



CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,
WEDNESDAY, FEBRUARY 20, 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
Maria Pinto - Planning Administrator
Susan Votour - Planning Coordinator/Secretary-Treasurer

Call to Order

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

Appointment of Chair

Moved by Richard Bates, seconded by Ted Southorn:

THAT Joe Fecht is appointed as Chair of the City of Orillia Committee of Adjustment for the 2019 calendar year.

Carried.

Appointment of Secretary-Treasurer

Moved by Ted Southorn, seconded by Richard Bates:

THAT Susan Votour is appointed as Secretary-Treasurer to the City of Orillia Committee of Adjustment for the term ending December 21, 2022.

Carried.

Appointment of Deputy Secretary-Treasurer

Moved by Richard Bates, seconded by Ted Southorn:

THAT Maria Pinto is appointed as Deputy Secretary-Treasurer to the City of Orillia Committee of Adjustment for the term ending December 21, 2022.

Carried.

Moved by Ted Southorn, seconded by Richard Bates:

THAT Jeff Duggan is appointed as Deputy Secretary-Treasurer to the City of Orillia Committee of Adjustment for the term ending December 21, 2022.

Carried.

Adoption of Meeting Schedule

Moved by Richard Bates, seconded by Ted Southorn:

THAT the Meeting Schedule for the City of Orillia Committee of Adjustment for the 2019 calendar year, attached as Appendix 1, is hereby approved and adopted.

Carried.

Approval of Agenda

Moved by Ted Southorn, seconded by Richard Bates:

THAT the agenda for the February 2019 meeting of the Committee of Adjustment is approved.

Carried.

Disclosure of Interest

None.

Minutes - December 12, 2018

Moved by Richard Bates, seconded by Joe Fecht:

THAT the minutes of the following meeting be adopted:

- December 12, 2018

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) Minor Variance Application No. A2/19 (Wichayasunan) - 63 Neywash Street

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

Proposal

An application has been made by Decha Wichayasunan for Minor Variance under File Number A2/19. The applicant proposes to construct a detached garage in the rear yard of the subject property. The proposed garage has a floor area of 136.19 m² (1,466.00 ft²) whereas the Zoning By-law restricts the maximum floor area of an Accessory Structure to 68.00 m² (731.94 ft²).

The subject property is designated under Part IV of the *Ontario Heritage Act* and is known as the Tisdale House. Prior to consideration of the minor variance application by the Committee of Adjustment, the applicant was required to submit a Heritage Impact Statement to be reviewed by the Heritage Committee. The Heritage Committee approved the proposal by a resolution which included some required amendments to the design of the building.

Comments from the Public

One letter of support was received from David Carson of Carson Funeral Homes, the owner of the property immediately to the west of the subject property.

Comments from Departments/Agencies

Engineering Division

- A detailed lot grading plan prepared by a Consulting Engineer or an Ontario Land Surveyor knowledgeable in such matters is to be submitted and approved by the City prior to issuance of a building permit.
- A lot grading deposit will be required. The amount of the deposit depends upon the complexity of grading involved. A lot grading processing fee of \$145.00 applies.

Staff Report:

Jeff Duggan, Senior Planner

Applicant's Comments:

Andrew Binns of Binns Construction, agent for the applicant, was present. Mr. Binns provided the following comments:

- It is the homeowner's desire to tidy up the yard
- The homeowner has several cars and prefers to store them inside rather than outdoors.

Public Comments (at meeting):

None.

Committee Comments:

Committee provided the following comments:

- Committee clarified that the back of the proposed garage will face a parking area located on the neighbouring property to the west.
- Committee noted that the centre bay of the proposed five-car garage was higher and asked why this was the case. Mr. Binns advised that the owner had a delivery truck and wished to park it indoors.
- Committee noted that the resolution of the Municipal Heritage Committee included recommended modifications but that the plans before the Committee of Adjustment did not seem to reflect those modifications. Mr. Binns produced a set of plans whereon the modifications had been marked and reviewed them with the Committee. Mr. Binns noted that the Heritage Committee had recommended moving the higher bay so that it was not in the centre of the building, however due to the turning radius of the vehicle the higher bay will have to stay in the centre.
- The Committee asked staff how the recommended modifications could be referenced in the Committee's Decision. Staff modified the Decision to include a requirement for the applicant to comply with the resolution of the Municipal Heritage Committee.

