



**Committee of Adjustment
Summary of Comments for August 19, 2026
For Application A09-26
245 Bay Street**

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 August 19, 2026
FROM: Planning Division
DATE: July 30, 2026
FILE NO: Application for Minor Variance A09-26
PREVIOUS FILE NO's: A05-25/ A11-25
PREVIOUS HEARINGS: April 16, 2025 and August 20, 2025
APPLICANT: Howard Lee
SUBJECT PROPERTY: 245 Bay Street

Recommendation:

THAT the Committee of Adjustment approves Minor Variance Application A09-26, subject to the recommended conditions, for the following reasons:

1. The proposal maintains the general intent and purpose of the Official Plan as it is subordinate to the main use, compatible with the surrounding residential uses, maintains the established neighbourhood character, and does not create adverse impacts;
2. The variance maintains the general intent and purpose of the City's Zoning By-law, as the size of the lot, the proposed accessory structure (garage) preserves the subordinate nature and ensures compatibility with the surrounding residential context;

3. The variance is desirable for the appropriate development and use of the land, as the proposal represents a reasonable accessory residential use on a large lot that can accommodate the development while maintaining appropriate setbacks, low lot coverage, and compatibility with surrounding properties; and
4. The variance is minor in nature, as the proposal does not result in adverse impacts related to privacy, overlook, shadowing, visual dominance, or overdevelopment.
5. The Committee of Adjustment previously considered a detached Additional Dwelling Unit on the subject property under Decisions A05-25 and A11-25, which were both subsequently approved at their respective hearings (April 16, 2025 and August 20, 2025). The current application (A09-26) seeks approval for a revised design that reduces the overall scale of the previously approved proposal, removal of the dwelling unit and for a detached Accessory Structure – Garage - only. While the revised design continues to require minor variance relief, it represents a less intensive form of development than the proposal previously authorized by the Committee. As such, the revised proposal remains appropriate and is consistent with the Committee's previous decisions.

AND THAT the Committee of Adjustment approves Minor Variance Application A09-26, subject to the following conditions:

Recommended conditions of approval:

1. That the owner obtains a Zoning Certificate for the “detached Accessory Structure – Garage”.
2. That the owner obtains a Building Permit for the “detached Accessory Structure – Garage”.
3. And that the construction plans for the “detached Accessory Structure – Garage” be substantially in compliance with the Site Plan submitted with the Minor Variance application.

Purpose

The purpose of this report is to provide the Committee of Adjustment with a supplementary review of Minor Variance Applications A05-25 and A11-25, which were approved by the Committee of Adjustment at their respective hearings - April 16, 2025 and August 19, 2025, for the property municipality known as 245 Bay Street.

The current application (A09-26) seeks a new approval for a revised design that reduces the scale of the previously approved proposal while continuing to require minor variance relief. Specifically, the applicant proposes to replace the previously approved design of a 2 storey detached accessory

structure together with an Additional Dwelling Unit with a new one-storey detached Accessory Structure (garage only) having a ground floor area of approximately 81 m².

The following chart shows the variance(s) in greater detail to the provisions of Zoning By-law 2014-44:

Section	Requirement	Proposed	Variance
5.22 Table Accessory Structure – Maximum Ground Floor Area	68m ²	81m ²	13m ²

Background and Key Facts

- The subject property is:
 - Located within the “Living Area – Stable Neighbourhood” designation of the City of Orillia Official Plan.
 - Zoned Residential Two (R2) and is located within the Wellhead Protection Overlay Zone under Zoning By-law 2014-44
- The property has an existing two-storey Single Detached Dwelling constructed in 1949 according to MPAC and there are currently two sheds located in the rear yard. One of the sheds is proposed to be removed when construction begins.
- The property has 15.5m (50.8 feet) of frontage on Bay Street and has a lot area of 817m² (8,795 sq.ft.).
- The applicant had applied for and received a decision on an alternate design on April 16, 2025, under Decision A05-25, which was approved as follows:
 - *The Committee has Granted the following minor variance(s) from Zoning By-law 2014-44 for the construction of a new two-storey Detached Accessory Structure with a garage on the ground floor and a 98m² (1,055 sq. ft.) Additional Dwelling Unit on the second storey. Additionally, a one-storey addition to the rear of the existing dwelling together with an attached deck is proposed.*

No.	Section	Requirement	Proposed	Variance
1	5.19 a) i) Non-Complying Buildings, Structures and Developed Sites - existing non-complying northerly interior side yard setback	0.6m	0.5m	0.1m
2	5.22 Table 5.4 Additional Dwelling Units Located in an Accessory Structure – Maximum Ground Floor Area	75m ²	98m ²	23m ²

CONDITIONS TO DECISION	
APPLICATION NO.	A05-25
APPLICANT/OWNER	Howard Lee
ADDRESS	245 Bay Street
DATE OF DECISION	April 16, 2025

SUBJECT TO THE FOLLOWING CONDITIONS:

It is a requirement that all conditions imposed are completed to ensure the minor variance decision is granted.

1. That the proposed development be completed substantially in compliance with the plans and drawings submitted with the application.

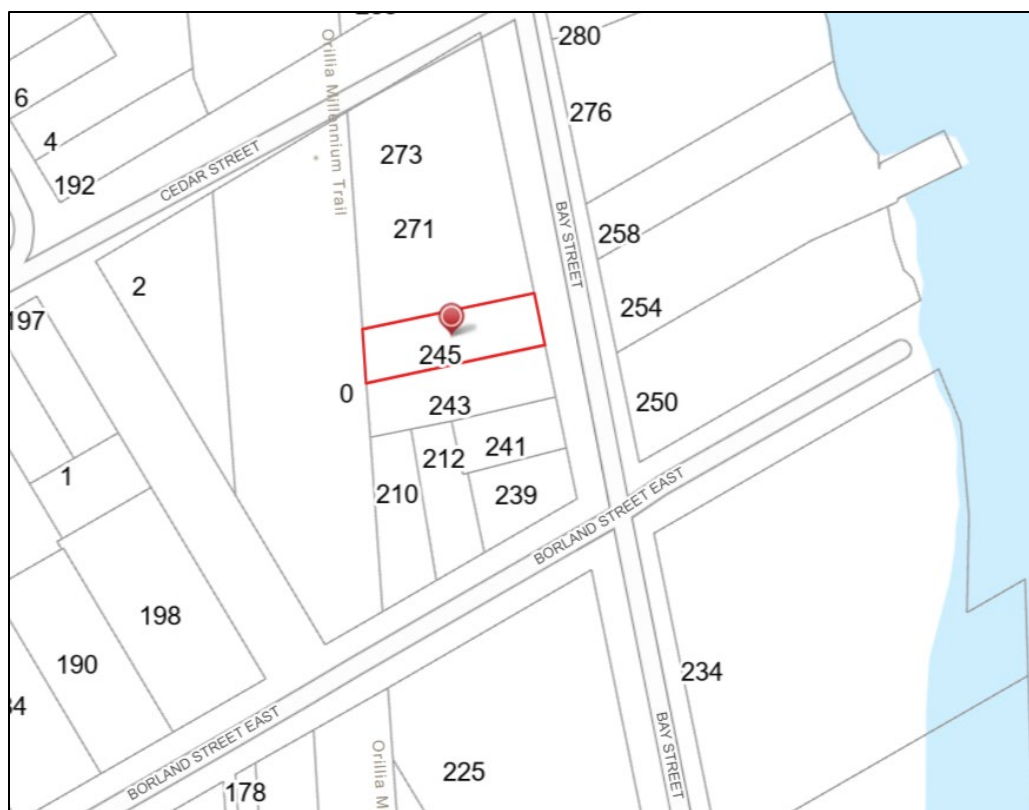
- The original copy of Decision A05-25, is attached to this report as Attachement 1.
- Decision A05-25 remains in full force and effect, as it was not appealed and was not subject to any expiry or time limitations.
- However, the conditions of Decision A05-25 require that the approved development “*be completed substantially in compliance with the plans and drawings submitted*” with the application (A05-25)”. If the applicant proceeds with a revised proposal, then this condition of A05-25 decision is no longer in compliance with the plans submitted.
- Further to Decision A05-25, the Applicant was required to apply for a subsequent variance that was missed during the A05-25 Decision, a subsequent decision was approved under A11-25 – Attachment 4.
- A11-25 recognized an increased distance of an additional dwelling unit from a front property line. (Note: This requirement is no longer in Zoning By-law 2014-44, as amended– so this variance is moot), but the Decision together with its Conditions are still, similar to A05-25, in full force and effect, for the same reasons above.
- Decision A11-25, proceeded under the August 20, 2025 hearing and several neighbourhood commented, Comments are attached as Attachment 5 as well as the minutes of the meeting Attachement 6.
- As a result of the August 20, 2025 hearing, additional conditions were included on Decision A11-25 (attachment 4).
- Those conditions were directed for the supplementary design of an Additional Dwelling Unit, and if that element is removed, those conditions would not apply to the proposed garage.
- To allow for a new design which still needs variance approval, a separate variance is required and must be brought back to the Committee for consideration.
- The revised proposal has removed the previously approved Additional Dwelling Unit and has reduced the building in size and height from two-storeys to a one-storey.
- For clarity on the existence of several decisions for one property and one proposal the following is provided for the Committee’s understanding:
 - Approval of the current application would not replace or invalidate previous Decisions A05-25 or A11-25. Both decisions would remain in effect independently. As the owner has lawfully obtained the permissions under

those Decisions and suitable conditions were imposed. The property retains the ability to proceed with whichever development desired, either now or in the future, subject to any applicable approvals and conditions.

Surrounding lands:

North	Townhouses
East	Bay Street and Low Density Residential on the waterfront
South	Low Density Residential
West	Lightfoot multi-use Trail (City-owned property)

Figure 1 – Location Map of Subject Property

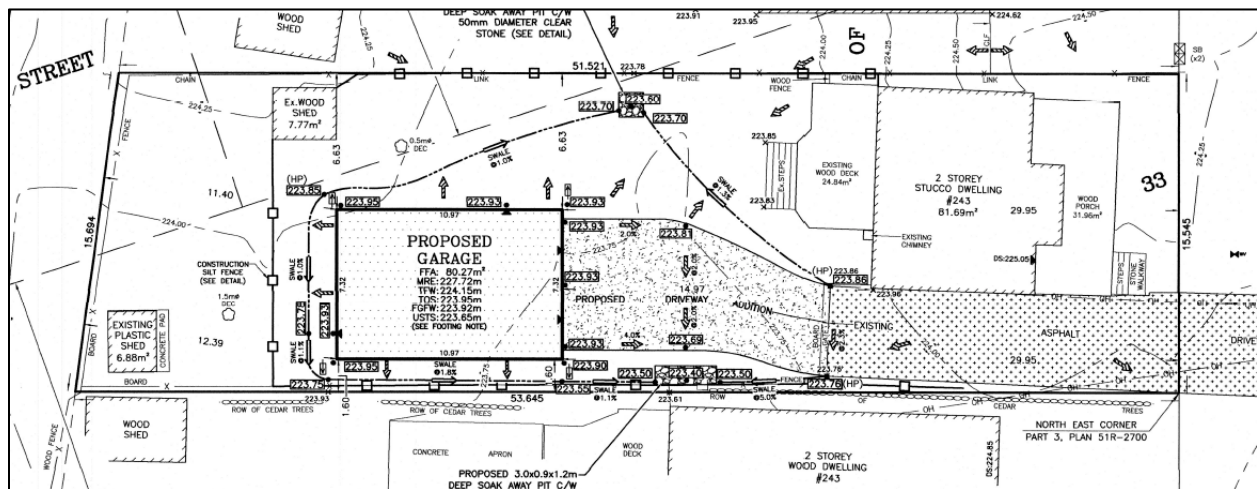


Analysis:

Date of Site Inspection: March 26, 2025 – no new site visit was performed as the dynamics of the proposal have been reduced and the site parameters remain unchanged.



Figure 2 – Site Plan



General Note:

Portions of the analysis contained in these Planning comments have been adapted from the previous Planning comments prepared for (A05-24 and A11-25). Analysis from those comments were relied upon where support for the size and location of the detached accessory structure was shared previously. The original planning comments have been provided under Attachment 2 and 5 of this report. As the current proposal represents a revised design with a reduced overall scale compared to the proposal previously considered and approved by the Committee of Adjustment,

much of the planning analysis, policy review, and rationale supporting the original applications remain applicable and should be reviewed in a consistent manner. Where appropriate, the analysis has been updated to reflect the revised proposal and the specific relief requested through the current application, while maintaining consistency with the planning principles and Committee decision established under Application A05-25 and A11-25.

Staff have also included in Attachment 3 and 6 – Minutes from the April 16, 2025 and August 20, 2025 hearing so that the Committee members can familiarize themselves as to the hearing proceedings of the previous applications.

Maintains the purpose and intent of the Official Plan:

☒ Yes ☐ No ☐ Defer

The subject property is designated “Living Area – Stable Neighbourhood” on Schedule “A” of the City’s Official Plan.

Lands designated as “Living Area – Stable Neighbourhood” are intended to accommodate residential land uses, including associated accessory uses and structures. While the Official Plan provides limited direction specifically relating to accessory structures, it does outline that the Living Area designation’s objectives include protecting and enhancing the character of existing residential neighbourhoods by ensuring new development is compatible with the character of adjacent buildings.

Analysis from the previous A05-25 report has been referenced below (*in italics*) and applied to the proposed accessory structure. Staff determined that it remains applicable, as the proposal relates to the same location and building. Analysis under A11-25, was not referenced in further in this report, as its analysis was for a variance to a provision, that no longer exists. Although the revised proposal is slightly smaller and has a reduced height due to the removal of the Additional Dwelling Unit, the previous analysis continues to be relevant and appropriate.

Structures larger than what the Zoning By-law regulates for, should consider the size of the lot and the size of the lots in the area as an important factor in determining compatibility with the character of the neighbourhood. A typical lot is 460m² in size, whereas the lot across the street 2,670m² in size and the lot to the south is 736m² in size. The subject property is also 817m² in size.

The proposed reduced detached accessory structure is 81m², whereas before the previously approved was 86.9m² and two storeys in height, with the additional use of a dwelling unit added. The alteration to the proposal, will bring the accessory building more in line with a detached

garage and as mentioned in the previous A05-25 report, impacts of the larger structure is further mitigated by vacant, City-owned lands located directly east of the property and the existing townhouse complex directly to the north.

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

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

☒ Yes ☐ No ☐ Defer

The subject property is zoned “Residential Two” (R2) which permits detached Accessory Structures subject to compliance with Zoning performance standards.

The proposed development complies with all the zone provisions except for the maximum ground floor area of a detached Accessory Structure.

A new Minor Variance is being sought as the use is now considered a detached Accessory Structure, whereas before the use was a Detached Additional Dwelling Unit. Both have different permissions unique to their uses, so now that the applicant wishes to proceed with the detached Accessory Structure (garage) only, a new decision needs to be made to reflect that.

With respect to limiting the size of a detached Accessory Structure, the intent of the Zoning By-law is to limit the impact on, the property itself as well as abutting properties. Again, staff have called back on the analysis that was used in report A05-25:

Given the large lot size of the subject property, the location and design of the structure, the existing privacy fence along the north lot line, and vacant, City-owned land located at the rear of the property, the proposed detached Accessory Structure is anticipated to have minimal negative impact on the abutting properties.

Moreover, the previously approved A05-25 design suggested a larger footprint of 86.9m² (935 sq.ft.)

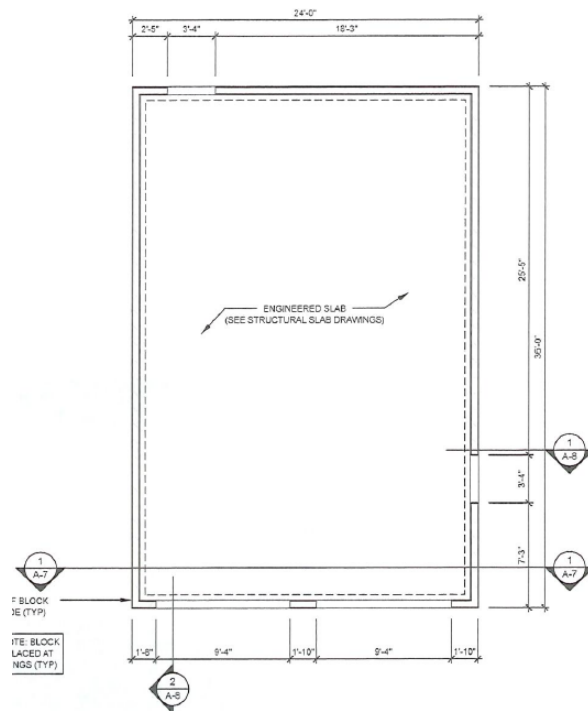
Having reviewed the above, the previous planning recommendation, and the Committee’s previous decision Staff consider the proposed variance to be in keeping with the Zoning By-law intent and purpose and in keeping with the previous approvals granted to the applicant, property and structure.

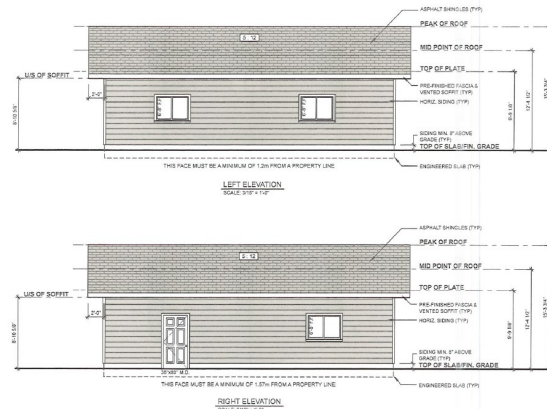
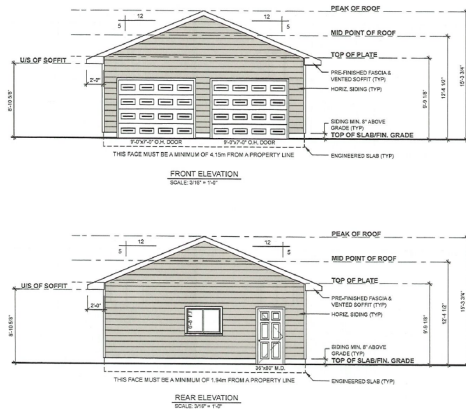
The variance(s) are desirable for the appropriate/orderly development or use of the land:

☒ Yes ☐ No ☐ Defer

Staff consider the proposed new variance to be desirable for the subject property and the surrounding neighbourhood. The Committee previously supported variances for a substantially larger structure with greater building heights, as well as an additional land use in the form of a dwelling unit. Should the applicant seek the permissions (already received) for the Additional Dwelling Unit, they could, and they would be required to impose the previous conditions directed by the Committee, especially those connected to Decision A11-25. It should be noted that those conditions would only be imposed should an additional dwelling unit proceed.

However, as the revised proposal is smaller in scale, it is considered appropriate for the same reasons that the previous, slightly larger design received approvals. Staff support the redesigned proposal, as it reflects the applicant's direction to pursue a new design for the same property while maintaining compatibility with the surrounding area.





The variance is minor in nature:

☒ Yes ☐ No ☐ Defer

In the determination of whether this new variance is considered appropriate, the Committee should rely on the previous request (A05-25) and staff report, as well as the previous hearing (April 16, 2025) discussion and the decision A05-25. Given that the applicant now proposes to modify that previously approved structure to a one storey garage only, omitting the additional dwelling unit and reduce that structure by one storey, many of the previous elements have changed and the impacts of the proposal significantly reduced.

When determining whether a variance is considered minor in nature, Staff must evaluate the four tests of the *Planning Act* and appropriateness to development on the subject property. For the previous reasons stated in the original A05-25 report, along with the discussion and directions made at the previous hearing on April 16th, 2025 and the conditional decision rendered at that same the requested relief from the Zoning By-law is deemed to be minor in nature given the anticipated minimal impact the proposed development will have on the surrounding properties.

Conclusion

The proposed variances associated with application A09-26 have been reviewed the previous request and input, as well as against current analysis of the four tests as set out within the *Planning Act*. It remains subordinate and accessory in nature, is modest in scale relative to the size of the property and the properties in the vicinity. The structure is appropriately setback from the property lines and respects current height permissions, thereby minimizing impacts on adjacent properties. Staff are of the opinion that the requested relief is minor in nature, desirable for the appropriate development of the lands, and consistent with the intent of Zone provisions. It

is the opinion of staff that the four tests have been satisfied and are recommending approval of the application subject to conditions.

Prepared by:

Alison Chapple, MCIP RPP

Senior Planner

Attachments:

1. Copy previous Decision A05-25 – April 16, 2025
2. Copy Previous Planning Comments – dated April 8, 2025
3. Copy Previous Minutes – Hearing date April 15, 2025
4. Copy previous Decision A11-25 – April 16, 2025
5. Copy Previous Planning Comments – dated July 8, 2025
6. Copy Previous Minutes – Hearing date August 20, 2025



CORPORATION OF THE CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT

DECISION

APPLICATION NO.	A05-25
APPLICANT/OWNER	Howard Lee
ADDRESS	245 Bay Street
DATE OF DECISION	April 16, 2025

Upon application to the Committee of Adjustment for a minor variance pursuant to Section 45 of the Planning Act, as amended, the decision of the City of Orillia Committee of Adjustment is as follows:

THAT: Consent to a variance(s) is:

- ☐ Approved
- ☒ Approved with conditions*
- ☐ Denied
- ☐ Deferred

*Conditions of approval are attached and form part of the Committee of Adjustment decision.

The Committee has Granted the following minor variance(s) from Zoning By-law 2014-44 for the construction of a new two-storey Detached Accessory Structure with a garage on the ground floor and a 98m² (1,055 sq. ft.) Additional Dwelling Unit on the second storey. Additionally, a one-storey addition to the rear of the existing dwelling together with an attached deck is proposed.

No.	Section	Requirement	Proposed	Variance
1	5.19 a) i) Non-Complying Buildings, Structures and Developed Sites - existing non-complying northerly interior side yard setback	0.6m	0.5m	0.1m
2	5.22 Table 5.4 Additional Dwelling Units Located in an Accessory Structure – Maximum Ground Floor Area	75m ²	98m ²	23m ²

- REASONS:**
- (1) The variance is minor;
 - (2) The variance 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.

EFFECT OF PUBLIC INPUT:

There was no public input received prior to the conclusion of the Public Hearing held on April 16, 2025.

We, the undersigned, acknowledge the above as being the decision of the Committee.



Pete Bowen



Ian Gordon



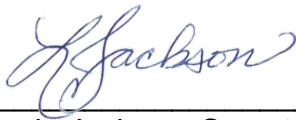
Kelly Smith

NOTICE OF THE LAST DAY FOR APPEALING TO THE ONTARIO LANDS TRIBUNAL

An appeal to the Ontario Land Tribunal in respect to all or part of this Minor Variance may be made by filing a Notice of Appeal with the City Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting City of Orillia as the Approval Authority or by mail to 50 Andrew Street South, Suite 300, Orillia, ON, L3V 7T5 no later than 4:30 p.m. on May 6, 2025. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$400 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to planning@orillia.ca. There is also an administrative fee payable to the City of Orillia by cash, debit or cheque in the amount of \$5,000 for any appeal filed regarding a Minor Variance.

Notice of this decision of the Committee of Adjustment was circulated on **April 18, 2025**.

I, Lorrie Jackson, Secretary-Treasurer of the Committee of Adjustment do hereby certify that the above is a true copy of the decision of the Committee of Adjustment for Application No. A05-25 rendered on April 16, 2025.



Lorrie Jackson, Secretary-Treasurer to the Committee of Adjustment

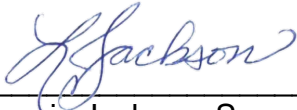
CONDITIONS TO DECISION

APPLICATION NO.	A05-25
APPLICANT/OWNER	Howard Lee
ADDRESS	245 Bay Street
DATE OF DECISION	April 16, 2025

SUBJECT TO THE FOLLOWING CONDITIONS:

It is a requirement that all conditions imposed are completed to ensure the minor variance decision is granted.

1. That the proposed development be completed substantially in compliance with the plans and drawings submitted with the application.



Lorrie Jackson, Secretary-Treasurer to the Committee of Adjustment



**COMMITTEE OF ADJUSTMENT
SUMMARY OF COMMENTS FOR APRIL 16, 2025
FOR APPLICATION A05-25 – 245 BAY STREET**

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 April 16, 2025
FROM: Planning Division
DATE: April 8, 2025
FILE NO: Application for Minor Variance A05-25
APPLICANT: Howard Lee (Agent: Vanessa Simpson, MORGAN Planning & Development)
SUBJECT PROPERTY: 245 Bay Street

Recommendation:

THAT the Committee of Adjustment approves Minor Variance Application A05-25, subject to the following condition.

1. That the proposed development be completed substantially in compliance with the plans and drawings submitted with the application.

Purpose

The purpose of this report is to provide the Committee of Adjustment with information related to Minor Variance Application A05-25 with respect to the property municipally known as 245 Bay Street.

The application proposes to construct a new two-storey Detached Accessory Structure with a garage on the ground floor and a 98m² (1,055 sq.ft.) Additional Dwelling Unit on the second storey. Additionally, a one-storey addition to the rear of the existing dwelling together with an attached deck is proposed.

Background and Key Facts

- The subject property is:
 - Located within the “Living Area – Stable Neighbourhood” designation of the City of Orillia Official Plan.
 - Zoned Residential Two (R2) and is located within the Wellhead Protection Overlay Zone under Zoning By-law 2014-44
- The property has an existing two-storey Single Detached Dwelling constructed in 1949 according to MPAC and there are currently two sheds located in the rear yard. One of the sheds is proposed to be removed when construction begins.
- The property has 15.5m (50.8 feet) of frontage on Bay Street and has a lot area of 817m² (8,795 sq.ft.).
- A new two-storey Detached Accessory Structure with a garage on the ground floor and 98m² (1,055 sq.ft.) Additional Dwelling Unit on the second storey is proposed together with a one-storey addition to the rear of the existing dwelling with a new attached deck.
- The applicant is seeking the following relief from the Zoning By-law:
 - To allow the proposed attached deck to be located 0.5m from the north interior side lot line, whereas the Zoning By-law requires a minimum of 0.6m (which is the existing non-complying setback permitted on the lot).
 - To allow the proposed Additional Dwelling Unit in the Detached Accessory Structure to have a ground floor area of 98m² (1,055 sq.ft.) which includes the floor area associated with the proposed front and rear balconies, whereas the Zoning By-law establishes a maximum ground floor area of 75m² (807 sq.ft.).

Surrounding lands:

North	Townhouses
East	Bay Street and Low Density Residential on the waterfront
South	Low Density Residential
West	Lightfoot multi-use Trail (City-owned property)

Figure 1 – Location Map of Subject Property



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

Section	Requirement	Proposed	Variance
5.19 a) i) Non-Complying Buildings, Structures and Developed Sites - existing non-complying northerly interior side yard setback	0.6m	0.5m	0.1m
5.22 Table 5.4 Additional Dwelling Units Located in an Accessory Structure – Maximum Ground Floor Area	75m ²	98m ²	23m ²

Analysis:

Date of Site Inspection: March 26, 2025

The site inspection revealed that the side yard abutting the subject property to the north is used for storage, not an active outdoor amenity area for the residents.

Figure 2 – Site Plan



Maintains the purpose and intent of the Official Plan:

- ☒ **Yes**
☐ **No**
☐ **Defer**

The subject property is designated “Living Area – Stable Neighbourhood” on Schedule “A” of the City’s Official Plan. Section 3.3.3.9 “Additional Dwelling Units” in the General Living Area Policies of the City’s Official Plan states that:

“An additional dwelling unit may also be located within a detached accessory structure on the same lot as a single detached, semi-detached or townhouse dwelling, provided that:

- i) a maximum of three dwelling units shall be permitted on the same lot unless otherwise permitted in the Zoning By-law; and,*

ii) all the requirements of the Zoning By-law, including the provision of adequate parking, the Ontario Building Code and other relevant municipal and Provincial regulations are satisfied.”

The Official Plan allows for an Additional Dwelling Unit to locate within a detached Accessory Structure.

The objectives of the Living Area designation include protecting and enhancing the character of existing residential neighbourhoods by ensuring new development is compatible with the character of adjacent buildings, but also to encourage an appropriate range of housing forms and tenures in all neighbourhoods.

When considering allowing a larger Additional Dwelling Unit, consideration of the lot sizes in the area is an important factor in determining compatibility with the character of the neighbourhood. A typical lot is 460m² in size, whereas the lot across the street 2,670m² in size and the lot to the south is 736m² in size. The subject property is also 817m² in size. The proposed Additional Dwelling Unit of 98m² fits with the context of the lot. Moreover, the impact of the larger Additional Dwelling Unit is mitigated by vacant, City-owned lands located directly east of the property and the already intensified development of a townhouse complex directly to the north.

With respect to the proposed attached deck at the rear of the existing dwelling, the Official Plan Design Policies for Buildings in the Living Area designation state that “*new development will be compatible with adjacent and neighbouring development by ensuring that siting and massing of new buildings does not result in undue, adverse impacts on adjacent properties particularly in regard to adequate privacy conditions for residential buildings and their outdoor amenity areas*”. The location of the proposed deck flanks the side of the townhouse development to the north and the side yard of the townhouse complex is being used for storage, not active outdoor amenity space by its residents. As such, staff is of the opinion that the proposed new deck will not adversely impact the privacy or outdoor amenity areas of the adjacent townhouse development.

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

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

- ☒ **Yes**
☐ **No**
☐ **Defer**

The subject property is zoned “Residential Two” (R2) which permits an Additional Dwelling Unit in a detached Accessory Structure subject to compliance with a number of performance standards.

The proposed development complies with all of the zone provisions except for the interior side yard setback for the attached deck and the maximum ground floor area for the Additional Dwelling Unit.

With respect to limiting the size of the Additional Dwelling Unit in a detached Accessory Structure, the intent of the Zoning By-law is to limit the impact on abutting properties. Given the large lot size of the subject property, the location and design of the structure, the existing privacy fence along the north lot line, and vacant, City-owned land located at the rear of the property, the proposed Additional Dwelling Unit is anticipated to have minimal negative impact on the abutting properties. Moreover, the actual footprint of the building is proposed to be 86.9m² (935 sq.ft.) with the proposed balconies accounting for 11.1m² (119 sq.ft.).

With respect to the proposed northerly interior side yard setback for the attached deck, the relief sought is 4 inches and the deck will be directly across from the flanking wall of the townhouse. For these reasons, the anticipated impact is expected to be minimal.

Staff consider the proposed variances in keeping with the Zoning By-law intent and purpose.

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

- ☒ **Yes**
☐ **No**
☐ **Defer**

There is no negative impact to the municipality with respect to these proposed variances. Staff consider the proposed variances desirable for the subject property and surrounding neighbourhood. Planning policies of all government levels now encourage redevelopment of existing residential lots in order to add more dwelling units that are utilizing existing infrastructure. With respect to the proposed deck, the location of the proposed deck will not impact the ability of the surrounding properties to enjoy their lots, as the deck will flank the side wall of the townhouse complex and the side yard of the townhouse complex is currently being used for storage, rather than active outdoor amenity space.

The variance is minor in nature:

- ☒ **Yes**
☐ **No**
☐ **Defer**

When determining whether a variance is considered minor in nature, Staff must evaluate the four tests of the *Planning Act* and appropriateness to development on the subject property. For the previous reasons stated in this report, the requested relief from the Zoning By-law is deemed to be minor in nature given the anticipated minimal impact the proposed development will have on the surrounding properties.

Conclusion

The proposed variances associated with application A05-25 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 are recommending approval of the application subject to conditions.

Prepared by:



Jill Lewis, MCIP, RPP
Senior Planner



MEMORANDUM TO COMMITTEE OF ADJUSTMENT

DATE:	April 9, 2025
FROM DEPARTMENT/DIVISION:	Engineering Division, DSE
FROM/CONTACT:	Tracy Blanchard, Development Coordinator
SUBJECT ADDRESS:	245 Bay Street
SUBJECT FILE #:	A05-25

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):

- A lot grading plan will be required when applying for a Building Permit for an accessory dwelling unit.

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

No comments received.

PUBLIC COMMENTS RECEIVED

No comments received.



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES
COMMITTEE OF ADJUSTMENT
HEARING OF
April 16, 2025

The April hearing of the City of Orillia Committee of Adjustment was held on April 16, 2025 by virtual meeting with the following in attendance:

Peter Bowen – Committee Member (Chair)
Kelly Smith – Committee Member
Ian Gordon, Committee Member
Jill Lewis – Senior Planner
Lorrie Jackson, Secretary-Treasurer
Sue McCormick – Acting Secretary-Treasurer

1. Introduction by the Secretary-Treasurer

2. Opening of Hearing:

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

3. Appointment of Chair

012-25 Moved by: Ian Gordon
Seconded by: Kelly Smith

That Pete Bowen be appointed as Chair for the Committee of Adjustment Hearing.

Carried

4. Approval of Agenda:

013-25 Moved by: Ian Gordon
Seconded by: Kelly Smith

That the Agenda for the April 16, 2025, be approved.

Carried

5. Confirmation of Minutes of the February 19, 2025 Hearing:

014-25 Moved by: Kelly Smith
Seconded by: Ian Gordon

That the Minutes of February 19, 2025 be approved.

Carried

6. Confirmation of Minutes of the March 19, 2025 Hearing:

015-25 Moved by: Kelly Smith
Seconded by: Ian Gordon

That the Minutes of March 19, 2025 be approved.

7. Notification of Pecuniary Interest:

None.

8. Manner in which Notice was provided:

The Secretary-Treasurer described the Committee of Adjustment procedures for the Hearing.

9. Applications:

8.1 A05-25 245 Bay Street

In attendance: Howard Lee, Owner of property
David Scarsellone, agent on behalf of Morgan Planning.

The Secretary-Treasurer read all correspondence received relative to the application.

Proposal:

The proposed variances are to

Comments from the Public:

None.

Comments from Departments/Agencies:

The Engineering Division has a comment and no conditions.

Staff Report:

Planning Division recommends approval of the application with conditions.

Owner/Applicant's Comments:

The Owner, Howard Lee, advised that the tenant from the house will be relocating to the additional dwelling unit in the garage and his family will be moving to the home to retire in. They are looking forward to becoming permanent residents in Orillia.

David Scarsellone with Morgan Planning, representing the Owner, addressed the Committee.

Mr. Scarsellone provided an overview of the property including a description of the subject property, aerial photo and provided a review with all of the mature vegetation and privacy based on a comparison of google street views with the vegetation and very shaded areas. Mr. Scarsellone reviewed the proposed minor variance application, zoning compliance matrix, elevations, floor plans of the garage space and then the additional dwelling unit

on the 2nd floor. He indicated that the proposal meets the Zoning and Official Plan Policies of the City and submitted a Planning Justification Report. He also indicated the proposal meets the Provincial Policy Statement and how it meets the four tests of a minor variance

Public Comments (at hearing):

None.

Committee Comments

A Committee member asked if there was a variance for height as well or does the Zoning By-law now allow for taller heights? Staff advised that through a Housekeeping Amendment passed in September 2024, accessory structures with a peaked roof are permitted a 6.5 metre height and if the additional dwelling unit is within a structure with a flat roof, the height is 5.0 metres.

Mr. Scarsellone advised that the height of the proposed garage will be 6.32 metres between the eave and the peak of the higher roof on the north elevation shown to the Committee.

The Committee made a motion to approve the application.

**016-25 Moved by: Kelly Smith
 Seconded by: Ian Gordon**

Application A05-25 – 245 Bay Street, be approved with conditions, as per the Decision.

Carried

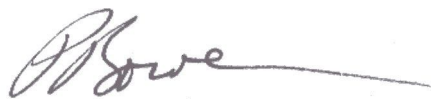
10. Adjournment:

**017-25 Moved by: Ian Gordon
 Seconded by: Kelly Smith**

We now adjourn at 9:41 a.m.

Carried

The Committee will reconvene at 9:15 a.m. on May 21, 2025.



Pete Bowan, Chair

Lorrie Jackson, Secretary-Treasurer



CORPORATION OF THE CITY OF ORILLIA

COMMITTEE OF ADJUSTMENT

DECISION

APPLICATION NO.	A11-25
APPLICANT/OWNER	Howard Lee
ADDRESS	245 Bay Street
DATE OF DECISION	August 20, 2025

Upon application to the Committee of Adjustment for a minor variance pursuant to Section 45 of the Planning Act, as amended, the decision of the City of Orillia Committee of Adjustment is as follows:

THAT: Consent to a variance(s) is:

- ☐ Approved
- ☒ Approved with conditions*
- ☐ Denied
- ☐ Deferred

*Conditions of approval are attached and form part of the Committee of Adjustment decision.

The Committee has Granted the following minor variance(s) from Zoning By-law 2014-44 to locate a Detached Additional Dwelling Unit 30.0m from the front lot line, which exceeds the City's maximum setback of 25.0m.

Section	Requirement	Proposed	Variance
5.2.2 Table 5.4 Additional Dwelling Units Located in an Accessory Structure – Maximum Front Yard Setback	25.0m	30.0m	5.0m

- REASONS:**
- (1) The variance is minor;
 - (2) The variance 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.

EFFECT OF PUBLIC INPUT:

In making this Decision, the Committee of Adjustment had regard for all public input received through written, electronic, and verbal submissions prior to the conclusion of the Public Hearing held on August 20, 2025.

We, the undersigned, acknowledge the above as being the decision of the Committee.



Ian Gordon



Kelly Smith

NOTICE OF THE LAST DAY FOR APPEALING TO THE ONTARIO LANDS TRIBUNAL

An appeal to the Ontario Land Tribunal in respect to all or part of this Minor Variance may be made by filing a Notice of Appeal with the City Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting City of Orillia as the Approval Authority or by mail to 50 Andrew Street South, Suite 300, Orillia, ON, L3V 7T5 no later than 4:30 p.m. on September 9, 2025. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$400 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to planning@orillia.ca. There is also an administrative fee payable to the City of Orillia by cash, debit or cheque in the amount of \$5,000 for any appeal filed regarding a Minor Variance.

Notice of this decision of the Committee of Adjustment was circulated on August 22, 2025.

I, Lorrie Jackson, Secretary-Treasurer of the Committee of Adjustment do hereby certify that the above is a true copy of the decision of the Committee of Adjustment for Application No. A17-25 rendered on August 20, 2025.



Lorrie Jackson, Secretary-Treasurer to the Committee of Adjustment

CONDITIONS TO DECISION

APPLICATION NO.	A11-25
APPLICANT/OWNER	Howard Lee
ADDRESS	245 Bay Street
DATE OF DECISION	August 20, 2025

SUBJECT TO THE FOLLOWING CONDITIONS:

It is a requirement that all conditions imposed are completed to ensure the minor variance decision is granted.

1. That the proposed development be completed substantially in compliance with the plans and drawings submitted with the application specifically with respect to:
 - a. Provision of a southerly side yard setback of 2m, instead of the minimum 1.2m setback required by the Zoning By-law for the proposed Additional Dwelling Unit.
 - b. No provision for a balcony along the east (front) elevation.
 - c. Provision of a window, instead of a door, along the east (front) elevation of the Additional Dwelling Unit.
 - d. Use of permanent opaque windows along the east (front) elevation of the Additional Dwelling Unit.
 - e. Provision of a privacy screen along the south side of the balcony facing west.
2. That the detached Additional Dwelling Unit be equipped with a Sprinkler System per the Detached Additional Dwelling Units: Fire Department Access Standard Practice issued by the City of Orillia's Chief Building Official (BD.SP.2023.21)



Lorrie Jackson, Secretary-Treasurer to the Committee of Adjustment



**COMMITTEE OF ADJUSTMENT
SUMMARY OF COMMENTS FOR JULY 16, 2025
FOR APPLICATION A11-25
245 BAY STREET**

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 July 16, 2025
FROM: Development and Infrastructure Planning Division
DATE: July 8, 2025
FILE NO: Application for Minor Variance A11-25
APPLICANT: Howard Lee (Agent: Vanessa Simpson, MORGAN Planning & Development)
SUBJECT PROPERTY: 245 Bay Street

Recommendation:

THAT the Committee of Adjustment approves Minor Variance Application A11-25, subject to the following conditions.

1. That the proposed development be completed substantially in compliance with the plans and drawings submitted with the application.
2. That the detached Additional Dwelling Unit be equipped with a Sprinkler System per the Detached Additional Dwelling Units: Fire Department Access Standard Practice issued by the City of Orillia's Chief Building Official (BD.SP.2023.21)

Purpose

The purpose of this report is to provide the Committee of Adjustment with information related to Minor Variance Application A11-25 with respect to the property municipally known as 245 Bay Street.

This property received Minor Variance approval from the Committee of Adjustment at the April 16, 2025 Committee of Adjustment meeting to construct a new two-storey Detached Accessory Structure with a garage on the ground floor and a 98m² (1,055 sq.ft.) Additional Dwelling Unit on the second storey. The property owner has since decided that they would like to locate this Detached Additional Dwelling Unit 30m from the front lot line, which exceeds the City's maximum setback of 25m. As such, the property owner is seeking a variance to the maximum setback from the front lot line for a Detached Additional Dwelling Unit.

Background and Key Facts

- The subject property is:
 - Located within the “Living Area – Stable Neighbourhood” designation of the City of Orillia Official Plan.
 - Zoned Residential Two (R2) and is located within the Wellhead Protection Overlay Zone under Zoning By-law 2014-44
- The property has an existing two-storey Single Detached Dwelling constructed in 1949 according to MPAC and there are currently two sheds located in the rear yard. One of the sheds is proposed to be removed when construction begins.
- The property has 15.5m (50.8 feet) of frontage on Bay Street and has a lot area of 817m² (8,795 sq.ft.).
- The property owner received the Committee of Adjustment's approval for the construction of a new two-storey Detached Accessory Structure with a garage on the ground floor and 98m² (1,055 sq.ft.) Additional Dwelling Unit on the second storey.
- The applicant is seeking the following relief from the Zoning By-law:
 - To allow the proposed Additional Dwelling Unit in the Detached Accessory Structure to be located 30m from the front lot line, whereas the Zoning By-law establishes a maximum front yard setback of 25m.

Surrounding lands:

North	Townhouses
East	Bay Street and Low Density Residential on the waterfront
South	Low Density Residential
West	Lightfoot multi-use Trail (City-owned property)

Figure 1 – Location Map of Subject Property



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

Section	Requirement	Proposed	Variance
5.2.2 Table 5.4 Additional Dwelling Units Located in an Accessory Structure – Maximum Front Yard Setback	25m	30m	5m

Analysis:

Date of Site Inspection: March 26, 2025



Figure 2 – Site Plan

Maintains the purpose and intent of the Official Plan:

- ☒ **Yes**
☐ **No**
☐ **Defer**

The subject property is designated “Living Area – Stable Neighbourhood” on Schedule “A” of the City’s Official Plan. Section 3.3.3.9 “Additional Dwelling Units” in the General Living Area Policies of the City’s Official Plan states that:

“An additional dwelling unit may also be located within a detached accessory structure on the same lot as a single detached, semi-detached or townhouse dwelling, provided that:

i) a maximum of three dwelling units shall be permitted on the same lot unless otherwise permitted in the Zoning By-law; and,

ii) all the requirements of the Zoning By-law, including the provision of adequate parking, the Ontario Building Code and other relevant municipal and Provincial regulations are satisfied.”

The Official Plan allows for an Additional Dwelling Unit to locate within a detached Accessory Structure.

The Official Plan provides no policies related specifically to the placement of the Detached Additional Dwelling Unit on the lot other than complying with the Zoning By-law requirements.

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

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

☒ **Yes**

☐ **No**

☐ **Defer**

The subject property is zoned “Residential Two” (R2) which permits an Additional Dwelling Unit in a detached Accessory Structure subject to compliance with a number of performance standards.

The rationale for the maximum 25m setback from the front lot line is to ensure that the length of the fire hose can extend to the building or structure for adequate fire protection. The property owner would like to site the Detached Additional Dwelling Unit 30m from the front lot line. This distance can be accommodated by the City provided that the building include a sprinkler system during the building permit stage to address fire safety.

Provided the condition is implemented to require the Additional Dwelling Unit to be sprinklered, staff consider the proposed variances in keeping with the Zoning By-law intent and purpose.



**CITY OF ORILLIA
COMMITTEE OF ADJUSTMENT MINUTES**

HEARING MINUTES
COMMITTEE OF ADJUSTMENT
HEARING OF
August 20, 2025

The August hearing of the City of Orillia Committee of Adjustment was held on August 20, 2025 by virtual meeting with the following in attendance:

Kelly Smith, Committee Member (Acting Committee Chair)
Ian Gordon, Committee Member
Jill Lewis, Senior Planner
Lorrie Jackson, Secretary-Treasurer
Sue McCormick, Acting Secretary-Treasurer

1. Introduction by the Secretary-Treasurer

2. Opening of Hearing:

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

3. Appointment of Chair

034-25 Moved by: Ian Gordon
Seconded by: Kelly Smith

That Kelly Smith be appointed as Chair for the Committee of Adjustment Hearing.

Carried

4. Approval of Agenda:

035-25 Moved by: Ian Gordon
Seconded by: Kelly Smith

That the Agenda for the August 20, 2025, be approved.

Carried

5. Confirmation of Minutes of the July 16, 2025 Hearing:

036-25 Moved by: Ian Gordon
Seconded by: Kelly Smith

That the Minutes of July 16, 2025 be approved.

Carried

6. Notification of Pecuniary Interest:

None.

7. Manner in which Notice was provided:

The Secretary-Treasurer described the Committee of Adjustment procedures for the Hearing.

8. Applications:

8.1 A18-25 26 West Street North

In attendance: Jenna Thibault, Weston Consulting, agent on behalf of the Owner

The Secretary-Treasurer read all correspondence received relative to the application.

Proposal:

The purpose of this application is to allow for an increase in maximum Building Height from 12.5 m to 14.2 m for an Apartment Dwelling and to permit 31 permanent parking spaces for Buildings A and B, whereas a minimum of 32 permanent parking spaces is required.

Comments from the Public:

A letter of objection was received.

Comments from Departments/Agencies:

The Engineering Division has no comments and no conditions.

Staff Report:

Planning Division recommends approval of the application with conditions.

Owner/Applicant's Comments:

Jenna Thibault, addressed the Committee with a short presentation. She provided the overview of the affordable housing project and indicated they have been going through a Stage 2 Preconsultation stage for a Site Plan Application. The 4 storey building is interior to the single storey existing building and no exterior changes will be occurring. She reviewed the parking request and snow storage area with the parking.

Ms. Thibault reviewed the 2 variances being a height increase with the 4 storey building which is permitted and the parking perspective which is one less than required. She noted that the majority of the year, the parking will exceed 34 spaces. During the winter months 3 parking spaces are required for snow storage.

Ms. Thibault noted that the variances meet the four tests. She concurs with the one condition of the variance.

Public Comments (at hearing):

Jeff Wormald, owner of the building closest on the west side of Building A addressed the Committee. Mr. Wormald indicated he has 3 residential and 1 commercial tenant. His concern is that the building is going to reduce a level of privacy by replacing the landscaped trees and the height will make it more pronounced. His current tenant is using 15 parking spaces in the municipal lot on most days. The business is a children's studio and the clients bring their children in from the municipal parking lot and it's a good arrangement because it is optimal that they do not have to go across the street. Mr. Wormald's concern is by taking the 15 parking spots away from his client and reducing by 1 space, this will just make more competition for the remaining parking spaces.

Ms. Thibault advised the Committee that on the privacy concerns, they are proposing a number of deciduous and coniferous trees along the side lot line at 11 Coldwater Street and along the front street, ensuring a green environment.

In terms of parking, Ms. Thibault advised that this site is privately owned by her client and there is an arrangement to allow public parking with the City. There is parking along West Street and a municipal parking lot on the west side of West Street. She also indicated that there is no concern with overflow of parking as this is affordable housing for seniors and generally that means low vehicle ownership. The parking at 34 spaces meets the requirement and only 3 spaces are required in the winter for snow storage.

Jeff Wormald asked if there is any plan to take snow off the proposed property. He pushes snow back off his property and there is at least 3 parking spaces. He feels that if they don't remove the snow, it will definitely take up more than 3 parking spaces. Ms. Thibault advised that the building operator will assess the snow situation at the time and it has been determined that 3 spaces are sufficient and if there is more than that, the land owner is mindful that this will need to be dealt with.

Nick Tsi, of KSR Management, owner of 8 Coldwater St. E and 6 West Street North indicated his concern with crowding the parking area. He realizes this is a senior plan, however, what about parking for guests. He noted that 6 West Street North has no parking and his tenants and their customers rely on the location for parking. He feels there will be a huge stress on this area alone.

Ms. Thibault advised that the building is for seniors, some with disabilities that do not drive. The owner has another building and it has been found that there is a low number of senior tenants that actually have vehicles. It should also be noted that in the Downtown Overlay zone, there is a 50% parking reduction as well as a further 75% parking reduction for Affordable Housing.

Committee Comments

A Committee member asked for the definition of Affordable Housing. Ms. Thibault indicated that it is units rented out at affordable rates. This is based under the Province residential building bulletin for affordable rents and they will meet that or lower for the City of Orillia. The units are bachelor or single bedroom. Staff advised that the owner has received funding through the Affordable Housing Incentive Program with the City.

A Committee member asked, out of the 115 units, how many will be affordable. Ms. Thibault indicated 100%.

The Committee made a motion to approve the application.

037-25 **Moved by: Ian Gordon**
 Seconded by: Kelly Smith

Application A18-25 – 26 West Street North, be approved with conditions, as per the Decision.

Carried

8.2 A11-25 245 Bay Street

In attendance: David Scarsellone of Morgan Planning & Development

The Secretary-Treasurer read all correspondence received relative to the application.

Proposal:

The purpose of the proposed variance is to allow for a Detached Additional Dwelling Unit 30.0m from the front lot line, which exceeds the City's maximum setback of 25.0m.

This Minor Variance application was deferred by the Committee of Adjustment at the hearing of July 16, 2025 in order for the owner/applicant to amend the plans to provide more privacy to the adjacent property owner.

Comments from the Public:

A letter in opposition/clarification was received.

Comments from Departments/Agencies:

The Engineering Division has no comments and no conditions.

Staff Report:

Planning Division recommends approval of the application with conditions.

Owner/Applicant's Comments:

David Scarsellone of Morgan Planning & Development provided a presentation from the previous application and briefly reviewed the proposal for Committee. Mr. Scarsellone reviewed the changes that have been made being the removal of the balcony at the front of the building and replacement with opaque windows and a metal privacy screen on the rear balcony.

Ms. Scarsellone believes the application meets the four tests of a minor variance and confirmed the addition of trees and moving the building over from the neighbouring property line.

Public Comments (at hearing):

Jibson Mamerto and Kaley Hamilton, neighbouring property owners, addressed the Committee. They are happy to hear that a privacy wall will be placed on the balcony as well as the south facing window being opaque in nature. Mr. Mamerto asked for clarity on the meaning of opaque windows and whether this is the entire glass of the window or a film that is placed on the window. His concern is the tenant can remove the film at a later date. He also would like assurance from the home owner that a balcony will not be constructed at a later date which eliminates the purpose of the conditions.

Mr. Scarsellone advised that the opaque film would be preferred, however, the owner is willing to do full opaque windows. He noted that along the south window, 2 oak trees will be planted that will provide adequate screening issues. His client is also open to a condition that the building is constructed as proposed without a balcony and remain as is approved.

Kaley Hamilton addressed the Committee and advised that they have planted trees along the south side already and this would serve the same purpose as the proposed oak trees. These trees will take several years to grow in order to cover the windows and they would like some assurance as to the privacy from the south.

Mr. Scarsellone advised that they have increased the setback of the building and adding trees which they feel is adequate.

The owner, Howard Lee, addressed the Committee and advised there are 2 houses on Borland Street that the houses overlook the neighbouring property and he is not sure what the difference is. He does not feel any further coverage on the south side is required.

Mr. Mamerto advised that there are trees at the back of the Borland property that obstruct the view and the buildings are quite a bit further from their property line. He feels adding another structure next to them reduces their privacy even further.

Mr. Scarsellone advised that the previous approval was with the balcony and no opaque windows at 25 metres.

Committee Comments

A Committee member advised he was in general agreement however would like to amend the wording in Items D and E.

- D. Use of permanent opaque windows along the east (front) elevation of the Additional Dwelling Unit.
- E. Provision of a privacy screen along the south side of the balcony facing west.

038-25 **Moved by: Ian Gordon**
 Seconded by: Kelly Smith

Application A11-25 – 245 Bay Street, be approved with conditions, as per the Decision.

Carried

8.3 A13-25 48 Stanton Drive

In attendance: Alberto Donadio, AJD Design Group, agent

The Secretary-Treasurer read all correspondence received relative to the application.

Proposal:

The purpose of this application is to allow for an increase in the maximum area of an Additional Dwelling Unit in a Detached Accessory Structure from 75.0m² to 139.4m², a variance of 64.4m².

Comments from the Public:

None.

Comments from Departments/Agencies:

The Engineering Division has no comments and no conditions.

Staff Report:

Planning Division recommends approval of the application with conditions.

Owner/Applicant's Comments:

Mr. Donaldo advised he was in attendance and is okay with the proposal.

Public Comments (at hearing):

None.

Committee Comments

None.

039-25 **Moved by: Ian Gordon**
 Seconded by: Kelly Smith

Application A13-25 – 48 Stanton Drive, be approved with conditions, as per the Decision.

Carried

8.4 A14-25 620 Broadview Avenue

In attendance: Danielle Bilodeau, Justin Sherry Design Studio, agent

The Secretary-Treasurer read all correspondence received relative to the application.

Proposal:

The purpose this application is to allow for an increase in the maximum height of a Detached Accessory Structure from 5.0 metres to 5.65 metres, a variance of .65 metres.

Comments from the Public:

A letter of support was received.

Comments from Departments/Agencies:

The Engineering Division has no comments and no conditions.

Staff Report:

Planning Division recommends approval of the application with conditions.

Owner/Applicant's Comments:

Ms. Bilodeau has nothing further to add and happy to answer any questions.

Public Comments (at hearing):

None.

Committee Comments

None.

040-25 **Moved by: Ian Gordon**
 Seconded by: Kelly Smith

Application A14-25 – 620 Broadview Avenue, be approved with conditions, as per the Decision.

Carried

8.5 A15-25 91 Heyden Avenue

In attendance: Paul Wallis, Owner

The Secretary-Treasurer read all correspondence received relative to the application.

Proposal:

The purpose of this application is to locate a Boathouse 1.2m from the Interior Side Lot Line, instead of the required 4.5m and to increase the Shoreline Buffer Zone (within 30m of Lake Simcoe) lot coverage from 25% to 27%.

Comments from the Public:

A letter of objection was received.

Comments from Departments/Agencies:

The Engineering Division has no comments and no conditions.

Staff Report:

Planning Division recommends approval of the application with conditions.

Owner/Applicant's Comments:

Mr. Wallis advised he concurs with the condition and in attendance to answer any questions.

Public Comments (at hearing):

None.

Committee Comments

A Committee Member asked about the trees along the front of the property close to the waterline and how many would have to be removed to build the boathouse.

Mr. Wallis advised the trees along the front of the property unfortunately reached the end of life and 2 have fallen and the other 3 were removed. The plantings in the future will match or exceed the coverage along the front of the property.

A Committee member mentioned that the Planning Report talked about shoreline planting and 10% of it to be native material and noted the applicant has lost all of the trees along the waterfront. Can we make a shoreline planting agreement a condition of this application?

Staff advised they could certainly make it a condition and advised that when the owner went through the rebuilding of their house a few years ago, they were required to do a planting plan. They could impose again to show 10% plantings along the shoreline. Staff did not recommend this as they recently went through it.

Mr. Wallis indicated the removal of the trees was in conjunction with the City and 1 stump was rotted completely. Due to safety concerns, they were removed and they asked about the plantings and the City had no issue to removal of the trees with no condition to replant.

041-25

Moved by: Ian Gordon

Seconded by: Kelly Smith

Application A15-25 – 91 Heyden Avenue, be approved with conditions, as per the Decision.

Carried

8.6 A17-25 469 Victoria Crescent

In attendance: David Havers, Havers Building, agent

The Secretary-Treasurer read all correspondence received relative to the application.

Proposal:

1. To construct two separate additions for a combined Gross Floor Area of 100m², which exceeds the permitted 46m² expansion to an existing dwelling located between 15m and 30m from the shoreline of Lake Simcoe.
2. To reduce the front yard setback from 20.3m down to 17.1m.

Comments from the Public:

None.

Comments from Departments/Agencies:

The Engineering Division has no comments and no conditions.

Staff Report:

Planning Division recommends approval of the application with conditions.

Owner/Applicant's Comments:

Mr. Havers addressed the Committee and advised they are fine with the 3 conditions.

Public Comments (at hearing):

None.

Committee Comments

A Committee Member asked about the Zoning Certificate for the Lake Simcoe Protection Plan. Is that a firm requirement before the Building Permit is issued.

Staff advised that it is a 2 step process for a Building Permit being a Zoning Certificate first. The first step is to submit Site Plan and if a condition is imposed, a Landscape Plan showing 10% native plantings. The Zoning Certificate is then issued and then this would allow for building permit being reviewed and approved. Based on full faith and trust, the applicant will submit the plan as no securities and no inspections occur with regard to landscaping.

Committee confirmed no follow-up plan to make sure landscaping plan adhered to.

The applicant advised he would be happy to submit a landscaped plan to the City. There is one already in the works.

042-25 **Moved by: Ian Gordon**
 Seconded by: Kelly Smith

Application A17-25 – 469 Victoria Crescent, be approved with conditions, as per the Decision.

Carried

9. Adjournment:

043-25 **Moved by: Ian Gordon**
 Seconded by: Kelly Smith

We now adjourn at 10:28 a.m.

Carried

The Committee will reconvene at 9:15 a.m. on September 17, 2025.



Kelly Smith, Acting Chair



Lorrie Jackson, Secretary-Treasurer

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

- ☒ Yes
☐ No
☐ Defer

There is no negative impact to the municipality with respect to these proposed variance provided the condition is implemented to require the Additional Dwelling Unit to be sprinklered. Staff consider the variance to the maximum front yard setback to be desirable for the development of this land for a Detached Additional Dwelling Unit.

The variance is minor in nature:

- ☒ Yes
☐ No
☐ Defer

When determining whether a variance is considered minor in nature, Staff must evaluate the four tests of the *Planning Act* and appropriateness to development on the subject property. For the previous reasons stated in this report, the requested relief from the Zoning By-law is deemed to be minor in nature provided the condition is implemented that will require the Additional Dwelling Unit to be sprinklered.

Conclusion

The proposed variances associated with application A11-25 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 are recommending approval of the application subject to conditions.

Prepared by:



Jill Lewis, MCIP, RPP
Senior Planner



MEMORANDUM TO COMMITTEE OF ADJUSTMENT

DATE:	July 9, 2025
FROM DEPARTMENT/DIVISION:	Engineering Division, DSE
FROM/CONTACT:	Tracy Blanchard, Development Coordinator
SUBJECT ADDRESS:	245 Bay Street
SUBJECT FILE #:	A11-25

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.



MEMORANDUM TO COMMITTEE OF ADJUSTMENT

DATE:	August 11, 2026
FROM DEPARTMENT/DIVISION:	Engineering Division, DSE
FROM/CONTACT:	Tracy Blanchard, Development Coordinator
SUBJECT ADDRESS:	245 Bay Street
SUBJECT FILE #:	A09-26

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