



**CITY OF ORILLIA  
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

December 13, 2023

The December hearing of the City of Orillia Committee of Adjustment was held on December 13, 2023 by virtual meeting with the following in attendance:

Peter Bowen – Committee Member (Chair)  
Kelly Smith – Committee Member  
Ian Gordon – Committee Member  
Jeff Duggan – 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. Approval of Agenda:**

**067-23            Moved by: Kelly Smith**  
**Seconded by: Ian Gordon**

That the Agenda for the December 13, 2023, be approved.

**Carried**

- 4. Confirmation of Minutes of the November 15, 2023 Hearing:**

**068-23            Moved by: Ian Gordon**  
**Seconded by: Kelly Smith**

That the Minutes of November 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 A21-23 112 Colborne Street East**

In attendance: Josh Morgan, Morgan Planning and Development, 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 variances is to allow for the construction of a 9-unit apartment building and associated parking.

**Comments from the Public:**

Letter of support received with comments and concerns, and a letter of objection.

**Comments from Departments/Agencies:**

Engineering Division has no comments or conditions.

Canada Post has comments and no conditions.

Simcoe County District School Board has comments and no conditions.

Hydro One has comments and no conditions.

**Staff Report:**

Planning Division recommends approval with conditions.

**Applicant's Comments:**

- Josh Morgan provided a presentation to Committee and reviewed the reasons for asking for the variance.

- Mr. Morgan stated he felt this was an excellent project and desperately in need of this investment in this part of Town. The proposal is within the neighbourhood of intensification. All of the parking is in the rear, and they are providing more parking than required.
- Mr. Morgan discussed the amenity space and that there will be a development agreement required should the variance be approved. There is covered parking proposed. The height requested includes the covered amenity area and is the reason for the height variance request.
- Mr. Morgan advised that he has reviewed the reports that will be required, ie, species at risk, archaeological report, geotechnical report and storm water management. He states that the engineer for the development has confirmed that there will be no adverse impacts on neighbouring properties.

**Public Comments (at hearing):**

- Aimee Powell of Powell & Associates, Professional Planner, representing the Owners of 36 Front Street South being the abutting lands to the west, addressed the Committee.
- Ms. Powell indicated that she would highlight her comments from her previously submitted correspondence.
- Ms. Powell indicated this development is a wrong fit for the property based on the design and function.
- Ms. Powell indicated that the proposal does not meet the four tests of a minor variance and reviewed their concerns in this regard. The use is not under dispute; however, the scale and impact are of equal importance.
- Ms. Powell indicated that as the downtown undergoes its revitalization, compatibility and suitability must be considered on a block plan basis, not individual lots.
- Ms. Powell explained why she does not feel this proposal is compatible and does not meet the intent of the Official Plan.
- She noted that this is undesirable as the proposal does not meet the setbacks and the lot will be overbuilt with impacts on privacy, access and sunlight.
- Ms. Powell indicated that they understand redevelopment is needed, however, this site will be overbuilt and does not align with the policies. They do not feel this request is minor and the four tests cannot be upheld individually or collectively.
- Ms. Powell asks for a denial of this application.

**Committee Comments:**

- A Committee Member questioned the proposed nine foot ceilings and whether the architect for the development had considered eight foot ceilings so as to not go so high.
- Mr. Morgan advised that his clients had discussed the ceiling height and were looking for a high quality attractive building with higher ceilings. He noted that he feels other neighbouring developments may be looking to increase the heights so would be in keeping with those.

- A Committee Member noted that it is difficult to determine the possible future development of the rest of the neighbourhood.
- Mr. Morgan indicated that the Official Plan and Downtown Tomorrow Plan will look at higher density and given the City as a whole, a higher density is very likely.
- A Committee Member asked if the rooftop amenity area is a common space and will it be grassed.
- Mr. Morgan advised it would have green space areas and is a common space as well.
- A Committee Member asked if the height was to contain the mechanical equipment and Mr. Morgan confirmed this was to be the case.
- A Committee member advised that the accessible parking space appears to be in the middle of the garage and should be closer to the entrance door.
- A Committee Member noted that the area is in transition.
- A Committee Member had a concern with the decrease in the visitor parking requested which will cause the municipal lot and street parking to be used.
- The Committee member also had a concern with the side yard setback reduction and if the neighbouring property requests the same, then that would leave 2 metres between buildings for maintenance.
  
- Mr. Morgan advised that owners have to make accommodations for parking of visitors on the site and there is no overnight parking on the street. The regular parking requirements are satisfied. With regard to the reduced side lot line, the storm water management requirements will be met.
  
- Ms. Powell indicated that the interior side yard requirement is a valid concern as deficient side yards cannot be accommodated from another lot. This property should be redesigned on a block by block basis which would ensure similar heights and similar massing. This would allow control on a block level not a site level.
  
- A Committee Member asked if a single family dwelling could be constructed on the property. Staff advised that under the C4i zone, a single family dwelling is not permitted. This is a smaller lot, and the lot fabric is grandfathered.
  
- Mr. Morgan indicated that it is not uncommon in the City to have reduced side yards especially along Mississauga Street. With the required services, storm water management, height and density, a reduction in side yard setbacks are likely and there are no off site impacts.
  
- Alex Hahn, the applicant, addressed the Committee and stated that 90% of the side yard is going to be the required 1.5 metres and 1.0 metre requested is because of the irregular lot configuration to the rear where the parking is proposed. The bulk of the building is 1.5 metres which will allow for 3 metres for maintenance for neighbouring properties.



**Public Comments (at hearing):**

None

**Committee Comments:**

- A Committee Member asked for clarification if both sides were interior side yards and staff confirmed that they were, and the variance is for both sides.
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The Committee made a motion to approve the application.

**070-23            Moved by: Ian Gordon  
                      Seconded by: Kelly Smith**

**Application A24-23 – 653 – 661 Atherley Road, be approved with conditions, as per the Decision.**

**Carried**

**7.3    A25-23 and B18-23                    353 Old Muskoka Road**

In attendance:            Savas Varadas, 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 two (2) new residential lots and one retained lot for the construction of semi-detached buildings with a proposed 6 m right of way to provide access across the rear limits of each lot.

**Comments from the Public:**

Letters of opposition have been received.

**Comments from Departments/Agencies:**

Engineering Division has comments and conditions.

Hydro One has comments and no conditions.

**Staff Report:**

Planning Division recommends denial of both applications. Should the Committee choose to approve the applications, recommended conditions of approval can be provided.

### **Owner/Applicant's Comments:**

- Savas Varadas of Plan Muskoka addressed the Committee. The proposal before the Committee is accurate with three lots and then a further subdivision of land of three more lots for a total of six lots.
- The proposal is for a pair of semi-detached dwellings for each lot. The proposed lots are compliant with frontage and area in the R2 zone.
- The rear laneway was proposed for rear access to the lots to minimize several driveways off of Old Muskoka Road.
- They understand the concerns about access and perhaps the principal access comes off Old Muskoka Road.
- Mr. Varadas indicated there is need for housing as identified for the City of Orillia as there is a housing crisis and this proposal is for an under-utilized serviced lot in Orillia.
- The PPS and Growth Plan have policies to support infilling for these types of lots to increase intensity and no increase required of changes to infrastructure.
- The proposal supports infilling of 40% of all growth and contributes to the directive of the City's Official Plan.
- They feel they can address staff's concerns. For the access, they can provide a driveway for each lot off Old Muskoka Road and have a condition regarding entrance permits.
- In the report there was indications they were attempting to circumvent the Official Plan policies. Mr. Varadas advised that they had submitted a proposal for six lots originally and they were contacted by staff who felt an approach amenable to them would be to go for three lots first and then three lots later for conformity to the Official Plan. This is what they proposed as a 2 step approach.
- They felt they could justify it outside of a plan of subdivision originally with the six lots and they are concerned as they are not trying to skirt around the rules as a plan of subdivision does not seem to be appropriate in this regard.
- Mr. Varadas noted they have no problem with submitting a stormwater management plan as part of the approval and a consent agreement could be a condition of consent to implement this.
- Mr. Varadas advised they could do a traffic analysis as well along with the entrance permit.
- Mr. Varadas advised that the minor variance for the exterior side yard is because of the design across all six properties once built would encroach into the required 4.5 metres and there is hedge row along the property line. There are other requirements in the Zoning By-law that require an exterior yard of 2.5 metres so they thought 3.0 metres would be acceptable.
- Mr. Varadas stated the proposal meets the four tests.
- He stated that there is need for housing and there are duplexes behind this property and multi-residential in the area and he feels going from singles to semis is incremental in density.



**Public Comments (at hearing):**

- David Johnston of 347 Old Muskoka Road addressed the Committee and advised he is strongly opposed to this application. The streetscape is single family residential with houses set back and mature trees.
- Mr. Johnston feels this is not in keeping with surrounding land uses. With respect to vehicular access, the application is for a private right of way and is inappropriate and will lead to conflicts on his property and on the property to the west. The right of way may be the best of intentions but the maintenance of and the fencing will not be contributed to in future.
- He has a concern with the snow removal and where it can be stored and concerned it will get put onto his property where his garage is located.
- A plan of condominium would legally deal with the access and fencing. He would be open to the applicant retaining the house and creating one lot.
- He asks that Committee reject the application.
  
- Mardi McLaughlin of 358 Old Muskoka Road addressed the Committee. She is concerned with the several families getting the bus, traffic, safety concerns, sight lines and also that the City Bus stops right at the corner. This is a single family street, and all homes are setback and agrees with the need for housing but not in this area.
  
- Diandra Holt of 342 Old Muskoka Road addressed the Committee. Ms. Holt agrees with both previous neighbours' comments. With regard to the King's Court comment, this property is not comparable to this area. There is not enough property on King's Court for parking and storage. The applicant talks about semis, however, has not shown what is to be built. There is a lot of eyesore properties in other parts of Town that have been approved with semis but have not sold.
- Ms. Holt indicated concerns with safety and traffic and there is flooding in the ditches and the aging infrastructure on the street as this development will add to. All of their homes are setback quite a bit and the driveways across from these homes would cause a lot of impact and there are no sidewalks. Ms. Holt would like the City to decline the application and have two homes on this site.
  
- Jeremy Gaudet of 350 Old Muskoka Road addressed the Committee and is very much against this application and wants the City to turn down the proposal.
  
- Rob Beadle of 367 Old Muskoka Road addressed the Committee and indicated his concern with minimizing air control and nature of the environment. There are a dozen older trees on the property and the buildings proposed would wipe them out. The other issue is there is a nice hedge along Landon, however within a metre of the ditch and with the reduced setback, they may have to get rid of the hedge.
- Mr. Beadle would like the City to look at updating the Tree By-law for the size of a lot. Any new development must be compatible with existing development without causing undue impact on neighbouring properties. The setbacks of all of the homes on either side of the street are over 100 feet and the footprint of these new homes would put the houses 2 metres to the ditch and no sidewalk proposed. Mr.

Beadle advised this level of homes increases the density for accidents and visibility concerns.

- Mr. Beadle indicated the proposal is not minor as six dwelling units could potentially have 24 cars if an additional dwelling unit is proposed in each unit.
- Mr. Beadle noted that if a majority of the lots on Old Muskoka were re-developed, this would totally change the neighbourhood and is not consistent with what is there.
  
- John Lillicrap, calling on behalf of his mother, who lives at 346 Old Muskoka Road, addressed the Committee. He does not have anything further to add from what the neighbours have said and is totally against this proposal based on this community has been there since 1957 when his mother's home was built.
  
- Mr. Varadas addressed the Committee and added that they would remove the laneway and would like to seek a deferral. They would propose to push the buildings back to double the setbacks which would make the driveways long enough for the parking requirements and maintain zoning provisions.
- Mr. Varadas would have no issue to put a sidewalk in front of their portion of the property and it may establish further connections of the sidewalk. They also have no issue with planting trees along the streetscape and this could be a condition of consent. The Consent Agreement could implement these conditions.
- Mr. Varadas indicated that the character of the area is not just the abutting lands but the surrounding area which does have the old age home down the street and multi residential in the area.

**Committee Comments:**

- A Committee Member stated if they did ask for a deferral then would there be a whole new application coming back. Staff advised that they are not in support of a deferral and the recommendation is for a denial. The applicant could make an application for a whole new proposal.
- A Committee Member asked how this not falls within the watershed requirement. Staff advised that in regard to the Lake Simcoe Protection Plan, this particular property is located outside the watershed area, however, the updated Official Plan has required enhanced storm water for more than four lots as well as a water balanced analysis which are consistent with the Lake Simcoe Protection Plan.

The Committee made a motion to deny the application.

**071-23            Moved by: Ian Gordon**  
**Seconded by: Kelly Smith**

**Application A25-23 and B18-23 – 653 – 353 Old Muskoka Road, be denied.**

**Carried**

#### **7.4 A18-23 and B13-23 28 Rose Avenue**

In attendance: Savas Varadas, 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 two (2) new residential parcels of land for future development.

#### **Comments from the Public:**

None.

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

Engineering Division has comments and conditions.

Hydro One has a comment and no conditions.

#### **Staff Report:**

Planning Division recommends denial of both applications. Should Committee choose to approve the applications, recommended conditions of approval can be provided.

#### **Owner/Applicant's Comments:**

- Savas Varadas of Plan Muskoka addressed the Committee.
- Mr. Varadas indicated that this application is similar to the previous one and feels there is some confusion on the application from their understanding.
- He noted there is a laneway to the west of the lot. At the time of pre-consultation, the proposal was to create six lots on Rose Avenue without the laneway and the proposal was to upzone the property from an R2 to an R3. They were given a list of requirements and studies which were required because of the zoning change.
- They proceeded to hold off on the proposal to allow for them to close and purchase the laneway which is underway and then to bring a proposal for six lots under consent with larger lots which would not require a rezoning.
- They did submit the six lots originally this way, but staff did not want to proceed until the laneway was closed and added to the property, however, the owner wanted to make this a condition of consent.
- Mr. Varadas indicated they did move forward with six lots and proceeded to do it in a two stage process for two lots and then four lots. They are not trying to circumvent the Official Plan, and this was never their intention.
- Mr. Varadas does not understand this direction and not getting staff's support. Without the proposed rezoning, the deficiency is 27 sq. m. for one lot and a

reduced exterior side yard. By the addition of the laneway, they no longer need the upzoning and studies required were reduced.

- He mentioned that looking at the same policies to the previous application such as infilling provisions, they feel the storm water management can be made a condition even with two lots proposed and the additional four lots.
- Mr. Varadas indicated the road widening is a concern by taking 1.5 metres of the lot. In reviewing the Transportation Master Plan, there are no immediate proposed road works, and it does not appear to be a collector road although classified a collector. They have in the past requested to waive the condition as it impedes the lot sizes.
- Mr. Varadas does not feel a need from 20 metres to 23 metres in the Official Plan and this could be taken at a later time. The lot area would be reduced for no real good reason by 1.5 metres.
- In terms of traffic analysis and no longer a rezoning proposed, this could be made a consent condition. There are now brand new semis across the road.
- He noted the exterior side yard request is comparable and is not a significant request.
- Mr. Varadas stated they are willing to work to add conditions and feel the application was misrepresented to the path they were trying to get to, and they have proceeded to pay the cost of the road allowance to work under the R2 zone. They are not trying to do anything that is not asked, and the application changed which did not require the studies under a rezoning application.

**Public Comments (at hearing):**

None

**Committee Comments:**

- A Committee Member advised that the City has confirmed that the road widening will occur, and the application cannot move forward as it is not accurate.
- A Committee Member noted that the area is a heavy traffic road with buses and walking traffic and the proposal across the street will go to five driveways with the current proposal and then this proposal would add six more driveways.
- A Committee Member has a concern with reviewing the application without the addition of a laneway and it would be easier to understand with an eventual plan of the proposal. They need to understand the whole development in the future which is much easier to consider.
- Mr. Varadas indicated that the closing of the laneway is imminent.

The Committee made a motion to deny the application.



