



The Municipal Corporation of the Town of Fort Erie

Special Council-in-Committee Meeting Agenda

Monday, March 6, 2023 - 6:00 PM

Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: www.youtube.com/townofforterie

or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

Page

- 1. Call to Order**
- 2. Roll Call**
- 3. Announcements/Addenda**
- 4. Declarations of Pecuniary Interest**
- 5. Notice of Upcoming Open Houses and Public Meetings**

- (a) Open House

Re: Proposed By-law Amendment - 3624 Hazel Street - Owner: S.R. Niagara Investments Inc. (Rita and Salvatore Visca) - Applicant: Robert Martin Engineering Inc. (Robert Martin) - Wednesday, March 8, 2023 - 5:00 p.m. - Town Hall Atrium.

- (b) Open House

Re: Proposed Draft Plan of Subdivision - 0-11704, 0-11699, 0-11700 & 0-11702 Shayne Avenue - Applicant/Owner: 1956678 Ontario Inc. (Bridge and Quarry Ltd.) - Thursday, March 9, 2023 - 5:00 p.m. - Town Hall Atrium.

Public Meeting Notices

- (a) Proposed Official Plan and Zoning By-law Amendment

Re: 644 Garrison Road - Owner: 2350048 Ontario Ltd. (c/o Ben Kooh) - Agent: Antech Design and Engineering Group (Candice Micucci) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

(b) Proposed Zoning By-law Amendment

Re: 525 Lake Avenue - Owner: Daniel John Read - Agent: A.J. Clarke & Associates Ltd. (Doug Giles) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

(c) Proposed Plan of Condominium and Zoning By-law Amendment

Re: 272 Ridge Road South - Owners: Wendy McGaeghan & Patrick McGaeghan - Agent: Culture Developments Inc./5038257 Ontario Inc. (Craig DeVries) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

(d) Municipal Drain

Re: Frenchman's Creek Drain 2022 - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 29, 2023.

(e) Building Permit Fees

Re: Proposed Increase in Building Permit Fees - *Building Code Act, 1992* - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers - Town Hall.

6. Public Meetings

(a) Proposed Zoning By-law Amendment

Re: 229 Cherryhill Boulevard South - Owner: John Lally (1000112697 Ontario Inc.) - Agent: Cam Lang. The Applicant is proposing to rezone the property to facilitate the construction of four single detached dwellings. The lands are located on the North-East corner of Willowood Avenue and Smalls Road and designated as Urban Residential, which allows for a variety of housing including single-detached and semi-detached dwellings.

The Applicant is proposing to rezone the lands from Residential 1 (R1) Zone, which permits single detached and accessory apartment dwellings to Residential 2A (R2A) Zone, as the proposed lots do not meet the minimum lot frontage of 20 meters and lot area of 600 square meters in the R1 Zone.

To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Samantha Yeung, Junior Development Planner (syeung@forterie.ca) or 905-871-1600 ext. 2528 for information on joining the zoom meeting.

Link: <https://www.forterie.ca/pages/CurrentPublicNotices>

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PDS-17-2023 Proposed Zoning By-law Amendment - 229 Cherryhill Boulevard South - John Lally - 1000112697 Ontario Inc. (Owner) - Cam Lang (Agent)

Recommendation:

That: Council receives for information purposes Report No. PDS-17-2023 regarding a proposed Zoning By-law Amendment for 229 Cherryhill Boulevard South.

[PDS-17-2023 229 Cherryhill Boulevard South Information Report](#)

(b) Proposed Zoning By-law Amendment

Re: 0-19302 Courtwright Street - Owner/Applicant: David Zappone. The Applicant is proposing to remove the existing detached garage and rezone the subject property to facilitate the construction of a semi-detached dwelling. The subject lands are located within the Urban Area and designated Low Density Residential in the Bridgeburg Secondary Plan, which is reserved for single detached, semi-detached, and duplex dwellings, and uses accessory thereto. The Applicant is proposing to rezone the lands from Residential 2 (R2) Zone to Residential 3 (R3) Zone, to permit a semi-detached dwelling, and is requesting site-specific relief, as the proposed lot frontage for each unit (7.62 m) is less than what is required (9.50 m).

To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Samantha Yeung, Junior

Development Planner (syeung@forterie.ca) or 905-871-1600 ext. 2528 for information on joining the zoom meeting.

Link: <https://www.forterie.ca/pages/CurrentPublicNotices>

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PDS-18-2023

Proposed Zoning By-law Amendment - 0-19302 Courtwright Street - David Zappone (Owner)

Recommendation:

That: Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-18-2023 for the lands known as 0-19302 Courtwright Street, and further

That: Council directs staff to submit the necessary by-law.

[PDS-18-2022 - 0-19302 Courtwright Street ZBA Info-Rec Report](#)

(c) Proposed Zoning By-law Amendment

Re: 0-17100, 0-17101 & 0-17102 Schooley Road - Applicant: A.J. Clarke and Associates Ltd. (Stephen Fraser) - Owner: Marz Homes (Crystal Beach) Inc. The Applicant is proposing to create an additional residential lot located within the urban boundary designated Urban Residential and Environmental Conservation, and zoned Residential 2 (R2) Zone, Residential 2 (R2-637) Zone, and Environmental Conservation (EC) Overlay Zone. The Applicant is proposing to rezone to a site-specific R2 Zone, and reconfigure the lot lines to facilitate the creation of an additional residential lot. Site-specific zoning relief is requested to address the deficient lot frontages and areas, and permit the proposed lot coverages, building heights, interior side yard setbacks, rear yard setbacks, and setbacks to ornamental structures. Future Consent Applications will be required to facilitate the proposed lot creation.

To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Mackenzie Ceci, Senior Development Planner (mceci@forterie.ca) or 905-871-1600 ext. 2514 for information on joining the zoom meeting.

Link: <https://www.forterie.ca/pages/CurrentPublicNotices>

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PDS-19-2023

Proposed Zoning By-law Amendment - 0-17100, 0-17101 & 0-17102 Schooley Road - Marz Homes

(Crystal Beach) Inc. - Dan Gabriele (Owner) - A.J. Clarke and Associates Ltd. - Stephen Fraser (Agent)

Recommendation:

That: Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-19-2023 for the lands known as 0-17100, 0-17101 and 0-17102 Schooley Road, and further

That: Council directs staff to submit the necessary by-law.

[PDS-19-2023 - 0 Schooley Road ZBA - Recommendation Report](#)

(d) Proposed Zoning By-law Amendment

Re: 4409 Erie Road - Applicant: Mary Lou Tanner (NPG Planning Solutions) - Owner: Crystal Beach Cottages Inc. (Bryan Keenan). The Applicant is proposing to demolish the one-storey single detached dwelling, retain the two-storey single detached dwelling, and construct eight new dwelling units. The subject property is designated Urban Residential in part, and Environmental Protection in part. As the Urban Residential designation permits a variety of housing, including single detached and townhouse dwellings, an amendment to the Official Plan is not being requested to facilitate the proposal. The Environmental Protection designation is associated with the Lake Erie Shoreline. The property is zoned Waterfront Residential (WR) Zone in part, and Hazard (H) Zone in part, which is associated with the Lake Erie Shoreline, and located within Floodproofing Area No. 1 in accordance with Subsection 6.49 of the Zoning By-law. The Waterfront Residential (WR) Zone only permits one single detached dwelling, uses, buildings and structures accessory thereto and home occupations. The Applicant is requesting to rezone the property to a site-specific Residential Multiple 1 (RM1) Zone to address the minimum lot frontage, minimum landscaped area, and minimum landscaping and planting strip width abutting a Residential Zone. As a portion of the retained dwelling is located within the Hazard (H) Zone, the Applicant is requesting to adjust the Hazard Zone boundary line, such that it is setback 1.50 m from the south face of the existing dwelling. The Applicant is proposing a future Consent Application to facilitate the severance of the existing two-storey single detached dwelling from the remainder of the subject property. As the proposed lot will only have partial frontage on a private street, the Applicant is also requesting relief from Subsection 6.5 of the Zoning By-law. A

future Draft Plan of Condominium Application will be required to facilitate the proposed development.

To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Mackenzie Ceci, Senior Development Planner (mceci@forterie.ca) or 905-871-1600 ext. 2514 for information on joining the zoom meeting.

Link: <https://www.forterie.ca/pages/CurrentPublicNotices>

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PDS-20-2023

Proposed Zoning By-law Amendment - 4409 Erie Road - NPG Planning Solutions Inc. - Mary Lou Tanner (Applicant) - Crystal Beach Cottages Inc. - Bryan Keenan (Owner)

Recommendation:

That: Council receives for information purposes Report No. PDS-20-2023 regarding a proposed Zoning By-law Amendment for 4409 Erie Road.

[PDS-20-2023 - 4409 Erie Road - ZBA Information Report](#)

7. Adjournment



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-17-2023
Agenda Date	March 6, 2023	File No.	350309-0563

Subject	PROPOSED ZONING BY-LAW AMENDMENT 229 CHERRYHILL BOULEVARD SOUTH JOHN LALLY – 1000112697 ONTARIO INC. (OWNER) CAM LANG (AGENT)
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Recommendation	THAT Council receives for information purposes Report No. PDS-17-2023 regarding a proposed Zoning By-law Amendment for 229 Cherryhill Boulevard South.
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Relation to Council's 2018-2022 Corporate Strategic Plan	Priority: Managed Growth through Responsibility, Stewardship and Preservation
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List of Stakeholders	Cam Lang (Agent) John Lally (Owner) Residents and Property Owners in the Town of Fort Erie
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Prepared by:	Reviewed by:	Submitted by:	Approved by:
Original Signed Samantha Yeung Junior Development Planner	Original Signed Anamika Dilwaria, M.Pl., MCIP, RPP Manager, Development Approvals	Original Signed Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	Original Signed Chris McQueen, MBA Chief Administrative Officer

Purpose

The purpose of this report is to provide information with respect to the Zoning By-law Amendment application for 229 Cherryhill Boulevard South in Fort Erie.

Cam Lang, the Agent, submitted a Zoning By-law Amendment application on behalf of John Lally, 1000112697 Ontario Inc., for the noted property. A location map showing the subject property is attached as **Appendix “1”**.

The Zoning By-law Amendment application proposes to rezone the subject property from Residential 1 (R1) Zone to Residential 2 (R2A) Zone to facilitate the construction of four single detached dwellings. A preliminary site plan illustrating the proposed development is attached as **Appendix “2”**.

Nature of the Site

The subject property is located in the Crystal Beach neighbourhood of the Town of Fort Erie, on the northeast corner of Willowwood Avenue and Smalls Road. The subject property is approximately 1,798 m² (0.17 ha) with 48.78 metres of frontage along Willowwood Avenue. The following summarizes the land uses surrounding the subject property:

North:	Single detached dwellings and agricultural land;
South:	Single detached dwellings, and open space;
East:	Single detached dwellings;
West:	Single detached dwellings, agricultural land, and environmental conservation.

Planning Context

2020 Provincial Policy Statement (PPS)

The subject property is located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development within Settlement Areas and encourage building strong communities through the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The PPS also encourages opportunities for intensification, the redevelopment of underutilized lands, and infill development, where appropriate.

2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is within the Greater Golden Horseshoe Growth Plan Area and is designated as Built-up Area. The delineated Built-up Area encourages growth and opportunities for residential intensification. The Growth Plan contains policies that encourage intensification and the development of complete communities with a diverse mix of land uses that provide a range of housing types.

2022 Niagara Official Plan (NOP)

The subject lands are designated Urban Area in the Niagara Official Plan and is located within the Built-up Area in the Town of Fort Erie. Within this designation, residential intensification is permitted subject to the availability of municipal services. The NOP encourages higher-density development in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing. Additionally, residential development that integrates diverse range of housing types is encouraged. The proposed development will assist the Town of Fort Erie to achieve the minimum residential intensification target of 50% as set out in the NOP.

2011 Town of Fort Erie Official Plan and Crystal Beach Secondary Plan

The subject property is designated as Urban Residential on Schedule A of the Town's Official Plan. The intent of lands within this designation is to encourage residential development with a diverse mix of housing forms that include single-detached dwellings. The designation supports infill residential intensification so long as the development demonstrates compatible integration with the surrounding area and maximizes the use of municipal infrastructures.

In addition, the subject property is designated Low-Density Residential in the Crystal Beach Secondary Plan, which was approved by Council in 2021. As the Secondary Plan is currently under appeal, the related policies are not in effect. A policy of the Ontario Land Tribunal, the *Clergy Principle*, states that a *Planning Act* application should be reviewed against the policy documents that are in effect at the time of the application. As such, the Town's Official Plan will be used to review this application. However, Planning Staff notes the Crystal Beach Secondary Plan acknowledges that Low-Density areas within the neighbourhood is nearly built-out and any development of Low-Density built form will likely come from existing lots of record, consent, or large parcels suitable for subdivision. The Secondary Plan permits a low-density range of up to 50 units per hectare and the proposed density is 23 units per hectare. In addition, the development is to assist in achieving the targeted mix balance of 70% Low-Density throughout the Crystal Beach neighbourhood.

Comprehensive Zoning By-law No. 129-1990

The subject property is currently zoned Residential 1 (R1) Zone in accordance with the Town of Fort Erie's Comprehensive Zoning By-law No. 129-1990, and in the Crystal

Beach Secondary Plan. Lands within the R1 Zone are reserved for the use of single detached dwellings, buildings and structures accessory thereto, home occupations, second dwelling unit, and accessory apartment dwellings.

The applicant is requesting to rezone the subject property to Residential 2A (R2A) Zone to allow the creation of four parcels for single detached dwellings. If the Zoning By-law Amendment is approved by Council, the creation of the proposed parcels will be subject to a future consent application.

The table below offers a comparison of the R1 zoning requirements and the R2A zoning requirements verses the proposed R2A zoning regulations for the development:

Zoning Regulation	Standard R1 Zone Requirement	Standard R2A Zone Requirement	Proposed R2A Zone Regulations
Minimum Lot Frontage	18 m 20 m for a corner lot	12 m 15 m on a corner lot	15.69 m 17.40 m on a corner lot
Minimum Lot Area	600 sq. m	375 sq. m	Lot 1 – 534 sq. m Lot 2 – 450 sq. m Lots 3 and 4 – 406 sq.m
Maximum Lot Coverage	Lot size < 600 sq.m – 25% Lot size = 600 sq.m to 800 sq. m – 30% Lot size > 800 sq.m – 35%	50%	46.3%
Minimum Front Yard	6 m to garage 3 m to other parts of dwelling	6 m to garage 3 m to other parts of dwelling	6 m to garage 3 m to other parts of dwelling
Minimum Interior Side Yard	(i) 1.5m for a one-storey dwelling (ii) 2.0m for 2 storeys (iii) 2.5 m for 2.5 storeys (iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3m	1.2m however, on an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 m	1.2m
Minimum Exterior Side Yard	3 m to dwelling 6 m to attached garage	3 m to dwelling 6 m to attached garage	3 m to dwelling 10.7 m to attached garage
Minimum Rear Yard	10 m	6 m	6 m
Maximum Height	2.5 storeys or 9 m	2.5 storeys or 10.5 m	2.5 storeys

Staff notes the proposal complies with all of the R2A zoning regulations. A planning analysis will be provided in the recommendation report.

Studies

No Studies were required for the Zoning By-law Amendment application.

Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner and no Staffing implications are expected.

Policies Affecting Proposal

A Public Information Open House for this application was held on February 7, 2023. Property owners within 120 metres of the subject lands were notified of the Open House via mail notice.

Notice of the March 6, 2023 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the February 9, 2023 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject lands were mailed a "Notice of Complete Application and Public Meeting" on February 10, 2023.

Land use policies for the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding this Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners on December 20, 2022. Comments received are summarized below. Full agency and staff comments are attached as **Appendix "3"**.

Agency Comments

Canada Post

Staff has no comments regarding the proposed development. Mail delivery will be provided through the Crystal Beach Post Office Boxes.

Enbridge Gas Inc.

Staff has no comments regarding the proposed development.

Niagara Region

Regional Planning and Development Services staff do not object to the proposal, as it meets the intent of the urban area policies of the Niagara Official Plan and the Town's Official Plan.

Public Comments

A Public Information Open House was held by Town staff and the Agent in the Atrium of Town Hall on February 7, 2023. Approximately 30 members of the public attended the Public Information Open House for additional information and had the opportunity to provide their feedback regarding the proposal. Two email submissions have also been received as of the writing of this report. Written comments are attached as **Appendix "4"** for review. Staff have summarized and addressed the comments below.

Benefit of Rezoning the Property

Residents of the area requested additional information regarding the benefit of the requested the Zoning By-law Amendment. Residents were concerned regarding the lot size and were of the opinion that the proposal will have a negative impact on the existing neighbourhood. Residents are of the opinion that the zoning of the subject lands should remain R1 zone which is reflective of the neighbourhood character.

Staff Response

The applicant is requesting to rezone the lands to R2A Zone to allow the creation of four parcels for single detached dwellings. The existing R1 zone will allow creation of three parcels instead of four. Planning Staff are currently reviewing the proposal. The detailed analysis regarding the lot configuration will be provided in the recommendation report. Staff notes that the neighbourhood has a mix of lot sizes and the proposed lots are consistent with lot fabrics in the neighbourhood. Further, there are Town policies that support infill development in established areas with existing municipal services.

In respect to the proposed dwelling size, the subject property is located in a Low-Density designation within Town policies which are reserved for single-detached dwellings. The Applicant is proposing to construct four single-detached dwellings.

Flooding and Drainage Issues

Members of the public expressed concerns regarding the ongoing flooding issues in the neighbourhood. In their opinion, the construction of additional residential dwellings would aggravate the existing situation.

Staff Response

Since 2017, there have been eight Customer Relationship Management (CRM) created in relation to flooding and drainage issues in the neighbourhood. Staff acknowledges the existing issue raised by residents in the area and is working with the property owner and Infrastructure staff to ensure future development would not aggravate the existing situation.

Further, if the Zoning By-law Amendment application is approved by Council, a future Consent application for severance of the four lots is required. At this stage, a detailed review of a Lot Grading Plan as prepared by an Engineer will be completed as a Condition of Consent. The plan will demonstrate there will not be any adverse drainage impacts to any adjacent property owners resulting from this development.

Tree Preservation along Smalls Road

Members of the public expressed concerns regarding the row of coniferous trees located along Smalls Road. They questioned if the trees are within the road allowance or on private property. Additionally, residents mentioned one tree had fallen during the winter storm.

Staff Response

Staff notes that as the row of coniferous trees located along Smalls Road is within the Town's road allowance the trees will be maintained. Staff will request for a Tree Inventory Plan as a Condition of the Consent application to ensure the protection of the trees during the construction phase. Staff acknowledges there is a fallen tree located on the Applicant's property and Staff is working on the tree removal.

Alternatives

N/A

Communicating Results

There are no communication requirements at this time.

Conclusion

This report is submitted to Council for information purposes. Should Council approve the Staff information contained herein, Staff will prepare a recommendation report to Council on the proposed Zoning By-law Amendment for a future Council meeting.

