

March 10, 2023

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

**RE: Application for Minor Variance  
201 Elmira Road South  
OUR FILE 16222D**

---

We are pleased to submit an application for a minor variance on behalf of Paisley + Whitelaw Inc. with respect to the property, municipally known as 201 Elmira Road South in the City of Guelph, hereinafter referred to as the “subject property”.

The subject property comprises a total of 6.19 hectares, and is located at the intersections of Elmira Road South, Paisley Road, and Whitelaw Road. The site is currently being developed with three apartment buildings; one fronting Paisley Road (Building A) and two fronting Elmira Road (Buildings B and C), as well as a multi-level parking structure fronting Whitelaw Road. Building A is well into construction, and a foundation permit has been issued for Building B. Permits for Building C and the parking structure are anticipated in Spring 2023. All of the buildings, including the parking structure, are site plan approved.

Through the site plan approval process for Building C and the parking structure adjacent to Whitelaw Road, discussions were held with staff regarding staff's request that a building with residential units be located along the Whitelaw Road frontage. In this regard, the approved Site Plan illustrates a conceptual 'Building D' on top of the parking structure. This Plan has been approved. Building D will be eight storeys in height and contain 227 units. The building is setback 6 or more metres from Whitelaw Road as illustrated in **Figure 1** attached and represents the next phase of development of the subject property.

Grades in the vicinity of the proposed building vary significantly both along Whitelaw Road and from Whitelaw Road into the subject property towards Paisley Road and Elmira Road. The finished grade of Whitelaw Road changes significantly along the façade of Building D as it slopes (down) toward Paisley Road, as illustrated by the western elevation of the proposed building, shown on **Figure 2** enclosed. The change in elevation of Whitelaw Road along the front of the proposed building is more than 4 metres (i.e. more than a full storey).

The lands are zoned R4.A, which permits a maximum building height of eight storeys subject to Sections 4.16 (Angular Plane) and 4.18 (Height Restrictions) of the Zoning By-law (1995) – 14864 (the 'By-law'). Where angular planes are required in determining maximum building height, such as in the R4.A Zone category, it is to be measured at a 45 degree angle from the centreline of the street as per Section 4.16.2.



However, Section 4.16.2 does not specify where along the façade of the building the angular plane should be measured, just that the angle defining the angular plane coincides with the centreline of the street.

Due to the slope of the site northeast of Whitelaw Road and the fixed location of the parking structure, Building D could not be moved further into the site, and further from Whitelaw Road. The intent of the design was to minimize the visual appearance of the parking structure and to emphasize the active components of the built form along the street.

The nature of the finished grades in the vicinity of the proposed building also complicate the measurement of building height under the relevant definitions of the By-law. Building height is to be measured from the average finished grade of a building, with 'finished grade' being defined as follows:

*"The average elevation of the finished surface of the ground, excluding any artificial embankment, immediately adjoining the base of the exterior walls or supports of a Building or Structure"*

Based on the By-law definition of finished grade, the height of the building is to be measured around the entire building, including the already approved parking structure. Due to the significant slopes on the property, this would result in a measurement of building height that is not at all reflective of the actual height of the building as seen from Whitelaw Road and at an average finished elevation below that of the road. Building D has been designed to address the street, with pedestrian accesses provided at multiple points along the façade of the building. The building sits on top of the parking structure, which has been site plan approved. As a result of the slope of Whitelaw Road, the southwest corner of the parking structure is below the grade of Whitelaw Road, and is gradually exposed travelling north along Whitelaw Road towards its intersection with Paisley Road, as illustrated in **Figure 2**. Notwithstanding this significant grade change, the apartment building is eight storeys in height when viewed from Whitelaw Road, consistent with the By-law.

To address the complexities with finished grade elevations surrounding the proposed apartment building and to permit the building as proposed, the following variances are requested:

- Variance from Section 4.16.2 of the Zoning By-law to permit an angular plane from a street of 59 degrees, with the angular plane being measured from the centreline of Whitelaw Road at the average grade on Whitelaw Road across the frontage of the building; and
- Variance from the definition of 'Finished Grade' in the Zoning By-law to permit the measurement of height from the finished grade at the front entrance to the building facing Whitelaw Road, as identified on **Figure 2**, attached hereto.

