



**COMMITTEE OF ADJUSTMENT
MAY 26, 2021
PUBLIC HEARING MINUTES**

Members Present: Steve Trotter, Chair
Jay Dolan, Member
Marc Pumple, Member
Victoria Lemieux, Member (joined the meeting at 5:10 p.m.)

Staff Present: Tiffany Thompson, Manager of Growth and Development
Carlissa McLaren, Supervisor of Planning
Janice Sadgrove, Secretary-Treasurer

Next Meeting: June 23, 2021, at 5:00 p.m., Virtual Meeting (Zoom)

1. CALL TO ORDER

2. DECLARATIONS OF CONFLICT – POTENTIAL PECUNIARY INTEREST

There were none.

3. REQUESTS FOR DEFERRAL/ADJOURNMENT

Kory Chisolm, the applicant on Application B20/21 – 35 Worsley Street requested a deferral. Mr. Chisolm had received staff comments on the application which noted the requirement to evaluate the exterior walls of each building. He stated that he would like time to meet with City staff to review and discuss further.

Members of the public that had registered to speak on the file will be added to the circulation list to be re-notified when the application comes back before the Committee.

4. ADOPTION OF MINUTES

The minutes of the Committee of Adjustment hearing held on April 28, 2021, were adopted as circulated.

**Motioned by: Jay Dolan, Member
Second: Marc Pumple, Member
CARRIED**

5. STATUTORY PUBLIC HEARINGS

- 5. (a) MINOR VARIANCE APPLICATION: A27/21 - 61 McDonald Street**
APPLICANT: Bk Real Estate Investing, c/o Brady McDonald on behalf of Larry Badley

This application, if granted by the Committee of Adjustment, will serve to permit a detached accessory building to exceed the maximum allowable height to accommodate the creation of a detached accessory dwelling unit.

The applicant is seeking the following minor variance(s):

1. To permit a height of 6 metres for a proposed detached accessory building, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.5(a), restricts the height of an accessory building to a maximum of 4 metres.

REPRESENTATION:

Brady McDonald, Applicant

INTERESTED PERSONS:

Mackenzie Hewitt

Cathy Colebatch

WRITTEN COMMENTS RECEIVED:

Development Services - Planning: Comments dated May 26, 2021

Development Services – Transportation Planning: Comments dated May 25, 2021

Development Services – Parks Approvals: No comments

Development Services – Engineering Approvals: Comments dated May 19, 2021

Building Services: Comments dated May 20, 2021

Finance Department: DCA comments dated May 13, 2021

Alectra Utilities: Comments dated May 14, 2021

DISCUSSION:

Brady McDonald, the applicant, provided an overview of the application. He provided a presentation discussing topics on location, the detached accessory dwelling unit, site plan, exterior finish, provincial policy, City of Barrie policies, and the minor variance tests. He advised there is currently an existing single detached dwelling on the property with a legal second suite and a detached garage. He proposes to convert the detached garage to a 2-storey detached accessory dwelling unit. The existing structure exceeds the maximum height permitted by the Zoning By-law. The structure will maintain its existing footprint and height and the site has sufficient parking.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public.

Cathy Colebatch, 97 Cumberland Street, advised she sits on the Heritage Committee and is interested in applications within the historic neighbourhood, specifically regarding second suites. She said she was under the impression that accessory suites were only one unit and asked Mr. McDonald to clarify what is being proposed on the property. Mr. McDonald advised the existing two-storey garage is currently 6 metres in height. He said he is proposing to convert it to one detached accessory dwelling unit and discussed the floor plans for a two-bedroom unit. Ms. Colebatch asked if one family will be living in the unit. Mr. McDonald said it cannot be determined at this time. Ms. Colebatch expressed concern with the negative impact on the character of the neighbourhood and increased parking. She asked if there is a provision in the Zoning By-law regulating how many people can live in one unit.

Carlissa McLaren, Supervisor of Planning advised the Zoning By-law permits second suites and detached accessory dwelling units in all residential zones and there is no standard in the Zoning By-law that speaks to the number of people permitted in one unit. She explained that this is an existing detached structure on the property proposed to be converted. She reviewed the Zoning By-law standards for accessory structures. Member Dolan asked if the property is subject to site plan approval. Ms. McLaren confirmed the property is zoned RM2 and is subject to site plan control.

Ms. Colebatch asked if the accessory structure had a setback requirement from the existing single detached dwelling. Mr. McDonald advised that the distance between the single detached dwelling and the detached accessory dwelling unit would be reviewed at the building permit stage for fire separation distance between

the two dwellings. She pointed out that the accessory structure height exceeds the primary structure height. She expressed concern that the proposed structure is not in keeping with the character of the historic neighbourhood. The Chair noted the structure is already in existence. Ms. Colebatch asked if the proposal should have been reviewed by the Heritage Committee for comment. Ms. McLaren advised the application was circulated to the City's Heritage Planner, and he will review for site plan approval and building permit.

