



**COMMITTEE OF ADJUSTMENT  
PROVISIONAL DECISION WITH REASONS  
SUBMISSION NO. A44/23**

**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, Section 5.3.5.2.

**AND IN THE MATTER OF** the premises described as PLAN M178 LOT 21 and known municipally as **8 Trillium Crescent** in the City of Barrie.

**AND IN THE MATTER OF AN APPLICATION** by **Richard Bethell** 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 a reduction in the minimum required side yard and rear yard setback to an existing deck and to exceed the maximum height allowed for an existing fence along with a reduced side yard and rear yard setback.

The applicant sought the following minor variance(s):

1. To recognize an existing side yard setback to a deck of 0 metres, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.3.5.2, requires a minimum side yard setback of 0.6 metres.

DECISION: That the variance(s) noted above be **DENIED**.

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

REASONS:

1. The proposal conflicts with the intent and purpose of the City of Barrie Zoning By-law.
2. The proposal is not minor in nature for the development and use of the land.

**DECISION DATED AT THE CITY OF BARRIE** this 22<sup>nd</sup> day of August 2023.

**DATE OF MAILING:** August 23, 2023

**LAST DAY OF APPEAL:** **SEPTEMBER 11, 2023**

**DECISION SIGNATURE PAGE**

**FILE NO.:** A44/23

**LOCATION:** 8 Trillium Crescent

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on August 22, 2023.

  
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.gov.on.ca/appeals-process) or (416) 212-6349 / 1-866-448-2248.

You may view the Decision and Minutes of the Hearing at [www.barrie.ca/cofa](http://www.barrie.ca/cofa).

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