



Thursday April 11, 2024

DELIVERED VIA CITYVIEW PORTAL

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

Dear Mackenzie,

**Re: *Minor Variance Application – 3770 Montrose Road
Cassone Dwellings (BT) Inc.***

On behalf of our client Cassone Dwellings (BT) Inc., the owners of the property municipally addressed as 3770 Montrose Road in the City of Niagara Falls (the “**subject site**” or “**site**”), we are pleased to submit this letter in support of the enclosed minor variance application (the “**application**”). There are now six variances requested related to: the permission of additional dwelling units, minimum lot area required for townhouse dwellings, relief from the minimum front yard and rear yard depth for a townhouse dwelling, relief from the minimum interior side yard width for a townhouse dwelling, and relief from the minimum parking requirement for apartment and townhouse dwelling units.

The requested variances will facilitate the redevelopment of the subject site resulting in the construction of 244 new dwelling units, consisting of 52 (21%) stacked townhouses, 66 (27%) rear lane townhouses, 108 (44%) street townhouses, and 18 semi-detached units (7%), which now propose to include secondary basement units (“**additional dwelling units**” or “**ADUs**”). The development is proposed within a Draft Plan of Condominium (“DPOC”) and will have frontage along private roads managed by the condominium corporation, as well as access to two parkette areas.

The following will provide background on the site and previous development application history, a description of the revised proposal, the evolving policy framework, the required minor variances, and our analysis on how the proposal meets the four-part tests in Section 45(1) of the *Planning Act*.

1.0 BACKGROUND

The subject site has an overall area of approximately 10 hectares and is locally known as the “Mount Carmel Centre”. The requested application is to facilitate the redevelopment of the northernmost portion of the subject site, approximately 5.45 hectares (54.5%), and maintains the remainder of the site as commercial.

As you are aware, the proposed redevelopment was also subject of Official Plan and Zoning was also the subject of Official Plan and Zoning By-law Amendment applications, which received final approval on September 6, 2022, and are now in force and effect (By-laws 2022-087 and 2022-088, respectively). The Site-Specific Zoning applied via By-law 2022-088 rezoned the subject site to the Residential Low Density, Group Multiple Dwelling Zone, and a Holding Provision (“R4-H”) was applied.

An application to lift the “H” was filed on January 12, 2023, and subsequently approved by Council on February 28, 2023 and the site-specific performance standards apply.

On July 25, 2023 a previous Minor Variance application (City File No. A-2023-014) was approved at the committee of adjustment to facilitate changes to the plan that was approved as part of the Official Plan Amendment and rezoning, which included the development of 18-semi-detached dwellings, 109 block townhouse dwelling units, and 148 stacked townhouse units for a total of 275 dwelling units.

Following, a Draft Plan of Condominium application (City File No. 26CD-11-2022-066) was granted draft plan approval on January 5, 2024. The draft approval of the condominium will lapse if final approval is not approved by the City on January 5, 2027.

The subject site is now zoned Residential Low Density, Group Multiple Dwelling Zone (“R4”) with Site-Specific exceptions as per By-Laws 2022-088 and 2023-013, and subject to the permissions granted through the previous minor variance application approved in July 2023.

The proposal, which was put forward as part of the rezoning and the basis for the in-force for the site-specific zoning and previous Minor Variance Application, has been updated in response to market changes and technical details related to grading. The Owner has identified that developing the plan as contemplated by the current zoning is not feasible and particularly challenging due to grade changes on the site and changes in market feasibility for larger units. Therefore, revisions to the original proposal have been made,

including the reconfiguration of the built form across the site, which require variances to the in-effect zoning.

2.0 PROPOSAL

The proposed development for the site, which was put forward as part of the rezoning application and the basis for the in-force site-specific zoning and previous minor variance application has been updated. The owners have identified a few inefficiencies clearing draft plan of condominium conditions and have identified that developing the plan as previously proposed is not feasible. As such, revisions to the original proposal have been made, which require minor variances to the in-effect zoning.

The revised proposal contemplates the redevelopment of the subject site with a total of 262 new dwelling units, comprised of 52 (20%) stacked townhouses, 66 (25%) rear lane townhouses, 108 (41%) street townhouses, and 18 (7%) semi-detached units, which now each propose to include (7%) secondary basement units (the “**revised proposal**”). The revised proposal features an urban parkette near the site’s entrance on Montrose Road, a parkette block at the north extent of the site, and a new private road network.

