

# 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. 23, 2022</b>	Application #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>B-31/22</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: 710 Woolwich Street, Guelph

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

Part of Lot 19, Division A Guelph, as in Cs71373, City of Guelph

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: Charge in the amount of \$5,000,000 registered as WC613905 in favour of First National GP Corporation - Charge in the amount of \$581,846 registered as WC613907 in favour of Equiton Real Estate Financial GP Inc. general partner of Equiton Real Estate Financial LP) Notice of Lease registered as WC557362 in favour of Brewers Retail Inc.

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

Name: 2776563 Ontario Inc.

Mailing Address: 1515 Gordon Street - Unit 203

City: Guelph      Postal Code: N1L 1C9

Home Phone: \_\_\_\_\_      Work Phone: 519-654-9099 ext 553

Fax: \_\_\_\_\_      Email: shannah@heritagehomes.com or mmacgregor@reidsproperties.com

### AGENT INFORMATION (If Any)

Name: Dave Galbraith

Company: IBI Group

Mailing Address: 410 Albert Street, Suite 101

City: Waterloo      Postal Code: N2L 3V3

Home Phone: \_\_\_\_\_      Work Phone: 519-585-2255 ext 63209

Fax: \_\_\_\_\_      Email: dave.galbraith@ibigroup.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
- \_\_\_\_\_
- \_\_\_\_\_

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

First National Bank, LP c/o Evan Pawliuk

**DESCRIPTION OF LAND INTENDED TO BE SEVERED / DETAILS OF EASEMENT**

Frontage / Width: (m) <b>18.9m</b>	Depth (m) <b>59.3m</b>	Area: (m <sup>2</sup> ) <b>0.13ha</b>	Existing Use: <b>Parking area</b>	Proposed Use: <b>Access driveway, &amp; storm servicing</b>
Existing Buildings/Structures: <b>Beer Store and Parking</b>			Proposed Buildings / Structures: <b>No building / structures</b>	
Use of Existing Buildings/Structures (specify): <b>n/a</b>			Proposed Use of Buildings/Structures (specify): <b>EASEMENT ONLY</b>	

**DESCRIPTION OF LAND INTENDED TO BE RETAINED**

Frontage / Width: (m) <b>F=18.9m w= 66.6m</b>	Depth (m) <b>min 159.1m</b>	Area: (m <sup>2</sup> ) <b>0.98ha</b>	Existing Use: <b>Retail</b>	Proposed Use: <b>Residential</b>
Existing Buildings/Structures: <b>Beer Store</b>			Proposed Buildings / Structures: <b>4 buildings, total 96 units with associated parking &amp; amenity area</b>	
Use of Existing Buildings/Structures (specify): <b>Retail</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) **via access easement over retained lands**

**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:

Mixed Office / Commercial

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:

This designation encourages intensification and permits small-scale commercial and residential uses.

If no, has an application for an Official Plan Amendment been submitted? N/A

☐ YES

☐ NO

File No.: \_\_\_\_\_

Status: \_\_\_\_\_

What is the current zoning designation of the subject lands:

SC.1-57 (Special Service Commercial)

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?

File No.: OZS21-010

Status: APPROVED - May-09-2022

### PROVINCIAL POLICY

Is this application consistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*? ☒ YES ☐ NO

Provide explanation:

Intensification within existing Built Boundary, providing higher density and broader range of housing.

Proposed development is not anticipated to cause environmental or public health / safety concerns.

Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ YES

☐ NO

Provide explanation:

Supports mixed uses and intensification of under-utilized lands within the Built-Up area.

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.: B-23/22 Status: Concurrent Application

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:

Addition to B-23/22 to provide separate applications for Consent and Easement.

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:

**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"/>	<u>OZS21-010 Approved May-9-2022</u>
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SP21-007 - Approved (Beer Store). Residential SP ongoing.</u>
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>To follow Phase I Site Plan Approval</u>
Minor Variance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>A-30/21 Phase I, reduced parking, Approved June 2021</u>

**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.

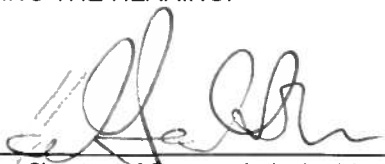
**POSTING OF ADVISORY SIGN**

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, David Galbraith, of the City/Town of Waterloo in County/Regional Municipality of Waterloo, 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

Waterloo of Waterloo in the County/Regional Municipality of Waterloo this 13 day of September, 2022.  
(city or town)

**Betty Anne White, a Commissioner, etc.,  
 Province of Ontario, for IBI Group.  
 Expires June 2, 2024.**

  
 \_\_\_\_\_  
 Commissioner of Oaths

(official stamp of Commissioner of Oaths)

**APPOINTMENT AND AUTHORIZATION**

I / We, the undersigned,

2776563 Ontario Inc. / Reids Heritage Properties

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

being the registered property owner(s) of

710 Woolwich Street, Guelph (Pat Lot 19 Division A Guelph as in CS71373, City of Guelph)

(Legal description and/or municipal address)

hereby authorize IBI Group c/o Dave Galbraith

(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 13<sup>th</sup> day of September 2022



(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.