

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
COMMITTEE OF ADJUSTMENT REPORT



TO: Members of the Committee of Adjustment
FROM: Stefan Szczerbak, Planner
DATE: November 24th, 2009
RE: Minor Variance
Application: A 01/09 LOB
Applicant: 2102711 Ontario Inc. (Dwight Market)
Agent: Marie Poirier Planning & Associates Inc.
Part Lot 11, Conc. 10, Franklin Ward
Roll No. 010-008-03900
Civic Address: 2836 Highway No. 60

RECOMMENDATION:

That Application **A 01/09 LOB (Dwight Market)** for a minor variance from By-law 04-181, to amend:

- i) Section 5.3.1(Exterior Side Yard – easterly), decrease from a required 10 metres (32.8 feet) to 6.2 metres (20.4 feet); and
- ii) Section 5.3.1(Lot Coverage), increase from a maximum permitted lot coverage of 20% to 27%

as illustrated on the attached sketch, located in Part Lot 11, Concession 10, Franklin Ward, now in the Township of Lake of Bays, be **APPROVED** conditional upon the following:

- 1) that the applicant enter into a site plan agreement with the Township, pursuant to Section 41 of the Planning Act, RSO, 1990, ch P.13.

BACKGROUND:

Purpose

The purpose of this application is to seek relief from By-law No. 04-181 in order to permit the construction of two additions onto the Dwight Market. The proposed addition located on the east side of the building would add 237 ft² of retail space, while the second 576 ft² addition located on the west side of the building is proposed for shipping, receiving and storage. As the addition onto the easterly side of the building is proposed to encroach further into the required exterior side yard setback and as the percent lot coverage is over that which the by-law permits, a minor variance is required in order to permit the proposed business improvement.

Site Characteristics and Surrounding Uses

The property is situated at the corner of Highway No. 60 and Dwight Bay Road and is occupied by a two storey frame building which contains a general store on the lower level and a residence above. The surrounding lands are currently developed with low density commercial and residential uses.

Resource and Other Information

Previous & Current Files:	Consent Application B 37/05 LOB (benefiting lands of a lot addition to accommodate the installation of a new well system); and Concurrent Application for Site Plan Agreement (D 11/09 LOB).
Natural Constraints:	None.
LOB Official Plan:	Community ("Core Area" Sub-designation).
District Official Plan:	Community.
By-law No. 04-181:	"Community Service Commercial (C2)" Zone.

ANALYSIS:

Planning Comments:

The Official Plan identifies the "Core Area" of Dwight as the setting of the old village centre, which contains smaller lot sizes than elsewhere in the Community. The Plan also recognizes that this area, especially on Highway No. 60 contains a mix of uses, but has a commercial orientation (Section G.180). The Plan encourages the enhancement of the role as well as the function and appearance of tourist commercial uses and retail and service commercial uses within this area (Sections G.179, G.182 and 187) especially when located adjacent to the provincial highway. When considering development within these Community Core areas the direction of the Official Plan (Sections G.8, G.14, G.41, G.170, G.171, G. 172 and G.186) ensures the specific character of the Community Core area is identified, enhanced and preserved when reviewing such development proposals. In addition, Sections G.24 and G.25 require the use of site plan control to further enhance and maintenance the specific character of these Core areas.

Upon review of the development plans, staff are satisfied that that the requested relief to both the exterior side yard setback and lot coverage is minor in nature and are appropriate to the location, size and characteristics of the property and are compatible with the surrounding uses in accordance with Section G.63.

Respecting the setback to Highway No. 60, it is noted that Section J.30 of the Official Plan and Section 5.3.1(e) the Comprehensive Zoning By-law No. 04-181 recognizes legal non-complying setback and permits expansions provided that the established building setbacks are not further reduced.

Finally, Section G.22 provides the general policy direction for the provision of adequate off-street parking. Where non complying parking has existed on a property as of the date of passage of the Comprehensive Zoning By-law No. 04-180, Section 4.42 only requires parking for the proposed expansions to be provided. The applicant has provided parking to accommodate these expansions and it is noted that Section 4.46 also considers additional parking spaces for commercial uses can be located on a separate lot provided the parking is

located within 150 metres of the commercial use. In this regard, the Township maintains a number public parking area within 150 metres of the subject lands.

