



SHAPING GREAT COMMUNITIES

July 11, 2023

File No. 20027

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

(sent via e-mail)

Attn: Secretary Treasurer
Committee of Adjustment

**Re: Minor Variance Application
11 Cork Street West (Formerly 9 & 11 Cork Street West), City of Guelph**

Dear Secretary Treasurer:

GSP Group Inc. ("GSP") is pleased to submit the attached Minor Variance application on behalf of Church Hill Residences Inc. (the "Owner") for the property legally referred to as 11 CORK STREET WEST PART OF LOT 1055, REGISTERED PLAN 8, AS IN INSTRUMENT RO717184 and municipally referred to as 11 Cork Street West, City of Guelph (the "Site"). GSP Group has prepared the following outline of the proposed development, requested variances, and planning justification for the requests.

1.0 Proposed Development

The applicant seeks to redevelop an existing 1-storey single-detached dwelling with frontage on Cork Street West to a 10-unit Multiple Attached Dwelling with 9 parking spaces. The units will range from 677 sq. ft. to 1506 sq. ft. in size accommodating for a broad range of household formations.

Previously, a minor variance application for reduced parking spaces was approved. (MV applications A-25/22 and A-26/22) that reduced the number of required parking spaces from 11 to 9. Additionally, a Site Plan Application was initiated for the Site before Bill 23 was passed. Since the passing of Bill 23, residential developments with 10 units or less are not subject to Site Plan Control so the application did not proceed.

Zoning By-law (2023)-20790, approved by Council April 18, 2023, removed permissions for Multiple Attached Dwellings from all Downtown zones. It also introduced requirements for setbacks to parking spaces from habitable rooms and rear and side lot lines. A minor variance is required to allow the development of Multiple Attached Dwellings without setbacks from the parking spaces. No minor variances are required under the (1995)-14864 By-law. Since the 2023 Zoning By-law is under appeal, both the (1995)-14864 and (2023)-20790 By-laws must be considered.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria St. S., Suite 201, Kitchener, ON, N2G 4Y9
162 Locke St. S., Suite 200, Hamilton, ON, L8P 4A9
gspgroup.ca

1.1 Proposed Variances

To facilitate the proposed development, the following minor variances are requested under Zoning By-law (2023)-20790 D.1-24 Zone:

- To permit parking spaces setback 0 m from the side and rear lot lines, whereby Section 5.2.2.(a) of Zoning By-law (2023)-20790 requires a 3 m setback;
- To permit parking spaces setback 0 m from rooms with habitable windows, whereby Section 5.2.2.(b) of Zoning By-law (2023)-20790 requires a 3 m setback; and,
- To permit the 'Multiple Attached Dwelling' use, in accordance with the "Multiple Attached Dwelling" definition in the 1995 Zoning By-law, whereby Table 9.1 of Zoning By-law (2023)-20790 does not permit such use.

1.2 Planning Justification

Permit Multiple Attached Dwelling Use

Zoning By-law (2023)-20790 removed the "Multiple Attached Dwelling" use from all Downtown zones. The variance seeks to permit this use to facilitate more units and align itself with policy 1.4.1 of the Provincial Policy Statement ("PPS 2020") to provide for an "appropriate range and mix of housing options and densities". Specifically, the proposed development aims to provide much needed additional housing units in the downtown.

Parking Spaces Setback 0 metres from Lot Lines and Habitable Windows

Zoning By-law (2023)-20790 Section 5.2.2.(a) establishes a required setback from parking areas to side and rear yard lot lines. A 1.5 metre fence that is proposed with the development which acts as a setback to adjacent properties. Additionally, the change in grade from the adjacent properties and the street line means that the building also blocks the view to the parking area further reducing any potential impact to neighbouring properties.

Zoning By-law (2023)-20790 Section 5.2.2.(b) establishes required setbacks from parking areas to rooms with habitable windows. The single barrier-free parking space is abutting the face of the building therefore is not meeting Section 5.2.2(b) of the Zoning By-law. However, placing 1 parking space here allows the barrier-free space to be as close as possible to the entrance to the building, and makes for the efficient use of the Site.

1.3 4 Tests

Permit Multiple Attached Dwelling Use

Is it in keeping with the general intent and purpose of the Official Plan?

Schedule 1 of the City of Guelph Official Plan ("OP") identifies the Site within the Urban Growth Centre. Section 3.8 contains policies for the Urban Growth Centre which generally include the Downtown accounting for a "significant share of the city's residential growth". Coupled with the OPs general

policies of intensification within the Downtown, the Site will see a 10-fold increase in units and conversion of a single-detached dwelling to Multiple Attached Dwellings that will supply housing to the Downtown. Overall, the general intent and purpose of the Official Plan is met by allowing the Multiple Attached Dwelling use.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The passing of Zoning By-law (2023)-20790, approved by Council April 18, 2023, removed the Multiple Attached Dwelling use from all Downtown zones. Further, Table 9.1 specifies that a broad range of residential units are permitted in a D.1 zone from “on-street” and “rear access on-street” townhouses, to apartment buildings. Multiple Attached Dwellings fall well within the range of permitted residential uses in the Downtown D.1 zone and as such are in keeping with the general intent and purpose of the Zoning By-law.

