



CITY OF ORILLIA  
COMMITTEE OF ADJUSTMENT MINUTES

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,  
WEDNESDAY, MARCH 20, 2019 AT 9:15 A.M. IN THE BROOKS BOARDROOM,  
ORILLIA CITY CENTRE**

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**Present:**

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

**Also Present:**

Jill Lewis - Senior Planner  
Susan Votour - Planning Coordinator/Secretary-Treasurer

**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 March 20, 2019 meeting of the Committee of Adjustment is approved.  
Carried.

**Disclosure of Interest**

None.

**Minutes - February 20, 2019**

Moved by Ted Southorn, seconded by Richard Bates:  
THAT the minutes of the meeting of the Committee of Adjustment held on February 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) Consent Application B1/19 (1872910 Ontario Inc) - 1382 Wilson Point Road/4295 Forest Wood Drive**

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

## **Proposal**

An application has been made by 1872910 ONTARIO INC. (Agent: Morgan Planning & Development Inc.) for consent under File Number B1/19, to sever a property that crosses the municipal boundary between the City of Orillia and the Township of Severn in order to create one new rurally-zoned lot in the City of Orillia. The subject property is municipally known as 1382 Wilson Point Road in the City Of Orillia And 4295 Forest Wood Drive in the Township of Severn. The proposed severed lot, which is comprised of the portion of the property that is contained within the municipal boundary of the City of Orillia, would have approximately 143.72 m (471.52 ft.) frontage on Wilson Point Road and an area of approximately 0.88 ha (2.17 acres). The proposed retained lot, located entirely within the Township of Severn, would have approximately 65.59 m (215.19 ft.) frontage on Forest Wood Drive and an area of approximately 9.15 ha (22.61 acres).

## **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

### **Bell Canada**

- no concerns or objections

### **Orillia Power**

- no concerns

### **Orillia Fire**

- no concerns, noted property not currently serviced or hydrant protected

### **Orillia Engineering and Transportation Division**

- The Secretary-Treasurer indicated that various comments had been received from Engineering which will be dealt with through the Site Plan process.

### **Township of Severn**

- Requested that a Severn Minor Variance application be requested as a condition of the Orillia consent to recognize the undersized retained lot located in Severn Township.

### **Applicant's Comments:**

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

- The current owner did not discover until the closing date of the purchase of the property that it was one contiguous parcel of land, he had thought it was two separate parcels.
- The property must receive consent approval in order for the Severn portion and Orillia portion to be separately conveyable.

- Questioned staff regarding how the cash-in-lieu of parkland would be calculated. The Secretary-Treasurer responded that for a new lot creation the cash-in-lieu of parkland is a flat rate of \$2000.
- Questioned staff regarding what triggered the requirement for a Stage 1 and 2 Archaeological Assessment. The Secretary-Treasurer responded that the Ministry of Culture, Tourism and Sport has a checklist for determining archaeological potential and that one of the items on the checklist is a known archaeological site within 300 m of the subject property. In this case there is an identified archaeological site within that radius.
- In his opinion a minor variance application is not required in Severn Township as Severn Township has treated the property at 4295 Forest Wood Drive as an existing lot, however in the interest of timing he will pursue the minor variance application in Severn on behalf of the owner.
- The City of Orillia's Official Plan designates certain areas of the City that are permitted to be developed or redeveloped on private services. Although services are not available to this property, it was not included in this designation and therefore he will be bringing an Official Plan Amendment to request permission to develop the lands on private services.
- There is substantial planning work to be completed before the severed lot could be developed.
- The owner wishes to build a house on the retained lands in Severn Township since it is currently zoned for that use.
- The new house on the retained parcel will be situated in such a way as not to hinder future development of the Severn parcel in the event planning policies in Severn change in such a way as to increase the development potential of that property.

**Public Comments (at meeting):**

None.

**Committee Comments:**

Committee provided the following comments:

- It may not be appropriate for the City of Orillia to impose a condition on the retained lands in Severn Township.
- Asked Mr. Morgan what the ultimate development plans for the severed and retained lands were.
- The Chair confirmed with Mr. Morgan that he had read all of the proposed conditions and had no issue with them. Mr. Morgan confirmed this.

The Committee approved Application and granted provisional consent to sever a property that crosses the municipal boundary between the City of Orillia and the Township of Severn in order to create one new rurally-zoned lot in the City of Orillia.

