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COMMITTEE OF ADJUSTMENT

Thursday, February 20, 2025, 6:00 p.m.

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8. NEXT MEETING DATE Thursday, March 20, 2025 at 6:00pm	
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Town of Niagara-on-the-Lake

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REPORT #: CDS-25-037 **COMMITTEE DATE:** 2025-02-20
REPORT TO: Committee of Adjustment **DUE IN COUNCIL:** N/A
SUBJECT: Minor Variance Application A-01/25 – 25 Castlereagh Street

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Variance 1 of Minor Variance Application A-01/25 for 25 Castlereagh Street be modified to request the following:

To permit the following uses secondary to and exclusively for the Niagara-on-the-Lake Museum (43 Castlereagh Street) on the subject lands, until such time as the uses are established through a Zoning By-law Amendment and Site Plan Amendment, whereas only permitted uses within the Established Residential (ER) Zone are permitted.

a. Professional office and office-related uses including storage, meeting and research rooms, to a maximum gross floor area (GFA) of 217 square metres.

- 1.2 Variance 4 (minimum interior side setback from 1 metre, as required in the Zoning By-law, to 0.5 metres for the proposed parking space) of Minor Variance Application A-01/25 for 25 Castlereagh Street be removed.
- 1.3 Minor Variance Application A-01/25 for 25 Castlereagh Street be approved with the modification to Variance 1 and removal of Variance 4, subject to the following condition:
 - 1.3.1 That the owner/applicant provides a lawyer's undertaking confirming the merger of lands known municipally as 25 Castlereagh Street and 43 Castlereagh Street, to the satisfaction of the Director of Community and Development Services.

2. PURPOSE

The applicant is proposing to facilitate additional office space in the existing structure on the subject lands, known municipally as 25 Castlereagh Street, in conjunction with the adjacent Niagara-on-the-Lake Museum (43 Castlereagh Street). To accommodate the proposal, the following variances are required:

1. To permit the following uses secondary to and exclusively for the Niagara-on-the-Lake Museum (43 Castlereagh Street) on the subject lands, until such time as the uses are established through a Zoning By-law Amendment and Site Plan Amendment, whereas only permitted uses within the Established Residential (ER) Zone are permitted.

- a. Professional office and office-related uses including storage, meeting and research rooms, to a maximum gross floor area (GFA) of 217 square metres.
2. To permit two (2) required parking spaces with one space in tandem, whereas three (3) spaces are required for the non-residential uses requested in Variance #1 in the Zoning By-law and tandem parking is not permitted;
3. That the requirement for an accessible parking space be reduced to zero (0), whereas a minimum of one (1) accessible parking space is required for the non-residential uses requested in Variance #1, until such time as a Zoning By-law Amendment is approved;
4. Minimum rear yard setback from 1.52 metres, as required in the Zoning By-law, to 1.2 metres for the existing shed; and
5. Minimum side yard setback from 1.52 metres, as required in the Zoning By-law, to 0.7 metres for the existing shed.

The application drawings are attached as **Appendix I**.

3. BACKGROUND

The subject lands, known as 25 Castlereagh Street, contain an existing 2-storey single-detached dwelling and are located adjacent to the Niagara-on-the-Lake Museum (43 Castlereagh Street). The subject lands were recently acquired by the Niagara-on-the-Lake Museum. The Museum intends to use the interior space of the dwelling (25 Castlereagh Street) to accommodate office, storage and meeting areas, exclusively for the Museum and its staff. In addition, the proposal includes a research room that is only accessible to the general public by appointment and for the purposes of historical research. The requested application is an interim solution until such time that the Museum formally establishes the uses through a future Zoning By-law Amendment and Site Plan Amendment.

3.1 Site Description and Surrounding Land Uses

The subject lands are located at 25 Castlereagh Street, on the north side of Castlereagh Street, east of King Street, in the urban area of Old Town. The location of the subject lands is shown on **Appendix II**.

The subject lands have an area of approximately 1,058 square metres and a frontage of 21.3 metres on Castlereagh Street. The subject lands contain an existing 2-storey single-detached dwelling and a shed, which are proposed to be retained. Municipal water and sanitary connections service the existing dwelling. The surrounding lands are characterized by residential and institutional uses.

3.2 Revised Variances

As a result of Staff review and further correspondence with the applicant, Town Staff recommend that the requested variances be amended or removed, as detailed below.

Variance 1 – Permitted Uses

The requested variance #1 has been modified to ensure that the use of the office spaces and museum-related uses proposed in the existing single-detached dwelling only function in direct association with the Niagara-on-the-Lake Museum at 43 Castlereagh Street and their operation purposes. The recommended wording for this condition strengthens the association between 25 Castlereagh Street and 43 Castlereagh Street.

Variance 4 – Interior Side Yard Setback

Town Staff have included a condition to require that the properties (25 Castlereagh Street and 43 Castlereagh Street) merge in title. Provided that the properties merge in title, the variance relating to the reduced interior side yard setback of the proposed parking is no longer applicable. The common property line between both lots would no longer exist as a result of the required merger and would therefore meet the required zoning provisions.

4. DISCUSSION / ANALYSIS

4.1 Minor Variance Tests – Subsection 45(1), *Planning Act, R.S.O. 1990, c. P.13*

Subsection 45(1) of the *Planning Act* establishes four tests for considering minor variances:

1. Is the requested variance minor in nature?

The interior conversion proposes three new office spaces, storage areas, a conference room, a staff lunch room, and a research room. The offices, conference room and staff lunch room will accommodate existing employees (applicant's Planning Letter states three staff members) at the Museum to ensure that staff have appropriate spaces to work and meet together. Accommodating existing staff will have no impact on existing employee transportation access and parking. The storage areas would include the storing of artifacts and other museum holdings that are essential to their operation and hold historical value to the Town. The intent of the research room is for members of the public to book appointments with Museum staff to review and observe historical artifacts and/or information. Public access will be very limited and only accessible to those conducting historical research, by appointment during regular work hours.

The proposal would not result in major alterations to the dwelling. The accessible ramp will be relocated to be more conveniently accessed, and possible minor interior structural changes may be required to accommodate the request. It is not anticipated that the proposal would result in the inclusion of intrusive uses to the residential neighbourhood, as the requested uses involve minimal noise concerns. The proposal would facilitate the expansion of the existing Museum use, which is surrounded by existing residential properties. Given that the proposed offices are to accommodate existing staff, and the research room is by appointment only, a high turnover of members of the public and general traffic concerns are not anticipated. As modified, Variance 1 can be considered minor in nature, as the proposed secondary uses would exclusively support the expansion of an existing use adjacent to the subject lands that has remained compatible with the existing residential community, and would not alter the streetscape as the dwelling's existing built form will remain.

Variances 2 and 3 pertain to parking requirements associated with the proposal.

Staff calculated that three (3) parking spaces are required based on the classification of interior spaces and applicable parking rates in the Zoning By-law. Single-detached dwellings are required to have a minimum of two (2) parking spaces and are permitted in tandem. While a reduction in parking is requested, Variance 2 facilitates two parking spaces on the subject lands, whereas the site-specific zoning provisions of the museum allows no off-street parking. The proposed parking is sufficient to accommodate existing staff members or members of the public with appointments. The inclusion of two off-street spaces on the property further alleviates the occupancy of on-street parking associated with the museum, all while maintaining similar parking arrangements as the surrounding residential properties. As a result, Variance 2 is considered minor in nature.

One (1) accessible parking space is required for the proposed non-residential uses. In lieu of an accessible parking space on the subject lands due to the constraints of the property, the Town has provided an on-street accessible parking space in front of the dwelling on the subject lands to accommodate Museum visitors with mobility constraints. Given this on-street parking arrangement and the supportive comments received from the Joint Accessibility Advisory Committee, Variance 3 is considered minor in nature.

Variations 4 and 5 are made to recognize an existing shed and its legal non-conforming location. The requested setbacks allow for sufficient space for ongoing maintenance of the structure and provides adequate distance from abutting properties. No known nuisances have resulted from the existing shed and its reduced setbacks. The variations relating to the setbacks of the shed are minor in nature.

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

The inclusion of secondary uses for office, storage, meeting, and research rooms allows the Museum to have more space to accommodate the necessary functions and employees associated with its operation. Variance 1 is desirable for the uses of the subject lands, as it would continue to support an institutional use that has already been established on the adjacent lands, with no known concerns, in an existing residential area. With no structural alterations to the exterior of the dwelling, with the exception of the relocation of an accessible ramp, the variance appropriately preserves the residential character of the neighbourhood by maintaining the existing built form of the dwelling.

Variations 2 and 3, associated with parking requirements, ensure that sufficient parking is provided for the uses, and would maintain the existing streetscape by limiting the required parking spaces to what is already required of residential uses. According to O.Reg. 191/11 (Integrated Accessibility Standards), there is an exception to the required number of accessible parking spaces, should an organization appropriately demonstrate that the inclusion of such space is not practical due to existing on-site constraints. With an existing on-street accessible parking space directly fronting the property, the removal of the requirement for one accessible space on the subject lands can be considered appropriate, given the existing constraints on the property (existing trees, sidewalk and dwelling siting/layout). The requested variations for parking requirements are desirable for the use of the lands, as they continue to preserve the

existing streetscape of the residential area, all while appropriately accommodated parking requirements for the proposed use.

The existing shed variances are considered appropriate for the use of the structure, as no known adverse impacts have resulted from the reduced setbacks. Appropriate separation is maintained for the maintenance of the structure, and is distanced sufficiently from adjacent properties as to not result in drainage, privacy or shadowing impacts.

Planning Staff are of the opinion that the requested variances are desirable and appropriate for the use of the subject lands and its existing buildings.

3. Does the requested variance maintain the general intent and purpose of the By-law?

The subject lands are zoned “Established Residential (ER) Zone” in Zoning By-law 4316-09 (as amended). Single-detached dwellings, accessory structures, home occupations, and public uses are permitted in this zone.

