

March 5, 2024

CFN 62571.11

By Email: coa@brampton.ca; clara.vani@brampton.ca

Clara Vani
Legislative Coordinator & Secretary-Treasurer Committee of Adjustment
Committee of Adjustment
2 Wellington Street West
Brampton, ON L6Y 4R2

Dear Clara Vani,

**Re: Minor Variance Application – A-2023-0312
4 Cynthia Crescent
City of Brampton, Region of Peel
Owner: Sukhpreet Singh Bedi
Agent: Huis Design Studio Ltd. c/o Shane Edwards and Kurtis Van Keulen**

This letter acknowledges receipt of the subject application, second circulation received on February 16, 2024. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials listed in Appendix A to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the Conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the Planning Act, ensure that decisions under the Planning Act are consistent with the natural hazard policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a provincial plan.

We have also reviewed the application in accordance with Ontario Regulation 166/06. TRCA must ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (Section 8 of TRCA's The Living City Policies) for implementation of the regulation.

Please also note that updates to the Conservation Authorities Act and Ontario Regulation 596/22, which came into effect on January 1, 2023, prevent TRCA from providing municipal programs and services related to reviewing and commenting on a proposal under the Planning Act, such as those services previously provided under plan review Memorandum of Understanding (MOU) with an upper or lower tier municipality. In conformity with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include comments pertaining to matters (e.g. natural heritage) outside of our core planning mandate and regulatory authority.

Purpose of the Application

TRCA staff understand that the purpose of Minor Variance Application is:

1. To permit an interior side yard setback of 2.27m to a proposed two storey dwelling whereas the by-law requires a minimum interior side yard setback of 7.50m.
2. To permit a proposed detached dwelling having a building height of 14.0m whereas the by-law permits a maximum building height of 10.6m
3. To permit a garage door height of 3.05m whereas the by-law permits a maximum garage door height of 2.4m

TRCA staff understand that the requested variances are required to facilitate a rear yard addition to the existing one storey dwelling (with a Gross Floor Area of 405.78 sq.m. and a Ground Floor Area of 202.89 sq.m) which has an existing basement. Specifically, the rear yard addition is proposing a basement, ground floor and second floor area. In addition, the proposed works also include a ground floor covered front porch addition to the existing house.

The proposed works also include the development of an additional unit with a garage (east portion of the existing dwelling). The additional unit is accessible indoors to the existing house through the second floor only. The total Gross Floor Area of the proposed two storey dwelling is 678.73 Sq.m. and the total Ground Floor Area is 292.26 sq.m. It is unclear if grading is being proposed.

TRCA staff understand the existing garage attached to the one-story dwelling and the existing driveway are to remain.

Ontario Regulation 166/06

Under the provisions of Section 28 of the Conservation Authorities Act, TRCA administers a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (Ontario Regulation 166/06). The subject property is located within TRCA's Regulated Area of the Humber River Watershed. Specifically, the subject property is located adjacent to a valley corridor associated with the Humber River and a portion of the lot is located within the estimated Regulatory Flood Plain. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required from this Authority prior to any development and/or site alteration taking place within TRCA's Regulated Area on the property.

Based on our review, the proposed rear yard addition, covered front porch and additional unit with a garage will be located within TRCA's Regulated portion of the site.

Background

TRCA staff provided comments on the first circulation of Minor Variance Application assigned City File No. A-2023-0312 on November 6, 2023 to permit:

1. An interior side yard setback of 2.27m to a proposed two storey dwelling whereas the by-law requires a minimum interior side yard setback of 7.50m;
2. A proposed detached dwelling having a building height of 14.0m whereas the by-law permits a maximum building height of 10.6m;
3. A garage door height of 3.05m whereas the by-law permits a maximum garage door height of 2.4m.

TRCA staff recommended deferral of the November 6, 2023, Minor Variance Application to provide an opportunity for the applicant to revise the proposed works and address TRCA's staff concerns.

Application Specific Comments

Based on our review, it appears that the existing house, the proposed rear yard addition, additional unit with a garage, and front covered porch, are located within the estimated Regulatory Flood Plain. The estimated Regulatory Flood Plain elevation is 210.67 masl and 0.57 m/s at the subject property, which generally aligns with the south and south west lot lines closest to the house. The following comments are to be address and conform with TRCA's Living City Policies (LCP) for TRCA to support the proposed development.

1. The existing habitable ground floor area and the proposed habitable ground floor area (excluding garage and uncovered porch) remains unknown and is required.
2. In accordance with Section 8.5.1 Valley and Stream Corridors of the TRCA's Living City Policy, TRCA does not support an increase in the size and footprint of a replacement or reconstruction of an existing building or structure within the flood hazards where the addition is more than 50% of the original habitable ground floor area.
3. TRCA's LCP does not support a new basement or basement expansion. The LCP only supports the replacement of the original basement if it is no larger than the original basement. The proposed basement in the rear yard addition appears to be larger than the existing.
4. TRCA's LCP does not permit increasing the number of dwelling units on the property within the flood hazard.
5. Upon revisions to the proposed development, TRCA requires that the proposed rear yard addition be properly flood proofed according to TRCA policies and standards.

Given the above, TRCA has concerns with the extent and design and extent of the proposed works as submitted. TRCA requests that the applicant contacts the undersigned to initiate discussions regarding TRCA's concerns.

Should the applicant disagree with this preliminary flood plain analysis, the applicant may hire a consultant to determine the flooding extent of the spill using two-dimensional hydraulic model, otherwise the applicant is required to apply the preliminary result of TRCA's flood modelling.

Recommendation

TRCA staff recommend deferral of Minor Variance Application assigned City File no. A-2023-0312 to provide an opportunity for the applicant to revise the proposed works and address TRCA's staff concerns. Should the Committee not grant deferral of the application at the March 19, 2024, hearing, TRCA staff recommend denial of the application at this time.

Please advise the applicant to submit a TRCA permit application, easy to read drawings and the associated review fee of \$995.00 (Works on Private Residential Property – standard). Please include a grading plan in your permit application submission, if applicable.

A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property.

Fee

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a fee of \$660.00 (Minor Variance – Residential Minor). The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible. The applicant is to note that if extended review is required for this minor variance application as per TRCA's Development Planning Services Fee Schedule an additional fee of \$155 may be required.

We thank you for the opportunity to comment. Should you have any additional questions or comments, please contact the undersigned.

Sincerely,

Marina Janakovic
Planner I
Development Planning and Permits | Development and Engineering Services
Toronto and Region Conservation Authority
Telephone: (437) 880-2368
Email: Marina.Janakovic@trca.ca

Appendix A: Circulated Materials

Drawing no. A101, Basement Floor Plan, undated, prepared by Huis Design Studio Ltd.
Drawing no. A102, Ground Floor Plan, undated, prepared by Huis Design Studio Ltd.
Drawing no. A103, Second Floor Plan, undated, prepared by Huis Design Studio Ltd.
Drawing no. A104, Roof Plan, undated, prepared by Huis Design Studio Ltd.
Drawing no. A201, Left Elevation, Front Elevation, undated, prepared by Huis Design Studio Ltd.
Drawing no. A202, Rear Elevation, Right Elevation, undated, prepared by Huis Design Studio Ltd.
Drawing no. A203, 3D Elevations, undated, prepared by Huis Design Studio Ltd.
Drawing no. A204, 3D Elevations, undated, prepared by Huis Design Studio Ltd.
Drawing no. SP, Architectural Site Plan, undated, prepared by Huis Design Studio Ltd.
Surveyor's Real Property Report, prepared by Altimap Land Surveyors Inc. Design Studio Ltd.