

Committee of Adjustment Application for Consent



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: April 11, 2023	Application #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	B-6/23

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: 68 Queen Street, Guelph

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

Lot 35, Part of Lot 34, Plan 127, City of Guelph

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

If yes, describe: **T/W Easement as in INST MS59992**

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

If yes, explain: **Mortgage as in INST WC490525 with Meridian Credit Union**

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: Charleston Homes Ltd. c/o Charlie Kuiken

Mailing Address: 2-167 Jolliffe Ave, Unit 2 & 3

City: Rockwood, ON Postal Code: N0B 2K0

Home Phone: 519-856-4009 ext. 22 Work Phone: _____

Email: ckuiken@charlestondevelopments.ca

AGENT: (If Any)

Name: Jamie Laws

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. 223

Email: jamie.laws@vanharten.com

PURPOSE OF APPLICATION (please check appropriate space):

- | | | |
|--|--|--|
| <input type="checkbox"/> Creation of a new lot | <input checked="" type="checkbox"/> Easement | <input type="checkbox"/> Right-of-way |
| <input type="checkbox"/> Charge / discharge | <input type="checkbox"/> Correction of title | <input type="checkbox"/> Lease |
| <input type="checkbox"/> Addition to a Lot (submit deed for the lands to which the parcel will be added) | | <input type="checkbox"/> Other, explain: |

A proposed 109m² Sanitary Easement over 68 Queen Street (PIN 71322-0118) in favour of 72 Queen Street (PIN 71322-0058). This is required as a Condition of the previously approved Consent Applications B-2/18 for 68 Queen Street and related Application B-3/18 for 64 Queen Street.

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:

Owners of 72 Queen Street

DESCRIPTION OF LAND INTENDED TO BE SEVERED

Frontage / Width: (m) 3.0m	Depth (m)	Area: (m²) 109m²	Existing Use: Residential	Proposed Use: Residential
Existing Buildings/Structures: None			Proposed Buildings / Structures: None	
Use of Existing Buildings/Structures (specify): Residential			Proposed Use of Buildings/Structures (specify): Sanitary Easement for 72 Queen over 68 Queen	

DESCRIPTION OF LAND INTENDED TO BE RETAINED 68 Queen Street

Frontage / Width: (m) 15.0m	Depth (m) 50.2m	Area: (m ²) 753m²	Existing Use: Residential	Proposed Use: Residential
Existing Buildings/Structures: None			Proposed Buildings / Structures: Single detached dwelling	
Use of Existing Buildings/Structures (specify): N/A			Proposed Use of Buildings/Structures (specify): Residential	

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 <input checked="" type="checkbox"/> Municipally owned and operated <input type="checkbox"/> Septic Tank <input type="checkbox"/> Other (Explain)	TYPE OF SEWAGE DISPOSAL PROPOSED TO THE SEVERED LANDS <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

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 easement required as a condition for a previously approved 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.

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

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: _____

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 required for an easement for a related severance which to create a new parcel for residential purposes 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 to create a new residential parcel 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.: **B-2/18 & B-3/18** Status: **Approved subject to 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:

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 checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Minister's Zoning Order	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____

X Additional Easement Application being submitted

Committee of Adjustment Fee(s):

Following the submission of this form, Committee of Adjustment staff will contact you to complete the required fee payment and that until such time that the fee is received, the application will not be complete and will not be processed. For the application fee and the fee refund policy, please visit the [Committee of Adjustment fees](#) page.

Should the subject lands be within an area of interest to the [Grand River Conservation Authority \(GRCA\)](#), a further fee may be required for GRCA comments. Any municipal agreement required as a condition of consent approval will be subject to a fee of \$428.00 plus HST and applicable search and registration costs. For fees related to permits issued by Building Services, please visit the [Building Services page](#). For information on any other additional user fees, please visit the [2023 User Fee Guide](#).

I, the undersigned, have read and understood the statements above and understand that following the submission of this online form, Committee of Adjustment staff will contact me to complete the required fee payment.

Municipal Freedom of Information:

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 their 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 the owner/purchaser/authorized agent, consultants and solicitors, will be part of the public record and will also be available to the general public. Therefore, information on this application and any supporting documentation provided by the owner/purchaser/authorized agent, consultants and solicitors, will be **posted online** and 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.

By signing below, you understand and provide your consent, that personal information, as defined by Section 2 of the MFIPPA is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA.

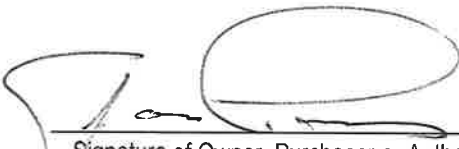
Permission to enter the site:

By signing below, the owner, purchaser 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 that a sign be posted on the subject land. I, the undersigned, understand that each sign must be posted at least 14 days before the scheduled hearing of my application and be replaced, if necessary, until the day following the hearing.

Signature of Owner, Purchaser or Authorized Agent



Signature of Owner, Purchaser or Authorized Agent

AFFIDAVIT

I/We, **Jamie Laws 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 Owner, Purchaser or Authorized Agent

 Signature of Owner, Purchaser or Authorized Agent

NOTE: The signature of the owner, purchaser or authorized agent must be witnessed by a Commissioner. A Commissioner is available by scheduling a virtual or in-person appointment with Committee of Adjustment staff.

Declared before me at the

City of **Guelph** in the County/~~Regional Municipality~~ of
 (city or town)

Wellington this **20th** day of **April**, 20 **23**.

 Commissioner of Oaths

RONALD MAURICE MAK
 A COMMISSIONER, ETC.,
 PROVINCE OF ONTARIO
 FOR VAN HARTEN SURVEYING INC.
 EXPIRES JULY 5, 2024

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned,

Charleston Homes Ltd. c/o Charlie Kuiken

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

being the registered property owner(s) or purchaser(s) of

Lot 35; Part of Lot 34, Registered Plan 127, as in INST MS59992; T/W INST MS59992, City of Guelph / 68 Queen Street
(Legal description and/or municipal address)

hereby authorize **Jamie Laws 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 act on my/our behalf in relation to the application.

Dated this 20th day of April 2023.


(Signature of the property owner or purchaser of land)

(Signature of the property owner or purchaser of land)

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.