

August 21, 2025

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File 20821.00001

VIA E-MAIL

Town of Oakville
Committee of Adjustment
1225 Trafalgar Road
Oakville, ON L6H 0H3

Attention: Heather McCrae, Secretary -Treasurer

Dear Ms. McCrae:

Re: 874 Sinclair Road, Oakville - Application for Minor Variance Pursuant to the Provisions of Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended

On behalf of Post Scriptum Holdings Inc. ("**Post Scriptum**"), owner of lands municipally known as 874 Sinclair Road (the "**Subject Site**"), please find enclosed a complete Application for Minor Variance (the "**Application**") being filed with the Committee of Adjustment (the "**Committee**") pursuant to Section 45(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "**Planning Act**").

REQUEST

This Application seeks to permit a motor vehicle dealership and related uses on the Subject Site in an area where motor vehicle dealerships and related uses are already prevalent and permitted as-of-right in the Town's Comprehensive Zoning By-law 2014-014 (the "**Zoning By-law**"). In fact, the building immediately across the Subject Site, on the east side of Sinclair Road, is a Land Rover / Jaguar automotive dealership.

The Town's Official Plan permits the requested uses on the Subject Site. The Town's Zoning By-law requires a variance to facilitate these uses.

The Application requests a variance to the site-specific zoning for the Subject Site to add the permissions and regulations contained in Special Provision 3. Specifically, this is implemented as follows:

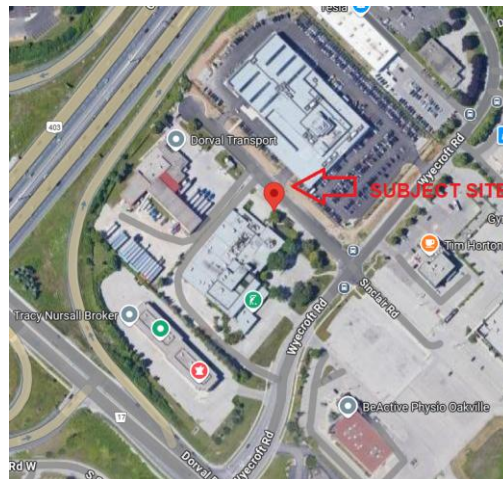
To vary Part 15.6.1 of the Town's Zoning By-law by adding the following to Special Provision 6:

(b) The permissions and regulations of Special Provision 3 shall additionally apply.

As explained in more detail below, Special Provision 3 of the Town's Zoning By-law are existing zoning provisions in the Zoning By-law that permit automotive dealership and related uses subject to corresponding regulations. The Special Provision 3 regulations are attached at Appendix "A". These zoning regulations have already been utilized in several other site-specific zones and sites in the Town where automotive dealerships are now permitted as-of-right.

THE SUBJECT PROPERTY AND SURROUNDING CONTEXT

The Subject Site has a lot frontage of 106.28 metres and a generous lot area of 14,420 square metres (1.442 hectares). It is located at the northwest corner of the intersection of Wycroft Road and Sinclair Road (refer to Google Earth satellite image below). The Subject Site is within the area bound by Dorval Drive to the west, the QEW to the north, Kerr Street to the east and Speers Road to the south. This area is predominantly occupied by automobile related uses including motor vehicle dealerships in the immediate vicinity of the Subject Site together with supportive uses such as motor vehicle body shops, motor vehicle rental, motor vehicle repair and motor vehicle washing facilities within the general vicinity of the Subject Site.



The Subject Site is improved with an existing building with varying heights from one to three storeys, encompassing a total approximate gross floor area of 7,888 square metres. The existing building was occupied by TDL Group/Wendy's Headquarters. However, TDL Group/Wendy's Headquarters relocated a few years ago and since the relocation, Post Scriptum has managed to attract different uses for the Subject Site but has been facing challenges in maintaining a full and consistent occupancy.

The Application is intended to add a motor vehicle dealership use and related uses to the Subject Site. Post Scriptum believes that adding these uses will allow it to market the Subject Site to automotive dealerships, which once they occupy the Subject Site, will provide a full and consistent utilization of the existing building with an employment use that will add to the economic viability of the Town. There is no intent at this time to make any modifications to the existing building on the Subject Site to facilitate the implementation of the future motor vehicle dealership use and related uses.

