



**CITY OF ORILLIA  
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,  
WEDNESDAY, JANUARY 20, 2021 AT 9:15 A.M. – ELECTRONIC HEARING**

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**Present:**

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

**Also Present:**

Susan Votour – Secretary-Treasurer  
Jeff Duggan – Senior Planner  
Jill Lewis – Senior 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 January 20, 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 Planners had successfully joined the electronic hearing.

**Call to Order**

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

**Appointment of Chair for 2021**

Moved by Richard Bates, seconded by Ted Southorn:

THAT Joe Fecht is appointed as Chair of the City of Orillia Committee of Adjustment for the term ending on December 31, 2021.

Carried.

**Approval of Agenda**

Moved by Richard Bates, seconded by Ted Southorn:

THAT the agenda for the January 20, 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:

- December 16, 2020

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 B1/21 and Minor Variance A2/21 (Scott) – 116 Simcoe Street**

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

### **Proposal**

An application has been made by TIMOTHY SCOTT for consent under File Number B1/21, to sever property municipally known as 116 Simcoe Street, legally described as Lot 57, North Side Simcoe Street, Plan 432, Orillia, in order to create one new residential lot. The proposed severed and retained lots would each have approximately 15.24 m (50.00 ft.) frontage on Simcoe Street and an area of approximately 1012.54 m<sup>2</sup> (10,900.00 ft<sup>2</sup>).

The applicant also proposes to construct detached dwellings on each of the severed and retained lots in Consent Application B1/21 and proposes to locate the parking spaces for the dwellings in the rear yards, to be accessed by driveways running either side of the new mutual interior side lot line. The Zoning By-law requires that driveways for dwellings requiring four or fewer parking spaces shall be set back at least 0.30 m (0.98 ft) from a Side Lot Line.

The owner has requested the following variance to the provisions of Zoning By-law 2014-44, as amended:

<b>Section</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Variance</b>
6.2.12.5 Setback of Driveway from Side Lot Line	Driveway shall be set back a minimum of 0.30 m (0.98 ft) from any side lot line	Driveways to be set back 0.00 m/ft from side lot line	Reduction of 0.30 m (0.98 ft) in setback for driveway from side lot line

The subject property is located within the “Living Area – Stable Neighbourhood” designation of the Orillia Official Plan.

### **Comments from the Public**

A letter of concern regarding the proposed variance was received from James Elliott who resides at 98 Simcoe Street, two doors down from the subject property.

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

#### **Bell Canada**

- Correspondence of January 14, 2021. Require that an easement be granted over the northeasterly corner of the subject property to protect buried plant. The preparation of the required reference plan and conveyancing documents shall be at the expense of the applicant.

#### **Business Development, Culture and Tourism Department**

- No comments.

#### **Engineering Division, Development Services and Engineering Department**

- A detailed lot grading plan prepared by a Consulting Engineer or an Ontario Land Surveyor knowledgeable in such matters is to be submitted and approved by the City prior to issuance of a building permit.
- A lot grading deposit of \$750.00 per lot will be required (\$145.00 non-refundable).
- New sanitary services to be installed on City Property will be completed by the City at the applicant's expense.
- New water services to be installed on City property will be completed at the applicant's expense.
- Service Connection Permits for water and sanitary connections are required. Connection Permits are \$100.00 each.
- An Entrance Permit is required for this application. A \$100.00 fee is applicable.
- Traffic Info Request – does not need to be completed by a professional engineer; can be completed by the owner or consultant:
  1. Road classification
  2. Current AADT of the roadway
  3. Nearest intersections on either side of the site
  4. Nearest signalized intersections on either side of the site
  5. Is there active transportation infrastructure on the roadway?
  6. What is the expected impact to the transportation network?

### **Staff Report:**

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

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

Tim Scott, the Applicant, was present. Mr. Scott advised of the following:

- He is aware of the requirements from Bell to secure their easement and would be complying with same.
- With respect to concerns regarding nuisance to neighbours as a result of the proposed rear-yard parking, Mr. Scott indicated that there are lights on the adjacent arena that already impact the subject and adjoining properties. He does

not feel that the proposed parking areas would have any more impact than the arena lights do.

- There are other properties in the vicinity where the parking is located in the rear yard, with no buffering or screening provided.
- He does not intend the property to become a short-term rental and will be trying to appeal to long term renters or retirees.
- He wants the front façade to appear more like a home than a rental.

**Public Comments (at meeting):**

James Elliott of 98 Simcoe Street was present. He is concerned with the planned parking area in the rear of the property and would like some sort of screening to be installed to minimize the disturbance of neighbouring yards and houses. He does support the severance and the proposed development, but would like the parking area fenced or screened.

