



COMMITTEE OF ADJUSTMENT

Thursday, July 17, 2025, 6:00 p.m.

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1. CALL TO ORDER	
2. ADOPTION OF AGENDA	
3. CONFLICT OF INTEREST	
4. REQUEST FOR WITHDRAWAL OR ADJOURNMENT	
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June 19, 2025 minutes	
7. NEW BUSINESS	
8. NEXT MEETING DATE	
Thursday, August 21, 2025 at 6:00pm.	
9. ADJOURNMENT	



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0

REPORT #: CDS-25-098

COMMITTEE DATE: 2025-07-17

DUE IN COUNCIL: N/A

REPORT TO: Committee of Adjustment

SUBJECT: Minor Variance Application A-12/25 – 46 Shakespeare Avenue

1. RECOMMENDATION

It is respectfully recommended that:

1.1.1 Minor Variance Application A-12/25 for 46 Shakespeare Avenue be approved.

2. PURPOSE

This report provides a recommendation to the Committee of Adjustment regarding a Minor Variance Application (A-12/25) submitted under Section 45 of the *Planning Act*, to permit a proposed garage addition, and recognize a veranda and deck on the subject property, known municipally as 46 Shakespeare Avenue.

3. PROPOSED VARIANCES

The applicant is proposing the construction of an addition to the existing garage and second storey, and requires a number of variances to recognize the existing front veranda, side yard deck and rear deck. In order to facilitate the development as proposed, the following variances from the provisions of Town Zoning By-law 4316-09, as amended, are requested:

1. Maximum lot coverage from 40%, as required in the Zoning By-law, to 51.5% for the proposed garage addition, covered porch, and veranda;
2. Minimum front yard setback from 7.5 metres, as required in the Zoning By-law, to 6.25 metres for the proposed garage addition;
3. Minimum front yard setback from 7.5 metres, as required in the Zoning By-law to 3.28 metres for the covered front porch;
4. Maximum step encroachment into a front yard from 1.5 metres, as permitted in the Zoning By-law, to 5.36 metres for the proposed unenclosed and uncovered steps;
5. Maximum deck encroachment into a front yard from 1.5 metres, as permitted in the Zoning By-law, to 4.93 metres for the existing deck;
6. Minimum rear yard setback from 7.5 metres, as required in the Zoning By-law, to 5.50 metres for the covered rear porch;

7. Maximum deck encroachment into a rear yard from 1.5 metres, as permitted in the Zoning By-law, to 7.5 metres for the proposed deck;
8. Maximum step encroachment into a rear yard from 1.5 metres, as permitted in the Zoning By-law, to 3.29 metres for the proposed unenclosed and uncovered steps;
9. Minimum side yard setback from 1.22 metres, as required in the Zoning By-law, to 0.39 metres for the proposed covered porch; and
10. Maximum deck encroachment into a side yard from 0.6 metres, as permitted in the Zoning By-law, to 0.72 metres for the proposed deck.

The application drawings and documents are attached as **Appendix II** to this Report.

4. BACKGROUND

The subject lands are known municipally as 46 Shakespeare Avenue, situated on the west side of Shakespeare Avenue, directly across from Luther Avenue within the Urban Area of Old Town. The location of the subject lands is shown on **Appendix I** to this report.

The subject lands have an approximate area of 362.32 metres with 15.24 metres of frontage along Shakespeare Avenue. The lands contain an existing single-detached dwelling with an attached garage. The property is serviced by municipal water and sanitary services. The surrounding lands are characterized by single-detached residential dwellings, and are adjacent to a forested area outside of the Urban Area Boundary.

4.1 Existing and Proposed Development

Some of the proposed variances are requested to recognize existing structures whereas other elements have not yet been constructed. The covered deck in the front yard was substantially constructed in the spring of 2024. The rear yard deck was rebuilt in the spring of 2024, in the same location as the previous deck. The side deck and roof overhang (front, rear and side) construction commenced in the spring of 2024; however, has since ceased as the applicant is now seeking planning approvals for the work. The proposed garage addition has not yet been constructed, and is subject to the requested variances regarding front yard setback and lot coverage.

5. DISCUSSION / ANALYSIS

5.1 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 variances requested are required to accommodate the proposed garage addition and recognize the constructed deck and associated veranda. Staff recognize the historic nature of the Chautauqua community, which predates the in-effect Zoning By-law. The area is characterized by varying lot sizes, smaller front yards, and prominent front gardens. Given this, Staff recognize that any development or additions to the dwelling on the subject lands, in the

front or rear yard, would require a variance as the distance from the dwelling is less than the required 7.5 metre front and rear yard setbacks as per Zoning By-law 4316-09, as amended.

The constructed veranda is sympathetic to the character of the neighbourhood and is not overbearing in terms of scale. The curved support brackets create a natural extension of the existing roof line without resulting in a significant increase in massing on the front façade. The rear deck has existed in a similar configuration for more than a decade and there are no known issues with the rear yard deck.

The garage addition is located 1.41 metres behind the front of the building façade. The addition will positively contribute to the façade and does not significantly alter the existing condition of the dwelling as it is setback from the dwelling existing front face.

While there are numerous variances requested, given the context of the site and the nature of the additions, Staff are of the opinion that the requested variances are minor in nature, and will contribute positively to the streetscape, while providing additional outdoor amenity space.

