

1 Yorkshire Street S.

City of Guelph

Planning Justification Report

MINOR VARIANCE REQUESTS

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by Arcadis
November 17, 2023

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1 Introduction

Arcadis has been retained by the owner of the property located at 1 Yorkshire Road in Guelph, hereafter referred to as the "subject lands." These lands are referred to as Lots 59 AND 60 Registered Plan 27 and are municipally addressed as 1 Yorkshire. The subject lands encompass approximately 324.26 m² with an estimated frontage of 9.3 meters along Yorkshire Road.

The application proposes (5) minor variances to be addressed in order to allow for the demolition of the existing dwelling and for the construction of a new two-storey detached dwelling. The development will take place on the existing lot and follow similar footing of the previous dwelling.

Arcadis has been entrusted by the owner to offer professional planning services in relation to the proposed redevelopment of the subject lands. The purpose of this report is to provide a comprehensive description of the site and its context, elaborate on the proposed development, delineate the present planning status of the subject lands, and present planning analysis and justification for the proposal. This justification is based on a thorough examination of relevant regulations, including the Planning Act, City of Guelph Official Plan, and the City of Guelph Zoning By-law.

2 Planning Application

The current application for the construction of a new two storey dwelling to be constructed on the existing location of the previous dwelling requires the approval of five (5) minor variance requests. The minor variance application is being made to the City of Guelph Committee of Adjustment under Subsection 45(1) of the Planning Act, which provides the powers to the Committee to make decisions with respect to minor variances to the Zoning By-law. A detailed discussion of the Powers of the Committee under 45(1) of the Planning Act, as well as how the proposed development falls within those power is provided later in the report under subsection 5.1. The variance application is required to address performance standards.

3 Site Location and Context

The subject lands are legally described as Lots 59 AND 60 Registered Plan 27, and known municipally as 1 Yorkshire Street, in the City of Guelph. The lot has an approximate 8.3m of frontage along Yorkshire Street with an approximate area of 324.26 m². The subject lands consist of a rectangular narrow shape and contain one single story residential dwelling located near the front property line. The lands host a small number of trees located near the rear of the property.

Located just North of Wellington Street West (Highway 7) the subject lands are surrounding by similar in nature low rise residential uses that consist of one and two storeys. There are a handful of community services and commercial uses located nearby, including a church directly across the road along Yorkshire Street and is within walking proximity to downtown Guelph. For a comprehensive overview of the surrounding land uses, please consult the table provided below.

DIRECTION	USES
North	Central Public School Basilica of Our Lady Immaculate
East	Downtown Guelph Guelph Farmers Market Guelph Central Go Station Gospel Hall
South	University of Guelph
West	Salon Brewery Sunny Acres Park Paisley Road Public School

Table 1 Surrounding uses within 500m of the subject lands

The subject lands are supported by nearby public transit that connect to the broader Guelph Area and to Guelph Central Go Bus/Train Station which provides accessibility to the larger regional context.

The subject lands are in proximity to a Canadian National Railway (CN) corridor to the North, as such Metrolinx’s Adjacent Development Guidelines have been reviewed by relevant authorities. Metrolinx has acknowledged that they would not oppose the request to increase the existing dwelling height from 1 1/2 storey to 2 stories if the development should be set back from the railway right-of-way as far as practicable, and the Owner will need to enter into an Adjacent Development Agreement acknowledging that the minimum 30 metre setback and safety barrier requirement have not been met and waives Metrolinx of all liability.

The potential for heritage concerns was risen as the city is located within an area recognized as the “old city” part of Guelph. It is noted that after relevant discussion with city staff it was recommend that 1 Yorkshire Street South not be protected by designation under section 29, Part IV of the *Ontario Heritage Act*. This will allow for the demolition of the existing dwelling in order to progress the new 2 story dwelling. Photos illustrating this context are presented in **Figures 1-6** below. A survey plan illustrating the existing conditions is provided in as part of **Appendix A**.



