



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A92/24**

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 13.2.40(a), 13.2.40(b), 13.2.40(d), 13.2.40(e), 13.2.40(g), 4.10.1.1(a).

AND IN THE MATTER OF the premises described as Part Lots 11, 12, 13, 14, and 15, South Side of McDonald and Sophia Streets, Plan 31 and known municipally as **3, 5, 7 and 11 McDonald Street, 17 Sophia Street East, and 58 and 60 Clapperton Street** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Weston Consulting c/o Michael Vani, on behalf of 2850124 Ontario Inc. c/o Jordan Nott** 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 reduced side yard setbacks, exceeding the maximum allowable height, a reduction in parking spaces and sight triangle dimensions to facilitate the construction of a 26-storey mixed-use building.

The applicant sought the following minor variance(s):

1. A north exterior side yard setback of 2.5 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 13.2.40(a), requires a minimum north exterior side yard setback of 3 metres.
2. A south interior side yard setback of 2.0 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 13.2.40(b), requires a minimum south interior side yard setback of 3.5 metres.
3. A building height of 18.5 metres within 5 metres of the lot flankage, whereas the Comprehensive Zoning By-Law 2009-141, under Section 13.2.40(d), permits a maximum building height of 18 metres within 5 metres of the lot flankage.
4. A building height of 82.5 metres beyond 5 metres of the lot frontage and the lot flankage, whereas the Comprehensive Zoning By-Law 2009-141, under Section 13.2.40(e), permits a maximum building height of 68 metres beyond 5 metres of the lot frontage and the lot flankage.
5. A minimum of 0.68 parking spaces per residential unit, whereas the Comprehensive Zoning By-law 2009-141, under Section 13.2.40(g), requires a minimum of 0.80 parking spaces per residential unit.
6. A 3 metre by 5 metre sight triangle whereas the Comprehensive Zoning By-law 2009-141, under Section 4.10.1.1(a), requires the dimensions of the sight triangle be a minimum of 5 metres by 5 metres.

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

1. That the approval of the subject variances be granted as reflected on the concept plan/sketch provided in Appendix 'B' and 'C' of the Planning staff report and that any further development of the property be required to comply with the City's Comprehensive Zoning By-law failing which subsequent approvals may be required.
2. A minimum of 1.62 bicycle parking per residential unit shall be provided, resulting in allocating a total of 422 bicycle parking spaces. This shall be comprised of both short term and long-term spaces and specific allocation to be confirmed through Site Plan Application D11-014-2024.
3. The applicant shall be required to pay a Cash-in-Lieu (CIL) contribution for the difference between the proposed parking ratio for the site and a ratio of 0.7 spaces per unit, in accordance with applicable CIL of parking rate in the City of Barrie Fees By-law 2024-024, as amended. In this regard, this condition shall only apply if the proposed parking ratio is below 0.7 spaces per unit.

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.: A92/24

LOCATION: 3, 5, 7, 11 McDonald Street, 17 Sophia Street East, and 58 and 60 Clapperton 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 \(gov.on.ca\)](http://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.