

September 15, 2026

Natalie Thomson
Secretary-Treasurer
Committee of Adjustment
Town of Niagara-on-the-Lake

Dear Ms. Thomson,

RE: 323 Victoria Street – Application for Minor Variance

NPG Planning Solutions Inc. has been retained by Marjorie Lambert-Sen and Mazlum Sen to provide independent planning advice in support of a Minor Variance application to permit a covered lanai within the interior side yard of the existing single detached dwelling on the Subject Lands. The proposed lanai features a unique retractable design, allowing for an open air configuration and covered configuration (see Appendix 2 to this letter). Per the Town of Niagara-on-the-Lake Zoning By-law 4316-09, Lot Coverage is defined as:

LOT COVERAGE 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 above ground swimming pool, satellite dish, uncovered parking areas or driveways, or uncovered and unenclosed decks, porches or patios.

Town staff have confirmed that only the permanently covered portions of the lanai would contribute to lot coverage calculations.

The permanent panels for the lanai total 8.8 m², with an additional 3.58 m² for the two smaller panels near the fireplace. Combined, this portion represents 12.38 m² of lot coverage. Additionally, each railing covers 0.7446 m², and with five railings, the total railing coverage is 3.723 m². Altogether, the required coverage is 16.1 m² or 2% of the lot area. The Subject Lands received minor variance approval in 2022 (File A-20/22) to increase total lot coverage from 33% to 38%. The proposed lanai would increase overall lot coverage to 40%, requiring a new minor variance to allow its construction.

The Application proposes the following variances:

- Permit an increased total lot coverage from 33% to 40% (note 38% coverage approved via MV A-20/22)

Included as part of this submission are as follows:

1. Minor Variance Application Form;
2. Site Plan Drawing;

3. Lanai Renderings and Measurements;
4. Town of Niagara-on-the-Lake Minor Variance Application Fee: \$2,480
5. Correspondence with Town Staff Regarding Zoning Interpretation;

1.0 Neighbourhood Context

The Subject Lands are located in Old Town, Niagara-on-the-Lake, and are designated Established Residential and are zoned Established Residential (ER).

The Subject Lands have a lot frontage of 17.07 metres and a lot depth of 46.49 metres. The Subject Lands currently features a single detached dwelling.

The area surrounding the Subject Lands are exclusively residential.

Abutting lands to the northeast is a parcel, municipally addressed as 315 Victoria Street (Carlisle-Brock House), which is listed on the Niagara-on-the-Lake Municipal Register of Properties of Cultural Heritage Value or Interest but is not designated under Section 29 of the *Ontario Heritage Act*.

Section 4.6.3 of the Provincial Planning Statement (2024) (PPS) states:

Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Section 8.0 of the PPS defines protected heritage property as follows:

Protected heritage property: means property designated under Part IV or VI of the Ontario Heritage Act; property included in an area designated as a heritage conservation district under Part V of the Ontario Heritage Act; property subject to a heritage conservation easement or covenant under Part II or IV of the Ontario Heritage Act; property identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal heritage legislation; and UNESCO World Heritage Sites.

315 Victoria Street is not considered to be a protected heritage property as per the definition of protected heritage property under the PPS. Therefore, Section 4.6.3 of the PPS does not apply to the proposed development. Despite this, the proposed development will not produce any negative effects on the adjacent lands.

2.0 Proposed Variance and Analysis of Four Tests

Section 45(1) of the *Planning Act* provides that:

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the

appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

The following is an analysis of the Application for Minor Variance in relation to the four tests for Minor Variance:

Variance: Permit an increased total lot coverage from 33% to 40% (note 38% coverage approved via MV A-20/22)

Proposed: 40.0%
Permitted: 38.0% per MV A-20/22 (33% per Zoning By-law)

Table 2.1: 4 Test Analysis Table

Test	Analysis
1. Is the requested variance minor in nature?	The main consideration in determining whether a variance application is minor is determining the degree of adverse impact that will occur if the variance is granted. If the variance does not produce an unacceptable adverse impact on the neighbours, then it likely meets the test for minor. The requested variance would permit an increase of approximately 2% from the permitted lot coverage. Of note, the increase in lot coverage is exclusively associated with the lanai. The lanai is fully contained within the existing building footprint and is intended to provide the option of weather-protected outdoor amenity area for residents (see renderings in Appendix 2). The structure is retractable, allowing the space to function as either a covered or open outdoor area depending on seasonal conditions (see Photos 6 and 7 in Appendix 2). This flexibility enhances the usability of the amenity space without altering the massing of the dwelling or affecting the surrounding landscaped area. Due to the lanai being located within the existing footprint of the dwelling no significant massing concerns are anticipated on adjacent lands, (namely 329 Victoria which immediately abuts the proposed lanai location). Additionally, immediately abutting the area where the lanai is proposed are twelve (12) cedar trees, currently approximately 1.8 metres (6 feet) in height or greater. These trees in addition to a screening wall provide visual separation and privacy for the lanai area ensuring adjacent lands are not negatively impacted. Please see Photo 3 in Appendix 1 for further context. As the lanai will be above an existing impervious surface no additional drainage or stormwater impacts are anticipated

