



Planning Justification Brief

Zoning By-law Amendment Application 5705 Buchanan Avenue, Niagara Falls

For: Vikrampal Moomie

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Date: May 2023

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1.0 Introduction

NPG Planning Solutions Inc. (“NPG”) are planning consultants to Vikrampal Moomie, the Owner of approximately 0.049 hectares of land in the City of Niagara Falls, municipally known as 5705 Buchanan Street (“Subject Lands”). NPG has been retained to provide professional planning advice on the proposed development of three Vacation Rental Units (VRUs) within the existing triplex dwelling. Implementation of the proposal requires a Zoning By-Law Amendment, which will rezone the existing Deferred Tourist Commercial (DTC) Zone to a site-specific DTC Zone under the City of Niagara Falls Zoning By-law No. 79-200.

This Planning Justification Brief (“PJB”) provides an analysis of the proposed development and evaluates the application against the Provincial Policy Statement, 2020 (“PPS”), Growth Plan for the Greater Golden Horseshoe, 2020 (“Growth Plan”), and the Niagara Official Plan, 2022 (“Region’s OP”). This PJB provides a more detailed analysis of the proposed development against policies for the implementation of VRUs in the City of Niagara Falls Official Plan (“City’s OP”) and the City of Niagara Falls Zoning By-law No. 79-200.

Section 4.1 of this brief provides an overview of how the general intent and objectives of the PPS, Growth Plan and the Region’s OP are met by the proposal. Section 4.2 of this report discusses the proposal’s conformance with the City OP while Section 5.0 provides justification for approval of the applications for the Zoning By-Law Amendment.

As per the Pre-Consultation Agreement form dated January 5th, 2023, the following documents are required for a complete Zoning By-law Amendment application:

1. Conceptual Site Plan
2. Planning Justification Brief

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are located on the northwest corner of the intersection of Buchanan Avenue and Forsythe Street, as shown on **Figure 1 – Aerial Context**. The property is rectangular in shape and has frontages on Buchanan Avenue (15.24 metres) and Forsythe Street (32.18 metres). The property has a depth of 32.18 metres and a total area of approximately 490.36 square metres (0.049 hectares).

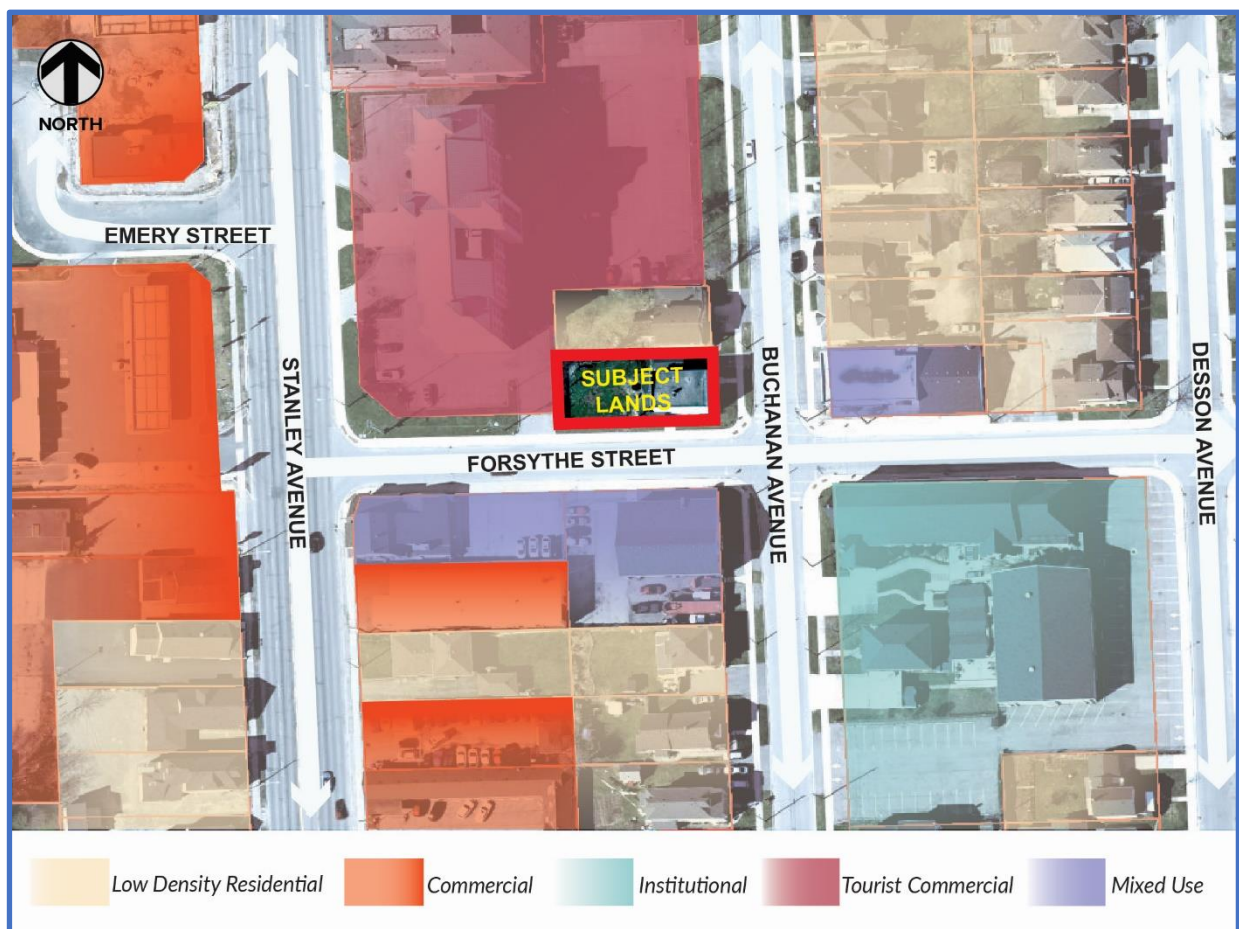
A two-storey triplex dwelling exists on the Subject Lands, with a 0-metre setback from the Buchanan Avenue property line. A concrete covered porch, step and walkway connecting two dwelling unit entrances to the sidewalk on Buchanan Avenue encroach on municipal lands. A third unit entrance is located on the south face of the building, where a walkway connects to the sidewalk on Forsythe Street. The existing setback conditions are further detailed in Section 5.0 of this brief. An asphalt driveway from Buchanan Avenue exists immediately north of the triplex dwelling, which accommodates two parking spaces in tandem, each measuring 2.75 metres x 6 metres.

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The Owner has provided excerpts from the Vernon's Directory which show that the existing building appears to have been used as a triplex dwelling since at least 1978, and has continued into the 2000s to the present (see **Appendix F**). This is provided for information, to establish that the existing triplex appears to pre-date the City's Zoning By-law 79-200.

The surrounding area contains a variety of commercial and residential uses. Immediately west and to the rear of the Subject Lands is a hotel (Comfort Hotel). Immediately north of the Subject Lands is a triplex dwelling. To the east and across Buchanan Avenue there are a mix of single-detached dwellings, triplex dwellings, apartment dwellings, and mixed use commercial at grade with dwelling units on the second level. To the south is a duplex dwelling that appears to have a commercial use operating. See **Figure 1, Figure 2,** and **Appendix E** illustrating the Subject Lands, surrounding area, and tourist related amenities.

Figure 1 – Aerial Context & Surrounding Land Uses



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- North:** Residential
- South:** Residential; Mixed Use; Commercial
- East:** Residential; Mixed Use
- West:** Commercial (Comfort Hotel)

The Subject Lands are located within the Clifton Hill Tourism District on Schedule E of the City's OP (see Appendix A). The Subject Lands are less than a 500-metre walk from Victoria Avenue and under 650 metre walk to Clifton Hill. Local attractions such as the Niagara Falls, Clifton Hill and Casino Niagara are all near the Subject Lands. The site is also close to many restaurants and eateries along Victoria Avenue (to the east) and Stanley Avenue (to the west). Many motels and hotel are located near the Subject Lands, as noted below:

- Comfort Hotel: 0 m
- Courtside Inn: 62 m
- Sunset Inn: 160 m
- Grewals Inn: 230 m
- Glengate Hotel: 240 m