The Committee made a motion to grant the application.

DECISION:

The decision of the Committee is that the application be granted.

**Motioned by: Jay Dolan, Member
Second: Victoria Lemieux, Member
CARRIED**

**5. (b) MINOR VARIANCE APPLICATION: A28/21 – 39 Auburn Court
APPLICANT: David Seaman on behalf of Wynstar Developments Inc., c/o Marc Venere**

This application, if granted by the Committee of Adjustment, will serve to permit the construction of a single detached dwelling with a deficient rear yard setback.

The applicant is seeking the following minor variance(s):

1. A rear yard setback of 6 metres, whereas the Comprehensive Zoning By-law 2009-141, under Section 5.3.1, Table 5.3, requires a minimum rear yard setback of 7 metres.

REPRESENTATION:

David Seaman, Applicant

INTERESTED PERSONS:

Mackenzie Hewitt

WRITTEN COMMENTS RECEIVED:

Development Services - Planning: Comments dated May 26, 2021

Development Services – Traffic: Comments dated May 17, 2021

Development Services – Parks Approvals: No comments

Development Services – Engineering Approvals: No comments

Building Services: No comments

Finance Department: DCA comments dated May 19, 2021

Alectra Utilities: Comments dated May 14, 2021

Public Comments: Maria Byczko, dated May 16, 2021

DISCUSSION:

David Seaman, the applicant, provided an overview of the application. He advised the lands are zoned Residential Single Detached Third Density (R3). He said the intent of the application if approved is to request a reduction in the required rear yard setback to facilitate the construction of a new single detached residential dwelling on the subject lands. Mr. Seaman provided an illustration of the block plan and discussed the history on the property. He noted the lands were subject to Committee of Adjustment File B19/20 for the creation of the lot. He provided an illustration of the site plan and noted the lot exceeded the requirements for lot area and lot frontage. He is proposing a rear yard setback of 6.0 metres to accommodate a larger floor area for the proposed home. He acknowledged concerns received from the adjacent property owner to the south and advised he has spoken with the property owner and assured her that her trees will not be harmed during excavation. The Chair asked about the minimum requirement for amenity space. Carlissa McLaren, Supervisor of Planning advised the amenity space far exceeds the requirement.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Committee made a motion to grant the application with conditions as outlined by staff.

DECISION:

The decision of the Committee is that the application be granted with conditions.

**Motioned by: Victoria Lemieux, Member
Second: Marc Pumple, Member
CARRIED**

- 5. (c) CONSENT APPLICATION:** B16/21 – 135 Shanty Bay Road
APPLICANT: Innovative Planning Solutions, c/o Tyler Kawall on behalf of Mark Porter

The 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**.

REPRESENTATION:

Tyler Kawall, Agent

INTERESTED PERSONS:

Andrew Ain
Cameron Sellers
Dorthe Bond
Elaine McCron
Mackenzie Hewitt
Joan LeBoeuf
Kathleen Wormsbecker
Karen Hunter
Katharine Thompson
Kaitlyn Porter
Lesley Stott
Rick Irvin
Shane Mayes

WRITTEN COMMENTS RECEIVED:

Development Services - Planning: Comments dated May 26, 2021
Development Services – Transportation Planning: Comments dated May 18, 2021
Development Services – Parks Approvals: Comments dated May 18, 2021
Development Services – Engineering Approvals: Comments dated May 19, 2021
Building Services: Comments dated May 20, 2021
Finance Department: DCA comments dated May 13, 2021
LSRCA: Comments dated May 20, 2021
Alectra Utilities: Comments dated May 13, 2021
Public Comments: Mark and Vi Anderson, dated May 14, 2021
Public Comments: Dorthe Bond, dated May 19, 2021

Public Comments: Andrew Ain and Stacie Weber, dated May 19, 2021

Public Comments: Elaine McCron

Public Comments: Joan LeBoeuf, dated May 26, 2021

DISCUSSION:

Tyler Kawall, the agent, provided an overview of the applications. He provided a presentation discussing topics on site context, the neighbourhood and surrounding land uses, the variety in housing found in the surrounding area, current zoning, the severance, existing 15 metre frontages, intensification, and Official Plan policies. He said there is currently an existing single detached dwelling on the property. The lot has 30 metres frontage on Shanty Bay Road and backs onto the North Shore Trail. He noted the property to the south of the North Shore Trail is also known municipally as 135 Shanty Bay Road however, it is a separately conveyable parcel and is not subject to this application. The proposal is to sever the property for the redevelopment of two new single detached dwellings. Each lot will meet all zoning requirements.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public.

