



**CITY OF ORILLIA  
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

November 23, 2022

The November hearing of the City of Orillia Committee of Adjustment was held on November 23, 2022 in-person in the Tudhope Boardroom on the Main Floor at City Centre, with the following in attendance:

Chair: Joe Fecht  
Member: Rick Bates  
Member: Ted Southorn

Nick Skerratt – Secretary-Treasurer  
Jeff Duggan – Senior Planner  
Jill Lewis – Senior Planner  
Ali Chapple – Senior Planner  
Anna Dankewich – Intermediate Planner  
Sue McCormick – Planning Administrator  
Lorrie Jackson – Administrative Assistant

**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:**

**056-22**                      ***Moved by: Rick Bates***  
***Seconded by: Ted Southorn***

***That the Agenda for the November 23, 2022, be approved.***  
***Carried***

**4. Confirmation of Minutes of the October 19, 2022 Hearing:**

(4.1) Minutes of the Committee of Adjustment Hearing dated October 19, 2022 shall be approved.

**057-22**                      ***Moved by: Ted Southorn***  
***Seconded by: Rick Bates***

***That the Minutes of October 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) A16-22                      154 Simcoe Street**

In attendance:            Danielle Bilodeau, Agent, was present.

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

### **Proposal**

The purpose of the proposed variance is to allow for a secondary driveway in a residential zone.

The application came before the Committee at the October 19, 2022 Hearing and was deferred for the following reasons:

1. Sign posting was not posted on the subject lands within legislative timeframes. Defer to November hearing.

### **Comments from the Public**

- Letter of opposition was received from the property owner of 152 Simcoe Street.

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

- The Secretary-Treasurer confirms that proof of sign posting within the legislative timeframes was received.
- Engineering Division has comments and conditions.
- The Simcoe County District School Board (SCDSB) has comments and conditions.

### **Staff Report:**

- Planning Division recommends approval with conditions.

### **Applicant's Comments:**

Danielle Bilodeau, Agent, was present and noted the following:

- Owner acknowledges all comments and conditions stipulated.

- With respect to letter of objection from the owner of 152 Simcoe Street, an arborist report to be obtained and shared with the neighbour.

**Public Comments (at hearing):**

None.

**Committee Comments:**

The Committee commented as follows:

- City Engineering Division is capable of reviewing and approving drainage and grading, therefore condition requiring satisfaction of the SCDSB be removed from the conditions.

**058-22**                      ***Moved by: Rick Bates***  
***Seconded by: Ted Southorn***

***Application A16/22 154 Simcoe Street, be approved with conditions, as per the Decision.***

***Carried***

**(7.2) A14-22                      140 Victoria Street**

In attendance:              Lori Heittola, Agent, was present.

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

**Proposal**

The purpose of the proposed variances is to request a deficient rear yard setback for the construction of a Semi-Detached Dwelling. Consent application B12-22 was approved at the October 19, 2022 Hearing.

The application came before the Committee at the October 19, 2022 Hearing and was deferred for the following reasons:

1. That the applicant propose alternate front yard parking design before returning to the Committee of Adjustment.

**Comments from the Public**

- None.

**Comments from Departments/Agencies**

- Engineering Division has no comments and no conditions.
- Canada Post has no comment.
- Enbridge Gas has comments.

**Staff Report:**

- Planning confirms that the Applicant has removed the previously requested front yard parking variance from their application.
- Planning Division recommends approval with conditions.

**Applicant's Comments:**

Lori Heittola, Agent, was present.

**Public Comments (at hearing):**

None.

**Committee Comments:**

The Committee commented as follows:

- Concerned regarding possible incremental unit changes. Anna Dankewich, Intermediate Planner, advised that once approved, the newly created lots and units, would be subject to the Zoning By-law and would be required to meet all requirements of the By-law going forward.
- Jill Lewis, Senior Planner, spoke to the ramifications of the proposed Bill 23 for parking spaces versus City parking and zoning requirements.

