

Planning Justification Report
Minor Variances Application to Permit Residential Renovation
28 Nelles Street, Niagara-on-the-Lake



Prepared for Jordan Station Design Co.,
on behalf of Brandon and Nadia Sartor



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Introduction

A.D. Moote Consulting is the planning consultant to Jordan Station Design Co. on behalf of Brandon and Nadia Sartor, the owners of the property located at 28 Nelles Street, Niagara-on-the-Lake (NOTL), legally known as LOT 20, REG. PLAN 237, Town OF NIAGARA ON THE LAKE, REGIONAL MUNICIPALITY OF NIAGARA.

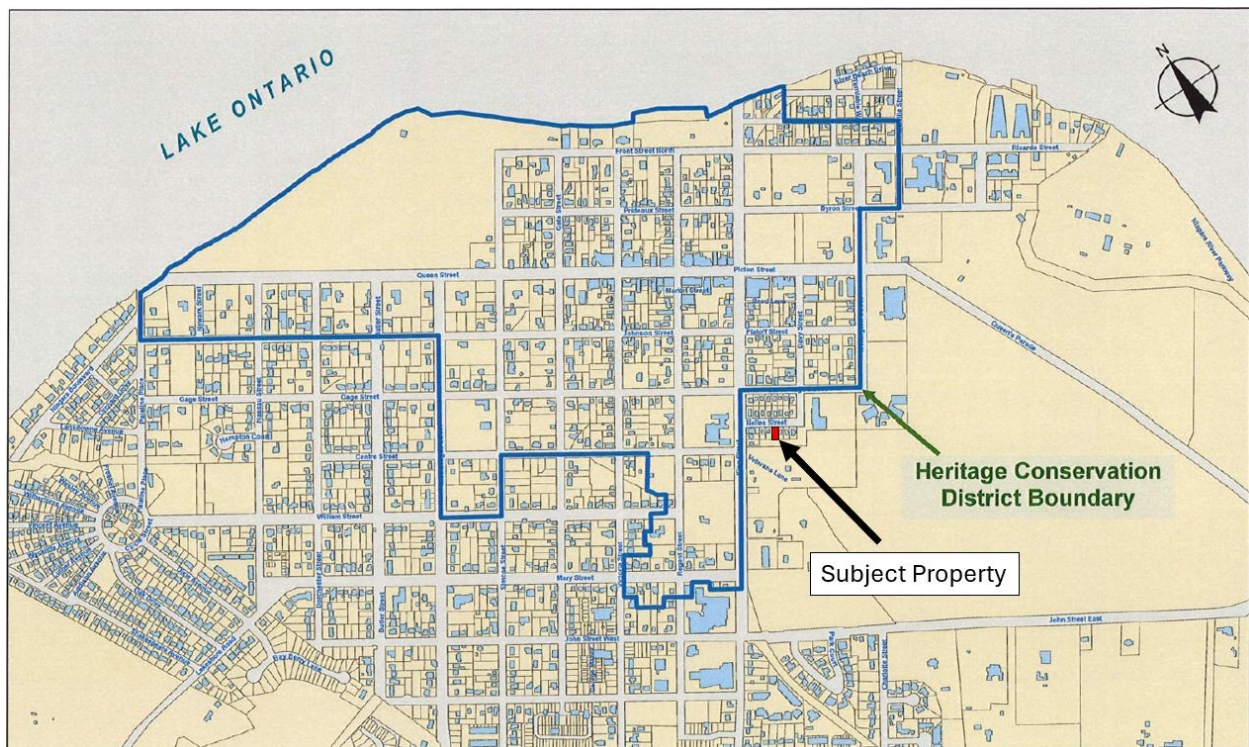
The owners of the property are proposing an addition and renovation to the single detached dwelling, and the current conceptual design indicates that five minor variances are required.

This Planning Justification Brief serves to provide an analysis and justification of the proposed variances in accordance with the applicable planning policies and zoning by-laws.

