



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT, WEDNESDAY,
OCTOBER 21, 2020 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

Introduction by Secretary-Treasurer

The Secretary-Treasurer advised those present of the following:

- Due to the current declared emergency, 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 October 21, 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 9:19 a.m.

Approval of Agenda

Moved by Richard Bates, seconded by Ted Southorn:

THAT the agenda for the October 21, 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:

- August 19, 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 A14/20 (Rockcap Investments Inc.) – 12 Fittons Road East

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

Proposal

An application has been made by Rockcap Holdings Inc. for Minor Variance under File Number A14/20. The proposed development consists of a total of 43 residential Townhouse Dwelling Units in ten 3 storey blocks, on a common element roadway. Due to the configuration of the site, the end Townhouse Dwelling Units that front onto the internal private road are proposed to have a Lot Frontage of 7.15 m (23.45 ft) whereas the Zoning By-law requires that the end units have a Minimum Lot Frontage of 8.00 m (26.25 ft) in the “Residential Two – Intensification Area” (R2i) Zone. The two end Townhouse Dwelling Units adjacent to Fittons Road East do not require a variance as they meet the 8.00 m Minimum Lot Frontage.

Comments from the Public

None.

Comments from Departments/Agencies

- The City’s Engineering Division indicated it had no comments.
- Orillia Power indicated it had no comments.

Staff Report:

Susan Votour, Planning Coordinator/Secretary-Treasurer and Jeff Duggan, Senior Planner.

Applicant’s Comments:

Celeste Phillips, Agent for the Applicant, was present. Don lafrate (Onespace), the Architect, was also present.

The Agent provided an introduction of the application, as follows:

- Believes the variances to be desirable for the development of the property and of a minor nature.

- Provided a description of the neighbouring properties, and the planned development. As there are no directly abutting residential properties, in the opinion of the Agent the impact of the development is minimal.
- In accordance with City requirements, the units vary in style so as to present visual variety.

Public Comments (at meeting):

Jill Dytch of 308 Mississaga St. W provided the following comments/questions:

- Will there be trees in this development? The Agent advised that a Landscape Plan is required as part of the Site Plan application. The Architect advised that trees are planned for both the residential unit areas as well as within the amenity areas. Stormwater management is done through infiltration on site so there are actually more landscape features planned than would normally be required. One tree per unit minimum is planned.
- Will the trees be native species? The Architect advised that he would have to review the Landscape Plan, but typically native trees that are appropriate to the climate are planted. Jeff Duggan confirmed that the Landscape Plan would be reviewed and approved by the City's Manager of Park Planning.

Committee Comments:

- Committee asked if there was a maximum number of units that could be linked together. Jeff Duggan, Senior Planner, advised that there was not a maximum. Committee commented that if the units were combined into larger blocks, it may eliminate the need for the variance.
- Committee asked for details of the walkways and snow storage areas in the development. The Agent indicated where the access walkways, snow storage areas and visitor parking areas are located.
- The Architect described the internal sidewalks and walkways, and indicated that the number of townhouses (4-5) per block was kept low to reduce the number of rear yards that must be crossed by an interior unit owner in order to access their rear yard with a lawn mower.
- Committee asked for details with respect to the snow storage area. Jeff Duggan confirmed that there is a minimum snow storage area provision in the Zoning By-law.
- Committee asked how three storey units are considered accessible units. The Architect advised that they were designed to be barrier free and accessible with entrance flush to grade in order to comply with the barrier free requirements; however, they are still three storey units, and further that he believed there to be a bedroom on the main floor.
- Committee asked when the need for a variance was noted by the City in discussing the planned development. The Agent advised that the need came up quite recently following the staff review of the first submission for the Site Plan Application.
- Committee commented that a contractor is typically hired by condominium corporations for cutting grass and snow removal.

- Committee commented that future complaints may arise from odours from neighbouring restaurants, however since the restaurants pre-date the development, anyone purchasing in the development should be aware of the odour potential.
- Committee asked whether the parking spaces provided were big enough for trucks. The Agent and Architect indicated that a 6m length provides enough room for a car. Jeff Duggan advised that the driveways were actually slightly wider than required.
- Committee asked why the site wasn't posted. Jeff Duggan confirmed that he posted the Notice himself beside the entrance, therefore it may have been vandalized.

The Committee approved Application A14/20, and granted the following variance to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
7.4 Zone Provisions for Residential Zones, Table 7.2, Footnote (2)	End Townhouse Units in the R2 Zone are required to have a Minimum Lot Frontage of 8.00 m (26.25 ft)	End Townhouse Units proposed to have a Minimum Lot Frontage of 7.15 m (23.45 ft)	Reduction of 0.85 m (2.80 ft) in Lot Frontage for End Townhouse Units (with the exception of the End Townhouse Units adjacent to Fittons Road East).

in order to permit the development of the property with a total of 43 Townhouse Dwelling Units on an internal private condominium road.

