

City of Niagara Falls Committee of Adjustment

City of Niagara Falls  
4310 Queen Street  
Niagara Falls, Ontario  
L2E 6X5

August 1st, 2025

DPS File: 24136



**RE: 5340 Forsythe Street**  
City of Niagara Falls  
Minor Variance Application  
Planning Justification Letter

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On behalf of our Client, the property owner of 5340 Forsythe Street, Niagara Falls, hereafter referred to as (the “Subject Property”), we Design Plan Services (“DPS”), are pleased to submit this Planning Justification Letter as part of the subject Committee of Adjustment application for the Subject Property (the “Application”). The Application is currently scheduled to be heard by the Committee of Adjustment (“COA”) on August 19th, 2025.

**Property and Site Description:**

The Subject Property is located in the City of Niagara Falls, and is generally located east of Desson Avenue, north of Ferry Street, west of Magadalen Street, and south of Forsythe Street. The Subject Property is legally described as “Lot 906 Registered Plan 9” in the City of Niagara Falls, and municipally known as 5340 Forsythe Street. The Subject Property is a corner lot with a frontage of 15.24m along Desson Avenue, a lot area of 489.6 sq.m, and a depth of 32.18m. Currently, there is a 1-storey building with living space in the roof line containing two residential units, a detached garage, a detached additional dwelling unit (“ADU”), and two accessory structures on the Subject Property. The surrounding area

consists of mostly single detached dwellings at a height of 1-2 storeys, as well as a place of worship located directly across the street from the Subject Property.

The Subject Property is located near Ferry street which is a designated Arterial Road in the City of Niagara Falls Official Plan. The Subject Property is also in close proximity to public transportation services such as, the Main Street Bus Hub situated within walking distance. This transit hub provides connections to several bus routes, including Lines 101, 102, 103, 103b, 106, 107, and 115.

### **Description of Proposal:**

The Proposal consists of an application to legalize an existing ADU on the Subject Property (the “Proposal”). The ADU is located within the exterior side yard of the Subject Property, it is rectangular in shape, with a height of 2.9m, a width of 12.17m, and a depth of 2.48m. The Subject Property is designated “Tourist Commercial” in the City of Niagara Falls Official Plan, and is zoned “Deferred Tourist Commercial Zone” in the City of Niagara Falls Zoning By-law 79-200 (the “By-law”).

### **Consultation and Comments Received:**

Before addressing the requested variances, I would like to note that we have obtained signatures of support from seven neighbouring residents in the area. Also, at the time of writing this letter, we are not aware of any objections to this proposal from surrounding neighbours.

### **Justification for Variances:**

#### **Variance #1 – Maximum Lot Coverage**

Variance 1 pertains to the proposed lot coverage. The total lot coverage for all structures on the Subject Property is 46%, which represents a minor increase of just 1% over the maximum permitted coverage of 45%. Despite this minor increase, the Proposal maintains 54% of the lot as landscaped open space, which exceeds the minimum requirement of 30%. The requested variance is minor in nature, as it only slightly exceeds the minimum requirement and does not result in any impacts over and above what the By-law already contemplates.

#### **Variance #2 – Parking and Access Requirements**

Variance 2 pertains to the required number of parking spaces. While the By-law requires three parking spaces, the Proposal provides one space. It is important to clarify that the existing driveway is situated within the municipal boulevard and therefore is not counted toward the parking requirement. If the driveway were located within the Subject Property

boundaries, this variance would be eliminated as there would be space for three parking spaces. Further, this is an existing condition of the Subject Property that is being maintained and based on information provided by the owner, this has existed for a number of years. As noted earlier, the Subject Property is located near Ferry Street, a designated Arterial road in the City of Niagara Falls Official Plan, and is within walking distance of the Main Street Bus Hub, which provides access to several transit routes (101, 102, 103, 103B, 106, 107, and 115). This proximity to public transportation contributes to reducing the need for on-site parking. Additionally, there are other dwellings in the area with driveways that are mostly or entirely within the municipal boulevard and those appear to be used for the parking of vehicles. Given these considerations, the proposed reduction in required parking, which is an existing condition, will have little to no impact further than what the By-law contemplates.

#### **Variance #3 and #4 – Accessory Building Side Yard Setback**

Variances 3 and 4 both pertain to the side yard setback of the ADU. The ADU is located 2.14 m from the side lot line abutting the street line onto Forsythe Street, whereas the By-law requires a minimum side yard setback of 4.5 metres. The proposed side yard setback of the ADU will align with the existing setback to Forsythe Street of the dwelling on the Subject Property. Further, there is vegetation and plantings along the lot line that abuts Forsythe Street, which will serve to mitigate impacts associated with the reduced side yard setback of the ADU. As such, the proposed reduced side yard setback to the ADU will have little to no impact further than what the By-law contemplates.

#### **Variance #5 – Lot Coverage of Accessory Structures**

Variance 5 relates to the total lot coverage of all accessory structures on the Subject Property. The By-law permits a maximum lot coverage of 73.44 sq.m for accessory structures on the Subject Property. The accessory structures, which includes two sheds, a detached garage, and the ADU, cover approximately 18.6% of the lot, or 90.71 sq.m. As noted above, despite this increase in lot coverage, the Proposal maintains 54% of the lot as landscaped open space. Additionally, all accessory structures comply with the maximum height, wall height, and minimum setback requirements, save and except for the reduced side yard setback of the ADU to Forsythe Street. The proposed lot coverage of all accessory structures is not an overdevelopment of the lot and will have little to no impacts than what the By-law already contemplates.

## **Conclusion**

Based on the provided justification, it is my professional opinion that this proposal fits in with both the existing and planned context for the area, represents good planning, and that the proposed minor variances meet the four-tests under Section 45(1) of the Planning Act.

Should you have any questions or concerns regarding the above, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'DI', with a long, sweeping horizontal line extending to the right.

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David Igelman, BURPL, MCIP, RPP  
Associate

DESIGN PLAN SERVICES INC.

Encl.

DI/ad