



January 27, 2026

File: 1487

Town of Niagara-on-the-Lake  
Department of Planning, Building and Development Services  
1593 Four Mile Creek Road, PO Box 100  
Virgil ON L0S 1T0

**Attention: Connor MacIsaac – Planner II**

**Re: Response to First Round of Comments – 52 & 56 Shaw’s Lane Zoning By-law Amendment (ZBA-26-2025)**

Department / Agency	Comment	Response
1. Building	a) No objections.	Acknowledged.
2. Finance	a) No objections.	Acknowledged.
3. Fire and Emergency	a) Requesting the owner to consider the installation of residential sprinklers for this development for the life safety of the occupants and the responding volunteer firefighters.	The buildings will be subject to the applicable fire mitigation measures under the Building Code.
4. Heritage	a) The Town is in receipt of the Stage 1 and 2 archaeological assessment for the subject lands dated March 29, 2016 with the corresponding ministry clearance letter. The report clears the subject lands of having any further archaeological assessment. There are no further heritage related comments.	Acknowledged.
5. Operations	a) The Town will require an updated site servicing plan and overall lot grading plan which	Per the correspondence received from Town Planning on January 23, 2026, an



	<p>reflects the change for these lots and the reconfigured servicing through the subdivision agreement amendment.</p>	<p>amendment to the overall subdivision agreement will not be required for the proposed development.</p>
<p><b>6. Planning</b></p>	<p><u>General</u></p>	
	<ul style="list-style-type: none"> <li>• Please note the Town is requesting that the registered subdivision agreement be modified to reflect the revised lot pattern and approved plans (i.e., grading plan, landscape plan, servicing plan) as well as parkland dedication and/or securities prior to part-lot control.</li> </ul>	<p>We are continuing to discuss the appropriate process to address these matters.</p>
	<ul style="list-style-type: none"> <li>• Please confirm the intention is to maintain the existing permissions and regulations for single detached dwellings that currently exists within the R1-71 zone. It appears that the requested provisions for single detached dwellings do not align with the existing permissions.             <ul style="list-style-type: none"> <li>○ Similarly, please clarify whether the intent would be to construct three single detached dwellings or 2?</li> </ul> </li> </ul>	<p>The primary purpose of the proposed Zoning Amendment is to facilitate townhouse development. Existing permissions for single detached dwellings are retained for flexibility, but once the proposed land division is effected, the resulting lot sizes would not meet the minimum requirements for singles, making townhouse development the practical outcome.</p>
	<ul style="list-style-type: none"> <li>• What mechanism is being proposed to address how the interior units are to access the rear of their properties? For example, how someone living in the interior units is to get equipment to their backyard?</li> </ul>	<p>The movement of large items such as furniture and appliances to various rooms and floors is a routine function of any home. Similarly, residents would move equipment through the home to access the rear yard. At 11.63m (approximately 38</p>



		feet) in width, the dwellings provide sufficient space to accomplish these functions.
	<u>Planning Justification Report (PJR), July 21, 2025</u>	
	<ul style="list-style-type: none"> <li>Please include analysis to justify reduced exterior side yard setback of 1.5 metres, whereas 4.5-metres is required in the standard RM1 zone (i.e., private road, landscaping buffer etc.).</li> </ul>	<p>The subject lands do not have an exterior side yard as defined under the Zoning By-law. According to the definitions:</p> <ul style="list-style-type: none"> <li>“Side Yard” means a yard that extends from the front yard to the rear lot line measured at right angles to the side lot line abutting a street line.</li> <li>“Street line” means the limit of the road allowance and is the dividing line between a lot and a street.</li> <li>“Road Allowance” means land held under public ownership for the purpose of providing a street.”</li> <li>“Street” means the right-of-way of a public street, road or highway which affords the principle access to abutting lots and does not</li> </ul>



		<p>include a lane, private lane, or a private road or an unopened road allowance.</p> <p>The subject lands abut Shaw's Lane, a public street, which forms the front lot line. The roadway to the east is a private lane and, by definition, cannot constitute an exterior side yard under the Zoning By-law. As such, the interior side lot line requirement is applicable to this lot line, and the proposed building is compliant with this Zoning requirement.</p>
	<p><u>Draft Zoning By-law Amendment (Appendix C, Planning Justification Report) – July 21, 2025.</u></p>	
	<ul style="list-style-type: none"> <li>Covered areas and balconies must also be included in lot coverage calculations, and requested provision(s) should be updated as required.</li> </ul>	<p>The Draft Zoning By-law has been amended to request an overall coverage of 60%, for the interior unit, inclusive of the covered front porch and rear deck.</p>
	<ul style="list-style-type: none"> <li>Recommend that the increased lot coverage provision applies only to the interior unit with common walls, if intention is for both other units to not exceed the maximum 50% lot coverage.</li> </ul>	<p>The Draft Zoning By-law has been amended to indicate that the additional coverage only applies to the interior unit.</p>



