

Committee of Adjustment Meeting Agenda

Thursday, May 28, 2020, 4:00 p.m.

Remote meeting live streamed
on guelph.ca/live

Public hearing for applications under sections 45 and 53 of the Planning Act.

City facilities are closed to the public in response to COVID-19. Committee of Adjustment hearings are being held electronically and can be live streamed at guelph.ca/live. For alternate meeting formats, please contact Committee of Adjustment staff.

The public is invited to comment by submitting written comments and/or speaking to an application listed on the agenda. Written comments can be submitted using the contact information listed below. Members of the public who wish to speak to an application are encouraged to contact Committee of Adjustment staff no later than 2:00 p.m. on Thursday, May 28, 2020.

To contact Committee of Adjustment staff by email or phone:

cofa@guelph.ca (attachments must not exceed 20 MB)

519-822-1260 extension 2524

TTY 519-826-9771

When we receive your request, we will send you confirmation and instructions for participating in the hearing. Instructions will also be provided during the hearing to ensure those watching are given the opportunity to speak.

1. Call to Order

1.1 Opening Remarks

1.2 Disclosure of Pecuniary Interest and General Nature Thereof

1.3 Approval of Minutes

1.4 Requests for Withdrawal or Deferral

2. Staff Announcements

2.1 Hearing Procedures Update

3. Current Applications

(Application order subject to change)

To be notified of any of the decisions of the City of Guelph Committee of Adjustment, you must submit a written request.

3.1 A-17/20 55 Dublin Street South

Owner: 966129 Ontario Inc.

Agent: Donna Haley

Request: Variance for existing accessory apartment size

3.2 A-18/20 715 Wellington Street West

Owner: 879011 Ontario Inc.

Agent: N/A

Request: Variance to permit increased floor area for existing additional use (pet store and related supplies)

3.3 A-19/20 260 Woodlawn Road West

Owner: Every Home for Christ International/Canada

Agent: Gerry Lall, Royal LePage Royal City Realty Ltd.

Request: Variance for additional use (medical clinic)

3.4 A-20/20 128 Starwood Drive

Owner: 1449019 Ontario Inc.

Agent: Sarah Faria, Fusion Homes

Request: Variance for temporary stand-alone use (parking area for model home)

3.5 A-21/20 25 Wellington Street West

Owner: 21 Surrey St Holdings Inc.

Agent: Michael von Teichman, Montik Planning and Development

Request: Variance for reduced number of off-street parking spaces for office uses and dwelling units

4. Adjournment



Committee of Adjustment Minutes

**Thursday, March 12, 2020, 4:00 p.m.
Council Chambers, Guelph City Hall, 1 Carden Street**

Members Present	K. Ash, Chair D. Kendrick, Vice Chair D. Gundrum L. Janis K. Meads J. Smith
Members Absent	S. Dykstra
Staff Present	J. da Silva, Council and Committee Assistant S. Daniel, Engineering Technologist T. Di Lullo, Secretary-Treasurer K. Patzer, Planner P. Sheehy, Program Manager-Zoning D. Wiedrick, Manager, By-law Compliance and Security M. Witmer, Planner

Opening Remarks

Chair K. Ash called the hearing to order and explained the hearing procedures.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick

Seconded by J. Smith

That the minutes from the February 13, 2020 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

A-10/20 739 Woolwich Street

Owner: 2448254 Ontario Inc.

Agent: Drew Gillingham, 536357 Ontario Ltd.

Location: 739 Woolwich Street

In Attendance: D. Steward, R. Eilers, H. Fishburn, T. Aslan, K. Gies, D. Gillingham, K. Reed, D. White, T. Olsen, T. Hatch, H. Sabara

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. D. Stewart, representative for the agent, responded that the sign was posted and comments were received.

D. Stewart explained the background of the application and how the application met the four tests in the Planning Act.

R. Eilers, President and Director of Vesterra, the owner of the abutting properties at 735 and 737 Woolwich Street, opposed the application due to compatibility issues. He expressed concerns about the appropriateness of the application considering the development that is proposed on the abutting properties, which is a youth mental health and addictions clinic by the Canadian Mental Health Association. He indicated that site plans are being finalized, with construction proposed to start in May or June 2020.

H. Fishburn, Executive Director of the Canadian Mental Health Association for Waterloo Wellington, explained the process to find their location and explained the services the clinic will provide to children and youth. She opposed the application and expressed concerns about the application as the site for the youth mental health and addictions clinic was specifically chosen to be in proximity to its clients and the potential for the proposed use to influence vulnerable youth.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained,

and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. Janis

Seconded by K. Meads

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.1.6.1 of Zoning By-law (1995)-14864, as amended, for 739 Woolwich Street, to permit retail sale of cannabis and related supplies as an additional permitted use on the subject property, when the By-law permits a variety of uses in the SC.1-6 Zone, but does not permit retail sale of cannabis and related supplies, be **approved**, subject to the following condition:

1. That the variance be approved to permit a Retail use on the property.

Not Carried

The motion was not carried as the vote resulted in a tie.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kendrick

Seconded by J. Smith

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.1.6.1 of Zoning By-law (1995)-14864, as amended, for 739 Woolwich Street, to permit retail sale of cannabis and related supplies as an additional permitted use on the subject property, when the By-law permits a variety of uses in the SC.1-6 Zone, but does not permit retail sale of cannabis and related supplies, be **refused**, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act, specifically being that the requested variance is not minor in nature, and is not considered desirable for the appropriate development of the lands.

Not Carried

The motion was not carried as the vote resulted in a tie.

Moved by J. Smith

Seconded by K. Meads

That application A-10/20 for 739 Woolwich Street, be **deferred** sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral.

Reasons:

This application is deferred as the Committee was unable to reach a majority vote on the application.

Carried

A-11/20 24 Ray Crescent

Owner: Maged Saad and Carmen Khalil

Agent: Grant Luehndorf

Location: 24 Ray Crescent

In Attendance: M. Saad, G. Luehndorf

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. M. Saad, owner, responded that the sign was posted and comments were received.

M. Saad briefly explained the application.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kendrick

Seconded by J. Smith

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 24 Ray Crescent, to permit an accessory apartment size of 114.15 square metres, or 45 percent of the total floor area of the existing detached dwelling, when the By-law requires that an accessory

apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres, be **approved**, subject to the following condition:

1. That the accessory apartment is permitted with an area of 109 square metres as calculated from the sketch provided with the application.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

A-12/20 49 Wells Street

Owner: Jasdeep Sahni and Tejdeep Sahni

Agent: N/A

Location: 49 Wells Street

In Attendance: J. Sahni

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Sahni, owner, responded that the sign was posted and comments were received.

J. Sahni briefly explained the application.

No members of the public spoke.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained,

and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Gundrum

Seconded by J. Smith

That in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, C.P13, as amended, permission to enlarge/extend the legal non-conforming use at 49 Wells Street to permit the existing accessory apartment in the basement of the existing detached dwelling, and

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 49 Wells Street, to permit a an accessory apartment size of 83.1 square metres, or 29.93 percent of the total floor area of the existing detached dwelling, when the By-law requires that an accessory apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser, be **approved**.

Reasons:

This application is approved, as it is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

A-13/20 5 Douglas Street

Owner: Skyline Real Estate Holdings Inc.

Agent: Bernie Dyer, 2325505 Ontario Inc.

Location: 5 Douglas Street

In Attendance: B. Dyer, J. Ashdown

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. B. Dyer, agent, responded that the sign was posted and comments were received.

B. Dyer briefly explained the application.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Smith

Seconded by D. Gundrum

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 6.3.2.6.2 and 6.3.2.6.3 of Zoning By-law (1995)-14864, as amended, for 5 Douglas Street, to permit a licensed establishment in the existing commercial building:

- a. to have a maximum floor area of 505 square metres, when the By-law requires that the floor area of a licensed establishment shall not exceed 230 square metres; and
- b. to have a maximum capacity of 212 persons, when the By-law requires that the floor area of a licensed establishment shall not exceed 190 persons,

be **approved**, subject to the following condition:

1. That liquor sales cease as of 1:01 am for the restaurant as a licensed establishment.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

A-14/20 15 Harcourt Drive

Owner: Chester Carere and Inam Carere

Agent: N/A

Location: 15 Harcourt Drive

In Attendance: C. Carere, I. Carere, L. Robertson

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. C. Carere, owner, responded that the sign was posted and comments were received.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kendrick

Seconded by L. Janis

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 15 Harcourt Drive, to permit a minimum right side yard setback of 0.67 metres for the proposed attached garage, when the By-law requires a minimum side yard setback of 1.5 metres, be **approved**, subject to the following condition:

1. That the side yard setback of 0.67 metres applies only to the proposed addition on the right side of the property as shown on the public notice sketch.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of

Adjustment as part of its deliberations and final decision on this matter.

Carried

A-15/20 9 Arthur Street North

Owner: 2725586 Ontario Inc

Agent: N/A

Location: 9 Arthur Street North

In Attendance: S. Denhoed

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. S. Denhoed, representative for the owner, responded that the sign was posted and comments were received.

S. Denhoed briefly explained the application.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. Janis

Seconded by J. Smith

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6a and Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 9 Arthur Street North, to permit a minimum exterior side yard of 1.8 metres (along Rose Street) for the proposed addition to the existing dwelling, when the By-law requires a minimum exterior side yard of 6 metres, be **approved**.

Reasons:

This application is approved, as it is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the

Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

A-16/20 287 Water Street

Owner: First Christian Reformed Church of Guelph

Agent: N/A

Location: 287 Water Street

In Attendance: N. Proper, J. Schultz

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from E. Shewan, President of Wellington Condominium Corporation #70, in opposition to the application. She also noted that revised comments from K. and M. Whiting were received. A copy of this correspondence was provided to the members and staff.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. N. Proper, representative for the owner, responded that the sign was posted and comments were received.

N. Proper explained the purpose of the application and addressed concerns raised in the correspondence regarding noise, vehicle headlights, landscaping, and adhering to rules.

J. Schultz, Director for Beginnings Family Services, expressed support for the application as Beginnings is proposing to use the office space as their current location is not large enough. She explained the services the charitable organization offers.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Smith

Seconded by D. Gundrum

That in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 8.1.1 of Zoning By-law (1995)-14864, as amended, for 287 Water Street, to permit a stand-

alone office use within the existing residence (former manse), when the By-law permits a variety of institutional uses, but does not permit a stand-alone office use, be **approved**, subject to the following conditions:

1. That the stand-alone office use applies only to the 'manse' building at the rear of the subject property and as shown on the public notice sketch.
2. That stand-alone office uses on the subject property be limited to a total gross floor area of 193 square metres.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

B-3/20 401 Edinburgh Road North

Owner: St. Joseph's Housing Corporation Inc. Guelph

Agent: Cindy Prince, Amico Properties Inc.

Location: 401 Edinburgh Road North

In Attendance: C. Prince

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. C. Prince, agent, responded that the sign was posted and comments were received.

C. Prince briefly explained the application.

No members of the public spoke.

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by D. Kendrick

Seconded by D. Gundrum

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for the creation of a 297 square metre easement with a width of 4.5 metres for pedestrian and vehicle access and circulation in favour of the abutting property known as 395 Edinburgh Road North, over the property currently known as 401 Edinburgh Road North (Registered Plan 98, Part Lots 17 and 18, Parts 4 to 7 of Reference Plan 61R-11338, together with and subject to right of way), substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated February 6, 2020, project number 25557-18, be **approved**, subject to the following conditions:

1. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
2. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
3. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the proposed easement, any other easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
4. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

B-4/20 62 Metcalfe Street

Owner: Linda Joanne Oldridge and Kenneth Alan Oldridge

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 62 Metcalfe Street

In Attendance: J. Buisman, J. Kendell, G. Smart

J. Buisman, agent, briefly explained the purpose and history of the application and showed a sketch of the proposal. He acknowledged that revised comments provided by staff recommending approval with conditions and indicated the owner wished to merge the severed parcel with the two abutting properties on Palmer Street.

Secretary-Treasurer T. Di Lullo noted that correspondence was also received after the comment deadline from L. McCreery, with concerns about the potential relocation of the existing Bell box. A copy of this correspondence was provided to the members and staff.

No members of the public spoke.

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by K. Meads

Seconded by D. Gundrum

That in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Registered Plan 232, Part Lot 97, Part Lot 98, Lot 99, Part Lane, currently known as 62 Metcalfe Street, a parcel with frontage along Metcalfe Street of 4.4 metres, and an area of 54 square metres, as a lot addition to the abutting property known as 148 Palmer Street (Registered Plan 232, Part Lot 98 Hydro Sub Station), substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated February 11, 2020, project number 27920-20, be **approved**, subject to the following conditions:

1. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
2. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered Transfer document as registered in the Land Registry Office within two years of issuance of the Certificate of Official.
3. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
4. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.
5. That the Owner shall consolidate the severed parcel with the abutting lands known as 148 Palmer Street (Registered Plan 232, Part Lot 98, Hydro Sub Station) and 146 Palmer Street (Registered Plan 232, Part Lot 98, Part Lot 97) to which the severed parcel is to be added as a single parcel ("the consolidation") and that prior to the issuance of the Certificate of Official, the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
6. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or

any transaction involving the parcel of land that is subject of this consent.

Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Carried

Staff Announcements

There were no staff announcements. Member D. Kendrick expressed concerns about procedures regarding tie votes.

Adjournment

Moved by D. Kendrick

Seconded by L. Janis

That this hearing of the Committee of Adjustment be adjourned at 5:44 p.m.

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer

Staff Report



To	Committee of Adjustment
Service Area	Corporate Services
Date	Thursday, May 28, 2020
Subject	Committee of Adjustment Hearing Procedures Update

Recommendation

1. That the proposed changes to the Committee of Adjustment Hearing Procedures, included as Attachment-1, dated May 28, 2020, be approved.
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Executive Summary

Purpose of Report

To update the Committee of Adjustment Hearing Procedures to clarify rules surrounding electronic hearings held during a declared emergency.

Key Findings

Ontario Regulation 149/20 came into force April 15, 2020 which provides municipalities with the option during the COVID-19 emergency to process and make decisions on land use planning applications, including minor variance and consent applications. Amendments to the current Committee of Adjustment Procedures are proposed to allow the Committee of Adjustment members to meet electronically during the declared emergency in order to advance minor variance and consent applications.

Financial Implications

There are no financial implications resulting from this report.

Report

On March 17, 2020 a declaration of emergency was made by the Province of Ontario pursuant to Section 7.0.1 of the [Emergency Management and Civil Protection Act](#) related to the COVID-19 pandemic.

On March 19, 2020 the Province of Ontario passed [Bill 187](#), the Municipal Emergency Act, which amends the [Municipal Act](#) to provide that, during declared emergencies, should they choose to, members of council, local boards and committees who participate electronically in open and closed meetings can be counted for the purposes of quorum.

On March 26, 2020 a state of emergency for the City of Guelph was declared by Mayor Guthrie in response to COVID-19.

At an Emergency City Council meeting held on March 23, 2020, City Council passed amendments to the Procedural By-law allowing City Council to meet electronically during the declared emergency in order to move necessary business forward.

On April 14, 2020 the Province of Ontario passed [Bill 189](#), the Coronavirus (COVID-19) Support and Protection Act, which amended several acts including the [Planning Act](#). [Ontario Regulation 149/20](#), Special Rules Related to the Declared Emergency, came into force April 15, 2020 which provides municipalities with the option to process and make decisions on land use planning applications, including minor variance and consent applications, during the COVID-19 emergency.

The intent of this report is to recommend that similar amendments be made to the Committee of Adjustment Procedures to allow the Committee of Adjustment to meet electronically during the declared emergency in order to advance applications.

The following is a summary of the proposed changes:

- Definition of "Electronic Hearing" provided.
- Definition of "Hearing" updated.
- Section 3 added to permit electronic hearings during a declared emergency and to clarify procedures regarding voting and public participation.

Financial Implications

There are no financial implications resulting from this report.

Consultations

Not applicable.

Strategic Plan Alignment

This report aligns with the Working Together for our Future pillar by improving services through the greater use of technology and data by permitting members of the Committee of Adjustment and members of the public to participate in any hearings electronically during a declared emergency. This report also aligns with the Building our Future pillar by ensuring that the City can continue to move Committee of Adjustment applications forward during declared emergencies.

Attachments

Attachment-1 Proposed Changes to the Committee of Adjustment Hearing Procedures

Report Author

Trista Di Lullo, Secretary-Treasurer, Committee of Adjustment

This report was approved by:

Trista Di Lullo
Secretary-Treasurer, Committee of Adjustment
Corporate Services
519-822-1260 extension 3355
Trista.Dilullo@guelph.ca

This report was recommended by:

Dylan McMahon
Manager, Legislative Services/Deputy City Clerk
Corporate Services
519-822-1260 extension 2811
Dylan.McMahon@guelph.ca

CORPORATE POLICY AND PROCEDURE



POLICY	Committee of Adjustment Hearing Procedures
CATEGORY	Departmental
AUTHORITY	City Clerk's Office
RELATED POLICIES	The Procedural By-law
APPROVED BY	Committee of Adjustment
EFFECTIVE DATE	June 27, 2019
REVISION DATE	N/A <u>May 28, 2020</u>

1. Definitions

'Committee' means the City of Guelph Committee of Adjustment.

'Chair' means the individual acting as the chair of the Committee at any given Committee hearing.

'Electronic hearing' means a hearing called and held in full or in part via electronic means including, but not limited to, video teleconference, audio teleconference or telephone, and with or without in person attendance.

'Hearing' means any hearing of the Committee of Adjustment, including an electronic hearing.

'Secretary-Treasurer' means the Secretary-Treasurer of the City of Guelph Committee of Adjustment, or his or her designate.

2. Calling of Hearings

- 2.1. The Committee shall meet at 4:00 p.m. on the second Thursday of every month and at 4:00 p.m. on the fourth Thursday of every month, if required, or as determined by the Secretary-Treasurer.
- 2.2. Committee hearings will be held at Guelph City Hall unless otherwise ordered by the Secretary-Treasurer.
- 2.3. In consultation with the chair, the Secretary-Treasurer may cancel or reschedule a hearing.

3. Electronic Hearing

3.1. Where an emergency has been declared in all or part of the City of Guelph under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act:

3.1.1. any member of the Committee may participate in an electronic hearing and be counted for the purpose of establishing quorum;

3.1.2. all votes shall be by show of hands or by verbal consent (yes or no);

3.1.3. members of the public may participate in an electronic hearing via telephone, videoconferencing software and/or other technology methods deemed appropriate by the City Clerk's Office.

4. Appointments

4.1. Appointments to the Committee will be made in accordance with the City of Guelph [Public Appointments Policy](#).

4.2. The Committee will elect a chair and vice chair at the first hearing of every year.

4.3. The Committee will appoint a Secretary-Treasurer and Deputy Secretary-Treasurer as required based on a recommendation from the City Clerk.

5. Minutes

5.1. The minutes of every hearing shall be recorded by the Secretary-Treasurer and submitted for adoption at the next Committee hearing.

5.2. When the minutes have been adopted, the chair and Secretary-Treasurer shall sign them.

6. Rules of Order

6.1. The Committee will, where any cases arise that are not covered by these procedures, be governed by the [Procedural By-law](#) of Guelph City Council with necessary modifications as judged by the chair in consultation with the Secretary-Treasurer.

6.2. Three members of the Committee will constitute quorum as per the Planning Act.

6.3. Applicants and public delegations shall have a maximum of ten minutes for which to speak regarding an application.

-
- 6.4. In accordance with the Planning Act, all decisions of the Committee must be made by the majority of the members present at a hearing. If the members of the Committee fail to reach a majority vote, the Committee may defer the motion to a future Committee hearing or consider another motion.
- 6.5. The sections of the Procedural By-law relating to reconsiderations and notices of motion do not apply to the Committee.

7. Order of Business

- 7.1. The Secretary-Treasurer, in consultation with the chair, shall have discretion to prepare an agenda containing the following:
- Disclosure of pecuniary interest and general nature thereof
 - Approval of minutes
 - Requests for withdrawal or deferral of applications
 - Current applications
 - Requests for refunds and fee waivers
 - Staff announcements
- 6.2 The Committee may consider each application in the order in which it appears on the agenda, or may change the order at the chair's discretion.

Committee of Adjustment Notice of Public Hearing



An Application for a Minor Variance has been filed with the Committee of Adjustment

Application Details

Location:

55 Dublin Street South

Proposal:

The applicant is proposing to maintain an accessory apartment with an area of 88.4 square metres, or 32 percent of the total gross floor area, in the second floor of the existing detached dwelling.

By-Law Requirements:

The property is located in the Residential Single Detached (R.1B) Zone. A variance from Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law requires that an accessory apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser.

Request:

The applicant is seeking relief from the By-Law requirements to permit an accessory apartment size of 88.4 square metres, or 32.4 percent of the total floor area of the existing detached dwelling.

Hearing Details

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

Date: **Thursday, May 28, 2020**

Time: **4:00 p.m.**

Location: **Remote Committee of Adjustment hearing live streamed at guelph.ca/live**

Application Number: **A-17/20**

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

Providing Comments

Any person may watch the remote public hearing on guelph.ca/live and participate by submitting written comments and/or speaking to the application. Alternate meeting formats are available upon request.

You may submit your written comments to the Secretary-Treasurer of the Committee of Adjustment using the contact information listed below. Please include your name, your address, application number or address of the property you are providing comments on, as well as any other relevant information in your submission. Written comments received by **May 21, 2020 at 12:00 p.m.** will be forwarded to the Committee members prior to the hearing. Comments submitted after this date will be provided at the hearing.

If you wish to speak to an application, please email or phone Committee of Adjustment staff no later than **2:00 p.m. on the day of the hearing**. Please indicate your name, phone number and the application number or address of the property you wish to speak to. When we receive your request, we will send you confirmation and instructions for participating in the remote public hearing. Instructions will also be provided during the hearing to ensure those watching the remote public hearing are given the opportunity to speak.

Your comments, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet.

Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request. For questions regarding the collection, use, and disclosure of personal information please contact the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 extension 2349.

Additional Information

Agendas and comments related to this application will be available online at guelph.ca/cofa. Alternative document formats are available upon request. Additional information related to this application may be obtained by contacting Committee of Adjustment staff between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Notice of the Decision

If you wish to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

Notice Details

Trista Di Lullo, ACST

Secretary-Treasurer, Committee of Adjustment

Dated May 8, 2020.