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

Town Staff note that the requested variances will allow for increased living area and outdoor amenity space to meet the needs of the owner, as indicated in the submitted application materials. Height requirements will continue to be met, and the location of the garage addition is set back further (1.41 metres) from the front property line than the existing dwelling. Further, the veranda and addition pay homage to Queen Anne architectural style and will contribute positively to the character of the established neighbourhood.

The requested setback reductions and increase in lot coverage are not uncharacteristic of the established Chautauqua neighbourhood. Staff note that numerous homes in the area have similar conditions, which result in existing deficient setbacks and increased lot coverage.

Town Staff consider the requested variances to be appropriate for the development and use of the land as the variances are not anticipated to negatively impact the character of the streetscape.

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

The subject lands are zoned “Established Residential 2 (ER2)” in Zoning By-law 4316-09, as amended. A single-detached dwelling is a permitted use. The intent of the zoning by-law is to prevent the overdevelopment of properties and to maintain sufficient space for features such as amenities, parking, landscaping and on-site stormwater management.

Both the veranda and the addition contribute to the increase in lot coverage, with the veranda accounting for approximately 17.29% of the total lot coverage on site. The veranda will provide increased amenity space, and the garage addition will provide area for personal storage. The garage addition requires a reduced front yard setback of 6.25 metres whereas the zoning by-law permits 7.5 metres. Staff note that the proposed garage will remain behind the front façade

of the existing dwelling. Despite the reduced front yard setback, the proposal will retain adequate area for parking consistent with the requirements of the Zoning By-law. Further, as shown below in **Figure 1**, the front yard has sufficient space to provide for landscaping.



Figure 1: Dwelling Facade

The remaining variances are required to accommodate the veranda and rear yard deck. Given the nature of the established residential community of Chautauqua, many dwellings were established long before the in-force and effect Zoning By-law. Subsequently, additions or modifications to many of the existing homes necessitate variances from the zoning by-law.

A front yard setback of 3.28 metres is required for the front veranda, whereas 7.5 metres is permitted. A maximum encroachment of 4.93 metres for the existing decking and a front yard encroachment of 5.36 metres for the unenclosed steps are also required, whereas 1.5 metres is permitted for front yard encroachments. Town Staff note that the road allowance width is approximately 7.0 metres from the property line to the road, which, until such time as Shakespeare Avenue is widened, has the effect of providing a far larger front yard.

The veranda continues along the south side yard to connect with the deck in the rear yard. Subsequently, a reduced minimum interior side yard setback of 0.39 metres for the veranda is required, whereas 1.22 metres is permitted. A maximum deck encroachment into a side yard

of 0.72 metre is also required, whereas 0.60 metres is permitted. Staff note the fence along the side yard provides adequate screening between the adjacent property. It is Staff's opinion that the side yard encroachment and setbacks maintain the general intent of the Zoning By-law and do not anticipate negative impacts to neighbouring properties.

Lastly, the veranda wraps around to connect with the deck in the rear yard. A reduced rear yard setback of 5.5 metres is required for the covered portion, whereas 7.5 metres is permitted. The uncovered deck in the rear yard encroaches into the rear yard, and required a maximum encroachment of 7.5 metres whereas 1.5 metres is permitted. Finally, a step encroachment of 3.29 metres is required for the step off of the rear deck, whereas 1.5 metres is permitted.

The existing dwelling is located approximately 6.92 metres from the rear property line and any additions or covered decks in the rear yard would require a variance. Additionally, there are no residential neighbours to the rear, as the property backs onto a forest and is at the limit of the urban area boundary. Staff are of the opinion that the setback and encroachments into the rear yard maintain the intent of the Zoning By-law and do not result in overdevelopment of the subject property.

Staff are of the opinion that the requested variances maintain the general intent and purpose of the By-law.

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

As of March 31, 2025, pursuant to Bill 185 the *Cutting Red Tape to Build More Home Act, 2024*, the *Planning Act* was amended to recognize the Regional Municipality of Niagara as an upper-tier municipality without planning responsibilities. Accordingly, the Niagara Official Plan ("NOP") has been downloaded to the Town of Niagara-on-the-Lake and other local area municipalities across the Region to implement the policy direction contained therein.

The subject lands are designated and Delineated Built-up Area in the Niagara Official Plan, 2022, as well as "Low Density Residential" and "Built-up Area" in the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended. A single-detached dwelling is a permitted use.

The Town Official Plan recognizes the importance of conserving and preserving the character and amenities of established residential designations. This is reflected in the goals and objectives for residential designations, which includes ensuring existing housing and residential areas be preserved and improved, encouraging the development of well-designed and visually distinct forms, and ensuring that development be appropriately located and compatible with surrounding land uses in order to reduce land use compatibility impacts.

Further, Section 6A outlines urban design guidelines in Old Town that require new development to fit within the context of which it is located and be designed in a manner where it is consistent with the land use compatibility criteria of the Official Plan. This criterion directs for development to have a consistent built form, height, massing, and building setbacks as the

surrounding area. Additionally, it requires that garages not exceed 50% of the building façade and remain set back from the front façade.

Town staff are of the opinion that the proposed garage addition and associated deck and veranda conform with the goals and objectives of the Residential designation. The design of the addition preserves the character of the existing house and neighbourhood, and accentuates the historic architectural style of the Chautauqua Community. Staff note that the garage will not exceed 50% of the building façade and will remain set back from the front façade of the dwelling by 1.41 metres. It is staff's opinion that the scale of the development fits the context of the area, and that the development does not conflict with the relevant urban design guidelines. Staff are of the opinion that the proposed development is consistent with the surrounding neighbourhood and is not anticipated to result in any negative impacts.

