

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Canadian Tire Corporation Ltd.**  
Report Number COA2019-054

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**Public Meeting**

**Meeting Date:** September 19, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 3 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to request relief from the following zone provisions in order to permit an expansion to the existing retail store:

1. Section 17.2.1.3 (d) to reduce the minimum rear yard requirement from 12.0 metres to 7.0 metres.
2. Section 3.14.1.2 to increase the ratio (reduce the number) of minimum required parking spaces for commercial use from 1 space per 30 square metres of Gross Floor Area (180 spaces) to 1 space per 37 square metres of Gross Floor Area (149 spaces).
3. Section 3.14.1.11 to reduce the minimum aisle width from 7.0 metres to 6.0 metres.
4. Section 3.14.2.2 to allow for loading spaces and doors on a wall which faces the street, provided that wall is not the primary wall of the building.
5. Section 3.1.2.1 to allow for an accessory building in the form of a pump house in the front yard.
6. Section 3.1.2.1 to allow for accessory buildings in the form of temporary storage containers in the front yard for a period not to exceed November 30, 2021 or until construction is completed, whichever is lesser.

The variances are requested at 563 County Road 121, geographic Township of Fenelon (File D20-2019-034).

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**Author:** Ian Walker, Planning Officer –  
Large Developments

**Signature:**

for 

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**Recommendations:**

**Resolved That** Report COA2019-054 Canadian Tire Corporation Limited be received;

**That** the variances from Section 3.14.1.11 to reduce the minimum aisle width from 7.0 metres to 6.0 metres; and from Section 3.1.2.1 to allow for accessory buildings in the form of temporary storage containers in the front yard for a period not to exceed November 30, 2021 or until construction is completed, whichever is lesser be **DENIED**, as the variances do not meet the tests set out in Section 45(1) of the Planning Act.

**That** all variances excluding the relief requested from 3.14.1.11 to reduce the minimum aisle width from 7.0 metres to 6.0 metres; and from Section 3.1.2.1 to allow for accessory buildings in the form of temporary storage containers in the front yard for a period not to exceed November 30, 2021 or until construction is completed, whichever is lesser be **GRANTED**, as the variances meet the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the building construction related to this approval shall proceed generally in accordance with the sketch in Appendix 'C' submitted as part of Report COA2019-054, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the Amending Site Plan Agreement for the subject property be executed and registered on title within 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 registration of the Amending Site Plan Agreement on title.

**This approval pertains to the application as described in report COA2019-054. Fulfillment of all conditions are required for these Minor Variances to be considered final and binding.**

**Background:**

This application is being made in conjunction with the approval of a site plan amendment application D19-2019-004, for construction of an approximately 2,477 square metre addition to the existing retail commercial building on the property municipally known as 563 County Road 121 in Fenelon Falls. The applicant proposes to reconfigure and expand the existing Canadian Tire store by:

- Constructing an additional 771 square metres of warehouse space;
- Expanding the retail store portion by 1,535 square metres;
- Relocating and reducing the garden centre compound by 851 square metres; and
- Constructing 2 additional service bays in the motor vehicle service station consisting of an additional 69 square metres.

This application was last amended September 3, 2019 and is deemed to be complete.

Proposal:	To construct an approximately 2,477 square metre addition to the existing retail store consisting of: increased warehouse and retail store floor space; a reduction to the garden centre area; and two additional vehicle service bays, including a total of 149 parking spaces for all uses.
Owners:	Canadian Tire Corporation Limited – Veronik Manolova
Applicant:	IBI Consulting Group – Tracy Tucker
Legal Description:	Concession 9, Part Lot 22, Plan 49, Part Block E, F and G, Part Lot 19 and 20 and Part Dick Street, Part 1, 57R-6559 geographic Township of Fenelon, now City of Kawartha Lakes
Official Plan:	'Urban Settlement Area' within the City of Kawartha Lakes Official Plan
Zone:	'Highway Commercial Exception Eight (C2-8) Zone' within the Township of Fenelon Zoning By-law 12-95
Site Size:	1.75 hectares (4.32 acres – MPAC)
Site Servicing:	Municipal water and sanitary sewer and ditches
Existing Uses:	Commercial Retail Store with Auto Repair Shop and Propane (Canadian Tire and Automotive Centre)
Adjacent Uses:	North: Vacant (Draft Plan Approved Subdivision) East: Commercial Retail (Home Hardware) South: CKL Road 121; Gas Bar (Ultramar) and Motel; Motor Vehicle Supply Store (MAP); Motor Vehicle Sales (Memory Lane Motors); Self Storage West: Vacant (Including future road access to Draft Plan Approved Subdivision)

**Rationale:**

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

**And**

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

- a. Reduction of rear yard setback; reduction of parking space requirement; allowance of loading spaces and doors on a wall facing a street; and pump house in front yard: **Yes**
- b. Reduction of aisle width; and allowance of temporary structures in the front yard setback: **No**

The reduction in the rear yard setback from 12.0 metres to 7.0 metres along with the allowance for the loading spaces and doors on a wall abutting a street are both considered minor and desirable, given the overall impact of the proposal. To achieve the reduction, the existing loading bays, which are currently located in the side yard with no separation from the rear of the existing building, will be relocated to still be within a side yard; however, the wall will be facing the street. By placing the loading bays on the wall facing the street, the building should act as a noise barrier to reduce any noise impact on the abutting future residential subdivision property to the immediate northwest. In addition, this reduction could still allow for a minimum 6.0 metre landscape buffer, which is the requirement in the Zoning By-law. Kawartha Region Conservation Authority (Kawartha Conservation) has advised they have no issues with the reduced setback, given the proposed subdivision plans would realign the existing neighbouring watercourse to be more than 30 metres from this development.

The reduction in parking is considered minor and desirable, given that only a portion of the proposed addition constitutes new retail space, with the remainder of the uses accessory to the retail (warehouse and office space). The Zoning By-law requires similar parking ratios for retail (1 space per 30 square metres of gross floor area); office (1 per 30); and warehouse (1 per 40) as standalone uses. The warehouse and office additions are not anticipated to generate the same parking requirement as the retail floor area. IBI Group has provided an original and an updated report speaking to the proposal (See Appendix 'G'). The original report compares 3 similar scenarios where parking space numbers have been reduced: the Midland site was reduced to 1 per 48 square metres; the Waterdown site was reduced to 1 per 33 square metres; and the Ancaster site was reduced from 507 spaces to 385 spaces for all uses (which included a restaurant). In each of these scenarios, the expansions have not resulted in a significant increase in traffic to and from the site. The rationale is that the warehouse and office are not standalone uses, but function as part of the existing and expanded business, and that the expanded retail space increases the volume of sales per transaction instead of generating a significant increase in overall traffic or visits to the store.

The allowance of the pump house in the front yard is considered both minor and desirable, as it complies with the yard setbacks for the zone. The pump house is required in the front yard, based on the location of the necessary services for the site, which enter the site from the municipal road right-of-way. The purpose of the pump house is to provide adequate fire suppression for the expanded store.

The proposed reduction in width of the driveway aisles from 7.0 metres to 6.0 metres represents a reduction of approximately 15%. The IBI Group revised report notes that the parking aisles will continue to be fully functional and allow for adequate maneuvering space in the parking lot. Corporately, Canadian Tire strives for an 18.0 metre combined width for double loaded drive aisles across Ontario. In this instance, the proposal is 6.0 metre spaces and a 6.0 metre drive aisle.

