



**CITY OF ORILLIA  
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,  
WEDNESDAY, NOVEMBER 18, 2020 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  
Jill Lewis – Senior Planner  
Maria Pinto – Intermediate 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 November 18, 2020, 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, as amended, for the November 18, 2020 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:

- October 21, 2020

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 Minor Variance A17/20 (333 Holdings Inc.) – 333 West Street North**

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

#### **Proposal**

An application has been made by 333 Holdings Inc. (Agent: Morgan Planning & Development Inc.) for Minor Variance under File Number A17/20. The applicant proposes to redevelop the property with two, three-storey, twelve-unit Multiple Dwellings. Due to the configuration of the property and the desired design, some zoning standards in Zoning By-law 2014-44 cannot be complied with, including Landscaped Buffer Areas/Landscaped Screening Strips, Required Number of Parking Spaces, Maximum Coverage by Parking Area in Rear Yard and Landscaped Open Space.

#### **Comments from the Public**

None.

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

#### **Chief Building Official:**

- Four of the 24 units will need to be barrier free units under the Building Code. The Building Code does not dictate the number of parking spaces that are to be barrier free. However, I believe having 2 on the property may not be suitable.

#### **Staff Report:**

Jill Lewis, Senior Planner.

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

Joshua Morgan, Planning Consultant, Agent for the Applicant, was present, as was Dennis Bottero, the Developer and Applicant. Mr. Morgan gave a description of the property, being surrounded by medium density residential townhomes on three sides, and single detached residential and an office across the street. There is currently a single detached dwelling on the property, which is to be demolished. The Developer proposes building two three-storey buildings with twelve units each, each floor having four units. Vehicular access will be from the south side of the property; buildings will be accessible by walkway to the north and sidewalk to the south of the buildings, with

parking area between the two buildings and at the rear. The primary parking area will be in the rear of the site, for a total of 34 parking spaces, requiring a variance from the 36 required. The proposed apartment buildings are a permitted use according to the property's land use designation. Zoning is Residential 2 Intensification area, which also permits the apartments. Mr. Morgan described each variance requested. The variance of the landscaped open space was largely affected by the required road widening. The developer is known in the City and has worked on several developments. They are of the opinion that the reduction in parking spaces is reasonable. The Landscape Buffer Area is difficult to achieve on this property, but they propose to mitigate the impact with a 2m high privacy fence and dark sky friendly lighting. The road widening being required by the City, and the Official Plan requirement of shifting buildings to the front of the property has meant that parking had to be placed predominantly in the rear.

**Public Comments (at meeting):**

None.

**Committee Comments:**

- Committee asked if there will be accessible units on the ground floor. Mr. Morgan advised that there will be accessible units in accordance with the Building Code.
- Dennis Bottero, the Developer, confirmed that there would be four accessible ground level units.
- Committee expressed concern that the development may be too much for the lot size with lack of greenspace, despite the required road widening. Mr. Morgan advised that some of the variances included in this application are as a result of the future road widening as a preemptive measure. Each unit will have its own balcony to add to private outdoor space. There would be significantly more green space if the two buildings were stacked on one another with the same number of units, but that was not in keeping with the character of the neighbourhood, so the decision was made to balance this with two buildings as opposed to one.
- With respect to snow storage areas, Committee requested clarification of placement. Mr. Morgan identified the areas on the proposed site plan and confirmed that these would likely not be sufficient for the duration of the winter season, requiring snow removal which the condominium corporation will need to budget for. Snow may also be stored in the amenity space, but it is not designated for same. Jill Lewis, Senior Planner, confirmed that the amenity area is required to be improved in some way under the site plan requirements, such as the installation of a bench or play structure.
- Committee requested clarification if the walkway could be considered landscaped buffer if it was left uncovered and green. Ms. Lewis advised that in this scenario, the walkway was going to be covered in some way, with paver stones or similar, therefore could not be considered landscaped space.
- Committee commented that the planned development made good use of the lot; however, they did express concern that it would be mostly buildings and parking.

The Committee approved Application A17/20 and granted the following variances to the provisions of Zoning By-law 2014-44, as amended:

| Section | Requirement | Proposed | Variance |
|---------|-------------|----------|----------|
|---------|-------------|----------|----------|

|  |   |  |   |
|--|---|--|---|
| Section 5.12, Table 5.2 – Minimum Requirements for Landscaped Buffer Areas and Screening Strips                | Minimum Width of Landscaped Buffer Area Abutting a Residential or Open Space Zone or Use – 2.00 m   | No Landscaped Buffer Area adjacent to North and South Lot Lines, 0.55 m Landscaped Buffer Area adjacent to West Lot Line | Reduction of 2.0 m in Landscaped Buffer Area adjacent to North and South Lot Lines; Reduction of 1.45 m in Landscaped Buffer Area adjacent to West Lot Line |
| Section 5.12, Table 5.2 – Minimum Requirements for Landscaped Buffer Areas and Screening Strips                | Minimum Width of Landscaped Buffer Area abutting an improved Public Street – 1.50 m   | Minimum Width of Landscaped Buffer Area abutting West Street North – 1.41 m  | Reduction of 0.09 m in Landscaped Buffer Area abutting improved Public Street (West St. N.)   |
| Subsection 6.2.2.1 – Motor Vehicle Parking Requirements, Table 6.1 – Parking Requirements for Residential Uses | Minimum Off-Street Parking Requirements for Residential Building containing more than three Dwelling Units – 1.5 spaces per Dwelling Unit of which 25% shall be for visitor parking | Minimum Off-Street Parking – 1.41 spaces per Dwelling Unit, 26.47% for visitor parking                                   | Reduction of 0.09 parking spaces per Dwelling Unit  |
| Section 6.3, Table 6.7 – Parking Area Location   | For all other Residential Uses where five (5) or more Parking Spaces are Required, the Parking Area and Driveway shall not cover more than 50 % of the Front or Rear Yard.          | Parking Area proposed to cover 82.3% of Rear Yard  | Increase in coverage by Parking Area in Rear Yard by 32.3%.   |
| Section 7.4, Table 7.2 – Zone Provisions for Residential Zones   | Minimum Landscaped Open Space in R2 Zone – 30.00%   | Proposed Landscaped Open Space – 22.20%  | Reduction of 7.80% in Landscaped Open Space   |

in order to permit the property to be developed with two, three-storey Multiple Dwellings.

