



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,
WEDNESDAY, APRIL 17, 2019 AT 9:15 A.M. IN THE BROOKS BOARDROOM,
ORILLIA CITY CENTRE**

Present:

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

Also Present:

Jeff Duggan - Senior Planner
Susan Votour - Planning Coordinator/Secretary-Treasurer
Kelly Smith - Chief Building Official (part of meeting)

Call to Order

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

Approval of Agenda

Moved by Richard Bates, seconded by Ted Southorn:
THAT the agenda for the April 17, 2019 meeting of the Committee of Adjustment is approved.
Carried.

Disclosure of Interest

None.

Minutes - March 20, 2019

Moved by Ted Southorn, seconded by Richard Bates:
THAT the minutes of the meeting of the Committee of Adjustment held on March 20, 2019 are hereby approved and adopted.
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 A5/19 (Irish) - 148 & 150 Cedar Island Road

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

Proposal

An application has been made by Connie Irish (Agent: Rob Parham) for Minor Variance under File Number A5/19. The applicants propose to construct a new single detached dwelling on the property. The main wall of the dwelling is proposed to be 8.50 m (27.89 ft) from the shoreline of Lake Couchiching whereas Zoning By-law 2014-44 requires a setback of 15.0 m (49.21 ft) from the high water mark.

In addition, the applicant proposes to add, in future, additional structures to be located within the Shoreline Buffer Overlay Zone. The proposed structures are a detached deck having G.F.A. (Gross Floor Area) of no more than 30.0 m² (322.92 ft²) and a storage shed having a G.F.A. of no more than 15.0 m² (161.46 ft²). With the addition of these structures, the total coverage within the Shoreline Buffer Overlay Zone would be 36.8% whereas the Zoning By-law permits a maximum coverage of 25% within the Shoreline Buffer Overlay Zone.

Comments from the Public

No comments from the public were received as a result of the circulation of Notice.

Comments from Departments/Agencies

Staff Report:

Susan Votour, Planning Coordinator and Jill Lewis, Senior Planner

Union Gas

- no concerns

City of Orillia Superintendent of Collection and Distribution

- no concerns, can use existing water and sewer connections

City of Orillia Engineering and Transportation Division

- a lot grading plan and Erosion and Sediment Control Plan will be required prior to the issue of a building permit.

Applicant's Comments:

Rob Parham, agent for the applicant, was present as was the applicant, Connie Irish.

Mr. Parham provided the following comments:

- Many of the houses on waterfront lots in the immediate neighbourhood are closer to the water than the by-law allows.
- The proposal is in keeping with the neighbourhood.

Public Comments (at meeting):

None.

Committee Comments:

Committee provided the following comments:

- Committee asked if plans were available showing the proposed waterfront deck and shed. The applicant advised that there were no plans for these structures at present but they had been included so that another minor variance application would not be required in the future.

- Committee commented that the trend is towards redevelopment of waterfront properties with year-round homes and that this application is consistent with that trend.
- Committee asked the applicant for clarification regarding the location of the lot line in relation to a shed on the property.

The Committee approved Application A5/19 and granted the following variances to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
5.34 "Setback from Waterbodies and Watercourses"	Minimum setback from Lake Couchiching - 15.00 m (49.21 ft)	Minimum Setback from Lake Couchiching - 8.50 m (27.89 ft)	7.50 m (21.32 ft)
15.1.3 "Maximum Lot Coverage in Shoreline Buffer Zone"	Maximum Coverage in Shoreline Buffer Zone - 25.0%	Maximum Lot Coverage in Shoreline Buffer Zone - 36.80%	11.80% (37.17 m ² /400.09 ft ²)

in order to allow the construction of a new single detached dwelling with an accessory shoreline deck and storage shed on the subject property.

- 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 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 April 17, 2019.

(b) Consent Application B4/19 (Habitat for Humanity Ontario Gateway North) - 499 Bay Street

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

Proposal

An application has been made by HABITAT FOR HUMANITY ONTARIO GATEWAY NORTH for consent under File Number B4/19, to sever property municipally known as 499 Bay Street in order to create one new residential lot. The proposed severed and retained lots would each have approximately 10.05 m (32.97 ft.) frontage on Bay Street and an area of approximately 761.95 m² (8,201.56 ft²).

The property currently has a semi-detached dwelling situate on it. The purpose of the consent is to sever the property such that one half of the semi-detached dwelling is situate on each of the severed and retained lots, to allow the Dwelling Units to be separately conveyed. Both the severed and retained lots meet the minimum area and frontage requirements in the Zoning By-law for a semi-detached dwelling.

Comments from the Public

None.

Comments from Departments/Agencies

Staff Report:

Susan Votour, Planning Coordinator

Jeff Duggan, Senior Planner

City of Orillia Engineering and Transportation Division

- No comments

City of Orillia Superintendent of Collection and Distribution

- Existing water & sewer services are separate to each unit with individual shut off valves at or near the property line. These shut offs must be maintained by the home owner(s) and remain accessible at all times.