During a site inspection on July 31, 2019, it was noted that a large number of vehicles visiting the retail store were trucks and larger vehicles. Based on some preliminary research on vehicle dimensions, it was determined that a typical standard cab truck with a long bed (box) is approximately 18.5 feet (5.64 metres) in length. A double cab truck with a regular bed is slightly more than 19 feet (5.87 metres) in length, while a larger crew cab truck with a standard bed can be up to 20 feet (6.1 metres) in length. A concept plan showing how the reduced aisle width will function has been provided (See Appendix 'E').

Staff note that this proposed concept plan has not utilized double or crew cab trucks with a standard bed. Staff have determined that the same number of parking spaces can be accommodated utilizing a 7.0 metre aisle width (See Appendix 'F'). Given the concept plan does **not** demonstrate that the reduced drive aisles will accommodate the largest size trucks, the variance is not desirable or appropriate for the land.

The subject property is situated on the fringe of the rural area west of Fenelon Falls, with other similar highway commercial developments surrounding this property. Currently, there are a number of outbuildings and trailers on the site. The proposed variances will allow the expansion of the principle building, and result in the removal of the existing trailers and sea cans currently used for storage. If permission is provided to place them in the front yard, it will be difficult to ensure they are removed upon completion of the construction. Therefore, staff are of the opinion that this proposed permission is not desirable or appropriate for the neighbourhood.

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

- a. Reduction of rear yard setback; reduction of parking space requirement; allowance of loading spaces and doors on a wall facing a street; and pump house in front yard: **Yes**
- b. Reduction of aisle width; and allowance of temporary structures in the front yard setback: **No**

The Highway Commercial Exception Eight (C2-8) Zone permits specific commercial uses, including: a retail store for the sale of automotive parts and accessories, hardware, sporting goods and seasonal merchandise; an outdoor garden centre and sales area; a motor vehicle service station and fuel bar; and propane dispensing facility. The property is subject to the regular C2 zone provisions and setbacks. As this site has a number of constraints and large setbacks, the development envelope is reduced.

The proposed building design will result in a setback reduction to the north (rear) lot line. The Zoning By-law requires a minimum landscaped buffer of 6.0 metres on the north side of the building, as the abutting lands to the north are proposed to be residential. This 6.0 metre landscaped buffer can be accommodated within a 7.0 metre setback. In this instance, the typical functions of the rear yard may be accommodated on other portions of the site.

The purpose of the parking requirement is to ensure there is adequate on-site parking for all uses. Based on a total retail gross floor area of approximately

2,500 square metres, at a ratio of 1 space per 30 square metres, a total of 84 spaces would be required for the retail portion of the store. Including the garden centre and Automotive Repair Shop, the total required parking is 118 spaces. The IBI Group report notes that the warehouse and office portions of the building are not anticipated to generate any need for parking beyond the retail floor space. Staff accept this analysis.

The Zoning By-law provides that no loading space or platform or loading door shall be located in any yard or wall of any building or structure which adjoins or faces a street. The purpose is to deter loading areas from being in the front yard or on the primary front wall of the building, as they create a visual impact on the site from the street. For this proposal, the wall facing the street is recessed, which will help in reducing any visual impact of the loading area and loading doors.

The Zoning By-law intends to maintain an aesthetically pleasing front yard with the main use as the focus of the site. It allows some exemptions for certain accessory structures to be allowed in any yard, such as light standards and retaining walls, but only speaks to pump houses in relation to a yard fronting a navigable waterway. The Fenelon Township Zoning By-law did not contemplate urban standards for properties in proximity to Fenelon Falls. The proposed pump house is required in the front yard for operational purposes and has been strategically located such that it will not be the focus of the site. As such, the proposed variance maintains the intent of the Zoning By-law.

The proposed sea-can accessory storage structures are intended to be temporary. However, it would be difficult to control the removal of the temporary structures, once legally established. Therefore, the proposed variance to allow the temporary use of sea-cans for storage in the front yard does not maintain the intent of the Zoning By-law.

The parking requirements of the Zoning By-law are to ensure adequate on-site parking, and aisle widths which will allow for the adequate maneuvering of vehicles in the parking lot. Given the prevalence of larger vehicles in our communities, the concept plan provided by the applicant has not demonstrated that the intent of the Zoning By-law has been met. Therefore, the request to reduce the aisle width does not maintain the 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 designated 'Urban Settlement Area' within the City of Kawartha Lakes Official Plan. The designation permits a variety of uses, including commercial uses.

**Other Alternatives Considered:**

No other alternatives have been considered.

### **Servicing Comments:**

The property is serviced by municipal water and sanitary sewer, and ditches. No changes are proposed.

### **Consultations:**

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

### **Agency Comments:**

Kawartha Conservation (August 13, 2019): Kawartha Conservation has no concern with reducing the minimum rear yard setback, as the draft approved plan of subdivision proposes to realign the watercourse away from the property, and additionally, this will reduce any flooding risk on this property.

Building Division (September 9, 2019): Confirm that the fire route does not need to extend to the pump house (FDC and Siamese provided). Permits will be required for the sea containers detailing anchorage, founding and exiting.

Engineering and Corporate Assets (September 9, 2019): While they have not received nor reviewed the proposed site plan submission in support of the expansion to the existing retail store, they have no objection to the proposed minor variance from an engineering perspective and trust that any approved variances will be reflected in the approved site plan.

### **Public Comments:**

None received as of the writing of this report.

### **Attachments:**

A pdf document is embedded into this document. Please contact Ian Walker, Planning Officer – Large Developments at 705-324-9411 extension 1368 to request an alternative format.



Appendices A-H to  
Report COA2019-054

- Appendix A – Location Map
  - Appendix B – Aerial Photo
  - Appendix C – Applicant's Revised Sketch
  - Appendix D – Elevation Drawings
  - Appendix E – Parking Demonstration
  - Appendix F – Staff Concept – Parking Demonstration
  - Appendix G – Original & Revised Justification Reports – IBI Consulting Group
  - Appendix H – Department and Agency Comments
-

**Phone:** 705-324-9411 extension 1368  
**E-Mail:** [iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2019-034



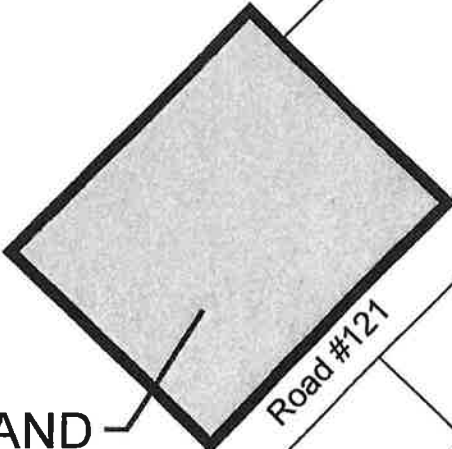
Geographic Township of Fenelon



Lot 22

SUBJECT LAND

Lot 21



Road #121

Concession 9

West St South

'Fenelon Falls'

Wychwood Cres

Concession 10

Eva St

North St

Moore Cres

Veterans Way

Lindsay St

Murray St



GEOMATICS  
MAPPING

## 563 CKL Road 121, Fenelon

APPENDIX " B "  
to  
REPORT COA2019-054  
FILE NO. D20-2019-034

### Legend

- Property ROLL#
- Road Centreline (2016 Needs)



### Notes

2013 Orthophoto

0.11

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© 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



