



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,
WEDNESDAY, MAY 19, 2021 AT 9:15 A.M. – ELECTRONIC HEARING**

Present:

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

Also Present:

Susan Votour – Secretary-Treasurer
Jeff Duggan – Senior Planner
Ali Chapple – Intermediate Planner
Shania Wonfor – Planning Administrator
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 May 19, 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 9:20 a.m.

Approval of Agenda

Moved by Richard Bates, seconded by Ted Southorn:

THAT the agenda for the May 19, 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:

- April 21, 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 B5/21 and Minor Variance A7/21 (Rosen) – 54 Dufferin Street

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

An application has been made by GLENDA ROSEN for consent under File Number B5/21, to sever the property municipally known as 54 Dufferin Street, legally described as Lot 7, Block F on Plan 228, City of Orillia.

The subject property has an area of 827.76 m² (8,910.00 ft²) and a lot frontage of 16.46 m (54.00 ft). The applicant is proposing to sever approximately 250.83 m² (2,700.00 ft²) of land from the rear of the subject property which is proposed to be added as a lot addition to the benefiting lands municipally known as 137 Colborne Street West.

Minor Variance Application A7/21 was submitted concurrently with Consent Application B5/21 as described above. The applicant has requested that an Existing Non-Complying Lot Frontage and a reduction to an Existing Non-Complying Lot Area be recognized through the Minor Variance Application.

Zoning By-law 2014-44 requires new lots in the “Health Care Two” (HC2) Zone to have a Minimum Lot Area of 3,700.00 m² (39,826.47 ft²) and a Minimum Lot Frontage of 45.00 m (147.64 ft), whereas the retained lot in Consent Application B5/21 is proposed to have a Minimum Lot Area of approximately 576.93 m² (6,210.00 ft²) and a Minimum Lot Frontage of 16.46 m (54.00 ft).

The subject property is located within the “Downtown Area – Hospital District” designation of the Orillia Official Plan.

The reconfigured lot at 137 Colborne Street West will also have deficient Lot Area and Lot Frontage relative to the standards of the “Health Care Two” (HC2) Zone, however Section 5.21 “Non-Complying Lots” of Zoning By-law 2014-44 provides that “A *Non-Complying Lot that Existed on the date of passing of this By-law, and which does not comply with the minimum Lot Frontage and/or Minimum Lot Area regulations of this By-law, may be enlarged by Lot addition, and the Resultant Lot shall be deemed to comply*

with all of the provisions of this By-law including Minimum Lot Frontage and Minimum Lot Area.”

Comments from the Public

None.

Comments from Departments/Agencies

Development Services and Engineering – Engineering Division

- Road widening request of 3m on Dufferin Street.

Staff Report:

Jeff Duggan, Senior Planner.

Applicant’s Comments:

Dr. Glenda Rosen, the Applicant, was present.

Public Comments (at meeting):

None.

Committee Comments:

- Committee asked how the 3 metre road widening could be taken from the retained lands since the severed lands were the rear portion of 54 Dufferin Street. Jeff Duggan, Senior Planner, advised that the road widening can be taken from the retained lands, not the benefiting lands, pursuant to a Staff request, if approved by the Committee. The Secretary-Treasurer confirmed that the lands fronting on Dufferin Street were the retained lands and advised that the imposition of the road widening condition was at the Committee’s discretion.
- Committee asked what the intended purpose was of the severed and retained lands. Ms. Rosen advised that she has a builder wanting to acquire the Dufferin Street property to build a residential home, and the severed lands will be a lot addition to the Colborne Street property for future additional parking for the office.
- The Committee chose to remove the condition requiring the road widening on Dufferin Street.
- The Committee asked the Secretary-Treasurer to review the conditions for the Applicant, which Ms. Rosen acknowledged.

The Committee approved Applications B5/21 and A7/21 and granted provisional consent with respect to the severance and variance as follows:

THAT: Consent is provisionally granted with respect to a lot addition of approximately 250.83 m²/ 2,700.00 ft² of land from the property municipally known as 54 Dufferin Street to the adjoining property municipally known as 137 Colborne Street West.

The resultant properties would be as follows*:

Lot	Frontage	Area
54 Dufferin Street	16.46 m (54.00 ft)	576.93 m ² (6,210.00 ft ²)
137 Colborne Street West	16.46m (54.00 ft)	668.90 m ² (7,200.00 ft ²)

* Note: Measurements are approximate, exact measurements to be determined by Ontario Land Surveyor.

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 A7/21 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 lot addition parcel. 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 electronic registration “in preparation” draft Transfer for the severed 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 applicants shall pay:
 - a. the required Severance 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.
4. That the applicant shall apply to the Municipality for a Deeming By-law relating to the lands municipally known as 137 Colborne Street West, said Deeming By-law to be registered on title to these lands at the applicant’s expense.
5. That, immediately following registration of the Transfer of the lot addition lands, the applicant shall register an Application to Consolidate Parcels in order to

include the lot addition with the abutting lands municipally known as 137 Colborne Street West. The Secretary-Treasurer shall accept, in satisfaction of this condition, an Undertaking from an Ontario solicitor in good standing to effect the registration as soon as possible following registration of the Transfer of the lot addition lands.

6. 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.

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 May 19, 2021.

b) Application for Consent B6/21 (2713657 Ontario Limited) – 163 Colborne Street East / 50 Dunedin Street

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

Proposal

An application has been made by 2713657 Ontario Limited (Agent/Principals: Edoardo and Liliana Nalli), to re-separate properties that have accidentally merged under the *Planning Act* as a result of being placed into identical title.

The proposed severed lot, municipally known as 163 Colborne Street West, has a frontage of approximately 14.32 m (47.00 ft) (MPAC) on Colborne Street West and an area of approximately 628.76 m² (6,768.00 ft²) (MPAC). The property is zoned “Health Care Two” (HC2).

The proposed retained lot, municipally known as 50 Dunedin Street, has a frontage of approximately 14.32 m (47.00 ft) on Colborne Street West and flankage of 23.16 m (76.00 ft) (MPAC) on Dunedin Street. The property has an area of approximately 1,151.25 m² (12,392.00 ft²) (MPAC) and is zoned “Health Care Two” (HC2).

Notwithstanding that the proposed severed and retained lots do not meet the standards for Minimum Lot Frontage (45.00 m/147.64 ft) or Minimum Lot Area (3,700.00 m²/39,826.47 ft²) in the “Health Care Two” (HC2) Zone, Policy 7.1.12.2 (b) of the City’s Official Plan states that *“in the case of an accidental merger of two or more adjacent lots that were historically separate, the original configuration of the lots may be restored through consent even in the case where the resultant lots do not comply with the frontage and area provisions of the implementing Zoning By-law, provided that the City has satisfactory evidence of the original configuration of the lots.”* In this case, City records confirm the historical configuration of the two properties that are proposed to be re-separated and therefore no concurrent application for Minor Variance is required to recognize the reduced frontages and areas.

The subject property is located within the “Downtown Area - Hospital District” designation of the Orillia Official Plan.

Comments from the Public

None.

Staff Report:

Shania Wonfor, Planning Administrator and Ali Chapple, Intermediate Planner.

Comments from Departments/Agencies

City of Orillia, Engineering & Transportation Division and Environment and Infrastructure Services Department

The Engineering and Transportation Division withdrew their requirement for a 3 m road widening on Colborne St. W., on May 18, 2021.

Enbridge 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.

Applicant’s Comments:

Ed Nalli, the Applicant, was present. Mr. Nalli advised that the properties accidentally merged on closing of his purchase of 163 Colborne Street West.

Public Comments (at meeting):

None.

Committee Comments:

- Committee asked if the parking area for the hospital will be retained. Mr. Nalli confirmed that it would.
- Committee confirmed that Mr. Nalli was aware of and understood the conditions, including the removal of the requirement for road widening. The Secretary-Treasurer advised that the road widening condition had been removed by the Engineering Division as it would require the Applicant to obtain a reference plan, where it was otherwise not required, and to apply for a license of occupation for the porch of the property as it would then be on City property, which was seen as overly onerous.

