

**The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Leaver Holdings Inc.**

Report Number COA2019-013

Public Meeting

Meeting Date: February 21, 2019

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 – Former Village of Bobcaygeon

Subject: The purpose and effect is to request relief from Section 3.13(a) to reduce the parking requirement from 46 parking spaces to 18 parking spaces in order facilitate additions to an existing restaurant business, consisting of two seasonal patios (front and rear of the building), and supplementary seating in a banquet room on the lower level of the building.

The variance is requested at 17 King Street, former Village of Bobcaygeon (File D20-2019-006).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-013 Leaver Holdings Inc., be received;

THAT minor variance application D20-2019-006 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the building construction and parking reduction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-013, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** as part of the building permitting process, the owner shall obtain a change of use permit to convert the lower level space of the building from a dwelling use to a restaurant use. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the change of use permitting process has been completed and appropriate for the proposed development;

- 3) **THAT** the owner shall apply for an easement with the City of Kawartha Lakes to rectify the area containing the proposed 7 parking stalls abutting the easterly lot line that encroaches onto the neighbouring property at 77 William Street 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.
- 4) **THAT** the applicant shall apply for a Site Plan Exemption with the City of Kawartha Lakes respecting the operation of the restaurant and parking 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 approval pertains to the application as described in report COA2019-006. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The restaurant business currently operates on the main floor of the building with approximately 133 square metres of floor area dedicated to patrons, having about 100 seats for which 27 parking spaces are required while 17 parking spaces are presently available on the property (i.e. 63% parking). The existing residential space on the lower level of the building is proposed to be converted into a banquet room. With the other supplementary patio additions to the business (front and rear of building), approximately 88 square metres of extra floor area is anticipated to be dedicated to patrons, with 72 more seats that will require 19 more parking spaces. Adding 19 to the existing 27 parking requirement will make an overall of 46 parking spaces that will be required in total. Through this application, one (1) additional parking space is being proposed which will bring the available parking spaces to 18 (i.e. 39.1 % of the new 46 parking requirement). The proposed additional parking space will primarily function as a loading space when unoccupied by a patron's vehicle. As such, relief is being sought for a deficiency of 28 parking spaces (i.e. 60.9% of the new 46 parking requirement) in order to facilitate the expansion to the restaurant business.

This application was deem complete January 19, 2019.

Proposal: To add approximately 88 square metres (946 square feet) of floor area to a restaurant business that comprises of two seasonal patios (front and rear of the building), and a banquet room on the lower level of the building.

Owner: Leaver Holdings Inc.

Legal Description: 17 King Street East, Part Lots 10 and 11, Range 6 E, Plan 70, Former Village of Bobcaygeon, now City of Kawartha Lakes

Official Plan: Urban Settlement Area within the Victoria County Official Plan

Zone: Central Commercial (C1) Zone within the Village of Bobcaygeon Zoning By-law 16-78

Site Size: 1,073 square metres (11,545 square feet)

Site Servicing: Municipal sanitary sewer, storm sewer & water supply

Existing Uses: Commercial & Residential

Adjacent Uses: North: Commercial, Residential
East & West: Commercial
South: 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 in a heavily commercialized downtown core area where there are clusters of residential lots on the outer fringe. This specific parcel directly abuts The Beer Store along its easterly lot line and situated within walking distance of other commercial establishment such as CIBC Bank, Old Dog Brewing, Foodland, Shoppers Drug Mart, and more. As such the proposed addition to the business is in keeping with the character of the surrounding uses.

Given the nature of the adjacent uses within the area, on-site parking is generally not anticipated to be in abundance which is atypical of most downtown areas. As identified in the parking brief provided by the applicant and as observed by staff upon site visit, on-street parking is available on Bolton Street, including a public parking lot across from the Shoppers Drug Mart on Bolton Street. About four (4) on-street parking spaces are also available along King Street East as well (two of them being disabled parking spaces). However, these parking spaces are shared with all the other businesses in the area.

