

In the matter of the Planning Act, R.S.O. 190, c. P.13, s. 45:

**DECISION:** File No. Minor Variance A-11/26 – WS Concession 7 Road (Modero Block 84)  
**Assessment Roll No. 26270200191500000000**

**Description of the Land and Purpose and Effect of the Proposed Minor Variance:**

Minor Variance Application A-11/26 is made to facilitate the construction of a townhouse development and requests relief as follows:

1. Minimum rear yard setback from 7.0 metres, as required in the Site-Specific By-law, to 5.0 metres for Units 1 to 16;
2. Minimum rear yard setback from 7.0 metres, as required in the Site-Specific By-law, to 5.5 metres for Units 57, 64, and 65 to 72;
3. Minimum rear yard setback from 7.0 metres, as required in the Site-Specific By-law, to 6.0 metres for Units 43, 50 to 56, and 73 to 111;
4. Minimum exterior side yard setback from 3.0 metres, as required in the Site-Specific By-law, to 1.0 metres for Units 83 and 84;
5. Minimum exterior side yard setback from 3.0 metres, as required in the Site-Specific By-law, to 1.3 metres for Units 57 and 72;
6. Minimum exterior side yard setback from 3.0 metres, as required in the Site-Specific By-law, to 2.3 metres for Units 1, 16, 24, 35, 43, 50, 51, 56, 64 and 65;
7. Minimum setback from a private road to a dwelling corner from 2.75 metres, as required in the Site-Specific By-law, to 2.5 metres for Unit 56
8. Minimum setback from a private road to a dwelling corner from 2.75 metres, as required in the Site-Specific By-law, to 1.5 metres for Unit 57 and 72;
9. Maximum deck encroachment from 1.5 metres, as required in the Zoning By-law, to 2.5 metres for Units 43 to 56, 57 to 111, 119, 120 to 128;
10. Maximum exterior side yard encroachment for an unenclosed covered porch with open sides and/or balcony above from 1.5 metres, as required in the Site-Specific Zoning By-law, to 1.6 metres for Units 1, 16, 17, 23, 24, 35, 36, and 42;
11. Minimum driveway setback from an exterior property line from 8.0 metres, as required in the Zoning By-law, to 5.0 metres for Units 16, 17, 23, 24, 35, 36, 42, 43, 50, 51, 56, 57, 64, 65, and 72;
12. Minimum driveway setback from an interior property line from 1.0 metres, as required in the Zoning By-law, to 0 metres for all Units; and
13. Maximum height of the back-to-back townhouses from 12 metres, as required in the Site-Specific By-law, to 14 metres.

**Decision: Granted.**

**Reasons:** The Committee of Adjustment considered the oral and written submissions and agrees with the minor variance report analysis and recommendation that this application meets the four Planning Act tests for minor variance:

- a. The variance is minor in nature.

- b. The variance is appropriate for the development of the land.
- c. The general intent and purpose of the Zoning By-law is maintained.
- d. The general intent and purpose of the Official Plan is maintained.

**Date of Decision: June 18, 2026.**

**The last date for filing a notice of appeal is July 8, 2026.**

A notice of appeal:

- 1. must be filed with the Secretary-Treasurer;
- 2. must set out the reasons for the appeal; and
- 3. must be accompanied by the fee required by the Ontario Land Tribunal.

An appeal to the Ontario Land Tribunal (OLT) in respect to all or part of this decision may be made by filing a notice of appeal with the Secretary-Treasurer by one (1) of the following means:

- 1. Through the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting the Town of Niagara-on-the-Lake as the Approval Authority; or,
- 2. Through providing physical copies of the appeal materials to Town Hall 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0
- 3. Through providing electronic copies of the appeal materials to the Secretary-Treasurer at [natalie.thomson@notl.com](mailto:natalie.thomson@notl.com).

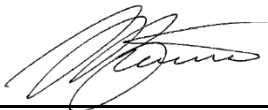
The appeal fee can be paid online through e-file or by certified cheque/money order and submitted to the Town (certified cheque/money order to be addressed to the Minister of Finance, Province of Ontario). Further information and the required forms are available on the OLT website at [www.olt.gov.on.ca](http://www.olt.gov.on.ca).

**Further notice and appeal eligibility:**

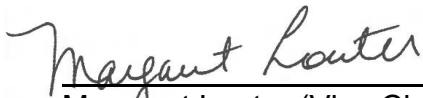
Please note neighbours and other interested parties not defined by the Planning Act are no longer eligible to file appeals for this application as per Bill 23, More Homes Built Faster Act, 2022. Planning Act appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

Information regarding the Local Planning Appeals Tribunal can be found at; <https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

Consent was obtained by the Secretary Treasurer on June 18, 2026 to insert electronic signatures of Committee members below;




Steve Bartolini  
Committee of Adjustment




Margaret Louter (Vice Chair)  
Committee of Adjustment




Eric Lehtinen (Chair)  
Committee of Adjustment



Paul Johnson  
Committee of Adjustment



Angelo Miniaci  
Committee of Adjustment



Natalie Early  
Committee of Adjustment



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Chris Van de Laar  
Committee of Adjustment

I, Natalie Thomson, Secretary Treasurer of the Committee of Adjustment for the Town of Niagara-on-the-Lake, hereby certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein.

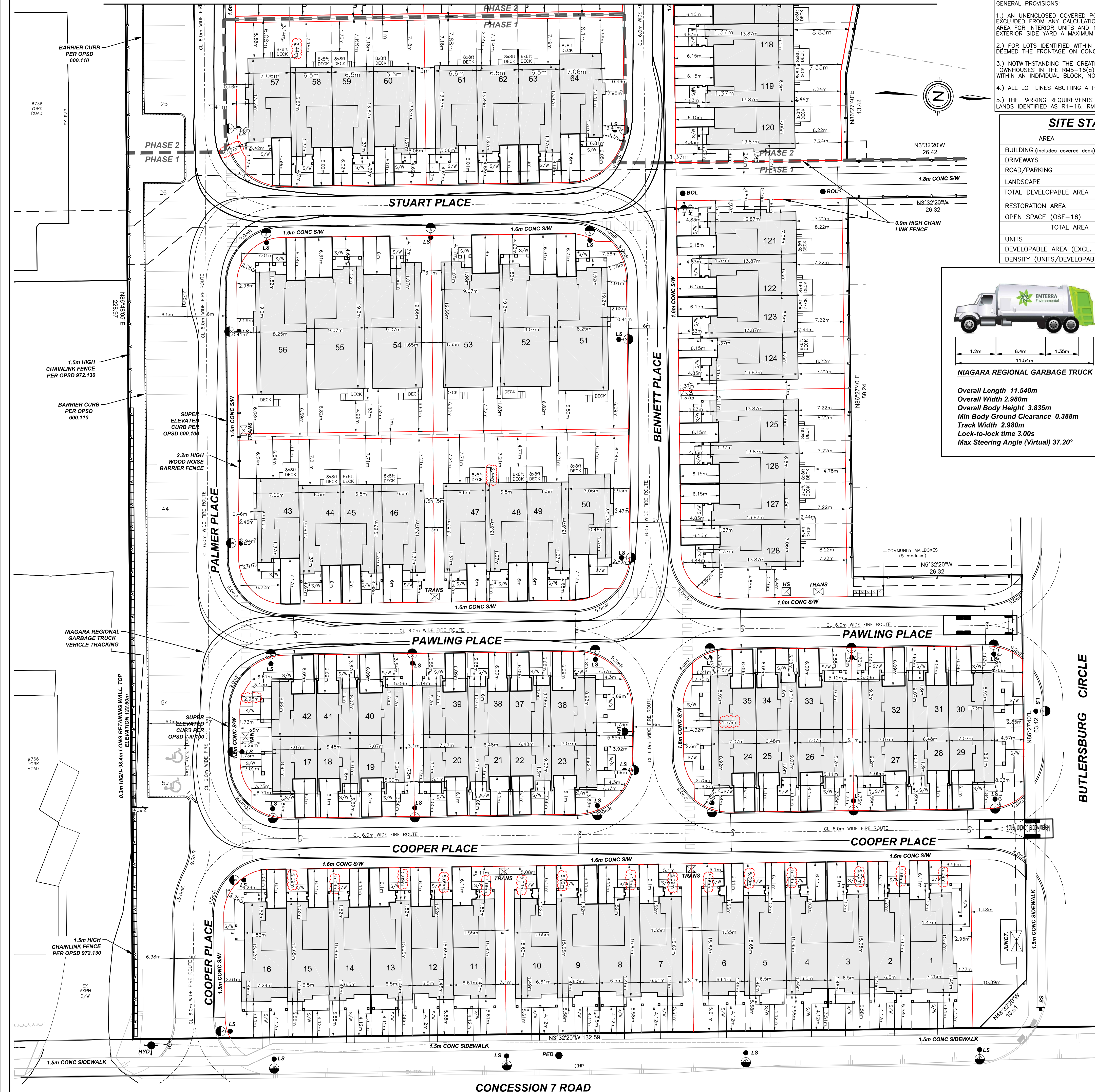
DATED at the Town of Niagara-on-the Lake on June 19, 2026.