Test	Analysis
	because of the increased lot coverage. Further, there will be gutters and leaders to collect stormwater and assist with managing drainage. This represents an improvement over the existing condition, where uncontrolled roof runoff from the patio area currently sheets onto the ground and can result in ponding. By capturing and channeling rainwater on the lanai the proposed system prevents surface erosion and directs runoff toward proper discharge outlets rather than allowing it to pond. Further, the lanai will not be visible from streetview, further mitigating any streetscape impacts resulting from the increased lot coverage. Accordingly, the proposed variance can be considered minor in nature.
2. Is the requested variance desirable for the appropriate development or use of the land, building, or structure?	The Subject Lands are located within an exclusively residential area of the Old Town Urban Area of Niagara-on-the-Lake. Outdoor living spaces are a common characteristic for residential dwellings within the area, inclusive of covered porches and patios. Accordingly, the proposed variance is specifically associated with the lanai and can be considered desirable for the development of the lands as it would provide weather protection and enhance outdoor amenity space associated with the principal dwelling with no land use compatibility conflicts. The proposed lanai is desirable for the appropriate development of the lands as it will improve on-site stormwater management. By introducing gutters and leaders, the structure will capture roof runoff and direct it in a controlled manner toward appropriate discharge areas, reducing the potential for ponding. This represents an improvement over existing conditions and is therefore desirable for the use of the lands. For these reasons the variance can be considered desirable for the appropriate development of the lands, as it supports the continued residential use of the property, enhances livability, and maintains compatibility with the surrounding neighbourhood.
3. Does the requested variance maintain the general intent and purposes of the By-law?	The Established Residential (ER) Zone permits low-density residential uses, including single-detached dwellings, and is intended to maintain the existing neighbourhood character through appropriately scaled development. The lot coverage provisions within the Zoning By-law serve to ensure that residential buildings remain compatible in scale with surrounding homes, and that sufficient landscaped open space and outdoor amenity areas are preserved on each lot.

Test	Analysis
	The proposed covered lanai does not alter the massing or visual scale of the existing dwelling, nor does it introduce any built form that would appear out of character with neighbouring properties. The structure is modest, integrated with the existing footprint, and does not create the perception of an enlarged or over-intensified dwelling. Further, visual screening of the lanai currently exists through a screening wall and large cedars which will continue to grow and enhance the screening in years to come. Importantly, the lanai enhances the usability and quality of the outdoor amenity space by providing weather-protected, functional open-air living space without reducing the amount of landscaped area available on the lot. As noted, the lanai would be retractable, enabling the option for the outdoor amenity area to be uncovered if desired. Additionally, lot coverage provisions help ensure that sufficient open and permeable areas are maintained on a lot to support stormwater infiltration and manage runoff. In this case, the portion of the property occupied by the lanai is already impervious, meaning the proposed structure does not reduce any existing pervious surface or compromise infiltration potential. Instead, the introduction of gutters and downspouts as part of the lanai will improve stormwater performance by capturing roof runoff and directing it in a controlled manner toward pervious areas of the site. This represents an enhancement over existing conditions, reducing the potential for uncontrolled ponding and supporting the overall intent of the lot coverage provision as it relates to stormwater management. For these reasons, the general intent and purpose of the By-law is maintained.
4. Does the requested variance maintain the general intent and purpose of the Official Plan?	The Town's Official Plan seeks to ensure that existing residential areas will be preserved and improved, while encouraging the development of well-designed and visually distinctive forms. The lanai is visually distinctive but is also not intrusive to neighbouring properties. The lanai will not establish any impacts on the streetscape and impacts on adjacent lands are mitigated through screening. By improving the functionality and comfort of the outdoor living space, the lanai contributes positively to the ongoing enhancement of the property and supports the broader Official Plan direction of encouraging sensitive, incremental enhancements of dwellings within residential areas.

Test	Analysis
	Therefore, the proposal maintains the general intent and purpose of the Official Plan.