The Committee approved Application A2/19 (Wichayasunan) and granted the following variance to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
5.1.3.1 "Accessory Buildings, Structures, and Uses - Lot Coverage and Height"	The floor area for any one Building or Structure Accessory to the Residential Use on the Lot shall not exceed 68.0 m ² .	136.19 m ²	68.19 m ²

in order to allow the construction of a garage having floor area of 136.19 m² on the subject property.

- REASONS:**
- (1) The variance is minor;
 - (2) The variances 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 the development of the property shall proceed in substantial compliance with the plans and drawings submitted with the application and in accordance with the Resolution of the Municipal Heritage Committee.
2. That the two existing Accessory Structures be removed prior to the issuance of the Building Permit.
3. A detailed lot grading plan prepared by a Consulting Engineer or an Ontario Land Surveyor knowledgeable in such matters is to be submitted and approved by the City prior to issuance of a building permit.
4. A lot grading deposit will be required. The amount of the deposit depends upon the complexity of grading involved. A lot grading processing fee of \$145.00 applies.

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 February 20, 2019.

(b) Minor Variance Application No. A3/19 (Rynard) - 350 Brewery Lane

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

Proposal

An application has been made by Derek Rynard for Minor Variance under File Number A3/19. The applicant proposes to construct a Dock with a length of 27.20 m (89.33 ft) and a width of 3.10 m (10.17 ft) whereas the Zoning By-law requires a Dock to have a maximum permitted length of 15.0 m (49.21 ft) and a maximum width of 3.0 m (9.84 ft). The maximum permitted floor area of the Dock is 68.0 m² (731.94 m²) whereas the Dock will have a floor area of 88.07 m² (948.00 ft²). There is an existing dock on the property having length of 20.0 m (66.0 ft) and therefore the net increase in length will be 7.20 m (23.62 ft).

Comments from the Public

None.

Comments from Departments/Agencies

Engineering Division

- No comments.

Staff Report:

Maria Pinto, Planning Administrator

Jill Lewis, Senior Planner

Applicant's Comments:

Lanny Dennis of Wayne Simpson and Associates, a Planner and agent for the applicant, was present. Mr. Dennis provided the following comments:

- He concurs with the staff report and the recommendation contained therein
- The reason for the additional dock length is the shallowness of the water
- Lot coverage on the property, including the dock, is 3.6% whereas the Zoning By-law permits a maximum of 35%.
- The proposed dock is in the centre of the property, equidistant from the side lot lines.
- The existing dwelling building is 460 feet from the shoreline.
- The dock does not add to the mass and bulk of structures on the property.
- There is tree cover along the side lot lines which assists in screening the dock from view.
- The property slopes from the road toward the lake and therefore the dock will not be visible from the road.
- The dock has been angled somewhat towards the shore to mitigate the length. The dock will be set back from the main boating channel.
- The proposed dock will be essentially in the same location as the existing dock. There have not been any issues with the location of the existing dock.
- In his opinion the proposed variance meets the four tests in the *Planning Act*.

Terry Cropper of T & C Construction, the contractor who will be building the dock, was present and provided the following comments:

- The existing dock consists of an 8' by 10' concrete platform and a floating dock which is anchored to the lake bed with chains. The new dock will be a permanent dock with wooden decking on steel posts.
- Transport Canada does not have jurisdiction. The agencies having jurisdiction are MNRF with respect to the dock construction and DFO with respect to fish habitat.
- No permit is required from MNRF for the dock since the supporting structure will occupy less than 15 square metres on the lake bed. A permit will be required and obtained from MNRF for rocks which will be placed adjacent to a portion of the dock to protect against silt, waves and ice.
- The existing dock is breaking apart and needs to be replaced.

Public Comments (at meeting):

None.