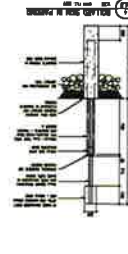
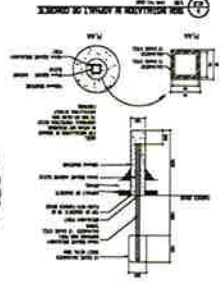
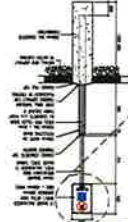
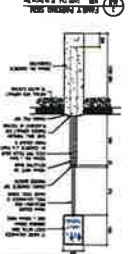
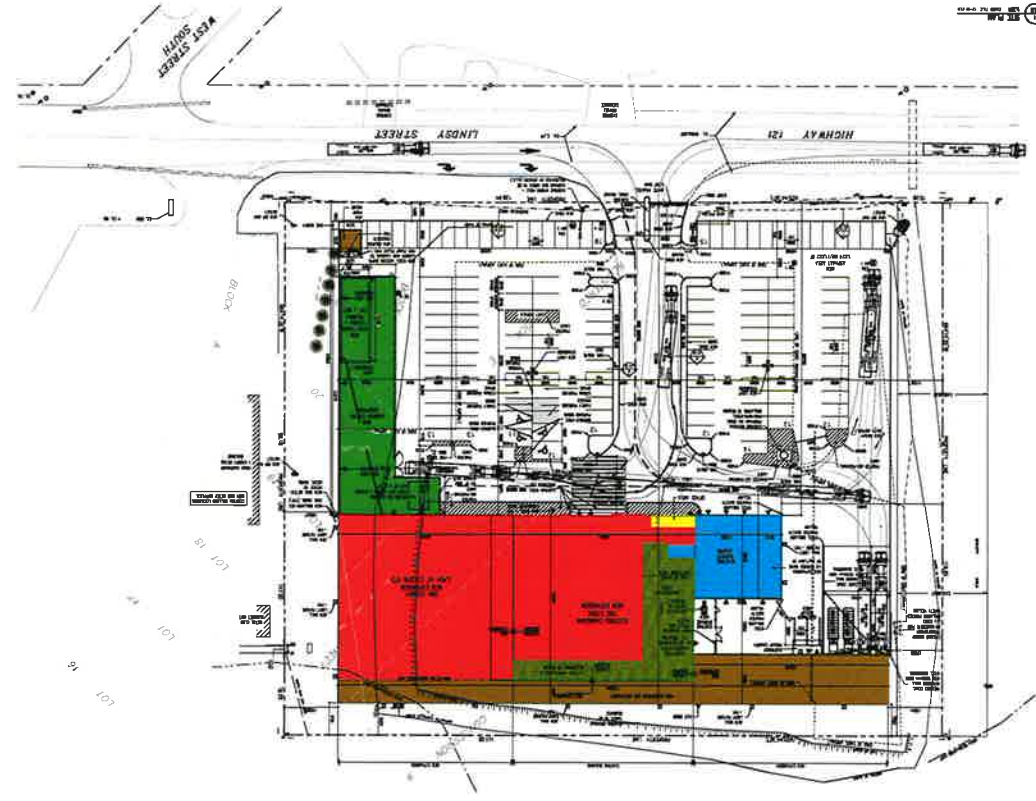
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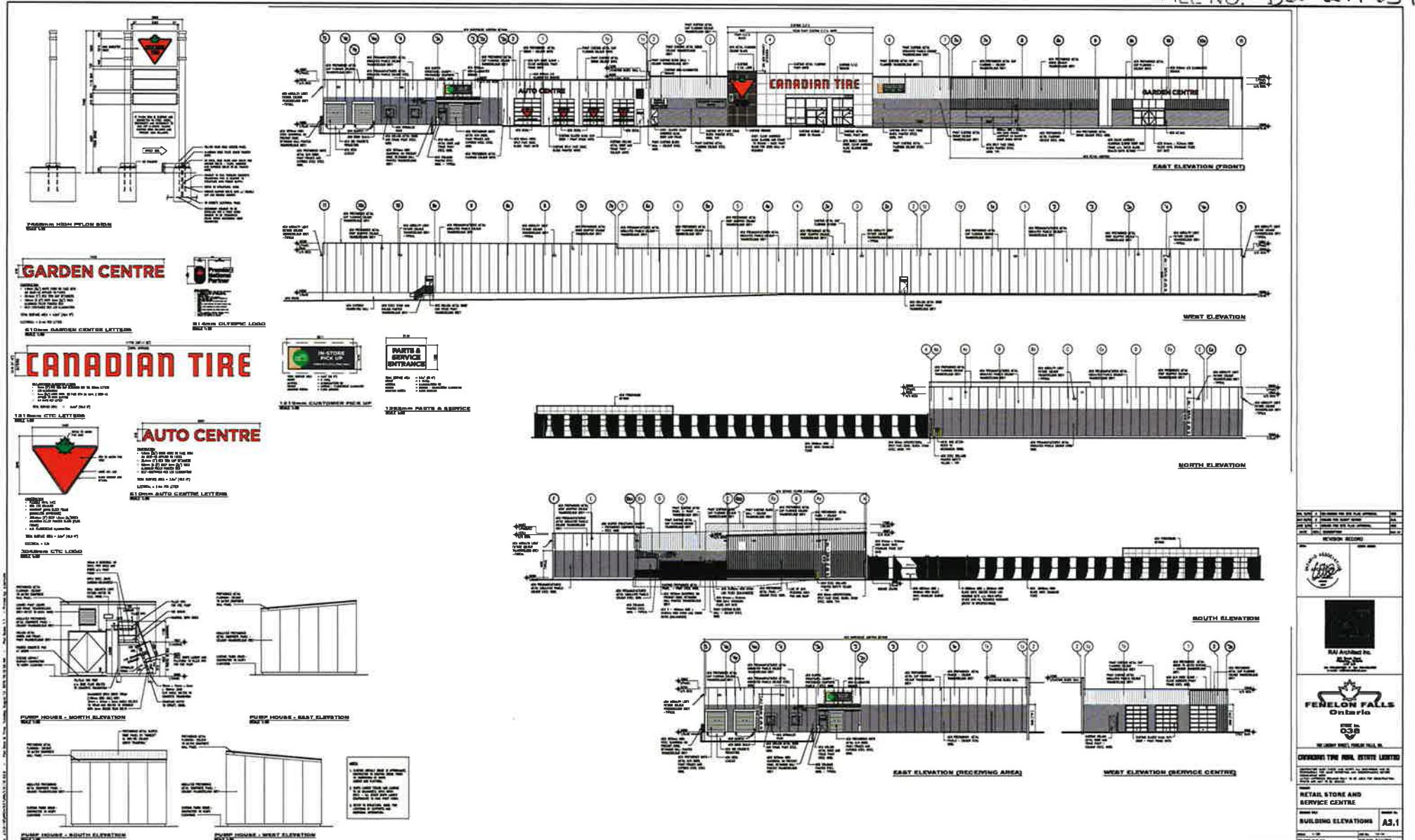
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TOPOGRAPHIC  
PLAN OF  
PART OF LOT 4, IN BLOCK W  
REGISTERED PLAN No. 1  
CITY OF KAWARTHA LAKES  
(AMENDED AS HEREIN COUNTERSIGNED)

