

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Leaver
Report Number COA2022-076

Public Meeting

Meeting Date: October 27, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Geographic Village of Bobcaygeon

Subject: The purpose and effect is to facilitate a seasonal (summer) outdoor patio area. **Relief sought:**

1. Section 3.13 a. requires 39 parking spaces recognizing the existing commercial use (27) and the proposed patio use (12); existing are 18 spaces.

The variance is requested at **17 King Street East** (File D20-2022-068).

Author: Leah Barrie, RPP, Manager of Planning

Signature: 

Recommendations

That Report COA2022-076 – Leaver, be received;

That minor variance application D20-2022-068 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-076, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** 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 COA2022-076. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate a +/- 58 sq m seasonal (summer) outdoor patio area
Owners:	George and Gail Leaver
Applicant:	TD Consulting Inc. (Tom deBoer)
Legal Description:	Part Lots 10 and 11, Rage 6, Plan 70
Official Plan:	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012) ¹
Zone:	Central Commercial 'C1' (Village of Bobcaygeon Zoning By-Law 16-78) ¹
Site Size:	+/- 1,092.6 sq m (0.27 acres)
Site Servicing:	Municipal water and sanitary sewer systems
Site Access:	Year-round municipal road
Existing Uses:	Commercial
Adjacent Uses:	Commercial, residential

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

A minor variance was approved in 2019 (D20-2019-006) to support a previous proposal to reduce the parking requirement from 37 spaces to the existing 18 available on site, for an approved reduction of 19 spaces. The current proposal requires less new parking – 12 spaces; the previous 18 spaces remain available on site.

Given the lot fabric and siting of the existing building and storage shed, the maximum available parking has already been provided.

The variance maintains the general intent and purpose of the Official Plan.

¹ See Schedule 1

The existing commercial use (restaurant) and proposed patio are permitted in the Urban designation; performance and siting criteria is implemented through the Zoning By-law.

The variance maintains the general intent and purpose of the Zoning By-law.

The existing restaurant and proposed patio are permitted in the C1 zone and comply with the applicable zone provisions, with the exception of provision of parking. The By-law provides a parking exemption when a building has insufficient parking on the date of passing of the by-law (1978) to conform to the requirements, the deficiency (9) need not be made up prior to construction of an addition, though the addition shall provide the necessary parking (12). As applicable, the available 18 spaces serve the existing restaurant, leaving a deficiency of 12 spaces for the proposed patio.

The applicant has prepared a Parking Brief (dated June 30, 2022) wherein parking alternatives are suggested and include the continued use of on-site parking, existing on-street parking (King Street, both sides of Bolton and William streets), and use of the near-by municipal parking lot (Bolton Street). Patron activity during the summer season indicates an increase of boaters and pedestrian activity (non-vehicular). Given the market research and trends identified by the applicant on behalf of the owners of the long-established business, staff support the suggested alternatives.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

None applicable.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

ECA-Development Engineering Division: "There is no concern or comment from an engineering perspective."

Public Comments:

No comments received as of the writing of the staff report.

Attachments

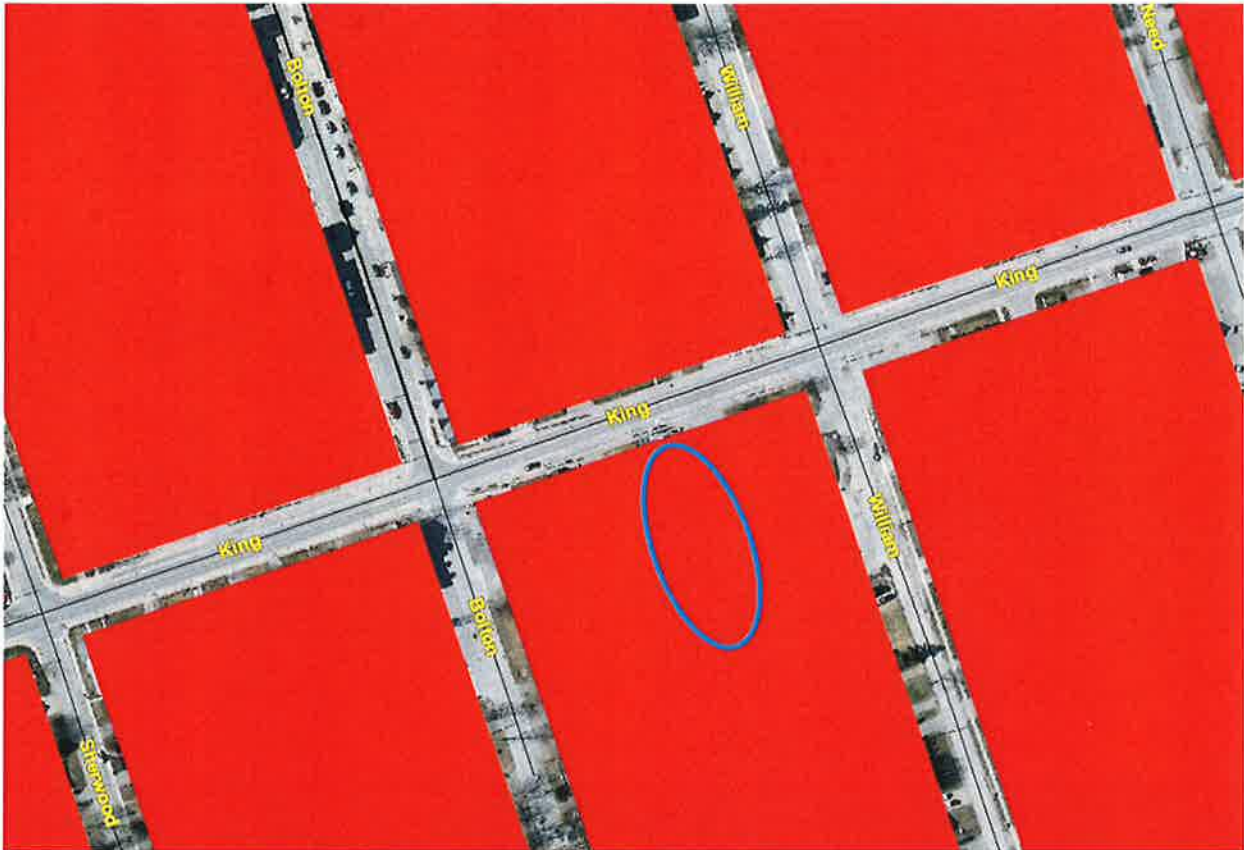
Appendix A – Location Map

Appendix B – Aerial Photo
Appendix C – Applicant's Sketch

Phone: 705-324-9411 extension 1240
E-Mail: lbarrie@kawarthalakes.ca
Department Head: Richard Holy, Director of Development Services
Division File: D20-2022-068

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



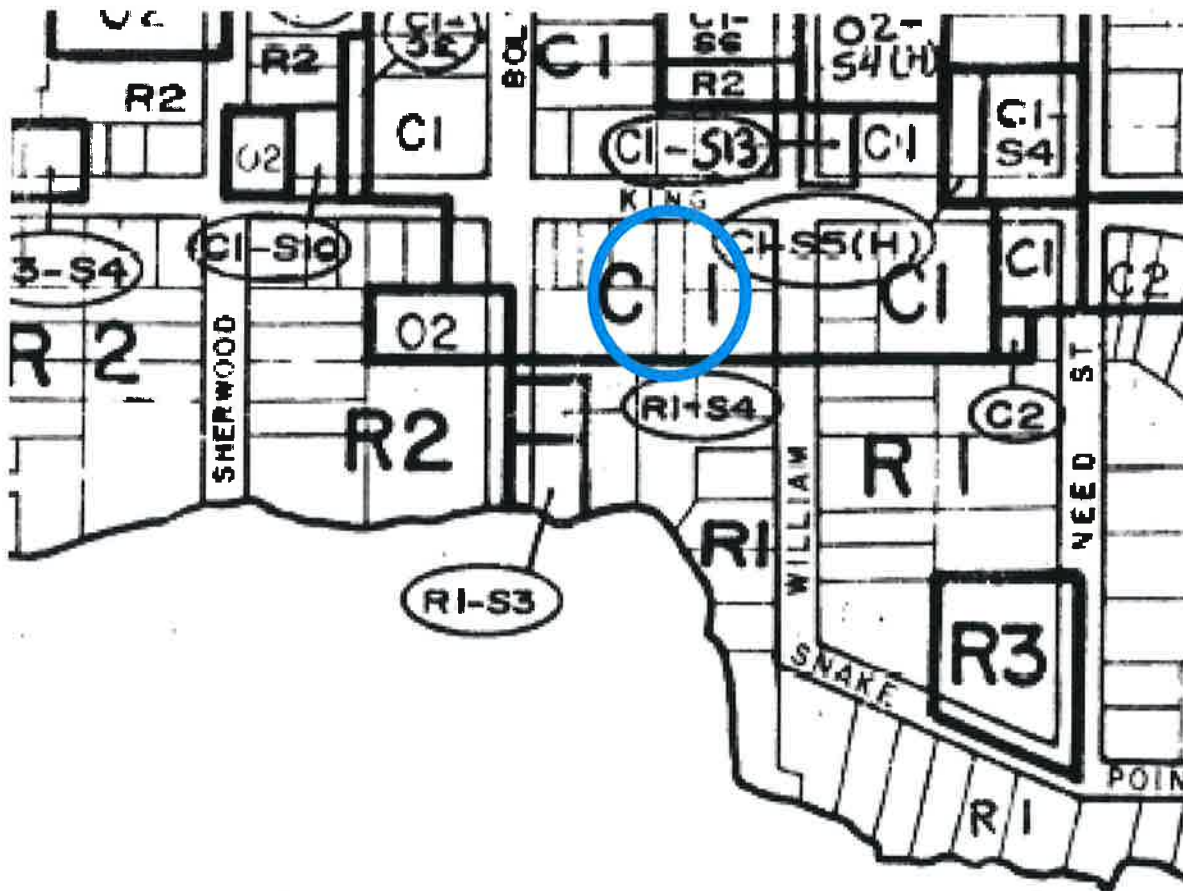
- 18. Urban Settlement Designation
- 18.11 Bobcaygeon