The proposed severed lot, which is comprised of the portion of the property that is contained within the municipal boundary of the City of Orillia, is to have approximately 143.72 m (471.52 ft.) frontage on Wilson Point Road and an area of approximately 0.88 ha (2.17 acres).

The proposed retained lot, located entirely within the Township of Severn, is to have approximately 65.59 m (215.19 ft.) frontage on Forest Wood Drive and an area of approximately 9.15 ha (22.61 acres).

**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 obtain a Minor Variance from the Township of Severn in order to bring the retained lands into compliance with the performance standards in Township of Severn Zoning By-law 2010-65.
2. 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, confirmation from the Land Registry Office that the existing legal description is acceptable for registration 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.
3. That the applicants shall pay:
  - a. The applicant must pay 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.
  - c. Cash-in-Lieu of Parkland as set out in the *Planning Act* and in the City of Orillia Municipal Code.
4. That the applicant shall apply for and enter into a Consent Agreement pursuant to Subsection 51(26) of the *Planning Act*, which Consent Agreement shall be

registered on title to the proposed severed lot. The Consent Agreement shall contain, at a minimum, the following provisions:

- a. The Owner acknowledges that an Official Plan Amendment must be obtained prior to the development of the proposed severed lot on private well and septic system in order to request an exemption from the Official Plan requirement that lots created by Consent must be connected to municipal water and sewer services.
  - b. The Owner agrees that the ultimate development of the proposed severed lot shall be in accordance with the Technical Recommendations contained in Appendix 7 of the Environmental Impact Statement prepared by Terrastory Environmental Consulting Inc. dated January 2019.
  - c. The Owner agrees that the ultimate development of the proposed severed lot shall be in accordance with the Recommendations contained in the Hydrogeological Analysis prepared by Wilson Associates dated June 9, 2017 if the lot is developed on private well and septic system.
  - d. That the Owner agrees that a Stage 1 & 2 Archaeological Assessment shall be completed to the satisfaction of the Ministry of Tourism, Culture and Sport prior to development of the proposed severed lot.
  - e. The Owner agrees that the ultimate development of the proposed severed lot shall be subject to Site Plan Control.
5. That the Owner consents to the City placing the property into a Holding Zone which will require the Owner to:
- a. obtain permission from the City, through an Official Plan Amendment, to develop the property on private well and septic system;
  - b. engage an archaeologist to prepare a Stage 1 & 2 Archaeological Assessment and to provide a clearance letter from the appropriate provincial Ministry; and
  - c. enter into a Site Plan Agreement with the City that incorporates the recommendations contained in the Environmental Impact Statement prepared by Terrastory Environmental Consulting Inc. dated January 2019 and the Hydrogeological Analysis prepared by Wilson Associates dated June 9, 2017.
6. The Owner acknowledges that an application to remove the Holding provisions outlined in Condition #4 will be required at the Owner's expense.
7. 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.
8. 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 March 20, 2019.

**(b) Consent Application B2/19 (Oakleigh Holdings Inc.) - 21 Matchedash Street South**

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

**Proposal**

An application has been made by OAKLEIGH HOLDINGS INC. for consent under File Number B2/19 to a grant of easement for stormwater purposes over property municipally known as 21 Matchedash Street South. The easement, approximately 0.70 m (2.30 ft.) in perpendicular width, is proposed to be in favour of an adjoining property to the west, municipally known as 153 Mississauga Street East. The proposed easement is illustrated as Part 1 on a Draft Reference Plan of Survey prepared by C.T. Strongman Surveying Ltd.

**Comments from the Public**

None.

**Comments from Departments/Agencies**

**Staff Report:**

Susan Votour, Planning Coordinator  
Jeff Duggan, Senior Planner

**Engineering and Transportation Division**

- Requested that a condition be imposed indicating that all future maintenance and/or repairs of all storm infrastructure within the easement shall be the responsibility of the owners.

**Orillia Fire**

- No comment

**Orillia Power**

- Had initially expressed concern that there may be insufficient clearance to OPDC plant on the property, however subsequently confirmed that there were no concerns.

**Applicant's Comments:**

Josh Morgan of Morgan Planning & Development Inc. indicated that he had been retained by both Oakleigh Holdings Inc. and the owner of the property at 153 Mississauga Street East with respect to this consent application. Geoffrey Campbell, principal of Oakleigh Holdings Inc. was also in attendance.