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Natalie Thomson, Secretary-Treasurer

REFER TO SHEET 2130-SP2



GENERAL PROVISIONS:

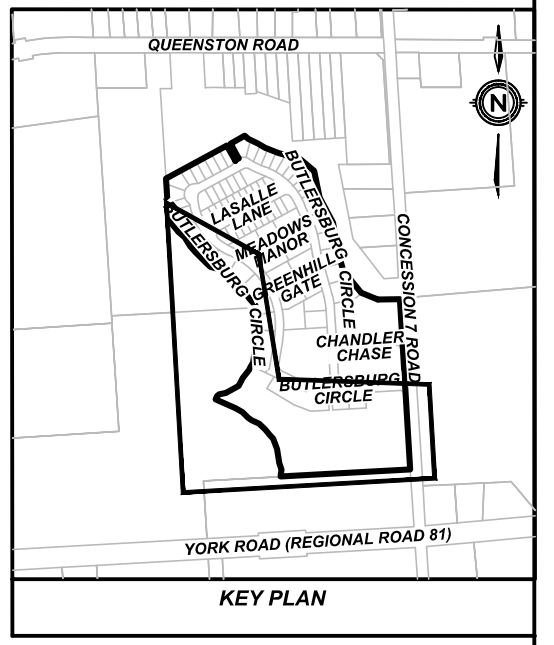
- 1) AN UNENCLOSED COVERED PORCH WITH OPEN SIDES AND/OR BALCONY ABOVE, LOCATED IN THE FRONT OR EXTERIOR SIDE YARD SHALL BE EXCLUDED FROM ANY CALCULATION OF MAXIMUM LOT COVERAGE PROVIDED THE AREA OF THE PORCH DOES NOT EXCEED 5% OF THE TOTAL AREA FOR INTERIOR UNITS AND 10% OF THE TOTAL UNIT AREA FOR CORNER UNITS. SUCH PORCH MAY ENCRoACH INTO THE FRONT AND/OR EXTERIOR SIDE YARD A MAXIMUM OF 1.5m PROVIDED THE PORCH FLOOR LEVEL IS NO MORE THAN 1.87m ABOVE GRADE.
- 2) FOR LOTS IDENTIFIED WITHIN THE RM5-16(a) AND RM5-16(b) ZONE WITH FRONTAGE ON CONCESSION 7 ROAD, THE FRONT LOT LINE SHALL BE DEEMED THE FRONTAGE ON CONCESSION 7 ROAD.
- 3) NOTWITHSTANDING THE CREATION OF LOT LINES OF A CONDOMINIUM, THE LOT FRONTAGE, LOT COVERAGE AND LOT AREA PROVISIONS FOR BLOCK TOWNHOUSES IN THE RM5-16(a) AND RM5-16(b) ZONE, SHALL BE APPLIED TO THE ENTIRETY OF THE LANDS ZONED RM5-16(a) AND RM5-16(b) WITHIN AN INDIVIDUAL BLOCK, NOT THE INDIVIDUAL LOTS CREATED THROUGH CONDOMINIUM REGISTRATION.
- 4) ALL LOT LINES ABUTTING A PUBLIC STREET, OTHER THAN THE FRONT LOT LINE, SHALL BE DEEMED TO BE AN EXTERIOR LOT LINE.
- 5) THE PARKING REQUIREMENTS SET OUT IN THE PROVISIONS SECTION 6 OF ZONING BY-LAW 4316-09, AS AMENDED, SHALL APPLY TO THE LANDS IDENTIFIED AS R1-16, RM5-16(a) AND RM5-16(b).

