



**COMMITTEE OF ADJUSTMENT  
SEPTEMBER 26, 2023  
PUBLIC HEARING MINUTES**

*Members Present:* Steve Trotter, Chair  
Jay Dolan, Member  
Graydon Ebert  
Carol Phillips  
Andrea Butcher-Milne

*Staff Present:* Carlissa McLaren, Manager of Planning  
Riley Anderson, Planner  
Olga Sanchez, Technical Coordinator  
Janice Sadgrove, Secretary-Treasurer

**1. CALL TO ORDER**

**2. DECLARATIONS OF CONFLICT – POTENTIAL PECUNIARY INTEREST**

There were none.

**3. REQUESTS FOR DEFERRAL/WITHDRAWALS/ADJOURNMENT**

There were none.

**4. ADOPTION OF MINUTES**

The minutes of the Committee of Adjustment hearing held on August 22, 2023, were adopted as circulated.

**5. STATUTORY PUBLIC HEARINGS**

**5. (a) CONSENT APPLICATION: B20/23 – 440 Dunlop Street West**

**APPLICANT:** Baldwin Planning and Development Consultants c/o Angela Baldwin on behalf of Dunlop Ferndale Inc. c/o Bill Greenfield

This application, if granted by the Committee of Adjustment, will serve to permit the issuance of a validation certificate.

**REPRESENTATION:**

Angela Baldwin, Agent

**INTERESTED PERSONS:**

There were none.

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated September 26, 2023

**DISCUSSION:**

Angela Baldwin, the agent, advised the application for a validation of title request is to correct a technical error and to recognize what has already been approved by the Committee. The request for a validation certificate will validate the legal title of 440 Dunlop Street West and 125 Ferndale Drive North as individual and separately conveyable parcels of land. No new lots are being created.

The Committee made a motion to approve the application.

**Motioned by: Jay Dolan, Member**

**Second: Andrea Butcher-Milne, Member  
CARRIED**

**5. (b) MINOR VARIANCE APPLICATION: A35/23 – 225 Hickory Lane  
APPLICANT: Springwater Engineering Ltd. c/o Wil Eisses on behalf of Jim and Susan Faulkner**

This application, if granted by the Committee of Adjustment, will serve 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 is seeking 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.

**REPRESENTATION:**

Wil Eisses, Applicant

**INTERESTED PERSONS:**

Max Viskovich  
Claire Farrell  
Ray Duhamel  
Peter Viskovich  
Susan Faulkner  
Eric Coleman

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated September 26, 2023  
Development Services – Transportation Planning: Comments dated September 19, 2023  
Development Services – Parks Planning: Comments September 19, 2023  
Development Services – Approvals Branch: Comments dated July 18, 2023  
Building Services: Comments dated September 17, 2023  
Finance Department: DCA comments dated September 15, 2023  
LSRCA: Comments dated September 14, 2023  
Alectra Utilities: Comments dated July 10, 2023

**DISCUSSION:**

Wil Eisses, the applicant, provided an overview of the application noting it had been deferred by Committee members at the July 25<sup>th</sup> meeting. Ms. Eisses discussed the location, size and height. A relocation of the proposed structure elsewhere on the lot was reviewed. She advised that the site in the front yard is the only

feasible location due to LSRCA regulations on the lot, gas main location and for preservation of several large cedar trees on the lot. The proposed addition is replacing an existing shed and carport which are located adjacent to the existing garage. The overall length of the existing structures is 61 feet. The overall length of the proposed structures is 76 ½ feet. The gross floor area (GFA) of the proposed detached dwelling unit (DADU) is 75 square metres, which is 34% of the principal dwelling's GFA and complies with the zoning regulations. The existing garage height will remain at 4.38 metres. The homeowners have decided to remove the 2<sup>nd</sup> storey addition for storage area. The height for the proposed three car garage with second suite above has been reduced to 6.3 metres. Ms. Eisses noted there was discussion at the July 25<sup>th</sup> meeting about the preservation of trees on the property. She advised that a tree inventory and preservation plan has been submitted and that no trees will be removed or harmed.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public.