4.0 Conclusion

This brief provides the planning justification for the approval of the proposed variance requested for 323 Victoria Street, Niagara-on-the-Lake. As noted above, the Application complies with Section 45(1) of the *Planning Act*, as the variances are minor in nature, are appropriate for the development of the Subject Lands, and maintain the general intent and purpose of both the Zoning By-law and the Official Plan.

Please provide notice of all meetings and decisions regarding these variances to the undersigned.

Letter prepared by:



Max Fedchyshak, MCIP, RPP
Senior Planner & Partner
NPG Planning Solutions Inc.

Appendix 1: Site Photos (June 2026)



Photo 1. View of proposed location of lanai, inclusive of existing screening wall, from shared property line with 329 Victoria.



Photo 2. View of proposed location of lanai, inclusive of existing screening wall, from within building footprint.



Photo 3. View of proposed lanai location from 329 Victoria Street. Note twelve cedar trees and screening wall to mitigate compatibility impacts on adjacent lands.



Photo 4. View of existing cedars and screening wall from shared property line, looking towards Victoria Street.

Appendix 2: Lanai Renderings

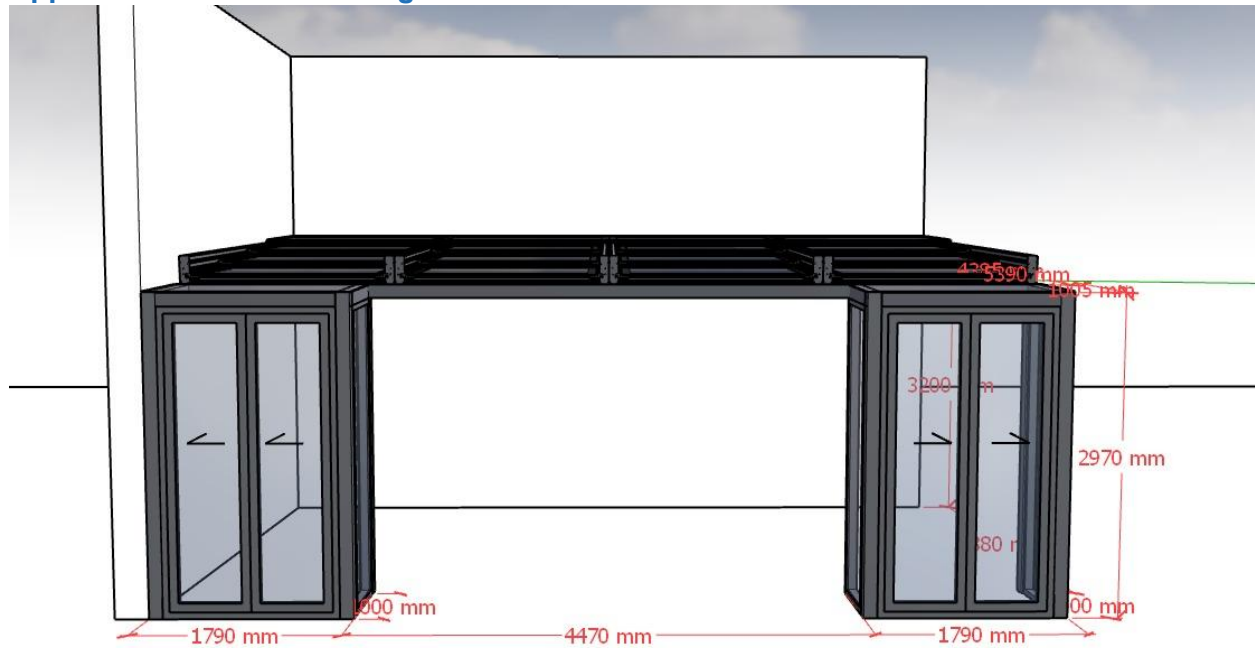


Photo 5. Conceptual of Proposed Lanai from 329 Victoria Street.

