



SUSAN WHEELER + ASSOCIATES
Urban Planning Consultants

289 Victoria Street
Niagara-on-the-Lake, ON
L0S 1J0
905-468-2990
susan@susanwheelerassociates.com

**APPLICATION FOR ZONING BY-LAW AMENDMENT
&
SITE PLAN AGREEMENT**

TO PERMIT A 6TH GUEST ROOM IN AN EXISTING COUNTRY INN

95 JOHNSON STREET

**PART OF LOT 101, PLAN TP 86
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA**

November 3, 2023

Revised to January 29, 2024

PLANNING JUSTIFICATION REPORT



- 1.0 PROJECT DESCRIPTION
 - 1.1 Proposal
 - 1.2 Site Description & Location
 - 1.3 Surrounding Land Uses
- 2.0 BACKGROUND
- 3.0 PLANNING IMPACT ANALYSIS
 - 3.1 Planning Act
 - 3.2 Provincial & Regional Policy
 - 3.3 Official Plan
 - 3.4 Zoning By-law
 - 3.4.1 By-law 4316A1-13
 - 3.4.2 By-law 4634-13
- 4.0 DISCUSSION
 - 4.1 Compatibility
 - 4.2 Site Characteristics
 - 4.3 Parking, Driveway and Traffic Impacts
 - 4.4 Amenity Area
 - 4.5 Garbage & Storage
- 5.0 CONCLUSIONS
- 6.0 LIST OF FIGURES
 - 6.1 Location Map
 - 6.2 Johnson Street Façade
 - 6.3 Victoria Street Façade
 - 6.4 Rear Parking Area
 - Rear Parking Area
 - 6.5 Amenity Area
 - Amenity Area
- 7.0 APPENDICES
 - 7.1 Pre consultation Agreement
 - 7.2 Site Survey – J.D. Barnes
 - 7.3 Site Plan – Quartek Group
 - 7.4 Site Plan Amendment Application
 - 7.5 Landscape Plan & Planting Details – McWilliam & Associates
 - 7.6 Phase 1 Environmental Site Assessment – Soil-Mat Consulting
 - 7.7 Zoning By-law Amendment Application
 - 7.8 Draft Zoning By-law
 - 7.9 Property Index Map
 - 7.10 Parcel Register

1.0 PROJECT DESCRIPTION

1.1 Proposal

The subject property has been licensed as a 5-room Country Inn since 2002 in accordance with Zoning By-law 500QE-02, approved by the Ontario Municipal Board in 2002. Application is now being made for a Site-Specific Zoning By-law Amendment to add a sixth guest room within the existing Country Inn and to amend the Site Plan Agreement to recognize revisions to the outdoor amenity area, parking area and landscaping. The property is designated "Established Residential" in the Town's Official Plan and is zoned "Established Residential - Site Specific ER-12 Zone" according to Zoning By-law 4316-09. No new construction or additions are required to accommodate the proposed additional guest room.

1.2 Site Description & Location

The property is located on the north side of Johnson Street on the easterly corner of Victoria Street just south of Queen Street. The site is an irregular-shaped parcel approximately 0.30 acres in area with a frontage of 22.32m on Johnson Street and a depth of 48.213m on Victoria Street.

The original two-storey red brick single-family residence was constructed in approximately 1835 with additions added in 1985 and 2002. The residence has been operated as a Country Inn since 2002.

The property is located within the Queen-Picton Heritage Conservation District (HCD) and is designated under Part V of the Ontario Heritage Act. The building is considered a Category 'A' building according to the HCD Plan.

Category 'A' buildings are described as having architectural and historical value and contribute to the integrity of the streetscape helping to define the character of the HCD.

The parking area is located on the north side of the property to the rear of the main residence and consists of eight surface parking spaces separated by a vegetative island with a lattice fence section that separates the three parking spaces nearest to Victoria Street from the remaining five parking spaces to provide visual screening to the municipal road allowance. The pavers installed in the early 2000s have been recently replaced by a solid asphalt surface to facilitate maintenance and snow removal. Two charging stations have been installed that will accommodate four e-cars.