Site Context

The subject property is located at 28 Nelles Street, in Niagara-on-the-Lake. Located in the Old Town area of the Town, the property falls outside Heritage Conservation District Boundary, see **Figure 1**. The property is rectangular in size and is similar in shape and design with the surrounding neighbouring lots.

Figure 1 - Property Location



Description of Proposal

The property currently has a single detached dwelling on it with a detached accessory building. This proposal is requesting five minor variances from the zoning by-law regulations to facilitate an addition and renovation of the dwelling and demolishing the accessory building.

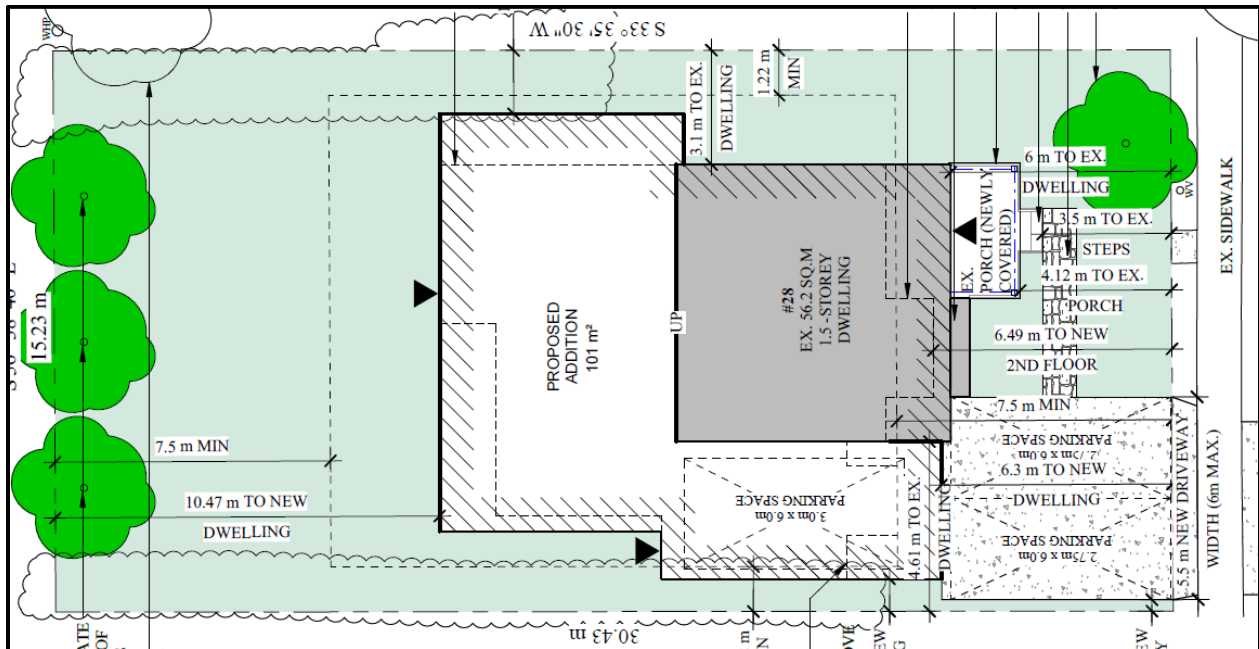
The design consultant who has prepared the site plan has identified five minor variances required to permit the project. The conceptual details can be found in **Figure 2** and **Figure 3**, below. They are:

1. To permit an interior side yard setback of 0.88 m, where 1.22 m is required.
2. To permit a driveway setback from the interior property line of 0.31 m, where 1m is required.
3. To permit a front yard setback of 4.12 m to the building face, where 7.5 m is required.
4. To permit a front yard setback of 6.3 m, where 7.5 m is required, in compliance with Section 6.33 of the zoning by-law.
5. To permit a lot coverage of 36%, where 33% is required.

Figure 2 - Conceptual Renovation Design



Figure 3 - Site Plan



Policy and Analysis


The following documents were reviewed and analyzed to demonstrate good planning with respect to this application.

