



**COMMITTEE OF ADJUSTMENT  
SUMMARY OF COMMENTS FOR JANUARY 18, 2023  
FOR APPLICATION A1-23 and B1-23**

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 – Meeting of January 18, 2023  
**FROM:** Planning Division  
**DATE:** December 16, 2022  
**FILE NO:** Application for Consent B1/23 and Minor Variance A1/23  
**APPLICANT:** Orsitel LP  
**AGENT:** Josh Morgan, Morgan Planning & Development  
**SUBJECT**  
**PROPERTY:** 8 Mulcahy Court – Consent

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**Recommendation:**

THAT the Committee of Adjustment grant provisional approval to Application B1/23, subject to the following conditions:

Recommended conditions of approval:

1. That all taxes, local improvements, and/or other charges, both current and in arrears be paid for the calendar year to the satisfaction of the Treasurer/Chief Finance Officer;
2. The applicant/owner shall submit to the Secretary Treasurer of the Committee of Adjustment a reference plan of survey, both hard copy and

digital format, duly deposited in the Office of the Land Registrar, (this shall include two hard copies as well as a digitized copy), which sets out the lands which are the subject of this application;

3. The applicant/owner shall submit to the Secretary Treasurer of the Committee of Adjustment a draft Transfer deed for review. (Upon registration, a final copy of the Transfer deed shall be provided to the City).
4. That the applicant/owner shall be required to pay the Development Review Fee (\$75.00) as approved by City Council.
5. That the applicant/owner shall be required to pay any fees for approval of the documents by the Secretary-Treasurer, as approved by City Council.
6. That the Owner/Applicant shall pay to the City of Orillia Cash-In-Lieu of Parkland dedication the amount of which shall be in accordance with City Policy 8.1.2.1, to the satisfaction of the Secretary Treasurer.
7. That the Owner/Applicant shall enter into a Consent Agreement with the City for the installation of water and sanitary service laterals to the front property line on the severed and retained lots at the expense of the applicant, to the satisfaction of the City.

AND THAT the Committee of Adjustment approve Minor Variance Application A1/23 subject to the following conditions:

1. That Minor Variance A1/23 be subject to approval of consent Application B1/23.

**Purpose:**

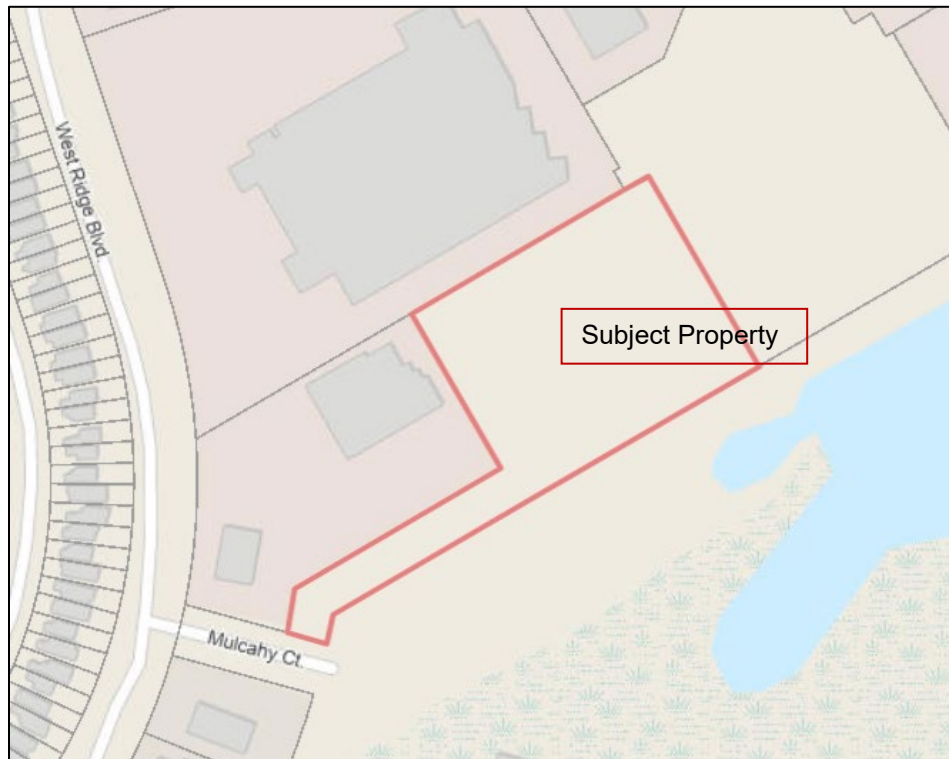
The purpose of this report is to provide the Committee of Adjustment with information related to Consent application B1/23 and Minor Variance Application A1/23 submitted with respect to the property municipally known as 8 Mulcahy Court. The applicant proposes the creation of one new lot and associated easements for access and servicing of both the severed and retained parcels.

