

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – 2341209 Ontario Inc.
Report Number COA2018-073

Public Meeting

Meeting Date: November 8, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 16– geographic Township of Manvers

Subject: The purpose and effect is to request relief from the following zone provisions in order to permit an addition to the Bethany General Store:

1. Section 12.2(c) to reduce the rear yard setback on a through lot from 15 metres to 10 metres inclusive of eaves and gutters;
2. Section 12.2(g) to increase the maximum lot coverage from 25% to 37%;
and
3. Section 20.12(a) to reduce the number of required parking spaces from 14 to 11.

The variances are requested at 1473 Highway 7A, geographic Township of Manvers (File D20-2018-056).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-073 2341209 Ontario Inc., be received;

THAT minor variance application D20-2018-056 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the addition related to this approval shall proceed substantially in accordance with the sketch and elevations in Appendices C and D submitted as part of Report COA2018-073, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** prior to the issuance of a building permit, the Chief Building Official or his/her designate shall submit written confirmation to the Secretary-Treasurer that the shed to the immediate north of the dwelling on the subject property has been relocated so that it maintains a setback of 1.3 metres from the west side lot line and a setback of 1.3 metres from the dwelling;

- 3) **THAT** prior to the issuance of a building permit, the Chief Building Official or his/her designate shall submit written confirmation to the Secretary-Treasurer that the shed to the immediate north of the commercial use and occupies a portion of the footprint for the proposed addition has been removed from the property;
- 4) **THAT** prior to the issuance of a building permit, the owner's application to have Lot 4, Registered Plan 5 be subject of a Deeming By-law in accordance with Subsection 50(4) of the Planning Act be approved by Council and the by-law be in effect.
- 5) **THAT** the building construction related to the minor variances shall be completed within a period of twenty four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-073. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The owner is applying for an expansion to the Bethany General Store.

This application was last amended October 22, 2018.

Through pre-screening, the applicant was made aware of the need to apply for a deeming by-law to consolidate Lot 4 with Part of Lot 5 on Registered Plan 5. Deeming by-law application D30-2018-014 was submitted concurrently with the variance application.

Proposal: To permit the construction of a storage and receiving area measuring approximately 8.23 metres x 7.18 metres. (27 feet x 23.6 feet) to the north of the existing store.

Owners: 2341209 Ontario Inc. c/o Ho Young Kwak

Applicant: Carla Gray

Legal Description: Part Lot 24, Concession 8, Lot 4, Part Lot 5, Plan 5, geographic Township of Manvers, City of Kawartha Lakes

Official Plan: Hamlet Settlement Area within the City of Kawartha Lakes Official Plan

Zone: General Commercial (C1) Zone within the Township of Manvers Zoning By-law 87-06

Site Size: 1,265.8 square metres

Site Servicing: Two private individual wells and one holding tank.

Existing Uses: Residential, Commercial (Bethany General Store)

Adjacent Uses: North: Community Facility (Bethany United Church),
Residential
South: Community Facility (Bethany Library), Commercial
(Williams Design Studio)
East: Commercial (TD Canada Trust), Residential
West: Residential

Rationale:

**1) Are the variances minor in nature? Yes
And**

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is located within the centre of the hamlet of Bethany. The property consists of a building which runs the length of the frontage along Highway 7A with the exception of a driveway on the far east side which provides access to the rear parking lot. The west side of the building is a two storey dwelling. The balance of the building is a single storey store (Bethany General Store).

The application, if approved, is anticipated to enhance the function of the site. The rear addition will provide for a receiving area for the store and allow delivery trucks to park fully on the property instead of within the Highway 7A corridor to make deliveries.

As the addition is not adding floor space for customers, the need for additional on-site parking is not anticipated. Additionally, while there is a rear parking area, it appears that is not the preferred parking site for customers as the majority of the observed parking activity was in-front of the store on the paved surface between the travelled portion of the highway and the sidewalk. Therefore, the reduction in parking lot size to accommodate the addition is not anticipated to impact the functionality of the site or that of the surrounding uses.

The increased lot coverage is not anticipated to create an adverse massing impact as the addition will continue to maintain a setback of at least 10 metres from George Street, and will continue to be separated from this street by a parking lot.

Therefore, the variances are minor in nature and desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes

The subject property is zoned General Commercial (C1) Zone within the Township of Manvers Zoning By-law 87-06. The C1 Zone permits a wide assortment of commercial uses.

The intent of the zoning by-law is maintained as the receiving and storage area increases the functionality of an established commercial use. Additionally, the parking requirements are not anticipated to change as additional storage space is proposed rather than retail space for customers.

The property is located within Bethany's commercial centre. The hamlet is highly urbanized within this area, being characterized by buildings which are generally street-related. The reduction in the rear yard setback is appropriate for an urbanized setting, and is also sufficient to provide an adequate spatial separation from the residential and community facility uses to the north.

The existing lot coverage is approximately 30.24%. The increased lot coverage is not anticipated to create any adverse massing impacts due to the size and location of the addition that is being contemplated.

The addition is not anticipated to adversely impact the function of the rear yard, on-site parking will continue to be accommodated. The addition will not affect the available rear yard amenity area of the dwelling.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) **Do the variances maintain the intent and purpose of the Official Plan?**

Yes

The property is within the Hamlet Settlement Area designation of the City of Kawartha Lakes Official Plan (Official Plan). An objective of the designation is to maintain the amenities and services within the hamlets, which serve the hamlet residents and surrounding community and tourists.

As an addition is proposed to a commercial use that will enhance the function of said use, the proposal is in keeping with the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by full municipal services.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Building Division (October 25, 2018): No concerns.

Engineering and Corporate Assets Department (October 29, 2018): No concerns.

Public Comments:

No comments as of October 29, 2018.

Attachments:



Appendices A-E to
COA2018-073.pdf

- Appendix "A" – Location Map
 - Appendix "B" – Aerial Photo
 - Appendix "C" – Applicant's Sketch
 - Appendix "D" – Elevations
 - Appendix "E" – Department and Agency Comments
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Department File: D20-2018-056