- Mr. Shaw advised this was not correct as By-law Enforcement issued an order to remove the dock in 2022 as the dock exceeded the 15 metres and they have a satellite photo of the dock that was removed in 2022.
- Mr. Shaw indicated that the dock was 40 feet long. The dock was installed in approximately 2016 and it was built to comply with the new by-laws and complied in length and setbacks. The previous dock which was removed in 2022 and the pre-existing dock in 2016 and satellite photos support that the dock was even a smaller dock and rebuilt to meet the by-laws.
- Mr. Shaw indicated that the By-law Division has that information based on the order that was issued and the dock was removed in the fall of 2022 and was not to be put back in until there was an approved minor variance. The dock was put back in May of 2023 and then removed in the Fall of 2023.
- He noted there are inaccuracies in the facts and does affect the dimensions of the pre-existing dock. Mr. Shaw indicated the new 15 metre dock does enlarge the variance and increase the non-compliance. The new dock cannot increase the non-compliance.
  
- Staff advised that docks change in google photos and they are moved and added to, and the absolute pre-existing is very difficult to verify. We are concluding it is 15 metres, however, it is what is being asked for and agree an extension beyond what is permitted. It is not necessarily what was there. It is what is there now.
  
- Mr. Shaw disagrees as we know what was there before and By-law issued their order based on looking at this satellite photo that they obtained and determined the dock exceeded the 15 metres and what was previously there. The bigger issue is the setback which was 6 feet, and the pre-existing dock was 6 feet and now there is no setback which interferes with the view of the lake and the park. Mr. Shaw stated he no longer has the view, and the dock has been in place the last 2 years without permission and following the By-laws.
  
- Don Mclsaac, a neighbouring property owner, addressed the Committee and indicated he is in agreement with Mr. Shaw's comments.
- Mr. Mclsaac feels that this is not a minor request as the dock goes from 45 feet to 58 feet which is an increase of 30%. This dock takes away from his view.
- Secondly, the six foot setback is violated and is two feet from the extended lines which was not covered in the application.
- The owner installed the dock two years ago, was ticketed and then re-installed it again at a higher length. The owner is not following the rules.
- Mr. Mclsaac noted that the sign for the meeting was not posted for the proper length of time and had fallen down so only posted for half of the time. This is a hardship for them for their view to the lake and the park. This is no hardship to the applicant as he has a jet boat, and the water depth is a minimum of two feet and does not feel the owner is suffering a hardship with the use of his boats. Mr. Mclsaac stated that there should be no problem to have a shorter dock.
- Mr. Mclsaac would like the application denied as the applicant has not followed the process and several things deny his rights here.

- Mr. Shaw indicated that the previous owners who built the previous dock in 2016 in accordance with length and setbacks had a pontoon boat and never had an issue. This bay has always been shallow with no issue.
- Mr. Shaw also asks Committee to reject this application.

**Committee Comments:**

- A Committee Member questioned the applicant's request from 15 metres to 18 metres and does this not contravene the Public Lands Act. Staff advised if the dock is over 15 square metres or 161 sq. feet it has to have approval. Staff advised that this would not apply but it would be up to MNRF and if it does apply it would be reviewed at the building permit stage.
- A Committee Member noted the CBO has indicated a building permit would be required for a dock.
- A Committee Member noted a survey is required and the dock being pinned because annually it is installed and to get the right orientation to ensure it does not cross any extended lines. In pinning the dock, and possibly a concrete abutment being established, are there requirements on the shoreline improvements? Staff can have a conversation with the Chief Building Official at the time of the building permit submission.
- A Committee Member indicated that the dock is similar to a driveway of some sort and with this extension, if the applicant parks his boat at the end of the dock, it could potentially impede on neighbouring properties.

The Committee made a motion to approve the application.

**073-23      Moved by: Kelly Smith  
                 Secinded by: Ian Gordon**

**Application A15-23 – 672 Broadview Avenue, be approved with conditions, as per the Decision.**

**Carried**

**8.      Correspondence / other business:**

The Committee approved the 2024 Committee Meeting Schedule.

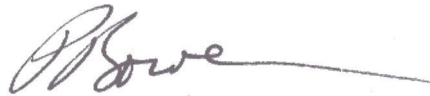
**9.      Adjournment:**

**074-23**      **Moved by: Ian Gordon**  
                 **Seconded by: Kelly Smith**

**We now adjourn at 11:45 a.m.**

**Carried**

The Committee will reconvene at 9:15 a.m. on February 14, 2024.



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Pete Bowen, Chair



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Lorrie Jackson, Secretary-Treasurer