



CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,
WEDNESDAY, DECEMBER 12, 2018 AT 9:15 A.M. IN THE ECONOMIC
DEVELOPMENT BOARDROOM, ORILLIA CITY CENTRE**

Present:

Richard Bates - Acting Chair
Wayne Scanlon - Committee Member
Councillor Ted Emond - Alternate Committee Member

Also Present:

Jeff Duggan - Senior Planner
Jeff Rogers - Municipal Law Enforcement Officer
Avery Martyn - Municipal Law Enforcement Officer

Regrets:

Joe Fecht – Chair

Call to Order

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

Approval of Agenda

Moved by Wayne Scanlon, seconded by Ted Emond:
THAT the agenda for the December 12, 2018 meeting of the Committee of Adjustment be approved.
Carried.

Disclosure of Interest

Member Scanlon declared a conflict with respect to Application B5/18 as he has done appraisal work for the owner of the property in the past.

Deputations

None.

Minutes

Moved by Wayne Scanlon, seconded by Ted Emond:
THAT the minutes of the following meeting be adopted:
- October 17, 2018
Carried.

Closed Session

There were no closed session items for this meeting.

Correspondence – Information Items

None.

Correspondence – Action Items

a) Minor Variance Application A23/18 (Various Owners) - 74 & 76 Isabella Drive and 3043, 3045, 3047 & 3049 Stone Ridge Boulevard

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

Proposal

An application has been made by the following parties through their agent, Christine McGowan, for Minor Variance under File Number A23/18:

Owner	Subject Property Address
Ed and Deborah Mulder	74 Isabella Drive
Samuel Mulholland	76 Isabella Drive
Meridith and Kyle Patterson	3043 Stone Ridge Boulevard
Craig and Jennifer Columbus	3045 Stone Ridge Boulevard
Nick Kokkas and Brittany Gillard	3047 Stone Ridge Boulevard
Andrew and Elizabeth Kiela	3049 Stone Ridge Boulevard

A fence has been constructed on the subject properties which in some places exceeds the Maximum Fence Height of 2.00 m as specified in the City's Zoning By-law. Each of the affected owners has requested a variance from the provisions of Zoning By-law 2014-44, as amended to permit a maximum fence height of 2.30 m.

Comments from the Public

None.

Comments from Departments/Agencies

Superintendent of Collection and Distribution

- No concerns.

Orillia Power

- No concerns.

Simcoe County District School Board

- No objection.

Union Gas

- No concerns.

Staff Report:

Susan Votour, Planning Coordinator and
Jeff Duggan, Senior Planner

Applicant's Comments:

Christine McGowan, the agent for the applicants, and Samuel Mulholland, one of the affected owners, were present. Ms. McGowan provided the following comments:

- Construction of the fence was complete by the time the six owners received notification from the City that the fence did not comply with the Zoning By-law.
- The owner of the fencing company had been advised by the City's By-law Officers during construction that the fence was too high.
- Since receipt of the notice from the City By-law Officer, the six affected owners have discussed attempting to modify the fence to comply with the Zoning By-law, however they are in agreement that altering the fence to comply is technically challenging.
- The fence as constructed is aesthetically pleasing and their preference would be not to alter it since alterations would detract from the appeal of the fence.

Public Comments (at meeting):

None.

Committee Comments:

- Committee asked for clarification regarding where the fence height had been measured - was it to the top of the lattice or to the top of the posts? Staff clarified that the height was measured to the top of the lattice.
- Committee commented that the Zoning By-law is proposed to be amended to clarify that a lattice at the top of a fence is to be included in the measurement of the fence height.

The Committee approved Application A23/18 (Mulholland, Patterson, Columbus, Keila, Mulder, Kokkas & Gillard) and granted the following Minor Variance to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
5.7 Fences	Maximum Height of a Fence on a Residential Property - 2.00 m (6.56 ft)	Maximum Fence Height of 2.30 m (7.55 ft)	0.30 m (0.98 ft)

in order to allow a fence having Height of 2.3 m on the subject properties.

The variance granted relates to each of the properties shown in the following table:

Owner	Subject Property Address
Ed and Deborah Mulder	74 Isabella Drive
Samuel Mulholland	76 Isabella Drive
Meridith and Kyle Patterson	3043 Stone Ridge Boulevard
Craig and Jennifer Columbus	3045 Stone Ridge Boulevard
Nick Kokkas and Brittany Gillard	3047 Stone Ridge Boulevard
Andrew and Elizabeth Kiela	3049 Stone Ridge Boulevard

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:

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 December 12, 2018.

Member Scanlon left the meeting room during the hearing of Consent Application B5/18.

b) Consent Application B5/18 (1016864 Ontario Inc.) - 208 & 210 Memorial Avenue

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

Proposal

An application has been made by 1016864 ONTARIO INC. for consent under File Number B5/18, to sever property municipally known as 208 and 210 Memorial Avenue, in order to re-separate parcels of land which have historically been separate, but which were subject to an accidental merger as a result of being placed into identical title. Both the proposed severed and retained lots comply with the Minimum Lot Frontage and Minimum Lot Area as required under Zoning By-law 2014-44, as amended.

Comments from the Public

None.

Comments from Departments/Agencies

Superintendent of Collection and Distribution

- No concerns.

Orillia Power

- No concerns.

Simcoe County District School Board

- No objection.

Bell Canada

- No concerns.

Staff Report:

Susan Votour, Planning Coordinator and
Jeff Duggan, Senior Planner

Applicant's Comments:

Oscar Wong, lawyer for the applicant, and Peter Tsang, the applicant, were present. Mr. Wong provided the following comments:

- The two parcels of land were acquired by his client at different times.
- There was a sale transaction involving the property at 210 Memorial Avenue and during the course of the transaction, the problem was discovered.
- The Agreement of Purchase and Sale lapsed as a result of the issue.

Public Comments (at meeting):

None.

Committee Comments:

- None.

The Committee provisionally approved Application B5/18 (1016864 Ontario Inc.) for the creation of one new commercially-zoned lot having Lot Frontage of approximately 25.10 m (82.38 ft) on Memorial Avenue and a Lot Area of approximately (3.76 acres). The proposed retained lot would have approximately 41.15 m (135.00 ft.) frontage on Memorial Avenue and an area of approximately 1843.20 m² (19840 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.

Conditions:

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 parcel. 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. Alternatively, if there is an existing legal description that is acceptable to the Land Registry Office for registration, a description pre-approval from the Land Registry Office shall be provided to the Secretary-Treasurer.
 - 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.
 - 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 December 12, 2018.

Member Scanlon returned to the meeting room following the hearing of Consent Application B5/18.

Date of Next Meeting

Wednesday, January 16, 2019 at 9:15 a.m. in the Brooks Boardroom (1st floor) Orillia City Centre (TBC).

Adjournment

Moved by Wayne Scanlon seconded by Ted Emond:

THAT the meeting be adjourned.

Carried.

MEETING ADJOURNED – 9:38 A.M.

R. Bates, Acting Chair