EXISTING OFFICIAL PLAN DESIGNATION AND ZONING

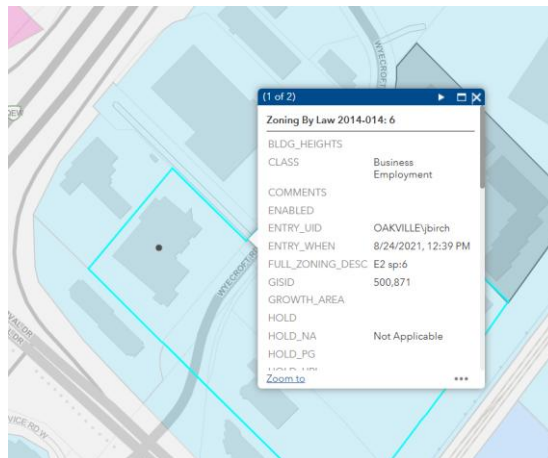
The Subject Site is within the “Employment Areas” as identified in Schedule A1: Urban Structure Schedule of the Town’s Official Plan. The Subject Site is also designated “Business Employment” as shown on Schedule G South East Land Use, excerpted below. This designation, as explained in more detail below, permits a motor vehicle dealership and related uses on the Subject Site.

Exhibit 1: Excerpt of Schedule “G” of Town’s Official Plan



The Subject Site is zoned Business Employment E2 Zone, subject to Special Provision 6, pursuant to the Zoning By-law. The existing zoning is shown on the map below.

Exhibit 2: Excerpt of Map showing Zoning of Subject Site



Attached as Appendix “A” to this correspondence are the Special Provision 6 regulations applicable to the Subject Site. Special Provision 6 was specifically created to facilitate the development of the building for the TDL Group/Wendy’s Headquarters.

As the TDL Group/Wendy’s Headquarters has relocated, the Special Provision 6 regulations need to be expanded to recognize a motor vehicle dealership use and related uses, on the Subject Site, in conformity with the City’s Official Plan and consistent with this use being permitted as-of-right on most other lands within the immediate vicinity of the Subject Site.

REASONS FOR THE REQUESTED USE

Post Scriptum has received multiple inquiries from motor vehicle dealers who wish to occupy the Subject Site. These potential occupants of the Subject Site have indicated a willingness to repurpose the existing building. However, Automotive dealerships want the use in place before they are willing to consider occupying the Subject Site, and because the Subject Site does not have this use as-of-right, the Subject Site’s ability to contribute to the economic viability of the Town is being undermined.

The intent at this time is for the motor vehicle use and related uses to be incorporated into the existing building. Should any modifications to the building be necessary, and require further approvals, it is anticipated that that will occur through a subsequent site plan approval application and, if necessary, but not anticipated, a subsequent minor variance application.

Granting the automotive dealership and related uses to the Subject Site is consistent with similar use permissions granted in the immediate area of the Subject Site through Special Provisions 105, 332, 348 and 368 (sp:105, sp:332, sp:348 and sp:368), all extracted in Appendix “A”.

The Zoning By-law permits the requested use in the E4 Zone on an as-of-right basis. Lands in the E2 and E3 Zone have been granted additional permitted motor vehicle uses through a Special Provision. The Subject Site, while zoned E2, has not been granted the motor vehicle use and related uses as-of-right.

Below is an extract of Map 19(7) from the Zoning By-law (pdf version) colour coded to show all the motor vehicle uses permitted as-of-right in the immediate surrounding area to the Subject Site.



On the above map, the Subject Site is highlighted in red and coloured yellow. All lands surrounding the Subject Site already have motor vehicle uses permitted (as-of-right in the case of the E4 zone shown in orange; through a site-specific amendment to the E2 zone to add recognition of sp:3, as shown in blue, and similarly, an amendment to an existing special provision by adding motor vehicles uses through sp:3, as shown in purple).

The property shown in green was rezoned concurrently with the Subject Site and currently remains within the E2 sp:6.

THE STATUTORY FOUR TESTS

The requested variance satisfies the “four tests” under Section 45(1) of the Act, as described in detail below.

(i) General Intent and Purpose of the Official Plan.