Figure 2 – Tourism Amenities & Designations



3.0 Proposed Development

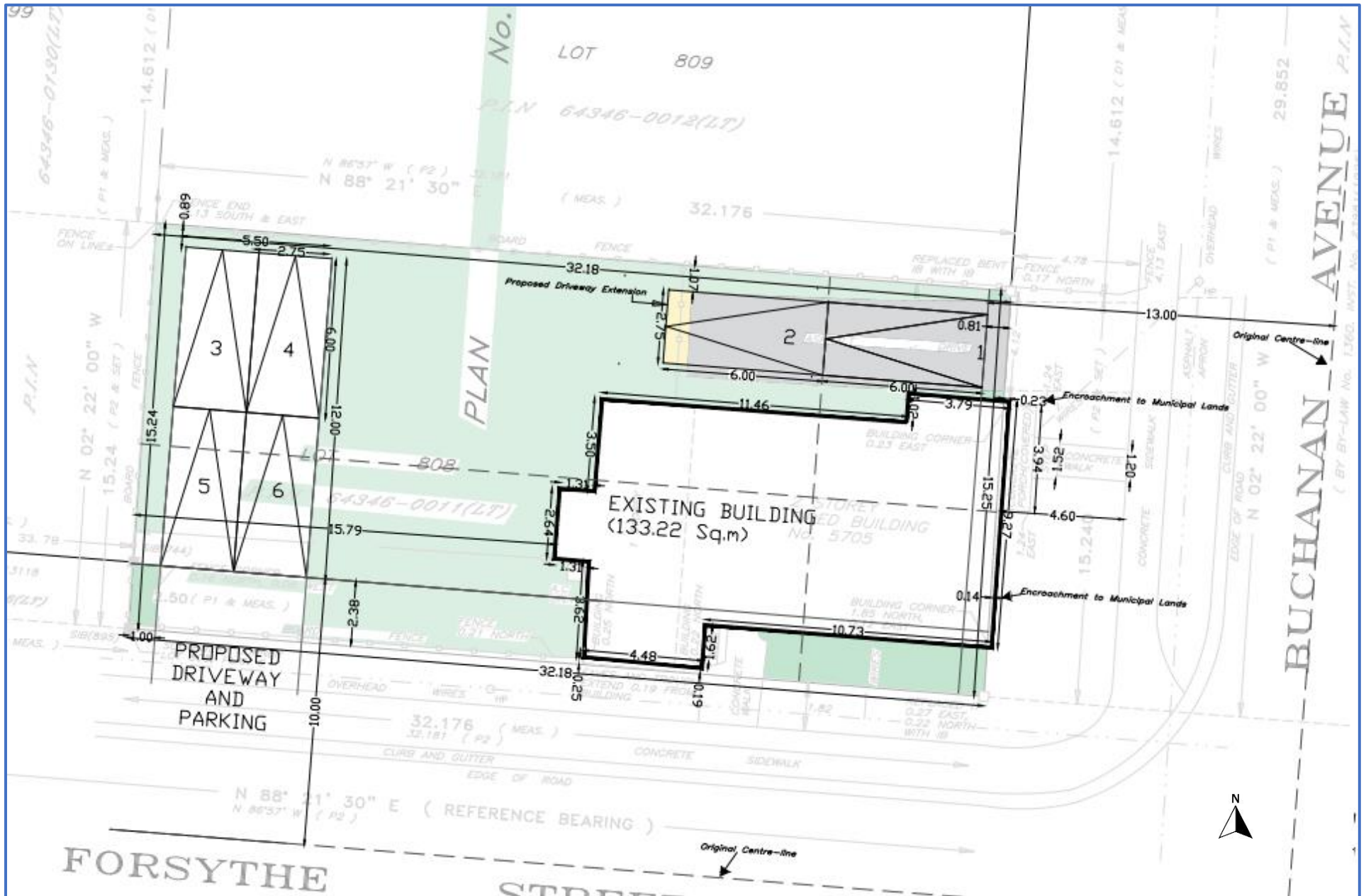
The Owner is proposing to rezone the Subject Lands from a DTC Zone to a Site-Specific DTC Zone to permit three (3) VRUs in an existing triplex dwelling. The By-law Amendment will also explicitly permit the existing triplex dwelling. The proposal maintains three (3) existing dwelling units and two (2) parking spaces, while providing four (4) additional parking spaces to meet the total parking requirements for the proposed VRUs. The proposed parking spaces will be accommodated through a driveway in the rear yard, accessed from Forsythe Street (**see Figure 3 – Proposed Site Plan**). The Owner has received approval from the City for a curb cut and sidewalk grading to accommodate the additional driveway (See Appendix E – Driveway Approval Correspondence). Site-Specific provisions will address the following deficiencies related to:

- Front Yard Depth
- Minimum Exterior Side Yard Width
- Maximum Area of a Rear Yard which can be used as a Parking Area

The existing two-storey triplex has three (3) units; one (1) unit has two (2) bedrooms, and two (2) units have three (3) bedrooms. There are no proposed changes to the built form of the triplex dwelling through this proposal. Portions of the existing building, covered front entrance porch, and step encroach on Buchanan Avenue per the Survey provided with this Zoning By-law Amendment application.

The City of Niagara Falls Official Plan designates the Subject Lands as Tourist Commercial, which is intended to be the primary location for various types of accommodations in the City. A VRU is a form of accommodation (as defined by the Official Plan) and is permitted by Part 2, Policy 4.2.2 of the City's Official Plan. The Subject Lands are located within the Clifton Hill Tourism District on Schedule E of the City's Official Plan.

Figure 3 - Proposed Site Plan



4.0 Planning Policies

The purpose of this PJB is to evaluate the appropriateness of the proposed Zoning By-law Amendment application for VRUs and the existing triplex dwelling, in the context of the PPS, the Growth Plan, the NOP, and the City's OP. The following provides an overview and analysis of applicable planning policies in the context of the proposed development.

4.1 Provincial and Regional Policies

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity. The Growth Plan emphasizes compact and well-designed development and prioritizes intensification in the Built-up Areas. The Growth Plan supports the achievement of complete communities that are "compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities" through site design standards. Finally, the Region's OP is a strategic policy planning framework for managing growth coming to Niagara. It contains objectives, policies and mapping that implement the Region's approach to provide for managing growth, growing the economy, and providing infrastructure. The policies of the Region's OP will guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

The PPS, Growth Plan, and Region's OP contain the following relevant policies and themes related to the proposal:

POLICY

PPS policies 1.1.1 (a), (e), and (g), 1.1.3.1, and 1.1.3.2 (a), (b), (e), and (f) apply to the proposal. Those policies describe conditions which support healthy, liveable, and safe communities, state that "settlement areas shall be the focus of growth and development" and define parameters that determine land use patterns in settlement areas. Further, policy 1.3.1 (a) and (b), as well as policy 1.7.1 (a), (b), (g), and (h) describe how planning authorities "shall promote economic development and competitiveness" and lay out conditions to support long-term economic prosperity.

Growth Plan policies 2.2.1.2 and 2.2.5.18 direct growth to settlements areas that have a delineated built-boundary, existing services, support complete communities, and further recognize the importance of the Gateway Economic Zone.

The Region's OP policies Section 2.2.1.1, Section 2.3.1.1 apply to the proposal. Those policies direct development to support a mix of land uses and densities, lot and unit sizes, and housing types. Further, policy 4.5.2.1 describes the Region's role in attracting employers and workers by maximizing the development potential of the Niagara Economic Gateway.

ANALYSIS

Based on the foregoing, the proposed development permitting the use of an existing triplex dwelling for VRUs is consistent with the policies of the PPS and conforms to the policies of the Growth Plan and the Region’s OP. The proposal supports economic diversity and tourism, while contributing to a complete community.

4.2 City of Niagara Falls Official Plan

The City’s OP provides policy direction for development. The City’s OP recognizes the strong tourism industry and supports opportunities to enhance this key sector in Niagara Falls. The City’s OP designations for the Subject Lands are provided in the following table:

Table 1 - City's OP Schedules

NO.	SCHEDULE TITLE	SUBJECT LAND DESIGNATION
A	<i>Future Land Use Plan</i>	Tourist Commercial
B	<i>Phasing Plan</i>	Within the Existing Municipal Services Area
C	<i>Roads</i>	Located on Collector Roads: <ul style="list-style-type: none"> • Buchanan Avenue • Forsythe Street
D	<i>Tourism Map</i>	Located in the Clifton Hill Tourism District

4.2.1 City’s OP Policies for Land Use

The City’s OP provides the following policies regarding the Tourist Commercial land use designation:

POLICY

4.2.2 *The Central Tourist District shall be comprised of the Queen Victoria Park, Clifton Hill and Fallsview Subdistricts. The Central Tourist District shall continue to be the focal point for tourism activities in the City, including the Falls, the primary attraction, interpretive natural and cultural facilities in Queen Victoria Park, and a wide mix of tourist attractions, accommodations and services in Clifton Hill and Fallsview. Large-scale "thrill" style attractions/amusements will generally be directed to Theme Park and Resort Commercial designations.*

4.2.9 *Residential uses may be permitted throughout lands designated Tourist Commercial either as standalone or mixed use buildings in order to assist in creating a complete community in accordance with the policies of this section and PART 1, Section 3.*

ANALYSIS

As per Schedule A – Future Land Use (see **Appendix A**), the Subject Lands are designated Tourist Commercial, which are intended to be the primary location for various types of accommodations in the City. A VRU is a form of tourist accommodation that is permitted in the Tourist Commercial designation, subject to the requirements of Section 4.38 of the City’s Zoning By-law (or refer to By-law No. 2018-92).

Further, the Subject Lands are part of the Clifton Hill Tourist District in accordance with Schedule E – Tourism Districts (see **Appendix A**). Policy 4.2.2 permits tourist accommodations, which aligns the proposal with the policies of the City’s OP. The proposed VRUs are envisioned within the Tourist Commercial designation of the OP. The proposal to establish the existing triplex as a permitted use in the Zoning By-law conforms with the OP, in that standalone residential uses are permitted in the Tourist Commercial designation.