Andrew Ain, 1 Garrett Crescent, commented on Mr. Kawall's presentation and said that the illustration of the properties with 15 metre frontages are not near the subject property. He expressed concern with negative impacts to the character of the neighbourhood, concerns will set a precedent for future severances in the area, and traffic safety concerns with the addition of the driveway.

Carlissa McLaren, Supervisor of Planning, provided information on the application review process. She said when an application is received, it is circulated to several departments. She advised that Transportation Services was circulated, and staff commented that they had no concerns with the application. She noted that all applications are considered on their individual merits and do not set a precedent for future applications.

Joan LeBoeuf, 15 Shoreview Drive, expressed concern with safety and increased on-street parking, and negative impact to the character of the neighbourhood. She noted that the street has mostly bungalows and expressed concern that the style of house will not be in keeping with the character of the neighbourhood. Mr. Kawall indicated he is not sure at this time what the building type will be. The Chair advised there is no requirement that the building must be a bungalow and the Committee has no mechanism to restrict the style of house.

The Committee made a motion to grant the application with conditions as outlined by staff.

DECISION:

The decision of the Committee is that the application be approved with conditions.

**Motioned by: Jay Dolan, Member
Second: Marc Pumple, Member
CARRIED**

- 5. (d) CONSENT APPLICATION:** B17/21 – 180 Ardagh Road
APPLICANT: Bk Real Estate Investing, c/o Brady McDonald

The application, if granted by the Committee of Adjustment, will serve to permit the creation of a new residential lot to facilitate the construction of a semi-detached dwelling.

The severed lands propose to have a lot area of 443.8 square metres and a proposed lot frontage of 10.08 metres on **Ardagh Road**.

The retained lands propose to have a lot area of 444.5 square metres and a proposed lot frontage of 10.08 metres on **Ardagh Road**.

REPRESENTATION:

Brady McDonald, Applicant

INTERESTED PERSONS:

Dave and Holly Griese
Hewitt Mackenzie

WRITTEN COMMENTS RECEIVED:

Development Services - Planning: Comments dated May 26, 2021
Development Services –Traffic: Comments dated May 18, 2021
Development Services – Parks Approvals: Comments dated May 18, 2021
Development Services – Engineering Approvals: Comments dated May 19, 2021
Building Services: Comments dated May 20, 2021
Finance Department: DCA comments dated May 19, 2021
Alectra Utilities: Comments dated May 13, 2021

DISCUSSION:

Brady McDonald, the applicant, provided an overview of the application. He provided a presentation discussing topics on location, zoning, surrounding land uses, the severance, new built type, exterior finishes, Provincial policy and City of Barrie policies. He advised the property is currently a vacant piece of land within a plan of subdivision. The previous owner rezoned the property to RM1 in 2020. The application, if approved, would facilitate the construction of a semi-detached dwelling resulting in two separately conveyable lots. He noted the severed and retained lots will meet the zoning by-law requirements.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public.

David Griese, 150 Bishop Drive, expressed concern with privacy and drainage. He advised his property backs onto the subject property and is at a lower grade. He noted the potential for the addition of second suites and requested the construction of a fence. His property is downhill from the subject property and expressed concern with drainage due to the slope.

Mr. McDonald said he is willing to install fencing. He advised that grading plans will be submitted by a qualified engineer to the City of Barrie for review and approval by City staff. Carlissa McLaren, Supervisor of Planning, advised the building permit application would be circulated to the City's Approval Branch for review. There is a master drainage plan for the subdivision that the applicant would have to comply with, and through review would require there is no drainage onto adjacent properties.

The Committee made a motion to grant the application with conditions as outlined by staff and added the condition to erect a two-metre-high tight board fence along the rear property line in accordance with the City of Barrie Zoning By-law.

DECISION:

The decision of the Committee is that the application be granted with conditions.

**Motioned by: Marc Pumple, Member
Second: Victoria Lemieux, Member
CARRIED**

5. (e) CONSENT APPLICATION: B18/21 – 198 Ardagh Road
APPLICANT: Bk Real Estate Investing, c/o Brady McDonald

The application, if granted by the Committee of Adjustment, will serve to permit the creation of a new residential lot to facilitate the construction of a semi-detached dwelling.

The severed lands propose to have a lot area of 384.3 square metres and a proposed lot frontage of 10.18 metres on **Ardagh Road**.

The retained lands propose to have a lot area of 387.7 square metres and a proposed lot frontage of 9.84 metres on **Ardagh Road**.