Figure 1 Ariel View of Subject Lands, Retrieved from Google Earth, 2023

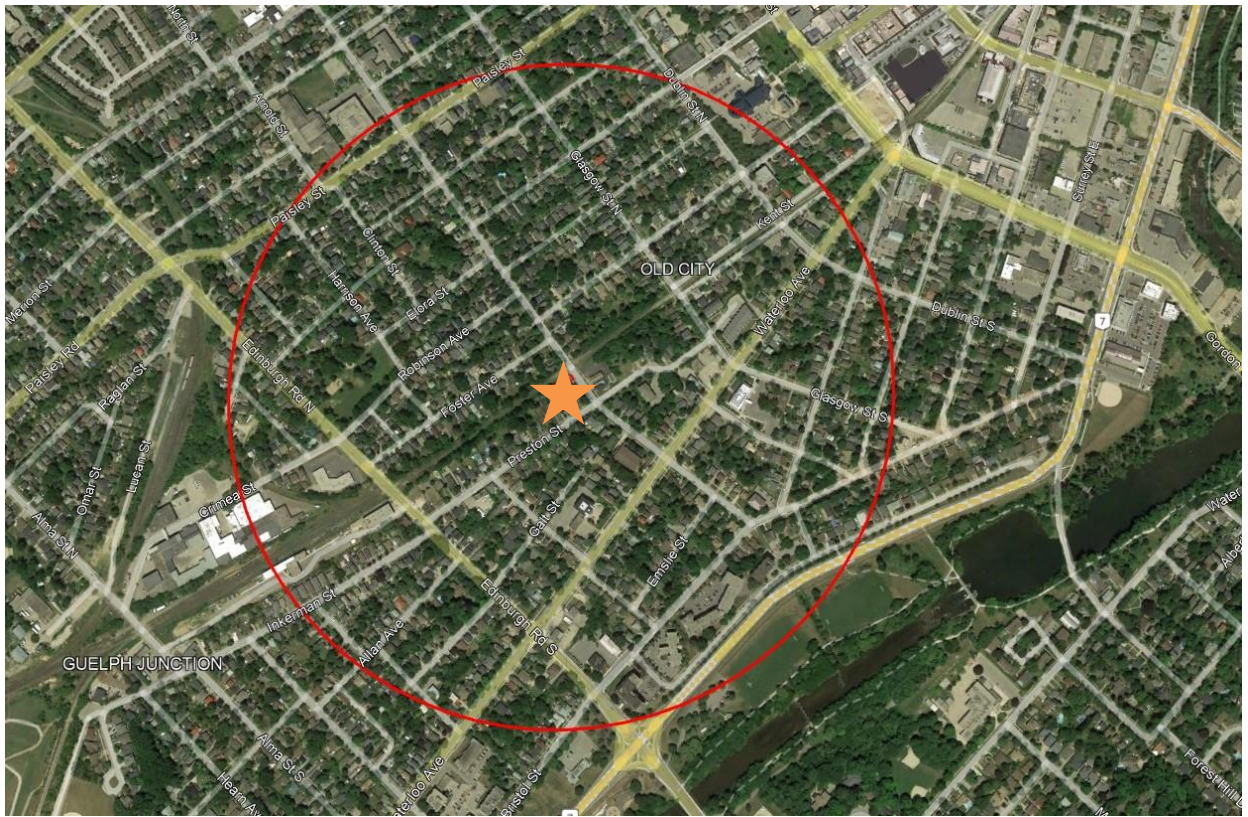


Figure 2 Surrounding uses within 500m of the Subject Lands, retrieved from Google Earth, 2023



Figure 3 1 Yorkshire Road, View 1, Retrieved from Google Earth 2023



Figure 4 1 Yorkshire Road, View 2, Retrieved from Google Earth 2023



Figure 5 6 & 26 Yorkshire



Figure 6 2 Yorkshire & 43/44 Preston

4 Proposed Development

The development seeks to maximize the residential potential of the narrow lot by removing the existing dwelling and reutilizing the site to allow for a two-storey residential building. The development seeks to maintain a similar building footprint as the existing residential dwelling and as such minimal disturbance to the subject lands is expected. The building design includes architectural details such as a bay window, roof trussing and decorative awnings, which seek to provide visual interest along the street front and to compliment the character of the surrounding area. As part of the application, five (5) minor variances are requested under the Low-Density Residential Zoning (RL1) as will be discussed in greater depth within sections (5.2), (6), and in the tables 2 & 3 below.

GUELPH ZONING BY-LAW - 20790	REQUIRED	PROVIDED
Lot Area	460 m ²	±324.26 m ²
Lot Frontage	15m	±8.30 m
Min Landscaped Open Space	THE FRONT YARD, EXCEPT THE DRIVEWAY, RESIDENTIAL SHALL BE LANDSCAPED AND NO PARKING SHALL BE PERMITTED WITHIN THIS LANDSCAPED OPEN SPACE	PROVIDED
Front Yard Setback	MINIMUM: 6m MAXIMUM: 10m	2.00m
Min. Interior Side Yard Setback	MINIMUM: 1.5m MAXIMUM: 1.2 M ON ONE SIDE OF DWELLING UNIT AND 0.6 M ON THE OTHER SIDE	±0.47m
Minimum Rear Yard Setback	7.5 M OR 20% OF THE LOT DEPTH, WHICHEVER IS LESS	±23.12m
Maximum Building Height	3 STOREYS AND IN ACCORDANCE WITH SECTION 4.14	2 STOREY
Principal Entrance	A PRINCIPAL ENTRANCE SHALL BE PROVIDED THAT FACES THE FRONT LOT LINE OR EXTERIOR SIDE LOT LINE	PROVIDED

Table 2 Site Statistics under RL.1 Zoning

ADDITIONAL REGULATIONS	REQUIRMENT	PROVIDED
5.1.4 General Regulations	NO ACCESSORY BUILDING OR STRUCTURE SHALL BE USED FOR HUMAN HABITATION, EXCEPT AS PROVIDED FOR IN SECTION 4.12.1.	ACCESSORY BUILDING IS NOT FOR HUMAN HABITATION
5.1.4 General Regulations	I) NOT MORE THAN 30% OF THE YARD IS OCCUPIED; AND	I) BACK YARD AREA : ±196.41m ² , ACCESSORY BUILDING: 23.21m ² = 11.81%
5.1.4 General Regulations	II) SUCH ACCESSORY BUILDING OR STRUCTURE IS SETBACK 0.6 METRES FROM ANY LOT LINE, EXCEPT THAT TWO ADJOINING PROPERTY OWNERS MAY ERECT AN ACCESSORY BUILDING OR STRUCTURE WITH A COMMON PARTY WALL	II) SIDE YARD SETBACK IS 0.10m
4.5.2 Residential zones	THE MAXIMUM TOTAL GROUND FLOOR AREA OF ALL ACCESSORY BUILDINGS OR STRUCTURES IS 70 M ²	±23.21m ²
5.2.1 PARKING, RESIDENTIAL USES	I) ONE REQUIRED PARKING SPACE FOR THE USES SPECIFIED IN 5.2.1 (A) SHALL BE LOCATED A MINIMUM DISTANCE OF 6 METRES FROM THE STREET LINE AND TO THE REAR OF THE FRONT WALL OF THE MAIN BUILDING.	PROVIDED
5.2.1 PARKING, RESIDENTIAL USES	IV) WHEN SITUATED IN THE REAR YARD, AN EXTERIOR PARKING AREA SHALL BE SETBACK 0.5 METRE FROM ANY LOT LINE AND IS TO BE SCREENED FROM ADJACENT PROPERTIES WITH A MINIMUM 1.5 METRE HIGH SOLID FENCE OR SUITABLE LANDSCAPING CONSISTING OF SOD, TREES, SHRUBBERY OR BERMS.	1.36m FROM SIDE LOT LINE WITH LANDSCAPE AREA

Table 3 Site Statistics Additional Regulations



Figure 7 Massing Model of Proposed Dwelling

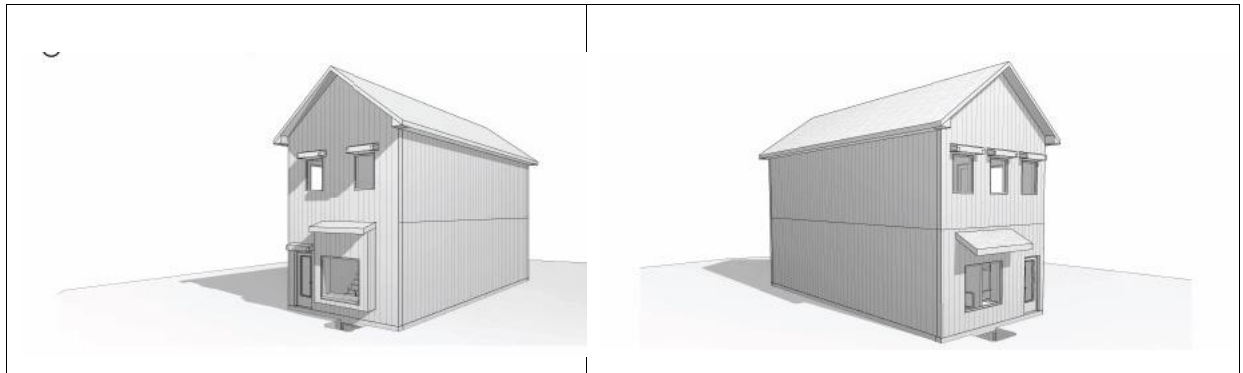


Figure 8 Massing Model of Proposed Dwelling

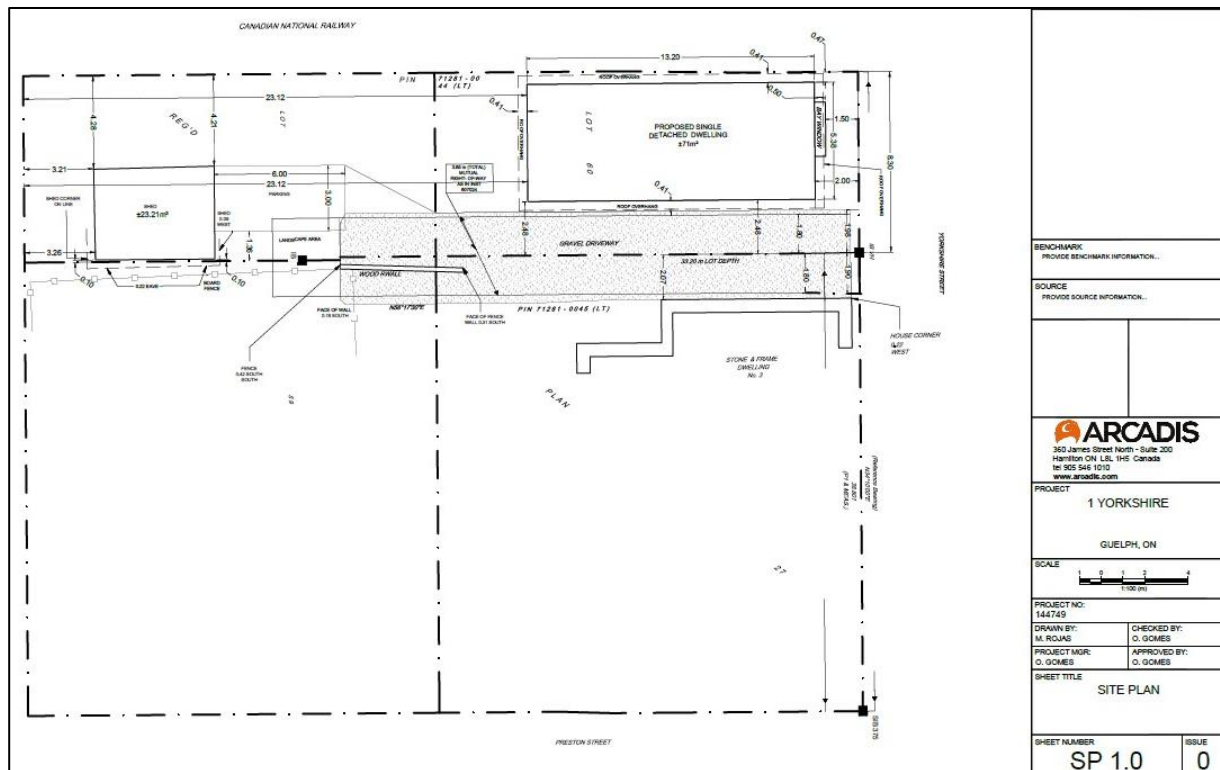


Figure 9 Proposed Concept Plan

5 Current Planning Status

The property is subject to several provincial and local policy and legislative documents with respect to land use planning. These will be discussed in subsections below.

5.1 City of Guelph Official Plan

The City of Guelph Official Plan is a statement of goals, objectives and policies that guide Guelph's growth and development in the years leading up to 2051. The Official Plan is developed based on input from the community and is updated every five years. The plan is focused on sustainability and establishes policies that have a positive effect on Guelph's social, economic, cultural, and natural environment.

The Official Plan has been prepared and enacted in accordance with the provisions of the Planning Act. The Official Plan was adopted by City Council on November 1, 1994, approved by the Ministry of Municipal Affairs and Housing on December 20, 1995. The Official Plan was comprehensively updated in 2001, in 2009-12 and again through OPA 80 which was approved by the Minister on April 11, 2023: The online version of the Official Plan is a consolidation of the Official Plan policies in effect as of February 2022.

