



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

July 19, 2023

The July hearing of the City of Orillia Committee of Adjustment was held on July 19, 2023, by virtual meeting with the following in attendance:

Peter Bowen – Committee Member (Chair)
Ian Gordon – Committee Member
Kelly Smith – Committee Member
Ali Chapple – Senior Planner
Jeff Duggan – Senior Planner
Jill Lewis – Senior Planner
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:

**043-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

That the Agenda for the July 19, 2023, be approved.

Carried

4. Confirmation of Minutes of the June 21, 2023 Hearing:

**044-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

That the Minutes of June 21, 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 A04-23 and B07-23 265 Barrie Road

In attendance: Renny Cannon, agent on behalf of the Owner.

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

Proposal:

The application was previously deferred from the May 17, 2023 meeting.

The purpose of the proposed variance is requested to recognize the deficient lot area for both the severed and retained lands.

The purpose of the proposed severance is to request a division of land to create one (1) new residential parcel of land for future development.

Comments from the Public:

None.

Comments from Departments/Agencies:

Engineering Division has comments and no conditions.

Canada Post and Hydro One had no comments and no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

The applicant's agent, Renny Cannon, addressed the Committee.

- Subject property is a large lot, severance is to create a new lot that could support a two storey triplex providing additional housing.
- Also requesting minimum lot frontage reduction in order to retain the existing triplex on the retained lands, large depth of lot mitigates smaller frontage.
- Application was previously deferred at the applicant's request under the assumption that an arborists report would be required, however, staff have confirmed that it is not, therefore they would like to proceed with the application.
- Application conforms to the four tests and represents a moderate increase in density while maintaining character of neighbourhood.

Public Comments (at hearing):

None.

Committee Comments:

- A Committee member asked if the west elevation is appropriate for side yard setback reduction of severed lot. The Agent advised that as built plans have been prepared in this regard.
- A Committee member expressed concern regarding current use of vinyl siding for the existing structure on the retained lands, and requested an additional condition that the Building Division review the existing west wall of the building remaining on the retain lot and upgrade as necessary for the new side yard setback.
- A Committee member asked for details regarding parking for the proposed structure on the severed lands. The Agent advised it would be located at the front of the lot. Staff confirmed that the parking was not at issue with this application, but that one parking space is required per unit.
- A Committee member asked what access would be available to the backyard. The Agent confirmed that there would be access on both the east and west sides.
- A Committee member asked about site lines for proposed entrance to severed lot. The Agent advised of proposed entrance plans and that there would be good visibility.
- Committee Member Gordon requested to go on record as opposed to both the consent and variance.

The Committee made a motion to approve the application.

045-23 **Moved by: Kelly Smith**
 Seconded by: Ian Gordon

Application A04-23 and B07-23 – 265 Barrie Road, be approved with conditions, as per the Decision

Carried

7.2 A13-23 326 Hilda Street

In attendance: Bobbi Leppington, Design by Bobbi, agent on behalf of the Owner.

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

Proposal:

The purpose of the proposed variance is requested to allow an increase in the maximum height for the construction of a Detached Accessory Structure, supporting shared uses for a garage and an Additional Dwelling Unit.

Comments from the Public:

Six letters including opposition and comments received.

Comments from Departments/Agencies:

Engineering Division has comments and no conditions.

City of Orillia Chief Building Official had comments and no conditions.

Canada Post had no comments and no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

The applicant's agent, Bobbi Leppington, addressed the Committee.

- The site plan has been revised to address the required Ontario Hydro easement at the rear of the lot which will help mitigate concerns raised by local residents.
- Building envelope includes roof overhang.
- Height increase variance necessary in order to have garage with second storey habitable space pursuant to Building Code and *Planning Act* requirements.
- Privacy has been observed by having no openings on either side or outdoor balconies or decks.
- Setback to main dwelling still allows fire and spatial separations, and egress.
- Four tests have been addressed and met in this application.

Public Comments (at hearing):

None.

Committee Comments:

- A Committee member asked if having a dormer on only one side would result in the same height measurement. Ms. Chapple confirmed that it would still be measured the same as the most effected height.
- A Committee member commented that the application did not appear to adhere to the purpose and intent of the Official Plan as being compatible with the character of adjacent buildings as there are no other two storey buildings in the neighbourhood, only one storey and one and a half storey.
- A Committee member asked, regarding the condition of a wooden privacy fence, could a vinyl fence could be build instead. Ms. Chapple advised that a wooden fence provides privacy, noise attenuation and is more structurally sound, but an alternative may be considered if the proposed material achieves those results.

- A Committee member asked if a residential unit above a garage with access through an inside stairwell requires a secondary exit. The Agent advised that a single access is permitted provided an egress window is provided on the second floor.

The Committee made a motion to approve the application.

045-23 **Moved by: Kelly Smith**
Seconded by: Ian Gordon

Application A13-23 – 326 Hilda Street, be approved with conditions, as per the Decision

Carried

7.3 A14-23 263 Canice Street

In attendance: Josh Morgan, Mogan Planning & Development, agent on behalf of the Owner.

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

Proposal:

The purpose of the proposed variance is to allow for the creation of a 12th unit in an existing 11 unit apartment building which will increase the non-compliance of the parking ratio.

Comments from the Public:

None.

Comments from Departments/Agencies:

Engineering Division has no comments and no conditions.

Canada Post had no comments and no conditions.

Staff Report:

Planning Division recommends approval with no conditions.

Applicant's Comments:

The applicant's agent, Josh Morgan, addressed the Committee.