- 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 Application for Plan of Subdivision 43T-20001 and Application for Condominium Exemption 43CD-20001 be given final approval by the City.
2. That Site Plan Control Application D11-340 shall be approved 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 October 21, 2020.

b) Application for Sign Variance T07-037 (Action Media) – 700 Memorial Avenue

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

Proposal

An application has been made by Action Media for a Sign Variance under File Number T07-037. The applicant proposes to erect a digital Billboard Sign and is requesting two variances from the provisions of the City's Sign By-law, one with respect to the location of the sign on Institutionally zoned property whereas the Sign By-law stipulates that Billboard Signs may be located only on Commercial or Industrial property, and one with respect to the reduction of the setback to the lot line from 6.0 m to 1.5 m.

Comments from the Public

The Secretary-Treasurer advised that emails in opposition to the application had been received from the following parties and circulated to the Committee members prior to the hearing:

Catherine King of 85 Barrie Road
Dale and Janet Dixon of 631 Moberley Avenue

An email expressing concern was received from the following parties:

Paul Volz of Atherley Forest Motors
Jennifer Volz of Orillia Mazda

An additional letter of opposition from Gwen Richardson (refer to Appendix "A") had been received on the morning of October 21st and had not been circulated to the Committee and therefore was read into the minutes by the Secretary-Treasurer.

During the meeting the Committee asked the Secretary-Treasurer to read the comments from Paul Volz and Jennifer Volz. These were read into the minutes (refer to Appendix "B").

Comments from Departments/Agencies

- The City's Engineering Division has indicated that they have no concerns with the variance request.
- Comments from Orillia Power Corporation had not been received at the time of the hearing.

Staff Report:

Jeff Duggan, Senior Planner.

Applicant's Comments:

Kevin Boyes, the Applicant, was present and provided the following comments:

- Small businesses have noted the big impact on growth of their business that these signs make, and recognizes that there are pros and cons.
- Believes that this site, being a commercial area, does not affect residential areas and is well planned and consistent with the spirit of the Sign By-law.
- Indicated that his target market for advertising was local businesses, however there would be some national advertisers with a local presence, such as Tim Hortons, which has an outlet directly across the road from the proposed site.
- Indicated that he has had discussions with the City of Orillia regarding using the sign to promote economic development and City events as well as to give COVID tips.
- He has had discussions with the OPP regarding using the sign to display Amber Alerts and indicated that these signs have been effective in that regard in other communities.
- He also would offer discounts for local charities who wish to use the sign for advertising or messages.
- The sign will occupy only a small ground area of approximately 10' x 10'.
- The sign is double-sided and will be viewed by traffic travelling in both directions.
- Revenues from the advertising would be partially used to pay the rent for the space occupied by the sign.

Public Comments (at meeting):

Jill Dytch, of 308 Mississaga St. W., Orillia, provided the following comments/questions:

- Who owns the sign and what will it be advertising?
- How much does the sign cost and who is going to pay for it? The Chair advised that the costs of the sign are a private business matter and are not a matter of public record.

Dale and Janet Dixon, of 631 Moberley Avenue, provided the following comments/questions:

- Would the revenue from the sign be shared with the City or the Province? The Applicant advised that the revenue would go to his company, and they in turn pay a lease to the Ontario Government (through Infrastructure Ontario) for rental of the property, as well as a portion of the property tax in accordance with the terms of the lease.
- The City will not benefit from the revenue of the sign and that it will be distracting with flashing commercials.

- Asked for clarification as to what the benefit was to the City and the people of Orillia with respect to revenue.
- Would the OPP oppose the flashing sign facing their building? Jeff Duggan advised that notice of the application was sent to Infrastructure Ontario (OPP is their tenant) in accordance with the circulation requirements in the Sign By-law and no comments were received.
- The benefit of Amber Alerts may be mitigated by the fact that they are already posted on everyone's phone.
- Questioned the size of the sign given its close proximity to the property line.
- Asked if the distraction caused by the sign was considered given that the image changes every three seconds approximately. Jeff Duggan advised that Engineering comments were contained in the Staff Report. With respect to the Atherley Road intersection, which was a location for this sign that was previously presented to the Committee, Engineering advised that given the intersection and number of incidents, it was not a favourable location, however the circumstances at this proposed new location are different given that the incident rates are so low.

