

Committee of Adjustment Application for Consent



| | | |
|--|---|----------------|
| Consultation with City staff is encouraged prior to submission of this application. | OFFICE USE ONLY | |
| | Date Received: Feb 9, 2021 | Application #: |
| | Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | B-8/21 |

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff?

Yes ✓

October 14, 2020 with Planning & Engineering Staff

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: 963 - 1045 Paisley Road

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

Block 1, 61M-53, excepting Part 6, 61R-10459

Are there any easements, rights-of-ways or restrictive covenants affecting the subject land? If yes, describe:

Gas, hydro, and storm sewer easements in favour of the City, and restrictive covenants in favour of Loblaw Properties Limited

☐ No **Yes ✓**

Are the lands subject to any mortgages, easements, right-of-ways or other charges: If yes, explain:

A mortgage is registered on the property, as well as the easements noted above.

☐ No **Yes ✓**

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

Name: Armel Corporation

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

City: Toronto, Ontario

Postal Code: M5L 1G4

Home Phone: _____

Work Phone: 519 766 2984

Fax: _____

Email: ccorosky@armelcorp.com

AGENT INFORMATION (If Any)

Name: _____

Company: _____

Mailing Address: _____

City: _____

Postal Code: _____

Home Phone: _____

Work Phone: _____

Fax: _____

Email: _____

PURPOSE OF APPLICATION (please check appropriate space):

- ☒ **Creation of a New Lot** See attached BSRD Plan
 ☒ **Easement** See attached BSRD Plan
 ☐ **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**

Create a new lot formed by severing Parts 1 & 2 on the BSRD plan from the balance of the parcel described as Block 1, Plan 61M-53 excepting Part 6, 61R-10459. The retained lands are noted on the attached BSRD plan as Parts 3, 4, 5, and 6. This application will also create an easement over Part 2 of the BSRD plan in favour of the retained lands for access, storm sewer, and overland water flow.

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

Severed parcel to be conveyed to Loblaw Properties Limited subject to easements for access, storm sewer, and overland water flow over Part 2 of the BSRD plan in favour of the retained parcel (Armel).

DESCRIPTION OF LAND INTENDED TO BE SEVERED

See attached BSRD Plan - Parts 1 and 2 form the severed lands.

| | | | | |
|--|---------------------|-------------------------------------|--|--|
| Frontage / Width: (m) ± 156 m | Depth (m) Varied | Area: (m ²) ± 39,739 | Existing Use: Grocery Store (Zehrs) | Proposed Use: Grocery Store (Zehrs) |
| Existing Buildings/Structures: Zehrs | | | Proposed Buildings / Structures: Zehrs | |
| Use of Existing Buildings/Structures (specify): Zehrs - complies with applicable provisions of Section 4, 6.2, and 6.2.3.2.28 of the ZB. | | | Proposed Use of Buildings/Structures (specify): Zehrs - no changes proposed | |

DESCRIPTION OF LAND INTENDED TO BE RETAINED

See attached BSRD Plan - Parts 3, 4, 5, and 6 form the retained lands.

| | | | | |
|--|---------------------|-----------------------------------|---|---------------------------------------|
| Frontage / Width: (m) ± 195m | Depth (m) Varied | Area: (m ²) 69,846 | Existing Use: Commercial Mixed Use | Proposed Use: Commercial Mixed Use |
| Existing Buildings/Structures: Commercial Mixed Use | | | Proposed Buildings / Structures: No changes proposed with this application | |
| Use of Existing Buildings/Structures (specify): | | | Proposed Use of Buildings/Structures (specify): | |

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)

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)

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)

| | |
|---|---|
| Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the subject lands? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | Is any portion of the land to be severed or retained located within a floodplain? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |
|---|---|

LAND USE

What is the current official plan designation of the subject lands:
Commercial Mixed-Use Centre

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:
A mix of commercial, office, retail, educational, and service uses are presently developed on the property in accordance with the policies of the Official Plan. The proposal will not alter the uses currently existing on the site.

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:
CC - 28 - proposal complies with the zoning bylaw.

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:
Efficient use of land and infrastructure

—

Does this application conform to the Growth Plan for the Greater Golden Horseshoe? ☒ YES ☐ NO

Provide explanation:
Appropriate and compatible use of land / serves the mixed use needs of the community

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:

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: Registered as Block 1, Plan 61M - 53

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:

No previous severance, but a small road widening was conveyed to the City from Block 1 - 61M-53, being Part 6 on 61R-10459, in 2007.

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 type="checkbox"/> | <input checked="" type="checkbox"/> | Unit 8 1005 Paisley - Demising wall (20-6549 PS) and Tenant Finishes (20-6624 PR) - work in process |
| Minor Variance | <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.

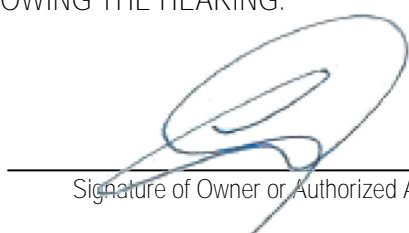
POSTING OF ADVISORY SIGN

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 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.

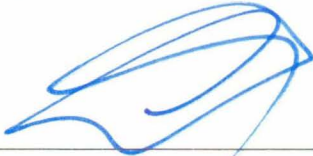


 Signature of Owner or Authorized Agent

 Signature of Owner or Authorized Agent

REMOTE AFFIDAVIT OR SWORN DECLARATION

I/We, CHLO COLASKY, of the City/Town of
GUELPH in County/Regional Municipality of WELLINGTON, and
 located in 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

Declared remotely by **Juan da Silva**, of the City/Town of
Guelph in the County/Regional Municipality of **Wellington** before me
 at the City/Town of **Guelph** in the County/Regional Municipality of
Wellington this **9** day of **February**, 20 **21**, in accordance with

O. Reg 431/20, Administering Oath or Declaration Remotely.



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)