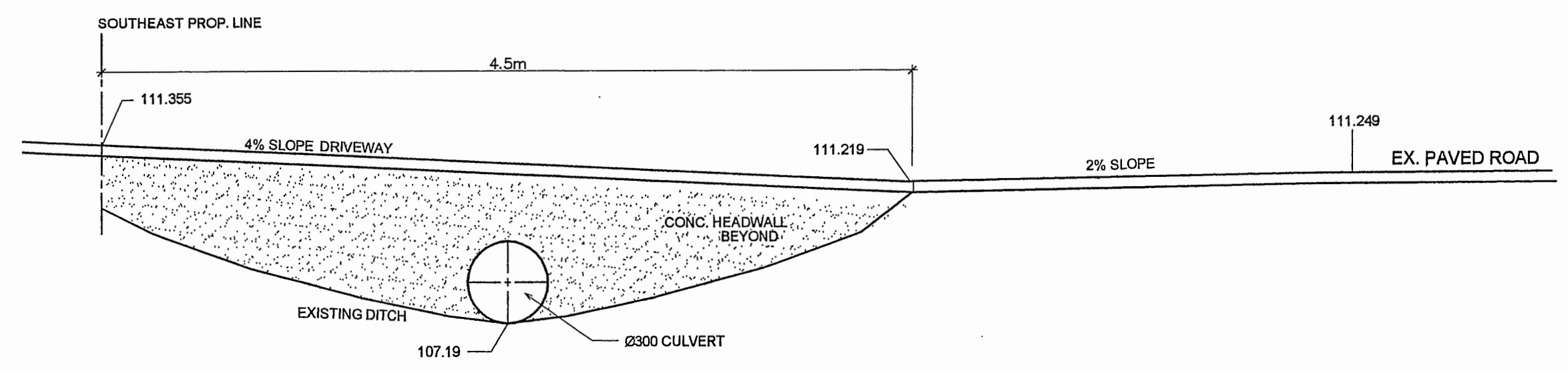
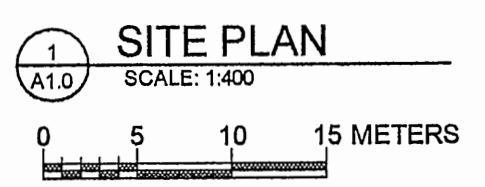


**LANDS USED AS A
MOTOR VEHICLE
STORAGE
COMPUND**



SECTION THROUGH CULVERT AT NEW DRIVEWAY
SCALE: N.T.S.

SITE ANALYSIS

TOTAL SITE AREA	22,369.69 M ² (2.24HA)
TOTAL BUILDING AREA	1817.56 M ²
BUFFER STRIP	302.34 M ²
LANDSCAPING AREA	2,256.42 M ²
PARKING SPACES	27 (INC. 1 HANDICAPPED PARKING)
LOT COVERAGE	(8.13%)
LOT FRONTAGE	100.78m
FRONT YARD	9.0m
SIDE YARD	5.0m (ACTUAL) 3.0m (REQUIRED)

LAND USE SCHEDULE

ZONING	E-1
PAVED SURFACE AREA	1518.38 m ²
HARD DUSTLESS SURFACE	1377.39 m ²
GARBAGE/RECYCLING AREA	25.00 m ²

LEGEND

□	DENOTES SURVEY MONUMENT FOUND
▲	DENOTES G.I. DOOR LOCATION
△	DENOTES MAN DOOR EXIT
IB	DENOTES IRON BAR
CMF	DENOTES CORRUGATED METAL PIPE
MH	DENOTES MANHOLE
CBMH	DENOTES CATCH BASIN MANHOLE
CB	CATCH BASIN
(C)	INDICATES ELEVATION ON TOP OF CURB
• FH	FIRE HYDRANT
• HP	HYDRO POLE
○ TEL	TELEPHONE

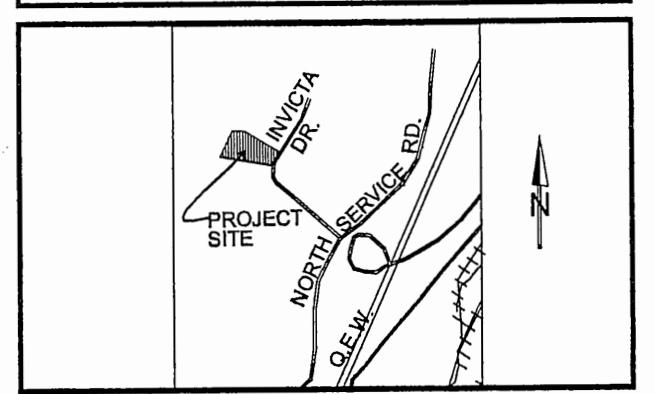
**STATEMENT OF DESIGN
SIZE, OCCUPANCY & CONSTRUCTION**

OCCUPANCY CLASSIFICATION	GROUP F, DIVISION 2 PART 3, DIVISION 2 ARTICLE 3.2.2.70 TABLE 3.2.2.70.A, COL.1
SPRINKLERS	NOT REQUIRED
CONSTRUCTION	NONCOMBUSTIBLE
No. OF STOREYS	ONE STOREY
No. OF STREETS	ONE STREET (FIRE ROUTE) (OFF INVICTA DRIVE)
FIRE ALARM	NOT REQUIRED
STANDPIPE	NOT REQUIRED
DESIGN REVIEW	EXISTING ELEVATION NEW ELEVATION ENGINEER

NOTE ON LIGHTING:
ALL OUTDOOR LIGHTING SHALL BE DIRECTED DOWNWARD AND INWARD AND DESIGNED TO MAINTAIN ZERO CUT-OFF LIGHT LEVEL DISTRIBUTION AT THE PROPERTY LINE.

CREDITS
PLAN SHOWING PART OF LOT 7, BLOCK A REGISTERED PLAN 608 TOWN OF OAKVILLE
SURVEY INFORMATION HAS BEEN TAKEN FROM A PLAN PREPARED BY KENNETH H. MCCONNELL, C.L.S., 1973 (ORIGINAL SURVEY DONE IN IMPERIAL UNITS) (CONVERTED TO METRIC BY HAI)

KEY PLAN



CONTRACTOR TO VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE COMMENCEMENT OF WORK. WORK NOT TO PROCEED UNTIL ALL APPROPRIATE PERMITS HAVE BEEN OBTAINED.
DO NOT SCALE DRAWINGS.

REVISIONS

NO	DATE	DESCRIPTION	REV. BY
1	02SEP04	REVIEW	C.E.P.
2	13SEP04	REVIEW PLAN ROOMS, INPUT A.O.C.	A.O.C.
3	14SEP04	ADJUST DRIVE-WAY PER HYDRO POLE LOCATION	A.O.C.
4	23SEP04	ELEVATIONS AT SWALE	A.O.C.
5	05OCT04	INTRO OF FONDING AT FRONT AND REVISIONS AS PER STAFF COMMENTS.	A.O.C.
6	19OCT04	INTRO OF THE NOTES FROM HALTON REGION	A.O.C.
7	20OCT04	REMOVAL OF NORTHERN PART OF THE FRONT SIDEWALK	A.O.C.
8	27OCT04	I. INSERTION OF THE FIELD ELEVATIONS TAKEN 26 OCT. 04 II. SHIFTED BLDG. SOUTH 1.0m	A.O.C.
9	28OCT04	SHIFTED BLDG. SOUTH 1.0m	A.O.C.
10	02NOV04	REVISED SITE SERVICES	A.O.C.
11	08NOV04	REVISED FONDING AREA	A.O.C.
12	01DEC04	REVISION OF SITE SERVICES	A.O.C.
13	14DEC04	SITE SERVICES & SURBS	P.L.

