



October 18, 2024

Secretary-Treasurer, Committee of Adjustment
City of Guelph
1 Carden Street^{to}
Guelph, ON N1H 3A1

**Re: Covering Letter
Proposed Minor Variances
To Facilitate the Renovation of an Existing Residential Apartment Building
To Increase the Total Number of Residential Units
493 Victoria Road North, Guelph**

We are pleased to provide, herewith, an application for Minor Variances at 493 Victoria Road North.

The Subject Property is approximately 0.35 hectares, with a front line of 25.9 metres, and approximate depth of 111 metres. The site is generally rectangular in shaped, although the south side lot line widens at approximately the midpoint.

The subject property is zoned as Medium Density Residential 6 (RM.6) and contains an existing 3 storey apartment dwelling with 16 dwelling units and parking for 23 vehicles in a parking area behind the building. It is believed that the structure was constructed around 1980, and for an unknown reason, the driveway access onto Victoria Road North crosses the side lot line and encroaches significantly onto the adjacent property at 497 Victoria Road North.

Proposed Development

The owner would like to renovate the existing building to reduce the size of the existing 16 individual units and create 15 new units, for a total of 31 residential units in the building. The existing building is comprised of primarily 3 bedroom units with just one unit in the basement having 2 bedrooms. The proposal would reconfigure all of these existing units and create a mix of bachelor and 2 bedroom units. It is proposed that there will be 16 units with 2 bedrooms ranging in size from 53 m² to 56 m² in area and 15 bachelor units all at approximately 28 m² in area.

Robert Russell Planning Consultants Inc. was retained to assist with the processing of the necessary minor variance applications to facilitate the proposed renovations. To initiate dialogue with the City of Guelph, we have attended a pre-consultation meeting with the City of Guelph and subsequent to that meeting, have made a number of revisions to the proposed site layout to attempt to address concerns expressed by staff.

That effort has culminated in the current design shown on the drawings submitted with this application, that City of Guelph staff have indicated they would be willing to review as part of a Minor Variance application.

The current design includes the following zoning deficiencies:

- Minimum Buffer Strips of 1.04 m and 0.6 m, whereas 3.0 m is required per Table 6.29
- Landscape area of 31.5% (1081.02 m²), whereas 40% (1371.99 m²) is required per Table 6.29
- 39 parking spaces, whereas 44 parking spaces are required per Table 5.3
- Zero long term bicycle parking spaces whereas 31 long term bicycle parking spaces are required per Table 5.7
- Common Amenity Space of 636.94 m² whereas 710 m² is required per Section 5.4.2.4 of former By-law (1995)-14864. It should be noted that the proposed Common Amenity Space complies with the requirements of the new Zoning By-law. As such, if the appeal of the Common Amenity Space provision contained in By-law (2023)-20790 is resolved and the amenity space calculations as adopted by Council are approved by the Ontario Land Tribunal, this variance will not be required.

The Planning Act provides four tests in Section 45(1) that must be met for approval of a Minor Variance.

1. Does the application conform to the general intent of the Official Plan?
2. Does the application conform to the general intent of the Zoning By-law?
3. Is the application minor in nature?
4. Is the application desirable for the appropriate development of the lands in question?

City of Guelph Official Plan

The City of Guelph Official Plan, Schedule 2 Land Use Plan designates the Subject Property as Medium Density Residential. Some of the Objectives of the Residential Designations as listed in Section 9.3 of the Official Plan include “...higher densities of residential development in appropriate locations to ensure that transit supportive densities, compact urban form, walkable communities....are achieved” and “maintain the general character of built form ... while accommodating compatible residential infill and intensification” The proposed minor variances will facilitate the renovation of the existing building to create additional uses and will meet these objectives.

Many of the policies related to infill and intensification provided in Section 9.3.1.1 are intended to ensure the design, scale and massing of the proposed development is compatible with the neighbourhood context. Given that the development proposal will not alter the existing building, most of these policies are not applicable.

The Medium Density Residential policies in Section 9.3.3 allow for apartment buildings as a permitted use, with heights between 2 and 6 storeys. The existing building complies with these policies. Policy 9.3.3.3 indicates that densities will be not less than 35 units per net hectare and not more than 100 units per net hectare. The existing site with 16 units on 0.35 hectares represents a density of 45.7 units per hectare and the proposed renovations would result in a density of 88.6 units per hectare, which is within the permitted range of density.

Given the above examples and a detailed review of the entirety of the Official Plan it is my Professional

Planning Opinion that proposed minor variances conform with not only the general intent of the Official Plan but comply with the relevant policies in the Official Plan.

City of Guelph Zoning By-law (2023)-20790

Map 49 of Schedule A indicates that the subject property is zoned as RM.6 which is intended to permit a range of townhouses typologies to a maximum of 4 storeys and mid-rise apartments to a maximum height of 6 storeys.

Given that the proposal is to intended to maintain the existing apartment building on merely renovate the interior wall partitions and unit layout, it is not necessary, nor appropriate to review the setbacks, dimensions, angular plane and other regulations regarding the building configuration.

The following paragraphs will provide a discussion related to the requested variances and how they meet the general intent of the Zoning By-law.

Table 6.29 requires a 3.0 m buffer strip around the perimeter of parking lots. The existing parking area only provides 1.04 m buffer at the south property line and the parking area and driveway cross the north property line, effectively providing a zero metre buffer. It is proposed to maintain the existing 1.04 m buffer at the south property line, and reconstruct the driveway fully on the subject property with a 0.6 m buffer. The requirement for buffer strips is generally intended to provide physical and visual separation, in the form of soft landscaping between more intensive uses and surfaces. The existing building at 497 Victoria Road North provides a minimum of 5 metres along the south property line that would qualify as a buffer strip. Furthermore the proposed buffers reflect the existing condition.

