

# 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>June 30, 2017</u>	Folder #: <u>A-60/17</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: 2 CAREY CRESCENT GUELPH N1H7K2

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

LOT 111 REG. PLAN 658

### OWNER(S) INFORMATION:

Name: JAMES / VICTORIA DUPUIS

Mailing Address: 2 CAREY CRESCENT

City: GUELPH, ONTARIO Postal Code: N1H7K2

Home Phone: (519) 822-9489 Work Phone: —

Fax: — Email: jdupuis@bell.net

### AGENT INFORMATION (If Any)

Company: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

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

Official Plan Designation: General ResidentialCurrent Zoning Designation: R.1B**NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):**

TO PERMIT THE EXISTING 1.52 M WOOD FENCE IN THE FRONT YARD WHEN THE BY-LAW REQUIRES A MAXIMUM FENCE HEIGHT OF 0.8 M IN SECTION 4.20.9 OF THE ZONING BY-LAW.

THE PORTION OF THE FENCE LOCATED WITHIN THE EXISTING SIGHTLINE TRIANGLE WILL BE REMOVED.

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

THE FENCE IS ACTUALLY ON OUR DESIGNATED SIDE YARD AS THE FRONT DOOR IS ON CAREY CRESCENT, ALTHOUGH THE BY-LAW DECLARES IT OUR FRONT YARD. IT PROVIDES SECURITY, PRIVACY AND SECURES THE YARD FOR OUR DOG.

THE FENCE HAS BEEN ON THIS FOOTPRINT AND AT THIS HEIGHT SINCE 1985. THE FENCE IS INSIDE THE PROPERTY LINE AND REQUIRES A MINOR VARIANCE IN HEIGHT. INCLUDED ARE LETTERS OF SUPPORT FROM NEIGHBOURS.

**PROPERTY INFORMATION**

Date property was purchased:

1980

Date property was first built on:

1980

Date of proposed construction on property:

N/A

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

FENCE SINCE 1985  
RESIDENCE SINCE 1980**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:

28.61 m.

Depth:

18.11 m.

Area:

518.13 m<sup>2</sup>



PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
<b>Main Building</b>			<b>Main Building</b>		
Gross Floor Area:	131.66 Sq. m.		Gross Floor Area:		
Height of building:			Height of building:		
<b>Garage/Carport (if applicable)</b>			<b>Garage/Carport (if applicable)</b>		
Attached <input checked="" type="checkbox"/>	Detached <input type="checkbox"/>		Attached <input type="checkbox"/>	Detached <input type="checkbox"/>	
Width:	3.24 m		Width:		
Length:	6.71 m		Length:		
Driveway Width:	5.25 m		Driveway Width:		
<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>			<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>		
Describe details, including height: SHED - 2.44 m width 6.66 m length 2.44 m high DECK - 10 m x 4.26 m DECK - 1.68 m x 3.65 m			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	6.1 m M		Front Yard Setback:	SAME M	
Exterior Side Yard (corner lots only)	6.15 m M		Exterior Side Yard (corner lots only)	SAME M	
Side Yard Setback:	Left: 6.15 m M	Right: 8.33 m M	Side Yard Setback:	Left: SAME M	Right: SAME M
Rear Yard Setback	2.36 m M		Rear Yard Setback	SAME 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.

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**

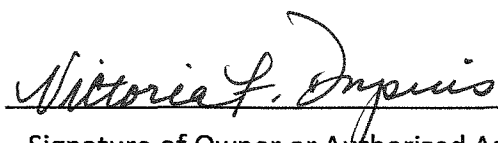
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

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, JAMES/ VICTORIA DUPUIS, 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.

Victoria L. Dupuis  
 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 30<sup>th</sup> day of June, 20 17.

Tristalyn DiLullo  
 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)

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

of

\_\_\_\_\_  
(Legal description and/or municipal address)

hereby authorize

\_\_\_\_\_  
(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 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(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.



2 Carey Crescent,

Guelph, Ontario

N1H 7K2

June 6, 2017

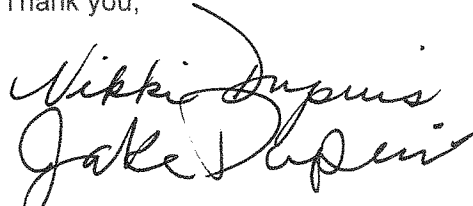
To Whom it May Concern...

Attached please find our Preliminary Zoning Review for 2 Carey Crescent, specifically for the fence on the Westhill Road side of our residence. The city zoning inspector has advised that we require a modification to the south-east corner of the fence to accommodate a sight line triangle with our neighbour's driveway and the height of the fence. We are met with the planning staff and will be complying with the sight line triangle request however, we are making application to the Committee of Adjustment to maintain the existing height.

We are a corner property and our front door is actually on Carey Crescent, so this fence in effect, defines our backyard. The fence is inside our property line, has been on the same footprint and has established our backyard area the same way since 1985.

As such, it secures our property, affords privacy to the property, has protected our family pet and as mentioned, has been at this height since 1985. Therefore, we are requesting this minor variance.

Thank you,

The block contains two handwritten signatures in black ink. The top signature is 'Vikki Dupuis' and the bottom signature is 'Jake Dupuis'. Both are written in a cursive, flowing style.

Jake and Vikki Dupuis

Greg Allt  
24 Westhill Rd  
Guelph, Ontario  
N1H 7P6

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May 20, 2017

To whom It May Concern

I am writing in regards to the fence on the corner of Westhill Rd and Carey Cres on the property at 2 Carey Cres that runs down the Westhill edge of the property..

As a resident of the neighbourhood and living two doors down from the fence, I want to express my opinion that the fence causes me absolutely no concern.

It causes absolutely no visual hindrance from turning onto Westhill Rd from Carey Cres. in any direction to any traffic, whether that be pedestrian, cyclists or vehicle . I know because I have personally checked it out and can confirm there is a clear view all the way down the street until it curves out of sight.

In addition, it does not in any way obscure traffic proceeding along Westhill Road in any direction from seeing any traffic coming from Carey Cres.

As a resident living with such close proximity to the fence, if it did pose a visual hazard, I would have problems when I exited my driveway but no such hazard exists.

In addition, I find the fence to be visually appealing as well as affording a level of privacy to us.

Kind Regards

A handwritten signature in black ink, appearing to read 'Greg Allt', written in a cursive style.

Greg Allt



May 13, 2017

To : The Committee of Adjustments:

My name is Jeff Schieck and I own the property at 26 Westhill Rd and am the adjoining neighbor whose property is divided by the fence.

I have lived at this location for about 2 years and since the fence was replaced last year I have had numerous complements from friends visiting my home as well as from people just walking by on the street when I have been out in the yard.

The fence is just a replacement for the original fence and is in the same location and has the same basic dimensions (if not even slightly lower) as the original, built in 1985.

I love the fence, it is well designed and built, looks great and adds beauty and value to our street and the neighborhood.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Schieck". The signature is written in a cursive, flowing style.

Jeff Schieck

Jake and Vickie Dupuis  
2 Carey Crescent  
Guelph, ON

Hi Jake and Vickie.

We are sadden and mystified about the complaint regarding your fence. We've lived on Westhill Road for more than 30 years, have passed your house nearly every day and consider your new fence an asset to our local community. It is attractive and well built.

We've talked to many people up and down Westhill about the your new fence and everyone agrees it merely replaces a fence which stood in the same place for many, many years. The new fence like the old one doesn't interfere with anyone's use or enjoyment of the neighbourhood. Like us, they agree that the new fence is a tremendous addition to the appearance of the neighbourhood. You are to be commended on building a fence which attracts praise from people who see it daily.

It's unfortunate that when someone does something to improve their property and the neighbourhood, they face needless and intrusive opposition. From our perspective and that of our neighbours, there's no reasonable reason to change or modify your fence.

We wish you well in your appeal.

Regards,

A handwritten signature in cursive script that reads "Ross & Donna Irvine". The ink is dark and the signature is fluid.

Ross and Donna Irvine  
16 Westhill Road  
Guelph, ON

June 26, 2017

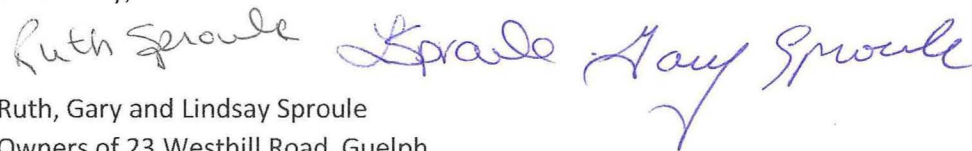


April 13, 2017

To Whom It May Concern:

We live at 23 Westhill Road in Guelph. It has come to our attention that there is an issue with the fence at the Dupuis residence on 2 Carey Crescent. We look out our front window and yard at this fence across the road. The fence is very well constructed and aesthetically pleasing to look at. We take no issue with this fence and feel that it fits in with the neighbourhood. Please feel free to contact us if needed. Our telephone number is

Yours truly,

Three handwritten signatures in blue ink. The first signature is 'Ruth Sproule', the second is 'Lindsay Sproule', and the third is 'Gary Sproule'.

Ruth, Gary and Lindsay Sproule  
Owners of 23 Westhill Road, Guelph

Tim Paneghel  
21 Westhill Road,  
Guelph, ON  
N1H 7R8

To Whom it may concern;

This letter is in reference to the wooden fence erected at 2 Carey Crescent, Guelph, Ontario.

My name is Tim Paneghel, I live at 21 Westhill Road in Guelph. I have resided at this address for approximately the last 9 years. The front of my property faces the East and South side of the property (side and rear yard) at 2 Carey Crescent. There currently is a beautiful wooden fence that runs along the south edge of the property and along a portion of the east side of the property. It is my understanding that there was some concerns raised regarding this fence.

I look at this fence everyday when I back into my driveway and when I pull out. I find that this fence is visually appealing and was constructed with great care and attention in order to be a positive impact on the surrounding neighbourhood. It is unique in its design and contributes to the overall beauty and enjoyment of the area.

To my understanding and my own simple observations this fence appears to cover the exact same footprint that the previous fence maintained prior to its demolition. The present fence as with the previous fence causes no visibility concerns whether driving or walking. I have never experienced and diminished visibility when driving in either direction on Westhill Road or Carey Crescent, nor have any of my visitors, friends or neighbours expressed any concerns over the dimensions or location of this fence at any time in the 9 years I have lived here.

I feel that this fence is a positive attribute to the area and adds to my own personal enjoyment of my neighbourhood. I feel that there should not be any modifications or alterations to this fence under any circumstances as it does not cause or contribute to any hazards in the immediate area, nor is there any negative impact to the enjoyment of the area by its presence.

Regards,

A handwritten signature in black ink, appearing to read 'Tim Paneghel', written in a cursive style.

Tim Paneghel

We support keeping the fence at 2 Carey Crescent as is without change or modification. The fence is an asset to our community and a major enhancement to our neighbourhood.

Name	Address
Barbara Keough	5 Westhill Rd
Tim Paneghel	21 Westhill RD.
Terra White	21 Westhill Rd
Noah Paneghel	" "
Ayla Paneghel	" "
Noah Irvine	16 Westhill Rd
Angele Ait	24 Westhill Rd
Greg Ait	24 Westhill Rd
Randy Landon	19 WESTHILL RD.
Eel Thompson	6 Westhill Rd.
Kate Schels	31 Westhill

We support keeping the fence at 2 Carey Crescent as is without change or modification. The fence is an asset to our community and a major enhancement to our neighbourhood.

Name

Address

Aileen Soules	31 Westhill Rd
K. Gandoni	19 WESTHILL RD
G. M. Hamilton	11 Westhill Rd.
Henry Jew	11 WESTHILL RD.
Robyn Lew <del>Robyn</del>	11 Westhill Rd.
David Thompson	6 Westhill Rd.
Andrew Barker	90 Division St
Andrew Thompson	6 West-hill Rd.
John Barker	90 Division St

We support keeping the fence at 2 Carey Crescent as is without change or modification. The fence is an asset to our community and a major enhancement to our neighbourhood.

Name

Address

Don Ross Iruao	16 Westhill Dr
Alison Creer	15 Westhill Rd
Anna Thompson	6 Westhill Rd.
Mai Miner	3 Westhill Rd
Nick Halley	18 Westhill Road



Scale  $1\text{cm} = 1.525\text{m}$

LOCATION OF FENCE  
VARIANCE IN FRONT YARD

REG.

RE.

20

# PLAN

# PLAN

PLAN OF BUILDING LOCATION  
ON LOT 111, REG. PLAN 658  
CITY OF GUELPH

WESTILL

ROAD

NEIGHBOUR'S.  
DRIVE WAY  
FENCE HEIGHT

FENCE  
HEIGHT  
1.9 m

FENCE

FENCE

FENCE HEIGHT 1.93 m  
FENCE HEIGHT 1.93 m

3.80

4.10m

DECK  
- 10m -

5.75m

1998

DECK  
0.36m  
above  
ground

~~1/2H~~

TEMP

FENCE

FRONT DOOR 1.4m

DECK  
ON GRADE

FENCE 8.33m  
LENGTH  
28.3  
= 9.82 m

$80.47'$   
 $= 24.53 \text{ m}$

FENCE HEIGHT  
1.6 m

N 62° 46' 34" W

92.71

ADDRESS IS 2 CAREY CRESCENT

CAREY

C R E S C E N T

SCALE:  
1 cm = 1.252 m

2.

၈၈၈

R. = 25.00'  
N.C.A. = 35.73'  
N 21° 50' 12" W



























# 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>June 30, 2017</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>A-51/17</u>

## TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

### PROPERTY INFORMATION:

Address of Property: 20 Cowan Place, Guelph, Ontario

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

Part 1 Reference Plan 61R - 9344

### OWNER(S) INFORMATION:

Name: Major Wolfe Developments Inc. c/o Carm Piccoli

Mailing Address: 728 Victoria Rd. S Unit 2

City: Guelph, Ontario

Postal Code: N1L 1C6

Home Phone:

Work Phone: 519-822-3100

Fax: 519-763-5330

Email:

### AGENT INFORMATION (If Any)

Company: Agora Research Group Inc. (Market Analysts and Land Use Planners)

Name: Claudio Balbinot MCIP, RPP

Mailing Address: P.O. Box 13

City: Kleinburg, Ontario

Postal Code: L0J-1C0

Work Phone: 416 460-3383

Mobile Phone: 416 460-3383

Fax: 905 893-0755

Email: balbinot@sympatico.ca

Official Plan Designation: <b>Service Commercial</b>	Current Zoning Designation: <b>SC.1-35</b>
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**NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):**

*Applicant is requesting to add a "Commercial Entertainment" use to the current SC.1-35 zoning provision.*

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

*The "Escape Rooms" format is an emerging form of entertainment which was not captured in the zoning provision. Accordingly, the applicant is requesting that "Commercial Entertainment" use be added to the SC.1-35 Zone.*

**PROPERTY INFORMATION**

Date property was purchased:	<b>May 28, 2012</b>	Date property was first built on:	<b>2014</b>
Date of proposed construction on property:	<b>Commercial Plaza was fully constructed in 2014 – no expansion is being requested.</b>	Length of time the existing uses of the subject property have continued:	<b>Plaza has been in existence since 2014.</b>

**EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):** The commercial plaza currently contains the following tenants: a restaurant and an insurance broker. The balance of the plaza is vacant. Current uses comply with the permitted uses in Service Commercial SC.1-35 Zone.

**PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):** Use of land will continue as Service Commercial uses with the exception that a "Commercial Entertainment" use will be added to the SC.1-35 Zone for this property.



**DIMENSIONS OF PROPERTY:** (please refer to your survey plan or site plan)Frontage: **94.27m**Depth: **47.71m West Lot Line**Area: **7,163m<sup>2</sup>****71.49m East Lot Line****PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)**

EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
<b>Main Building</b>			<b>Main Building</b> <b>**NO CHANGE TO EXISTING BUILDING**</b>		
Gross Floor Area:	<b>1,447.9 m<sup>2</sup></b>		Gross Floor Area:	<b>N/A</b>	
Height of building:	<b>4.88m</b>		Height of building:	<b>N/A</b>	
<b>Garage/Carport (if applicable) N/A</b>			<b>Garage/Carport (if applicable)</b>		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:			Width:		
Length:			Length:		
Driveway Width:			Driveway Width:		
<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>			<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>		
Describe details, including height: <b>N/A</b>			Describe details, including height:		

**LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND**

EXISTING – Site was subject to Site Plan Control			PROPOSED - <b>**NO CHANGE TO EXISTING BUILDING**</b>		
Front Yard Setback:	16.1m		Front Yard Setback:	M	
Exterior Side Yard (corner lots only)	Not Applicable M		Exterior Side Yard (corner lots only)	M	
Side Yard Setback:	Left: 16.71m	Right: 9.65m	Side Yard Setback:	Left: M	Right: M
Rear Yard Setback	16.65m		Rear Yard Setback	M	

**TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)**Provincial Highway ☐ Municipal Road ☒ Private Road ☐ Water ☐ Other (Specify)**MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)**Water ☒Sanitary Sewer ☒Storm Sewer ☒

If not available, by what means is it provided:

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Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Building Permit

☒

Consent

☒

Previous Minor Variance Application

☒16-001140 Minor Variance Related to "Outdoor Patio" Use *A-67/14***MUNICIPAL FREEDOM OF INFORMATION DECLARATION:**

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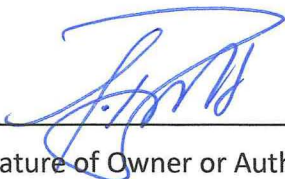
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For commercial or industrial buildings, it may be appropriate to post the sign on the front wall of the building or at its entrance.

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, Claudio Balbinot MCIP, RPP, of the City/Town of  
Vaughan in County/Regional Municipality of York, 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 Caledon in the County/Regional Municipality of

Peel this 28<sup>th</sup> day of June, 2017.

  
 Commissioner of Oaths

Lisa-Ann Preston, a Commissioner, etc.,  
 Province of Ontario, for  
 Deanna Huclack Professional Corporation,  
 Barrister and Solicitor  
 Expires June 6, 2020  
 (Official stamp of Commissioner of Oaths)

Major Wolfe Development Inc. c/o Carm Piccoli

of Part 1 Reference Plan 61R 9344 - 20 Cowan Place, Guelph  
(Legal description and/or municipal address)

Dated this 29 day of June 20 17.

(Signature of the property owner)

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.



June 28, 2017

Lindsay Cline  
Council Committee Assistant  
Corporate Services | City Clerk's Office  
City of Guelph  
N1H 3A1

Tel 519-822-1260 x 2440

Email: [lindsay.cline@guelph.ca](mailto:lindsay.cline@guelph.ca)

Dear Ms. Cline,

RECEIVED  
JUN 30 2017  
CITY CLERK'S OFFICE

**Re: 20 Cowan Place, Guelph, Ontario –**  
**Minor Variance Application**  
**Related to Committee of Adjustment August 10, 2017 Hearing Date**

The Agora Research Group Inc. on behalf of Major Wolfe Development Inc. is pleased to submit the attached application for a minor variance related to the property municipally described as 20 Cowan Place in Guelph, Ontario.

This letter outlines the purpose of the minor variance and identifies how the requested minor variance meets the four tests under Section 45(1) of the Ontario Planning Act.

Our submission package includes the following items:

1. Cheque payable to the City of Guelph in the amount of \$935.00 which we understand is the application fee for the minor variance application,
2. One original copy of the completed application along with the written authorization from the registered land owner consenting the agent to submit the application on the owner's behalf,
3. Two copies of the site plan and
4. Two copies of the legal survey.





## **Background**

The site is situated in the southwestern section of the City of Guelph on the northeast quadrant of Hanlon Expressway and Laird Road. The site is bounded by Laird Road to the south, Cowan Place to the north, vacant lands to the west and an office building to the east.

On a broader scale, the site is surrounded by industrial lands uses to the east of Hanlon Expressway and a Corporate Business Park to the west of Hanlon Expressway. The only exception is a parcel of land designated as Service Commercial on the southeast corner of Laird Road/Hanlon Expressway

The freestanding commercial plaza constructed in 2014 measures approximately 1,448m<sup>2</sup> and currently occupies the entire site. The commercial building meets all provisions of the Zoning By-law and the site has been subject to Site Plan Control and Agreement.

The purpose of the minor variance application is to extend the permitted land uses on the site to permit the operation of "Escape Rooms" which is a physical adventure game in which players solve a series of puzzles using clues, hints and strategies to complete the objectives at hand. Players are given a set time limit to unveil the secret plot which is hidden within the rooms. The rooms and missions are designed specifically to challenge the group's critical thinking, problem solving, teamwork, and communication skills.

Based upon discussions with City of Guelph Planning Services, the applicant was requested to submit a minor variance application to extend the uses permitted on the site to include "Commercial Entertainment". City Staff further indicated that the "Commercial Entertainment" classification is the appropriate category to include "Escape Rooms" uses based upon similar businesses already operating in the City.

Our research indicates that there are currently two escape room businesses located within the City of Guelph and they can be found at the following locations:

- Fantescapes Guelph Escape Rooms  
121 Wyndham St N #106, Guelph
- Exitus Escape Rooms Inc.  
120 Fountain St E, Guelph





From a building area contextual perspective, the “Escape Rooms” use on the site will occupy approximately 280m<sup>2</sup> of the total commercial plaza area of 1,448m<sup>2</sup>.

## **Official Plan and Zoning By-law**

Subject lands are designated “Service Commercial” by Schedule 1- Land Use Plan of the City of Guelph’s Official Plan – 2001 Official Plan, September 2014 Consolidation.



The subject lands are zoned SC.1-35 which provides a wide range of uses including Car Wash-Automatic, Commercial School, Convenience Store, Courier Service, Day Care Centre, in accordance with Section 4.26, Dry Cleaning Outlet, Financial Establishment, Hotel, Medical Clinic, Medical Office, Office, Office



Supply, Personal Service Establishment, Photofinishing Place, Postal Service, Print Shop, Public Hall, Recreation Centre, Rental Outlet, Research Establishment, Restaurant, Telecommunication Service, Tradesperson's Shop, Vehicle Gas Bar, Veterinary Services, Video Rental Outlet. Permitted accessory uses are to be in accordance with the provisions of the Section 4.23.

The existing commercial plaza meets all other provisions of the Zoning By-law and the site was subject to Site Plan Control and Agreement which has been registered on Title. As previously mentioned, the requested use is relatively small (280m<sup>2</sup>) and will be contained within the exiting plaza.







## Tests Under The Planning Act

The following review represents an analysis of the proposed variance and how the variance meets the four tests for a minor variance under Section 45(1) of the Planning Act.

### 1. Is the Variance Minor in Nature?

The proposed variance is minor in nature given that it proposes a use already permitted by the Zoning By-law in the broader SC.1 Zone. The use is complimentary to the "Service Commercial" designation and any impacts originating from the uses in the plaza are considered negligible given the site's insulated nature being surrounded by industrial lands and corporate business park uses.

### 2. Is the Variance Desirable for the Appropriate Development or Use of the Land?

The variance is desirable for the appropriate Development or use of the land. The requested variance continues to maintain the intent of the by-law by being a complimentary use to other permitted uses on site. Furthermore, the existing commercial plaza development was subject to Site Plan Control and Agreement.

### 3. Does the Variance Meet the Intent and Purpose of the Zoning By-law?

The proposed variance meets the intent and purposed of the Zoning By-law. The proposed use ("Commercial Entertainment") is complimentary to the uses already permitted by the Zoning By-law on this site. The use is essentially an entertainment service (Escape Rooms) use that is emerging in several locations in Guelph along with locations in other markets in Ontario. The proposed use will be contained within the existing plaza.

### 4. Does the Minor Variance Meet the Intent and Purpose of the Official Plan?

The minor variance meets the intent and purpose of the Official Plan as specifically outlined in section 7.4.34. The intent of the Official Plan is to permit complementary uses in the "Service Commercial" designation provided that the use does not interfere with the overall form, function and development of the specific area for service commercial purposes. Complimentary activities include uses such as small-scale offices,



convenience uses, institution, multiple-unit residential and commercial recreation or entertainment uses.

## Conclusion

In conclusion, it is my professional opinion that the requested minor variance satisfies the four tests under Section 45(1) of the Planning Act. Furthermore, based upon our analysis along with supporting documentation and a review of the in-force Guelph Official Plan and Zoning By-law, it is my opinion that the request for minor variance represents good planning.

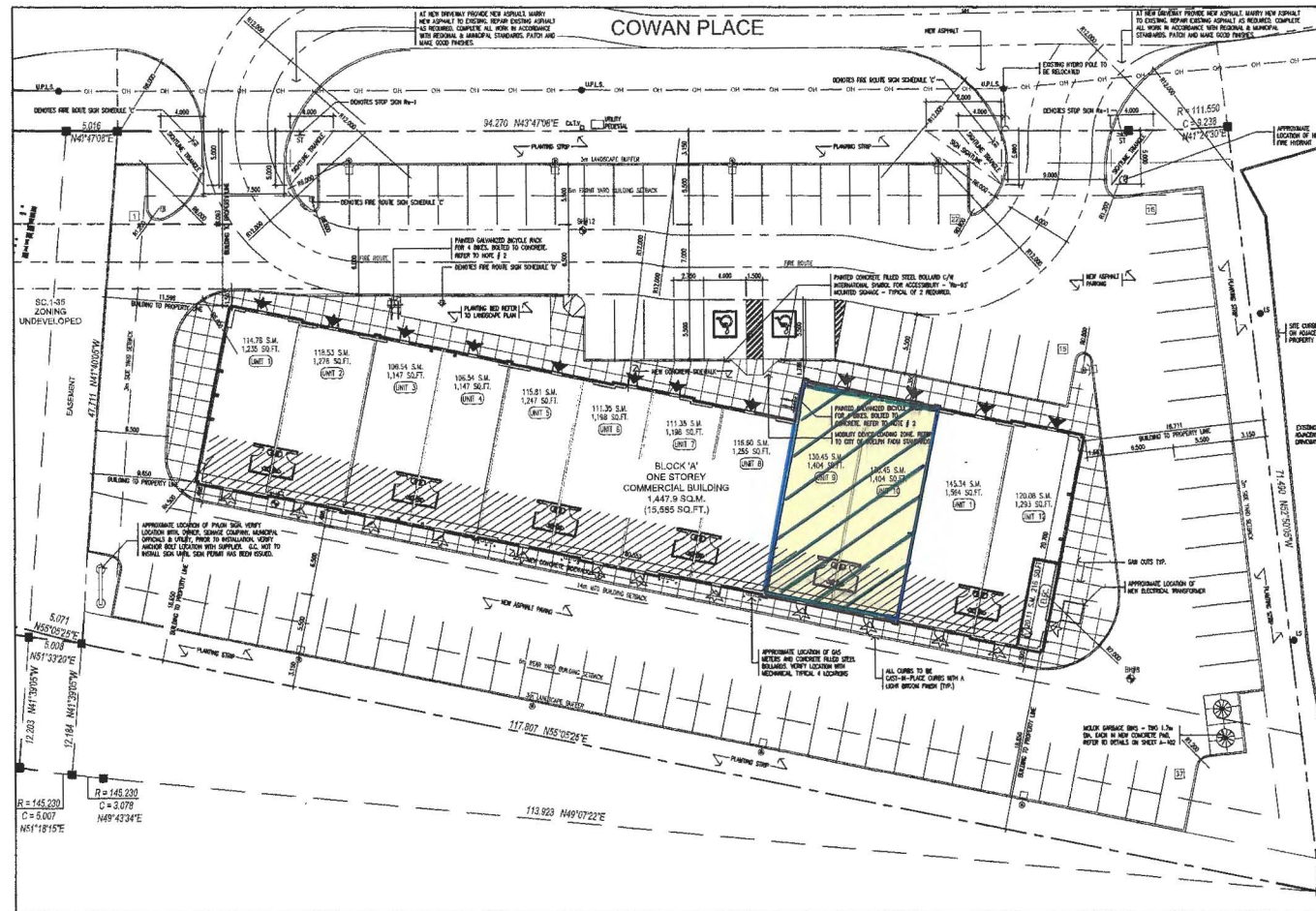
We trust the application has been completed to the Committee's satisfaction and anticipate the application will be heard at the Committee of Adjustment Hearing on August 10, 2017.

If you require additional information or if City Staff requires clarification, please do not hesitate to contact the undersigned.

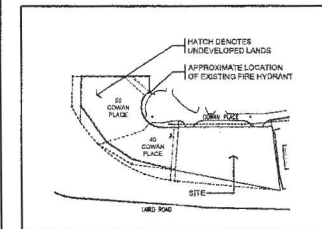
Respectfully Submitted.

Claudio Balbinot Hons. B.E.S., MCIP, RPP  
Agora Research Group Inc.  
416-460-3383





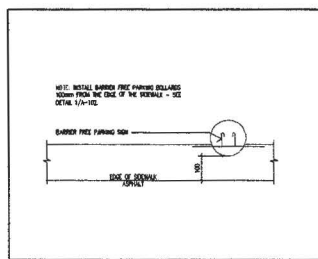
- NOTE:
- THE BLOCK/SECTION CORNER SHALL BE SET BY THE SURVEYOR AT THE CORNER OF THE BLOCK/SECTION.
  - ALL WORK COMPLETED IN THE BLOCK/SECTION SHALL BE COMPLETED TO THE SATISFACTION OF THE SURVEYOR.
  - THE SURVEYOR SHALL BE RESPONSIBLE FOR THE CORNER OF THE BLOCK/SECTION. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE CORNER OF THE BLOCK/SECTION. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE CORNER OF THE BLOCK/SECTION.
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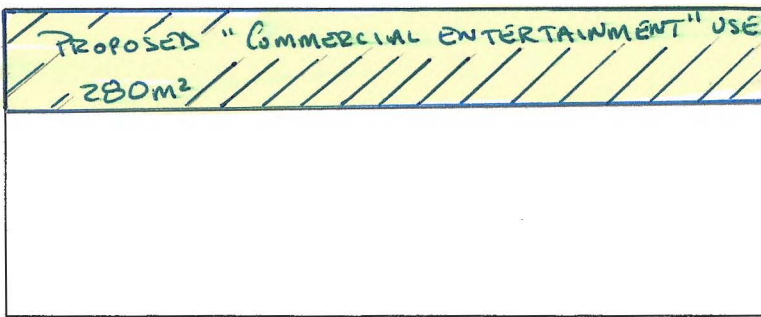
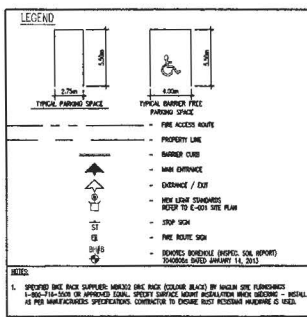
1 SITE PLAN



2 LOCATION PLAN



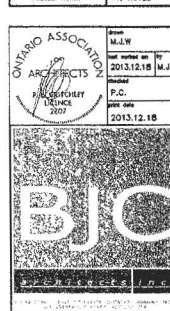
3 BARRIER FREE SIGN DETAIL



NOTE:

This drawing and all associated documentation are the confidential property of BJC Architects Inc. and must be retained confidential. Any disclosure, reuse, modification, distribution, or any other use without the written consent of BJC Architects Inc. is strictly prohibited. Upon completion of the project, the drawings and all associated documentation shall be returned to BJC Architects Inc. in accordance with the terms of the agreement.

