

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Leaver Holdings Inc.

Report Number COA2019-013

APPENDIX "A" to

Public Meeting REPORT COA2019-013

Meeting Date: February 21, 2019

Time: 1:00 pm

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

FILE NO. D20-2019-006

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 deemed 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

Phone: 705-324-9411 extension 1367
E-Mail: qadebayo@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-006

Erica Hallett

APPENDIX

From:

Derryk Wolven

Sent:

Thursday, February 07, 2019 2:30 PM

To:

David Harding

Cc:

Erica Hallett

Subject:

Comm of adjustment

REPORT

COA2019-013

FILE NO.

D20-2019-006

Please see building division comments:

D20-2019-001

No concerns

D20-2019-002

No concerns

D20-2019-003

Built without permit. Less than .6m from property line would require detailing for rating and type of construction under OBC 9.10.14.5(3)

D20-2019-004

Built without permit.

D20-2019-005

No concerns

D20-2019-006

Change of use permit required for the proposal

D20-2019-007

No concern

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca





Engineering & Corporate Assets Department
P.O. Box 9000, 12 Peel Street
Lindsay ON K9V 5R8
Tel: (705) 324-9411 Ext. 1152 APPENDIX "A"
Fax: (705) 324-2982
e-mail: csisson@kawarthalakes.ca
website: www.kawarthalakes.ca REPORT COA2019-013

MEMORANDUM

FILE NO. D20-2019-00

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Senior Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: February 11th, 2019

SUBJECT: Application for Minor Variance/Permission
D20-2019-006 – 17 King Street East
Former Village of Bobcaygeon, City of Kawartha Lakes

The Development Engineering Division has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as, the Application for Minor Variance/Permission received on February 7th, 2019.

It is our understanding that the applicant is requesting relief to reduce the parking requirement from 46 parking spaces to 18 parking spaces in order to facilitate additions to an existing restaurant business (the additions being two seasonal patios - front and rear of the building, and supplementary seating in a banquet room on the lower level of the building).

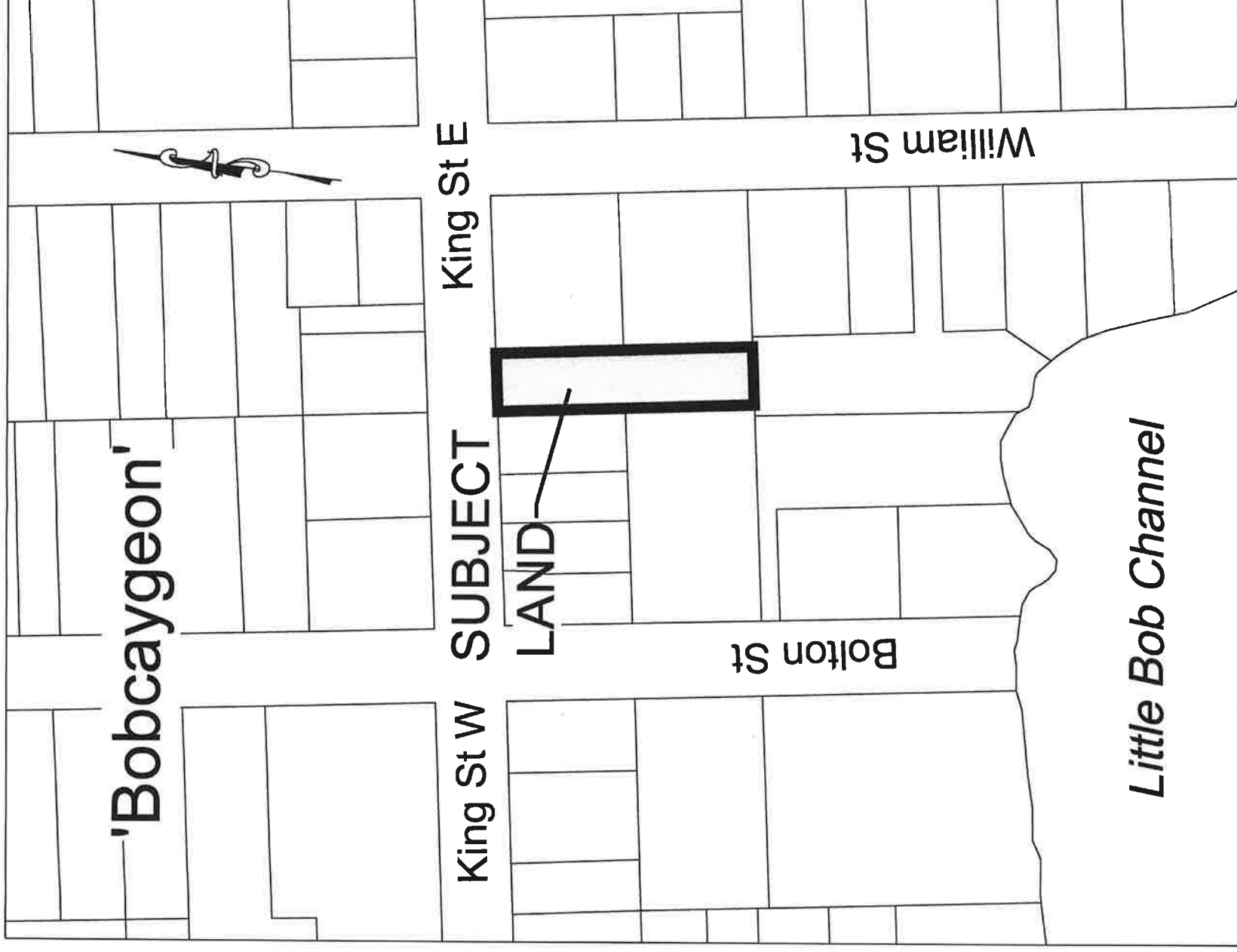
Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance and no engineering comments related to the proposed minor variance.

We respectfully request to be circulated should additional information be brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning.

Please do not hesitate to contact our office if you have any questions.

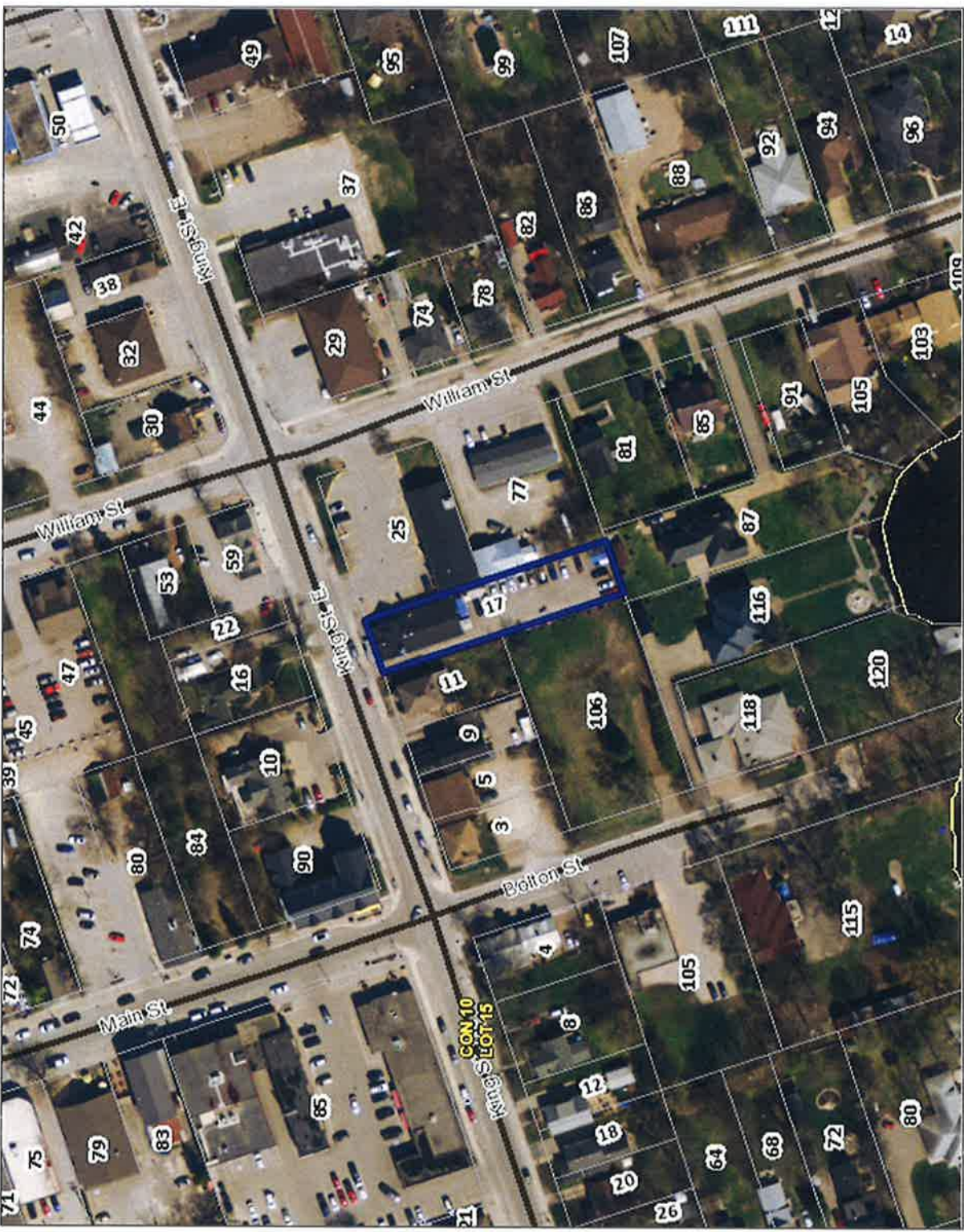
to