City of Orillia Chief Building Official

- Has reviewed the proposal. The building was built as a duplex with proper party wall which is suitable for the severance.
- Has a concern with front porch construction as it was built as a single unit with a roof and no separation is in place. Each side relies on the other for structural support and if a future property owner removes one side of the porch the other side will not be adequately supported.

Union Gas

- No concerns

Applicant's Comments:

Mick Janke, Director of Building for Habitat for Humanity Ontario Gateway North, was present. Mr. Janke provided the following comments:

- With respect to the comments from the Chief Building Official regarding the porch construction, Habitat for Humanity has built this same model of semi-detached building in other municipalities without this issue being raised.
- Their agreement regarding this property states that they must retain the property in affordable housing for 20 years.
- Habitat for Humanity will maintain a perpetual first right of refusal with respect to the properties.
- They will have a level of governance over the properties in the future.
- Removal and replacement of the roof over the front porch would come at considerable cost and would provide little benefit.
- Showed the Committee members a photograph of the front porch to illustrate the roof construction.
- Indicated that a divider will be installed in the centre of the porch once construction is completed, but the divider will not be structural.
- There is approximately 50 feet of rear yard behind the dwellings which provides ample outdoor amenity space without the need to encroach onto the low-lying area.
- Significant efforts were made during the construction of the dwellings, including weeping tile and sump pumps, in order to ensure there would be no issue with water in the basements.

Public Comments (at meeting):

None.

Committee Comments:

Committee provided the following comments:

- As the Chief Building Official was present, the Committee requested clarification regarding the front porch issue. CBO Smith advised that if the properties were separate, one owner could demolish or alter the porch, causing a structural failure to the other side of it. CBO Smith also advised that each half of the semi had another entrance door and that the front porch doors are not the primary entrances to the residences.
- Committee asked if there were measures in place to prevent the eventual filling of the wet area in the rear of the lots. Staff advised that the City does not currently fall under the jurisdiction of a conservation authority but that a Site Alteration By-law is currently under development which would not permit filling of an environmentally sensitive area.
- Committee noted that there was a large tree in the rear yard which needed to be cut down. Mr. Janke confirmed that there is a large willow tree in the rear yard that will be removed this spring as it is a danger.

The Committee approved Application B4/19 and granted provisional consent to sever property municipally known as 499 Bay Street in order to create one new residentially-zoned lot. The proposed severed and retained lots would each have approximately 10.05 m (32.97 ft.) frontage on Bay Street and an area of approximately 761.95 m² (8,201.56 ft²).

REASONS: The application conforms with the requirements of the City of Orillia Zoning By-law and the City of Orillia Official Plan and satisfies the requirements of all commenting agencies.

SUBJECT TO THE FOLLOWING CONDITIONS:

Pursuant to Subsection 41 of 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 and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

1. That the applicant submit to the Secretary/Treasurer of the Committee of Adjustment:
 - a. One (1) copy of a draft Reference Plan prepared by an Ontario Land Surveyor, identifying the severed lot and confirming the placement of the new lot line along the centre line of the common wall between the units. Upon review and approval of the draft Reference Plan by the Secretary-Treasurer, one copy of the registered reference plan shall be provided to the City.
 - b. One (1) copy of the electronic registration “in preparation” draft Transfer for the severed lot shall be provided to the Secretary/Treasurer of the Committee of Adjustment together with a signed Acknowledgement and Direction so that the consent certificate may be issued.
2. That the applicants shall pay:
 - a. The required Severance Review Fee (\$75.00) as approved by City Council; and
 - b. The required fees for approval of the documents by the Secretary/Treasurer, as approved by City Council.
3. All conditions of provisional consent shall be fulfilled within one (1) year from the date of the giving of notice of provisional consent, in accordance with Subsection 53(41) of the Planning Act.
4. The full cost of the electrical services and any relocation of any OPDC owned poles, wires or other equipment that may be required is the sole responsibility of the property owner/developer.

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 April 17, 2019.

(c) Minor Variance Application A6/19 (Roberts) - 621 Moberley Avenue

The Secretary-Treasurer introduced the application.

Proposal

An application has been made by Wayne Roberts (Agent: Mathew Johnston) for Minor Variance under File Number A6/19. The applicant proposes to construct a detached garage having Floor Area of 83.24 m² (896.00 ft²) on the subject property. The proposed garage exceeds the Maximum Floor Area for an Accessory Structure as set out in the City's Zoning By-law. In addition, a portion of the proposed garage will be located 0.61 m (2.00 ft) from the northerly interior side lot line whereas the Zoning By-law requires a setback of 1.20 m (3.94 ft) from an interior side lot line.

Comments from the Public

None.

Comments from Departments/Agencies

Staff Report:

Susan Votour, Planning Coordinator

Jeff Duggan, Senior Planner

City of Orillia Engineering and Transportation Division

- An engineered lot grading plan will be required at the building permit stage.

