



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,
WEDNESDAY, JUNE 16, 2021 AT 9:15 A.M. – ELECTRONIC HEARING**

Present:

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

Also Present:

Ali Chapple – Secretary-Treasurer
Jeff Duggan – Senior Planner
Nick Skerratt – 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 June 16, 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 Planner 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 June 16, 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:

- May 19, 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 and 69 Albert Street South – Change of Conditions re: Road Widening

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

Proposal

A request to change conditions from previous Consent decision approved February 17, 2021

Comments from the Public

None.

Staff Report:

Supplementary Memo from Nick Skerratt, Intermediate Planner and Jeff Duggan, Senior Planner.

Comments from Departments/Agencies

None

Applicant's Comments:

Benjamin Berry, Solicitor with Margaret Black Profession Corporation, Agent for the Applicants, was present. Josh Morgan, Agent for the Applicant with respect to rezoning of the property was also present.

Public Comments (at meeting):

None.

Committee Comments:

- Committee commented that the likelihood of the road being widened in the near future was very low as the road was recently repaved and a new sidewalk installed.

The Committee granted the Change of Conditions of the severance of property known municipally as **63 and 69 Albert Street South**, as follows:

- **The proposed Severed Lot (63 Albert Street South) is as follows:**
Lot Frontage: Approx. 16.76 m (55.00 ft.) on Albert Street South
Lot Area: Approx. 541.62 m² (5830.00 ft²)

- **The proposed Retained Lot (69 Albert Street South) is as follows:**
Lot Frontage: Approx. 14.93 m (49.00 ft) on Albert Street South
Lot Area: Approx. 482.53 m² (5194.00 ft²)

REASONS: The request to change/alter condition is considered minor.

SUBJECT TO THE FOLLOWING REVISED CONDITION:

3. That a 2.3 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. (Revised June 16, 2021)

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.

b) Application for Minor Variance A5/21 (Chayko) – 661 Broadview Avenue

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

Proposal

This is a recirculation of an amendment to an application for Minor Variance been made by Richard and Sharon Chayko under File Number A5/21.

The applicants propose to construct a carport as an addition onto the existing Single Detached Dwelling at 661 Broadview Avenue. The carport was originally proposed to be located 0.30 m (1.0 ft) from the Interior Side Lot Line. The original proposal was heard by the Committee of Adjustment at its meeting on April 21, 2021 and was deferred in order to allow the applicant to revise the proposal. **The revised proposal submitted by the applicants requests permission to allow a 0.609 m (2.0 ft) Interior Side Yard for the carport**, whereas the Zoning By-law requires an Interior Side Yard of 1.20 m (3.94 ft) in the Residential One Zone. Although the original carport complied with the height requirements in the Zoning By-law, the applicant has lowered the roofline and has provided details regarding how runoff will be directed away from adjoining properties.

The subject property is located within the "Living Area – Stable Neighbourhood" designation of the City's Official Plan.

Comments from the Public

A letter of objection was received from

- **Tony and Betty Bridgens – 667 Broadview Avenue**

A letter of support and objection was received from

- **Anonymous – Partial Support and Objection**

Letters of support were received from:

- Donna Drew – 656 Broadview Avenue
- Larry MacCormack – 652 Broadview Avenue
- John and Jean Watkins – 653 Broadview Avenue
- Linda Allbright – 628 Moberley Avenue
- Michael Hefferon - 664 Broadview Avenue
- 637 Broadview Avenue
- Megan Drew Design - support

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 be required prior to issuance of a building permit. A lot grading deposit of \$750 may be required, \$145 of which is non-refundable. Engineering has reviewed the turning radius information supplied by the applicant and has no issue with the proposal.

CBO

No comments

Staff Report:

Jeff Duggan, Senior Planner.

Applicant's Comments:

Rick Chayko, the Applicant, was present. Mr. Chayko advised the following:

- Peak of carport roof has been lowered to reduce impact on neighbour's property.
- Water runoff will run towards road through eavestroughs and downspouts.

Public Comments (at meeting):

None.

Committee Comments:

- Committee commented that the resubmission addressed the neighbour's concerns.
- Committee commented that the proposed carport did not take away from the neighbour's enjoyment of their property, adding that most leisure activities would take place on the canal side of the property.
- Committee commented that the Applicant has made an adequate effort to lower the roof and reduce the sideyard setback so as not to impede his neighbour.

The Committee approved Application A5/21 and the following variance is granted to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
Section 7.4, Table 7.2, Zone Provisions for Residential Zones	Minimum Interior Side Yard in R1 Zone – 1.20 m (3.94 ft)	Minimum Interior Side Yard in R1 Zone – 0.30 m (1.00 ft)	Reduction of Interior Side Yard by 0.90 m (2.95 ft)

in order to permit the construction of an attached carport having an area of approximately 41.25 m² (444.01 ft²) on the subject property.

- 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 siting of the carport shall be substantially in compliance with the plans submitted with the application.
2. That the roof of the proposed carport be designed such that water, ice and snow runoff is directed away from the adjoining property.
3. That there shall be no eave overhang on the southerly side of the structure.

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 June 16, 2021.

c) Application for Minor Variance A11/21 (Christina Yi Sun) - 124 Norweld Drive

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

Proposal

An application has been made by Christina Yi Sun (Agent: Gabriela Lopez Forte, Markham High Tech.) for Minor Variance under File Number A11/21.

The applicant proposes to construct a new 2 storey Industrial Building (warehouse), on the property known municipally as 124 Norweld Drive. The Industrial Building is proposed to

have a height of 8.50 m (27.8 ft), a footprint of 236.10 m² (2540.02 ft²) and a Gross Floor Area of 445.20 m² (4,792.00 ft²). The Interior Side Yard setback is proposed to be 1.53 m (4.98 ft) whereas the Zoning By-law requires 4.50 m (14.80 ft) and the Front Yard setback is proposed to be 5.00 m (16.40 ft), whereas the Zoning By-law requires 10.00 m (32.80 ft). The request for reduced setbacks is in part due to an existing rear yard easement area, which houses a third-party solar panel.

The subject property is located within the “Employment Lands – Light Industrial Service” designation of the City’s Official Plan.

Comments from the Public

None.

Comments from Departments/Agencies

City of Orillia Engineering Division

Sight triangles must be shown on private property.

Staff Report:

Ali Chapple, Intermediate Planner and Secretary-Treasurer.

Applicant’s Comments:

Michael Forte, MHG Architects, Agent for the Applicants, was present. Mr. Forte advised the following:

- The property is subject to maintenance easements for solar panels affixed at the rear of the property and are owned by another party, the size of the solar panels have caused limitations on siting of the building resulting in the requested variances to address the need to place the proposed building closer to the street.
- Changes have been made in accordance with consultation with the City’s Planning Division.
- In response to Committee’s inquiry, Mr. Forte advised that there was a loading door towards the rear of the building on the left-hand side of proposed plan.

Public Comments (at meeting):

None.

Committee Comments:

- Committee asked if the area was serviced by municipal sewer and water. Secretary-Treasurer advised that it was.
- Committee asked how the proposed structure will be used. Secretary-Treasurer advised that there was a proposed user, and that they are currently going through site plan approval, which is in its second circulation. Mr. Forte confirmed same.
- Committee confirmed with the Applicant’s Agent that they were aware of and in agreement with the conditions of approval.

The Committee approved Application A11/21 and the following variance is granted to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
Table 12.2 Required Yards - Front Yard (Min)	10.0m (32.8ft)	5.0m (16.4ft)	5.0m (16.4ft)
Table 12.2 Required Yards - Interior Side Yard (Min)	4.5m (14.8ft)	1.52m (4.98ft)	3.48m (11.4 ft)

- 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 construction shall proceed in substantial compliance with the plans and drawings submitted with the application.
2. That Site Plan Approval be obtained prior to the issuance of a Building Permit.

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 June 16, 2021.

d) Application for Consent B7/21 and Minor Variance A12/21 (Brown) – 40 Calverley Street

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

Proposal

An application has been made by DENNIS BROWN (AGENT: DAVID SEAMAN) for consent under File Number B7/21, which proposes to sever the property municipally known as 40 Calverley Street, City of Orillia.

The property currently has frontage of 27.43 m (90.00 ft) on Calverley Street and an area of 1,084.50 m² (11,677.76 ft²).

The applicant is proposing to sever the property into 2 new residential lots fronting onto Calverley Street. The proposal is to demolish the existing dwelling on the property and construct a new Two-Unit Dwelling on each of the severed and retained lots, and potentially in future to construct a detached Accessory Structure containing an Additional Dwelling Unit on each lot. The Severed and Retained lots are proposed to have the following measurements:

Lot	Proposed Lot Frontage	Proposed Depth	Proposed Area
Lot 1 - Severed	13.72 (45.14ft)	39.63m (130.02ft)	543.00 m ² (5,844.80ft ²)
Lot 2 - Retained	13.72 (45.14ft)	39.63m (130.02ft)	541.90 m ² (5,832.96ft ²)

Both the severed and retained lots comply with the Minimum Lot Area requirements in the “Residential Two” (R2) Zone but require a Minor Variance for a proposed reduced Minimum Frontage. Refer to sketch, page 4.