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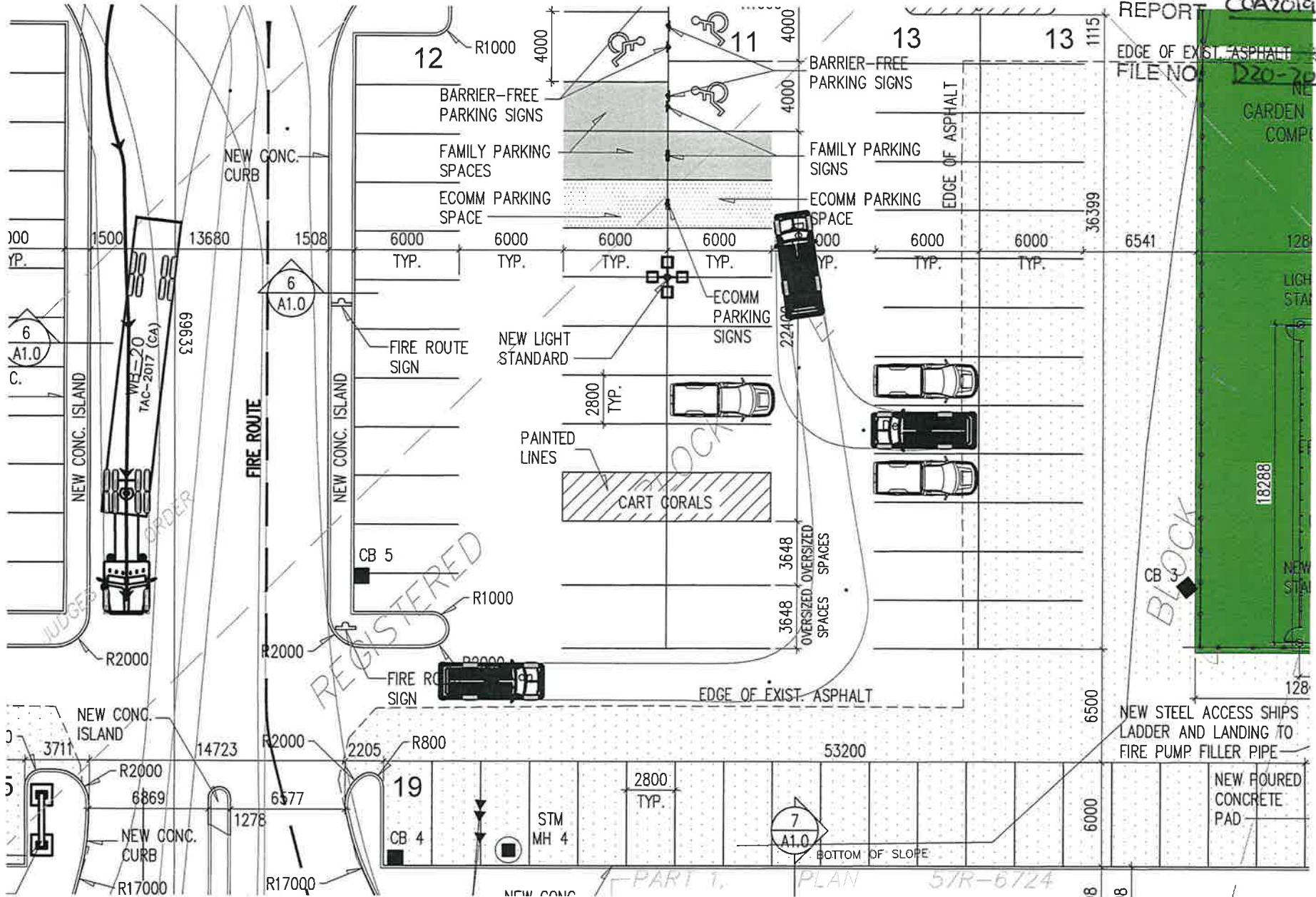
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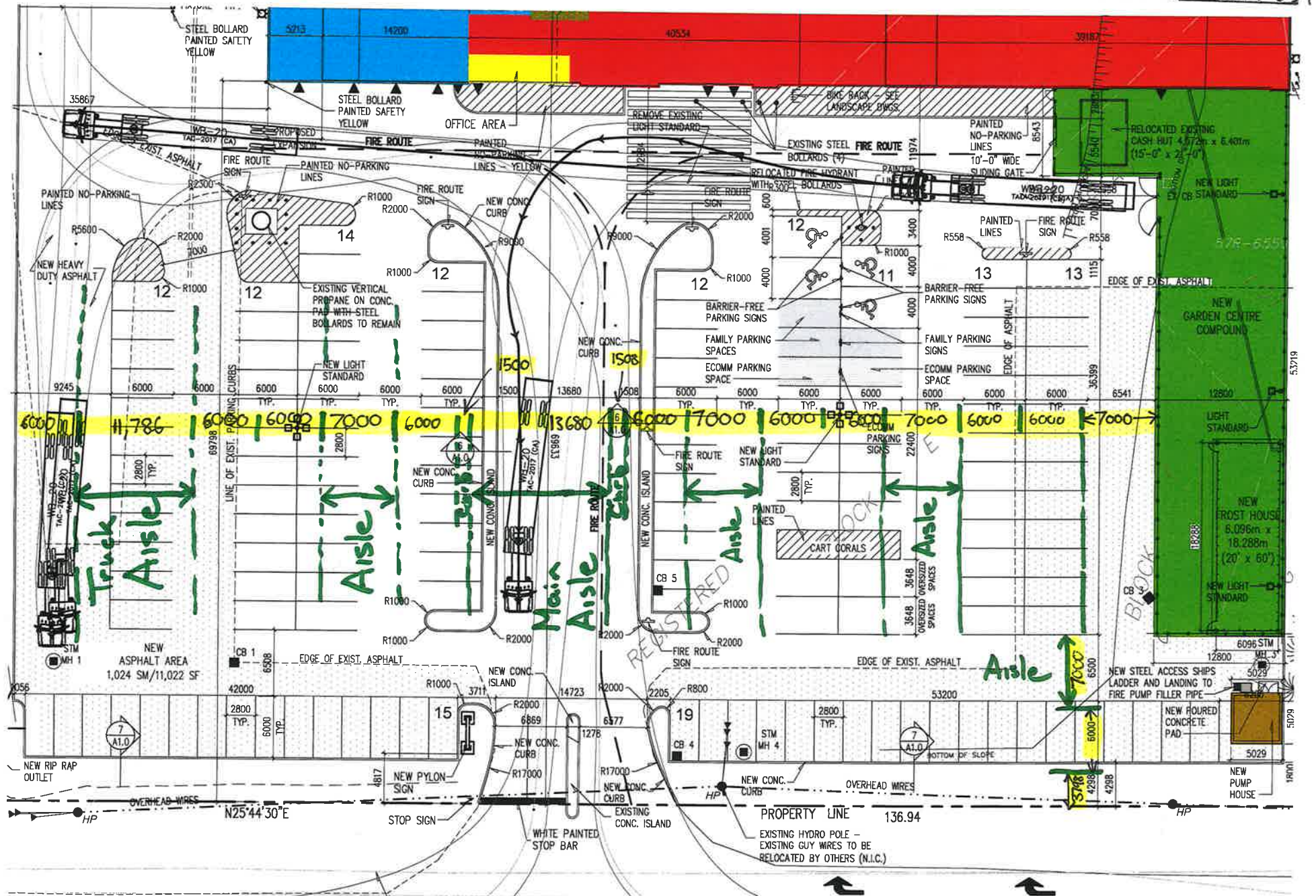
REPORT COA2019-054

EDGE OF EXIST. ASPHALT  
FILE NO. D20-2019-034



**CTC FENELON FALLS  
STORE No.0038  
Parking Illustration  
Ford F150**







**IBI GROUP**  
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ibigroup.com

APPENDIX " G "  
to 1/12  
REPORT COA2019-054  
FILE NO. D20-2019-034

June 10, 2019

Chair and Members of Committee of Adjustment  
c/o Mr. Ian Walker  
Planning Officer - Large Development  
City of Kawartha Lakes  
26 Francis Street  
PO Box 9000  
Lindsay, Ontario K9V 5R8

**RECEIVED**

**JUN 13 2019**

City of Kawartha Lakes  
Development Services  
Planning Division

Dear Chair and Members of Committee of Adjustment:

**APPLICATION FOR MINOR VARIANCE  
160 LINDSAY STREET, FENELON FALLS**

On behalf of the owner, Canadian Tire Corporation Ltd., we are pleased to submit the enclosed application for Minor Variance, as part of the proposed expansion to the existing Canadian Tire located at 160 Lindsay Street, Fenelon Falls. The proposed expansion will see the store increase in size from approximately 2,230 m<sup>2</sup> to 5,402m<sup>2</sup>. The increase is a mix of retail space, warehousing, automotive repair centre, and garden centre. The increase will allow the store to better serve the community going forward.

As part of the Site Plan Application, a Minor Variance to the Township of Fenelon Zoning By-law No. 12-95 is required, in order to permit the proposed expansion. The variances are as outlined below.

	SECTION	REQUIRED	PROPOSED
1	17.2.1.3 (d) Minimum Rear Yard	12m	7.0m
2	3.14.1.2 Minimum Number of Parking Spaces Commercial Use	1 space per 30m <sup>2</sup> of gross floor area (180 spaces)	1 space per 37m <sup>2</sup> of gross floor area (149 spaces)
3	3.14.1.5 Minimum Parking Stall Size	2.8m (width) 6.0m (length)	2.8m (width) 5.5m (length)
4	3.14.1.6 Minimum Handicapper Parking Stall Size	4.0m (width) 6.0m (length)	4.0m (width) 5.5m (length)

Planning Act Section 45 (1) Compliance

Section 45(1) of the Planning Act permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided they are meet what is known as the four (4) tests. The four tests are:

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan? and,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

The following will provided an analysis of the proposed variances against the four tests.

**Variance 1: Minimum Rear Yard Setback**

The current zoning by-law requirement is 12.0m to the rear lot line, while 7.0m is being proposed.

**1. Is the Variance Minor in Nature?**

The determination of minor is not a matter of the quantum of the variance but rather a consideration of the overall impact of the proposed variance. At this time the lands to the north have not been developed. However, it is our understanding that there is an approved Draft Plan of Subdivision for a residential development proposed to the north. Considering this future interface, the 7.0m rear yard setback will be augmented with the planting or landscaping in the form of coniferous trees adjacent to the proposed building. Further, there is an existing stream located north of the subject lands, this will act as an additional buffer between the subject lands and the future residential lands. In consideration of the foregoing, it is our opinion that there is no impact associated with the requested variance.

**2. Is the Variance Desirable and Appropriate?**

The proposed reduction to the minimum rear yard is desirable and appropriate, as it will allow for the relocation of the loading dock which is currently located on the western side of the building, to the front of the building, blocking it from view from the adjacent lands to the north. This relocation will also allow for the building to act as a buffer for the loading area, from the residential lands. Further there will not be any commercial business activity going on behind the building after the expansion which allows for more privacy for the proposed future residential, from what is existing today. As such, in our opinion, the proposed reduction to the rear yard setback is desirable and appropriate.

**3. Does the Variance Maintain the general intent and purpose of the Official Plan?**

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the rear yard setback will permit the expansion of an existing commercial operation and meets the intent and purpose of the Official Plan.

**4. Does the Variance maintain the general intent and purpose of the Zoning By-law?**

The purpose of the rear yard setback is to ensure that there is adequate separation between the development and the adjacent lands. The proposed reduction maintains separation between the proposed building addition and the lands to the north. The lands to the north are proposed to be developed with residential dwellings. It should be noted that there is also a regulated natural heritage feature which runs adjacent to the north lot line, which will provide additional buffer between the residential lands and the subject lands. Further, the rear of the property does not have any proposed use other than emergency access and landscaping, as such there are no privacy or overlook concerns from the commercial lands to the residential lands. Given the above, it is our opinion that the proposed reduction to the rear yard maintains the purposed and intent of the Zoning By-law.

**Variance 2: Minimum Required Parking**

The current zoning on the subject lands requires commercial developments to provide parking at a rate of 1 space per 30m<sup>2</sup> (181 spaces) of gross floor area. The proposed variance is to provide a rate of 1 space per 37m<sup>2</sup> (149 spaces) of gross floor area.



Chair and Members of Committee of Adjustment – June 10, 2019

The existing commercial building is approximately XXm<sup>2</sup> in size and currently operates with 97 parking spaces. Based on conversations with the store operator, there are no existing concerns with respects to the amount of parking which is currently provided.

**1. Is the Variance Minor in Nature?**

In our opinion, the proposed reduction in parking is minor in nature, as the requirement is based on the gross floor area for the development. The reality of a Canadian Tire store however is that the retail area – the prime driver of the need for vehicle parking, is but only one of several components to the store. The other components, comprising the garden centre, automobile service centre, and warehouse and mezzanine space all have lower parking requirements than prime retail space. The floor areas for these uses are as follows:

USE	FLOOR AREA	PARKING REQUIREMENT PER CURRENT ZONING BY-LAW
Retail & Garden Centre	3,174.7m <sup>2</sup>	106
Automobile Service Centre	355.9m <sup>2</sup>	12
Office, Warehouse & Mezzanine	1,868.5m <sup>2</sup>	63

The majority of the parking demand is driven by the retail component, including the garden centre and, to a lesser degree, the automobile service centre. These building areas account for 118 required spaces at 1 space per 30m<sup>2</sup> of gross floor area. The office space, warehousing and mezzanine spaces account for an additional 63 parking spaces for a total of 181 parking spaces. However, the warehouse, office and mezzanine spaces do not produce a requirement for parking spaces at the same rate as the retail portion of the subject lands. Similarly, the garden center only produces a limited seasonal parking requirement.

**2. Is the Variance Desirable and Appropriate?**

In our opinion, the proposed reduction in parking to support the proposed expansion to the store is desirable and appropriate, as there will be adequate parking provided and the reduction is minimal, and will allow for an appropriate expansion of the existing store to better suit the needs of the local residents. Further, it is our experience that Canadian Tire parking lots are typically over parked, and expansions to stores do not result in a proportionate parking demand increase. This is demonstrated in detail under the Previous Expansion Parking Reductions, section of this variance justification, below.

**3. Does the variance maintain the general intent and purpose of the Official Plan?**

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the minimum parking requirement for a commercial development will permit the expansion of an existing commercial operation and meets the intent and purpose of the Official Plan.

**4. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The intent of the zoning by-law minimum parking requirements is to ensure that there is adequate parking made available for the use of the lands. In the case of Canadian Tire, it has been our experience that the site are generally over parked due to the parking requirements including the warehouse and mezzanine area which do not draw the same traffic as the retail portion of the development. Evidence of this can be seen under the

Previous Expansion Parking Reductions section, below. Further, Canadian Tire monitors the sales of stores, and has found that typically expansions do not result in a significant increase in customers, but rather an increase in the overall transaction amount, as a result of increased inventory.

#### **Previous Expansion Parking Reductions**

Below are some examples of stores in various locations where similar parking reductions have been approved, as a result of a store expansion or increase in commercial uses on the property.

##### Canadian Tire, Midland, Ontario

Canadian Tire in the Town of Midland is currently undergoing a Site Plan Amendment to permit a building addition. The proposed Existing Site has approximately 8,910 m<sup>2</sup> of floor area, which is comprised of Retail, Warehouse, Office, Auto Service Centre, Garden Centre, and a Gas Bar. The existing store requires 378 spaces, while 275 parking spaces are provided, which results in an existing deficit of 103 parking spaces.

A parking study was undertaken, which monitored the site in 20 minute intervals between 10am and 8pm on Thursday June 14, 2018 through Saturday, June 16, 2018. This study found that the peak parking demand occurred on Saturday, June 16, at 11:00am. The demand at this time was 145 parking spaces, resulting in a 53% utilization (1 space per 61.45m<sup>2</sup> of floor area) under current conditions. Based on the utilization of the current parking, a parking ratio of 1 space per 48m<sup>2</sup> was proposed for the proposed expansion.

