



NOTICE OF DECISION TO REFUSE A ZONING BY-LAW AMENDMENT BY THE CITY OF NIAGARA FALLS

6259-6293 Dorchester Road
(Assessment Roll No.: 272507001611400 & 272507001600105)
Zoning By-law Amendment -City File: AM-2022-001
Applicant: Dorchester Property Holdings Inc. (Angelo Butera)
Agent: A.J. Clare & Associates Ltd. (Franz Kloibhofer)

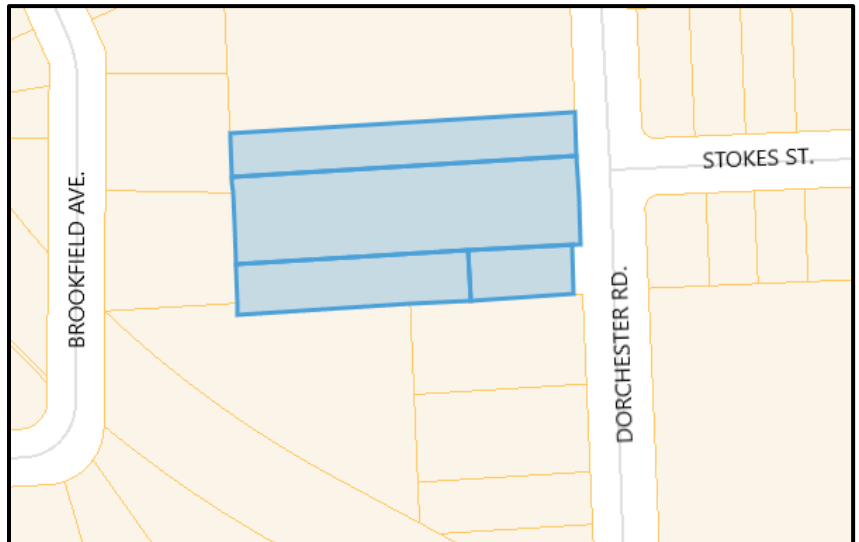
TAKE NOTICE that on the 11th day of July, 2023, the Council of the Corporation of the City of Niagara Falls refused a request to amend its Zoning By-law 79-200 under Section 34 of the *Planning Act*.

PURPOSE AND EFFECT

A zoning by-law amendment application was submitted to permit a proposed 5 storey, 74 unit apartment building.

The land is zoned Residential 1C Density (R1C), in part, and Residential Low Density, Grouped Multiple Dwellings (R4-839), in part, under By-law 79-200.

The zoning by-law amendment requested to place the lands under a site specific Residential Apartment 5C Density (R5C) zone to permit reduced front yard, landscaped open space, number of parking spaces, parking stall dimensions, and maneuvering aisle width.



Council received oral and written comments regarding: traffic impacts, density, compatibility, privacy, loss of trees, Species at Risk, property values, servicing, and parking.

The reason for Council's refusal is that the proposal is not compatible with the surrounding area.

LEGAL NOTICE

The applicant or the Minister may appeal Council's refusal of the Zoning By-law Amendment to the Ontario Land Tribunal by filing a Notice of Appeal no later than 8th day of August, 2023 with the Clerk.

The appeal must set out the objection to the Zoning By-law Amendment and the reasons in support of the objection(s), together with the Ontario Land Tribunal filing fee of \$1,100.00 for each application in the form of a certified cheque or money order, made payable to the Minister of Finance.

No person or public body shall be added as a party to the hearing of the Appeal unless, before a decision was made regarding the Zoning By-law Amendment, the person or public body made oral submissions at a public meeting or written submissions to Council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

A Notice of Appeal, including the filing fee, must be submitted by the date set out above in order to constitute a valid Appeal. Failure to submit a complete Notice of Appeal or the fee of \$1,100.00, on or before the date set out above will result in an incomplete Appeal application and will not be processed further. A separate filing fee is required for each appeal.

Dated at the City of Niagara Falls this 19th day of July, 2023.

Andrew Bryce, MCIP, RPP
Director of Planning