



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

June 21, 2023

The May hearing of the City of Orillia Committee of Adjustment was held on June 21, 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
Anna Dankewich – Intermediate Planner
Lorrie Jackson – Secretary-Treasurer
Sue McCormick – Planning Administrator

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:

**033-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

That the Agenda for the June 21, 2023, be approved.

Carried

4. Confirmation of Minutes of the May 17, 2023 Hearing:

**034-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

That the Minutes of May 17, 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 A08-23 51 Clifford Street

In attendance: Greg Barker, Innovative Planning Solutions, 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 to allow for the construction of a 4-storey, 6-unit residential condominium building. The proposed development requires four (4) Minor Variances from Zoning By-law 2014-44 to permit a reduced minimum interior side yard setback; an increased maximum building height; a reduced minimum side yard landscaped buffer area and a reduced minimum yard encroachment for a Balcony.

Comments from the Public:

One letter in opposition of the application.

Comments from Departments/Agencies:

Engineering Division has comments with conditions.

Canada Post has a comment with no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

The applicant's agent, Greg Barker, addressed the Committee.

- Mr. Barker made a presentation to Committee.

- He reviewed the application, land use designation and zoning and explained the reason for the deferral.
- He explained the deferral on the balance requested being the side yard setback including the reasons for deferral.
- Their team regrouped to come back with a proposal. The amended variance setback changed to .69 metres from .50 metre side yard.
- No building code issues with regard to this setback.
- Showed revised site plan that indicates south side setback of .69 metre on left side of property and .72 metre setback on the right side of the building.
- The proposal is a 6 unit, 4-storey walkup apartment building with a common amenity area and ground floor parking, snow storage at the rear and the parking areas shown.
- Mr. Barker reviewed the original variances proposed and indicated they were fine with the conditions.

Public Comments (at hearing):

Kathy Hunt addressed the Committee:

- Ms. Hunt asked if this is a standalone building and how is this connected to the next application which is 48 Orchard Point.
- She questioned the height with the parking roof top patio which makes the building more like 5 to 6 stories.
- She is concerned with the City's intensification goal of 40%. The City has already surpassed this goal due to the contribution of development in Orchard Point.
- She questioned the same firm is representing both properties and why are they separate applications.
- Mr. Barker indicated this is a standalone building and not related to 48 Orchard Point and is adjacent to this property. His firm is acting for both properties, however, separate applications.
- He indicated that the height was approved at the previous hearing.
- He indicated the intensification targets are established at a minimum and the use of current infrastructure.
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Committee Comments:

- A Committee member questioned if there would be tree removal from the adjacent property or are the trees located on 51 Clifford.
- Mr. Barker indicated that they have been working on the concept plan for some time prior to Bill 23 and the Province has now eliminated site plan approval for 10 units or less.
- He indicated they had been going through the site plan application and pre-consultation and at that time a tree inventory plan was required and initiated.
- He indicated that there is a draft inventory plan which identifies the trees and they are not proposing to remove trees on the adjacent property as this would require approval from the owners and there are some trees on the south side removed on their property regardless of the setback requested.

- A Committee member thanked Mr. Barker for listening and bringing the application with the requested adjusted setbacks.

Public Comments (at hearing):

Barry Thomson addressed the Committee:

- He is directly opposite of 48 Orchard Point.
- He indicated the units should be reviewed together rather than individually.
- There are easements affecting both properties and affect Orchard Point Road.

A Committee member questioned staff if these lands were 2 separate entities. Staff advised there are 2 separate owners and these are 2 separate legal properties. They have to be dealt with separately as two separate applications with different conditions.

Rick Mile addressed the Committee:

- Mr. Mile indicated he has been a resident for about a year and a half and is very concerned with the application.
- He indicated he had sent emails to the Councillors and staff to answer his questions on intensification and development in the overall peninsula. He feels there does not appear to be any consideration of the overall development.

Barry Thomson addressed the Committee:

- He indicated that the whole point is the area has been put under as an intensification area in the general plan for Orillia and residents of Orillia were not consulted about the intensification and learned about this after the fact.
- Need to look at traffic congestion at Orchard Point and Atherley Road. The lights were to be put there in 2017 but nothing has occurred.
- Hydro trucks are parked at the entrance of Orchard Point Road and blocking access. The bigger trucks require the whole width of the road to turn and then the school buses are in and out; feels there will be a collision.
- He appreciates there needs to be intensification, however, the Planning Department needs to look at the overall concept and coordinate the intensification and overall plan with the various condos and what is allowed on one lot will be looked for on another.
- Mr. Thomson advised that the condos at 48 Orchard Point will look at blank walls in the future as no natural light into them.

A Committee member noted that the City has been looking at the traffic light situation and Atherley Road being a Provincial Road. Staff advised that the intersection is under the MTO jurisdiction and the City has been working with the Ministry of Transportation on this area.

The Committee made a motion to approve the application.

035-23 **Moved by: Kelly Smith**
Seconded by: Ian Gordon

Application A08-23 – 51 Clifford Street, be approved with conditions, as per the Decision

Carried

7.2 A07-23 48 Orchard Point

In attendance: Tyler Kawall, Innovative Planning Solutions, 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 facilitate the development of a 4-storey 18-unit residential condominium building with enclosed rooftop amenity and a rooftop patio. The proposed development requires five (5) Minor Variances from Zoning By-law 2014-44. The variances sought in this application would permit an increased lot coverage, an increased building height, reduced landscaped open space, an exception to the minimum front yard landscaped buffer, and a modification to the definition of landscape buffer.

Comments from the Public:

None

Comments from Departments/Agencies:

Engineering Division has comments with no conditions.

Canada Post has a comment with no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Owner/Applicant's Comments:

Tyler Kawall of Innovative Planning Solutions, agent on behalf of Orchard Point Corporation, addressed the Committee:

- Mr. Kawall reviewed the presentation, site description, surrounding land uses and land use designation and zoning.
- He explained the proposal was for a 4 storey, 18 unit residential condominium building.
- He reviewed the minor variances, 4 tests of a minor variance and the 5 variances proposed.
- The proposal achieves residential intensification intended for the area, supports a transition and density in the existing neighbourhood, promotes function site design and compact built form.
- Mr. Kawall advised he reviewed the staff report and they are in agreement with the conditions proposed.
- The site is subject to site plan control and they are working through the detail design with the engineer.

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Public Comments (at hearing):

Alfred Roberts addressed the Committee:

- Mr. Roberts advised is a retired architect.
- He strongly objects to this proposal and very concerned about the impact of traffic.
- He feels the current road is too narrow and a standard road size could not be installed. The road was originally a dirt road to the cottages.
- Mr. Roberts would like to see this application be deferred due to too much intensification with insufficient landscaping and more traffic studies required.
- He noted there should be more of a study on the road and the impact with all of the cars as once Mariners Pier and Sophies Landing are fully development.
- He feels 100 potential cars onto this road from Hwy. 12 and it takes 12 to 15 minutes to make a left hand turn from Orchard Point Road.

Barry Thomson addressed the Committee:

- Mr. Thomson indicated he has not received a notification and he feels he is within the required 60 metres.
- He feels the building is not suitable for this property.
- Mr. Thomson noted that the building should be pushed back to line up with the residential buildings in the area.
- The property is used for recreational and dog walking area and used by the condo on the south as there are no further amenities there.
- He feels this is a case of lack of planning.
- Mr. Thomson noted that as a quick summary, looking at 200 households or apartments and at 1.5 cars per unit, that could have a potential of 300 cars going into the properties on Orchard Point.
- He feels the City has to put pressure on the MTO to get the traffic lights installed.
- He is concerned with the variance at the front of the building.

- Mr. Thomson would like to see this proposal of condos and 51 Orchard Point Road be held until Council has reconsidered the whole area and amendments to their by-law. This should be dealt with in a proper manner.

Kathy Hunt addressed the Committee.

- Ms. Hunt indicated that she is really disappointed that the Planning Department has recommended approval. They should look at the entire neighbourhood.
- The development should not be approved as it is detrimental to the character of the neighbourhood in the Official Plan.
- This is another example of supporting the developers not the taxpayers.
- The variances are not minor and this development is not suited to the neighbourhood.
- Ms. Hunt indicated the area needs the existence of traffic lights to support this development.