SITE STATISTICS

AREA	ha	% COVERAGE
BUILDING (Includes covered deck)	1.139	33.76
DRIVEWAYS	0.246	7.29
ROAD/PARKING	0.682	20.21
LANDSCAPE	1.307	38.74
TOTAL DEVELOPABLE AREA	3.374	100.00
RESTORATION AREA	0.207	
OPEN SPACE (OSF-16)	4.456	
TOTAL AREA	8.037	
UNITS		128
DEVELOPABLE AREA (EXCL. ROAD/PARKING)		2.446ha
DENSITY (UNITS/DEVELOPABLE AREA)		52.33u/ha

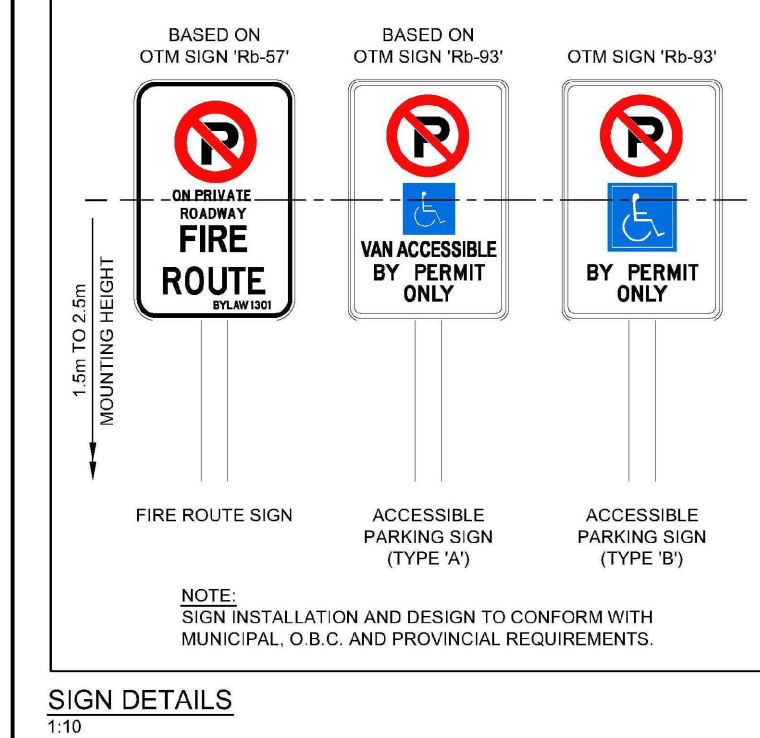
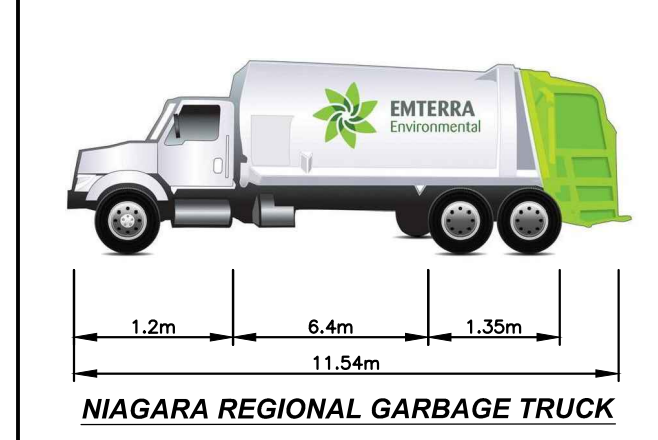
LEGAL DESCRIPTION

