

D20-2019-034

APPENDIX " A "
to
REPORT CoA2019-054
FILE NO. D20-2019-034

Geographic Township of Fenelon

Lot 22

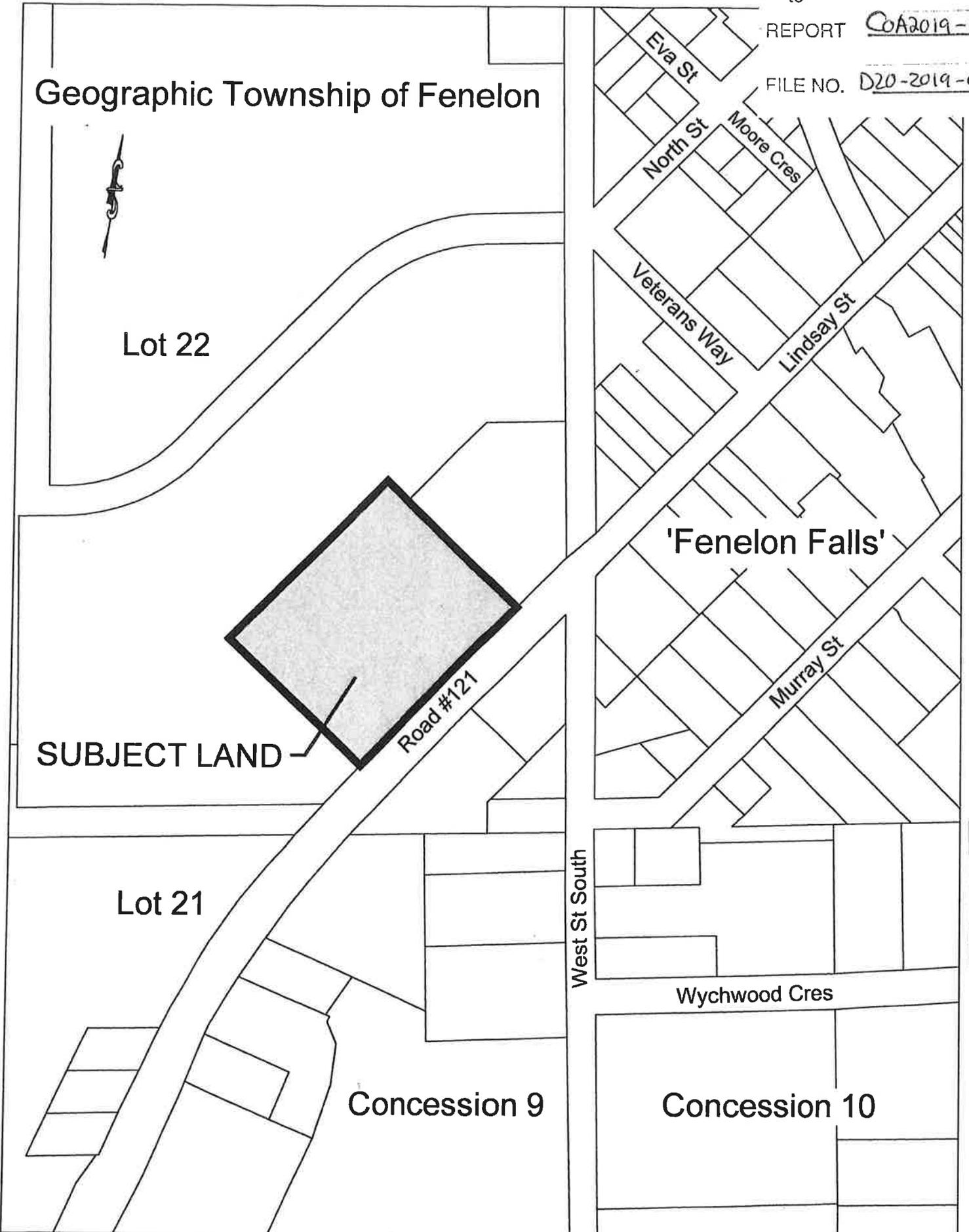
SUBJECT LAND

Lot 21

Concession 9

Concession 10

'Fenelon Falls'



563 CKL Road 121, Fenelon

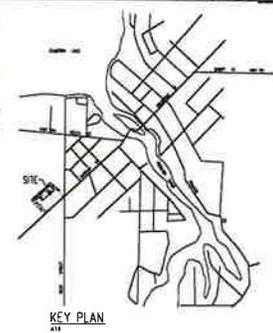
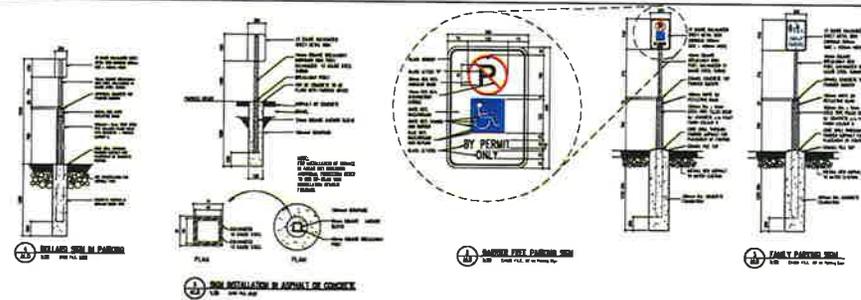
APPENDIX " B "
 to
 REPORT COA2019-054
 FILE NO. D20-2019-034



- Legend**
- Property ROLL#
 - Road Centreline (2016 Needs)

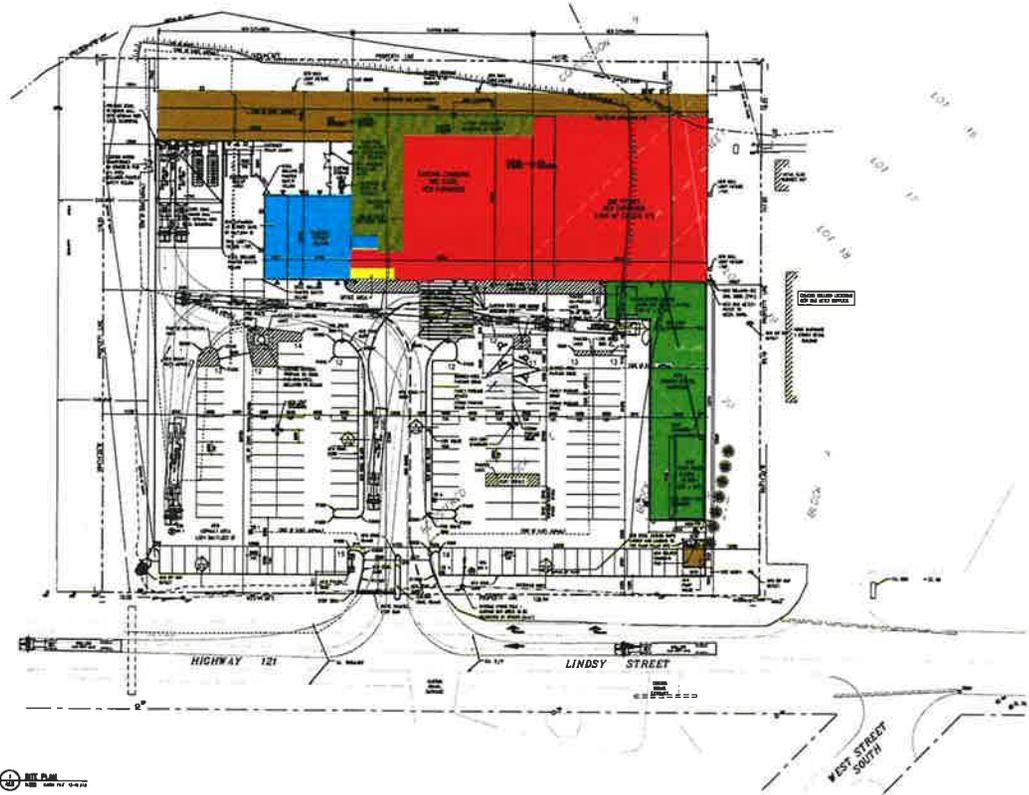
Notes
 2013 Orthophoto





- LEGEND:**
- RETAIL AREA
 - WAREHOUSE AREA
 - SERVICE CENTRE AREA
 - EXISTING WAREHOUSE AREA
 - STREET AREA
 - GARDEN CENTRE AREA

NOTES:
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.
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 9. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE SPECIFIED.
 10. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE SPECIFIED.



TOPOGRAPHIC PLAN OF PART OF LOT 4, IN BLOCK W REGISTERED PLAN No. 1 CITY OF KAWARTHA LAKES

NO.	DESCRIPTION	AREA (SQ. M)	PERCENTAGE
1	RETAIL AREA	10,000	10.00
2	WAREHOUSE AREA	20,000	20.00
3	SERVICE CENTRE AREA	5,000	5.00
4	EXISTING WAREHOUSE AREA	15,000	15.00
5	STREET AREA	10,000	10.00
6	GARDEN CENTRE AREA	5,000	5.00
7	UNDEVELOPED AREA	15,000	15.00
8	TOTAL	100,000	100.00

NO.	DESCRIPTION	AREA (SQ. M)	PERCENTAGE
1	RETAIL AREA	10,000	10.00
2	WAREHOUSE AREA	20,000	20.00
3	SERVICE CENTRE AREA	5,000	5.00
4	EXISTING WAREHOUSE AREA	15,000	15.00
5	STREET AREA	10,000	10.00
6	GARDEN CENTRE AREA	5,000	5.00
7	UNDEVELOPED AREA	15,000	15.00
8	TOTAL	100,000	100.00

11 SITE PLAN

SEAL AND SIGNATURE AREA

R.N. Archibald Inc.
 Professional Engineer
 Ontario
 P.E. No. 038

FERELON FALLS Ontario

DESIGNED THE REG. SITE LAYOUT

RETAIL STORE AND SERVICE CENTRE

SITE PLAN

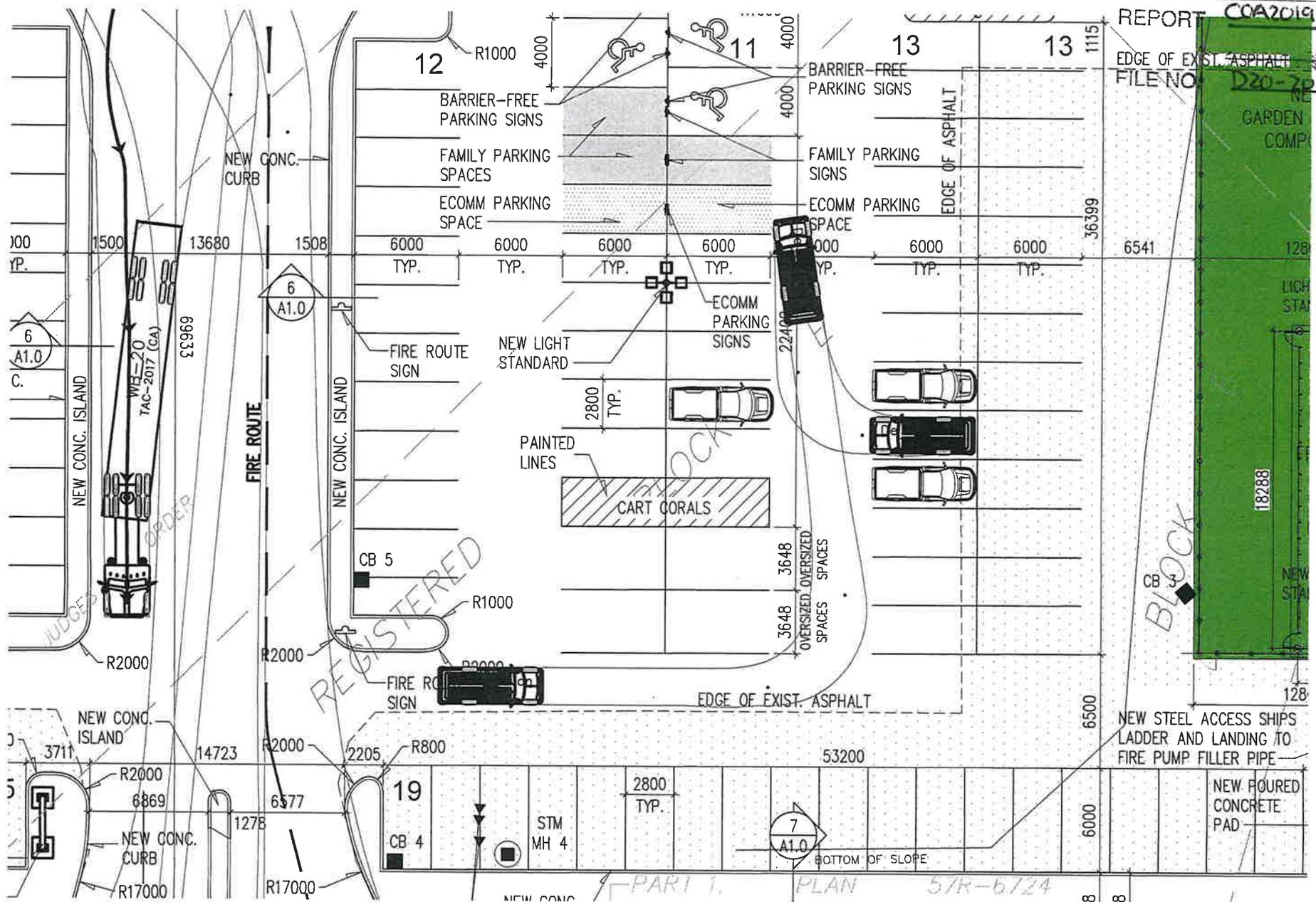
SCALE: 1:100

DATE: 2019-05-14

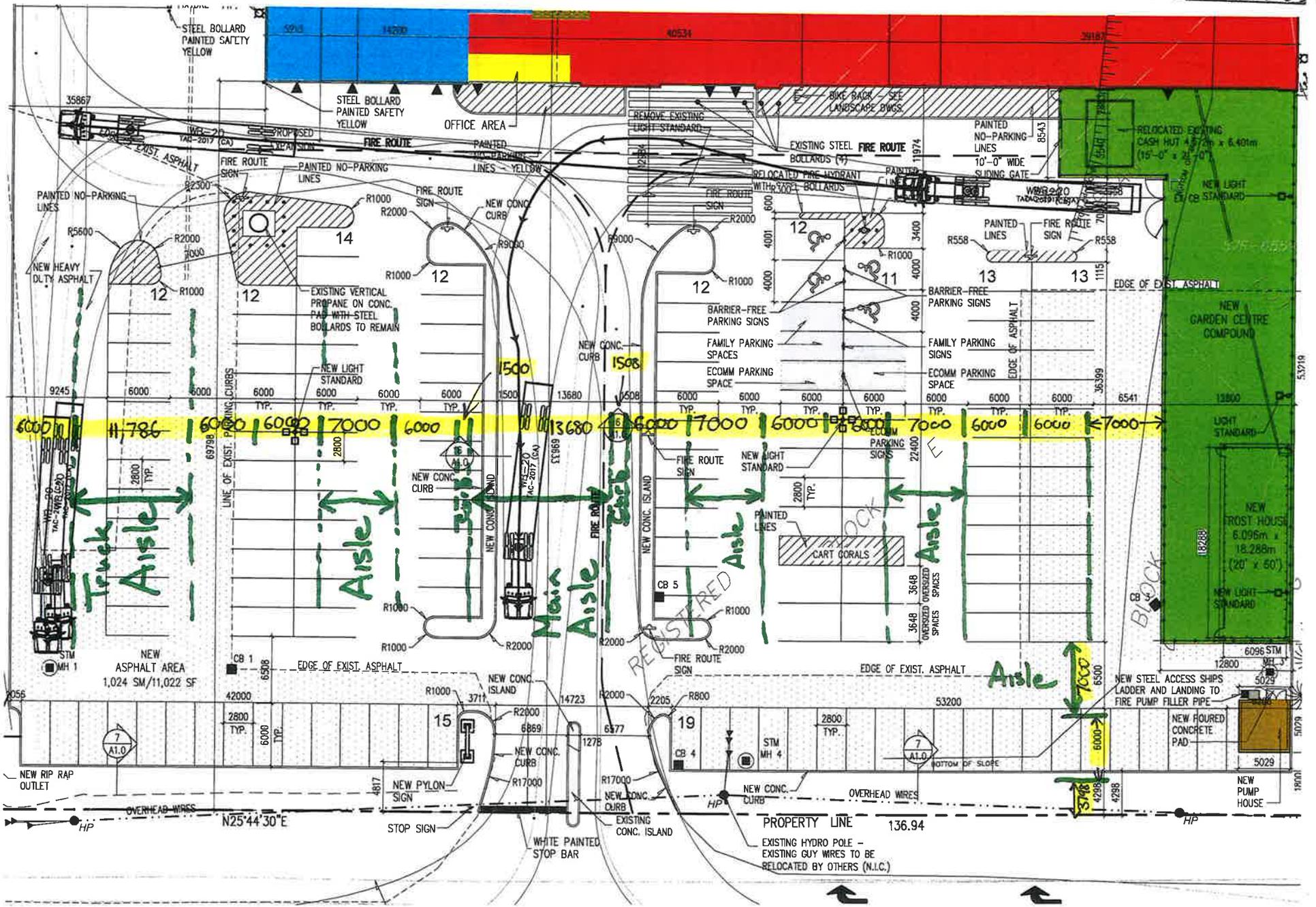
to

REPORT COA2019-054

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



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





IBI GROUP
 200 East Wing – 360 James Street North
 Hamilton ON L8L 1H5 Canada
 tel 905 546 1010
 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 m² to 5,402m². 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 ² of gross floor area (180 spaces)	1 space per 37m ² 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?

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

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 30m² (181 spaces) of gross floor area. The proposed variance is to provide a rate of 1 space per 37m² (149 spaces) of gross floor area.

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

The existing commercial building is approximately XXm² 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 ²	106
Automobile Service Centre	355.9m ²	12
Office, Warehouse & Mezzanine	1,868.5m ²	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 30m² 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 m² 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 61.45m² of floor area) under current conditions. Based on the utilization of the current parking, a parking ratio of 1 space per 48m² was proposed for the proposed expansion.

The proposed expansion of the retail store was for an additional 4,282m² 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 48m² 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 7,695m², which includes a 748m² garden centre and a 108m² 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 100m² 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 100m² GFA was recommended, through the report.

The proposed site plan included a 1,394m² addition to the existing store, a 289m² garden centre, and two new commercial buildings with 2,043m² of gross floor area. The total floor area for the site is 11,421m². The proposed development required parking to be provided at a rate of 1 space per 19m², or 548 parking spaces. A minor Variance was approved to

permit a minimum parking ratio of 1 space per 33m² 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 490m² 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 9,747m² 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 25m² 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 490m² 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

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 ² of gross floor area (180 spaces)	1 space per 37m ² 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)	3.14.1.11 Minimum Aisle Width	7.0 metres	6.0 metres
2)	3.14.2.2 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)	3.1.2.1 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)	3.1.2.1 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

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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

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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
REPORT COA2019-054

FILE NO. D20-2019-034

Via email 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

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Charlotte Crockford-Toomey

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



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Charlotte Crockford-Toomey

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