



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-24-104 **COMMITTEE DATE:** 2024-07-16  
**REPORT TO:** COTW-Planning **DUE IN COUNCIL:** 2024-07-30  
**SUBJECT:** 187 Queen Street  
 Zoning By-law Amendment ZBA-05-2024

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Zoning By-law Amendment (File No. ZBA-05-2024) for lands known municipally as 187 Queen Street **BE APPROVED**, for reasons outlined in this report; and
- 1.2 The draft Zoning By-law Amendment, attached as **Appendix IV** to this report, be forwarded to Council for adoption.

### 2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council regarding an application for Zoning By-law Amendment (the “Application”) for 187 Queen Street.
- The Application requests to rezone the subject lands from “Old Town Community Zoning District – Established Residential (ER) Zone” to “Old Town Community Zoning District – Established Residential (ER) Site-Specific Zone” to facilitate the creation of one new residential lot fronting Simcoe Street, for a total of two residential lots.
- The initial proposal has been revised from its original submission for the creation of two new lots to now propose only one new lot.
- Since the current ER zone recognizes lot frontage and lot depth to be “as existing” on the date of the passing of Zoning By-law 4316-09, the Zoning By-law Amendment Application is required to facilitate a future Consent application.
- Both lots would contain site-specific provisions for lot frontage and depth, as well as an increased front yard setback, an additional encroachment permission for rear yard decks, and provisions for garage setback and garage door width for a future dwelling on the severed lot.
- The subject lands are designated under Part IV of the *Ontario Heritage Act* and the heritage dwelling would remain on the retained lot. An addition is being proposed to the heritage dwelling and site-specific provisions have been incorporated into the proposed by-law to recognize the new setbacks of the addition, as well as existing setbacks to the dwelling. A future heritage permit is required.
- Staff recommends approval of the Application, as detailed in this report, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Policy Statement, and conforms to Provincial, Regional and Town planning policies.

### **3. PURPOSE**

This report provides a recommendation to Committee and Council respecting an Application under the *Planning Act* seeking approval of a Zoning By-law Amendment to rezone the subject lands known as 187 Queen Street.

The Amendment proposes to rezone the subject lands from “Old Town Community Zoning District – Established Residential (ER) Zone” to “Old Town Community Zoning District – Established Residential (ER) Site-Specific Zone” to recognize site-specific provisions for lot frontage, lot depth, building setbacks and rear yard encroachment. The Application is required to facilitate the future creation of one new residential lot fronting Simcoe Street, for a total of two residential lots.

Lot 1 (severed lot) is proposed to have a frontage of 33.5 metres on Simcoe Street, with an area of 1,473.95 square metres, and contains an existing accessory structure.

Lot 2 (retained lot) is proposed to have a frontage of 29.3 metres on Simcoe Street and a lot flankage of 42.6 metres on Queen Street, with an area of 1,250.2 square metres. The retained lot contains an existing two-storey single-detached dwelling connected to municipal water and sanitary services.

The subject lands are designated under Part IV of the *Ontario Heritage Act* and the heritage dwelling will remain on the retained lot. An addition to the dwelling is being proposed and is subject to a future Heritage Permit.

The severance sketch is attached as **Appendix I** to this report and shows the proposed lots, the existing and proposed dwelling footprint on the retained lot and the proposed building envelope on the severed lot.

### **4. BACKGROUND**

The subject lands are known municipally as 187 Queen Street, located on the northeast corner of Queen Street and Simcoe Street, in the urban area of Old Town. The location of the subject lands is shown on **Map 1** of **Appendix II** to this report.

The subject lands have a total lot area of 2,724.15 square metres with 42.6 metres of frontage on Queen Street and 62.5 metres of flankage on Simcoe Street. The lands contain an existing two-storey single-detached dwelling and accessory structure. The lands are designated under Part IV of the *Ontario Heritage Act*.

The surrounding lands include residential and commercial uses.

The Application was deemed complete by Town Staff on April 10, 2024.

### **5. DISCUSSION / ANALYSIS**

#### **5.1 Policy and Legislative Framework**

The Application has been evaluated for consistency and conformity with the relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following

report sections. Applicable planning legislation and policies are provided in **Appendix III** to this report.

#### 5.1.1 *Planning Act, R.S.O. 1990, c. P.13*

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard for in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

The Application supports the matters of provincial interest, is consistent with policy statements and conforms to provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis provided in the following sections of this report.

#### 5.1.2 Provincial and Regional Planning Documents

The subject lands are designated as being within a “Settlement Area” according to the Provincial Policy Statement, 2020 (the “PPS”) and are within a “Settlement Area” and “Delineated Built-Up Area” according to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”). The Niagara Official Plan, 2022 (the “NOP”), designates the subject lands as being within the “Delineated Built-Up Area.”

Policies in these plans support residential intensification within urban and built-up areas subject to criteria, such as demonstrating that the proposal is appropriate in relation to the surrounding area and achieving the goals of the applicable legislative documents.

The Application would facilitate more efficient use of a large residential parcel in an urban area with available municipal services and would accommodate appropriate residential infill. The existing heritage dwelling on Lot 2 (retained lot) would remain, and an addition is proposed to the dwelling that would accommodate an attached garage and additional residential unit above. As the dwelling on the retained lot is designated under Part IV of the *Ontario Heritage Act*, the approval of a Heritage Permit from the Town’s Municipal Heritage Committee is required for the proposed addition. Lot 1 (severed lot) would allow for the construction of a future single-detached dwelling. The Application achieves the goals of complete communities by providing additional housing options where there is convenient access to services, employment, parks and other public facilities. The proposal also promotes active transportation in Old Town by allowing for easy access to a variety of services and shops that are within walking or cycling distance.

The NOP outlines a minimum population of 28,900 people and 17,610 jobs in Niagara-on-the-Lake by the year 2051. Furthermore, a minimum intensification target of 1,150 units (or a rate of 25%) to the Built-up Area is designated for the Town. The Application would retain the existing dwelling, facilitate an expansion to the dwelling that would accommodate an additional dwelling unit, and facilitate the construction of one new single-detached dwelling, for a total of two dwellings with one additional residential unit on the retained lot, and contributes to the forecasted growth and intensification targets.

A Stage 1-2 Archaeological Assessment Report, dated October 24, 2023, was completed for the subject lands and further recommended a Stage 3 Assessment due to the findings of the Stage 1-2 assessment. A Stage 3 Archaeological Assessment, prepared by AMICK Consultants Limited, dated February 29, 2024, was completed and has cleared the subject lands of further archaeological concern. An acknowledgment letter from the Ministry of Citizenship and Multiculturalism must be submitted to confirm that the archaeological work was completed in accordance with Provincial standards. The submission of this letter will be a condition of approval for the future Consent application.

Staff consider the Application to be consistent with the PPS and conform with the Growth Plan and Niagara Official Plan.

#### 5.1.3 Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are designated “Established Residential” and “Built-up Area” in the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended (the “Town OP”). The Town OP designation on the subject lands is shown on **Map 2** of **Appendix II** to this report.

The Town OP policies for intensification indicate that the minimum density is 14 units per hectare and the maximum density is 30 units per hectare. The Application would allow for the creation of one new residential lot, and facilitate the expansion of the existing dwelling to accommodate an additional dwelling unit, for a total of three units. The three dwelling units results in a net density of 11 units per hectare (4.46 units per acre). While the proposed density of the Application falls short of the minimum density outlined, the creation of one new lot and construction of an additional dwelling unit to the existing dwelling will more efficiently utilize large residential parcel and existing municipal services. This is pursuant to and consistent with the infill policies within the built-up area.

A Planning Justification Report (“PJR”) was prepared and submitted in support of the proposed Application. The PJR provides analysis relating to applicable provincial, regional and town policies, as well as findings from supporting studies and discusses any potential impacts to the surrounding area as a result of the proposal. A Streetscape Analysis was conducted within the PJR and addressed compatibility with the surrounding area, including cultural heritage aspects of the neighbourhood. The Queen Street and Simcoe Street block faces were analysed and concluded that the average lot frontage of these properties is approximately 31 metres. Although the initial submission proposed two new lots, the Application has been revised and only one new lot is being proposed at this time with a 33.5 metre frontage that is comparable and compatible with the surrounding area. The proposed lot is also rectangular in nature and is consistent with the established parcel fabric of the neighbourhood.

The Town Official Plan also outlines policies for estate lots, which are properties in an urban area containing a historic dwelling, contributing to the streetscape of the municipality, and have the potential of being severed into additional lots. In order for the Town to consider such proposal, the applicant must provide a streetscape study, demonstrate no negative impacts to vegetation, drainage and the character of the area, as well as retain the historic value of the existing heritage home. The subject lands are considered an estate lot and the applicant has submitted the required information to support the proposal as detailed below.

Through the future application for consent to sever the lands, the applicant proposes to create one new lot, for a total of two lots, with configurations that are comparable and consistent with adjacent lands. The new lot provides sufficient frontage along Simcoe Street and lot area to accommodate a future single-detached dwelling, which is the prominent use in the area. The dwelling would maintain standard height and coverage provisions, as well as an increased front yard setback to match surrounding front yard setbacks and standard building setbacks of the Established Residential (ER) Zone under Town Zoning By-law 4316-09 (as amended). The applicant is also proposing a rear yard encroachment for covered amenity spaces on the new lot, which has been reflected in the site-specific request. It is recommended that a condition of Consent approval be included to require Urban Design Committee review of the proposed dwelling prior to its construction. Staff are of the opinion that the newly proposed lot is consistent and appropriate with the surrounding area.

