



**COMMITTEE OF ADJUSTMENT  
PROVISIONAL DECISION WITH REASONS  
SUBMISSION NO. A31/23**

**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, Section 5.3.1.

**AND IN THE MATTER OF** the premises described as PLAN 31 PT LOT 7 RP 51R34301 and known municipally as **87 Owen Street** in the City of Barrie.

**AND IN THE MATTER OF AN APPLICATION** by **Smith Sutton Contracting Co. Ltd. c/o Lucy Sutton** 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 to facilitate the construction of a two-storey addition and recognize a deficient front yard setback and side yard setback to the existing dwelling unit.

The applicant sought the following minor variance(s):

1. A side yard setback of 1.2 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1, requires a minimum side yard setback of 1.8 metres.
2. To recognize an existing front yard setback to the dwelling unit of 5.15 metres, whereas the Comprehensive Zoning By-law, under Section 5.3.1, requires a minimum front yard setback of 7 metres.

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

1. That the approval of the subject variances be granted as reflected on the site plan attached as Appendix 'B' to the Planning report and any further development or redevelopment of the site shall be required to comply with the standards of the City's Zoning By-law 2009-141, as amended, or any successor thereto.
2. A Tree Inventory, Canopy Survey, Assessment and Preservation Plan, with focus on boundary trees and trees to be impacted on private property is required to provide sufficient information on how boundary and or adjacent private trees will be affected by these proposed site changes. In addition, Parks Planning also recommends that the applicant obtain consent from adjacent landowners that own or jointly own any trees that may be impacted by site changes.
3. The Owner provides an analysis of fire flow demands in the format of Fire Underwriters Survey calculations for the proposed development, signed and stamped by a licensed Professional Engineer, to the satisfaction of the Development Services Department. The ultimate building configuration (both existing and proposed building sections) shall be considered in the calculations.

**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 23<sup>rd</sup> day of May 2023.

**DATE OF MAILING:** May 25, 2023

**LAST DAY OF APPEAL:** **JUNE 12, 2023**

**DECISION SIGNATURE PAGE**

**FILE NO.:** A31/23  
**LOCATION:** 87 Owen Street

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on May 23, 2023.

  
\_\_\_\_\_  
Steve Trotter, Chair

  
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Jay Dolan, Member

  
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Andrea Butcher-Milne, Member

  
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Graydon Ebert, Member

  
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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](http://www.barrie.ca/cofa).

Additional information regarding this Decision is available by contacting us via email at [CofA@barrie.ca](mailto:CofA@barrie.ca) or calling Service Barrie at 705-726-4242.