



**Committee of Adjustment
Summary of Comments for September 16, 2026
For Application A11-26
87 Heyden Avenue**

The below summary of comments provides information and any requested conditions of approval from circulated Departments and external agencies.

CITY OF ORILLIA

TO: Committee of Adjustment – Hearing of September 16, 2026
FROM: Planning Division
DATE: September 2, 2026
FILE NO: Application for Minor Variance A11-26
APPLICANT: Lynn Anne Leitch
AGENT: Philip Radford, Phil Radford Architectural Drafting
SUBJECT PROPERTY: 87 Heyden Avenue

Recommendation:

THAT the Committee of Adjustment approves Minor Variance Application A11-26, subject to the following conditions.

Recommended conditions of approval:

1. That construction be substantially in compliance with the Site Plan submitted with the application.

Purpose

The purpose of this report is to provide the Committee of Adjustment with information related to Minor Variance Application A11-26 with respect to the property municipally known as 87 Heyden Avenue.

The applicant proposes to replace an existing attached deck at the rear of the building. The replacement deck is proposed to have a slightly larger area than the existing deck.

Background and Key Facts

- The subject property is:
 - A waterfront property on Lake Simcoe.
 - Located within the “Living Area – Stable Neighbourhood” designation of the City of Orillia Official Plan.
 - Zoned “Residential One – Exception Three” (R1-3) under Zoning By-law 2014-44. The Exception Three Zone allows development of the property on private water and sewer services, since there are no municipal services available on Heyden Avenue.
 - Located partially within the “Shoreline Buffer Overlay Zone” in Zoning By-law 2014-44.
- Additional Background relevant to the application:
 - The property has frontage of approximately 15.2 m (50 ft) on Lake Simcoe and an area of approximately 930.8 m² (0.23 acre) (MPAC)
 - In-water restoration works at the lakefront were completed with approval from MNR in 2018 (Applicant/MNR).
 - The existing Single Detached Dwelling was constructed in 1966 (MPAC).
 - The existing coverage in the Shoreline Buffer Overlay Zone by the dwelling, attached rear deck and boathouse is 34.8%.
 - Subsection 15.1.3 – Maximum Lot Coverage in the Shoreline Buffer Overlay Zone stipulates that the maximum permitted lot coverage in the Shoreline Buffer Overlay Zone is 25.0%.
 - The Single Detached Dwelling with Attached Deck is considered to be an Existing Legal Non-Complying Building as defined in the Zoning By-law. As such, Subsection 5.19 2) i) of the Zoning By-law indicates that this Building is deemed to comply with the provisions of the Zoning By-law.
 - The Existing 34.8% coverage is therefore deemed to be the allowed maximum lot coverage in the Shoreline Buffer Overlay Zone for this property.
 - The proposed replacement deck will increase the coverage in the Shoreline Buffer Overlay Zone from 34.8% to 36.0% (refer to Site Plan – Appendix 1).

Surrounding lands:

North	Lake Simcoe
East	Residential
South	Heyden Avenue
West	Residential

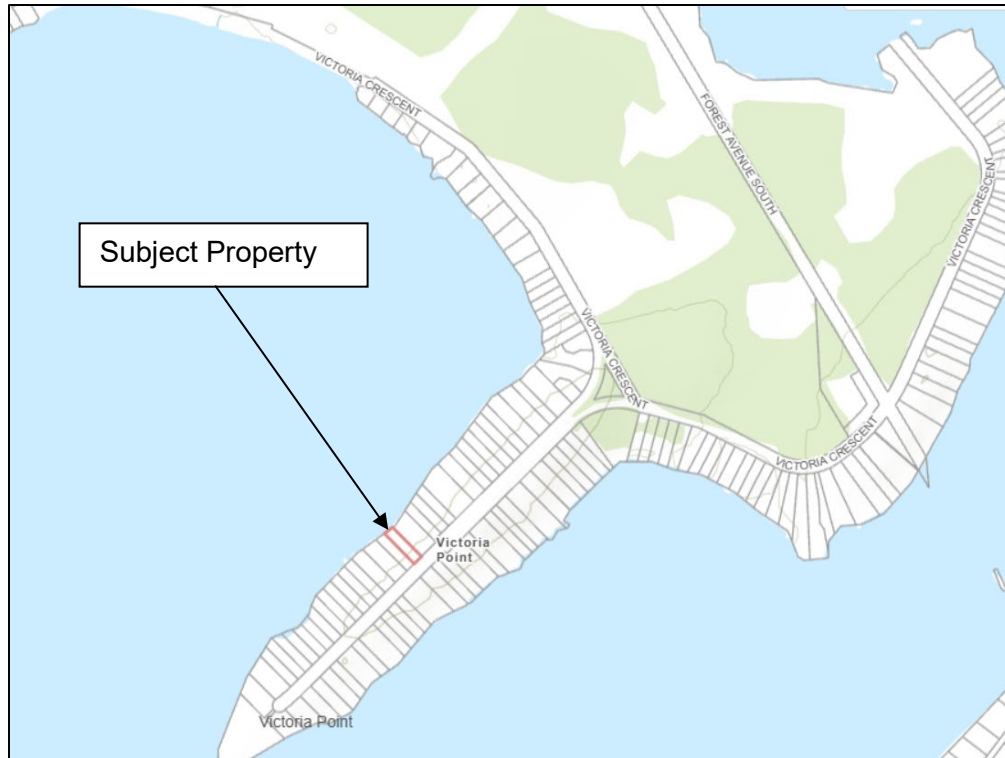


Figure 1 – Location Map of Subject Property

The applicant has requested the following variance to the provisions of Zoning By-law 2014-44:

No.	Section	Requirement	Existing	Proposed	Variance
1	15.1.3	Notwithstanding the Lot Coverage Provisions as set out in Tables 15.1 and 15.2 in Subsection 15.1.1, in no case shall more than 25% of the Required Shoreline Buffer Zone be occupied with Buildings or Structures.	34.8% (Legally Existing Non-Complying Building, deemed to comply per ss. 5.19 b) i))	36.0%	1.2%

Analysis:

Date of Site Inspection: September 1, 2026

Staff attended at the property on September 1, 2026 to conduct a site inspection.

The property is level with Heyden Avenue where the house is situated, then slopes gently toward Lake Simcoe with a flagstone stairway and patio at the lakefront (Figure 2). The

property is well-maintained and features attractive gardens and landscaping features which serve to assist in mitigating any runoff into the lake.



Figure 2: Lakefront of Subject Property

The dwelling building on the property is older but is generally in good repair, however, the existing rear attached deck does show signs of deterioration. It appears to have a slight sag in the centre, likely caused by the deterioration of the supporting posts. (Figures 3 and 4). As such, replacement of the deck is prudent from a safety perspective.



Figure 3: Existing Deck



Figure 4: Underside of Deck and Supporting Posts

Maintains the purpose and intent of the Official Plan:

- ☒ Yes
☐ No
☐ Defer

The subject lands are designated Living Area – Stable Neighbourhood in the Official Plan. The Stable Neighbourhood policies stipulate in Policy 3.3.4.4 a) that “*all development on lands that abut any shoreline shall be subject to Site Plan Control*”. The City’s Site Plan Control By-law, however, in Article 363.2.5 a) Classes of Development – undertaken without approval (exemptions) indicates that “*Additions to existing dwellings situated on a lot abutting a Shoreline where the Addition is located wholly or partly within the Shoreline Buffer Zone, except where the Addition exceeds the maximum allowable expansion in Zoning By-law 2014-44, as amended, or its successor*”. It is the opinion of staff that since this variance request seeks to authorize additional expansion beyond what the Zoning By-law permits, should the variance be granted, the deck expansion will not be subject to Site Plan Control.

Policy 4.7 – Lake Simcoe Watershed indicates that “*structures shall only be permitted within the vegetation protection zone (30 m) along the Lake Simcoe Shoreline if ... ii) the*

area occupied by such structure is minimized". In this case we are dealing with a very minor expansion of the footprint of an existing deck (5.2 m²/, 60 ft²) which can be considered a very minimal expansion, particularly given that the property is already developed and any impacts on the vegetation protection zone are long established.

Staff are of the opinion the proposal meets the purpose and intent of the Official Plan.

Maintains the purpose and intent of Zoning By-law No. 2014-44, as amended:

- ☒ **Yes**
☐ **No**
☐ **Defer**

The subject lands are zoned Residential One – Exception Three (R1-3) and are subject to the Shoreline Buffer Overlay Zone in Zoning By-law 2014-44. The existing single detached dwelling on private services and associated accessory structures are permitted uses/structures in the R1-3 Zone.

Of note with respect to this application is the background and rationale for the establishment of the Shoreline Buffer Overlay Zone in By-law 2014-44. During the development of the Zoning By-law, staff were aware of the need to implement the policies of the Lake Simcoe Protection Plan (LSPP) as they related to Orillia's Lake Simcoe shoreline. Since Orillia is a "Settlement Area" as defined in the LSPP, the bulk of the policies of the LSPP do not apply. The genesis of the Shoreline Buffer Overlay Zone was Policy 6.3.3 in the "Settlement Areas" section of the LSPP (which are mirrored in the City's Official Plan policies for the Lake Simcoe Watershed):

"6.33-DP: An application for development or site alteration shall, where applicable:

- a. increase or improve fish habitat in streams, lakes and wetlands, and any adjacent riparian areas;*
- b. include landscaping and habitat restoration that increase the ability of native plants and animals to use valleylands or riparian areas as wildlife habitat and movement corridors;*
- c. seek to avoid, minimize and/or mitigate impacts associated with the quality and quantity of urban run-off into receiving streams, lakes and wetlands; and*
- d. establish or increase the extent and width of a vegetation protection zone adjacent to Lake Simcoe to a minimum of 30 metres where feasible."***

Item d (emphasis added) directs the establishment of a vegetation protection zone "where feasible". Staff sought to implement this policy by placing certain restrictions on development within 30 m of the Lake Simcoe shoreline, including the maximum coverage by structures. The 25% maximum coverage was an arbitrary maximum suggested by staff and adopted by Council when Zoning By-law 2014-44 was enacted on June 2, 2014. The 25% maximum coverage in the 30 m vegetation protection zone is not mandated in the LSPP.

The intent of the maximum coverage in the Shoreline Buffer Overlay Zone is to minimize impacts on vegetation in order to mitigate the effects of surface water runoff into Lake Simcoe. The proposed expansion of the existing deck will not cause any material change to the existing landscaping on the property.

Staff are of the opinion the proposal meets the purpose and intent of the Zoning By-law.

The variance(s) are desirable for the appropriate/orderly development or use of the land, building or structure:

☒ **Yes**

☐ **No**

☐ **Defer**

The reasons provided for the replacement/expansion of the existing deck are that the existing deck is old and the area of the deck in front of the bay window is essentially unusable. Also, the application indicates that additional deck area may be required to cantilever a beam in order to achieve the required setback of 1.5 m under the Building Code for the proposed columns, piers and footings supporting the southwest corner of the deck from the existing septic tank, which is located partially beneath the deck (refer to Appendix 1 – Site Plan).

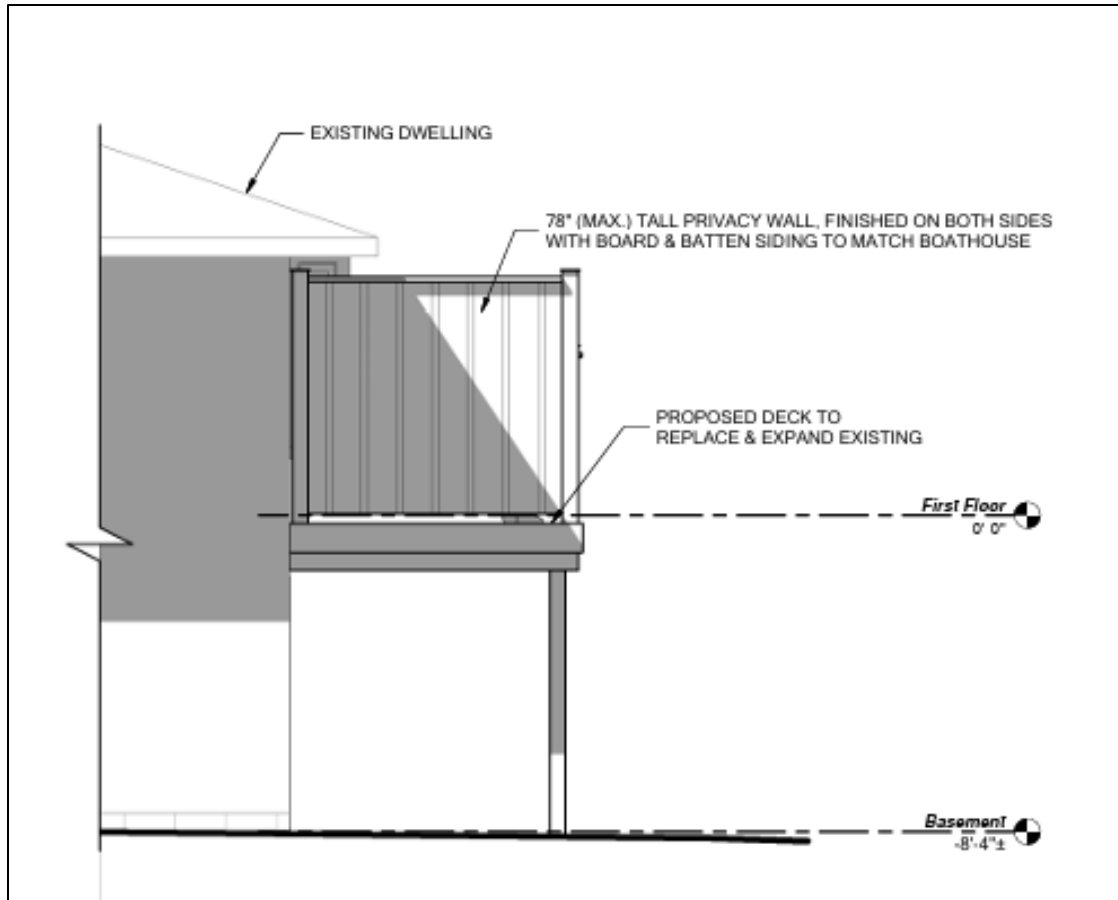


Figure 5 – Proposed North Elevation (Conceptual)

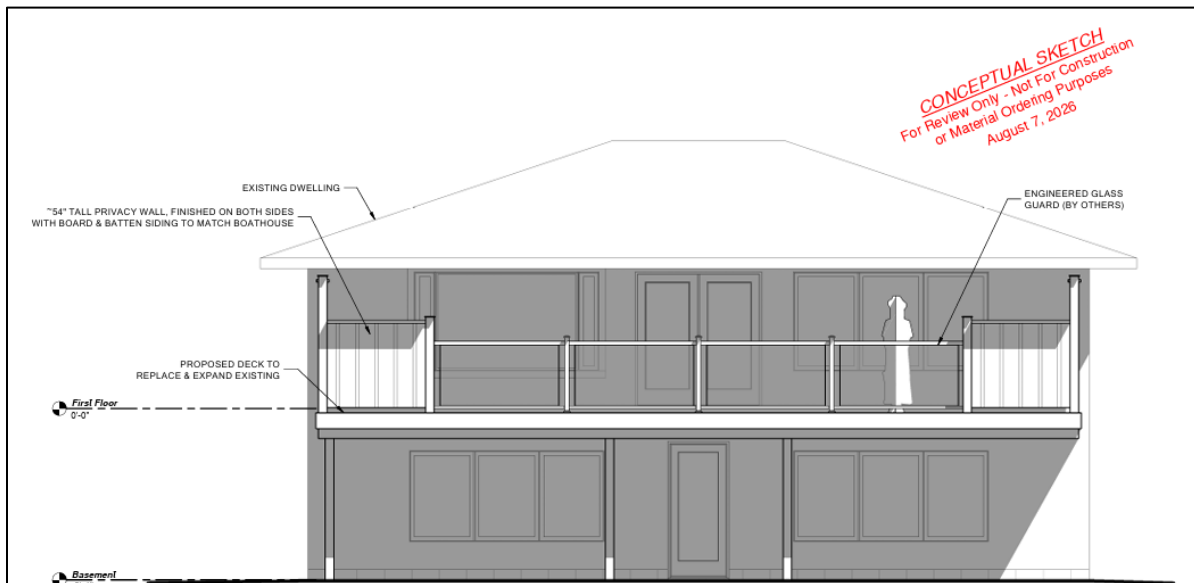


Figure 6 – Proposed West Elevation (Conceptual)

The replacement of the deck and railings is desirable for safety reasons. An improved privacy wall/railing system is proposed to protect the privacy of both the residents of the

subject property and the neighbouring properties (refer to Figures 5 and 6 for conceptual drawings).

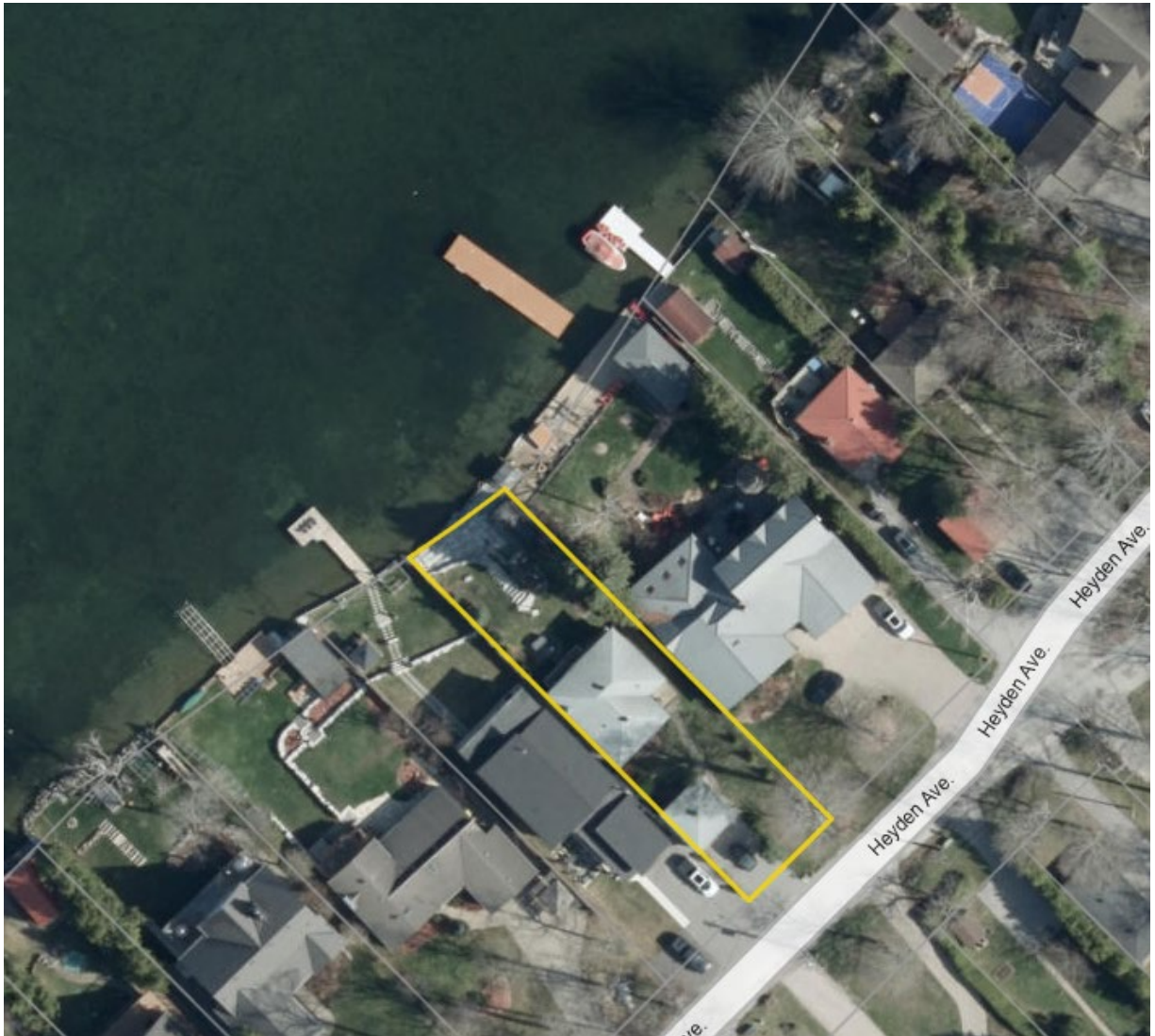


Figure 7 – Aerial Photograph (Simcoe County, 2025)

The privacy walls at either end of the deck are proposed to be a maximum of 2 m (78 in) in height. Given that the setback from the water for the structures on the immediately adjacent properties is in line with the subject property, these privacy walls should not impede any water views for the adjoining properties (Figure 7).

The expansion of the area in front of the bay window will make that area of the deck usable, where it currently is too narrow to have any practical use (refer to Figure 8). An outdoor amenity area facing the water is an expected and beneficial feature on a waterfront property.



Figure 8 – Existing Deck in Front of Bay Window (Applicant Photo)

Staff are of the opinion that the variance is desirable for the appropriate and orderly development and use of the land and buildings/structures.

The variance is minor in nature:

- ☒ Yes
☐ No
☐ Defer

Staff are of the opinion that the proposed variance is minor in nature as it represents a very minimal expansion of an existing non-complying deck. There are no anticipated adverse impacts on the subject or adjoining properties.

Conclusion

The proposed variance(s) associated with application A11-26 have been reviewed with regard to the four tests as set out within the *Planning Act*. It is the opinion of staff that the four tests have been satisfied and staff are recommending approval of the application subject to the recommended condition, for the following reasons:

1. The variance is in keeping with the intent of the Official Plan and Zoning By-law because the proposed expansion of the existing legal non-complying deck will not cause any material change to the existing landscaping on the property, which is serving to mitigate surface water runoff into Lake Simcoe in keeping with the Official Plan policies and Zoning regulations;
2. The variance is desirable for the appropriate/orderly development of the land, building or structure as it facilitates the replacement of an older deck with a newer, safer, more structurally sound deck with more usable area; and
3. The variance is minor in nature as the proposed deck expansion will not have any negative impacts on the subject or adjoining properties.

Prepared by:



Susan Votour, CPT
Intermediate Planner

Reviewed by:



Jill Lewis, MCIP, RPP
Senior Planner

Attachments

- Appendix 1 – Site Plan

APPENDIX 1 - SITE PLAN



SITE PLAN INFORMATION

DESCRIPTION
87 HEYDEN AVE.
CITY OF ORILLIA

NOTES

- * NOTATION INDICATES DIMENSION IS PER SURVEY DRAWING PROVIDED BY OWNER. THIS IS NOT A PLAN OF SURVEY. PROPERTY LINES, DIMENSIONS, BUILDING POSITIONS & RELATED SITE INFORMATION NOTED ARE APPROXIMATE. FOR GENERAL REFERENCE ONLY. DERIVED FROM SURVEY DRAWING PREPARED BY DEARDEN & STANTON, DATED FEBRUARY 24, 2020, AS PROVIDED BY OWNER & CURRENT SITE OBSERVATION.
- THE OWNER IS RESPONSIBLE TO ENSURE THE ACCURACY OF THE SITE INFORMATION PROVIDED ON THIS DRAWING & RETAIN THE SERVICES OF A REGISTERED O.L.S. TO UPDATE AS REQUIRED.
- THE OWNER/CONTRACTOR IS RESPONSIBLE TO ENSURE NEW CONSTRUCTION IS CORRECTLY LOCATED IN RELATION TO ALL BOUNDARIES & SETBACK REQUIREMENTS & ADVISE THE DESIGNER OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.

ZONE MATRIX

ZSL 2014-44, Consolidation January 2, 2020

	R1 Zone (Exception 2)	Existing R1 Zone	Proposed R1 Zone
Lot Area (min.) - existing area listed is measured to approximate R.P. #19 water's edge shown on survey provided by owner	550.0m ²	648.3m ²	As existing
Lot Area - within 30m shoreline buffer zone, measured to approximate R.P. #19 water's edge shown on survey provided by owner	-	437.2m ²	As existing
Lot Frontage (min.)	15m	15.24m	As existing
Lot Coverage - All buildings/structures (max.)	45%	28.91%	27.9%
Lot Coverage - All buildings/structures within shoreline buffer zone (max.)	25%	34.81%	26.0%
Accessory Building Number (max.) - only 1 of which may be a house	2	2	2
Front Yard (min.) - Lake Shore	20m	17.0m (Deck)	As existing
Front Yard (min.) - Lake Shore	16.25m (Dwelling)	As existing	
Rear Yard (min.) - Heyden Ave. - Dwelling	7.3m	23.35m	As existing
Interior Yard - North (min.) - Dwelling	1.2m	2.3m	As existing
Interior Yard - South (min.) - Dwelling	1.2m	1.28m (Dwelling)	As existing
Building Height (max.) - Dwelling	11m	5.7m	As existing
Landscaped Open Space (min.)	20%	89%	84%

LOT COVERAGE SCHEDULE - WITHIN SHORELINE BUFFER ZONE

	Existing	Proposed
Boathouse	22.15m ²	As existing
Dwelling (just the portion within the 30m shoreline buffer zone, including main level deck above basement walkout)	137m ²	142.2m ²
Total	159.15m²	164.35m²

LOT COVERAGE SCHEDULE - WHOLE LOT

	Existing	Proposed
Boathouse	22.15m ²	As existing
Garage	48.2m ²	As existing
Dwelling (including main level deck above basement walkout)	154.2m ²	160.1m ²
Total	324.55m²	328.45m²

General Notes

These notes apply to all drawings

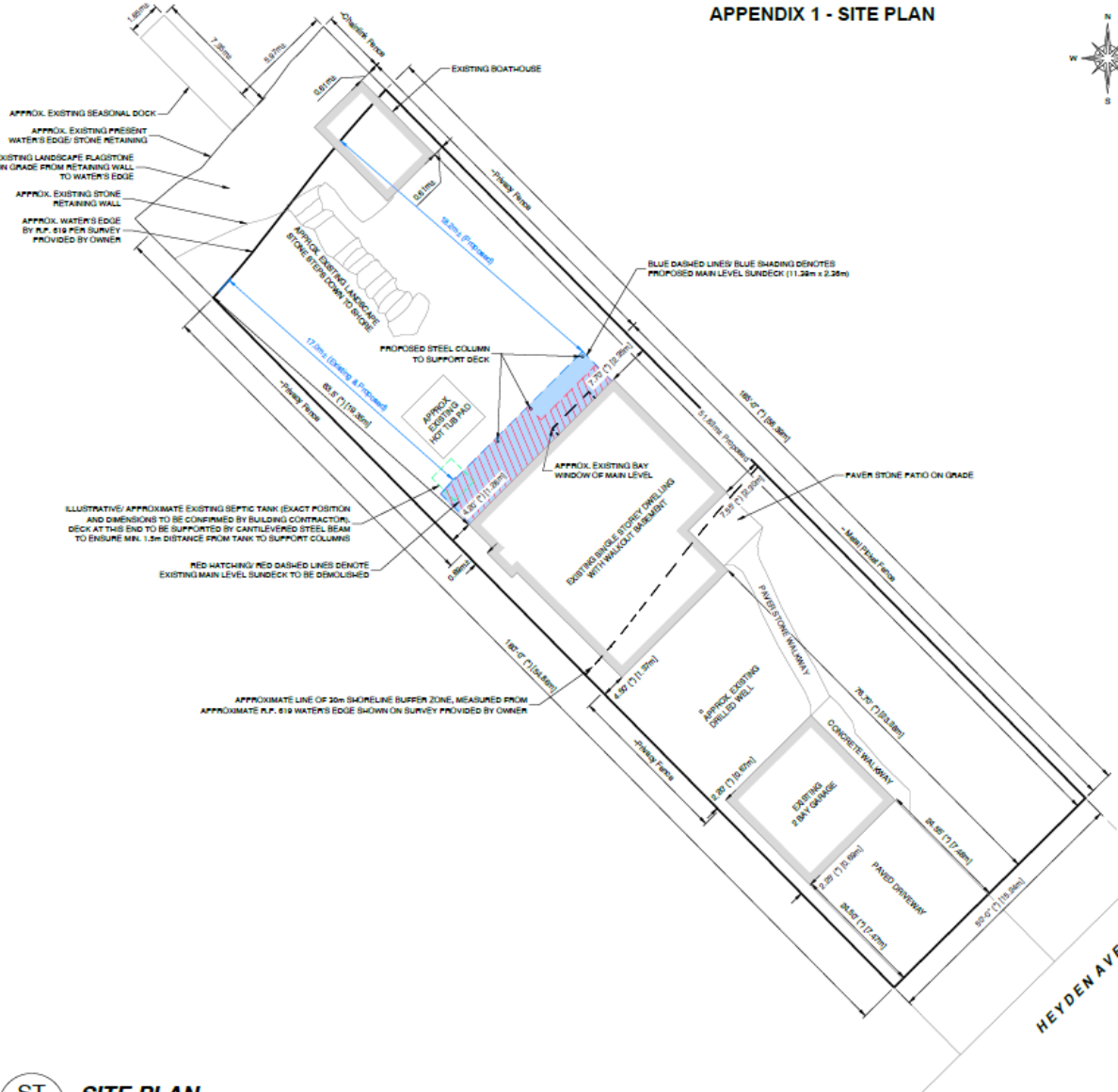
- Do not scale drawings. Use only noted dimensions.
- Contractor shall verify all dimensions prior to commencing any work and shall report any discrepancies to designer prior to proceeding.
- All work shall be performed in accordance with the latest revised version of the Ontario Building Code.
- These drawings are the property of the designer and may not be copied without the designer's approval and are subject to return upon request.
- Contractor shall ensure that the building is located correctly in relation to all boundaries, setback lines and other municipal requirements.
- Contractor shall ensure that any/all necessary soil site inspections which may affect noted specifications are completed and report any discrepancies to designer prior to proceeding.
- These drawings shall not be used for construction without approval by local building authorities.
- All specifications which do not fall clearly within the bounds of the latest revised version of the Ontario Building Code, Part 5, shall be designed by a qualified Professional Engineer.

No.	Revision/Issue	Date
1	Issued for minor variance application	08/07/24
Drawn by	P.R.	
Checked by	P.R.	

Prepared by and signed:
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Email: phil@pradford.com

Project name and address:
LEITCH
RESIDENCE
- SUNDECK
87 Heyden Ave., Orillia

Project	Sheet
Date	ST1
Scale	As Noted



ST
1
SITE PLAN
Scale 1:250



MEMORANDUM TO COMMITTEE OF ADJUSTMENT

DATE:	September 9, 2026
FROM DEPARTMENT/DIVISION:	Engineering Division, DSE
FROM/CONTACT:	Tracy Blanchard, Development Coordinator
SUBJECT ADDRESS:	87 Heyden Avenue
SUBJECT FILE #:	A11-26

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval, rather additional information regarding requested conditions of approval):

- No comments.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of the Building Division).

- No conditions.

External Agency Comments

None.

Public Comments Received

None.