### **Planning Analysis**

In our opinion, the requested variances satisfy Subsection 45(1) of the *Planning Act*. Our analysis of the requested variance with respect to each of the "four tests" is discussed below.

#### **1. Does the variance maintain the general intent and purpose of the Official Plan?**

The lands are designated "Medium Density Residential" and "Significant Natural Areas & Natural Areas" on Schedule 2: Land Use Plan in the City's Official Plan. The Medium Density Residential designation permits apartment buildings. The maximum net density is 100 units per hectare. OPA 80, which was adopted by City Council in July 2022 and is currently under review by the Ministry of Municipal Affairs and Housing, includes the lands within a Strategic Growth Area, which is one



of the key areas within the City that is planned to accommodate significant portions of future residential and employment growth.

With respect to urban design, Policy 8.2.11 requires new development to contribute to a pedestrian-oriented streetscape by locating buildings adjacent to the street edge, placing building entrances towards the street, and maintaining a continuous building façade along the street. The proposed building is located adjacent to the street and has been incorporated into an existing parking structure to reduce its visual appearance. As a result of the location of the approved structure, the residential building above needs to be located at the front of the structure, which is a fixed location.

The use is permitted, the density, with the inclusion of Building D conforms to the Official Plan and the building has been located close to the street for building design reasons and to reduce the visual appearance of structured parking from the public realm.

In summary, the variance to permit a reduced angular plane and to measure the height of the building from the residential entrance along Whitelaw Road meets the general intent of purpose of the Official Plan.

## **2. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The Zoning By-law permits apartment buildings, with a maximum height of 8 storeys, subject to the angular plane regulations and the manner in which the By-law defines 'height' and 'finished grade.' The angular plane regulation is an urban design tool to manage the mass of a building adjacent to public streets. It is intended to establish a pedestrian scale relationship between the height of a building and the width of a street.

In this case, the angular plane varies across the building frontage due to the changing grades of Whitelaw Road, which are significant. The lands across the street are planned for high and medium density multiple unit buildings. The current approved site plan for the subject lands includes a parking structure along Whitelaw Road. The addition of Building D will allow residential units to be located at grade along the street, on top of the structure, which will complement the planned residential uses across the street and Building A to the north. Due to the nature of the design of the parking structure and the significant slope of the site, it is necessary to locate the building along the westerly side of the structure, adjacent to the street. Because the parking structure is a fixed component of the design, the building cannot move further from the street. Similarly, the upper two floors cannot be 'stepped' back without impacting the internal design of the building (hallways, elevators, stairs, and units). In our opinion, the inclusion of the 8-storey building will improve the pedestrian scale and appeal of the public realm, by replacing an open deck level of structured parking with residential units and a lobby entrance facing the street.

With regard to the measurement of building height, the building appears as an 8-storey building from Whitelaw Road. However, due to the nature of the natural grades on the site and the manner in which the By-law would otherwise measure height, it is more appropriate to measure the building height facing the street rather than around the foundation of the building, which is internal to the site and which has already been approved. The Bylaw limits height to 8-storeys and the building will be eight storeys adjacent to the street.

All other buildings in the development are eight storeys in height when viewed from the street. Lands to the west across Whitelaw Road have been approved for a 9-storey building height and buildings to the east along Paisley Road are eight storeys in height. The measurement of building



height as per the By-law definition would result in Building D being permitted a lower height due to the slope at the rear of the building, inconsistent with established and approved building heights adjacent to the site and ultimately impacting the streetscape along Whitelaw Road.

In our opinion, the variances to the angular plane and the manner in which height is measured in the By-law to permit an 8-storey residential building, that addresses the street with residential units and a prominent main entrance, maintains the general intent and purpose of the Zoning By-law.

