

245 King Street
Niagara-on-the-Lake

Planning Justification Report
for
Minor Variance

PT LT 104 TOWNSHIP PLAN 86,
AS IN RO696839 (1STLY) & PT 1 30R3269;
NIAGARA-ON-THE-LAKE

2026 04 02



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1.0 INTRODUCTION

Better Neighbourhoods Inc. has prepared this planning justification for minor variance application on behalf of the owner of the property municipally known as 245 King Street in Niagara-on-the-Lake and locally known as *The Irish Harp*.

The purpose of the application is to amend the site-specific zoning to reduce on-site parking requirements to permit: i) an outdoor dining patio and, ii) continued hotel use for 3 rooms on the upper level of the building.

The proposed application seeks to sustain the existing grandfathered policy that excludes the property from minimum parking requirements for the restaurant and considers cash-in-lieu for the 3 parking spaces associated with the hotel rooms. The application for cash-in-lieu of parking spaces has been made to Council and is currently being deferred until the outcome of this application has been determined.

1.1 Purpose

The report will review the proposed development with respect to its consistency/conformity with:

- The Niagara Region Official Plan 2022
- The Queen-Picton Heritage District Conservation Plan 1986
- Town of Niagara-on-the-Lake Official Plan 2017
- Town of Niagara-on-the-Lake Zoning By-Law 4316-09, as amended
- Other relevant studies and reports

1.2 Supporting Materials

In addition to this Planning Justification Brief the following supporting documents have been prepared to satisfy the submission requirements for complete application identified by the Town:

- Conceptual Site Plan – Prepared by Better Neighbourhoods Inc.
- Cash-in-lieu parking application and addendum including:
 - Parking Impact Analysis
 - Community Benefits Analysis

2.0 SITE DESCRIPTION

245 King Street is located on the north-west corner of King and Johnson Street, just south-west Niagara-on-the-Lake's Main Street, Queen's Parade, as demonstrated in the aerial photo below.



Figure 1: Subject site in the context of the surrounding neighbourhood.

2.1 Property History and Existing Conditions

The two-storey building at 245 King Street was erected in approximately 1912. The southerly walls sit practically on the property lines, allowing for a narrow patio along the King Street frontage. A 1.3 m walkway is located between the north side of the adjacent building and subject property. Another 1.5 m from the Irish Harp building to the property line provides an obscured location for recycling refuse and a staff break area. To the rear of the property is the parking area that has functioned as a seasonal patio for the past five years under the Town's [Temporary Patio Program](#).

The parking area provides three 30° parking stalls. Access to the building is provided from all four sides, with the main entrance located off King Street. A separate entrance to the second floor is provided at the rear of the building.

Despite limited landscaping opportunities there are plantings of low shrubs along the Johnson Street facade, and a mature tree in the rear patio area.

2.2 Surrounding Land Uses

Table 1 outlines the current use of lands surrounding the subject property:

Northwest	Residential
Northeast	Commercial
Southeast	King Street - (Residential and Commercial Accommodations)
Southwest	Johnson Street – (Residential and Commercial Accommodations)

2.3 Neighbourhood Context



Figure 2: Neighbourhood Context Map indicating places of interest

Location: The property is situated in the area commonly referred to as "Old Town" in Niagara-on-the-Lake, a historic town located along the Niagara River near its confluence with Lake Ontario, approximately 10 kilometers from Niagara Falls. Old Town is a central destination for visitors to

the Niagara region. Key attractions in the town include Fort George National Historic Site, the Shaw Festival Theatre, and Queen Street shopping district, all within a 15-minute walkshed from the subject site.

Walkability: The shopping district is characterized by its walkability, offering a safe, convenient, comfortable and interesting environment for pedestrians. A traditional street-grid pattern approximately 140 metres by 140 metres allows the average pedestrian to loop the entire district, without stopping, within 30 minutes.

Land Uses: Over the past 50 years, locally serving uses have relocated from Old Town to outlying villages. Notable among these include the public library which moved out of the historic Courthouse building in the late 1990's, and the closures of the Platoff Street Community Centre (2011), Niagara-on-the-Lake Hospital, and Parliament Oak Public School (2015). Aside from the post office, pharmacy and grocery store, Old Town now largely caters to a consumer tourist demographic, with restaurants and retail being the predominant land uses within the district.

Subject Site: The Irish Harp Pub fronts onto King Street, one of three main roads into Old Town that offers an alternative route from the Niagara River Parkway to bypasses Fort George and Shaw Festival. Johnson Street marks a transition from the commercial centre to the residential neighborhood characterized by mostly single-family homes; however, zoning supports short-term accommodation uses such as inns, bed-and-breakfasts, and vacation rentals alongside residential. The streetscape is characterized by a curbsless, tree-lined right-of-way offering sidewalks on both sides and on-street parking on one.

Area landmarks and amenities are shown in relation to the subject site, outlined in red in Figure 2.

3.0 PROPOSAL

This application seeks municipal approval to revise site-specific zoning to permit the operation of a dining patio and continued uses of the second floor of the building to allow for short-term accommodation subject to provisions of the zoning by-law. This application recognizes the critical nature of balancing short- and long-term community benefits with potential impacts to Old Town and wider community of Niagara-on-the-Lake, particularly considering the proposed displacement of parking stalls. The proposed zoning amendment therefore aims to facilitate options to mitigate undesired impacts and allow for desired community benefits.

3.1 Background & Previous Applications

The current owner of The Irish Harp Pub has been running the business for over 15 years. A previous application for minor variance was submitted by the former business owner.

2009 Minor Variance Application

The previous business operator received approval from the Town's Committee of Adjustment in 2009 for a proposal to add 450 ft² to the restaurant interior and a 106 ft² outdoor patio along the

King Street frontage. The proposal required a minor variance to eliminate the need for additional parking stalls resulting from the added square footage of dining area. At the time, the Town’s zoning by-law required 1 stall per 97 ft². Delcan Corporation was retained to prepare a Parking Demand Study to assess the parking requirements for the proposed restaurant expansions.

Delcan’s study referred to a similar study undertaken for 233 King Street (*The Olde Fire Hall Parking* (2007))

Cf. 2008 Ontario Municipal Board Decision (re: Shared Parking Model)

Cf. 2007 Minor Variance Application – [233 King Street Olde Fire Hall Restaurant](#)

- The commercial complex at 233 King Street conforms to the definition of a shopping centre except that it currently consists of four individual retail units.

4.0 POLICY FRAMEWORK

4.1 Provincial Policy Statement (2024)

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. It outlines policies for appropriate development based on efficient use of land and infrastructure, protection of natural resources, and supports residential and employment development including a mix of land uses.

The following policy directives of the PPS are relevant to the proposed amendment:

Policy	Analysis
<p>2.1.6 Planning authorities should support the achievement of complete communities by:</p> <p>a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs</p>	<p>Generally, outdoor patios can help local businesses thrive, which, in turn, supports job creation in the community. Permanent patio space increases the restaurant’s seating capacity, leading to potential job creation in the form of additional service staff and maintenance workers, supporting local employment.</p> <p>The restaurant is also located in a walkable area. The permanent patio encourages walking or cycling to the restaurant, supporting sustainable transportation options.</p>
<p>2.1.6.b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society</p>	<p>A patio creates an additional space for residents and visitors to enjoy, serving as a recreational area that adds to the community’s overall recreational infrastructure. It encourages outdoor social interaction, aligning</p>

Policy	Analysis
	<p>with the goal of creating accessible public spaces.</p> <p>This patio is located on an intersection with access directly off Johnson Street. This provides a high degree of accessibility for people with mobile challenges. Having accessible tables and seating allows people with disabilities to participate in community life and enjoy dining experiences without barriers.</p>
<p>2.1.6.c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups</p>	<p>Patios, especially those in easily accessible locations can serve as informal community gathering spots.</p> <p>Outdoor environments have been shown to improve mental and physical well-being. Access to fresh air, natural light, and green spaces can positively affect mood and reduce stress. For people of all ages and abilities, spending time in these outdoor spaces can contribute to healthier lifestyles, particularly for older adults or individuals with disabilities who may benefit from time spent outdoors for both social and health-related reasons.</p>

Summary

The application for minor variance and subsequent application for cash-in-lieu for parking reduction are supported by, and conform to, the applicable provincial policies set out in the PPS. The application provides a public benefit that aligns with objectives of Provincial planning policy and therefore represents good planning.

