

2025 04 07

Planning and Building Services  
City of Niagara Falls  
P.O. Box 1023  
4310 Queen Street  
Niagara Falls, ON L2E 6X5

Attn: **Abraham Russom, Secretary-Treasurer, Committee of Adjustment**  
Re: **4431-4455 Queen Street – Minor Variance Application**  
**Planning Justification Brief**

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Dear Mr. Russom,

Please find the enclosed application for minor variance for the above referenced property. The application requests approval of minor variances to permit residential units through a conversion of the back of the existing building as well as a single storey vertical addition at 4431-4455 Queen Street. Requested variances include:

- To permit residential units at grade level
- To increase the maximum percentage of residential floor area in a building with commercial units from 75% to 84% of the total floor area
- To permit an increase in the maximum building height from 12m to 13.5m.

The subject property is situated in the Downtown Node of Niagara Falls, between St. Clair Avenue and Ontario Avenue (Figure 1). It is currently occupied by a two-storey commercial building and is surrounded by a mix of land uses (Figure 2). To the north, there is a municipal parking lot and single detached homes. To the east, the area consists of commercial offices and retail spaces. To the south, the surroundings include mixed-use buildings, a parking lot, apartments, and single detached homes, while the west also features mixed-use developments. This diverse urban context reflects the area's evolving character, making it an ideal location for intensification.

The subject site is designated **Protected Major Transit Station Area and Regional Growth Centre** in the Niagara Region Official Plan, **Mixed Use 1 Downtown** in the Transit Station Secondary Plan Area, **Major Commercial** in the Official (Niagara Falls) Plan and is zoned **Central Business Commercial Zone (CB)** in the Zoning By-law.



Figure 1: Subject Site, Niagara Navigator, 2023 Aerial Image



Figure 2: Existing Commercial Use, Image

### **The Proposed Development**

The owner wishes to convert the rear portion of the existing commercial building and the second floor into residential units while adding a third storey with a sloped roof to the existing two-storey structure. In total, 39 residential units are proposed, including 7 ground-floor units at the rear, accessible via a private right-of-way. The ground-floor commercial space will be retained along Queen Street, ensuring an active frontage. (Figures 3 & 4)

This proposal makes more efficient use of an underutilized building while maintaining its existing footprint. The addition of residential units support local businesses, contribute to housing supply, and align with the City's broader intensification goals. This development also responds to Niagara Falls housing demand,

particularly with the growth of the University of Niagara Falls located across the street. Given the site's proximity to transit, a 3-minute walk to the nearest bus stop and a 6-minute walk to the GO Station, this proposal promotes walkability, reduced car dependency, and improved accessibility for residents.

