



**COMMITTEE OF ADJUSTMENT  
SUMMARY OF COMMENTS FOR JANUARY 18, 2023  
FOR APPLICATION B2-23**

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 B2/23  
**APPLICANT:** Nick L'Ecuyer  
**AGENT:** Kory Chisholm, MHBC  
**SUBJECT**  
**PROPERTY:** 242 Coldwater Road – Consent (Lot Boundary Adjustment)

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**Recommendation:**

THAT the Committee of Adjustment grants provisional approval to Application B2/22, 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 severed lands merge with the adjacent lands to the east known municipally as 234 Coldwater Road West.
5. That the applicant/owner shall be required to pay the Development Review Fee (\$75.00) 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 applicant/owner shall be required to pay any fees for approval of the documents by the Secretary-Treasurer, as approved by City Council.

### **Background & Purpose**

The purpose of this report is to provide the Committee of Adjustment with information related to Consent application B2/23, submitted with respect to the property municipally known as 242 Coldwater Road. The applicant proposes a lot boundary adjustment and blanket easement in favour of the neighbouring lands municipally known as 234 Coldwater Road West.

The applicant is seeking approval to sever 1,411 m<sup>2</sup> (15,187.87 ft<sup>2</sup>) of land from 242 Coldwater Road and add it to 234 Coldwater Road, the easterly abutting property. The purpose of the proposed easement is to provide vehicle ingress and egress to the severed lands. There are no new buildings or structures proposed at this time.

Surrounding lands:

<b>North</b>	Single Detached Dwellings fronting onto Lindsay Crescent
<b>East</b>	Single Detached Dwellings
<b>South</b>	Coldwater Road – south of Coldwater Road is vacant lands

<b>West</b>	Single Detached Dwellings and Commercial uses
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**ANALYSIS:**

<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 in order to achieve cost-effective development patterns. As it relates to the proposed lot addition severance, the proposal facilitates the efficient use of currently underutilized lands through the transfer of such lands to an adjacent property owner who operates a successful business that is well established and which has integrated well within the neighbourhood. The proposed application is deemed to be consistent with 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 in order for development to be achieved with an increased focus on building compact, vibrant and prosperous communities that make optimal use 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. The application furthers the Growth Plan's employment directives by contributing to the community's mix 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, 2019, as amended.</p>
<b>Consistent with the Lake Simcoe Protection Plan (LSPP):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Defer	The subject lands are located within the Lake Simcoe Watershed and are therefore subject to the policies of the LSPP. However, no new development is being proposed at the current time. If and when new development is proposed, the development will be subject to the requirements of the LSPP at that time.
<b>Conforms with the City's Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Defer	The subject lands are located within an area identified as the "Living Area – Intensification Area" of the City's Official Plan. The Intensification Area designation represents areas within the City that have been identified as locations that are targeted for intensified development and which have the potential to accommodate a mixture of residential, office, retail and service commercial uses. The existing Uses at 242 and 234 Coldwater Road are permitted under the Official Plan.

	<p>Section 7.1.12 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 deviation from the general criteria of the Official Plan as per below:</p> <ul style="list-style-type: none"> <li>• The proposed severance which will not trigger any change in existing land use in the near term. Further, the lot boundary adjustment is expected to facilitate expansion of an existing commercial use in the long term. The existing uses are considered to be <i>compatible</i> with the adjacent residential land uses.</li> <li>• The proposed severed and retained lots front onto and have direct access from an improved public road which is maintained on a year-round basis by the municipality.</li> <li>• The access to the proposed severed and retained lots will not create a traffic hazard or serve to increase an existing traffic hazard.</li> <li>• The severance will not limit the potential for development of the severed or retained lands. Conversely, the lot addition is anticipated to further the development potential of the benefitting lands.</li> <li>• The long existing access to the proposed severed and retained lots will not be modified and will be improved through formalization of one-way traffic flow including appropriate signage. The City's Engineering Division has expressed no concerns with respect to ingress and egress.</li> <li>• The proposed severed and retained lots can be adequately serviced with municipal sewer and water; and,</li> <li>• The Lot Frontage and Area of the proposed severed and retained lots are adequate for the existing uses and comply with the Zoning By-law.</li> </ul> <p>In summary, the proposed lot addition is consistent with the policies of the Official Plan as stated. Therefore, the application is considered to be consistent with the policies of the City of Orillia Official Plan.</p>
<p><b>Complies with the City's Zoning By-law:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Defer</p>	<p>The subject lands are zoned Residential Two - Intensification (R2i) in Zoning By-law 2014-44. However, non-residential uses are permitted in accordance with the Zone Requirements of the C4 Zone. The proposed lot addition of approximately 1,411 m<sup>2</sup> (15,187.87 ft<sup>2</sup>) is to be taken from the severed lands (242 Coldwater Road) and added to the abutting lands known as 234 Coldwater Road. The minimum Lot Area and Lot Frontage of the severed lands will continue to meet the minimum requirements of the C4 Zone and any existing Zoning By-law Performance Standard deficiencies are recognized through virtue of section 5.20 c) i. "Non-Complying Buildings, structures and Developed Site. As such, the application is considered to be consistent with the requirements of the City's Zoning By-law.</p>