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

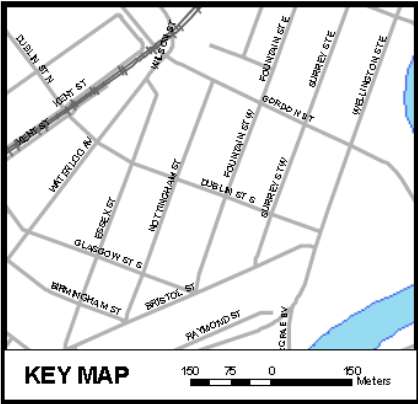
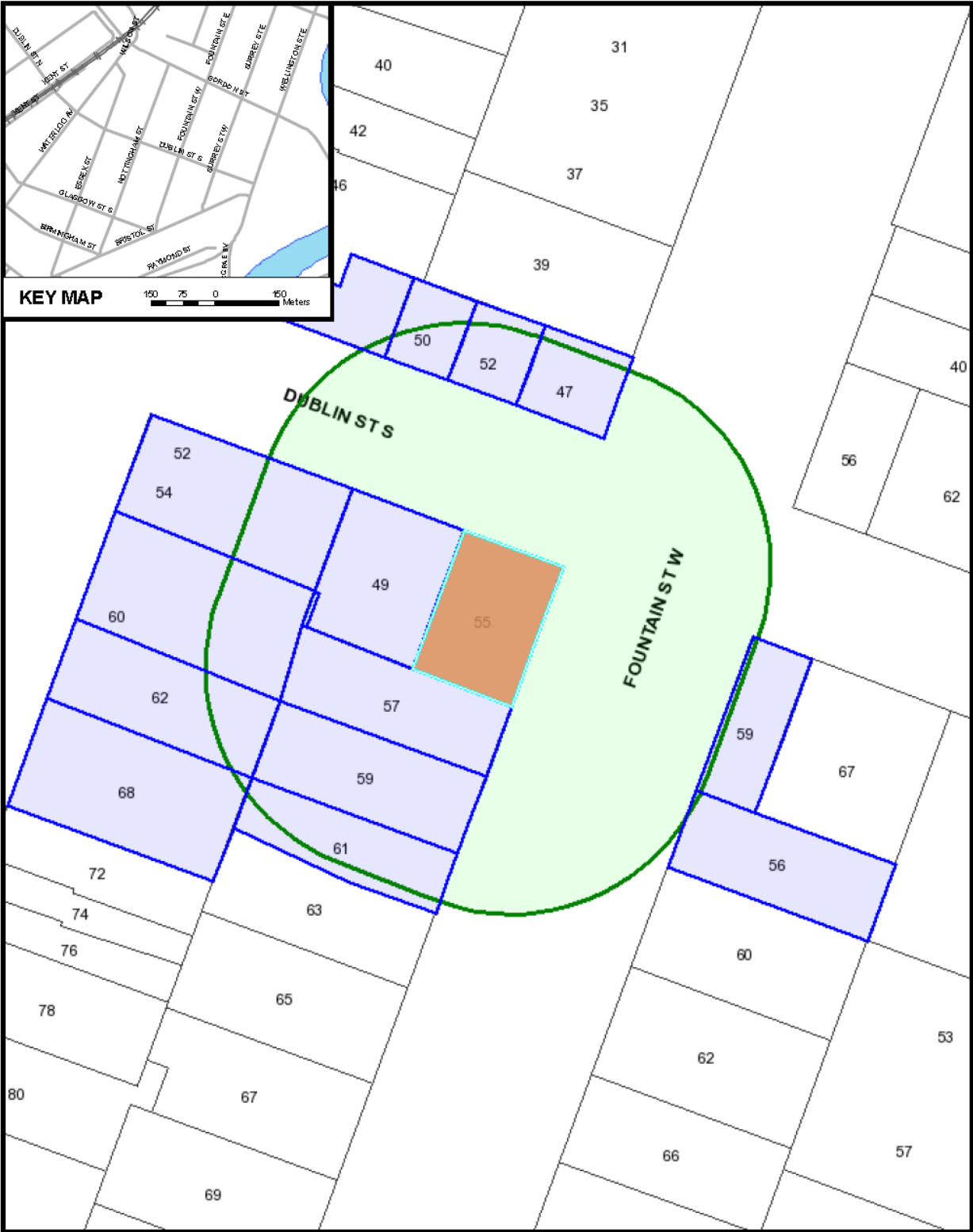
Due to the closure of City Hall, written comments can be mailed or dropped off in the mail slot located by the main entrance of City Hall

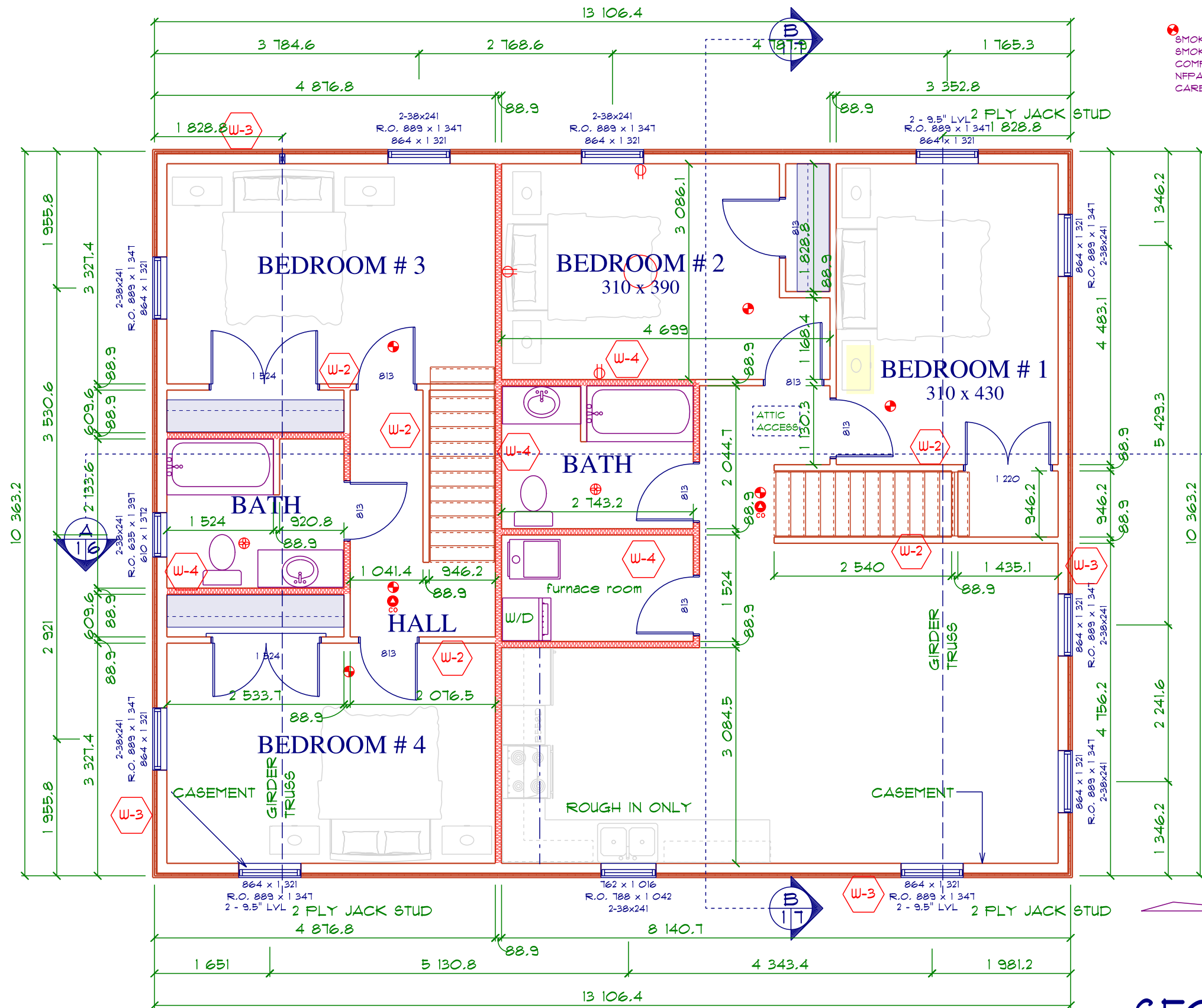
519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa





SMOKE ALARM AS PER B-9.10.19.1(2) O.B.C.
SMOKE ALARMS SHALL HAVE A VISUAL SIGNALLING COMPONENT CONFORMING TO THE REQUIREMENTS IN 18.5.3.
NFPA 72 NATIONAL FIRE ALARM AND SIGNALLING CODE
CARBON MONOXIDE DETECTORS AS PER B-9.33.4 O.B.C.

W:2
1/2" DRYWALL
2x4@16" O.C. STUD WALL
1/2" STANDARD DRYWALL

W:3
VINYL SIDING
TYPAR AIR BARRIER
1" RIGID INSULATION
7/16" O.S.B.
2x6@16" O.C. STUD WALL
R 20 BAT INSULATION
6 MIL. POLY
1/2" STANDARD DRYWALL

W:4
1/2" DRYWALL
2x4@16" O.C. STUD WALL
ABSORPTIVE MATERIAL
1/2" STANDARD DRYWALL

ATTIC ACCESS HATCH
NOT LESS THAN 22"x35"
TO BE WEATHER STRIPPED

SECOND FLOOR 2

SCALE: 1:64

Design - Build - General Contracting | Residential & Ag Construction
Office: 1020 Old Scout Place, Waterloo, ON N2J 4G8
Ph: 519.664.2642 • Fx: 519.664.3598
www.conestogocarpenters.ca
sales@conestogocarpenters.ca



Gerard Haley
55 Dublin Street
Guelph
Ontario
N1H-4M1

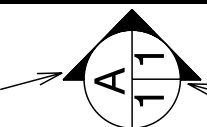
PHONE:
FAX:

DESIGNER INFORMATION

THE UNDERSIGNED HAS REVIEWED AND TAKES DESIGN RESPONSIBILITIES FOR THIS DESIGN, AND HAS THE QUALIFICATIONS SET OUT IN THE BUILDING CODE TO BE A DESIGNER
MARVIN HORST B.C.I.N.#34451
MARVIN HORST DESIGNS FIRM #36508

Marvin Horst

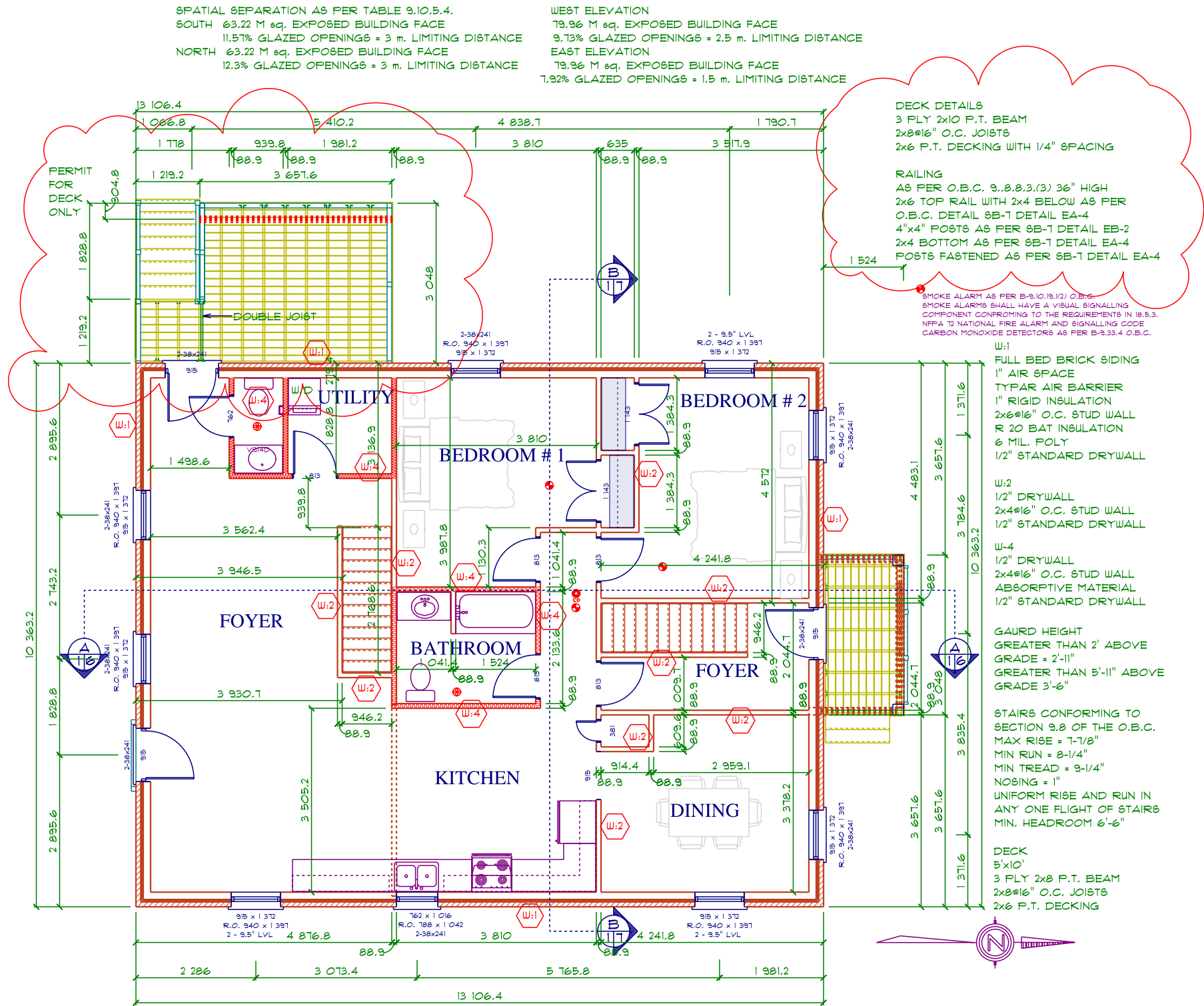
SECTION
LETTER



PAGE
NUMBERS

DRAWN BY: M.H.,
SCALE: 1:64
DATE: March 3, 2020

PAGE: 3/10 S3



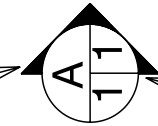
MAIN FLOOR 2

SCALE: 1:96



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Office: 1020 Old Scout Place, Waterloo, ON N2J 4G8
Ph: 519.664.2642 • Fx: 519.664.3598
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sales@conestogocarpenters.ca

SECTION
LETTER



PAGE
NUMBERS

Gerard Haley
55 Dublin Street
Guelph
Ontario
N1H-4M1

PHONE:
FAX:

DESIGNER INFORMATION
THE UNDERSIGNED HAS REVIEWED AND
TAKES DESIGN RESPONSIBILITIES FOR THIS
DESIGN, AND HAS THE QUALIFICATIONS SET
OUT IN THE BUILDING CODE TO BE A DESIGNER
MARVIN HORST B.C.I.N.#34451 #36508

Marvin Horst

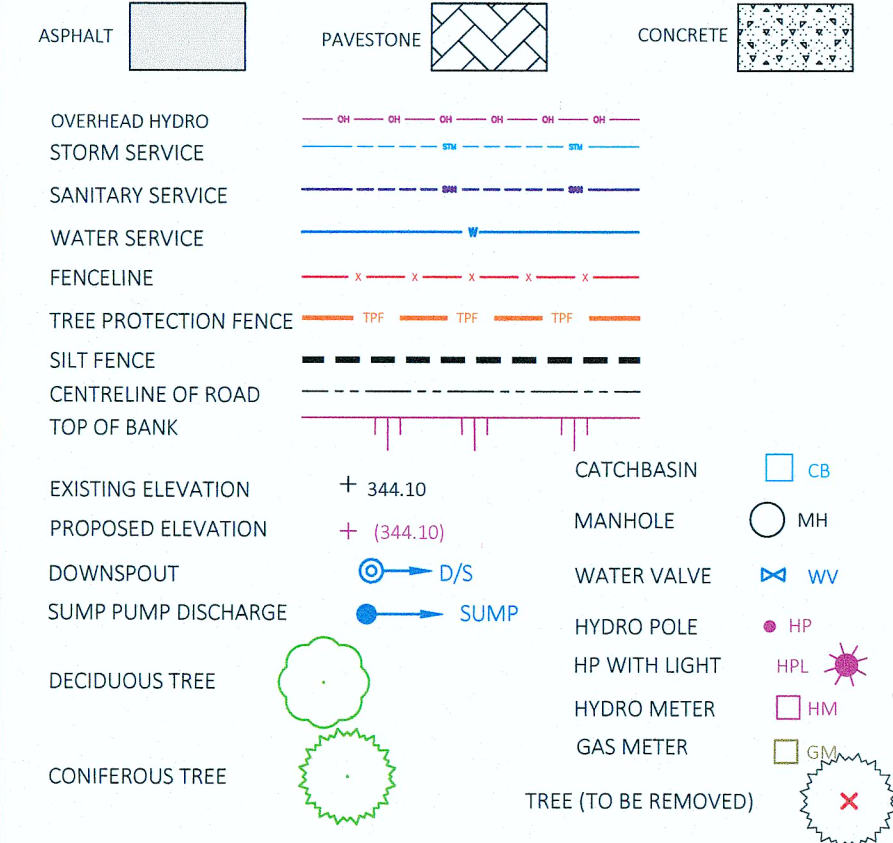
DRAWN BY: M.H.,
SCALE: 1:96
DATE: March 3, 2020

PAGE:
2/10
S2

LEGEND:

□ DENOTES SURVEY MONUMENT SET
— DENOTES SURVEY MONUMENT FOUND
SIB DENOTES .025 x .025 x 1.20 STANDARD IRON BAR
IB DENOTES .015 x .015 x 0.60 IRON BAR
SSIB DENOTES .025 x .025 x 0.60 SHORT STANDARD IRON BAR
RP DENOTES ROCK POST
WIT DENOTES WITNESS
CC DENOTES CUT CROSS
OU DENOTES ORIGIN UNKNOWN
VH DENOTES VAN HARTEN SURVEYING INC., O.L.S.'s
375 DENOTES BLACK, SHOEMAKER ET AL., O.L.S.

P1 DENOTES SURVEY 87-8356 BY VH, DATED SEPTEMBER 11, 1987
P2 DENOTES SURVEY 76-245 BY VH, DATED MARCH 8, 1976
P3 DENOTES PLAN 61R-20519 BY 375, DATED SEPTEMBER 26, 2014



NOTES:

- MATCH TO EXISTING GRADE AT ALL LOT LINES. ATTEMPTS ARE TO BE MADE TO ENSURE ANY ABUTTING LOTS WITH DRAINAGE OUTLETING ONTO THE SUBJECT PROPERTY WILL CONTINUE TO DO SO.
- THE SITE STORM DRAINAGE IS TO BE DISCHARGED TO THE CITY'S RIGHT OF WAY. EXISTING PROPERTY LINE GRADE ARE TO BE MATCHED, AND GRADING SHALL NOT EXTEND ONTO ADJACENT PROPERTIES WITHOUT PRIOR WRITTEN CONSENT FROM THE ADJACENT PROPERTY OWNER.
- REFER TO STORM WATER BRIEF BY VAN HARTEN SURVEYING INC.
- BOULEVARD PORTION OF DRIVE TO BE PAVED.
- ALL WORK IN RIGHT OF WAY TO BE COMPLETED BY CITY FORCES.
- RETAINING WALL TO BE DESIGNED BY OTHERS. LOCATION AND ELEVATIONS ARE SUBJECT TO CHANGE (I.E.: TO SUIT SITE CONDITIONS).

SERVICING NOTES:

- WORK IN MUNICIPAL RIGHT-OF-WAY TO BE BY CITY FORCES.
- THE LOCATION OF SERVICES ON THIS DRAWING ARE ONLY APPROXIMATE AND BASED ON SURFACE FEATURES LOCATED AT THE TIME OF THE TOPOGRAPHIC SURVEY. PRIOR TO ANY CONSTRUCTION IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER TO ENSURE THE EXACT LOCATION OF ALL UTILITIES.
- EXISTING SERVICES ARE TO BE DECOMMISSIONED.
- LOCATION OF THE EXISTING SANITARY SERVICE TO BE CONFIRMED BY THE BUILDER.
- EXISTING SANITARY SERVICE IS TO BE CAPPED AND PLUGGED AT THE PROPERTY LINE.
- EXISTING WATER SERVICE TO BE PLUGGED AT THE WATER MAIN.
- NEW SERVICES ARE REQUIRED.
- WATER SERVICE TO BE 25mm DIA. TYPE "K" SOFT COPPER.
- SANITARY SERVICE TO BE 100mm DIA. PVC SDR 28.
- BUILDER IS TO ENSURE THE PROPOSED UNDERSIDE OF FOOTING ALLOWS A GRAVITY SANITARY SEWER CONNECTIONS.
- IF GRAVITY FLOW TO THE SANITARY SERVICE CANNOT BE ACHIEVED FROM THE PROPOSED UNDERSIDE OF FOOTING, A SEWAGE EJECTOR PUMP IS TO BE INSTALLED AS PER O.B.C. AND MUNICIPAL REQUIREMENTS.
- SUMP PUMP TO DISCHARGE TO REAR YARD.

FLOODLINE

- FLOODLINE ELEVATION IS 310.50. SECTION 12.4.3.2.1 ALLOWS FOR HABITABLE FLOOR SPACE TO BE 309.50 OR 1.0m BELOW THE REGULATORY FLOODLINE.

SEDIMENT AND EROSION CONTROL NOTES:

- ALL SILT FENCING TO BE INSPECTED AND INSTALLED PRIOR TO THE COMMENCEMENT OF ANY GRADING OR EXCAVATING.
- ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED AS SITE DEVELOPMENT PROGRESSES. THE CONTRACTOR IS RESPONSIBLE TO PROVIDE ANY ADDITIONAL EROSION CONTROL STRUCTURES.
- ALL EROSION CONTROL STRUCTURES ARE TO REMAIN IN PLACE UNTIL ALL DISTURBED GROUND SURFACES HAVE BEEN STABILIZED BY RESTORATION OF GROUND COVER.

TREES IN CITY RIGHT OF WAY:

ALL CITY TREES, LOCATED WITHIN THE CITY ROW MUST BE RETAINED IN THEIR EXISTING HEALTH AND STRUCTURE:

INSTALLATION OF TREE PROTECTION FENCING MUST BE COMPLETED AND INSPECTED BY CITY STAFF, PRIOR TO WORK COMMENCING ON SITE. TREES THAT ARE TO BE RETAINED ARE TO HAVE TREE PROTECTION FENCING INSTALLED AS PER SD-90a (FRAME AND PLYWOOD).