The perimeter of the parking area is fenced and landscaped on the north and east side by a board fence. A decorative wrought iron fence encloses the parking area on the west side.

The amenity area, located to the rear of the dwelling, is landscaped and is separated from the parking area by a wrought iron fence.



Figure 6.1 - Location Map



Figure 6.2 - Johnson Street Façade



Figure 6.3 – Victoria Street Facade

1.3 Surrounding Land Uses

The subject lands are located in the heart of the Old Town of Niagara-on-the-Lake one block from the Queen Street commercial area that includes retail stores, restaurants, theatre and municipal services.

The property is surrounded by single family homes on all four sides. The homes in the immediate vicinity of the subject property are predominantly heritage homes with a variety of lot sizes and setbacks to property lines. As is typical in the Old Town, many of the earlier homes including 95 Johnson Street are situated immediately adjacent to the municipal sidewalk while other more recently constructed homes are set back from the municipal road allowance.

2.0 BACKGROUND

The existing dwelling and coach house was built by James Blair in 1835 who owned the property from approximately 1833 to 1835. In subsequent years the property changed hands numerous times and at some time the house was used as the Town's first Post Office.

A two-storey clapboard addition was built on the east elevation of the house fronting on Johnson Street in approximately 1985. The coach house, original to the property, was reoriented 180 degrees at the time of the 1985 addition and was incorporated into the living space of the main dwelling.

A subsequent addition to the rear of the house was added in 2002. No new construction has occurred since that time. The original features on the exterior and interior of the dwelling remain largely intact.

The present owner has undertaken a lengthy restoration of the dwelling with the guidance of the Town's Heritage Planner and heritage permits granted by the Municipal Heritage Committee.

A swimming pool to the rear of the building has since been removed to provide an enclosed amenity space of 240.7 sm for guests.

3.0 PLANNING IMPACT ANALYSIS

3.1 Planning Act

The Planning Act identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities. Decisions of Council shall be consistent with provincial policy statements and provincial plans. Council may pass or amend zoning by-laws to regulate construction and land use within the municipality.

The subject lands lie within a designated Site Plan Control area. No development may be undertaken within the Site Plan Control area without approval by Council or its designate.

The application conforms to the requirements of the Planning Act.

3.2 Provincial & Regional Policy

The subject property is located within the Settlement Area according to the Provincial Policy Statement 2020 (PPS). The PPS states that Settlement Areas shall be the focus of growth and development.

3.2.1 The Greenbelt Plan (2017) designates the subject lands as "Towns/Villages". The Greenbelt Plan directs lands within the Towns/Villages designation to be subject to the policies of the Growth Plan.

3.2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The property is located within the Settlement Area and Delineated Built-up area according to the Growth Plan. The Growth Plan policies promote the achievement of complete communities by utilizing existing municipal infrastructure and encouraging development with convenient access to local stores, services and public service facilities.

The proposal contributes to the achievement of complete communities due to its proximity to the Queen Street commercial area with retail shopping, restaurants, theatre and municipal services. No new municipal infrastructure is required to accommodate the increase in guest rooms.

3.2.3 Niagara Official Plan

The Niagara Official Plan (NOP) designates the lands as Delineated Built-up area. The NOP promotes tourism as one of the core components of Niagara's economy and supports new opportunities to promote tourism. The NOP promotes complete communities with access to local services and amenities.

Provincial and Regional policy promotes strong and healthy communities and further supports the preservation of built heritage resources and significant cultural landscapes. The operation of a Country Inn located in a restored heritage home within the Queen-Picton Heritage District, located in close proximity to local amenities and open space is consistent with Provincial and Regional policy.

3.3 Town of Niagara-on-the-Lake Official Plan (2017), Office Consolidation)

The subject property is designated Established Residential in the Town's Official Plan. Country Inn establishments are permitted as a secondary use to the main residential use of a single-family residential dwelling.

A Country Inn is defined as a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms in an urban area... the municipality will regulate the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, Site Plan approval process and the Licensing by-law...

The General Development Policies of the Official Plan allow for the consideration of an increase in the number of guest rooms in a Country Inn where the increased level of activity can be accommodated without disruption to the surrounding residential neighbourhood. The applicable criteria for approval are as follows:

- Sufficient lot area to comfortably accommodate the increase in the number of guest rooms, the required number of parking spaces and private amenity space.
- Lot size within the urban area of a minimum of 0.75 ac for 4 to 6 guest rooms. A smaller lot size may be considered provided that the reduction in lot area does not negatively impact:
 - Surrounding land uses;
 - The ability to accommodate parking and amenity space requirements;
 - On-site or adjacent heritage resources;
 - The ability to provide sufficient buffering, landscaping and screening from adjacent properties;
 - The residential character of the surrounding neighbourhood.
- Consideration will be given to buildings designated under the Ontario Heritage Act.

- The proposed Country Inn is compatible with surrounding land uses and potential impacts on present and future land uses can be mitigated.
- The overall character and stability of the surrounding neighbourhood is maintained. Consideration will be given to streetscape, location and sufficiency of parking, private amenity space, existing vegetation, environmental features and the loss of privacy associated with adjacent outdoor amenity space.
- Parking should be as unobtrusive as possible and located within the rear yard, side yard and in an existing driveway or garage. No more than two parking spaces beyond the front face of the building. Parking in the rear and side yards shall be screened from the view of the street and from adjoining residential properties.
- A usable outdoor amenity area must be provided. The amenity area should not consist of areas within the front or side yards. The amount of amenity space should increase in area corresponding to the number of guest room. An area of approximately 139 sm (1500 sf) should be provided plus 9 sm (100 sf) for each additional rented room beyond three.
- Application for a Country Inn or an increase in the number of rooms shall not be the result a new home constructed, a building addition, or new construction, conversion and renovation of accessory buildings, after January 1, 1998.
- An application for Zoning By-law amendment for a Country Inn must be accompanied by a Planning Impact Analysis and a Heritage Impact Analysis for properties designated under the Ontario Heritage Act.
- Applications for a Country Inn must be accompanied by a site plan that satisfies the requirements of the Town's Site Plan Control Agreement.
- All applications will provide a plan of the interior of the building showing room location, size, areas of common use, and areas reserved for the exclusive use of the host.
- The Country Inn must front on a public road.
- Adequate services to municipal standards must be provided.
- Applications for a Country Inn shall be evaluated based on the proposed on-site services, the servicing capabilities of the area and the capacity of municipal services to accommodate the proposed use, including; appropriate water and sanitary services, lot grading/drainage of the property and stormwater management requirements.

The subject lands have been licensed as a 5-room Country Inn since 2002. No new construction or site alteration is required to accommodate the sixth guest room.

The parking area located to the rear of the dwelling provides eight parking spaces to accommodate guests and the host. The first three parking spaces are separated from the remaining five spaces by a vegetative island with a decorative lattice screen

to provide a visual barrier from the street. The parking area is landscaped and fenced on all four sides to provide a visual and acoustic screen to the street and to neighbouring properties.

A generous outdoor private amenity area is located to the rear of the dwelling enclosed to the south and west by the existing dwelling and fenced and landscaped on the east elevation providing a visual and acoustical buffer to Johnson and Victoria Streets and to mitigate impacts on neighbouring properties. The 240.7 sm amenity space exceeds the minimum 166 sm area required according to the Town's Zoning by-law.

No new construction or site alteration is required to accommodate the sixth guest room and the façade of the heritage home will remain the same. No impacts are therefore anticipated on the residential character of the neighbourhood or the streetscape.

The proposal to add a sixth bedroom to the existing 5-room Country Inn conforms to Official Plan policy in all respects.

3.4 ZONING BY-LAW

3.4.1 By-law 4316A1-13

The subject property is zoned "Established Residential - Site Specific ER-12 Zone permitting a Country Inn with five guest rooms.

Site Specific Zoning By-law ER-12 was approved in 2002 by the Ontario Municipal Board and permits the following:

- A five (5) room Country Inn, a home occupation or home profession, and a single-detached dwelling.
- A minimum of eight (8) parking spaces shall be provided on-site at the rate of one (1) space for each guest room, two (2) spaces per dwelling unit, and one (1) space per employee. Stacked parking is not permitted.