**Background and Key Facts:**

- The subject property is:

- Located within the “Employment Lands - Community Commercial” designation of the City of Orillia Official Plan;
- Zoned Community Commercial Exception Six (C5-6) under Zoning By-law 2014-44, as amended.
- The property has 20.1 m (65.94 ft) of frontage on Mulcahy Court with a total area of 16,295.7 m<sup>2</sup> (1.62 hectares / 4.02 acres).
- The subject lands are currently developed with a hotel together with 136 associated parking spaces.

#### Location Map



- The applicant proposes to sever the existing property into a total of two lots.
- The existing hotel received Site Plan Approval on September 11, 2019.
- At the time of Site Plan approval, the developer contemplated a future commercial use immediately adjacent and to the west of the hotel.
- A private road which extends from Mulcahy Court, a local municipal road provides access to the hotel and adjacent lands which include a vacant parcel and an Auto Dealership which extends from Mulcahy Court, a local municipal road.
- A Road Access and Maintenance Agreement governs the use of the private road and will be updated to incorporate the new parcel and associated easements should the severance be approved.
- The proposed lot can be adequately serviced with municipal sewer and water.

- The consent application also requests the establishment of several easements between the severed and retained lands to address water, sanitary, hydro servicing and access requirements.
- The proposed severed lot and retained lot will, however, be deficient in Lot Area and, as such, a Minor Variance application has been submitted concurrently with the Consent application.

Surrounding lands:

<b>North</b>	Commercial (Home Depot)
<b>East</b>	Vacant Parcel
<b>South</b>	City of Orillia storm water retention pond
<b>West</b>	Commercial (Galaxy Cinema)

The applicant has proposed the following severance of land:

LOT	PROPOSED AREA	MINIMUM LOT AREA
Severed Parcel	0.65 Hectares (6,529 m <sup>2</sup> )	1.0 Hectares (10,000 m <sup>2</sup> )
Retained Parcel	0.97 hectares (9,766.7 m <sup>2</sup> )	1.0 Hectares (10,000 m <sup>2</sup> )

#### ANALYSIS OF CONSENT:

<b>Site Inspection Date</b>	December 16, 2022
<b>Consistent with the Provincial Policy Statement:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Defer	The subject lands are located within the City of Orillia which is identified as a "Settlement Area" under the PPS. Settlement areas such as the City of Orillia are to be the focus of growth and development and are directed to promote opportunities for efficient development and land use patterns as well as intensification to achieve cost-effective development patterns. As it relates to the proposed severance, the subject property is within a Settlement Area, serviced by municipal infrastructure and accessible to transit and active transportation facilities. Municipal services are available and will be utilized by future development. As such, the application is considered to be consistent with the policies of the PPS.
<b>Consistent with the Provincial Growth Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Defer	<p>The 2020 Growth Plan is intended to guide planning decisions related to population and employment growth so that development can be achieved with an increased focus on building compact, vibrant and prosperous communities that make optimal uses of existing and new infrastructure.</p> <p>The City of Orillia is identified as a 'Primary Settlement Area' as per the Provincial Growth Plan. Primary Settlement Areas are expected to direct a portion of new growth to the delineated built-up areas where infrastructure and public services exist. Both the retained and severed lands are municipally serviced and are located within the "Living Area – Intensification Area" designation of the Official Plan.</p> <p>The proposed severance furthers the Growth Plan's employment directives by providing the opportunity to further contribute to the community's mix</p>