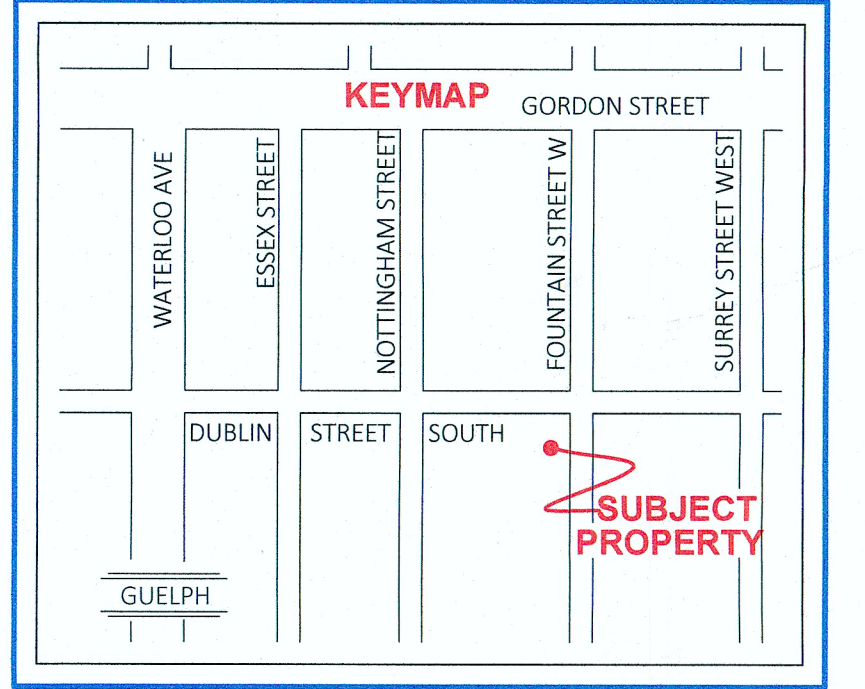
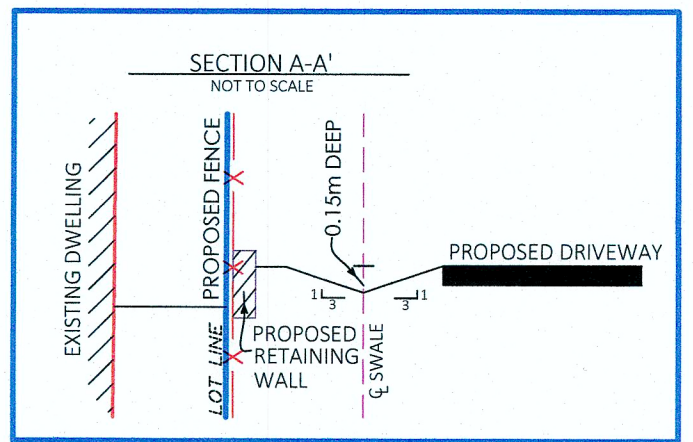
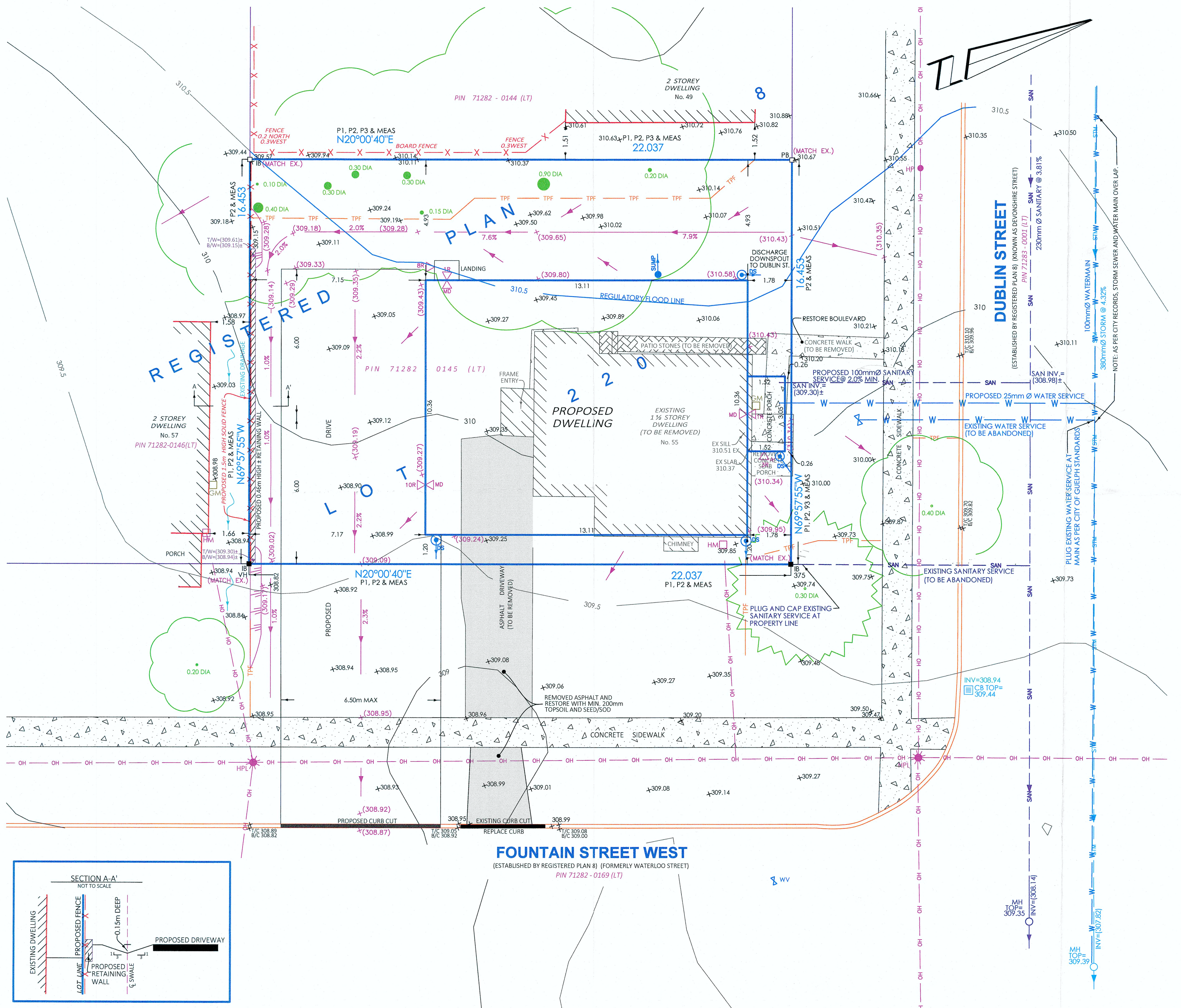
FENCING SHOULD BE INSTALLED AT THE DRIPLINE OF THE CITY OWNED TREES AND SHOULD BE AT LEAST PAIGE WIRE FENCING WITH EROSION CONTROL FENCING ATTACHED.

THE AREA WITHIN THE TREE PROTECTION FENCING SHOULD TREATED AS A NO TOUCH ZONE: NO STOCKPILING OF CONSTRUCTION MATERIALS, EQUIPMENT OR WORK SHOULD TAKE PLACE WITHIN THIS AREA, INCLUDING (IF PRACTICAL) PROPOSED DRIVEWAY OR SERVICING.

IF THERE IS WORK PROPOSED WITHIN THE POTENTIAL TREE PROTECTION ZONE (I.E. GRADING OF SWALES), THE CITY WOULD HIGHLY RECOMMEND A CERTIFIED ARBORIST TO BE INVOLVED DURING EXCAVATION OF THOSE AREAS TO ENSURE PROPER ROOT CUTTING AND OTHER APPROPRIATE ARBORICULTURE METHODS ARE EMPLOYED DURING WORK.

CALL BEFORE YOU DIG

THE LOCATION OF SERVICES ON THIS DRAWING ARE ONLY APPROXIMATE AND BASED ON SURFACE FEATURES LOCATED AT THE TIME OF THE TOPOGRAPHIC SURVEY. PRIOR TO ANY CONSTRUCTION IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER TO ENSURE THE EXACT LOCATION OF ALL UTILITIES.



PROPERTY DESCRIPTION:

- PIN 71282-0145 (LT), AS IN INSTRUMENT ROS187287
- ADDRESS: 55 DUBLIN STREET SOUTH
- PART OF LOT 220, REGISTERED PLAN 8
- CITY OF GUELPH

ZONING: RESIDENTIAL SINGLE DETACHED (R.1B) REQUIRED

MINIMUM LOT FRONTAGE	= 15m	= 16.45
MINIMUM FRONT YARD	= 6m	= 1.78
MINIMUM EXTERIOR SIDE YARD	= 4.5m	= 1.20
MINIMUM SIDE YARD	= 1.5m	= 4.93
MINIMUM REAR YARD	= 20% (4.41)	= 7.15

* SUBJECT TO MINER VARIANCE

PROPOSED DWELLING:

- TOP OF FOUNDATION = (310.73)
- UNDERSIDE OF FOOTING = (308.75)
- BASEMENT FLOOR = (309.54)
- FINISHED FLOOR = (311.09)
- FRONT PORCH = (310.91)

NOTES

- 1.83m (6'-0") FOUNDATION WALL
- 3'-11" BASEMENT (CRAWL SPACE)
- FROST FOOTINGS REQUIRED (308.02MIN.)

BEARING COMPARISONS:

FOR THE PURPOSES OF BEARING COMPARISONS, PREVIOUS SURVEYS HAVE BEEN ROTATED TO UTM BEARINGS BY THE ANGLES SHOWN BELOW.

PLAN	ROTATION FOR NORTHEAST BEARINGS
	-0°48'13"

SURVEY INFORMATION:

BENCHMARK REFERENCE:
ELEVATIONS HEREON ARE REFERRED TO GEODETIC DATUM AND ARE REFERRED TO CITY OF GUELPH BENCH MARK NO.

TOPOGRAPHIC SURVEY DATE:
THIS TOPOGRAPHIC SURVEY WAS COMPLETED ON THE 12TH DAY OF OCTOBER, 2018 BY VAN HARTEN.

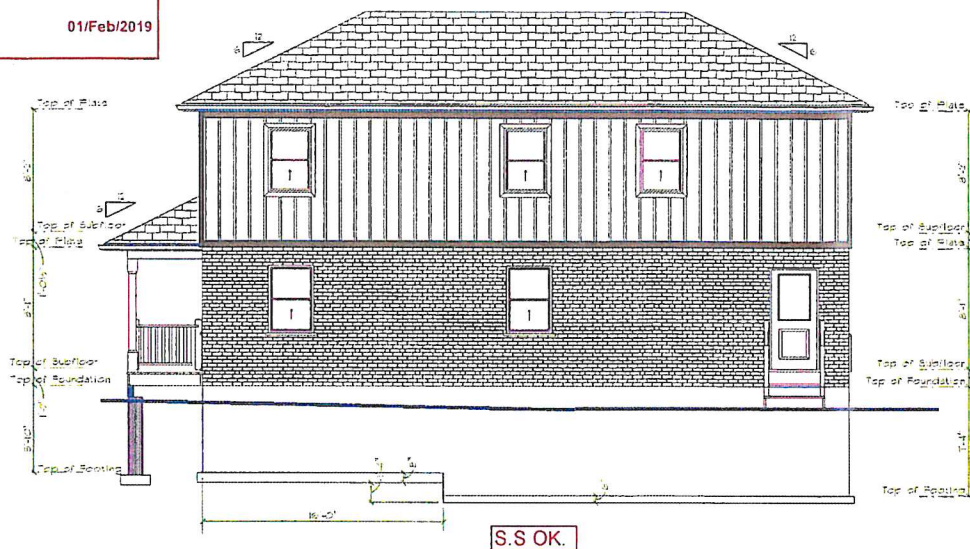
CAUTION:

- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.
- THIS SKETCH IS PROTECTED BY COPYRIGHT. ©

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

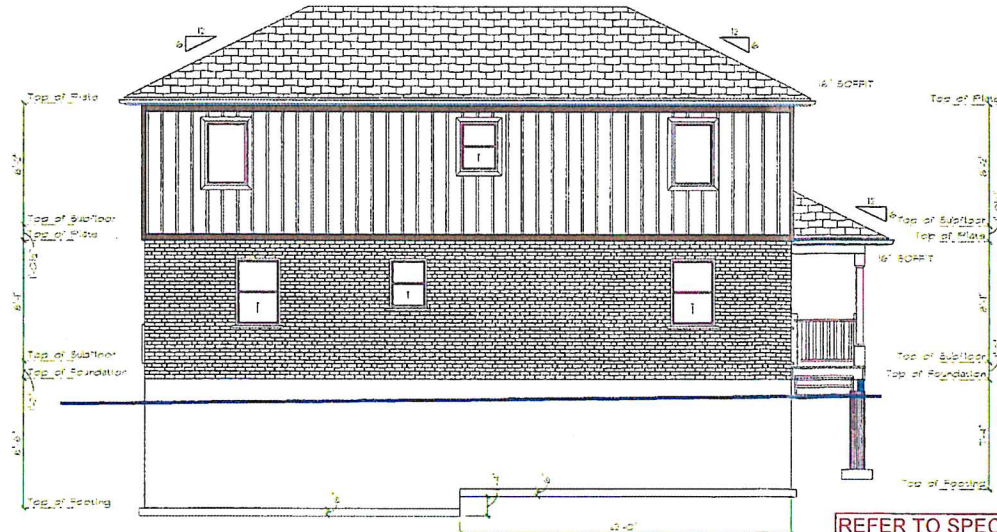
SITE PLAN FOR:
PROPOSED DWELLING, 55 DUBLIN SOUTH
PART OF LOT 220, REGISTERED PLAN 8
CITY OF GUELPH
COUNTY OF WELLINGTON
DRAWING REVISION SCHEDULE

NO.	REVISION	DATE
PREPARED FOR: HALEY FARMS LIMITED		
PROJECT No. 25921-18		
DRAWING SCALE 1 : 100		
Van Harten SURVEYING INC. LAND SURVEYORS AND ENGINEERS		
Kitchener Ph: 519-742-8371	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
www.vanharten.com		info@vanharten.com
DRAWN BY: S.J.	DESIGNED BY: W.V.	CHECKED BY: JML
Nov 12, 2018-3:29pm G:\GUELPH\008\212-251\Acad\SITE LOT 220 (HALEY FARMS) UTM 2010 NR.dwg		



WEST ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: $1/8" = 1'-0"$

REFER TO SPECIAL CONDITIONS
FOR ADDITIONAL REQUIREMENTS

Gerard Haley
55 Dublin Street
Guelph
Ontario
N1H-4M1

DRAWN BY: M.H.
 SCALE: 1/8" = 1'-0"
 DATE: January 24, 2019
 PAGE: 8/10
 S8

Design, Build, General Contracting Residential/Heavy Construction
 Office: 1020 Old Scout Place, Waterloo, ON N2J 4G8
 PH: 519.664.2642 • Fx: 519.664.3598
www.cdn-stg200.com/printers.ca
sales@cnstg200.com/printers.ca

Conestogo
Cementers

DESIGNER INFORMATION

That is

Building Review: **Guelph**
 9 000122 000 00 RC
 reviewed By:
Irish Brown
 19-837-5615
 01/Feb/2019



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



REFER TO SPECIAL CONDITIONS
 FOR ADDITIONAL REQUIREMENTS

NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

Gerard Haley
 55 Dublin Street
 Guelph
 Ontario
 N1H-4M1
 PHONE:
 FAX:

PAGE: **9/10** S9
 DRAWN BY: M.H.
 SCALE: 1/8" = 1'-0"
 DATE: January 24, 2019

SECTION
 LETTER
A
 11
 PAGE
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Office: 1020 Old Scout Place, Waterloo, ON N2J 4G8
 Ph: 519.664.2642 • Fx: 519.664.3598
www.conestogocarpenters.ca
sales@conestogocarpenters.ca

Conestogo
 carpenters

DESIGNER INFORMATION
 THE ARCHITECT HAS REVIEWED AND
 APPROVED THE CONSTRUCTION OF THE
 WORK SHOWN ON THESE PLANS. THE
 ARCHITECT HAS NOT CONDUCTED A
 VISUAL CHECK OF THE WORK SHOWN
 ON THESE PLANS.

Marvin Horst

DECISION

COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-78/18

The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from Table 4.7 Row 3 and Section 4.6.1 (i) of Zoning By-law (1995)-14864, as amended, for 55 Dublin Street South,

- a) to permit a 0 metre front yard setback for the proposed covered porch, when the By-law requires that an open, roofed porch not exceeding 1 storey in height be setback a minimum of 2 metres from the front lot line; and
- b) to permit part of the proposed dwelling to be located within the sight line triangle, when the By-law requires that on a corner lot in any zone, within the sight line triangle formed by joining the point of intersection to points on each street line, measured 9 metres from that point of intersection, no building, structure, play equipment, statue or parked motor vehicle shall be located,

be **APPROVED**, subject to the following condition:

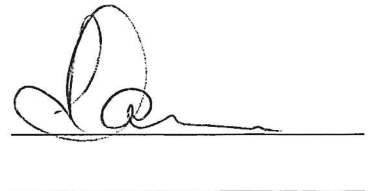
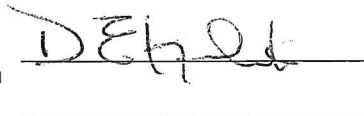
- 1. That the replacement dwelling be located in general accordance with the Public Notice sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

**Members of Committee
Concurring in this Decision**



I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on December 13, 2018.

Dated: December 18, 2018

Signed:



**The last day on which a Notice
of Appeal to the Local Planning
Appeal Tribunal may be filed is
January 2, 2019.**

Committee of Adjustment

T 519-822-1260 x2524
F 519-763-1269
E cofa@guelph.ca

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>March 3, 2020</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>A-17120</u>

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff?

Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 55 Dublin St S Guelph

Legal description of property (registered plan number and lot number or other legal description):

part Lot 220, Plan 8

OWNER(S) INFORMATION:

Name: Gerard Haley

Mailing Address: 1025 Maryhill Road

City: Guelph Postal Code: N0B 1M0

Home Phone: 519 820 5093 Work Phone: _____

Fax: 519 822 6214 Email: johnhaley61@gmail.com

AGENT INFORMATION (If Any)

Company: _____

Name: Donna Haley

Mailing Address: 35 Lyon Avenue

City: Guelph Postal Code: N1H 5C5

Work Phone: 519 822 2267 Mobile Phone: 519 831 6451

Fax: 519 822 6214 Email: donna.haley@ymail.ca

Official Plan Designation: (R1B) Low density residential	Current Zoning Designation: R1B
--	---------------------------------

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

Accessory Apartment @ 88.44 m² / 32.4%

vs. allowable 80 m², 45%.

Regulation 4:15.1.5.

Why is it not possible to comply with the provision of the by-law? (your explanation)

Respectfully request to allow increase in unit size so it will not be necessary to build a bulk head in the living room area which would reduce head space and useable space.

PROPERTY INFORMATION

Date property was purchased:	May 22, 2018	Date property was first built on:	new construction Feb 4, 2019
Date of proposed construction on property:	Feb 4, 2019	Length of time the existing uses of the subject property have continued:	Feb 4, 2019

EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):

Residential

PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):

Residential

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)

Frontage: 22.037 m² Depth: 16.453 m² Area: 362.574 m²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)			
EXISTING (DWELLINGS & BUILDINGS)		PROPOSED <i>no change</i>	
Main Building		Main Building	
Gross Floor Area:	<i>18636 m²</i>	Gross Floor Area:	
Height of building:	<i>2</i>	Height of building:	<i>2 storey</i>
Garage/Carport (if applicable) <i>N/A</i>		Garage/Carport (if applicable)	
Attached <input type="checkbox"/>	Detached <input type="checkbox"/>	Attached <input type="checkbox"/>	Detached <input type="checkbox"/>
Width:	<i>(7.1) m</i>	Width:	
Length:		Length:	
Driveway Width:	<i>7.15 m</i>	Driveway Width:	
Accessory Structures (Shed, Gazebo, Pool, Deck)		Accessory Structures (Shed, Gazebo, Pool, Deck)	
Describe details, including height:		Describe details, including height:	

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND			
EXISTING		PROPOSED <i>no changes</i>	
Front Yard Setback:	<i>1.78</i> M	Front Yard Setback:	<i>no changes</i> M
Exterior Side Yard (corner lots only)	<i>1.2</i> M	Exterior Side Yard (corner lots only)	M
Side Yard Setback:	Left: <i>(7.17)</i> M Right: <i>(4.93)</i> M	Side Yard Setback:	Left: M Right: M
Rear Yard Setback	<i>(1.78)</i> M	Rear Yard Setback	M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/>
If not available, by what means is it provided:	

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>19000122 000 00 RC</i>
Consent	<input type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>18 006 248 000 00 CA</i>

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Access, Privacy and Records Specialist, City Clerk's Department, 1 Carden Street, Guelph, Ontario, N1H 3A1

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

POSTING OF ADVISORY SIGN

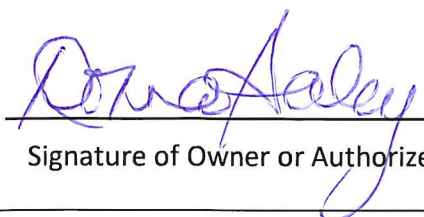
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

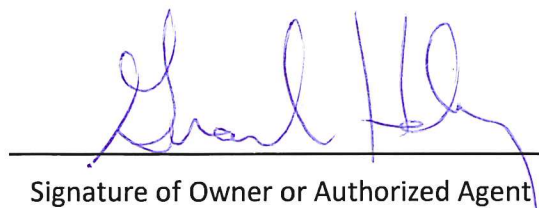
For commercial or industrial buildings, it may be appropriate to post the sign on the front wall of the building or at its entrance.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.



Signature of Owner or Authorized Agent



Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, Donna Haley, of the City/Town of Guelph in County/Regional Municipality of Wellington, solemnly declare that all of the above statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

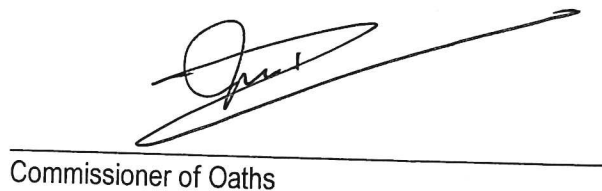

Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

Declared before me at the

City/Town of Guelph in the County/Regional Municipality of Wellington this 3 day of March, 2020.



Commissioner of Oaths

JUAN ANTONIO da SILVA CABRAL
A Commissioner etc. Province of Ontario for
The Corporation of the City of Guelph
Expires July 19, 2022

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned, being the registered property owner(s)

Gerard Haley of 966629 Ontario Inc.
 [Organization name / property owner's name(s)]

of Part Lot 200, Plan 8 known as 55 Dublin St S
 (Legal description and/or municipal address)

hereby authorize Donna Haley
 (Authorized agent's name)

as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 26th day of February 2020

Gerard Haley
 (Signature of the property owner)

 (Signature of the property owner)

NOTES:

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.

Committee of Adjustment Notice of Public Hearing



An Application for a Minor Variance has been filed with the Committee of Adjustment

Application Details

Location:

715 Wellington Street West

Proposal:

The applicant is proposing to relocate a retail store for the sale of pet foods, pet related supplies and accessories and services (Global Pet Foods) to a unit with a floor area of 362.58 square metres (labelled as "Building D" on the attached site plan). A previous Committee of Adjustment decision (file A-17/11) permitted this use limited to a maximum of 232.25 square metres.