The requested variances maintain the general intent and purpose of the Official Plan.

5.2 Town, Agency and Public Comments

The 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 objection.

By-law – No objection. The owner is advised that the fence is to be reduced in height to meet the maximum height of 2.0 metres under the Town's Fence By-law (4778-14).

Finance – No objection.

Fire and Emergency Services – No objection.

Heritage – No objection.

Operations – No objection.

Urban Forestry – No objection. During construction, equipment should not be stored in the front yard in order to protect the root zone of large Town-owned oak tree.

Agencies

Niagara Region – No objection.

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 application.

8. FINANCIAL IMPLICATIONS

Not applicable.

9. ENVIRONMENTAL IMPLICATIONS

No trees are to be removed as a part of the Minor Variance Application.

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 Minor Variance Application A-12/25, as the requested variances are considered to be minor in nature, appropriate for the development or use of the land, building or structure, and is 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*.

12. PREVIOUS REPORTS

Not applicable.

13. APPENDICES

- **Appendix I** – Application Drawings
- **Appendix II** – Location Map
- **Appendix III** – Town and Agency Comments

Respectfully submitted:

Prepared by:

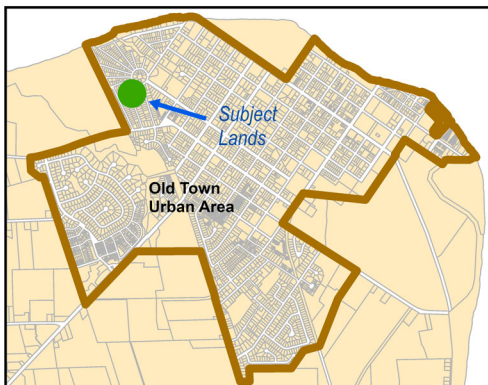


Alex Boekestyn
Planner II

Recommended by:



Aimee Alderman, MCIP, RPP
Manager of Development Planning



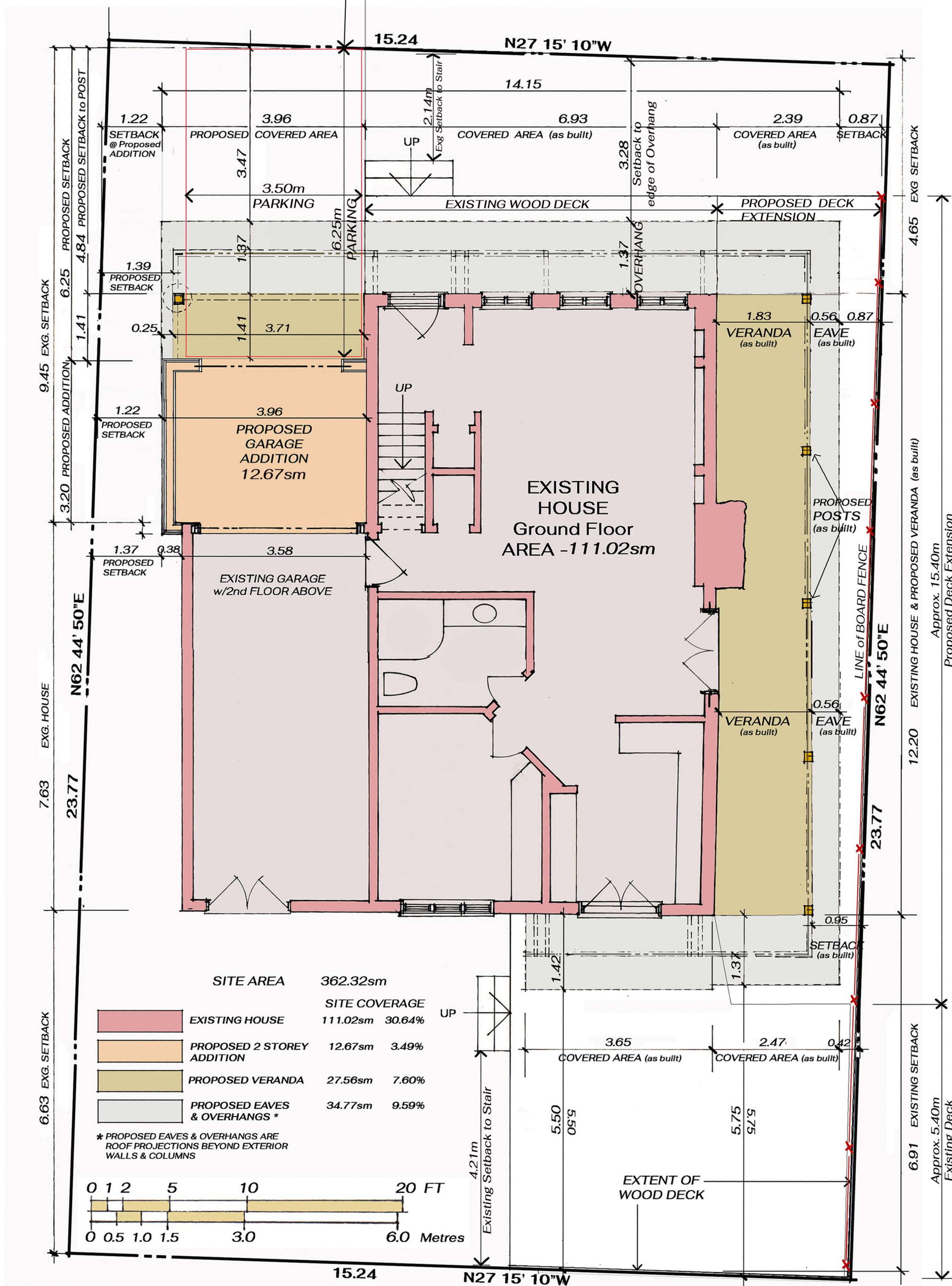
Map 1: LOCATION MAP
46 Shakespeare Avenue
File No: A-12-2025

