

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

DECISION: File No. Minor Variance A-21/24 – 20 Circle Street
Assessment Roll No. 2627020007007000000

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

Minor Variance Application A-21/24 is made to facilitate the construction of a single-detached dwelling and requests relief as follows:

1. Minimum front yard setback from 7.5 metres, as required in the Zoning By-law, to 6.25 metres for the proposed covered front porch;
2. Minimum front yard setback from 7.5 metres, as required in the Zoning By-law, to 6.49 metres for the proposed dwelling; and
3. Minimum side yard setback from 1.22 metres, as required in the Zoning By-law, to 0.85 metres for the proposed rear covered portico.

Decision: Granted, subject to the conditions in Schedule A.

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: January 16, 2025

Last date to file a notice of appeal: February 5, 2025

Notice of appeal must be filed with the Secretary-Treasurer for the Town of Niagara-on-the-Lake, 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 January 16, 2025 to insert electronic signatures below;



Steve Bartolini
Committee of Adjustment

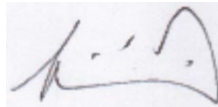
ABSENT

Margaret Louter (Vice Chair)
Committee of Adjustment



Eric Lehtinen (Chair)
Committee of Adjustment

Paul Johnson
Committee of Adjustment



Angelo Miniaci
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 January 17, 2025



Natalie Thomson, Secretary Treasurer

Schedule A

- 1.1.1 That no demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Citizenship and Multiculturalism confirming to the Town that all archaeological resources concerns have met licensing and resource conservation requirements, and that a copy of the Ministry Clearance Letter for the Archaeological Assessment titled "*Stage 1 and 2 Archaeological Assessment of 20 Circle Street, Part of Lot D, Registered Plan TP 148, (Formerly in the Geographic Township of Niagara, County of Niagara North), Now in the Town of Niagara-On-the-Lake, Regional Municipality of Niagara, Ontario*" prepared by The Archaeologists Inc. and dated June 17, 2024, is submitted to the Town, to the satisfaction of the Town;
- 1.1.2 That the owner/applicant submits and obtains approval of permit applications for the proposed tree removals from the Town, and that the owner/applicant implements the recommendations and preservation measures of the Arborist Report, prepared by 7 Oaks, dated July 15, 2024, to the satisfaction of the Town's Urban Forestry Officer;
- 1.1.3 That the owner/applicant provides a signed copy of the Town's Tree Protection Declaration form, to the satisfaction of the Town's Urban Forestry Officer; and
- 1.1.4 That the owner/applicant enter into a Development Agreement with the Town to require Urban Design Committee review prior to the issuance of a Building Permit for the dwelling, and that any construction will be consistent with the Town's Official Plan and urban design guidelines and associated review by the Urban Design Committee or their subordinate, to the satisfaction of the Director of Community and Development Services.

GENERAL NOTES

- Builder and Surveyor to confirm [xxx] difference between FFL and USF before proceeding with excavation. Report discrepancies to the Designer.
- Surveyor is to comply with current subdivision zoning regarding setbacks in laying out the work. Any discrepancies are to be reported to the DESIGNER and the builder immediately.
- The builder shall comply with all current standards for Local Municipal Subdivision Lot Drainage and Grading as they relate to max. & min. slopes for yards, swales & drives and clearances to street furniture and services for driveways.
- The builder shall check and verify all given grade elevations and drainage prior to commencement of construction. Builder shall verify location of existing and proposed utilities prior to commencement of construction.
- Footings to bear on natural undisturbed soil and be a min. of 1.22m below finished grade. Underside of footings shown are taken from architectural plans and may not represent actual footing level.
- All dimensions and grade elevations are shown in metres.
- Unless otherwise indicated, finished floor level is 0.50m above Specified House Grade at entry points to house and provision of 3 risers at entries must be made to gain entry into house. Maintain top of foundation wall min. 0.15m above finished grade.
- Unprotected openings (windows, doors) must be min 1.2m from lot lines. Builder to verify location of all windows relative to lot line to maintain min. setback for unprotected openings.
- These General Notes apply to all drawings for Siting & Grading including siting on individual sheets.
- All front and rear yards shall be graded at a 2% - 5% grade within 6.0m of the dwelling unit.
- Base curb elevation to be checked vs garage slab elevation to ensure adequate driveway grade before constructing garage.
- Downspouts to discharge onto ground via splash pad.

STANDARD NOTES

- ALL WORKING DRAWINGS SUBMITTED TO THE BUILDING DIVISION AS PART OF A BUILDING PERMIT APPLICATION SHALL BE IN CONFORMITY WITH THE APPROVED SITE PLAN DRAWINGS AS APPROVED BY THE DEVELOPMENT SERVICES DIVISION.
- THE OWNER IS RESPONSIBLE FOR ENSURING THAT TREE PROTECTION HOARDING, PLACED AT THE DRIP LINE OF THE TREES, IS MAINTAINED THROUGHOUT ALL PHASES OF DEMOLITION AND CONSTRUCTION IN THE LOCATION AND CONDITION AS APPROVED BY THE PLANNING AND BUILDING DIVISION. NO MATERIALS (I.E. BUILDING MATERIALS, SOIL, CONSTRUCTION VEHICLES, EQUIPMENT, ETC.) MAY BE STOCKPILED WITHIN THE AREA OF HOARDING.
- ALL UTILITY COMPANIES WILL BE NOTIFIED FOR LOCATES PRIOR TO THE INSTALLATION OF THE HOARDING THAT LIES WITHIN THE LIMITS OF THE COB BOULEVARD AREA.
- SHOULD THE INSTALLATION OF BELOW GROUND SERVICES REQUIRE HOARDING TO BE REMOVED, OPEN SPACE STAFF (AT []) ARE TO BE CONTACTED PRIOR TO THE COMMENCEMENT OF SUCH WORK. SHOULD AN ALTERNATIVE SERVICE ROUTE NOT BE POSSIBLE, STAFF WILL INSPECT AND DOCUMENT THE CONDITION OF THE VEGETATION AND SERVICING INSTALLATION IN ORDER TO MINIMIZE DAMAGE TO THE VEGETATION.
- THE OWNER (OR APPLICANT AS APPLICABLE) WILL BE RESPONSIBLE FOR THE COST OF ANY UTILITIES RELOCATIONS NECESSITATED BY THE SITE PLAN APPROVAL AND BUILDING PERMIT.
- THE EXISTING ON-SITE DRAINAGE PATTERN SHALL BE MAINTAINED.
- GRADES MUST BE MET WITHIN 33% MAXIMUM SLOPE AT THE PROPERTY LINES AND WITHIN THE SITE.
- THE STRUCTURAL DESIGN OF ANY RETAINING WALL OVER 0.60 M (2.00 FT.) IN HEIGHT OR ANY RETAINING WALL LOCATED ON A PROPERTY LINE IS SHOWN ON THE SITE PLAN AND GRADING PLAN AND IS TO BE APPROVED BY THE CONSULTING ENGINEER FOR THE PROJECT.
- THE PORTIONS OF THE DRIVEWAY WITHIN THE MUNICIPAL BOULEVARD WILL BE PAVED BY THE OWNER AT THEIR OWN EXPENSE.
- AT THE ENTRANCES TO THE SITE, THE MUNICIPAL CURB AND SIDEWALK WILL BE CONTINUOUS THROUGH THE DRIVEWAY AND A CURB DEPRESSION WILL BE PROVIDED FOR EACH ENTRANCE.
- ALL PROPOSED CURBING AT THE ENTRANCES TO THE SITE IS TO TERMINATE AT THE PROPERTY LINE OR AT THE MUNICIPAL SIDEWALK.
- CONSTRUCTION MATERIALS ARE NOT TO BE PUT OUT FOR GARBAGE COLLECTION.
- ALL DAMAGED LANDSCAPE AREAS WILL BE REINSTATED WITH TOPSOIL AND SOD FOLLOWING CONSTRUCTION ACTIVITY.
- ANY COB BOULEVARD TREES DAMAGED OR REMOVED ARE TO BE REPLACED WITH MINIMUM 70MM CALIPER DECIDUOUS TREES TO THE SATISFACTION OF THE COB AT THE OWNER'S EXPENSE.
- ALL EXCESS EXCAVATED MATERIALS WILL BE REMOVED FROM THE SITE AT THE OWNER'S EXPENSE.
- THERE ARE NO EXISTING OR PROPOSED EASEMENTS ON THE PROPERTY.

LEGEND

- PROPOSED GRADE HIGH POINT @ PROPERTY LINE
- DIRECTION OF FLOW
- FINISHED FLOOR LEVEL
- TOP OF FOUNDATION WALL
- FINISHED BASEMENT SLAB
- UNDERSIDE OF FOOTINGS
- STREET LIGHT
- HYDRANT
- TRANSFORMER
- BELL PEDESTAL
- CABLE TV PEDESTAL
- CATCH BASIN
- VALVE CHAMBER
- DOWNSPOUT
- COMMUNITY MAILBOX
- WATER SERVICE
- STORM & SANITARY CONNECTION
- EXTERIOR DOOR LOCATION
- SWALE DIRECTION
- STANDARD PLAN
- REVERSE PLAN
- STREET NAME & "STOP" SIGN
- "MAXIMUM SPEED" SIGN
- "DO NOT ENTER" SIGN
- "ONE WAY" SIGN
- "NO PARKING" SIGN
- "CHECKERBOARD" SIGN
- "NO EXIT" SIGN
- HYDRO METER
- GAS METER
- SANITARY MANHOLE
- STORM MANHOLE
- SANITARY PIPE
- STORM PIPE
- WATER PIPE
- HYDRO LINE
- GAS MAIN
- SOUND BARRIER FENCE
- 3/0 AWG TRIPLEX AL COMPT 600V
- XLPEI PVCJ SECONDARY CABLE
- FINISHED GRADE AT TOP OF RETAINING WALL
- FINISHED GRADE AT BOTTOM OF RETAINING WALL

20 CIRCLE STREET, NIAGARA-ON-THE-LAKE, ONTARIO

2 STOREY SINGLE-DETACHED DWELLING

SITE STATISTICS

ZONING	ER2
MINIMUM LOT AREA	AS EXISTING
LOT AREA	436.84 SQM
MINIMUM LOT FRONTAGE	AS EXISTING
LOT FRONTAGE	17.50 M
MINIMUM LOT DEPTH	AS EXISTING
LOT DEPTH	30.56 M

	REQUIRED/ALLOWED	PROVIDED
FRONT YARD SETBACK/ NORTH	7.50 m	6.25 m
REAR YARD SETBACK/ SOUTH	7.50 m	5.25 m
SIDE YARD SETBACK/ EAST	1.22 m	1.30 m
SIDE YARD SETBACK/ WEST	1.22 m	0.85 m

BUILDING HEIGHT	MAX 8.53 m	8.53 m
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COVERAGE BREAKDOWN

DWELLING FOOT PRINT	134.25 SQM (1445.02 SQF)
COVERED PORCH	6.00 SQM (64.58 SQF)
COVERED PORTICO	11.29 SQM (121.51 SQF)
PROPOSED LOT COVERAGE	153.74 SQM (1654.79 SQF) (35.19%)
ALLOWED LOT COVERAGE	174.74 SQM (1880.84 SQF) (40.00%)

MAXIMUM DRIVEWAY	PERMITTED	PROPOSED
	6.00m	6.00m

GROSS FLOOR AREA CALCULATIONS

FIRST FLOOR	135.44 SQM (1457.94 SQF)
GARAGE (-)	25.31 SQM (272.45 SQF)
SECOND FLOOR	137.31 SQM (1477.94 SQF)
TOTAL	247.44 SQM (2663.43 SQF)

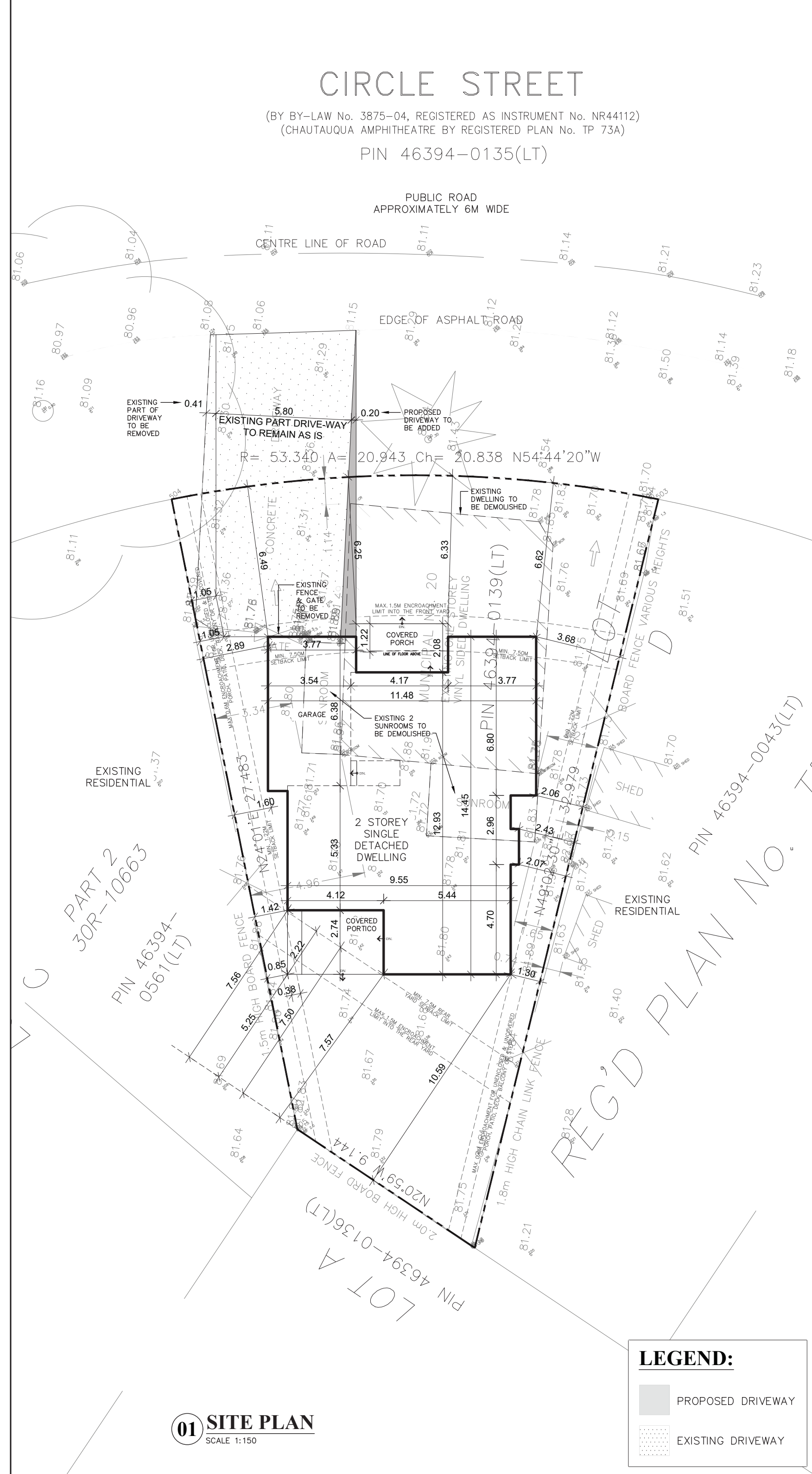
GROSS DEMOLITION AREA (EXISTING DWELLING)

EXISTING DWELLING AREA TO BE DEMOLISHED	92.31 SQM (993.62 SQF)
EXISTING SUNROOMS AREA TO BE DEMOLISHED	21.94 SQM (236.16 SQF)
TOTAL AREA TO BE DEMOLISHED	114.25 SQM (1229.78 SQF)

NOTE:
UTILITY METERS SHALL NOT BE LOCATED ON BUILDING FACADES THAT FACE PUBLIC STREETS AND SHALL BE LOCATED DISCREETLY, AWAY FROM PEDESTRIAN TRAVEL ROUTES AND SCREENED FROM PUBLIC VIEW.

AVERAGE GRADE CALCULATION FOR PROPOSED DWELLING

NO.	G1	G2	G	DISTANCE (D)	D x G	
REAR						
	81.82	81.80	81.81	9.55	781.29	
RIGHT SIDE						
	81.80	81.80	81.80	7.85	642.13	
	81.80	81.90	81.85	6.60	540.21	
FRONT						
	81.90	81.90	81.90	7.71	631.45	
	81.90	81.80	81.85	3.77	308.57	
LEFT SIDE						
	81.80	81.80	81.80	6.80	556.24	
	81.80	81.82	81.81	7.65	625.85	
TOTALS					39.56	3236.95
AVERAGE GRADE =					81.82	



JAN. 17, 2024	SD	REVISED DWGS AS PER M.M. PRECONS. MEETING COMMENTS
DEC. 15, 2023	SD	ISSUED FOR MINOR VARIANCE APPLICATION
NOV. 30, 2023	SD	ISSUED FOR PRELIMINARY GRADING
DATE	REF.	DESCRIPTION

Engineered truss drawings to be submitted to the designer for co-ordination of structure.

The designer has not been retained to carry out general review of the work and assumes no responsibility for the failure of the contractor or sub-contractor to carry out the work in accordance with the documents.

Single pages of the contract documents are not to be read independently of all pages of the contract documents.

The contractor shall verify all dimensions on the contract documents. Any discrepancies are to be reported to the designer prior to the commencement of the work.

Under no circumstances shall the contractor or sub-contractors proceed in uncertainty.

Digital & Hard Copies are issued to the client on the understanding that no changes are to be made to the contract documents without written consent of the designer.

DO NOT SCALE DRAWING

BCN INFORMATION

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the CBCO Subcontractor's Design.

Required unless design is exempt under Div. C-32.5 of the building code.

SANDEEP POONI	45554
Name	Signature
	BCN

Required unless design is exempt under Div. C-32.4 of the building code.

SIGNATURE DESIGN GROUP INC.	112796
Firm Name	BCN



LEGAL DESCRIPTION:
TOWN OF NIAGARA-ON-THE-LAKE
PART OF LOT D, REG'D PLAN TP 148

PROJECT:
COOPER RESIDENCE
20 CIRCLE STREET,
NIAGARA-ON-THE-LAKE, ON L0S 1J0

CLIENT:
PAUL COOPER
20 CIRCLE STREET,
NIAGARA-ON-THE-LAKE, ON L0S 1J0

SITE PLAN

Date	Checked By
SEPT 2023	SP
Job Number	Drawn By
22-1519	SD
Scale	
AS NOTED	
Issued	Sheet Number
	A0

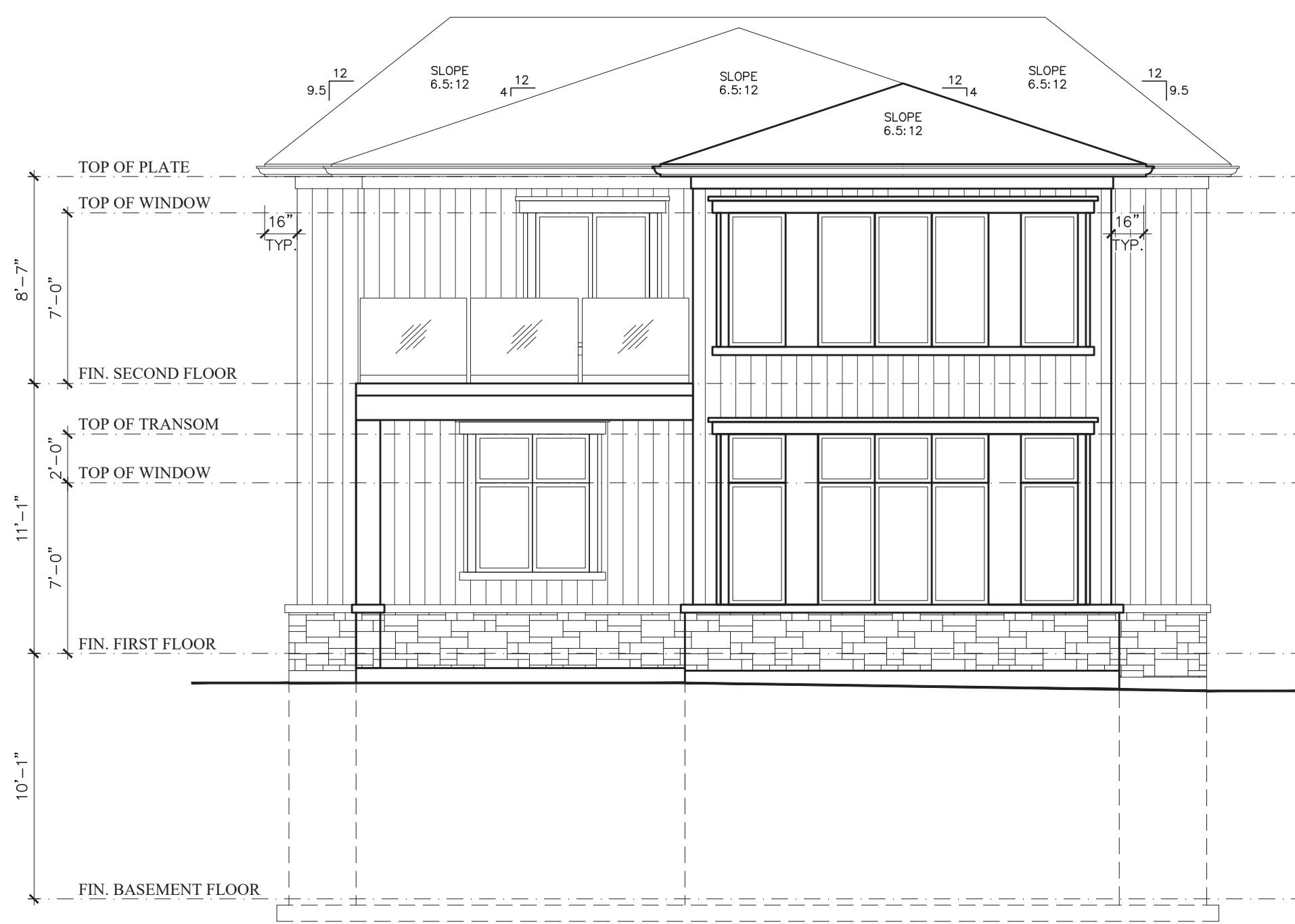
01 SITE PLAN
SCALE 1:150

LEGEND:

- PROPOSED DRIVEWAY
- EXISTING DRIVEWAY



01 FRONT ELEVATION
SCALE 3/16" = 1'-0"



02 REAR ELEVATION
SCALE 3/16" = 1'-0"

- LEGEND:**
- INTERIOR LOAD BEARING PARTITION WALL
 - R.W.L. (RAIN WATER LEADER)
 - CHECK CONCRETE FOR ABOVE DOOR/STAIRS/PORCH/CONC. PIER
 - BASEMENT SLAB - INSULATION

DATE	REF.	DESCRIPTION
JAN. 17, 2024	SD	REVISED DWGS AS PER M.V. PRECONS. MEETING COMMENTS
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BCN INFORMATION

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

Qualification Information

Required unless design is exempt under Div. C-3.2.5. of the building code.

SANDEEP POONI	45054
Name	Signature
Registration Information	
Required unless design is exempt under Div. C-3.2.4. of the building code.	
SIGNATURE DESIGN GROUP INC.	112796
Firm Name	BCN

APCO HOMES
Luxury and Quality Redefined
www.apcohomes.com

SD
signature design group
32 AMBIANCE COURT
BRAMPTON, ONTARIO, L6Y 0G8
(416) 454-6172

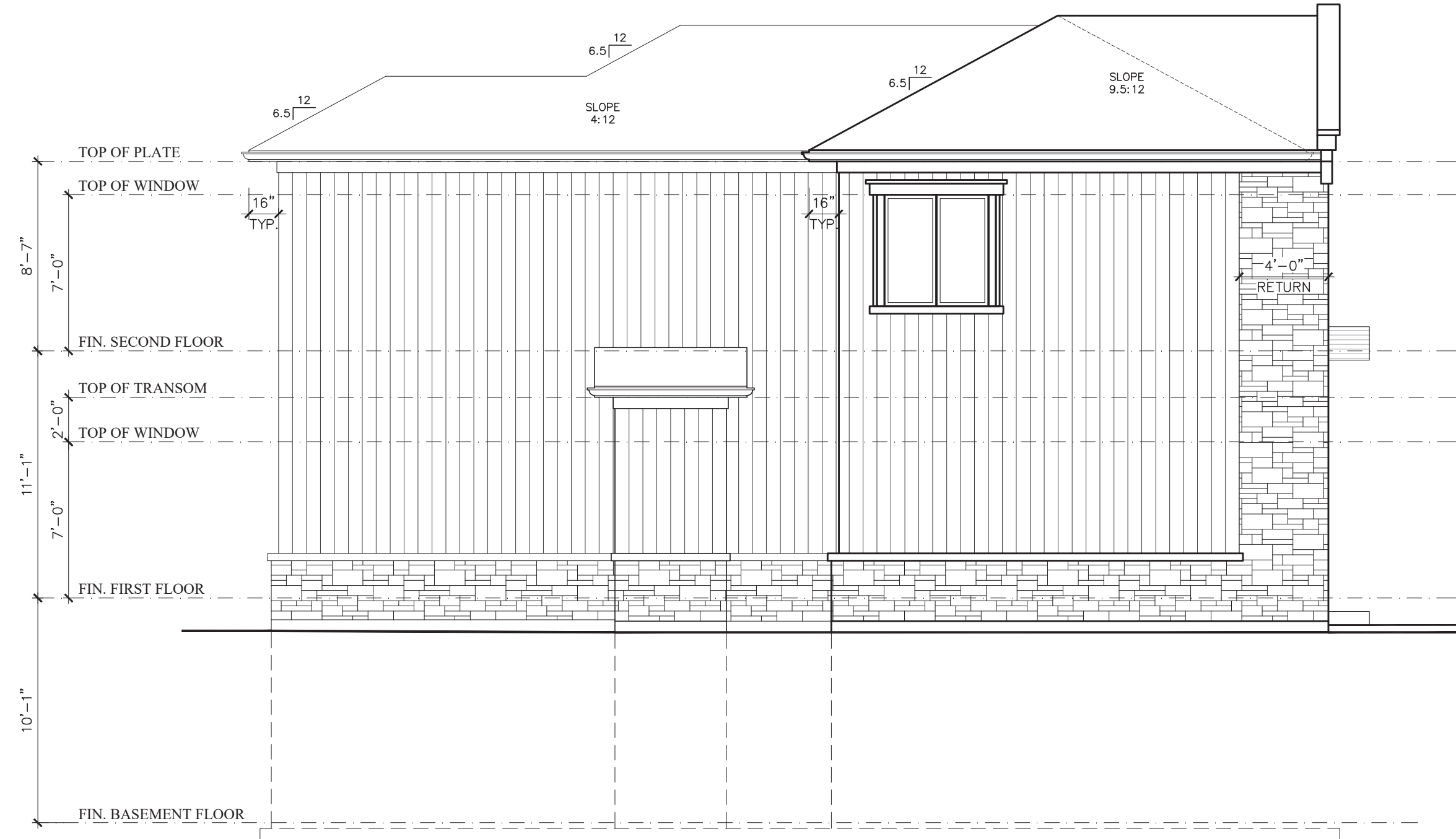
LEGAL DESCRIPTION:
TOWN OF NIAGARA-ON-THE-LAKE
PART OF LOT D, REG'D
PLAN TP 148

PROJECT:
COOPER RESIDENCE
20 CIRCLE STREET,
NIAGARA-ON-THE-LAKE, ON L0S 1J0

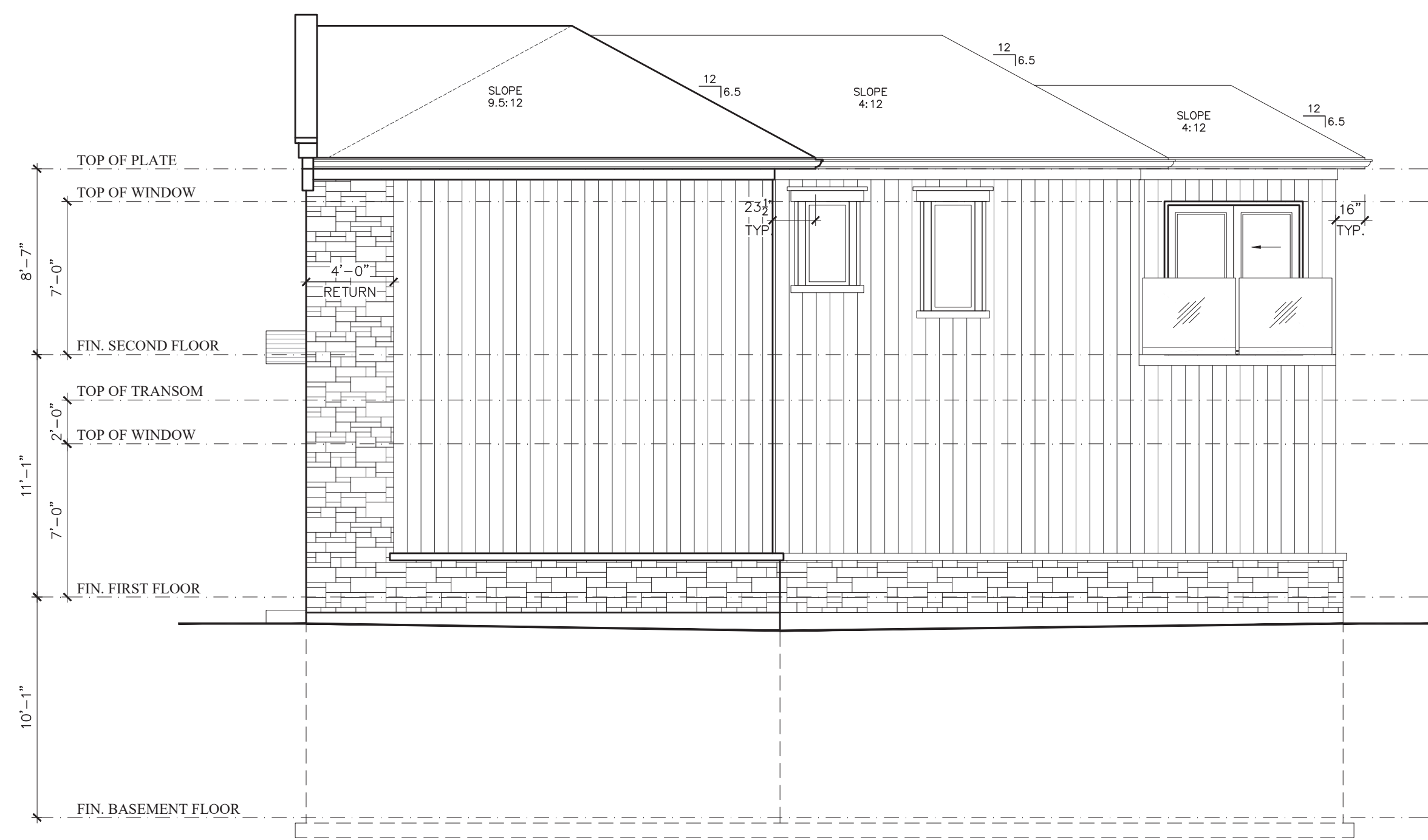
CLIENT:
PAUL COOPER
20 CIRCLE STREET,
NIAGARA-ON-THE-LAKE, ON L0S 1J0

FRONT & REAR ELEVATION

Date	Checked By
SEPT 2023	SP
Job Number	Drawn By
22-1519	SD
Scale	
3/16" = 1'-0"	
Issued	Sheet Number
	A3



01 LEFT ELEVATION
SCALE 3/16" = 1'-0"



02 RIGHT ELEVATION
SCALE 3/16" = 1'-0"

LEGEND:

- INTERIOR LOAD BEARING PARTITION WALL
- R.W.L. (RAIN WATER LEADER)
- CHECK CONCRETE FOR ABOVE DOOR/STAIRS/PORCH/CONC. PIER
- BASEMENT SLAB - INSULATION

DATE	REF.	DESCRIPTION
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Qualification Information
Required unless design is exempt under Div. C-3.2.5. of the building code

SANDEEP POONI	45054
Name	BCN
Signature	
Registration Information	
Required unless design is exempt under Div. C-3.2.4. of the building code.	
SIGNATURE DESIGN GROUP INC.	112796
Firm Name	BCN

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PART OF LOT D, REG'D
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COOPER RESIDENCE
20 CIRCLE STREET,
NIAGARA-ON-THE-LAKE, ON L0S 1J0

CLIENT:
PAUL COOPER
20 CIRCLE STREET,
NIAGARA-ON-THE-LAKE, ON L0S 1J0

LEFT & RIGHT SIDE ELEVATION

Date	Checked By
SEPT 2023	SP
Job Number	Drawn By
22-1519	SD
Scale	
3/16" = 1'-0"	
Issued	Sheet Number
	A4