



**CITY OF ORILLIA  
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,  
WEDNESDAY, MARCH 17, 2021 AT 9:15 A.M. – ELECTRONIC HEARING**

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**Present:**

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

**Also Present:**

Susan Votour – Secretary-Treasurer  
Jeff Duggan – Senior 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 March 17, 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 March 17, 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:

- February 17, 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 B3/21 and Minor Variance A4/21 (Cotton/Payne) – 29 Rose Avenue**

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

#### **Proposal**

An application has been made by CRAIG COTTON AND RODNEY PAYNE for consent under File Number B3/21, to sever the property municipally known as 29 Rose Avenue. The property currently has frontage of 27.32 m (90.00 ft) on Carlton Street, flankage of 40.08 m (131.50 ft) on Rose Avenue and an area of 1099.50 m<sup>2</sup> (11,835.00 ft<sup>2</sup>) (MPAC).

The applicant proposes to sever the property exactly in half in order to create one new lot fronting onto Rose Avenue. The proposed severed lot would have approximately 20.00 m (65.60 ft) frontage on Rose Avenue and an area of approximately 549.75 m<sup>2</sup> (5,917.50 ft<sup>2</sup>). The proposed retained lot would have approximately 20.00 m (65.60 ft) frontage on Rose Avenue, flankage of 27.32 m (90.00 ft) on Carlton Street and an area of approximately 549.75 m<sup>2</sup> (5,917.50 ft<sup>2</sup>). Both the severed and retained lots comply with the Minimum Lot Frontage and Minimum Lot Area requirements in the “Residential Two” (R2) Zone. Refer to sketch, page 4.

#### **APPLICATION FOR MINOR VARIANCE A4/21 (COTTON/PAYNE)**

- 1) REDUCTION OF REQUIRED REAR YARD FOR EXISTING DWELLING**
- 2) REDUCTION OF INTERIOR SIDE AND REAR YARD FOR GARAGE**
- 3) ACCESSORY BUILDING PERMITTED PRIOR TO MAIN BUILDING**

The applicant proposes to maintain the existing detached dwelling on the retained lot. The existing dwelling currently has a setback of approximately 6.00 m (19.68 ft) from the southerly lot line, which is currently an Interior Side Lot Line. Due to the reconfiguration of the lot, the Front Lot Line of the retained lot will be the lot line adjacent to Rose Avenue and the southerly lot line will therefore become the Rear Lot Line. Zoning By-law 2014-44 requires a 7.50 m (24.60 ft) setback to a Rear Lot Line for a detached dwelling and therefore the applicant has requested a Minor Variance to recognize an existing situation.

There is an existing garage having area of approximately 33.35 m<sup>2</sup> (359.00 ft<sup>2</sup>) (MPAC) which will be located on the proposed severed lot. The applicant wishes to maintain

the option of reusing this garage either as construction storage during the construction of a new house on the retained lot, or by re-cladding and re-roofing the garage for use as an Accessory Structure to a new house. Zoning By-law 2014-44 does not permit an Accessory Structure to be located on a property before a Main Building is erected. The applicant has requested permission to allow the garage to remain on the severed lot until a new house has been constructed. With the reconfiguration of the lot lines, the existing garage will be set back approximately 1.00 m (3.28 ft) from the Rear Lot Line whereas the Zoning By-law requires a setback of 1.50 m (4.92 ft) for an Accessory Building having an area greater than 10.0 m<sup>2</sup>. The existing garage will be set back approximately 1.00 m (3.28 ft) from the new Interior Side Lot Line whereas the Zoning By-law requires a setback of 1.20 m (3.93 ft) from an Interior Side Lot Line for an Accessory Structure having an area greater than 10.0 m<sup>2</sup>.

### **Comments from the Public**

None.

### **Comments from Departments/Agencies**

#### **Enbridge Gas/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 District Office.

#### **Bell Canada:**

- No concerns.

#### **Engineering Division, Development Services and Engineering Department:**

- A driveway entrance for both properties are required to City of Orillia standards.
- Road widening of 1.5m is required on Rose Avenue.
- No road widening required on Carlton Street.
- Sight triangle of 7.5m is required at the intersection of Rose Avenue and Carlton Street.
- An entrance permit will be required for the new driveway, \$100 fee is applicable.
- If the existing driveway undertakes any modifications, an entrance permit will be required, \$100 fee is applicable.
- Traffic Info Memo required (see attached).
- A detailed lot grading plan prepared by a Consulting Engineer or an Ontario Land Surveyor knowledgeable in such matters is to be submitted and approved by the City prior to issuance of a building permit.
- A lot grading deposit of \$750.00 is required and a lot grading processing fee of \$145.00 applies.
- New sanitary services to be installed on City Property will be completed by the City at the applicant's expense.