ISSUED

NO	DATE	DESCRIPTION
1	02SEP04	REVIEW
2	14SEP04	MTG. AT TOWN OF OAKVILLE
3	15SEP04	SITE PLAN APPLICATION
4	24SEP04	ISSUED TO RAVI
5	05OCT04	ISSUED TO RAVI
6	07OCT04	RE-ISSUED TO THE TOWN OF OAKVILLE
7	19OCT04	RE-ISSUED TO THE TOWN OF OAKVILLE
8	20OCT04	ISSUED FOR BUILDING PERMIT
9	21OCT04	ISSUED TO THE REGION OF HALTON
10	27OCT04	ISSUED TO RAVI
11	28OCT04	ISSUED TO RAVI
12	03NOV04	ISSUED FOR SITE SERVICING PERMIT
13	08NOV04	RE-ISSUED FOR SITE PLAN APPLICAN.
14	03DEC04	ISSUED FOR REVIEW
15	03JAN05	ISSUED FOR BUILDING PERMIT
16	03MAY05	ISSUED FOR CONSTRUCTION

NOTES

ISSUED FOR CONSTRUCTION

REGIONAL APPROVAL
REGION DESIGN OF WATER & WASTEWATER SERVICES APPROVED SUBJECT TO DETAIL CONSTRUCTION CONFORMING TO HALTON REGION STANDARDS & SPECIFICATIONS & LOCATION APPROVAL FROM AREA MUNICIPALITY.
SIGNED: _____ DATED: _____
PLANNING & PUBLIC WORKS DEPARTMENT

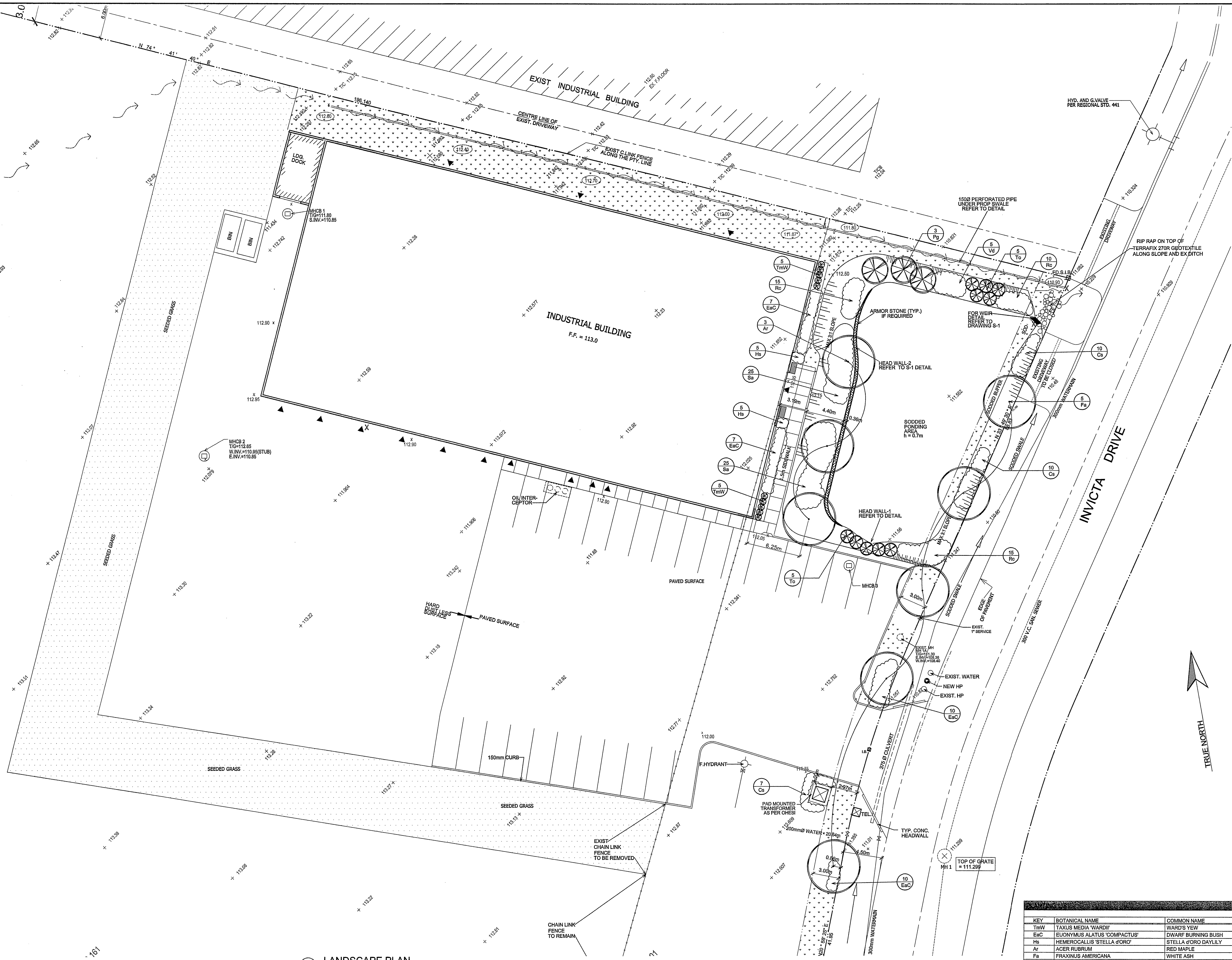
HAWLEY & ASSOCIATES
DESIGN BUILD
PROFESSIONAL ENGINEERS
2272 ST. ANNS COURT OAKVILLE, ONTARIO L6L 9V7 TEL: 905.827.9877 FAX: 905.827.2833

PROJECT - PROPOSAL
PROPOSED INDUSTRIAL BUILDING
LOT 7 INVICTA DRIVE
OAKVILLE, ONTARIO

TITLE
SITE PLAN

CLIENT
INDUSTRY DIESEL & TURBO SERVICE LTD
1015 INDUSTRY ST. OAKVILLE, ONTARIO

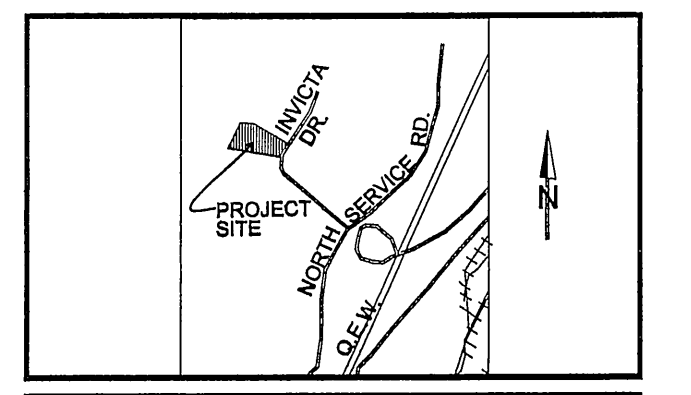
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AS NOTED	15MAY2004	
DRAWN BY	AKIN OGUNKEYE	03MAR2005
CHECKED BY	G.H.	0413
		A1.0



