

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Making a Difference

Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>Nov 21, 2019</u>	Folder #: <u>A-1120</u>
	Application deemed complete: <input 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: 433 STONE ROAD WEST

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

PLAN 651 PT LT 9 BLK Q P639 BLK 1 DIV 6
CON 4 PT LOT 9

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

Name: PRIMARIS RETAIL REAL ESTATE

Mailing Address: 1 ANGLAINE ST E

City: TORONTO Postal Code: M5C 2V9

Home Phone: _____ Work Phone: 519-821-5780

Fax: _____ Email: SLINDSAY@PRIMARISREIT.COM

AGENT INFORMATION (If Any)

Company: _____

Name: JEFF MARTIN

Mailing Address: 3087 SOUTH DRIVE

City: BYRINGTON Postal Code: L7N 1H5

Work Phone: _____ Mobile Phone: 905-334-9024

Fax: _____ Email: JEFFMARTIN999666@EMAIL.COM

Official Plan Designation: <i>MIXED/USE CORRIDOR</i>	Current Zoning Designation: <i>RC-1</i>
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):
GENERAL PROVISIONS 4.17.1

TOTAL NUMBER OF PERSONS ON ALL OUTDOOR PATIOS ASSOCIATED WITH THE RESTAURANT SHALL NOT EXCEED 50% OF THE INDOOR LICENSED CAPACITY, OR 70 PERSONS, WHICHEVER IS LESS.

WE ARE REQUESTING AN INCREASE TO 80 PERSONS.

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

OUR INTERIOR OCCUPANT LOAD IS 200. ON WARM SUMMER EVENINGS ALL 200 WOULD LIKE TO SIT ON THE PATIO. THE 50% PROVISION WOULD ALLOW 100 GUESTS ON THE PATIO.

WE WOULD LIKE TO ACCOMMODATE 80 GUESTS ON THE PATIO INSTEAD OF 70.

THE PATIO IS 140 SQ METERS SO WE HAVE LOTS OF SPACE FOR 80 PEOPLE.

PROPERTY INFORMATION

Date property was purchased:	<i>NOV 1, 2019</i>	Date property was first built on:	<i>JUNE 1, 2019</i>
Date of proposed construction on property:	<i>JAN 1, 2020</i>	Length of time the existing uses of the subject property have continued:	<i>JUNE 1 2019</i>

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)

Frontage: *27.5 m* Depth: *17.5m* Area: *483 m²*

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building NO CHANGES		
Gross Floor Area:	483 sq m		Gross Floor Area:		
Height of building:	6 m		Height of building:		
Garage/Carport (if applicable) N/A			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: PATIO - 140 m ²			Describe details, including height: NO CHANGES		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	9 m	M	Front Yard Setback:	SAME	M
Exterior Side Yard (corner lots only)	12.79	M	Exterior Side Yard (corner lots only)	SAME	M
Side Yard Setback:	Left: M	Right: M	Side Yard Setback:	Left: M	Right: M
Rear Yard Setback		M	Rear Yard Setback		M

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

Provincial Highway Municipal Road Private Road Water Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)

Water Sanitary Sewer Storm Sewer

If not available, by what means is it provided:

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

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FOLDER 19 005694 PR - ISSUED
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, JEFF MARTIN, of the City/Town of BURLINGTON in County/Regional Municipality of HALTON, 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 21 day of November, 2019.


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)


PRIMARIS RETAIL REAL ESTATE
[Organization name / property owner's name(s)]

of 433 STONE ROAD WEST Suite 2041
(Legal description and/or municipal address) NIG-2X6

hereby authorize JEFF MARTIN
(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 NOV 19 day of NOV 20 19.


R. Scott Lindsay
Operations Manager
(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.