

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

DECISION: File No. Minor Variance A-12/26 – West Side Tanbark Road

Assessment Roll No. 2627020025120060000

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

Minor Variance Application A-12/26 is made to facilitate the construction of a new single-detached dwelling and requests relief as follows:

1. Maximum lot coverage from 33%, as required in the Zoning By-law, to 38% for the proposed dwelling;
2. Minimum exterior side yard setback from 4.5 metres, as required in the Zoning By-law, to 2.55 metres for the proposed dwelling;
3. Maximum step encroachment into an exterior side yard from 0.6 metres, as permitted in the Zoning By-law to 1.19 metres for the proposed unenclosed and uncovered steps;
4. Maximum driveway width from 6.0 metres, as required in the Zoning By-law, to 6.21 metres for the proposed driveway;
5. Maximum encroachment into an exterior side yard from 0.6 metres, as permitted in the Zoning By-law to 2.32 metres for the proposed eaves and gutters; and
To permit an operating apparatus (Air Conditioning units) in an interior side yard with a setback of 0.89 metres where the Zoning By-law only permits operating apparatus in front, rear, and exterior side yards.

Decision: Granted, subject to the condition in Appendix I.

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: July 16, 2026.

The last date for filing a notice of appeal is August 5, 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.

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.

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 July 16, 2026 to insert electronic signatures of Committee members below;