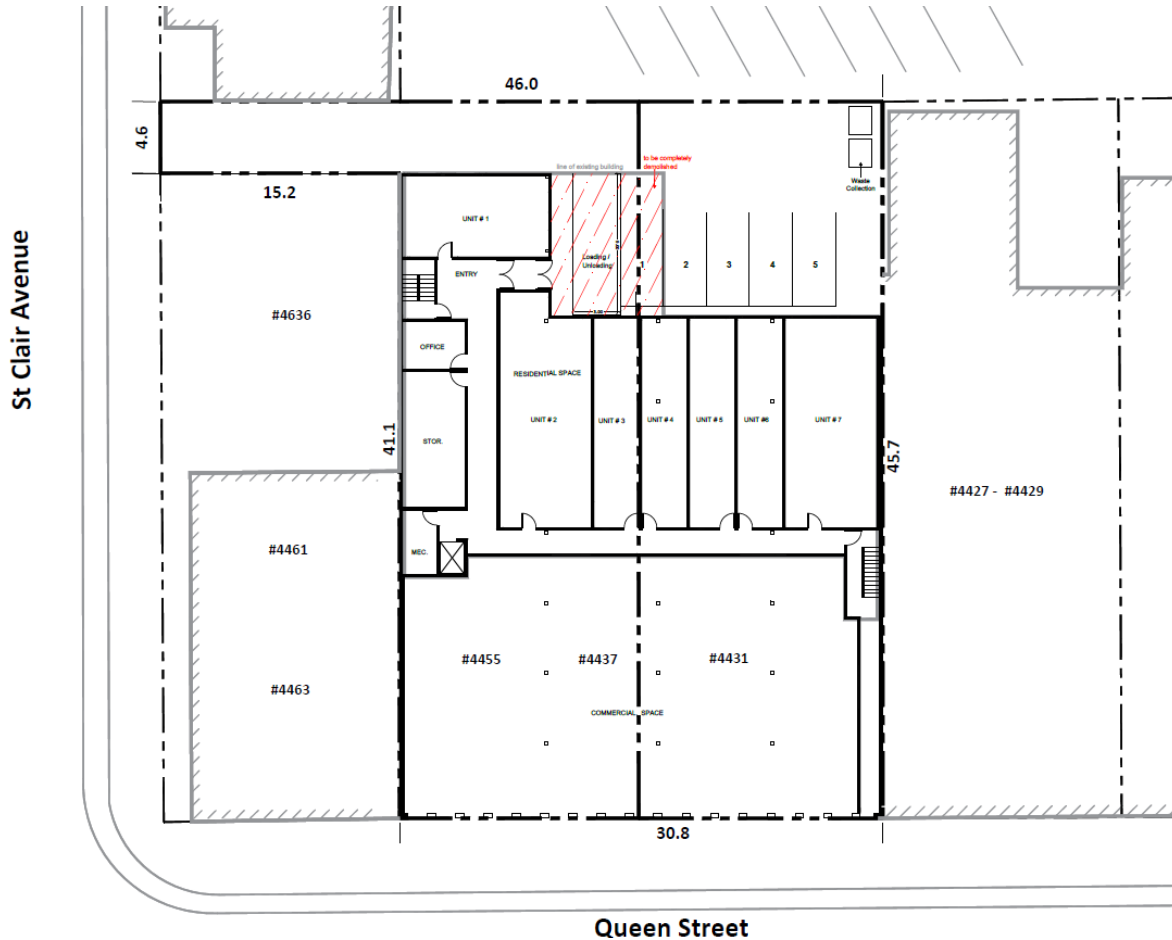


Figure 3: Proposed Site Sketch, Better Neighbourhoods Inc.



QUEEN STREET FACADE

Figure 4: Proposed Elevation Sketch

## **Provincial and Regional Policy Review**

A comprehensive review of planning policy has examined the context and merits of the application for minor variances. Support for the proposed development is found in the relevant policies that follow.

The *Planning Act* promotes sustainable economic development in a healthy natural environment within the means provided and led by Provincial policy and to encourage cooperation and coordination among various interests (sub. 1.1). Section 2 of the Act addresses matters of Provincial interest and requires municipal Councils to have regard to, among other matters, the efficient use of transportation, sewage and water services; the orderly development of safe and healthy communities; adequate provision of a full range of housing; protection of public health and safety; appropriate location of growth and development; promotion of development that is designed to be sustainable, support public transit and to be oriented to pedestrians and; promotion of built form that is well designed and encourages a sense of place.

The *Provincial Policy Statement* (PPS, 2024) and Regional (Official Plan) policies encourage regeneration, growth, and intensification in existing settlement areas where services already exist and in major transit station areas. A more compact urban form is recommended to make better use of available land resources and relieve pressure from lands designated greenfield or environmentally sensitive. Policies also encourage development that supports active transportation. Regional policies further encourage diversity of housing that visually enhances the streetscape and improves safety within the public realm through attractive urban design. The PPS specifically encourages the redevelopment and intensification underutilized commercial and for residential use, the development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units for the achievement of complete communities.

The proposal is situated within an established settlement area, leveraging existing services to deliver new housing more efficiently in an underutilized commercial building. Approval of the variances will introduce 39 dwelling units of varying sizes and layouts to the neighbourhood, contributing to intensification and compact urban form policies. Its strategic location near a major transit station, Downtown Niagara Falls, commercial hubs, employment and institutional uses, and public service facilities makes it a logical site for growth. The proposed redevelopment does not impact any ecologically sensitive or key natural heritage features and minimizes land waste by making far more efficient use of existing finite urban land. The applications support a compact built form and an enhanced streetscape through thoughtful urban design, fostering diversity, attractiveness, and a strong sense of place with architecture that prioritizes people over vehicle parking.

Accordingly, the proposal is supported by Provincial and Regional policies.

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

The following goals and objectives of the local Official Plan have regard to regional and provincial policies and are applicable to the proposed development.

The site is designated **Major Commercial** in the Official Plan and **Mixed Use 1 Downtown** in the Transit Station Secondary Plan Area. The proposed uses are permitted in the Official Plan.

## **Part 1 Plan Overview and Strategic Directions**

### **Section 3 Intensification**

#### **3.12 Within the Downtown Node:**

- *a 4 storey height shall be permitted within the Zoning By-law as this respects the existing built form and also allows for a degree of intensification;*
- *additional building height may be allocated in accordance with Schedule A-2(a);*
- *residential uses may develop as part of a multiple use building or as stand-alone buildings; and*
- *intensification and redevelopment in the eastern and western gateways is encouraged to be designed in a manner that creates a sense of arrival and also improves connections to the Downtown.*

The proposed 3-storey building height of 13.5m does not exceed the 4-storey limit permitted in the Downtown Node, aligning with the intent to support appropriate intensification. The additional height accommodates a sloped roof without increasing the number of storeys, ensuring compatibility with the existing built form.

#### *General Policies for the Downtown and Drummondville Nodes*

#### **3.14 In order to support the revitalization and redevelopment of Downtown and Drummondville nodes, Council shall**

- *facilitate development and improvement so that these nodes become a focus for retail and commercial re-development and residential intensification;*
- *promote development that builds on the unique features and heritage aspects of the nodes;*

The proposed development seeks to redevelop an oversized commercial building, by adding residential units at the back and in 2-storeys above, thereby adding residential intensification and making the commercial space more economically viable. The proposed façade along Queen Street will retain its flat-roof appearance and architectural elements, reinforcing the heritage character and unique features of the downtown corridor.

#### **3.14.1 New development shall respect the existing built form**

- *a built form that provides street frontage buildings with setbacks that are consistent with adjacent properties and parking located behind buildings is encouraged;*
- *all new buildings and developments shall be oriented to, and located to frame, the abutting streets and create a continuous street edge;*
- *Surface parking shall be located in the rear yard and appropriately buffered from the street;*

The proposed development makes use of an existing building, maintaining an established and continuous street edge, which is consistent with adjacent properties along Queen Street. Surface parking is provided in the rear yard of the property, accessed via a right-of-way.

### **Section 4 Housing**

*4.3 Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. To achieve this goal, the City shall support development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.*



The proposed development aims to transform an underutilized commercial space by introducing residential units, fostering a neighbourhood where daily amenities can be within a convenient walking distance. Additionally, these units will accommodate students attending the University of Niagara, located less than a five-minute walk away. With its proximity to the GO station, the development also permits interregional connectivity without the need of a vehicle.

## **Part 2 Land Use Policies**

### **Section 3 Commercial**

*3.2.1 Major Commercial Districts represent the largest concentrations of commercial space. The predominant land uses include a full range of retail outlets, personal service shop, accommodations, medical services, and office space to serve the needs of the entire market population and may include mixed use developments, recreational, community and cultural facilities as secondary uses. In addition, residential projects may be permitted.*

The proposed development provides commercial space at grade level with a floor area that is economically viable. Residential units are also introduced, which supports the City's housing targets and increases patronage to the local businesses.

## **Part 5 Secondary Plans**

### **Section 2 Transit Station Secondary Plan**

#### **2.4 Mixed Use 1**

*2.4.1 The planned function of the Mixed Use 1 designation is to provide opportunities for mixed use development in a high-density format. Uses can be mixed across a parcel or mixed within a building. Commercial, office, institutional uses that enliven the street should be located on the ground floor of buildings close to the front property line to help frame and animate the street. Structured parking is encouraged. Surface parking should be located at the rear of buildings to prioritize orientation of building frontages along the street.*

#### **2.4.2 Permitted uses include:**

- *Commercial uses such as a full range of personal and professional service commercial uses, office, retail uses except for large format retail, and may include recreational, community and cultural facilities as secondary uses.*
- *Medium and high density apartments in accordance with the height provisions of Schedule A-2(a).*

*2.4.3 Residential development within the mixed use buildings should attain a minimum net density of 50 units per hectare.*

*2.4.4 The Mixed Use 1 designation includes the City's historic downtown and adjacent main street areas. Development within these areas is intended to be located along downtown streets where a mix of different uses could be located at the street level including commercial or office type uses. The policies allow flexibility in terms of which uses are located at the street level and accommodates a mix of uses within a single building or within multiple buildings throughout an area. Development shall be characterized by buildings that provide a defined street wall and are proportional to the width of the street.*

A mix of uses is proposed, aligning with intent of the Mixed Use 1 designation of the Secondary Plan. Ground level commercial located close to the sidewalk frames the street and will foster street level

animation that is desperately needed on Queen Street. Residential units at the back and above is well beyond the minimum net density of 50 units per hectare. The proposed development includes a 1 storey addition, totalling 3 storeys which is in accordance with the height provisions of Schedule A-2(a) and is appropriate relative to the width of the street.

### **Minor Variances Tests (The Planning Act, RSO 1990)**

The minor variances are considered appropriate and meet the four tests as outlined in Section 45(1) of the Planning Act as follows:

#### **1. Is the application minor in nature?**

##### Residential Uses at Grade

In the Central Business Commercial zone, dwelling units are permitted if they are within a building with commercial units provided that the residential units are restricted to the upper levels of the building. A variance is necessary to permit residential units at grade level. The purpose of the zoning provision is presumably to promote street-level interaction between the retail uses and the public realm, increase walkability to daily amenities located directly off a public sidewalk, and because commercial uses function better when located at-grade. Residential units typically do not achieve this degree of street activation on a commercial corridor due to their private nature. In the case of the proposed development, the residential units would be located at the back of the building accessed via a private right-of-way. The rear of the building also provides the residential units with a degree of privacy that is not offered on Queen Street. The use would not disturb the intended goal of street-level activation on Queen Street. The variance will not adversely impact the surrounding neighbourhood and is considered minor in nature.

