



December 30, 2025

Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100 Virgil, ON L0S 1T0

Attention: Mr. Connor MacIsaac, Planner 2  
Via email: connor.macisaac@notl.com

Dear Connor.

Below, please find the requested planning-based defence of the 240 Gate Street Minor Variance application, structured explicitly around the four tests under Section 45(1) of the Ontario Planning Act, and tailored to the Town of Niagara-on-the-Lake, the Queen-Picton Heritage Conservation District, and the factual and historical context of this property and application.

**Subject Property:** 240 Gate Street, Niagara on the Lake, Queen-Picton Heritage Conservation District

**Municipality:** Town of Niagara-on-the-Lake, Ontario

**Introduction and Context**

The subject applicant property at 240 Gate Street, Niagara on the Lake, contains a designated heritage structure (OHA Part IV) dating from circa 1815 and is located within the Queen-Picton Heritage Conservation District, an area characterized by historic building forms, modest setbacks, and incremental evolution over time.

The property has previously received Committee of Adjustment approval in April 2021 for:

- Lot coverage of 35.2%, exceeding the standard 33.3%, and
- Front yard setbacks of 2.6 metres, recognized as existing and grandfathered due to the historic nature of the building.

Since that approval, a significant change in the surrounding planning context has occurred. An immediately neighbouring property, 222 Gate Street, is seeking commercial designation with a proposed lot coverage exceeding 60% and a building height greater than 10.5 metres. This proposal has materially altered the privacy, massing, and overlook conditions affecting the subject property at 240 Gate Street.

In response, this applicant has redesigned the proposal to:

- Improve privacy and screening,
  - Maintain architectural balance consistent with heritage character, and
  - Respect the evolving context while remaining compatible with adjacent residential uses.
- The resulting proposal requires minor variances relating to lot coverage, side yard setback, and rear yard setback, while maintaining the previously approved and existing front yard setbacks and driveway conditions.

### **Test 1: The Variances Are Minor**

The proposed variances represent small, incremental deviations from the Zoning By-law and are minor in both quantitative and qualitative terms:

- Lot Coverage:
  - Proposed: 40%
  - Zoning Standard: 33%
- Context:
  - Immediate residential neighbor: 39% (129 Johnson Street)
  - Adjacent proposed commercial development: 60%+ (222 Gate Street)
  - Third contiguous property (under same ownership): 33.3%

The proposed lot coverage sits squarely between existing residential development and the adjacent commercial proposal, reflecting a modest and contextually appropriate increase rather than an outlier.

- Side Yard Setback:
  - Required: 1.22 m
  - Proposed: 0.91 m
  - Reduction of 0.31 m, resulting from a modest increase on each side to maintain architectural symmetry.

- Rear Yard Setback:
  - Required: 7.5 m
  - Proposed: 6.5 m
  - Reduction of 1.0 m, enabling functional rear massing without impacting neighbouring properties.

Importantly, these variances do not create adverse impacts, do not impede light, air, or

access, and are visually and functionally negligible within the established lot fabric. The determination of "minor" is a planning judgment, and in this context, the variances clearly meet that threshold.

### **Test 2: The Variances Are Desirable for the Appropriate Development of the Land**

The proposal represents good planning and appropriate development for several reasons:

**1. Privacy and Compatibility:**

The second-storey garage wing and rear extension are a direct response to the scale and intensity of the adjacent proposed commercial development at 222 Gate Street. Rather than over-intensifying the site, the design screens views, mitigates overlook, and protects residential amenity.

**2. Architectural Balance:**

The modest widening of the building ensures proportional symmetry, preserving the visual integrity of a heritage structure rather than creating awkward or compromised massing.

**3. Functional Use of an Existing Heritage Property:**

The proposal allows the continued viable residential use of a historic structure without demolition, over-intensification, or conversion to non-residential use.

**4. Neighbourhood Fit:**

With surrounding densities ranging from 33.3% to 60%+, the proposed 40% coverage is entirely consistent with the existing and emerging built form in this and in neighbouring blocks.

Accordingly, the variances facilitate appropriate development that benefits both the subject property and the surrounding neighbourhood.

### **Test 3: The Variances Maintain the General Intent and Purpose of the Zoning By-law.**

The general intent of the Zoning By-law is to:

- Regulate scale and massing,
- Ensure adequate light, privacy, and access, and
- Maintain compatibility between adjacent uses.

The proposal satisfies these objectives:

- The residential use remains unchanged and fully compliant.
- Building height remains appropriate and subordinate to the adjacent proposed commercial development.
- Setback reductions are minimal and do not compromise functionality, safety, or streetscape character.
- Lot coverage, while increased, remains consistent with nearby development and well below the adjacent proposed commercial intensification.

The proposal respects the spirit and intent of the residential zoning controls while allowing reasonable flexibility for a constrained heritage property.

#### **Test 4: The Variances Maintain the General Intent and Purpose of the Official Plan**

The Town of Niagara-on-the-Lake Official Plan places strong emphasis on:

- Heritage conservation,
- Context-sensitive infill,
- Compatibility and transition between uses, and
- Adaptive reuse of historic structures.

The proposal aligns directly with these objectives:

- The design has been extensively reviewed by the Municipal Heritage Committee, which has endorsed the proposal.
- A Heritage Permit has been issued by Town Council, subject only to approval of this minor variance application.
- The proposal avoids demolition, preserves the historic structure, and allows sensitive evolution consistent with the Heritage Conservation District guidelines.
- The massing and setbacks provide a transition between low-density residential uses and adjacent commercial intensification.

The proposal therefore upholds both the policy intent and practical implementation of the Official Plan.

**Conclusion:**

All four tests under Section 45(1) of the Planning Act are clearly satisfied:

- The variances are minor
- They are desirable and appropriate
- They maintain the intent of the Zoning By-law
- They maintain the intent of the Official Plan

The proposal represents measured, responsible, and heritage-sensitive development, particularly considering increased density and scale proposed on adjacent lands. Approval of the requested variances would constitute sound land-use planning and is consistent with both provincial policy and municipal objectives.

Please find attached the following appendices:

- . A site plan of the existing (240 Gate Street) and neighbouring properties (222 Gate Street, 135 Johnson Street and 129 Johnson Street).
- . The site plan of the existing and approved variances obtained at the April 2021 Committee of Adjustment hearing marked in blue
- . The revised site plan and building elevations indicating concept massing of proposed additional building area with all requested setback variances clearly marked in green.
- . The Committee of Adjustment ruling April 2021, 240 Gate Street.
- . The Municipal Heritage Committee and Town of Niagara on the Lake Council approved Heritage permit, 240 Gate Street.

Please confirm receipt of the above and that all outlying queries have been satisfied.

Kind regards,



Mr. Andrew Hellwig, M.A.A.T.O. Principal Designer BCIN 114357