18 SCARLETT DRIVE

LOT 156, PLAN M-740, WARD 4

The applicants are requesting the following variance(s):

1. To permit a driveway width of 10.37m (34 ft) whereas the by-law permits a maximum driveway width of 7.32m (24 ft);
2. To permit a 0.3m (0.98 ft) wide permeable landscape strip between the side lot line and the driveway whereas the by-law requires a minimum 0.6m (1.97 ft) wide permeable landscape strip between the side lot line and the driveway.

Committee of Adjustment Minutes

8.10. **A-2023-0114**

DICOM REAL ESTATE HOLDINGS

0 CLIPPER COURT

PART OF BLOCK 1, PLAN 43M-1008,

PARTS1, 4, 5, PLAN 43R-36283, WARD 3

The applicant is requesting the following variance(s):

1. To permit a temporary gravel parking lot associated with a business operating from a building at 300 Biscayne Avenue for a period of three (3) years whereas the by-law only permits parking associated with a business operating from a building on the same lot.

Mr. Nicholas Dell, Harper Dell and Associates, authorized agent for the applicant, presented application A-2023-0114 briefly outlining the variances requested. He explained that he initially submitted the request for a temporary three (3) year period but would request that the time line be for a temporary period of five (5) years.

Committee was informed that City of Brampton planning staff was in support of this application, with conditions. Staff advised that the request for five (5) years is supported by staff.

Committee supported the request by Mr. Dell and the application was amended to reflect a period of five (5) years.

Mr. Dell 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 **amended** application A-2023-0114 to permit a temporary gravel parking lot associated with a business operating from a building at 300 Biscayne Avenue for a period of **five (5)** years 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 owner finalize site plan approval under City File SPA-2022-0221, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and,

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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

8.11. **A-2023-0115**

PRIMONT HOMES (HERITAGE HEIGHTS 3) INC.

10916 MISSISSAUGA ROAD

PART OF LOT 15, CONCESSION 5 WHS, WARD 6

The applicant is requesting the following variance(s):

1. To permit a temporary new homes sales pavilion and associated parking area for a temporary period of nineteen (19) years whereas the by-law does not permit the uses;
2. To permit a front yard setback of 7.3m (23.95 ft) whereas the by-law requires a minimum front yard setback of 12.0m (39.37 ft).

Ms. Michaela Abatecola, WSP Canada Inc., authorized agent for the applicant, presented application A-2023-0115 briefly outlining the variances requested.

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

Committee made reference to the commenting letter from the Region of Peel and requested that the conditions requested by the Region of Peel be included in the conditions. Staff read aloud the conditions of approval which included the conditions requested by the Region of Peel.

Ms. Abatecola indicated that the proposed conditions were acceptable.

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

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Moved by: A.C. Marques

Seconded by: D. Doerfler

THAT application A-2023-0115 to permit a temporary new homes sales pavilion and associated parking area for a temporary period of nineteen (19) years and to permit a front yard setback of 7.3m (23.95 ft) be approved, in part, for the following reasons and subject to the following conditions:

1. That only sales related to the proposed development (Registered Plan of Subdivision 43M61985 and the draft approved Plan of Subdivision 21T-10014B) located on the property legally described as Part of Lot 15, Concession 15 West of Hurontario Street, Being Part 1, Plan 43R-32022, City of Brampton, Regional Municipality of Peel (10916 Mississauga Rd) shall occur within the temporary sales pavilion;
2. That the variance for the reduction in the front yard setback shall be permitted only in conjunction with a temporary sales pavilion;
3. That variance 2 for the front yard setback shall be restricted to the area indicated on the sketch attached to the Notice of Decision;
4. That variance 1 to permit a temporary new homes sales pavilion and associated parking area for a temporary period of nineteen (19) years whereas the by-law does not permit the use be refused; staff recommend approval be provided for a period of five (5) years;
5. The owner and builder for the existing sales pavilion shall enter into an amending temporary sales office agreement with the City extending the date by which the sales office must be removed by the approved period or until such time as all lots in the related to the proposed development (Registered Plan of Subdivision 43M61985 and the draft approved Plan of Subdivision 21T-10014B) application are sold, whichever comes first.
6. A demolition permit shall be obtained prior to the removal of the structure from the site;
7. All signage associated with the temporary sales pavilion shall be in accordance with the sign by-law and shall not be installed or displayed until such time as appropriate permits have been issued;
8. The temporary sales pavilion shall be connected to the municipal services as they become available in the area;
9. Once Wanless Drive is widened to its ultimate right-of-way (ROW), the Owner shall coordinate with the City's Capital Works Department to restrict their site access to right-in/right-out operations only by extending the raised centre median to a point 30 metres west of the Wanless Drive site access;
10. The Owner shall submit a cost estimate for the extension of the raised center median to restrict the Wanless Drive access to right-in/right-out operations only to the satisfaction of the City's Traffic Planning Group. The Owner shall agree to hold the City harmless in this regard. The 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 which may arise as a result of such access arrangements;

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11. 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-2023-0116**

NOOR FARIDI AND AMBREEN FARIDI

66 MALASPINA CLOSE

LOT 9, PLAN 43M-2035, WARD 6

The applicants are requesting the following variance(s):

1. To permit a rear yard encroachment of 5.38m (17.65 ft), resulting in a rear yard setback of 2.12m (6.96 ft) to a proposed deck whereas the by-law permits a maximum rear yard encroachment of 3.0m (9.84 ft), resulting in a rear yard setback of 4.5m (14.76 ft) to the proposed deck.

