



**CITY OF ORILLIA  
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,  
WEDNESDAY, NOVEMBER 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:**

Ali Chapple – Secretary-Treasurer  
Nick Skerratt – Intermediate Planner  
Anna Dankewich – Intermediate Planner  
John Hagemans – 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 November 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 Planning Staff had successfully joined the electronic hearing.

**Call to Order**

The meeting was called to order at 9:15 a.m.

**Approval of Agenda**

Moved by Ted Southorn, seconded by Richard Bates:

THAT the agenda for the November 17, 2021 meeting of the Committee of Adjustment is approved.

Carried.

**Disclosure of Interest**

None

## **Minutes**

Moved by Richard Bates, seconded by Ted Southorn:  
THAT the minutes of the following meeting be adopted:

- October 20, 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 Minor Variance A20/21 (Wink) – 59 Heyden Avenue**

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

### **Proposal**

The purpose of this application is to review variances required to construct a new dock and boat boro on the shore of Lake Simcoe.

### **Comments from the Public**

None.

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

#### **Kelly Smith, Chief Building Official, City of Orillia**

- No Comment, however, a Building Permit will be required for the dock and roof structure, and permits may also be required from the Ministry of Natural Resources.

### **Staff Report:**

Anna Dankewich, Intermediate Planner and Jeff Duggan, Senior Planner.

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

The Owner, Bob Wink, was present, as well as Victoria Lemieux, Morgan Planning & Development, Agent for the Applicants. The Agent provided a PowerPoint presentation which provided visuals and information on the property. The Agent explained the purpose of the application to increase the boat port size, extension of the boat port length, and dock, providing visual concept drawings and justifications under the four tests of the *Planning Act*.

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

None.

### **Committee Comments:**

- Committee asked if there were any docks or comparable structures in the vicinity, Mr. Wink confirmed that there were several and are very common.

- Committee asked if the boat port structure will be lit, Mr. Wink confirmed that it would.
- Committee confirmed the structure's intended location.
- Committee confirmed that the Applicant and Agent were aware of the conditions.
- The Secretary-Treasurer advised of the appeal period.

The Committee approved Application A20/21 for the following variances from the provisions of Zoning By-law 2014-44, as amended:

	<b>Section</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Variance</b>
1	5.1.4.2.c – dimensions of a boat port, inclusive of any cribs, roof eaves, attached walkway or Dock, shall fit within an rectangular area or envelope;	8.0m x 10.0m 80m <sup>2</sup> (26.3 ft x 32'10ft) 861ft <sup>2</sup> )	9.80m x 10.66m 104.47m <sup>2</sup> (32.2 ft x 35 ft 1126ft <sup>2</sup> )	1.80m x 0.66m 24.47m <sup>2</sup> (266ft <sup>2</sup> )
2	5.1.4.2.e) v –Maximum extension of a boat port into a waterbody	10m	15m	5m
3	5.1.4.3) g – Prohibits Gazebos, Pergolas, tents, or other similar structures on a dock.	Not permitted.	Proposed additional covered area on Dock – adjacent to boat port	Additional area of dock with roof

**REASONS:** The application conforms with the requirements of the City of Orillia Zoning By-law, the City of Orillia Official Plan, meet all four tests of a minor variance, and satisfies the requirements of all commenting agencies and/or public parties.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the variance only apply to the submitted application drawings and any future development shall be subject to the Zoning Bylaw standards and provisions.
2. The boatport and covered dock area shall not be enclosed with walls to form a boathouse or habitable space.
3. That the owner/ applicant obtain a building permit for the dock and boatport structures prior to any construction.
4. That the owner/ applicant provide confirmation to the satisfaction of the City that applicable Ministry approvals have been obtained.

**EFFECT OF PUBLIC INPUT:**

In making this Decision, the Committee of Adjustment had regard for all public input received through written, electronic, and verbal submissions prior to the conclusion of the Public Hearing held on November 17, 2021

## **b) Application for Consent B11/21 (13126218 Canada Inc.) – 217 Atherley Road**

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

### **Proposal**

The applicant wishes to sever the property municipally known as 217 Atherley Road, from one lot into two residential lots and proposes to construct a semi-detached dwelling unit.

### **Comments from the Public**

None.

### **Staff Report:**

Nick Skerratt, Intermediate Planner and Jeff Duggan, Senior Planner.

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

#### **Development Services – Engineering Division**

- A driveway entrance is required to City of Orillia standards.
- The applicant is subject to the Road Widening Policy of the City of Orillia. A Road Widening of 2.5m is required.
- An Entrance Permit is required for this application with applicable fee.
- If the existing driveway undertakes any modifications, an entrance permit will be required with applicable fee.
- Completion of a Traffic Information Request Form is required.
- A lot grading deposit of \$750.00 per lot will be required upon issuance of a building permit. (\$145.00 non-refundable)
- Detailed individual lot grading plans prepared by a Consulting Engineer or an Ontario Land Surveyor knowledgeable in such matters will be required to be submitted and approved by the City prior to issuance of a building permit.