Ray Duhamel of The Jones Consulting Group advised that he is speaking on behalf of the neighbouring property owners at 214 Hickory Lane being Max Viskovich and Claire Farrell. Mr. Duhamel provided a presentation to the Committee members discussing topics including location, site plan, staff recommendations, tree preservation, and the four tests for a minor variance. He expressed concerns with the orientation of the existing garage and the dimensions on the site plan. Mr. Duhamel questioned the site plan accuracy and location of the proposed garage and DADU in comparison to the survey. He also expressed concern with tree preservation plan and pointed out that the development is proposed within the City's required minimum 5 metre setback distance from the canopy of two very large Sugar Maple trees. Mr. Duhamel suggested a condition of approval be included requiring submission of a site plan and tree preservation plan based on a survey from an OLS to demonstrate the setbacks from the proposed development to all boundary trees and/or trees on the adjacent property. Mr. Duhamel commented that he does not believe the four tests for a minor variance have been met on this application.

Claire Farrell, 214 Hickory Lane, expressed concern with the number of accessory buildings in the front yard and the closeness to her property line. Ms. Farrell stated that she feels the proposed development is not minor in nature and could be proposed elsewhere on the lot without impacting adjacent properties.

Max Viskovich, 214 Hickory Lane, commented that the MLS listing from 1994 indicates the dwelling is approximately 1500 square feet and the application shows the dwelling is approximately 2400 square feet. Riley Anderson, Planner, advised there is no record of a building permit on file and the staff report was written on calculations provided by the applicant. Mr. Faulkner, the property owner, advised that the addition was built with permits.

The Committee members expressed concern that a sketch has not been provided using an up-to-date property survey prepared by an OLS to confirm setbacks to lot lines.

The Committee made a motion to grant the application with conditions as outlined by staff and added the condition that the concept plan shall be confirmed by an Ontario Land Surveyor to the satisfaction of the City of Barrie and that the Parks Planning condition be revised to read as where trees, located on adjacent lands, may be negatively impacted (damaged or harmed), it is the sole liability of the applicant. Trees located on adjacent lands that may be impacted, shall be included in the tree inventory and preservation plans. The applicant shall receive landowner authorization from the adjacent landowner where their trees may be impacted by the site changes.

**Motioned by: Jay Dolan, Member**  
**NOT CARRIED**

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:**

The decision of the Committee is that the application be deferred.

**Motioned by: Graydon Ebert, Member  
Second: Carol Phillips, Member  
CARRIED**

**5. (c) MINOR VARIANCE APPLICATION: A45/23 – 38 Catherine Drive  
APPLICANT: Springwater Engineering Ltd. c/o Wil Eisses on behalf of Tomas Fernando**

This application, if granted by the Committee of Adjustment, will serve to permit an increase in lot coverage allowed for existing accessory structures.

The applicant is seeking the following minor variance(s):

1. To recognize a lot coverage of 12% for all accessory buildings, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.5(h), permits a maximum total lot coverage of 10% for all accessory buildings.

**REPRESENTATION:**

Wil Eisses, Applicant

**INTERESTED PERSONS:**

Steve Steinberg

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated September 26, 2023

Development Services – Transportation Planning: Comments dated September 19, 2023

Development Services – Parks Planning: Comments dated September 19, 2023

Development Services – Approvals Branch: No comments

Building Services: Comments dated September 19, 2023

Finance Department: DCA comments dated September 15, 2023

Alectra Utilities: Comments dated September 12, 2023

**DISCUSSION:**

Wil Eisses, the applicant provided an overview of the application. Ms. Eisses advised that there is currently a shed and a pavilion in the rear yard and combined they cover 12% of the lot whereas a maximum of 10% lot coverage is permitted.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Committee made a motion to approve the application with conditions as outlined by staff.

**DECISION:**

The decision of the Committee is that the application be granted with conditions.

**Motioned by: Andrea Butcher-Milne, Member**

**Second: Carol Phillips, Member  
CARRIED**

**5. (d) MINOR VARIANCE APPLICATION: A47/23 – 201A Tynhead Road  
APPLICANT: Timberblock c/o Jennifer Robinson on behalf of Ivette Dawson**

This application, if granted by the Committee of Adjustment, will serve to permit a deficient front yard setback and rear yard setback to facilitate the construction of a single detached dwelling.

The applicant is seeking the following minor variance(s):

1. A front yard setback of 4.3 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1 Table 5.3, requires a minimum front yard setback of 4.5 metres.
2. A rear yard setback of 1.4 metres, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.3.1, Table 5.3, requires a minimum rear yard setback of 7 metres.

**REPRESENTATION:**

Jennifer Robinson, Agent

**INTERESTED PERSONS:**

Heather Gleben  
Junior Powell

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated September 26, 2023  
Development Services – Transportation Planning: Comments dated September 19, 2023  
Development Services – Parks Planning: Comments dated September 19, 2023  
Development Services – Approvals Branch: Comments dated September 13, 2023  
Building Services: No comments  
Finance Department: DCA comments dated September 15, 2023  
LSRCA: Comments dated September 19, 2023  
Alectra Utilities: Comments dated September 12, 2023

**DISCUSSION:**

Jennifer Robinson, the agent, provided an overview of the application. Ms. Robinson commented that the requested variances are technical in nature due to the orientation of the lot and noted Dock Road is considered the front lot line as it is the only municipal street adjacent the subject lands. She provided illustrations of the aerial view and site plan and advised the applicant is proposing to demolish the existing dwelling and detached garage to facilitate the construction of a 2-storey dwelling.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public.

Heather Gleben, 201E Tyndale Road, advised she supports the application.

The Committee made a motion to approve the application with conditions as outlined by staff.

**DECISION:**

The decision of the Committee is that the application be granted with conditions.

**Motioned by: Jay Dolan, Member**

Second: Graydon Ebert, Member  
CARRIED

5. (e) **MINOR VARIANCE APPLICATION: A49/23 – 545 Dunlop Street West**  
**APPLICANT: Baldwin Planning and Development Consultants c/o Angela Baldwin on behalf of First Gulf c/o Daniel Ash**

This application, if granted by the Committee of Adjustment, will serve to permit a deficient parking ratio to facilitate the construction of a warehouse with office space. The property is subject to Site Plan Application D11-001-2023.

The applicant is seeking the following minor variance(s):

1. A minimum of 1 parking space per 140 square metres of gross floor area, whereas the Comprehensive Zoning By-law 2009-141, under Section 4.6.2.3(a), requires a minimum of 1 parking space per 40 square metres of gross floor area.

**REPRESENTATION:**

Angela Baldwin, Agent

**INTERESTED PERSONS:**

Peter Henley

**WRITTEN COMMENTS RECEIVED:**

Development Services - Planning: Comments dated September 26, 2023

Development Services – Transportation Planning: Comments dated September 19, 2023

Development Services – Parks Planning: Comments dated September 19, 2023

Development Services – Approvals Branch: No Comments

Building Services: No comments

Finance Department: DCA comments dated September 18, 2023

LSRCA: Comments dated September 19, 2023

Alectra Utilities: Comments dated September 12, 2023

**DISCUSSION:**

Angela Baldwin, the agent, provided an overview of the application. Ms. Baldwin provided an illustration of the site plan. Ms. Baldwin advised the proposed development is a 32,300 square metre industrial building which is currently under site plan review (D11-001-2023) and through this review it was identified that a variance is required for parking. She advised a parking study has been submitted to support the application.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Committee made a motion to approve the application with conditions as outlined by staff.

**DECISION:**

The decision of the Committee is that the application be granted with conditions.

Motioned by: Graydon Ebert, Member  
Second: Andrea Butcher-Milne, Member  
CARRIED

**6. OTHER BUSINESS**

The Secretary-Treasurer was requested to schedule a meeting with members and staff for general review of the draft Zoning By-law.

**7. DATE OF NEXT MEETING**

October 24, 2023

**8. ADJOURNMENT**

The meeting was adjourned at 6:30 p.m.

  
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Steve Trotter, Chair

  
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Janice Sadgrove, Secretary