Based on the Official Plan, a motor vehicle dealership is considered a motor vehicle related uses and is therefore permitted on the Subject Site in the City’s Official Plan. Specifically, the policies under Section 14.4 would apply, and for ease of reference these are extracted below:

“14.4 Business Employment

Business Employment areas are intended to provide for a wide range of business and industrial uses. The uses in the Business Employment areas are 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.

“14.4.1 Permitted Uses

a) Uses permitted within the Business Employment designation may include offices and light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling. Hotels, public halls, indoor sports facilities, and training facilities and commercial schools may also be permitted.

b) Existing major office shall be permitted and new major office may be considered at locations providing high visibility and excellent accessibility adjacent to highway corridors and Regional transit priority corridors.

c) Existing service commercial uses, limited to restaurants, financial institutions and drive-through facilities, are permitted.

d) New service commercial uses, limited to restaurants, financial institutions and drive-through facilities, may also be permitted on the same lot as uses listed in subsection a), above.

e) Motor vehicle related uses may also be permitted on the lands designated Business Employment in the following areas:

i) between Bronte Creek and Kerr Street, south of the QEW; (emphasis added by author)

ii) on North Service Road West, between Third Line and McCraney Creek;

iii) between Iroquois Shore Road (including the proposed extension) and North Service Road, west of Invicta Drive;

iv) east of Chartwell Road, between the QEW and the railway; and,

v) between Ford Drive, Royal Windsor Drive, Winston Churchill Boulevard and the railway spur line.

f) Existing motor vehicle related uses are permitted on the lands designated Business Employment south of Speers Road and west of Third Line.

14.4.2 Accessory uses may be permitted in conjunction with permitted light industrial uses. Accessory retail uses shall be on the same lot and clearly subordinate, and directly related, to the functioning of the permitted use.

14.4.3 Business Employment uses shall occur primarily within enclosed buildings.

14.4.4 Limited outdoor storage and display areas shall be adequately screened and may be permitted through the implementing zoning.

14.4.5 Outdoor storage uses shall not be permitted on lands designated Business Employment that abut residential uses.”

As noted in Policy 14.4.1(e), motor vehicles uses are permitted in the area “*between Bronte Creek and Kerr Street, south of the QEW*”. The Subject Site falls within this geographic policy area. Moreover, the Subject Site satisfies all other policies in terms of proximity to residential areas and outdoor storage.

It is also important to note that the Town’s Official Plan contain several policies regarding the promotion of employment areas including policies _3.8 (“*Employment Areas provide for a mix of employment uses including industrial, manufacturing, warehousing, offices, and associated retail and ancillary facilities*” and Section 4 (“*Employment Areas are intended to provide industrial, business and office activities, which will be the major source of employment opportunities in the Town*” amongst others. Approving the Application meets the intent of these policies.

Based on this, we conclude that the Application meets the general intent and purpose of the Official Plan as the Uses being added in the Zoning By-law through the Application are already authorized in the Town’s Official Plan.

(ii) General Intent and Purpose of the Zoning By-law

From a zoning perspective, Special Provision 6 applies to the Subject Site and it captures the existing building and use related to the TDL Group/Wendy’s Headquarters. This site-specific zoning is representative of the way municipalities “saran wrap” zoning to respond to the request advanced at a particular point in time. Because of this, the Subject Site has been disadvantaged because the Subject Site no longer has the TDL Group/Wendy’s Headquarters and yet its zoning is limited to permitting that type of use.

The Subject Site should have the benefit of the motor vehicle uses that all of the surrounding properties to it have. It is clear that the intent of the Zoning Bylaw is to provide motor vehicle uses to this area, but the Subject Site was not given this permission because it was not needed at the time when the building was developed and occupied by TDL Group/Wendy’s Headquarters. The motor vehicle uses are now needed on the Subject Site to ensure its continued economic viability and there is no reason why it should not be added to the Subject Site given these uses are permitted as-of-right on surrounding properties.

Based on the above, we conclude that the Application meets the general intent and purpose of the Zoning By-law, particularly since the existing area comprised of the E2 and E3 zone, which all benefit from Special Provision 3, permit the motor vehicle uses.

(iii) Desirable and Appropriate Development

Post Scriptum seeks to repurpose the existing building, to accommodate a future motor vehicle dealership. By doing this, Post Scriptum is deploying an environmental first approach.