The Committee granted provisional approval of the technical severance of 163 Colborne Street West from 50 Dunedin Street to correct an accidental merger. The resultant severed and retained lots will be as follows:

SEVERED LOT (municipally known as 163 Colborne Street West)
Frontage of approximately 14.32 m (47.00 ft) on Colborne Street West
Area of approximately 628.76 m² (6,768.00 ft²)

RETAINED LOT (municipally known as 50 Dunedin Street)
Frontage of approximately 14.32 m (47.00 ft) on Colborne Street West
Area of approximately 1,151.25 m² (12,392.00 ft²)

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 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.
2. That the applicant shall pay:
 - a. the required Severance 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.
3. Existing gas lines to be located and if any gas services are found to cross the new (restored) lot lines said services are to be relocated at the applicant’s expense in accordance with comments received from Enbridge Gas.

4. 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*.

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 May 19, 2021.

c) Application for Minor Variance A6/21 (Bryan) – 2990 Annalysse Drive

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

Proposal

An application has been made by Raymond Bryan for Minor Variance under File Number A6/21.

The applicant proposes to construct an Accessory Structure, being a pool cabana, in the rear yard of the property at 2990 Annalysse Drive. The proposed Accessory Structure would have an area of 23.37 m² (251.55 ft²) and a height of 3.2 m (10.5 ft). The Accessory Structure is proposed to be located 0.61 m (2.00 ft) from the Interior Side Lot Line whereas Zoning By-law 2014-44 requires an Interior Side Yard of 1.20 m (3.94 ft) for an Accessory Structure having a floor area greater than 10.00 m² (107.63 ft²).

The subject property is located within the “Living Area – Neighbourhood Greenfield” designation of the City’s Official Plan.

Comments from the Public

None.

Comments from Departments/Agencies

City of Orillia Engineering & Transportation Division and Environment and Infrastructure Services Department

1. 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.
2. A lot grading deposit of \$750.00 may be required (\$145.00 inspection fee is non-refundable).
3. Construction not to impact existing drainage swales.

Staff Report:

Shania Wonfor, Planning Administrator and Ali Chapple, Intermediate Planner.

Applicant’s Comments:

Raymond Bryan, the Applicant, was present. Mr. Bryan advised that he made the application due to the location of a retaining wall that he had initially constructed that limited his options as to placement of the pool and the proposed cabana so that it was necessary to request a variance for the cabana. His neighbour has provided a letter of support for his application.

Public Comments (at meeting):

None.

Committee Comments:

- Committee asked what the distance was of the rear corner of the proposed pool cabana was from the rear lot line, as the submitted drawing did not indicate same. Mr. Bryan advised that it was his understanding that only the front corner of the cabana had to be 1.5 metres from the rear lot line, not the rear corner of the structure, as per Planning Staff's instructions.
- Shania Wonfor, Planning Administrator, advised that there was a misunderstanding, and that the cabana structure should be 1.5 metres from the rear lot line in its entirety.
- The Secretary-Treasurer advised that this would require an additional variance for the rear yard setback in relation to the cabana. The Notice could be deferred and recirculated at the Committee's discretion; however, that was at the discretion of the Committee as the existing sketch was circulated with the original Notice.
- The Committee asked the dimensions of the eave or overhang of the cabana. Mr. Bryan advised that there would be a 1 foot eave.
- Committee commented that the Applicant should have consulted with the City prior to setting the location of the retaining wall, reducing the space in the rear yard, thus creating the variance issues with the placement of the remaining structures.
- The Committee consented to adding the additional variance for the location of the proposed cabana in relation to the rear lot line without deferral for additional Notice.
- The Secretary-Treasurer reviewed the conditions of the variance with Mr. Bryan.

The Committee approved Application A6/21 and the following variance is granted to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
Section 5.1.2, Table 5.1, Minimum Required Yards for Accessory Buildings or Structures having floor area exceeding 10.0 m ²	Minimum Required Interior Side Yard - Minimum Standard for Applicable Zone (WRR2) – 1.20 m (3.94 ft)	Minimum Interior Side Yard for Accessory Structure in WRR2 Zone – 0.61 m (2.00 ft)	Reduction of Interior Side Yard by 0.59 m (1.94 ft)
	Minimum Required Rear Yard – 1.5 m (4.92 ft)	Minimum Rear Yard – 0.80 m (2.62 ft)	Reduction of Rear Yard by 0.70 m (2.29 ft)

to permit the construction of a pool cabana having an area of 23.37 m² (251.55 ft²) and a height of 3.2 m (10.5 ft) in the rear yard of the subject property.

- 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 construction shall proceed in substantial compliance with the plans and drawings submitted with the application.
2. That a Building Permit shall be obtained for the accessory structure.
3. 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.
4. A lot grading deposit of \$750.00 may be required (\$145.00 inspection fee is non-refundable).
5. Construction not to impact existing drainage swales

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 May 19, 2021.

d) Application for Minor Variance A8/21 (Tartakovsky) – 52 Isabella Drive

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

Proposal

An application has been made by Leeza Tartakovsky (Agent: Matthew Fratarcangeli) for Minor Variance under File Number A8/21.

The applicant proposes to construct a deck with an area of 20.20 m² (217.00 ft²) onto the rear of the townhouse dwelling located at 52 Isabella Drive. A portion of the deck is

proposed to be 0.99 m (3.25 ft) from the Interior Side Lot Line whereas the Zoning By-law requires an Interior Side Yard of 1.80 m (5.90 ft) in the “West Ridge Residential Five” (WRR5) Zone. In addition, the proposed deck will increase the overall Lot Coverage to 48.51% whereas the Zoning By-law permits a Maximum Lot Coverage of 45.00%. The surface of the deck is proposed to be 0.61 m (2.00 ft) above grade.

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 the neighbour, Peter Vandenburg of 54 Isabella Drive but the objection was subsequently withdrawn.

Comments from Departments/Agencies

City of Orillia Engineering & Transportation Division and Environment and Infrastructure Services Department

- Construction not to impact existing drainage swales.

Staff Report:

Shania Wonfor, Planning Administrator and Ali Chapple, Intermediate Planner.

Applicant’s Comments:

None, the applicant or agent were not in attendance.

Public Comments (at meeting):

None.

Committee Comments:

- Committee commented that the Applicant’s proposal makes the best use of the limited space in the rear yard with the difficulties that the lot presents.

The Committee approved Application A8/21 and the following variances are granted to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
Section 8.4 - Table 8.2 - Zone Provisions for West Ridge Residential Zones	Interior Side Yard WRR5 Zone – 1.80 m (5.90 ft) on end unit	Interior Side Yard – 0.99 m (3.25 ft)	Interior Side Yard Reduction – 0.81 m (2.65 ft)
	Maximum Lot Coverage in the WRR5 Zone – 45.00% (126.33 m ²)	Maximum Lot Coverage – 48.51% (136.20 m ²)	Increase in Maximum Lot Coverage – 3.51% (9.85 m ²)

in order to permit the construction of a deck having an area of 20.20 m² (217.00 ft²) and a height of 0.61 m (2.00 ft) above grade onto the rear of the dwelling.

- 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 construction shall proceed in substantial compliance with the plans and drawings submitted with the application.
2. That a Building Permit shall be obtained for the deck.
3. Construction not to impact existing drainage swales.

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 May 19, 2021.

e) Application for Minor Variance A9/21 (Kerkhof) – 3107 Emperor Drive

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

Proposal

An application has been made by Helen Kerkhof for Minor Variance under File Number A9/21. The applicant has widened the existing driveway on the subject property using interlock paving stones on both sides. The widened driveway now has an overall width of 7.89 m (25.88 ft) whereas the Zoning By-law stipulates a Maximum Driveway width of 6.00 m (19.68 ft) for a property having Lot Frontage of 12.01 m (39.40 ft). In addition, the widened Driveway is set back 0.24 m (0.78 ft) from the southerly Side Lot Line whereas the Zoning By-law requires a minimum setback of 0.30 m (0.98 ft).

