

Date: 12 June 2026  
 Project No: 26034

Town of Niagara on the Lake  
 1593 Four Mile Creek Road  
 Virgil, NOTL, ON  
 Canada L2S 1T0

Attn: Town Planning Staff

**Re: Minor Variance Application – 208 Tanbark Road, NOTL  
 Mr. and Mrs. Goodarzi Residence**

Quartek Group Inc. has been retained by Mr. and Mrs. Goodarzi to assist with the minor variance application for relief from the Zoning By-law 4316-09 (Section 6.44, 6.38, 9.0) governing lot area, exterior side yard, yard encroachment and driveway width.

<b>Table of Contents</b>	
<b>Page</b>	<b>Description</b>
<b>1</b>	Coversheet and appendix
<b>2</b>	Background information
<b>3</b>	Requested Relief
<b>4</b>	<b>Variance A: Maximum Lot Coverage</b>
	Criteria #1 Why are the variances minor in nature?
	Criteria #2 Why are the variances desirable for the appropriate use of the land?
	Criteria #3 Does it meet the intent and purpose of the Official Plan?
	Criteria #4 Does it meet the intent and purpose of the Zoning By-law?
<b>5</b>	<b>Variance B: Requested Relief – Exterior Side Yard</b>
	Criteria #1 Why are the variances minor in nature?
	Criteria #2 Why are the variances desirable for the appropriate use of the land?
	Criteria #3 Does it meet the intent and purpose of the Official Plan?
	Criteria #4 Does it meet the intent and purpose of the Zoning By-law?
<b>6</b>	<b>Variance C: Requested Relief – Maximum Driveway Width</b>
	Criteria #1 Why are the variances minor in nature?
	Criteria #2 Why are the variances desirable for the appropriate use of the land?
	Criteria #3 Does it meet the intent and purpose of the Official Plan?
	Criteria #4 Does it meet the intent and purpose of the Zoning By-law?



<b>7</b>	<b>Variance D: Requested Relief – Permitted Encroachments</b>	
	Criteria #1	Why are the variances minor in nature?
	Criteria #2	Why are the variances desirable for the appropriate use of the land?
	Criteria #3	Does it meet the intent and purpose of the Official Plan?
	Criteria #4	Does it meet the intent and purpose of the Zoning By-law?
<b>8</b>	<b>Variance E: Requested Relief – AC Unit Encroachment</b>	
	Criteria #1	Why are the variances minor in nature?
	Criteria #2	Why are the variances desirable for the appropriate use of the land?
	Criteria #3	Does it meet the intent and purpose of the Official Plan?
	Criteria #4	Does it meet the intent and purpose of the Zoning By-law?
<b>9</b>	Summary	

**Background Information – Part of Lot 3 Tanbark Road, NOTL, ON**

<b>Site Details</b>	<p>The subject site is located on the west side of Tanbark Road and south side of Warner Road, in Niagara on the Lake.</p> <p>The site has a lot area of 849.36 square metres (0.08 hectares) and the lot frontage is 25.82 metres along Tanbark Road, with exterior lot line abutting Warner Road.</p> <p>The City’s Zoning By-law 4316-09 designates the subject site as R1 – Residential 1 Zone and the City’s Official Plan designate the site as Low Density Residential.</p> <p>The subject property is currently a vacant lot with mature trees prevalent on site. There are no sidewalks that run along this property.</p>
<b>Proposed House</b>	<p>The proposed development is a two-storey single detached dwelling. The main entrance and driveways face Tanbark Road. It includes a 3-car garage, covered porch, in-ground pool, lower terrace connected by stairs and stone planters facing the front and exterior side yard of the subject property.</p> <p>Our client is currently developing this house with the intent of making it their future primary residence.</p> <p>The floor plan includes a living room, kitchen, dining area, and study on the main floor and all bedrooms are located on the second floor. The basement includes fitness area, rec room and guest bedrooms.</p>



**Requested Relief – Part of Lot 3 Tanbark Road, Niagara-on-the-Lake, ON**

**Requested Relief**

**Requested Relief from the Zoning By-law 4316-09**

Relief from By-law 4316-09 provisions are required to facilitate the proposed house.

Slight relief from zoning by-law will achieve a more desirable house layout in an area of similar upscale residential character.

When developing the site plan, some deficiencies were identified pertaining to setbacks, encroachments and maximum provision limit for driveway. Therefore, the following zoning provisions request relief:

- A. Lot Coverage – From 33% increased to 37.66%. (Section 9.1.2 c)
- B. Exterior Side Yard – From 4.50m to 2.55m (Section 9.1.2.i)
- C. Maximum Driveway Width – 6.0m to 6.21m (Section 6.38.f)
- D. Encroachments – (Section 6.44)
  - a. Unenclosed/Uncovered steps – Max side – 0.60m to 1.19m
  - b. Eaves and gutters – 0.60m to 2.32m
- E. AC Unit Encroachment – Interior Side Yard Setback – From 1.5m to 0.89m.



Zone Regulations	Required	Proposed
Minimum Lot Frontage	18.0m	25.82m
Minimum Lot Area	668 sq.m	849.36 sq.m
Maximum Lot coverage	33%	<b><u>37.66% (319.91 sq.m)</u></b>
Minimum Landscaped Open Space	30%	47.14% (400.40 sq.m)
Minimum Front Yard Setback	6.0m	6.39 metres
Maximum Front Yard Setback	7.5m	6.39 metres
Minimum Front Yard Setback to garage face.	8.5m	8.50 metres
Minimum Interior side yard setback i) except where there is no attached garage, the minimum side yard on one side shall be:	1.5m and 3.0m	1.50 metres
Minimum exterior side yard setback	4.5m	<b><u>2.55 metres</u></b>
Minimum rear yard setback	7.5m	8.65 metres
Maximum width of garage face	7.5m	6.62 metres
Minimum dwelling floor area	125 sq.m	319.91 sq.m
Maximum building height	10m	9.98m
Minimum accessory building yards setback	1.5m	N/A
Minimum accessory building exterior side yard setback	4.5m	N/A
Minimum Parking Required	2 space / unit	3 spaces / unit
Maximum Driveway Width	6.0m	<b><u>6.21m</u></b>

**Variance A – Lot Coverage from 33% to 37.66%**

Relevant Bylaws: Bylaw 4316-09 – Section 9.1 (c)

Summary of requested relief: To permit the lot coverage requirement of 37.66% where a maximum of 33% is required.

Proposed Minimum Lot Area requested to be relieved from 33% requirement to allow for a functional development on site.

Neighbouring properties will not be affected by this slight increase in lot coverage as it is a result of an irregular lot shape.

Please refer to the attached sketch illustrating the location of the dwelling within the approved building footprint.



**Variance A - Planning Justification in Accordance with Section 45 of the Planning Act.**

As prescribed under Section 45 (1) of the Planning Act, the evaluation of determining whether the requested variance should be approved, all four tests must be satisfied. The following provides the planning justification and evaluation of the development against the four tests.

<b>Variance A: Lot coverage 33% to 37.66%</b>	
<b>Criteria #1</b>	<b>Why are the variances minor in nature?</b>
<b>Justification</b>	<p>When considering the variances and whether it is minor in nature, the determination of reasonableness was measured against the type of use, any physical constraints on the site, and compatibility to adjacent uses. Upon reviewing the adjacent uses, the site is bound by a roundabout to the north, residential uses (single-detached residential) to the east, townhouses to the south and vacant lot towards the west.</p> <p>The proposed 4% increase in lot coverage is minor in nature and will not create adverse impacts on neighbouring properties.</p> <p><b>Neighbour's Privacy:</b>                      Privacy is maintained through required rear yard setbacks, while no shadow impacts are anticipated as the proposed height remains consistent with surrounding dwellings and zoning requirements.</p> <p><b>Building footprint:</b>                      Adjacent properties have building footprints of approximately 439 sq. m, whereas the proposed building has a significantly smaller footprint of 319.91 sq. m.</p> <p>The proposed building footprint is also consistent with other dwellings in the area, including homes along Warner Road and Tanbark Road with similar footprints of approximately 350 m<sup>2</sup>. Despite the increase in lot coverage, the proposal still provides 47.14% landscaped open space, significantly exceeding the 30% minimum requirement and maintaining the general intent of the zoning by-law.</p> <p><b>Functionality:</b>                      Adequate drainage and stormwater management will be maintained, and the proposal remains compatible with the existing neighborhood character. The slight increase in lot coverage is needed to support a functional building layout on this irregularly shaped lot.</p> <p>As the requested variance results in no negative impacts, it can be considered minor in nature.</p>



<b>Variance A: Lot coverage from 33% to 37.66%</b>	
<b>Criteria #2</b>	<b>Why are the variances desirable for the appropriate use of the land?</b>
<b>Justification</b>	<p>The requested variances are appropriate for the intended use of the property, as they enable a functional residential layout while maintaining compatibility with the surrounding neighbourhood.</p> <p>The proposed development generally preserves suitable setbacks and landscaped open space, while efficiently accommodating all required site elements. The building footprint is consistent with the scale and character commonly found within the neighbourhood.</p> <p>The modest increase in lot coverage supports a more efficient and practical site layout. This doesn't affect the density limit applicable for the subject property.</p> <p>The proposed 4% increase does not compromise the intent or purpose of the zoning by-law, as it addresses residential living needs without requiring additional building height.</p> <p>The deficiency is caused by an angled and irregular exterior lot line, The proposed house is appropriate for the area and supports ongoing residential continuity.</p> <p>Accordingly, the requested variance represents an appropriate use of the land and can be considered minor in nature.</p>



