



COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A68/23

IN THE MATTER OF the Planning Act, R.S.O. 1990, c.P.13, as amended, and of Zoning By-law No. 2009-141, of the City of Barrie, Sections 5.2.5.1(c), 5.2.5.2(e), 5.3.7.1, 5.3.7.2, 4.6.1 Table 4.6 and 5.3.1 Table 5.3.

AND IN THE MATTER OF the premises described as PLAN 13 PT LOTS 1 TO 4, RP 51R26763 PART 2 and known municipally as **145 Clapperton Street** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Corbett Land Strategies Inc. on behalf of Jimmy La** for relief from the provisions of Zoning By-law No. 2009-141, under Section 45 of the Planning Act, R.S.O. 1990, c. P.13, so as to permit to exceed the maximum density and gross floor area allowed and a reduction in parking spaces, internal private roadway width, lot frontage, front yard setback, landscaped open space and landscape buffer width to facilitate the construction of a three-storey, ten-unit, walk-up apartment building.

The applicant sought the following minor variance(s):

1. **A maximum density of 81 units per net hectare, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.2.5.1(c), requires a maximum density of 53 units per net hectare.**
2. **An internal private roadway width of 3.4 metres, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.2.5.2(e), requires a minimum internal private roadway width of 6.4 metres.**
3. **To recognize an existing lot frontage of 16.54 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1, Table 5.3, requires a minimum lot frontage of 21 metres.**
4. **A front yard setback of 4.5 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1, Table 5.3, requires a minimum front yard setback of 7 metres.**
5. **A landscaped open space of 30% of lot area, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1 Table 5.3, requires a minimum landscape open space of 35% of lot area.**
6. **A maximum gross floor area of 80% of lot area, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1 Table 5.3, permits a maximum gross floor area of 60% of lot area.**
7. **A landscape buffer width of 0.0 metres to 1.99 metres be permitted, whereas the Comprehensive Zoning By-law 2009-141, under Sections 5.3.7.1 and 5.3.7.2, requires a minimum 3 metre landscape buffer width adjacent to a parking area and along the side and rear lot lines of any lot occupied by an Apartment Dwelling.**
8. **A reduced parking ratio of 1.2 spaces per dwelling unit, whereas the Comprehensive Zoning By-law 2009-141, under Section 4.6.1, Table 4.6, requires a minimum of 1.5 spaces per dwelling unit.**

DECISION: That the variance(s) noted above be **GRANTED** (with the following conditions):

1. That demolition permits be obtained for the existing single detached dwelling and accessory garage and the existing structures be removed prior to any further development of the lands.
2. That the approval of the subject variances be granted as reflected on the site plan attached as Appendix 'B' to this report and any further development or redevelopment of the site shall be required to comply with the standards of the City's Zoning By-law 2009-141, as amended, or any successor thereto, failing which subsequent approvals may be required.
3. No works, such as building, servicing, and grading, are permitted to be undertaken within the canopy limits of boundary trees or trees on private property without written authorization from the adjacent landowner(s). Where trees, located on adjacent lands, may be negatively impacted (damaged or harmed), it is the sole liability of the applicant.

4. Where boundary trees are proposed to be impacted, written authorization from the adjacent landowner(s) in the form of a Letter of Authorization is required to be submitted to the City for review.
5. Ecological Offsetting compensation is required as per the City's Ecological Offsetting Policy.
6. The Owner shall confirm that fire flows are adequate for the proposed development through submission of a fire flow analysis prepared by a professional engineer, to the satisfaction of the Development Services Department.
7. That the applicant engages with the City of Barrie's Planning Services staff to investigate the feasibility of entering into an agreement to provide a minimum of one affordable housing unit as defined in the City of Barrie's Official Plan.

Committee had regard for the written and oral submissions received on this application when making their decision.

REASONS:

1. The intent and purpose of the Official Plan is maintained.
2. The intent and purpose of the Zoning By-law is maintained.
3. The variance(s) are desirable for the appropriate development of the lands.
4. The variance(s) is/are minor.

DECISION DATED AT THE CITY OF BARRIE this 23rd day of April 2024.

DATE OF MAILING: April 24, 2024

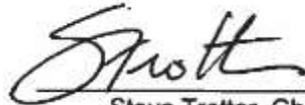
LAST DAY OF APPEAL: MAY 13, 2024

DECISION SIGNATURE PAGE

FILE NO.: A68/23

LOCATION: 145 Clapperton Street

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on April 23, 2024.



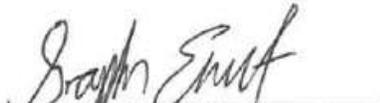
Steve Trotter, Chair



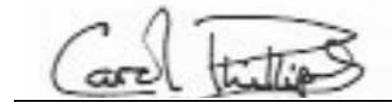
Jay Dolan, Member



Andrea Butcher-Milne, Member



Graydon Ebert, Member



Carol Phillips, Member

I, Janice Sadgrove, Secretary-Treasurer of the Committee of Adjustment for the City of Barrie do hereby certify that this is a true copy of the decision of the Committee of Adjustment handed down at a Public Hearing.



Janice Sadgrove
Secretary-Treasurer

Appealing to The Ontario Land Tribunal

The Planning Act, R.S.O. 1990, as amended, Section 45(12)

The applicant, the Minister or a specified person or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.

Should you decide to appeal this decision to the Ontario Land Tribunal (OLT), a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the OLT website at <https://olt.gov.on.ca/appeals-process/forms>

Please fill out the A1 Appeal Form and follow the instructions as provided by the OLT and submit your appeal to the City of Barrie, Committee of Adjustment on or before the appeal date noted above. You must enclose the Consent/Minor Variance appeal fee of \$400.00 and a fee of \$25 for each subsequent appeal on related applications, paid by certified cheque or money order made payable to the 'ONTARIO MINISTER OF FINANCE'. Appeals are to be sent by **REGISTERED MAIL** or delivered personally to:

The City of Barrie Committee of Adjustment
P.O. Box 400, 70 Collier Street
Barrie, Ontario
L4M 4T5

Note: In accordance with Section 45(12) of the *Planning Act* third party appeals by persons or individuals are not permitted. When no appeal is lodged within twenty days after the giving of notice, the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

For more information on the appeal process to the Ontario Land Tribunal (OLT), please contact: [Appeals Process - Tribunals Ontario - Environment & Land Division \(gov.on.ca\)](https://www.ontario.ca/gov/appeals-process-tribunals-ontario-environment-land-division) or (416) 212-6349 / 1-866-448-2248.

You may view the Decision and Minutes of the Hearing at www.barrie.ca/cofa.

Additional information regarding this Decision is available by contacting us via email at CofA@barrie.ca or calling Service Barrie at 705-726-4242.