

# Committee of Adjustment Application for Consent



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <b>July 14, 2020</b>	Application #: <b>B-7/20</b>
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

## 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: 73 Arthur Street S.

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

See Schedule A (attached)

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

If yes, describe: Public easement between Phase 3 and Phase 4 lands to access Riverwalk. See attached sketch

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

If yes, explain: Charge on the land by the lender: Laurentian Bank, 10 Duke Street West, Suite 100, Kitchener, ON, N2H 3W4

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

Name: 2278560 Ontario Inc.

Mailing Address: 500 Hanlon Creek Blvd

City: Guelph      Postal Code: N1C 0A1

Home Phone: \_\_\_\_\_      Work Phone: (519)-826-6700

Fax: \_\_\_\_\_      Email: \_\_\_\_\_

### AGENT INFORMATION (If Any)

Name: Charlotte Balluch

Company: Fusion Homes

Mailing Address: 500 Hanlon Creek Blvd

City: Guelph      Postal Code: N1C 0A1

Home Phone: \_\_\_\_\_      Work Phone: (519)-826-6700 x242

Fax: \_\_\_\_\_      Email: cballuch@fusionhomes.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

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

2278560 Ontario Inc

**DESCRIPTION OF LAND INTENDED TO BE SEVERED** Easements in favour of Phase 4 lands

Frontage / Width: (m) 9.828	Depth (m) 84.545	Area: (m <sup>2</sup> ) 501.4	Existing Use: vacant	Proposed Use: easement for residential
Existing Buildings/Structures: N/A			Proposed Buildings / Structures: Road	
Use of Existing Buildings/Structures (specify): N/A			Proposed Use of Buildings/Structures (specify): Residential	

**DESCRIPTION OF LAND INTENDED TO BE RETAINED** Phase 3 lands

Frontage / Width: (m) 57.818	Depth (m) 84.545	Area: (m <sup>2</sup> ) 4732.36	Existing Use: vacant	Proposed Use: residential
Existing Buildings/Structures: N/A			Proposed Buildings / Structures: condominium	
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**

- ☒ Municipally owned and operated      ☐ Septic Tank
- ☐ Other (Explain)

**TYPE OF SEWAGE DISPOSAL PROPOSED TO THE SEVERED LANDS**

- ☒ Municipally owned and operated      ☐ Septic Tank
- ☐ Other (Explain)

Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the subject lands?

☒ No

☐ Yes

Is any portion of the land to be severed or retained located within a floodplain?

☐ No

☒ Yes

## **LAND USE**

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

Residential 2 within the Downtown Secondary Plan

**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:

Permits the construction of multiple residential buildings in conformity with the Official Plan

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:**

R.4B 15.4(H)

**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:

The proposed development provides new residential units within the urban boundary contributing to the efficient use of land and increased housing supply

**Does this application conform to the Growth Plan for the Greater Golden Horseshoe?**

☒ YES

☐ NO

Provide explanation:

The proposed development provides new residential units within a Delineated Built-up Area in the City of Guelph where residential growth is targeted.

**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.: \_\_\_\_\_ Status: \_\_\_\_\_

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:

2590339 Ontario Inc; 43 Arthur Street South LP, 02/02/2018, Heritage Building

\_\_\_\_\_

**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 type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SP47-048</u>
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Folder # 19 005677 PA</u>
Minor Variance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____

**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, Charlotte Balluch, 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~~ via video conference

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

Wellington this 14 day of July, 2020.

  
 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,

2278560 Ontario Inc

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

being the registered property owner(s) of

73 Arthur Street S

(Legal description and/or municipal address)

hereby authorize Charlotte Balluch

(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 13 day of July 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.



## **Schedule A**

PART OF GRIST MILL LANDS, EAST SIDE OF RIVER SPEED, PLAN 113; PART LOT 76, AND LOTS 77, 78, 79, 80, 81 AND 82, PLAN 113, PARTS 5 TO 18 PLAN 61R21533 TOGETHER WITH AN EASEMENT OVER PART OF GRIST MILL LANDS, EAST SIDE OF RIVER SPEED, PLAN 113, PARTS 1, 2, 3, 4, 13 AND 14 PLAN 61R21139 AS IN WC516085 TOGETHER WITH AN EASEMENT OVER PART OF GRIST MILL LANDS, EAST SIDE OF RIVER SPEED, PLAN 113, PARTS 2 AND 4 PLAN 61R21139 IN FAVOUR OF PARTS 5, 6, 7 AND 8 PLAN 61R21533 AS IN WC512657 TOGETHER WITH AN EASEMENT OVER PART 17 PLAN 61R11955 AS IN WC212993 SUBJECT TO AN EASEMENT IN FAVOUR OF WELLINGTON STANDARD CONDOMINIUM PLAN NO. 244 AS IN WC522214 TOGETHER WITH AN EASEMENT OVER WELLINGTON STANDARD CONDOMINIUM PLAN NO. 244 AS IN WC522214 TOGETHER WITH AN EASEMENT OVER WELLINGTON STANDARD CONDOMINIUM PLAN NO. 244 IN FAVOUR OF PARTS 5, 6, 7 AND 8 PLAN 61R21533 AS IN WC522214 SUBJECT TO AN EASEMENT IN GROSS AS IN WC434473 SUBJECT TO AN EASEMENT AS IN WC434476 SUBJECT TO AN EASEMENT AS IN WC498245 SUBJECT TO AN EASEMENT IN GROSS AS IN WC499586 SUBJECT TO AN EASEMENT IN FAVOUR OF PART OF GRIST MILL LANDS, EAST SIDE OF RIVER SPEED, PLAN 113, PARTS 1, 2, 3, 4, 13 AND 14 PLAN 61R21139 AS IN WC516086 SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 16, 17 AND 18 PLAN 61R21533 AS IN WC503847 SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 6, 11, 14 AND 17 PLAN 61R21533 AS IN WC451264 SUBJECT TO AN EASEMENT IN FAVOUR OF PART OF GRIST MILL LANDS, EAST SIDE OF RIVER SPEED, PLAN 113, PARTS 1, 2, 3 AND 4 PLAN 61R21533 AS IN WC572442 SUBJECT TO AN EASEMENT OVER PARTS 5 TO 12 PLAN 61R21533 IN FAVOUR OF PART OF GRIST MILL LANDS, EAST SIDE OF RIVER SPEED, PLAN 113, PARTS 1, 2, 3 AND 4 PLAN 61R21533 AS IN WC572442 TOGETHER WITH AN EASEMENT OVER PART OF GRIST MILL LANDS, EAST SIDE OF RIVER SPEED, PLAN 113, PARTS 1, 2, 3 AND 4 PLAN 61R21533 IN FAVOUR OF PARTS 5, 6, 7 AND 8 PLAN 61R21533 AS IN WC572442 CITY OF GUELPH