



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A12/25**

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 4.6.1, 4.6.2.5, 6.3.1 and 6.3.2.

AND IN THE MATTER OF the premises legally described as Part Lot 2 W/S Mary Street Plan 17 AKA Plan 121 and known municipally as **84-86 Mary Street** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Benson Properties Inc. c/o Oksana Vialykh** 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 reduced side yard setback, lot coverage for commercial uses, parking spaces, and drive aisle width and increased building height on the retained lands should consent application B7/25 be approved.

The applicant sought the following minor variance(s):

1. To permit a side yard setback of 2.0 metres, whereas the Comprehensive Zoning By-Law 2009-141, under Section 6.3.1, requires a minimum side yard setback of 3 metres.
2. To permit a building height of 10.50 metres within 5 metres of the front lot line and the lot flankage, whereas the Comprehensive Zoning By-Law 2009-141, under Section 6.3.2, permits a maximum building height of 10 metres within 5 metres of the front lot line and the lot flankage.
3. To permit a minimum lot coverage of 0% for commercial uses, whereas the Comprehensive Zoning By-law 2009-141, under Section 6.3.2, requires a minimum lot coverage of 50% for commercial uses.
4. To permit a minimum of 0.89 parking spaces per dwelling unit in the Urban Growth Centre, whereas the Comprehensive Zoning By-law 2009-141, under Table 4.6.1, requires a minimum of 1 parking space per dwelling unit in the Urban Growth Centre.
5. To permit a drive aisle width of 3 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.

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

1. That the associated Consent Applications B8/25 and B9/25 be approved.
2. The property owner shall successfully register access easements on 82 and 84-86 Mary Street to facilitate the provision of a shared driveway access and drive aisle to service the parking areas located on both properties, known municipally as 82 and 84-86 Mary Street.

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.

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DECISION DATED AT THE CITY OF BARRIE this 25th day of March 2025.

DATE OF MAILING: March 26, 2025

LAST DAY OF APPEAL: APRIL 14, 2025

DECISION SIGNATURE PAGE

FILE NO.: A12/25
LOCATION: 84-86 Mary Street

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on March 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 **April 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 \(gov.on.ca\)](#) 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.