Rick Mile addressed the Committee:

- He feels there is a lack of transparency and has emailed the local Council.
- Mr. Mile noted that there has been a lack of consultation and wonders if the Planners and Committee members have been on site.
- Due consideration is not being given to the overall area, lack of infrastructure and no sidewalks and quite concerned many single properties that will get developed.
- There is development after development in isolation without looking at the total area;
- Completely changing the character.
- If develop properties, then should be within the existing by-law with no variances and not look to put large buildings in tiny spots.
- He feels this is destroying the overall flavour of the neighbourhood.

Sylvia Rogan,

- Ms. Rogan lives behind the potential build and feels this certainly is an encroachment on her privacy.
- She is opposed to all variances.
- This is more than enough for this area and feels this is just pure greed by developers.
- Would like to see more landscaping other than stones and concrete.

Barry Thomson addressed the Committee:

- There should be fire concerns with the extension of the easements and with the building and how the fire trucks can access the building.
- Concerned with materials being used to build buildings and with the extension of 5 storeys and elevators not being able to be used during a fire.
- This building should not be put on this property.
- All buildings should be stopped and further reviewed.

Alfred Roberts addressed the Committee:

- Mr. Roberts would like to put concerns to rest; fire concerns will be developed with the appropriate departments with the City of Orillia
- The building would be required to meet all regulations today.
- The concern is the impact to put this building on this site.
- Orchard Point was originally a laneway before taken over by the City and should require an impact statement for future traffic.
- The application should be deferred until impact statement received.

Staff advised that this property is subject to site plan control and under that process, a number of studies will be required including a traffic impact statement and analysis. The City is quite aware of threshold at Orchard Point and close to signalization and taking into review. The development must do a site plan agreement,

Nancy Henry addressed the Committee:

- Ms. Henry is part owner of 72 and 51 Orchard Point Road
- Only land that is left on the point.
- There has been no park proposed and amazed at what is being passed with the amount of traffic and future traffic.

Mr. Kawall addressed the Committee to answer some of the neighbours as follows:

- Appreciate the input from the public;
- Site is subject to site plan control;
- Fire code requirements to be met;
- For the traffic, there are host of plans and studies have been submitted;
- Traffic impact study was part of the site plan development;
- Ongoing traffic impacts are monitored;
- Storm Water Manager – report submitted through site plan application – reviewed the drainage;
- Light and shadowing – 16 metre height - by-law permits 11 metre;
- Buildings permitted up to 8 stories - height meets the intent under the Official Plan;
- Height variance achieves the intensification of the Official Plan;
- Density – City 40% - contributes to that and it is a minimum - intended by the City to have much higher density – this site identified for that;
- Shadowing – upper level is pulled back substantially and would not add shadowing;
- Misleading – not entire massing on the site plan along the edge;
- Certain stories are pulled back to allow for balconies;
- Neighbour character – in line of the envisioning of the neighbourhood – numerous single family dwellings – designated growth, intensification;

Bill Marsh addressed the Committee:

- Mr. Marsh lives directly across the street from the property.
- He wants to know why we have by-laws if we are going to be requesting variances on every development.
- The variance for reduction in greenspace is substantial as none around the area.
- Asking for more and more and do they need to over maximize on every property.
- Population density has increased 800%.
- He indicated this was a lovely street before 80 and 90 got built.
- With intensification – the last Council voted to put back to a stable neighbourhood and has gone back to the Province for approval which is taking a long time.
- The building is not appropriate for location as surrounded by single family dwellings.
- Mr. Marsh asked if the property will be fenced on the north side.
- He also asked if the structure is poured concrete which spreads out in the neighbourhood with trucks and noise.

Mr. Kawall indicated that landscaping including fencing planned along the boundary. The variance for landscaped at 21% will be offset with large balconies and terraces for all units and 230 sq. metre roof top amenity area.

He indicated the Official Plan supersedes the By-law and the variances to the By-law can be considered when they meet the policies of the Official Plan policies. The Intensification is based under the Official Plan and the properties are zoned for this area and where should it go if not in this area. This development adds to the housing that is now required.

Kathy Hunt questioned the comment if not here then where. The traffic study was only for this specific application which is basically a reiteration from the Official Plan. Decision makers should come to Orchard Point and make decisions more than on these studies.

Bill Marsh indicated this development never met any of the criteria for intensification by the Province.

