

June 17, 2024

Suzanne Anderson
Secretary-Treasurer to the Committee of Adjustment
City of Niagara Falls
4310 Queen Street
Niagara Falls, ON
L2E 6X5

RE: NPG File #241276 – 4446 Morrison Road, NF – Application for Minor Variance

Dear Ms. Anderson,

NPG Planning Solutions Inc (NPG) has been retained by Ibrahim Khaled to provide independent professional planning advice in support of an application for a Minor Variance (Application) to facilitate the development of a semi-detached dwelling on the lands municipally known as 4446 Morrison Street (Subject Lands) in the City of Niagara Falls.

The Subject Lands are currently vacant with a frontage of approximately 15.2 metres on Morrison Street and a total lot area of approximately 695 square metres in area. The Subject Lands are designated as Residential according to Schedule A – Future Land Use Plan in the City’s Official Plan and designated as Low Density Residential within Schedule A-5 Land Use – Transit Station Secondary Plan Area. The Subject Lands are currently zoned Residential Two Zone (R2) in the City’s Zoning By-law 79-200.

The Application proposes a variance from Section 7.7 of the Niagara Falls Zoning By-law to permit a reduced lot frontage of 15.2 metres, reflecting an existing deficiency, whereas the by-law requires a minimum frontage of 18 metres. This variance is necessary to facilitate the development of a semi-detached dwelling on the lot.

Included as part of this submission are as follows:

- Site Plan – Concept Plan, prepared by NPG Planning Solutions, dated April 23, 2024;
- A cheque in the amount of \$2,140 addressed to the City of Niagara Falls related to Minor Variance Application fees.

Proposed Variance and Analysis of Four Tests

Section 45(1) of the *Planning Act* provides that:

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the

appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

The following is an analysis of the Application for Minor Variance in relation to the four tests of the *Planning Act*.

Variance #1: Section 7.7 – Permit a reduction in minimum lot frontage to 15.2m from 18m

Proposed: 15.2m

Required: 18.0m

Test	Analysis
<p>Is the requested variance minor in nature?</p>	<p>The main consideration in determining whether a variance application is minor is determining the degree of adverse impact that will occur if the variance is granted. If the variance does not produce an unacceptable adverse impact on the neighbours, then it likely meets the test for minor</p> <p>The proposed variance represents an existing 2.8 metre reduction in frontage for the Subject Lands. Despite the reduction, the lot will feature sufficient space for a semi-detached dwelling unit while maintaining all other zoning provisions with access to Morrison Road. No negative impacts to adjacent dwellings are anticipated as a result of the proposed variance.</p>
<p>Is the requested variance desirable for the appropriate development or use of the land, building, or structure?</p>	<p>The Subject lands are designated Residential Use by the City of Niagara Falls Official Plan and are zoned Residential Two (R2).</p> <p>The proposed semi-detached dwelling is a desirable form of development for this area. The proposed variance would facilitate the development of a vacant lot contributing to the diversification of housing stock and provides a compatible and appropriate use of the land. The reduced frontage is existing and does not negatively impact the usability or appearance of the property.</p>
<p>Does the requested variance maintain the general intent and purposes of the By-law?</p>	<p>The intent of the minimum lot frontage requirement is to ensure that properties have adequate street frontage to maintain neighborhood character and functionality. The proposed reduced frontage still provides sufficient space for access, utilities, and streetscape continuity. A semi-detached dwelling can fit on the Subject Lands while still maintaining all other zoning provisions such as yard setbacks and coverage. The Subject Lands currently feature one access point to Morrison</p>

Test	Analysis
	Street. The development concept proposes one shared access for both units to Morrison Street, maintaining safety along Morrison Street.
Does the requested variance maintain the general intent and purpose of the Official Plan?	The proposed variance is consistent with the Official Plan's goals of supporting residential intensification and providing a variety of housing types. The Official Plan encourages efficient use of land and infrastructure, which this variance supports.

4.0 Conclusion

As noted above, the Application complies with Section 45(1) of the Planning Act, as the variances are minor in nature, appropriate for the development of the Subject Lands, and maintain the general intent and purpose of both the Zoning By-law and the Official Plan.

Please provide notice of all meetings and decisions regarding the proposed variance to the undersigned.

Letter prepared by:



Navleen Kaur
 Planning Technician
 NPG Planning Solutions Inc.



Max Fedchyshak, MCIP, RPP
 Intermediate Planner
 NPG Planning Solutions Inc.