

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-71/25
Location: 107-109 Waterloo Avenue
Hearing Date: July 10, 2025
Owner: Wyndham House
Agent: Lloyd Grinham, Grinham Architects
Official Plan Designation: Low Density Residential
Zoning Designation: Low Density Residential 1 (RL.1) Zone

By-Law Requirements:

The property is located in the Low Density Residential 4 (RL.4) Zone. Variances from Table 6.21 of Zoning By-law (2023)-20790, as amended, are being requested.

The By-law requires:

- a) a minimum interior side yard setback of 3 metres; and
- b) a minimum 3 metre buffer strip adjacent to interior side and rear lot lines.

Request:

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

- a) a minimum 2.38 metre setback from the stairwell projection to the lot line for the proposed interior stairway addition;
- b) a buffer strip with a minimum width of 2.38 metres to the left side lot line for the proposed interior stairway addition;
- c) stairs to be located within the 3 metre buffer strip, with a setback of 1.67 metres from the interior lot line, for the proposed ramp; and
- d) a concrete path to be located within the 3 metre buffer strip, to service the proposed ramp.

Staff Recommendation

Approval with Condition

Recommended Condition

Planning Services

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and 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 Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.
-

Comments

Planning Services

The subject property is designated "Low Density Residential" under the Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the city and permits a range of housing types, including single detached dwellings, triplexes and additional dwelling units (ADUs). A previous minor variance application was approved to facilitate renovation and construction for a youth supportive housing use on 109 Waterloo Avenue and a legal non-conforming triplex at 107 Waterloo Avenue. The proposed variances were missed at the time of the previous minor variance application, and are required to facilitate the proposal. As the proposed variances do not alter the footprint or function of the proposed development, staff are satisfied that the proposal conforms with the general intent and purpose of the Official Plan.

To facilitate the proposed development the applicant has identified necessary variances to two provisions. Staff have examined the requested variances individually below:

A. Interior Side Yard Setback

The applicant is requesting a variance to permit a reduced minimum interior side yard setback of 2.38 metres, whereas table 6.21 requires a minimum interior side yard setback of 3 metres

The proposed variance is required to allow an existing second and third storey bump-out with a setback of 2.38 metres to the lot line to be extended down to grade-level. The purpose of this addition is to facilitate the creation of a second staircase that is required to meet building code requirements.

As the proposed addition will not alter the footprint of the building or have significant impact on the neighbouring properties, staff are supportive of the proposed variance.

B. Landscaped Buffer Strip

The applicant is requesting a variance to permit a reduced minimum landscaped buffer strip width of 2.38 metres adjacent to the proposed stairway addition, and to permit exterior stairs to be located within the buffer strip at a minimum

setback of 1.67 metres, and to permit a concrete path to be located with the buffer strip to service the proposed accessible ramp. 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 buildings and the property line in an effort to expand Guelph's urban forest canopy.

The proposed exceptions to the buffer strip requirement are necessary to facilitate safe access to the existing building footprint in compliance with building code and accessibility standards. Due to the nature of the smaller lots and the existence of structures that pre-date zoning regulations in the older built-up area, it can often be difficult to comply with buffer strip requirements without tearing down the existing structure.

As the proposed exceptions facilitate safe access to the existing building and will permit the creation of an important accessibility feature, 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.

Conclusion

Landscape Planning staff note that the City's Private Tree Protection By-law regulates trees 10 centimetres and larger in diameter (measured at 1.4 metres above the ground) on private property larger than 0.2 hectares and trees 30 centimetres and larger in diameter (measured at 1.4 metres above the ground) on all private property. Therefore, staff recommend that the above mentioned Tree Inventory and Preservation Plan condition be imposed. Please be aware that where preservation is not possible, as agreed to by the City, compensation is required either in the form of Replacement Trees or a Replacement Tree Fee, or a combination of the two at the discretion of City staff. Related fees rates are set out in the City's User Fees Bylaw, while Replacement Tree rates are set out in the Tree Technical Manual (TTM).

The proposed variances will have little impact on the function of the subject property or neighbouring properties, and will facilitate the previously approved development with enhanced accessibility features.

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 condition.

Engineering Services

Engineering notes that there was a plan with servicing information submitted with the variance application by the architect, and the servicing shown on the plan is not in conformance with applicable standards. However, the servicing of this property will be addressed through the separate processes and is not relevant to the variance. Engineering has no concerns with the requested variance.

We agree with the recommendations made by Planning and Building staff.

Building Services

This property is zoned Low Density Residential 4 (RL.4) and within the Older Built-up Area Overlay under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The property is under renovation and construction for a youth supportive housing use with 3 kitchens at 109 Waterloo Avenue and a legal non-conforming attached triplex at 107 Waterloo Avenue.

On the 109 Waterloo Ave side of the property, the applicant is proposing to extend the existing interior stairway bump-out to grade to achieve building permit requirements, which has a 2.4 metre setback to the interior lot line. The applicant is also proposing stairs from the ramp landing and a concrete pathway to an accessible ramp within the 3m buffer strip.

Building Services has no concerns with the application and supports Planning and Engineering recommendations.

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