



**CITY OF ORILLIA  
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,  
WEDNESDAY, DECEMBER 16, 2020 AT 9:15 A.M. – ELECTRONIC HEARING**

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**Present:**

Joe Fecht – Chair  
Richard Bates – Committee Member  
Ted Southorn – Committee Member

**Also Present:**

Susan Votour – Secretary-Treasurer  
Jeff Duggan – Senior Planner  
Jill Lewis – Senior Planner  
Ali Chapple – Intermediate Planner  
Maria Pinto – Planning Administrator  
Lorrie Jackson – Administrative Assistant

**Introduction by Secretary-Treasurer**

The Secretary-Treasurer advised those present of the following:

- Due to the current emergency situation, this meeting of the Committee of Adjustment is being held in an electronic format
- The Notices of Hearing that were circulated with respect to the applications being heard at the meeting contained the statements required under Section 5.2 of the *Statutory Power Procedures Act* regarding electronic hearings.
- As of the morning of December 16, 2020, the Secretary-Treasurer has not received any submission from any party claiming that the holding of the hearings in an electronic format will cause them significant prejudice and therefore the Committee has no such submissions to consider prior to proceeding with the hearing of the applications.

The Secretary-Treasurer confirmed that the Chair, Committee Members and the Senior Planner had successfully joined the electronic hearing.

**Call to Order**

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

**Approval of Agenda**

Moved by Richard Bates, seconded by Ted Southorn:

THAT the agenda for the December 16, 2020 meeting of the Committee of Adjustment is approved.

Carried.

**Disclosure of Interest**

None

## **Minutes**

Moved by Ted Southorn, seconded by Richard Bates:  
THAT the minutes of the following meeting be adopted:

- November 18, 2020

Carried.

## **Welcome to Attendees and Explanation of Procedures**

The Chair welcomed those in attendance and explained the meeting procedures and the appeal process.

## **Applications**

### **a) Application for Consent B5/20 (MacIntosh/Reid) – 15 Hillside Drive**

The Secretary-Treasurer outlined the application and reported on correspondence received.

### **Proposal**

An application has been made by JEFFREY MACINTOSH AND KRYSTIN REID for consent under File Number B5/20, to sever property municipally known as 15 Hillside Drive in order to create one new residential lot.

The proposed severed lot would have approximately 18.28 m (59.97 ft.) frontage on Grace Avenue and an area of approximately 676.90 m<sup>2</sup> (7,286.09 ft<sup>2</sup>). The proposed retained lot would have approximately 30.48 m (100.00 ft) on Hillside Drive and an area of approximately 1,128.67 m<sup>2</sup> (12,148.90 ft<sup>2</sup>).

The subject property is located within the “Living Area – Stable Neighbourhood” designation of the Orillia Official Plan.

### **Comments from the Public**

A letter of objection regarding the proposed variance was received from Robbie Robinson, Principal of 1039977 Ontario Ltd. who owns 18 Hillside Drive, across the street from the property.

### **Staff Report:**

Jeff Duggan, Senior Planner.

### **Comments from Departments/Agencies**

Engineering & Transportation Division, City of Orillia

- Service Connection Permits for water and sanitary connections and Entrance Permits will be required upon development of the subject property. Connection and Entrance Permits are \$100.00 each.
- A driveway entrance is required to City of Orillia standards.

- A detailed lot grading plan prepared by a Consulting Engineer or an Ontario Land Surveyor knowledgeable in such matters is to be submitted and approved by the City prior to issuance of a building permit.
- A lot grading deposit will be required. The amount of the deposit depends upon the complexity of grading involved. A lot grading processing fee of \$145.00 applies.
- If the applicant proceeds with an entrance off of Hillside Drive the following applies:
- The applicant shall be required to extend the municipal road to City of Orillia Standards as required to provide access, snow storage and sufficient road width to provide turning movements at the end, all at the applicant's expense.

Chief Building Official, City of Orillia

- The existing detached garage appears that it will cross the proposed property line. A building permit will be required to demolish the garage or relocate it.
- The existing sewer for the house comes off of Grace Avenue and appears it will be partially on the newly created lot.
- There also appears to be an existing well on the property that will be very close to the new lot line. It is unclear if it is an active well but the cover is only wood which does not appear very safe.

**Applicant's Comments:**

Jeffrey Macintosh and Krystin Reid, the Applicants, were present. The Applicants advised as follows:

- That the well has been decommissioned and has a secure cement lid.
- The existing garage has not yet been demolished as they did not want to remove same until they knew their application would be approved.
- Dearden and Stanton, Ontario Land Surveyors, have prepared a sketch illustrating elevations from edge of Grace Avenue. The elevation difference from Grace Avenue is not significant.
- Shared drawings of the proposed house and confirmed intended locations of lot lines.
- They intend to occupy the dwelling they propose to build on the severed lot as their full-time residence and sell the existing dwelling that they have renovated on the retained lands.

**Public Comments (at meeting):**

Robbie Robinson, Principal of 1039977 Ontario Ltd., owner of 18 Hillside Drive, was present and provided the following comments:

- He is concerned about the possibility of an entrance from Hillside Drive; however, the Applicant confirmed that the entrance will be from Grace Avenue.
- He feels that the development would not be in keeping with the neighbourhood.
- Has concerns as to the appropriateness of the severance.

**Committee Comments:**

- Committee asked about the existing sewer. The Secretary-Treasurer confirmed that the existing sewer would most likely be repurposed for the new lot, and a new

connection would be created for the existing property, avoiding the need for any private easements.

- Committee asked for clarification regarding the entrance off of Hillside Drive. Senior Planner, Jeff Duggan, advised that as the street is not technically assumed by the City, entrance to the severed lot is planned from Grace Avenue. He further confirmed that these impediments would apply to similar lots on Hillside Drive that may request severance.
- The Committee confirmed to Mr. Robinson that the conditions contained in the Staff report are typically conditions of severance approval; however, Staff comments would not become conditions of approval.
- Committee commented that they approved of the proposal and agreed with comments of Staff and the Applicant's proposal.
- Committee commented that they felt it was unfair that the City is forcing the Applicant's to have an access off of Grace Avenue, and that an entrance from Hillside Drive would be preferred.
- Committee responded to Mr. Robinson's concern that an entrance could not be granted from a severance to a private roadway, as with Hillside Drive.

The Committee granted provisional approval of the severance of property known municipally as 15 Hillside Drive, as follows:

- The proposed severed lot would have approximately 18.28 m (59.97 ft.) frontage on Grace Avenue and an area of approximately 676.90 m<sup>2</sup> (7,286.09 ft<sup>2</sup>).
- The proposed retained lot would have approximately 30.48 m (100.00 ft) on Hillside Drive and an area of approximately 1,128.67 m<sup>2</sup> (12,148.90 ft<sup>2</sup>).

**REASONS:** The application conforms with the requirements of the City of Orillia Zoning By-law and the City of Orillia Official Plan and satisfies the requirements of all commenting agencies.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

Pursuant to Subsection 41 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, all conditions imposed must be fulfilled within one year from the date of the sending of the Notice of Decision or the application is deemed to be refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of this consent and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

1. That the applicant submit to the Secretary/Treasurer of the Committee of Adjustment:
  - a. One (1) copy of a draft Reference Plan prepared by an Ontario Land Surveyor, identifying the severed lot. Upon review and approval of the draft Reference Plan by the Secretary-Treasurer, one copy of the registered reference plan shall be provided to the City.

- b. One (1) copy of the “in preparation” draft Transfer for the severed lot together with a signed Acknowledgement and Direction.
2. That the applicants shall pay:
  - a. The applicant must pay the required Severance Review Fee (\$75.00) as approved by City Council.
  - b. The required fees for approval of the documents by the Secretary/Treasurer, as approved by City Council.
  - c. Cash-in-Lieu of Parkland as set out in the Planning Act and in the City of Orillia Municipal Code.
3. That separate water and sewer service laterals shall be provided to the severed and retained lots at the applicants’ expense.
4. That the existing detached Accessory Structure located on the subject property shall be demolished or moved such that it will be located fully on the retained lands and comply with the setback requirements under the Zoning By-law and that any Building Permit required for demolition or relocation shall be obtained from the City at the applicants’ expense.
5. All conditions of provisional consent shall be fulfilled within one (1) year from the date of the giving of notice of provisional consent, in accordance with Subsection 53(41) of the Planning Act.
6. **The full cost of the electrical services and any relocation of any OPDC owned poles, wires or other equipment that may be required is the sole responsibility of the property owner/developer.**

**EFFECT OF PUBLIC INPUT:**

In making this Decision, the Committee of Adjustment had regard for all public input received through written and verbal submissions prior to the conclusion of the Public Hearing held on December 16, 2020.

**b) Application for Consent B6/20 (Camack) – 64 and 66 Pearl Drive**

The Secretary-Treasurer outlined the application and reported on correspondence received.

**Proposal**

An application has been made by DEBORAH AND MERLIN CAMACK (AGENT: STEPHANIE YEO, HGR GRAHAM PARTNERS LLP) for consent under File Number B6/20, to sever property municipally known as 64 & 66 Pearl Drive.

The two adjoining properties known municipally as 64 & 66 Pearl Drive have been owned by Deborah and Merlin Camack since July of 2010. The lots were subject to an accidental merger under the *Planning Act* as a result of the expiry of a Part Lot Control

Exemption By-law in September of 2010. The purpose of this consent application is to re-separate the properties in order that they may be sold separately. The severed and retained lots are both developed with residential buildings.

The proposed severed lot (64 Pearl Drive) would have approximately 9.00 m (29.52 ft) frontage on Pearl Drive and an area of approximately 315.00 m<sup>2</sup> (3390.63 ft<sup>2</sup>). The proposed retained lot (66 Pearl Drive) would have approximately 10.00 m (32.80 ft.) frontage on Pearl Drive and an area of approximately 350.00 m<sup>2</sup> (3767.37 ft<sup>2</sup>).

The subject property is located within the “Living Area – Neighbourhood Greenfield” designation of the Orillia Official Plan.

**Comments from the Public**

None.

**Staff Report:**

Jeff Duggan, Senior Planner.

**Comments from Departments/Agencies**

- No comments received.

**Applicant’s Comments:**

Deborah Camack, the Applicant, was present. Stephanie Yeo of HGR Graham Partners, Solicitor for the Applicant, was also present.

**Public Comments (at meeting):**

None.

**Committee Comments:**

- Committee asked Staff if this type of severance could be avoided through Staff or Solicitor inquiry. The Secretary-Treasurer commented that while the Committee hears various applications where there have been accidental mergers, this particular type of application to re-separate properties that have merged as a result of a part lot control by-law expiring is relatively rare. The Secretary-Treasurer further advised that the solicitor for a prospective purchaser would typically conduct a title search of adjacent properties and suggest that they take title in a different name if they owned adjacent property, which would avoid accidental mergers.
- Committee commented that this was a housekeeping issue and was in favour of approval since both properties are already developed with detached dwellings.

The Committee granted provisional approval of the severance of property known municipally known as 64 and 66 Pearl Drive, as follows:

- The proposed severed lot (64 Pearl Drive) would have approximately 9.00 m (29.52 ft) frontage on Pearl Drive and an area of approximately 315.00 m<sup>2</sup> (3390.63 ft<sup>2</sup>).

- The proposed retained lot (66 Pearl Drive) would have approximately 10.00 m (32.80 ft.) frontage on Pearl Drive and an area of approximately 350.00 m<sup>2</sup> (3767.37 ft<sup>2</sup>).

**REASONS:** The application conforms with the requirements of the City of Orillia Zoning By-law and the City of Orillia Official Plan and satisfies the requirements of all commenting agencies.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

Pursuant to Subsection 41 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, all conditions imposed must be fulfilled within one year from the date of the sending of the Notice of Decision or the application is deemed to be refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of this consent and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

1. That the applicant submit to the Secretary-Treasurer of the Committee of Adjustment:
  - a. One (1) copy of the electronic registration “in preparation” draft Transfer for the severed lot together with a signed Acknowledgement and Direction.
2. That the applicants shall pay:
  - a. the required Severance Review Fee (\$75.00) as approved by City Council.
  - b. the required fees for approval of the documents by the Secretary/Treasurer, as approved by City Council.

**EFFECT OF PUBLIC INPUT:**

In making this Decision, the Committee of Adjustment had regard for all public input received through written and verbal submissions prior to the conclusion of the Public Hearing held on December 16, 2020.

**c) Application for Minor Variance A18/20 (1868334 Ontario Inc. et al) – Phases 3 and 4, North Lake Village Subdivision**

The Secretary-Treasurer outlined the application and reported on correspondence received.

