



Department of Community & Development Services  
 1593 Four Mile Creek Road  
 P.O. Box 100, Virgil, ON L0S 1T0  
 905-468-3266 • Fax: 905-468-0301

[www.notl.org](http://www.notl.org)

File No:	Date of Receipt:
Town Fee (\$):	Regional Fee (\$):
NPCA Fee (\$):	Other Fee (\$):

(Office Use Only)

## Application for Minor Variance, Fence Variance, Sign Variance or Legal Non-Conforming Use Permission

*Under the Planning Act, R.S.O. 1990 c. P.13, as amended*

A pre-consultation meeting with Community & Development Services Staff is required prior to applying for Minor Variance, Fence Variance, Sign Variance, or Legal Non-Conforming Use Permission.

Please complete all applicable sections of this application. All measurements are to be provided in metric units. The information requested on this application is required to review the proposal. An incomplete application will be returned to the Registered Owner/Authorized Agent. If you have questions regarding the information requested on this application, please contact the Community & Development Services Department.

*All information requested on this form is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13, as amended, and the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. The requested information on this application and all accompanying plans, reports, and information is required in order to process this application and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.*

<b>1. Type of Application</b>			
<input checked="" type="checkbox"/> Minor Variance <input type="checkbox"/> Fence Variance <input type="checkbox"/> Sign Variance <input type="checkbox"/> Legal Non-Conforming Use Permission			
<b>2. Details of the Subject Lands</b>			
Municipal Address Not Assigned - Concession 7 Road (West Side)		Assessment Roll Number 262702001915000	
Legal Description Part of Township Lots 180 & 181 Geographic Township of Niagara, Town of Niagara-on-the-Lake			
Date the subject lands were acquired	Lot Area (metric) 33,736.86 m <sup>2</sup>	Lot Frontage (metric) 132.59 m	Lot Depth (metric) 228.97 m +
Description of easements, rights-of-way, or restrictive covenants applicable to the subject lands (if applicable): There will be a 6-metre sanitary easement that runs through the site, north-south			
<b>3. Registered Owner</b> (as shown on the deed and title of the property)			
Name		Company Name Marz Homes	Municipality Hamilton
Mailing Address 825 North Service Road		Unit Number 200	Postal Code L8E 0J7
Province Ontario	Email dannyg@marzhomes.com	Telephone 905-662-3039 ext. 4224	
<b>4. Authorized Agent</b> (if one has been authorized)			
Name		Company Name Upper Canada Consultants	Municipality St. Catharines
Mailing Address 30 Hannover Drive		Unit Number 3	Postal Code L2W 1A3
Province Ontario	Email wheikoop@ucc.com & chelsea@ucc.com	Telephone 905-688-9400	
Contact for all future correspondence (select one): <input type="checkbox"/> Registered Owner <input checked="" type="checkbox"/> Authorized Agent			

**5. Official Plan and Zoning Information**

Existing Niagara Regional Official Plan designation(s) of the subject lands:  
 Designated Greenfield Area

Existing Town of Niagara-on-the-Lake Official Plan designation(s) of the subject lands:  
 EX-RES-14 per OPA 91

Existing Town of Niagara-on-the-Lake Zoning of the subject lands:  
 RM5-16(b) per By-law 4316FI-24

**6. Details of the Proposal**

Identify the nature and extent of relief from the Zoning By-law, Fence By-law, or Sign By-law:  
 Relief is requested from the Zoning By-law for maximum height and permitted yard projections and encroachments. It is requested that the maximum height for the back-to-back townhouses be 14-metres, and the permitted encroachment for interior side yards and rear yard for decks and stairs be 3-metres.

Explain why the proposed use cannot comply with the provisions of the Zoning By-law, Fence By-law, or Sign By-law:  
 The current Zoning permits a maximum building height of 12-metres which does not accommodate the proposed three storey back-to-back townhouses. And the current permitted encroachment is 0.6-metres for interior side yards and 1.5-metres for rear yards.

**7. Existing Buildings, Structures, and Uses**

Identify the existing use(s) of the subject lands and the length of time the existing use(s) have continued:  
 N/A

Type of building or structure				
Construction date				
Existing use(s)				
Time the existing use(s) have continued				
Front yard setback (m)				
Rear yard setback (m)				
Side yard setback (m)				
Side yard setback (m)				
Height (m)				
Gross floor area (sq m)				
Lot coverage (sq m)				

**8. Proposed Buildings, Structures, and Uses (if applicable)**

Identify the proposed use(s) of the subject lands:  
 Please see enclosed architectural drawings.

