



Report Committee of Adjustment

Filing Date: February 2, 2023

Hearing Date: March 7, 2023

File: A-2023-0032

**Owner/
Applicant:** LAURA AND LORENZO ACCETTOLA/ ANTHONY BARTOLLINI

Address: 44 Upper Ridge Crescent

Ward: WARD 8

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0032 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
3. Should previously undocumented archeological resources be discovered, there may be a new archeological site and therefore will be subject to Section 48 of the Ontario Heritage Act. The proponent/ person discovering the archaeological resources must immediately cease alteration of the site and engage with a licensed consultant archaeologist to carry out the archaeological field work, in compliance with Section 48 (1) of the Ontario Heritage Act. City Heritage staff must also be contacted.

The Funeral, Burial and Cremation Services Act requires any persons discovering human remains to notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services. In no way will the City of Brampton be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this clearance. Further measures may need to be taken in the event that additional artifacts or archeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

Background:

The applicant is requesting a variance to permit the development of an in-ground swimming pool that will be 35.67 m² (383.94 sq. ft.) with a rear yard setback of 2.68 metres to an Open Space (OS-Section 1807). Construction of a swimming pool is considered development under the Conservation Authorities Act and a permit is required if a pool is proposed in a regulated area. The Toronto and Region Conservation Authority (referred to as the 'TRCA' hereafter) has issued a Letter of Approval under Ontario Regulation 166/06 to the applicant, granting permission for minor works as the property is located within TRCA's Regulated Area of the Humber River Watershed.

Existing Zoning:

The property is zoned 'Residential Single Detached A (R1A-1804)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit a swimming pool with a setback of 2.68m (8.8 ft.) to a lot line abutting an Open Space-Section 1807 zone whereas the by-law requires a minimum setback of 10m (32.80 ft.) setback for any building, structure or swimming pool from any lot line abutting an Open Space-Section 1807 zone.

Current Situation:**1. Maintains the General Intent and Purpose of the Official Plan**

The subject property is designated 'Residential' in the Official Plan and 'Low Density (Special Policy Area 4a)' as per the Brameast Secondary Plan (Area 41). The requested variances are not considered to have a significant impact within the context of the Official Plan policies. City of Brampton Official Plan policy 4.6.13.8 states that a buffer of up to and/or in excess of 10 metres may be refined from the buffer required in policy 4.6.13.7 as warranted based on the results of environmental studies and that take into account the policies of the Toronto and Region Conservation Authority. The TRCA issued a permit to proceed with the proposed development to the applicant as per Ontario Regulation 166/06 (Appendix B). Subject to the recommended conditions of approval, the requested variances maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The applicant is requesting a variance to permit a swimming pool with a setback of 2.68m (8.79 ft.) to a lot line abutting an Open Space zone whereas the by-law requires a minimum setback of 10.0m (32.80 ft.) for any building, structure or swimming pool from any lot line abutting an Open Space zone. The intent of the by-law is to provide adequate distance from the Open Space zone in order to ensure the protection of environmental features.

On August 26th 2022, the TRCA completed its review of the submitted proposal, approving authorized plans and documents as part of the permission to proceed with the listed minor works in accordance with Ontario Regulation 166/06 (Appendix B). TRCA staff provided confirmation to City of Brampton planning staff that they are satisfied with the proposed development and that the requested variance is not anticipated to negatively impact the abutting Open Space area. Through staff's review of the proposed development and site visit it was noted that the remainder of structures within the rear yard maintain an adequate setback to the Open Space Zone. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to decrease the rear yard setback in order to facilitate the construction of an in-ground pool at the rear of the property. The variance is not anticipated to impact the Humber River Watershed which is located within the Open Space Section 1807 Zone. As previously stated, the TRCA has reviewed the application and provided the owner with a Letter of Approval to construct the pool in the location identified in the plans. Conditions provided in the Letter of Approval outline that the owner shall ensure that all excess fill that is generated from the construction of the pool and amenities will not be stockpiled and/or disposed of within any area that is regulated by the TRCA. The owner is also aware that they shall install effective erosion and sediment control measures prior to the commencement of construction. These measures must be maintained in good working order to the satisfaction of the TRCA. Protection of environmental land is being considered for future use as conditions outline that the owner will be responsible for upgrading sediment and erosion control strategies as site conditions change, in order to prevent sediment releases to the natural environment. The owner is aware that they are also responsible for stabilizing all distributed areas immediately following the completion of work and for the removal/ disposal of sediments controls from the site. With these safeguards in place, protection of the Humber River Watershed will be prioritized and closely monitored. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Given the context of the property and the location in which the pool is proposed to be constructed, the reduced setback to a floodplain zone is not expected to generate negative environmental impacts. The applicant is aware that the variance is only acceptable for the construction of the pool. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:



Appendix B:



August 26, 2022

CFN 67768

Laura Accettola (laura.accettola.home@gmail.com)
44 Upper Ridge Crescent
Brampton, Ontario
L6P 2C7

Dear Laura Accettola:

Re: Permission for Minor Works - Letter of Approval No. C-221044/LAURA ACCETTOLA
Application for Letter of Approval under Ontario Regulation 166/06 by LAURA ACCETTOLA
for permission to install a swimming pool, undertake minor landscaping involving the
placement, removal or regrading of material of less than 30 cubic metres (equivalent to 3
truckloads) and construct a non-habitable accessory structure up to 50 sq. m (538 sq. ft) on
Plan, Lot 9, Concession 8, 44 Upper Ridge Crescent, in the City of Brampton, Humber River
Watershed.

On August 26, 2022 your application 1037/22/BRAM for a Letter of Approval was authorized. The purpose of this application is to undertake works within TRCA's regulated area of the Humber River watershed in order to facilitate installing a (35.67 sq.m) pool with a (3.34 sq.m.) water feature wall, and the development of (9.16sq.m.) paving for pool equipment to sit on, (50.61 sq.m.) interlock pool patio paving, and a non-structural retaining wall in the rear yard. The subject property is located at 44 Upper Ridge Crescent, in the City of Brampton. All works must comply with the following stamped approved plans and/or documents:

- **Drawing no. SG1, Site Grading Plan, dated August 2, 2022, prepared by P.R., received by TRCA on August 9, 2022.**

AND MUST COMPLY WITH THE FOLLOWING CONDITIONS:

Standard Permit Conditions

1. The Owner shall strictly adhere to the approved TRCA permit, plans, documents and conditions, including TRCA redline revisions, herein referred to as the "works", to the satisfaction of TRCA. The Owner further acknowledges that all proposed revisions to the design of this project that impact TRCA interests must be submitted for review and approval by TRCA prior to implementation of the redesigned works.
2. The Owner shall notify TRCA Enforcement staff 48 hours prior to the commencement of any of the works referred to in this permit and within 48 hours upon completion of the works referred to herein.
3. The Owner shall grant permission for TRCA staff, agents, representatives, or other persons as may be reasonably required by TRCA, in its opinion, to enter the premises without notice at reasonable times, for the purpose of inspecting compliance with the approved works, and the terms and conditions of this permit, and to conduct all required discussions with the Owner, their agents, consultants or representatives with respect to the works.
4. The Owner acknowledges that this permit is non-transferrable and is issued only to the current owner of the property. The Owner further acknowledges that upon transfer of the property into different ownership, this permit shall be terminated and a new permit must be obtained from TRCA by the new owner. In the case of municipal or utility projects, where works may extend beyond lands owned or easements held by the municipality or utility provider, Landowner Authorization is required to the satisfaction of TRCA.

5. This permit is valid for a period of two years from the date of issue unless otherwise specified on the permit. The Owner acknowledges that it is the responsibility of the Owner to ensure a valid permit is in effect at the time works are occurring; and, if it is anticipated that works will not be completed within the allotted time, the Owner shall notify TRCA at least 60 days prior to the expiration date on the permit if an extension will be requested.
6. The Owner shall ensure all excess fill (soil or otherwise) generated from the works will not be stockpiled and/or disposed of within any area regulated by TRCA (on or off-site) pursuant to Ontario Regulation 166/06, as amended, without a permit from TRCA.
7. The Owner shall install effective erosion and sediment control measures prior to the commencement of the approved works and maintain such measures in good working order throughout all phases of the works to the satisfaction of TRCA.
8. The Owner acknowledges that the erosion and sediment control strategies outlined on the approved plans are not static and that the Owner shall upgrade and amend the erosion and sediment control strategies as site conditions change to prevent sediment releases to the natural environment to the satisfaction of TRCA.
9. The Owner shall repair any breaches of the erosion and sediment control measures within 48 hours of the breach to the satisfaction of TRCA.
10. The Owner shall make every reasonable effort to minimize the amount of land disturbed during the works and shall temporarily stabilize disturbed areas within 30 days of the date the areas become inactive to the satisfaction of TRCA.
11. The Owner shall permanently stabilize all disturbed areas immediately following the completion of the works and remove/dispose of sediment controls from the site to the satisfaction of TRCA.
12. The Owner shall arrange a final site inspection of the works with TRCA Enforcement staff prior to the expiration date on the permit to ensure compliance with the terms and conditions of the permit to the satisfaction of TRCA.
13. The Owner shall pay any additional fees required by TRCA in accordance with the TRCA Administrative Fee Schedule for Permitting Services, as may be amended, within 15 days of being advised of such in writing by TRCA for staff time allocated to the project regarding issues of non-compliance and/or additional technical review, consultation and site visits beyond TRCA's standard compliance inspections.

We have enclosed one copy of this Letter of Approval, which includes one set of the authorized plans/documents that were approved as part of this Permission for Minor Works. A copy of this letter and one set of plans have been submitted to the municipality. Please ensure that the plans approved by the municipality are consistent with the plans authorized by staff and ratified for approval by the Executive Committee. This Letter of Approval is valid until August 25, 2024.

Please be advised that if revisions to the design of this project are required subsequent to the issuance of this approval, plans/documents reflecting these changes will need to be submitted to this office for further review and approval prior to construction of the redesigned works.

For information regarding revisions, technical or administrative related issues please contact Marina Janakovic, Planner I, at 437-880-2368.

Sincerely,



Colleen Bonner
Senior Planner, Development Planning and Permits
Development and Engineering Services

Encl.

cc: Cindy Hammond, Manager, Building Division, City of Brampton (Cindy.Hammond@brampton.ca)
Livani Bala, AquaSpa Pools & Landscape Design Ltd. (livani@royalstone.ca)

STIPULATIONS

All terms and conditions imposed upon this permit are legally binding.

Failure to comply with this permit can result in further action by Toronto and Region Conservation Authority (TRCA) in accordance with the Conservation Authorities Act.

This permit, or a copy thereof, must be posted on the site and available for inspection.

The owner is responsible for the accuracy of all information and technical details.

This permit does not preclude nor imply any approvals required by any other existing laws and regulations, including landowner consents.

All in-water and near water works must be conducted within the construction timing window as prescribed by Provincial and/or Federal Statutes.

REVISIONS

Any revisions or changes to the approved work(s) that impact TRCA interests require further TRCA approvals prior to being initiated.

RE-ISSUANCE (EXTENSION)

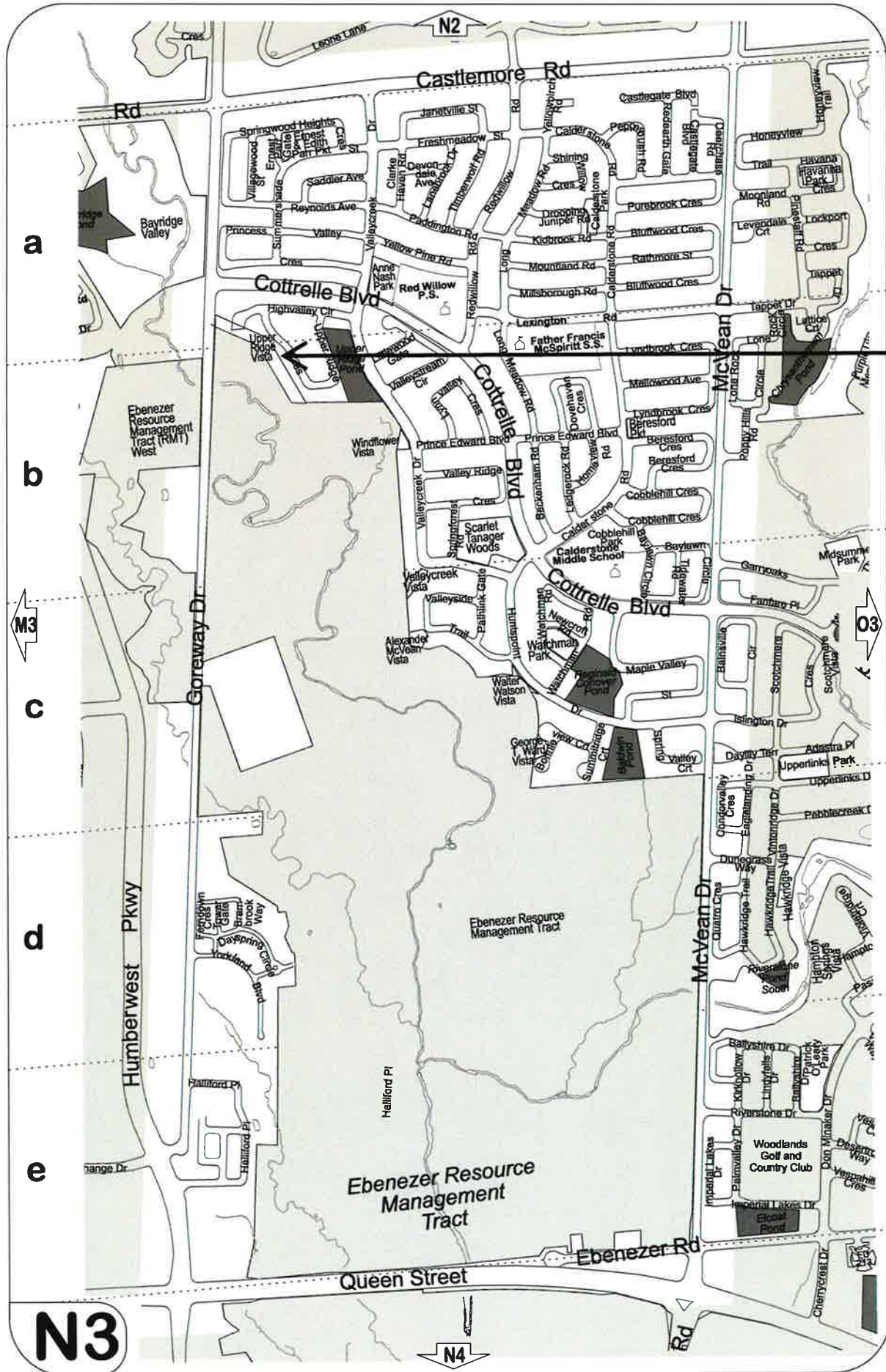
On a one-time basis, applicants may apply for a permit extension provided such requests are made at least 60 days prior to the expiration of an Ontario Regulation 166/06 permit. In the Application for Permit Re-Issuance, applicants shall set out the reasons for which an extension is required. Such requests will be assessed in accordance with any new updated technical hazard information and the current policies in place. There is no guarantee of an automatic approval.

FREEDOM OF INFORMATION ACT

The information contained on this form and any accompanying plans and documents is collected under the authority of the Conservation Authorities Act and Regulations made thereunder for the purpose of processing permits and is deemed to be public information. Questions about the collection of information should be directed to the Information and Privacy Officer, Toronto and Region Conservation Authority, Tel: 416-661-6600.

NOTE

TRCA shall not be responsible for any losses, costs, or damages arising out of the location, design, or construction of, or failure to construct, the works set out in the stamped approved documents.



A-2023-0032