The policies of Official Plan Amendment #78 (OPA #78) apply to the review of this application. The proposed lot configuration is in keeping with the surrounding lands, standard setbacks of the existing zoning in the established neighbourhood continue to apply, provisions for garages have been incorporated in the proposed amendment for the future new dwelling, and municipal services would be used more efficiently. In addition, the applicant has provided a larger front yard setback for the new dwelling in order to align better with the existing front yard setbacks along Simcoe Street. Overall, the Application is consistent with the policy intent of OPA #78.

The Town OP directs that existing trees must not be unnecessarily removed and that wherever possible, existing trees should be preserved and protected. The Town OP further states that within urban areas, where it is unavoidable that trees be removed, the proponent must plant trees of a similar or comparable species on the site or elsewhere in the Town to the Town's satisfaction. OPA #78 also provides direction for new driveways and service connections to be located where minimal tree loss would occur.

A Tree Inventory and Preservation Plan, prepared by Jackson Arboriculture Inc., dated January 25, 2024, was submitted to evaluate the trees on and in proximity to the subject lands. The report considered all trees on the subject lands, within the Town's boulevard, and trees along the boundaries of the lot. The report concluded that out of sixty (60) trees on and around the subject lands, twenty-four (24) are proposed for removal; of the trees proposed for removal, twenty-three (23) are on private property and one (1) is within the Town's boulevard. Out of the twenty-three (23) trees proposed for removal on the subject lands, two (2) are considered weed species and are not regulated under the Town's Private Tree By-law 5139-19. The tree within the Town's boulevard must be removed to facilitate the proposed driveway off Queen Street for the retained lot. The Town's Operations Department has provided no objection to this. The driveway of the severed lot is proposed to be repurposed in its existing location, not requiring further tree removal to accommodate an entrance to the property. Only one tree in the Town's boulevard fronts the severed lot, and efforts would be made during the servicing of the lands to protect and preserve the tree. The remaining trees on the retained and severed lots will be preserved and protected. For future construction on the lots, the Tree Preservation Plan has identified tree protection zones in the form of fencing to ensure the retained trees are not impacted by development. The Town will require an application to

facilitate any tree removals and will implement replanting conditions and fees at that time. Conditions relating to the recommendations of the tree preservation report will be imposed during the future Consent application.

Staff consider the Application, as recommended in this report, to conform to the relevant policies of the Town OP.

#### 5.1.4 Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council's intent. The subject lands are designated "Established Residential" in the proposed Town of Niagara-on-the-Lake Official Plan (the "proposed Town OP"). The proposed Town OP has similar and complementary policies relating to intensification, efficient use of land and infrastructure and land use compatibility criteria.

### **5.2 Municipal Heritage Committee Review**

The subject lands at 187 Queen Street (Crysler-Burroughs House) are designated under Part IV of the *Ontario Heritage Act*, through Designating By-law No. 3633-02. A Heritage Impact Assessment ("HIA") prepared by Megan Hobson, dated March 5, 2024, was submitted with the Application to outline potential impacts to the heritage value of the property and propose mitigation and conservation measures. The Town's Municipal Heritage Committee ("MHC") considered the HIA and a Staff Report during their meeting on May 1, 2024.

Town Staff recommended the following to MHC:

- That the Municipal Heritage Committee provide input to Staff on the *Planning Act* application for Zoning By-law Amendment (ZBA-05-2024), as it pertains to impacts to cultural heritage resources;
- That the Municipal Heritage Committee endorse, in principle, the recommendations contained within the Heritage Impact Assessment prepared by Megan Hobson, dated March 5, 2024
- That the applicant considers landscaping as a means to screen the new two-storey garage addition;
- That the applicant proposes the design of future single detached dwellings on the severed lots to be in keeping with the existing streetscape on Simcoe Street;
- That the applicant ensures that any proposed development is sympathetic to the existing massing, scale and setbacks of the adjacent properties; and
- That the recommendations proposed within the HIA be considered for implementation through conditions of any future *Planning Act* application for severance.

The MHC did not support the above-mentioned recommendations and further provided that the Committee would be willing to receive a subsequent application that reflects the heritage designation of the property and addresses the comments made by the MHC at their meeting. Comments referenced included the removal of one of the proposed lots and setting back the proposed garage addition further from the Queen Street frontage of the heritage dwelling. The applicant has since revised the application to address the feedback provided by the MHC by

removing one of the proposed lots. Approval of the proposed garage addition is subject to a future Heritage Permit, which will be considered by the MHC in a future meeting.

The requirement for a Development Agreement registered on title to the subject lands would be implemented as a condition of the future Consent application to provide mitigation and conservation measures as outlined in the submitted HIA, and to require additional MHC review of the proposed garage addition. An amendment to the designation by-law is required to facilitate the future lot severance and would be captured through a condition of Consent approval.

**5.3 Niagara-on-the-Lake Zoning By-law 4316-09, as amended**

The subject lands are zoned “Old Town Community Zoning District – Established Residential (ER) Zone” in Zoning By-law 4316-09, as amended. The applicable zoning of the subject lands is shown on **Map 3** of **Appendix II** to this report.

The ER zone recognizes the lot frontage and lot depth to be “as existing” for lots as of the date of passing Zoning By-law 4316-09. In order to facilitate a future Consent application to sever the lands, the Application is proposing to rezone both severed and retained parcels to site-specific ER zones to address proposed lot frontages, lot depths, and other provisions required to facilitate the proposal. Provisions to limit the dominance of a garage is also recommended on the severed lot for the future dwelling.

The following site-specific ER zone provisions are recommended by Staff for the subject lands:

**Lot 1 (Site-Specific ER Zone) – new vacant lot**

| <b>Zone Requirement</b>  | <b>ER Zone</b>                               | <b>Site-Specific ER Zone</b> |
|--|--|------------------------------|
| Minimum lot frontage<br>Minimum lot depth  | As existing                                  | 33.0 metres<br>42.0 metres   |
| Minimum front yard setback   | 7.5 metres                                   | 8.5 metres                   |
| Maximum encroachment into a required rear yard for an unenclosed and uncovered/covered porch, deck, balcony, patio or steps      | 1.5 metres only for unenclosed and uncovered | 3.5 metres                   |
| A detached or attached garage shall be setback a minimum of 1.0 metre behind the main façade of the dwelling on the ground floor |  |                              |
| The door(s) of an attached garage shall not occupy more than 50% of the width of the dwelling façade                             |  |                              |

**Lot 2 (Site-Specific ER Zone) – lot with existing dwelling and proposed addition**

| <b>Zone Requirement</b>                   | <b>ER Zone</b> | <b>Site-Specific ER Zone</b> |
|---|----------------|------------------------------|
| Minimum lot frontage<br>Minimum lot depth | As existing    | 29.0 metres<br>42.0 metres   |

|                                    |            |   |
|------------------------------------|------------|---|
| Minimum front yard setback         | 7.5 metres | As existing on the date of passage of this by-law (13.9 metres)   |
| Minimum rear yard setback          | 7.5 metres | 5.0 metres  |
| Minimum exterior side yard setback | 4.5 metres | As existing on the date of passage of this by-law to the front face of the dwelling (0.0 metres)<br><br>12.0 metres to the front face of an attached garage |

The proposed increase to the front yard setback for the new lot is consistent with the existing setbacks of the property directly abutting the proposed lot, and maintains a consistent streetscape along Simcoe Street.

The applicant has also requested an encroachment into the rear yard of the new lot for covered and unenclosed porches, which provides sheltered amenity space in the rear yard. A number of rear yard trees on the new lot are proposed to be preserved and maintained. Staff does not anticipate adverse privacy or overview impacts as a result of this permitted encroachment provision and any streetscape inconsistencies as a result of the increase in front yard setback.

Site-specific setback provisions are imposed on the retained lot as a result of the reconfigured property now having frontage on Simcoe Street. The front yard setback and exterior side yard setback of the existing heritage dwelling will be maintained as existing. As a result of the proposed garage addition, a 5-metre rear yard setback is proposed, which is lesser than the standard; however, the interior side yard allows sufficient area for amenity space which would support the residential use of the property. The increased exterior side yard setback for the garage addition allows a larger setback to Queen Street to further preserve the heritage nature of the property.

The proposed site-specific ER zone is an appropriate category to accommodate the proposal, and all remaining provisions of the ER zone and Zoning By-law 4316-09 (as amended) are to be maintained on the subject lands. Further alterations to the retained lot would be subject to a Heritage Permit and further MHC review. Staff are supportive of the draft Zoning By-law Amendment, attached as **Appendix IV** to this report.

#### **5.4 Consultation**

The Application was circulated to Town departments and external agencies for review and comment. Public notice of the Application was provided as required by the *Planning Act*.

Comments submitted by the public and agencies are included in **Appendix V** to this report, and summarized as follows:

##### 5.4.1 Town Departments

Building – No objections.



Fire and Emergency Services – No objections.

Finance – No objections.

Heritage – The proposed setback of the garage addition at 12.11m from the Queen Street frontage will mitigate impacts of the addition on the Subject Property's attributes and those of the adjacent Heritage Conservation District. The Town will require the submission of detailed elevations and a revised Heritage Impact Assessment updated to address the new scheme as part of a future Heritage Permit Application.

Operations – No objections. Technical requirements will be addressed at the future Consent application with respect to driveway access and servicing.

Urban Forestry – No objections. At the future Consent and building permit stages, the Town's Urban Forestry Officer will conduct site visits to ensure that the preservation plan is followed as submitted.

5.4.2 External Agencies

Canada Post – No objections.

Enbridge – No objections.

Niagara Region – No objections. The Region defers to the Town with respect to the review of the Heritage Impact Assessment. The Ministry Letter for the Archaeological Assessment must be received prior to any site disturbance.

5.4.3 Public

An electronic Open House was held on April 15, 2024, where eight (8) residents attended. The statutory Public Meeting was held on May 7, 2024, and three (3) members of the public provided comments in objection to the proposed Application. Five (5) formal letters were receiving outlining concerns with the proposal (included in **Appendix V**). The following concerns have been raised and Staff responses are provided below:

| Public Comment          | Response  |
|-------------------------|---|
| Overview and privacy    | Staff do not anticipate adverse impacts to overview and privacy, as addressed throughout the report.  |
| Removal of trees        | Any future tree removal and replanting required as part of the proposal is subject to approval by the Town's Urban Forestry Officer and must be in compliance with the Town's tree by-laws. |
| Short term rental usage | Any future short term rental use on the lands is subject to an application to the Town for a short term rental licence and further review. New dwellings and additional residential         |

|   |   |
|---|---|
|   | units are not eligible short term rental license.   |
| Massing and scale of future single-detached dwellings | The proposal was since scaled back to only propose one new lot for a single-detached dwelling. The massing and scale of a future dwelling is addressed throughout the report. |
| Preservation of character of neighbourhood            | This comment has been addressed throughout the analysis of the report, in particular in the review of the estate lot policies and OPA 78.                                     |
| Heritage designation of the property                  | Discussion on the Municipal Heritage Committee review is provided in Section 5.2 of this report.  |

## 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 Zoning By-law Amendment.

## 8. FINANCIAL IMPLICATIONS

Not applicable.

## 9. ENVIRONMENTAL IMPLICATIONS

The Application included a Tree Inventory and Preservation Plan of the trees on the lands. Information is included in Section 5.1.3 of this report. Any future tree removal and replanting required as part of the proposal is subject to approval by the Town's Urban Forestry Officer and must be in compliance with the Town's tree by-laws. Conditions relating to the recommendations of the tree preservation report may be imposed during the future Consent application.

## 10. COMMUNICATIONS

Once Council has made a decision on the Application, notice of the decision will be given as required in the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final.

Recent changes to provincial legislation have been made through Bill 185 and third-party appeals are restricted.

**11. CONCLUSION**

Community and Development Services Staff recommend approval of Zoning By-law Amendment Application ZBA-05-2024 as detailed in this report since the Application meets *Planning Act* requirements, is consistent with the Provincial Policy Statement and conforms with the Growth Plan, Niagara Official Plan, and Town Official Plan.

**12. PREVIOUS REPORTS**

- **CDS-24-066** – 187 Queen Street – Review of Heritage Impact Assessment (HER-13-2024) (May 1, 2024)
- **CDS-24-065** – Public Meeting – 187 Queen Street (ZBA-05-2024) (May 7, 2024)

**13. APPENDICES**

- **Appendix I** – Severance Sketch
- **Appendix II** – Maps
- **Appendix III** – Planning Legislation and Policies
- **Appendix IV** – Draft Zoning By-law Amendment
- **Appendix V** – Agency and Public Comments

Respectfully submitted:

**Prepared by:**



**Victoria Nikoltcheva  
Planner II**

**Recommended by:**



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

**Recommended by:**



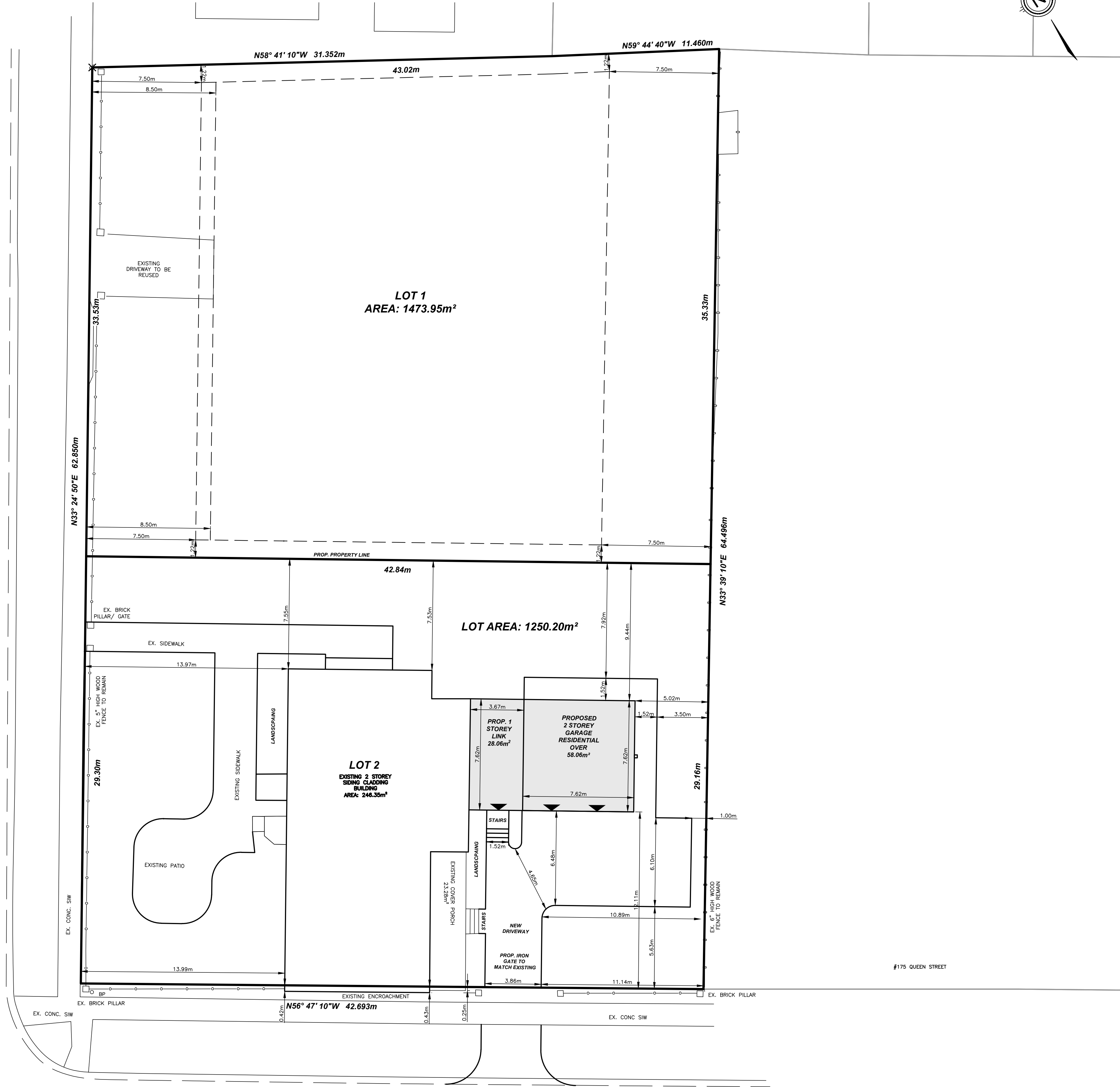
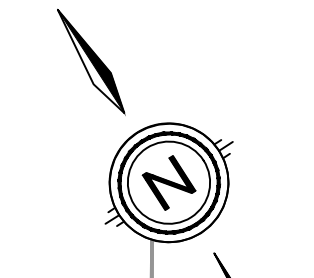
**Kirsten McCauley, MCIP, RPP  
Director, Community & Development  
Services**

**Submitted by:**



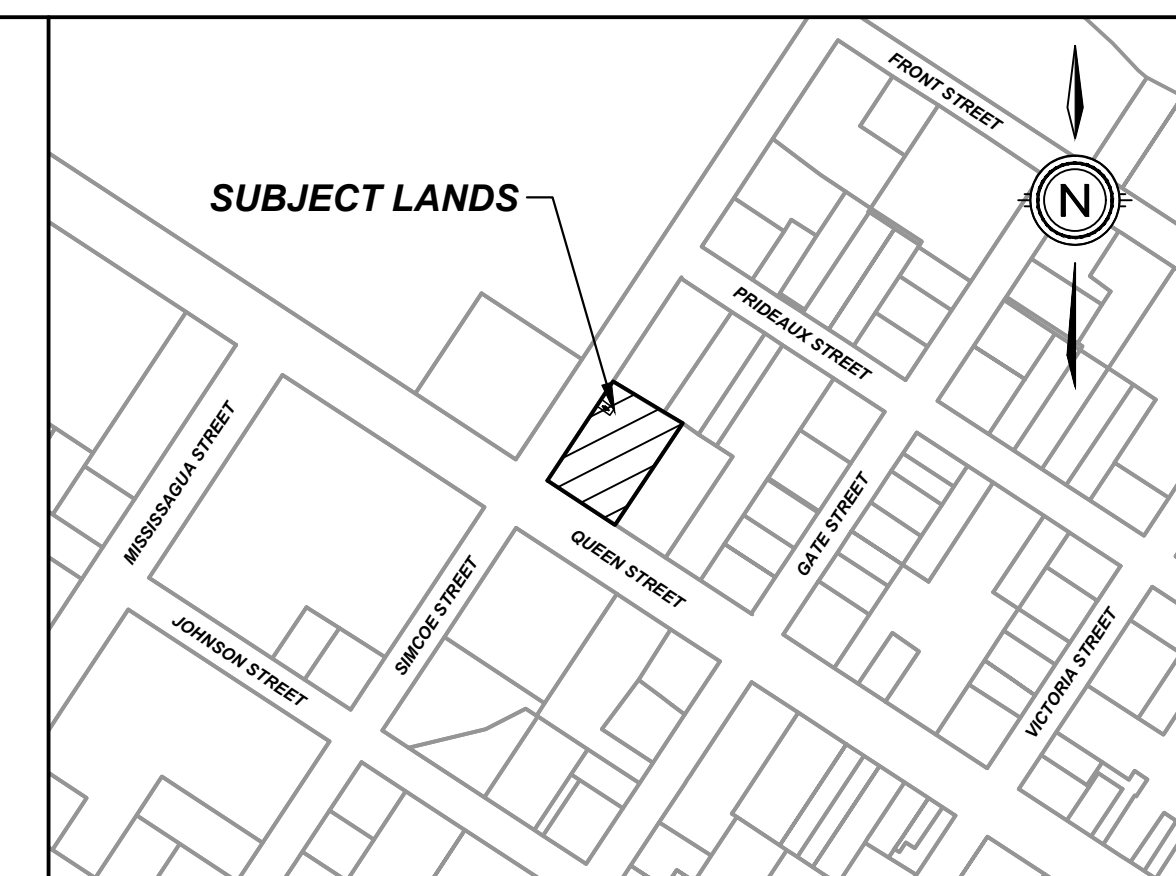
**Bruce Zvaniga  
Chief Administrative Officer (Interim)**