4.2.2 City’s OP Policies for Clifton Hill

The City’s OP provides the following policies regarding the Clifton Hill Tourist District:

POLICY

4.2.16 *The Clifton Hill Subdistrict shall function as the commercial-entertainment centre of the Tourist Area, preserving its festival atmosphere. A wide range of commercial/entertainment uses shall be permitted including, but not limited to, tourist retail, hotels, restaurants, cafes, nightclubs, museums, art galleries, theatres and other tourist-related uses, all of which provide a pedestrian focus at the street level. The most intensive uses shall be located to the east of Victoria Avenue where a concentration of tourism activities already exists. Tourist-related uses to the west of Victoria Avenue shall provide an appropriate transition and relationship with the adjacent residential and institutional uses located within this Subdistrict.*

4.2.19 *Given the extensive area encompassed by the Clifton Hill Subdistrict and the large tracts of land occupied by non-tourist serving uses, such as industry, housing and schools, discretion shall be exercised in phasing tourist commercial development into these areas in order to concentrate tourism activities along the streets of Clifton Hill, Victoria Avenue and Ferry Street, and to minimize impacts on existing land uses. To accomplish this phasing, the implementing Zoning By-law shall defer tourism development until expansion is required and adequate services are available.*

ANALYSIS

A VRU is an “accommodation” use permitted on Tourist Commercial designated lands. The proposed VRUs are in the block bound by Stanley Avenue, Falls Avenue, Victoria Avenue and Ferry Street, which is largely an established residential neighbourhood with some commercial, institutional, and industrial properties scattered throughout. Many of the more traditionally residential parts of this block maintain DTC zoning, per Policy

4.2.19, which aims to phase tourism activities in the Clifton Hill Subdistrict and minimize impacts on existing land uses. Policy 4.2.16 aims to locate less intensive tourist-related uses west of Victoria Avenue, to provide an appropriate transition and relationship with surrounding residential and institutional uses.

The VRUs proposed are an appropriate introduction of a Tourist Commercial use into the DTC Zone. The introduction of VRUs on a site-specific basis in this neighbourhood achieves the phased approach to zoning for tourism uses discussed in Policy 4.2.19. A VRU is a less intensive tourism use compared to uses such as neighboring hotels, motels, and attractions, and is not anticipated to impact existing land uses. There is a demand for legal VRUs in the City, and the Subject Lands are in an ideal location to serve that need.

4.2.3 City's OP Policies for Municipal Infrastructure

The City's OP provides the following policies regarding servicing and municipal infrastructure:

POLICY

1.2.4 *Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available.*

1.3.1 *It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.*

ANALYSIS

As per Schedule B - Phasing Plan of the City's OP (see **Appendix B**), the Subject Lands are within the Existing Municipal Service Area of the City of Niagara Falls. The proposed use will continue to rely on the existing service connections for water, stormwater, and sanitation.

Based on the foregoing, the proposed development conforms with the general intent and policies of the Niagara Falls Official Plan.

5.0 Proposed Zoning By-law Amendment

The subject property is presently zoned DTC in accordance with Zoning By-law No. 79-200 (see **Appendix B**). The proposal is to amend the current zoning as described above to a Site-Specific DTC Zone to permit the existing triplex and proposed VRUs. The Site-Specific Zone will also account for the following deficiencies:

- Minimum Front Yard Depth;
- Minimum Exterior Side Yard Width;
- Maximum Area of a Rear Yard which can be Used as a Parking Area.

The DTC Zone (Section 8.8) directs the reader to use regulations of Section 4 (General Provisions), Section 5 (General Provisions for Residential Zones) and Section 7.5.2 (Regulations for R1E Zone). Section 4 includes provisions specific to VRUs in Section 4.38. The following table provides a review of the proposed development against these applicable zoning provisions.

Table 2 – Zoning Comparison Chart

REGULATION	DTC ZONE REQUIREMENT (S.8.8)	PROPOSAL	COMPLIANCE
Permitted Use	A use which is lawfully being carried on the date of the passing of this By-law upon such land or in any building or structure erected thereon	Triplex Dwelling Vacation Rental Unit	Existing No
REGULATION	R1E ZONE REQUIREMENT (S.7.5.2)	PROPOSAL	COMPLIANCE
Minimum lot area for corner lot	450 square metres	490.50 square metres	Yes
Minimum lot frontage for a corner lot	15 metres	15.24 metres	Yes
Minimum front yard depth	6 metres plus any applicable distance specified in section 4.27.1	0.00 metres	No (as existing)
Minimum rear yard depth	7.5 metres plus any applicable distance specified in section 4.27.1	15.77 metres	Yes

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Minimum interior side yard width	1.2 metres subject to the provisions of clause a of section 5.1	4.17 metres	Yes
Minimum exterior side yard width	4.5 metres plus any applicable distance specified in section 4.27.1	0.22 metres	No (as existing)
Maximum lot coverage	45%	27.20%	Yes
Maximum height of building or structure	10 metres (32.81 ft.) subject to section 4.7	2 storeys, exact height unknown	Yes (as existing)
Maximum number of detached dwellings on one lot	1 only	1 only	Yes
Parking and Access Requirements	2 parking spaces (x3 VRUs), which may be provided in tandem (as specified in section 4.19.1) = 6 parking spaces	6	Yes
Accessory buildings and accessory structures	in accordance with sections 4.13 and 4.14	N/A	N/A
Minimum landscaped open space	30% of the lot area	45.7%	Yes
REGULATION	GENERAL PROVISIONS REQUIREMENT (S.4)	PROPOSAL	COMPLIANCE
Parking Space Dimensions (4.19)	2.75 m x 6 m	2.75 m x 6 m	Yes
Maximum driveway width in a front yard (4.19.3(a)(ii))	60% of the lot frontage but in no case more than 9 metres	3 metres	Yes
Maximum lot area	30%	20.23%	Yes

which can be used as a surface parking area (4.19.4 (a)(i))			
Maximum area of a rear yard which can be used as a parking area (4.19.4 (a)(i))	40 square metres	79.06 square metres	No
Minimum Distance from Centerline of Original Road Allowance (4.27)	Buchanan Ave: 13 m Forsythe St: 10 m		Yes Yes
REGULATIONS: VACATION RENTAL UNITS (S.4.38)		PROPOSAL	COMPLIANCE
The maximum number of bedrooms permitted in a vacation rental unit in an existing detached dwelling or dwelling unit in a TC, GC, and CB zone shall be 3;		Maximum three per unit (3)	Yes, however the Subject lands are zoned DTC. Site-Specific provision proposed to limit number of bedrooms to three (3)
A vacation rental unit shall be licensed by the City of Niagara Falls and the municipal license of a vacation rental unit must be kept current and maintained in good standing;		To obtain	Yes
The maximum number of travelers permitted to stay in an existing detached dwelling or dwelling unit used as a vacation rental unit shall be in accordance with the requirements of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, and the regulations promulgated thereunder;		Noted	Yes
Subject to clause (e) of section 4.38, any and every reference to a zone in clause (a) of section 4.38 shall be deemed to include any zone described in section 19 of the by-law that is derived from the zones listed in clause (a) of section 4.38		Noted	Yes

<p>Existing cottage rental dwellings and any other permitted uses that fall within the ambit of the definition of a vacation rental unit as set out in this by-law shall henceforth be referred to as a vacation rental unit, but in all other respects shall continue to be governed by the site-specific regulations that govern their permitted use on the effective date of this amendment to the by-law;</p>	<p>Noted</p>	<p>Yes</p>
<p>Parking and access requirements shall be in accordance with section 4.19.1</p>	<p>Two (2) spaces per VRU for a total of six (6) spaces</p>	<p>Yes</p>

5.1 Zoning Analysis

The proposed and existing uses and zoning deficiencies noted in Table 2 are reviewed below:

5.1.1 Permitted Uses

Required: A use which is lawfully being carried on the date of the passing of this By-law upon such land or in any building or structure erected thereon.

Proposed: Vacation Rental Units and Existing Triplex

According to the City’s Zoning Regulations, a licensed VRU is permitted in an existing dwelling unit within the Tourist Commercial (TC), General Commercial (GC) and Central Business Commercial (CB) zones. The proposal is to introduce a VRU as a permitted use on the Subject Lands, on a site-specific basis, while maintaining all other permitted uses of the DTC Zone.

The City’s Official Plan and Zoning By-law envision VRUs in TC Zones; the Subject Lands are within an area planned for tourist commercial uses in the future, using DTC zoning. As detailed in Section 4 of this report, the introduction of VRUs on the Subject Lands, while maintaining its DTC Zone, represents a phasing in of tourist commercial development into the area, as envisioned by the Official Plan. The introduction of the VRU uses conforms to the City’s Official Plan in that the proposed tourist commercial use (i.e., the VRUs) are not anticipated to have negative impacts on existing residential land uses in the area, and that it represents a phased approach to zoning the area for tourist commercial uses.

The proposed Zoning By-law Amendment also adds the existing triplex dwelling as a permitted use to the Subject Lands. As described previously in the report, the triplex appears to have existed prior to the City’s 1979 Zoning By-law, as substantiated by findings in Vernon’s Directories (Appendix F). Whether or not the triplex existed prior to

the passing of the Zoning By-law and has continuously been used as such, the proposal to establish the existing triplex as a permitted use in the Zoning By-law is supported by the Official Plan. The Official Plan permits standalone residential uses in the Tourist Commercial designation.

5.1.2 Minimum Front Yard Depth & Minimum Exterior Side Yard Width

Required: 6.0 metres plus any applicable distance specified in section 4.27.1

Proposed: 0.0 metres (as existing)

&

Required: 4.5 metres plus any applicable distance specified in section 4.27.1

Proposed: 0.22 metres (as existing)

Section 7.5.2 of the City's Zoning By-law requires a minimum front yard depth and exterior side yard width of 6.0 metres and 4.5 metres, respectively. The triplex dwelling on the Subject Lands has a front yard depth of 0.0 metres from the front dwelling façade to the east lot line and an exterior side yard width of 0.22 metres along the south lot line. The proposed Zoning By-law Amendment recognizes these existing deficiencies. The proposed amendment is supportable since no change is being made to the front yard and exterior side yard depths.

The proposal seeks to permit VRUs within the existing triplex dwelling. The reduced front yard depth and interior side yard widths is characteristic of many dwellings in the vicinity and the broader neighbourhood. Nearby buildings within Tourist Commercial Zones also have similar conditions as the dwelling on Subject Lands. Buildings containing dwelling units at addresses directly east of the Subject Lands ranging from 5662 to 5696 Buchanan Avenue, as well as neighbouring 5685-5693 Buchanan Avenue to the north contain approximate front yard depth ranging from 0 to 0.2 metres.

Typically, side yard requirements are established to ensure adequate space for light, air, and privacy. The proposed VRUs will operate under a municipal license system that will ensure compliance for municipal nuisance By-laws. No additional concerns are warranted as the proposal does not include changes to the existing building.

It is our opinion that the deficiencies in the front and side yard widths are acceptable and can be supported for the proposed addition of the VRUs.

5.1.3 Maximum Area of a Rear Yard which can be Used as a Parking Area

Required: 40 square metres

Proposed: 79.06 square metres

Section 4.19.4 of the City's Zoning By-law institutes a maximum of 40 square metres to be used as a parking area in the rear yard, applicable to R1A, R1B, R1C, R1D, R2 and R3 Zones. While the Subject Lands are not within these Zones, the applicable DTC Zone

requirements refer the reader to R1E Zone requirements. The proposal is to increase this maximum area to 79.06 square metres on the Subject Lands to accommodate the parking provisions of the City's Zoning By-law for VRUs (see **Table 2**)

Given the Subject Lands are in an area planned for tourist commercial uses, the introduction of an increased parking area represents a phasing in of tourist commercial development. Further, the proposed parking area on the Subject Lands in the rear yard is directly adjacent to a commercial (hotel) development and across the street from commercial/mix-use properties.

The proposal strikes a balance between providing the required amount of parking spaces on site (6 spaces) and providing sufficient amenity space on site; the proposal provides for 45.7% of the lot area as landscaped open space, exceeding the minimum 30% required under the Zoning By-law. Adequate amenity space in the rear yard remains for future residents and guests.

While the actual area of the proposed parking spaces in the rear yard is 65.97 square metres, 13.09 square metres is proposed to accommodate an additional 2.38 metre setback from the total 10 metres as measured from the original centreline of Forsythe Street, and as required under Section 4.27 of the City's Zoning By-law.

It is our opinion that the proposal to go beyond the typical 40 square metre requirement for a Residential Zone is appropriate in this instance.

6.0 Summary and Conclusion

The proposed addition of Vacation Rental Units is permitted in the Tourist Commercial designation of the City's Official Plan. The proposal is within an area identified for the phasing in of tourist commercial uses in the Zoning By-law, which the proposal represents. The proposal supports the existing tourism industry by providing accommodation for visitors in an appropriate area. The proposal to add the existing triplex to the list of permitted uses on the subject lands conforms to the Official Plan in that standalone residential uses are permitted.

It is our opinion the proposed Zoning By-law Amendment represents good land use planning, is in the public interest and should be approved for the following reasons:

1. The proposed development is consistent with the PPS and is in conformity with the Growth Plan, NOP, and the City's OP.
2. The proposed development constitutes a form of tourist accommodation and is appropriately located on lands designated for Tourist Commercial uses.
3. The proposed use supports the City's existing Clifton Hill Tourist District.
4. The built form of the dwelling unit is to remain as existing, and the triplex dwelling will continue to rely on existing municipal services for water, sanitation, and stormwater management.

5. The proposed Vacation Rental Units will each be subject to the City's licensing by-law and all other municipal by-laws.

Report prepared by:

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Planner
NPG Planning Solutions Inc.

Report reviewed and approved by:

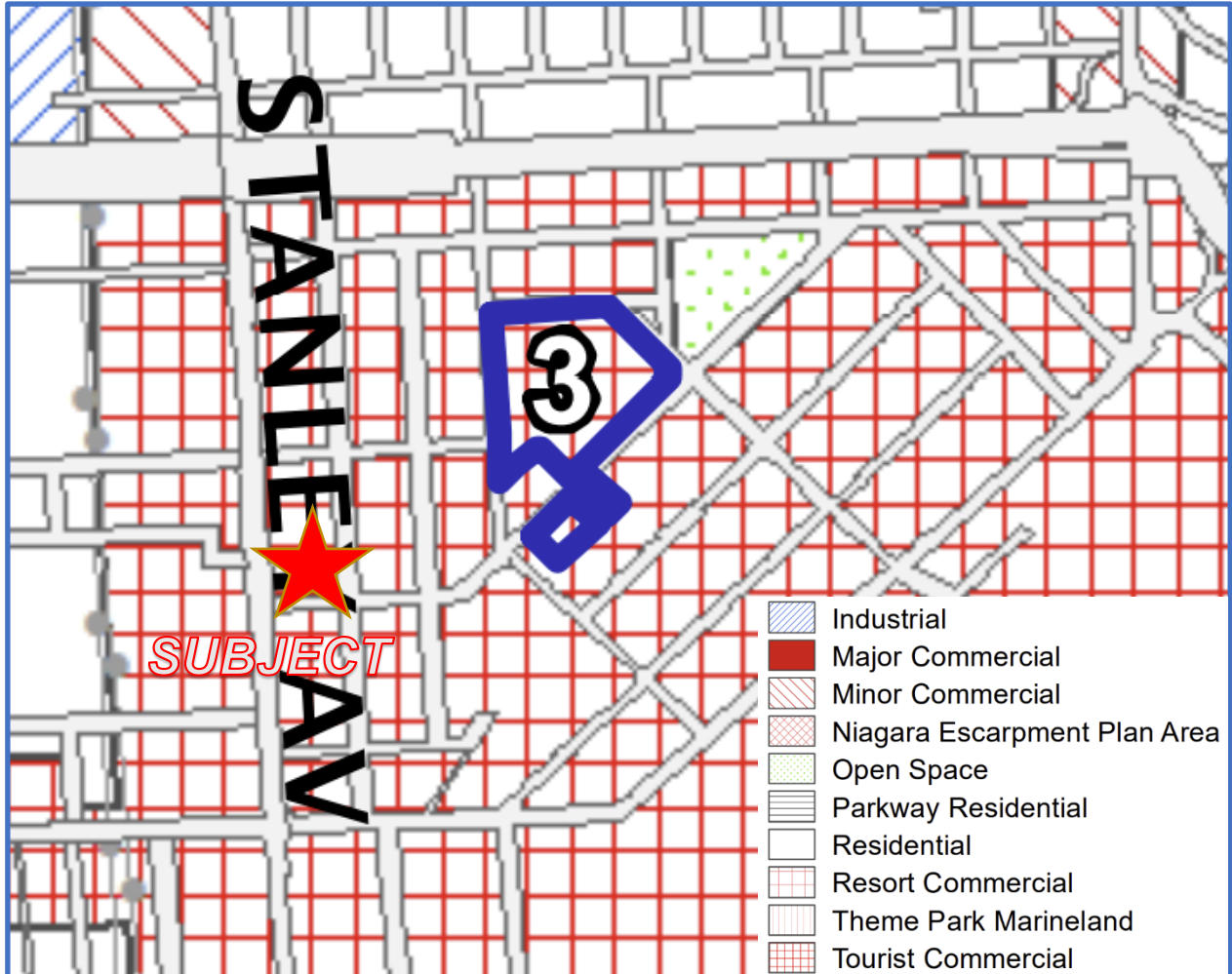


Aaron Butler, MCIP RPP
Development Principal
NPG Planning Solutions Inc.