The subject property is located within the “Living Area – Neighbourhood Greenfield” designation of the City’s Official Plan.

Comments from the Public

None.

Comments from Departments/Agencies

City of Orillia Engineering & Transportation Division and Environment and Infrastructure Services Department

- Entrance Permit application required – waive fee for application.

Staff Report:

Shania Wonfor, Planning Administrator, and Jeff Duggan, Senior Planner.

Applicant's Comments:

Helen Kerkhoff, the Applicant, was present.

Public Comments (at meeting):

None.

Committee Comments:

- Committee commented that the landscaping stones added to the aesthetics of the driveway and the property and created additional parking for the homeowner thus alleviating the potential need to park on the street.
- Committee commented that Engineering should reviewing the drainage of properties in West Orillia with similar modifications as drainage swales typically lie between the property lines.

The Committee approved Application A9/21 granted the following variances to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
Section 6.2.12.2 – Dimensions of Driveway	Maximum width of a Driveway – 60.00% of the Lot Frontage or 6.00 m (19.68 ft), whichever is the lesser	Maximum width of Driveway – 7.89 m (25.88 ft)	Increase to Driveway width of 1.89 m (6.20 ft)
Section 6.2.12.5 – Setback of Driveway from Side Lot Line	Minimum setback of Driveway from Side Lot Line – 0.30 m (0.98 ft)	Minimum setback of Driveway from Side Lot Line – 0.24 m (0.78 ft)	Reduction of setback from Side Lot Line – 0.06 m (0.20 ft)

- 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 an Entrance Permit shall be obtained from the City of Orillia for the widened driveway. The fee for the Entrance Permit shall be waived by the City.

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 May 19, 2021.

f) Application for Minor Variance A10/21 (Ewert) – 19 Fittons Heights

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

Proposal

An application has been made by Lori Ewert (Agent: Sean Ellis, Gravity Building Muskoka) for Minor Variance under File Number A10/21.

The applicant proposes to construct an Accessory Building, being a detached garage, in the Interior Side Yard of the property known municipally as 19 Fitton Heights. The proposed Accessory Building has a floor area of 83.61 m² (900.00 ft²) whereas the Zoning By-law permits a floor area of 68.00 m² (731.94 ft²) for any one Building Accessory to the Residential Use on a Lot.

In addition, the applicant proposes to widen an existing parking area and convert it to be used as a second driveway to access the proposed new garage. The proposed second driveway will be 9.10 m (30.00 ft) in width whereas the Zoning By-law restricts the Maximum Driveway width to 6.00 m (19.68 feet) on this property.

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

Comments from the Public

None.

Comments from Departments/Agencies

City of Orillia Engineering & Transportation division and Environment and Infrastructure Services Division

- Entrance Permit application required (already received)
- 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 \$750.00 may be required (\$145.00 inspection fee is non-refundable).

Staff Report:

Shania Wonfor, Planning Administrator and Ali Chapple, Intermediate Planner.

Applicant’s Comments:

None. The applicant/agent were not present.

Public Comments (at meeting):

None.

Committee Comments:

- Committee commented that the labelling on the elevation drawings was incorrect and did not want these incorrect drawings to be construed as the “plans and drawings submitted with the application”. The Secretary-Treasurer confirmed that a full set of full-sized construction drawings had been submitted with the application.

The Committee approved Application A10/21 and granted the following variances to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
Section 5.1.3 Lot Coverage and Height	The floor area for any one Building or Structure Accessory to the Residential Use on a Lot shall not exceed 68.00 m ² (731.94 ft ²)	Floor area of 83.61 m ² (900.00 ft ²)	Increase to floor area of 15.61 m ² (168.06 ft ²)
Section 6.2.12.1 Number of Driveways Per Lot	Maximum of one (1) Driveway per Lot	Maximum of two (2) Driveways per Lot	One (1) Additional Driveway (in same location as existing parking area)
Section 6.2.12.2	Maximum Driveway Width 60% of Lot Frontage or 6.00 m (19.68 ft), whichever is lesser (Maximum is 6.00 m for subject property)	Maximum Driveway width of 9.10 m (30.00 ft)	Increase in Maximum Driveway Width by 3.10 m (10.32 ft)

In order to allow the construction of a new garage having an area of 83.61 m² (900.00 ft²) and the construction of a new driveway accessing the new garage.

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:

- a. That the construction shall proceed in substantial compliance with the plans and drawings submitted with the application.
- b. That a Building Permit shall be obtained for the accessory structure.
- c. Entrance Permit application required (already received)
- d. 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.
- e. A lot grading deposit of \$750.00 may be required (\$145.00 inspection fee is non-refundable).

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 May 19, 2021.

g) Application for Sign Variance T07-039 (1064110 Ontario Ltd.) – 661 Atherley Road

Jeff Duggan, the Senior Planner, outlined the application and reported on correspondence received.

Proposal

An application has been made by Permit World (agent) for a Sign Variance under File Number T07-039. The applicant proposes to replace the existing Ground Sign located on the subject property.

Comments from the Public

None.

Comments from Departments/Agencies

None.

Staff Report:

Jeff Duggan, Senior Planner.

Applicant’s Comments:

Leeia Ballantyne, Project Manager from Permit World, Agent for the Applicant, was present.

Public Comments (at meeting):

None

Committee Comments:

- Committee asked if the owner of the property was aware that the sign is being changed. Ms. Ballantyne confirmed that they had provided owner authorization with the Application. Mr. Duggan confirmed that authorization from the property owner is always required with applications.
- Committee asked if the portion of the sign indicating prices of fuel moved or flashed. Ms. Ballantyne confirmed that they do not move or flash, only change with the price of gas.
- Committee asked if the location of the sign will remain the same. Ms. Ballantyne confirmed that the location will remain the same, and that the owner would like to use the existing base; however, the new sign will be placed on a pedestal which should allow a sightline for cars exiting the property.

Decision on Sign Variance T07-039:

Moved by Richard Bates, seconded by Ted Southorn:

THAT Application No. T07-039 made by 1064110 Ontario Ltd. O/A Orchard Gate Gas Bar with respect to property municipally known as 661 Atherley Road be APPROVED to permit the following variances to Chapter 832 of the City’s Municipal Code – Signs:

Section	Requirement	Proposed	Variance
Section 832.10.1 (a)(ii) Ground Sign - regulations	Minimum setback to a side lot line 1.5 m (4.92 ft)	0.50 m (1.64 ft)	1.00 m (3.28 ft)
Section 832.10.1 (b) Ground Sign - regulations	Maximum Sign Face Area 15 m ² (161.45 sq. ft)	15.59 m ² (167.80 sq. ft)	0.59 m ² (6.35 sq. ft)
Section 832.10.1 (c) Ground Sign - regulations	Maximum Height 7.5 m (24.60 ft)	8.23 m (27.00 ft)	0.73 m (2.39 ft)

Subject to the following conditions:

1. That construction shall be substantially in compliance with the plans and drawings submitted with the application.

2. That an MTO Sign Permit be obtained for the proposed Ground Sign.
3. That a City of Orillia Sign Permit and Building Permit be obtained for the proposed Ground Sign.

Appointment of Secretary-Treasurer

Moved by Rick Bates seconded by Ted Southorn:

THAT the appointment of Susan Votour as Secretary-Treasurer is hereby revoked;
AND THAT Ali Chapple be appointed Secretary-Treasurer for the term ending December 31, 2022.

Correspondence

None.

Date of Next Meeting

Wednesday, June 16, 2021.

Adjournment

Moved by Richard Bates seconded by Ted Southorn:

THAT the Committee of Adjustment meeting be adjourned at 10:38 a.m. on May 19, 2021. The Committee will reconvene at 9:15 a.m. on June 16, 2021.

Carried.

MEETING ADJOURNED – 10:38 A.M.

J. Fecht, Chair