

June 2, 2023

Natalie Thomson
Secretary-Treasurer
Committee of Adjustment
Town of Niagara-on-the-Lake

Dear Ms. Thomson

RE: NPG File #231113: 513 Gate Street – Application for Minor Variance

NPG Planning Solutions Inc. has been retained by Keith Turner of 1939592 Ontario Inc. to provide independent professional planning advice in support of an application for Minor Variance (Application) to facilitate the development of a single-detached dwelling at 517 Gate Street in Old Town of Niagara-on-the-Lake. The applicant is proposing a single-storey bungalow to reflect the low-rise residential character of the homes on the opposite side of Gate Street. The habitable component of the dwelling includes a building footprint of 240.43 m². Covered porch and terraces together account for a footprint of 31.68 m². An attached garage accounts for 44.50 m² of floor area. The total floor area is 316.61 m².

The Application requests the following variance:

- Permit an increased total lot coverage from 33% to 40%

Included as part of this submission are as follows:

1. Minor Variance Application Form;
2. Site Plan Drawing and Architectural Elevations; and,
3. Town of Niagara-on-the-Lake Minor Variance Application Fee: \$2,165 (submitted by client).

Section 2.0 of this Planning Letter analyzes the Application in relation to the four tests for a Minor Variance.

1.0 Neighbourhood Context

The Subject Lands are located in Old Town, Niagara-on-the-Lake, and are designated Established Residential in the Official Plan. The Subject Lands have a lot frontage of 20 metres, a lot depth of 39.99 metres, and a total area of 799.64 m². The Subject Lands are

vacant of any buildings and structures with a one storey single-detached dwelling (bungalow) being proposed.

The Subject Lands are zoned Established Residential (ER), with site specific requirements. It is important to note that previous consent and Zoning By-law Amendment applications were approved to create the Subject Lands. The site-specific provisions associated with the Zoning By-law Amendment were as follows:

- Minimum Lot Frontage of 19 metres instead of “As Existing”;
- Minimum Lot Depth of 39 metres instead of “As Existing”; and,
- Exterior Side Yard Setback - 2.8 metres instead of 4.5 m.

The proposed dwelling complies with these provisions of the site-specific By-law.

The area to the east of the Subject Lands is identified as an Intensification Parcel according to *Schedule I-1* of the Niagara-on-the-Lake Official Plan. A previous minor variance application for an increase to total lot coverage from 33% to 40% was approved for the intensification parcel on the opposite side of Gate Street.

The area surrounding the Subject Lands is exclusively residential, with covered porches being a key design characteristic in the community. The application proposes a covered porch at the front of the dwelling, which would be in line with this characteristic of the neighbourhood. This covered front porch increases the lot coverage, in part. The balance of the increased coverage is due to the covered terrace at the rear and the size of the garage. The garage is setback in accordance with the Zoning By-law requirements.

A tree preservation and arborist report was completed for the previous consent and Zoning By-law Amendment applications. That report identified two (2) street trees in the front of the Subject Lands. The current proposal implements the Tree Preservation Plan.

2.0 Proposed Variance and Analysis of Four Tests

Section 45(1) of the *Planning Act* provides that:

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

The following is an analysis of the Application for Minor Variance in relation to the four tests for Minor Variance.

Variance: Permit an increased total lot coverage from 33% to 40%

Proposed: 40%
Required: 33%

Table 2.1: 4 Part Test Analysis Table – Variance for Coverage

Test	Analysis
1. Is the requested variance minor in nature?	<p>The main consideration in determining whether a variance application is minor revolves around assessing the degree of potential adverse impact that would occur if the variance were granted. If the variance does not produce an unacceptable adverse impact on the neighbours, then it likely meets the test for minor.</p> <p>The requested variance would permit an increase of 7% from the permitted lot coverage. Of note, the increase in lot coverage is primarily associated with covered porches, terraces, and the garage. The covered porches and terraces are defining characteristics of the surrounding neighbourhood. The covered porch is at the front of the dwelling and is a characteristic that is similar to existing homes on Gate Street.</p> <p>The rear covered terrace will not be seen from the street. It is to provide shading and a screened area at the rear of the home. There is no impact from this covered terrace to any adjoining neighbour.</p> <p>It is acknowledged that the garage would require a minor increase in lot coverage. The garage is designed to achieve the streetscape requirements of the Town which focus on the overall width relative to the building and setting the garage back from the main street wall. Both of these are achieved. The garage will have no impact on adjoining properties.</p> <p>It is important to note that the applicant is proposing to construct a bungalow, rather than a multiple storey dwelling, to minimize adverse impacts to neighbours. The bungalow creates a larger footprint however it is noted that the proposed bungalow complies with the setback provisions of the By-law. A two storey dwelling would include windows</p>

Test	Analysis
	<p>overlooking adjoining properties from the second floor. This has been eliminated due to the proposed design. There are no other anticipated adverse impacts to adjacent dwellings.</p> <p>The requested variance is consistent with the lot coverage established for the lands on the east side of Gate Street.</p>
<p>2. Is the requested variance desirable for the appropriate development or use of the land, building, or structure?</p>	<p>The Subject Lands are located within an exclusively residential area of the Old Town Urban Area of Niagara-on-the-Lake. The proposed bungalow dwelling would be compatible in terms of setbacks with surrounding properties and be one storey in height, complementing the existing neighbourhood. As indicated, the habitable portions of the dwelling comply with the maximum lot coverage requirement of 33%. Therefore, this variance is specifically associated with the covered porch, terrace and garage for the dwelling. The porch amenities add architectural interest to the dwelling at the street and fit the character of the surrounding neighbourhood, while at the same time providing weather protection, dwelling access, and active amenity spaces. The garage achieves the requirements of the Zoning By-law (setback, relationship to width of house). For these reasons the increase in lot coverage is desirable for the appropriate development of the land.</p>
<p>3. Does the requested variance maintain the general intent and purposes of the By-law?</p>	<p>The Established Residential (ER) Zone permits single-detached dwellings. The intent and purpose of the Town's Zoning By-law with respect to the ER zone is to facilitate the development of low-density residential uses such as single-detached dwellings which complement and are compatible with the existing characteristics of the neighbourhood. The streetscape features a variety of styles and designs with projections such as covered porches, balconies, and walkouts being a common characteristic of single-detached dwellings along the Gate Street streetscape. The proposed variance would permit the development of the dwelling with appropriate amenities to further complement the character of the neighbourhood, including the location of the garage relative to the front façade.</p>
<p>4. Does the requested variance maintain the general intent</p>	<p>The Established Residential designation permits single-detached dwellings. The general intent and purpose of the Official Plan is to facilitate the development of low-density</p>

Test	Analysis
and purpose of the Official Plan?	residential uses while ensuring that development is compatible with the surrounding area. The proposed development satisfies this intent as previously discussed in the description of the neighbourhood and the streetscape which achieves the urban design policies of the Official Plan. Therefore, the general intent and purpose of the Official Plan is maintained.

3.0 Conclusion

This letter provides the planning justification for the approval of the variance requested for 517 Gate Street, Niagara-on-the-Lake. As noted above, the Application complies with Section 45(1) of the *Planning Act*, as the variance is minor in nature, is appropriate for the development of the Subject Lands, and maintains the general intent and purpose of both the Zoning By-law and the Official Plan.

Please provide notice of all meetings and decisions regarding this variance to the undersigned.

Brief prepared by:



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Brief reviewed and approved by:



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