N

Scale: 1:400

0 3.75 7.5 15 Meters







TYPICAL PROPOSED ROOF ASSEMBLY
New asphalt shingles (to match)
on Ice & Water membrane (seal entire roof)
on new 1/2" P.T. ply sheathing
on 2x8 Rafters @ 16"o.c. w/5.5" (R40) closed-cell
spray foam insulation - w/ 1/2" GWB interior finish

PTD. 1x4 PINE TRIM on
1/2" PTD. CREZON BD
on 1/2" WD STRAP
on 1" R5 RIGID INSUL
on TYVEK
on 1/2" ply sheathing

PTD CEDAR SIDING
(to match EXISTING)
on air-barrier MATRIX
on 1/2"PT plywd
on 1"/R5 rigid INSUL
on TYVEK
on 1/2" ply sheathing

**New asphalt shingles (to match)
on Ice & Water membrane**

PTD. BOARD &
BATTEN SIDING
(to match EXG)
on 1/2" WD STRAP
on 1" / R5 RIGID INSUL
on TYVEK
on 1/2" ply sheathing

T.O.1stFL (2'-0")

T.O. Garage FL (0'-6")

T.O. Exg Grade (0'-0')

**REMOVE EXG SHINGLES
SUPPLY & INSTALL
NEW ASPHALT ROOF SHINGLES
on ICE & WATER MEMBRANE
on new 1/2" PT PLY sheathing
on EXG 1/2" plywood roof sheath**

NEW, double-glazed
DOUBLE-HUNG VINYL WINDOWS

2-2x8 LINTEL

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12'-8" (Proposed OVERHANG)

5.5"x12" Glue-Lam Lintel

6x6 P.T. POST

EXISTING WOOD DECK

- EXISTING HOUSE (N.I.C. -NOT IN CONTRACT)

VERANDAH OVERHANG (as built) see DWG #6a

PROPOSED ADDITION

18" diam. CONC. FTG

Line of FTG. @ Proposed
ADDITION (behind)

- THIS PART AS BUILT

— THIS PART PROPOSED

PROPOSED ADDITION

PROPOSED ELEV
EAST

46 SHAKESPEARE AVE
N I A G A R A - o n - t h e - L A K E

SEPTEMBER 2024

$$1/4'' = 1'-0''$$

7 REV 2
15'04/2

15/04/2

PRIOR TO CONSTRUCTION ALL
DETAILS & DIMENSIONS TO BE
VERIFIED BY THE CONSTRUCTOR

DESIGNS, DRAWINGS & SPECIFICATIONS
SHOWN HEREIN ARE THE PROPERTY OF
VICTOR TARNOY ARCHITECT

WWW.VICTORTARNOYARCHITECT.COM

V I C T O R

T A R N O Y Page 12 of 20

A R C H I T E C T

(9 0 5) - 3 5 1 - 7 1 4 0

Page 12 of 29



NEW ASPHALT SHINGLES (to match)
on ICE & WATER MEMBRANE
on new 1/2" PT PLY sheathing

PROPOSED ADDITION

22'-0" T.O. Proposed Roof
(6.70m)

PTD. 1x4 PINE TRIM on
1/2" PTD. CREZON BD
on 1/2" WD STRAP
on 1" R5 RIGID INSUL
on TYVEK
on 1/2" ply sheathing

RAINWATER LEADER
HEAD (to later detail)

PTD CEDAR SIDING
(to match EXISTING)
on air-barrier MATRIX
on 1/2" PT plywd
on 1" R5 rigid INSUL
on TYVEK
on 1/2" ply sheathing

PTD GABLE - 1x4 PINE TRIM
on 1/2" ACX PLY

OVERHANG TO MATCH
& BLEND w/ Exg. Porch

9'-6" T.O. 2nd FL
(2.90m)

5.5"x12" L Intel
NEW 6x6 POST

PTD. BOARD &
BATTEN SIDING
(to match EXG)
on 1/2" WD STRAP
on 1" R5 RIGID INSUL
on TYVEK
on 1/2" ply sheathing

2'-0" T.O. Grnd FL (0.61m)

0'-6" T.O. EXG. GARAGE (0.15m)

0'-00" EXG GRADE

18" (0.46m) diam
CONC FTG

4'-0"

PROPOSED CONC. FTG.

PROPOSED GAS METER
(relocated from SOUTH side
(see DWG 10))

EXG FDTN & FTG.

OVERHANG (beyond)
see DWG 6b

PROPOSED ADDITION

24'-0" (7.31m)

EXISTING HOUSE (N.I.C.)

