



Department of Community & Development Services  
 1593 Four Mile Creek Road  
 P.O. Box 100, Virgil, ON L0S 1T0  
 905-468-3266 • Fax: 905-468-0301

[www.notl.org](http://www.notl.org)

File No:	Date of Receipt:
Town Fee (\$):	Regional Fee (\$):
NPCA Fee (\$):	Other Fee (\$):

(Office Use Only)

## Application for Minor Variance, Fence Variance, Sign Variance or Legal Non-Conforming Use Permission

Under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

A pre-consultation meeting with Community & Development Services Staff is required prior to applying for Minor Variance, Fence Variance, Sign Variance, or Legal Non-Conforming Use Permission.

Please complete all applicable sections of this application. All measurements are to be provided in metric units. The information requested on this application is required to review the proposal. An incomplete application will be returned to the Registered Owner/Authorized Agent. If you have questions regarding the information requested on this application, please contact the Community & Development Services Department.

*All information requested on this form is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13, as amended, and the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. The requested information on this application and all accompanying plans, reports, and information is required in order to process this application and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.*

<b>1. Type of Application</b>			
<input checked="" type="checkbox"/> Minor Variance <input type="checkbox"/> Fence Variance <input type="checkbox"/> Sign Variance <input type="checkbox"/> Legal Non-Conforming Use Permission			
<b>2. Details of the Subject Lands</b>			
Municipal Address <b>14785 Niagara River Parkway</b>		Assessment Roll Number <b>262 702 002 30260 50000</b>	
Legal Description <b>Pt TWP Lot 8 Niagara; Pt TWP Lot 9, Niagara Pt RDAL BTM TWP Lots 8 &amp; 9 Niagara</b>			
Date the subject lands were acquired <b>unknown</b>	Lot Area (metric) <b>7,549.25 sqm</b>	Lot Frontage (metric) <b>54.25 m</b>	Lot Depth (metric) <b>141.40 m</b>
Description of easements, rights-of-way, or restrictive covenants applicable to the subject lands (if applicable): <b>none</b>			
<b>3. Registered Owner</b> (as shown on the deed and title of the property)			
Name <b>Benedetto Marotta</b>		Company Name	Municipality <b>Vaughan</b>
Mailing Address <b>122 Romina Drive, Concord, ON L4K-4Z7</b>		Unit Number	Postal Code
Province <b>Ontario</b>	Email <b>giuseppe@solmar.ca</b>	Telephone <b>416-688-1441</b>	
<b>4. Authorized Agent</b> (if one has been authorized)			
Name <b>Cynthia Gibson</b>		Company Name <b>Hicks Design Studio Inc</b>	Municipality <b>Oakville</b>
Mailing Address <b>200-295 Robinson St</b>		Unit Number	Postal Code <b>L6J-1G7</b>
Province <b>Ontario</b>	Email <b>cgibson@hicksdesignstudio.ca</b>	Telephone <b>905-339-1212</b>	
Contact for all future correspondence (select one): <input type="checkbox"/> Registered Owner <input checked="" type="checkbox"/> Authorized Agent			

**5. Official Plan and Zoning Information**

Existing Niagara Regional Official Plan designation(s) of the subject lands:  
*Unique Agricultural Area*

Existing Town of Niagara-on-the-Lake Official Plan designation(s) of the subject lands:  
*Non-Farm Rural, Conservation*

Existing Town of Niagara-on-the-Lake Zoning of the subject lands:  
*Rural Residential (RR) Zone*

**6. Details of the Proposal**

Identify the nature and extent of relief from the Zoning By-law, Fence By-law, or Sign By-law:

- 1) *To permit an accessory structure in the front yard whereas it is not permitted by the By law.*
- 2) *To permit the height of an accessory structure to be 6.09m whereas the permitted height is 4.50m by the By law.*
- 3) *To permit a dwelling height of 12.50m whereas the permitted height is 10.67 by the By law.*
- 4) *To permit a side yard setback of 1.53m to the proposed pool whereas the permitted setback is 3.05 by the By law.*

Explain why the proposed use cannot comply with the provisions of the Zoning By-law, Fence By-law, or Sign By-law:

*Please see attached letter.*

**7. Existing Buildings, Structures, and Uses**

Identify the existing use(s) of the subject lands and the length of time the existing use(s) have continued:

<i>Heritage Building/Accessory</i>				
Type of building or structure	<i>School house</i>			
Construction date	<i>1830's +/-</i>			
Existing use(s)	<i>vacant</i>			
Time the existing use(s) have continued	<i>200 years +/-</i>			
Front yard setback (m)	<i>41.35 m</i>			
Rear yard setback (m)	<i>40.94 m</i>			
Side yard setback (m)	<i>9.29 m (n)</i>			
Side yard setback (m)	<i>37.40 m (s)</i>			
Height (m)	<i>6.09 m</i>			
Gross floor area (sq m)	<i>41.99 m<sup>2</sup></i>			
Lot coverage (sq m)	<i>57 or 42.79 m<sup>2</sup></i>			

**8. Proposed Buildings, Structures, and Uses (if applicable)**

Identify the proposed use(s) of the subject lands:

	<i>Dwelling</i>	<i>Heritage Building/Accessory</i>		
Type of building or structure	<i>Dwelling</i>	<i>Heritage Building</i>		
Construction date	<i>New</i>	<i>1830's +/-</i>		
Proposed use(s)	<i>Dwelling</i>	<i>vacant</i>		
Front yard setback (m)	<i>71.74 (covered)</i>	<i>15.24 m</i>		
Rear yard setback (m)	<i>32.82</i>	<i>120.52 m</i>		
Side yard setback (m)	<i>N 13.87</i>	<i>43.09 (s)</i>		
Side yard setback (m)	<i>S 3.05</i>	<i>3.05 (N)</i>		
Height (m)	<i>12.50</i>	<i>6.09</i>		
Gross floor area (sq m)	<i>1431.10</i>	<i>41.99 m<sup>2</sup></i>		
Lot coverage (sq m)	<i>14.20 or 1072.30</i>	<i>57% or 42.79 m<sup>2</sup></i>		

*(total)  
 Lot coverage (sqm) dwelling - 11.11% or 838.58 m<sup>2</sup>* Page 2 of 6



13. Concurrent Applications		
Application Type	File Number	Status of the Application
Niagara Peninsula Conservation	unknown	Ongoing

**14. Checklist of Requirements for a Complete Application** (all boxes must be checked)

The following plans, reports and, information must accompany this application in a digital format (pdf):

- One copy of the Pre-Consultation Agreement;
- All applicable application fees (payable by cheque, cash, or debit);
- A sketch of the subject lands;
- A sketch of the proposed fence/sign, (Fence and Sign Variances only);
- All required plans, reports and, information identified on the Pre-Consultation Agreement;

*This application will be circulated to various agencies for review and comment. Where the scope or nature of the application requires input from a large number of agencies, additional copies of this application and accompanying plans, reports, and information may be required.*

**15. Checklist of Drawing Requirements** (all applicable boxes must be checked)

Plans and drawings accompanying this application must show the following information, in metric units:

- North arrow;
- Metric scale;
- The boundaries and dimensions of the subject lands;
- The location, size, type, and setbacks of all existing and proposed buildings and structures on the subject lands;
- Natural and artificial features located within or adjacent to the subject lands, such as buildings, railways, roads/highways, pipelines, watercourses, drainage ditches, top of banks, wetlands, wooded areas, wells, septic tanks, and parking and docking facilities (if access to the subject lands is by waterway only), or any other features that may affect this application in the opinion of the Registered Owner/Authorized Agent;
- The existing use(s) of adjacent lands (for example, residential, agricultural, or commercial);
- The location, width and name any road/highway within or abutting the subject lands, and indicating whether it is an unopened road allowance, a public road, a private road, or a right-of-way; and
- N/a* The location and nature of any easement affecting the subject lands (if applicable).

*Community & Development Services Staff may request that additional information be provided in the plans and drawings that accompany this application, based on the scope and nature of the proposal.*

**16. Plans, Reports, and Information Submitted with this Application**

Identify all plans, reports, and information submitted with this application:

No.	Title	Date	Author
1	Site Plan & Architectural Plans	Aug 11/22	Hicks Design Studio Inc.
2	Pre-consultation Agreement	June 28/22	Niagara on the Lake (NOTL)
3	Sewage System Design	June 22, 2022	Gunnell Engineering Ltd.
4	VPZ Planting Plan	July 28, 2022	Dawland Farms Landscaping
5	Hydro-Gi Report	Aug 11/2022	Soil Engineers Ltd
6			

### 17. Acknowledgement and Agreement of Registered Owner

X I, Benedetto Marotta AM THE REGISTERED OWNER OF THE SUBJECT LANDS AND  
(Name of Registered Owner/Company)

I ACKNOWLEDGE AND AGREE that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

I ACKNOWLEDGE AND AGREE that the Town of Niagara-on-the-Lake, its employees and agents may enter onto my property to view, photograph and survey my property as necessary for this application.

I ACKNOWLEDGE AND AGREE that all costs of processing this application shall be paid for by the Registered Owner. The Registered Owner shall reimburse the Town of Niagara-on-the-Lake, upon demand, for all costs incurred by the Town of Niagara-on-the-Lake in respect of this application. Without limiting the foregoing, the Registered Owner acknowledges and agrees to pay such expenses regardless of whether or not this application is approved or proceeded with and are not refundable. If costs are not paid by the due date imposed by the Town of Niagara-on-the-Lake, the Registered Owner understands and acknowledges that the costs will be added to the tax bill of the subject lands and collected in like manner as property taxes.

X   
(Signature of Registered Owner)

X Aug 4/22  
(Date)

### 18. Authorization of Registered Owner

If this application is being submitted by an Authorized Agent, the Registered Owner of the subject lands must complete this section. If there is more than one Registered Owner, a separate authorization from each individual or corporation is required. An additional copy of this page must be attached for each Registered Owner.

X I, Benedetto Marotta AM THE REGISTERED OWNER OF THE SUBJECT LANDS  
(Name of Registered Owner/Company)

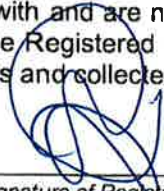
AND HEREBY AUTHORIZE Cynthia Gibson - Hicks Design Studio Inc  
(Name of Authorized Agent/Company)

TO SUBMIT THIS APPLICATION to the Town of Niagara-on-the-Lake, appear on my behalf at any hearing(s) of this application, and provide any information or material required by the Town of Niagara-on-the-Lake relevant to this application.

I UNDERSTAND that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

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X   
(Signature of Registered Owner)

X Aug 4/22  
(Date)

### 19. Sworn Declaration

I, Cynthia Gibson OF THE City of Toronto  
(Name of Registered Owner/Company or Authorized Agent/Company) (Name of City, Town, Township, etc.)

IN THE Municipality of Toronto  
(Name of Regional Municipality or Province)

**DO SOLEMNLY DECLARE** that the information contained in this application and that the information contained in the documents that accompany this application is true and complete.

Declared before me in Toronto in the Municipality of Toronto  
(Name of City, Town, Township, etc.) (Name of Regional Municipality or Province)

on this 9<sup>th</sup> day of August, 2022.  
(Month) (Year)

Cynthia Gibson  
(Signature of Registered Owner/Authorized Agent)



(Signature of Commissioner of Oath)

**Manny Chahal, B.A.L.L.B.**  
**Barrister and Solicitor**  
250 Dundas St.W, Suite 402  
Mississauga, ON, L6B 1J2  
Tel: 905-273-4441 | Fax: 905-273-8785

#### THIS APPLICATION MUST BE SUBMITTED TO:

Town of Niagara-on-the-Lake  
Community & Development Services  
1593 Four Mile Creek Road  
PO Box 100  
Virgil, ON L0S 1T0

Phone: (905) 468-3266  
Fax: (905) 468-0301  
Website: [www.notl.org](http://www.notl.org)

August 8, 2022

Department of Community & Development Services  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON  
L0S 1T0

Attention: Community of Adjustment

Re: Minor Variance Application, 14785 Niagara River Parkway

Dear Committee of Adjustment:

We are the Architects working with the Owner of the property known as 14785 Niagara River Parkway on their new 2 storey single family dwelling. We are requesting relief from the (RR) Rural Residential Zone as indicated below for 4 minor variances.

- 1) To permit an accessory structure (heritage schoolhouse) in the front yard

There is a small heritage schoolhouse on the property that dates back to the 1830's. We are preserving this schoolhouse by moving it to a location in the front yard/garden which will be easily found and viewed by the public domain. The schoolhouse complies with the front yard setback so the impact is a positive one on the streetscape resulting in added community enjoyment.

- 2) To permit the height of an accessory structure (heritage schoolhouse) to be 6.09m whereas the permitted height is 4.50m.

We are not increasing the height of the heritage schoolhouse, we are simply relocating it on the property and the Zoning Bylaw states if the location is changing, its considered a new structure therefore requiring a minor variance. It is not possible to reduce the height without seriously altering its heritage value.

- 3) To permit a dwelling height of 12.50m whereas the permitted is 10.67m.

This is really a result of how grade is calculated as the site drops towards the river and thus our grade is being measured from a lower point. The house is also setback substantially from the road and therefore has no impact on the streetscape or neighbours.

- 4) To permit a side yard setback of 1.53m to the proposed pool whereas the permitted side yard setback is 3.05m.

This is required as Niagara Parks department has limited the use of the back yard and a pool is not permitted. The Owners also do not wish to look at the covered pool in the winter. The only impact of the pool in the side yard would be on the adjacent neighbour and they fully support the application.

We believe this proposal meets the 4 Planning Act tests for minor variances including: the variances are minor, appropriate for the development of the land and they meet the general intent and purpose of both the Zoning Bylaw and Official Plan.

We look forward to participating in the next NOTL Hearing to discuss this exciting proposal.

Thank you for your consideration.

Sincerely,



William R. Hicks  
B.E.S., B.Arch., MRAIC. OAA

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