- 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 development of the property shall proceed in substantial compliance with the plans and drawings submitted with the application.

#### **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 November 18, 2020.

#### **b) Application for Minor Variance A15/20 (Russell) – 3065 Monarch Drive**

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

#### **Proposal**

An application has been made by Wendy and Bob Russell (Agent: Custom Home Works) for Minor Variance under File Number A15/20. The applicant proposes to construct a deck having an area of approximately 14.70 m<sup>2</sup> (158.22 ft<sup>2</sup>). The deck will be attached to the rear of the existing house on the property. With the addition of the deck, the overall lot coverage will be approximately 48.20% whereas Zoning By-law 2014-44 restricts the maximum lot coverage to 45.00% for a lot in the “West Ridge Residential Two” (WRR2) Zone.

#### **Comments from the Public**

None.

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

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

- A detailed lot grading plan prepared by a Consulting Engineer or an Ontario Land Surveyor knowledgeable in such matters may be required.
- A lot grading deposit of \$750.00 may be required (145.00 non-refundable).

#### **Staff Report:**

Jill Lewis, Senior Planner.

**Applicant’s Comments:**

Ryan Shepherd, Builder for the Applicant, was present.

**Public Comments (at meeting):**

None.

**Committee Comments:**

- Committee commented that the deck was an asset and desirable for the property.

The Committee approved Application A15/20 and the following variance is 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 | Maximum Lot Coverage in the “West Ridge Residential Two” (WRR2) Zone – 45.00% | Maximum Lot Coverage of 48.20% | Increase of 3.2% in Maximum Lot Coverage |

in order to permit the construction of a deck having area of approximately 14.70 m<sup>2</sup> (158.22 ft<sup>2</sup>) on the subject property.

- 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:**

None.

**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 November 18, 2020.

**c) Application for Minor Variance A16/20 (Batisse) – 3109 Emperor Drive**

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

### **Proposal**

An application has been made by Thomas Batisse for Minor Variance under File Number A16/20. The applicant has widened the driveway to the subject property to a total width of 7.62 m (25.00 ft) or 62.20% of the Lot Frontage whereas Zoning By-law 2014-44 restricts the Maximum Driveway Width for a Dwelling Requiring Four or Fewer Parking Spaces to 60.00% of the Lot Frontage or 6.00 m, whichever is the lesser.

### **Comments from the Public**

None.

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

- No comments were received.

### **Staff Report:**

Jill Lewis, Senior Planner.

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

Tom Batisse, the Applicant, was present. He acknowledged that he was not aware this addition to the driveway was a violation and would cause a variance. He noted that it was initially installed more for cosmetics, but has since been used for additional parking. Allowing the additional parking in the driveway rather than on the street means his vehicles don't have to be parked on the street in the congested Westridge area.

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

None.

### **Committee Comments:**

- Committee commented that the appearance is enhanced by the modification to the driveway. The Applicant confirmed that, when necessary, it does allow parking of three vehicles across the width of the driveway, two deep, six vehicles in total.
- Committee commented that it was preferable to have the vehicles off the street, and that there are other properties in the vicinity that appear to have made similar modifications for parking.
- Committee asked if there was any allowance proposed to the Zoning By-law to allow homeowners to make these modifications without variances being required. Jill Lewis, Senior Planner, advised that there were no plans to change the Zoning By-law as there was concern from an Environmental and Engineering perspective with respect to items such as grading and storm drainage. The City currently responds on a complaint basis for these types of zoning infractions.

The Committee approved Application A16/20 and granted the following variance to the provisions of Zoning By-law 2014-44, as amended:

| <b>Section</b>                            | <b>Requirement</b>   | <b>Proposed</b>                                  | <b>Variance</b>  |
|---|--|--|--|
| Section 6.2.12.2 - Dimensions of Driveway | Maximum Driveway Width for a Dwelling Requiring Four or Fewer Parking Spaces – 60.00% of Lot Frontage or 6.00 m, whichever is the lesser | Driveway width – 7.62 m (62.20% of Lot Frontage) | Increase of Maximum Driveway Width by 1.62 m (5.34 ft) |

in order to permit the widening of the driveway on the subject property to 7.62 m.

- 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:**

None.

**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 November 18, 2020.

**Correspondence**

Request received from the City of Orillia Action Plan requesting completion of a Questionnaire. Committee discussed providing a joint response or completing the questionnaire individually. Responses requested by November 25, 2020 at 12 pm. It was agreed that each Committee member would respond individually, but as Members of the City of Orillia Committee of Adjustment.

**Date of Next Meeting**

Wednesday, December 16, 2020.

**Adjournment**



Moved by Ted Southorn seconded by Rick Bates:  
THAT the Committee of Adjustment meeting be adjourned at 10:26 a.m. on November 18, 2020. The Committee will reconvene at 9:15 a.m. on December 16, 2020.  
Carried.

MEETING ADJOURNED – 10:26 A.M.

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J. Fecht, Chair