



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

April 19, 2023

The April hearing of the City of Orillia Committee of Adjustment was held on April 19, 2023 by virtual meeting with the following in attendance:

Peter Bowen – Committee Member (Chair)
Ian Gordon – Committee Member
Kelly Smith – Committee Member
Jeff Duggan – Senior Planner
Lorrie Jackson – Secretary-Treasurer
Sue McCormick – Planning Administrator

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:

022-23 Moved by: Ian Gordon
Seconded by: Kelly Smith

That the Agenda for the April 19, 2023, be approved.

Carried

4. Confirmation of Minutes of the March 15, 2023 Hearing:

023-23 Moved by: Kelly Smith
Seconded by: Ian Gordon

That the Minutes of March 15, 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 B06-23 57 Neywash Street

In attendance: Josh Morgan, of Morgan Planning, Agent, 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 parcel of land for future development.

Comments from the Public:

One letter of opposition has been received.

Comments from Municipal Heritage Committee:

Municipal Heritage Committee comments with conditions.

Comments from Departments/Agencies:

Engineering Division has comments with conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Josh Morgan, agent, addressed the Committee:

- Proposing to sever one lot from the old rectory building which was the reception area for the funeral home for decades; these lands have been used for this purpose;
- Area to be severed is the side yard;
- Undeveloped with exception of small gazebo;
- Three or four mature trees on property;
- Size of lot is very similar if not larger than most of the lots adjacent to the west;
- Test of a severance is compatibility with the lot fabric;
- Size and shape is consistent with the lot fabric it is adjacent to;
- Stable neighbourhood designation;
- Intent to maintain a consistent low to medium residential development;

- Site is a R1-1 site specific zone which was at some point in the past in order for the property to be used as reception area;
- Rezone to a straight residential zone;
- Mr. Morgan had questions on the following conditions:
 - o Condition 4 -heritage impact statement – timing – would this condition be prepared and submitted prior to the zoning by-law or the building permit stage – designed at building permit;
 - o Staff advised would like this sorted out before the zoning – Council would like to see that before the building permit stage;
 - o Timing and sequence of events – Staff advised ultimately will be required in the two year timeline;
 - o Condition 5 - severed parcel has to have its own designation under the properties list; Staff advised we have a new parcel that the existing designation will no longer reflect and the new parcel will have to be updated;
 - o Condition 7 - Gazebo and demolition permit – consult with building and if a permit is not required then is this condition satisfied? Staff advised property to be free and clear of the severed lot – does not necessarily have to be demolished – can be moved;
 - o Condition 9 – Entrance Permit – from a timing perspective, the owner does not know when he wants to build and possibly outside the two year requirement; Staff have no concerns with removing the condition requiring an entrance permit as the permit will be required at the building permit stage;
 - o Condition 10 – Consent Agreement – just confirming to be entered into but not have to install within two years;
 - o Condition 11 – Mr. Morgan has consulted with Rama First Nation on bigger projects but never on a severance application – concerned with timing; staff advised that there are direct First Nation linkage with this property as it was gifted from the Chief to the Anglican Church; the request by the Heritage Committee is that they only request to consult with Rama First Nation regarding the applicant’s proposal;

Public Comments (at hearing):

None.

Committee Comments:

- A Committee member noted the severed lot is directly adjacent now to a commercial lot and has noise and light pollution been considered for the new residential lot; it was also noted that the funeral home pushes all of their snow onto the property;
- Mr. Morgan advised that the Carson family understand they cannot put the snow on the new lot and the surrounding lands are residential and there has been no concerns noted on the lights; he is confident that a fence will be included to prevent light pollution and possibly some hedging;

- A Committee member noted the timing of the Heritage Committee letter so close to the application being heard by Committee; he also asked when the lands were severed from the Church
- Staff advised that they are not aware of the timeline of the previous severance;
- Mr. Morgan advised that the Carsons purchased the property sometime in the 1980's; these lands are no longer owned by the Church and Mr. Morgan does not believe the Church previously owning the lands has any bearing on the severance being approved today;
- A Committee member requested clarity on the Municipal Heritage Committee and questioned if it is the building that retains the designation and is the goal to protect the building on the retained lands?
- Staff advised that it is the architectural features, however the designation is for the entire property; falls back on the built form – the heritage impact statement is to review the designation and make recommendations how the resource is protected and anything new to be built; the design would be sympathetic to the neighbouring lot; it is the property that is designated not the actual building;
- A Committee member asked how much weight does the statement have and staff advised the built form would be reviewed by the Heritage Committee – Staff indicated and the statement is to be relied upon and Heritage architects would look at the integration of the built form within the neighbourhood and authority would rest with the Municipal Heritage Committee prior to approval to obtain a building permit;
- A Committee member noted that a recommendation by the Heritage Committee is appealable should the application or City take issue with it; Staff advised that there is the right to appeal under the Heritage Act which is now available through the Ontario Land Tribunal;
- Mr. Morgan asked for the removal of Condition 9, entrance permit, as he is not sure when a building permit would be obtained and staff advised that the condition should be removed as it is redundant and is required to be obtained at the building permit stage;
- A Committee member asked if Condition 10 regarding the consultation with Rama First Nation should remain and staff advised it should be left in should they have any concerns once advised;

The Committee made a motion to approve the application with the removal of Condition 9 regarding the requirement of an entrance permit.

**024-23 Moved by: Kelly Smith
 Secoded by: Ian Gordon**

Application B06-23 – 57 Neywash Street, be approved with conditions with the removal of draft condition number 9, entrance permit, as per the Decision.

Carried

8. Correspondence / other business:

None.

9. Adjournment:

**025-23 Moved by: Ian Gordon
 Secoded by: Kelly Smith**

We now adjourn at 9:58 a.m.

Carried

The Committee will reconvene at 9:15 a.m. on May 17, 2023.

Pete Bowen, Chair

Lorrie Jackson, Secretary-Treasurer