

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-29/25
Location: 93-97 Surrey Street East
Hearing Date: March 27, 2025
Owner: 93-97 Surrey St Inc.
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Mixed Use 2 and Special Policy Area
Zoning Designation: Downtown 2 (D.2) and Site-specific Downtown 2 (D.2-10) and Special Policy Area

By-Law Requirements:

The property is located in the Downtown 2 (D.2) Zone and Site-specific Downtown 2 (D.2-10) Zone and Special Policy Area Overlay. Variances from Table 9.6, Table 9.7, Section 9.3c), Table 9.7, Table 5.8 Additional Regulation 1, Table 5.2 Row 3, Section 5.2.2a), Section 5.2.2b), and Section 5.2.2d) of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires:

- a) that the minimum front yard or exterior side yard shall be the average of the setbacks of the adjacent property or where the average of the setbacks of the adjacent properties cannot be determined, the minimum setback shall be 3 metres;
- b) a minimum interior side yard setback of 1.5 metres;
- c) a minimum rear yard setback of 10 metres;
- d) a minimum building height of 3 storeys to a maximum building height of 6 storeys;
- e) a minimum floor space index of 1.5;
- f) that for buildings having less than 10 dwelling units, no bicycle parking spaces are required for the residential component;
- g) apartment buildings over 3 units to have minimum parking space dimensions of 2.75 metre width and 5.5 metre length, excluding any obstructions;
- h) for any apartment buildings, every parking space shall be located in the interior side yard or rear yard, and any parking area or parking space shall be setback 3 metres from any lot line;
- i) for any apartment buildings, any surface driveway or surface parking area shall be setback 3 metres from a building wall, entrance or any window of a habitable room; and

- j) for any apartment buildings, a minimum clearance of 1.5 metres shall be provided from an access driveway to any above ground utility structure and/or city-owned street tree.

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

- a) the minimum front yard or exterior side yard to be the average of the setbacks of the adjacent property or where the average of the setbacks of the adjacent properties cannot be determined, the minimum setback be 3 metres;
- b) a minimum interior side yard setback of 1.5 metres;
- c) a minimum rear yard setback of 8.3 metres;
- d) a minimum building height of 3 storeys to a maximum building height of 6 storeys;
- e) a minimum floor space index of 0.9;
- f) that for buildings having less than 10 dwelling units, no bicycle parking spaces are required for the residential component;
- g) the proposed apartment building over 3 units to have minimum parking space dimensions of 2.75 metre width and 5.5 metre length, excluding any obstructions;
- h) parking areas and parking spaces to have a minimum setback of 0.5 metres from any lot line;
- i) any surface driveway or surface parking area to have a minimum setback of 1.2 metres from a building wall, entrance or any window of a habitable room; and
- j) the proposed apartment building to have a minimum clearance of 1.5 metres provided from an access driveway to any above ground utility structure and/or city-owned street tree.

Please find attached a copy of additional elevation drawings that were not included with the original agenda package.

Staff Recommendation

Approval with Condition

Recommended Condition

Planning Services

1. That the applicant satisfy the Special Policy Area policies and criteria to the satisfaction of the General Manager of the Planning and Building and the GRCA.
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Comments

Planning Services

The subject property is designated "Mixed Use 2" in the Downtown Secondary Plan. The "Mixed Use 2" land use designation applies to areas downtown that were historically mostly residential with a mixture of housing styles, but have evolved to accommodate a range of uses.

The mixed use designation requires a minimum Floor Space Index (FSI) of 0.6. As the proposal is for a permitted apartment building use and maintains a FSI of 0.9, staff are satisfied that the proposal maintains the general intent of the Downtown Secondary Plan.

The rear half of the property is also located within the Special Policy Area (SPA). The Special Policy Area are lands that are areas of higher flood risk that have been identified by the City, Grand River Conservation Authority (GRCA), and Province of Ontario. Development within the SPA is permitted, but shall be designed to floodproofing standards outlined in the City's Official Plan (Sections 4.4.1.33 and 4.4.1.34).

At this point the applicant has not demonstrated that it meets SPA policies and criteria to the satisfaction City staff and the GRCA. Staff recommend a condition that the applicant satisfy the Special Policy Area policies and criteria to the satisfaction of the City and the GRCA.