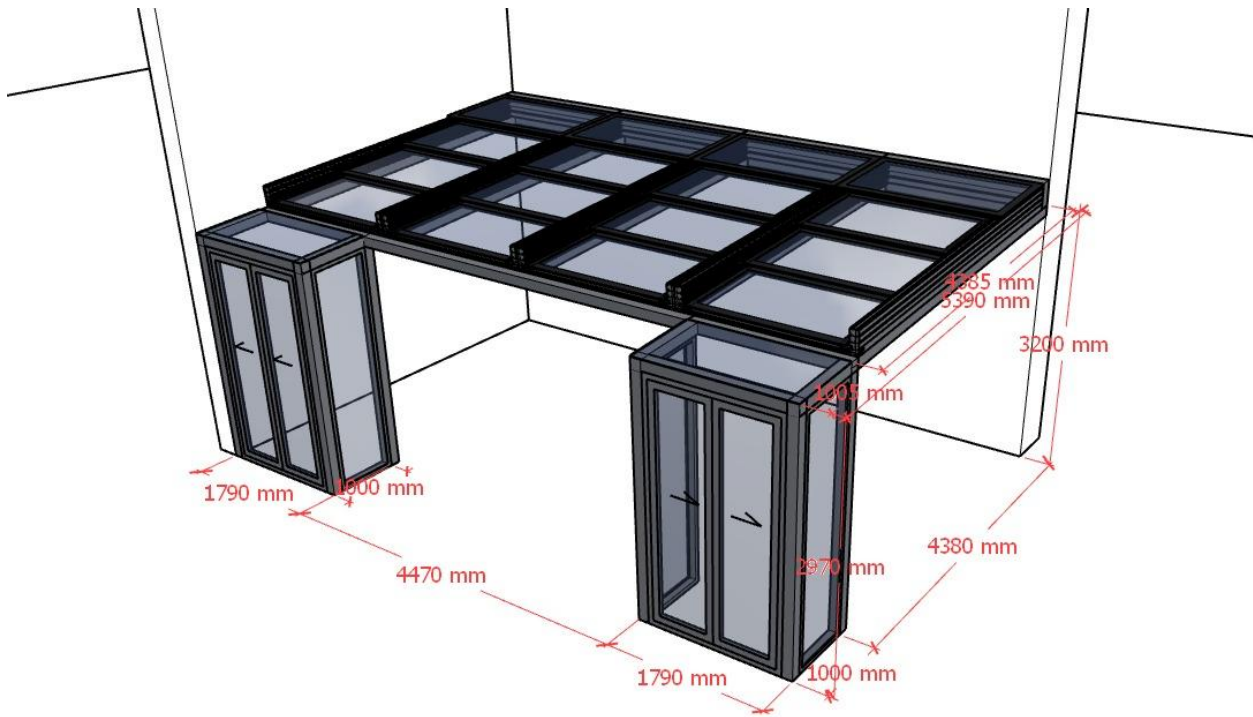


Photo 6. Conceptual Rendering of Proposed Lanai from Aerial Perspective



Photo 7. Conceptual Rendering of Proposed Lanai from Aerial Perspective while retracted

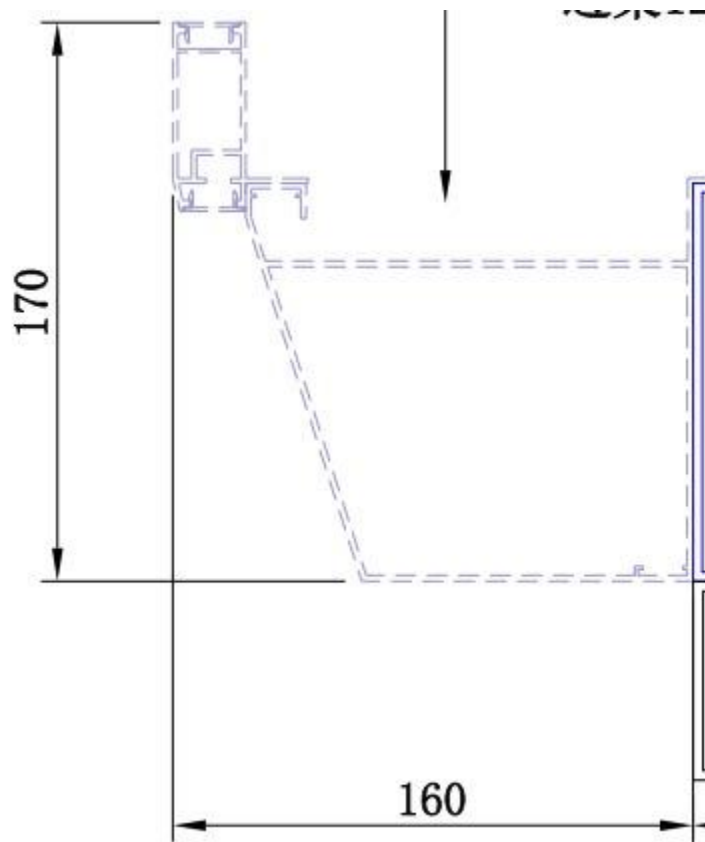


Photo 8. Detail of gutter for proposed lanai.

Appendix 3: Site Plan

