

Committee of Adjustment Meeting Agenda

Thursday, June 11, 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, June 11, 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. 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.

2.1 A-24/20 96 Oakdale Drive

Owner: University of Guelph

Agent: Scott Hannah, Reid's Heritage Homes Ltd.

Request: Variance to permit increased maximum floor area and height for proposed accessory building

2.2 A-25/20 67 Kirkby Court

Owner: MacKinnon Holdings Ltd.

Agent: Vivian Patel, Jones Lang LaSalle

Request: Variance to permit reduced building size for proposed industrial building

2.3 A-26/20 49 Lynwood Avenue

Owner: Vahid Tabatabaei-Khorasgani

Agent: S. Hamid Tabatabaei-Khorasgani

Request: Variance for existing accessory apartment size

2.4 A-27/20 120 Kathleen Street

Owner: Robert William Green

Agent: Nicolas Spaling

Request: Variance for reduced side yard setback for proposed residential addition

2.5 B-5/20 and A-23/20 14 Winston Crescent

Owner: Marie-Jose van der Zande and Alberdina Bouwmeester

Agent: Jeff Buisman, Van Harten Surveying Inc.

Request: Consent for lot addition to 75 Metcalfe Street and variance to permit reduced lot size

2.6 A-10/20 739 Woolwich Street

Owner: 2448254 Ontario Inc.

Agent: Drew Gillingham, 536357 Ontario Ltd.

Request: Variance to permit retail sale of cannabis and related supplies

Deferred from March 12, 2020 hearing

3. Staff Announcements

4. Adjournment

Committee of Adjustment Notice of Public Hearing



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

Application Details

Location:

96 Oakdale Drive

Proposal:

The applicant is proposing to construct a two-storey accessory building to be used to maintain and store landscape equipment for the Village by the Arboretum community. The existing construction trailer and shed will be removed.

By-Law Requirements:

The property is located in the Retirement Residential (RR.2) Zone. Variances from Section 4.5.2.1 and 4.5.1.4 of Zoning By-law (1995)-14864, as amended, are being requested.

The By-law requires that:

- a) an accessory building or structure shall not exceed 3.6 metres in height; and
- b) the total ground floor area of all accessory buildings or structures shall not exceed 70 square metres.

Request:

The applicant is seeking relief from the By-Law requirements to permit:

- a) a maximum building height of 6.4 metres for the proposed accessory building; and
- b) a maximum gross floor area of 200 square metres for a proposed accessory 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, June 11, 2020
Time:	4:00 p.m.
Location:	Remote Committee of Adjustment hearing live streamed at guelph.ca/live
Application Number:	A-24/20

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 **June 4, 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 22, 2020.

Contact Information

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

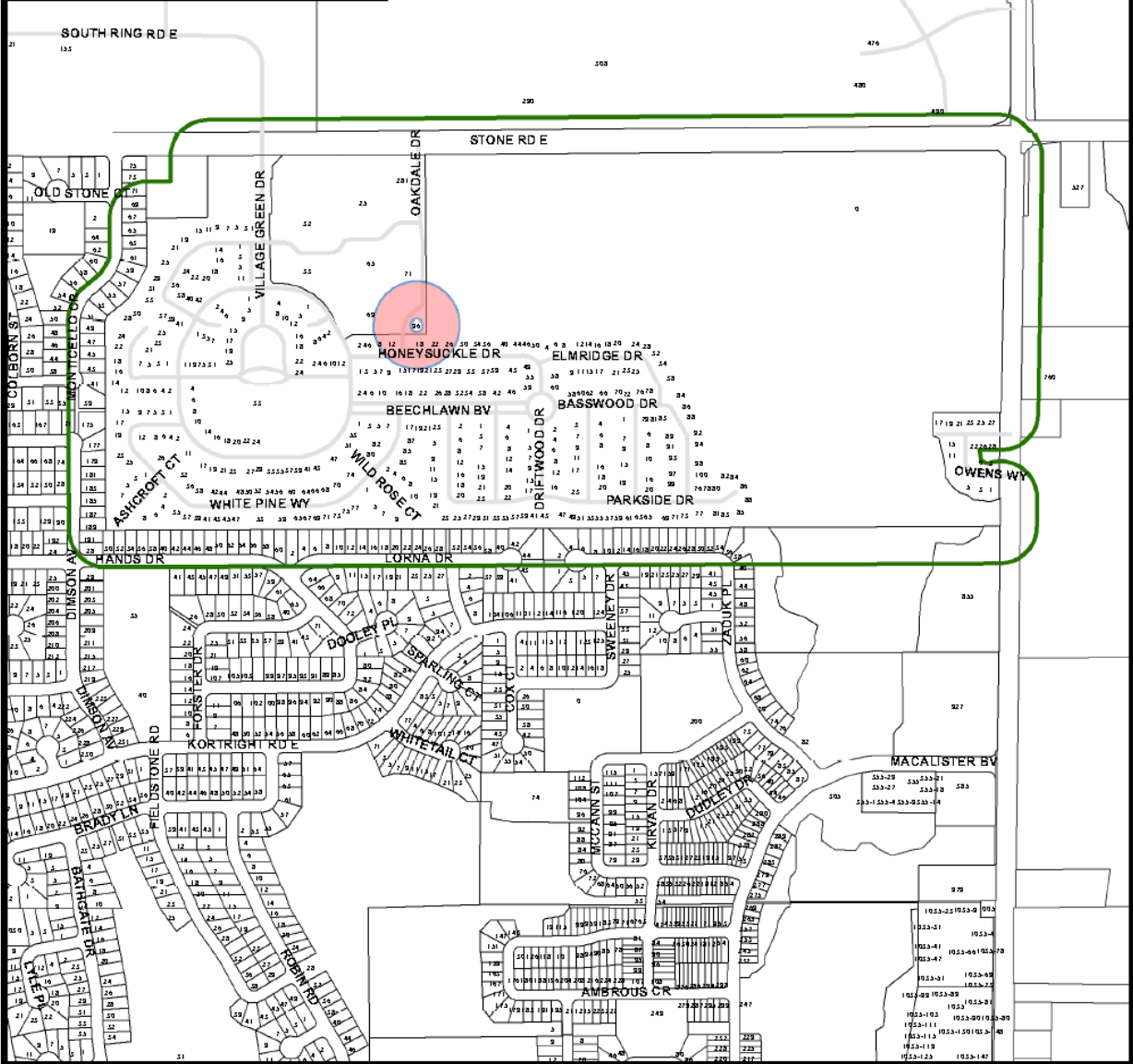
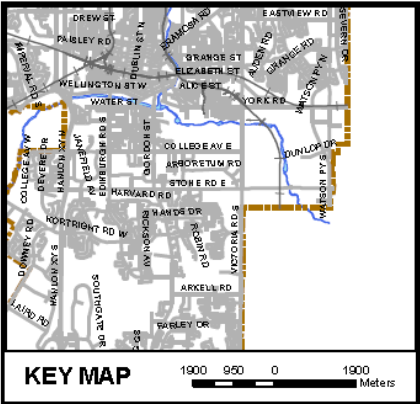
Due to the closure of City Hall, written comments can be mailed or dropped off in the mail slot located by the main entrance of City Hall


519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa







96 Oakdale Drive (A-24/20)
60m Circulation Area

Produced by the City of Guelph
City Clerk's Office-Committee of Adjustment

Date Printed: Date: May 20, 2020



180 90 0 180 360 Meters



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 for damages or loss arising from their application or interpretation, by any person. 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 519-822-3366.

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
375 DENOTES BLACK, SHOEMAKER et. al., O.L.S.'s
VH DENOTES VAN HARTEN SURVEYING INC., O.L.S.'s

OVERHEAD HYDRO — OH — OH — OH —
SANITARY SEWER — W — W — W — W —
WATERMAIN — W — W — W — W —
STORM SEWER — W — W — W — W —
FENCELINE — X — X — X — X —
CENTRELINE OF ROAD — — — — —
TOP OF SLOPE — — — — —

DIRECTION OF FLOW — — — — —
SILT FENCE — X — X — X — X —
TREE PROTECTION FENCE — TPF — TPF — TPF —

DECK GRAVEL CONCRETE ASPHALT BUILDING

EXISTING ELEVATION × 330.96
PROPOSED ELEVATION × (330.96)
HYDRO POLE ● HP
GUY WIRE GW
LIGHT STANDARD LS
HYDRO POLE ● HP
BELL PEDESTAL BELL
DECIDUOUS TREE
CONIFEROUS TREE
TREE (TO BE REMOVED) X

HYDRO METER HM
GAS METER GM
CATCHBASIN CB
MANHOLE MH
SIGN
FIRE HYDRANT FH
WATER VALVE WV
DOWNSPOUT
SUMP PUMP DISCHARGE
EXISTING CURB CUT
PROPOSED CURB CUT
PROPOSED TREE

BEARING AND COORDINATE NOTE:

- BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17, NAD 83 (CSRS-2010) ADJUSTMENT.
- DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.99960291.
- COORDINATES ON THIS PLAN ARE UTM, ZONE 17, NAD83 (CSRS-2010) ADJUSTMENT AND ARE BASED ON GPS OBSERVATIONS FROM A NETWORK OF PERMANENT GPS REFERENCE STATIONS.

UNDERGROUND SERVICES:

BASED ON SERVICE DRAWING BY STANTEC INC.

NOTES:

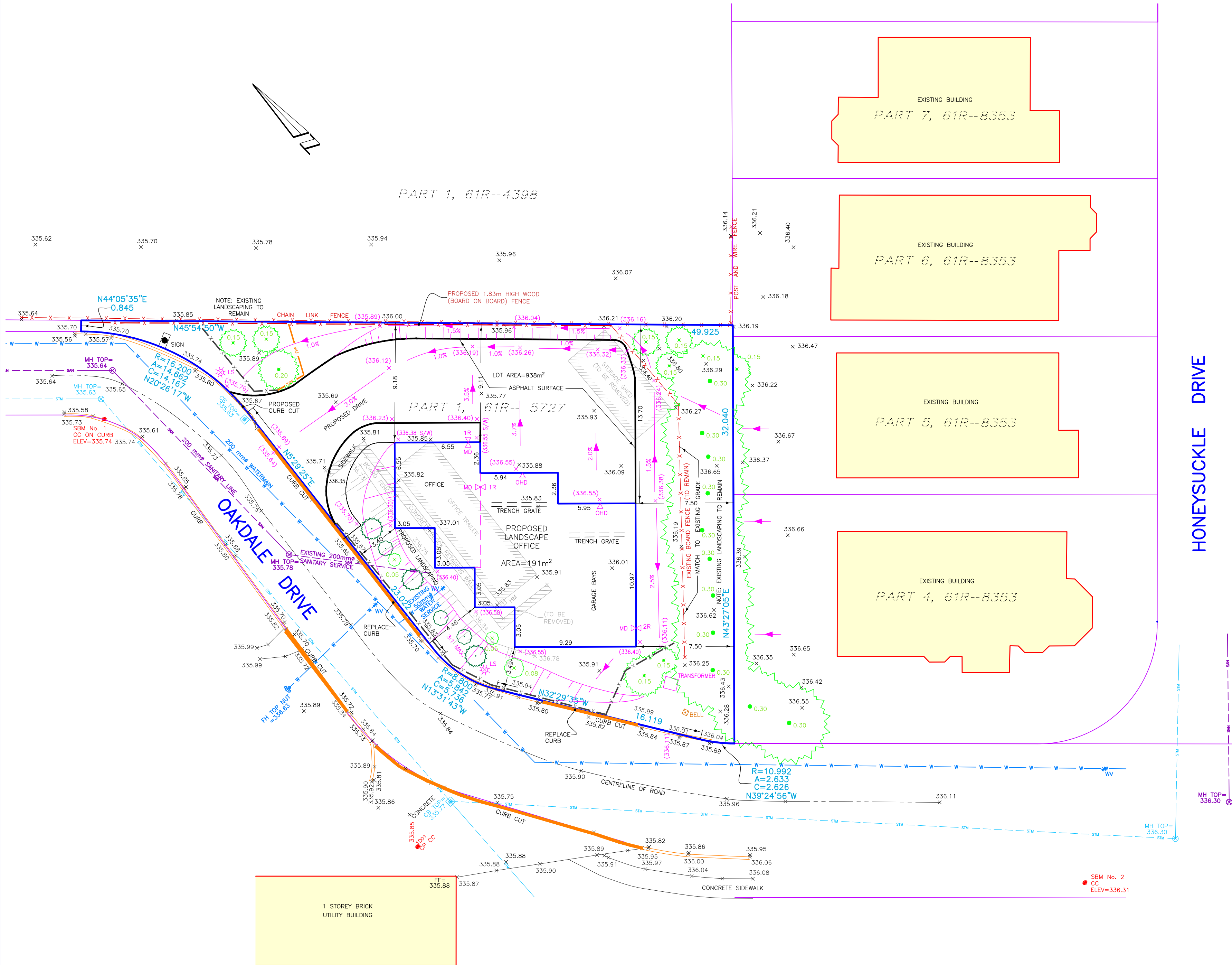
- MATCH TO EXISTING GRADE AT ALL LOT LINES. ATTEMPTS ARE TO BE MADE TO ENSURE ANY ABUTTING LOTS WITH DRAINAGE OUTLETING ONTO THE SUBJECT PROPERTY WILL CONTINUE TO DO SO.

SEDIMENT AND EROSION CONTROL NOTES:

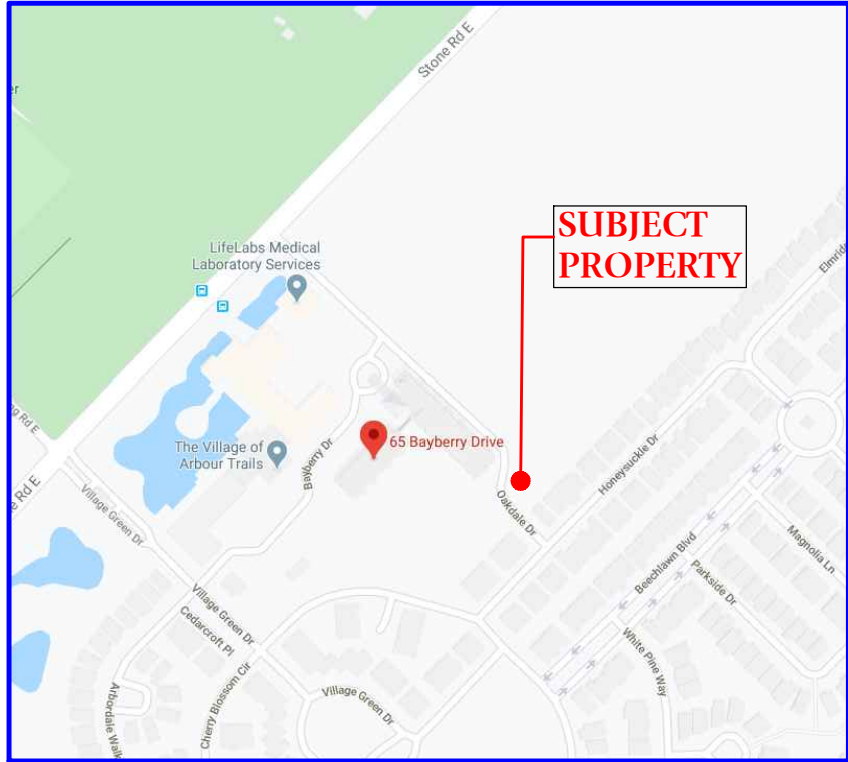
- ALL SILT FENCING TO BE INSPECTED AND INSTALLED PRIOR TO THE COMMENCEMENT OF ANY GRADING OR EXCAVATING.
- ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED AS SITE DEVELOPMENT PROGRESSES. THE CONTRACTOR IS RESPONSIBLE TO PROVIDE ANY ADDITIONAL EROSION CONTROL STRUCTURES.
- ALL EROSION CONTROL STRUCTURES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

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.



