



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,
WEDNESDAY, SEPTEMBER 15, 2021 AT 9:15 A.M. – ELECTRONIC HEARING**

Present:

Joe Fecht – Chair
Richard Bates – Committee Member
Ted Southorn – Committee Member

Also Present:

Ali Chapple – Secretary-Treasurer
Jeff Duggan – Senior Planner
Nick Skerratt – Intermediate Planner

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 September 15, 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 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 for the September 15, 2021 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 18, 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 A17/21 (Lowe Properties Ltd.) – 7 Fittons Road East

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

Proposal

The purpose of the application is to request a minor variance to the required “backing out area” or “bump out” adjacent to a parking space.

Comments from the Public

None.

Comments from Departments/Agencies

Engineering Division, Development Services and Engineering

- This variance is not acceptable as a 2.0m parking area, “bump out”, is required to aid in the safe parking of a vehicle.

Ministry of Transportation

- 7 Fittons Road East – Site outside MTO permit control area and does not require MTO review.

Planning Comments:

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

Applicant’s Comments:

There was no representation from either the Agent for the Applicants at the hearing, no persons were present.

Public Comments (at meeting):

None.

Committee Comments:

- Committee asked whether a decision could be rendered in absence of any representation

- Secretary Treasurer indicated that decisions can be made in absence of an applicant and/or agent.
- Committee commented that the number of parking spaces observed during an on-site visit appeared to be different than the submitted Plan.
- Nick Skerratt, Intermediate Planner, indicated that this was a developed site and any parking on site is considered as existing and complying.
- The Committee maintained their request that an up to date Site Plan be submitted demonstrating the exact number of existing parking spaces.
- The Committee was also concerned about the location and access to refuse (garbage) containers as they appeared to be blocked by the proposed parking spaces.
- The Committee also requested an updated plan showing the location and access of the refuse containers.

Moved by Richard Bates, seconded by Ted Southorn:

THAT Application A17/21 for variance to the required “backing out area” or “bump out” adjacent to a parking space be **deferred**.

The following variances from the provisions of Zoning By-law 2014-44, as amended:

	Section 6.2.14 (b) - Aisles	Requirement	Proposed	Variance
1	An aisle servicing a Parking Area which terminates in a dead end shall extend a minimum of 2.0m beyond the final Parking Space (to aid in backing up a vehicle) as illustrated in A1-13a - below	2.00m	0.00 m (west side only)	2.00m

REASONS: This application was deferred for the following reasons:

That the owner applicant provide the committee in advance of their review of the application a revised Site Plan showing the following:

- Location and access to refuse receptacles
- An updated depiction of the existing parking spaces (to be numbered)
- Dimension of the existing and proposed aisle width
- Illustration of the new parking spaces.

Carried.

b) Application for Minor Variance A16/21 (Pitman) – 800 Westridge Blvd. Unit 18

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

Proposal

The purpose of the application is to request variance for the replacement of an existing deck with a deficient rear yard setback.

Comments from the Public

None.

Comments from Departments/Agencies

Engineering Division, Development Services and Engineering

- No comments.

Planning Comments:

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

Applicant's Comments:

Tracy Pitman, Agent for the Applicants, was present.

Public Comments (at meeting):

None.

Committee Comments:

- Committee asked questions related to lot grading and site visits
- Nick Skerratt, Intermediate Planner commented that Development Services and Engineering staff have been and will continue to inspect the site throughout the permit process.

The Committee approved Application A16/21 for variance for the replacement of an existing deck with a deficient rear yard setback.

The following variances from the provisions of Zoning By-law 2014-44, as amended:

	Section 5.6 Decks	Requirement	Proposed	Variance
1	A deck may encroach into a required rear yard setback (7.00m) by a distance equal to half of the required yard setback (3.50m)	3.50m (11.48 ft)	2.29m (7.51 ft) (Existing)	1.12m (3.97 ft)

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 be subject to the Zoning Bylaw standards and provisions.

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 September 15, 2021.

c) Application for Minor Variance A14/21 (Sophies Landing Orillia Inc.) – 19 Orchard Point Road

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

Proposal

The purpose of the application is to request several variances to facilitate a new townhouse development with 23 residential units.

Comments from the Public

Barry Thomson, 54 Orchard Point Road, wrote to the City that he would be present and prepared to read a statement.

Comments from Departments/Agencies**Engineering Division, Development Services and Engineering**

- This variance is not acceptable as a 2.0m parking area, “bump out”, is required to aid in the safe parking of a vehicle.

Ministry of Transportation

- 19 Orchard Point Road – Site is within MTO permit control area and requires review of site and associated permits, but MTO has no objections to the proposed minor variances.

Planning Comments:

Ali Chapple, Intermediate Planner and Jeff Duggan, Senior Planner.

