

Committee of Adjustment Application for Minor Variance

Introduction – Minor Variance

An asterisk (*) indicates a response is required

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Pre-consultation with Zoning Planning Services staff

Was a Preliminary Zoning Review submitted for this proposal? (Residential properties only) *

Yes No

Was Planning Services staff consulted? *

Yes No

Committee of Adjustment fee(s)

Following the submission of this online form, Committee of Adjustment staff will contact you to complete the required fee payment and that until such time that the fee is received, the application will not be complete and will not be processed. For the application fee and the fee refund policy, please visit the [Committee of Adjustment fees](#) page.

I understand that following the submission of this online form, Committee of Adjustment staff will contact me to complete the required fee payment *

I agree

Municipal Freedom of Information

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide their consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Information on this application and any supporting documentation provided by the owner/authorized agent, consultants and solicitors, will be part of the public record and will also be available to the general public. Therefore, information on this application and any supporting documentation provided by the owner/authorized agent, consultants and solicitors, will be **posted online** and available to the general public.

Questions regarding the collection, use, and disclosure of this information may be directed to the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 extension 2349.

I understand and provide my consent, that personal information, as defined by Section 2 of the MFIPPA is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. *

I agree

Permission to enter the site

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application. *

I agree

Posting of Advisory Sign

I understand that each sign must be posted at least ten (10) days before the scheduled hearing of this application and be replaced, if necessary, until the day following the hearing. *

I agree



Committee of Adjustment Application for Minor Variance

Property information

An asterisk (*) indicates a response is required

Property address

Street number *

Street *

City * ?

Province *

Postal code

Legal Description of the property

The legal description is the registered plan and lot number(s)

Legal description of the property *

[Official Plan Designation – Schedule: Land Use \(PDF\)](#)

Official Plan Designation – Land Use *

[Zoning Designation under Zoning By-law \(2023\)-20790, as amended – Interactive Map](#)

Current zoning designation under Zoning By-law (2023)-20790, as amended *

Date property was purchased *

3/1/2006



Is a building or structure proposed? *

Yes

No

Date of proposed construction *

4/1/2025



Is this a vacant lot? *

Yes

No

Is this a corner lot? *

Yes

No

Length of time existing uses have continued *

Land is currently vacant

Proposed use of land *

Residential

Dimensions of the property

Please refer to survey plan or site plan

Frontage (metres) *

100

Area (metres squared) *

2930.82

Depth (metres) *

32



Committee of Adjustment Application for Minor Variance

Application details

An asterisk (*) indicates a response is required

Purpose of the application

Is the purpose of the application enlargement/extension of legal non-conforming use? *

- No
- Yes

Purpose of the application *



- new building
- fence height
- building addition
- additional use
- accessory structure
- variance(s) related to a consent application
- accessory apartment
- other

Type of proposal (select all that apply) *

- Existing
- Proposed

Section or table of Zoning Bylaw (1995)-14864, as amended *

4.13.2.1

Proposed *

Parking to be a min of 1.7m from rear lot line (to NHS-Zoned land) and 1.1m from the exterior side yard lot line.
Parking to be located in the exterior side yard

Required *

In a R.1, R.2 and R.3B Zone, every required Parking Space 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.

Section or table of Zoning Bylaw (1995)-14864, as amended *

4.13.4.3

Proposed *

Proposed 40 parking spaces.

Required *

for the first 20 units 1.5/unit, and for each unit in excess of 20: 1.25/unit.
 $(20 \times 2.5) + (10 \times 1.25) = 43$ required spaces

Section or table of Zoning Bylaw (1995)-14864, as amended *

4.16.1

Proposed *

Angular plane to
Nicholas way =
48.24° Angular
Plane to Low
density residential =
68.34°

Required *

When a mid-rise building site is transitioning to adjacent low density residential designations at the rear or side lot line (such as a low density residential designation, parks or natural areas) a 45 degree angular plane between uses should be used to ensure that the impacts of height, overlook and shadow are mitigated.

Section or table of Zoning Bylaw (1995)-14864, as amended *

4.16.1

Proposed *

Angular plane at
North of Site
Adjacent to N.H.S/
P.1 = 72.73°

Required *

When a mid-rise building site is transitioning to adjacent river or park a 40 degree angular plane between uses should be used to ensure that the impacts of height, overlook and shadow are mitigated.

Section or table of Zoning Bylaw (1995)-14864, as amended *

table 5.3.2 (9)

Proposed *

4 storey building

Required *

3 Storeys and in accordance with Sections 4.16 and 4.18

Section or table of Zoning Bylaw (1995)-14864, as amended *

table 5.3.2 (4)

Proposed *

Total lot frontage including Nicholas Way and Shakespeare Drive 106m. 3.5m per unit.

Required *

6m

Variance(s) required under City of Guelph Zoning By-law

[View the Zoning Bylaw](#)

Are variance(s) from Zoning By-law (2023)-20790, as amended, required? *

Yes

No

Section or table of Zoning Bylaw (2023)-20790, as amended *

5.2.2(a)

Proposed *

Parking to be a min of 1.7m from rear lot line (to NHS-Zoned land) and Parking to be a min of 1.1m from exterior side yard lot line (Shakespeare Drive). Parking to be located in the exterior side yard

Required *

any parking area or parking space shall be setback 3 metres from the lot line.

Section or table of Zoning Bylaw (2023)-20790, as amended *

table 5.3

Proposed *

Proposed 40 parking spaces

Required *

For the first 20 dwelling units: 1.5 spaces per dwelling unit, and for each dwelling unit in excess of 20: 1.25 spaces per dwelling unit. A minimum of 20% of the required parking spaces shall be for the use of visitor parking.
 $(20 \times 2.5) + (10 \times 1.25) = 43$ required spaces

Section or table of Zoning Bylaw (2023)-20790, as amended *

4.14.4

Proposed *

Angular plane to Nicholas way = 48.24°
Angular Plane to Low density residential = 68.34°

Required *

Building heights shall not exceed an angular plane of 45 degrees from the centre line of the street.

Section or table of Zoning Bylaw (2023)-20790, as amended *

4.14.4

Proposed *

Angular plane at North of Site Adjacent to N.H.S/
P.1 = 72.73°

Required *

Building heights shall not exceed an angular plane of 40 degrees from the property line facing N.H.S zone

Section or table of Zoning Bylaw (2023)-20790, as amended *

Table 6.12 A

Proposed *

4 storey building

Required *

maximum 3 storeys

Section or table of Zoning Bylaw (2023)-20790, as amended *

Table 6.10B

Proposed *

Total lot frontage including Nicholas Way and Shakespeare Drive 106m. 3.5m per unit.

Required *

minimum lot frontage per unit is 7m

Section or table of Zoning Bylaw (2023)-20790, as amended *

5.2.4 d

Proposed *

setback 3 meters at the front elevation (Nicholas Way) and 4.6m from the exterior side yard/east elevation on Shakespeare Drive.

Required *

structured parking area within the first storey of a building shall be setback from the street line a minimum of 10 meters.

Why is it not possible to comply with the Zoning Bylaw?

Please describe the reasons why the variance(s) are needed * 

Notes:

The lot is part of the NiMa Trails subdivision, laid out to a Draft Plan of Subdivision which was approved in 2016. This plan was intended to achieve a specific overall housing density, and to achieve this, the subdivided lots were each allocated a target number of units. The low-density lots on the site have now all been built out, leaving four sites at the south end of the subdivision undeveloped. These were all the higher density lots in the Draft Plan of Subdivision and were intended to accommodate a total of 125 units in 1.1 Hectares. The unit count allocated to the subject site was 29 'On street townhouse / Multiple Units' and the proposed building maintains the intended 100-120 units / Ha density. The site at the intersection of Shakespeare Drive and Nicholas way in Guelph is unique in its shape and topography, to the extent

that the normal definitions of front and side yards are not easily applicable. There is a drop in elevation of about 4 meters from Shakespeare Drive to the lot line at the rear. Approximately one third of the total site area has an irregular perimeter formed by the long curve of Shakespeare Drive to the southeast and a series of short straight lines at irregular angles on the northeast side. By the Zoning Bylaw definition, this area forms the Exterior Side Yard of the lot. The logical position for a building is the portion on the northwest side where an area of approximately 68 meters by 30 is available for a rectangular building. The proposed building will be located on the regularly-shaped part of the site and most of the required parking will be located within the basement. The limitations of space within the building footprint mean that the visitor parking has to be located outside at grade. The available space for this parking is in the exterior side yard.

