



January 14, 2025

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

**Re: Covering Letter
Updated 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
Guelph File #A90/24**

Further to the deferral of the above noted application at the December Committee of Adjustment hearing, we are pleased to provide, herewith, updated drawings and an addendum to the previously submitted Planning Brief.

Please note that except for the following discussion the original Planning Brief remains valid and represents my Professional Planning Opinion.

Proposed Development Updates

Furthermore, the owner's intention was to submit an application that could be supported by Municipal staff. During the original meetings and email dialogues that were noted in the original Planning Brief, we were of the understanding that we met all of the parameters requested by City Staff. As such we had anticipated a supportive staff report and were surprised when the staff report indicated that 2 of the variances would not be supported.

We have since consulted with City Staff and made revisions to the proposal to ensure the current proposal can be supported. In this regard, we have incorporated long term and secure bicycle parking, and reduced the number of units to 29, allowing for a reduction to the proposed parking area and increase in landscape area. It should also be noted that the previously submitted Site Plan had not calculated Landscape Open Space in accordance with the Zoning By-law. The previous plan with 31 units and 29 parking spaces provided 1,321.54 m² of Landscape Area, or 38.5%, and a variance for that should be considered minor in nature given that the Zoning By-law requires 40%. However, during the ensuing discussions with City Staff, it was made clear that they would not support a Landscape Area of 38.5% without a reduction in the number of units. This is despite the fact that the staff report suggests that a 35% Landscape Area could be accepted.

We would also like to point out that during a virtual meeting with City Staff on September 17, 2024 we asked what a reasonable amount of long term bicycle parking would be for this site and were specifically told that

because the building was existing and pre-dated the requirements for long term bicycle parking that staff would not require such parking and a variance for zero long term bicycle parking spaces would be supported. We could have easily accommodated the long term bicycle parking at that time without substantial changes to the plan, if City Staff had not indicated that we didn't need to provide any.

The current design includes the following zoning deficiencies:

- Minimum Buffer Strips of 1.29 m and 0.6 m, whereas 3.0 m is required per Table 6.29
- Landscape area of 39.07% (1,340.27 m²), whereas 40% (1371.99 m²) is required per Table 6.29
- 37 parking spaces, whereas 42 parking spaces are required per Table 5.3
- 14 long term bicycle parking spaces whereas 29 long term bicycle parking spaces are required per Table 5.7

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 previous analysis of the Official Plan remains valid, although the site density is slightly less due to the elimination of 2 of the proposed units. Current proposed density is 86 units per hectare and conforms with the Official Plan and Zoning By-law.

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 and 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 1.06 m buffer at the south property line and the parking area and driveway cross the north property line, effectively providing a zero metre buffer. The reduction in the number of parking spaces has resulted in an increase to the proposed buffer along the south property line and 1.29 m can be provided, whereas 1.06 m is the current buffer. This is an improvement to the current configuration. The remaining discussion in the

original Planning Brief remains valid.

Table 6.29 also requires a minimum of 40% landscaped open space. The changes to the number of units and parking area, combined with the corrections to the landscape open space calculation have resulted in a landscape open space of 39%, which is large landscaped area that almost meets the Zoning By-law requirements. 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 29 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 29 units, this would result in the requirement for 42 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 analysis provided in the original Planning Brief remains valid in relation to the proposed reduction in parking.

Row 1 of Table 5.7 requires a minimum of 1 long term bicycle parking space per unit. This would require 29 spaces for the revised proposal. City Staff have indicated that long term bicycle parking would not be required for the 16 existing units, and they would be willing to support a variance, if the development provided long term bicycle parking for all additional units. Given the 29 proposed units and 16 existing, this would equal a requirement for 13 long term bicycle parking spaces. The Dero Bike Depot Shelter can provide parking for 7 bicycles at grade and 7 additional bicycles in an upper rack. As the Zoning By-law definition for long term bicycle parking requires any such spaces to be at grade, 2 of these shelters are shown on the Site Plan, providing 14 at grade long term bicycle parking spaces that meet the Zoning By-law requirements. However, it should be noted that the upper rack would actually allow for secure storage of up to 28 bicycles.

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.

For the reasons outlined in the original Planning Brief, I am of the opinion that the proposed Variances are 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 in the new Provincial Planning Statement, that the efficient use of resources, land and building stock is important. Specifically Section 2.2.1(b)(2) states that Planning Authorities are to permit and facilitate all types of intensification, including the redevelopment that results *“in a net increase in residential units”*.

Request to waive the deferral fee

As noted previously in this submission, the owner’s intent was to secure preliminary acceptance of the proposed development prior to applying for the minor variances, as the owner wished to bring forward a proposal that would be supported by Staff and approvable at the Committee of Adjustment. The original submission noted the effort that was made in that regard to consult with City Staff prior to submitting the application to the Committee of Adjustment.

We were led to believe that City Staff would have supported the previous proposal and if we had known that the staff report would not recommend approval for all the variances, we would have revised the proposal prior to the original application.

As noted above, we specifically asked about long term bicycle parking on September 17, 2024 and were told that this site could be considered to be grandfathered as the apartment was constructed prior to the requirement for long term bicycle parking.

Similar to the bicycle parking issue, we were specifically told that the City’s primary concern was related to the Common Amenity Space, and if we were able to meet the Zoning By-law requirement for that, then Staff would support the reduction to the landscape open space.

As such, the need for the deferral and the requirement for the owner to pay a deferral pay is solely due to City Staff providing incorrect information during the series of meetings and email in August, September and October of 2024. We believe it is fair and reasonable for the Committee of Adjustment to approve the return of the deferral fee to 493 Victoria Road Apartments GP Inc.

Summary

The updated proposal would allow 2 of the existing units to remain in their existing configuration and reduce the total number of units to 29. The reduction to the number of units has allowed the parking area to be reduced with a commensurate increase in the landscape open space. Long term bicycle parking for 14 bicycles at grade has been added to the north side of the building adjacent to the driveway and parking area.

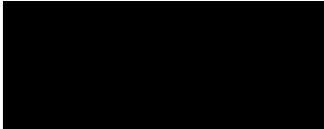
The Official Plan policies encourage density and infill redevelopment subject to identified criteria, and the Zoning By-law provides additional requirements for site development. The proposed renovations to the existing apartment building at 493 Victoria Road North, inclusive of the required enlargement to the parking area is in keeping with the general intent of both the Official Plan and Zoning By-law.

The revised proposal has brought the development into closer conformity with the Zoning By-law and as such, the proposed variances continue to be minor in nature and desirable for the development of the property.

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