



May 4, 2026

UCC File No. 2130

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100
Virgil ON, L0S 1T0

Attn: John Federici, MCIP, RPP – Senior Planner

**Re: Application for Minor Variances (Updated)
Block 84 of Modero Subdivision, Concession 7 Road, NOTL**

On behalf of our client Marz Homes (NOTL) Inc., please accept this application submission for a Minor Variance for lands on the west side of Concession 7 Road, known as the Modero Subdivision in Niagara-on-the-Lake.

Within this subdivision is a condominium block, known as Block 84, that requires minor variances. The intent of the application is to permit the proposed townhouse development, including bungalow townhouses, two-storey townhouses, and back-to-back townhouses on the subject lands. The requested variances include;

- To reduce the rear yard setback from 7.0-metres to 5.0-metres for Units 1 to 16; 5.5-metres for Units 57, 64, 65 to 72; and 6.0-metres for Units 43, 50 to 56, 73 to 111;
- To reduce the exterior side yard setback from 3.0-metres to 1.0-metre for Units 83 and 84; 1.3-metres for units 57 and 72; 2.3 metres for Units 1, 16, 24, 35, 43, 50, 51, 56, 64 and 65;
- To reduce the corner side yard from 2.75-metres to 2.5-metres for Unit 56; and 1.5-metres for Units 57 and 72;
- To increase the rear yard deck encroachment from 1.5-metres to 2.5-metres for Units 43 to 56, 57 to 111, 119, 120 to 128;
- To increase the exterior side yard encroachment from 1.5-metres to 1.6-metres for units 1, 16, 17, 23, 24, 35, 36, and 42;
- To reduce the driveway setback from an exterior property line from 8.0-metres to 5.0-metres for Units 16, 17, 42, 43, 23, 24, 35, 36, 50, 51, 56, 57, 64, 65, and 72;
- To reduce the driveway setback from an interior property line from 1.0-metre to 0-metres for all units;
- To increase the building height of the back-to-back townhouses from 12-metres to 14-metres.

The following fee and plans were previously provided for review:

- One (1) copy of a cheque made out to the Town of Niagara-on-the-Lake for **\$2,475.00**;
- One (1) copy of the related Pre-consultation Agreement dated November 21st, 2024;
- One (1) copy of Renderings, Elevations and Floor Plans prepared by Marz Homes;
- One (1) copy of the Site Plan prepared by Upper Canada Consultants

An updated Site Plan has been submitted with this brief.



Property Overview

The subject lands are located within the Glendale Secondary Plan area, on the west side of Concession 7 Road in Niagara-on-the-Lake and is a block within the approved Modero Subdivision. This block, Block 84 has an area of approximately 80,866 square metres, with approximately 132.59-metres of frontage along Concession 7 Road.

Block 84 was previously planned as a single condominium yielding 146 units, consisting of 76 block townhouses and 70 back-to-back townhouses. Since the original submission, due to the uncertainty of the current market conditions, Block 84 is now being phased as two separate condominiums. The site has also been updated to include lower density units, including more two-storey townhouses, and bungalow townhouses were added. This change will allow the development to proceed in stages, avoiding the upfront requirement to provide and install infrastructure for all units at once.

The minor variance request will continue to encompass the entirety of the Block 84 lands; however, Phase 1 includes six (6) bungalow townhouses, forty (40) two-storey townhouses, and twenty-six (26) back-to-back townhouses, for a total of seventy-two (72) units; and Phase 2 consists of fifty-six (56) two-storey townhouse units. The entirety of Block 84 now has one hundred and twenty-eight (128) units.

A 2023 aerial image of the subject lands is shown below in **Figure 1**.

Intent of the Application

The intent of the submitted application is to permit a reduction in the rear yard, exterior side yard, and corner side yard setbacks, increase the rear yard deck and exterior side yard encroachments, reduce the driveway setbacks from the interior and exterior property lines, and increase the building height of the back-to-back townhouses. These provisions are not required for all units, rather they're specific for specific units. The subject lands are shown below in **Figure 2**.



Figure 1 –Aerial Image cropped from Niagara Navigator

An overview of how the requested variances meet the four tests of the Planning Act is provided in the section below.

Does the variance meet the general intent and purpose of the Official Plan?

The Subject Lands are situated in the Virgil Urban Area and are designated for Medium Density Residential (EX-RES-14 on Schedule F - Modero Estates Residential Community) as outlined in Official Plan Amendment #91 in the Niagara-on-the-Lake Official Plan. This designation supports a variety of residential housing.

The general intent and purpose of the Official Plan is to facilitate the development of medium density residential uses while ensuring that development is compatible with the surrounding area.

The requested minor variance for rear yard setbacks supports the efficient use of land while ensuring the dwellings remain compatible with the surrounding neighbourhood. The proposed reductions vary across the site. All units are still provided with adequate amenity space, though in order to accommodate the overall functionality of the site, the rear yards must be reduced. The variance continues to respect the surrounding built forms, and allow for a functional and useable rear yard, including space for landscaping and private amenity space. Significant effort has been made to make these rear yards as large as possible, which has in turn resulted in the need for relief from other setback provisions.

