



**CITY OF ORILLIA  
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

May 18, 2022

The May hearing of the City of Orillia Committee of Adjustment was held on May 18, 2022 on a virtual platform with the following in attendance:

Chair: Joe Fecht  
Member: Rick Bates  
Member: Ted Southorn

Ali Chapple – Acting Secretary-Treasurer  
Jeff Duggan – Senior Planner  
Jill Lewis – Senior Planner  
Anna Dankewich – Intermediate Planner  
Lorrie Jackson – Administrative Assistant

**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:**

**012-22**                      **Moved by: Rick Bates**  
   **Seconded by: Ted Southorn**

***That the Agenda for May 18, 2022, be approved.***  
***Carried***

**4. Confirmation of Minutes of the March 16, 2022 Hearing:**

(4.1) Minutes of the Committee of Adjustment Hearing dated March 16, 2022 shall be approved.

**013-22**                      **Moved by: Ted Southorn**  
   **Seconded by: Rick Bates**

***That the Minutes of March 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) B3/22 26 Grace Avenue

In attendance: Robert Galloway, Dooley Lucenti LLP, Agent

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) additional residential lot for a proposed Semi-Detached Dwelling Unit.

### **Comments from the Public**

- One letter of opposition was received from the property owner of 18 Hillside Drive.

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

- Engineering Division has a comment and requested condition.

### **Staff Report:**

- Planning Division recommends approval with conditions.

### **Applicant's Comments:**

Robert Galloway, Dooley Lucenti LLP, Agent for the property owner was present. Mr. Galloway advised that Dave Chalmers, of 2823251 Ontario Ltd., Property Owner, requested that he speak on his behalf. His client requests to sever the lots in order to create one additional lot to sever the new Semi-Detached Dwelling currently under construction. The dwellings will be constructed with elevators to attract owners with mobility issues or those who work from home.

### **Public Comments (at hearing):**

Robbie Robinson, who owns 18 Hillside Drive, commented that the previous owner indicated they would construct a single detached dwelling, which didn't happen. He also commented that the three storey dwellings proposed are not in keeping with the surrounding neighbourhood.

### **Committee Comments:**

The Committee asked about the grading condition from the Engineering Division and if that is checked during the building permit stage. Jill Lewis, Senior Planner, advised that the grading of the proposed driveway/entrance to the property is a concern and staff is recommending inclusion of a condition that will require the driveway to be brought into conformity with the City's Engineering Design Criteria. Mr. Galloway advised that the amended lot grading plan would be provided, and they would comply with all other conditions imposed. The Committee commented that access may have been better off of Hillside Drive rather than Grace Avenue. Given the grade of the driveway and the fact that the proposed dwellings are being marketed to people with mobility issues, that may be an issue. The Committee commented on the height of the proposed dwelling, but that it does comply with the Provincial direction, Official Plan and Zoning By-law. The Committee confirmed that the agent and owner were aware of and understood all requested conditions.

The Committee created a motion to approve the application with conditions.

**014-22**                      **Moved by: Rick Bates**  
**Seconded by: Ted Southorn**

***Application B3/22 26 Grace Avenue, be approved with conditions, as per the Decision.***

***Carried***

(7.2) A2/22 110 Davey Drive

In attendance:            Property owner was not present  
   Kevin Hollis of 165 Cedar Island Road, was present

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

### **Proposal**

The purpose of the proposed variances is to request permission to construct a detached garage with a deficient rear yard setback, deficient exterior side yard setback, and exceedance of the maximum size for an Accessory Structure.

### **Comments from the Public**

- Two letters of opposition were received from the property owners of 173 and 165 Cedar Island Road.

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

- Engineering Division has no comment or conditions.

**Staff Report:**

- Planning Division does not recommend approval of this application.
- Should the Committee approve the application, the Planning Division have proposed certain conditions.

**Applicant's Comments:**

Jim Biscoe, Property Owner, was not present.

**Public Comments (at hearing):**

Kevin Hollis of 165 Cedar Island Road, was present. He does not see the purpose for the variance, nor considers the variance minor, and does not believe it will enhance the appearance of the property or surrounding area.

**Committee Comments:**

The Committee asked if the proposed garage could be moved south. The Committee asked if this structure would impede stormwater in the area. Engineering staff were not present to answer this question. Non-habitable buildings are not required to have openings above flood plain levels. If approved, a lot grading plan would have to be provided. The Committee commented that the whole area is in a flood plain with seasonal potential flooding being an issue. The Committee did not find the proposed structure to be in keeping with the surrounding neighbourhood and did not see the need for the additional storage. The Committee asked about parking requirements for the triplex, Jill Lewis advised that they are existing units, therefore current parking requirements do not apply. A minimum driveway length of 6m is required in order to deter parking on the road. The Committee asked if they deferred the matter, could a location be found that would better meet the requirements. Jill Lewis advised that Staff would have to work with the Applicant in that regard and would need direction from the Committee should they decide to defer the matter.

