



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A67/21**

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, Sections 6.3.1, 6.3.2, Table 4.6.1, 6.3.7.1, and 4.6.2.5

AND IN THE MATTER OF the premises described as PLAN 2 PT MARKET BLOCK RP 51R39976 PARTS 2 TO 6 and known municipally as **79 Collier Street** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **MHBC Planning c/o Kory Chisholm on behalf of Vitmont Holdings (Barrie) Inc. c/o Vito Montesano** 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 exceeding the allowable height and gross floor area, a reduced amount of required minimum lot coverage of commercial uses, a reduction in parking spaces, landscape buffer area and drive aisle width to facilitate the construction of a 17-storey mixed use residential building.

The applicant sought the following minor variance(s):

1. **To permit a maximum gross floor area of 725% of lot area, whereas the Comprehensive Zoning By-law 2009-141, under Section 6.3.1, permits a maximum gross floor area of 600% of lot area.**
2. **To permit a building height of 15 metres within 3 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 building height of 55 metres beyond 3 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 45 metres beyond 5 metres of the front lot line and the lot flankage.**
4. **To permit a minimum lot coverage of 30.43% 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.**
5. **To permit a minimum of 0.86 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.**
6. **To permit a side and rear yard landscape buffer strip with a width of 0 metres, whereas the Comprehensive Zoning By-Law 2009-141, under Section 6.3.7.1, requires a landscape buffer strip with a minimum width of 3 metres.**
7. **To permit a drive aisle (driveway) width of 5 metres to permit the encroachment of a fire escape, 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 requested variance related to the deficient drive aisle width apply only to the existing conditions on the site as reflected on Appendix 'B' of this report and that any future development or redevelopment of the lands shall be subject to the provisions of Zoning By-law 2009-141, as amended, or any successor thereto.

Committee had regard for the written 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.

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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 25th day of May 2022.

DATE OF MAILING: May 26, 2022

LAST DAY OF APPEAL: **JUNE 14, 2022**

DECISION SIGNATURE PAGE

FILE NO.: A67/21
LOCATION: 79 Collier Street

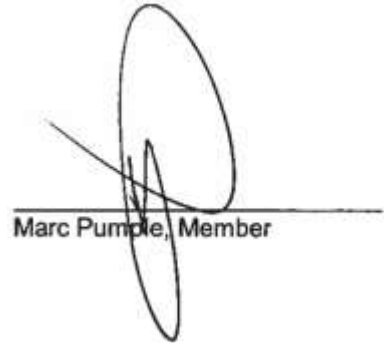
We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on May 25, 2022.



Victoria Lemieux, Acting Chair



Andy Thomson, 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 <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 \(gov.on.ca\)](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 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.