

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/139/2025

RELATED FILE: N/A

DATE OF MEETING:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca on Wednesday, October 15, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
Post Scriptum Holdings Inc. (C. Cross)	Paul Chronis WeirFoulds LLP 66 Wellington St W Unit 4100 Toronto ON, M5K 1B7	874 Sinclair Rd PLAN 949 PT BLK D 43R 20 - 2- 7606 PT 1,2,4,6

OFFICIAL PLAN DESIGNATION: Business Employment

ZONING: E2 sp: 6, Employment

WARD: 2

DISTRICT: West

APPLICATION:

Variance Request

A minor variance application has been filed with the Town of Oakville under Section 45 (1) and 45 (2) of the *Planning Act* to permit the following uses:

- Motor vehicle body shop
- Motor vehicle rental facility
- Motor vehicle dealership
- Motor vehicle repair facility
- Motor vehicle washing facility

Whereas table 10.2 of zoning by-law 2014-014 does not permit such uses in the E2 sp: 6 zone.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning & Development:

(Note: Planning & Development includes comments from the relevant District teams, including Heritage, Urban Design, Policy and Development Engineering)

A/139/2025 - 874 Sinclair Rd (West District) (OP Designation: Business Employment)

The applicant proposes a minor variance to permit a motor vehicle body shop, motor vehicle rental facility, motor vehicle dealership, motor vehicle repair facility, and motor vehicle washing facility, whereas table 10.2 of the Zoning By-law does not permit such uses in the E2 sp: 6 zone.

A pre-consultation meeting was held on June 11, 2025 where the applicant was advised that a Zoning By-law amendment is more appropriate to permit the proposed uses, concluding after the Town's comprehensive employment study is complete, and the application should be supported by plans demonstrating how conformity with policy 14.4.3 and 14.4.4 will be achieved. It is noted that the plans were not provided by the applicant as part of this application and the comprehensive employment study is not complete as of the date of this report.

Furthermore, while the notice for this variance request provides that it was submitted under 45(1) and 45(2) of the *Planning Act*, the applicant has not provided any material in their submission for assessing this application under 45(2) of the *Planning Act*. Notwithstanding the foregoing, staff have reviewed all variances under Section 45(1) and 45(2) of the *Planning Act*, as outlined below, starting with 45(1):

Recommendation:

Based on the analysis below, it is staff's opinion that the application does not meet general intent and purpose of the Official Plan and Zoning By-law, and is not minor in nature, and requires additional analysis to determine whether it is desirable for the appropriate development of the subject property.

Site Area and Context

The subject property is located directly south of the QEW and north of Wyecroft Road, between Dorval Drive and Kerr Street, and forms part of the Town's Employment Areas. The Town initiated a comprehensive study of the Employment Areas in response to the Province changing the definition of "area of employment" on October 20, 2024. The Town is in the process of conducting an Employment Areas Review to bring its Employment Areas into conformity with the new Provincial definition. Transition provisions have been implemented through three Official Plan Amendments (OPAs 068, 332, as modified, and 333), and adopted by Council to preserve the Town's protected Employment Areas pending completion of the Employment Areas Review. It is noted that OPAs 068, 332, as modified, and 333 have been appealed to the Ontario Land Tribunal.

Given that the subject lands are located within a protected employment area pursuant to the foregoing OPAs, and that the proposed use (motor vehicle facility) does not constitute an employment use as defined by the Province, the initiation of an application proposing a change of use should be deferred until a recommendation on the comprehensive employment study is brought forward to Council. If it is determined that the subject lands will be maintained as part of a protected employment area, the proposed use would be prohibited. It is anticipated that the comprehensive employment study will be completed in Q1 of 2026.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Business Employment in the Livable Oakville Official Plan, and forms part of the Town's Employment Areas.

The intent of the Business Employment designation is to provide for a wide range of business and industrial uses. It is further noted that uses in this designation are intended to be predominantly within enclosed buildings and provide for office uses and light service industrial operations with minimal impacts on the surrounding areas.

Policy **14.4.1**, Permitted Uses, states:

- “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.”
- “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;”

Policy **14.4.3** states:

“Business Employment uses shall occur primarily within enclosed buildings.”

Policy **14.4.4** states:

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

Further, policies adopted by Town Council on October 15, 2024 through Official Plan Amendment 68 (currently under appeal at the Ontario Land Tribunal) state:

- “**14.1.1 a)** Notwithstanding sections 3.7 and 29.5, and policies under sections 14.1, 14.2, 14.3, 14.4, 14.5, and 14.6, after October 19, 2024, new institutional and commercial uses, including retail and office uses, not referred to in paragraph 1 of subsection 1 (1) of the Planning Act shall not be permitted within the Employment Area designations of Office Employment, Business Employment, Industrial and Business Commercial.”
- “**14.1.1 b)** Notwithstanding 14.1.1. a), parcels of land within the Employment Area designations of Office Employment, Business Employment, Industrial and Business Commercial that were used for uses excluded from the definition “area of employment” in paragraph 2 of subsection 1 (1) of the Planning Act, that were lawfully established on or before October 19, 2024, may continue to be used for such purposes pursuant to subsections 1 (1.1) and (1.2) of the Planning Act.”

