

June 26, 2026

UCC File No. 2130

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

Attn: Taya Devlin, Manager of Policy and Heritage Planning

**Re: Cover Letter & Planning Brief – Minor Variance Application
Crossroads Landing within Konik Estates Phase 2**

On behalf of our client, Grey Forest Homes Ltd., please accept this application submission for a Minor Variance for lands known as Crossroads Landing within the Konik Estates Phase 2 subdivision in Virgil, within Niagara-on-the-Lake.

The following fee and plans are provided to the Town for review:

- A cheque made out to the Town of Niagara-on-the-Lake for **\$2,480.00**;
- A Block Plan including Elevations and Floor Plans prepared by K & C Residential Design Inc.;
- A Site Plan prepared by Upper Canada Consultants

Property Overview

The subject lands are located within the Settlement Area of Virgil and are a condominium block within the approved Konik Estates Phase 2 subdivision, known as Crossroads Landing. This block is 4.382 hectares and includes twenty-five (25) blocks for block townhouses, yielding one hundred and two (102) dwelling units.

Council previously approved the Vacant Land Condominium and Zoning By-law Amendment based on the development concept shown in the site plan below in **Figure 2**. The requested minor variance is a result of an oversight through the process and is considered a technical amendment.

The minor variance request will encompass the entirety of Crossroads Landing.

A 2023 aerial image of the subject lands is shown below in **Figure 1**, and the site plan is shown below in **Figure 2**.

Requested Variance

A variance to provision 10.4.2.3(i) for reduction to:

1. Minimum distance between buildings located on the same lot from 15 m to 14 m between walls where both walls contain a window to a habitable room (rear walls).
2. Minimum distance between buildings located on the same lot from 15 m to 3 m between walls where both walls contain a window to a habitable room (end walls).