Applicant’s Comments:

Josh Morgan, Agent for the Applicants, was present.

Mr. Morgan prepared and in-depth analysis of the property and adjacent developments. Mr. Morgan provided a background, an overview of the developments and the requested variances.

Public Comments (at meeting):

Barry Thomson, 54 Orchard Point Road, read a statement to the Committee, with regards to the overland flow of water and drainage. Mr. Thomson was concerned the new development in the area would have negative impacts on his property. Mr. Thomson’s primary concerns were with the adjacent (39 and 41 Orchard Point) development owned and to be used together with 19 Orchard Point. Mr. Thomson was also interested in seeing Engineering Plans of the development.

Committee Comments:

- Committee asked how the drainage would be taken care of.
- Staff commented that the development was subject to Site Plan approvals and that additional reviews and approvals were still required.
- Staff added a specific condition (condition 5) to address concerns related to overland flow and drainage.
- Mr. Thomson, the Committee and the agent/applicant were satisfied with the condition.
- The Committee also asked if Mr. Thomson could come into the City and be shown the Engineering Plans for the applicants' developments.
- Staff confirmed that they would make arrangement with Mr. Thomson to view the plans and discuss the developments.

The Committee approved Application A14/21 for the following variances from the provisions of Zoning By-law 2014-44, as amended:

	Section	Requirement	Proposed	Variance
1	Increased Maximum Lot Coverage for each parcel of tied land	54.00%	61.40% (units 1 – 17) 71.00% (units 18 – 23)	7.40% 17.00%
2	Reduced Minimum Landscape open space per parcel of tied land	30.00%	29.50% (Units 1 – 17) 20.80% (Units 18 – 23)	0.50% 9.20%
3	Reduced Minimum front yard setback per unit (Intensification Zone)	2.50 m (8.20 ft)	1.80m (Units 4,8,17) (5.9 ft)	0.7m (2.30 ft)
4	Reduced Minimum Exterior Yard Setback (Orchard Point Road).	2.50m (8.20ft)	2.11m (unit 9) (6.92 ft)	0.39 (1.28 ft)
5	Reduced Minimum Rear Yard Setback	7.50m (24.60 ft)	6.00m (units 1 – 20) (19.68 ft)	1.50m (4.92 ft)
6	5.8 (a) Maximum Fence Height	2.00m (6.56 ft)	2.50m (8.20ft)	0.50m (1.64 ft)
7	Reduced Minimum Required Visitor Parking on site	9 spaces on site	8 spaces on site	1 parking space to be located off site on adjacent phase
8	Increased Minimum Shoreline Setback to Lake Simcoe from a proposed unit (unit 18)	30.00m (98.4ft)	27.00m (88.5ft)	3.00m (9.84 ft)
9	5.1.4.6 (d) - Increased Maximum height for a detached deck in the Shoreline Buffer Overlay Zone	0.60m (1.98 ft)	1.20m (3.93 ft)	0.60m (1.98 ft)

10	Reduced Parking Lot Bump out	2.00m (6.56 ft)	1.47m (4.82 ft)	0.53m (1.74ft)
11	Reduced Landscape Buffer Area abutting an existing residential lot adjacent to a parking area	1.50m (4.92t)	0.00m (0.00 ft)	1.50m (4.92ft)
12.	5.1.4.3 Docking Facilities (c) the width of a Dock shall not exceed 3.0 m; request to expand the width of an existing noncomplying dock	9.76m 32.12 ft (Existing)	12.74m (41.80ft)	2.98m (9.78 ft)

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 be subject to the Zoning Bylaw standards and provisions.
2. That the owner/applicant submit through site plan approval drawings demonstrating the location of parking spaces, driveway areas and turning radius, to the satisfaction of the City.
3. That the owner/applicant submit through site plan approval a Shoreline Protection Plan demonstrating the location shoreline structures, enhanced landscaping and docks, to the satisfaction of the City.
4. That the owner/applicant obtain all necessary approvals through site plan control with regards to the use of the shoreline abutting Lake Simcoe.
5. That the owner/applicant submit through site plan approval a Grading Plan demonstrating decreased pervious surfaces due to the increase in lot coverage, the owner/applicant is required to demonstrate, to the satisfaction of the City, that stormwater flows can be accommodated via perforated subdrains (where applicable), and/or suitable grades and/or overland swales on impacted lots.

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 September 15, 2021.

Correspondence

None.

Date of Next Meeting

Wednesday, October 20, 2021.

Adjournment

Moved by Richard Bates seconded by Ted Southorn:

THAT the Committee of Adjustment meeting be adjourned at 10:44 a.m. on September 15, 2021. The Committee will reconvene at 9:15 a.m. on October 20, 2021.

Carried.

MEETING ADJOURNED – 10:44 A.M.

J. Fecht, Chair