1 LANDSCAPE PLAN
SCALE: 1:200

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE (HxWxL)	REMARKS
TmW	TAXUS MEDIA 'WARDII'	WARD'S YEW	10	50cm	
EaC	EUONYMUS ALATUS 'COMPACTUS'	DWARF BURNING BUSH	34	60cm	
Hs	HEMEROCALLIS 'STELLA d'ORO'	STELLA d'ORO DAYLILY	10	10cm	
Ar	ACER RUBRUM	RED MAPLE	3	60mm cal.	
Fa	FRAXINUS AMERICANA	WHITE ASH	5	60mm cal.	
Pg	PICEA GLAUCA	WHITE SPRUCE	3	150cm hl.	
To	THUJA OCCIDENTALIS	WHITE CEDAR	10	125cm hl.	
Vd	VIBURNUM DENTATUM	ARROW WOOD	5	60cm	
Rc	ROSA CAROLINA	PASTURE ROSE	40	60cm	
Cs	CORNUS SERICEA	RED OSIER DOGWOOD	27	60cm	
Sa	SYMPHORICARPOS ALBUS	SNOWBERRY	50	60cm	

KEY PLAN



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REVISIONS

NO	DATE	DESCRIPTION	REV. BY
1	02SEP04	REVIEW	C.E.P.
2	13SEP04	SITE PLAN RQMTS. INPUT	A.O.O.
3	14SEP04	ADJUST DRIVEWAY PER HYDRO POLE LOCATION	A.O.O.
4	05OCT04	INTRO OF PONDING AT FRONT AND REVISIONS AS PER STAFF COMMENTS.	A.O.O.
5	20OCT04	REMOVAL OF NORTHERN PART OF THE FRONT SIDEWALK	A.O.O.
6	20OCT04	REDESIGN OF PONDING AREA	A.O.O.
7	07DEC04	REVISION OF PLANTINGS	A.O.O.
8	18DEC04	REVISION OF PLANTINGS	A.O.O.
9	03JAN05	INSERT L.S. ARCH'S LOGO	A.O.O.

ISSUED

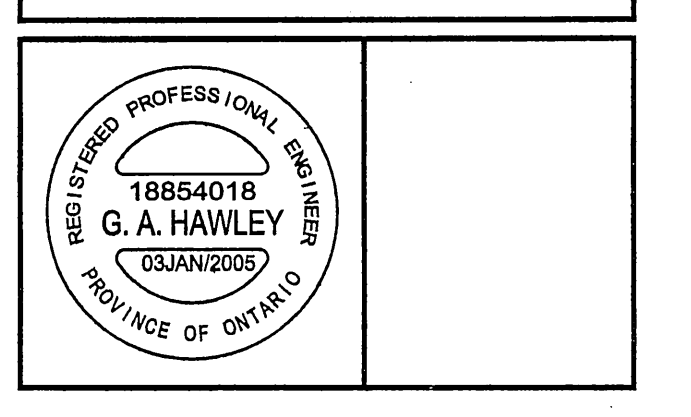
NO	DATE	DESCRIPTION
1	02SEP04	REVIEW
2	13SEP04	TOWN OF OAKVILLE
3	16SEP04	SITE PLAN APPLICATION
4	07OCT04	RE-ISSUED TO THE TOWN OF OAKVILLE
5	20OCT04	ISSUED FOR BUILDING PERMIT
6	09NOV04	ISSUED TO L.S. ARCHITECT FOR REVIEW
7	07DEC04	ISSUED TO L.S. ARCHITECT FOR REVIEW
8	18DEC04	ISSUED FOR SITE PLAN APPROVAL & CONSTRUCTION
9	03JAN05	ISSUED TO L.S. ARCH FOR STAMPING

NOTES

ISSUED FOR SITE PLAN APPROVAL & CONSTRUCTION

VICTOR FORD AND ASSOCIATES INC
Landscape Architects
955 Queen Street West, Loft 606
Toronto, Ontario M6J 3K5
Tel: 416-703-0081
Fax: 416-703-0083
design@vfa.on.ca

HAWLEY & ASSOCIATES
DESIGN BUILD
PROFESSIONAL ENGINEERS
2232 ST. ANNE'S COURT OAKVILLE, ONTARIO L6J 1G7 TEL: 905.837.9677 FAX: 905.837.2633

