

Committee of Adjustment Application for Minor Variance



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| Consultation with City staff is encouraged prior to submission of this application. | OFFICE USE ONLY | |
| | Date Received: August 10, 2020 | Folder #: |
| | Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | A-41/20 |

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? **Yes X** **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: 67 Kirkby Court, Guelph, Ontario

Legal description of property (registered plan number and lot number or other legal description):
PART LOT 4, PLAN 766 DESIGNATED AS PART 1, PLAN 61R20878 TOGETHER WITH AN EASEMENT OVER PART LOT 4, PLAN 766 DESIGNATED AS PARTS 3, 5, PLAN 61R20878 AS IN WC477511 CITY OF GUELPH

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

Name: MACKINNON HOLDINGS LIMITED

Mailing Address: 51-B Inkerman Street

City: Guelph, Ontario Postal Code: N1H 3C6

Home Phone: N/A Work Phone: (519) 241-8959

Fax: N/A Email: EvanM@elmcoaching.com

AGENT INFORMATION (If Any)

Company: Jones Lang LaSalle

Name: Vivian Patel

Mailing Address: 22 Adelaide Street W, Floor 26, Toronto, ON,

City: Toronto, Ontario Postal Code: M5H 4E3

Work Phone: (416) 391-6971 Mobile Phone: (416) 997-7750

Fax: (416) 304-6001 Email: Vivian.Patel@am.jll.com

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| Official Plan Designation: Industrial | Current Zoning Designation: B.1 |
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| NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required): |
| This application is for a minor variance to permit the potential future development of a smaller building area on the property of 67 Kirkby Court. Under the City of Guelph By-Law (1995) – 14864 Section 7.3.5.1, requires that future development include a building that is 15 percent of the lot area. This application is seeking relief from Section 7.3.5.1 in the amount of 7.93 percent. |
| There is currently no building on this property as it was severed from 405 Laird Road. The proposed conceptual site plan (attached with this application) outlines a main industrial building and security building with a combined gross floor area of approximately 2,166.44 sq. m. or 7.07 percent of the lot area. |

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| Why is it not possible to comply with the provision of the by-law? (your explanation) |
| Through a previously submitted application with the City of Guelph (Application A-25/20) and discussions with City of Guelph Building and Planning Staff, it was determined that a building of 15% lot coverage may not be necessary for a trucking operation to continue, however a reasonably sized building must be submitted. |
| While the City of Guelph By-Law (1995) – 14864 Section 7.3.5.1 requires a specific size of building within 'B.1 and B.2 Industrial' zones, a successful trucking operation on the specific property of 67 Kirkby Court does not require that size of building in order to continuously function and maintain business relationships as a 'Trucking Operation' with local and regional industries and corporation that rely on this type of use within the area. |
| The proposed buildings are located furthest from the designated P.1 lands in order to minimize potential impact, if any. Due to the configuration and shape of the property, a building following the Section 7.3.5.1 lot area requirement would not be conducive to various permitted industrial uses concerning truck-turning radii. Therefore, it is felt that the proposed buildings in the attached concept drawings satisfy a reasonable amount of the lot coverage requirement. |

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| PROPERTY INFORMATION | | | |
| Date property was purchased: | March 1988 | Date property was first built on: | September 1988 |
| Date of proposed construction on property: | To be determined based on this application and subsequently required Site Plan Approval application. | Length of time the existing uses of the subject property have continued: | Approx. 32 years |
| EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): | | | |
| Industrial | | | |
| PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): | | | |
| Industrial | | | |

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| DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan) | | |
| Frontage: 133.8 m | Depth: 150.4 m | Area: 30,658 m. sq. |

| PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric) | | | |
|---|-----|--|-----------------|
| EXISTING (DWELLINGS & BUILDINGS) | | PROPOSED | |
| <u>Main Building</u> | | <u>Main Building</u> | |
| Gross Floor Area: | N/A | Gross Floor Area: | 2,487.07 m. sq. |
| Height of building: | N/A | Height of building: | Two (2) storeys |
| Garage/Carport (if applicable) N/A | | Garage/Carport (if applicable) N/A | |
| Attached <input type="checkbox"/> Detached <input type="checkbox"/> | | Attached <input type="checkbox"/> Detached <input type="checkbox"/> | |
| Width: | N/A | Width: | N/A |
| Length: | N/A | Length: | N/A |
| Driveway Width: | N/A | Driveway Width: | N/A |
| Accessory Structures (Shed, Gazebo, Pool, Deck) | | Accessory Structures (Shed, Gazebo, Pool, Deck) | |
| Describe details, including height: N/A | | Describe details, including height: Security Booth Building Gross Floor Area: 106.87 m. sq. Height of Building: Two (2) storeys | |

| LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND | | | |
|--|--------------------------|---------------------------------------|-----------------------------|
| EXISTING | | PROPOSED | |
| Front Yard Setback: | N/A M | Front Yard Setback: | 6.0 M |
| Exterior Side Yard (corner lots only) | N/A M | Exterior Side Yard (corner lots only) | N/A M |
| Side Yard Setback: | Left: N/A M Right: N/A M | Side Yard Setback: | Left: 9.19 M Right: 126.3 M |
| Rear Yard Setback | N/A M | Rear Yard Setback | 50.5 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: **through connection to City of Guelph municipal services, or possible connection servicing lease with the 405 Laird Road property.**

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 type="checkbox"/> | <input checked="" type="checkbox"/> | Application B-3/14, B-20/16, Approved Subject to Conditions |
| Previous Minor Variance Application | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Application A-25/20, Rejected |

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 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 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

REMOTE AFFIDAVIT OR SWORN DECLARATION

I/We, VIVIAN PATEL, of the City/Town of TORONTO in County/Regional Municipality of GREATER TORONTO, and located in the City/Town of TORONTO in County/Regional Municipality of GREATER TORONTO, 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

Declared remotely by **Juan da Silva**, of the City/Town of **Guelph** in the County/Regional Municipality of **Wellington** before me at the City/Town of **Guelph** in the County/Regional Municipality of **Wellington** this **11** day of **August**, 20**20**, in accordance with

O. Reg 431/20, Administering Oath or Declaration Remotely.



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)
MacKinnon Holdings Limited.

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

of 67 Kirkby Court, Guelph

(Legal description and/or municipal address)

hereby authorize Vivian Patel

(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 10th day of August 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.