Mr. Morgan provided the following comments:

- There is a catch basin located at the rear of 153 Mississauga Street East which originally drained to a catch basin located on 21 Matchedash Street South. This drainage pattern was not shown on any plans or surveys of the property and the property owners were unaware of the connection.
- During excavation for the Matchedash Lofts project on 21 Matchedash Street South, the catch basin on 21 Matchedash Street South was disturbed, causing a drainage issue on the upstream properties.
- The owners of 21 Matchedash Street South and 153 Mississauga Street East came to an agreement which allowed the drainage flow to cross the Matchedash Lofts property and exit to the municipal storm drain through private infrastructure.
- The purpose of the consent application is to formalize the storm water easement by granting a permanent legal easement through the Matchedash Lofts property.

Mr. Campbell provided the following comments:

- He is willing to grant the easement in the interest of fostering good neighbourhood relations.
- The infrastructure in question is actually a pipe suspended from the ceiling of the basement level of the Matchedash Lofts building and is completely accessible for maintenance or replacement.
- There is a cleanout located at the catch basin on 153 Mississauga Street East.
- Asked the Secretary-Treasurer if there was any opportunity to dispute the fees paid in connection with the consent application, since the City was unaware of the location of the previous drainage pipe. The Secretary-Treasurer advised Mr. Campbell that any request regarding a refund of fees should be in writing addressed to Mayor and Council.

**Public Comments (at meeting):**

None.

**Committee Comments:**

Committee provided the following comments:

- Asked the applicant if the drainage infrastructure was already in place and whether it was accessible and easily replaced.

The Committee approved Application B2/19 and granted provisional consent to a grant of easement for stormwater drainage purposes over property municipally known as 21 Matchedash Street South.

The easement, approximately 0.70 m (2.30 ft.) in perpendicular width and shown as Part 1 on a Draft Reference Plan of Survey prepared by C.T. Strongman Surveying Ltd. (File No. D-3924) dated January 24, 2019, shall be for the benefit of the adjoining property to the west, municipally known as 153 Mississauga Street East.

**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 easement. 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 easement 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. The easement document shall clearly identify that responsibility for ongoing maintenance and repair of the storm infrastructure located within the easement is the responsibility of the owners of the dominant and/or servient tenements (as agreed between the parties).
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. That the owners of the dominant and servient tenements each provide a written acknowledgement to the Secretary-Treasurer confirming that the City of Orillia is not obligated or responsible to repair or maintain the private stormwater infrastructure located within the easement.
4. 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.

## **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 March 20, 2019.



**(c) Consent Application B3/19 (Mark Rich Homes Limited) - 827/845 Memorial Avenue & 50 Woodland Drive**

The Secretary-Treasurer introduced the application.

**Proposal**

An application has been made by MARK RICH HOMES LIMITED for consent under File Number B3/19, to sever property municipally known as 827 & 845 Memorial Avenue and 50 Woodland Drive in order to create one new lot.

The Secretary-Treasurer advised the Committee that the agent for the applicant had submitted a request for deferral of the application in order that the applicant may submit an amended application for consent including the creation of a sanitary sewer easement over the retained lands to service the severed lands.

**Motion to Defer - Consent Application B3/19**

Moved by Richard Bates, seconded by Ted Southorn:

THAT Application No. B3/19 (Mark Rich Homes Limited) - 827/845 Memorial Avenue & 50 Woodland Drive is hereby deferred at the applicant's request in order to allow the application to be amended and recirculated.

Carried.

The Secretary-Treasurer advised those members of the public who were in attendance for Consent Application B3/19 that they would receive a further notice regarding the new hearing date for the application.

**Correspondence**

None.

**Date of Next Meeting**

Wednesday, April 17, 2019 at 9:15 a.m. in the Brooks Boardroom (1<sup>st</sup> floor) Orillia City Centre.

**Adjournment**

Moved by Ted Southorn seconded by Richard Bates:

THAT the Committee of Adjustment meeting be adjourned at 9:48 a.m. on February 20, 2019. The Committee will reconvene at 9:15 a.m. on April 17, 2019 unless the Secretary-Treasurer has not received a complete application for the Committee's consideration.

Carried.

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J. Fecht, Chair