



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-25-078

**COMMITTEE DATE:** 2025-05-13

**DUE IN COUNCIL:** 2025-05-27

**REPORT TO:** COTW-General

**SUBJECT:** Limiting Distance Agreement with Grey Forest Homes Ltd.

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council **APPROVES** the Limiting Distance Agreement, attached as **Appendix I**, between the Town of Niagara-on-the-Lake and Grey Forest Homes Ltd.

### 2. EXECUTIVE SUMMARY

- The purpose of this report is to provide a recommendation to Council on a Limiting Distance Agreement between Grey Forest Homes Ltd. and the Town.
- A Limiting Distance Agreement (LDA) is a legal document that allows developers to deviate from the standard building setbacks required by the Ontario Building Code (OBC). It is used when the distance between structures doesn't meet the minimum requirements.
- The agreement, if approved by Council, will restrict any future construction of buildings on Block 44 within a 6.0m setback to the shared property line. Block 44 is the Konik Estates stormwater management pond.
- Staff recommend approval of the agreement.

### 3. PURPOSE

The Community and Development Services Department is in receipt of a request from Grey Forest Homes Ltd to enter into a Limiting Distance Agreement (LDA), attached as **Appendix I**, as a method of compliance with the Ontario Building Code requirements for spatial separations between buildings. A LDA is a legal document that allows developers to deviate from the standard building setbacks required by the Ontario Building Code (OBC).

### 4. BACKGROUND

The Community and Development Services Department has received an application for building permit for the property known as 10 Oakley Dr., also known as Part of Township Lot 118 Niagara Being Part 3 Plan 30R16179. The site plan and reference plan are included as **Appendix II**. This property is located directly adjacent to Block 44, which is the storm water management property established as part of the Konik Estates subdivision. The proposed location for the new dwelling at 10 Oakley Dr. will have a 1.2m setback to this property line. The proposed window/glass area exceeds that which the OBC would permit for a 1.2m setback. The OBC does provide, as a compliance option, the implementation of this LDA between the two property owners (one being the Town).

## 5. DISCUSSION / ANALYSIS

As part of the building code review, Town Staff review the amount of window/glass area in relation to the property line to ensure compliance with OBC requirements for spatial separations. With the proposed setback of the building at 1.2m to the property line, the OBC would allow a maximum glass area of 8%. The glass area restriction is primarily for fire protection to prevent the spread of fire between existing and future buildings. The proposed glass area for the exterior wall along this side is 34.67%. The left side elevation of the proposed dwelling is included as **Appendix III** to this report.

Building staff have provided the applicant/owner of three possible options to gain compliance with the OBC requirements. The first option would be to reduce the glass area significantly to meet the maximum 8% allowance. The second option would be to protect the windows, i.e. fire shutters or sprinkler system. The third option would be to enter into a LDA. Article 9.10.15.2 of the OBC does allow this type of agreement as a compliance method for the spatial separation between buildings. This agreement stipulates that no buildings could be constructed on Block 44 within 6.0m from the shared property line to ensure compliance with the OBC, as well as the safety for the proposed new dwelling and any potential future construction on Block 44.

As noted, Block 44 is the stormwater management facility for the adjacent subdivision. It was transferred to the Town in 2022 through the registration of the subdivision and agreement. The Town assumes the facility and provides ongoing maintenance. There are no development plans for buildings within this facility.

The LDA agreement was prepared by Grey Forest Homes Ltd. and reviewed by Staff. Staff are supportive of the agreement, attached as **Appendix I**.

## 6. STRATEGIC PLAN

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

### Pillar

3. Enrich Community Assets, Environment, & Infrastructure

### Priority

3.3 Infrastructure

### Action

3.3 a) Infrastructure Investment (Physical & Green)

## 7. OPTIONS

- 7.1 Option 1: Enter into the Limiting Distance Agreement. (*Recommended*)
- 7.2 Option 2: Reduce the amount of glass area on the South elevation wall to comply with OBC requirements. (Not recommended)
- 7.3 Option3: Provide additional protection for the glass area that exceeds the maximum permitted. (Not recommended)

## **8. FINANCIAL IMPLICATIONS**

All fees incurred in the preparation and registration of this agreement will be paid by Grey Forest Homes Ltd. There would be no financial implications to the Town.

## **9. ENVIRONMENTAL IMPLICATIONS**

N/A

## **10. COMMUNICATIONS**

Notice of Council's decision will be provided to the applicant.

## **11. CONCLUSION**

Community and Development Services staff recommend approval of this LDA to satisfy the OBC requirements for spatial separations between buildings. Staff have no concerns with the increased glass/window area and the setback due to the Town owned adjacent stormwater management facility.

## **12. PREVIOUS REPORTS**

N/A

## **13. APPENDICES**

- Appendix I – 10 Oakley Dr – Limiting Distance Agreement
- Appendix II – 10 Oakley Dr – Lot Grading Certificate and Reference Plan
- Appendix III – 10 Oakley Dr – Left side elevation

Respectfully submitted:

**Prepared by:**



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Chief Building Official/Manager of  
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**Recommended by:**



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

**Submitted by:**



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