

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: Apr 7, 2021	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A-28/21

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? **Yes X** **No**
 Email from Lindsay Sulatycki, March 18, 2021

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: <u>698-702 Woolwich Street, City of Guelph</u>			
Legal description of property (registered plan number and lot number or other legal description): <u>Parts 1 and 2, Plan 61R-2255, Part of Lot 19, Division 'A' (Geographic Township of Guelph) City of Guelph</u>			
REGISTERED OWNER(S) INFORMATION: (Please indicate name(s) exactly as shown on Transfer/Deed of Land)			
Name:	<u>Antonio Bagnara, Avila Investments Ltd.</u>		
Mailing Address:	<u>Guelphview Square, 232A Guelph Street, Suite 200</u>		
City:	<u>Georgetown, Ontario</u>	Postal Code:	<u>L7G 4B1</u>
Home Phone:		Work Phone:	<u>(416) 637-8332</u>
Fax:	<u>(519)</u>	Email:	<u>tbagnara@avilagroup.ca</u>
AGENT INFORMATION (If Any)			
Company: <u>Astrid J. Clos Planning</u>			
Name: <u>Astrid Clos, MCIP, RPP</u>			
Mailing Address: <u>423 Woolwich Street, Suite 201</u>			
City:	<u>Guelph</u>	Postal Code	<u>N1H 3X3</u>
Work Phone:	<u>(519) 836-7526</u>	Mobile Phone:	
Fax:		Email:	<u>astrid.clos@ajcplanning.ca</u>

Official Plan Designation: <u>Mixed Office/Commercial</u>	Current Zoning: <u>SC.1-10 Zone</u>
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

That Medical Clinic, Medical Office, Pharmacy and Personal Service Establishment be added as permitted uses to section 6.4.3.1.10.1 of the SC.1-10 Zone in addition to the permitted uses for the subject property. These proposed uses are similar to, and as compatible with, the surrounding area as the uses currently permitted. The requested uses have already been approved within a number of existing SC.1 Zones within the City of Guelph as listed below.

Medical Clinic and/or Medical Office is permitted in the Specialized SC.1-2, SC.1-4, SC.1-6, SC.1-12, SC.1-13, SC.1-14, SC.1-15, SC.1-19, SC.1-20, SC.1-21, SC.1-22, SC.1-24, SC.1-27, SC.1-30, SC.1-33, SC.1-35, SC.1-36, SC.1-39, SC.1-41, SC.1-43, SC.1-44, SC.1-48, SC.1-50, SC.1-53, SC.1-56

Pharmacy is permitted in the Specialized SC.1-12, SC.1-13, SC.1-15, SC.1-24, SC.1-39, SC.1-43, SC.1-44, SC.1-53

Personal Service Establishment is permitted in the Specialized SC.1-2, SC.1-4, SC.1-5, SC.1-6, SC.1-7, SC.1-8, SC.1-12, SC.1-13, SC.1-15, SC.1-20, SC.1-24, SC.1-30, SC.1-35, SC.1-39, SC.1-43, SC.1-44, SC.1-45, SC.1-53, SC.1-56 Zones.

The subject property is designated Mixed Office/Commercial in the Official Plan. During the pre-consultation for this application City staff identified that a size limit of 400 square metres per use based on the "Mixed Office/Commercial" land use designation would be recommended, which permits:

- i) convenience commercial and **small-scale** retail commercial;
- ii) **small-scale office**;
- iii) **personal service**; and
- iv) detached, semi-detached, townhouses and apartments.

Staff noted that this size limit is also consistent with preliminary recommendations for the Mixed Office Commercial zone as discussed in the Commercial and Mixed-Use discussion paper. The minor variance is, therefore, being requested with a regulation requiring that each Medical Clinic, Medical Office, and Pharmacy use have a maximum size of 400 square metres.

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

The property has been Site Plan (SP10C013) approved since 2011. Since that time the Tim Horton's has been constructed on the property. The owner has not been able to attract tenants from the current list of permitted uses for the property, but has had inquiries for the uses being requested. The current list of permitted uses in the SC.1-10 is unnecessarily restrictive and the owner would like to complete the development of this site to provide jobs and assessment for the City of Guelph.

PROPERTY INFORMATION

Date property was purchased:	2009	Date property was first built on:	unknown
Date of proposed construction on property:		Length of time the existing uses of the subject property have continued:	unknown

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

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

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan) Please see the plan provided.

Frontage: 45.7 m Depth: (irregular) Area: 7,751 m²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)			
EXISTING (DWELLINGS & BUILDINGS)		PROPOSED	
Main Building		Main Building	
Gross Floor Area:	232.35 m ²	Gross Floor Area:	Approximately 976 m ²
Height of building:	1 storey	Height of building:	1 storey
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:	

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND			
EXISTING		PROPOSED	
Front Yard Setback:	12.78 M	Front Yard Setback:	6 m
Exterior Side Yard (corner lots only)	M	Exterior Side Yard (corner lots only)	m
Side Yard Setback:	Left: 5 M Right: M	Side Yard Setback:	Left: M Right: 3 m
Rear Yard Setback	M	Rear Yard Setback	15 m

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

Provincial Highway Municipal Road Private Road Water Other (Specify) _____

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)

Water Sanitary Sewer Storm Sewer

If not available, by what means is it provided: _____

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

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SP10C013 approved May 25, 2011
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.

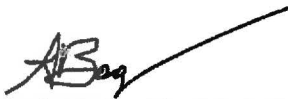
POSTING OF ADVISORY SIGN

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.



Antonio Bagnara, Avila Investments Ltd.
Signature of Owner

April 1, 2021

Date

AFFIDAVIT

I, Astrid Clos, Astrid J. Clos Planning Consultants, of the City of Guelph in County 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.



Astrid Clos, Astrid J. Clos Planning Consultants
Signature of Agent

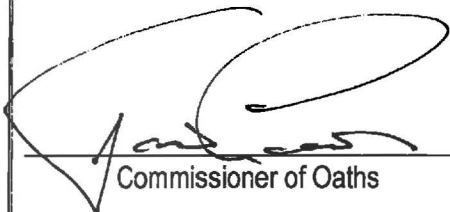
APRIL 1, 2021

Date

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 of Wellington this 1ST day of APRIL, 2021.



Commissioner of Oaths

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

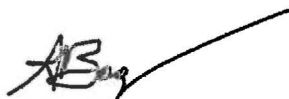
(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I, the undersigned, being the registered property owner(s) of 698-700 Woolwich Street, Guelph hereby authorize
(municipal address)

Astrid Clos, Astrid J. Clos Planning Consultants as my agent for the purpose of submitting an application
(Authorized agent's name)

to the Committee of Adjustment and acting on our behalf in relation to the application.



April 1, 2021

Antonio Bagnara, Avila Investments Ltd.
Signature of the property owner

Date

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.