Committee Comments:

Committee provided the following comments:

- Committee asked staff if there was a water lot associated with this property. Staff clarified that there is no water lot.
- Committee expressed some concern regarding the need for the additional dock length and asked the applicant what the water depth is at the end of the current dock and what it will be at the end of the new dock. Mr. Dennis advised that the current water depth at the end of the dock is two to three feet, but it will be five to six feet at the end of the new dock. Mr. Cropper produced an air photo which showed the lake depth. Mr. Dennis advised that five to six feet is a reasonable depth for mooring as it avoids stirring up the lakebed.
- Committee asked what type of boats will be moored at the new dock. Mr. Dennis advised that they will be primarily stern drive ski boats.
- Committee asked if an escape ladder and night lights will be included in the design of the dock for safety purposes. Mr. Cropper indicated that an escape ladder and lights will be automatically incorporated in the dock design.
- Committee requested clarification that the dwelling on the property is a year round home rather than a cottage. Mr. Dennis confirmed that it is a year round home.
- Committee directed staff to amend the proposed condition to refer to MNRF and DFO rather than Transport Canada.

The Committee approved Application A3/19 (Rynard) and granted the following variances to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
5.1.3.1 - Accessory Buildings, Structures, and Uses - Lot Coverage and Height	The floor area for any one Building or Structure Accessory to the Residential Use on the Lot shall not exceed 68.0 m ² .	88.07 m ² (948.00 ft ²)	20.07 m ² (216.03 sq ft)
5.1.4.3- Docking Facilities	Length of a dock shall not exceed 15.0 m from the Shoreline	27.20 m (89.33 ft)	12.20 m (40.02 ft)

5.1.4.3- Docking Facilities	Maximum Permitted Width of a Dock is 3.0 m	3.10 m (10.17 ft)	0.10 m (0.32 ft)
Section 5.19, a), i) "Non-Complying Buildings, Structures and Developed Sites"	Permits the enlargement of an existing Non-Complying Structure provided that the enlargement does not increase the situation of non-compliance	The situation of non-compliance would be increased by 7.20 m (23.62 ft). The existing dock has a length of 20.0 m (66.00 ft) and the proposed dock will have a length of 27.20 m (89.93 ft).	7.20 m (23.62 ft)

in order to allow the construction of a permanent dock having length of 27.20 m and width of 3.10 m at the shoreline of 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 applicant provides confirmation from MNRF and DFO that they have no objection to the construction of the dock.
2. That the development of the property shall proceed in substantial compliance with the plans and drawings submitted with the application.
3. That an access ladder shall be provided as a part of the dock construction.

Notes:

- o This Minor Variance does not relieve the applicant of any permits or other permissions required under the Building Code or any other applicable legislation.
- o 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 February 20, 2019.

(c) Application for Minor Variance A4/19 (Marinakos) - 62 Dunlop Street

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

Proposal

An application has been made by Jimmy Marinakos for Minor Variance under File Number A4/19. The applicant proposes to convert the Three-Unit Dwelling at 62 Dunlop Street into a Four-Unit Dwelling which requires 6 parking spaces and a 2.00 m (6.56 ft) wide Landscaped Buffer Area. The application is proposing to provide 5 parking spaces and no Landscaped Buffer Area along the South Interior Side Lot Line. Staff advised the Committee that the conversion of the property to a Four-Unit Dwelling is subject to Site Plan Control.

Comments from the Public

None.

Comments from Departments/Agencies

Engineering Division

- A Development Control Fee of \$725.00 is applicable to this application based on City Policy No. 2.3.5.5.
- A detailed lot grading plan prepared by a Consulting Engineer or an Ontario Land Surveyor knowledgeable in such matters is to be submitted and approved by the City prior to issuance of a building permit.
- A lot grading deposit will be required. The amount of the deposit depends upon the complexity of grading involved. A lot grading processing fee of \$145.00 applies.
- Prior to construction, an Erosions and Sediment Control Plan in accordance with the latest revision of the "Guidelines on Erosion and Sediment Control for Urban Construction Sites" must be submitted by a Consulting Engineer, for approval by the City.
- The applicant should determine if the existing sanitary service connection is adequate in size or condition for their purposes. If a new service is needed, installation will be done by the City to the streetline at the applicant's expense.
- The applicant is required to determine if the existing water service connection is adequate in size or condition for their purposes. If a new service is needed, installation will be completed by the City to the streetline at the applicant's expense.