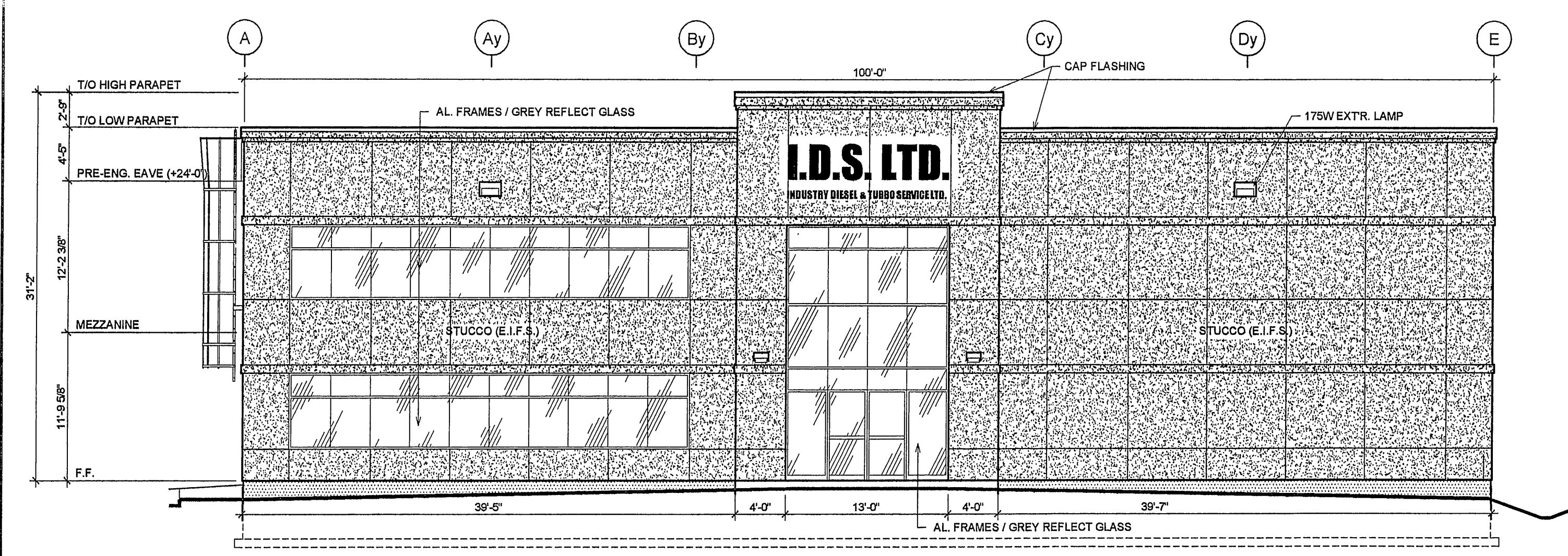


PROJECT - PROPOSAL
PROPOSED INDUSTRIAL BUILDING
LOT 7 INVICTA DRIVE
OAKVILLE, ONTARIO

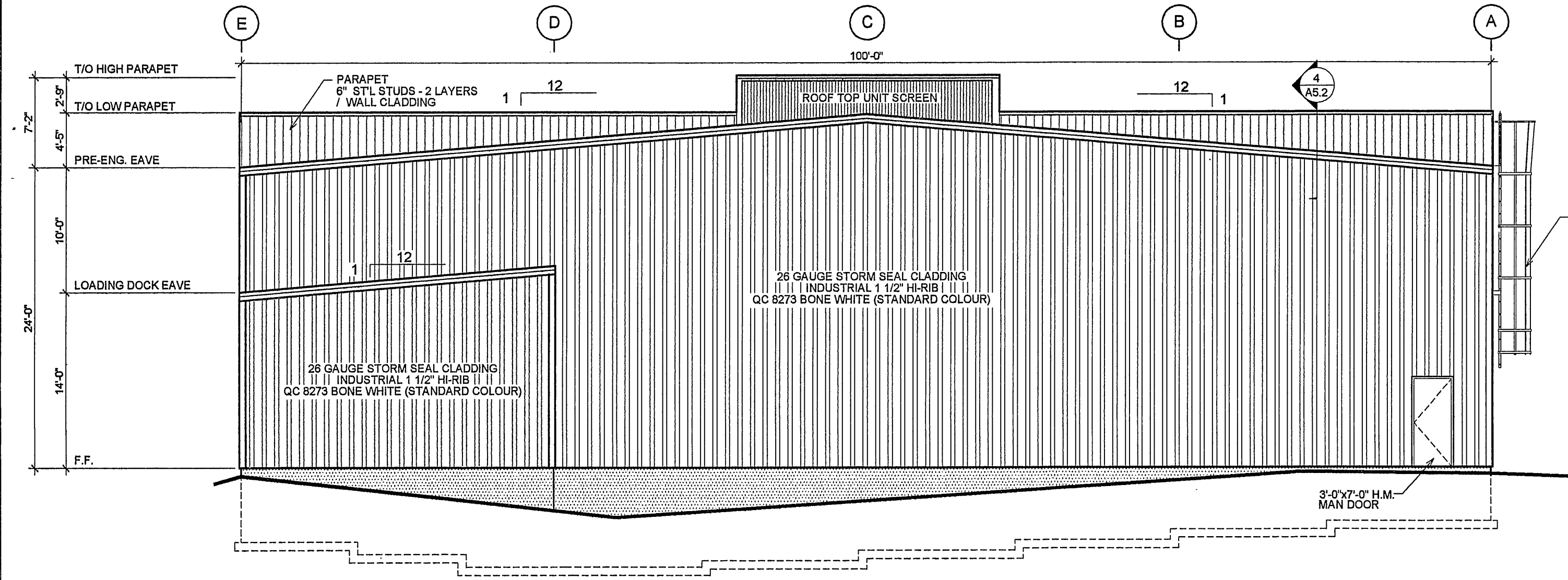
TITLE
LANDSCAPE PLAN

CLIENT
INDUSTRY DIESEL & TURBO SERVICE LTD
1015 INDUSTRY ST. OAKVILLE, ONTARIO

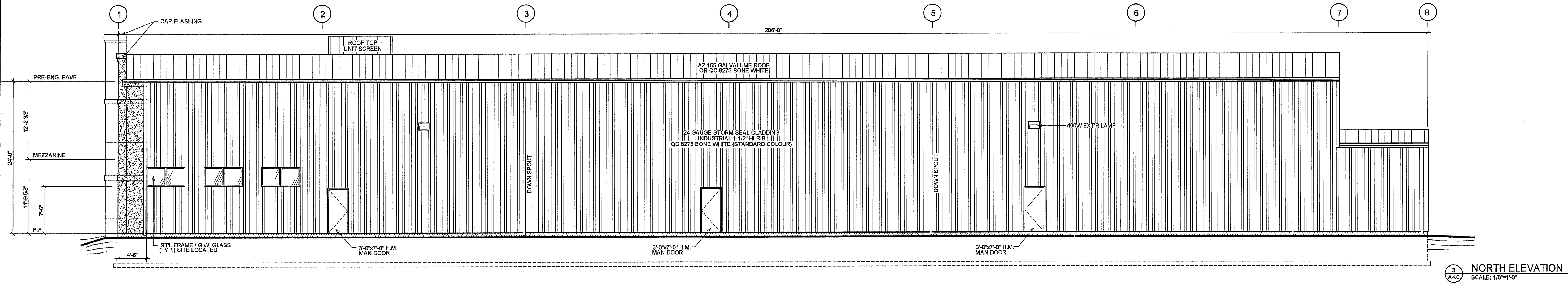
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AS NOTED	15MAY2004	
DRAWN BY	PLOT DATE	L1.0
AKIN OGUNKEYE	04FEB2005	
CHECKED BY	PROJECT NO.	
G.H.	0413	



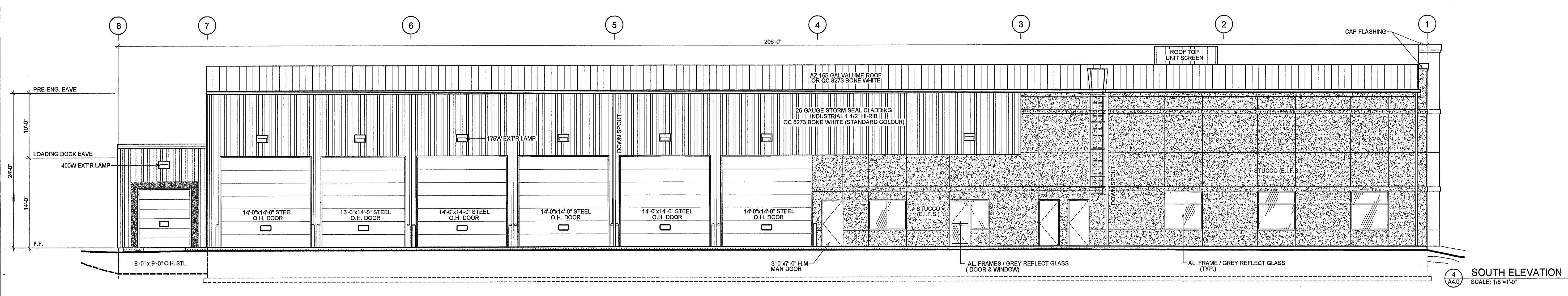
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2 WEST ELEVATION
SCALE: 1/8"=1'-0"

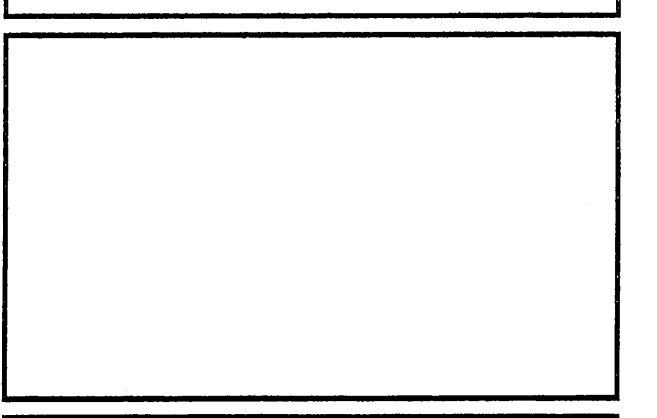


3 NORTH ELEVATION
SCALE: 1/8"=1'-0"



4 SOUTH ELEVATION
SCALE: 1/8"=1'-0"

KEY PLAN



CONTRACTOR TO VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE COMMENCEMENT OF WORK. WORK NOT TO PROCEED UNTIL ALL APPROPRIATE PERMITS HAVE BEEN OBTAINED. DO NOT SCALE DRAWINGS.

REVISIONS

NO	DATE	DESCRIPTION	REV. BY
0	20MAY04	PRELIMINARY	
1	16JUN04	AS PER CLIENT'S COMMENTS	P. LEE
2	12AUG04	AS PER CLIENT'S COMMENTS	P. LEE
3	09SEP04	AS PER CLIENT'S COMMENTS	C.E.P.
4	14SEP04	AS PER CLIENT'S COMMENTS	P. LEE
5	07OCT04	AS PER CLIENT'S COMMENTS	P. LEE
6	18OCT04	AS PER GRADING PLAN	P. LEE
7	30NOV04	AS PER GRADING PLAN	P. LEE
8	22FEB05	AS PER CLIENT'S COMMENTS	ARON O
9	11MARG05	AS PER DETAIL OF STUCCO	P. LEE
10	28APR05	AS PER STUCCO DRAWING	P. LEE

ISSUED

NO	DATE	DESCRIPTION
0	20MAY04	PRELIMINARY
1	12AUG04	REVIEW
2	14SEP04	REVIEW
3	16SEP04	ISSUED FOR SITE PLAN APPROVAL
4	07OCT04	RE-ISSUED FOR SITE PLAN APPROVAL
5	20OCT04	ISSUED FOR BUILDING PERMIT
6	05JAN05	RE-ISSUED FOR BUILDING PERMIT
7	03MARG05	ISSUED FOR CONSTRUCTION
8	11MARG05	ISSUED FOR REVIEW

NOTES

FOR CONSTRUCTION

HAWLEY & ASSOCIATES
DESIGN BUILD
PROFESSIONAL ENGINEERS
2278 ST. ANNS COURT OAKVILLE, ONTARIO L6V 5V7 TEL: 905.827.9677 FAX: 905.827.2533



PROJECT - PROPOSAL
PROPOSED ONE STOREY INDUSTRIAL DEVELOPMENT
INVICTA DRIVE, OAKVILLE ONTARIO

TITLE
ELEVATIONS

CLIENT
INDUSTRY DIESEL & TURBO SERVICE LTD.
015 INDUSTRY ST
OAKVILLE, ON L6J 2X3

SCALE	DATE	DRAWING NO.
AS NOTED	14SEP2004	
DRAWN BY	PLOT DATE	
P.L.	28APR2005	A4.0
CHECKED BY	PROJECT NO.	
G.H.	0413	

DRAWING PRODUCED BY PERMIT DRAWINGS

April 5, 2024

VIA E-MAIL TO: rudy@industrydiesel.com

Industry Diesel
1140 Invicta Drive
Oakville, Ontario
L6H 6G1

Re: Opinion Letter, Industry Diesel Parking Area, 1140 Invicta Drive, Oakville, Ontario

Dear Rudy,

As requested, we are providing this opinion letter for noise from activities associated with the Industry Diesel Parking area. The facility is located at 1140 Invicta Drive in Oakville, Ontario. Figure 1 shows a key plan of the subject site. The parking area is highlighted on Figure 2 which is used by Musket Transport Ltd (Musket).

The parking area is used for the parking of tractor trailer cabs and personal vehicles. There are no other outdoor activities associated with Musket or the Industry Diesel facility. During the morning hours (06:00 to 09:00), tractor trailer cabs leave the site to pick up trailers at an off-site location. During the afternoon/evening hours, the tractor trailer cabs return and park on the site while cars leave the site.

The Ministry of Environment, Conservation and Parks (MECP) publication NPC-300 is intended for use when considering both residential and commercial/institutional land uses under the Planning Act. It provides acceptability limits for sound due to commercial operations in that regard. The façade of a residence (i.e., in the plane of a window), or any associated usable outdoor area is considered a sensitive point of reception. Under NPC-300, commercial activities such as the occasional movement of customer/employee vehicles, deliveries to retail facilities and restaurants and garbage collection are not of themselves considered to be significant noise sources. The Town of Oakville Noise By-Law (By-Law Number 2008-098) was also reviewed with respect to activities on the subject site. The by-law also provides sound level limits for stationary noise sources and prohibitions for time periods.

A site visit conducted on March 7, 2024 from 06:00 to 07:30. Observations of activities were conducted on the site as well as at the northeast corner of 1066 Falgarwood Drive simultaneously. During the morning hour, employees arrive on site in their personal vehicles and transfer to their tractor trailer cabs. The tractor trailer cabs idle on site for approximately 10 minutes and then depart the site. Ten tractor trailer cabs departed the site in the morning hour of our site visit.

A second site visit was conducted on March 18, 2024 to observe evening hour activities (17:00 to 18:00). In the evening, the tractor trailer cabs return to the site and may idle before the employees



exit the tractor trailer cab and transfer back into their personal vehicles. Ten tractor trailer cabs were counted during this site visit. When each tractor trailer cab is parked, the emergency brake is engaged which releases air.

It was difficult to discern sounds from activities from the Musket parking facility above road traffic noise at 1066 Falgarwood Drive, primarily from traffic on QEW/Highway 403. Idling and accelerating of tractor trailer cabs were slightly audible when the trucks passed by the western boundary of the parking lands. Similarly in the evening, noise from idling and accelerating tractor trailer cabs were marginally audible. Noise from the air brakes associated with the parking brake of the tractor trailer cabs were audible. There are no back-up beepers associated with the tractor trailer cabs. It should also be noted that trucking activities from other facilities along Invicta Drive were at times audible at the residences during our site visits.

Given the background sound levels from traffic noise from the surrounding roadways, and observations on two separate site visits, noise from the parking area at the Industry Diesel/Musket facility are not expected to be significant at the neighbouring residences. During periods of low traffic noise, sounds from activities from the subject site may be audible.

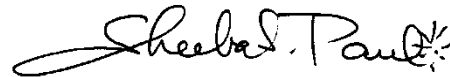
We trust this information is sufficient for your purposes. If you have any questions or concerns, please call.

Yours truly,

HOWE GASTMEIER CHAPNIK LIMITED



Victor Garcia, P.Eng



Sheeba Paul, MEng, P.Eng

Limitations

This document was prepared solely for the addressed party and titled project or named part thereof, and should not be relied upon or used for any other project without obtaining prior written authorization from HGC Engineering. HGC Engineering accepts no responsibility or liability for any consequence of this document being used for a purpose other than for which it was commissioned. Any person or party using or relying on the document for such other purpose agrees, and will by such use or reliance be taken to confirm their agreement to indemnify HGC Engineering for all loss or damage resulting therefrom. HGC Engineering accepts no responsibility or liability for this document to any person or party other than the party by whom it was commissioned.

Any conclusions and/or recommendations herein reflect the judgment of HGC Engineering based on information available at the time of preparation, and were developed in good faith on information provided by others, as noted in the report, which has been assumed to be factual and accurate. Changed conditions or information occurring or becoming known after the date of this report could affect the results and conclusions presented.



