



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,
WEDNESDAY, FEBRUARY 17, 2021 AT 9:15 A.M. – ELECTRONIC HEARING**

Present:

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

Also Present:

Susan Votour – Secretary-Treasurer
Jeff Duggan – Senior Planner
Ali Chapple – 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 February 17, 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 and Intermediate Planners 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 February 17, 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:

- January 20, 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 B2/21 (Trombly) – 63 & 69 Albert Street South

The Secretary-Treasurer advised that the applicant's solicitor, Brian Kinnear, was attempting to join the hearing but was delayed for technical reasons. The Secretary-Treasurer suggested that, at the discretion of the Chair, the Committee may wish to proceed with the next application while waiting for Mr. Kinnear to join the hearing. The Chair concurred.

b) Application for Minor Variance A3/21 (Vance) – 10 Bridget Drive

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

Proposal

An application has been made by NATHANIEL VANCE for Minor Variance under File Number A3/21.

The purpose of the application is to request an increase in the Maximum Height of an Accessory Structure. The applicant proposes to construct an Accessory Structure with a dormer roof in the rear yard of the subject property. The height of the dormer is proposed to be 6.40 m (21.0 ft) whereas Zoning By-law 2014-44 restricts the Maximum Height of an Accessory Structure to 5.00 m (16.40 ft), measured to the mid-point between the eave and the peak of a sloped roof.

Comments from the Public

John Jackson of 12 Bridget Drive, neighbour to the west, submitted a letter of concern regarding the size of the structure and the shade it will cast onto his property and garden.

Comments from Departments/Agencies

City of Orillia Engineering Division:

- A detailed lot grading plan prepared by a Consulting Engineer or an Ontario Land Surveyor knowledgeable in such matters may have to be submitted and approved by the City prior to issuance of a building permit.
- A lot grading deposit of \$750.00(\$145.00 non-refundable) may be required.

Orillia Power:

- No concerns.

Staff Report:

Maria Pinto, Planning Administrator and Ali Chapple, Intermediate Planner.

Applicant's Comments:

Nathan Vance, the Applicant, was present to answer questions.

Public Comments (at meeting):

John Jackson, owner of 12 Bridget Drive, was present. Mr. Jackson advised that:

- The Applicant has advised that the windows facing his property are to be smaller in size, therefore he is reassured that his privacy will be maintained. Committee advised this was beyond their scope.
- He is concerned about the proposed building blocking sunlight and causing afternoon shade on his vegetable garden, but recognizes that the size of the building is within the allowed parameters.

Committee Comments:

- Committee asked if this was new construction or reconstruction, the Secretary-Treasurer advised that the Zoning By-law allows reconstruction of an existing building, but this is technically all new construction.
- Committee asked if sunlight is protected by the *Planning Act*. Ali Chapple, Intermediate Planner, advised that there was nothing in the *Planning Act*, but that the Official Plan for the City notes that buildings should not block substantial sunlight, such as multi-story adjacent structures. Staff do not feel this application contravenes that condition.
- Committee asked if this is going to be a boathouse. Mr. Vance advised that this is not going to be a boathouse, rather that they are replacing a couple of sheds with this structure. There will be no living quarters, the second story/dormer area is to be used just for storage but it will have a floor.
- Committee asked if there are provisions for living accommodations above a boathouse. Ms. Chapple advised that because this structure is too close to the water, it would not qualify to have living accommodations within it. Ms Chapple advised that this structure does not currently meet all of the requirements necessary to comply with living accommodation, such as being too close to the water. In order to provide for living accommodations further approvals would be required.
- Committee asked the history of the canal that the property backs onto. The Secretary-Treasurer advised that she was unsure but suspects it was manmade by the original developer. John Jackson advised that all of the property owners on the canal have deeded access And that their lots terminate at the water edge.
- Committee asked if the footprint of the proposed construction is larger than what it is replacing. Mr. Vance confirmed that it was. Committee also asked if the second accessory structure has been removed. Mr. Vance advised that it would be removed. Committee asked if the tree on property line/neighbour's property, will need to be removed, Mr. Vance advised that he had discussed this with his neighbour and they agreed it would be removed, Mr. Jackson confirmed same.

