

# Committee of Adjustment Application for Consent



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <b>Sept 14, 2021</b>	Application #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>B-20/21</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 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: 29 & 31 Fountain Street West

Legal description of property (registered plan number and lot number or other legal description):  
Part of Lots 174 & 175, Registered Plan 8, as in INST ROS387017, ROS227574 & MS124076; S/T ROS387107; & T/W ROS227574 (PIN 71283-0050)

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

If yes, describe:

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

If yes, explain: Mortgage as in INST No. WC613893 with 2782553 Ontario Limited located at 4 Clemes Drive, Toronto, ON

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

Name: 2782552 Ontario Ltd. c/o Thomas MacKillop

Mailing Address: 4 Clemes Drive

City: Toronto      Postal Code: M1C 3J1

Home Phone: 519-830-2927      Work Phone: \_\_\_\_\_

Fax: \_\_\_\_\_      Email: tmmackillop@gmail.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

The proposal is to sever the subject property at 29 & 31 Fountain Street West (PIN 71283-0050) to create a new lot for urban residential purposes. The purpose of the severance is to split the existing semi-detached dwelling to create separate ownership for each unit. Legal accessory apartments are also proposed within each semi-detached unit; therefore, there will be two units in No. 29 and two units in No 31.

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

**Future owner not known**

**DESCRIPTION OF LAND INTENDED TO BE SEVERED**

Frontage / Width: (m) <b>8.9m</b>	Depth (m) <b>32.3m</b>	Area: (m <sup>2</sup> ) <b>288m<sup>2</sup></b>	Existing Use: <b>Residential</b>	Proposed Use: <b>No Change</b>
Existing Buildings/Structures: <b>Semi-Detached Dwelling</b>			Proposed Buildings / Structures: <b>None externally, but an accessory dwelling unit is proposed in the basement</b>	
Use of Existing Buildings/Structures (specify): <b>Residential</b>			Proposed Use of Buildings/Structures (specify): <b>Residential</b>	

**DESCRIPTION OF LAND INTENDED TO BE RETAINED**

Frontage / Width: (m) <b>9.1m</b>	Depth (m) <b>32.4m</b>	Area: (m <sup>2</sup> ) <b>293m<sup>2</sup></b>	Existing Use: <b>Residential</b>	Proposed Use: <b>No Change</b>
Existing Buildings/Structures: <b>Semi-Detached Dwelling</b>			Proposed Buildings / Structures: <b>None externally, but an accessory dwelling unit is proposed in the basement</b>	
Use of Existing Buildings/Structures (specify): <b>Residential</b>			Proposed Use of Buildings/Structures (specify): <b>Residential</b>	

**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?

☒ 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:

**Residential 1 in the Downtown Secondary Plan**

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 Residential 1 in the Downtown Secondary Plan. This proposal follows Section 11.1.7.7.1 of the Official Plan where it states that Residential 1 area are mostly occupied by low-rise forms of housing, including detached and semi-detached houses. The severance application will allow the existing semi-detached to have separate ownership for each unit. This 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:

**Currently R.1B; however a zoning by-law amendment was just approved to rezone to Residential R.2 (Council Meeting on September 13th, 2021).**

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: **Yes - Zoning Application: OZS21-005**

### **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 severance which will allow for the semi-detached units to be separated and therefore, conforms with the PPS.**

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 severance which will allow the existing semi-detached dwelling to have separate parcels for each unit and therefore, 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:

\_\_\_\_\_  
\_\_\_\_\_

**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:

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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:

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**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 type="checkbox"/>	<input checked="" type="checkbox"/>	<b>File No. OZS21-005 - 2021-256</b>
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 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.

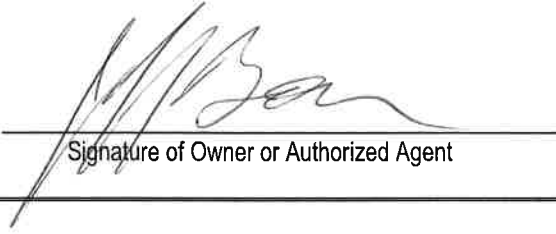
**POSTING OF ADVISORY SIGN**

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 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 14 day of September, 20 21.

  
 Commissioner of Oaths

James Michael Laws, a Commissioner, etc., Province of Ontario, for Van Harten Surveying Inc. Expires May 11, 2024
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(official stamp of Commissioner of Oaths)

### APPOINTMENT AND AUTHORIZATION

I / We, the undersigned,

2782552 Ontario Ltd. c/o Thomas MacKillop

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

being the registered property owner(s) of

29 & 31 Fountain Street West

(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 14<sup>th</sup> day of Sept 2021

  
(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.