Attachments

Appendix “1” - Location Plan

Appendix “2” - Preliminary Site Plan

Appendix “3” - Agency and Staff Comments

Appendix “4” – Public Comments



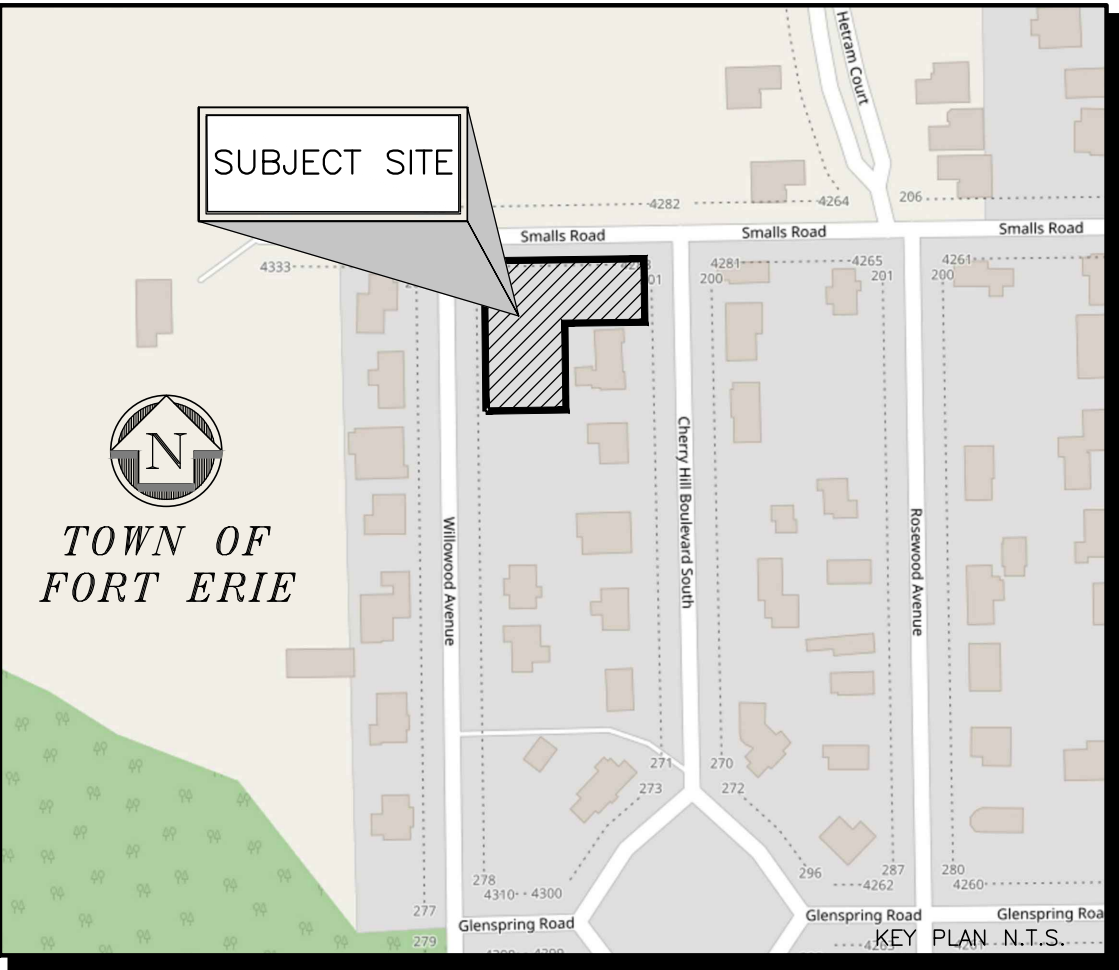
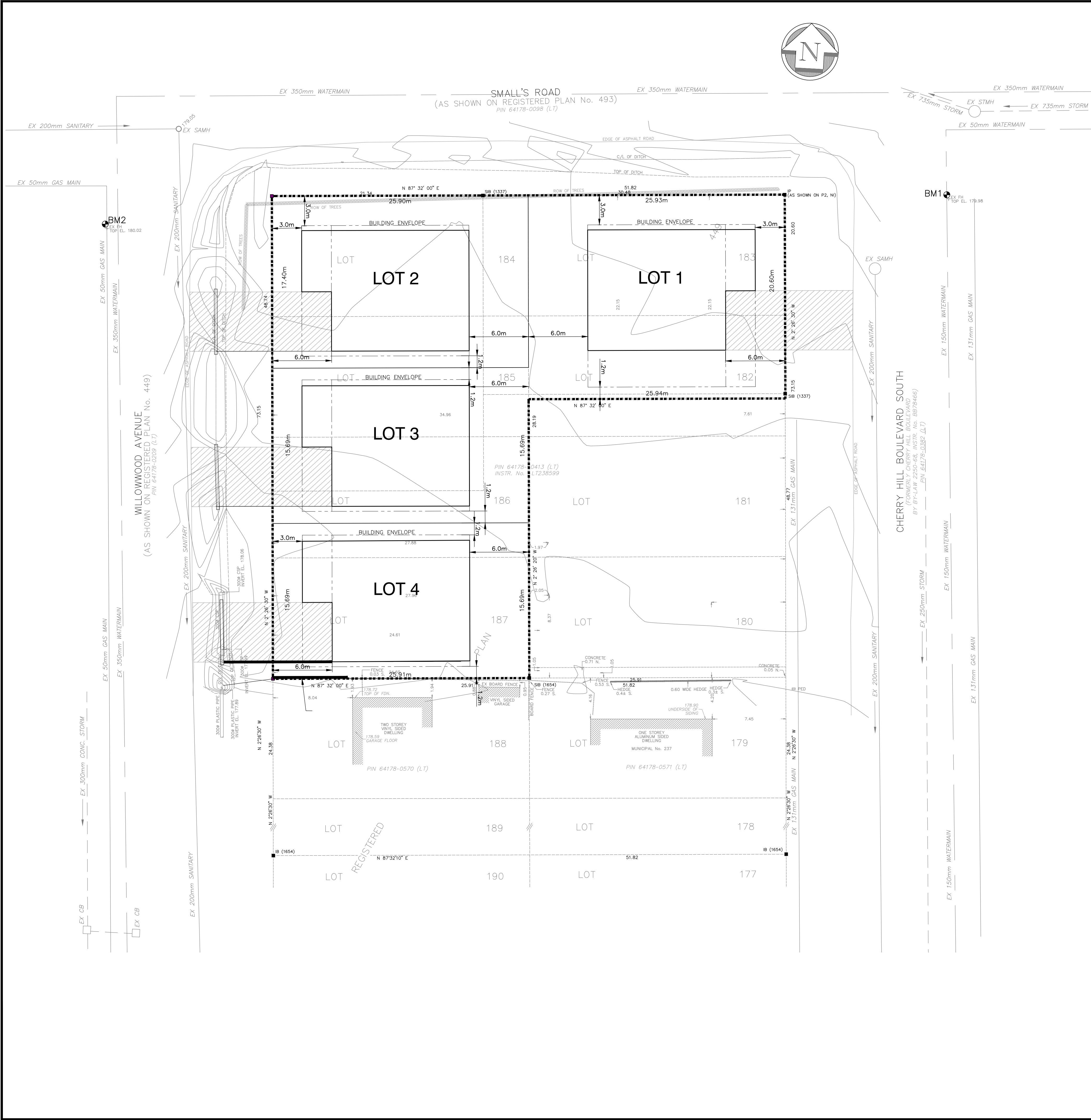
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LOCATION PLAN

Zoning By-law Amendment 229 Cherryhill Boulevard South

Subject Lands - 229 Cherryhill Boulevard South





NOTES

CONTRACTOR TO ENSURE THAT HOUSE FOUNDATION IS PLACED ON SUITABLE, DRY SOIL.

ACCORDING TO MUNICIPALITY REQUIREMENTS ALL FINAL GRADING MUST BE INSPECTED AND CERTIFIED BY AN ENGINEER OR ONTARIO LAND SURVEYOR. THE BUILDER SHALL ENSURE THAT THE REQUIRED INSPECTIONS ARE CARRIED OUT IN ACCORDANCE WITH MUNICIPALITY REQUIREMENTS.

ALL DISTANCES AND ELEVATIONS ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BUILDER TO CONFIRM BOTTOM OF FOOTING ELEVATION AND TOP OF FOUNDATION ELEVATION PRIOR TO COMMENCEMENT OF CONSTRUCTION.

IN ACCORDANCE WITH THE ONTARIO BUILDING CODE, AT LEAST 0.15m OF FOUNDATION WALL MUST REMAIN EXPOSED.

ALL ROOF LEADERS TO BE DIRECTED TO THE ROAD.

SITE BENCHMARK

BM1: TOP OF NUT OF FIRE HYDRANT AT SOUTH EAST CORNER OF SMALL'S ROAD AND CHERRY HILL BOULEVARD SOUTH INTERSECTION.

ELEVATION 179.98m

BM2: TOP OF NUT OF FIRE HYDRANT AT SOUTH WEST CORNER OF SMALL'S ROAD AND WILLOWWOOD AVENUE INTERSECTION.

ELEVATION 180.02m

SITE STATISTICS TABLE (ZONE R2A)		
REGULATION	REQUIRED	PROPOSED
MIN. LOT FRONTAGE	12m 15m (CORNER LOT)	15.69m (INTERIOR LOTS) 17.40m (CORNER LOTS)
MIN. LOT AREA	375sq.m.	406.5sq.m. (INTERIOR LOTS) 447.8sq.m. (CORNER LOTS)
MAX. LOT COVERAGE	50%	46.3%
MIN. FRONT YARD	6.0m TO GARAGE 3.0m TO DWELLING	6.0m TO GARAGE 3.0m TO DWELLING
MIN. SIDE YARD	1.2m	1.2m
MIN. EXTERIOR SIDE YARD	3m TO DWELLING 6m TO ATTACHED GARAGE	3m TO DWELLING 10.7m TO ATTACHED GARAGE
MIN. REAR YARD	6m	6m
MAX. HEIGHT	2.5 STOREYS 10.5m	2.5 STOREYS

NOTES

1. ALL GRADING WORKS SHALL NOT ADVERSELY IMPACT ADJACENT PROPERTIES.

2. PROPERTY LINE GRADES SHALL BE MATCHED.

3. PROPOSED RETAINING WALL SHALL NOT BE WOOD.

4. ANY DISTURBED BOULEVARD AND DITCH IS TO BE RESTORED TO EXISTING CONDITION OR BETTER. RESTORATION OF 100mm TOPSOIL AND SOD IS REQUIRED AT A MIN.

5. REGRADE THE ROAD SIDE DITCH TO ENSURE IT HAS POSITIVE DRAINAGE ON WILLOWWOOD AVE FRONTING THE PROPOSED LOTS.

6. SERVICE CONNECTIONS PERMIT REQUIRED FOR PROPOSED SANITARY LATERAL. FINAL DETAILS FOR THE SANITARY LATERAL TO BE DETERMINED THROUGH THE PERMIT PROCESS (I.E. LATERAL SIZE AND MATERIAL).

7. ENTRANCE PERMIT(S) REQUIRED FOR PROPOSED ENTRANCES. FINAL DETAILS FOR THE ENTRANCES TO BE DETERMINED THROUGH THE PERMIT PROCESS (I.E. CULVERT SIZES, MATERIAL, ETC.).

REV. No.	DATE	REVISION
0	APRIL 20/22	ISSUED TO CLIENT FOR REVIEW
1	NOV 28/22	REVISED & ISSUED TO CLIENT

LEGAL DESCRIPTION

LOTS 180 TO 187, REGISTERED PLAN NO. 449 IN THE TOWN OF FORT ERIE IN THE REGIONAL MUNICIPALITY OF NIAGARA

NOTE

BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN HAS BEEN COLLECTED FROM A FIELD SURVEY DATED FEBRUARY 16, 2022 BY J.D. BARNES LTD. SURVEYORS. G. DOUGLAS VALLEE LTD ASSUMES NO RESPONSIBILITY FOR THE EXISTING INFORMATION REPRESENTED ON THIS PLAN.

0 5 10 Meters
SCALE: 1 : 200

vallee
Consulting Engineers,
Architects & Planners

G. DOUGLAS VALLEE LIMITED
2 TALBOT STREET NORTH
SIMCOE, ONTARIO N3Y 3W4
(519) 426-6270

Stamp

**SUBMISSION
DRAWING**
NOT TO BE USED FOR CONSTRUCTION

Project Title
**LALLY HOMES
CHERRY HILL**
FORT ERIE - NIAGARA REGION

Drawing Title
SITE PLAN

Designed by : ED	Drawn By : TJC
Checked by : ED	Date Started : APRIL 20, 2022
Drawing Scale : 1:200	Drawing No. 00
Project No. 22-044	

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023

RE: [External] Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment - 229 Cherryhill Boulevard South
Municipal Planning to Samantha Yeung
01/11/2023 09:23 AM
From "Municipal Planning" <MunicipalPlanning@enbridge.com>
To "Samantha Yeung" <SYeung@forterie.ca>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Thank you,

Casey O'Neil (she/her)
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-5180
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Samantha Yeung <SYeung@forterie.ca>
Sent: Tuesday, December 20, 2022 11:57 AM
Cc: Daryl Vander Veen <DVanderVeen@forterie.ca>
Subject: [External] Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment - 229 Cherryhill Boulevard South

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Hello,

The Town of Fort Erie has received a Zoning By-law Amendment application for the lands municipally known as 229 Cherryhill Boulevard South. The subject property is designated Urban Residential in the Town's Official Plan. The property is correspondingly zoned Residential 1 (R1) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. The application is proposing to rezone the property to Residential 2A (R2A) Zone to facilitate the construction of four single detached dwellings with no site-specific special provisions requested.

In order for us to properly assess this application and prepare a report for Town Council, Planning and Development Services is requesting the submission of comments in the form of a memorandum or letter as they pertain to the scope and jurisdiction of your department. Please submit your comments by **Monday, January 9th 2023**. If we do not receive your comments or a request for an extension by this date, Planning and Development Services will assume that you have no objection to the application as submitted.

The following documents are available for review:

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023

- 0. Pre-consultation Agreement
- 1. Proposed Site Plan
- 2. Planning Justification Report
- 3. Lot Grading Plan

Please do not hesitate to contact me if you have any questions.

Kind regards,

Samantha Yeung, BA, MSc PI

Junior Development Planner

The Corporation of the Town of Fort Erie | Planning and Development Services

1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

Phone: 905-871-1600 ext. 2528

Email: syeung@forterie.ca

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023

Regional Comments - 229 Cherryhill Boulevard South, Fort Erie Morrison, Alexander to Samantha Yeung 01/04/2023 02:47 PM

Cc "Development Planning Applications", "Daryl Vander Veen"

From "Morrison, Alexander" <Alexander.Morrison@niagararegion.ca>

To "Samantha Yeung" <SYeung@forterie.ca>

Cc "Development Planning Applications" <devtplanningapplications@niagararegion.ca>,

"Daryl Vander Veen" <DVanderVeen@forterie.ca>

Hi Samantha:

Regional staff has reviewed the above noted Zoning By-law Amendment Application (Region File: ZA-22-0104) and does not object to the proposal. As indicated at the time of its associated pre-consultation meeting that occurred on January 13, 2022, Regional staff offers no further comments or requirements for this Application.

Thank you for opportunity to review and comment. Please feel free to connect with me should you have any questions.

Take care,
Alex

Alexander Morrison, MCIP, RPP
Senior Development Planner
Planning & Development Services | [Niagara Region](#)
P: (905) 980-6000 ext. 3378
E: alexander.morrison@niagararegion.ca
F: 905-641-5208

1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

From: Samantha Yeung <SYeung@forterie.ca>

Sent: Tuesday, December 20, 2022 11:57 AM

Cc: Daryl Vander Veen <DVanderVeen@forterie.ca>

Subject: Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment - 229 Cherryhill Boulevard South

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hello,

The Town of Fort Erie has received a Zoning By-law Amendment application for the lands municipally known as 229 Cherryhill Boulevard South. The subject property is designated Urban Residential in the Town's Official Plan. The property is correspondingly zoned Residential 1 (R1) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. The application is proposing to rezone the property to Residential 2A (R2A) Zone to facilitate the construction of four single detached dwellings with no site-specific special provisions

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023

requested.

In order for us to properly assess this application and prepare a report for Town Council, Planning and Development Services is requesting the submission of comments in the form of a memorandum or letter as they pertain to the scope and jurisdiction of your department. Please submit your comments by **Monday, January 9th 2023**. If we do not receive your comments or a request for an extension by this date, Planning and Development Services will assume that you have no objection to the application as submitted.

The following documents are available for review:

- 0. Pre-consultation Agreement
- 1. Proposed Site Plan
- 2. Planning Justification Report
- 3. Lot Grading Plan

Please do not hesitate to contact me if you have any questions.

Kind regards,

Samantha Yeung, BA, MSc PI

Junior Development Planner

The Corporation of the Town of Fort Erie | Planning and Development Services

1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

Phone: 905-871-1600 ext. 2528

Email: syeung@forterie.ca

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APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023

Niagara Region – Development Services Division

Pre-Consultation Notes

229 Cherryhill Boulevard South, Fort Erie

January 13, 2021

Comments Provided via Email (2022-01-12)

Type of Application: Zoning By-law Amendment.

Application Description

- Proposal for a Zoning By-law Amendment. The applicant is considering two concepts:
 1. Rezoning the lands to “Residential 2B (R2B) Zone” to accommodate 8 lots for single detached dwellings.
 2. Rezoning the lands to “Residential Multiple 1 (RM1) Zone” to accommodate 8 street townhouse dwellings.

Provincial and Regional Land Use Designations

- Provincial Policy Statement (PPS): “Settlement Area”.
- Growth Plan: “Urban ‘Built-Up’ Area”.
- Regional Official Plan (ROP): “Urban (Built-Up) Area”.

Planning Comments

- Regional staff do not object to the proposal in principle, as it meets the intent of the urban area policies of the Regional Official Plan and Town’s Official Plan. Regional staff would prefer Option 2 (street townhouses), as it would help to diversify Niagara’s housing options / supply.
- The proposal will make better use of existing urban serviced lands and will support the Town in achieving its intensification target (15%) as set out in the Regional Official Plan.
- As proposed, the Region will not need to be circulated this Zoning By-law Amendment application for comment.

Archaeological Resources

- Based on a review of the Province’s Criteria for Evaluating Archaeological Potential, the site exhibits the potential for the discovery of archaeological resources, as it is within 300m of natural watercourse feature. However, the subject lands are located outside of the Town’s mapped areas of archaeological potential as shown in Official Plan Schedule D.
- As such, Regional staff do not have any archaeological requirements for the proposal; however, the applicant is advised that the subject lands may not be free and clear of archaeological resources.
- Town staff should be satisfied that any archaeological requirements are met for the proposal.

Environmental Comments

- The subject parcel is outside the Region’s Core Natural Heritage System. As such, Environmental Planning staff offers no requirements.

Transportation / Roads

- Cherryhill Boulevard South (Local).
- Smalls Road (Local).

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023
Niagara Region – Development Services Division

Pre-Consultation Notes

229 Cherryhill Boulevard South, Fort Erie

January 13, 2021

- Willowwood Avenue (Local).

Servicing

Water:

- 350 D CI (Local) – Smalls Road.
- 150 D PVC (Local) – Cherryhill Boulevard South.
- 350 D CI (Local) – Willowwood Avenue.

Sanitary:

- 200 D PVC (Local) – Cherryhill Boulevard South.
- 200 D PVC (Local) – Willowwood Avenue.