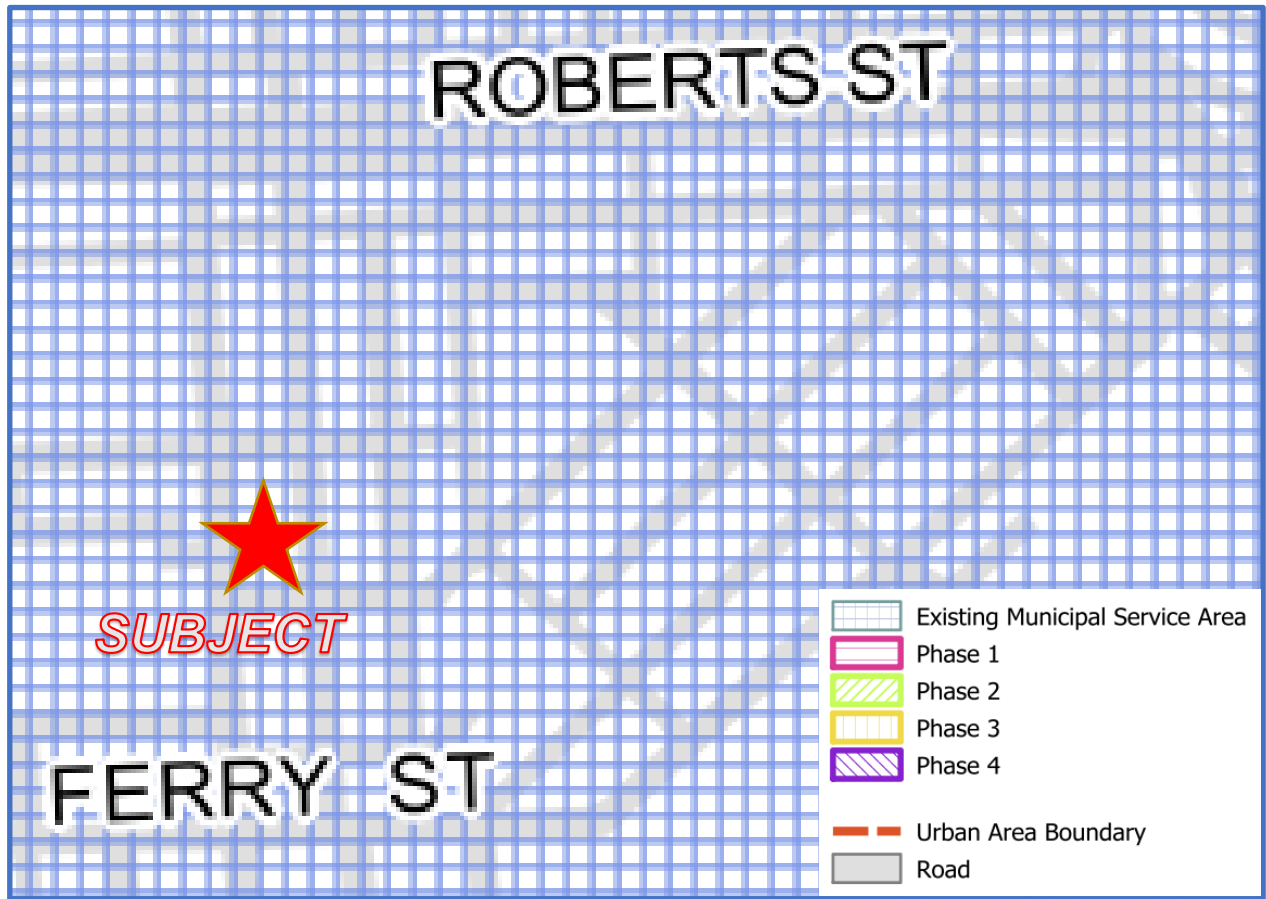
7.0 Appendices

Appendix A – City of Niagara Falls Official Plan Schedules

SCHEDULE A – FUTURE LAND USE PLAN – *Tourist Commercial*



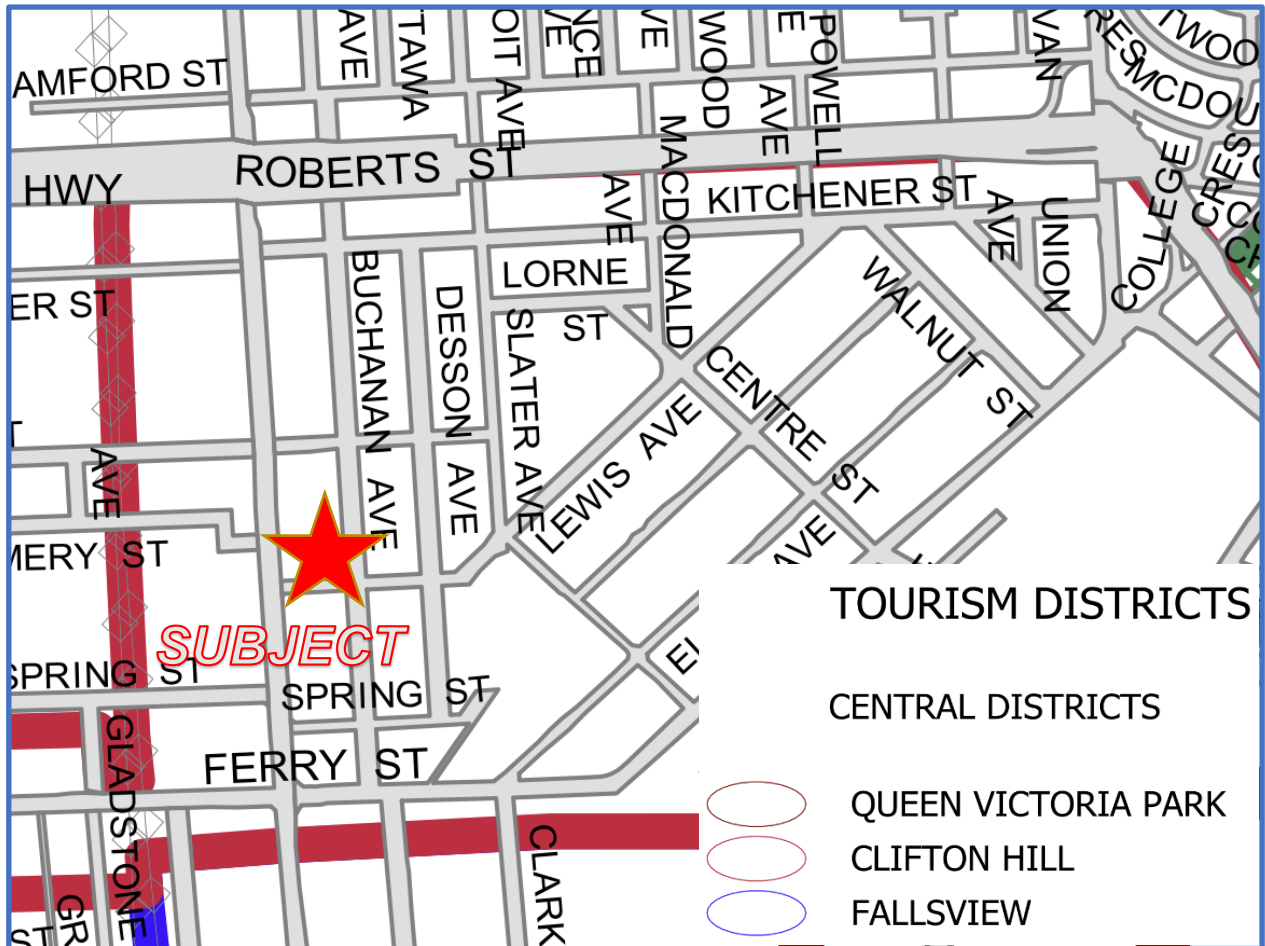
SCHEDULE B – PHASING PLAN – *Existing Municipal Service Area*



SCHEDULE C – ROADS – *Collector Roads (Buchanan Avenue & Forsythe Street)*



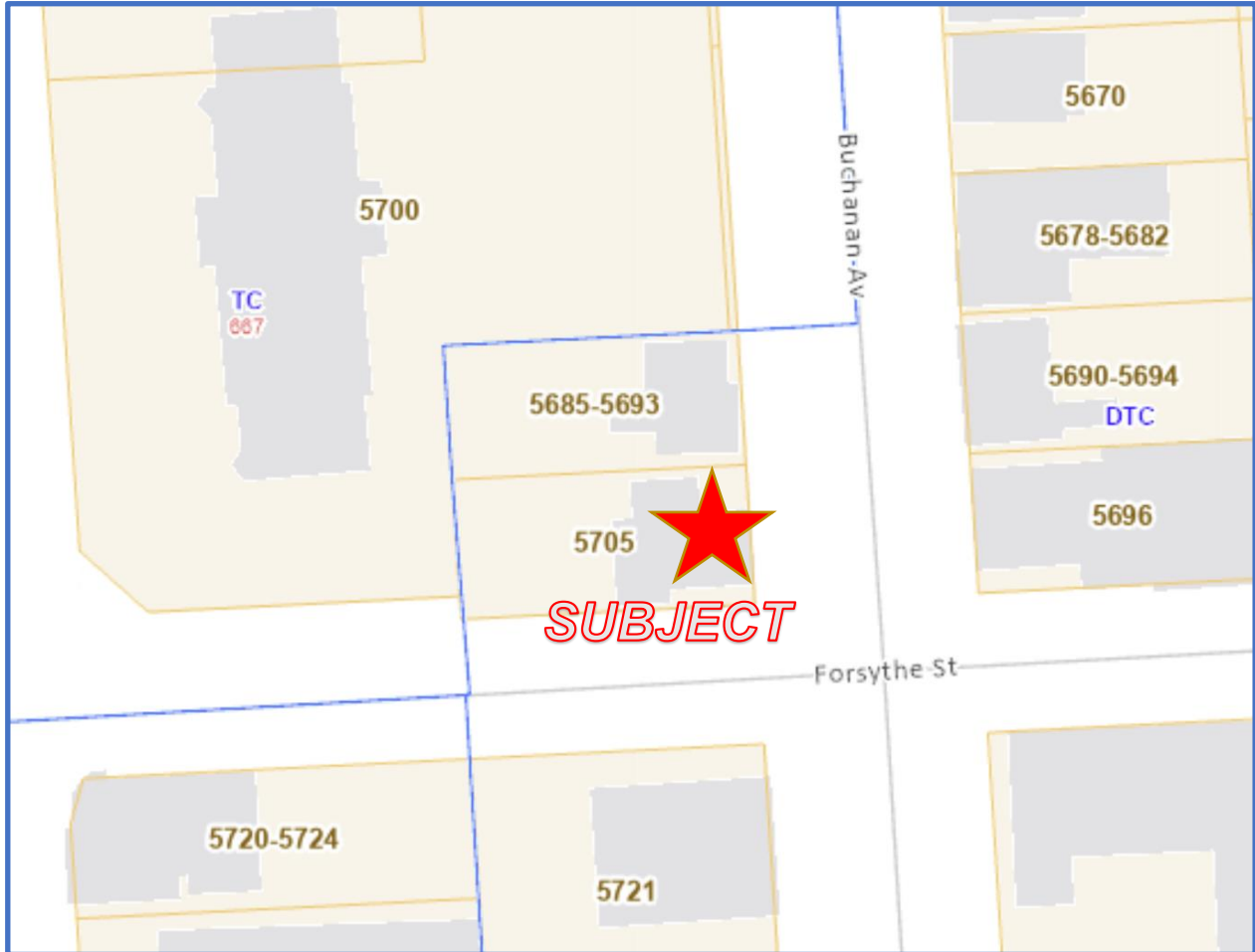
SCHEDULE E – TOURISM MAP – *Clifton Hill*



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Appendix B – City of Niagara Falls Zoning By-law No. 79-200

ZONING BY-LAW No. 79-200 – **Deferred Tourist Commercial Zone (DTC Zone)**



Appendix C – Proposed Zoning By-law Amendment

CITY OF NIAGARA FALLS

BY-LAW NO. 2023-XX

A BY-LAW TO AMEND BY-LAW NO. 79-200, TO PERMIT THE USE OF THE LANDS FOR A TRIPLEX AND A VACATION RENTAL UNIT (AM-2023-XX).

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. The Lands that are the subject of and affected by the provisions of this by-law as described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be:
 - (a) The uses permitted in the DTC Zone
 - (b) A triplex dwelling and accessory buildings and structures
 - (c) One (1) Vacation Rental Unit per dwelling unit, for a maximum of (3) Vacation Rental Units on the Lands

5. The regulations governing the permitted uses shall be:

(a)	Minimum lot area	490 square metres
(b)	Minimum lot frontage	15 metres
(c)	Minimum front yard depth	0 metres (as existing)
(d)	Minimum exterior side yard width	0.2 metres (as existing)

(e)	Maximum area of a rear yard that can be used as a parking area	79.06 square metres
(f)	The balance of the regulations specified for a DTC use.	

6. All other applicable regulations set out in By-law No.79-200 shall continue to apply to govern the permitted uses of the Lands.
7. No person shall use the Lands for a use that is not a permitted use.
8. No person shall use the Lands in a manner that is contrary to the regulations.
9. The provisions of this By-law shall be shown on Sheet D4 of Schedule "A" of By-law No.79-200 by redesignating the lands from DTC to DTC and numbered XXXX.
10. Section 19 of By-law 79-200 is amended by adding thereto:

19.1.XXXX	Refer to By-law No. 2023-XX
-----------	-----------------------------

Read a first, second and third time; passed, signed and sealed in open Council this _____ DAY OF _____, 2023.

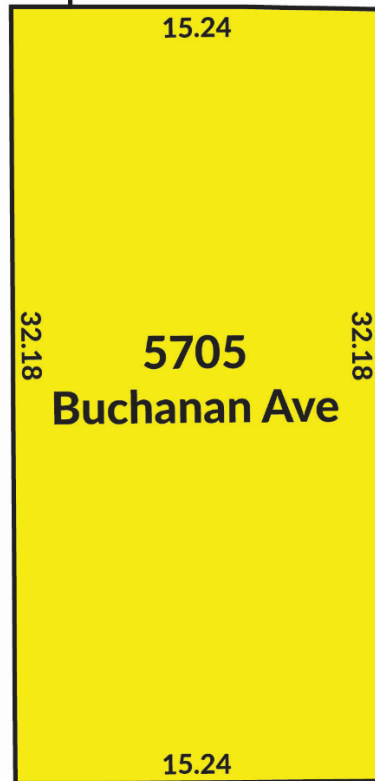
CITY CLERK

JAMES M. DIODATI, MAYOR

SCHEDULE A TO ZONING BY-LAW AMENDMENT



FORSYTHE STREET



BUCHANAN AVENUE



**Site Specific - Deferred Tourist Commercial
(DTC-XX) Zone**

Appendix D – Driveway Approval Correspondence

Friday, March 24, 2023 at 10:44:30 Eastern Daylight Time

Subject: Re: Secondary Driveway - 5705 Buchanan Av
Date: Friday, March 24, 2023 at 10:44:02 AM Eastern Daylight Saving Time
From: Aaron Butler

----- Forwarded message -----

From: **Savannah Wells** <swells@niagarafalls.ca>
Date: Mon, 3 Oct 2022 at 11:29 AM
Subject: RE: Secondary Driveway - 5705 Buchanan Av
To: Vikrampal Singh <eng.vikram.singh@gmail.com>

Hi Vikrampal,

Yes, this is sufficient. We will add this approval to your file.

Thank you,

Savannah Wells | Operations Customer Service Coordinator | Municipal Works | City of Niagara Falls
[3200 Stanley Avenue](#) | [Niagara Falls, ON L2E 6S4](#) | (905) 356-7521 ext 6510 | Fax 905-356-6460 |

From: Vikrampal Singh <eng.vikram.singh@gmail.com>
Sent: Monday, October 3, 2022 11:27 AM
To: Savannah Wells <swells@niagarafalls.ca>
Subject: Re: Secondary Driveway - 5705 Buchanan Av

Hi Savannah,

This is all I got from Sue. She printed me this paper. Is this enough?

On Fri, Sep 23, 2022 at 3:16 PM Savannah Wells <swells@niagarafalls.ca> wrote:

Good afternoon,

Following our discussion, I am reaching out regarding the request to have the curb cut and sidewalk graded for a secondary driveway at [5705 Buchanan Av](#).

Please provide a copy of the approval received from planning and we will open the file for Spring 2023.

Kind regards,

Savannah Wells | Operations Customer Service Coordinator | Municipal Works | City of Niagara Falls
[3200 Stanley Avenue](#) | [Niagara Falls, ON L2E 6S4](#) | (905) 356-7521 ext 6510 | Fax 905-356-6460 |

Savannah Wells
Service Centre

905 356-1355

Sue Scerbo

From: Sue Scerbo
Sent: Wednesday, September 14, 2022 8:54 AM
To: John Grubich
Subject: RE: 5705 Buchanan Avenue

Thanks John.

Sue.

parking area
in a rear yard
max 40 sqm.

From: John Grubich <jgrubich@niagarafalls.ca>
Sent: Wednesday, September 14, 2022 8:40 AM
To: Sue Scerbo <:sscerbo@niagarafalls.ca>
Subject: RE: 5705 Buchanan Avenue

Sue;

No objections on a second driveway off of Forsythe Street.

John

From: Sue Scerbo <:sscerbo@niagarafalls.ca>
Sent: September 13, 2022 2:53 PM
To: John Grubich <jgrubich@niagarafalls.ca>
Subject: 5705 Buchanan Avenue

Hi John,

The owner of 5705 Buchanan Avenue (corner lot) would like to construct a new driveway off of Forsythe Street. Do you have any objection?

Susan Scerbo
Senior Zoning Administrator
City of Niagara Falls
Planning, Building & Development
4310 Queen Street
Niagara Falls, ON L2E 6X5
905-356-7521 ext. 4296

We value and respect flexible work arrangements. Although I have sent this at a time that is convenient for me, it is not my expectation that you read, respond or follow up on this email outside of your work hours.

Appendix E – Site Photos



Photo 1 – View of existing triplex dwelling with asphalt driveway, looking southwest from Buchanan Street



Photo 2 – View of triplex dwelling neighbouring Subject Lands to the north and looking west from Buchanan Street. Comfort Hotel is visible in the background.

5705 Buchanan Avenue, Niagara Falls
Planning Justification Brief



Photo 3 – View of existing triplex dwelling from Forsythe Avenue, looking northeast.

