

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>Jan 7, 2019</u>	Folder #: <u>A-10/19</u>
	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 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: 195 Liverpool Street, Guelph

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

Lot 9, Registered Plan 29

OWNER(S) INFORMATION:

Name: Jeremy & Leanne Friedberg

Mailing Address: 195 Liverpool Street

City: Guelph Postal Code: N1H 2L6

Home Phone: _____ Work Phone: _____

Fax: _____ Email: jeremy@vivetechnologies.com
leannesari@sympatico.ca

AGENT INFORMATION (If Any)

Company: PEG Architecture + Interiors Inc.

Name: Jacob Abbott (Mark Buckley to attend hearing)

Mailing Address: 1730 Bishop Street North

City: Cambridge Postal Code: N1T 1N5

Work Phone: 519-620-1224 Mobile Phone: _____

Fax: 519-620-9476 Email: jacob@pegarchitecture.com

Official Plan Designation: Residential - Single detached	Current Zoning Designation: R.1B
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):
1. A variance to Table 5.1.2, Row 6a and 5.1.2.7 to permit a sunroom in the exterior side yard with a setback of 4.22m
2. A variance to Section 5.1.2.7 to permit an accessory structure in the exterior side yard with a setback of 0.24m from the property line.
3. A variance to Section 5.1.2.7.i) and 4.13.2.1 to permit the required parking space to be located 0.24m from the property line.
4. A variance to Section 4.13.3.2.2 to permit the parking space inside the carport to be 3m x 5.18m
5. A variance to Section 4.5.1.1 to permit an accessory structure to cover 38.09% of the exterior side yard
6. A variance to Section 4.6.2.1 to permit an accessory structure in the driveway sightline triangle

Why is it not possible to comply with the provision of the by-law? (your explanation)
1. The existing sunroom is within the exterior side yard setback
2. The existing driveway is located within the exterior side yard setback in close proximity to the property line. A proposed carport cannot serve the existing driveway without being 0.24m to the property line, with little room for movement.
3. The existing driveway (parking space) is currently located in close proximity to the property line.
4. Based on the limitations of the existing driveway & area available in that portion of the lot, the proposed carport cannot achieve a size great enough to accommodate a 3m x 6m parking space
5. Majority of the existing driveway lies within the exterior yard setback, therefore, a carport would result in greater coverage of the exterior side yard (38.09%). Maintaining max 30% would result in a decrease in size & parking space size
6. Based on the limitations of the existing driveway & area available in that portion of the lot, the proposed carport cannot be located any further from the property line to allow for proper sightline triangles.

PROPERTY INFORMATION			
Date property was purchased:	July 2014	Date property was first built on:	1983
Date of proposed construction on property:	April 2019	Length of time the existing uses of the subject property have continued:	In it's entirety
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):			
Residential - single family dwelling			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):			
Remain as residential - single family dwelling			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)		
Frontage: 12.994m	Depth: 21.031m	Area: 318.1m ²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	2,744 sf 254.9 m ²		Gross Floor Area:	REMAIN 2,744 sf 254.9 m ²	
Height of building:	28'2" (8.59m)		Height of building:	REMAIN 28'2" (8.59m)	
Garage/Carport (if applicable) N/A			Garage/Carport (if applicable)		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input checked="" type="checkbox"/>		
Width:			Width:	5.54m	
Length:			Length:	5.18m	
Driveway Width:	4.85m		Driveway Width:	REMAIN 4.85m	
Accessory Structures (Shed, Gazebo, Pool, Deck) N/A			Accessory Structures (Shed, Gazebo, Pool, Deck) N/A		
Describe details, including height:			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	2.86 M		Front Yard Setback:	2.86 M	
Exterior Side Yard (corner lots only)	2.61 M		Exterior Side Yard (corner lots only)	2.61 M	
Side Yard Setback:	Left: 1.20 M	Right: M	Side Yard Setback:	Left: 1.2 M	Right: M
Rear Yard Setback	5.23 M		Rear Yard Setback	5.23 (CARPORT = 0.60m) M	

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input type="checkbox"/>
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 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 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

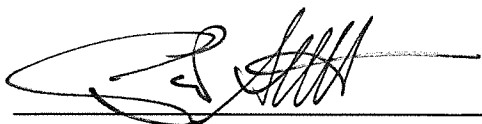
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

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, JACOB ABBOTT, of the City Town of
CAMBRIDGE 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 7th day of January, 20 19.


 Commissioner of Oaths

TRISTALYN JISELLE DI LULLO,
 A Commissioner, etc., Province of Ontario, for
 The Corporation of the City of Guelph,
 Expires January 8, 2019.

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

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

Jeremy & Leanne Friedberg

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

of 195 Liverpool Street, Guelph, Ontario

(Legal description and/or municipal address)

hereby authorize PEG Architecture + Interiors Inc. (Jacob Abbott & Mark Buckley)
(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 02 day of JANUARY 20 19.

(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.



To:
Mandeep Singh
Council and Committee Assistant
City of Guelph
1 Carden Street
Guelph, Ontario N1H 3A1

Date Issued:
Jan-23-19

Project:
195 Liverpool Street
Friedberg Residence

From:
Jacob Abbott, Architectural Technologist

Re:
Minor Variance Application

Dear Ms. Singh,

An application for a minor variance has been submitted for an existing dwelling located at 195 Liverpool Street. The proposed work includes a full interior renovation, including renovation of the existing second storey sunroom to be incorporated into interior living space, along with a new open-air carport structure over the existing driveway.

The existing sunroom is currently located within the required exterior side yard setback. Any renovation to this space would result in inevitable encroachment of the exterior side yard. Portions of the existing interior space of the home also encroach the setback and sit even closer to the property line than the sunroom. It is our opinion that reconstruction of the sunroom to transition to interior living space would not adversely affect the existing conditions of the property going forward.

The existing driveway, along Arnold Street, is currently shallow in size due to the location of the existing dwelling and fence line. Currently there is no garage or structure for cover, therefore, the client wishes to construct an open-air carport structure. Given the existing conditions of the driveway and property it is difficult to construct a carport and meet the requirements of the zoning by-law (applicable variances noted in the minor variance application). Naturally, the carport would be close to the property line without possibility of increasing that distance due to the location of the existing dwelling.

A minor variance application has been submitted further outlining the specific variances and extent of relief applied for. A Photographic Record has been attached to illustrate the existing conditions.

Regards,

PEG Architecture + Interiors Inc.

Jacob Abbott, Dipl. Arch. Tech.
Architectural Technologist

A handwritten signature in black ink, appearing to read 'J. Abbott', is written over a light blue rectangular background.

195 Liverpool Street – Minor Variance

Page 1 of 1

A: 8-1730 Bishop Street N., Cambridge, ON N1T 1N5

T: 519-620-1224 F: 519-620-9476 E: info@pegarchitecture.com

pegarchitecture.com



Project:
**195 Liverpool Street
Friedberg Residence**

Reference:
Minor Variance Application Cover Letter



Interior view of the existing sunroom looking towards the rear property line.



Exterior view of the existing dwelling & driveway as viewed from Arnold Street. The sunroom can be seen along the rear of the second storey.

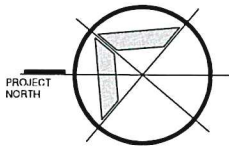
195 Liverpool Street – Minor Variance

Page 1 of 1

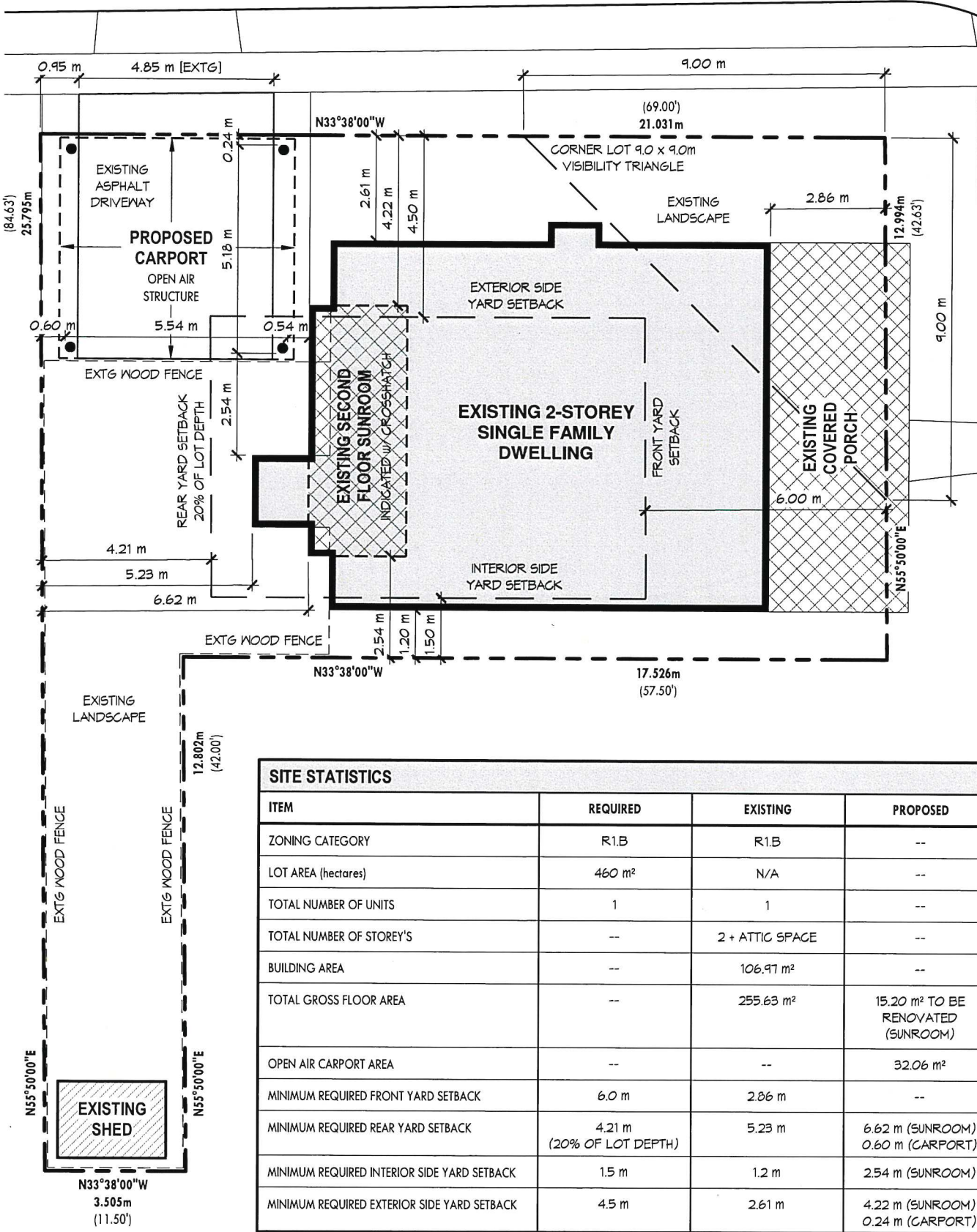
A: 8-1730 Bishop Street N., Cambridge, ON N1T 1N5

T: 519-620-1224 F: 519-620-9476 E: info@pegarchitecture.com

pegarchitecture.com



ARNOLD STREET



LIVERPOOL STREET

SITE STATISTICS			
ITEM	REQUIRED	EXISTING	PROPOSED
ZONING CATEGORY	R1.B	R1.B	--
LOT AREA (hectares)	460 m²	N/A	--
TOTAL NUMBER OF UNITS	1	1	--
TOTAL NUMBER OF STOREY'S	--	2 + ATTIC SPACE	--
BUILDING AREA	--	106.97 m²	--
TOTAL GROSS FLOOR AREA	--	255.63 m²	15.20 m² TO BE RENOVATED (SUNROOM)
OPEN AIR CARPORT AREA	--	--	32.06 m²
MINIMUM REQUIRED FRONT YARD SETBACK	6.0 m	2.86 m	--
MINIMUM REQUIRED REAR YARD SETBACK	4.21 m (20% OF LOT DEPTH)	5.23 m	6.62 m (SUNROOM) 0.60 m (CARPORT)
MINIMUM REQUIRED INTERIOR SIDE YARD SETBACK	1.5 m	1.2 m	2.54 m (SUNROOM)
MINIMUM REQUIRED EXTERIOR SIDE YARD SETBACK	4.5 m	2.61 m	4.22 m (SUNROOM) 0.24 m (CARPORT)

1 SITE PLAN
D1 1:100

SITE PLAN
FRIEDBERG RESIDENCE
Scale: As indicated
195 LIVERPOOL STREET, GUELPH
DECEMBER 5, 2018



COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>Jan 11, 2019</u>	Folder #: <u>A-11/19</u>
	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 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: 3 Burns Drive (3, 9, 11, 15, 17, 19 Burns Drive) MS

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

Block 'A', Registered Plan No. 648, City of Guelph

OWNER(S) INFORMATION:

Name: Burns Inc. - 2620891 Ontario Limited

Mailing Address: 279 Woolwich Street

City: Guelph Postal Code: N1H 3V8

Home Phone: _____ Work Phone: 519-800-6490

Fax: _____ Email: robert@vesterra.com

AGENT INFORMATION (If Any)

Company: Labreche Patterson & Associates Inc.

Name: Scott Patterson

Mailing Address: 330 Trillium Drive, Unit F

City: Kitchener Postal Code: N2E 3J2

Work Phone: 519-896-5955 Mobile Phone: _____

Fax: _____ Email: scott@lpplan.com

Official Plan Designation: Low Density Residential	Current Zoning Designation: R.3A
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):
Relief from Section 4.9.1 of the City of Guelph Zoning By-law 1995-14864 which states no garbage or refuse shall be stored on any Lot in any Zone except within the principal Building or any accessory Building or Structure on such Lot or in container in a Side Yard or Rear Yard of such Lot whereas garbage bins (Molok Bins) are proposed in the Exterior Side Yard of the Subject Property along Burns Drive.

Why is it not possible to comply with the provision of the by-law? (your explanation)
Due to the configuration of the property, the front lot line is Nicklin Road. As such, the area where the in-ground garbage facilities are located is considered an exterior side yard. Section 4.9.1 only allows garbage or refuse containers in the side or rear yard areas. The in-ground units are set back from the street and as they primarily below ground they are not obstructive. There is no opportunity to have these facilities placed in a side or rear yard area. The location selected would appear to be the optimal location for the garbage facilities on this property. As they are a locable unit and have a decorative finish, they are not disruptive to the existing area.

PROPERTY INFORMATION			
Date property was purchased:	May 15, 2008	Date property was first built on:	Unknown, sometime in 1950's
Date of proposed construction on property:	N/A	Length of time the existing uses of the subject property have continued:	Since construction (1950's)
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):			
Residential			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):			
Residential			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)		
Frontage: 58.4 m	Depth: 87.8 m	Area: Approx. 10,433.3 sq. m.

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:	Unknown		Gross Floor Area:		
Height of building:	3 Storey		Height of building:		
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
Attached <input checked="" type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:	Approx. 85 m		Width:		
Length:	Varies		Length:		
Driveway Width:	N/A		Driveway Width:		
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height: N/A			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	13.2 M		Front Yard Setback:	M	
Exterior Side Yard (corner lots only)	7.9 M		Exterior Side Yard (corner lots only)	M	
Side Yard Setback:	Left: 10.9 M	Right: 7.9 M	Side Yard Setback:	Left: M	Right: M
Rear Yard Setback	7.9 M		Rear Yard Setback	M	

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)				
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/>	Private Road <input type="checkbox"/>	Water <input type="checkbox"/>	Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)		
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/>	Storm Sewer <input checked="" type="checkbox"/>
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 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.