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

Mike Gudelj, Applicant/Owner, was present and advised of the purpose of the Application.

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

Rick Fraracci, Owner of 274 Moffatt Street was present. Mr. Fraracci commented on the following:

- Parking and the possibility of basement units and/or additional dwelling units on the property. Nick Skerratt, Intermediate Planner, confirmed that additional dwelling units may be permitted under the current Zoning Bylaw subject to parking regulations. If the applicant wished to have more dwelling units' consideration on extending the driveway length to accommodate additional parking.
- That the privacy fence at the rear of the property was acceptable to the Applicant, and that the Applicant could attach to the fence should they plan to install a fence

dividing the rear yard of the severed property. The Applicant confirmed that it is their intention in the future to install a fence dividing the property.

- Rear yard tree condition questionable, the Applicant advised that vegetation is to be assessed and will be removed if recommended.

**Committee Comments:**

- Committee asked if the road widening is to be taken from both the severed and retained lands. The Secretary-Treasurer confirmed that is the recommendation of Staff.
- Committee confirmed that the Applicant and Agent were aware of the conditions. The Secretary-Treasurer reviewed all conditions.
- The Secretary-Treasurer advised of the appeal period.

The Committee granted provisional approval of the severance of property known municipally as 217 Atherley Road, from one lot into two residential lots and propose the construct of a semi-detached dwelling unit as follows:

Lot	Proposed Lot Frontage	Proposed Depth	Proposed Area
Lot 1 - Severed	7.60 (24.93ft)	65.66m +/- (215.42ft +/-)	499 sq.m +/- (5371.19sq.ft)
Lot 2 - Retained	7.60 (24.93ft)	65.66m +/- (215.42ft +/-)	499 sq.m +/- (5371.19sq.ft)

The property is Zoned Residential Three (R3) under Zoning By-law No. 2014-44, as amended. A Semi-Detached Dwelling Unit is a permitted use under this zone and requires a Minimum Lot Area and Frontage as follows:

Use	Min. Lot Frontage	Min. Lot Area
Semi-Detached Dwelling Unit	6.5m per unit *	200 sq.m per unit*

\*The per unit Requirement does not apply to an Additional Dwelling Unit.

**REASONS:** The application conforms with the requirements of the City of Orillia Zoning By-law, the City of Orillia Official Plan, a Plan of Subdivision is not required, and satisfies the requirements of all commenting agencies.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

Pursuant to Section 53 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 before the issuance of the Certificate of Official under a Form 2 by the Secretary-Treasurer.

1. That all taxes, local improvements, and/or other charges, both current and in arrears be paid for the calendar year to the satisfaction of the Treasurer/Chief Finance Officer;
2. The applicant/owner shall submit to the Secretary Treasurer of the Committee of Adjustment a reference plan of survey, both hard copy and digital format, duly deposited in the Office of the Land Registrar, (this shall include two hard copies as well as a digitized copy), which sets out the lands which are the subject of this application;
3. The applicant/owner shall submit to the Secretary Treasurer of the Committee of Adjustment a draft Transfer deed for review. (Upon registration, a final copy of the Transfer deed shall be provided to the City);
4. That the applicant/owner remove any accessory structure from the subject lands, subject to Staff satisfaction;
5. That the applicant/owner shall be required to pay the Development Review Fee (\$75.00) as approved by City Council.
6. That the existing mature trees and boundary trees be protected and maintained to the satisfaction of the City.
7. That the severance be subject to the submission of a building permit application for the construction of a Semi-Detached Dwelling.
8. That the applicant/owner submit and receive approval for an Entrance Permit for the creation of any new driveway access on both the severed and/or retained lands, subject to Staff satisfaction;
9. That the applicant/owner shall be required to pay any fees for approval of the documents (certificate) by the Secretary-Treasurer, as approved by City Council.
10. That the applicant/owner pay a set fee of \$2,000.00 for Cash-in-Lieu of Parkland as set out in the Planning Act and in the City of Orillia Municipal Code for the creation of one new lot.
11. That the applicant/owner obtain confirmation from the City that water and sanitary laterals can be installed to the lot line of the severed lot and that the applicant is responsible for all associated expenses in obtaining these services.
12. That the Owner/Applicant convey to the City, at the expense of the applicant, free and clear of encumbrance a 2.5 metre road widening across the frontage of both the severed and retained properties, to the satisfaction of the City.

**EFFECT OF PUBLIC INPUT:**

In making this Decision, the Committee of Adjustment had regard for all public input received through written, electronic, and verbal submissions prior to the conclusion of the Public Hearing held on November 17, 2021.

**Correspondence**

None.

**Date of Next Meeting**

Wednesday, December 15, 2021.

**Adjournment**

Moved by Richard Bates seconded by Joe Fecht:

THAT the Committee of Adjustment meeting be adjourned at 10:01 a.m. on November 17, 2021. The Committee will reconvene at 9:15 a.m. on December 15, 2021.  
Carried.

MEETING ADJOURNED – 10:01 A.M.



Joe Fecht