



Town of Niagara-on-the-Lake

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REPORT #: PBDS-26-007 **COMMITTEE DATE:** 2026-04-16
REPORT TO: Committee of Adjustment **DUE IN COUNCIL:** N/A
SUBJECT: Minor Variance Application A-03/26 – 641 Simcoe Street

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Minor Variance Application A-03/26 for 641 Simcoe Street be approved.

2. PURPOSE

The applicant is proposing the construction of a one-storey addition to the rear of the existing single detached dwelling. To facilitate the addition as proposed, the following variance from Town Zoning By-law 4316-09, as amended, is requested:

1. Maximum lot coverage from 33%, as required in the Zoning By-law, to 34.5% to accommodate the proposed addition.

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

3. BACKGROUND

3.1 Site Description and Proposal

The subject lands, known municipally as 641 Simcoe Street, are located on the west side of Simcoe Street, at the western terminus of Victoria Street, in the urban boundary of the Town (Old Town). The surrounding lands primarily contain residential uses. The location of the subject lands is shown on **Appendix II**.

The subject lands have an area of approximately 669 square metres with approximately 18 metres of frontage on Simcoe Street. The subject lands currently contain an existing one-storey, single-detached dwelling and attached garage, which are serviced by municipal water and sanitary services.

As shown in **Appendix I**, the applicant is proposing to remove the existing rear covered porch, and construct a one-storey addition at the rear of the dwelling. The proposal creates a deficiency from the Zoning By-law 4316-09, as amended, related to the overall lot coverage.

4. DISCUSSION / ANALYSIS

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

Subsection 45(1) of the *Planning Act* establishes four tests for considering minor variances. A review of the requested minor variance application against each of the four tests as established under Section 45 of the *Planning Act* is provided below.

1. Is the requested variance minor in nature?

The proposed lot coverage will exceed the maximum lot coverage permitted (33% of the lot area) by 1.5%, with a proposed total lot coverage of 34.5% of the lot area.

The increase in permitted lot coverage is considered minor in nature, as it is not anticipated to compromise the general function of the lot, nor result in adverse impacts on surrounding properties. It is Staff's opinion that the proposal would continue to provide adequate space for amenities, parking, landscaping, and stormwater management on the lot. The proposed addition is within the rear yard and will not alter the streetscape or character of the area.

Staff are of the opinion that the requested variance is considered minor in nature.

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

The applicant has advised that the requested increased lot coverage is necessary to accommodate the proposed rear addition. The surrounding properties are comprised of one- to two-storey single-detached dwellings with a range of design features and materials, contributing to a diverse built form in the surrounding neighbourhood.

A review of the immediate neighbourhood reveals varying lot coverages, ranging from approximately 25% to 40%. The requested lot coverage is not uncharacteristic for the immediate neighbourhood and Staff do not anticipate the increase in coverage to result in adverse impacts to the adjacent lands and overall streetscape of the neighbourhood.

It is Staff's opinion that the location and size of the addition is compatible with the area. Staff do not anticipate adverse impacts to the adjacent properties and consider the requested variance to be appropriate for the development and use of the land.

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

The subject lands are zoned "Residential (R1) Zone" in Zoning By-law 4316-09, as amended. Single-detached dwellings and associated accessory structures are permitted in this zone.

The intent of the maximum lot coverage is to avoid over development of lots, and to maintain adequate space for amenities, parking, landscaping, and storm water management. Staff are of the opinion that adequate space for amenities, parking, landscaping, and stormwater management on the lot is maintained. The requested coverage is not uncharacteristic for the immediate neighbourhood and Staff do not anticipate the increase in coverage to result in adverse impacts to the adjacent lands or overall streetscape of the neighbourhood, as the addition will be located in the rear yard.

Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

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

The subject lands are designated "Delineated Built-up Area" in the Niagara Official Plan, 2022, as well as "Low Density Residential" and "Built-up Area" in the Town of Niagara-on-the-Lake

Official Plan, 2017 Consolidation, as amended. Single-detached dwellings and associated accessory structures are permitted in this designation.

As per the NOP, the subject lands are within the “Urban Built-Up Area.” Section 2.2.1.1 of the NOP encourages opportunities for the integration of gentle density and a mix and range of housing options that consider the character of established residential neighbourhoods. The NOP also states that Local Area Municipalities may establish standards for appropriate infill development in established residential neighbourhoods to reflect the unique scale and character of these areas.

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

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.

Section 6A (Growth Management), Subsection 4.4 – Urban Design of the Official Plan outlines urban design guidelines in Old Town that require new development to fit within the context of which it is located and be designed in a manner where it is consistent with the land use compatibility criteria of the Official Plan. These criteria direct development to have a consistent built form, height, massing, and building setbacks as the surrounding area. Official Plan Amendment 78 (Residential Infill and Intensification Policies) requires that infill and intensification development and redevelopment within lands designated “Low Density Residential” respects and reflects the existing pattern and character of adjacent development.

It is Staff’s opinion that the requested variance would permit the redevelopment of the site in a compatible manner with the surrounding land uses, and promote the maintenance and rehabilitation of the existing housing stock. It is also Staff’s opinion that the addition is located appropriately in the rear yards, and the setbacks requested for the addition are consistent with surrounding properties.

Staff are satisfied that the proposal is consistent with the direction contained in the Town Official Plan “Low Density Residential” designation. Staff consider the requested variances to maintain the general intent and purpose of the Town Official Plan. Staff also consider the requested variances to maintain the general intent and purpose of the NOP.

4.2 Town, Agency and Public Comments

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

Town Departments

Building – No objections.

Fire and Emergency Services – No objections.

Heritage – No objections.

Finance – No objections.

Public Works and Infrastructure – No objections.

Public

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

5. STRATEGIC PLAN

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

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

6. OPTIONS

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

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ENVIRONMENTAL IMPLICATIONS

There are no key natural heritage or key hydrologic features as identified in the Niagara Official Plan, the property is not within the Conservation Lands overlay within the Town Official Plan, nor are there any watercourse or wetland features regulated by the Niagara Peninsula Conservation Authority (NPCA) within the subject lands. No private or public trees have been identified for removal as a result of the proposal.

9. COMMUNICATIONS

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

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

10. CONCLUSION

Planning Staff recommend approval of Minor Variance Application A-03/26, as the requested

variance is considered to be minor in nature, appropriate for the development or use of the land, building or structure, and is considered to maintain the general intent and purpose of the By-law and the Official Plan, pursuant to Subsection 45(1) of the *Planning Act*.

11. PREVIOUS REPORTS

Not applicable.

12. APPENDICES

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

Respectfully submitted:

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Recommended by:



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