

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

DECISION: File No. Minor Variance A- 09/23 – 1607 Four Mile Creek Road

Assessment Roll No. 262702001310200000

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

Minor Variance A-09/23 is requesting a reduction in amenity area to accommodate an existing patio to the west of the current retail establishment and requests relief from the General Provisions of Section 6.3 (Amenity Area) of the Town’s Zoning By-law 4316-09, as follows:

1. Minimum amenity area for a residential unit in a mixed-use building from 70 metres squared, as required in the Zoning By-law, to 22.35 metres squared.

Decision: Granted.

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: June 16, 2023

Last date to file a notice of appeal: July 5, 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>

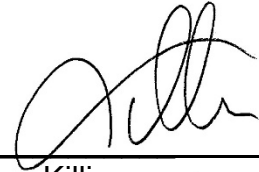
Consent was obtained by the Secretary Treasurer on June 15, 2023 to insert electronic signatures below;



Steve Bartolini
Committee of Adjustment



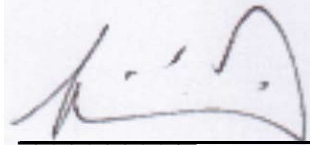
Margaret Louter (Vice Chair)
Committee of Adjustment



Allan Killin
Committee of Adjustment



Eric Lehtinen (chair)
Committee of Adjustment



Angelo Miniaci
Committee of Adjustment

ABSENT

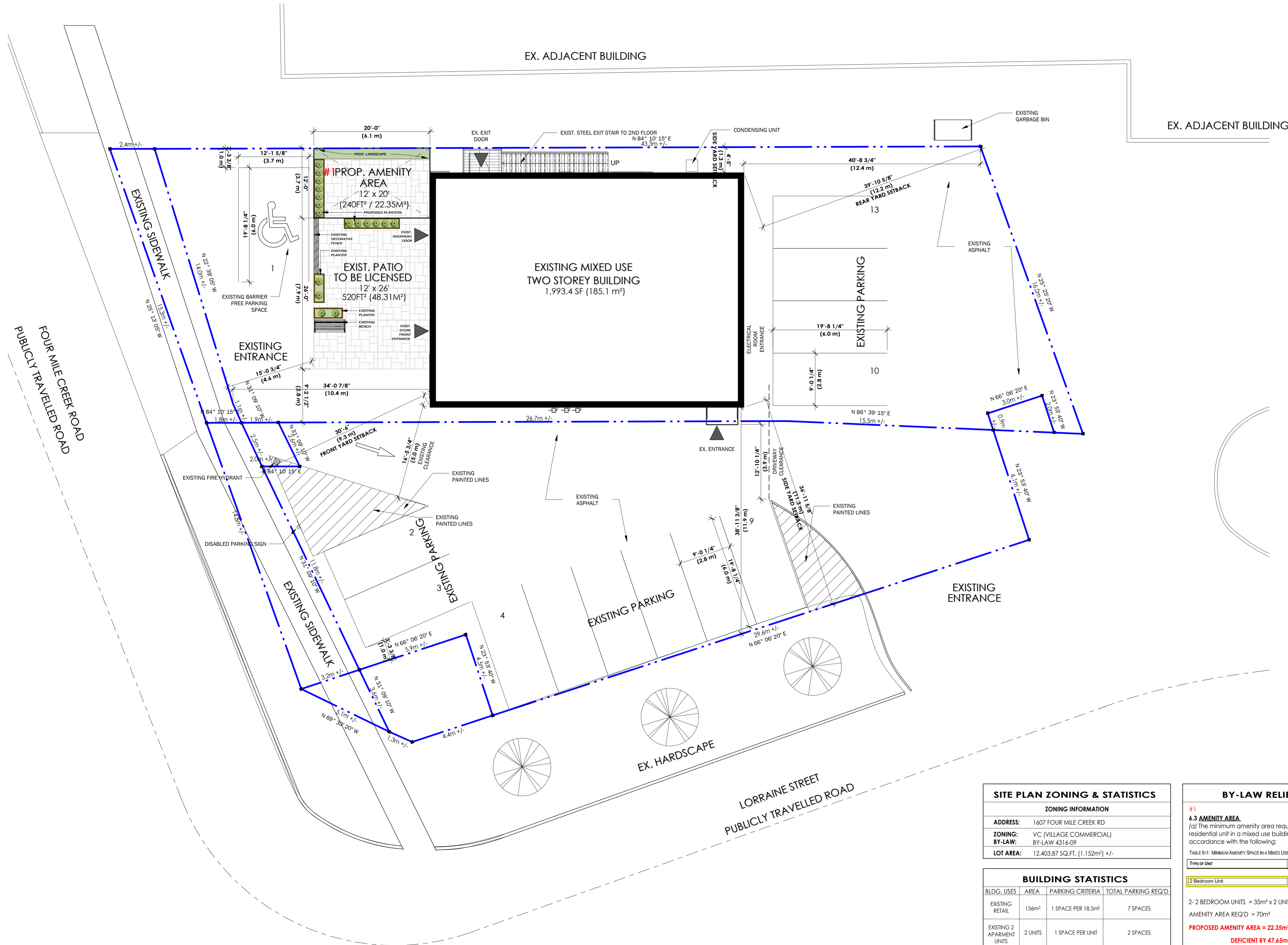
Paul Johnson
Committee of Adjustment

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 June 16, 2023.



Natalie Thomson, Secretary Treasurer



SITE PLAN

1 : 100

SITE PLAN ZONING & STATISTICS	
ZONING INFORMATION	
ADDRESS:	1607 FOUR MILE CREEK RD
ZONING:	VC (VILLAGE COMMERCIAL)
BY-LAW:	BY-LAW 4316-09
LOT AREA:	12,403.87 SQ.FT. (1,152m²) +/-

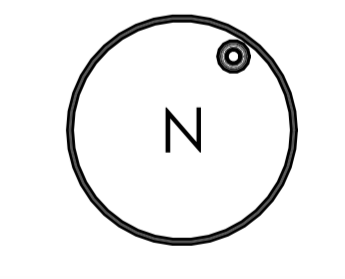
BUILDING STATISTICS			
BLDG. USES	AREA	PARKING CRITERIA	TOTAL PARKING REQ'D
EXISTING RETAIL	136m²	1 SPACE PER 18.5m²	7 SPACES
EXISTING 2 APARTMENT UNITS	2 UNITS	1 SPACE PER UNIT	2 SPACES
PROPOSED LICENSED PATIO	48.31m²	1 SPACE PER 18.5m²	3 SPACES
TOTAL NUMBER OF SPACES REQ'D			12 SPACES
TOTAL NUMBER OF SPACES PROVIDED			13 SPACES

BY-LAW RELIEF REQ'D	
#1	
6.3 AMENITY AREA	
(a) The minimum amenity area requirements for each residential unit in a mixed use building shall be provided in accordance with the following:	
TABLE 6-1: MINIMUM AMENITY SPACE IN A MIXED USE BUILDING	
TYPE OF UNIT	MINIMUM REQUIRED AMENITY AREA
2 Bedroom Unit	35 m²
2-2 BEDROOM UNITS = 35m² x 2 UNITS	
AMENITY AREA REQ'D = 70m²	
PROPOSED AMENITY AREA = 22.35m²	
DEFICIENT BY 47.65m²	

All contractors and/or trades shall verify all dimensions, notes, site and report any discrepancies prior to commencement of the work. This drawing not to be scaled, all drawings, prints and related documents are the property of the architect and must be returned upon request. Reproduction of drawings and related documents in part or in whole is strictly forbidden without written consent. Drawings to be for the purpose for which they are issued.

No.	DATE	DESCRIPTION	BY
2	14/05/2018	ISSUE FOR PERMIT	SD
3	06/06/2018	CLIENT COMMENTS	SD
4	20/06/2018	SITE COMMENTS	SD
5	26/06/2018	CITY COMMENTS	SD
6	08/07/2018	PARKING UPDATE	SD
7	25/07/2018	REV. FIRST FLOOR PLAN	SD
8	AUG. 14 2019	REVISED PARKING	CH
9	NOV 17 2022	REVISED AMENITY SPACE	JR
10	JAN 11 2023	MINOR VARIANCE SITE PLAN	IC
11	JUNE 8 2023	AMENITY SPACE REVISION	IC

COMMISSION:
EXISTING MIXED USE BUILDING
1607 FOUR MILE CREEK ROAD, NIAGARA ON THE LAKE, ON



A · C · K
architects
STUDIO INC.
Architectural Office:
290 Glendale Ave. St. Catharines, ON, L2T 2L3
905 984 5545

SHEET TITLE:

PROPOSED SITE PLAN

DRAWN BY:	IC	DRAWING No.:
CHECKED BY:	JMR/MA	.SP1
DATE ISSUED:	DECEMBER 2022	
PROJECT No.:	2018-121	