Further, Multiple Attached Dwellings continue to be permitted under the (1995)-14864 By-law. Since the use is permitted in the (1995)-14864 By-law and the (2023)-20790 By-law is under appeal, the proposed use is in keeping with the general intent and purpose of the Zoning By-law.

Is it desirable for the appropriate development or use of the land, building or structure?

The City of Guelph has established in Section 2.2.6.d) of the OP the Downtown will be an area of intensification and establish targets of 150 people and jobs per hectare. The proposed development achieves a higher density on a Downtown lot. Additionally, a single-detached dwelling in a Downtown zone proximate to transit and amenities renders the lot severely underutilized and is an excellent opportunity for redevelopment to provide housing options. For these reasons, the proposed development is desirable for the appropriate development or use of the land.

Is it minor in nature?

Zoning by-law (2023)-20790 removed the Multiple Attached Dwelling use from Downtown zones, however it remains a permitted use under Zoning By-law (1995)-14894. The proposed application seeks to carry forward this use. Further, Downtown zones allow for a broad range of residential uses, from on-street townhouses, to high-rise buildings. Multiple Attached Dwellings fit well within that spectrum of permitted residential uses. Finally, the proposed application complies with all other building and lot provisions of the (2023)-20790 By-law and complies fully with the (1995)-14864 By-law, therefore the proposed application can be deemed minor in nature.

Parking Spaces Setback from Lot Lines and Habitable Windows

Is it in keeping with the general intent and purpose of the Official Plan?

Schedule 1 of the City of Guelph Official Plan (“OP”) identifies the Site within the Urban Growth Centre. Section 3.8 contains policies for the Urban Growth Centre which generally include the Downtown accounting for a “significant share of the city’s residential growth”. To facilitate the level of redevelopment specified in the OP, efficient use of the Site is required. Given the context of the Site and surrounding land uses, the general intent and purpose of the Official Plan is met.

Is it in keeping with the general intent and purpose of the Zoning By-law?

Zoning By-law (2023)-20790 Section 5.2.2.(a) establishes required setbacks from parking spaces to side and rear yard lot lines. A fence is being provided along the rear and side lot line to act as a setback to the parking spaces. Furthermore, the grading of the site acts as a natural buffer to adjacent properties as well. Therefore, the site configuration with reduced setbacks from the parking area is in keeping with the general intent and purpose of the Zoning By-law.

Zoning By-law (2023)-20790 Section 5.2.2.(b) establishes setbacks to rooms with habitable windows. By-law (1995)-14864 does not contain any setback regulations in Downtown zones. Additionally, only 1 barrier-free parking space will be within the required setback between the building and the parking spaces. Since the (2023)-20790 By-law is under appeal, and the request only relates to the 1 barrier-free parking space, the request is in keeping with the general intent and purpose of the Zoning By-law.

Is it desirable for the appropriate development or use of the land, building or structure?

The proposed Site Plan makes efficient use of a Downtown lot. Overall, there is a net positive for the Site as it can be intensified 10-fold with no new reductions in parking. The proposed development includes a fence around the rear and side property lines which will act as a buffer to adjacent properties. Regarding the barrier-free space to the habitable window, the parking space configuration allows for parking to be maximized, and to provide a barrier-free space close to the entrance of the building. Both the provision of fencing, and location of the parking makes for efficient use of the site and provides an attractive and effective buffer which in our opinion makes these variances desirable for the use of the land.

Is it minor in nature?

The proposed variances are a result of the 2023 Zoning By-law which is currently under appeal and are not required under the 1995 Zoning By-law. They are justified through a planning lens as to have minimal to no impact on adjacent properties. These variances support development that makes efficient use of an underutilized lot. Therefore, it is our opinion that the proposed setback variances are minor in nature.

Submission Materials

As part of a complete submission, the following are provided:

- Minor Variance Application form, dated July 11, 2023
- Cover Letter, dated July 11, 2023
- Site Plan Drawing Package pages A1.0-A4.1, cover page dated May 5, 2023

Should you have any questions or require any additional information, please do not hesitate to contact Hugh Handy (undersigned) or Charlotte Balluch at 226.243.7657 or by email by cballuch@gspgroup.ca.

Sincerely,
GSP Group

A handwritten signature in black ink that reads "Hugh Handy". The signature is written in a cursive, flowing style.

Hugh Handy, MCIP, RPP
Vice President

CC : Maria Finoro
Nicola Augustin