Stormwater Management Comments

- Regional staff offer no stormwater comments due to the location, scope, and nature of the proposal.

Waste Collection (Low Density Residential)

- Curbside collection only.
- Recycling blue / grey bins – no limit (weekly collection).
- Green organic bins – no limit (weekly collection).
- Waste / garbage – 2 containers maximum per unit (bi-weekly collection).

Required Studies

- None.

Regional Review Fees

- None.

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023

RE: Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment -
229 Cherryhill Boulevard South CARRIGAN, Andrew to Samantha Yeung 12/20/2022
12:41 PM

Cc "Daryl Vander Veen"

From "CARRIGAN, Andrew" <andrew.carrigan@canadapost.postescanada.ca>

To "Samantha Yeung" <SYeung@forterie.ca>

Cc "Daryl Vander Veen" <DVanderVeen@forterie.ca>

Hi Samantha,

CPC has no comments. Mail delivery will be provided via the Crystal Beach Post Office Boxes.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave,
London, ON N5Y 1A3 | 226-268-5914

 Please consider the environment before printing this email.

From: Samantha Yeung <SYeung@forterie.ca>

Sent: December-20-22 11:57 AM

Cc: Daryl Vander Veen <DVanderVeen@forterie.ca>

Subject: Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment - 229 Cherryhill Boulevard South

This email is from an EXTERNAL sender. Please be CAUTIOUS, particularly with links and attachments. | Ce courriel est d'un expéditeur EXTERNE. Soyez PRUDENT, en particulier avec des liens et des pièces jointes.

Hello,

The Town of Fort Erie has received a Zoning By-law Amendment application for the lands municipally known as 229 Cherryhill Boulevard South. The subject property is designated Urban Residential in the Town's Official Plan. The property is correspondingly zoned Residential 1 (R1) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. The application is proposing to rezone the property to Residential 2A (R2A) Zone to facilitate the construction of four single detached dwellings with no site-specific special provisions requested.

In order for us to properly assess this application and prepare a report for Town Council, Planning and Development Services is requesting the submission of comments in the form of a memorandum or letter as they pertain to the scope and jurisdiction of your department. Please submit your comments by **Monday, January 9th 2023**. If we do not receive your comments or a request for an extension by this date, Planning and Development Services will assume that you have no objection to the application as submitted.

The following documents are available for review:

- 0. Pre-consultation Agreement
- 1. Proposed Site Plan
- 2. Planning Justification Report
- 3. Lot Grading Plan

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023

Please do not hesitate to contact me if you have any questions.

Kind regards,

Samantha Yeung, BA, MSc PI

Junior Development Planner

The Corporation of the Town of Fort Erie | Planning and Development Services

1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

Phone: 905-871-1600 ext. 2528

Email: syeung@forterie.ca

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023

Rezoning Cherry Hill Blvd S & Smalls Rd. Kim Toste to syeung@forterie.ca 02/06/2023
 12:56 PM
 From "Kim Toste" <ktoste@hotmail.com>
 To "syeung@forterie.ca" <syeung@forterie.ca>

ATTN: Samatha Yeung, Junior Development Planner

Re: Rezoning Cherry Hill Blvd. S. & Smalls Road

As a homeowner on Cherry Hill Boulevard South, I am writing to express my strong opposition to the proposed rezoning at Cherry Hill Boulevard South and Smalls Road in Crystal Beach. Nearly all residents in this neighborhood are completely opposed to the addition of 2.5 story dwellings or townhouses that will cause traffic and safety problems, distort the look of the community, and potentially lower the property values of the existing community.

Property values are likely to go down in the area if 2.5 story dwellings or townhouses are built. These types of dwellings are inconsistent with the neighborhoods developed in the area and are inconsistent with the look and feel of the neighbourhood. The low density, quiet and peaceful atmosphere, and natural landscaping of the neighbourhood are very important to all of us. Our view is that the proposed development will significantly distort our neighbourhood's identity. In addition, it offers no benefit to people living in its vicinity.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many. It is important to keep in mind that the surrounding homes are inhabited by long-term residents who are deeply committed to the neighborhood, and whose views and opinions must be seriously, and tangibly, considered. We live here. We will be stuck with whatever you build there for the rest of our lives.

Thank you for your continued service and support of our communities.

Sincerely,

Kimberly Toste & Brian Lourenco

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023

Re: Notice of Public Meeting for Zoning By-law Amendment for 229 Cherryhill Boulevard South
 Barb Nimmo to Samantha Yeung 02/13/2023 01:49 PM
 From "Barb Nimmo" <poisonedwarf77@yahoo.ca>
 To "Samantha Yeung" <SYeung@forterie.ca>

Good day Samantha

We had a brief conversation at the information gathering last week about the effects of these 4 new builds as a result of the zoning change on infrastructure drainage in the area. I reside at 302 Cherryhill Blvd on the circle and as a result of the flow of rain water through the very dated and broken storm sewers, which is already a huge problem, my concern is how will the town manage this for the homes that are already affected. The developer mentioned that "the infrastructure would flow into the catch pond across the road on Smalls". Water doesn't flow up hillso I'm concerned that the flow will end in front of my home only increasing the existing problem of flooding for myself and my neighbours. I would very interested in seeing the town's response to this before presentation to council. On a second note, I'm not against development but most of us in this neighbour, Bay Beach, bought our homes because of the property sizes and the esthetics of the homes on these larger lots. Changing the zoning sets a precedence for this area and causes some concern for all of us. The town has bylaws and zoning in place for a reason. The town should be protecting those who already reside here, and let the developers and builders conform to what already exists. More homes mean more money for them and the town and I'm sure the other existing lots in this plan will require variances as well when they decide to build on them in the future. Thank you for your time and look forward to any updates.

Barb Nimmo

Sent from my iPad

On Feb 13, 2023, at 12:20 PM, Samantha Yeung <SYeung@forterie.ca> wrote:

Good afternoon,

Thank you for attending the Information Open House held on February 7th, 2023 and providing your contact information to receive notification on the proposed Zoning By-law Amendment application on 229 Cherryhill Boulevard South.

Please view the attached Notice of Complete Application and Public Meeting for the mentioned application on March 6, 2023 at 6 PM in the Council Chambers. A notice has been circulated to residents within 120 metres of the subject property via mail on February 10, 2023.

Should you have any questions, comments, or concerns, please do not hesitate to contact me.

Kind regards,
 Samantha

Samantha Yeung, BA, MSc PI

Junior Development Planner

The Corporation of the Town of Fort Erie | Planning and Development Services
 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-17-2023 DATED MARCH 6, 2023

Phone: 905-871-1600 ext. 2528

Email: syeung@forterie.ca

<Notice of Complete Ap and Public Mtg for Mailout - 229 Cherryhill Boulevard S.pdf>



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-18-2023
Agenda Date	March 6, 2023	File No.	350309-0549

Subject	PROPOSED ZONING BY-LAW AMENDMENT 0-19302 COURTWRIGHT STREET DAVID ZAPPONE (OWNER)
----------------	--

Recommendation	<p><u>THAT</u> Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-18-2023 for the lands known as 0-19302 Courtwright Street, and further</p> <p><u>THAT</u> Council directs Staff to submit the necessary By-laws.</p>
-----------------------	--

Relation to Council's 2018-2022 Corporate Strategic Plan	Priority: Managed Growth through Responsibility, Stewardship and Preservation
---	---

List of Stakeholders	David Zappone (Owner) Residents and Property Owners in the Town of Fort Erie
-----------------------------	---

Prepared by:	Reviewed by:	Submitted by:	Approved by:
Original Signed Samantha Yeung Junior Development Planner	Original Signed Anamika Dilwaria, M.Pl., MCIP, RPP Manager, Development Approvals	Original Signed Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	Original Signed Chris McQueen, MBA Chief Administrative Officer

Purpose

The purpose of this report is to provide information regarding the March 6th, 2023 Public Meeting, and recommendations to Council with respect to the Zoning By-law Amendment application. The Recommendation Report is being presented to Council the same evening as the Public Meeting due to the proposal being in alignment with the intent of the Bridgeburg Secondary Plan, it is compatible with the existing neighbourhood, and a low level of interest from residents in the area and to meet Provincial processing deadlines.

The Zoning By-law application for subject lands known as 0-19302 Courtwright Street was submitted by the property owner, David Zappone. A location map showing the subject lands is attached as **Appendix “1”**.

The zoning of the subject land is requested to be changed from Residential 2 (R2) Zone to a site-specific Residential 3 (R3) Zone to facilitate the construction of a semi-detached dwelling. The special provision is proposed for a reduction in the minimum lot frontage. The existing shed on the property will be removed. A preliminary site plan illustrating the proposed development is attached as **Appendix “2”**. Rendering illustrations are attached as **Appendix “3”**.

Nature of the Site

The subject property is located in the Bridgeburg neighbourhood of the Town of Fort Erie, on the north side of Courtwright Street. The subject property is approximately 641.86 m² (0.064 ha) with 15.24 metres of frontage. The following summarizes the land uses surrounding the subject property:

North: Single detached dwellings, duplex dwellings, and commercial establishments;
South: Commercial establishments and environmental conservation;
East: Duplex dwelling, fourplex dwellings, and commercial establishments;
West: Single detached dwellings and duplex dwellings.

Planning Context**2020 Provincial Policy Statement (PPS)**

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development within settlement areas and encourage building strong communities through the efficient use of land, resources, infrastructure and public service facilities that are planned or

available. The PPS also encourages opportunities for intensification, the redevelopment of underutilized lands, and infill development where appropriate. The proposed semi-detached dwellings will utilize the existing municipal infrastructure and is located in an established neighbourhood with access to municipal services and other amenities. The proposal complies with the policies outlined in the PPS and will aid the Town to achieve minimum targets for intensification outlined in the Niagara Official Plan for Built-up Area.

2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is within the Greater Golden Horseshoe Growth Plan Area and is designated as Built-up Area. The delineated Built-up Area encourages growth and opportunities for residential intensification. The Growth Plan contains policies that encourage intensification, and the development of complete communities with a diverse mix of land uses that provide a range of housing types. The proposal to rezone the subject property to facilitate the construction of a semi-detached dwelling complies with Built-up Area policies outlined in the Growth Plan.

2022 Niagara Official Plan (NOP)

The Niagara Official Plan (NOP) identifies the subject lands being located within the Urban Area Boundary and the Built-up Area in the Town of Fort Erie. Within this designation, residential intensification is permitted subject to the availability of municipal services. Residential development is encouraged to integrate a diverse range of housing types to manage forecasted density growth. The proposed development will assist the Town of Fort Erie to achieve the minimum residential intensification target of 50% as set out in the NOP. The proposal is consistent with the NOP as it will improve the diversification of the housing supply in areas with access to existing municipal infrastructure.

Town of Fort Erie Official Plan & Bridgeburg Secondary Plan

Official Plan Schedule A3 – Bridgeburg Secondary Plan

The subject property is located in the Bridgeburg Secondary Plan and is designated Low-Density Residential. The Bridgeburg Secondary Plan generally aims to promote a compact urban form, encourage population growth throughout the neighbourhood, and set an overall target of 70% low-density residential use. Lands with this designation shall be reserved for single-detached and semi-detached dwellings, and uses accessory thereto. The proposal to rezone the subject property is consistent with the Secondary Plan as the proposal makes efficient use of an underutilized parcel for residential intensification.

Official Plan Schedule B - Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is within a petroleum resource area. Section 7.3 of the Official Plan states petroleum resource areas are to be

protected from any development activities for public health, safety and environmental impact. The subject property is not within an area identified as having potential for mineral aggregate resources and there are no active wells within 75.00 m.

Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential

The subject lands are not located within an area identified as having archaeological potential on Schedule D of the Town's Official Plan.

Comprehensive Zoning By-law No. 129-1990

The subject property is currently zoned Residential 2 (R2) Zone in accordance with the Town of Fort Erie's Comprehensive Zoning By-law No. 129-1990, which permits the use of single detached dwellings and accessory apartment dwellings. A Zoning By-law Amendment application is required to rezone the subject property for the construction of a semi-detached dwelling. This application is proposing to rezone the property to a site-specific Residential 3 (R3) Zone with a special provision to permit a reduced lot frontage for each unit.

The table below offers a comparison of the R3 zoning requirements versus the proposed provisions for the semi-detached dwellings:

Zoning Regulation	Standard R3 Zone Requirement	Proposed Site-specific R3 Zone	Planning Comment
Minimum Unit Frontage	9.5 m per unit	7.62 m per unit	Staff can support this as the proposed unit frontage will be sufficient for an appropriately-sized dwelling and provides sufficient space for on-site parking.
Minimum Lot Area	305 sq m	320.93 sq. m	The proposed lot area exceeds the zoning requirement.
Maximum Lot Coverage	1 storey – 60 % 2 storey – 40%	34%	The proposed lot coverage is less than the maximum lot coverage and provides adequate amenity space.
Minimum Front Yard Setback	6 m to garage 3 m to other parts of dwelling	7.21 m	The applicant is proposing a greater front yard setback to ensure compatibility with other dwellings in the area.

Minimum Interior Side Yard Setback	1.2 m + an additional 0.5 m for every storey above the ground floor (1.7 m)	1.7 m	The proposed interior side yard setback will meet the required 1.7 m for a two storey semi-detached dwelling.
Minimum Rear Yard Setback	6 m	16.45 m	The proposed rear yard setback exceeds the zoning requirement.
Maximum Height	2.5 storeys or 9 m	2 storeys	The proposed building height will be under the maximum requirement.

Planning Analysis

The subject land is an underutilized infill lot within a mature neighbourhood. The proposed development will make efficient use of an infill lot to add housing variety to the existing neighbourhood. The proposed development will allow construction of an appropriately-sized dwelling with adequate amenity area, sufficient on-site parking, and will utilize existing municipal services.

The proposal meets the majority of zoning requirements with an exception to the minimum unit frontage. The intent of a minimum unit frontage is to ensure there is sufficient space to accommodate a dwelling and area for parking. Planning staff notes that the subject parcel has lot frontage of 15.24 metres which is similar to the other lots in the neighbourhood. The applicant is requesting a reduction in the unit frontage for the proposed semi-detached dwelling from 9.50 metres to 7.62 metres. Staff can support a reduction in the lot frontage as in staff's opinion the subject parcel is sufficiently sized to allow the construction of a semi-detached dwelling, provide on-site parking area, and adequate interior side yard setback for maintenance and access to the rear yard. Planning staff is of the opinion that this will have minimal impact on surrounding properties.

If this Zoning By-law Amendment is approved by Council, the creation of the proposed semi-detached dwelling will be subject to a future consent application. Planning staff supports the proposal as it makes use of an underutilized residential parcel and offers a variety of housing forms within an existing neighbourhood. It meets development policies as set out in the Provincial, Regional, and local Town legislations for residential intensification within the urban boundary and makes efficient use of existing municipal infrastructure and services.

Studies

A Noise Brief was prepared by BM Consortium (dated December 10, 2022) to recommend any site and building design mitigation measures or devices for the future dwelling as the subject property is in close proximity to stationary (industrial, commercial facilities) and transportation-related (rail and Regional Road) noise sources. The Noise Brief stated further assessment is not required.

Niagara Region Comments

The Niagara Region has reviewed the initial and revised Noise Brief. Regional Staff are satisfied with the results of the Brief and concurs a subsequent noise assessment will not be required.

Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner and no Staffing implications are expected.

No impediments to the AODA legislation are expected to be developed through the amendment proposed.

Policies Affecting Proposal

A Public Information Open House for this application was held on January 18, 2023. Property owners within 120 metres of the subject lands were notified of the Open House via mail notice.

Notice of the March 6, 2023 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the February 9, 2023 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject lands were mailed a "Notice of Complete Application and Public Meeting" on February 10, 2023.

Land use policies for the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding this Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners on November 22, 2022. Comments received are summarized below. Full agency and staff comments are attached as **Appendix "4"**.

Agency Comments

Enbridge Gas Inc.

Staff has no objection to the proposed application.

Niagara Region

Regional Planning and Development Services staff do not object to the proposed Zoning By-law Amendment Application, as the proposal is consistent with the Provincial Policy Statement and conforms to Provincial and Regional growth management policies.

Staff Comments

Building Division and Coordinator, Development Approvals

There were no objections or comments concerning the proposed Zoning By-law Amendment.

Public Comments

A Public Information Open House was held on January 18, 2023. One member of the public attended the meeting for information and provided comments to Staff and the Applicant.

Impact on Property Value and Property Taxes

The neighbourhood resident was concerned of the potential impact of the proposed development on his property value and tax.

Planning Staff Response

Planning Staff acknowledges the concerns raised by the resident, however while increased property taxes could occur, if the development causes surrounding property values to rise, homeowners would also experience increased equity.

Alternatives

Council may elect to deny the Combined Official Plan and Zoning By-law Amendment application. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies, and represents good land use planning.

Second Opinion Clause

Should a motion be placed before Council that does not support Planning Staff's recommendations, Council is advised to table its decision to consider the matter further

or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the Applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the Clerk or provided by the Applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

Communicating Results

There are no communication requirements at this time.

Conclusion

Planning Staff are of the opinion that the proposed Zoning By-law Amendment application would make effective use of infill lots and existing municipal infrastructure while introducing a new housing form that is compatible in a mature residential neighbourhood. The proposal is consistent with Provincial, Regional and local Town planning policies and is representative of good planning.

