

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – John Howard Society
Report Number COA2019-012

Public Meeting

Meeting Date: February 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 5 – Former Town of Lindsay

Subject: The purpose and effect is from Section 14.1 Residential (c) to permit a Crisis Care Residence use on the same floor as a commercial use. The effect is to permit the partial conversion of a main floor commercial use (office) to a Crisis Care Residence use.

The variance is requested at 31 Peel Street, former Town of Lindsay (File D20-2019-005).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-012 John Howard Society, be received;

THAT minor variance application D20-2019-005 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance proceeds generally in accordance with the plans submitted in Appendix “D” to Report COA2019-012 which show that the office and crisis care uses are able to interact with one another through their use of common spaces. This appendix shall be attached to Committees’ Decision.
- 2) **THAT** the building construction related to the minor variance 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 COA2019-012. Fulfillment the conditions are required for the Minor Variance to be considered final and binding.

Background: The John Howard Society is proposing to convert the majority of its office space in the existing two storey building for use as a crisis care residence. Two accessible bedrooms and an accessible washroom are proposed on the main floor. A portion of the main floor will continue to be used as office space for the Society.

This application was received December 19, 2018.

Proposal: To permit part of the main floor containing a commercial use (office) to be converted to residential use as a crisis care residence.

Owner: John Howard Society

Legal Description: Part of Lot 8, Plan 1, South of Peel Street, Parts 1 and 2, 57R-5220, former Town of Lindsay, now City of Kawartha Lakes

Official Plan: Central Business District Commercial within the Town of Lindsay Official Plan

Zone: Central Commercial (CC) Zone within the Town of Lindsay Zoning By-law 2000-75

Site Size: 551.83 square metres (5,939.8 square feet)

Site Servicing: Municipal water and sewer systems

Existing Uses: Office

Adjacent Uses: North: Commercial
South: Commercial
East: Residential, Commercial
West: Commercial, Residential

Rationale:

1) Is the variance minor in nature? Yes
And

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

The subject property is situated within the Lindsay Central Business District (CBD). The uses around the subject property are primarily commercial in nature, but there are some residential uses as well. Most of the residential uses are in the form of apartments on the upper levels of some of the commercial buildings. However, there are two semi-detached dwellings to the immediate east.

This portion of Peel Street contains a series of one and two storey buildings, the majority of which are commercial in appearance and do contain commercial uses. From the outside, the building on the subject property appears as a single

detached dwelling. As the proposed renovations are to the building's interior, no physical change to the streetscape is anticipated.

A crisis care residence use is permitted above a commercial use. Six crisis care rooms are proposed on the second floor. Adding two additional crisis care rooms on the rear portion of the first floor is not anticipated to significantly change the function of the site.

Due to the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law?

Yes

The subject property is zoned Central Commercial (CC) Zone within the Town of Lindsay Zoning By-law 2000-75.

The intent of the zoning by-law is to ensure that where a building contains commercial space on the main floor, that commercial space is not fragmented to make way for residential uses. This ensures that adequate commercial floor area remains for prospective and expanding businesses, and that commercial-looking storefronts are not converted to residential use.

The crisis care residence use is one of the services offered by the John Howard Society. Neither use will be fully independent of the other as each use will utilise the same building entrances, hallways and communal kitchen area for meal preparation. As the commercial and residential components of the Society's operations will interact with one another, a formal division is not being created between the two uses. Furthermore, the floor area on the main floor solely dedicated to crisis care residence use is proposed at the rear of the building, ensuring the office use remains in the most prominent area in the front of the building.

When a change of use is proposed on property which has legal non-complying status with respect to the number of parking spaces it provides, relief from the zoning by-law is not required unless the new use requires more parking than what the by-law requires for the existing use(s). The conversion of office use to crisis care use results in a reduction in the number of required parking spaces. Therefore, the property does not require relief from the parking provisions and is being brought closer to compliance with the parking provisions.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) Does the variance maintain the intent and purpose of the Official Plan?

Yes

As the Lindsay Secondary Plan is under appeal, the Town of Lindsay Official Plan (Official Plan) applies. Within the Official Plan, the property is designated Central Business District Commercial. Within this designation, a range of commercial uses are anticipated. Residential uses are also permitted within free-standing residential buildings and on the upper floors of a commercial

building. In this case, the intent of the Official Plan is being maintained as commercial office use is being maintained on the first floor and the type of residential use being proposed is a service offered by the organization which operates the office.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

A pre-consultation application was submitted, and it was identified through that process that a minor variance may be possible.

Servicing Comments:

The property is serviced by municipal water and sewer systems.

Consultations:

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

Agency Comments:

Engineering and Corporate Assets Department (February 11, 2019): No concerns.

Building Division (February 7, 2019): No concerns.

Public Comments:

No comments as of February 12, 2019.

Attachments:



Appendices A-E to
COA2019-012.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant’s Sketch

Appendix D – Department and Agency Comments

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Department Head: Chris Marshall, Director of Development Services

Department File: D20-2019-005