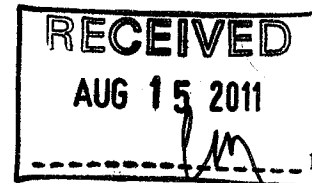


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The Town of Niagara-On-The-Lake



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August 11, 2011

REPORT TO: Niagara-on-the-Lake Committee of Adjustment

SUBJECT: Minor variance application A-32/11,
16 Wilberforce Avenue, Town of Niagara-on-the-Lake

RECOMMENDATION:

The Planning and Development Services Department recommend approval of requested Minor Variance application A-32/11 for the increase in height for the proposed new single detached dwelling subject to an Urban Design review by staff.

PROPOSAL:

The applicant proposes to construct a dwelling on the subject property. To accommodate the proposal, variances are requested for the property zoned "Old Town Community Zoning District – Established Residential (ER2)" as follows:

1. Building height (peak) from the average existing building height within the same block face, 6.12 metres (20.08 ft), as permitted in the Zoning By-law, to 9.75 (31.99 ft) metres, as amended, for the proposed dwelling.

Official Plan Designation:

Low Density Residential
Adjacent land uses:
Residential uses

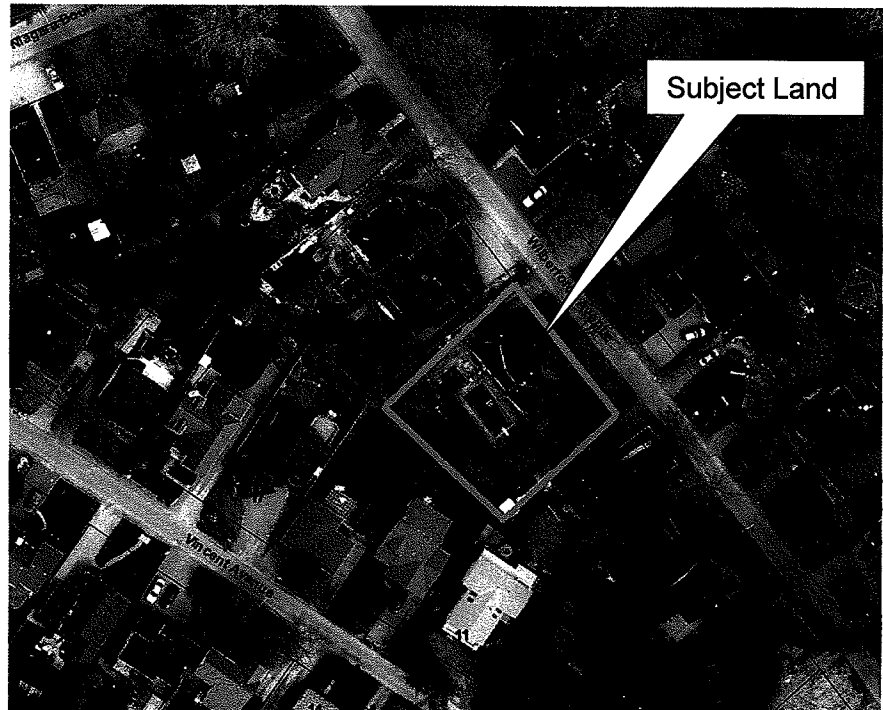
**Comprehensive Zoning
By-law 4316-09**

"Old Town Community Zoning District – Established Residential (ER2)", which permits a single detached dwelling on the subject property.

PLANNING COMMENTS:

Background:

The subject lot is located on the southwest side of Wilberforce Avenue. The lot has a frontage of 30.48 m (100 ft) as the property was previously a double lot that has had deemed as a single building lot. The lot is



irregular in shape with an area of 950.7 sm (10,233.58 sf) reducing in width towards Circle Street. Currently, there is an existing ranch style single storey house with an attached carport on the lot.



16 Wilberforce Avenue



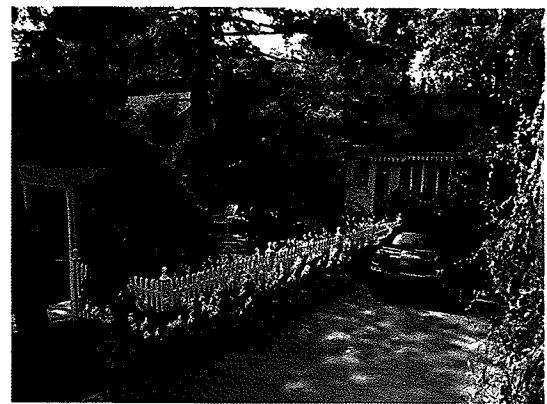
18 Wilberforce Avenue



20 Wilberforce Avenue



22 Wilberforce Avenue



14 Wilberforce Avenue

Analysis:

1. Is the variance minor from the provisions of the By-law?

The average existing building height on the Block Face from Circle Street to Niagara Boulevard where the subject property is located has been determined to be 6.12 m

(20.08 ft). There are a number of small cottages that brings the average height to 6.12 m although the proposed house will be of similar height as the houses immediately to the north. The proposed dwelling has varying heights with the center portion being the highest. The one storey heights at each end of the dwelling help to integrate it with other houses on the street as well as provide architectural interest to mitigate the impact of its size.

The house has been designed to fit appropriately on the large double sized lot and will have a similar setback from the street as other houses along the block face. The proposed dwelling is centered on the lot to provide adequate setback from the adjacent properties.

Based on a review of aerial photos and using the heights provided for the existing dwellings, the approximate massing and scale of the proposed dwelling was created to determine whether the proposed dwelling is compatible with the existing block face. The massing and scale of the proposed dwelling is shown with respect to the existing dwellings on the Block Face and in this case can be considered appropriate.

Wilberforce Streetscape



Based on the above, the variance can be considered minor in nature.

2. Is the variance appropriate for the development of the land?

The Chautauqua neighborhood is comprised of a variety of residential dwelling styles including bungalows, 1½ stories and 2 stories ranging from older cottages to newly constructed dwellings. The variety of housing styles, the mature trees throughout the neighbourhood and the streets being a semi-urban standard without curb and gutter provide desirable streetscapes throughout the neighbourhood. On Wilberforce Avenue, the house heights tend to progressively increase from small one storey cottages of varying age and styles at the Circle Street end to two storey original late 19th century Chautauqua cottages at the Niagara Boulevard end. The proposed house will be of similar height as the houses immediately to the north and will step down to the southeast to a one storey which will help it to integrate with the single storey cottages towards Circle Street.

The proposed dwelling's varying heights will help it to integrate it with other houses on the street and will provide architectural interest. The proposed dwelling meets all other requirements of the Zoning By-law with respect to setbacks and lot coverage and as such the variance can be considered compatible with the streetscape and neighbourhood.

The requested variance will not adversely affect the use of the property for residential purposes and will not adversely impact the general character of the surrounding residential area as there are mature trees and a variety of dwelling styles throughout the neighbourhood.

Therefore, it is appropriate for the development of the land.

3. Are the general intent and purpose of the By-law maintained?

The objective of applying contextual zoning standards within Established Residential zones in the Zoning Bylaw is to ensure development is compatible with the adjacent properties and is not out of character with the streetscape. In this instance, the massing, scale and dwelling style will be compatible with the character of the streetscape and the neighbourhood.

An Urban Design review by staff will ensure that the design details integrate with the character of the neighbourhood.

Therefore, the general intent of the by-law is being maintained.

4. Are the general intent and purpose of the Official Plan maintained?

The general intent of the Official Plan is to ensure that new housing development is compatible with surrounding land uses, efficiently utilizes existing vacant land and public infrastructure, is well designed and preserves neighborhood character. In this particular neighborhood, the requested variance is suitable for the development of the property, and as such meet the general intent and purpose of the Official Plan.

Circulation comments:

The application was circulated and the following comments were received.

Urban Design

The existing house on the lot at 16 Wilberforce Avenue is a ranch style single storey structure with attached carport. It is in generally poor condition. The applicant is proposing to construct a 2 storey house with a one storey wing on the southeast side of the building and a one storey single car garage on the northwest side.

The series of houses immediate to the north of the proposed house on Wilberforce Avenue are respectively 7.92m 9.89 and 9.05 feet in height and are set close to the street. Two of the houses at 22 and 18 Wilberforce are original late 19th century Chautauqua cottages. The house at 20 Wilberforce is new; but is similar in height, mass and scale to the other 2 houses and has been designed to reflect of their architectural details. Other houses further along the street to the south are much smaller and are predominantly one storey cottages of varying age and style.

The proposed house will be of similar height as the houses immediately to the north and will step down to the south to a one storey garage which will help it to integrate with the single storey cottages to the southeast. The house has been designed to fit appropriately on the double lot and will have a similar setback from the street as other

houses along the block face. Its varying heights will help it to integrate with other houses on the street, will provide architectural interest and will mitigate the impact of its size.

In order to improve its integration into the streetscape, exterior materials should reflect those of the original Chautauqua cottages at 22 and 18 Wilberforce and across the street at 490 Niagara Boulevard. They should be a combination of smooth clapboard and cedar style shingles.

Public Works, Building Services and Niagara Peninsula Conservation Authority

No objection to the minor variance request.

Conclusion:

It is the opinion of Town Planning staff that requested variance meets the tests for a Minor Variance as outlined by the Planning Act being that:

- 1) the variance is minor in nature from the provisions of the By-law;
- 2) the variance is appropriate for the development of the land;
- 3) the general intent and purpose of the By-law is maintained; and
- 4) the general intent and purpose of the Official Plan is maintained;

Recommendation:

The Planning and Development Services Department recommend approval of requested Minor variance for application A-32/11 to increase the maximum height of the proposed dwelling to 9.75 m (31.99 ft) to the peak of roof subject to an Urban Design review by staff.

Written by:



Lola Emberson,
Development Coordinator, Planner II