The lands at 43 Castlereagh Street are zoned “Institutional (I-54) Zone” in Zoning By-law 4316-09 (as amended). The site-specific zone permits the museum, various provisions associated with the museum building’s existing siting, and the permission of no required parking spaces on-site.

Variance 1, associated with the proposed office and office-related uses, is intended to support the established Museum at 43 Castlereagh Street. The offices, storage, staff meeting and research rooms are low-intensive and non-intrusive uses that are not anticipated to compromise and/or negatively impact the residential neighbourhood, or contravene the intent of the Zoning By-law. Further, the ER zone already permits uses that can be more considered more intensive than the proposed uses in terms of foot and vehicular traffic, when comparing it to the existing established residential area, such as public uses, bed and breakfast establishments, cottage rentals, and home occupations/professions. With the merger of the properties, Variance 1 maintains the general intent and purpose of the By-law.

The requested parking variances 2 and 3 allow for appropriate parking facilities to accommodate the proposal and would continue to maintain the standard requirements of the single-detached dwelling provisions with respect to parking. With the inclusion of one on-street accessible parking space, the removal of the requirement for one accessible space on the subject lands is considered to be appropriate given the existing property constraints. Maintaining two parking spaces is compatible with the ER designation. Therefore, Variances 2 and 3 maintain the general intent and purpose of the By-law.

Variances 4 and 5 acknowledge existing legal non-conforming setbacks to a shed that pre-dates the by-law. The required interior side yard and rear yard setbacks to accessory structures in the ER zone are 1.52 metres, whereas the existing shed has an interior side yard setback of 0.7 metres and a rear yard setback of 1.2 metres. To-date, no conflicts have been expressed as a result of the reduced setbacks. The requested setbacks maintain sufficient distance between the structure and the lot lines for maintenance and to mitigate negative impacts to adjacent lands with respect to drainage, privacy and shadowing. It should also be

noted that many dwellings and structures in the ER zone pre-date the by-law, allowing for legal non-conforming setbacks that are lesser than what is required of the zone.

The requested variances maintain the general intent and purpose of the Zoning By-law.

4. Does the requested variance maintain the general intent and purpose of the Official Plan?

The subject lands are designated “Established Residential” in the Town Official Plan (2017 consolidation, as amended). Low density residential uses are permitted, such as single-detached dwellings and accessory buildings. Independent of a main use, community facilities are permitted subject to the policies of the Open Space and Community Facilities designation in the Town OP. The designation further permits museums as a main use. Location criteria must be satisfied to consider such use in a residential land use designation; this criterion includes direct access to streets, compatible design, adequate buffering, and adequate off-street parking.

The Museum and proposed uses within the single-detached dwelling are conveniently accessed by Castlereagh Street, which further has direct access to King Street, a Town collector road. The requested variance for additional uses associated with the Museum is compatible with the surrounding lands, as no exterior changes are needed to facilitate the proposal, preserving the existing residential streetscape of the neighbourhood. Similarly, the requested variances for parking requirements further ensure that the streetscape, character and scale of the area are maintained and that the proposal remains compatible with the residential community. The reduction in parking is considered adequate to support the proposal. Maintaining the existing dwelling and incorporating museum-related uses to support the Museum at 43 Castlereagh Street allows for an appropriate transition between the existing residential uses and established institutional use. The dwelling is also on a larger lot with increased interior side and rear yard setbacks. The existing large rear and side yard spaces provide appropriate separation between the dwelling at 25 Castlereagh Street and abutting residential properties.

Accessory structures are permitted in conjunction with the museum use. The requested variances for reduced setbacks to the existing shed do not conflict with the intent of the Town Official Plan, as they recognize an existing situation with no known conflicts to-date.

As a result, the requested variances maintain the general intent and purpose of the Official Plan.

4.2 Town, Agency and Public Comments

This application was circulated to all appropriate Town Departments and external agencies, and public notice of the application was provided as required by the *Planning Act*. The following responses were received:

Town Departments

Building – No objections. A building permit will be required for the renovations of the dwelling.
Finance – No objections.

Fire and Emergency Services – No objections.

Heritage – No objections.

Operations – No objections. The Town has implemented an on-street accessible parking space, dedicated to the Museum, in front of the subject lands.

Urban Forestry – No objections.

Agencies

Accessibility – The proposed ramp must have a running slope of no more than 1:15, and the surface leading to the ramp and at the ramp's end must be a hard surface in order to be accessible. An on-street accessible parking space has been established to compensate for the removal of the off-street accessible parking space (variance 3) on the subject lands.

Public

No public comments were received at the time this report was prepared.

5. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

6. OPTIONS

The Committee may approve, refuse or modify the requested application.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ENVIRONMENTAL IMPLICATIONS

No environmental implications are anticipated as a result of the requested application.

9. COMMUNICATIONS

Once the Committee of Adjustment makes a decision on the application, notice of the decision will be given as set out in the *Planning Act*. The decision of the Committee of Adjustment is subject to a 20-day appeal period from the date of the decision. If no appeals are received during the appeal period, the decision is final.

Changes to provincial legislation have been made by way of Bill 23 and third-party appeals from private property owners are no longer permitted.

10. CONCLUSION

Planning Staff recommend approval of Minor Variance Application A-01/25, as modified and subject to the recommended condition, as the requested variances are considered to be minor in nature, appropriate for the development or use of the land, building or structure, and are

considered to maintain the general intent and purpose of the By-law and the Official Plan, pursuant to Subsection 45(1) of the *Planning Act*.

11. PREVIOUS REPORTS

Not applicable.

12. APPENDICES

- Appendix I – Application Drawings
- Appendix II – Location Map

Respectfully submitted:

Prepared by:

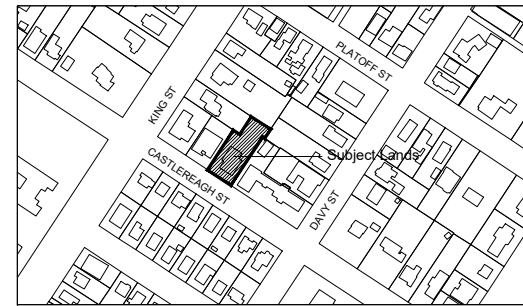


**Victoria Nikoltcheva
Senior Planner**

Reviewed by:



**Aimee Alderman, MCIP, RPP
Manager of Development Planning**



KEY MAP

SITE STATISTICS

OFFICIAL PLAN DESIGNATION	Established Residential
ZONING DESIGNATION	Established Residential
LOT AREA	1058.17 sqm
LOT COVERAGE	16.42% (173.80 sqm)

REVISION SCHEDULE

NO.	DESCRIPTION	DATE	PREPARED BY
R0	Sketch	2024-12-18	RV

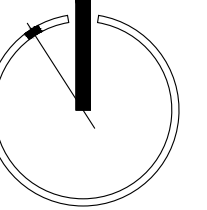
Sketch

MINOR VARIANCE APPLICATION
 25 CASTLEREAGH STREET, NIAGARA-ON-THE-LAKE

For: Niagara Historical Society Scale: 1:250
 Drawing No.: 241349.01.R0 Date: Dec 18, 2024

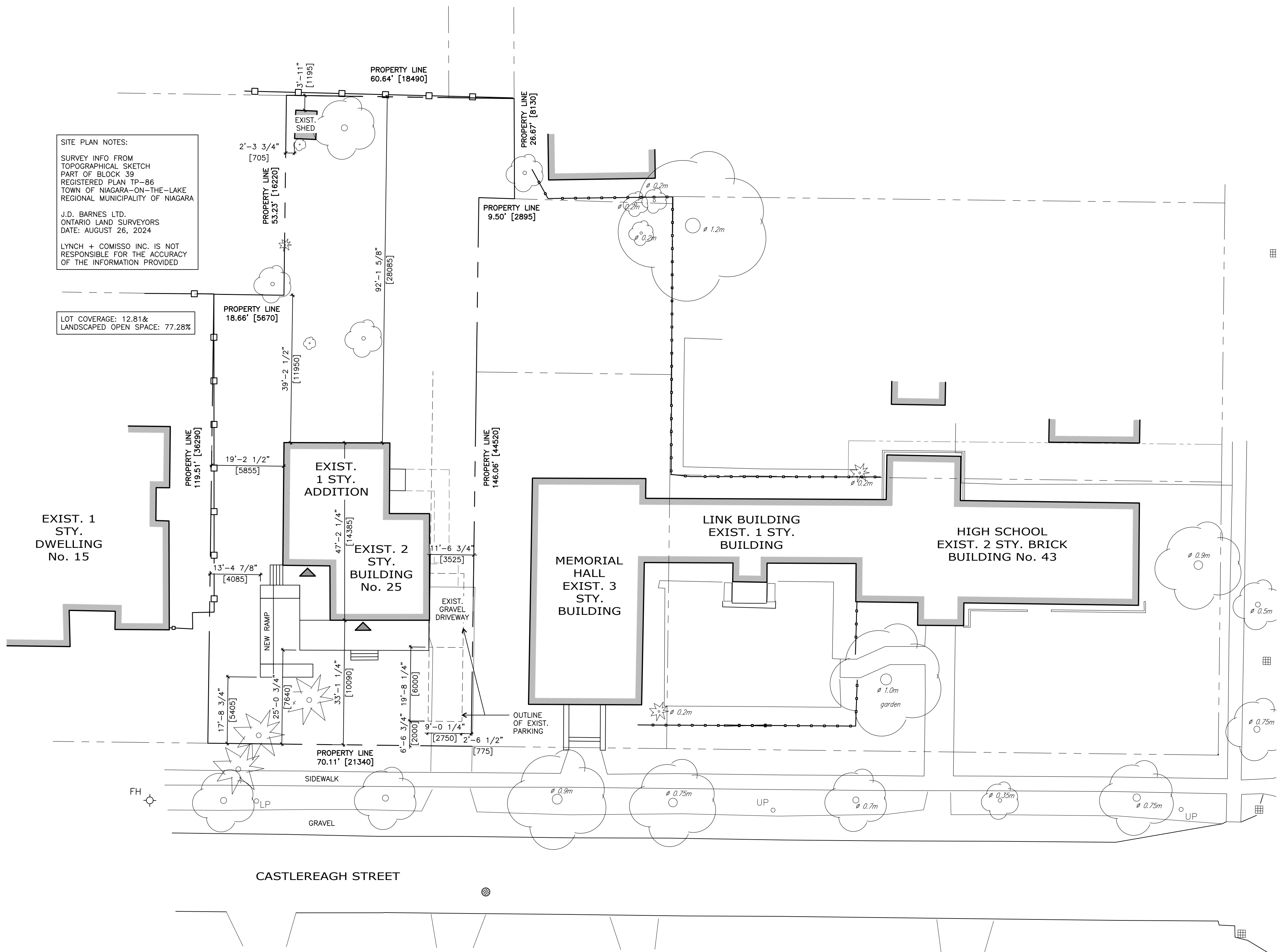
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SITE PLAN NOTES:
 SURVEY INFO FROM
 TOPOGRAPHICAL SKETCH
 PART OF BLOCK 39
 REGISTERED PLAN TP-86
 TOWN OF NIAGARA-ON-THE-LAKE
 REGIONAL MUNICIPALITY OF NIAGARA
 J.D. BARNES LTD.
 ONTARIO LAND SURVEYORS
 DATE: AUGUST 26, 2024
 LYNCH + COMISSO INC. IS NOT
 RESPONSIBLE FOR THE ACCURACY
 OF THE INFORMATION PROVIDED