ABSENT

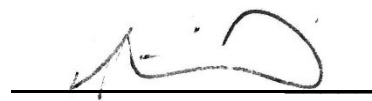
Steve Bartolini
Committee of Adjustment


Margaret Louter (Vice Chair)
Committee of Adjustment


Eric Lehtinen (Chair)
Committee of Adjustment

ABSENT

Paul Johnson
Committee of Adjustment


Angelo Miniaci
Committee of Adjustment

ABSENT

Natalie Early
Committee of Adjustment


Chris Van de Laar
Committee of Adjustment

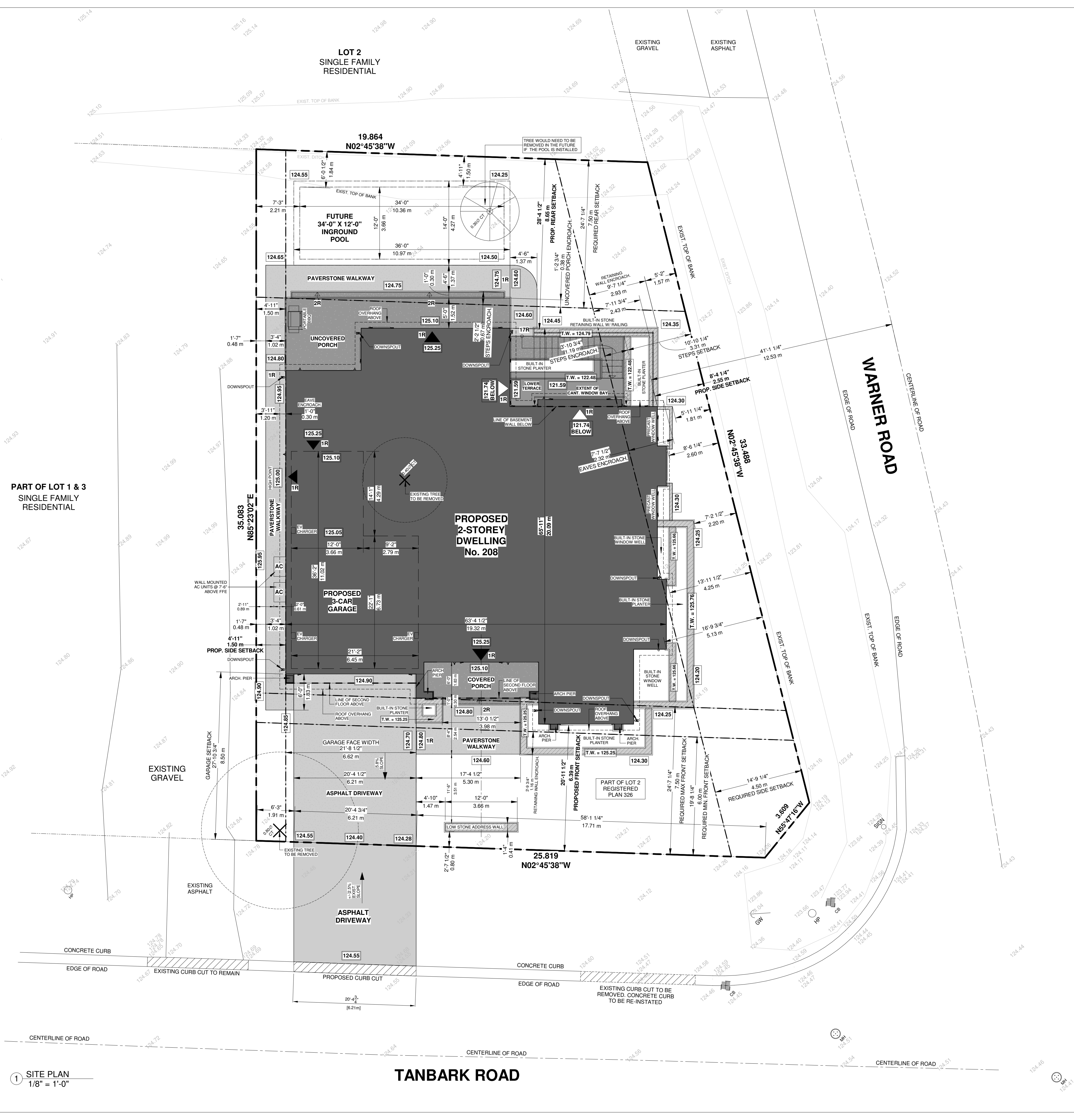
I, Natalie Thomson, Secretary Treasurer of the Committee of Adjustment for the Town of Niagara-on-the-Lake, hereby certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein.

DATED at the Town of Niagara-on-the Lake on July 17, 2026.


Natalie Thomson, Secretary-Treasurer

Appendix I

- 1.1.1 That the owner/applicant submits and obtains approval from the Town for the removal of any tree on the subject property, including any compensation, to the satisfaction of the Town's Urban Forestry Officer.



PROJECT STATISTICS

Address:

208 Tanbark Road, Niagara-on-the-Lake

COA

☒

Municipality:

Town of Niagara-on-the-lake

NPCA

☒

Legal Lot Description:

Part of Lot 3, Registered Plan 326

Heritage

☐

Date:

5/29/2026

Zoning Designation:

R1

Lot Area:

9,142.39 sq.f

849.36 m2

0.08 ha

Lot Frontage:

84.71 ft

25.82 m

Lot Depth:

0.00 ft

0.00 m

GROSS FLOOR AREA (FSI)

	Permitted	Proposed	
Max FSI	N/A	0.95	
Max GFA			
First Floor	2,562.57 sq.f	238.07 m2	
(Includes 110.63 of stairs, 0.00 of OTB)			
Second Floor	3,428.11 sq.f	318.48 m2	
(Includes 110.63 of stairs, 774.93 of OTB)			
Basement	2,584.47 sq.f	240.11 m2	
(If the basement ceiling height is 2.1m (7'-0") or more)			
Plus Garage	722.17 sq.f	67.09 m2	
(To exterior face of garage walls)			
GFA Subtotal	9,297.32 sq.f	863.75 m2	
Less Garage (Interior)	636.43 sq.f	59.13 m2	
(To interior face of garage walls)			
GFA Total	N/A m2	8,660.89 sq.f	804.62 m2

NOTES: Includes sum total of gross areas of all floors of all buildings/structures on a lot, including basement (with 2.1m high ceiling), attic spaces (2.1m or more for half the attic floor), interior balconies & mezzanines, enclosed porches & verandas, enclosed patios and stairwells at each floor; area for mechanical equipment & GFA devoted to secondary uses in main building. Excludes floor area contained within private garage, breezeway, unenclosed porches or verandas.