- Minor Variance 1 (NEW: 5.2.2a, OLD: 4.13.2.1)

Surface Parking Location:

Required parking and drive aisle fit almost entirely within the required rear yard parking setback. However, the available land and the irregular shape of the site boundary requires that small portions of the parking spaces encroach on the 3 m parking setback. This encroachment affects only 20% of rear yard setback. The minimum setback from the rear yard is 1.74m and this encroachment affects a length of only 2.7 meters. The north boundary of the site will be a retaining wall with a close-boarded fence along the top. The elevation of the parking area will be approximately 1.2 meters above the NHS-Zoned land to the north. The location of the parking area will be sufficiently isolated from the adjacent land to avoid visual or acoustic disturbance to the adjacent parkland. The majority of the parking and drive aisle fit within the required exterior side yard parking setback. However, the available land requires that some of the parking spaces encroach on the 3m setback from Shakespeare Drive. The minimum setback from the exterior side yard is 1m. However, the parking will be approximately 3 meters below the Shakespeare Drive elevation, and will be screened with planting. Very little of the parking will be visible from the street and the shrub planting proposed will contribute to an attractive public realm facing Shakespeare Drive.

- Minor Variance 2 (NEW: table 5.3, OLD: 4.13.4.3)

Reduction in the required number of parking spaces:

The required number of parking spaces on the site is 43 and taking into account the size of the building needed to achieve the agreed unit density and irregular shape of the lot, the site is able to accommodate 40. The proposed variance will provide 1.3 spaces/ unit, a 10% reduction on the requirement. The site is well-served with alternate transport, with local transit located within a 15min walk from the property and designated long- and short-term bike parking on site for each unit.

- Minor Variance 3&4 (NEW: 4.14.4, OLD: 4.16)

The Building to encroach on the required Angular Planes Centre of Nicholas

Way, The Building to encroach on the required Angular Planes North Lot Line Adjacent to Park:

The Angular plane does not conform to the 40° requirement at the North property line, or the 45° at the South and East property line / road centerline. Compliance with this requirement along the north site boundary will reduce the number of dwelling units that can be accommodated by six which is a substantial reduction. Complying with the Angular Plane to the Low-Density housing will reduce the unit count by a further four. A building of only 20 units will not achieve the overall unit density for the site (as per the Draft Plan of Condominium) and will make the development uneconomic. The proposed building will have balconies facing the Low-density housing, and measures are included in the design to minimize overlooking from the balconies to the rear yards of those houses. These measures include full-height screens to the sides of the balconies and translucent guards. The houses on the opposite side of Nicholas Way are set back approximately 14.5 meters from the centerline of the road, and 26 meters from the nearest point on the proposed building. We don't anticipate that overlooking or overshadowing will be issues with the proposed building. The NHS-zoned land to the rear of the site has a trail and a water pumping station close to the lot line. To the north of the pumping station is a large stormwater management pond. The trail leads to Eramosa Road and the remainder of the land appears to be unimproved woodland. Overall the land has a limited value as Natural Heritage, though it will be a worthwhile community resource. We do not believe that the proximity of the proposed building to the south will degrade either the Natural Heritage value or community resource amenity of the adjacent land.

Angular plane at North of Site Adjacent to N.H.S/ P.1 = 72.73°

Angular plane to Nicholas way = 48.24°

Angular Plane to Low density residential = 68.34°

- Minor Variance 5 (NEW: Table 6.12 A. OLD: table 5.3.2 (9))

Building Height:

We are requesting a minor variance to allow a 4-storey building on the site. The first storey is a structured parking level which will be entirely enclosed on all four sides except for the vehicle entrance from the parking lot. The vehicle entrance is 3 meters below the Shakespeare Drive elevation and screened by planting. The grading of the site on the Shakespeare Drive side will be between 0.8 and 1.3 meters below the second floor elevation. There is similar grading on the south side of the building. As the Second floor will be close to the exterior grade and the street elevation, the building will read as a 3 storey structure and will not negatively impact the streetscape. We have included renderings in our submission to highlight the relationship between the building and the surrounding grade.