ACOUSTICS



NOISE



VIBRATION

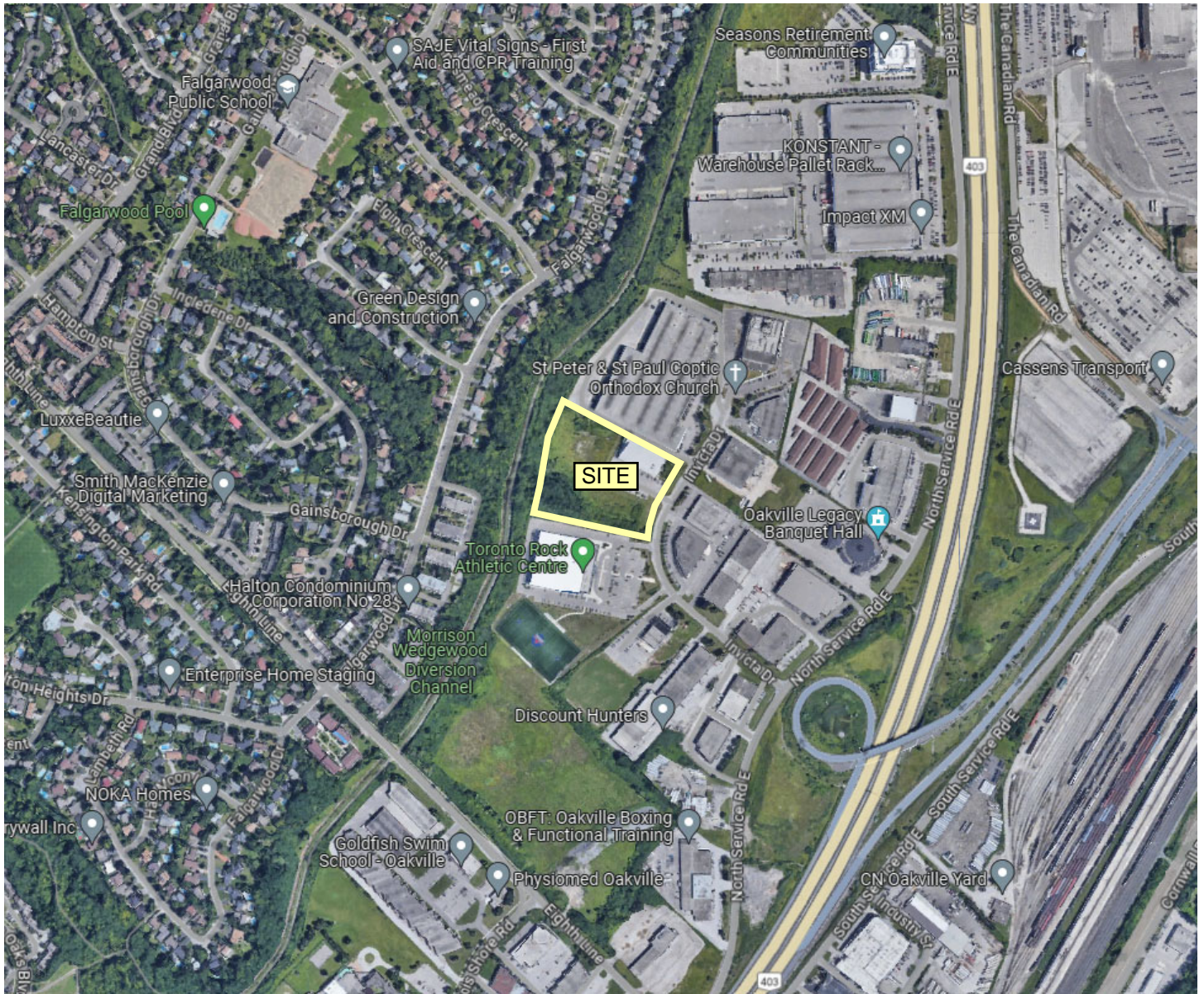


Figure 1 - Key Plan



Figure 2 - Aerial Photo Showing Tractor Trailer Parking Area

April 8, 2024
24P02

Kelly Lanaus, CPT
Senior Zoning Plans Examiner
Building Department
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Kelly,

**RE: PLANNING RATIONALE – APPLICATION FOR MINOR VARIANCE
1140 Invicta Drive
Town Of Oakville**

We are planning consultants to 1600767 Ontario Limited (the “Applicants”) who own 1140 Invicta Drive (the “Subject Lands”). The Applicants purchased the property in 1999 and in 2004 built a manufacturing facility which they operate under the name “Industry Diesel & Turbo Service Ltd.” (“Industry Diesel”). Established in 1969, Industry Diesel serves the automotive, trucking, and heavy equipment industries and specializes in the rebuilding and distribution of turbochargers, fuel injectors, fuel injection pumps and electronic control modules. While the Oakville location is their primary facility, they also have plants in Brampton and Illinois, USA. The Applicants have applied for a minor variance to permit a “Motor Vehicle Storage Compound” to permit the continued use of a portion of the Subject Lands to store trucks, as explained further below.

In our opinion, the requested variance meets all the tests under Section 45(1) of the Planning Act and represents good land use planning.

THE SUBJECT LANDS & PURPOSE OF THE APPLICATION

Subject Lands & Surrounding Area

The Subject Lands are a rectangular 2.24ha. (5.53 acre) parcel of land with 100.78m (129 ft.) of frontage on Invicta Drive. The Subject Lands are improved with a single-storey industrial building and associated parking and loading which only occupies a portion of the property. The existing 1817.56m² (19,564 sq.ft.) building, built in 2004, has a lot coverage of only 8.13%.

Johnston Litavski Ltd.
235 Lakeshore Road East, Suite 202
Oakville, Ontario L6J 1H7
P: 905-845-7325
P: 416-323-1444

The Subject Lands are located within a well-established industrial area north of the QEW that has historically housed various automotive related industries in support of the nearby Ford assembly plant, but which has seen a transition to other industrial facilities serving a wide variety of industrial sectors. Neighbouring uses include:

- Quadra and Fairview Ltd. next door at 1170 Invicta Drive – each specializing in logistics and distribution
- Cameron Brewing
- Toronto Rock Athletic Centre
- St. Peter & St. Paul Coptic Orthodox Church
- Access Public Storage
- AC Transport
- Tandet Transport
- Several multi-unit industrial condominium buildings housing a wide variety of industrial uses
- Etc.

We note that the QEW right-of-way, including the on-ramp to the highway from Royal Windsor Drive, is approximately 275m away to the east and southeast.



Figure 1: Aerial view of the surrounding context with the Subject Lands highlighted in red

Both the Subject Lands and the larger industrial area are bounded to the northwest by the channelized Morrison Creek and the Falgarwood residential area, which sits atop a ridge and overlooks the industrial area, the QEW, and both the Ford plant and CN Rail Yard beyond.



Figure 2: Aerial view of the Subject Lands showing both the existing industrial building and vehicle storage compound

When the existing industrial building was developed and built, a large portion of the property was left vacant. Mistakenly believing the use was permitted, the Applicant entered into a lease with Musket Transport Ltd. (“Musket”) in 2020 to use the vacant lands for truck storage.

