

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Making a Difference

Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>Jan 22, 2020</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>A-10120</u>

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 45 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: <u>739 WOOLWICH STREET</u>	
Legal description of property (registered plan number and lot number or other legal description): <u>PT LT 33 DIVISION A GUELPH TOWNSHIP PARTS 5,6,7,9,11-16, 61R1673; S/T ROS192562; S/T ROS227104; GUELPH</u>	
OWNER(S) INFORMATION:	
Name:	<u>2448254 ONTARIO INC.</u>
Mailing Address:	<u>739 WOOLWICH STREET</u>
City:	<u>GUELPH</u>
Postal Code:	<u>N1H 3Z2</u>
Home Phone:	<u>519-546-7026</u>
Work Phone:	<u>519-546-7026</u>
Fax:	<u>kalie.gies@gmail.com</u>
Email:	<u>kalie.gies@gmail.com</u>
AGENT INFORMATION (If Any)	
Company:	<u>536357 ONTARIO LIMITED</u>
Name:	<u>DREW GILLINGHAM</u>
Mailing Address:	<u>195 KING STREET WEST, SUITE 301</u>
City:	<u>KITCHENER</u>
Postal Code:	<u>N2G 1B1</u>
Work Phone:	<u>519 212-6460</u>
Mobile Phone:	<u>519 212-6460</u>
Fax:	<u>drew.g@torre-pm.com</u>
Email:	<u>drew.g@torre-pm.com</u>

Official Plan Designation: COMMERCIAL and MIXED-USE: SERVICE COMMERCIAL, INTENSIFICATION CORRIDOR	Current Zoning Designation: SC.1-6
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):
The subject property is currently zoned SC.1-6 (Service Commercial) and is located in the Intensification Corridor on Woolwich Street just south of Woodlawn Road. SC.1-6 allows for Retail Sales of "pool/patio supplies, drapery", which does not allow our proposed use of "Retail Sales of Cannabis & Related Supplies", which has only recently been allowed in Canada and therefore does not appear anywhere in the City of Guelph By-laws.
I have attached the SC.1.6 Location (Guelph Zoning By-law (1995) as last amended (2015), section 6.4.3.1.6) and Permitted Uses (6.4.3.1.6.1) and Defined Area Map 33 showing the location of the subject property.

Why is it not possible to comply with the provision of the by-law? (your explanation)
<p>We are proposing to open a cannabis retail store at the subject property in accordance with the the Ontario Cannabis Act, 2018 and Ontario Regulation 468/18. The subject property is in one of the City of Guelph's approved areas (confirmed by David Wiedrick, Manager, Bylaw Compliance, Security and Licensing, Operations Department, City of Guelph), but is not currently zoned for the required use as shown above.</p> <p>We will not be making structural changes to the property but will be renovating it to present a professional image to the community and comply with the Province's security and operational requirements for a Cannabis Retail Store.</p> <p>I have attached the City of Guelph map showing Sensitive Areas and Permitted Zoning for Cannabis Retail Sales with the Subject Property shown near the top.</p>

PROPERTY INFORMATION			
Date property was purchased:	2015-03-01	Date property was first built on:	c. 1978
Date of proposed construction on property:	N/A	Length of time the existing uses of the subject property have continued:	23 4 years
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): COMMERCIAL: RETAIL			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): COMMERCIAL: RETAIL			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)		
Frontage: 27.43 m	Depth: 80.16 m	Area: 2,385.4 m ²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)			
EXISTING (DWELLINGS & BUILDINGS)		PROPOSED	
Main Building		Main Building	
Gross Floor Area:	201.6 m ²	Gross Floor Area:	NO CHANGE
Height of building:	6.1 m	Height of building:	NO CHANGE
Garage/Carport (if applicable)		Garage/Carport (if applicable)	
Attached <input type="checkbox"/> Detached <input type="checkbox"/>		Attached <input type="checkbox"/> Detached <input type="checkbox"/>	
Width:		Width:	
Length:		Length:	
Driveway Width:		Driveway Width:	
Accessory Structures (Shed, Gazebo, Pool, Deck)		Accessory Structures (Shed, Gazebo, Pool, Deck)	
Describe details, including height: Non-permanent accessory Greenhouse, wood frame and plastic: l 8.5 x w 5.6 x h 2.5m		Describe details, including height: To be removed	

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND			
EXISTING		PROPOSED	
Front Yard Setback:	21.4 M	Front Yard Setback:	46.4 M
Exterior Side Yard (corner lots only)	M	Exterior Side Yard (corner lots only)	M
Side Yard Setback:	Left: 15.9 M Right: 0.7 M	Side Yard Setback:	Left: 15.9 M Right: 6.2 M
Rear Yard Setback	13.9 M	Rear Yard Setback	13.9 M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)

Provincial Highway Municipal Road Private Road Water Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)

Water Sanitary Sewer Storm Sewer

If not available, by what means is it provided:

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"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A-50/04, A-100/03, A-82/77, A-113/77, A-124/77 and B-63/77

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 Access, Privacy and Records Specialist, City Clerk's Department, 1 Carden Street, Guelph, Ontario, N1H 3A1

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

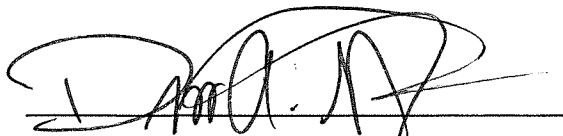
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

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.

For commercial or industrial buildings, it may be appropriate to post the sign on the front wall of the building or at its entrance.

Each sign must be posted a minimum of ten (10) 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 (10) 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

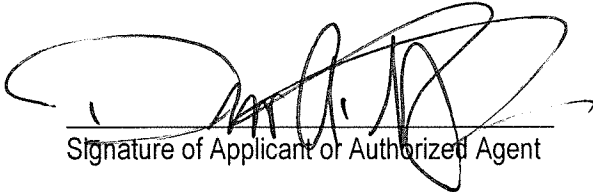
Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, DREW GILLINGHAM, of the City/Town of

KITCHENER 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

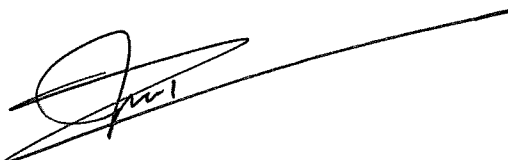
Signature of Applicant or Authorized Agent

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

City/Town of Guelph in the County/Regional Municipality of

Wellington this 22 day of January, 20 20.



Commissioner of Oaths

JUAN ANTONIO da SILVA CABRAL
A Commissioner etc. Province of Ontario for
The Corporation of the City of Guelph
Expires July 19, 2022

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned, being the registered property owner(s)

2448254 ONTARIO INC.

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

of 739 WOOLWICH STREET, GUELPH

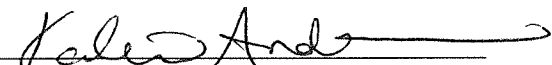
(Legal description and/or municipal address)

hereby authorize DREW GILLINGHAM

(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 15 day of JANUARY 2020.


(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.