- A service connection permit for a sanitary sewer connection to municipal services from the subject property is applicable to this application. A sanitary sewer system connection permit is \$100.00.
- New water services to be installed on City property will be completed at the applicant's expense.
- A service connection permit for a water connection to municipal services from the subject property is applicable to this application. A water system connection permit is \$100.00.

**Staff Report:**

Susan Votour, Planning Coordinator/Secretary-Treasurer and Jeff Duggan, Senior Planner.

**Applicant's Comments:**

Craig Cotton and Rodney Payne, the Applicants, were present.

The Applicants asked for clarification regarding the requested road widening. The Secretary-Treasurer confirmed that the survey will be required to show a 1.5m road widening which will then be conveyed to the City at the Applicant's expense.

**Public Comments (at meeting):**

None.

**Committee Comments:**

- Committee asked Staff to confirm that Rose Avenue was a Collector Road as identified in the City's Official Plan and therefore the City could require a road widening to bring the width up to the optimal 23 m. The Secretary-Treasurer confirmed same.
- Committee asked for clarification with respect to the Engineering requirements for the road widening and sight triangle as they related to the retained lands. The Secretary-Treasurer confirmed that a road widening on the severed lot could be imposed as a condition, but not on the retained lot, as conditions can only be imposed on the severed property and not the retained property. This is also true for the requested sight triangle which would be located on the retained lands.
- Committee asked for Staff's opinion as to whether there would always be a bus route on Rose Avenue. The Secretary-Treasurer advised that this was likely as it was a more direct route for buses in that corridor and it is a Collector Road as identified in the City's Official Plan.
- Committee asked if the additions to garage would remain. The Applicants advised that they likely would be removed from the garage structure due to their condition, and that they were unsure if the garage would remain but did confirm that it has a cement floor and trusses.
- Committee advised that they were in support of the application provided the conditions apply to the severed land only. The Secretary-Treasurer confirmed that the wording of the conditions would be amended to reflect same.
- Committee confirmed that the Applicants understood the amended conditions, including the requirement for the road widening.

- Committee requested clarification regarding the proposed condition on the Minor Variance approval requiring the garage to be demolished if a main dwelling building is not under construction on the property by December 31, 2022. The Secretary-Treasurer advised that the Zoning By-law does not allow an a residential property to have an accessory building prior to the construction of the main dwelling, therefore the deadline is to ensure that the garage is removed should the main dwelling not be under construction by that date. The Applicants confirmed that this condition was acceptable to them and the timing is reasonable.

The Committee approved Application B3/21 and granted provisional consent with respect to the severance of 29 Rose Avenue for the purpose of the creation of one new residential lot. The severed and retained lots are as follows:

**Severed Lot:**

Lot Frontage: Approximately 20.00 m (65.60 ft) frontage on Rose Avenue  
 Lot Area: Approximately 549.75 m<sup>2</sup> (5,917.50 ft<sup>2</sup>)

**Retained Lot:**

Lot Frontage: Approximately 20.00 m (65.60 ft) frontage on Rose Avenue,  
 Lot Area: Approximately 549.75 m<sup>2</sup> (5,917.50 ft<sup>2</sup>)

**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 A4/21 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 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.
  - b. One (1) copy of the “in preparation” draft Transfer for each the severed lot, together with a signed Acknowledgement and Direction.
3. That the applicants shall pay:

- a. The required Development Review Fee (\$75.00) as approved by City Council.
  - b. The required fees for approval of the documents by the Secretary-Treasurer, as approved by City Council.
  - c. Cash-in-Lieu of Parkland as set out in the Planning Act and in the City of Orillia Municipal Code.
4. That water and sanitary laterals shall be installed to the lot line of the proposed severed lot at the expense of the applicant.
  5. That the applicant shall convey a road widening, the width of which to be determined by the City’s Engineering Division, along the frontage of the severed lot on Rose Avenue to the City, free and clear of encumbrance, at the applicant’s expense.
  6. That the interior side and rear setbacks for the existing garage be shown on the reference plan.
  7. 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*.
  8. 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.
  9. That the requirements of the City’s Engineering and Transportation Department as set out in the Memo dated March 16, 2021 (attached to this Decision) shall be complied with, with respect to the severed lot only.

