Turkstra Mazza

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VIA EMAIL

April 21, 2023

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

Attention: Trista Di Lullo, Secretary Treasurer, Committee of Adjustment

Dear Ms. Di Lullo:

Re: NOTICE OF APPEAL
Minor Variance Application
Municipal File No. A-19/23

We represent Schembri Property Management ("**Schembri**"), owner of lands located at 201 Elmira Road South within the City of Guelph ("**Subject Lands**"). The Subject Lands are site plan approved and are in the process of being developed with three apartment buildings (referred to as Buildings A, B, and C), as well as a multi-level parking structure fronting onto Whitelaw Road.

Through the site plan approval process, particularly in relation to Building C and the parking structure, staff requested that a building with residential units be located along the Whitelaw road frontage and incorporated with the parking structure. The site plan was consequently modified to add Building D on top of the parking structure. Building D will be eight storeys, will contain 227 residential units, and will be setback at least six metres from Whitelaw Road.

To address the complexities with finished grade elevations surrounding the proposed Building D, and to permit the building as proposed, a minor variance application was submitted to the City on March 10, 2023 ("**Application**"). Through the Application, the following variances are requested:

1. 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 centerline of Whitelaw Road at the average grade on Whitelaw Road across the frontage of the building; and

2. Variance from the definition of 'Finished Grade' in the Zoning By-law to permit the measurement of height from the finished grade to the front entrance to the building facing Whitelaw Road.

On April 13, 2023, the City of Guelph Committee of Adjustment made a decision to refuse the Application. We hereby appeal the Committee's decision to the Ontario Land Tribunal, pursuant to subsection 45(12) of the Planning Act.

The reasons for appealing the Application include, but are not limited to the following:

1. The Application has appropriate regard for matters of provincial interest as set out in section 2 of the Planning Act.

2. The Application is consistent with the Provincial Policy Statement, 2020.

3. The Application conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4. The Application satisfied the four-part test set out in section 45(1) of the Planning Act, as detailed in the attached correspondence from MHBC Planning, submitted in support of the Application. More specifically, the Application:

    a. Meets the general intent and purpose of the City of Guelph Official Plan;
    b. Meets the general intent and purpose of Zoning By-law (1995) – 14864;
    c. Is desirable for the appropriate use of the land, building, and structure; and
    d. Is minor in nature.

5. The Application constitutes good planning.

In satisfaction of OLT's processing requirements, enclosed please find:

1. The required OLT Appeal Forms A1 for the Minor Variance;

2. Correspondence from MHBC Planning, submitted in support of the Minor Variance Application, dated March 10, 2023; and

3. A cheque in the amount of $400 as the OLT's requisite appeal fee.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned. Otherwise, we thank you for your receipt of this appeal package.

Yours truly,

Jennifer Meader

JENNIFER J MEADER PROFESSIONAL CORPORATION
TURKSTRA MAZZA ASSOCIATES

Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

Appeal Form (A1)

Municipal/Approval Authority Date Stamp	Receipt Number (OLT Office Use Only)	Date Stamp – Appeal Received by OLT
Received April 21, 2023		
	OLT Case Number (OLT Office Use Only)	

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's website for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:			First Name:
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
Schembri Property Management			
Email Address:			
Daytime Telephone Number:			Alternative Telephone Number:
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:

City/Town:	Province:	Country:	Postal Code:

Representative Information

X I hereby authorize the named company and/or individual(s) to represent me

Last Name:	First Name:
Meader	**Jennifer**

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):

Turkstra Mazza Associates

Email Address:

jmeader@tmalaw.ca

Daytime Telephone Number:			Alternative Telephone Number:
(905) 529-3476	ext.		

Mailing Address

Unit Number:	Street Number:	Street Name:	P.O. Box:
	15	**Bold Street**	

City/Town:	Province:	Country:	Postal Code:
Hamilton	**Ontario**	**Canada**	**L8P 1T3**

Note: If your representative is not licensed under the *Law Society Act*, please confirm that they have your written authorization, as required by the OLT *Rules of Practice and Procedure*, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.

☐ I certify that I understand that my representative is not licensed under the *Law Society Act* and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.

