



**COMMITTEE OF ADJUSTMENT  
MARCH 23, 2022  
PUBLIC HEARING MINUTES**

*Members Present:* Steve Trotter, Chair  
Jay Dolan, Member  
Marc Pumple, Member  
Andy Thomson, Member

*Staff Present:* Tiffany Thompson, Manager of Growth and Development  
Carlissa McLaren, Manager of Planning (Acting)  
Janice Sadgrove, Secretary-Treasurer

*Next Meeting:* April 27, 2022, at 5:00 p.m., Virtual Meeting (Zoom)

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**1. CALL TO ORDER**

**2. DECLARATIONS OF CONFLICT – POTENTIAL PECUNIARY INTEREST**

There were none.

**3. REQUESTS FOR DEFERRAL/ADJOURNMENT**

There were none.

**4. ADOPTION OF MINUTES**

The minutes of the Committee of Adjustment hearing held on February 23, 2022, were adopted as circulated.

**Motioned by: Andy Thomson, Member  
Second: Jay Dolan, Member  
CARRIED**

**5. STATUTORY PUBLIC HEARINGS**

**5. (a) CONSENT APPLICATION: B6/22 – 54 & 56 Ottaway Avenue**

**APPLICANT:** Ardel Johnston on behalf of Colby Edwards

The application, if granted by the Committee of Adjustment, will serve to re-establish a boundary lot line.

The severed lands propose to have a lot area of 662 square metres and a proposed lot frontage of 16.46 metres on Ottaway Avenue.

The retained lands propose to have a lot area of 662 square metres and a proposed lot frontage of 16.46 metres on Ottaway Avenue.

**REPRESENTATION:**

Ardel Johnston, Applicant

**INTERESTED PERSONS:**

There were none.

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated March 23, 2022

Development Services – Transportation Planning: Comments dated March 14, 2022  
Development Services – Parks Planning: Comments dated March 17, 2022  
Development Services – Approvals Branch: Comments dated March 16, 2022  
Building Services: No comments  
Finance Department: DCA comments dated March 17, 2022  
LSRCA: Comments dated March 16, 2022  
Alectra Utilities: Comments dated March 9, 2022

**DISCUSSION:**

Ardel Johnston, the applicant, provided an overview of the application requesting to re-establish a preexisting property lot line. She advised the properties merged on title when they came under the same ownership in April 2016. Ms. Johnston provided an aerial photo to illustrate the lot configuration of the subject parcels and the existing dwellings. She noted the applicant is seeking to reestablish the preexisting lot line between the two properties.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Committee made a motion to approve the application with conditions as outlined by staff.

**DECISION:**

The decision of the Committee is that the application be granted with conditions.

**Motioned by: Marc Pumple, Member  
Second: Jay Dolan, Member  
CARRIED**

**5. (b) MINOR VARIANCE APPLICATION: A4/22 – 129 Ferris Lane  
APPLICANT: Innovative Planning Solutions c/o Cameron Sellers on behalf of Empower Simcoe**

This application, if granted by the Committee of Adjustment, will serve to permit a parking area to exceed the maximum allowable parking. The property is subject to Site Plan Exemption Application D11-EXE-048-2021.

The applicant is seeking the following minor variance(s):

1. To permit 64% (37 parking spaces) of the provided parking in the front yard (adjacent to Highway 400), whereas the Comprehensive Zoning By-law 2009-141, under subsection 7.3.3.2, requires such parking area shall not exceed 20% (4 spaces) of the required parking for the lot.

**REPRESENTATION:**

Cameron Sellers, Agent

**INTERESTED PERSONS:**

There were none.

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated March 23, 2022  
Development Services – Transportation Planning: Comments dated March 14, 2022  
Development Services – Parks Planning: Comments dated March 17, 2022  
Development Services – Approvals Branch: No comments  
Building Services: No comments  
Finance Department: DCA comments dated March 14, 2022  
LSRCA: Comments dated March 17, 2022

Alectra Utilities: Comments dated March 9, 2022

**DISCUSSION:**

Cameron Sellers, the agent, provided an overview of the application. He noted Empower Simcoe is a charitable, non-profit organization operating as an earlyON child and family centre. Mr. Sellers provided an illustration of the conceptual site plan to illustrate the proposed 37 parking spaces and noted that parking capacity has been an issue on the site. He pointed out that dating back to 1978, the property has had 15 parking spaces in the front yard, which is defined as the area between Highway 400 and the existing building. The requested minor variance would result in an additional 22 parking spaces being created within the front yard. He noted that none of the additional spaces are going to be any closer to the highway than the existing spaces and parking on the site has a greater setback to the highway than that of adjacent properties.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Chair asked about the site plan process. Mr. Sellers advised site plan exemption application D11-EXE-048-2021 is currently under review by the Planning Department for creation of additional parking spaces and a new outdoor playground area for the EarlyOn Daycare Centre. The Chair asked if there will be plantings in the front yard between Highway 400 and the parking lot. Mr. Sellers provided an illustration of the conceptual landscape plan and pointed out that the MTO has a 14-metre setback and there is a 9-metre-wide landscape buffer and a 6-metre wide bioretention feature. He noted the City does not allow any plantings in this area due to the swale.

The Committee made a motion to approve the application with conditions as outlined by staff.

**DECISION:**

The decision of the Committee is that the application be granted with conditions.

**Motioned by: Jay Dolan, Member  
Second: Andy Thomson, Member  
CARRIED**

**5. (c) MINOR VARIANCE APPLICATION: A6/22 – 52 Dundonald Street  
APPLICANT: Sketch Design Build Inc. c/o Matt Reid on behalf of Nick Lougheed**

This application, if granted by the Committee of Adjustment, will serve to permit an addition with a deficient rear yard setback and to recognize an existing side yard setback.

The applicant is seeking the following minor variance(s):

1. A rear yard setback of 3.3 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1, Table 5.3, requires a minimum rear yard setback of 7 metres.
2. To recognize an existing side yard setback abutting a street of 0.16 metres, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.3.3.2(a), requires a minimum side yard setback of 3 metres.

**REPRESENTATION:**

Chase Chisholm, Applicant

**INTERESTED PERSONS:**

Marlena Gomes

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated March 23, 2022  
Development Services – Transportation Planning: Comments dated March 14, 2022  
Development Services – Parks Planning: Comments dated March 17, 2022  
Development Services – Approvals Branch: No comments  
Building Services: Comments dated March 16, 2022  
Finance Department: DCA comments dated March 16, 2022  
Heritage Planner: No comments  
Alectra Utilities: Comments dated March 9, 2022

**DISCUSSION:**

Chase Chisholm of Sketch Design Build, the applicant, provided an overview of the application. Mr. Chisholm advised the requested variances are to facilitate the construction of an addition to the rear of the existing (attached) garage to allow for a second suite.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

Carlissa McLaren, Manager of Planning (Acting) advised that the property is an L-shaped lot located on the northwest corner of Dundonald Street and Theresa Street. She explained that in the case of a corner lot the front lot line is deemed to be the shorter lot line that abuts a street and due to the configuration of the lot, the front yard would be Theresa Street regardless of the orientation of the dwelling towards Dundonald Street. Therefore, the side yard by zoning by-law standards is considered the rear yard. She noted that the rear yard more appropriately reflects that of a side yard condition and Planning staff are of the opinion that the requested variances are technical in nature.

The Committee made a motion to approve the application with conditions as outlined by staff.

**DECISION:**

The decision of the Committee is that the application be granted with conditions.

**Motioned by: Marc Pumple, Member  
Second: Andy Thomson, Member  
CARRIED**

**5. (d) CONSENT APPLICATION: B1/22 – 59 Bayview Drive  
APPLICANT: The Jones Consulting Group c/o Ray Duhamel on behalf of Michael Nykoliation**

The application, if granted by the Committee of Adjustment, will serve to permit the creation of a new residential lot.

The severed lands propose to have a lot area of 736 square metres and a proposed lot frontage of 15.31 metres on Tower Crescent.

The retained lands propose to have a lot area of 2,452 square metres and a proposed lot frontage of 51.12 metres on Tower Crescent.

**REPRESENTATION:**

Ray Duhamel, Agent

**INTERESTED PERSONS:**

Darlene Runnalls  
Suzanne & Steve Dawson  
Reg Simo

David Colwill  
John Gillen  
Steven Ellis

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated March 23, 2022  
Development Services – Transportation Planning: Comments dated March 14, 2022  
Development Services – Parks Planning: Comments dated March 21, 2022  
Development Services – Approvals Branch: Comments dated March 16, 2022  
Building Services: Comments dated March 17, 2022  
Finance Department: DCA comments dated March 16, 2022  
Alectra Utilities: Comments dated March 9, 2022  
Public Comments: David & Nancy Colwill dated March 13, 2022  
Catherine McGinley dated March 15, 2022  
Reg Simo dated March 22, 2022

**DISCUSSION:**

Ray Duhamel, the agent, provided an overview of the application. Mr. Duhamel provided a presentation to the Committee members discussing topics including the proposed severance, surrounding land uses, grading, tree preservation and removal and architectural plans. He advised the application is for an existing lot at the corner of Tower Crescent and Bayview Drive. Mr. Duhamel provided an illustration of the severance sketch and noted the lot area and frontage exceeds the zoning by-law standards. He advised the existing dwelling will remain on the retained lands and the existing shed will be removed. A single detached dwelling is proposed to be constructed on the severed lands. He noted the existing retaining wall on the property will be improved. He provided an illustration of the tree preservation plan and identified trees on the subject property that will be removed and trees that will remain. He provided an illustration of the architectural plans and discussed the design of the future dwelling on the proposed new lot.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public.

Suzanne and Steve Dawson, 18 Tower Crescent, asked what the size of new dwelling will be and if the existing house will be demolished. Mr. Duhamel advised the purpose of the application is to create one new lot to facilitate the construction of one approximately 2,000 square foot single detached dwelling. The existing dwelling will remain on the retained lands. Ms. Dawson asked what the percentage of lot coverage will be for the new single detached dwelling. Mr. Duhamel advised approximately 30% of the site will have a dwelling on it. The north half of the property would be preserved for tree preservation and the south half of the property will have the trees removed to accommodate the construction of a single detached dwelling.

Darlene Runnalls, 12 Tower Crescent, advised her property is adjacent to the subject property. She expressed concerns with tree removal and the negative impact on wildlife. She also expressed concern that the development on the higher elevation will affect erosion of her property. Mr. Duhamel advised the applicant has retained a professional engineer to submit a grading plan to illustrate how grades will be used on the site and the development is also subject to review during the building permit process. Ms. Runnalls asked if there will be any back filling between the two properties to make the properties more even. Mr. Duhamel said the intent is to utilize the existing grades on the land to accommodate a walkout basement. The intention is not to blow the slope away and create a new grade. Ms. Runnalls asked how far back the future dwelling will be from the road. Mr. Duhamel advised the dwelling is going to be closer to the road than the existing house, with the north half of the property to remain wooded. The driveway will be 7 metres long and the new house will be in line with the other houses on Tower Crescent. Ms. Runnalls asked where the new driveway will be located. Mr. Duhamel advised the driveway will be on the side adjacent to her property.

Carlissa McLaren, Manager of Planning (Acting), noted that the grading plan would be reviewed by staff at the building permit stage for the new build to confirm there is no impact to adjacent properties. She also noted

there is a woodlot on the property and any tree removal would require a tree removal permit. Ms. McLaren outlined the permitted uses within the R2 zone and confirmed a single detached dwelling is a permitted use in the R2 zone. A second suite and a detached accessory dwelling unit may also be permitted provided they comply with the zoning standards. Ms. McLaren provided a brief overview on the process for obtaining a Tree Removal Permit. She noted any boundary tree removal requires permission from adjacent property owners. Mr. Duhamel presented an aerial photo of the subject property to illustrate the green space corridor to the north and advised there is no intention to remove trees in the rear of the north half of the subject property. Carlissa confirmed the property is part of a contiguous wood lot and a tree removal permit would be required.

The Committee made a motion to approve the application with conditions as outlined by staff.

**DECISION:**

The decision of the Committee is that the application be granted.

**Motioned by: Jay Dolan, Member  
Second: Marc Pumple, Member  
CARRIED**

5. (e) **CONSENT APPLICATION: B2/22 – 430 Essa Road  
CONSENT APPLICATION: B3/22 – 440 Essa Road  
APPLICANT: The Jones Consulting Group c/o Ray Duhamel on behalf of 430 & 440 Essa Developments  
c/o Nick Stillo**

The application (B2/22), if granted by the Committee of Adjustment, will serve to permit the creation of an easement in favour of the adjacent property located at 440 Essa Road for access purposes.

The proposed easement (shown as Part 1 on the attached sketch) will have an area of 832.7 square metres and a width of 6.40 metres.

The application (B3/22), if granted by the Committee of Adjustment, will serve to permit the creation of an easement in favour of the adjacent property located at 430 Essa Road for access and parking purposes.

The proposed easement will have an area of 89 square metres for the parking area (Part 1) and 129 square metres for the shared driveway (Part 2).

**REPRESENTATION:**

Ray Duhamel, Agent

**INTERESTED PERSONS:**

Joe Villar  
Sue Haber

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated March 23, 2022  
Development Services – Transportation Planning: Comments dated March 14, 2022  
Development Services – Parks Planning: Comments dated March 17, 2022  
Development Services – Approvals Branch: No comments  
Building Services: No comments  
Finance Department: DCA comments dated March 16, 2022  
Alectra Utilities: Comments dated March 9, 2022

**DISCUSSION:**

Ray Duhamel, the agent, provided an overview of the applications. Mr. Duhamel provided an aerial photo to illustrate the properties located at 430 and 440 Essa Road. He noted there is a 4-storey apartment building under construction at 430 Essa Road, and 440 Essa Road is subject to site plan approval to permit the construction of an 8-storey apartment building. He provided an illustration of the site plan. He advised the intent is to allow the easement over 440 Essa Road in favour of 430 Essa Road for the access aisle and the parking stalls. He noted the intent is to replace parking so the drive aisle can go through. The easement over 430 Essa Road in favour of 440 Essa Road is for pedestrian and vehicle access. The easement would avoid having an extra access point for 440 Essa Road.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Committee made a motion to approve the applications with conditions as outlined by staff.

**DECISION:**

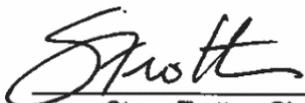
The decision of the Committee is that the applications be granted.

Motioned by: Jay Dolan, Member  
Second: Andy Thomson, Member  
**CARRIED**

6. **OTHER BUSINESS**

7. **DATE OF NEXT MEETING**  
April 27, 2022, at 5:00 p.m.

8. **ADJOURNMENT**  
The meeting was adjourned at 6:21 p.m.

  
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Steve Trotter, Chair

  
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Janice Sadgrove, Secretary-Treasurer