

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number:	A-90/24
Location:	493 Victoria Road North
Hearing Date:	February 13, 2025 (deferred from December 12, 2024 hearing)
Owner:	493 Victoria Road Apartments GP Inc.
Agent:	Rob Russell, Robert Russell Planning Consultants Inc.
Official Plan Designation:	Medium Density Residential
Zoning Designation:	Medium Density Residential (RM.6) Zone

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 42 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 29 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 37 parking spaces for the existing apartment building;
 - c) a minimum landscaped open space of 39.08 percent of the lot area, being 1,340.27 square metres;
 - d) a minimum of 14 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

Approval with Conditions

Recommended Conditions

Planning Services

1. The applicant shall submit a Tree Preservation Plan (TIPP) undertaken by a Certified Arborist, in accordance with the requirements of the City's Tree Technical Manual and to the satisfaction of the General Manager of Planning and Building Services.
 2. That the applicant receive Site Plan Approval for the proposed development to the Satisfaction of the General Manager of Planning and Building Services.
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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 85 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 13 of the existing three bedroom residential units into two bedroom and bachelor units, resulting in a unit count increase from 16 to 29 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 37 parking spaces for the proposed 29 unit development, representing a parking rate of 1.27 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 a total of 42 spaces per unit rather than the requested 37 spaces/.

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 effective minimum parking rate reduced from 1.44 spaces per unit down to 1.27 spaces per unit. The proposed conversion would result in no increase in total habitable space or bedrooms on the site compared to the existing building configuration, and proposes an increase in parking from 23 spaces to 37 spaces. As smaller units typically have a lower parking demand per unit than larger units, staff are satisfied that the proposed parking ratio of 1.27 spaces per unit, representing a reduction of 5 spaces would be sufficient to serve the proposed developed. In the opinion of staff the proposed minimum parking provision of 37 parking spaces for 29 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 39.08 percent of the lot area, being 1,340.2 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 39.08% represents a reduction of less than 2.5% of the required open space. By comparison, the previous proposal for this site that was deferred by the Committee in December of 2024 requested a minimum landscaped open space rate of 31%. By reducing the number of units proposed in the building, thereby further reducing the amount of parking area needed, the applicant has been able to bring the proposal much closer to conformity with zoning requirements.

The requested reduction in minimum landscaped open space from 40% to 39.08% of the lot area would not significantly reduce the ability of the property to effectively manage stormwater on site, and would not have a significant reduction in the amount of greenspace for existing and future tenants to enjoy.

Staff note that if approved, this project will proceed through the City's Site Plan Approval process, where any potential stormwater management concerns will be examined in closer detail by engineering staff.

For these reasons, staff are of the opinion that the proposed minimum landscaped open space reduction maintains the intent of the Zoning By-law, is minor in nature, and is desirable for the appropriate development of the land.

Landscape Planning staff note that the subject property is over 0.2 hectares (0.5 acres) in size and regulated under the City's Private Tree By-law. Therefore prior to the issuance of the Certificate of Official and/or prior to undertaking activities which may injure or destroy private trees, the applicant shall submit a Tree Preservation Plan (TIPP) undertaken by a Certified Arborist, in accordance with the requirements of the City's Tree Technical Manual and to the satisfaction of the General Manager of Planning and Building Services. Issuance of a Tree Permit by the City will be required prior to any works taking place on the subject property. Please be aware that where preservation is not possible, as agreed to by the City, compensation is required either in the form of Cash in lieu or Replacement Trees, or a combination of the two at the discretion of City staff. Cash in Lieu rates are set out in the Private Tree Bylaw, while Replacement Tree rates are set out in the Tree Technical Manual (TTM). Staff have recommended a condition to this effect.

D. Long Term Bicycle Parking

The applicant is requesting a variance to permit a reduction to 14 required 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 (29).

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 is appropriate. The proposed reduction to 14 long-term bicycle parking spaces would be sufficient to provide at least long-term bicycle parking space for each of the 13 new units that would be created. This would result in an overall long-term bicycle parking rate of 0.48 spaces per dwelling unit.

As the proposed reduction to a minimum of 14 required long-term bicycle parking spaces would provide at least one space per new proposed dwelling unit, staff are of the opinion that the proposal maintains the intent of the Zoning By-law, is minor in nature, and is desirable for the appropriate development of the land.

Despite this, staff encourage the applicant to provide the 28 long-term bicycle parking spaces illustrated on the submitted site-plan.

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. The proposed site plan indicates that 636.94 square metres of Common Amenity Space would be provided, approximately 21.9 square metres per unit.

While the proposed Common Amenity Space conforms with the requirements of the 2023 Zoning By-law, a 'technical' variance is required as this provision is currently under appeal before the Ontario Land Tribunal.

As the proposed Common Amenity Space rate of 20 square metres per unit would mirror the requirements of the 2023 Zoning By-law as passed by City Council, staff are satisfied that the proposal maintains the intent of the Zoning By-law, is minor in nature, and is desirable for the appropriate development of the land.

Conclusion

The revised proposal addresses concerns regarding landscaped open space and long-term bicycle parking that staff had raised at the December 2024 meeting of the Committee of Adjustment. The scale of the requested variances for these provision has been reduced, aided in part by a reduction in the total number of proposed units from 31 to 29 units.

For this reason, staff are satisfied that the proposed minor variance application maintains the intent of the Zoning By-law, is minor in nature, and is desirable for the appropriate development of the land. Staff recommend approval of the application subject to the above noted conditions.

Engineering Services

This development will be required to go through the site plan process, where the site can be reviewed in detail. The site plan process will satisfy engineering's concerns with regards to stormwater, servicing, etc. Engineering does not have any concerns with the proposed variances. 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 29 dwelling unit building. A building addition for the purpose of a bike storage area is proposed.

The property was built to the zoning regulations applicable to the time and the built form is not changing. The proposal to increase the number of dwelling 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. Proposed floor plans have not been submitted with the application.

The applicant is proposing 37 parking spaces. To meet required parking, the maximum amount of units within the building would be 25 units for 37 parking spaces.

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

Comments from the Public

Yes (see attached)

Contact Information

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