



**COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. A70/21**

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 5.3.5(a) and 5.3.5(h).

AND IN THE MATTER OF the premises described as PLAN 1413 PT LOT 17 and known municipally as **66 Ottawa Avenue** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Nelson Monteiro** 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 the construction of a detached accessory building that exceeds the maximum permitted lot coverage and height.

The applicant sought the following minor variance(s):

1. **To permit a lot coverage of 13.7% for a proposed detached accessory building, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.5(h), permits a maximum total lot coverage of 10% for all accessory buildings.**
2. **To permit a height of 4.6 metres for a proposed detached accessory building, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.5(a), permits a maximum height of 4 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 Appendix '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. That no part of the detached garage be used for habitable living space.
3. That a permit from the LSRCA can successfully be obtained prior to any development or site alteration taking place.
4. The proposed accessory building will not contain any habitable area and is designed in accordance with the LSRCA's Watershed Management Guidelines.
5. That the Owner shall pay all development fees to the LSRCA in accordance with the approved Fees Policy under the Conservation Authorities Act. (Please note that payment is currently outstanding for the LSRCA review of the minor variance application of \$525.00 per the LSRCA 2021 Fee Schedule).

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 26th day of January 2022.

DATE OF MAILING: January 27, 2022

LAST DAY OF APPEAL: FEBRUARY 15, 2022

DECISION SIGNATURE PAGE

FILE NO.: A70/21

LOCATION: 66 Ottaway Avenue

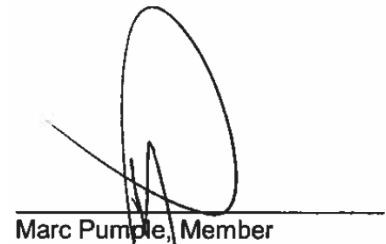
We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on January 26, 2022.



Steve Trotter, Chair



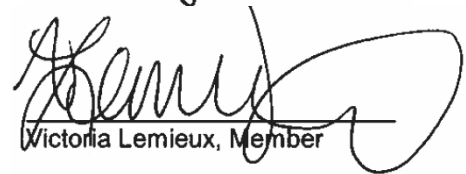
Jay Dolan, Member



Marc Pumple, Member



Andy Thomson, Member



Victoria Lemieux, 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 <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.