Catherine King, 85 Barrie Road, was present and provided the following comments:

- That these signs are huge and distracting and serve no purpose other than to generate revenue for the company.
- Expressed concern regarding the distraction caused by the sign in this commercial area.
- Strongly objects to these signs in the City as they do not beautify the area and are out of character with the City.
- Does not feel that people new to the City would see the sign at this entrance location to the City as it would mostly be Georgian College students and staff that would view it.

City of Orillia Councillor Jay Fallis was present and provided the following comments/questions:

- Asked what the footprint area occupied by the sign was.

In response to the public comments, the Applicant advised as follows:

- The Applicant advised that his company, Action Media, will be paying for all of the expenses related to the sign installation and maintenance.
- There are requirements in the City's Sign By-law restricting the video feed to solid images as opposed to video.
- Brightness settings can be changed so that they are fairly bright during the day and reduced to 15% at night. They are very conscious of the fact that people are affected by the brightness and are willing to modify in response to the public.
- With respect to the size of the sign, given the distance from the road and the height, it is not as obtrusive as believed.
- The sign will be mounted on a 3-foot diameter concrete footing with bolts, therefore the footprint is only a few square feet. The lease stipulates that the Landlord cannot plant trees or build structures that would block the view of the sign. The only rights that the Applicant has to the property is to the sign footing itself.

Committee Comments:

- Committee advised that some of the concerns raised may be beyond the scope of the Committee. Committee advised that revenue would naturally be the purpose of the sign, since this was a commercial venture, and the Committee has no power over business models.
- Committee asked Councillor Jay Fallis what the status was of the discussions between the City and Infrastructure Ontario with respect to the former HRC property. Councillor Fallis advised there were ongoing discussions but nothing firm.
- Committee commented that the power of the Committee is specifically related to land use.
- Committee asked if the sign could be removed should there be future land use conflicts with the sign's location? The Applicant advised that the sign could be easily unbolted and removed. He further commented that this was a very small portion of a corner of the property where setbacks would not allow development.
- Committee commented that the property owner would have the ability to request removal of the sign in accordance with the terms of the lease. The Applicant confirmed that the lease contains a termination clause on 90 days' notice, and that Infrastructure Ontario also has the option not to renew the lease.

Members Bates and Southorn indicated support for the application and provided the following comments:

- They could only oppose the application based on land use planning issues and traffic safety, and since those concerns have been met to their satisfaction, both indicated support for the application.
- The City's Sign By-law allows this type of sign as a permitted use in the City. The Committee is only involved as the sign is proposed to be closer to the road than normally allowed and is proposed to be located on land that is zoned for institutional use rather than commercial or industrial use.
- The sign would benefit the City by promoting local businesses that hire local residents that pay taxes to the City.
- Similar signs have been approved such as those at Guardian Angels Church and the Geneva Theatre downtown.

Chair Fecht advised that he could not support the application for the following reasons, and asked that the vote be recorded:

- From a land use planning perspective, as the property was zoned Institutional and the application proposes permitting it to be Commercial.
- It is up to the City and the property owner, being the Provincial Government, to best determine the use of this property and further, that this commercial use of a portion of the property may limit the future use of these lands.
- Believes it is not within the power of the Committee to redesignate this property for commercial use or to decide the future use of the property, therefore, this application is premature until the property is rezoned for commercial use.

Jeff Duggan clarified that the variance does not redesignate the property from Institutional to Commercial , but simply allows a billboard sign to be permitted on an Institutionally zoned property.

Decision on Sign Variance T07-037:

Recorded Vote:

Richard Bates – In favour
Ted Southorn – In favour
Joe Fecht - Opposed

Moved by Richard Bates, seconded by Ted Southorn:
 THAT Application No. T07-037 made by Action Media with respect to property municipally known as 700 Memorial Avenue be APPROVED to permit the following variances to Chapter 832 of the City’s Municipal Code - Signs:

Section	Requirement	Proposed	Variance
Section 832.8.1 (a) Billboard Sign - regulations	Only permitted on lands zoned Commercial or Industrial.	Institutional Three (Major Institutional) (I3)	Commercial or Industrial Zone to Institutional Three (Major Institutional) (I3) Zone
Section 832.8.1 (c) Billboard Sign - regulations	Minimum setback to the lot line abutting a street 6.00m (20.0 ft)	1.50 m (4.92 ft)	4.50 m (14.76 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 a Sign Permit and Building Permit be obtained for the proposed Billboard Sign.

Carried.

Correspondence

None.

Date of Next Meeting

Wednesday, November 18, 2020.

Adjournment

Moved by Ted Southorn seconded by Richard Bates:

THAT the Committee of Adjustment meeting be adjourned at 10:52 a.m. on October 21, 2020. The Committee will reconvene at 9:15 a.m. on November 18, 2020.
Carried.

MEETING ADJOURNED – 10:52 A.M.

J. Fecht, Chair