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 Project No: 0525

Business & Development
 Town of Niagara-On-The-Lake
 1593 Four Mile Creek Road
 P.O. Box 100, Virgil, ON L0S 1T0

Attn: Mr. Alex Boekestyn,
 Planner – Town of Niagara-on-the-Lake

**Re: 4 Queenston Street & 28 Clarence Street - Consent & Minor Variance Applications,
 Planning Justification Brief**

Dear Mr. Alex Boekestyn,

Please find the enclosed applications for consent and minor variance for the above referenced properties. The application for consent and associated minor variances will permit the boundary adjustment that adds a 161.07 m² parcel from 28 Clarence Street to 4 Queenston Street. Required variances include:

Provision	4 Queenston Street (Village Commercial)	Zone Requirement	Request
8.5.3	Buffer Strip – wooden privacy fence at property line	Landscape Buffer – 1.5 m Fence Height – 1.5 m	Use the existing vegetation condition in lieu of 1.5 m fence.

The subject lands are located in the Queenston Village in the Town of Niagara-on-the-Lake, situated north & east of Niagara River Parkway and immediate east of Queenston Street.

28 Clarence Street is a corner lot located at the intersection of Queenston Street and Clarence Street, currently occupied by a detached single-family dwelling and a garage.

4 Queenston Street contains a mixed-use building with a Canada Post commercial unit at grade and a residential unit above, along with a semi-detached dwelling toward the north portion of the lot. Six parking spaces are provided at the front of the site serving the post office and residential unit, with a carport and garage located at the rear of the building. A small accessory storage shed is also located at the rear of the property.

The surrounding neighbourhood is characterized by a mix of detached and semi-detached residential dwellings, as well as nearby commercial uses, including the Kent Motel to the north. The site is within walking distance of Queenston Heights Park.

4 Queenston Street and 28 Clarence Street are designated General Commercial and Established Residential, respectively, in the Town’s Official Plan, and zoned Village Commercial and Established Residential under the Town’s Zoning By-law.



Figure 1: Subject Site Location, Niagara Navigator, 2023 Aerial Image



Figure 2: Existing Commercial & Residential Buildings, 4 Queenston Street



Figure 3: 28 Clarence Property along Clarence Street



Figure 4: 28 Clarence Property along Queenston Street



Figure 5: Existing Vegetation between 4 Queenston & 28 Clarence Street



Figure 6: Rear yard, 28 Clarence Property

The Proposed Development

The proposed application seeks to facilitate a boundary adjustment between **4 Queenston Street** and **28 Clarence Street** (Figure 7). The adjustment will transfer approximately **161.07 m²** of land (± 6.0 m in width) from 28 Clarence Street to 4 Queenston Street, while maintaining the existing two-lot configuration.

The purpose of the boundary adjustment is to improve the frontage condition of 4 Queenston Street and to formalize the landscaped area to permit ownership and long-term maintenance of the buffer, to IPCO Enterprises Inc.

The existing vegetation along this edge functions as a natural buffer between the commercial and residential uses. By incorporating this area into 4 Queenston Street, the proposal supports the retention of this vegetation and avoids unnecessary disturbance that would otherwise result from introducing new fencing or landscape alterations.

Both properties will continue to function as they do today, with no change to the existing residential or commercial uses. No new buildings, additions, or site alterations are proposed, and the application is limited to the reconfiguration of the shared property boundary and the recognition of existing site conditions.

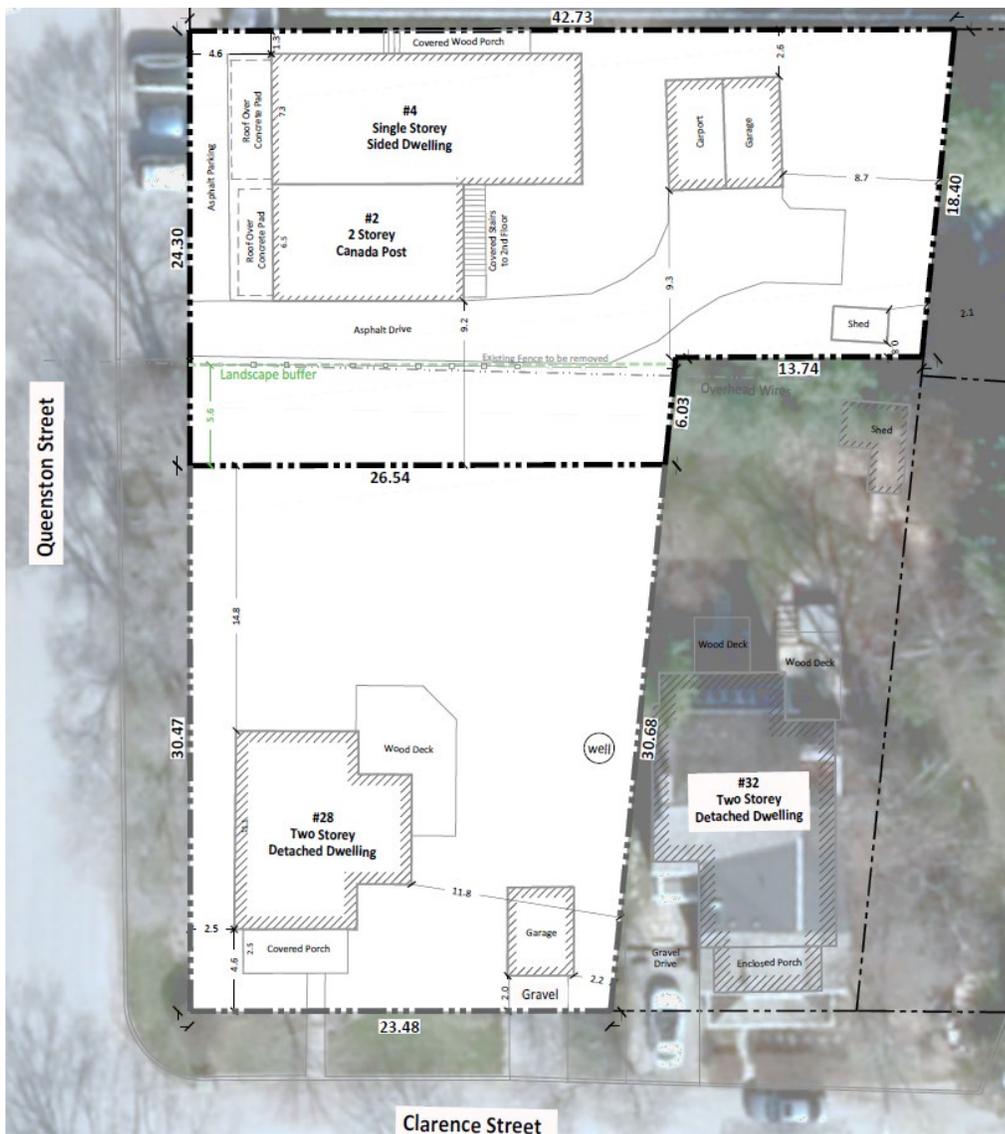


Figure 7: Proposed Preliminary Site Plan, Better Neighbourhoods Inc.

Minor Variance Tests (The Planning Act, RSO 1990)

The minor variances are considered appropriate and meet the four tests as outlined in Section 45(1) of the Planning Act as follows:

1. Is the application minor in nature?

The requested Minor Variance is minor in nature as it is limited to recognizing the use of existing mature vegetation as the required landscaped buffer between the commercial use at 4 Queenston Street and the residential property at 28 Clarence Street, in lieu of a 1.5 m high wood privacy fence.

The existing vegetation is well established and provides effective visual screening and separation between the two uses, achieving the functional intent of the buffer requirement. The installation of a wood privacy fence would necessitate disturbance to this vegetation, which currently functions as a natural buffer and contributes positively to the site and streetscape.

The variance does not permit new construction, reduce setbacks, or alter building placement, nor does it introduce additional impacts related to privacy, overlook, or compatibility. The proposed boundary adjustment does not worsen any existing non-complying conditions, and the variance does not increase the scale or intensity of development.

Given its limited scope, lack of adverse impacts, and reliance on an existing, functioning condition, the requested variance is appropriately considered minor in nature.

2. Is it appropriate and desirable development for the area?

This application is appropriate and desirable as it allows the existing landscaping to be formally recognized as the buffer along 4 Queenston Street. The proposal does not change the Queenston Street frontage; rather, it ensures that the landscaped area is owned and maintained by IPCO Enterprises Inc., which aligns with the intent of the Zoning By-law for commercial properties. The landscaped area continues to soften the street frontage while providing an effective natural buffer between the commercial use and the residential property at 28 Clarence Street.

The boundary adjustment ensures this landscaped area is located within the commercial property, where responsibility for buffering is intended to lie under the Zoning By-law. In doing so, the proposal does not compromise either property. Both parcels retain appropriate lot areas, and the long-term residential and commercial uses can continue to function without conflict. The minor variances simply recognize existing conditions on the site and do not introduce new impacts or constraints.

3. Is it in keeping with the purpose and intent of the Zoning by-law?

The Town of Niagara-on-the-Lake Zoning By-law recognizes that many properties within established village areas contain buildings and site conditions that pre-date current zoning standards. Sections 6.32 and 6.33 specifically

address legally non-complying buildings and site conditions and provide a framework for their continued use, provided such conditions are not worsened as a result of a boundary adjustment or similar approval.

As noted earlier in this brief, the two properties are zoned differently, reflecting the long-standing residential and commercial uses on the site. The proposed boundary adjustment does not change what is permitted on either property or allow commercial activities to expand. The residential property at 28 Clarence Street will continue to function as a residential lot, and the portion of land being conveyed to 4 Queenston Street is intended solely to be used for landscaping and buffering.

The conveyed area is not of a size or configuration that could function independently for residential use, nor does it enable an expansion of commercial operations. Any future change in use or development would require separate planning approvals and review. In this way, the adjustment maintains the existing zoning intent and protects against the creation of new development potential.

In the case of 28 Clarence Street, existing conditions related to front yard setbacks, exterior side yard setbacks, and porch encroachments remain unchanged. The boundary adjustment does not alter building placement or reduce yard areas, and therefore no Minor Variance is required for this property.

Similarly, at 4 Queenston Street, the existing buildings reflect long-standing commercial and residential uses with associated setbacks, heights, and yard conditions that are legally non-complying. The boundary adjustment does not intensify these conditions, reduce separation between buildings, or introduce new constraints. As such, relief is not required to re-establish compliance for these existing conditions under Sections 6.32 and 6.33 of the Zoning By-law.

The only zoning matter requiring relief relates to the buffering requirement at the interface between the commercial and residential properties. The existing mature vegetation along this edge provides effective screening and achieves the functional intent of the buffer requirement. A Minor Variance is therefore requested solely to recognize this existing condition in lieu of a 1.5 m wood privacy fence. All other zoning provisions continue to be met, and no additional relief is required.

Overall, the proposal respects the intent of the Zoning By-law by recognizing existing legally non-complying conditions, maintaining the existing zoning framework, and ensuring appropriate compatibility between differing land uses. As such, the application is in keeping with the purpose and intent of the Zoning By-law.

4. Is it in keeping with the purpose and intent of the Official Plan?

The Niagara Region Official Plan and the Town of Niagara-on-the-Lake Official Plan support development within existing settlement areas that maintains compatibility between land uses and respects established village character. Within Queenston Village, this includes managing the interface between commercial and residential properties and encouraging streetscape conditions that are appropriate to the village context.

The proposed boundary adjustment is consistent with this direction. The adjustment does not alter Official Plan designations, introduce new land uses, or increase development potential. Both properties will continue to

function as residential and commercial uses, respectively, and the established land use pattern within the village remains unchanged.

Instead, the proposal allows an existing condition to be addressed in a more appropriate manner by improving landscaping along a largely paved commercial frontage and strengthening the buffer adjacent to the residential property. The conveyed portion of land is intended solely for landscaping and buffering purposes and does not create additional development opportunities. Any future development would be subject to its own planning approvals and review.

In this context, the proposal works within the existing planning framework, supports compatibility between uses, and maintains the intent of both the Regional and Town Official Plans. Accordingly, the application is consistent with the purpose and intent of the Official Plans.

Conclusion

Following the boundary adjustment, the retained residential property at 28 Clarence Street will not be impacted from a policy or land use perspective, as it will continue to function as a residential lot. The 161.07 m² parcel to be conveyed to 4 Queenston Street is intended solely to be used for landscaping and buffering purposes and is not of a size or configuration that could function independently for residential use or support an expansion of commercial development. Any future development beyond this intended use would require separate planning approvals and review. In this regard, the proposal reinforces the intent of the planning framework by protecting the residential function of the lands and avoiding the creation of new development potential.

Accordingly, the proposed consent and minor variance are considered appropriate and minor in nature and represent a reasonable planning response to existing site conditions. The application meets the intent and purpose of the Zoning By-law and the applicable Official Plans by enhancing landscaping along the commercial frontage, strengthening the buffer between commercial and residential uses, and recognizing existing legally non-conforming buildings, while maintaining compatibility with the established character of the Queenston Village area.

In support of the applications, we are providing the following information:

- Executed copies of Consent (28 Clarence & 4 Queenston Street) & Minor Variance applications (4 Queenston Street)
- Preliminary Site Plan – Prepared by Better Neighbourhoods Inc.
- Consent Sketch – Prepared by Suda & Malesyk Surveying INC.
- Pin Map & Parcel Register (For 4 Queenston & 28 Clarence Street)
- Combined Consent & Minor Variance Application fee of \$4,950.

We trust you will find the above satisfactory. If you should need any further information, please do not hesitate to contact me.



Swati Chambyal
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Better Neighbourhoods Inc.



Daniel Romanko, RPP, MCIP, CNU-A
Managing Partner - Urban Designer
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