

SULLIVAN | MAHONEY^{LLP}
LAWYERS

Via Courier

March 25, 2026

Reply to St. Catharines Office
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Planning, Building and Development Services
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

Dear Sir/Madam:

**RE: Minor Variance Application: 75 Ricardo Stret, Niagara-on-the-Lake
Our File No.: 148254**

We act as solicitors for Ms. Sheryl Louise Johnson, the owner of a home located at 75 Ricardo Street in the Town of Niagara-on-the-Lake. Ms. Johnson wishes to construct a two-storey addition to an existing home.

Enclosed herewith please find the following:

1. Application for Minor Variance Form;
2. Survey dated November 7, 2025;
3. Site Plan and Elevations (3 pages) dated January 5, 2026;
4. Personal cheque of our client payable to the Town of Niagara-on-the-Lake in the amount of \$2,480.00;
5. Our letter dated January 21, 2026 addressed to Ms. Amiee Alderman, Director of Planning, Building and Development Services.

As can be seen from the Site Plan, the proposal is to construct a new two-storey addition at the northwest corner of the existing home. The addition will be 33.7 sqm in extent and 8.3m in height. Also proposed are a new deck cover and a new front roof overhang over a step. These additional features are 15.0 sqm. The total lot coverage with the additions will be 33.8%. As can be seen on the application form, this property was the subject of two (2) previous minor variance applications.

Client Committed. Community Minded.

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The first minor variance application, file A-20/91 sought a variance of the exterior side yard setback from 15m to 3.02m and a rear yard set from 25m to 2.92m.

The second minor variance application, file A-40/92, sought a variance of the minimum rear yard setback from 25ft to 2ft.

When examining the survey, the building plans and the minor variance history, we determined that the rear yard, opposite Ball Street, is actually 2.89m while it had been varied to 2.92m, a difference of .03m.

Similarly, the exterior side yard has been varied to 3.02m when the actual is now shown on the survey to be 2.42m, a difference of 0.6%. These discrepancies were raised in our letter dated January 21, 2026, address to Ms. Alderman. Preceding Ms. Alderman's assumption of the position of Director, we had discussed the matter with Mr. John Hendricks, Acting Director. Both Mr. Hendricks and Ms. Alderman considered the submissions contained in our letter with respect to subsection 34(1.4) of the *Planning Act* which provides that "... a minimum setback distance is deemed to be the prescribed percentage of the setback distance". O.Reg. 257/25, Section 1 provides that "...for the purposes of subsection 34(1.4) of the Act to the proscribe percentage 90%". In this case then, the two (2) variances granted by the above reference minor variance applications would apply, notwithstanding the actual setbacks. However, the *Planning Act* further provides at subsection 34(1.5) that subsection (1.4) does not apply to a building or structure located in the Greenbelt Area.

Ms. Alderman and Mr. Hendricks take the position that these lands are within the Greenbelt Area. The examination of the Greenbelt Plan, Schedule 1, reveals that the old town of Niagara-on-the-Lake, within which the Subject Property is located is not designated "settlement areas outside the Greenbelt", it is shown as "Towns/Villages inside the protected countryside". Consequently, we are required to bring new minor variance applications notwithstanding that applications have been made previously.

The intent of the application here is to seek minor variances to address the above discrepancies between granted variances and existing setbacks and in doing so to address the requirements of By-law 4316-09, passed long after the approval of the above variances.

The Site Plan enclosed herewith shows the setbacks mandated by Zoning By-law 4316-09 as well as existing and proposed setbacks. The relief sought in this application is as follows:

1. Reduction of the exterior side yard setback on Ricardo Street from 4.5m to 2.42m. (This setback was previously varied to 3.02m). This variance is sought to address the issue of subsection 34(1.5) and to permit the proposed addition at the same set back as the existing building.
2. Reduction of the rear yard setback of 7.5m to 2.89m. (This setback was previously varied to 2.92m). The proposed addition is to meet the existing actual side yard setback of 2.89m.

The explanation above is given to indicate that while there has not been a pre-consultation meeting, evidenced by a pre-consultation agreement, there have in fact been two (2) consultations with the

Planning Department. Consequently, we do not have a pre-consultation agreement to submit with the application.

Please advise whether you will require any additional information.

Yours very truly,

SULLIVAN MAHONEY LLP

Per:



Thomas A. Richardson, C.S.
Thomas Richardson Legal
Professional Corporation

TAR:th
Enclosure (5)
CC - Sheryl L. Johson