



**NOTICE OF REFUSAL
TO GIVE APPROVAL TO A VACANT LAND
CONDOMINIUM AND TO AMEND
THE CITY OF NIAGARA FALLS
ZONING BY-LAW NO. 79-200
PURSUANT TO THE PROVISIONS OF THE
PLANNING ACT**

**Vacant Parcel between 2286 and 2294 Thompson Road (Roll No.: 2725-100-001-08303)
Draft Plan of Vacant Land Condominium – City File: 26CD-11-2018-006
Zoning By-law Amendment Application - City File: AM-2018-016
Applicant: Hunain Siddiqui**

TAKE NOTICE that on the 9th day of April, 2019, the Council of the Corporation of the City of Niagara Falls refused to approve an application for a vacant land condominium and a requested zoning amendment, as detailed below.

PURPOSE OF THE VACANT LAND CONDOMINIUM

The purpose of registering a vacant land condominium on the lands was to permit the creation of 55 vacant land units (lots) for the future construction and sale of 55 dwelling units (53 townhomes and semi-detached dwellings) on a private driveway.

PURPOSE AND EFFECT OF THE AMENDMENT

The purpose and effect of the requested amendment was to rezone the lands from the Residential 1E Density (R1E) zone, to a Residential Low Density Grouped Multiple Dwelling (R4) zone with site specific minimum lot area and minimum rear yard depth regulations permitting the construction of 53 townhouse dwellings and a semi-detached dwelling on the lands.

EXPLANATION OF REFUSAL

Council considered the proposed vacant land condominium and the requested zoning amendment at a public meeting held on April 9, 2019. Council refused to give approval to the vacant land condominium and the requested zoning amendment after considering staff's report, agency comments, a presentation from the applicant, and public comments. Council was of the opinion that the proposed development was out of character with the surrounding neighbourhood and would generate additional traffic.



APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL

The applicant, a person or public body who, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, the Minister of Municipal Affairs and Housing, or the municipality in which the land is located or the planning board in whose planning area the land is located, may appeal the refusal of the approval of the vacant land condominium by filing a notice of appeal with the Clerk of the City of Niagara Falls.

The applicant, or the Minister of Municipal Affairs and Housing may appeal the refusal of the requested amendment to the Local Planning Appeal Tribunal in respect of all or any part of the requested zoning amendment by filing a notice of appeal with the Clerk of the City of Niagara Falls.

The last day for filing a notice of appeal is Thursday, May 2, 2019. The appeal must set out the reasons for the appeal and the specific part of the proposed vacant land condominium and proposed zoning amendment to which the appeal applies and must be filed with the Clerk of the Corporation of the City of Niagara Falls. A \$300.00 fee is required for each application being appealed to the Local Planning Appeal Tribunal.

The decision of the Council of the Corporation of the City of Niagara Falls is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

Dated at the City of Niagara Falls this 12th day of April, 2019.

Alex Herlovitch. MCIP, RPP
Director of Planning, Building & Development