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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, Scott Patterson, of the City/Town of
Municipality of North Perth in County/Regional Municipality of Perth County, 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

Scott Patterson
 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 Kitchener in the County/Regional Municipality of

Waterloo this 11th day of December, 2018.

V. M.
 Commissioner of Oaths

Victor Claude Labreche,
 a Commissioner, etc.,
 Province of Ontario,
 for Labreche Patterson & Associates Inc.
 Expires November 7, 2021.

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

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

Burns Inc. - 2620891 Ontario Limited

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

of 3 Burns Drive

(Legal description and/or municipal address)

hereby authorize Scott Patterson

(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 December 2018.



(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.



Labreche Patterson & Associates Inc.

Professional Planners, Development Consultants, Project Managers

Hand Delivered

Our File: P-1200-18

January 10, 2018

Ms. Trista Di Lullo, Secretary-Treasurer
Committee of Adjustment
City of Guelph
1 Carden Street
Guelph, ON
N1H 3A1

RECEIVED
JAN 11 2019

CITY CLERK'S OFFICE

Dear Ms. Di Lullo:

**Re: 3 Burns Drive, Guelph
Minor Variance Application
Burns Inc – 2620891 Ontario Limited**

Labreche Patterson & Associates Inc. is pleased to submit this Minor Variance application for the lands municipally known as 3 Burns Drive in the City of Guelph. The site currently consists of a 70 unit townhouse complex. As per the zoning inspection conducted by Building Services in June of 2018, it has been brought to our attention that there are garbage facilities located on the property that are not in keeping with the current zoning by-law.

The subject lands are designated "Low Density Residential" in the City of Guelph Official Plan. Additionally, the lands are zoned "Residential Townhouse – Cluster Townhouse Zone (R.3A)" in the City of Guelph Zoning By-law 1995-14864. Due to the configuration of the property, the front lot line is Nicklin Road. As such, the area where the in-ground garbage facilities are located is considered an exterior side yard. Section 4.91 of the by-law only allows garbage or refuse containers to be located in the side or rear yard areas. As such, a minor variance is required to be submitted to resolve this deficiency and seek relief to allow the current location to continue.

In support of the proposed development, the following variance is being sought:

- 1) Relief from Section 4.9.1 of the City of Guelph Zoning By-law 1995-14864 which states no garbage or refuse shall be stored on any Lot in any Zone except within the principal building or any accessory building or structure on such lot or in a container in a side yard or rear yard of such lot whereas garbage facilities (in grand units) are proposed in the exterior side yard of the Subject Property along Burns Drive.

In support of this application and as per the submission requirements as noted by the City, enclosed herein please find the following:

- One (1) original copy of the completed Minor Variance Application form;
- Two (2) full size and one (1) reduced copy of the Minor Variance Sketch;
- One (1) cheque in the amount of \$951.00 made payable to the City of Guelph for the Application fee; and
- Various pictures of the Garbage Facilities on site.

We would note that the garbage facility (in-ground units) is set back from the public realm. Existing vegetation exists between the garbage location and the property line. As illustrated in the photos, additional landscaping has been planted along the garbage unit as well. Due to the layout of the Subject Property there is no opportunity for the garbage facility to be located in the rear or side yard. We would also note that in-ground units are the preferred option from an operation and aesthetic position for such projects. In this instance, given the limited opportunities for placement on site, the generous setback to the public realm, the presence of existing landscaping and the type of garbage facilities utilized (in-ground), we believe permission to allow the garbage to be located in the exterior side yard is appropriate.

We trust that the enclosed material and the above information are sufficient for the acceptance of a complete application at this time, and would greatly appreciate this item coming forward at the next Committee of Adjustment Meeting on February 14, 2019. Should you have any questions or concerns please do not hesitate to contact our office.

Yours truly,

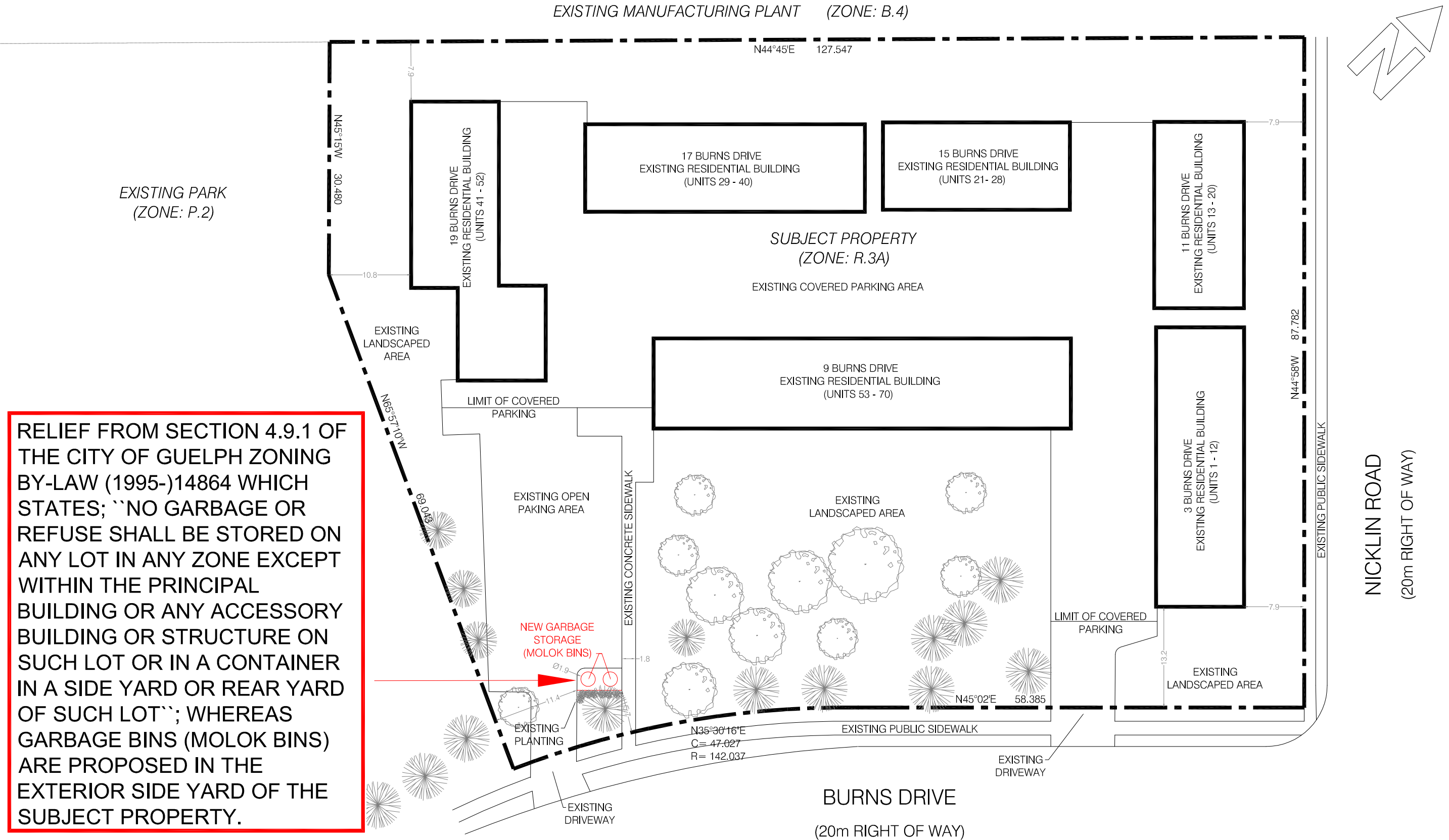
Labreche Patterson & Associates Inc.



Scott Patterson, BA, CPT, MCIP, RPP
Principal, Senior Planner

SP/jk

Copy: Vesterra 735 Woolwich Inc.



MINOR VARIANCE SKETCH 3, 9, 11, 15, 17 AND 19 BURNS DRIVE CITY OF GUELPH

SCALE 1:500 (PAPER SIZE: 11x17) PROJECT No. P-1200

3 Burns Drive – Garbage Facilities









COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>JUN 14, 2019</u>	Folder #: <u>A-12/19</u>
	Application deemed complete: <input 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 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: 170 DALLAN DRIVE

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

LOT 81 REG PLAN 61M-200

OWNER(S) INFORMATION:

Name: SALMAN HUSSAIN, AMBREEN AHMED

Mailing Address: 170 DALLAN DRIVE

City: GUELPH Postal Code: N1L 0N4

Home Phone: 519 803 4763 (CELL) Work Phone: _____

Fax: _____ Email: SALMANHUSSAIN1977@YAHOO.COM

AGENT INFORMATION (If Any)

Company: _____

Name: _____

Mailing Address: _____

City: _____ Postal Code: _____

Work Phone: _____ Mobile Phone: _____

Fax: _____ Email: _____

Official Plan Designation: Low Density Greenfield Residential	Current Zoning Designation: R-1C
--	----------------------------------

*

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):
RELIEF OF ACCESSORY APARTMENT REQUIRED 861 FT ²
HAVE 912 FT ² - RELIEF OF 425 FT ² (42.5)
84.72 m ² (MS)
Section 4.15.1.5 (TD)

Why is it not possible to comply with the provision of the by-law? (your explanation)
HAS BEEN BUILT IN ERROR - ALL BASED ON CALCULATIONS OF SQUARE FOOTAGE. - FOUNDATION WALLS NOT INCLUDED. INSIDE FOUNDATION WALLS WERE MEASURED.

PROPERTY INFORMATION			
Date property was purchased:	SEPTEMBER 27/18	Date property was first built on:	MARCH 16/2018
Date of proposed construction on property:	MAY 22/2018	Length of time the existing uses of the subject property have continued:	SINGLE RESIDENTIAL SINCE SEPT 27/18.
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):			
RESIDENTIAL			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):			
RESIDENTIAL			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)			
Frontage:	12 MTRS	Depth:	32.689 MTRS
		Area:	393.4 m ²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	(3110) 288.9 m ² s		Gross Floor Area:		
Height of building:	2 STOREY		Height of building:		
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
Attached <input checked="" type="checkbox"/>	Detached <input type="checkbox"/>		Attached <input type="checkbox"/>	Detached <input type="checkbox"/>	
Width:	5.99		Width:		
Length:	7.07136		Length:		
Driveway Width:	5.84		Driveway Width:		
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height: SINGLE FAMILY 2 STOREY HOME.			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND							
EXISTING			PROPOSED				
Front Yard Setback:	6.45 mtrs / 5.59		M	Front Yard Setback:	M		
Exterior Side Yard (corner lots only)			M	Exterior Side Yard (corner lots only)	M		
Side Yard Setback:	Left: 1.30	M	Right: 1.28	M	Side Yard Setback:	Left: M	Right: M
Rear Yard Setback	6.80		M	Rear Yard Setback	M		

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input type="checkbox"/>
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 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 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

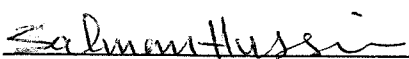
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

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.

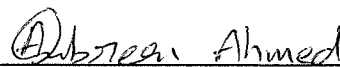
For commercial or industrial buildings, it may be appropriate to post the sign on the front wall of the building or at its entrance.

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, SALMAN HUSSAIN, 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.

Salman Hussain
 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 14th day of January, 2019.

[Signature]
 Commissioner of Oaths

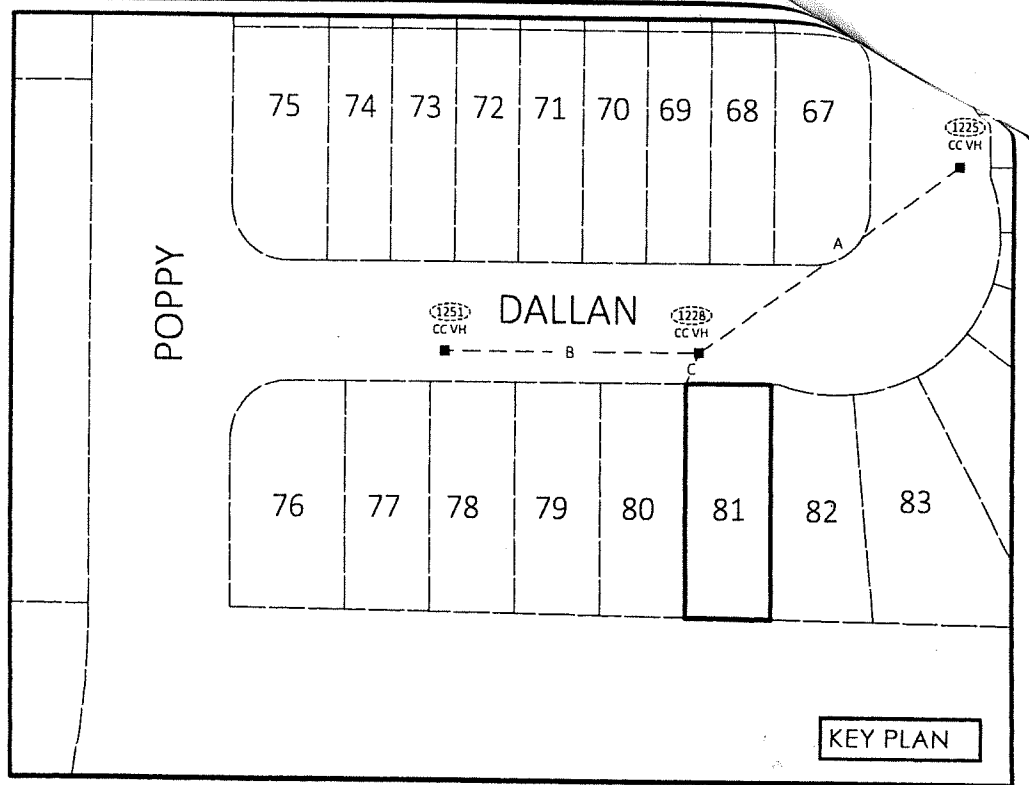
LINDSAY ALEXANDRA CLINE,
 a Commissioner, etc., Province of Ontario
 for the CORPORATION OF THE
 CITY OF GUELPH.
 Expires March 6, 2020
 (official stamp of Commissioner of Oaths)

SURVEYOR'S REAL PROPERTY REPORT
PLAN OF
LOT 81
REGISTERED PLAN 61M-200
CITY OF GUELPH
COUNTY OF WELLINGTON

SCALE 1 : 200



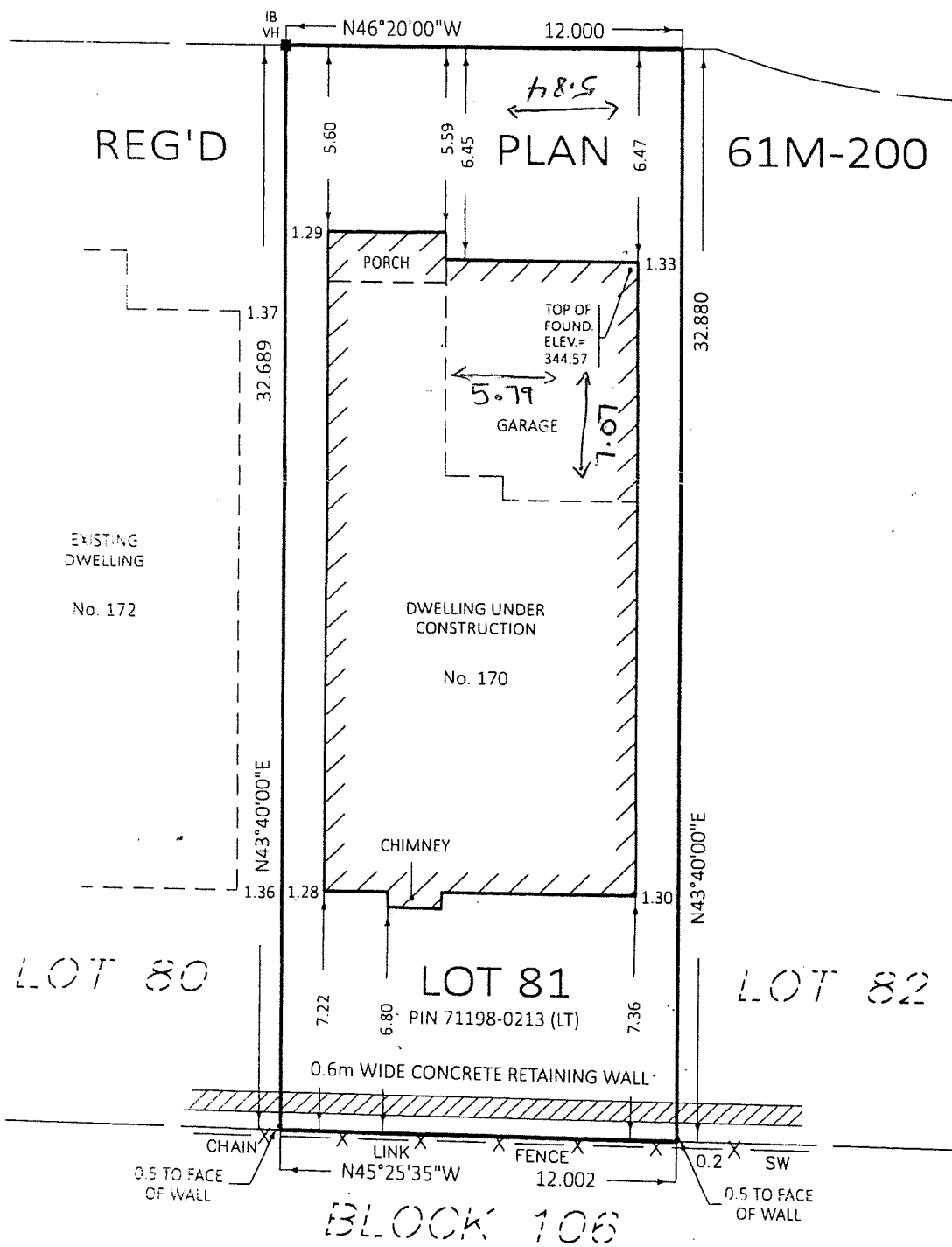
VAN HARTEN SURVEYING INC.



LOT CONTROL TRAVERSE DATA		
A	: N82°15'22"W	45.215
Reference Bearing		
B	: N46°19'45"W	35.830
C	: N65°58'49"E	4.766

DALLAN DRIVE

(Established By Reg'd Plan 61M-200) (17.0 Metres Wide)



SUMMARY REPORT:

CLIENT: GATTO HOMES INC.
VAN HARTEN SURVEYING INC. ACCEPTS NO
RESPONSIBILITY FOR USE BY OTHER
PARTIES.

PROPERTY DESCRIPTION:
No. 170 DALLAN DRIVE
LOT 81, REG'D PLAN 61M-200
PIN 71198-0213 (LT)
CITY OF GUELPH

EASEMENTS:
SUBJECT TO AN EASEMENT FOR ENTRY AS IN
WC520910.

ASSOCIATION OF ONTARIO
LAND SURVEYORS

PLAN SUBMISSION FORM

2049528



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3)

© 2018 VAN HARTEN SURVEYING INC.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF VAN HARTEN SURVEYING INC.

May 17, 2018 1:22pm
G:\GUELPH\M-61M-200\ACAD\B81.dwg

METRIC : DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE : ALL MEASUREMENTS SHOWN TO BUILDING ARE TO THE CONCRETE FOUNDATION UNLESS INDICATED OTHERWISE

NOTE : ALL MEASUREMENTS SHOWN ON THIS PLAN ARE BY VAN HARTEN SURVEYING INC. UNLESS INDICATED OTHERWISE.

NOTE:

BEARINGS SHOWN ON THIS PLAN ARE UTM GRID BEARINGS (NAD83
ADJUSTMENT), RELATED TO PLAN 61M-200 AND BASED ON CONTROL LINE 'A' AS
SHOWN HAVING A BEARING OF N82°15'22"W.

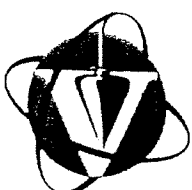
PROJ. NO. 23409-15

CHECKED BY J.M.L.

DRAWN BY D.F.C.

LEGEND:

- SURVEY MONUMENT SET
— SURVEY MONUMENT FOUND
SIB STANDARD IRON BAR
SSIB SHORT STANDARD IRON BAR
S IRON BAR
CC CUT CROSS
- (1001) CONTROL POINT
- 375 DENOTES BLACK, SHOEMAKER et. al., O.L.S.'s
1155 & VH VAN HARTEN SURVEYING INC., O.L.S.'s



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

GUELPH ELMIRA ORANGEVILLE
519-821-2763 519-669-5070 519-940-4110

www.vanharten.com info@vanharten.com

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN
ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS
ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE
9th DAY OF MAY, 2018.

JAMES M. LAWS, O.L.S.
DATE: MAY 17, 2018

R/1.



SHEET NO

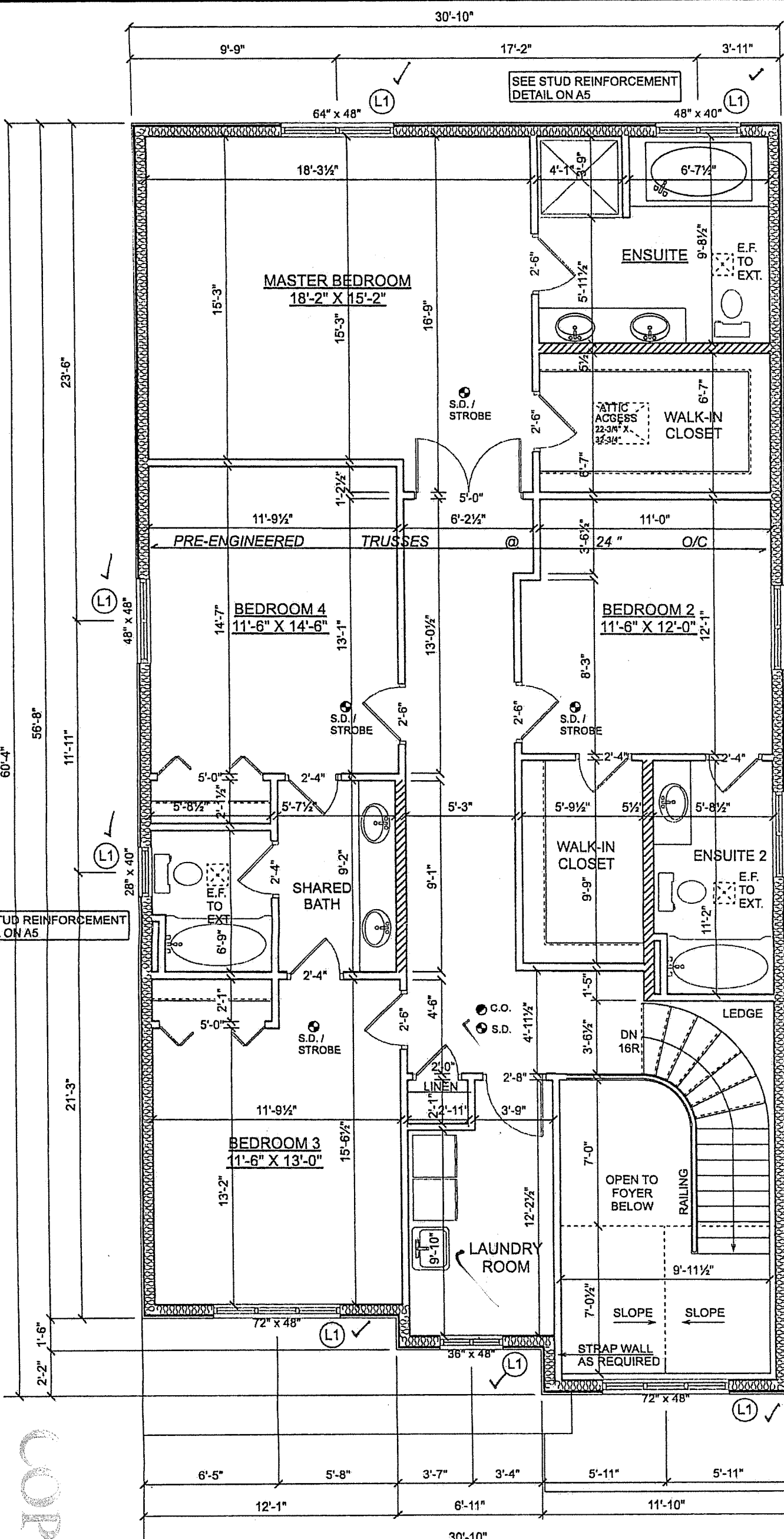
OF

PROPOSED ACCESSORY
APARTMENT

DATE NOVEMBER 2018

REFER TO SPECIAL
CONDITIONS FOR ADDITIONAL
REQUIREMENTS.

6" THICK 35 Mpa POURED CONC. SLAB WITH 5%-8% AIR ENTRAINMENT REINFORCED w/ 15M BARS @ 16" o.c. EW. BOTTOM BAR TO HAVE MIN 1-1/4" OVER. SLAB TO HAVE MIN. 3" BEARING ON FOUNDATION WALL AND TO BE FASTENED TO FOUNDATION WALL w/ MIN. 24" x 24" BENT 10m DOWELS @ 32" o/c. MAX. SLAB IS DESIGNED TO SUPPORT VENEER ABOVE



REFER TO SPE
CONDITIONS
ADDITIONAL E

Building Services
MAR 14 2018
Plans Reviewed By: [Signature]

SEE STUD REINFORCEMENT
DETAIL ON A5

SEE STUD REINFORCEMENT
DETAIL ON A5

NOTE: ALL DRAWINGS TO BE
READ IN CONJUNCTION WITH
THE GENERAL NOTES

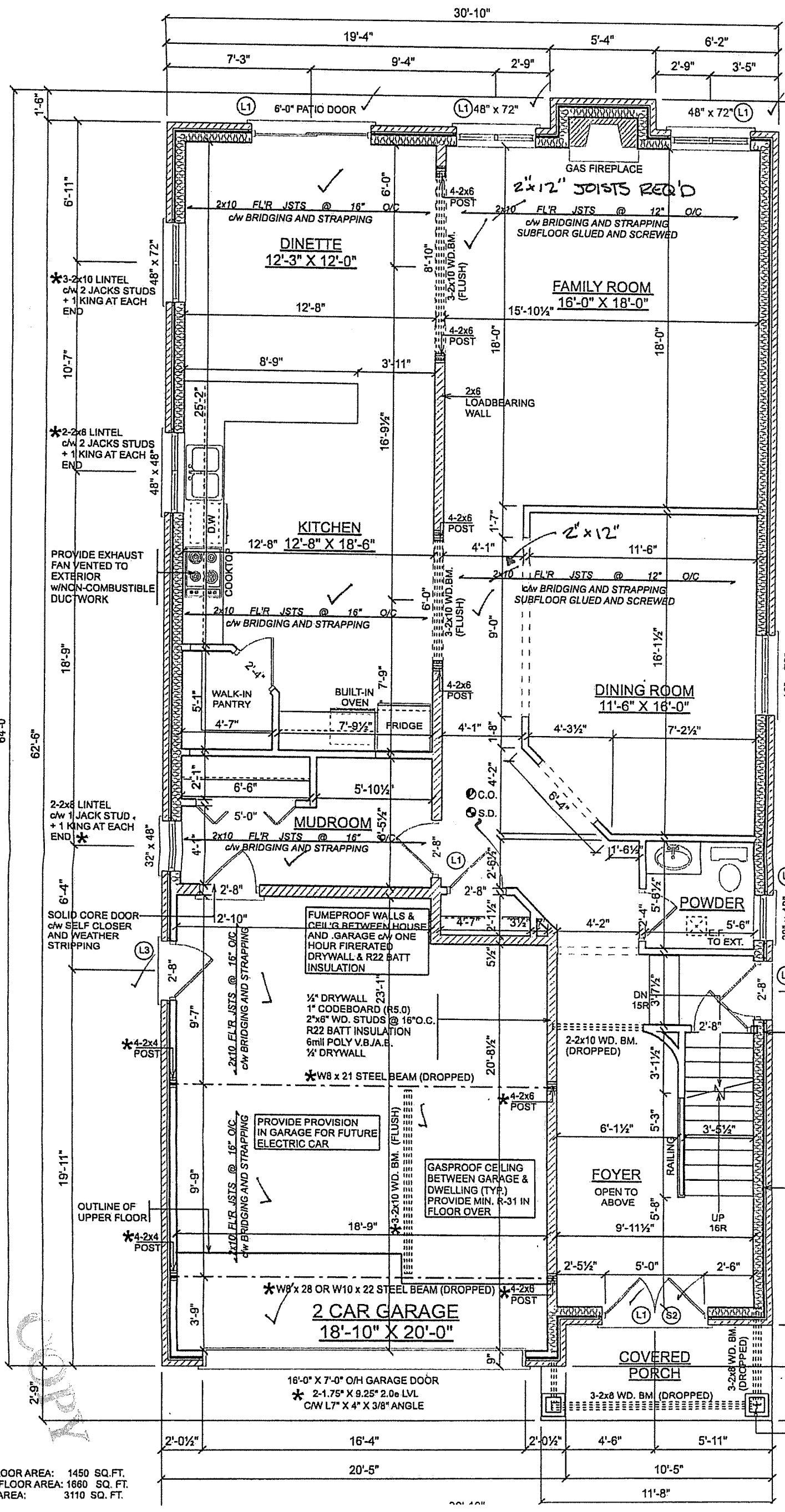
NOTE: PLEASE SEE PAGE 5
FOR CONSTRUCTION
NOTES AND INFORMATION

NOTE: WINDOW SIZES SHOWN ON PLAN
APPROXIMATE. EXACT ROUGH OPENING
DETERMINED BY WINDOW MANUFACTUR
SPECIFICATIONS.

LINTEL SCHEDULE	
WOOD LINTELS	STEEL ANGLES
L1 - 2 - 2" x 10" WOOD LINTEL	S1 - 4" x 3 1/2" x 1/4" STEEL
L2 - 2 - 2 1/4" LVL w/ DOUBLE SLIP STUDS	S2 - 5" x 3 1/4" x 1/4" STEEL
L3 - 3 - PLY 2" x 10" w/ DOUBLE SLIP STUDS	S3 - 3 1/2" x 3 1/2" x 1/4" STEEL
L4 - 3 - PLY 2" x 12" w/ DOUBLE SLIP STUDS	S4 - 3 1/4" x 4" x 1/4" STEEL
L5 - 2 - 2" x 8" WOOD LINTEL	S5 - 7" x 4" x 3/8" STEEL

LOT 81 DALLAN DRIVE
UPPER FLOOR PLAN

COPY



NOTE:
STRUCTURAL MEMBERS NOTED WITH
AN * HAVE BEEN ENGINEERED BY
STRIK, BALDINELLI & ASSOCIATES LTC
REFER TO ENGINEERING LETTER DAT
FEBRUARY 28, 2017 FOR DETAILS.

REFER TO SPECIAL
CONDITIONS FOR
ADDITIONAL
REQUIREMENTS

Plans Reviewed By: *[Signature]*
MAR 14 2018

*TALL WALL FRAMING @ STAIRS:
2-2x6 @ 12" o/c
PROVIDE SOLID BLOCKING
@ 48" o/c VERTICALLY
MIN. 3/8" SHEATHING OR
1" RIGID INSULATION ON EXTERIOR
FACE, MIN. 1/2" GYPSUM BOARD
ON INTERIOR FACE. PROVIDE
3-2x6 FULL HEIGHT KING STUDS ON
BOTH SIDES OF 3'-0" OPENING. PROVIDE
A 3-2x6 FULL HEIGHT KING STUDS TO
SUPPORT THE RIGHT END OF GIRDER TRUSS C1.

*TALL WALL FRAMING @ FOYER:
2-2x6 @ 12" o/c
PROVIDE SOLID BLOCKING
@ 48" o/c VERTICALLY
MIN. 3/8" SHEATHING OR
1" RIGID INSULATION ON EXTERIOR
FACE, MIN. 1/2" GYPSUM BOARD
ON INTERIOR FACE. PROVIDE
4-1.5"x5.5" FULL HEIGHT LSL KING
STUDS ON BOTH SIDES OF 6'-0" OPENING

NOTE: ALL DRAWINGS TO B
READ IN CONJUNCTION WITH
THE GENERAL NOTES

MAIN FLOOR AREA: 1450 SQ. FT.
UPPER FLOOR AREA: 1660 SQ. FT.
TOTAL AREA: 3110 SQ. FT.

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: Jan 15, 2019	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A-13/19

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: 319 EXHIBITION ST GUELPH N1H 4S1

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

LOT 37, R.P. 148

OWNER(S) INFORMATION:

Name: BRAD AND KEIRA STROYAN

Mailing Address: 319 EXHIBITION ST

City: GUELPH

Postal Code: N1H 4S1

Home Phone: 519-216-2527

Work Phone: 519-763-2000 x271

Fax: _____

Email: b.stroyan@tacomaengineers.com

AGENT INFORMATION (If Any)

Company: _____

Name: _____

Mailing Address: _____

City: _____

Postal Code: _____

Work Phone: _____

Mobile Phone: _____

Fax: _____

Email: _____

Official Plan Designation: General Residential (M⁹)

Current Zoning Designation:

R1B

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

- TABLE 4.7 ROW 3: TO PERMIT AN OPEN ROOFED PORCH TO PROJECT 1.7m INTO THE FRONT YARD AND BE SET BACK 0.75m FROM THE FRONT LOT LINE. THE OPEN ROOF IS ONLY TO EXTEND 0.9m OUT FROM FRONT OF HOUSE WALL
- 5.1.2.7 i): TO PERMIT THE FRONT YARD TO BE 2.45m
- TABLE 5.1.2 ROW 6: TO PERMIT FRONT YARD OF 2.45m
- TABLE 5.1.2 ROW 12: TO PERMIT NO LANDSCAPED AREA BETWEEN DRIVEWAY AND NEAREST LOT LINE

Why is it not possible to comply with the provision of the by-law? (your explanation)

- WE ARE BUILDING THE NEW HOUSE ON THE EXISTING HOUSE FOUNDATION WALLS AND THE EXISTING HOUSE ONLY HAS A 2.45m FRONT YARD.
- WE ARE ALSO USING THE EXISTING FRONT STOOP AND PLANNING TO JUST ADD A SMALL COVERING TO ADD TO THE FRONT ELEVATION APPEARANCE.
- THE EXISTING DRIVEWAY DOES NOT HAVE ANY LANDSCAPING BETWEEN IT AND OUR NEIGHBOORS AND ALTHOUGH WE EXPECT TO NEED TO REPLACE THE DRIVEWAY WE DO NOT WANT TO HAVE TO ADD LANDSCAPING IF POSSIBLE.

PROPERTY INFORMATION

Date property was purchased:	MAY 19 2016	Date property was first built on:	~ 1904
Date of proposed construction on property:	MARCH 2019	Length of time the existing uses of the subject property have continued:	SINCE 1904

EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):

RESIDENTIAL

PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):

RESIDENTIAL

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)

Frontage:

16.764m

Depth:

35.224m

Area:

590.5 m²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	98.38 m ²		Gross Floor Area:	106.46 m ²	
Height of building:	4.9 m		Height of building:	6.7 m	
Garage/Carport (if applicable)			Garage/Carport (if applicable)		
Attached <input type="checkbox"/>	Detached <input checked="" type="checkbox"/>		Attached <input type="checkbox"/>	Detached <input type="checkbox"/>	
Width:	4.1 m		Width:		
Length:	6.8 m		Length:		
Driveway Width:	3.9 m		Driveway Width:		
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height: SHED: 2.2m W x 2.2m L x 2.5m H			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND						
EXISTING			PROPOSED			
Front Yard Setback:	2.45		M	Front Yard Setback:	2.45	
Exterior Side Yard (corner lots only)			M	Exterior Side Yard (corner lots only)		
Side Yard Setback:	Left: 6.11	M	Right: 1.82	M	Side Yard Setback:	Left: 6.11
				M	Right: 1.82	M
Rear Yard Setback	20.3		M	Rear Yard Setback	20.3	
						M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/>
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
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Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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Building Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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PERMISSION TO ENTER

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POSTING OF ADVISORY SIGN

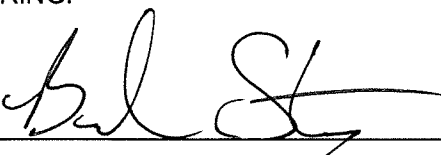
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Signature of Owner or Authorized Agent

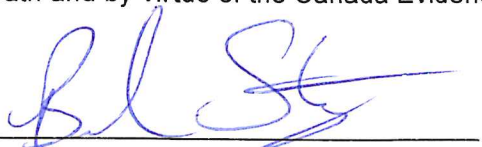


Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, BRADLEY STROYAN, 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.

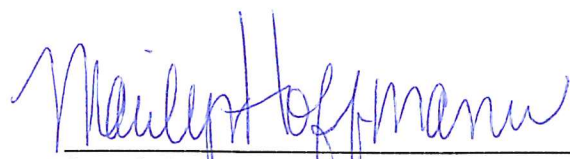

Signature of Applicant or Authorized Agent

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.

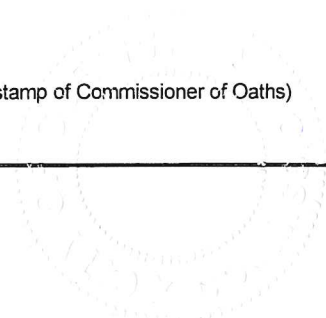
Declared before me at the

City/Town of GUELPH in the County/Regional Municipality of WELLINGTON this 15 day of JAN, 20 19.


Commissioner of Oaths

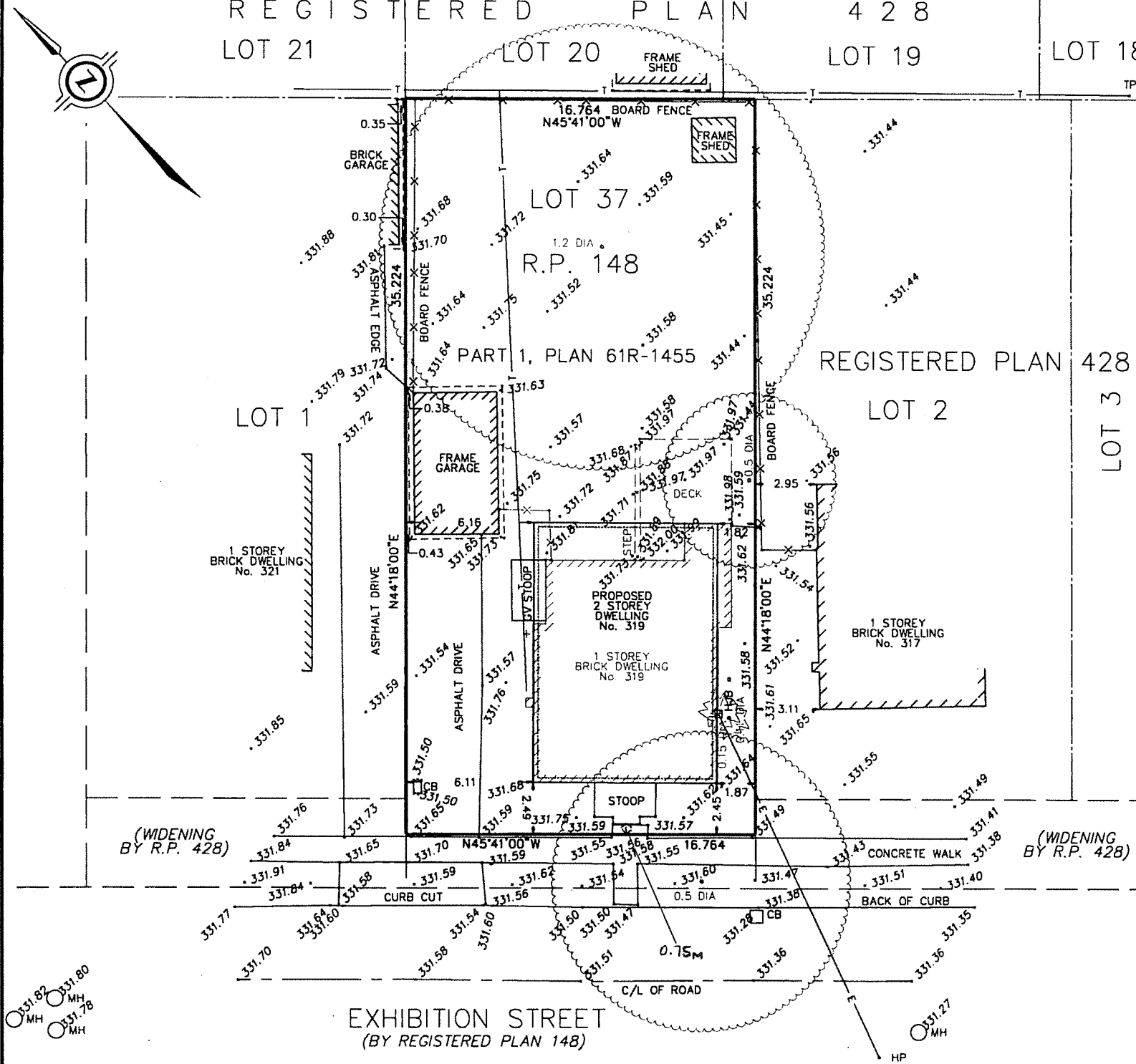
MARILYN HOFFMANN, a Commissioner while
Deputy Clerk of the City of Guelph

(official stamp of Commissioner of Oaths)



COUNTY OF WELLINGTON, CITY OF GUELPH

REGISTERED PLAN 428
LOT 21 LOT 20 LOT 19 LOT 18



SKETCH

FOR THE PURPOSE OF SHOWING
BUILDING PERMIT APPLICATION
SCALE 1 : 200



METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

NOTES:

1. THE POSITION OF ALL POLE LINES, CONDUITS, WATER MAINS, SEWERS AND OTHER UNDERGROUND AND OVERHEAD UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THIS PLAN, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

2. ELEVATIONS SHOWN HEREON ARE GEODETIC, DERIVED FROM THE HT.2_0 GEOID USING GPS.

LEGEND

○ MH	DENOTES MANHOLE
• HP	DENOTES HYDRO POLE
• TP	DENOTES TELEPHONE POLE
□ CB	DENOTES CATCH BASIN
□ HJB	DENOTES HYDRO JUNCTION BOX
+ GV	DENOTES GAS VALVE
— E —	DENOTES OVERHEAD ELECTRICAL WRE
— T —	DENOTES OVERHEAD TELEPHONE CABLE
R.P.	DENOTES REGISTERED PLAN

THIS SKETCH WAS PREPARED FOR BRADLEY STROYAN
AND THE UNDERSIGNED ACCEPTS NO
RESPONSIBILITY FOR USE BY OTHER PARTIES.

Raymond J. Sibthorp
RAYMOND J. SIBTHORP
ONTARIO LAND SURVEYOR

REVISED:

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BLACK, SHOEMAKER, ROBINSON & DONALDSON
LIMITED

BSR&D Ontario Land Surveyors
Urban and Rural Planners
A wholly owned subsidiary of J.D.Barnes Ltd.

WWW.BSRD.COM

257 Woodlawn Road West, # 101
Guelph, Ontario N1H 8J1

FAX: (519) 822-1220
TEL: (519) 822-4031

JANUARY 9, 2019

RPA

PROJECT 18-14-852-00

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>Jan 15, 2019</u>	Folder #: <u>A-14/19</u>
	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 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: 904 Paisley Road, Guelph, ON N1K 0C6

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

REGISTERED PLAN 61M-8 BLOCK 142

OWNER(S) INFORMATION:

Name: Kaizen Investment Holdings Inc.

Mailing Address: 904 Paisley Road, Unit 102, Guelph, ON N1K 0C6

City: Guelph Postal Code: N1K 0C6

Home Phone: 519-760-6077 Work Phone: _____

Fax: _____ Email: taylordbeech@gmail.com

AGENT INFORMATION (If Any)

Company: _____

Name: _____

Mailing Address: _____

City: _____ Postal Code: _____

Work Phone: _____ Mobile Phone: _____

Fax: _____ Email: _____

Official Plan Designation: **GENERAL RESIDENTIAL**Current Zoning Designation: **OR-41****NATURE AND EXTENT OF RELIEF APPLIED FOR** (variances required):

We are applying for a minor variance to allow for a small patio to be allowed in the front of the building, street facing, on the North East corner of the building.

Section 4.17.2.1 - permit an outdoor patio on a property where more than 1 lot line adjoins lands which are in a residential zone

MS Section 4.17.2.3 - permit an outdoor patio outside of the building envelope of the development on the site (i.e. less than 3m setback from lot line)

Section 4.17.3 - permit an outdoor patio without a fence of a minimum height of 0.8m above the patio floor

Why is it not possible to comply with the provision of the by-law? (your explanation)

The provisions of the by-law was not in consideration of the eventual use of the space. The minor variance makes the building more attractive and provides a better use for the community.

PROPERTY INFORMATIONDate property was purchased: **April 2016**

Date property was first built on:

? 2008

Date of proposed construction on property:

?