**Variance A: Lot Coverage 33% to 37.66%**

Criteria #3	Does it meet the intent and purpose of the Official Plan?
<b>Justification</b>	<p>The subject site is designated as R1 Residential, and the proposed single detached dwelling is a permitted use under this designation.</p> <p>The proposed house aligns with the zone policies identified in Section 9.2 of the Official Plan by:</p> <ul style="list-style-type: none"> <li>• To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner.</li> <li>• To ensure that existing housing and existing residential areas shall be preserved and improved.</li> <li>• To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.</li> <li>• To encourage the development of well-designed and visually distinctive forms.</li> </ul> <p><b>9.3.1 Low Density Residential</b></p> <p>(1) In the low-density residential designation, the following uses shall be permitted:</p> <p>Main Uses:                      Low Density Residential uses such as single detached, semi-detached and duplex dwellings.</p> <p>Secondary Uses: Uses permitted with a Main Use:</p> <ul style="list-style-type: none"> <li>- roomers and boarders</li> <li>- bed and breakfasts</li> <li>- accessory apartments</li> <li>- group homes</li> <li>- home occupations</li> <li>- accessory buildings and structures</li> </ul> <p>Uses permitted independent of a Main Use:</p> <ul style="list-style-type: none"> <li>- Minor open space and community facilities subject to Section 15 of this Plan;</li> <li>- Medium density residential uses subject to; the relevant policies of Section 9, and a site specific amendment to the Zoning By-law.</li> </ul> <p>(2) Accessory apartments, rooming and boarding houses, and the residential mix of single family semi-detached and duplex dwellings may be placed in separate zoning categories and limited in the Zoning By-law to locations and densities deemed appropriate by Town Council.</p>



**Section 6.32.3 Special Policy Area A-3 (St. Davids)**

The Official Plan recognizes the community of St. Davids as a Special Policy Area.

It is the intent of this Plan that the future evolution and physical development of the St. Davids community shall be directed by the policies of this Plan and, as applicable, the specific policies of this Section.

**A. Objectives**

It is the intent of this Plan with respect to the St. Davids community to provide for the following planning policy objectives:

1. Preserve the ambience and character of the historic village;
2. Maintain the urban area boundaries as the limit to the service area in support of the municipal servicing strategy and protection of abutting agricultural lands for farming purposes;
3. Protect the ecosystem integrity of woodlots, the Four Mile Creek watercourse, and the Niagara Escarpment;
4. Protect the views of the Niagara Escarpment, and provide for appropriate public access and linkages to the Bruce Trail;
5. Provide for efficient future growth within the urban area boundaries based on a comprehensive plan for municipal infrastructure and compatible land uses;
6. Provide for appropriately located active parkland and recreational facilities;
7. Enable further investigation of the need for and feasibility of new community facilities including a community center, library, daycare, and medical center;
8. Provide for a diversity of housing types to meet the needs of the resident community;
9. Provide for appropriately located commercial opportunities and activities to serve the needs of the St. Davids community;
10. Provide a long-term strategy for the development of lands within the urban boundary adjacent to Bevan Heights;
11. Provide for a comprehensive approach to transportation planning including roadways, pedestrian ways, bicycle ways/lanes and a long-term strategy for the future of Paxton Lane;
12. Provide for a comprehensive approach to stormwater management;
13. Provide for well-designed new development through urban design guidelines to address streetscape character, infill opportunities, and community focal points;
14. Recognize existing industrial uses, provide for appropriate planned growth of these uses, encourage industry which is environmentally sensitive in terms of such impacts as noise, traffic, vibration, fumes and waste management, and provide for compatible development opportunities on adjacent lands.

The proposed house maintains the character of the historic village and does not compromise conservation lands. The proposed development only contributes towards residential continuity within a well-established residential neighborhood. The proposed density (4.78 units per acre) falls within the



	<p>maximum residential density limit (6 units per acre) applicable for low density residential lots.</p> <p>Despite the requested 4.66% increase in permitted lot coverage, the proposal remains modest in scale and consists only of a single detached dwelling that complies with the density permissions and residential policy framework of the Official Plan. The requested minor variance for slight increase in lot coverage is caused due to irregular lot shape and does not have a negative impact on adjacent residential uses.</p> <p>Therefore, the requested variances meet the intent and purpose of the Official Plan.</p>
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**Variance A: Lot coverage 33% to 37.66%**

<b>Criteria #4</b>	<b>Does it meet the intent and purpose of the Zoning By-law?</b>
<b>Justification</b>	<p>The subject site is zoned as R1 – Residential, and the proposed single detached dwelling is a permitted use in this zone.</p> <p>However, the proposed development exceeds the maximum lot coverage requirements by 4.66%.</p> <p>The requested variance to Section 9.1.2 (c) (Zoning Bylaw 4316-09) does not detract from the City’s by-law regulations as the additional lot coverage area are not expected to create adverse negative impacts for the local residents.</p> <p>Traffic will not be a concern as it is just one residential dwelling proposed with driveway fronting onto the unsignalized intersection on Tanbark Road at Warner Road, allowing for efficient access without disturbing the adjacent neighbors. The development is able to be adequately serviced by local infrastructure and provides the appropriate number of parking spaces.</p> <p>The requested lot coverage relief is partially attributable to the irregular configuration of the subject lot. Due to the lot geometry and non-standard lot lines, the buildable area is constrained in a manner that can make the proposed building footprint appear proportionally larger relative to the calculated lot area. As a result, the calculated lot coverage percentage is influenced by the irregular lot shape rather than by an excessive building mass or intensity of development.</p> <p>The dwelling maintains appropriate setbacks, landscaped open space, and compatibility with the surrounding neighborhood. No adverse impacts related to overlook, shadowing, drainage, or neighborhood character are anticipated.</p> <p>Therefore, the requested variances meet the intent and purpose of the Zoning By-law.</p> <p>Hence, after careful consideration of the project’s context, we believe that the additional lot coverage will not severely impact on the function of the development and request relief.</p>





**Variance B: Planning Justification in Accordance with Section 45 of the Planning Act**

As prescribed under Section 45 (1) of the Planning Act, the evaluation of determining whether the requested variance should be approved, all four tests must be satisfied. The following provides the planning justification and evaluation of the development against the four tests.