Ms. Noor Faridi, applicant and owner of the property, presented application A-2023-0116 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated May 26, 2023 from Credit Valley Conservation Authority indicating no objection to Application A-2023-0116

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

Ms. Faridi 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-2023-0116 to permit a rear yard encroachment of 5.38m (17.65 ft), resulting in a rear yard setback of 2.12m (6.96 ft) to a proposed deck 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; and
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.13. **A-2023-0117**

KARIN WALTER-MULLER

33 CALEDON CRESCENT

LOT 193, PLAN 695, WARD 3

The applicant is requesting the following variance(s):

1. To permit an existing accessory structure (shed) having a gross floor area of 15.91 sq. m (171.25 sq. ft) whereas the by-law permits a maximum size of 15 sq. m (161.46 sq. ft) for an individual accessory structure.

Ms. Karin Walter-Mullin, applicant and owner of the property, presented application A-2023-0117 briefly outlining the variances requested.

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

Ms. Walter-Mullin 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-2023-0117 to permit an existing accessory structure (shed) having a gross floor area of 15.91 sq. m (171.25 sq. 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 the owner shall obtain a building permit for the shed 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-2023-0118** (*Deferred as discussed during procedural matters.*)

EBRAHIM INVESTMENTS INC.

0 VICTORIA CRESCENT

PART OF BLOCK B, PLAN 636, PARTS 1, 6

SAVE AND EXCEPT PARTS 1, 2, PLAN 43R-17666, WARD 7

The applicant is requesting the following variance(s):

1. To permit the outside storage of oversized motor vehicles not operating in conjunction with a business located within a building on the same lot whereas the by-law does not permit outside storage as a permitted use;
2. To permit a fence in the required front yard whereas the by-law does not permit a fence in the front yard.

8.15. **A-2023-0120**

MARK GREG SAMAROO AND CINTRA SAMAROO

30 MELTWATER CRESCENT

LOT 212, PLAN 43M-1865, WARD 10

Committee of Adjustment Minutes

The applicants are requesting the following variance(s):

1. To permit a rear yard encroachment of 3.67m (12.04 ft.) resulting in a rear yard setback of 3.83m (12.56 ft.) to an existing deck whereas the by-law permits a maximum rear yard encroachment of 3.0m (9.84 ft.), resulting in a rear yard setback of 4.5m (14.76 ft.) to the proposed deck;
2. To permit an encroachment for an unenclosed roof of 3.94m (12.92ft) resulting in a rear yard setback of 3.39m (11.12 ft) whereas the by-law permits a maximum encroachment for an unenclosed roof of 2.0m (6.5 ft) over a deck resulting in a rear yard setback of 5.5m (18.20 ft).

Ms. Tarunpreet Kaur, Lumon Canada Inc., authorized agent for the applicant, presented application A-2023-0120 briefly outlining the variances requested.

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

Ms. Kaur 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-2023-0120 to permit a rear yard encroachment of 3.67m (12.04 ft.) resulting in a rear yard setback of 3.83m (12.56 ft.) to an existing deck and to permit an encroachment for an unenclosed roof of 3.94m (12.92ft) resulting in a rear yard setback of 3.39m (11.12 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 existing open roof porch remain open and not enclosed;
3. That the applicant obtain a building permit for the deck 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; 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

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

8.16. **A-2023-0121**

FILIPE NOGARO AND PATRICIA CORREIA

179 ECCLESTONE DRIVE

LOT 66, PLAN M-792, WARD 5

The applicants are requesting the following variance(s):

1. To permit a roof to encroach into the minimum required rear yard by 6.01m (19.72 ft), resulting in a rear yard setback of 1.62m (5.31 ft) whereas the by-law permits a maximum roof encroachment of 2.0m (6.56 ft) into the minimum rear yard, resulting in a rear yard setback of 5.63m (18.47 ft).

Mr. Salvatore Crimi, GPF Design Services Inc., authorized agent for the applicant, presented application A-2023-0121 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated May 25, 2023 from Renuka Gajraj, 222 Eccleston Drive indicating support for the application.

Committee was in receipt of e-mail correspondence dated May 26, 2023 from Francis Fleres, 52 Horsham Street indicating opposition to the application.

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

Mr. Crimi 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-2023-0121 to permit a roof to encroach into the minimum required rear yard by 6.01m (19.72 ft), resulting in a rear yard setback of 1.62m (5.31 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 roofed structure within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;

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3. That the existing roofed structure be of an open style construction and remains unenclosed;
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

8.17. **A-2023-0122**

1382506 B C LTD

33 WEST DRIVE

PART OF BLOCK A, PLAN 640

PARTS 1 TO 3, PLAN 43R-36203, WARD 3

The applicant is requesting the following variance(s):

1. To permit a fence in the front yard whereas the by-law does not permit a fence in the front yard of any lot in an industrial zone.

Mr. Elroy Van Groll, Van Groll & Associates Inc., authorized agent for the applicant, presented application A-2023-0122 briefly outlining the variances requested.

