



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES
COMMITTEE OF ADJUSTMENT
HEARING OF
JANUARY 18, 2023

The January hearing of the City of Orillia Committee of Adjustment was held on January 18, 2022 in-person in the Tudhope Boardroom on the Main Floor at City Centre, with the following in attendance:

Chair: Joe Fecht
Member: Rick Bates
Member: Ted Southorn

Nick Skerratt – Intermediate Planner
Jeff Duggan – Senior Planner
Ali Chapple – Senior Planner
Sue McCormick – Planning Administrator
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. Appointment of New Chair:

001-23 **Moved by: Rick Bates**
 Seconded by: Ted Southorn

That Joe Fecht be appointed as Chair for the Agenda for January 18, 2023 be approved.

Carried

4. Approval of Agenda:

002-23 **Moved by: Rick Bates**
 Seconded by: Ted Southorn

That the Agenda for the January 18, 2023, be approved.

Carried

5. Confirmation of Minutes of the November 23, 2022 Hearing:

(5.1) Minutes of the Committee of Adjustment Hearing dated November 23, 2022 shall be approved.

003-23 **Moved by: Rick Bates**
 Seconded by: Ted Southorn

That the Minutes of November be approved.

Carried

6. Notification of Pecuniary Interest:

None.

7. Manner in which Notice was provided:

The Secretary-Treasurer described the Committee of Adjustment procedures for the Hearing.

8. Applications:

(8.1) A18-22 118 Elgin Street

In attendance: Chris Near, Property Owner, present
 Bobbi Leppington, Agent, was present

The Secretary-Treasurer read all correspondence received relative to the application.

Proposal

The purpose of the proposed variance is to allow for the construction of a single detached dwelling unit and detached accessory structure (storage building) exceeding the maximum lot coverage with deficient front, rear, side yard setbacks for the Dwelling and rear and side yard setbacks for the accessory structure (storage building).

The application came before the Committee at the November 23, 2022 Hearing and was deferred for the following reason:

1. To provide the applicant time to consider an increase in the requested Interior Side Yard and Rear Yard setbacks for the proposed detached Accessory Structure prior to returning the application to the Committee.

Comments from the Public:

- Letter of opposition was received from Adrian Bisson and Tina Richardson of 122 Elgin Street.

Comments from Departments/Agencies:

- Engineering Division has comments and a condition.

Staff Report:

- Planning Division recommends approval with conditions.

Applicant's Comments:

Bobbi Leppington, Agent on behalf of the Owner, advised as follows:

- The setbacks to the accessory structure have been increased.
- She has spoken with the neighbour at 114 Elgin and they were agreeable with the 1.0 metre side yard setback and no issue with rear yard setback.

Public Comments (at hearing):

None.

Committee Comments:

The Committee commented as follows:

- In agreement with the overall development although concerned with the rear yard setback to the accessory structure in the original application; however, the owners have now moved the planned shed based on the previous concerns.
- Committee asked if Ms. Leppington had spoken with the neighbours to the east that had submitted a letter in concern, Ms. Leppington advised she had not as there is no relief that can be offered for the 0.2 metre setback based on the design of the dwelling.
- Committee questioned if the overall design could be flipped so that the driveway would be on the other side of the property, Staff advised that this would require a whole new application.
- Committee asked if the encroachment could be switched to the other side of the property, Staff advised that the proposed dwelling is essentially in the location of the previous dwelling; however, as there was no survey to determine the exact location, this was the reason it was before Committee, if the development was reconfigured the deficiencies would have to be recognized and any setbacks required by way of a new application.
- Committee asked how tall the previous dwelling was and Ms. Leppington advised that the dwelling was two stories with a peaked roof and height of 7.5 metres.

The Committee made a motion to approve the application.

004-23 Moved by: Rick Bates
Secoded by: Ted Southorn

Application A18/22 - 118 Elgin Street., be approved with conditions, as per the Decision.