PART OF TOWNSHIP LOTS 188 & 181 (GEOGRAPHIC TOWNSHIP OF NIAGARA) TOWN OF NIAGARA-ON-THE-LAKE



ZONING MATRIX

PROVISION	ZONING (RM5-16b)	PROVIDED
<b>MULTIPLE DWELLING</b>		
MIN. LOT FRONTAGE	130.0m	132.59m
MIN LOT AREA	33'700m <sup>2</sup>	80'366.43m <sup>2</sup>
MIN. FRONT YARD	3.5m (DWELLING) 6.0m (GARAGE)	3.50m (DWELLING) 6.00m (GARAGE)
MIN EXTERIOR SIDE YARD	3.0m	1.35m (57,72,83,84) 2.35m (1,16,24,35,43,50,51,56,64,65)
MIN REAR YARD	7.0m	5m (1-16) 5.5m (65-72) 6m (43,50-56,73-111)
MAX. BUILDING HEIGHT	12.0m	12.0m (14m un 17-42)
MIN. LANDSCAPED OPEN SPACE	25%	38.74%
MAX LOT COVERAGE	50%	33.76%
MIN DWELLING FLOOR AREA	93m <sup>2</sup>	93m <sup>2</sup>
MAX GARAGE DOOR WIDTH	N/A	N/A
MIN AMENITY AREA PER UNIT (m <sup>2</sup> ) (B2B)	4m <sup>2</sup>	4m <sup>2</sup>
FOOTNOTES TO TABLE 11-3	RM5-16(b) INTERIOR SIDE YD	PROVISION
BUILDING FRONT	4m	N/A
BUILDING END WALL	1.5m	1.5m
BUILDING PRIVACY YARD	7m	N/A
MIN DWELLING CORNER FROM PRIVATE RD ON CURVED/CORNER LOT	2.75m	2.5m (UN 56) 1.55m (57,72)
<b>PARKING PROVISION</b>	REQUIRED	PROVIDED
MIN PARKING SPACES (2/UNIT)	256	313
MIN PARKING SPACE DIMENSIONS	2.75m X 6m	2.75m X 6m
MIN ACCESSIBLE SPACE	7	7
MIN ACCESSIBLE SPACE DIMENSIONS W/OUT ADJACENT 1.5m ACCESS AISLE	3.7m X 6m	3.7m X 6m
MIN ACCESSIBLE SPACE DIMENSIONS W/ADJACENT 1.5m ACCESS AISLE	3.2m X 6m	3.2m X 6m
MINIMUM AISLE WIDTH	6m	6m
PROVISION 6.40 (I) DRIVEWAY SETBACKS	8m (EXTERIOR YARD) 1m (EXTERIOR YARD)	5.0m (INTERIOR)
PROVISION 6.44-PERMITTED YARD PROJECTIONS AND ENCROACHMENTS UNENCLOSED AND UNCOVERED PORCH, DECK, BALCONY, PATIO OR STEPS	1.5m (FRONT OR REAR) 0.6m (SIDE YARD)	2.5m (REAR YARD - 43,50-56,65-111) 1.6m (SIDE YARD - Units 1-16,17,23,24,29,30,35,36,42)