The proposed expansion of the retail store was for an additional 4,282m<sup>2</sup> of combined retail, garden centre and warehousing. In this case a total for 597 parking spaces would be required after the renovation. The proposed site plan provides 280 parking spaces. The reduction in parking to a ratio of 1 space per 48m<sup>2</sup> gross floor area was approved by Minor Variance in February 2019.

##### Canadian Tire, Waterdown, Ontario

In 2015, Canadian Tire in the Settlement Area of Waterdown (Hamilton), Ontario underwent a Site Plan Amendment and Minor Variance application to permit an addition to the existing Canadian Tire and for the construction of two new commercial buildings on the subject lands. The existing Canadian Tire store had a gross floor area of 7,695m<sup>2</sup>, which includes a 748m<sup>2</sup> garden centre and a 108m<sup>2</sup> gas bar. The existing development required 405 parking spaces based on the Zoning By-law and the site provided 423 parking spaces, a surplus of 18 spaces.

A parking study was undertaken, which monitored the parking utilization for the existing store on 30-minute intervals between 10:00am and 9:00pm on Thursday, October 2, 2014 and between 9:00am and 6:00pm on Saturday, October 4, 2014. The study found that peak utilization occurred on Saturday, between 1:30pm and 2:00pm. The utilization at this time was 120 spaces, or 28% of the provided parking (1.29 spaces per 100m<sup>2</sup> GFA). Based on this demand it was anticipated that peak demand after build out would be approximately 162 or 47% of the provided parking, based on 347 spaces being provided. A parking ratio of 2 spaces per 100m<sup>2</sup> GFA was recommended, through the report.

The proposed site plan included a 1,394m<sup>2</sup> addition to the existing store, a 289m<sup>2</sup> garden centre, and two new commercial buildings with 2,043m<sup>2</sup> of gross floor area. The total floor area for the site is 11,421m<sup>2</sup>. The proposed development required parking to be provided at a rate of 1 space per 19m<sup>2</sup>, or 548 parking spaces. A minor Variance was approved to

permit a minimum parking ratio of 1 space per 33m<sup>2</sup> of gross floor area (a total of 347 parking spaces) was approved in April 2016.

#### Canadian Tire Ancaster, Ontario

In 2017, Canadian Tire in the Town of Ancaster (Hamilton) underwent a site plan amendment to permit the construction of a 490m<sup>2</sup> restaurant on the same property as the existing Canadian Tire. Although there was no expansion to the existing Canadian Tire, the new restaurant required a minor variance to the minimum number of parking space required for the development. The existing Canadian Tire has a floor area of 9,747m<sup>2</sup> including the garden centre and provided 378 parking spaces. Whereas, 390 spaces were required based on the existing zoning. Parking for the redeveloped property was to be provided based on use. The retail parking rate was 1 space per 25m<sup>2</sup> gross floor area, while the restaurant use required 1 space per 2 person capacity.

A parking study was undertaken, which monitored the parking utilization for the existing store on 30-minute intervals between 5:00pm and 7:30pm on Thursday, January 12, 2017 and Friday, January 13, 2017 and between 10:00am and 1:30pm on Saturday, January 14, 2017. Peak utilization occurred between 12:30pm and 1:00pm, on Saturday, January 14. The utilization at this time was 65 spaces, or 18% of the provided parking.

As noted the site plan amendment was for a 490m<sup>2</sup> restaurant, with 234 person capacity. The required parking for the site was 507, for both the restaurant use and the existing retail store. A minor variance was obtained to reduce the required parking to 385 parking spaces for the entire development, a 122 space deficiency.

#### Variance 3 & 4: Minimum Parking Stall Length

The current zoning by-law requires a minimum parking stall length of 6.0m, while a minimum length of 5.5m is being proposed.

##### **1. Is the Variance Minor in Nature?**

In our opinion the proposed reduction in the length of the parking stalls is minor in nature. The parking stalls will continue to be functional and the drive aisle will be 7.0m in width, allowing for adequate maneuvering space in the parking lot. Canadian tire strives for an 18.0m combined width for double loaded drive aisles across all sites, which is being achieved at this site. Further, wider parking spaces are available at the south end of the aisles. It is anticipated that should vehicle require additional length they would likely require additional width (eg. truck and trailers) and would utilize these spaces.

##### **2. Is the Variance Desirable and Appropriate?**

The proposed reduction to the parking stall length allows for the site to accommodate more parking stalls, allowing the proposed development to provide parking at a ratio closer to the zoning requirements. Further, the reduction does not impact the functionality of the parking lot, and therefore is desirable and appropriate.

##### **3. Does the variance maintain the intent and purpose of the Official Plan?**

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the minimum parking stall length will permit the expansion of an existing commercial operation and meets the intent and purpose of the Official Plan.

Chair and Members of Committee of Adjustment – June 10, 2019

**4. Does the variance maintain the intent and purpose of the Zoning By-law?**

The purpose of the minimum stall length is to ensure that adequate space is being provided for parking and maneuvering within a parking lot. The proposed reductions maintains this intent. The proposed 5.5m stall length is a prototype length found across Canadian Tire stores in Ontario. The proposed aisle width is 7.0m, which complies with the minimum width for drive aisle in Fenelon Township. The stall and aisle width results in a combined width of 18.0 metres, which is a standard generally followed in most development. Further there are larger stalls (increased width) which have been provided. The intention of these stalls is to allow for larger vehicles to park, and use two spaces length wise should it be necessary. As such, the proposed reduction to the parking stall length maintains the intent and purpose of the Zoning By-law.


**Submission Materials**

In support of the proposed minor variance application, please find enclosed the following:

- Two (2) copies of the completed application form;
- Two (2) copies of the proposed Site Plan;
- Two (2) copies of the proposed Building Elevations; and,
- One (1) cheque in the amount of \$1,320.00, made payable to the City of Kawartha Lakes, which represents the application and circulation fee.

We trust that the enclosed is in order. However, should you have any questions or require further information, please do not hesitate to contact the undersigned.

Regards,  
IBI Group



Tracy Tucker, BAA, CPT  
Project Coordinator

Cc: Ms. Veronik Manolova, Canadian Tire Real Estate Limited;  
Ms. Emily Chow, Canadian Tire Real Estate Limited

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**IBI GROUP**  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010  
[ibigroup.com](http://ibigroup.com)

September 3, 2019

Chair and Members of Committee of Adjustment  
c/o Mr. Ian Walker  
Planning Officer - Large Development  
City of Kawartha Lakes  
26 Francis Street  
PO Box 9000  
Lindsay, Ontario K9V 5R8

**RECEIVED**

**SEP 03 2019**

City of Kawartha Lakes  
Development Services  
Planning Division

Dear Chair and Members of Committee of Adjustment:

**AMENDMENTS TO MINOR VARIANCE APPLICATION COA2019-050  
160 LINDSAY STREET/563 CKL RD 121, FENELON TOWNSHIP**

**1.0 Introduction**

In July 2019, IBI Group submitted an application for Minor Variance on behalf of Canadian Tire Real Estate Ltd. for the lands located at 160 Lindsay Street/563 City of Kawartha Lakes Road 121. The application was deferred at Committee of Adjustment on August 15, 2019, as additional variances were identified, through a detailed zoning review undertaken by City staff. The proposed Minor Variances are required to support the proposed addition to the existing Canadian Tire store in Fenelon Falls, which is currently the subject of a Site Plan Amendment Application. Though discussions with Staff, additional variances to Zoning By-law No. 12-95 were identified. The previously requested variances are as follows:

	SECTION	REQUIRED	PROPOSED
1)	17.2.1.3 (d) Minimum Rear Yard	12m	7.0m
2)	3.14.1.2 Minimum Number of Parking Spaces Commercial Use	1 space per 30m <sup>2</sup> of gross floor area (180 spaces)	1 space per 37m <sup>2</sup> of gross floor area (149 spaces)
3)	3.14.1.5 Minimum Parking Stall Size	2.8m (width) 6.0m (length)	2.8m (width) 5.5m (length)
4)	3.14.1.6 Minimum Handicapper Parking Stall Size	4.0m (width) 6.0m (length)	4.0m (width) 5.5m (length)

Variances 1 & 2 of the original application are still required. However, variances 3 & 4 are no longer required. In addition to variances 1 & 2, the following additional variances are requested, in order to permit the proposed addition to the existing building:

Chair and Members of Committee of Adjustment  
c/o Mr. Ian Walker – September 3, 2019

	SECTION	REQUIRED	PROPOSED
1)	<b>3.14.1.11</b> Minimum Aisle Width	7.0 metres	6.0 metres
2)	<b>3.14.2.2</b> Off-street loading space requirements	No loading space or platform of loading door shall be located in any yard or wall of any building or structure which adjoins or faces a street.	Loading spaces shall be permitted on a wall which faces the street, provided that wall is not the primary wall of the building.
3)	<b>3.1.2.1</b> Location of Accessory Uses	An accessory building which is not part of the main building shall only be erected in an interior side or rear yard	Accessory building in the form of a pump house shall be permitted within the front yard.
4)	<b>3.1.2.1</b> Location of Accessory Uses	An accessory building which is not part of the main building shall only be erected in an interior side or rear yard	Temporary Storage Containers (sea-cans, shall be permitted to be located within the front yard for until November 30 2021, or until construction is completed, whichever is lesser.

## 2.0 Planning Act, R.S.O. 1990, c.P.13

In support of this application, this section outlines how the proposed variances satisfy the four (4) tests prescribed by Section 45(1) of the Planning Act. These four tests are as follows:

1. Is the variance minor in nature?
2. Is the variance Desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan?
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

As this submission includes four variances from the requirements of By-law No. 12-95, justification will be provided for each variance separately. As such, the following section provides an analysis of the proposed variances, subject to the four tests.

## 3.0 Justification

### Variance 1: Minimum Aisle Width

As per section 3.14.2.11 of Zoning By-law 12-95, the minimum required aisle width of a parking aisle, when the angle of the parking spaces to the aisle are equal to or greater than 70 degrees but less than or equal to 90 degrees, is 7.0 metres. In this particular case, a minimum width of 6.0 metres is proposed.

#### 1. Is the variance minor in nature?

The parking aisles will continue to be fully functional and continue to allow for adequate maneuvering space in the parking lot. By reducing the aisle width, from 7.0m to 6.0m, the site is able to accommodate parking stalls with a length of 6.0m, in accordance with the Zoning By-law. It should be noted that Canadian Tire strives for an 18.0m combined width for double loaded drive aisles across all sites in the province, which is being achieved at

Chair and Members of Committee of Adjustment  
c/o Mr. Ian Walker – September 3, 2019

this site. Therefore it is our opinion the proposed reduction in the width of the parking aisles is minor in nature.

**2. Is the variance desirable and appropriate?**

Based on correspondence with staff, the reduction of the aisle width to 6.0 metres is recommended for the lands as an alternative to reducing the length of parking stalls. By allowing for 6.0m parking stalls, the opportunity for overhang of larger vehicles into the drive aisle is reduced, which was determined to be more desirable. The reduced drive aisle width maintains adequate maneuvering space throughout the parking lot. As previously noted, Canadian Tire strives for an 18.0m combined width for a double loaded drive aisle across all sites in the province, which will result from the proposed variance. As such, variance will allow for the subject lands to stay consistent with other Canadian Tire properties and will not impact traffic flow throughout the property. Therefore, it is our opinion that the variance is both desirable and appropriate.

**3. Does the variance maintain the general intent and purpose of the Official Plan?**

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the minimum required aisle width will permit the expansion of an existing commercial operation and meets the intent and purpose of the Official Plan.

**4. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The purpose of the minimum parking aisle width within the Township of Fenelon Falls Zoning By-law is to ensure that adequate space is being provided for parking and maneuvering within a parking lot. The proposed reductions maintains this intent. The proposed stall and aisle width result in a combined width of 18.0 metres, which is a standard reflected in the design of a majority of Canadian Tire stores nation-wide and is a generally accepted standard for commercial parking lots and reflected in many municipal zoning by-laws. As such, the proposed reduction to the parking aisle width maintains the intent and purpose of the Zoning By-law.

Variance 2: Off-Street Loading Space Requirements

As per section 3.14.2.2 of Zoning By-law 12-95, No loading space or platform of loading door shall be located in any yard or wall of any building or structure which adjoins or faces a street, whereas loading spaces are proposed on a wall facing Lindsay Street. The proposed variance is to permit loading to be located on a building wall facing a street, provided the wall is not the primary building wall.

**1. Is the variance minor in nature?**

Notwithstanding the proposed loading spaces are located on a street-facing wall, they are substantially recessed from the primary front wall of the building. By providing loading on a street-facing wall as opposed to the side or rear of the building, the proposed building itself will effectively act as a sound barrier for the loading area from the proposed residential lands to the north of the subject lands. Further, the loading area is located approximately 75 metres from the front lot line to the front of the loading space and 100m to the building face. The building face containing the loading area is recessed approximately 30 metres from the primary building face. As such, it is our opinion that the proposed variance to allow for loading spaces to be located on a street facing wall is minor in nature.

Chair and Members of Committee of Adjustment  
c/o Mr. Ian Walker – September 3, 2019

**2. Is the variance desirable and appropriate?**

The proposed variance to permit loading spaces on a street-facing wall will allow for the proposed building to act as a noise barrier from the loading area to the proposed residential to the rear. Further, the proposed loading spaces are located on a street-facing wall which is recessed approximately 30 metres from the primary building wall. As such, it is our opinion that the proposed variance to permit a loading space on a street facing wall is desirable and appropriate giving the context, the setback from the street line, and the building configuration.

**3. Does the variance maintain the general intent and purpose of the Official Plan?**

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the location of loading forms part of a commercial use and therefore maintains the intent and purpose of the Official Plan.

**4. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The purpose of the Zoning by-law requirement is to deter loading areas from being located on a primary front wall of a building, where the visual impact to the adjacent street is not aesthetically pleasing. In this instance, although the proposed loading area is located on a street facing-wall, it is not located on the primary building wall and is recessed from the primary building wall. Additionally, the visual impact of the loading area from the street is mitigated through the proposed substantial setbacks from the street. Further, by locating the loading spaces on a recessed street-facing wall there will be no visual impacts to the proposed residential lands to the north. As well as, by locating the loading on a street facing wall the proposed building will also act as a noise buffer to the lands to the north.

Therefore, as the loading spaces are located on a street facing wall recessed from the primary front wall of the building, the visually impact to the street will be minimized, as well as the proposed provides better buffering and screening for the proposed residential units to the north. As such it is our opinion that the proposed variance maintains the general intent and purpose of the Zoning By-law.

**Variance 3 & 4: Location of Accessory Uses**

As per section 3.1.2 of Zoning By-law 19-25, unless otherwise provided, any accessory building which is not part of the main building shall only be erected in an interior side or rear yard, whereas the proposed and accessory building in the form of pump station is proposed within the front yard and temporary storage containers (Sea-Cans) are to be located within the front yard until the completion of the building renovation, or November 30, 2021, whichever is lesser.

