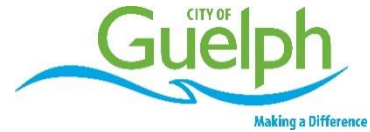


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number:	A-55/23
Location:	11 Cork Street West
Hearing Date:	August 10, 2023
Owner:	Church Hill Residences Inc.
Agent:	Charlotte Balluch, GSP Group Inc.
Official Plan Designation:	Mixed Use 1
Zoning Designation (1995)-14864:	Specialized Downtown (D.1-24) Zone
Zoning Designation (2023)-20790:	Downtown 1 (D.1) Zone

### **Zoning By-Law (1995)-14864 Requirements:**

The property is located in the Specialized Downtown (D.1-24) Zone. The D.1-24 Zone permits a variety of uses, including a multiple attached dwelling use.

### **Zoning By-Law (2023)-20790 Requirements:**

The By-law:

- a) requires that for any cluster, stacked, back-to-back, stacked back-to-back townhouse, and apartment buildings, every parking space for the uses specified in Section 5.2.2 shall be located in the interior side yard or rear yard, and any parking area or parking space shall be setback a minimum of 3 metres from any lot line;
- b) requires that for any cluster, stacked, back-to-back, stacked back-to-back townhouse, and apartment buildings, any surface driveway or surface parking area shall be setback a minimum of 3 metres from a building wall, entrance or any window of a habitable room; and
- c) permits a variety of residential uses in the D.1 Zone, but does not permit a multiple attached dwelling as a permitted use.

### **Request:**

The applicant is seeking relief from the requirements of Zoning By-law (2023)-20790, as amended, to permit:

- a) parking spaces for the proposed multiple attached dwelling to have a minimum setback of 0 metres from the side and rear lot lines;

- b) parking spaces for the proposed multiple attached dwelling to have a minimum setback of 0 metres from any window of a habitable room; and
  - c) a multiple attached dwelling as an additional permitted use on the subject property.
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## **Staff Recommendation**

### **Approval**

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## **Comments**

### **Planning Services**

The subject lands are designated "Mixed Use 1" in the Downtown Secondary Plan. The Mixed Use 1 designation permits a variety of residential uses, including multiple unit residential buildings. The applicant is proposing to construct a 10-unit residential building in conformity with the Downtown Secondary Plan. Staff are satisfied that the requested variances conform with the general intent and purpose of the Downtown Secondary Plan.

The subject lands are zoned "Specialized Downtown" (D.1-24) according to Zoning By-law (1995)-14864, as amended; and are zoned "Downtown" (D.1) in the Comprehensive Zoning By-law passed by Council on April 18, 2023. The proposed development complies with the permitted uses and provisions of the 1995 Zoning By-law. The following variances are required to the 2023 By-law:

- a) For residential developments with more than three units every parking space must be set back at least 3 metres to any lot line. The proposed parking spaces would have a setback of 0 metres to the side and rear lot lines.
- b) For residential developments with more than three units any surface driveway or surface parking spot must be set back at least 3 metres from a building wall. One of the proposed parking spaces would have a setback of 0 metres from the building wall.
- c) Although a variety of residential uses are permitted in the D.1 Zone, multiple attached dwellings are not permitted.

### **Variances A and B**

The intent of the required setbacks from lot lines and building walls is to ensure that parking areas do not negatively impact the surrounding properties or any of the residential dwellings on the subject lands. The proposed parking area would be shielded from neighbouring properties by a 1.5 metre tall fence that would surround the parking area. No windows or building entrances are located within 3 metres of any parking spaces on the ground floor. Considering the smaller lot sizes and more compact development that are characteristic of downtown areas, staff are satisfied that variances A and B conform with the general intent of the Zoning By-law.

## **Variance C**

The permitted uses in the Downtown 1 Zone were modified in the new Zoning by-law to prohibit the development of residential uses that typically are not oriented towards the street and provide excessive surface parking that would make it difficult to achieve the desired density in Downtown Guelph.

The proposed development is oriented towards Cork Street and is located close to the street line. The proposed parking setback reductions allow for sufficient parking to be provided in the rear of the property without compromising the desired medium density development intended for this area of Downtown Guelph. Staff are satisfied that the proposed multiple attached dwelling use conforms with the general intent of the Zoning By-law.

The proposed residential use and parking setbacks would allow for an efficient use of downtown space without having any more impact on neighbouring properties or future tenants of the subject lands when compared to uses and residential setbacks that would be permitted on the site as of right. For this reason, staff are of the opinion that the requested variances are desirable for the appropriate development of the lands and are minor in nature.

The requested variances meet the general intent and purpose of the Downtown Secondary Plan and Zoning By-law, are desirable for the appropriate development of the land and are minor in nature.

Staff recommend approval of the application.

## **Engineering Services**

Engineering has no concerns with the requested variance seeking relief from the requirements of Zoning By-law (2023)-20790, as amended, to permit:

- a) parking spaces for the proposed multiple attached dwelling to have a minimum setback of 0 metres from the side and rear lot lines;
- b) parking spaces for the proposed multiple attached dwelling to have a minimum setback of 0 metres from any window of a habitable room; and
- c) a multiple attached dwelling as an additional permitted use on the subject property.

We agree with the recommendations made by Planning and Building staff.

## **Building Services**

The subject lands are zoned Specialized Downtown (D.1-24) under Zoning By-law (1995)-14864, as amended and Downtown (D.1) under council approved Comprehensive Zoning By-law (2023)-2079, as amended. The proposed 10 unit residential development complies with the permitted uses and provisions of the 1995 Zoning By-law. The reduced parking ratio of 9 spaces was approved through minor variance application A-25/22.

The applicant shall be aware that for the 9 parking space approval under the 1995 ZBL, that there is a transition policy in the 2023 ZBL, Section 1.3.1(c(ii)), that requires a building permit to be submitted within 2 years of the effective date of the

2023 CZBL or the minor variance approval will no longer be in effect. Effective date means the date on which this bylaw was passed by Council, or in the case of any part of this by-law which, on appeal, is amended by an order of the Ontario Land Tribunal pursuant to section 34 (26) of the Planning Act, on the day of coming into force of such order.

Building supports Planning's recommendation for the three proposed variances to facilitate the 10 unit multiple attached dwelling development, and is providing the following information to the applicant for the Building Permit submission:

It is noted for the applicant that with the Building Permit submission, an exiting analysis outlining the Code compliance path (with exact OBC references) from each dwelling unit will be required. The analysis should clearly indicate the exact location of all Code-compliant "exits", and if any portion(s) of the exterior passageway is part of the "exit". The submitted plans were reviewed and it is unclear if the exterior passageway has been designed as part of the exit or not, and then if the stairs from the exterior passageway are part of the "exit".

Things that need to be taken into consideration are the possibility of:

- rating the "exits"
- rating the exterior passageway
- rating of the exterior walls along the exits and exterior passageway including the protection of openings
- possibility of requiring a separate means of egress or balcony from certain suites.

## **Comments from the Public**

None

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## **Contact Information**

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

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