##### Increase the maximum permitted area of residential use relative to commercial use

The zoning by-law limits residential uses to 75% of the total floor area of buildings with commercial uses. The proposed residential units would result in 84% of the building being dedicated to residential uses. The purpose of the zoning provision is presumably to ensure that commercial uses are prioritized along Queen Street. A 9% increase accounts for approximately 2800 square feet of residential space, which is roughly 4-5 residential units. Since several units are being added to the back of the building, the 9% increase wouldn't be noticeable along Queen Street. Also since there is no parking requirement for this zone, the increase in residential space would not result in greater traffic to the area. In fact, the additional units positively impact the neighbourhood by facilitating increased patronage to nearby businesses as well as needed housing for students at the University of Niagara. The variance is considered minor in nature.

##### Increase the maximum permitted building height

The proposed development seeks a minor variance to increase the maximum building height from 12.0m to 13.5m to accommodate a sloped roof as part of a third-storey addition. While the building remains three storeys, the height increase is necessary to support the roofs structural stability, insulation, and architectural continuity. The flat-style roof, sloping gently toward the rear yard, ensures proper drainage and minimizes visual impact along Queen Street, preserving the flat-roof appearance in keeping with the existing heritage character along the downtown corridor. This variance supports additional residential units that contribute to the City's housing goals while aligning with intensification and urban growth policies. The height allowance also provides a precautionary buffer for minor floor thickness adjustments at the permit stage, avoiding the need for further approvals. As it maintains compatibility with the surrounding context and enhances the building's design, the variance can be considered both appropriate and minor in nature.

## **2. Is it appropriate and desirable development for the area?**

The proposal integrates strong urban design principles, enhancing diversity and expanding housing options within the neighborhood. The second story of this retail building has remained vacant for approximately 40 years due to a lack of economic demand, while the main retail space at grade is too large and deep to be economically viable. Its current use as an escape room also faces direct competition from at least three similar businesses on the same street. As it stands, the building contributes little to the vibrancy of the streetscape.

Introducing residential units along Queen Street would revitalize the area by increasing street-level activity and enhancing safety through passive surveillance. Adding residential units along Queen Street increases the number of people who overlook the street from their homes, creating more "eyes on the street", fostering a greater sense of security. A larger residential presence would also support local businesses by boosting foot traffic. Intensification also supports transit service in the area, especially since the site is within walking distance of the GO train. The property is also located on the same street as the new University of Niagara Falls, which requires more housing to accommodate its growth.

The proposed development is compatible with the surrounding area and represents appropriate growth that will bring vibrancy to the Downtown core. The variances will facilitate development that is appropriate and desirable for the area.

## **3. Is it in keeping with the purpose and intent of the Zoning by-law?**

The proposed dwelling units are permitted and supported in the CB zone, subject to the variances proposed. The variances facilitate housing that is appropriately situated from the street and sidewalk, provides adequate parking, and permits modest sized living and amenity spaces in a compact form. Amending the zoning provisions still achieves the original goal of the by-law, such as maintaining functional lots and achieving appropriate spatial separations from abutting land uses. Accordingly, the application is in keeping with the purpose and intent of the Zoning By-Law.

## **4. Is it in keeping with the purpose and intent of the Official Plan?**

The section titled *City of Niagara Falls Official Plan* summarizes consistency with various Official Plan policies. The proposed development is in keeping with the purpose and intent of the Official Plan.

## **Conclusion**

The variances are considered appropriate and minor in nature to promote intensification that is sensitive to the existing character of the neighbourhood fabric. Accordingly, the application meets the intent and purpose of the Zoning By-Law and Official Plan, will permit positive development and an appropriate form of housing that uses existing services, and contributes positively to the public realm through good urban design.

To process the applications, we are providing the following information in addition to this Planning Justification Brief:

- Complete executed copies of the Minor Variance (2) application
- Preliminary Site Plan Sketch – Prepared by Better Neighbourhoods Inc.
- Preliminary Floor Plans – Prepared by Josh Van Muyen



- Preliminary Elevation Sketch – Prepared by Josh Van Muyen

We trust you will find the above satisfactory. If you should need any further information, please do not hesitate to contact us.



**Swati Chambyal**  
Project Manager & Urban Designer



**Sydney DiTomaso** RPP, MCIP, CNU-A  
Planner & Development Manager