LOT COVERAGE

	Permitted	Proposed	
INCLUDED			
House Footprint	3,430.44 sq.f	318.70 m2	
		37.52%	
COVERED PORCHES/DECK/VERANDAS/ENTRANCE WAYS			
Front Porch (Partially Covered by Second Floor)	13.04 sq.f	1.21 m2	
		0.14%	
Max Main Building/Structure Subtotal	3,443.48 sq.f	319.91 m2	
		37.66%	
Max Total	280.29 m2	3,443.48 sq.f	319.91 m2
			37.66%
UNCOVERED PORCHES			
Rear Uncovered Porch	274.98 sq.f	25.55 m2	
			3.01%

NOTES: means the percentage of the lot area covered by buildings, including accessory buildings, bay/cantilevered windows, covered porches and verandas, covered decks and covered entrance ways, but not including an in-ground or aboveground swimming pool, satellite dish, uncovered parking areas or driveways, or uncovered and unenclosed decks, porches or patios.

AVERAGE GRADE CALCULATION

Wall Segment	Wall Average Grade	Wall Length	Product
0.6m out from Wall (1)	124.90	6.62	826.94
0.6m out from Wall (2)	124.55	6.21	773.46
0.6m out from Wall (3)	124.40	6.46	807.36
0.6m out from Wall (4)	124.26	16.12	2,003.39
0.6m out from Wall (5)	124.33	3.98	494.83
0.6m out from Wall (6)	124.48	7.48	931.07
0.6m out from Wall (7)	125.10	7.56	945.76
0.6m out from Wall (8)	125.03	3.82	477.60
0.6m out from Wall (9)	124.85	15.41	1,923.94
Total	1,121.91	73.69	9,184.24
Total Product Divided By Total Wall Length			124.63

NOTES: means, when used in reference to a building or structure, the average elevation of the finished surface of the ground measured from a point 0.6 m (2 ft) out from the base of an exterior wall, support of a building or structure, but exclusive of any artificial embankment.

BUILDING HEIGHT

	Permitted	Proposed	
Height From Established Grade			
Max Height	10.00 m	32.74 ft	9.98 m

NOTES: means the vertical distance measured from the Average Finished Grade around the structure to the peak, except:
(a) in the case of a flat or shed roof, the highest point of the roof's surface;
(b) in the case of a structure not having a roof, the uppermost part of such structure; or
(c) Where an exterior wall other than a required fire wall extends above the top of the roof of a building, the topmost part of such exterior wall.

SETBACKS

	Permitted	Proposed	
Min. Front	6.00 m	20.96 ft	6.39 m
Max. Front	7.50 m	20.96 ft	6.39 m
Min. Garage Face	8.50 m	27.89 ft	8.50 m
(Min. Front yard setback to front face of the attached garage)			
Min. Interior Side	1.50 m	4.92 ft	1.50 m
(Except where there is no attached garage, the minimum side yard on one side shall be 3.0m)			
Min. Exterior Side	4.50 m	8.37 ft	2.55 m
Min. Rear	7.50 m	28.38 ft	8.65 m

NOTES: Decks, bathhouses, retaining walls, sidewalks, pavements, planters & pillars are exempt from requirements of setbacks.

LEGEND

MAIN FOOTPRINT

(HOUSE CASING)

BUILT LANDSCAPING

(PORCH/DECK/DECK PLANTER WALL/WALL)

HARD LANDSCAPING

(DRIVEWAY, WALKWAY, ADDRESS WALL, FENCE)

SOFT LANDSCAPING

(GRASS, HATCH)

PROPERTY LINE

SETBACKS

EXISTING ELEMENTS TO BE REMOVED

EXISTING GRADE MARKER

PROPOSED GRADE MARKER

MAIN LEVEL EXT

LOWER LEVEL EXT

EXISTING TREES

EXISTING TREES TO BE REMOVED

INFORMATION TAKEN FROM:

LOT GRADING SKETCH OF PLAN 326

TOWN OF NIAGARA-ON-THE-LAKE DESIGNATED AS PART 2, PLAN 30R-15934 REGISTRAR'S COMPILED PLAN 9766

PREPARED BY: SUDA & MALESZYK SURVEYING INC.

Level Schedule

Name	Elevation
BASEMENT	121.74
ESTABLISHED GRADE	124.63
BASEMENT CEILING	124.79
EDGE OF GARAGE	124.90
FIRST FLOOR	125.25
F.F. CEILING	128.60
SECOND FLOOR	129.01
S.F. CEILING	132.06
TOP OF ROOF	134.61

LANDSCAPED OPEN SPACE

	Permitted	Proposed	
Total Lot Area	5,855.19 sq.f	543.97 m2	
Front Porch + Steps	124.67 sq.f	11.58 m2	
Rear Unconv'd Porch + Steps	310.31 sq.f	28.83 m2	
Remaining Yard Area	5,420.21 sq.f	503.55 m2	
Less Hardscaping			
Driveway	576.37 sq.f	53.55 m2	
Arch Pier	1.36 sq.f	0.13 m2	
Window well/Lower Terrace	346.70 sq.f	32.40 m2	
Retaining Walls	183.92 sq.f	17.09 m2	
Total Yard Softscaping Area	254.81 m2	4,309.86 sq.f	400.40 m2
		30.00%	47.14%

NOTE: means the area of a lot which is at finished grade or terrace and primarily used for grass/soil landscaping, including buffer strip, surfaced walk, surface patio, swimming pool, but shall not include any access driveway, ramp, parking area or loading spaces or any open space beneath, above or within any building or structure.

EXTERIOR

	Permitted	Proposed	
Max Garage Face Width	7.50 m	21.72 ft	6.62 m
Min. Parking	2.00 m		3.00 m
Min. Driveway Width	3.00 m	20.37 ft	6.21 m
Max. Driveway Width	6.00 m	20.37 ft	6.21 m
Driveway Ext. Setback	8.00 m	58.10 ft	17.71 m
Driveway Int. Setback	1.00 m	6.27 ft	1.91 m

NOTES: Any parking area or access driveway provided for single detached dwelling shall be constructed with gravel or other stable surface.

ENCROACHMENTS

	Permitted	Proposed	
Unenclosed/Uncovered Porches/Deck/Patio/Steps			
Max Front	1.50 m	N/A ft	N/A m
Max Rear	1.50 m	1.25 ft	0.38 m
Max Side	0.60 m	N/A ft	N/A m
Unenclosed/Uncovered Steps			
Max Front	1.50 m	N/A ft	N/A m
Max Rear	1.50 m	2.20 ft	0.67 m
Max Side	0.60 m	3.90 ft	1.19 m
Canopies			
Max Front	N/A m	N/A ft	N/A m
Max Rear	N/A m	N/A ft	N/A m
Max Side	N/A m	N/A ft	N/A m
Retaining Walls			
Max Front	N/A m	3.81 ft	1.16 m
Max Rear	N/A m	N/A ft	N/A m
Max Side	N/A m	9.61 ft	2.93 m
Unenclosed/Uncovered Balconies			
Max Front	1.50 m	N/A ft	N/A m
Max Rear	1.50 m	N/A ft	N/A m
Eaves/Outlets			
Max Front	0.60 m	N/A ft	N/A m
Max Rear	0.60 m	N/A ft	N/A m
Max Side	0.60 m	7.61 ft	2.32 m
Architectural Feature			
Max Plaster/Column/Etc	0.60 m	N/A ft	N/A m
Max Parapet	0.60 m	N/A ft	N/A m
Cant. Box/Bay Windows			
Max Front	0.60 m	N/A ft	N/A m
Max Rear	0.60 m	0.00 ft	0.00 m
Gas Fireplace Projection			
Max Front	0.60 m	N/A ft	N/A m
Max Rear	0.60 m	N/A ft	N/A m
Fire Escapes			
Max Front	1.20 m	N/A ft	N/A m
Max Rear	1.20 m	N/A ft	N/A m
Max Side	0.20 m	N/A ft	N/A m