LOT COVERAGE: 12.81% &
 LANDSCAPED OPEN SPACE: 77.28%



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 FIELD. ANY DISCREPANCY MUST BE
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ISSUANCES:

NO.	DATE	DESCRIPTION

01 COMMITTEE OF ADJUSTMENT 24 JAN 2024
 01 ISSUED FOR CLIENT REVIEW 23 DEC 2024

CLIENT:
 NIAGARA-ON-THE-LAKE
 MUSEUM

PROJECT NAME:
 ANNEX
 RENOVATION

LOCATION:
 25 CASTLEREAGH STREET
 NIAGARA-ON-THE-LAKE

DATE:
 DECEMBER 2024

DRAWN BY: WGB
 CHECKED BY: SC

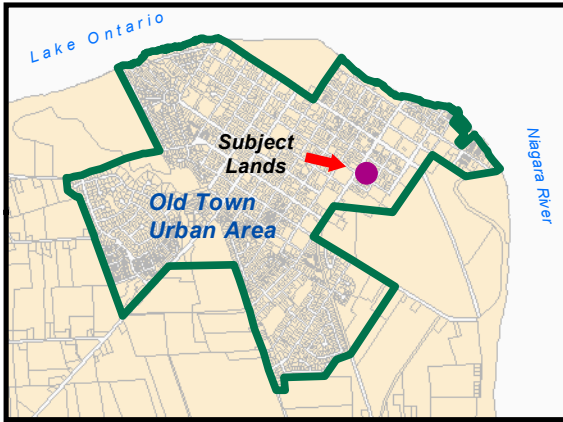
DRAWING NAME:
 SITE
 PLAN

SCALE:
 1/16" = 1'-0"

DRAWING #:
 A002

PROJECT No:
 2422

Key Map



MAP 1 - LOCATION MAP

25 Castlereagh Street
File No: A-01-2025

A north arrow pointing upwards and a scale bar showing 0, 5, 10, and 20 meters.

1:924





Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: CDS-25-036 **COMMITTEE DATE:** 2025-02-20
REPORT TO: Committee of Adjustment **DUE IN COUNCIL:** N/A
SUBJECT: Consent Application B-01/25 – 1708-1710 Niagara Stone Road

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Consent Application B-01/25 for 1708-1710 Niagara Stone Road be approved, subject to the following conditions:
 - 1.1.1 That the owner/applicant provides a legal description of Part 2, acceptable to the Registrar, together with one (1) digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Town, for use in the issuance of the Certificate of Consent;
 - 1.1.2 That pursuant to *Planning Act* Section 50 (12), it is hereby stipulated that Section 50 (3) or 50 (5) shall apply to any subsequent conveyance of, or other transaction involving the identical subject parcel of land (Part 2); that Part 2 is merged in title with Part 3 and they become one parcel of land; and that the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Town, that Part 2 shall be conveyed to the owner of Part 3 and to prepare and register application to consolidate the lands and forward a copy of receipted application within two years of issuance of the consent certificate;
 - 1.1.3 That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Town, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 2, has been carried out, the documentation to be provided within two years of issuance of the consent certificate;
 - 1.1.4 That the Town's Operations Department be provided with a copy of the deposited reference plan;
 - 1.1.5 That the owner/applicant contact the Town's Environmental Services Department to confirm the location of any water and sanitary service connections between Part 1 and merged Parts 2 and 3 of the proposed boundary adjustment, and that all water and sanitary sewer services between Part 1 and merged Parts 2 and 3 be terminated and capped at the boundary of Part 1, to the satisfaction of the Town's Environmental Services Department;

- 1.1.6 That a new water service wholly fronting merged Parts 2 and 3 of the proposed boundary adjustment be installed to benefit Part 2 via application to the Town's Environmental Services Department, or that connection to an existing water service on Part 3 be provided for Part 2, to the satisfaction of the Town's Environmental Services Department;
- 1.1.7 That the owner/applicant obtains final approval through a *Planning Act* application for Part 1 to recognize any zoning deficiencies resulting from the conveyance of Part 2 to Part 3, to the satisfaction of the Director of Community and Development Services; and
- 1.1.8 That the owner/applicant obtains final approval through a *Planning Act* application for Parts 2 and 3 to recognize any zoning deficiencies resulting from the boundary adjustment, to the satisfaction of the Director of Community and Development Services.

2. EXECUTIVE SUMMARY

Staff have received a Consent Application submitted under Section 53(12) of the *Planning Act*, proposing a minor boundary adjustment. The applicant proposes to convey Part 2 (1,013 square metre parcel municipally known as 1710 Niagara Stone Road) from the subject lands (Part 1) to merge with Part 3, municipally known as 1696 Niagara Stone Road, Pillitteri Estate Winery. Staff have reviewed the application and consider it to meet applicable planning legislation and policies, subject to the recommended conditions.

3. PURPOSE

Consent Application B-01/25 proposes a minor boundary adjustment to convey Part 2 (1,013 square metres) from the subject lands (Part 1) to merge with Part 3, municipally known as 1696 Niagara Stone Road (Pillitteri Estate Winery). Part 1, municipally known as 1708 Niagara Stone Road, would be retained for continued rural residential purposes. The conveyance of Part 2 to Part 3 is for the purposes of merging an existing storage building and shed building with the winery property. These buildings currently serve the abutting winery operation.

4. BACKGROUND

4.1 Site Description and Surrounding Land Uses

The subject lands are known municipally as 1708-1710 Niagara Stone Road, with the abutting winery being 1696 Niagara Stone Road. The properties are located to the north of Niagara Stone Road, west of Concession 4 Road, in the agricultural area of the Town. The location of the subject lands is shown on **Appendix II**.

Part 1 is proposed to have an area of 4,050 square metres and a frontage of 26.9 metres on Niagara Stone Road. Part 1 contains an existing 2-storey single-detached dwelling that would be retained. The dwelling is serviced by a private septic system and municipal water. Part 2 is proposed to have an area of 1,013 square metres. Part 2 contains an existing 2-storey storage building and a vinyl shed, which support the abutting winery operation located on Part 3. The buildings are serviced by a private septic system and municipal water. Part 2 is proposed to merge with Part 3.

Part 3 is proposed to have an area of 48.86 acres (19.77 hectares) with 190.48 metres of combined frontage along Niagara Stone Road, as a result of the proposed merger of Part 2. Part 3 currently contains an Estate Winery, and various agricultural production buildings, farm help accommodation and other structures/buildings accommodating the permitted secondary uses of the Pillitteri Estate Winery. The lands are serviced by municipal water and sanitary connections.

The surrounding lands are characterized by agricultural and rural residential uses.

4.2 Concurrent Application

A concurrent Zoning By-law Amendment Application (File ZBA-20-2024) has been submitted and is being processed and reviewed by Town Staff. The Zoning Amendment proposes to facilitate a Villa use on the subject lands at 1708 Niagara Stone Road (Part 1) with site-specific provisions for parking, amenity area and setbacks, and further proposes to amend the existing site-specific zoning of Pillitteri Estate Winery at 1696 Niagara Stone Road (Part 3) in order to incorporate the requested boundary adjustment and provide additional setback provisions for the storage and shed buildings contained on Part 2.

5. DISCUSSION / ANALYSIS

Section 3(5) of the *Planning Act, R.S.O. 1990, c. P.13* states that a decision of Council, in respect to any planning matter, shall be consistent with the Provincial Planning Statement and conform with the Provincial Plans.

Section 53(12) of the *Planning Act* states that Council, in determining whether a provisional consent is to be given, shall have regard to the matters under Section 51(24), and that conditions of consent may be imposed as set out in Sections 51(25), 51(26) and 51.1.

The Provincial Planning Statement (PPS) (2024) designates the subject lands as being within a “Prime Agricultural Area.” The Greenbelt Plan (2017) designates the subject lands within the “Protected Countryside,” and more specifically, a “Specialty Crop Area (Niagara Peninsula Tender Fruit and Grape Area).”

The subject lands are designated “Specialty Crop Area” in the Niagara Official Plan (2022), and “Agricultural” in the Town's Official Plan (2017 consolidation, as amended).

The PPS permits minor boundary adjustments that do not result in the creation of a new lot. The Greenbelt Plan and Niagara Official Plan (NOP) also permit minor boundary adjustments provided that a separate lot for a residential dwelling is not created and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

Under the “Agricultural” designation, the Town Official Plan permits minor boundary adjustments where the boundary adjustment is minor or land is being added to adjoining lands that contain an existing farm operation and the retained land is large enough to support a potentially viable farm operation, and where a separate lot is not being created for a residential dwelling.

