APPLICATION FOR MINOR VARIANCE

TO: Township of South-West Oxford Committee of Adjustment
MEETING: August 8, 2017
REPORT NO: 2017-231

OWNER: Gil Shcolyar
182 Brookside Road, Richmond Hill, ON L4C 9W5

VARIANCES REQUESTED:
Relief from Section 17.2, Highway Commercial Zone Provisions to reduce the front yard minimum depth from the required 15 m (49.2 ft.) to 3 m (9.8 ft.); and

Relief from Section 17.2.4, Requirements for Pump Islands to reduce the minimum distance between any portion of the pump island to any lot line from the required 7.5 m (24.6 ft.) to 4.5 m (14.7 ft.) to facilitate the construction of an approximate 96.6 m² (1,039.8 ft²) pump island canopy on the subject property.

LOCATION:
The subject property is legally described as Part Lot 10, Concession 5, (Dereham) and Part 2, Reference Plan 41R-2894, in the Township of South-West Oxford. The subject property is located on the east side of Plank Line, south of Mount Elgin Road and is municipally known as 333198 Plank Line in Mount Elgin.

BACKGROUND INFORMATION:

County of Oxford Official Plan:

Schedule “C-3” County of Oxford Settlement Strategy Plan Serviced Village
Schedule "S-1" Township of South-West Oxford Land Use Plan Settlement
Schedule “S-2” Village of Mount Elgin Land Use Plan Service Commercial
Township Zoning By-Law: Highway Commercial Zone (HC)

Surrounding Uses: Mount Elgin Community Centre to the north and east and low density residential to the south and west

**COMMENTS:**

(a) **Purpose of the Application:**

The applicant is proposes to obtain relief from the above-noted provisions of the Township of South-West Oxford Zoning By-law to permit the construction of a pump island canopy associated with an automobile service station on the subject property.

The owners have indicated that the variances are required due to the location of the existing service station building and pump island in combination a previous road widening along Plank Line that was dedicated to the Province.

It is noted that the Ministry of Transportation has issued a permit to construct a 98 m² (1,054.9 ft²) canopy on the subject property (see attached).

The subject property is approximately 0.42 ha (1.05 ac.) in area and contains an automobile service station, pump island, accessory single detached dwelling and accessory storage building.

Plate 1 - Existing Zoning & Location Map, shows the location of the subject lands and the zoning in the immediate vicinity.

Plate 2: Air Photo (2015), provides an aerial view of the subject lands and shows the location of the existing buildings on the subject property.

Plate 3: Applicant’s Sketch, identifies the location of the existing dwelling, pump island and proposed canopy on the subject property.

(b) **Agency Comments:**

This application has been reviewed by a number of public agencies.

The Ministry of Transportation offered the following comments:

MTO have no objection to the proposed minor variance. The applicant was provided an MTO Building and Land Use permit for construction of the canopy, construction of which is to commence within 6 months of the date of permit.

In accordance with our permits, the applicant is to meet all municipal requirements.

The Township of South-West Oxford Chief Building Official provided the following comments:

The proposed canopy will need to comply with limiting distance and spatial separation under the Ontario Building Code. From a zoning aspect there are no building relating issues.

The remainder of the responding agencies, including the County of Oxford Public Works Department, County of Oxford Public Health & Emergency Services Department and County of Oxford Source Water Protection Program Coordinator indicated that they have no concerns or comments regarding the application.
(c) **Intent and Purpose of the Official Plan:**

Service Commercial areas within the Serviced Village designation are to provide locations for a broad range of commercial uses that, for the most part, are not suited to locations within the Village Core because of their site area, access or exposure requirements or due to compatibility conflicts with residential development. Generally, Service Commercial uses cater to vehicular traffic and single purpose shopping trips where customers are typically drawn from passing traffic or a wide ranging market area.

Uses permitted within the Service Commercial designation include automotive sales and services, including gas bars and car wash facilities, farm implement sales, convenience commercial uses, and recreation and entertainment uses, restaurants and fast food outlets among other uses.

A canopy for a pump island is considered to be accessory to the permitted use. Based on the above, it is Planning staff’s opinion that the proposal is consistent with the general intent and purpose of the Official Plan respecting service commercial uses.

(d) **Intent and Purpose of the Zoning By-law:**

The subject property is zoned Highway Commercial Zone (HC) in the Township’s Zoning By-law. Section 17.1 permits a number of commercial uses including an automobile service station, an eating establishment, a motor vehicle sales establishment as well as a single detached dwelling if occupied by the owner or an employee of the commercial use on the lot.

Front yard depth required on HC-zoned properties are generally to ensure that adequate area exists between the building and street line for on-site parking and also to provide sufficient area for turning movements and to ensure safe access and egress to the property.

Similarly, setbacks for pump islands to adjacent property boundaries are to ensure adequate space exists for safe turning movements and to minimize potential impacts on neighbouring properties.

In view of the comments received from various agencies it is Planning staff’s opinion that the proposed canopy will not impact the movement of vehicles and pedestrians or otherwise interfere with access to and from the site, and therefore the intent and purpose the Township’s Zoning By-law is being maintained.