REPRESENTATION:

Brady McDonald, Applicant

INTERESTED PERSONS:

Mackenzie Hewitt

WRITTEN COMMENTS RECEIVED:

Development Services - Planning: Comments dated May 26, 2021

Development Services – Traffic: Comments dated May 18, 2021

Development Services – Parks Approvals: Comments dated May 18, 2021

Development Services – Engineering Approvals: Comments dated May 19, 2021

Building Services: Comments dated May 20, 2021

Finance Department: DCA comments dated May 19, 2021

LSRCA: Comments dated May 20, 2021

Alectra Utilities: Comments dated May 13, 2021

DISCUSSION:

Brady McDonald, the applicant, provided an overview of the application. He provided a presentation discussing topics on location, zoning, surrounding land uses, the severance, new built type, exterior finishes, Provincial policy and City of Barrie policies. He advised the property is currently a vacant piece of land within a plan of subdivision. The previous owner rezoned the property to RM1 in 2020. The application, if approved, would facilitate the construction of a semi-detached dwelling resulting in two separately conveyable lots. He noted the severed and retained lots will meet the zoning by-law requirements.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

The Committee made a motion to grant the application with conditions as outlined by staff.

DECISION:

The decision of the Committee is that the application be granted with conditions.

**Motioned by: Victoria Lemieux, Member
Second: Marc Pumple, Member
CARRIED**

- 5. (f) CONSENT APPLICATION:** B19/21 – 27 Poyntz Street
MINOR VARIANCE APPLICATION: A29/21 – 27 Poyntz Street
APPLICANT: Dave Read on behalf of Earl and Julie McCrone

The application (B19/21), 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 525 square metres and a proposed lot frontage of 25 metres on **Worsley Street**.

The retained lands propose to have a lot area of 1,320 square metres and a proposed lot frontage of 30 metres on **Poyntz Street**.

This application (A29/21), if granted by the Committee of Adjustment, will serve to permit a reduction in the minimum required rear yard setback to a dwelling should consent application B19/21 be approved.

The applicant is seeking the following minor variance(s):

1. A rear yard setback of 4.0 metres, whereas the Comprehensive Zoning By-law, under Section 5.3.1, Table 5.3, requires a minimum rear yard setback of 7.0 metres.

REPRESENTATION:

Dave Read, Agent

INTERESTED PERSONS:

Mackenzie Hewitt

Shane Mayes

Katharine Thompson

Klaus Jacoby

Lyndy McPhun

WRITTEN COMMENTS RECEIVED:

Development Services - Planning: Comments dated May 26, 2021

Development Services – Traffic: Comments dated May 19, 2021

Development Services – Parks Approvals: Comments dated May 18, 2021

Development Services – Engineering Approvals: Comments dated May 20, 2021

Building Services: No comments

Finance Department: DCA comments dated May 14, 2021

Alectra Utilities: Comments dated May 12, 2021

DISCUSSION:

Dave Read, the agent, provided an overview of the applications. Mr. Read said the subject property is a unique property located downtown. It is half acre of residential land that fronts on three streets - Poyntz Street, Worsley Street and Berczy Street. The severed and retained parcels will both meet the requirements for the R2 zone. He noted staff comments regarding servicing and driveway access to the proposed severed lot. Mr. Read suggested that if the Committee should approve the application, that a condition be added to satisfy both the servicing and driveway access concerns prior to finalizing the severance giving the owners the opportunity to resolve staff issues. Mr. Read said if the condition of approval cannot be satisfied, the applications will lapse.

Klaus Jacoby, the owners' solicitor, commented that the existing property is a half-acre within the urban growth centre and the McCrone's are proposing to create lots that meet the minimum requirements of the zoning by-law. Servicing, water and sewers and the proposed access to the severed parcel require further studies. He proposed the applicants obtain the services of an engineer to prepare a traffic study and to prepare the layout

of the proposed new servicing to show appropriate servicing can be achieved for the proposed retained and severed parcels. Mr. Jacoby asked the Committee to approve the applications provided the applicants can satisfy both traffic and engineering regarding access and servicing.

The Secretary-Treasurer read a summary of all comments received to date.

The Committee opened discussion to the public. There were no comments from the public.

There was discussion on a conditional approval. Member Dolan asked if it would be possible to grant a conditional approval. Carlissa McLaren, Supervisor of Planning, confirmed it is possible to grant a conditional approval however it is not staff's recommendation. She said a conditional approval would have to indicate to the satisfaction of City staff and noted that Parks Planning also asked for additional conditions that would need to be conditional. Member Dolan said a deferral would give the applicant time to provide the required studies to City staff and come back to Committee for further discussion.

The Committee made a motion to defer the applications.

DECISION:

The decision of the Committee is that the applications be deferred.

**Motioned by: Jay Dolan, Member
Second: Victoria Lemieux, Member
CARRIED**

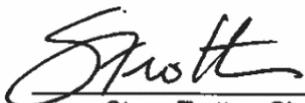
6. OTHER BUSINESS

7. DATE OF NEXT MEETING

June 23, 2021, at 5:00 p.m.

8. ADJOURNMENT

9. The meeting was adjourned at 7:45 p.m.



Steve Trotter, Chair



Janice Sadgrove, Secretary-Treasurer