



**COMMITTEE OF ADJUSTMENT  
PROVISIONAL DECISION WITH REASONS  
SUBMISSION NO. B38/21**

**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 959 PT LOTS 58 & 59 RP and known municipally as **214 Phillips Street** in the City of Barrie.

**AND IN THE MATTER OF AN APPLICATION** by **Jason Stuart** 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 415.43 square metres and a proposed lot frontage of 15.85 metres on Phillips Street.

The retained lands propose to have a lot area of 596.67 square metres and a proposed lot frontage of 22.31 metres on Phillips Street.

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

1. That Minor Variance application A63/21 be approved.
2. That Minor Variance application A64/21 be approved in part (deficient lot area only).
3. That the existing accessory structure (shed) be removed from the severed parcel.
4. A building permit is required to evaluate the spatial separation requirements of the existing building. The maximum percentage of unprotected openings is required to comply with the OBC based on the new limiting distance to the proposed property line.
5. In accordance with BSD-323 a 3.0 metre by 3.0 metre daylighting triangle shall be dedicated at the intersection of Philips Street and Crawford Street.
6. 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.
7. 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).
8. 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. The development limits of the site are to be established through the identification of the canopy limit of boundary trees. A 5.0m setback is required between foundation and tree preservation limits.
9. 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).
10. That all taxes, local improvements, and/or other charges, both current and in arrears, be paid to the satisfaction of the City Treasurer.
11. 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.
12. 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 24<sup>th</sup> day of November 2021

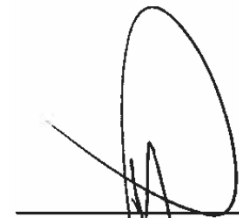
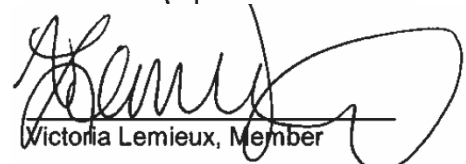
**DATE OF MAILING:** November 25, 2021

**LAST DAY OF APPEAL: DECEMBER 15, 2021**

**DECISION SIGNATURE PAGE**

**FILE NO.:** B38/21  
**LOCATION:** 214 Phillips Street

We the undersigned concur in the decision and reasons of the Committee of Adjustment for the City of Barrie made on November 24, 2021.

  
\_\_\_\_\_  
Steve Trotter, Chair  
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Jay Dolan, Member  
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Marc Pumple, Member  
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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](http://www.barrie.ca/cofa).

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