- Minor Variance 6 (NEW: Table 6.10 B, OLD: Table 5.3.2 (4))

Lot Frontage per dwelling unit, back to back townhouse:

Per the Bylaw, A minimum lot frontage of 7 meters per dwelling unit is required. According to table 6.10B (lot frontage per dwelling unit back-to-back townhouse) the minimum lot frontage per dwelling unit is 7m. Therefore, using table 6.10B the minimum lot frontage required for the building is 210m. The lot frontage provided on Nicholas Way is currently 35 m. The site has an irregular shape and borders both Nicholas Way and Shakespeare Drive. The lot frontage facing Shakespeare Drive is 71 m, providing a combined total of 106m. Table 6.10 refers to back-to-back townhouses, but the proposed building type is a “multiple attached dwelling” as permitted by the site-specific bylaw RL.3-4. A Multiple attached dwelling is a more suitable building form to provide the required density as set out in the 2016 Draft Plan of Subdivision. The 7 meter frontage per unit is only relevant to townhouses, where each unit requires a driveway. This development has below- and above-grade parking so only one driveway is required to cater for all 30 units. Using a back-to-back townhouse typology will permit only 10 units if the 7 meter frontage per unit requirement is upheld, and the project will not be financially feasible. We are requesting a variance to allow 1.16 m frontage per unit along Nicholas way, or 3.5 m frontage per unit along Nicholas & Shakespeare combined for this development, which will in turn permit a total of 30 dwelling units.

- Minor Variance 7 (NEW: 5.2.4 d)

Structured Parking:

Per the bylaw, within any residential or mixed-use zone, a structured parking area within the first storey of a building shall be setback from the street line a minimum of 10 meters. The structured parking is setback is 3 meters at the front elevation (Nicholas Way) and 4.6m from the exterior side yard/east elevation on Shakespeare Drive. On the east elevation, the parking level is 1.6m below the lowest grade and 2.8m below the highest grade. On the South elevation, the parking level is 0.5m below the lowest grade and 1.2m below the highest grade. There are no windows or ventilation grilles on the south or east elevations. The grade on the south and east elevations effectively hides the structured parking facing the street. The parking appears as a basement wall, and this will be given suitable textured treatment to appear as masonry. The entrance to the parking level is at the North end of the site, 14 meters from the closest point on Shakespeare Drive, and is hidden from the street by a drop in elevation. The exterior parking and the entrance to the structured parking will also be screened from Shakespeare Drive with planting to provide an attractive streetscape. Very little of the lower level parking area or garage entrance will be visible from outside the development. The intent is to minimize all views of the parking from the public realm. We have included renderings in our submission highlighting how the structured parking will be screened from the streets.

Other development applications that relate to this minor variance. Has the subject land ever been the subject of:

- | | |
|---|---|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Zoning Bylaw Amendment |
| <input type="checkbox"/> Plan of Subdivision | <input checked="" type="checkbox"/> Site Plan |
| <input type="checkbox"/> Building Permit | <input type="checkbox"/> Consent |
| <input checked="" type="checkbox"/> Previous Minor Variance Application | |

Site Plan reference/application number * 

PRE24-007S, PRE18-055S

Previous Minor Variance Application reference/application number *



A-37/23



Committee of Adjustment Application for Minor Variance

Building information

An asterisk (*) indicates a response is required

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Existing buildings and structures

Additional existing buildings

Are there any additional buildings or structures on the subject property? *

Yes

No



Committee of Adjustment Application for Minor Variance

Setbacks, access and services

An asterisk (*) indicates a response is required

Setbacks for all Buildings and Structures

A setback is the distance from a property line to the nearest wall/structure/building.

Proposed

Front setback (metres) *

3

Rear setback (metres) *

4.52

Exterior setback (metres) *

4.5

Interior setback (metres) *

5.58

Type of Access to the Subject Lands

Type of Access to the Subject Lands (check all that apply) *

- Provincial highway
- Private road
- Other
- Municipal road
- Water

Types of Municipal Services

Types of Municipal Service (check all that apply)

Water

Sanitary

Storm

sewer

sewer

Office use only

File number

A-89/24

Address

728 Eramosa Road
Guelph, Ontario
N1E 6C9

Comments from staff

November 25, 2024