Attachments

Appendix “1” - Location Plan

Appendix “2” - Preliminary Site Plan

Appendix “3” - Render and Elevation Drawings


Appendix “4” - Agency and Staff Comments



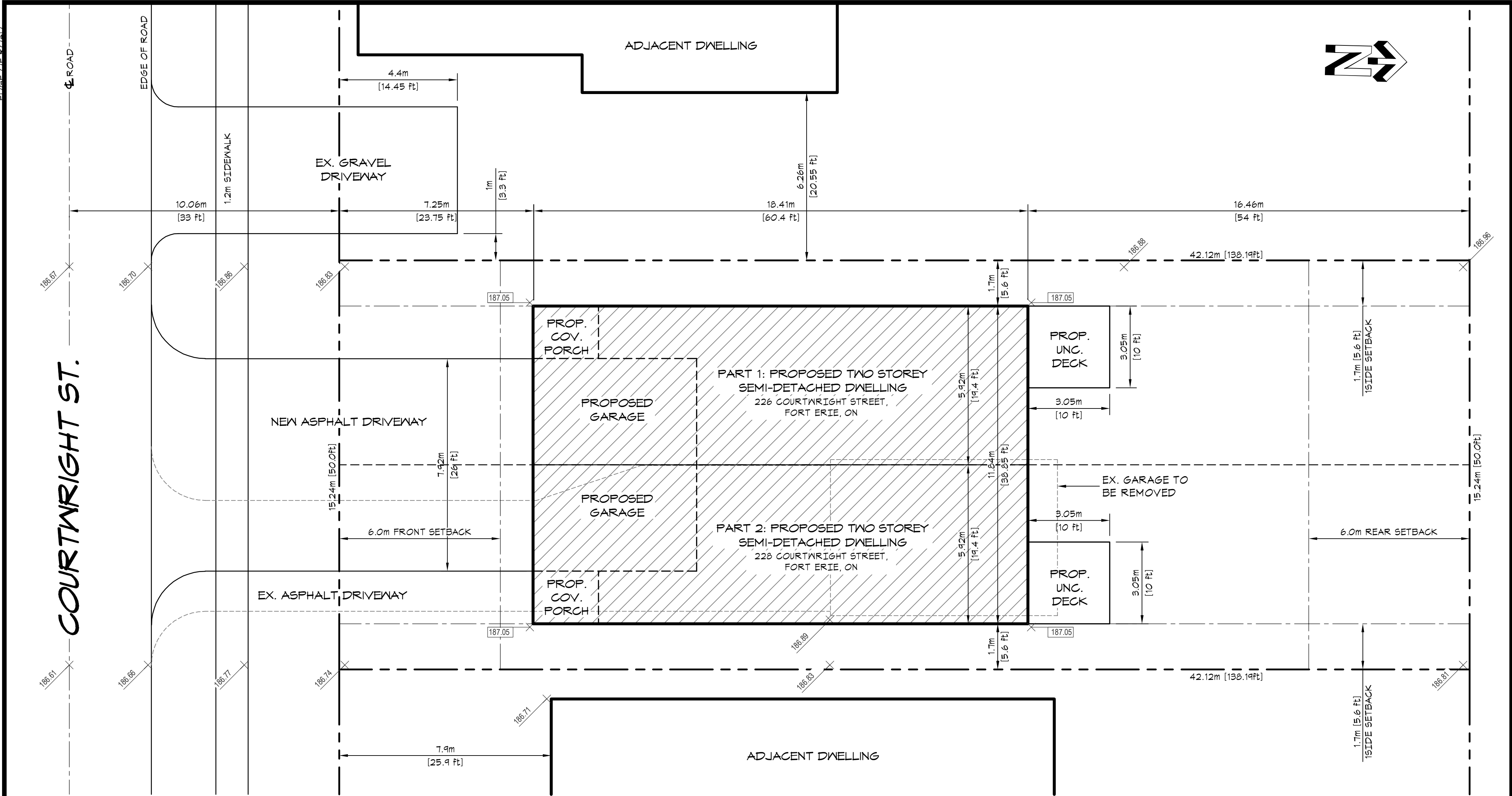
0 25 50 Metres

LOCATION PLAN

Zoning By-law Amendment
0-19302 Courtwright Street

 Subject Lands - 0-19302 Courtwright Street





BENCHMARK: TOP OF HYDRANT OPPOSITE #228 COURTWRIGHT = 187.49m

SITE PLAN
SCALE: 1:100

LAND USE SCHEDULE - PART 1 (ZONE R3)		
TOTAL LOT AREA	±320.93 sq.m [±3,454.46 sq.ft.]	100.0%
TOTAL NEW LOT COVERAGE	±109.15 m² [±1,174.90 ft²]	34.0%
MAX. ALLOWABLE COVERAGE	±128.37 m² [±1,381.78 ft²]	40.0%

LAND USE SCHEDULE - PART 2 (ZONE R3)		
TOTAL LOT AREA	±320.93 sq.m [±3,454.46 sq.ft.]	100.0%
TOTAL NEW LOT COVERAGE	±109.15 m² [±1,174.90 ft²]	34.0%
MAX. ALLOWABLE COVERAGE	±128.37 m² [±1,381.78 ft²]	40.0%

- LEGEND:**
- EXISTING GRADE EL.
 - NEW GRADE EL.
 - GROUND WATER FLOW
 - SWALES

MARK	REVISION	DATE
INITIAL SUBMISSION		11 OCT 2022



SAM DE ROSE, P.ENG.
6497 CHARNWOOD AVE.,
NIAGARA FALLS, ONTARIO
L2H 1Y8
TEL: (905) 324-4394

DRN BY :	G.C.H.
DATE:	11 OCT 2022
SCALE:	AS STATED
PROJ:	

FINAL REVIEWER:
MR. BIBEK MONDAL,
P.ENG.
BM CONSORTIUM
10 1/2 LEASIDE DR.
ST. CATHARINES, ON
L2M 4G5
TEL: 289-929-1672

DWG TITLE:
#228 COURTWRIGHT
(EAST LOT)
FORT ERIE, ON
SITE PLAN

PROJ. NO.: 06/2022
DWG NO.: S1
DWG 1 of 1

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-18-2023 DATED MARCH 6, 2023

Proposed Zoning By-law Amendment - 0-19302 Courtwright Street - David Za...

Page 38 of 142



FRONT ELEVATION

October 4, 2022

R.S.

12:31 PM

RE: [External] Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment - 0-19302 Courtwright Street

Municipal Planning to Mackenzie Ceci

12/06/2022 09:06 AM

From "Municipal Planning" <MunicipalPlanning@enbridge.com>
To "Mackenzie Ceci" <MCeci@forterie.ca>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Jasleen Kaur

Municipal Planning Coordinator
Engineering

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8

enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Mackenzie Ceci <MCeci@forterie.ca>

Sent: Tuesday, November 22, 2022 4:04 PM

To: clerk@niagararegion.ca; erik.acs@niagararegion.ca; Andrew.Carrigan@Canadapost.ca; Newdevelopment@rci.rogers.com; Randy.Leppert@cogeco.com; craig.krueger@cogeco.com; Ash.Neville@rci.rogers.com; John.armstrong@rci.rogers.com; circulations@mmm.ca; kris.watson@cnpower.com; karen.singer@bell.ca; circulations@wsp.com; LandUsePlanning@HydroOne.com; Municipal Planning <MunicipalPlanning@enbridge.com>; ddeluce@npca.ca; aaazouz@cscmonavenir.ca; planification@csdccc.edu.on.ca; sue.mabee@dsbn.org; pontdj@hotmail.com; Abby.LaForme@mncfn.ca; Mark.LaForme@mncfn.ca; executivedirector@fenfc.org; sbarnhart@niagaraparks.com; mr18enquiry@mpac.ca; greg.johnson@bell.ca; Planning@ncdsb.com; tlennard@npca.ca; mdoan@npca.ca

Subject: [External] Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment - 0-19302 Courtwright Street

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good Afternoon,

The Town of Fort Erie has received a Zoning By-law Amendment application for the lands municipally known as 0-19302 Courtwright Street (east of 228 Courtwright Street). The subject property is designated Low Density Residential in the Bridgeburg Secondary Plan. The property is not located within a zone of archeological potential in accordance with Schedule D of the Town's Official Plan. The property is correspondingly zoned Residential 2 (R2) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended.

The Applicant is proposing to rezone the property to Residential 3 (R3) Zone to facilitate the construction of a semi-detached dwelling. A semi-detached dwelling is not a permitted use under the R2 Zone that currently applies to the property. As the proposed lot frontage for each unit (7.62 m) is less than what is required (9.50 m), the Applicant is requesting site specific relief.

In order for us to properly assess this application and prepare a report for Town Council, Planning and Development Services is requesting the submission of comments in the form of a memorandum or letter as they pertain to the scope and jurisdiction of your department or agency. Please submit your comments by **Monday, December 12th, 2022**. If we do not receive your comments or a request for an extension by this date, Planning and Development Services will assume that you have no objection to the application as submitted.

Attachments pertaining to this application can be accessed via the following link:

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080828496b8080184a1054ce03e1b/1416/8054855139440751569/Circulation%20Files%20-%200-19302%20Courtwright%20Street.zip>

Please do not hesitate to contact me if you have any questions.

Kind regards,

Mackenzie Ceci, BSc, MSc PI
Intermediate Development Planner

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2514 | F: 905-871-6411
E: mceci@forterie.ca



Interoffice Memorandum

November 25, 2022
File No. 350309-0551

To: Mackenzie Ceci, Intermediate Development Planner
From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Zoning By-law Amendment – 0-19302 Courtwright Street**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Zoning By-law Amendment and the supporting documentation for **0-19302 Courtwright Street** and have the following comments:

Proposed Zoning By-law Amendment

- I offer no objection or comment with respect to the proposed zoning by-law amendment.

Future Planning Application Comments:

- The applicant has advised that the proposed zoning by-law amendment is proposed in anticipation of future severances and land consolidation for future development.
- The applicant is advised that my preliminary comments for the severance will be:
 - As a condition of consent, a street tree fee of \$500 is required for the planting of one tree within the street frontage.
 - An overall lot grading plan shall be prepared by an Ontario Land Surveyor or Professional Engineering for review and approval.

Given the foregoing comments, I offer no objection to the proposed application.

Jeremy Korevaar, C.E.T.
Coordinator, Development Approvals

0-19302 Courtwright Street Zoning By-law Amendment Application

Keegan Gennings to Mackenzie Ceci

12/12/2022 03:19 PM

From Keegan Gennings/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie

Hi Mackenzie,
I have reviewed the zoning by-law amendment for 0-19302 Courtwright and I have no comments.

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free:1-800-263-7215

Via Email

February 21, 2023

Region File: D.18.01.ZA-22-0095

Samantha Yeung
Junior Development Planner
Planning & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Yeung:

**Re: Updated Regional and Provincial Comments
Zoning By-law Amendment Application
Owner: David Zappone
Agent: UEM Consulting (c/o Greg Taras)
0-19302 Courtwright Street (east of 228 Courtwright Street)
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the materials that were circulated with the above noted Zoning By-law Amendment Application. The Region received its circulation from the Town of Fort Erie on November 22, 2022.

The subject property is designated "Low Density Residential" in the Bridgeburg Secondary Plan under the Town's Official Plan, and is zoned "Residential 2 (R2) Zone" in accordance with the Town's Comprehensive Zoning By-law (129-90), as amended. The Owner is proposing to rezone the property to a site-specific "Residential 3 (R3) Zone" to facilitate the construction of a semi-detached dwelling, which is not a permitted use under the R2 Zone. The site-specific provisions are required to address deficiencies with respect to lot frontage.

A virtual pre-consultation meeting for this proposal occurred on February 10, 2022, with City staff, Regional staff, and the Owner in attendance. The following comments are offered from a Provincial and Regional perspective to assist the Town with its consideration of the Application.

Provincial and Regional Policies

The lands are designated "Settlement Area" within the *Provincial Policy Statement, 2020* ("PPS") and "Delineated Built-Up Area" within the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and *Niagara Official Plan, 2022* ("NOP").

Provincial and Regional policies direct growth to Settlement Areas and the Delineated Built-Up Area in order to promote an efficient use of existing municipal servicing infrastructure and public service facilities. Infill development within the Delineated Built-Up Areas that respects the scale and transition to the surrounding urban fabric is encouraged. The NOP promotes higher density development and development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The proposed Application will assist the Town in achieving its intensification target (50%) as set out in the NOP and would contribute to the diversification of housing supply (semi-detached dwelling) in Niagara.

Regional staff has reviewed the "*Planning Justification Report*" ("PJR") prepared by UEM Consultants (dated October 2022). Staff observe that Section 4.3 of the PJR addresses the 'Niagara Region Official Plan'; however, omits an analysis of the in-effect NOP which was approved by the Province on November 4, 2022. The PJR instead provides an analysis of the former *Regional Official Plan* ("ROP") policy framework. Based on the type and nature of the proposed Application, staff is satisfied that the PJR's policy analysis of the ROP is aligned with and maintains the same intent and objectives as the in-effect policies of the NOP. Specifically, the proposal represents residential infill within an established neighbourhood that will make better use of existing municipal infrastructure and will support the Town in achieving its intensification target without compromising natural resources or environmental features. As such, staff finds the PJR to be adequate and offers no further comments with respect to its contents.

Noise Impact

Regional staff have reviewed the "*Final Noise Brief*" prepared by BM Consortium (dated December 10, 2022). The Brief includes an assessment of nearby stationary and transportation-related noise sources in order to identify and recommend any site and building design mitigation measures that may be needed to ensure compatibility between the proposed development and these noise sources. Staff acknowledge that residential uses are currently permitted as-of-right on the subject lands and that the property is surrounded by similar residential uses to the north, east, and west.

The results of the Brief determined there to be exceedances to Ministry of the Environment's ("MECP") NPC-300 sound limit thresholds with respect to nearby transportation-related noise sources (rail line and Central Avenue) that will require the implementation of mitigation measures through both site and building design. Specifically, the Brief recommends the installation of an acoustic barrier (i.e., solid wood

board fence), upgraded exterior windows and doors, and the provision of central air conditioning units for each dwelling unit. Staff concurs with the recommended mitigation measures of the Brief and offer no further comments at this time. Town staff will need to be satisfied that the recommended design practices are properly incorporated into dwelling design and construction.

Waste Collection

The Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the Owner bring the waste and recycling to the curbside on the designated pick-up day, and that the following limits are not exceeded:

- Garbage bags or cans – 2 maximum per unit (collected every-other-week).
- Recycling blue / grey boxes or carts – no limit (collected weekly).
- Organics green bins or carts – no limit (collected weekly).

If the above mentioned waste collection limits cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not the Region.

Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Zoning By-law Amendment Application, as the proposal is consistent with the PPS and conforms to Provincial and Regional growth management policies. Town staff should be satisfied that all local requirements and provisions are met, including that the recommended mitigation measures of the completed Noise Brief are properly implemented at time of detailed design.

Should you have any questions related to the above comments, please contact the undersigned at Alexander.Morrison@niagararegion.ca. Please send the Notice of Council's Decision on this Application when available.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Chris Pirkas, Development Approvals Technician, Niagara Region
Susan Dunsmore, Manager, Development Engineering, Niagara Region



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-19-2023
Agenda Date	March 6 th , 2023	File No.	350309-0552

Subject	PROPOSED ZONING BY-LAW AMENDMENT 0-17100, 0-17101 & 0-17102 SCHOOLEY ROAD MARZ HOMES (CRYSTAL BEACH) INC. – DAN GABRIELE (OWNER) A.J. CLARKE AND ASSOCIATES LTD. – STEPHEN FRASER (AGENT)
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Recommendations	<p><u>THAT</u> Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-19-2023 for the lands known as 0-17100, 0-17101 and 0-17102 Schooley Road, and further</p> <p><u>THAT</u> Council directs Staff to submit the necessary By-law.</p>
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Relation to Council's 2018-2022 Corporate Strategic Plan	Priority: Managed Growth through Responsibility, Stewardship and Preservation
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List of Stakeholders	Marz Homes (Crystal Beach) Inc. – Dan Gabriele (Owner) A.J. Clarke and Associates Ltd. – Stephen Fraser (Agent) Residents and Property Owners in the Town of Fort Erie
-----------------------------	--

Prepared by:	Submitted by:	Approved by:
Original Signed	Original Signed	Original Signed
Mackenzie Ceci Senior Development Planner	Alex Herlovitch, MCIP, RPP Director, Planning and Development Services	Chris McQueen, MBA Chief Administrative Officer
Reviewed by:		
Original Signed		
Anamika Dilwaria, MCIP, RPP Manager, Development Approvals		

Purpose

The purpose of this Report is to provide information with respect to the March 6th, 2023 Public Meeting, and recommendations to Council regarding the proposed Zoning By-law Amendment application. The Recommendation Report is being presented to Council the same evening as the Public Meeting since there was a low level of interest from area residents, the proposal largely aligns with the intent of the Crystal Beach Secondary Plan, and there is a requirement to meet Provincial timelines under *Bill 109*.

The application was submitted by Stephen Fraser of A.J. Clarke and Associates Ltd., Agent for Dan Gabriele of Marz Homes (Crystal Beach) Inc., who is the Owner of the subject lands. A Location Plan of the subject lands is attached as **Appendix “1”**.

The subject lands are zoned Residential 2 (R2-637) Zone in part, Residential 2 (R2) Zone in part, and Environmental Conservation (EC) Overlay Zone in part, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. The Zoning By-law Amendment application proposes to rezone the subject lands to a site-specific Residential 2 (R2) Zone to facilitate the creation of an additional residential lot, where three currently exist. Site-specific zoning relief is requested to address the deficient lot frontages and areas of the proposed lots. Further, the Applicant has sought relief to permit the proposed lot coverages, building heights, interior side yard setbacks, rear yard setbacks, and setbacks to ornamental structures of the future single detached dwellings, which corresponds with the existing R2-637 zoning that applies to a portion of the subject lands. Future consent applications are required to facilitate the proposed lot configuration.

Nature of the Site

The subject lands are located in the Crystal Beach neighbourhood of the Town of Fort Erie, on the east side of Schooley Road. The subject lands are comprised of three lots (Lots 44, 45, and 46) on the 1978 [Jetmar Plan of Subdivision](#), now known as the Beachwalk Subdivision. The lots are currently vacant and vegetated. The following summarizes the land uses surrounding the subject lands:

North: Beachwalk Subdivision (currently under development);
South: Single detached dwellings and Rebstock Road;
East: Beachwalk Subdivision and single detached dwellings; and
West: Agriculturally designated and zoned lands that were recently brought into the urban area through the Region's Settlement Area Boundary Review

Planning Context**2020 Provincial Policy Statement (PPS)**

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development to Settlement Areas, and encourage the building of strong, sustainable, and resilient communities through the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The PPS also encourages development standards that facilitate intensification, redevelopment and compact forms.

The proposal complies with the policies outlined in the PPS as it will facilitate gentle intensification that provides for the efficient and optimal use of existing urban land and municipal infrastructure.

2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject lands are located within the Greater Golden Horseshoe Growth Plan Area, and are identified as a Designated Greenfield Area. Designated Greenfield Areas are located within Settlement Areas (not including rural settlements) and are required to accommodate forecasted growth, and will be planned, designated, zoned, and designed in a manner that supports the achievement of complete communities and active transportation, and encourages the integration and sustained viability of transit services. The minimum density target applicable to Designated Greenfield Areas is 50 residents and jobs combined per hectare.

The proposal complies with the policies outlined in the Growth Plan. The proposal will exceed the minimum density target by providing for approximately 63 residents and jobs per hectare, based on an average household size of 2.51 people. The proposal accommodates forecasted growth by contributing to the housing stock and encouraging the efficient and optimal use of existing urban land and municipal infrastructure.

2022 Niagara Official Plan (NOP)

The 2022 Niagara Official Plan (NOP) designates the subject lands as a Designated Greenfield Area. Designated Greenfield Areas shall achieve a minimum density of 50 residents and jobs combined per hectare. This density is to be measured over the entire region and excludes areas constrained by environmental features, utility corridors, cemeteries, and employment areas. These Areas are to be planned as complete communities by ensuring that infrastructure capacity is available, and that development is sequential, orderly and contiguous with existing built-up areas, and by supporting active transportation and encouraging the integration and sustained viability of public transit service.

The proposal complies with the policies outlined in the NOP. The proposal will exceed the minimum density target by providing for approximately 63 residents and jobs per hectare. Further, the proposal contributes to the development of a complete community by promoting the utilization of existing municipal infrastructure, and the development of a built environment that is consistent with the surrounding community.

Town of Fort Erie Official Plan & Crystal Beach Secondary Plan

The subject lands are designated Urban Residential and Environmental Conservation in the Town of Fort Erie Official Plan. The Urban Residential land use designation is intended for a variety of housing forms, including single detached dwellings. The proposal will yield a density of 25.19 units per hectare. Staff note that the Urban Residential land use designation does not have a prescribed density range. The Environmental Conservation land use designation, which does not permit new residential development as-of-right, does not correspond with a Woodland over 2 Hectares pursuant to Schedule C of the Town's Official Plan.

