



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A1/25**

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, and 5.3.1.

AND IN THE MATTER OF the premises legally described as Part Lot 12 Plan 108, Part 3 51R-32897 and known municipally as **40 Penetang Street** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Vintage Developments Partners Inc. c/o Zahid Mizan** 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 increased density, and reduced internal private roadway and landscape buffer width, and reduced front yard setback and lot frontage to facilitate the development of a 2 storey, 10-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 Section 5.2.5.1(c), permits 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 Section 5.2.5.2(e), requires a minimum internal private roadway width of 6.4 metres.**
3. **A landscape buffer width ranging from 0.0 metres to 2.25 metres, whereas the Comprehensive Zoning By-law 2009-141, under Sections 5.3.7.1 and 5.3.7.2, requires a landscape buffer with a minimum width of 3 metres adjacent to a parking area and along the side and rear lot lines of any lot occupied by an Apartment Dwelling.**
4. **A front yard setback of 3 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. **To recognize an existing lot frontage of 16.48 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.**

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

1. That the approval of the subject minor variance(s) be granted as reflected on the Conceptual Site Plan provided in Appendix 'B' 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 2009-141, as amended, or any successor thereto, failing which subsequent approvals may be required.
2. That the property owner implement 'yield to oncoming traffic' signs at the driveway access and along the internal private roadway, to the satisfaction of the Development Services Department. In this regard, the signs and details shall be identified on the site plan submitted in support of the building permit application.
3. The Owner shall be required to provide a Tree Inventory, Assessment, Canopy Survey and Preservation Plan, including boundary trees and trees impacted on private property, signed and stamped by a qualified Landscape Architect or Registered Professional Forester, to the satisfaction of the City of Barrie.
4. No works, such as building, servicing, and grading, are permitted to be undertaken within the canopy limit of trees owned or partially owned by adjacent landowners without written authorization from the adjacent landowner(s) under the Ontario Forestry Act. Copies of Letters of Authorization shall be

provided to the City. Where trees, owned or partially owned by adjacent landowners, may be negatively impacted (damaged or harmed), it is the sole liability of the applicant.

5. Should the Owner propose harm and/or destruction of existing site trees to facilitate the future development, ecological offsetting compensation is required as per the City's Ecological Offsetting Policy.

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 25th day of February 2025.

DATE OF MAILING: February 26, 2025

LAST DAY OF APPEAL: MARCH 17, 2025

DECISION SIGNATURE PAGE

FILE NO.: A1/25

LOCATION: 40 Penetang Street

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on February 25, 2025.


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 **March 17, 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.