(e) **Desirable Development/Use:**

It is the opinion of this Office that the requested relief to reduce the front yard minimum depth and the minimum distance between any portion of the pump island and any lot line to facilitate the construction of a canopy on the subject property is minor in nature.

The owners have indicated that the variances are required due to the location of the existing building and pump island on the property relative to the front property boundary. It is of note that the Ministry of Transportation has issued a permit to construct a 98 m² (1,054.9 ft²) canopy on the subject property, subject to municipal approvals (i.e. this minor variance application).

The proposed canopy is not anticipated to have any impact the movement of vehicles and pedestrians on the property or access to and from the site. Further, the proposed relief will not interfere with the normal use of abutting properties and as a result, the proposal is considered to be desirable development for the subject property.
The proposed relief maintains the intent and purpose of the Official Plan as well as the Township’s Zoning By-law and should be given favourable consideration by the Committee.

**RECOMMENDATION:**

That the Township of South-West Oxford Committee of Adjustment approve Application A08-17, submitted by Gil Shcolyar for lands described as Part Lot 10, Concession 5, (Dereham) and Part 2, Reference Plan 41R-2894, municipally known as 333198 Plank Line, in the Township of South-West Oxford as it relates to:

Relief from **Section 17.2, Highway Commercial Zone Provisions** to reduce the required minimum front yard depth from 15 m (49.2 ft.) to 3 m (9.8 ft.); and

Relief from **Section 17.2.4, Requirements for Pump Islands** to reduce the required minimum distance between any portion of the pump island to any lot line from 7.5 m (24.6 ft.) to 4.5 m (14.7 ft.) to facilitate the construction of an approximately 96.6 m² (1,039.8 ft²) gas bar canopy on the subject property.

Whereas the variances requested are:

(i) minor variances from the provisions of the Township of South-West Oxford Zoning By-law No. 25-98;

(ii) are desirable for the appropriate development or use of the land, building or structure;

(iii) are in keeping with the general intent and purpose of the Township of South-West Oxford Zoning By-law No. 25-98; and

(iv) are in keeping with the general intent and purpose of the County Official Plan.

Authored by: Original Signed by Ron Versteegen, MCIP, RPP, Senior Planner

Approved for submission by: Original Signed by Gordon K. Hough, RPP, Director

Aug 1/17
RV/rv
Plate 1 - Existing Zoning & Location Map
File No.: A-08-17, Gil Shcolyar, 333198 Plank Line, Township of South-West Oxford

Legend
- Parcel Lines
  - Property Boundary
  - Assessment Boundary
  - Unit
  - Road
  - Municipal Boundary
- Environmental Protection/Flood Overlay
  - Flood Fringe
  - Floodway
  - Environmental Protection (EP1)
  - Environmental Protection (EP2)
- Zoning
  - Floodlines/Regulation Limit
    - 100 Year Flood Line
    - 30 Metre Setback
    - Conservation Authority Regulation Limit
    - Regulatory Flood And Fill Lines
- Zoning (Displays 1:16000 to 1:500)

Notes
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey.
Plate 2 - Air Photo (2015)
File No.: A-08-17, Gil Shcolyar, 333198 Plank Line, Township of South-West Oxford

Legend

- Parcel Lines
  - Property Boundary
  - Assessment Boundary
  - Unit
  - Road
  - Municipal Boundary

Notes

NAD_1983_UTM_Zone_17N

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July 28, 2017
Ministry of Transportation

ISSUED TO: Gil Shcolyar
182 Brookside Road
Richmond Hill, Ontario, L4C 9W5

PURPOSE: To construct a 98 m² gas bar canopy at the Esso Gas Station, #333198 Plank Line in Mt. Elgin.

PERMIT CONDITIONS:
Construction in accordance with the Arrangement Plan (Project No. 17-405) by Zoltan Engineering, stamped signed and dated March 2, 2017 (attached). Property located on the east side of Highway 19, approx 0.33 km south of Mt. Elgin Road 18. Additional Building & Land Use Permits from MTO shall be obtained before construction commences for future works on this site. Any future signs visible from Highway 19 will require additional Sign Permits from MTO.

(ETR: 226-19/29-0 Sta: 21+235 Rt)

LOT: 10 CON: 5 PT/BLK: 41R-2894
GEOGRAPHIC TOWNSHIP: Dereham
MUNICIPALITY: Township of South-West Oxford
COUNTY/DIST/REG.: Oxford
SIZE OF BLDG.: 98 m² DIST. FROM HWY. PROPERTY LINE: 3.00 metres

EXPIRY DATE:
*Construction must be started within six(6) months of date of issued or this permit shall be void.

THIS PERMIT IS ISSUED UNDER THE AUTHORITY VESTED IN THE MINISTER BY THE PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT AND THE REGULATIONS PURSUANT THERETO AND IS SUBJECT TO THE CONDITIONS ON THE BACK HEREOF.

DATED AT: London ON: *March 29, 2017

Head, Corridor Management Section