



**Date:** June 20, 2023  
**Time:** 9:00 a.m.  
**Location:** Council Chambers, 4th Floor - City Hall – Webex Electronic Meeting

**Members:**

Jarmanjit Singh Dehriwal  
Baljit Mand  
Jotvinder Sodhi  
Ron Chatha  
Sukhpal Khaira  
James Reed  
Sarbjeeet Saini  
Thisaliny Thirunavukkarasu  
Manocharan Vaithianathan

**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 9:04 a.m. and adjourned at 1:25 p.m.

1.1 **Appointment of the Chair/Vice-Chair**

Peter Fay, City Clerk, called the meeting to order and chaired the meeting until the selection of the Chair and Vice-Chair for the Committee of Adjustment.

Mr. Fay welcomed members of the Committee. He explained the voting procedures for electing a Chair and Vice-Chair and options for the term of the appointments. Voting began beginning with a vote on the term of the Chair.

## Committee of Adjustment Minutes

Member Reed put forward a motion that the term of the Chair be for the full term of Council. Member Saini seconded the motion. The motion carried.

Mr. Fay opened the nominations for Chair.

The following members' names were put forward and they accepted the nominations for the position of Chair.

- Ron Chatha
- Jarmanjit Singh Dehriwal

There were no further nominations. Mr. Fay announced that nominations for election of the Chair were closed. Voting for the selection of Chair was taken in alpha surname order. The results of the votes were as follows:

- Ron Chatha - 4
- Jarmanjit Singh Dehriwal - 4

Committee reached a tie vote as one member was not present at the time the vote was taken. Mr. Fay explained that when a tie vote is reached the motion does not carry and in accordance with the procedural by-law the two names were placed in a hat. The City Clerk announced Jarmanjit Singh Dehriwal as the Chair.

A member of the Committee requested that the vote be re-opened as the member who was previously absent was now in attendance. Mr. Fay explained that a two thirds majority vote is required to re-open the decision.

A motion was put forward by Member Chatha to re-open the decision and was seconded by Member Reed. The vote resulted in 4 members in favour of re-opening the vote and 5 members opposed to re-opening. A two thirds required majority was not achieved.

Member Vaithianathan put forward a motion to ratify Mr. Dehriwal's appointment as Chair. The motion was seconded by Member Thirunavukksrasu. The motion carried.

Mr. Fay opened the nominations for Vice-Chair.

The following members' names were put forward and they accepted the nominations for the position of Vice-Chair.

- James Reed
- Baljit Mand

## Committee of Adjustment Minutes

Mr. Fay announced that nominations for election of the Vice-Chair were closed. Voting for the election of Vice-Chair was taken in alpha surname order. The results of the votes were as follows:

- Baljit Mand - 5
- James Reed - 4

Member Dehriwal put forward a motion to ratify Mr. Mand's appointment as Vice-Chair. The motion was seconded by Member Vaithianathan. The motion carried.

Chair Dehriwal requested consideration for a second Vice-Chair. Due to timelines it was suggested that the election of a second Vice-Chair take place following consideration of the applications listed on the agenda. Committee was in agreement to defer the election of a second Vice-Chair following conclusion of the applications and prior to adjournment.

### 2. **Adoption of Minutes:**

Moved by: J. Reed

Seconded by: M. Vaithianathan

THAT the minutes of the Committee of Adjustment hearing held May 30, 2022 be approved, as printed and circulated.

CARRIED

### 3. **Region of Peel Comments**

Letter dated June 16, 2022.

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

None

### 5. **WITHDRAWALS/DEFERRALS**

Committee acknowledged receipt of a letter dated June 1, 2023, from Manupriya Sharma, applicant and owner of the property advising that Applications B-2022-0003, A-2022-0047 and A-2022-0048 for the property municipally known as 43 David Street are Withdrawn.

#### **A-2023-0166**

PARAMPAL SINGH JANDU AND AMANDEEP KAUR SANDHU

48 EMERALD COAST TRAIL

LOT 2, PLAN 43M-2045, WARD 6

## Committee of Adjustment Minutes

Committee acknowledged receipt of a letter dated June 16, 2023 from Tanvir Rai, Noble Prime Solutions Ltd., authorized agent for the applicant, advising that application A-2023-0166 for the property municipally known as 48 Emerald Coast Trail is **withdrawn** (**Agenda Item 8.21**)

### **A-2022-0056**

ABHISHEK SINGH TANWAR AND MANISHA TANWAR

24 GRAND RIVER COURT

PART OF BLOCK G, PLAN M-95, PARTS 53, 53A AND 53B, PLAN 43R-3631, WARD 8

Committee acknowledged receipt of a letter dated June 12, 2023 from Shivang Tarika, Rely Solution, authorized agent for the applicant requesting a deferral of application A-2023-0056 for the property municipally known as 24 Grand River Court (**Agenda Item 9.3**).

Mr. Tarika was in attendance to acknowledge the request for a deferral to confirm whether or not an easement is in place in an area where construction is proposed.

Staff was in agreement with a deferral advising that a deferral will provide enough time to confirm an easement. Staff added that a deferral no later than the last hearing of August, 2023 is recommended.

Moved by: J. S. Dehriwal

Seconded by: S. Saini

THAT application A-2022-0056 be deferred no later than the last hearing of August, 2023.

CARRIED

### **A-2022-0022**

BRANTHAVEN CREDITVIEW INC.

8940 CREDITVIEW ROAD

PART OF LOT 5, CONCESSION 4 W.H.S., PART 1, PLAN 43R-14727, WARD 4

Committee acknowledged receipt of a letter dated June 13, 2023 from Sebastian Alzamora, Glen Schnarr & Associates Inc., authorized agent for the applicant, requesting a deferral of application A-2022-0022 for the property municipally known as 8940 Creditview Road (**Agenda Item 9.1**).

## Committee of Adjustment Minutes

Mr. Alzamora was in attendance to acknowledge the request for a deferral advising that they support the recommendation of staff to defer the application no later than the last hearing of December, 2023.

Staff advised that a deferral is recommended no later than the last hearing of December, 2023 advising that a decision should be made by the Ontario Land Tribunal before proceeding with the application and that the minor variance application is premature.

Moved by: J. S. Dehriwal

Seconded by: J. Reed

THAT application A-2022-0022 be deferred no later than December 5, 2023, being the last hearing of December, 2023.

CARRIED

### **A-2023-0164**

SATINDER SINGH CHATHA, SATWINDER KAUR CHATHA

AVTAR CHATHA AND DALJIT CHATHA

1 ANTLER DRIVE

LOT 129, PLAN 43M-1613, WARD 1

Committee acknowledged receipt of a letter dated June 16, 2023 from Tanvir Rai, Noble Prime Solutions Ltd., authorized agent for the applicant, requesting a deferral of application A-2023-0164 for the property municipally known as 1 Antler Drive (**Agenda Item 8.19**).

Mr. Rai was in attendance to acknowledge the request for a deferral advising that a revised plan has been submitted and staff require additional time to review the plan and provide feedback.

Staff advised that they are supportive of the request to defer the application and acknowledged receipt of the revised plan.

Moved by: J. S. Dehriwal

Seconded by: J. Reed

THAT application A-2023-0164 be deferred no later than the hearing of August 1, 2023.

