



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

February 14, 2024

The February hearing of the City of Orillia Committee of Adjustment was held on February 14, 2024 by virtual meeting with the following in attendance:

Peter Bowen – Committee Member (Chair)
Kelly Smith – Committee Member
Ian Gordon – Committee Member
Ali Chapple – Senior Planner
Jill Lewis – Senior Planner
Susan Votour – Intermediate Planer
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. Appointment of Chair

001-24 Moved by: Ian Gordon
Seconded by: Kelly Smith

That Pete Bowen be appointed as Chair for the Committee of Adjustment for 2024, be approved.

Carried

4. Approval of Agenda:

002-24 Moved by: Kelly Smith
Seconded by: Ian Gordon

That the Agenda for the February 14, 2024, be approved.

Carried

5. Confirmation of Minutes of the December 13, 2023 Hearing:

003-24 Moved by: Ian Gordon
Seconded by: Kelly Smith

That the Minutes of December 13, 2023 be approved.

Carried

6. Notification of Pecuniary Interest:

None.

7. Manner in which Notice was provided:

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

8. Applications:

7.1 A01-24 12 Dalton Crescent North

In attendance: Jacquie Fell, 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 construction of an additional dwelling unit within an existing accessory structure at a reduced rear yard setback.

Comments from the Public:

None.

Comments from Departments/Agencies:

Engineering Division has no comments or conditions.

Hydro One has generic comments which will be provided to the applicant.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Jacquie Fell advised that she has nothing further to add and was in attendance to answer any questions.

Public Comments (at hearing):

- Elizabeth Jack of 19 Dalton Crescent North questioned that the drawings of the previous dog shearing business, now showing a proposed residence, appear to show the building right on the property line.

- Staff advised that the building rear yard setback is proposed at 0.9 metres which is approximately three feet.
- Ms. Jack indicated there is a shed and trees and two stone pillars at the entry way to the building and questioned if the proposed parking would be in that one corner.
- Staff advised that the variance is to recognize the deficient setback which is required at 1.5 metres. This is a technical recognition of a deficient yard.
- Ms. Jack asked if there is going to be an entrance way from the back laneway and if the property is going to be fenced off.
- The Owner, Ms. Fell, advised that the existing entrance was for the dog grooming business, however, the drawings show it as having been closed off. There will be no entrance way into the building from there. The new entry way is through the laneway into the yard and then in the building from there.
- Ms. Jack asked how the car will be parking in the one spot at the back. Ms. Fell advised that the car will park horizontal to the laneway and the parking space is on their property with the use of the side gate to enter the property. Ms. Jack advised she was concerned there was not enough space and is that being asked for in the application. Staff advised this is not required as a variance and a car can be accommodated on the property, not on the laneway.

Committee Comments:

- A Committee Member asked the owner if the entrance off the alleyway will be closed and the entrance will be to the north. Additionally, is a second storey finished loft in the building.
- Ms. Fell advised there are two entrance ways at the moment and they would do what is allowed in regard to closing one of the entrance ways off. The building has one bedroom and there is only existing attic space that will be used for storage.
- A Committee member advised that all openings against the laneway will be closed as this is the approval in accordance with the drawings and the closest laneway will need to be closed.
- Ms. Fell agreed that if this is not allowed then they will have the single entrance off the north side.
- A Committee member asked if there will be vehicle access from the laneway and the parking will be allowed at the back. Ms. Fell advised this was the case.

The Committee made a motion to approve the application.

**004-24 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application A01-24 – 12 Dalton Crescent North, be approved with conditions, as per the Decision.

Carried

7.2 A02-24 187 Coldwater Road West

In attendance: Melissa Markham, Melissa Markham Planning & Associates, 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 recognize an existing porch encroaching into the required yard.

Comments from the Public:

None

Comments from Departments/Agencies:

Engineering Division has no comment or conditions.

Hydro One has generic comments which will be provided to the applicant.

Staff Report:

Planning Division recommends approval with conditions.

Owner/Applicant's Comments:

- Melissa Markham addressed the Committee, on behalf of the owner, Karen Hopper. She indicated the owner is in agreement with the conditions proposed.
- Ms. Markham provided some history on the building built in the 1950s and the setback at 0.9 metres. She advised there is a steep slope around the dwelling.
- Ms. Markham reviewed how the proposal meets the four tests of a minor variance.

Public Comments (at hearing):

None

Committee Comments:

- A Committee Member asked for clarification with the variance request of a porch projection of 5.3 metres as well as the additional encroachment of 2.8 metres.
- Staff advised that, because the dwelling is already situated in the front yard setback, the wording catches all variances by recognizing the porch within the required yard as well as the reduced distance to the front lot line.

Owner/Applicant's Comments:

- Brenda Alderdice, the owner, addressed the Committee. Ms. Alderdice advised there will be a cedar hedge along the left side of the property and the sunroom is not enclosed. It will have screens and glass.

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Public Comments (at hearing):

- Farshid Ghorbani addressed the Committee. He lives at 32 Ruby Crescent and unfortunately does not agree with this proposal. The rear yard setback was already reduced from 7.5 metres to 6.0 metres and now this would allow a permanent structure at a 3.0 metre setback.
- Mr. Ghorbani indicated the proposed sunroom would block his view from the back lot to the west. The future building phase to the north will also block the lighting, his view and this proposal will further affect his enjoyment of his backyard and house.
- Mr. Ghorbani indicated the property has enough amenities such as a swimming pool, gazebo, beaches which provides enjoyment for all of the people in the development which does not affect the enjoyment of his backyard.
- Ms. Alderdice advised there is proposed fencing dividing the backyard and proposed fencing at the back as well. The sunroom is an open air structure, not closed in, looking to the west and a cedar hedge will be installed. They are also constructing townhomes on the water and you cannot see Lake Simcoe. Ms. Alderdice does not agree with Mr. Ghorbani's comments. She noted the roof of the structure is just above the sliding glass doors.
- Mr. Ghorbani asked how high the fence is permitted. Staff advised that the maximum allowed is 2 metres, however, the developer will be installing a fence between phases 3 and 4 and the height may be site specific. Staff further advised that the height of a fence between the property owners is a maximum of 2 metres. Mr. Ghorbani stated his view is not to the lake but the structure will block the sky and he is still looking at the structure whether open or not. This will affect his property value. Mr. Ghorbani understands there will be a fence at 6 feet and hedges but does not see the need for another structure which will block his view.
- Ms. Alderdice does not see how this will block her neighbour's view as there will be a dividing fence between the properties.
- Mr. Ghorbani advised the Condo board members have to agree. Ms. Alderdice advised that these are freehold structures and this is not a common element for agreement by any members.

Committee Comments:

- A Committee Member asked about the hydro line between the phases and if that was remaining. Ms. Alderdice indicated that the hydro line will likely be removed as there is a plan for everything to be underground.

- A Committee Member asked about the distance the sunroom is to the neighbouring property as no distance indicated to the east. Staff advised it was approximately three metres.
- A Committee member asked if the new development will have the requested 6 metre rear yard setback. Staff advised that phase 4 will likely be 6 metres as well.
- A Committee member questioned if there was a rear yard easement and can the owner fence off their backyard with no ability to access. Staff advised there are no easements on this property due to it being a corner lot, however, the interior units will have easements for access for maintenance of the rear yards.
- Mr. Ghorbani advised the elevation of the structure is not clear if the structure is 7 feet, 10 inches and the sliding glass door is 2 or more feet and have to add this to the elevation of the structure.
- Mr. Ghorbani indicated with the deck and the fence being 6 feet, there is only 4 ½ feet of only fence in front, however, a further 3 to 4 feet above the fence with the structure will totally block is view.
- A Committee member asked about elevations which were shown on the screen. Staff advised that the overall structure will be less than 9 feet in height and the applicant is permitted 36 feet.
- A Committee member asked if the proposal is a sloped roof or flat roof.
- Ms. Alderdice advised that the proposal is a sloped roof and the design is quite attractive and will blend in with the townhomes. She advised that the proposal is to walk out of the sliding glass doors into the sunroom so it will be an extension of her main floor.
- A Committee member questioned the height of the walkout. Staff advised the elevation is not shown from the grade and would be dealing with 1 to 2 feet which would put the height in the 8 to 9 feet area as the proposal is 94 inches for the sunroom.
- Mr. Ghorbani is concerned the drawing does not show the elevations from the deck to the ground.
- A Committee member stated it would likely be 1 to 2 steps and then into the sliding glass doors.
- A Committee member would like a little more detail in the motion to approve in accordance with the dimensions submitted and location.
- Staff advised that the wording is to be substantially in compliance with the application as this allows for inches to vary slightly in height and side yard. This provides the applicant will a little bit of wiggle room and could vary somewhat. This would mean that the proposal cannot come in as a 3 storey sunroom and the rear yard setback variance requested would have to be met.
- Mr. Ghorbani asked if there were engineering drawings showing snow load, etc.
- Staff advised that the structural design is not in the purview of the Committee. The owner will be required to get a building permit and meet the minimum requirements of the Ontario Building Code.

The Committee made a motion to approve the application.

007-24 **Moved by: Ian Gordon**
 Seconded by: Kelly Smith

Application A06-24 – 30 Ruby Crescent, be approved with conditions, as per the Decision.

Carried

7.5 B01-24 and A03-24 600 Sundial Drive

In attendance: Victoria Lemieux of Morgan Planning & Development, Agent on behalf of the Owners, was present.

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

Proposal:

The purpose of the proposed severance is to create 1 new lot (Phase 3 portion) and to recognize that the new lot will be accompanied by reciprocal blanket easements for access and services across for the entirety of the site.

Comments from the Public:

None.

Comments from Departments/Agencies:

Engineering Division has no comments or conditions.

Ministry of Transportation has revised comments in support.

Hydro One has generic comments which will be provided to the applicant.

Staff Report:

Planning Division recommends approval with conditions.

Owner/Applicant's Comments:

- Victoria Lemieux of Morgan Planning & Development Inc. provided an overview of the applications with a power point presentation. The purpose of the consent application is to sever the Phase 3 lands from Phases 1 and 2. The intent of the applications are to permit any potential future change of ownership and/or sale of the residential apartment building (Phase 3) separately from the Sundial Retirement Facility lands (Phases 1 & 2).

Public Comments (at hearing):

None

Committee Comments:

- A Committee Member asked how many stories is the raised parking structure.
- Staff advised that the height fluctuates because of the grade of the property and when you drive it looks as one storey and as you look up from Laclie, it is 3 levels.
- A Committee Member asked if the building is proposed at 14 stories or 12 stories.
- Ms. Lemieux advised that Phase 3 is proposed at 14 stories.

The Committee made a motion to approve the applications.

**008-24 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Applications B01-24 and A03-24 – 600 Sundial Drive, be approved with conditions, as per the Decisions.

Carried

7.6 B02-24 3300 Monarch Drive

In attendance: Brad Mcilmoyle, agent on behalf of the Owner, was present.

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

Proposal:

The purpose of the consent is to permit a lease between 765037 Ontario Ltd. (Owner/Lessor) and 1563113 Ontario Limited o/a Boston Pizza Orillia (Lessee) having a term in excess of 21 years.

Comments from the Public:

None

Comments from Departments/Agencies:

Engineering Division has no comments or conditions.

Hydro One has generic comments which will be provided to the applicant.

Staff Report:

Planning Division recommends approval with conditions.

Owner/Applicant's Comments:

- The Owner of Boston Pizza, Brad Mcilmoyle, advised he was in attendance to answer any questions.

Public Comments (at hearing):

None

Committee Comments:

None

The Committee made a motion to approve the application.

**009-24 Moved by: Kelly Smith
 Seconded by: Pete Bowen**

Application B02-24 – 3300 Monarch Drive, be approved with conditions, as per the Decision.

Carried

7.7 B03-24 and A07-24 28 Rose Avenue

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 the proposed severance is to request a division of land to create four (4) new 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:

None

Comments from Departments/Agencies:

Engineering Division has comments and conditions.

Canada Post has comments and no conditions.

Hydro One has generic comments which will be provided to the applicant.

Staff Report:

Planning Division recommends approval with conditions.

Owner/Applicant's Comments:

- Savas Varadas addressed the Committee representing the Owner who was also in attendance. Staff did an excellent job with the proposal.
- The main change for the build out is 4 units and a single family dwelling at the end unit from a reduction of a 6 unit build out. The other major change was moving the proposed driveway away from the corner.
- Mr. Varadas advised they do not have any issues with the conditions proposed. The applicants have already contacted the professionals to start the reports required for the consent.

Public Comments (at hearing):

None

Committee Comments:

None

The Committee made a motion to approve the application.

**010-24 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

Applications B03-24 and A07-24 – 28 Rose Avenue, be approved with conditions, as per the Decision.

Carried

9. Correspondence / other business:

None.

10. Adjournment:

**011-24 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

We now adjourn at 11:05 a.m.

Carried

The Committee will reconvene at 9:15 a.m. on March 13, 2024.



Pete Bowen, Chair



Lorrie Jackson, Secretary-Treasurer