Length of time the existing uses of the subject property have continued:

? 2008

EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):**OR-41 OFFICE-RESIDENTIAL (OR) ZONE****PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):****OR-41 OFFICE-RESIDENTIAL (OR) ZONE****DIMENSIONS OF PROPERTY:** (please refer to your survey plan or site plan)Frontage: **76.31 m**Depth: **VARIES BETWEEN 32.745 to 47.418**

Area:

2503.8 m²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	850.7 m²		Gross Floor Area:	SAME AS EXISTING - 850.7 m²	
Height of building:	3 Storey's		Height of building:	SAME AS EXISTING - 3 Storey's	
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:			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	3.1		M	Front Yard Setback:	3.1 M
Exterior Side Yard (corner lots only)			M	Exterior Side Yard (corner lots only)	M
Side Yard Setback:	Left: 1.6	M	Right: 15.3	M	Side Yard Setback: Left: 1.6 M Right: 15.3 M
Rear Yard Setback	13.78		M	Rear Yard Setback	13.78 M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/>
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-47/09 & A-58/16 + A-3/18 MA

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

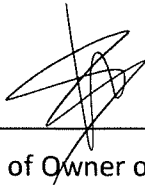
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

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, TAYLOR BEECH, 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.

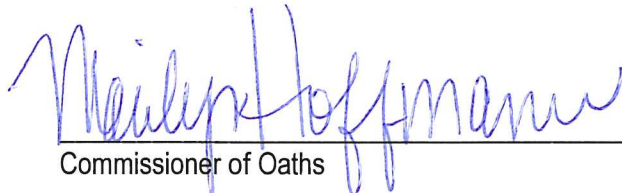

Signature of Applicant or Authorized Agent

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

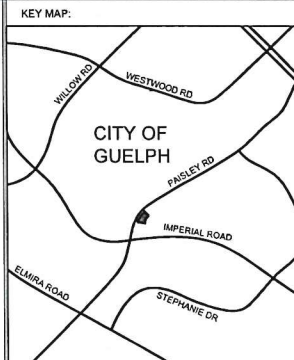
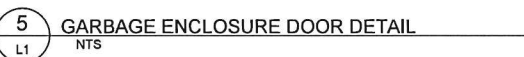
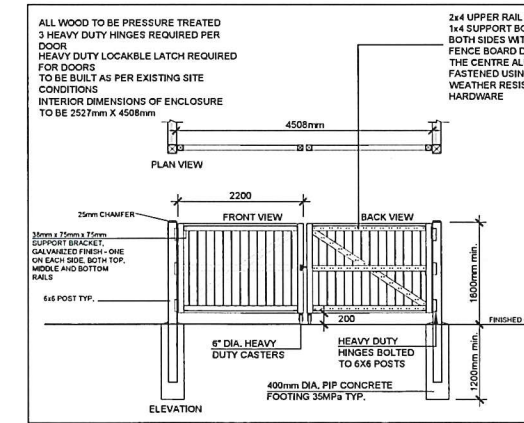
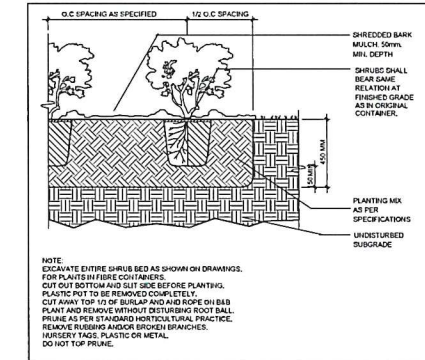
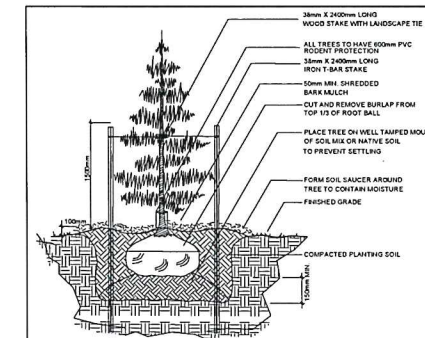
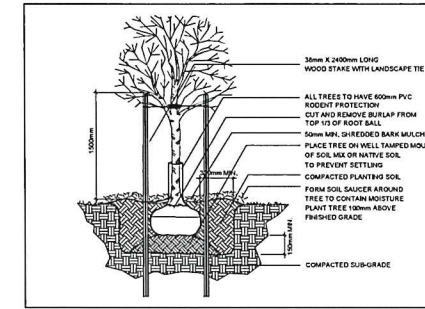
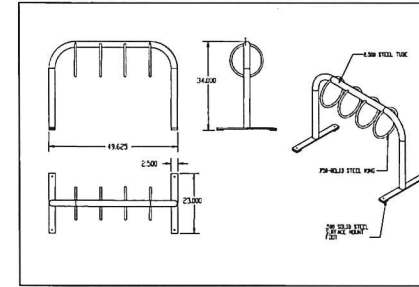
City/Town of GUELPH in the County/Regional Municipality of WELLINGTON this 15 day of JAN, 2019.


Commissioner of Oaths

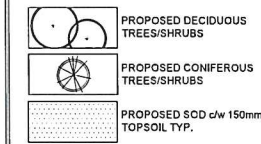
(official stamp of Commissioner of Oaths)

MARILYN HOFFMANN, a Commissioner while
Deputy Clerk of the City of Guelph

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
TREES					
AR	4	ACER RUBRUM	RED MAPLE	60MM	WB
TE	9	THUJA OCCIDENTALIS 'EMERALD'	EMERALD CEDAR	150CM	WB
TO	31	THUJA OCCIDENTALIS 'NIGRA'	BLACK CEDAR	150CM	WB
SHRUBS					
CS	8	CORNUS SERICEA 'KELSEY'	KELSEY DWARF DOGWOOD	60CM	POTTED
EA	9	EUONYMUS ALATUS 'COMPACTUS'	DWARF-WINGED BURNING BUSH	60CM	POTTED
SB	10	SPIRAEA x BUMALDA 'DART'S RED'	DART'S RED SPIREA	60CM	POTTED
SV	1	SYRINGA VILLOSA	LATE LILAC	100CM	POTTED



LEGEND



BASE INFORMATION PROVIDED BY:
Black Shoemaker, Robinson & Donaldson Limited 351 Speedvale
Avenue West Guelph ON

NO	DATE (DD.MM.YY)	REVISIONS DESCRIPTION
1.	05.05.09	CLIENT REVISION
2.	22.06.09	REVISED BASE
3.	25.06.09	REVISED BASE
4.	31.07.09	REVISED AS PER SPA
5.	05.08.09	UPDATED BASE FOR SPA RESUBMISSION
6.	24.09.10	UPDATED AS-BUILT DRAWINGS
7.	06.12.10	UPDATED AS-BUILT DRAWINGS

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ARRANGE FOR LOCATES AND TO VERIFY THE EXACT LOCATION OF ALL UTILITIES SERVICES AND STRUCTURES WHETHER ABOVE OR BELOW GRADE BEFORE COMMENCING WORK AND TO ENSURE ALL WORK IS TO COMPLY WITH TECHNICAL STANDARDS & SAFETY AUTHORITY (TSSA) STANDARDS.



PROJECT

904 PAISLEY ROAD
GUELPH, ONTARIO

CLIENT:
KAIZEN INVESTMENT HOLDINGS

DRAWING:

PLANTING PLAN

DRAWN BY:

REVIEWED BY:

DATE: JUNE 9, 2009

SCALE:
1:200 OR AS NOTED

0979A

L

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER A-3/18

The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 6.5.1, 6.5.3.41.1 and 4.13.4.2 of Zoning By-law (1995)-14864, for 904 Paisley Road, to permit:

- a) a commercial school in unit 9 of level 1 and a restaurant (take-out) in unit 10 of level 1, when the By-law permits a variety of uses in the OR-41 Zone, but does not currently permit a commercial school or restaurant (take-out); and
- b) a total of 13 parking spaces for the commercial school and restaurant (take-out), when the By-law requires 1 parking space per 9 square metres of gross floor area for a restaurant (take-out) and 1 parking space per 2 staff members plus 1 parking space per 28 square metres of classroom floor space for a commercial school [total of 15 parking spaces required for the additional uses],

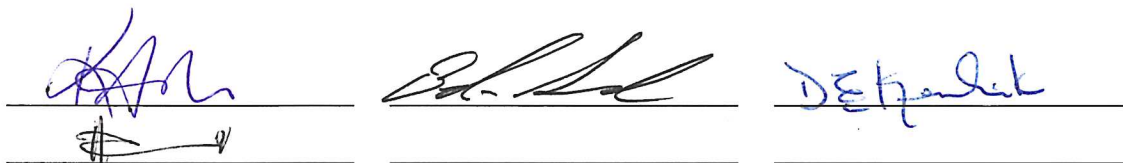
be **APPROVED**.

REASONS:

This application is approved, as it is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Members of Committee
Concurring in this Decision



I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on January 11, 2018.

Dated: January 16, 2018

Signed:



The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is January 31, 2018.

Committee of Adjustment

T 519-822-1260 x2524
F 519-763-1269
E cofa@guelph.ca

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER A-47/09



The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for Block 142, Registered Plan 61M8 municipally known as 904 Paisley Road, to permit 1 off-street parking space for every 41 square metres of gross floor area for the office use on the main floor of the proposed 3 storey building for a total of 20 off-street parking spaces for the office use when the By-law requires 1 off-street parking space per 33 square metres of gross floor area for an office use (25 required for office use), be approved, subject to the following conditions;

1. That the Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the approved site plan.
2. That the occupancy of the first floor of the proposed building be restricted to "office" uses only; and,
3. That the owner enter into a site plan control agreement containing the above noted restriction, to be executed and registered on title, prior to site plan approval.

Members of Committee
Concurring in this Decision

I, Kim Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on June 9, 2009.

Dated: June 12, 2009

Signed:

The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is June 29, 2009.

Community Design and Development Services
Building Services

T 519-837-5615
F 519-822-4632
E cofa@guelph.ca

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER A-58/16



The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.2.1 of Zoning By-law (1995)-14864, as amended, for 904 paisley Avenue, to permit 4 units with private exterior entrances in the front yard,

be **APPROVED**, subject to the following condition:

That a minimum of 209 square metres of floor area on the ground level of the building remain exclusively devoted to commercial uses as permitted in the OR-41 Zone.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Members of Committee
Concurring in this Decision

I, Dylan McMahon, Acting Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on August 11, 2016.

Dated: August 16, 2016

Signed:

**The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is August 31, 2016.**

Committee of Adjustment

T 519-822-1260 x2524
F 519-763-1269
E cofa@guelph.ca

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: Jan 15, 2019	Folder #: A-15/19
	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 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: 128 Starwood Drive

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

Part Lot 4 Concession 3 Division C, Parts 5 & 7 61R21038; City of Guelph

OWNER(S) INFORMATION:

Name: 1449019 Ontario Inc.

Mailing Address: 500 Hanlon Creek Blvd.

City: Guelph

Postal Code: N1C 0A1

Home Phone:

Work Phone: 519-826-6700 ext. 216

Fax: 519-826-6701

Email: kdestombe@fusionhomes.com

AGENT INFORMATION (If Any)

Company:

Name:

Mailing Address:

City:

Postal Code:

Work Phone:

Mobile Phone:

Fax:

Email:

Official Plan Designation: Low Density Residential

Current Zoning Designation: R.1D (H28)

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

This lot is intended to be used as a temporary sales office to sell homes within the adjacent Cityview Estates Subdivision (55 & 75 Cityview).

1. A minor variance is being sought to permit a temporary sales trailer and parking area on this lot as these are not listed as permitted uses in the City of Guelph's Zoning By-Law within an R.1D zone.

The following minor variances are being sought on a temporary basis to permit the use of the lot as a temporary sales trailer and parking area:

2. The City's Zoning By-Law (Table 5.1.2 Line 8) requires a minimum rear yard of 7.5m or 20% of the lot depth, whichever is less. As this lot has a depth of approximately 35 meters, a rear yard of 7.0m is required.

A minor variance is being sought to allow a minimum rear yard of 3.3m while a temporary sales trailer is located on this lot.

3. The City's Zoning By-Law (Table 5.1.2 Line 6a) requires a minimum exterior side yard of 4.5m.

A minor variance is being sought to allow a minimum exterior side yard of 3.9m while a temporary sales trailer is located on this lot.

4. The City's Zoning By-law (Table 5.1.2 Line 12) requires the front yard of any lot, except the driveway be landscaped and no parking be permitted within this landscaped open space.

A minor variance is being sought to allow a parking area within the front yard while a temporary sales trailer and parking area is located on this lot.

The following minor variance is being sought:

5. The City's Zoning By-law (Section 4.20.9) requires fences located in the front yard not exceed 0.8m in height.

A minor variance is being sought to allow a fence with a height of 1.50m in the front yard.*

*Discussion required with Parks, Planning, Engineering/ Building Staff to confirm where the limit of chain link fencing can terminate and whether this variance will need to apply on permanent basis, or only while a temporary sales trailer is located on this lot.

Why is it not possible to comply with the provision of the by-law? (your explanation)

Please refer to the Coverletter.

PROPERTY INFORMATION

Date property was purchased:	June, 2016	Date property was first built on:	n/a
Date of proposed construction on property:	Late March, 2019	Length of time the existing uses of the subject property have continued:	n/a

EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):

Vacant Land. Pre-Graded as part of the adjacent subdivision works (23T-22501)

PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):

Temporary parking lot & sales centre within a construction trailer.

Will eventually be developed into a residential lot.

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)

Frontage: ~ 20.5m

Depth: ~ 35m

Area: ~718m²

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:			Gross Floor Area:	~110 m2	
Height of building:			Height of building:	1 Storey	
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:	13.9m, Refer to Site Plan	
Length:			Length:	Varies between 7.3 - 10.9m, Refer to Site Plan	
Driveway Width:			Driveway Width:		
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height:			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:			M	Front Yard Setback:	20.9 M
Exterior Side Yard (corner lots only)			M	Exterior Side Yard (corner lots only)	3.9 M
Side Yard Setback:	Left:	M	Right:	M	Side Yard Setback: Left: 3.0 M Right: 3.9M (Exterior Side Yard)
Rear Yard Setback			M	Rear Yard Setback	3.3 M

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)	
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)	
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/>
If not available, by what means is it provided: Storm & Sanitary Sewers and a water main are installed in front of this lot down Starwood Drive. The laterals to service this future residential lot have been installed as part of the Cityview Estates Subdivision (23T-22501)	

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Lifting of 'H' – On January 28, 2019 Council Agenda
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Site Plan Application Submission Made Dec, 2018
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	18 002569 PD01 - Retaining Wall Permit Approved (23T-22501)
Consent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B-22/15, B-16/17 - Approved
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A-77/17 – Approved

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, Kelley des Tombes, of the City/Town of Burlington in County/Regional Municipality of Halton, 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.

Kelley des Tombes
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 15th day of January, 2019.

LINDSAY ALEXANDRA CLINE
a Commissioner, etc., Province of Ontario
for THE CORPORATION OF THE
CITY OF GUELPH.
Expires March 6, 2020

Commissioner of Oaths

[Signature]
(official stamp of Commissioner of Oaths)

Ms. Tristalyn Di Lullo, ACST(A), BA (Hons.)
Secretary-Treasurer of the Committee of Adjustment
Council Committee Coordinator
City Clerk's Department, Corporate Services
Guelph City Hall, 1 Carden Street
Guelph, Ontario
N1H 3A1

Dear Ms. Di Lullo:

Re: Minor Variance Application - 128 Starwood Drive

1449019 Ontario Inc. operating as Fusion Homes is the owner of 128 Starwood Drive and is filing a minor variance application to permit the following on a temporary basis:

1. A temporary sales trailer and temporary parking area on this lot (generally in accordance with the enclosed site plan), whereas these are not listed as a permitted uses in the Guelph's Zoning By-Law for an R.1D Zone;
2. A minimum rear yard of 3.3m while a temporary sales trailer is located on this site, whereas the City of Guelph's Zoning By-Law (Table 5.1.2 Line 8) requires a minimum rear yard of 7.5m or 20% of the lot depth, whichever is less. As this lot has a depth of approximately 35 meters, a rear yard of 7.0m is required;
3. A minimum exterior side yard of 3.9m while a temporary sales trailer is located on this site, whereas the City of Guelph's Zoning By-Law (Table 5.1.2 Line 6a) requires a minimum exterior side yard of 4.5m; and
4. A parking area within the front yard while a temporary sales trailer and parking area are located on this site, whereas the City of Guelph's Zoning By-law (Table 5.1.2 Line 12) requires the front yard of any lot, except the driveway be landscaped and no parking be permitted within this landscaped open space.