1. Planning Act, R.S.O 1990
2. Provincial Planning Statement, 2024
3. Niagara Region Official Plan, 2022
4. Town of Niagara on the Lake Official Plan
5. Town of Niagara on the Lake Zoning By-law 4316-09

Planning Act

The Planning Act is the provincial legislation that provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use change occurs. The Act is designed to recognize the decision-making authority and accountability of municipal councils in planning.

The purposes of the Act as outlined in Section 1.1 are (a) to promote sustainable economic development in a healthy natural environment, (b) to provide for a land use planning system led by provincial policy, (c) to integrate matters of provincial interest in provincial and municipal decisions, (d) to provide for planning processes that are fair, (e) to encourage co-operation and coordination among various interests, (f) to recognize the decision-making authority and accountability of municipal councils in planning. Further, minor variance applications are permitted subject to Section 45 of the Planning Act.



The matters of Provincial Interest are outlined in Section 2 of the Act. This application has regard to the following matters: e,) f), h), j), p), r).

This application has regard for the relevant sections of the Planning Act.

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) provides policy direction on matters relating to land use planning and development that are of provincial interest. The PPS sets the policy foundation for regulating the development and use of land province-wide, to help achieve the provincial goal of meeting the needs of Ontarians while enhancing their quality of life. All while maintaining the vision to increase the supply and mix of housing options in the province, with a goal of getting at least 1.5 million homes built by 2031.

Applicable to this application, the PPS provides supporting policies in Chapter 2: Building Homes, Sustaining Strong and Competitive Communities.

Section 2.1.3 directs planning authorities to provide for an appropriate range and mix of housing options and densities to meet the projected requirements for the current and future residents in the regional market area.

Further, Section 2.2 provides policies for the provision of housing. Section 2.2.1 compels municipalities to provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area. Subsequently, 2.2.1.b).1 permits and facilitates all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities.


The PPS also provides general policies for settlement areas. It identifies that settlement areas shall be the focus of growth and development (2.3.1.1) and that land use patterns in settlement areas should be based on densities and a mix of land uses which: efficiently use land and resources; and optimize existing and planned infrastructure (2.3.1.2.a) & b)). That said, the lots will be serviced by municipal water and sanity servicing, which is the preferred form of servicing in settlement areas (3.6.2.).

With respect to PPS Section 4.6.3 Cultural Heritage and Archaeology, an archaeological assessment is being conducted to be compliant with this policy.

The application is consistent with the Provincial Planning Statement.

Niagara Region Official Plan

The Niagara Official Plan is the Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the Plan guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.



The Niagara Official Plan (NOP) identifies what to protect; how and where to grow; and policy tools to manage the same. It identifies resources such as the natural environment system, agricultural system, source water, aggregates and petroleum, and cultural heritage and archaeology that are to be protected for specific reasons whether it be ecological, economic, cultural heritage or community health.

As of March 31, 2025, the Niagara Official Plan is no longer a Regional Official Plan. It is now an Official Plan of the Town of Niagara-on-the-Lake and its policies are to be implemented by the Town.


Applicable policies of the NOP include:

2.2.1.1 *Development in urban areas* will integrate land use planning and *infrastructure* planning to responsibly manage forecasted growth and to support:

- b. a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c. a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs;
- e. built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/ services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;
- i. the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;
- k. orderly development in accordance with the availability and provision of infrastructure and public service facilities; and

6.4.2.1 *Development and site alteration* shall not be permitted on lands containing *archaeological resources or areas of archaeological potential* unless *significant archaeological resources* have been *conserved* or the land has been investigated and cleared or mitigated following clearance from the Province.

6.4.2.6 Where a site proposed for *development* is located within an *area of archaeological potential*, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a *development* application falls within an *area of archaeological potential* as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a *settlement area* boundary where *site alteration* or *development* will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.



In accordance with Section 6.4 Archaeology a Stage 1 and 2 archaeological assessments are being conducted on the property to be compliant.

