

In the matter of the Planning Act, R.S.O. 1990, c. P.13, s. 45:

**DECISION:** File No. Minor Variance A- 10/23 – 12 Dixie Avenue

**Assessment Roll No. 262702000705800000**

**Description of the Land and Purpose and Effect of the Proposed Minor Variance:**

Minor Variance Application A-10/23 is made to facilitate the construction of a covered front porch, and requests relief from the “Established Residential (ER) Zone” as follows:

1. Minimum front yard setback from 7.5 metres, as required in the Zoning By-law, to 5.6 metres for the proposed covered front porch;
2. Minimum driveway setback from interior lot line from 1.0 metres, as required in the Zoning By-law, to 0.54 metres for the existing driveway; and
3. Minimum driveway width from 5.5 metres, as required in the Zoning By-law to 5.0 metres for the existing driveway.

**Decision: Granted, subject to the following conditions:**

1.1.1 That the owner/applicant submits a written undertaking, to the satisfaction of the Director of Community and Development Services, in which they agree that, prior to the issuance of a building permit for any new construction, the proposed post located in the driveway be relocated, as per the drawing attached as Appendix II, and two parking spaces be provided each with a minimum length of 6.0 metres and clear of any obstructions per Town By-law 4316-09, as amended.

**Reasons:** The Committee of Adjustment considered the oral and written submissions and agrees with the minor variance report analysis and recommendation that this application meets the four Planning Act tests for minor variance:

- a. The variance is minor in nature.
- b. The variance is appropriate for the development of the land.
- c. The general intent and purpose of the Zoning By-law is maintained.
- d. The general intent and purpose of the Official Plan is maintained.

**Date of Decision: April 20, 2023**

**Last date to file a notice of appeal: May 10, 2023**

Notice of appeal must be filed with the Secretary-Treasurer for the Town of Niagara-on-the-Lake Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal. <https://olt.gov.on.ca/appeals-process/fee-chart/>

Please note neighbours and other interested parties not defined by the Planning Act are no longer eligible to file appeals for this application as per Bill 23, More Homes Built Faster Act,

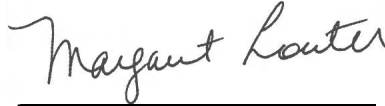
2022. Planning Act appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

Information regarding the Local Planning Appeals Tribunal can be found at;  
<https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

Consent was obtained by the Secretary Treasurer on April 20, 2023 to insert electronic signatures below;



\_\_\_\_\_  
Steve Bartolini  
Committee of Adjustment

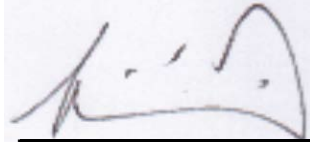


\_\_\_\_\_  
Margaret Louter (Vice Chair)  
Committee of Adjustment

\_\_\_\_\_  
Allan Killin  
Committee of Adjustment



\_\_\_\_\_  
Eric Lehtinen (chair)  
Committee of Adjustment



\_\_\_\_\_  
Angelo Miniaci  
Committee of Adjustment

\_\_\_\_\_  
Paul Johnson  
Committee of Adjustment

I, Natalie Thomson, Secretary Treasurer of the Committee of Adjustment for the Town of Niagara-on-the-Lake, hereby certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein.

DATED at the Town of Niagara-on-the Lake on April 20, 2023.



\_\_\_\_\_  
Natalie Thomson, Secretary Treasurer



DO NOT SCALE DRAWING. DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON SITE. The design and documents remain the property of De Simone Designs and are protected by law. They may not be altered without their expressed written consent. All drawings, specifications, and related documents are the copyright of the designer, and must be returned upon request. Reproduction of drawings, specifications and related documents in whole or part is strictly forbidden without the designer's written permission. This drawing shall not be used for construction purposes unless countersigned by Thomas De Simone o/a De Simone Designs



**De Simone Designs**  
Architectural Plans & Consulting

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www.desimone-designs.com

The undersigned has reviewed & takes responsibility for this design, & has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

**Qualification Information**  
Required unless design is exempt under 2.17.5.1. of the building code.

**Signature**  
Thomas De Simone 40448  
Name BCIN/BCDN

**Registration Information**  
Required unless design is exempt under 2.17.4.1 of the building code

**Signature**  
De Simone Designs 102074  
Design Firm BCIN/BCDN

consultant stamp:

no	date	issue/revision description
01	2023-02-23	ISSUED FOR MINOR VARIANCE APPLICATION

project: **PROPOSED COVERED PORCH**  
12 DIXIE AVE  
NOTL, ON

drawing: **PROPOSED ELEVATION**

drawn by: TD project no.: 23-06

scale: AS SHOWN drawing no.:

date: 2023-02-23 **A2**



**PROPOSED FRONT ELEVATION**

SCALE: 1/4"=1'-0"

ELEVATIONS ARE FOR DIAGRAMMATIC PURPOSES ONLY AND SUBJECT TO CHANGE