

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Greig Group Limited
Report Number COA2022-010

Public Meeting

Meeting Date: February 17, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Former Village of Fenelon Falls

Subject: The purpose and effect is to request relief from Section 5.16.1 to reduce the parking requirement from 33 to 17 to permit an addition to an eating establishment.

The variance is requested at 3 Francis Street West, former Village of Fenelon Falls (File D20-2022-003).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2022-010 Greig Group Limited, be received;

That minor variance application D20-2022-003 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally in accordance with the floorplans in Appendix D submitted as part of Report COA2022-010, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to the issuance of a building permit the owner enter into an agreement with the City respecting the payment of cash-in-lieu of the provision of required parking spaces in the sum of \$36,000, which is the equivalent of nine (9) new off-site parking spaces; and
- 3) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2022-010. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The majority of the ground floor of the commercial building is proposed to be converted from a sales centre to an eating establishment use. A two storey addition to the south of the building is proposed for the eating establishment. The addition complies, however the parking requirement is deficient.

This application was deemed complete December 20, 2021.

Proposal: To recognize the reduced parking available as a result of the conversion of space to an eating establishment use and expansion of the building to increase the size of the eating establishment.

Owner: Greig Group Limited

Legal Description: 3 Francis Street West, Part of Lot 1 and 2, South Side of Francis Street, West Side of Colborne Street, Plan 100, City of Kawartha Lakes

Official Plan: "Main Central Area" within the Village of Fenelon Falls Official Plan

Zone: "General Commercial (C1) Zone" within the Village of Fenelon Falls Zoning By-law 89-25

Site Size: 1131.28 square metres (12,176.9 square feet)

Site Servicing: Full municipal services

Existing Uses: Commercial, Residential

Adjacent Uses: North, South, East, West: Commercial, Residential

Rationale: By-law 89-31A (Cash-in Lieu of Parking By-law), passed in 1989, establishes the number of parking spaces required for each property within the Fenelon Falls Central Business District (CBD) based upon the uses established at that time. The by-law organizes the number of required parking spaces into on-site and off-site (municipal parking lot or on-street parking) parking locations. When the by-law was passed, the subject property, known at that time as the Gillogly Building, had three (3) retail units and one (1) apartment. The uses required twenty-eight (28) parking spaces. The twenty-eight (28) spaces were divided into twenty-one (21) on-site spaces, and seven (7) off-site spaces. The Zoning By-law triggers a review of the parking requirements when a change in use and/or building expansion is proposed. Should additional off-site parking be required as a result of the change(s), the Cash-in Lieu of Parking By-law attaches a cost of \$4,000 per

additional off-site parking space. This cost was determined in accordance with the then-village's parking studies and cost analysis of acquiring and constructing municipal off-street parking facilities.

1) Is the variance minor in nature? Yes

The subject property is a commercial building within the Fenelon Falls Central Business District (CBD). The building is primarily a single storey containing commercial uses on the ground floor and a small second floor on the west side with an apartment. The ground floor contains an office and a sales centre for The Moorings condo project. The sales centre space was previously occupied by Dolce Bakery.

The subject property is an L-shape, with the front lot line being the bottom of the L. The building is located to the northeast where the property's road frontage is widest. A laneway runs along the east side of the property, providing rear access to the buildings fronting Colborne Street and a municipal parking lot further south.

The application proposes to add a two storey addition to the south side of the building. The addition will move the restaurant utility space out of the existing footprint of the building, arranging it into two levels. This arrangement frees up the existing building footprint for more table space. A patio to the south of the addition is also proposed.

Unlike many commercial properties within the CBD, the subject property has its own self-contained parking lot containing more than five (5) spaces. Many properties within the CBD either do not have their own parking, or have under five (5) spaces. Those parking spaces form part of a network of interconnected driveways and parking surfaces that collectively form a larger parking area at the rear of the commercial buildings. The parking area on the subject property occupies the balance of the land around the building. The majority of the parking is to the southwest of the building, accessed via an entrance off Francis Street West. An accessibility ramp is proposed to the southwest, which would remove at least one potential parking space from that parking area. There appears to be an area to the immediate south, accessed from the east laneway, which may also provide parking. Based upon the calculations of the Cash-in Lieu of Parking By-law, it is anticipated the south parking area accommodated three (3) spaces. The south parking area would be removed as a result of the addition and creation of patio space.

With the proposed site design, the property would accommodate seventeen (17) parking spaces. Three (3) of those spaces are dedicated to the office and apartment uses. The variance is not proposing to change the parking requirement for those uses. The remaining fourteen (14) spaces on-site are proposed for eating establishment (restaurant) use. However, the eating establishment use requires an additional sixteen (16) spaces. These spaces are proposed to be accommodated off-site. On-street parking is present on Francis Street West, and there is a municipal lot a short distance to the south

within the same block. Additional municipal parking opportunities exist in municipal lots in the block north of and east of the subject property.

There are sufficient on-street and off-street municipal parking opportunities within close proximity to the property to accommodate the parking that cannot be accommodated on-site.

The variance is minor in nature.

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

The reduction will allow the property to change from a sales centre use, once that use has concluded, to an eating establishment.

The addition will result in the increase of area for diners within the main part of the building by relocating the eating establishment infrastructure (kitchen, freezer, refrigerator, and related business infrastructure) outside of the existing building footprint. The redistribution of space anticipates the creation of up to 70 indoors dining seats and 30 outdoor patio seats.

The only other commercial establishments on the block facing Francis Street West is a unit that was last known to be a salon at 9 Francis Street West, and a hearing centre at 13 Francis Street West. The change of use proposes to increase not just the commercial functionality of the site but the north side of the block.

Due to the above analysis, the variance is desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes

The subject property is zoned “General Commercial (C1) Zone” within the Village of Fenelon Falls Zoning By-law 89-25. The C1 Zone permits a wide assortment of commercial uses, including the proposed eating establishment use.

The General Provisions outlines what the parking requirements are for the various uses. The parking requirement is triggered due to changing the property to an eating establishment use along with expanding said eating establishment footprint beyond that of the current building.

The proposed variance of moving cars onto abutting municipal land is not likely to have a negative impact on any of the abutting land uses on the adjacent lots or the function of the area, as the CBD is already designed to accommodate on-street and off-street parking.

The Cash-in Lieu of Parking By-law establishes the number of parking spaces required for each property within the CBD based upon the uses established in 1989. At that time, the subject property required seven (7) off-street parking spaces to supplement its on-site parking to meet the parking requirements for the existing uses.

The proposed eating establishment use requires thirty (30) new spaces. Through the proposed addition and site design, only fourteen (14) of the seventeen (17) total on-site spaces are available for the eating establishment use. Therefore, sixteen (16) more off-site spaces are required.

The Cash-in Lieu of Parking By-law attaches a cost of \$4,000 per new off-site parking space. However, the Cash-in Lieu of Parking By-law already identifies that in 1989, the property was using seven (7) off-site spaces to accommodate its uses. Therefore, the proposed use adds nine (9) new off-site spaces not originally accounted for in the Cash-in Lieu of Parking By-law. Condition 2 is proposed in accordance with the Cash-in Lieu of Parking By-law requirement.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) Does the variance maintain the intent and purpose of the Official Plan?

Yes

As the City of Kawartha Lakes Official Plan as it applies to the Fenelon Falls Urban Settlement Area through the Fenelon Falls Secondary Plan has been appealed to the Ontario Land Tribunal, the Fenelon Falls Official Plan (Official Plan) applies.

The property is designated “Main Central Area” within the Official Plan. The designation corresponds to the central business district of the Fenelon Falls community. The designation recognizes the multi-use function of the area with an emphasis on providing a broad range of goods and services. An eating establishment is proposed.

