

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Leaver Holdings Inc.
Report Number COA2019-027

Public Meeting

Meeting Date: April 18, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 – Former Village of Bobcaygeon

Background:

The statutory Public Meeting was held by the Committee of Adjustment on March 21, 2019 report COA2019-013. The Committee deferred the application to enable further discussions per the following:

1. The legal status of seven (7) out of the eighteen (18) proposed parking spaces that abuts the easterly lot line and partly encroaches onto the neighbouring property at 77 William Street;
2. Installation of parking signs for safe vehicular ingress and egress of patrons;
3. Availability of an accessible parking space on-site;
4. Confirmation of the number of alternative parking spaces available off-site in the locations identified by the applicant;
5. A rationale as to why the request should reviewed under the lens of the deficient number of parking spaces for the proposed additions to the restaurant business only (being a 19-parking space deficiency), and not in conjunction with the existing deficiency for the current restaurant operation (being a 9-parking space deficiency out of a 27-parking space requirement); and
6. Restaurant use during business hours and how it factors into managing the deficient parking situation.

Update:

The applicant has provided an updated parking brief with additional information regarding the above listed discussion items thus:

1. A signed letter from the adjacent property owner at 77 William Street confirming their participation in an easement process to legalize the parking encroachment (See Appendix F below – in Appendix 2 of updated parking brief);
2. An updated site plan drawing that includes a yield-to traffic signage, and a new accessible parking space on-site (See Appendix F below - in Appendix 1 of updated parking brief);
3. An updated site plan sketch showing available on-street parking and municipal parking nearby (See Appendix F below - in Appendix 3 of updated parking brief). Staff is of the opinion that it would be premature to consider as part of this application, any parking spaces identified by the applicant to be available on any

- other private property. The subject property is what is being recognized under its own merits in accordance with the Zoning By-law provisions;
4. Reference to Section 3.13(b)(i) of the Village of Bobcaygeon Zoning By-law (See Appendix F below – on page 2 of updated parking brief); which provides that insufficient parking from an existing use is not required to be made up in order to permit an addition or enlargement to the use. As well, that a change of use to a permitted use in the same zone is not subject to the parking requirement provision. In essence, the relief requested would only apply to the proposed two seasonal patio additions only (front and rear of the building), which require ten (10) parking spaces. Being that seventeen (17) parking spaces are presently available on the property, the proposed eighteen (18) parking spaces through this application means that the property is being improved with one (1) additional parking space (i.e. the loading space). Therefore, the applicable parking relief is technically for a variance to reduce the number of parking spaces from ten (10) to one (1); and
 5. During business hours, the loading space is to function to manage traffic flow in and out of the property. And that the seasonal patios are only operational in the summer months (May – August, closed on Mondays). Also that anticipated patrons at that time will be transient and pedestrian only.

Staff have reviewed the information in the amended parking brief and have no concerns.

No further changes have been made to report COA2019-013 regarding staff analysis and evaluation; the Recommendation stands; and, the following section has been revised to clarify the conditions of approval

Subject: The purpose and effect is to request relief from Section 3.13(a) to reduce the parking requirement from ten (10) parking spaces to one (1) parking space in order facilitate additions to an existing restaurant business, consisting of two seasonal patios (front and rear 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 COA2019-027 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 D submitted as part of Report COA2019-027, 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; and
- 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 COA2019-027. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Public Comments:

Kathleen Seymour-Fagan, Ward 2 Councillor (March 1, 2019): Several businesses in the area who have had to comply with parking requirements and feel that this business should have to as well. If they cannot then they should leave a capacity that is tied to the parking which the others have had to do. The business is already deficient in parking and has issues as it is. This business is always full and additional seating without even the parking that is required will be a burden on the area and reducing parking for the other shops. There is only parking on one side of King Street which this business fronts and the side streets do not allow for additional parking. The issue is other businesses have had to comply and this one should be as well. This is not minor in nature as it doesn't even currently comply. Maybe site plan should have been put on the expansion of the current capacity.

Staff response:

- i.) Per rationale 1 and 2 in report COA2019-013, the subject property is situated in a heavily commercialized downtown core area where there are clusters of residential lots on the outer fringe. Given the nature of the adjacent uses within the area, on-site parking is generally not anticipated to be in abundance which is typical of most downtown areas. As well, following the parking provisions in the corresponding zoning by-law that permits existing parking deficiencies and recognizes only the two patio additions in the proposal, including updated information provided by the applicant about the seasonality of the patio operation, staff opine that the variance for a parking reduction from ten (10) to one (1) is minor.

Attachments:



Appendices A-F to
Report COA2019-027

Appendix A – Report COA2019-013 and Agency Comments

Appendix B – Location Map

Appendix C – Aerial Photo

Appendix D – Applicant's Sketch

Appendix E – Perspective Drawings and Pictures

Appendix F – Update Parking Brief

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