

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-90/24
Location: 493 Victoria Road North
Hearing Date: December 12, 2024
Owner: 493 Victoria Road Apartments GP Inc.
Agent: Rob Russell, Robert Russell Planning Consultants Inc.
Official Plan Designation: Medium Density Residential
Zoning Designation: RM.6 (Medium density residential)

By-Law Requirements:

The property is located in the Medium Density Residential 6 (RM.6) Zone. Variances from Table 6.29, Table 5.3 Row 2, Table 6.29, Table 5.7 Row 1, and Table 6.30 of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires:

- a) a 3 metre buffer strip adjacent to interior side and rear lot lines and around the perimeter of surface parking lots;
- b) a minimum of 1.5 parking spaces per unit for the first 20 units in an apartment building, and 1.25 spaces per unit for more than 20 units, with a minimum of 20 percent of the required parking spaces for visitor parking [total of 44 parking spaces required];
- c) a minimum landscaped open space of 40 percent of the lot area [being 1,371.99 square metres];
- d) a minimum of 1 long term bicycle parking space per dwelling unit for an apartment building [total of 31 long term bicycle parking spaces required]; and
- e) A minimum of 20 square meters of common amenity area per dwelling unit

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

- a) a minimum buffer strip of 0.6 metres;
 - b) a minimum of 39 parking spaces for the existing apartment building;
 - c) a minimum landscaped open space of 31.5 percent of the lot area, being 1,081.02 square metres;
 - d) no long term bicycle parking spaces; and
 - e) a minimum of 20 square meters of common amenity area per dwelling unit.
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Staff Recommendation

Deferral

Comments

Planning Services

The subject property is designated "Medium Density Residential" in the City's Official Plan. The "Medium Density Residential" land use designation applies to residential areas within the city which are currently, or planned to be, predominantly medium-density in character. Multiple unit residential buildings such as townhouses and apartments are permitted up to a density of 100 units per hectare. As the proposed use is permitted and would result in a density of approximately 91 units per hectare, staff are satisfied that the proposal conforms with the general intent and purpose of the Official Plan.

The subject lands are zoned "Medium Density Residential" (RM.6) in Zoning By-law (2023)-20790. The applicant is proposing to convert 15 of the existing three bedroom residential units into two bedroom and bachelor units, resulting in a unit count increase from 16 to 21 residential units within the existing buildings. No new buildings or building additions are proposed as part of this application. To facilitate the proposed conversion, the applicant has identified five variances. Staff have examined the requested variances individually below:

A. Landscaped Buffer Strip

The applicant is requesting a variance to permit a reduced minimum landscaped buffer strip width of 0.6 metres, whereas table 6.29 Row D requires a minimum landscaped buffer width of 3 metres.

The intent of this provision is to preserve a sufficient width of greenspace on all properties to allow for trees to grow in between the edge of parking areas and the property line in an effort to expand Guelph's urban forest canopy.

The proposed landscaped buffer width along the south end of the property maintains the 1.06 metre buffer provided by the existing parking area. As this is an existing condition, staff are supportive of the proposed reduced landscaped buffer along the south property line. Along the north property line the applicant proposes a landscaped buffer of 0.6 metres along the entire length of the parking area. This reduction is necessary in order to achieve the required parking aisle widths and parking space dimensions. Furthermore, the existing driveway used to access the subject property crosses the property line into the neighbouring property where it meets Victoria Road North. The proposed driveway will rectify this issue and remain entirely on the subject lands. Given the location of the existing building on the lot, the required driveway width cannot be maintained without reducing the minimum landscaped buffer width. For these reasons, staff are satisfied that the proposed landscaped buffer strip reduction maintains the intent of the Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands.

B. Parking

The applicant is requesting a variance to permit a reduced minimum parking requirement of 39 parking spaces for the proposed 31 unit development, representing a parking rate of 1.25 parking spaces per unit. Table 5.3 Row 2 requires a minimum of 1.5 spaces per unit for the first 20 units in an apartment building, and 1.25 spaces per unit for every additional unit. This would require 44 spaces per unit rather than the requested 39 spaces per unit.

The intent of the minimum parking requirements is to ensure that adequate off-street parking is available to service the occupants of the property and their visitors. The proposed variance would see the minimum parking rate reduced from 1.42 spaces per unit down to 1.25 spaces per unit. As the proposed conversion would result in no increase in total habitable space or bedrooms on the site compared to the existing building configuration, staff are satisfied that the proposed parking reduction of 5 spaces would be sufficient to serve the proposed developed. The proposed minimum parking provision of 39 parking spaces for 31 units maintains the intent of the Zoning By-law, is minor in nature, and is desirable for the appropriate development of the land.

C. Landscaped Open Space

The applicant is requesting a variance to permit a reduced minimum landscaped open space requirement of 31.5 percent of the lot area, being 1,081 square metres. Table 6.29 of the Zoning By-law requires a minimum landscaped open space requirement of 40% of the lot area, being 1,371.6 square metres.