Location Information

Are you the current owner of the subject property? X Yes ☐ No

Address and/or Legal Description of property subject to the appeal:

201 Elmira Road South

Municipality:

Guelph

Upper Tier (Example: county, district, region):

Language Requirements

Do you require services in French?	☐ Yes	X	No

To file an appeal, please complete the section below. Complete one line for each appeal type			
Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	*Planning Act*	45(12)
1	**Minor Variance**	***Planning Act***	**45(12)**
2			
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter		
Select	Legislation associated with your matter	Complete Only the Section(s) Below
X	Appeal of *Planning Act* matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
☐	Appeal of *Development Charges*, *Education Act*, *Aggregate Resources Act*, *Municipal Act* matters	3A
☐	Appeal of or objection to *Ontario Heritage Act* matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
☐	Appeal of *Planning Act* (subsections 33(4), 33(10), 33(15), 36(3)), *Municipal Act* (subsection 223(4)), *City of Toronto Act* (subsection 129(4)) and *Ontario Heritage Act* (subsections 34.1(1), 42(6)) matters	3A & 3B
☐	Appeal of *Clean Water Act*, *Environmental Protection Act*, *Nutrient Management Act*, *Ontario Water Resources Act*, *Pesticides Act*, *Resource Recovery and Circular Economy Act*, *Safe Drinking Water Act*, *Toxics Reduction Act*, and *Waste Diversion Transition Act* matters	4A
☐	Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*	4B
☐	Appeal under the *Niagara Escarpment Planning and Development Act* (*NEPDA*)	5
☐	Appeal of *Conservation Authorities Act*, *Mining Act*, *Lakes and Rivers Improvement Act*, *Assessment Act*, and *Oil, Gas and Salt Resources Act* matters	6

☐	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information
Number of new residential units proposed:
227
Municipal Reference Number(s):
A-19/23
List the reasons for your appeal:
Please see the attached covering letter and correspondence from MHBC Planning dated March 10, 2023.
Has a public meeting been held by the municipality? X Yes ☐ No
For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:
A: A decision of a Council or Approval Authority is:
☐ Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act* ☐ Fails to conform with or conflicts with a provincial plan ☐ Fails to conform with an applicable Official Plan
And B: For a non-decision or decision to refuse by council:
☐ Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act* ☐ Conformity with a provincial plan ☐ Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan
If it is your intention to argue one or more of the above grounds, please explain your reasons:

Oral/Written submissions to council
Did you make your opinions regarding this matter known to council?
☐ Oral submissions at a public meeting of council
☐ Written submissions to council
☐ Not applicable

Related Matters
Are there other appeals not yet filed with the Municipality?
☐ Yes X No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
☐ Yes X No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information
Outline the grounds for the appeal and the relief requested:
Reference Number of the decision under appeal:
Portions of the decision in dispute:
Date of receipt of Decision or Director's Order (yyyy/mm/dd):
Applying for Stay? ☐ Yes ☐ No
If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed here)
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4A Checklist(s) located here and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993?*	☐ Yes ☐ No
Identify the portions of the instrument you are seeking to appeal:	

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:
Outline the relief requested:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4B Checklist(s) located here and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information
Development Permit Application File No:
Address or legal description of the subject property:
Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information
List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all “Filed Only” Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)
List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):
Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:
Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information			
Conservation Authority:			
Contact Person:			
Email Address:			
Daytime Telephone Number:			Alternative Telephone Number:
	ext.		
Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:

City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 6 Checklist(s) located here and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the OLT Fee Chart.

Total Fee Submitted: **$400**

Payment Method	X	Certified Cheque	☐	Money Order	☐	Lawyer's general or trust account cheque
	☐	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the Fee Reduction request form.

☐ Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Jennifer Meader	Jennifer Meader	**2023/04/21**

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation
You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the *Ontario Heritage Act*, including under **s. 34.1(1),** please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal **<u>in addition</u>** to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 | 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5	**For the Areas of:** Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton **File with:** NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1	**For the Areas of:** Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) **File with:** NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1

	Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca	Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca

NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.

MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

KITCHENER
WOODBRIDGE
LONDON
BARRIE
BURLINGTON

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 R.4A 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.