Town Official Plan policies in Section 21.2 (Consent Policies) require that proposed new lot lines, wherever possible, shall avoid creating irregular boundaries for the parcel in question or that remaining. Where lands are located within the Agricultural designation, every attempt shall be made to avoid creating a lot pattern which would make it difficult to farm.

The Consent Application does not result in the creation of new lots, as Part 2 would be severed and conveyed to the abutting lands at Part 3. The proposed boundary adjustment would allow for existing storage and shed buildings, currently supporting the adjacent winery, to be maintained on the winery's property and remove them from the retained rural residential lot. The existing driveway accommodating access through 1708 Niagara Stone Road (Part 1) to these buildings would cease to provide access, as a landscaped barrier is proposed at the end of the driveway on 1708 Niagara Stone Road to restrict access. Access to the storage and shed buildings would be facilitated through the 1696 Niagara Stone Road property (Part 3). Since the lands at 1708 Niagara Stone Road are not a farm, no lands are proposed to be taken out of agricultural production as a result of the boundary adjustment. The boundary adjustment is not anticipated to impact the ability of farming the abutting winery operation and other surrounding farm lands. As such, the boundary adjustment is considered minor in nature.

The proposed boundaries allow for the retained lot (Part 1) to maintain the required 1-acre lot size required to support on-site private servicing. The proposed lot lines directly abutting the existing septic system on 1710 Niagara Stone Road allow for the appropriate separation between the septic system and boundaries, and allow for existing landscaping (such as trees and open space) to remain as part of 1708 Niagara Stone Road (Part 1). The overall properties are already irregularly shaped and the proposed boundary adjustment would not further impose irregularities. The boundary adjustment is not anticipated to impact the viability of farming the lands at 1696 Niagara Stone Road and abutting agricultural operations, or impact any surrounding rural residential properties.

As per the policies of the Greenbelt Plan and Niagara Official Plan, no fragmentation of any key natural heritage or key hydrological features will occur as a result of the proposed boundary adjustment.

The property at 1708-1710 Niagara Stone Road is zoned "Rural (A)" in Zoning By-law 500A-74, as amended. The standard "Rural (A)" zone permits single-detached dwellings and accessory buildings. The property at 1696 Niagara Stone Road is zoned "Rural (A) Site-Specific" by way of Zoning By-law Amendment 500WS(1)-24. The "Rural (A) Site-Specific Zone" permits an Estate Winery and a variety of secondary uses in association with the winery operation.

Through the concurrent Zoning By-law Amendment Application ZBA-20-2024, zoning deficiencies relating to the proposed boundary adjustment will be addressed and include the following:

- Minimum side yard setback to the existing storage building – 4.1 metres
- Minimum side yard setback to the existing vinyl shed – 12 metres
- Minimum rear yard setback to the existing dwelling – 9.8 metres

Conditions have been included to require the owner/applicant to seek zoning relief for the applicable deficiencies resulting from the boundary adjustment.

Staff have reviewed the application and consider it to meet applicable planning legislation and policies, subject to the recommended conditions.

5.1 Town, Agency and Public Comments

The applications were circulated to all appropriate Town Departments and external agencies, and public notice of the applications was provided as required by the *Planning Act*. The following responses were received:

Town Departments

Building – No objections.

Finance – No objections.

Fire and Emergency Services – No objections.

Heritage – No objections.

Operations – No objections. Conditions requested regarding servicing.

Agencies

Enbridge Gas – No objections.

Hydro One – No objections.

Niagara Region – No objections, provided that Part 2 is merged in title with Part 3. Condition requested to facilitate the merger.

Public

No public comments were received at the time this report was prepared.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse or modify the requested Consent and/or conditions.

8. FINANCIAL IMPLICATIONS

Not applicable.

9. ENVIRONMENTAL IMPLICATIONS

No lands will be taken out of agricultural operation, and no impacts are proposed to any existing mature vegetation. There are no environmental implications associated with the proposed boundary adjustment.

10. COMMUNICATIONS

Once the Committee of Adjustment makes a decision on the application, notice of the decision will be given as set out in the *Planning Act*. The decision of the Committee of Adjustment is subject to a 20-day appeal period from the date of the decision. If no appeals are received during the appeal period, the decision is final.

Changes to provincial legislation have been made by way of Bill 23 and third-party appeals from private property owners are no longer permitted.

11. CONCLUSION

Planning Staff recommend approval of Consent Application B-01/25 for 1708-1710 Niagara Stone Road, subject to the recommended conditions, as the application meets *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms with the Greenbelt Plan, Niagara Official Plan and the Town Official Plan.

12. PREVIOUS REPORTS

- **CDS-23-211** – 1696 Niagara Stone Road – Zoning By-law Amendment Application ZBA-17-2022 – Recommendation Report (January 16, 2024)

13. APPENDICES

- Appendix I – Application Drawing
- Appendix II – Location Map

Respectfully submitted:

Prepared by:



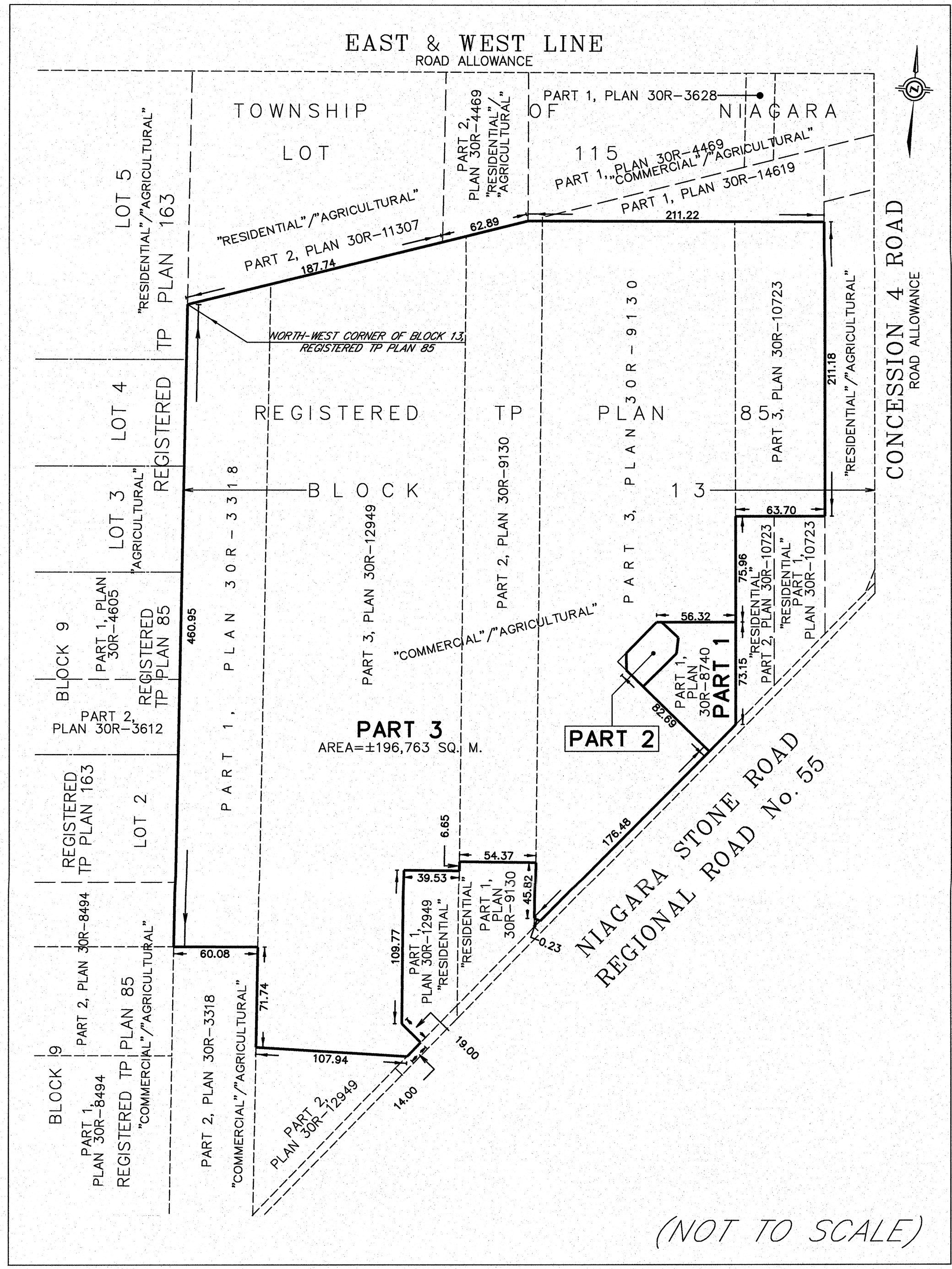
**Victoria Nikoltcheva
Senior Planner**

Recommended by:

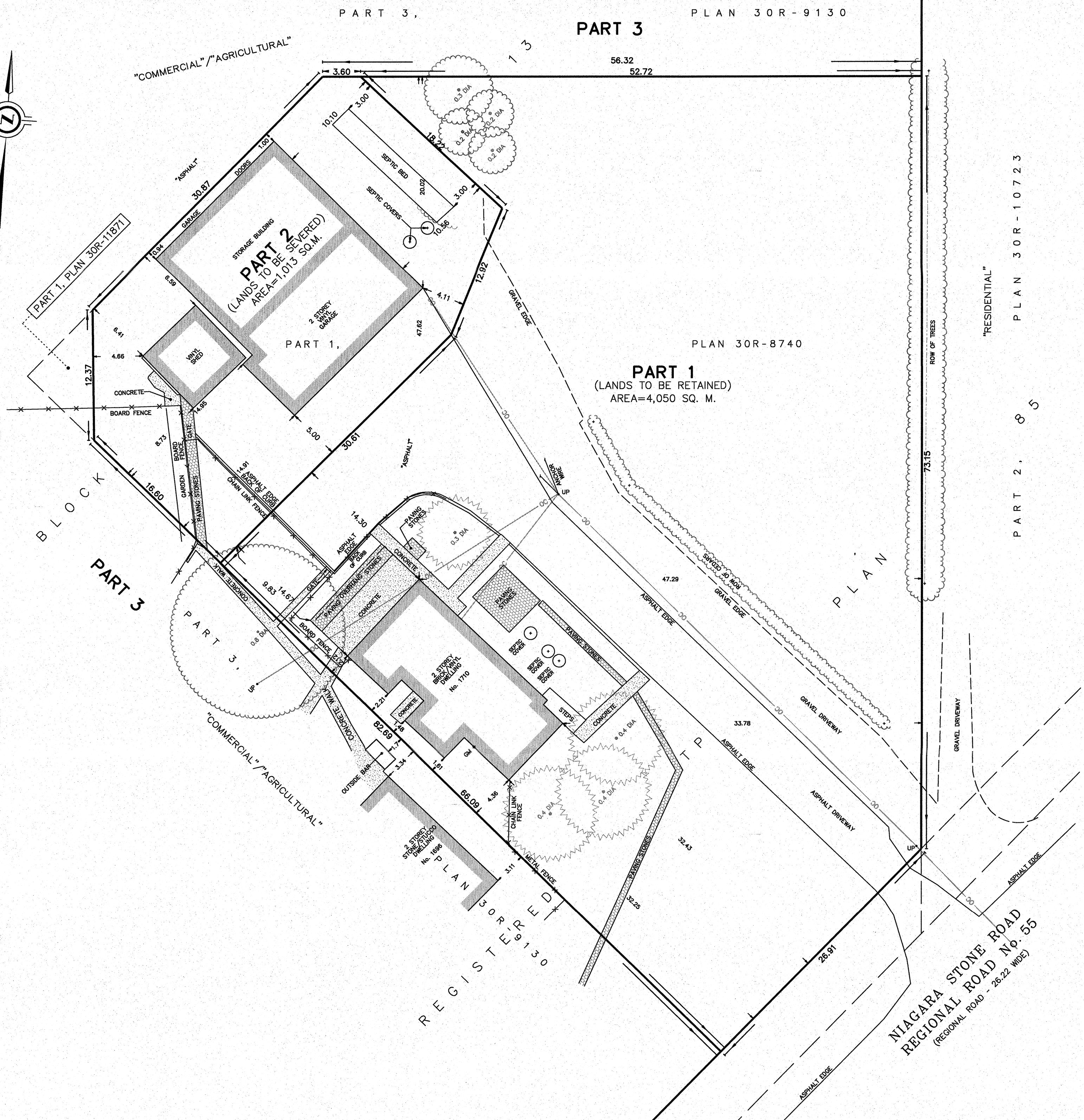


**Aimee Alderman, MCIP, RPP
Manager of Development Planning**

KEY MAP



(NOT TO SCALE)



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY
 SKETCH FOR PLANNING PURPOSES ONLY
1710 NIAGARA STONE ROAD
 TOWN OF NIAGARA-ON-THE-LAKE
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1 : 250
 J.D. BARNES LIMITED
 © COPYRIGHT 2024
METRIC NOTE
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
 CONVERTED TO FEET BY DIVIDING BY 0.3048

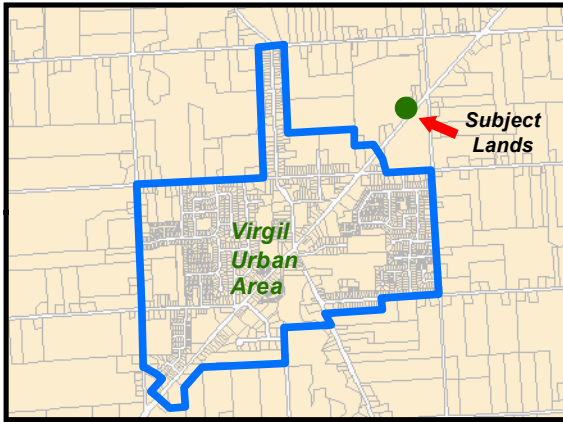
CAUTION
 (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
 (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

LEGAL DESCRIPTION
 PART OF BLOCK 13, REGISTERED TP PLAN 85.
 BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY DATED NOVEMBER 30, 2023. THIS IS NOT A PLAN OF SURVEY.

January 9, 2025
 DATE
 David Recchia
 ONTARIO LAND SURVEYOR

J.D. BARNES LIMITED
 SURVEYING MAPPING GIS
 LAND INFORMATION SPECIALISTS
 4110 PORTAGE ROAD - UNIT 1, NIAGARA FALLS, ON L2E 6M4
 T: (905) 336-3600 F: (905) 336-6254 www.jdbarnes.com

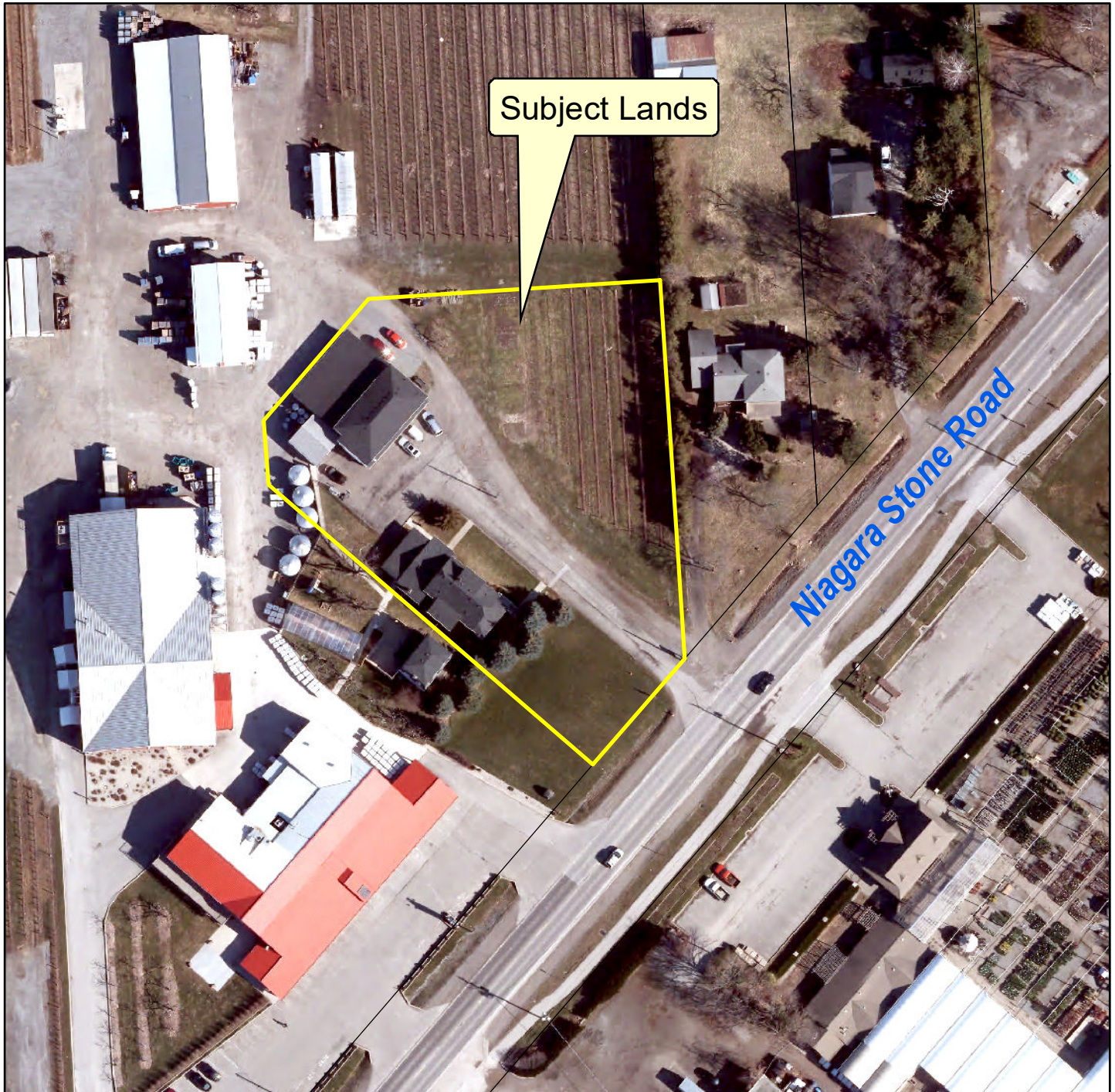
DR	DRAWN
DR	CHECKED
2024-10-10	DATED
23-16-359-00	PLOTTED



MAP 1 - LOCATION MAP
1710 Niagara Stone Road
File No: B-01-2025

A north arrow pointing up and a scale bar showing 0, 10, 20, and 40 meters.

1:1,125





Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: CDS-25-024 **COMMITTEE DATE:** 2025-02-20
REPORT TO: Committee of Adjustment **DUE IN COUNCIL:** N/A
SUBJECT: Consent Application B-02/25 – E/S of Niagara Stone Road

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Consent Application B-02/25 to sever Part 2, currently of the unaddressed parcel on the east side of Niagara Stone Road (Roll No. 262702001301120), for the purpose of merging with Part 1 (740 Line 1 Road), through a boundary adjustment, be approved, subject to the following conditions:
 - 1.1.1 That the owner/applicant provides a legal description of Part 2, acceptable to the Registrar, together with 1 digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Town, for use in the issuance of the Certificate of Consent;
 - 1.1.2 That pursuant to *Planning Act* Section 50 (12), it is hereby stipulated that Section 50 (3) or 50 (5) shall apply to any subsequent conveyance of, or other transaction involving the identical subject parcel of land (Part 2); that Part 2 is merged in title with Part 1 and they become one parcel of land; and that the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, that Part 2 shall be conveyed to the owner of Part 1 and to prepare and register the application to consolidate the lands and forward a copy of the receipted application within two years of issuance of the consent certificate;
 - 1.1.3 That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 2, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first;
 - 1.1.4 That the Town Operations Department be provided with a copy of the deposited reference plan; and
 - 1.1.5 That the owner/applicant removes the lapsed Site Plan Agreement (SPA 128-2022) which applies to Part 2 from title, to the satisfaction of the Director of

2. EXECUTIVE SUMMARY

Staff have received a Consent Application (B-02/25) submitted under Section 53(12) of the *Planning Act* proposing, through a boundary adjustment, to convey a 1,153.1 square metre parcel shown as Part 2 from the unaddressed parcel on the east side of Niagara Stone Road (Roll No. 262702001301120) to the adjacent parcel to the south, being 740 Line 1 Road (Part 1). Town Staff have reviewed the application and consider the application to meet applicable planning legislation and policies, subject to the recommended conditions.