The Committee approved Application A3/21 and the following variance is granted to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
5.1.3.2	Maximum Height of an Accessory Structure – 5.00 m	Maximum Height of an Accessory Structure – 6.40 m	Increase of 1.40 m (4.59 ft) in Maximum Height of an Accessory Structure

in order to permit the construction of a detached Accessory Building having a floor area of 55.66 m² (599.11 ft²) having a second storey with dormers.

- REASONS:**
- (1) The variance is minor;
 - (2) The variance is desirable for the appropriate development or use of the land, building or structure;
 - (3) The variance maintains the general intent and purpose of the Zoning By-law; and
 - (4) The variance maintains the general intent and purpose of the Official Plan.

CONDITIONS:

1. That the development of the property shall proceed in substantial compliance with the plans and drawings submitted with the application.

Notes:

- This Minor Variance does not relieve the applicant of any permits or other permissions required under the Building Code or any other applicable legislation.
- The full cost of electrical servicing and any relocation of any OPDC owned poles, wires, or other equipment that may be required is the sole responsibility of the property owner.

EFFECT OF PUBLIC INPUT:

In making this Decision, the Committee of Adjustment had regard for all public input received through written and verbal submissions prior to the conclusion of the Public Hearing held on February 17, 2021.

a) Application for Consent B2/21 (Trombly) – 63 & 69 Albert Street South

The Secretary-Treasurer confirmed that Mr. Kinnear had successfully joined the electronic hearing, and outlined the application and reported on correspondence received.

Proposal

An application has been made by DARRELL THOMAS TROMBLY and BETTY BERNICE TROMBLY (AGENT: BRIAN D. KINNEAR LAW OFFICE) for consent under File Number B2/21, to sever property municipally known as 63 & 69 Albert Street South in order to create one new residential lot. The proposed severed lot (63 Albert Street South) would have approximately 16.76 m (55.00 ft.) frontage on Albert Street South and

an area of approximately 541.62 m² (5830.00 ft²). The proposed retained lot (69 Albert Street South) would have frontage of approximately 14.93 m (49.00 ft) and an area of approximately 482.53 m² (5194.00 ft²).

The purpose of this application is to re-separate lots that were subject to an accidental merger under Section 50 of the Planning Act. The properties at 63 and 69 Albert Street South are long established as separate lots with separate municipal services. This consent application has been brought for technical and legal reasons in order to correct a conveyancing error that caused the lots to inadvertently merge.

The subject property is located within the “Downtown Area – Downtown Shoulder” designation of the Orillia Official Plan. The property that has historically been known as 63 Albert Street South is zoned “Residential One” (R1) under the City’s Zoning By-law. The property known as 69 Albert Street South is zoned “Residential One Exception Nine” (R1-9).

Comments from the Public

None.

Staff Report:

Susan Votour, Planning Coordinator/Secretary-Treasurer and Jeff Duggan, Senior Planner.

Comments from Departments/Agencies

Engineering Division:

- 3.0m road widening required.
- The water service for the retained lot (69 Albert Street South) is of inadequate size and material and must be updated to meet the City of Orillia Engineering Standards. We understand that this upgrade will be required as a condition of site plan approval for the proposed redevelopment of the property at 69 Albert Street South and therefore the upgrade is not required as a condition of this consent approval.

Business Development, Culture and Tourism Department:

- The property being severed via B2-21 is located within the Downtown Tomorrow Community Improvement Plan (DTCIP) Project Area and development on this property may therefore be eligible for Downtown Tomorrow grants. For more information visit <https://www.orillia.ca/en/doing-business/downtown-tomorrow-cip.aspx#>

Orillia Power:

- No comments/concerns

Applicant’s Comments:

Brian Kinnear, Solicitor and Agent for the Applicants, was present. Mr. Kinnear advised that he was aware of and understood the proposed conditions of the approval, and they will be met.

Public Comments (at meeting):

None.

