



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A35/23**

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 5.2.9.2(a), 5.2.9.2(g), 5.2.9.2(h), and 5.3.5(b).

AND IN THE MATTER OF the premises described as CON 12 N PT LOT 15 PLAN 1592 and known municipally as **225 Hickory Lane** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Springwater Engineering Ltd. c/o Wil Eisses on behalf of Jim and Susan Faulkner** 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 the construction of a detached garage with an accessory dwelling unit above in a front yard that exceeds the maximum allowable height and maximum allowable distance between the front lot line and primary entrance and to recognize an existing detached accessory structure in a front yard.

The applicant sought the following minor variance(s):

1. A maximum distance of 66.3 metres between the front lot line and primary entrance to a detached accessory dwelling unit, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.2.9.2(h), permits a maximum distance of 40.0 metres
2. A height of 6.3 metres for a proposed detached accessory dwelling unit, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.2.9.2(a), restricts the height of a detached accessory dwelling unit to a maximum of 4.5 metres.
3. A detached accessory dwelling unit in a front yard, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.2.9.2(g), does not permit a detached accessory dwelling unit to occupy any part of a front yard.
4. To recognize an accessory building (shed) in a front yard, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.3.5(b), does not permit an accessory building to occupy any part of a front yard.

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

Committee had regard for the oral submissions received on this application when making their decision. No written submissions were received on this application.

REASONS:

The Committee made a motion to defer the application until such time as the applicant submits to the Committee an up to date survey or site plan, prepared by an O.L.S. licensed surveyor, with respect to the subject property showing all property lot lines, the location of all existing structures, the location of the proposed structures that are the subject of this application, the location of all boundary trees, and the requirements of the tree preservation plan.

DECISION DATED AT THE CITY OF BARRIE this 26th day of September 2023.

DATE OF MAILING: September 27, 2023

LAST DAY OF APPEAL: **OCTOBER 16, 2023**

DECISION SIGNATURE PAGE

FILE NO.: A35/23

LOCATION: 225 Hickory Lane

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on September 26, 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.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.