



**COMMITTEE OF ADJUSTMENT
SUMMARY OF COMMENTS FOR APRIL 16, 2025
FOR APPLICATION A05-25 – 245 BAY STREET**

The below summary of comments provides information and any requested conditions of approval from circulated Departments and external agencies.

CITY OF ORILLIA

TO: Committee of Adjustment – Hearing of April 16, 2025
FROM: Planning Division
DATE: April 8, 2025
FILE NO: Application for Minor Variance A05-25
APPLICANT: Howard Lee (Agent: Vanessa Simpson, MORGAN Planning & Development)
SUBJECT PROPERTY: 245 Bay Street

Recommendation:

THAT the Committee of Adjustment approves Minor Variance Application A05-25, subject to the following condition.

1. That the proposed development be completed substantially in compliance with the plans and drawings submitted with the application.

Purpose

The purpose of this report is to provide the Committee of Adjustment with information related to Minor Variance Application A05-25 with respect to the property municipally known as 245 Bay Street.

The application proposes to construct a new two-storey Detached Accessory Structure with a garage on the ground floor and a 98m² (1,055 sq.ft.) Additional Dwelling Unit on the second storey. Additionally, a one-storey addition to the rear of the existing dwelling together with an attached deck is proposed.

Background and Key Facts

- The subject property is:
 - Located within the “Living Area – Stable Neighbourhood” designation of the City of Orillia Official Plan.
 - Zoned Residential Two (R2) and is located within the Wellhead Protection Overlay Zone under Zoning By-law 2014-44
- The property has an existing two-storey Single Detached Dwelling constructed in 1949 according to MPAC and there are currently two sheds located in the rear yard. One of the sheds is proposed to be removed when construction begins.
- The property has 15.5m (50.8 feet) of frontage on Bay Street and has a lot area of 817m² (8,795 sq.ft.).
- A new two-storey Detached Accessory Structure with a garage on the ground floor and 98m² (1,055 sq.ft.) Additional Dwelling Unit on the second storey is proposed together with a one-storey addition to the rear of the existing dwelling with a new attached deck.
- The applicant is seeking the following relief from the Zoning By-law:
 - To allow the proposed attached deck to be located 0.5m from the north interior side lot line, whereas the Zoning By-law requires a minimum of 0.6m (which is the existing non-complying setback permitted on the lot).
 - To allow the proposed Additional Dwelling Unit in the Detached Accessory Structure to have a ground floor area of 98m² (1,055 sq.ft.) which includes the floor area associated with the proposed front and rear balconies, whereas the Zoning By-law establishes a maximum ground floor area of 75m² (807 sq.ft.).

Surrounding lands:

North	Townhouses
East	Bay Street and Low Density Residential on the waterfront
South	Low Density Residential
West	Lightfoot multi-use Trail (City-owned property)

Figure 1 – Location Map of Subject Property



The applicant has requested the following variance to the provisions of Zoning By-law 2014-44:

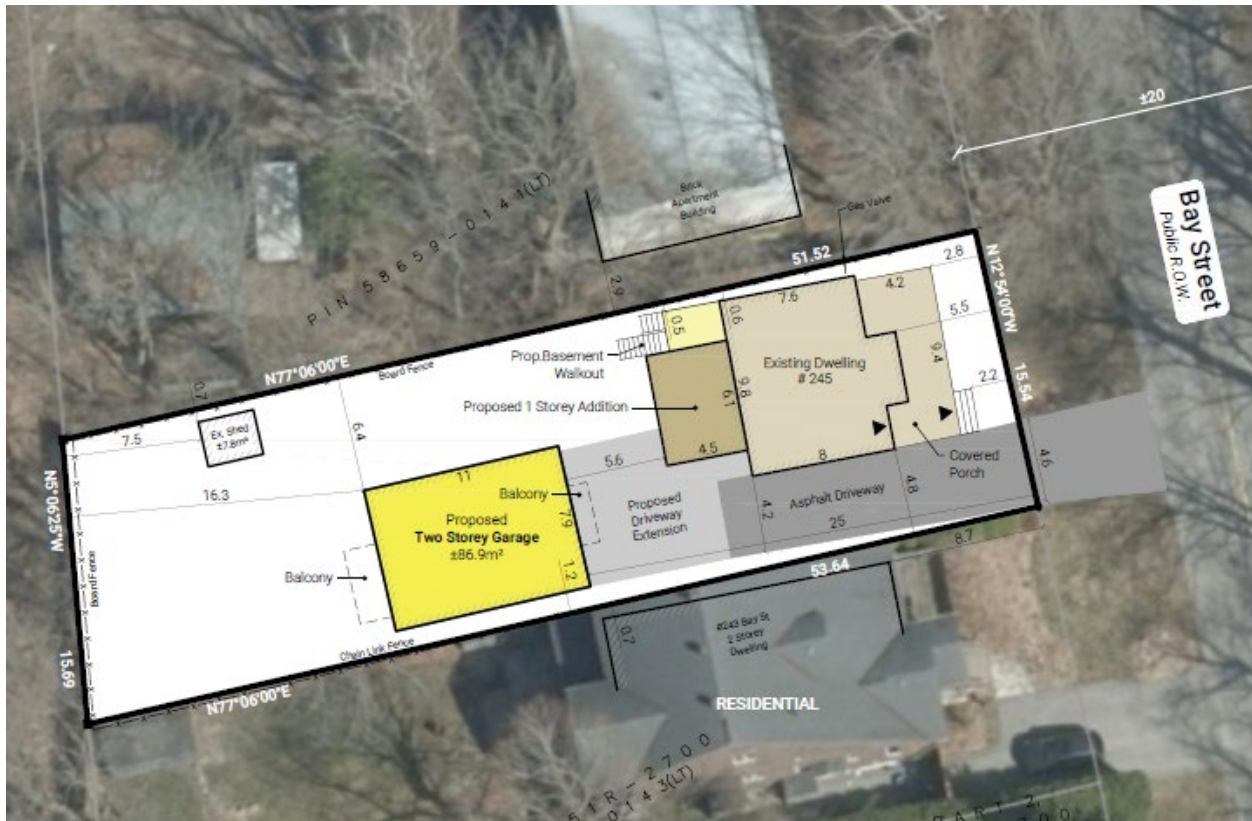
Section	Requirement	Proposed	Variance
5.19 a) i) Non-Complying Buildings, Structures and Developed Sites - existing non-complying northerly interior side yard setback	0.6m	0.5m	0.1m
5.22 Table 5.4 Additional Dwelling Units Located in an Accessory Structure – Maximum Ground Floor Area	75m ²	98m ²	23m ²

Analysis:

Date of Site Inspection: March 26, 2025

The site inspection revealed that the side yard abutting the subject property to the north is used for storage, not an active outdoor amenity area for the residents.

Figure 2 – Site Plan



Maintains the purpose and intent of the Official Plan:

Yes

No

Defer

The subject property is designated “Living Area – Stable Neighbourhood” on Schedule “A” of the City’s Official Plan. Section 3.3.3.9 “Additional Dwelling Units” in the General Living Area Policies of the City’s Official Plan states that:

“An additional dwelling unit may also be located within a detached accessory structure on the same lot as a single detached, semi-detached or townhouse dwelling, provided that:

- i) a maximum of three dwelling units shall be permitted on the same lot unless otherwise permitted in the Zoning By-law; and,*

ii) all the requirements of the Zoning By-law, including the provision of adequate parking, the Ontario Building Code and other relevant municipal and Provincial regulations are satisfied.”

The Official Plan allows for an Additional Dwelling Unit to locate within a detached Accessory Structure.

The objectives of the Living Area designation include protecting and enhancing the character of existing residential neighbourhoods by ensuring new development is compatible with the character of adjacent buildings, but also to encourage an appropriate range of housing forms and tenures in all neighbourhoods.

When considering allowing a larger Additional Dwelling Unit, consideration of the lot sizes in the area is an important factor in determining compatibility with the character of the neighbourhood. A typical lot is 460m² in size, whereas the lot across the street 2,670m² in size and the lot to the south is 736m² in size. The subject property is also 817m² in size. The proposed Additional Dwelling Unit of 98m² fits with the context of the lot. Moreover, the impact of the larger Additional Dwelling Unit is mitigated by vacant, City-owned lands located directly east of the property and the already intensified development of a townhouse complex directly to the north.

With respect to the proposed attached deck at the rear of the existing dwelling, the Official Plan Design Policies for Buildings in the Living Area designation state that “*new development will be compatible with adjacent and neighbouring development by ensuring that siting and massing of new buildings does not result in undue, adverse impacts on adjacent properties particularly in regard to adequate privacy conditions for residential buildings and their outdoor amenity areas*”. The location of the proposed deck flanks the side of the townhouse development to the north and the side yard of the townhouse complex is being used for storage, not active outdoor amenity space by its residents. As such, staff is of the opinion that the proposed new deck will not adversely impact the privacy or outdoor amenity areas of the adjacent townhouse development.

Staff are of the opinion the proposal meets the general intent and purpose of the Official Plan.

Maintains the purpose and intent of Zoning By-law No. 2014-44, as amended:

- Yes**
- No**
- Defer**

The subject property is zoned “Residential Two” (R2) which permits an Additional Dwelling Unit in a detached Accessory Structure subject to compliance with a number of performance standards.

The proposed development complies with all of the zone provisions except for the interior side yard setback for the attached deck and the maximum ground floor area for the Additional Dwelling Unit.

With respect to limiting the size of the Additional Dwelling Unit in a detached Accessory Structure, the intent of the Zoning By-law is to limit the impact on abutting properties. Given the large lot size of the subject property, the location and design of the structure, the existing privacy fence along the north lot line, and vacant, City-owned land located at the rear of the property, the proposed Additional Dwelling Unit is anticipated to have minimal negative impact on the abutting properties. Moreover, the actual footprint of the building is proposed to be 86.9m² (935 sq.ft.) with the proposed balconies accounting for 11.1m² (119 sq.ft.).

With respect to the proposed northerly interior side yard setback for the attached deck, the relief sought is 4 inches and the deck will be directly across from the flanking wall of the townhouse. For these reasons, the anticipated impact is expected to be minimal.

Staff consider the proposed variances in keeping with the Zoning By-law intent and purpose.

The variance(s) are desirable for the appropriate/orderly development or use of the land:

- Yes**
- No**
- Defer**

There is no negative impact to the municipality with respect to these proposed variances. Staff consider the proposed variances desirable for the subject property and surrounding neighbourhood. Planning policies of all government levels now encourage redevelopment of existing residential lots in order to add more dwelling units that are utilizing existing infrastructure. With respect to the proposed deck, the location of the proposed deck will not impact the ability of the surrounding properties to enjoy their lots, as the deck will flank the side wall of the townhouse complex and the side yard of the townhouse complex is currently being used for storage, rather than active outdoor amenity space.

The variance is minor in nature:

- Yes**
- No**
- Defer**

When determining whether a variance is considered minor in nature, Staff must evaluate the four tests of the *Planning Act* and appropriateness to development on the subject property. For the previous reasons stated in this report, the requested relief from the Zoning By-law is deemed to be minor in nature given the anticipated minimal impact the proposed development will have on the surrounding properties.

Conclusion

The proposed variances associated with application A05-25 have been reviewed with regard to the four tests as set out within the *Planning Act*. It is the opinion of staff that the four tests have been satisfied and are recommending approval of the application subject to conditions.

Prepared by:



Jill Lewis, MCIP, RPP
Senior Planner



MEMORANDUM TO COMMITTEE OF ADJUSTMENT

DATE:	April 9, 2025
FROM DEPARTMENT/DIVISION:	Engineering Division, DSE
FROM/CONTACT:	Tracy Blanchard, Development Coordinator
SUBJECT ADDRESS:	245 Bay Street
SUBJECT FILE #:	A05-25

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval, rather additional information regarding requested conditions of approval):

- A lot grading plan will be required when applying for a Building Permit for an accessory dwelling unit.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of the Building Division).

- No conditions.

EXTERNAL AGENCY COMMENTS

No comments received.

PUBLIC COMMENTS RECEIVED

No comments received.