**Committee Comments:**

- Committee asked if it would be a mandatory requirement for the parking area to be screened. Jeff Duggan, Senior Planner, advised that mandatory buffering would not be required as the zoning by-law provisions requiring buffering and screening do not apply where the proposed use requires four or fewer parking spaces.
- Committee asked if the R2 zoning allows for more than two units per property. Mr. Duggan advised that two units was the maximum in a main dwelling building, but that recent changes to the Zoning By-law that were passed by Council on January 18, 2021 provide for one additional external unit on a property, following Provincial guidelines for intensification (although not yet in force and effect as the appeal period has not lapsed).
- Committee asked if more parking spaces could be added in the future. Mr. Duggan advised that more spaces could be added provided the overall zoning provisions were complied with, including landscaped open space.
- Committee asked the Applicant if he would be willing to install a fence as a buffer between the proposed parking areas and the neighbouring properties. The Applicant advised that he would consider installing some sort of buffer, but would prefer something natural, such as a hedge, and advised that his daughter is a landscape architect and he would like her to design something appropriate to his plans for the property.
- Committee expressed concern that rear yards don't become parking lots, and would be concerned with additional spaces being created.
- Committee advised that they support the application subject to a condition that some sort of buffering or screening barrier be installed down both side lot lines to block the parking areas from the neighbouring properties. Buffering of the rear lot line would be at the discretion of the Applicant.
- Committee asked the Secretary-Treasurer for advice regarding the proposed condition. The Secretary-Treasurer advised that it may be more appropriate to impose the screening as a condition of the Minor Variance, to be installed prior to issue of final occupancy on the building permit(s), rather than as a condition of consent. If imposed as a condition of consent, the applicant would be required to install the screening prior to obtaining the consent certificate.

- Committee indicated support for imposing a condition on the Minor Variance regarding screening.

The Committee granted provisional approval of the severance of property municipally known as 116 Simcoe Street, legally described as Lot 57, North Side Simcoe Street, Plan 432, Orillia, in order to create one new residential lot. The proposed severed and retained lots are as follows:

**Severed Lot:**

Lot Frontage: Approx. 15.24 m (50.00 ft.) frontage on Simcoe Street

Lot Area: Approx. 1012.54 m<sup>2</sup> (10,900.00 ft<sup>2</sup>)

**Retained Lot:**

Lot Frontage: Approx. 15.24 m (50.00 ft.) frontage on Simcoe Street

Lot Area: Approx. 1012.54 m<sup>2</sup> (10,900.00 ft<sup>2</sup>)

**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 Application for Minor Variance A2/21 is approved and all conditions of approval are fulfilled.
2. 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 parcels. 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 each the severed lot, together with a signed Acknowledgement and Direction.
3. That the applicants shall pay:
  - a. The required Development 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.
  - c. Cash-in-Lieu of Parkland as set out in the Planning Act and in the City of

Orillia Municipal Code.

4. That water and sanitary laterals shall be installed to the lot line of the proposed severed lot at the expense of the applicant.
5. That the applicant shall grant an easement in favour of Bell Canada, at the applicant's expense, in accordance with the terms and conditions set out in correspondence from Bell Canada dated January 14, 2021.
6. That the applicant shall:
  - a. Apply to the City for and obtain Entrance Permits onto Simcoe Street for the severed and retained lots.
  - b. Provide Traffic Information in accordance with the comments dated January 19, 2021 from the City's Engineering and Transportation staff.
7. 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*.
8. The full cost of the electrical services and any relocation of any OPDC owned poles, wires or other equipment that may be required is the sole responsibility of the property owner/developer.

**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 January 20, 2021.

The Committee further approved Application A2/21 and granted the following variance to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
6.2.12.5 Setback of Driveway from Side Lot Line	Driveway shall be set back a minimum of 0.30 m (0.98 ft) from any side lot line	Driveways to be set back 0.00 m/ft from side lot line	Reduction of 0.30 m (0.98 ft) in setback for driveway from side lot line

- 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 conditions of provisional approval for Consent Application B1/21 be completed within the required one-year time frame.
2. That the applicant shall provide, at the applicant's expense, a 2.00 m landscaped screening strip, which may be an opaque fence, between the rear yard parking areas on the severed and retained lots in Consent Application B1/21 and the adjoining properties at 100 and 122 Simcoe Street, and 465 and 469 Gill Street. The said landscaped screening strip to be installed prior to final occupancy being issued for the dwellings to be constructed on the severed and retained lots.