An internal walkway system comprised of numerous pedestrian crossings and continuous sidewalks on one side of each internal road, or between townhouse blocks has been provided in the revised proposal. All of the units have direct or close by access to the walkway system.

The total number of parking spaces proposed is 313 spaces, comprised of 18 spaces provided for the semi-detached units, 18 spaces provided for the accessory dwelling units, 226 single car units provided for the townhouse units and 51 visitor parking spaces provided throughout the site. Like the previous proposal, the revised proposal will be organized within a Draft Plan of Condominium.

The revised proposal will result in a net density of 51 units per hectare¹ which meets density requirement for medium-density residential intensification established in the Official Plan.

¹ Net density is based on the total land area proposed for residential uses (i.e minus the 14 metre MTO buffer area). Calculation derived from a total of 244 units + 18 additional dwelling units = 262 units / 5.13ha = 51 units per hectare.

3.0 EVOLVING POLICY FRAMEWORK

Since the preparation of our previous 2022 Rationale Report for the rezoning application, the City of Niagara Falls has implemented new Official Plan Policies through OPA 149 relating to housing within the City. The City also initiated an Amendment for new additional dwelling unit Official Plan Policies through OPA 162 and a Zoning By-law Amendment for additional dwelling unit permissions.

3.1 Official Plan Amendment 149

The City of Niagara Falls adopted Official Plan Amendment 149 (“**OPA 149**”) in August 2022, and OPA 149 was subsequently approved by Niagara Regional Council on January 13, 2023. OPA 149 updates and introduces new housing policies within the City of Niagara Falls Official Plan (“**NFOP**”). Since OPA 149 was not in full force and effect at the time previous development applications were approved, the 2022 Rationale Report did not analyze conformity with it. The following reviews the new housing policies relevant to the subject site.

OPA 149 introduced a new strategic policy direction in Part 1, Section 2 of the NFOP, creating a target of 40% of all new housing developed to meet the definition of “Affordable”.

OPA 149 also introduced Section 4 of the NFOP, which includes policies related to housing and implementation of these goals. These includes among others:

1. Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.
2. Diversify the City’s housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).
3. Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the City.

Policy 4.1 provides that the City supports a range of housing uses and built form types, including housing that is affordable. Policy 4.3 states that opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. Policy 4.3 continues, stating that in order to achieve this goal, the City shall support the following, among other items:

“4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms.”

- 4.3.2 *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
- 4.3.3 *The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.*
- 4.3.4. *Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.”*

Policy 4.6 of OPA 149 provides that the City, in its review of subdivision/rezoning applications, will encourage the provision of varying housing forms and unit sizes in order to contribute to affordability.

Finally, Policy 4.8 of OPA 149 provides that the City has set an annual target of 40% of new housing units meeting the definition of “affordable”. Of these units, 20% would be targeted to be below rental or purchase price as identified by Niagara Region’s definition of affordable (see below), and 20% would be built as rental units which would be affordable for households in the 30th income percentile or lower.

3.2 Additional Dwelling Unit Policies

The City of Niagara Falls adopted Official Plan Amendment (“**OPA 162**”) in November 2023 (By-law No. 2023-109). OPA 162 updates and introduces new housing policies within the NFOP to permit additional dwelling units in both urban and rural areas, as well as introduces policies to ensure consistency throughout the entire Official Plan related to existing additional dwelling unit policies.

OPA 162 amended the housing policies in Part 1 Section 4 of the NFOP, which includes Policy 4.3.5 provides that additional dwelling units in single-detached, semi-detached, duplex, and townhouse dwellings in accordance with the legislation set out in the Planning Act and as further regulated through the policies of this Plan and the Zoning By-law.

Policy 4.12 of OPA 162 provides that the City supports the provision of additional dwelling units. Accordingly, accessory additional dwelling units shall be permitted by the Zoning By-law in single detached, semi-detached, duplex, or townhouse dwellings. For clarity, where in conflict with any other policies in this plan, these policies prevail. Zoning regulations shall be based on the following:

“4.12.1 An additional dwelling unit in the principal building and an additional dwelling unit in an ancillary accessory building, for a total maximum of three residential dwellings units on one property, shall be permitted.

4.12.2 Within the Good General Agriculture designation, an additional dwelling unit in a detached dwelling or an additional dwelling unit in an accessory building, for a maximum of two residential dwelling units on one property, shall be permitted.

4.12.3 The lot size and configuration are sufficient to accommodate adequate parking, green spaces, private servicing requirements and amenity areas for both the principal dwelling and the additional dwelling unit(s).

4.12.4 The accessory additional dwelling unit(s) meets all applicable law.

4.12.5 The overall appearance and character of the principal dwelling shall be maintained.

4.12.6 Accessory structures that have an accessory additional dwelling unit shall not be severed from the principal existing dwelling.

Within this Plan additional dwelling units may be referenced as second units or accessory dwelling units.”

In addition, the City amended the City-wide Zoning By-law No. 79-200 (By-law 2023-110) to introduce provisions to permit two additional dwelling units in urban areas and one additional dwelling unit in rural areas, as well as amendments to the parking provisions for additional dwelling units.

By-law 2023-110 also introduced the permission of additional dwelling units in a detached dwelling, semi-detached dwelling unit, duplex dwelling, or an on-street townhouse dwelling unit where the dwelling type is permitted on lands zoned R1A, R1B, R1C, R1D, R1E, R1F, R2, R3, DC, DTC, TRM. Therefore, additional dwelling units are not permitted on the subject site as it is zoned R4.

4.0 REQUESTED VARIANCES

The following is a summary of the required minor variances. It is important to the note that the following requested variances are due to the built form layout changes in the revised

proposal, which is different than the original proposal put forward as part of the rezoning application, previous minor variance application and DPOC application.

1. Permission of Additional Dwelling Units in the R4 Zone

Section 7.9.1 of the parent Zoning By-law No. 79-200 provides the permitted uses in the Residential Low Density, Grouped Multiple Dwellings (R4) Zone, which include: a townhouse dwelling containing not more than 8 dwelling units; an apartment dwelling; a stacked townhouse dwelling; group dwellings; accessory buildings and accessory structures and; a home occupation in a detached dwelling, semi-detached dwelling or a duplex dwelling. Further, Section 4 of Site-Specific Zoning By-law 2022-088 additionally permits semi-detached dwellings.

As noted above, the City of Niagara Falls initiated an amendment for new additional dwelling unit policies and adopted OPA 162 and amended Zoning By-law No. 79-200 (By-law 2023-109 and 2023-110, respectively). However, additional dwelling units are not permitted on the subject site because the site is zoned Residential Low Density, Group Multiple Dwelling Zone (“R4”) with Site-Specific exceptions as per By-Laws 2022-088 and 2023-013. Therefore, the revised proposal is requesting the permission of an additional dwelling unit be permitted within the semi-detached units proposed on the subject site.

2. Reduction in Minimum Lot Area for a Townhouse Dwelling

The townhouse products proposed in the revised proposal is slightly different than what was originally contemplated in the plan that was approved as per By-law 2022-088 and the previous minor variance application approved by Committee of Adjustment in July 2023. Further, it is important to note that the revised townhouse products, which contemplate a rear lane townhouse model and street townhouse model, are defined as a townhouse dwelling by the City’s Zoning By-law No. 79-200.

Section 7.9.2(a)(i) of parent Zoning By-law No. 79-200 requires each dwelling unit to have a minimum of lot area of 250 square metres, while Section 5(a)(ii) of Site-Specific Zoning By-law 2022-088 requires a minimum lot area of 210 square metres for each townhouse dwelling unit. The previous minor variance application approved a minimum lot area of 189 square metres for each townhouse dwelling unit.

The updated townhouse product design and the design of the plan now proposes a slightly smaller minimum lot area of 128 square metres for the rear lane townhouses and 166

square metres for the street townhouses. Therefore, relief is requested from Section 7.9.2(a)(i) of Zoning By-law 79-200 and Section 5(a)(ii) of Site-Specific Zoning By-law 2022-088 approval for a reduced minimum lot area of 128 square metres for each townhouse dwelling. The request represents a difference of 82 square metres.

3. Reduction to Front Yard Depth for a Townhouse Dwelling

Section 7.9.2(c)(i) of the parent Zoning By-law No. 79-200 requires a 6 metre minimum front yard setback for a townhouse dwelling. As well, Section 5(b)(ii) of Site-Specific Zoning By-law 2022-088 established a minimum front yard setback for townhouse dwellings at 36 m.

The minimum front yard setback for a townhouse dwelling provided in the revised proposal is 5.8 metres, which is 0.2 metres less than the parent Zoning By-law No. 79-200 and 30.2 metres less than the Site-Specific Zoning By-law 2022-088. This variance requested is due to the revised location of the townhouse units across the site.

4. Reduction to Rear Yard Depth for a Townhouse Dwelling

Section 7.9.2(d)(i) of the parent Zoning By-law No. 79-200 requires a 7.5 metre minimum rear yard setback for a townhouse dwelling. As well, Section 5(c)(ii) of Site-Specific Zoning By-law 2022-088 established a minimum rear yard setback for townhouse dwellings at 55 m.

The minimum rear yard setback for a townhouse dwelling provided in the revised proposal is 18.8 metres, which is 11.3 metres more than the parent Zoning By-law No. 79-200 and 36.2 metres less than the Site-Specific Zoning By-law 2022-088. This variance requested is due to the revised location of the townhouse units across the site.

5. Reduction to Interior Side Yard Width for a Townhouse Dwelling

Section 7.9.2(e) of the parent Zoning By-law No. 79-200 requires a minimum interior side yard of one-half the height of the building. As well, Section 5(d)(ii) of Site-Specific Zoning By-law 2022-088 established a minimum interior side yard setback for townhouse dwellings at 36.5 m.

The minimum interior side yard depth provided in the revised proposal is 5.8 metres, which is 1.2 metres less than the parent Zoning By-law No. 79-200 and 30.7 metres less than

the Site-Specific Zoning By-law 2022-088. This variance requested is due to the revised location of the townhouse units across the site.

6. *Reduction of Parking Requirement for Apartment and Townhouse Dwelling Units*

The City of Niagara Falls Zoning By-law does not recognize tandem parking (one car in the garage and the other car in the driveway) spaces for block townhouse projects. Section 4.19.1 Table 1 of the parent Zoning By-law No. 79-200 requires a minimum of 1.4 spaces per dwelling units for dwellings containing 3 or more dwelling units save and except an on-street townhouse dwelling. Therefore, 1.4 spaces per apartment dwelling (stacked townhouses) and 1.4 spaces per townhouse dwelling (rear lane and street townhouses) is required in the revised proposal.

The revised proposal proposes 1 space per apartment dwelling unit and 1 space per townhouse dwelling unit; however, the site additionally includes 51 visitor parking spaces throughout, and each unit provides 1 space in the garage and 1 space in the drive, albeit the City does not accept tandem parking as two spaces. The variance requested is to permit 1.1 spaces per apartment dwelling unit and 1.1 spaces per townhouse dwelling unit. The variance requested represents a difference of 0.3 spaces per unit.

5.0 RATIONALE FOR THE VARIANCES

Section 45(1) of the Planning Act authorizes the Committee of Adjustment the authority to grant a minor variance from the provisions of the by-law, in respect of the land, building or structure, or the use thereof, if, in its opinion, it meets the four test tests set out in Section 45(1), namely: (1) they maintain the general intent and purpose of the Official Plan; (2) they maintain the general intent and purpose of the Zoning By-law; (3) they are minor in nature; and (4) they are desirable for the appropriate development and use of the lands. As described below, it is our opinion that the requested variances satisfy these four tests.

5.1 *Test 1 - General Intent and Purpose of the Official Plan*

The subject site is located with the City's *Urban Area Boundary* and is part of the *Built-Up Area* on Schedule A2 (Urban Structure Plan), is designated *Major Commercial* on Schedule A (Future Land Use) and is located alongside an existing Arterial Road (Montrose Road), and adjacent to Queen Elizabeth Way, a 400-series highway, on Schedule C (Major Roads) of the City of Niagara Falls Official Plan ("OP").

In Niagara Falls, the Urban Built-Up Areas are locations within the City that are planned to accommodate growth, intensification, and development. The preamble to the commercial policies (Part 2, Section 3) provides that commercial areas can be strengthened through the introduction or expansion of residential uses to create mixed use areas. Further the OP promotes and encourages residential intensification in order to regenerate the vitality of existing commercial areas.

As well, Official Plan Amendment No. 148 ("OPA 148"), implemented through By-law 2022-087, provided a Site-Specific policy area for the subject site which establishes permissions for the site to redevelop any type of residential use, with a minimum density of 50 units per hectare ("uph") and a maximum density of 75 uph. The revised proposal conforms with OPA 148 because the density for the subject site is 51 uph. This was calculated based on a total of 244 units plus 18 additional dwelling units proposed in the semi-detached units over the net density area of 5.13 hectares, which results in 51 uph, which conforms.

The revised proposed meets the intent of NFOP policies as it intensifies land within the Built-Up Area, will assist the City in meeting its intensification targets, and will provide additional housing choices for residents. Further, the revised proposal conforms with OPA 149 and OPA 162 by providing an additional dwelling unit in the semi-detached units, which provides for a form of housing that meets the varying financial needs of existing and future residents, diversifies the City's housing supply with options for housing tenure, and provides a range of housing types and densities.

In our opinion, the revised proposal represents a very minor departure from what was previously approved, maintains conformity with the general purpose and intent of the City's Official Plan, continues to conform to OPA 148, conforms to OPA 149 and OPA 162, and therefore meets this test under the *Planning Act*.

5.2 Test 2 – General Intent and Purpose of the Zoning By-law

The subject site is zoned Residential Low Density, Group Multiple Dwelling Zone with a Site-Specific exception (R4-1187). The purpose of the R4 Zone is to accommodate low and medium density residential multiple dwelling units. The R4 Zone permits townhouse, apartment, and group dwelling units, with By-law 2022-088 additionally permitting semi-detached dwellings, and the Site-Specific exception (implemented through By-law 2022-088) that applies to the site also created permissions for semi-detached dwellings.

Site-Specific By-law 2022-088 and the previous Minor Variance Application July 2023 also applied several Site-Specific regulations, which now require refinements to accommodate the revised proposal.

The Site-Specific R4 zone that applies to the subject site established provisions based on the previous proposed site layout. However, due to the revised proposal's layout, technical refinements are required to accommodate the revised proposal.

In our opinion, the purpose and intent of the Zoning By-law is to:

- allow additional dwelling units in dwelling types and certain zoned lands that are compatible with the surrounding land uses and to provide for a full range of housing options.
- Require a minimum lot area for townhouses in order to ensure appropriate scale of development and to provide sufficient space for the intended use.
- Require a minimum front yard setback in order to ensure sufficient space in between the townhouse buildings and the abutting property line and/or street.
- Require a minimum rear yard setback in order to ensure sufficient space in between the townhouse buildings and the abutting property line and/or street.
- Require a minimum interior side yard setback in order to ensure sufficient space in between the townhouse buildings to break up building mass and for proper site grading and drainage.
- Require a minimum amount of parking to ensure each site can accommodate the parking need of the intended use.

In our opinion, the proposed variances meet the purpose and intent of the Zoning By-law, since:

- The permission of additional dwelling units in the semi-detached units is compatible with the surrounding land uses, will help achieve the minimum density contemplated in the Official Plan, and provide for a greater range of housing options on site.
- The slight reduction in lot area can still comfortably accommodate the proposed townhouse units with appropriate yards and be at a scale of development that is sufficient for the intended residential use.
- The slight reduction in the front yard setback of 0.2 metres from the Parent Zoning By-law No. 79-200 and 30.2 metres less than the Site-Specific Zoning By-law No.

2022-088 is negligible and will provide for adequate space between the adjacent property line.

- The slight increase in the rear yard setback of 11.3 metres from the Parent Zoning By-law No. 79-200 and the slight reduction of 36.2 metres less than the Site-Specific Zoning By-law No. 2022-088 is negligible and will provide for adequate space between the adjacent property line, including an adequate buffer to the required 14 m MTO buffer area.
- The slight reduction in the interior side yard of 1.2 metres from the Parent Zoning By-law No. 79-200 and 30.7 metres less than the Site-Specific Zoning By-law No. 2022-088 is sufficient and does not create any technical issues related to grading or drainage between the townhouse units.
- Since tandem parking spaces are not counted toward the minimum parking requirement, the reduction in parking is a technical matter, and, as such, it is our opinion that the proposed variance provides sufficient parking on-site and maintains the intent of the Zoning By-law.

Based on the above, it is our opinion that the proposed minor variances maintain the purpose and intent of the Zoning By-law.

5.3 Test 3 – Minor in Nature

The test of “minor” is not intended to be a numerical assessment, but rather an assessment of overall impact. As noted above, the revised proposal is a result of unfeasible and detailed design challenges, which has resulted in several technical modifications and the inclusion of additional dwelling units in the 18 semi-detached dwelling units. The variances requested represent a slight departure from the minimum required townhouse lot area, front yard setback for townhouse units, rear yard setback for townhouse units, interior side yard depth for townhouse units, and minimum parking requirements.

As it relates to the permission of additional dwelling units in the 18 semi-detached units, it is our opinion that the inclusion of the additional dwelling units will not have any negative impacts on the surrounding land uses, contribute to the City’s residential intensification targets and have appropriate regard for the City’s housing policies implemented through OPA 149 and 162. Further, each additional dwelling unit will be supported by 1 parking space as each semi-detached unit is required by Section 4.19.1 Table 1 of Zoning By-law No. 79-200 to have 1 parking space for the semi-detached dwelling and 1 parking space for the additional dwelling unit. This is due to the fact that the semi-detached units

proposed in the revised proposal include 2 parking spaces side-by-side in the driveway and 1 parking space in the garage, theoretically totaling 3 spaces for each semi-detached unit, although the City does not accept tandem parking.

As it relates to minimum lot area, minimum front yard, rear yard and interior side yard setbacks for the townhouses, it is our opinion that these changes will provide for a more efficient plan that includes a greater range of housing options including additional smaller units. Furthermore, the minimum lot area and setbacks were previously required through the Site-Specific Zoning for the site that was based on the original site layout. The revised proposal also retains the 14-metre setback from the QEW.

As it relates to parking, the original approved by Council did not require a reduction in parking, the minimum required parking ratio of 1.4 parking spaces per unit was to be met. In the revised proposal, the new product types slightly change the number of parking spaces that can be accommodated in each unit in a parallel configuration and the Zoning By-law does not recognize the tandem parking spaces for block townhouses.

The revised proposal includes 1 space per apartment dwelling unit and 1 space per townhouse dwelling unit; however, the site provides an additional 51 visitor parking spaces throughout the site, and each unit provides 1 space in the garage and 1 space in the drive, albeit the City does not accept tandem parking as 2 spaces. The variance requested is to permit 1.1 spaces per apartment dwelling unit and 1.1 spaces per townhouse dwelling unit. The variance requested represents a technical difference of 0.3 spaces per unit. However, in our opinion, the proposal provides a surplus of parking given the proposed tandem spaces.

In our opinion, this is minor in nature because each apartment dwelling unit, rear lane townhouse unit and street townhouse unit has 1 parking space in the driveway and 1 parking space in the garage, as well as access to 51 additional visitor parking spaces accessible throughout the site. As noted above, there is no deficiency in the required parking spaces for semi-detached dwellings and the additional dwelling units. Therefore, when considering how many parking spaces are available to residents in the revised proposal, there is a total of 313 spaces, which is only 23 spaces short of what is required in the Zoning By-law. Additionally, if tandem spaces were considered, the revised proposal has a total of 539 parking spaces, which would calculate to a surplus of 203 spaces.

In our opinion, the minor variances would facilitate the redevelopment of the subject site with the permission of additional dwelling units that is compatible with the surrounding land

uses and the other five requested minor variances represent a slight departure from the regulations in the Zoning By-law. In our opinion, the requested variances are minor in nature.

5.4 Test 4 – Desirable for the Appropriate Development or Use of Land

Yes, the requested variances are desirable and appropriate development and use of land. The revised proposal would replace a vacant box store plaza that has now been demolished and introduce residential uses that are compatible with the surrounding area. Further, the revised proposal will effectively result in a new mixed-use area, with the balance of the Mount Carmel Centre to the south of site remaining as a commercial use.

In our opinion, the minor variances would facilitate the redevelopment of the north portion of the subject site for residential uses that are permitted under the City's Official Plan and would result in residential intensification on an underutilized site, creating a mixed-use destination. Further, the revised proposal provides for additional housing options in the neighbourhoods, including housing that meets the varying financial needs of existing and future residents along with providing housing tenure options through the inclusion of additional dwelling units in the semi-detached units.

For the foregoing reasons, it is our opinion that the revised proposal and the requested variances are desirable and appropriate for the development or use of land.

6.0 CONCLUSION

Based on the foregoing analysis, it is our opinion that the requested variances satisfy the four tests set out in Section 45(1) of the Planning Act. These variances meet the intent and purpose of the OP and ZBL, are minor in nature and represent an appropriate use and development of land on the subject site. On this basis, we respectfully recommend that the requested minor variances should be approved.

In support of a complete minor variance application, we are pleased to enclose the following:

1. This covering and planning justification letter.
2. A completed minor variance application form.
3. A revised site plan drawing prepared by Hunt Design Associates Inc., dated April 11, 2024;

4. A pedestrian plan prepared by NAK Design Strategies, dated April 2024; and
5. The required minor variance application fee of \$2,140.00.

I trust the above and the enclosed make for a complete application, and kindly request that you proceed to deem the application. Should you require any additional information or clarification, please do not hesitate to contact the undersigned or Celina Hevesi (chevesi@bousfields.ca) of our office.

Respectfully Submitted,
Bousfields Inc.



David Falletta, MCIP, RPP
Partner

cc. Brandon Rossi, Cassone Dwellings (BT) Inc.