# 187 QUEEN STREET TOWN OF NIAGARA-ON-THE-LAKE



SIMCOE STREET

QUEEN STREET



**KEY PLAN**  
N.T.S.

**BASE PLAN**

**LEGAL DESCRIPTION**

LOT 49 & PART OF LOT 50  
REGISTERED PLAN No. TP 86  
TOWN OF NIAGARA-ON-THE-LAKE  
REGIONAL MUNICIPALITY OF NIAGARA

**SEC. 7.1.2 ESTABLISHED RESIDENTIAL (ER)  
(LOT 1)**

| PROVISION   | REQUIRED  | PROVIDED<br>(PROPOSED LOT 1)      |
|---|---|-----------------------------------|
| REQUIRED LOT FRONTAGE AND LOT DEPTH                                 | As existing   | Frontage: 33.53m<br>Depth: 42.84m |
| MINIMUM FRONT YARD SETBACK  | A) 7.5m<br>B) A detached or attached garage shall be setback from the front lot line a minimum of 1.0m greater than building face (including a covered porch) of the main building. | A) 7.50m<br>B) 8.50m              |
| MINIMUM REAR YARD SETBACK   | 7.50m   | 7.50m                             |
| MINIMUM INTERIOR SIDE YARD  | 1.22m   | 1.22m                             |
| MAXIMUM BUILDING HEIGHT   | 10.00m  | 10.00m                            |
| MINIMUM REAR AND INTERIOR SIDE YARD SETBACK FOR ACCESSORY BUILDINGS | 1.52m   | 1.52m                             |
| MAXIMUM LOT COVERAGE  | 33%   | 33%                               |
| MINIMUM LANDSCAPED OPEN SPACE                                       | 30%   | 30.00%                            |
| MINIMUM EXTERIOR SIDE YARD SETBACK                                  | 4.50m   | N/A                               |
| MINIMUM ACCESSORY BUILDING EXTERIOR SIDE YARD SETBACK               | 4.50m   | 4.50m                             |

SEC. 6.36 PARKING REQUIREMENTS  
(1) MAXIMUM DRIVEWAY WIDTH For a single detached dwelling, the driveway or aisle width shall not exceed 6m. 6.00m 6.00m

**SEC. 7.1.2 ESTABLISHED RESIDENTIAL (ER)  
(LOT 2)**

| PROVISION   | REQUIRED  | PROVIDED                          |
|---|---|-----------------------------------|
| REQUIRED LOT FRONTAGE AND LOT DEPTH                                 | As existing   | Frontage: 29.30m<br>Depth: 42.68m |
| MINIMUM FRONT YARD SETBACK  | A) 7.5m<br>B) A detached or attached garage shall be setback from the front lot line a minimum of 1.0m greater than building face (including a covered porch) of the main building. | A) 13.97m<br>B) 26.47m            |
| MINIMUM REAR YARD SETBACK   | 7.5m  | 5.02m                             |
| MINIMUM INTERIOR SIDE YARD  | 1.22m   | 7.53m                             |
| MAXIMUM BUILDING HEIGHT   | 10.0m   | TBD                               |
| MINIMUM REAR AND INTERIOR SIDE YARD SETBACK FOR ACCESSORY BUILDINGS | 1.52  | N/A                               |
| MAXIMUM LOT COVERAGE  | 33%   | 26.59%                            |
| MINIMUM LANDSCAPED OPEN SPACE                                       | 30%   | 48.15%                            |
| MINIMUM EXTERIOR SIDE YARD SETBACK                                  | 4.5m  | -0.43m                            |
| MINIMUM ACCESSORY BUILDING EXTERIOR SIDE YARD SETBACK               | 4.5m  | N/A                               |

SEC. 6.38 PARKING REQUIREMENTS  
(1) MAXIMUM DRIVEWAY WIDTH For a single detached dwelling, the driveway or aisle width shall not exceed 6m. 3.86m

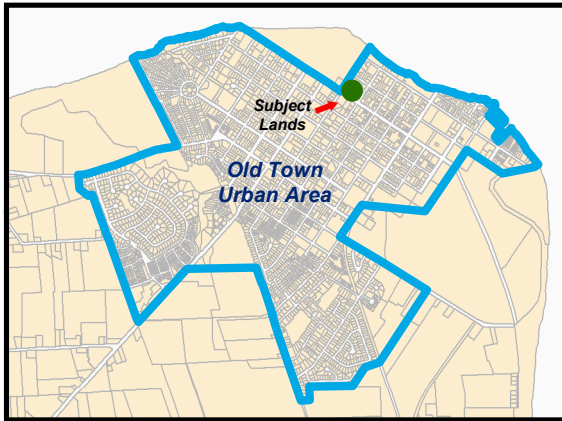
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| 0 | FOR DISCUSSION | 2023-08-29 | TA   |
| # | REVISION       | DATE       | INIT |



|                  |               |          |                  |
|------------------|---------------|----------|------------------|
| <b>SITE PLAN</b> | DRAWING TITLE | DRAFTING | NA               |
|                  |               | DATE     | JANUARY 30, 2023 |
|                  |               | PRINTED  | JUNE 4, 2024     |
|                  |               | SCALE    | 1:150            |
|                  | DWG No.       | 23125-SP | REV              |
|                  |               |          | 0                |



Key Map



**MAP 1 - LOCATION MAP**

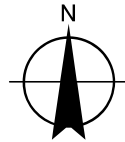
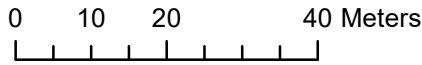
187 Queen Street  
File: ZBA-05-2024

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

1:1,000







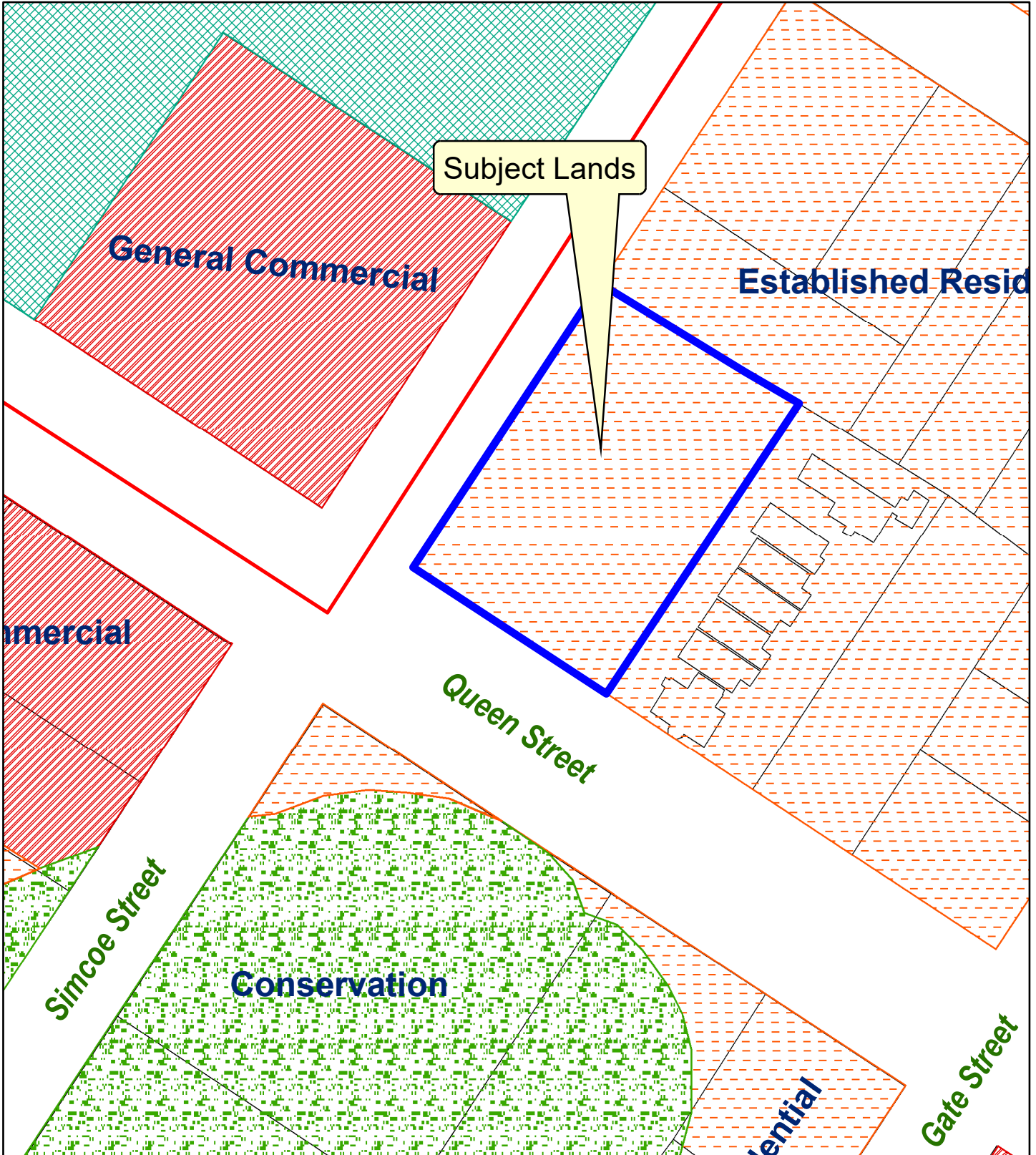
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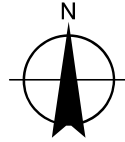
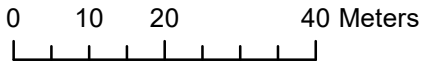
# MAP 2 - OFFICIAL PLAN