3. PURPOSE

The applicant is proposing a boundary adjustment between two currently vacant adjacent lots, being the unaddressed parcel on the east side of Niagara Stone Road (Roll No. 262702001301120) and 740 Line 1 Road. The proposed minor boundary adjustment includes severing Part 2 (1,151.1 square metres) from the unaddressed parcel on the east side of Niagara Stone Road, being Part 3 (3,264.2 square metres), and merging the severed Part 3 with the adjacent lot known municipally as 740 Line 1 Road, being Part 1 (1,997.4 square metres). No development is proposed on either the retained or severed lot at this time.

The application drawing is attached as **Appendix I** to this report.

4. BACKGROUND

4.1 Site Description and Surrounding Land Uses

The subject lands have no municipal address (Roll No. 262702001301120), and are lying on the east side of Niagara Stone Road (Regional Road No. 55), north of Line 1 Road and south of Concession 4 Road, at the eastern limit of the urban area of Virgil. The location of the subject lands is shown on **Appendix II** to this report.

As existing, the unaddressed parcel on the east side of Niagara Stone Road (Roll No. 262702001301120) (Parts 2 and 3) has an area of 4,417.3 square metres, and a frontage of 84.16 metres on Niagara Stone Road (Regional Road No. 55). Part 2 and Part 3 are currently vacant.

As existing, 740 Line 1 Road (Part 1) has an area of 1,997.4 square metres, a frontage of 59.65 metres on Line 1 Road, and is currently vacant.

The surrounding lands are characterized by a mix of commercial and residential uses to the north, west and south, and agricultural uses to the east.

5. DISCUSSION / ANALYSIS

Section 3(5) of the *Planning Act*, R.S.O. 1990, c. P.13 states that a decision of Council, in respect to any planning matter, shall be consistent with the Provincial Policy Statement and conform with the Provincial Plans that are in effect on that date.

Section 53(12) of the *Planning Act* states that Council, in determining whether a provisional consent is to be given, shall have regard to the matters under Section 51(24), and that

conditions of consent may be imposed as set out in Sections 51(25), 51(26) and 51.1.

The subject lands are within a “Settlement Area” according to the Provincial Planning Statement (2024), are identified as “Town/Villages” within the Greenbelt Plan (2017), and are designated “Delineated Built-up Area” in the Niagara Official Plan (2022). Policies in these plans focus new development within settlement areas and encourage the achievement of complete communities by providing a range and mix of land uses, employment opportunities, and housing options, as well as convenient access to commercial goods and services.

The applicant has noted that the currently vacant parcels are intended for future development; however, the form and function of the future development of the subject lands has not been indicated by the applicant at this time. Any future development of the subject lands will be subject to Site Plan Control prior to the issuance of a building permit, at which time the proposal will be reviewed against the relevant Provincial, Regional and Town planning policies.

The subject lands are designated "Service Commercial" within the Urban Area Boundary of Virgil, as identified in Schedule C of the Town's Official Plan (2017 consolidated, as amended). The subject lands are further designated as “Greenfield Areas” per Schedule I-3 of the Town’s Official Plan.

The Growth Management Policies under Section 6A of the Town Official Plan provides that growth and development should be directed within the Town’s existing urban areas to provide for efficient use of land, services and infrastructure. Section 6A (2.6) of the Town Official Plan identifies that Greenfield Areas within the Urban Area are planned to provide the Town with an opportunity to accommodate new growth on lands which generally do not contain existing urban development.

Section 6A (5) of the Town Official Plan contains additional policies pertaining to Greenfield Areas, and outlines the requirements for new development within the Greenfield Area including development objectives, design guidelines, and a density target of 50 jobs and people per hectare. Future development of the currently vacant subject lands will be reviewed against Town policies for Greenfield Areas, at the time of proposal.

The Commercial Goals and Objectives outlined under Section 10.2 of the Town Official Plan include ensuring that new development is appropriately located and compatible with surrounding land uses and encourages commercial development within the Urban Boundaries to meet the shopping and service needs of residents and tourists.

The Commercial policies under Section 10.3.2 of the Official Plan direct for Service Commercial uses to be located in areas that provide for traffic networks that allow for vehicular traffic to directly access a business. Municipal water and sanitary service connections are available to the subject lands, which would be reviewed at the time of any future proposed development. The severed and retained lands will maintain frontages along public roadways, which aligns with the intent of the Service Commercial designation.

Section 21.2(9) of the Town Official Plan notes that proposed new lots lines shall take into account the existing pattern of surrounding lands, and wherever possible, the new lot lines shall avoid creating irregular parcel boundaries. The proposed boundary adjustment would result in a more regularly shaped lot for the subject lands, which is anticipated to improve the functionality of the site for future development. Both the severed and retained lot, once merged in title with the adjacent lands of 740 Line 1 Road, would have more regularly shaped lots of adequate size to facilitate a range of uses permitted in the Service Commercial Designation. Future development on the currently vacant subject lands is subject to Site Plan Control and will be reviewed in accordance with the Official Plan designation in force and effect at the time of the proposal.

The subject lands are zoned “Virgil Community Zoning District - Village Commercial (VC)” within the Town’s Comprehensive Zoning By-Law 4316-09, as amended. All provisions of the Village Commercial (VC) zone will be maintained for both the retained lot, as well as the severed lot, once merged in title with the adjacent lands of 740 Line 1 Road. Future development on the currently vacant subject lands will be reviewed in accordance with the zoning in force and effect at the time of the proposal.

No new lots are being created through the proposed boundary adjustment, and no redevelopment is being proposed on either lot at this time. Both reconfigured lots have sufficient area and frontage to accommodate a range of permitted uses within the applicable designation and zone. As such, no impacts to the surrounding uses, streetscapes and the character of the area are anticipated as a result of the proposed Consent application.

It is noted that the Site Plan Agreement (SPA) registered on title of the subject lands is null and void, as the proposed work authorized by the SPA was not completed within two (2) years of the date of the execution of the agreement (January 10, 2023). A condition is recommended to remove the null and void SPA from title.

5.1 Town, Agency and Public Comments

This application was circulated to all appropriate Town Departments and external agencies, and public notice of the application was provided as required by the *Planning Act*. The following responses were received:

Town Departments

Building – No objections.

Finance – No objections.

Fire and Emergency – No objections.

Heritage – No objections.

Operations – No objections. Condition requested regarding the deposited reference plan. Future servicing requirements and the requirement for a 3.05 metres road widening dedication

along the frontage of Line 1 Road will be addressed in the future through site plan, servicing and/or development agreements.

Urban Forestry – While the removal of trees is not required as part of the application, the applicant will be required to comply with the Town’s Private Tree Protection By-law No. 5139-19, including but not limited to the completion of an Arborist Report and/or Tree Inventory and Protection Plan, in the event of any future construction on the subject lands. The applicant has signed and returned the Town’s Tree Protection Deceleration Form to confirm that any future works will be carried out in accordance with the Town’s Tree Protection By-laws.

Agencies

Niagara Region – No objections.

Enbridge Gas – No objections.

Hydro One – No objections.

Public

No public comments were received at the time this report was prepared.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse or modify the requested Consent application and/or conditions.

8. FINANCIAL IMPLICATIONS

Not applicable.

9. ENVIRONMENTAL IMPLICATIONS

Not applicable. No site alteration or tree removal is required to facilitate the proposal.

10. COMMUNICATIONS

Once the Committee of Adjustment makes a decision on the Applications, notice of the decisions will be given as required in the *Planning Act*. The decisions of the Committee are subject to a 20-day appeal period following notice of the Committee’s decisions. If no appeals are received during the appeal period, the decisions of the Committee are final.

Changes to provincial legislation have been made through Bill 23 and third-party appeals from private property owners are no longer permitted.

11. CONCLUSION

Community & Development Services Staff recommend approval of Consent Application B-02/25 for the unaddressed parcel on the east side of Niagara Stone Road (Roll No. 262702001301120, subject to the recommended conditions, as the application meets the *Planning Act* requirements, is consistent with the Provincial Planning Statement and complies with the Niagara Official Plan and Town Official Plan.

12. PREVIOUS REPORTS

- **CDS-22-059** – Committee of Adjustment – Consent Applications B-17/22 and B-18/22 – ES Niagara Stone Road (August 18, 2022)
- **CDS-22-061** – Committee of Adjustment – Minor Variance Application A-25-22 – ES Niagara Stone Road (August 18, 2022)

It is noted that the conditions of approval for Minor Variance Application A-25-22 and Consent Applications B-17/22 and B-18/22 were not fulfilled within the prescribed two-year time period (August 18, 2024), and as such, conditional approval has lapsed.

13. APPENDICES

- Appendix I – Application Drawing
- Appendix II – Location Map

Respectfully submitted:

Prepared by:



**Connor Maclsaac
Planner II, Community and Development
Services**

Reviewed by:



**Victoria Nikoltcheva
Senior Planner**

Reviewed by:



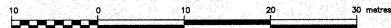
**Aimee Alderman, MCIP, RPP
Manager of Development Planning**

NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

**VACANT LANDS NORTHEAST OF
1627 NIAGARA STONE ROAD
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1 : 400



J.D. BARNES LIMITED
© COPYRIGHT 2024

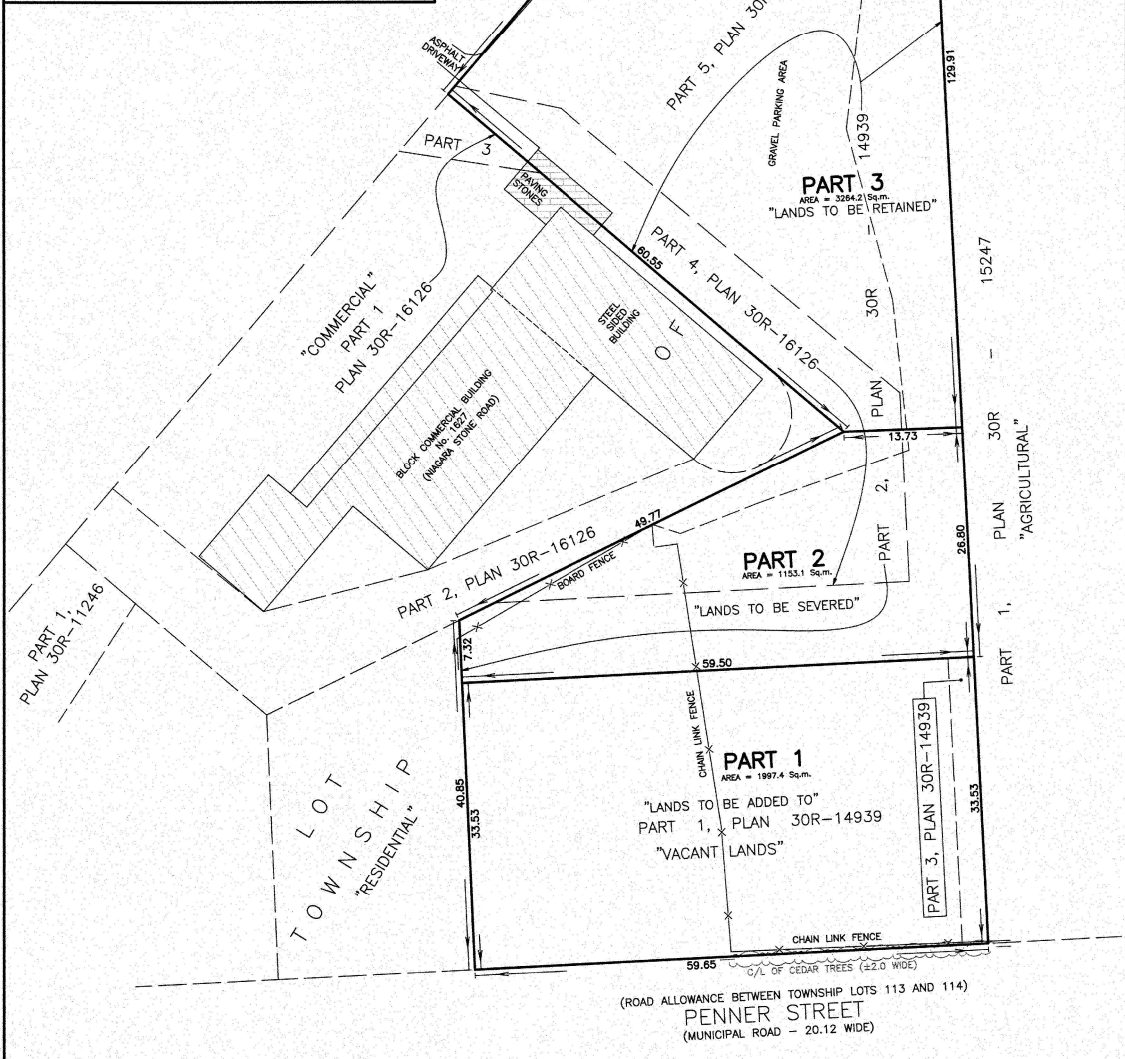
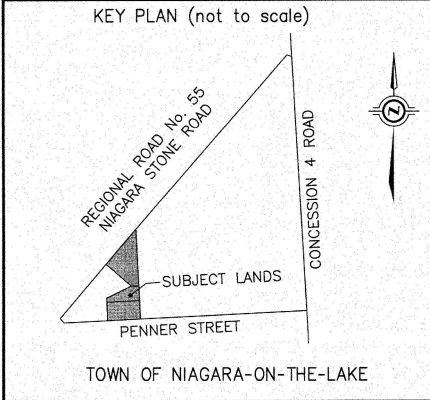
METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048

CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

PART	BUILDING AREA (Sq.m)	PART AREA (Sq.m)	COVERAGE (%)
1	N/A	1997.4	N/A
2	N/A	1153.1	N/A
3	N/A	3264.2	N/A



LEGAL DESCRIPTION

PART OF LOT 114, GEOGRAPHIC TOWNSHIP OF NIAGARA, TOWN OF NIAGARA-ON-THE-LAKE BEING PART 2 ON PLAN 30R-14939.
BOUNDARY INFORMATION HAS BEEN DERIVED FROM A SURVEY DATED DECEMBER 18, 2024. THIS IS NOT A PLAN OF SURVEY.

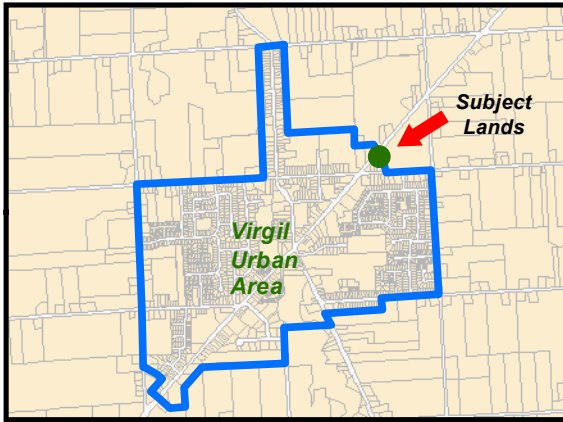
DATE: Dec. 24, 2024
DASHA PAGE
ONTARIO LAND SURVEYOR

J.D. BARNES LIMITED
LAND INFORMATION SPECIALISTS
4100 PORTAGE ROAD - 1ST FLOOR NIAGARA FALLS ONT L0S 4G4
T. (905) 358-3685 F. (905) 358-4234 www.jdbarnes.com

AR DRAWN
BM/DP CHECKED
DATE: 12/24/2024
REF. NO. 24-16-270-00

FILE: G:\PROJECTS\24-16-270\00 - 24-16-270\Drawings\24-16-270-00 LDC.dwg

Key Map



MAP 1 - LOCATION MAP
ES Niagara Stone Road
File No: B-02-2025

A north arrow pointing up and a scale bar showing 0, 10, 20, and 40 meters.

1:1,125





COMMITTEE OF ADJUSTMENT MEETING MINUTES

January 16, 2025, 6:00 p.m.

Members Present: Steve Bartolini, Angelo Miniaci, Eric Lehtinen, Paul Johnston

Members Absent: Margaret Louter

Staff Present: Natalie Thomson, Aimee Alderman

1. CALL TO ORDER

Chair Eric Lehtinen called the meeting to order and confirmed quorum at 6:00 p.m.

2. ADOPTION OF AGENDA

Moved by: Angelo Miniaci
that the agenda be adopted, as presented.

3. CONFLICT OF INTEREST

There were no conflicts declared.

4. REQUEST FOR WITHDRAWAL OR ADJOURNMENT

There were no requests for withdrawal or adjournment.

5. APPLICATIONS

5.1 Minor Variance Application A-21/24 – 20 Circle Street, CDS-24-181

Natalie Thomson summarized the notice.

Victoria Nikoltcheva summarized the staff report.

Sandeep Pooni (APCO Homes) was present on behalf of the application.

General discussion ensued regarding the following topics:

- Design elements to accommodate a pie shaped lot

- Garage projection
- Appreciation for larger front yard setback compared to existing dwelling

The Chair called on those registered to speak in support or against the proposal. There was no one in the audience who wished to speak for or against the application.

Moved by: Steve Bartolini

to accept the recommendation of the staff report that Minor Variance Application A-21/24 for 20 Circle Street be approved, subject to the following conditions:

1. That no demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Citizenship and Multiculturalism confirming to the Town that all archaeological resources concerns have met licensing and resource conservation requirements, and that a copy of the Ministry Clearance Letter for the Archaeological Assessment titled *“Stage 1 and 2 Archaeological Assessment of 20 Circle Street, Part of Lot D, Registered Plan TP 148, (Formerly in the Geographic Township of Niagara, County of Niagara North), Now in the Town of Niagara-On-the-Lake, Regional Municipality of Niagara, Ontario”* prepared by The Archaeologists Inc. and dated June 17, 2024, is submitted to the Town, to the satisfaction of the Town;
2. That the owner/applicant submits and obtains approval of permit applications for the proposed tree removals from the Town, and that the owner/applicant implements the recommendations and preservation measures of the Arborist Report, prepared by 7 Oaks, dated July 15, 2024, to the satisfaction of the Town’s Urban Forestry Officer;
3. That the owner/applicant provides a signed copy of the Town’s Tree Protection Declaration form, to the satisfaction of the Town’s Urban Forestry Officer; and
4. That the owner/applicant enter into a Development Agreement with the Town to require Urban Design Committee review prior to the issuance of a Building Permit for the dwelling, and that any construction will be consistent with the Town’s Official Plan

and urban design guidelines and associated review by the Urban Design Committee or their subordinate, to the satisfaction of the Director of Community and Development Services.

Decision: RECOMMENDATION ACCEPTED / APPLICATION APPROVED.

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

2. The variance is minor in nature.
3. The variance is appropriate for the development of the land.
4. The general intent and purpose of the Zoning By-law is maintained.
5. The general intent and purpose of the Official Plan is maintained.

The Chair summarized the decision.