D20-2019-006





17 King Street East, Former Village of Bobcaygeon



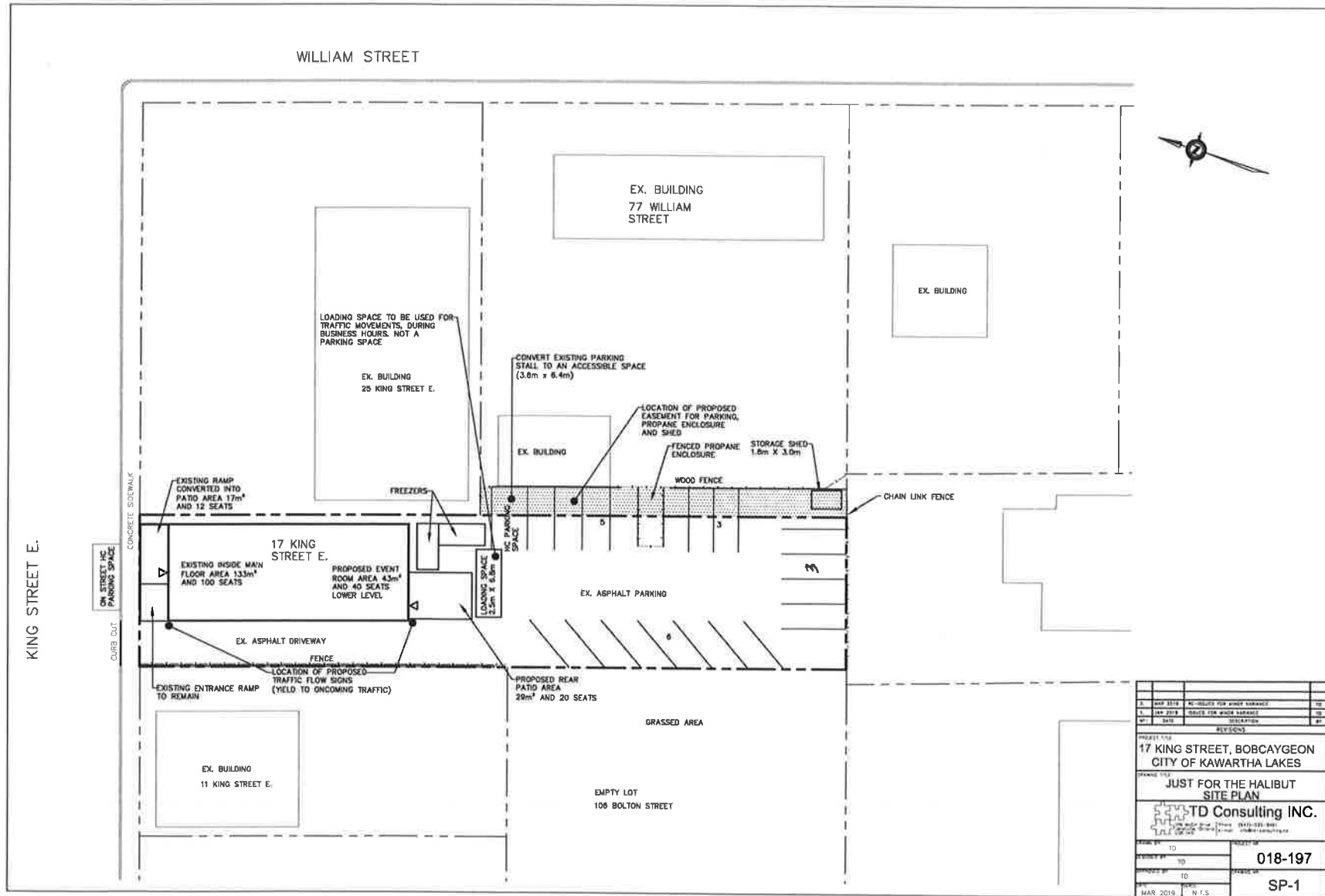
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Kilometers
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© City of Kawartha Lakes



