

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/199/2022**

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 29, 2022 AT 7:00 P.M.

Owner (s)	Agent	Location of Land
ANUREET DHILLON ANIL AREKAPUDI 1049 LINBROOK RD OAKVILLE ON, L6J 2L2	FERNANDO LIMA LIMA ARCHITECTS INC. 5100 SOUTH SERVICE RD UNIT 59 BURLINGTON ON, L7L 6A5	1049 LINBROOK RD CON 3 SDS PT LOT 10

OFFICIAL PLAN DESIGNATION: **LOW DENSITY RESIDENTIAL - SPECIAL POLICY**

ZONING: **RL1-0**

WARD: **3**

DISTRICT: **EAST**

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### APPLICATION:

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the construction of a two-storey detached dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 6.4.6 c)</b> The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 10.49 metres.

### CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

#### Planning Services:

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

**CAV A/199/2022 - 1049 Linbrook Rd (East District)** (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of a two-storey detached dwelling on the subject property subject to the variance listed above.

The subject property is located along Linbrook Road and the area is characterized by a mix of one and large two storey dwellings in the area with sidewalks on both sides along Linbrook Road.

The subject lands are designated Low Density Residential in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The

proposal was evaluated against the criteria established under Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), and h) state:

*“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*

*b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*

*h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”*

### **Additional Variances May be Required:**

As part of the review of the application, staff note that it appears variances may have been missed. The following Zoning By-law deficiencies should be confirmed by the applicant:

- **Section 5.8.2 c) iii)** The maximum width of a *driveway* shall be 9.0 metres for a *lot* having a *lot frontage* equal to or greater than 18.0 metres. It appears that 11.30m (approx.) is proposed.
- **Section 5.8.6 c)** For *lots* located within the Residential Low (RL1) *Zone* the maximum total *floor area* for a *private garage* shall be 56.0 square metres. It appears 57.36 square metres is proposed.
- **Section 5.8.5 b)** The maximum cumulative width of the *driveway* entrances, measured at the point of crossing the *front lot line* and flankage lot line, shall be 9.0 metres. It appears 12m is proposed as the cumulative width.
- **Table 6.3.1 (Row 9, Column RL1)** The maximum *dwelling depth* shall be 20.0 m. It appears that 22.85 m is proposed.
- **Section 5.8.2 f) & g)** The driveway width is required to include the second walkway which is closest to the garage.

### **Variance #1: Height (Unsupported)**

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum permitted height from 9 metres to 10.49 metres. The height is measured from the established grade of the property at the front lot line to the peak of the roof. The intent of regulating the height of a dwelling is to prevent a mass and scale that appears larger than dwellings in the surrounding neighbourhood and to reduce impacts of shadowing and overlook. In this instance, the increase in height is significant with full second storey height across the house and the height is not compatible with the surrounding neighbourhood. The requested increase in height of the new dwelling does not provide an appropriate transition to the adjacent dwelling and will make the dwelling appear larger than others in the area. Staff are of the opinion that the variance is not minor in nature and does not meet the intent of the Zoning By-Law.

### **Conclusion:**

In summary, based on the application as submitted, staff are of the opinion that the variance should not be supported as it does not satisfy the four tests under the Planning Act. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

**Fire:** No concerns for Fire.

**Transit :** Comments not received.

**Halton Region: CAV A/199/2022 – A. Dhillon & A. Arekapudi, 1049 Linbrook Road, Oakville**

- The subject property is within 120 meters of the Regional Natural Heritage System (RNHS), therefore the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the Regional Official Plan (ROP). Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed works will be setback sufficiently with adjacent residential properties between the sensitive natural features or areas, and will not likely result in any impacts on the features or ecological functions of the RNHS.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit an increase in the maximum height, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey detached dwelling on the subject property.

**Trans Northern Pipeline:**

Thank you for contacting Trans-Northern Pipelines Inc. (TNPI)  
We can confirm that TNPI has NO infrastructure in the mentioned area.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not received.

**Letter(s) in support – 5**

**Letter(s) in opposition – None.**

**General notes for all applications:**

**Note: The following standard comments apply to all applications. Any additional application specific comments are as shown below.**

- The applicant is advised that permits may be required should any proposed work be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.
- The applicant is advised that permits may be required from other departments / authorities (e.g. Engineering and Construction, Building Services, Conservation Halton, etc.) should any proposed work be carried out on the property.
- The applicant is advised that any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report.
- The applicant is advised that any current or future proposed works will require the removal of all encroachments from the public road allowance to the satisfaction of the Engineering and Construction Department.

- The applicant is advised that the comments provided pertain only to zoning and are not to be construed as a review or approval of any proposal for the site. This review will be carried out through the appropriate approval process at which time the feasibility/scope of the works will be assessed.

A rectangular box containing a handwritten signature in cursive script that reads "J. Radomirovic".

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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment

Letter of Supports-5

Date:

Dear Madam /Sir,

We are writing this letter to the Committee of Adjustment in full support of the upcoming project on 1049 Linbrook Road and we have no objection to the minor variance that the owners, Dr Anil Arekapudi and Dr Anureet Dhillon have applied for.

We have been neighbours with this family for more than 6 years. Once finished the new construction will not only be more accommodating to the owner's needs but also will look more appealing to our neighbours .

Regards

Chris + Michelle Downing

Owners of the property

433 Copeland Ct  
Oakville, ON  
L6J4B8

Date: Oct 11, 2022

Dear Madam /Sir,

We are writing this letter to the Committee of Adjustment in full support of the upcoming project on 1049 Linbrook Road and we have no objection to the minor variance that the owners, Dr Anil Arekapudi and Dr Anureet Dhillon have applied for.

We have been neighbours with this family for more than 6 years. Once finished the new construction will not only be more accommodating to the owner's needs but also will look more appealing to our neighbours .

Regards

Rhonda Hayter

Owners of the property

430 Copeland Court, Oakville, ON L6J4B9

Date: 13 Oct 2022

Dear Madam /Sir,

We are writing this letter to the Committee of Adjustment in full support of the upcoming project on 1049 Linbrook Road and we have no objection to the minor variance that the owners, Dr Anil Arekapudi and Dr Anureet Dhillon have applied for.

We have been neighbours with this family for more than 6 years. Once finished the new construction will not only be more accommodating to the owner's needs but also will look more appealing to our neighbours .

Regards

Mike Pachowski

Principal (Linbrook School) 1079 Linbrook Rd.  
Owners of the property



Date: Oct 15, 2022

Dear Madam /Sir,

We are writing this letter to the Committee of Adjustment in full support of the upcoming project on 1049 Linbrook Road and we have no objection to the minor variance that the owners, Dr Anil Arekapudi and Dr Anureet Dhillon have applied for.

We have been neighbours with this family for more than 6 years. Once finished the new construction will not only be more accommodating to the owner's needs but also will look more appealing to our neighbours .

Regards



MANSOOR KHAN  
Owners of the property

1134 LINBROOK RD, OAKVILLE, ON

Date: Oct 16, 2022

Dear Madam /Sir,

We are writing this letter to the Committee of Adjustment in full support of the upcoming project on 1049 Linbrook Road and we have no objection to the minor variance that the owners, Dr Anil Arekapudi and Dr Anureet Dhillon have applied for.

We have been neighbours with this family for more than 6 years. Once finished the new construction will not only be more accommodating to the owner's needs but also will look more appealing to our neighbours .

Regards

A handwritten signature in black ink that reads "Jennifer Bergner". The signature is written in a cursive, flowing style with a large initial "J" and a long horizontal stroke at the end.

Owners of the property

Jennifer Bergner 471 Cope land Crt. Oakville