

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

**DECISION:** File No. Minor Variance A-05/25 – 310 Simcoe Street

**Assessment Roll No. 2627010004078000000**

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

Minor Variance Application A-05/25 is made to facilitate the construction a new single detached dwelling with an attached garage and requests relief as follows:

1. Maximum lot coverage from 33%, as required in the Zoning By-law, to 37.5% for the proposed single detached dwelling;
2. Minimum front yard setback from 7.5 metres, as required in the Zoning By-law, to 6.13 metres for the garage;
3. Minimum front yard setback from 7.5 metres, as required in the Zoning By-law, to 4.55 metres for building facade;
4. Minimum front yard setback from 7.5 metres, as required in the Zoning By-law, to 4.05 metres for the covered front porch; and
5. Maximum step encroachment from 1.5 metres, as permitted in the Zoning By-law, to 3.76 metres for the proposed unenclosed and uncovered front step.

**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: May 15, 2025.**

**The last date for filing a notice of appeal is June 4, 2025.**

A notice of appeal:

1. must be filed with the Secretary-Treasurer;
2. must set out the reasons for the appeal; and
3. must be accompanied by the fee required by the Ontario Land Tribunal.

An appeal to the Ontario Land Tribunal (OLT) in respect to all or part of this decision may be made by filing a notice of appeal with the Secretary-Treasurer by one (1) of the following means:

1. Through the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting the Town of Niagara-on-the-Lake as the Approval Authority; or,

2. Through providing physical copies of the appeal materials to Town Hall 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0
3. Through providing electronic copies of the appeal materials to the Secretary-Treasurer at natalie.thomson@notl.com.

The appeal fee can be paid online through e-file or by certified cheque/money order and submitted to the Town (certified cheque/money order to be addressed to the Minister of Finance, Province of Ontario). Further information and the required forms are available on the OLT website at [www.olt.gov.on.ca](http://www.olt.gov.on.ca).

**Further notice and appeal eligibility:**

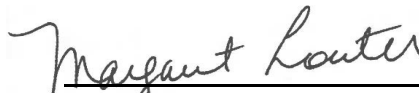
Please note neighbours and other interested parties not defined by the Planning Act are no longer eligible to file appeals for this application as per Bill 23, More Homes Built Faster Act, 2022. Planning Act appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified 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 May 15, 2025 to insert electronic signatures below;

ABSENT

Steve Bartolini  
Committee of Adjustment

  
Margaret Louter (Vice Chair)  
Committee of Adjustment

  
Eric Lehtinen (Chair)  
Committee of Adjustment

  
Paul Johnson  
Committee of Adjustment

  
Angelo Miniaci  
Committee of Adjustment

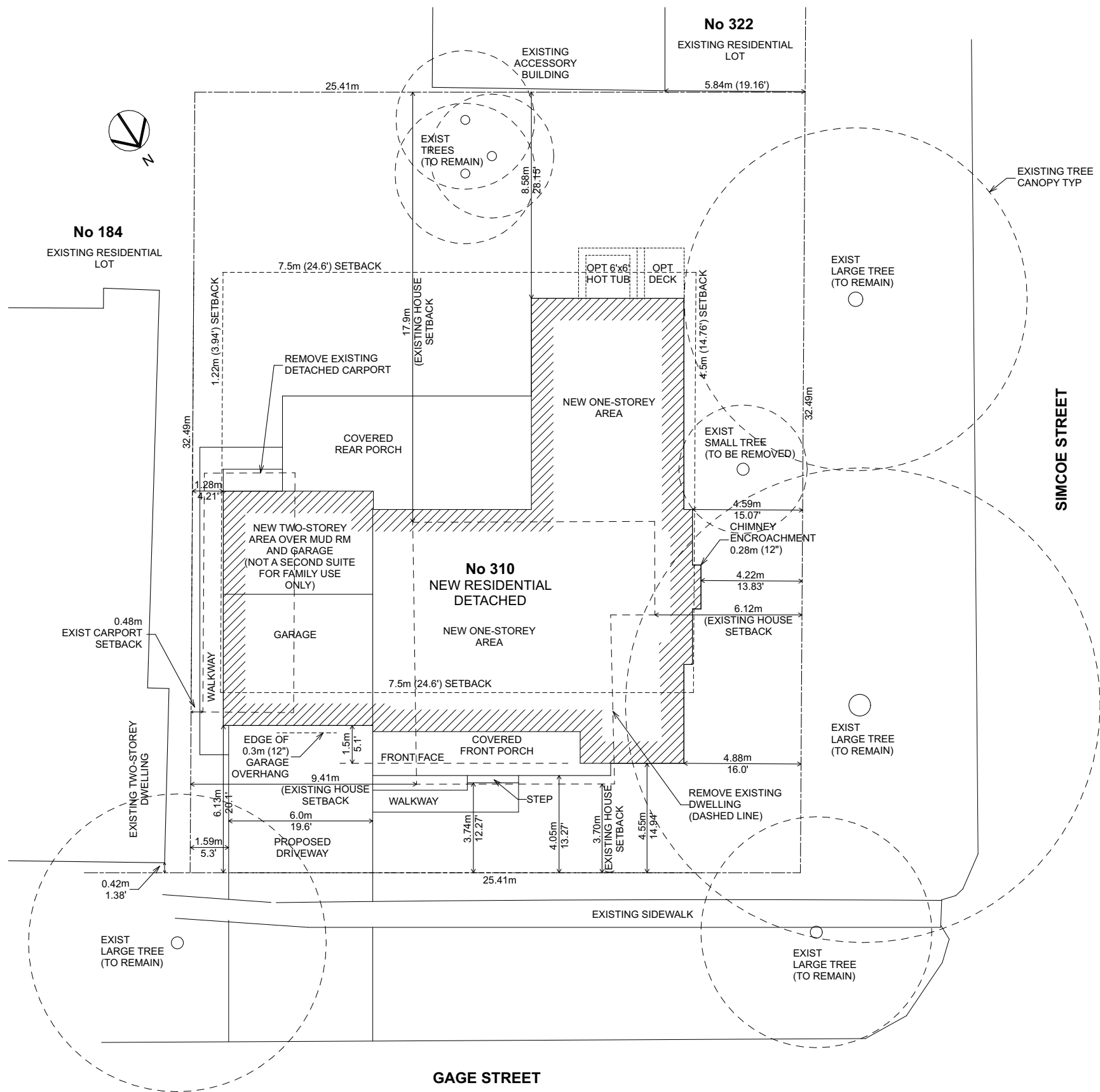
I, Natalie Thomson, Secretary Treasurer of the Committee of Adjustment for the Town of Niagara-on-the-Lake, hereby certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein.

DATED at the Town of Niagara-on-the Lake on May 16, 2025.

  
Natalie Thomson, Secretary Treasurer

## **Schedule A**

- 1.1.1 That a Stage 1 and 2 archaeological assessment be completed, by a consultant archaeologist licensed by the Ministry of Citizenship and Multiculturalism under the provisions of the Ontario Heritage Act (R.S.O. 1990), on the whole subject lands and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The results of the Stage 1 and 2 archaeological assessment will determine the need for further studies. 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 all archaeological assessment reports and Ministry Compliance Letters are submitted to the Town, to the satisfaction of the Town;
- 1.1.2 That the owner/applicant submits and obtains approval of Town permit applications for the proposed tree removal, which may include but not be limited to the completion of a Tree Inventory and Protection Plan. If any boundary trees are proposed for removal, the owner/applicant is required to obtain written permission from adjacent landowners for the removal of any boundary trees, to the satisfaction of the Town.



SITE PLAN

SCALE: 1:200

All contractors and/or trades shall verify all dimensions, notes, site and report any discrepancies prior to construction. This drawing not to be scaled, all drawings, prints and related documents are the property of the designer 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.

PROJECT NAME & ADDRESS: <div>NEALE RESIDENCE 310 SIMCOE STREET NOTL, ONTARIO</div>		<div>DESIGNS BY SANTY</div> <div>43 Church Street Unit 607 • St Catharines • L2R 7E1 • 905.680.6891 inspired@designsbysanty.com • www.designsbysanty.com</div>	DRAWN BY: SY		SCALE:	DESIGNER BCIN No: 21034	PROJ: 24-12-06
PG TITLE: SITE PLAN FOR MINOR VARIANCE			REV DATE: 2025-03-21		ISSUED FOR: CONSTR	FIRM BCIN No: 42520	PG:
			I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.				1 OF 3
		DESIGNER NAME: SANTY YEH		DESIGNER SIGNATURE: _____			

ZONING INFORMATION

ESTABLISHED RESIDENTIAL (ER) ZONE

MINIMUM DEPTH	: AS EXISTING
MINIMUM LOT FRONTAGE	: AS EXISTING
MINIMUM FRONT YARD	: 7.5 m
MINIMUM GARAGE SETBACK FROM BUILDING FACE	: 1 m
MINIMUM REAR YARD	: 7.5 m
MINIMUM INTERIOR SIDE YARD	: 1.22 m
MAXIMUM EXTERIOR SIDE YARD	: 4.5 m
MAXIMUM COVERAGE	: 33 %
MINIMUM LANDSCAPED OPEN SPACE	: 30 %
MAXIMUM HEIGHT	: 10 m

LOT AREA	: 825.6 m <sup>2</sup> (8886.4 sqft)
BUILDING AREA	: 307.5 m <sup>2</sup> (3309.4 sqft)
LOT COVERAGE	: 37.3%
LANDSCAPED OPEN SPACE	: 458.0 m <sup>2</sup> (4930.0 sqft)
LANDSCAPED COVERAGE	: 55.5 %
HEIGHT	: 9.07 m (29'-9")



NORTH (FRONT) - GAGE STREET

SCALE: 1:100

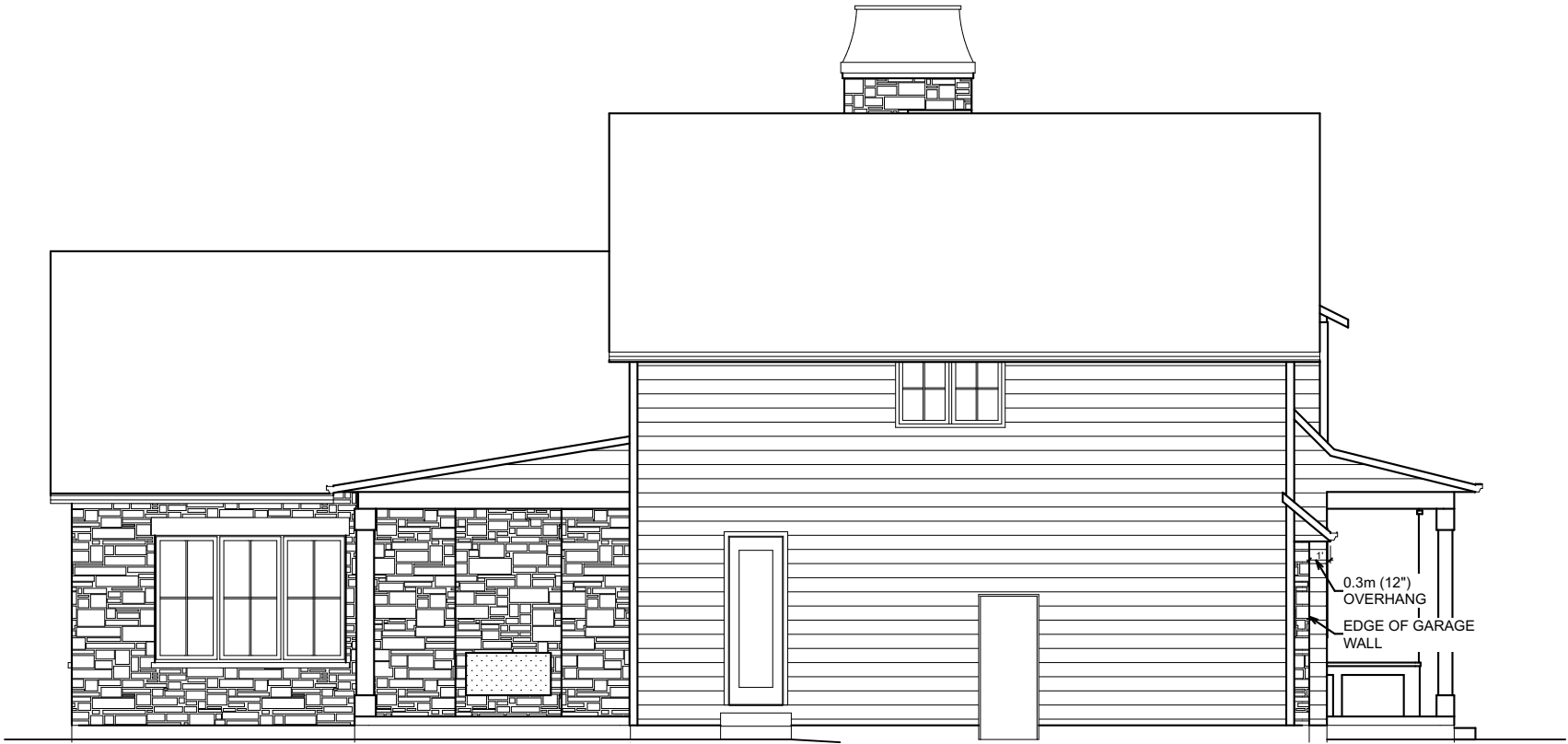


SOUTH (REAR)

SCALE: 1:100

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			REV DATE: 2025-03-21		ISSUED FOR: CONSTR	FIRM BCIN No: 42520	PG:
PG TITLE: ELEVATIONS			I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.				
		DESIGNER NAME: SANTY YEH		DESIGNER SIGNATURE: _____			



EAST (LEFT)

SCALE: 1:100



WEST (RIGHT) - SIMCOE STREET

SCALE: 1:100

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