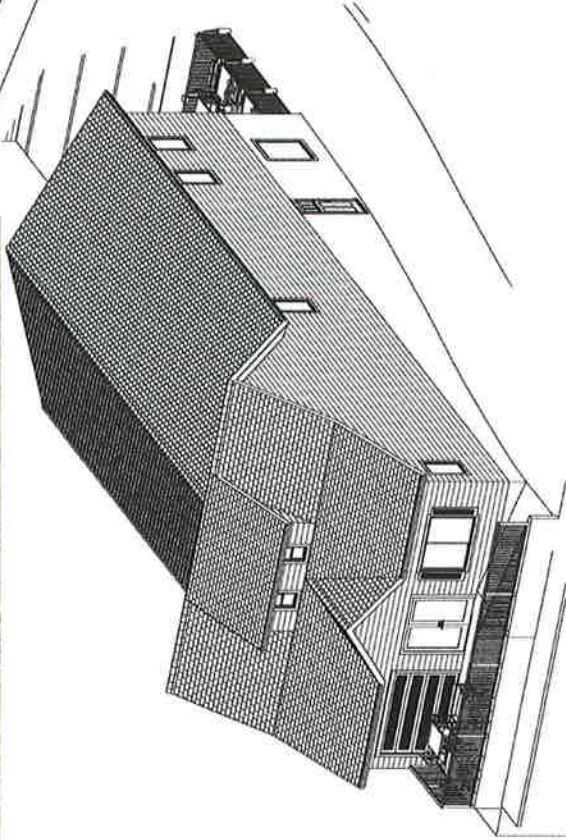
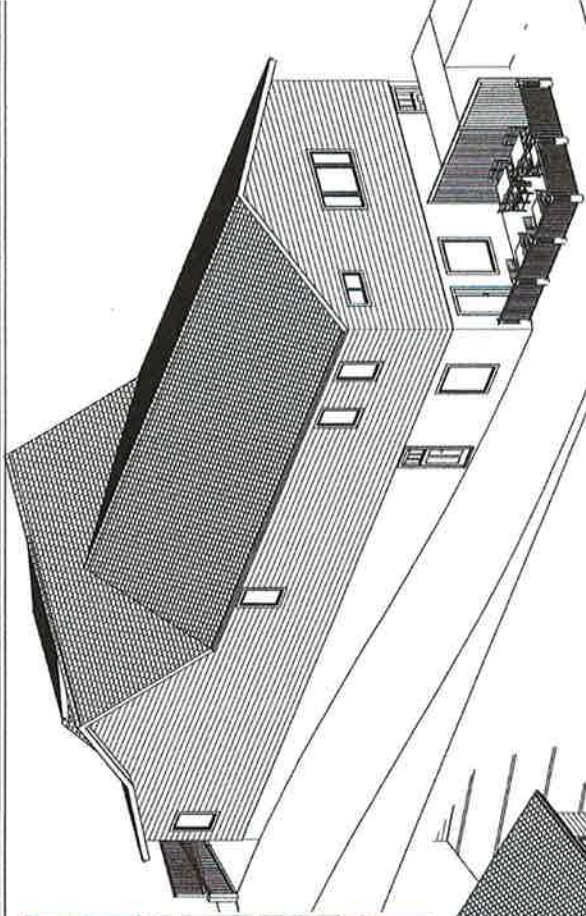
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

Revised Site Plan Sketch



to

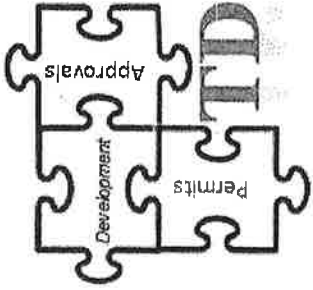
Perspective Drawings and Pictures



PERSPECTIVE FRONT

PERSPECTIVE REAR





APPENDIX " F " to
REPORT COA2019-027
FILE NO. D20-2019-006

TD Consulting INC.

106 McGill Drive
Janetville Ontario
LOB 1K0

03/19/2019
Project # 018-197

City of Kawartha Lakes
Development Services - Planning Division
180 Kent St. W., Lindsay ON K9V 2Y6

Re: 17 King Street East, Bobcaygeon

Supporting letter to accompany updated Parking Brief

In support of the requested minor variance for parking relief; we have prepared a response to the Committee of Adjustments comments. Please note, the Parking Brief was updated to capture the all the revisions in one comprehensive package.