Land Use Designations

187 Queen Street

File No: ZBA-05-2024





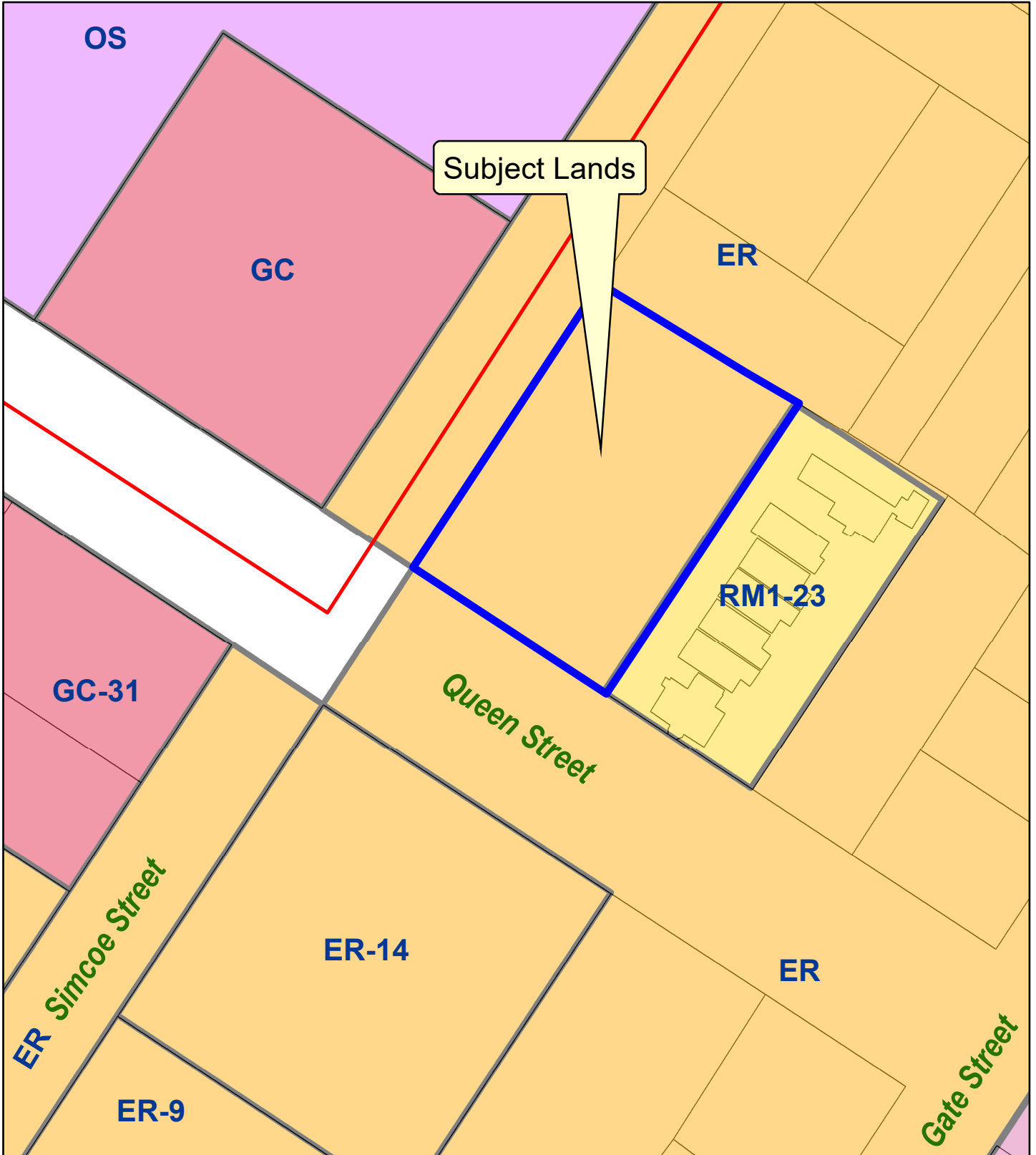
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**MAP 3: ZONING**

*As per Zoning By-law 4316-09, as amended*

187 Queen Street

File No: ZBA-05-2024



## PLANNING LEGISLATION AND POLICIES

### Planning Act, R.S.O. 1990, c. P.13

#### **Provincial interest**

**2** The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

#### **Policy statements**

#### **Policy statements and provincial plans**



**3** (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

### **Official Plans**

#### **24 Public works and by-laws to conform with plan**

(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

### **Zoning by-laws**

**34** (1) Zoning by-laws may be passed by the councils of local municipalities:

#### **Restricting use of land**

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

#### **Restricting erecting, locating or using of buildings**

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

#### **Significant archaeological resources**

3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

#### **Construction of buildings or structures**

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

#### **Area, density and height**

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority

*to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).*

## **Provincial Policy Statement, 2020**

### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

1.1.1 *Healthy, livable and safe communities are sustained by:*

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types... to meet long-term needs;...*
- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

#### **1.1.3 Settlement Areas**

1.1.3.1 *Settlement areas shall be the focus of growth and development.*

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) *efficiently use land and resources;*
- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation;*
- f) *are transit-supportive, where transit is planned, exists or may be developed;*

#### **2.6 Cultural Heritage and Archaeology**

2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

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

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020**

## **2.2 Policies for Where and How to Grow**

### **2.2.1 Managing Growth**

4. *Applying the policies of this Plan will support the achievement of complete communities that:*
  - a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
  - b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
  - c) *provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
  - d) *expand convenient access to:*
    - i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
    - ii. *public service facilities, co-located and integrated in community hubs;*
    - iii. *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; ...*
  - e) *provide for a more compact built form and a vibrant public realm, including public open spaces;*
  - f) *mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; ...*

## **4.2 Policies for Protecting What is Valuable**

### **4.2.7 Cultural Heritage Resources**

1. *Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*

## **Niagara Official Plan, 2022**

### **2.1 Forecasted Growth**

*The Niagara Region is planning to accommodate a minimum population of 694,000 people and 272,000 jobs by 2051. This represents an increase of over 200,000 people and 85,000 jobs compared to 2021. Effective and proactive growth management is needed to ensure there is appropriate housing, employment, and infrastructure available to support Niagara's growth. Land use, housing, and servicing is planned using the forecasts set out in Table 2-1. The Region will monitor these forecasts to ensure growth is planned for and managed based on reliable data. The objective of this section is as follows:*

- a) *coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.*

**Table 2-1**

| <b>Municipality</b> | <b>Population</b> | <b>Employment</b> |
|---------------------|-------------------|-------------------|
| Niagara-on-the-Lake | 28,900            | 17,610            |

## **2.2 Regional Structure**

*The objectives of this section are as follows:*

- a) manage growth within urban areas;*
- b) accommodate growth through strategic intensification and higher densities;*
- c) protect and enhance the character of rural settlements;*
- d) plan for the orderly implementation of infrastructure and public service facilities; and ensure settlement area expansions support Regional forecasts and growth management objectives; and*
- e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

### **2.2.1 Managing Urban Growth**

*2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:
  - i. a range of transportation options, including public transit and active transportation;*
  - ii. affordable, locally grown food and other sources of urban agriculture;*
  - iii. co-located public service facilities; and*
  - iv. the public realm, including open spaces, parks, trails, and other recreational facilities;**
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- g) opportunities for intensification, including infill development...*
- h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- j) conservation or reuse of cultural heritage resources pursuant to Section 6.5;*
- k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l) mitigation and adaptation to the impacts of climate change by:
  - iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.**

**Table 2-2**

| <b>Municipality</b> | <b>Units</b> | <b>Rate</b> |
|---------------------|--------------|-------------|
| Niagara-on-the-Lake | 1,150        | 25%         |

## **2.3 Housing**

The objectives of this section are as follows:

- a) provide a mix of housing options to address current and future needs;
- b) provide more affordable and attainable housing options within our communities; and
- c) plan to achieve affordable housing targets through land use and financial incentive tools.