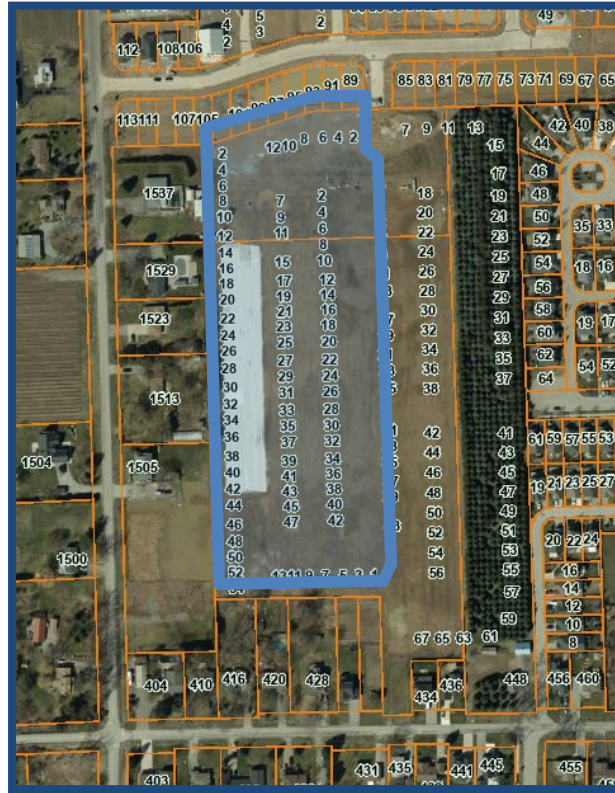


Figure 1 –Aerial Image cropped from Niagara Navigator

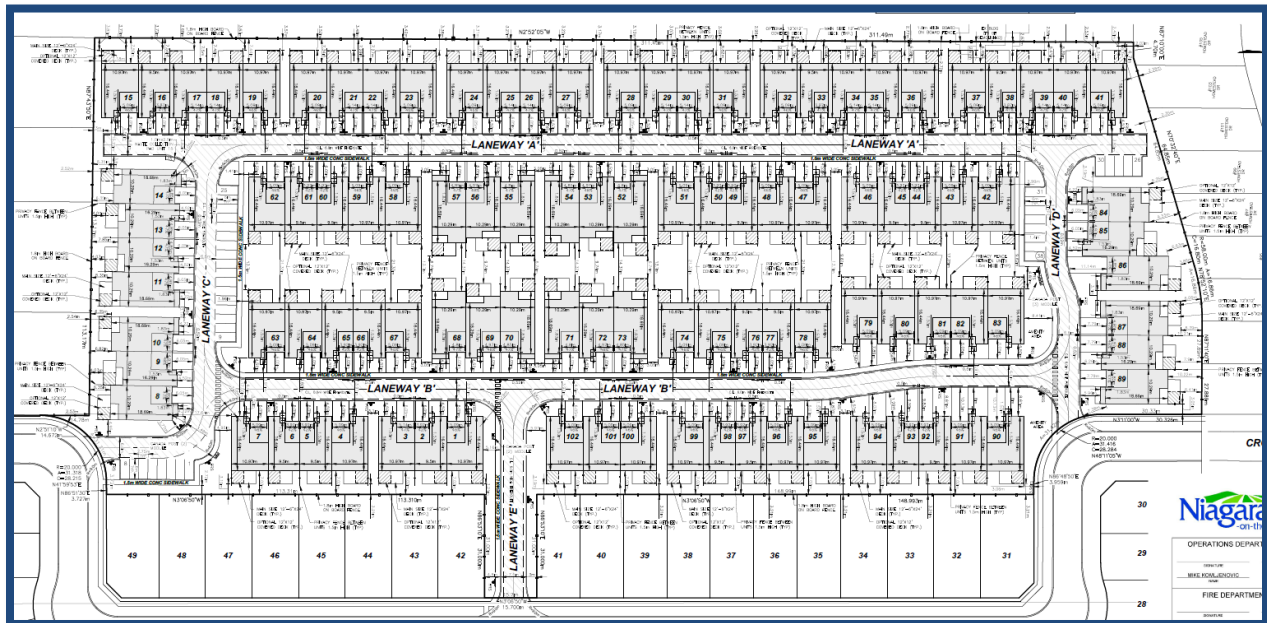


Figure 2 – Site Plan prepared by Upper Canada Consultants

Intent of the Application

The Town of Niagara-on-the-Lake Zoning By-law requires a minimum distance between buildings located on the same lot of 3.0-metres between walls not containing windows to a habitable room, 9.0-metres between walls where one wall contains a window to a habitable room, and 15.0-metres between walls where both walls contain windows to a habitable room.

The intent of the application is to permit the proposed condominium townhouse development with alternative building separation standards, similar to Peach Tree Landing within the adjacent Konik Estates Phase 1 subdivision. The Crossroads Landing condominium includes townhouse blocks that have been designed with appropriate building separations; however, they do not satisfy the existing zoning standard. Therefore, relief is specifically requested from Section 10.4.2.3(i) to reduce the distance between buildings located on the same lot from 15 m to 14 m between walls where both walls contain a window to a habitable room (rear walls) and reduce the distance between buildings located on the same lot from 15 m to 3 m between walls where both walls contain a window to a habitable room (end walls).

Consistent with the requirements of Section 45(1) of the Planning Act, there are four (4) tests that must be met when considering a Minor Variance. These tests include:

1. Does the variance meet the general intent and purpose of the Official Plan;
2. Does the variance meet the general intent and purpose of the Zoning By-law;
3. Is the variance desirable for the appropriate development or use of the land, building or structure;
and
4. Is the variance minor in nature?

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 designated for residential development within the Urban Area and are known as an approved condominium, Crossroads Landings, and are a block within the Konik Estates Phase 2 Subdivision. The proposed variance facilitates the development of this condominium in accordance with the draft approval and registered plan area contributes to the Town's housing supply representing an efficient use of land and municipal infrastructure.

