



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,
WEDNESDAY, AUGUST 18, 2021 AT 9:15 A.M. – ELECTRONIC HEARING**

Present:

Joe Fecht – Chair
Richard Bates – Committee Member
Ted Southorn – Committee Member

Also Present:

Ali Chapple – Secretary-Treasurer
Nick Skerratt – Intermediate Planner
Lorrie Jackson – Administrative Assistant

Introduction by Secretary-Treasurer

The Secretary-Treasurer advised those present of the following:

- Due to the current emergency situation, this meeting of the Committee of Adjustment is being held in an electronic format
- The Notices of Hearing that were circulated with respect to the applications being heard at the meeting contained the statements required under Section 5.2 of the *Statutory Power Procedures Act* regarding electronic hearings.
- As of the morning of August 18, 2021, the Secretary-Treasurer has not received any submission from any party claiming that the holding of the hearings in an electronic format will cause them significant prejudice and therefore the Committee has no such submissions to consider prior to proceeding with the hearing of the applications.

The Secretary-Treasurer confirmed that the Chair, Committee Members and the Senior Planner had successfully joined the electronic hearing.

Call to Order

The meeting was called to order at approximately 9:15 a.m.

Approval of Agenda

Moved by Richard Bates, seconded by Ted Southorn:

THAT the agenda for the August 18, 2021 meeting of the Committee of Adjustment is approved.

Carried.

Disclosure of Interest

None

Minutes

Moved by Ted Southorn, seconded by Richard Bates:

THAT the minutes of the following meeting be adopted:

- June 16, 2021

Carried.

Welcome to Attendees and Explanation of Procedures

The Chair welcomed those in attendance and explained the meeting procedures and the appeal process.

Applications

a) Application for Consent B9/21 (Yousof) – 31 Colborne Street

The Secretary-Treasurer outlined the application and reported on correspondence received.

Proposal

An application has been made by LAURICE AND FAKHRY YOUSOF for consent under File Number B9/21 to sever a portion of the property municipally known as 31 Colborne Street East as a lot addition to the adjoining property municipally known as 69 Peter Street South.

The applicant proposes to sever a portion of land having area of approximately 251.66 sq.m (2,708.84 sq. ft) and add it as a lot addition to the adjoining property at 69 Peter Street South. The purpose of the lot addition is to provide the adjoining property additional lands to compliment a proposed development application.

The subject property is located within the “Downtown Area – Central Core Intensification Area” designation of the Orillia Official Plan and is zoned “Mixed Use – Intensification (C4i)” under City of Orillia Zoning By-law 2014-44.

Comments from the Public

None.

Staff Report:

Nick Skerratt, Intermediate Planner and Jeff Duggan, Senior Planner.

Comments from Departments/Agencies

Comments were received from the City of Orillia Planning Division and Engineering Division, as well as Bell Canada, Hydro One, and Canada Post.

Applicant’s Comments:

Sherri Lynn McDowell, Agent for the Applicants, was present and discussed the purpose of the application.

Public Comments (at meeting):

None.

Committee Comments:

- Committee and Secretary-Treasurer discussed conditions with the Applicant.
- The Secretary-Treasurer advised the Applicant of the appeal period.

The Committee granted provisional approval of the severance of property known municipally as 31 Colborne Street East, to sever a portion of land having area of approximately 251.66 sq.m (2,708.84 sq. ft) and adding it as a lot addition to the adjoining property at 69 Peter Street South.

REASONS: The application conforms with the requirements of the City of Orillia Zoning By-law, the City of Orillia Official Plan, a Plan of Subdivision is not required, and satisfies the requirements of all commenting agencies.

SUBJECT TO THE FOLLOWING CONDITIONS:

Pursuant to Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, all conditions imposed must be fulfilled within one year from the date of the sending of the Notice of Decision or the application is deemed to be refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of this consent before the issuance of the Certificate of Official under a Form 4 by the Secretary-Treasurer.

1. That all taxes, local improvements, and/or other charges, both current and in arrears be paid for the calendar year to the satisfaction of the Treasurer/Chief Finance Officer;
2. The applicant/owner shall submit to the Secretary Treasurer of the Committee of Adjustment a reference plan of survey, both hard copy and digital format, duly deposited in the Office of the Land Registrar, (this shall include two hard copies as well as a digitized copy), which sets out the lands which are the subject of this application;
3. The applicant/owner shall submit to the Secretary Treasurer of the Committee of Adjustment a draft Transfer deed for review. (Upon registration, a final copy of the Transfer deed shall be provided to the City);
4. That the severed lands merged with the adjacent lands to the south known municipally as 69 Peter Street South.
5. That the applicant/owner shall be required to pay the Development Review Fee (\$75.00) as approved by City Council.
6. That the applicant/owner shall be required to pay any fees for approval of the documents by the Secretary-Treasurer, as approved by City Council.
7. That the applicant/owner create a service easement to the satisfaction of Bell Canada.

EFFECT OF PUBLIC INPUT:

In making this Decision, the Committee of Adjustment had regard for all public input received through written, electronic, and verbal submissions prior to the conclusion of the Public Hearing held on August 18, 2021.

b) Application for Consent B8/21 (Zwiers) – 400 West Street North

The Secretary-Treasurer outlined the application and reported on correspondence received.

Proposal

An application has been made by DANIEL ZWIERS for consent under File Number B8/21 to sever a portion of the property municipally known as 400 West Street North as a lot addition to the adjoining property municipally known as 388 West Street North.

The applicant proposes to sever a portion of land having area of approximately 457.90 sq.m (4,928.79 sq. ft) and add it as a lot addition to the adjoining property at 388 West Street North. The purpose of the lot addition is to provide the adjoining property additional lands to compliment a proposed new development application.

The subject property is located within the “Living Area – Intensification Area” designation of the Orillia Official Plan and is zoned “Residential Two – Intensification (R2i)” under City of Orillia Zoning By-law 2014-44.

Comments from the Public

None.

Staff Report:

Jeff Duggan, Senior Planner.

Comments from Departments/Agencies

Comments were received from the City of Orillia Planning Division and Engineering Division, as well as Bell Canada, Hydro One, and Canada Post.

Applicant’s Comments:

Josh Morgan, Agent for the Applicants, was present and discussed the purpose of the application.

Public Comments (at meeting):

None.

Committee Comments:

- Committee confirmed that the Applicant was aware of and agreeable with the conditions.
- The Secretary-Treasurer advised the Applicant of the appeal period.

The Committee granted provisional approval of the severance of property known municipally as 400 West Street North, to sever a portion of land having area of approximately 457.90 sq.m (4,928.79 sq. ft) and adding it as a lot addition to the adjoining property at 388 West Street North.

REASONS: The application conforms with the requirements of the City of Orillia Zoning By-law, the City of Orillia Official Plan, a Plan of Subdivision is not required, and satisfies the requirements of all commenting agencies and/or public parties.

SUBJECT TO THE FOLLOWING CONDITIONS:

Pursuant to Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, all conditions imposed must be fulfilled within one year from the date of the sending of the Notice of Decision or the application is deemed to be refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of this consent before the issuance of the Certificate of Official under a Form 4 by the Secretary-Treasurer.

1. That all taxes, local improvements, and/or other charges, both current and in arrears be paid for the calendar year to the satisfaction of the Treasurer/Chief Finance Officer;
2. The applicant/owner shall submit to the Secretary Treasurer of the Committee of Adjustment a reference plan of survey, both hard copy and digital format, duly deposited in the Office of the Land Registrar, (this shall include two hard copies as well as a digitized copy), which sets out the lands which are the subject of this application;
3. The applicant/owner shall submit to the Secretary Treasurer of the Committee of Adjustment a draft Transfer deed for review. (Upon registration, a final copy of the Transfer deed shall be provided to the City).
4. That, immediately following registration of the Transfer of the lot addition lands, the applicant/owner shall register an Application to Consolidate Parcels in order to include the lot addition with the abutting lands municipally known as 392 and 388 West Street North. The Secretary-Treasurer shall accept, to their satisfaction of this condition, an Undertaking from an Ontario solicitor in good standing to register as soon as possible following registration of the Transfer of the lot addition lands.
5. That the applicant/owner shall be required to pay the Development Review Fee (\$75.00) as approved by City Council.
6. That the applicant/owner shall be required to pay any fees for approval of the documents by the Secretary-Treasurer, as approved by City Council.

7. That the applicant/owner create a service easement to the satisfaction of Bell Canada.

EFFECT OF PUBLIC INPUT:

In making this Decision, the Committee of Adjustment had regard for all public input received through written, electronic, and verbal submissions prior to the conclusion of the Public Hearing held on August 18, 2021.

c) Application for Minor Variance A13/21 (Zwiers) – 400 West Street North

The Secretary-Treasurer outlined the application and reported on correspondence received.

Proposal

The purpose of the application is to request variances for a new Detached Accessory Structure (garage) with an associated storage located in a second storey.

Comments from the Public

None.

Comments from Departments/Agencies

Comments were received from the City of Orillia Planning Division and Engineering Division.

Staff Report:

Jeff Duggan, Senior Planner.

Applicant's Comments:

Josh Morgan, Agent for the Applicants, was present and discussed the purpose of the application.

Public Comments (at meeting):

None.

Committee Comments:

- Committee discussed variances in relation to neighbourhood, and with regard to setbacks.
- Committee confirmed that the Applicant was aware of and in agreement with the conditions.
- The Secretary-Treasurer advised the Applicant of the appeal period.

The Committee approved Application A13/21 with respect to variances for a new Detached Accessory Structure (garage) with an associated storage located in a second storey.