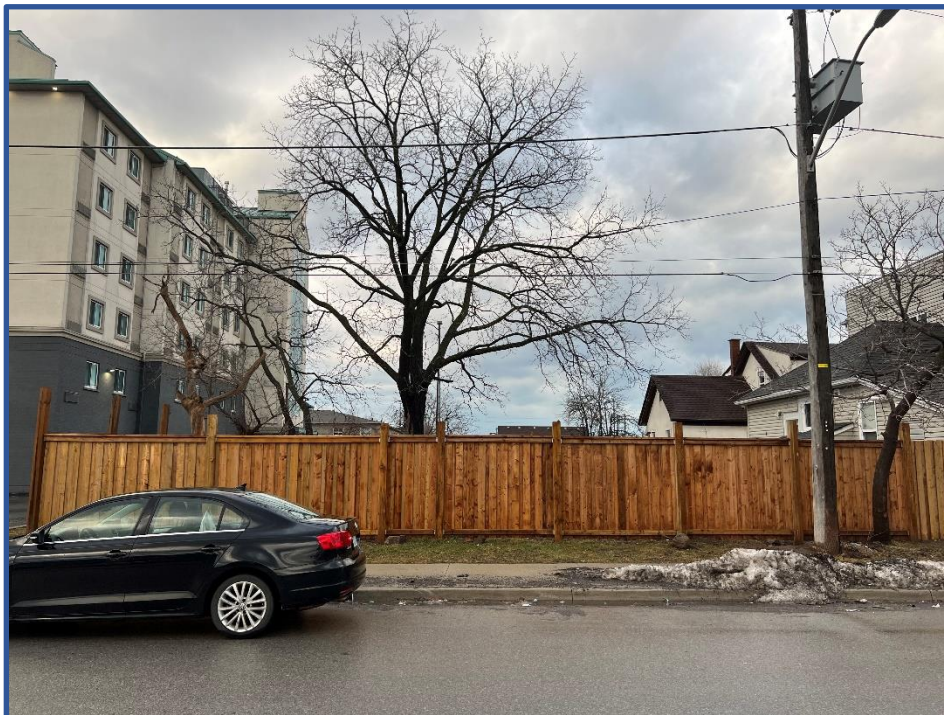


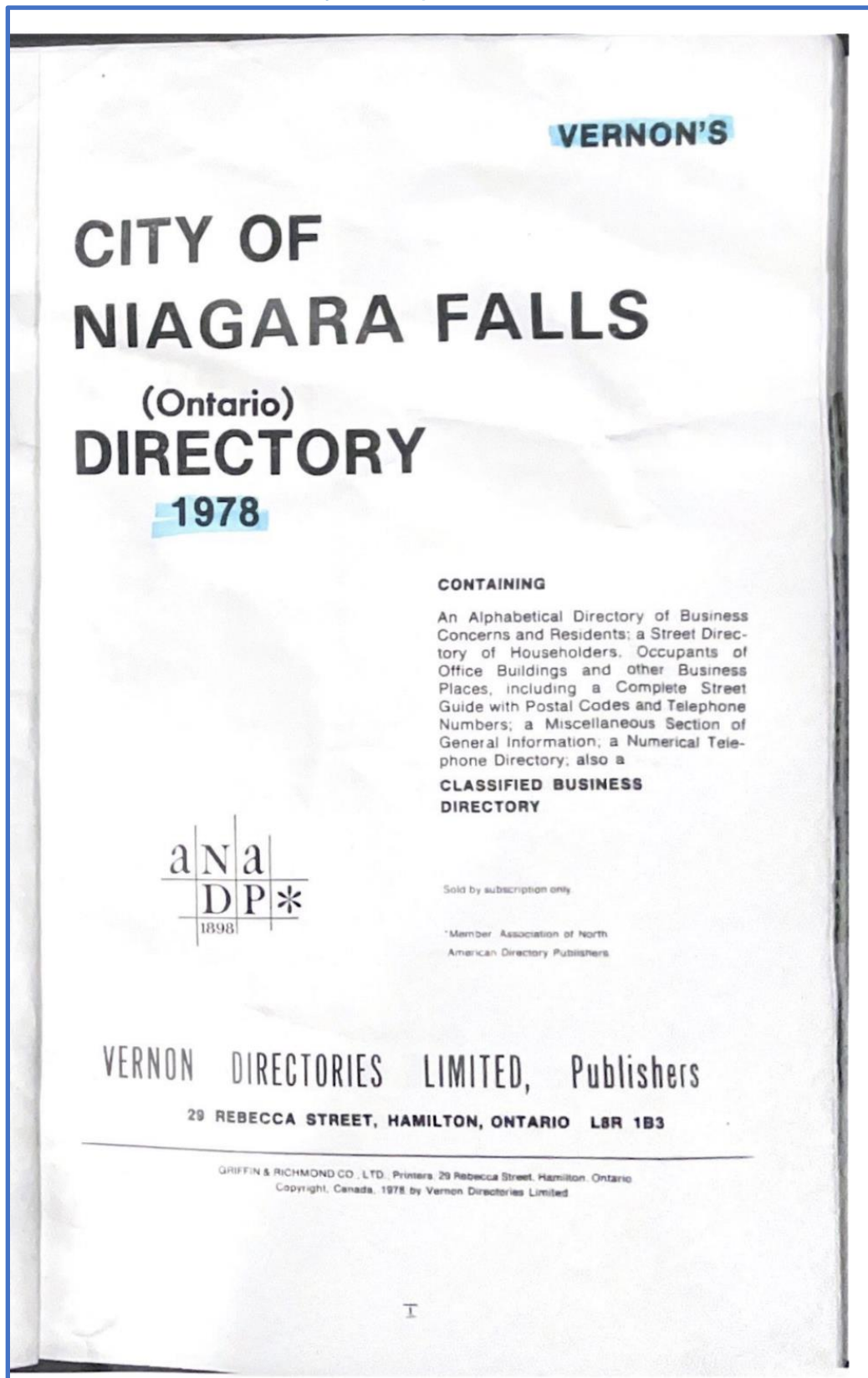
Photo 4 – View of the fence proposed to be altered to accommodate a driveway for the four (4) proposed in-tandem parking spaces. The neighbouring hotel (Comfort Hotel) is visible on the left (west).

5705 Buchanan Avenue, Niagara Falls
Planning Justification Brief



Photo 5 - View of the Subject Lands rear yard, looking west. The orange dotted outline indicates the proposed location of the driveway to accommodate 4 additional parking spaces for the proposed VRUs.

Appendix F – Vernon's Directory Excerpts; 1978, 1980, 2013 & 2014



F. INGHAM CONSTRUCTION COMPANY LIMITED

Commercial Industrial Residential
 GENERAL CONTRACTORS

4790 MONTROSE RD. L2H 1K5

PHONE 358-7101

BUCHANAN AV CONT'D

5610 Lanzellotti D 358 9301
 5610 Fisher F
 5620 Cantanzaro L 358 7401
 5632 Candeloro B 354 3989
 5640 Ferro V 354 2318
 5648 Nelson M 358 9688
 5662 Aitchison F
 r5662 Farrington G 354-0614
 5662 Farrington B 354 0348
 5670 Cermignara M 356 5262
 r5670 Palinkas J
 r5670 Szopka M
 5678 Apartments
 1 Wilson D 357 1614
 2 Kimonos S
 3 D'Amico J 357 2959
 Street Continued
 5678 Petrovic S
 5682 Vacant
 5690 Roveri C 354 1756
 5690 Apartments
 1 Loro C 354 9152
 2 Critelli S
 3 Chevalier M
 Street Continued
 5696 Vacant
 5696 Vacant

— FORSYTHE CROSSES
 L2G 3V3

5740 Michetti E 358 9333
 5740 Kenny N 358 9333
 5768 Halligan P 356 1752
 5768 Manning B 354 4823
 5768 Dharamashi S 358 9001
 5782 Perry T 358 9484
 5788 Del Vecchio N 358 9258
 r5788 Vacant
 5798 Mierno A 354 5881
 5812 Vacant

— SPRING CROSSES
 L2G 3V4

5826 No Return
 5834 Aiello T 358 9679
 5940 Adams D 357 0053
 5848 Costa's Variety 354 1711
 5850 Detroit Distributors

— FERRY CROSSES
 L2G 3V5

5888 Rocco F
 5912 Fruci A 354 5040
 5920 Rocco J
 5930 Dunn W 354 4435
 5958 Fairway Motel 356 4860
 5972 Cianflone J 354 9154
 5996 Odette D 354 7957
 5996 No Return
 6006 No Return
 6018 Cabanaw P
 6030 Howard F 357 1804
 6040 Goodwill Electric
 Supplies Limited 358 7111
 6050 Szolga T 354 5135
 6064 Vacant

— ROBINSON CROSSES
 L2G 3V8
 — MURRAY CROSSES
 L2G 3W2

6546 Oakes Drive Motel and
 Restaurant Limited 358 5926
 6546 Boris Karloff Wax Museum 356 5220

— OAKES DR BEGINS

BUCHANAN AV West Side

L2E 5A7

5261 No Return
 5267 Carlucci V 356 0989
 5277 Champagne R 356 8660
 5283 Gignac A 356 7939

— STAMFORD CROSSES

— ROBERTS CROSSES

— QUEEN ELIZABETH HWY
 CROSSES

— KITCHENER CROSSES
 L2G 3T7

5489 Spiotti L 358 9529
 5503 Luca N 354 7605
 5515 Luca F 356 4574
 5523 Cassolato M 356 3115
 5529 No Return
 5529 Canham G 357 1836
 r5529 Vacant
 5541 Calisina S 354 0555
 5551 Longo D 354 9671
 5561 Binschedler M 358 5933
 5579 Barkman T 356 4118
 5593 Newstead J 354 7545

— NORTH CROSSES
 L2G 3T9

5609 Fiorentino L 358 9454
 5619 Tassone B 358 3502
 5629 Mingle T 358 3449
 5629 Del Vecchio M 354 3089
 5641 Tassone V 356 0389
 5651 Mancuso M 354 1398
 5653 Mancuso V 358 3379
 5659 Petroczyk B
 5685 No Return
 5693 Paonessa J 356 3339
 5693 Fabiano R 356 0366

5701 Vacant
 5703 Gianni P 358 6296
 5705 Vilch V 358 9375

— Forsythe Crosses
 L2G 3V2

5721 Kassam A 358 6373
 5721 Lanani L 357 0033
 5739 Ferro P 358 9401
 5753 Vacant
 5753 Mazzone M 358 9344
 5761 Deni C 358 6436
 5763 Usvaldo F 358 6489
 5773 Barillaro P 358 9842
 r5773 Vacant
 5781 Gualtieri J 358 0028
 5783 Sentinel G 358 7859
 5803 Pracey E 358 0018
 5815 Fisher R

— SPRING CROSSES

— FERRY CROSSES
 L2G 3V6

5913 Mizibrocky N 356 0764
 5927 Thibodeau G 354 5157
 5937 Vacant
 5953 Vacant
 5965 Albano V 354 9110
 5981 Lococo Michi M 358 3132
 5989 Talarico M 354 5108
 5997 Dobson D 354 4406
 6029 Belme F
 r6039 No Return
 6039 Vacant
 6039 Taylor W 356 2160
 6053 Serra M
 6053 Skorupan L 356 7248
 6065 Apartments
 1 Scott G
 2 Winstanley R
 3 Winstanley C