<b>Variance B: Exterior Side Yard – From 4.50m to 2.55m</b>	
<b>Criteria #1</b>	<b>Why are the variances minor in nature?</b>
<b>Justification</b>	<p>When considering the variances and whether it is minor in nature, the determination of reasonableness was measured against the type of use, any physical constraints on the site, and compatibility to adjacent uses. Upon reviewing the adjacent uses, the site is bound by a roundabout to the north, residential uses (single-detached residential) to the east, townhouses to the south and vacant lot towards the west.</p> <p>The subject property is located on an irregular lot, resulting in a minor encroachment into the exterior side yard due primarily to the existing lot geometry rather than the building design itself.</p> <p>The variance does not compromise the intent of the zoning by-law and is intended to facilitate a functional layout, permitting only a small portion of the great room to encroach the exterior yard.</p> <p>The building face of the adjacent property facing the exterior yard along Warner Road is located approximately 25.6 metres from the proposed building face, and is therefore anticipated to have minimal impact.</p> <p>Located within a predominantly residential neighbourhood, the proposed house will not adversely impact adjacent properties. Therefore, the requested variances are considered minor in nature.</p>



<b>Variance B: Exterior side yard – From 4.50m to 2.55m</b>	
<b>Criteria #2</b>	<b>Why are the variances desirable for the appropriate use of the land?</b>
<b>Justification</b>	<p>The proposal represents appropriate and efficient use of the land by accommodating the proposed house on an irregularly shaped lot while maintaining the residential character of the neighborhood.</p> <p>The minor encroachment is primarily a result of the existing lot geometry and supports a functional layout, including limited architectural features and a small portion of the great room.</p> <p>The proposed house remains compatible with surrounding properties, maintains adequate separation distances, and does not create adverse impacts, while remaining consistent with the intent of the zoning by-law and land-use planning principles.</p> <p>Considering the road widening along Warner Road and the adjacent building face being located approximately 25 metres from the subject property line, privacy impacts are considered negligible.</p> <p>Therefore, the requested variance is desirable for the appropriate use of the land.</p>

<b>Variance B: Exterior side yard – 4.50m to 2.55m</b>	
<b>Criteria #3</b>	<b>Does it meet the intent and purpose of the Official Plan?</b>
<b>Justification</b>	<p>The subject site is designated as Low Density Residential, and the proposed house is permitted under this designation.</p> <p>The proposed house falls under the St. Davids Urban Community. The policies of this Plan aim to accomplish a balance between the needs of the agricultural area and those of the urban area to reduce, as much as possible, land use conflicts.</p> <p><b>Special policy Area – St. Davids A-3</b>                      It is the intent of this Plan that the future evolution and physical development of the St. Davids community shall be directed by the policies of this Plan and, as applicable, the specific policies of this Section.</p> <p>The proposed house aligns with the policies established under the special policy area and doesn't compromise on agricultural land. The development only makes use of property within the urban area.</p> <p>The slight deficiency in proposed exterior side yard is only to accommodate architectural features and a small portion of the great room. This does not undermine the general intent of the Official Plan and is considered minor in</p>



	nature. Therefore, the requested variances meet the intent and purpose of the Official Plan.
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<b>Variance B: Exterior Side yard – 4.50m to 2.55m</b>	
<b>Criteria #4</b>	<b>Does it meet the intent and purpose of the Zoning By-law?</b>
<b>Justification</b>	<p>The subject site is zoned as R1 – Residential and the proposed single detached dwelling is a permitted use in this zone.</p> <p>The requested variance to Section 9.1.2 (i) does not detract from the City's by-law regulations as the slight encroachment of exterior yard does not cause adverse impacts to adjacent property.</p> <p>It should be noted that the Town's zoning by-law currently permits certain structures to encroach into the yard. Where an exterior setback of 4.5m is required as per zoning, 2.55m is being proposed. This deviation is required only to accommodate a small portion of the great room (built form) to which the setback is measured.</p> <p>The encroachment of area doesn't lead to additional units or density.</p> <p>Therefore, the requested variances meet the intent and purpose of the Zoning Bylaw.</p>



