

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-6/23
Location: 50-60 Fife Road
Hearing Date: February 9, 2023
Owner: Upbuilding! Non Profit Homes (Guelph) Inc.
Agent: Rebecca McEvoy, Tim Welch Consulting Inc.
Official Plan Designation: Medium Density Residential
Zoning Designation: Specialized Residential Townhouse (R.3A-4) Zone

By-Law Requirements: The By-Law:

- a) permits a variety of uses in the R.3A-4 Zone, including a townhouse or apartment building, but does not permit a multiple attached dwelling;
- b) permits a maximum of 70 dwelling units in the R.3A-4 Zone;
- c) requires a minimum private amenity area of 20 square metres per unit for cluster townhouses and ground level stacked townhouse units;
- d) requires a minimum of 1.5 parking spaces per unit for the first 20 units in an apartment building, and 1.25 spaces per unit for more than 20 units; and 1 parking space per unit for a townhouse unit [total of 100 parking spaces required]; and
- e) requires a minimum of 20% of the total required number of parking spaces for the use of visitors [total of 20 visitor parking spaces required].

Request: The applicant is seeking relief from the By-Law requirements to permit:

- a) multiple attached dwellings at 50-60 Fife Road subject to the R.3A-4 Zone regulations;
- b) a maximum of 84 dwelling units;
- c) a minimum private amenity area of 10 square metres for the proposed units;
- d) a minimum of 82 off-street parking spaces for the existing apartment building, existing townhouse units, and proposed multiple attached dwellings; and
- e) a total of 13 off-street parking spaces for the use of visitors (visitor parking).

Staff Recommendation

Approval with Conditions

Recommended Conditions

CN Rail

1. That prior to issuance of a Building Permit, the Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
2. That the following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:
"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
3. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
4. That prior to issuance of a Building Permit, the Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
5. That prior to issuance of a Building Permit, the Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

Comments

Planning Services

The subject lands are designated "Medium Density Residential" in the Official Plan. Permissible uses within this land use designation include multiple unit residential buildings, such as townhouses and apartments. This land use designation requires a minimum height of two storeys and a maximum height of six storeys. The maximum density permitted within this land use designation is 100 units per hectare. The requested variances will facilitate the construction of 18 new residential dwelling units in conformity with the built form, height and density of the Medium Density Residential land use designation. The requested variances are considered to conform to the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Residential Townhouse" (R.3A-4) according to Zoning By-law (1996)-13864, as amended, which permits townhouses and apartment buildings. The subject property is currently developed with 70 residential dwelling units, including a two-storey building with a basement consisting of four dwelling units and a community room. The applicant is proposing to demolish the existing two-storey building and construct three-storey multiple attached dwellings with 18 additional residential units in its place, resulting in a total of 84 units. Five variances are required to facilitate this proposal.

Variance A

The applicant is requesting a variance to permit multiple attached dwellings subject to the R.3A-4 Zone regulations, whereas Section 5.3.3.1.4.1 of the Zoning By-law permits townhouses and apartments in the R.3A Zone, but does not permit a multiple attached dwelling.

The site-specific Zone and uses that apply to the subject property recognize the built form that has existed for over 30 years on the property. The proposed multiple attached dwelling layout allows the applicant to accommodate an increased number of units. A multiple attached dwelling is defined as:

A building consisting of 3 or more dwelling units which are horizontally and vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal hall or corridor and which share common facilities such as common amenity area, parking and driveways.

An apartment building is defined as: a building consisting of 3 or more dwelling units, where access to each unit is obtained through a common entrance or entrances from the Street level and subsequently through a common hall or halls, but does not include a maisonette building.

Based on the above definitions, a multiple attached dwelling is similar to that of an apartment building and therefore the requested variance is considered to meet the general intent and purpose of the Zoning By-law.

Variance B

The applicant is requesting a variance to allow a maximum of 84 dwelling units, whereas Section 5.3.3.1.4.2 of the Zoning By-law permits a maximum of 70 dwelling units. The site-specific Zone and maximum number of dwellings units was written to reflect the existing number of units on the property. A net increase of 14 dwelling units will allow for better utilization of the site. The additional units can be accommodated on site without any adverse impacts to the existing site. Based on the size of the property, a total of 84 dwelling units results in a net density of 62 units per hectare, which is within the permissible density range of the Medium Density Residential land use designation. The requested variance meets the general intent and purpose of the Zoning By-law.

Variance C

The applicant is requesting a variance to permit a minimum private amenity area of 10 square metres for the proposed units, whereas Section 5.3.3.1.4.2.3 of the

Zoning By-law requires a minimum private amenity area of 20 square metres per unit for cluster townhouses and ground level stacked townhouse units. The applicant is requesting a reduction to accommodate site constraints and to maximize accessibility and liveable floor space. The proposed design will provide balconies and patios 12 square meters in size, which still allows sufficient room for residents to have a private outdoor space. The reduced size is also consistent with the minimum requirements of above grade stacked townhouse units. The requested variance meets the general intent and purpose of the Zoning By-law.

Variance D

The applicant is requesting a variance to permit a minimum of 82 off-street parking spaces for the existing apartment building, existing townhouse units, and proposed multiple attached dwellings, whereas Section 4.13.4.3 of the Zoning By-law requires a total of 100 parking spaces. The applicant has indicated that the current parking ratios for existing units vary from 1 space per unit to 1.5 spaces per unit, depending on the unit type. The applicant has also indicated that existing spaces are not fully utilized at this time. The proposed new units will be one-bedroom units which are typically less car dependent. The site is also on a transit line with a stop directly at the property which may further reduce the need for parking. The requested variance meets the general intent and purpose of the Zoning By-law.

Variance E

The applicant is requesting a variance to permit a total of 13 off-street parking spaces for the use of visitors, whereas Section 4.13.6 of the Zoning By-law requires a minimum of 20% of the total required number of spaces for the use of visitors (20 visitor parking spaces required). Based on parking utilization observations on site, peak visitor demand varies from 0.1 to 0.25 spaces per unit and the existing visitor parking spaces are not fully utilized. The requested variance meets the general intent and purpose of the Zoning By-law.

The requested variances will facilitate intensification of an existing site within the built-up area of the City and provide additional affordable housing units. The requested variances are considered to be desirable for the appropriate development of the lands and minor in nature.

The requested variances conform to the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the appropriate development of the lands and are minor in nature. Staff therefore recommend approval of the application.

Engineering Services

The development is subject to Site Plan Approval. Engineering review will be completed under the site plan process. Engineering has no concerns with the requested variances.

We agree with the recommendation made by Planning and Building staff.

Building Services

The subject property is zoned Specialized Residential Townhouse (R.3A-4) Zone which permits townhouses and an apartment building. The applicant is proposing to demolish an existing building on the property and construct an 18 unit multiple attached dwelling. Five variances are required for the proposal to meet zoning requirements. As the development is subject to Site Plan Approval, a more detailed review of the proposal at Site Plan stage may trigger different variances, though the proposal was reviewed at a pre-consultation stage where variances were identified.

Note that a demolition permit will be required prior to the demolition of the building. A building permit will be required prior to construction of the multiple attached dwellings, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations.

CN Rail

Please see attached email and above noted conditions. CN anticipates the opportunity to review a Noise study taking into consideration CN development guidelines.

Comments from the Public

None

Contact Information

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