The proposed residential renovation makes efficient use of existing land and infrastructure within an established neighbourhood. The project maintains a compact residential built form on a fully serviced lot, avoiding the need for new municipal services while supporting housing diversity and neighbourhood stability. The proposal represents orderly, compatible development that aligns with policies for complete communities and responsible growth management.

The application conforms with the Niagara Region Official Plan.

Town of Niagara-on-the-Lake Official Plan (as amended, July 2017)

The Official Plan guides future development and infrastructure in the community. It sets policies for land use, transportation, environmental protection, and community services, indicating where different areas should be located and how they connect. The Official Plan ensures consistent, long-term growth and well-being for residents. The document provides the framework for orderly and sustainable development.

The property is located within the Old Town, one of the urban areas of the municipality. The Official Plan designates the property in Schedule “B” as Low Density Residential. The permitted main uses of the property include single detached, semi-detached, and duplex dwellings as indicated in Section 9.3.1(1) of the Official Plan.

The use of the property remains unchanged; it will still be used for residential purposes as a single-detached dwelling; and is served by municipal water and wastewater. The minor variance applications are to facilitate an addition and renovation to the dwelling.

The application conforms with the Town’s Official Plan.

Town of Niagara-on-the-Lake Zoning By-law

The Town’s zoning by-laws regulate how land is used within a community. They specify what activities can take place on the land, where buildings or structures may be placed, which building types are allowed, and how these buildings can function. Zoning by-laws also set rules about lot sizes, dimensions, parking, building heights, and how far buildings must be from property lines.

By turning an Official Plan’s policies into specific, enforceable rules, zoning by-laws guide daily land use decisions.

The subject property is zoned Established Residential, with single detached dwellings being a permitted use in the zone as established by Section 7.1 of the zoning by-law. Section 7.1.2 provides the zone requirements of the Established Residential Zone; the table below provides a review of the compliance with the regulations with the proposed addition and renovation. Additionally, Section 6.40 provides the regulations for parking requirements. Lastly, Section 6.33 "Non-complying lots, buildings, or structures"

states that nothing in this By-law shall apply to prevent the continued existence of a building which completed to the applicable regulations and general provisions when the building was constructed, so long as any changes to the building comply with the regulations and general provisions of this By-law. Meaning the house can continue to exist, but that any new buildings or built form would need to meet the required yard setbacks of the Established Residential zone. The variances requested are reviewed and assessment against the cited sections above.

The shaded rows in the tables below are the subject minor variances and are evaluated under the four tests in the subsequent tables.

Table 1 – Section 7.1.2 - Established Residential Zone Requirements

| | Regulation | Required | Proposed | Complies (Yes/No) |
|----|--|--|-----------------|--|
| a) | Required lot frontage and lot depth | As existing | As existing | Yes |
| b) | Minimum front yard setback | 7.5 m | 4.12 m | No |
| | A detached or attached garage shall be setback from the front lot line a minimum of 1.0 m (3.28 ft) greater than the building face (including a covered porch) of the main building. | Comment: Existing setback is 6 m. If the minor variance is approved, the garage will be setback 3.38 m greater than the building face. | | |
| c) | Minimum rear yard setback | 7.5 m | 10.19 m | Yes |
| d) | Minimum interior side yard setback | 1.22 m | 1.72 m / 0.88 m | No. The setback to the proposed garage does not comply. |
| e) | Maximum building height | 10.0 m | 8.13 m | Yes |
| f) | Minimum rear and interior side yard setback for accessory buildings | 1.52 m | N/A | Yes |

| | | | | |
|----|---|-------|-------|-----|
| g) | Maximum lot coverage | 33% | 36% | No |
| h) | Minimum landscaped open space | 30% | 56.8% | Yes |
| i) | Minimum exterior side yard setback | 4.5 m | N/A | Yes |
| j) | Minimum accessory building exterior side yard setback | 4.5 m | N/A | Yes |

Table 2 - Other Zoning Provisions

| Regulation | | Required | Proposed | Complies (Yes/No) |
|--|--|----------|----------|-------------------|
| 6.40 PARKING SPACE REQUIREMENTS, ADDITIONAL PROVISIONS | j) A driveway shall be setback a minimum of 8.0 m (26.25 ft) from an exterior property line and 1.0 m (3.28 ft) from an interior property line. (as amended by 4316J-11) | 1 m | 0.31 m | No |