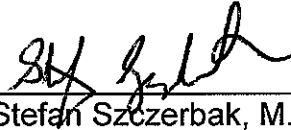
In view of the foregoing, provided the condition noted above is included as part of the Committee's approval, staff have no concerns with the approval of this application.

Respectfully submitted by:

With the concurrence of:

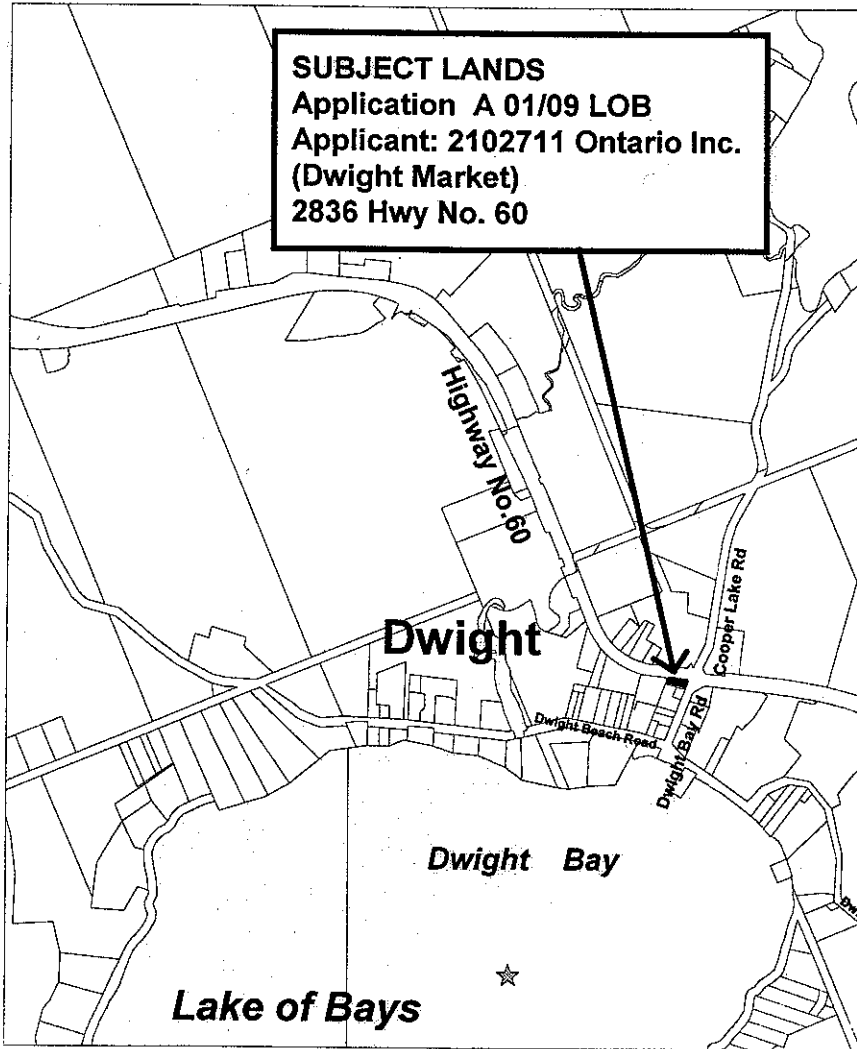


Terri-Lyn Magee
Planning Technician

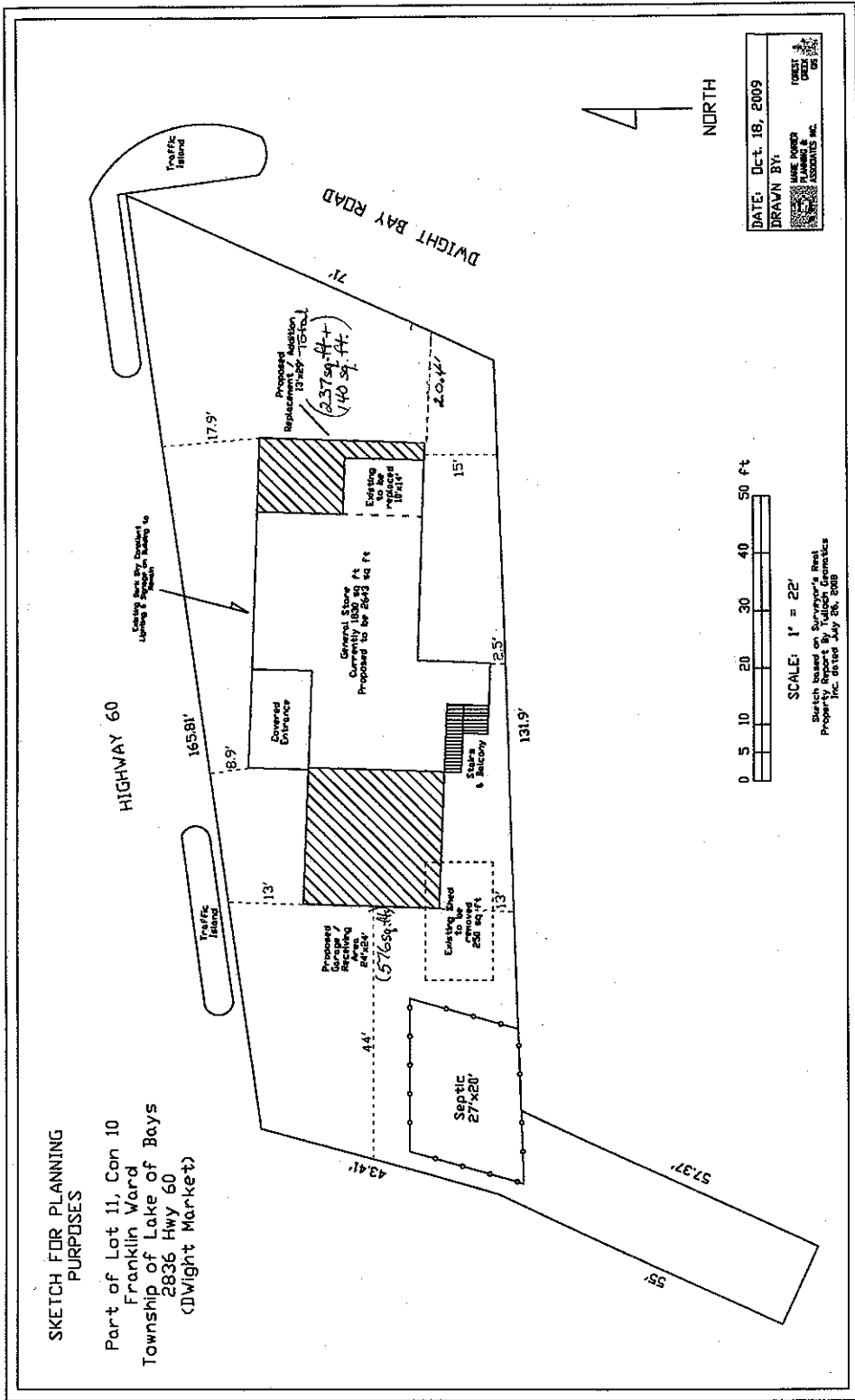


Stefan Szczerbak, M.Sc., RPP, MCIP
Planner

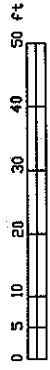
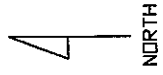
SUBJECT LANDS
Application A 01/09 LOB
Applicant: 2102711 Ontario Inc.
(Dwight Market)
2836 Hwy No. 60



MINOR VARIANCE APPLICATION A 01/09 LOB
 Applicant: 2102711 Ontario Inc. (Dwight Market)
 Part Lot 11, Concession 10, Franklin Ward



DATE: Oct. 18, 2009
 DRAWN BY: [Signature]
 FOREST & CREEK INC.



SCALE: 1" = 22'
 Sketch based on Surveyor's Real Property Map dated July 28, 2008