

To: Town of Niagara-on-the-Lake Committee of Adjustment

Date: May 4, 2026

Subject: Planning Justification for LNCU Permission – 33 Paxton Lane

Introduction This brief is submitted in support of an application for Legal Non-Conforming Use (LNCU) permission under Section 45(2) of the *Planning Act*. The proposal seeks to permit a one-bedroom Bed & Breakfast (B&B) within the existing residential dwelling.

The "Four Tests" Analysis

- **Maintains Intent of the Official Plan:** The B&B supports the Town's goal of providing diverse, owner-managed tourist accommodations while preserving the residential character of the area.
- **Maintains Intent of the Zoning By-law:** The property is in an "Open Space" (OS) zone. As there are no exterior structural changes, the proposal preserves the open, wooded character of the lot.
- **Desirable and Appropriate Development:** Operating as a B&B (hosted model) ensures the owners are on-site 24/7 to manage guest activity, noise, and parking. This provides necessary supplemental income for the retired owners while maintaining neighborhood harmony.
- **Minor in Nature:** The expansion is strictly internal. Following a technical review by the Niagara Region, the proposal was pivoted to an upstairs bedroom to ensure the home stays within its 3-bedroom septic capacity. There is **zero increase** in daily design sewage flow.

Conclusion The proposal is a minor, low-impact expansion of a long-standing residential use that meets all technical "performance standards" for parking and amenity space.

Best Regards,

Ali Khalili