### **3. Is the variance desirable for the appropriate use of the land, building or structure?**

The proposed apartment building is a permitted use in the Official Plan and Zoning By-law, and the R4A Zone category permits a maximum building height of eight storeys. The subject property is located within a Strategic Growth Area, which is planned to accommodate significant portions of the City's future growth. The proposed building is part of a larger residential development, with three other 8-storey apartment buildings having already received site plan approval. These buildings are at varying stages of the construction and/or building permit processes. Building D is eight storeys in height when viewed from Whitelaw Road and provides a continuous building façade along the street, framing the pedestrian environment. The design of the proposed building addresses existing grade issues associated with Whitelaw Road and the interior of the site while accommodating densities planned for the subject property in the Official Plan.

Furthermore, and as discussed above, Building D will sit atop an approved parking structure, shielding the majority of the parking and the structure from view of Whitelaw Road, while providing active uses (lobby, residential units) close to the street. The design of the structure is such that the floors containing the residential units need to be situated on the west side of the structure close to the street. If the building was situated in the middle of the structure, there would be parking spaces located between the building and Whitelaw Road, which is not desirable.

In summary, the variance to angular plane and the measurement of building height to permit an 8-storey residential building oriented to Whitelaw Road is desirable for the use of the lands.

### **4. Is the variance minor?**

The Zoning By-law permits the use and permits an 8-storey building. The location of the building will not impact the low-rise residential uses to the south and southeast. Similarly, the lands to the west are planned for high density and medium density residential uses, where mid and high rise apartment buildings are anticipated. The building will help frame the street with active uses and will appear as an 8-storey building from the sidewalk on Whitelaw Road. The minor reduction in the angular plane will allow for the efficient internal use of space, allow for more family sized units, while still situating the face of the building more than 6 metres from the street. When combined with the width of the street, the building will be more than 26 metres from the lot line for the lands to the west, which provides more than sufficient separation for an 8-storey building and allows for a wide public realm. The building is a mid-rise building, the design of which can be further considered through the Site Plan approval process to ensure the bottom components of the design create a strong ground related element.

In summary, in our opinion the variances for angular plane and the measurement of building height are minor.



For the reasons set out above, it is our opinion that the requested variance satisfies Subsection 45(1) of the *Planning Act* and should be approved. The minor variance application form has been submitted electronically in conjunction with this correspondence. The site plan, partial elevations, and illustration of the proposed angular plane are attached and referenced as figures herein. It is our understanding that upon submission of the online application, we will be contacted to arrange for payment of the \$1,354 application fee.

We trust the enclosed is sufficient for acceptance of the minor variance application and request that the application be considered at the next available meeting of the Committee of Adjustment. Please do not hesitate to contact the undersigned should you require additional information.

Yours truly,

**MHBC**



Trevor Hawkins, M.PL, MCIP, RPP  
Partner



Meghan Lippert, BA, MAES  
Planner

cc. Paisley + Whitelaw Inc.  
ABA Architects Inc.



THE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT, BEFORE PROCEEDING WITH THE WORK.

DRAWINGS ARE NOT TO BE SCALED.

SUBJECT SITE

STANLEY RD

STEARNS DR

ELMORE RD L

STEARNS AVE

STEARNS WAY

DICKMAN'S LANE

N.T.S.

KEY PLAN



aba architects inc.

100 Bayview Drive, Suite B, Willowdale, ON M2H 3B4 Tel: 416 341-2711 www.abarchitects.ca

CURRENT

PAISLEY +  
WHITELAW INC.

---

41 Columbia Street West, Suite 1  
Waterloo, Ontario N2L 3C4  
519-589-2577

DRAWING TITLE

PHASE II  
OVERALL SITE PLAN

---





[illegible]

PROJECT  
NAME

**WEST PEAK  
DEVELOPMENT  
BUILDING D**

**WHITELAW ROAD, GUELPH, ONTARIO**

SCALE 1:250	DRAWING NUMBER  <b>A2.1</b>
SHEET SIZE 24 x 48 (610 x 1220)	
PROJECT NUMBER 2017-174	