To summarize, the minor variances being requested are the following:

1. To permit an interior side yard setback of 0.88 m, where 1.22 m is required.
2. To permit a driveway setback from the interior property line of 0.31 m, where 1m is required.
3. To permit a front yard setback of 4.12 m to the building face, where 7.5 m is required.
4. To permit a front yard setback of 6.3 m, where 7.5 m is required, in compliance with Section 6.33 of the zoning by-law.
5. To permit a lot coverage of 36%, where 33% is required.

These variances are identified below and include the associated four tests justification to permit them.

Variance 1: To permit an interior side yard setback of 0.88 m, where 1.22 m is required.

| Section 7.1.2 – Established Residential Zone | | |
|--|----------|----------|
| Zone Provision | Required | Proposed |
| | | |

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|--|---|---------------|
| <p>Regulation 7.1.2.d)</p> <p>Minimum interior side yard setback</p> | <p>1.22 m</p> | <p>0.88 m</p> |
| <p>Minor Variance Test:</p> | <p>Analysis</p> | |
| <p>Is the variance minor in nature?</p> | <p>The interior side yard setback is requested to facilitate part of the addition of the dwelling through its renovation. The setback reduction will permit the addition of an attached garage and second storey bedroom to the dwelling.</p> <p>The request is to permit a side yard setback of 0.88 m where 1.22 m is required, a difference of 34 centimetres.</p> <p>Currently the side yard is dominated by a hedge that is located on the subject property and will be cut back to facilitate the proposed garage footprint. This will provide a reasonable space to access the backyard through the side yard. Additionally, the proposed bedroom that would be over the garage is designed with windows facing the street and not overlooking the neighbouring property providing the neighbour with assurances that privacy is maintained.</p> <p>The proposed addition of an attached garage provides an update to the property that is a common modern amenity.</p> <p>The variance is therefore considered minor in nature as it poses no issues related to the compatibility with adjacent uses.</p> | |
| <p>Is the variance appropriate and desirable for the area?</p> | <p>The setback reduction would not create any adverse privacy concerns as the two proposed uses; the garage and upper bedroom would not have any windows facing the neighbour. The proposal will permit a design that enhances the existing character of the area while respecting the size and scale of the neighbourhood. The requested setback reduction will enable the addition of an attached garage to provide a common and desirable modern amenity for the property.</p> | |
| <p>Does the variance maintain the general intent and purpose of the Zoning By-law?</p> | <p>The requested variance maintains the general intent and purpose of the zoning by-law as single detached dwellings are permitted use of the zone. The associated regulation provides a separation between the build form and the property line to ensure space and privacy between neighbours. Privacy concerns are mitigated by the bedroom window not overlooking the</p> | |

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| | <p>neighbouring property. And 0.88 m provides enough room to function as access point to the backyard.</p> <p>This variance will permit the renovations of the dwelling adding new character and vitality to the neighbourhood.</p> |
| Does the variance maintain the general intent and purposes of the Official Plan? | The requested variance maintains the general intent and purpose of the Official Plan as the property permits residential uses, is located within the settlement area, and is serviced by municipal servicing. |

Variance 2: To permit a driveway setback from the property line of 0.31 m, where 1 m is required.

| Section 6.40 - PARKING SPACE REQUIREMENTS, ADDITIONAL PROVISIONS | | |
|---|---|----------|
| Zone Provision | Required | Proposed |
| <p>Regulation 6.40.j)</p> <p>A driveway shall be setback a minimum of 8.0 m (26.25 ft) from an exterior property line and 1.0 m (3.28 ft) from an interior property line. (as amended by 4316J-11)</p> | 1 m | 0.31 m |
| Minor Variance Test: | Analysis | |
| Is the variance minor in nature? | <p>The request is to permit a driveway setback of 0.31 m where 1.0 m is required.</p> <p>The dwelling renovation proposes to re-orient the location of the driveway from the eastern side of the property to the western side. To move the driveway away from underneath the front bay window the proposal requests the minor variance to extend the driveway closer to the lot line. Moving the driveway closer to the lot line will be visually negligible would not have any adverse impacts on the neighbour as their driveway is also closer to the lot line than is permitted with a setback of 0.29 m.</p> | |

