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 5.4.3.1, 5.4.3.9 and 4.6.1.

AND IN THE MATTER OF the premises described as INNISFIL CON 13 S PT LOT 5 and known municipally as 440 Essa Road in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by The Jones Consulting Group Ltd., c/o Ray Duhamel on behalf of 440 Essa Developments Inc., c/o Nick Stillo 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 decrease in parking and an increase in building height, along with the encroachment of rooftop mechanical equipment within a 45-degree angular plane on the rear façade of a proposed 9-storey apartment building.

The applicant sought the following minor variance(s):

1. To permit a building height of 29 metres, whereas the Comprehensive Zoning By-Law, under Section 5.4.3.1 (Table 5.4.2), permits a maximum building height of 25.5 metres.

2. To permit the rooftop mechanical/electric structures to encroach into the 45-degree angular plane requirement on the rear façade of a building, whereas the Comprehensive Zoning By-law 2009-141, under Sections 5.4.3.1 (Table 5.4.2) and 5.4.3.9, require a 45-degree angular plane requirement which is measured to the top of any rooftop mechanical/electrical structures.

3. To permit a minimum of 0.88 parking spaces per dwelling unit, whereas the Comprehensive Zoning By-law 2009-141, under Section 4.6.1 (Table 4.6), requires a minimum of 1 parking space per dwelling unit.

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

1. That the property owner successfully complete and register Site Plan Application No. D11-027-2020, to the satisfaction of the Director of Development Services.

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 27th day of July 2022.

DATE OF MAILING: July 28, 2022

LAST DAY OF APPEAL: AUGUST 16, 2022
We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on July 27, 2022.

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.
APPEALS

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: The Planning Act provides for appeals to be filed by “persons”. Groups or associations, such as residents or ratepayer groups which do not have incorporated status may not be considered “persons” for the purpose of the Act. Groups or associations wishing to appeal this decision should do so in the name of individual members, and not in the name of the group/association.

For more information on the appeal process to the Ontario Land Tribunal (OLT), please contact them at 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 contact us via email at planneroftheday@barrie.ca (please put Committee of Adjustment in the subject line) or calling Service Barrie at 705-726-4242.