Additional reductions are requested for the exterior side yards. These reductions are minor and context-specific, continuing to provide appropriate separation and maintain visibility along flanking internal streets. The proposed setback allows for improved unit siting and a more efficient site layout, while continuing to contribute to a well-defined and functional streetscape.

Further, reductions to corner side yard setbacks are requested. These reductions maintain appropriate sightlines and do not impact the functionality or safety of corner conditions. The proposed setbacks continue to support safe vehicular and pedestrian movement while allowing for improved unit siting and a more efficient development pattern.

An increase the permitted encroachments for rear yard encroachments is requested. This will allow for the construction of unenclosed and uncovered porches, decks, patios, and steps, enhancing both the appeal for future homebuyers and the practicality of the development. The rear yard encroachment variance is particularly beneficial from an engineering and construction perspective, as the site's grade changes will necessitate up to eight steps in the rear yards of the block townhouses. The exterior side yard encroachment is beneficial to permit the front porch off the exterior side yard. The Official Plan supports outdoor amenity spaces that will enhance livability and usability of residential properties, and this variance will foster functional and attractive outdoor spaces, without altering the residential character or density planned for the area.

The requested reductions to the distance from driveways to both exterior and interior lot lines will allow for the efficient use of the subject lands. The reductions continue to maintain adequate separation for both visibility and safety, with the exterior side yard continuing to provide a clear sightline at the corners and the landscape character along the street edges are preserved, and adequate space still being provided



for landscaping, drainage and snow storage. The Official Plan encourages safe, functional access to properties while protecting neighbourhood character, and this variance will continue to maintain this direction.

The requested variance for an increase in building height will facilitate the construction of back-to-back townhouses which are a more compact urban built form and a permitted housing form within the site. This built form efficiently utilizes land, supports increased residential density, and contributes to the expansion of the local housing supply in a secondary plan area that is an intended place for growth. The additional height allows for improved unit design and architectural proportions without introducing additional massing impacts.

The minor variances are for permitted uses that are appropriate and compatible, and therefore, the application is considered to meet the general intent and purpose of the Town of Niagara-on-the-Lake Official Plan.

Does the variance meet the general intent and purpose of the Zoning By-law?

The subject lands are zoned Residential Multiple (RM5-16(a)) Site-Specific Zone in the Glendale Community District.

The general intent and purpose of the Town's Zoning By-law for this site-specific Residential Multiple zone (RM5-16(a)) is to facilitate higher-density residential development, including fourplex or quadraplex dwellings, on-street townhouses and block townhouses, as well as back-to-back and stacked townhouses.

The requested reductions to the rear yard setbacks maintain the objectives of providing adequate outdoor amenity space, appropriate separation between units, and allows for adequate drainage. The proposed rear yards will continue to be functional with sufficient landscaped open space and amenity area for the residents. It does not negatively impact adjacent dwellings, and there are no adverse effects, ensuring compatibility and livability.

Reductions are also requested for the exterior side yards. These provisions are intended to ensure appropriate spacing and separation between units and adjacent streets, which have been maintained. The requested reductions are minor and occur where units flank the private, internal roads. Adequate separation, access, and visibility are preserved, and the reduced setbacks allow for improved unit configuration and a more efficient site layout without impacting the streetscape or adjacent uses.

Additional reductions are requested for the corner side yard setbacks. These provisions are intended to maintain appropriate visibility and safe conditions at intersections, and the requested reductions continue to provide adequate sightlines. The proposed setbacks maintain clear visibility and do not interfere with vehicular or pedestrian safety. The reductions allow for improved siting of units to at corner conditions to allow for larger rear yards, while maintaining the functional intent of the By-law.

The requested variances to increase permitted encroachments include rear yard deck encroachments as well as exterior side yard encroachments. These increases continue to ensure that projections remain limited in scale and do not create impacts related to privacy, overlook or drainage. The increased rear yard deck encroachments are necessary to provide functional outdoor amenity space and accommodate



grading transitions, including required steps. The increase to exterior side yard encroachments provides additional flexibility in building design, allowing the front entrance of the dwelling to be on the exterior side yard, without impacting visibility or access, ensuring the By-law's intent is upheld.

A variance is requested to decrease the distance from the residential driveways from both the interior and exterior side yards. This Zoning By-law provision is intended to ensure that there is a clear sightline at intersections for the exterior side yards, and to provide a buffer for drainage, snow storage and property maintenance for the interior side yards. The requested exterior yard setback will continue to provide safe sightlines and separation from intersection, while reducing the interior yard setback is appropriate, as the driveways will be constructed and maintained without impact to the neighbour, and adequate drainage have been addressed through grading, and will be reflected through construction. Overall, the reduction in these distances from the driveway to the side yards will not pose any negative impacts, and the intent of the By-law is maintained.