And to permit the following:

5. A fence with a height of 1.50m in the front yard, whereas the City of Guelph's Zoning By-Law (Section 4.20.9) requires fences located in the front yard not exceed 0.8m in height.

Background:

A consent application (B-16/17) was approved by the Committee of Adjustment on December 12, 2017 to create a new lot with frontage along Starwood Drive (the lot now known municipally as 128 Starwood Drive). The conditions of approval were fulfilled and the consent was approved on November 20, 2018.

500 HANLON CREEK BLVD
GUELPH, ONTARIO
N1C 0A1

T. 519 826 6700
F. 519 826 6701

On December 12, 2017 the Committee of Adjustment also approved a minor variance application (A-77/17) subject to the approval of consent application (B-16/17), to permit a maximum driveway width of 6.5m for this lot and to permit the lot be used as a temporary model home/ sales office by permitting the required parking space to be located 0.5m from the street line and to the front of the front wall of the main building for a period of 5 years of the issuance of a building permits or prior to the transfer of lease/title to a subsequent owner(s), whichever occurs first.

Due to the construction access for the adjacent Cityview Estates Subdivision, timing constraints and requirements to obtain a building permit, Fusion Homes has opted to proceed with a temporary sales trailer and parking area on this lot instead of a model home. A site plan application for a temporary sales trailer and parking area located at 128 Starwood Drive was submitted to the City on December 10, 2018. This minor variance application is being filed in support of this site plan application.

Proposed Minor Variances & Rationale:

1. Approval is being sought to permit the construction of a temporary sales trailer and temporary parking area on this lot whereas these are not permitted uses in the City of Guelph's Zoning By-Law within an R.1D zone.

Rationale: A temporary sales trailer is desired to sell homes within the adjacent Cityview Estates subdivision (55 & 75 Cityview Drive). The adjacent municipal road (Everton Drive) is the primary construction access for the adjacent Cityview Estates Subdivision while servicing works and house construction is ongoing. Fusion would like to provide a parking area on this lot for prospective purchasers visiting the sales center so they have somewhere they can safely and easily park.

2. Approval is being sought to permit a rear yard of 3.3m while a temporary sales trailer is located on this site, whereas the City of Guelph's Zoning By-Law (Table 5.1.2 Line 8) requires a minimum rear yard of 7.5m or 20% of the lot depth, whichever is less. As this lot has a depth of approximately 35m, a rear yard of 7.0m is required.

Rationale: The sales trailer has a depth of 7.3 – 10.9m. In order to provide an adequately dimensioned parking area (aisle & parking spaces), a walkway adjacent the parking area and some small landscaped areas between the sales trailer entrance and parking area, a minor variance is being sought to permit a rear yard of 3.3m while a temporary sales trailer is located on this site.

3. Approval is being sought to permit a minimum exterior side yard of 3.9m while a temporary sales trailer is located on this site, whereas the City of Guelph's Zoning By-Law (Table 5.1.2 Line 6a) requires a minimum exterior side yard of 4.5m.

Rationale: The minimum lot width for the portion of the lot where the sales trailer is proposed is 20.8m. The sales trailer has a width of 13.9m. In order to account for the retaining wall within the side yard of this lot, and to provide a small landscape buffer adjacent to the retaining wall to accommodate grade

changes an area of approx. 3.0m is required. A minor variance is being sought to permit an exterior side yard of 3.9m while a temporary sales trailer is located on this site. The sight triangles along the exterior side yard will be maintained with a reduced exterior side yard of 3.9m.

4. Approval is being sought to permit a parking area within the front yard while a temporary sales trailer and parking area are located on this site, whereas the City of Guelph's Zoning By-law (Table 5.1.2 Line 12) requires the front yard of any lot, except the driveway be landscaped and no parking be permitted within this landscaped open space.

Rationale: Landscape buffers will be provided along the side yards and a landscape area will be provided between the front lot line and the parking area which is approx. 5.9m in depth. The minimum front yard permitted in the City of Guelph's Zoning By-Law for a lot zoned R.1D is 6.0m. A landscape area of 5.9m is generally in line with the landscape area that would otherwise be provided.

The proposed parking area on this lot is desired for a number of reasons, including safety. The adjacent municipal road (Everton Drive) is the primary construction access for the adjacent Cityview Estates Subdivision while servicing works and house construction is ongoing. Fusion would like to provide a parking area on this lot for prospective purchasers visiting the sales center so they have somewhere they can safely and easily park.

5. Approval is being sought to permit a fence with a height of 1.50m in the front yard, whereas the City of Guelph's Zoning By-Law (Section 4.20.9) requires fences located in the front yard not exceed 0.8m in height.

Rationale: Through the development approval process for the adjacent Cityview Estates Subdivision (23T-22501), a retaining wall along the side yard of 128 Starwood Drive was determined to be required by the City of Guelph to facilitate the development of a public trail on the adjacent City lands. A retaining wall permit was submitted to the City of Guelph and approved (18 002569 PD01). A chain link fence guard that is 1.5m in height is required to be installed on top of this retaining wall up to the front property line. This chain link fence is to act as both a guard and demarcation fencing to separate the limit of this lot from the adjacent City owned land. The City of Guelph's Zoning By-law requires fences located in the front yard not exceed 0.8m in height (City of Guelph's Zoning By-Law Section 4.20.9). However, further to the requirement by the City to have this retaining wall located on private property, with chain link fencing on top of it which extends to the front lot line, a minor variance is being sought to permit a fence with a height up to 1.50m within the front yard of this lot.

Summary:

This minor variance satisfies the four tests as it: maintains the intent of the City's Official Plan and Zoning By-Law, is desirable for the site and is minor in nature.

In support of this minor variance application please find enclosed:

- The required Minor Variance Application Fee in the amount of \$951.00;
- One (1) original copy of the minor variance application form;
- Two (2) copies of the Minor Variance Sketch (1 at 11x 17 and 1 at 8.5 x 14).

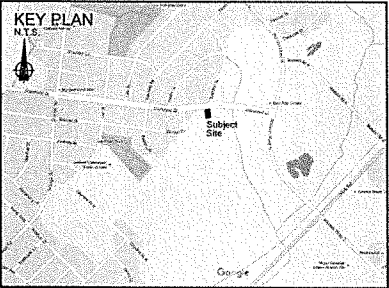
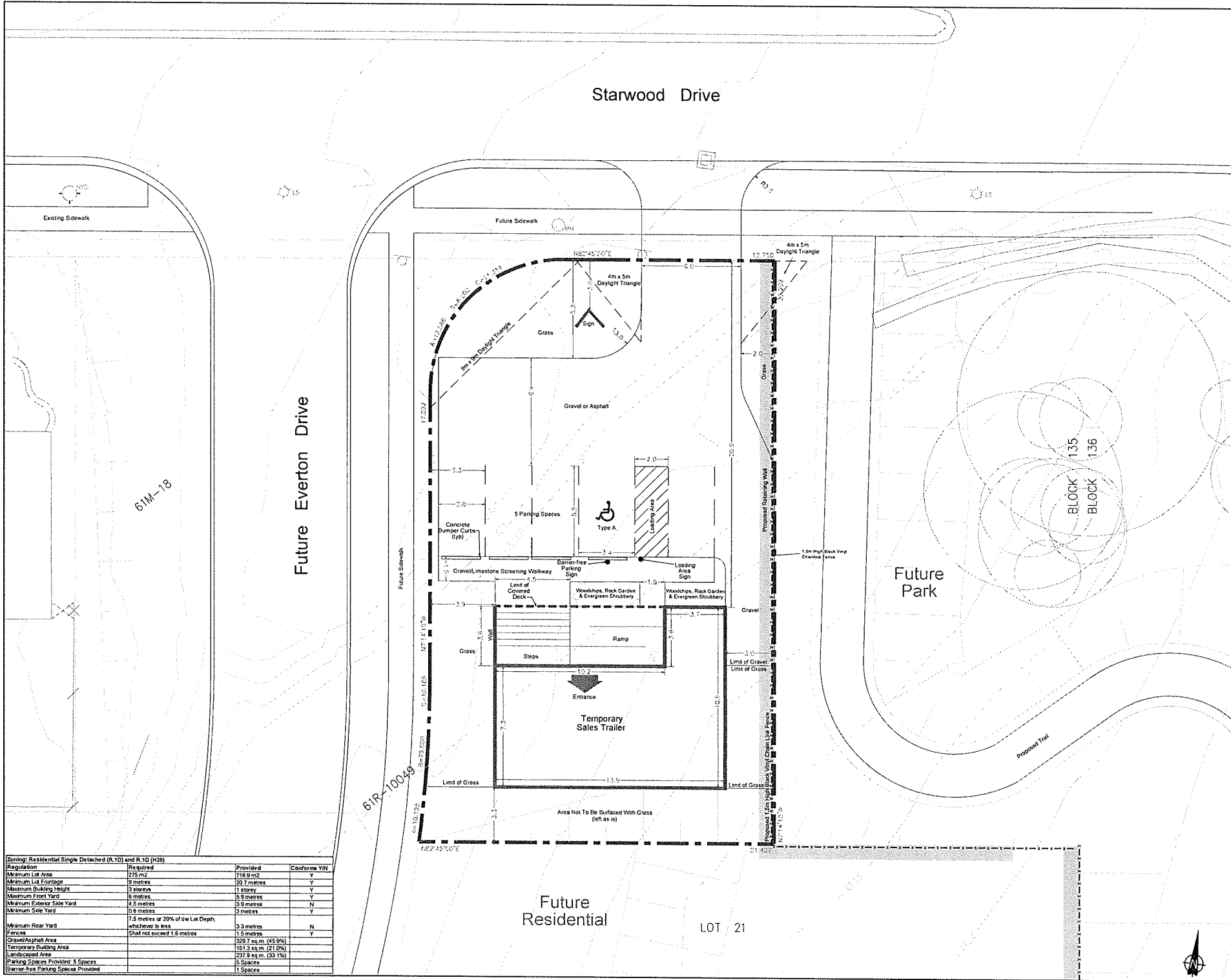
Should you have any questions, or require any additional information, please feel free to contact myself.

Sincerely,

A handwritten signature in black ink, reading "Kelley des Tombe". The signature is written in a cursive, flowing style.

Kelley des Tombe

Project Manager
Fusion Homes



SITE PLAN

Part of Lot 4
Concession 3, Division C
City of Guelph
County of Wellington



PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

gspgroup.ca

Date: February 9, 2018
Scale: 1:100 metres

Drawn By: S.L.
Project No.: 16014-00

Design File Name: sp16014rf.dwg

REVISIONS	
December 5, 2018	

Zoning: Residential Single Detached (R.10) and R.10 (H2B)			
Regulation	Required	Provided	Conforms Y/N
Minimum Lot Area	275 m ²	718.9 m ²	Y
Minimum Lot Frontage	8 metres	20.7 metres	Y
Maximum Building Height	3 storeys	1 storey	Y
Maximum Front Yard	8 metres	5.9 metres	Y
Maximum Exterior Side Yard	4.5 metres	3.9 metres	N
Minimum Side Yard	0.6 metres	2 metres	Y
Minimum Rear Yard	7.5 metres or 20% of the Lot Depth, whichever is less	3.3 metres	N
Fences	1.5 metres	1.5 metres	Y
Gravel/Asphalt Area	329.7 sq.m (45.9%)	329.7 sq.m (45.9%)	Y
Temporary Building Area	151.3 sq.m (21.0%)	151.3 sq.m (21.0%)	Y
Landscaped Area	237.9 sq.m (33.1%)	237.9 sq.m (33.1%)	Y
Parking Spaces Provided: 5 Spaces		5 Spaces	
Barrier-free Parking Spaces Provided		1 Spaces	

DECISION

COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-77/17

The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.13.7.2.1 iv) and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 128 Starwood Drive (including the lot addition from File B-16/17),

- a) to permit the driveway of the proposed model home to have a maximum driveway width of 6.5 metres, when the By-law requires that a residential driveway in the R.1D Zone shall have a maximum width of 5.0 metres; and
- b) to permit the required parking space to be located 0.5 metres from the street line and to the front of the front wall of the main building, when the By-law requires that in a R.1 Zone, every required parking space shall be located a minimum of 6.0 metres from the street line and to the rear of the front wall of the main building,

be **APPROVED**, subject to the following conditions:

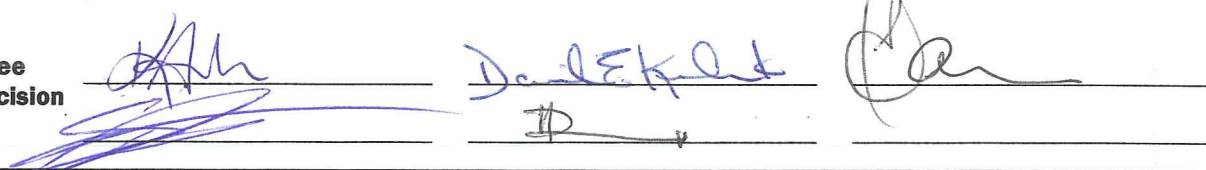
1. That the Owner enters into an Agreement registered on title of the property prior to the issuance of a building permit, requiring the temporary sales office at 128 Starwood Drive be removed within the garage and the garage restored to accommodate a 3 metre by 6 metre parking space for the dwelling prior to the transfer of lease/title to a subsequent owner(s) or within 5 years of the issuance of a building permit, whichever occurs first.
2. That prior to the issuance of building permit, the applicant shall demonstrate that the driveway is not within the sight line triangle.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

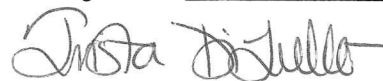
**Members of Committee
Concurring in this Decision**



I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on December 7, 2017.