Further, the Application represents a desirable and appropriate fit with the surrounding area and can be appropriately accommodate the use in the existing building.

We also note that the Application, if approved, will accommodate 45-50 employees that typically are part of a motor vehicle dealership, and possibly more with the other complimentary uses set out in Special Provision 3. The approval of the Application therefore enhances the Subject Site's contribution towards the economic viability of the Town.

Overall, the variance is desirable and appropriate development by allowing for the repurposing of the existing building for a use that will contribute to the economic viability of the Town.

(iv) Is the Variance Minor in Nature

In respect of whether the variance is "minor in nature", the primary consideration is whether the minor variance requested will have any adverse impact. This will not occur as the proposed uses are situated on a large lot, within an existing building, surrounded by land uses that are compatible and similar with what is proposed for the Subject Site.

We therefore conclude that the variance is minor in nature.

OTHER STATUTORY REQUIREMENTS

The Act and Matters of Provincial Interest

Section 2 of the *Planning Act* establishes matters of provincial interest to which the Committee, shall have regard to in carrying out its responsibilities. In our opinion, the Application has had appropriate regard for the relevant matters in section 2 of the *Planning Act*, including, in particular, subsection 2(k) *the adequate provision of employment opportunities*;

Provincial Policy Statement 2024

The Provincial Policy Statement, 2024 (PPS 2024) provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. The PPS 2024 also contains employment policies in Section 2.8 that contain direction to support and enhance opportunities. For the same reasons stated above, it is our opinion that the Application is consistent with the PPS 2024 because it promotes employment in the Town consistent with Section 2.8.

OVERALL CONCLUSION

The requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development of the Subject Site and is minor in nature for all of the preceding reasons.

In satisfaction of the filing requirements for this Application, please find enclosed copies of the following materials:

1. Completed Application for Minor Variance, duly completed and executed;
2. Site plan showing the existing built form;
3. Property PIN Abstract 24828-0028 (LT);
4. PIN Map; and,
5. Plan 20R7606.

The required fees will be remitted to the Town upon acceptance of this Application. Please provide details to make an electronic transfer payment.

We look forward to acknowledgement of receipt of this Application and confirmation of a hearing date.

Thank you for your attention to this matter.

Should you have any further questions, please do not hesitate to contact the undersigned or Paul Chronis, Senior Planner in or office at pchronis@weirfoulds.com or by calling 416.460.0038.

Yours truly,

WeirFoulds LLP



Raj Kehar
Partner

RK

cc: Client

APPENDIX “A”

Special Provisions

6	TDL Group/Wendy’s Headquarters, 226, 228, and 240 Wycroft Road and 874 Sinclair Road (Part of Lot 17, Concession 3 S.D.S.)	Parent Zone: E2 (2014-014) (2015-079)
Map 19(7)		
15.6.1 Zone Provisions for All Lands		
The following regulations apply to all lands identified as subject to this Special Provision:		
a) <i>Restaurant</i> , and Footnote 6 of Table 10.2, relating to maximum <i>net floor area</i> , shall not apply (2015-079)		
15.6.2 Parking Provisions for Block 1 Lands		
The following parking regulations apply:		
a)	Minimum number of <i>parking spaces</i> for all <i>uses</i> on lands identified as Block 1 on Figure 15.6.1	1.0 per 39.0 m ² <i>net floor area</i>
b)	Parking spaces required by this By-law can be provided on any lot subject to this Special Provision.	
15.6.3 Special Site Figures		
Figure 15.6.1		
<p>Special Provision 6</p>		

3	Additional Motor Vehicle Use Permissions	Parent Zones: E2, E3 (2014-014) (2017-025)
Various		

The following additional *uses* are permitted on lands subject to Special Provision 3, as denoted by the symbol “✓” in the column applicable to the parent Zone and corresponding with the row for a specific permitted *use*, below.