Committee acknowledged receipt of correspondence dated May 30, 2023 from Toronto and Region Conservation Authority indicating no objection to the application.

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

Mr. Van Groll 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

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THAT application A-2023-0122 to permit a fence in the front yard 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 owner finalize Limited Site Plan approval under City File SPA-2023-0022 to the satisfaction of the Director of Development Services;
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

8.18. **A-2023-0123**

GENEVIEVE GUALTIERI-BROWN AND PATRICK BROWN

69 MAIN STREET SOUTH

PART OF LOT 3, PLAN BR-21, WARD 3

The applicants are proposing an attached 1-storey addition to the existing dwelling, including an attached garage and garden suite located above the garage and are requesting the following variance(s):

1. To permit a 3.0m (9.84 ft) interior side yard setback to the first storey whereas the by-law requires a minimum interior side yard setback of 3.89m (12.76 ft) to the first storey;
2. To permit a 3.0m (9.84 ft) interior side yard setback to the second storey whereas the by-law requires a minimum interior side yard setback of 7.78m (25.52 ft) to the second storey;
3. To permit an accessory structure (cabana) having an area of 35.91 square metres whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure;
4. To permit an accessory structure (cabana) to be used for habitable space (installation of a washroom and outdoor shower) whereas the by-law does not permit an accessory structure to be used for habitable space.

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Mr. Maurizio Rogato, Blackthorn Development Corp., authorized agent for the applicant, presented application A-2023-0123 briefly outlining the variances requested. He advised that they have received comments from Toronto and Region Conservation Authority as well as a tree removal permit for the required removal of trees that have been deemed to be deceased. Committee requested a copy of the tree removal permit. Mr. Rogato provided a copy of the permit by e-mail.

Ms. Betty Lee, 65 Main Street South addressed Committee advising that she submitted a letter and has now reviewed the staff recommendation report. She stated that the first two variances would affect her privacy and that the building addition will tower over her bungalow. She expressed concerns with privacy and commented that some vegetation has been removed and a number of trees. She added that other trees to be removed will decrease the tree canopy. Ms. Lee expressed concerns with drainage and erosion and commented that she is opposed to variances 1 and 2.

Committee acknowledged receipt of a letter dated May 24, 2023 from Allen and Carol McLelland, 66 Elizabeth Street South detailing their understanding of the application.

Committee acknowledged receipt of a letter dated May 2, 2023 from Betty Lee, 656 Mian Street South, detailing her concerns with the application.

Committee acknowledged receipt of e-mail correspondence dated May 30, 2023 from Toronto and Region Conservation Authority indicating no objection to the application.

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

Committee advised that a cabana is not an unusual request before Committee and that in the City of Brampton a two storey dwelling is permitted. Committee advised that the setbacks are not an unusual request. Committee noted that the lot coverage does not exceed the by-law requirements

Ms. Lee advised that her concern is not with the cabana but is with the addition to the house and with the distance to the property line and the impact on her privacy.

Mr. Rogato explained that a 3 metre setback is rather normal and is required in a mature neighbourhood noting that the setback is requested because the setback increases as the dwelling goes up. He pointed out that there is no variance required for height and advised that his client plans replanting and removal of deceased trees which serve no benefit to anyone. He advised that there is a plan to replant and that the driveway improvements don't necessitate relief from the by-law and are governed under a permit appropriately and that there will be a heritage permit.

Committee observed that there are 2 fences which Mr. Maurizio indicated is an additional barrier noting that there is no tree protection fence in place.

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Committee acknowledged the concerns of the neighbour and noted that lot coverage and building height does not exceed the by-law requirements.

Upon question from Committee staff explained that the heritage review will require an updated heritage impact assessment or addendum to a heritage assessment that would have been prepared a number of years ago. Staff advised that site conditions would be looked at including the removal of trees. Mr. Rogato added that additional landscaping can be incorporated to provide screening.

In response to a question raised by Committee staff explained that the site specific zoning for the property requires a setback that is a minimum 10% of the lot for the first storey and 20% of the lot for the second storey.

Following discussion, 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: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2023-0123 to permit a 3.0m (9.84 ft) interior side yard setback to the first storey; to permit a 3.0m (9.84 ft) interior side yard setback to the second storey; to permit an accessory structure (cabana) having an area of 35.91 square metres and to permit an accessory structure (cabana) to be used for habitable space (installation of a washroom and outdoor shower) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the accessory structure (cabana) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory building shall be limited to the provision of a washroom and outdoor shower;
3. Prior to the approvals of building permit for this development, the applicant shall submit the following to the satisfaction of the Director of Integrated City Planning:
 - a. An updated Heritage Impact Assessment/ addendum to the Heritage Impact Assessment;
 - b. A new Heritage Permit application to support the proposed addition. The Heritage Permit previously approved by the Council will be amended based on the current application;
 - c. Archaeological Assessment previously undertaken on the property;

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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

8.19. **A-2023-0125**

VIVEKANAND ANDY BRIJMOHAN AND GILLIAN BRIJMOHAN

15 PEPPERMINT CLOSE

LOT 155, PLAN 43M-1791, WARD 10

The applicant is requesting the following variance(s):

1. To permit an existing fence in the rear yard having a maximum height of 2.6m (8.53 ft) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft).

Mr. Vivekanand Andy Brijmohan, applicant and owner of the property, presented application A-2023-0125 briefly outlining the variances requested.

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

Mr. Brijmohan 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-2023-0125 to permit an existing fence in the rear yard having a maximum height of 2.6m (8.53 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; and

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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

8.20. **A-2023-0126**

MUKESH TAKKIAR AND SUPPRIYA TAKKIAR

37 ATKINS CIRCLE

LOT 289, PLAN M-817, WARD 5

The applicants are 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 0.10m (0.33 ft) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard width of 1.2m (3.97 ft) on one side and 0.9m (2.96 ft) on the other side;
3. To permit an existing accessory structure (shed) having a setback of 0.18m (0.60 ft) to the nearest lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft) to the nearest lot line for an accessory structure.

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2023-0126 briefly outlining the variances requested.

Mr. King Yuesikkin, 39 Atkins Circle addressed Committee expressing concerns with an entrance to the basement. He stated that the steps are below ground and will pose a safety concern for his grandchildren. He added that the space between dwellings is very narrow and privacy will be impacted as well as the value of his home.

Committee advised that there is still enough space for passage on the subject property noting that there is also access on the opposite side of the dwelling.

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Staff explained that there is adequate space on the opposite side of the dwelling to maintain for emergency access purposes. Staff added that if there was no access on the opposite side staff would not support the proposal. Staff advised that engineering staff have no concerns regarding drainage.

Discussion took place regarding fencing and a gate at the front. Staff advised that a fence is permitted on the property line which would address privacy concerns noting that a gate may cause compliance issues and that gates are not typically at the front. Staff expressed that the design appears to meet the Ontario Building Code.

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: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2023-0126 to permit an exterior stairway leading to a below grade entrance in the required interior side yard; to permit an interior side yard setback of 0.10m (0.33 ft) to the exterior stairway leading to a below grade entrance and to permit an existing accessory structure (shed) having a setback of 0.18m (0.60 ft) to the nearest lot line be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

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8.21. **A-2023-0127**

VINOD CHOPRA AND TWINKLE CHOPRA

8 MATTERHORN ROAD

LOT 46, PLAN 434M-2043, WARD 6

The applicants are 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 0.12m (0.40 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 (3.97 ft)
3. To permit a 1.09m (3.05 ft) path of travel leading to the primary 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.

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2023-0127 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: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2023-0127 to permit an exterior stairway leading to a below grade entrance in the required interior side yard; to permit an interior side yard setback of 0.12m (0.40 ft) to the exterior stairway leading to a below grade entrance and to permit a 1.09m (3.05 ft) path of travel leading to the primary entrance to a second unit be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That drainage on adjacent properties should not be adversely affected;

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3. The proposed below grade entrance shall not be used to access an unregistered second unit; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.22. **A-2023-0128**

PURBA PATEL AND PURVESH PATEL

30 TAWNIE CRESCENT

PART OF LOT 207, PLAN 43M-1717

PART 27, PLAN 43R-31478, WARD 5

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 side yard;
2. To permit an interior side yard setback of 0.23m (0.75 ft) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit a 0.23m (0.75 ft) path of travel leading to the primary entrance to a second unit whereas the by-law requires an unencumbered side yard with of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance to the second unit.

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2023-0128 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.

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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. Doerfler

THAT application A-2023-0128 to permit below grade entrance in a required side yard; to permit an interior side yard setback of 0.23m (0.75 ft) to a below grade entrance and to a 0.23m (0.75 ft) path of travel leading to the primary entrance to a second unit be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

8.23. **A-2023-0129**

JAGMOHAN NANDA AND HARGEET NANDA

144 TREELINE BOULEVARD

LOT 113, PLAN M-429 27, PLAN 43R-1478, WARD 10

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 side yard;
2. To permit an interior side yard setback of 0.20m (0.66 ft) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

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Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2023-0129 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. Doerfler

Seconded by: A.C. Marques

THAT application A-2023-0129 to permit a below grade entrance in a required side yard and to permit an interior side yard setback of 0.20m (0.66 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 drainage on adjacent properties should not be adversely affected;
3. The below grade entrance shall not be used to access an unregistered second unit; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.24. **A-2023-0130** (*Deferred as discussed during procedural matters*)

DI POCE MANAGEMENT LIMITED

0 QUEEN STREET EAST

PART OF BLOCK 4, PLAN 43M-1624, WARD 8

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The applicant is requesting the following variance(s):

1. To permit outside storage of motor vehicles and security booth that is not in conjunction with a business operating from a building on the same lot whereas the by-law does not permit outside storage as a principal use.

8.25. **A-2023-0131**

DAMARY AMAYA

81 ACADIAN HEIGHTS

LOT 13, PLAN M-841, WARD 4

The applicant is requesting the following variance(s):

1. To permit an above grade door in the side wall where a minimum side yard width of 1.00m (3.28 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 01.00m (3.28 ft) path of travel leading to the primary entrance to a second unit whereas the by-law requires an unencumbered side yard with of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance to the second unit.

Mr. Amr Serrag Eldin, Archicreation authorized agent for the applicant, presented application A-2023-0131 briefly outlining the variances requested.

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

Mr. Eldin 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-2023-0131 to permit an above grade door in the side wall where a minimum side yard width of 1.00m (3.28 ft) is provided extending from the front wall of the dwelling up to the door and to permit 01.00m (3.28 ft) path of travel leading to the primary entrance to a second unit be approved for the following reasons and subject to the following conditions:

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

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2. That the constructed 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. That drainage on adjacent properties should not be adversely affected;
4. 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;
5. The below grade entrance shall not be used to access an unregistered second unit; and
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void

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

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

CARRIED

8.26. **A-2023-0132**

LUIS CARATING

154 AVONDALE BOULEVARD

LOT 325, PLAN M-614, WARD 7

The applicant is requesting the following variance(s):

1. To permit an interior side yard setback of 0.17m (0.56 ft) to a below grade entrance whereas the by-law requires a minimum setback of 0.3m (0.98 ft) provided that a continuous side yard width of no less than 1.2m (3.94 ft) is provided on the opposite side.

Mr. Gurwinder Grewal, MEM Engineering, authorized agent for the applicant, presented application A-2023-0132 briefly outlining the variances requested.

Mr. Darrin Crawford, 152 Avondale Boulevard addressed Committee expressing concerns with the narrow pathway between the properties. He expressed that his gas line is located on the side of the property facing the subject property and expressed concerns with possible maintenance, if required.

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Staff confirmed that the survey indicates that there is more than four feet on the neighbouring property which provides ample space for maintenance purposes.

Mr. Crawford announced that the property has been sold and the property owners are moving in June. Committee acknowledged Mr. Crawford's statement indicating that it is not relevant to the request being considered by the Committee.

Committee acknowledged receipt of e-mail correspondence dated May 25, 2023 from Olga Holukbo, 150 Avondale Boulevard opposing application A-2023-0132.

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. Doerfler

THAT application A-2023-0132 to permit an interior side yard setback of 0.17m (0.56 ft) to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the constructed 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. That drainage on adjacent properties should not be adversely affected;
4. 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;
5. The below grade entrance shall not be used to access an unregistered second unit; 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

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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

8.27. **A-2023-0133**

SUKHWINDER SAMRA AND NARINDER PAUL KAUR

34 DUTCH CRESCENT

PART OF BLOCK 29, PLAN M-779,

PARTS 1 AND 2, PLAN 43R-15407, WARD 4

The applicant s requesting the following variance(s):

1. To permit an existing above grade entrance in a side yard having a minimum width of 0.6m (1.97 ft) (at the fireplace encroachment) extending from the front wall of the dwelling up to and including the door whereas the by-law permits an above grade side entrance when the side yard within which the door is located has a minimum width of 1.2m (3.94 f) extending from front wall of dwelling up to and including the door;
2. To permit a driveway width of 9.41m (30.87 ft) whereas the by-law permits a maximum driveway width of 6.71m (22 ft).

Mr. Gurwinder Grewal, MEM Engineering, authorized agent for the applicant, presented application A-2023-0133 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. Doerfler

THAT application A-2023-0133 to permit an existing above grade entrance in a side yard having a minimum width of 0.6m (1.97 ft) (at the fireplace encroachment) extending from the front wall of the dwelling up to and including the door and to permit a driveway width of 9.41m (30.87 ft) 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;

Committee of Adjustment Minutes

2. That the owner obtain a building permit for the above grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. That the existing above grade entrance located on the east side of the property shall not be used to access a registered or unregistered second dwelling unit;
4. That variance 2 to permit a driveway width of 9.41m (30.87 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.) be refused;
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

8.28. **A-2023-0134**

DALER MANGAT

8 OAK GARDENS COURT

PART OF LOT 15, PLAN 43M-1512,

PART 6, PLAN 43R-27554 AND 2, PLAN 43R-15407, WARD 9

The applicant is requesting the following variance(s):

1. To permit a deck to encroach into the required interior side yard, resulting in an interior side yard setback of 0.35m (1.15 ft) whereas the by-law requires a minimum interior side yard setback of 0.9m (2.95 ft) to a deck landing;
2. To permit an above grade side door and associated landing measuring 0.9m (2.95 ft) above established grade to serve as a principal entrance for a second unit whereas the by-law permits a principal entrance to a second unit to be accessed by a landing less than 0.6m (1.97 ft) above ground level;
3. To permit a maximum driveway width of 6.78m (22.24 ft) whereas the by-law permits a maximum driveway width of 4.9m (16 ft);
4. To permit 0.12m (0.40 ft) 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.

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Mr. Harjinder Singh, MEM Engineering authorized agent for the applicant, presented application A-2023-0134 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated May 26, 2023 from Margaret Caminero, 10 Oak Gardens Court detailing concerns with the proposal.

Committee acknowledged receipt of e-mail correspondence dated May 25, 2023 from Brook Beatty, resident, indicating opposition to Application A -2023-0134.

Ms. Margarita Caminero, 10 Oak Gardens Court addressed Committee in opposition to the proposal. She stated that the request is not minor and will interfere with drainage, expressing concerns with flooding. She stated that the by-laws are in place for a purpose, one being drainage. Ms. Caminero expressed concerns with her privacy and potential for surface water on her property.

Committee explained that staff are not supporting the elimination of the permeable landscaping or the driveway width and further explained that there is a condition that would require registration of a second unit.

Mr. Singh advised that there is currently a tenant living there however the owner of the property will be moving to the property and intends to have a second unit.

Discussion took place on implementing some sort of screening that would address the concerns of the neighbour in terms of visibility and privacy. Mr. Singh advised that the property owner is not opposed to constructing a fence or adding screening. Committee requested that a condition be included requiring the applicant to implement screening and that the associated costs be undertaken by the owner.

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

Mr. Singh 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: A. C. Marques

THAT application A-2023-0134 to permit a deck to encroach into the required interior side yard, resulting in an interior side yard setback of 0.35m (1.15 ft); to permit an above grade side door and associated landing measuring 0.9m (2.95 ft) above established grade to serve as a principal entrance for a second unit; to permit a maximum driveway width of 6.78m (22.24 ft) and to permit 0.12m (0.40 ft) of permeable landscaping abutting the side property line be approved, in part, for the following reasons and subject to the following conditions:

Committee of Adjustment Minutes

1. That the extent of variances 1 and 2 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 dwelling unit;
3. That the drainage on adjacent properties shall not be adversely affected;
4. That variance 3 to maximum driveway width of 6.76m whereas a maximum driveway width of 4.9m is permitted be refused;
5. That variance 4 to permit a reduced permeable landscaping strip abutting a property line of 0.12m whereas a minimum 0.6m permeable landscaping abutting a property line is required be refused;
6. That the owner implement screening along the above grade entrance to the satisfaction of the Director of Development Services and that the associated costs occurred by the implementation of the screening be undertaken at the sole expense of the owner.
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

8.29. **A-2023-0135**

AMIT MALHOTRA AND MONIKA MALHOTRA

10 ROUNDSTONE DRIVE

LOT 122, PLAN 43M-1718, WARD 5

The applicants are requesting the following variance(s):

1. To permit an above grade door in the side wall where a minimum side yard width of 0.66m (2.17 ft)) is provided extending from the front wall of the dwelling up to the door whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;

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2. To permit a maximum driveway width of 7.01m (23 ft) whereas the by-law permits a maximum driveway width of 6.71m (22 ft);
3. To permit 0.31m (1.02 ft) 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.

Mr. Gurwinder Grewal, MEM Engineering, authorized agent for the applicant, presented application A-2023-0135 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. Doerfler

THAT application A-2023-0135 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 maximum driveway width of 7.01m (23 ft) and to permit 0.31m (1.02 ft) of permeable landscaping abutting the side property line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. The owner shall obtain a building permit for the existing side door within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
3. That the side door shall not be used as a primary entrance to a registered or unregistered second dwelling unit;
4. The Owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances;
5. That 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

8.30. **A-2023-0136**

RAJINDER SINGH AMD AMRITPAL KAUR

17 ZELDA ROAD

PART OF LOT 103, PLAN 43M-1946

PART 6, PLAN 43R-36657, WARD 9

The applicants are 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 0.06m (0.20 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. Gurinder Grewal, MEM Engineering, authorized agent for the applicant, presented application A-2023-0136 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated May 30, 2023 from Navin Patel, resident of 15 Zelda Road in opposition to the application.

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: D. Doerfler

Seconded by: A.C. Marques

THAT application A-2023-0136 to an exterior stairway leading to a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.06m (0.20 ft) to the exterior stairway leading to a below grade entrance 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 drainage on adjacent properties should not be adversely affected;
3. The below grade entrance shall not be used to access an unregistered second unit; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.31. **A-2023-0137**

PUNEET GUPTA AND SHIKHA GUPTA

6 LENA GATE

LOT 222, PLAN 43M-1661, WARD 6

The applicants are requesting the following variance(s):

1. To permit a rear yard setback of 4.52m (14.83 ft) to a proposed building addition (sunroom) whereas the by-law requires a minimum rear yard setback of 6.0m (19.68 ft).

Mr. Sandeep Malhotra, authorized agent for the applicant, presented application A-2023-0137 briefly outlining the variances requested.

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

Mr. Malhotra 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

Committee of Adjustment Minutes

THAT application A-2023-0137 to permit a rear yard setback of 4.52m (14.83 ft) to a proposed building 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 amount of glazed openings for the rear and side walls of the addition be restricted based on the limiting distance, and shall conform to Division B, 9.10.15.4 of the Ontario building Code; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.32. **A-2023-0138** (*Discussed concurrently with Application B-2023-0015*)

VINOD MAHESAN, VIPIN MAHESAN,

GEETANJALI MAHESAN, MANSI RASTOGI

41 MARYSFIELD DRIVE

LOT 25, PLAN 406, WARD 10

The applicant is requesting the following variance(s) associated with the proposed retained lot under Consent Application B-2023-0015:

1. To permit a minimum lot area of 0.3905 hectares whereas the by-law requires a minimum lot area of 0.4 hectares.

Committee of Adjustment Minutes

8.33. **A-2023-0139** (*Discussed concurrently with Application B-2023-0015*)

VINOD MAHESAN, VIPIN MAHESAN,

GEETANJALI MAHESAN, MANSI RASTOGI

41 MARYSFIELD DRIVE

LOT 25, PLAN 406, WARD 10

The applicant is requesting the following variance(s) associated with the proposed severed lot under Consent Application B-2023-0015:

1. To permit a minimum lot area of 0.3905 hectares whereas the by-law requires a minimum lot area of 0.4 hectares.

8.34. **A-2023-0140**

PIRATHEEBAN PATHMANATHAN AND VATHHSALA SINNARAJAH

2 DULVERTON DRIVE

LOT 45, PLAN 43M-1812, 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.