By-Law Requirements:

The property is located in the Specialized Service Commercial (SC.2-5) Zone. A variance from Section 6.4.3.2.5.1 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law permits a variety of service commercial uses, and the retail sales and display of electronics and audio-visual equipment, furniture and appliances, and electrical/lighting supplies, but does not permit the retail sale of pet foods, pet related supplies and accessories and services.

Request:

The applicant is seeking relief from the By-Law requirements to permit a retail establishment for the sale of pet foods, pet related supplies and accessories and services as an additional use with a total gross floor area greater than 232.25 square metres.

Hearing Details

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

Date:	Thursday, May 28, 2020
Time:	4:00 p.m.
Location:	Remote Committee of Adjustment hearing live streamed at guelph.ca/live
Application Number:	A-18/20

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

Providing Comments

Any person may watch the remote public hearing on guelph.ca/live and participate by submitting written comments and/or speaking to the application. Alternate meeting formats are available upon request.

You may submit your written comments to the Secretary-Treasurer of the Committee of Adjustment using the contact information listed below. Please include your name, your address, application number or address of the property you are providing comments on, as well as any other relevant information in your submission. Written comments received by **May 21, 2020 at 12:00 p.m.** will be forwarded to the Committee members prior to the hearing. Comments submitted after this date will be provided at the hearing.

If you wish to speak to an application, please email or phone Committee of Adjustment staff no later than **2:00 p.m. on the day of the hearing**. Please indicate your name, phone number and the application number or address of the property you wish to speak to. When we receive your request, we will send you confirmation and instructions for participating in the remote public hearing.

Instructions will also be provided during the hearing to ensure those watching the remote public hearing are given the opportunity to speak.

Your comments, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request. For questions regarding the collection, use, and disclosure of personal information please contact the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 extension 2349.

Additional Information

Agendas and comments related to this application will be available online at guelph.ca/cofa. Alternative document formats are available upon request. Additional information related to this application may be obtained by contacting Committee of Adjustment staff between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Notice of the Decision

If you wish to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

Notice Details

Trista Di Lullo, ACST

Secretary-Treasurer, Committee of Adjustment

Dated May 8, 2020.

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

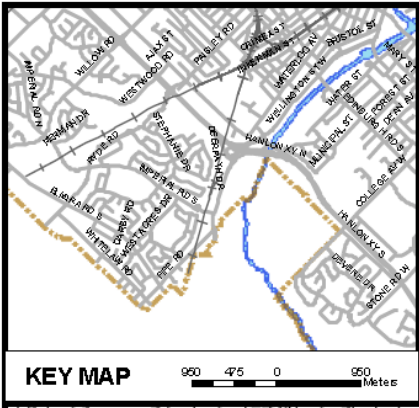
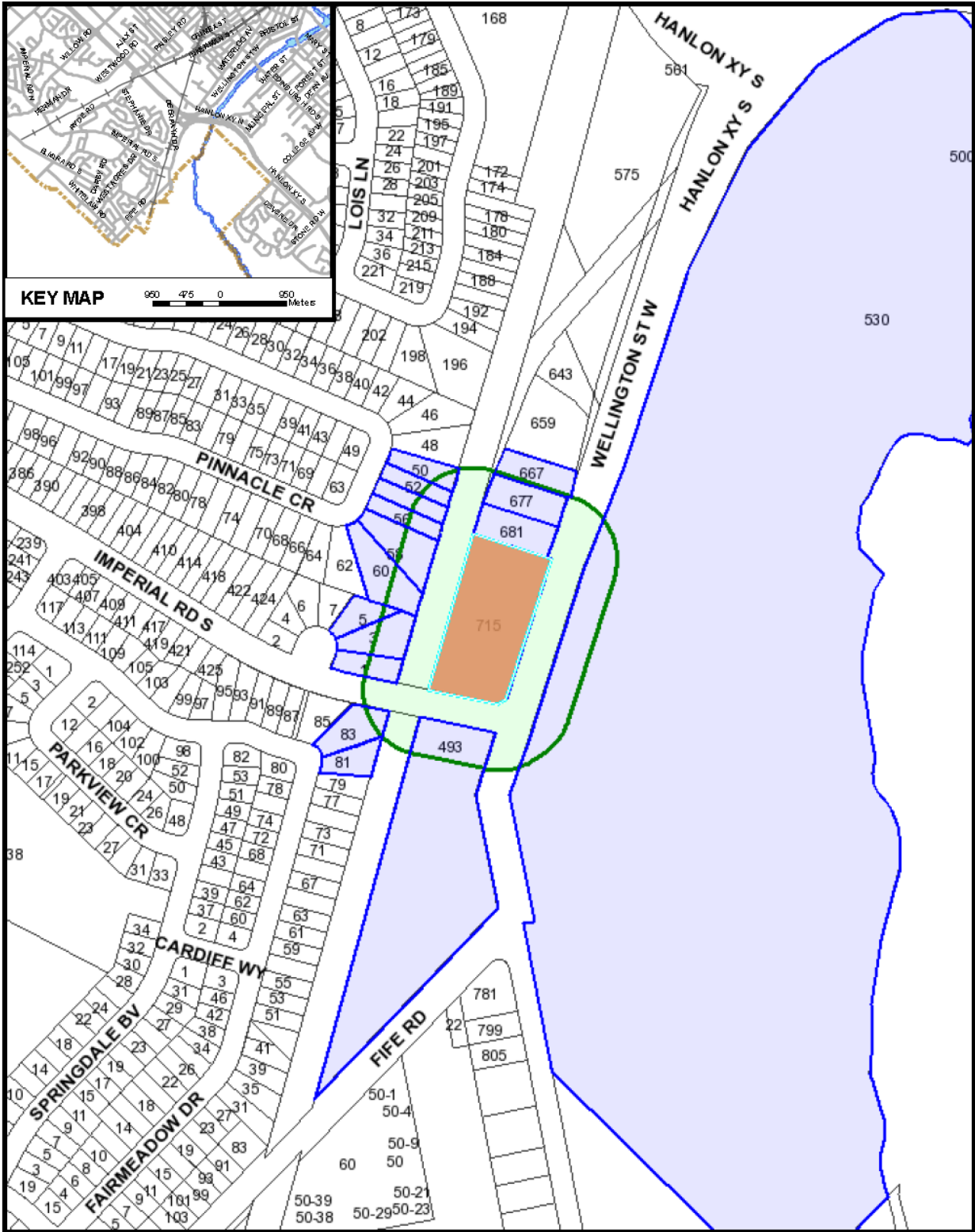
Due to the closure of City Hall, written comments can be mailed or dropped off in the mail slot located by the main entrance of City Hall

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa



715 Wellington Street West (A-18/20)
60m Circulation Area

Produced by the City of Guelph
City Clerk's Office/Committee of Adjustment
Date Printed: 3/10/2020, 4:01:28 PM



The City of Guelph, its employees and agents, do not undertake to guarantee the validity of the contents of the digital or hardcopy map files, and will not be liable for any claims for damages or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or be used for legal description. This map may not be reproduced without the permission of the City of Guelph. Please contact the City of Guelph's GIS group for additional information at 519-822-2300.

879011 Ontario Limited

March 6, 2020

Hand Delivered

City of Guelph
Committee of Adjustment
1 Carden Street, Guelph, Ontario
N1H 3A1

Attention: Trista Di Lullo, Secretary Treasurer

Dear Ms. Di Lullo

Re: Follow Up Variance – Global Pet Foods - 715 Wellington St W – NE Corner Wellington and Imperial

On April 12, 2011 the Committee of Adjustment approved a use variance to permit *retail sale of pet foods, pet-related supplies, pet accessories and services* at our above noted plaza, which is zoned SC.2-5. Based on planning staff comments at that time, the approval limited the size of the use to 2,500 square feet.

Since 2011 Global Pet Foods has successfully conducted business in our plaza to the point that they would like to increase the size of the store to better serve their customer base. As the planned increase will take the size of the store above the size limit established in the previous decision, a new variance is required to permit the *retail sale of pet foods, pet-related supplies, pet accessories and services ...* in a space larger than 2,500 square feet.

Vacant space is available to accommodate the proposed expansion with a simple move from one part of the plaza to another (see attached site plan). No other physical changes are required to the site. Permitting the pet food store to grow with its customer base as is being requested, is in our view 'minor'.

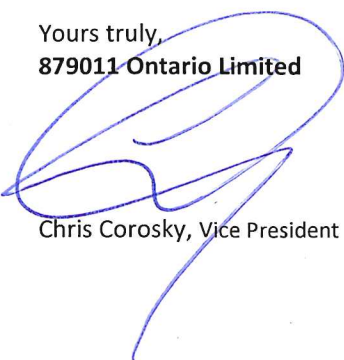
The floorspace for the expanded Global Pet Food will be just under 4,000 square feet. To prevent the need for any future variance applications we request that no floorspace cap be imposed, however, if a cap is imposed that it be set at 5,000 square feet to provide some long-term operational flexibility. We note that many retail uses are permitted as of right in the SC.2-5 zone (eg. liquor store, convenience store) and that these uses are permitted with no limit on the amount of floorspace they can occupy. Accordingly, we see no reason why the size of the pet food use should be restricted.

Approval of this application will result in a number of positive outcomes; 1) viability of the plaza will be enhanced as more floorspace will be occupied, 2) a successful local business will be enabled to grow with its customer base, and 3) higher occupancy will result in higher tax revenues being generated from the property.

Based on pre-consultation with both planning and zoning staff prior to the submission of this application, we anticipate receiving staff support for permitting this use in an expanded form.

A cheque in the amount of \$950.00 (fee) is attached. Should you require any additional information, let me know.

Yours truly,
879011 Ontario Limited



Chris Corosky, Vice President

DECISION

Application Number

A-93/00

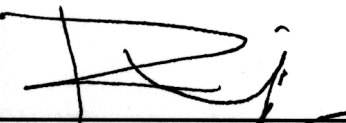
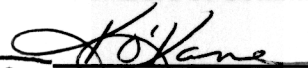

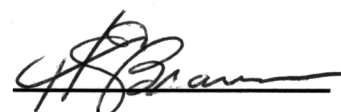
CITY OF GUELPH
Committee of Adjustment
59 Carden Street
Guelph, Ontario. N1H 3A1
(519) 837-5615

The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.2.2.3. of Zoning By-law (1995)-14864, as amended, for 715 Wellington Street, West to permit a vehicle gas bar to be situate 8 metres (26.24 feet) from the Wellington Street and Imperial Road, South property lines when the By-law requires that the minimum front and exterior side yard for a vehicle gas bar be 15 metres (49.2 feet), be approved, subject to the following condition:

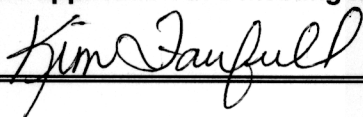
That the proposed gas bar building include landscape elements and/or distinctive architectural features and building materials to accentuate the intersection of Wellington Street and Imperial Road to the satisfaction of the Director of Planning and Development."

Members of Committee Concurring in this Decision

I, Kimberli Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the Decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on August 8, 2000.

Signed:



Dated on: August 11, 2000

The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is August 28, 2000.

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER A-17/11



The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.2.5.1 of Zoning By-law (1995)-14864, as amended, for 715 Wellington Street, West, to permit a retail establishment for the sale of pet foods, pet related supplies and accessories and services, be approved, subject to the following condition:

1. That the total Gross Floor Area of the retail pet store be limited to a maximum of 232.25m² (2,500 sq. ft.)."

Members of Committee
Concurring in this Decision

I, Kimberli Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on April 12, 2011.

Dated: April 15, 2011

The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is May 2, 2011.

Committee of Adjustment

T 519-837-5615
F 519-822-4632
E cofa@guelph.ca

Committee of Adjustment Application for Minor Variance



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>March 6, 2020</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>A-18120</u>

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff?

Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 715 Wellington Street West - north-east corner of Wellington & Imperial

Legal description of property (registered plan number and lot number or other legal description):

Part of Lot 1, Division E, Concession 1, City of Guelph, Formerly Township of Guelph, County of Wellington

REGISTERED OWNER(S) INFORMATION: (Please indicate name(s) exactly as shown on Transfer/Deed of Land)

Name: 879011 Ontario Limited (Armel) - - Contact - Chris Corosky

Mailing Address: 199 Bay Street, Suite 2900, P.O. Box 459

City: Toronto Postal Code: M5L 1G4

Home Phone: _____ Work Phone: 416 214 6833

Fax: _____ Email: ccorosky@armelcorp.com

AGENT INFORMATION (If Any) Not applicable

Company: _____

Name: _____

Mailing Address: _____

City: _____ Postal Code: _____

Work Phone: _____ Mobile Phone: _____

Fax: _____ Email: _____

Official Plan Designation: Service Commercial	Current Zoning Designation: SC.2 - 5
--	---

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

An application was **approved** by the Committee of Adjustment in 2011 (A-17/11) to permit "the sale of pet foods, pet related supplies and accessories and services". Based on planning staff comments at the time, the approval limited the size of the use to 2,500 square feet.

~~Due to the success of this business, a~~ further variance is requested to Section 6.4.3.2.5.1 to permit this same use to expand beyond 2,500 square feet.

No other variances are necessary. The plaza is fully built, and the planned expansion of Global Pet Foods will be accommodated by a simple move from current tenant space to vacant space located in another building on site.

Why is it not possible to comply with the provision of the by-law? (your explanation)

More floorspace is required for Global Pet Food to grow with its customer base.

As noted above, the expansion can be efficiently accommodated utilizing vacant space that already exists on the site, as generally shown on the attached site plan.

The approval of this application has a number of benefits, including 1) More efficient use of already constructed services, 2) Creates a more fully leased up, vibrant site, and 3) Increases tax base.

As existing vacant space is available, and site services are all currently in place, the approval of this application will enable a seamless on-site expansion of this local business, with **no negative implications**.

PROPERTY INFORMATION

Date property was purchased:	Unknown	Date property was first built on:	2001
Date of proposed construction on property:	None required other than internal renovations	Length of time the existing uses of the subject property have continued:	Global Pet Food - Since 2011

EXISTING USE OF THE SUBJECT PROPERTY **Commercial**

PROPOSED USE OF LAND Same as above - only change would be Global Pet Food moving from current space into a larger (> than 2,500 sqft) vacant space in another on-site building - See Site Plan.

DIMENSIONS OF PROPERTY: See attached site plan

Frontage: Approx 61 m (Imperial) Depth: Approx 135 m (Wellington) Area: Approx 2.57 acres / 10,392 m²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)	
EXISTING (DWELLINGS & BUILDINGS)	PROPOSED
<p>No changes are required to existing buildings and structures on the property. The site plan as currently exists (copy of site plan is attached) will not change. Four single storey buildings comprise the plaza: - Tim Hortons (3,030 sq ft / 281.5 m²) - Pioneer Gar Bar and Kiosk 796 sq ft / 74 m²) - Block A (6,770 sq ft / 628.8 m²) - Block D (5,013 sq ft / 465.8 m²) Global Pet Foods proposes to move from existing Block A to vacant space in Block D as shown on the attached site plan.</p> <p style="color: blue; font-family: cursive;">The expanded Global Pet Food floorspace will be (just under) (4,000 sq ft.) 3,903 sq ft / 362.58 m² (JD)</p>	

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND			
EXISTING		See Attached Site Plan	PROPOSED
Front Yard Setback:	6.0 m minimum - complies	Front Yard Setback:	- No Changes Proposed
Exterior Side Yard (corner lots only)	6.0 m minimum - complies	Exterior Side Yard (corner lots only)	- No Changes Proposed
Side Yard Setback:	3.0 m minimum - complies	Side Yard Setback:	- No Changes Proposed
Rear Yard Setback	6.0 m minimum - complies	Rear Yard Setback	- No Changes Proposed

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)				
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/>	Private Road <input type="checkbox"/>	Water <input type="checkbox"/>	Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)		
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/>	Storm Sewer <input checked="" type="checkbox"/>
If not available, by what means is it provided:		

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A-17/11 - pet food use approved / limited to 2,500 sq ft

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 ext. 2349.

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.


POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.



Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, Chris Corosky, of the City/Town of
Guelph in County/Regional Municipality of _____, solemnly
 declare that all of the above statements contained in this application are true and I make this solemn
 declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if
 made under oath and by virtue of the Canada Evidence Act.



 Signature of Applicant or Authorized Agent

 Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

Declared before me at the

City/Town of Guelph in the County/Regional Municipality of _____

Wedington this 6 day of March, 20 20.



 Commissioner of Oaths

JUAN ANTONIO da SILVA CABRAL
 A Commissioner etc. Province of Ontario for
 The Corporation of the City of Guelph
 Expires July 19, 2022

(official stamp of Commissioner of Oaths)

Committee of Adjustment Notice of Public Hearing



An Application for a Minor Variance has been filed with the Committee of Adjustment

Application Details

Location:

260 Woodlawn Road West

Proposal:

The applicant is proposing to use the existing 372 square metre commercial building as a medical clinic for a dental office.

By-Law Requirements:

The property is located in the Specialized Service Commercial (SC.2-2) Zone. A variance from Section 6.4.3.2.2.1 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law permits a variety of uses in the SC.2-2 Zone, but does not permit a medical clinic. A medical clinic is defined in the Zoning By-law as a place in which 3 or more medical practitioners are located and provide medical, dental or other human health treatment on a out-patient.

Request:

The applicant is seeking relief from the By-Law requirements to permit a medical clinic use as an additional permitted use within the existing commercial building.

Hearing Details

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

Date: **Thursday, May 28, 2020**

Time: **4:00 p.m.**

Location: **Remote Committee of Adjustment hearing live streamed at guelph.ca/live**

Application Number: **A-19/20**

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

Providing Comments

Any person may watch the remote public hearing on guelph.ca/live and participate by submitting written comments and/or speaking to the application. Alternate meeting formats are available upon request.

You may submit your written comments to the Secretary-Treasurer of the Committee of Adjustment using the contact information listed below. Please include your name, your address, application number or address of the property you are providing comments on, as well as any other relevant information in your submission. Written comments received by **May 21, 2020 at 12:00 p.m.** will be forwarded to the Committee members prior to the hearing. Comments submitted after this date will be provided at the hearing.

If you wish to speak to an application, please email or phone Committee of Adjustment staff no later than **2:00 p.m. on the day of the hearing**. Please indicate your name, phone number and the application number or address of the property you wish to speak to. When we receive your request, we will send you confirmation and instructions for participating in the remote public hearing. Instructions will also be provided during the hearing to ensure those watching the remote public hearing are given the opportunity to speak.

Your comments, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of

Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request. For questions regarding the collection, use, and disclosure of personal information please contact the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 extension 2349.

Additional Information

Agendas and comments related to this application will be available online at guelph.ca/cofa. Alternative document formats are available upon request. Additional information related to this application may be obtained by contacting Committee of Adjustment staff between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Notice of the Decision

If you wish to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

Notice Details

Trista Di Lullo, ACST

Secretary-Treasurer, Committee of Adjustment

Dated May 8, 2020.

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

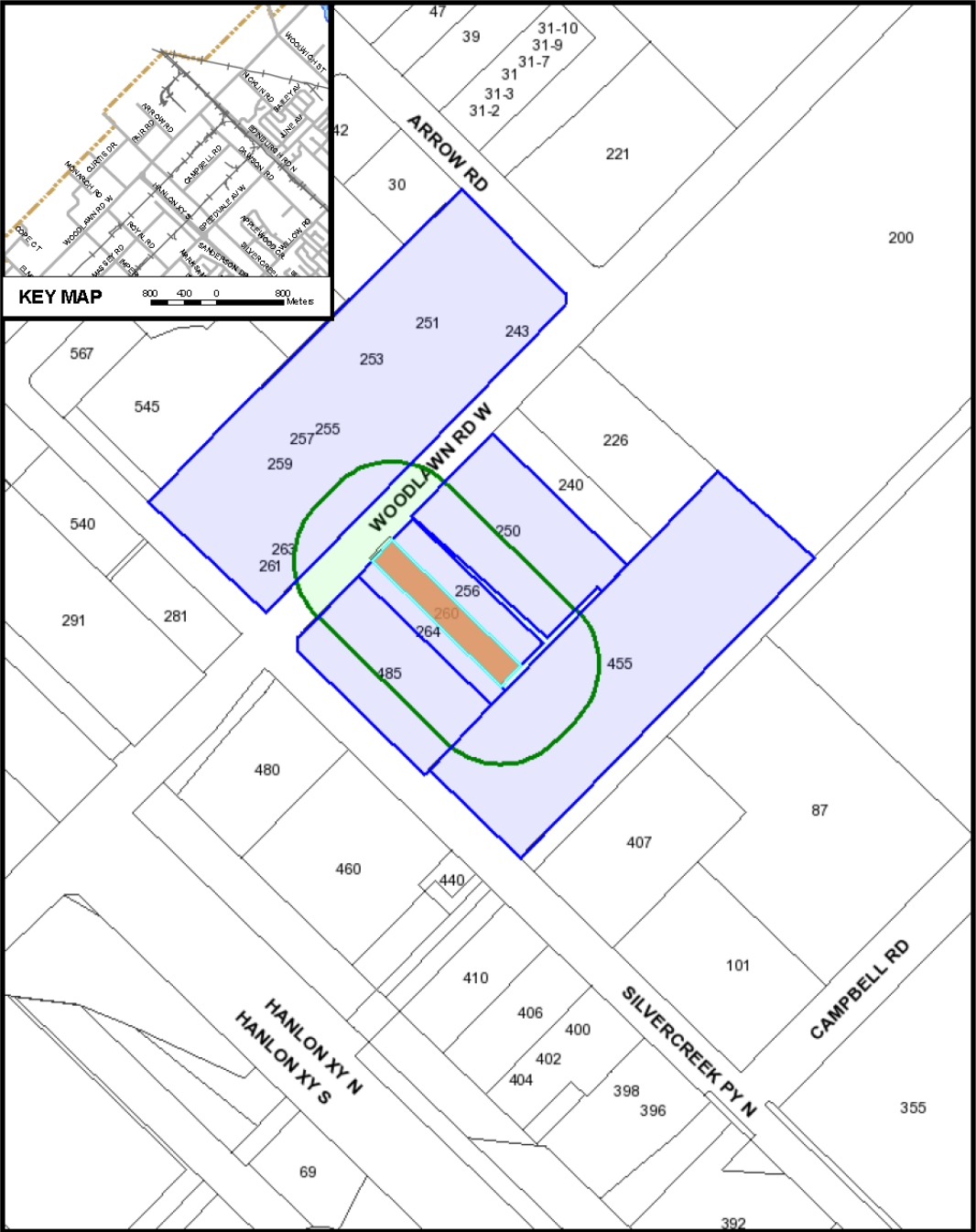
Due to the closure of City Hall, written comments can be mailed or dropped off in the mail slot located by the main entrance of City Hall


519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa






Produced by the City of Guelph
City Clerk's Office/Committee of Adjustment
Date Printed: 3/11/2020, 11:43:31AM

260 Woodlawn Road West (A-19/20)
60m Circulation Area

75 37.5 0 75 150 m



The City of Guelph, its employees and agents, do not warrant or guarantee the accuracy or reliability of the content of the digital or hardcopy map files, and will not be liable for any claims for damages or loss arising from their application or incorporation, in any form, into any system or equipment, or for any other use of the map files. The map files may not be reproduced without the permission of the City of Guelph. Please contact the City of Guelph's GIS group for additional information at 519-825-1306.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE COURSE OF THE WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT PRIOR TO THE COMMENCEMENT OF THE WORK. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR PROCEED IN UNCERTAINTY.