Type of building or structure				
Construction date				
Proposed use(s)				
Front yard setback (m)				
Rear yard setback (m)				
Side yard setback (m)				
Side yard setback (m)				
Height (m)				
Gross floor area (sq m)				
Lot coverage (sq m)				

**9. Access** (select all that apply)

Identify how the subject lands will be accessed:

Public road maintained all year     
  Niagara River Parkway     
  Provincial highway  
 Public road maintained seasonally     
  Private easement/Right-of-way     
  Waterway

If the subject lands will be accessed by a waterway only, identify the parking and docking facilities to be used and the approximate distance of these facilities from the subject lands to the nearest public road:

**10. Servicing** (select all that apply)

Identify how the subject lands will be serviced:

<p><b>Water</b></p> <input checked="" type="checkbox"/> Publicly owned and operated piped water system <input type="checkbox"/> Privately owned and operated individual well <input type="checkbox"/> Privately owned and operated communal well <input type="checkbox"/> Lake or other water body <input type="checkbox"/> Other: _____	<p><b>Sewage Disposal</b></p> <input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system <input type="checkbox"/> Privately owned and operated individual septic system <input type="checkbox"/> Privately owned and operated communal septic system <input type="checkbox"/> Privy <input type="checkbox"/> Other: _____	<p><b>Storm Drainage</b></p> <input checked="" type="checkbox"/> Sewers <input checked="" type="checkbox"/> Ditches/swales <input type="checkbox"/> Other: _____
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**11. Sign Details** (for Sign Variance only)

Identify the type of work being proposed:

Erect new sign     
  Alter existing sign     
  Repair existing sign     
  Relocate existing sign     
  Add electrical component to existing sign

Identify the material or finish of the proposed sign:

Length of proposed sign (m)	Minimum height above grade (m)
Height of proposed sign (m)	Maximum height of proposed sign (m)
Depth of proposed sign (m)	Projection of proposed sign, if applicable (m)

Identify the type and number of signs to be erected:

Type	No.	Type	No.	Type	No.
<input type="checkbox"/> Awning		<input type="checkbox"/> Banner		<input type="checkbox"/> Canopy	
<input type="checkbox"/> Construction		<input type="checkbox"/> Directional		<input type="checkbox"/> Directory	
<input type="checkbox"/> Ground		<input type="checkbox"/> Mobile		<input type="checkbox"/> Neon (No Flashing)	
<input type="checkbox"/> Pole		<input type="checkbox"/> Projecting		<input type="checkbox"/> Sandwich	
<input type="checkbox"/> Subdivision		<input type="checkbox"/> Window		<input type="checkbox"/> Wall	

**12. Previous Applications**

Have the subject lands ever been the subject of an application under the *Planning Act, R.S.O. 1990, c. P.13, as amended* for approval of a plan of subdivision or condominium, a consent, a minor variance, a site plan, an official plan amendment, or a zoning by-law amendment?

Yes  
 No  
 Unknown

If yes, provide the information requested below for each previous application:

Application Type	File Number	Status of the Application
Official Plan Amendment	OPA-02-2022	Approved
Zoning By-law Amendment	ZBA-07-2022	Approved
Draft Plan of Subdivision	26T-18-22-01	Pending Final Approval

13. Concurrent Applications		
Application Type	File Number	Status of the Application
Draft Plan of Common Element	TBD	
Site Plan Approval	TBD	

**14. Checklist of Requirements for a Complete Application** (all boxes must be checked)

The following plans, reports and, information must accompany this application in a digital format (pdf):

- One copy of the Pre-Consultation Agreement;
- All applicable application fees (payable by cheque, cash, or debit);
- A sketch of the subject lands;
- A sketch of the proposed fence/sign, (Fence and Sign Variances only);
- All required plans, reports and, information identified on the Pre-Consultation Agreement;

*This application will be circulated to various agencies for review and comment. Where the scope or nature of the application requires input from a large number of agencies, additional copies of this application and accompanying plans, reports, and information may be required.*

**15. Checklist of Drawing Requirements** (all applicable boxes must be checked)

Plans and drawings accompanying this application must show the following information, in metric units:

- North arrow;
- Metric scale;
- The boundaries and dimensions of the subject lands;
- The location, size, type, and setbacks of all existing and proposed buildings and structures on the subject lands;
- Natural and artificial features located within or adjacent to the subject lands, such as buildings, railways, roads/highways, pipelines, watercourses, drainage ditches, top of banks, wetlands, wooded areas, wells, septic tanks, and parking and docking facilities (if access to the subject lands is by waterway only), or any other features that may affect this application in the opinion of the Registered Owner/Authorized Agent;
- The existing use(s) of adjacent lands (for example, residential, agricultural, or commercial);
- The location, width and name any road/highway within or abutting the subject lands, and indicating whether it is an unopened road allowance, a public road, a private road, or a right-of-way; and
- The location and nature of any easement affecting the subject lands (if applicable).

*Community & Development Services Staff may request that additional information be provided in the plans and drawings that accompany this application, based on the scope and nature of the proposal.*

**16. Plans, Reports, and Information Submitted with this Application**

Identify all plans, reports, and information submitted with this application:

No.	Title	Date	Author
1	Planning Brief		Upper Canada Consultants
2	Building Elevations, Renderings & Floor Plans		Marz Homes
3	Site Plans		Upper Canada Consultants
4			
5			
6			

### 17. Acknowledgement and Agreement of Registered Owner

I, Marz Homes (NOTL) Inc. AM THE REGISTERED OWNER OF THE SUBJECT LANDS AND  
(Name of Registered Owner/Company)

**I ACKNOWLEDGE AND AGREE** that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

**I ACKNOWLEDGE AND AGREE** that the Town of Niagara-on-the-Lake, its employees and agents may enter onto my property to view, photograph and survey my property as necessary for this application.

**I ACKNOWLEDGE AND AGREE** that all costs of processing this application shall be paid for by the Registered Owner. The Registered Owner shall reimburse the Town of Niagara-on-the-Lake, upon demand, for all costs incurred by the Town of Niagara-on-the-Lake in respect of this application. Without limiting the foregoing, the Registered Owner acknowledges and agrees to pay such expenses regardless of whether or not this application is approved or proceeded with and are not refundable. If costs are not paid by the due date imposed by the Town of Niagara-on-the-Lake, the Registered Owner understands and acknowledges that the costs will be added to the tax bill of the subject lands and collected in like manner as property taxes.

  
(Signature of Registered Owner)

April 16/25  
(Date)

### 18. Authorization of Registered Owner

If this application is being submitted by an Authorized Agent, the Registered Owner of the subject lands must complete this section. If there is more than one Registered Owner, a separate authorization from each individual or corporation is required. An additional copy of this page must be attached for each Registered Owner.

I, Marz Homes (NOTL) Inc. AM THE REGISTERED OWNER OF THE SUBJECT LANDS  
(Name of Registered Owner/Company)

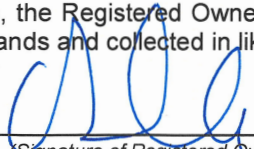
AND HEREBY AUTHORIZE Upper Canada Consultants  
(Name of Authorized Agent/Company)

**TO SUBMIT THIS APPLICATION** to the Town of Niagara-on-the-Lake, appear on my behalf at any hearing(s) of this application, and provide any information or material required by the Town of Niagara-on-the-Lake relevant to this application.

**I UNDERSTAND** that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

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(Signature of Registered Owner)

April 16/25  
(Date)

**19. Sworn Declaration**

I, Upper Canada Consultants OF THE City of St. Catharines  
*(Name of Registered Owner/Company or Authorized Agent/Company)* *(Name of City, Town, Township, etc.)*

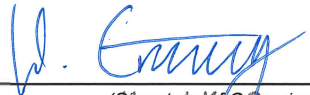
IN THE Region of Niagara  
*(Name of Regional Municipality or Province)*

**DO SOLEMNLY DECLARE** that the information contained in this application and that the information contained in the documents that accompany this application is true and complete.

Declared before me in City of St. Catharines in the Region of Niagara  
*(Name of City, Town, Township, etc.)* *(Name of Regional Municipality or Province)*

on this 16 day of April, 2025.  
*(Month)* *(Year)*

  
*(Signature of Registered Owner/Authorized Agent)*

  
*(Signature of Municipal Commissioner, etc., Province of Ontario, for Upper Canada Planning & Engineering Ltd. Expires November 28, 2025.)*

**THIS APPLICATION MUST BE SUBMITTED TO:**

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

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