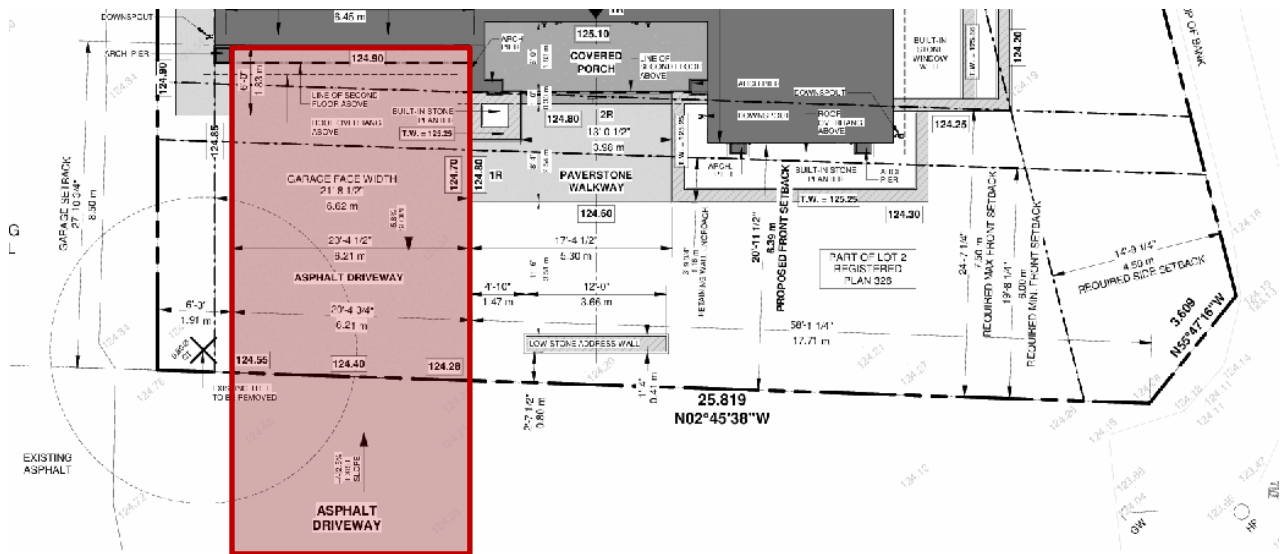
**Variance C: Maximum Driveway Width (6.00m down to 6.21m to include)**

Relevant Bylaws: Section 6.38.f – Driveway or aisle width

Summary of requested relief: Relief from the required driveway width is requested to provide a wider driveway that exceeds the maximum requirement by 0.21 metres.

The current zoning requirement is to provide a driveway that shall not exceed 6.0m width.

It is requested to permit a driveway width of 6.21m which will result in better vehicle maneuverability and prevent vehicle overhang on landscape area.





**Variance C: Planning Justification in Accordance with Section 45 of the Planning Act**

As prescribed under Section 45 (1) of the Planning Act, the evaluation of determining whether the requested variance should be approved, all four tests must be satisfied. The following provides the planning justification and evaluation of the development against the four tests.

<b>Variance C: Driveway Width from 6.0m to 6.21m</b>	
<b>Criteria #1</b>	<b>Why are the variances minor in nature?</b>
<b>Justification</b>	<p>When considering the variances and whether it is minor in nature, the determination of reasonableness was measured against the type of use, any physical constraints on the site, and compatibility to adjacent uses. Upon reviewing the adjacent uses, the site is bound by a roundabout to the north, residential uses (single-detached residential) to the east, townhouses to the south and vacant lot towards the west.</p> <p>The additional driveway width is only intended to improve vehicle maneuverability and provide safe access to and from the garage. This also allows for efficient tandem parking and prevents vehicles from overhanging onto the nearby landscape area.</p> <p>Wider driveways, approximately 9 metres in width, are prevalent throughout the neighbourhood and on immediately adjacent properties, and do not detract from the existing character of the area.</p> <p>The minor increase doesn't lead to encroachment of interior side yard setback and doesn't affect drainage or traffic concerns.</p> <p>It should be noted that there are no sidewalks located along the properties west of Tanbark Road; therefore, the proposed driveway is not anticipated to create pedestrian safety concerns. Additionally, the subject property's location at the intersection naturally encourages slower and more cautious vehicle movements when entering and exiting the site.</p> <p>It is to be noted that commercial amenities, institutional spaces and parks are within 10min walking distance from the subject property and hence encourage walkability.</p> <p>Located within a predominantly single detached residential neighbourhood, the proposed minor increase in driveway width will not adversely impact adjacent properties and aligns with the garage face width. Therefore, the requested variances are considered minor in nature.</p>



<b>Variance C: Driveway Width – From 6.0m to 6.21m</b>	
<b>Criteria #2</b>	<b>Why are the variances desirable for the appropriate use of the land?</b>
<b>Justification</b>	<p>The proposal represents appropriate and efficient use of the land by accommodating a house on an irregularly shaped lot while maintaining the residential character of the neighborhood.</p> <p>The minor increase in driveway width enhances functionality of day to day residential use and continues to maintain adequate landscaping and soft surface areas on the property (built in stone planters etc.,).</p> <p>The minor increase in driveway width accommodates typical household parking needs without negatively impacting neighbouring properties and continues to maintain the intent of the zoning by-law. Given the subject property’s location at the intersection, the additional width also facilitates safer vehicle entry and exit movements.</p> <p>Therefore, the requested variance is desirable for the appropriate use of the land as it promotes residential continuity without negative impact to surrounding uses.</p>