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REVISION DATE
REISSUED FOR SPAV/ FOUND PERMIT DEC 23 03

THIS DRAWING FOR
FOUNDATION PERMIT
PURPOSES ONLY.



JAMES
FRYETT
ARCHITECT

60 GILKISON STREET
ELORA, ONT N0B 1S0
TELEPHONE 519 846 8201
FAX 519 846 0343
E-MAIL info@fryettarchitect.com

SEAL DATE NOV 14 2003

ISSUED
DRAWN
CHECKED
APPROVED

PROJECT

PROPOSED OFFICES

EHC INTERNATIONAL LTD
260 WOODLAUN RD
GUELPH

TITLE

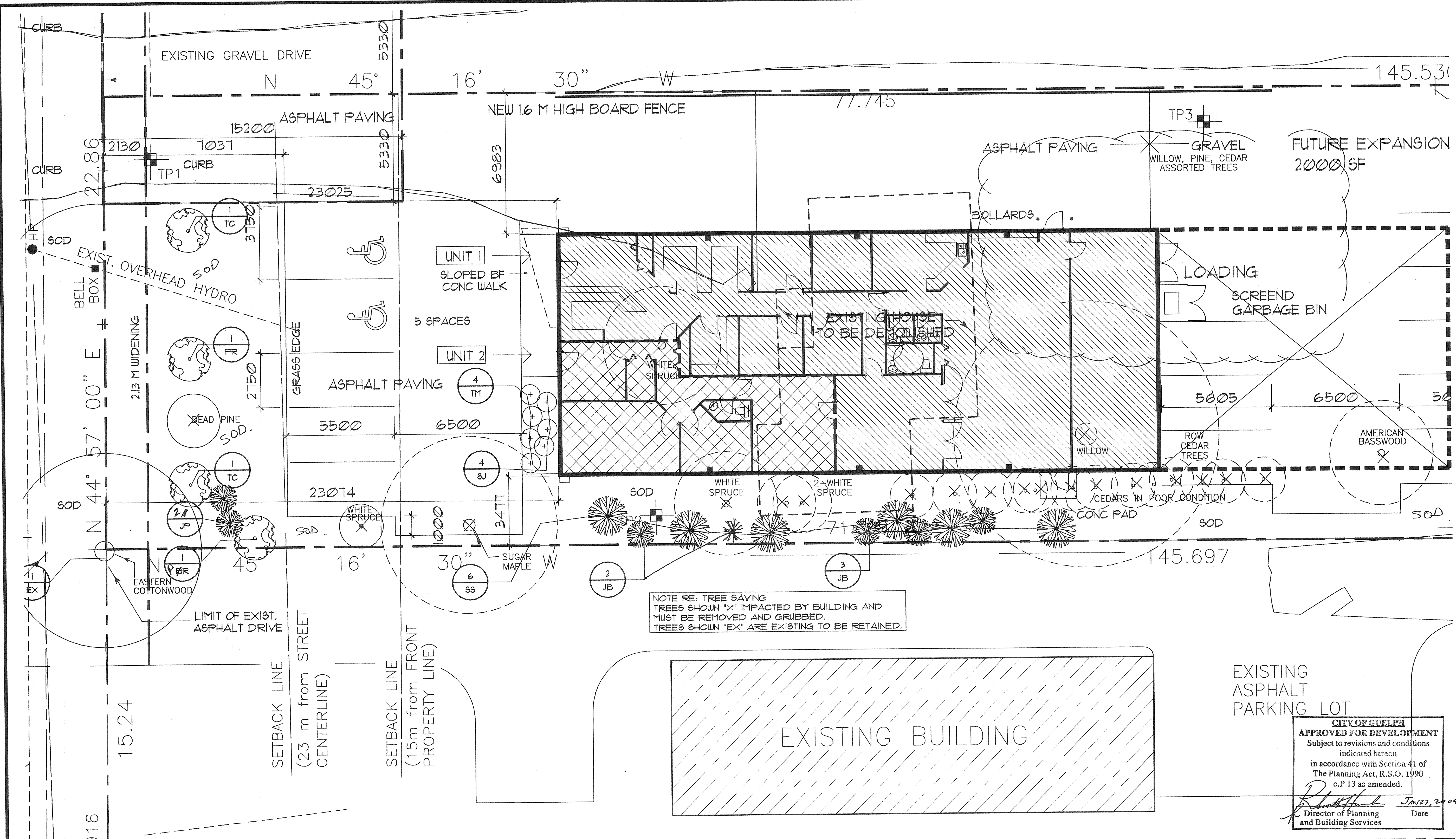
DETAIL SITE AND
LANDSCAPING PLA

FILE SHEET

PLOTVIEW

PROJECT

SCALE 1:100 REV. 1



NOTE RE: TREE SAVING
TREES SHOWN 'X' IMPACTED BY BUILDING AND
MUST BE REMOVED AND GRUBBED.
TREES SHOWN 'EX' ARE EXISTING TO BE RETAINED.

CITY OF GUELPH
APPROVED FOR DEVELOPMENT
Subject to revisions and conditions
indicated hereon
in accordance with Section 41 of
The Planning Act, R.S.O. 1990
c.P 13 as amended.
Date

of
plants

PLANTING SCHEDULE				
KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
2	TC	TILIA CORDATA	60MM	WB
2	PR	ACER PLATINOIDES RUBRUM	60MM	WB
6	SS	PICEA AMORICA	150CM	WB
2	JP	JUNIPERUS HORIZ 'PLUMOSA COMPACTA'	60CM	POT
5	JB	JUNIPERUS SABINA 'BUFFALO'	80 60CM	POT
4	TM	TAXUS X MEDIA 'WARDII'	80 60CM	POT
4	SJ	SPIREA JAPONICA 'LITTLE PRINCESS'	60CM	POT
X	REMOVE EXISTING TREE			

REGULATIONS GOVERNING SPECIALIZED SERVICE COMMERCIAL SC 2-2 ZONE			
ROW	ZONE	PERMITTED	PROPOSED
1			
2	MINIMUM LOT AREA	--	1521 m ²
3	MINIMUM LOT FRONTAGE	30 M	22.86 M
4	MINIMUM FRONT YARD	15 M	23 M
5	MINIMUM SIDE YARD	3 M	3.41/6.95
6	MINIMUM EXTERIOR SIDE YARD	NA	N/A
7	MINIMUM REAR YARD	1/2 BLDG HT OR 6M	19.8 m (65'-0") approx
8	MAXIMUM BUILDING HEIGHT	3 STOREYS	1 STOREY
9	OFF-STREET PARKING 1 SPACE / 33 m ² GFA	12 PHASE 1	20 PHASE 1
10	OFF-STREET LOADING	SECTION 4.14	1
11	FENCES	SECTION 4.20	--
12	BUFFER STRIPS	--	--
13	ENCLOSED OPERATIONS	IN ACCORDANCE WITH 4.22	COMPLIES
14	ACCESSORY BUILDINGS OR STRUCTURES	--	N/A
15	MINIMUM LANDSCAPED OPEN SPACE	10%	30% PHASE 2
16	GARBAGE, REFUSE STORAGE & COMPOSTERS	IN ACCORDANCE WITH SECT. 4.3	SCREENED BIN

ITEM	ONTARIO BUILDING CODE DATA MATRIX						OBC REFERENCE					
1	PROJECT DESCRIPTION: <input type="checkbox"/> CHANGE OF USE <input checked="" type="checkbox"/> NEW						<input checked="" type="checkbox"/> PART 3		<input type="checkbox"/> PART 9		<input type="checkbox"/> PART 11	
2	BMC INTERNATIONAL OFFICES						<input type="checkbox"/> ADDITION		<input type="checkbox"/> ALTERATION		A2 ASSEMBLY	
3	BUILDING AREA (m2)		EXISTING 0		NEW 312 M2		TOTAL 312 M2		312 M2			
4	GROSS AREA		EXISTING 0		NEW 312 M2		TOTAL 312 M2		312 M2			
5	NUMBER OF STOREYS		ABOVE GRADE 1		BELOW GRADE 0							
6	HEIGHT OF BUILDING (m)		4.0 MAX						4.0 MAX			
7	NUMBER OF STREETS/ACCESS ROUTES		1						1			
8	BUILDING CLASSIFICATION						322B5					
9	SPRINKLER SYSTEM PROPOSED						<input type="checkbox"/> ENTIRE BUILDING					
							<input type="checkbox"/> BASEMENT ONLY					
							<input type="checkbox"/> IN LIEU OF ROOF RATING					
							<input checked="" type="checkbox"/> NOT REQUIRED					
10	STANDPIPE REQUIRED		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				32.91					
11	FIRE ALARM REQUIRED		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				32.41					
12	WATER SERVICE SUPPLY IS ADEQUATE		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO									
13	HIGH BUILDING		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
14	CONSTRUCTION		<input type="checkbox"/> COMBUSTIBLE <input checked="" type="checkbox"/> NON COMBUSTIBLE									
15	MEZZANINE(S) AREA m2		0 M2									
16	TOTAL OCCUPANCY LOAD		50 PERSONS									
	BASED ON		<input type="checkbox"/> m2/PERSON <input checked="" type="checkbox"/> DESIGN OF BUILDING									
17	BARRIER-FREE DESIGN		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (EXPLAIN)									
18	HAZARDOUS SUBSTANCES						<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
19	REQUIRED FIRE RESISTANCE RATING (FRR)		HORIZONTAL ASSEMBLIES FRR (HOURS)		LISTED DESIGN NO. OR DESCRIPTION (SG-2)							
	FLOORS		3/4 HOURS		RATING/SEPARATION							
	ROOF		0 HOURS		RATING							
	MEZZANINE		3/4 HOURS		RATING							
	FRR OF SUPPORTING MEMBERS				LISTED DESIGN NO. OR DESCRIPTION (SG-2)							
	FLOORS		3/4 HOURS									
	ROOF		0 HOURS									
	MEZZANINE		3/4 HOURS									
20	SPATIAL SEPARATION - CONSTRUCTION OF EXTERIOR WALLS											
	WALL	AREA OF EBF (m2)	L.D. (m)	L/H OR H/L	PERMITTED MAX % OF OPENINGS	PROPOSED % OF OPENINGS	FRR (HOURS)	LISTED DESIGN OR DESCRIPTION	COMB CONST	COMB CONSTR NONCOMB CLADDING	NON-COMB CONST	
	NORTH	40	STREET	3:1	100	50	0		ALLOWED	ALLOWED	ALLOWED	
	SOUTH	40	92	3:1	100	5	0		ALLOWED	ALLOWED	ALLOWED	
	EAST	95	10	10:1	10	12	3/4		NO	ALLOWED	ALLOWED	
	WEST	95	35	10:1	15	8	1		ALLOWED	ALLOWED	ALLOWED	

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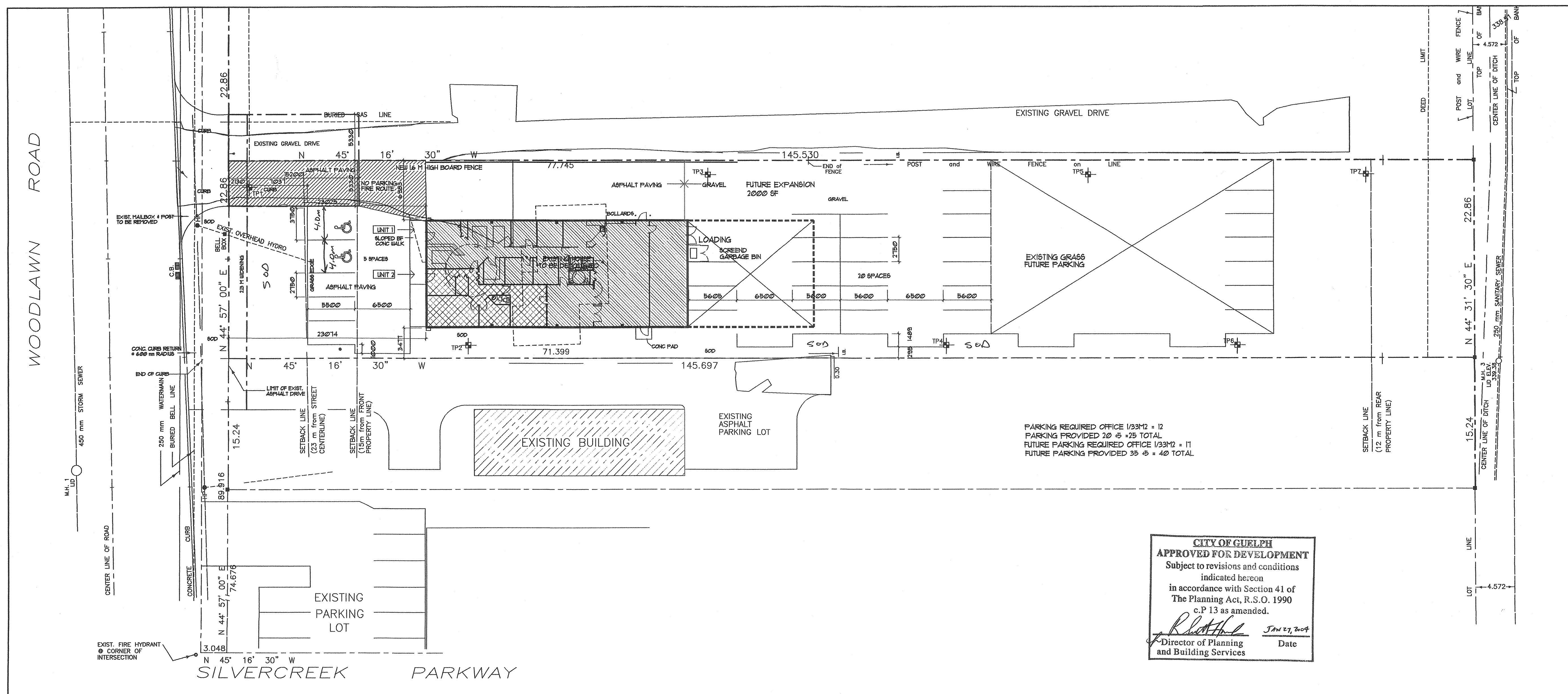
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REVISION ☐ DATE ☐

REISSUED FOR SPAY/ FOUND PERMIT DEC 23 03

THIS DRAWING FOR FOUNDATION PERMIT PURPOSES ONLY.



ambro
BUILDING UP OUR WORLD

JAMES
FRYETT
ARCHITECT

60 GILKISON STREET
ELORA, ONT N0B 1S0
TELEPHONE 519 846 2201
FAX 519 846 0343
E-MAIL info@jryettarchitect.com

SEAL ☐ DATE ☐
ISSUED ☐ NOV 14 2003
DRAWN ☐
CHECKED ☐
APPROVED ☐

PROJECT ☐

PROPOSED OFFICES

EHC INTERNATIONAL LTD
260 WOODLAUN RD
GUELPH

TITLE ☐

SITE
PLAN

FILE ☐ SHEET ☐

PLOTVIEW ☐

PROJECT ☐

SCALE ☐

1:250 REV. 1

City — of Guelph

Decision

COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-36/04

Planning and Building Services

Working Together to Build Our Community



The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.2.2.1. of Zoning By-law (1995)-14864, as amended for 260 Woodlawn Road, West, to construct an office building for one tenant when the By-law permits an office use only within a mall (two or more units), be approved, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 2.134-metre wide parcel of land for a road widening across the entire frontage of number 260 Woodlawn Road, West as shown in red on the owners site plan, prior to the use of the site for an office.
2. That the owner develops the site in accordance with the approved site plan dated January 27, 2004.
3. That the owner pays for all required curb cuts and fills, prior to the issuance of a building permit."

**Members of Committee
Concurring in this Decision**

A blue ink signature of a committee member, written over a horizontal line.

A blue ink signature of a committee member, written over a horizontal line.

A blue ink signature of a committee member, written over a horizontal line.

The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is March 29, 2004.

I, Kim Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on March 9, 2004.

Dated: March 12, 2004

Signed:

A blue ink signature of Kim Fairfull, written over a horizontal line.

Mailing Address: City Hall, 59 Carden Street, Guelph ON N1H 3A1

Web Site: www.city.guelph.on.ca

Planning Office: 59 Carden Street, 2nd Floor, Guelph ON, Tel: (519) 837-5616, Fax: (519) 837-5640, Email: planning@city.guelph.on.ca

Building Office: 2 Wyndham St. N, 2nd Floor, Guelph ON, Tel: (519) 837-5615, Fax: (519) 822-4632, Email: cofa@city.guelph.on.ca

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>March 6, 2020</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>A-19120</u>

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 260 WOODLAWN ROAD, WEST, GUELPH, ON.

Legal description of property (registered plan number and lot number or other legal description):

PT LT 28, DIVISION 'A' AS IN R07293390 EXCEPT CS66226 AND PART 1, 61R9852; GUELPH.

OWNER(S) INFORMATION:

Name: EVERY HOME FOR CHRIST INTERNATIONAL / CANADA
 Mailing Address: P.O. Box 3636, 450 SPEEDVALE AVE, WEST, STN 101, G
 City: GUELPH, ON Postal Code: N1H-7Y6
 Home Phone: _____ Work Phone: 1-800-265-7326
 Fax: _____ Email: denysb@ehc.ca

AGENT INFORMATION (If Any)

Company: ROYAL LEPAGE ROYAL CITY REALTY LTD.
 Name: GERRY LALL
 Mailing Address: 848 GORDON STREET
 City: GUELPH, ON Postal Code: N1G-1Y7
 Work Phone: 519-824-9050 Mobile Phone: 519-830-7538
 Fax: _____ Email: glall@royallepage.ca

9

Official Plan Designation: <u>SERVICE COMMERCIAL</u> <u>(SC. 2-2)</u>	Current Zoning Designation: <u>SC. 2-2</u>
--	--

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

TO PERMIT A VARIANCE TO THE CURRENT ZONING, SC. 2-2,
TO ALLOW AN ADDITIONAL USE FOR A MEDICAL CLINIC (DENTAL).

A VARIANCE TO SECTION 6.4.3.2.2.1 OF THE ZONING
BY LAW TO PERMIT AN ADDITIONAL USE OF 'MEDICAL CLINIC'.

Why is it not possible to comply with the provision of the by-law? (your explanation)

THE CURRENT ZONING, SC. 2-2, DOES NOT PERMIT FOR USE
AS A MEDICAL CLINIC. THE PARENT ZONING, SC. 2, DOES
PROVIDE FOR A MEDICAL CLINIC

PROPERTY INFORMATION			
Date property was purchased:	<u>OCTOBER 30, 2003</u>	Date property was first built on:	<u>2004</u>
Date of proposed construction on property:	<u>N/A</u>	Length of time the existing uses of the subject property have continued:	<u>SINCE 2004</u> <u>(APPROX 16 YEARS)</u>
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):			
<u>ADMINISTRATIVE HEAD OFFICES & STORAGE/WAREHOUSE</u>			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):			
<u>MEDICAL CLINIC</u>			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)

Frontage: 22.83 M Depth: 145.53 M Area: 3,322.45 M²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	372 M ²		Gross Floor Area:	N/A	
Height of building:	4.0 M		Height of building:		
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
N/A			N/A		
Attached <input type="checkbox"/>	Detached <input type="checkbox"/>		Attached <input type="checkbox"/>	Detached <input type="checkbox"/>	
Width:			Width:		
Length:			Length:		
Driveway Width:			Driveway Width:		
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
N/A					
Describe details, including height:			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	23.07		M	Front Yard Setback:	N/A
Exterior Side Yard (corner lots only)			M	Exterior Side Yard (corner lots only)	M
Side Yard Setback:	Left: 6.58	M	Right: 3.47	M	
Rear Yard Setback	(approx 9.0)		M	Rear Yard Setback	M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input checked="" type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/>
If not available, by what means is it provided:	

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	S PD3C061
Building Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A-36/04

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Access, Privacy and Records Specialist, City Clerk's Department, 1 Carden Street, Guelph, Ontario, N1H 3A1

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

POSTING OF ADVISORY SIGN

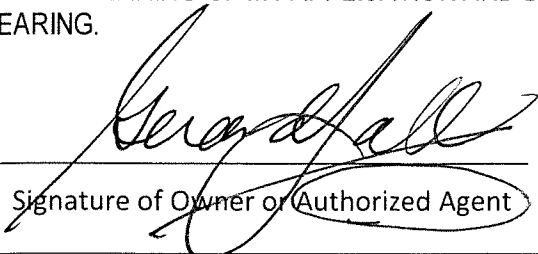
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For commercial or industrial buildings, it may be appropriate to post the sign on the front wall of the building or at its entrance.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.

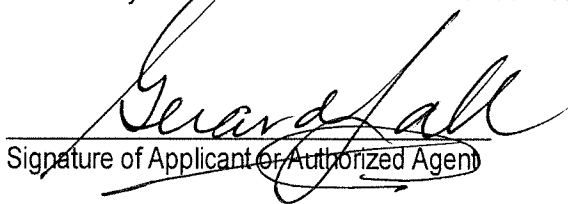


Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, GERARD LALL, of the City/Town of
GUELPH in County/Regional Municipality of WELLINGTON, solemnly
 declare that all of the above statements contained in this application are true and I make this solemn
 declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made
 under oath and by virtue of the Canada Evidence Act.


 Signature of Applicant or Authorized Agent

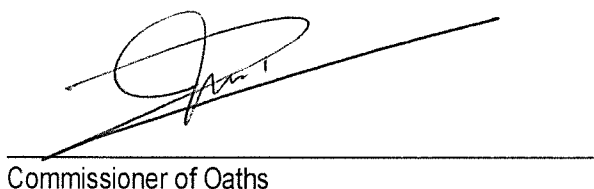
 Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

Declared before me at the

City/Town of Guelph in the County/Regional Municipality of

Wellington this 6 day of March, 20 20.