The subject lands are zoned "Downtown 2" (D.2), and "Downtown 2-10" (D.2-10) in Zoning By-law (2023)-20790. The applicant is proposing to construct a 3 storey, 9 unit apartment building. To facilitate the proposed development, the applicant has identified ten variances. Six of these variances are technical in nature based on the ongoing appeal to the City's Comprehensive Zoning By-law. Staff have examined the technical variances as a group, and the four non-technical variances individually below:

1. Technical variances (Variances A, B, D, F, G and J)

As a number of provisions are currently under appeal, the applicant has applied for variances to several other provisions. These requested variances would be identical to the under-appeal provisions approved by Council in 2023 but would not be subject to the appeal, allowing the proposed development to proceed before the appeals are resolved.

Building staff have noted that five of the six technical variances are not required, as these variances conform with both the old 1995 Zoning By-law and the under-appeal 2023 Zoning By-law. For this reason, staff recommends refusal of variances A, B, D, F, G and J.

2. Rear yard setback (Variance C)

The applicant is requesting a reduced minimum rear yard setback of 8.3 metres, whereas the D.2 zone requires a minimum 10 metre rear yard setback. The

intent of the required rear yard setback is to preserve open space and ensure that there is a degree of privacy for abutting properties to the rear.

The proposed rear yard setback of 8.3 metres allows for sufficient open space to the rear of the proposed building, and would have a negligible impact on the fire station parking lot to the rear of the subject property. Given the relatively small size of the subject lands, it is difficult to achieve a desirable Floor Space Index (FSI) without necessitating a variance to the required rear yard setback.

In the opinion of staff, the proposed minimum rear yard setback of 8.3 metres is an appropriate request that allows for a reasonable setback without compromising the ability to locate a reasonably sized structure on the subject lands.

3. Floor Space Index (Variance E)

The applicant is requesting a reduced minimum FSI of 0.9 whereas the zoning by-law requires a minimum FSI of 1.5. FSI is the ratio of floorspace to the lot area. As the proposed development has slightly more than 900 square metres of floor space and a lot area of 1010 square metres, the FSI would be roughly 0.9.

The intent of the minimum FSI requirement in downtown zones is to ensure that lots that are redeveloped in Guelph's Downtown take advantage of Downtown's close proximity to public transportation and services by providing a reasonable level of intensification on the site.

The proposed development's FSI of roughly 0.9 comfortably exceeds the minimum FSI of 0.6 required in the Mixed Use 2 areas of the Downtown Secondary Plan. To achieve the required FSI, typically the City would encourage further land assembly to facilitate the construction of a larger building and taller building. In the case of the subject lands, the neighbouring properties fronting onto Surrey Street are listed heritage buildings that heritage planning staff are considering recommending for heritage designation in the future. To the rear of the subject lands is Guelph Fire Department Headquarters. For these reasons, further land assembly to facilitate the construction of a larger building is not reasonable or desirable.

The proposed FSI of 0.9 is a reasonable level of intensification on the site that is appropriate for the lot's size and respects the scale and setbacks of existing structures along Surrey Street East. Staff are satisfied that the requested variance maintains the intent of the Zoning By-law, is desirable for the appropriate development of the lands, and is minor in nature.

4. Parking setbacks to lot line (Variance H)

The applicant is requesting a reduced minimum parking space setback of 0.5 metres to the interior side yard and rear yard lot line, whereas the zoning by-law requires a minimum setback of 3 metres to any lot line for parking spaces located within the interior side yard or rear yard of a lot.

The intention of this provision is to ensure that parking lots serving new residential developments are set back an adequate distance from neighbouring properties to allow for a landscape buffer and snow storage space in winter.

Given the tight nature of the subject lands, it would not be feasible to construct an adequate parking area while maintaining the required 3 metre setback to all lot lines. The proposed development would provide more landscaped space along the front and rear of the property than is currently located on the site. The design of the parking lot has also accounted for snow storage towards the rear of the lot. For these reasons staff are satisfied that the intent of the by-law is maintained.

Staff note that Ontario Bill 185, the "Cutting Red Tape to Build More Homes Act" eliminated parking requirements in Downtown Guelph, including for the subject lands. While parking is not required on the site, staff understand that the provision of off-street parking would help to attract future occupants to the proposed development. As the proposed variance would facilitate the creation of the proposed parking area while still providing some landscaped space and adequate snow storage, staff are satisfied that the proposed reduction in minimum setbacks for parking spaces is desirable for the ultimate development of the lands and is minor in nature.

