

Committee of Adjustment Application for Minor Variance

Introduction – Minor Variance

An asterisk (*) indicates a response is required

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Pre-consultation with Zoning Planning Services staff

Was a Preliminary Zoning Review submitted for this proposal? (Residential properties only) *

Yes

No

Was Planning Services staff consulted? *

Yes

No

Committee of Adjustment fee(s)

Following the submission of this online 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.

I understand that following the submission of this online form, Committee of Adjustment staff will contact me to complete the required fee payment *

I agree

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/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/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 extension 2349.

I understand and provide my 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. *

I agree

Permission to enter the site

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. *

I agree

Posting of Advisory Sign

I understand that each sign must be posted at least ten (10) days before the scheduled hearing of this application and be replaced, if necessary, until the day following the hearing. *

I agree



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Contact information

An asterisk (*) indicates a response is required

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Registered owner

If there is more than one owner, please include all registered owner(s) as listed on Transfer/Deed of Land.

Name *

ANTHONY NAMIS

Phone *

(519) 835-8989

Extension

Email *

ANAMIS@ROGER
S.COM

Mailing address

Unit

Street address *

City *

Postal code *

385B STARWOOD
DRIVE

Guelph

N1E7A3

Name *

DENA NAMIS

Phone *

(519) 240-8708

Extension

Email *

DNAMIS@UOGUE
LPH.CA

Mailing address

Unit

Street address *

City *

Postal code *

385B STARWOOD
DRIVE

Guelph

N1E7A3

Is there an authorized agent? *

Yes

No



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Property information

An asterisk (*) indicates a response is required

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Property address

Street number *

385B

Street *

Starwood Drive

City * 

Guelph

Province *

Ontario

Postal code

N1E7A3

Legal Description of the property

The legal description is the registered plan and lot number(s)

Legal description of the property *

LOT 1, REGISTERED PLAN 61M-125

[Official Plan Designation – Schedule: Land Use \(PDF\)](#)

Official Plan Designation – Land Use *

LOW DENSITY GREENFIELD RESIDENTIAL

[Zoning Designation under Zoning By-law \(1995\)-14864 – Interactive Map](#)

Current zoning designation under Zoning By-law (1995)-14864, as amended *

R1C

Zoning Designation under Zoning By-law (2023)-20790, as amended – Interactive Map

Current zoning designation under Zoning By-law (2023)-20790, as amended *

RL2

Date property was purchased *

2/3/2014



Is a building or structure proposed? *

Yes

No

Date of proposed construction *

9/15/2022



Is this a vacant lot? *

Yes

No

Is this a corner lot? *

Yes

No

Length of time existing uses have continued *

12 MONTHS

Existing use of the subject property *

Residential

Dimensions of the property

Please refer to survey plan or site plan

Frontage (metres) *

12.66

Area (metres squared) *

424.45

Depth (metres) *

33.57

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Application details

An asterisk (*) indicates a response is required

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Purpose of the application

Is the purpose of the application enlargement/extension of legal non-conforming use? *

Yes

No

Purpose of the application * 

new building

building addition

accessory structure

accessory apartment

fence height

additional use

variance(s) related to a consent application

other

Type of proposal (select all that apply) *

Existing

Proposed

Variance(s) required under Zoning By-law (1995)-14864, as amended

The City of Guelph recently approved a new Zoning By-law. This means that applicants will need to apply under both the current, and previous Zoning By-law while the transition occurs. Please ensure you are applying for variances under both Zoning By-law (1995)-14864, as amended and Zoning By-law (2023)-20790, as amended.

[View the Zoning Bylaw](#)

Are variance(s) from Zoning By-law (1995)-14864, as amended, required? *

Yes

No

Section or table of Zoning Bylaw (1995)-14864, as amended *

4.20.12

Proposed *

3.7M

Required *

2.5M

Variance(s) required under Zoning By-law (2023)-20790, as amended

[View the Zoning Bylaw](#)

Are variance(s) from Zoning By-law (2023)-20790, as amended, required? *

Yes

No

Section or table of Zoning Bylaw (2023)-20790, as amended *

4.16.3 D)

Proposed *

3.7M

Required *

2.5M

Why is it not possible to comply with the Zoning Bylaw?

Please describe the reasons why the variance(s) are needed * 

Zoning Review

Purpose: Privacy fence built on retaining wall due to the significant height at which properties at rear property line were built. Neighbours behind us have main floor situated where our second floor begins. As they tower over us they all see into our home and backyard. Fence was built to give us privacy and some shade from extreme sun in backyard for children.

Upon review with Bruce Aubrey, we were told that the fence is greater than the bylaw allows for. Due to the height of the properties on the rear property line, a concrete and rebar retaining wall was built (prior to us taking ownership of property). Associated with this are the french drains placed behind it to allow for proper drainage around the retaining wall (so not to damage our foundation).

Based on Bruce's review, there was not an application for this retaining wall (which was a necessity to be built by previous owners given the grade issues). Further to this, when we built play structure for kids on the right side of the backyard, we added a couple more french drains to maintain the swale and drainage around the house. We were told we do not need to address anything with the structure as there is no bylaw that applies to it.

I have attached pictures so you can visualize the situation beyond the site plan.

If we review the fence height from the top of the retaining wall (the height at which the land is at rear property line) we are barely over 8 FT (rear properties are sloped to drain directly into ours so it is possibly under 8 ft from the actual property line). From the other side (which has been dug down due to the placement of the retaining wall) we can add between 3-4 ft.

In no way does this structure impact any of our neighbours properties (they have trees towering over our property lines and pushing our fence over in one case). This is merely to give us privacy from our neighbours who are quite literally looking down into our yard and home the moment they step into their own backyards or look out any windows.

Some of these neighbours have even made sun rooms attached to main home that are even more intrusive to our right to have some privacy as they push out close to their rear property line and are elevated. Others have raised decks attached to rear of home that again makes it that they can

walk out and look down into our property.

Conclusion: We are just looking to have bylaw variance to enjoy our backyard to the fullest. The privacy fence is not on the fence line (built a few feet in from property lines). I constructed this personally during the pandemic and hope that there is way to refrain from having it removed/modified.

Ask: Please review and let me know if there is anything further we must address. We did our best to complete the required measurements but there may be some level of error based on the starting/reference points from which we measured.

Bruce has asked that the application be submitted by September 15th, hopefully this is enough time for us to review submission and to ensure it is properly being completed by the deadline.

Thank you in advance for your guidance and partnership in this matter.

Other development applications that relate to this minor variance. Has the subject land ever been the subject of:

- | | |
|--|---|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Zoning Bylaw Amendment |
| <input type="checkbox"/> Plan of Subdivision | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Building Permit | <input type="checkbox"/> Consent |
| <input type="checkbox"/> Previous Minor Variance Application | |



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Building information

An asterisk (*) indicates a response is required

Existing buildings and structures

Main building (dwelling and building)

Gross floor area of main building (square metres) *

Number of stories of main building *

Height of the main building (metres) *

Width of the main building (metres) *

Length of the main building (metres) *

Additional existing buildings

Are there any additional buildings or structures on the subject property? *

Yes

No



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Building information (continued)

An asterisk (*) indicates a response is required

Proposed buildings and structures



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Setbacks, access and services

An asterisk (*) indicates a response is required

Setbacks for all Buildings and Structures

A setback is the distance from a property line to the nearest wall/structure/building.

Existing

Front setback (metres) *

Rear setback (metres) *

Left setback (metres) *

Right setback (metres) *

Proposed

Front setback (metres) *

Rear setback (metres) *

Left setback (metres) *

Right setback (metres) *

Type of Access to the Subject Lands

Type of Access to the Subject Lands (check all that apply) *

Provincial highway

Municipal road

Private road

Water

Other

Types of Municipal Services

Types of Municipal Service (check all that apply)

Water

Sanitary
sewer

Storm
sewer



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Summary and review

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Sworn Declaration

I 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.

Name *

Anthony Namis

Date *

9/15/2023 

Street address *

385B Starwood Drive

City *

Guelph

Province *

Ontario

Additional fees

Committee of Adjustment

For the application fee related to the Committee of Adjustment, please visit the [Committee of Adjustment fees](#) page.

Conservation Authority - GRCA

Should the lands be within an area of interest to the [Grand River Conservation Authority](#) (GRCA), a further fee may be required for GRCA comments.

Legal and Realty Services

Any municipal agreement required as a condition of minor variance approval will be subject to a fee of \$428.00 plus HST and applicable search and registration costs.

Building Services

For fees related to permits issued by Building Services, please visit [Building Services fee webpage](#)

Other Fees

For information on any other additional user fees, please visit the [2023 User Fee Guide](#)

I have read and understood the statements above. *

I agree

What email address would you like us to contact you with? *

anamis@rogers.com

Office use only

File number

A-74/23

Address

385B Starwood Drive
Guelph, Ontario
N1E7A3

Comments from staff

Received September 22, 2023