4.2 [Regional Official Plan \(2024\)](#)

The Region’s Official Plan (ROP) outlines the objectives and policies to direct physical change in Niagara and must implement provincial policies and plans. The following excerpted policy directives are relevant to the proposed development:

Chapter 2: Growing the Economy	Analysis
<p>Policy 2.A.1.1 Tourism and recreation related development is recognized as one of the core components of Niagara’s economy.</p>	<p>Old Town is a tourist destination</p>

Policy 2.A.1.2 The Region supports and encourages the continued expansion and development, within Settlement Areas, of opportunities related to tourism and recreation.	The property is located on the Niagara Region wine route (pg. 2-22)
Policy 2.D.2.1 The Region will encourage local municipalities through their Official Plans and Neighbourhood Plans to identify and provide for high quality tourism related development and redevelopment opportunities within existing urban areas that are compatible with and respects the distinctive character of the communities.	The addition of a patio provides a tourism related use for the property that remains complimentary and compatible with the distinctive character of the community.
Policy 2.D.2.7 The Region will support and encourage local municipalities through such mechanisms as: Secondary Plans, Community Improvement Plans, heritage conservation incentives, design guidelines, redevelopment incentives, streetscape guidelines and streetscape design plans to protect cultural and heritage features and resources.	The patio use reinforces the cultural and heritage features of the historic Old Town
Chapter 4: Managing Growth	Analysis
Policy 4.1.1 The <i>Region</i> encourages the <i>development</i> of mixed use areas in Niagara. Mixed use areas should be planned to accommodate a variety of complementary land uses, including residential, commercial, employment, recreation, institutional, the Core Natural Heritage System, hydrological features and open space.	Property accommodates commercial restaurant and accommodation uses. Patio use is an extension of the existing use that strengthens and supports the commercial area.
Policy 4.1.4 Mixed use areas should be planned to accommodate a variety of transportation modes, including walking, cycling and transit.	Restaurant use is accessed by foot as no on-site parking is available or required for that use given the neighbourhood parking arrangement.
Policy 4.1.7 The planning of mixed use areas should direct particular attention to providing an attractive streetscape environment and public realm. A higher quality of public realm design is expected for mixed use areas compared to other residential areas, as mixed use areas often have a higher	Outdoor patios contribute to an attractive interface between the built and natural environment. The surrounding neighbourhood is inherently walkable, and outdoor patios encourage passersby to stop and enjoy the atmosphere.

proportion of public space as compared to private space.	
Policy 4.J.1 The <i>Region</i> promotes urban design analysis, municipal beautification, streetscape improvements, public art and the establishment of public gardens to ensure our communities remain attractive places, enhance our quality of life, and encourage tourism.	Outdoor patios contribute to an attractive interface between the built and natural environment. The surrounding neighbourhood is inherently walkable, and outdoor patios encourage passersby to stop and enjoy the atmosphere.
Policy 4.J.2 The <i>Region</i> promotes adoption of its Model Urban Design Guidelines or similar community design guidelines by the local municipalities to support the <i>development</i> of a strong sense of place and an overall approach to development which considers design at a broader neighbourhood and/or community scale.	Patios enforce the traditional character of Old Town and enhance its sense of place at a community scale.
Policy 4.J.4 The <i>Region</i> encourages complementary private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.	Reducing the vehicles entering and exiting the rear parking lot creates a safer environment for vulnerable road users.
Policy 4.J.5 The <i>Region</i> promotes the development of the public realm in a manner that supports vibrant social and cultural gathering spaces easily accessed by a variety of transportation modes. This principle is particularly important in planning for Niagara’s downtowns.	Multi modal and active transportation is encouraged through site design and supported in urbanized areas, such as Old Town, where the commercial district as a whole is serviced by pedestrian means – similar to a downtown.

Summary

The application for minor variance and subsequent application for cash-in-lieu for parking reduction align with the Growth and Economic policies of the Regional Official Plan. The application provides a use that meets with, and promotes, the objectives of Plan.