Mr. Malav Shah, Blue Prints Permit, authorized agent for the applicant, presented application A-2023-0140 briefly outlining the variances requested.

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

Mr. 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: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2023-0140 to permit a below grade entrance between the main wall of a dwelling and the flankage lot line be approved for the following reasons and subject to the following conditions:

Committee of Adjustment Minutes

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 implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.35. **A-2023-0141**

GURPREET SINGH AND DRAJDEEP SANDHU

43 SPICEBUSH TERRACE

PART OF LOT 199, PLAN 43M-1718, PART 9, PLAN 43R-32094, WARD 5

The applicants are requesting the following variance(s):

1. To permit a landing with a height of 0.81m (2.66 ft) with a maximum length and width of 0.9m (2.95 ft) serving the principal entrance to a second unit whereas the by-law requires the landing serving a primary entrance to a second unit have a maximum height of 0.6m (2 ft.) with a maximum length and width of 0.9m (2.95 ft).

Mr. Chetan Dalal, Design Studio,, authorized agent for the applicant, presented application A-2023-0141 briefly outlining the variances requested.

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

Mr. Dalal indicated that the proposed conditions were acceptable.

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

Committee of Adjustment Minutes

Moved by: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2023-0141 to a landing with a height of 0.81m (2.66 ft) with a maximum length and width of 0.9m (2.95 ft) serving the principal entrance to a second unit be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

8.36. **A-2023-0142**

HAIYING CHEN

40 CALEDON CRESCENT

LOT 222, PLAN 695, WARD 3

The applicants are requesting the following variance(s):

1. To permit 31.69% lot coverage whereas the by-law permits a maximum lot coverage of 30%.

Ms. Haiyeng Chen, applicant and owner of the proeprty, presented application A-2023-0142 briefly outlining the variances requested.

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

Ms. Chen indicated that the proposed conditions were acceptable.

Committee of Adjustment Minutes

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

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2023-0142 to permit 31.69% lot coverage 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

8.37. **A-2023-0143**

ISLAMIC SOCIETY OF PEEL

8450 TORBRAM ROAD

PART OF LOT 2, CONCESSION 5 EHS, WARD 7

The applicant is proposing construction of a mezzanine and is requesting the following variance(s):

1. To permit a gross floor area of 1504 square metres whereas the by-law permits a maximum gross floor area of 1052 square metres.

Mr. Nadim Paul, authorized agent for the applicant, presented application A-2023-0143 briefly outlining the variances requested.

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

Mr. Paul indicated that the proposed conditions were acceptable.

Committee of Adjustment Minutes

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

Moved by: D. Doerfler

Seconded by: A. C. Marques

THAT application A-2023-0143 to permit a gross floor area of 1504 square metres 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 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

8.38. **A-2023-0144**

MULTILAND PACIFIC HOLDINGS LTD.

6 MARITIME ONTARIO BOULEVARD

PART OF LOT 6, CONCESSION 7 ND, WARD 8

The applicant is requesting the following variance(s):

1. To permit a motor vehicle washing establishment whereas the by-law does not permit the proposed use;
2. To permit a drive thru facility located 26 metres from Regional Road #107 (Queen Street East) whereas the by-law requires that no drive thru facility be located within 30 metres of Regional Road #107 (Queen Street East).

Ms. Stephanie Matveeva, Glen Schnarr & Associates Inc., authorized agent for the applicant, presented application A-2023-0144 briefly outlining the variances requested.

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

Ms. Matveeva 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: A. C. Marques

Seconded by: D. Doerfler

THAT application A-2023-0144 to permit a motor vehicle washing establishment and to permit a drive thru facility located 26 metres from Regional Road #107 (Queen Street East) 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 motor vehicle washing establishment use shall only be permitted in conjunction with a permitted motor vehicle sales and leasing use;
3. That the Owner finalize site plan approval under City File SPA-2022-0087, execute a site plan agreement, and post any required securities and insurance to the satisfaction of the Director of Development Services; 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

8.39. **A-2023-0145**

GLENSHORE INVESTMENTS INC.

5203 OLD CASTLEMORE ROAD

PART OF LOT 10, CONCESSION 11 ND, WARD 10

The applicant is requesting the following variance(s):

1. To permit a retaining wall to be located within a required landscaped open space whereas the by-law does not permit retaining walls with a required landscaped open space.

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Ms. Katherine Rauscher, MHBC Planning Urban Design & Landscape Architecture, authorized agent for the applicant, presented application A-2023-0145 briefly outlining the variances requested.

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

Ms. Rauscher 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-2023-0145 to permit a retaining wall to be located within a required landscaped open space be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize site plan approval under City File SPA-2022-0051 and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

9. **DEFERRED MINOR VARIANCE APPLICATIONS**

9.1. **A-2022-0264**

GURPREET UBHI AND KULJEET UBHI

8884 CREDITVIEW ROAD

PART OF LOT 5, CONCESSION 4 WHS, WARD 4

Committee of Adjustment Minutes

The applicants are proposing construction of a 2 storey dwelling and are requesting the following variance(s):

1. To permit interior side yard setbacks of 2.95m (8.73 ft.) and 2.60 (8.53 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.).