	<ul style="list-style-type: none"> <li>Requested decrease in exterior side yard setback for Part 1 should be captured in draft by-law. (4.5 m required vs 1.5 m proposed for Part 1).</li> </ul>	As noted above, there is no exterior side yard requirement applicable to the subject lands.
	<ul style="list-style-type: none"> <li>For the proposed front and rear yard setback provisions to accommodate the covered front porch and covered deck, Town staff preference would be to alternatively include a provision that permits an encroachment into the required yards. This would help to clarify that the main building footprint is intended to meet the minimum rear and front yard setbacks and keep consistency with similar provisions, including for the RM1-71 zone adjacent to the proposal. For example "Covered/uncovered and unclosed porch, deck, patio or steps may encroach 2.5 metres into the required rear yard".</li> </ul>	The Draft Zoning By-law has been revised to reference the covered porch and deck setbacks as encroachments.
	<ul style="list-style-type: none"> <li>Please ensure the 5.42 metre rear yard setback to the covered deck in the rear yard should be captured. The current draft by-law requests 5.9 metre rear yard setback.</li> </ul>	The requested encroachment in the new Draft Zoning By-law Amendment captures the maximum encroachment for Part 1.
	<u>Site Plan – October 15, 2025.</u>	
<ul style="list-style-type: none"> <li>Identify proposed driveway width(s).</li> </ul>	The driveway widths have been added to the site plan.	



	<ul style="list-style-type: none"> <li>Identify driveway setbacks from interior lot line(s). Driveways are required to be setback a minimum of 1-meter from interior property lines. Indicate the dimensions of the proposed typical parking spaces. 2 parking spaces are required per dwelling. If the dwellings are proposed to contain an additional dwelling unit (ADU), 1 additional parking space (3 total) would be required. Town requires each parking space to be at least 2.75 metres (9 ft) by 6.0 metres (19.69 ft), except that the dimensions in a private garage shall be 3.0 m by 6.0 m. If parking space is proposed to be within garage, please indicate location of parking space within garage.</li> </ul>	<p>The Site Plan has been revised to show one parking space located in the garage and one parking space in the driveway.</p>
	<ul style="list-style-type: none"> <li>Identify parking area setback from exterior and interior lot lines. Parking areas must be setback a minimum of 1-meter from interior property lines and a minimum of 2 meters from exterior lot lines.</li> </ul>	<p>The reduced setback is appropriate as it provides a clear physical separation between driveway areas, improving functionality and reducing potential conflicts related to vehicle movement, snow clearing, and general maintenance. The setback also allows for landscaping and achieves the intent of the zoning standard within the context of the site.</p>
	<p>Town Policy requires that Site Plan drawings are stamped by a qualified Professional Engineer,</p>	<p>No specific policy reference has been provided, and we are unable to locate any</p>



	Architect or Landscape Architect. Drawings are not signed or stamped.	policy outlining this requirement. A professional stamp is intended to verify that a drawing meets professional, technical, and legal standards. The Site Plan drawing does not contain any engineering, architectural or landscape design elements that require such professional verification.
<b>7. Enbridge Gas</b>	a) No objections. Reserve the right to amend conditions.	Acknowledged
<b>8. District School Board of Niagara (DSBN)</b>	a) No objections.	Acknowledged
<b>9. Niagara Region</b>	a) Regional staff have no comments on this application.	Acknowledged
<b>10. Niagara Peninsula Conservation Authority (NPCA)</b>	a) The NPCA does not offer objections to the approval of this application. There are no features present our Agency would regulate.	Acknowledged



<p><b>11. Niagara-on-the-Lake Hydro Inc.</b></p>	<p>a) See attached comments dated December 11, 2025. There are currently only provisions to feed two (2) services to the original lots and that a third service will need to be installed at developer cost. Also note that there is an existing pad mounted transformer TX1684 located on the existing property line between #52 &amp; #56 Shaw's Lane.</p>	<p>Acknowledged. The location of the pad-mounted transformer is shown on the Site Plan.</p>
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Yours very truly,

Ethan Laman, BURPL., MCIP, RPP  
Senior Planner  
Upper Canada Consultants