SCHEDULE	DESIGNATION(S)
1 – Growth Plan Elements	Built-up Area
2 - Land Use	Low Density Residential
3 – Development Constraints	No Designations
5 – Road & Rail Network	Collector Road, Nearby Rail
6 – Open Space System: Trail Network	Existing City Trail
7 – Wellhead Protection Areas	Level B

Table 4 Official Plan Schedules, Retrieved from City of Guelph

Built-up Area and General Intensification (Section 3.7)

2. *The built-up area is identified on Schedule 1 of this Plan. The built-up area has been delineated in accordance with the Growth Plan and is based on the limits of the developed urban area as it existed on June 16, 2006. The built-up area will remain fixed in time for the purpose of measuring the density and intensification targets of the Growth Plan and the Official Plan.*

3. *Within the built-up area the following general intensification policies shall apply*

1. *By 2015 and for each year thereafter, a minimum of 40% of the City’s annual residential development will occur within the City’s built-up area as identified on Schedule 1.*

Planning Comment: The subject lands are identified to be within the area defined as part of the *built-up area*. The redevelopment of the subject lands seeks to gently intensify the site with the demolition of the existing one and a half storey residential dwelling and the construction of a two-storey residential dwelling in an area defined further as low density residential.

Built Form: Low Rise Residential Forms (Section 8.5)

Dwellings should be sited with a consistent setback to provide human scale streets. Designs should incorporate features such as prominent entrances and front porches to encourage social interaction and allow for views along the street.

Planning Comment: The proposal seeks to maintain a similar building footprint of the existing dwelling, as such a similar setback will be consistent with the surrounding area and contribute to human scaled streets, with an enhanced entry way features.

Overall Official Plan Summary/Recommendations

Planning Comment: The proposed development with respective minor variances is in line with Official Plan policies and objectives per intensification and residential form visions. Further, no development constraints are highlighted as part of the subject lands per the Official Plan schedules.

5.2 City of Guelph Zoning By-law (2023)-20790 and (1995)-14864

On April 18, 2023, City Council approved the new Zoning By-law (2023)-20790. Zoning By-law (2023)-20790 is currently under appeal. Any application made during the appeal period must comply with both Zoning By-laws, (1995)-14864 and (2023)-20790 as such a review of both applicable by-laws have been provided in the subsections below.

5.2.1 Zoning By-law (2023)-20790

The Zoning By-law applicable to the subject lands is By-law No. (2023)-20790, City of Guelph. Currently, the site is zoned (RL.1), which allows for the permitted use of one- and two- family dwellings with a variety of provisions. Five (5) variances have been identified based on the provisions of this By-law and will be discussed in further details within Section 6 of this report.



Figure 10 Zoning (2023)-20790 – Defined Area Map 25, Retrieved from City of Guelph

5.2.2 Zoning By-law (1995)-14864

Zoning By-law No (1995)-14864 is also applicable to the subject as the new Zoning By-law No. (2023)-20790 is under appeal. Under the old zoning the site is referred to as (R1.B). The general intent between the (R1.B) and (RL.1) remain similar and permit the use of the lands for single detached dwellings. In terms of provisions implemented on site the figures differ slightly and due to the older status of the existing building and lot the provisions are more in line with older zoning of (R1.B).



Figure 11 Zoning (1995)-14864 - Retrieved from City of Guelph

5.3 Planning Act

The Powers of the Committee of Adjustment with respect to minor variances are provided by subsection 45 (1) of the Planning Act, which states the following:

(1) Powers of committee – The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the bylaw, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

Planning Comment: It is our opinion that the potential impacts from changing the one and a half (1/2) storey single family dwelling to a two (2) storey single family dwelling will not introduce any adverse impacts to the adjacent properties or the neighbourhood (See Appendix for Elevations and Concept Plan). In terms of scale and intensity, the introduction of a two-storey semi-detached dwelling will change the visual character of the dwelling and lot but will fit within the existing context by providing elevations and built form that are similar to the surrounding neighbourhood while maintaining the low density residential character. Further, the site is surrounded by a range of community services, including parkland, schools, transit, etc., and to which future occupants can easily reach by foot.