 Commissioner of Oaths

JUAN ANTONIO da SILVA CABRAL
 A Commissioner etc. Province of Ontario for
 The Corporation of the City of Guelph
 Expires July 19, 2022

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned, being the registered property owner(s)

EVERY HOME FOR CHRIST INTERNATIONAL / CANADA
[Organization name / property owner's name(s)]

of 260 WOODLAWN RD, WEST, GUELPH, ON.
(Legal description and/or municipal address)

hereby authorize GERRY LALL
(Authorized agent's name)

as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 5TH day of MARCH 20 20

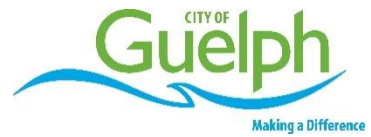
[Signature]
(Signature of the property owner)

(Signature of the property owner)

NOTES:

- 1 If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto)
- 2 If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed

Committee of Adjustment Notice of Public Hearing



An Application for a Minor Variance has been filed with the Committee of Adjustment

Application Details

Location:

128 Starwood Drive

Proposal:

The applicant is proposing to remove the existing temporary real estate sales trailer and establish a temporary gravel parking area to provide 9 off-street parking spaces in favour of the abutting model home that has recently been constructed (43 Everton Drive). A minor variance application (file A-15/19) to permit the existing temporary sales trailer was approved by the Committee of Adjustment in February 2019.

By-Law Requirements:

The property is located in the Residential Single Detached (R.1D) Zone. A variance from Section 5.1.1 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law permits a variety of uses, but does not permit a temporary parking area as a stand-alone use.

Request:

The applicant is seeking relief from the By-Law requirements to permit the use of the lot as temporary parking area for the abutting model home at 43 Everton Drive.

Hearing Details

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

Date:	Thursday, May 28, 2020
Time:	4:00 p.m.
Location:	Remote Committee of Adjustment hearing live streamed at guelph.ca/live
Application Number:	A-20/20

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

Providing Comments

Any person may watch the remote public hearing on guelph.ca/live and participate by submitting written comments and/or speaking to the application. Alternate meeting formats are available upon request.

You may submit your written comments to the Secretary-Treasurer of the Committee of Adjustment using the contact information listed below. Please include your name, your address, application number or address of the property you are providing comments on, as well as any other relevant information in your submission. Written comments received by **May 21, 2020 at 12:00 p.m.** will be forwarded to the Committee members prior to the hearing. Comments submitted after this date will be provided at the hearing.

If you wish to speak to an application, please email or phone Committee of Adjustment staff no later than **2:00 p.m. on the day of the hearing**. Please indicate your name, phone number and the application number or address of the property you wish to speak to. When we receive your request, we will send you confirmation and instructions for participating in the remote public hearing. Instructions will also be provided during the hearing to ensure those watching the remote public hearing are given the opportunity to speak.

Your comments, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request. For questions regarding the collection, use, and disclosure of personal information please contact the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 extension 2349.

Additional Information

Agendas and comments related to this application will be available online at guelph.ca/cofa. Alternative document formats are available upon request. Additional information related to this application may be obtained by contacting Committee of Adjustment staff between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Notice of the Decision

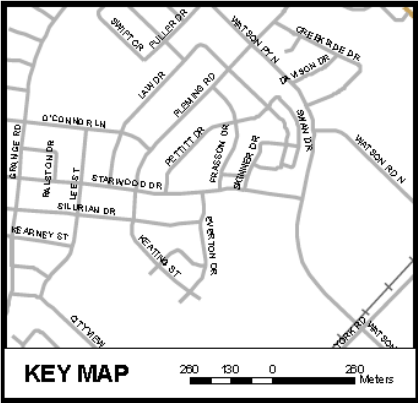
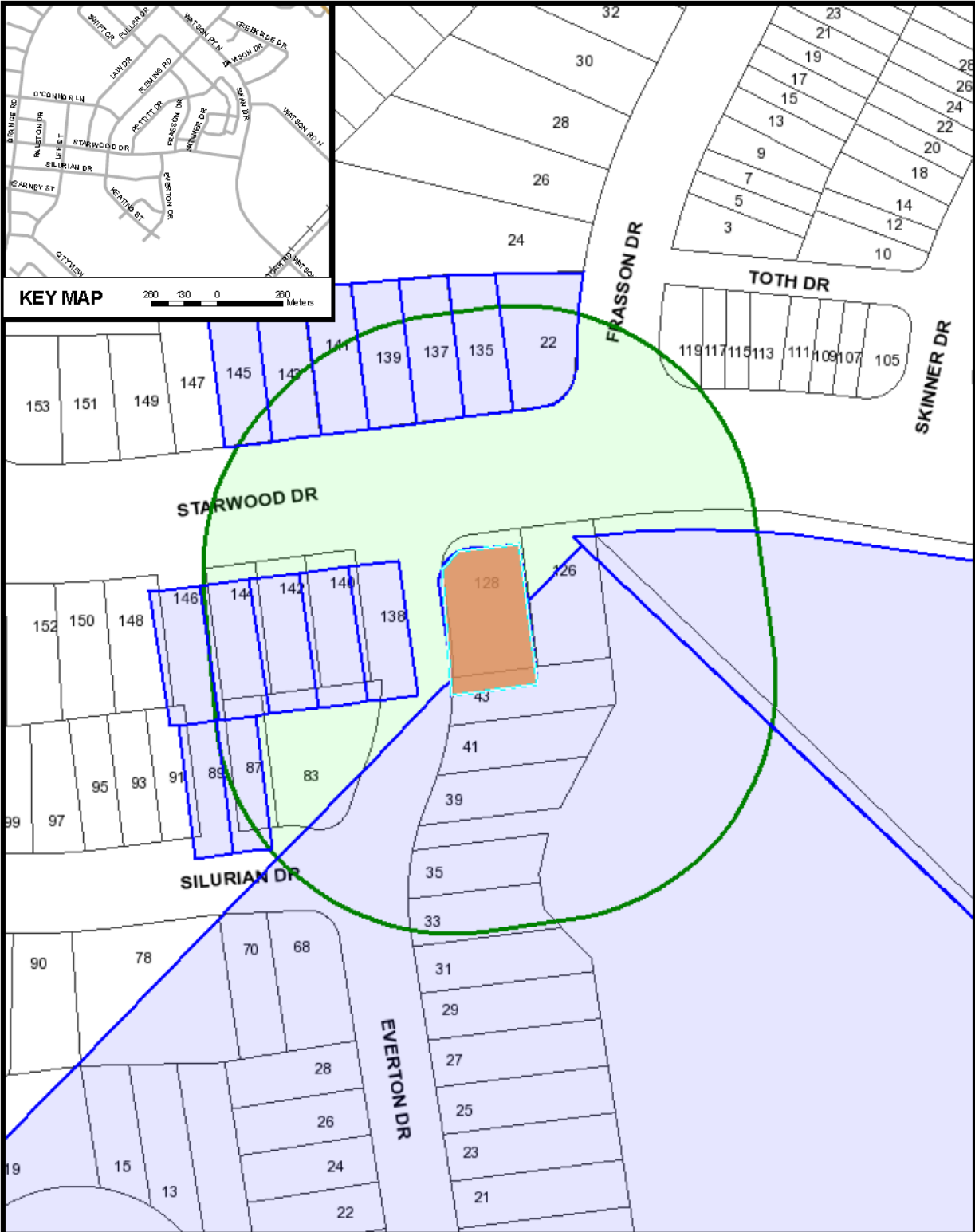
If you wish to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

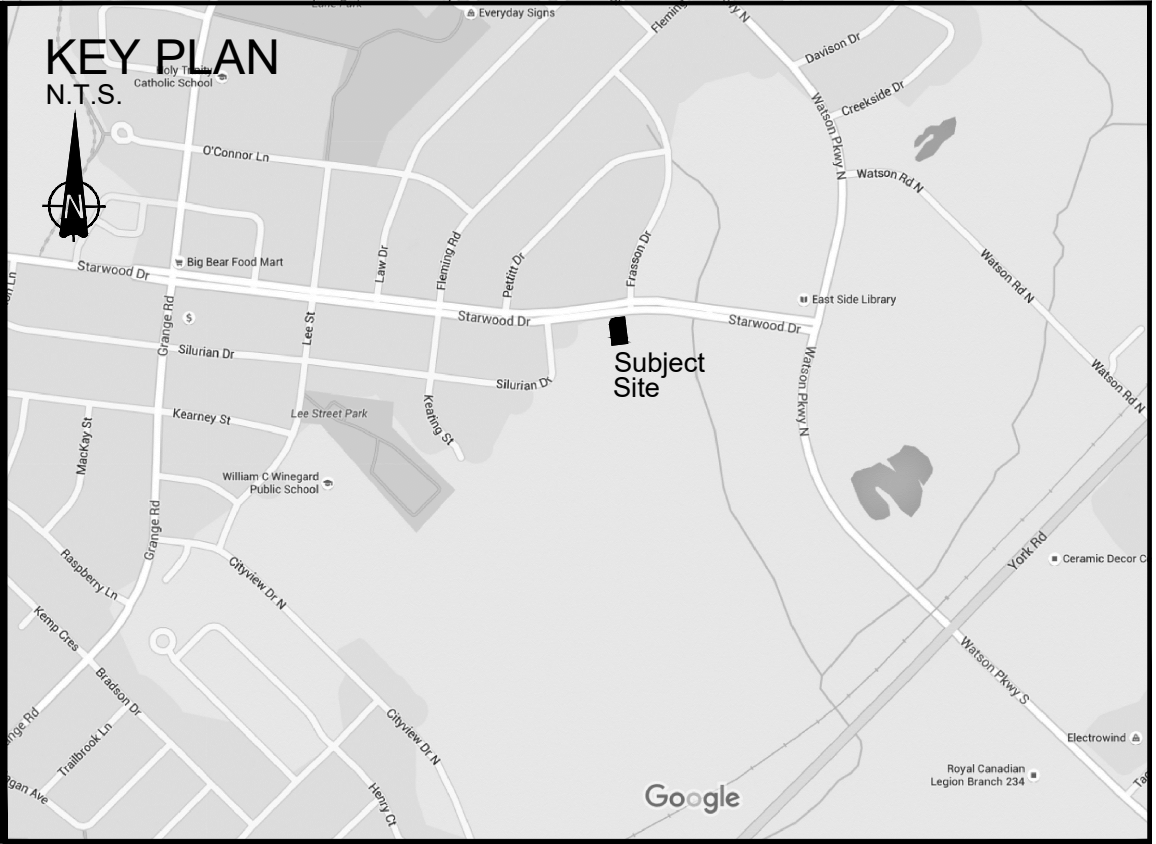
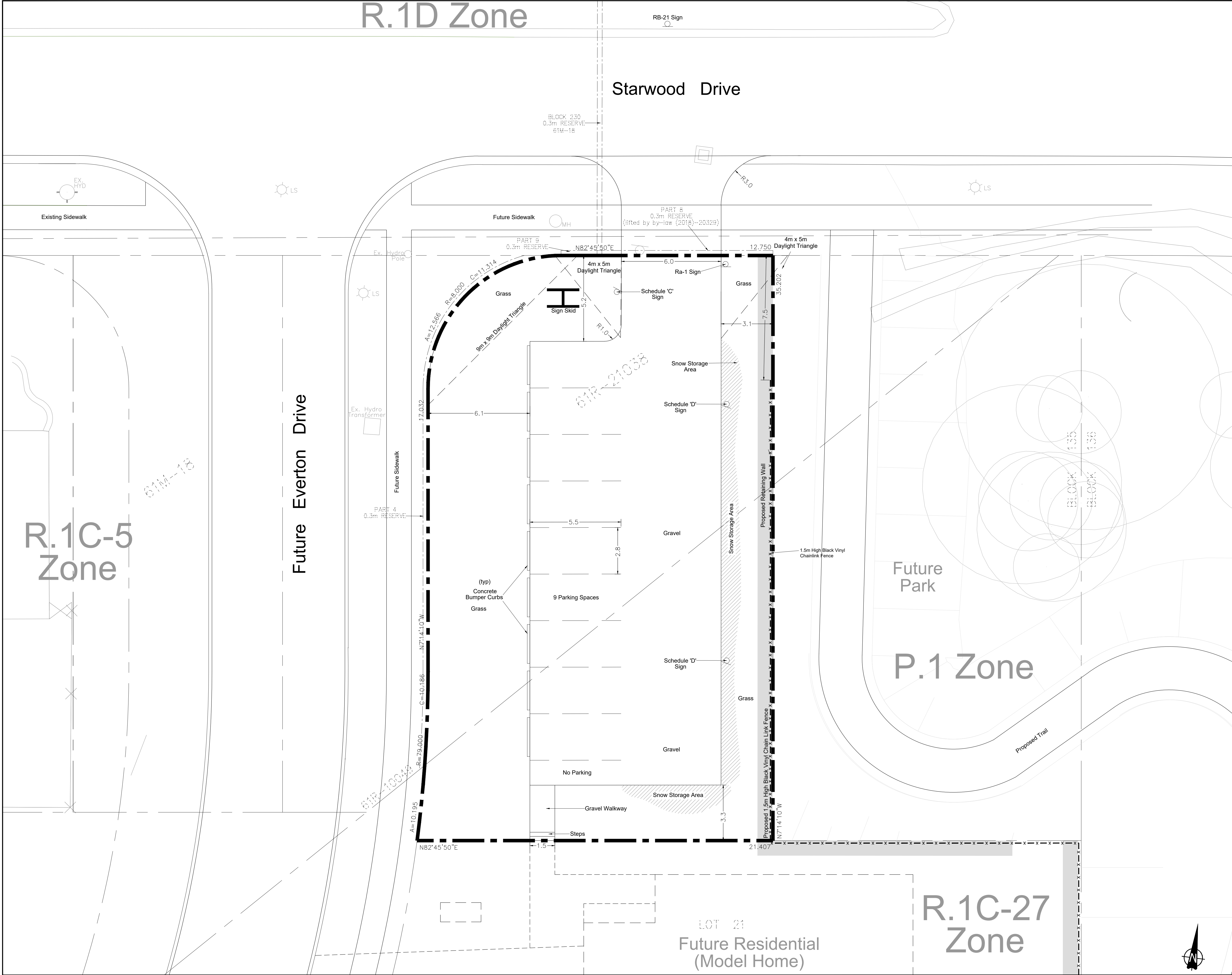
Notice Details

Trista Di Lullo, ACST
Secretary-Treasurer, Committee of Adjustment
Dated May 8, 2020.

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1
Due to the closure of City Hall, written comments can be mailed or dropped off in the mail slot located by the main entrance of City Hall
519-822-1260 Extension 2524 cofa@guelph.ca
TTY: 519-826-9771 guelph.ca/cofa





SITE PLAN SP-1

Part of Lot 4
Concession 3, Division C
City of Guelph
County of Wellington

File No. SP18-038

FUSION
HOMES

500 Hanlon Creek Blvd
Guelph, Ontario N1C 0A1

Property Owner: 1449019 Ontario Inc.
128 Starwood Drive, Guelph

LEGEND

Snow Storage Area

NOTES

- There will not be any exterior lighting on the property
- A handrail will be provided for the steps

GSP
group
PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE
gspgroup.ca

Date: February 9, 2016
Scale: 1:100 metric

Drawn By: S.L.
Project No.: 16014.60

REVISIONS	
December 5, 2018	
February 12, 2019	
April 1, 2019	
April 3, 2019	
April 10, 2019	
April 16, 2019	
February 14, 2020	

Dwg. File Name: sp16014p.dwg

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-16/17



The Committee, having had regard to the matters under Section 51(17) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the property and orderly development of the land, passed the following resolution:

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Concession 3, Division C, Part of Lot 4, a portion of land municipally known as 55 and 75 Cityview Drive North, an irregularly shaped parcel with an area of 272.1 square metres, as shown as Part 7 on Plan 61R-21038, as a lot addition to Concession 3, Division C, Part of Lot 4, shown as Part 5 on Plan 61R-21038, municipally known as 128 Starwood Drive, to facilitate the creation of a new lot with frontage along Starwood Drive of 20.15 metres and a depth of 35 metres, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the Cityview Phase 1 Subdivision Agreement be executed by the Owner to the satisfaction of the City.
2. That the Owner shall pay the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of any building permits.
3. Pay the actual cost of the removal of concrete curb, within the road allowance, the restoration of the boulevard with topsoil and sod including any required curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
4. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
5. That the owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades the property in accordance with the overall approved grading plan for the subdivision.
7. Prior to the issuance of the Certificate of Official, the owner agrees to convey and dedicate Part 1 and 3 as shown on 61R-21038 to the City of Guelph for the purpose of a future municipal road extension.
8. Prior to the issuance of the Certificate of Official, the owner agrees to convey and dedicate Parts 2, 4, 8 and 9 as shown on 61R-21038 to the City of Guelph for the purpose of a 0.3 metre reserve.
9. Prior to the issuance of the Certificate of Official, the owner agrees to convey and dedicate Part 6 as shown on 61R-21038 to the City of Guelph for the purpose of open space/park.
10. Prior to the issuance of the Certificate of Official, the owner agrees to pay for all works within the future right of way as shown on Part 1 and 3 on 61R-21038.

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-16/17



11. The owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwellings, prior to issuance of any building permits.
12. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
13. That the owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Owner shall make arrangements satisfactory to the appropriate service providers for the installation of underground utility services for the Lands, prior to the issuance of any building permits.
14. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication for the severed lands (Part 7 as shown on Plan 61R-21038) to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the endorsement of the Transfer (deed).
15. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory form appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The form appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the form appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent form appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
16. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
17. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
18. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

DECISION

COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER B-16/17

19. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
20. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered Application Consolidation Parcels document.
21. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

REASONS:

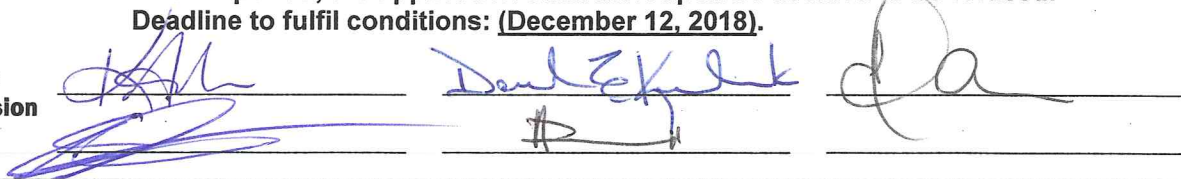
This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Important: Pursuant to Section 53(41) of the *Planning Act*, the applicant shall have a period of one (1) year from the giving of the Notice of Decision to fulfil all of the above noted conditions. If the applicant has not fulfilled all of the conditions within this time period, the application shall thereupon be deemed to be refused.

Deadline to fulfil conditions: (December 12, 2018).

**Members of Committee
Concurring in this Decision**



I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on December 7, 2017.

Dated: December 12, 2017

Signed:



**The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is January 1, 2018.**

Committee of Adjustment

T 519-822-1260 x2524
F 519-763-1269
E cofa@guelph.ca

DECISION

COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-77/17

The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.13.7.2.1 iv) and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 128 Starwood Drive (including the lot addition from File B-16/17),

- a) to permit the driveway of the proposed model home to have a maximum driveway width of 6.5 metres, when the By-law requires that a residential driveway in the R.1D Zone shall have a maximum width of 5.0 metres; and
- b) to permit the required parking space to be located 0.5 metres from the street line and to the front of the front wall of the main building, when the By-law requires that in a R.1 Zone, every required parking space shall be located a minimum of 6.0 metres from the street line and to the rear of the front wall of the main building,

be **APPROVED**, subject to the following conditions:

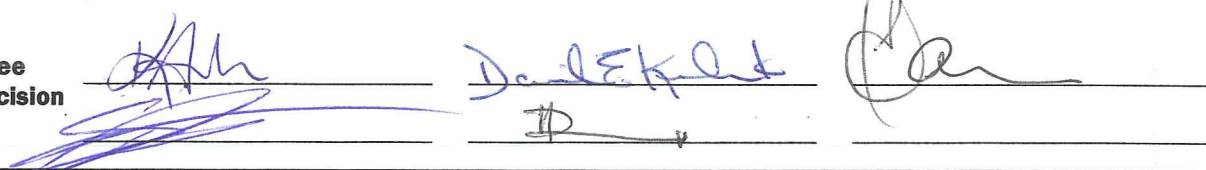
1. That the Owner enters into an Agreement registered on title of the property prior to the issuance of a building permit, requiring the temporary sales office at 128 Starwood Drive be removed within the garage and the garage restored to accommodate a 3 metre by 6 metre parking space for the dwelling prior to the transfer of lease/title to a subsequent owner(s) or within 5 years of the issuance of a building permit, whichever occurs first.
2. That prior to the issuance of building permit, the applicant shall demonstrate that the driveway is not within the sight line triangle.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

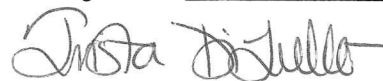
**Members of Committee
Concurring in this Decision**



I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on December 7, 2017.

Dated: December 12, 2017

Signed:



**The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is December 27, 2017.**

Committee of Adjustment

T 519-822-1260 x2524
F 519-763-1269
E cofa@guelph.ca

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER A-15/19



The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.1.1, Table 5.1.2 Rows 6a, 8, and 12 and Section 4.20.9 of Zoning By-law (1995)-14864, as amended, for 128 Starwood Drive,

- a) to permit a temporary sales trailer and temporary parking area on the lot, when the By-law permits a variety of uses in the R.1D zone, but does not permit a temporary sales trailer and temporary parking area;
- b) to permit a minimum exterior side yard of 3.9 metres for the temporary sales trailer, when the By-law requires a minimum exterior side yard of 4.5 metres;
- c) to permit a minimum rear yard of 3.3 metres for the temporary sales trailer, when the By-law requires a minimum rear yard of 7.5 metres or 20% of the lot depth (being 7 metres), whichever is less;
- d) to permit a parking area within the front yard for the temporary sales trailer, when the By-law requires that the front yard on any lot, excepting the driveway (residential) shall be landscaped and no parking shall be permitted within this landscaped open space; and
- e) to permit a fence without a height of 1.5 metres in the front yard, when the By-law requires that within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height,

be **APPROVED** subject to the following conditions:

1. That the temporary sales trailer be permitted for a maximum of three (3) years from the date of issuance of a building permit.
2. That the owner enters into a Development Agreement registered on title of the property prior to the issuance of a building permit, requiring that the temporary sales trailer be removed within three (3) years of the date of issuance of a building permit.
3. That the fence variance only be permitted while the temporary sales trailer is on the property.

DECISION

**COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-15/19**

The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

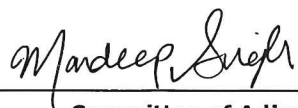
Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

**Members of Committee
Concurring in this Decision**



I, Mandeep Singh, Acting Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on February 14, 2019.

Dated: February 20, 2019

Signed: 

Committee of Adjustment

**The last day on which a Notice of Appeal
to the Local Planning Appeal Tribunal
may be filed is March 6, 2019.**

T 519-822-1260 x2524
F 519-763-1269
E cofa@guelph.ca

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: March 10, 2020	Folder #: A-20/20
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 128 Starwood Drive

Legal description of property (registered plan number and lot number or other legal description):

Guelph Con 3 Div C Part Lot 4 RP 61R21038 Parts 5 and 7

OWNER(S) INFORMATION:

Name: Lee Piccoli, 1449019 Ontario Inc.
Mailing Address: 500 Hanlon Creek Blvd.
City: Guelph Postal Code: N1C 0A1
Home Phone: 519-826-6700 Work Phone: _____
Fax: _____ Email: _____

AGENT INFORMATION (If Any)

Company: Fusion Homes
Name: Sarah Faria
Mailing Address: 500 Hanlon Creek Blvd.
City: Guelph Postal Code: N1C 0A1
Work Phone: 519-826-6700 Mobile Phone: _____
Fax: _____ Email: sfaria@fusionhomes.com

Official Plan Designation: Low Density Residential	Current Zoning Designation: R.1D
---	---

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

This lot is intended to be used as a temporary gravel parking lot for the model home on the adjacent lot on 43 Everton Drive. Fusion Home is seeking relief from S. 5.1.1 of the zoning by-law to permit a temporary parking area whereas a temporary parking area is not one of the permitted uses in an R.1 zone. The parking lot will contain 9 parking spaces on a gravel lot with a pathway and steps crossing the lot line to the adjacent model home lot. An accessible parking space will be provided on the model home driveway. The model home driveway will be paved and provide the closest spot to the entrance. The accessible spot in the driveway of the model home is 4.4m wide with a slope of 5 and is in compliance with the City's Facility Accessible Design Manual.

Why is it not possible to comply with the provision of the by-law? (your explanation)

The proposed installation of a temporary parking area will be a temporary use intended to aid in the sale of new houses in the Cityview subdivision. After the temporary use has fulfilled its need, the site will be restored and used in compliance with the zoning by law.

PROPERTY INFORMATION

Date property was purchased:	July 21, 2017	Date property was first built on:	October 2019
Date of proposed construction on property:	June 2020	Length of time the existing uses of the subject property have continued:	

EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):

Temporary sales trailer and parking area

PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):

Temporary parking area

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)

Frontage: 21.704m Depth: 35.202m Area: 7220 square m

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	154.12m ²		Gross Floor Area:	0	
Height of building:	1 storey		Height of building:	0	
Garage/Carport (if applicable) N/A			Garage/Carport (if applicable) N/A		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:			Width:		
Length:			Length:		
Driveway Width:			Driveway Width:		
Accessory Structures (Shed, Gazebo, Pool, Deck) N/A			Accessory Structures (Shed, Gazebo, Pool, Deck) N/A		
Describe details, including height:			Describe details, including height: Parking Lot for a parking spaces		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	0		M	Front Yard Setback:	N/A M
Exterior Side Yard (corner lots only)	3.9m		M	Exterior Side Yard (corner lots only)	N/A M
Side Yard Setback:	Left: M	Right: M		Side Yard Setback:	Left: N/A M Right: N/A M
Rear Yard Setback	3.3m		M	Rear Yard Setback	N/A M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input type="checkbox"/>	Sanitary Sewer <input type="checkbox"/> Storm Sewer <input type="checkbox"/>
If not available, by what means is it provided: N/A	

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pre-20-0105
Building Permit	<input type="checkbox"/>	<input type="checkbox"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	18-038

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Access, Privacy and Records Specialist, City Clerk's Department, 1 Carden Street, Guelph, Ontario, N1H 3A1

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

POSTING OF ADVISORY SIGN

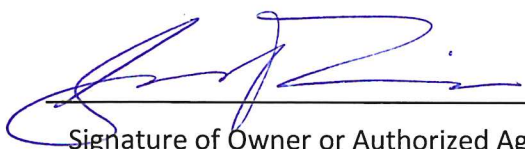
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

For commercial or industrial buildings, it may be appropriate to post the sign on the front wall of the building or at its entrance.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.

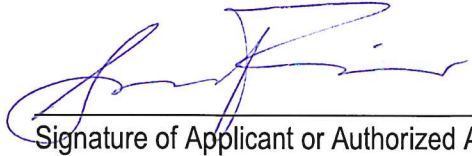


Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, Sarah Faria, of the City/Town of
Guelph in County/Regional Municipality of Wellington, solemnly
 declare that all of the above statements contained in this application are true and I make this solemn
 declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if
 made under oath and by virtue of the Canada Evidence Act.



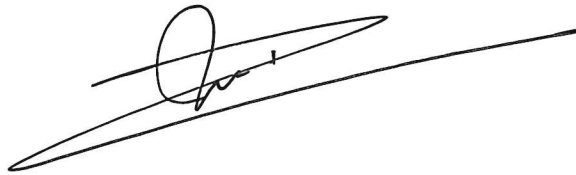
Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

Declared before me at the

City/Town of Guelph in the County/Regional Municipality of
Wellington this 9 day of March, 20 20.



Commissioner of Oaths

JUAN ANTONIO da SILVA CABRAL
 A Commissioner etc. Province of Ontario for
 The Corporation of the City of Guelph
 Expires July 19, 2022

(official stamp of Commissioner of Oaths)

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.

Committee of Adjustment Notice of Public Hearing



An Application for a Minor Variance has been filed with the Committee of Adjustment

Application Details

Location:

25 Wellington Street West

Proposal:

The applicant is proposing to renovate and construct a 211.3 square metre one storey office addition onto the left side and rear of the existing four storey apartment building. The first two floors will contain medical offices, and the two upper floors will contain 28 residential units geared to seniors. This property is currently subject to an application for site plan approval (File SP19-034).

By-Law Requirements:

The property is located in Specialized Downtown (D.1-24 and D.1-27) Zones. A variance from Section 6.3.2.5.1 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law requires a total of 51 off-street parking spaces, which is calculated based on 1 parking space per 67 square metres of gross floor area for office uses [21 parking spaces required], 1 parking space per residential dwelling unit [28 parking spaces required], and 0.05 visitor parking spaces per dwelling unit [2 parking spaces required] for apartment buildings with more than 20 dwellings.

Request:

The applicant is seeking relief from the By-Law requirements to permit a minimum of 43 off-street parking spaces on the property for the office uses and dwelling units within the building.

Hearing Details

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

Date: **Thursday, May 28, 2020**
Time: **4:00 p.m.**
Location: **Remote Committee of Adjustment hearing live streamed at guelph.ca/live**
Application Number: **A-17/20**

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

Providing Comments

Any person may watch the remote public hearing on guelph.ca/live and participate by submitting written comments and/or speaking to the application. Alternate meeting formats are available upon request.

You may submit your written comments to the Secretary-Treasurer of the Committee of Adjustment using the contact information listed below. Please include your name, your address, application number or address of the property you are providing comments on, as well as any other relevant information in your submission. Written comments received by **May 21, 2020 at 12:00 p.m.** will be forwarded to the Committee members prior to the hearing. Comments submitted after this date will be provided at the hearing.

If you wish to speak to an application, please email or phone Committee of Adjustment staff no later than **2:00 p.m. on the day of the hearing**. Please indicate your name, phone number and the application number or address of the property you wish to speak to. When we receive your request, we will send you confirmation and instructions for participating in the remote public hearing.

Instructions will also be provided during the hearing to ensure those watching the remote public hearing are given the opportunity to speak.

Your comments, including any personal information you provide, will become part of the decision making process of the application and will be posted on the internet. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual upon request. For questions regarding the collection, use, and disclosure of personal information please contact the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 extension 2349.

Additional Information

Agendas and comments related to this application will be available online at guelph.ca/cofa. Alternative document formats are available upon request. Additional information related to this application may be obtained by contacting Committee of Adjustment staff between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Notice of the Decision

If you wish to be notified of the decision of the City of Guelph Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

Notice Details

Trista Di Lullo, ACST

Secretary-Treasurer, Committee of Adjustment

Dated May 8, 2020.

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

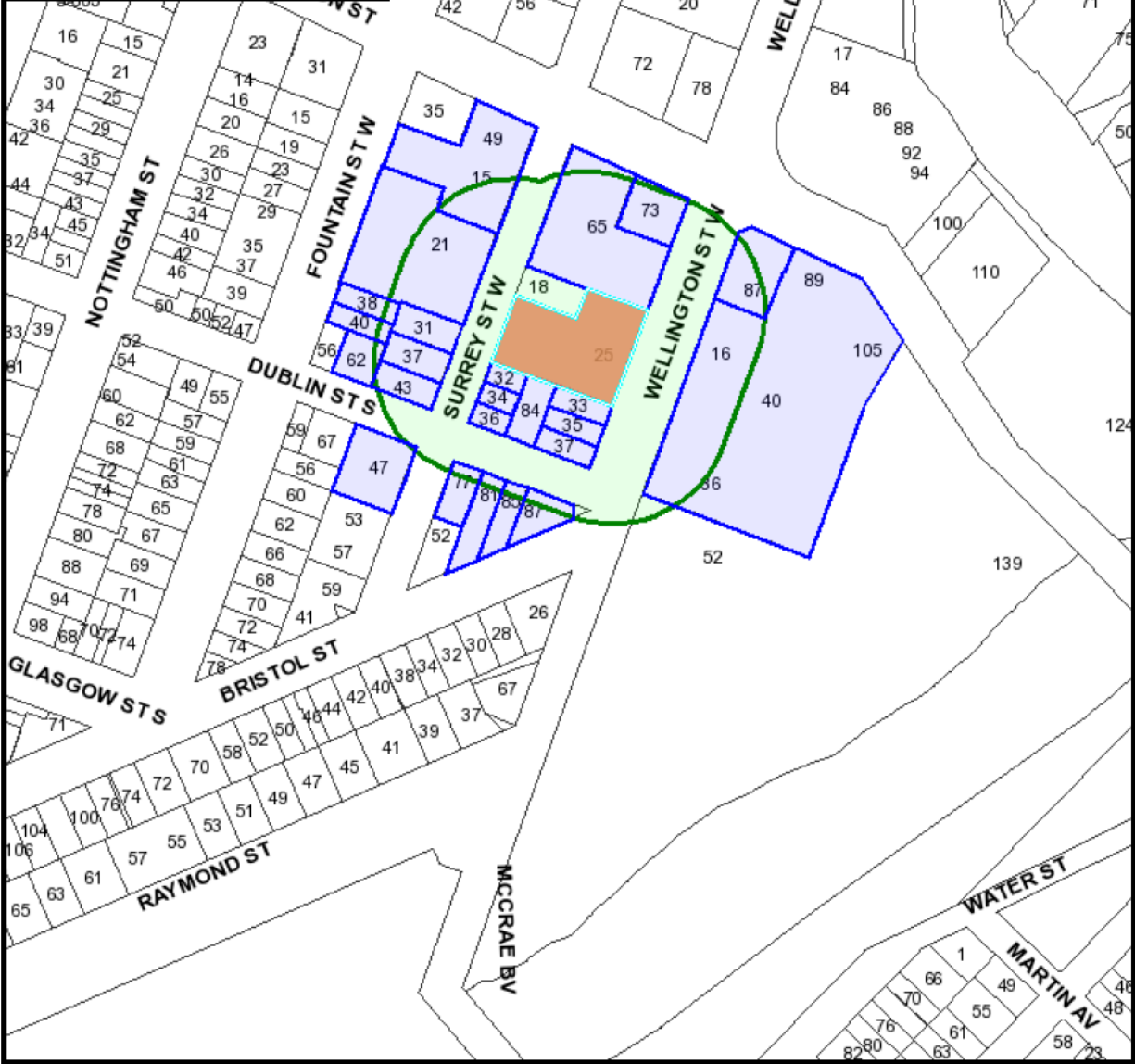
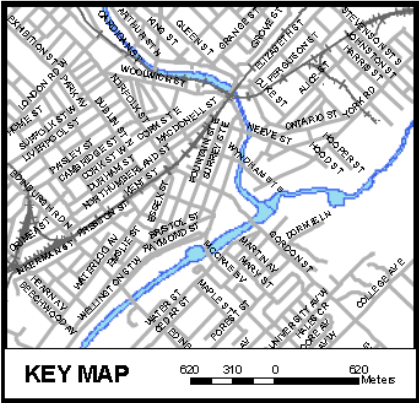
Due to the closure of City Hall, written comments can be mailed or dropped off in the mail slot located by the main entrance of City Hall


519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa






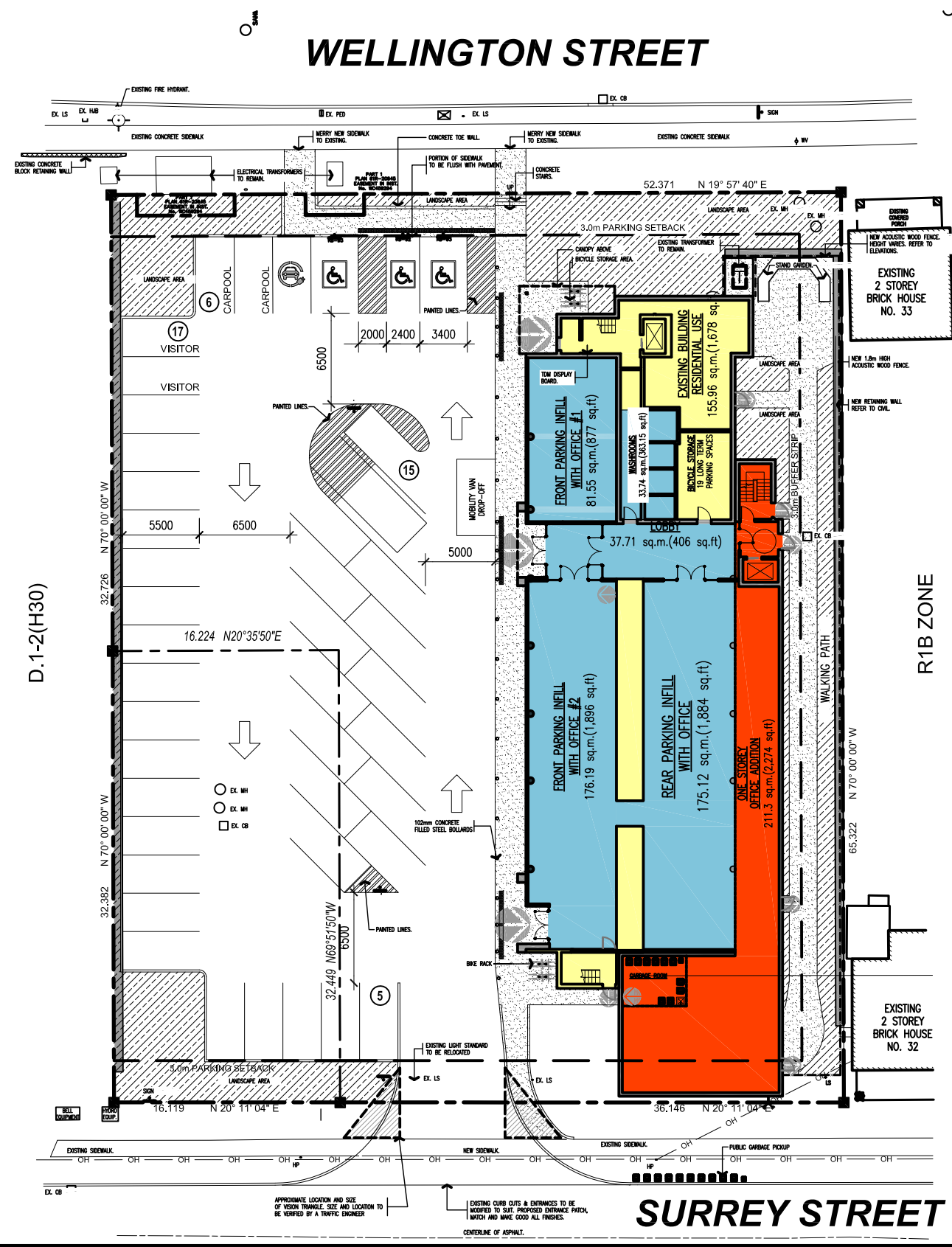
Produced by the City of Guelph
City Clerk's Office-Committee of Adjustment
Date Printed: 3/19/2020, 8:38:04 AM

25 Wellington Street West (A-21/20)
60m Circulation Area

0.055 0.0275 0 0.055 0.11 km



The City of Guelph, its employees and agents, do not warrant or guarantee the validity of the contents of this digital or hardcopy map file, and will not be liable for any claims or damages or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for legal descriptions. This map may not be reproduced without the permission of the City of Guelph. Please contact the City of Guelph's GIS group for additional information at 519-822-1296.



LEGEND

AREA OF ASPHALT.

PROPOSED PARKING INFILL

EXISTING BUILDING.

PROPOSED ONE STOREY ADDITION

GUELPH, ONT. KEY PLAN

D.1 - 24 & D.1-27- DOWNTOWN ZONE			
REGULATIONS:	REQUIREMENTS: DOWNTOWN ZONE	PROVIDED	CONFORMS
MINIMUM FRONT OR EXTERIOR SIDE YARD	0m AND IN ACCORDANCE WITH SECTIONS 4.24	0.5m	YES
MAXIMUM FRONT OR EXTERIOR SIDE YARD	4m AND IN ACCORDANCE WITH SECTIONS 6.3.2.4.	0.5m	YES
MINIMUM SIDE YARD	3m WHERE A LOT LINE ABUTS AN R.1 ZONE 0m ABUTTING D ZONE.	4.27M	YES
MINIMUM REAR YARD	0m	8.18m	YES
MAXIMUM BUILDING HEIGHT	IN ACCORDANCE WITH 6.3.2.4. MINIMUM BUILDING HEIGHT = 4 STOREYS.	4 STOREY ADDITION.	YES
ACCESS TO PARKING AREA	1 DRIVEWAY PERMITTED FOR NON RESIDENTIAL	1	YES
BUFFER STRIPS	3m REQUIRED WHERE A D.1 ZONE ABUTS AN R1 ZONE	3.0m	YES
GARBAGE, REFUSE STORAGE	IN ACCORDANCE WITH SECTION 4.9.	YES	YES
ENCLOSED OPERATIONS	IN ACCORDANCE WITH SECTION 4.22	N/A	N/A
FENCES	IN ACCORDANCE WITH SECTION 4.20	YES	YES
OFF-STREET PARKING	IN ACCORDANCE WITH SECTION 6.3.2.5.	43 SPACES	NO
EXTERIOR FINISHES REG.	IN ACCORDANCE WITH SECTION 6.3.2.7.1 AND DEFINED AREA MAP 64.	YES	YES
MINIMUM FLOOR SPACE INDEX (F.S.I.)	1.5	N/A	N/A
BUILDING STEPBACKS	IN ACCORDANCE WITH SECTION 6.3.2.1.3 AND 6.3.2.1.4	2 STOREY ADDITION	YES
ACTIVE FRONTAGE AREA REGULATION	IN ACCORDANCE WITH SECTION 6.4.2.4 AND DEFINED AREA MAP 65	N/A	N/A
OUTDOOR STORAGE	IN ACCORDANCE WITH SECTION 4.12.	N/A	N/A
PARKING REQUIREMENTS		REQUIRED	PROVIDED
PARKING RATIOS AS PER 6.3.2.5:		PARKING RATIO: 1 SPACE PER 67m ² G.F.A.	
FIRST FLOOR: NEW AND EXISTING FLOOR AREA = 715.61m ² (Areas exclude stairs, elevator and vestibule)		FIRST FLOOR: 715.61m ² / 67m ² = 11 SPACES	11 SPACES
SECOND FLOOR: EXISTING FLOOR AREA = 651.43m ²		SECOND FLOOR: 651.43m ² / 67m ² = 10 SPACES	10 SPACES
THIRD FLOOR: 14 RESIDENTIAL UNITS		PARKING RATIO: 1 PER RESIDENTIAL DWELLING UNIT PLUS 0.05 PARKING SPACES PER DWELLING FOR VISITORS	20 SPACES 2 SPACES
FOURTH FLOOR: 14 RESIDENTIAL UNITS			
TOTAL:		51 SPACES	43 SPACES

PROJECT NORTH

TRUE NORTH

client
21 SURREY STREET HOLDINGS LIMITED

178 ST. GEORGE STREET
TORONTO, M5R 2M7 ONTARIO

project
25 WELLINGTON STREET RENOVATION

25 WELLINGTON GUELPH ONTARIO

drawing title
SITE PLAN

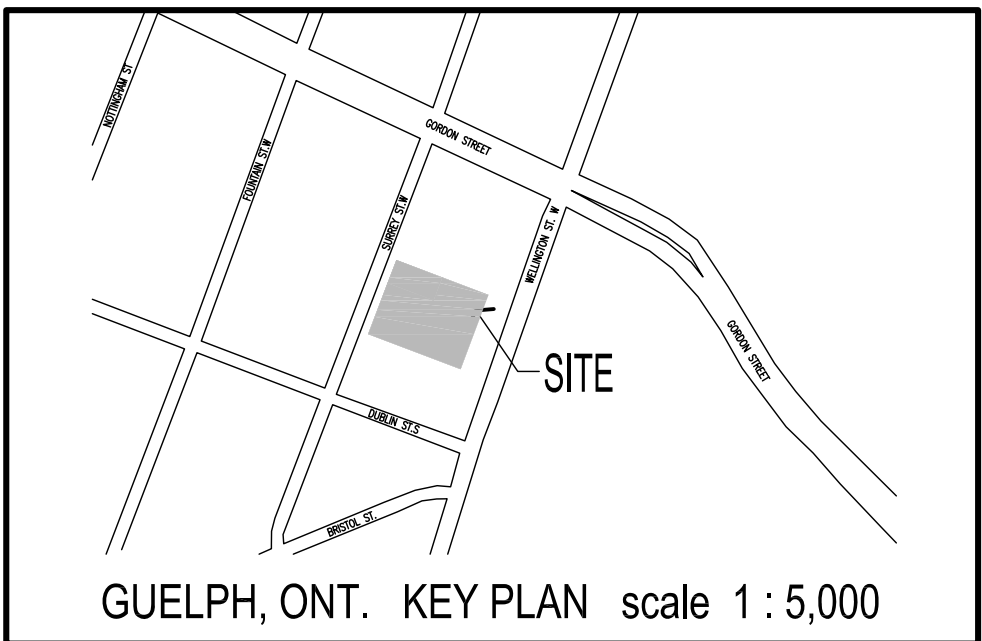
drawn M.J.W.	date 2020.05.04	scale 1:400
project no. 16-085	reference	
sheet no.	SP-1	

[illegible]