Table 15.3: Additional Permitted Motor Vehicle Uses		
Use	E2	E3
<i>Motor vehicle body shop</i>	✓ (1)(2)	✓ (4)
<i>Motor vehicle dealership</i>	✓ (1)(3)	
<i>Motor vehicle rental facility</i>	✓ (2)(3)	
<i>Motor vehicle repair facility</i>	✓ (2)	✓ (4)
<i>Motor vehicle washing facility</i>	✓ (1)(2)	✓ (4)

Additional Regulations for Table 15.3

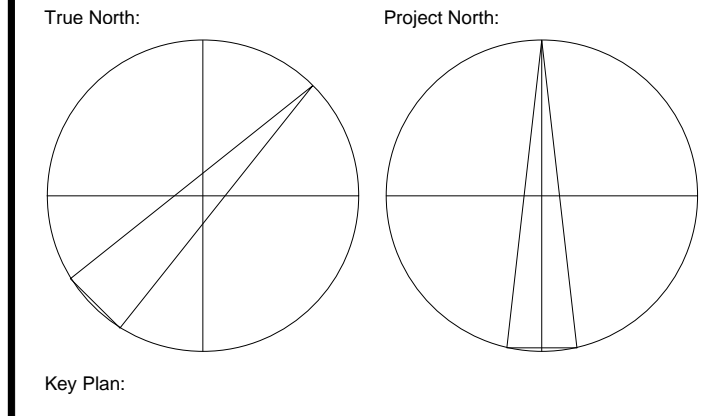
1. Not permitted on a *lot* abutting a Residential Zone.
2. Shall not be permitted on a *lot* abutting the *highway corridor* unless in conjunction with a *motor vehicle dealership*.
3. An *outside display and sales area* is additionally permitted as an *accessory use*. Inventory in an *outside display and sales area* in any *yard* abutting the *highway corridor* is limited to cars, vans, and light trucks designed to be used for the transport of passengers only.
4. Not permitted on a *lot* abutting the *highway corridor*.

105	399 Speers Road	Parent Zone: E2
Map 19(7)	(Part of Lots 18 and 19, Concession 3 S.D.S.)	(1978-51) PL140317
15.105.1 Additional Permitted Uses		
The following additional <i>uses</i> are permitted:		
a)	<i>Outside display and sales area</i>	
b)	<i>Outside storage, but in a rear yard only</i>	
c)	<i>Retail store</i>	
d)	<i>Service commercial establishment</i>	
e)	The permissions and regulations of Special Provision 3 shall additionally apply	
15.105.2 Zone Provisions		
The following regulation applies:		
a)	Maximum <i>net floor area</i> for <i>retail stores</i> and <i>service commercial establishments</i>	6,112.0 sq.m
b)	Footnote 6 of Table 10.2, related to maximum <i>net floor area</i> , shall not apply.	

332	485 Morden Road	Parent Zone: E2
Map 19(7)	(Part of Lot 16, Concession 3 S.D.S.)	(2014-014)
15.332.1 Additional Permitted Uses		
The following additional <i>uses</i> are permitted:		
a)	<i>Place of worship</i>	
b)	The permissions and regulations of Special Provision 3 shall additionally apply	
15.332.2 Zone Provisions		
The following regulations apply:		
a)	Maximum <i>lot area</i> for a <i>place of worship</i>	As legally existing on the effective date of this By-law

348	480 Wycroft Road	Parent Zone: E3
Map 19(7)	(Part of Lot 20, Concession 3 S.D.S.)	(2014-014)
15.348.1 Zone Provisions		
The following regulations apply:		
a)	A <i>heavy vehicle parking area</i> is additionally permitted in the <i>front yard</i> , but only contiguous with a <i>surface parking area</i>	
b)	Minimum setback for a <i>heavy vehicle parking area</i> from all <i>lot lines</i> in a <i>front yard</i>	
c)	The permissions and regulations of Special Provision 3 shall additionally apply	

368	410 and 2071 South Service Road West	Parent Zone: E2
Maps 19(5) and (7)	(Part of Lots 19 and 26, Concession 3 S.D.S.)	PL140317
15.368.1 Zone Provisions		
The following regulations apply:		
a)	Section 5.6(d), relating to <i>loading space</i> locations, shall not apply to <i>loading spaces</i> legally existing on February 25, 2014.	
b)	The permissions and regulations of Special Provision 3 shall additionally apply	



PART 3, 20R-20683

1- 05/06/20 EXISTING CONDITION



SMDA Design Ltd. 482 South Service Rd. E., unit 118 Oakville ON L6J 2X6
 Belinda Jones Architect 159 Martin St. Milton ON L9T 2R3

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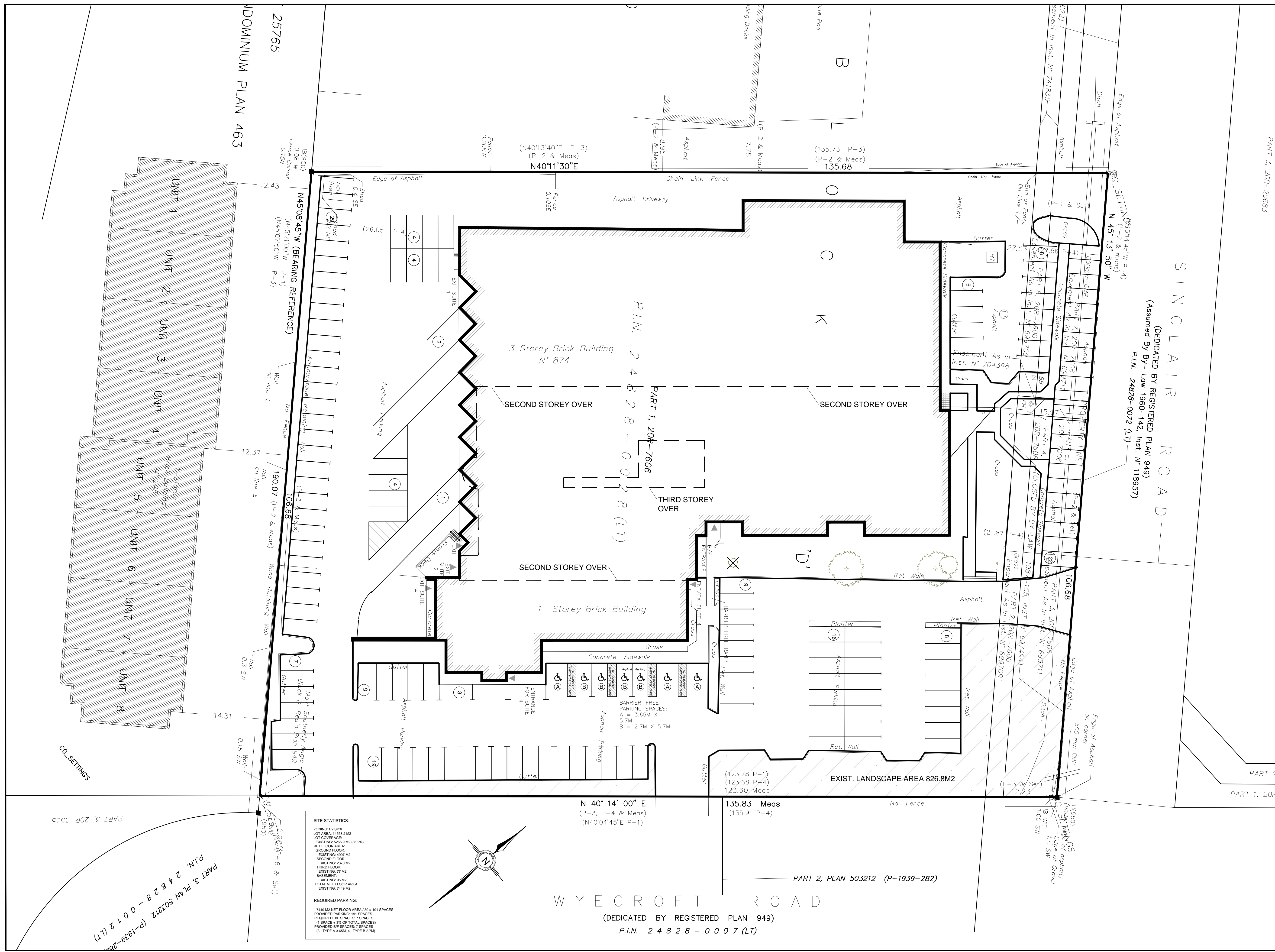
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Project: **874 SINCLAIR ROAD OAKVILLE, ONTARIO**

Sheet Title: **EXISTING SITE PLAN**

Design By:	Drawn By:	Approved By:
Scale: 1:300	Date: MAY 06, 2020	Project No:
Drawing No:		

S001.0

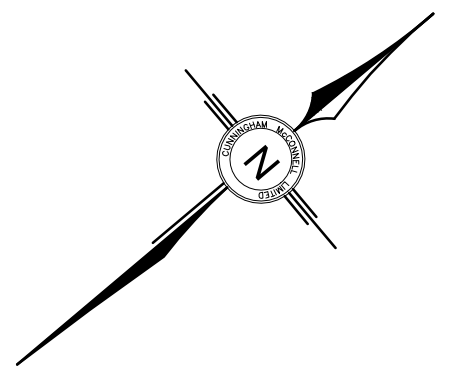


SITE STATISTICS:

ZONING: E2 SPA
LOT AREA: 1403.2 M2
LOT COVERAGE: 6.0%
EXISTING: 506.9 M2 (36.2%)
NET FLOOR AREA:
GROUND FLOOR: 4807 M2
EXISTING: 2370 M2
SECOND FLOOR: 77 M2
EXISTING: 77 M2
THIRD FLOOR: 195 M2
EXISTING: 195 M2
TOTAL NET FLOOR AREA: 7469 M2
EXISTING: 7469 M2

REQUIRED PARKING:

7469 M2 NET FLOOR AREA / 70 = 107 SPA
PROVIDED PARKING: 191 SPACES
REQUIRED BY SPACES: 7 SPACES
(1 SPACE + 3% OF TOTAL SPACES)
PROVIDED BY SPACES: 7 SPACES
(3 - TYPE A 3.66M, 4 - TYPE B 2.7M)

