



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES

COMMITTEE OF ADJUSTMENT

HEARING OF

September 21, 2022

The September hearing of the City of Orillia Committee of Adjustment was held on September 21, 2022 in-person in the Tudhope Boardroom on the Main Floor at City Centre, with the following in attendance:

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

Nick Skerratt – Secretary-Treasurer
Jeff Duggan – Senior Planner
Jill Lewis – Senior 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:

042-22 ***Moved by: Rick Bates***
Seconded by: Ted Southorn

That the Agenda for September 21, 2022, be approved.
Carried

4. Confirmation of Minutes of the August 17, 2022 Hearing:

(4.1) Minutes of the Committee of Adjustment Hearing dated August 17, 2022 shall be approved.

043-22 ***Moved by: Ted Southorn***
Seconded by: Rick Bates

That the Minutes of August 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) A13-22 77 Vanessa Drive

In attendance: Valerie Vautour, Agent, was present.
Hans Vanderclay and Pat McCarthy, neighbouring
property owners, were also present.

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

Proposal

The purpose of the proposed variance is to request existing stairs exterior to the dwelling to encroach into the required side yard setback.

Comments from the Public

- None.

Comments from Departments/Agencies

- Engineering Division has no comments and no requested conditions.
- Canada Post had no comments.

Staff Report:

- Planning Division recommends approval with conditions.

Applicant's Comments:

Valerie Vautour, Agent, was present and advised the following:

- The property owner was not a City resident and had a Property Manager looking after the property.
- She measured the stairwell herself for the proposed site plan, at the top of the stairs closest to the roadway.

Public Comments (at hearing):

Hans Vanderclay - 69 Vanessa Drive

- Bought in 2000 as Single Family Dwelling, now sees many residents with similar stairs to accommodate rental units.

- Referred to Bill 108 *More Homes, More Choice Act*, and asked for clarification as to the potential total number of units on a residential lot.
- Jill Lewis, Senior Planner, advised that Bill 108 provides that 2 units may be established in the main dwelling and a third unit can be added in a detached structure, but that the property would have to comply with certain guidelines established by the City, eg. parking requirements. Should the property not meet such requirements, then the property owner could apply for a minor variance in order to allow such intensification.

Pat McCarthy – 79 Vanessa Drive

- He disagrees with the measurements on the proposed site plan as submitted by the applicant, as he measured the width of the stairs at the bottom towards the rear of the property and it was 4 feet wide.
- Stairs were installed on property line without any consultation or permits, two-unit dwelling is not currently legal.
- Because of the excavation and construction of the stairs, his air conditioning unit which rests on paving stones next to stairs on his side of the property line is now leaning due to erosion. Ms. Lewis advised that any alleged property damage as a result of the construction of the stairs would be a civil matter between the property owner and Mr. McCarthy.
- He advised that he would have contacted the property owner previously to address these issues but didn't know how to find their contact information. Ms. Lewis advised that the property owners name and address could be obtained through the Assessment Roll Books at City Centre.
- Mr. McCarthy expressed frustration with the City By-law practice to be reactive rather than proactive with respect to by-law infractions and that he had contacted City Council.
- Ms. Lewis advised that the City's current policy is to require a written complaint in order to respond to by-law infractions as there are not enough staff to proactively seek out by-law infractions such as these.

Committee Comments:

The Committee commented as follows:

- Bill 109 and intensification related issues are beyond the parameter or control of the Committee's powers.
- Regarding the stair measurements, Committee asked if Staff verified these, Jill Lewis, Senior Planner, advised that the applicant declares in their application that the information they provide is accurate; therefore, Staff do not attend to confirm, and that the Committee could defer the matter so that the measurements can be confirmed, advising that a survey prepared by an Ontario Land Surveyor would confirm the accuracy of the information provided by the applicant.
- With respect to possible stormwater management issues, Ms. Lewis advised that Engineering may have potentially done a site inspection, but that they provided no comment with respect to same.

- The Committee asked how the need for this application for variance come about, the Secretary-Treasurer advised that the discrepancy was discovered when an application was received to convert the property to a two-unit dwelling.

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

1. That the applicant verify the width of the existing external stairway to City Staff satisfaction before returning to the Committee of Adjustment.

044-22 **Moved by: Rick Bates**
Seconded by: Ted Southorn

Application A13-22 77 Vanessa Drive, be deferred.

Carried

(7.2) B11-22 70 Front Street North

In attendance: Bennet MacNeil, F.S. Orillia GP Inc., Property 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 commercial parcel of land for future development.

Comments from the Public

- None.

Comments from Departments/Agencies

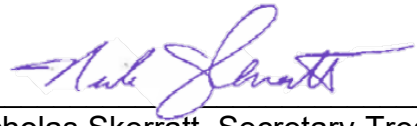
- Engineering Division has a comment and requested condition.
- Canada Post had no comments.
- Union Gas provided comments regarding service lines.

Staff Report:

- Planning Division recommends approval with conditions.

Applicant's Comments:

Joe Fecht, Chair



Nicholas Skerratt, Secretary-Treasurer