<b>Variance C: Driveway width – 6.0m to 6.21m</b>	
<b>Criteria #3</b>	<b>Does it meet the intent and purpose of the Official Plan?</b>
<b>Justification</b>	<p>The subject site is designated as Low Density Residential, and the proposed house is permitted under this designation.</p> <p>The proposed house is within, and subject to the St. Davids Urban Community (Special Policy Area A-3) The policies of this Plan aim to accomplish a balance between the needs of the agricultural area and those of the urban area to reduce, as much as possible, land use conflicts.</p> <p><b>Special policy Area – St. Davids A-3</b>                      It is the intent of this Plan that the future evolution and physical development of the St. Davids community shall be directed by the policies of this Plan and, as applicable, the specific policies of this Section.</p> <p>The proposed house and minor increase in driveway width allows for an appropriate and orderly development that is desirable for the use of land.</p> <p>The slight deficiency is only to improve the functionality of the space and doesn’t lead to compromise in minimum landscape area requirements.</p> <p>Therefore, the requested variances meet the intent and purpose of the Official Plan.</p>



<b>Variance C: Driveway width – 6.0m to 6.21m</b>	
<b>Criteria #4</b>	<b>Does it meet the intent and purpose of the Zoning By-law?</b>
<b>Justification</b>	<p>The subject site is zoned as R1 – Residential and the proposed single detached dwelling is a permitted use in this zone.</p> <p>The requested variance to Section 6.38.f does not detract from the City’s by-law regulations as the slight encroachment of exterior yard does not cause adverse impacts to adjacent property.</p> <p>The zoning parameters are generally tied to neighborhood character, landscaping, drainage and safety objectives and the proposed minor increase does not undermine the purpose.</p> <p>The landscape area is still maintained. Where a minimum of 30% of total lot area is required to be landscaped, 47.14% of the subject property is dedicated for landscaping.</p> <p>Therefore, the requested variance is considered minor in nature and meet the general intent of the zoning bylaw.</p>



### Variance D: Encroachments (Unenclosed/Uncovered Steps and Eaves and Gutters)

Relevant Bylaws: Section 6.44 – Permitted Yard Encroachments

Summary of requested relief: Relief from the maximum permitted yard encroachment is requested to provide a functional layout.

The current zoning requirement allows yard encroachments of upto 1.5m in the front or rear yard and 0.6m in the side yard for unenclosed steps and 0.6m on all yards for Eaves and Gutters.

The exterior side yard is requested to be amended to accommodate the uncovered steps that encroach 1.19m of the exterior side yard and eaves and gutters that encroaches 2.32 metres into the exterior yard.





## Variance D: Planning Justification in Accordance with Section 45 of the Planning Act

As prescribed under Section 45 (1) of the Planning Act, the evaluation of determining whether the requested variance should be approved, all four tests must be satisfied. The following provides the planning justification and evaluation of the proposed house against the four tests.

<b>Variance D: Encroachments – Steps, Eaves and Gutters</b>	
<b>Criteria #1</b>	<b>Why are the variances minor in nature?</b>
<b>Justification</b>	<p>When considering the variances and whether it is minor in nature, the determination of reasonableness was measured against the type of use, any physical constraints on the site, and compatibility to adjacent uses. Upon reviewing the adjacent uses, the site is bound by a roundabout to the north, residential uses (single-detached residential) to the east, townhouses to the south and vacant lot towards the west.</p> <p>The encroachment does not add any habitable floor area and is required solely to provide access to the rear yard. The deficiency results from the irregular lot configuration and angled exterior lot line and occurs only along the exterior lot boundary.</p> <p>The following structures are exempt from the requirements of setbacks</p> <ol style="list-style-type: none"> <li>1. A fence, boundary wall less than 1.2m in height.</li> <li>2. Docks, boathouses, retaining walls, sidewalks, pavements, bollards, curbs or open air surfaced areas</li> <li>3. Mailboxes, clothesline poles, newspaper or dispensing boxes</li> <li>4. Planters, statues, sculptures, birdbaths, play equipment less than 1.2m in height</li> <li>5. Pillars (less than 1 sq.m but shall not include any other landscape features which have a continuous foundation.</li> </ol> <p>The minor encroachment of steps, eaves and gutter are not anticipated to create adverse impacts on neighboring properties and continues to maintain the general intent of the zoning by-law and Official Plan.</p> <p>Furthermore, as the structure does not constitute habitable or enclosed built space, it is not expected to create negative visual impacts on the surrounding area.</p> <p>Therefore, the requested variances are considered minor in nature.</p>



<b>Variance D: Encroachments – Steps, Eaves and Gutters</b>	
<b>Criteria #2</b>	<b>Why are the variances desirable for the appropriate use of the land?</b>
<b>Justification</b>	<p>The minor increase in driveway width enhances functionality of day to day residential use and continues to maintain adequate landscaping and soft surface areas on the property (built in stone planters etc.,).</p> <p>The minor encroachment only accomodates architectural features and not built space. The deficiency is created due to the angled exterior lot line.</p> <p>In general, unenclosed steps, eaves, and gutters are permitted to encroach into the required yard as per the Town’s zoning policies; however, the proposed encroachment exceeds the maximum permitted limit and therefore requires relief. Given that the adjacent building facing the exterior yard is located approximately 25.6 metres from the subject property’s exterior lot line, the impact resulting from this minor encroachment is anticipated to be negligible.</p> <p>Therefore, the requested variance is desirable for the appropriate use of the land.</p>