CARRIED

## Committee of Adjustment Minutes

### **A-2023-0163**

KIRANKUMAR PATEL AND PURVI PATEL

10 DALKEITH COURT

LOT 116, PLAN 43M-1931, WARD 4

The Chair announced that staff recommends deferral of application A-2023-0163 for the property municipally known as 10 Dalkeith Court (***Agenda Item 8.18***).

Mr. Arshad Siddiqui, C-Architecture Ltd., authorized agent for the applicant addressed Committee advising that he supports staff's recommendation.

Staff advised that they will be working closely with the applicant to resolve any issues.

Moved by: J. S. Dehriwal

Seconded by: J. Reed

THAT application A-2023-0164 be deferred to a hearing no later than the last hearing of August, 2023.

CARRIED

### 6.1. **B-2023-0017**

SUKHJEEVAN CHATTHA

18 BEAMISH COURT

PART OF LOT 2, PLAN 1002, WARD 10

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 2.0 metres (6.56 feet) and an area of approximately 239.4 square metres (0.06 acres). It is proposed that a servicing easement (sanitary sewer) be established in favour of the abutting property to the west municipally known as 16 Beamish Court.

Mr. Sukhjeevan Chattha, applicant and owner of the property, presented application B-2023-0017 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-2023-0017 from a planning land use perspective, with conditions.

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

Mr. Chattha indicated that the proposed conditions were acceptable.

## Committee of Adjustment Minutes

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

Moved by: J. Reed

Seconded by: J. S. Dehriwal

THAT application B-2023-0017 to establish a servicing easement (sanitary sewer) in favour of the abutting property to the west municipally known as 16 Beamish Court be approved for the following reasons and subject to the following conditions:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and,
2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received;
3. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and instillation of new services and/or possible required service easements; and,
4. The applicant submits \$1,435 review fee to the Region of Peel as per their letter dated June 13, 2023.

### REASONS:

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

CARRIED

### **APPLICATIONS B-2023-0018 AND B-2023-0019 WERE RELATED AND HEARD CONCURRENTLY**

#### **6.2. B-2023-0018**

DANIELS MPV CORPORATION

10, 20 and 30 LAGERFELD DRIVE

PART OF BLOCK 4, PLAN 43M-1927, WARD 6

## Committee of Adjustment Minutes

The purpose of the application is to request the consent of the Committee of Adjustment for conveyance of Part of Block 4, Plan 43M-1927 to provide for a stratified lot addition of lands currently under ownership of the East Parcel (rental); to the West Parcel of land (future condominium). The effect of the application is to amend ownership boundaries by merging select Parts at grade and in the shared underground garage with the West Parcel of land municipally known as 10, 20 and 30 Lagerfeld Drive. (Concurrent Consent Application B-2023-0019).

### 6.3. **B-2023-0019**

DANIELS CHOICE MOUNT PLEASANT CORPORATION

40 LAGERFELD DRIVE

PART OF BLOCK 4, PLAN 43M-1927, WARD 6

The purpose of the application is to request the consent of the Committee of Adjustment for conveyance of Part of Block 4, Plan 43M-1927 to provide for a stratified lot addition of lands currently under ownership of the West Parcel (future condominium) to the East Parcel of land (rental). The effect of the application is to amend ownership boundaries by merging select Parts at grade and in the shared underground garage with the East Parcel of land municipally known as 40 Lagerfeld Drive. (Concurrent Consent Application B-2023-0018).

Mr. Daniel Grandilli, Daniels Corporation, authorized agent for the applicant presented applications B-2023-0018 and B-2023-0019 briefly outlining the nature of the applications to transfer a select number of parts on a draft reference plan from one entity to the other. He advised that a previous application created the lots for a condominium and rental buildings noting that through the design and construction process a few pieces were missed during the initial severance application related to the location of community mail boxes, storage and bicycle storage rooms in the underground garage, an elevator vestibule as well as a parking area.

Committee was informed that City of Brampton planning staff had no objection to the approval of applications B-2023-0018 and B-2023-0019 from a planning land use perspective, with conditions

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

Mr. Grandilli 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: J. S. Dehriwal

Seconded by: T. Thiruanavukkarasu



## Committee of Adjustment Minutes

THAT application B-2023-0018 to provide for a stratified lot addition, amending ownership boundaries by merging select Parts at grade and in the shared underground garage with the West Parcel of land municipally known as 10, 20 and 30 Lagerfeld Drive 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. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent;
3. A solicitor's undertaking shall be received indicating that the "severed" lands (being proposed parts 1-4 on the draft reference plan approved as approved by the City) and the abutting lands (being parts 19, 30, 40 and 41 on reference plan 43R-39900), shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed;
4. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s);
5. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.

### REASONS:

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

CARRIED

Moved by: J. S. Dehriwal

Seconded by: T. Thiruanavukkarasu

THAT application B-2023-0019 to provide for a stratified lot addition, amending ownership boundaries by merging select Parts at grade and in the shared underground garage with the West Parcel of land municipally known as 40 Lagerfeld Drive 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;

## Committee of Adjustment Minutes

2. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent;
3. A solicitor's undertaking shall be received indicating that the "severed" lands (being proposed part 5 on the draft reference plan approved as approved by the City) and the abutting lands (being part 28 on reference plan 43R-39900), shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed;
4. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s);
5. 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

### 7. **DEFERRED CONSENT APPLICATIONS**

None

### 8. **NEW MINOR VARIANCE APPLICATIONS**

#### 8.1. **A-2023-0146**

JOGINDER SINGH AND SUKHWINDER KAUR

4 BROAD OAK COURT

LOT 125, PLAN M-740, WARD 4

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in a required interior side yard whereas the by-law does not permit a below grade entrance to be located in a required interior side yard;

## Committee of Adjustment Minutes

2. To permit an interior side yard setback of 0.0m to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0146 briefly outlining the variances requested for an as-built below grade entrance with three (3) steps down and three (3) steps leading up for access to the rear yard.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: J. Sodhi

Seconded by: T. Thiruanavukkarasu

THAT application A-2023-0146 to permit a below grade entrance in a required interior side yard and to permit an interior side yard setback of 0.0m to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That drainage on adjacent properties should not be adversely affected;
4. The below grade entrance shall not be used to access an unregistered second unit; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.2. **A-2023-0147**

YIHUA SHI

34 MERGANSER CRESCENT

LOT 31, PLAN M-615, WARD 3

The applicant is requesting the following variance(s):

1. To permit a below grade entrance in a required side yard whereas the by-law does not permit a below grade entrance to be located in a required interior side yard;
2. To permit an interior side yard setback of 0.0m to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 0.3m (0.98 ft) provided the opposite side yard has a minimum setback of 1.2m (3.94 ft);
3. To permit a 0.9m (2.95 ft) path of travel to the principal entrance leading 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.

Ms. Chuan Liang, Architect, presented application A-2023-0147 briefly outlining the variances requested advising that the side door was already in place when the dwelling was purchased. She explained that the variances are requested for an existing condition that could not be changed.

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

Ms. Liang 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: M. Vaithianathan

Seconded by: T. Thiruanavukkarasu

THAT application A-2023-0147 to permit a below grade entrance in a required side yard; to permit an interior side yard setback of 0.0m to a below grade entrance and to permit a 0.9m (2.95 ft) path of travel to the principal entrance leading 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 objects located within the proposed path of travel leading to the below grade entrance be relocated, to ensure the provision of an unencumbered path of travel;

## Committee of Adjustment Minutes

3. That the applicant obtain a building permit for the below grade entrance 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;
4. That drainage on adjacent properties should not be adversely affected;
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

### 8.3 **A-2023-0148**

JASBIR KAUR, ARSHDEEP PANNU AND NAVNEET PANNU

6 BROOKDALE CRESCENT

LOT 201, PLAN 651, WARD 7

The applicants are requesting the following variance(s):

1. To permit a building height of 8.41m (27.60 ft) whereas the by-law permits a maximum building height of 7.6m (24.93 ft);
2. To permit a rear yard setback of 8m (26.25 ft) whereas the by-law requires a minimum rear yard setback of 8.38m (27.50 ft);
3. To permit a lot coverage of 34.94%, whereas the by-law permits a maximum lot coverage of 30%.

Mr. Jivtesh Bhaila, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0148 briefly outlining the variances requested.

Committee acknowledged receipt of e-mail correspondence dated June 14, 2023 from Cal Meloche, 8 Brookdale Crescent indicating opposition to the application.

Committee acknowledged receipt of e-mail correspondence dated June 15, 2023 from Paul Deruyte, 5 Brookdale Crescent indicating opposition to the application.

## Committee of Adjustment Minutes

Committee acknowledged a petition of opposition submitted by Alice Serfiet, 56 Brookdale Crescent on behalf of the area residents.

Committee acknowledged e-mail correspondence dated June 14, 2023 from Gus and Loan Nguyen, 4 Brookdale Crescent indicating opposition to the application.

Committee acknowledged e-mail correspondence dated June 13, 2023 from Tim and Darlene Henry, 40 Birchbank Crescent indicating opposition to the application.

Ms. Alice Serfiet, 56 Brookdale Crescent addressed Committee advising that she represents twenty one residents who have signed a petition to not allow any relief or changes to the by-law. She commented that it is a small crescent which has had to cope with corporations buying up the homes as investments. She spoke of traffic speeding by adding that they feel strongly about 17,585 2 unit homes in Brampton as of June 14, 2023 and negotiations to turn a plaza into high rise units. Ms. Serfiet expressed that the sign was not visible from the road and that she has heard that the application is 95% approved adding that if this is so, is this a democracy of the people, for the people and by the people.

Mr. Gus Nguyen, 4 Brookdale Crescent addressed Committee expressing his disagreement with changing a single storey dwelling into a two storey dwelling. He commented that it reminds him of the "big blue house" at 443 Centre Street based on the size of the house and is concerned that the height of the dwelling will result in shadowing, resulting in loss of natural light and privacy impacting his enjoyment of his property. Mr. Nguyen remarked that there could be a negative impact on traffic and parking and potential safety for children and seniors noting that there is no sidewalk.

Mr. Paul Deruyte, 5 Brookdale Crescent addressed Committee commenting that the neighbourhood is quiet with original owners and young families moving to the neighbourhood. He expressed that they take pride in their properties. He spoke of property maintenance issues including the presence of weeds, garbage stored in front of the house and grass not being cut. Mr. Deruyte commented that the driveway has been used as a parking lot for large trucks.

Mr. Deruyte referred to the drawings accompanying the application commenting that the proposal looks like a motel or rooming house as opposed to a two storey residential dwelling. He referred to the layout of the proposal noting that the second floor has a separate entrance with four bedrooms, 4 bathrooms and a hallway. It was his submission that these rooms will be rented.

Mr. Deruyte commented that the neighbourhood is unique with larger properties and small houses with three or four bedrooms. He added that the driveway will accommodate nine cars with a lot more traffic. He expressed that it is recognized that the province wants increased housing and that the City of Brampton will be working towards that but was of the opinion that it is not for a small crescent. Mr. Deruyte commented that the house will be built, sold and

## Committee of Adjustment Minutes

rented out and was of the opinion that it will be out of character among smaller sized dwellings.

Mr. Tarandeo Joe Bidaisee, 17 Brookdale Crescent addressed Committee expressing that he was disappointed that he found out through the grapevine about the proposal. He commented that he has been part of the Brookdale community for over forty years and selected this area to live in. Mr. Bidaisee advised that Brookdale Crescent was built based on guidelines and specifications that were in place at the time. He commented that any changes should be in accordance with the original by-laws.

Mr. Rai advised that there is no separate entrance to the upstairs. In terms of a 2 storey dwelling, he advised that a 2 storey dwelling can be constructed in accordance with the zoning by-law noting that the request exceeds the maximum height permitted in the by-law. Mr. Rai advised that the construction involves a brand new house which the applicant is bringing into the modern era.

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

Committee commented that it is recognized that change is coming noting that the agent explained that a 2 storey dwelling is permitted. Committee expressed that the proposal does not fit in with the surrounding neighbourhood.

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: J. Reed

Seconded by: J. Sodhi

THAT application A-2023-0148 to permit a building height of 8.41m (27.60 ft); to permit a rear yard setback of 8m (26.25 ft) and to permit a lot coverage of 34.94% 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

**NOTE: MEMBER CHATHA DISSENTED ON COMMITTEE'S DECISION.**

8.4 **A-2023-0149**

TARLOCHAN SINGH AND GURWINDER KAUR SINGH

37 ESKER DRIVE

LOT 144, PLAN 537, WARD 2

The applicants are requesting the following variance(s):

1. To permit a driveway width of 8.9m (29.20 ft) whereas the by-law permits a maximum driveway width of 6.71m (22 ft);
2. To permit 0.54m (1.77 ft) of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft) of permeable landscaping adjacent to the side lot line.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0149 briefly outlining the variances requested.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

Seconded by: T. Thiruanavukkarasu

Seconded by: S. Saini

THAT application A-2023-0149 to permit a driveway width of 8.9m (29.20 ft) and to permit 0.54m (1.77 ft) of permeable landscaping adjacent to the side lot line be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That Variance 1 to permit a driveway width of 8.89m (29.17 ft.) be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix B) showcasing a proposed 7.5m (24.61 ft.) driveway width;
3. The Owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances.
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.



## Committee of Adjustment Minutes

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-2023-0150**

NELSON UMANA AND FATIMA MORALES

62 GARSIDE CRESCENT

PART OF LOT 159, PLAN 866, WARD 8

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 1.72m (5.64 ft) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft);
3. To permit an existing attached carport with an interior side yard setback of 0.46m (1.51 ft) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft) to an attached carport;
4. To permit a lot coverage of 34.98%, whereas the by-law permits a maximum lot coverage of 33.3%.

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0150 briefly outlining the variances requested.

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

Committee requested an amendment to the proposed conditions to include that the existing carport not be enclosed.

Mr. Rai indicated that the proposed conditions, as amended, 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: J. Reed

Seconded by: J. Sodhi

THAT application A-2023-0150 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 1.72m (5.64 ft) to the exterior stairway leading to a below grade entrance; to permit an existing attached carport with an interior side yard setback of 0.46m (1.51 ft) and to permit a lot coverage of 34.98% 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 obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That drainage on adjacent properties should not be adversely affected;
4. The existing carport shall not be enclosed;
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

8.6 **A-2023-0151**

VAQAR HASAN AND MAHIRA VAQAR

43 KEMPSFORD CRESCENT

LOT 391, PLAN 43M-1986, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in a required interior side yard whereas the by-law does not permit a below grade entrance to be located in a required interior side yard;
2. To permit a 0.03m (0.098 ft) interior side yard setback to a below grade entrance, with a combined side yard setback of 0.67m (2.20 ft) whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft) on one side provided that the combined total for both interior lots is 1.8m (5.91 ft).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0151 briefly outlining the variances requested.

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

Committee sought clarification on access to the rear of the property. Staff explained that the proposal will have steps leading down to a landing and back up from the landing to access the rear of the property.

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: S. Khaira

Seconded by: M. Vaithianathan

THAT application A-2023-0151 to a below grade entrance in a required interior side yard and to permit a 0.03m (0.098 ft) interior side yard setback to a below grade entrance, with a combined side yard setback of 0.67m (2.20 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 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

## Committee of Adjustment Minutes

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

### 8.7 **A-2023-0152**

SANDEEP RAJ AND KAMLESH RAJ

96 TOBA CRESCENT

LOT 1, PLAN M-1051, WARD 2

The applicants are requesting the following variance(s):

1. To permit an existing 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 1.00m (3.28 ft) path of travel leading to the primary entrance to a second unit whereas the by-law requires an unencumbered side yard 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. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0152 briefly outlining the variances requested.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: T. Thirunavukkarasu

Seconded by: S. Saini

## Committee of Adjustment Minutes

THAT application A-2023-0152 permit an existing 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 a 1.00m (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 variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the above grade entrance shall not be used to access an unregistered second unit;
3. 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; 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

### 8.8. **A-2023-0153**

SUVANSH MEHTA AND SHRUTI RAIBAGI

21 DANESBURY CRESCENT

LOT 272, PLAN 742, WARD 7

The applicants are requesting the following variance(s):

1. To permit a below grade entrance between the main wall of a dwelling and the front lot line whereas the by-law does not permit below grade entrances between the main wall of the dwelling and the front lot line;
2. To permit a front yard setback of 7.1m (23.30 ft) to a below grade entrance whereas the by-law requires a minimum front yard setback of 7.6m (24.93 ft);
3. To permit an existing building addition (sunroom) with a rear yard setback of 5.2m (17.06 ft) whereas the by-law requires a minimum rear yard setback of 7.6m (24.93 ft).

## Committee of Adjustment Minutes

Mr. Syed Shams Ali, Mechways Inc, authorized agent for the applicant, presented application A-2023-0153 briefly outlining the variances requested.

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

Committee noted that the dwelling is a semi-detached dwelling and inquired where parking would occur. Mr. Ali advised that parking will take place on the south side of the property.

Mr. Ali 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: T. Thirunavukkarasu

Seconded by: J. S. Dehriwal

THAT application A-2023-0153 permit a below grade entrance between the main wall of a dwelling and the front lot line; to permit a front yard setback of 7.1m (23.30 ft) to a below grade entrance whereas the by-law requires a minimum front yard setback of 7.6m (24.93 ft) and to permit an existing building addition (sunroom) with a rear yard setback of 5.2m (17.06 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 applicant implement planting to screen the proposed below grade entrance as shown on the revised site plan provided by the applicant (Appendix A) 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 the drainage on adjacent properties shall not be adversely affected; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.9. **A-2023-0154**

RISHA RAM SHARMA

11575 DIXIE ROAD

PART OF LOT 17, CONCESSION 4 EHS, PART 3, PLAN 43R-3

The applicant is requesting the following variance(s):

1. To permit a place of worship use whereas the by-law does not permit a place of worship in an Agricultural zone.

Mr. Ravi Doiphode, Ravi Doiphode Inc., authorized agent for the applicant, presented application A-2023-0154 briefly outlining the variances requested. He advised that the request is for a small scale place of worship commenting that there is sufficient parking and he is simply asking for a change of use.

Committee acknowledged receipt of a letter dated June 15, 2023 from Keith MacKinnon, KLM Planning Partners Inc. detailing concerns with the application.

Mr. Surender Kauskik, 401 Mountainash Road, addressed Committee advising that he has been attending this place of worship with other community members. He advised that the place has been functioning peacefully noting that the owner has devoted his life's savings to the place of worship.

Mr. Azed Gayat, 50 John Carroll Drive, addressed Committee in support of the application advising that the applicant is providing a service to the community. He commented that the location is ideal and does not hinder the neighbouring residential area.

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

Committee noted that the proposal is close to a regional road and expressed concerns with traffic given that the proposal is in close proximity to a residential area comprised of townhouses. Committee expressed concerns with parking and inquired how parking will be managed during festival events. Committee inquired if a traffic assessment had been done. Through discussion it was confirmed that a traffic study had not been conducted.

Mr. Doiphode advised that the place of worship is small scale and the number of parking spaces available range from 35 to 50. Staff advised that parking is calculated based on the net worship area requiring approximately 12 parking spaces. Staff explained that if the place of worship is expanded in the future a site plan application would be required.

## Committee of Adjustment Minutes

Committee inquired if this was the first time staff have dealt with a place of worship for the property. Staff responded that staff have not had this request previously noting that a site plan application is required and that the use not exist until the site plan has been finalized.

Staff explained that an Order to Comply was issued in 2018 which was not acted upon until now for a change of use for a place of worship without the benefit of a building permit.

Committee expressed concerns that a place of worship was operating illegally at this location for a number of years. Committee explained that it takes the City ten to fifteen years to develop Secondary Plans, Block Plans and Draft Plans to determine where employment uses as well as other uses are best suited.

Staff advised that the application was submitted as a result of a By-law complaint informing Committee that the request was for a permanent use. Staff explained that through discussions an agreement was reached to support the use for a temporary period of three years and that the applicant would be required to go through the site plan review process to ensure the proposal meets all performance standards. Staff remarked that a number of studies would be required and that staff would be working closely with the applicant to convey part of the land to complete a townhouse block.

Staff noted that if the applicant came back to the Committee after three years staff may not support another temporary approval and would recommend the applicant pursue a temporary use by-law which is a separate process.

Committee inquired if the conveyance of land would be a condition of site plan approval. Staff responded that it would not be a condition of site plan approval noting that certain aspects of the proposed conditions have to be signed off by the Director of Development Services. Staff commented that this would address some of the concerns outlined in the letter from KLM Planning to achieve a positive outcome.

Discussion continued with Committee requesting that a parking study based on seven days a week be conducted and submitted for review. Mr. Doiphode acknowledged his understanding of Committee's request and was receptive to a deferral of the application. Timelines for a deferral were discussed to provide sufficient time for submission of a parking study following which Committee reached the following decision.

Moved by: J. Sodhi

Seconded by: M. Vaithianathan

THAT application A-2023-0154 be deferred to a hearing no later than the last hearing of November, 2023.

CARRIED

**COMMITTEE RECESSED AT 11:31 AM AND RECONVENED AT 11:41 AM**



## Committee of Adjustment Minutes

### 8.10 **A-2023-0155**

KISHORE NABIN LUI TEL AND SMEETA ADIGA

11 JORDENSEN DRIVE

PART OF LOT 83, PLAN 43M-1751, PART 5, PLAN 43R-32069, 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 exterior side yard setback of 0.05m (0.16 ft) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 1.2m (3.94 ft).

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2023-0155 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: S. Kharira

Seconded by: J. Reed

THAT application A-2023-0155 permit an exterior stairway leading to a below grade entrance in the required interior side yard and to permit an exterior side yard setback of 0.05m (0.16 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.

## Committee of Adjustment Minutes

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-2023-0156**

PUNEET THAKRAL AND GANGA BISHT

150 VANHORNE CLOSE

LOT 165, PLAN 43M-1922, 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 exterior side yard setback of 0.07m (0.23 ft) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 1.2m (3.94 ft).

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2023-0156 briefly outlining the variances requested.

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

Committee acknowledge receipt of e-mail correspondence from Gagan and Jaspreet Deol 152 Vanhorne Close, indicating opposition to the application.

In response to the comments in the e-mail from the resident of the neighbouring property Staff advised that they have no concerns with the proposal which is a standard type of application that the Committee of Adjustment sees often. Staff explained that relief is being sought for an existing condition explaining that there are 2 steps leading down to a landing and 2 steps leading back up ensuring continuous movement from the front yard to the rear yard without trespassing onto the neighboring property.

## Committee of Adjustment Minutes

Committee posed a question inquiring if staff review the application or would they suggest that it is better to have the entrance at the rear of the property noting such things as safety concerns and snow removal.

Staff advised that the applications for side entrances are reviewed in accordance with the four tests of the *Planning Act* and any impact on the adjacent properties. Staff advised that engineering staff have no concerns with drainage and the drawing depicts a railing on the side of the steps and landing. Staff advised that they do sometimes recommend the applicant explore alternative options noting that the application represents an existing condition.

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: J. Sodhi

Seconded by: S. Khaira

THAT application A-2023-0156 to permit an exterior stairway leading to a below grade entrance in the required interior side yard and to permit an exterior side yard setback of 0.07m (0.23 ft) to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That drainage on adjacent properties should not be adversely affected;
4. The below grade entrance shall not be used to access an unregistered second unit; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

8.12. **A-2023-0157**

ROBERT BOURNE AND GAZINA BOURNE

61 ISABELLA STREET

PART OF LOT 2, PLAN BR-5, PART 3, PLAN 43R-24563, WARD 1

The applicants are requesting the following variance(s):

1. To permit an existing accessory structure (shed) having a gross floor area of 31.21 sq. m (335.94 sq. ft) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft) for an individual accessory structure;
2. To permit an existing accessory structure (shed) having a height of 3.96m (13 ft) whereas the by-law permits a maximum height of 3.0m (9.84) for an accessory structure.

Mr. Robert Bourne, applicant and owner of the property, presented application A-2023-0157 briefly outlining the variances requested.

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

Committee observed during site inspection an air conditioning unit and sought clarification on if the structure will be used as a workshop. Mr. Bourne confirmed that the structure will be used as a workshop explaining that he was a cabinet maker and his son is also in the trade.

Mr. Bourne 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: J. Reed

Seconded by: J. Sodhi

THAT application A-2023-0157 to permit an existing accessory structure (shed) having a gross floor area of 31.21 sq. m (335.94 sq. ft) and to permit an existing accessory structure (shed) having a height of 3.96m (13 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;

## Committee of Adjustment Minutes

2. That the owner shall obtain a building permit for the accessory structure (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

### 8.13 **A-2023-0158**

UPASANA AHLUWALIA, AJIT MOHAN AHLUWALIA

SIDDARTH AHLUWALIA AND SAKSHAM AHLUWALIA

233 MOUNTAINBERRY ROAD

LOT 28, PLAN M-1132, WARD 10

The applicants are requesting the following variance(s):

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

## Committee of Adjustment Minutes

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2023-0158 briefly outlining the variances requested. Mr. Tarika requested reconsideration of proposed conditions 4 and 5 advising that under new legislation 3 units will be permitted in a dwelling noting that they may require more parking spaces if in the future the applicant pursues an additional unit.

Committee was informed that City of Brampton planning staff was in support of this application, in part, with conditions. Staff explained that in terms of re-consideration of conditions 4 and 5, staff are not in favour of the driveway width noting that the applicant does have sufficient space within the existing driveway width in accordance with the by-law to support sufficient vehicles to be parked in the area.

Mr. Tarika acknowledged his understanding of staff's position.

Committee acknowledged receipt of e-mail correspondence dated June 13, 2023 from Ravinder Singh, resident, detailing concerns with Application A-2023-0158.

A member of Committee observed during site inspection that the sign was not posted in a visible location in accordance with the requirements of the *Planning Act*. Mr. Tarika was advised to take this into consideration in the event he has future clients and applications.

Mr. Tarika acknowledged his understanding of Committee's comments. Following discussion, 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: B. Mand

Seconded by: M. Vaithianathan

THAT application A-2023-0158 to permit an as-built above grade side entrance with a side yard setback of 1.05m (3.44 ft) extending from the front wall of the dwelling up to and including the door; to permit a 1.05m (3.44 ft) path of travel leading to the principal entrance to a second unit; to permit a landing 0.69m (2.27 ft) above grade accessing a principal entrance to a second unit; to permit an existing driveway width of 7.85m (25.75 ft) and to permit 0m of permeable landscaping adjacent to the side lot line be approved, in part, for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the above grade entrance shall not be used to access an unregistered second unit;
3. That the owner obtain a building permit for the as-built above grade side door within sixty (60) days of the Committee's decision or extended at the discretion of the Chief Building Official;

## Committee of Adjustment Minutes

4. That variance 4 to permit an existing driveway width of 7.85m (25.75 ft) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.) be refused;
5. That variance 5 to permit 0m of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line be refused; 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

### 8.14 **A-2023-0159**

ANTHONY MAXIN AND TERESA FRANCIS

38 TIANALEE CRESCENT

PART OF BLOCK 127, PLAN 43M-1560. PART 1, PLAN 43R-29677, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade stairs to be located 7.45m (24.44 ft) from the Trans Canada Pipeline right-of-way whereas the by-law requires that no permanent structures shall be located within 10.0m (32.80 ft) of the limit of the Trans Canada Pipeline right-of-way;
2. To permit an existing deck to be located 6.66m (21.85 ft) from the Trans Canada Pipeline right-of-way whereas the by-law requires that no permanent structures shall be located within 10.0m (32.80 ft) of the limit of the Trans Canada Pipeline right-of-way.

Mr. Shivang Tarika, Rely Solution, authorized agent for the applicant, presented application A-2023-0159 briefly outlining the variances requested.

Committee acknowledged receipt of a letter dated June 15, 2023 from Kaitlin Webber, MHBC Planning on behalf of TransCanada Pipeline Limited indicating no objection to the application.

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.

## 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: T. Thirunavukkarasu

Seconded by: J. Sodhi

THAT application A-2023-0159 permit a below grade stairs to be located 7.45m (24.44 ft) from the Trans Canada Pipeline right-of-way and to permit an existing deck to be located 6.66m (21.85 ft) from the Trans Canada Pipeline right-of-way 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 the applicant/owner obtain a building permit for the existing below grade entrance and deck within 60 days of the Committee's decision or extended at the discretion of the chief building official;
4. That the applicant obtain the required approval(s) for the existing below grade entrance and existing deck from TransCanada Pipelines Limited or their agent; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.15. **A-2023-0160**

RAMINDER PAL SINGH SAINI AND BALJEET SAINI

84 BLUE BONNET DRIVE

LOT 31, PLAN M-1147, WARD 4

The applicants are requesting the following variance(s):

1. To permit an existing building addition having a rear yard setback of 5.34m (17.52 ft) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft).



## Committee of Adjustment Minutes

Mr. Raminder Pal Saini, applicant and owner of the property, presented application A-2023-0160 briefly outlining the variances requested.

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

Mr. Saini 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: S. Saini

Seconded by: J. Sodhi

THAT application A-2023-0160 to permit an existing building addition having a rear yard setback of 5.34m (17.52 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 drainage on adjacent properties should not be adversely affected;
3. The Owner shall obtain owner shall obtain a building permit for the building addition (sunroom) within 60 days of the decision of approval or extended at the discretion of the Chief Building Official;
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

### 8.16 **A-2023-0161**

ICYLIN BROWN AND ANGEL BROWN

1 STILLMAN DRIVE

PART OF LOT 84, PLAN 43M-1751, PART 8, PLAN 43R-32069, WARD 5

The applicants are requesting the following variance(s):

## Committee of Adjustment Minutes

1. To permit a proposed below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit below grade entrances between the main wall of the dwelling and the flankage lot line;
2. To permit an existing accessory structure (shed) in the exterior side yard whereas the by-law does not permit accessory structures to be located within the exterior side yard;
3. To permit a fence in the exterior side yard having a height of 2.4m (7.87 ft) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft).

Ms. Angel Brown, applicant and owner of the property, presented application A-2023-0161 briefly outlining the variances requested.

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

Ms. Amrit Pal Kaur addressed Committee advising that she was representing the owner of the property noting that the property owner had already addressed Committee.

Ms. Brown 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: J. Sodhi

Seconded by: B. Mand

THAT application A-2023-0161 to permit a proposed below grade entrance between the main wall of the dwelling and the flankage lot line; to permit an existing accessory structure (shed) in the exterior side yard and to permit a fence in the exterior side yard having a height of 2.4m (7.87 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. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix B) showcasing the fence screening the below grade entrance;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That the proposed fence used to screen the future below grade entrance shall be maintained, and shall not be removed or lowered, but may be repaired or replaced when necessary;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

## Committee of Adjustment Minutes

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-2023-0162**

RAKSHANDA SHAHID

36 BONNIE BRAES DRIVE

PART OF LOT 296, PLAN 43M-1883, PARTS 1 AND 2, PLAN 43R-35054, WARD 4

The applicant is requesting the following variance(s):

1. To permit an existing open-roofed porch to encroach 7.0m (22.97 ft) into the required rear yard, resulting in a rear yard setback of 0.5m (1.64 ft) whereas the by-law permits a maximum encroachment of 2.0m from an open-roofed porch, resulting in a rear yard setback of 5.5m (18.04 ft);
2. To permit an interior side yard setback of 0.5m to an existing open-roofed porch (1.64 ft) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft).
3. To permit a rear yard encroachment of 6.89m (22.60 ft) resulting in a rear yard setback of 0.61m (2 ft) to an existing deck whereas the by-law permits a maximum rear yard encroachment of 1.8m (5.91 ft) resulting in a rear yard setback of 5.7m to the existing deck.
4. To permit an interior side yard setback of 0.33m (1.08 ft) to an existing deck whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft).

Mr. Rakshanda Shahid, applicant and owner of the property, presented application A-2023-0162 briefly outlining the variances requested.

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

Mr. Shahid 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: S. Khaira

Seconded by: J. Sodhi

THAT application A-2023-0162 to permit an existing open-roofed porch to encroach 7.0m (22.97 ft) into the required rear yard, resulting in a rear yard setback of 0.5m (1.64 ft), to permit an interior side yard setback of 0.5m to an existing open-roofed porch (1.64 ft); to permit a rear yard encroachment of 6.89m (22.60 ft) resulting in a rear yard setback of 0.61m (2 ft) to an existing and to permit an interior side yard setback of 0.33m (1.08 ft) to an existing deck 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 from the accessory structure shall be directed onto the subject property and drainage not impact adjacent properties;
3. The owner shall obtain a building permit for the open-roofed structure and deck within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
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

### 8.18. **A-2023-0163 (*Application deferred as discussed during procedural matters*)**

KIRANKUMAR PATEL AND PURVI PATEL

10 DALKEITH COURT

LOT 116, PLAN 43M-1931, WARD 4

The applicants are requesting the following variance(s):

1. To permit a commercial school (tutoring classes for a maximum of seven students) as a home occupation whereas the by-law does not permit a home occupation where the occupation creates a nuisance.

Committee of Adjustment Minutes

8.19. **A-2023-0164** (*Application deferred as discussed during procedural matters*)

SATINDER SINGH CHATHA, SATWINDER KAUR CHATHA

AVTAR CHATHA AND DALJIT CHATHA

1 ANTLER DRIVE

LOT 129, PLAN 43M-1613, WARD 1

The applicants are requesting the following variance(s):

1. To permit an **existing** driveway width of 9.91m (32.51 ft) whereas the by-law permits a maximum driveway width of 7.32m (24 ft);
2. To permit 0.0m of permeable landscaping abutting the property line whereas the by-law requires a minimum 0.6m (1.97 ft) of permeable landscaping abutting the property line.

8.20 **A-2023-0165**

RAVINDER SINGH

86 CLEARFIELD DRIVE

PART OF BLOCK 110, PLAN 43M-1810,

PARTS 9 AND 10, PLAN 43R-34577, WARD 10

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.97m (3.18 ft) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0165 briefly outlining the variances requested.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: J. Reed

Seconded by: S. Saini

## Committee of Adjustment Minutes

THAT application A-2023-0165 to permit a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.97m (3.18 ft) to a below grade entrance be approved for the following reasons and subject to the following conditions:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That drainage on adjacent properties should not be adversely affected;
4. The below grade entrance shall not be used to access an unregistered second unit; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

### 8.21 **A-2023-0166 (*Application withdrawn as discussed during procedural matters*)**

PARAMPAL SINGH JANDU AND AMANDEEP KAUR SANDHU

48 EMERALD COAST TRAIL

LOT 2, PLAN 43M-2045, WARD 6

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.01m (0.03 ft) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft).

## Committee of Adjustment Minutes

### 8.22. **A-2023-0167**

RANJEET KAUR AND GURPREET SINGH

50 GREAT PLAINS STREET

LOT 103, PLAN M-1232, WARD 9

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.02m (0.07 ft) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft).

Mr. Tanvir Rai, Noble Prime Solutions Limited, authorized agent for the applicant, presented application A-2023-0167 briefly outlining the variances requested.

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

Mr. Rai indicated that the proposed conditions were acceptable.

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

Moved by: M. Vaithianathan

Seconded by: J. Reed

THAT application A-2023-0167 to permit a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.02m (0.07 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 below grade entrance shall not be used to access an unregistered second unit;
3. That the owner shall obtain a building permit of the below grade entrance within 60 days of the decision or extended at the discretion of the Chief Building Official;
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

### 8.23 **A-2023-0169**

PARMINDER DHALIWAL

47 KOOTENAY PLACE

LOT 290, PLAN M-1505, WARD 10

The applicant is requesting the following variance(s):

1. To permit a front yard setback of 5.15m (16.90 ft) to an attached garage whereas the by-law requires a minimum front yard setback of 6.0m (19.68 ft);
2. To permit a building to be located 8.87m (29.10 ft) from a Floodplain Zone whereas the by-law requires a minimum setback of 10m (32.80 ft) to a Floodplain Zone;
3. To permit a cumulative garage door width of 9.75m (32 ft) whereas the by-law permits a maximum garage door width of 5.5m (18 ft);
4. To permit a cumulative interior garage width of 11.69m (38.35 ft) whereas the by-law permits a maximum interior garage width of 6.4m (21 ft);
5. To permit a driveway width of 19.06m (62.53 ft) whereas the by-law permits a maximum driveway width of 9.14m (30 ft).

Mr. Cameron O'Neill, authorized agent for the applicant, presented application A-2023-0169 briefly outlining the variances requested. He made reference to various slides included in a presentation he submitted. Mr. O'Neill highlighted that a two car garage is proposed to provide protection to the property from car thefts. He explained that the necessity of additional vehicles results from kids staying at home longer and less availability of housing.

Mr. O'Neill advised that staff's biggest concern is with policies in the Official Plan in terms of having 2 garages. He added that the site is located at the end of a cul-de-sac with the garage setback from the property line with limited view from the public realm.

Mr. O'Neill added that the proposal is not overwhelming for the streetscape and that there is a grade differential between the proposed garage and pathway. He advised that a hedgerow will provide screening and that viewing the garage will be very difficult. Mr. O'Neill stated that they would be willing to accept a condition to restrict parking on the driveway extension to eliminate an overflow of parking and would consider permeable pavers which will allow filtration back into the ground water.



## Committee of Adjustment Minutes

Committee was informed that City of Brampton planning staff was not in support of this application. Staff explained that the variances requested are to permit a second attached garage and widened driveway leading up to the garage which will encroach into the minimum setback requirements to an abutting floodplain zone. Staff explained that within the Official Plan there are development design guidelines which state that the impact of garages and driveways on streetscape shall be minimized. Staff explained that the proposed variances have the effect of permitting a second attached garage and is not considered to be balanced with the proportions of the existing dwelling and lot width.

Staff added that the Development Design Guidelines also outline design criteria for driveways including that where residential lots abut open space or pedestrian links, their driveways should be located on the opposite side of the lot, farthest from the open space. Staff explained that the proposal is seeking to extend the existing driveway towards the abutting Floodplain Zone and public recreational trail which is contrary to the above noted design criteria.

Staff explained that the intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking and landscaped area and the protection of environmental features and safety of the occupants in the event of a flood. The minimum setback from floodplain zones is also to ensure that no development takes place within an area that could be susceptible to flooding. The proposal is to build a second attached garage addition that will encroach 1.13m (3.7 ft) into the floodplain zone and could be exposed to flooding.

Staff advised that although there is already sufficient space for parking on the existing driveway leading to the garage, the proposed driveway expansion leading to the new attached garage will provide additional parking options resulting in a significant loss of open landscape area in the front yard. The majority of the front yard would therefore be occupied by hardscaping, leaving minimal area for soft landscaping.

Staff summarized that the variance to allow an increase in the driveway width to lead to the proposed attached garage will facilitate the parking of numerous vehicles, resulting in site conditions that dominate the front yard with hardscaping, impacting the streetscape. Staff added that the proposed driveway will also substantially reduce the amount of open space landscaping on the property.

Mr. Cameron advised that they have been in contact with Toronto and Region Conversation Authority who have no objection to the proposal. He added that there is no concern with floodplain management and risk management. He referenced the slides presented earlier and pointed out that the aerial photography demonstrates that the front property can be interpreted from the driveway extension all the way to the trail which is professionally maintained as the owners take great pride in their property.

Committee expressed that the comments from Mr. Cameron about the property being at the end of the cul-de-sac are appreciated but questioned the argument about safety. Committee noted that it is a substantial dwelling as is, pointing out that although the property is outside

## Committee of Adjustment Minutes

the floodplain zone it does fall within the regulated area of TRCA and that usually there is an environment impact report. Committee commented that the proposal is not minor or appropriate. Committee indicated support for staff's recommendation that the application is not supportable.

Staff responded that City Staff have not received any official comments from TRCA and that the e-mail communication from TRCA was provided by Mr. Cameron.

Mr. Jai Vinayak, 45 Kootenay Place addressed Committee advising that he is not opposed to the requested variances noting that it does not impact him and the proposal will bring more value to his property.

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

Moved by: S. Saini

Seconded by: J. Sodhi

THAT application A-2023-0169 to a front yard setback of 5.15m (16.90 ft) to an attached garage; to permit a building to be located 8.87m (29.10 ft) from a Floodplain Zone; to permit a cumulative garage door width of 9.75m (32 ft); to permit a cumulative interior garage width of 11.69m (38.35 ft) and to permit a driveway width of 19.06m (62.53 ft) be refused for the following reasons:

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

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

CARRIED

### 8.24. **A-2023-0170**

AIRPORT 407 BUSINESS CAMPUS LIMITED PARTNERSHIP

AIRPORT 407 BUSINESS CAMPUS G.P INC.

AIRPORT 407 BUSINESS CAMPUS INC.

40 DRIVER ROAD

PART OF LOT 15, CONCESSION 7 SOUTHERN DIVISION, WARD 8

The applicant is requesting the following variance(s):

## Committee of Adjustment Minutes

1. To permit a maximum building height of 18.2m (59.8 ft) whereas the by-law permits a maximum building height of 17.5m (57.4 ft).

Mr. Scott Patterson, Patterson Planning Consultants Inc., authorized agent for the applicant, presented application A-2023-0170 briefly outlining the variances requested. He advised that a modest increase in building height is requested for a portion of the building.

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

Mr. Patterson 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: J. Reed

Seconded by: S. Sodhi

THAT application A-2023-0170 to permit a maximum building height of 18.2m (59.8 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 applicant obtain and provide to City Staff written confirmation from the Greater Toronto Airports Authority stating that they have no concerns with the requested variance;
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

### 8.25 **A-2023-0171**

NAGHMANA ARSHAD AND SHAKEEL AHMED

1 BROWNBUSH WAY

LOT 56, PLAN 43M-1934, WARD 9

## Committee of Adjustment Minutes

The applicants are requesting the following variance(s):

1. To permit a parking space depth of 3.69m (12.11 ft) whereas the by-law requires a minimum parking space depth of 5.4m (17.72 ft).