	<p>and range of employment opportunities, furthers the diversification of the community's economic base and incorporates compatible employment uses which support liveable and resilient communities. The application conforms to the "A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020", as amended.</p>
<p><b>Consistent with the Lake Simcoe Protection Plan (LSPP):</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Defer</p>	<p>The subject lands are not located within the Lake Simcoe Watershed and are therefore not subject to the policies of the LSPP.</p>
<p><b>Conforms with the City's Official Plan:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Defer</p>	<p>The subject lands are located within an area identified as "Employment Lands – Community Commercial" designation of the City's Official Plan. Although the Community Commercial designation focuses on several large-format retailers, the designation also provides for a wide array of retail and service commercial uses which include among others, retail uses, restaurants, tourists accommodations, entertainments uses and offices.</p> <p>Section 7.1.12.1 of the Official Plan contains criteria for the creation of lots and related severance applications to the Committee of Adjustment. Review of these policies with respect to the proposal does not identify any concerns or deviations from the general criteria of the Official Plan. Staff have reviewed the Planning Justification Report submitted by Morgan Planning and Development and concur with the conclusions contained within which discuss the General Criteria of Section 7.1.12.1 as per below:</p> <ul style="list-style-type: none"> <li>• As only one new lot is proposed, a consent application is the appropriate mechanism to create the lot.</li> <li>• The severance will not require any extension of municipal water, sanitary or road infrastructure. As such, no adverse financial impacts to the City will be incurred as a result of the severance.</li> <li>• The severance will not alter the uses permitted on the lands, only the lot fabric. As such, the severance will have no impact on adjacent land uses.</li> <li>• The severed lot will retain frontage onto Mulcahy Court and the retained lot will be accessed via the existing registered private right-of-way. The site-specific zoning of the property specifies that frontage on the private right-of-way is permitted.</li> <li>• Access to the proposed severed parcel has already been established through benefit of Site Plan approval. There is no proposed change in location of the driveway to access the lands.</li> <li>• The future development of the severed lot will not interfere with the existing development on the retained lands.</li> </ul>

	<ul style="list-style-type: none"> <li>• Both the severed and retained lands can be adequately service with municipal sewer and water.</li> <li>• A Minor Variance application has been submitted concurrently with the Consent application to address the deficient Lot Areas.</li> <li>• The severed lot will not have disproportional depth and width.</li> <li>• The subject lands have been previously demonstrated as suitable for development.</li> </ul> <p>Planning staff consider the application for severance to be consistent with the policies of the Official Plan as noted above.</p>
<p><b>Complies with the City's Zoning By-law:</b></p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Defer</p>	<p>The subject lands are zoned Community Commercial Exception Six (C5-6). The minimum Lot Area within this zone is one (1) hectare (10,000 m<sup>2</sup> / 2.47 acres). However, the proposed severed lot and retained lots will be deficient in Lot Area as the proposed retained lot would be 0.97 hectares (9,766.7 m<sup>2</sup> / 2.41 acres) and the proposed severed parcel would be 0.65 hectares (6,529 m<sup>2</sup> / 1.61 acres).</p> <p>A Minor Variance application has been submitted concurrently to recognize this deficiency. Both proposed lots would comply with the requirements of the Zoning By-law with respect to Lot Frontage which is 20 m (65.61 ft) and which may be on the private road right-of-way.</p> <p>Further discussion regarding the variance for Lot Area is included in a separate analysis below.</p>
<p><b>Conforms to Section 2, 51(24) and 53(12) of the Planning Act:</b></p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Defer</p>	<p>This application has been reviewed and in the opinion of Staff, conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>.</p> <p>Section 51(24) requires regard to be had for such matters as the suitability of the lands for the purposes for which it is to be subdivided, dimension and shape of the proposed lots, and whether the plan conforms to the Official Plan. The subject lands are considered to conform to Official Plan policies and are considered consistent with the general lot pattern in the area.</p> <p>Further to the above, staff is satisfied that the proposed severance is consistent with the requirements of the <i>Planning Act</i> consent policies of the City's Official Plan.</p>

**ANALYSIS OF MINOR VARIANCE:**

The following analysis is specifically focused on the Minor Variance Application B1/23.