Ms. Elen Abunahla, Antara Design, authorized agent for the applicant, presented application A-2022-0264 briefly outlining the variances requested.

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

Ms. Abunahla 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-2022-0264 to permit interior side yard setbacks of 2.95m (8.73 ft.) and 2.60 (8.53 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 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-2022-0361**

SONEIL MISSISSAUGA INC.

350 RUTHERFORD ROAD SOUTH, UNIT 10

PART OF LOT 1, CONCESSION 2 EHS, WARD 3

The applicant is requesting the following variance(s):

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1. To permit a private school to operate form Unit 10 whereas the by-law does not permit the proposed use.

Mr. Marc De Nardis, Gagnon Walker Domes Ltd., authorized agent for the applicant, presented application A-2022-0361 briefly outlining the variances requested advising that the application was previously deferred.

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

Mr. De Nardsi, 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-2022-0361 to permit a private school to operate form Unit 10 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 Private School use be approved for a temporary period of five (5) years from the date of the decision of the Committee;
3. That a Record of Site Condition (RSC) must be filed to the Ministry of Environment, Conservation and Parks within 12 months of the committee's decision; and,
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

Committee of Adjustment Minutes

9.3. **A-2022-0371**

MOHAMMED FASIULLAH MASOOD AND MUMTAZ SHABANA MOHAMMED

14 DUBLIN ROAD

LOT 90, PLAN 43M-1878, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.72 (8.92 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Mr. Marwan AL-Farraji, Alpha Engineering Solutions Inc., authorized agent for the applicant, presented application A-2022-0371 briefly outlining the variances requested.

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

Mr. Al-Farraji 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-2022-0371 to a below grade entrance between the main wall of the dwelling and the flankage lot line and to permit an exterior side yard setback of 2.72 (8.92 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 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

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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

9.4. **A-2022-0372** (*Discussed concurrently with Application B-2022-0025*)

SRADHANANDA MISHRA

9893 TORBRAM ROAD

PART OF LOTS 9 AND 10, CONCESSION 6 E.H.S., WARD 8

The applicant is requesting the following variance(s) in conjunction with the proposed severed lot under Consent Application B-2022-0025:

1. To permit a minimum lot area of 1,500 square metres whereas the by-law requires a minimum lot area of 6500 square metres;
2. To permit a minimum landscaped open space strip of 1.5 metres along the site limits whereas the by-law requires a minimum landscaped open space strip of 3.0 metres, except at the location of a driveway.

9.5. **A-2022-0373** (*Discussed concurrently with Application B-2022-0025*)

SRADHANANDA MISHRA

9893 TORBRAM ROAD

PART OF LOTS 9 AND 10, CONCESSION 6 E.H.S., WARD 8

The applicant is requesting the following variance(s) in conjunction with the proposed retained lot under Consent Application B-2022-0025:

1. To permit a minimum lot area of 4,500 square metres whereas the by-law requires a minimum lot area of 6500 square metres;
2. To permit a minimum interior side yard setback of 2.4m (7.87 ft.) to an existing building whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.) or half of the height of the building, whichever is less.

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9.6. **A-2023-0047** (*Discussed concurrently with Application B-2023-0004*)

IRENE RAMSAMMY AND RON RAMSAMMY

11467 GOREWAY DRIVE

BLOCK 4, PLAN M-312, WARD 10

The applicants are requesting the following variance(s) associated with the proposed “retained” lot under Consent Application B-2023-0004:

1. To permit a lot area of 0.24 hectares whereas the by-law requires a minimum lot area of 0.8 hectares;
2. To permit a lot width of 9.49m (31.14 ft.) whereas the by-law requires a minimum lot width of 45m (147.64 ft.);
3. To permit an interior side yard setback of 6.87m (22.54 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.);
4. To permit 51.23% front yard landscape open space whereas the by-law requires a minimum of 70% of the front yard to be landscaped open space.

9.7. **A-2022-0048** (*Discussed concurrently with Application B-2023-0004*)

IRENE RAMSAMMY AND RON RAMSAMMY

11467 GOREWAY DRIVE

BLOCK 4, PLAN M-312, WARD 10

The applicants are requesting the following variance(s) associated with the proposed “severed” lot under Consent Application B-2023-0004:

1. To permit a lot area of 0.13 hectares whereas the by-law requires a minimum lot area of 0.8 hectares;
2. To permit a lot width of 21.42m (70.28 ft.) whereas the by-law requires a minimum lot width of 45m (147.64 ft.);
3. To permit an interior side yard setback of 1.2m (3.94 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.);
4. To permit a rear yard setback of 7.5m (24.60 ft.) whereas the by-law requires a minimum rear yard setback of 15.0m (49.22 ft.);

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5. To permit a front yard setback of 8.0m (26.25 ft.) whereas the by-law requires a minimum front yard setback of 12m (39.37 ft.).

10. **ADJOURNMENT**

Moved by: D. Doerfler

Seconded by A. C. Marques

That the Committee of Adjustment hearing be adjourned at 2:32 pm to meet again on Tuesday, June 20, 2023.

CARRIED