Ms. Naghmana Arshad, applicant and owner of the property, presented application A-2023-0171 briefly outlining the variances requested. She advised that she has problems entering her driveway noting that when she turns on to her street there is no stop sign and she is always hitting the curb.

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

Ms. Arshad 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: J. Reed

Seconded by: J. Sodhi

THAT application A-2023-0171 to permit a parking space depth of 3.69m (12.11 ft) be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. The Owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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

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

CARRIED

## Committee of Adjustment Minutes

### 8.26. **A-2023-0172**

THE SACCO GROUP LTD.

3 CHAPEL STREET

LOT 1, PLAN BR-2, WARD 3

The applicant is requesting the following variance(s):

1. To permit a place of amusement (commercial golf simulator) whereas the by-law does not permit the proposed use.

Mr. Jaspreet Gill, authorized agent for the applicant, presented application A-2023-0172 briefly outlining the variances requested. He advised that the proposal for a golf simulator will be the first for Brampton noting that there are driving ranges that close at a certain point whereas this will be a 24 hour operation.

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

Mr. Gill 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: T. Thirunavukkarasu

Seconded by: S. Saini

THAT application A-2023-0172 to permit a place of amusement (commercial golf simulator) 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

9. **DEFERRED MINOR VARIANCE APPLICATIONS**

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

BRANTHAVEN CREDITVIEW INC.

8940 CREDITVIEW ROAD

PART OF LOT 5, CONCESSION 4 W.H.S., PART 1, PLAN 43R-14727, WARD 4

The applicant is requesting the following variance(s):

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

9.2. **A-2023-0051**

PARTH SHAH AND HINAL PARTH SHAH

4 RAIN LILY LANE

PART OF LOT 65, PLAN M-1114, PART 16, PLAN 43R-20429, WARD 9

The applicants are requesting the following variance(s):

1. To permit a below grade entrance on a lot containing a quattroplex whereas the by-law only permits a below grade entrance in a single detached, semi-detached or townhouse dwelling;
2. To permit a side yard setback of 1.29m (4.23 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.);
3. To permit a second dwelling unit (basement apartment) on a lot containing a quattroplex whereas the by-law only permits a second dwelling unit in a single detached, semi-detached or townhouse dwelling.

Mr. Salman Ellahi, SHAFE Design, Construction, Project Management, Developments, authorized agent for the applicant, presented application A-2023-0051 briefly outlining the variances requested.

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

Mr. Ellahi 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: M. Vaithianathan

Seconded by: S. Saini

THAT application A-2023-0051 to permit a below grade entrance on a lot containing a quattroplex; to permit a side yard setback of 1.29m (4.23 ft.) to a below grade entrance and to permit a second dwelling unit (basement apartment) on a lot containing a quattroplex be approved for the following reasons and subject to the following conditions:

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

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

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

CARRIED

### 9.3. **A-2022-0056 (*Deferred as discussed during procedural matters*)**

ABHISHEK SINGH TANWAR AND MANISHA TANWAR

24 GRAND RIVER COURT

PART OF BLOCK G, PLAN M-95, PARTS 53, 53A AND 53B, PLAN 43R-3631, WARD 8

The applicants are requesting the following variance(s):

1. To vary Schedule 'C', Section 128 of the by-law to permit a carport located outside the approved building envelope whereas the by-law requires that all buildings be constructed in accordance with Schedule 'C', Section 128 to the by-law;

## Committee of Adjustment Minutes

2. To permit an existing accessory structure (shed) having a setback of 0.54m (1.78 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines for an accessory structure.

### 9.4. **A-2023-0065**

WAHEGURU EMPIRE INC.

2 LOWRY DRIVE

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

The applicant is requesting the following variance(s):

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

Mr. Gurbir Bharwalia, presented application A-2023-0065 briefly outlining the variances requested. He advised that the property was purchased in December and they have had no luck renting it out for a commercial use.

Committee was informed that City of Brampton planning staff was not in support of this application. Staff advised that the proposal requests an employment conversion which is a non-commercial use and would warrant an Official Plan Amendment and a Municipal Comprehensive Review.

Committee commented that staff's position on the proposal is understood noting that the facility was founded by the residents and that with a growing population and the pandemic everyone was looking for outside sports. Committee acknowledged that the applicant desires to locate the sports facility inside as opposed to an open field where sometimes bad weather will limit outside activities. Committee suggested support for the proposal on a temporary basis subject to conditions.

Staff advised that they are willing to work with the applicant and could recommend a deferral to have discussions with the applicant to achieve a better understanding or alternatively if the Committee decides to support the proposal, conditions could be provided. Staff advised that a site plan application is not a requirement however a building permit is a requirement for the change of use. Staff confirmed that there is no specific requirement for the proposed use.

There was discussion on storage at the rear of the property related to a unit at the front. Mr. Bharwalia advised that there currently is no tenant in the unit and that the area could be used for parking.

Staff assisted Committee in developing conditions for a temporary approval, including conditions limiting the approval to a temporary period of five years and requiring the applicant



## Committee of Adjustment Minutes

to obtain a building permit for a change of use. Additional standard conditions were also incorporated.

Following discussion, Mr. Bharwalia 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: B. Mand

Seconded by: T. Thirunavukkarasu

THAT application A-2023-0065 to permit a place of commercial recreation (basketball/badminton courts) as a permitted be approved for the following reasons and subject to the following conditions:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant obtain a building permit for the change of use within 60 days of the final date of committee's decision or as extended at the discretion of the Chief Building Official;
3. That approval be granted for a temporary period of five (5) years from the final date of Committee's decision;
4. That failure to comply with and maintain the conditions of Committee shall render the approval null and void.

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

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

CARRIED

### 9.5. **A-2023-0113**

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 9.18m (30 ft) whereas the by-law permits a maximum driveway width of 7.32m (24 ft).

## Committee of Adjustment Minutes

Neither the applicant nor the authorized agent representing the applicant was in attendance when the application was called. It was noted that the application had been previously deferred because neither the applicant nor the agent attended at city Hall to pick up the required signage for posting at the property. Committee discussed a further deferral date and reached the following decision:

Moved by: R. Chatha

Seconded by: J. Sodhi

THAT application A-2023-0113 be deferred to a hearing no later than August 1, 2023.

CARRIED

### 1.1 Appointment of the Chair/Vice-Chair (continued)

Following conclusion of all applications listed on the agenda Committee proceeded with the nomination for a second Vice-Chair.

Mr. Fay opened the nominations for position of a second Vice-Chair.

The following members' names were put forward and they accepted the nominations for the position of a second Vice-Chair.

- Jotvinder Sodhi
- Sarbjeet Saini

Mr. Fay announced that nominations for election of the second Vice-Chair were closed. Voting for the election of a second Vice-Chair was taken in alpha surname order. The results of the votes were as follows:

- Sarbjeet Saini - 4
- Jotvinder Sodhi - 5

Member Chatha put forward a motion to ratify Mr. Sodhi's appointment as Vice-Chair. The motion was seconded by Member Dehriwal. The motion carried.

## 10. Adjournment

Moved by: R. Chatha

Seconded by:

That the Committee of Adjustment hearing be adjourned at 11:03 a. m. to meet again on Tuesday, August 1, 2023.

CARRIED