According to the Zoning By-law, a "COUNTRY INN means a residential use which is in the principal residence of the owner/operator and host, having more than three rented rooms and providing lodging and only breakfast to overnight guests.

The Draft Zoning By-law recognizes that the Country Inn is the principal residence of the operator and host and there is no home occupation or home profession carried on and no employees. The proposed parking provisions recognize this change in use from the 2002 Site Specific ER-12 zoning by-law, as follows:

- *A minimum of eight (8) parking spaces shall be provided on-site at the rate of one (1) parking space for each guest room and two (2) parking space for the dwelling unit. No stacked parking is permitted. No additional parking spaces are required in the absence of any employees.*



The relevant provisions contained in Section 6.10 of the Town's Zoning By-law states:

- a) Any "Country Inn" or "Villa" shall be subject to a site-specific amendment to the Zoning By-law prior to consideration as a "Permitted Use" in a residential zone;
- b) A "Country Inn" or "Villa" must front on a public road or the Niagara River Parkway and be fully serviced with water and sewage disposal services approved by the Town on lands within the urban boundary and by the Niagara Region for land located outside an urban area boundary;
- c) A maximum of one "Villa" per lot is permitted and no other uses of the property are permitted, including secondary residential units or suites, second "Villa", "Cottage Rental" or secondary uses, although a secondary residential unit may be considered as part of a site specific zoning amendment process;
- d) A "Country Inn" or "Villa" shall be subject to a Site Plan Control Agreement pursuant to Section 41 of the Ontario Planning Act.;
- e) A "Country Inn" or "Villa" shall provide for an outdoor amenity area of a minimum of 139 sm (1500 sf) with an additional 9 sm (100 sf) for each rentable bedroom beyond three (3);
- f) Off street parking shall be provided in accordance with Section 6.39, Parking Space Requirements, and shall be screened from view from the public street and shall not be located in the outdoor amenity area, nor in the required exterior side yard setback, nor in the required landscaped portion of the front yard;
- g) A "Country Inn" and "Villa" must be licensed appropriately by the Town of Niagara-on-the-Lake.

The current proposal to add an additional guest room to the existing five (5) room Country Inn is consistent with all the relevant provisions of the Zoning By-law as outlined above.

3.4.2 By-law 4634-13

The Comprehensive Zoning By-law presently zones the subject lands as Established Residential - Site Specific ER-12 Zone. A bed and breakfast establishment is a permitted use in the Established Residential Zone.

By-law No. 4634-13 is a by-law for the licensing, regulating and governing of short-term rentals. The applicable General Provisions of the By-law for the regulation of the land use are as follows:

- The registered owner or lessee, with the permission of the owner may apply for a license for a short-term rental;

- Country Inns may only be rented as individual bedrooms for licensing purposes;
- Only buildings that have been occupied as a single detached dwelling for a minimum of four (4) years shall be eligible for a license. Any additions or extension to the building that expand the number of rooms will not allow the Licensee to apply to increase the number of guest rooms available for rent until that portion of the addition or extension has been occupied for four (4) years;
- All municipal accounts must be current and outstanding Building Permits must be closed before a license can be issued.
- Short Term Rentals must be fully serviced with water and sewage services approved by the Town;
- Short Term Rentals must front onto a public road.
- A Country Inn while in operation must be occupied and operated on a full-time basis by the licensee while paying guests occupy or have the right to occupy guest bedrooms.

The subject property has been licensed as a 5-room Country Inn since 2002. A new license will be applied for in order to permit a sixth guest room upon the completion of the Zoning By-law amendment and Site Plan Approval.

The existing 5-room Country Inn and the proposed additional sixth guest room conform to the requirements of the licensing by-law.

4.0 DISCUSSION

4.1 Compatibility with Surrounding Land Uses

The recent restoration of this heritage property under the guidance of the Town's heritage planner and the Municipal Heritage Committee maintains the height, location and spacing of the existing buildings on the site and in relation to the neighbouring properties. No alteration has been made to the exterior façade of the building.

The streetscape has been enhanced by the restoration of the steps at the front entranceway on Johnson Street and repainting of the clapboard additions on the Johnson and Victoria Street facades. The original 12 over 12 windows have been meticulously restored and new storm windows fabricated that accurately reflect the heritage of the dwelling.

