

September 14<sup>th</sup>, 2023

Revised September 21, 2023

Committee of Adjustment  
City Hall, 1 Carden Street  
Guelph, Ontario N1H 3A1

**RE: Minor Variance Application / Deferral of A-73/22  
SSMW Holdings Ltd. / 191 Kortright Road East, City of Guelph  
OUR FILE 22230A**

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We are pleased to submit an updated minor variance application on behalf of SSMW Holdings Limited. The application relates to lands municipally known as 191 Kortright Road East, in the City of Guelph (the “subject lands”). The previous minor variance application (A-73/22) was deferred at the owner’s request in order to have time to consider staff comments and a revised approach to the application.

The subject lands are located at the western corner of Kortright Road West and Edinburg Road South, in the City of Guelph. The subject lands currently contain a vacant single detached residential dwelling.

The original application requested permission for three units and an additional driveway access on Kortright. It was the preference of Planning staff that rather than requesting a new use of a three bedroom unit, that the variances apply to the ARU provisions, without the requirement that one of the ARU’s be separate from the principle dwelling. With the original application, staff were supportive of the additional two units (with conditions) but did not support the second driveway on Kortright. Through discussions with staff it was indicated that a parking reduction could be supported such that only two parking spaces would be required for the three units. This would avoid having tandem parking between different unit tenants, and also recognizes that the property is located along existing transit routes and is directly adjacent to the a transit stop.

**Through further discussion with staff it was also discussed that there would be support for removing the limitation in size of the ARU’s relative to the existing dwelling provided zoning setbacks are met. The intent is to provide flexibility in how the ARU’s are ultimately configured. For example, the existing house could form one unit; an addition could form a second and a third unit could be located in the basement. However, it could also be configured that the basement forms a unit; the main floor forms a unit and the second storey forms a unit (in which case the unit sizes would be roughly the same size). In terms of limiting bedrooms, it was acknowledged that there is currently a shortage of both family sized rental units, and student rental units. It is further noted that under the new by-law there is no such bedroom restriction for a triplex. As such, we are**

**requesting that bedrooms be limited to 4 per unit (which would be more restrictive than the by-law recently passed by Council).**

Since the application was deferred, Council has approved a new Zoning By-law. The new by-law now permits three units on the subject lands. While the by-law is under appeal, it does represent Council's direction when it comes to the zoning of the subject lands and lends further justification to the approval of variances which would essentially permit three units within one building.

The revised application considers variances required to both the in-effect Zoning By-law as well as the new Council adopted Zoning By-law.

**Minor Variances Requested - Zoning By-law (1995)-14864**

The subject lands are zoned Residential Single Detached (R.1B) under the City of Guelph Zoning By-law 14864. In order to permit a total of three units (including two ARUs), the minor variances are required:

- A variance to Section 4.15.1.1 to allow both ARUs within the same building as the primary dwelling unit.
- A variance to Section 4.15.1.6.1 to not apply the 45% cap on ARU size, provided that any future building addition meets all setback requirements of the zoning by-law (as previously noted there are different ways the ARUs can be configured and three similar sized units is one such option).
- A variance to Section 4.15.1.6.2 that would limit bedrooms within an ARU to a maximum of 4 bedrooms per unit to allow for design flexibility and to provide an opportunity for much needed family sized rental units.

**Minor Variances Requested - Zoning By-law (2023)-20790**

The subject lands are zoned Low Density Residential 1 (RL.1) under the new City of Guelph Zoning By-law 20790 (currently under appeal). The list of permitted uses that would apply to the subject lands under the new Zoning By-law has been expanded and now include a Triplex.

There are multiple tables within the Zoning By-law that provide the regulations for a multi-unit building containing 3 units. No variances are required from the new zoning by-law. The existing house and driveway will be considered legal non-conforming.

The following provides an analysis of the requested variances in consideration of Section 45(1) of the *Planning Act*.

**1) Maintains the general intent and purpose of the Official Plan**

The subject lands are designated *Low Density Residential*, as shown on Schedule 2 of the City of Guelph Official Plan. This designation applies to residential areas within the built-up area of the City which are currently predominantly low-density in character. A range of residential developments are permitted, including detached, semi-detached, duplex, and multiple-unit such as townhouses and apartments. A maximum 3 storeys and 35 units per hectare are permitted.

The requested minor variance will maintain the general intent and purpose of the Official Plan by facilitating a compact form of development which is compatible with the surrounding neighbourhood as it maintains a similar built form. The use as proposed is currently permitted by the Official Plan.

## **2) Maintains the general intent and purpose of the Zoning By-law**

The subject lands are zoned Residential Single Detached (R.1B) under the City of Guelph Zoning By-law 14864. R.1B permits a number of residential uses including:

- Single detached dwelling;
- Accessory Apartment (in accordance with Section 4.15.1);
- Group Home; and
- Lodging House Type 1.

The subject lands are zoned Low Density Residential 1 (RL.1) under the new City of Guelph Zoning By-law 20790 (currently under appeal). RL.1 permits an expanded list of uses when compared to the old by-law including:

- Additional residential dwelling units;
- An apartment building with three units;
- Townhomes with up to three units; and
- A Triplex.

The proposal for three units is fully aligned with the Council adopted zoning by-law. The following justification to the old by-law is further augmented by the uses that will now be permitted once the new by-law comes into effect.

Section 4.15.1.1 of By-law 14864 provides that a maximum of two Additional Residential Dwelling Units shall be permitted on a Lot, one within the same Building as the primary Dwelling Unit and one located in a separate Building on the same Lot. Further, there are multiple properties within the R1.B zone that have permissions for a three unit building.

The requested minor variance will maintain the general intent and purpose of the Zoning By-law as the current Zoning By-law currently permits 3-units on the subject property as-of-right. The proposed development will meet all other zoning regulations provided in Table 5.1.2 for the R1.B zone including setbacks and parking requirements. The proposed Minor Variance merely supports the same 3-unit total on the subject lands, while allowing for a different format by permitting 3-units within one building envelope. Having the addition attached to the existing dwelling minimizes the number of trees that would need to be removed to facilitate to the construction of the additional unit.

It is noted that the concept plan submitted in support of the application illustrates a potential building addition. The final design may result in a different configuration. The intent is for the addition to adhere to all required setbacks.

## **3) Desirable for the appropriate use of the land, building or structure**

The proposed variance is desirable as it will allow for the infill development of 3 residential dwelling units, along an existing transit route and in close proximity to amenities including an existing food store. The property is directly across from a mid-rise apartment building. The proposed development is supported by the applicable OP policies and zoning regulations, and is compatible with surrounding uses. The proposed development will achieve a compact built form.

## **4) The variance is minor**

The requested variance is minor as it does not compromise the built form of the surrounding neighbourhood and facilitates the infill development of the site. All setbacks will be maintained and parking will be in accordance with the by-law requirement. An equal sized addition could be built today without the need for a planning application. Three units are already contemplated in the zoning by-law, the requested amendment just provides greater flexibility in terms of unit size and location on the lot.

### **Summary**

In conclusion, we request that the Committee support the variance to allow for a multiple dwelling containing a maximum of three (3) dwelling units, as these will satisfy the intent of the Official Plan policies, and the majority of the applicable zoning regulations.

We kindly request that these applications be heard at the next available Committee of Adjustment date. Please contact the undersigned if you have any questions or require anything additional for this submission.

Respectfully submitted,

**MHBC**

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

Andrea Sinclair, BES, MUDS, MCIP, RPP  
Partner