NOTES: A cantilever shall not be permitted in a required side yard which is less than 1.2m

POOL

	Permitted	Proposed	
Max Coverage	N/A m2	408.00 sq.f	37.90 m2
(total of all water surfaces)			4.46%
(Outdoor in-ground swimming pool may be permitted to exceed 8% of the lot area in accordance with the regulations below)			
Min Side Setback	1.50 m	7.25 ft	2.21 m
Min Rear Setback	1.50 m	4.92 ft	1.50 m

NOTES: No outdoor swimming pool accessory to a permitted residential use shall be located in any part of a front or required exterior side yard.
The maximum outdoor pool height shall not exceed 2.13 m (7 ft) from finished grade.

This drawing, as an instrument of service, is provided by and is the property of Contempo Studio. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify Contempo Studio of any variations from the supplied information.

This drawing is not to be scaled.

The designer is not responsible for the accuracy of survey, structural, mechanical, electrical, etc., information shown on this drawing. Refer to the appropriate consultant's drawings before proceeding with the work. Construction must conform to all applicable codes and requirements of authorities having jurisdiction. The contractor working from drawings not specifically marked "for construction" must assume full responsibility and bear costs for any corrections or damages resulting from his work.

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No. Issued for: Date

1.

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SEAL

contempostudio

1140 The Queensway, Toronto, Ontario M8Z 1P7
info@contempostudio.ca w. contempostudio.ca
t. (416) 770-0071 f. (416) 642-1691

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION

Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.

MARIN ZABZUNI SIGNATURE 46250 BCIN

NAME REGISTRATION INFORMATION

Required unless design is exempt under 3.2.4.7, Division C of the Ontario Building Code.

CONTEMPO STUDIO 46972 BCIN

FIRM NAME

PROPOSED 2-STOREY DWELLING

AT

208 TANBARK ROAD,
NIAGARA-ON-THE-LAKE

SITE PLAN

Project number:

2025-07

Rev. no.:

As indicated

Scale:

JUNE, 2026

Date:

J.T.M.Z.

Drawn by:

Approved by:

Drawing number:

A1

G:\Shared drives\CONTEMPO PROJECTS\OFFICIAL\CS 2025 Projects\2025-07 LOT 3 TANBARK RD - NIAGARA ON THE LAKE\3. Zoning Drawings Phase\3.4 Revit Files\LOT 3 TANBARK - 2026.05.06.rvt



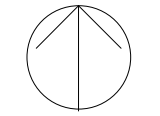
1 3D View 1



2 3D View 2



3 3D View 3



KEY PLAN

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t. (416) 770-0071 f. (416) 642-1691

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.

MARIN ZABZUNI
NAME SIGNATURE 45250 BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7, Division C of the Ontario Building Code.
CONTEMPO STUDIO 46972 BCIN
FIRM NAME

PROPOSED 2-STORY DWELLING

AT
208 TANBARK ROAD,
NIAGARA-ON-THE-LAKE

COVER PAGE

Project number: 2025-07
Rev. no.:
Scale:
Date: JULY, 2026
Drawn by: J.T.
Approved by: M.Z.

Drawing number:

A0

PROJECT:
208 TANBARK ROAD,
NIAGARA-ON-THE-LAKE

Project number: 2025-07
Date: JULY, 2026
ISSUED FOR: Zoning Submission

ARCHITECTURAL DESIGN
CONTEMPO STUDIO

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CONTRACTOR

STRUCTURAL ENGINEERS

HVAC CONSULTANT