<p><b>Conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>:</b></p> <p><input checked="" type="checkbox"/> <b>Yes</b></p> <p><input type="checkbox"/> <b>No</b></p> <p><input type="checkbox"/> <b>Defer</b></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 and adjacent plans of subdivision. 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>Staff is satisfied that the proposed lot addition severance is in keeping with applicable legislation and enhances the area while promoting future development opportunities.</p>
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**Conclusion**

The proposed lot creation associated with application B2/23 has been reviewed against all relevant planning policies. In the opinion of staff, Consent Application B2/23 is consistent with and conforms to all applicable provincial and municipal policies and regulations. It is therefore 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 easement associated with application B2/23 be approved subject to conditions.

Prepared by:

Jeff Duggan,

Senior Planner



## MEMORANDUM TO COMMITTEE OF ADJUSTMENT

<b>DATE:</b>	<b>January 12, 2023</b>
<b>FROM DEPARTMENT/DIVISION:</b>	<b>Engineering Division, DSE</b>
<b>FROM/CONTACT:</b>	<b>Wes Cyr, Manager of Engineering and Transportation</b>
<b>SUBJECT ADDRESS:</b>	<b>242 Coldwater Road West</b>
<b>SUBJECT FILE #:</b>	<b>B2-23</b>

**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):

- Road widening is required in support of the preferred right of way for an Arterial Road. Current right of way is 23.7m as per County Teranet GIS.
- The analysis and applications are required to ensure the new entrances are in accordance with the Zoning By-law as well as the Engineering Design Criteria Manual. See City of Orillia TOR Entrance Analysis attached.

**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).

- That the Owner/Applicant shall convey to the City, at the expense of the applicant, free and clear of encumbrance a 2.3 metre road widening across the entire frontage along Coldwater Road West of the severed lands, to the satisfaction of the City.
- The Owner/Applicant shall apply for and obtain an Entrance Permit, to the satisfaction of the City.



Development Services and  
Engineering Department

T: 705-325-2221  
F: 705-329-2670

info@orillia.ca

orillia.ca

50 Andrew St. S., Suite 300,  
Orillia, ON L3V 7T5

## City of Orillia TOR for Entrance Analysis

### 1 Site Access and Circulation

Site access location and design shall be determined with respect to the operational analysis in conjunction with the most current revision of the following documents:

- City of Orillia's "Engineering Design Criteria";
- City of Orillia's "Zoning By-law";
- Ontario Traffic Manuals; and
- Transportation Association of Canada.

All site access points on municipal roads shall be evaluated in terms of capacity, safety and sight distance & adequacy of queue storage capacity.

Proposed access points shall be evaluated with respect to existing access points and intersections, on-street weaving problems, need for acceleration or deceleration lanes and pedestrian and cycling safety.

On-site parking and circulation systems shall be evaluated to demonstrate appropriate clear throat distances and avoid any possible queuing onto the municipal roads.

Sight lines should be evaluated to ensure safe conditions in accordance with the most current City of Orillia's "Engineering Design Criteria" and "Zoning By-law" and based on Decision Sight Distance as identified in the most recent Transportation Association of Canada – Geometric Design Guide for Canadian Roads (TAC Manual).

Proposed truck/courier loading facilities and access to these facilities shall be evaluated to ensure that they are adequately sized, designed and provided with suitable access so that they will not adversely affect traffic and transit operations on municipal roads.

Any required turning or other restrictions should be identified.