Street Continued
 6081 Damato N 354 7676
 6095 Lanther R 358 9587

— ROBINSON CROSSES
 L2G 3V7

6117 Vacant
 6117 Vacant
 6141 Cain C 354 0801
 6153 Stewart E 356 8774
 6163 McGarry J 354 0841
 6163 Maple Leaf Motel
 6179 Knight W 354 0841
 6195 Nagy M 354 9230
 6195 Vacant 356 4493

— MURRAY CROSSES
 L2G 3V9

6361 Banfai G 358 9413
 6361 Blue Top Motel 358 9413
 6365 Pan-O-Rama Motel's
 Limited 354 0852
 6385 Botyanski G 354 0852
 L2G 3W1
 6505 Village Souvenir Gift
 Shop 356 3443

— DIXON CROSSES

BUCHNER PLACE North Side
 e from 5934 Drummond rd
 to Cemetery

L2G 1X5

6157 Snyder M 354 0880
 6165 Mako E 358 7700
 6195 McRoberts M 354 7909

BUCHNER PLACE South Side

L2G 1X6

6172 Oliah S 358 5503
 6196 Hopkins D

BUCKINGHAM DRIVE North Side
 (Westwood Village)
 west from Devon rd

— Not Built On

VERNON'S
SINCE 1924

**CITY OF
NIAGARA FALLS**
(Ontario)

**DIRECTORY
1980**

CONTAINING

An Alphabetical Directory of Business Concerns and Residents; a Street Directory of Householders, Occupants of Office Buildings and other Business Places, including a Complete Street Guide with Postal Codes and Telephone Numbers; a Miscellaneous Section of General Information; a Numerical Telephone Directory; also a **CLASSIFIED BUSINESS DIRECTORY**



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CREDIT BUREAU
OF NIAGARA FALLS - FORT ERIE
 CREDIT REPORTING 227-5201 COLLECTIONS 356-1381
 COMMERCIAL REPORTING 227-6140
4926 VICTORIA AVE. "SERVICE FIRST"

— QUEEN ELIZABETH HWY
 CROSSES

— KITCHENER CROSSES
 L2G 3T7

5489 Sprotti L	358-9529
5503 Luca N	354-7605
5515 Luca F	356-4574
5523 Cassolato M	356-3115
5529 Refused	
5529 Refused	
5541 Calisina S	
5551 Longo D	354-9671
5561 Binschedler M	358-5933
5579 Barkman T	356-4118
5593 Newstead J	354-7545

— NORTH CROSSES
 L2G 3T9

5609 Fiorentino L	358-9454
5619 Tassone B	358-3502
5629 Mingle T	358-3449
5629 Del Vecchio M	354-3089
5641 Tassone V	356-0389
5651 Mancuso M	354-1398
5653 Mancuso V	358-3379
5659 Petroczky B	
5685 Vacant	
5685 Vacant	
5693 Paonessa J	356-3339
5693 Fabiano R	356-0366
5701 Vacant	
5703 Iuglio F	357-5325

— Forsythe Crosses
 L2G 3V2

5721 No Return	
5721 Lanani L	357-0033
5739 Bouchard R	
5739 Ferro P	358-9401
5753 Corone F	
5753 Mazzone M	358-9344
5761 Deni C	358-6436
5763 Vacant	
5773 Baniloro P	358-9842
5773 Cundari E	
5781 Gualtieri J	358-0028
5783 Sentinel G	358-7859
5803 Vacant	
5815 Horn E	358-8380

— SPRING CROSSES

— FERRY CROSSES
 L2G 3V6

5913 Mizibrocky N	356-0784
5927 Greeno C	
5965 Albano V	354-9110
5981 Lococo Michl M	
5989 Talarico M	358-3132
5997 Gascoigne R	354-5108
6029 Belme F	
6039 Wood J	354-8811
6039 Belme L	356-8984
6039 McKay S	358-9809
6053 Serra M	356-0962
6053 Skorupan L	356-7248
6065 Apartments	
1 Vacant	
2 Vacant	
3 No Return	
Street Continued	
6081 Damato N	354-7676
6095 Morocco K	357-9202

— ROBINSON CROSSES
 L2G 3V7

6117 Shoemith P	358-0052
6117 Augustino P	
6141 Cain C	354-0801
6153 Stewart E	356-8774
6163 McGarry J	354-0841
6163 Maple Leaf Motel	
6179 Barnes T	354-0841
6195 Nagy M	357-3121
6195 Your Host Motor Inn (s e)	358-4489

— MURRAY CROSSES
 L2G 3V9

6361 Banla G	358-9413
6361 Park View Motor Inn	
6365 Pan-O-Rama Motels Limited	358-9413
6365 Botlyanski G	354-0852
L2G 3W1	
6505 Oak Chest Souvenir Gift Shop	

— DIXON CROSSES

.....

BUCHNER PLACE North Side
*e from 5934 Drummond
 rd to Cemetery*

L2G 1X5

6157 Snyder M	354-0880
6165 Mako E	358-7700
6195 McRoberts M	354-7909

BUCHNER PLACE South Side

L2G 1X6

6172 Olah S	358-5503
6196 Bell D	357-4885

.....

BUCKINGHAM DRIVE North Side
(Westwood Village)
west from Devon rd

— Not Built On

— COVENTRY RD BEGINS

BUCKINGHAM DRIVE South Side

— KENSINGTON COURT
 BEGINS

6699 Marshall P	354-4568
s s New House	

.....

BUCKLEY AV East Side
*from 4728 Park s to
 Simcoe*

L2E 4A2

4590 Jackson C	354-5005
4598 Restivo S	354-1775

4506 Armenti G	354-9264
4512 Mason J	354-9252
4612 Mason Auto Electric	
4620 Ezewash Laundry	354-9252
4620 Anderson L	354-0092
4620 Vacant	357-4825

— QUEEN & VALLEY WAY
 CROSS

L2E 4A4

4692 Degagne L	354-6502
4698 Vacant	
4700 Barzou A	357-2124
4706 Graham & Bradshaw Insurance Agency Inc	356-1139

— HURON CROSSES
 L2E 4A6

4764 Puznicarola V	354-0845
4770 Clermont R	358-6794
4770 Vacant	

— MORRISON CROSSES
 L2E 4A7

4818 Orr F	354-7198
4826 Madia J	356-8950
4834 Madia R	354-9574
4844 Mauro M	358-9232
4900 Buckley Towers	
100 Wazner M	356-0596
101 Hilton A	354-4513
102 Sozin S	
103 Gotbourne H	354-2819
104 Genest P	354-2870
201 Wales C	356-5036
202 Tanjany K	354-1851
203 Buckley M	358-8275
204 Whitel E	357-0509
205 Katto K	356-5569
206 Robertson M	356-7785
207 Verniers A	354-2866
208 White H	354-4286
209 Dobson I	358-5981
210 Reliance A	358-5894
211 Gunkel R	354-4307
212 Hicks K	358-0821
213 Padacz M	357-2194
218 Murray D	358-8189
218 Smith M	356-4390
301 McAteer A	354-5294
302 Primeau L	358-8540
303 Vacant	
304 Beemer M	358-5167
305 Haidt R	357-3479
306 Agrette A	356-4443
307 Buckner B	354-6597
308 McShane E	
309 Woodhouse G	354-8081
310 Inglis A	354-8527
311 Burleigh F	357-1090
312 Sotik K	354-5209
313 Biondo J	354-0622
314 Henry E	354-3002
315 Forrester S	358-8752
401 Godard D	354-8858
402 Barab V	354-6467
403 Abruzzo D	357-2636
404 Williams L	354-3359
405 Young S	354-0078
406 Kozulak L	354-0506
407 Winter W	356-1848
408 Lumax E	358-3880

2013 NIAGARA FALLS



Showing the name telephone number and postal code of the householder and businesses at each street number, and the description of each street.

Street Name		DOUGALL AVE	
Occupants with no house number available	(2)	Anderson N	377-0482
		Baker SL	377-1234
		Crawford V	377-9760
■ New to this publication	34	Frank's Garage L9G 2Y1	B 377-3206
Occupant Name			
House Number	35	Millan B F L9G 2Y2	377-9901
	■ 37	Wallace J L9G 2Y2	377-2245
(3) indicates number of years in this publication	(3) 38	Jones M E L9G 2Y1	377-8456
	■ 39	Preston B V L9G 2Y2	377-9595
House numbers with alphabetical suffix	(X) 42B	Carter R J L9G 2Y1	377-3743

(3) Indicates number of years in this publication at this address
 (X) Indicates ten or more years in this publication at this address ■ New to this publication
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2014 NIAGARA FALLS



Street Guide

Showing the name telephone number and postal code of the householder and businesses at each street number, and the description of each street.

Street Name — DOUGALL AVE			
Occupants with no house number available	(2)	Anderson N	377-0462
		Baker SL	377-1234
		Crawford V	377-9760
■ New to this publication			Business Listing
	34	Frank's Garage L9G 2Y1	B 377-3206
Occupant Name			
House Number	35	Millan B F L9G 2Y2	377-9901 Telephone number
	■ 37	Wallace J L9G 2Y2	377-2245
(3) indicates number of years in this publication	(3) 38	Jones M E L9G 2Y1	377-8456
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