



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

May 17, 2023

The May hearing of the City of Orillia Committee of Adjustment was held on May 17, 2023 by virtual meeting with the following in attendance:

Peter Bowen – Committee Member (Chair)
Ian Gordon – Committee Member
Ali Chapple – Senior Planner
Jeff Duggan – Senior Planner
Anna Dankewich – Intermediate Planner
Greg Miller – Chief Building Official
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:

026-23 Moved by: Ian Gordon
Seconded by: Pete Bowen

That the Agenda for the May 17, 2023, be approved.

Carried

4. Confirmation of Minutes of the April 19, 2023 Hearing:

027-23 Moved by: Ian Gordon
Seconded by: Pete Bowen

That the Minutes of April 19, 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 A04-23 and B07-23 265 Barrie Road

In attendance: Renny Cannon, agent on behalf of the Owner, 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.

The purpose of the proposed variance is requested to recognize the deficient lot area for both the severed and retained lands.

Comments from the Public:

None

Comments from Departments/Agencies:

Engineering Division has comments and no conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

The applicant's agent, Renny Cannon, addressed the Committee.

- Mr. Cannon would like to recommend a deferral of this application in order to complete a geotechnical report and identify the trees on the site through an arborist.
- Mr. Cannon would like to come back for the July hearing date.

Public Comments (at hearing):

- Thomas from 265 Barrie Road questioned if two of the trees would be kept at the back of the lot. Mr. Cannon advised that if the trees are not marked, they likely will be removed because of the parking lot, but until the assessment is done, possibly they may remain.
- Mr. Cannon advised three trees close to the proximity of 267 Barrie Road would not likely be able to be kept.
- Mr. Cannon advised all trees would be identified through the report.

Committee Comments:

No comments.

The Committee made a motion to defer the application.

**028-23 Moved by: Ian Gordon
 Seconded by: Pete Bowen**

Application A04-23 – 265 Barrie Road, be deferred in order that applicant can provide further studies to the Committee.

Carried

7.2 A06-23 467 Mooney Crescent

In attendance: Jill Watts, Owner

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

Proposal:

The purpose of the proposed variance is to request an increase in the size for an existing boatport

Comments from the Public:

None

Comments from Departments/Agencies:

Engineering Division has no comments or conditions.

Staff Report:

Planning Division recommends approval with conditions.

Owner/Applicant's Comments:

Mrs. Watts addressed the Committee and advised she is fine with the presentation and conditions.

Public Comments (at hearing):

None.

Committee Comments:

- The Committee asked whether the new addition meets the water or not and if so, are there any conditions by the City in this case or the water authority.
- Staff advised that MNR would need to be advised if any work was commencing into the shoreline.
- Staff further advised that any changes on land would be subject to the Zoning By-law and this is the only variance required. If approved, the applicant can now proceed with a building permit.

The Committee made a motion to approve the application.

**029-23 Moved by: Ian Gordon
 Seconded by: Pete Bowen**

Application A06-23 – 467 Mooney Crescent, be approved with conditions, as per the Decision.

Carried

7.3 A08-23 - 51 Clifford Street

In attendance: Greg Barker from Innovative Planning Solutions, Agent, was present.

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 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:

None

Comments from Departments/Agencies:

Engineering Division has comments and no conditions.

Staff Report:

Planning Division recommends portions of the applicant be deferred while other portions be approved with conditions.

Applicant's Comments:

Greg Barker addressed the Committee:

- He reviewed the area and frontages, topography and advised the property contains a single family dwelling and a shed.
- He noted that there is vegetation along the boundary.
- Mr. Barker reviewed the surrounding land uses, land use designation and zoning.
- He noted there is vegetation along the boundary lines. The proposal is a 6 unit, 4 storey walk-up with an amenity area along Lake Simcoe.
- There will be 2 residences per floor, with private balconies, 2 to 3 bedroom and 12 parking spaces are proposed with 2 per unit.
- Mr. Barker has reviewed the variances and noted the reduction of the side yard setback is to the Orchard Point condos and there is landscaped open area, existing vegetation and walkway.
- The ground floor proposed is intended to enclose the parking underneath, solid wall and then a terrace on the 2nd floor.

- Mr. Barker reviewed the 4 tests, conforms to the Official Plan, modest in scale and is compatible with current and planned functions of the area.
- In summary this achieves intensification.

Mr. Barker advised that he wanted to discuss the recommendations and conditions.

- Mr. Barker would like the Committee not to include the angular plane condition as he feels it is not reasonable as it does not conform to the Official Plan or Zoning By-law.
- This requirement is for 8 storeys and the building will only be 4 storeys.
- The Official Plan will require angular designated intensification if it abuts the downtown shoulder and living area designations. This is not the case as it abuts intensification area and it supports higher developments in this area.
- The concern is single detached dwelling is a prohibited use and these lands will be intensified at some point in the future.
- Mr. Barker stated there is a housing crisis and the constraints to impose is not appropriate to apply.
- The height required of 2.8 metres has no negative impacts as 1 metre is additional height for a parapet to screen mechanical equipment.
- Mr. Barker advised he is disappointed with recommendation on the requested variance of 0.5 metres on the interior side as they have been working on the proposal for over 18 months and there was a site plan pre-consultation and conversation with City Staff. He feels there is no flexibility with reducing the 2 metres.
- They have looked at design options and it is a challenge with landscape and buffering that will apply.
- He requested that the application be approved as proposed with no angular planes and the posting of securities are okay with other conditions.

Public Comments (at hearing):

None

Committee Comments:

- A Committee member asked about the balconies facing east and west. Is there anything proposed on the north side of those balconies to protect the privacy of the low lying neighbours.
- Mr. Barker advised under the new Bill 23, Site plan control would not be in effect, however the architect could implement a screening privacy view into the back yard of the neighbours.
- Staff advised that the design on the north façade meets the Zoning By-law and is in keeping with all standards. Site plan control is no longer available for 6 units. There is a possible option to take securities for the fencing and they have met the 2.0 metre distance of buffer on the north side.

- A Committee member questioned the south side encroachment and with the landscaping of the area, how water run off would be handled.
- Mr. Barker advised that they have done studies as to how the grading will be handled in order to deal with any drainage issues. He noted the Zoning By-law does speak to encroachments of stairs and landings 0.5 metres from property lines and in terms of landscaping they would look to plant conifers, and possibly gravel to keep maintenance down.
- A Committee member asked what the proposed façade is of the building. Mr. Barker advised that it is intended to be brick to reduce the amount of maintenance required.
- A Committee member indicated that this area should be maintenance free so as not to trespass on neighbours' property. Mr. Barker advised that they do not expect to need to go on other neighbours' properties.
- A Committee member noted that there are trees that are flagged on site. Mr. Barker noted that under pre-Bill 23 through site plan control, a tree and architectural plan were started and those trees were flagged through that process.
- A Committee member asked if the flagged trees are to be removed and Mr. Barker advised that only the trees would be removed where the existing building is proposed and he has not seen the tree preservation as of this meeting date.
- A Staff member asked if the angular plane of the building was discussed with the neighbour and noted that the neighbor was not in attendance.
- Mr. Barker advised that he had had no direct communication with the neighbour and felt they would have been circulated and this is the public process to express their concerns.
- Mr. Barker did reiterate that the angular planes are not required in the Official Plan and that the neighbour could build to 11 metres. He also advised that they could reduce the 1.0 metre parapet and request 12.8 metre variance instead of the 13.8 metre without the angular plane.
- A Committee member asked why the requirement for the angular plane. Staff advised that they do know in the Orchard Point area that the intensification proven through infrastructure is maxed out and there are intersection concerns. One of ways to mitigate is to try and step back the height on not only this development but other Orchard Point developments.
- Staff further advised that the low density uses are going to be there in the future and likely to stay.
- A Committee member noted that the parapet dresses up the building which still would be around 13 metres and staff concurred that it would be a benefit. Mr. Barker noted this would hide the mechanical equipment on the top and more valuable aesthetically.
- Committee discussed the deferrals proposed. Mr. Barker advised that he believes the matters of concern would be addressed under the Ontario Building Code and would like to see the approval without angular plane applied.
- A Committee member felt there was not enough conversation on the proposed deferrals.
- Mr. Barker asked that the matter come back to the next meeting date of June 21st should matters be deferred.

- A Committee member asked if he could conduct a site visit on a deferral and it was confirmed that he could.

The Committee made a motion to approve the height and the deferral of setbacks in the application.

030-23 **Moved by: Ian Gordon**
 Seconded by: Pete Bowen

Application A08-23 – 51 Clifford Street be partially approved and deferred, as per the Decisions.

Carried

7.4 B08-23 - 38 Goldie Drive

In attendance: Colby Marshall, was present.

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

Proposal:

The purpose of the the proposed severance is to request a division of land to create one (1) new residential parcel of land. Both the severed and retained lots are to be developed in the future.

Comments from the Public:

Three opposition letters from the public were received.

Comments from Departments/Agencies:

Engineering has no comments, proposed conditions.

Staff Report:

Planning Division recommends approval with conditions.

Applicant's Comments:

Colby Marshall, owner of the property addressed the Committee. He plans to build a semi-detached within the stable neighborhood. He noted his proposal meets and exceeds the requirements of the Zoning By-law.

Public Comments (at hearing):

Michel Richard of 39 Goldie Drive addressed the Committee.

- Mr. Richard questioned how many suites in the house are permitted and if a 2nd dwelling unit then it would be 4 units total.
- His concern is traffic in and out of the property as this is a quiet neighbourhood with no sidewalks and everyone walking on the road.
- This proposal would create 4 vehicles coming in and out.
- Would like to see what is being developed.
- Mr. Marshall advised there is a large footprint for the building and they will meet all of the setback requirements. He is proposing a semi-detached dwelling, 2 storey with 2 driveways.
- A Committee member questioned the future development on each of the retained and severed and Mr. Marshall advised it would be a one building on the lot split between the retained and severed.

Terry Richard addressed the Committee.

- Concerned with the property holding 4 families with 4 dishwashers and at least 8 to 10 people living in the property. Can the infrastructure handle that?
- There is an artesian well on the property that flows into Lake Couchiching.
- Mr. Marshall advised they have looked at the source water protection area and the architects will work with the development and have been advised the services in the area will support the development.
- Staff advised that a semi-detached home is permitted since 2014 and under Bill 23 and what is proposed is permitted and is encouraged by the Province and reflected in the zoning policies.
- Ms. Richard is concerned with property values and that the 4 plex will be rental unit and concern with the property not being taken care of.
- Mr. Marshall advised that a new built property is more valued than existing and each unit will be large with high end finishes, all brick façade and will attract high end tenants to fit into the neighbourhood.
- Staff also advised that this process to separate the property is required through the Committee of Adjustment.

Sonja Patterson of 34 Goldie Drive addressed the Committee.

- Ms. Patterson indicated her concerns with 4 separate living units and more traffic on the street.
- Staff advised there were no concerns about additional traffic from the Engineering Division.
- Mr. Richard indicated the snow piled up will cause significant runoff in the Spring. Mr. Marshall indicated the grading plan will ensure no runoff will occur.

- Ms. Patterson is concerned with the artesian well and run off and where that will go. Her property abuts up to the subject lands.
- Mr. Marshall advised that he is aware of the well and they are taking steps to comply with the Source Water Protection area.

Committee Comments:

- A Committee member asked if Mr. Marshall has built these type of units in Orillia and Mr. Marshall advised only in Barrie at the moment. The Committee member questioned the footprint of the house and Mr. Colby advised that the future building is smaller than what is proposed and there is ample parking on the site.
- He advised that no parking will occur on the road and the house will be set back quite a bit.
- A Committee member asked about snow storage and Mr. Marshall advised that there is a significant area for snow storage.
- A Committee member asked about how many parking spaces are proposed and Mr. Marshall advised there would be 4 parking spaces, which will be 1 per unit.

The Committee made a motion to approve the application.

**031-23 Moved by: Ian Gordon
 Seconded by: Pete Bowen**

Application B08-23 – 38 Goldie Drive be approved with conditions, as per the Decision.

Carried

8. Correspondence / other business:

None.

9. Adjournment:

**032-23 Moved by: Ian Gordon
 Seconded by: Pete Bowen**

We now adjourn at 11:13 a.m.

Carried

The Committee will reconvene at 9:15 a.m. on June 21, 2023.

Pete Bowen, Chair

Lorrie Jackson, Secretary-Treasurer