**LEGEND**

- HYD PROP HYDRANT
- LS PROP LIGHT STANDARD
- BOL PROP BOLLARD LIGHT
- TRANS PROP TRANSFORMER
- HS PROP HOUSE SERVICE PANAL
- CMB PROP COMMUNITY MAILBOX
- FRS FIRE ROUTE SIGN
- ACC ACCESSIBLE PARKING SPACE
- SS STOP SIGN
- MOUNTABLE CURB PER OPSD 600.100
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- PROP CHAIN-LINK FENCE
- PROP WOOD FENCE
- PROP FIRE ROUTE C/L

**PUBLIC WORKS DEPARTMENT APPROVAL**

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
JEFF VYSE MANAGER OF PUBLIC WORKS

**FIRE AND EMERGENCY SERVICES**

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
ALEX BURBIDGE FIRE CHIEF

#	REVISION	DATE	INIT	OWNER
7	RELOCATED SANITARY SEWER THROUGH BLOCK 84	2026-04-22	BV	
6	ISSUED FOR CONSTRUCTION	2026-02-27	BV	
5	REVISED BLOCK 84 UNITS	2026-01-07	BV	
4	REVISED PER TOWN COMMENTS (SEPT. 5, 2025)	2025-10-28	BV	
3	REVISED PER TOWN COMMENTS (JULY, 2025)	2025-08-06	BV	
2	REVISED PER TOWN COMMENTS (APRIL 3, 2025)	2025-04-25	BV	
1	REVISED PER TOWN COMMENTS (MARCH 6, 2025)	2025-03-28	BV	
0	ISSUED FOR REVIEW	2025-02-14	TA	

**Niagara Lake** on-the-Lake

**UPPER CANADA CONSULTANTS**  
ENGINEER / PLANNER  
30 Hornover Drive Unit 3  
St. Catharines, Ontario  
L2W 1A3  
Phone: (905) 688-9400  
Fax: (905) 688-5274