Staff Report:

Ali Chapple, Intermediate Planner
Jill Lewis, Senior Planner

Applicant's Comments:

Josh Morgan of Morgan Planning & Development Inc., agent for the applicant, was present. Mr. Morgan provided the following comments:

- Advised that the owner of the property is Jimmy Marinakos and not Lakowinn Enterprises as contained in the application.
- The use of the property as a Four-Unit Dwelling is permitted in the existing zoning, however in order to obtain a building permit for the fourth unit the City must be satisfied with respect to parking.

- The City's Zoning By-law requires six parking spaces for four dwelling units, however the subject property is only capable of accommodating five parking spaces. This would be one space for each of the four units and one visitor parking space.
- The required landscaped buffer can be provided except at the southeasterly lot line. In this location there is a new 2 metre high fence. This lot line abuts a multiple unit building.
- The property is located in a mixed use neighbourhood.
- The property is immediately adjacent to the "Downtown Area" as set out in the City's Zoning By-law, which provides a 50% reduction in the number of required parking spaces.
- The owner has been purchasing and restoring older housing stock in this neighbourhood. The provision of one parking space per unit is consistent with what the owner has typically provided for his other multiple residential buildings.

Brian Zwiers, realtor/property manager representing the applicant, was also present. Mr. Zwiers advised as follows:

- the property is currently tenanted by three tenants each of whom has a car
- the property was converted from a single-family dwelling to a duplex, then from a duplex to a triplex. This method of conversion saves Development Charges since there is an exemption for adding one additional unit provided that it is smaller than the principal unit.
- The two units at the front of the building are older while the newer units are towards the rear.
- A large French Drain has been installed on the property in order to prevent stormwater runoff onto neighbouring properties.

Public Comments (at meeting):

None.

Committee Comments:

Committee provided the following comments:

- Committee asked if the property was currently tenanted. Mr. Zwiers advised that three of the units were currently occupied and the fourth was under construction, has no kitchen and is not occupied since the owner is in the process of obtaining a building permit for the fourth unit.
- Committee asked staff if there were any concerns regarding grading. Staff indicated that the conversion of the building to a Four-Unit Dwelling triggers site plan control and that the comments of the Engineering Department with respect to lot grading, etc. will be dealt with through the Site Plan Control process.
- Committee commented that the proposed conversion is an improvement to the neighbourhood and assists in achieving intensification, but noted that parking will always be an issue in this neighbourhood.

The Committee approved Application A4/19 (Marinakos) and granted the following variances to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
Table 6.1-Parking Requirements for Residential Uses	1.5 spaces per Dwelling Unit of which 25% shall be Visitor Parking for a total of 6 required Parking Spaces with 2 visitor parking spaces	1.25 spaces per Dwelling Unit of which 20% will be Visitor Parking for a total of 5 parking spaces with 1 visitor parking space	1 parking space (dedicated to visitor parking)
Table 5.2-Minimum Requirements for Landscaped Buffer Areas and Screening Strips	2.00 m (6.56 ft) wide Landscaped Buffer Area abutting a Residential Zone	No Landscaped Buffer Area (0.00 m) to be provided along the South Interior Side Lot Line	2.00 m (6.56 ft)

in order to allow the conversion of the existing building on the property from a Three Unit Dwelling to a Four Unit Dwelling.

- 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:

(NONE)

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 February 20, 2019.

Correspondence

None.

Date of Next Meeting

Wednesday, March 20, 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 10:20 a.m. on February 20, 2019. The Committee will reconvene at 9:15 a.m. on March 20, 2019 unless the Secretary-Treasurer has not received a complete application for the Committee's consideration.

Carried.

J. Fecht, Chair