- Apartment has existing for more than 50 years.
- Variance would allow property owner to better utilize storage space in the basement for the creation of a twelfth unit.
- Additional unit would not require any addition or exterior alterations, only deficiency is decreasing the parking ratio to 1.08 parking spaces, meaning each unit would have its own parking space, and there would be one visitor parking space.

Public Comments (at hearing):

Anonymous Tenant of 263 Canice Street addressed the Committee:

- Shared concerns regarding visitor parking, addition of twelfth unit and their storage and laundry facilities, accessibility to building, possibility for increase in rent, basement flooding issue and lack of communication from landlord, concerned about additional unit taking away their amenities.
- The Agent provided clarity that the application does not propose to reduce the number of parking spaces, the existing 13 spaces will remain, the only thing changing is the ratio of units to parking spaces, with the proposed additional unit.
- The Agent could not comment with respect to the assumption that the lease rates may be changed.
- The Tenant commented that there is no snow removal from the site and the existing landlord uses one of the parking spaces currently for snow storage.
- The Agent offered that snow may be an enforcement issue for which Tenants could contact the City's By-law Enforcement Division, but that he would speak to his client and ask that they be more diligent in dealing with the snow so as not to use a parking space for same.

Anonymous Tenant of 263 Canice Street addressed the Committee:

- There is no on street parking overnight in the winter, building managers space that is unused, parking is very tight already.
- The Agent advised that there would be no change to the number or size of parking spaces as they exist today, only the ratio of spaces to units.
- The Tenant advised that there was an existing storage shed that could possibly be used for the refuse containers.

Celine addressed the Committee:

- There is no overnight parking on street in the winter months.
- Decrease in parking ratio and standard parking space size is a concern for tenants.
- On street parking and the slope of the surrounding streets are often difficult for Tenants to utilize.
- Proposal is to renovate underutilized storage space and utility room; however, Tenants have indicated that it is not underutilized.

- The Agent provided a floor plan onscreen of the basement area of the building providing clarity as to the proposed basement unit and that his understanding is that laundry facilities would remain.
- Indicated that the size of the current spaces and the proposed reduction is already smaller than current requirements. A Committee member advised that Mr. Duggan had indicated that the property was legal non-conforming due to its age.

Committee Comments:

- A Committee member asked Staff for procedural clarity on how the comments of the anonymous tenants should be treated. Ms. Chapple advised that it would be at the Committee’s discretion as to how they weigh the comments, but that anyone can be heard even if they don’t want to identify themselves.
- A Committee member asked if refuse containers could be moved to free the space that was currently being occupied by them. The Agent will speak to his client regarding relocating the refuse containers.
- A Committee member asked if there was a requirement that a certain number of spaces be designated as accessible. Mr. Duggan advised that would be a requirement of a new development, but as this property is 50+ years old, it is legally existing or grandfathered under the Zoning By-law.
- The Committee advised that any Tenants concerned with snow storage and removal issues could contact the City as it may be an enforcement issue.

The Committee made a motion to approve the application.

**045-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application A14-23 – 263 Canice Street, be approved with conditions, as per the Decision

Carried

7.4 B10-23 29 Tecumseth Street

In attendance: Josh Morgan, Morgan Planning & Development, agent on behalf of the Owner.

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

Proposal:

The purpose of the proposed severance is for a lot addition from 29 Tecumseth Street in favour of the neighbouring lands located at 25 Tecumseth Street. The properties currently

are subject to a right of way over the severed lands which will be released upon completion of the severance.

Comments from the Public:

None.

Comments from Departments/Agencies:

Engineering Division has no comments and no conditions.

Canada Post and Hydro One had no comments and no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

The applicant's agent, Josh Morgan, addressed the Committee.

- Provided a street view image to explain lot addition severance requested.
- The Applicant and the adjacent property owner at 25 Tecumseth Street have an agreement in place for the lot addition.
- John Doan and Hannah Wickstrom, owners of 25 Tecumseth Street, the benefitting lands, advised that the property line goes down the middle of their driveway meaning they have to keep in clear and ask permission of the owner of 29 Tecumseth Street when they require the additional parking space.
- The owner of 29 Tecumseth has a separate driveway and does not require this access and has therefore consented to an agreement with the owner of 25 Tecumseth for the lot addition.

Public Comments (at hearing):

None.

Committee Comments:

None.

The Committee made a motion to approve the application.

045-23 **Moved by: Kelly Smith**
 Seconded by: Ian Gordon

Application B10-23 – 29 Tecumseth Road, be approved with conditions, as per the Decision

Carried

8. Correspondence / other business:

- a. Kathy Hunt Letter dated June 23, 2023.
 - i. Do the minutes get shared with Mayor and Council? Decisions are provided through a link to the webpage, and Minutes are available there as well but not forwarded to them directly.
 - ii. Has the letter officially went to Council? Ms. Chapple advised that Staff were not aware of the status of the letter as to how it was being addressed by Council services.
 - iii. Committee Members asked about the recent Council report to raise height of new developments. Mr. Duggan advised of the status of the report.
 - iv. Is a response from the Committee required? Ms. Chapple advised that it was up to the discretion of the Committee and that the Mayor's office would advise Staff if a direct response was required. None has been requested at this time.
- b. Check in with Members on process.
 - i. Committee asked for confirmation if site visits were a legal requirement of members. Staff are not aware of any legal requirement, but will report back at the next hearing.

9. Adjournment:

**049-23 Moved by: Ian Gordon
 Secoded by: Kelly Smith**

We now adjourn at 10:41 a.m.

Carried

The Committee will reconvene at 9:15 a.m. on September 20, 2023.

Pete Bowen, Chair

Lorrie Jackson, Secretary-Treasurer