

Victoria Nikoltcheva

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: Thursday, April 11, 2024 2:42 PM
To: Cassandra Cruickshank
Cc: Clerks; Victoria Nikoltcheva
Subject: RE: Notice of Complete Application, Open House, and Public Meeting - ZBA-05-2024 - 187 Queen Street, Niagara-on-the-Lake

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Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. For more details contact ONTLands@enbridge.com.

Please always call before you dig, see web link for additional details: <https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Thank you,

Casey O'Neil (she/her)
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-5180
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
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Victoria Nikoltcheva

From: CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>
Sent: Monday, April 15, 2024 3:01 PM
To: Victoria Nikoltcheva
Subject: RE: New Application - ZBA-05-2024 - 187 Queen Street, NOTL

You don't often get email from andrew.carrigan@canadapost.postescanada.ca. [Learn why this is important](#)

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 know that the content is safe. If unsure, forward the email to IT to validate.

Good Afternoon,

CPC has no comments regarding this zoning by-law amendment.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914

 Please consider the environment before printing this email.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

June 10, 2024

File Number: PLZBA202400217

Victoria Nikoltcheva
Planner II
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Updated Regional and Provincial Comments
Zoning By-law Amendment
Town File Number: ZBA-05-2024
Applicant: Rainer Hummel
Address: 187 Queen Street
Municipality: Town of Niagara-on-the-Lake**

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the revised application for a zoning by-law amendment for lands municipally known as 187 Queen Street in the Town of Niagara-on-the-Lake.

The subject property is currently occupied by an existing dwelling, designated under Part IV of the *Ontario Heritage Act*. The revised zoning by-law amendment application proposes to amend the existing Established Residential (ER) zone on the subject property to include site-specific provisions in order to facilitate the creation of one new lot, proposed to accommodate a single-detached dwelling, fronting onto Simcoe Street. The existing heritage designated dwelling, which fronts onto Queen Street, is proposed to remain on a separate lot. A new attached garage and driveway is proposed to be constructed on the lot containing the existing heritage dwelling. A future consent application will also be required to create the proposed lot.

A pre-consultation meeting for this proposal was held on September 7, 2023. Regional comments regarding the initial submission of the application were originally provided to the Town in a letter dated April 22, 2024. The initial submission proposed the creation of two lots. The applicant has since revised the application to propose the creation of only one lot. The following updated Provincial and Regional comments are provided to assist the Town in considering the revised zoning by-law amendment application.

Provincial and Regional Policies

The subject property is located within a Settlement Area under the Provincial Policy Statement (PPS), designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and located within the Settlement Area Boundary for the Town of Niagara-on-the-Lake and designated Delineated Built-Up Area in the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population.

The proposed development is considered infill development, and will result in residential intensification within the Built-Up Area, which will make more efficient use of designated urban land and existing infrastructure. The proposal therefore generally conforms to Provincial and Regional policies for the provision of infill and intensification within the Built-Up Area.

Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore Regional staff defer consideration of this aspect of the proposed zoning by-law amendment to Town staff.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Section 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on archaeological potential mapping in Schedule K of the NOP, the lands exhibit potential for archaeological resources.

A Stage 1 and 2 Archaeological Assessment and Stage 3 Archaeological Assessment, both prepared by Amick Consulting Ltd. (dated October 24, 2023 and February 28, 2024, respectively) were submitted with the application. The Stage 2 assessment resulted in the identification of one (1) post-contact site, identified as the Chrysler-Burroughs House site (AhGs-446), which, in the opinion of the licensed archaeologist, fulfilled the criteria for the completion of a Stage 3 assessment. The Stage 3 assessment resulted in the recovery of 3378 post-contact and 4 pre-contact artifacts from AhGs-446. Based on the artifacts recovered and previous disturbance, the Stage 3 assessment concludes that AhGs-446 retains no further cultural heritage value and

interest, and therefore further Stage 4 mitigation of the site is not warranted in the opinion of the licensed archaeologist.

As of the date of this letter, acknowledgement from the Ministry of Multiculturalism and Citizenship (MCM) confirming that all archaeological resource concerns on the subject property have met licensing and resource conservation requirements has not been received. This must be received prior to any site disturbance occurring on-site, and can be addressed prior to passing the amending zoning by-law; through the inclusion of a Holding (H) provision in the by-law; or as a condition of the future consent application.

Cultural Heritage

Both the PPS and NOP state that development and site alteration on a protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. The subject property is designated under Part IV of the *Ontario Heritage Act*, which is defined as a protected heritage property under both the PPS and the NOP.

A Heritage Impact Assessment (HIA), prepared by Megan Hobson, CAHP (dated March 5, 2024), was submitted with the initial submission of the application. The HIA concludes that the proposed severance of the rear portion of the lot does not pose any significant heritage concerns as the heritage dwelling will remain in situ and will be retained on a lot that provides adequate amenity spaces for the dwelling and maintains large frontages along Queen and Simcoe Street, and there are no significant heritage structures or features on the rear portion of the lot. The HIA recommends several mitigative measures be implemented to minimize impacts resulting from the proposed severance, including that the existing wooden gate, brick piers and heritage plaque be retained on the Queen Street frontage, that a 'London Plane' tree on Queen Street be protected during construction, and that archaeological clearance be received from the Ministry.

The Region shares an interest with the Town of Niagara-on-the-Lake in the protection and conservation of significant cultural heritage resources, through the development of policies to protect and conserve locally significant built heritage resources. The Region defers to the Town with respect to their analysis of the HIA and the above-noted mitigation measures. It is understood that the Town of Niagara-on-the-Lake Municipal Heritage Committee will be reviewing the HIA and, accordingly, Town Council should look to the Town's comments with respect to this assessment.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments which meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling

collection, provided that the owner brings waste and recycling to the curbside on the designated pick-up day, and that the following limits are met:

- Organics: Unlimited green bins collected weekly; and;
- Garbage: Two garbage bags/cans collected bi-weekly.

Circular Materials Ontario are responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Conclusion

In conclusion, Regional staff have no objection to the revised zoning by-law amendment from a Provincial and Regional perspective, subject to any local requirements, including those pertaining to cultural heritage, and that final clearance be received from the Ministry of Multiculturalism and Citizenship (MCM) for the archeological assessments undertaken in support of the application prior to any site disturbance occurring.

Provided these conditions are addressed, the proposed zoning by-law amendment is consistent with the Provincial Policy Statement (PPS), and conforms to Provincial Plans and the Niagara Official Plan (NOP).

Please send copies of the staff report and notice of the Town's decision on this application. If you have any questions related to the above comments, please contact me at amy.shanks@niagararegion.ca.

Kind regards,



Amy Shanks, MCIP, RPP
Senior Development Planner

-----Original Message-----

From: Mary-Lynn Melle

Sent: Sunday, April 14, 2024 2:26 PM

To: Clerks <clerks@notl.com>

Subject: Re - File No. ZBA-05-2024- 187 Queen St, Niagara-on-the-Lake

Town Clerk

1593 Four Mile Creek Road

Virgil, Ontario

LOS1TO

We, Mary-Lynn and Michael Melle are owners of 175 Queen St. Unit 2 Notl. Our property is directly adjacent to 187Queen St. Our rear yard fence faces the proposed building of a two story garage with a one bedroom apartment above. The drawings indicate that the apartment will have a 5 foot (1.52m) wrap around balcony which would be 11.4 feet (3.5m) away from the property line. People on this balcony would look directly over our backyard and directly into our second floor windows. This would be a huge invasion of our privacy. We implore the town not to allow the building of this balcony.

Our units at 175 Queen were originally designed to have back decks on the second floor facing the side yard of 187 Queen. Approval of these decks was denied at the time because it was determined that the use of these decks would interfere with the privacy of 187 Queen. The use of this new wrap around balcony on the proposed second floor, above

garage apartment would be far more intrusive. I'd like to re-iterate that it is only 11 feet away from the property line, and it's possible use as a short term rental could be highly disturbing for us. Further, the application involves the removal of many trees, 24 in total and 4 in the area directly in front of the proposed garage, leaving us further exposed. We ask that the town deny the building of the balcony as shown. Please acknowledge receipt of our letter of concern.

Regards

Mary-Lynn and Michael Melle

175 Queen, Unit 2 NOTL

Sent from my iPad

April 16, 2024

172 Simcoe Street

Niagara-on-the-Lake, ON LOS 1J0

Planning Services

Town of Niagara-on-the-Lake

1593 Four Mile Creek Road

Virgil, ON LOS 1T0

Subject: Application for Zoning By-law Amendment for 187 Queen Street

Attention: Victoria Nikoltcheva, Planner

I am writing subsequent to the Open House presentation on the above development proposal which took place two evenings ago and in which I participated. I would like to put my observations and comments in writing for the record.

First, as the adjoining neighbour to the north side of the subject property at 172 Simcoe Street, I find it very difficult to comment on the matters that most directly pertain to me – the proposed two new buildings to be constructed facing Simcoe Street. In order to simply limit my commentary to these elements essentially forces me to involuntarily concede that the redefining of what “heritage” designation means doesn’t matter. The changing of the status quo in this case does matter to me! I believe, as an historic entity, steeped in the Newark/Niagara-on-the-Lake past, (early craftsmanship and architecture, lives lived, events witnessed, the continuity of time) this property should be preserved. I do not want to be diverted by this complex, all-encompassing stampede to a recreate the western part of our Town. The careful weighing of the value of such tangible pieces of our history should be germane to the very future and perception of our treasured community.

Similarly, the presumption that this property can or should be severable must be dealt with prior to designing and building houses. After observing the heated past civic debates about the appropriateness and the need to preserve the Town’s Estate lots, this is clearly another issue on its own merit! Has Niagara-on-the-Lake not already met its housing intensification targets? Are large historic estate lots on Queen, Predeaux and Victoria Streets to be hacked up for fourplexes? These special lots are certainly a part of the charm and spaciousness of Old Town and reminders of our history. This precedent of severing 187 Queen Street should be the subject of robust debate and careful examination!

It is only by separating these broader issues of the revision of heritage designation and severances of old estate lots that we can safely arrive at what to do with building lots on Simcoe Street. In respect to the foregoing, I will proceed, without prejudice, to address some thoughts regarding hypothetical new housing on Simcoe.

My first concern is why two lots? The Proponent at the Open House indicated that initially they had proposed a single lot with one house. Apparently, however, Town Staff, playing the devil's advocate, observed that the proposed severance would be somewhat too large for a single home (lot coverage permissible being 33%) and suggested two lots as an alternative. The two proposed units now weigh in at a neighbourhood uncharacteristically high 50% coverage, with only 55 foot frontage! What a precedent setting guideline for future development in Old Town! These townhouse-like buildings would be totally out of character and deviate from the traditional residential style that currently exists everywhere in the area – see Predeaux, Johnson, Gate, Front, Gage, Victoria, Queen, Centre Streets - as examples! Once the egg is broken – watch out! It could become like Toronto with developers buying up existing housing stock, tearing the houses down and putting two units in place where one had previously existed.

Returning to the matter of the proposed severance, I can't help wondering, if Staff thought the severance was too large for a single house why didn't they suggest a smaller severance (perhaps allowing for a decent 75- 100 foot frontage), leaving more of the original property with the heritage home?

Finally, to sum up other matters that I have flagged from my perspective, I noted that the main entrance to our house was the side door, which faces south. As with our main second floor bedroom, this entrance, has a pleasant sight line which currently has no intervening structures between ourselves and the Queen Street corner house. Our principal concern is we do not want to have a long narrow house shoehorned in along the mutual property line as currently proposed, - some additional intervening space afforded by a single house only, with additional side yard setbacks, would be welcomed.

John Gibson

From: Ringash, Jolie
Sent: Friday, April 19, 2024 12:42 PM
To: Victoria Nikoltcheva;
Subject: email about the proposal in NOTL

Dear Victoria,

Thank you for the opportunity to discuss this proposal at the Apr.15 Open House. We are the owners at 175 Queen Street, Unit 6. I would like to reiterate our comments and concerns in writing.

We understand the desire of the current owners to sever the very large existing lot. Thank you for clarifying that the proposed project will need to proceed through multiple approvals before it goes ahead; we also understand from Jennifer that the present owners intend to sell the severed lots, so that the ultimate build will take place under different ownership and plans may change. We will of course have further input as each step takes place.

We do not object to the severance per se, however we agree with the neighbours on Simcoe Street that the construction of a single home in the new lot would be more in keeping with the typical lot width along Simcoe Street, and the general character of the area. Additionally, one residence would mean one driveway, rather than two, which would presumably help with the preservation of more trees on the boulevard and in the yard itself.

Our greatest concern about the proposal to construct one or more residences where the heritage vineyard currently stands is related to the loss of light and potentially privacy to our backyard, which is immediately behind the proposed new lot(s). We agree with the planning concern related to preservation of character from street view. We also have concerns about loss of character from our perspective; the maturing tree cover does add to the ambience of the block. We would prefer to see a bungalow, or if a 2-storey building is constructed, we would be very concerned about its shape within the designated maximum height of 10 meters (favour a sloped roof in character with surrounding structures versus a large box shape such as what we have seen emerge on some developed lots in the core recently). We will bring these concerns forward later when a more detailed structure plan is provided. We appreciate the deep setback from our fence which has been indicated in the current proposal and would be concerned about any change of plans that places the new residence(s) closer to our fence; we would also be concerned about plans for outdoor decks or balconies which might encroach on our backyard privacy.

We absolutely share the concerns of other owners within the 175 Queen condominium complex regarding the proposed garage with upstairs living quarters and wrap-around balcony just beside our fence. We would not object to this footprint if a single-storey garage was constructed for car parking

only, however having residents living immediately adjacent to our fence with windows looking directly into the back windows of our complex, and especially a balcony looking directly over our backyards, is not in keeping with the privacy and peace of NOTL's old town.

We would also be very concerned about noise issues with people sitting out on this balcony in the evening, just a few feet away from our neighbours and only a little more than that from our own unit. This could be an issue with any resident living there, however we are especially concerned given the possibility (subject to further approvals) that the unit could be used for short term rental or B and B activity. We have observed in other parts of the old town that external porches or balconies ARE at times sources of nighttime noise when short-term guests do not understand or respect the quiet nature of our town. We purchased in NOTL for the quiet neighbourhood and do not agree that provincial rules about "set backs" etc, designed to intensify the housing in cities like Toronto, should be applied to a small rural town like NOTL, and especially not in a heritage district beloved for its trees, animals and birds.

Thank you for the opportunity to have input into this proposal.

GLEN BANDIERA, BSc (Engin), MD, MEd, FRCPC
Professor, Temerty Faculty of Medicine, University of Toronto
Emergency Physician, Unity Health Toronto (St. Michael's)

From: VIVIENNE SALAMON
Sent: Sunday, April 21, 2024 1:28 PM
To: Victoria Nikoltcheva
Subject: File No. ZBA-05-2024 - 187 Queen Street, NOTL

Dear Victoria

We are owners of 175 Queen Street, Unit #4. As a follow up to the Open House meeting regarding the application for a Zoning By-law Amendment to the property located at 187 Queen Street to facilitate the severance of two new single detached residential lots, located at the rear of the property and to maintain the heritage dwelling with a proposed garage and Apartment addition.

The two new lots would have direct access from Simcoe Street and are intended to be sold as vacant lots to builders and are shown what could be built under the proposed zoning provisions.

Our concern is that many "developers" are simply speculators pursuing re-zoning of property and then it appears there is no track record of building and seeing projects through. It would seem a far better idea if all such re-zoning could and should be time limited and building permits could be processed within one year for re-zoning.

The retained Heritage dwelling lot is proposed to have a new driveway accessed from Queen Street to allow for a more convenient access to the front door of the dwelling. There is also a proposed link to a two storey garage addition to be extended from the existing dwelling. The upper storey of the garage will be an accessory dwelling space with a separate access.

The construction of the link we are advised will not impact the heritage value of the dwelling detailed in the Heritage Assessment. It shows a wrap around glass railing balcony on the 2nd floor which would be intrusive to our Townhouse homes and overlook our private patio areas to the rear of our homes close to our fence. We ask that this is not considered and not in keeping with the privacy and the old town heritage district. At the time our units at 175 Queen Street were built to my knowledge in the plans for the original building permit for the complex it was specifically stated that our flat roof tops were not to be accessible decks so as not to intrude on the privacy of others. We hope we can be afforded the same courtesy.

The flat roof and glazing proposed to be used for the glass balcony railings on the 2nd floor of the garage are contemporary design elements that are described as subtly distinguishing this addition from the heritage building, adding a respectful contemporary layer. This we feel completely contradicts the whole purpose of this addition complimenting a heritage 200 yr old home as it doesn't 'fit in' and will just 'stand out' like a sore thumb.

The fronting of this two storey garage onto Queen Street is puzzling. I have walked all of Queen Street both sides and there are NO garages on any of the properties at the front of the residences

facing Queen Street. Most are accessed from the side or back of the residences. It is difficult to understand why consideration of a single garage fronting onto Simcoe would not be an ideal location compatible to all the other Queen Street residences. This would leave the heritage building with its existing elegant space and garden and I understand there is a 7ft in ground heated pool which I don't see mentioned? Also maybe severance for one larger single home on the new lot which would be more in keeping with the typical lot width along Simcoe Street and maintain the character of this area.

I also feel compelled to mention that the link to the garage was described as offering additional functional space for household laundry facilities? Really?

