

January 27, 2025

Committee of Adjustment
Town of Niagara-on-the-Lake
1593 Four Mile Creek,
Niagara On The Lake
ON L0S 1J0

Dear Committee Members,

25 Castlereagh Street – Application for Minor Variances – REVISED LETTER

NPG Planning Solutions Inc. has been retained by the Niagara Historical Society to provide independent professional planning advice regarding an application for Minor Variances (Application) to facilitate the use of a single-detached dwelling as an office space for the museum at the lands municipally known as 25 Castlereagh Street, Niagara-on-the-Lake, in the Regional Municipality of Niagara (Subject Lands). The lands are legally described as Part of Block 39, Registered Plan TP-86, Town of Niagara-on-the-Lake.

The Subject Lands have an area of approximately 1,058.17 square metres, and a frontage of 21.34 metres on Castlereagh Street. There is a 2-storey single detached dwelling with accessory structures on the land. The Subject Lands are designated and zoned as Established Residential in the Town's Official Plan (or "Town's OP") and in Zoning By-law 4316-09.

Included as part of this submission are as follows:

1. Minor Variance Application Form;
2. A Sketch prepared by NPG Planning Solutions, dated December 2024;
3. Architectural Floor Plans prepared by Lynch and Commisso, dated December 2024;
4. Survey prepared by J.D.Barnes Surveying Ltd, dated September 2024;
5. Town of Niagara-on-the-Lake Fee (\$2395): Submitted by the Museum to the Town directly.

This is the revised letter to reflect the updated wording of the variances as provided by Town staff.

1.0 Neighbourhood Context

The Subject Lands are located in the Built-up Area and within the Urban Area Boundary of the Town of Niagara-on-the-Lake and are designated Established Residential on Schedule B of the Town's Official Plan. The Subject Lands are located between Davy Street (Local Road) and King Street (Town Collector Road), according to Schedule 'G' Transportation Plan of the Town's OP. Castlereagh Street is a Local Road.

The property adjacent to the Subject Lands, at 43 Castlereagh Street, is the Niagara-on-the-Lake Museum. This property is also owned by the Niagara Historical Society (Owner of the Subject Lands) and both properties have merged on title according to the Museum's lawyer who provided this information verbally. The museum building on 43 Castlereagh Street is designated under Part IV of the *Ontario Heritage Act* for its Cultural Heritage Value¹. The other neighbouring land uses consist of residential uses to the north, south and west of the Subject Lands.

2.0 Niagara-on-the-Lake Museum

The Subject Lands are owned by the Niagara Historical Society and have been used as a single detached dwelling prior to the Niagara Historical Society acquiring 25 Castlereagh Street. Niagara Historical Society has a long-term vision to redesign the existing museum facility, utilizing the two properties (25 and 43 Castlereagh Street) for an integrated museum site.

The integrated museum site design has not commenced as the acquisition of 25 Castlereagh was in June of 2024. The museum is actively seeking grants and private donations to support the future vision but at this point needs internal changes at 25 Castlereagh to address immediate issues for museum staff in the 43 Castlereagh Street property. As part of the initial approach to the longer-term strategy, the museum plans to move its administration-related offices to 25 Castlereagh Street. This involves the relocation of the 3 existing staff into the house at 25 Castlereagh Street for office use for the museum. The existing museum holdings currently at 43 Castlereagh Street will be stored in the house at 25 Castlereagh Street (basement level). Portions of the existing main floor will be used for internal meetings and research space related to museum holdings. The upper level will be offices for the existing three museum staff. No staff will be added to the Museum's workforce as a result of the move of the offices to 25 Castlereagh – the offices are for existing staff only.

¹ Town Register: [REGISTER DEC 6.19.xlsx](#);

Designation By-law: <https://www.heritagetrust.on.ca/oha/details/file?id=1486>

The plan is to utilize the existing dwelling at 25 Castlereagh Street, without altering its external structure. This approach helps the museum retain the existing building, its façade, and presentation to the street.

It's important to note that the existing museum facility has a site-specific zoning (I-54, Section 7.14.54 of the Zoning By-law). The site-specific zoning for existing museum facility permits a full range of institutional uses including the existing museum use and a range of site-specific zone requirements. As per subclauses (g) and (h), parking and loading spaces are not required for permitted uses. Further, NPG has been informed that the Town has provided an on-street accessible parking space on Castlereagh Street near the museum. Further, the site-specific zoning for 43 Castlereagh designates Castlereagh as the front lot line/street line.

As mentioned earlier, the museum will be embarking on a longer-term strategy for the two properties. This design has not commenced and will take some time to complete, including assessing availability of funding for the implementation of the integrated design. Once this work is sufficiently advanced, the museum will work with the Town to address any zoning issues as well as the required site plan and heritage permit. The relocation of the offices is a first step and is requested to be supported via minor variances. Should the variances be declined, the house will remain empty until such time as the longer term strategy is developed, approved, and funded. This is not desirable for the building, the museum, or the Town.

3.0 Detailed Description of 25 Castlereagh and Requested Minor Variances

The proposed office use will serve as an extension to the museum's ongoing operations, ensure continuity of the administrative functions and enhance its operational efficiency. The intention is to utilize the space without changing the external layout or the building structure. The ramp, currently located along the eastern side of the dwelling, is being relocated to the western side to improve accessibility and convenience. Additionally, some internal modifications are being reviewed to optimize the space. The first floor will feature a research room and a conference room, while the second floor will be dedicated to individual offices, and the basement will be used for storage of museum holdings. This office space is designed to accommodate three staff members and will be used exclusively by existing employees. Overall, the proposed repurposing of the single-detached dwelling is necessary for improving the museum's operational efficiency, addressing the need for office space for staff, without requiring significant changes to the existing building.

Since 25 and 43 Castlereagh St properties are both owned by the Niagara Historical Society, the properties have merged on title according to verbal updates to the Museum from their lawyer. The zoning review considers both the site-specific zoning (I-54 for 43 Castlereagh St) and the Established Residential (25 Castlereagh St) zone requirements, wherever applicable. Of specific note, the site-specific zoning for 43 Castlereagh identifies Castlereagh as the front lot line. The ER provisions, particularly related to the

setbacks for the parking, have been applied using Castlereagh as the front yard for both properties.

The Application requests the following variances:

1. Permit the following use on the Subject Lands associated with the Niagara-on-the-Lake Museum, until such time as the use is established through a Zoning By-law Amendment and Site Plan Amendment, whereas only permitted uses within the Established Residential (ER) Zone are permitted.
 - a. Professional office and office-related uses including storage, meeting and research rooms, to a maximum gross floor area (GFA) of 217 square metres.
2. Permit two (2) required parking spaces with one space in tandem, whereas three (3) spaces are required for the non-residential uses requested in Variance #1 in the Zoning By-law and tandem parking is not permitted;
3. Reduce the requirement for an accessible parking space to zero (0), whereas a minimum of one (1) accessible parking space is required for the non-residential uses requested in Variance #1, until such time as a Zoning By-law Amendment is approved;
4. Reduce the minimum interior side setback from 1 metre, as required in the Zoning By-law, to 0.5 metres for the proposed parking space;
5. Reduce the minimum rear yard setback from 1.52 metres, as required in the Zoning By-law, to 1.2 metres for the existing shed; and
6. Reduce the minimum side yard setback from 1.52 metres, as required in the Zoning By-law, to 0.7 metres for the existing shed.

4.0 Proposed Variances 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 *Planning Act* allows for minor variances to be granted for the use provisions (as well as the standards of development) in the Zoning By-law provided they are deemed appropriate and desirable for the development of the property and use of the land and meet the four tests of the *Planning Act*. In this case, it is insufficient to determine whether a variance is minor based on whether a “new use” has been authorized. Instead, this

determination should consider whether the application for Minor Variance meets the *Planning Act* tests for a minor variance. Some considerations include the existing permitted uses (and definitions thereof), impact on the surrounding area, compatibility with existing uses and maintaining the general intent and purpose of the Official Plan.

Furthermore, it is necessary to always assess the merits of a proposal in relation to the surrounding circumstances and the general intent and purpose of the Zoning By-law. This means considering the specific context of the Subject Lands, the existing character of the neighbourhood, and the operational needs of the museum. For this reason, the proposed office use for the museum is being evaluated based on its overall impact, including factors such as visual appearance, traffic, and parking to ensure it aligns with the broader goals of the Town's Official Plan and Zoning By-law.

The variances requested address the following matters in the Zoning By-law specifically related to the proposed office use for the museum are:

1. The use for the offices of the museum at 43 Castlereagh Street; and,
2. The parking variances:
 - a. Reduction of one parking space with spaces provided in tandem;
 - b. Reduction in parking space setbacks; and,
 - c. Elimination of accessible parking space requirement.

The proposed use of the Subject Lands for offices must only be considered as offices for the museum located at 43 Castlereagh Street. This is not a proposal for a general office permission but is a proposal specifically tied to the museum function and the property at 43 Castlereagh Street recognizing that the future vision and plans for the museum will be dealt with in partnership with the Town once those plans are developed.

Official Plan

Section 6A – 3.2 identifies one of the objectives of the Town's Official Plan to:

- *Develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.*

The Town's Official Plan defines complete communities as follows:

Complete communities meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

The Town's Official Plan defines Community Infrastructure as follows:

Community infrastructure refers to lands, buildings, and structures that support the quality of life for people and communities by providing public services for health, education, recreation, socio-cultural activities, security and safety, and affordable housing.

The museum and its offices support the quality of life for Town residents through the provision of museum services and activities – socio-cultural activities and recreation. By supporting the existing museum, being community infrastructure in the Town's Official Plan, the Application also support the development of complete communities.

The Town's Official Plan designates the Subject Lands "Established Residential." Section 9.3.3(1) of the Town's Official Plan identifies the following permitted uses within the Established Residential designation:

Main Uses:

Low Density Residential uses such as single detached, semi-detached and duplex dwellings.

Secondary Uses:

Uses permitted with a Main Use:

- roomers and boarders
- bed and breakfasts
- accessory apartments
- group homes
- home occupations
- accessory buildings and structures

Uses permitted independent of a Main Use:

- Minor open space and community facilities subject to Section 15 of this Plan;
- Medium density residential uses subject to; the relevant policies of Section 9, a site specific amendment to the Zoning By-law and provided that the development does not significantly impact on heritage resources or result in the removal or demolition of buildings of historic or architectural significance;

Open space and community facilities are not defined terms in the Town's Official Plan. However, Section 15.3.1(1) of the Town's Official Plan provides examples of open space and community facilities uses under the heading Main Uses. These include: "active and passive neighborhood parks, elementary schools, health care facilities, churches, day care centers, cemeteries, museums, historic sites and similar community servicing uses."

It is not an exhaustive list in the Official Plan but rather examples of the types of uses considered open space and community facilities.

In considering Section 9.3.3(1) together with Section 15.3.1(1) of the Town's Official Plan museums may be permitted within the Established Residential designation, subject to meeting relevant criteria in the Town's Official Plan.

Section 15.3.1(3) of the Town's Official Plan states the following:

(3) LOCATION CRITERIA

Minor open space and community facility uses, such as churches, neighborhood parks, recreation facilities, branch libraries and facilities for special population groups (including day care teaching of children) shall be permitted in residential land use designations without amendment to this plan subject to the following location criteria:

a) Direct or convenient access to an arterial or collector street as indicated on the Land Use schedules of this Plan.

b) Design which is compatible with surrounding land uses, maintaining the scale, density and character of the area.

c) Provision of adequate buffering and transition to protect surrounding existing development.

d) Provision of adequate off-street parking to serve the particular use, while retaining sufficient usable yard space to maintain the existing visual characteristics of the area.

For the lands at 25 Castlereagh Street, it is noted that:

For criteria a), convenient access to King Street (Town collector) is available.

For criteria b), the existing house is being retained with no external changes. This retains the scale, density and character of the area.

For criteria c), the spatial relationship of the existing building and grounds is being retained supporting adequate buffering and transition. Limited public access would be permitted on the Subject Lands, which would mitigate potential impacts on adjacent residential uses.

For criteria d), the existing two tandem parking spaces are retained with requested variances. It is noted that the adjoining museum has site specific zoning that requires no parking. The existing yard space is being retained.

For the reasons noted above, the use of 25 Castlereagh Street for museum offices is in conformity with the Town's Official Plan general direction of developing complete communities as well as the Established Residential and Open Space and Community Facilities policies. Further analysis, as necessary, is addressed in the requested variances and their individual analysis.

Zoning By-law

The ER zoning permits a limited range of non-residential uses such as bed and breakfast accommodations; cottage rental; home occupation and home profession; group home; and public use. Many of these non-residential uses would be more impactful to adjoining properties (increased traffic to/from uses such as the bed and breakfast, cottage rental, group home). In the case of home occupations and home professions, the Zoning By-law does not limit the number of such occupations/professions in the building but does limit the floor area for such uses to 25% of the habitable space. The proposed offices, for context, are 16% of the habitable space.

Importantly, the public use permission includes the following per the definition in the Zoning By-law:

“PUBLIC USE or CIVIC USE means the use of any lot, building or structure or portion thereof for public use and shall include public parks, community or recreation centres, a cemetery, fire halls, police stations, ambulance stations, Town government offices, public works yard, public libraries, or post office including any building and facilities accessory thereto, but does not apply to essential infrastructure such as the provision of waterlines, sewer lines, road or utility lines provided by agencies such as gas, hydro, cable or the telephone company and does not include schools.”

The museum is a non-profit organization funded in part by the Town of Niagara-on-the-Lake. As such, it has a public use type function similar to the other community services provided by the Town and included in the definition of public use. If the museum were a Town operated facility, the offices would be a permitted use at 25 Castlereagh Street. The majority of the uses listed under the public use definition include offices in each of the facilities. The Zoning By-law for the ER zone includes uses that provide a public good, with offices being part of that provision, similar to the work the museum completes at both properties.

Minor Variances

The following is an analysis of the Application for each Minor Variance in relation to the four tests for Minor Variance relating to the land located at 25 Castlereagh Street.

Variance 1: Permit the following use on the Subject Lands associated with the Niagara-on-the-Lake Museum, until such time as the use is

established through a Zoning By-law Amendment and Site Plan Amendment, whereas only permitted uses within the Established Residential (ER) Zone are permitted.

a. Professional office and office-related uses including storage, meeting and research rooms, to a maximum gross floor area (GFA) of 217 square metres.

Proposed: Professional office and office-related uses including storage, meeting and research rooms, to a maximum gross floor area (GFA) of 217 square metres.

Permitted: Single detached dwelling, home occupation or a home profession, bed and breakfast, cottage rental, group home, public use (as per Section 7.1.1 of the Town's Zoning By-law 4316-09)

For the purpose of calculating the allowable maximum gross floor area for this variance, interior areas that directly support the museum function were included. Meaning, all areas, except the washrooms and common circulation spaces were included in the calculation, as listed below. Please refer to the architectural set for detailed interior space areas.

Basement

Artifact Storage	38.02 sqm
Artifact Storage	50.78 sqm

First Floor

Conference Room	21.53 sqm
Lunch Room	28.05 sqm
Research Room	32.75 sqm

Second Floor

Office spaces	33.21 sqm
Closet spaces	3.33 sqm
Storage	9.26 sqm

Gross Floor Area	216.93 sqm
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Table 1: 4 Part Test Analysis Table – Office Use for the Niagara-on-the-Lake Museum

Test	Analysis
<p>1. Is the requested variance minor in nature?</p>	<p>Both the Town’s Official Plan and Zoning By-law support non-residential uses in the Established Residential designation/zone. The proposed use implements the Official Plan policies for community infrastructure/community facilities. The proposed use is akin to a public use, a permitted use in the Town’s ER zone. The requested use is specific to the offices and research/meeting functions of the museum, ensuring the relationship to the main museum is established and thus eliminating the potential for other more intensive office uses.</p> <p>The proposed use involves minimal to no structural alterations internally and no external alterations to the house (with the exception of the relocation of the accessible ramp). This ensures the residential character of the building is preserved. With three staff members, the proposed use will have no difference in the number of employees and thus the same employee transportation access and parking. There is no disturbance anticipated to the surrounding residential area. Lastly, an office and related uses for the museum is a less intrusive use, involving minimal noise, traffic and disruptions to the immediate neighbours than some of the existing permitted uses such as a bed and breakfast. Therefore, the requested variance meets the test for minor in nature.</p> <p>The variance recognizes further integration with the museum at a future point in time thus supporting the fact that this is a minor matter. The variance also limits the office-related uses supporting the office function of the museum retaining that the variance is minor and highly limited in the nature of the use. The museum offices and office-related uses are less intensive than many of the uses permitted in the public use provisions of the Zoning By-law.</p>
<p>2. Is the requested variance desirable for the appropriate development or use of</p>	<p>The office and limited office-related uses are akin to uses permitted in the ER designation in the Town’s Official Plan (community infrastructure) and ER zone in the Town’s Zoning By-law (public use). It is noted that the public use definition includes multiple uses that serve a public good,</p>

Test	Analysis
<p>the land, building, or structure?</p>	<p>many of which have an office and limited office-related use components. The museum serves a public good and receives public funding from the Town and other levels of government. The proposed office and limited office-related uses are consistent with the approach to public uses however will be less impactful as there will be very limited access by the general public and only by those doing historical research. Access to the storage area will be limited to museum staff.</p> <p>The proposed office and limited office-related uses for the museum will complement the existing museum operations, ensuring continuity and support of its administrative functions. Approval of this variance will support the museum’s development of the long-term vision for both properties. As the proposed use is tied to the museum through the requested variance, other types of office uses would not be permitted. This is an important consideration – there are many types of offices that would have impacts on residential neighbourhoods such as medical offices which have a high turnover of patients/clients attending. By limiting the permitted use to the office for the adjoining museum, wholly within the existing building, the spatial relationship of the existing house remains status quo with the adjoining properties.</p> <p>Based on this, the requested variance is both desirable and appropriate for the development and use of the land and the building.</p>
<p>3. Does the requested variance maintain the general intent and purposes of the By-law?</p>	<p>The general intent and purpose of the Town’s Zoning By-law is to regulate land use and implement objectives and policies of the Town’s Official Plan. In addition, the Town’s Zoning By-law protects property owners from conflicting land uses. It provides details on how land may be used, specifying where buildings and structures can be located, their setbacks, and parking requirements, among other development aspects. The focus (or “intent”) is on achieving desired outcomes or the purpose behind these regulations. The specific zone requirements and permitted uses are not the “intent” rather tools to implement the above intent.</p>

Test	Analysis
	<p>In this context, it is important to note that the institutional use has already been established ((I-54, Section 7.14.54 of the Zoning By-law) adjacent to the Subject Lands without conflict. The proposed office and limited office-related uses are intended to be a minor extension and transition of the existing uses to the Subject Lands, supporting uses similar to the public use provisions of the Zoning By-law, rather than introducing a conflicting or unrelated use.</p> <p>The proposed office and limited office-related uses are low-intensity, non-intrusive uses that are not anticipated to conflict with the surrounding residential use. Notably, small-scale office use, such as home occupation and home professions are permitted in the Established Residential zone, supporting compatibility of the proposed office. Public uses with more traffic and access by residents are also permitted in the ER zone. The office and limited office-related use for the museum are akin to and similar in nature to many of the public uses provided in the definition in the Zoning By-law. The museum provides a public good and is similar in nature to the uses permitted in the public use provisions. Limiting the variance to the office and limited office-related uses for the museum within the existing building is appropriate to address a continued low-intensity use.</p> <p>Based on the above, it is our opinion that the proposed use promotes harmonious land use, ensuring compatibility with the surrounding neighbourhood and maintains the general intent and purposes of the Zoning By-law.</p>
<p>4. Does the requested variance maintain the general intent and purpose of the Official Plan?</p>	<p>The Town's Official Plan classifies the museum as a historic site, which is permitted in any land use classification (Section 6.13). Further a museum is also permitted in an Open Space and Community Facilities designation (Section 15.1.3).</p> <p>The museum (on the adjacent property) is an existing established use, and the proposed variance is to allow for the office and limited office-related uses for the museum on the Subject Lands. The Subject Lands, being an established residential area, is subject to Section 9.3.3 of the Town's</p>

Test	Analysis
	<p>OP. The Established Residential designation allows for minor open space and community facilities subject to Section 15 of the Town's OP.</p> <p>In the context of the proposed variance, the objective of Section 15 is to ensure the facility is appropriately located to avoid adverse effects on neighbouring land uses. It also aims to support timely and appropriate redevelopment that meets the community's evolving needs. The following criteria are described as listed in Section 15.3.3:</p> <ul style="list-style-type: none"> • Access to an arterial/collector road: The Subject Lands are close to King Street (Town Collector), according to Schedule 'G' Transportation Plan of the Town OP. • Compatibility with surrounding land uses: The proposed office and limited office-related uses are a low-intensity, non-intrusive use that is not anticipated to conflict with the surrounding residential use. The change of use involves minimal to no structural alterations internally and minimal external alterations to the house, maintaining the scale and character of the area • Buffering and transition: The proposed office use and limited office-related uses are located between the existing museum and low-density residential area in an established neighbourhood. The office and limited office-related uses will act as an intervening land use, providing a transition between the museum and the residential neighbourhood. The proposed uses, which includes retention of the existing building and only internal changes, serve as an appropriate buffer and transitional use between the museum and nearby residences, minimizing potential disturbances and maintaining compatibility with the residential area. • Parking: Two (2) tandem parking spaces are provided on the Subject Lands' existing driveway. There is no impact on the usable yard space or the visual characteristic of the immediate residential area due to the provided parking spaces.

Test	Analysis
	The proposed uses promote a cohesive and integrated land use pattern, aligning with the Official Plan goals of efficient and orderly development and complete communities. Based on the above, the proposed variance maintains the general intent and purpose of the Town's Official Plan.

Variance 2: Permit two (2) required parking spaces with one space in tandem, whereas three (3) spaces are required for the non-residential uses requested in Variance #1 in the Zoning By-law and tandem parking is not permitted;

Proposed: Two (2) parking spaces in tandem

Required: Three (3) parking spaces and tandem parking is not permitted

Section 6.39 of the Town's Zoning By-law requires 1 space per 28 m² GFLA for office use and 1 space per 50 m² GFLA for museums. According to Section 5 of the Zoning By-law:

FLOOR AREA, GROSS LEASABLE means the total area of a building for which tenants pay rent and have exclusive occupancy, measured from the centreline of partition walls and exterior face of outside walls and includes all such floor area on a main floor, mezzanine and upper storey in a cellar, as well as the area of an outdoor patio which is used as a secondary use to a restaurant, but does not include:

- (a) Any floor area used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any lunchroom or staff room, washroom, boiler room, maintenance room, mechanical, electrical or utility room, and any automobile parking facilities provided within the building; and*
- (b) Storage area to which the public cannot or does not have access or which is capable of being used for no other purpose than the storage of goods, fixtures and equipment related to an on-site use.*

Based on the Architectural Floor Plans prepared by Lynch and Commisso, three (3) parking spaces are required.

Table 2: Parking Requirement Calculation

Location	Use, <i>Parking rate</i>	Leasable Area	Required Parking
First floor	Museum (research and conference rooms), <i>1 space per 50 m² GFLA</i>	54.27 m ²	1.08 spaces/m ² = 1
Second floor	Office, <i>1 space per 28 m² GFLA</i>	33.21 m ²	1.18 spaces/m ² = 2
Total			3

Due to the constraints of the existing property boundaries and minimal alterations to the building structure, the property can only accommodate two parking spaces in tandem on the existing driveway, as illustrated in the Sketch prepared by NPG.

Table 3: 4 Part Test Analysis Table – Variance for the Number of Parking Spaces

Test	Analysis
1. Is the requested variance minor in nature?	<p>The reduction from three parking spaces to two tandem parking spaces is minor, due to the following reasons:</p> <ul style="list-style-type: none"> • The reduction is due to the constraints associated with the existing property limit and the retention of the existing building and landscaped front yard with no alterations. • It is noted that the existing museum facility has a site-specific zone (I-54, Section 7.14.54 of the Zoning By-law) that requires no parking. The staff currently work in the Museum building with no required parking for the office use. • Based on Table 2, only two (2) parking spaces are required for the “office” use of the proposed repurposing. The two tandem parking spaces will improve the existing situation at the museum relative to staff parking.
2. Is the requested variance desirable for the appropriate development or use of	<ul style="list-style-type: none"> • By utilizing the existing driveway, the property maintains its current characteristics and relationship to the street, without introducing any significant

Test	Analysis
<p>the land, building, or structure?</p>	<p>changes or alterations to the neighbourhood streetscape.</p> <ul style="list-style-type: none"> • The use of tandem parking is consistent with the residential character of the neighbourhood, where similar parking arrangements may already exist. <p>Based on the above, the requested variance is desirable for the appropriate development of the Subject Lands.</p>
<p>3. Does the requested variance maintain the general intent and purposes of the By-law?</p>	<p>The general intent of the Zoning By-law is to ensure that there is sufficient parking based on the intended use, preventing overflow onto neighbouring properties or streets.</p> <p>Due to the constraints of the existing property boundaries, the property can only accommodate two (2) tandem parking spaces. The requested variance allows for the proposed use of the property in a manner that is both functional and respectful of the existing neighbourhood streetscape.</p> <p>As previously mentioned, the office space will be used by the three existing employees, who currently work in the museum building with no required parking. The proposed two tandem parking spaces are an improvement to the existing situation related to staff parking. Based on the above, it is our opinion that the requested variance maintains the general intent and purpose of the Town's Zoning By-law.</p>
<p>4. Does the requested variance maintain the general intent and purpose of the Official Plan?</p>	<p>The general intent of the Town's OP regarding adequate parking is to help maintain orderly and efficient land use, ensuring sufficient parking for the intended use without negatively impacting the surrounding area.</p> <p>As detailed in Table 2, only two (2) parking spaces are required for the office use. The provided parking spaces will improve the current staff parking situation. Since the existing museum operates without any parking, no negative impacts are anticipated from the proposed reduction in parking. The new parking spaces are an improvement to the existing staff parking.</p>

Test	Analysis
	<p>The Town's OP emphasizes the efficient use of land and preserving the unique character of the Established Residential areas of the Town. By maintaining the existing building structure and utilizing the current driveway for parking, the variance makes efficient use of the available space, without requiring structural alterations and maintaining the attractive character of the neighbourhood.</p> <p>Based on the above, the requested variance maintains the general intent and purpose of the Town's OP.</p>

Variance 3: Reduce the requirement for an accessible parking space to zero (0), whereas a minimum of one (1) accessible parking space is required for the non-residential uses requested in Variance #1, until such time as a Zoning By-law Amendment is approved;

Proposed: 0 accessible parking space

Required: 1 accessible parking space

Table 4: 4 Part Test Analysis Table – Variance for Removing the Requirement of an Accessible Parking Space

Test	Analysis
<p>1. Is the requested variance minor in nature?</p>	<p>The request to remove the requirement for an accessible parking space is due to the constraints of the existing property layout. The current configuration does not provide sufficient space to accommodate the required size for an accessible parking space without significant alterations to the front yard. Since no alterations are proposed to the building structure or layout, it is not desirable to include an accessible parking space within the existing boundaries as this would impact the overall streetscape and view of the house from the street.</p> <p>As previously mentioned, the Town has provided an on-street accessible parking space on Castlereagh for the museum. The existing sidewalk and driveway provide a safe and accessible route for individuals with mobility challenges</p>

Test	Analysis
	<p>to reach the relocated building ramp along the western side of the dwelling (see A101 in the Architectural Set).</p> <p>The requested variance is minor in nature and should be considered favourably as it ensures the property remains functional and accessible without compromising the safety and convenience of individuals with mobility constraints.</p>
<p>2. Is the requested variance desirable for the appropriate development or use of the land, building, or structure?</p>	<p>The requested variance allows the property to serve its intended purpose without compromising its functionality. Although the on-site accessible parking space is not proposed, the property can still ensure accessibility through alternative means. The existing driveway and sidewalk provide a safe connection to the relocated building ramp. The requested variance is desirable for the appropriate development and use of the land based on this analysis. An on-street accessible parking space is available.</p>
<p>3. Does the requested variance maintain the general intent and purposes of the By-law?</p>	<p>The general intent of the Town's Zoning By-law and Official Plan regarding accessible parking spaces is to ensure that developments provide adequate and convenient parking for individuals with disabilities, promoting inclusivity.</p>
<p>4. Does the requested variance maintain the general intent and purpose of the Official Plan?</p>	<p>In this case, the requested variance to remove the requirement for an accessible space is due to space constraints on the Subject Lands. According to O.Reg. 191/11 Integrated Accessibility Standards, an exception to the required minimum number of accessible parking spaces is permitted if an organization can demonstrate that it is not practicable to comply due to existing physical or site constraints.</p> <p>Providing an accessible space would result in use of the front yard area of the building and a redesign to provide access to the ramp from that space. The overall presentation of the building to the street is a priority to retain the existing relationship of building/setback/front yard. The provision of accessible space is not practicable due to the site and building layout on the lot.</p> <p>The on-street accessible parking space has been provided by the Town for the public's use. The existing sidewalk and</p>

Test	Analysis
	<p>driveway will offer a safe and accessible route for individuals with mobility challenges to reach the relocated building ramp.</p> <p>The requested variance maintains the functionality of the property, while ensuring the general intent and purpose of the Zoning By-law and the Official Plan are maintained.</p>

Variance 4: Permit a reduced minimum interior side setback from 1 metre, as required in the Zoning By-law, to 0.5 metres for the proposed parking space;

Proposed: 0.5 metres along the east (interior) lot line (as existing)

Required: 1 metre along east (interior) lot line

Table 5: 4 Part Test Analysis Table – Variance for the Distance Between the Parking Space and the Property Line

Test	Analysis
<p>1. Is the requested variance minor in nature?</p>	<p>The two tandem parking spaces are proposed on the existing gravel driveway, with no alterations proposed to the current layout. The requested reduction is relatively small and has no impact on the adjacent museum property or any adjoining residential properties. The variance recognizes the existing situation which has existed since at least the mid-1950's according to aerial photography images. The requested variance is minor in nature.</p>
<p>2. Is the requested variance desirable for the appropriate development or use of the land, building, or structure?</p>	<ul style="list-style-type: none"> • The requested variance recognizes the existing driveway layout which has existed since at least the mid-1950's. This maintains continuity of the streetscape on Castlereagh Street. • The requested variance supports the use of the driveway for two parking spaces, noting that the existing museum has no required parking. • The proposed reduction in setback distances are near the museum property to the east. The reduced setback has a lesser impact on the museum use (compared to

Test	Analysis
	<p>residential use). The museum's primary activities are conducted indoors, and the reduced setbacks for parking spaces do not interfere with its operations or visitor experience. As such, both properties are intended to function harmoniously and minimize any potential conflicts. Given the existing conditions and the minimal nature of the changes, there are no anticipated negative impacts on the neighbouring property.</p> <p>Overall, the requested variance preserves the neighbourhood streetscape without compromising the existing property layout and is desirable for the appropriate development and use of the land.</p>
<p>3. Does the requested variance maintain the general intent and purposes of the By-law?</p>	<p>The proposed parking spaces are located within the extent of the existing gravel driveway. Therefore, no additional pavement is required, and no landscaping areas will be affected. There is no change to grading or drainage. Lastly, there are no encroachments to the adjacent property. Both properties belong to the same owner and are intended to function cohesively.</p> <p>Based on the above, the requested variance meets the general intent of the Town's Zoning By-law.</p>
<p>4. Does the requested variance maintain the general intent and purpose of the Official Plan?</p>	<p>Section 6.21 of the Town's OP requires that off-street parking be provided as specified by the Zoning By-law.</p> <p>Given the constraints of the property boundaries and the decision to retain the building structure, the minor reduction in setback distance allows for practical and effective use of the available space. The requested reduction in setback distances are relatively small and are designed to have no significant impact on adjacent properties (specifically the museum property), aligning with the Official Plan's intent to protect neighboring properties from adverse effects.</p> <p>Based on this, the requested variance meets the general intent of the Town's Official Plan.</p>

Variance 5: Permit a reduced minimum rear yard setback from 1.52 metres, as required in the Zoning By-law, to 1.2 metres for the existing shed;

Proposed: 1.2 metres (north lot line), as existing

Required: 1.52 metres

Variance 6: Permit a reduced minimum side yard setback from 1.52 metres, as required in the Zoning By-law, to 0.7 metres for the existing shed;

Proposed: 0.7 metres (west lot line), as existing

Required: 1.52 metres

Variances #5 and #6 relate to the existing shed structure, located at the northern corner of the property. Based on Niagara Navigator, this shed was constructed sometime between 2010 and 2013, making it a non-complying structure on the Subject Lands. The analysis for the four statutory tests for both the variances is provided in Table 6 below.

Table 6: 4 Part Test Analysis Table – Variance for Decreasing the Setback Requirements for an Existing Shed

Test	Analysis
1. Is the requested variance minor in nature?	<p>The requested variances are minor for the following reasons:</p> <ul style="list-style-type: none"> • The requested variances acknowledge an existing condition, the proposed variances do not introduce a new structure. • The reduced setbacks have not caused any negative impacts on neighbouring properties.
2. Is the requested variance desirable for the appropriate development or use of the land, building, or structure?	<p>The shed is located adjacent to the rear yards of the two adjoining properties, and out of the line of site of pedestrians. The proposed shed is desirable for the appropriate development of the land, it does not result in any visual impacts on the streetscape and is only minimally noticeable from the street.</p>
3. Does the requested variance maintain the general intent and	

Test	Analysis
<p>purposes of the By-law?</p>	<p>The general intent of setback requirements for accessory structures is for reasons such as fire safety, maintenance access, drainage and ventilation, and for privacy.</p>
<p>4. Does the requested variance maintain the general intent and purpose of the Official Plan?</p>	<p>In this case, the request to decrease the setback requirements are in keeping with the general intent and purpose of the Zoning By-law and Official Plan as:</p> <ul style="list-style-type: none"> • The existing shed does not compromise fire safety, access for maintenance or drainage. • The reduced setbacks provide access to all facades of the shed for maintenance and access purposes. • The location of the shed is consistent with the location of accessory structures on the two adjoining residential properties (generally at the rear property line) while not imposing overlook or height issues with the shed. • The shed is generally not visible from the street as the existing house shields the view to this part of the rear yard.

5.0 Conclusion

This letter provides the planning justification for the approval of the variances requested for 25 Castlereagh Street, Niagara-on-the-Lake. As noted above, the Application complies with Section 45(1) of the *Planning Act*, as the variances are minor in nature, appropriate for the development of the Subject Lands, and maintain 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 application to the undersigned.

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