



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A26/25**

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 4.6 (Table 4.6), 4.6.2.3(b), 4.6.2.5, 4.8.2.1, 6.3 (Table 6.3), and 6.3.4.3(e).

AND IN THE MATTER OF the premises legally described as LOTS 23 AND 24 PT LOTS 39 AND 40 PLAN 1111 AND PART LOT 25 PLAN 108 and known municipally as **128 Penetang Street** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Innovative Planning Solutions c/o Cameron Sellers on behalf of 128 Penetang St. Inc. c/o Mark Porter** 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 redevelopment of a 2-storey, mixed use building.

The applicant sought the following minor variance(s):

1. A parking standard of 1.2 spaces per residential dwelling unit (23 spaces), whereas the Comprehensive Zoning By-law 2009-141, under Section 4.6 Table 4.6 and 4.6.2.3(b), requires a minimum parking standard of 1.5 spaces per residential dwelling unit (26 spaces).
2. A consolidated outdoor amenity area of 194 square metres, whereas the Comprehensive Zoning By-Law, under subsection 6.3.4.3(e), requires a minimum consolidated outdoor amenity area of 204 square metres.
3. To recognize an existing front yard setback of 5.1 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 6.3 (Table 6.3), requires a minimum front yard setback of 6 metres.
4. To recognize an existing side yard setback of 0 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 6.3 (Table 6.3), requires a minimum side yard setback of 3 metres.
5. To recognize an existing drive aisle width of 6 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 4.6.2.5, requires a minimum drive aisle width of 6.4 metres.
6. To recognize an existing landscape buffer strip with a width of 0 metres along the south and west lot lines, whereas the Comprehensive Zoning By-law, under subsection 4.8.2.1, requires a continuous landscape buffer strip with a width of 3 metres adjacent to a residential zone.

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

1. 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, as per By-law 2014-115, Schedule 'A' as part of this application, to the satisfaction of the City of Barrie.
2. 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.
3. Should the Owner propose harm and/or destruction of trees to facilitate the future development, ecological offsetting compensation is required as per Section 1.5, Schedule E of the Fees By-law, as per the City's [Ecological Offsetting Policy](#).

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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 24th day of June 2025.

DATE OF MAILING: June 30, 2025

LAST DAY OF APPEAL: **JULY 14, 2025**

DECISION SIGNATURE PAGE

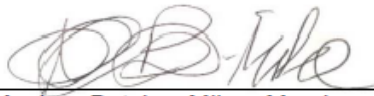
FILE NO.: A26/25

LOCATION: 128 Penetang Street

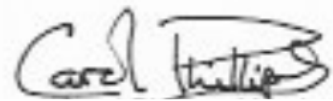
We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on June 24, 2025.



Graydon Ebert, Acting Chair



Andrea Butcher-Milne, 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 **July 14, 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.