



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

April 17, 2024

The April hearing of the City of Orillia Committee of Adjustment was held on April 17, 2024 by virtual meeting with the following in attendance:

Peter Bowen – Committee Member (Chair)
Ian Gordon – Committee Member
Kelly Smith – Committee Member
Jill Lewis – Senior Planner
Susan Votour – Intermediate Planner
Lorrie Jackson – Secretary-Treasurer
Sue McCormick – Planning Administrator

- 1. Introduction by the Secretary-Treasurer**
- 2. Opening of Hearing:**

The hearing was called to order at 9:15 a.m.

- 3. Approval of Agenda:**

017-24 Moved by: Kelly Smith
Seconded by: Ian Gordon

That the Agenda for the April 17, 2024, be approved.

Carried

- 4. Confirmation of Minutes of the March 13, 2024 Hearing:**

018-24 Moved by: Ian Gordon
Seconded by: Kelly Smith

That the Minutes of March 13, 2024 be approved.

Carried

5. Notification of Pecuniary Interest:

None.

6. Manner in which Notice was provided:

The Secretary-Treasurer described the Committee of Adjustment procedures for the Hearing.

7. Applications:

7.1 B06-24 353 Old Muskoka Road

In attendance: Savas Varadas of Plan Muskoka, agent on behalf of the Owner was present.

The Secretary-Treasurer read all correspondence received relative to the application.

Proposal:

The purpose of of the proposed severance is to request a division of land to create four (4) residential lots to construct a Semi-Detached Dwelling on each new lot, with a Single Detached Dwelling proposed on the retained lot.

Comments from the Public:

Letters of objection were received.

Comments from Departments/Agencies:

Engineering Division has comments and conditions.

Canada Post has a comment and no conditions.

Hydro One has no comments or conditions.

Enbridge has a comment and no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Owner/Applicant's Comments:

- Savas Varadas addressed the Committee. Mr. Varadas provided a presentation to the Committee. He reviewed the concerns noted and provided information from

the previous proposal which were the front yard setback concerns, concerns with exterior side yard, corner lot and the sight triangle, distance of the driveway at the corner and concern with the rear laneway.

- The applicants have come back with a new proposal. They have reduced the density by one unit and have now introduced two semi-detached units and one single family dwelling. The provisions comply with the R2 zoning. They have pushed the homes further back from the front lot line and have shown the trees proposed and how more cars can be accommodated in the driveway which will reduce on-street parking.
- Mr. Varadas advised the exterior side yard is met and no variance required. They have included the frontage on the corner lot which accommodates a sight triangle, and the driveway is located far enough from the corner to meet the Zoning By-law. There is no rear laneway proposed behind the homes.
- They have provided elevations as an example and the proposal is to maintain two storeys in character. Mr. Varadas made a comparison to the previous proposal before the Committee to this proposal which hopefully recognizes the concerns noted previously and feels they have met staff's recommendations. He noted the applicant has made a good effort with the revised proposal.

Public Comments (at hearing):

- Diandra Holt of 342 Old Muskoka Road addressed the Committee. Ms. Holt has concerns and has a lot of questions regarding the aging infrastructure. There have previously been two sinkholes and questions on how much this cost to the City in emergency repairs. Ms. Holt indicated that building this many lots is excessive for the property size, however, does understand the intensification and would rather see 3 single lots with bungalows keeping in character with the height as well as for the aging population.
- Ms. Holt indicated she has concerns with the storm water management assessment as there are problems with flooding on the street.
- The plan is not compatible with the area and the proposed structures will overshadow the adjacent properties as they will be two storey buildings. She is not sure that these will be affordable. Ms. Holt noted there is not enough green space proposed.
- Ms. Holt is concerned with parking and there should be a traffic assessment completed. There is a bus stop with the proposed 4 driveways on a corner which is a great concern with cars backing out onto the street. She appreciates the applicants are trying to work with the neighbours, but this proposal is one lot short of a subdivision. She notes her concern about the environment as the existing home has extensive work done to it and will be demolished and going in the landfill.
- The whole area is rock, and she has a concern with basements going in and blasting affecting neighbouring foundations. There should be an assessment of the surrounding foundations before any work is done.

- Ms. Holt indicated her concern with the aging infrastructure and who is going to fix this when problems occur on the whole street. There have been two water breaks in the last couple of years. This proposal should not go forward without an analysis.
- Sam Gardiner of 350 Old Muskoka Road addressed the Committee. She lives directly across the road. She is in full agreement with Ms. Holt's comments and concerns.
- Mr. Gardiner indicated her concern is with the loss of species at risk and concern with the environmental impact. One driveway will be directly across from 5 driveways with 2 spaces and potentially 11 cars coming and going across the road from her which is detrimental to their life at home. This is a very busy street with a bus route. She does not feel this is good planning and has a negative impact on their life.