Table 6.29 also requires a minimum of 40% landscaped open space. The existing building exceeds that, as there is a large grassed area at the rear of the building. In order to provide sufficient parking for the 31 proposed units, the parking area must be enlarged which will reduce the landscape open space to 31.5%. This represents an area of 1081 m² or 11,600 square feet. This is still a reasonably large landscaped area in terms of real area rather than relative to lot area. Furthermore the minimum amenity area requirements in the new City of Guelph Zoning By-law will be complied with, suggesting that the amount of open space for a development with 31 units is appropriate and sufficient.

City of Guelph former Zoning By-law (1995)-14864

The new City of Guelph Zoning By-law was appealed to the Ontario Land Tribunal and a few sections of the former by-law are still in force and affect. The remaining requested variances are associated with former City of Guelph Zoning By-law and are discussed below.

Section 4.13.4.3 provides the parking ratios for residential land uses, and requires 1.5 spaces per unit for the the first 20 units and 1.25 spaces per unit for any additional units. Based on the proposed 31 units, this would result in the requirement for 44 parking spaces. It should be noted that Row 2 of Table 5.3 in the new Guelph Zoning By-law provides the same calculations for residential apartments. The Subject Property is well served by public transit and active transportation options, including, Transit Routes 17 and 18 on Victoria RoadNorth with a hard surface bus stop located a few metres south of the subject property and

Route 12 passing through the intersection of Victoria Road North and Woodland Road only 70 m away from the subject property. Victoria Road North includes on street designated cycling lanes to provide dedicated space for those who commute via bicycle. The Subject Property is within a neighbourhood with a range of land uses that will allow residents to easily walk to local retail and personal service shops at the north west corner of Woodland and Victoria Road North, parkland located directly behind the Subject Property with a proposed walkway provided direct access. There are also a number of schools within a 500 metre radius which represents a 5 to 10 minutes walk.

Section 5.4.2.4.1 requires a minimum common amenity area of 30 m² per unit for the first 20 units and 20 m² per unit for all additional units. Based on the proposed 31 units this would result in the requirement for 710 m² of common amenity space. The proposed enlargement of the parking lot would result in an amenity area of 636.9 m² which is deficient by approximately 73 square metres. In comparison to the requirements of the former Zoning By-law it should be noted that Table 6.30 the new zoning by-law had proposed a common amenity area calculation of 20 m² per unit, which would represent 620 m² of common amenity area being required. As such, the proposed enlargement of the parking area would comply with the common amenity area calculations under the new Zoning By-law (2023) – 20790 and no variance would be required. Given this fact it is evident that the common amenity area on the subject property, despite being deficient per the requirements of the in force by-law, are in keeping with the intentions of the City of Guelph. Furthermore it should be noted that both the former and new zoning by-laws require common amenity areas to have a length that is not more than 4 times the width. As illustrated on the site plan submitted with this application, the open area south of the building is just slightly longer than the 4:1 ratio, and as such, a portion of this area is excluded from the common amenity area calculations. Although this area is shown outside of the defined common amenity area, it is anticipated that it will still function as amenity space for the residents and is contiguous with an amenity area that meets all of the zoning requirements. As such, there is more usable amenity space on the subject property than the site statistics would otherwise suggest.

Given the above discussion it is my Professional Planning Opinion that that proposed Minor Variances are in keeping with the general intent of the in force sections of the City of Guelph Zoning By-laws (1995) – 14864 and (2023) – 20790.

Is the Application Minor in Nature

Zoning By-law standards are measured numerically, however an evaluation to determine if the requested relief is minor or not, is a subjective process and cannot be determined through a strict analysis of the numbers.

This Minor Variance test is often considered in terms of the potential impact a proposal would have on the adjacent and surrounding properties.

Given that the proposed development would not alter the building itself, and only enlarge the parking lot, the impacts will generally be negligible for all requested variances. The enlarged parking area respects the existing buffer strip and setback to 550 Woodlawn Road East. The proposed changes to the parking and driveway will reduce the impact to the property to the north at 497 Victoria Road North by removing the existing encroachment onto that property. A larger buffer could not be realistically provided here due to the

limited space available between the existing building and the property line, while meeting City of Guelph and OBC standards for driveways and fire routes. Given that the proposed buffer strips generally reflect or improve upon existing conditions, they would be minor in nature.

With respect to the requested variance for a reduction in the common amenity area, as noted above, this is only required because the relevant sections of the new Zoning By-law have been appealed and the former by-law is still in effect. The fact that the new zoning by-law provisions would permit the proposed amount of common amenity area strongly suggests that the requested variance is minor in nature.


Is the Application Desirable?

It is widely discussed that Ontario is in a housing crisis, and there is a strong push to create additional dwelling units in as short a time as possible. There is also some recognition, notably, in the Provincial Policy Statement and also in the new Provincial Planning Statement, that the efficient use of resources, land and building stock is important. Although the focus in those documents and the Planning Act is more aligned with additional residential units in existing single dwellings, the proposed development provides a similar situation and solution but on a larger scale and should be given the same consideration. The proposed variances would allow for the renovation of an existing building to meet the current needs of the Province and the City of Guelph. Furthermore it would create additional units at a lower cost in terms of construction and approvals in a shorter timeframe as compared with a proposed new development, or demolition and redevelopment.

If you should have any comments or questions, please feel free to contact me at your convenience.

Yours Truly,

ROBERT RUSSELL PLANNING CONSULTANTS INC.



Rob Russell, MCIP, RPP
President