Carried

(8.2) B1-23 and A1-23 8 Mulcahy Court

In attendance: Orsitel LP, Property Owner, present
 Josh Morgan., Agent, 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 one (1) new commercial parcel of land for future development and to grant servicing and access easements. The purpose of the proposed variances is to recognize the deficient lot area for both the severed and retained lands. Applications A1-23 and B1-23 are to be heard in conjunction with each other.

Comments from the Public:

- None

Comments from Departments/Agencies:

- Engineering Division has no comments.
- Canada Post has no comments.
- Enbridge Gas has comments with no conditions.

Staff Report:

- Planning Division recommends approval with conditions for both the severance and minor variance.

Applicant's Comments:

Josh Morgan, Agent on behalf of the owners, addressed the Committee as follows:

- Provided an overview of the applications including to sever off the vacant lands from the hotel lands, establish reciprocal easements in favour of both lots in connection with access and the underground servicing, and for minor variances to establish the reduction in lot areas for both the retained and severed lots.
- Mr. Morgan advised that the entire property had achieved site plan approval in 2019 and the whole site is already serviced.
- Mr. Morgan noted that the parking area for the hotel and the servicing has been completed on the retained land and the asphalt on the severed lot was done some time ago.

Public Comments (at hearing):

None.

Committee Comments:

The Committee commented as follows:

- Committee asked if the traffic patterns over the right of way will change or not, Mr. Morgan advised that there will be no change, Mulchay Court is a year round road with a private portion subject to an agreement with the owners that utilize it, no changes are planned and the asphalt and curbing are already complete.
- Committee questioned how the consent for the easements will be dealt with. Mr. Morgan advised a reference plan has been registered setting out the easements and the lawyer will generate a description of the easements through the certificate at the creation of the severed lot.
- Committee reviewed the conditions of approval.

The Committee made a motion to approve the application.

005-23

Moved by: Rick Bates

Seconded by: Ted Southorn

Application B1-23 and A1-23 – 8 Mulcahy Court, be approved with conditions, as per the Decision.

Carried

(8.3) B2-23 242 Coldwater Road West

In attendance: Nick L'Ecuyer, Property Owner, present.
Shayne Connors, MHBC, Agent, was present.
Jamie Robinson, MHBC, was present.
Neil Depeiro, the neighbouring beneficiary lot owner was present.

The Secretary-Treasurer read all correspondence received relative to the application.

Proposal:

The purpose of the proposed severance is for a lot addition from 242 Coldwater Road West in favour of the neighbouring lands located at 234 Coldwater Road West. The

severance additionally proposes a blanket easement in favour of both properties for access purposes.

Comments from the Public:

- Multiple letters of support received.

Comments from Departments/Agencies:

- Engineering Division has a comment and requested conditions.
- Enbridge Gas has comments with no conditions.
- Canada Post had no comments.

Staff Report:

- Planning Division recommends approval with conditions.

Applicant's Comments:

Shayne Connors from MHBC Consulting addressed the Committee as follows:

- Explained the application and advised that the owner did not have any concerns with the staff report or conditions.

Public Comments (at hearing):

None

Committee Comments:

The Committee commented as follows:

- Committee asked for clarification of the property to be added to the beneficiary lands on the sketch.
- Committee indicated after visiting the properties that the proposal was a good use of the land.
- Staff noted that the Engineering condition has been removed regarding a requested entrance permit as there were no new entrances being proposed, and the existing entrances have been there for some time. The road widening condition is still required.

The Committee made a motion to approve the application.

006-23 **Moved by: Ted Southorn**
 Seconded by: Rick Bates

Application B2-23 - 242 Coldwater Road West be approved with conditions, as per the Decision.

Carried

9. Correspondence / other business:

None.

10. Adjournment:

007-23 **Moved by: Rick Bates**
 Seconded by: Ted Southorn

We now adjourn at 9:46 a.m.

Carried

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

Chair



Lorrie Jackson, Secretary-Treasurer