FIGURE 1

SITE PLAN NOTES

1. LEGAL DESCRIPTION: PART OF LOTS 2*B 3, CONCESSION 2, DIVISION 'E', (GEOGRAPHICAL TOWNSHIP OF GUELPH) CITY OF GUELPH
2. SITE INFORMATION TAKEN FROM BSR&D PROJECT NO. 16-14-176-00
3. FOR SITE GRADING, SERVICES & STORM WATER MANAGEMENT REFER TO DRAWINGS PREPARED BY DEVELOPMENT ENGINEERING LTD.
4. FOR LANDSCAPE WORK REFER TO DRAWINGS PREPARED BY MACKINNON & ASSOCIATES
5. FOR SITE LIGHTING REFER TO DRAWINGS PREPARED BY FORTECH ENGINEERING LTD.
6. ALL ROADS & ISLANDS SHALL HAVE 150mm CURBS UNLESS NOTED OTHERWISE.
7. CURB RADIUS = 1.20m UNLESS OTHERWISE DIMENSIONED.
8. STANDARD AT GRADE PARKING STALLS TO BE 2.5m x 5.5m
9. STANDARD UNDERGROUND PARKING STALLS TO BE 3.0m x 6.0m
10. BARRIER FREE PARKING STALLS TO MEET CITY OF GUELPH REQUIREMENTS FOR TYPE 'A' (3.4m x 5.5m) AND TYPE 'B'. (2.4m x 5.5m) INCLUDING ALL APPLICABLE ACCESS AISLES (2.0m WIDE).
11. ALL OUTDOOR LIGHTING MUST BE FULL CUT-OFF AND HAVE NO GLARE.
12. TREE PROTECTION FENCING SHOULD BE ERECTED AROUND ALL EXISTING LANDSCAPED AREAS TO REMAIN AND SHOULD REMAIN ON SITE FOR THE DURATION OF THE CONSTRUCTION.
13. ALL ROOF-TOP EQUIPMENT TO BE SCREENED AND/OR LOCATED SO THAT IT CANNOT BE VIEWED FROM THE STREET.
14. SIGNAGE (BUILDING, PYLON & OTHERWISE) NOT APPROVED VIA THE SITE PLAN APPROVAL PROCESS.
15. THERE WILL BE NO OUTDOOR STORAGE OF ANY ITEMS ON SITE.
14. ALL GARBAGE TO BE STORED INTERNALLY UNTIL SCHEDULED PICK-UP. WASTE COLLECTION WILL BE PROVIDED BY PRIVATE COLLECTION SERVICES TWICE WEEKLY UNTIL THE CITY OF GUELPH SWITCHES TO FRONT END COLLECTION.
15. LIGHT FIXTURES & BOLLARDS ARE NOT TO OBSTRUCT PEDESTRIAN MOVEMENT.
16. ANY MULTIPLE UNIT IDENTIFICATION SIGNAGE TO HAVE REFLECTIVE LETTERING.
17. EXCESS SNOW TO BE REMOVED FROM SITE.
19. A DESIGNATED AREA IN THE LOBBY OF BUILDINGS A AND B WILL BE PROVIDED WITH A MONITOR THAT WILL DISPLAY TRANSIT INFORMATION AND LOCAL ROUTES.

SITE LEGEND

L.S.	EXISTING LIGHT STANDARD	SIB	EXISTING STANDARD IRON BAR
H.P.	EXISTING HYDRO POLE		FLUSH CURBING (FC)
	EXISTING HYDRO POLE & GUYWIRE		CONCRETE CURB
	ENTRANCE/EXIT		PROPERTY LINE
	FIRE DEPARTMENT CONNECTION		PROPOSED FIRE ROUTE
	FIRE HYDRANT (FH)		PROPOSED CONCRETE
	PROPOSED BOLLARD		PROPOSED LANDSCAPE/SOD
	BARRIER FREE PARKING SPACE		PROPOSED EXTERIOR AMENITY AREA
	BIKE RACKS (##) (SEE LANDSCAPE DWG'S)		TRANSFORMER C/W CONCRETE PAD AND GROUNDING RODS
	TACTILE WALKING SURFACE INDICATOR (TWSI) c/w CURB RAMP		PARKING COUNT BUBBLE
	PROPOSED LIGHT FIXTURES (SEE PHOTOMETRIC DWG)		PROPOSED BENCHES (SEE LANDSCAPE DWG'S)

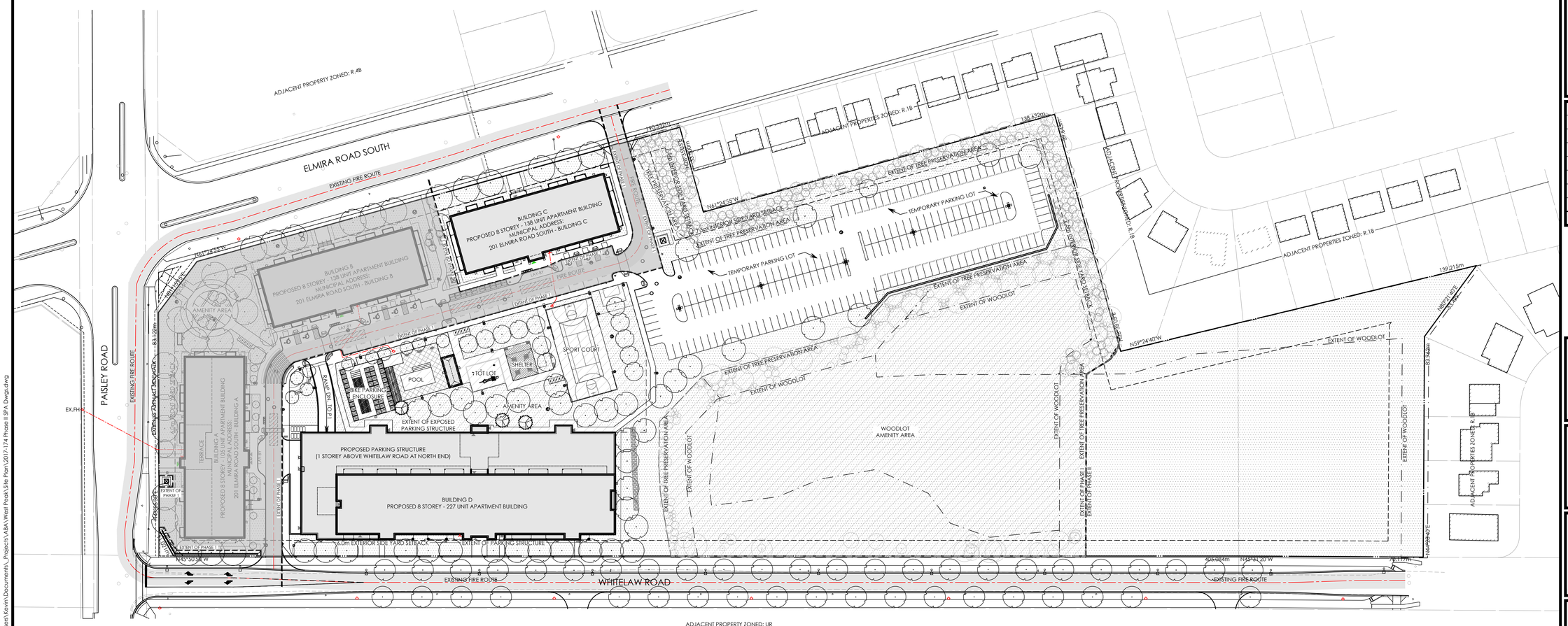
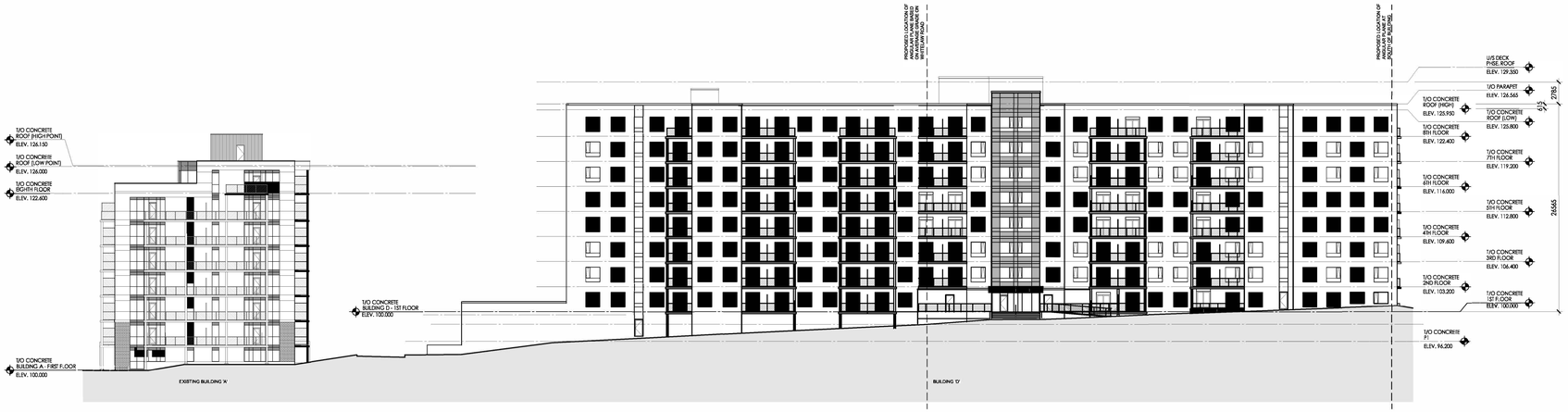
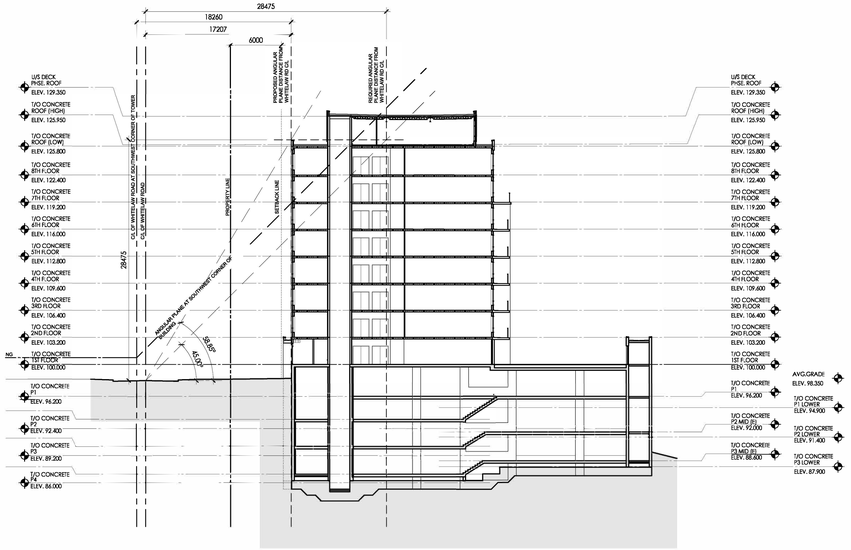