**1. Is the variance minor in nature?**

The proposed pump house is located in the south-eastern corner of the lands. The pump house is required to ensure that adequate water pressure is provided for fire suppression as a result of the proposed increase to the existing store. Through the design process it was determined that the existing systems would not have the capability to serve the structure following the completion of the extension. As such, the proposed pump house will allow for adequate fire suppression of the proposed building. In order to function the pump house is required to be located in close proximity to the municipal water main and therefore is required to be located in the front yard. The proposed pump house building is small (approximately 5mx5m in size) and is located approximately 6.0 metres from the front lot line representing the required front yard setback for the zone. It is in an



Chair and Members of Committee of Adjustment  
c/o Mr. Ian Walker – September 3, 2019

unobtrusive location and will be screened by landscaping. As such, it is our opinion that the proposed pump house location in the front yard is minor in nature, and required for life safety purposes.

The proposed use of the front yard for the temporary use of sea-cans, which are considered a structure under the Ontario Building Code, is required during the construction of the addition to the current building. This will allow the dealer who operates the Canadian Tire store to keep the store open during construction. The proposed variance is temporary in nature and is to be limited to the period of construction only. The proposed location will be on the east and west portions of the site adjacent to the existing parking lot, and will not be located closer than 6.0m to the front lot line. Due to the provisions being temporary in nature, and a condition of site construction, it is our opinion that a variance to permit sea-cans as accessory structures to be located in the Front Yard for the duration of the building construction is minor in nature.

**2. Is the variance desirable and appropriate?**

As the proposed development increases the size of the existing building by more than double its current ground floor area, additional servicing is required for the current fire suppression system. The proposed pumping station is required to ensure that in the event of a fire, adequate water flow is provided to the fire suppression system. As such, it is our opinion that the proposed variance is desirable and appropriate as it is required to ensure that the proposed development is effectively protected in the case of a fire.

The temporary storage of sea-cans within the front yard of the subject lands will allow the vendor to continue to operate the store during construction providing an important commercial service to the residents of Fenelon Falls and the surrounding area. Utilizing the sea-cans as opposed to open outside storage will ensure there is minimal visual impacts to the site, as stock will be located within a contained structure. As such it is our opinion that the proposed variance is desirable and appropriate.

**3. Does the variance maintain the general intent and purpose of the Official Plan?**

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the location of accessory uses will permit the expansion of an existing commercial operation, which is a permitted use and therefore the proposed variances maintain the general intent and purpose of the Official Plan.

**4. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The intent of the Zoning By-law is to maintain an aesthetically pleasing front yard where the main use is the focus of the site and accessory uses are located to the side and rear or the main use on the subject lands. The proposed pump house is of a relatively small size and is located in an inconspicuous location. It ensures that adequate water pressure is provided to the updated fire suppression system that will serve the existing structure as well as the proposed expansion, and is required to be located between the main building and the street line to be operational. Therefore, it is our opinion that the proposed variance to permit the location of the pump house within the front yard maintains the general intent and purpose of the Zoning By-law, and is required for life safety.

The temporary permission for accessory storage structures (sea-can) within the front yard will facilitate the building addition and is temporary in nature. As such the proposed structures will be removed once construction is complete. The temporary use maintains

Chair and Members of Committee of Adjustment  
c/o Mr. Ian Walker – September 3, 2019

the intent and purpose of the zoning by-law, as it will facilitate on-site storage during construction and will be removed once construction is complete.

#### 4.0 Submission Materials

In support of the proposed minor variance application, please find enclosed the following:

- Two (2) copies of the proposed Site Plan;
- Two (2) copies of the proposed Building Elevations;
- Two (2) copies of the truck parking and movement plan; and,
- One (1) cheque in the amount of \$225.00, made payable to the City of Kawartha Lakes, which represents the re-advertisement fee.

We trust that the enclosed is in order. However, should you have any questions or require further information, please do not hesitate to contact the undersigned.

Regards,  
IBI Group



Tracy Tucker, BAA, CPT  
Project Coordinator

Cc: Ms. Melissa Miceli, Canadian Tire Real Estate Limited  
Ms. Emily Chow, Canadian Tire Real Estate Limited

August 13, 2019

APPENDIX "H"  
to V/4  
REPORT COA2019-054  
FILE NO. D20-2019-034

Via email [iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca)

Ian Walker

Planning Officer – Large Developments

Development Services – Planning Division, City of Kawartha Lakes

180 Kent Street West

Lindsay ON K9V 2Y6

**RE: Minor Variance Application: D20-2019-034**  
**160 Lindsay St - Fenelon Falls, City of Kawartha Lakes**

KRCA has completed the review of the above noted Minor Variance application for the Fenelon Falls Canadian Tire expansion. The applicant is requesting:

- To reduce the minimum rear yard setback from 12m to 7m;
- Reduce the minimum number of parking spaces;
- Reduce the minimum parking stall size; and,
- Reduce the minimum handicapped parking stall size.

KRCA advises the applicant that a small portion of the northern corner of the property is within KRCA's regulated area, due to a presence of a watercourse. No development, including site alteration, grading, structures, etc., is permitted within Kawartha Conservation's regulated area prior to obtaining a Permit pursuant to Ontario Regulation 182/06.

Natural Heritage Features:

- Watercourse

Natural Hazards:

- Flooding from watercourse

KRCA does not have concern with the reduced rear yard setback. There is a watercourse present, however, a plan of subdivision has been draft approved adjacent to the Canadian Tire, which would re-route the watercourse away from the property. Taking this into consideration, KRCA does not foresee any long-term impacts to the watercourse from the subject property. Additionally, moving the watercourse would reduce the risk of flooding on the property.

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
**KawarthaConservation.com**

*Our Watershed Partners:*

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan



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August 13, 2019

KRCA requests to be circulated on future Planning Act applications and any completed technical reports/studies.

I trust this meets your information requirements at this time, should you have any further questions do not hesitate to contact this office.

Sincerely,

Erin McGregor

Erin McGregor  
Resources Planner Technician  
KAWARTHA CONSERVATION  
277 Kenrei Road  
Lindsay, ON K9V 4R1

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
**KawarthaConservation.com**

**Our Watershed Partners:**

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan



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3/4

## **Charlotte Crockford-Toomey**

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**From:** Derryk Wolven  
**Sent:** Monday, September 09, 2019 3:33 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-034

Please be advised building division has the following comments:

Confirm that the fire route does not need to extend to the pump house (FDC and Siamese provided).  
Permits will be required for the sea containers detailing anchorage, founding and exiting.

### **Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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**Charlotte Crockford-Toomey**

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**From:** Christina Sisson  
**Sent:** Monday, September 09, 2019 4:35 PM  
**To:** Mark LaHay  
**Cc:** Kirk Timms; Kim Rhodes; Charlotte Crockford-Toomey  
**Subject:** 20190909 D20-2019-034 Engineering Review

**Importance:** High

Good Afternoon Mark - further to our engineering review of the following:

Minor Variance – D20-2019-034  
563 County Road 121  
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from Section 45(1) of the Planning Act for various setbacks, etc. for the proposed expansion to the existing retail store, and we note that we have not received the design referenced by the IBI Group in the supporting material for the minor variance.

*While to date we have not received nor reviewed the proposed site plan submission in support of the expansion to the existing retail store, we have no objection to the proposed Minor Variance from an engineering perspective and trust that any variances will reflect the approved site plan.*

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

Thanks,

**CHRISTINA**

**Christina Sisson, P.Eng.**  
Supervisor, Development Engineering  
Engineering & Corporate Assets, City of Kawartha Lakes  
705-324-9411 ext. 1152 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)