Victoria County Official Plan



- 6.2 Urban Designation

Village of Bobcaygeon Zoning By-Law 16-78



Section 3 General Provisions

3.13 Parking Requirements

a) Off-street Parking

Restaurant 1 parking space per 5 square metre (51 square feet) of floor area devoted to patron use

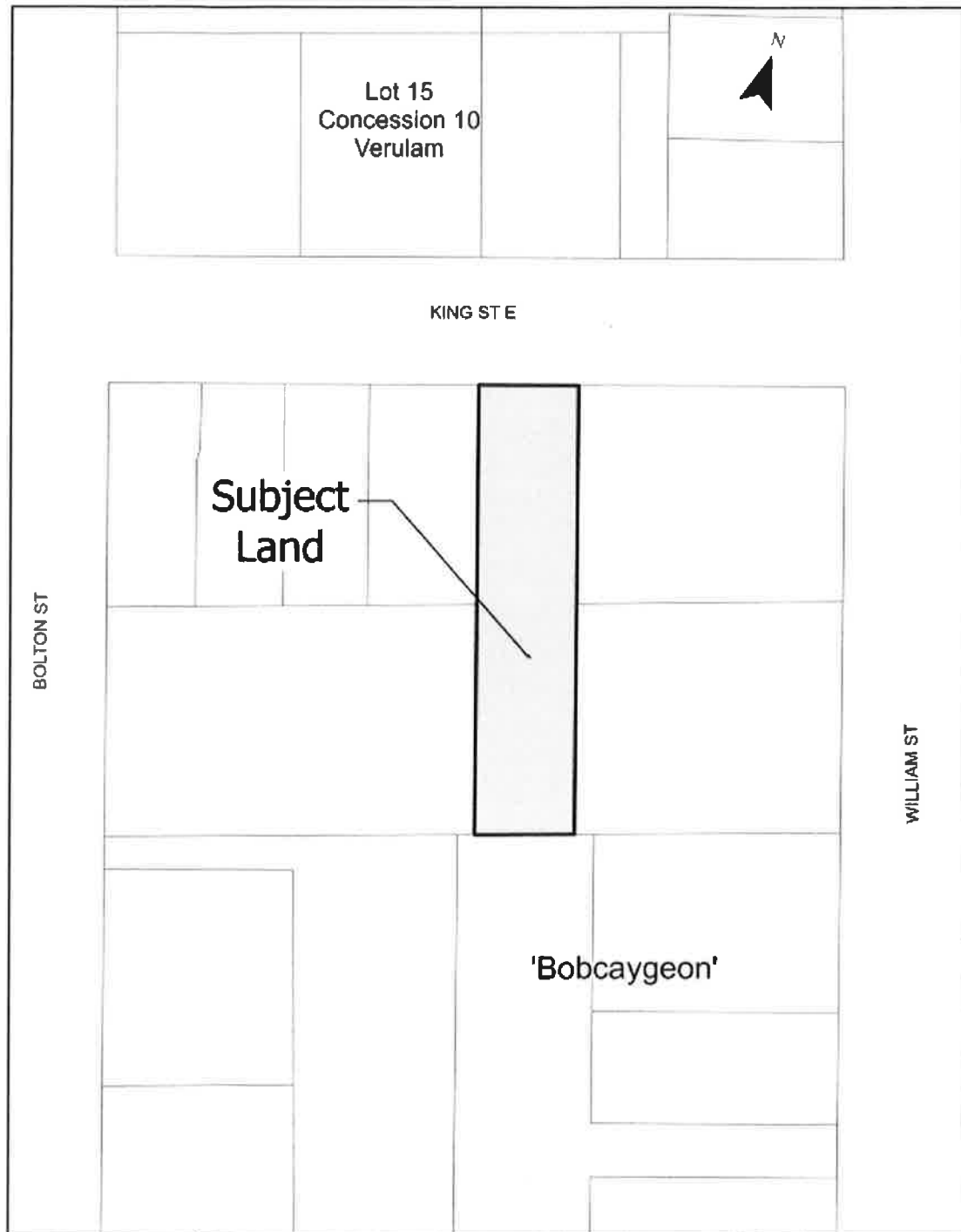
to

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LOCATION MAP

D20-2022-068



APPENDIX " B "

to

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AERIAL PHOTO