### **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 January 20, 2021.

### **b) Application for Minor Variance A1/21 (Bargula/Balakrishnan) – 84 Pearl Drive**

The Secretary-Treasurer outlined the application and reported on correspondence received. The Secretary-Treasurer further advised that Josh Morgan of Morgan Planning & Development Inc. had indicated that he had a conflict with other public meetings in another municipality and was unable to attend the hearing for this application. Mr. Morgan had indicated if questions arise that could not be resolved, his request was that the application be deferred to the February 17, 2021 meeting.

### **Proposal**

An application has been made by SUBRAMANYA BARGULA and DHANYA BALAKRISHNAN (Agent: Morgan Planning & Development Inc.) for Minor Variance under File Number A1/21.

The applicants propose to install a second unit within the existing dwelling. In order to do so, the City's Zoning By-law requires that three (3) parking spaces be provided on the property, whereas only two (2) parking spaces currently exist. The purpose of the application is to request minor variances to the provisions of the Zoning By-law to accommodate the additional parking space. The additional parking space is proposed to be slightly shorter than required by the Zoning By-law (5.90 m/19.35 ft as opposed to the required 6.00 m/19.68 ft). Additionally, the existing driveway is paved to the lot line, whereas the Zoning By-law requires a 0.30 m (0.98 ft) setback from a lot line for a driveway.

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

<b>Section</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Variance</b>
6.2.12.5, Setback of Driveway from Side Lot Line	Minimum required setback – 0.30 m (0.98 ft)	Existing setback of driveway from Side Lot Line – 0.0 m/ft	Reduction of 0.30 m/0.98 ft in minimum Setback of Driveway from Side Lot Line
6.2.13, Table 6.4, Required Size of Parking Spaces	Standard Parking Space – 2.70 m wide, 6.00 m long	Length of one Standard Parking Space – 5.90 m	Reduction of length of one Standard Parking Space by 0.10 m

The subject property is located within the “Living Area – Neighbourhood Greenfield” designation of the City’s Official Plan.

**Comments from the Public**

None.

**Comments from Departments/Agencies**

**Engineering Division, Development Services and Engineering Department**

- An Entrance Permit is required for this application. The fee will be waived because it is an existing building and being completed in conjunction with a Minor Variance Application.

**Staff Report:**

Jill Lewis, Senior Planner.

**Applicant’s Comments:**

None. Neither the applicants nor their agent were present at the meeting.

**Public Comments (at meeting):**

None.

**Committee Comments:**

- Committee asked if the Applicant and or their Agent were aware of the Entrance Permit requirement. The Secretary-Treasurer advised that the Agent, Josh Morgan, was aware and was in agreement with the requirement.
- Committee asked for Staff to comment with respect to the requirement for a 0.30 m setback from side lot lines for driveways, would this be a requirement, going forward? Jill Lewis, Senior Planner, advised that existing driveways would be grandfathered, however, in future, a one foot setback from lot lines would be required for single detached dwellings. For Townhouses there is no such setback requirement.

The Committee approved Application A1/21 and granted the following variances to the provisions of Zoning By-law 2014-44, as amended:

<b>Section</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Variance</b>
6.2.12.5, Setback of Driveway from Side Lot Line	Minimum required setback – 0.30 m (0.98 ft)	Existing setback of driveway from Side Lot Line – 0.0 m/ft	Reduction of 0.30 m/0.98 ft in minimum Setback of Driveway from Side Lot Line
6.2.13, Table 6.4, Required Size of Parking Spaces	Standard Parking Space – 2.70 m (8.85 ft) wide, 6.00 m (19.68 ft) long	Length of one Standard Parking Space – 5.90 m (19.35 ft)	Reduction of length of one Standard Parking Space by 0.10 m (0.33 ft)

in order to permit the establishment of a Two-Unit Dwelling on the subject property.

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

**CONDITIONS:**

1. That the applicant shall apply for and obtain an Entrance Permit from the City in order to recognize the existing driveway width inclusive of the decorative stone walkway. The Entrance Permit fee shall be waived by the City. This condition must be satisfied prior to final occupancy being granted for the second unit.

**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 January 20, 2021.

**Correspondence**

None.

**Date of Next Meeting**

Wednesday, February 17, 2021.

**Adjournment**

Moved by Richard Bates seconded by Ted Southorn:

THAT the Committee of Adjustment meeting be adjourned at 10:02 a.m. on January 20, 2021. The Committee will reconvene at 9:15 a.m. on February 17, 2021.

Carried.

MEETING ADJOURNED – 10:02 A.M.

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J. Fecht, Chair