

# Committee of Adjustment Application for Minor Variance



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <b>Feb 9, 2021</b>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>A-22/21</b>

## 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: 38 Hearn Ave, Guelph ON

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

Lot 5, Registered Plan 369 City of Guelph County of Wellington

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

Name: Ben and Lindsey Robinson

Mailing Address: 38 Hearn Ave

City: Guelph      Postal Code: N1H 5Y4

Home Phone: \_\_\_\_\_      Work Phone: \_\_\_\_\_

Fax: \_\_\_\_\_      Email: bentonfraser1@hotmail.com

### AGENT INFORMATION (If Any)

Company: Sutcliffe Homes Inc.

Name: Phill McFadden

Mailing Address: 930 Woodlawn Road W - U3

City: Guelph      Postal Code: N1K 1T2

Work Phone: 519 822 1708 x 228      Mobile Phone: 519 993 4565

Fax: \_\_\_\_\_      Email: pmcfadden@sutcliffehomes.ca

<b>Official Plan Designation:</b> Low density residential	<b>Current Zoning Designation:</b> R.1B
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<b>NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):</b>
The home owner is proposing construction of a family room with storage below, basement depth to be similar to what is existing in the main house. As the home exists, it crosses the left set back as per zoning. A setback of 1.5 m is required but the home exists
A variance to Table 5.1.2, Row 7 to permit a rear yard addition to be located 0.519m from the left sideyard instead of 1.5m
A variance to Table 4.7, Row 3 to permit a rear yard covered porch to be located 0.48m from the left sideyard instead of 0.6m.

<b>Why is it not possible to comply with the provision of the by-law? (your explanation)</b>
In order for interior walls to align properly, and to maximize interior usable space the left foundation must be at .519 m from the lot line. We believe this to be reasonable, as it is in keeping with the current homes location.

<b>PROPERTY INFORMATION</b>			
Date property was purchased:	July 2014	Date property was first built on:	1950
Date of proposed construction on property:	March 2021	Length of time the existing uses of the subject property have continued:	Since construction
<b>EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):</b> Residential			
<b>PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):</b> Residential			

<b>DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)</b>		
Frontage: 10.163 m	Depth: 30.480 m	Area: 309.73 m.sq

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
<b>Main Building</b>			<b>Main Building</b>		
Gross Floor Area:	113.2 m.sq		Gross Floor Area:	144.2 m.sq	
Height of building:	6.29 m		Height of building:	6.29 m	
Garage/Carport (if applicable) N/A			Garage/Carport (if applicable) N/A		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:			Width:		
Length:			Length:		
Driveway Width:			Driveway Width:		
Accessory Structures (Shed, Gazebo, Pool, Deck) N/A			Accessory Structures (Shed, Gazebo, Pool, Deck) N/A		
Describe details, including height:			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	4.99 M		Front Yard Setback:	4.99 M	
Exterior Side Yard (corner lots only)	M		Exterior Side Yard (corner lots only)	M	
Side Yard Setback:	Left: .417 M	Right: 3.01 M	Side Yard Setback:	Left: 0.48 M	Right: 3.11 M
Rear Yard Setback	16.31 M		Rear Yard Setback	9.21 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](mailto: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



**REMOTE AFFIDAVIT OR SWORN DECLARATION**


I/We, Phillip McEadden c/o Satellite Homes Inc., 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 **10** day of **February**, **2021**, 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)

## APPOINTMENT AND AUTHORIZATION

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

Ben Robinson , Lindsey Robinson

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

of 38 Hearn Ave, Guelph ON

(Legal description and/or municipal address)

hereby authorize Phill McFadden C/O Sutcliffe Homes 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 11th day of January 20 21.



(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.