### **2.3.1 Provide a Mix of Housing Options**

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; ...

## **6.4 Archaeology**

### **6.4.2 Conservation in Accordance with Provincial Requirements**

6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

6.4.2.7 When an archaeological assessment is required, the assessment will follow the applicable guidelines and processes as dictated by the Province, such as the Standards and Guidelines for Consulting Archaeologists, and an acknowledgement letter from the Province verifying this shall be required prior to any final approvals.

## **6.5 Cultural Heritage**

### **6.5.1 Cultural Heritage Resources**

6.5.1.1 Significant cultural heritage resources shall be conserved in order to foster a sense of place and benefit communities, including First Nations and Métis communities.

6.5.1.5 Development and site alteration on protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated through a heritage impact assessment and it has

*been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

## **Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended**

### **6.9 Estate Lots**

*Estate lots are those properties in an urban area containing a dwelling of historical or architectural significance which makes a contribution to the streetscape or character of the municipality and have the potential of being subdivided into additional lots. Prior to any application for a plan of subdivision or consent the proponent shall submit to the municipality the following:*

- a) A streetscape study prepared by a qualified professional planner or other appropriate professional and approved by the Town demonstrating that the creation of a lot(s) will not negatively affect the character of the street or nearby homes.*
- b) The proponent demonstrates that there is no negative impact on vegetation or drainage in the area.*
- c) The proponent demonstrates that the ambience, character, setting and historic value of the existing home will be retained.*
- d) Both the severed and retained parcel should have a frontage, lot area and proposed setbacks that complement the character and historic home and surrounding homes.*

### **6.33 Tree Preservation And Reforestation**

*It is a policy of this Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following polices shall apply.*

- (1) As a condition of any development or redevelopment where it is unavoidable that trees must be removed. The proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arbourist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.*

## **Section 6A: Growth Management Policies**

### **4. Intensification**

#### **4.4 Intensification Objectives**

##### **Objectives**

*The objectives of the intensification policies of this Plan are to:*

- b) Provide land use policy directions for accommodating additional growth within the Built-up Areas;*
- c) Provide a policy framework that supports intensification and infilling throughout the Town's Built-up Area...*

- e) *Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area.*

#### *Built-up Area Intensification Policies*

*The Town will support appropriate infilling and intensification within the limits of the Built-up Area. The following policies apply:*

- a) *The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.*
- b) *The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached... subject to the relevant development and compatibility policies of this plan.*
- e) *The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment.*
- h) *The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.*
- k) *The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).*
- l) *During the development approval process that consideration will be given with respect to capacity of existing infrastructure including utilities and type of improvements, if any, which may be necessary to serve the Built-up Area.*

#### *Urban Design*

*...the following urban design guidelines apply to intensification proposals in Virgil and the Old Town...*

- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face.*
- d) *Bulk, mass and scale of new development shall fit the context within which it is located.*
- f) *The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.*

#### **4.6 Land Use Compatibility Policies**

*Intensification and/or redevelopment should be consistent with:*

- a) *The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) *The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) *The existing and/or planned densities of the surrounding neighbourhood;*

- d) *The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) *Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*
- f) *Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:*
  - *Street and block patterns*
  - *Lot frontages lot area, depth*
  - *Building Setbacks*
  - *Privacy and over view*
  - *Lot grading and drainage*
  - *Parking*
  - *Servicing*

***Development Criteria – Residential Infill and Intensification in Old Town and Virgil***

*In considering an application for development approval on lands designated “Low Density Residential”, “Medium Density Residential” and “Established Residential”, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a Heritage Conservation District Plan:*

- a) *the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;*
- b) *the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
- c) *front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;*
- d) *the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
- e) *the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
- f) *existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*
- g) *the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;*
- h) *new driveways and service connections shall be sited to minimize tree loss;*
- i) *impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*
- j) *the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;*



- l) *road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

## **Section 9: Residential**

### **9.2 Goals And Objectives**

- (1) *To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- (2) *To improve the housing supply of rental and moderately priced housing by the municipality becoming involved in or promoting the involvement of others in the various government housing programs.*
- (3) *To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner.*
- (4) *To encourage the development of economical housing in a suitable environment.*
- (5) *To ensure that existing housing and existing residential areas shall be preserved and improved.*
- (7) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*
- (8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

### **9.3 Land Use Designations**

#### **9.3.3 Established Residential**

##### **Main Uses:**

*Low Density Residential uses such as single-detached.... dwellings*

##### Uses permitted independent of a Main Use:

- *Medium density residential uses subject to; the relevant policies of Section 9, a site-specific zoning amendment to the Zoning By-law and provided that the development does not significantly impact on heritage resources...*
- (3) *The following policies apply to all lands within the Established Residential Zones in Old Town:*
    - a) *Changes to lot frontage and/or lot depth may be permitted subject to a Zoning Bylaw Amendment.*
    - b) *The required Zoning By-law Amendment shall be processed prior to acceptance of an Application for Consent to Sever Land.*

- c) *In the analysis of any application to amend the Zoning By-law proposing changes to lot frontage and/or lot depth, the following shall be considered:*
  - i. *The average lot frontage and lot depth of the existing parcels on the block;*
  - ii. *In the case of corner lots, average lot frontages and lot depths shall be calculated on both block faces;*
  - iii. *The relevant Intensification policies of the Official Plan;*
  - iv. *A streetscape study;*
  - v. *A Planning Justification study;*
  - vi. *An Arborist report which shall consider the potential impacts on all trees and addresses Carolinian Canada species;*
  - vii. *Estate Lots and relevant policies;*
  - viii. *Existing and proposed land uses on the subject lands and surrounding lands.*
- d) *Any Zoning By-law application proposing changes to lot frontage and/or lot depth may be approved if the above-noted considerations in Section C) adequately demonstrate that the proposed new lot(s) will maintain or improve the character of the block face.*

*(4) Any construction of additions or new structures within this designation shall complement existing adjacent development in terms of its scale, character, height, design and mass.*

*(5) Several of the structures within the established Residential area have been designated as "Heritage" buildings under The Ontario Heritage Act. Every effort should be made by both the owner and the Town to ensure the continued existence of that structure in its historically significant form.*

## **9.4 General Residential Policies**

### **(4) Residential Density**

*The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the typography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.*

*Special care will be taken in the Old Town of Niagara and Established Residential designations to maintain the low-density character. Therefore new residential development in these areas consisting of more than two units will be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development.*

## **Section 18: Heritage Conservation**

### **18.2 Goals and Objectives**

- (1) To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings having architectural and historical merit within the context of the Town of Niagara-on-the-Lake, as well as on all buildings contributing towards the heritage value of the Town of Niagara-on-the-Lake.*
- (2) To encourage good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture. To restrict building design that is not compatible with existing structures or unsympathetic alterations to buildings that would detract from the character of a Heritage Resource. Where lands or buildings have been designated pursuant to the Ontario Heritage Act the provisions of that Act regarding buildings and additions shall apply.*
- (4) To encourage appropriate character and uses adjacent to heritage resources in those areas designated as Heritage Conservation Districts.*
- (5) To develop and encourage creative, appropriate and economically viable uses of heritage resources.*

### **18.3 Heritage Policies**

#### *(4) Criteria for Assessing New Development*

*Where a planning application has been received that proposes new development in the municipality, the Planning & Development Services Department for the Town shall include LACAC as a commenting agency to be given an opportunity to review the application and provide comments. The comments from all circulated agencies shall form part of the required planning report prepared by the Town. The review by LACAC ("Local Architectural Conservation Advisory Committee") shall address the following:*

- a) The impact of the development on existing heritage resources*
- b) The proposed building design and its effect on the historic character of abutting properties and the streetscape.*

### **18.5 Archaeological Planning**

*(1) An archaeological resource assessment may be required by the Regional Municipality of Niagara as the delegated authority (Planning and Development Department) in consultation with Town of Niagara-on-the-Lake as a result of a planning application should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule "H" to this Official Plan or where an archaeological site has been previously registered on the property.*

## **Town of Niagara-on-the-Lake Proposed Official Plan (2019)**

### **2.6 Complete Communities**

## **2.6.2 Healthy Neighbourhoods**

2.6.2.1 *Healthy neighbourhoods and communities are essential to the quality of everyday life in Niagara-on-the-Lake, from housing to community services, arts and culture and heritage. Components of healthy communities in the Town include:*

- a) *Vibrant, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other;*
- b) *retention of schools and family supportive institutions including pre-schools, elementary schools and post-secondary schools;*
- c) *a range of quality housing choices to meet the needs of people in all stages of life;*
- d) *Community Design and heritage guidelines to ensure growth will conserve and, where possible, enhance the cultural heritage resources of the Town;*
- g) *measures to protect the Town's scenic beauty, tree cover and landscaping;*

2.6.2.2 *Development applications will be required to identify how the development will contribute to the health of the community.*

## **2.6.3 Housing**

2.6.3.1 *A diversity of housing types and tenure and affordable housing options contribute to the liveability of neighbourhoods and the quality of life for residents. To ensure a stable workforce and market for goods and services, businesses, both urban and rural depend on housing with access to jobs, public transportation, recreation, schools, parks and services.*

2.6.3.4 *New housing will be directed to the Settlement Areas.*

2.6.3.5 *The Town will maintain a minimum three-year supply of residential units as well as the infrastructure to support that supply.*