4'-8"
(1.42m)

PROPOSED OVERHANG

PRIOR TO CONSTRUCTION ALL
DETAILS & DIMENSIONS TO BE
VERIFIED BY THE CONSTRUCTOR

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PROPOSED ADDITION

46 SHAKESPEARE AVE

NIAGARA-on-the-LAKE

PROPOSED ELEV
NORTH

8 REV 4

SEPTEMBER 2024

1/4" = 1'-0"

15/04/2025

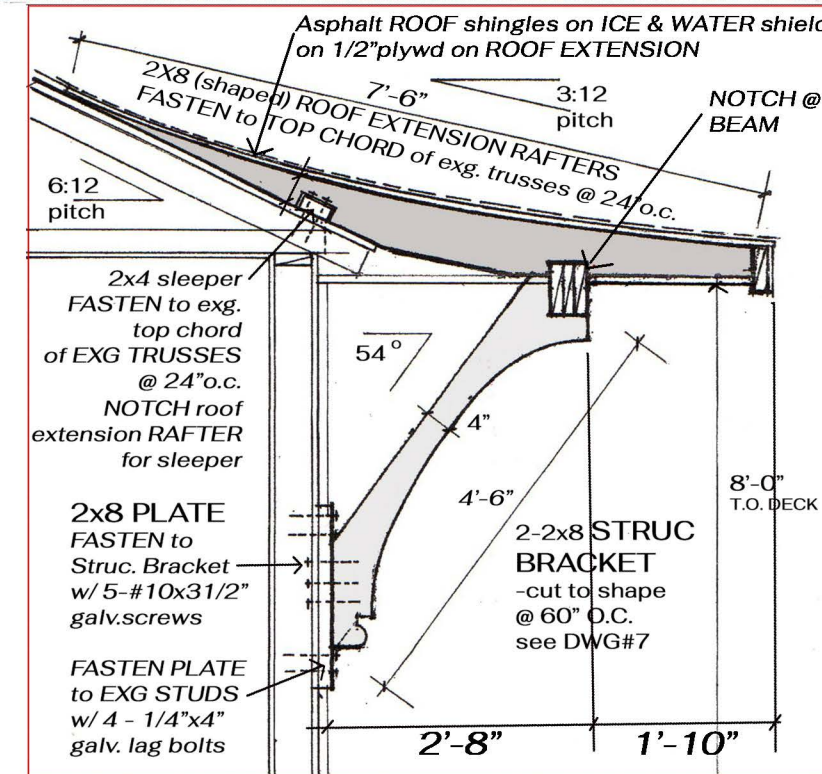


CONSTRUCTION PHOTO

New 25/11/24
NOTE: see
HALLEX ENG. Dwgs
for STRUCTURE
(under separate cover)

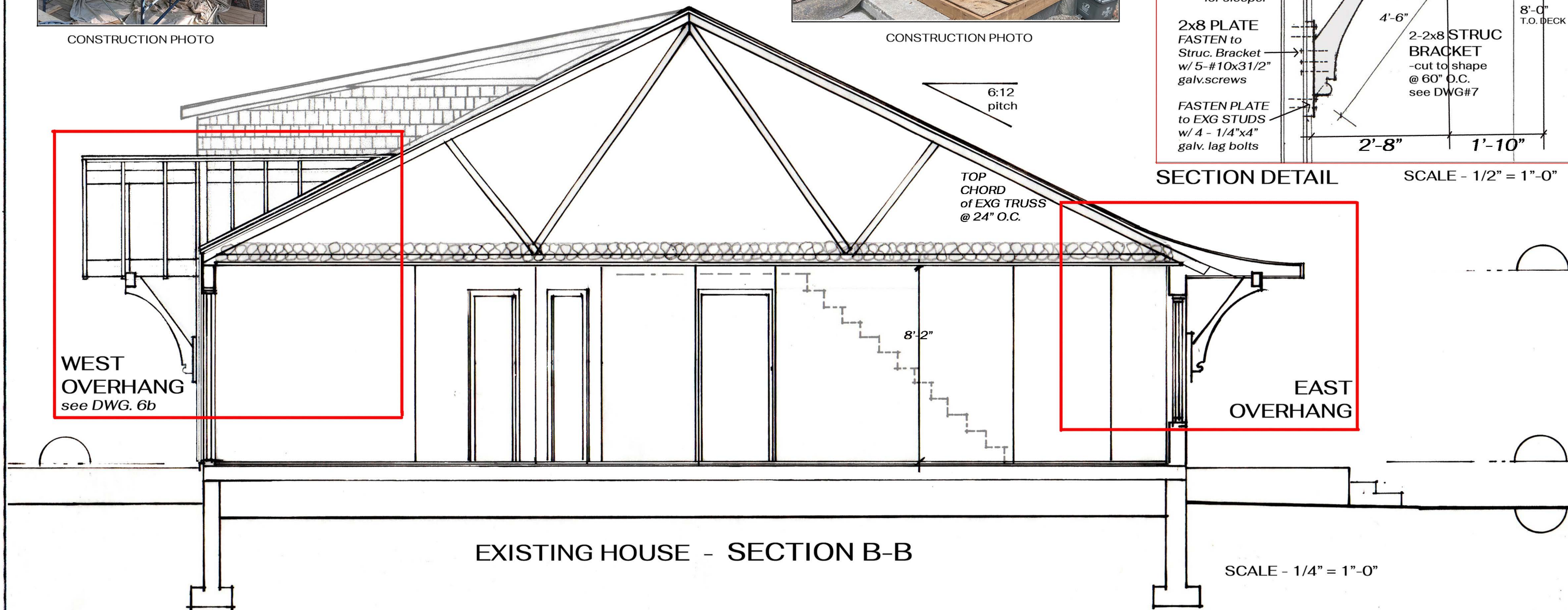


CONSTRUCTION PHOTO



SECTION DETAIL

SCALE - 1/2" = 1'-0"