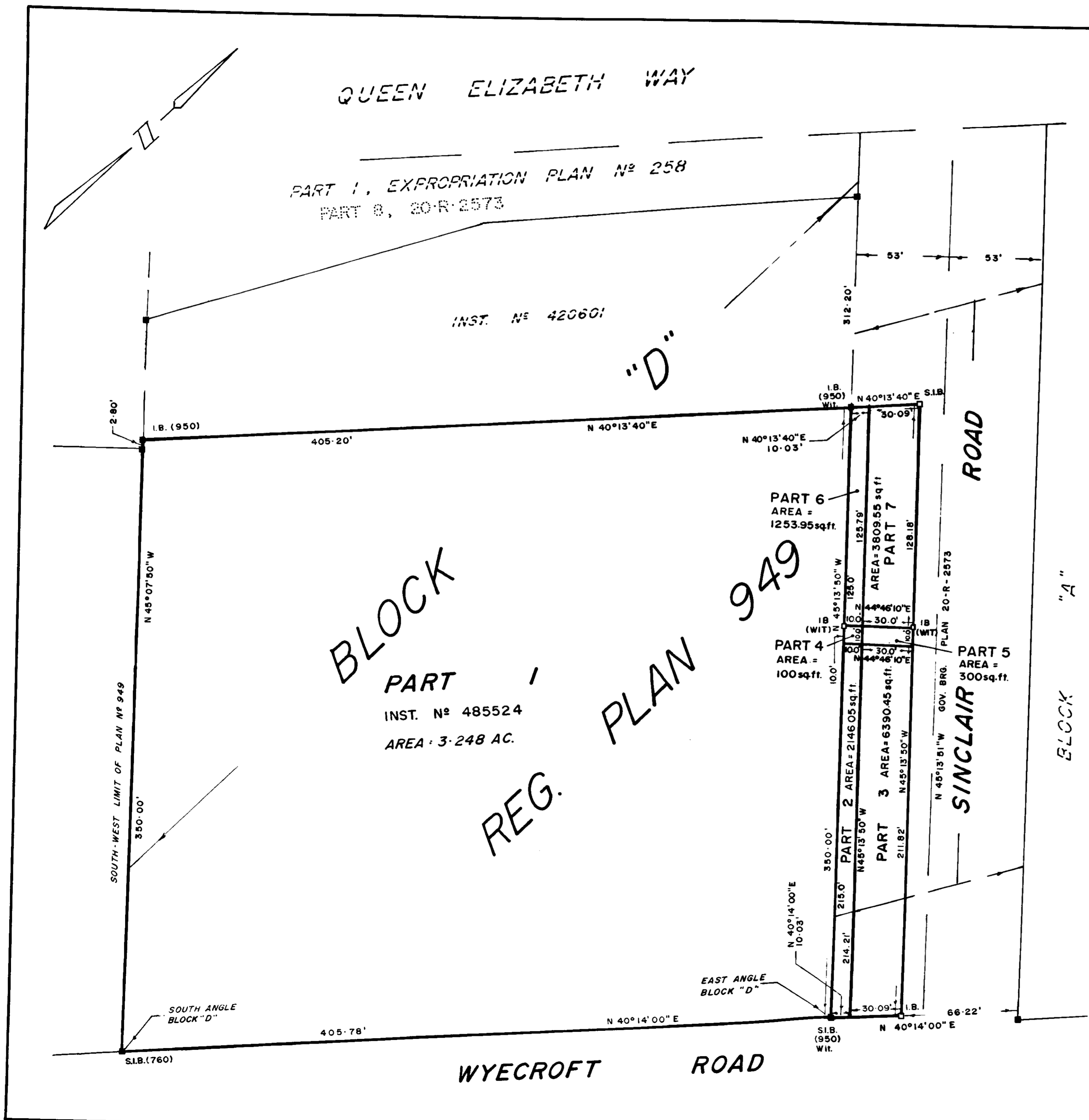


WYECROFT ROAD
 (DEDICATED BY REGISTERED PLAN 949)
 P.I.N. 2 4 8 2 8 - 0 0 0 7 (L7)

PART 3, PLAN 502212 (P-1939-282)
 P.I.N. 2 4 8 2 8 - 0 0 1 2 (L7)

ADJACENT DOMINIUM PLAN 463

SINCLAIR ROAD
 (DEDICATED BY REGISTERED PLAN 949)
 (Assumed By By-Law 1960-142, Inst. N° 118957)
 P.I.N. 24828-0072 (L7)



PLAN MATERIAL
 PLASTIC MATERIAL - NYLON
 GAUGE 0.003"
 PROCESS - ORIGINAL
 INK - SPECIAL "T"

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

PLAN 20-R-7606
 RECEIVED AND DEPOSITED

(DATE) JULY 28, 1986

(DATE) 6 Aug 1986

Fred G. Cunningham
 FRED G. CUNNINGHAM
 ONTARIO LAND SURVEYOR

Carol Mitchell
 DEPUTY LAND REGISTRAR FOR THE REGISTRY DIVISION OF HALTON (Nº 20)

PART	BLK	PLAN	OWNER	INST. Nº	AREA
1	D		TIM DONUTS LIMITED	485524	3.248 AC.
2	SINCLAIR ROAD	949	TOWN OF OAKVILLE	DEDICATION	2146.05sq.ft.
3					6390.45sq.ft.
4					100 sq.ft.
5					300 sq.ft.
6					1253.95sq.ft.
7					3809.55sq.ft.

CAUTION THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

PLAN OF SURVEY OF
 PART OF BLOCK 'D' and
 PART OF SINCLAIR ROAD
 REG. PLAN Nº 949
 TOWN OF OAKVILLE
 REGIONAL MUNICIPALITY OF HALTON
 SCALE: 1 inch = 40 feet
 FRED G. CUNNINGHAM INC.
 ONTARIO LAND SURVEYORS
 1986

Bearing Note

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE CENTRE LINE OF SINCLAIR ROAD AS N 45°13'51"W AS SHOWN ON PLAN 20-R-2573

Legend

- S.I.B. DENOTES STANDARD IRON BAR (1" x 1" x 48" long)
- I.B. DENOTES IRON BAR (5/8" x 5/8" x 24" long)
- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- Wit. DENOTES WITNESS
- 760 DENOTES K.H. McCONNELL, O.L.S.
- 950 DENOTES F.G. CUNNINGHAM, O.L.S.
- O/U DENOTES ORIGIN UNKNOWN

Surveyor's Certificate

I CERTIFY THAT:
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
 2) THE SURVEY WAS COMPLETED ON THE 14th DAY OF JULY 1986
 DATE: JULY 17, 1986

Fred G. Cunningham
 FRED G. CUNNINGHAM O.L.S.



FRED G. CUNNINGHAM
 INCORPORATED
 ONTARIO LAND SURVEYORS
 455 TRAFALGAR ROAD 205 MAIN STREET
 OAKVILLE MILTON
 L6J 3H8 L9T 1N7
 (416) 845-5214 (416) 878-6672

SEAL