## **4.5 Intensification Strategy**

### **4.5.2 Objectives**

4.5.2.1 *The objectives of the intensification policies of this Plan are to:*

- a) *Support the Built-up Areas by strategically directing most intensification to Intensification Areas identified on Schedule B7;*
- b) *Provide policy for accommodating additional growth within the Built-up Areas;*
- c) *Provide a framework that supports intensification and infilling throughout the Town's Built-up Area;*
- d) *Provide a framework that allows for second dwelling units;*
- e) *Ensure any proposal for intensification conserves cultural heritage resources; Intensification will be directed to the Built-up Areas where development will not impact cultural heritage resources; and*
- f) *Ensure that intensification and infilling are consistent with the character of the surrounding neighbourhood.*

### **4.5.3 Policies**

- 4.5.3.2 *The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single-detached, semi-detached, townhouses, and low-rise apartment buildings subject to the relevant development and compatibility policies of this Plan.*
- 4.5.3.4 *The Town will ensure that intensification and redevelopment conserves cultural heritage resources. Community Design Guidelines will be prepared and used as a tool to achieve compatible built form with intensification and redevelopment. Adaptive reuse of cultural heritage resources will be strongly encouraged.*
- 4.5.3.10 *In considering an application for development approval on lands in the Established Residential and Residential designations, or on properties not currently zoned for high density residential development, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a Heritage Conservation District Plan:*
- a) the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;*
  - b) the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
  - c) front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;*
  - d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
  - e) the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
  - f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*
  - g) the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;*
  - h) new driveways and service connections shall be sited to minimize tree loss;*
  - i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*
  - j) the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;*
  - k) proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists; and*

- l) road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

## **4.7 Land Use Compatibility**

### **4.7.2 Compatibility**

- 4.7.2.1. Intensification within the Built-up Areas should be compatible with surrounding existing and planned land uses. Intensification and/or redevelopment should be compatible with the property and the surrounding neighbourhood, having regard to:
  - a) conserving natural heritage and cultural heritage resources;*
  - b) Existing and/or planned densities;*
  - c) Lot frontages, area and depth;*
  - d) Building setbacks;*
  - e) Privacy;*
  - f) Parking;*
  - g) Servicing, lot grading and drainage; and,*
  - h) The existing and/or planned height and massing of buildings.**
  
- 4.7.2.2. Development proposals shall demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space*

## **4.8 Community Design**

### **4.8.1 Design Policies**

- 4.8.1.1. The character of the Town is reflected in its cultural heritage resources, including, but not limited to, its heritage character areas, rural landscapes, tree-lined urban and semi-urban streetscapes, low profile development, walkable communities, and variety of architectural and design features.*
- 4.8.1.2. Community Design Guidelines are used to integrate new development into the fabric of the community and to preserve its character and enhance those attributes that are important to residents and visitors. Community Design involves the arrangement and design of buildings, public spaces, transportation systems, services, landscaping and amenities.*
- 4.8.1.3. Community Design Guidelines are used to focus attention on the quality, layout and design of built form, landscapes and the public realm, and can be at a broad, community-wide scale, or at a local, street-level scale. Preparing and implementing design guidelines for both the public realm and the private realm contribute to the quality of life in the community, and ultimately create healthy, complete and accessible communities.*
- 4.8.1.4. Community Design Guidelines should be based on the following:
  - a) Encourage a compact, walkable and well-connected community;*
  - b) Provide a linked public open space system;**

- c) *Encourage the enhancement of streetscapes;*
  - d) *Integrate public infrastructure into the landscape; and*
  - e) *Conservation of cultural heritage resources.*
- 4.8.1.5. *The Town may develop Community Design Guidelines for all or parts of each settlement area. These guidelines may be implemented through the preparation and approval of secondary plans, community improvement plans, heritage district plans, or through a community planning permit system. Community Design Guidelines may be adopted by the Town as free-standing initiatives following a public review and may be incorporated into site plan approval or development approval standards.*
- 4.8.1.9. *In addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in Virgil and Old Town until more detailed Community Design Guidelines are approved by the Town:*
- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face;*
  - d) *Height, mass and scale of new development will fit the context within which it is located;*
  - e) *Garages for single, semi and townhouse units will not exceed 50% of the building facade and will be setback from the front face of these units; and*
  - f) *The design of infill and intensification development will be consistent with the Land Use Compatibility criteria of this Plan.*

#### **4.10. Residential Areas**

##### **4.10.4 Established Residential Designation**

###### 4.10.4.1 *Character:*

- a) *The Established Residential areas represent older, stable neighbourhoods. These neighbourhoods can include cultural heritage resources that must be conserved. The existing character of the Established Residential areas shall be maintained.*

###### 4.10.4.2 *Permitted Uses:*

- a) *In the Established Residential designation, the following uses shall be permitted:*
  - *single-detached dwellings, ...*

###### 4.10.4.3 *Policies:*

- a) *Due to the wide variety of lot sizes, frontages, depths and setbacks in the Established Residential designation that result in a varied and attractive streetscape, the Zoning By-law may set requirements on a block-by-block basis to maintain the unique character of the area.*
- c) *Within the Established Residential designation, the following policies apply:*
  - i. *Changes to lot frontage and/or lot depth may be permitted subject to a zoning by-law amendment.*

- ii. *In the analysis of any application to amend the zoning by-law proposing changes to lot frontage and/or lot depth, the following will be considered:*
  - *The average lot frontage and lot depth of the existing parcels on the block face;*
  - *In the case of corner lots, average lot frontages and lot depths will be calculated on both block faces;*
  - *The relevant Intensification policies of the Official Plan;*
  - *Preparation of a streetscape study, planning justification report, and/or heritage impact assessment, if required, which demonstrate that the proposed new lot(s) will maintain or improve the character of the block face;*
  - *An arborist report which will consider the potential impacts on all trees with particular regard for Carolinian Canada species; and*
  - *Existing and proposed land uses on the subject lands and surrounding lands.*
- d) *Cultural heritage resources shall be conserved.*
- e) *Development will respect and reinforce the existing physical character of the neighbourhood, including in particular:*
  - i. *Patterns of streets, blocks and lanes, parks and public building sites;*
  - ii. *Size and configuration of lots;*
  - iii. *Heights, massing, scale and dwelling type of nearby residential properties;*
  - iv. *Prevailing building type(s);*
  - v. *Setbacks of buildings from the street or streets;*
  - vi. *Prevailing patterns of rear and side yard setbacks and landscaped open space;*
  - vii. *Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and*
  - viii. *Conservation of cultural heritage resources.*
- f) *Special care will be taken to maintain the low profile character of the area. New residential development in these areas consisting of more than two units shall be accompanied by a detailed site and area analysis demonstrating there will be minimal impact on surrounding neighbourhoods and development.*

## **Section 7 Heritage, Archaeology and Culture**

### **7.1.2 Identification and Documentation**

- 7.1.2.1 *The Town, through a variety of initiatives, will identify, conserve and protect cultural heritage resources, including those shown on Schedules D1 to D3, and:*
- a) *Will consult with the Municipal Heritage Committee (MHC) on all matters related to the Town's cultural heritage resources;*
  - b) *Identify cultural heritage resources using recognized methods such as those identified by the Ministry of Tourism, Culture and Sport;*



### **7.1.3 Protection of Cultural Heritage Resources**

- 7.1.3.1 *Protection, maintenance, adaptive reuse and stabilization of existing cultural heritage attributes and features, as opposed to removal or replacement, will be the core principle for all conservation projects and for all developments that have the potential to impact cultural heritage resources.*
- 7.1.3.2 *In order to protect heritage resources, the Town will establish policies and procedures to:*
- a) *Protect and conserve cultural heritage resources in accordance with the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Protection Act, the Funeral, Burial and Cremations Act, the Municipal Act, the Standards and Guidelines for the Conservation of Historic Places in Canada, the Venice Charter, the Appleton Charter for the Protection and Enhancement of the Built Environment, and other recognized heritage protocols and standards as applicable. Conservation, maintenance and stabilization of existing cultural heritage resources must be the first consideration for all properties on or adjacent to cultural heritage resources*
  - e) *Require preparation of a heritage impact assessment or heritage conservation plan for any proposed alteration, construction or development involving, adjacent to, or in the immediate vicinity of, a cultural heritage resource.*
  - g) *Require a heritage permit for any work to a cultural heritage resource protected under the Ontario Heritage Act.*
  - h) *Require where development or site alteration is proposed on or adjacent to a Section 29, Part IV Ontario Heritage Act Designated property, and where the designation by-law predates 2005, that any application or heritage impact assessment include an updated Statement of Cultural Heritage Value or Interest with a list of heritage attributes that is satisfactory to the Town. The potential impacts of any such development or site alteration must be evaluated against any identified heritage values or heritage attributes.*
  - i) *Review applications for development and site alteration on lands containing and adjacent to cultural heritage resources and require mitigative measures and/or alternative development approaches to conserve the heritage attributes impacted by the development. A Heritage Impact Assessment and/or an Archaeological Assessment may be required to demonstrate that the cultural heritage resources will be conserved. Development of lands adjacent to protected heritage properties shall be required to demonstrate that the heritage attributes of the adjacent protected heritage property are conserved through such approaches as appropriate siting of new development, setbacks, urban design and intensity and types of uses*
- 7.1.3.9 *The Town will use zoning by-law provisions as appropriate, to conserve cultural heritage resources.*