The subject lands are designated Low Density Residential in the Crystal Beach Secondary Plan, which was approved by Council in 2021. As the Secondary Plan is currently under appeal, the associated policies are not in force and effect. The *Clergy Principle*, a policy of the Ontario Land Tribunal, generally provides that a *Planning Act* application should be reviewed against the policy documents that are in effect at the time of the application. As such, this application will be reviewed against the current policies of the Town's Official Plan. However, Staff note that the Low Density Residential designation that is intended for the subject lands includes single detached dwellings as a permitted use, and provides for a density range of up to 50 units per hectare.

The subject lands are not located within a zone of archaeological potential in accordance with Schedule D of the Town's Official Plan. However, the lands are located within 300 m of a registered archaeological site. As such, a Stage 1-2 Archaeological Assessment was completed and submitted with the application. No archaeological resources were identified through the Stage 2 Assessment.

The proposal complies with the intent of the Town's Official Plan and the Crystal Beach Secondary Plan. The proposal represents gentle intensification that will produce a residential density and built form that comply with the existing Urban Residential land use designation, and aligns with the Low Density Residential land use designation that is intended for the subject lands. Further, Staff are satisfied that the proposal is consistent and compatible with the existing built environment of the surrounding community.

Comprehensive Zoning By-law No. 129-1990

The subject lands outlined in yellow in **Figure 1** are zoned Residential 2 (R2-637) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended by By-law No. 95-2019. Further, the lands outlined in blue in **Figure 1** are zoned Residential 2 (R2) Zone. The R2-637 and R2 Zone permit one single detached dwelling, uses, buildings and structures accessory thereto, and home occupations. The R2-637 Zone contains site-specific zoning provisions relating to lot coverage, interior side yard setbacks, rear yard setbacks, building height, and setbacks from ornamental structures. Lastly, the lands shaded in green in **Figure 1** are zoned Environmental Conservation (EC) Overlay Zone. Development is not permitted as-of-right on the portion of lands zoned EC Overlay Zone. No changes to the existing zoning are proposed through the Crystal Beach Secondary Plan.

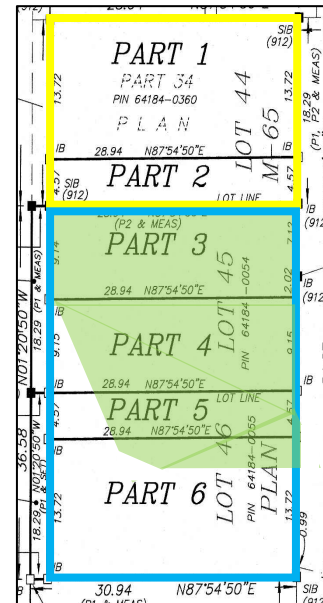


Figure 1. Existing zoning

The Applicant is proposing to rezone the subject lands to a site-specific Residential 2 (R2) Zone, and reconfigure the lot lines of the three existing lots to facilitate the creation of an additional residential lot, resulting in a total of four lots for future residential development. **Figure 2** shows the proposed lot configuration, where Parcel 1 is comprised of the lands highlighted in yellow (Part 1), Parcel 2 is comprised of the lands highlighted in red (Parts 2 and 3), Parcel 3 is comprised of the lands highlighted in blue (Parts 4 and 5), and Parcel 4 is comprised of the lands highlighted in green (Part 6). Site-specific relief has been requested to address the deficient lot frontages and areas, and permit the proposed lot coverages, building heights, interior side yard setbacks, rear yard setbacks, and setbacks to ornamental structures. The Applicant is also proposing to remove the Environmental Conservation (EC) Overlay Zone from the lands.

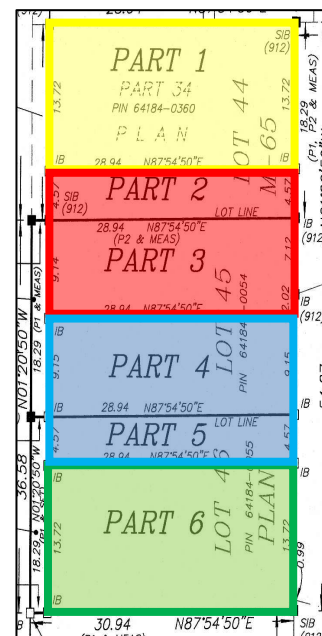


Figure 2. Proposed lot configuration

A summary of the R2 and R2-637 Zone provisions is provided in **Table 1** below alongside the proposed site-specific R2 zoning provisions, followed by an analysis regarding their inclusion and merit.

Table 1. R2 and R2-637 Zone provisions alongside requested site-specific R2 zoning provisions.

PROVISION	REQUIRED UNDER R2 ZONE	REQUIRED UNDER R2-637 ZONE	PROPOSED
Minimum Lot Frontage (Interior Lots)	15.00 m	15.00 m	Part 1 - 13.72 m Parts 2 & 3 - 13.71 m Parts 4 & 5 - 13.72 m Part 6 - 13.72 m
Minimum Lot Area	510.00 m ²	510.00 m ²	Part 1 - 397.06 m ² Parts 2 & 3 - 396.77 m ² Parts 4 & 5 - 397.06 m ² Part 6 - 397.06 m ² <i>*lands to be dedicated to the Town for road widening purposes were not included in the lot area calculations</i>
Maximum Lot Coverage	30.00 % (for lots less than 510.00 m ² in size)	45.00 %	45.00 %
Minimum Interior Side Yard Setback	i) 1.20 m for a one-storey dwelling ii) 1.50 m for anything above a one storey dwelling iii) On an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3.00 m	1.20 m, except on an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3.00 metres	1.20 m, except on an interior lot where no attached garage or carport is provided, the minimum side yard on one side shall be 3.00 metres
Minimum Rear Yard Setback	8.00 m	6.00 m	6.00 m
Maximum Building Height	2 storeys / 9.00 m	2 storeys / 10.50 m	2 storeys / 10.50 m

PROVISION	REQUIRED UNDER GENERAL PROVISIONS	REQUIRED UNDER R2-637 ZONE	PROPOSED
Subsection 6.40 (a) Covered or Uncovered Porches, Balconies, Decks and Patios – Residential Zones	Notwithstanding the yard provisions of this By-law to the contrary, porches, balconies, decks and patios may project into required yards in residential zones as follows: Minimum setback to rear lot line for a platform between 0.50 m and 1.50 m in height (uncovered) or 0.00 m to 1.50 m in height above grade (covered) shall be 3.00 m .	2.50 m	2.50 m
Subsection 6.41 (a) Yard Encroachments Permitted – Ornamental Structures	Notwithstanding the yard provisions of this By-law... ornamental structures may project into any required yard a maximum distance of 0.50 m but shall not be closer than 0.50 m to any lot line.	ornamental structures may project into any required yard a maximum distance of 0.60 m but shall not be closer than 0.50 m to any lot line.	ornamental structures may project into any required yard a maximum distance of 0.60 m but shall not be closer than 0.50 m to any lot line.

Planning Staff support the requested amendments to the Town's Zoning By-law. The proposed amendments to the lot coverage, building height, interior side yard setback, rear yard setbacks, and setbacks to ornamental structures of the future single detached dwellings align with the existing R2-637 Zone regulations that apply to the lands outlined in yellow in **Figure 1**, and will facilitate a built form that is similar to what is permitted as-of-right throughout the majority of the Beachwalk Subdivision. Conceptual renderings of the proposed single detached dwelling are included as **Appendix "2"**.

With respect to the proposed lot frontages and areas, the proposal will facilitate a lot fabric that is consistent with the majority of the Beachwalk Subdivision, which contains two site-specific Residential 2A (R2A) Zones. The R2A Zone permits a lot frontage and area of 12.00 m and 375.00 m², respectively, for interior lots. Staff note that the Applicant has requested generalized reductions in lot frontage and area to 13.00 m and 390.00 m², respectively. Staff note that the requested dimensions are less than what is actually being provided through the proposal (13.71 m and 13.72 m lot frontage; 396.77 m² and 397.06 m² lot area). Staff recommend tailoring the proposed site-specific R2 zoning to reflect the lot frontages and areas that will be achieved through this proposal.

Planning Staff also support the removal the Environmental Conservation (EC) Overlay Zone from the subject lands. Niagara Regional Environmental Planning Staff have confirmed that the treed area on the subject lands is not a Significant Woodlot and does not form part of the Region's Core Natural Heritage System. The application, including

the Tree Preservation Plan, was circulated to the Town's Environmental Advisory Committee on December 22nd, 2022 and is currently under review. As future consent applications are required to facilitate the proposed lot configuration, Planning Staff are satisfied that any comments or requirements requested by the Environmental Advisory Committee can be implemented as conditions of approval.

Studies

The following items were submitted with the application, and are discussed throughout this Report:

- [Stage 1-2 Archeological Assessment](#); and
- [Tree Preservation Plan](#)

Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the application is the responsibility of the Owner. No staffing implications are expected.

No impediments to the AODA legislation are expected to be developed as a result of the proposed application.

Policies Affecting Proposal

A Public Information Open House for this application was held on January 30th, 2023. All property owners within 120 metres of the subject lands were notified of the Open House via mailed notice.

Notice of the March 6th, 2023 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the February 9th, 2023 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject lands were mailed a "Notice of Complete Application and Public Meeting" on February 14th, 2023.

Land use policies that apply to the subject lands are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding this application was circulated to relevant Departments/Community and Corporate Partners on November 23rd, 2022. Comments received are summarized below. Detailed comments are attached as **Appendix "3"**.

Agency Comments

Niagara Region

Regional Planning and Development Services staff do not object to the proposed Zoning By-law Amendment application as the proposal is consistent with the Provincial Policy Statement and conforms to Provincial and Regional growth management policies. A copy of the Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism with respect to the filing of the Stage 1-2 Archaeological Assessment must be addressed through the future consent application that is needed to facilitate the proposed development.

Regional Environmental Planning Staff completed a site visit on April 22, 2022 and confirmed that the subject lands are not impacted by the Region's Core Natural Heritage System. As such, Environmental Planning Staff do not object to the proposed application and offer no requirements.

Enbridge

No objections

Staff Comments

Building Division & Engineering Division

No comments or objections.

Public Comments

A Public Information Open House for this application was held on January 30th, 2023. The Open House was attended by Town Staff, the Ward Councillor, the Applicant, and individuals on behalf of the Owner. No area residents were in attendance. As of the writing of this report, no comments have been received from area residents.

Alternatives

Council may elect to deny the Zoning By-law Amendment application. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies, and represents good land use planning.

Second Opinion Clause

Should a motion be placed before Council that does not support Planning Staff's recommendations, Council is advised to table its decision to consider the matter further

or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the Applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the Clerk or provided by the Applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

Communicating Results

There are no communication requirements at this time.

Conclusion

Planning Staff are of the opinion that the proposed Zoning By-law Amendment application represents good planning. The application will facilitate the creation of an additional residential lot. The proposal aligns with the intent and objectives of the Official Plan and the Crystal Beach Secondary Plan, alongside Provincial and Regional policies. Staff are of the opinion that the proposal is consistent and compatible with the surrounding community. For these reasons, Planning Staff recommend that Council approves Zoning By-law Amendment application as proposed.

Attachments

Appendix “1” - Location Plan

Appendix “2” - Conceptual Renderings

Appendix “3” - Staff and Agency Comments




0 25 50 Metres

LOCATION PLAN

Zoning By-law Amendment

0-17100, 0-17101, and 0-17102 Schooley Road

 Subject Lands - 0-17100, 0-17101, and 0-17102 Schooley Road



BAR HARBOUR IV

1,272 SQ.FT. • BUNGALOW



BAR HARBOUR IV

1,272 SQ.FT. • BUNGALOW



BEACHSIDE II

1,343 SQ.FT. • BUNGALOW



BEACHSIDE II

1,343 SQ.FT. • BUNGALOW



MARZ
HOMES



MARZ
HOMES



Beach Walk
CRYSTAL BEACH



Beach Walk
CRYSTAL BEACH

AQUAMARINE II

2,320 SQ.FT. • BUNGALOF



ELEVATION A

MARZ
HOMES

MARZ
HOMES

BEACHSIDE II

1,924 SQ.FT. • BUNGALOF



ELEVATION B

ELEVATION C



BEACHSIDE II

1,900 SQ.FT. • BUNGALOF



ELEVATION A



IMPERIAL II

2,475 SQ.FT. • BUNGALOW



IMPERIAL II

2,475 SQ.FT. • BUNGALOW



MARZ
HOMES



MARZ
HOMES

IMPERIAL III

2,568 SQ.FT. • BUNGALOW



IMPERIAL III

2,568 SQ.FT. • BUNGALOW





Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

December 12, 2022

Region Files: D.18.01.ZA-22-0096

Mackenzie Ceci
Intermediate Development Planner
Planning & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Ceci

**Re: Regional and Provincial Comments
Zoning By-law Amendment Application
Applicant/Owner: Marz Homes (Crystal Beach Inc.)
Agent: A.J. Clarke & Associates Ltd. (c/o Stephen Fraser)
0-17100, 0-17101, and 0-17102 Schooley Road
Town of Fort Erie**

Regional Planning and Development Services staff have reviewed the materials that were circulated with the above noted Zoning By-law Amendment Application. The Region received its circulation from the Town of Fort Erie on November 23, 2022.

The subject property is designated "Urban Residential" in part and "Environmental Conservation" in part under the Town's Official Plan, and is zoned "Residential 2 (R2) Zone" in part and "Environmental Conservation (EC) Overlay" in part in accordance with the Town's Comprehensive Zoning By-law (129-90), as amended.

The Applicant is proposing to rezone the property to a site-specific "Residential (R2) Zone" and reconfigure the lot lines to facilitate the creation of an additional residential lot. One lot will be comprised of Part 1 on the Draft Reference Plan, another comprised of Parts 2 and 3, another comprised of Parts 4 and 5, and the last lot comprised of Part 6. Site specific relief is required to address deficiencies to lot frontages and areas and to permit the proposed lot coverages, building heights, various setbacks.

A virtual pre-consultation meeting for this proposal occurred on March 24, 2022, with Town staff, Regional staff, and the Owner in attendance. The following comments are offered from a Provincial and Regional perspective to assist the Town with its consideration of the Application.

Provincial and Regional Policies

The lands are located within the Urban Area of the Town of Fort Erie and are designated "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS") and "Designated Greenfield Area" under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and the *Niagara Official Plan, 2022* ("NOP").

Provincial and Regional policies direct growth to Settlement Areas in order to promote an efficient use of existing municipal servicing infrastructure and public service facilities. Infill development that respects the scale and transition to the surrounding urban fabric is encouraged. The NOP promotes higher density development and development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. Provincial and Regional policies set out for development in Designated Greenfield Areas ("DGA") to achieve a density of 50 people and jobs per hectare ("ppj/ha") which excludes lands / features within Environmental Protection Areas and Environment Conservation Areas.

Regional staff have reviewed the "*Planning Justification Report*" ("PJR") prepared by A.J. Clarke & Associates (dated October 2022). The PJR contains an analysis of the applicable policies of the PPS, Growth Plan, NOP, Town's Official Plan, and Town's Zoning By-law. Staff note that the PJR states that the proposed development is estimated to achieve a density of approximately 70 ppj/ha, which satisfies the DGA density target. Regional staff recognize that the proposed development makes efficient use of the subject lands given its limited size and environmental constraints and will transform a previously under-utilized site into positive residential community. Therefore, the development generally conforms with and is consistent with Provincial and Regional growth management policy directions.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on a review of the Province's Criteria for Evaluating Archaeological Potential, the exhibits potential for the discovery of archaeological resources, as it is located within 300 m of a registered archaeological site and natural watercourse features. Further, the property is included within the Town's mapped area of "Archaeological Potential" as set out in Town's Official Plan "Schedule D – Cultural Heritage Archaeological Zones of Potential", as well as within the Region's "Areas of Archaeological Potential" mapping in Schedule K of the NOP.

Regional staff have reviewed the "*Stage 1-2 Archaeological Assessment*" prepared by Detritus Consulting Ltd. (dated October 14, 2022). The Assessment investigated the

D.18.01.ZA-22-0096

December 12, 2022

entirety of the subject lands with a methodology that consists of a background literature review of surrounding historical settlement patterns, an on-site visual inspection, and a Test Pit Survey at 5 m intervals of the undisturbed portions of the properties. The investigation did not result in the identification of any archaeological resources on the site and concluded that no further archaeological assessment of the Study Area is recommended.

At the time of preparing this letter, Regional staff have not been provided with a Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism confirming that the Assessment was entered into the Ontario Public Register of Archaeological Reports as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*. Staff note that this Letter of Acknowledgement can be submitted by the Applicant through the future Consent Application that will be needed to facilitate the proposed development.

Natural Heritage

Regional Environmental Planning staff completed a site visit on April 22, 2022 and confirmed that the subject lands are not impacted by the Region's Core Natural Heritage System. As such, Environmental Planning staff does not object to the proposed Application and offer no requirements at this time.

Servicing

There is currently no sanitary servicing on Schooley Road. Servicing will be under the jurisdiction of the Town of Fort Erie and will require the construction of new sanitary sewer. Any new/extended sanitary and storm sewers must be reviewed by the Region for capacity in the Regional system and approved through the Town's Consolidated Linear Environmental Compliance Approval system.

Based on the scale of the development, and that the development is located within the sewershed of the Crystal Beach Wastewater Treatment Plant, the Region will not require anticipated flow calculations to confirm whether the development can be accommodated by Regional infrastructure.

Waste Collection

The Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling collection provided that the Owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Garbage bags cans – 2 maximum per unit (collected every-other-week).
- Recycling blue / grey boxes or carts – no limit (collected weekly).
- Organics green bins or carts – no limit (collected weekly).

D.18.01.ZA-22-0096

December 12, 2022

If the above collection limits cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not the Region.

Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Zoning By-law Amendment Application, as the proposal is consistent with the PPS and conforms to Provincial and Regional growth management policies. A copy of the Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism with respect to the filing of the Stage 1-2 Archaeological Assessment must be addressed through the future Consent Application that is needed to facilitate the proposed development. Town staff should also be satisfied that all local requirements and provisions are met.

Should you have any questions related to the above comments, please contact the undersigned at Alexander.Morrison@niagararegion.ca. Please send the Notice of Council's Decision on this Application when available.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Susan Dunsmore, Manager, Development Engineering, Niagara Region
Chris Pirkas, Development Approvals Technician, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region

RE: [External] Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment - 0-17100, 0-17101 and 0-17102 Schooley Road

Municipal Planning to Mackenzie Ceci

12/06/2022 01:01 PM

From "Municipal Planning" <MunicipalPlanning@enbridge.com>
To "Mackenzie Ceci" <MCeci@forterie.ca>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

The applicant will contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Jasleen Kaur
Municipal Planning Coordinator
Engineering

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8

0-17100, 0-17101 & 0-17102 Schooley Road Zoning By-law Amendment

Keegan Gennings to Mackenzie Ceci

12/01/2022 05:42 PM

From Keegan Gennings/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie

Hi Mackenzie,

I have no comments concerning the proposed rezoning amendment for Schooley Road.