**MARZ HOMES**  
200-825 NORTH SERVICE ROAD  
HAMILTON, ON  
L8E 0J7

**MODERO CONDO BLOCK 84a PHASE 1 TOWN OF NIAGARA-ON-THE-LAKE SITE PLAN 1**

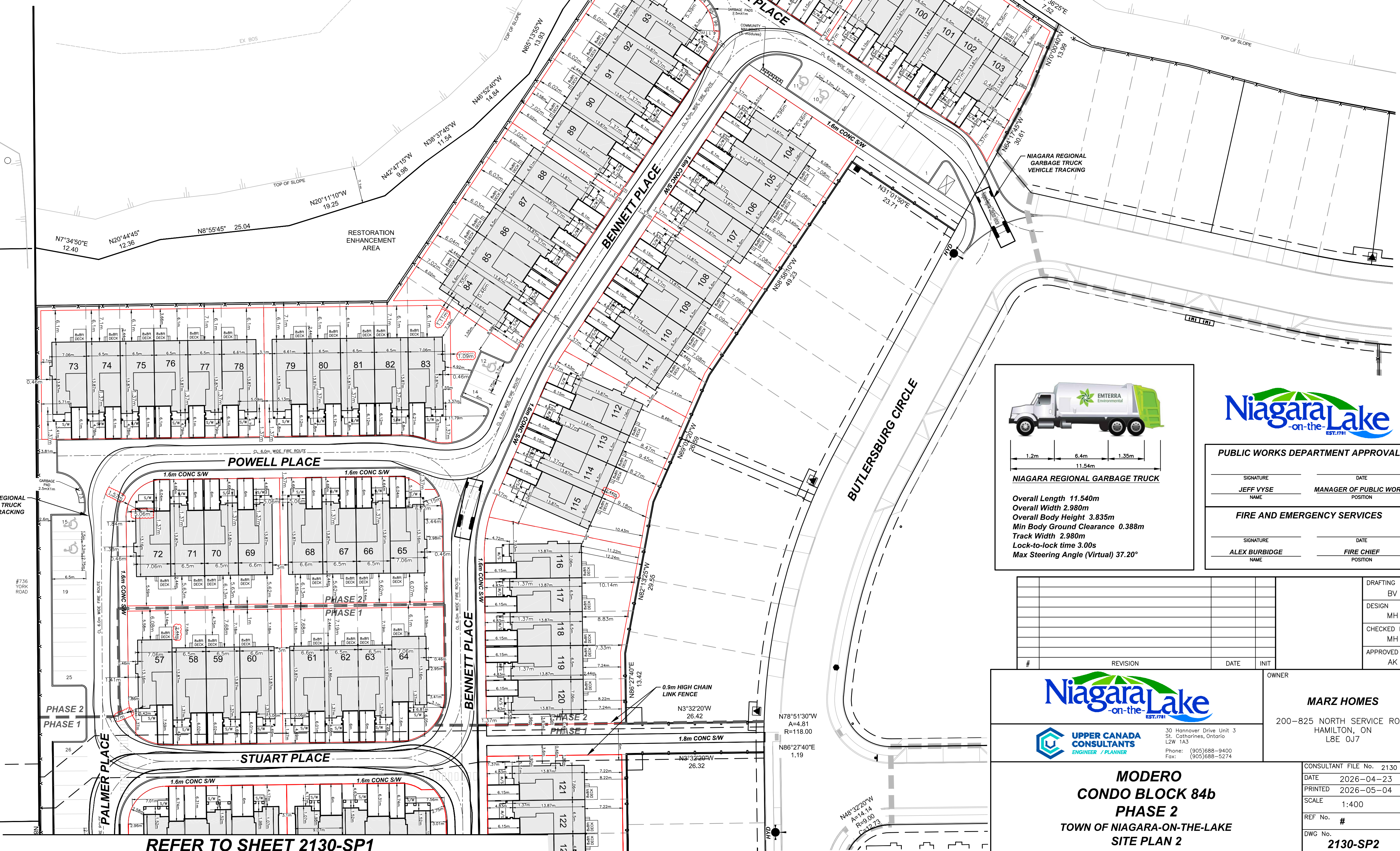
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DATE 2026-04-23  
PRINTED 2026-05-04  
SCALE 1:300  
REF No. #  
DWG No. 2130-SP1  
REV 7