The updated Parking Brief contains the following information:

- a) An updated site plan drawing, including a new accessible space, and additional signage. A noted was also added related to the use of the loading space during business hours.
- b) A signed letter from the adjacent land owner confirming their participation in the easement process.
- c) Update parking calculation, excluding the existing deficiencies based on the zoning bylaw provision noted in section 3.13bii
- d) Current operating hours for the restaurant
- e) Alternative parking locations nearby

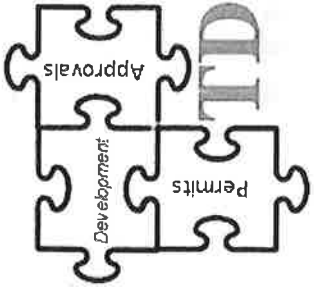
Should you require additional information please contact us.

Regards,

Tom deBoer

TD Consulting INC.
(647) 535-9461

Putting Development Pieces Together



TD Consulting INC.

106 McGill Drive
Janetville Ontario
L0B 1K0

01/08/2019
Project # 018-197
Revised March 19-2019

City of Kawartha Lakes
Development Services - Planning Division
180 Kent St. W., Lindsay ON K9V 2Y6

Re: 17 King Street East, Bobcaygeon

Parking Brief

In support of the requested minor variance we have prepared a parking brief describing the existing and proposed parking on the property and in the adjacent area.

Existing Property Details

The site contains a 487.6m² building, an asphalt laneway and parking in the rear of the lot. The existing building utilizes 133m² for restaurant seating area and use and the lower level of the building is utilized for storage and a dwelling unit.

Existing Parking Required Calculation

- a) 1 parking space / 5m of floor area devoted to patron use
 $133\text{m}^2 / 5 = 26.6$ or 27 spaces required (By-law 16-78; Section 3.13 a)
- b) 2 parking spaces/ residential unit (By-law 16-78; Section 3.13 a)

Currently the property has a total of 18 spaces plus 1 loading space as shown on the site plan in Appendix 1.

A thorough review of the Bobcaygeon zoning By-law (B/L 16-78-10-1) was conducted. Section 16-78 3,13 b ii of the Bylaw states the following:

“When a building or structure has insufficient parking on the date of the passing of this by-law to conform to the requirements herein, this by-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, however, any addition shall provide the necessary parking required under this by-law. In addition, the parking requirements do not apply to a change of use from one permitted use to another within an existing structure as of which an existing building or structure undergoes a change of use to a use in that zone and has insufficient parking at the date of passing of this By-law.” However, any addition or enlargement shall provide the necessary parking calculated in accordance with the requirements of Section 3.13 a. (B/L 16-78-10-1)

Based on the information above, the existing parking will not be taken into consideration for the purposes of the minor variance calculations, as there is no need to make up for the number of deficient parking spaces currently on the site.

Portions of the existing parking stalls encroach on the adjacent property, 77 William Street, as shown on the site plan drawing. The owner intends to obtain an easement from the adjacent land owner to allow the existing parking spaces to legally remain as shown on the site plan. Please refer to Appendix 2, a copy of the proposal and signoff from the owner has been supplied.

Proposed Property Details

There is no intent to change the existing building foot print. The proposal is to remove the existing residential dwelling unit and add restaurant seating within the same building as well as create two outdoor patio areas. One patio on the existing ramp in the front of the building and the second patio on the asphalt at the rear of the building, refer to the site plan for location details.

Proposed Parking Required Calculation

1 parking space / 5m of floor area devoted to patron use

Proposed internal conversion from residential unit to patron use, additional 43m² and 40 seats

$43m^2/5 = 8.6$ or 9 spaces required

Proposed front patio area (seasonal summer use only), additional 17m² and 12 seats.

$17m^2/5 = 3.4$ or 4 spaces required

Proposed rear patio area (seasonal summer use only), additional 29m² and 20 seats

$29m^2/5 = 5.8$ or 6 spaces required

Total additional space required = 19 spaces.

The total parking required for the property beyond the existing condition will be 19 spaces. Currently the property does not have any additional area for parking space therefore no spaces can be provided on site.

There is one accessible parking space available on the street directly in front of the restaurant as shown on the site plan. It is proposed to convert 1 of the parking stalls onsite to an accessible parking space. Refer to site plan.

The proposal will have an onsite parking deficiency of 19 spaces.