### **7.2.3 Heritage Character Areas**

7.2.3.1 *The Town has identified the following Heritage Character Areas as Cultural Heritage Landscapes based on a review by Bray Heritage (Estate Lot Study) in 2018, based on the available information on the areas and the concentration of “estate lots” in those areas:*

- *Downtown Heritage Character Area;*

7.2.3.4 *Should any site alteration, development, or demolition be proposed within any of these areas, a Heritage Impact Assessment will be required. This Heritage Impact Assessment must consider the potential impact to the overall area as well as to individual properties. Within these areas, the Town may request additional historical research, and/or an Ontario Regulation 9/06 Assessment prepared to the satisfaction of the Town on any property.*

### **7.3 Archaeological Resources**

7.3.4 *The Town will promote conservation of its archaeological resources and will:*

- a) Require an archaeological assessment by a licensed archaeologist, as a result of a proposal or plan for site alteration or development if any portion of the subject property fall within a zone of archaeological potential, as shown on Schedules D1 to D4, or where an archaeological site has been previously registered on the property.*
- c) Require a provincial review and acceptance letter verifying that an archaeological assessment is compliant with the Standards and Guidelines for Consultant Archaeologists (2011).*

### **8.8 Tree Preservation and Reforestation**

8.8.1 *The existing tree canopy in the Town is an important component of the character of the Town and its community design features. Tree preservation and management will be addressed in a by-law passed by the Region or the Town, under appropriate legislation.*

Explanation of the Purpose and Effect of  
By-law 4316FR-24

The subject lands are described as 187 Queen Street, Niagara-on-the-Lake, more particularly described as LT 49 TP PL 86 NIAGARA; PT LT 50 TP PL 86 NIAGARA AS IN RO659780; Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone the subject lands to permit the creation of one (1) new residential lot for the construction of a single-detached dwelling and retain one (1) residential lot with an existing single-detached dwelling for continued residential use.

Effect

The effect of this By-law is to rezone the subject lands from “Old Town Community Zoning District – Established Residential (ER) Zone” to “Old Town Community Zoning District – Established Residential [ER-114(a)] Site-Specific Zone” and “Old Town Community Zoning District – Established Residential [ER-114(b)] Site-Specific Zone” with site-specific provisions pertaining to:

- Lot frontage and depth
- Front yard setback
- Rear yard setback
- Exterior side yard setback
- Permitted encroachment for uncovered/covered porches, patios and decks
- Garage setback and garage door width

|                                |                 |
|--------------------------------|-----------------|
| <i>Owner:</i>                  | Rainer Hummel   |
| <i>File Number:</i>            | ZBA-05-2024     |
| <i>Report Numbers:</i>         | CDS-24-104      |
| <i>Assessment Roll Number:</i> | 262701000404100 |

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 4316FR-24**

187 Queen Street, Roll #: 262701000404100

A BY-LAW TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED  
A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION,  
USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND  
STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

**WHEREAS** the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

**AND WHEREAS** this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE** enacts as follows:

1. Schedule "A-1" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map 'A' attached to and forming part of this By-law from "Old Town Community Zoning District – Established Residential (ER) Zone" to "Old Town Community Zoning District – Established Residential [ER-114(a)] Site-Specific Zone" and "Old Town Community Zoning District – Established Residential [ER-114(b)] Site-Specific Zone".
2. That Subsection 7.14 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following section:

**7.14.114 – 187 Queen Street – See Schedule ‘A-1’ [ER-114(a) and ER-114(b)]**

7.14.114.1 ER-114 (a) Zone Requirements

In lieu of and in addition to the corresponding provisions of Subsection 7.1.2, the following provisions shall apply to the subject lands identified as ER-114 (a) on Schedule ‘A-1’:

|     |  |              |
|-----|--|--------------|
| (a) | Minimum lot frontage<br>Minimum lot depth  | 33 m<br>42 m |
| (b) | Minimum front yard setback   | 8.5 m        |
| (k) | Maximum encroachment into a required rear yard for an unenclosed and uncovered/covered porch, deck, balcony, patio or steps    | 3.5 m        |
| (l) | A detached or attached garage shall be setback a minimum of 1 metre behind the main façade of the dwelling on the ground floor |              |
| (m) | The door(s) of an attached garage shall not occupy more than 50% of the width of the dwelling façade                           |              |

7.14.114.2 ER-114 (b) Zone Requirements

In lieu of and in addition to the corresponding provisions of Subsection 7.1.2, the following provisions shall apply to the subject lands identified as ER-114 (b) on Schedule ‘A-1’:

|     |  |   |
|-----|--|---|
| (a) | Minimum lot frontage<br>Minimum lot depth                                  | 29 m<br>42 m                                      |
| (b) | Minimum front yard setback   | As existing on the date of passage of this by-law |
| (c) | Minimum rear yard setback  | 5 m   |
| (i) | Minimum exterior side yard setback to the front face of the dwelling       | As existing on the date of passage of this by-law |
|     | Minimum exterior side yard setback to the front face of an attached garage | 12 m  |

3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.

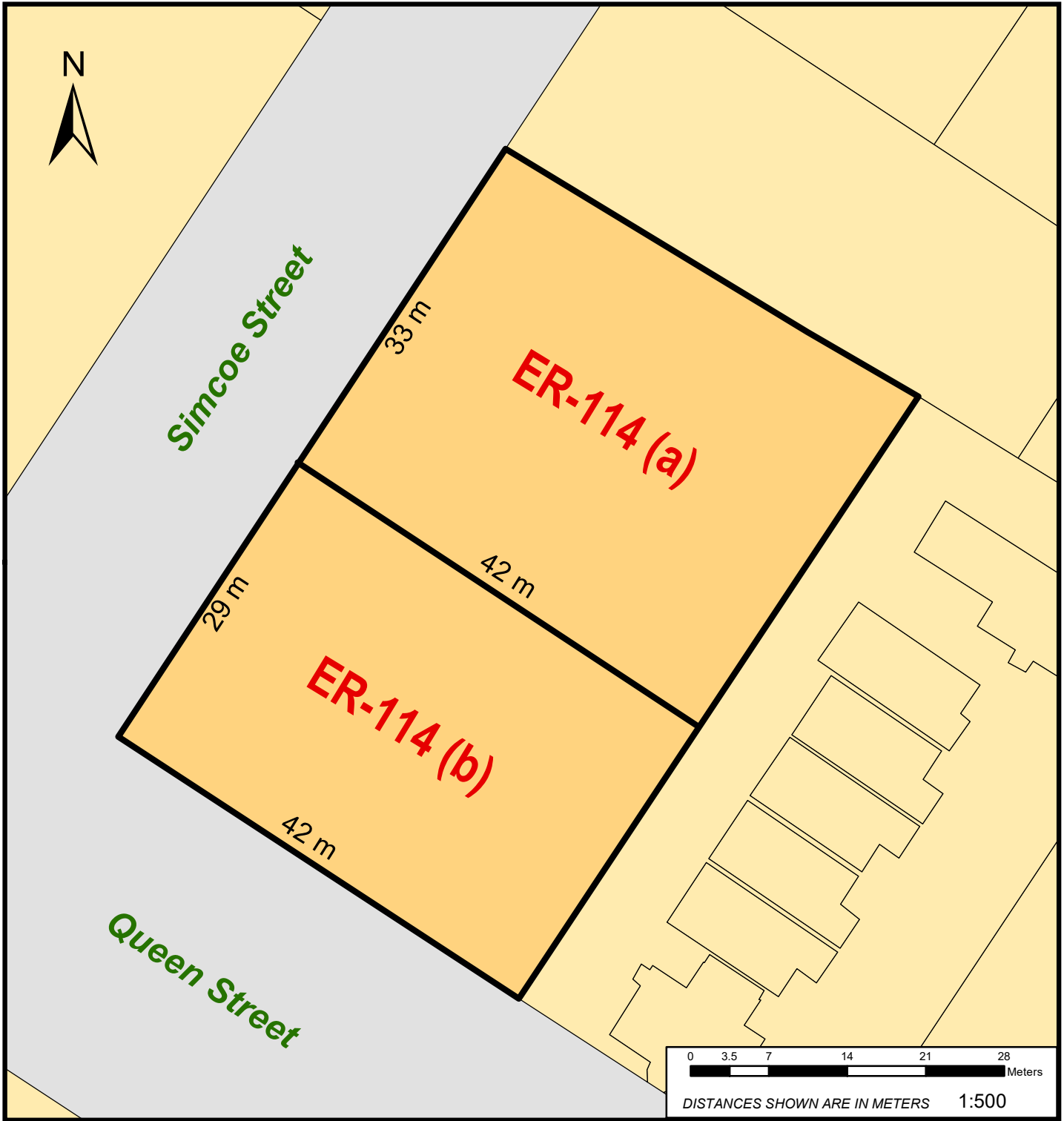
4. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 30TH DAY OF JULY, 2024.

\_\_\_\_\_  
LORD MAYOR GARY ZALEPA

\_\_\_\_\_  
TOWN CLERK GRANT BIVOL

DRAFT



MAP 'A' ATTACHED TO BY-LAW 4316FR-24, BEING AN AMENDMENT TO SCHEDULE "A-1" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 30th DAY OF JULY, 2024.

---

LORD MAYOR  
GARY ZALEPA

---

TOWN CLERK  
GRANT BIVOL

**Victoria Nikoltcheva**

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**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

**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.

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](mailto: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](mailto: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  
**Safety. Integrity. Respect. Inclusion.**



## 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

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**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](mailto: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.