The driveway and parking area remain the same in size, configuration and location as previously existed at the rear of the building. The board-on-board fencing on the easterly and northern elevation has been replaced and decorative wrought iron fencing now encloses the west property boundary and the amenity area. Lush landscaping softens the appearance of the perimeter fencing and screens the parking area from Victoria Street.

The parking area is not visible from the street and is screened from neighbouring properties by the house itself together with the new fencing and lush landscaping.

As there is no site alteration or construction required in order to accommodate the additional guest room, it is not anticipated that the addition of one additional guest room will have an impact on neighbouring properties.

4.2 Site Characteristics

Although the 0.30 ac property is somewhat smaller than the 0.75 ac lot area recommended in the Official Plan. The size and configuration of the site, the lush landscaping and decorative fencing are consistent with Official Plan policies that permit an increase the number of guest rooms to an existing Country Inn in the urban area provided there are no negative impacts on:

- surrounding land uses;
- the ability to accommodate parking and amenity space requirements;
- adjacent heritage resources and/or heritage resources on the property;
- the ability to provide sufficient buffering, landscaping, screening and separation from adjacent properties;
- the residential character of the property or the surrounding area.

The proposal contributes to provincial, regional and municipal policy that promotes complete communities. Located within one block of the retail shops and restaurants in the Queen Street commercial area and a short walking distance from Simcoe Park and Queen's Royal Park. The proposed Country Inn is within easy walking distance to the Royal George Theatre and to many of the Town's tourist attractions. Its proximity to tourist attractions and local amenities will result in fewer vehicular trips thus reducing the impact on neighbouring properties.

4.3 Parking, Driveway and Traffic Impacts

The eight-space surface parking area is located entirely to the rear of the main residence with access from Victoria Street. The parking area is screened by a new 6-foot board-on-board fence to the north and east and a wrought iron fence at the Victoria Street entranceway. New landscaping has been provided along the fenceline and a landscaped island with a decorative lattice screen breaks up the parking area and screens five of the eight parking spaces from the Victoria Street view.

The parking aisle remains at 6 metres however the entrance driveway has a somewhat reduced width of 4.25 metres. The entrance driveway existed at the time of passage of the Zoning By-law and is therefore considered a Legal Non-conforming Use in accordance with Section 6.32 of the Town's Zoning By-law. The parking area provides two charging stations capable of servicing four electric vehicles.

It is anticipated that the proximity to local amenities, theatre, restaurants and tourist attractions will significantly reduce vehicular traffic and mitigate impacts on neighbouring properties.



Figure 6.4a – Parking Area



Figure 6.4b – Rear Parking Area

4.4 Amenity Area

The amenity area is located to the rear of the dwelling enclosed to the south and west by the existing building and screened to the east by a neighbouring utility shed and fencing. A gated wrought iron fence and landscaping screen the amenity space from the parking area. A swimming pool was removed to provide more useable space for guest's recreational use and a rare cryptomeria cedar has been preserved and protected in accordance with the arborist's recommendation. The amenity area

provides individual landscaped areas for guest privacy. The 240.7 sm size of the amenity area exceeds the by-law requirement of 166 sm.



Figure 6.5a – Amenity Area



Figure 6.5b – Amenity Area

4.5 Garbage/Storage

All garbage and storage will be contained within the parking area on the east side of the site screened from the amenity area and surrounding land uses. A utility shed has been relocated from the north east corner of the property to the southeast

corner of the parking area as it conflicted with vehicular access to parking at its previous location.

5.0 CONCLUSIONS

The proposal for a 6-room Country Inn represents a very minor increase in the level of activity on site. The size and configuration of the lot can easily accommodate the one additional guest room that is proposed. Adequate parking already exists with 8 surface parking spaces. The amenity area to the rear is screened from view from neighbouring properties on all sides and is well in excess of the minimum size required according to the zoning by-law.

There will be no site alteration and no building addition required to accommodate the proposed 6th guest room.

It is therefore anticipated that there will be no adverse impacts anticipated on the heritage property, the streetscape or on neighbouring properties.