



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A44/23**

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 5.3.5.2, 5.3.5.4 b), 5.3.5 e) and 5.3.5 f).

AND IN THE MATTER OF the premises described as PLAN M178 LOT 21 and known municipally as **8 Trillium Crescent** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Richard Bethell** 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 reduction in the minimum required side yard and rear yard setback to an existing deck and to exceed the maximum height allowed for an existing fence along with a reduced side yard and rear yard setback.

The applicant sought the following minor variance(s):

1. To recognize an existing rear yard setback to a deck of 0 metres, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.3.5.2, requires a minimum rear yard setback of 0.6 metres.
2. To recognize an existing fence height of 3.1 metres, whereas the Comprehensive Zoning By-law 2009-141, under subsection 5.3.5.4 b), permits a maximum fence height of 2 metres.
3. A side yard setback of 0 metres for a proposed accessory structure (fence), whereas the Comprehensive Zoning By-Law 2009-141, under Section 5.3.5 f), requires a minimum side yard setback of 0.6 metres.
4. A rear yard setback of 0 metres for a proposed accessory structure (fence), whereas the Comprehensive Zoning By-Law 2009-141, under Section 5.3.5 e), requires a minimum rear yard setback of 0.6 metres.

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

1. That the approval of the subject variances be granted for the requested rear yard setback reduction to the existing deck and rear and side yard setback reductions to the fence structures at 8 Trillium Crescent and that any further development or redevelopment of the property be required to comply with the City's Comprehensive Zoning By-law failing which, subsequent approvals may be required.

Committee had regard for the written and oral submissions received on this application when making their decision.

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 22nd day of August 2023

DATE OF MAILING: August 23, 2023

LAST DAY OF APPEAL: SEPTEMBER 11, 2023

DECISION SIGNATURE PAGE

FILE NO.: A44/23

LOCATION: 8 Trillium Crescent

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on August 22, 2023.


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 with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.

Should you decide to appeal this decision to the Ontario Land Tribunal (OLT), a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the OLT website at <https://olt.gov.on.ca/appeals-process/forms>.

Please fill out the A1 Appeal Form and follow the instructions as provided by the OLT and submit your appeal to the City of Barrie, Committee of Adjustment on or before the appeal date noted above. You must enclose the Consent/Minor Variance appeal fee of \$400.00 and a fee of \$25 for each subsequent appeal on related applications, paid by certified cheque or money order made payable to the 'ONTARIO MINISTER OF FINANCE'. Appeals are to be sent by **REGISTERED MAIL** or delivered personally to:

The City of Barrie Committee of Adjustment
P.O. Box 400, 70 Collier Street
Barrie, Ontario
L4M 4T5

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 \(gov.on.ca\)](https://www.ontario.ca/gov/appeals-process-tribunals-ontario-environment-land-division) 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.