The analysis provided by the applicant regarding alternate off-site parking for employees that drive and patrons alike during peak periods suggests some practicability of the proposal with a lower parking supply than the by-law requires for a fully operational restaurant business. As well, the proposed patios which account for 32 seats, an equivalent of 10 parking spaces, are only anticipated to be fully functional for about four (4) to five (5) months in a year between May and September. During this period, the business patronage will majorly be transient and pedestrian and be seated outdoors rather than indoors. Therefore, for the other months of the year when the patio areas are

not utilized, parking deficiency will technically translate to 18 parking spaces (i.e. 50% of a 36 parking requirement) during those periods of the calendar year (say about 8-9 months). As such, no negative impacts are anticipated.

Currently, portions of the proposed parking spaces abutting the easterly lot line (7 parking stalls) encroach onto the neighbouring property at 77 William Street. Condition 3 has been placed to ensure an easement is obtained by the applicant to ensure the proposed number of parking through this application can be actualized.

In all other respects, planning staff recommends that a directional parking sign be installed by the property owner. Likewise, planning staff would also recommend that the layout of the parking stall be revisited by the property owner to ensure it is safely navigable by customers as observation from site visit suggests that it may be problematic for multiple vehicles to simultaneously enter into and exit out of the parking stalls on a busy day.

Based on 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 Central Commercial (C1) Zone permits a variety of uses, including restaurants and dwelling units. With the exception of the reduced number of parking spaces, the proposed conversion of the dwelling unit on the lower level of the building into a restaurant space does not contradict the C1 Zone provisions. Condition 2 has also been placed to ensure a change of use permit is obtained through the Building Division.

According to the parking requirements in the corresponding By-law, a restaurant use requires one (1) parking space per 5 square metres of floor area devoted to patron use. As well, one (1) loading space equal to one parking space (not less than 2.5 metres in width and not less than 17 square metres in area) must be provided. The required loading space have been provided in accordance with this provision and counted as part of the total number of parking spaces required.

Based on the parking brief provided by the applicant, a variance for a 60.9% reduction in the required parking spaces is not considered significant and may well be indiscernible as alternate parking arrangements are anticipated to be implemented by the owner to address the parking deficiency during peak periods.

As there is no proposed alteration to the building footprint, and as a condition for an easement has been placed to ascertain that the proposed number of parking spaces can be actualized within the respective zone in order to prevent a shortfall of 7 parking stalls, the proposed 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 Urban Designation in the City's 2012 Official Plan is under appeal, the Urban designation of the Victoria County Official Plan (VCOP) applies. The subject property is located in the area identified as the central business core area of the Village of Bobcaygeon. A compact land-use pattern that mostly serves pedestrian traffic and a mix of uses including restaurants are permitted.

Through the parking brief in Appendix E, the applicant has demonstrated the proposed use can accommodate sufficient off-street parking and a loading space.

As such, the proposed variance maintains the general intent and purpose of the Victoria County Official Plan

Other Alternatives Considered:

It is pertinent to note that the property is subject to Site Plan Control due to its location within the Urban designation and in accordance with Section 9.6 of the VCOP. However, given that the proposed patio areas, and the existing dwelling space on the lower level proposed to be converted into a commercial space are not going to increase the existing building footprint nor increase the level of surface imperviousness that already exists on the property, staff are able to support a site plan exemption at this time. A condition of approval has also been placed to that effect.

Servicing Comments:

The property is serviced by full municipal services within the Bobcaygeon municipal service area.

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 (February 7, 2019): A change of use permit is required for the proposal. See comments.

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

Public Comments:

No comments as of February 12, 2019.

Attachments:



Appendices A-E to
Report COA2019-013

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Perspective Drawings and Pictures
- Appendix E – Parking Brief
- Appendix F – Department and Agency Comments

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