IN THE MATTER OF the Planning Act, R.S.O. 1990, c. P.13, as amended.

AND IN THE MATTER OF the premises described as CON 7 W PT LOT 23 RP 51R35036 and known municipally as 101 Miller Drive in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by Sherriff Properties, c/o Colby Marshall on behalf of VM Property Holdings Inc., c/o Vlad Maevsky for consent under Section 53 of the Planning Act, R.S.O. 1990, c. P.13, so as to permit the conveyance of land for residential purposes.

This application, if granted by the Committee of Adjustment, will serve to permit the creation of a new residential lot.

The severed lands propose to have a lot area of 815 square metres and a proposed lot frontage of 18.10 metres on Miller Drive.

The retained lands propose to have a lot area of 815 square metres and a proposed lot frontage of 18.11 metres on Miller Drive.

DECISION: That provisional consent be GRANTED subject to the following condition(s):

1. The applicant shall be required to extend the existing municipal sidewalk to the southern terminus of the subject site. The applicant shall ensure the extension of the municipal sidewalk is completed in accordance with the current City standards.

2. The Owner is to provide a cash contribution of $400 for the newly created lot to the Municipal Street Tree Planting Program through Development Services - Parks Planning.

3. The Owner is to fulfill Parkland Dedication requirements. Finance – Development Charges is to advise regarding requirements for cash-in-lieu of parkland, as per By-law 2017-073 section 6(1).

4. The Tree Inventory, Canopy Survey, Assessment and Preservation Plan that was provided shall be updated to reflect the proposed severance of 101 Miller Drive into two separate lots, as indicated on the Severance Sketch of 101 Miller Drive survey, provided by Bowers Jones Fournier Surveying Ltd., 2022 and that the Plans adhere to the Parks Planning’s Electronic Document Standards for Landscape Submissions.

5. Where boundary and/or private 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).

6. Permission is required to remove and/or cause harm to trees within the municipal right of way. Should permission be granted, the Owner shall be required to provide compensation to the satisfaction of the City’s Forestry Department. The compensation value should be provided as part of the Arborist Report. The Owner is to provide a tree valuation for trees proposed to be harmed and/or removed as per the City’s Tree Protection Manual.

7. The severed and retained parcels created by this severance, upon development of the lands, shall each be connected/serviced separately with municipal water and sanitary sewer laterals. The costs associated with these services will be the responsibility of the owner.

8. That the applicant submit a demolition permit to remove the existing house.

9. That all taxes, local improvements, and/or other charges, both current and in arrears, be paid to the satisfaction of the City Treasurer.
10. That the owner/applicant agrees to have his/her Ontario Land Surveyor provide to the City an updated reference plan, to the satisfaction of the Secretary-Treasurer.

11. That a copy of the draft transfer/deed for the severed lot are submitted to the Secretary Treasurer, along with a registered copy of the survey plan.

Committee had regard for the oral submissions received on this application when making their decision. No written submissions were received on this application.

Pursuant to Subsection 41 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, all conditions imposed must be fulfilled within two years from the date of the sending of the Notice of Decision or the application is deemed to be refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of this consent and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

REASONS:

1. The proposal does not conflict with the intent and purpose of the City of Barrie Official Plan.

2. The Committee considers the proposal to be consistent with the development in the area.

3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

DECISION DATED AT THE CITY OF BARRIE this 22nd day of June 2022.

DATE OF MAILING: June 23, 2022

LAST DAY OF APPEAL: JULY 13, 2022
DECISION SIGNATURE PAGE

FILE NO.:    B14/22
LOCATION:   101 Miller Drive

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on June 22, 2022.

Steve Trotter, Chair

Jay Dolan, Member

Marc Pumple, 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 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.barrics.ca/cofa.

Additional information regarding this Decision is available by contacting us via email at planneroftheday@barrie.ca (please put Committee of Adjustment in the subject line) or calling Service Barrie at 705-726-4242.