The requested relief does not alter the approved land use, density, building height, unit count, or overall development pattern contemplated through the previous approval process approved by Council. Rather, the variance permits a reduced building separation standards that are reflective of the condominium townhouse form of development. The development will continue to represent an efficient use of land and municipal infrastructure while providing an appropriate residential living environment for future residents, maintaining the character and function of the approved development.

Accordingly, the requested variance maintains the general intent and purpose of the Official Plan.

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

Relief is requested from Section 10.4.2.3(i) of the Zoning By-law, which regulates the minimum distance between buildings located on the same lot. The current regulation establishes required separation distances based on the presence of habitable room windows.

Crossroads Landing is a condominium townhouse development where all townhouse blocks are located on a single lot. As a result, the building separation provisions apply between townhouse blocks throughout the development. Had the development been established as a freehold townhouse development, the building separation provisions would not apply in the same manner as 1.5-metre setbacks are the requirement under the different tenureship. The requested variance recognizes the condominium tenure of the development and establishes separation standards that maintain OBC requirements related to window glazing and required spatial separation for fire purposes.

The requested variance adjusts the existing window-based separation requirements with separation requirements based on the orientation of the townhouse blocks. The proposed standards recognize that end units within townhouse development commonly contain windows on side elevations and establishes clear and predictable separation requirements between end walls, front and rear walls.

The proposed standards continue to provide appropriate spacing between townhouse blocks while maintaining privacy, appropriate separation between built forms, and an orderly development pattern.

Therefore, the requested variance maintains the general intent and purpose of the Zoning By-law.

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

The requested variance facilitates the development of Crossroads Landing as designed and approved through the previous approval process. The proposed building separations reflect the layout of the townhouse blocks and allows the development to function efficiently while maintaining the approved internal road network, servicing design, grading, parking areas, landscaping, and amenity spaces.

The requested variance is appropriate for the condominium townhouse form of development and provides a practical framework for regulating building separation throughout the development. The proposed standards recognize the location of townhouse end, rear and front walls, and the presence of windows while continuing to maintain appropriate spacing between buildings.

The proposed development is compatible with the surrounding neighbourhood and is similar in form and character to Peach Tree Landing within the adjacent Konik Estates Phase 1 subdivision. The development pattern is consistent with other condominium developments and reflects a common and functional arrangement of townhouse blocks within a Vacant Land Condominium.

The requested variance, therefore, represents appropriate and desirable development of the lands.

Is the variance minor in nature?

The requested variance is minor in nature, both from a planning perspective and in terms of its impacts. A variance is not considered based on its numerical deviation, rather is a test of impact. The variance does



not increase the approved density, building height, massing, scale, or intensity of development, nor does it alter the approved residential use of the lands.

The requested variance does not seek to increase the approved unit count or modify the overall development concept. Rather, it replaces the existing building separation requirements based on habitable room windows with building separation standards based on building orientation. The proposed standards continue to maintain appropriate spacing between townhouse blocks and provide a suitable residential living environment for future residents.

No adverse impacts are anticipated on adjacent lands, future residents, or the overall function of the development.

Accordingly, the requested variance is considered minor in nature.

Planning Opinion

The proposed Minor Variance application facilitates the development of Crossroads Landing, a condominium townhouse development within the Konik Estates Phase 2 subdivision.

The requested variance seeks relief from Section 10.4.2.3(i) of the Zoning By-law by varying the existing building separation requirements based on habitable room windows with building separation standards based on building orientation. The proposed standards are reflective of the approved townhouse condominium development and provides a practical framework for regulating building separation throughout the site, while continuing to maintain appropriate spacing between townhouse blocks and supporting a functional site layout and residential living environment.

The requested variance does not alter the approved land use, density, building height, unit count, or development plan and remains compatible with the surrounding neighbourhood and planned context.

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

Respectfully submitted,

Chelsea Liotta
Planner
Upper Canada Consultants

Reviewed by,

William Heikoop, B.U.R.Pl., MCIP, RPP
Planning Manager
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