NEW - 25/11/24

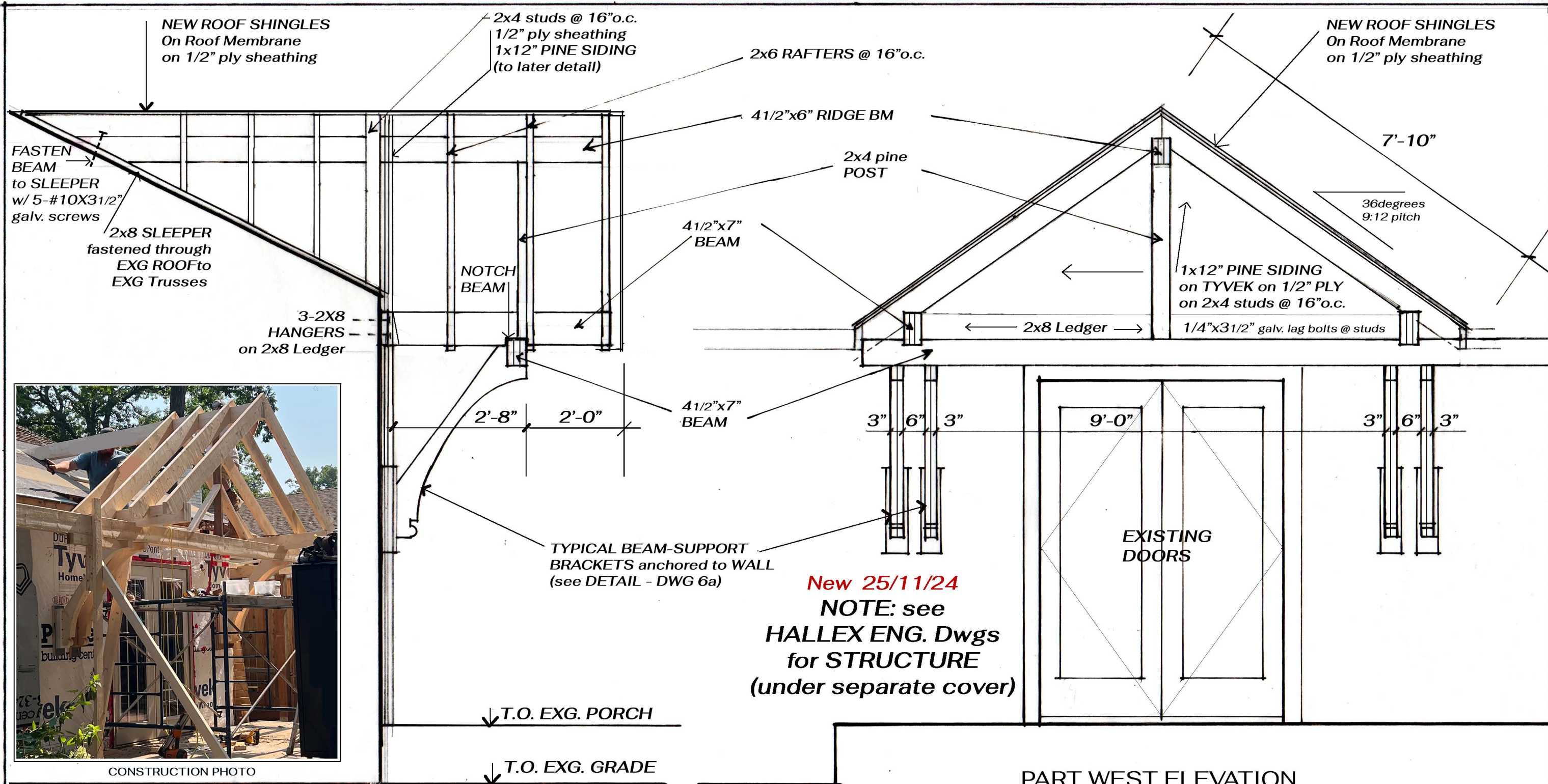
PRIOR TO CONSTRUCTION ALL DETAILS & DIMENSIONS TO BE VERIFIED BY THE CONSTRUCTOR

DESIGNS, DRAWINGS & SPECIFICATIONS SHOWN HEREIN ARE THE PROPERTY OF VICTOR TARNOY ARCHITECT

PROPOSED ADDITION
46 SHAKESPEARE AVE
N I A G A R A - o n - t h e - L A K E

SECTION B-B
ROOF OVERHANGS
NOVEMBER 2024 NEW
SCALE as noted

6a



CONSTRUCTION PHOTO



NEW - 25/11/24

PRIOR TO CONSTRUCTION ALL
DETAILS & DIMENSIONS TO BE
VERIFIED BY THE CONSTRUCTOR

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PROPOSED ADDITION
46 SHAKESPEARE AVE
N I A G A R A - o n - t h e - L A K E

WEST DETAIL
ROOF OVERHANGS **6b**
NOVEMBER 2024 **NEW** SCALE as noted

From:



Subject:

Re: Request for comment - 46 Shakespeare Avenue, Minor Variance A-12/25

Date:

June 5, 2025 2:54:34 PM

Natalie,

Building services has no comments on this application.