Proposed Parking Alternatives

The parking deficiency is proposed to be resolved in a variety of ways;

- The continued use of the onsite parking, as shown on the site plan,
- Existing on street parking located on King Street, both sides of Bolton Street and both sides of William Street
- near-by municipal parking lot (Bolton Street parking lot),

Please refer to location map located in Appendix 3

Restaurant usage and operating hours

The restaurant hours of operation:

Winter months: (Thanksgiving weekend – April)

Wednesday 11am - 8pm

Thursday 11am – 8pm

Friday 11am - 9pm

Saturday 11am – 9pm

Closed Sunday, Monday, Tuesday

Summer months: (May – Thanksgiving weekend)

Tuesday 11am – 8pm

Wednesday 11am - 8pm

Thursday 11am – 8pm

Friday 11am - 9pm

Saturday 11am – 9pm Closed Monday

It should be noted that during the high use season, there will be an increase of transient boaters and pedestrian patrons utilizing the restaurant that will not require vehicle parking.

Should you require additional information please contact us.

Regards,



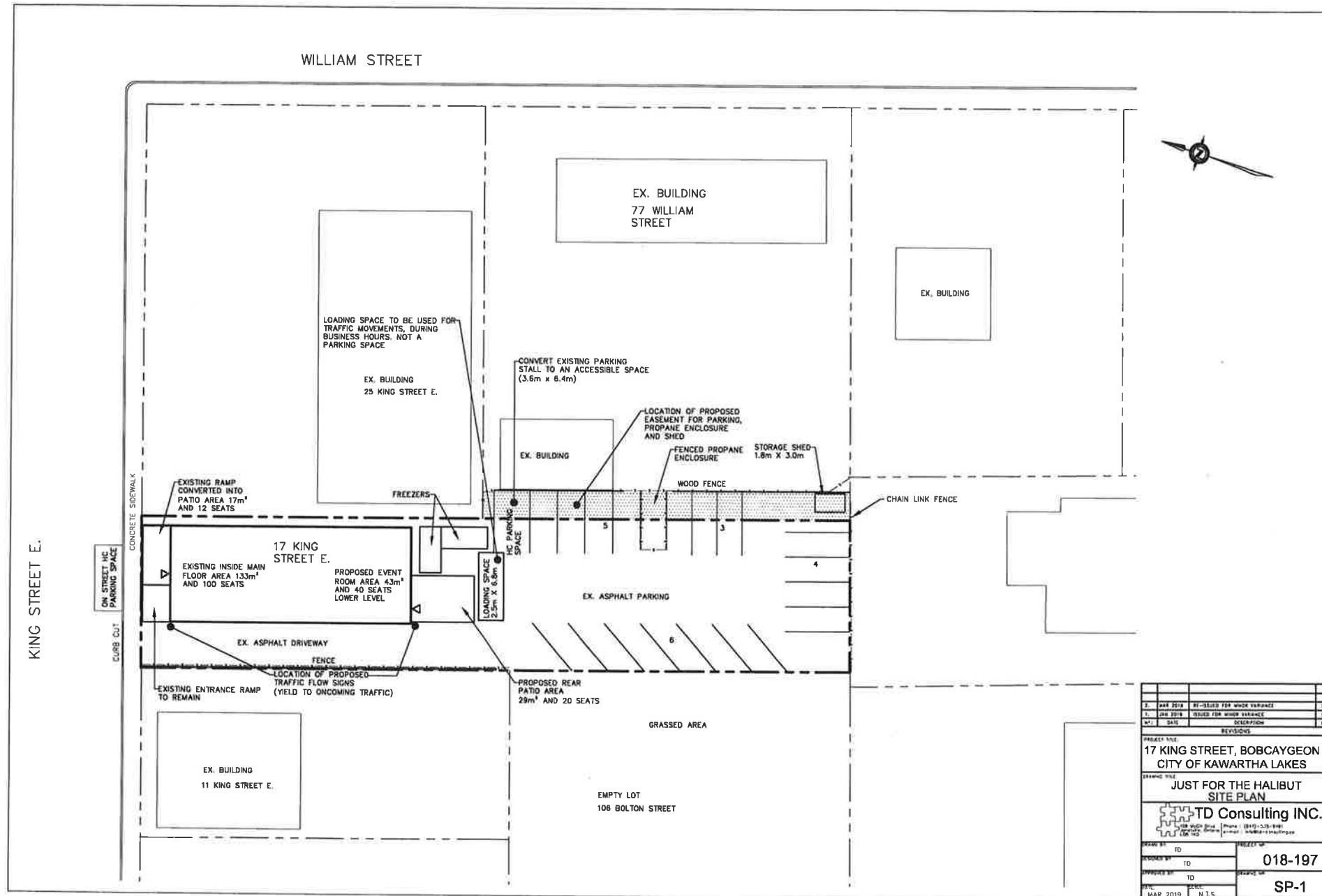
Tom deBoer

TD Consulting INC.

(647) 535-9461

APPENDIX 1

Site plan



NO.	DATE	REVISION	BY
1	MAR 2018	REVISED FOR WIDE VARIANCE	10
2	MAR 2018	REVISED FOR WIDE VARIANCE	10
3	MAR 2018	REVISED FOR WIDE VARIANCE	10
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APPENDIX 2

Easement information

Tom deBoer

From: Kent Inn <info@kentinn.ca>
Sent: February 28, 2019 3:26 PM
To: Tom deBoer
Subject: Re: Update

Follow Up Flag: Follow up
Flag Status: Flagged

> Good morning, we had met at the recent committee meeting related to
> the parking lot adjacent to your building in Bobcaygeon.

>

>

>

> Please give me a call so that we can get together and review/sign the
> letter related to the easement.

>

>

>

> Thanks,

>

>

>

> Tom deBoer

>

> TD Consulting INC.

>

> www.td-consulting.ca <<http://www.td-consulting.ca/>>

>

> 647-535-9461

>

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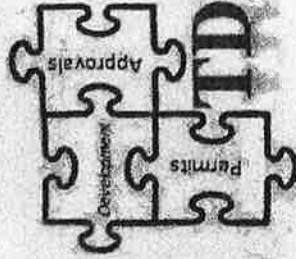
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>

Hello Tom, Could you please email me the letter that I am signing? I will be coming to Bobcaygeon may be tomorrow so I can meet you and sign the paper at that time. My wife will not be there that's why I want you to email so she can read it too.

Thanks.

Priti & Chris
251, Kent St. W.
Lindsay, On.
K9V 2Z3
Ph: 705-324-6744
Toll: 1-888-730-9103
Fax: 705-878-4735



TD Consulting INC.

106 McGill Drive
Janetville Ontario
L0B 1K0

03/15/2019
Project # 018-197

Priti and Chris
251, Kent St. W, Lindsay, ON

Re: 17 King Street East, Bobcaygeon – Easement requirements

This letter is a follow up to our discussions related to the above mentioned site. As mentioned in the committee meeting the City has requested that you as the adjacent property confirm that you are willing to grant an easement over your property to allow for the existing surface parking that has continued for over 20 years to continue.

We have included a drawing showing the location of the proposed easement. The drawing was prepared by TD Consulting INC. and is labeled EA-1. This will be the document referenced through the balance of the process with the City.

The easement process will require survey work to be completed. All work and related costs for the easement and the required survey will be the responsibility of the owner of 17 King St

If you are in agreement with permitting the owner of 17 King Street to have an easement over your property as shown on the drawing please sign below.

Chetan Patel (print name) Ch Patel (sign)

Owner of 77 William Street Bobcaygeon

Should you require additional information please contact us.

Regards,

Tom deBoer

TD Consulting INC.
(647) 535-9461

Putting Development Pieces Together

WILLIAM STREET



EX. BUILDING
77 WILLIAM STREET

EX. BUILDING

EX. BUILDING
25 KING STREET E.

EX. BUILDING

LOCATION OF PROPOSED
EASEMENT FOR PARKING,
PROPANE ENCLOSURE
AND SHED

STORAGE SHED
1.8m X 3.0m

FENCED PROPANE
ENCLOSURE

WOOD FENCE

CHAIN LINK FENCE

17 KING STREET E.

EX. ASPHALT PARKING

EX. ASPHALT DRIVEWAY
FENCE

GRASSED AREA

EX. BUILDING
11 KING STREET E.

EMPTY LOT
106 BOLTON STREET

KING STREET E.

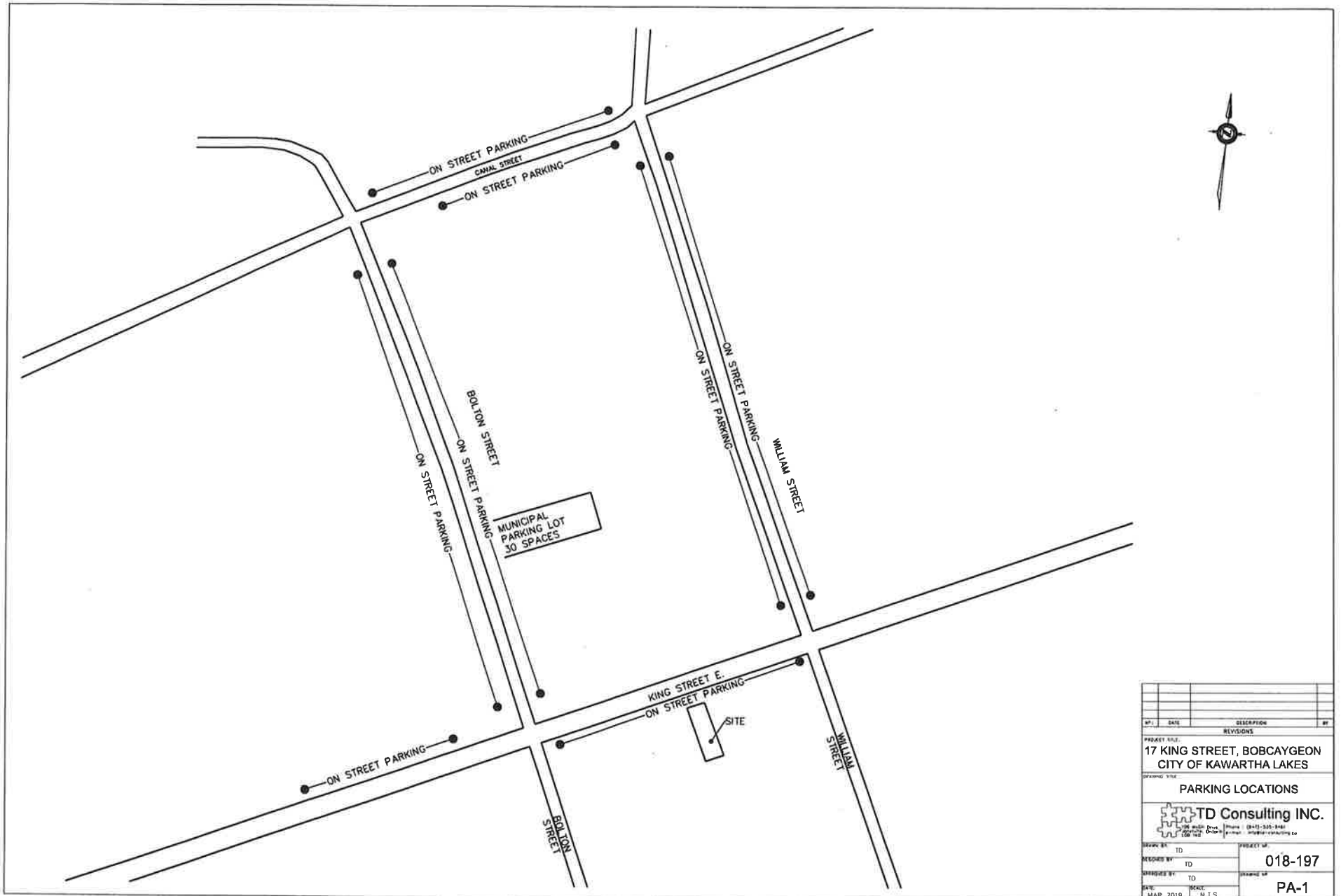
ON STREET HC
PARKING SPACE
CURB CUT

CONCRETE SIDEWALK

NO.	DATE	DESCRIPTION	BY
REVISIONS			
PROJECT INFO:			
PROJECT NAME: 17 KING STREET, BOBCAYGEON CITY OF KAWARTHA LAKES			
PROPERTY INFO:			
EASEMENT LOCATION			
 TD Consulting INC. 108 BUCHANAN ST. Phone: (847) 535-1441 KAWARTHA, ONTARIO Email: info@tdconsulting.ca			
DESIGN BY:	TD	PROJECT NO:	018-197
DESIGNED BY:	TD	DRAWING NO:	EA-1
DATE:	MAR 2019	SCALE:	N.T.S.

APPENDIX 3

On street location map



NO.	DATE	DESCRIPTION	BY
REVISIONS			
PROJECT TITLE:			
17 KING STREET, BOBCAYGEON			
CITY OF KAWARTHA LAKES			
DRAWING TYPE:			
PARKING LOCATIONS			
 TD Consulting INC. 200 Main Street, Suite 100, Bobcaygeon, ON L0R 1P2 Phone: (905) 335-3442 Fax: (905) 335-3443			
DRAWN BY:		PROJECT NO.:	
TD		018-197	
CHECKED BY:		DATE:	
TD		MAR 2019	
DATE:		SCALE:	
MAR 2019		N.T.S.	
DATE:		SCALE:	
MAR 2019		N.T.S.	