



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,
WEDNESDAY, JULY 17, 2019 AT 9:15 A.M. IN THE BROOKS BOARDROOM,
ORILLIA CITY CENTRE**

Present:

Joe Fecht – Chair
Ted Southorn – Committee Member

Also Present:

Jeff Duggan – Senior Planner
Jill Lewis – Senior Planner

Regrets:

Richard Bates – Committee Member

Call to Order

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

Approval of Agenda

Moved by Ted Southorn, seconded by Joe Fecht:

THAT the agenda for the July 17, 2019 meeting of the Committee of Adjustment be approved.

Carried.

Disclosure of Interest

None.

Minutes

Moved by Ted Southorn, seconded by Joe Fecht:

THAT the minutes of the Committee of Adjustment meeting held on June 19, 2019 are hereby approved and adopted.

Carried.

Welcome to Attendees and Explanation of Procedures

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

Applications

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

Proposal

An application has been made by GIOVANNI REDA (Agent - Morgan Planning & Development Inc.) for consent under File Number B9/19, to sever property municipally

known as 372 Barrie Road in order to adjust the boundary of the property and add approximately 2.12 ha (5.24 acres) of land to the property municipally known as 348 Barrie Road.

Comments from the Public

- Letter of concern from James and Judith McLaughlin

Comments from Departments/Agencies

Orillia Power

- No concerns
- Any new servicing requirements or changes to existing servicing must follow OPDC's Conditions of Service and Technical Specifications.

Hydro One

- No comments or concerns

MTO

- Site is beyond MTO permit control area. MTO review and approvals are not required.

Bell

- No concerns

Staff Report:

Jill Lewis, Senior Planner

Susan Votour, Planning Coordinator

Applicant's Comments:

Josh Morgan of Morgan Planning and Development Inc., the agent for the applicant, was present along with Gerry Reda, the owner of 348 Barrie Road. Mr. Morgan provided the following comments:

- 372 Barrie Road is owned by Giovanni Reda and 348 Barrie Road is owned by Gerry Reda.
- The purpose of the application is to adjust the property boundaries which will result in 372 being reduced in size to that of a typical residential lot within the neighbourhood (approximately 1,779.80 m²) while 348 Barrie Road will increase in size to 3.52 hectares (8.70 acres).
- The intent of the lot addition is to consolidate all of the vacant land into one parcel as it is anticipated that the property will be developed in the future.

Public Comments (at meeting):

Constance Spek, owner of 45 George Street, noted that although she did not object to the application, she did have a number of comments and concerns that she wanted to bring to the attention of the Committee.

Ms. Spek indicated that the sketch contained within the Notice of Hearing did not accurately reflect the existing property boundaries and therefore requested that a survey for the subject property be undertaken prior to consent being granted. Mr. Morgan responded that the preparation and submission of a new survey is a condition that would need to be satisfied prior to approval of the consent.

Ms. Spek indicated that she was concerned that the removal of trees may encroach onto adjacent properties and additionally noted that she had concerns related to the potential for drainage issues arising as a result of the property being developed.

Ms. Spek further inquired as to whether the property at 36 Marlisa Drive, which is owned by the City, would be used as an ingress/egress for a future proposed development. Jill Lewis, Senior Planner explained that it is the intention of the City to use the property as a roadway for the future development. The lot is wide enough to accommodate the full width of a local road and the City has retained ownership of the lot with the intent of utilizing it for future access purposes.

Committee Comments:

- Committee noted that the issues raised by Ms. Spek would be addressed during Site Plan Control and would be the responsibility of the City during that process. The Committee can only deal with the application before them.
- Committee asked staff to comment on the planning process that would happen at the point that someone wanted to develop these lands. Ms. Lewis explained that development could proceed by way of Plan of Subdivision or Condominium and would be subject to Site Plan Control. Ms. Lewis further explained that Site Plan Control is a very detailed engineering and planning process that would ensure that the site is properly designed. During this process, a stormwater management report would need to be completed with the intent being to ensure that water from the subject lands would not be shed onto adjacent properties. Further, as part of the Site Plan process, the City would take securities (money) in order to ensure the new development is built in accordance with the approved plans.
- The Committee inquired whether a tree study would be part of the Site Plan process. Ms. Lewis indicated that a Landscape Plan would be required and most likely a Tree Preservation and Planting Plan. However, Ms. Lewis indicated that it is very difficult to retain trees during new development as site grading typically requires their removal. New trees are then planted upon completion of construction.
- The Committee inquired as to whether the public is at any time involved during the Site Plan process. Ms. Lewis indicated that there is no opportunity for the public to be involved during the Site Plan process but that the Draft Plan of Subdivision process is a public process at which time the residents would be consulted.
- The Committee inquired whether the property immediately to the east (340 Barrie Road) was owned by the applicant and whether it would be part of a proposed development. Mr. Reda responded that the property would most likely be part of any new development but a decision with respect to the point it would be included in the consolidated parcel has not yet been determined.