Generally, it is preferable to minimize the number of private site accesses to municipal arterial roads, in order to maintain the integrity of the arterial road network. Site access should be provided only to the local roads wherever possible.

### 2 Sight Distance Evaluation

At each proposed access and/or at each intersection where a new entrance is proposed, the sight distance requirements should be determined based on Decision Sight Distance



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info@orillia.ca

orillia.ca

50 Andrew St. S., Suite 300,  
Orillia, ON L3V 7T5

and Turning Sight Distance as identified in the most current edition of the Transportation Association of Canada Geometric Design Guide for Canadian Roads (TAC Manual). The availability of sight distance shall be determined from actual field measurements.

***Entrance Analysis***

An Entrance Analysis submission must address at a minimum, the following concerns:

1. Is the proposed access point(s) near (within 15 metres) other existing driveways or intersections? If so:
  - o Are there foreseen conflicts?
  - o Do they meet the Ontario Traffic Manual/Transportation Association of Canada guidelines for distance apart?
2. Are there horizontal/vertical curvature sight line issues at a proposed intersection or driveway? If so:
  - o What are the safety measures taken?
3. An analysis of sight distances, turning movements and impact of the road characteristics.
4. For new entrances – confirm there are no physical obstructions (for example hydro pole, or no parking sign) in the way of the proposed location.



## **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:** B2-23 - UNION GAS COMMENTS

B2 - 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.**

## PUBLIC COMMENTS RECEIVED

**From:** [Dr. Lindsay Smith Family and Cosmetic Dentistry](#)  
**To:** [Kory Chisholm](#); [Shayne Connors](#); [REDACTED]@mortgagewellness.ca  
**Subject:** Lot line adjustment for 234 and 242 Coldwater Rd West  
**Date:** November-22-22 9:43:35 AM

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Hello Kory,

Please accept this email as confirmation that I am supportive of the proposed lot boundary adjustment and easement application that was recently filed by MHBC Planning on behalf of Nick L'Ecuyer, the Owner of 242 Coldwater Road

I am the owner of 234 Coldwater Rd. West., Orillia, ON, L3V 3M2.

Should you require any further information please do not hesitate to contact me.

Regards,  
Dr. Lindsay Smith

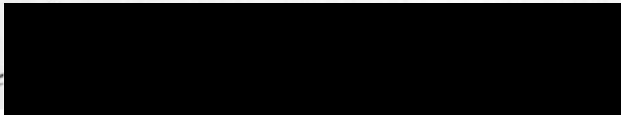
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Dr. Lindsay Smith Family and Cosmetic Dentistry  
234 Coldwater Rd. W.  
Orillia, Ontario  
L3V 3M2  
705-326-7441  
[REDACTED]@orilliafamilydentistry.com

242 & 234 COLDWATER ROAD WEST CONSENT LETTER OF SUPPORT

I/We, Alex Davidson am/are I the Owner(s) of the property municipally addressed as 236 Coldwater Road West in the City of Orillia. I understand that a consent application has been submitted to the City for a proposed lot boundary adjustment and blanket access easement for the lands municipally addressed as 242 Coldwater West and 234 Coldwater Road West in the City of Orillia. Please accept this letter as confirmation that I have no concerns with the proposed lot boundary adjustment and associated easement for the above-noted lands.

Regards,



242 & 234 COLDWATER ROAD WEST CONSENT LETTER OF SUPPORT

I/We, Stephanie D Boss am/are I the Owner(s) of the property municipally addressed as 240 Coldwater Rd. West, Orillia, Ont. in the City of Orillia. I understand that a consent application has been submitted to the City for a proposed lot boundary adjustment and blanket access easement for the lands municipally addressed as 242 Coldwater West and 234 Coldwater Road West in the City of Orillia. Please accept this letter as confirmation that I have no concerns with the proposed lot boundary adjustment and associated easement for the above-noted lands.

Regards,



242 & 234 COLDWATER ROAD WEST CONSENT LETTER OF SUPPORT

I/We, Rob Street am/are I the Owner(s) of the property municipally addressed as 246 Coldwater Rd

in the City of Orillia. I understand that a consent application has been submitted to the City for a proposed lot boundary adjustment and blanket access easement for the lands municipally addressed as 242 Coldwater West and 234 Coldwater Road West in the City of Orillia. Please accept this letter as confirmation that I have no concerns with the proposed lot boundary adjustment and associated easement for the above-noted lands.

Regards,