**059-22**                      ***Moved by: Ted Southorn***  
***Seconded by: Rick Bates***

***Application A14/22 140 Victoria Street, be approved with conditions, as per the Decision.***

***Carried***

**(7.3) A18-22                      118 Elgin Street**

In attendance:              Bobbi Leppington, Agent, 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 a single detached dwelling unit and detached accessory structure (storage building) exceeding the maximum lot coverage with deficient front, rear, side yard setbacks for the Dwelling and rear and side yard setbacks for the accessory structure (storage building).

### **Comments from the Public**

- Letters of opposition were received from the property owners of 114 and 122 Elgin Street.

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

- Engineering Division has no comment and no condition.

### **Staff Report:**

- Planning Division recommends approval with conditions.

### **Applicant's Comments:**

Bobbi Leppington, Agent, was present. A presentation was provided highlighting the following:

- Site characteristics including zoning.
- Construction plans discussed, including review of existing property, lot grading, snow shedding off roof from front to rear
- Accessory building is to be used for storage and workshop.
- Location of accessory dwelling is to facilitate green space behind the dwelling.

### **Public Comments (at hearing):**

114 Elgin Street – Daniel Greaves and Lisa Black

- Concerned about proximity of accessory building to lot line.
- Has no issues with proposed dwelling.

### **Committee Comments:**

The Committee commented as follows:

- With the small infill downtown lot, another alternative for the property development was to reduce parking requirement to better situate the house on the lot. The downtown location would encourage more active transportation, a City priority. Most downtown condos owners have only one parking spot.
- Inquired as to height of the Fresh Townhome Development at 144 Elgin Street, Jill Lewis advised that they are three storeys.

- With respect to variances requested and the previously existing building's non-conformance, Jeff Duggan, Senior Planner, advised that there was no survey to confirm the location of the previous building, Agent confirmed that building was demolished before being surveyed.
- Property could have been designed differently, but the Agent advised that access to the rear yard in case of emergencies was a factor.
- Suggested size of accessory building could be reduced to lower required setback variance. The Agent advised that the size was chosen to allow the most useable and functional space for storage.

The Committee created a motion to defer the application for the following reasons:

1. That the Applicant/Owner increase the requested interior side yard and rear yard setbacks for the proposed detached accessory structure (garage) prior to returning to the Committee of Adjustment.

**060-22**                      ***Moved by: Ted Southorn***  
   ***Seconded by: Rick Bates***

***Application A18/22 118 Elgin Street, be deferred.***

***Carried***

**(7.4) A19-22                      123 James Street East**

In attendance:            None.

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

**Proposal**

The purpose of the proposed variance is to allow for the expansion of a driveway/parking area along the front property line and front yard area.

**Comments from the Public**

- Letter of opposition was received from the property owner of 346 Millard Street.

**Comments from Departments/Agencies**

- Engineering Division has comments and a requested condition.

**Staff Report:**

- Planning Division does not recommend approval of this application.

**Applicant's Comments:**

None.

**Public Comments (at hearing):**

None.

**Committee Comments:**

The Committee commented as follows:

- Does not support the application for reasons given by Planning Staff.

**061-22**                      ***Moved by: Rick Bates***  
***Seconded by: Ted Southorn***

***Application A19-22 123 James Street East, be denied.***

***Carried***

**(7.5) A20-22                      151 Diana Drive**

In attendance:            Mohammed Assad, Agent, was present.

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

**Proposal**

The purpose of the proposed variance is to allow for a reduction in parking space length for a required parking space.

**Comments from the Public**

- None.

**Comments from Departments/Agencies**

- Engineering Division has a comment and requested condition.
- The Township of Oro-Medonte has comments but no conditions.

**Staff Report:**

- Planning Division recommends approval with conditions.



**Applicant's Comments:**

Mohammed Assad, Agent, was present. Property owner will be making application to convert the basement into an additional dwelling unit.