ELMIRA ROAD SOUTH
PAISLEY ROAD
WHITELAW ROAD
ADJACENT PROPERTY ZONED: R.4B
ADJACENT PROPERTIES ZONED: R.1B
ADJACENT PROPERTY ZONED: UR
EXISTING FIRE ROUTE
BUILDING C
PROPOSED 8 STOREY - 138 UNIT APARTMENT BUILDING
MUNICIPAL ADDRESS:
201 ELMIRA ROAD SOUTH - BUILDING C
BUILDING B
PROPOSED 8 STOREY - 138 UNIT APARTMENT BUILDING
MUNICIPAL ADDRESS:
201 ELMIRA ROAD SOUTH - BUILDING B
BUILDING A
PROPOSED 8 STOREY - 138 UNIT APARTMENT BUILDING
MUNICIPAL ADDRESS:
201 ELMIRA ROAD SOUTH - BUILDING A
BUILDING D
PROPOSED 8 STOREY - 227 UNIT APARTMENT BUILDING
PROPOSED PARKING STRUCTURE
(1 STOREY ABOVE WHITELAW ROAD AT NORTH END)
EXTENT OF EXPOSED PARKING STRUCTURE
EXTENT OF PARKING STRUCTURE
TEMPORARY PARKING LOT
EXTENT OF TREE PRESERVATION AREA
EXTENT OF WOODLOT
WOODLOT AMENITY AREA
AMENITY AREA
TERRACE
POOL
TOT LOT
SHELTER
SPORT COURT
BIKE PARKING ENCLOSURE
EXTENT OF PHASE 1
EX.FH
6.0m EXTERIOR SIDE YARD SETBACK
7.5m EXTERIOR SIDE YARD SETBACK
N45°50'36"W
N45°31'20"W
N44°28'40"E
N59°24'40"W
N61°24'55"W
139.215m
138.630m
136.630m
136.630m
136

FIGURE 2



WEST ELEVATION



ANGULAR PLANE SECTION

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No.	REVISIONS	DATE

CHRONOLOGY	DATE

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PAISLEY & WHITELAW INC.

PROJECT NAME
WEST PEAK DEVELOPMENT
BUILDING D
WHITELAW ROAD, GUELPH, ONTARIO

DRAWING TITLE
ELEVATIONS

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

LAST SAVED BY: MatPheeh DATE: March 7, 2023
FILE LOCATION: Z:\2017\2017-174 Guelph Development\42 Construction Documents\Building D Parking Garage and Tower\2017-174_A2.1-3 - ELEVS bldg D Scheme B 3 AW AR JM.dwg