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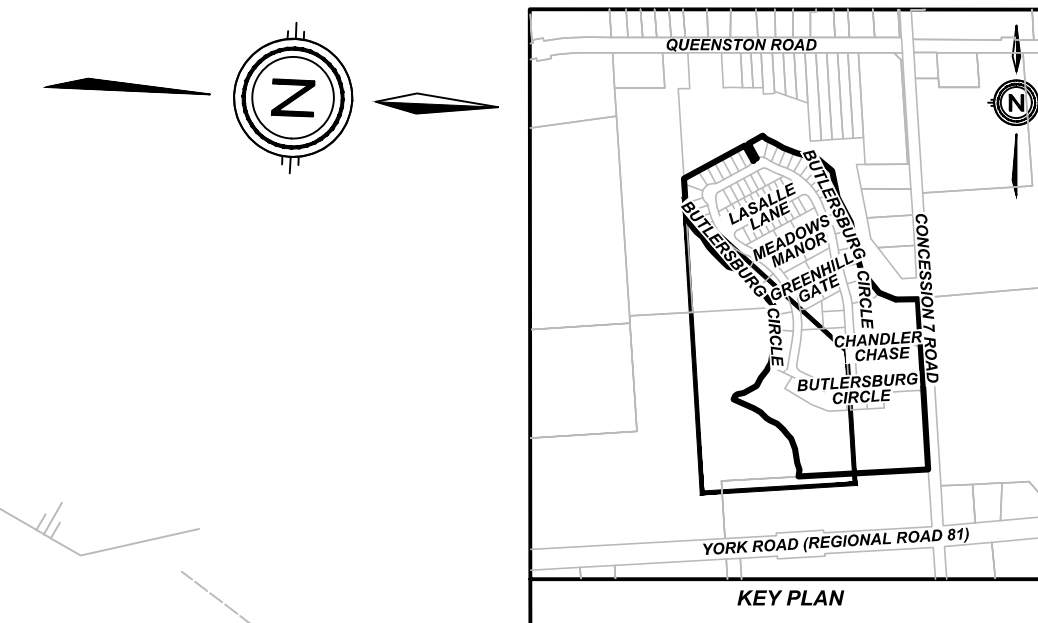
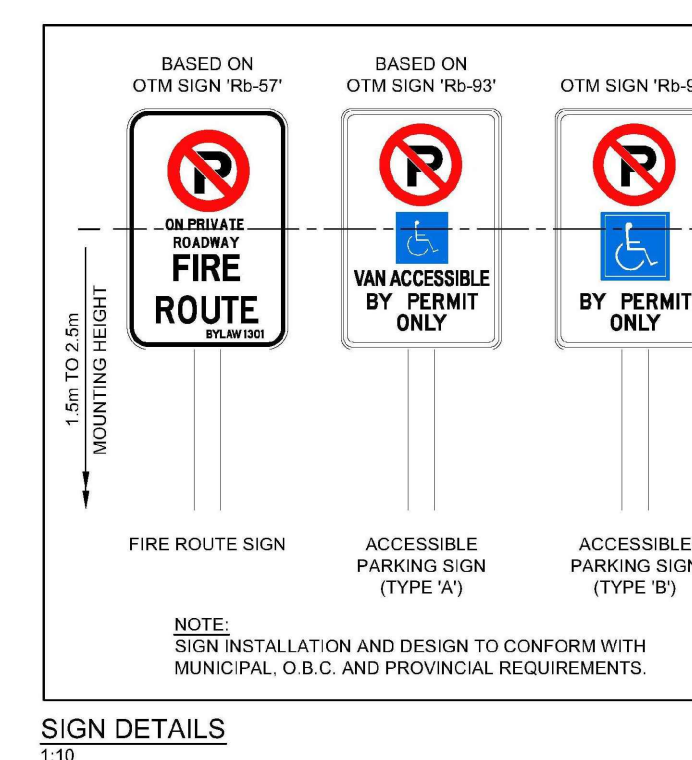
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	PROP FIRE ROUTE C/L



**LEGAL DESCRIPTION**  
PART OF TOWNSHIP LOTS 180 & 181  
(GEOGRAPHIC TOWNSHIP OF NIAGARA)  
TOWN OF NIAGARA-ON-THE-LAKE

**NIAGARA REGIONAL GARBAGE TRUCK**

Overall Length 11.540m  
Overall Width 2.980m  
Overall Body Height 3.835m  
Min Body Ground Clearance 0.388m  
Track Width 2.980m  
Lock-to-lock time 3.00s  
Max Steering Angle (Virtual) 37.20°

**Niagara Lake**  
on-the-Lake

**PUBLIC WORKS DEPARTMENT APPROVAL**

SIGNATURE: JEFF VYSE DATE: \_\_\_\_\_  
NAME: JEFF VYSE POSITION: MANAGER OF PUBLIC WORKS

**FIRE AND EMERGENCY SERVICES**

SIGNATURE: ALEX BURBRIDGE DATE: \_\_\_\_\_  
NAME: ALEX BURBRIDGE POSITION: FIRE CHIEF

#	REVISION	DATE	INIT	OWNER

**Niagara Lake**  
on-the-Lake

**UPPER CANADA CONSULTANTS**  
ENGINEER / PLANNER

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Fax: (905)888-5274

**MARZ HOMES**  
200-825 NORTH SERVICE ROAD  
HAMILTON, ON  
L8E 0J7

**MODERO CONDO BLOCK 84b PHASE 2 TOWN OF NIAGARA-ON-THE-LAKE SITE PLAN 2**

CONSULTANT FILE No. 2130  
DATE 2026-04-23  
PRINTED 2026-05-04  
SCALE 1:400  
REF No. #  
DWG No. 2130-SP2  
REV 7