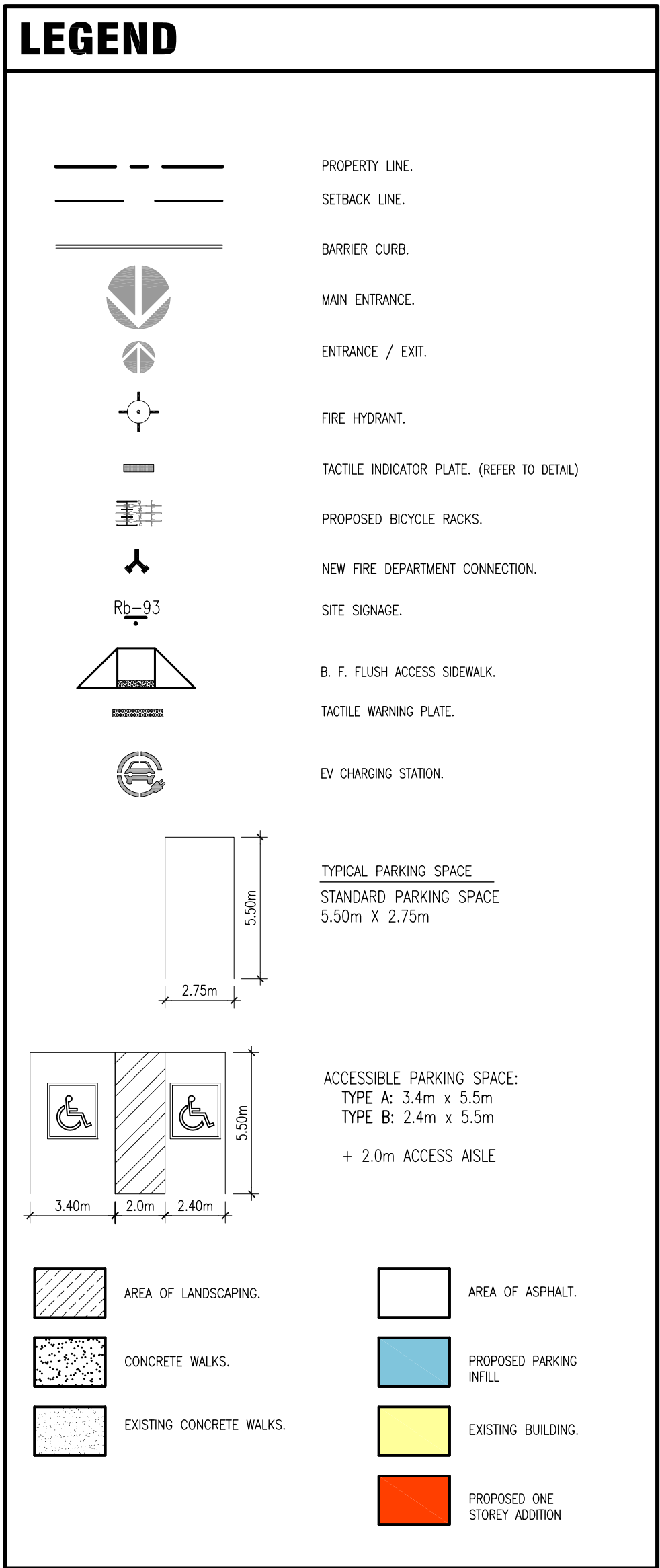
PARKING REQUIREMENTS	REQUIRED	PROVIDED
PARKING RATIOS AS PER 6.3.2.5:	PARKING RATIO: 1 SPACE PER 67m ² G.F.A.	
FIRST FLOOR: LOBBY – Office = 37.42 m ² FRONT PARKING INFILL – OFFICE #1= 81.55m ² FRONT PARKING INFILL – OFFICE #2= 176.19m ² REAR PARKING INFILL – OFFICE = 175.12m ² REAR + SIDE ADDITION – OFFICE = 211.30m ² LOBBY – = 37.71m ² WASHROOMS – = 33.24m ² TOTAL 715.61m ² (Areas exclude stairs, elevator and vestibule)	FIRST FLOOR: 715.61m ² / 67m ² = 11 SPACES SECOND FLOOR: 651.43m ² / 67m ² = 10 SPACES	11 SPACES 10 SPACES
SECOND FLOOR: EXISTING FLOOR AREA = 651.43m ²		21 SPACES
THIRD FLOOR: 14 RESIDENTIAL UNITS	PARKING RATIO: 1 PER RESIDENTIAL DWELLING UNIT PLUS 0.05 PARKING SPACES PER DWELLING FOR VISITORS	
FOURTH FLOOR: 14 RESIDENTIAL UNITS	THIRD FLOOR/FOURTH FLOOR: 28 RESIDENTIAL UNITS = 28 SPACES 28 UNITS x 0.05 = 2.0 THEREFORE 2 VISITOR SPACES REQUIRED.	20 SPACES 2 SPACES
TOTAL:	51 SPACES	43 SPACES
PARKING SPACE SIZE:	2.75m X 5.50m	YES
BARRIER FREE PARKING SPACE SIZE: (INCLUDED IN PARKING SPACE COUNT ABOVE)	TYPE A – 3.4m X 5.5m TYPE B – 2.75m X 5.5m	2 TYPE 'A' 1 TYPE 'B'
BARRIER FREE PARKING REQUIREMENTS: (1 space and additional 3% parking spaces for 101–200 required spaces)	2 spaces 1 space	3 spaces
ADA – 3% OF REQUIRED PARKING		
BICYCLE PARKING REQUIREMENTS: LONG TERM APARTMENT = 0.68 PER DWELLING UNIT SHORT TERM APARTMENT = 0.07 PER DWELLING UNIT LONG TERM OFFICE = 0.17 PER 100m ² G.F.A. SHORT TERM OFFICE = 0.03 PER 100m ² G.F.A.	22 BICYCLE PARKING (LONG TERM) 4 BICYCLE PARKING (SHORT TERM)	22 spaces 8 spaces

STATISTICS

<u>ZONING REQUIREMENTS</u>		
TOTAL SITE AREA:	3,415.29 m ²	((0.844 Acres)
FRONT YARD:	0.00 m	
INTERIOR SIDE YARD:	4.27 m	
EXTERIOR SIDE YARD:	0.00 m	
REAR YARD DEPTH:	8.18 m	



D.1 - 24 & D.1-27- DOWNTOWN ZONE			
<u>REGULATIONS:</u>	<u>REQUIREMENTS:</u> DOWNTOWN ZONE	PROVIDED	CONFORMS
MINIMUM FRONT OR EXTERIOR SIDE YARD	0m AND IN ACCORDANCE WITH SECTIONS 4.24	0.5m	YES
MAXIMUM FRONT OR EXTERIOR SIDE YARD	4m AND IN ACCORDANCE WITH SECTIONS 6.3.2.4.	0.5m	YES
MINIMUM SIDE YARD	3m WHERE A LOT LINE ABUTS AN R.1 ZONE 0m ABUTTING D ZONE.	4.27M	YES
MINIMUM REAR YARD	0m	8.18m	YES
MAXIMUM BUILDING HEIGHT	IN ACCORDANCE WITH 6.3.2.4. MINIMUM BUILDING HEIGHT = 4 STOREYS.	4 STOREY ADDITION.	YES
ACCESS TO PARKING AREA	1 DRIVEWAY PERMITTED FOR NON RESIDENTIAL	1	YES
BUFFER STRIPS	3m REQUIRED WHERE A D.1 ZONE ABUTS AN R1 ZONE.	3.0m	YES
GARBAGE, REFUSE STORAGE	IN ACCORDANCE WITH SECTION 4.9.	YES	YES
ENCLOSED OPERATIONS	IN ACCORDANCE WITH SECTION 4.22	N/A	N/A
FENCES	IN ACCORDANCE WITH SECTION 4.20	YES	YES
OFF-STREET PARKING	IN ACCORDANCE WITH SECTION 6.3.2.5.	43 SPACES	NO
EXTERIOR FINISHES REG.	IN ACCORDANCE WITH SECTION 6.3.2.7.1 AND DETINED AREA MAP 64.	YES	YES
MINIMUM FLOOR SPACE INDEX (F.S.I.)	1.5	N/A	YES
BUILDING STEPS/BACKS	IN ACCORDANCE WITH SECTION 6.3.2.1.3 AND 6.3.2.1.4	2 STOREY ADDITION	N/A
ACTIVE FRONTAGE AREA REGULATION	IN ACCORDANCE WITH SECTION 6.4.2.4 AND DETINED AREA MAP 65	N/A	N/A
OUTDOOR STORAGE	IN ACCORDANCE WITH SECTION 4.12.	N/A	N/A



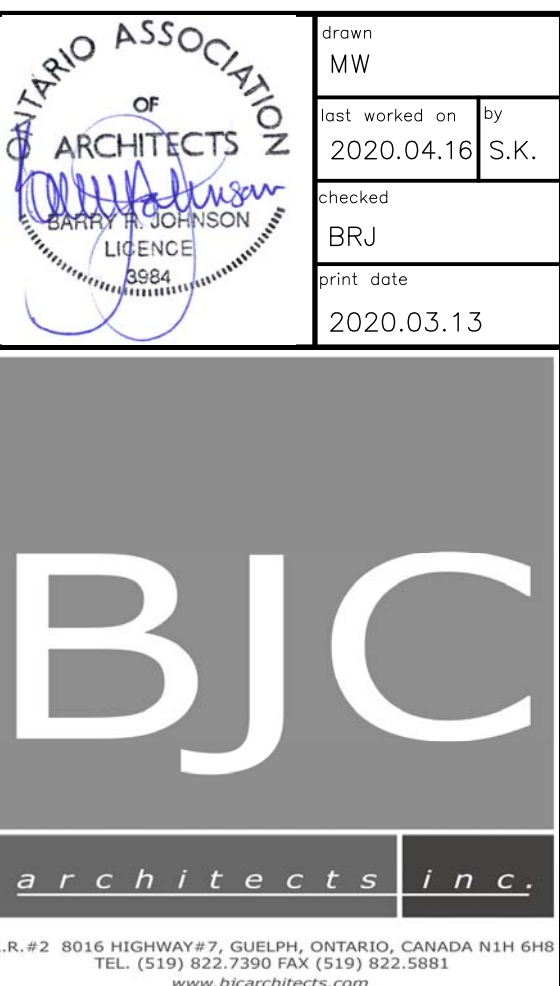
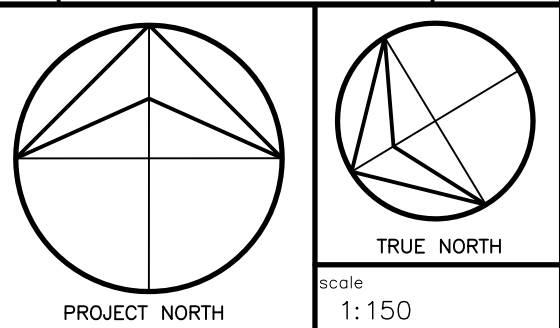
NOTE:

This drawing and all associated documentation are the confidential property of BJC architects Inc. and must be returned upon request. Any duplication, reuse, or modification of this drawing without the prior written authorization of BJC architects Inc. is strictly prohibited. Each contractor will check and verify the dimensions and quantities of the third party omissions to the design professional whose seal is affixed to this drawing. Do not scale this drawing.

The information and material herein reflect the best judgement of BJC architects Inc., in light of the information available to them at the time of preparation of this drawing. Although BJC architects Inc. is the sole responsibility of such third party, BJC architects Inc. accepts no responsibility for damages, if any, suffered by any third party as a result of a decision made on the basis of these documents © BJC architects Inc. 2019

05	ISSUED FOR SITE PLAN APPROVAL (SPA-SUBMISSION 04).	2020.03.13
04	ISSUED FOR COMMITTEE OF ADJUSTMENT (MINOR VARIANCE)	2020.03.08
03	ISSUED FOR SITE PLAN APPROVAL (SPA-SUBMISSION 03).	2020.01.13
02	ISSUED FOR SITE PLAN APPROVAL (SPA-SUBMISSION 02).	2019.11.13
01	ISSUED FOR SITE PLAN APPROVAL (SPA-SUBMISSION 01).	2019.09.18

No.	REVISIONS	date
-----	-----------	------



client	21 SURREY ST. HOLDINGS LTD.
178 ST. GEORGE STREET TORONTO, M5R 2M7	ONTARIO
project	25 WELLINGTON STREET RENOVATION GUELPH
25 WELLINGTON STREET GUELPH	ONTARIO

drawing title	
SITE PLAN	
reference	
SP19-034	
project no.	client reference number
16-085	
sheet no.	
SP - 01 02	

Committee of Adjustment
1 Carden Street
Guelph, ON
N1H 3A1

May 5th, 2020

RE: PARKING VARIANCE FOR 25 WELLINGTON STREET WEST

Dear Committee of Adjustment Members

First of all, thank you for considering this unusually high request for a minor parking variance for 25 Wellington St West, We understand a variance of 8 parking spots from the required 51 requires further explanation which is why I am writing you this letter.

BACKGROUND

During the first six months of 2019, we embarked on an ambitious program of community conversations revolving around senior's housing, healthcare and their interconnectivity. Our initial discussions began with Gail Hoekstra of the Welcome-In Drop-In Centre and continued with Domininca McPherson of the Guelph & Wellington Task Force for the Elimination of Poverty as well as Maryanne Wilford and Ken Chupa of the GWSA. At the beginning of March, we hosted an informal gathering on the topic of *Ageing Well in Guelph* that included geriatric support workers from CMHA Waterloo Wellington, representatives from St. Joseph's Healthcare and County of Wellington Housing Representatives Paul Skinner and Michelle Shears. These collaborative sessions were followed up by several meetings with Dana Khan, Elizabeth Nieson and Ella Zarevich of the Waterloo Wellington LHIN/CCAC between March and June in addition to meetings with Janet Redman of Guelph Independent Living.

Building on the ideas and discussions that emerged from these productive meetings, we have worked diligently to design a building that could serve the needs of the ageing population of Guelph; a facility where active, able bodied seniors can live downtown in close proximity to the medical community that supports an enriched quality of life. Our vision fills an identifiable gap for the senior who requires minor assistance to lead a fulfilling life but is not yet in need of the composite care of a retirement home or long term care facility. Our comprehensive concierge services, designed to support all aspects of wellness, will provide peace of mind for families and their loved ones.

THE SUITES AT ROYAL CITY PARK

With wellness in mind, our meetings with the LHIN focused on the opportunity to provide PSW support. This service would provide hands on assistance in the home to further support independent living and the opportunity to age well in the home and on one's

own terms. It is our hope that The Suites at Royal City Park, as the upper two floors will be known, will foster the growth of a vibrant, connected community that provides an alternative to seniors isolation and the associated comorbidities.

It is also our hope that this facility can fill this gap in the market for the most number of active seniors. The property currently has 16 suites per floor, or 32 Units combined on the 3rd and 4th floors. Our concept, however, requires a minimum of 2 units per floor to ensure the seniors engagement we seek to provide has space in which to work. Each floor will have a fitness room which will have weekly classes and be available for treatments from massage therapists, physiotherapists, and foot care specialists. There will also be a comprehensive lounge area for residents' social activities. These common elements require a total of 4 rooms, meaning *The Suites at Royal City Park* could provide up to 28 residential units for the seniors population of Guelph.

The ground floor and second floor of the property will be occupied by St. Josephs Health Centre who will be running an Alzheimer's Day Patient Facility on the ground floor and an Acquired Brain injury clinic on the second floor. There remains space for an additional 2 or 3 smaller medical offices which we intend to fill with seniors related practices, such as a hearing clinic or a podiatrist. The Medical Office portion of the site requires 21 parking spaces under the zoning, however, we know most patients of St. Joseph's who will be accessing the facility do not drive or no longer hold a licence.

Regardless, the 21 spaces required for the first two floors, leaves only 22 parking spaces available for the residential portion of the building, or 20 residential units once visitor parking is included. The economics of the project are challenging at this number of residential units and the concentration of residences necessary for optimal service delivery too few, hence our initial request for 6 parking stalls variance to allow for 26 residential units.

As the conversations with our development team and architect have transpired, we have had discussions on how to lose residential units, not because they are not viable or available or needed but because we have insufficient parking to satisfy the increased unit count. To me, given the varied uses in the building and the focus on seniors, the prescribed D1 zoning will be in excess of the demand created by additional occupants at this facility, and it seems worth further discussion before we submit a plan with less rooms that we might otherwise have been able to provide. .

Furthermore, we have already implemented an arrangement with Virtucar which currently has a vehicle parked on site and which will return from across the street when the construction is complete. This feature coupled with access to LCBO, grocery and

Pharmacy within walking distance, as well as 8 bus routes all should function to further lessen the requirement for any resident of this building to need a car and limit those residence with one that apply.

Due to limitations of time and the evolution of this project, we have not contracted affordable housing agreements yet, but have engaged in meetings to that effect and can commit that any additional variance over 6 could be conditional on having those units contracted as affordable. It is our intent, and once we have the confirmed approvals, a requirement for many affordable housing programs, we can conclude our previous discussions with the region to create this additional low income housing inventory at the prescribed discount to market rents.

I do understand it is a large variance for this committee, and parking is a sensitive subject generally, but it is our hope upon further review, that the committee finds that the variance would not adversely impact the parking situation generated by this property, and that this committee also consider the creation of additional street parking resulting from our reducing entry points to the property from the current 3, to 1 as requested by the City's traffic engineer at the time of our initial submission.

I would be happy to provide to additional information or speak further on the project. In the meantime I provide a copy of a letter from the LIHN provided to us last year and a broad outline of the types of services we plan to offer to all residents of the facility, no matter it be 20, 26 or 28 when we hope to open winter 2021.

Thank you again for your consideration and I look forward to hearing your decision.

A handwritten signature in black ink, appearing to be 'Michael von Teichman', with a stylized, flowing script.

Michael von Teichman
Development Manager

Committee of Adjustment Application for Minor Variance



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: March 10, 2020	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A-21/20

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:

Address of Property: 25 Wellington Street West

Legal description of property (registered plan number and lot number or other legal description):

Lots 159 and 163 and Part of Lots 158 and 162, Registered Plan 8

REGISTERED OWNER(S) INFORMATION: (Please indicate name(s) exactly as shown on Transfer/Deed of Land)

Name: 21 Surrey St. Holdings Inc.

Mailing Address: 178 St. George Street

City: Toronto

Postal Code: M5R 2M7

Home Phone: _____

Work Phone: 416-817-3337

Fax: _____

Email: michael@montik.ca

AGENT INFORMATION (If Any)

Company: Montik Planning and Development

Name: Michael von Teichman

Mailing Address: 178 St George

City: Toronto

Postal Code ONT

Work Phone: 416-968-7070

Mobile Phone: 416-817-3337

Fax: _____

Email: Michael@montik.ca

Official Plan Designation: Mixed Use 1

Current Zoning Designation: D1-24 & D1-27

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):**Relief from Section 6.3.2.5.1 Parking**

By-law requires 51 spaces and site plan is providing 43 spaces to service two floors of medical office, and 28 residential units on the third and fourth floor. The applicant and staff have discussed a 6 spot variance which staff supports, and the additional 2 requested are only in the interests of maximizing housing the applicant would like to proceed if the committee only finds 6 spots to be the appropriate variance. Whatever the committees decisions, and increase above 20 units is a benefit to the project and community.

Relief of 6 spaces is best for the viability of the project and necessary to make the development feasible at market rents. 2 additional units created by the additional variance would be economically viable at below market rents as a result.

Why is it not possible to comply with the provision of the by-law? (your explanation)

The development of this property includes offices for St Josephs Health Centre on the first floor with an Alzheimer's Day Program and second floor with St Josephs Acquired Brain Injury, where the majority of the patients will be driven to the site via a mobility vehicle. These patients will therefore not require parking.

The 28 possible apartment units are geared to seniors and it is also not anticipated that all residents will drive their own vehicles

The site is adjacent to major bus routes and close to downtown and has an arrangement with Virtucar (existing location at 25 Wellington). The development is also increasing the area that could be made street parking by reducing from three site entrances to one as requested by staff.

PROPERTY INFORMATION

Date property was purchased:	August 15, 2017	Date property was first built on:	1982
Date of proposed construction on property:	Upon final site plan approval	Length of time the existing uses of the subject property have continued:	37 years

EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): Residential - now vacant

PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): Independent Living Seniors facility and medical office with seniors services.

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)

Frontage: 52.371 m

Depth: 65.3

Area: 3,421 sq.m.

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)

EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	2,129 m ²		Gross Floor Area:	2,630 m ²	
Height of building:	4 storeys		Height of building:	4 storeys	
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:			Width:		
Length:			Length:		
Driveway Width:			Driveway Width:		
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height: 4 storey apartment building with ground floor office and covered parking			Describe details, including height: 4 storey mixed use building with offices on ground floor and 2nd floor and apartments above		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND

EXISTING			PROPOSED		
Front Yard Setback:	11 M		Front Yard Setback:	7.0 M	
Exterior Side Yard (corner lots only)	M		Exterior Side Yard (corner lots only)	M	
Side Yard Setback:	Left: 4.2 M	Right: 26.6 M	Side Yard Setback:	Left: 4.2 M	Right: 29.6 M
Rear Yard Setback	11 M		Rear Yard Setback	0.45 M	

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)

Provincial Highway ☐ Municipal Road ☒ Private Road ☐ Water ☐ Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)

Water ☒ Sanitary Sewer ☒ Storm Sewer ☒

If not available, by what means is it provided:

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SP19-034 requires parking variance for final approval</u>
Building Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 ext. 2349.

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.



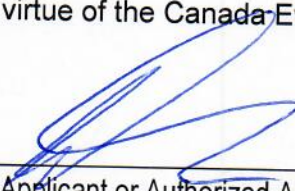
Signature of Owner or Authorized Agent



Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, Michael von Teichman, of the City/Town of
Toronto in The Province of Ontario, solemnly declare that all of the
 above statements contained in this application are true and I make this solemn declaration
 conscientiously believing it to be true and knowing that it is of the same force and effect as if made
 under oath and by virtue of the Canada Evidence Act.


 Signature of Applicant or Authorized Agent

 Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.


Declared before me at the

City/Town of Toronto

ZK /ZK
 in the County/Regional Municipality of

Province of Ontario this 8 day of March, 2020.

Zivka Krstevski, a Commissioner, etc.,
 Province of Ontario, for Tikal's Professional Corporation
 Barristers and Solicitors.
 Expires January 3, 2023.


 Commissioner of Oaths


 (official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I/ We, the undersigned, being the registered property owner(s)

SURREY MEDICAL CENTRE L.P.
 Organization name / property owner's name(s)]

of 25 WELLINGTON STREET - LOTS 159 AND 163 AND PART
 (Legal description and/or municipal address) LOTS 158 AND 162, REGISTERED
PLAN 8

hereby authorize MICHAEL VON TEICHMAN AND MONTIY PLANNING
 (Authorized agent's name) AND DEVELOPMENT

as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 8 day of MARCH 2020.

 (Signature of the property owner)

M. Teichman
 (Signature of the property owner)

NOTES:

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.