Policies in section 3.6.3 permit uses within the Main Central Area to have adjustments made to their parking requirements provided monies are paid to the City for it to plan and fund future parking infrastructure. By-law 89-31A was created to track site specific parking requirements and introduce the financial contribution the property owner must pay if additional reductions are required. Provided the appropriate contribution is made in accordance with Condition 2, the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is on full municipal services.

Consultations:

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

Agency Comments:

Building and Septic Division – Chief Building Official (February 3, 2022): No concerns. A building permit is required.

Development Engineering Division (February 4, 2022): No concerns.

Public Comments:

No comments received as of February 8, 2022.

Attachments:



Appendices A-E to
COA2022-010

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Floorplans

Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

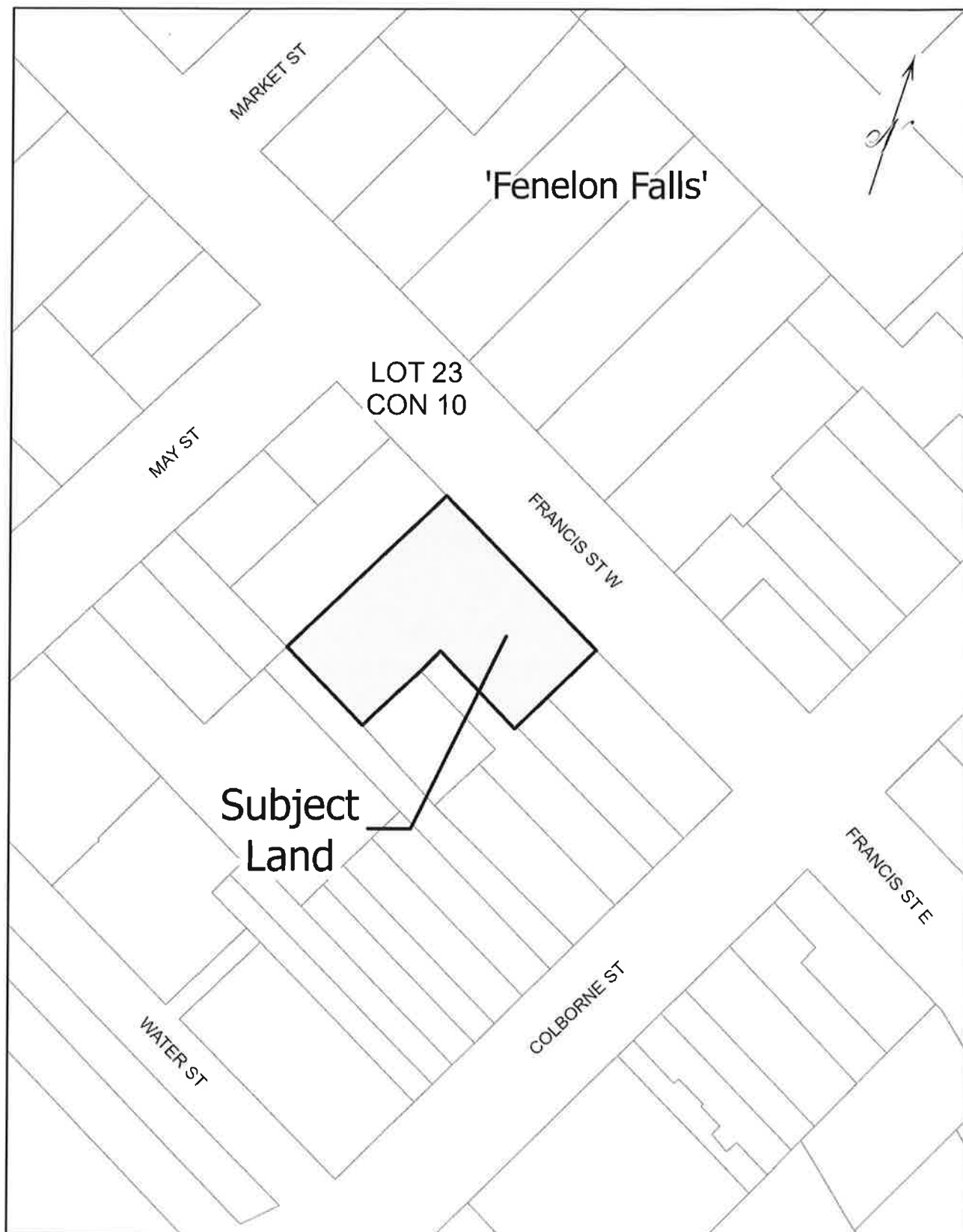
Department File: D20-2022-003

to

REPORT COA2022-010

FILE NO: D20-2022-003

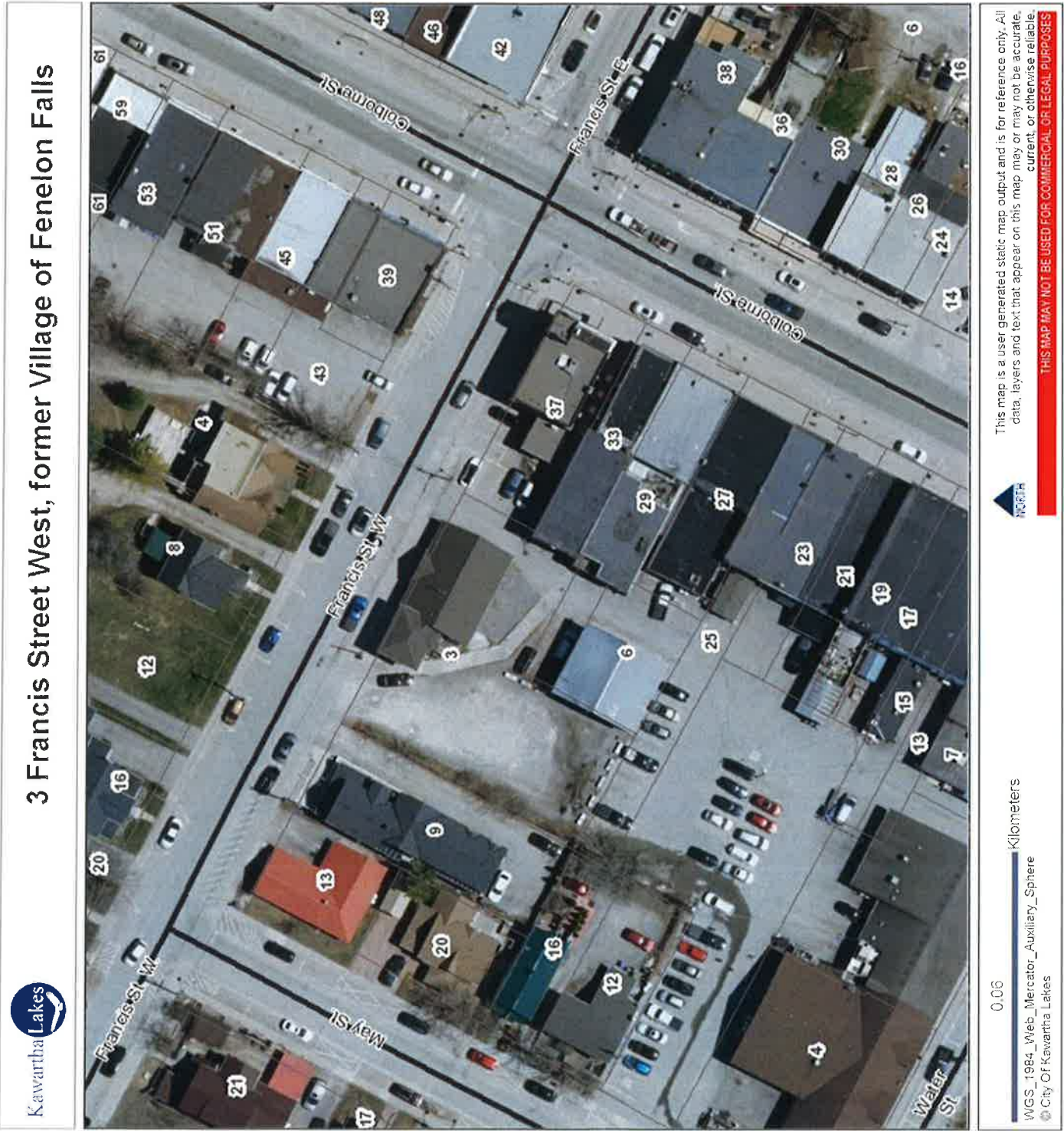
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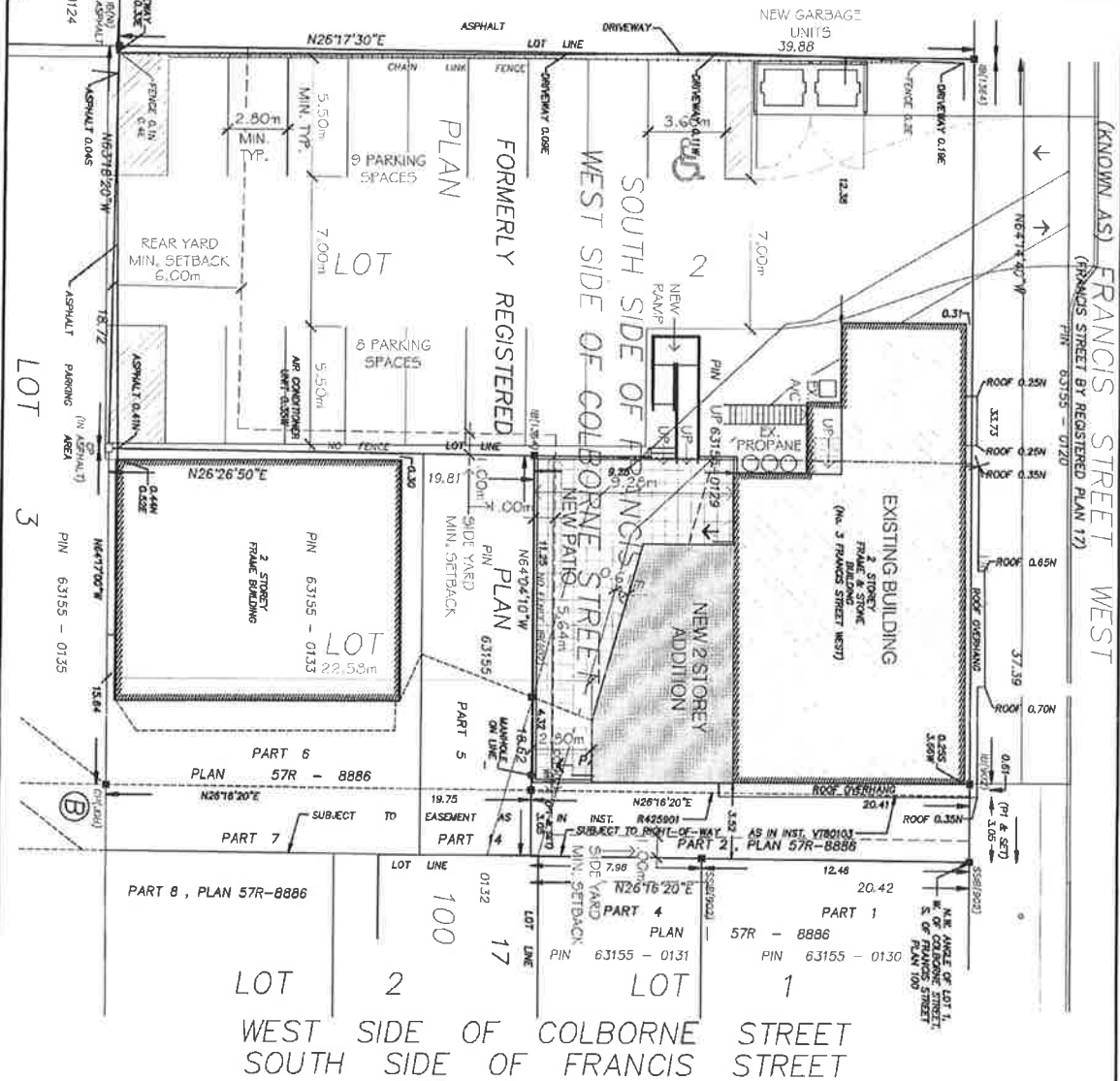
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REPORT COA2022-010