It is noted that no plans of the proposed use were provided to determine conformity with the foregoing policies. Furthermore, as the subject property was not operating as a motor vehicle facility prior to October 19, 2024, staff are of the opinion that the proposed change in use does not align with the intent of the new policies adopted by Town Council through the transition provisions of Official Plan Amendment 68. These policies were specifically developed to preserve and protect the Town’s Employment Areas until the completion of the ongoing Employment Areas Review. Accordingly, it is staff’s opinion that the proposal, as presented, does not meet the intent of both the in effect and Council-adopted Official Plan policies.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – to permit the following uses in the E2 sp: 6 zone, whereas, Zoning By-law 2014-014 does not permit such uses:

- Motor vehicle body shop
- Motor vehicle rental facility
- Motor vehicle dealership
- Motor vehicle repair facility
- Motor vehicle washing facility

The Zoning By-law establishes the range of uses that may be undertaken on a property in accordance with the policy direction of the Official Plan. All of the uses proposed are specifically not permitted by the By-law. The intent of the By-law is to not permit the proposed uses. It is staff's opinion that the proposal is not considered to maintain the general intent and purpose of the Zoning By-law. Where a new or different use is proposed that is not currently permitted, staff are of the opinion that a Zoning By-law Amendment is a more appropriate mechanism to evaluate the proposed use and determine whether the change of use aligns with the broader land use framework.

Is the proposal minor in nature or desirable for the appropriate development of the subject lands?

It is staff's opinion that the variance proposed is not minor in nature and requires more in depth analysis to determine whether it is desirable for the appropriate development of the subject lands. Staff are of the opinion that this proposal should undergo more in-depth evaluation through a Zoning By-law Amendment application as additional studies and information is required for a recommendation to be made. In addition, this determination should be made after the Town's comprehensive employment study is complete.

Note:

In determining whether the application should be approved pursuant to Section 45(2) of the *Planning Act*, the variances must be evaluated on the basis of the following two tests:

1. Whether the application is desirable for appropriate development of the subject property; and,
2. Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

As noted above, the applicant submitted their application without supporting plans, and in advance of the Town's comprehensive employment study being completed. Furthermore, the application did not include justification or information which substantiated why this application could be considered under Section 45(2) of the *Planning Act*. In order to consider the application under Section 45(2) a) of the *Planning Act* the land, building or structure, on the day the by-law was passed, is required to be lawfully used for a purpose prohibited by the by-law. There is no evidence submitted to support the foregoing. Furthermore, Section 45(2) b) of the *Planning Act* can only be considered where the uses of land, buildings or structures permitted in the by-law are defined in general terms. In staff's assessment this is not applicable, as the proposes uses are specifically not permitted.

Notwithstanding the foregoing, based on the information submitted, and without the benefit of knowing what precisely is being proposed, nor the outcome of the

comprehensive employment study, it is staff's opinion that the tests of 45 (2) are not met.

Bell Canada: No comments received.

Finance: No comments received.

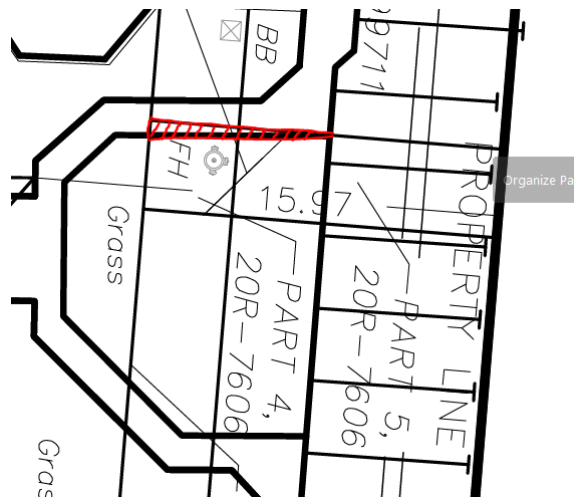
Fire: No concerns.

Oakville Hydro: No comments.

Halton Region:

CAV A/139/2025 – C. Cross, 874 Sinclair Road, Oakville

- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan, as this has become the responsibility of Halton's four local



municipalities.

- Regional staff note that there is a Regional easement on the Subject Property. Buildings, structures, landscaping, and other encumbrances are not to be constructed or placed on existing or proposed Regional easements. Regional easement rights must be maintained at all times and not be infringed upon. Therefore, Regional staff require the following materials to ensure that Regional easement rights are maintained:
 - A revised site plan drawing identifying the easement in relation to the proposed development and site alternations.
 - A portion of the proposed concrete sidewalk, as illustrated in the diagram below, encroaches upon the Regional easement. Accordingly, Regional staff request that the site plan be revised to ensure the easement area remains unobstructed and entirely clear.
 - Regional staff require that the applicant contact Regional staff to provide the aforementioned information.
- Regional staff note that the above-noted concern remains outstanding and therefore requests deferral of the proposed minor variance application seeking

relief under Section 45(1) of the Planning Act in order to permit the following uses on the Subject Property:

- Motor vehicle body shop;
- Motor vehicle rental facility;
- Motor vehicle dealership;
- Motor vehicle repair facility;
- Motor vehicle washing facility;

The deferral is requested until the Applicant provides Halton Region with the required materials.

Transit: No comments received.

Union Gas: No comments received.

Email(s) / Letter(s) in support – None

Email(s) / Letter(s) in opposition – None

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment