

File No:	Date of Receipt:
Town Fee (\$):	Regional Fee (\$):
NPCA Fee (\$):	Other Fee (\$):

(Office Use Only)

## Application for Minor Variance, Fence Variance, Sign Variance or Legal Non-Conforming Use Permission

Under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

A pre-consultation meeting with Community & Development Services Staff is required prior to applying for Minor Variance, Fence Variance, Sign Variance, or Legal Non-Conforming Use Permission.

Please complete all applicable sections of this application. All measurements are to be provided in metric units. The information requested on this application is required to review the proposal. An incomplete application will be returned to the Registered Owner/Authorized Agent. If you have questions regarding the information requested on this application, please contact the Community & Development Services Department.

*All information requested on this form is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13, as amended, and the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. The requested information on this application and all accompanying plans, reports, and information is required in order to process this application and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.*

### 1. Type of Application

☒ Minor Variance    ☐ Fence Variance    ☐ Sign Variance    ☐ Legal Non-Conforming Use Permission

### 2. Details of the Subject Lands

Municipal Address 310 Simcoe Street NOTL		Assessment Roll Number 2627010004078000000	
Legal Description Plan 86 PT LOT156			
Date the subject lands were acquired	Lot Area (metric) 825.6 M2	Lot Frontage (metric) 25.41 M	Lot Depth (metric) 32.49M
Description of easements, rights-of-way, or restrictive covenants applicable to the subject lands (if applicable):			

### 3. Registered Owner (as shown on the deed and title of the property)

Name Brian & Margaret Neale	Company Name	Municipality Niagara
Mailing Address 310 Simcoe St., Niagara-on-the-Lake, PO BOX 1519	Unit Number	Postal Code L0S1J0
Province ON	Email briandneale@gmail.com	Telephone 416-986-4466

### 4. Authorized Agent (if one has been authorized)

Name James Derksen	Company Name	Municipality Niagara
Mailing Address 46 Densgrove Dr., St. Catharines	Unit Number	Postal Code L2M 3M3
Province ON	Email jsderk@gmail.com	Telephone 905-658-5128

Contact for all future correspondence (select one): ☒ Registered Owner    ☐ Authorized Agent

## 5. Official Plan and Zoning Information

Existing Niagara Regional Official Plan designation(s) of the subject lands:

Delineated Built-up Area

Existing Town of Niagara-on-the-Lake Official Plan designation(s) of the subject lands:

Established Residential

Existing Town of Niagara-on-the-Lake Zoning of the subject lands:

Established Residential (ER) Zone within the Old Town Community Zoning District

## 6. Details of the Proposal

Identify the nature and extent of relief from the Zoning By-law, Fence By-law, or Sign By-law:

Lot coverage is 33%, proposed is 37.3%, a 4.3% relief is requested.

Front Yard setback is 7.5m. Proposed garage is 6.13m, a 1.37m relief is requested. Proposed porch is 4.05m, a 3.45m relief is requested. The proposed dwelling is 4.55m, a relief of 2.95 is requested. The proposed step is 3.74m, a relief of 3.76 is requested.

Explain why the proposed use cannot comply with the provisions of the Zoning By-law, Fence By-law, or Sign By-law:

To keep the design mostly one-story and fit in with the neighborhood and to suit the owners lifestyle.

## 7. Existing Buildings, Structures, and Uses

Identify the existing use(s) of the subject lands and the length of time the existing use(s) have continued:

Type of building or structure	<u>Single Detached Res.</u>	<u>Raised Bungalow</u>		
Construction date	<u>Unknown - est. +/- 75</u>			
Existing use(s)	<u>Residential</u>			
Time the existing use(s) have continued				
Front yard setback (m)	<u>3.70m</u>			
Rear yard setback (m)	<u>17.9m</u>			
Side yard setback (m)	<u>East - .48m</u>			
Side yard setback (m)	<u>West - 6.12m</u>			
Height (m)	<u>6m</u>			
Gross floor area (sq m)	<u>96.7m<sup>2</sup></u>			
Lot coverage (sq m)	<u>96.7m<sup>2</sup></u>			

## 8. Proposed Buildings, Structures, and Uses (if applicable)

Identify the proposed use(s) of the subject lands:

Type of building or structure	<u>Single Detached Res.</u>			
Construction date	<u>2025</u>			
Proposed use(s)	<u>Residential</u>			
Front yard setback (m)	<u>6.13 (Garage)</u>	<u>4.05m (Porch)</u>	<u>4.55m (Dwelling)</u>	<u>3.74 (Step)</u>
Rear yard setback (m)	<u>8.58m</u>			
Side yard setback (m)	<u>East 1.28m</u>			
Side yard setback (m)	<u>West 4.59m</u>			
Height (m)	<u>9.07m</u>			
Gross floor area (sq m)	<u>264.9m<sup>2</sup></u>			
Lot coverage (sq m)	<u>307.5m<sup>2</sup></u>			

**9. Access** (select all that apply)

Identify how the subject lands will be accessed:

☒ Public road maintained all year☐ Niagara River Parkway☐ Provincial highway☐ Public road maintained seasonally☐ Private easement/Right-of-way☐ Waterway

If the subject lands will be accessed by a waterway only, identify the parking and docking facilities to be used and the approximate distance of these facilities from the subject lands to the nearest public road:

**10. Servicing** (select all that apply)

Identify how the subject lands will be serviced:

**Water**☒ Publicly owned and operated piped water system☐ Privately owned and operated individual well☐ Privately owned and operated communal well☐ Lake or other water body☐ Other: \_\_\_\_\_**Sewage Disposal**☒ Publicly owned and operated sanitary sewage system☐ Privately owned and operated individual septic system☐ Privately owned and operated communal septic system☐ Privy☐ Other: \_\_\_\_\_**Storm Drainage**☐ Sewers☒ Ditches/swales☐ Other: \_\_\_\_\_**11. Sign Details** (for Sign Variance only)

Identify the type of work being proposed:

☐ Erect new sign☐ Alter existing sign☐ Repair existing sign☐ Relocate existing sign☐ Add electrical component to existing sign

Identify the material or finish of the proposed sign:

Length of proposed sign (m)		Minimum height above grade (m)	
Height of proposed sign (m)		Maximum height of proposed sign (m)	
Depth of proposed sign (m)		Projection of proposed sign, if applicable (m)	

Identify the type and number of signs to be erected:

Type	No.	Type	No.	Type	No.
<input type="checkbox"/> Awning		<input type="checkbox"/> Banner		<input type="checkbox"/> Canopy	
<input type="checkbox"/> Construction		<input type="checkbox"/> Directional		<input type="checkbox"/> Directory	
<input type="checkbox"/> Ground		<input type="checkbox"/> Mobile		<input type="checkbox"/> Neon (No Flashing)	
<input type="checkbox"/> Pole		<input type="checkbox"/> Projecting		<input type="checkbox"/> Sandwich	
<input type="checkbox"/> Subdivision		<input type="checkbox"/> Window		<input type="checkbox"/> Wall	

**12. Previous Applications**Have the subject lands ever been the subject of an application under the *Planning Act, R.S.O. 1990, c. P. 13, as amended* for approval of a plan of subdivision or condominium, a consent, a minor variance, a site plan, an official plan amendment, or a zoning by-law amendment?☐ Yes☐ No☐ Unknown

If yes, provide the information requested below for each previous application:

Application Type	File Number	Status of the Application

**13. Concurrent Applications**

Application Type	File Number	Status of the Application

**14. Checklist of Requirements for a Complete Application** (all boxes must be checked)

The following plans, reports and, information must accompany this application in a digital format (pdf):

- ☐ One copy of the Pre-Consultation Agreement;
- ☐ All applicable application fees (payable by cheque, cash, or debit);
- ☐ A sketch of the subject lands;
- ☐ A sketch of the proposed fence/sign, (Fence and Sign Variances only);
- ☐ All required plans, reports and, information identified on the Pre-Consultation Agreement;

*This application will be circulated to various agencies for review and comment. Where the scope or nature of the application requires input from a large number of agencies, additional copies of this application and accompanying plans, reports, and information may be required.*

**15. Checklist of Drawing Requirements** (all applicable boxes must be checked)

Plans and drawings accompanying this application must show the following information, in metric units:

- ☐ North arrow;
- ☐ Metric scale;
- ☐ The boundaries and dimensions of the subject lands;
- ☐ The location, size, type, and setbacks of all existing and proposed buildings and structures on the subject lands;
- ☐ Natural and artificial features located within or adjacent to the subject lands, such as buildings, railways, roads/highways, pipelines, watercourses, drainage ditches, top of banks, wetlands, wooded areas, wells, septic tanks, and parking and docking facilities (if access to the subject lands is by waterway only), or any other features that may affect this application in the opinion of the Registered Owner/Authorized Agent;
- ☐ The existing use(s) of adjacent lands (for example, residential, agricultural, or commercial);
- ☐ The location, width and name any road/highway within or abutting the subject lands, and indicating whether it is an unopened road allowance, a public road, a private road, or a right-of-way; and
- ☐ The location and nature of any easement affecting the subject lands (if applicable).

*Community & Development Services Staff may request that additional information be provided in the plans and drawings that accompany this application, based on the scope and nature of the proposal.*

**16. Plans, Reports, and Information Submitted with this Application**

Identify all plans, reports, and information submitted with this application:

No.	Title	Date	Author
1			
2			
3			
4			
5			
6			



**17. Acknowledgement and Agreement of Registered Owner**

I, Brian Neale AM THE REGISTERED OWNER OF THE SUBJECT LANDS AND  
 (Name of Registered Owner/Company)

**I ACKNOWLEDGE AND AGREE** that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

**I ACKNOWLEDGE AND AGREE** that the Town of Niagara-on-the-Lake, its employees and agents may enter onto my property to view, photograph and survey my property as necessary for this application.

**I ACKNOWLEDGE AND AGREE** that all costs of processing this application shall be paid for by the Registered Owner. The Registered Owner shall reimburse the Town of Niagara-on-the-Lake, upon demand, for all costs incurred by the Town of Niagara-on-the-Lake in respect of this application. Without limiting the foregoing, the Registered Owner acknowledges and agrees to pay such expenses regardless of whether or not this application is approved or proceeded with and are not refundable. If costs are not paid by the due date imposed by the Town of Niagara-on-the-Lake, the Registered Owner understands and acknowledges that the costs will be added to the tax bill of the subject lands and collected in like manner as property taxes.

Brian Neale  
 (Signature of Registered Owner)

March 20, 2025  
 (Date)

**18. Authorization of Registered Owner**

If this application is being submitted by an Authorized Agent, the Registered Owner of the subject lands must complete this section. If there is more than one Registered Owner, a separate authorization from each individual or corporation is required. An additional copy of this page must be attached for each Registered Owner.

I, Brian Neale AM THE REGISTERED OWNER OF THE SUBJECT LANDS  
 (Name of Registered Owner/Company)

AND HEREBY AUTHORIZE James Dorksen  
 (Name of Authorized Agent/Company)

**TO SUBMIT THIS APPLICATION** to the Town of Niagara-on-the-Lake, appear on my behalf at any hearing(s) of this application, and provide any information or material required by the Town of Niagara-on-the-Lake relevant to this application.

**I UNDERSTAND** that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

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Brian Neale  
 (Signature of Registered Owner)

March 20/2025  
 (Date)

## 17. Acknowledgement and Agreement of Registered Owner

I, Margaret Neale AM THE REGISTERED OWNER OF THE SUBJECT LANDS AND  
(Name of Registered Owner/Company)

I **ACKNOWLEDGE AND AGREE** that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

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M Neale  
(Signature of Registered Owner)

March 20/2025  
(Date)

## 18. Authorization of Registered Owner

If this application is being submitted by an Authorized Agent, the Registered Owner of the subject lands must complete this section. If there is more than one Registered Owner, a separate authorization from each individual or corporation is required. An additional copy of this page must be attached for each Registered Owner.

I, Margaret Neale AM THE REGISTERED OWNER OF THE SUBJECT LANDS  
(Name of Registered Owner/Company)

AND HEREBY AUTHORIZE

James Derksen  
(Name of Authorized Agent/Company)

**TO SUBMIT THIS APPLICATION** to the Town of Niagara-on-the-Lake, appear on my behalf at any hearing(s) of this application, and provide any information or material required by the Town of Niagara-on-the-Lake relevant to this application.

I **UNDERSTAND** that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

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M Neale  
(Signature of Registered Owner)

March 20/2025  
(Date)

## 19. Sworn Declaration

I, James Derksen OF THE St. Catharines  
(Name of Registered Owner/Company or Authorized Agent/Company) (Name of City, Town, Township, etc.)


IN THE Niagara Region  
(Name of Regional Municipality or Province)

**DO SOLEMNLY DECLARE** that the information contained in this application and that the information contained in the documents that accompany this application is true and complete.

Declared before me in Town of NOTL in the Niagara Region  
(Name of City, Town, Township, etc.) (Name of Regional Municipality or Province)

on this 21 day of March, 2025.  
(Month) (Year)

Natalie Elora Thomson, a Commissioner, etc.,  
Province of Ontario, for the Corporation of the  
Town of Niagara-on-the-Lake.  
Expires April 25, 2027.

  
(Signature of Registered Owner/Authorized Agent)

  
(Signature of Commissioner of Oath)

### THIS APPLICATION MUST BE SUBMITTED TO:

Town of Niagara-on-the-Lake  
Community & Development Services  
1593 Four Mile Creek Road  
PO Box 100  
Virgil, ON L0S 1T0

Phone: (905) 468-3266  
Fax: (905) 468-0301  
Website: [www.notl.org](http://www.notl.org)