



March 13, 2023

File No. 22230

Committee of Adjustment
City of Guelph
1 Carden Street
Guelph, ON N0B 1B0

Trista DiLullo
(via e-mail)

**Re: Minor Variance Application
For Clearance of Conditional Site Plan Approval
423 Woolwich Street, Guelph**

On behalf of 2436231 Ontario Inc., GSP Group is pleased to submit this Minor Variance application for the property municipally known as 423 Woolwich St. ("Site").

The property is currently designated as Mixed Office/Commercial in the City of Guelph Official Plan, which permits a range of uses including, small-scale office, and apartment units with a maximum height of 4-storeys. The Official Plan states that residential development may be permitted up to a maximum density of 100 units per hectare.

The property is currently zoned Office Residential (OR-36) in the City of Guelph Zoning By-law, which permits a limited range of commercial, retail and office uses along with residential dwellings. The current 'OR-36' Zone permits a maximum height of 3-storeys and requires one parking space per residential dwelling in accordance with Section 4.15.2.4 (in addition to required commercial parking).

The Site is currently occupied by a 2-storey office building, and an existing fourplex. The adjacent property (435 Woolwich), is within the same ownership as the Site, and a portion of this property is used by 423 Woolwich for access to additional required parking spaces. Between the two properties, 27 parking spaces are provided for the use of the residents and office building. 9 of the existing parking spaces are located in a parking lot accessed via Woolwich Street and the remaining 18 are accessed from a private laneway off of Powell Street East.

The proposed development consists of an addition to the existing 2-storey office building to permit a 3-storey mixed-use building containing 188 m² of commercial space on the ground floor, and 10 residential units to be located on all three floors. The floorplate of the existing building will remain the same. The extent of the construction works is limited to the new third floor addition to the office building. Based on the current Zoning By-law parking requirements, parking for the proposed development can be accommodated using the existing parking stalls on the Site.

The proposed development includes the retention of the existing duplex and fourplex residential buildings and the 1 storey frame accessory building next to the duplex, as well as maintaining the existing number and configuration of parking spaces.

The Site currently has legal non-conforming status as the existing building is within the required front yard, and exterior side yard set backs and is within the required corner sightline triangle. Section 2.5.4 of the Zoning By-law 1995 -14864 outlines regulations for existing legal non-complying regulations. It states that “Extensions or additions shall be designed, located, Used and otherwise in compliance with the provision of this By-law.” As such, a minor variance is required for a reduction of the front yard and exterior side yard setbacks, and corner visibility triangle.

The regulations the proposed requests relief from is as follows:

1. Requesting relief from Table 6.5.2 Row 4 whereby a minimum of 3m is required for front yard setback whereas 0.4m is being provided;
2. Requesting relief from Table 6.5.2 Row 4 whereby a minimum of 3.0m is required for exterior side yard setback whereas 2.3m is being provided;
3. Requesting relief from S. 4.6.2.2 whereby within any part of a sight line triangle at vehicular access area no Building, Structure, play equipment, statue, swimming pool/hot tub or parked motor Vehicle shall be located, whereas a building will be located within the sight line triangle.
4. Requesting relief from Table 4.7 Row 12 whereby for exterior stairs, a maximum projection into the required exterior side yard is 1.5m whereas a 2.4m projection is proposed, and whereby a minimum exterior side yard setback from the lot line is 0.8m whereas an exterior side yard setback of 0.6m is proposed.

Minor Variance Analysis

The following is intended to review the minor variance and discuss how it meets the four tests as set out on Section 45(1) of the Planning Act.

Is the proposed variance minor in nature?

The proposed minor variance would facilitate the addition of the 3rd floor on an existing use which has legal non-conforming regulations. The proposed addition will have no impact on the function of Woolwich St. or Powell St as the reduced setbacks and sightline already exists. For this reason, it is believed that the proposed variance is minor in nature.

Is the proposed minor variance desirable for the appropriate development of the lands?

The proposed development represents a modest intensification of the lands and an improved use of an existing building. It will provide for additional residential buildings within the City's Built-up area where neighbourhood amenities are available and where residential intensification is targeted. This type of development is appropriate for the lands and is desirable.

Does the proposed variance maintain the general intent and purpose of the Official Plan?

The general intent of the Official Plan for these lands is to provide for a mix of uses including office and residential apartments. This proposal will be providing residential uses and office space in accordance with the Official Plan.

Does the proposed variance maintain the general intent and purpose of the Zoning By law?

The proposed variance is required to maintain the existing condition on the Site. The footprint of the building remains unchanged while a third floor will add much needed residential supply to the City. Many of the other regulations within the Zoning By-law are being met in the proposed including the land use, parking and building height. As such, the proposed variance maintains the general intent and purpose of the zoning by-law.

In support of the minor variance application, the following documents/drawings have been provided:

- Elevations Drawings
- Site Plan Drawing;

We trust this provides you with all required materials to process the formal site plan application. If you have any questions or require any further information, please do not hesitate to reach out to myself or Kristen Barisdale of this office.

Sincerely,
GSP Group Inc.

A handwritten signature in black ink, appearing to read "C Balluch", with a long horizontal flourish extending to the right.

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