The last proposed variance seeks to increase the permitted building height. This additional height supports the higher density-built form of back-to-back townhouse units, and is necessary to achieve a more liveable, functional and efficient unit layout with adequate floor-to-ceiling height, along with an attractive exterior that accommodates a traditional roof pitch. The additional height improves architectural proportions, making these townhouses visually appealing and in harmony with the surrounding block townhouses. To add, the proposed height increase contributes to housing intensification objectives by making better use of available land without expanding the building footprint.

Given that the requested variances do not result in adverse impacts on neighbouring properties or alter the proposed character of the area, the requested variances are considered to align with the general intent and purpose of the Town's Zoning By-law.

Is the variance desirable for the appropriate development or use of the land, building or structure?

The requested variances are desirable as they allow for the efficient and functional development of the subject lands while supporting a high-quality townhouse development.

The reductions in rear yard setbacks allow for appropriate unit siting and building orientation while maintaining functional outdoor amenity space and compatibility with surrounding units. The proposed rear yards continue to provide sufficient space for landscaping and private amenity areas, while accommodating grading, internal roads, and driveway placement.

Reductions to the exterior side yards support efficient built form relationships across the site and allow units to be appropriately oriented along internal roads and flanking conditions. These reductions enable a more efficient and coordinated site layout, improving unit orientation and overall development functionality, without introducing adverse impacts.

Further reductions to the corner side yard setbacks allow for improved unit siting at the corners while maintaining safe and functional visibility. The proposed setbacks continue to support appropriate sightlines and do not compromise pedestrian or vehicular safety, while contributing to a more efficient and coordinated site layout.

The increased encroachments for rear yard decks enhance the usability and accessibility of outdoor amenity space, particularly where grade changes require additional steps. The increase to exterior side yard encroachments provides additional architectural flexibility and improves the functionality of the units, without introducing impacts related to visibility, access, or adjacent properties.

The reduced driveway setbacks improve the functionality of the internal road and lot layout, allowing for practical driveway design while maintaining safe access and appropriate sightlines. The reduction to interior side yard setbacks allows for efficient use of the lot width, while maintaining proper drainage and constructability through detailed design, encouraging a greater area for landscaping. The proposed variance will not detract from the streetscape and will not pose any negative impacts.

The increase in building height enables improved interior livability and architectural design without increasing perceived massing or creating adverse impacts. The additional height will enable architectural consistency, particularly with the incorporation of traditional roof pitches, which contributes to an aesthetically appealing streetscape. It allows for better articulation of the building façade, improving the overall quality of the development.

Given that the proposed variances will enhance the livability of the proposed dwellings without creating negative impacts on neighbouring properties or altering the intended character of the overall condominium, they are considered desirable and appropriate for the development of the land.

Is the variance minor in nature?

The determination of whether a variance is minor is not solely based on numerical deviation but rather on the degree of impact the change may have on the surrounding properties and the broader community. A variance is considered minor if it does not create unacceptable adverse impacts related to privacy, shadowing, massing, or community character.

The requested variances are considered minor in nature as they do not result in unacceptable adverse impacts related to privacy, shadowing, massing, safety, or community character. While multiple variances are requested, they are modest in scale, context-specific, and collectively function to facilitate an efficient and coordinated townhouse development.

The variances largely reflect typical townhouse design conditions, including reduced yard setbacks, minor encroachments and driveway configurations that are common within compact residential developments. The proposed adjustments respond to site-specific considerations such as grading, internal road layout, and unit siting, rather than representing fundamental changes to the built form or use.

The development continues to provide adequate separation between units, functional outdoor amenity space, appropriate sightlines at corners, and safe vehicular access. The increase in building height does not introduce additional storeys or significant massing impacts and is mitigated through building placement and architectural design.

Importantly, the requested variances do not result in adverse impacts on adjacent properties or the surrounding streetscape. The character, functionality, and safety of the area are maintained, and the intent of the Official Plan and Zoning By-law continue to be upheld.



As such, the requested variances are considered minor both individually and cumulatively and represent appropriate refinements to facilitate the development of the subject lands.

Planning Opinion

The proposed Minor Variance application facilitates the development of a well-designed townhouse development that includes both block and back-to-back townhouses within the Modero Subdivision.

The requested variances include site-specific adjustments to rear yard and exterior and corner side yard setbacks, rear and exterior side yard encroachments, interior and exterior driveway configurations, and building height, which collectively enable a more efficient and functional site layout. These refinements respond to grading, internal road design, and unit orientation, and are consistent with typical townhouse development conditions.

The proposed variances do not result in adverse impacts related to privacy, shadowing, massing, visibility, drainage, or streetscape character. The development continues to provide appropriate separation between units, functional outdoor amenity space, and safe vehicular and pedestrian access, while maintaining compatibility with the surrounding neighbourhood and planned context.

The variances maintain the general intent and purpose of both the Official Plan and the Zoning By-law, are desirable for the appropriate development of the land, and are minor in nature, both individually and cumulatively.

Based on the above, it is our opinion that the Minor Variance application satisfies the four (4) tests of the Planning Act, is appropriate for the subject lands, and conforms to all applicable planning legislation, policies and guidelines. The proposal represents good planning and should be supported by the Town of Niagara-on-the-Lake.

Respectfully submitted,

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Reviewed by,

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