



April 29, 2024
Project No.: 23-214

Review of the Four Tests for a Minor Variance Application Proposed Group Home – 6668 Dawson Street, Niagara Falls

In support of an application for a minor variance for the property at 6668 Dawson Street, Niagara Falls, this report summarizes the review of the minor variance request in consideration of the four tests identified in Section 45(1) of the Planning Act. The tests are as follows:

1. Is the variance minor in nature?
2. Is the variance desirable for the appropriate use of the land?
3. Is the variance consistent with the Official Plan?
4. Is the variance consistent with the Zoning By-law?

The property is zoned Residential Mixed Zone (R3) in the Niagara Falls Zoning By-law No. 79-200. The proposal is to utilize the existing single-detached dwelling as a Group Home Type 1, which is not a permitted use under the R3 zone.

There are two minor variances being requested with this application as follows:

1. The addition of a Group Home Type 1 as a permitted use under Zoning Bylaw Section 7.8.1.
2. An increase in the maximum area of an exterior side yard that can be used for parking from 50 m², as defined under Zoning By-law Section 4.19.3 (a)(iv), to 69.7 m².

Table 1 attached provides a review of the minor variances requested in consideration of the four tests for a minor variance. It is UEM's professional opinion that the minor variances meet the four tests identified under Section 45(1) of the Planning Act. Therefore, it is requested that the Committee of Adjustment and subsequently City of Niagara Falls Council approve the minor variance application.

URBAN & ENVIRONMENTAL MANAGEMENT INC.

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Samantha Beam
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Report Reviewed By:

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Greg Taras, RPP
Senior Planner



Table 1
Review of the Four Tests for a Minor Variance Application
Proposed Group Home – 6668 Dawson Street, Niagara Falls

Four Tests For a Minor Variance	Minor Variance #1: Addition of a Group Home Type 1 as a Permitted Use	Minor Variance #2: Increase in Maximum Area of an Exterior Side Yard Which Can Be Used as Parking Area From 50 m² to 69.7 m²
1. Is the Variance Minor in Nature?	The variance is minor in nature as it is requesting an additional permitted use, a Group Home Type 1, proposed to be carried out in the existing single-detached dwelling. Additionally, the Group Home Type 1 is a permitted use under other similar residential zonings, such as the Residential 1B Density (R1B) and Residential 2 (R2) zones. Adjacent properties located to the north and west of the subject property are zoned R1B and R2 and therefore, the proposed use would be permitted on adjacent properties.	The variance is minor in nature as it is being requested to recognize existing conditions. No physical changes are being proposed to the existing driveway.
2. Is the Variance Desirable for the Appropriate Use of the Land?	The variance is desirable for the appropriate use of the land. As stated above, the proposed Group Home Type 1 use is permitted under the R1B and R2 zones, which are the zones for adjacent properties located to the north and west of the subject property. Therefore, the Group Home Type 1 use is consistent with the permitted use of adjacent properties in the surrounding area. Further, the R3 zone is generally a less restrictive zone than the higher tier Residential zones, including the R1B and R2 zones. Therefore, it would be appropriate for a use permitted in the higher tier Residential zones to also be permitted in the lower tier R3 zone.	This variance is desirable for the appropriate use of the land, because it will allow the dwelling to maintain its existing driveway and meet parking requirements.
3. Is the Variance Consistent with the Official Plan?	The property is designated Residential in the City of Niagara Falls Official Plan. The existing residential use and the proposed Group Home Type 1 use associated with this minor variance application are permitted uses under the Residential designation. Therefore, the minor variance is consistent with the Official Plan.	The proposed parking area variance is consistent with the City of Niagara Falls Official Plan, because it supports the proposed Group Home Type 1. This is a permitted use under the Residential designation.

Four Tests For a Minor Variance	Minor Variance #1: Addition of a Group Home Type 1 as a Permitted Use	Minor Variance #2: Increase in Maximum Area of an Exterior Side Yard Which Can Be Used as Parking Area From 50 m ² to 69.7 m ²
4. Is the Variance Consistent with the Zoning By-law?	<p>The property is zoned Residential Mixed Zone (R3) in accordance with the City of Niagara Falls Comprehensive Zoning By-law 79-200. The R3 zone does not permit a Group Home Type 1 under Section 7.8.1. The minor variance being requested is for the addition of the Group Home Type 1 as a permitted use under the R3 zone. Approval of this minor variance request would allow for the proposed use to be consistent with the Zoning By-law.</p> <p>Additionally, the proposed Group Home Type 1 use is consistent with higher tier Residential zones, including the R1B and R2 zones, which are present in the surrounding neighbourhood immediately north and west of the subject property.</p>	<p>Section 4.19.3 (a)(iv) of the Zoning By-law states that the maximum area of an exterior side yard that can be used for parking area is 67% of the yard up to a maximum of 50 m². The existing driveway is 69.7 m², which exceeds the maximum area of 50 m². However, the driveway is below the maximum percentage of 67%, only being 53% of the exterior side yard. Therefore, it is believed that, although larger than 50 m², the driveway is still an appropriate size in relation to the size of the exterior side yard. Approval of this minor variance would allow the property to maintain its existing driveway without the need for physical alteration.</p>

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