NO.	REVISION	DATE
1	REVISED FOR BUILDING PERMIT	2013.12.18



client  
MAJOR WOLFE DEVELOPMENTS

728 VICTORIA ROAD SOUTH, UNIT 2  
OAKVILLE, ONTARIO

project  
COMMERCIAL DEVELOPMENT

PART 1 OF LOT 1, REGISTERED  
PLAN 680, CITY OF OAKVILLE,  
COUNTY OF WELLINGTON

20 COWAN PLACE  
OAKVILLE, ONTARIO

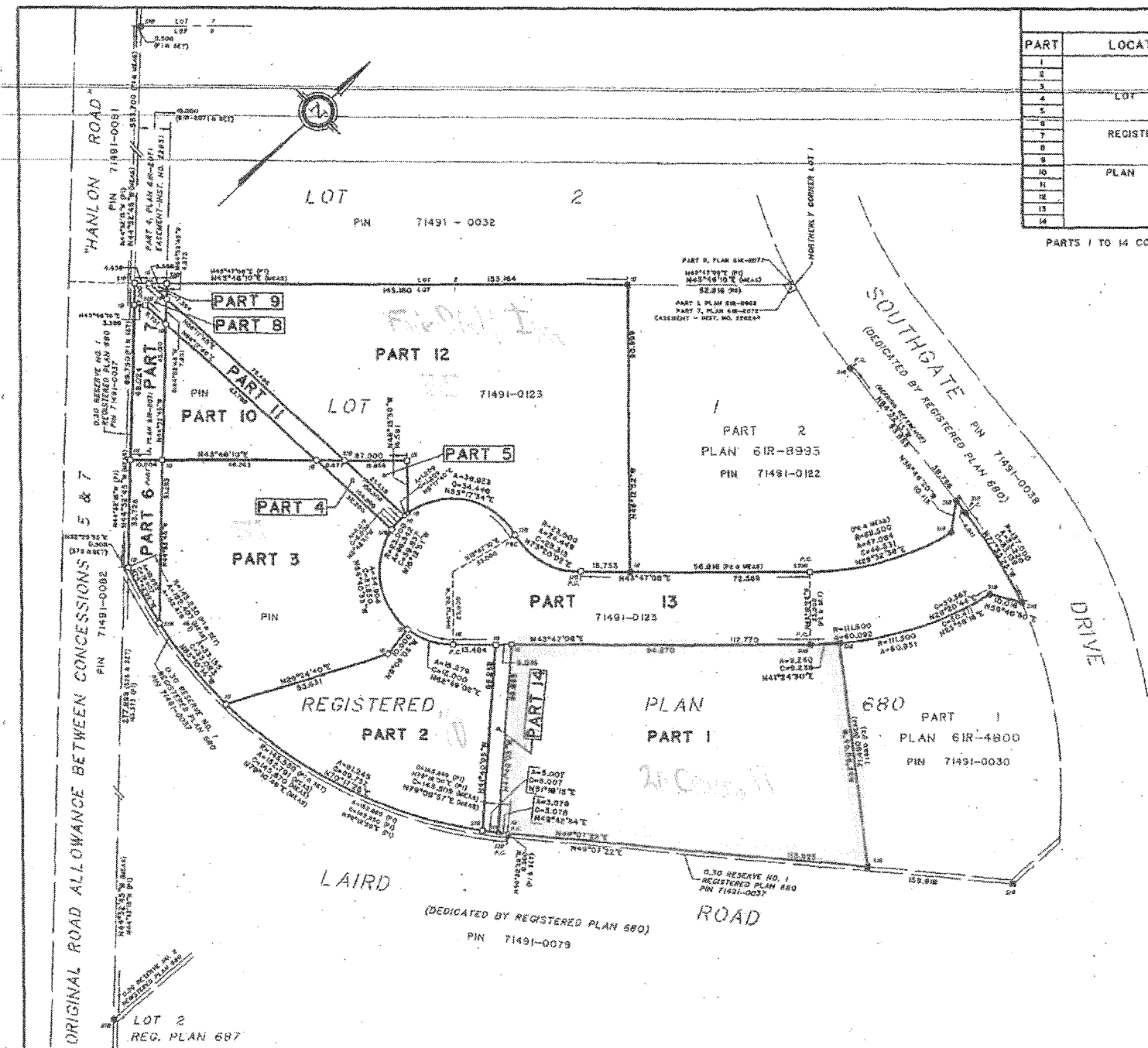
drawing title  
SITE PLAN

project no.  
SP12B036

project no.  
12-12-139

client reference number

sheet no.  
A-101NN



SCHEDULE			
PART	LOCATION	P.I.N.	AREA (m <sup>2</sup> )
1	LOT 1	ALL OF	7163
2			3156
3			4626
4			175
5	REGISTERED	71491-0123	180
6			429
7			471
8			78
9	PLAN 680		14
10			6045
11			418
12			6002
13			6352
14			288

PARTS 1 TO 14 COMPRISE ALL OF PIN 71491-0123

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

FEBRUARY 10, 2003  
DATE

*Ian D. Robinson*  
IAN D. ROBINSON  
ONTARIO LAND SURVEYOR

PLAN 6 IR-9344  
RECEIVED AND DEPOSITED

Feb 25 2003  
DATE

*Julie Hurme*  
JULIE HURME  
LAND REGISTRAR FOR  
THE LAND TITLES DIVISION  
OF WELLINGTON (S1)

PLAN OF SURVEY  
OF PART OF  
LOT 1, REGISTERED PLAN 680  
CITY OF GUELPH  
COUNTY OF WELLINGTON  
IAN D. ROBINSON - Ontario Land Surveyor

SCALE 1 : 1000

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

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 10TH DAY OF FEBRUARY, 2003.

FEBRUARY 10, 2003

*Ian D. Robinson*  
IAN D. ROBINSON  
ONTARIO LAND SURVEYOR

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHWESTERLY LIMIT OF SOUTHGATE DRIVE, REGISTERED PLAN 680 AS BEING N84°32'13"W.

- DENOTES SURVEY MONUMENT PLANTED
- DENOTES SURVEY MONUMENT FOUND (375 UNLESS SHOWN OTHERWISE)
- SSIB DENOTES SHORT STANDARD IRON BAR
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- 375 DENOTES BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED C.L.S.'s
- P1 DENOTES REGISTERED PLAN 680
- P2 DENOTES PLAN 6IR-8993
- P3 DENOTES PLAN 6IR-4800

BLACK, SHOEMAKER, ROBINSON & DONALDSON  
LIMITED

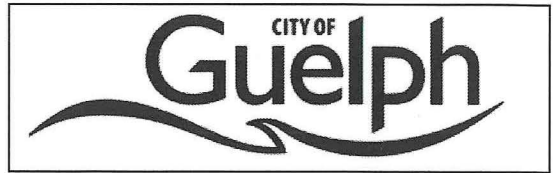
BSR&D  
Ontario Land Surveyors  
Urban and Rural Planners

351 Speedvale Avenue West  
Guelph, Ontario N1H 1C5  
TEL: (519) 822-4031  
FAX: (519) 763-9001

DATE:  
FEB. 10, 2003  
DRAWN BY:  
KH  
PROJECT NO:  
03-4702



# COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



<b>Consultation with City staff is encouraged prior to submission of this application.</b>	<b>OFFICE USE ONLY</b>	
	Date Received: <u>July 11, 2017</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Application #: <u>A-62/17</u>

## TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

*THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.*

### PROPERTY INFORMATION:

Address of Property: 286 Water Street, City of Guelph

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

Lot 1, Concession 4, Division "G", City of Guelph

### OWNER(S) INFORMATION:

Name:	<u>Mr. Muhammed Sayyed, President, Muslim Society of Guelph</u>		
Mailing Address:	<u>286 Water Street</u>		
City:	<u>Guelph</u>	Postal Code:	<u>N1G 1B8</u>
Home Phone:		Work Phone:	<u>(519) 767-0097</u>
Fax:		Email:	<u>president@msofg.org</u>

### AGENT INFORMATION (If Any)

Company:	<u>Astrid J. Clos Planning Consultants</u>		
Name:	<u>Astrid Clos</u>		
Mailing Address:	<u>423 Woolwich Street, Suite 201</u>		
City:	<u>Guelph, Ontario</u>	Postal Code:	<u>N1H 3X3</u>
Work Phone:	<u>519-837-7526</u>	Mobile Phone:	
Fax:	<u>519-836-9568</u>	Email:	<u>astrid.clos@ajcplanning.ca</u>

Official Plan Designation: Muslim Society – General Residential

Current Zoning Designation:  
Muslim Society – I.1

**NATURE AND EXTENT OF RELIEF APPLIED FOR** (variances required):286 Water Street

To permit an off-street parking area for 286 Water Street (Guelph Muslim Society) to be located on 255 Edinburgh Road South, the abutting Hydro One Networks Inc. property, where section 4.13.1 of the Zoning By-law requires that every off-street parking area shall be located on the same lot as the use requiring the parking.

To permit 15 parking off-street parking spaces to be provided on-site where section 4.13 of the Zoning By-law requires that 139 parking spaces be provided on-site.

To permit a fence to have a minimum front yard setback of 3.4 m where section 4.20.2 of the Zoning By-law requires fences within an Institutional Zone to have a minimum front yard setback of 4m.

Condition:

That the Guelph Muslim Society enter into a Licence Agreement with Hydro One Networks Inc. to allow the use of 124 parking spaces on 255 Edinburgh Road South.

These requested minor variances are in addition to the Minor Variances decision dated January 19, 2001 as application A-100/00;

To permit the rear addition to be situated a minimum of 5.5 m from the rear lot line.

To permit the gymnasium addition to be situated a minimum of 1 m from the right side lot line.

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

The Guelph Muslim Society is continuing the previous school and daycare uses on the subject property and proposes to add a gymnasium and religious establishment addition. There is not adequate room on site to provide the required parking for the existing or the proposed uses. The Guelph Muslim Society has been working with Hydro One Networks Inc. to provide the additional required off-street parking on the HONI lands located 255 Edinburgh Road South which abuts their property. The Guelph Muslim Society has been proceeding through the Site Plan application process (SP16C023) where the required minor variances have been identified. The fence for the daycare use exists and is not proposed to change.

**PROPERTY INFORMATION**

Date property was purchased:	unknown	Date property was first built on:	unknown
Date of proposed construction on property:	Building to commence upon the issuance of a Plumbing or Building Permit as appropriate.	Length of time the existing uses of the subject property have continued:	The existing uses have continued since 2001.
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): The existing building is a school and daycare.			

**PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):** The existing school and daycare will continue with a new gymnasium and religious establishment addition with an expanded off-site parking area.

**DIMENSIONS OF PROPERTY:** (please refer to your survey plan or site plan) 286 Water Street

Frontage: **45.64 m** Depth: **85.67 m (irregular)** Area: **4,409 m<sup>2</sup>**

**PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)**

EXISTING (BUILDINGS)			PROPOSED		
<u>Main Building</u>			<u>Main Building</u>		
Gross Floor Area:	1,272 m <sup>2</sup>		Gross Floor Area:	2,332 m <sup>2</sup>	
Height of building:	One storey		Height of building:	Two storey gymnasium and religious establishment addition. 15 m minaret (church spire or steeple)	
Garage/Carport (if applicable) N/A			Garage/Carport (if applicable) N/A		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:			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 (see plan provided)				PROPOSED			
Front Yard Setback:	14.3 M			Front Yard Setback:	14.3 M		
Exterior Side Yard (corner lots only)	M			Exterior Side Yard (corner lots only)	M		
Side Yard Setback:	Left:	14.22 M	Right:	6 M	Side Yard Setback:	Left:	14.22 M
						Right:	6 M
Rear Yard Setback	7.5 M			Rear Yard Setback	5.5 M		

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

Provincial Highway ☐ Municipal Road ☒ Private Road ☐ Water ☐ Other (Specify)

**MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)**

Water ☒ Sanitary Sewer ☒ Storm Sewer ☒

If not available, by what means is it provided:



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

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SP16C023
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	To be submitted.
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A-100/00 Decision dated January 19, 2001.

## **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**

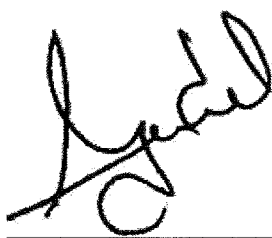
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

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.



2017/06/28

Muhammed Sayyed, President, Muslim Society of Guelph  
Signature of Owner

Date

## APPOINTMENT AND AUTHORIZATION

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

Muhammed Sayyed, President, Muslim Society of Guelph of 286 Water Street, Guelph hereby authorize  
[property owner's name] (municipal address)

Astrid Clos, Astrid J. Clos Planning Consultants as my agent for the purpose of submitting  
(Authorized agent's name)

an application to the Committee of Adjustment and acting on my behalf in relation to the application.

*Hynd*

2017/06/28

Muhammed Sayyed, President, Muslim Society of Guelph  
Signature of Owner

Date \_\_\_\_\_

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.



**AFFIDAVIT**

I, Astrid Clos, Astrid J. Clos Planning Consultants, of the City of Guelph in County 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.



\_\_\_\_\_  
Astrid Clos, Astrid J. Clos Planning Consultants  
Signature of Agent

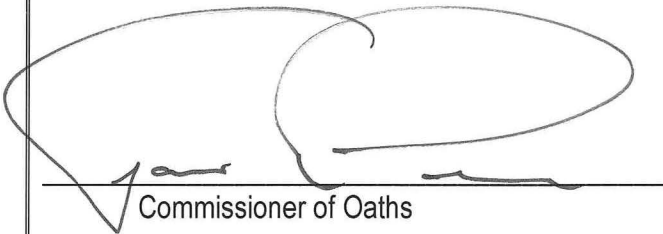
JULY 12, 2017

\_\_\_\_\_  
Date

**NOTE: The Signature of applicant or authorized agent must be witnessed by a Commissioner**

Declared before me at the

City of Guelph in the County of Wellington this 12TH day of JULY, 2017.

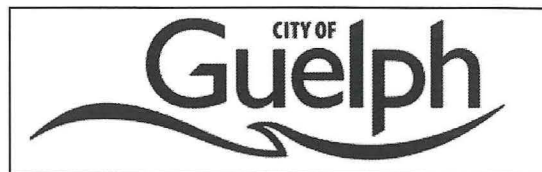


\_\_\_\_\_  
Commissioner of Oaths

James Michael Laws,  
A Commissioner, etc.,  
Province of Ontario,  
For Van Harten Surveying Inc.  
Expires May 11, 2018.

(official stamp of Commissioner of Oaths)

# COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE



<b>Consultation with City staff is encouraged prior to submission of this application.</b>	<b>OFFICE USE ONLY</b>	
	Date Received: <u>July 11, 2017</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Application #: <u>A-53/17</u>

## TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

*THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.*

### PROPERTY INFORMATION:

Address of Property: 225 Edinburgh Road South, City of Guelph

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

Lot 1, Concession 4, Division "G", City of Guelph

### OWNER(S) INFORMATION:

Name:	<u>Dennis De Rango</u>		
	<u>Specialized Services Team Lead, Real Estate, R32, Hydro One Networks Inc.</u>		
Mailing Address:	<u>185 Clegg Road P.O. Box 4300</u>		
City:	<u>Markham</u>	Postal Code:	<u>L6G 1B7</u>
Home Phone:		Work Phone:	<u>(905) 946-6237</u>
Fax:	<u>(905) 946-6242</u>	Email:	<u>Dennis.derango@hydroone.com</u>

### AGENT INFORMATION (If Any)

Company:	<u>Astrid J. Clos Planning Consultants</u>		
Name:	<u>Astrid Clos</u>		
Mailing Address:	<u>423 Woolwich Street, Suite 201</u>		
City:	<u>Guelph, Ontario</u>	Postal Code:	<u>N1H 3X3</u>
Work Phone:	<u>519-837-7526</u>	Mobile Phone:	
Fax:	<u>519-836-9568</u>	Email:	<u>astrid.clos@ajcplanning.ca</u>

Official Plan Designation: HONI - Industrial

Current Zoning Designation: HONI - UR

**NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):**225 Edinburgh Road South

To permit a parking area as a permitted use in the UR Zone where section 11.1.1 of the Zoning By-law does not include parking as a permitted use.

To permit an off-street parking area to be located on 255 Edinburgh Road South the Hydro One Networks Inc. property where such parking is required by 286 Water Street (Guelph Muslim Society), where section 4.13.1 of the Zoning By-law requires that every off-street parking area shall be located on the same lot as the use requiring the parking.

Condition:

That the Guelph Muslim Society enter into a Licence Agreement with Hydro One Networks Inc. to allow the use of 124 parking spaces on 225 Edinburgh Road South.

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

The Guelph Muslim Society is continuing the previous school and daycare uses on the subject property and proposes to add a gymnasium and religious establishment addition. There is not adequate room on site to provide the required parking for the existing or the proposed uses. The Guelph Muslim Society has been working with Hydro One Networks Inc. to provide the additional required off-street parking on the HONI lands located 255 Edinburgh Road South which abuts their property. The Guelph Muslim Society has been proceeding through the Site Plan application process (SP16C023) where the required minor variances have been identified.

**PROPERTY INFORMATION**

Date property was purchased:	unknown	Date property was first built on:	unknown
Date of proposed construction on property:		Length of time the existing uses of the subject property have continued:	unknown

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

**PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):** Parking related to the off-site Muslim Society of Guelph school and daycare use with the addition of parking for the new gymnasium and religious establishment.

**DIMENSIONS OF PROPERTY: (as shown on site plan)**

Frontage: irregular Depth: irregular Area:

**PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)**

EXISTING (BUILDINGS) N/A	PROPOSED N/A
<u>Main Building</u>	<u>Main Building</u>



Gross Floor Area:		Gross Floor Area:	
Height of building:		Height of building:	
<b>Garage/Carport (if applicable) N/A</b>		<b>Garage/Carport (if applicable) N/A</b>	
Attached <input type="checkbox"/>	Detached <input type="checkbox"/>	Attached <input type="checkbox"/>	Detached <input type="checkbox"/>
Width:		Width:	
Length:		Length:	
Driveway Width:		Driveway Width:	
<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>		<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>	
<b>Describe details, including height:</b>		<b>Describe details, including height:</b>	

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

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

<b>MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)</b>		
Water	Sanitary Sewer	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 type="checkbox"/>	<input checked="" type="checkbox"/>	SP16C023
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-100/00 Decision dated January 19, 2001.

**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.



ON BEHALF OF

JUL 13, 2017

Dennis De Rango, Specialized Services Team Lead,  
Real Estate, R32, Hydro One Networks Inc.

Date

I have the authority to bind the corporation  
Signature of Owner

an application to the Committee of Adjustment and acting on my behalf in relation to the application.



ON BEHALF OF

JULY 12, 2017

Dennis De Rango, Specialized Services Team Lead,  
Real Estate, R32, Hydro One Networks Inc.

Date \_\_\_\_\_

I have the authority to bind the corporation  
Signature of 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.



**AFFIDAVIT**

I, Astrid Clos, Astrid J. Clos Planning Consultants, of the City of Guelph in County 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.



\_\_\_\_\_  
Astrid Clos, Astrid J. Clos Planning Consultants  
Signature of Agent

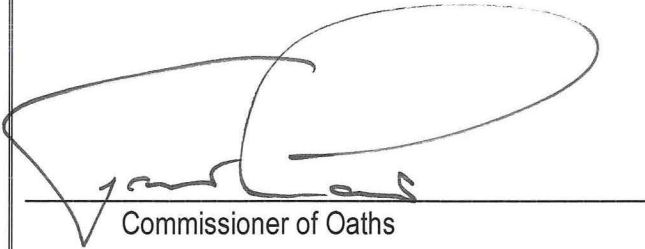
JULY 12, 2017

\_\_\_\_\_  
Date

**NOTE: The Signature of applicant or authorized agent must be witnessed by a Commissioner**

Declared before me at the

City of Guelph in the County of Wellington this 12<sup>TH</sup> day of JULY, 2017.



\_\_\_\_\_  
Commissioner of Oaths

James Michael Laws,  
A Commissioner, etc.,  
Province of Ontario,  
For Van Harten Surveying Inc.  
Expires May 11, 2018.

(official stamp of Commissioner of Oaths)

Hydro One Networks Inc.  
Facilities & Real Estate  
P.O. Box 4300  
Markham, Ontario L3R 5Z5  
[www.HydroOne.com](http://www.HydroOne.com)

Courier:  
185 Clegg Road  
Markham, Ontario L6G 1B7



### Limited Authorization for Application Submission

Application for minor variance in zoning to permit parking on hydro corridor lands adjacent to 286 Water Street, Guelph, ON


Re: Hydro Corridor PIN 712470152 – Part of Lots 1 & 2 Concession 4, Division G, Geographic Township of Guelph, County of Wellington

Hydro One Networks Inc. ("HONI"), the owner, hereby authorizes Astrid J. Clos Planning Consultants ("Clos") to apply to the City of Guelph for a Minor Variance of the Zoning By-law under Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, relating to the above-noted property. In addition, Clos may receive and forward all communication on HONI's behalf and make representation on behalf of HONI at all meetings. All correspondence is to be sent to Dennis De Rango, Specialized Services Team Lead, HONI, [Dennis.DeRango@HydroOne.com](mailto:Dennis.DeRango@HydroOne.com).

Nothing in this authorization gives Clos the authority to execute any further documentation or agreement or make representations that would bind HONI. Clos acknowledges and agrees that it shall indemnify and save appointees and contractors and those for whom HONI are in law responsible, from and against any and all loss, claims, actions, damages, liability, expenses and costs (including all legal fees and costs) which any of them may from time to time hereafter bear, sustain, suffer, or be put unto arising from, out of or in connection with the Application, whether or not caused by the negligence or willful misconduct of Clos, its directors, officers, employees, appointees, servants, and agents.

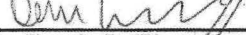
Clos agrees to provide HONI with electronic copies of all drawings and plans associated with the Application as requested and to provide HONI with all related notices. Clos acknowledges and agrees that HONI's participation in this Minor Variance application is for the purpose of HONI's consent thereto as owner of the property and that HONI shall not be obligated to comply with any of the terms and conditions of its approval.

Astrid J. Clos Planning Consultants

Per:   
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: JULY 12, 2017

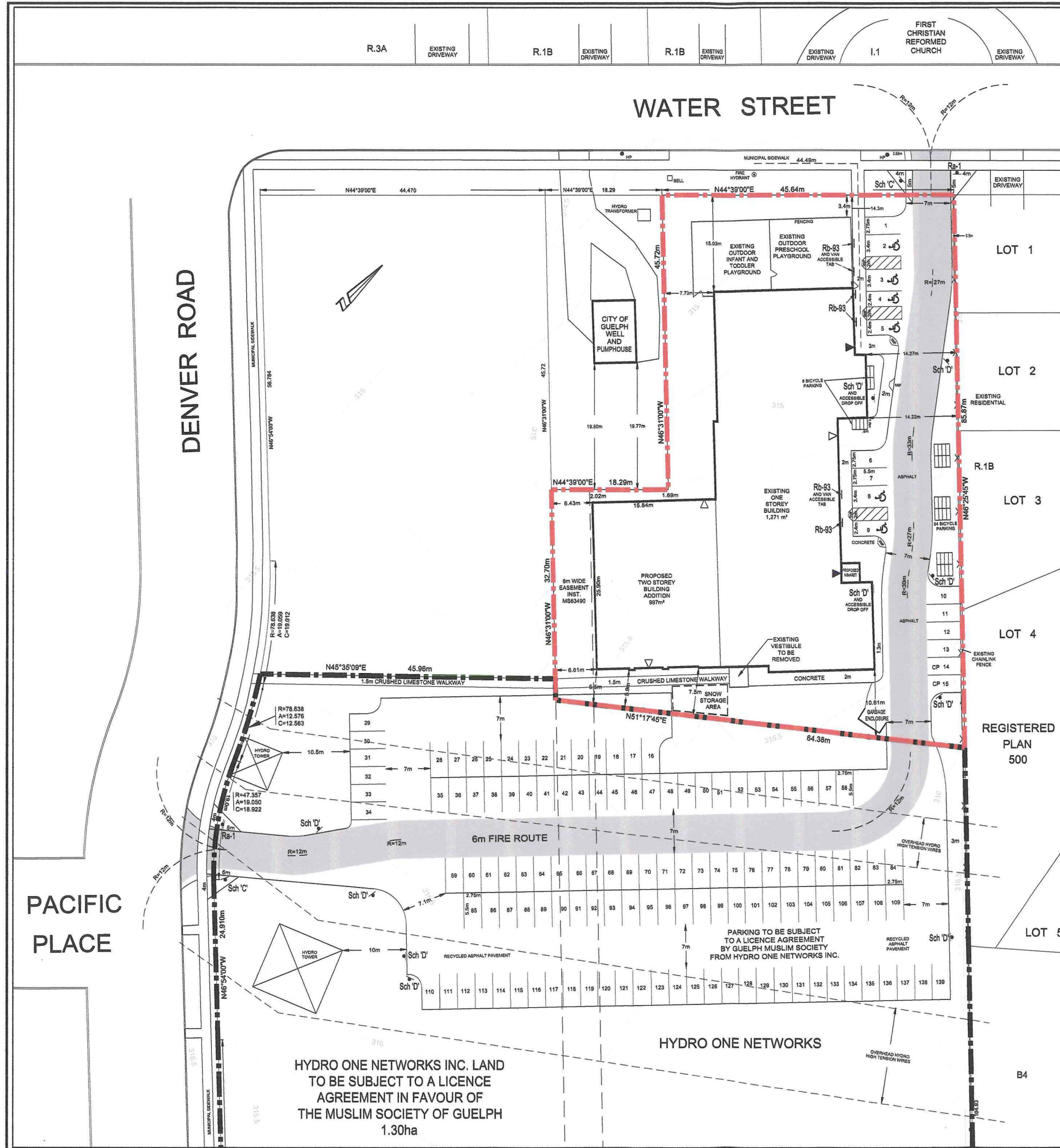
I have the authority to bind the Corporation

Hydro One Networks Inc.

Per:   
Name: Dennis De Rango  
Title: Specialized Services Team Lead  
Date: Jun 31, 2017

I have the authority to bind the Corporation





ASTRID J. CLOS

PLANNING CONSULTANTS

Phone: (519) 836-7526 (836-PLAN)

Fax: (519) 836-9568

Cell: (519) 710-7526 (710-PLAN)

Email: astrid.clos@ajcplanning.ca

423 WOOLWICH STREET, SUITE 201

GUELPH, ONTARIO N1H 3X3

MUSLIM SOCIETY OF GUELPH

286 WATER STREET AND 225 EDINBURGH ROAD SOUTH

SITE PLAN SP16C023

DATE: JUNE 8, 2017

SCALE: 1:300

PROJECT No. 1631

DRAWN BY: A.R.N.

KEY MAP

LEGAL DESCRIPTION LOT 1, CONCESSION 4, DIVISION "G", CITY OF GUELPH

Institutional I-1 Zone - 286 Water Street			
Permitted Use: School, Day Care Centre, Religious Establishment	Required	Provided	Compliance
Zoning Regulation	Required	Provided	Compliance
Minimum Lot Area	700 m²	4,409 m²	Yes
Minimum Front Yard	6 m	14.3 m	Yes
Maximum Front Yard	20 m	14.3 m	Yes
Minimum Side Yard	* 1m for gymnasium (A-100/99)	1.6 m	Yes
Minimum Rear Yard	* 5.5 m (A-100/99)	5.5 m	Yes
Minimum Lot Frontage	30 m	45.84 m	Yes
Off-Street Parking (4.13)	Every off-street parking area shall be located on the same lot as the use requiring the parking (4.13.1) Parking 3m from street (4.13.2.3) asphalt parking, driveway located adjacent to a residential zone		No
Total Parking Required	139 parking spaces	15 p.s. on-site 124 p.s. off-site	Yes
School 1 per classroom plus a minimum of 4 visitor parking spaces	12 parking spaces (8 classrooms)	12	Yes
Gymnasium 1 per 10 m² GFA (409.7 m²)	41 parking spaces	41	Yes
Day Care Centre 1 per 10 children plus 1 for the facility	6 parking spaces (48 children)	6	Yes
Religious Establishment 1 per 5 seats	40 parking spaces (200 seat capacity)	40	Yes
4.20.2 FENCES Within an Institutional Zone	Maximum Fence height of 1.8 m		Yes
4.20.2 FENCES Within an Institutional Zone	Maximum Fence Front Yard setback of 4.0 m	3.4 m	No
Maximum Building Height	4 storeys	2 storeys (10.4 m)	Yes
4.18.1 No Building shall exceed the height restrictions except for the following:	a) a church spire or steeple	15 m Minaret	Yes
Buffer Strips	abutting a Residential or Urban Reserve Zone	Fence provided	Yes
Garbage (4.9.1)			Yes

Urban Reserve UR Zone - 225 Edinburgh Road South			
Proposed Use: Parking for an off-site use	Required	Provided	No Compliance
Off-Street Parking (4.13) (11.2)	Every off-street parking area shall be located on the same lot as the use requiring the parking (4.13.1) 3m from a street line (4.13.2.3) asphalt parking, driveway located adjacent to a residential zone		Yes
Off-Street Parking from UR Zone 11.2.2.4	Maximum Fence height of 1.8 m (4.20.2)		Yes

\* Minor Variance Decision A-100/99 dated January 19, 2001.

Bicycle Parking Spaces			
Requirement	Required	Provided	Compliance
Guelph Site Plan Approval Procedures and Guidelines (September 16, 2016)			
4 spaces per classroom	32 spaces	32	Yes
On concrete pad in proximity to principle entrance		8 classrooms	Yes
Stall size 1.8 m x 0.6 m			Yes
Access Aisle 1.2 m			Yes
Headroom 1.9 m Vertical clearance			Yes

CP - DESIGNATED CARPOOL PARKING SPACES

Mr. Muhammed Sayyed

President

Muslim Society of Guelph

286 Water Street

Guelph, Ontario

N1G 1B8

ONTARIO ASSOCIATION OF ARCHITECTS

J. William Brdwell

LICENCE 3895

SP-1

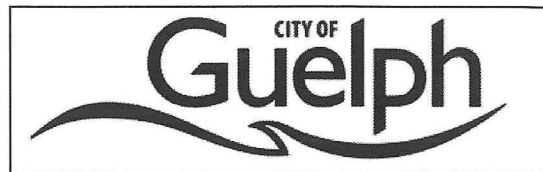
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(24157-16)

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# 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>July 10, 2017</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Application #: <u>A-53/17</u>

## TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes ☒ No ☐

July 7, 2017 pre-consultation meeting

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: 355 Elmira Road, City of Guelph

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

Unit 1, Level 1, Wellington Condominium Plan No. 67; Part of Lots 53 to 55 and Part of 1 foot reserve blocks I and J, Part of Lot 618 and Part of Elmira Road, as closed by by-law MS99686, City of Guelph

## OWNER(S) INFORMATION:

Name: Frank Cerniuk, Melran Holdings Limited

Mailing Address: 355 Elmira Road North, Unit 112

City: Guelph

Postal Code: N1K 1S5

Home Phone:

Work Phone: (519) 822-0141

Fax: 519-822-8201

Email: frank@cerniuk.ca

## AGENT INFORMATION (If Any)

Company: Astrid J. Clos Planning Consultants

Name: Astrid Clos

Mailing Address: 423 Woolwich Street, Suite 201

City: Guelph, Ontario

Postal Code: N1H 3X3

Work Phone: 519-837-7526

Mobile Phone:

Fax: 519-836-9568

Email: astrid.clos@ajcplanning.ca



Official Plan Designation: Industrial	Current Zoning: Specialized B.3-5 Zone
---------------------------------------	--

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

To permit a variance from the requirements of Section 7.1.2.1 of the zoning by-law to permit a hydroponic growing facility as an additional permitted use on the property when the By-law permits a variety of uses in the Specialized B.3-5 Zone, but does not currently permit a hydroponic growing facility. That a definition be added for the purpose of this minor variance, to define a hydroponic growing facility as; "a multi-level vertical farming operation which produces food in vertically stacked layers within a closed building."

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

Similar to application A-24/17 for 35 Cooper Drive, the hydroponic growing facility consisting of a multi-level hydroponic growing facility, including the manufacturing (growing) and packaging of foods (leafy greens) use is not defined in the Zoning By-law or specifically permitted within this zone. Adding the hydroponic growing facility as a permitted use to the current industrial zone within the existing enclosed building at 355 Elmira Road North will meet the general intent of the Official Plan, be desirable for the appropriate development of the land and is minor in nature.

**PROPERTY INFORMATION**

Date property was purchased:	1996	Date property was first built on:	1988
Date of proposed construction on property:	1988	Length of time the existing uses of the subject property have continued:	The existing uses have continued since 1988.

**EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):** The existing building is an industrial mall.

**PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):** The existing industrial mall use will continue with the proposed additional hydroponic growing facility located in a maximum of 350 square metres of GFA located in part of Unit 29 and all of Unit 30.

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

Frontage: 121.99 m      Depth: 262.53 m      Area: 32,026 ha m<sup>2</sup>

**PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)**

EXISTING (BUILDINGS)			PROPOSED		
<b>Main Building</b>			<b>Main Building</b>	<b>No change</b>	
Gross Floor Area:	9,383 m <sup>2</sup>		Gross Floor Area:		
Height of building:	One storey		Height of building:		
Garage/Carport (if applicable) N/A			Garage/Carport (if applicable) N/A		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:			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**

<b>EXISTING</b> (see plan provided)			<b>PROPOSED</b> No change		
Front Yard Setback:	52 M		Front Yard Setback:	M	
Exterior Side Yard (corner lots only)	M		Exterior Side Yard (corner lots only)	M	
Side Yard Setback:	Left: 9 M	Right: 9 M	Side Yard Setback:	Left: M	Right: M
Rear Yard Setback	33.5 M		Rear Yard Setback	M	

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

Provincial Highway ☐      Municipal Road ☒      Private Road ☐      Water ☐      Other (Specify)

**MUNICIPAL SERVICES PROVIDED** (please check the appropriate boxes)Water ☒Sanitary Sewer ☒Storm Sewer ☒

If not available, by what means is it provided:

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

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A-14/98, A-113/08

**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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**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.

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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.



Frank Cerniuk, Melran Holdings Limited  
I have the authority to bind the corporation  
Signature of Owner

July 7, 2017

Date

an application to the Committee of Adjustment and acting on my behalf in relation to the application.

Learick

Frank Cerniuk, Melran Holdings Limited  
I have the authority to bind the corporation  
Signature of Owner

July 7, 2017

Date \_\_\_\_\_

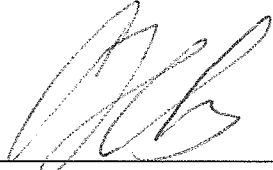
NOTES:

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.



**AFFIDAVIT**

I, Astrid Clos, Astrid J. Clos Planning Consultants, of the City of Guelph in County 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.



\_\_\_\_\_  
Astrid Clos, Astrid J. Clos Planning Consultants  
Signature of Agent

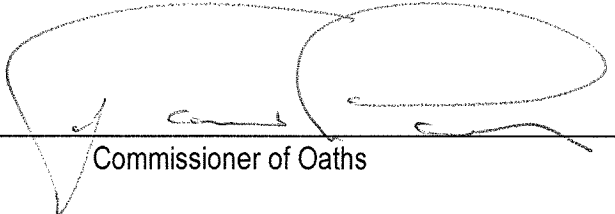
JULY 7, 2017

\_\_\_\_\_  
Date

**NOTE: The Signature of applicant or authorized agent must be witnessed by a Commissioner**

Declared before me at the

City of Guelph in the County of Wellington this 7TH day of July, 2017.



\_\_\_\_\_  
Commissioner of Oaths

James Michael Laws,  
A Commissioner, etc.,  
Province of Ontario,  
For Van Harten Surveying Inc.  
Expires May 11, 2018.

(official stamp of Commissioner of Oaths)



To whom it may concern,

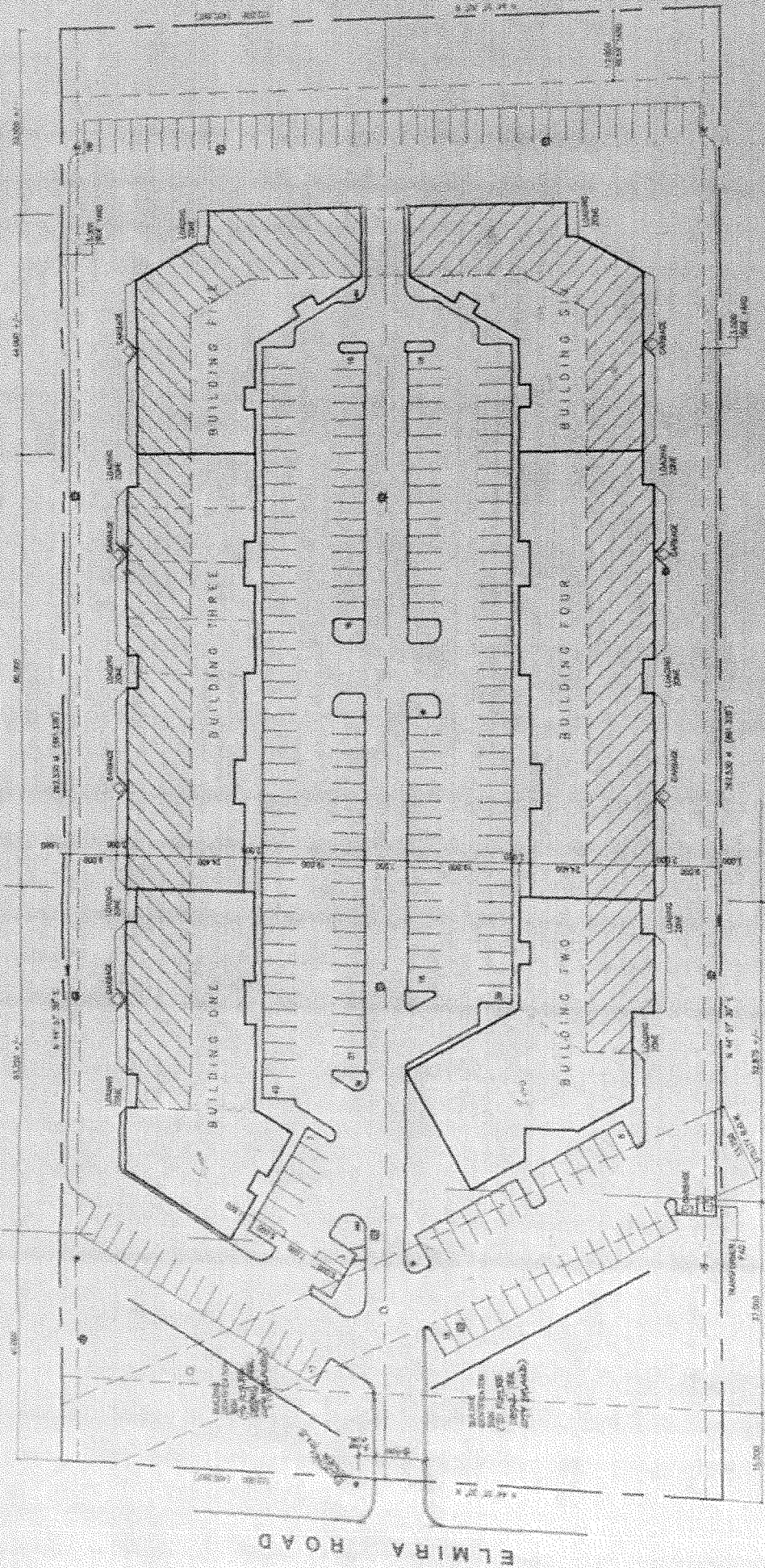
Our intent is to start an urban farm using a 'vertical farming' approach to provide Guelph/Wellington with fresh organic greens grown year round. The vertical farming method will allow for efficient harvesting of fresh produce for weekly delivery to local restaurants and markets. We also reduce our water consumption by recirculating the nutrient solution the plants are grown in and reduce our energy costs with LED grow lights. Our production day cycle will begin at 7pm to further reduce our impact to the surrounding area by using off-peak times to grow. With the rising demand for fresh organic local food, we believe Guelph is the best place to start up Molly's Vertical Farm.

At 355 Elmira we hope to maximize the space to eventually grow upwards of 8000 heads of lettuce a month. This will allow us to provide around 2000 heads of lettuce every week to be sold at local markets, restaurants and to subscription services. We will have a set harvest day each week that will consist of taking the plant from the rack, packaging it, boxing it up and then finally loading onto a truck. With doing all this over a day or two, we can cut down on the traffic impact to the surrounding complex and roads. We do not anticipate needing more than a 10' refrigerated cube van to make our large deliveries. We will also have a smaller refrigerated van for around town deliveries that will be parked out front taking the same space a standard work truck might occupy. This location is not intended to become a store front as we are focusing on mainly production and relying on the markets to move our produce. We do not anticipate needing any more than 3 employees when at full production so the parking in the complex should more than cover the additional cars.

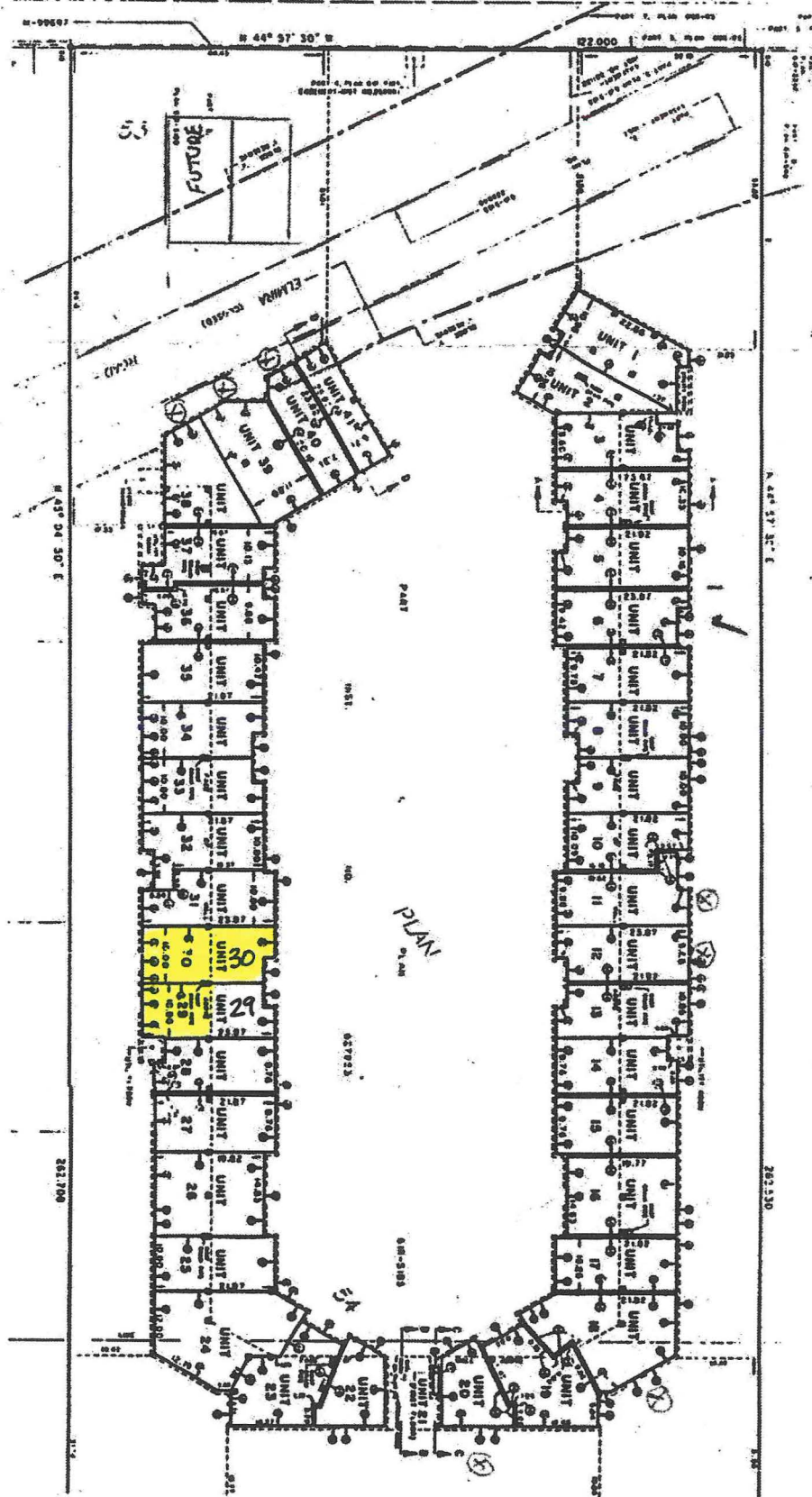
We want to prove this system works and eventually expand up north to bring fresh organic greens to areas in the Yukon and the North West Territories. They don't have the luxury we have of going to the market and buying fresh produce every week. We believe indoor vertical farming is the way to bring fresh produce to them and help provide a healthy organic option no matter where you are in the world.

Thank you,

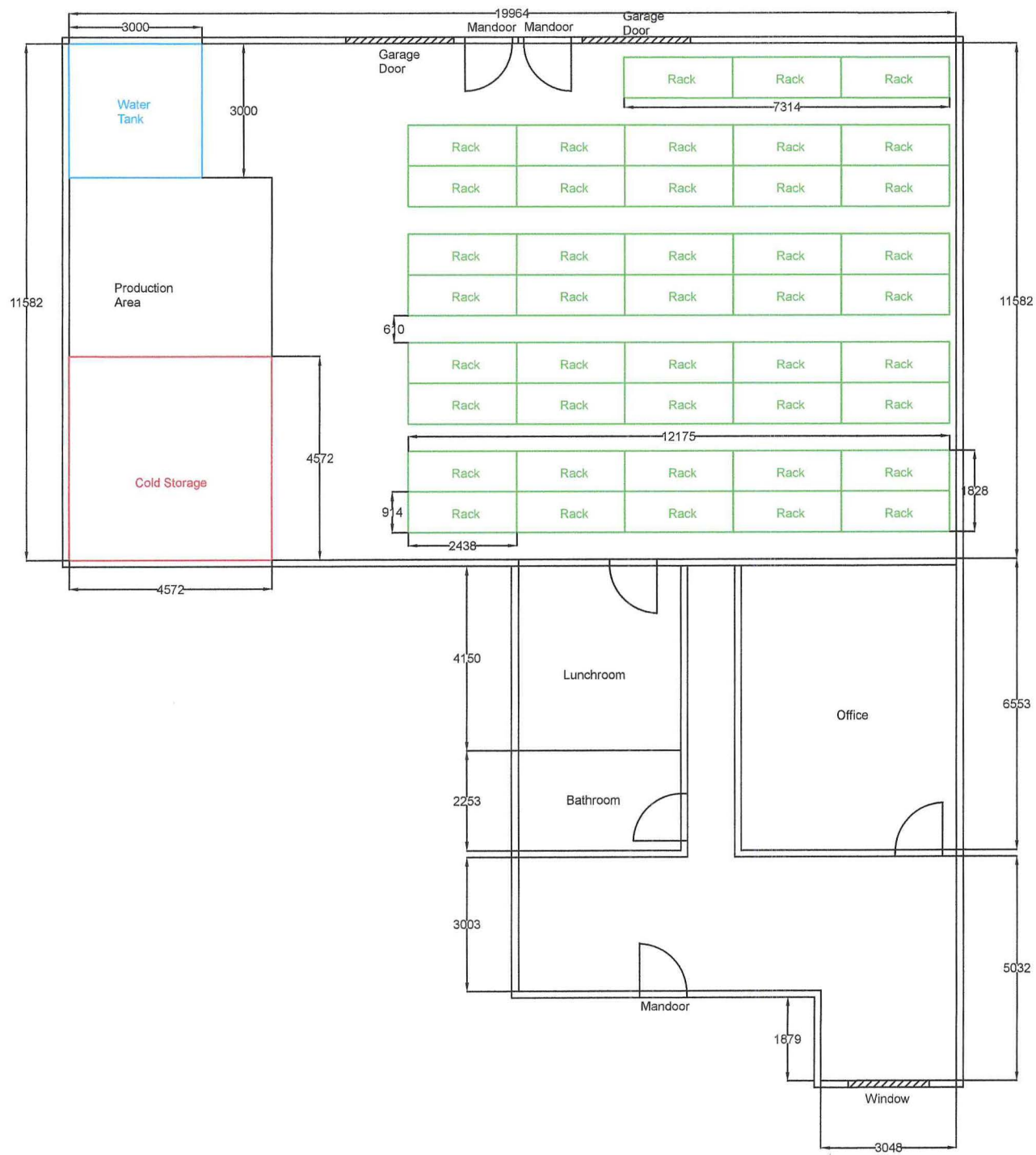
Oliver Lauzon



ROAD







# 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>July 11, 2017</u>	Folder #: <u>A-55/17</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: 73 Arthur St S

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

See attached Schedule A

### OWNER(S) INFORMATION:

Name: 2278560 Ontario Inc

Mailing Address: 500 Hanton Creek Blvd

City: Guelph      Postal Code: N1C 0A1

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

Fax: \_\_\_\_\_      Email: nhallock@fusionhomes.com

### AGENT INFORMATION (If Any)

Company: \_\_\_\_\_

Name: Neal Hallock

Mailing Address: 500 Hanton Creek Blvd

City: Guelph      Postal Code: N1C 0A1

Work Phone: 519-826-6700 x263      Mobile Phone: \_\_\_\_\_

Fax: 519-826-6701      Email: nhallock@fusionhomes.com

Official Plan Designation: Residential 2 (OPA 43) Future Park Policy Area (OPA 43) Special Policy Area overlay	Current Zoning Designation: R.4B-19.3(H)
--	--

<b>NATURE AND EXTENT OF RELIEF APPLIED FOR</b> (variances required):
Permissions to construct a residential apartment building with a height of 12 storeys where 10 is currently permitted (see ss. 5.4.3.2-15.5.1-7)

<b>Why is it not possible to comply with the provision of the by-law? (your explanation)</b>
The zoning for this property was originally approved in August 2014 to conform with the Downtown Secondary Plan's objective to achieve 2.0 FSI through the entirety of the site. Based on the height, floorplate and setbacks limits imposed in the By-law, it is not possible to achieve 2.0 FSI over the whole site (ie. all 5 phases). The additional 2 storeys requested for this building (Phase 3) will allow us to achieve the 2.0 FSI over the whole site.

<b>PROPERTY INFORMATION</b>			
Date property was purchased:	18 <sup>th</sup> Nov 2013	Date property was first built on:	Unknown
Date of proposed construction on property:	Summer 2018	Length of time the existing uses of the subject property have continued:	Vacant since at least Nov 2013
<b>EXISTING USE OF THE SUBJECT PROPERTY</b> (Residential/Commercial/Industrial etc.): Vacant			
<b>PROPOSED USE OF LAND</b> (Residential/Commercial/Industrial etc.): Residential			

<b>DIMENSIONS OF PROPERTY:</b> (please refer to your survey plan or site plan)		
Frontage: 60.53m	Depth: 46.22m	Area: 4,732 m <sup>2</sup>



PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
<b>Main Building</b>			<b>Main Building</b>		
Gross Floor Area:	—		Gross Floor Area:	15,783.83 m <sup>2</sup>	
Height of building:	—		Height of building:	12 storeys	
<b>Garage/Carport (if applicable)</b>			<b>Garage/Carport (if applicable)</b>		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:	—		Width:	—	
Length:	—		Length:	—	
Driveway Width:	—		Driveway Width:	—	
<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>			<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>		
Describe details, including height: N/A - currently vacant			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:	3.0 M
Exterior Side Yard (corner lots only)	—		M	Exterior Side Yard (corner lots only)	— M
Side Yard Setback:	Left: —	M	Right: —	M	Side Yard Setback: Left: N/A M Right: N/A M
Rear Yard Setback	—		M	Rear Yard Setback	17.2 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) <input type="checkbox"/>

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 type="checkbox"/>	<input checked="" type="checkbox"/>	261305 - approved
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SP14A016 and SP15A055 - approved
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ph 1 and Ph 2 buildings approved
Consent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B-1/17 approved
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**

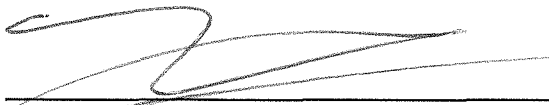
This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

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, NEAL HALLOCK, of the City/Town of  
GUELPH in County/Regional Municipality of GUELPH 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

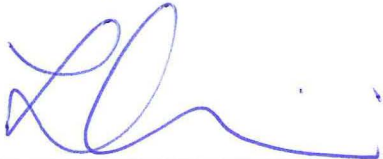
Signature of Applicant or Authorized Agent

**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 11<sup>th</sup> day of July, 20 17.

  
 Commissioner of Oaths

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

## APPOINTMENT AND AUTHORIZATION

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

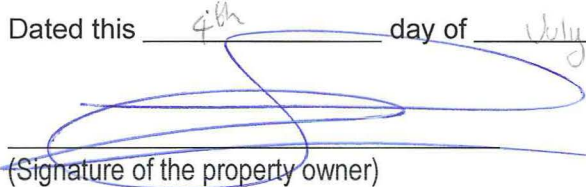
2278960 Ontario Inc  
 [Organization name / property owner's name(s)]

of 73 Arthur St S  
 (Legal description and/or municipal address)

hereby authorize Neal Hallock  
 (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 4th day of July 2017.

  
 (Signature of the property owner)

\_\_\_\_\_  
 (Signature of the property owner)

### NOTES:

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.

**SCHEDULE "A"**

**LEGAL DESCRIPTION OF LAND**

PIN 71338-0132 – Part of Grist Mill Lands, East Side of River Speed, Plan 113, Part Lot 76 and Lots 77, 78, 79, 80, 81 and 83, Plan 113 (as amended) being Parts 11, 12 and 13 on 61R-11955, City of Guelph, County of Wellington



July 10<sup>th</sup>, 2017

Trista Di Lullo  
Secretary-Treasurer of the Committee of Adjustment  
Guelph City Hall  
1 Carden St  
Guelph, ON  
N1H 3A1

Dear Ms Di Lullo,

Re: Application for Minor Variance, 73 Arthur St S, Guelph

2278560 Ontario Inc is the owner of 73 Arthur St S, a master-planned development project in Downtown Guelph. Phase 1 of the project has recently been completed, and work has begun on the construction of Phase 2. Preliminary design work for Phase 3 has identified the need for additional height on this phase, and as such we are applying for a minor variance to permit 12 storeys in Phase 3, where the current zoning by-law (Section 5.4.3.2.15.5.1.7) permits up to 10 storeys.

#### **Tests of a Minor Variance**

Section 45 (1) of the Planning Act outlines the four tests that a Minor Variance must meet:

##### ***1. Does the Minor Variance maintain the general intent of the Official Plan?***

Phase 3 of the 5 Arthur Street development is designated as 'Residential 2' in the Official Plan for the downtown area in the City (refer to Schedule 'C'). This designation permits multiple unit residential buildings, including apartments and townhouse dwellings.

Schedule 'D' indicates the minimum and maximum building heights for The Metalworks development, including Phase 3, at 4 to 12 storeys. Additional provisions in the Official Plan provide for some flexibility in height over and above the 12 storey provision. These include Sections 11.1.7.11.10, 11.1.8.1.4 and 11.1.8.1.4.

In addition, it should be noted that in part Section 5.4.3.2.15.2.1 of the zoning bylaw for The Metalworks site sets a maximum average floor space index (FSI) of 2.0 across the lands. This density level is a key objective of the Official Plan

500 HANLON CREEK BLVD  
GUELPH, ONTARIO  
N1C 0A1

T. 519 826 6700  
F. 519 826 6701

for The Metalworks site. The requested variance for an additional two (2) storeys allows for the more likely achievement of a 2.0 FSI.

**2. *Does the Minor Variance maintain the general intent of the Zoning By-law?***

The intent of the City's zoning bylaw is to layout the appropriate form for The Metalworks development. Phase 3 constitutes the third phase in a five phase redevelopment project for the site. Phase 1 has been completed and Phase 2 is under construction.

Phase 3 of the redevelopment is zoned R.4B-15.3 in the City's Zoning Bylaw. Section 5.4.3.2.15.5 of the Bylaw specifies the regulations pertinent to Phase 3. A number of specific regulations are outlined including Section 5.4.3.2.15.5.1.7 which sets the maximum building height for apartment buildings at 10 storeys. In addition, Section 5.4.3.2.15.5.1.3 sets the maximum building floor plate area for Phase 3 above the 6th storey at 1200 square meters and at 1000 square meters above the 10th storey. The intent of the Zoning Bylaw clearly contemplates the consideration of building heights above 10 storeys on account of the foregoing.

As mentioned above, Section 5.4.3.2.15.2.1 speaks to a maximum FSI 2.0 across The Metalworks site. The requested variance for an additional two (2) storeys for Phase 3 assists in achieving this level of density.

**3. *Is the Minor Variance desirable?***

The design of the site has been thoroughly reviewed by City staff, a Peer Review Architect and Site Plan Review Committee during each phase of the redevelopment. The proposed development of Phase 3 to a height 12 storeys will provide a variety of building heights along the length of the site between the Speed River and Arthur Street. Phases 1, 2 and 3 will result in variations in height of 10, 11 and 12 storeys respectively from north to south.

At the same time the requested variance for Phase 3 lends itself to the intent of the Official Plan for the downtown area by maintaining key public views, providing appropriate spacing to avoid a wall effect along the Speed River, providing buildings with varied articulation, maintaining sky views and being compatible with the existing nearby building forms and neighborhoods.

500 HANLON CREEK BLVD  
GUELPH, ONTARIO  
N1C 0A1

T. 519 826 6700  
F. 519 826 6701

The requested variance for two (2) storeys will accommodate some additional residential units and also provide for a unique amenity space in the form of a solarium. The amenity space will form a distinct urban design feature which is unique to this phase of the development.

**4. Is the variance "Minor"?**

The site has been thoroughly designed through the Urban Design Master Plan which accompanied The Metalworks rezoning application (file ZC1305). This application was approved by Council in conformity with the City's Official Plan for the downtown area and came into force and effect on September 17th 2014.

**Summary**

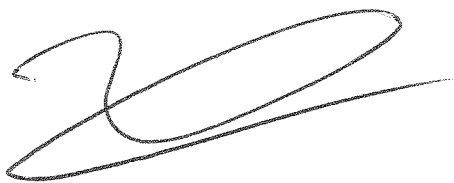
The proposed variance can be considered minor in nature and appropriate for Phase 3 of The Metalworks development and use of the subject land for the above reasons. The proposed minor variance will have minimal if any impact on the surrounding neighborhoods.

With this letter, we are also enclosing the following:

- The completed Application form
- A cheque for the required application fee (\$935.00)
- 1 copy of the Minor Variance sketch at 11" x 17"
- 1 copy of the Minor Variance sketch at 8.5" x 14"

If you have any questions regarding this application, please do not hesitate to contact us.

Yours sincerely,



Neal Hallock  
Director, Land Development & High Rise

500 HANLON CREEK BLVD  
GUELPH, ONTARIO  
N1C 6A1

T. 519 826 6700  
F. 519 826 6701







# 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>July 11, 2017</u>	Folder #: <u>A-50/17.</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: 45 FORBES ST.

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

## OWNER(S) INFORMATION:

Name: ALIKO, BESNIK  
Mailing Address: 6 WOOTTEN WAY S.  
City: MARKHAM      Postal Code: L3P 3H8  
Home Phone: 416 704 5368      Work Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_      Email: benalika@yahoo.ca

## AGENT INFORMATION (If Any)

Company: GS Engineering Services - Kitchener  
Name: GEORGE SEDRA  
Mailing Address: 222 HAWKSWOOD DR.  
City: Kitchener      Postal Code: ON  
Work Phone: 519 571-7361      Mobile Phone: 519 497 3950  
Fax: \_\_\_\_\_      Email: george.sedra@hotmail.com

Official Plan Designation: <i>General Residential</i>	Current Zoning Designation: <i>R-1B</i>
---	---

NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):	
① PARKING SPACE TO BE 0m FROM STREET LINE AND IN FRONT OF MAIN BUILDING	VS. 5m (4.13.2.1/4)
② PARKING IN REAR YARD TO BE 0m FROM LOT LINE	VS. 1m (4.13.7.6/4)
③ PARKING SPACE REDUCTION 2.5m x 5.4m PLEASE SEE ATTACHED DRAWINGS	VS. 3m x 6m (4.13.3.2.2)

Why is it not possible to comply with the provision of the by-law? (your explanation)
<i>NO OTHER SPACE AVAILABLE</i>
<i>BUILDING (100 YEARS OLD)</i>
<i>WE ARE TRYING TO HAVE ONE BEDROOM APARTEMENT</i>
<i>IN THE BASEMENT (ACCESSORY UNIT) WHICH REQUIRE 3 PARKING SPACES</i>

PROPERTY INFORMATION			
Date property was purchased:	<i>APRIL 28 - 2017</i>	Date property was first built on:	<i>100 Y</i>
Date of proposed construction on property:	<i>ASAP</i>	Length of time the existing uses of the subject property have continued:	<i>Since Built.</i>
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): <i>RESIDENTIAL</i>			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): <i>ACCESSORY ONE BEDROOM (BASEMENT)</i>			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)			
Frontage:	<i>25.91 m</i>	Depth:	<i>11.10 m</i>
		Area:	<i>287.601 m<sup>2</sup></i>



PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)			
EXISTING (DWELLINGS & BUILDINGS)		PROPOSED	
<b>Main Building</b>		<b>Main Building</b>	
Gross Floor Area:	70 m <sup>2</sup>	Gross Floor Area:	NO CHANGE
Height of building:	6 m	Height of building:	NO CHANGE
<b>Garage/Carport (if applicable)</b>		<b>Garage/Carport (if applicable)</b>	
Attached <input type="checkbox"/>	Detached <input checked="" type="checkbox"/>	Attached <input type="checkbox"/>	Detached <input type="checkbox"/>
Width:	6 m	Width:	NO CHANGE
Length:	6.2 m	Length:	PLEASE SEE DRAWINGS
Driveway Width:	6 m	Driveway Width:	NO CHANGE
<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>		<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>	
Describe details, including height: 3.6x3.6 DECK		Describe details, including height: NO CHANGES	

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND			
EXISTING		PROPOSED	
Front Yard Setback:	3.00 M	Front Yard Setback:	NO CHANGES M
Exterior Side Yard (corner lots only)	0 M	Exterior Side Yard (corner lots only)	NO CHANGES M
Side Yard Setback:	Left: 0 M Right: 0 M	Side Yard Setback:	Left: NO CHANGES M Right: NO CHANGES M
Rear Yard Setback	0 M	Rear Yard Setback	NO CHANGES 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 type="checkbox"/>	<input checked="" type="checkbox"/>	APPLICATION FOR BUILDING PERMIT
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(ACCESSORY UNIT)
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.

*G Sedra*

Signature of Owner or Authorized Agent

*Bernie Aulio*

Signature of Owner or Authorized Agent

**AFFIDAVIT**

I/We, GEORGE SEDRA, of the City/Town of Kitchener in County/Regional Municipality of Waterloo, solemnly declare that all of the above statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

G Sedra  
Signature of Applicant or Authorized Agent

Besnik Aliu  
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 11th day of July, 2017.

[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)

## APPOINTMENT AND AUTHORIZATION

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

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

of 45 FORBES AVENUE  
(Legal description and/or municipal address)

hereby authorize GEORGE SEDRA  
(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 11 day of JULY 20 17

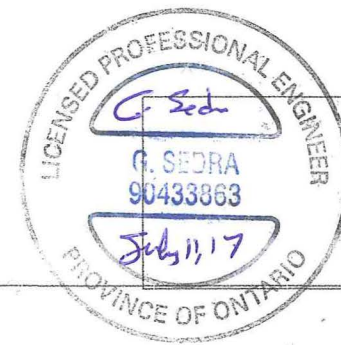
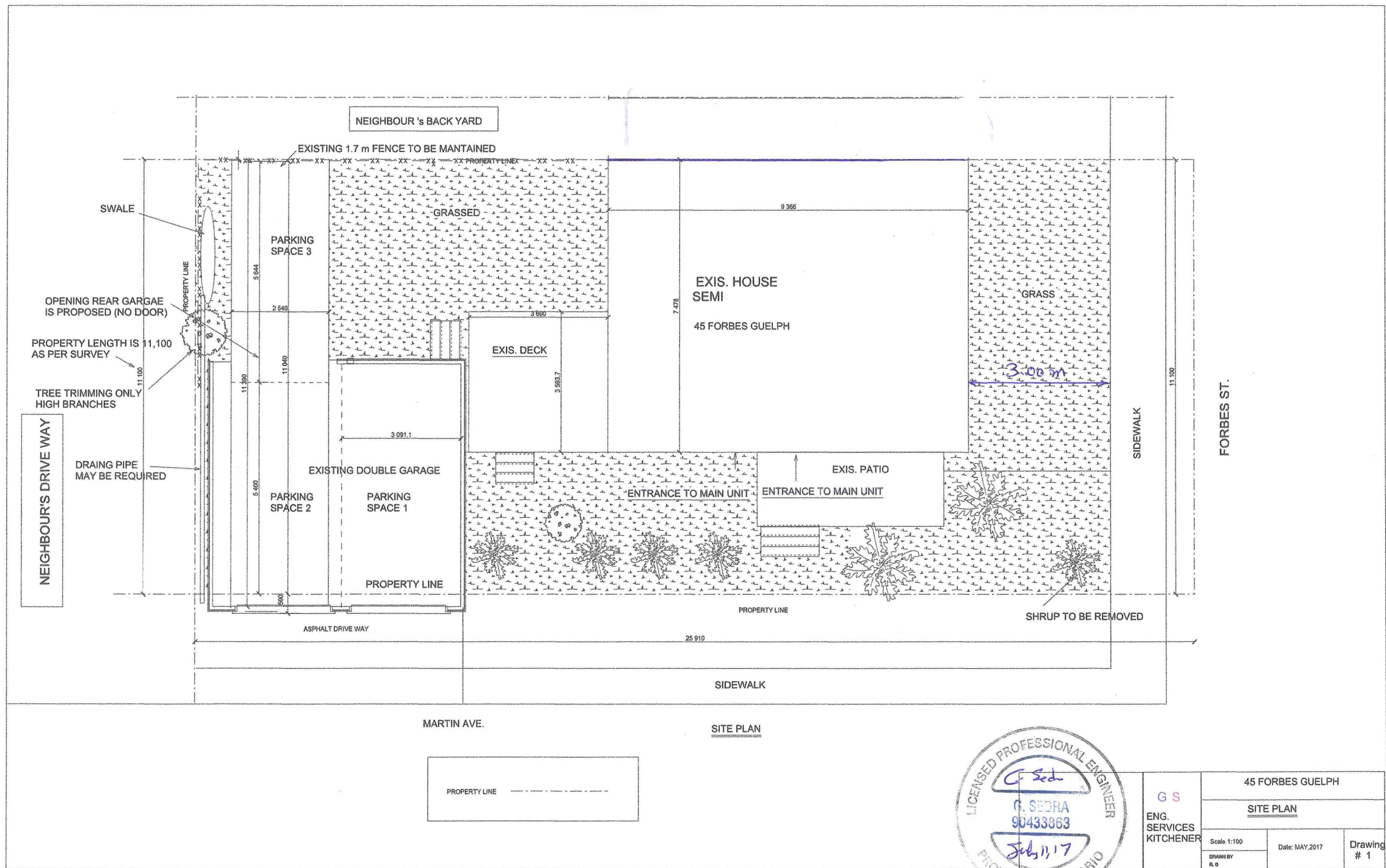
Besnik Aliko  
(Signature of the property owner)

\_\_\_\_\_  
(Signature of the property owner)

### NOTES:

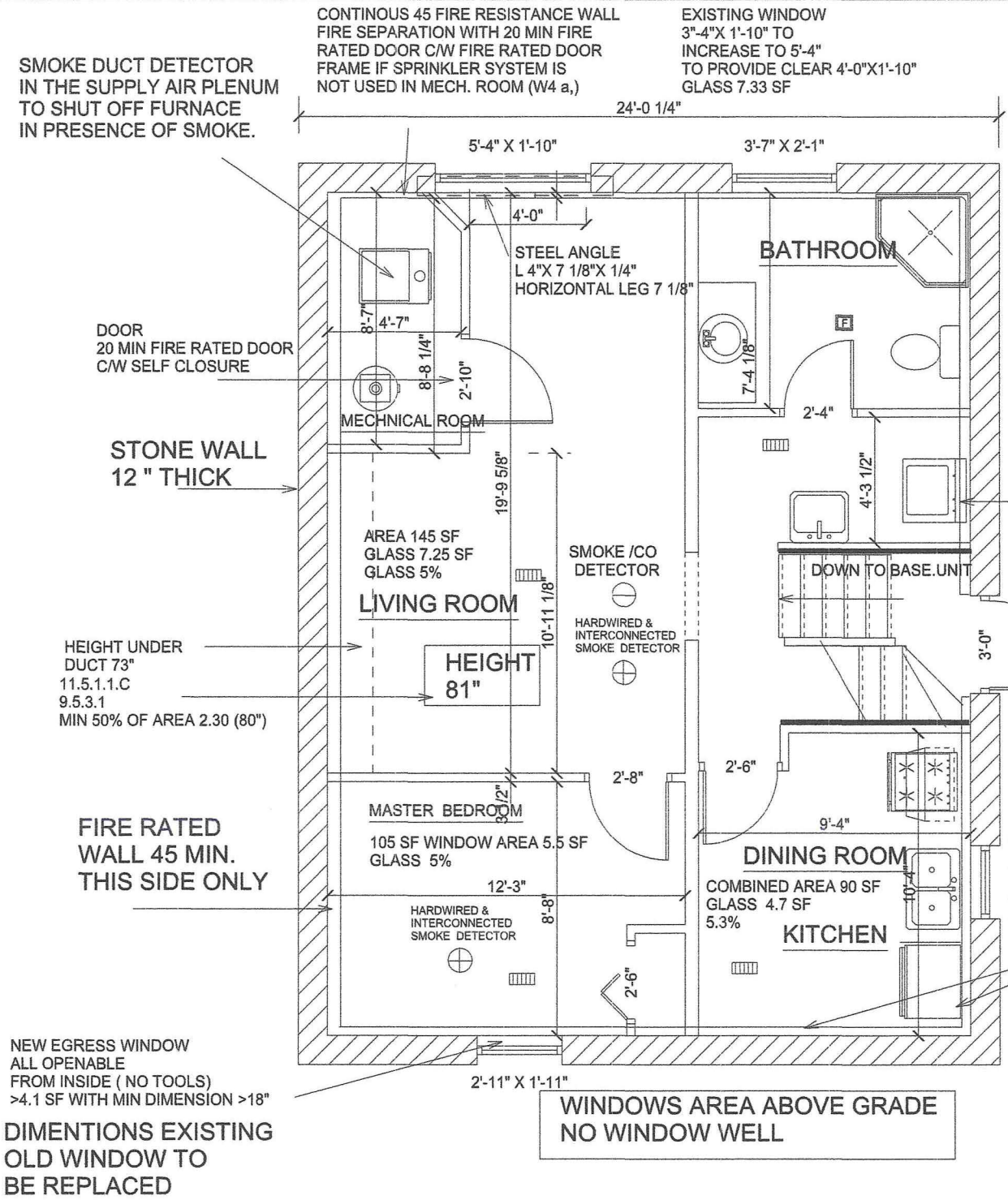
1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm 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.





ENG. SERVICES KITCHENER	45 FORBES GUELPH		
	SITE PLAN		
Scale 1:100	Date: MAY.2017	Drawing # 1	
DRAWN BY R.G.			

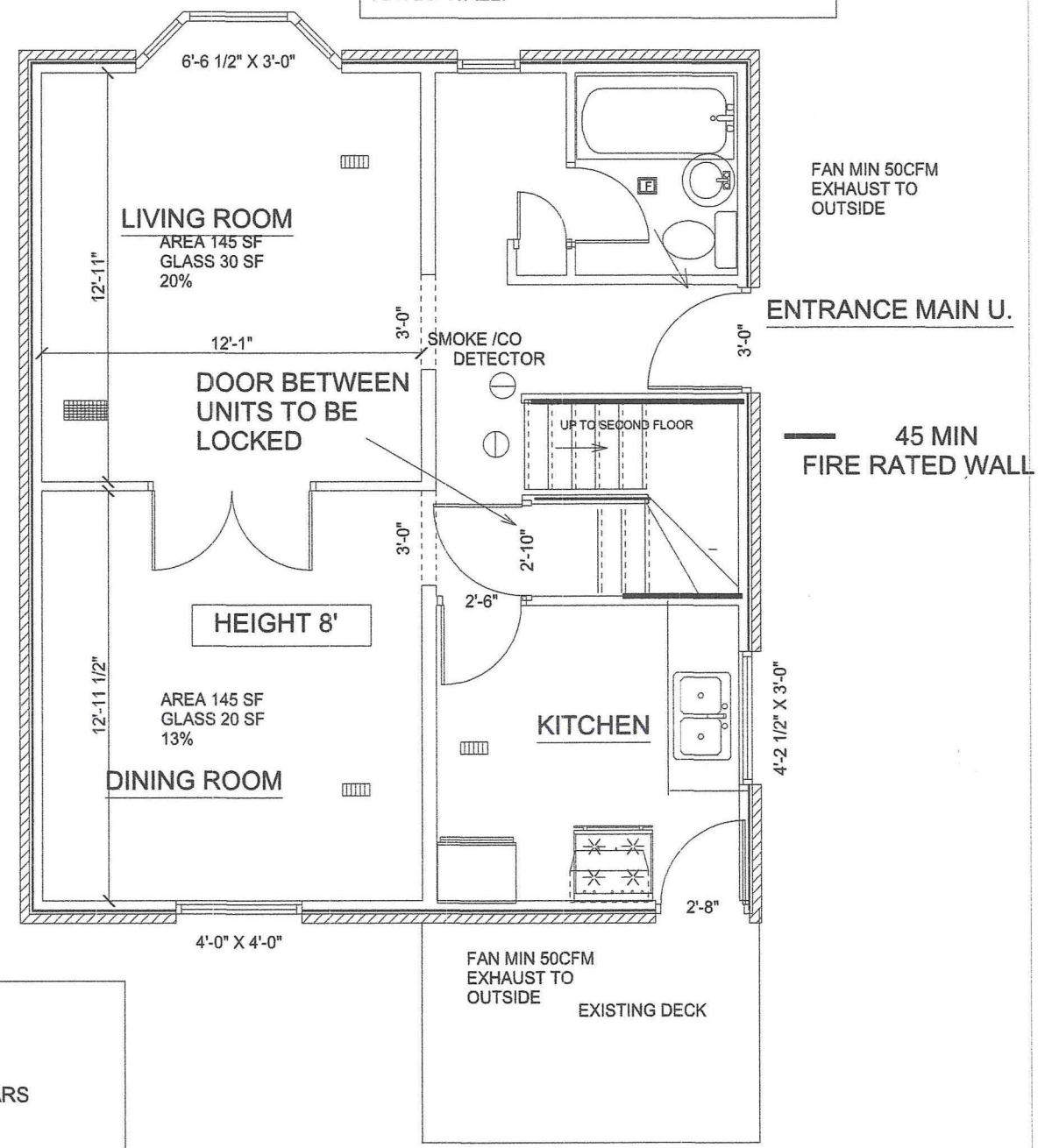




W5 (45 MIN)  
38MM X 89MM (2"X4") WOOD STUDS SPACED 406MM (16") OR 610MM (24") O.C.  
89MM (3-1/2") THICK ABSORPTIVE MATERIAL(4)  
RESILIENT METAL CHANNELS ON ONE SIDE SPACED 406MM (16") OR 610MM (24") O.C.  
1 LAYER OF 15.9MM (5/8") TYPE X GYPSUM BOARD(5) ON RESILIENT METAL CHANNEL SIDE  
2 LAYERS OF 15.9MM (5/8") TYPE X GYPSUM BOARD(5) ON OTHER SIDE  
NOTE:  
12.7MM (1/2") TYPE X GYPSUM BOARD(5) MAY BE USED IN LIEU OF 15.9MM (5/8") TYPE X GYPSUM BOARD(5) WITH STUDS SPACED 610MM (24") O.C. ONLY

F5C 60 MIN  
SUBFLOOR OF 15.5 MM  
WOOD JOISTS 2X10 @16"OC  
ABSORPTIVE MATERIALS  
(FIBER PROCESSED FROM  
ROCK THICKNESS 90 MM)  
METAL FURRING CHANNELS  
@ 16 OC. 2 LAYERS 12.7 MM  
TYPE X GYPSUM BOARD

MAIN FLOOR PROPOSED  
1- CREATE A ROOM FOR STACKABLE WASHER AND DRYER  
2- REMOVE EXITING DOOR BETWEEN TWO UNITS AND REPLACE IT WITH 45 MIN FIRE RATED WALL.

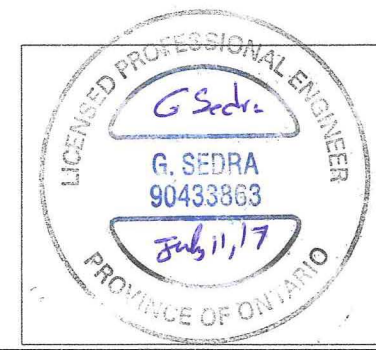


BASEMENT (PROPOSED)  
CREATE A SECOND UNIT  
1-FLOOR/ CEILING 60 MIN FIRE RATED C/W RESILIENT CHANLES AND SOUND BARRIER 50 ( HOUSE OLDER THAN 5 YEARS  
  
2- FURNACE ROOM CONTINUOUS 45 FIRE SEPARATION WITH 20 MIN FIRE RATED DOOR C/W FIRE RATED DOOR FRAME OR SPRINKLER HEAD  
3- ONE EGRESS WINDOW

MAIN FLOOR PLAN UNIT 1

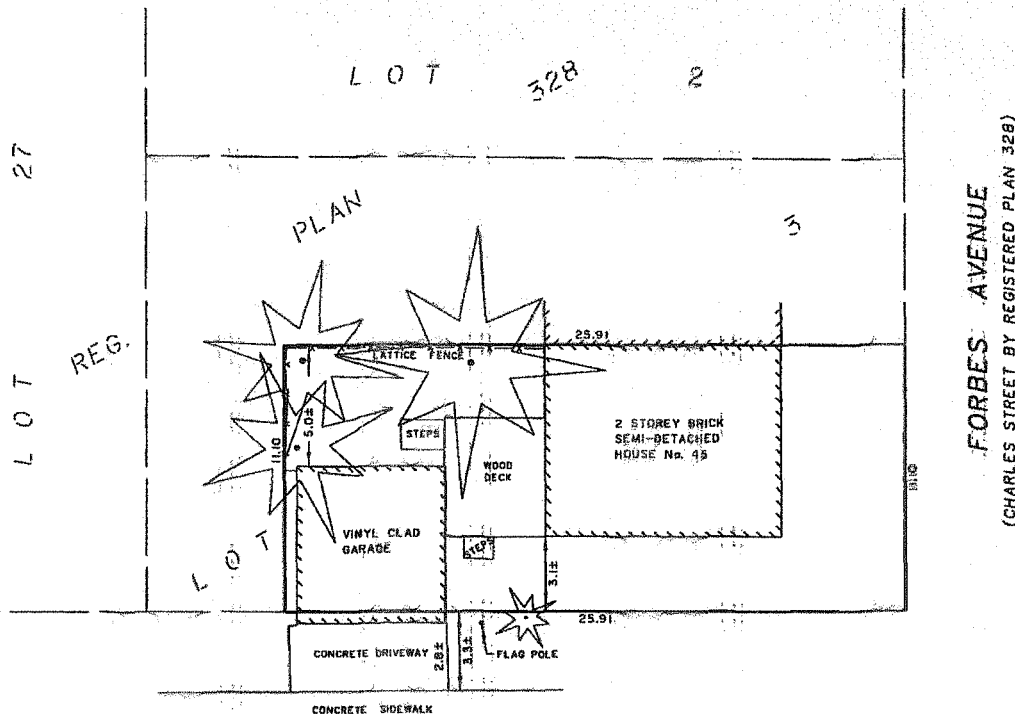
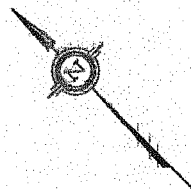
GS ENGINEERING SERVICES  
222 HAWKSWOOD DR.  
KITCHENER, ON  
(519) 571- 7361  
george.sedra@hotmail.com  
C of A # 100143501

NET AREA  
MAIN UNIT FLOOR 1472 SF  
BASEMENT UNIT 736 SF



45 FORBES GUELPH		
FLOOR PLANS		
Scale 3/16"=1'	Date: MAY, 2017	Drawing # 1
DRAWN BY R. G		

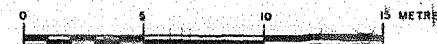
City of Guelph



MARTIN AVENUE  
(ANN STREET BY REGISTERED PLAN 328)

## SKETCH TO ILLUSTRATE

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. LOT DIMENSIONS ARE AS SHOWN ON PLAN BY 1155, PROJECT No. 84-5689, DATED SEPT. 6/84 AND HAVE NOT BEEN VERIFIED BY SURVEY.

2. 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.

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

KERRY M. HILLIS  
ONTARIO LAND SURVEYOR

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BLACK, SHOEMAKER, ROBINSON & DONALDSON  
LIMITED

**BSRD**  
&

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

WWW.BSRD.COM

351 Speedvale Avenue West  
Guelph, Ontario N1H 1C6

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

DATE: MAY 24, 2017

DM

PROJECT 17-14-394-00



# COMMITTEE OF ADJUSTMENT APPLICATION FOR CONSENT



Consultation with City staff is encouraged prior to submission of this application.

## OFFICE USE ONLY

Date Received: July 11, 2017 Application #:

Application deemed complete:

☒ Yes ☐ No

B-9/17

## TO BE COMPLETED BY APPLICANT

## PART 1

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: 58 Glenholm Drive

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

Lot 3, Plan 820; Pt. Lot 1 East of the Blind Line, RP 131 (Part 1 on Plan 61R-10800 & Parts 1 and 2, Plan 61R-10340)

Are there any easements, rights-of-ways or restrictive covenants affecting the subject land?

☐ No ☒ Yes

If yes, describe: Easement to City of Guelph for turning circle (LT59283)

Are the lands subject to any mortgages, easements, right-of-ways or other charges:

☐ No ☒ Yes

If yes, explain: City has easement over south side of Glenholm Drive for turning circle (LT28953)

## OWNER(S) INFORMATION:

Name: Kenneth William Spira and Carol Spira

Mailing Address: 58 Glenholm Drive

City: Guelph

Postal Code: N1H 6H8

Home Phone: 519-836-1568

Work Phone: 519-823-1150

Fax:

Email:

ken@spira.ca

## AGENT INFORMATION (If Any)

Name: Nancy Shoemaker

Company: Black, Shoemaker, Robinson & Donaldson Limited

Mailing Address: 351 Speedvale Avenue West

City: Guelph, Ontario

Postal Code: N1H 1C6

Home Phone:

Work Phone:

519-822-4031

Fax: 519-822-1220

Email:

nancy@bsrd.com

**PURPOSE OF APPLICATION (please check appropriate space):**

- ☒ Creation of a New Lot
 ☐ Easement
 ☐ Right-of-Way  
☐ Charge / Discharge
 ☐ Correction of Title
 ☐ Lease  
☐ Addition to a Lot (submit deed for the lands to which the parcel will be added)
 ☐ Other: Explain
- \_\_\_\_\_
- \_\_\_\_\_

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

**DESCRIPTION OF LAND INTENDED TO BE SEVERED – PART 1**

Frontage / Width: (m) <b>6.71</b>	Depth (m) <b>110.34</b>	Area: (m <sup>2</sup> ) <b>5,500</b>	Existing Use: <b>Vacant land</b>	Proposed Use: <b>Single Detached Residential Dwelling</b>
Existing Buildings/Structures: <b>Foundation, well &amp; septic</b>			Proposed Buildings / Structures: <b>Residential Dwelling</b>	
Use of Existing Buildings/Structures (specify): <b>Vacant Land</b>			Proposed Use of Buildings/Structures (specify): <b>Residential</b>	

**DESCRIPTION OF LAND INTENDED TO BE RETAINED – PART 4**

Frontage / Width: (m) <b>14.97</b>	Depth (m) <b>135.59</b>	Area: (m <sup>2</sup> ) <b>5,300</b>	Existing Use: <b>Single Detached Residential Dwelling</b>	Proposed Use: <b>Same</b>
Existing Buildings/Structures: <b>House, detached garage and swimming pool, well &amp; septic</b>			Proposed Buildings / Structures: <b>No new building proposed</b>	
Use of Existing Buildings/Structures (specify): <b>Residential</b>			Proposed Use of Buildings/Structures (specify): <b>Same</b>	

**TYPE OF ACCESS TO THE RETAINED LANDS**

- ☐ Provincial Highway
 ☒ Municipal Road  
☐ Private Road
 ☐ Right-of-Way  
☐ Other (Specify)

**TYPE OF ACCESS TO THE SEVERED LANDS**

- ☐ Provincial Highway
 ☒ Municipal Road  
☐ Private Road
 ☐ Right-of-Way  
☐ Other (Specify)

**TYPE OF WATER SUPPLY TO THE RETAINED LANDS**

- ☐ Municipally owned and operated
 ☒ Privately Owned Well  
☐ Other (Specify)

**TYPE OF WATER SUPPLY TO THE SEVERED LANDS**

- ☐ Municipally owned and operated
 ☒ Privately Owned Well  
☐ Other (Specify)

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

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

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

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

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

☐ No

☒ Yes

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

☒ No

☐ Yes

### **LAND USE**

What is the land use designation of the site in the Official Plan? Glenholm Estate 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? Specialized Single Detached Residential (R.1A-5)

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

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.: B-1/08 Status: approved as a lot addition

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.

c)

### **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"/>	<u>By-law Number (2017)-20191 on circulation</u>
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"/>	
Minor Variance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



**MUNICIPAL FREEDOM OF INFORMATION DECLARATION:**

In submitting this development application and supporting document, the owner/authorized agent), hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

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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.

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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.



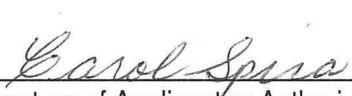
Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

**AFFIDAVIT**

I/We, Kenneth William Spira & Carol Spira of the City of Guelph in the 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.

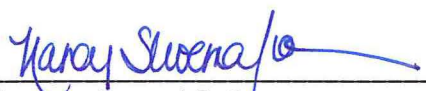
  
Signature of Applicant or Authorized Agent

  
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 11th day of July, 2017.

  
Commissioner of Oaths

Nancy Corinne Shoemaker, a Commissioner, etc.,  
Province of Ontario, for Black, Shoemaker,  
Robinson & Donaldson Limited.  
Expires September 16, 2017.

(official stamp of Commissioner of Oaths)

## APPOINTMENT AND AUTHORIZATION

I / We, the undersigned,

**Kenneth William Spira and Carol Spira**

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

being the registered property owner(s) of

**58 Glenholm Drive**

\_\_\_\_\_  
(Legal description and/or municipal address)

hereby authorize

**Black, Shoemaker, Robinson & Donaldson Limited**

\_\_\_\_\_  
(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 11th day of July 2017.

  
\_\_\_\_\_  
(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 CONSENT



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>July 11, 2017</u>	Application #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>B-10/17</u>

## TO BE COMPLETED BY APPLICANT

## PART 2

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.

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If yes, describe: Easement to City of Guelph for turning circle (LT59283)

Are the lands subject to any mortgages, easements, right-of-ways or other charges:

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If yes, explain: City has easement over south side of Glenholm Drive for turning circle (LT28953)

### OWNER(S) INFORMATION:

Name: Kenneth William Spira and Carol Spira

Mailing Address: 58 Glenholm Drive

City: Guelph

Postal Code: N1H 6H8

Home Phone: 519-836-1568

Work Phone: 519-823-1150

Fax:

Email: ken@spira.ca

### AGENT INFORMATION (If Any)

Name: Nancy Shoemaker

Company: Black, Shoemaker, Robinson & Donaldson Limited

Mailing Address: 351 Speedvale Avenue West

City: Guelph, Ontario

Postal Code: N1H 1C6

Home Phone:

Work Phone: 519-822-4031

Fax: 519-822-1220

Email: nancy@bsrd.com

**PURPOSE OF APPLICATION (please check appropriate space):**

- ☒ Creation of a New Lot
 ☐ Easement
 ☐ Right-of-Way  
☐ Charge / Discharge
 ☐ Correction of Title
 ☐ Lease  
☐ Addition to a Lot (submit deed for the lands to which the parcel will be added)
 ☐ Other: Explain
- \_\_\_\_\_
- \_\_\_\_\_

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

**DESCRIPTION OF LAND INTENDED TO BE SEVERED – PART 2**

Frontage / Width: (m) <b>6.71</b>	Depth (m) <b>52.16</b>	Area: (m <sup>2</sup> ) <b>4,300</b>	Existing Use: <b>Vacant land</b>	Proposed Use: <b>Single Detached Residential Dwelling</b>
Existing Buildings/Structures: <b>None</b>			Proposed Buildings / Structures: <b>Residential Dwelling</b>	
Use of Existing Buildings/Structures (specify): <b>Vacant Land</b>			Proposed Use of Buildings/Structures (specify): <b>Residential</b>	

**DESCRIPTION OF LAND INTENDED TO BE RETAINED – PART 4**

Frontage / Width: (m) <b>14.97</b>	Depth (m) <b>135.59</b>	Area: (m <sup>2</sup> ) <b>5,300</b>	Existing Use: <b>Single Detached Residential Dwelling</b>	Proposed Use: <b>Same</b>
Existing Buildings/Structures: <b>House, detached garage and swimming pool, well &amp; septic</b>			Proposed Buildings / Structures: <b>No new building proposed</b>	
Use of Existing Buildings/Structures (specify): <b>Residential</b>			Proposed Use of Buildings/Structures (specify): <b>Same</b>	

**TYPE OF ACCESS TO THE RETAINED LANDS**

- ☐ Provincial Highway
 ☒ Municipal Road  
☐ Private Road
 ☐ Right-of-Way  
☐ Other (Specify)

**TYPE OF ACCESS TO THE SEVERED LANDS**

- ☐ Provincial Highway
 ☒ Municipal Road  
☐ Private Road
 ☐ Right-of-Way  
☐ Other (Specify)

**TYPE OF WATER SUPPLY TO THE RETAINED LANDS**

- ☐ Municipally owned and operated
 ☒ Privately Owned Well  
☐ Other (Specify)

**TYPE OF WATER SUPPLY TO THE SEVERED LANDS**

- ☐ Municipally owned and operated
 ☒ Privately Owned Well  
☐ Other (Specify)

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

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

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

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

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

☐ No

☒ Yes

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

☒ No

☐ Yes

### **LAND USE**

What is the land use designation of the site in the Official Plan? Glenholm Estate 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? Specialized Single Detached Residential (R.1A-5)

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

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.: B-1/08 Status: approved as a lot addition

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.

c)

### **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"/>	<u>By-law Number (2017)-20191 on circulation</u>
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"/>	
Minor Variance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



**MUNICIPAL FREEDOM OF INFORMATION DECLARATION:**

In submitting this development application and supporting document, the owner/authorized agent), hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the 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.



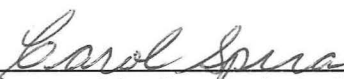
Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

**AFFIDAVIT**

I/We, Kenneth William Spira & Carol Spira of the City of Guelph in the 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.

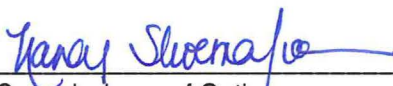
  
Signature of Applicant or Authorized Agent

  
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 11th day of July, 2017.

  
Commissioner of Oaths

Nancy Corinne Shoemaker, a Commissioner, etc.,  
Province of Ontario, for Black, Shoemaker,  
Robinson & Donaldson Limited.  
Expires September 16, 2017.

(official stamp of Commissioner of Oaths)

## APPOINTMENT AND AUTHORIZATION

I / We, the undersigned,

**Kenneth William Spira and Carol Spira**

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

being the registered property owner(s) of

**58 Glenholm Drive**

\_\_\_\_\_  
(Legal description and/or municipal address)

hereby authorize

**Black, Shoemaker, Robinson & Donaldson Limited**

\_\_\_\_\_  
(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 11th day of July 2017.

  
\_\_\_\_\_  
(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 CONSENT



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>July 11, 2017</u>	Application #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>B-11/17</u>

## TO BE COMPLETED BY APPLICANT

## PART 3

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: 58 Glenholm Drive

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

Lot 3, Plan 820; Pt. Lot 1 East of the Blind Line, RP Plan 131 ( Part 1 on Plan 61R-10800 & Parts 1 and 2, Plan 61R-10340)

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

If yes, describe: Easement to City of Guelph for turning circle (LT59283)

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

If yes, explain: City has easement over south side of Glenholm Drive for turning circle (LT28953)

### OWNER(S) INFORMATION:

Name: Kenneth William Spira and Carol Spira

Mailing Address: 58 Glenholm Drive

City: Guelph Postal Code: N1H 6H8

Home Phone: 519-836-1568 Work Phone: 519-823-1150

Fax: \_\_\_\_\_ Email: ken@spira.ca

### AGENT INFORMATION (If Any)

Name: Nancy Shoemaker

Company: Black, Shoemaker, Robinson & Donaldson Limited

Mailing Address: 351 Speedvale Avenue West

City: Guelph, Ontario Postal Code: N1H 1C6

Home Phone: \_\_\_\_\_ Work Phone: 519-822-4031

Fax: 519-822-1220 Email: nancy@bsrd.com

**PURPOSE OF APPLICATION (please check appropriate space):**

- ☒ Creation of a New Lot
 ☐ Easement
 ☐ Right-of-Way  
☐ Charge / Discharge
 ☐ Correction of Title
 ☐ Lease  
☐ Addition to a Lot (submit deed for the lands to which the parcel will be added)
 ☐ Other: Explain
- \_\_\_\_\_
- \_\_\_\_\_

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

**DESCRIPTION OF LAND INTENDED TO BE SEVERED – PART 3**

Frontage / Width: (m) <b>14.97</b>	Depth (m) <b>135.59</b>	Area: (m <sup>2</sup> ) <b>16,800</b>	Existing Use: <b>garage and workshop associated with residential dwelling at 58 Glenholm Drive</b>	Proposed Use: <b>Single Detached Residential Dwelling and free standing garage</b>
Existing Buildings/Structures: <b>Free standing metal clad garage and freestanding workshop, well &amp; septic</b>			Proposed Buildings / Structures: <b>Residential Dwelling + existing buildings</b>	
Use of Existing Buildings/Structures (specify): <b>garage and workshop</b>			Proposed Use of Buildings/Structures (specify): <b>Residential + garage</b>	

**DESCRIPTION OF LAND INTENDED TO BE RETAINED – PART 4**

Frontage / Width: (m) <b>40.17</b>	Depth (m) <b>135.59</b>	Area: (m <sup>2</sup> ) <b>5,300</b>	Existing Use: <b>Single Detached Residential Dwelling</b>	Proposed Use: <b>Same</b>
Existing Buildings/Structures: <b>House, detached garage and swimming pool, well &amp; septic</b>			Proposed Buildings / Structures: <b>No new building proposed</b>	
Use of Existing Buildings/Structures (specify): <b>Residential</b>			Proposed Use of Buildings/Structures (specify): <b>Same</b>	

**TYPE OF ACCESS TO THE RETAINED LANDS**

- ☐ Provincial Highway
 ☒ Municipal Road  
☐ Private Road
 ☐ Right-of-Way  
☐ Other (Specify)

**TYPE OF ACCESS TO THE SEVERED LANDS**

- ☐ Provincial Highway
 ☒ Municipal Road  
☐ Private Road
 ☐ Right-of-Way  
☐ Other (Specify)

**TYPE OF WATER SUPPLY TO THE RETAINED LANDS**

- ☐ Municipally owned and operated
 ☒ Privately Owned Well  
☐ Other (Specify)

**TYPE OF WATER SUPPLY TO THE SEVERED LANDS**

- ☐ Municipally owned and operated
 ☒ Privately Owned Well  
☐ Other (Specify)

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

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

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

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

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

☐ No

☒ Yes

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

☒ No

☐ Yes

### LAND USE

What is the land use designation of the site in the Official Plan? Glenholm Estate 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? Specialized Single Detached Residential (R.1A-5)

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

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: \_\_\_\_\_

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FILE No.: B-1/08 Status: approved as a lot addition

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Building Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Minor Variance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



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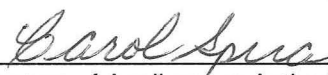
Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

**AFFIDAVIT**

I/We, Kenneth William Spira & Carol Spira of the City of Guelph in the 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

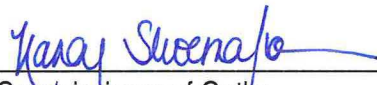
  
Signature of Applicant or Authorized Agent

**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 11th day of July, 2017.

Nancy Corinne Shoemaker, a Commissioner, etc.,  
Province of Ontario, for Black, Shoemaker,  
Robinson & Donaldson Limited.  
Expires September 16, 2017.

  
Commissioner of Oaths

(official stamp of Commissioner of Oaths)

## APPOINTMENT AND AUTHORIZATION

I / We, the undersigned,

**Kenneth William Spira and Carol Spira**

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

being the registered property owner(s) of

**58 Glenholm Drive**

\_\_\_\_\_  
(Legal description and/or municipal address)


hereby authorize

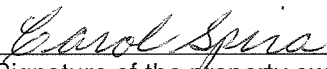
**Black, Shoemaker, Robinson & Donaldson Limited**

\_\_\_\_\_  
(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 11th day of July 2017.

  
\_\_\_\_\_  
(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.





351 Speedvale Avenue West  
Guelph, Ontario N1H 1C6

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

July 11, 2017

Project: 13-9671

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

Attention: Trista Di Lullo

**Re: Applications for Consent  
58 Glenholm Drive  
Lot 3, Plan 820; Pt. Lot 1 East of the Blind Line, RP 131  
(Part 1 on Plan 61R-10800 & Parts 1 and 2, Plan 61R-10340)  
Owner: Kenneth William Spira and Carol Spira**

---

Please find enclosed 3 completed "Applications for Consent" for the above-noted property and a cheque in the amount of \$4,677.00 payable to the City of Guelph to cover the processing fees associated with these applications. Also attached is a sketch illustrating the proposed retained and severed parcels.

This property is currently located within the Residential R.1A-5 Zone and was recently the subject of a zone change application processed under File ZC1608. The implementing By-law is currently on circulation as By-law Number (2017) - 20191

The application will result in the creation of 3 single detached residential lots at the westerly end of Glenholm Drive. The lots have been created in accordance with the "Glenholm Estate Residential" policies implemented through Official Plan Amendment 54. The implementing by-law set out regulations for the development of these lots. The attached plan creating three new lots and the retained property has been developed in accordance with the special provisions set out in the Official Plan and Zoning By-law.

Should you require any additional information in support of this application, please call me.

Yours very truly

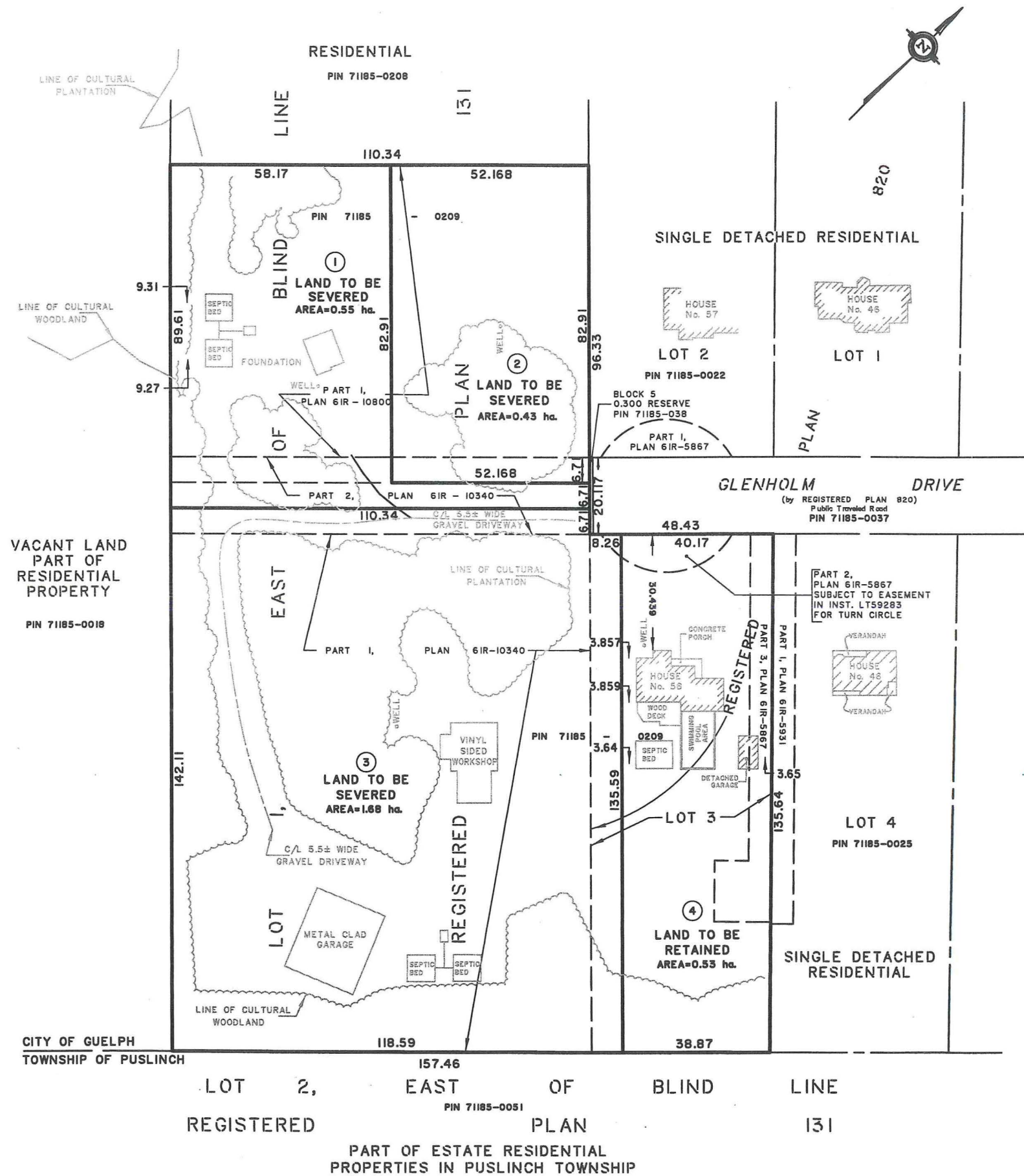
**BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED**

A handwritten signature in blue ink, appearing to read 'Nancy Shoemaker'.

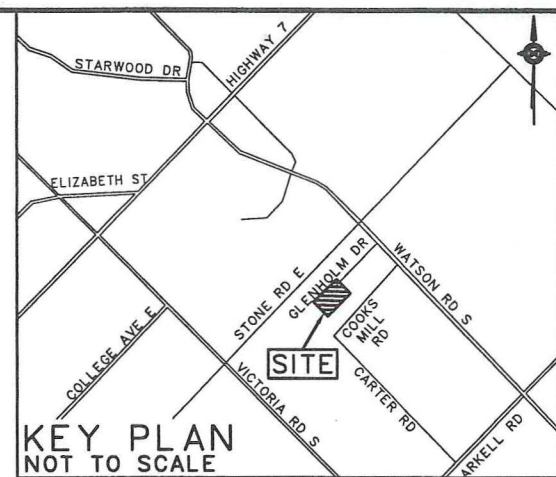
**Nancy Shoemaker, B.A.A., M.C.I.P., R.P.P.**

Attachments

Copy: Kenneth William Spira and Carol Spira



SCHEDULE OF PARTS		
PART No.	LOT FRONTAGE (m)	LOT AREA (Ha)
①	6.71	0.55±
②	6.71	0.43±
③	14.97	1.68±
④	40.17	0.53±



SKETCH  
PREPARED FOR CONSENT APPLICATION  
CITY OF GUELPH  
COUNTY OF WELLINGTON



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. BOUNDARY INFORMATION AND AREAS SHOWN ON THIS SKETCH HAVE BEEN COMPILED FROM A COMBINATION OF REGISTRY OFFICE RECORDS AND VARIOUS SURVEYS AND IS SUBJECT TO VERIFICATION BY A COMPLETE UP-TO-DATE FIELD SURVEY.

THIS SKETCH WAS PREPARED FOR  
SPIRA FIRE PROTECTION  
AND THE UNDERSIGNED ACCEPTS NO  
RESPONSIBILITY FOR USE BY OTHER PARTIES.

*[Signature]*  
IAN D. ROBINSON  
ONTARIO LAND SURVEYOR

© COPYRIGHT 2017: REPRODUCTION, DISTRIBUTION OR ALTERATION OF THIS PLAN, IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED IS STRICTLY PROHIBITED.

BLACK, SHOEMAKER, ROBINSON & DONALDSON  
LIMITED

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

351 Speedvale Avenue West  
Guelph, Ontario N1H 1C6  
FAX: (519) 822-1220  
TEL: (519) 822-4031

DATE: JULY 5, 2017      SG      PROJECT 13-9671-3



# 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>July 11, 2017</u>	Folder #: <u>A-33/17</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: 96 HARRIS STREET, GUELPH N1E 5T1 ~~N1H 3V1~~

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

PLAN 322 LOT 155 & 156

### OWNER(S) INFORMATION:

Name: MISHA WEE ARMOUR

Mailing Address: 211 BRISTOL STREET

City: GUELPH Postal Code: N1H 3M3

Home Phone: 519 400 4448 Work Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: misha.weearmour@hotmail.com

### AGENT INFORMATION (If Any)

Company: \_\_\_\_\_

Name: Hock Wee

Mailing Address: 129-B Woolwich Dr.

City: Guelph Postal Code: N1H 3V1

Work Phone: \_\_\_\_\_ Mobile Phone: 519 760 3441

Fax: \_\_\_\_\_ Email: hockwee@rogers.com



Official Plan Designation:

General Residential

Current Zoning Designation:

R.1B-10.

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

- 1) NO INTERIOR ACCESS BETWEEN THE EXISTING ACCESSORY APARTMENT AND THE HOST DWELLING UNIT.
  - 2) PERMISSION TO REDUCE THE SIZE OF 1 OF 3 REQUIRED PARKING SPACES FROM 5.5m LONG TO 4.3m LONG TO FIT WITHIN PROPERTY LINES. (4.13.3.2.2)
  - 3) PERMISSION TO PLACE 1 PARKING SPACE AT 0.0m SETBACK & THE TWO FULL SIZED SPACES AT A SETBACK OF 4.182m (SAME AS FRONT YARD). (4.13.2.1)
- \* REFER TO SITE PLAN FOR DETAILS OF PROPOSED PARKING LAYOUT.

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

- 1) THERE IS NO ADJOINING WALL WITHOUT A KITCHEN OR BATHROOM OR STAIRWELL BETWEEN.
- 2) CONSTRUCTING 3 PARKING SPACES WOULD:
  - 1) Reduce the main entrance to the apartment in a detrimental manner. (See Attached Folder)
  - 2) Lower the security of the apartment Tenant
  - 3) Remove an important patio and garden area and thus diminish the quality of the apartment.

## PROPERTY INFORMATION

Date property was purchased:	Oct 26 2007	Date property was first built on:	
Date of proposed construction on property:	N/A	Length of time the existing uses of the subject property have continued:	SINCE CONSTRUCTION & BEFORE THE PURCHASE DATE

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

RESIDENTIAL

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

—

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

Frontage: 15.22 m

Depth: 33.52m

Area: 510.3 m<sup>2</sup>

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
<b>Main Building</b>			<b>Main Building</b>		
Gross Floor Area:	116.78 sq. meters		Gross Floor Area:		
Height of building:	10.6 m		Height of building:		
<b>Garage/Carport (if applicable)</b>			<b>Garage/Carport (if applicable)</b>		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:			Width:		
Length:			Length:		
Driveway Width:			Driveway Width:		
<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>			<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>		
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:	4.1 m		M	Front Yard Setback:	M		
Exterior Side Yard (corner lots only)	N/A		M	Exterior Side Yard (corner lots only)	M		
Side Yard Setback:	Left: 3.9	M	Right: 2.04	M	Side Yard Setback:	Left: M	Right: M
Rear Yard Setback	17.45		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 checked="" 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, Hock Wee, 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

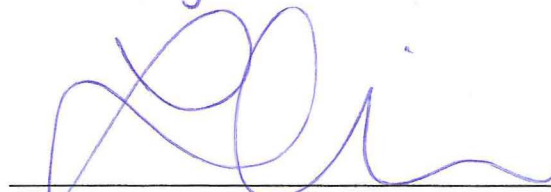
\_\_\_\_\_  
Signature of Applicant or Authorized Agent

**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 11 day of July, 2017.

  
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)

## APPOINTMENT AND AUTHORIZATION

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

MISHA WEE ARATKUR  
[Organization name / property owner's name(s)]

of \_\_\_\_\_  
(Legal description and/or municipal address)

hereby authorize HOUK WEE  
(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 July 2017.

[Signature] \_\_\_\_\_  
(Signature of the property owner)

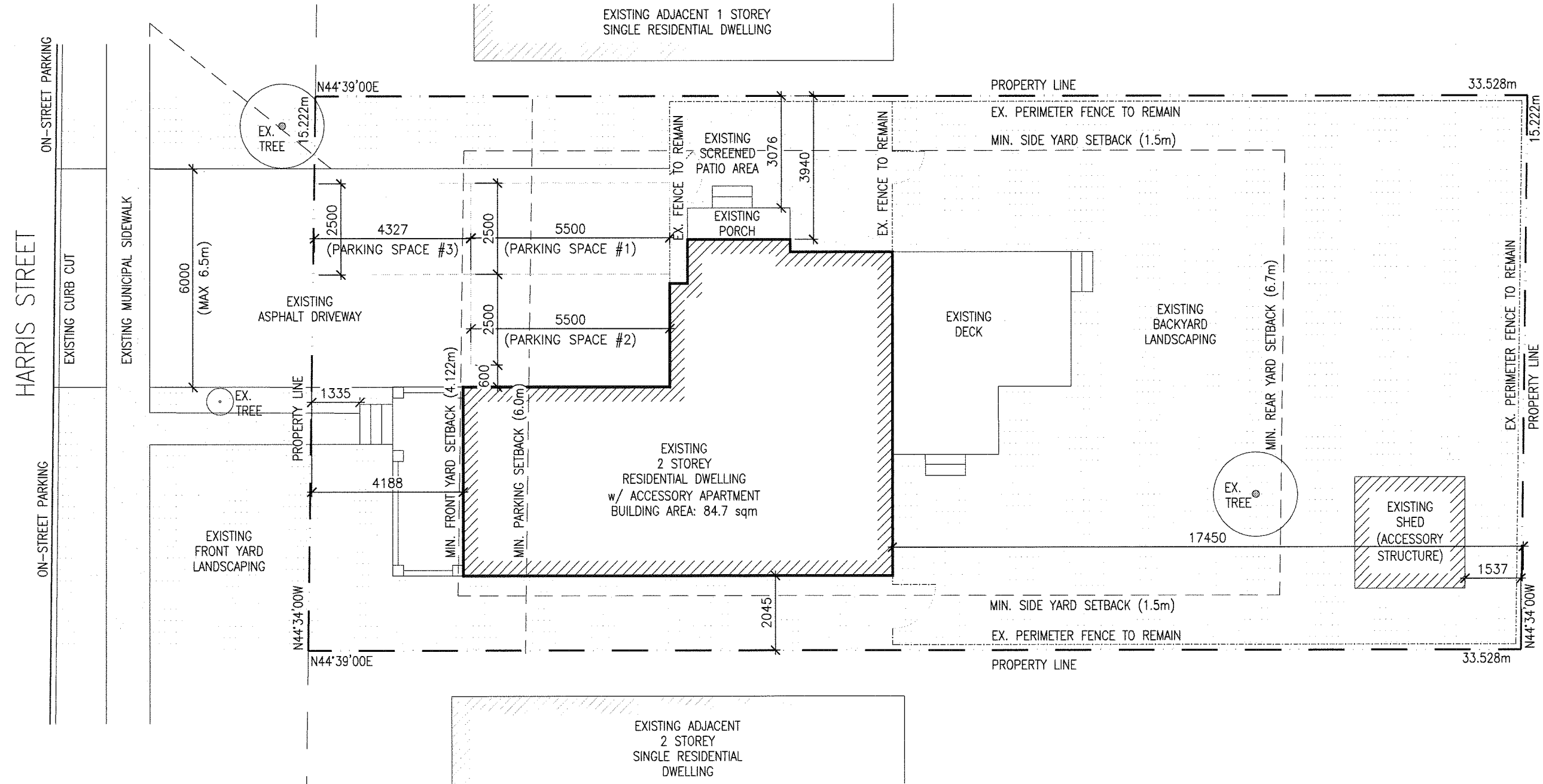
\_\_\_\_\_  
(Signature of the property owner)

### 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.

REGULATION	REQUIRED/PERMITTED	PROPOSED/PROVIDED	CONFORMS
SITE DATA (ZONE: R.1B-10)			
LOT FRONTAGE	15.0m MIN	15.2 m	Y
SITE AREA	450sm MIN	510 sm	Y
BUILDING HEIGHT	3 STOREYS	2 Storeys	Y
BUILDING SETBACKS			
FRONT YARD SETBACK	AVERAGE OF THE SETBACKS OF THE ADJACENT PROPERTIES (5.1.2.7) = 4.122m	4.188 m	Y
FRONT LANDSCAPE BUFFER	0.5m	1.335 m	Y
INTERIOR SIDE YARD SETBACK (NORTH)	3.0m (PER 5.1.2.1, ONE SIDE YARD TO BE INCREASED)	3.94 m	Y
INTERIOR SIDE YARD SETBACK (SOUTH)	1.5m	2.045 m	Y
REAR YARD SETBACK	20% OF LOT DEPTH = 33.528m x 20% = 6.7m	17.45 m	Y
ACCESSORY STRUCUTRE	0.6m REAR YARD SETBACK (MAX COVERAGE = 30% OF YARD)	1.537 m & 20% Coverage	Y

PARKING DATA			
OFF STREET PARKING			
PARKING REQUIRED	(SINGLE DETACHED WITH ACCESSORY APARTMENT = 3.0 SPACES	3 SPACES	Y
DRIVEWAY WIDTH	3.0m MIN/6.5m MAX	5.049 m	Y
OFF STREET PARKING SIZE	2.5m x 5.5m	2.5m x 5.5m for 2 spaces, 2.5m x 4.3m for 1 space	Y N
OFF STREET PARKING LOCATION	6.0m SETBACK	4.188m (SAME AS FRONT YARD SETBACK) FOR TYPICAL SPACES. 0.0m FOR REDUCED SIZE SPACE	N
	TO THE REAR OF THE FRONT WALL OF THE MAIN BUILDING	TO THE REAR OF FRONT WALL	Y



NO.	DATE	REVISIONS
01	2017.04.11	CofA APP
02	2017.07.11	CofA APP

96 HARRIS ST  
GUELPH, ON

SCALE: 1:125  
DATE: 27-Jun-2017

SITE PLAN

SP-01



GENERAL NOTES:

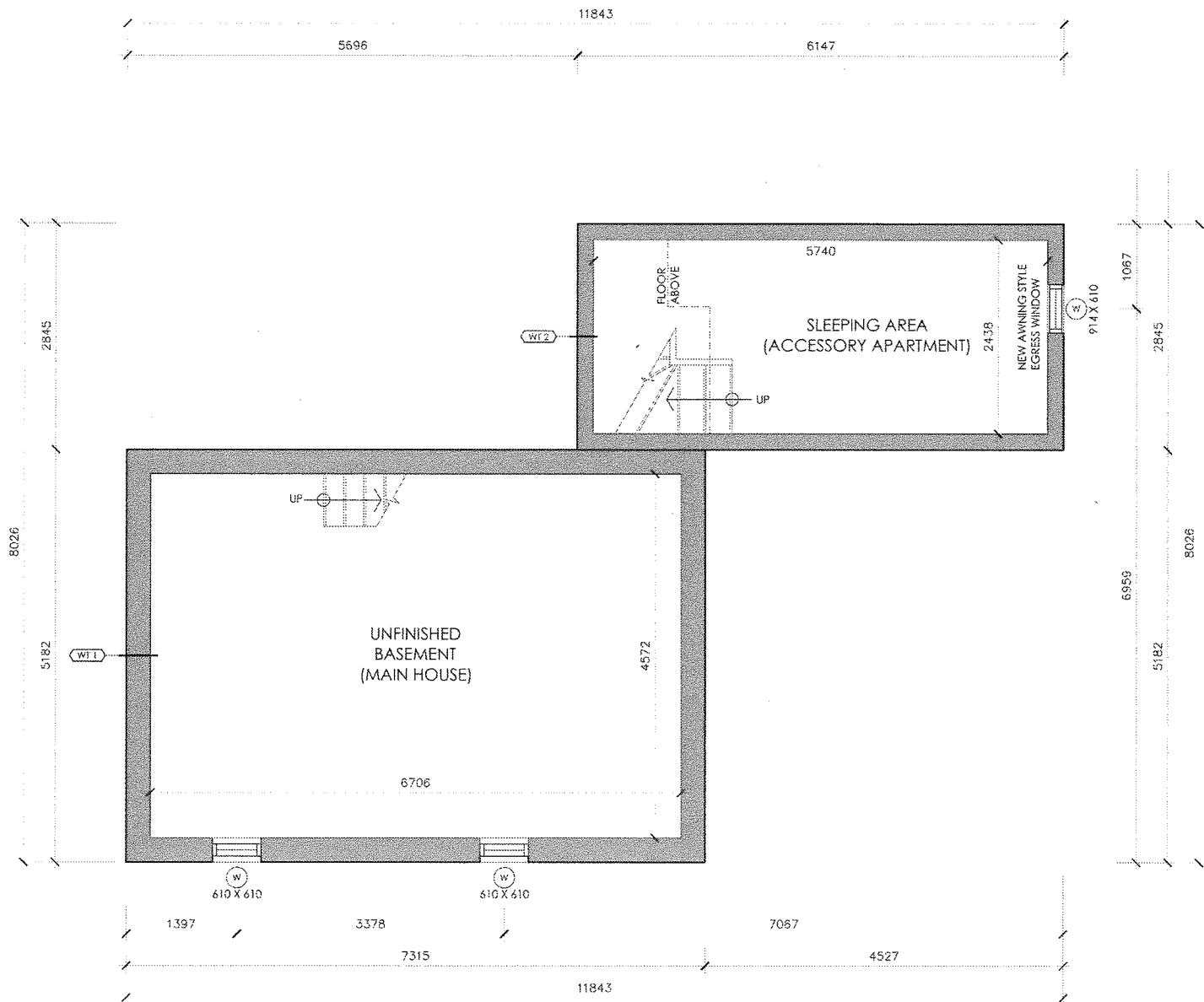
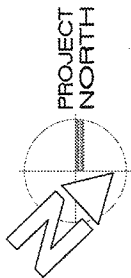
1. ALL MEASUREMENTS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE
2. EVERYTHING COVERED IN THIS PACKAGE (A1.1-A1.3) IS EXISTING

SYMBOL LEGEND:

- WT 1 WALL TYPE TAG
- W1 WINDOW TAG (WIDTH X HEIGHT)  
610 X 610
- D-804 DOOR TAG (D-WIDTH OF DOOR)

EXTERIOR WALL TYPE LEGEND:

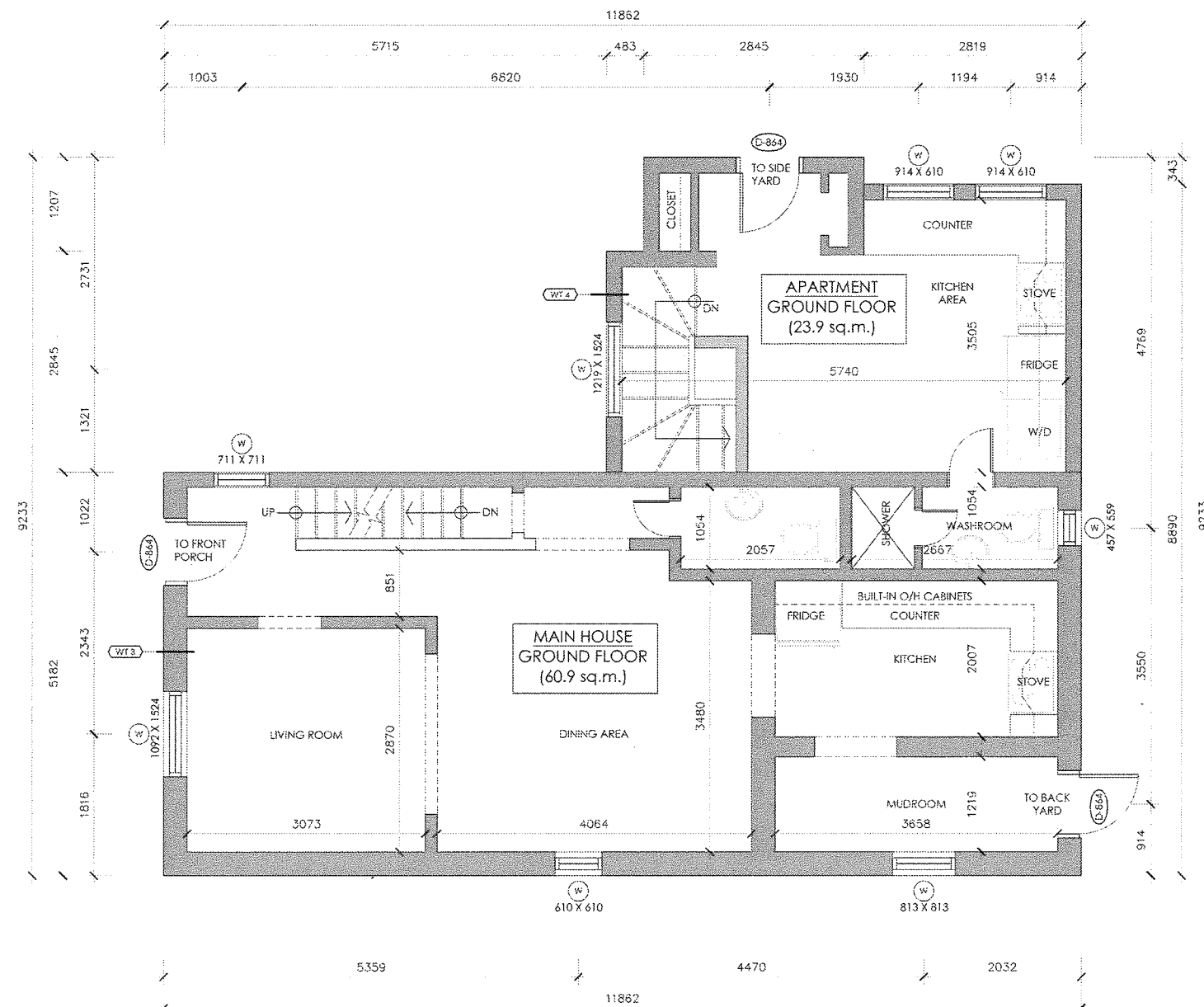
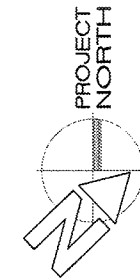
- WT 1  
ESTIMATED EXISTING WALL TYPE 1:  
- 12" POURED CONCRETE FOUNDATION WALL
- WT 2  
ESTIMATED EXISTING WALL TYPE 2:  
- 8" POURED CONCRETE FOUNDATION WALL
- WT 3  
ESTIMATED EXISTING WALL TYPE 3:  
- BRICK WYTHE  
- 1" AIR GAP  
- BRICK WYTHE  
- LATHE & PLASTER
- WT 4  
ESTIMATED EXISTING WALL TYPE 4:  
- 1" BOARD & BATTEN CLADDING  
- 0.5" SHEATHING  
- 2X6 STUDS c/w BATT INSULATION  
- 0.5" DRYWALL



01  
A1.1 EXISTING BASEMENT PLAN

1:50

02	ISSUED FOR BUILDING PERMIT	2017.06.28
01	ISSUED FOR PRE-CONSULTATION	2015.04.21
REVISIONS & ISSUES		
PROJECT ADDRESS 96 HARRIS STREET GUELPH, ONTARIO		
DRAWING TITLE EXISTING BASEMENT PLAN		
SCALE 1:50	SHEET A1.1	

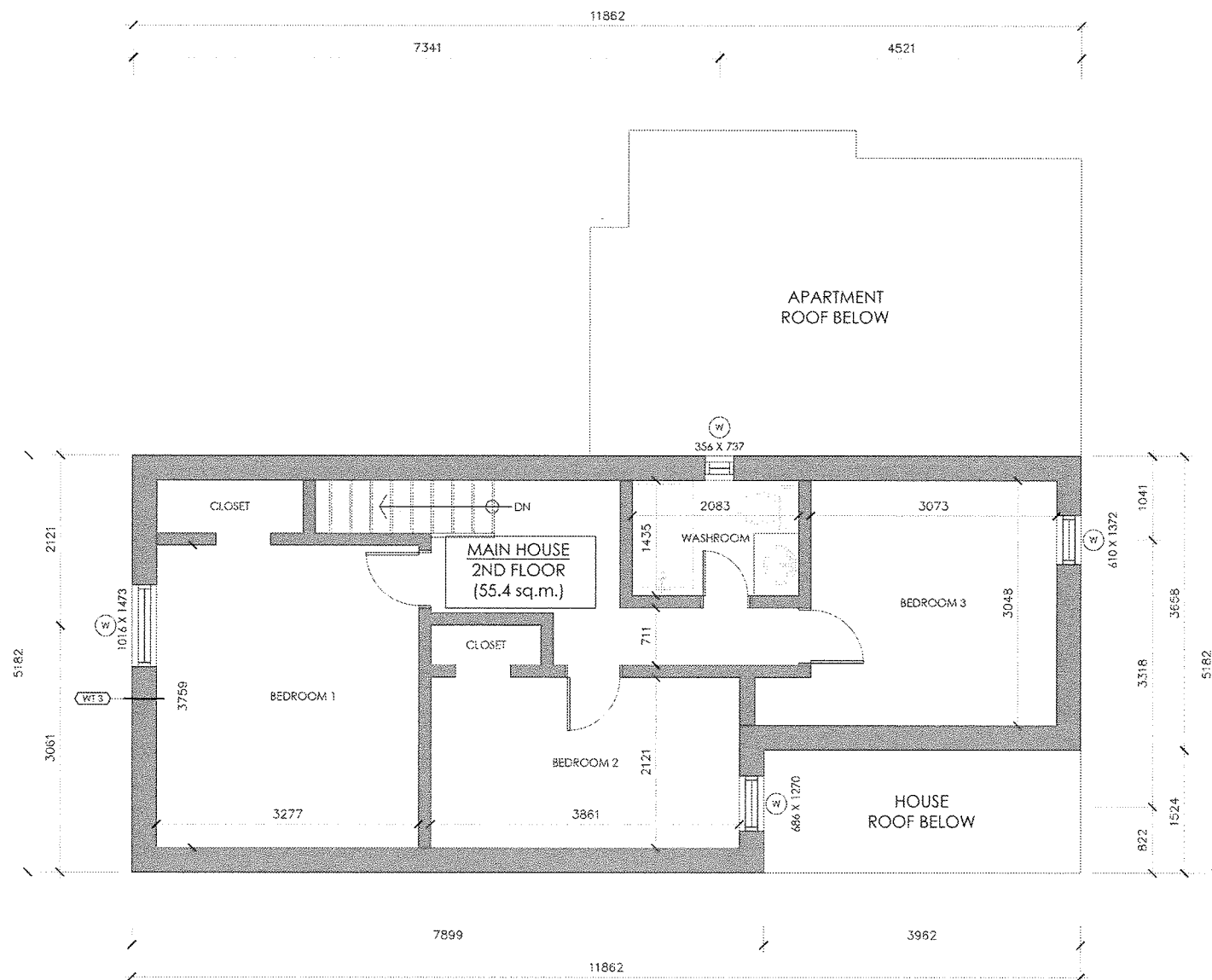
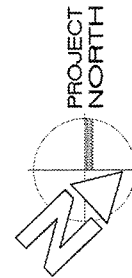


01  
A1.2

EXISTING GROUND FLOOR PLAN

1:50

02	ISSUED FOR BUILDING PERMIT	2017.06.28
01	ISSUED FOR PRE-CONSULTATION	2015.04.21
REVISIONS & ISSUES		
PROJECT ADDRESS		
96 HARRIS STREET GUELPH, ONTARIO		
DRAWING TITLE		
EXISTING GROUND FLOOR PLAN		
SCALE	SHEET	
1:50	A1.2	



EXISTING SECOND FLOOR PLAN

1:50

02	ISSUED FOR BUILDING PERMIT	2017.06.28
01	ISSUED FOR PRE-CONSULTATION	2015.04.21
REVISIONS & ISSUES		
PROJECT ADDRESS 96 HARRIS STREET GUELPH, ONTARIO		
DRAWING TITLE EXISTING SECOND FLOOR PLAN		
SCALE 1:50	SHEET A1.3	



# COMMITTEE OF ADJUSTMENT APPLICATION FOR CONSENT



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: <u>July 11, 2017</u>	Application #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>B-12/17.</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: 11 Graham Street, Guelph, ON, N1G 2B6

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

All of Lots 52 & 53, Part of Lot 54, Plan 363

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: Mortgage as in Instrument No. WC503638 with The Toronto-Dominion Bank located at 4720 Tahoe Boulevard, 5<sup>th</sup> Floor, Mississauga, ON, L4W 5P2

### OWNER(S) INFORMATION:

Name: Alicia YOUNG

Mailing Address: 29 University Avenue West

City: Guelph

Postal Code: N1G 1N5

Home Phone: 647-880-5338

Work Phone:

Fax:

Email:

alicia.ay.young@gmail.com

### 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



<b>TYPE OF SEWAGE DISPOSAL PROPOSED TO THE RETAINED LANDS</b> <input checked="" type="checkbox"/> Municipally owned and operated <input type="checkbox"/> Septic Tank <b>(Existing)</b> <input type="checkbox"/> Other (Explain) _____	<b>TYPE OF SEWAGE DISPOSAL PROPOSED TO THE SEVERED LANDS</b> <input checked="" type="checkbox"/> Municipally owned and operated <input type="checkbox"/> Septic Tank <b>(Proposed)</b> <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?    General 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 Single Detached (R1.B) Zone  
  
 Does the proposed plan conform to the existing zoning?                      ☒ YES                      ☐ NO  
  
 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	<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"/>	
Minor Variance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

**MUNICIPAL FREEDOM OF INFORMATION DECLARATION:**

In submitting this development application and supporting document, the owner/authorized agent), hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

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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.



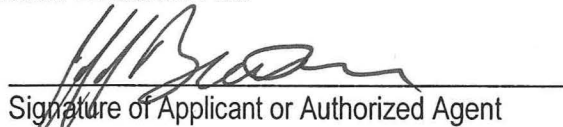
\_\_\_\_\_  
Signature of Owner or Authorized Agent

\_\_\_\_\_  
Signature of Owner or Authorized Agent

**AFFIDAVIT**

I/We, Jeff Buisman of VanHarten 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.

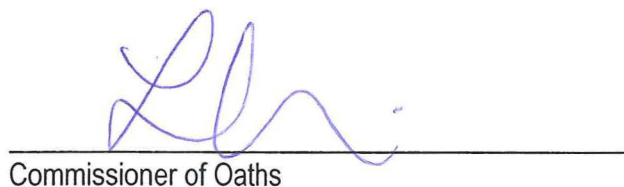
  
Signature of Applicant or Authorized Agent

\_\_\_\_\_  
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 11 day of July 2017.

  
Commissioner of Oaths

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



## APPOINTMENT AND AUTHORIZATION

I / We, the undersigned,

Alicia YOUNG

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

being the registered property owner(s) of

Lots 52 & 53, Part of Lot 54, Plan 363 as in ROS217162 / 11 Graham Street, Guelph, ON

(Legal description and/or municipal address)

hereby authorize Jeff Buisman of VanHarten 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

11<sup>th</sup>

day of

July 2017

(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.

July 13, 2017

24839-17

Jeff.Buisman@vanharten.com

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

Attention: Mr. Lindsay Cline

Dear Ms. Cline:

**Re: Severance Application & Sketch**  
**11 Graham Street**  
**Lots 52 & 53, Part of Lot 54, Plan 363**  
**PIN 71241-0016**  
**City of Guelph**

Please find enclosed an application for a severance on the above-mentioned property. Included with this submission are copies of the sketch, completed application form, the required deed, PIN Report and Map, and a cheque to the City of Guelph for \$1,559 for the severance application fee.

**Proposal:**

The proposal is to sever the above-mentioned property known as 11 Graham Street (PIN 71241-0016) in order to create a new parcel for urban residential purposes. The subject property contains an existing dwelling, detached garage and shed on a corner lot facing Graham Street and University Avenue. The intention is to remove the addition on the west side of the dwelling, the existing garage and shed in order to create the new property line for the severed parcel.

The proposed severed parcel will have a frontage of 19.6m along University Avenue, a depth of 35.4m and an area of 691±m<sup>2</sup>. A new dwelling is proposed to be constructed for residential purposes.

The retained lands will have a frontage of 18.5m along University Avenue, a depth of 35.4m and an area of 654±m<sup>2</sup>. A new driveway is proposed along the north limit of the property line from Graham Street.

This proposal is very practical and provides a great opportunity to intensify the lands for residential purposes. The size and form of the new parcel and dwelling conform well with the character of the area. Both the severed and retained parcels easily conform to the R.1B Zoning By-law requirements.

12 Memorial Avenue,  
Elmira, Ontario N3B 2R2  
Phone: 519-669-5070

423 Woolwich Street,  
Guelph, Ontario N1H 3X3  
Phone: 519-821-2763

660 Riddell Road, Unit 1,  
Orangeville, Ontario L9W 5G5  
Phone: 519-940-4110

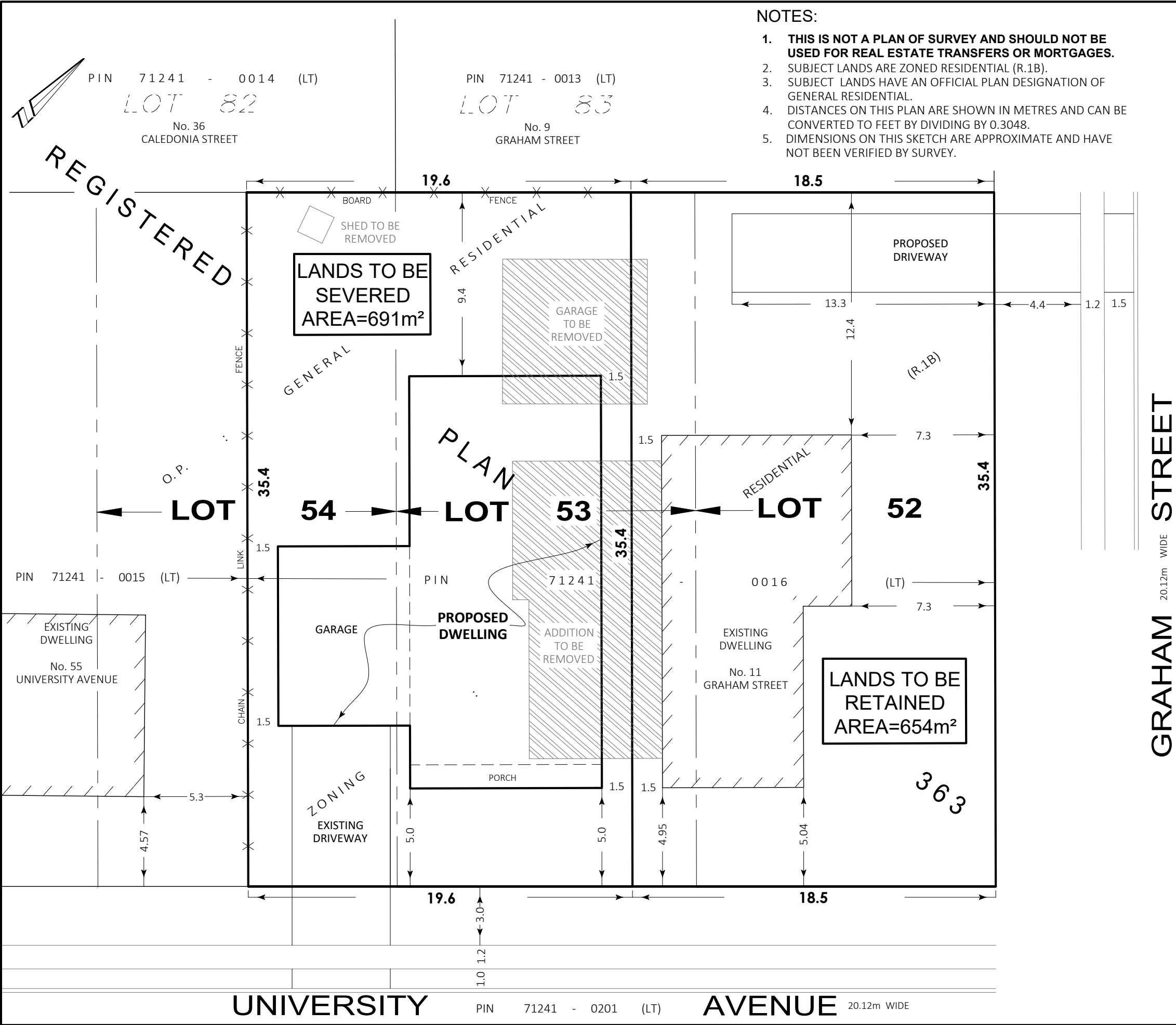


Please call me if you or the Planning Staff have any questions.

Van Harten Surveying Inc.

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

cc Alicia Young



### SEVERANCE SKETCH

ALL OF LOTS 52 & 53  
AND PART OF LOT 54  
REGISTERED PLAN 363  
CITY OF GUELPH  
COUNTY OF WELLINGTON

SCALE 1 : 200

0 5 10 15 metres

VAN HARTEN SURVEYING INC.

ZONING DESIGNATION: RESIDENTIAL R.1B SINGLE-DETACHED DWELLINGS			
	REQUIRED	RETAINED	SEVERED
MINIMUM Lot Area	460m <sup>2</sup>	654m <sup>2</sup>	691m <sup>2</sup>
MINIMUM Lot Frontage (S. 5.1.2.6)	15m	18.5m	19.6m
MINIMUM Front Yard (S. 4.6 & S. 5.1.2.7)	6m / 4.76m average setback	5.0m	5.0m
MINIMUM Exterior Side Yard (S. 4.6, S. 4.28 & S. 5.1.2.7)	6m	7.3m	N/A
MINIMUM Side Yard (1 to 2 Storeys) (S. 5.1.2.1)	1.5m	1.5m	1.5m
MINIMUM Rear Yard	7.5m or 20% of the Lot Depth, whichever is less	12.4m	9.4m
Accessory Building Setback (S. 4.5.1.2)	0.6m	0.7m	N/A

SUBJECT PROPERTY  
KEYMAP

**SURVEYOR'S CERTIFICATE:**

THIS SKETCH WAS PREPARED ON THE 11th DAY OF JULY 2017.

THIS SKETCH WAS AMENDED ON THE 13th DAY OF JULY 2017.

JEFFREY E. BUISMAN  
ONTARIO LAND SURVEYOR

## Van Harten

SURVEYING INC.

LAND SURVEYORS and ENGINEERS

Elmira Ph: 519-669-5070	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
----------------------------	----------------------------	---------------------------------

www.vanharten.com info@vanharten.com

DRAWN BY: NCH	CHECKED BY: JEB	PROJECT No. 24839-17
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Jul 13, 2017-10:32am  
G:\GUELPH\363\ACAD\SEVLOTSS52,53,54 (YOUNG) UTM.dwg



**Subject to Writs if enforceable, as noted below**

Writ Number	Name
16-0000508	HUMPHRIES, LARRY BRIAN

**Properties**

PIN	71241 - 0016 LT	Interest/Estate	Fee Simple
Description	LOTS 52 & 53 & PT LOT 54, PLAN 363 , AS IN ROS217162 ; GUELPH		
Address	11 GRAHAM STREET GUELPH		

**Consideration**

Consideration	\$880,000.00
---------------	--------------

**Transferor(s)**

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

Name	HUMPHRIES, LARRY BRIAN
Address for Service	c/o Eden Shepherd 20 Timberlane Crescent Kitchener ON N2N 1S9

I am at least 18 years of age.

I am not a spouse

I, Marti E. Wilson 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 WC503582 registered on 2017/05/16.

I, Marti E. Wilson, 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.

An execution search was complete on 2017/05/16 for Larry Brian Humphries. Execution search number 31251293-9434568B produced the following writs(s) of execution number(s) listed below. The applicable statement for each writ has been provided. I Marti E. Wilson confirm the appropriate party(ies) were searched.

Writ Number	Name	Statement
16-0000508	HUMPHRIES, LARRY BRIAN	This property is subject to this writ

Name	SHARPE, KIMBERLEY ANNE
Address for Service	#4 - 2 Eramosa Road Guelph ON N1E 2L1

I am at least 18 years of age.

I am not a spouse

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

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

Name	YOUNG, ALICIA	Registered Owner
Date of Birth	1960 12 26	
Address for Service	11 Graham Street Guelph ON N1G 2B6	

**Statements**

STATEMENT OF THE TRANSFEROR (S): The transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

## Statements

STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR(S): I have explained the effect of the Planning Act to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

STATEMENT OF THE SOLICITOR FOR THE TRANSFERREE (S): I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in the Planning Act, and to the best of my knowledge and belief this transfer does not contravene the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

**Signed By**

Marti Elizabeth Wilson	204-6 Dublin Street S Guelph N1H 4L5	acting for Transferor(s)	Signed	2017 05 16
------------------------	--	-----------------------------	--------	------------

Tel 519-831-3838

Fax 519-827-1210

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 Guelph N1H 4J8	acting for Transferee(s)	Signed	2017 05 16
---------------------	---	-----------------------------	--------	------------

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	2017 05 16
---	---	------------

Tel 519-824-7100

Fax 519-824-9596

**Fees/Taxes/Payment**

Statutory Registration Fee	\$63.35
Provincial Land Transfer Tax	\$14,075.00
<b>Total Paid</b>	<b>\$14,138.35</b>

**File Number**

Transferor Client File Number : 17-74  
Transferee Client File Number : MP17325

**LAND TRANSFER TAX STATEMENTS**

In the matter of the conveyance of: 71241 - 0016 LOTS 52 &amp; 53 &amp; PT LOT 54, PLAN 363 , AS IN ROS217162 ; GUELPH

BY: HUMPHRIES, LARRY BRIAN  
SHARPE, KIMBERLEY ANNE

TO: YOUNG, ALICIA

Registered Owner

**1. YOUNG, ALICIA**

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	\$880,000.00
(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))	\$880,000.00
(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	\$880,000.00

**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 A27686.
2. Other remarks & explanations: The Non-Resident Speculation Tax does not apply to this transfer because the Transferee is Canadian Citizen.

**PROPERTY Information Record**

A. Nature of Instrument: Transfer  
LRO 61 Registration No. WC503637 Date: 2017/05/16

B. Property(s): PIN 71241 - 0016 Address 11 GRAHAM STREET Assessment 2308060 - 00512300  
GUELPH Roll No

C. Address for Service: 11 Graham Street  
Guelph ON  
N1G 2B6

D. (i) Last Conveyance(s): PIN 71241 - 0016 Registration No. WC340117  
(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

217162

# This Indenture

made in duplicate the 15th day of May  
in the year one thousand nine hundred and Seventy-Nine

In Pursuance of the Short Forms of Conveyances Act:

Between

PETER G. OLIVER, of the City of Guelph,  
in the County of Wellington, Veterinarian  
and ELLICE A. OLIVER, his wife, of the  
same place

hereinafter called the Grantors of the FIRST PART  
EARLBY EDWARD JOHN WAKEFIELD, Research  
Chemist, and SUZANNE CHRISTINE  
WAKEFIELD, his wife, both of the City  
Guelph, in the County of Wellington, as  
joint tenants and not as tenants in  
common  
hereinafter called the Grantees of the SECOND PART

~~Between of the County of the THIRD PART~~

**Witnesseth** that in consideration of other good and valuable  
consideration and the sum of TWO-----

----- (\$2.00) ----- dollars of  
lawful money of Canada now paid by the said Grantees to the said Grantors (the receipt  
whereof is hereby by them acknowledged), the said Grantors DO  
GRANT unto the said Grantees in fee simple as joint  
tenants and not as tenants in common.  
ALL and Singular th at certain parcel or tract of land and premises, situate, lying and  
being in the City of Guelph, in the County of Wellington and  
being composed of Lots 52 and 53, and the Northeasterly half of  
Lot 54, all according to Registered Plan Number 363 for the said  
City of Guelph.



TO HAVE AND TO HOLD unto the said Grantees as joint tenants and not as tenants in common, their heirs and assigns, to and for their sole and only use forever.

SUBJECT NEVERTHELESS to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown.

THE said Grantor s COVENANT with the said Grantees THAT they have the right to convey the said lands to the said Grantees notwithstanding any act of the said Grantor

AND that the said Grantees shall have quiet possession of the said lands, free from all encumbrances.

AND the said Grantor s COVENANT with the said Grantees that they will execute such further assurances of the said lands as may be requisite.

AND the said Grantor s COVENANT with the said Grantees that they have done no act to encumber the said lands.

AND the said Grantor s RELEASE to the said Grantees ALL their claims upon the said lands.

~~AND the said spouse of the said Grantor hereby consents to the transaction evidenced by this Indenture.~~

Strike out  
if not  
applicable

IN WITNESS WHEREOF the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered  
IN THE PRESENCE OF

*Frank H. Langford*

*[Signature]*

*[Signature]*

# THE LAND TRANSFER TAX ACT, 1974 AFFIDAVIT OF RESIDENCE AND OF VALUE OF THE CONSIDERATION

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) Lots 52 and 53 and the Northeasterly half of Lot 54, Plan 363 for the City of Guelph,

BY (print names of all transferors in full) PETER G. OLIVER and ELLICE A. OLIVER

TO (see instruction 1 and print names of all transferees in full) EARLBY EDWARD JOHN WAKEFIELD and SUZANNE CHRISTINE WAKEFIELD

I, (see instruction 2 and print name(s) in full) EARLBY EDWARD JOHN WAKEFIELD and SUZANNE CHRISTINE WAKEFIELD

MAKE OATH AND SAY THAT:

- I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s) (see instruction 2))
  - ☐ (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 of solicitor acting in this transaction for

- ☐ (e) The President, vice President, Manager, Secretary, Director or Treasurer authorized to act for
  - ☐ (f) A transferee described in paragraph (c) insert only one of paragraph (a), (b) or (c) above, as applicable and am making this affidavit on my own behalf and on behalf of who is my spouse described in paragraph (c) insert only one of paragraph (a), (b) or (c) above, as applicable

and as such, I have personal knowledge of the facts herein deposed to

- I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses f and g of subsection 1 of section 1 of the Act (see instruction 3)
- The following persons to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed are non-resident persons within the meaning of the Act (see instruction 4)

## 4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

- |   |              |              |
|---|--------------|--------------|
| (a) Monies paid or to be paid in cash   | \$ 21,500.00 |              |
| (b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price)   | \$ nil       |              |
| (ii) Given back to vendor   | \$ nil       |              |
| (c) Property transferred in exchange (detail below)   | \$ nil       |              |
| (d) Securities transferred to the value of (detail below)   | \$ nil       |              |
| (e) Easements, legacies, annuities and maintenance charges to which a transfer is subject   | \$ 60,000.00 |              |
| (f) Other valuable consideration subject to land transfer tax (detail below)  | \$ nil       |              |
| (g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (total of (a) to (f))   | \$ 81,500.00 | \$ 81,500.00 |
| (h) VALUE OF ALL CHATTELS - items of tangible personal property (Refer Sales Tax is payable on the value of all chattels unless exempted therefrom by The Motor Sales Tax Act R.S.O. 1970, c. 415 as amended) | \$ nil       |              |
| (i) Other consideration for transaction not included in (g) or (h) above  | \$ nil       |              |
| (j) TOTAL CONSIDERATION   | \$ 81,500.00 | \$ 81,500.00 |

ALL BLANKS MUST BE FILLED IN. INSERT "NIL" WHERE APPLICABLE.

- If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance (see instruction 5)
- Other remarks and explanations, if necessary

(SEVERALLY)  
SWORN before me at the City of Guelph  
in the County of Wellington  
this 18th day of May 19 79

A Commissioner for taking Affidavits, etc.

Earlby Edward John Wakefield  
Suzanne Christine Wakefield

## PROPERTY INFORMATION RECORD

- Describe nature of instrument Deed of land
- Address of property being conveyed (if available) 11 Graham Street, Guelph, Ontario
  - Assessment Roll # (if available)
- Mailing address(es) for future Notices of Assessment under The Assessment Act for property being conveyed (see instruction 5) 11 Graham Street, Guelph, Ontario
- Registration number for last conveyance of property being conveyed (if available)
  - Legal description of property conveyed Same as in D (i) above Yes ☒ No ☐ Not Known ☐
- Name(s) and address(es) of each transferor's solicitor A. Edward Thoms  
Barrister & Solicitor

15 Yarmouth St.  
Guelph, Ontario  
N1H 6R7

REGISTRATION NO.

LAND REGISTRY OFFICE NO.

REGISTRATION DATE

I, Grant A. Campbell  
of the City of Guelph  
in the County of Wellington

\*See footnote

I am a subscribing witness to the attached instrument and I was present and saw it executed  
at Guelph by Peter G. Oliver and Ellice  
A. Oliver

SWORN before me at the City of Guelph  
in the County of Wellington

Grant Campbell

BETTY A. MAIR, a Commissioner for the State of New York, is a Commissioner for Taking Affidavits, ETC.

\* Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add "After instrument had been read to him and he appeared fully to understand it". Where executed under a power of attorney insert "(name of attorney) as attorney for (name of party)"; and for need change initials of party before that the person whose signature is witnessed was authorized to execute the instrument as attorney for (name)".

XX: WE Peter G. Oliver and Ellice A. Oliver  
of the City of Guelph  
in the County of Wellington

UNWASK / WE WERE EACH at least eighteen years old:

and within the meaning of section 1(f) of The Family Law Reform Act, 1978,

(a) ~~XXXXXXXXXXXXXXX~~

Strike out  
inapplicable  
choices.

(b)

XV734 XDF XDO K56 X

(c) We were spouses of one another.

We do not retain the fee or equity of redemption in or a power or right to grant, assign or exercise a power of appointment with respect to any land abutting the land affected by the deed.

•• Not a  
military installation  
house, etc.,  
see footnote.

We are not non-residents of Canada within the meaning of section 116 of the Income Tax Act of Canada and any amendments thereto.

Resident of  
Canada, etc.

(SEVERALLY) SWORN before me at the  
City of Guelph, in the County of  
Wellington

this 30th day of May 1979

1<sup>st</sup> Green  
E. H. Green

\* Note: Where a signature made by an attorney substitutes: "When I executed the attached instrument as attorney for (name), he/she was (married status, and if applicable, name of other spouse) within the meaning of section 117) of The Family Law Reform Act, 1973 and taken he/she enjoyed the power of attorney, he/she had attained the age of majority".

<sup>40</sup> Note: See Section 38131 of the Family Law Reform Act, 1973 where spouse does not join in or consent; or complete a separate affidavit.

217162

Guelph

217162

No.  
Registry Division of Wellington South (No. 61)  
I CERTIFY that this instrument is registered as of

pm 3.01

MAY 31 1979

in the

Land  
Registry Office  
of Guelph  
Ontario.

*Handwritten Signature*  
LAND REGISTRAR

REGISTRATION FEE	14.00
LAND TRANSFER TAX	472.00
RETAIL SALES TAX	

Dated May 15th 1979

PETER G. OLIVER and ELLICE A. OLIVER

—TO—

EARLBY EDWARD JOHN WAKEFIELD and  
SUZANNE CHRISTINE WAKEFIELD

## Deed of Land TO JOINT TENANTS

363

Newcome and Gilbert, Limited—Form 246

ASSESSMENT ROLL No.

ADDRESS OF PROPERTY:

11 Graham Street, Guelph, Ontario

Payne, Smith, Smith, Campbell & Gazzola  
Barristers and Solicitors  
285 Woolwich Street  
Guelph, Ontario

### AFFIDAVIT OF SUBSCRIBING WITNESS

I,

of the

in the

make oath and say:

I am a subscribing witness to the attached instrument and I was present and saw it executed at \_\_\_\_\_ by \_\_\_\_\_

I verily believe that each person whose signature I witnessed is the party of the same name referred to in the instrument.

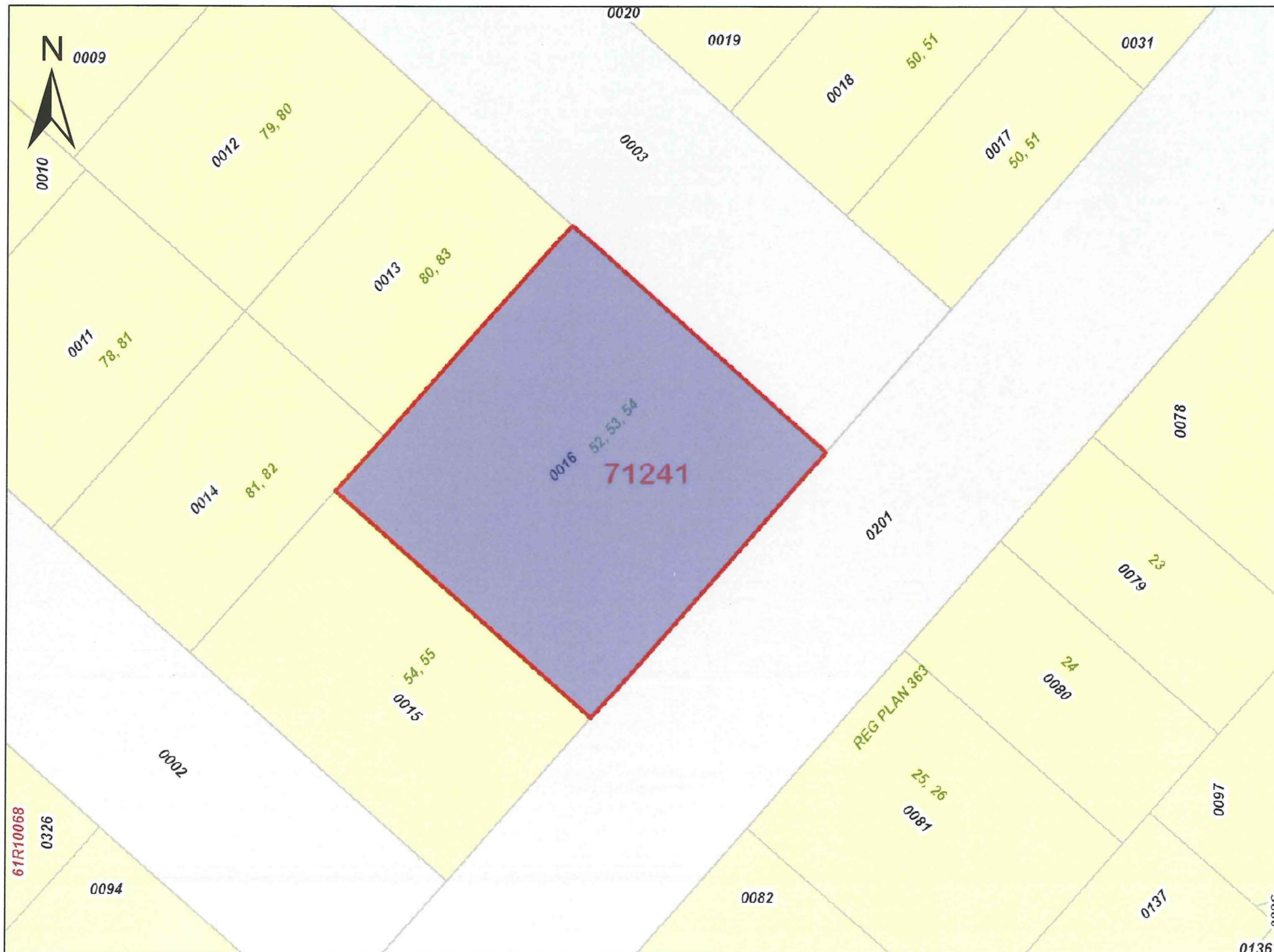
SWORN before me at the

this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

\* When a party is unable to read the instrument or make a party oath by making his mark or in foreign characters add "after testimony had been read to him and he appeared fully to understand it". Where recorded under a power of attorney insert "on attorney for (name of party)" and for each clause subscribed "I verily believe that the person whose signature I witnessed was authorized to execute the instrument as attorney for (name)".





ServiceOntario

PRINTED ON 09 JUN, 2017 AT 09:26:14  
FOR JEFF0001

SCALE



## PROPERTY INDEX MAP

WELLINGTON(No. 61)

### LEGEND

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

THIS IS NOT A PLAN OF SURVEY

### NOTES

REVIEW THE TITLE RECORDS FOR COMPLETE  
PROPERTY INFORMATION AS THIS MAP MAY  
NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND  
DOCUMENTS RECORDED IN THE LAND  
REGISTRATION SYSTEM AND HAS BEEN PREPARED  
FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE  
RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT  
REFERENCE PLANS ARE NOT ILLUSTRATED



LAND  
REGISTRY  
OFFICE #61

71241-0016 (LT)

PAGE 1 OF 3  
PREPARED FOR Jeff0001  
ON 2017/06/09 AT 09:25:01

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

PROPERTY DESCRIPTION: LOTS 52 & 53 & PT LOT 54, PLAN 363 , AS IN ROS217162 ; GUELPH

PROPERTY REMARKS: SUBJECT TO EXECUTION NUMBER 16-0000508 - HUMPHRIES, LARRY BRIAN , IF APPLICABLE, AS IN WC503637.

ESTATE/QUALIFIER:  
FEE SIMPLE  
LT CONVERSION QUALIFIED

RECENTLY:  
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:  
1997/12/22

OWNERS' NAMES  
YOUNG, ALICIA

CAPACITY SHARE  
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
<div><div>**EFFECTIVE 2000/07/29</div><div>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 AND DELETED INSTRUMENTS SINCE 1997/12/19 **</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>						
ROS217162	1979/05/31	TRANSFER		*** COMPLETELY DELETED ***	WAKEFIELD, EARLBY EDWARD JOHN WAKEFIELD, SUZANNE CHRISTINE	
RO727996	1995/02/15	CHARGE		*** COMPLETELY DELETED ***	NATIONAL TRUST COMPANY	
RO727997	1995/02/15	CHARGE		*** COMPLETELY DELETED ***	NATIONAL TRUST COMPANY	
LT34753	2000/07/25	CHARGE		*** COMPLETELY DELETED *** WAKEFIELD, EARLBY EDWARD JOHN WAKEFIELD, SUZANNE CHRISTINE	SCOTIA MORTGAGE CORPORATION	
LT36748	2000/08/22	DISCH OF CHARGE		*** COMPLETELY DELETED *** NATIONAL TRUST COMPANY		

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.

LAND  
REGISTRY  
OFFICE #61

71241-0016 (LT)

PAGE 2 OF 3  
PREPARED FOR Jeff0001  
ON 2017/06/09 AT 09:25:01

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

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
	REMARKS: RE: RC727997					
LT36752	2000/08/22	DISCH OF CHARGE		*** COMPLETELY DELETED *** NATIONAL TRUST COMPANY		
	REMARKS: RE: RC727996					
WC252983	2009/08/07	TRANSFER		*** COMPLETELY DELETED *** WAKEFIELD, EARLBY EDWARD JOHN WAKEFIELD, SUZANNE CHRISTINE	HUMPHRIES, LARRY BRIAN SHARPE, KIMBERLEY ANNE STAN, JAMES VICTOR	
	REMARKS: PLANNING ACT STATEMENTS					
WC252984	2009/08/07	CHARGE		*** COMPLETELY DELETED *** HUMPHRIES, LARRY BRIAN SHARPE, KIMBERLEY ANNE STAN, JAMES VICTOR	THE TORONTO-DOMINION BANK	
WC252985	2009/08/07	CHARGE		*** COMPLETELY DELETED *** HUMPHRIES, LARRY BRIAN SHARPE, KIMBERLEY ANNE STAN, JAMES VICTOR	THE TORONTO-DOMINION BANK	
WC256369	2009/09/11	DISCH OF CHARGE		*** COMPLETELY DELETED *** SCOTIA MORTGAGE CORPORATION		
	REMARKS: LT34753.					
WC340117	2012/04/13	TRANSFER		*** COMPLETELY DELETED *** HUMPHRIES, LARRY BRIAN SHARPE, KIMBERLEY ANNE STAN, JAMES VICTOR	HUMPHRIES, LARRY BRIAN SHARPE, KIMBERLEY ANNE	
WC340118	2012/04/13	CHARGE	\$400,000	HUMPHRIES, LARRY BRIAN SHARPE, KIMBERLEY ANNE	THE TORONTO-DOMINION BANK	C
WC340119	2012/04/13	CHARGE		*** COMPLETELY DELETED *** HUMPHRIES, LARRY BRIAN SHARPE, KIMBERLEY ANNE	THE TORONTO-DOMINION BANK	
WC342839	2012/05/15	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
	REMARKS: WC252985.					
WC342945	2012/05/15	DISCH OF CHARGE		*** COMPLETELY DELETED ***		

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.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
		REMARKS: WC252984.		THE TORONTO-DOMINION BANK		
WC359088	2012/11/08	CHARGE	\$80,000	HUMPHRIES, LARRY BRIAN	COMMUNITY FUTURES DEVELOPMENT CORPORATION OF WELLINGTON-WATERLOO	C
				SHARPE, KIMBERLEY ANNE		
WC456099	2015/12/17	CHARGE	\$60,000	HUMPHRIES, LARRY BRIAN	THE TORONTO-DOMINION BANK	C
				SHARPE, KIMBERLEY ANNE		
WC456100	2015/12/17	POSTPONEMENT		COMMUNITY FUTURES DEVELOPMENT CORPORATION OF WELLINGTON-WATERLOO	THE TORONTO-DOMINION BANK	C
		REMARKS: WC359088 TO WC456099				
WC456101	2015/12/17	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
		REMARKS: WC340119.				
WC503637	2017/05/16	TRANSFER	\$880,000	HUMPHRIES, LARRY BRIAN	YOUNG, ALICIA	C
		REMARKS: PLANNING ACT STATEMENTS.		SHARPE, KIMBERLEY ANNE		
WC503638	2017/05/16	CHARGE	\$665,000	YOUNG, ALICIA	THE TORONTO-DOMINION BANK	C
WC506361	2017/06/08	DISCH OF CHARGE		THE TORONTO-DOMINION BANK		
		REMARKS: WC456099.				
WC506362	2017/06/08	DISCH OF CHARGE		THE TORONTO-DOMINION BANK		
		REMARKS: WC340118.				



# 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>July 11, 2017</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Application #: <u>A-90/16</u>

## TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff?      Yes ☐      No ☐

*THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.*

### PROPERTY INFORMATION:

Address of Property: 190 Eastview Road

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

Part of Block 35, Registered Plan 61M-194, save and accept Part 4, 61R-20369, City of Guelph, County of Wellington

### OWNER(S) INFORMATION:

Name: Reid's Heritage Homes c/o Matthew Robson

Mailing Address: 6783 Wellington Road 34, RR 22

City: Cambridge      Postal Code: N3C 2V4

Home Phone: \_\_\_\_\_      Work Phone: 519-658-6656 , Ext. 274

Fax: \_\_\_\_\_      Email: mrobson@heritagehomes.com

### AGENT INFORMATION (If Any)

Company: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_      Postal Code: \_\_\_\_\_

Work Phone: \_\_\_\_\_      Mobile Phone: \_\_\_\_\_

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

**Official Plan Designation:** General Residential /  
High Density Residential (OPA #48)

**Current Zoning Designation:** R4A-40

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

Relief from Section 5.4.2.4.1 to permit 1690m<sup>2</sup> of minimum common amenity area whereas 2260m<sup>2</sup> is required

Relief from Section 5.4.3.1.40.1.2 to permit 103 units (105.3 units per hectare) whereas a maximum of 98 units are permitted (100 units per hectare)

Relief from Section 4.13.2.2.2 to permit windows of habitable rooms on the north elevation of Building B to located within 1.82m of a surface driveway whereas 3 m is required

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

Due to the size of the subject lands, the above noted variances are required to accommodate a mid-rise residential apartment development. The proposed variances are detailed in the attached cover letter.

**PROPERTY INFORMATION**

Date property was purchased:	May 31, 2016	Date property was first built on:	Vacant
Date of proposed construction on property:	July 2017 (Building A) Fall 2017 (Building B)	Length of time the existing uses of the subject property have continued:	Vacant

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

Vacant multiple residential block

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

Two mid-rise apartment buildings.

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

Frontage: 70m

Depth: 122.487m

Area: 0.9781 ha

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
<b>Main Building</b>			<b>Main Building</b> Building A - 4,207.73 m <sup>2</sup>		
Gross Floor Area:			Gross Floor Area:	Building B - 4,213.89 m <sup>2</sup>	
Height of building:			Height of building:	4 storeys + basement (both buildings)	
<b>Garage/Carport (if applicable)</b>			<b>Garage/Carport (if applicable)</b>		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:			Width:		
Length:			Length:		
Driveway Width:			Driveway Width:		
<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>			<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>		
Describe details, including height:			Describe details, including height: Two, 4 storey apartment buildings with 52 units in Building A and 51 units in Building B.		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	M		Front Yard Setback:	6.0	M
Exterior Side Yard (corner lots only)	M		Exterior Side Yard (corner lots only)	6.0	M
Side Yard Setback:	Left: M	Right: M	Side Yard Setback:	Left: 3.0M	Right: 15.15 M
Rear Yard Setback	M		Rear Yard Setback	N/A 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 type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SP16A011 approved on May 17, 2017.
Building Permit	<input type="checkbox"/>	<input type="checkbox"/>	
Consent	<input type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input 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

---

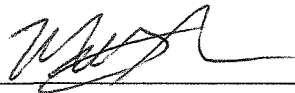
Signature of Owner or Authorized Agent



**AFFIDAVIT**

I/We, Matthew Robson, of the City/Town of  
Kitchener in County/Regional Municipality of Waterloo, solemnly

declare that all of the above statements contained in this application are true and I make this solemn  
 declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made  
 under oath and by virtue of the Canada Evidence Act.

  
 \_\_\_\_\_  
 Signature of Applicant or Authorized Agent


\_\_\_\_\_  
 Signature of Applicant or Authorized Agent

**NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A  
 Commissioner is available when submitting the application to Committee of Adjustment staff.**

Declared before me at the

City/Town of Township of Puslinch in the County/Regional Municipality of

County of Wellington this 5 day of July, 2017.

  
 \_\_\_\_\_  
 Commissioner of Oaths

Ronald James Moore, a Commissioner, etc.,  
 Regional Municipality of Waterloo, for  
 Reid's Heritage Homes Ltd., and its  
 subsidiaries, associates and affiliates.  
 Expires August 10, 2019.

(official stamp of Commissioner of Oaths)

## APPOINTMENT AND AUTHORIZATION

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

Reid's Heritage Homes

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

of 190 Eastview Road

(Legal description and/or municipal address)

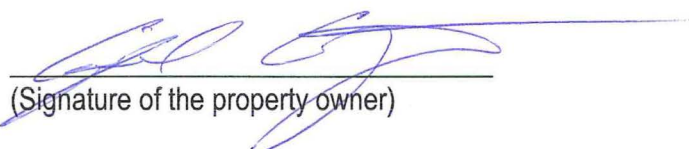
hereby authorize Matthew Robson

(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 5<sup>th</sup> day of July 2017.

\_\_\_\_\_  
(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.



Modern Thinking. Timeless Values.™

6783 Wellington Road 34, RR 22  
Cambridge ON N3C 2V4  
T: 519.658.6656  
TF: 877.88.REIDS  
F: 519.654.9746

July 10, 2017

City of Guelph  
1 Carden Street  
Guelph ON, N1H 3A1

**Attention: Ms. Trista Di Lullo, Secretary Treasurer – Committee of Adjustment**

Dear Ms. Di Lullo

**RE: Minor Variance Application A-90/16 – 190 Eastview Road**

Please accept the attached revised minor variance application for the lands municipally known as 190 Eastview Road (the “Subject Lands”) in the City of Guelph.

We are proposing to construct two, four storey, mid-rise residential apartment buildings on the subject lands totalling 103 dwelling units. Building “A” consists of 52 units and fronts onto Eastview Drive, whereas we intend for Building B to consist of 51 dwelling units and to front onto Summit Ridge Drive.

The minor variance application was previously deferred at the November 10, 2016 Committee of Adjustment hearing as the site plan was still being refined through the Site Plan Control process (File: SP16A011), and Official Plan Amendment #48 (OPA#48) was not yet in effect, which limited Staff’s ability to support the variance for the requested increase to the maximum permitted density.

Site plan approval for the development was issued on March 17, 2017 based on a total of 98 dwelling units on site (52 in Building “A” & 46 in Building “B”). We proceeded with this approval to allow for Building “A” to be released for sale and for the associated building permit to be issued.

No variances were required for the current site plan approval as 5 units were removed from the ground floor and basement level of Building “B”. This allowed us to meet the density, common amenity area, and habitable window requirements of the R.4A-40 zoning of the lands as the areas formally occupied by there units were shown as common amenity area and locker storage on the floor plan (albeit, in great excess to what would be required by the future residents of the building). The units were removed to simply keep the density of the site at 100uph given Staff’s inability to support the variance for increased density based on the status of OPA#48 at the time.

At the time of the Site Plan Approval, we advised Staff of our intent to revise the design of Building “B” to re-introduce the 5 additional units and re-activate the associated minor variance application once OPA #48 was in effect. Please note that through the site plan process and final floor plan design, the following changes to the requested relief have been made from the original application:

- The addition of 2 parking spaces on site (140 total) has removed the need for the variance to permit a reduced parking space ratio; and,
- A reduced common amenity area requirement of 1690m<sup>2</sup> is now being requested vs. the 1752.7m<sup>2</sup> originally requested (2260m<sup>2</sup> required by the Zoning By-law)

Please find the following items to support the re-activation of the variance application:

- One (1) Updated Minor Variance Application Form;
- One (1) cheque in the amount of \$243.00 payable to the City of Guelph for the application deferral fee;
- One (1) full size copy (maximum size of 11"x17") Site Plan drawing and Building B elevation outlining the required variances;
- One (1) 11" x 17" copy of the Basement Floor Plans for Buildings A and B; and,
- One (1) 11" x 17" copy of Landscape Plan highlighting the proposed outdoor common amenity areas.

The subject lands are located on Part of Block 35, 61M-194 within what is commonly known as the Grangehill East Subdivision. The subject site is a 0.9781 hectare parcel located on the northwest corner of Eastview Road and Summit Ridge Drive. The subject lands are bounded by Eastview Road to the south, Summit Ridge Drive to the east and Jeffrey Drive to the west. Adjacent land uses include new home construction consisting of single detached and townhouse units to the north and west, the former landfill and the future Eastview Community Park to the east.

Access to the site is via Summit Ridge Drive and Jeffrey Drive with a total of 140 surface parking spaces located internal to the site. Both proposed buildings will operate as a single standard condominium with shared parking and common amenity spaces. To accommodate the proposed mid-rise apartment development on the subject lands, the following variances are required:

***Relief from Section 5.4.3.1.40.1.2 to permit 103 units (105.3 units per hectare (uph)) whereas a maximum of 98 units (100uph) is permitted.***

At the time of the original variance application, the subject lands were designated "General Residential" in the existing Official Plan and "High Density Residential" in OPA #48 (which was under appeal). On June 21, 2017, a motion for partial approval of OPA #48 was orally approved by the OMB, to bring the High Density Residential designation into effect for the subject lands. The maximum density permitted in the High Density Residential designation is 150uph and not less than a minimum density of 100uph.

Given the High Density Residential designation requires a minimum of 100uph, up to a maximum of 150uph, the current zoning of the lands (which limits density to between 90uph to 100uph) would not comply with the High Density Residential designation.



The variance would also have no impact on the size or appearance of Building B as the additional units would be occupying floor space on the basement and first floor of the Building which were previously shown excess common amenity area and storage locker space. The variance will effectively allow Building B be laid out in a similar manner to Building A.

Although a variance is also being proposed for the common amenity area, each building contains two large indoor amenity rooms, a large combined lobby/amenity area and ample locker/storage areas that will accommodate bicycle storage for each unit.

***Relief from Section 5.4.2.4.1 to permit 1690m<sup>2</sup> of minimum common amenity area whereas 2260m<sup>2</sup> is required.***

The intent of the minimum common amenity area requirement is to provide adequate opportunities for indoor and outdoor leisure and recreation for higher density development. In the case of the proposed development, each building contains several amenity spaces. High quality landscaped outdoor amenity areas have also been incorporated into the site design including a playground area for the children of young families and a terraced amenity area with seating areas for passive recreation. All units will have balconies or private patio areas (totalling ~874m<sup>2</sup>) which will provide residents with outdoor private amenity areas.

In addition to the indoor and outdoor common amenity areas on site and the private outdoor amenity areas provided by balconies and ground floor patio areas, the subject lands are near the City's Pollinator's Park and the Eastview Community Park. The Pollinator Park includes large planted areas of pollinator friendly plantings and an extensive trail network while the Eastview Community Park includes several proposed facilities including soccer and football fields, a multi-purpose field and children's play area to name a few of the facilities planned for this park.

Furthermore, as discussed with Staff on several occasions, we believe the standard common amenity requirement of the Zoning By-law (which is calculated on a per unit basis) is outdated, and not necessarily appropriate for higher density developments. In this instance, 0.55ac of common amenity would be required for the proposed 103-unit development based on the standard rate. If the site were to be developed at a density of 150uph (maximum permitted under the High Density Residential designation), a total common amenity area of 0.78ac would be required. While we acknowledge there is a need for a minimum common amenity area, we believe the quality space being proposed is preferable over simply achieving a minimum space requirement.

***Relief from Section 4.13.2.2.2 to permit windows of habitable rooms on the north elevation of Building B to be located within 1.820 metres of a surface driveway whereas 3 metres is required.***

Due to the size constraints of the subject property, windows of habitable rooms on the north face of Building B are located 1.82m from the access driveway from Summit Ridge Drive. It is not

possible to shift Building B further south to provide 3 metres on the north end of the building as the building would encroach into the required exterior side yard. It is also not possible to shift the driveway further north without encroaching into the required side yard and landscaped buffer strip along the northerly property boundary that abuts newly constructed townhouse units fronting onto Summit Ridge Drive. Removing the windows from the north elevation or reducing the size of the units at the end of the building would compromise the function of the units. To address concerns related to potential vehicle noise, triple pane windows are proposed. This driveway is also a fire route and will be signed accordingly to restrict parking. No parking along this end of the building would help address any concerns with respect to potential privacy concerns.

For the above noted reasons, we believe the requested variances are appropriate for the development and use of the land; meet the general intent of the General Residential and High Density Residential policies in the City's existing and new Official Plan; are minor in nature and meet the general intent of the multiple residential zone provisions of the R4A Zone. The requested variances allow the site to function as planned and contribute to providing a range of housing options within the community.

We look forward to receiving Staff comments and appearing before the Committee of Adjustment on August 11, 2017 to further discuss these requested variances. Please advise if any additional information is required to process the application.

Regards,



**Reid's Heritage Homes Ltd.**

Matthew Robson

Senior Project Manager – Land Development



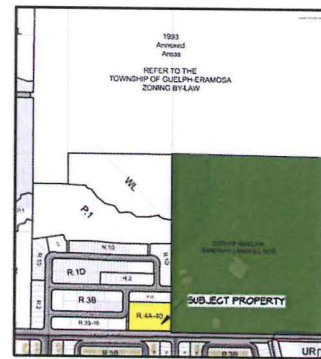
# PROJECT DESCRIPTION

Property Owner: Reid's Heritage Homes  
8785 Wellington Road 34, RR 22  
Cambridge, Ontario N3G 2V4  
Tel: 519-652-6656

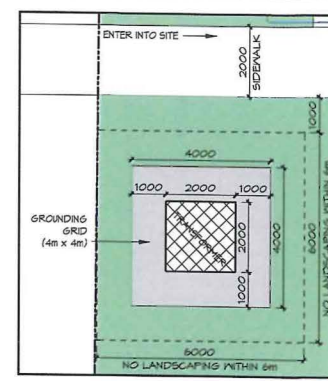
Applicant: Reid's Heritage Homes  
8785 Wellington Road 34, RR 22  
Cambridge, Ontario N3G 2V4  
Tel: 519-652-6656

Location: 190 Eastview Road  
Guelph, ON  
4 Stories

No. of Parking: Surface - 140  
Bicycle - Outdoor 11  
Bicycle - Indoor 103

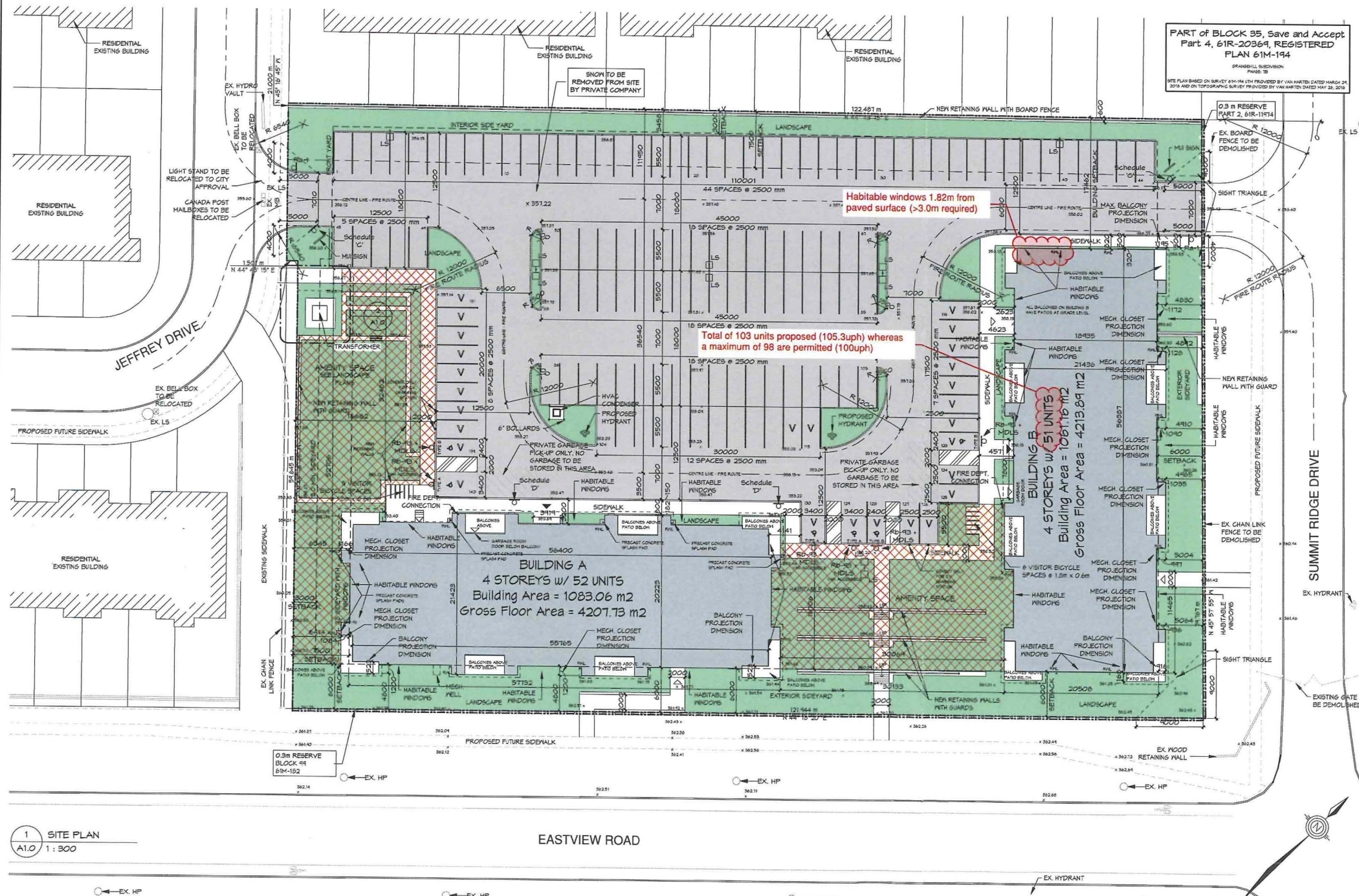


Key Map  
1:10,000



2 Site - Transformer Detail  
A1.0 1:100

LEGEND	PRINCIPLE BUILDING ENTRANCE	SECONDARY ENTRANCE	PROPERTY LINE	SETBACK LINE	CENTRE LINE OF FIRE TRUCK ACCESS ROUTE IV 12m TURNING RADIUS	LANDSCAPED AREA	PROPOSED BUILDINGS	HATCHED AREA REPRESENTS AMENITY AREA	NEW PARKING SURFACE	NEW CONCRETE SIDEWALK	NOTED RESERVES TO BE LIFTED	BARRIER CURB	STANDARD TRAFFIC SIGN 'STOP SIGN'	STANDARD TRAFFIC SIGN 'DISABLED PARKING PERMIT SIGN' & MOBILITY DEVICE LOADING SPACE	STANDARD TRAFFIC SIGN 'FIRE ROUTE'	STANDARD TRAFFIC SIGN 'FIRE ROUTE - NO PARKING'	EXISTING BELL PEDESTAL	STANDARD PARKING SPACE: 5.5m x 2.5m	TYPICAL AISLE WIDTH: 1.0m	ACCESSIBLE PARKING SPACE: TYPE A: 5.5m x 3.4m TYPE B: 5.5m x 2.4m	2.0m ACCESS AISLE	NOTE: IN ADDITION TO ACCESSIBLE PARKING SPACES, ALL EXTERIOR WALKWAYS WHERE AN ACCESSIBLE PATH OF TRAVEL IS REQUIRED WILL COMPLY WITH THE RELEVANT SECTIONS OF CBC PART 3.9	VISITOR PARKING: 5.5m x 2.5m	CANADA POST MAIL BOXES	FIRE HYDRANT	EXISTING HYDRO POLE	EXISTING LIGHT STAND	PROPOSED LIGHT STAND
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1 SITE PLAN  
A1.0 1:300

REGULATIONS GOVERNING R.4A-40, GENERAL APARTMENT		Total of 103 units proposed (105.3uph) whereas a maximum of 98 are permitted (100uph)	
ROW	REGULATION	REQUIRED	
3	MIN. LOT AREA	650 m <sup>2</sup>	0.9761 ha (9761.5 m <sup>2</sup> ) YES
4	MIN. LOT FRONTAGE	15 m	21.00 m YES
5	MAX. DENSITY (UNITS/HA)	100 UNITS/HA 0.9761 HA/ 100 UNITS = 98	103 units MV
	MIN. DENSITY (UNITS/HA)	40 UNITS/HA 0.9761 HA/ 40 UNITS = 24.4	103 units > 24.4 YES
6	MIN. FRONT & EXT. SIDE YARD	6.0 m	6.0 m YES
7	MAX. FRONT & EXT. SIDE YARD	N/A	N/A
8	MIN. SIDE YARD	EQUAL TO 1/2 BUILDING HEIGHT BUT NOT LESS THAN 3 M AND IN ACCORDANCE WITH 5.4.2.1	BUILDING 'A' HEIGHT: 4 STOREYS ± 14.592m BUILDING 'B' HEIGHT: 4 STOREYS ± 14.474m YES
9	MIN. REAR YARD	7.5 m WITH WINDOWS	N/A YES
10	MAX. BLDG HEIGHT	8 STOREYS	4 STOREYS ± BSMT YES
11	MIN. DISTANCE BETWEEN BUILDINGS	1/2 OF TOTAL HEIGHT OF THE BUILDINGS WITH WINDOWS AND NOT LESS THAN 15.0m	BLDG 'A' HEIGHT: 14.592 m 14.592/2 = 7.296 m BLDG 'B' HEIGHT: 14.474 m 14.474/2 = 7.237 m MUST BE GREATER THAN 15.0 m YES
12	MIN. COMMON AMENITY AREA	AMENITY AREA REQUIRED FOR SITE: 30m <sup>2</sup> x 20 Units = 600 m <sup>2</sup> 20m <sup>2</sup> x 82 Units = 1640 m <sup>2</sup> 2160 m <sup>2</sup>	OUTDOOR AMENITY AREA PROVIDED: 1294.3 m <sup>2</sup> INDOOR AMENITY AREA PROVIDED: Bldg A = 281.8 m <sup>2</sup> Bldg B = 455.0 m <sup>2</sup> TOTAL: 1694.3 m <sup>2</sup> YES
13	MIN. LANDSCAPED OPEN SPACE	TOTAL: 2240 m <sup>2</sup> 20% OF LOT AREA FOR 4 STOREY BUILDING	TOTAL: 1694.3 m <sup>2</sup> YES
14	OFF STREET PARKING	1.5 x 20 Units = 30 1.25 x 32 Units = 40 20% Visitor Parking Barrier-Free Spaces Req'd	140 SPACES INCLUDING: 27 Visitor Spaces 8 Barrier Free: 3 Type A 3 Type B YES
15	BUFFER STRIPS	WHERE AN R.4 ZONE ADJUTS ANY OTHER RESIDENTIAL ZONE A BUFFER STRIP SHALL BE DEVELOPED	YES
16	FLOOR SPACE INDEX (F.S.I.)	1 MAX. 9761.5 m <sup>2</sup> LOT AREA	4207.73 + 4217.25 / 9761.5 = 0.861 YES
17	FENCES	LOCATED IN THE FRONT YARD SHALL NOT EXCEED 0.9 m IN HEIGHT LOCATED IN THE INTERIOR SIDE YARD SHALL NOT EXCEED 1.4 m IN HEIGHT SEE 4.20.14 FOR HOW HEIGHT MEASURED	FENCE - INTERIOR SIDE YARD = 1.8m YES
5.4.2.4.2	MIN. COMMON AMENITY AREA	AMENITY AREAS SHALL BE DESIGNED AND LOCATED SO THAT THE LENGTH DOES NOT EXCEED 4 TIMES THE WIDTH	AMENITY AREA BETWEEN BUILDINGS: L: 32.6m P: 16.7m L/P Ratio 1.95 AMENITY AREA NEAR JEFFREY DRIVE: L: 52.7m P: 16.7m L/P Ratio 3.15 YES
SECTION 4 - GENERAL PROVISIONS			
Table 4.1	CANOPES AND AWNINGS ABOVE DOORS AND WINDOWS	ALL YARDS IN THE R.4 ZONES ALLOWED TO PROJECT MAX. 1.8m INTO REQUIRED YARD MINIMUM SETBACK FROM THE LOT LINE: 0.5m	PROJECT MAX. 1.52m INTO REQUIRED YARD YES
Table 4.7	PERMITTED YARD PROJECTION: BALCONIES (APPLICABLE TO FLOORS ABOVE MAIN FLOOR/ENTRY LEVEL)	ALL YARDS IN THE R.4 ZONES ALLOWED TO PROJECT MAX. 1.8m INTO REQUIRED YARD MINIMUM SETBACK FROM THE LOT LINE: 2m	PROJECT MAX. 1.523m INTO REQUIRED YARD YES
Table 4.7	PERMITTED YARD PROJECTION: MECHANICAL CLOSETS FOR THE PACKAGED TERMINAL AIR CONDITIONERS (PTAC) AND HEAT PUMP UNITS	ALLOWED TO PROJECT 1.2m INTO THE REQUIRED EXTERIOR AND SIDE YARDS	BLDG A West: max. 1.17m South: 1.20m East/North: N/A BLDG B West/South/North: N/A East: max. 1.17m YES
4.13.2.2.2	OFF STREET PARKING	MIN. 3.0m	2nd, HABITABLE ROOMS IN BLOCK B ARE 1.82m FROM DRIVEWAY. Habitable windows 1.82m from paved surface (>3.0m required) MV
PER SCHEDULE "B" SITE PLAN APPROVAL PROCEDURES AND GUIDELINES			
1.0	BICYCLE PARKING REQUIREMENTS	1 PER DWELLING UNIT THAT DOES NOT HAVE AN EXCLUSIVE USE GARAGE, PLUS 2 VISITOR SPACES PER 20 UNITS	BICYCLE PARKING INDOORS: 1 Space/Unit = 103 Spaces YES
Table 1.1	MULTIPLE DWELLING - APARTMENT		BICYCLE PARKING OUTDOORS: 2 V. Spaces/20 Units = (103/20) x 2 = 11 Spaces

**JAMES FRYETT ARCHITECT INC.**  
115 Metcalfe Street  
Eggs, Ontario N0B 1S0  
Tel: 519-846-2201  
Fax: 519-846-0343  
www.fryettarchitect.com

**Grangehill Apartments**  
190 Eastview Road, Guelph ON  
Site Plan - Building A & B

STATUS: SPA  
PROJECT #: 16004  
FILE NO.: SP16A011  
DRAWN BY: JF  
SCALE: As Indicated  
DATE OWN Feb. 4, 2016  
ISSUED Oct. 27 2016

SHEET #



PROJECT DESCRIPTION

Property Owner: Reid's Heritage Homes  
 6783 Wellington Road 34, RR 22  
 Cambridge, Ontario, N3C 2V4  
 Tel: 519-658-6656

Applicant: Reid's Heritage Homes  
 6783 Wellington Road 34, RR 22  
 Cambridge, Ontario, N3C 2V4  
 Tel: 519-658-6656

Location: 190 Eastview Road  
 Guelph, ON

Stories: 4 Stories

No. of Parking: Surface - 138  
 Bicycle - Outdoor 11  
 Bicycle - Indoor 105



MATERIAL LEGEND

	A	BRICK - BRAMPTON COLOUR - ROYAL GRAY
	B	STONE - BRAMPTON COLOUR - GRANADA MIDNIGHT
	C	VERTICAL SIDING - KAYCAN COLOR - LINEN
	D	HORIZONTAL SIDING - SAGINAW SAGINAW COLOUR - ESPRESSO BLACKWOOD
	E	ASPHALT SHINGLES OPENING CORNING OAKRIDGE ONYX BLACK
OTHER ELEMENTS		
WINDOWS & PATIO DOORS: BLACK VINYL		
DOOR FRAMES: BLACK METAL		
ALUMINUM SOFFITS: KAYCAN		
EAVESTROUGH, FLASHINGS: COLOUR 55		
FASCIA, RAILS: RUSTIC GRANITE		
BALCONY COLUMNS: BLACK		
BALCONY GUARDS: GLASS, BLACK PPC ALUMINUM		



1 West  
 EP-5 1:150



2 North  
 EP-5 1:150



3 South  
 EP-5 1:150



4 East  
 EP-5 1:150

JAMES FRYETT  
 ARCHITECT INC.

Tel: 519-846-2201  
 Fax: 519-846-0343  
 115 Metcalfe Street  
 Elora, Ontario N0B 1S0  
 www.fryettarchitect.com

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE COURSE OF THE WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IN THE EVENT OF DISCREPANCIES, THE CONTRACTOR SHALL PROCEED IN ACCORDANCE WITH THE ARCHITECT'S WRITTEN INSTRUCTIONS. ALL DRAWINGS AND SPECIFICATIONS PREPARED BY THE ARCHITECT ARE HIS PROPERTY AND INSTRUMENTS OF HIS SERVICE AND ARE TO BE RETURNED AT HIS REQUEST. © 2016 JFI

SEAL

PROJECT NORTH

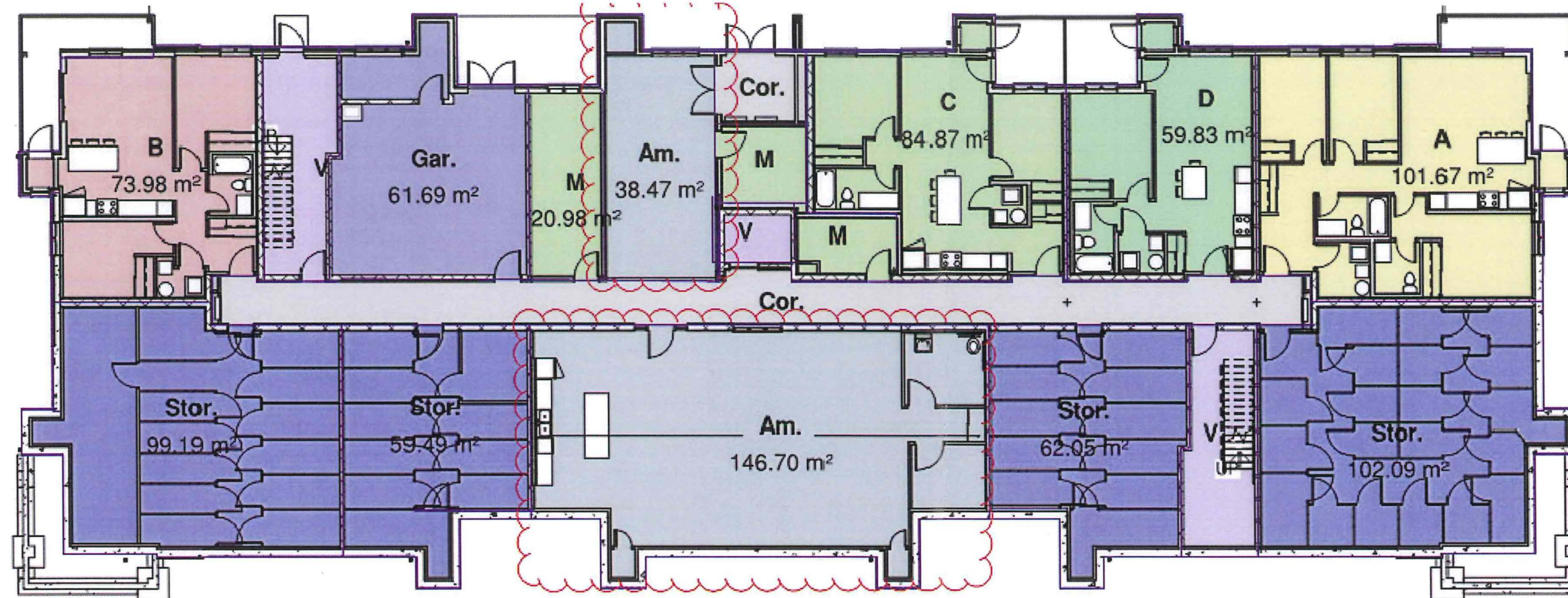
Grangehill Apartments - Bldg. B  
 190 Eastview Road, Guelph ON  
 Building Elevations

STATUS	SFA
PROJECT #	16009
FILE No.	SPT16A011
DRAWN	SV
SCALE	As Indicated
DATE DWN	Feb 4 2016
ISSUED	Jul 7 2017

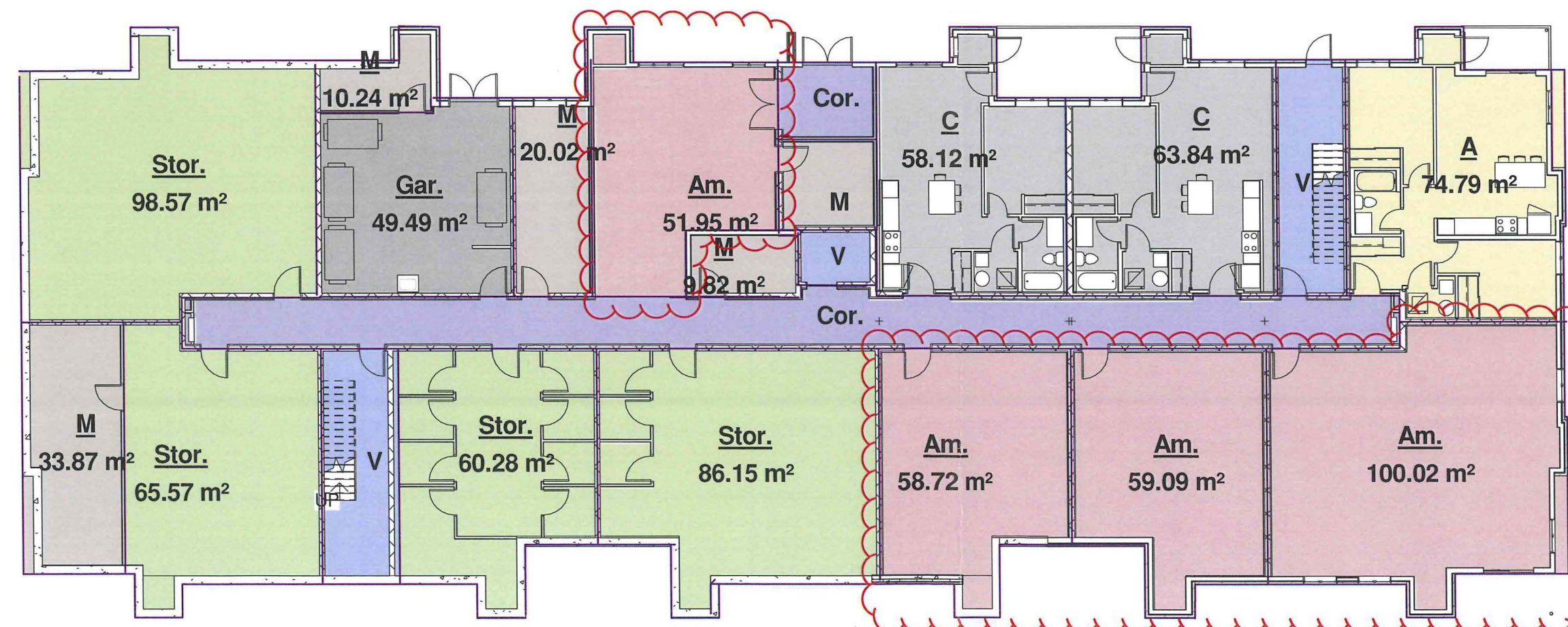
4 SPA Amendment  
 REVISIONS  
 DATE

EP-5





Building A - 185.2m2 of interior common amenity area

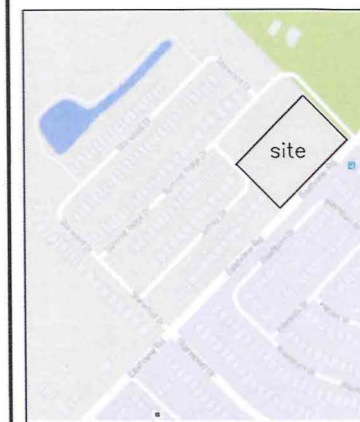


Building B - 269.8m2 of interior common amenity area

1 000.2 Basement


1 000.2 Basement





EXISTING TREE NO. 4 TO BE REMOVED

**Revisions:**





GRANGEHILL  
APARTMENTS  
190 EASTVIEW ROAD  
GUELPH, ONTARIO  
SP16A011

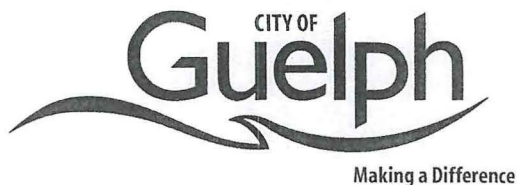
LANDSCAPE  
PLAN

Drawing Number:

L1.1



# 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>July 17, 2017</u>	Folder #:
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Application #: <u>A-47/17</u>

## TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff?      Yes ☒      No ☐

*THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.*

### PROPERTY INFORMATION:

Address of Property: 155 Suffolk Street

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

Lot 15 and Part of Lot 14, Registered Plan 29 and Part Park Lot 10, Registered Plan 8

### OWNER(S) INFORMATION:

Name: Susan Barber Holdings Limited

Mailing Address: 167 Suffolk Street West

City: Guelph      Postal Code: N1H 2J7

Home Phone: \_\_\_\_\_      Work Phone: 519-824-0310

Fax: \_\_\_\_\_      Email: [jbarber@barberholding.ca](mailto:jbarber@barberholding.ca)  
[sbarber@barberholding.ca](mailto:sbarber@barberholding.ca)

### AGENT INFORMATION (If Any)

Company: Black, Shoemaker, Robinson & Donaldson Limited on behalf of Georgian Bay Crematorium Services Ltd.

Name: Nancy Shoemaker

Mailing Address: 351 Speedvale Avenue West

City: Guelph      Postal Code: N1H 1C6

Work Phone: 519-822-4031      Mobile Phone: \_\_\_\_\_

Fax: 519-822-1220      Email: nancy@bsrd.com

Official Plan Designation: General Residential	Current Zoning Designation: Commercial (C.1)
--	--

<b>NATURE AND EXTENT OF RELIEF APPLIED FOR</b> (variances required):
Section 6.1.1 of by-law specifies Permitted Uses. The owner is seeking a use variance to permit office uses to a maximum of 849 square metres.
Section 4.13 of by-law specifies Parking requirements. The owner is seeking a minor variance to recognize 25 parking spaces in lieu of 83 spaces. The additional spaces will be provided through an agreement with the owner of 167 Suffolk Street (Susan Buri-Barber) and a licensing agreement with the City for use of the 11 parking spaces on Yorkshire right of way.

<b>Why is it not possible to comply with the provision of the by-law? (your explanation)</b>
The second floor of this building is not suitable for most uses permitted in the C.1 Zone. In addition, office use will reduce the overall parking requirements for this property.
Parking for 155 and 167 Suffolk Street is shared due to previous agreements. The ratios for this site are excessive given occupancy of 167 Suffolk Street. In addition, the current site development provides more parking that has been needed on a daily basis. There is no opportunity to provide additional parking as the site plan shows full development and the buildings are existing.

<b>PROPERTY INFORMATION</b>			
Date property was purchased:	March 17, 2011 although family has owned property since 1961	Date property was first built on:	unknown
Date of proposed construction on property:	N/A	Length of time the existing uses of the subject property have continued:	Over 57 years
<b>EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.):</b>			
Two storey Commercial Building containing a variety tenants			
<b>PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.):</b>			
Same as above allowing office uses to a maximum of 849 square metres			

<b>DIMENSIONS OF PROPERTY:</b> (please refer to your survey plan or site plan)			
Frontage: Suffolk:	32.2 m and Yorkshire:- 68.6 m	Depth: 71.5 m	Area: 0.228 sq.m.



PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED – N/A		
<b>Main Building</b>			<b>Main Building</b>		
Gross Floor Area:	1,752 square metres		Gross Floor Area:		
Height of building:	2 storey		Height of building:		
<b>Garage/Carport (if applicable)</b>			<b>Garage/Carport (if applicable)</b>		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:			Width:		
Length:			Length:		
Driveway Width:			Driveway Width:		
<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>			<b>Accessory Structures (Shed, Gazebo, Pool, Deck)</b>		
Describe details, including height:			Describe details, including height:		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED – No change		
Front Yard Setback:	Suffolk Street 4.4 M		Front Yard Setback:	M	
Exterior Side Yard (corner lots only)	Yorkshire 0.2 M		Exterior Side Yard (corner lots only)	M	
Side Yard Setback:	Left: 2.1 M	Right: N/A	Side Yard Setback:	Left: M	Right: M
Rear Yard Setback	7.0 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 type="checkbox"/>	<input checked="" type="checkbox"/>	A-118/83 veterinary clinic/office – approved A-142/79 coffee and donut shop - 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, Nancy Shoemaker, of the City of  
Guelph in County 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

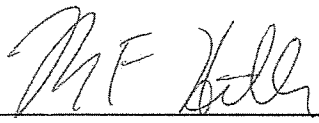
\_\_\_\_\_  
Signature of Applicant or Authorized Agent

**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 Guelph in the County of

Wellington this 12th day of June, 2017.

  
\_\_\_\_\_  
Commissioner of Oaths

**Kerry Francis Hillis, a Commissioner, etc.**  
Province of Ontario, for Black, Shoemaker,  
Robinson & Donaldson Limited  
**Expires January 29, 2019**  
(official stamp of Commissioner of Oaths)



## APPOINTMENT AND AUTHORIZATION

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

Susan Barber Holdings Limited

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

of 155 Suffolk Street

\_\_\_\_\_  
(Legal description and/or municipal address)

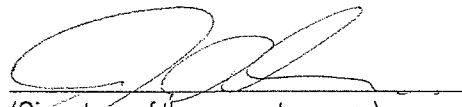
hereby authorize Black, Shoemaker, Robinson & Donaldson Limited

\_\_\_\_\_  
(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 12th \_\_\_\_\_ day of June \_\_\_\_\_ 2017 \_\_\_\_\_.

  
(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.

Ontario Land Surveyors  
Urban and Rural Planners

July 17, 2017

Project: 15-0114

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

351 Speedvale Avenue West  
Guelph, Ontario N1H 1C6

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

Attention: Trista Di Lullo

**Re: Application for Minor Variance  
Lot 15 and Part of Lot 14, Registered Plan 29 and Part Park Lot 10, Registered Plan 8  
(Parts 4 and 5, Plan 61R-1271)  
155 Suffolk Street (also known as 208 Yorkshire Street)  
Owner: Susan Barber Holdings Limited**

Please find enclosed a revised "Application for Minor Variance" on the above-noted property. Also enclosed is a cheque in the amount of \$243.00 to cover the City's deferral fee. Finally, I have attached a sketch of the current site development as it affects the subject building and the adjacent building.

The subject property is located on the northwest corner of Yorkshire Street and Suffolk Street and is zoned Convenience Commercial (C.1). Although I cannot confirm the original date of construction of this building, the property has been used as a commercial mall for over 57 years.

One of the major issues with the continued viability of the commercial building is the limited number of uses that are currently permitted under the C.1 zoning. Given the size of the existing building at 1,752 square metres (18,862 square feet), it is not reasonable to expect this building to be fully tenanted with this limited list of uses. In fact, the site is not suited for a day care or group home without appropriate outdoor amenity areas, leaving personal service establishment, take out restaurant, convenience store and artisan studio the only uses available to the site. In addition, all of the uses included under the C.1 zoning have parking requirements ranging between 1 space /9 square metres to 1 space/16.5 square metres which, if fully tenanted, leaves the site deficient in parking.

The purpose of this application is to seek:

- a) A use variance to permit 849 square metres of office space
- b) A parking variance to recognize a total parking for this property to be 25 spaces in lieu of 83 spaces with the additional spaces to be provided through a licensing agreement with the City for 11 spaces on the Yorkshire Street right of way and additional spaces provided through an agreement with 167 Suffolk Street (Susan Buri-Barber).

Should you have any questions, please call me.

Yours very truly

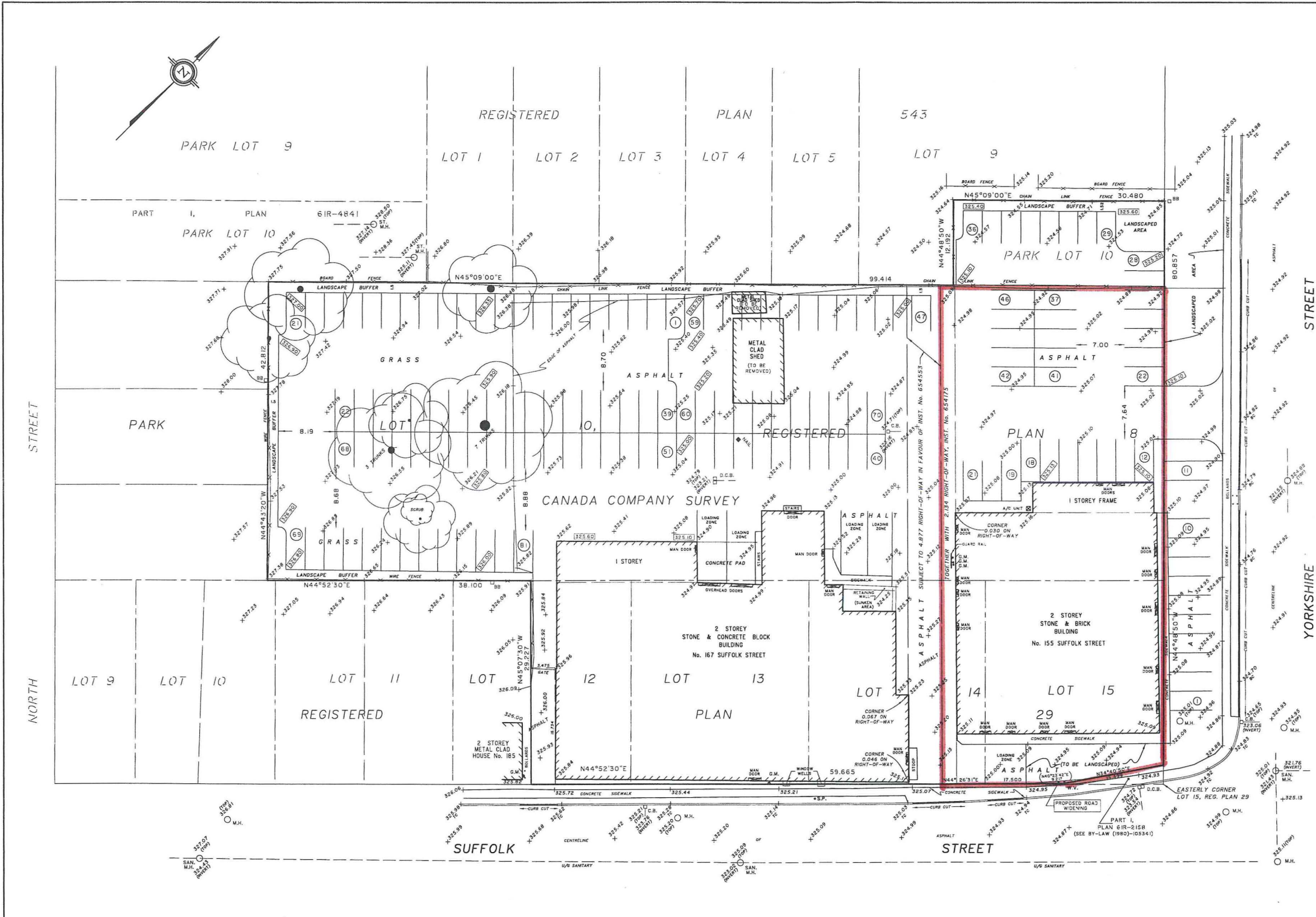
**BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED**

**Nancy Shoemaker, B.A.A., M.C.I.P., R.P.P.**

Attachments

Copy: Susan Barber Holdings Limited





SITE PLAN  
OF PART OF PARK LOT 10 AND  
REGISTERED PLAN 8, C.C.S. AND  
PART OF LOT 12 AND 15 AND  
ALL OF LOTS 13 AND 14  
REGISTERED PLAN 29  
CITY OF GUELPH  
COUNTY OF WELLINGTON

A. BRUCE DONALDSON - ONTARIO LAND SURVEYOR  
2000  
SCALE 1 : 300

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

Parking	
Address	# of Spaces
167 Suffolk Street	99
155 Suffolk	25
Vacant land on Yorkshire St.	10
Yorkshire Street right of way	11
Total	145

- LEGEND:
- TC DENOTES TOP OF CURB
  - BC DENOTES BOTTOM OF CURB
  - U.P. DENOTES UTILITY POLE
  - G.M. DENOTES GAS METRE
  - F.H. DENOTES FIRE HYDRANT
  - W.V. DENOTES WATER VALVE
  - U/G DENOTES UNDERGROUND
  - O/H DENOTES OVERHEAD
  - C.B. DENOTES CATCH BASIN
  - D.C.B. DENOTES DOUBLE CATCH BASIN
  - M.H. DENOTES MANHOLE
  - BB DENOTES BELL JUNCTION BOX
  - S.P. DENOTES SIGN POST
  - (Tree symbol) DENOTES DECIDUOUS TREE (CANOPY TO SCALE)
  - (Elevation symbol) DENOTES PROPOSED ELEVATION BY BSR&D