

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 21, 2024

CASE NO.: OLT-22-003972

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended*.

Applicant/Appellant: Sean Mason Homes (Essa Road) Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of an 8-storey mixed use condominium
Reference Number: D30-011-2021
Property Address: 405 Essa Road
Municipality/UT: Barrie/Simcoe
OLT Case No: OLT-22-003972
OLT Lead Case No: OLT-22-003972
OLT Case Name: Sean Mason Homes (Essa Road) Inc. v. Barrie (City)

BEFORE:

W. DANIEL BEST)	
MEMBER)	Wednesday, the 21 st day of
)	
BITA M. RAJAE)	February, 2024
MEMBER)	

THIS MATTER having come on for public hearing, and the Tribunal in its Decision issued on June 30, 2023, having withheld its Order pending confirmation that the conditions listed in the Decision were finalized, and the Tribunal having received confirmation from the City Solicitor that the conditions have been finalized;

THE TRIBUNAL ORDERS that Zoning By-law 2009-141 for the City of Barrie is

amended as set out in Attachment “1” to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

“Euken Lui”

ACTING REGISTRAR

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

APPENDIX "A"

DRAFT ZONING BY-LAW AMENDMENT

BY-LAW NUMBER 2024-XXX

A By-law of The Corporation of the Barrie to amend By-law No. 2009-141, a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.

WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend By-law 2009-141 to rezone lands legally described as Part of Lot 5, Concession 13, Part 1, Plan 51R-11606 in the City of Barrie, County of Simcoe, known municipally as 405 Essa Road as shown on Schedule "A" to this By-law, from the Residential Multiple Family Second Density - Special Provision with a Holding Provision (RM2) (SP-562, H-139) to the Mixed Use Corridor with Special Provisions (MU2)(SP-645); and,

WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990 to enact such amendments; and,

NOW THEREFORE be enacted as a By-law of the City of Barrie the following:

1. **THAT** the Zoning By-law Map be amended to change the zoning from the Residential Multiple Family Second Density - Special Provision with a Holding Provision (RM2)(SP-562, H-139) to the Mixed Use Corridor with Special Provisions (MU2)(SP-645), as shown in Schedule "A" attached to this By-law being a portion of the zoning map.
2. **THAT** notwithstanding the provisions set out in Table 5.4.2, the following minimum and maximum side yard setbacks apply as shown in Schedule 'B' to this By-law:
 - a. A minimum side yard setback of 3 metres is permitted to the north property line;
 - b. A minimum side yard setback of 12.45 metres is permitted to the south property line within 15 metres of the rear property line adjacent to Cityview Circle;
 - c. A minimum side yard setback of 10.5 metres is permitted to the south property line within 11 metres of the front property line adjacent to Essa Road;
 - d. A minimum side yard setback of 15.95 metres is permitted to the south property line for the remaining portion of the property;
 - e. A maximum side yard setback does not apply.
3. **THAT** notwithstanding the provisions set out in Table 5.4.2, a maximum building height of 22.5 metres (7 storeys) is permitted.

4. **THAT** notwithstanding the provisions set out in Table 5.4.2, Section 5.4.3.5 Ground Level Commercial Uses of By-law 2009-141, a minimum of 39% of the Ground Level Floor Area shall be Commercial.
5. **THAT** notwithstanding the provisions set out in Table 5.4.2, Section 5.4.3.3(b) Rear Yard Setback of By-law 2009-141, a minimum rear yard setback abutting a residential, open space or environmental protection (EP) Zone shall be 3.0 metres. A 1.5 metre encroachment into the setback for porches and balconies is permitted.
6. **THAT** notwithstanding the provisions set out in Table 5.4.2, Rear Façade Stepback Minimum of By-law 2009-141, a 45 degree angular plane above 18.0 metres using 3.0 metre step-backs is permitted.
7. **THAT** notwithstanding the provisions set out in Table 5.4.2, Section 5.4.4.0 Landscape Buffers of By-law 2009-141, a minimum landscape buffer of 3.0 metres is required and may include the site access within 17.5 metres of the Essa Road frontage, hydro transformer and garbage pad as shown on Appendix “B” to this By-law.
8. **THAT** notwithstanding the provisions set out in Section 4.6.5.1 and 4.6.5.2, a rear yard setback of 0.5 metres is permitted for an underground parking structure and a rear yard setback of 0.5 metres is permitted within the first storey for an above ground parking structure.
9. **THAT** the remaining provisions of By-law 2009-141, as amended from time to time, applicable to the above described lands as shown in Schedule “A” to this by-law shall apply to the said lands except as varied by this By-law.
10. **THAT** this by-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this ____ day of _____, 2024.

READ a third time and finally passed this ____ day of _____ 2024.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – A. NUTTALL

CITY CLERK – WENDY COOKE

Schedule "A" attached to Zoning By-law 2024-XXX



[illegible]

1 SITE PLAN
A100
1 : 400

SEAN HOMES - 219034

4 ARCHITECTURE INC.
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