



COMMITTEE OF ADJUSTMENT
PROVISIONAL DECISION WITH REASONS
SUBMISSION NO. B16/21

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 PLAN 1 PT LOT 8 S SHANTY BAY and known municipally as **135 Shanty Bay Road** in the City of Barrie.

AND IN THE MATTER OF AN APPLICATION by **Innovative Planning Solutions, c/o Tyler Kawall on behalf of Mark Porter** 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 1,020 square metres and a proposed lot frontage of 15 metres on **Shanty Bay Road**.

The retained lands propose to have a lot area of 1,020 square metres and a proposed lot frontage of 15 metres on **Shanty Bay Road**.

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

1. That the Owner secure a demolition permit and remove the existing residential dwelling and attached garage from the property.
2. That the Owner be required to provide a scoped Environmental Impact Study (EIS), completed by a qualified consultant, and shall agree to address any recommendations of the EIS, including but not limited to, the maximum building envelope and rear yard setback for both the severed and retained parcels, all to the satisfaction of the City and the Lake Simcoe Region Conservation Authority (LSRCA). This study shall be scoped in consultation with the LSRCA and at minimum: address conformity with applicable policies of the Lake Simcoe Protection Plan; include a tree/vegetation inventory and preservation plan; delineate of the top of slope; and determine construction best practices.
3. That the Owner be required to provide a legal survey depicting the top of slope and the proposed building envelope limits associated with both the severed and retained portions of the property to the satisfaction of the City of Barrie.
4. The Owner is to provide a cash contribution in the amount of \$350 to the Municipal Street Tree Planting Program through Development Services - Parks Planning.
5. 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).
6. The vegetation present on and surrounding the subject site is identified as part of a woodlot, greater than 0.20 hectares/0.5 acres. A tree removal permit shall be required as part of this application. The Owner shall be required to provide a Tree Preservation Plan, Inventory and Canopy Survey, including boundary trees, signed and stamped by a qualified Landscape Architect or Registered Professional Forester, as per By-law 2014-115, Schedule 'A'.
7. 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).
8. In accordance with Schedule E of the Official Plan an ultimate right of way of 30 metres is identified for Shanty Bay Road; to this regard a 2.0 metre dedication is required along the entire frontage of Shanty Bay Road for the severed and retained parcels.

9. The Owner shall provide payment of \$525.00 to the LSRCA as per our approved Fee Schedule for review of this Consent application.
10. The Owner shall submit a Natural Heritage Evaluation to the satisfaction of LSRCA.
11. That all taxes, local improvements, and/or other charges, both current and in arrears, be paid to the satisfaction of the City Treasurer.
12. 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.
13. 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 written and oral submissions received on this application when making their decision.

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 one year 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 26th day of May 2021

DATE OF MAILING: May 27, 2021

LAST DAY OF APPEAL: JUNE 16, 2021

DECISION SIGNATURE PAGE

FILE NO.: B16/21
LOCATION: 135 Shanty Bay Road

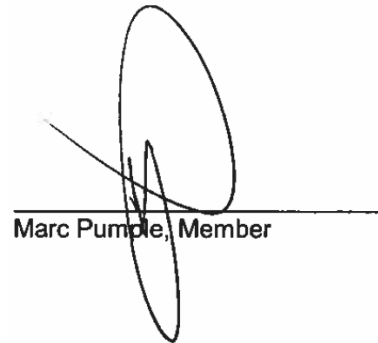
We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on May 26, 2021.



Steve Trotter, Chair



Jay Dolan, Member



Marc Pumble, 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 Local Planning Appeal Tribunal (LPAT), a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the LPAT website at <https://olt.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>.

Please fill out the A1 Appeal Form and follow the instructions as provided by the LPAT 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 Local Planning Appeal Tribunal (LPAT), 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 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.