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SITE STATISTICS

ZONING: C1

SITE AREA: 1131.28m²

COVERAGE: 23% (MAX. 80%)

BUILDING AREA - PARKING

EXIST. OFFICE: $439\text{ft}^2 = 40.78\text{m}^2 \div 28\text{m}^2 = 1.48 \text{ SPACES}$

EXIST, APT, = 1 SPACE

EXISTING SPACE • NEW RESTAURANT

NEW 2 STOREY REST. ADD'N: 680x2 FLRS = 1360ft²

TOTAL 3033ft²

$$3033 \text{ it}^2 = 281.8 \text{ m}^2 \div 9.25 \text{ m}^2 = 30.46 \text{ SPACES}$$
$$\begin{array}{r} 30.48 \text{ J/kg} \\ \hline 32.94 \end{array}$$

≈ 33 SPACES RE

= 33 SPACES KE
17 PROVIDED


17 PROVIDED
18 DEFICIENT

16 DEFICIENT

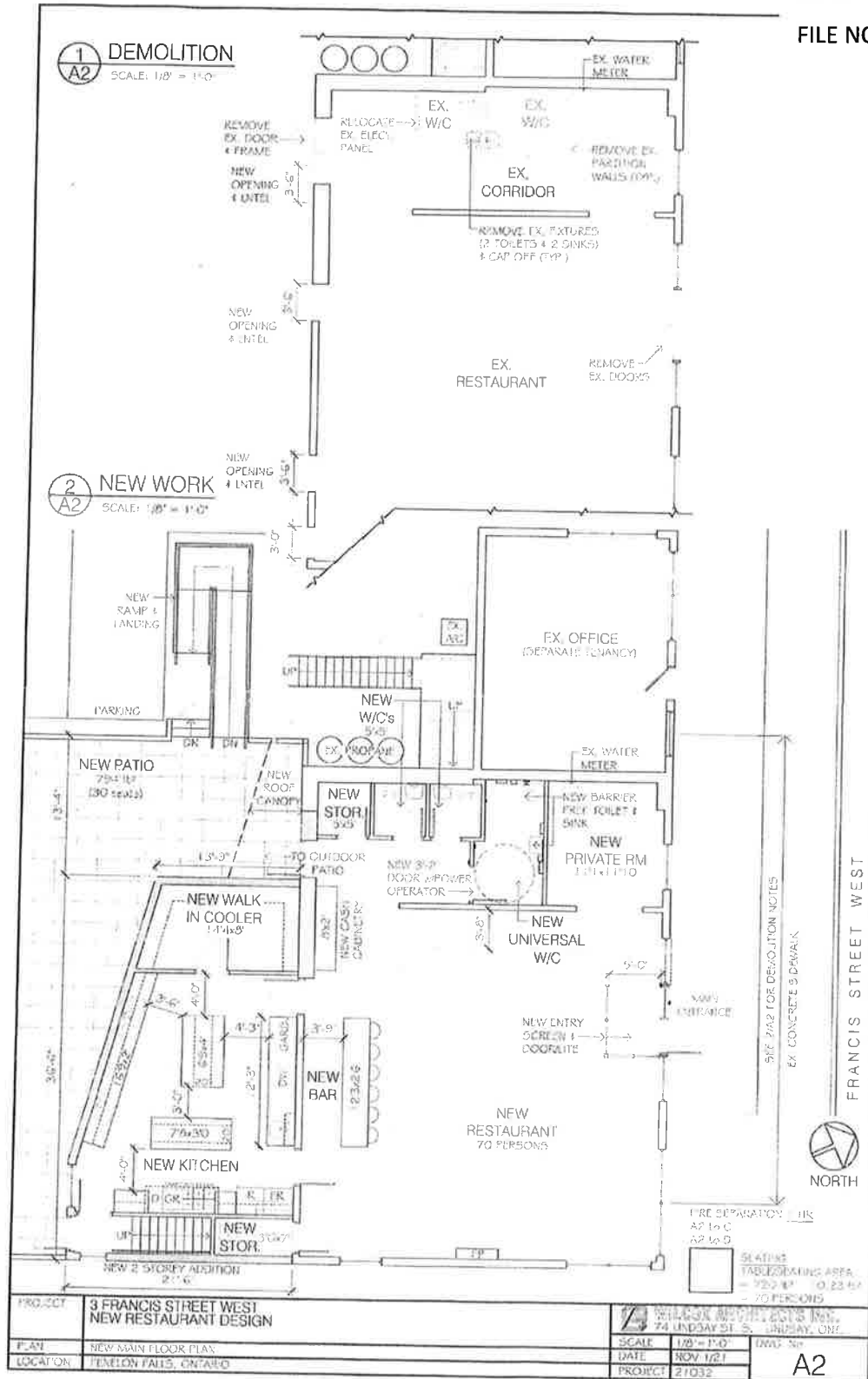
SURVEYOR'S REAL PROPERTY REPORT
PART 1: PLAN OF SURVEY OF
PART OF LOT 1 & LOT 2,
SOUTH SIDE OF FRANCIS STREET
WEST SIDE OF COLBORNE STREET
PLAN 100
(FORMERLY REGISTERED PLAN 17)
VILLAGE OF FENELON FALLS
CITY OF KAWARTHA LAKES