As for compatibility, the proposed development is compatible with the uses currently permitted under the Zoning By-law, including one- or two-family dwellings. This type of dwelling form is consistent with what is found in the general area of the subject site. The various pictures provided in this report provide visual evidence of the character of the area and the diversity of dwelling types. It is our opinion that the proposed two-storey detached dwelling is completely compatible with surrounding properties and that there will be no negative impacts to the neighbourhood.

5.3 Provincial Policy Statement 2020

The Provincial Policy Statement was issued under *Section 3* of the *Planning Act* and came into effect May 1, 2020. It replaced the previous version of the *Provincial Policy Statement* issued April 30, 2014.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning, which supports the provincial goal of enhancing the quality of life for the citizens of Ontario. The focus of the document is building strong communities, a clean and healthy environment, and economic growth by directing growth to existing settlement areas, encouraging efficient and cost-effective land use development patterns, and protecting natural resources for the long term. It is preferred that development take place on full municipal sewer and water services, where possible, to utilize existing infrastructure.

1.1.1 *“Healthy, liveable and safe communities are sustained by:*

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments*

Planning Comment: The proposed development is consistent with the PPS by promoting efficient land development patterns within the built-up area of the city on already urban lands. The proposed consent with MV will advance the redevelopment of the subject lands into a two-storey low rise residential dwelling that will enhance the visual appeal of the property along the street and be a meaningful addition to the community. Based on the above, the proposed MV application is consistent with the PPS and in our opinion represents good planning practice.

6 Requested Variances

The subject property is zoned “Residential Single Detached” (R.1B) according to Zoning By-law (1995)-14864 and is zoned “Low Density Residential” (RL.1) in the Comprehensive Zoning By-law (2023)-20790 passed by Council on April 18th, 2023, and intends to stay under this zoning of (RL.1). In order for the development to proceed we are requesting that the following five (5) variances seen in **Table 2**, are approved in order to accommodate the redevelopment of the subject lands. Under the Planning Act minor variances shall be accessed using four (4) test to determine their compliance while seeking relief from the relevant Zoning By-law.

1. Is the application minor?
2. Is the application desirable/appropriate?
3. Does the application conform to general intent of the Zoning By-law?
4. Does the application conform to the general intent of the Official Plan?

LOW DENSITY RESIDENTIAL (RL1)	REQUIRED (1995)	REQUIRED (2023)	PROVIDED	COMMENT
LOT AREA	460M ²	460M ²	324.26M ²	<ol style="list-style-type: none"> 1. The existing house currently has a legal non-complying Lot Area and as such the request is minor. 2. The application seeks to maintain the Lot Area, no alterations to size are proposed. The redevelopment of the site is similar to surrounding existing buildings and would be an added benefit to the area in terms of visual street appeal. 3. Intent is maintained as the lot is existing and of similar nature to surrounding lot sizes.

				<ol style="list-style-type: none"> 4. Yes, Lot Area is maintained, and use is carried through.
LOT FRONTAGE (INTERIOR)	15M	15M	8.30M	<ol style="list-style-type: none"> 1. The existing house currently has a legal non-complying lot frontage. No changes are proposed to the lot frontage. 2. The subject site can be characterized as being narrow. This is similar to neighbouring residential lots. 3. The request follows the general intent of the Zoning By-law by providing adequate lot frontage along the street. The request to adhere with an already existing measurement. 4. The request follows the intent of the Official Plan. A residential use is maintained and enhanced.
FRONT YARD SETBACK	6M	6M	2M	<ol style="list-style-type: none"> 1. Front Yard setback while deficient has been pushed back further than the existing building on site to provide adequate spacing more in line with what the zoning requests. 2. Conformity to the entire 6m setback would significantly alter the appearance of the street as the other existing homes have a similar reduced setback and would likely be considered legal nonconforming to the 1995 and 2023 ZBL.

