



CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADJUSTMENT,
WEDNESDAY, MAY 15, 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:

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 May 15, 2019 meeting of the Committee of Adjustment is approved.

Carried.

Disclosure of Interest

None.

Minutes - April 17, 2019

Moved by Ted Southorn, seconded by Richard Bates:

THAT the minutes of the meeting of the Committee of Adjustment held on April 17, 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 Consent B5/19 (Robertson) - 444 Sundial Drive

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

Proposal

An application has been made by John Robertson (Agent: Jeanette Robertson) for consent under File Number B5/19, to sever property municipally known as 444 Sundial Drive in order to add lands to the adjoining property at 446 Sundial Drive. The

proposed lot addition would have an area of approximately 938.00 m² (10,096.62 ft²). The retained lands would have frontage of 15.24 m (50.00 ft) on Sundial Drive and an area of approximately 1,398.48 m² (15,053.15 ft²). Both resultant parcels of land meet the minimum frontage and area requirements in the “Residential Two” (R2) Zone.

Comments from the Public

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

Comments from Departments/Agencies

Orillia Power

No concerns.

Staff Report:

Susan Votour, Planning Coordinator and Jeff Duggan, Senior Planner

Applicant’s Comments:

Jeannette Robertson, agent for the applicant, and Brian Robertson were present to answer any questions from the Committee.

Public Comments (at meeting):

None.

Committee Comments:

Committee provided the following comments:

- Committee asked staff for clarification regarding the reason for the previous consent. Staff advised that the previous consent arose out of an estate matter where the trustee wished to separate the small lot containing the house from the balance of the property.
- Committee expressed support for the application.

The Committee granted provisional consent to sever the property municipally known as 444 Sundial Drive to add approximately 938.00 m² (10,096.62 ft²) of additional land from 444 Sundial Drive to 446 Sundial Drive as a lot addition.

The retained lot will have 15.24 m (50 ft) frontage on Sundial Drive and an area of approximately 1376.57 m² (14,817.28 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 lot addition 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.
 - 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 owner shall "break" the consent previously given under Consent Application B2/13 in order that the lot addition lands will merge with Part 1, Plan 51R-39034 under the Planning Act.
3. 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.
4. That, immediately following registration of the Transfer of the lot addition lands, the applicant shall register an Application to Consolidate Parcels in order to include the lot addition with the abutting lands municipally known as 446 Sundial Drive. The Secretary-Treasurer shall accept, in satisfaction of this condition, an Undertaking from an Ontario solicitor in good standing to effect the registration.
6. 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.
7. 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.
8. Section 50(5) of the Planning Act, R.S.O. 1990, cP.13 shall apply to all future transactions with respect to the property.

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 May 15, 2019.

(b) Application for Minor Variance A7/19 (Green) - 141 Patrick Street

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

Proposal

An application has been made by William Green for Minor Variance under File Number A7/19. The applicant proposes to construct a deck in the rear yard of the subject property which will have an area of 40.28 m² (433.52 sq. ft.). Including the deck, the Lot Coverage on the property would be 40.18% whereas Zoning By-law 2014-44 permits a maximum Lot Coverage of 35.00% in the “Residential One” (R1) Zone. The applicant has requested a variance to the lot coverage provisions of the Zoning By-law.

Comments from the Public

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

Comments from Departments/Agencies

Orillia Power

No concerns.

Simcoe County District School Board

No objection.

Staff Report:

Susan Votour, Planning Coordinator and Jeff Duggan, Senior Planner

Applicant’s Comments:

William Green, the applicant, was in attendance. Mr. Green provided an overview of the proposal to the Committee.

Public Comments (at meeting):

None.

Committee Comments:

- Committee expressed support for the application and commended Mr. Green for his efforts in obtaining letters of support from the neighbouring owners.

The Committee approved Application A7/19 and granted the following variance to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
7.4 Zone Provisions in Residential Zones, Table 7.2	Maximum Lot Coverage of 35.00% in R1 Zone	Maximum Lot Coverage of 40.20%	5.20%

in order to allow the construction of a deck having an area of 40.28 m² (433.57 ft²) in the rear yard of 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 construction shall be substantially in 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 May 15, 2019.

(c) Application for Minor Variance A8/19 (Hudson/Nisbet) - 1 Hughes Road

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

Proposal

An application has been made by Sean Nisbet and Michelle Hudson (agent James Worrall) for Minor Variance under File Number A8/19. The applicants propose to construct an addition having area of approximately 31.22 m² (336.05 ft²) onto an existing single detached dwelling on the subject property. The addition will be located approximately 5.00 m (16.42 ft) from the rear lot line at its closest point, whereas Zoning By-law 2014-44 requires a Minimum Rear Yard of 7.50 m (24.60 ft) in the “Residential Two” (R2) Zone. The applicant has requested relief from the rear yard setback.

Comments from the Public

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

Comments from Departments/Agencies

Orillia Power

No concerns.

Staff Report:

Susan Votour, Planning Coordinator and Jeff Duggan, Senior Planner

Applicant’s Comments:

James Worrall, agent for the applicants, and Michelle Hudson, owner, were in attendance. Mr. Worrall provided the Committee with letters in support of the application from the owners of 4 Hughes Road and 414 Drinkwater Drive.

Public Comments (at meeting):

None.

Committee Comments:

Committee provided the following comments:

- Committee asked the applicant for clarification as to which property the large hedge belonged to. Ms. Hudson advised that the hedge was on the property known municipally as 414 Drinkwater Drive.
- Committee commented that if the hedge were to die off, the privacy of both properties would be compromised. Ms. Hudson advised that the owner of 414 Drinkwater Drive was quite diligent in maintaining the health of the hedge, but that if it were to eventually die off, having an addition in the rear yard rather than an open deck would assist in maintaining the privacy of both properties, since there is an open deck in the rear yard of 414 Drinkwater Drive.
- Committee asked if the shed in the rear yard of the subject property will remain. Ms. Hudson advised that her contractor, Wes Brennan, had viewed the property and felt that he would be able to work around the shed without moving it.
- Committee expressed support for the application.

The Committee approved Application A8/19 and granted the following variance to the provisions of Zoning By-law 2014-44, as amended:

Section	Requirement	Proposed	Variance
7.4 Zone Provisions for Residential Zones, Table 7.2	Minimum Required Rear Yard in R2 Zone - 7.50 m (24.60 ft)	Minimum Required Rear Yard - 5.00 m (16.42 ft)	2.50 m (8.20 ft)

in order to allow the construction of an addition having area of approximately 31.22 m² (336.05 ft²) to the rear of the existing dwelling.

- 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 construction shall be substantially in compliance with the plans and drawings submitted with the application.

2. That roof runoff from the proposed addition 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 May 15, 2019.

Correspondence

None.

Date of Next Meeting

Wednesday, June 19, 2019 at 9:15 a.m. in the Brooks Boardroom (1st floor) Orillia City Centre.

Adjournment

Moved by Richard Bates seconded by Ted Southorn:

THAT the Committee of Adjustment meeting be adjourned at 9:33 a.m. on May 15, 2019. The Committee will reconvene at 9:15 a.m. on June 19, 2019 unless the Secretary-Treasurer has not received a complete application for the Committee's consideration.

Carried.

J. Fecht, Chair