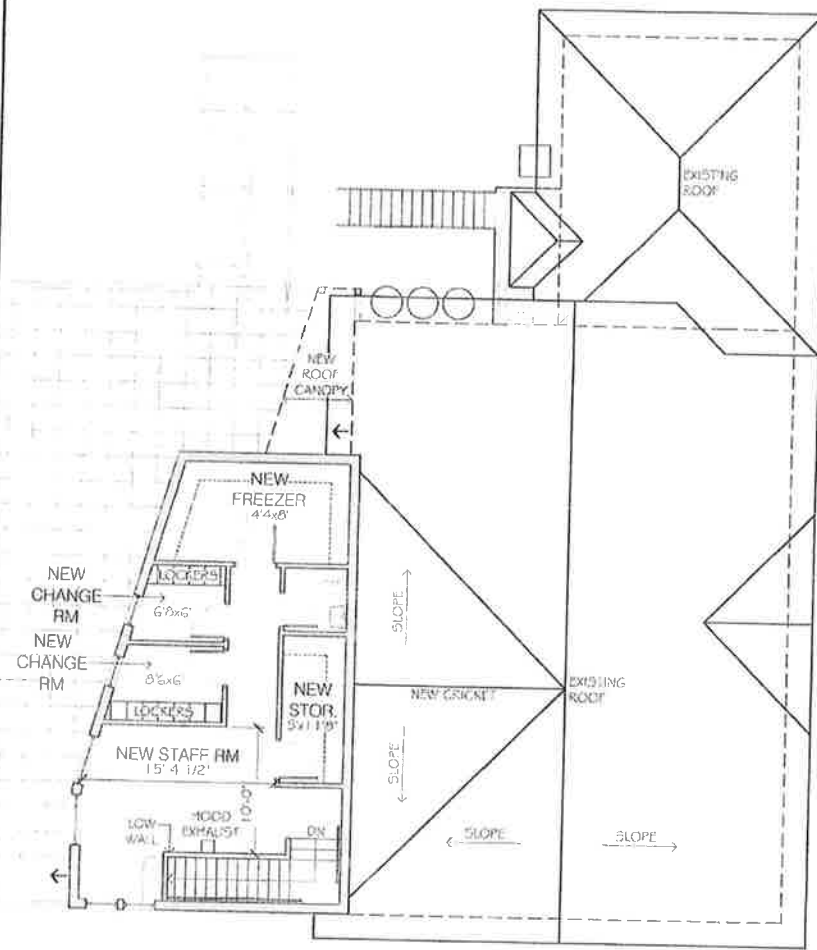


SCALE 1 : 200 METRES

PROJECT	3 FRANCIS STREET WEST NEW RESTAURANT DESIGN	 WILCOX ARCHITECTS INC. 74 LINDSAY ST. S. LINDSAY, ONT.	
PLAN	EXISTING SITE PLAN - PROPOSED ADDITION/PARKING	SCALE	1:200
LOCATION	FENELON FALLS, ONTARIO	DATE	NOV 8/21
		PROJECT	21032
		DWG. No.	A1

FILE NO: D20-2022-003





1
A3

NEW WORK - SECOND FLOOR

SCALE: 1/8" = 1'-0"

PROJECT	3 FRANCIS STREET WEST NEW RESTAURANT DESIGN	WILSON ARCHITECTS INC. 74 WINDWAY ST. S. (BURLINGTON, ONT.)
PLAN	NEW SECOND FLOOR PLAN	SCALE: 1/8" = 1'-0" DWG. No.
LOCATION	FENELON FALLS, ONTARIO	DATE: NOV 1/21
		PROJECT: 21032

A3

David Harding

From: Susanne Murchison
Sent: Thursday, February 3, 2022 5:13 PM
To: Charlotte Crockford
Cc: Mathew McKinnon
Subject: CofA comments

APPENDIX E
to
REPORT COA2022-010
FILE NO. D20-2022-003

Follow Up Flag: Follow up
Flag Status: Flagged

The Building and Septic Division has the following comments, to be read in conjunction with comments provided by the Supervisor of Part 8 Sewage Systems:

- D20-2022-001 no concerns, a building permit is required for the proposed 2 storey addition
- D20-2022-003 no concerns, a building permit is required for the proposed addition to the commercial building (last known uses office/bakery/apartment)
- D20-2022-005 no concerns, a building permit is required for the proposed single detached dwelling
- D20-2022-006 no concerns, a building permit is required for the proposed single detached dwelling
- D20-2022-008 no concerns, completion of building permit application BP2021-1403 is required for the proposed detached garage
- D20-2022-009 no concerns, completion of building permit application BP2021-1114 is required for the proposed detached garage

Susanne Murchison, CBCO
Chief Building Official
City of Kawartha Lakes - Building and Septic Division
180 Kent Street West, Lindsay ON K9V 2Y6
(705)-324-9411 ext. 1200
www.kawarthalakes.ca



Please note: The Building and Septic Division offices at 180 Kent St W remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

David Harding

From: Kim Rhodes
Sent: Friday, February 4, 2022 11:25 AM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20220204 D20-2022-003 - Engineering review

Please see the message below from Christina Sisson:

Good morning Mark – further to our engineering review of the following:

Minor Variance – D20-2022-003

3 Francis Street West

Part of Lot 1 and 2, South Side of Francis Street, West Side of Colborne Street, Plan 100

Former Village of Fenelon Falls, Ward 3, now in the City of Kawartha Lakes

It is the understanding by Engineering that the purpose and effect is to request relief from Section 5.16.1 to reduce the parking requirement from 33 to 17 to permit an addition to an eating establishment.

From an engineering perspective, we have no objection to the proposed Minor Variance.

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

Thanks,

Christina

Christina Sisson, P.Eng.

Manager, Development Engineering

Lean Six Sigma Black Belt

Engineering & Corporate Assets, City of Kawartha Lakes

705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) www.kawarthalakes.ca



Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.