



July 10, 2023

Trista Di Lullo, Secretary-Treasurer
Committee of Adjustment
City of Guelph
1 Carden Street
Guelph ON N1H 3A1

Dear Ms. Di Lullo:

**RE: Minor Variance Application – Sales Trailer
842 Woolwich Street
OUR FILE 1285D**

On behalf of our client, Granite Holdings (816 Woolwich Street) Ltd, we are pleased to submit a minor variance application for the lands municipally known as 842 Woolwich Street and legally described as Part Lot 7, Plan 169, designated as Part 6, Reference Plan 61R-22210, City of Guelph (the “subject lands”).

The subject lands are located northeast of the intersection of Woolwich Street and Woodlawn Road, in the City of Guelph. The subject lands form part of the Guelph Curling Club redevelopment site. The approved development includes 200 stacked townhouse units and a five storey apartment building on the northern portion of the site and retention of the existing curling club on the southern portion of the site.

BACKGROUND

The Guelph Curling Club site is designated ‘Commercial Mixed-Use Centre’ by the Official Plan and is located within the Community Mixed-Use Node. The Guelph Curling Club site is zoned ‘Specialized Community Shopping Centre’ (zone “CC-29”) by Zoning By-law (1995) – 14864 and ‘Commercial Mixed Use Centre, Exemption 5, with specialized parking adjustment (“CMUC-5(PA)”) by the recently adopted, but under appeal Zoning By-law (2023)-27090.

Site specific zoning to permit the intensification of the Guelph Curling Club site was approved by Council in November 2020 by By-law (2020)-20539. Subsequently, Site Plan Approval was issued in June 2023 (City File Numbers: SP22-126, SP22-127, SP22-128).

Consent applications were approved by the Committee of Adjustment in 2021 to divide the subject lands into three parcels and establish appropriate easements. The following describes each of the properties created by the consent applications.

- 816 Woolwich Street contains the existing Curling Club building and associated parking;
 - 824 Woolwich Street contains the planned stacked townhouse component, parking and a central amenity area;
 - 842 Woolwich Street (the subject lands) contains the planned mid-rise building and parking.
- Separate Site Plan Agreements have been registered on title registered for each property.

A site alteration permit has been issued and site alteration has commenced. In addition, the required MTO permit applications have been filed and are under review. The building permit application for the stacked townhouse portion of the development will be filed imminently. The Owner is proceeding with the construction of the development in stages, beginning with the stacked townhouse portion (824 Woolwich Street).

PROPOSED MINOR VARIANCE APPLICATION

A sales trailer for the stacked townhouse portion of the development is proposed to be erected on the subject lands (842 Woolwich Street). Sales are scheduled to commence in October, which may precede issuance of the first building permit for the development.

A minor variance is required to permit the sales centre to be located on the subject lands as they are adjacent to the 'construction site'. The variance is also required to permit the use in advance of issuance of a building permit and allow the sales centre remain in operation until construction is completed.

The City of Guelph recently approved Zoning By-law (2023)-27090, however, this By-law is under appeal. As such, By-law (1995) – 14864 remains in force and effect and variances to both by-laws are required. The requested variances are as follows:

- To permit a temporary real estate sales office to operate on lands which are not part of an active construction site; whereas By-law (1995)-14864 permits a real estate sales office, as an occasional use, on a construction site until such construction is completed or a final building inspection is conducted, whichever occurs first (Section 4.21.5).
- To permit a temporary real estate sales office to operate on lands which are not part of an active construction site; whereas By-law (2023)-27090 permits a real estate office on a construction site until such construction is completed or a final building inspection is conducted, whichever occurs first (Section 4.18.2);

For the purpose of interpreting Section 4.18.2 of By-law (1995)-14864 and Section 4.21.5A of By-law (2023)-27090, a construction site is considered to be a site where a building permit has been issued.

ANALYSIS

The following provides an analysis of the proposal which demonstrates that the proposed variance satisfies the requirements of Section 45(1) of the *Planning Act*.

The general intent and purpose of the official plan is maintained

The subject lands are designated *Commercial Mixed-Use Centres* and are located in the Community Mixed-Use Node in the City of Guelph Official Plan. The Commercial Mixed-Use Centre designation permits a range of uses, including multiple unit residential uses.

The approved development conforms to the City of Guelph Official Plan. The requested temporary sales centre is complementary to the approved development and will facilitate sales of the approved units. The proposed variance will not result in any changes to the approved development and/or the use of the subject lands. Accordingly, the general intent and purpose of the Official Plan will be maintained.

The general intent and purpose of the zoning by-law is maintained

The proposed temporary sales centre is an occasional use as defined in the City of Guelph Zoning By-law (1995) – 14864. The definition of 'Occasional Use' limits the use for a total of not more than 90 days per calendar year. Further, section 4.21.5 of the By-law (1995)-14864 permits a real estate sales office on a 'construction site' until construction is completed, final inspection is conducted or the building permit is revoked. A construction site is considered to be a site where a building permit has been issued.

Similarly, the City of Guelph Zoning By-law (2023)-27090 classifies a real estate sales offices as a temporary building and structure. Section 4.18 of By-law (2023)-27090 permits a real estate sales office on a 'construction site' until construction is completed or a final building inspection is conducted. The 90-day timeframe does not apply under By-law 2023-27090.

The intent of the City of Guelph's Zoning By-laws is to permit a temporary sales centre or real estate sales office to facilitate sales of the associated development. The location of the sales centre on the subject lands, rather than the stacked townhouse property (824 Woolwich Street), is considered to maintain the intent of the Zoning By-law as the subject lands form part of the overall development site. Similarly, the timing of the sales centre is also technical as site alteration has already commenced on the subject lands and the building permit application will be submitted shortly. The variances also results in the 90 day time limit not applying as this is not practical for a sales centre. The time limit has not been carried forward into By-law 2023-27090.

For these reasons, the general intent and purpose of the Zoning By-law (1995)-14864 and Zoning By-law (2023)-27090 is maintained

The variance is desirable for the appropriate development or use of the land, building or structure

The variances are desirable for the appropriate use of the structure. The purpose of the temporary sales centre is to facilitate the sales of the approved residential units. The sales will commence October 2023 and will continue until the end of construction. Parking and access to the sales trailer are consistent with the locations on the approved site plan.

The variance is minor

The proposed variances are considered to be minor. There will be no changes to approved development, the number of units, parking spaces or exterior appearances. In addition, a minor site plan application is required which will address the detailed design of the sales centre, including the precise location and size of the sales trailer, the location of parking spaces, grading and landscaping.

Summary

Based on the forgoing, it is our opinion that the requested variances satisfies Section 45(1) of the *Planning Act*. The variances maintains the general intent and purpose of the Official Plan and Zoning By-laws, are desirable for the appropriate use of the land, and are minor.

In support of this minor variance application, please find enclosed:

- Minor Variance Application Form;
- A Site Plan, prepared by MHBC Planning, dated July, 2023 illustrating the location of the sales trailer;
- Building elevations.

The required application fees have been delivered to the Committee of Adjustment under separate cover.

Thank you for your consideration.

Yours truly,

MHBC



Emily Elliott

cc. *Mike Taylor, Pete Graham*