A Minor Variance Application has been made concurrently with Consent Application B7/21 as described above. The applicant has requested relief from the Required Minimum Lot Frontage for both the severed and retained lots.

The applicant is also requesting relief for the minimum Lot Frontage requirement to permit an Additional Dwelling Unit within a Detached Structure.

Zoning By-law 2014-44 requires new lots in the “Residential Two” (R2) Zone to have a Minimum Lot Frontage of 15.00m (49.21 ft), whereas the severed and retained lots in Consent Application B7/21 are proposed to have a Minimum Lot Frontage of 13.76m (45.14 ft).

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

Comments from the Public

- 4 – Letters in opposition to both Variances and Consent.
- 4 – Letters opposed to the ADU variance only.

1. 1 Leach Street – opposed
2. 1 Leach Street - opposed ADU silent on Severance
3. 3 Leach Street – opposed
4. 4 Leach Street - opposed
5. 39 Calverley Street – partial support and partial opposition
6. 36 Calverley Street - opposed
7. 41 Calverley Street – partial support and partial opposition
8. 43 Calverley Street - partial support and partial opposition

Comments from Departments/Agencies

City of Orillia Engineering Division

- Road Widening of 2.39 m for both sites required.
- Entrance Permits for both sites required.

Union Gas

Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance.

Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the Attachment Centre at 1-866-772-1045.

Staff Report:

Ali Chapple, Intermediate Planner and Secretary-Treasurer and Jeff Duggan, Senior Planner.

Applicant's Comments:

David Seaman, Agent for the Applicant, was present. Mr. Seaman provided a presentation and advised the following:

- Consent for Lot creation and variance for deficient lot frontage to permit the construction of two-unit dwellings, and future detached garden suites (Accessory Dwelling Unit - ADU) on both the severed and retained lots.
- All other provisions of the Zoning By-law have been maintained, and the application meets all the requirements for a consent and variance to be granted.
- Surrounding neighbourhood is primarily single-family homes, semi-detached and duplex homes.
- Consideration has been given to sensitive use in an established neighbourhood, including tree preservation with minimal removal or limbing.
- Renderings provided of dwelling containing secondary suite, and future garden suite provided,
- Confirmed that the additional dwelling units proposed for the rear yard will be bachelor or one-bedroom units.

Public Comments (at meeting):

Ryan Kay, of 39 Calverley Street, was present. Mr. Kay commented that:

- They were partially opposed to this application and believed that there was potential for approximately 20 people living on the property and believe that the application should not be allowed as the proposed use does not meet current property parameters.
- He was not opposed to the consent, but is opposed to the variance for the additional dwelling units on both the severed and retained lots.

Arial Kehat, of 48 Calverley Street was present. Mr. Kehat commented that:

- He is in favour of the proposed consent and variance.
- There is a shortage of housing in small towns resulting in rental opportunities being unaffordable to most.

Kent Boehme, of 1 Leach Street was present. Mr. Boehme commented that:

- He is opposed to the variance application.
- Additional Dwelling Unit in the backyard, will directly affect his family and the enjoyment of his property.
- Additional dwelling units should be placed on properties that can accommodate them without variance.

Frederick Robbins, son and representative of Shirley Huttley of 36 Calverley Street, was present. Mr. Robbins commented that:

- With respect to the consent application, the proposed lots are very small and not in keeping with the surrounding neighbourhood.
- Proposed variance undesirable and incompatible with the neighbourhood, he is opposed to additional dwelling units in the rear, and parking configuration may be problematic.
- Mr. Robbins asked if any trees will be removed, and if there is any compensation to the City for tree removal. The Agent for the Applicant advised that his client will try to maintain and save as many trees as possible, but will likely be removing trees along the frontage of the property due to location of proposed driveways and utilities, etc. Trees along the side and rear perimeter of property will likely be maintained or limbed. Mr. Duggan advised that compensation would only be required if a tree was on a municipal road allowance. No compensation is required if a tree is on private property.