Thank you

Walter Klassen

Manager of Building Services/Chief Building Official



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road

P.O. Box 100, Virgil, ON L0S 1T0

Telephone: (905) 468-3266

Website: www.notl.com

From:



Subject:

Re: Request for comment - 46 Shakespeare Avenue, Minor Variance A-12/25

Date:

June 5, 2025 3:11:03 PM

Good afternoon, Natalie

Fire has no comment on this MV application at this time.

Thank you,

Brad Disher

Chief Fire Prevention Officer



Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
Telephone: (905) 468-3266
Website: www.notl.com

From:



Subject:

RE: Request for comment - 46 Shakespeare Avenue, Minor Variance A-12/25

Date:

June 26, 2025 5:43:51 PM

Hi Natalie,

There are no heritage related concerns.

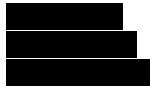
Regards,

**Sumra Zia B. Arch., Dipl. Architectural Conservation
Heritage Planner**



Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
Telephone: (905) 468-3266
Website: www.notl.com

From:



Subject:

Minor Variance for A12/96 - 46 Shakespeare and Precon for 796 East and West Line

Date:

July 3, 2025 10:41:46 AM

Good Morning Alex,

A12/25 - 46 Shakespeare Avenue:

The Operations Department has no comments on concerns regarding the increased encroachments for the purpose of an expanded verandah.

It should be noted for future reference that the only reason we are approving the increased encroachment in side yard setback is because we acknowledge the tight quarters in the Chautauqua area and the side-yard encroachment related to overhanging eaves only which has no impact on access for maintenance, airflow and accessibility at ground level.

Sincerely,

Marci

Marci Weston

Engineering Technologist – Traffic and Transit



From:



Subject:

RE: Request for comment - 46 Shakespeare Avenue, Minor Variance A-12/25

Date:

June 19, 2025 9:20:39 AM

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment, unless you were expecting it or know that the content is safe. Forward the email to IT to validate.

Hi Natalie,

Pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region no longer holds planning authority as an upper-tier municipality. As a result, the Niagara Official Plan (NOP) now functions as the official plan for all lower-tier municipalities within the Region. This plan remains in effect until a local municipality amends or revokes it.

Accordingly, Town staff should ensure that the application conforms to the policies of the NOP.

Under the *Planning Act*, an upper-tier municipality may provide planning advice and support to lower-tier municipalities, subject to mutual agreement. Niagara Region is in the process of entering into a Planning Service Agreement with the Town of Niagara-on-the-Lake to continue offering planning support in the following areas:

- Land use compatibility
- Former landfill sites
- Gas wells
- Water protection screening
- Environmental planning
- Urban design (on Regional Roads)

The subject property is impacted by the Natural Environment System (NES) of the Niagara Official Plan (NOP), consisting of a Life Science Area of Natural and Scientific Interest (ANSI) and Significant Woodland. NOP Policy 3.1.9.8.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of Significant Woodland and within 50 m of an ANSI. The proposed addition is within these setbacks but is separated from the NES by the existing dwelling. As such, Regional Environmental Planning staff offer no recommendations for the minor variance and are of the opinion it conforms to the environmental policies of the NOP.

There are no other Regional interests affected by the application.

I hope this information is of assistance. Please let me know if you have any questions.

Kind regards,

Amy

Amy Shanks, MCIP, RPP

Senior Development Planner / Project Manager, Transportation
Niagara Region

From:



Subject:

RE: Request for comment - 46 Shakespeare Avenue, Minor Variance A-12/25

Date:

June 9, 2025 3:05:29 PM

Hi Natalie,

The Property Tax department has no issues with the application at 46 Shakespeare Ave.
Thank you.

Have a Fantastic Week!

Donna Lake

Revenue Coordinator



Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
Telephone: (905) 468-3266
Website: www.notl.com

From:



Subject:

RE: Request for comment - 46 Shakespeare Avenue, Minor Variance A-12/25

Date:

June 23, 2025 9:57:32 AM

Hi Connor, sounds good. My main concern is the large Town owned Oak tree in front of the property. Maybe we can add a note that no equipment or machinery can be stored anywhere on the front lawn.

Thank you

Harry Althorpe

By-Law Enforcement Officer - Urban Forestry



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road

P.O. Box 100, Virgil, ON L0S 1T0

Telephone: (905) 468-3266

Website: www.notl.com



COMMITTEE OF ADJUSTMENT MEETING MINUTES

June 19, 2025, 6:00 p.m.

Members Present: Steve Bartolini, Margaret Louter, Angelo Miniaci, Eric Lehtinen,
Paul Johnston (6:10pm)

Staff Present: Natalie Thomson, Secretary-Treasurer
Aimee Alderman, Manager of Development Planning
Connor MacIsaac, Planner II
Alex Bokestyn, Planner II

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: Steve Bartolini

that the agenda be adopted, as modified: Minor Variance Application A-09/25 for 585 Line 7 Road be heard last to allow extra time for an applicant and/or agent to join the meeting.

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-10/25 – 100 Queenston Street, CDS-25-090

Natalie Thomson summarized the notice and mentioned two letters of correspondence that were received.

Alex Boekestyn summarized the staff report.