<b>Variance D: Encroachments – Steps, Eaves and Gutters</b>	
<b>Criteria #3</b>	<b>Does it meet the intent and purpose of the Official Plan?</b>
<b>Justification</b>	<p>The subject site is designated as Low Density Residential, and the proposed house is permitted under this designation.</p> <p>The proposed house is subject to the St. Davids Urban Community Plan. The policies of this Plan aim to accomplish a balance between the needs of the agricultural area and those of the urban area to reduce, as much as possible, land use conflicts.</p> <p><b>Special policy Area – St. Davids A-3</b>              It is the intent of this Plan that the future evolution and physical development of the St. Davids community shall be directed by the policies of this Plan and, as applicable, the specific policies of this Section.</p> <p>The minor encroachment only allows for architectural features to be proposed on site. The subject property doesn’t lead to compromise in minimum landscape area requirements, nor does it affect the density requirement.</p> <p>However, the intent of the official plan is to provide a functional site design and appropriate built form that meets the character and scale of the surrounding neighborhood. The proposed minor deficiency does not undermine the purpose of the Official Plan.</p> <p>Therefore, the requested variances meet the intent and purpose of the Official Plan.</p>



<b>Variance D: Encroachments – Steps, Eaves and Gutters</b>	
<b>Criteria #4</b>	<b>Does it meet the intent and purpose of the Zoning By-law?</b>
<b>Justification</b>	<p>The subject site is zoned as R1 – Residential and the proposed single detached dwelling is a permitted use in this zone.</p> <p>The requested variance to Section 6.44.f does not detract from the City’s by-law regulations as the slight encroachment of exterior yard does not cause adverse impacts to adjacent property. The deficiency is caused due to the angled exterior lot line and is required to propose architectural features (eaves and gutter) consistently on all sides of the lot to manage rainwater and prevent moisture related damage. The steps will serve only as access from basement to the rear and are not a part of the built form.</p> <p>The proposed house, including the unenclosed steps, provides a rear yard setback greater than the minimum requirement, thereby maintaining the privacy of the adjacent property. Where a 7.50 m rear yard setback is required, a setback of 8.65 m is being provided. The building face and steps are aligned to ensure a cohesive design.</p> <p>Therefore, the requested variance is considered minor in nature and meet the general intent of the zoning bylaw.</p>



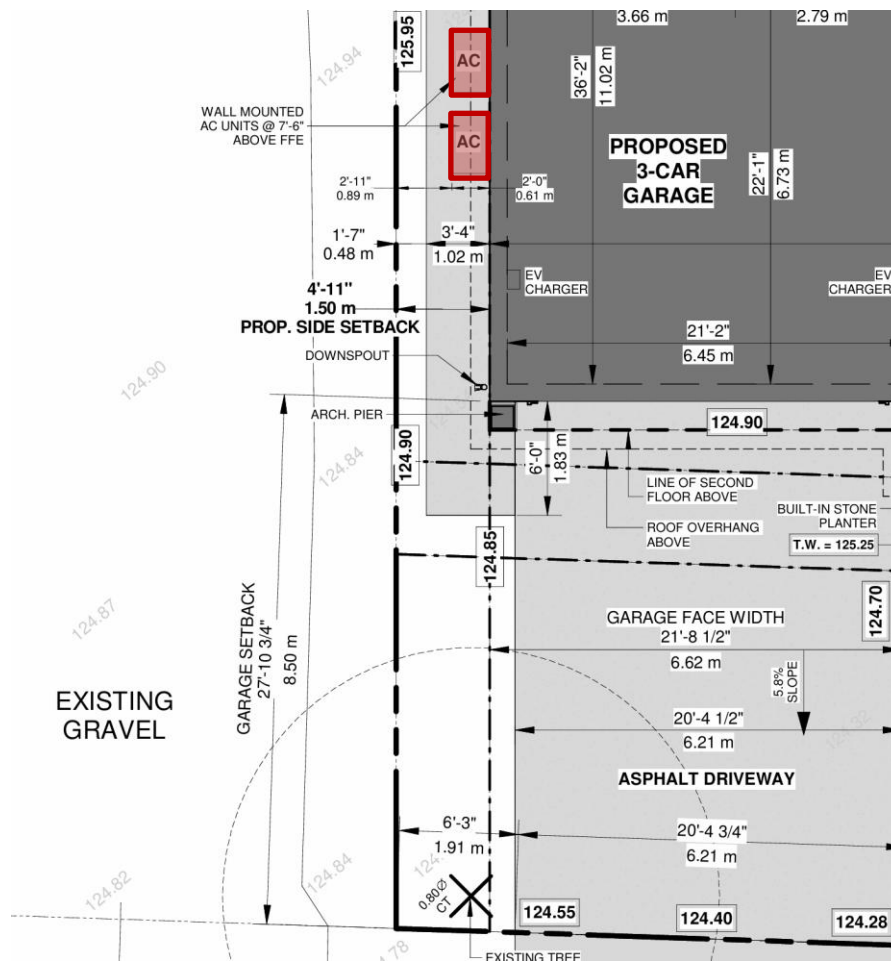
**Variance E: AC Unit Encroachment**

Relevant Bylaws: Section 6.44 – Permitted Yard Encroachments

Summary of requested relief: Relief from yard encroachment requested to accommodate the AC Unit.

The current zoning requirement allows yard encroachments of upto 1.5m in the front, rear, or exterior side yard.

However, the AC Unit is located in the interior side yard where encroachment is not permitted and creates a deficient setback of 0.89m. The interior side yard setback is currently 1.5m otherwise as required by zoning bylaw.