Committee Comments:

- Committee asked if the 3.0m road widening will encroach under the existing porch. The Secretary-Treasurer advised that that would be determined by survey and if it was found to be encroaching, the widening would typically be adjusted to allow for the existing porch.
- The Committee asked if the tree would stay on the property. Mr. Kinnear advised that he was not aware if it would be removed or not. Jeff Duggan, Senior Planner, advised that of the two trees, one is to be removed to allow for a new driveway with the proposed new three-unit dwelling. A monetary contribution is to be made by the property owner to the City as compensation for the tree's removal.
- Committee asked Mr. Kinnear if he was aware of all of the conditions required with the consent. The Secretary-Treasurer reviewed the conditions, and noted that the Applicant has one year to meet these conditions.

The Committee granted provisional approval of the severance of property known municipally as 63 and 69 Albert Street South, in order that these lots may be separately conveyable standalone lots. The severed and retained lots are as follows:

Severed Lot (63 Albert Street South):

Lot Frontage: Approx. 16.76 m (55.00 ft.) on Albert Street South

Lot Area: Approx. 541.62 m² (5830.00 ft²)

Retained Lot (69 Albert Street South):

Lot Frontage: Approx. 14.93 m (49.00 ft) on Albert Street South

Lot Area: Approx. 482.53 m² (5194.00 ft²)

REASONS: The application conforms with the requirements of the City of Orillia Zoning By-law and the City of Orillia Official Plan and satisfies the requirements of all commenting agencies.

SUBJECT TO THE FOLLOWING CONDITIONS:

Pursuant to Subsection 53(41) 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 and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 53(42) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended.

1. That the applicant submit to the Secretary/Treasurer of the Committee of Adjustment:
 - a. One (1) copy of a draft Reference Plan prepared by an Ontario Land Surveyor, identifying the severed lot, OR, alternatively, a description pre-

- approval from the Land Registry Office confirming that the existing legal description for the severed lot (subject to the required road widening, which will require a reference plan) is acceptable for registration purposes. If a Reference Plan is required to describe the severed parcel, upon review and approval of the draft Reference Plan by the Secretary-Treasurer, one copy of the registered Reference Plan shall be provided to the City.
- b. One (1) copy of the “in preparation” draft Transfer for the severed lot together with a signed Acknowledgement and Direction.
2. That the applicants shall pay:
 - a. the required Severance Review Fee (\$75.00) as approved by City Council.
 - b. the required fees for approval of the documents by the Secretary/Treasurer, as approved by City Council.
 3. That a 3.0 m road widening across the frontage of the severed property at 63 Albert Street South shall be conveyed to the City, at the expense of the applicant, free and clear of encumbrance. Satisfaction of this condition may be achieved through the provision of a solicitor’s undertaking confirming that the road widening will be conveyed to the City within 120 days of issue of the final Consent certificate and the provision of a \$3,000.00 deposit.
 4. That an application for a Deeming By-law with respect to Lots 59, 60 and 61 on Plan 617 shall be submitted, approved by Council and registered on title to the properties at 63 & 69 Albert Street South, at the expense of the applicant, OR, that satisfactory evidence shall be provided to the City that Lots 59, 60 and 61 on Plan 617 have previously been the subject of a Deeming By-law pursuant to Section 50 (3) of the *Planning Act*.
 5. All conditions of provisional consent shall be fulfilled within one (1) year from the date of the giving of notice of provisional consent, in accordance with Subsection 53(41) of the *Planning Act*.

EFFECT OF PUBLIC INPUT:

In making this Decision, the Committee of Adjustment had regard for all public input received through written and verbal submissions prior to the conclusion of the Public Hearing held on February 17, 2021.

Correspondence

None.

Date of Next Meeting

Wednesday, March 17, 2021.

Adjournment

Moved by Ted Southorn seconded by Richard Bates :

THAT the Committee of Adjustment meeting be adjourned at 9:55 a.m. on February 17, 2021. The Committee will reconvene at 9:15 a.m. on March 17, 2021.

Carried.

MEETING ADJOURNED – 9:55 A.M.

J. Fecht, Chair