



February 7, 2024

UCC File: 22217

City of Niagara Falls
Planning, Building and Development
4310 Queen Street
Niagara Falls ON L2E 6X5

Attn: Suzanne Anderson – Secretary Treasurer, Committee of Adjustment

**Re: Application for Minor Variance
Block 302, 59M-463 Warren Woods Commercial Plaza**

Please accept the enclosed application for Minor Variance affecting lands municipally known as Block 302, 59M-463.

The following items are included with this submission:

- Executed Application Form (Minor Variance)
- A cheque in the amount of \$2140,00 made payable to the City of Niagara Falls (minor variance application fee)
- Site Plan, prepared by Upper Canada Consultants
- Architectural Drawing Package including Elevations
- Traffic Study including a parking demand analysis prepared by Paradigm Transportation Solutions Limited

Digital copies of the above-noted items have been provided to the City via a shared drive link and submitted and uploaded to the City's portal site.

A planning letter providing an overview and evaluation of the applications is provided on the following pages.

I trust the enclosed is in order. If you require any additional information, please do not hesitate to contact the undersigned.

Respectfully,

Joseph M. Tomaino, MCIP, RPP
Senior Planner
Upper Canada Consultants

PLANNING BRIEF

Background

The submitted Minor Variance application is being made to facilitate the development of a neighbourhood commercial block, municipally addressed as 0 Warren Woods Ave. The lands are located on the east side of Garner Road and located within the Garner Road South Secondary Plan also known as Warren Woods Neighbourhood. The subject development consists of 17 retail units, office space and a surface parking area of 125 spaces. A site plan application has been submitted concurrently with this minor variance application.

Minor Variance

The proposed development has resulted in the following Zoning deficiencies:

Provision	Requirement	Requested Variance
Minimum Front Yard Setback	15 metres	9.95 metres
Maximum Height	8 metres	12.95 metres
Parking Space Requirements	136 spaces	125 spaces

The *Planning Act* grants the Committee of Adjustment the authority to permit a “minor variance” from the provisions of a Zoning By-law, subject to the application of the four tests under Section 45(1). The following is an evaluation of how the requested variances satisfy these tests.

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

The subject lands are designated as Neighbourhood Commercial in the Garner Road South Secondary Plan of the City’s Official Plan.

The general policies for the Neighbourhood Commercial under Part 5-Section 2.5 of the Official Plan encourages neighbourhood commercial uses as part of a mixed residential/commercial development. The requested variances will allow for the accommodation of a neighbourhood commercial building that aligns with the general policies for neighbourhood commercial designation and maintains the general intent and purpose of the Official Plan.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

Minimum Front Yard Setback

The Zoning By-law requires a minimum front yard setback of 15 metres within the NC Zone. The proposed front yard setback is 9.95 metres, therefore requires zoning relief.

The intent of the minimum front yard setback requirement under the Zoning By-law is to provide sufficient separation from the street. The Zoning By-law contemplates parking and access routes between the street and proposed building. The proposed front yard of 9.95 metres will be professionally landscaped providing adequate separation from the building and street. The requested variance therefore maintains the general intent and purpose of the Zoning By-law as it pertains to the front yard setback.

Maximum Height

The Zoning By-law requires that the maximum height of the building be 8 metres. Proposed Building #2 is 12.95 meters in height, therefore zoning relief is being requested

The intent and purpose of the height provision under the Zoning By-law is to mitigate adverse massing impacts on neighbouring properties. Proposed Building # 2 is adjacent to an open trail system and Warren Woods Avenue. The siting of Building # 2 on the subject lands mitigates any adverse massing impacts. The increase in height of Building # 2 will not impact adjacent properties. The requested variance therefore maintains the general intent and purpose of the Zoning By-law as it pertains to the maximum height provision.

Minimum Parking Spaces

The Zoning By-law requires 136 parking spaces for the proposed commercial development. 125 parking spaces are provided therefore zoning relief is being requested.

The intent and purpose of the parking space provision is to ensure adequate parking spaces are provided for the intended uses. Parking space calculations within the provisions of the Zoning By-Law doesn't account for local neighbourhood circumstances. We have attached a Traffic Study including a parking demand analysis with this submission. The site's parking demand is forecasted to be 105 spaces. With a parking supply of 125 spaces, there is a surplus of 20 parking spaces.

The requested reduction in parking spaces maintains the general intent and purpose of the Zoning By-law.

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

As a whole, the requested variances are desirable and appropriate as they will allow for the accommodation of neighbourhood commercial uses on the subject lands and have no impacts on adjacent lands. The development provides for the efficient use of the property and is consistent with the intended planned use of the property.

4. Is the variance minor in nature?

The requested variances are minor in nature and do not result in negative impacts on surrounding lands. The reduced front yard setback does not result in any physically perceivable spatial impacts. The increase in height of Building # 2 has no massing impacts on surrounding properties as it appropriately sited on the



property. The reduction in the required parking spaces does not result in any issues as the submitted Traffic Study concludes that the 125 spaces is more than sufficient to accommodate the intended uses.

Conclusion

Based on the above, the requested variances satisfy the four Planning Act tests and should be supported.

Respectfully submitted,

Joseph M. Tomaino

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