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| | <p>It appears that nearly every property on this street has extended their driveway closer than permitted to the property. With several examples of driveways being connected at the property line.</p> <p>The variance poses no issues related to the compatibility with adjacent uses. It is therefore considered minor in nature.</p> |
| Is the variance appropriate and desirable for the area? | <p>Moving the driveway would fix an existing compliance issue as the existing driveway is on and slightly over the eastern property line.</p> <p>As previously mentioned, most of the driveways on this street have driveways that do not comply with this zoning regulation and can be visually seen as some driveways touch each other at the property line. Thus, the proposed driveway location will fit in with the neighbourhood character and would have no compatibility issues with neighbours.</p> |
| Does the variance maintain the general intent and purpose of the Zoning By-law? | <p>This variance will resolve an existing driveway setback deficiency, and potential neighbour dispute. It will provide a reasonable setback to the property line and provide a suitable design to accommodate the proposed built form.</p> |
| Does the variance maintain the general intent and purposes of the Official Plan? | <p>The requested variance maintains the general intent and purpose of the Official Plan as the property permits residential uses, is located within the settlement area, and is serviced by municipal servicing.</p> |

Variance 3: To permit a front yard setback of 4.12 m to the building face, where 7.5 m is required.

| Section 7.1.2 – Established Residential Zone | | |
|--|-----------------|-----------------|
| Zone Provision | Required | Proposed |
| <p>Regulation 7.1.2.b)</p> <p>Minimum front yard setback.</p> <p>(A detached or attached garage shall be setback from the front lot line a minimum of 1.0 m (3.28</p> | 7.5 m | 4.12 m |

| | | |
|---|---|--|
| ft) greater than the building face (including a covered porch) of the main building.) | | |
| Minor Variance Test: | Analysis | |
| Is the variance minor in nature? | <p>The minor variance proposes a 4.12 m setback from the lot line to the proposed covered porch.</p> <p>The existing built form of the property already includes a front yard setback deficiency. Where 7.5 m is required, the existing setback is 6 m to the face of the building. However, since the conceptual design proposes to cover the porch, the face of the porch is now where the front yard setback is measured to, which is 4.12 m.</p> <p>The request is technical in nature as the porch footprint already exists, and the proposed design would simply add a roof to it. Adding a roof to the porch changes where the setback is measured from, but not the defined use of it.</p> <p>The variance is therefore considered minor in nature as it poses no issues related to the compatibility with adjacent uses.</p> | |
| Is the variance appropriate and desirable for the area? | <p>The setback reduction would not create any adverse privacy concerns or negatively impact neighbours or existing uses of the surrounding area because the permission would permit the exact same use but adds a covered roof to it. Comparatively, approximately half of the dwellings on this street have covered porches in several types of design.</p> <p>The proposal will permit a design that enhances the existing character and context of an area while respecting the size and scale of the neighbourhood area.</p> | |
| Does the variance maintain the general intent and purpose of the Zoning By-law? | <p>The requested variance maintains the general intent and purpose of the zoning by-law as single detached dwellings are permitted use of the zone. The associated regulation is only changed by the addition of the roof over the porch.</p> <p>This variance will simply permit the existing porch to be covered as part of the renovations of the dwelling adding new character and vitality to the neighbourhood.</p> | |

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| Does the variance maintain the general intent and purposes of the Official Plan? | The requested variance maintains the general intent and purpose of the Official Plan as the property permits residential uses, is located within the settlement area, and is serviced by municipal servicing. |
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Variance 4: To permit a front yard setback of 6.3 m, where 7.5 m is required, in compliance with Section 6.33 of the zoning by-law.