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515



Interoffice Memorandum

November 28, 2022
File No. 350309-0552

To: Mackenzie Ceci, Intermediate Development Planner
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **Application for Zoning By-law Amendment – 0-17100, 0-17101 & 0-17102
Schooley Road**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Zoning By-law Amendment and the supporting documentation for **0-17100, 0-17101 & 0-17102 Schooley Road** and offer no objection or comment with respect to the proposed zoning by-law amendment.

Given the foregoing comments, I offer no objection to the proposed application.

Jeremy Korevaar, C.E.T.
Coordinator, Development Approvals



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-20-2023
Agenda Date	March 6 th , 2023	File No.	350309-0550

Subject

**PROPOSED ZONING BY-LAW AMENDMENT
4409 ERIE ROAD
NPG PLANNING SOLUTIONS INC. – MARY LOU TANNER (APPLICANT)
CRYSTAL BEACH COTTAGES INC. – BRYAN KEENAN (OWNER)**

Recommendation

THAT Council receives for information purposes Report No. PDS-20-2023 regarding a proposed Zoning By-law Amendment for 4409 Erie Road.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

List of Stakeholders

NPG Planning Solutions Inc. – Mary Lou Tanner (Applicant)
Crystal Beach Cottages Inc. – Bryan Keenan (Owner)
Residents and Property Owners in the Town of Fort Erie

Prepared by:	Submitted by:	Approved by:
Original Signed	Original Signed	Original Signed
Mackenzie Ceci Senior Development Planner	Alex Herlovitch, MCIP, RPP Director, Planning and Development Services	Chris McQueen, MBA Chief Administrative Officer
Reviewed by:		
Original Signed		
Anamika Dilwaria, MCIP, RPP Manager, Development Approvals		

Purpose

The purpose of this Report is to provide information to Council with respect to the proposed Zoning By-law Amendment application for the property known as 4409 Erie Road.

The application was submitted by Mary Lou Tanner of NPG Planning Solutions Inc., Agent for Bryan Keenan of Crystal Beach Cottages Inc., Owner of the subject property. A Location Plan of the subject property is attached as **Appendix “1”**.

The application proposes to demolish the existing one-storey single detached dwelling, retain the existing two-storey single detached dwelling, and rezone the subject property to a site-specific Residential Multiple 1 (RM1) Zone to facilitate the development of eight new residential dwelling units, as detailed in **Appendix “2”**. Site-specific zoning relief has been requested to address the minimum lot frontage, minimum landscaped area, and minimum landscaping and planting strip width abutting a Residential Zone.

The Applicant is proposing a future consent application to facilitate the severance of the existing two-storey single detached dwelling from the remainder of the subject property. As the proposed lot will only have partial frontage on a private street, the Applicant is also requesting relief from Subsection 6.5 of the Zoning By-law, which requires a lot to front entirely upon an improved public or private street. Further, as a portion of the existing dwelling is located within the Hazard (H) Zone, the Applicant is requesting to adjust the Hazard Zone boundary line, such that it is setback 1.50 m from the south face of the existing dwelling.

Nature of the Site

The subject property is located within the urban boundary on the south side of Erie Road. The property, which currently contains a one-storey and a two-storey single detached dwelling, is approximately 1.95 ac (0.79 ha) in size, with approximately 43.69 m of frontage on Erie Road. The following summarizes the land uses surrounding the subject property:

North: Erie Road and Wetlands (Provincially and Locally Significant Wetlands);

South: Lake Erie;

East: Single detached dwellings; and

West: Single detached dwellings

Planning Context**2020 Provincial Policy Statement**

The subject property is located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development to Settlement Areas, and encourage the building of strong, sustainable, and resilient communities through the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The PPS also encourages intensification, the redevelopment of underutilized lands, and infill development, *where appropriate*.

Staff will provide an analysis of the proposal with respect to the PPS in the future Recommendation Report that is presented to Council.

2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is located within the Greater Golden Horseshoe Growth Plan Area, and is contained within the Delineated Built-up Area. The Growth Plan contains policies that encourage infill and intensification, and the development of complete communities.

Staff will provide an analysis of the proposal with respect to the Growth Plan in the future Recommendation Report that is presented to Council.

2022 Niagara Official Plan (NOP)

The 2022 Niagara Official Plan (NOP) identifies the subject property as being located within the Urban “Built-up” Area of the Town. The Plan provides opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods, and the development of a mix of residential built forms in appropriate locations to ensure compatibility with established residential areas.

Staff will provide an analysis of the proposal with respect to the NOP in the future Recommendation Report that is presented to Council.

Town of Fort Erie Official Plan

The majority of the subject property is designated Urban Residential in the Town's Official Plan. The Urban Residential land use designation is intended for a variety of housing forms, including single detached and townhouse dwellings, and does not have a prescribed density range. The remainder of the property, which is located adjacent to the Lake Erie shoreline, is designated Environmental Protection in the Town's Official Plan. The shoreline area is also designated as a Natural Hazard, Significant Natural Area, and Environmental Corridor in accordance with Schedules C and C1 of the Town's Official Plan. No new development is proposed within the shoreline area.

The subject lands are designated Waterfront Residential in the Crystal Beach Secondary Plan, which was approved by Council in 2021. As the Secondary Plan is currently under appeal, the associated policies are not in force and effect. The *Clergy Principle*, a policy of the Ontario Land Tribunal, generally provides that a *Planning Act* application should be reviewed against the policy documents that are in effect at the time of the application. As such, this application will be reviewed against the current policies of the Town's Official Plan. Staff note that the waterfront properties along Lake Erie and their related designation and zoning were not identified for a policy change under the Crystal Beach Secondary Plan. However, an administrative change to the name of the land use designation from "Urban Residential" to "Waterfront Residential" was implemented through the Secondary Plan.

Staff note that the Owner of 4409 Erie Road appealed the Crystal Beach Secondary Plan (By-law No. 143-2021 and No. 144-2021) as it applies to the subject property. The current appeal states that the Secondary Plan does not conform / is not consistent with Provincial, Regional and Town planning policies as it did not contemplate the intensification / densification of the subject property.

The development of Urban Residential lands is subject to the current policies of Section 4.7.4.1 II of the Town's Official Plan. The policies state that regard shall be given to the following when considering medium density and high density residential uses, redevelopment, and infill residential intensification on vacant land:

- a. The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;
- b. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;

- c. Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;
- d. The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;
- e. Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;
- f. Convenient access to a collector or arterial road;
- g. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;
- h. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”; and
- i. Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.

Staff will provide an analysis of the proposal with respect to these policies in the future Recommendation Report that is presented to Council.

The subject property is located within a zone of archaeological potential in accordance with Schedule D of the Town’s Official Plan. A Stage 1-2 Archaeological Assessment was completed and submitted with the application. The findings of this Assessment will be discussed in detail later on in this Report. Lastly, in accordance with Schedule B of the Official Plan, the subject property is not located within a petroleum resource area, nor are there any active wells within 75 metres of the subject property.

Comprehensive Zoning By-law No. 129-1990

The majority of the subject property is zoned Waterfront Residential (WR) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. Permitted uses of the WR Zone include one single detached dwelling, uses, buildings and structures accessory thereto, and home occupations. The portion of the subject property adjacent to the Lake Erie shoreline is zoned Hazard (H) Zone. This zoning corresponds with the floodplain that is associated with the Lake Erie shoreline. No new development is proposed on lands that are zoned Hazard or regulated by the Niagara Peninsula Conservation Authority. The property is also located within Floodproofing Area No. 1 in accordance with Subsection 6.49 of the Zoning By-law, which permits no openings below 176.5 m elevation.

The Applicant is proposing to rezone the subject property to a site-specific Residential Multiple 1 (RM1) Zone to facilitate the development of eight new residential dwelling units, as detailed in **Appendix “2”**. The Applicant has requested site-specific relief to

address the deficient lot frontage, minimum landscaped area, and minimum landscaping and planting strip width abutting a Residential Zone. The Applicant is proposing a future consent application to facilitate the severance of the existing two-storey single detached dwelling from the remainder of the subject property. As the proposed lot will only have partial frontage on a private street, the Applicant is also requesting relief from Subsection 6.5 of the Zoning By-law. Further, as a portion of the existing dwelling is located within the Hazard (H) Zone, the Applicant is requesting to adjust the Hazard Zone boundary line, such that it is setback 1.50 m from the south face of the existing dwelling. Staff will assess the appropriateness of this approach at the Recommendation Report stage.

A summary of the WR and standard RM1 Zone provisions is provided in **Table 1** below alongside the required site-specific RM1 zoning relief. The required site-specific zoning relief was determined based on the Applicant's Planning Justification Report and Planning Staff's review of the application and Site Plan.

Table 1. WR and standard RM1 Zone provisions alongside required site-specific RM1 zoning provisions.

PROVISION	REQUIRED UNDER WR ZONE	REQUIRED UNDER STANDARD RM1 ZONE	REQUIRED SITE-SPECIFIC RELIEF
Minimum Lot Frontage	18.0 m (interior lot)	50.0 m	43.7 m
Minimum Rear Yard Setback	10.0 m	6.0 m	16.5 m <i>*a reduction to 3.0 m would be required if the Applicant does not include the existing dwelling in the future Draft Plan of Condominium</i>

Minimum Landscaped Area	<p>In accordance with Subsection 6.21 (g):</p> <p>i. The minimum required landscaped open space area in the front yard of any dwelling in any residential zone shall be 30.0%</p> <p>ii. The overall minimum required landscaped open space area on a lot in a residential zone shall be 20.0%</p>	50.0% (including Privacy Areas)	41.2 %
Planting Strips	N/A	In accordance with Subsection 6.21 (3.0 m) and 4.5 m where it abuts a street, except for points of ingress and egress	<ul style="list-style-type: none"> 2.0 m / 2.5 m between west lot line and private street; 1.5 m between west lot line and Unit No. 1; 1.9 m / 0.5 m between west lot line and existing dwelling / associated paved area; and 2.3 m / 1.5 m / 2.0 m between east lot line and private street
Subsection 14.8 – Distance from Dwellings to Private Streets and Parking Areas	N/A	Any front or rear face of any dwelling shall be no closer than 3.0 m to any private street or parking area	<ul style="list-style-type: none"> the covered porch associated with Unit No. 3 is located 2.3 m from the private street
PROVISION	REQUIRED UNDER GENERAL PROVISIONS	REQUIRED UNDER STANDARD RM1 ZONE	REQUIRED SITE-SPECIFIC RELIEF
Subsection 6.5 (a) - Frontage on Public Streets and Private Streets	No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts entirely upon an improved public or private street	Proposed building or structure fronts entirely upon an improved public or private street	<ul style="list-style-type: none"> Existing dwelling maintains partial frontage on an improved private street

Subsection 6.48 – Yard Setbacks for Lots Abutting Lake Erie	Notwithstanding any other yard requirements of this by-law, any building or any addition thereto in the vicinity of Lake Erie shall be set back a minimum of 30.0 m from the 1-in-100-year flood elevation as determined by the Niagara Peninsula Conservation Authority.	Notwithstanding any other yard requirements of this by-law, any building or any addition thereto in the vicinity of Lake Erie shall be set back a minimum of 30.0 m from the 1-in-100-year flood elevation as determined by the Niagara Peninsula Conservation Authority.	<ul style="list-style-type: none">the existing two-storey single detached dwelling is located 14.5 m from the 1-in-100-year flood elevation
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Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the application are the responsibility of the Owner.

No impediments to the AODA legislation are expected to be developed through the amendments proposed.

Studies

The following items were submitted with the application, and are discussed in detail throughout this Report:

- [Functional Servicing Report](#); and
- [Stage 1-2 Archaeological Assessment](#)

Policies Affecting Proposal

A Public Information Open House for this application was held on January 24th, 2023. All property owners within 120 m of the subject property were notified of the Open House via mailed notice.

Notice of the March 6th, 2023 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the February 9th, 2023 edition of the *Fort Erie Post*. In addition, all property owners within 120 m of the subject property were mailed a “Notice of Complete Application and Public Meeting” on February 14th, 2023. Further, area residents that provided their contact information at the Information Open House were emailed a “Notice of Complete Application and Public Meeting” on February 10th, 2023.

Land use policies that apply to the subject property are contained in the Town’s Official Plan and applicable Regional and Provincial regulations.

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding this application was circulated to relevant Departments/Community and Corporate Partners on December 22nd, 2022. Comments received to date are summarized below, and detailed comments are attached as **Appendix “3”**.

Agency Comments

Niagara Region

Niagara Regional Staff reviewed the Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. and dated December 12, 2022. The Assessment investigated a Study Area consisting of the entirety of the subject lands, excluding the areas that were deemed to have experienced disturbances below top soil level as determined by the licensed archaeologist. The investigation resulted in the identification and documentation of archaeological resources that fulfill the criteria for a Stage 3 Archaeological Assessment. As such, the Stage 1-2 Assessment concludes and recommends that a subsequent Stage 3 Assessment be completed for the identified portions of the subject lands that exhibit cultural heritage value or interest. Regional Staff confirmed that any outstanding archaeological requirements (Stage 3 Archaeological Assessment and Letter(s) of Acknowledgement) can be managed through the imposition of a Holding Provision.

With respect to the natural heritage, Regional Environmental Planning Staff do not offer any environmental requirements as the property is not impacted by the Region's Core Natural Heritage System.

Niagara Peninsula Conservation Authority (NPCA)

The proposal falls outside of the NPCA's regulated features. The NPCA flags that any works to the existing dwelling, accessory buildings, or shorewall that falls within the NPCA's regulated features will need NPCA's review and approval prior to the commencement of any works on site / within their features

Niagara Catholic District School Board

No comments

Enbridge

No objections

Staff CommentsInfrastructure Services

A Functional Servicing Report, prepared by Upper Canada Consultants and dated October 17th, 2022, was submitted with the application. The Report was prepared to address the servicing and stormwater management requirements for the proposed condominium development. Infrastructure Services Staff reviewed the Report and development application. The following summarizes the findings of the Report:

- The existing 300 mm diameter watermain on Erie Road, and the proposed 200 mm diameter site water service shall have sufficient capacity to provide both domestic water supply and fire protection;
- The existing 250 mm diameter sanitary sewer on Erie road is expected to have adequate capacity for the proposed residential development;
- Stormwater quantity controls will be provided by the proposed control structure and underground storm sewer to control the future peak flows to existing conditions for the 5 and 100-year design storm; and
- Stormwater quality protection will be provided by a stormwater oil/grit separator or approved equivalent.

In response to the concerns raised by area residents relative to the high water table at the January 24th, 2023 Public Information Open House, Infrastructure Services Staff recommended the completion of a Hydrogeology Study. The Study should investigate if/how the proposed development will affect the water table, and what additional measures are required to mitigate against a high water table elevation, should this be confirmed through the Study work. Infrastructure Services Staff caution that there are significant issues with respect to drainage in this area, and that changes to the underground piping and surface area flow may be required upon completion of the Hydrogeology Study. Should Council elect to approve the Zoning By-law Amendment application at the Recommendation Report stage, Staff note that a detailed review of the Hydrogeology Study and associated engineering work would take place at the proposed Draft Plan of Condominium stage.

Building Department

The Functional Servicing Report does not make mention of the high water table that may be a factor in the servicing and stormwater management design. The design Engineer will have to address the possible presence of a high water table.

Neighbourhood / Community Planning

The comments provided by Community Planning during the pre-consultation process remain applicable. The comments are as follows:

- The site is located in the approved Crystal Beach Secondary Plan area. However, the plan is currently under appeal at the Ontario Land Tribunal. The site is currently designated as Urban Residential in the Town of Fort Erie Official Plan. Therefore, Section 4.7.4. URBAN RESIDENTIAL will apply; and
- That By-law No. 69-08 Parkland Dedication Policy, Part 4.1 b will apply

Public Comments

A Public Information Open House for this application was held on January 24th, 2023. All property owners within 120 m of the subject property were notified of the Open House via mailed notice. The Open House was attended by Town Staff, the Applicant, Owner, Ward Councillor, and approximately fifty-five area residents. Written comments from several area residents have also been received, and are attached as **Appendix “4”** for review. The Applicant prepared responses to several of the questions and comments raised by area residents, which are included in **Appendix “5”** for review.

Among the several questions and comments that were raised by area residents, five main areas of concern were identified:

- Current and future use of the lands for short-term rentals;
- Zoning By-law Amendment application timelines and processing;
- Natural Heritage;
- Acquisition of the waterfront lands; and
- Hydrogeology

Planning Staff’s responses to these main areas of concern are provided below:

Short-Term Rentals

The Owner has a Bed and Breakfast License for the subject property. Town By-law Enforcement Staff have received twenty-three complaints from area residents regarding the operation of a short-term rental without a license.

The Town of Fort Erie has initiated a Short-Term Rental Land Use Study with the aim of developing and recommending a land use approach to direct and regulate short-term rentals within the Town of Fort Erie.

Zoning By-law Amendment Application Timelines and Processing

In accordance with Bill 29, the *More Homes for Everyone Act, 2022*, Zoning By-law Amendment applications are subject to a 90-day processing and review timeline. The 90-day period starts the date that the application is deemed Complete, which was December 22nd, 2022, and ends on March 22nd, 2023.

Following this Information Report, Town Staff will prepare a future Recommendation Report for Council's review and consideration. The Recommendation Report will evaluate the application and its merit against Provincial, Regional, and Town planning policies. Town Council will then make a decision to approve or deny the proposed amendments to the Town's Zoning By-law. Staff have scheduled the Recommendation Report for this application for the March 20th, 2023 Council-in-Committee meeting.

Natural Heritage

The subject property is not impacted by the Region's Core Natural Heritage System, and the proposed development is located outside of the shoreline area and Significant Natural Area that corresponds with the Lake Erie shoreline in accordance with the Niagara Official Plan and Town's Official Plan, respectively. Further, the proposed development is located outside of the Provincially and Locally Significant Wetlands that are located opposite of the subject property on the north side of Erie Road. For these reasons, the submission of an Environmental Impact Study was not requested.

Acquisition of Waterfront Lands

Town Council approved the Town of Fort Erie Waterfront Strategy in 2017. Principle No. 2 of the Waterfront Strategy involves expanding opportunities for public access to, and enjoyment of the waterfront through the strategic securement/acquisition and development of waterfront properties as they become available. The Town of Fort Erie has the opportunity to acquire waterfront lands through the development approval process by employing a comprehensive set of policies established in the Town's Official Plan and Parkland Dedication By-law (69-08), and in accordance with Sections 42 and/or 37 of the Planning Act. Waterfront lands designated as Environmental Protection in the Town's Official Plan shall be gratuitously conveyed to the Town through the development review process and shall not be accepted by the Town as parkland dedication, nor included in the calculation thereof. Should Council elect to approve the proposed amendments to the Town's Zoning By-law, Staff note that the future applications for consent and Draft Plan of Condominium would provide the Town with an opportunity to acquire the waterfront lands.

Hydrogeology

Based on the information provided by area residents through the Public Information Open House and written correspondence, Town Planning Staff, in consultation with Town Engineering Staff, have requested the Applicant to complete a Hydrogeology

Study. The Applicant has been made aware of this requirement and will be undertaking the study work in the near future.

Alternatives

N/A

Communicating Results

There are no communication requirements at this time.

Conclusion

This Report is submitted to Council for information purposes. Should Council approve the Staff recommendation contained herein, Staff will prepare a Recommendation Report for the proposed Zoning By-law Amendment application. The Recommendation Report is scheduled for the March 20th, 2023 Council-in-Committee meeting.

Attachments

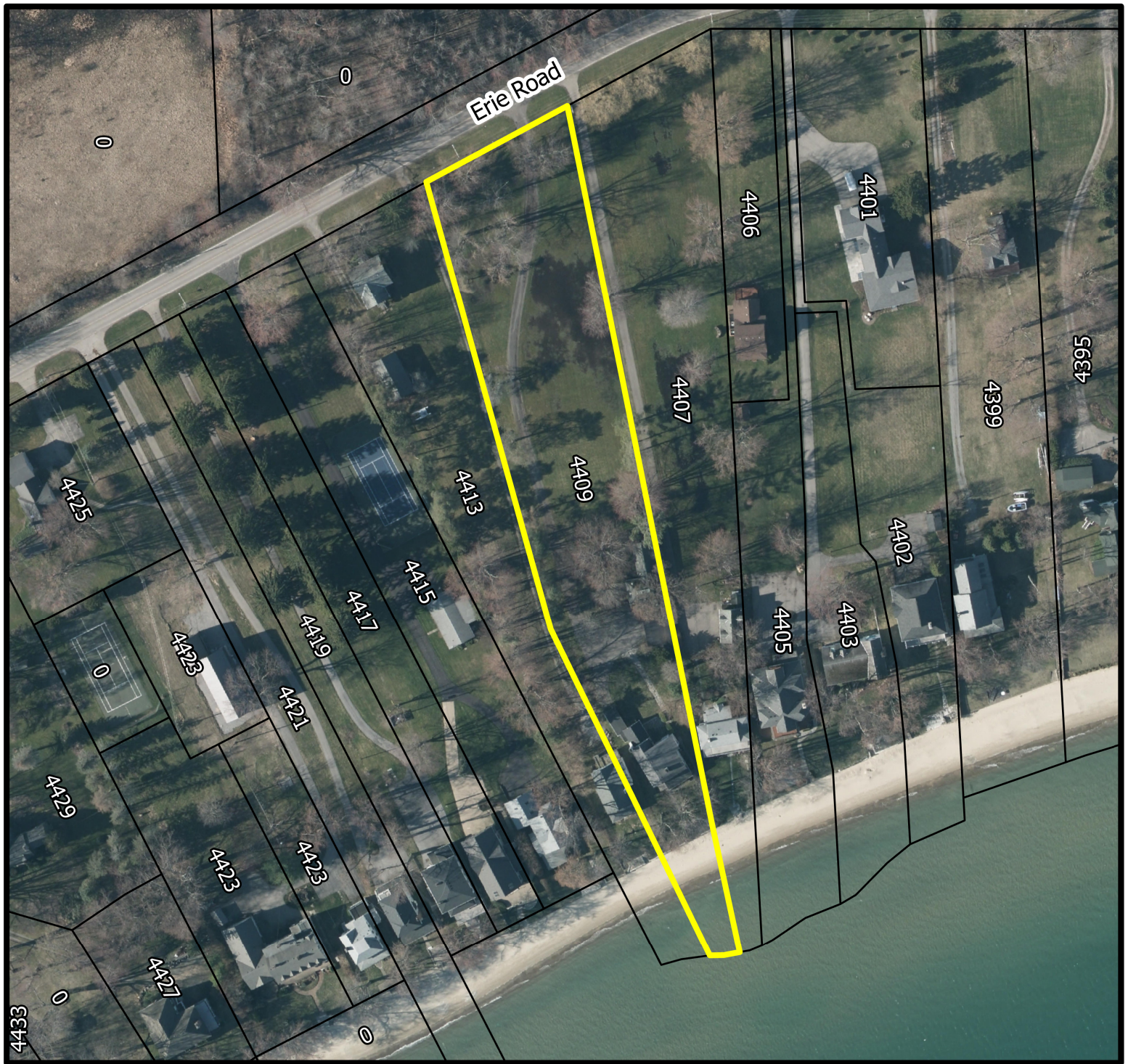
Appendix “1” - Location Plan

Appendix “2” - Site Plan

Appendix “3” - Agency and Staff Comments

Appendix “4” - Written Comments from Area Residents

Appendix “5” - Applicant's Responses



0 50 100 Metres

LOCATION PLAN

Zoning By-law Amendment 4409 Erie Road

Subject Lands - 4409 Erie Road



APPENDIX "2" TO ADMINISTRATIVE REPORT PDS-20-2023 DATED MARCH 6, 2023

4409 ERIE ROAD DEVELOPMENT

4409 ERIE ROAD, FORT ERIE



KEYPLAN
NOT TO SCALE

SITE STATISTICS

LOT AREA	5876 m ² (63249 SF)	100%
PROPOSED LANDSCAPE AREA	2903 m ² (24086 SF)	41.2%
PROPOSED LOT COVERAGE	1558m ² (167745F)	26.4%
PROPOSED ASPHALT/DRIVEWAY	2399 m ² (306835F)	32.4%

PROPOSED PARKING - 16 PARKING DRIVEWAY

LOT COVERAGE CALCULATION

PROPOSED LOT 1	217.1m ² (23375F)	3.7%
PROPOSED LOT 2	217.1m ² (23375F)	3.7%
PROPOSED LOT 3	186.9m ² (20125F)	3.2%
PROPOSED LOT 4	185.0m ² (19925F)	3.1%
PROPOSED LOT 5	186.9m ² (20125F)	3.2%
PROPOSED LOT 6	184.2m ² (19835F)	3.1%
PROPOSED LOT 7	184.2m ² (19835F)	3.1%
PROPOSED LOT 9	196.8m ² (21185F)	3.3%
TOTAL LOT COVERAGE	1558.2m ² (167745F)	26.4

SITE AREA STATISTICS LOT 1

LOT AREA	527.5m ² (56775F)	100%
PROPOSED DWELLING UNIT	138.0m ² (14835F)	27.8%
PROPOSED GARAGE	40.0m ² (4215F)	8.1%
PROPOSED COVERED PORCH AND COVERED TERRACE	39.1m ² (4215F)	7.9%
LANDSCAPE COVERAGE	261.5m ² (28135F)	52.8%
PAVING COVERAGE	43.1m ² (5215F)	9.8%
LOT COVERAGE	217.1m ² (23375F)	43.8%

SITE AREA STATISTICS LOT 2

LOT AREA	503.2m ² (54165F)	100%
PROPOSED DWELLING UNIT	138.0m ² (14835F)	27.4%
PROPOSED GARAGE	40.0m ² (4215F)	8.0%
PROPOSED COVERED PORCH AND COVERED TERRACE	39.1m ² (4215F)	7.8%
LANDSCAPE COVERAGE	237.8m ² (25585F)	47.2%
PAVING COVERAGE	48.3m ² (5205F)	9.6%
LOT COVERAGE	217.1m ² (23375F)	43.2%

SITE AREA STATISTICS LOT 3

LOT AREA	424.8m ² (45725F)	100%
PROPOSED DWELLING UNIT	114.3m ² (12325F)	27.4%
PROPOSED GARAGE	37.0m ² (3965F)	8.7%
PROPOSED COVERED PORCH AND COVERED TERRACE	33.6m ² (3625F)	7.9%
LANDSCAPE COVERAGE	199.5m ² (21425F)	47.0%
PAVING COVERAGE	38.4m ² (4135F)	9.0%
LOT COVERAGE	186.9m ² (20125F)	44.0%

SITE AREA STATISTICS LOT 4

LOT AREA	339.5m ² (36335F)	100%
PROPOSED DWELLING UNIT	114.3m ² (12325F)	33.7%
PROPOSED GARAGE	37.0m ² (3965F)	10.9%
PROPOSED COVERED PORCH AND COVERED TERRACE	32.9m ² (3545F)	9.7%
LANDSCAPE COVERAGE	117.8m ² (12685F)	34.7%
PAVING COVERAGE	37.4m ² (4035F)	11.0%
LOT COVERAGE	184.2m ² (19845F)	54.3%

SITE PLAN

1" = 30'-0"

SITE AREA STATISTICS LOT 5

LOT AREA	429.3m ² (46115F)	100%
PROPOSED DWELLING UNIT	114.3m ² (12325F)	30.0%
PROPOSED GARAGE	37.0m ² (3965F)	9.3%
PROPOSED COVERED PORCH AND COVERED TERRACE	33.6m ² (3625F)	8.7%
LANDSCAPE COVERAGE	203.5m ² (21855F)	41.8%
PAVING COVERAGE	39.4m ² (4245F)	10.0%
LOT COVERAGE	186.9m ² (20125F)	43.3%

SITE AREA STATISTICS LOT 6

LOT AREA	492.8m ² (51435F)	100%
PROPOSED DWELLING UNIT	134.1m ² (14435F)	21.8%
PROPOSED GARAGE	36.1m ² (3865F)	5.4%
PROPOSED COVERED PORCH AND COVERED TERRACE	34.4m ² (3725F)	5.4%
LANDSCAPE COVERAGE	426.5m ² (45855F)	61.3%
PAVING COVERAGE	71.1m ² (7645F)	5.9%
LOT COVERAGE	184.2m ² (19835F)	32.8%

SITE AREA STATISTICS LOT 7

LOT AREA	403.8m ² (43055F)	100%
PROPOSED DWELLING UNIT	134.1m ² (14435F)	34.0%
PROPOSED GARAGE	36.1m ² (3865F)	6.0%
PROPOSED COVERED PORCH AND COVERED TERRACE	34.4m ² (3725F)	6.0%
LANDSCAPE COVERAGE	240.5m ² (25735F)	57.1%
PAVING COVERAGE	46.1m ² (4955F)	6.9%
LOT COVERAGE	184.2m ² (19835F)	36.0%

SITE AREA STATISTICS LOT 8

LOT AREA	476.7m ² (51135F)	100%
PROPOSED DWELLING UNIT	128.2m ² (13825F)	26.9%
PROPOSED GARAGE	38.3m ² (4115F)	8.0%
PROPOSED COVERED PORCH AND COVERED TERRACE	30.4m ² (3275F)	4.4%
LANDSCAPE COVERAGE	236.5m ² (25435F)	49.3%
PAVING COVERAGE	43.5m ² (4675F)	9.2%
LOT COVERAGE	196.8m ² (21185F)	41.3%

SITE AREA STATISTICS EXISTING

LOT AREA	989.7m ² (106435F)	100%
EXISTING DWELLING UNIT	173.9m ² (18725F)	17.6%
EXISTING COVERED PORCH AND COVERED TERRACE	41.6m ² (4435F)	4.2%
LANDSCAPE COVERAGE	581.7m ² (62615F)	58.8%
PAVING COVERAGE	172.5m ² (18375F)	17.4%
LOT COVERAGE	235.5m ² (25335F)	23.8%

GENERAL NOTES

NO.	DATE	REVISION	BY:
1	01/25/2023	CONCEPT SITEPLAN	SWP
2	02/16/2023	CONCEPT SITEPLAN R1	SWP
3	02/24/2023	CONCEPT SITEPLAN R2	SWP
4	04/07/2023	CONCEPT SITEPLAN R3	SWP
5	04/28/2023	CONCEPT SITEPLAN R4	SWP
6	06/16/2023	CONCEPT SITEPLAN R5	IC
7	07/05/2023	CONCEPT SITEPLAN R6	SWP
8	08/18/2023	CONCEPT SITEPLAN R7	SWP
9	02/28/2023	CONCEPT SITEPLAN R8	MD

COMMISSION:

4409 ERIE ROAD DEVELOPMENT

4409 ERIE ROAD, FORT ERIE



A·C·K
architects
STUDIO INC.

Architectural Office
250 Dundas Ave. St. Catharines, ON L2T 3L3
(905) 948-1333

SHEET TITLE:

SITE PLAN

Issued for the Zoning

Issued for Site Plan Agreement

Issued for Permit

Issued for Tender

Issued for Construction

DRAWN BY: MDJ/MR

CHECKED BY: MDJ/MR

DATE: JAN 2022

SCALE: AS SHOWN

PROJECT No.: 2021-307

SVP DWG. No.
.SP1



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

January 18, 2023

Region Files: D.18.01.ZA-22-0083

Mackenzie Ceci
Intermediate Development Planner
Planning & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Ceci

**Re: Regional and Provincial Comments
Zoning By-law Amendment Application
Applicant / Owner: Crystal Beach Cottages (c/o Bryan Keenan)
Agent: NPG Planning Solutions (c/o Mary Lou Tanner)
4409 Erie Road
Town of Fort Erie**

Regional Planning and Development Services staff have reviewed the materials that were circulated with the above noted Zoning By-law Amendment Application. The Region received its circulation from the Town of Fort Erie on December 22, 2022.

The subject property is designated 'Urban Residential' in part and 'Environmental Protection' in part, under the Town's Official Plan, and is zoned 'Waterfront Residential (WR) Zone' in part, and 'Hazard (H) Zone' in part in accordance with the Town's Comprehensive Zoning By-law (129-90), as amended. The property is approximately 1.97 acres in size and currently occupies a 1-storey single-detached dwelling and a 2-storey single-detached dwelling.

The Applicant is proposing to rezone the property to a site-specific 'Residential Multiple 1 (RM1) Zone' and site-specific 'Hazard (H) Zone' to facilitate the development of 8 new dwelling units consisting of a mix of single-detached and attached dwellings. Site-specific relief is required to address deficiencies to lot frontage, minimum landscape area, and setbacks associated to the Hazard Zone.

The proposed development concept involves the demolition of the existing 1-storey dwelling and retaining the existing 2-storey dwelling, which will be subject to a future Consent (Severance) Application. The future consent will result in the retained 2-storey dwelling having only partial frontage on a private street, which also requires relief from

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the Town's Zoning By-law and will be addressed through the subject Amendment. Staff acknowledge that a future Draft Plan of Condominium Application is also required to facilitate the development.

A virtual pre-consultation meeting for the subject Amendment occurred on January 27, 2022, with Town staff, Regional staff, and the Agent in attendance. Since the meeting, the development concept has been revised to have 1 less residential dwelling unit (from 9 units down to 8 units). The following comments are offered from a Provincial and Regional perspective to assist the Town with its consideration of the Application.

Provincial and Regional Policies

The lands are located within the Urban Area of the Town of Fort Erie and are designated 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS") and 'Delineated Built-Up Area' under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and the *Niagara Official Plan, 2022* ("NOP").

Provincial and Regional policies direct growth to Settlement Areas in order to promote an efficient use of existing municipal servicing infrastructure and public service facilities. Infill development that respects the scale and transition to the surrounding urban fabric is encouraged. The NOP promotes higher density development and development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

Regional staff have reviewed the "*Planning Justification Report*" ("PJR") prepared by NPG Planning Solutions (dated October 27, 2022). Staff observe that Section 5.3 of the PJR addresses the 'Niagara Region Official Plan (2014)'; however, omits an analysis of the in-effect NOP that was approved by the Province on November 4, 2022. Based on the type and nature of the proposed Application, Regional staff is satisfied that the policy analysis of the PJR that is based on the former ROP policy framework maintains the same intent and objectives as the in-effect policies of the NOP with respect to growth management. Specifically, proposal represents residential infill in the urban area that will make better use of existing municipal infrastructure, will not adversely impact the Region's Core Natural Heritage System, and will support the Town in achieving its intensification target (50%) as set out in Regional policy.

As local compatibility and interface with surrounding land uses is primarily a local planning responsibility, the Town should be satisfied that the proposed development is compatible with the surrounding local context and that its built-form is in harmony with nearby existing and planned land uses.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Regional staff have reviewed the "*Stage 1-2 Archaeological Assessment*" prepared by Detritus Consulting Ltd. (dated December 12, 2022). The Assessment investigated a Study Area consisting of the entirety of the subject lands, excluding the areas that were deemed to have experienced disturbances below top soil level as determined by the licensed archaeologist.

The Assessments methodology consisted of a background literature review of surrounding historical settlement patterns, an on-site inspection, and a Test Pit Survey at 5 m intervals for the undisturbed portions of the property. The investigation resulted in the identification and documentation of archaeological resources that fulfill the criteria for a Stage 3 Archaeological Assessment as per the Ministry's Standards and Guidelines. As such, the Stage 1-2 Assessment concludes and recommends that a subsequent Stage 3 Assessment be completed for the identified portions of the subject lands that exhibit cultural heritage value or interest.

At the time of preparing this letter, staff have not been provided with a completed Stage 3 Assessment, nor a copy of the Letter(s) of Acknowledgement from the Ministry of Citizenship and Multiculturalism confirming that the required Assessments have been entered into the Ontario Public Register of Archaeological Reports as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*.

In separate correspondence with the Agent and Town staff (dated November 30, 2022), Regional staff agreed that the above mentioned outstanding archaeological requirements can be managed through use of a Holding Provision on the amending by-law. Regional staff confirms that this approach remains acceptable.

Natural Heritage

Regional Environmental Planning staff has reviewed the proposed Application and note that the property is not impacted by the Region's Core Natural Heritage System. As such, staff does not offer any environmental requirements.

Waste Collection

The Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling collection provided that the Owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

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- Garbage bags cans – 2 maximum per unit (collected every-other-week).
- Recycling blue / grey boxes or carts – no limit (collected weekly).
- Organics green bins or carts – no limit (collected weekly).

If the above mentioned collection limit cannot be met, waste collection will be the responsibility of the Owner through a private contractor and not Niagara Region.

Staff has reviewed the Engineering Drawings that were submitted with the Application and observe that the dedicated waste collection pads that service Units 6, 7, 8 and the retained dwelling (adjacent to Unit 7) shall be in accordance with the Region's policy for size, labels, and distance from the residential units and must be shown on future engineering drawing submissions. The waste collection pads are to be located on the portion of roadway that allows for access for curbside collection. Further, waste collection pads are to be located on the south side of the private road to ensure that the collection location is on the correct side of the truck.

The Applicant is advised that future Planning Act Applications (i.e., Draft Plan / Site Plan) will require warning clauses for the units that require waste collection pads. Regional staff will also require an overlay / template drawing of the Collection Truck Turning Radius to be provided to demonstrate that the collection vehicles can enter and exit the development from both directions on Erie Road. The Plan shall also include on-site movements to ensure that the truck does not reverse a distance greater than 15 m.

It is noted that prior to the commencement of waste collection services on a private roadway or property, a properly executed Indemnity Agreement shall be submitted from the private property Owner(s) or property management company with signing authority.

Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Zoning By-law Amendment Application, provided that a Holding Provision be utilized on the amending by-law to ensure that outstanding matters with respect to archaeological resources are appropriately addressed prior to the development proceeding. Once managed, the Regional staff will be satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional growth management policies. Town staff should be satisfied that the proposed Application aligns with the existing and planned local urban fabric, and that the development can be feasibly accommodated within local municipal infrastructure servicing capacities.

Should you have any questions related to the above comments, please contact the undersigned at Alexander.Morrison@niagararegion.ca. Please send the Notice of Council's Decision on this Application when available.

D.18.01.ZA-22-0083

January 18, 2023

Respectfully,

A handwritten signature in dark ink, appearing to read "Alex Morrison". The signature is fluid and cursive, with the first name "Alex" and last name "Morrison" clearly distinguishable.