Committee Comments

- A Committee member questioned the elevations and questioned what kind of information staff will be reviewing to approve the elevations.
- Staff advised that in accordance with the Official Plan, architectural features are reviewed such as design, rooflines, verandas and stairways to ensure aesthetically pleasing and in character. Further, the Official Plan speaks to corner lots and an enhanced elevation along the side of Landon Street such as examples of improvements of wrap around porches. Staff have the ability to review the elevations looking for the enhanced design particularly for these corner lots.
- A Committee member noted that the site plan shows the semi-driveways together and the elevation drawing shows the driveways apart. Are they able to have 5 distinct driveways? Staff advised that the proposal is for twin driveways so 3 driveways rather than 5 driveways.
- A Committee member indicated the concern about the bus stop in the area and can the bus stop be located elsewhere even temporarily during construction at the developer's cost? Staff advised that through the staff recommended entrance analysis, any obstructions will be identified in the municipal right of way in connection with the bus stop.
- A Committee member indicated the setback at 12.1 metres is not enough to park 2 vehicles and how much parking coverage is permitted with the City. Staff advised that the standard size of a parking space is 2.7 m x 6.0 m to allow for 2 spaces which meet the Zoning By-law and lot coverage is verified at the building permit stage.

- A Committee member indicated that he appreciates the owner's intent and the desire of the province for intensification and their redesign of the proposal after the last submission but agrees with the comments that have been made by the public. This development is not in character with the neighbourhood. It can be recognized that it complies with all of the policies and the by-laws and the plans for the City but just because we can do something does not necessarily mean we should.
- Mr. David Johnston addressed the Committee. In the neighbourhood, the aesthetics of the street should be looked at and how to preserve that. He appreciates what has been said by the agent about setting the houses back and indication of foliage on the streetscape but there is a difference between the mature trees and planting young saplings as replacements. Mr. Johnston reviewed photos with the Committee showing what can happen to a lot with proposed housing and the removal of trees.
- Mr. Johnston noted his concerns about storm water management. Staff are aware of the concern and the conditions are as such with storm water management to be done. It is fair to say when one looks at the general neighbourhood such as the multi-units behind on King's Court, the uses look similar, however you can look at what happened on the street which is curb and gutter. The storm water management is handled completely differently with an open ditch on Old Muskoka not curb and gutter. Mr. Johnston reviewed a photo with what is in the ditch after a reasonable rain 3 to 4 times a year. Then add 4 or 5 driveways and the amount of runoff from the developed lots will be significantly increased. Roof coverage and paved driveways will increase the runoff. The ditching was designed for what is there on the street and this will overtax the storm water management system. He measured culverts and all are 14-15 inch and to solve the kind of drainage is not a modest undertaking. He is concerned and increasing culverts under 9 separate driveways which is a concern. Mr. Johnston indicated that changing the location of the driveways and moving the driveways will affect the culvert under his driveway. He has concerns with runoff and storm water management.
- Mr. Johnston indicated that the driveway that serves the single family dwelling could come off Landon Street and create a much safer driveway than all 3 driveways coming off of Old Muskoka. The traffic volume is less and coming off Landon reduces traffic significantly. Vehicles exceed the speed, and it would improve the driveway coming off of Landon Street for the single family dwelling.
- Mr. Johnston feels the Provincial policies forget some pretty important stuff that affects the neighbourhood. His driveway was recently redone and followed the same pattern that is 50 years and is right on the lot line. Several large boulders are adorning the entrance to the driveway and several boulders on the proponent properties and if someone is building a home 1.2 metres from lot line, he has a concern of stability of the new driveway and the garage close to the lot line. He is concerned with the impact of blasting.

- Savas Varadas indicated a possibility of moving the driveway to Landon Street and could possibly make a wording change to the entrance analysis as to the safety from Landon and Old Muskoka or more appropriate on Landon Street.
- Staff advised that it would be recommended to defer the application as relocating the driveway is not just a small change. We would need to ensure that the driveway off Landon Street is 15 metres distance and appropriate as there are many considerations when looking at a driveway.
- Mr. Johnston indicated there is currently an existing driveway on Landon as there are 2 entrances there now. He feels, upon measurement, the setback would meet the City requirements of 15 metres.
- Mr. Johnston questioned also the conditions of approval with regard to the fence along the boundary between his property and the proponent's property line and feels it would be more conducive to the neighbourhood from the back lot line to back of whatever structure is built. This would be more in keeping with the neighbourhood.
- A Committee member asked about the condition regarding the fence and is there flexibility for staff in connection with height and the placement of the fence.
- Staff advised if there is interest in modifying the wording of the conditions, then a recommended deferral with the Committee for specific direction would be the best route, as staff would need specific direction to the fence only extending along the south lot to the rear of the proposed dwelling unit.
- Staff also advised a potential deferral could be made to request the applicant to complete the storm water report for review by the Engineering Department. This may alleviate concerns on how everything would be managed with respect to open ditch and culvert considerations.
- The Committee reviewed the condition for the fence and asked if a 2 metre fence could go out to the front property line? Staff advised that the fence could go to the property line subject to adhering to the requirements for sight triangles. Not sure if there is a stepping down of the fence. Staff worded the condition so as to try and reduce the adverse effect to the adjacent neighbour to the south but if the neighbour is looking to just have in the backyard, then that is another consideration.
- A possible deferral could be made to defer to give specific direction by Committee to reword to bring back for Committee's consideration.

The Committee made a motion to approve the application.

**019-24 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application B06-24 – 353 Old Muskoka Road, be approved with conditions, as per the Decision.

Carried

8. Correspondence / other business:

None.

9. Adjournment:

**020-24 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

We now adjourn at 10:14 a.m.

Carried

The Committee will reconvene at 9:15 a.m. on April 17, 2024.



Pete Bowen, Chair



Lorrie Jackson, Secretary-Treasurer