| Section 7.1.2 – Established Residential Zone | | |
|--|---|----------|
| Zone Provision | Required | Proposed |
| <p>Regulation 7.1.2.b)</p> <p>Minimum front yard setback.</p> <p>(A detached or attached garage shall be setback from the front lot line a minimum of 1.0 m (3.28 ft) greater than the building face (including a covered porch) of the main building.)</p> | 7.5 m | 6.3 m |
| Minor Variance Test: | Analysis | |
| Is the variance minor in nature? | <p>Section 6.33 permits the legal non-conforming building to exist despite the front yard setback deficiency predating the introduction of the zoning by-law. The proposed garage and dormer are not permitted under Section 6.33 as they do not comply with the Town’s zoning by-law setback of 7.5 m. To permit them they need to either comply with the Established Residential zoning, or have approval granted via a minor variance or zoning by-law amendment. This application seeks a minor variance.</p> <p>The minor variance proposes a 6.3 m setback from the lot line where 7.5 m is required to facilitate the addition of the garage and to include the proposed second storey window dormer within this setback.</p> <p>The existing built form of the property already includes a front yard setback deficiency. Where 7.5 m is required, the existing setback is 6 m to the face of the building. This deficiency existed prior to the implementation of the Town’s</p> | |

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| | <p>zoning by-law, providing the existing built form to have legal non-conforming status.</p> <p>The proposed additions and renovations would not extend the proposed built form any further than the existing building façade which was established in the late 1940s. With the façade of the garage having a setback of 6.3 m, and the dormer setback being 6.49 m; both features are further recessed than the existing 6.0 m setback of the current face of the dwelling.</p> <p>The request is technical in nature as the front yard setback deficiency of the dwelling predates the Town’s zoning by-law, providing a legal non-conforming status. The addition of the garage and dormer still offer a setback that is recessed back further than the historically established setback of 6 m. This makes for the best use of land given the location of the historical built form development.</p> <p>Additionally, the variance is compliant with the second part of the regulation requiring a setback of 1 m from the face of the building.</p> <p>The variance is considered to be minor in nature as it poses no issues related to the compatibility with adjacent uses and will ensure compliance with Section 6.33 Non-Complying Lots, Buildings or Structures of the zoning by-law.</p> |
| <p>Is the variance appropriate and desirable for the area?</p> | <p>The setback reduction would not create any adverse privacy concerns or negatively impact neighbours or existing uses of the surrounding area because the permission only impacts the property owner. The dormer does not impact neighbour privacy as the window looks out onto the public street and not into and over the neighbouring property. And the garage would not protrude any further than the existing built form, and would face the street.</p> <p>Aesthetically, the dormer fits the character of the area as there are several other dwellings that have dormers as a design feature. The proposal will permit a design that enhances the existing character of the area while respecting the design size and scale of the neighbourhood. The garage is attached to the dwelling and it will fit seamlessly into the aesthetic design through continuous built form with the existing dwelling, along with providing a common modern amenity. Both features revitalize the character and built form of the neighbourhood.</p> |
| <p>Does the variance maintain the general</p> | <p>The requested variance will only change the permitted setback for a design features, and not alter a permitted use, maintaining the general intent and</p> |

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| intent and purpose of the Zoning By-law? | purpose of the zoning by-law. Further, the design features will not extend any further than the existing built form setback that had been established in the late 1940s, so while new built form will exist it will not extend any further into the front yard than has existed since the first built form development. |
| Does the variance maintain the general intent and purposes of the Official Plan? | The requested variance maintains the general intent and purpose of the Official Plan as the property permits residential uses, is located within the settlement area, and is serviced by municipal servicing. |


Variance 5: To permit a lot coverage of 36%, where 33% is the maximum permitted.

