

April 1, 2025  
*Via Email Only*

**16473059 Canada Ltd**  
C/O Palazzo Royale Real Estate Group Ltd  
7 Linhaven Court  
St Catharines

**RE: 6353 Carlton Avenue, Niagara Falls  
Minor Variance Planning Rationale**

---

**Landwise** been retained by Palazzo Royale Real Estate Group, landowners, to prepare the following Planning Rationale letter to support a Minor Variance Application for the purpose of facilitating a Draft Plan of Vacant Land Condominium at 6353 Carlton Avenue in the City of Niagara Falls (“subject lands”). This letter contains a description of the property, an overview of applicable planning policies, and a planning opinion on the requested Minor Variances.

The landowners had begun the Pre-Consultation process with the City of Niagara Falls (Pre-Con file # PLPCA20250010; Municipal File # PC-2025-001), where zoning staff had issued comments regarding the zoning provisions and the proposed development on the subject lands. A number of non-conformities were identified by zoning staff provided via a Zoning Comments Memo (February 18, 2025). An additional concept has been developed since the Pre-Consultation meeting. This letter is based on a plans dated April 2, 2025, by Kailash Patel Architects Inc Architectural Plans & Consulting.

### **Description of Subject Lands**

6353 Carlton Avenue is irregular in shape with a total lot area of  $\pm 1.19$  ha (2.94 ac) and approximate lot frontage of 62.41 m (204.74 ft) along Carlton Avenue. The subject lands are currently vacant except for an asphalt driveway access, surface parking lot, and several trees and shrubs. The subject lands were previously occupied by a single detached dwelling, greenhouse structures, and accessory buildings, which were removed sometime between 2018 and 2020 based on Niagara Navigator interactive mapping.

### **Planning Status**

#### **2022 Niagara Official Plan (Region)**

The *2022 Niagara Official Plan*, Schedule A - Regional Structure identifies 6353 Carlton Avenue in the “Built-Up Area” within the Urban Area known as the City of Niagara Falls.

Built-Up Areas are areas within the Region that are to be the focus for residential redevelopment and intensification.

### **City of Niagara Falls Official Plan**

The *City of Niagara Falls Official Plan* designates the subject lands “Residential” (Schedule A - Future Land Use), and Carlton Avenue is classified as a “Local Road” (Schedule C - Major Roads Plan). Residential areas are intended to provide a wide range of housing types and densities, along with compatible land uses to serve local area residents.

### **City of Niagara Falls Zoning By-Law No. 79-200**

The subject lands are zoned Residential Low Density, Group Multiple Dwelling (R4) Zone with Special Exception 1106 in the *City of Niagara Falls Zoning By-Law No. 79-200*. The zone has been further amended by Committee of Adjustment Application No. A-2021-029. The R4 Zone permitted uses include townhouse dwelling units, stacked townhouse dwelling units, and group dwellings. Special Exception 1106 permits the use of the lands for a certain number of townhouse dwelling units with site-specific provisions pertaining to yard width and depths, lot coverage, and prohibits the use of apartment dwelling.

### **Proposal**

The subject lands require relief from the *City of Niagara Falls Zoning By-Law No. 79-200* zoning provisions to facilitate a townhouse development, implemented through a Draft Plan of Vacant Land Condominium. The proposed development consists of seven 3-storey stacked townhouse blocks containing 55 dwelling units. Additional Dwelling Units (ADUs) are proposed within certain townhouse dwelling units, for an additional 54 ADUs. The proposed development is planned to be supported by 140 parking spaces.

### **Nature and extent of relief applied for:**

Relief from the R4-1106 Zone requirements is requested to address the non-conformities identified by zoning staff, in their Zoning Comments Memo dated February 18, 2025, and based on revisions to the proposed development. Five Minor Variances are being sought from the *City of Niagara Falls Zoning By-Law No. 79-200*. The Minor Variances requested are as follows:

	<b><u>Zoning By-Law 79-200</u></b>	<b><u>Purpose</u></b>
1	7.9.2 (a) (i) and (ii), 7.9.3 (a) <i>Minimum Lot Area</i>	To allow a sum of the minimum total lot area for townhouse dwellings of 11,900 m <sup>2</sup> .
2	7.9.2 (c) (i) <i>Minimum Front Yard Depth</i>	To allow a minimum front yard depth for a townhouse dwelling of 4.4 m, whereas a minimum front yard depth of 6.0 m is required.

<b>3</b>	7.9.2 (h) <i>Maximum Building Height</i>	To allow a maximum height of building or structure of 13.0 m, whereas a maximum height of building or structure of 10.0 m is required.
<b>4</b>	7.9.2 (n) <i>Minimum Privacy Yard Depth</i>	To allow a minimum privacy yard depth of 6.1 m for each townhouse dwelling unit along the entire north and south property lines, whereas a minimum privacy yard depth of 6.3 m is required for each townhouse dwelling unit along the entire north and south property lines.
<b>5</b>	7.9.2 (n) <i>Minimum Privacy Yard Depth</i>	To allow a minimum privacy yard depth of 6.0 m for each townhouse dwelling unit along all other property lines, whereas a minimum privacy yard depth of 7.5 m is required for each townhouse dwelling unit along all other property lines.

**Planning Rationale to Support the Variances:**

**Overall Conformity to the City of Niagara Falls Official Plan**

The *City of Niagara Falls Official Plan* designates the subject lands “Residential” on Schedule A - Future Land Use. Permitted uses within this designation include single detached and semi-detached dwellings, duplexes, triplexes, quadruplexes, townhouses, apartments, group homes and other forms of residential accommodation.

The existing built form surrounding the subject lands features residential uses ranging from single-detached dwellings to townhouses, institutional uses, and open space. The proposed development respects the low-density built form of the existing residential uses to the east, south, and west by providing a compatible residential built form.

Additionally, the subject lands have access to existing municipal water servicing, sanitary, and stormwater systems, and have frontage on a public road (Carlton Avenue). Based on the foregoing, the requested minor variances maintain the intent of the *City of Niagara Falls Official Plan*.

**VARIANCE 1. To allow a sum of the minimum lot area for townhouse dwellings and stacked townhouse dwellings of 11,900 m<sup>2</sup>,**

*Why is it not possible to comply with the provision of the by-law?*

The requested variance is to permit a lot area of 11,901 m<sup>2</sup> which is an existing site condition.

**Planning Rationale to Support the Variance:**

The intent of the minimum lot area provision is to ensure sufficient space for the proposed units, parking and amenity area provisions. The proposed development incorporates

sufficient on-site parking for all proposed units and surface parking spaces. Additionally, the proposed site design includes the provision of both private (balconies) and communal amenity areas. The proposed setbacks to the side and rear lot lines provide sufficient area for access, amenity, and landscaped area.

The proposed variance recognizes the existing lot size, and the proposed site layout demonstrates the existing lot can sufficiently provide the required parking and amenity areas required for the intended residents.

The requested variance is desirable for the comprehensive development of the subject lands, meets the intent of the Niagara Official Plan, City of Niagara Falls Official Plan and the City of Niagara Falls Zoning By-law No. 79-200.

**VARIANCE 2. To allow a minimum front yard depth for a townhouse dwelling of 4.4 m, whereas a minimum front yard depth of 6.0 m is required.**

*Why is it not possible to comply with the provision of the by-law?*

The requested variance is to reduce the front yard depth to 4.4 m to bring the proposed street townhouse dwellings closer to Carlton Avenue. The proposed townhouse units will be accessed from Carlton Avenue with individual units facing an internal private driveway.

*Planning Rationale to Support the Variance:*

The general intent of the Zoning By-law of the minimum front yard is to provide sufficient depth for access and parking. The individual street townhouse dwellings front onto and are accessed from an internal private driveway. The front yard functions as a side yard for the purposes of this development.

The requested variance is desirable for the comprehensive development of the subject lands, meets the intent of the Niagara Official Plan, City of Niagara Falls Official Plan, and the City of Niagara Falls Zoning By-law No. 79-200.

**VARIANCE 3. To allow a maximum height of building or structure of 13.0 m, whereas a maximum height of building or structure of 10.0 m is permitted.**

*Why is it not possible to comply with the provision of the by-law?*

The requested variance is to enable the development of street townhouse dwellings that incorporate additional dwelling units. The additional height allows for a street townhouse dwelling that incorporates family friendly units (3 bedrooms) together with an additional dwelling unit in an attic.

*Planning Rationale to Support the Variance:*

The general intent of the Zoning By-law of the maximum building height is to allow residential developments that are compatible with the surrounding area. The City of Niagara Falls

Official Plan allows a building height of four storeys in the Residential designation and the proposed height falls within those permissions. The additional height allows for the development of family friendly townhouse units and additional dwelling units.

The requested variance is desirable for the comprehensive development of the subject lands, meets the intent of the Niagara Official Plan, City of Niagara Falls Official Plan and the City of Niagara Falls Zoning By-law No. 79-200.

**VARIANCE 4. To allow a minimum privacy yard depth of 6.1 m for each townhouse dwelling unit along the entire north and south property lines, whereas a minimum privacy yard depth of 6.3 m is required for each townhouse dwelling unit along the entire north and south property lines.**

**VARIANCE 5. To allow a minimum privacy yard depth of 6.0 m for each townhouse dwelling unit along all other property lines, whereas a minimum privacy yard depth of 7.5 m is required for each townhouse dwelling unit along all other property lines.**

*Why is it not possible to comply with the provision of the by-law?*

The requested variance enables the development of street townhouse dwellings with the necessary parking and amenity area provisions.

*Planning Rationale to Support the Variance:*

The general intent of the Zoning By-law regarding minimum privacy yard depth is to ensure that residents have sufficient amenity area and appropriate area for drainage purposes. The proposed development incorporates private (balconies) and communal amenity area, and the proposed reduction maintains an appropriate separation to the abutting low density residential uses.

The requested variance is desirable for the comprehensive development of the subject lands, meets the intent of the Niagara Official Plan, City of Niagara Falls Official Plan, and the City of Niagara Falls Zoning By-law No. 79-200.

### Conclusion

The variances requested facilitate the appropriate development of an existing underutilized property, adding to the mixture of housing types in the area in a compatible form. The development contemplates accessible additional dwelling units that will provide much needed rental housing options for the area. The proposed variances allow for the development of family friendly units and additional dwelling units while providing sufficient on-site parking and amenity area.



In consideration of the overall context, Landwise is of the opinion that the variances are minor in nature, desirable for the appropriate use of the lands, maintain the general intent of the Official Plan and Zoning By-law, and represent good land use planning.

Respectfully Submitted,  
**Landwise**



**Edward John, B.A., M.A., MRTPI**  
Partner / Principal Planner