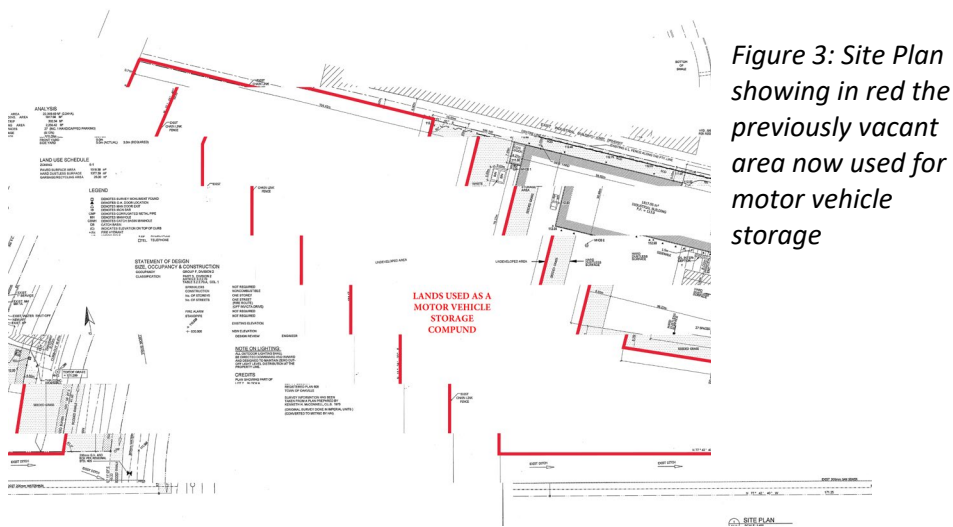


Figure 3: Site Plan showing in red the previously vacant area now used for motor vehicle storage

Musket Transport Ltd. is a full-service intermodal transportation company offering numerous transportation, warehousing, and distribution services to a wide variety of industry sectors across North America. They maintain a fleet of 200+ tractors, 300+

trailers, and 500+ chassis used to transport shipping containers. All equipment is corporately owned, and all drivers are employees of the company. They operate three different transportation terminals within the GTA, but the storage compound on the Subject Lands is not one of them. Rather, the closest terminals are located at 2215 Royal Windsor Drive and 556 Southdown Road in Mississauga. Musket is a bonded carrier and security is paramount to their operations. We understand that, in order to maintain their security and bonded status, Musket must store all tractors separately from all trailers within a secured compound when not in use. The compound on the Subject Lands is used by Musket to park their tractors and the drivers' private vehicles. Trailers and goods for distribution are not parked or stored there. The compound is kept clean, fenced, and guarded at all times.

Purpose Of The Application

The purpose of the application is to permit the continued use of the Subject Lands for Motor Vehicle Storage Compound. We note that a "Parking Area, Heavy Vehicle" is permitted on the Subject Lands, but such a use must be accessory to the primary use of the lot. We have reviewed the definitions of both "Motor Vehicle Storage Compound" and "Parking Area, Heavy Vehicle" and note the two uses are very similar in nature – the key difference is a "Parking Area, Heavy Vehicle" is an accessory use and a "Motor Vehicle Storage Compound" does not have to be.

OFFICIAL PLAN AND ZONING

The Subject Lands are designated **Business Employment** in Town's Official Plan. There are no applicable Secondary Plans or Site-Specific Policies. The Business Employment area is buffered from the adjoining residential lands in Falgarwood by a Natural Area designation relating to Morrison Creek.

The Subject Lands are zoned **Employment – E2 sp:3** by Zoning By-law 2014-014. The E2 zone permits a wide variety of employment, commercial, manufacturing, and warehousing uses. Heavy vehicle parking and outdoor storage is permitted as an accessory use. Special provision 3 also allows an extended list of motor vehicle related uses.

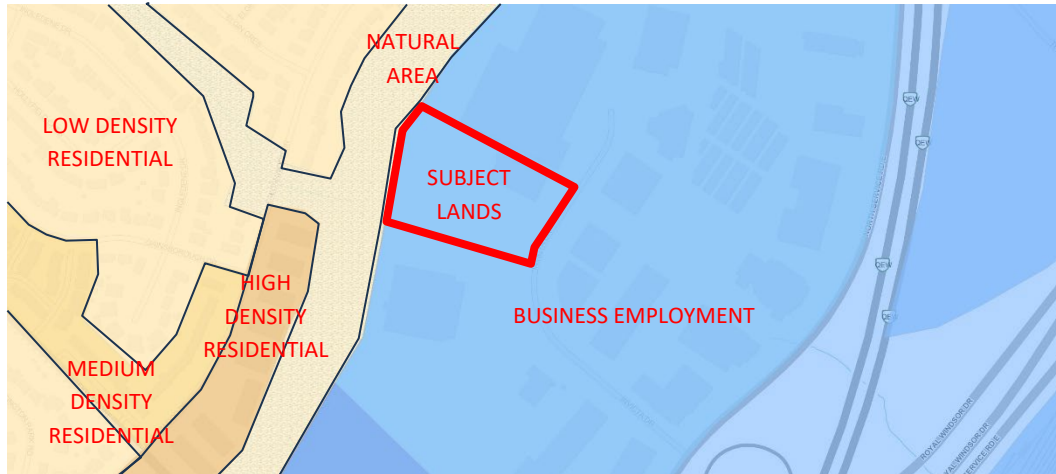


Figure 4: Official Plan Designations

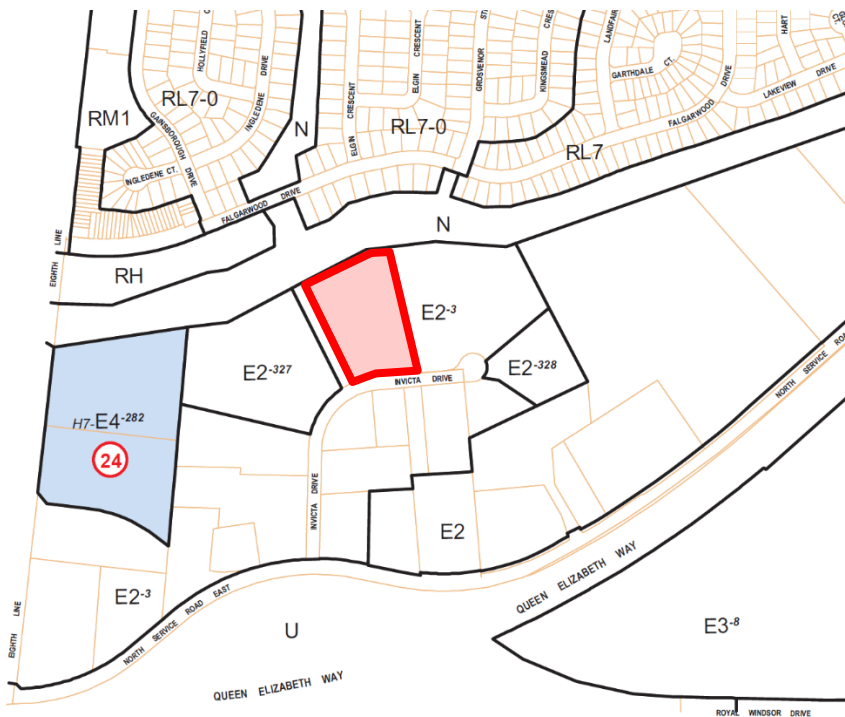


Figure 5: Zoning – Subject Lands highlighted in red

THE REQUESTED VARIANCE

The Applicant is seeking only one minor variance:

- ***To permit a Motor Vehicle Storage Compound, whereas a Motor Vehicle Compound is not a permitted use.***

THE PROPOSED VARIANCE SATISFIES THE FOUR (4) TESTS UNDER THE *PLANNING ACT*

In our opinion, the requested variance meets the four (4) tests under Section 45(1) of the *Planning Act*:

The Proposed Variance Meets The General Intent & Purpose Of The Official Plan:

The Official Plan's Business Employment designation is intended to be predominantly within enclosed buildings and provide for office uses and light and service industrial operations with minimal impacts on the surrounding areas.¹ Permitted uses include light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling², and motor vehicle related uses are permitted between Iroquois Shore Road (including the proposed extension) and North Service Road, west of Invicta Drive.³ Outdoor storage uses are anticipated and are to be adequately screened and may be implemented through zoning⁴ but are not to be allowed on lands that abut residential areas.⁵

We note the Applicant's existing industrial use is permitted in a Business Employment designation, and that the Subject Lands are separated and buffered from the low-density Falgarwood neighbourhood by the Natural Area designation relating to Morrison Creek. We also note that an outdoor vehicle storage area is permitted as an accessory use on the same lot.