**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 March 17, 2021.

The Committee further approved Application A4/21 (Cotton/Payne) and granted the following Minor Variance to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
7.4, Table 7.2 “Zone Provisions for Residential Zones”	Minimum Rear Yard in the “Residential Two” Zone – 7.50 m (24.60 ft)	Minimum Rear Yard – 6.00 m (19.68 ft)(existing)	Reduction of 1.50 m (4.92 ft) in Rear Yard
5.1.1.4 Accessory Buildings, Structures and Uses	Accessory Building not to be erected prior to Main Building	Existing Accessory Building to remain on severed lot	Accessory Structure on lot prior to Main Building
5.1.1.4, Table 5.1, Minimum Required	For Accessory Structures having floor	Proposed Yards for Accessory Structure	Reduction of Yards for Accessory Structure –

Yards for Accessory Buildings and Structure	area greater than 10.00 m <sup>2</sup> – Rear Yard (min) – 1.5 m Interior Side Yard (min) – 1.2 m (in R2 Zone)	having floor area greater than 10.00 m <sup>2</sup> – Rear Yard (min) – 1.00 m Interior Side Yard (min) – 1.00 m	Rear Yard reduction of 0.50 m (1.64 ft) Interior Side Yard reduction of 0.20 m (0.66 ft)
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- REASONS:**
- (1) The variances are minor;
  - (2) The variances are desirable for the appropriate development or use of the land, building or structure;
  - (3) The variances maintain the general intent and purpose of the Zoning By-law; and
  - (4) The variances maintain the general intent and purpose of the Official Plan.

**CONDITIONS:**

1. That the conditions of provisional approval for Consent Application B3/21 be completed within the required one-year time frame.
2. That the garage shall be demolished and removed from the property at the expense of the applicant if a main dwelling building is not under construction on the property by December 31, 2022.

**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 March 17, 2021.

**a) Clarification of Decision - Minor Variance Application A9/18 (Novosky) – 48 Barrie Road**

The Secretary-Treasurer outlined the reason for the clarification of the application and reported on correspondence received. Minor variance A19/18 is currently listed for sale and a Realtor has asked if a second dwelling unit could be placed in the building fronting on Barrie Road. Recent changes to the Zoning By-law now allow a second dwelling unit in both the main dwelling and accessory building on the property. The previous Committee decision contradicts the new zoning regulations and therefore clarification is required to avoid any misinterpretation.

**Committee Comments:**

- Committee asked if all previous decisions that contradict the current Zoning By-law require clarification and whether there was any cost to the applicant for this process. The Secretary-Treasurer advised that there is no intention on the part of staff to review past Decisions but in this case, in the opinion of staff, clarification was required. The owner was not required to submit an application or pay a fee.

### **Clarification of Decision**

#### **Minor Variance Application A19/18 (Novosky) – 48 Barrie Road**

Moved by Richard Bates, seconded by Ted Southorn:

THAT the Decision of the Committee of Adjustment dated April 18, 2018 with respect to Application No. A19/18 (Novosky) – 48 Barrie Road (attached to the motion) be amended by removing condition #5 by reason of the fact that the City's Zoning By-law was amended on January 18, 2021 to permit an Additional Dwelling Unit in an Accessory Structure and an Additional Dwelling Unit in the Main Building on the same Lot.

Carried.

#### **b) Change of Conditions - Consent Application B1/21 (Scott) – 116 Simcoe Street**

The Secretary-Treasurer advised that the change of conditions was necessary as the requirement from Bell for an easement was no longer necessary. Following the completion of locates and a survey of the property, it was found that none of Bell's infrastructure was located on the property. Bell has advised in writing that it no longer requires an easement over the property. As this was a condition of the original consent, it must be removed by the Committee before the Consent Certificate can be issued. Section 53(26) of the *Planning Act* empowers the Committee to change the conditions of a provisional approval at any time prior to the issue of the Consent Certificate. If the change to the conditions is deemed to be minor, no further Notice of the Committee's Decision is required to be given. The Committee concurred that the change to the conditions is considered minor.

#### **Change of Conditions - Consent Application B1/21 (Scott) – 116 Simcoe Street**

Moved by Ted Southorn, seconded by Richard Bates:

THAT the Decision of the Committee of Adjustment dated January 20, 2021 with respect to Consent Application B1/21 (Scott) – 116 Simcoe Street (attached to the motion) is hereby amended by removing condition #5 by reason of the fact that Bell Canada has advised, by letter dated March 5, 2021 (attached to the motion) that the easement as previously requested by Bell is no longer required.

Carried.

### **Correspondence**

None.

### **Date of Next Meeting**

Wednesday, April 21, 2021.

### **Adjournment**

Moved by Richard Bates seconded by Ted Southorn:



THAT the Committee of Adjustment meeting be adjourned at 9:53 a.m. on March 17, 2021. The Committee will reconvene at 9:15 a.m. on April 21, 2021.  
Carried.

MEETING ADJOURNED – 9:53 A.M.

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J. Fecht, Chair