Paul Johnson entered the meeting at 6:10pm.

Michael Allen (ACK Architects Studio Inc.) was present on behalf of the application. Michael delivered a brief oral presentation.

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.

The following topics were discussed:

- Current front facade shielded by vegetation
- Adjacent dwellings with current front face percentages
- Concerns with erecting a wooden fence due to impacts of existing vegetation on site

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Minor Variance Application A-10/25 for 100 Queenston Street be approved, subject to the following conditions:

1. That the Owner/Applicant provide a Geotechnical Report, which establishes the Stable Top of Slope for the subject lands, to the Niagara Peninsula Conservation Authority for review and approval;
2. That the Owner/Application obtain a Niagara Peninsula Conservation Authority Works Permit for all instances of proposed development within the 15-metre setback of the Stable Top of Slope, as determined in accordance with Condition 1.1.2, to the satisfaction of the Niagara Peninsula Conservation Authority; and
3. That the Owner/Applicant dedicate a 3-metre road widening along Queenston Street, to the satisfaction of the Director of Operations.

Decision: RECOMMENDATION ACCEPTED / APPLICATION APPROVED.

Reasons: The Committee of Adjustment considered all the written and oral submissions and 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.

5.2 Minor Variance Application A-11/25 – 1500 Concession 6 Road, CDS-25-091

Natalie Thomson summarized the notice and mentioned one letter of support received from a neighbour.

Alex Boekestyn summarized the staff report.

Dan and Nicole Tissen (homeowners) were present on behalf of the application and requested Committee members remove condition 2.

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.

The following topics were discussed:

- Driveway stones used as landscape feature
- Possible impacts with a 0m driveway setback
- Adjusting driveway to add one metre on the opposite side to accommodate setback

Moved by: Margaret Louter

to remove condition 1.1.2 (driveway setback of 1 metre) and accept the recommendation of the staff report that Minor Variance Application A-11/25 for 1500 Concession 6 Road be approved, subject to the following revised two conditions:

1. That the owner/applicant complete and submit the Tree Declaration Form to the Town's Urban Forestry Officer, with regard to the potential boundary trees; and
2. That the owner/applicant submit a written undertaking to confirm that the proposed addition does not exceed 3 bedrooms, the living space will

remain at 131 square metres, and the plumbing fixture unit count is no higher than 16.5, to the satisfaction of the Town and Region.

Decision: MODIFIED RECOMMENDATION ACCEPTED / APPLICATION APPROVED.

Reasons: The Committee of Adjustment considered all the written and oral submissions and 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.

5.3 Consent Application B-06/25 – 58 Scott Street, CDS-25-092

Natalie Thomson summarized the notice and mentioned numbering error in the listed conditions in the staff recommendation report.

Alex Boekestyn summarized the staff report.

Dan Banatkiewicz and Aaron Butler (NPG Planning Solutions) were present on behalf of the application.

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.

The following topics were discussed:

- Zoning designation on neighbouring property
- No zoning changes due to consolidation of parts 1 and 3
- Existing dwelling being constructed prior to greenbelt changes in 2004
- Niagara Region septic staff satisfied with proposal

Moved by: Steve Bartolini

to accept the recommendation of the staff report that Consent Application B-06/25 for 58 Scott Street 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 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. merging of Part 1 with 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;
3. That the owner/applicant provide the Town Operations Department with a copy of the deposited reference plan; and,
4. That the owner/applicant dedicate a 0.9 metre road allowance widening along front Part 2 of the proposed severance to the Town, to the satisfaction of the Director of Operations.

Decision: RECOMMENDATION ACCEPTED / APPLICATION APPROVED.

Reasons: The Committee of Adjustment agrees with the consent report analysis and recommendation that, subject to the conditions of provisional consent, this application meets Planning Act requirements, is consistent with Provincial Policy, the Niagara Region Official Plan and the Town Official Plan regarding the boundary adjustment.

The Chair summarized the decision.

5.4 Minor Variance Application A-09/25 – 585 Line 7 Road, CDS-25-093

Natalie Thomson summarized the notice.

Connor MacIsaac summarized the staff report.

Tai-Sean Shoy (agent) and Claudio Di Bastiano (homeowner) were present on behalf of the application. Claudio explained the reasoning for multiple seacans was for storage of his personal belongings that he was trying to auction off. Claudio expressed he was taking proactive steps to clean up the property.

The Chair called on those registered to speak in support or against the proposal. Chris Morgan (687 Concession 5 Road) was in attendance and spoke to property standard concerns due to accumulation of stuff throughout the subject property.

The following topics were discussed by Committee members:

- Reasoning for multiple seacans on property
- No restrictions in the Town's zoning on number of seacans on a property
- Seacans considered accessory structures which can be up to 8% of lot coverage
- Relocation of seacans on property to comply with setback requirements

Moved by: Angelo Miniaci

to accept the recommendation of the staff report that Minor Variance Application A-09/25 for 585 Line 7 Road be approved.

Decision: RECOMMENDATION ACCEPTED / APPLICATION APPROVED.

Reasons: The Committee of Adjustment considered all the written and oral submissions and 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

The May 15, 2025 minutes were approved by unanimous consent.

7. NEW BUSINESS

Member Paul Johnson apologized for being late to join the meeting.

8. NEXT MEETING DATE

Thursday, July 17, 2025 at 6:00 p.m.

9. ADJOURNMENT

The meeting was adjourned at 7:18 pm