Alfred Roberts indicated the landscaping onto balconies and what is proposed for the dog walkers. All the setbacks will not make this an attractive building for this area. Concerned with the fire truck attending the site.

Mr. Thomson noted his concern with restricting the natural light to this building.

Mr. Kawall indicated that the building will be built with concrete.

Committee Comments:

A Committee member questioned if the site allows up to 8 stories then why just 11 metres allowed. Has the developer considered going from a 9 foot unit height to an 8 foot unit height.

Staff advised there are 2 different policies as the Official Plan sets the top being 8 stories and intensification prohibits any unit under 2 stories. The zoning allows for 3 stories.

Mr. Kawall advised they did look at the height considerations.

A Committee member asked if there is a watershed plan so it does not intrude at the back of the property. A concern was noted about the clearance for snow removal.

Staff advised the property is subject to site plan control to evidence the snow removal. The height clearance is 3.3 metres (10 feet) and the snow storage is to be located in the landscaped buffer areas at the back of the building.

A Committee member questioned if the snow storage is pushed to the road or does it have to remain on site. Staff advised it does not have to stay on site. Mr. Kawall advised the logistics of snow removal will be looked at during the site plan process.

A Committee member questioned the reduction of landscaping and increased lot coverage. Has there been a submission of a landscaped plan? Staff advised that the overall coverage being reduced is more in line with an apartment type required coverage. The R2 zone low density does not quite match up for the land use being proposed. Mr. Kawall advised that the landscaping strip would come close to make the 2 metres and 57% coverage is reasonable for this type of built form.

A Committee member questioned if a road widening had been taken or required. Staff advised Orchard Point Road is at 20 metres and no road widenings required. Through the pre-consultation process, this was determined not to be required as it is at the required width and the City does not require land from the development.

The Committee made a motion to approve the application.

036-23 Moved by: Ian Gordon
Seconded by: Kelly Smith

Application A07-23 – 48 Orchard Point, be approved with conditions, as per the Decision.

Carried

7.3 A0-23 - 5 Francis Road

In attendance: Nil.

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 detached storage structure exceeding the maximum height.

Comments from the Public:

Nil.

Comments from Departments/Agencies:

Engineering Division has no comments or conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Nil.

Public Comments (at hearing):

Katherine Doering of 7 Francis Road addressed the Committee:

- Ms. Doering questioned if the applicant will have to get a survey completed with this application.
- Staff advised that, at the building permit stage, they can use a site plan or survey and there possibly may be an existing survey.
- Ms. Doering advised there are no survey markers and she was advised that she would have to initiate a survey of her property, if she should choose, to protect her interest.
- Staff advised that the property lines should be staked out at the building permit stage and a surveyor could survey one line of her property.

Committee Comments:

- A Committee member questioned if due to height of the building, does the windows overlook the neighbour's yard.

- Staff advised that the building was reviewed and there is vegetation buffering as well as the building does not overlook an amenity area.
- A Committee member asked about the trees and staff advised the majority of the trees are on the neighbour's property.
- A Committee member questioned the storey and a half and is there a condition on the design. Staff advised that the approval is based on the drawing that was submitted.

The Committee made a motion to approve the application.

037-23 Moved by: Kelly Smith
Seconded by: Ian Gordon

Application A09-23 – 5 Francis Road be approved with conditions, as per the Decision.

Carried

7.4 A10-23 - 70 Front Street North

In attendance: Bennet MacNeil, Development Co-ordinator FRAM

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

Proposal:

The purpose of the proposed variance is to facilitate the first phase of the larger waterfront redevelopment project, FRAM is constructing 24 three-storey townhouses between Tecumseth Street and Neywash Street, fronting Centennial Drive.

Comments from the Public:

Nil.

Comments from Departments/Agencies:

Engineering Division has comments with no conditions.

Canada Post has a comment with no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Bennett MacNeil addressed the Committee:

- Mr. MacNeil reviewed the 4 phases to occur.
- The variances are to allow for more infill and intensification.
- He reviewed the overall site plan which shows the 4 variances. The front yard setback is Neywash Street. The rear yard is Tecumseth Street.
- Mr. MacNeil went through the variances.

Public Comments (at hearing):

Nil.

Committee Comments:

- A Committee member asked if there was an easement to allow surface access to 100 Laclie but we are not seeing the landscaped buffer omitted behind Laclie.
- Mr. MacNeil advised that the 100 Laclie access will be maintained through this development for pedestrian and vehicular and the reason for the variance
- The Committee member noted that we are reducing the buffer only against 88 Laclie not against 100 Laclie.
- The property lines jogs at 100 Laclie which technically a landscaped buffer would be required in front.
- The Committee member asked if it is supposed to be vehicle access or can this allow for vegetation
- Staff advised there is adequate space for a required landscaped buffer and if driveway access is required, then the landscaped buffer would be required where the access is not. It would need to work together.
- A Committee member advised we will not extend this variance over 100 Laclie because the easement is already there. Staff advised that is correct.
- A Committee member asked for clarification along the buffer area and the new fencing takes a jog and provides a gate at 100 Laclie and comes along side the condos. Mr. MacNeil advised that this correct.
- A Committee member is not in favour of the encroachment onto the City property to the walkway. Due to the fact that this is City land then what is the plan for drainage concerns and folks walking across grassed area.
- Mr. MacNeil advised a storm water management report would handle all the storm water internally. Any water onto the balconies will be caught by the soft scape and not onto the City walkway.
- Staff advised the encroachment is not proposed onto Municipal property and is just an encroachment into the required setback. The Developer has done extensive storm water management and undertaken geotechnical works to ensure that drainage is being addressed.
- A Committee member questioned, with 100% driveways, what are snow removal concerns. Staff advised that there will be the required minimal snow storage

through site plan and it will be up to the condo to ensure snow removal which will also be covered off in the site plan process.

The Committee made a motion to approve the application.

**038-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

Application A10-23 –70 Front Street North be approved with conditions, as per the Decision.

Carried

Committee took a 5 minute recess at 11:53 a.m.

7.5 A11-23 - 434 West Street North

In attendance: Lauren Arsenault, Morgan Planning, was present.

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

Proposal:

The purpose of the proposed variance is to allow for a landscaped open space to be reduced.

Comments from the Public:

Nil

Comments from Departments/Agencies:

Engineering Division has comments with no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Ms. Arsenault advised the minor variance intends to address a deficiency for a 14.2% variance of landscaped open space for a motor vehicle repair and sales establishment and acknowledge a 3 metre road widening will be required through site plan process.

Public Comments (at hearing):

Nil.

Committee Comments:

Nil.

The Committee made a motion to approve the application.

**039-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application A11-23 – 434 West Street South be approved, as per the Decision.

Carried

7.6 A12-23 - 600 Sundial Drive

In attendance: Nil.

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

Proposal:

The purpose of the proposed variance is to request modification to Sections 5.8 and 5.10 of the Zoning By-law 2014-44, as amended, to add “Required Noise Attenuation Fencing” to the list of exempt fencing and height exceptions.

As a result of this application, the City planners have bookmarked this item for future housekeeping as to an amendment to these sections as it is determined it is not needed to control height as to barrier fencing and no reason to restrict them.

Comments from the Public:

Nil.

Comments from Departments/Agencies:

Engineering has no comments, proposed conditions.

MTO has a comment with no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant’s Comments:

Nil.

Public Comments (at hearing):

Nil.

Committee Comments:

Nil.

The Committee made a motion to approve the application.

**040-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

Application A12-23 – 600 Sundial Drive be approved with conditions, as per the Decision.

Carried

7.7 B09-23 - 208 & 210 Memorial Avenue

In attendance: Oscar Wong, agent for the applicant, was present.

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

Proposal:

The purpose of the proposed severance is to re-create lots that were historically separate which inadvertently merged on title.

Comments from the Public:

Nil.

Comments from Departments/Agencies:

Engineering has no comments or conditions.

Hydro One has a comment with no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Oscar Wong, agent, has no comments.

Public Comments (at hearing):

Nil.

Committee Comments:

Nil.

The Committee made a motion to approve the application.

**041-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application B09-23 – 208 & 210 Memorial Avenue be approved with conditions, as per the Decision.

Carried

8. Correspondence / other business:

None.

9. Adjournment:

**042-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

We now adjourn at 12:11 a.m.

Carried

The Committee will reconvene at 9:15 a.m. on July 19, 2023.



Pete Bowen, Chair



Lorrie Jackson, Secretary-Treasurer