4.3 Town of Niagara-on-the-Lake Official Plan

The property is designated General Commercial on Schedule “B” (Land Use Plan for Niagara/Old Town) of the Town of Niagara-on-the-Lake Official Plan. The existing uses are permitted within the General Commercial designation.



Official Plan Section 10: Commercial	Analysis
10.2.1 To provide for an orderly distribution of commercial areas within the Urban Boundaries of the Town to meet the shopping and service needs of residents and tourists.	Use is in keeping with the existing commercial area and meets the needs of residents and tourists
10.2.2 To adequately provide for local-serving commercial areas and, where necessary, to prevent their use for tourist serving uses.	Provision of patio use provides both local serving and tourist commercial needs
10.2.3 To maintain in tourist-serving commercial areas, a character which is consistent with the historical importance of these areas and their surroundings.	The application supports the tourism industry
10.2.6 To minimize the impact of commercial development on adjacent land uses.	The temporary patio has been in operation for several years and has demonstrated that despite occupying 3 parking spaces, the patio has no adverse impacts on the surrounding neighbourhood or the traffic carrying capacity of adjacent roads.
10.2.7 To minimize the impact of commercial development on the traffic carrying capacity of adjacent roads.	

10.2.9 To promote compact forms of commercial development, and to discourage scattered forms of development.	Use of the existing space to expand business operation prevents scattered forms of development elsewhere and utilizes urban space more efficiently.
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Queen Picton Heritage Conservation District Plan

The property is identified in the *Queen Picton Heritage Conservation District Plan* (HCD) as “contextually valuable” to the district. It is therefore designated under Part IV of the Heritage Act, but not under Part V which would apply more specific regulations to the building itself.

The application to expand the patio use is in keeping with the context of the heritage district.

5.0 MINOR VARIANCES

The site is zoned Queen Picton Commercial zoning, with additional site-specific provisions. The Queen Picton Commercial zoning permits a broad range of commercial uses, including *retail, restaurants, outdoor patios, hotels, business or professional offices, and vacation apartments* among others.

The Site-Specific Zoning (QPC-28) further permits the existing four-room *hotel and restaurant*. It is worth noting that despite permissions, only 3 rooms, not 4, are being used for the 3 spaces.

Parking requirements for various uses based on GLFA are listed in Section 6.36 and 6.39 of the Comprehensive Zoning By-law 4316-09.

- Outdoor Patio: 1 space per 30 m²
- Restaurant: 1 space per 18.5 m²
- Hotel, Motel: 1 per guest room

Current provision:	3 stalls required for guest room use	
Requirement per Comprehensive Zoning 4316-09		Note:
Existing Restaurant (~248 m ² GLFA)	14	Exempt from requirement.
Existing Patio (12.6 m ² GFLA)	1*	
Existing Hotel (3 rooms)	3	Active Cash-in-Lieu request
Proposed Outdoor Patio (~68 m ² GFLA)	3	Required
Total Required:	6	

*2009 minor variance approval reduced single parking space requirement for front patio.

The existing and proposed uses of the land is therefore permitted but variances to parking requirements are required to reduce the parking requirements for 3 hotel rooms on the second floor and 3 parking spaces generated from the permanent patio request. The reduction of parking for the 3 hotel rooms is being process under separate cash-in-lieu application, whereas the parking for expansion of the patio use is the subject of the minor variance application.

5.1 Proposed Minor Variances

This application requests variances to the Town's Comprehensive Zoning By-law (4316-09):

1. Reduction of 3 required parking spaces for expanded patio use
2. Permission to locate patio 0.0 m from loading area, parking spaces and driveway

Reduction of parking spaces:

- Queen Picton commercial zone operates like shopping centre. Majority of restaurant patrons utilize municipal parking areas and arrive by foot. The current restaurant and patio use has been approved without parking on the basis that parking in the area is shared. Therefore, the 3 additional parking spaces for the expanded patio is not justified.
- Community benefit of patio exceeds underutilized parking by a large factor
- Impact of loss of 3 parking stalls for proposed second floor uses would eliminate guest accommodations (3 rooms), storage and office space and effectively sterilize the use creating an unproductive building vacancy
- The only available patio space suitable to accommodate tabled seating is at the rear of the property. That location shares access for deliveries and is located adjacent to a private parking area entrance. There are no negative impacts on either use. Accordingly, the variance would recognize the proposed patio location and permit the patio.
- The reduction in parking spaces is considered minor given the current parking distribution for the district. Even with expanded capacity, there is no correlation to the generation of additional cars resulting directly from the expansion of the patio. Rather, the opportunity provides greater accommodation of people that are already in the area that tempers peak visitor times. Moreover, the parking spaces are somewhat awkward in their configuration and used only for hotel guests that have found paid parking at municipal lots nearby in the last 5 years of patio operation and have not posed issue to the Town or neighbours – indeed, it helps generate revenue for the Town.
- The variance would support a desirable use for the commercial district without adverse effect.
- The variance maintains the intent and purpose of the Official Plan and zoning by-law – indeed, it seeks only to expand on the permitted use.

Locate patio within 0.0 m of loading, parking and driveway:

- The location of the proposed patio at the rear of the property places it in contact with and adjacent parking lot and driveway. Loading is conducted from the rear of the building and is therefore also within 3.0 m. However, a dedicated walkway is provided to maintain access and over the past 5 years has proven to be able to support that function without issue.

- Given the existing building coverage, there are few alternatives for patio space. That said, the proposed patio space has public frontage along Johnson Street and can be fitted to make for an attractive patio area that has become very popular with guests.
- This variance is considered minor since it is a pre-existing context and there are no negative impacts associated with the use. Existing fence separation and off peak delivery times ensure that there are no safety issues.
- The variance permits a desirable use that provides no compatibility issues in its proposed context. The zoning provisions are intended to server patios facing street frontage, whereas the proposed conditions here are not in keeping with that application. Notwithstanding, the location of the patio and considerations with regard to suitability of location and safety meets the intent of the provision. Accordingly, the variance meets the intent and purpose of both the Official Plan policies and applicable zoning by-law.

6.0 PLANNING IMPACT ANALYSIS

The proposed patio recognizes the federal, provincial, regional and municipal policies that encourage economic growth and support good urban design.

The common objectives of *Smart Growth* and *Complete Communities* are strongly advocated throughout the applicable land use planning framework. The planning analysis below thus evaluates the proposed land uses on the basis of their contribution to NOTL's community fabric and the Queen-Picton commercial district.

Based on the preceding analysis, the proposed variances meet the four test under section 45(1) of the Planning Act and represent good planning.

7.0 PARKING IMPACT ANALYSIS

The restaurant is located within the Queen-Picton Commercial area, which functions much like a shopping center—patrons park on-street or in a lot within the commercial area and, once parked, visit multiple retail uses on foot rather than driving to each use. As the area is primarily focused on tourist-serving commercial uses, few locals drive to the commercial area and generally follow similar parking behavior as tourists or walk to the area on foot from nearby residences. Shops catering to daily necessities that generate frequent local traffic are discouraged in the Queen-Picton Commercial area and generally not present in Old Town. These factors suggest that fewer parking spaces are needed in practice than are currently required by the By-law. Parking deficiencies on the subject site can be accommodated by parking elsewhere along the corridor, in particular 3 parking lots within a 3-minute walk of the site and on-street parking along King Street and Queen and Picton, as identified in Figure 3.



Nearby available parking, Figure 3

For further commentary on parking impact, please see 2025 10 02 Cash-in-lieu request memo (and addendum) attached which outlines the available parking and rationale for no increase in demand of expanded use – further proven through the evidence of operations from the past 5 years of temporary patio permit use.

8.0 COMMUNITY BENEFITS ANALYSIS

Promotion of social and economic inclusion

The removal of three parking spaces behind the Irish Harp to permit the permanent use of their outdoor patio will promote social and economic inclusion.

(1) Social Inclusion

Outdoor patios are places where people can gather and engage in conversation, fostering a sense of community where people from different backgrounds, tourists and locals, can mingle in an open and relaxed environment. Outdoor patios also offer better accessibility, offering a more inclusive environment for people with mobility limitations. Outdoor patios

also allow people to enjoy fresh air and sunshine, leading to numerous health and well-being benefits.

