



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A36/21**

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 Table 5.3.

AND IN THE MATTER OF the premises described as PLAN 1625 LOT 107 and known municipally as **26 Ashdale Court** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Dave Calvert** 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 rear yard setback to a dwelling.

The applicant sought the following minor variance(s):

1. **A rear yard setback of 1 metre, whereas the Comprehensive Zoning By-law, under Section 5.3.1, Table 5.3, requires a minimum rear yard setback of 7.0 metres.**

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

1. That the approval of the subject variance be granted as reflected on the concept plan/sketch provided in Schedule 'B' of the Planning staff report and that any further development of the property be required to comply with the City's Comprehensive Zoning By-law.
2. The Owner shall be required to provide a Tree Inventory, Canopy Survey, Assessment and Preservation Plan, with focus on boundary trees and trees impacted on private property.
3. Where boundary trees are proposed to be impacted, written authorization from the adjacent landowner(s) is required to cause harm and/or to remove boundary trees and is to be included in the Tree Preservation Submission. No works, such as building, servicing, and grading, are permitted to be undertaken within the canopy limit without written authorization from the adjacent landowner(s).

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 23rd day of June 2021

DATE OF MAILING: June 24, 2021

LAST DAY OF APPEAL: **JULY 13, 2021**

DECISION SIGNATURE PAGE

FILE NO.: A36/21
LOCATION: 26 Ashdale Court

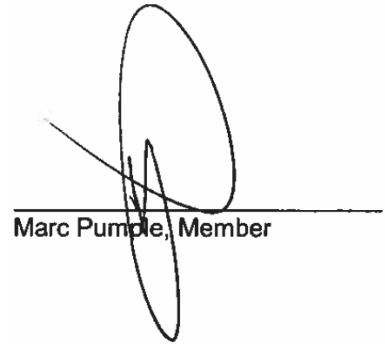
We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on June 23, 2021.



Steve Trotter, Chair



Jay Dolan, Member



Marc Pumble, 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

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 <http://olt.gov.on.ca/tribunals/lpat/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 <https://olt.gov.on.ca/tribunals/lpat/lpat-process/> 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.