The Committee created a motion to defer the application for the following reasons:

1. That the applicant/owner consider a reduction in the size of the garage. i.e. eliminate storage.
2. That the applicant/owner move the proposed garage further away from the intersection.
3. That the applicant/owner provide a new Site Plan drawing indicating required parking for all needs (3 parking spaces)

4. That the applicant/owner consider opportunities for an additional visitor parking space, beyond the requested 3, (accommodate at least 1 visitor parking space).

**015-22**

***Moved by: Rick Bates  
Seconded by: Ted Southorn***

***Application A2/22 110 Davey Drive, be deferred, as per the Decision.***

***Carried***

- a) A5/22 3091 Orion Blvd.

In attendance: Drew Douglas and Holly Douglas, Property Owners

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

### **Proposal**

**THE PURPOSE** of the proposed variance is to request a deficient side yard setback for an existing inground pool.

### **Comments from the Public**

- None received.

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

- Engineering Division has comments and requested conditions.
- The Chief Building provided comments.

### **Staff Report:**

- Planning Division recommends approval without conditions.

### **Applicant's Comments:**

Drew Douglas and Holly Douglas, property owners were present. They let their submitted letters speak to the application.

### **Public Comments (at hearing):**

Julia Halar of 3089 Orion Boulevard, voiced her concern that the pool is very close to the property line and she is concerned, as they have small children. She would prefer that the pool be moved due to its proximity to the lot line and for safety reasons. Mr. Douglas advised that it would be impossible to move the pool at this

point as it was an inground pool, and that it was not his intention to build it so close to the lot line.

**Committee Comments:**

The Committee asked if the measurements noted on the drawing were taken by the Applicant or a professional. Mr. Douglas advised that he did take the measurement and is confident in the allowance. The Committee commented about the Engineering condition proposed and asked how the Engineering Division would ensure that the drainage swale will be returned to its original condition. Jeff Duggan advised it would be a decision of the Manager of Development as to whether he would require a report from a Consulting Engineer or if he would review the swale himself further to its restoration. The Committee asked if someone could jump from the fence into the pool and was surprised that the pool installer didn't confirm measurements. Mr. Douglas advised that the smooth vinyl construction of the fence makes it extremely difficult to climb. The Committee was not concerned about the variance but commented that the Applicant must make every effort to ensure safety for the neighbourhood. The Committee found the need for the application troublesome given the Applicant's damage to the swales and failure to confirm the pool placement in relation to the lot line. The Committee commented that there was no lock on the gate upon on site inspection. The Committee discussed that the application should be deferred in order to ensure that City's Engineering staff confirm the drainage swales are restored. The Committee confirmed that the Applicant understood the reasons for deferral. Mr. Douglas confirmed that he was already in the process of addressing this issue and asked if the application could be approved with the proposed condition regarding the storm swale. The Committee advised they would defer their decision.

The Committee created a motion to defer the application for the following reasons:

1. That the owner/applicant provide a drainage report, which has been accepted by the City, indicating that the existing built drainage will accommodate the design flows.
2. That the owner/applicant provide the above by September 1, 2022.

**016-22**

***Moved by: Rick Bates  
Seconded by: Ted Southorn***

***Application A5/22 3091 Orion Boulevard, be deferred, as per the Decision.***

***Carried***

**8. Correspondence / other business:**

(8.1) DOMB Letter dated April 1, 2022 re. Digital Signs in the Downtown Sign Permit Area.



(8.5) Property Standards training

- Committee discussed the recent Property Standards training, namely formal procedures, marking exhibits, making decisions behind closed doors, etc. relating to Tribunals and that reference was made that it also applied to the Committee of Adjustment.
- Staff commented that they understood the training to apply to Property Standards only, and not Committee of Adjustment proceedings.
- Committee discussed that the presentation on March 23, 2022 was considered training only and that no procedural changes need to be made as a result.
- The Committee proposed the following:
  - a) Confirm that the training provided on March 23, 2022 re: Property Standards is to be accepted as informational by the Committee of Adjustment.

**019-22**                      **Moved by: Rick Bates**  
**Seconded by: Ted Southorn**

(8.6) In-person meetings

- Committee advised that there was a desire to hold in-person meetings.
- Committee asked what the masking rule was currently at City Centre, the Acting Secretary-Treasurer advised that it was strongly recommended.
- Committee stated that they believed that Council meetings were taking place virtually due to renovations to the Council Chamber.
- Committee asked if there was any reason why they couldn't hold an in-person meeting. Jill Lewis advised that there were no Staff members present that could make that decision.
- Committee will request to the CAO that the Committee of Adjustment hearings be held in-person.
- The Committee made the following motion:
  - a) That the Chair write a letter to the City's CAO regarding in person meetings for the balance of 2022.

**020-22**                      **Moved by: Rick Bates**  
**Seconded by: Ted Southorn**

**9. Adjournment:**

**021-22**                      **Moved by: Rick Bates**  
**Seconded by: Ted Southorn**

**We now adjourn at 11:36 a.m.**  
**Carried**

The Committee will reconvene at 9:15 a.m. on June 15, 2022.

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Joe Fecht, Chair

  
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Nicholas Skerratt, Secretary-Treasurer

  
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Ali Chapple, Acting Secretary-Treasurer to the Committee of Adjustment C/O: