



January 28, 2025

Corporation of the County of Prince Edward
Committee of Adjustment
322 Picton Main Street
Picton, ON
K0K 2T0

Attention: Pam Thompson, Secretary-Treasurer

Dear Ms. Thompson,

Re: Minor Variance Application
5-31 Nicholas Street, Picton, ON K0K 2T0
Lands in the Vicinity of Nicholas Street and Cumberland Street (Ward of Picton)

On behalf of Nicholas Homes Limited (“the applicant”), SvN Architects + Planners are pleased to submit the enclosed materials in support of a minor variance application to facilitate the development of a mixed income residential community in central Picton. The project features both affordable and supportive housing and makes a significant contribution to the rental housing landscape in the County, which has one of the lowest rental vacancy rates in all of Ontario. The proposed development is intended to be delivered with CMHC financing, and timely approval of the requested variances will provide the land use certainty needed to advance project financing and deliver the proposed affordable and supportive housing components.

The site is subject to Official Plan Amendment 3-24 and Zoning By-law Amendment 160-2024, approved by Council on November 26, 2024. There is currently an active Site Plan Application, file number SP-07-24, deemed complete on June 27, 2024.

On November 10, 2025, the County adopted a new Comprehensive Zoning By-law No. 140-2025, which replaced Zoning By-law No. 1816-2006. Transition policies for planning applications in process are outlined in section 1.8.2. Any minor variance



application submitted after the passing of the new by-law will be reviewed under By-law No. 140-2025. The site is subject to exception R3-68 of By-law 140-2025. The R3-68 zone carries forward the provisions and standards of site-specific by-law 160-2024 into the County's new Comprehensive Zoning By-law. The lot is now defined as the lands subject to the R3-68 Zone, being the lot as it existed prior to any conveyance or exchange.

For information purposes, please note, on November 10, 2025 Council adopted a by-law to authorize the execution of an Agreement of Purchase and Sale between the County and Nicholas Street Homes Limited. for a land exchange. Additional information on the land exchange is provided in the legal description and land exchange document.

Requested Variances

A total of four variances are being sought under two categories:

(1) Variance Resulting from Additional Units

Variance #1 is an adjustment to the parking ratio to support the inclusion of eight (8) additional units within the approved apartment building envelope, and six (6) additional lower-level apartment units within the approved townhouse building envelope. These units have been added without any material change to the site plan or building massing. The change is driven by discussions with agents representing the Canada Mortgage and Housing Corporation (CMHC) regarding the demand for smaller affordable units.

No changes are proposed to the location, siting, size, or exterior built form of the approved building designs.

(2) Clean-up Variances Required for Alignment with the Final Site-Specific Zoning By-law and Approved Site Plan

Variances #2 to #4 are administrative variances sought to address errors in zoning exception R3-68. An earlier draft of the site-specific by-law was incorporated into the now-enacted Comprehensive Zoning By-law 140-2025. This version does not reflect the final version submitted to the County in November 2024. The wrong zoning provisions (and exception number) are now part of the enacted by-law under section 7.5.3 as exception R3-68.



Two modifications to Schedule A-6.2, Picton Urban Centre South, are required and will be addressed subsequently to this minor variance. First, the site was incorrectly labelled as R3-63 instead of R3-68, we understand this to be a typo. Second, a portion of the site should be zoned Environmental Protection, as illustrated in Schedule 1 of the final site-specific by-law.

Staff have confirmed that the mapping and text errors in the site's newly in-force zoning will be addressed through a comprehensive "clean-up" amendment, likely being brought forward in March. We support this for clarity and ease of interpretation.

In the meantime we are pursuing the above-noted variances through the Committee of Adjustment route, so as not to delay the site plan approval and initial stages of construction of new affordable housing. These milestones are tied to the release of already-awarded funds by CMHC.

BACKGROUND

Site and Surrounding Context

The site is located in Picton, which is the commercial and administrative centre of Prince Edward County. It is located generally southwest of the intersection of Nicholas Street and Cumberland Street and has frontage on and access from Nicholas Street. The site has a total area of approximately 1.99 hectares (4.92 acres).

Land uses in the vicinity include:

North: To the immediate north of the site are publicly-owned lands contiguous with Delhi Park. They include a community garden and County water reservoir. Further north, Lalor Street meets York Street which is fronted by a mix of residential and commercial uses. Picton Harbour is approximately 700 metres north of the site, or roughly a 7-minute walk.

West: To the west of the site is Delhi Park, Picton's largest recreational green space. The park includes a range of amenities, including a ball diamond, children's playground, tobogganing hill, off leash dog park, and public washrooms. Lalor Street provides vehicular access to the park, and there are a number of trails and walking paths through the park that connect to the surrounding street network. The County is currently undergoing a design process for a series of formalized, paved pathways



within Delhi Park to improve safety for pedestrians and cyclists, and connections to surrounding areas. Picton Main Street is less than 500 metres north-west of the site, or roughly a 5-minute walk.

East: The site has frontage on Nicolas Street to the east. Northeast of the intersection of Nicholas Street and Cumberland Avenue, there are several blocks containing primarily single-family homes, generally one and two storeys in height. There are also two existing townhouse clusters, with one at Richmond Street and Pitt Street, and another one the north side of Richmond Street, west of Church Street. Buildings are generally set back quite far from the street line, with wide lawns and mature trees in the front yards.

South: To the immediate south of the site is Picton's municipal wastewater treatment facility, which has been located there since the 1960s. South-west of the site is the Mount Olivet Cemetery.

History of the Application

Nicholas Homes Limited acquired the property February 28, 2024 with the objective of developing affordable and attainable housing on a site that is walking distance from Picton Main Street and adjacent to the beautiful Delhi Park. The following timeline provides the key milestones in the approvals process to date:

- **May 2024:** A Pre-Application Meeting was held with County staff to discuss details related to development charges, parkland dedication, land transfer process, municipal addressing, and next steps for the application.
- **June 2024:** The initial combined official plan amendment (OPA), zoning by-law amendment (ZBA), and site plan control (SPA) application was submitted for the site. The initial submission included a total of 106 residential units, consisting of 98 apartment units, 6 townhomes, and two semi-detached units. This application committed to half the units (53) being rented at affordable rates.
- **August 2024:** Initial comments were received from Picton Planning Staff outlining concerns related to erosion control due to the natural slope, demand to existing infrastructure, road access, and proximity to the water treatment plant.
- **August 2024:** A public information meeting was held for the official plan amendment (OPA) and zoning by law amendment (ZBA) applications. Speakers included members from the planning team, applicant, and transportation team. Feedback forms were distributed to attendees which asked what they would



most like to see in the community, if they have any concerns regarding the planning process, and if they have any suggestions to improve the project. There were 34 attendees in total who filled the sign-in sheet.

- **October 2024:** A second submission of the combined official plan amendment (OPA), zoning by-law amendment (ZBA), and site plan control (SPA).
- **November 2024:** Final planning instruments (OPA and ZBA) submitted for Committee and Council approval. The official plan amendment (OPA) and zoning by-law amendment (ZBA) for the subject site were approved by Council. The official plan amendment re-designates the site from *Park & Open Space Area* to *Town Residential Area*, and the Zoning By-law Amendment applies a new *Special Residential Urban Type Three Exception Zone* to the entire property. This R3-87 Zone specifically permits the range of housing types proposed, including supportive housing, group homes, townhouses, semi-detached, and apartment dwellings, and includes all of the relevant built form standards.
- **Spring 2025:** Following discussions with agents representing the Canada Mortgage and Housing Corporation regarding the demand for smaller affordable units, Nicholas Homes Limited determined it would be feasible to modify the interior floor plans of the approved apartment building to accommodate eight (8) additional units, and six (6) additional lower-level apartment units to the townhouses, resulting in a net increase of 14 units. Detailed design has resulted in a reconfiguration of the underground parking access, providing 102 parking spaces shared between the apartment building, and lower-level apartment units.
- **November 2025:** Council enacted a new Comprehensive Zoning By-law No. 140-2025, replacing Comprehensive Zoning By-law No. 1816-2006.

THE APPROVED DEVELOPMENT

The approved development represents an exciting opportunity to contribute to the housing stock in Picton, supporting Prince Edward County's residential growth and changing housing needs. The project includes approximately 30-50% affordable housing units and features a context-sensitive design, introduces two direct connections to the adjacent Delhi Park, and minimizes adverse impacts to the surrounding natural heritage network.

The project, as approved, consisted of a mixed-income rental community with a range of housing types includes a 106-unit apartment building, a 6-unit townhouse block, and two units that make up a semi-detached building. The project includes a



two-level parkade serving the apartment building which accommodates 98 parking spaces.

The Current Proposal

The proposed revisions include interior modifications to create more housing units and a reconfiguration of the underground parking access and layout.

The interior modifications have been made in response to increasing demand for smaller housing units, particularly for aging seniors living alone, as well as service workers in the County’s tourism industry. The modifications introduce an additional eight (8) units within the apartment building (Building E) and six (6) lower-level units within the townhouse buildings (Buildings B, C, and D), increasing the total unit count from 106 to 120 units.

The reconfiguration of the underground parking access and layout optimizes parking capacity, providing a total of 102 spaces to be shared between the apartment building and the lower-level units, while the remainder of the parking layout remains unchanged.

The following table describes approved and modified unit mix for the subject site:

Unit Type	Previous Site Plan	Current Site Plan
Apartment		
Apartment (Building E)		
Studio	2	15
1 Bedroom	71	65
2 Bedrooms	25	21
3 Bedrooms	0	5
Apartment (Building B, C, D)		
1 Bedroom	0	6
Apartment Total	98	112
Townhouse (Building B, C D)		
3 Bedrooms	6	6
Townhouse Total	6	6
Semi-Detached (Building A)		
4 Bedrooms	2	2
Semi-Detached Total	2	2
TOTAL	106	120

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Table 1: Approved and currently proposed apartment unit mix comparison table

As noted above, the unit mix has shifted somewhat due to CMHC's priority for smaller units, which are also a priority for the County. Six 1-bedroom units have been added in the lower level of the townhouses, with their own dedicated access from the rear yard. The apartment building has been reconfigured to provide 13 additional studio units.

The overall distribution of unit types has remained generally the same. While the approved development was 69% small units (1 bedroom and studio), the revised proposal is 72%. The revised proposal delivers 14 more homes within the same building footprints.

THE REQUESTED VARIANCES

The enclosed Minor Variance application seeks approval for the following variances from By-law No. 140-2025 (Z.16-24):

Please refer to Appendix A, containing a simplified list of the intended language for the requested variances.

(1) Variance triggered by additional units

Variance #1: Minimum Unit Number to Parking Spaces Ratio

Approved Zoning By-law 140-2025, Section R3-68 (c) xii. c, requires a minimum of 1 parking space per apartment dwelling unit. To support the inclusion of fourteen (14) additional units, located within the approved apartment building and townhouse building envelopes, a minor variance reducing the parking requirement from 1.0 space per apartment unit to 0.91 spaces per unit is being requested.

A technical rationale by RJ Burnside has been prepared in support of the modified parking ratio.

(2) Clean-Up Variances

Variance #2: Maximum Lot Coverage

Approved Zoning By-law 140-2020, Section R3-68 (c) ii, required a maximum lot coverage of 14%. A variance is requested to permit a maximum lot coverage of 15%.

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Variance #3: Minimum Distance of Parking Area from a Public Right-of-Way

Approved Zoning By-law 14-0-2020, Section R3-68 (c) vi, requires a minimum distance of 1.8 metres for a parking area from a public right-of-way. A variance is requested for the proposed location of the parking area serving the semi-detached building, as it does not meet this required setback from the Nicholas Street right-of-way. The parking lot is 0 metres from the property line, however the public right-of-way includes a 6.71 metre boulevard which contains underground municipal infrastructure.

Variance #4: Minimum separation distance between a building and the lot line abutting a water treatment plant

Approved Zoning By-law 14-0-2020, Section R3-68 (c) xi, requires a minimum separation distance of 7 metres between a building and the lot line abutting a water treatment plant. A variance is requested to permit a minimum separation distance of 40 metres.

As set out below in the Policy and Regulatory Context, it is our opinion that the single requested variance resulting from the additional housing units satisfies the four tests for a minor variance as set out in Section 45(1) of the *Planning Act*. The remaining variances are needed to address an administrative oversight and were justified previously as part of the zoning by-law amendment approval.

POLICY AND REGULATORY CONTEXT

This section provides an overview of the provincial and municipal planning framework as it specifically applies to the requested parking variance. Within each section, a response to the relevant planning objectives is provided. For a fulsome overview of the policy and regulatory context as it relates to the site, please refer to the Planning Rationale that was submitted as part of the approved development application in 2024, attached as part of this submission.

3.1 Provincial Policy

Provincial policy conformity was assessed and demonstrated in the Planning Rationale prepared by SvN for the OPA and ZBA submission, dated June 2024. It is our opinion that the requested parking variance does not rise to the level of Provincial significance, and that the approved development continues to be in conformity with the Provincial Planning Statement 2024.



3.2 Municipal Policy

3.2.1 Prince Edward County Official Plan (2021)

Municipal policy conformity was assessed and demonstrated in the Planning Rationale prepared by SvN for the OPA and ZBA submission, dated June 2024. Since the major components of the project have remained unchanged from the approved development proposal in 2024, it continues to conform to the Official Plan as demonstrated in the Planning Rationale.

A number of policies in the County of Prince Edward Official Plan (“the OP”) provide support for the requested minor variance. As stated in the OP, a number of strategies may be considered by the County in an effort to meet housing objectives and incentivize affordable housing, including promoting higher density housing forms within *Settlement Areas*, supporting alternative residential development standards to facilitate affordable housing, and reducing parking requirements for projects that provide affordable housing (3.3.3.15a, 3.3.3.16f).

3.2.2 Picton Urban Centre Secondary Plan

The site is also subject to the Picton Urban Centre Secondary Plan, which, in conjunction with the Official Plan, provides more detailed guidance on land use and development in Downtown Picton. The site's re-designation from *Park & Open Space Area* to *Town Residential Area* through the previous Official Plan Amendment recognized it as a natural extension of existing *Town Residential* lands, intended for new housing and contributing to municipal growth and intensification objectives.

Housing is identified as a critical element for the creation of healthy, sustainable, and complete communities in the Picton-Hallowell area. The Secondary Plan prioritizes the production of affordable housing for low and moderate-income households and sets a specific target for 33 percent of new housing within the Secondary Plan area to be developed as affordable. The project, with approximately 30-50% affordable housing and supportive housing units, exceeds this target and contributes significantly to broadening housing choices in Picton, including apartment and townhouse typologies, which are currently less common in the County.

The Secondary Plan also emphasizes Town Design, requiring new development to be visually compatible with the surrounding neighbourhood through appropriate scale,



massing, landscape treatment, materials, and lighting. It encourages consideration of pedestrian accessibility and circulation. The project's context-sensitive design, low-profile buildings, and provision of two direct pedestrian connections to Delhi Park and Lalor Street, align with these objectives, supporting active transportation and community well-being.

The requested parking variance supports the Secondary Plan's objectives around affordable housing, context-sensitive design, and providing a pedestrian-oriented environment.

Zoning By-law

On November 10, 2025, the County adopted a new Comprehensive Zoning By-law No. 140-2025 which has replaced By-law No. 1816-2006. In accordance with the transition policies in section 1.8.2 (Planning Applications in Process) of By-law 140-2025, this minor variance is requested under By-law 140-2025.

The site was previously subject to Zoning By-law 160-2024, adopted as an amendment to By-law 1816-2006 in November 2024. This amendment has been incorporated into By-law 140-2025 as under section 7.5.3 as exception R3-68 (mapped as R3-63). The property is zoned *Special Urban Residential Type 3 (R3)*, which permits various residential dwelling types, seniors housing, supportive housing, home businesses, and public uses or utilities.

The establishment of this Special R3-68 Zone addresses the unique multi-building and multi-typology aspects of the project, for which the existing R3 Zone provisions were not designed to facilitate. The zoning incorporates site-specific built form standards to accommodate the proposed site layout and building design, while reinforcing the general intent of the broader R3 Zone and the overall by-law. The project, remains generally compliant with the provisions of the R3-68 Zone established in Zoning By-law No. 140-2025.

Committee of Adjustment Terms of Reference

The Committee of Adjustment is authorized by the Planning Act to consider applications for minor variances from the provisions of the Zoning By-law. Its mandate is to hear presentations and public input to make informed decisions on these matters. A minor variance provides relief from a specific Zoning By-law



requirement when it is not possible or desirable to meet all requirements exactly. Applications are processed in accordance with Section 45 of the Planning Act.

3.3 Planning Act: The Four Tests for Minor Variance

Section 45(1) of the Planning Act, R.S.O. 1990, as amended, C. P. 13, establishes four tests that a Committee of Adjustment must be satisfied are met for an authorized variance from a zoning by-law to be approved:

1. Does the variance maintain the general intent and purpose of the Official Plan?
2. Does the variance maintain the general intent and purpose of the Zoning By-law?
3. Is the variance desirable for the appropriate development and use of the land, building, or structure?
4. Is the variance minor in nature?

It is our opinion that the requested parking variance satisfies these four tests:

1. Maintains the General Intent and Purpose of the Official Plan (OP 2021)

The Official Plan and Secondary Plan establish a vision for complete, inclusive, and sustainable communities. Key objectives include focusing growth in Urban Centres, promoting a mix of housing options, and supporting affordable and supportive housing initiatives. The subject site is located in the Picton Urban Centre, Prince Edward County's designated commercial and administrative hub, where intensification with a mix of housing options is encouraged.

The project supports these objectives by:

- Delivering a mix of market, affordable, and supportive residential units that contribute to housing diversity and affordability;
- Utilizing underused land within the Urban Centre to accommodate planned growth;
- Integrating with the community through pedestrian connections to Delhi Park and existing infrastructure.
- The requested variance enables the delivery of these outcomes and are consistent with the overarching goals and intent of the Official Plan.

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Furthermore, the requested parking variance aligns with Official Plan Policy 3.3.3.16(f), which encourages reduced parking requirements for projects that deliver affordable or accessible housing. With 30-50% of units designated as affordable, this exceeds the policy's baseline expectation of 25% of all new housing units.

2. Maintains the General Intent and Purpose of the Zoning By-law (By-law No. 140-2025)

The built form and configuration of the project remains compliant Zoning By-law 140-2025. The intent of the specified parking rate per unit is to ensure that an appropriate number of parking spaces are provided to meet the expected demand of the building. As the additional units are studios and expected to be occupied by seniors who do not own cars, the intent of this zoning standard is maintained.

As detailed in the memo provided by RJ Burnside, the proposed shift toward smaller units is expected to reduce future parking demand. Section 3.1.1 of the Traffic Brief, prepared for the Zoning By-law Amendment and Site Plan Control submission, reviewed parking demand at comparable developments, which ranged from 0.40 to 0.68 spaces per unit, whereas the proposed rate of 0.91 spaces per unit exceeds this demand. Many studios are intended for seniors, who may not own vehicles, and parking can be managed adaptively through strategies such as unbundled parking and Transportation Demand Management to align supply with actual demand.

3. Desirable for the Appropriate Development and Use of the Land, Building, or Structure

The requested parking variance is desirable in order to facilitate the creation of a significant number of affordable and rental homes that are a short walk from Picton Main Street.

The requested parking rate variance is desirable as it allows for the parking count to be determined by the anticipated demand. Many municipalities are moving away from a required minimum parking rate, allowing project proponents to determine how much parking is actually necessary based on project and area specific factors. Structured parking is carbon-intensive and expensive to build, reducing the number of parking spaces to meet anticipated demand prevents unnecessary costs being borne by the eventual occupants.

4. Minor in Nature:



The “minor in nature” test is an evaluation of the potential for adverse impacts on nearby properties or the general public, it is not simply a numerical calculation. The requested parking variance has no impact on congestion, traffic, or street parking supply, as it is anticipated that residents in the newly-created studio units will not own cars.

Therefore, it is our assessment that the requested parking variance is minor in nature.

CONCLUSION

Based on our analysis of the modifications to the approved development, the requested parking variance, and the surrounding context, it is our opinion that the approved development satisfies the four tests under Section 45(1) of the Planning Act and should be approved.

It is further our opinion that the additional clean-up variances represent good planning, and their expedited approval (ahead of the County’s clean-up by-law) will facilitate the construction of much-needed affordable housing in Prince Edward County. We acknowledge and appreciate Staff’s support for this application.

SUBMISSION DETAILS

- | # | Item Name |
|----------|---|
| 1. | Completed Minor Variance Application Form; |
| 1.a | Signature Certificate of Completion (Application Form); |
| 2. | Deposited Reference Plan, prepared by KRCMAR, dated October 2, 2025; |
| 3. | Architectural Drawing Set, prepared by Colbourne & Kembel Architects Inc., dated December 19, 2025; |
| 4. | Planning Rationale (ZBA, SPA), prepared by SvN Architects + Planners, dated June 2024; |
| 5. | Final Site-Specific Zoning By-law intended for Council adoption, dated November 2024; |
| 6. | Redlined Comprehensive Zoning By-law 140-2025; |
| 7. | Parking Rationale, prepared by RJ Burnside, dated December 19, 2025; |



8. Traffic Brief (ZBA, SPA), prepared by RJ Burnside, dated June 7, 2024.
9. Legal Description and Lands to be Exchanged, prepared by SvN Architects + Planners, dated January 28, 2026.

A digital submission is being provided via email. A cheque in the amount of \$2,540.11 for the application fee has been mailed to the County.

We trust the above materials provide the information required to adequately evaluate the application. We look forward to working with the County, as well as external agencies and stakeholders to deliver this exciting project.

Yours very truly,

A handwritten signature in black ink that reads "Kelly Graham".

Kelly Graham, MCIP RPP
Associate, Planning

cc. Alan Hirschfield, Nicholas Homes Limited
Angela Buonamici, Manager of Planning



APPENDIX 'A'

Requested Variances

For each variance being requested, the following is provided:

1. The applicable section of the Zoning By-law for which relief is being sought
2. The Zoning requirement
3. What is being proposed

1. Section R3-68 (c) xii. c, By-law 140-2025
A minimum of 1 parking space per apartment dwelling unit.
The proposed is 0.91 spaces per unit for apartment dwelling units.
2. Section R3-68 (c) ii, By-law 140-2025
The maximum lot coverage of 14%.
The proposed lot coverage is 15%.
3. Section R3-68 (c) vi, By-law 140-2025
The minimum distance for a parking area from a public right-of-way is 1.8 metres.
The proposed distance for a parking area from a public right-of-way is 0 metres.
4: Section R3-68 (c) xi, By-law 140-2025
The minimum separation distance between a building and the lot line abutting a water treatment plant is 7 metres.
The proposed separation distance between a building and the lot line abutting a water treatment plant is 40 metres.