KEYMAP:



PROPOSED BUILDING:

TOP OF FOUNDATION = (336.70)
UNDERSIDE OF FOOTING = (335.18)
UNDERSIDE OF FOOTING (FROST) = (335.08)
FINISHED FLOOR = (336.70)
GARAGE SLAB = (336.55)

SURVEY INFORMATION:

BENCHMARK REFERENCE:
ELEVATIONS ARE BASED ON GPS OBSERVATIONS FROM PERMANENT REFERENCE STATIONS IN THE NAD83 (CSRS-2010) COORDINATE SYSTEM, WITH HEIGHTS CONVERTED TO ORTHOMETRIC ELEVATIONS ON THE CVGD28 DATUM (1978 ADJUSTMENT) WITH GEOID MODEL HTV2.0, AS SUPPLIED BY NATURAL RESOURCES CANADA.

SITE BENCHMARK:

- CC ON CURB NEAR NORTHWEST CORNER OF SUBJECT PROPERTY HAVING AN ELEVATION OF 335.74 METRES.
- CC NEAR INTERSECTION OF HONEYSUCKLE DRIVE AND OAKDALE DRIVE HAVING AN ELEVATION OF 336.31 METRES.

TOPOGRAPHIC SURVEY DATE:

THIS TOPOGRAPHIC SURVEY WAS COMPLETED ON THE 20TH DAY OF FEBRUARY, 2020.

JAMES M. LAWS
ONTARIO LAND SURVEYOR



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 LANDSCAPE OFFICE
VILLAGE BY THE ARBORETUM
CITY OF GUELPH
COUNTY OF WELLINGTON
DRAWING REVISION SCHEDULE

NO.	REVISION	DATE

PREPARED FOR: REID'S HERITAGE HOMES LIMITED

PROJECT No. 28042-20

DRAWING SCALE 1 : 200

0 2.5 5 7.5 10 metres



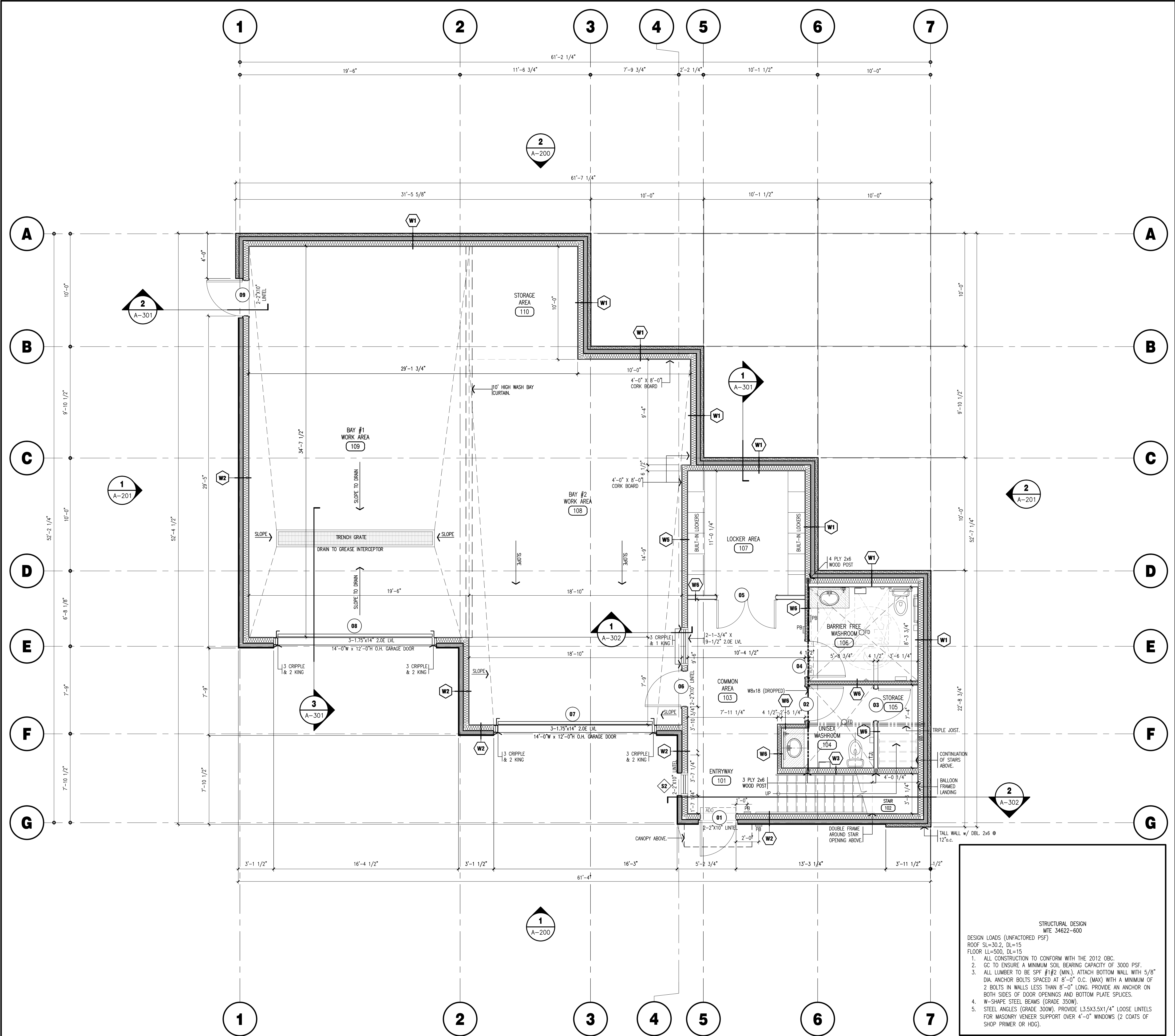
Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Waterloo Ph: 519-742-8371 Guelph Ph: 519-821-2763 Orangeville Ph: 519-940-4110

www.vanharten.com info@vanharten.com

DRAWN BY: S.A.P. DESIGNED BY: W.V. CHECKED BY: J.M.L.

Apr 01, 2020-10:57am
G:\GUELPH\Vba5\VBA STORAGE AREA\ACAD\SITE\VB4 (STORAGE AREA) UTM 2020 NR.dwg



STRUCTURAL DESIGN
MTE 34622-600

DESIGN LOADS (UNFACTORED PSF)
ROOF SL=30.2, DL=15
FLOOR LL=500, DL=15

1. ALL CONSTRUCTION TO CONFORM WITH THE 2012 OBC.
2. GC TO ENSURE A MINIMUM SOIL BEARING CAPACITY OF 3000 PSF.
3. ALL LUMBER TO BE SPF #1&2 (MIN.). ATTACH BOTTOM WALL WITH 5/8" DIA. ANCHOR BOLTS SPACED AT 8'-0" O.C. (MAX) WITH A MINIMUM OF 2 BOLTS IN WALLS LESS THAN 8'-0" LONG. PROVIDE AN ANCHOR ON BOTH SIDES OF DOOR OPENINGS AND BOTTOM PLATE SPLICES.
4. W-SHAPE STEEL BEAMS (GRADE 350W).
5. STEEL ANGLES (GRADE 300W). PROVIDE L3.5X3.5X1/4" LOOSE LINTELS FOR MASONRY VENEER SUPPORT OVER 4'-0" WINDOWS (2 COATS OF SHOP PRIMER OR HDG).

GENERAL NOTES:

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER STRUCTURAL, MECHANICAL & ELECTRICAL DRAWINGS FOR A COMPLETE SCOPE OF WORK.
2. REFER TO ARCHITECTURAL DRAWING A-001 FOR WALL TAG DESCRIPTIONS & DETAILS.
3. APPLY A CONTINUOUS BED OF SEALANT PRIOR TO INSTALLATION OF PARTITION WALLS AROUND MECHANICAL & ELECTRICAL ROOMS.
4. AT EXTERIOR & INTERIOR FIRE RATED WALL, ENSURE ALL PENETRATIONS & GAPS ARE FIRE STOPPED/ SEALED, WITH AN APPROVED FIRE STOP MATERIAL TO MAINTAIN DESIGNATED RATING OF DESIGN AS REQUIRED.
5. ALL WET WALLS SHALL BE COORDINATED WITH PLUMBING CONTRACTOR.
6. ALL PARTITIONS WHICH SHALL SUPPORT FIXTURES, MILLWORK ACCESSORIES & EQUIPMENT ARE TO BE REINFORCED WITH PLYWOOD BLOCKING AS REQUIRED TO PROVIDE RIGID & ADEQUATE SUPPORT.
7. ALL WALLS ARE TO BE FRAMED FULL HEIGHT TO u/s OF ROOF STRUCTURE ABOVE, UNLESS SPECIFICALLY IDENTIFIED.
8. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR SAME. REPORT ANY ERRORS OR OMISSIONS TO THE ARCHITECT IN WRITING PRIOR COMMENCING WITH THE WORK. PRINTS ARE NOT TO BE SCALED.

DRAWING NOTES:

LEGEND:

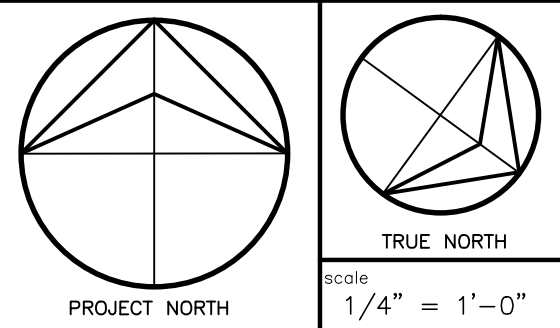
- | | |
|--------------|------------------------|
| | EXISTING WALLS. |
| | NEW WALLS. |
| | EXISTING WINDOWS. |
| | EXISTING DOOR & FRAME. |
| | NEW DOOR & FRAME. |
| ROOMNAME
 | ROOM NAME AND NUMBER |
| | DOOR NUMBER |
| | SCREEN NUMBER |
| | WALL TYPE |



NOTE:
This drawing and all associated documentation are the confidential property of BJC architects inc. and must be returned upon request. Any duplication, reuse, revision and/or distribution in part or whole without the prior written authorization of BJC architects inc. is strictly prohibited. Each contractor will check and verify all dimensions and report all errors and 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 these documents. Any use which a third party makes of these documents, or any reliance on or decisions to be made based on them, 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 decisions made or actions based on these documents © BJC architects inc. 2019

01	ISSUED FOR PERMIT	20.02.28
No.	REVISIONS	date



drawn	M.C.
lost worked on by	2020.02.26 M.C.
checked	BRJ
print date	20.02.28



client
REID'S HERITAGE HOMES

6783 WELLINGTON RD
CAMBRIDGE, ONTARIO N3C 2V4

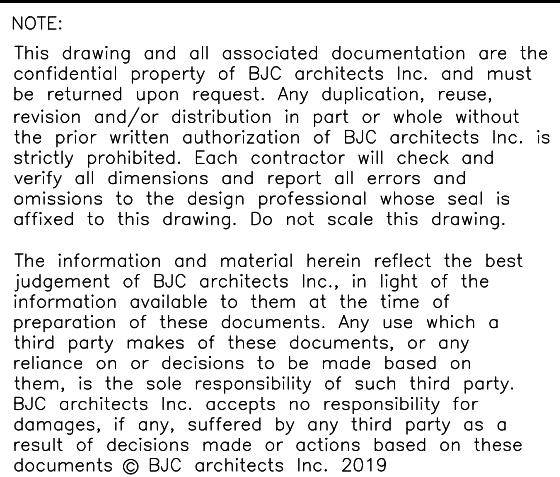
project
VBA LANDSCAPE SHOP

96 OAKDALE DRIVE
GUELPH, ONTARIO N1G 5K9

drawing title
FIRST FLOOR PLAN

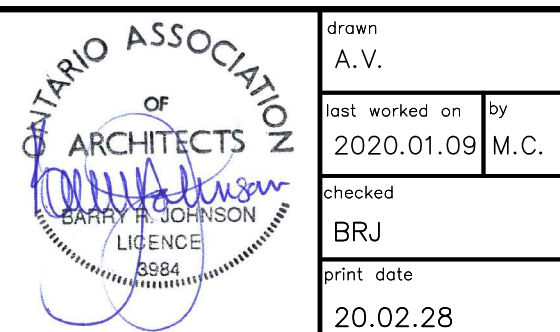
reference	
project no.	19-129
client reference number	

sheet no.
A-11001



01	ISSUED FOR PERMIT	20.02.28
No.	REVISIONS	date

scale
1/4" = 1'-0"



BJC

R.R.#2 8016 HIGHWAY#7, GUELPH, ONTARIO, CANADA N1H 6H8
TEL. (519) 822.7390 FAX (519) 822.5881
www.bjccarchitects.com

client
REID'S HERITAGE
HOMES

6783 WELLINGTON RD
CAMBRIDGE, ONTARIO N3C 2V4

project
VBA LANDSCAPE
SHOP

96 OAKDALE DRIVE
GUELPH, ONTARIO N1G 5K9

drawing title

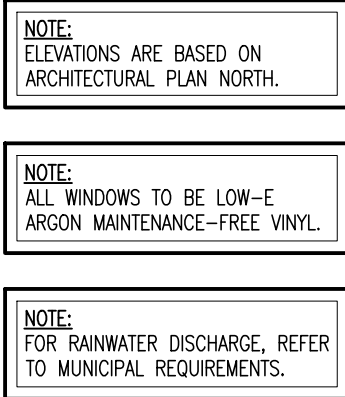
EXTERIOR
ELEVATIONS

reference

project no. 19-129	client reference number
-----------------------	-------------------------

sheet no. _____

A	-	2	0	0	0	1
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1 SOUTH ELEVATION
scale: $1/4" = 1'-0"$



2 NORTH ELEVATION
scale: 1/4" = 1'-0"

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER STRUCTURAL, MECHANICAL & ELECTRICAL DRAWINGS FOR A COMPLETE SCOPE OF WORK.
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8. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR ANY REPORT ANY ERRORS OR OMISSIONS TO THE ARCHITECT IN WRITING PRIOR COMMENCING WITH THE WORK. PRINTS ARE NOT TO BE SCALED.

ASPHALT SHINGLES.

BRICK
MANUFACTURE: MARIDIAN
TYPE: OLD JANESTON

CITADEL, TRADITIONAL GREY,
PRODUCT # 6155024624

EXPOSED CONCRETE.

Committee of Adjustment Application for Minor Variance



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: April 16, 2020	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A-24/20

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: 96 Oakdale Drive - Village by the Arboretum

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

Con 8, Pt lots 1 and 2 Parts 1 RP 61R5727 - Village by the Arboretum

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

Name: University of Guelph

Mailing Address: 50 Stone Road East

City: Guelph, Ontario Postal Code: N1G2W1

Home Phone: Work Phone: 519-767-5014

Fax: 519-763-4974 Email:

AGENT INFORMATION (If Any)

Company: Reid's Heritage Homes Ltd.