The test to meet is whether the requested variance meets the general intent and purpose of the Official Plan [*emphasis added*], which in this case is to allow a variety of lighter industrial uses that could include outdoor storage with minimal impacts on surrounding areas and ensuring such uses do not abut residential areas. We note that

¹ Livable Oakville – Policy 14.4

² Ibid. – Policy 14.4.1(a)

³ Ibid. – Policy 14.4.1(e)(iii)

⁴ Ibid. – Policy 14.4.4

⁵ Ibid. – Policy 14.4.5

Musket's vehicle compound is on the same lot as the Applicant's operation and would otherwise be permitted if it were accessory to the main use. The difference in this case is the compound is not accessory to the main use. The existing compound is separated and buffered from the Falgarwood residential area by Morrison Creek. Likewise, there is no additional impact from the Musket compound than from a similar compound operated as an accessory use by the Applicant.

The proposed minor variance meets the general intent and purpose of the Official Plan.

The Proposed Variance Meets The General Intent And Purpose Of The Zoning By-Law:

The Subject Lands are zoned E2 sp.3 which permits a "Parking Area, Heavy Vehicle" as an accessory use⁶, and which is defined as:

"...an area on a *lot* for the accessory parking of trucks, tractors and *commercial vehicles* exceeding a gross weight of 4,500.0 kilograms, as licensed by the Ministry of Transportation, in association with the *primary use* of the *lot*."⁷

We note that "Motor Vehicle Storage Compound" is defined as:

"...an area of land with or without *buildings* or *structures* used for the temporary *outside storage* of *motor vehicles*."⁸

We note these two definitions describe uses that are nearly identical except in two key aspects – a Parking Area, Heavy Vehicle is limited to vehicles more than 4500kg, and must be an accessory use. A motor vehicle storage compound has no such restrictions. We contrast these definitions to the definition of a "Transportation Terminal" which is:

"...a *premises* or area of land *used* for storing, parking or dispatching of buses, trucks, tractors, or *trailers*, including servicing or repair within an enclosed *building*."⁹

⁶ Town of Oakville Zoning By-law 2014-014 – Part 10 - Table 10.2 and Section 10.2(18)

⁷ Ibid – Part 3 - Definitions

⁸ Ibid – Part 3 - Definitions

⁹ Ibid – Part 3 - Definitions

All three definitions describe very similar uses but where the first two describe simple parking/storage uses, a “Transportation Terminal” implies a more active logistical/dispatching operation that would likely include servicing and repair facilities. The Musket storage compound is used only for the secure parking of vehicles. In our opinion, the Musket compound is not a “Transportation Terminal,” and while on the same lot as the Applicant’s operation, it’s not a “Parking Area, Heavy Vehicle” as it is not accessory to the main use. Therefore, in our opinion, it is a Motor Vehicle Storage Compound, which is not otherwise permitted in the E2 zone.

In addition to “Parking Area, Heavy Vehicle”, the E2 zone permits a wide variety of office, commercial, service commercial and light industrial uses including manufacturing, warehousing, wholesaling, contractor’s establishments, public works yards, outside storage (as an accessory use), outside sales & display, etc.¹⁰ Special provision #3 also adds several motor vehicle related uses including motor vehicle body shops, dealerships, rental facilities, repair facilities & washing facilities.¹¹

The general intent and purpose of the E2 zone [*emphasis added*] is to define a light industrial and office employment area typically seen in higher profile areas with excellent exposure – such as along the QEW – while still allowing for appropriate manufacturing uses that will include outdoor storage. Special Provision 3 further recognizes the existing and intended focus of this employment area on motor vehicle related uses. The by-law explicitly allows outdoor vehicle storage such as the Musket operation, but only as an accessory use to the primary use on the same lot.

We’ve noted above how similar a Motor Vehicle Storage Compound is to the otherwise permitted Parking Area, Heavy Vehicle use – a key difference being one is accessory, and one is not. We note the Musket storage compound is on the same lot as the Applicant’s operation and would be permitted if it was instead owned and operated by the Applicant. We also note the Musket compound is well located on an interior lot of the employment area, buffered from the Falgarwood neighbourhood by the Morrison Creek natural area, and behind the lots along the QEW right-of-way, leaving that frontage for higher profile employment uses. In our opinion, the Musket operation is of the same nature as a Parking Area, Heavy Vehicle and it is a modest, minor, and appropriate change to allow it on the same lot as the Applicant’s as non-accessory use under the banner of a Motor Vehicle Storage Compound.

The requested variance meets the general intent and purpose of the Zoning By-law.

¹⁰ Ibid – Part 10 - Table 10.2

¹¹ Ibid – Part 15 - Special Provision 3

The Proposed Variance Is Appropriate For The Development Or Use Of The Lands:

Allowing the existing compound to continue represents a modest zoning change which would allow a significant employer and important part of the Province's industrial base to continue. The existing industrial area is very well established having served the Town's and broader provincial economy for decades. The requested use is in keeping with the existing and planned context and reflective of other similar uses in the area. The existing Musket compound results in no additional impacts over and above what an already permitted Parking Area, Heavy use would offer.

As such, the requested variance is appropriate for the development or use of the lands.

The Proposed Variance Is Minor:

The test of whether a variance is minor consists of three parts – Impact, size, and importance.

In terms of impact, the Musket compound does not result in any greater impacts than the permitted Parking Area, Heavy Vehicle. Noise levels are in keeping with the currently permitted uses. Enclosed with this letter is a letter from HGC Engineering who have completed a study of noise levels and concluded that there is minimal impact from the vehicle storage compound.

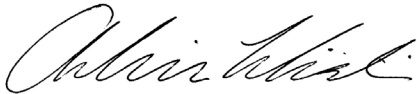
Size refers to the scale of the variance itself. In this case the Applicant is requesting permission for a use that may not be permitted, but which is very similar to an already permitted use. It is a modest change that would result in little difference on the ground from what could already happen as-of-right.

Importance refers to whether it is appropriate to seek the required relief via minor variance or whether a full zoning amendment is necessary. In our opinion, given the nature of the Musket compound and its similarity to an otherwise permitted Parking Area, Heavy Vehicle, a full zoning amendment is not required.

The requested variance is minor.

In summary, the requested variance satisfies all four (4) tests of Section 45(1) of the *Planning Act* and represents good land use planning.

Yours very truly,



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