

April 16, 2024

CFN 70437.10
xRef: C-170282, CFN 57053.01

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-2024-0068
10 Hazelwood Drive
City of Brampton, Region of Peel
Owner: Baligh and Nora Graieb
Agent: Alana + Kelly Design Co. Ltd.

This letter acknowledges receipt of the subject application, received on March 25, 2024. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and the circulated materials listed in Appendix A to this letter in accordance with the Conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. With respect to Planning Act matters, conservation authorities have a role to 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.

In addition, TRCA staff have also reviewed this application in accordance with Ontario Regulation 41/24. Where development activity is proposed, within a regulated area, a permit is required to ensure that it conforms to the applicable tests for implementation of the regulation.

A significant portion of the subject property is located within TRCA's Regulated area. Based on our review, it appears that the subject property is located directly adjacent to a stream corridor associated with the Etobicoke Creek Watershed. Based on the plans submitted, it appears that all the proposed works are located within TRCA's Regulated Area of the Etobicoke Creek Watershed. As such, a TRCA permit is required for all proposed works under Ontario Regulation 41/24.

Purpose of the Application

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

1. To permit an interior side yard setback of 2.63m to a proposed ground floor addition, whereas the by-law requires a minimum interior side yard setback of 2.8m.;
2. To permit a front yard setback of 0.855m to a proposed ground floor addition, whereas the by-law requires a minimum front yard setback of 9.0m.;
3. To permit an interior side yard setback of 1.995m to a proposed second floor addition, whereas the by-law requires a minimum interior side yard setback of 2.8m.;
4. To permit a lot coverage of 42%, whereas the by-law permits a maximum lot coverage of 25%;

5. To permit an accessory structure (existing shed) having a setback of 0.49m to the side lot line, whereas the by-law requires a minimum 0.6m to the nearest lot line;
6. To permit an accessory structure (existing pergola) having a gross floor area of 18.95 sq. m (204sq. ft.), whereas the by-law permits a maximum gross floor area of 15 sq m for an individual accessory structure;
7. To permit an accessory structure (existing pergola) having a height of 3.1m, whereas the by-law permits an accessory structure having a maximum height of 3.0m;
8. To permit an accessory structure (existing pergola) having a height of 3.2m, whereas the by-law permits an accessory structure having a maximum height of 3.0m;
9. To permit a combined gross floor area of 71.34 sq. m for three (3) accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 sq. m for two (2) accessory structures.

TRCA staff understand there is an existing one-story building consisting of 242.71 sq. m. of ground floor habitable space and a 252.46 sq. m. basement. In addition, there are three accessory structures in the rear yard:

- A: Pergola 18.95 sq m
- B: Shed 14.86 sq m
- C: Pergola 37.35 sq m

It is our understanding that the requested variances are required to facilitate a 139.31 sq m second storey addition; an attached garage; and a pool.

The total area of the ground floor addition (garage) in the front yard is not known.

Background

On February 10, 2017, TRCA staff provided no objection to permit 4 accessory structures through minor variance A17-024 (TRCA file no. CFN 57053.01).

On April 10, 2017, TRCA staff issued an "after-the-fact" permit C-170282 to recognize the construction (initiated without the issuance of a TRCA or municipal building permit) of the 25 sq. m. carport, 9 sq. m. gazebo, two pergolas (9 sq. m. and 37.6 sq. m.) and a shed. Based on a site visit by TRCA staff on February 21, 2017, it was determined that the subject property is located adjacent to a gently sloping stream corridor associated with the Etobicoke Creek Watershed. The Regional Storm Floodplain is contained to the property to the south and does not extend onto the subject property. As such, there are no flooding concerns with this application or geotechnical or ecology concerns with the works.

Minor Variance Application (A18-186) was applied for on November 27, 201 for the above noted works on the subject property. TRCA staff had no objection.

Application Specific Comments

Based on our review, it appears that the existing house is located outside of the Regulatory Flood Plain. It appears that the proposed attached garage is located closer to the flood hazard relative to the current structure which is presently not at risk.

As per TRCA Living City Policies (LCP), section 8.4.8, new development within TRCA's Regulated Area shall be setback 10 metres from the Regulatory flood plain or no closer than what is existing. The total area of the proposed attached garage has not been provided. A revised site plan drawing is to be provided identifying the proposed attached garage setback 10m from the flood hazard to demonstrate compliance to this policy.

TRCA staff have no concerns with the proposed second floor addition with a floor area of 139.41sq.m. or the proposed rear yard (16' by 26') pool.

Please note that an erosion and sediment control (ESC) plan will be required to illustrate the location and details. Please refer to TRCA's 2006 ESC Guideline, which can be downloaded from: <http://www.sustainabletechnologies.ca/wp/>

Given the above, TRCA has requires additional information to confirm the proposed attached garage conforms with TRCA LCP; ECS measures are to be provided; and the units on the site plan are to be updated to sq m to provide clarity across documents.

The applicant is advised a TRCA permit will be required under Ontario Regulation 41/24 for the proposed additions with an associated review fee of \$995.00 (Works on Private Residential Property – Standard).

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-2024-0068 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 April 23, 2024 meeting, TRCA staff recommend denial of the application at this time.

TRCA staff request notification of the decision made by the committee.

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$660.00 received on March 26, 2024.

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

CC: Feshangchi, Sara, sara.feshangchi@peelregion.ca

Appendix A: Circulated Materials

- Drawing no. 0.01, Site Plan Minor Variance, dated February 9, 2024, prepared by Alana + Kelly Design Co. Ltd.
- Zoning Non-compliance Checklist, dated February 27, 2024, prepared by City