



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

July 16, 2025

The July hearing of the City of Orillia Committee of Adjustment was held on July 16, 2025 by virtual meeting with the following in attendance:

Kelly Smith, Committee Member (Acting Committee Chair)
Ian Gordon, Committee Member
Jill Lewis, Senior Planner
Anna Dankewich, Intermediate Planner
Lorrie Jackson, Secretary-Treasurer
Sue McCormick, Acting 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

**027-25 Moved by: Ian Gordon
Seconded by: Kelly Smith**

That Kelly Smith be appointed as Chair for the Committee of Adjustment Hearing.

Carried

4. Approval of Agenda:

**028-25 Moved by: Ian Gordon
Seconded by: Kelly Smith**

That the Agenda for the July 16, 2025, be approved.

Carried

5. Confirmation of Minutes of the June 18, 2025 Hearing:

**029-25 Moved by: Ian Gordon
Seconded by: Kelly Smith**

That the Minutes of June 18, 2025 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:

8.1 A10-25 46 Maple Drive

In attendance: Bobbi Leppington, Design by Bobbi, agent on behalf of the Owner

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

Proposal:

The purpose of the proposed variances is to allow for an increase in the floor area of a Detached Accessory Structure from 68.0m² to 94.3m², a variance of 26.3m².

Comments from the Public:

None

Comments from Departments/Agencies:

The Engineering Division has no comments and no conditions.

Staff Report:

Planning Division recommends approval of the application with conditions.

Owner/Applicant's Comments:

Bobbi Leppington, Design by Bobbi, addressed the Committee and provided her presentation for the application being a 3-bay garage for storage of cars and no second storey. Ms. Leppington addressed the 4 tests of a minor variance and advised she is in attendance to answer any questions.

Public Comments (at hearing):

None

Committee Comments

None

The Committee made a motion to approve the application.

030-25 **Moved by: Ian Gordon**
 Seconded by: Kelly Smith

Application A10-25 – 46 Maple Drive, be approved with conditions, as per the Decision.

Carried

8.2 A11-25 245 Bay Street

In attendance: David Scarsellone of Morgan Planning & Development

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

Proposal:

The purpose of the proposed variance is to allow for a Detached Additional Dwelling Unit 30.0m from the front lot line, which exceeds the City’s maximum setback of 25.0m.

This property received Minor Variance approval from the Committee of Adjustment at the April 16, 2025 Committee of Adjustment meeting to construct a new two-storey Detached Accessory Structure with a garage on the ground floor and a 98m² (1,055 sq.ft.) Additional Dwelling Unit on the second storey.

Comments from the Public:

A letter in opposition was received.

Comments from Departments/Agencies:

The Engineering Division has no comments and no conditions.

Staff Report:

Planning Division recommends approval of the application with conditions.

Owner/Applicant's Comments:

David Scarsellone of Morgan Planning & Development provided a presentation to Committee and provided an overview of the variance application, description of the subject property, reviewed past approvals through minor variances, the zoning matrix of how the development meets the Zoning By-law and how it meets the Planning Act and Provincial Planning Statement and how it meets the four tests.

Public Comments (at hearing):

Kaley Hamilton, neighbouring property to the south side of this property at 243 Bay Street, addressed the Committee to express her strong opposition to increase the front yard setback of the new structure. She noted the previous variances were approved with no objection from herself or her husband. Ms. Hamilton stated this shifting of the building further back will have an even more significant and negative impact on their family. The two storey building along the shared property line will have views from the front of the 2nd floor unit overlooking their deck, patio and pool and into their windows to their living room. This results in a complete loss of privacy.

Ms. Hamilton stated that they are a young family and their kids play and swim and they host family in the backyard which is an extension of their home being a private and peaceful space surrounded by trees. Previously, the building was in line with the back of their house and they were not worried about looking out to their backyard space. The original view would be along the side of their house looking towards the street.

She advised the Committee that the current tenant is moving out to an RV, and they are also concerned this will become a short-term rental.

Ms. Hamilton stated that there will be a direct line of sight from the balcony of the new building right into their back yard and this is an invasion of their privacy. She is concerned for the safety and comfort of their family, and the original layout and location afforded this privacy protection which disappears. Ms. Hamilton stated this was their planned forever home and they have invested \$200,000 in the pool, patio and deck. She also noted the protection of the trees is at risk. They had a certified tree specialist advise that if 25% of a root system is disturbed, then it would kill the tree so their plans changed for the back yard and with the setback of the new structure, it will impact the tree closest to the new structure. She feels the care of the trees is disregarded.

Ms. Hamilton stated that the new structure in this location will diminish the quality of life, compromise their family's private and devalue the property and respectfully ask that Committee deny the application.

Mr. Scarsellone advised that he was not aware of the change in tenant and this was a miscommunication. The application is solely for 5 metres, and the side yard setback is met. He noted they feel that a tree preservation plan will not be required as they comply with the R2 zone and the 4 tests of the variance have been met.

Committee Comments

A Committee member asked what the driving consideration is to move the building back sixteen and half feet. Mr. Scarsellone advised it is the separation of the accessory structure and the new addition to the principal dwelling. A Committee member asked if there was any consideration given to sight lines or contact with the owner about making windows opaque and buffering? Is the balcony on the front and the back for aesthetics or necessity? Mr. Scarsellone advised it is not a necessity but to just enjoy the property.

A Committee member asked if the owner was aware of the extra expense of a sprinkler system to get this extra distance.

Vanessa Simpson of Morgan Planning addressed the Committee. At the original submission, this was the original location, and the owner was advised of the sprinkler system and then moved the structure forward. The owner is also going to be building a proposed deck and one storey addition to the existing rear of the dwelling. As the owner was working with the architect, it was difficult to site the addition and the deck with the structure at 25 metres and allow the driveway connection to the garage and unfortunately there was internal constraints of 25 metres. The owner is fine with the cost of the sprinkler system.

A Committee member asked if another application would be coming forward to construct another additional dwelling space on a further date.

Ms. Simpson advised that it was just an addition, not another additional dwelling unit, which would be living space on the dwelling. The addition does not require any planning application as it meets all of the zoning requirements and can move forward with the building application.

A Committee member asked for confirmation from staff and staff advised that through the first minor variance, the addition to the back of the dwelling was considered and that is where the new deck was getting closer to the side yard. There has been no indication of a further additional dwelling unit.

A Committee member made a motion to defer the application as he does not believe the application meets the four criteria under the Planning Act. It also does not maintain the proposed intent of the Zoning By-law or criteria of the Official Plan.

The applicant is to amend the plans to allow for more privacy to the neighbours and/or possible relocation within 60 days.

Ms. Simpson asked if it could come back prior to the October Committee date and was advised no later than October 15th.

**031-25 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

Application A11-25 –245 Bay Street, be deferred, as follows.

1. That the owner/applicant amend the plans to provide more privacy to the adjacent property from the proposed garage structure.
2. That the application with amended plans be brought back to the Committee no later than the October 15, 2025 hearing date.

Carried

8.3 A12-25 202 Nottawasaga Street

In attendance: Dale Wiseman, owner

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

Proposal:

The purpose of the proposed variance is for a reduced front yard setback from 6.0 m to 4.5 m, a variance of 1.5 m.

Comments from the Public:

None.

Comments from Departments/Agencies:

The Engineering Division has no comments and no conditions.

Staff Report:

Planning Division recommends approval of the application with conditions.

Owner/Applicant's Comments:

Mr. Wiseman advised he was happy to answer any questions of Committee.

Public Comments (at hearing):

None.

Committee Comments

A Committee Member asked about what the addition is for. Mr. Wiseman advised they are adding a second storey to the existing one storey, and he cannot build on the single storey addition without a new foundation.

A Committee Member asked if the addition would be a new wall or posts and Mr. Wiseman advised a new front wall is proposed on the first storey.

A Committee member noted that the Decision states to build in compliance with the plans submitted and have those plans been provided.

Mr. Wiseman indicated he has not submitted quite yet for the design as he was waiting for approval first and then the engineer will draft up the design.

The Committee made a motion to approve the application.

032-25 **Moved by: Ian Gordon**
 Seconded by: Kelly Smith

Application A12-25 – 202 Nottawasaga, be approved with conditions, as per the Decision.

Carried

9. Adjournment:

033-25 **Moved by: Ian Gordon**
 Seconded by: Kelly Smith

We now adjourn at 10:09 a.m.

Carried

The Committee will reconvene at 9:15 a.m. on August 20, 2025.



Kelly Smith, Acting Chair



Lorrie Jackson, Secretary-Treasurer