**Variance E: Planning Justification in Accordance with Section 45 of the Planning Act**

As prescribed under Section 45 (1) of the Planning Act, the evaluation of determining whether the requested variance should be approved, all four tests must be satisfied. The following provides the planning justification and evaluation of the proposed house against the four tests.



<b>Variance E: AC Unit Encroachment – Interior Side Yard</b>	
<b>Criteria #1</b>	<b>Why are the variances minor in nature?</b>
<b>Justification</b>	<p>When considering the variances and whether it is minor in nature, the determination of reasonableness was measured against the type of use, any physical constraints on the site, and compatibility to adjacent uses. Upon reviewing the adjacent uses, the site is bound by a roundabout to the north, residential uses (single-detached residential) to the east, townhouses to the south and vacant lot towards the west.</p> <p>Similar to the previously requested variance for step encroachments, the proposed AC units do not add habitable floor area and are required solely as mechanical equipment.</p> <p>The wall-mounted unit maintains a minimum clearance height of 2.2 metres, ensuring the interior side yard continues to function for access, drainage, and privacy purposes.</p> <p>The deficiency is limited to a small portion of the interior side yard setback and is not expected to create adverse impacts on neighbouring properties and maintains the intent of the Zoning By-law and Official Plan.</p> <p>The interior side yard setback is also the most appropriate location for the AC unit, as it minimizes visual impact on the front façade.</p> <p>Accordingly, the requested variance is considered minor in nature.</p>

<b>Variance E: AC Unit Encroachment – Interior Side Yard</b>	
<b>Criteria #2</b>	<b>Why are the variances desirable for the appropriate use of the land?</b>
<b>Justification</b>	<p>The minor encroachment is wall-mounted and maintains a minimum clearance height of 2.2 metres and does not occupy any additional land area.</p> <p>AC units are generally permitted as yard encroachments in the rear, exterior, and front yards; however, a variance is required as the interior side yard is the most appropriate location to minimize visual impact. As the unit does not occupy ground area, the interior side yard will continue to function for access and drainage without obstruction or interruption.</p> <p>It would be undesirable to locate the AC in any other location as this is a corner lot. The intent is to hide the AC view from the public. This is the most desirable location.</p> <p>Therefore, the requested variance is desirable for the appropriate use of the land.</p>



<b>Variance E: AC Unit Encroachment – Interior Side Yard</b>	
<b>Criteria #3</b>	<b>Does it meet the intent and purpose of the Official Plan?</b>
<b>Justification</b>	<p>The subject site is designated as Low Density Residential, and the proposed house is permitted under this designation.</p> <p>The proposed house is subject to the St. Davids Urban Community Plan. The policies of this Plan aim to accomplish a balance between the needs of the agricultural area and those of the urban area to reduce, as much as possible, land use conflicts.</p> <p><b>Special policy Area – St. Davids A-3</b> It is the intent of this Plan that the future evolution and physical development of the St. Davids community shall be directed by the policies of this Plan and, as applicable, the specific policies of this Section.</p> <p>The minor encroachment only allows accessory mechanical equipment to serve the building without using any land area and remains consistent with the Low-density residential character as per the Official Plan.</p> <p>However, the intent of the official plan is to provide a functional site design and appropriate built form that meets the character and scale of the surrounding neighborhood. The proposed AC units does not affect the functionality of site in anyway and the proposed minor deficiency does not undermine the purpose of the Official Plan.</p> <p>Therefore, the requested variances meet the intent and purpose of the Official Plan.</p>



<b>Variance E: AC Unit Encroachment – Interior Side Yard</b>	
<b>Criteria #4</b>	<b>Does it meet the intent and purpose of the Zoning By-law?</b>
<b>Justification</b>	<p>The subject site is zoned R1 – Residential, and the proposed single detached dwelling is a permitted use.</p> <p>The requested variance to Section 6.44.f results in a minor encroachment into the interior side yard and does not create adverse impacts on adjacent properties.</p> <p>The AC units do not occupy additional land area and maintains a minimum clearance height of 2.2 metres, allowing continued access to the rear yard and uninterrupted drainage system through the property.</p> <p>While AC units are permitted in the rear, exterior, and front yards, the variance is requested to permit placement within the interior side yard to minimize visual impact on the front façade. The interior side yard remains functional and unobstructed, with the encroachment creating only a localized setback deficiency of 0.89 m from the property line.</p> <p>The intent of the interior side yard setback is to maintain adequate separation between dwellings. The minor deficiency is limited to a small portion of the interior side yard setback only.</p> <p>Accordingly, the variance is considered minor in nature and maintains the intent of the Zoning By-law.</p>

The attached PDF illustrates the site layout and proposed floor plans and elevations. All provisions are accommodated within the site with minor variances requested only along the exterior lot line of the property.

In conclusion, the requested minor variances satisfactorily meet the four tests and are recommended for approval.

If you have any questions or require additional information, please do not hesitate to contact me.

Thank you,

Zamima Khan  
Intern Urban Planner – Quartek Group Inc.

Cc : Arlene Goodarzi – Owner/Client  
Masoud Goodarzi – Owner/Client  
Matthew Trendota - Architect