



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

October 18, 2023

The October hearing of the City of Orillia Committee of Adjustment was held on October 18, 2023 by virtual meeting with the following in attendance:

Peter Bowen – Committee Member (Chair)
Ian Gordon – Committee Member
Kelly Smith – Committee Member
Ali Chapple – Senior Planner
Jeff Duggan – Senior Planner
Jill Lewis – Senior Planner
Lorrie Jackson – Secretary-Treasurer

- 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:**

055-23 Moved by: Kelly Smith
Seconded by: Ian Gordon

That the Agenda for the October 18, 2023, be approved.

Carried

- 4. Confirmation of Minutes of the September 20, 2023 Hearing:**

056-23 Moved by: Ian Gordon
Seconded by: Kelly Smith

That the Minutes of September 20, 2023 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 A19-23 632 High Street

In attendance: James Brubacher from Estate Builders, agent on behalf of the Owner, was present.

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

Proposal:

The purpose of the proposed variance is to allow for the extension of an existing deck within the shoreline buffer zone at a reduced setback to the high water mark.

Comments from the Public:

None

Comments from Departments/Agencies:

Engineering Division has no comments and no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

- The applicant's agent, James Brubacher, addressed the Committee and advised that he had nothing further to add from the presentation of staff.

Public Comments (at hearing):

None

Committee Comments:

- A Committee member asked if the accessory buildings were considered under the 25% shoreline coverage such as the building on the north-east part of the property.
- Staff advised the shoreline coverage would include this accessory building which is in the shoreline area and any raised deck and a portion of the house is included as well.
- A Committee member addressed the owner’s representative that the next time an application is submitted to come before the Committee of Adjustment or any Board, they do not go ahead with construction before approval is received. This is risky for the contractor or owner to commence without this approval. As it stands, the Committee member noted he had no reason to turn down the requested variance, however, this could have been the case.
- Committee members stated that based on the staff report and the variances, it will have no further impact on the shoreline.

The Committee made a motion to approve the application.

**057-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application A19-23 – 632 High Street, be approved with conditions, as per the Decision.

Carried

7.2 A20-23 5 Invermara Court, Unit 40

In attendance: Matthew Kinsella and Tracey Tomassetti, Owner, were present

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

Proposal:

The purpose of proposed variance is to allow for the construction of a sunroom addition on top of an existing deck with an existing reduced rear yard setback of 3.88 m.

Comments from the Public:

Letters of support received.

Comments from Departments/Agencies:

Engineering Division has a comment and no conditions.

MTO has no comments and no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Owner/Applicant's Comments:

Matthew Kinsella and Tracey Tomassetti addressed the Committee and indicated they appreciate staff's hard work and it was not their intention to create a situation where a variance was required as it was a proposed replacement of an existing structure.

Public Comments (at hearing):

None

Committee Comments:

- Committee members stated that in seeing all of the information from the staff, no impact to neighbours to the north or the south; there is a condition that the proposal meets the drawings submitted, the deck and setback existed and no impact on neighbours; meets the four tests and in agreement with Committee members' reasons.

The Committee made a motion to approve the application.

**058-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

Application A20-23 – 5 Invermara Court, be approved with conditions, as per the Decision.

Carried

7.3 B11-23 3285 Monarch Drive

In attendance: Azar Davis, from Priamo Limited, Agent, was present.

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

Proposal:

The purpose of the proposed consent will permit a lease with Chick-Fil-A Inc. (the “Lessee”) in excess of 21 years.

Comments from the Public:

None

Comments from Departments/Agencies:

Engineering Division has no comments and no conditions.

Hydro One has no comment and no conditions.

MTO has a comment and no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant’s Comments:

- Azar Davis addressed the Committee as agent on behalf of the owners.
- Ms. Davis advised that they are satisfied with the recommended conditions and happy to answer any questions.

Public Comments (at hearing):

None

Committee Comments:

- A Committee member asked for clarification of the 6 additional terms – 15 years plus 5 years plus 5 years less one day so 25 years less a day.
- Ms. Davis advised that the term will be 15 years from when the building permit is issued and then 5 years and then 5 years less 1 day equaling 25 years.
- Committee members stated that they had no concerns and that the application meets all of the planning principles; that based on conditions they had no concerns

with this land going forward; and that it was consistent with the intent of the land usage.

The Committee made a motion to approve the application.

**059-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application B11-23 – 3285 Monarch Drive be approved with conditions, as per the Decision.

Carried

7.4 B12-23 865 West Ridge Boulevard

In attendance: Azar Davis, from Priamo Limited, Agent, was present.

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

Proposal:

The purpose of the proposed consent is to request a lease period in excess of 21 years between the Owner and the Lessee. The original lease, dated in 2004 and expiring in 2024, with four options to renew (in periods of five years), causes the overall term of the lease to exceed 21 years. Consent is being requested because the lands were transferred to a new Owner on May 1, 2023.

Comments from the Public:

None

Comments from Departments/Agencies:

Engineering has no comments and no conditions.

Hydro One has no comment and no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

- Azar Davis addressed the Committee. Ms. Davis advised they are satisfied with recommended conditions and happy to answer any questions.

Public Comments (at hearing):

None

Committee Comments:

- Committee members stated that based on the planning conditions put forward, they had no concerns; that it was a long standing business; and that they were in agreement based on recommendation of staff and the information provided.

The Committee made a motion to approve the application.

**060-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

Application B12-23 – 865 West Ridge Boulevard be approved with conditions, as per the Decision.

Carried

7.5 B14-23 99 North Street East

In attendance: Theresa Coulson, agent, was present.

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

Proposal:

The purpose of the the proposed severance is for a lot addition from 99 North Street East in favour of the neighbouring lands located at 301 Laclie Street.

Comments from the Public:

Letters of Opposition received.

Comments from Departments/Agencies:

Engineering has no comments and no conditions.

Hydro One has no comment and no conditions.

Bell Canada has comments and a condition.

Staff Report:

Planning Division recommends approval with conditions.

Public Comments (at hearing):

David Stinson, representing Hillcrest Lodge, located at 86 Cedar Street addressed the Committee:

- He did not receive the Notice, however, it likely went to their absentee landlord and was not passed on to residents.
- He indicated they are curious why this lot addition is happening as no purpose is stated for the land and understands it is possibly monetary.

Michael Scott of 105 North Street East addressed the Committee.

- Mr. Scott stated the land to be severed is right behind their backyard and is a natural piece of property that a lot of back yards look into.
- There is a basketball court with a canopy of trees.
- There is a potential of further fences and full view line of each other's properties should trees be removed in this area.
- Mr. Scott is concerned as no stated intended use for the property has been mentioned. He stated his intention was to buy the land and keep it as is. This proposal is tearing at the fabric to what this community is all about.

Charlotte McGhee of 105 North Street East advised she has lived in the neighbourhood for 10 years and this piece of a land is an atrium for the immediate neighbours.

- She indicated she uses her backyard to decompress and has chatted with neighbours who are opposed to this application.
- She feels this is a cherished piece of land for an oasis.
- Ms. McGhee indicated that the benefiting lands at 301 Laclie is a fenced off triplex that is never kept up well and an eyesore. This property should remain vacant and concerned as no purpose stated for the land.

Steven Leigh of 98 Cedar Street backs onto the property in question.

- Mr. Leigh is concerned as they do not know what is proposed, this will change the buffer around the neighbourhood and concerned with trees being cut at 301 Laclie Street.

Applicant's Comments:

- Theresa Coulson, agent, and the owner of benefiting lands addressed the Committee and stated that there have been some false comments stated by neighbours, and indicated that the property is to be used for her own personal use as a personal backyard and she has no intention to develop.
- Part of the property is fenced and the nursing home is completely fenced as well as at the back of 99 North Street and 315 Laclie Street and 299 Laclie Street.

- Ms. Coulson filled out the application to say vacant land and feels there is fear mongering among the neighbours and pointed out that the petition is also signed by people who do not live in the immediate surrounding neighbourhood.
- She is buying from one neighbour and the land is already adjoining her property.

Committee Comments:

- A Committee member asked why Ms. Coulson wants to purchase this land if she has no further use for it from the costs alone. Also, does she live at 301 Laclie Street. Ms. Coulson indicated she does live at the house since January 2023 and moved back in after owning it for 30 years. She stated she disagrees that the property is not being looked after.
- Ms. Coulson indicated the property was a triplex when she bought it and she intends it to be her retirement home.
- She wants to add this piece to the back of her property as Laclie Street that she fronts on is very busy and noisy and this will be a quiet extension of her backyard.
- A Committee member addressed the comment about people being on the property and trespassing. The Committee member stated that they were out to the property for a site review and did not trespass on any other properties.
- Mr. Leigh asked about the tree line between Ms. Coulson's house and the property to the south and why she is cutting these trees down.
- A Committee member stated that some of the questions are unknown and we cannot forecast what is going to happen down the road. Committee is to consider the severance and transfer of the property from one owner to another.
- Mr. Scott indicated that the land is a natural extension of his backyard and originally one big area between 99 North Street and 105 North Street East. He therefore has a concern with any possible development at the back.
- Ms. McGhee stated that there is still a large lot for Ms. Coulson.
- Mr. Leigh asked why she is cutting down 100 year old trees and asked if it was for adding a driveway area to the back yard.
- Ms. Coulson advised that she has cut down one tree and had a licensed arborist out that deemed the tree dangerous.
- She has in the past removed other trees as they were a danger to her house. She has no intention of killing trees and is replacing the wire fencing.
- Ms. Coulson advised she proposes to build a garage on her property which will be close to the house and the road, but not on the severed lands.
- A Committee member stated that any development would have to meet all of the City's rules and procedures.
- A Committee member asked about the Bell Easement documentation and the reference to a different address. Staff advised this was an example only of the easement document Bell requires.
- Committee members stated that the proposed conditions meet all current City guidelines and planning principles; that the proposal meets the intent of the neighbourhood and the intent of the legislation.

The Committee made a motion to approve the application.

**061-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application B14-23 – 99 North Street East be approved with conditions, as per the Decision.

8. Correspondence / other business:

- A Committee member asked if they are absent from a meeting, can they submit comments or questions. It was also asked if a member could discuss the application with other members that will not be attending the meeting. Staff advised that this is not the usual practice and all information is to be discussed collectively at the same time on the meeting date.
- A Committee member asked for clarification on Hydro One's comments about high voltage facilities versus low voltage facilities and what is the difference. Staff advised these are the standard comments from Hydro One, however, staff would follow-up with Hydro One to obtain some clarification.


9. Adjournment:

**062-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

We now adjourn at 10:20 a.m.

Carried

The Committee will reconvene at 9:15 a.m. on November 15, 2023.



Pete Bowen, Chair



Lorrie Jackson, Secretary-Treasurer