5.2 Consent Applications B-14/24 & B-15/24 – Firelane 13B Road (Parts 2 & 3), CDS-25-018

Natalie Thomson summarized the notice.

Victoria Nikoltcheva summarized the staff report.

Dylan Earl (Maxima Holdings) was present on behalf of the application. Dylan delivered a presentation.

General discussion ensued regarding the following topics:

- Width of Firelane 13B
- Firelane 13B being a privately owned laneway
- Width of road to accommodate emergency services
- Definition of condominium
- Variety of studies completed on the subject lands

There was no one in the audience who wished to speak for or against the application.

Moved by: Steve Bartolini

to accept the recommendation of the staff report that Consent Application B-14/24 for Firelane 13B Road (Part 2) be approved, subject to the following conditions:

1. That the owner/applicant provides a legal description of Part 2, acceptable to the Registrar, together with one (1) digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Town, for use in the issuance of the Certificate of Consent;
2. That pursuant to *Planning Act* Section 50 (12), it is hereby stipulated that Section 50 (3) or 50 (5) shall apply to any subsequent conveyance of, or other transaction involving the identical subject parcel of land (Part 2); that Part 2 is merged in title with Part 4 and they become one parcel of land; and that the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Town, that Part 2 shall be conveyed to the owner of Part 4 and to prepare and register application to consolidate the lands and forward a copy of receipted application within two years of issuance of the consent certificate;
3. That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Town, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 2, has been carried out, the documentation to be provided within two years of issuance of the consent certificate;
4. That the Town's Operations Department be provided with a copy of the deposited reference plan;
5. That the owner/applicant obtains final approval through a *Planning Act* application for Part 1 to recognize any zoning deficiencies resulting from the conveyance of Part 2 to Part 4, to the satisfaction of the Director of Community and Development Services; and
6. That the owner/applicant obtains final approval through a *Planning Act* application for lands known municipally as 10 Firelane 13B Road (Parts 2 and 4), to recognize any zoning deficiencies resulting from the boundary adjustment, to the

satisfaction of the Director of Community and Development Services.

7. That the owner/applicant obtains final approval through a *Planning Act* application for lands known municipally as 10 Firelane 13B Road (Parts 2 and 4), to recognize any zoning deficiencies resulting from the boundary adjustment, to the satisfaction of the Director of Community and Development Services.

and that Consent Application B-15/24 for Firelane 13B Road (Part 3) be approved, subject to the following conditions:

1. That the owner/applicant provides a legal description of Part 3, acceptable to the Registrar, together with one (1) digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Town, for use in the issuance of the Certificate of Consent;
2. That pursuant to *Planning Act* Section 50 (12), it is hereby stipulated that Section 50 (3) or 50 (5) shall apply to any subsequent conveyance of, or other transaction involving the identical subject parcel of land (Part 3); that Part 3 is merged in title with Part 5 and they become one parcel of land; and that the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Town, that Part 3 shall be conveyed to the owner of Part 5 and to prepare and register application to consolidate the lands and forward a copy of receipted application within two years of issuance of the consent certificate;
3. That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Town, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 3, has been carried out, the documentation to be provided within two years of issuance of the consent certificate;
4. That the Town's Operations Department be provided with a copy of the deposited reference plan;

5. That the owner/applicant obtains final approval through a *Planning Act* application for Part 1 to recognize any zoning deficiencies resulting from the conveyance of Part 3 to Part 5, to the satisfaction of the Director of Community and Development Services; and
6. That the owner/applicant obtains final approval through a *Planning Act* application for lands known municipally as 5 Firelane 13B Road (Parts 3 and 5), to recognize any zoning deficiencies resulting from the boundary adjustment, to the satisfaction of the Director of Community and Development Services.

Decision: RECOMMENDATION ACCEPTED / APPLICATIONS APPROVED.

Reasons: The Committee of Adjustment agrees that this application meets Planning Act requirements, is consistent with Provincial Policy, the Niagara Region Official Plan and the Town Official Plan regarding the severance applications.

The Chair summarized the decision.

6. MINUTES FOR APPROVAL

6.1 December 19, 2024 minutes

The December 19 20, 2024 minutes were approved by unanimous consent.

7. NEW BUSINESS

7.1 2024 Committee of Adjustment Year-in-Review - CDS-25-015

Natalie Thomson provided a brief overview of the report and noted it was for information and statistic purposes.

8. NEXT MEETING DATE

Thursday, February 20, 2025 at 6:00pm.

9. ADJOURNMENT

The meeting was adjourned at 6:45 pm.



COMMITTEE OF ADJUSTMENT MEETING MINUTES

November 21, 2024, 6:00 p.m.

Members Present: Steve Bartolini, Margaret Louter, Angelo Miniaci, Paul Johnston

Members Absent: Eric Lehtinen

Staff Present: Natalie Thomson, Aimee Alderman

1. CALL TO ORDER

Vice Chair Margaret Louter called the meeting to order and confirmed quorum at 6:00 p.m.

2. ADOPTION OF AGENDA

Moved by: Steve Bartolini

that the agenda be adopted, as presented.

APPROVED

3. CONFLICT OF INTEREST

Angelo Miniaci declared a conflict for item 5.1 - 477, 479 and 485 Butler Street due to having a personal connection with one of the applicants.

4. REQUEST FOR WITHDRAWAL OR ADJOURNMENT

There were no requests for withdrawal or adjournment.

5. APPLICATIONS

5.1 Consent Application B-13/24 – 479 Butler Street, Minor Variance Application A-19/24 and A-20/24 - 477 and 485 Butler Street, CDS-24-167

Angelo Miniaci exited the meeting at 6:04pm.

Natalie Thomson summarized the notice.

Connor MacIsaac summarized the staff report.

Patrick Devine (agent and home owner) was present on behalf of the application and delivered a brief presentation on the background and history of the subject lots.

General discussion ensued regarding the following topics:

- Joint ownership of merging property
- Condition of approvals in regards to merging
- Existing frontage of 479 Butler Street

The Chair called on those registered to speak in support or against the proposal. There was no one in the audience who wished to speak for or against the application.

Moved by: Paul Johnston

to accept the recommendation of the staff report that Consent Application B-13/24 to merge Part 2, currently of 479 Butler Street, with Part 1 (485 Butler Street) and merge Part 3, currently of 479 Butler Street, with Part 4 (477 Butler Street), through a boundary adjustment, be approved, subject to the following conditions:

1. That the owner/applicant provides a legal description of Part 2, acceptable to the Registrar, together with 1 digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Town, for use in the issuance of the Certificate of Consent;
2. That pursuant to *Planning Act* Section 50 (12), it is hereby stipulated that Section 50 (3) or 50 (5) shall apply to any subsequent conveyance of, or other transaction involving the identical subject parcel of land (Part 2); that Part 2 is merged in title with Part 1 and they become one parcel of land; and that the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, that Part 2 shall be conveyed to the owner of Part 1 and to prepare and register the application to consolidate the lands and forward a copy of the receipted application within two years of issuance of the consent certificate;

3. That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 2, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first;
4. That the Town Operations Department be provided with a copy of the deposited reference plan;
5. That all existing servicing laterals connecting to 479 Butler Street (Part 2 and Part 3) be identified, disconnected and capped at the main, with any necessary Permit Approvals completed to the satisfaction of the Town's Environmental Services Division.
6. That the owner/applicant obtains final approval for Minor Variance application A-20/24 to address the lot frontage for 485 Butler Street, to the satisfaction of the Director of Community and Development Services.
7. That the owner/applicant provides a legal description of Part 3, acceptable to the Registrar, together with 1 digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Town, for use in the issuance of the Certificate of Consent;
8. That pursuant to *Planning Act* Section 50 (12), it is hereby stipulated that Section 50 (3) or 50 (5) shall apply to any subsequent conveyance of, or other transaction involving the identical subject parcel of land (Part 3); that Part 3 is merged in title with Part 4 and they become one parcel of land; and that the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development Services, that Part 3 shall be conveyed to the owner of Part 4 and to prepare and register the application to consolidate the lands and forward a copy of the receipted application within two years of issuance of the consent certificate;
9. That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Community and Development

Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Part 3, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first;

10. That the owner/applicant obtains final approval for Minor Variance application A-19/24 to address the lot frontage of 477 Butler Street, to the satisfaction of the Director of Community and Development Services.

and that Minor Variance Application A-19/24 for 477 Butler Road be approved, subject to the recommended condition:

- i. That the owner/applicant obtain provisional approval of Consent Application B-13/24.

And that the owner/applicant obtain provisional approval of Consent Application B-13/24 and that Minor Variance Application A-20/24 for 485 Butler Road be approved, subject to the recommended condition:

- i. That the owner/applicant obtain provisional approval of Consent Application B-13/24.

Decision: RECOMMENDATION ~~REFUSED~~ ACCEPTED / APPLICATIONS APPROVED.

Reasons: The Committee of Adjustment agrees that this application meets Planning Act requirements, is consistent with Provincial Policy, the Niagara Region Official Plan and the Town Official Plan regarding the severance application.

The Committee of Adjustment also agrees with the minor variance report analysis and recommendation that this application meets the four Planning Act tests for minor variance:

1. The variance is minor in nature.
2. The variance is appropriate for the development of the land.
3. The general intent and purpose of the Zoning By-law is maintained.

4. The general intent and purpose of the Official Plan is maintained.

The Chair summarized the decision.

6. MINUTES FOR APPROVAL

Angelo Miniaci rejoined the meeting at 6:20pm.

The September 19, 2024 minutes were approved by unanimous consent.

7. NEW BUSINESS

Vice Chair Margaret Louter noted the two items under new business being for information purposes only. No discussion took place.

7.1 Draft Advisory Committees of Council Policy - CAO-24-044

7.2 Notice of Appeal Hearing - 474 William Street, Fence Variance FV-02/24

8. NEXT MEETING DATE

Thursday, December 19, 2024 at 6:00pm.

9. ADJOURNMENT

The meeting was adjourned at 6:22pm