(2) Economic Inclusion

The reduction in parking to permit the outdoor patio creates additional seating, which can increase foot traffic and customer spending, thereby boosting revenue for the restaurant. The restaurant can potentially cater to larger groups, broadening the range of customers. Small businesses are integral to the economy of Old Town. Approval of this parking reduction supports the continuity of a small business and helps them remain competitive. The outdoor patio also serves as an attraction to tourists looking for a relaxed dining experience. Lastly, it is common for visitors of Old Town to park elsewhere and explore the area by foot. Patrons of the restaurant are likely to do so, which encourages patronage of other businesses along the way to the restaurant, therefore boosting the local economy.

Engagement and involvement of the community

Approval of the outdoor patio will promote engagement and involvement of the community by providing a space for social gathering and conversation that can be enjoyed by both visitors and residents of the community. The outdoor space drives foot traffic and promotes exploration of the surrounding neighbourhood as many visitors of Old Town park farther away and walk to their destination.

For further commentary on community benefits, please see 2025 10 02 Cash-in-lieu request memo (and addendum) attached which expands on nature of benefit.

Cash-in-lieu of parking By-law No. 3093-97

Policy #3 of the Town's by-law for cash-in-lieu of parking identifies various interests that Council have regard to when considering community benefit.

Safety: Approval of the outdoor patio enhances community surveillance or public presence ("eyes on the street"), increases lighting and visibility of the adjacent sidewalk and parking lot behind the Irish Harp, and forces drivers entering and exiting the parking lot to slow down and be more cautious of pedestrians. All of these elements work to improve safety.

Impact on heritage resources: By supporting local restaurants and outdoor spaces, residents can take pride in the town's character and heritage. An outdoor patio setting can highlight local food, art, or history, encouraging a deeper connection to the town's culture and fostering local pride. Continued support of the business ensures longevity of the building occupancy and stewardship.

Number of parking spaces requested: The outdoor patio has been operating under the Town's Temporary Patio Program for five years. The lot has functioned well without the 3 parking spaces and as such, approval of a permanent patio has little to no adverse impacts on the number of parking spaces.

Availability of public parking in the vicinity: There is an abundance of public parking available in the vicinity including 75 parking stalls in the municipal parking lot directly northeast of the site (on Market Lane), 11 on-street parking stalls on Johnson towards Regent Street, 12 on-street parking stalls on Johnson towards Davy Street, 18 on-street parking stalls on King Street towards Castlereagh Street, and 6 on-street parking stalls directly in front of the Irish Harp restaurant.

Potential financial impacts on commercial viability: Since running the temporary patio for several years on the 3 parking spaces that are the subject of this ZBA, business at the restaurant has increased and the owner has seen financial growth. The impacts on commercial viability are not potential but are rather clear since the outdoor patio has already been in operation. Using the space for a patio rather than for parking has increased the available seating, thereby increasing the number of people spending money at the restaurant.

Potential landscaping enhancements (lot coverage): The outdoor patio features several planters, providing extra greenery which would otherwise just be pavement. The planters are predominantly around the perimeter of the patio space, near seated guests. They provide an aesthetically pleasing element to the atmosphere, increasing enjoyment of patrons.

Assessment of all alternatives: The only other outdoor patio space is in front of the restaurant, which offers a very limited area at 12.6 m².

Forfeiting 3 hotel rooms on the second floor for parking would negatively impact tourism opportunities and sterilize the use of that floor which would financially impact the business and make the property underutilized which would

9.0 CONCLUSION

Overall, the proposed development is consistent with and conforms to the Provincial Policy Statement, The Growth Plan for the Greater Golden Horseshoe, the Region of Niagara Official Policy Plan, and the City of St. Catharines Official Plan policies with respect to intensification and development and is therefore appropriate for the subject lands. The application meets the four tests of variances prescribed in Section 45(1) of the Planning Act. In light of the above analysis, the application for minor variance (and cash-in-lieu application) is recommended for approval.

Submitted by,



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