The intent of minimum landscaped open space provisions is to ensure that sufficient greenspace is available for residents and to provide additional space where trees could potentially be planted. Landscaped open space is also required to ensure that there is sufficient permeable surfaces on the site so stormwater can be managed through infiltration on site where possible.

A reduction in the minimum required landscaped open space from 40% to 31.5% represents a reduction of more than a fifth of the required open space. This would reduce the subject lands ability to effectively manage stormwater on site, reduce the amount of overall open space on the site that could be enjoyed by tenants and reduce the subject lands ability to contribute to Guelph's urban forest canopy.

For these reasons, staff are of the opinion that the proposed minimum landscaped open space reduction does not meet the intent of the Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the lands.

D. Long Term Bicycle Parking

The applicant is requesting a variance to permit a reduction to 0 require long term bicycle parking spaces, whereas the Table 5.7 Row 1 of the Zoning By-law requires a minimum of 1 long term bicycle parking spaces per unit (31).

The intent of the minimum long term bicycle parking requirements is to ensure that residents in multi-unit buildings are able to store their bicycles safely and securely without having to carry them up to their dwelling unit. Adequate provision of accessible long-term bicycle storage facilities serves to encourage cycling and reduce the number of single-occupant motor vehicle trips.

As the 16 existing dwelling units on the property predate the City's minimum long-term bicycle parking space requirements, staff agree that a reduced long-term bicycle parking rate may be appropriate. However, a complete elimination of long-term bicycle storage parking as proposed would not conform with the intent of the Zoning By-law, especially considering the proposed reduction in minimum required vehicle parking spaces.

Staff would prefer to see the applicant maintain the required long-term bicycle parking rate of 1 per dwelling unit for the 15 new proposed dwelling units, while allowing the existing 16 units to maintain their legal non-complying bicycle parking rate of 0. This would result in a total long-term bicycle parking rate of 0.48 spaces per dwelling unit on the site.

As proposed, staff do not consider requested variance D to be minor in nature, desirable for the appropriate development of the property, or meet the intent of the Zoning By-law.

E. Common Amenity Space

The applicant is requesting a variance to permit a common amenity space provision of 20 square metres per dwelling unit, whereas Table 6.30 of the Zoning By-law requires a minimum common amenity space provision of 20 square metres per dwelling unit. Staff assume that the applicant has requested this variance because Table 6.30 is under appeal with the Ontario Land Tribunal, and therefore not fully in effect. However, after reviewing with legal staff, planning staff is of the opinion that this requested variance is not required, as both the 1995 Zoning By-law and 2023 Zoning by-law require a minimum common amenity space provision of 20 square metres per dwelling unit. As this proposal meets that requirement, Variance E is not required.

In the opinion of staff, requested variances A, and B are considered to meet the general intent and purpose of the Official Plan and Zoning By-laws, are desirable for the appropriate development of the lands and are minor in nature. However, requested variances C and D do not meet the intent of the Zoning By-law, are not desirable for the appropriate development of the lands, and are not considered to be minor in nature. Staff is of the opinion that Variance E is not required.

Should the application be revised to propose a smaller number of units and provide more long-term bicycle parking, staff may be able to support the proposed application. For example, a reduction in the total unit count from 31 to 27 would allow for a further reduction in required parking without reducing the number of parking spaces per unit. This would allow for an increase of approximately 110 square metres of landscaped open space, greatly reducing the scale of the landscaped open space variance required. Long term bicycle storage lockers could also be provided next to the proposed short term bicycle parking or elsewhere on the site.

Alternatively, if the applicant wishes to proceed with the proposed 31 unit configuration, staff suggest that the Zoning By-law Amendment process may be more appropriate given the scale of the variances requested.

As proposed, planning staff are not supportive of requested minor variances C and D. Staff recommend deferral of the application to give the applicant an opportunity to revise the application based on comments received.

Engineering Services

Engineering has concerns about servicing, servicing capacity, and stormwater management for the development. At this stage of development, engineering agrees with planning staff's deferral recommendation. Engineering understands that this development will be required to go through the site plan process, which would provide the necessary information.

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

Building Services

The subject property is zoned Medium Density Residential 6 (RM.6) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. Permitted uses in the zone include back-to-back townhouses, cluster townhouses and an apartment. The applicant is proposing to renovate the 16 dwelling unit building to create a 31 dwelling unit building. No additions are proposed.

As the property was built to the zoning regulations applicable to the time, and the built form is not changing, the 2023 zoning regulations should be met for any interior reconfiguration of the building. The proposal to increase the number of units within the building will have the effect of reducing the number of bedrooms per unit. The building currently consists of 3 and 2 bedroom dwelling units. The proposal will increase parking demand on the property whereas the applicant is requesting a parking reduction without providing any long term bicycle parking and increasing the amount of paved area so that the minimum requirement for landscaped open space is not met.

A building permit is required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning recommendations for the requested minor variances for the application.

Comments from the Public

Yes (see attached)

Contact Information

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