**Public Comments (at hearing):**

None.

**Committee Comments:**

The Committee commented as follows:

- With respect to width of stairs, Agent advised that under the Building Code they cannot be further reduced.
- Jill Lewis, Senior Planner, advised that the requirement for variance was due in part to the shape of the lot given the parking requirements for the proposed basement apartment.

**062-22**                      ***Moved by: Rick Bates***  
***Seconded by: Ted Southorn***

***Application A20/22 151 Diana Drive, be approved with conditions, as per the Decision.***

***Carried***

**(7.6) A21-22                      45 Coldwater Road West**

In attendance:            Victoria Lemieux, Agent, 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 conversion of an existing detached accessory structures (garage) to an Additional Dwelling Unit (ADU) with deficient side and rear yard setbacks.

**Comments from the Public**

- None.

**Comments from Departments/Agencies**

- Engineering Division has a comment and requested condition.

**Staff Report:**

- Planning Division recommends approval with conditions.

**Applicant's Comments:**

Victoria Lemieux, Agent, was present, and noted the following:

- Purpose of application is to allow the conversion of an existing accessory structure into an accessory dwelling unit.
- Dormer is to be installed on the eastern facing roof overlooking rear of the property therefore does not infringe on privacy of neighbour.
- Functional Servicing Report was provided to support application.

**Public Comments (at hearing):**

None.

**Committee Comments:**

The Committee commented as follows:

- Elevation drawing shows dormer on wrong side, Agent acknowledged error in drawing and confirmed that it would be facing into the subject property.
- Driveway is all paved, as confirmed by Ali Chapple, Senior Planner.
- Concerned regarding slope towards the back of site and safety. The Agent advised that the property owner is aware that regular seasonal maintenance will be important.

**063-22**                      ***Moved by: Ted Southorn***  
***Seconded by: Rick Bates***

***Application A21/22 45 Coldwater Road West, be approved with conditions, as per the Decision.***

***Carried***

**(7.7) B13-22                      283 Barrie Road**

In attendance:            Robert Galloway, Agent, 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 one (1) new residential lot for the creation of a Semi-Detached Dwelling.

### **Comments from the Public**

- None.

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

- Engineering Division has comments and requested conditions. Jill Lewis, Senior Planner, noted that the road widening (Condition 10) is no longer required.
- Enbridge Gas has comments.

### **Staff Report:**

- Planning Division recommends approval with conditions.

### **Applicant's Comments:**

Robert Galloway, Agent, was present, and noted the following:

- His client is agreeable with all conditions.

### **Public Comments (at hearing):**

None.

### **Committee Comments:**

The Committee commented as follows:

- Considering the slope of the property, Agent believes the proposed build will take into consideration accessibility.
- Asked if tree would remain, Agent could not confirm.

**064-22**                      ***Moved by: Rick Bates***  
***Seconded by: Ted Southorn***

***Application B13/22 283 Barrie Road, be approved with conditions, as per the Decision.***

***Carried***

**(7.8) A22-22                      300 Peter Street North**

In attendance:              Josh Morgan, Agent, was present.

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

### **Proposal**

The purpose of the proposed variance is to allow for a Medical Clinic use to calculate parking requirements under a Net Floor Area rather than Gross Floor Area.

### **Comments from the Public**

- None.

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

- Engineering Division has no comments and no conditions.

### **Staff Report:**

- Planning Division recommends approval with a condition.

### **Applicant's Comments:**

Josh Morgan, Agent, was present, and noted the following:

- Application proposed that parking be based on net floor area or leasable area, rather than gross floor area given the proposed use as a suite of medical clinics.
- All suites are proposed to be used as medical clinics.

### **Public Comments (at hearing):**

None.

### **Committee Comments:**

The Committee commented as follows:

- Will the Committee's decision create a precedent? Anna Dankewich, Intermediate Planner, advised that some other uses such as a museum, calculate parking at gross floor area; but Staff will be reviewing these uses in the future to possibly change the By-law from gross to net floor area for such uses as a medical clinic.
- Phases are indicated in the application, the Agent advised that the Phases referred to the required variance approval in order to move forward.
- Traffic concern and parking. Ali Chapple, Senior Planner, advised that Staff believe that the parking is adequate for the proposed medical office use. The Simcoe County Hub property at 2 Borland Street and the proposed

medical clinics could service clients at both properties thereby alleviating parking. Paid parking at the property is not currently being considered unless parking control becomes an issue.

**065-22**                      **Moved by: Ted Southorn**  
**Seconded by: Rick Bates**

**Application A22/22 300 Peter Street North, be approved with conditions, as per the Decision.**

**Carried**

**(7.9) T07-041                      70 Front Street North**

In attendance:            Bennet MacNeil, on behalf of FS Orillia GP Inc.,  
Property Owner, was present.

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

**Proposal**

An application has been made by Bennet MacNeil (applicant) on behalf of the FRAM Building Group for a Sign Variance under File Number T07-041. The applicant proposes to erect two (2) Development Signs and associated construction Hoarding Signs on the subject property.

**Comments from the Public**

- None.

**Comments from Departments/Agencies**

- Engineering Division has a comment and condition.
- The Downtown Orillia Management Board (DOMB) has comments.

**Staff Report:**

- Planning Division recommends approval with conditions.

**Applicant's Comments:**

Bennet MacNeil, on behalf of FS Orillia GP Inc., Property Owner, was present. Mr. MacNeil advised the following:

- Size of development sign is 8 x 12 feet, excluding the 2 foot skirt at the base, which meets the size requirements of the Sign By-law.

- Sign will be temporary pursuant to sales needs and market demand.
- Hoarding signs are vinyl and will be zip-tied to the snow fence and measure 5 x 9 feet.

**Public Comments (at hearing):**

None.

**Committee Comments:**

The Committee asked the following:

- Pursuant to the site plan, can Engineering's condition re. sight triangle be met? Jeff Duggan, Senior Planner, advised that the Site Plan does meet the Engineering requirements.
- At what point should the signs come down? Mr. Duggan advised that the signs typically become irrelevant over time as the development takes shape and would only serve to enhance construction fencing when building begins, but that a sunset clause could be stipulated in the decision.
- Agent advised that the sign on Front Street will remain the longest pursuant to their phases of development plans.
- Would moving the signs require a new application? Mr. Duggan advised it would.
- Deterioration of sign – Agent advised that sign would survive at least 5 years.

**066-22**                      ***Moved by: Rick Bates***  
   ***Seconded by: Ted Southorn***

***Application T07/041 70 Front Street North, be approved with conditions, as per the Decision.***

***Carried***

***The Committee recessed the hearing at 10:55 a.m. and reconvened at 10:59 a.m. in accordance with the approved agenda.***

**8. Correspondence / other business:**

a. 2023 Committee of Adjustment Hearing Schedule

- The Committee made the following motion:
  1. THAT the Committee of Adjustment 2023 Meeting Schedule be approved in an in-person format until advised otherwise.

**067-22**                      ***Moved by: Rick Bates***  
   ***Seconded by: Ted Southorn***

b. Appointment of Secretary-Treasurer role 2023 – motion to appoint:

- The Committee made the following motion:
  - I. THAT the following City of Orillia staff members be appointed to the following positions.
    - Lorrie Jackson – Secretary-Treasurer
    - Sue McCormick – Deputy Secretary-Treasurer

**068-22**                      **Moved by: Rick Bates**  
**Seconded by: Ted Southorn**

**9. Adjournment:**


**069-22**                      **Moved by: Rick Bates**  
**Seconded by: Ted Southorn**

**We now adjourn at 11:08 a.m.**  
**Carried**

The Committee will reconvene at 9:15 a.m. on January 18, 2023.

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Joe Fecht, Chair



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Nicholas Skerratt, Secretary-Treasurer