| Section 7.1.2 – Established Residential Zone | | |
|--|--|----------|
| Zone Provision | Required | Proposed |
| Regulation 7.1.2.g) Maximum lot coverage | 33% | 36% |
| Minor Variance Test: | Analysis | |
| Is the variance minor in nature? | <p>The minor variance proposes a lot coverage of 36% where 33% is permitted.</p> <p>The property is exceeding the maximum permitted lot coverage of 33%. But it is important to note that this includes the covered porch as part of that calculation. If the porch were to remain uncovered, it would not be included in the lot coverage total and that total lot coverage would be slightly over the maximum permitted zoning regulation with a calculation of 34%, which would require a minor variance. But for context, to establish being minor in nature; covering the porch contributes to 2% of that increase to 36%, if the porch remained uncovered it would be 34%.</p> <p>Spatially, the 3% represents a floor space or room of about 2m x 2.5 m. Or approximately the size of the proposed front porch.</p> <p>The proposed variance will permit the porch to be covered, which is a functional and aesthetic improvement to the dwelling. It is compatible in the neighbourhood as many other dwellings also have porch covers or roofs in differing formats. As a result, the variance is considered minor in nature.</p> | |

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| <p>Is the variance appropriate and desirable for the area?</p> | <p>The requested variance will offer a revitalization of a property and dwelling that has been unchanged since the 1940s. The addition of the dormer adds a feature that is found elsewhere on this street and area offering design compatibility with the neighbourhood. The garage offers a common modern feature that is desirable and sought in newer homes and communities adding to the rejuvenation of the property, dwelling, and character of the area.</p> <p>Additionally, permitting the increase lot coverage will permit an outdoor amenity space offering protection from the elements for the residents and complimenting the outdoor living landscape of the area.</p> <p>The proposal will permit a design that enhances the existing character and context of an area while respecting the size and scale of the neighbourhood area.</p> |
| <p>Does the variance maintain the general intent and purpose of the Zoning By-law?</p> | <p>The requested variance maintains the general intent and purpose of the zoning by-law as single detached dwellings are permitted use of the zone. The lot coverage regulation is impacted by the technicality of the definition of porch versus covered porch. Whereby depending on architectural design, the porch is included in lot coverage or not. Otherwise, the minor variance request would only be for 1% over the maximum.</p> <p>This variance will permit the existing porch to be covered as part of the renovations and increase the lot coverage modestly.</p> |
| <p>Does the variance maintain the general intent and purposes of the Official Plan?</p> | <p>The requested variance maintains the general intent and purpose of the Official Plan as the property permits residential uses, is located within the settlement area, and is serviced by municipal servicing.</p> |

Summary

In my professional opinion, the proposed five minor variances constitute good land use planning and are suitable for the property, as they align with the Planning Act, the Provincial Policy Statement (PPS), and relevant regional and local policies. The proposal supports the outlined provincial interests of the Planning Act, sustainable development, and meets provincial interests such as efficient land use and community growth. It also conforms to the PPS by promoting compact development, housing variety, and efficient servicing within an established settlement area on full municipal services.



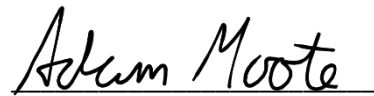
The improvements extend the life of a single-detached dwelling and add stability to the neighbourhood without altering permitted uses or expanding infrastructure. The proposal aligns with the Niagara Official Plan, encouraging responsible, efficient urban growth. Locally, the Town's Official Plan permits single-detached homes in the Low Density Residential designation. Although the minor variances are requesting deviations from the development standards of the property zoning the general intent of the zoning by-law is maintained as the result will remain a single detached dwelling. Lastly the required four tests of a minor variance provide justification for the variances as being minor in nature, appropriate and desirable for the area, and maintaining the general intent of the Official Plan.

Conclusion

It is the opinion of the author that the minor variances represent good planning and should be approved because of the following, it:

1. Has regard to the Planning Act;
2. Is consistent with the Provincial Planning Statement;
3. Conforms with the Niagara Region Official Plan;
4. Conforms with the Town of Niagara-on-the-Lake Official Plan;
5. Maintains the general intent of the Town of Niagara-on-the-Lake Zoning By-law, and will conform if approved.

Sincerely,



Adam Moote, MPlan, RPP, MCIP