City of Orillia Superintendent of Collection and Distribution

- No concerns

Union Gas

- No concerns

Applicant's Comments:

Mathew Johnston, agent for the applicant Wayne Roberts, was present. Mr. Johnston provided the following comments:

- The house on the subject property is square to the road, but the property is angled. If they met the required setback while keeping the garage square with the house, only an eight foot overhead door would be possible.
- The reason for wanting to move the garage over is to keep it square with the house while allowing for a larger garage door.
- The garage will be used for storage only.
- The reason for the overhead door at the side of the garage is to allow access into the rear yard.
- Provided a copy of the Notice of Hearing signed by the immediate neighbouring owner to the north at 623 Moberley Avenue indicating that she had no objection to the proposed garage.

Public Comments (at meeting):

Russ Petrie of 640 Broadview Avenue was present and provided the following comments:

- He is the abutting neighbor to the rear of the subject property.
- There is no proposed reduction of the setback at the rear property line so he has no issue with that.
- It is a large structure, and he is concerned that water runoff be directed away from his property.
- Asked what the proposed use of the garage was, wants to ensure that a business will not be running out of the garage.
- The raised swimming pool that was previously on the property caused some water runoff onto his property during rainfall events.

Committee Comments:

Committee provided the following comments:

- Committee asked the applicant to clarify what the plan was for directing runoff from the garage roof. The applicant advised that he will ensure that the runoff is directed to the street and not towards any neighbouring properties.
- Committee confirmed that a recommended condition of approval was that runoff be directed away from adjoining properties.
- Committee confirmed that the Zoning By-law dictates the use of structures and that it is not within the scope of the Committee to limit the use of property.
- Committee noted that a number of trees appeared to have been recently cut on the property. Mr. Johnston advised the trees were healthy trees that had been cut by a friend of the owner.

The Committee approved Minor Variance Application A6/19 and granted the following variances to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
5.1.2.1, Table 5.1, "Minimum Required Yards for Accessory Buildings or Structures"	Interior Side Yard for an Accessory Structure having Floor Area exceeding 10.0 m ² must meet the minimum Interior Side Yard Setback for the Zone (1.20 m)	The proposed Accessory Structure has Floor Area of 83.24 m ² and is proposed to be 0.61 m (2.0 ft) from the northerly Interior Side Lot Line at its closest point.	0.59 m (1.94 ft)
5.1.3.1	Maximum Floor Area for any one Accessory Structure shall not exceed 68.00 m ² (731.95 ft ²)	The proposed Accessory Structure has a Floor Area of 83.24 m ² (896.00 ft ²)	15.24 m ² (164.05 ft ²)

in order to allow the construction of a detached garage having floor area of approximately 83.24 m² (896 ft²) on the subject property.

- 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.
2. That the roof drainage from the proposed garage shall be directed away from the adjoining properties.

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 April 17, 2019.

(d) Application for Consent B3/18 (Jreige) - 138 Memorial Avenue - Change of Conditions

The Secretary-Treasurer explained that the applicant had requested a change to Condition #4 of the conditions of approval of Consent Application B3/18, provisionally approved by the Committee in 2018. The applicant requested a change in the condition regarding demolishing the existing building on the property. The building is proposed to be demolished prior to the issue of a building permit for the severed or retained lands.

The Secretary-Treasurer further advised that pursuant to the provisions of the *Planning Act*, no circulation of notice of change of the conditions is required. Further, as the proposed change in conditions can be considered to be a minor change, there is no appeal period following approval.

Applicant's Comments:

Colby Marshall, the agent for the owner Marcel Jreige, was present. Mr. Marshall advised the Committee as follows:

- that they have a pending sale of the property but in order to complete the conditions of consent to facilitate the sale, the existing house must be demolished.
- If the sale transaction were not to occur, they would not want to demolish the house at this time.
- Amending the condition to require demolition of the house prior to a building permit instead of prior to the issue of the Consent Certificate will assist them in completing the conditions of the consent.

Committee Comments:

- Committee commented that the request appeared reasonable and technical in nature.

Change of Conditions - Consent Application B3/18 (Jreige)

Moved by Richard Bates, seconded by Ted Southorn:

THAT Condition #4 of the Decision of the City of Orillia Committee of Adjustment dated June 20, 2018 with respect to Application for Consent B3/18 (Jreige) - 138 Memorial Avenue is hereby amended to read as follows:

“4. That the existing building on the property be demolished prior to the issue of a building permit for the severed or retained lots, with all necessary demolition permits to be obtained from the City at the applicant’s expense.”

AND THAT in all other respects the Decision of the Committee is confirmed.

AND THAT pursuant to Subsection 53(26) of the Planning Act, the Committee deems this change to the conditions to be minor and therefore no notice of the change is required to be given.”

Correspondence

None.

Date of Next Meeting

Wednesday, May 15, 2019 at 9:15 a.m. in the Brooks Boardroom (1st floor) Orillia City Centre.

Adjournment

Moved by Ted Southorn seconded by Richard Bates:

THAT the Committee of Adjustment meeting be adjourned at 9:57 a.m. on April 17, 2019. The Committee will reconvene at 9:15 a.m. on May 15, 2019 unless the Secretary-Treasurer has not received a complete application for the Committee’s consideration.

Carried.

J. Fecht, Chair