Name: Scott Hannah

Mailing Address: 6783 Wellington Road 34, R.R 22, N3C 2V4

City: Cambridge Postal Code:

Work Phone: 519-658-6656 Ext 288 Mobile Phone: 519-504-2426

Fax: Email: shannah@heritagehomes.com

Official Plan Designation:	Medium Density Residential	Current Zoning Designation:	RR.2 Retirement Residential 2
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

As an accessory structure the proposed Landscape Maintenance Building for the VBA requires several variances from Section 4.5 of Zoning By-law (1995)-14864.

1. Section 4.5.2.1 Building Height - the maximum height of the proposed accessory building is 6.4 metres (21 feet) in lieu of the required maximum height of 3.6 metres.
2. Section 4.5.1.4 Total Ground Floor Area of the accessory building - the ground floor area of the proposed building is 200 m² (2,158 square feet) in lieu of the required 70 square metres.

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

See attached

PROPERTY INFORMATION

Date property was purchased:	mid 1990's	Date property was first built on:	Construction trailer circa fall 2014
Date of proposed construction on property:	ASAP following approvals	Length of time the existing uses of the subject property have continued:	6 years

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

Construction trailer and shed

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

Permanent Landscape Maintenance Building for the Village by the Arboretum

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

Frontage:

Depth:

See attached site plan

Area:

938 square metres

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	47 m2 +/-		Gross Floor Area:	200 m2	
Height of building:	4 metres +/-		Height of building:	6.4 metres	
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:			Describe details, including height:		
A construction trailer and storage shed currently occupy the site.			A permanent Landscape Maintenance Building		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	6 metres +/-		M	Front Yard Setback:	3.4 metres M
Exterior Side Yard (corner lots only)			M	Exterior Side Yard (corner lots only)	
Side Yard Setback:	Left: M	Right: M		Side Yard Setback:	Left: M 9.11 m Right: M 7.5 m
Rear Yard Setback			M	Rear Yard Setback	

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)					
Provincial Highway <input type="checkbox"/>	Municipal Road <input type="checkbox"/>	Private Road <input checked="" 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 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, Scott Hannah, of the City/Town of Kitchener in County/Regional Municipality of Waterloo, 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 19 day of May, 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)

University of Guelph

[Organization name / property owner's name(s)]

of

69 Oakdale Drive - Village by the Arboretum

(Legal description and/or municipal address)

hereby authorize

Scott Hannah

(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 16 day of April 2020.

Don O'Leary.

(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.

PROPOSED LANDSCAPE MAINTENANCE BUILDING FOR THE VILLAGE BY THE ARBORETUM

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

As an accessory structure the proposed Landscape Maintenance Building for the VBA requires several variances from Section 4.5 of Zoning By-law (1995)-14864.

1. Section 4.5.2.1 Building Height - the maximum height of the proposed accessory building is 6.4 metres (21 feet) in lieu of the required maximum height of 3.6 metres.
2. Section 4.5.1.4 Total Ground Floor Area of the accessory building – the ground floor area of the proposed building is 200 m² (2,158 square feet) in lieu of the required “shall not exceed 70 square metres”.

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

Building Height – The proposed building will be used to maintain and store landscape equipment and will include several hoists to allow mechanics to work conveniently under the equipment. This primary section of the building has a height of 5.18 metres. The building will also include a small second story section to provide a lunchroom, office and washroom for the landscape crew and manager. The smaller section of the building will have a height of 6.4 metres.

The proposed building location is not visible from the nearest public street (Stone Road) will be screened by existing landscaping from the nearby residential dwellings to the south within the Village. The proposed building will also maintain the architectural theme of the nearby buildings within the Village.

Ground floor area of the proposed building – The proposed ground floor area of the building is necessary to provide sufficient space to allow for the maintenance and storage of landscape vehicles that service the entire Village by the Arboretum along with lockers, washrooms, a lunch room and office space for the landscape crew. It would not be possible to provide sufficient space within a building, for the equipment and staff, with only a 70 square metre ground floor area. The proposed building with a ground floor area of 200 square metres represents much less than 1 % of the total land area of the Village by the Arboretum and is a relatively small building in relation to the property that it will service.

Committee of Adjustment Notice of Public Hearing



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

Application Details

Location:

67 Kirkby Court

Proposal:

The applicant is proposing to construct a one-storey industrial building with a gross floor area of 186 square metres and 4 parking spaces to support the existing trucking operation. The property has a lot area of 3.06 hectares (7.57 acres).

By-Law Requirements:

The property is located in the Industrial (B.1) Zone. A variance from Section 7.3.5.1 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law requires a minimum building size of 15 percent of the lot area for lots between 3 to 10 acres.

Request:

The applicant is seeking relief from the By-Law requirements to permit a minimum building size of 0.61 percent of the lot area.

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, June 11, 2020**
Time: **4:00 p.m.**
Location: **Remote Committee of Adjustment hearing live streamed at guelph.ca/live**
Application Number: **A-25/20**

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 **June 4, 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 22, 2020.

Contact Information

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

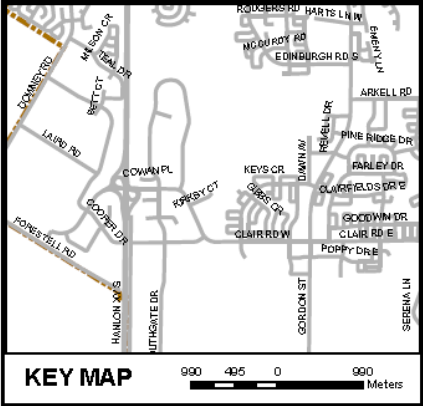
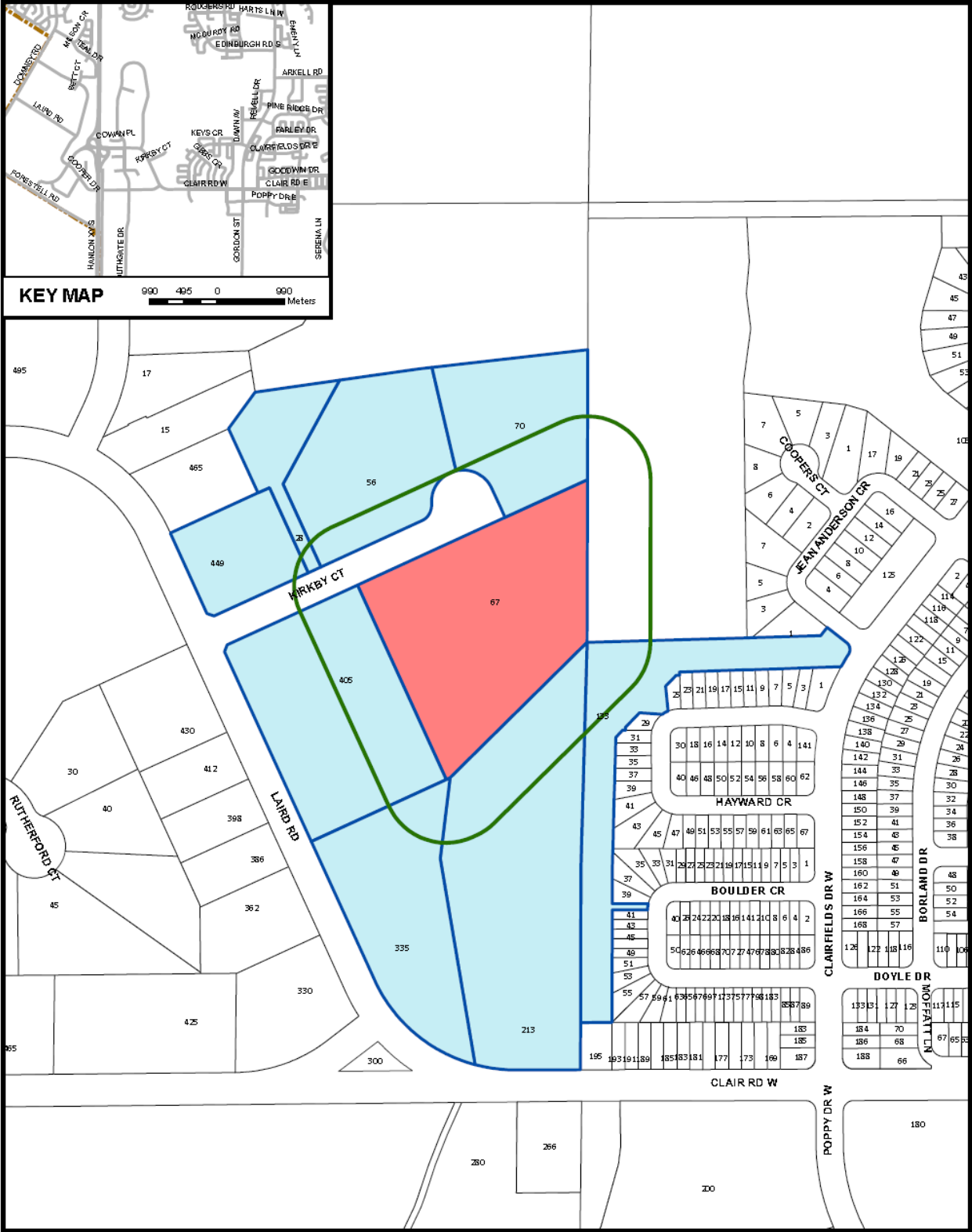
Due to the closure of City Hall, written comments can be mailed or dropped off in the mail slot located by the main entrance of City Hall


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: Date: May 20, 2020

67 Kirkby Court (A-25/20)
60m Circulation Area





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, for any purpose. It is not intended to replace a survey or to avoid the 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 519-825-1248.



PROPOSED NEW BUILDING
FOR
67 KIRKBY COURT
GUELPH, ONTARIO



 **KEY PLAN**
N.T.S.

SITE STATISTICS

NOTES:
1. ALL DIMENSIONS AND AREAS ARE APPROXIMATE
& MUST BE VERIFIED

SITE AREA	(±30,658.70 sm)	±7.57 ACRES
BUILDING AREA	±186 sm	±2,000 sf
TOTAL PERCENT COVERAGE	= ±0.61%	
MIN. BUILDING AREA REQ'D (Based on Industrial B.1 Zone City of Guelph By-law 1995-14864)	= 15% OF LOT AREA BETWEEN 3-10 ACRES IN SIZE	
<u>PARKING REQUIRED</u>		
TRUCKING OPERATION USE 1.0 SPACE/50sm G.F.A.	= 3.7 SPACES	
PARKING PROVIDED	= 4 SPACES	

PRELIMINARY
FOR DISCUSSION PURPOSES ONLY



Committee of Adjustment Application for Minor Variance



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: April 24, 2020	Folder #: A-25/20
	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: 67 Kirkby Court, Guelph, Ontario

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

PART LOT 4, PLAN 766 DESIGNATED AS PART 1, PLAN 61R20878 TOGETHER WITH AN EASEMENT OVER PART LOT 4, PLAN 766 DESIGNATED AS PARTS 3, 5, PLAN 61R20878 AS IN WC477511 CITY OF GUELPH

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

Name:	<u>MACKINNON HOLDINGS LIMITED</u>		
Mailing Address:	<u>51-B Inkerman Street</u>		
City:	<u>Guelph, Ontario</u>	Postal Code:	<u>N1H 3C6</u>
Home Phone:	<u>N/A</u>	Work Phone:	<u>(519) 241-8959</u>
Fax:	<u>N/A</u>	Email:	<u>EvanM@elmcoaching.com</u>

AGENT INFORMATION (If Any)

Company:	<u>Jones Lang LaSalle</u>		
Name:	<u>Vivian Patel</u>		
Mailing Address:	<u>22 Adelaide Street W, Floor 26, Toronto, ON,</u>		
City:	<u>Toronto, Ontario</u>	Postal Code	<u>M5H 4E3</u>
Work Phone:	<u>(416) 391-6971</u>	Mobile Phone:	<u>(416) 997-7750</u>
Fax:	<u>(416) 304-6001</u>	Email:	<u>Vivian.Patel@am.jll.com</u>

Official Plan Designation: Industrial	Current Zoning Designation: B.1
---------------------------------------	---------------------------------

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

This application is for a minor variance to permit the potential future development of a smaller building area on the property of 67 Kirkby Court. Under the City of Guelph By-Law (1995) – 14864 Section 7.3.5.1, requires that future development include a building that is 15 percent of the lot area. This application is seeking relief from Section 7.3.5.1 in the amount of 14.39 percent.

There is currently no building on this property as it was severed from 405 Laird Road. The proposed conceptual site plan (attached with this application) outlines an industrial building of approximately 186 m. sq., or 0.61 percent of the lot area.

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

A 'Trucking Operation' has been functioning on the property since 1988. The proposed use is consistent with the existing use, as well as the permitted uses under 'B.1 Industrial' zones. 67 Kirkby Court has been improved with removal of top soil, surface gravel, and paving.

The proposed size of the building within this application is the best suited for a trucking operation that has been in service within the City of Guelph and the wider region for over 32 years. While the City of Guelph By-Law (1995) – 14864 Section 7.3.5.1 requires a specific size of building within 'B.1 and B.2 Industrial' zones, a successful trucking operation on the specific property of 67 Kirkby Court does not require that size of building in order to continuously function and maintain business relationships as a 'Trucking Operation' with local and regional industries and corporation that rely on this type of use within the area.

Due to the configuration and shape of the property, a building following the Section 7.3.5.1 lot area requirement would not be conducive to various permitted industrial uses concerning truck-turning radii. Additionally, the stormwater management sewer pipes on the 67 Kirkby Court encircle the site, and building a new facility on the property would require the neighbouring lands to be redesigned and rebuilt due to loss of the existing Storm Water Management system.

PROPERTY INFORMATION

Date property was purchased:	March 1988	Date property was first built on:	September 1988
Date of proposed construction on property:	To be determined based on this application and subsequently required Site Plan Approval application.	Length of time the existing uses of the subject property have continued:	Approx. 32 years
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):			
Industrial			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):			
Industrial			

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

Frontage: 133.8 m

Depth: 150.4 m

Area: 30,658 m. sq.

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	N/A		Gross Floor Area:	186 m. sq.	
Height of building:	N/A		Height of building:	One (1) storey	
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:	N/A		Width:	N/A	
Length:	N/A		Length:	N/A	
Driveway Width:	N/A		Driveway Width:	N/A	
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height: N/A			Describe details, including height: N/A		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	N/A M		Front Yard Setback:	6.0 M	
Exterior Side Yard (corner lots only)	N/A M		Exterior Side Yard (corner lots only)	N/A M	
Side Yard Setback:	Left: N/A M	Right: N/A M	Side Yard Setback:	Left: 55.4 M	Right: 126.4 M
Rear Yard Setback	N/A M		Rear Yard Setback	142.8 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: through connection to City of Guelph municipal services, as prior to the severance, provision of municipal services was via municipal service connections through 405 Laird Road.	

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 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.

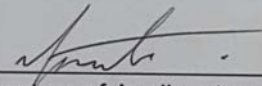
Vivian Patel

Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, VIVIAN PATEL, of the City/Town of
TORONTO in County/Regional Municipality of GREATER TORONTO, 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 19 day of May, 20 20.



Digitally signed by Juan
 DaSilva
 Date: 2020.05.19 11:14:41
 -04'00'

 Commissioner of Oaths

JUAN 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)

Evan MacKinnon

[Organization name / property owner's name(s)]

of 67 Kirkby Court

(Legal description and/or municipal address)

hereby authorize

Vivian Patel

(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 7 day of April 2020.


(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.

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-20/16



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 Part Lot 4 of Registered Plan 766, Reference Plan 61R-20365, Part of Parts 5, 6 and 7 (proposed "area to be severed" as shown on a sketch prepared by MTE Ontario Land Surveys Ltd., dated May 20, 2016, file no. 00309-201-SV1(S)), municipally known as 67 Kirkby Court, an irregularly shaped parcel with frontage along Kirkby Court of 20.2 metres, a depth of 202.5 metres, and an area of 4,046.9 square metres, as a lot addition to Part Lot 4 of Registered Plan 766, Reference Plan 61R-20365, Part 7, municipally known as 405 Laird Road, along with an irregularly shaped easement with an area 521.9 square metres, for the maintenance of a storm sewer in favour of MacKinnon Transport Inc. (Part of Lot 4, Registered Plan 766, Part 5 of Reference Plan 61R-20365), be **APPROVED**, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting property owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed: "The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That the servient tenement lands, 405 Laird Road, (proposed severed lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Part 6 and Part 7, Reference Plan 61R-20365), grants an easement approximately 6.0-metres (19.69 feet) wide by a depth of approximately 11.00-metres (36.09 feet); and approximately 6.0-metres (19.69 feet) wide by a depth of approximately 41.00-metres (134.51 feet) and a depth of approximately 53.00-metres (173.88 feet) over Part 5, Reference Plan 61R-20365, in perpetuity, registered on title, in favour of the dominant tenement lands, 67 Kirkby Court, MacKinnon Transport Inc., (proposed retained lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Reference Plan 61R-20365), for the maintenance of a storm sewer, prior to endorsonation of the deeds or within one (1) year of the consent, whichever occurs first.
4. That prior to endorsonation of the deeds, the solicitor for the owner of the servient tenement lands, 405 Laird Road, (proposed severed lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Part 6 and Part 7, Reference Plan 61R-20365), certifies that the storm sewer easement, in favour of the dominant tenement lands, 67 Kirkby Court, MacKinnon Transport Inc., (proposed retained lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Reference Plan 61R-20365), has been granted and registered on title.
5. 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 endorsement.
6. 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 endorsement of the deed.

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-20/16



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:

7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That 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 draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

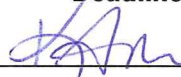
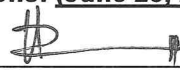

REASONS:

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.

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: (June 28, 2017).

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 meeting held on June 23, 2016.

Dated: June 28, 2016

Signed:



**The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is July 18, 2016.**

Committee of Adjustment

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

Committee of Adjustment Notice of Public Hearing



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

Application Details

Location:

49 Lynwood Avenue

Proposal:

The applicant is proposing to maintain an accessory apartment with an area of 86 square metres, or 39 percent of the total gross floor area, in the basement 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 86 square metres, or 39 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, June 11, 2020**

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

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

Application Number: **A-26/20**

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 **June 4, 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 22, 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

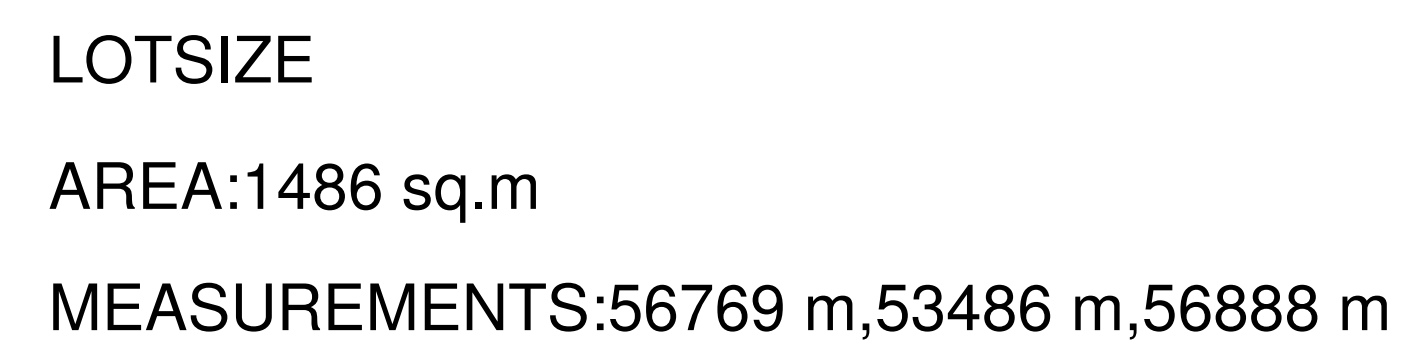
519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa





www.autodesk.com/revit

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Site plan

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

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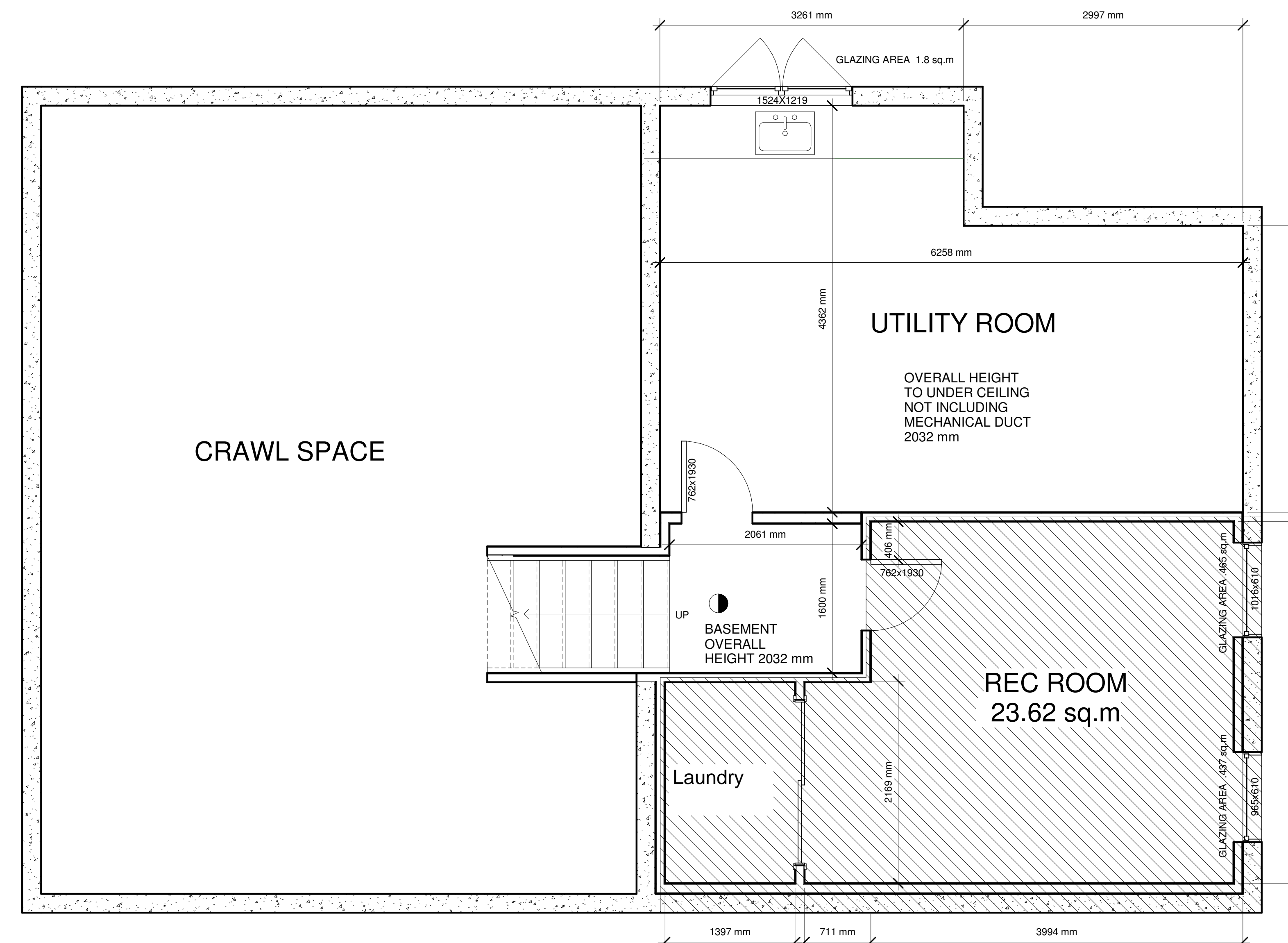
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NOTES:
WATER SHUT OFF VALVES ARE IN UTILITY ROOM
UTILITY ROOM INTERIOR WALLS/CEILING :
NOT FINISHED WITH 1/2" DRYWALL
WALKWAY/STORAGE INTERIOR WALLS :
2"x4" WOOD STUDS @16" O.C
FINISHED WITH 1/2" DRYWALL

SMOKE DETECTOR 

SMOKE/C.O. DETECTOR 

① BASEMENT 1
1 : 32

[illegible]

Owner
Project Name
BASEMENT

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

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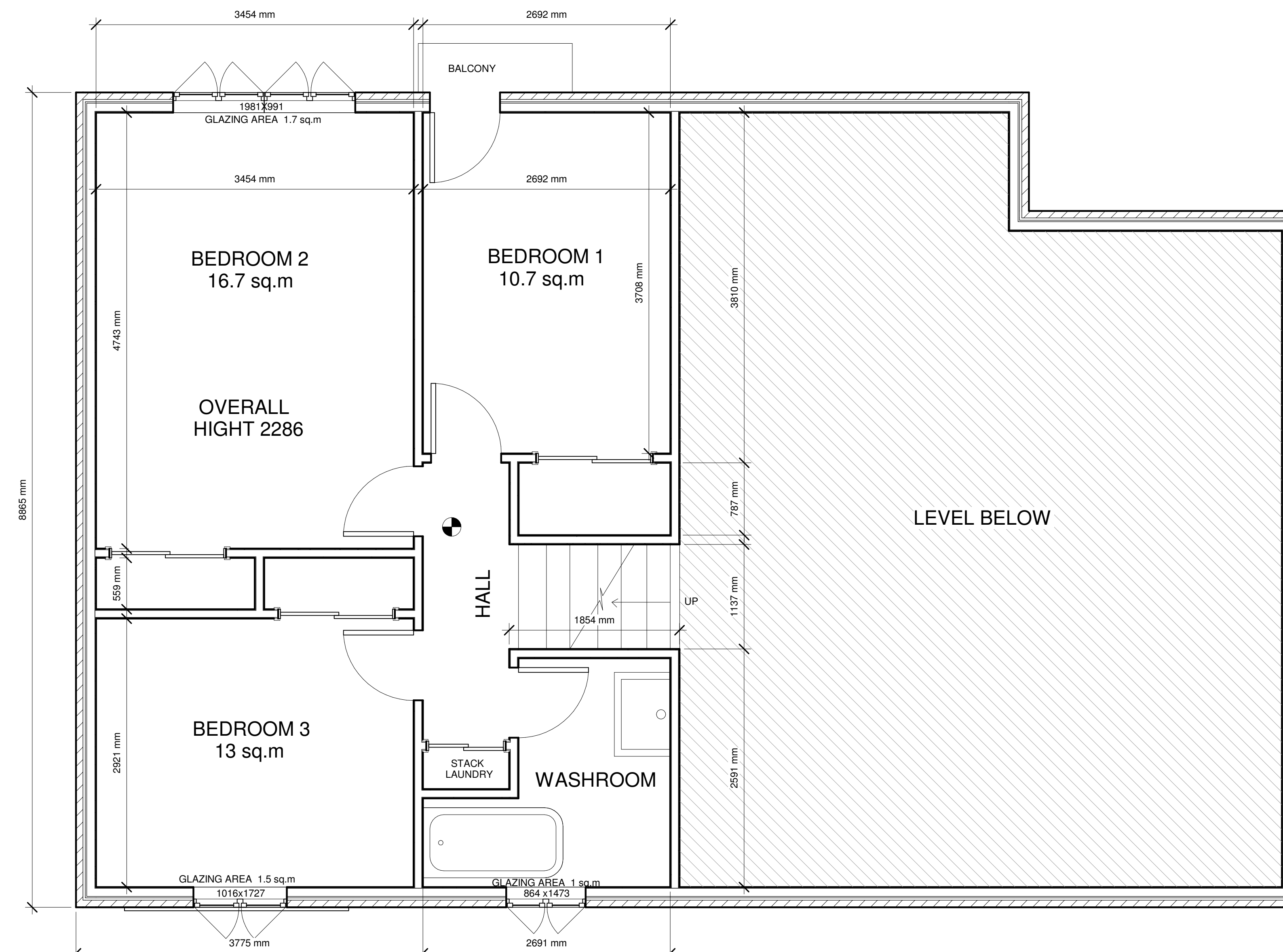
Owner

Project Name
SECOND FLOOR

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A102

Scale	1 : 32
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SMOKE/C.O. DETECTOR

TYPICAL WALL/CEILING FINISH :
1/2" DRYWALL
MAIN UNIT 2ND FLOOR
NO CHANGE FROM BEFORE
54 sq.m

1 BEDROOMS
1 : 32

Committee of Adjustment Application for Minor Variance



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: May 6, 2020	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A-26/20

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: 49 Lynwood Ave., Guelph, ON N1G 2V8

Legal description of property (registered plan number and lot number or other legal description):
Lot 19, Plan 432 Guelph

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

Name: Vahid Tabatabaei- Khorasgani

Mailing Address: 26 Leno Mills Ave.

City: Richmond Hill, ON Postal Code: L4S 1J6

Home Phone: Work Phone: 416-822-7901

Fax: Email: vtabai2@gmail.com

AGENT INFORMATION (If Any)

Company: _____

Name: S. Hamid Tabatabaei-Khorasgani

Mailing Address: 192 Woodspring Ave.

City: Newmarket Postal Code L3X 3J4

Work Phone: Mobile Phone: 416-731-4907

Fax: Email: hamidtabai@yahoo.com

Official Plan Designation: Lot19 Plan 432, Guelph Low density Residential	Current Zoning Designation: Residential R.1B
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

There is an existing accessory apartment to be legalized. The area is 86 m² which is 6m² more than zoning bylaw of 80 m² (Ref.4.15.zoning Bylaw 1995-14864). percentage of accessory apartment vs. the entire area= 39%

Require relief from 4.15.1.5 zoning bylaw 1995-14864)

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

No, Due to access and laundry requirements

PROPERTY INFORMATION

Date property was purchased:	2017	Date property was first built on:	1960
Date of proposed construction on property:	Existing	Length of time the existing uses of the subject property have continued:	3 yrs.
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: 56.7 m Depth: 56.8 m Area: 1486 m²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED No change		
Main Building			Main Building		
Gross Floor Area:	225.03 m ²		Gross Floor Area:	225.03 m ²	
Height of building:	6.7 m		Height of building:	6.7 m	
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
Attached <input checked="" type="checkbox"/>	Detached <input type="checkbox"/>		Attached <input checked="" type="checkbox"/>	Detached <input type="checkbox"/>	
Width:	3.24m		Width:	3.24 m	
Length:	6.73m		Length:	6.73 m	
Driveway Width:	5.4 m		Driveway Width:	5.4 m	
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height: Deck 2.44X10 m			Describe details, including height: Deck 2.44X10 m		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED No change		
Front Yard Setback:	15.43 M		Front Yard Setback:	15.43 M	
Exterior Side Yard (corner lots only)	N/A M		Exterior Side Yard (corner lots only)	N/A M	
Side Yard Setback:	Left: 8.86 M	Right: 11.10 M	Side Yard Setback:	Left: 8.86 M	Right: 11.10 M
Rear Yard Setback	27 M		Rear Yard Setback	27 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"/>	20000686RX
Consent	<input type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input 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, Vahid Tabatabaei-Khorasgani, of the City/Town of
Richmond Hill in County/Regional Municipality of York, 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 20 day of May, 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)

Vahid Tabatabaei-Khorasgani

[Organization name / property owner's name(s)]

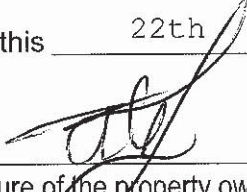
of 49 Lynwood Ave., Guelph, ON N1G 2V8

(Legal description and/or municipal address)

hereby authorize S. Hamid Tabatabaei- Khorasgani
(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 22th day of April 2020.


(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.

April 30, 2020

Committee of Adjustment

City of Guelph

Subject: Request for Minor Variance- 49 Lynwood Ave., Guelph

Dear Sir/Madam:

Please attached find the application for a minor variance for the residential property at 49 Lynwood Ave, Guelph, ON N1G 2V8.

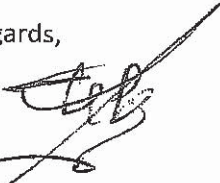
This is regarding legalizing an existing accessory apartment that total surface area is 86 m² (6 m² higher than zoning bylaw- ref. 4.15 zoning bylaw 1995-14864). The accessory apartment still is less than 45% of total area.

Due to required access to the accessory apartment laundry and rec. room the area can not be decreased to comply with the reequipments.

The initial review has been completed by zoning, plan examiner and planner of Planning and Building Services of City of Guelph.

Please do not hesitate to call me at 416-822-7901, should you have any questions.

Regards,

A handwritten signature in black ink, appearing to read 'Vahid', with a long, sweeping horizontal stroke extending to the left.

Vahid Tabatabaei- Khorasgani- the owner

Committee of Adjustment Notice of Public Hearing



An Application for Minor Variance(s) has been filed with the Committee of Adjustment

Application Details

Location:

120 Kathleen Street

Proposal:

The applicant is proposing to construct a second floor on the existing one-storey dwelling, as well as constructing a two-storey addition to the rear of the dwelling and an attached garage. The existing detached garage will be removed.

By-Law Requirements:

The property is located in the Residential Single Detached (R.1B) Zone. A variance from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law requires a minimum side yard setback of 1.5 metres.

Request:

The applicant is seeking relief from the By-Law requirements to permit a minimum left side yard setback of 0.65 metres for the proposed attached garage and addition to the existing 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, June 11, 2020**
Time: **4:00 p.m.**
Location: **Remote Committee of Adjustment hearing live streamed at guelph.ca/live**
Application Number: **A-27/20**

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

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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 **June 4, 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.

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Notice Details

Trista Di Lullo, ACST
Secretary-Treasurer, Committee of Adjustment
Dated May 22, 2020.

Contact Information

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

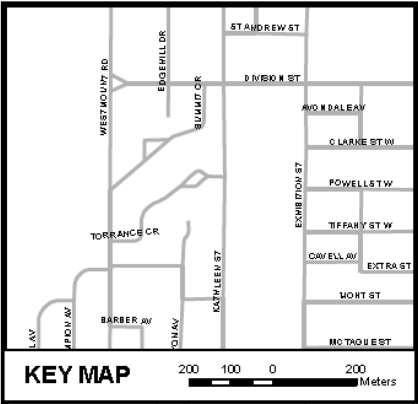
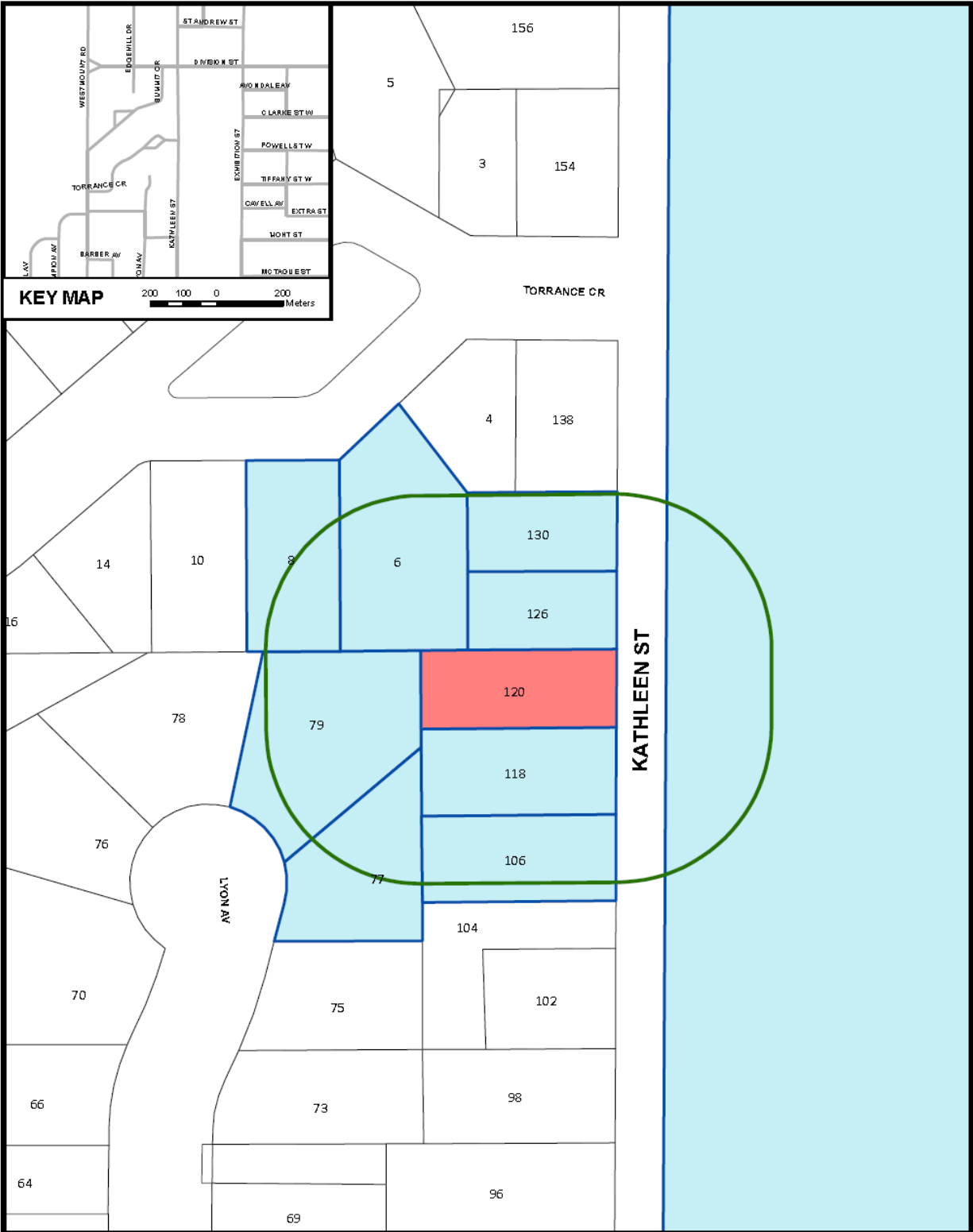
Due to the closure of City Hall, written comments can be mailed or dropped off in the mail slot located by the main entrance of City Hall

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa



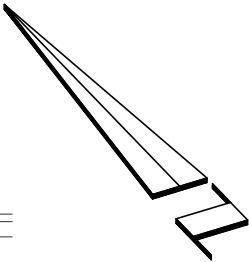
"EXHIBITION PARK"

KATHLEEN STREET

ROAD ALLOWANCE BETWEEN RANGE 2 & 3, DIVISION A

PIN 71298-0083

10.05m WIDE



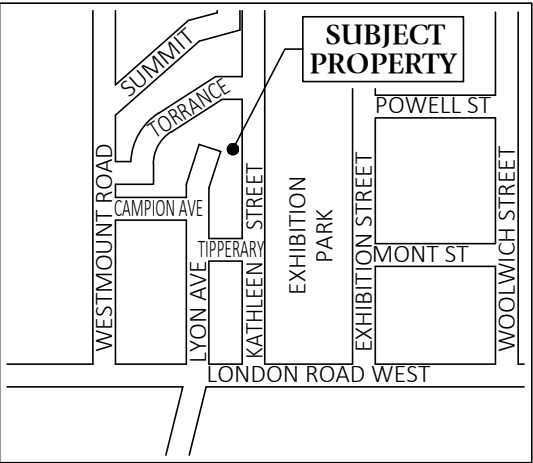
MINOR VARIANCE SKETCH
PART OF LOT 7, CONCESSION 3
DIVISION 'A'
GEOGRAPHIC TOWNSHIP OF GUELPH
CITY OF GUELPH
COUNTY OF WELLINGTON

SCALE 1 : 300



VAN HARTEN SURVEYING INC.

KEYMAP:



NOTES:

- 1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
- 2. SUBJECT LANDS ARE ZONED RESIDENTIAL (R.1B).
- 3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF GENERAL RESIDENTIAL.
- 4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
- 5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.

SURVEYOR'S CERTIFICATE:

THIS SKETCH WAS PREPARED
ON THE 4th DAY OF MAY, 2020

Jeff Buisman
JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Waterloo
Ph: 519-742-8371

Guelph
Ph: 519-821-2763

Orangeville
Ph: 519-940-4110

www.vanharten.com

info@vanharten.com

DRAWN BY: ARN

CHECKED BY: JEB

PROJECT No. 28220-20

May 5, 2020-9:18:36 AM

G:\GUELPH\DivA\Range3\ACAD\MV LOT 7 (SPALING) UTM.dwg

LOT 15

LOT 14

PIN 71298-0090

EXISTING
DWELLING
#126

MINOR
VARIANCE
REQUEST:



TO PERMIT A REDUCED SIDE YARD
SETBACK FOR THE PROPOSED
2-STOREY BUILDING ADDITION TO
BE 0.65m INSTEAD OF 1.5m AS
REQUIRED IN TABLE 5.1.2, ROW 7
OF THE ZONING BY-LAW.

PLAN

REGISTERED

LOT 13

PIN 71298-0091

ZONING:

LOT

7

LOT AREA
=550m²

PIN 71298-0116

GENERAL

EXISTING
1 STOREY
DWELLING
#120
PROPOSED TO BE
2 STOREY

PROPOSED
2 STOREY
GARAGE
26m²

PROPOSED
2 STOREY
ADDITION
46m²



R1B

CONCESSION

RESIDENTIAL

DIVISION

GARAGE
(TO BE
REMOVED)

3

A

14.9

PIN 71298-0106

LOT

5,

REGISTERED

PLAN

PIN 71298-0107

591

Committee of Adjustment Application for Minor Variance



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: May 12, 2020	Folder #: A-27/20
	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: **120 Kathleen Street, Guelph**

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

**Part of Lot 7, Concession 3, Division 'A', as in INST No. RO716665,
Geographic Township of Guelph, City of Guelph**

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

Name:	Robert William Green		
Mailing Address:	214 Speedvale Ave West		
City:	Guelph	Postal Code:	N1H 1C4
Home Phone:	519-993-8817	Work Phone:	
Fax:		Email:	rgreen@royalpage.ca

AGENT INFORMATION (If Any)

Company:			
Name:	Nicolas Spaling		
Mailing Address:	115 Oak Park Drive		
City:	Waterloo	Postal Code:	N2K 0B3
Work Phone:		Mobile Phone:	647-286-3477
Fax:		Email:	spalsnick@gmail.com

Official Plan Designation: General Residential	Current Zoning Designation: Residential R.1B
---	---

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

A 2 storey addition is proposed for the existing dwelling, including an attached garage and the following variance is being requested to address the deficiency:

A) To permit a reduced side yard setback for the proposed 2 storey building addition to be 0.65m instead of 1.5m as required in Table 5.1.2, Row 7 of the Zoning By-law.

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

See covering letter for justification on variance.

PROPERTY INFORMATION

Date property was purchased:	January 2007	Date property was first built on:	Many years ago
Date of proposed construction on property:	Pending minor variance approval	Length of time the existing uses of the subject property have continued:	Many years - Approx. 1940's

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

Residential

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

Residential - No Change

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

Frontage: **15.2m** Depth: **36.5m** Area: **550m²**

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building		Existing Dwelling	Main Building		Proposed Addition & Garage
Gross Floor Area:	Ground Floor Area = 95±m ²		Gross Floor Area:	145±m ²	
Height of building:	1 storey		Height of building:	2 storey	
Garage/Carport (if applicable) Garage - to be removed			Garage/Carport (if applicable) Proposed Attached Garage		
Attached <input type="checkbox"/> Detached <input checked="" type="checkbox"/>			Attached <input checked="" type="checkbox"/> Detached <input type="checkbox"/>		
Width:	3.6±m	Garage - to be removed	Width:	3.6±m	
Length:	6.0±m		Length:	7.2±m	
Driveway Width:	3.6±m		Driveway Width:	3.6±m	
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 Dwelling & Existing Garage			PROPOSED Garage and Rear Addition		
Front Yard Setback:	7.7m M		Front Yard Setback:	7.7m (existing) M	
Exterior Side Yard (corner lots only)	N/A M		Exterior Side Yard (corner lots only)	N/A M	
Side Yard Setback:	Left: M 1.6m	Right: M 0.0m	Side Yard Setback:	Left: M 0.65m (proposed)	Right: M 1.6m (existing)
Rear Yard Setback	17.3m M		Rear Yard Setback	13.7m (proposed) 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 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 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.

 x




Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, Nicolas Spaling, 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.

X



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 7th day of May, 2020.



Commissioner of Oaths

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expires May 11, 2021 (only stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned,

Rob Green

[Organization name / property owner's name(s)]

being the registered property owner(s) of

120 Kathleen Street, Guelph

(Legal description and/or municipal address)

hereby authorize Nicolas Spaling

(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 18th day of April 2020.

Rob Green

(Signature of the property owner)


Rob Green

(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.

May 5, 2020
28220-20
Jeff.Buisman@vanharten.com

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

Attention: Mr. Juan da Silva

Dear Mr. da Silva,

**Re: Minor Variance Application & Sketch
120 Kathleen Street
Part of Lot 7, Concession 3
PIN 71298-0116
Guelph Township
City of Guelph**

Please find enclosed an application for a minor variance on the above-mentioned property that is being submitted for Nick Spaling – future owner of the property. Included with this submission are copies of the sketch, completed application forms, the required deed, PIN Report and Map, and a cheque of \$950.00 to the City of Guelph.

Proposal:

One minor variance request is being made for the above-mentioned property. The minor variance request is as follows:

- A) To permit the side yard setback for the proposed 2 storey building addition to be 0.65m instead of 1.5m as required in Table 5.1.2, Row 7 of the Zoning By-law.**

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

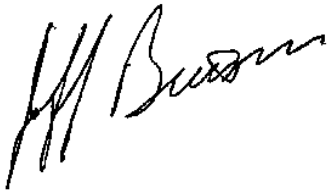
A single-detached dwelling exists on the subject property and the proposal is to construct a second floor on the existing 1 story dwelling, add to the rear and construct an attached garage on the driveway side of the property. The existing detached garage will be removed. The Minor Variance is required to allow for the addition to the existing dwelling – specifically the proposed garage. The property is zoned Residential R.1B and the remaining zoning requirements are met.

The current owner is Rob Green, however, Nick Spaling is purchasing the property and the closing date is set for June 3, 2020.

The proposal is very practical and provides a great opportunity to increase the house size and renovate the existing dwelling while adhering to the zoning requirements except for the side yard setback. Preliminary discussions were held with the City of Guelph Staff and no concerns were raised.

Please continue to work with Nick Spaling as he is the agent for this application.

Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Nick Spaling
cc Rob Green

Committee of Adjustment Notice of Public Hearing



An Application for Consent [Lot Addition] has been filed with the Committee of Adjustment

Application Details

Location:

14 Winston Crescent

Proposal:

The applicant is proposing to sever the rear portion of the subject property as a lot addition to 75 Metcalfe Street. The applicant is proposing to maintain the existing semi-detached dwelling and detached garage on the subject property, and remove the shed located at the rear of the property. Due to the lot reconfiguration, a minor variance application has been submitted (File A-23/20, see attached) as the lot area of the retained lot (14 Winston Crescent) will be reduced.

By-Law Requirements:

The property is located in the Residential Single Detached (R.1B) Zone.

Request:

The applicant proposes to sever a parcel of land to the rear of 14 Winston Crescent with an area of 97 square metres as a lot addition to the rear of 75 Metcalfe Street. The retained parcel will have frontage along Winston Crescent of 10.9 metres and an area of 300 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 53 of the Planning Act R.S.O. 1990 P.13, as amended.

Date:	Thursday, June 11, 2020
Time:	4:00 p.m.
Location:	Remote Committee of Adjustment hearing live streamed at guelph.ca/live
Application Number:	B-5/20

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 **June 4, 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.

If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect to the proposed consent who has not made a written submission to the City of Guelph Committee of Adjustment or a verbal presentation to the Committee before it gives or refuses a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Notice Details

Trista Di Lullo, ACST

Secretary-Treasurer, Committee of Adjustment

Dated May 22, 2020.

Contact Information

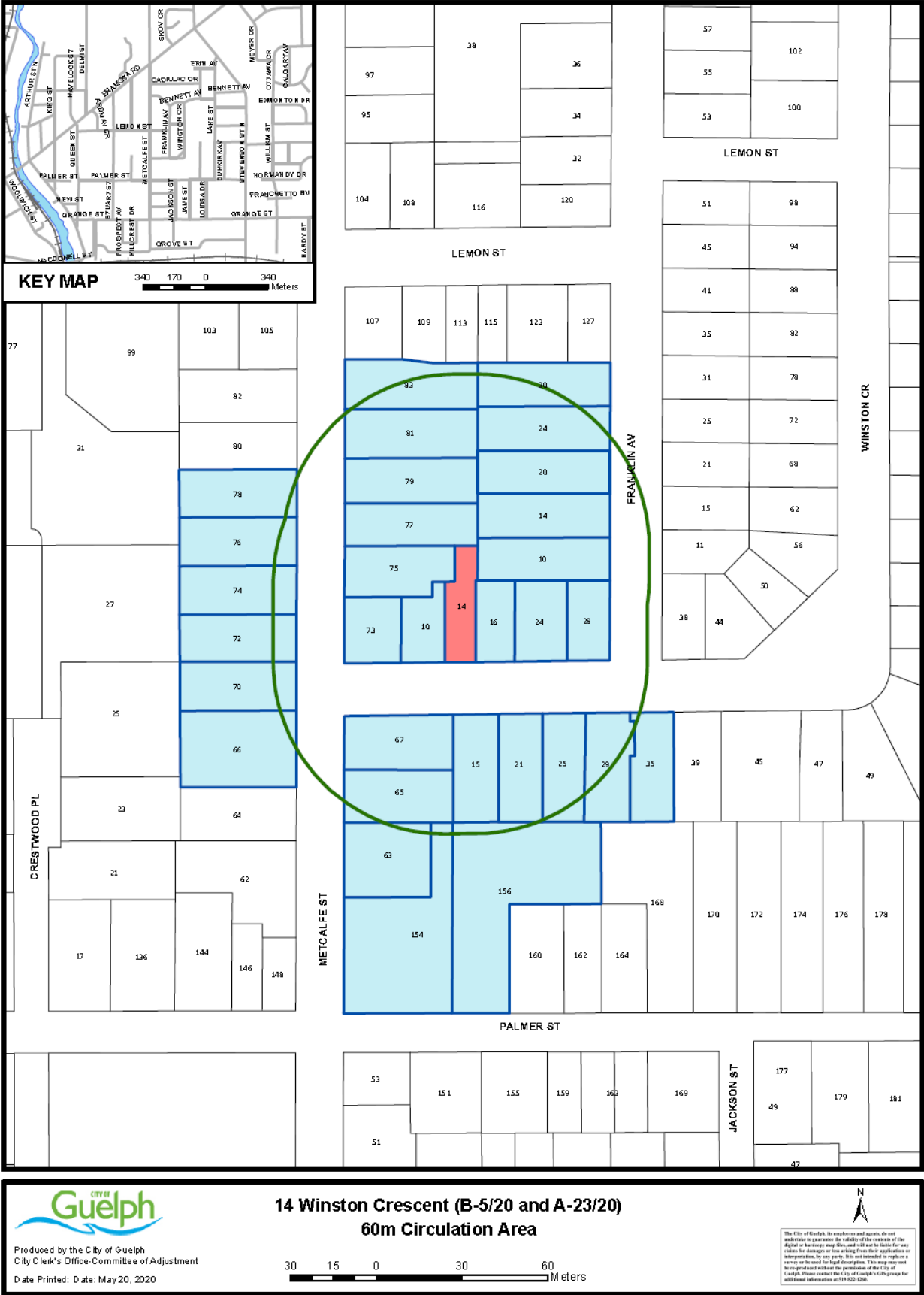
Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa



Committee of Adjustment Notice of Public Hearing



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

Application Details

Location:

14 Winston Crescent

Proposal:

The applicant is proposing maintain the existing semi-detached dwelling and detached garage, and sever the rear portion of the subject property as a lot addition to the rear of 75 Metcalfe Street (File B-5/20, see attached). The applicant is also proposing to remove the shed at the rear of the property. Due to the lot reconfiguration, the lot area of the retained lot (14 Winston Crescent) will be reduced.

By-Law Requirements:

The property is located in the Residential Single Detached (R.1B) Zone. A variance from Table 5.1.2 Row 3 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law requires that the minimum lot area in a Residential Single Detached (R.1B) Zone be 460 square metres.

Request:

The applicant is seeking relief from the By-Law requirements to permit a minimum lot area of 300 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, June 11, 2020
Time:	4:00 p.m.
Location:	Remote Committee of Adjustment hearing live streamed at guelph.ca/live
Application Number:	A-23/20

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.

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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

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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 22, 2020.

Contact Information

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

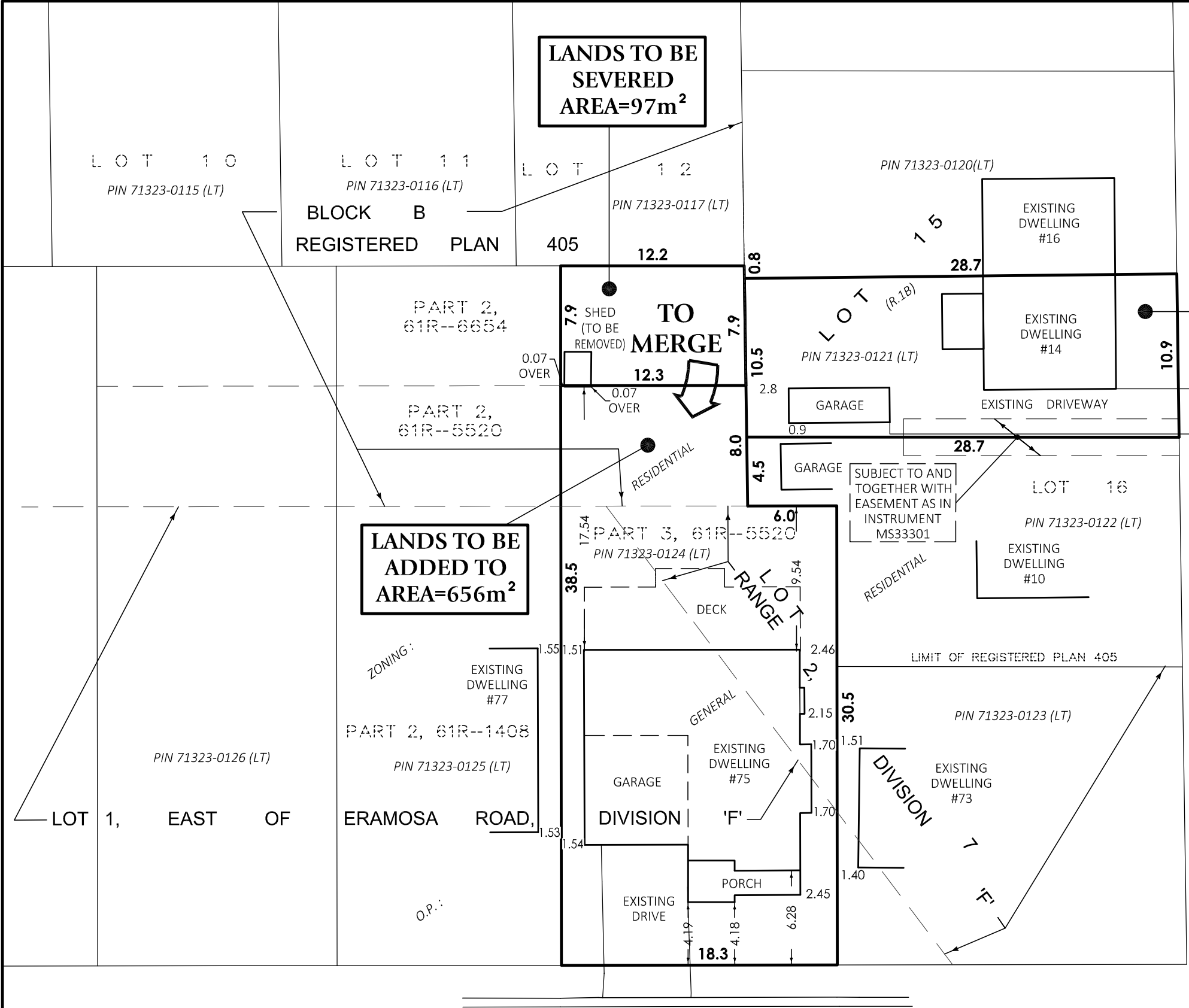
Due to the closure of City Hall, written comments can be mailed or dropped off in the mail slot located by the main entrance of City Hall

519-822-1260 Extension 2524

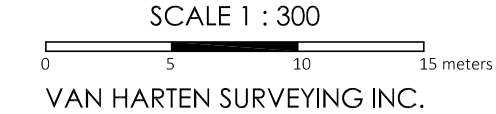
cofa@guelph.ca

TTY: 519-826-9771

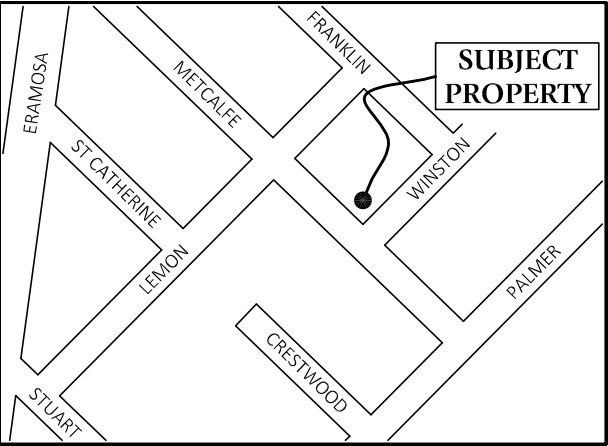
guelph.ca/cofa



SEVERANCE & MINOR VARIANCE SKETCH
PART OF LOT 1, EAST OF ERAMOSA ROAD,
PART OF LOT 7, RANGE 2, DIVISION 'F' AND
PART OF BLOCK B, REGISTERED PLAN 405
GEOGRAPHIC TOWNSHIP OF GUELPH
AND PART OF BLOCK B AND PART OF LOT 15
REGISTERED PLAN 405
CITY OF GUELPH
COUNTY OF WELLINGTON



KEYMAP



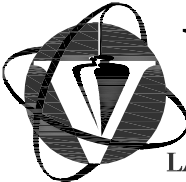
MINOR VARIANCE REQUEST:
A TO PERMIT A REDUCED LOT AREA ON THE RETAINED PARCEL TO BE 300m² INSTEAD OF 460m² AS PER TABLE 5.1.2, ROW 3 OF THE ZONING BY-LAW

NOTES:

- 1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
- 2. SUBJECT LANDS ARE ZONED RESIDENTIAL (R.1B).
- 3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF GENERAL RESIDENTIAL.
- 4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
- 5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.

THIS SKETCH WAS PREPARED ON THE 31st DAY OF MARCH 2020

Jeff Buisman
JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR



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: ARN	CHECKED BY: JEB	PROJECT No. 27937-20
Mar 31, 2020-10:15am G:\GUELPH\405\ACAD\SEV LOT 7 (VAN DER ZANDE) UTM.dwg		

Committee of Adjustment Application for Consent



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: May 12, 2020	Application #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	B-5/20

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 53 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: **14 Winston Crescent, Guelph**

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

Part of Block B and Part of Lot 15, Registered Plan 405

Are there any easements, rights-of-ways or restrictive covenants affecting the subject land? ☐ No ☒ Yes

If yes, describe: **Easement as in INST No. MS33301 for right-of-way**

Are the lands subject to any mortgages, easements, right-of-ways or other charges: ☐ No ☒ Yes

If yes, explain: **Mortgage as in INST No. WC569386 with Equitable Bank located at 30 St. Clair Avenue West, Suite 700, Toronto, ON, M4V 3A1**

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

Name: **Marie-Jose VAN DER ZANDE & Alberdina BOUWMEESTER**

Mailing Address: **14 Winson Crescent**

City: **Guelph** Postal Code: **N1E 2J9**

Home Phone: **519-242-4849** Work Phone:

Fax: Email: **marie-josev@hotmail.com**

AGENT INFORMATION (If Any)

Name: **Jeff Buisman**

Company: **Van Harten Surveying Inc.**

Mailing Address: **423 Woolwich Street**

City: **Guelph** Postal Code: **N1H 3X3**

Home Phone: Work Phone: **519-821-2763 ext. 225**

Fax: **519-821-2770** Email: **jeff.buisman@vanharten.com**

PURPOSE OF APPLICATION (please check appropriate space):

☐ Creation of a New Lot

☐ Easement

☐ Right-of-Way

☐ Charge / Discharge

☐ Correction of Title

☐ Lease

☒ Addition to a Lot (submit deed for the lands to which the parcel will be added)

☐ Other: Explain

To sever 97m² of vacant land from 14 Winston Crescent (PIN 71323-0121) and merge it with the parcel to the south at 75 Metcalfe Street (PIN 71323-0124) for a minor boundary adjustment and continued residential use.

Name of person(s) [purchaser, lessee, mortgagee etc.] to whom land or interest in land is intended to be conveyed, leased or mortgaged:

Louise Knowles & James Vanderburgh (owners of 75 Metcalfe Street, PIN 71323-0124)

DESCRIPTION OF LAND INTENDED TO BE SEVERED

Frontage / Width: (m) 7.9m	Depth (m) 12.2m	Area: (m ²) 97m²	Existing Use: Residential	Proposed Use: Residential
Existing Buildings/Structures: Shed (to be removed)			Proposed Buildings / Structures: None	
Use of Existing Buildings/Structures (specify): Residential			Proposed Use of Buildings/Structures (specify): N/A	

DESCRIPTION OF LAND INTENDED TO BE RETAINED

Frontage / Width: (m) 10.9 / 10.5	Depth (m) 28.7m	Area: (m ²) 300m²	Existing Use: Residential	Proposed Use: No Change
Existing Buildings/Structures: Dwelling & Garage			Proposed Buildings / Structures: None - No Change	
Use of Existing Buildings/Structures (specify): Residential			Proposed Use of Buildings/Structures (specify): N/A	

TYPE OF ACCESS TO THE RETAINED LANDS

- ☐ Provincial Highway ☒ Municipal Road
☐ Private Road ☐ Right-of-Way
☐ Other (Specify)

TYPE OF ACCESS TO THE SEVERED LANDS

- ☐ Provincial Highway ☒ Municipal Road
☐ Private Road ☐ Right-of-Way
☐ Other (Specify) **Entrance on Lands to be Added to**

TYPE OF WATER SUPPLY TO THE RETAINED LANDS

- ☒ Municipally owned and operated ☐ Privately Owned Well
☐ Other (Specify)

TYPE OF WATER SUPPLY TO THE SEVERED LANDS

- ☒ Municipally owned and operated ☐ Privately Owned Well
☐ Other (Specify) **On Lands to be Added to**

TYPE OF SEWAGE DISPOSAL PROPOSED TO THE RETAINED LANDS

- ☒ Municipally owned and operated ☐ Septic Tank
☐ Other (Explain)

TYPE OF SEWAGE DISPOSAL PROPOSED TO THE SEVERED LANDS

- ☒ Municipally owned and operated ☐ Septic Tank
☐ Other (Explain) **On Lands to be Added to**

Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the subject lands?

☒ No

☐ Yes

Is any portion of the land to be severed or retained located within a floodplain?

☒ No

☐ Yes

LAND USE

What is the current official plan designation of the subject lands:

General Residential

Does the proposal conform with the City of Guelph Official Plan?

☒ YES

☐ NO

If yes, provide an explanation of how the application conforms with the City of Guelph Official Plan:

The property is designated as General Residential in the Official Plan. This proposal follows the objectives outlined in Section 9.3 of the Official Plan for Residential Designations. This proposal is for a minor boundary adjustment which will create a more logical lot pattern. The application also follows the Consent Policies listed in Section 10.10.1 of the OP.

If no, has an application for an Official Plan Amendment been submitted?

☐ YES

☒ NO

File No.: _____

Status: _____

What is the current zoning designation of the subject lands:

Residential R.1B

Does the proposal for the subject lands conform to the existing zoning?

☒ YES

☐ NO

If no, has an application for a minor variance or rezoning been submitted?

☐ YES

☐ NO

File No.: _____

Status: _____

PROVINCIAL POLICY

Is this application consistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*? ☒ YES ☐ NO

Provide explanation:

Section 1.1.3 of the PPS directs growth to occur within settlement areas. This application is for a minor boundary adjustment and is appropriately zoned. This will create a more logical lot pattern and additional yard space for the lands to be added to.

Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ YES

☐ NO

Provide explanation:

The Growth Plan for the GGH is coordinating for growth across the region including population and employment forecasts. This application is for a minor boundary adjustment and will create a more logical lot pattern which conforms with the Growth Plan.

Is the subject land within an area of land designated under any other provincial plan or plans? ☒ YES ☐ NO

If yes, indicate which plan(s) and provide explanation:

No

HISTORY OF SUBJECT LAND

Has the subject land ever been the subject of:

- a) An application for approval of a Plan of Subdivision under section 51 of the *Planning Act*? ☐ YES ☒ NO

If yes, provide the following:

File No.: _____ Status: _____

- b) An application for Consent under section 53 of the *Planning Act*? ☐ YES ☒ NO

If yes, provide the following:

File No.: _____ Status: _____

Is this application a resubmission of a previous application? ☐ YES ☒ NO

If yes, please provide previous file number and describe how this application has changed from the original application:

Has any land been severed from the parcel originally acquired by the owner of the subject land? ☐ YES ☒ NO

If yes, provide transferee's name(s), date of transfer, and uses of the severed land:

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"/>	_____
Minor Variance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application being submitted simultaneously
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 fourteen (14) 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 (14) 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, **Jeff Buisman of Van Harten Surveying Inc.**, 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 of **Guelph** in the County/Regional Municipality of
(city or town)
Wellington this 17 day of March, 20 20.



Commissioner of Oaths

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expires May 11, 2021.

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned,

Marie-Jose VAN DER ZANDE & Alberdina BOUWMEESTER

[Organization name / property owner's name(s)]

being the registered property owner(s) of

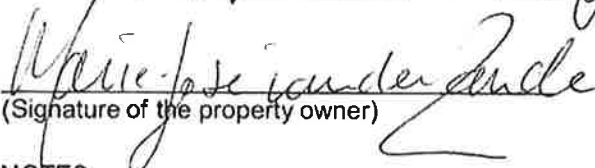
Part of Block B and Part of Lot 15, Reg'd Plan 405 / 14 Winston Crescent

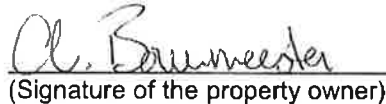
(Legal description and/or municipal address)

hereby authorize **Jeff Buisman of Van Harten Surveying Inc.**
(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 17th day of March 2020.


(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 Application for Minor Variance



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: May 12, 2020	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A-23/20

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: 14 Winston Crescent, Guelph

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

Part of Block B and Part of Lot 15, Registered Plan 405

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

Name: Marie-Jose VAN DER ZANDE & Alberdina BOUWMEESTER

Mailing Address: 14 Winson Crescent

City: Guelph Postal Code: N1E 2J9

Home Phone: 519-242-4849 Work Phone: _____

Fax: _____ Email: marie-josev@hotmail.com

AGENT INFORMATION (If Any)

Company: Jeff Buisman

Name: Van Harten Surveying Inc.

Mailing Address: 423 Woolwich Street

City: Guelph Postal Code: N1H 3X3

Work Phone: _____ Mobile Phone: 519-821-2763 ext. 225

Fax: 519-821-2770 Email: jeff.buisman@vanharten.com

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

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):	
A severance application is being applied for and this minor variance is being submitted simultaneously to address the reduced lot area deficiency as a result of the severance. The request is as follows:	
A) To permit a reduced lot area of the retained parcel to be 300m² instead of 460m² as required in Section 5.1.2, Row 3 of the Zoning By-law.	

Why is it not possible to comply with the provision of the by-law? (your explanation)
See covering letter for justification on variance.

PROPERTY INFORMATION			
Date property was purchased:	June 2019	Date property was first built on:	Many years ago
Date of proposed construction on property:	None proposed	Length of time the existing uses of the subject property have continued:	Many years - Approx. 1940's
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):			
Residential			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):			
Residential - No Change			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)			
Proposed - Retained Parcel			
Frontage:	10.9m	Depth:	28.7m
		Area:	300m²
Current - Existing Property			
	10.9m	40.9m	405m²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
<u>Main Building</u> Existing Dwelling			<u>Main Building</u> N/A		
Gross Floor Area:	Ground Floor Area = 66±m²		Gross Floor Area:		
Height of building:	1 storey		Height of building:		
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
Attached <input type="checkbox"/> Detached <input checked="" type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:	2.3m		Width:		
Length:	6.6m		Length:		
Driveway Width:	3.0m		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		
Front Yard Setback:	Existing Legal Non-Conforming		M	Front Yard Setback:	N/A M
Exterior Side Yard (corner lots only)	Semi-Detached Dwelling & Existing Detached Garage		M	Exterior Side Yard (corner lots only)	M
Side Yard Setback:	Left: M 0.9m (Garage)	Right: M		Side Yard Setback:	Left: M Right: M
Rear Yard Setback	2.8m (Garage)		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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Application being submitted simultaneously

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.

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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, **Jeff Buisman of Van Harten Surveying Inc.**, 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 17 day of MARCH, 20 20.

 Commissioner of Oaths

James Michael Laws,
 a Commissioner, etc.,
 Province of Ontario,
 for Van Harten Surveying Inc.
 Expires May 11, 2021
 (official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned,

Marie-Jose VAN DER ZANDE & Alberdina BOUWMEESTER

[Organization name / property owner's name(s)]

being the registered property owner(s) of

Part of Block B and Part of Lot 15, Reg'd Plan 405 / 14 Winston Crescent

(Legal description and/or municipal address)

hereby authorize **Jeff Buisman of Van Harten Surveying Inc.**
(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 17th day of March 2020.

Marie-Jose van der Zande
(Signature of the property owner)

A. Bouwmeester
(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.

March 24, 2020

27937-20

Jeff.Buisman@vanharten.com

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

Attention: Mr. Juan da Silva

Dear Mr. da Silva:

Re: Severance & Minor Variance Applications & Sketch
14 Winston Crescent; PIN 71323-0121
Part of Block B and Part of Lot 15, Registered Plan 405
75 Metcalfe Street; PIN 71323-0124
Part of Lot 1, EOER, Division F, Geog. Township of Guelph,
Part of Lot 7, Range 2, Division F, and
Part of Block B, Registered Plan 405, Part 3, 61R-5520
City of Guelph

Please find enclosed an application for a severance on the above-mentioned property. Included with this submission are copies of the sketch, completed application form, the required deeds, PIN Report and Map, and two cheques to the City of Guelph for \$1,896 and \$950 for the application fees.

Proposal:

The proposal is to sever a small portion of vacant land from 14 Winston Crescent (PIN 71323-0121) and merge it with 75 Metcalfe Street (PIN 71323-0124) for continued residential use. This will create more logical lot lines and increase the yard space for 75 Metcalfe Street.

The severed parcel is located at the rear of 14 Winston Crescent and will have a width of 7.9m, depth of 12.3m for an area of 97m². The land consists of cut grass and contains a small shed that will be removed. The retained parcel will have a frontage of 10.9m, depth of 28.7m for an area of 300m² where the existing semi-detached dwelling and detached garage will remain. The retained parcel will end up having the same depth as the adjacent parcels (#10 and #16 Winston Crescent).

The "lands to be added to" contains a relatively new single-detached dwelling. The additional lands will allow the owner of 75 Metcalfe to add a swimming pool and landscaping in the rear yard. The merger will also allow the rear yard of 75 Metcalfe Street to be in line with the rear yard of 77 Metcalfe Street.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

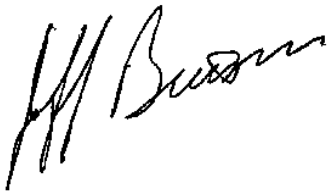
The zoning for the both properties is Residential R.1B where single-detached dwellings are permitted. The Zoning requirements for the merged parcel are met. 14 Winston Crescent will not meet the requirements for area, and it contains a semi-detached dwelling. Planning Staff indicated that the semi-detached dwelling is legal-non conforming and therefore a zone change is not required.

14 Winston Crescent requires a Minor Variance for the reduced area and this application is included in the submission package. The request is to allow the retained parcel of 14 Winston Crescent to have a lot area of 300m² instead of 460m² as required in Table 5.1.2, Row 3 of the Zoning By-law. The existing residential use will continue and not have a negative effect on the neighbouring parcels. We consider this request to be minor as follows the general intent of the Official Plan and Zoning By-law.

This proposal is very practical and provides a great opportunity to create more logical lot lines, as well as a more enhanced rear yard for 75 Metcalfe Street.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Marie-Jose Van Der Zande
cc David Vanderburgh

Committee of Adjustment Notice of Public Hearing



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

Application Details

Location:

739 Woolwich Street

Proposal:

The applicant is proposing to permit retail sale of cannabis and related supplies as an additional permitted use on the property and to remove an existing non-permanent accessory greenhouse adjacent to the right side lot line.

By-Law Requirements:

The property is located in the Specialized Service Commercial (SC.1-6) Zone. A variance from Section 6.4.3.1.6.1 of Zoning By-law (1995)-14864, as amended, is being requested.

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.

Request:

The applicant is seeking relief from the By-Law requirements to permit retail sale of cannabis and related supplies as an additional permitted use on the subject property.

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, June 11, 2020 (Deferred from the March 12, 2020 hearing)
Time:	4:00 p.m.
Location:	Remote Committee of Adjustment hearing live streamed at guelph.ca/live
Application Number:	A-10/20

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 **June 4, 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 22, 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

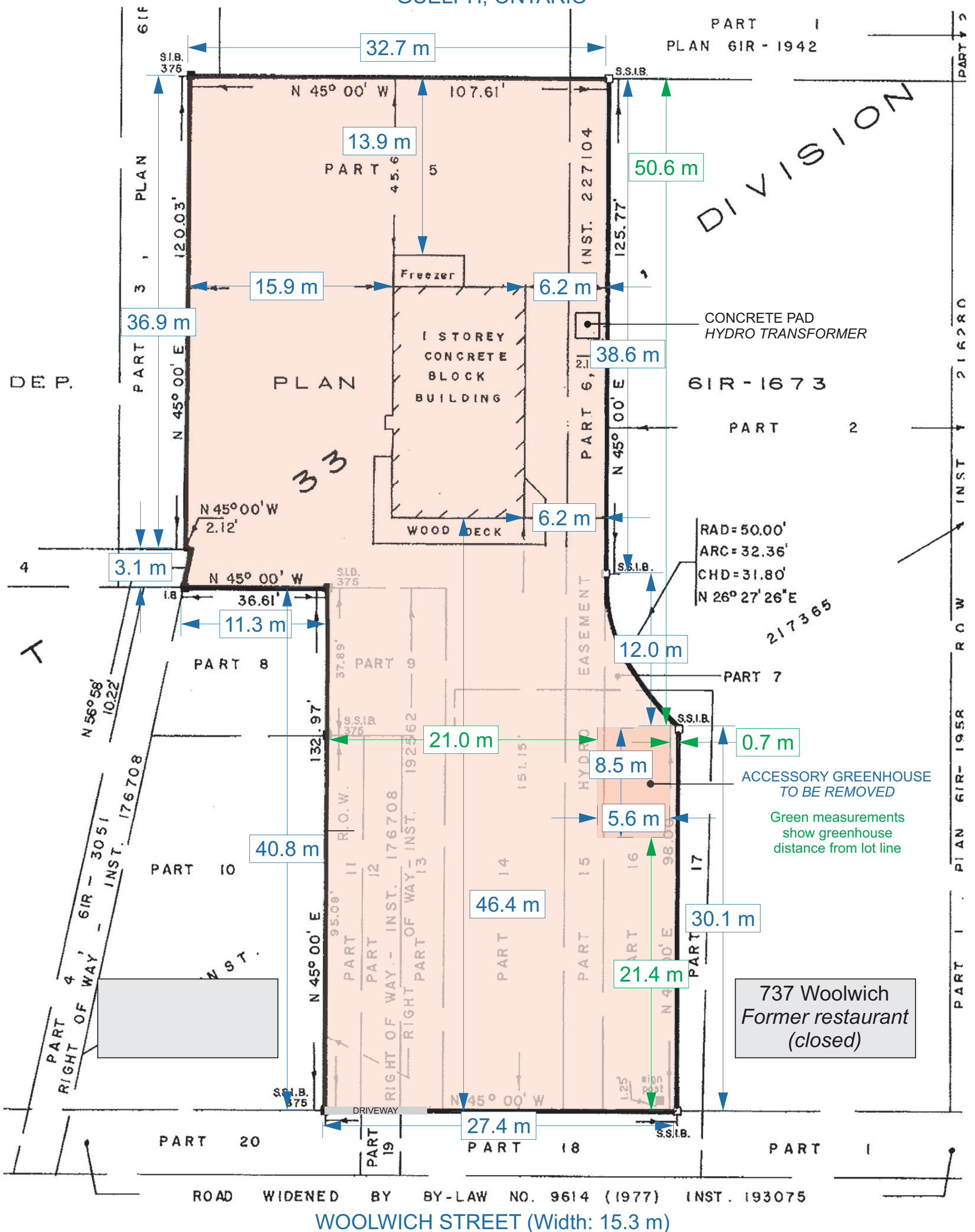
519-822-1260 Extension 2524

cofa@guelph.ca

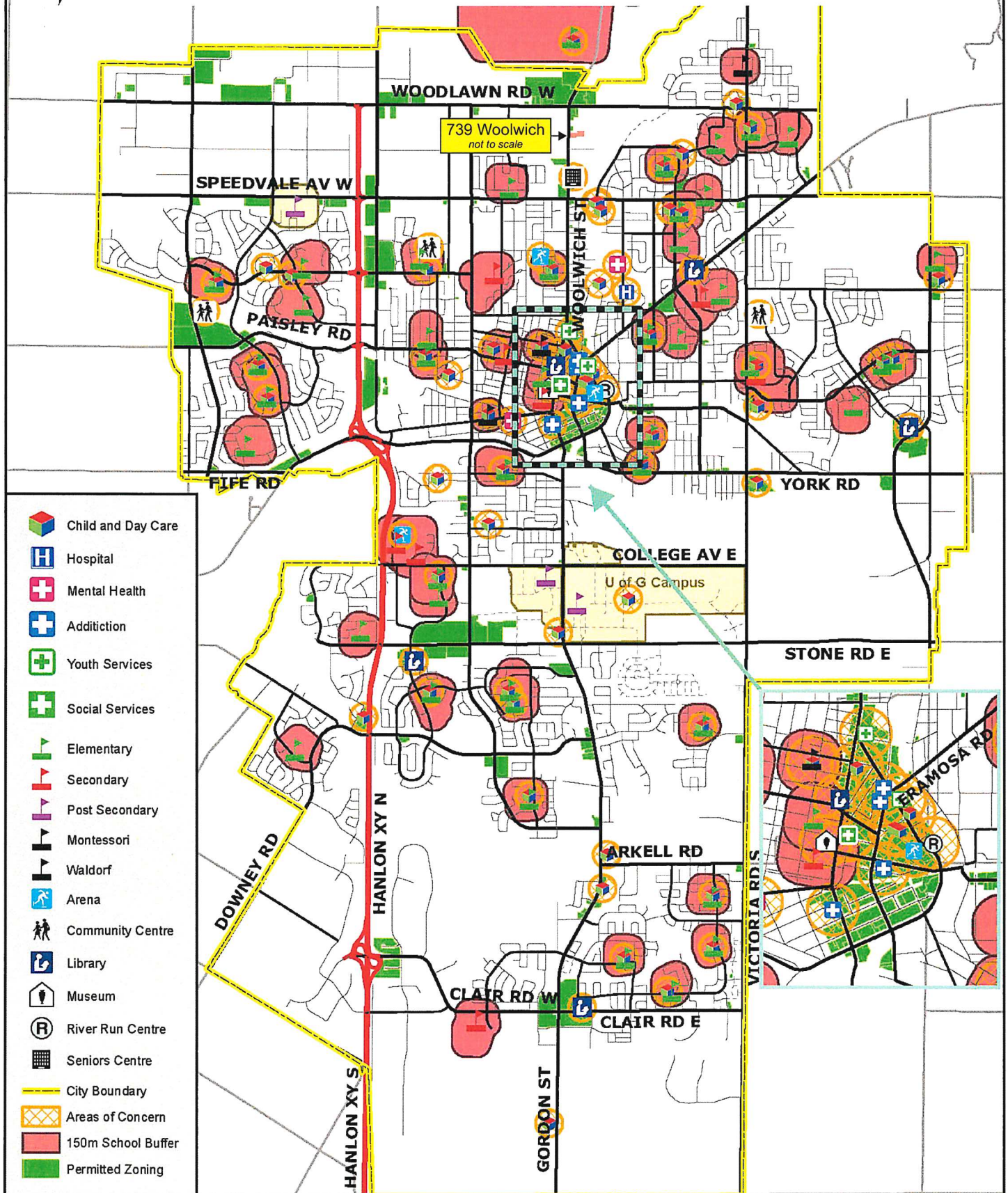
TTY: 519-826-9771

guelph.ca/cofa

739 WOOLWICH STREET
GUELPH, ONTARIO



Childcare, Recreation Facilities, Hospitals, Mental Health Services, Addiction Centres, Parks, and Schools with 150m Buffer



- **Rental Outlet**
- **Repair Service**
- Retail sales of: furniture, hardware, home furnishings, home improvement materials, and appliances
- Retail sales and rental of: new and used motor **Vehicles**, trailer and mobile homes, and farm machinery
- **Vehicle Specialty Repair Shop**

6.4.3.1.6

SC.1-6

737, 739, 743 Woolwich St.

As shown on Defined Area Map Number 33 of Schedule "A" of this **By-law**.

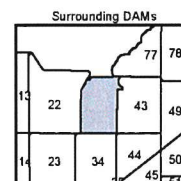
6.4.3.1.6.1

Permitted Uses

- **Artisan Studio**
 - **Bake Shop**
 - **Catalogue Sales Outlet**
 - **Day Care Centre** in accordance with Section 4.26
 - **Financial Establishment**
 - **Florist**
 - **Food Vehicle** in accordance with Section 4.30
 - **Hardware Store**
 - **Library**
 - **Liquor Store**
 - **Medical Office**
 - **Medical Clinic**
 - **Museum**
 - **Office Supply**
 - **Office**
 - **Personal Service Establishment**
 - **Recreation Centre**
 - **Restaurant**
 - **Restaurant (take-out)**
 - Retail Sales of: pool/patio supplies, drapery
 - **Tradesperson's Shop**
 - **Vehicle Parts Establishment**
 - **Vehicle Specialty Repair Shop**
-
- **Accessory Uses** in accordance with Section 4.23
 - **Occasional Uses** in accordance with Section 4.21

15378

20093



COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: Jan 22, 2020	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A-10120

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: 739 WOOLWICH STREET

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

PT LT 33 DIVISION A GUELPH TOWNSHIP PARTS 5,6,7,9,11-16, 61R1673; S/T ROS192562; S/T ROS227104; GUELPH

OWNER(S) INFORMATION:

Name: 2448254 ONTARIO INC.

Mailing Address: 739 WOOLWICH STREET

City: GUELPH Postal Code: N1H 3Z2

Home Phone: Work Phone: 519-546-7026

Fax: Email: kalie.gies@gmail.com

AGENT INFORMATION (If Any)

Company: 536357 ONTARIO LIMITED

Name: DREW GILLINGHAM

Mailing Address: 195 KING STREET WEST, SUITE 301

City: KITCHENER Postal Code: N2G 1B1

Work Phone: Mobile Phone: 519 212-6460

Fax: Email: drew.g@torre-pm.com

Official Plan Designation: COMMERCIAL and MIXED-USE: SERVICE COMMERCIAL, INTENSIFICATION CORRIDOR	Current Zoning Designation: SC.1-6
--	---

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

The subject property is currently zoned SC.1-6 (Service Commercial) and is located in the Intensification Corridor on Woolwich Street just south of Woodlawn Road. SC.1-6 allows for Retail Sales of "pool/patio supplies, drapery", which does not allow our proposed use of "Retail Sales of Cannabis & Related Supplies", which has only recently been allowed in Canada and therefore does not appear anywhere in the City of Guelph By-laws.

I have attached the SC.1.6 Location (Guelph Zoning By-law (1995) as last amended (2015), section 6.4.3.1.6) and Permitted Uses (6.4.3.1.6.1) and Defined Area Map 33 showing the location of the subject property.

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

We are proposing to open a cannabis retail store at the subject property in accordance with the the Ontario Cannabis Act, 2018 and Ontario Regulation 468/18. The subject property is in one of the City of Guelph's approved areas (confirmed by David Wiedrick, Manager, Bylaw Compliance, Security and Licensing, Operations Department, City of Guelph), but is not currently zoned for the required use as shown above.

We will not be making structural changes to the property but will be renovating it to present a professional image to the community and comply with the Province's security and operational requirements for a Cannabis Retail Store.

I have attached the City of Guelph map showing Sensitive Areas and Permitted Zoning for Cannabis Retail Sales with the Subject Property shown near the top.

PROPERTY INFORMATION

Date property was purchased:	2015-03-01	Date property was first built on:	c. 1978
Date of proposed construction on property:	N/A	Length of time the existing uses of the subject property have continued:	4 23 years

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

COMMERCIAL: RETAIL

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

COMMERCIAL: RETAIL

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

Frontage:	Depth:	Area:
27.43 m	80.16 m	2,385.4 m ²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	201.6 m ²		Gross Floor Area:	NO CHANGE	
Height of building:	6.1 m		Height of building:	NO CHANGE	
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: Non-permanent accessory Greenhouse, wood frame and plastic: 1 8.5 x w 5.6 x h 2.5m			Describe details, including height: To be removed		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	21.4 M		Front Yard Setback:	46.4 M	
Exterior Side Yard (corner lots only)	M		Exterior Side Yard (corner lots only)	M	
Side Yard Setback:	Left: 15.9 M	Right: 0.7 M	Side Yard Setback:	Left: 15.9 M	Right: 6.2 M
Rear Yard Setback	13.9 M		Rear Yard Setback	13.9 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 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-50/04, A-100/03, A-82/77, A-113/77, A-124/77 and B-63/77

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

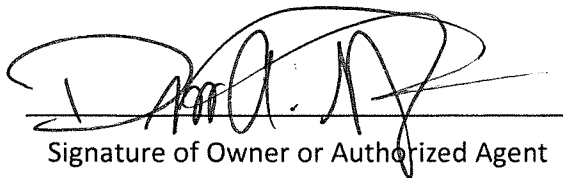
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

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, DREW GILLINGHAM, of the City/Town of
KITCHENER in County/Regional Municipality of WATERLOO, 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.



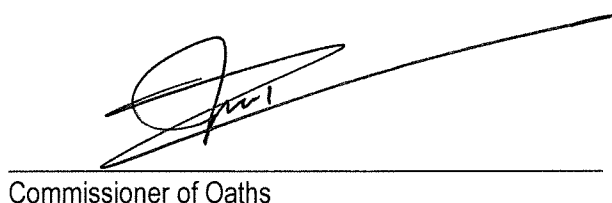
Signature of Applicant or Authorized Agent

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 22 day of January, 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)

2448254 ONTARIO INC.

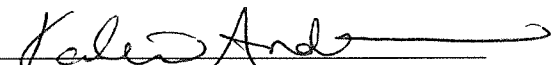
[Organization name / property owner's name(s)]

of 739 WOOLWICH STREET, GUELPH
(Legal description and/or municipal address)

hereby authorize DREW GILLINGHAM
(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 15 day of JANUARY 2020.


(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.

City — of Guelph

Decision

COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-100/03

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 4.17.2.1. of Zoning By-law (1995)-14864, as amended, for 739 Woolwich Street, to permit a 7.44 metre by 12.19 metre (24.41 foot by 40 foot) outdoor patio in the right side yard on the south side of the building when the By-law requires that no outdoor patio shall be permitted where more than one lot line adjoins lands which are in a residential zone, be approved, subject to the following conditions:

1. That the applicant prohibit the sale of liquor beyond 12:01 a.m. within the building or alternatively, the applicants may seek a variance from the zoning by-law to permit the addition of a "tavern" to the list of permitted uses for this property.
2. That an application for site plan approval is submitted to the City and satisfactory to the Director of Planning and Building Services prior to the issuance of the building permit for the proposed patio.
3. That the proposed patio is not located to the north or east of the existing building.
4. That a visual screen is incorporated into the design of the patio, satisfactory to the Directory of Planning and Building Services.
5. That amplified or live music is not permitted at any time on the proposed patio.
6. That the patio be closed at 11:00 p.m."

Members of Committee
Concurring in this Decision

K. O'Kane

P. B. B. B.

The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is **November 3, 2003.**

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 **October 14, 2003.**

Dated: **October 17, 2003**

Signed:

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

City — of Guelph

**COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-50/04**

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 4.17.2.5. of Zoning By-law (1995)-14864, as amended, for 739 Woolwich Street, to permit an outdoor patio to be situate 1.57 metres (5.17 feet) from parking spaces to the right side of the patio when the By-law requires that every outdoor patio shall be located a minimum of 3 metres (9.84 feet) away from any loading space, parking space, parking aisle or driveway, be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner shall receive approval from the City for a Site Plan showing the proposed outdoor patio in relation to the parking spaces of the adjacent property.
2. That prior to the use of the outdoor patio, the owner shall provide a certificate from a Professional Engineer, which states that adequate safety features have been constructed to prevent vehicles from leaving the parking area or traffic aisles and hitting any person or persons on the outdoor patio.
3. That an application for site plan approval is submitted to the City and satisfactory to the Director of Planning and Building Services within 90 days of the decision.
4. That a visual screen is incorporated into the design of the patio, satisfactory to the Director of Planning and Building Services and constructed within 120 days of the decision.
5. That appropriate safety features be incorporated into the design to ensure that the patrons on the patio are protected from vehicles adjacent to the patio, to the satisfaction of the Director of Planning and Building Services, within 90 days of the decision or the decision is null and void."

**Members of Committee
Concurring In this Decision**

A large, stylized blue ink signature.

A blue ink signature that appears to read "K.O. Kane".

A blue ink signature that appears to read "RD Funnell".

The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is May 3, 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 April 13, 2004.

Dated: April 16, 2004.

Signed:

A blue ink signature of Kim Fairfull.

Planning Office:
Building Office:

59 Carden Street, 2nd Floor, Guelph ON, Tel: (519) 837-5616, Fax: (519) 837-5640, Email: planning@city.guelph.on.ca
2 Wyndham St. N, 2nd Floor, Guelph ON, Tel: (519) 837-5615, Fax: (519) 822-4632, Email: cofa@city.guelph.on.ca

REISSUED DECISION

Committee of Adjustment
Application Number A-10/20




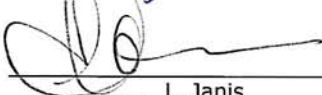
That application A-10/20 for 739 Woolwich Street, be **deferred** sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral.

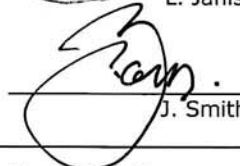
Reasons:

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

Members of
the Committee
of Adjustment
concurring in
the decision:


K. Ash


L. Janis


J. Smith

Absent

S. Dykstra


D. Gundrum

D. Kendrick


K. Meads

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 March 12, 2020.

Dated: April 28, 2020

Signed:



The last day on which a Notice of Appeal to the Local Planning
Appeal Tribunal may be filed is **May 18, 2020**

Committee of Adjustment
T 519-822-1260 x2524
E cofa@guelph.ca
Guelph.ca/cofa