



# NOTICE OF DECISION TO REFUSE AN OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT BY THE CITY OF NIAGARA FALLS

**5014 Wilmott Street (Assessment Roll No.: 2725-020-008-12700)**  
**Official Plan and Zoning By-law Amendment Application- City File: AM-2023-004**  
**Applicant: Omar Tyndale**  
**Agent: Rhea Davis (NPG Planning Solutions Inc.)**

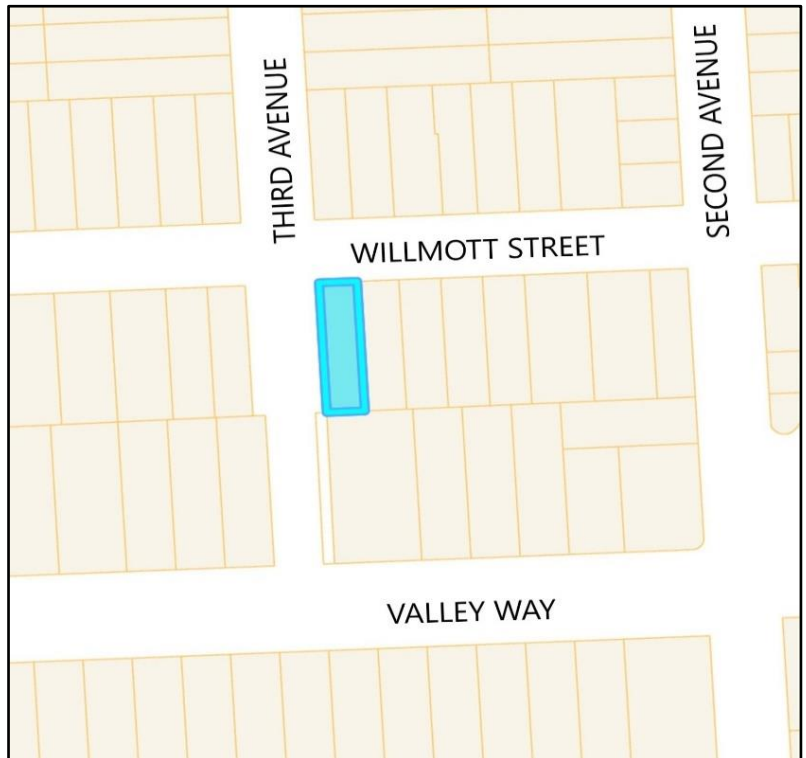
TAKE NOTICE that on the 11th day of July 2023, the Council of the Corporation of the City of Niagara Falls refused a request to amend its Official Plan and Zoning By-law 79-200 under Sections 22 and 34 of the Planning Act.

## PURPOSE AND EFFECT

An official plan and a zoning by-law amendment application were submitted to have a special policy designation applied and a site specific R2 zone to permit a vacation rental unit as a permitted use.

The land is zoned Residential Two (R2) in accordance with Zoning By-law No. 79-200 as amended. The applicant is asking relief from the by-law to recognize the existing minimum lot area, minimum lot frontage, minimum exterior side yard for the dwelling and to recognize the existing exterior side yard for the detached garage.

Council received written comments regarding the preservation of the residential neighbourhood, other vacation rental homes operating illegally in the neighbourhood, and that the applicant should consider the property for a long-term rental use.



The reason for Council's refusal is the location of the proposed Vacation Rental Unit should not be in the residential neighbourhood which will have a negative impact with the people living within the neighbourhood.

## LEGAL NOTICE

The applicant or the Minister may appeal Council's refusal of the Official Plan and Zoning By-law Amendment to the Ontario Land Tribunal by filing a Notice of Appeal no later than **2nd day of August, 2023** with the Clerk.

The appeal must set out the objection to the Official Plan Amendment and/or 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 Official Plan and 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 13<sup>th</sup> day of July 2023.

Andrew Bryce MCIP, RPP  
Director of Planning