Dated: December 12, 2017

Signed:



**The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is December 27, 2017.**

Committee of Adjustment

T 519-822-1260 x2524
F 519-763-1269
E cofa@guelph.ca

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-16/17



The Committee, having had regard to the matters under Section 51(17) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the property and orderly development of the land, passed the following resolution:

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Concession 3, Division C, Part of Lot 4, a portion of land municipally known as 55 and 75 Cityview Drive North, an irregularly shaped parcel with an area of 272.1 square metres, as shown as Part 7 on Plan 61R-21038, as a lot addition to Concession 3, Division C, Part of Lot 4, shown as Part 5 on Plan 61R-21038, municipally known as 128 Starwood Drive, to facilitate the creation of a new lot with frontage along Starwood Drive of 20.15 metres and a depth of 35 metres, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the Cityview Phase 1 Subdivision Agreement be executed by the Owner to the satisfaction of the City.
2. That the Owner shall pay the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of any building permits.
3. Pay the actual cost of the removal of concrete curb, within the road allowance, the restoration of the boulevard with topsoil and sod including any required curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
4. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
5. That the owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades the property in accordance with the overall approved grading plan for the subdivision.
7. Prior to the issuance of the Certificate of Official, the owner agrees to convey and dedicate Part 1 and 3 as shown on 61R-21038 to the City of Guelph for the purpose of a future municipal road extension.
8. Prior to the issuance of the Certificate of Official, the owner agrees to convey and dedicate Parts 2, 4, 8 and 9 as shown on 61R-21038 to the City of Guelph for the purpose of a 0.3 metre reserve.
9. Prior to the issuance of the Certificate of Official, the owner agrees to convey and dedicate Part 6 as shown on 61R-21038 to the City of Guelph for the purpose of open space/park.
10. Prior to the issuance of the Certificate of Official, the owner agrees to pay for all works within the future right of way as shown on Part 1 and 3 on 61R-21038.

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-16/17



11. The owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwellings, prior to issuance of any building permits.
12. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
13. That the owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Owner shall make arrangements satisfactory to the appropriate service providers for the installation of underground utility services for the Lands, prior to the issuance of any building permits.
14. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication for the severed lands (Part 7 as shown on Plan 61R-21038) to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the endorsement of the Transfer (deed).
15. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory form appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The form appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the form appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent form appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
16. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
17. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
18. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-16/17

19. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
20. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered Application Consolidation Parcels document.
21. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

REASONS:

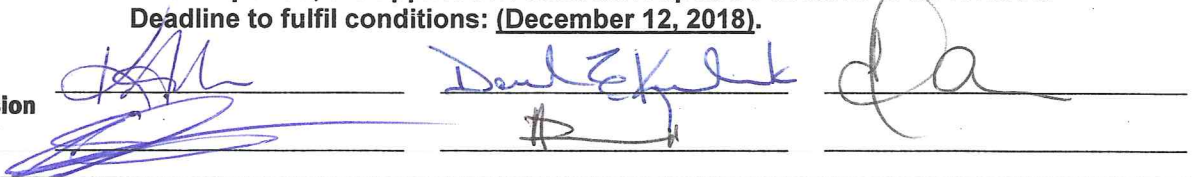
This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Important: Pursuant to Section 53(41) of the *Planning Act*, the applicant shall have a period of one (1) year from the giving of the Notice of Decision to fulfil all of the above noted conditions. If the applicant has not fulfilled all of the conditions within this time period, the application shall thereupon be deemed to be refused.

Deadline to fulfil conditions: (December 12, 2018).

**Members of Committee
Concurring in this Decision**



I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on December 7, 2017.

Dated: December 12, 2017

Signed:



**The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is January 1, 2018.**

Committee of Adjustment

T 519-822-1260 x2524
F 519-763-1269
E cofa@guelph.ca

COMMITTEE OF ADJUSTMENT APPLICATION FOR CONSENT



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>Jan 15, 2019</u>	Application #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>B-1 / 19</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 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: 88 Dean Avenue, Guelph

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

Lot 1, Registered Plan 464, City of Guelph

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

If yes, describe:

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

If yes, explain:

OWNER(S) INFORMATION:

Name: Zachary Walter FISCHER

Mailing Address: 7628 Eighth Line

City: Guelph Postal Code: N1H 6J2

Home Phone: 519-835-4266 Work Phone: _____

Fax: _____ Email: zachary.fischer@mezcon.ca

AGENT INFORMATION (If Any)

Name: Jeff Buisman

Company: Van Harten Surveying Inc.

Mailing Address: 423 Woolwich Street

City: Guelph Postal Code: N1H 3X3

Home Phone: _____ Work Phone: 519-821-2763 x 225

Fax: 519-821-2770 Email: Jeff.Buisman@vanharten.com

PURPOSE OF APPLICATION (please check appropriate space):

[X] 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

To sever a 460m² parcel with a frontage on Dean Avenue and Rodney Boulevard and retain a parcel with an area of 420m². The existing dwelling is to be removed and two new residential dwellings are proposed.

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

Future owner not known

DESCRIPTION OF LAND INTENDED TO BE SEVERED

Frontage / Width: (m) 25.4m	Depth (m) 18.1m	Area: (m²) 460m²	Existing Use: Residential	Proposed Use: Residential (No Change)
Existing Buildings/Structures: Dwelling (To Be Removed)			Proposed Buildings / Structures: New residential dwelling	
Use of Existing Buildings/Structures (specify): Residential			Proposed Use of Buildings/Structures (specify): Residential	

DESCRIPTION OF LAND INTENDED TO BE RETAINED

Frontage / Width: (m) 16.8m	Depth (m) 25.5m	Area: (m²) 420m²	Existing Use: Residential	Proposed Use: Residential (No Change)
Existing Buildings/Structures: Dwelling (To Be Removed)			Proposed Buildings / Structures: New residential dwelling	
Use of Existing Buildings/Structures (specify): Residential			Proposed Use of Buildings/Structures (specify): Residential	

TYPE OF ACCESS TO THE RETAINED LANDS

☐ Provincial Highway

■ Municipal Road – Existing & Proposed

☐ Private Road

☐ Right-of-Way

☐ Other (Specify) _____

TYPE OF ACCESS TO THE SEVERED LANDS

☐ Provincial Highway

■ Municipal Road – Existing & Proposed

☐ 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 land use designation of the site in the Official Plan? Low Density Residential

Does the proposal conform? ☒ YES ☐ NO

If No, has a separate application for an Official Plan Amendment been made?

☐ Yes ☐ No FILE No.: _____ Status: _____

What is the current zoning of the subject lands? Residential R.1B

Does the proposed plan conform to the existing zoning? ☐ YES ☒ NO

Submitting the Minor Variance Application simultaneously

If No, have you made a concurrent application for Minor Variance?

☒ Yes ☐ No FILE No.: _____ Status: _____

HISTORY OF SUBJECT LANDS

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: _____

Please indicate the previous severance(s) and supply the following information for each parcel severed: Transferee's name, date of the transfer and use of the parcel transferred; and attach the information to this application.

If this application is a re-submission of a previous consent application, describe how it has been changed from the original application on a separate page.

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	X		
Zoning By-law Amendment	X		
Plan of Subdivision	X		
Site Plan	X		
Building Permit	X		
Minor Variance	X		
Previous Minor Variance Application		X	Submitting a minor variance application simultaneously with the severance application

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

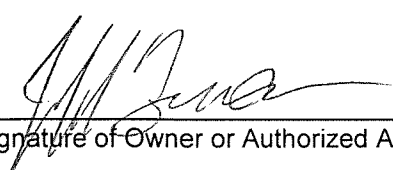
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

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 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 (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.



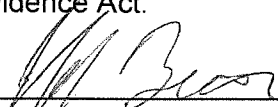
Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, Jeff Buisman of Van Harten Surveying Inc., of the City of
(town, city)

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.



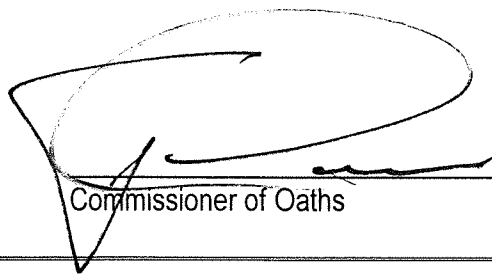
Signature of Applicant or Authorized Agent

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

City of Guelph in the County/Regional Municipality of
(city or town)
Wellington this 15 day of January, 2019.



Commissioner of Oaths

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expires May 11, 2021.

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned,

Zachary Walter FISCHER

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

being the registered property owner(s) of

Lot 1, Registered Plan 464, City of Guelph / 88 Dean Ave, Guelph

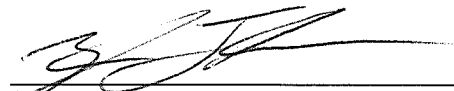
(Legal description and/or municipal address)

hereby authorize **Jeff Buisman 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 acting on my/our behalf in relation to the application.

Dated this 3 day of January 2019.



(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.

January 15, 2019
26540-18

Jeff.Buisman@vanharten.com

Committee of Adjustment
City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Ms. Lindsay Cline

Dear Ms. Cline:

Re: Severance & Minor Variance Applications & Sketch
88 Dean Avenue
All of Lot 1, Plan 464
PIN 71243-0011
City of Guelph

RECEIVED
JAN 15 2019
CITY CLERK'S OFFICE

Please find enclosed an application for a severance and minor variance on the above-mentioned property. Included with this submission are copies of the sketch, completed application forms, the required deeds, PIN Report and Map, and two cheques to the City of Guelph for a total of \$2,380.00 for the application fees.

Proposal:

The proposal is to sever the subject property at 88 Dean Avenue (PIN 71243-0011) roughly in half to create a new lot for urban residential purposes. The existing house (a bungalow with no basement) will be demolished. The proposed Severed and Retained Parcels will front on Rodney Boulevard. The Severed Parcel is a corner lot and is to have a frontage of 18.1 so that the minimum area frontage of 460 m² can be met. The Retained Parcel will have a frontage of 16.8 m along Rodney Boulevard, depth of 25.5 m and an area of 420 m² – for which a Minor Variance is required.

The Zoning for the subject property is Residential R.1B which permits a single-detached dwelling. The area and frontage of the Severed Parcel can be met; however, we are requesting a minor variance for the reduced exterior side yard (to 4.5 m from 6.0 m) on the Dean Avenue side of the property. The wall of the proposed dwelling is at approximately the same location as the front of the porch of the existing dwelling. A 4.5 m exterior side yard is usually permitted in R.1B zones; however this is not the case for this property which is in Map Area 66. Section 5.1.2.7 of the Zoning By-law requires that this minimum be 6.0m.

71 Weber Street East
Kitchener, ON N2H 1C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

The Retained parcel meets the minimum frontage requirement of 15 m; however as mentioned above, a minor variance is being requested for the reduced lot area. Although, under the area is under the 460 m² requirement, a building envelope for a proposed dwelling allows for the additional zoning requirements to be met and we consider this variance minor.

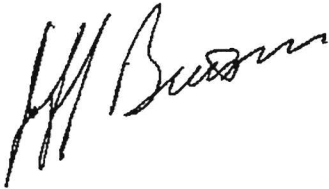
We are requesting the following minor variances for the proposed severed and retained parcels:

- A. To permit a reduced lot area of the Retained Parcel to be 420 m² instead of 460 m² as required in Table 5.1.2, Row 3 of the Zoning By-law.**
- B. To permit a reduced exterior side yard of the Severed Parcel to be 4.5 m instead of 6.0 m as required in Section 5.1.2.7 and 4.28 of the Zoning By-law.**

This proposal is very practical and provides a great opportunity for an in-fill development and to intensify the lands for residential purposes while adhering to the majority of the Residential R.1B zoning requirements. Preliminary discussions were held with the City of Guelph Staff and no concerns have yet been raised.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Zachary Fischer, Mezcon Construction

ZONING DESIGNATION: RESIDENTIAL R.1B ZONE SINGLE DETACHED DWELLINGS			
TABLE 5.1.2 REGULATIONS	REQUIRED	SEVERED	RETAINED
MINIMUM Lot Area	460m ²	460m ²	420m ² *
MINIMUM Lot Frontage	15.0m and in accordance with Section 5.1.2.6	18.1m	16.8m
MINIMUM Front Yard	6.0m or average setback in accordance with Section 5.1.2.7	6.0m	6.0m
MINIMUM Exterior Side Yard	6.0m in accordance with Section 5.1.2.7 & 4.28	4.5m*	N/A
MINIMUM Side Yard - 1 to 2 Storeys	1.5m	1.5m	1.5m
MINIMUM Rear Yard (S. 5.1.2.4)	7.5m or 20% of the Lot Depth, whichever is less (5.1m)	6.0m	6.0m

MINOR VARIANCE REQUESTS

(A) TO PERMIT A REDUCED LOT AREA TO BE 420m² INSTEAD OF 460m².

(B) TO PERMIT AN EXTERIOR SIDE YARD TO BE 4.5m INSTEAD OF 6.0m.

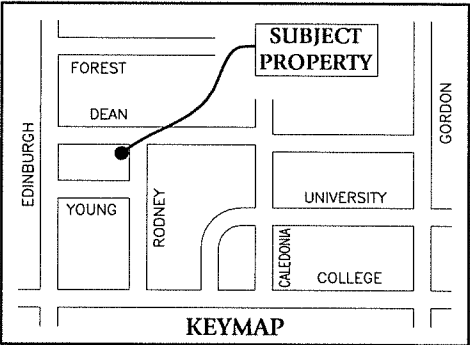
RODNEY BOULEVARD

ESTABLISHED BY REGISTERED PLAN 464

(20.12m WIDE)

PIN 71243 - 0154

SEVERANCE SKETCH
LOT 1, REGISTERED PLAN 464
CITY OF GUELPH
COUNTY OF WELLINGTON



SCALE 1 : 200



VAN HARTEN SURVEYING INC.

NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED RESIDENTIAL (R.1B).
3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF LOW DENSITY RESIDENTIAL.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.

THIS SKETCH WAS PREPARED
ON THE 15th DAY OF JANUARY 2019

JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR



Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener Ph: 519-742-8371 Guelph Ph: 519-821-2763 Orangeville Ph: 519-940-4110

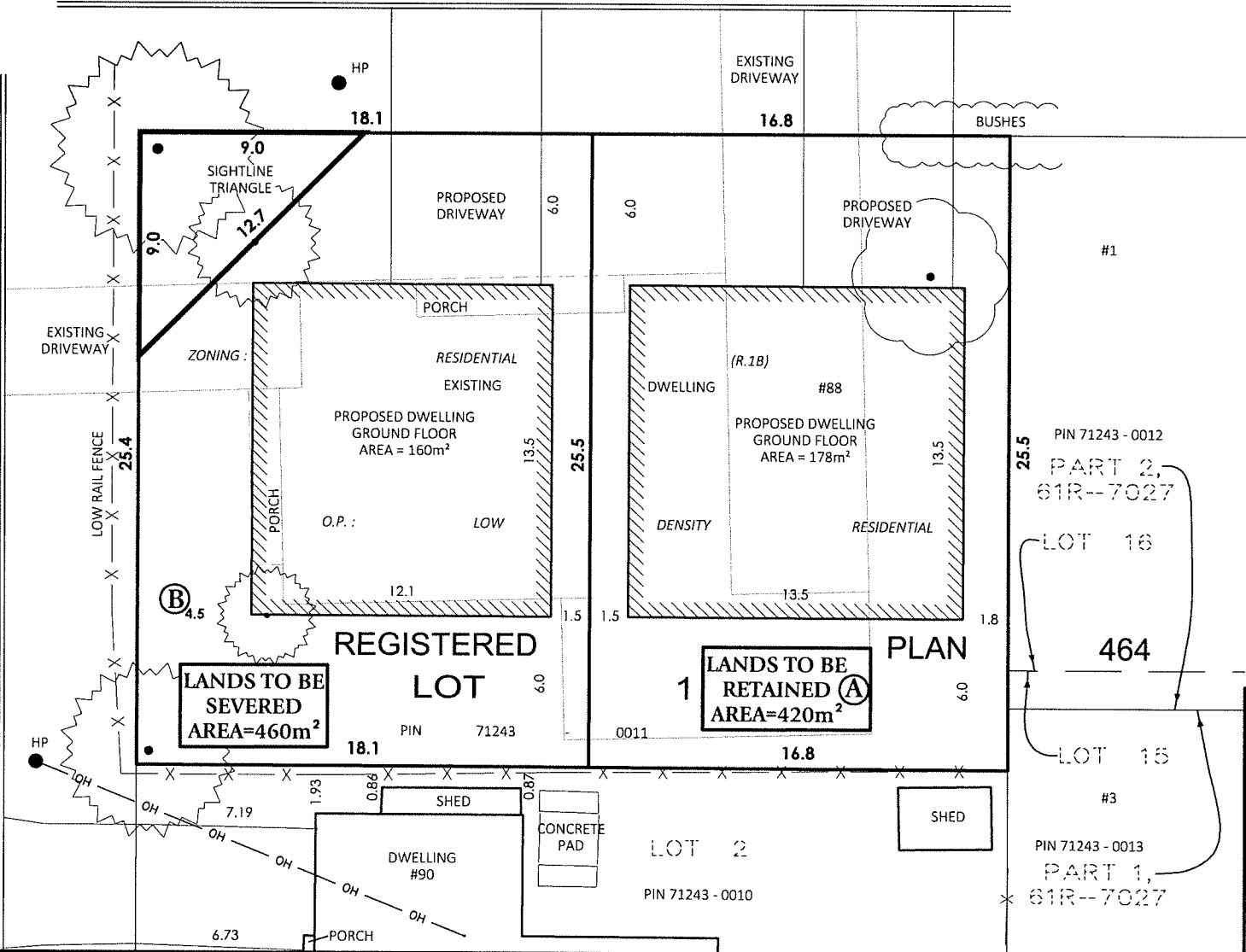
www.vanharten.com info@vanharten.com

DRAWN BY: ARN CHECKED BY: JEB PROJECT No. 26540-18

Jan 15, 2019 2:04pm
G:\GUELPH\464\Acad\SEV LOT 2 (MEZCON) UTM.dwg

DEAN AVENUE

ESTABLISHED BY BY-LAW No. 6, REGISTERED AS INST. BK21-13223
(20.12m WIDE)
PIN 71244 - 0002



Properties

PIN 71243 - 0011 LT Interest/Estate Fee Simple
 Description LOT 1, PLAN 464 ; GUELPH
 Address 88 DEAN AVE
 GUELPH

Consideration

Consideration \$525,000.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name WATSON, JOY SHIRLEY
 Address for Service Suite 224 - 520 Victoria Rd N, Guelph,
 Ontario, N1E 0E6

I am at least 18 years of age.

Watson, Peter Warren and I are spouses of one another and are both parties to this document

This document is not authorized under Power of Attorney by this party.

Name WATSON, PETER WARREN
 Address for Service c/o Suite 224 - 520 Victoria Rd N,
 Guelph, Ontario, N1E 0E6

I am at least 18 years of age.

WATSON, JOY SHIRLEY and I are spouses of one another and are both parties to this document

I, Watson, Joy Shirley say that to the best of my knowledge and belief, the power of attorney is still in full force and effect and the principal had the capacity to give the power of attorney when giving it and was at least 18 years of age when the power of attorney was executed. The power of attorney was registered as number WC557098 registered on 2018/12/14.

I, L. Cheryl Stelzer, confirm that I have reviewed the power of attorney with the attorney, and the attorney has confirmed that 1. The attorney is the lawful party named in the power of attorney, 2. The attorney is acting within the scope of the authority granted under the power of attorney, and 3. To the best of the attorney's knowledge, information and belief the power of attorney was lawfully given and has not been revoked.

Transferee(s)**Capacity****Share**

Name FISCHER, ZACHARY WALTER
 Date of Birth 1990 05 23
 Address for Service 7628 8th Line, R.R #5, Guelph, ON N1H 6J2

Registered Owner

Signed By

Lois Cheryl Stelzer 363 Woolwich Street acting for Signed 2018 12 14
 Guelph Transferor(s)
 N1H 3W4

Tel 5198226089

Fax 5198226947

I am the solicitor for the transferor(s) and I am not one and the same as the solicitor for the transferee(s).

I have the authority to sign and register the document on behalf of the Transferor(s).

Mark Francis Graham 137 Norfolk Street acting for Signed 2018 12 14
 Guelph Transferee(s)
 N1H 4J8

Tel 519-824-7100

Fax 519-824-9596

I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s).

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

MARK GRAHAM LAW OFFICE PROFESSIONAL
 CORPORATION

137 Norfolk Street
 Guelph
 N1H 4J8

2018 12 14

Tel 519-824-7100

Fax 519-824-9596

Fees/Taxes/Payment

Statutory Registration Fee	\$64.40
Provincial Land Transfer Tax	\$6,975.00
Total Paid	\$7,039.40

File Number

Transferor Client File Number : 18-6339

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 71243 - 0011 LOT 1, PLAN 464 ; GUELPH

BY: WATSON, JOY SHIRLEY
WATSON, PETER WARREN

TO: FISCHER, ZACHARY WALTER

Registered Owner

1. FISCHER, ZACHARY WALTER

I am

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- ☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- ☒ (c) A transferee named in the above-described conveyance;
- ☐ (d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) () above.
- ☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
- ☐ (f) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph () and as such, I have personal knowledge of the facts herein deposed to.

2. I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land being conveyed herein:
contains at least one and not more than two single family residences.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	\$525,000.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	\$0.00
(ii) Given Back to Vendor	\$0.00
(c) Property transferred in exchange (detail below)	\$0.00
(d) Fair market value of the land(s)	\$0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	\$0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	\$525,000.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	\$0.00
(i) Other considerations for transaction not included in (g) or (h) above	\$0.00
(j) Total consideration	\$525,000.00

6. Other remarks and explanations, if necessary.

1. The information prescribed for the purposes of section 5.0.1 of the Land Transfer Tax Act is required to be provided for this conveyance. The information has been provided as confirmed by A629072.
2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "specified region" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
3. (c) The transferee(s) is not a "foreign entity" or a "taxable trustee".
4. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
5. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

PROPERTY Information Record

A. Nature of Instrument: Transfer
LRO 61 Registration No. WC557114 Date: 2018/12/14

B. Property(s): PIN 71243 - 0011 Address 88 DEAN AVE Assessment 2308060 - 00604200
GUELPH Roll No

C. Address for Service: 7628 8th Line, R.R #5, Guelph, ON N1H 6J2

D. (i) Last Conveyance(s): PIN 71243 - 0011 Registration No. WC162255
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes ☒ No ☐ Not known ☐

E. Tax Statements Prepared By: Mark Francis Graham
137 Norfolk Street
Guelph N1H 4J8



LAND
REGISTRY
OFFICE #61

71243-0011 (LT)

PAGE 1 OF 1
PREPARED FOR Vanderwoerd
ON 2019/01/08 AT 13:28:57

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LOT 1, PLAN 464 ; GUELPH

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
1997/12/22

OWNERS' NAMES
FISCHER, ZACHARY WALTER

CAPACITY SHARE
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
<div><div>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1997/12/22 ON THIS PIN**</div><div>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1997/12/22**</div><div>** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **</div><div>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</div><div>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *</div><div>** AND ESCHEATS OR FORFEITURE TO THE CROWN.</div><div>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF</div><div>** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY</div><div>** CONVENTION.</div><div>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</div><div>**DATE OF CONVERSION TO LAND TITLES: 1997/12/22 **</div></div>						
WC557114	2018/12/14	TRANSFER	\$525,000	WATSON, JOY SHIRLEY WATSON, PETER WARREN	FISCHER, ZACHARY WALTER	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Severed Parcel MS

Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: Jan 25/19	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A-16/19

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: 88 Dean Avenue, Guelph

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

Lot 1, Registered Plan 464, City of Guelph

OWNER(S) INFORMATION:

Name: Zachary Walter FISCHER

Mailing Address: 7628 Eighth Line

City: Guelph

Postal Code: N1H 6J2

Home Phone: 519-835-4266

Work Phone:

Fax:

Email:

zachary.fischer@mezcon.ca

AGENT INFORMATION (If Any)

Company: Van Harten Surveying Inc.

Name: Jeff Buisman

Mailing Address: 423 Woolwich Street

City: Guelph

Postal Code: N1H 3X3

Work Phone: 519-821-2763 x 225

Mobile Phone:

Fax: 519-821-2770

Email:

Jeff.Buisman@vanharten.com

Official Plan Designation: Low Density Residential	Current Zoning Designation: Residential R.1B
---	---

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):
The following Minor Variances are being requested:
B. To permit a reduced exterior side yard of the Severed Parcel to be 4.5m instead of 5.85m as required in Section 5.1.2.7 i) and Table 5.1.2, Row 6A of the Zoning By-law.

Why is it not possible to comply with the provision of the by-law? (your explanation)
See covering letter for justification on variance.

PROPERTY INFORMATION			
Date property was purchased:	December 2018	Date property was first built on:	Many years ago
Date of proposed construction on property:	Pending severance/minor variance approval	Length of time the existing uses of the subject property have continued:	Many years
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): Residential			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): Residential (No Change)			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)		
Severed Parcel:		
Frontage: 18.1m	Depth: 25.4m	Area: 460m ²
Frontage:	Depth:	Area:

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)			
EXISTING (DWELLINGS & BUILDINGS) – Existing Dwelling (To Be Removed)		PROPOSED – Dwelling on Severed Parcel (See sketch for details)	
<u>Main Building</u>		<u>Main Building</u>	
Gross Floor Area:		Gross Floor Area:	Severed: 160m ²
Height of building:		Height of building:	

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:			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING – Dwelling (To Be Removed)			PROPOSED – Dwelling on Severed Parcel (See sketch for details)		
Front Yard Setback:			Front Yard Setback:	Severed: 6.0m	
Exterior Side Yard (corner lots only)			Exterior Side Yard (corner lots only)	Severed: 4.5m	
Side Yard Setback:	Left:	Right:	Side Yard Setback:	Severed: 1.5m	
Rear Yard Setback			Rear Yard Setback	Severed: 6.0m	

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)					
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/>	Private Road <input type="checkbox"/>	Water <input type="checkbox"/>	Other (Specify)	

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)		
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/>	Storm Sewer <input checked="" type="checkbox"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Submitting a severance application simultaneously with the minor variance application

Submitting an additional minor variance application for the Retained Parcel

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

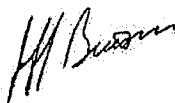
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

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.

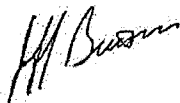


Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVITI/We, Jeff Buisman of Van Harten Surveying Inc., of the City/Town ofGuelphin County/~~Regional Municipality~~ ofWellington

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

Guelphin the County/~~Regional Municipality~~ ofWellington

this

25

day of

January

, 20

19


Commissioner of Oaths

Jam ~~Michael~~ Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expires May 11, 2021.
(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

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

Zachary Walter FISCHER

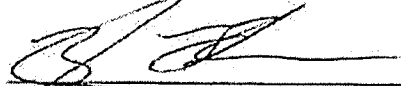
[Organization name / property owner's name(s)]

of Lot 1, Registered Plan 464, City of Guelph / 88 Dean Avenue, Guelph
(Legal description and/or municipal address)

hereby authorize Jeff Buisman 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 acting on my/our behalf in relation to the application.

Dated this 3 day of January 2019.



(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.

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



Retained Parcel (MS)

Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: Jan 25/19	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A-17/19

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: 88 Dean Avenue, Guelph

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

Lot 1, Registered Plan 464, City of Guelph

OWNER(S) INFORMATION:

Name: Zachary Walter FISCHER

Mailing Address: 7628 Eighth Line

City: Guelph Postal Code: N1H 6J2

Home Phone: 519-835-4266 Work Phone:

Fax: Email: zachary.fischer@mezcon.ca

AGENT INFORMATION (If Any)

Company: Van Harten Surveying Inc.

Name: Jeff Buisman

Mailing Address: 423 Woolwich Street

City: Guelph Postal Code: N1H 3X3

Work Phone: 519-821-2763 x 225 Mobile Phone:

Fax: 519-821-2770 Email: Jeff.Buisman@vanharten.com

Official Plan Designation: Low Density Residential	Current Zoning Designation: Residential R.1B
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):

The following Minor Variances are being requested:

A. To permit a reduced lot area of the Retained Parcel to be 420m² instead of 460m² as required in Table 5.1.2, Row 3 of the Zoning By-law.

Why is it not possible to comply with the provision of the by-law? (your explanation)

See covering letter for justification on variance.

PROPERTY INFORMATION			
Date property was purchased:	December 2018	Date property was first built on:	Many years ago
Date of proposed construction on property:	Pending severance/minor variance approval	Length of time the existing uses of the subject property have continued:	Many years
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): Residential			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): Residential (No Change)			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)

Retained Parcel:

Frontage: 16.8m Depth: 25.5m Area: 420m²

Frontage: Depth: Area:

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)			
EXISTING (DWELLINGS & BUILDINGS) – Existing Dwelling (To Be Removed)		PROPOSED – Dwelling on Retained Parcel (See sketch for details)	
Main Building		Main Building	
Gross Floor Area:		Gross Floor Area:	Retained: 178m ²
Height of building:		Height of building:	

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:			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING – Dwelling (To Be Removed)			PROPOSED – Dwelling on Retained Parcel (See sketch for details)		
Front Yard Setback:			Front Yard Setback:	Retained: 6.0m	
Exterior Side Yard (corner lots only)			Exterior Side Yard (corner lots only)	Retained: N/A	
Side Yard Setback:	Left:	Right:	Side Yard Setback:	Retained: 1.5m / 1.8m	
Rear Yard Setback			Rear Yard Setback	Retained: 6.0m	

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)					
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/>	Private Road <input type="checkbox"/>	Water <input type="checkbox"/>	Other (Specify)	

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)		
Water <input checked="" type="checkbox"/>	Sanitary Sewer <input checked="" type="checkbox"/>	Storm Sewer <input checked="" type="checkbox"/>
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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"/>	Submitting a severance application simultaneously with the minor variance application
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Submitting an additional minor variance application for the Severed Parcel

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.

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PERMISSION TO ENTER

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Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVITI/We, Jeff Buisman of Van Harten Surveying Inc., of the City/Town ofGuelph 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.

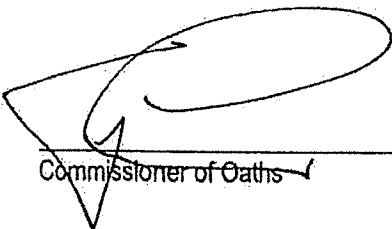


Signature of Applicant or Authorized Agent

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

City/Town of Guelph in the County/~~Regional Municipality~~ ofWellington this 25 day of January, 20 19.


Commissioner of Oaths

James Michael Laws,
a Commissioner, etc.,
Province of Ontario,
for Van Harten Surveying Inc.
Expires March 31, 2019
(Official Stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

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

Zachary Walter FISCHER

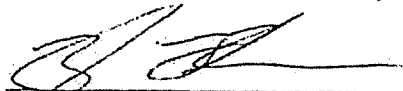
[Organization name / property owner's name(s)]

of Lot 1, Registered Plan 464, City of Guelph / 88 Dean Avenue, Guelph
(Legal description and/or municipal address)

hereby authorize Jeff Buisman 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 acting on my/our behalf in relation to the application.

Dated this 3 day of January 2019.



(Signature of the property owner)

(Signature of the property owner)

NOTES:

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