5. Drive Aisle setback to building (Variance I)

The applicant is requesting a reduced minimum parking space setback of 1.2 metres to the wall of the proposed structure, whereas the zoning by-law requires a minimum setback of 3 metres to any structure with a habitable room.

The intention of this provision is to mitigate the impacts and hazards of parking areas on residential structures.

Similar to variance H above, the tight nature of the subject lands make it difficult to construct an adequate parking area while maintaining the required 3 metre setback to residential buildings. The proposed development maintains a 1.2 metre pedestrian walkway between the building and the parking aisle, as well as a pedestrian walkway on the other side of the structure.

As there are only 9 residential units and 9 proposed parking spaces, the drive aisle is not anticipated to experience high traffic volumes compared to parking areas for larger residential developments. For this reason, staff are satisfied that the proposed setback of 1.2 metres from the drive aisle to the residential structure maintains the general intent and purpose of the Zoning By-law, is desirable for the appropriate development of the lands, and is minor in nature.

Conclusion

The proposed development will provide additional housing in proximity to the amenities and transportation options of Downtown Guelph, while respecting the existing scale, setbacks, and parcel fabric of this part of Downtown.

The rear half of the property is located within the Special Policy Area, which necessitates a number of floodproofing requirements. As the proposed structure and parking area are located at the higher end of the property, staff are confident that the development will be able to meet the policies and criteria of the Special Policy Area. To ensure that this is completed, staff recommend a condition requiring the applicant to satisfy the Special Policy Area policies and criteria to the satisfaction of the City and the GRCA.

Staff are satisfied that proposed minor variances C, E, H and I maintain the intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the land. Staff recommend approval of variances C, E, H and I subject to the above noted conditions.

As building staff have deemed the six requested technical variances unnecessary, staff recommend refusal of variances A, B, D, F, G and J.

Engineering Services

Engineering staff and the owner have had discussions surrounding early concepts of this development through the pre-consultation process.

Variance c)

The proposal includes a request to reduce the required minimum rear yard setback from 10 metres to 8.3 metres. In general, reducing setbacks introduces a need to consider grading, drainage and stormwater more carefully, however staff will review the design of these concepts in detail through the building permit application and therefore have no concerns with variance c).

Engineering has no concerns with the requested variances. We agree with the recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Specialized Downtown 2 (D.2-10) and is within the Special Policy Area Overlay and Older Built-Up Area Overlay under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The property also falls within the Major Transit Station Area (MTSA) where no parking is required. The applicant is proposing a 3 storey apartment building which requires four minor variances:

- Table 9.6(c) requires a minimum rear yard of 10 metres whereas an 8.3m rear yard setback is proposed (request c)
- Table 9.3 requires a minimum FSI of 1.5 whereas an FSI of 0.9 is proposed (request e)

- Section 5.2.2(a) requires a 3m setback from a parking area to any interior or rear lot line whereas a 0.5m setback to the interior and rear lot line is proposed (request h)
- Section 5.2.2(b) requires a 3m setback from a driveway or surface parking area to a building wall or, entrance or window of a habitable room whereas a 1.2m setback is proposed (request i)

The applicant has identified six additional minor variances that are not required. The property was zoned D.2 and permitted an apartment under the 1995 Zoning By-law, therefore any like for like regulations that are under appeal between the 1995 ZBL and the 2023 Comprehensive Zoning By-law, which meet both by-laws for the apartment use, are not required to bring a regulation into effect including the 1.5m interior side yard setback (request b), the minimum/average front yard setback (request a), the minimum parking space size (request g) and the minimum building height (request d).

New regulations in the 2023 Comprehensive Zoning By-law do not need variances to bring them into effect if they are under appeal when a development proposal meets the 2023 Comprehensive Zoning By-law. Therefore, variance (f) for bike parking and variance (j) for minimum clearance between an access driveway to any above ground utility structure and/or city-owned street tree, are not required because the applicant meets the new 2023 Comprehensive Zoning By-law regulations which were not in the 1995 Zoning By-law.

The applicant shall be aware that there is a 5m x 4m driveway sight line triangle that is not to be obstructed.

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

Building Services supports Planning and Engineering recommendations.

Grand River Conservation Authority (GRCA)

See attached correspondence from GRCA.

Metrolinx

See attached correspondence from Metrolinx.

Comments from the Public

None

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa