



## Report Committee of Adjustment

**Filing Date:** March 23, 2022  
**Hearing Date:** August 2, 2022

**File:** A-2022-0058

**Owner/  
Applicant:** ROHIT AGRAWAL

**Address:** 43 Germaine Circle

**Ward:** Ward 5

**Contact:** François Hémon-Morneau, Planner III

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### **Recommendations:**

That application A-2022-0058 is supportable, subject to the following conditions being imposed:

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 and provide elevations of the staircase railing in a manner satisfactory to the Director of Development Services;
  3. That the below grade entrance shall not be used to access an unregistered second unit;
  4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

The application was previously deferred at the June 21, 2022 Committee of Adjustment hearing following staff's recommendation. Staff were considering the use of agreement as permitted by Section 45 (9.1 & 9.2) of the *Planning Act* to ensure the long term compliance with the Committee's conditions. The use of an agreement is no longer being contemplated following further discussions with City Legal Services staff. The owner and applicant has been advised by staff to bring the minor variance application to the present Committee of Adjustment hearing for the Committee's consideration.

### Existing Zoning:

The property is zoned 'Residential Semi-Detached (R2E-8-2308)', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a below grade entrance between the main wall of the dwelling and a flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line;
2. To permit a proposed below grade entrance with an exterior side yard setback of 1.88m (6.16 ft.) whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

**Current Situation:**

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low Density Residential 1' in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to 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 approval for two variances relating to a proposed below grade entrance. The first variance is requested to permit a below grade entrance between the main wall of the dwelling and a flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line. The second variance is requested permit a proposed below grade entrance with an exterior side yard setback of 1.88m (6.16 ft.) whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.). The intent of the by-law in not allowing below grade entrances in the required interior side yard, and requiring a minimum amount of interior side yard setback is to ensure that there is adequate room available to allow for drainage and access to the rear yard.

The applicant is proposing to construct a below grade entrance on what is considered to be one of the main walls of the semi-detached dwelling located on a corner lot. The location of the proposed entrance is not anticipated to have significant impact on drainage and sufficient space will be maintained for access to the rear yard. Given that the entrance is in a highly visible area of the wall next to the dwelling's entrance, staff would not support the extension of the existing back yard fence as shown on Appendix A. In this case, staff are of the opinion that the cumulative impact of the fence would be greater than the below grade entrance alone. In order to limit potential negative visual impacts to the streetscape, a condition of approval is recommended that the applicant implement planting to screen the proposed below grade entrance and provide elevations of the staircase railing in a manner satisfactory to the Director of Development Services. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit a proposed stairway and below grade entrance which will be situated on what is considered the main wall of the semi-detached dwelling located on a corner lot. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Furthermore, the implementation of vegetation is preferred in this case because the location subject of this proposal in the main wall of the dwelling which includes the front entrance. As such, it is staff's opinion that extending the fence to screen the below grade entrance would have a greater cumulative visual impact. Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land as they are not anticipated to generate negative impacts on-site or off-site.

### 4. Minor in Nature

The requested variances are not considered to have significant impact on drainage or limit access to the property. The applicant will be required to demonstrate that the below grade entrance will be screened by an extension to the fence. Variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner III

**NOTE:** MINIMUM OF 10' SETBACK REQUIRED FROM EDGE OF STAIRS TO FENCE AS PER BY LAWS, BUT IN THIS CASE, ON-SITE CONDITIONS PERMIT TO HAVE ONLY 6'-2" OF SETBACK.

**SHRUBS ALONG BELOW GRADE ENTRANCE.**

**GERMAIN CIRCLE**

**FRONT LINE OF LOT**

**6'-2" [1887]**

**10'-8" [3240]**

**EXISTING FENCE**

**BACKYARD**

**LOT NO. - 200**

**PART - 8**

**WOODEN FENCE**

**PROPOSED LOCATION OF AC**

**4'-5" [1345]**

**4" [1218]**

**CONC. WALKWAY**

**PROPOSED BASEMENT ENTRANCE**

**43 GERMAIN CIRCLE**

**EXISTING DECK**

**PORCH**

**MAIN DWELLING ENTRANCE**

**GREEN**

**19'-1" [5820]**

**18'-0" [5486]**

**9'-0" [2743]**

**ASPHALT DRIVEWAY**

**21'-0" [6400]**

**REAR LINE OF LOT**

**44'-4" [13513]**

**24'-6" [7463]**

**32'-0" [9880]**

**SIDE LINE OF LOT**

**37'-5" [11392]**

**SIDE LINE OF LOT**

**10'-10" [3058]**

**10'-8" [3240]**

**65'-11" [20099]**

**1/8" = 1'-0"**

**1**

**SITE PLAN**

**AREA OF GROUND FLOOR = 706.92 SQ.FT.**

**AREA OF SECOND FLOOR = 1015.75 SQ.FT.**

**TOTAL FLOOR AREA = 706.92 + 1015.75 = 1812.67 SQ.FT.**

**PERMITTED AREA FOR BASEMENT APARTMENT MAX 45% OF TOTAL FLOOR AREA = 815.79 SQ.FT.**

**PROPOSED AREA FOR BASEMENT APARTMENT = 814.92 SQ.FT.**

**LEGEND**

**1**

**SITE PLAN**

**MSBJA & ASSOCIATES DESIGN | ENGINEERING**

**21475 Mainway Dr., Mississauga, ON L4T 1A8**

**tel: 905.276.2002 msbja@gmail.com**

**DATE: 04/07/22**

**SCALE: 1/8" = 1'-0"**

**PROJECT NO: 210402**

**DESIGNER: M.S.B.**

**DRAWN: V.M.**

**CHECKED BY: M.S.B.**

**DATE: APR - 2022**

**SCALE: 1/8" = 1'-0"**

**PROJECT NO: 210402**

**1**

**SITE PLAN**

**MSBJA & ASSOCIATES DESIGN | ENGINEERING**

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