- Committee asked if the applicant had reviewed the proposed conditions of provisional approval. Mr. Morgan indicated that the request for a road widening was unsubstantiated and may not be required. Mr. Morgan subsequently requested that the Committee consider waiving this requirement. Ms. Lewis noted that the City obtains road widenings when the opportunities arise and as such, would recommend that the condition remain. The Committee concluded that the condition was appropriate and should remain.
- Committee asked if there were any additional comments from the participants. Ms. Spek inquired as to whether an organization such as the Couchiching Conservancy might go onto the property and identify trees that should be retained. Ms. Lewis noted that this would be highly unlikely as the properties were not been identified as having significant natural heritage features during the last Official Plan review and as such, are afforded no special protection.
- Committee asked Mr. John Sheridan who was also present if he had any questions. Mr. Sheridan indicated that he lived at 37 Marlisa Drive, directly across from the City owned lot and was interested to know if the lot was to be used as a future access. Mr. Sheridan noted that he would be directly affected by vehicle lights exiting the property.

The Committee approved Application for Consent B9/19 and granted provisional consent to a lot addition of approximately 2.12 ha (5.24 acres) of land from the property municipally known as 372 Barrie Road to the adjoining property municipally known as 348 Barrie Road (Figure 2).

The resultant properties would be as follows*:

Address	Lot Frontage	Lot Area
348 Barrie Road	Approx. 45.90 m (150.59 ft)	Approx. 3.52 ha (8.70 acres)
372 Barrie Road	Approx. 29.20 m (95.80 ft)	Approx. 1,779.80 m ² (19,157.61 ft ²)

* Note: Measurements are approximate, exact areas to be determined by Ontario Land Surveyor.

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 41 of 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 and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 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 lot addition 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 electronic registration “in preparation” draft Transfer for the severed lot shall be provided to the Secretary/Treasurer of the Committee of Adjustment together with a signed Acknowledgement and Direction so that the consent certificate may be issued.
2. That the applicants shall pay:
 - The applicant must pay the required Severance Review Fee (\$75.00) as approved by City Council.
 - The required fees for approval of the documents by the Secretary/Treasurer, as approved by City Council.
3. That the applicant’s solicitor shall provide written confirmation to the Secretary-Treasurer that the lot addition lands will merge under the *Planning Act* with 348 Barrie Road.
4. That, immediately following registration of the Transfer of the lot addition lands, the applicant shall register an Application to Consolidate Parcels in order to include the lot addition with the abutting lands municipally known as 348 Barrie Road. The Secretary-Treasurer shall accept, in satisfaction of this condition, an Undertaking from an Ontario solicitor in good standing to effect the registration.
5. That a 1.5 m road widening shall be conveyed to the City, at the applicant’s expense, along the frontage of 372 Barrie Road, if required by the City’s Engineering and Transportation Division. The said road widening shall be identified on the draft reference plan submitted to the Secretary-Treasurer required under Condition #1 herein and shall be transferred to the City free and clear of encumbrance.
6. 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.
7. 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.
8. Section 50(3) of the Planning Act, R.S.O. 1990, cP.13 shall apply to all future transactions with respect to the severed lands.

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 July 17, 2019.

All Decisions of the Committee are subject to the statutory appeal periods as set out in the *Planning Act*.

Date of Next Meeting

Wednesday, August 21, 2019 at 9:15 a.m. in the Brooks Boardroom (1st floor) Orillia City Centre.

Adjournment

Moved by Ted Southorn seconded by Joe Fecht:

THAT the Committee of Adjustment meeting be adjourned at 9:44 a.m. on July 17, 2019. The Committee will reconvene at 9:15 a.m. on August 21, 2019 unless the Secretary-Treasurer has not received a complete application for the Committee's consideration.

Carried.

J. Fecht, Chair