				<ol style="list-style-type: none"> 3. The request adheres to the general intent for the Zoning By-law. The house follows a similar setback as neighbouring properties and is not pressed up along the property line. 4. The request adheres to the general intent of the Official Plan. Provisions allow for the suitable development of a residential building within an existing residential area.
MIN. INTERIOR SIDE YARD SETBACK	MIN 1.5 MAXIMUM: 1.2 M ON ONE SIDE OF DWELLING UNIT AND 0.6 M ON THE OTHER SIDE	MIN 1.5 MAXIMUM: 1.2 M ON ONE SIDE OF DWELLING UNIT AND 0.6 M ON THE OTHER SIDE	0.47m	<ol style="list-style-type: none"> 1. The variation follows a similar design to the existing site layout. While the lot is deemed interior the Side Yard setback in question borders the CN Rail line rather than a dwelling and discussions with relevant rail authorities have taken place. As such the request is deemed minor. 2. The development seeks to redevelop and revitalize an older residential property with no heritage designations and is considered to be desirable for the appropriate development of the land. While a new build the development follows a similar site layout as the existing building. Relevant conversations and agreements with rail authorities have taken place and documentation is included within this application. 3. The requested variance is considered to meet the general intent and purpose of the Zoning Bylaw as adequate separation from buildings on adjacent properties is maintained, and similar to the original footprint

				<p>of the existing residential building.</p> <p>4. Intent of the Official Plan is met. The development is a beneficial residential development to the street and city as a whole.</p>
ACCESSORY BUILDING – SIDE YARD SETBACK	SUCH ACCESSORY BUILDING OR STRUCTURE IS SETBACK 0.6 METRES FROM ANY LOT LINE, EXCEPT THAT TWO ADJOINING PROPERTY OWNERS MAY ERECT AN ACCESSORY BUILDING OR STRUCTURE WITH A COMMON PARTY WALL.	SUCH ACCESSORY BUILDING OR STRUCTURE IS SETBACK 0.6 METRES FROM ANY LOT LINE, EXCEPT THAT TWO ADJOINING PROPERTY OWNERS MAY ERECT AN ACCESSORY BUILDING OR STRUCTURE WITH A COMMON PARTY WALL.	SIDE YARD SETBACK IS 0.10m	<p>1. The existing house currently has a legal non-conforming Accessory Building Side Yard Setback. This structure was confirmed to have been built prior to the two previous zoning bylaws applicable within the City of Guelph. The accessory building and set back in question are located on the side closest to the neighbouring residential dwelling not the railway tracks.</p> <p>2. The development overall is beneficial to the area and the variation from the bylaw in regard to the existing accessory building and maintaining its current side yard setback is not a hinderance to neighbouring uses.</p> <p>3. The variation from the zoning bylaw is minimal and does not take away from the general intent of the zoning bylaw.</p> <p>4. The intent of the Official Plan is upheld as the minor numerical variation will not impact the vision outlined for the subject property.</p>

Table 5 Requested Variances (RL1 Zone) - (2023)-20790

Planning Comment: Individually, each of the variances represent minor numerical deviations from the By-law requirements of both (1995)-14864 and (2023)-20790. As such, we are of the opinion that the proposed development conforms to the general intent of the City of Guelph’s Zoning By-law and Official Plan and are appropriate considering the context of the subject lands.

7 Conclusion and Recommendation

The proposed development conforms to, is consistent with, and/or maintains the intent and purpose of the applicable planning policy and legislative documents and is compatible with the existing neighbourhood. Under subsection 45(1) the Committee of Adjustment has the powers to make decisions with respect to minor variances to the Zoning By-law. In doing so, the Committee must find the proposed development represents good planning principles and does not introduce any adverse impacts, through the application of the four tests. It is our opinion that the proposed development conforms to all of these requirements and the application to approve the five (5) minor variances should be approved.

Thank you for reviewing the development proposal. We trust the information and plans contained herein are sufficient to provide staff with sufficient information to support the application. If you require any additional information or have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted this 17TH day of November 2023

Arcadis



Odete Gomes BES, RPP MCIP
Associate, Senior Planner

Appendix A

Survey Plan

Appendix B
Concept Plan

About Arcadis

Arcadis is the world's leading company delivering sustainable design, engineering, digital and consultancy solutions for natural and built assets. We are more than 36,000 architects, data analysts, designers, engineers, project planners, water management and sustainability experts, all driven by our passion for improving quality of life.

We exist to find solutions to today's most pressing challenges, from the impact of climate change to increasing urbanization and digital transformation – all with the goal of improving quality of life for people around the world. You can see this in the work we do for our clients, the opportunities we create for our people, and in our efforts to enhance the communities in which we live and work. We bring together world-class resources and the latest innovative technologies to help define the cities and experiences of tomorrow.

This has been our mission since 1888, when we were founded to transform unusable wetlands in the Netherlands into prosperous land for people to farm. And it continues today.

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