<p><b>Site Inspection Date</b></p>	<p>December 16, 2022</p>
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<p><b>Maintains the purpose and intent of the Official Plan:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Defer</p>	<p>The subject property is designated “Employment Lands – Community Commercial” designation on Schedule “A” of the City’s Official Plan. A wide range of commercial uses are permitted within the ‘Employment Lands – Community Commercial” designation.</p> <p>The intent of the Employment Lands designation includes accommodating a full range of employment opportunities including industrial, commercial, and institutional uses necessary to meet the long-term needs of the City of Orillia.</p> <p>Although a specific use for the severed lands has not yet been identified, the Official Plan provides for a wide variety of commercial uses within the Community Commercial designation including retail, convenience stores, tourist accommodations, restaurants, financial institutions, cultural and entertainment uses, offices, service commercial, public uses and parks and recreation facilities. Although large scale retail is encouraged within this designation, a wide variety of other types of commercial uses which require more modest land requirements are also permitted. Therefore, the large parcel size may not necessarily be required in all situations. As a smaller lot size is capable of adequately accommodating many of the uses permitted within the designation, it is staff’s opinion that the request maintains the purpose and intent of the Official Plan.</p>
<p><b>Maintains the purpose and intent of the Zoning By-law:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Defer</p>	<p>The subject lands are zoned Community Commercial Exception Six (C5-6) under Zoning By-law 2014-44, as amended. As discussed above, the Community Commercial Zone provides for large-format retail and other uses which require a large amount of land. However, the Zone also permits an extensive variety of commercial uses, many of which require much less land than that required for a large scale retail use. Such smaller permitted uses may include a Hotel such as that currently accommodated on the site, a Motor Vehicle Fuel Bar, or Professional Office. The requested variance would therefore provide the opportunity necessary to establish a use that requires less land such as a restaurant as previously proposed. As such, staff are satisfied that the request maintains the purpose and intent of the City’s Zoning By-law.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Defer</p>	<p>As discussed, both severed and retained parcels have adequate size to be developed with a use currently permitted within the Zone. Further, both parcels are capable of accommodating sufficient parking for the permitted uses. The proposed severed lands can accommodate over 60 parking spaces for a 500 m<sup>2</sup> commercial building. This would meet the parking requirements for a restaurant or nightclub as outlined in Table 6.2 “Parking Requirements for Non-Residential Uses” in Zoning By-law (2014-44). The minimum off-street parking requirements for a restaurant or nightclub are the most stringent of all the permitted uses at 1 space per 9.0 m<sup>2</sup> of commercial floor space. It is staff’s opinion that the variance is desirable and appropriate.</p>
<p><b>The variance is minor in nature:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Defer</p>	<p>When determining whether a variance is considered minor in nature, Staff must evaluate the four tests of the <i>Planning Act</i> and the appropriateness of the development on the subject property.</p> <p>The Planning Justification Report provided by the applicant’s agent provides rationale as to why the variance can be considered minor. Staff concur with these conclusions. This reasoning includes:</p> <ul style="list-style-type: none"> <li>• The severance will not change the existing use of the lands which are zoned Community Commercial</li> </ul>

	<p>Exception Six ('C5-6'). As such, there will be no adverse impact on the existing hotel business (retained lands) or any other surrounding businesses.</p> <ul style="list-style-type: none"><li>• Development of the proposed severed lands is permitted as-of-right for a variety of commercial uses.</li><li>• The retained Lot Area would be extremely close to the required 1 hectare (10,000 m<sup>2</sup>) Lot Area requirement as specified the City's Zoning By-law at 0.97 hectares (9766.7 m<sup>2</sup>).</li><li>• The severed lot would be approximately 35% smaller than the required 1 hectare (10,000 m<sup>2</sup>) lot area. At 0.65 hectares (6,529 m<sup>2</sup>), the proposed severed lot is still a sizable parcel and would not preclude other commercial uses in the future.</li></ul>
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### **Conclusion**

The proposed lot creation associated with application B1/23 has been reviewed against all relevant planning policies. In the opinion of staff, Consent Application B1/23 is consistent with and conforms to all applicable provincial and municipal policies and regulations. The reduction in Lot Area for Minor Variance A1/23 meets the four tests as set out within the *Planning Act*. It is the opinion of Staff that the policies have been met and that the applications be approved subject to conditions. Staff recommend that the proposed severance and easements associated with application B1/23 be approved subject to conditions.

Prepared by:

Jeff Duggan,

Senior Planner





## MEMORANDUM TO COMMITTEE OF ADJUSTMENT

DATE:	January 12, 2023
FROM DEPARTMENT/DIVISION:	Engineering Division, DSE
FROM/CONTACT:	Wes Cyr, Manager of Engineering and Transportation
SUBJECT ADDRESS:	8 Mulcahy Court
SUBJECT FILE #:	A1-23 / B1-23

**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):

- No Comments.

**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**

### **CANADA POST:**

No Comment

### **ENBRIDGE GAS:**

**From:** Ontario Lands <ONTLands@enbridge.com>

**Sent on:** Wednesday, December 21, 2022 2:45:01 PM

**To:** Lorrie Jackson <LJackson@orillia.ca>

**Subject:** B1-23 UNION GAS COMMENTS

B1 - severance

Thank you for your correspondence with regard to the proposed Severance. Enbridge Gas Inc, does have service lines running within the area which may or may not be affected by the proposed severance.

Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the Attachment Centre at 1-866-772-1045.

Should you require any further information, please contact the undersigned.

**Barbara M.J. Baranow**  
**Analyst Land Support**

**Enbridge Gas Inc.**  
50 Keil Drive North, Chatham, ON N7M 5M1  
**Integrity. Safety. Respect.**