The following variances from the provisions of Zoning By-law 2014-44, as amended:

	Section	Requirement	Proposed	Variance
1	5.1.3.1 the maximum floor area for a Detached Accessory Structure	68.00 sq.m (731.95 sq.ft)	111.5 sq.m (1,200.18 sq.ft)	43.5 sq.m (468.23 sq.ft)
2	5.1.3.2 the maximum height for a Detached Accessory Structure	5.00 m (16.40 ft)	7.00m (22.97 ft)	2.00m (6.56 ft)

REASONS: The application conforms with the requirements of the City of Orillia Zoning By-law, the City of Orillia Official Plan, meet all four tests of a minor variance, and satisfies the requirements of all commenting agencies and/or public parties.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That construction shall proceed in substantial compliance with the plans and drawings submitted with the application.
2. That a Building Permit shall be obtained for the addition to the Accessory Structure.

EFFECT OF PUBLIC INPUT:

In making this Decision, the Committee of Adjustment had regard for all public input received through written, electronic, and verbal submissions prior to the conclusion of the Public Hearing held on August 18, 2021.

d) Application for Minor Variance A15/21 (Fournier) – 146 Cedar Island Road

The Secretary-Treasurer outlined the application and reported on correspondence received.

Proposal

The purpose of the application is to request variances for a new detached accessory structure (garage) with an associated additional dwelling unit located in the second storey.

Comments from the Public

None.

Comments from Departments/Agencies

Comments were received from the City of Orillia Planning Division and Engineering Division.

Staff Report:

Nick Skerratt, Intermediate Planner, and Jeff Duggan, Senior Planner.

Applicant's Comments:

Ryan Cranstoun, Agent for the Applicants, was present and discussed the purpose of the application.

Public Comments (at meeting):

Thomas O’Connell, of 160 Cedar Island Road, was present and advised of his support for the application.

Committee Comments:

- Committee requested clarification of parking requirements should an additional dwelling unit be contemplated in the future, Nick Skerratt, Intermediate Planner, spoke to this concern.
- Committee requested clarification of the garage size with respect to zoning and parking, Ali Chapple, Secretary-Treasurer, spoke to zoning requirements.
- Committee confirmed that the Applicant was aware of and in agreement with the conditions.
- The Secretary-Treasurer advised the Applicant of the appeal period.

The Committee approved Application A15/21 with respect to variances for a new detached accessory structure (garage) with an associated additional dwelling unit located in the second storey.

The following variances from the provisions of Zoning By-law 2014-44, as amended:

	Section	Requirement	Proposed	Variance
1	5.1.2.1 - Rear setback (where the Front Lot Line is a Shoreline) for an Accessory Building with a floor Area exceeding 10.0 sq.m	6.50m (21.33 ft)	1.94 m (6.36 ft) (Existing)	4.56m (14.96 ft)
2	5.2.2.3 the maximum floor area for an Additional Dwelling Unit contained within an Accessory Structure inclusive of Porches, Attached Decks and Balconies	75.00 sq.m (807.29 sq.ft.)	82.50 sq.m (888.02 sq.ft)	7.50 sq. m (80.73 sq.ft)
3	5.2.2.5 an Additional Dwelling Unit contained within an Accessory Structure shall be set back at least 30.0 m from a Waterbody (Lake Couchiching).	30.00m (98.43 ft)	25.82 (84.71 ft)	4.18m (13.71 ft)
4	5.2.2.8 the maximum Height of an Accessory Building containing an Additional Dwelling	5.00m (16.40 ft)	6.60m (21.65 ft)	1.60m (5.25 ft)

REASONS: The application conforms with the requirements of the City of Orillia Zoning By-law, the City of Orillia Official Plan, meet all four tests of a minor variance, and satisfies the requirements of all commenting agencies and/or public parties.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the variance only apply to the submitted application drawings and any future development be subject to the Zoning Bylaw standards and provisions.
2. That the owner/applicant submit a planting plan demonstrating enhancement/screening directly abutting the location of the proposed detached accessory structure along the south facing wall and along the east property lines/shoreline area with native planting species, to the satisfaction of the City.
3. That the owner/applicant submit a site plan drawing demonstrating the location of parking spaces and driveway areas, to the satisfaction of the City.

EFFECT OF PUBLIC INPUT:

In making this Decision, the Committee of Adjustment had regard for all public input received through written, electronic, and verbal submissions prior to the conclusion of the Public Hearing held on August 18, 2021.

Correspondence

None.

Date of Next Meeting

Wednesday, September 15, 2021.

Adjournment

Moved by Richard Bates seconded by Joe Fecht:

THAT the Committee of Adjustment meeting be adjourned at 10:05 a.m. on August 18, 2021. The Committee will reconvene at 9:15 a.m. on September 15, 2021.

Carried.

MEETING ADJOURNED – 10:05 A.M.

J. Fecht, Chair