Vivienne Salamon & David Ker

187 Queen

Thank you, Mr. (Madam) Chairman –

I come here today, with both consternation and a good deal of trepidation on learning of the filing of an Application for a very detailed and far reaching request for zoning amendments concerning the historic heritage property at 187 Queen Street.

As the property owner of 172 Simcoe Street, the property directly adjacent to 187 Queen on the northwest side, I was taken aback by the scale of the application and its presumption that certain preliminary and necessary agreements and approvals would automatically be forthcoming which would enable the Developer to plan for two new residential lots on Simcoe Street! Has the Developer forgotten that the Town's By-law 3633-02 (passed March 26, 2002) would first need to be addressed; that under the Ontario Heritage Act, Part IV the house and the property are designated a provincial heritage site? Is the Developer not aware of the controversial and heavily contested past fights by local citizens over the break-up of the Town's historic estate lots via the process of severing? He seems to have assumed these major steps along the path to building two new homes on Simcoe Street will be a mere formality, that Council will readily acquiesce.

And then, the third element on this Application, in addition to the heritage and severance issues, is whether the two new proposed structures, meet the Town's planning by-laws, which apparently they do not in terms of front yard setbacks and maximum lot coverage. This third aspect must also address possible neighbour's issues over design, crowding, traffic safety and the impacts on their enjoyment of their own properties. ✎ ✎

Accordingly, I would request that the honourable members of Council consider rejecting this Application as it now stands and alternatively to encourage the Proponent to go through the proper systematic process step by step. Namely,

- 1) Making proper Application to adjust the current heritage designation for 187 Queen Street, specifically in order to add/ modify the historic structure and to alter the land-use of its attendant properties. This would involve getting the necessary approvals or amendments in regard to the Town's By-law 3633-02, as well as dealing with the Ontario Heritage Act designation.
- 2) That the Developer make an independent Application to the Town in order to sever a lot(s) from the traditional estate lot.
- 3) That the Developer, then, makes Application to the Town to build housing on any of the parcels of land that he has successfully managed to sever.

Respectfully, I would further request of Council to share all relevant information and encourage fulsome debate among our local citizens on these very high profile Old Town matters.

Thank you

John Gibson
172 Simcoe Street
Niagara-on-the-Lake

On the matter of maximum lot coverage, the proposal calls for two new lots with only 55 feet frontage on Simcoe Street. It also seeks a by-law variance of 50% coverage on these lots, where normally only 33% would be permitted. This permission for smaller frontages and building intensification would set a dangerous precedent in residential Old Town. One could envision properties on Predeaux, Victoria, Gate, Johnson, Centre Streets and others with large frontages of 110 feet plus being bought by developers, the homes being torn down and two new houses being built on the original lot. A drive down Bayview Avenue or some of the old Etobicoke neighbourhoods in Toronto would serve as a graphic example! Permission here would set a precedent for others.

Concerning the front yard setbacks, an obvious concern would be the visual encroachment of these proposed houses to the public side walk. Simcoe Street, down to the water and the golf club, is a heavily travelled pedestrian walkway, especially attractive to tourists. These crowded houses would be a distraction to the Old Town residential neighbourhoods, with their traditional feel of serenity and space, often fronted with bright flowers and gardens.

More concerning, however, in regards to the narrowing of the front yard setbacks is the dangerous implications for vehicle and pedestrian traffic. This area of roadway is already heavily used. There is the entrance to the Charles Inn parking lot, as well as, its garbage bin enclosure area where Modern Garbage Disposal trucks come and block the street several times a week while emptying the bins. Also, Sysco food distribution transport trucks park on the west side of the road, while making deliveries. To this is added the landscaping trucks and trailers, which appear on the shoulders of the road at least once a week as they maintain the Inn's landscape. And one must not forget the Niagara-on-the-Lake golf course maintenance yards adjacent to the Charles Inn with its member's parking.

Another feature of traffic safety is the entering and exiting of cars on and off Simcoe Street. I note that the large American Sycamore tree on town property (#51), the one that is 10 ft 6 inches in diameter, a heritage tree which is a tourist attraction in itself is to remain, along with town trees #52, #53 and #54, maples 4- 6 ft in diameter. To these, the developer proposes to retain trees #33, #34, #35 and # 36 along his Simcoe Street property line. These trees will all act as a screen to any occupant trying to exist his truncated driveways. And there is Town parking along the west side of the road adding further visual obstruction, which for safety reasons, all should be removed. Parking facilities in these new houses would not allow occupants to be able to turn around and exit safely. Pedestrian and vehicular traffic would be at risk.