



COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A93/24

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 3, 4.6.1, 4.6.4, 4.11.1.1, and 4.11.1.7.

AND IN THE MATTER OF the premises described as Lot 11, Plan 51M695 and known municipally as **32 King Street** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **MHBC Planning c/o Kory Chisholm on behalf of Judco Investments Limited c/o James Williams** 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 stand-alone outdoor storage use that is not in conjunction with a building on the property, together with reductions to parking and front, side and rear yard setbacks and increased gross floor area.

The applicant sought the following minor variance(s):

1. To permit the outdoor storage of goods and materials (motorized vehicles) that is not in conjunction with a business located within a building on the same property, whereas the Zoning By-law under Section 3, requires that the outdoor storage of goods and materials occur in conjunction with a business located within a building located on the same lot.
2. A front yard setback of 1 metre to Outdoor Storage, whereas the Comprehensive Zoning By-law 2009-141, under Section 4.11.1.1 and 7.3.1 Table 7.3, requires a minimum of 7 metres.
3. A side yard setback of 1 metre to Outdoor Storage, whereas the Comprehensive Zoning By-law 2009-141, under Section 4.11.1.1 and 7.3.1 Table 7.3, requires a minimum of 3 metres.
4. A rear yard setback of 0 metres to Outdoor Storage, whereas the Comprehensive Zoning By-law 2009-141, under Section 4.11.1.1 and 7.3.1 Table 7.3, requires a minimum of 7 metres.
5. 0 parking spaces per 1000 square metres of lot area (0 parking spaces), whereas the Comprehensive Zoning By-law, under Table 4.6.1, requires a minimum of 1 parking space per 1000 square metres of lot area (7 parking spaces).
6. 0 barrier free parking spaces, whereas the Zoning By-Law under subsection 4.6.4 requires 1 space be provided for barrier free parking.
7. To permit Outdoor Storage that exceeds 50% of the total gross floor area of the main building to which the Outdoor Storage use is accessory to, whereas the Comprehensive Zoning By-law 2009-141, under Section 4.11.1.7, restricts Outdoor Storage uses to a maximum gross floor area equal to 50% of the gross floor area of the main building.

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

1. That approval of the subject variances shall apply only to an outdoor storage use that is directly associated with and accessory to an automotive sales establishment located at 191 Mapleview Drive West.
2. That approval of the subject variance be granted as reflected on the concept plan/sketch provided in Appendix 'B' of the Planning staff report and that any further development of the property shall be required to comply with the City's Comprehensive Zoning By-law, failing which subsequent approvals may be required.

No written or oral submissions were received regarding this application for Committee's consideration.

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 17th day of December 2024.

DATE OF MAILING: December 18, 2024

LAST DAY OF APPEAL: JANUARY 6, 2025

DECISION SIGNATURE PAGE

FILE NO.: A93/24

LOCATION: 32 King Street

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on December 17, 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 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 Barrie] as the Approval Authority or by mail [City of Barrie, Committee of Adjustment, P.O. Box 400, 70 Collier Street, Barrie, Ontario L4M 4T5], no later than 4:30 p.m. on or before January 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 \$1,100 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 OLT.submissions@barrie.ca.

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 \(gov.on.ca\)](#) 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.