Committee Comments:

- Committee asked for clarification on Provincial direction with respect to intensification. Senior Planner, Jeff Duggan, confirmed that Orillia is designated as a settlement area by the Province meaning that development is to take place within the City by building up, rather than out. Additional housing opportunities are to be developed in residential communities through Bill 108 *More Homes More Choices Act*, requiring municipalities to make additional dwelling units available in residential areas, by inserting this term in their Official Plan. Orillia incorporated this Provincial direction in January, 2021 into their Official Plan.
- Committee asked if most residential properties in the City could accommodate additional dwelling units under these new policies. Mr. Duggan advised that all residential zones would meet these requirements for three units.
- Ali Chapple, Intermediate Planner and Secretary-Treasurer commented that coach houses in the rear of properties would be an existing example of additional dwelling units.
- Committee commented that severed and retained lots meet minimum lot size.
- Committee asked for clarification with respect to road widening measurements. Mr. Duggan advised that the measurements were based on size of Calverley Street now, and the additional widening that would be required to meet the current minimum size required, which the Official Plan allows.

- Committee asked if there were any Council resolutions to support Additional Dwelling Units. Mr. Duggan advised that Council is the authority that approves changes to the Official Plan which provided these provisions, but no other Council resolutions have been made. Secretary-Treasurer confirmed that Council has passed these provisions which in turn appears in the Zoning By-law, making it an item to be dealt with by the Committee of Adjustment.
- Committee asked for specifications of Additional Dwelling Units. Mr. Duggan advised of the zoning parameters.
- Committee asked if the additional dwelling unit will have a basement or be built on a pad. The Agent, Mr. Seaman advised that the additional dwelling unit will be built on a pad.
- Committee confirmed that the additional dwelling unit will have municipal services.
- Secretary-Treasurer advised that permits are already being received for additional dwelling units on properties that meet minimum requirements,
- Committee commented that need for intensification will change our neighbourhoods as directed by Province.

The Committee approved Application B7/21 and granted provisional consent with respect to the severance of severance of 40 Calverley Street. The resultant severed and retained lots will be as follows:

Lot	Proposed Lot Frontage	Proposed Depth	Proposed Area
Lot 1 - Severed	13.72 (45.14ft)	39.63m (130.02ft)	543.00 m ² (5,844.80ft ²)
Lot 2 - Retained	13.72 (45.14ft)	39.63m (130.02ft)	541.90 m ² (5,832.96ft ²)

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 A12/21 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 and retained 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. Alternatively, a description pre-approval from the Land Registry Office confirming that the existing legal description of the property is acceptable for registration shall be provided to the Secretary-Treasurer.
 - b. One (1) copy of the electronic registration “in preparation” draft Transfer for the new 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.
3. That the applicant shall pay:
- a. the required Severance Review Fee (\$75.00) as approved by City Council.
 - b. Cash-in-Lieu of Parkland as set out in the Planning Act and in the City of Orillia Municipal Code and to the satisfaction on the City
 - c. the required fees for approval of the documents by the Secretary/Treasurer, as approved by City Council.
4. That a 2.39 m road widening across the frontage of the severed property at 40 Calverley Street 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.
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*.

The Committee further approved Application A12/21 (Dennis Brown) and granted the following Minor Variance to the provisions of Zoning By-law 2014-44, as amended:

7.4, Table 7.2 “Zone Provisions for Residential Zones”	Lot Frontage (Minimum) for a property in the R2 Zone - 15.00 m (49.21 ft)	Minimum Lot Frontage of 13.76 m (45.14ft)	Reduction of 1.24 m (4.06 ft) to the Minimum Lot Frontage
Section 5.2.2 Additional Dwelling Units Contained Within an Accessory Structure, Subsection 5.2.2.2	An Additional Dwelling Unit contained within an Accessory Structure on a Lot is permitted provided the Lot has a Minimum Lot Frontage of 15.0 m (49.21ft)	Minimum Lot Frontage of 13.76 m (45.14ft)	Reduction of 1.24 m (4.06 ft) to the Minimum Lot Frontage to permit an Additional Dwelling Unit contained within an Accessory Structure

- 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 B7/21 be completed within the required one-year time frame.

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.
- Detailed individual lot grading plans prepared by a Consulting Engineer or an Ontario Land Surveyor knowledgeable in such matters will be required to be submitted and approved by the City prior to issuance of a building permit.
- A lot grading deposit may be required.

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 June 16, 2021.

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 June 16, 2021.

Correspondence

None.

Date of Next Meeting

Wednesday, July 21, 2021.

Adjournment

Moved by Richard Bates seconded by Ted Southorn:

THAT the Committee of Adjustment meeting be adjourned at 11:07 a.m. on June 16, 2021. The Committee will reconvene at 9:15 a.m. on July 21, 2021.

Carried.

MEETING ADJOURNED – 11:07 A.M.

J. Fecht, Chair