**Proposal**

An application has been made by the following parties (Agent: Morgan Planning & Development Inc.) for Minor Variance under File Number A18/20:

Applicant	Property Subject to Application
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1868334 Ontario Inc. (o/a “Titan Homes”)	<ul style="list-style-type: none"> <li>• Block 1, Plan 51M-1177 (Part of Phase 3)</li> <li>• Block 3, Plan 51M-1177 (Part of Phase 3)</li> <li>• Block 11, Plan 51M-1177 (All of Phase 4)</li> </ul>
Jacqueline Ayers	• 322 Lucy Lane (Part of Phase 3)
Wayne Pentland	• 326 Lucy Lane (Part of Phase 3)
Carol Ann Francey	• 330 Lucy Lane (Part of Phase 3)
Lonnie Sparkes	• 334 Lucy Lane (Part of Phase 3)
Dianne McAuley	• 338 Lucy Lane (Part of Phase 3)

The purpose of the application is to request additional lot coverage for Decks/Accessory Structures in Phases 3 and 4 of the North Lake Village Subdivision in order to achieve consistency with the additional coverage that was provided in Phases 1 and 2 of the subdivision. The variance would allow decks to extend across the width of the Townhouse Units.

**Comments from the Public**

None.

**Comments from Departments/Agencies**

- No Comments received.

**Staff Report:**

Maria Pinto, Planning Administrator.  
Jill Lewis, Senior Planner.

**Applicant’s Comments:**

John Morgan, Agent for the Applicants, was present and provided the following comments:

- This matter came to light upon one of the new property owners in Phase 3 being denied a building permit for a deck as it exceeded the permitted lot coverage.
- the Developer subsequently agreed to submit the application for variance to allow property owners in Phases 3 and 4 additional lot coverage for decks and accessory structures, as had been granted to owners in Phases 1 and 2.

**Public Comments (at meeting):**

None.

**Committee Comments:**

- Committee asked if the existing “half decks” would be expanded upon. Mr. Morgan confirmed that the variance would allow property owners to choose if they wanted to expand upon the existing decks, but there was no obligation to do so.
- Committee commented that this was a proactive approach of the Developer to take this initiative on the property owners’ behalf.

The Committee approved Application A18/20 and granted the following variances to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
Section 7.5, Table 7.6, Residential Four (R4) Zone Exceptions, R4-4 <i>i</i> Zone Exception	Lot Coverage (max.) – 61.00%	Add to R4-14 <i>i</i> Zone Exception:  • Lot Coverage for Decks and Accessory Structures (max.) (per POTL) – 29.7 m <sup>2</sup> (319.68 ft <sup>2</sup> ) (in addition to Maximum Lot Coverage)	Additional 29.70 m <sup>2</sup> Lot Coverage for Decks and Accessory Structures
Section 7.4, Table 7.2, Zone Provisions for Residential Zones & Section 9.5, Table 9.6, Mixed Use Intensification (C4) Zone Exceptions, C4-2 <i>i</i> Zone Exception	Lot Coverage (max.) – 61.00 % (as granted under Minor Variance Application A5/20)	Add to C4-2 <i>i</i> Zone Exception:  • Lot Coverage for Decks and Accessory Structures (max.) (per POTL) – 29.7 m <sup>2</sup> (319.68 ft <sup>2</sup> ) (in addition to Maximum Lot Coverage)	Additional 29.70 m <sup>2</sup> Lot Coverage for Decks and Accessory Structures

in order to permit the construction of decks and accessory structures having a maximum additional area of 29.7 m<sup>2</sup> on the subject properties.

- REASONS:**
- (1) The variances are minor;
  - (2) The variances are desirable for the appropriate development or use of the land, building or structure;
  - (3) The variances maintain the general intent and purpose of the Zoning By-law; and
  - (4) The variances maintain the general intent and purpose of the Official Plan.

**CONDITIONS:**

None.

**Notes:**

- This Minor Variance does not relieve the applicant of any permits or other permissions required under the Building Code or any other applicable legislation.
- The full cost of electrical servicing and any relocation of any OPDC owned poles, wires, or other equipment that may be required is the sole responsibility of the property owner.

**EFFECT OF PUBLIC INPUT:**

In making this Decision, the Committee of Adjustment had regard for all public input received through written and verbal submissions prior to the conclusion of the Public Hearing held on December 16, 2020.

**Correspondence**

None.

**2021 Meeting Schedule**

Moved by Richard Bates seconded by Ted Southorn:  
THAT the Committee of Adjustment 2021 Meeting Schedule be approved.  
Carried.

**Date of Next Meeting**

Wednesday, January 20, 2021.

**Adjournment**

Moved by Richard Bates seconded by Joe Fecht:  
THAT the Committee of Adjustment meeting be adjourned at 10:10 a.m. on December 16, 2020. The Committee will reconvene at 9:15 a.m. on January 20, 2021.  
Carried.

MEETING ADJOURNED – 10:10 A.M.

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J. Fecht, Chair