

# Committee of Adjustment Application for Consent



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: Feb. 7/23	Application #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	B-3/23

## 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: 26 Forest Street

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

Part of Lots 47 & 48, Plan 50, as in INST ROS198679; 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: Mortgage as in INST No. WC680355 with Royal Bank of Canada & WC680530 with 2522596 Ontario Inc.

**OWNER(S) OR PURCHASER(S) OF LAND:** (Indicate name(s) exactly as shown on Transfer/Deed. If purchaser(s), a portion of the Purchase and Sale agreement that authorizes the purchaser(s) to make this application must be submitted.)

Name: 1000241393 Ontario Inc. c/o Zachary Fischer

Mailing Address: 70 Preston Street

City: Guelph, ON Postal Code: N1H 3C1

Home Phone: 519-822-9393 Work Phone: \_\_\_\_\_

Email: zachary.fischer@mezcon.ca

### AGENT: (If Any)

Name: Jeff Buisman

Company: Van Harten Surveying Inc.

Mailing Address: 2106 Gordon Street

City: Guelph Postal Code: N1L 1G6

Home Phone: 519-821-2770 Work Phone: 519-821-2763 ext. 225

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 for two severances on the subject property to create three new lots for residential purposes -- two severed and retained. The existing dwelling will be removed and three new single detached dwellings are proposed on both of the severed parcels and retained. Please see the covering letter for more details.

**Is a second certificate of consent requested for the retained lands? (for creation of a new lot only)**

- ☐ No
 ☒ Yes

If yes, a written statement from an Ontario solicitor in good standing is required to confirm that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the *Planning Act*.

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

**Unknown**

**DESCRIPTION OF LAND INTENDED TO BE SEVERED**

Frontage / Width: (m) <b>11.9m</b>	Depth (m) <b>51.2m</b>	Area: (m <sup>2</sup> ) <b>614m<sup>2</sup></b>	Existing Use: <b>Residential</b>	Proposed Use: <b>Residential</b>
Existing Buildings/Structures: <b>Sheds (to be removed)</b>			Proposed Buildings / Structures: <b>Single detached dwelling</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>11.9m</b>	Depth (m) <b>51.2m</b>	Area: (m <sup>2</sup> ) <b>614m<sup>2</sup></b>	Existing Use: <b>Residential</b>	Proposed Use: <b>Residential</b>
Existing Buildings/Structures: <b>Dwelling (to be removed)</b>			Proposed Buildings / Structures: <b>Single detached dwelling</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)

<b>TYPE OF SEWAGE DISPOSAL PROPOSED TO THE RETAINED LANDS</b> <input checked="" type="checkbox"/> Municipally owned and operated <input type="checkbox"/> Septic Tank <input type="checkbox"/> Other (Explain)	<b>TYPE OF SEWAGE DISPOSAL PROPOSED TO THE SEVERED LANDS</b> <input checked="" type="checkbox"/> Municipally owned and operated <input type="checkbox"/> Septic Tank <input type="checkbox"/> Other (Explain)
Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the subject lands? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Is any portion of the land to be severed or retained located within a floodplain? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

**LAND USE**

**What is the current official plan designation of the subject lands:**  
     **Low Density Residential**

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**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 Low Density Residential in the Official Plan. This proposal follows the objectives outlined in Section 9.3 of the Official Plan for Residential Designations. This proposal is for a severance which will create a new parcel for residential purposes and also follows the Consent Policies listed in Section 10.10.1 of the OP.**

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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:**  
     **Residential R.1B**

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**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: **A minor variance is being submitted simultaneously**

**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 to create a new parcel for residential purposes and therefore, conforms with the PPS.**

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**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 to create a new residential parcel and therefore, conforms with the Growth Plan.**

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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-5/22 & A-9/22** Status: **Approved pending conditions**

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:

**B-5/22 & A-9/22 - three lots proposed instead of two.**

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 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"/>	_____
Minor Variance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u><b>Minor Variance Applications being submitted</b></u>
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u><b>simultaneously with this application</b></u>
Minister's Zoning Order	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u><b>Minor Variance A-9/22 &amp; Severance B-5/22</b></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.

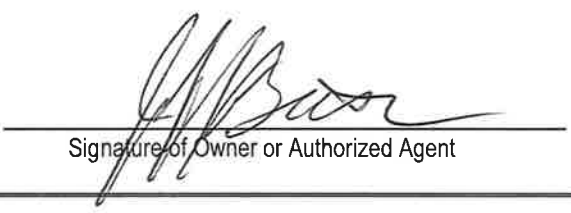
**POSTING OF ADVISORY SIGN**

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, **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 6 day of February, 2023.

  
 Commissioner of Oaths

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

**APPOINTMENT AND AUTHORIZATION**

I / We, the undersigned,

**1000241393 Ontario Inc. c/o Zachary Fischer**

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

being the registered property owner(s) of

**Part of Lots 47 & 48, Plan 50, as in INST ROS198679; City of Guelph / 26 Forest Street**

(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 **1st** day of **February** 20 **23**.

\_\_\_\_\_  
(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.