



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

March 15, 2023

The March hearing of the City of Orillia Committee of Adjustment was held on March 15, 2023 by virtual meeting with the following in attendance:

Peter Bowen – Committee Member (Chair)
Ian Gordon – Committee Member
Kelly Smith – Committee Member
Jill Lewis – Senior Planner
Ali Chapple – Senior Planner
Ann Dankewich – Intermediate Planner
Nick Skerratt – 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:

**014-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

That the Agenda for the March 15, 2023, be approved.

Carried

4. Confirmation of Minutes of the February 22, 2023 Hearing:

**015-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

That the Minutes of February 22, 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 A02-23 120 Powley Street

In attendance: Nic Langman, Property Owner, present.

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

Proposal:

The purpose of the proposed variance is to request a reduction in the number of parking spaces required for the conversion of commercial floor area to a residential dwelling unit.

Comments from the Public:

None

Comments from Departments/Agencies:

Engineering Division has no comments.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Nic Langman, owner, addressed the Committee:

- The property historically has not been able to provide parking on site and therefore he cannot add the additional parking spot resulting in the variance request.
- The parking situation has been in place for some time and is more than enough for the existing uses.

Public Comments (at hearing):

None.

Committee Comments:

No comments.

The Committee made a motion to approve the application.

**016-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application A02-23 – 120 Powley Street., be approved with conditions, as per the Decision.

Carried

7.2 A03-23 3285 Monarch Drive

In attendance: Anthony Zagaria and Austin Whitley, Chick-fil-A representatives, were present
 Stuart McCain, Riocan Holdings, Agent, was present

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

Proposal:

The purpose of the proposed variance is to request a required Loading Space to be permitted in a proposed Drive-Thru Lane

Comments from the Public:

None

Comments from Departments/Agencies:

Engineering Division has no comments.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Stuart McCain, agent, addressed the Committee with the following comments:

- Mr. McCain indicated that there was no further impact on site with this application.
- His clients are investing in Orillia and the property has a unique drive-thru.

Public Comments (at hearing):

None.

Committee Comments:

The Committee commented as follows:

- A Committee member asked how the truck is to enter this loading space; is there a barrier or painted lines, Mr. Zagaria indicated there are striped lines, however no physical barrier in or out, however there is a location should it be needed, to exit past the garbage can location.
- Mr. Zagaria indicated that deliveries will be on off hours when closed.
- A Committee membered question the two site plans in the staff report and how they look to be different; the Committee member feels that the trucks should go in and then straight out by the garbage area; there is a concern with entry and exiting.
- It was noted that the site plans were submitted with the traffic impact study submitted by the applicant showing the size of the truck and the maneuvering in and out safely.
- Mr. Zagaria noted the laneway is the actual access out and the truck movement should have been included; he noted that the truck will leave the site and make a left onto Monarch Drive and then to Hwy. 12.
- Concern regarding safety was noted by Committee that the truck would not be able to exit out that way and that it enters from the north side and then exits out the south side which should be looked at through the traffic study.
- Mr. Zagaria advised they would consult with planning to satisfy the Committee's concerns at the site plan stage by way of reconfiguring the entrance and exit if deemed necessary.

The Committee made a motion to approve the application.

017-23 Moved by: Ian Gordon
Seconded by: Kelly Smith

Application A03-23 – 3285 Monarch Drive, be approved with conditions, as per the Decision.

Carried

7.3 B03-23 - 135 West Street South

In attendance: Kevin Nunn, MHBC, 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.

Comments from the Public:

None

Comments from Departments/Agencies:

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

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Kevin Nunn of Weston Consulting made the following points:

- Provided a Power Point presentation which he reviewed with Committee.
- Provided a description of the land, reviewed the planning policies and site background.
- He noted that the holding was put in place in 2016 and would be applying to remove same at the site plan stage when the lands are going to be developed.
- He advised that the retained lands, being the site of the Canadian Tire Gas Bar, will remain with no proposed changes.
- The property owner has a potential sale of the lands based on consent approval, the sizing of the entrance off of Barrie Street will be dealt with at that time as necessary.
- Reviewed the servicing to the property.

Public Comments (at hearing):

None

Committee Comments:

The Committee commented as follows:

- A Committee member indicated his support of the application, however, had a slight problem with the application being that it is a commercial property with only one entrance in and out onto Barrie Road and traffic backs up in this location.
- Would like to see a stipulation that the entrance is off of Andrew Street.
- Staff advised that, at this time, we do not have an intended use on the vacant land and as required through any future site plan, staff would be reviewing traffic flows and impact at that time, it will be dependent on the commercial use on the property.
- The proposal is to show that an entrance can be there on Barrie Road for safe access.
- A Committee member asked about the gas company comments regarding the easement and staff advised Enbridge will be circulated at the site plan stage in connection with any easements.

The Committee made a motion to approve the application.

**018-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application B03-23 – 135 West Street South be approved with conditions, as per the Decision.

Carried

7.4 B04-23 - 3315 Monarch Drive

In attendance: Martin Gillen, A&W, was present.

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

Proposal:

The purpose of the proposed consent is to lease land for a period greater than 21 years for the lands municipally known as 3315 Monarch Drive which is with regard to a land lease for the existing restaurant building.

Comments from the Public:

None.

Comments from Departments/Agencies:

- Engineering Division has no comments.
- Canada Post had no comments.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Martin Gillen address the Committee as follows:

- The application is asking for an easement for more than 21 years.
- The application is in conformity with the Zoning By-law.

Public Comments (at hearing):

None

Committee Comments:

The Committee had no comments.

The Committee made a motion to approve the application.

**019-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

Application B04-23 – 3315 Monarch Drive be approved with conditions, as per the Decision.

Carried

7.5 B5-23 - 88 Third Street

In attendance: Lilia Blauner and Maria Blauner, Owners, were 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 residential parcel of land for future development.

Comments from the Public:

Two letters in opposition received.

Comments from Departments/Agencies:

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

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

None

Public Comments (at hearing):

Paul Myers of 82 Third Street addressed the Committee:

- Mr. Myers advised he had sent an email with petition from neighbours.
- Mr. Myers understands the proposal meets requirements for the frontage and area, however the lots on Third Street are larger as was originally planned.
- He noted there have been two other attempts to sever the lot which were rejected. The severance does not fit in with the neighbourhood.

Cathie Lamb of 76 Third Street addressed the Committee:

- She has lived in the neighbourhood for 36 years and there was another property in the neighbourhood that was slightly under the requirements and was approved

for a severance; Neighbours took it to the OMB and the approval decision was reversed.

- This application is not in keeping with the neighbourhood. There are mature trees on site and there are no high rises or townhomes in the area.

Committee Comments:

The Committee commented as follows:

- A Committee member asked if staff could provide a summary of the previous OMB decision, that information was not at hand.
- Ms. Lamb indicated that City of Orillia should have all of the information; nothing has changed in 36 years and no new lots or new homes in the area.
- Staff advised that the current application was evaluated based on the current policies today and meets those requirements.
- Ms. Lamb indicated that the lots are 75 feet wide and understands the government mandate for intensification but does not understand that there is no recourse for neighbours, if approved.
- Staff advised the policies change and we work with the policy framework currently in place; staff also advised neighbours no longer have a right to appeal to the Ontario Land Tribunal with the new Provincial changes through Bill 23.
- Staff further advised that changes should be anticipated in the neighbourhood as the area is designated Stable Neighbourhood and three dwelling units are permitted per lot with the Provincial legislation that the City is subject to.
- The City of Orillia is focused on growth and development; protect the farmland to avoid urban sprawl; further intensification, therefore the neighbourhood will likely have some degree of intensification, not necessarily apartments.
- Ms. Lamb asked how she would be advised if there was high intensification proposed, Staff advised for any widescale changes with the Official Plan and Zoning, a notice would be put in the paper and on the website and you can sign up on the website to receive notifications.
- Staff further advised that Council are looking at further intensification and the boundary expansion may be something to participate in.
- A Committee member noted that there are two mature maples on the borderline between the retained and severed land and asked which property they will end up on, the owner advised that the severance line will run between the trees.
- A Committee member asked how we ensure the trees are retained and not destroyed; does the City have a tree conservation for lots. Staff advised there is Tree Conservation By-law that applies to properties over one half hectare, therefore would not apply to lot as it is smaller.
- A Committee member asked if a condition could be imposed to include a tree preservation plan, Staff advised that the condition could be imposed on the severed lot, but not the retained lot as conditions can only be applied to the severed lands.
- Committee would like a condition for a tree preservation plan for the severed lot, the owner advised she is in agreement with this condition.

- Amanda Myers, the neighbouring property owner, advised there are multiple large trees in the rear 40% of the lot; she asked where does the tree removal stop and how many.
- A Committee member questioned the condition reading “to the satisfaction of the City”, Staff advised that tree preservation and removal will go through a review process and it should be noted that any property owner can remove trees under a certain size.
- A Committee member asked what the size requirements of the trees is. Staff advised that the requirements are dictated by the Tree Preservation By-law which would need to be reviewed to confirm preservation.
- Staff further advised that the lot will require quite a bit of grading so the condition needs to be specific, the Committee agreed with the condition as written with respect to clarity.

The Committee made a motion to approve the application.

**020-23 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

Application B05-23 – 88 Third Street be approved with conditions, as per the Decision.

Carried

8. Correspondence / other business:

None.

9. Adjournment:

**021-23 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

We now adjourn at 10:29 a.m.

Carried

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



Pete Bowen, Chair



Lorrie Jackson, Secretary-Treasurer