Alexander Morrison, MCIP, RPP
Senior Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Susan Dunsmore, Manager, Development Engineering, Niagara Region
Stephen Bureau, Development Approvals Technician, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region

RE: NPCA Review: Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment - 4409 Erie Road

Taran Lennard to Mackenzie Ceci

01/19/2023 09:31 AM

From "Taran Lennard" <tlennard@npca.ca>
To "Mackenzie Ceci" <MCeci@forterie.ca>
History: This message has been replied to.

Hi Mackenzie,

NPCA Staff do not offer objections to the approval of this application . NPCA would simply flag that any works to the existing dwelling, accessory buildings, or shorewall that falls within the NPCA's regulated features will need NPCA's review and approval prior to the commencement of any works on site / within our features.

As the future proposed works fall outside of NPCA's features, we do not offer objections.

Thank you.

Taran Lennard
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 277

email: tlennard@npca.ca

**NCDSB: Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment -
4409 Erie Road**

Planning to MCeci@forterie.ca

01/24/2023 05:36 PM

From "Planning" <Planning@ncdsb.com>
To "MCeci@forterie.ca" <MCeci@forterie.ca>

Hello,

Thank you for circulating NCDSB. Please be advised that we have no comment on the above-noted application.

Thank you.
Alex

Alexsandria Pasquini-Smith, MCIP, RPP

Administrator of Planning & Properties

Niagara Catholic District School Board

427 Rice Road, Welland, ON, L3C 7C1

Tel: 905-735-0240 Ext. 131

Cell: 905-933-1734



**RE: [External] Town of Fort Erie Request for Comments - Proposed Zoning By-law
Amendment - 4409 Erie Road**

Municipal Planning to Mackenzie Ceci

01/16/2023 03:33 PM

From "Municipal Planning" <MunicipalPlanning@enbridge.com>
To "Mackenzie Ceci" <MCeci@forterie.ca>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

The applicant will contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Jasleen Kaur
Municipal Planning Coordinator
Engineering

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8

Re: Town of Fort Erie Request for Comments - Proposed Zoning By-law Amendment - 4409 Erie Road (Medium Priority) 

Christopher Kalimootoo to Mackenzie Ceci

01/27/2023 12:00 PM

Cc Anamika Dilwaria

From Christopher Kalimootoo/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie
Cc Anamika Dilwaria/FortErie@TownOfFortErie

Mackenzie,

I do not have any additional comments other than those that have already been noted by Jeremy and Robert Cook.

I would recommend that the wording from UCC about the oil/grit separator also be included in a site plan agreement (or other document which may be appropriate) so that we can enforce the maintenance. As this often does not happen. The Town should also be notified, along with the NPCA on an annual basis about the maintenance of that. And there should be a penalty if they don't maintain it, that is enforceable by the Town. I'm not sure which the best platform/agreement we should do this as I'm sure we don't have a by-law to enforce this right now.

As for the road, it should either be wider, or have a better turning radius to ensure that the Fire Department is satisfied.....along with their turn arounds requested.

It would also be nice to see stormwater drawings for surface and pipe sizes/elevations, once we get to that stage.

Thanks

Chris

Christopher Kalimootoo, P. Eng. BA, MPA, MBA, PMP

Manager, Engineering

The Corporation of the Town of Fort Erie

1 Municipal Centre Drive | Fort Erie, ON | L2A 2S6

W: 905-871-1600 ext. 2402

Re: 4409 Erie Road - Proposed Zoning By-law Amendment 

Christopher Kalimootoo to Mackenzie Ceci

01/30/2023 01:35 PM

Cc Anamika Dilwaria

From Christopher Kalimootoo/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie
Cc Anamika Dilwaria/FortErie@TownOfFortErie

Mackenzie,

Further to my email below, I have been advised that there may be a very high water table in the area due to both lake and soil conditions.

To ensure there are no issues from the groundwater, I would recommend a hydrogeology study be completed, during the high water table season (assuming spring) along with a Report noting if/how any of the proposed development would effect the water table, and if there are additional measures that may be taken to combat a high watertable elevation, if needed.

Within this Report it should be noted the number and locations of boreholes/temporary wells, depth of water table, depth of any piping (water/sewer/storm), depth of foundations (if any), soil removal or grading plan (with current and final elevations) with surface stormwater flow. Although some of this is asked for below "once we get to that stage", it may be advantageous to request these documents/analysis now as it is of local concern because of the potential shallow groundwater depth.

Please let me know if you have any questions or comments.

Thank you,

Chris

Christopher Kalimootoo, P. Eng. BA, MPA, MBA, PMP

Manager, Engineering

The Corporation of the Town of Fort Erie

1 Municipal Centre Drive | Fort Erie, ON | L2A 2S6

W: 905-871-1600 ext. 2402

4409 Erie Road - Development

Keegan Gennings to Mackenzie Ceci

01/23/2023 05:53 PM

From Keegan Gennings/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie

Hi Mackenzie,

I have reviewed the rezoning application for 4409 Erie and have the following comments:

- 1) The servicing reports notes that the existing house is not part of this proposal but will require an access easement as well as a servicing easement, will this need to be completed by a consent application?
- 2) The servicing report does not make mention of the high water table that may be a factor in the servicing and storm water management design, design engineer to address the possible presence of a high water table.

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515

4409 Erie Road ZBA

Signe Hansen to Mackenzie Ceci

02/14/2023 12:29 PM

Cc Chris Millar

From Signe Hansen/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie
Cc Chris Millar/FortErie@TownOfFortErie

Hi Mackenzie

With respect to the 4409 Erie Road ZBA application, comments provided by Community Planning during the pre-con review remain relevant and can be referenced.

Thanks

Signe

Signe Hansen, OALA, CSLA, MBA

Manager, Community Planning

The Corporation of the Town of Fort Erie | Planning and Development Services

1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

T: 905-871-1600 x 2506

High density on the waterfront is bad

Cindy Goodin to mceci

01/23/2023 02:00 PM

From "Cindy Goodin" <XXXXXXXXXX>
To mceci@forterie.ca
History: This message has been replied to.

To whom it may concern

From Cynthia Goodin

4447 Erie rd

Ridgeway, ON

Subject: High Density.

High density is not a good idea for the waterline area for two reasons

1. It's a fragile environment ecologically
2. When the house was purchased, 1984, it wasn't zoned high density. That's one on the many reasons why we purchased waterfront property.

We do not want the zoning changed to accommodate high density or short term rentals. The property is zoned residential, not commercial. Short term rental is commercial.

Thank you for noting my concerns and desires along the density and STR issue.

Have a nice day!

Cindy Goodin

President, HoliMont

January 23, 2023

Via email

Mackenzie Ceci
Intermediate Development Planner
Town of Fort Erie
mceci@forterie.ca

The purpose of this letter is to submit opposition to the Proposed Zoning By-law Amendment for property located at 4409 Erie Road ("The Property"). I am the third of five generations who have or currently have been protected by the Quiet Enjoyment within this community of seasonal residents. There are many issues with the Proposed Zoning By-law Amendment and to avoid duplicating the efforts of others whom you will hear from, I will highlight two issues related to Land Development and entitlements.

The Property was recently acquired by an investor and the proposed plan that was submitted with the application for Proposed Zoning By-law Amendment runs counter to the Crystal Beach Secondary Plan and good, sound planning principles as described below. For reference the investor is appealing the Crystal Beach Secondary Plan.

The application states, "The Subject Lands are located within the Urban Area of the Town of Fort Erie as defined in the PPS and are within an area that is the focus of growth and development." This statement is contrary to Policy 4.22.6 Residential – General, III. Residential intensification line L which reads:

The waterfront properties along Lake Erie and their related designation and zoning have not been identified for policy change in this Plan. They are however identified for an administrative name change to better reflect their unique presence in the Secondary Plan, from "Urban Residential" to "Waterfront Residential". The focus of residential growth identified in this Plan generally lay north of Erie Road and provides opportunity for the appropriate level of targeted intensification, unit mix and population growth to meet with minimum Secondary Plan objectives.

The Property lays south of Erie Road.

Another example of where the applicant ignores the sound planning principles is found in 4.22.6 Residential – General, II., f. Driveway access, internal roadways and pedestrian walkways that are safe and properly designed. The proposed plan shows the driveway access location being moved to the east, further into the apex of a curve, further reducing the site lines while increasing the impact on traffic generated by the additional dwellings. Note that in Photo 6 on page 8 of the Planning and Justification Report prepared by NPG Planning Solutions, the view is to the west, showing a relatively straight section of Erie Road.

The image below, taken from Google Earth Street View, dated April, 2021 shows the existing location of the driveway for The Property which is further west of the proposed common use driveway.

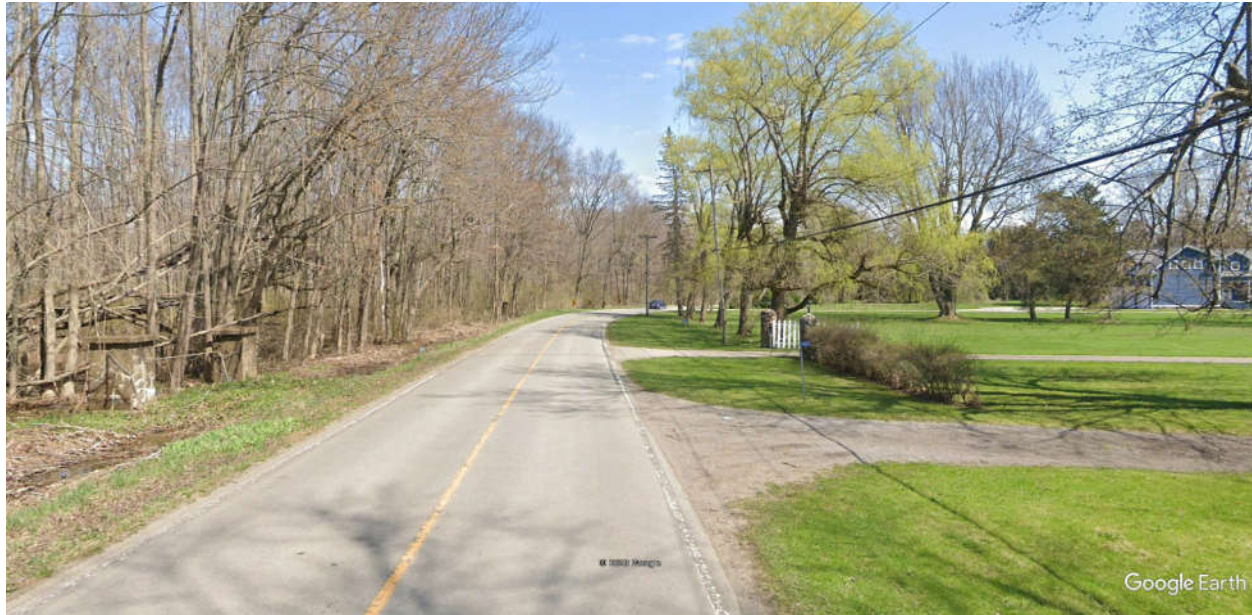


Figure 1 - Looking East towards curve beginning at 4409 Erie Road.

Good, sound planning principles for safe site distance for curves on road sections such as Erie Road that are single lane, without shoulders or acceleration/deceleration lanes would deem this location as it currently exists inadequate for additional traffic let alone moving it further into the turn.

I respectfully oppose the Proposed Zoning By-law Amendment for property located at 4409 Erie Road.

Douglas Heussler

A handwritten signature in blue ink, appearing to read "D. Heussler".

4415 Erie Road
Fort Erie, ON

**Observations/Questions regarding proposed zoning amendment
and development at 4409 Erie Road – January 27, 2023**

- Submitted by Ian Jones, 4463 Erie Road, XXX-XXX-XXXX; XXXXXX@XXXXX on behalf of Erie Road property owners Burke (4406), Bronstein/Andersen (4407), Moloney (4411), Heussler (4415) – who are immediate neighbours of 4409 Erie Road.

Observations:

Facts regarding the lands south of Erie Road between Point Abino Road and Willowood Avenue:

- The houses that front Lake Erie are built on a sand dune.
- The land between Erie Road and beach front houses is flat and elevation is very close to the level of Lake Erie. The soil is primarily sand.
- It is typical to have standing water/flooding for the majority of the year – from early fall until early summer. This has been the case for over 100 years.
- The Town is currently dealing with the same water/flooding issues at the West end of Erie Road and on Point Abino Road – which has had considerable impact on homeowners and financial expense to the Town/taxpayer.
- The lands North of Erie Road are deemed *“Significant Natural Areas as well as Provincially Significant Wetlands to the east and west”*.

Proposed zoning amendment and development does not make sense for the following reasons:

- Significant negative impact on neighbouring properties/residents – water/flooding, light, noise, traffic
 - Fill, grading, foundations, roadways, patios – increases flooding on neighbour properties.
- Significant negative impact on the character of the neighbourhood – just doesn’t fit.
 - 9 properties on less than two acres and 14.63 meters of beach frontage – does not work.
- Significant negative impact on the natural environment – Lake Erie, wetlands, etc.
- The current infrastructure of this area is not sufficient to support the proposed development and any additional developments that might follow. If such developments are the goal of the Town, a more comprehensive evaluation needs to be made relative to infrastructure requirements as well as the community and environmental impact.

Questions:

- Why isn’t the “condominium” development plan being processed concurrent with the zoning change application? The draft zoning by-law amendment in the planning justification report requests “Residential Multiple 1” zone with site specific provisions dealing with frontage, and landscaped areas. However, it does not address either the number of units or the specific type of units that are detailed “conceptually” on the site plan. What assurance is there that the site design presented will represent the product actually built?
- At the recent Open House (January 24th) it was very frustrating for participants to hear from the developer’s professional representatives that the “technical details” of the actual development plan will be worked out in the “next phase”. Much of our frustration was related to the representatives’ inability to answer questions related to prudently building the proposed development on lands that are typically flooded on an annual basis for the majority of months in the year. Our firm belief is that

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-20-2023 DATED MARCH 6, 2023

there is no way that the proposed stormwater management scheme (or any scheme) can effectively handle such water issues. It is our understanding, from talking to other professionals who deal with such development issues, that technically valid answers should have been provided at this stage of the process. However, it is obvious that the developer and his professionals do not understand the nature of the lands on the South side of Erie Road and the flooding that takes place every year. Can you please confirm that the developer's representatives should have been able to address our reasonable questions at the January 24th Open House? Please confer with Mackenzie Ceci for feedback on the Open House.

- Why hasn't the Town sought the opinion of the Town's ***Environmental Advisory Committee (EAC)*** on the proposed zoning change and development as stipulated by Fort Erie **By-law No. 170-06 (see Exhibit B)**?

The by-law states that the EAC is to ***"advise and assist the Community and Development Services Department and Council with the management and conservation of the natural environment in Fort Erie"***. The first four Duties and Responsibilities of the EAC are listed as follows:

1. Review "significant" development applications involving a change of use or intensification of use within or adjacent to Natural Heritage features identified on Schedule "C" of the Town's Official Plan (see Exhibit C);
2. Determine whether information submitted with a proposal is sufficient to assess the significance of impacts on the features or functions considered important by the Town's Natural Areas Inventory for which the site was designated;
3. Assess the significance of potential environmental impacts of a proposal on the features or functions for which the area was designated;
4. Determine whether impacts can be effectively mitigated in order to comply with the Natural Heritage policies of the Town's Official Plan.

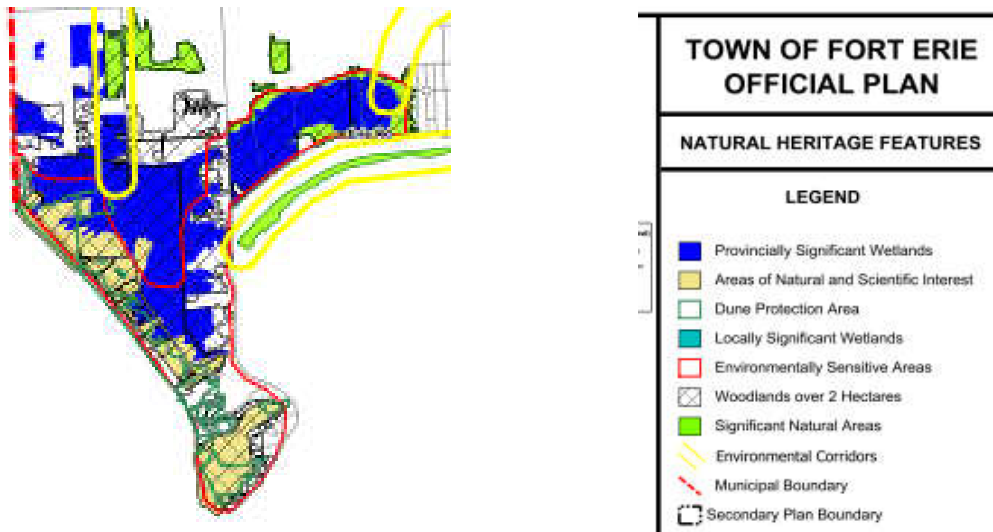
There is no doubt that the proposed zoning change and development are **"significant" development applications** as defined above, however, the EAC has not been asked to review the full scope and impact of the proposed zoning change and development.

- Do the Town Staff and Councilors understand the reasons why there are flooding issues at the 4409 Erie Road as well as the entire span of Erie Road from Point Abino Road to Willowood Avenue?
 - Such flooding is highly correlated with the level of Lake Erie and the permeable sand-based soil from the edge of Lake Erie to the North of Erie Road. It is our understanding that individuals in the Town's Infrastructure Department are aware of this issue, and as such, have they been consulted?
- Has the Town Staff and Councilors toured the area to see the typical/annual flooding?
- Is the proposed zoning amendment as well as the nature and scale of the proposed multiple dwelling development consistent with the Town's recently completed Crystal Beach Secondary Plan (CBSP)? We were under the impression that the CBSP supported extremely limited intensification South of Erie Road?
 - Also, is the nature and scale of the development appropriate for the lands of 4409 Erie Road?

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-20-2023 DATED MARCH 6, 2023

- If this zoning change and development is approved, which could set the stage for additional/similar developments, does Erie Road truly have the needed infrastructure to support such development?
 - This question needs to be assessed and answered in consideration of the Provincially Significant Wetlands adjacent to Erie Road on the North side (see below) and high water table/flood prone lots on the South side.
 - It is our understanding that Ontario has a law which states that *"development is not allowed within 120 meters of Provincially Significant Wetlands."*
 - For Provincially Significant Wetland detail please read *Niagara Peninsula Conservation Authority Policies for Planning and Development in the Watersheds (11/18/22)*

https://npca.ca/images/uploads/common/NPCA_Policy_Document_Nov.16.2022_In_Effect_.pdf



- Has the Town assessed the soundness of the developer's FUNCTIONAL SERVICING REPORT prepared by Upper Canada Consultants (UCC) based on our annual flooding/standing water issue?

Please consider that the UCC report is dated October 17, 2022 and the assessment of 4409 lot was done at a time of year when the lots South of Erie Road were relatively dry. As such, viable assessment needs to be done when typical flooding exists at 4409 Erie Road as well as the 2.4 km stretch of Erie Road from Point Abino Road to Willowood Avenue.

- Based on current and typical flooding – would the proposed stormwater infrastructure be *"filled to the brim"* (i.e. – there is no where for the water to go)? And further, is the proposed *"infiltration system"* realistic when standing water exists for significant portions of the year?
- The REPORT notes *"the soils within the site development are loamy sands and sand"* but it does not recognize the permeable nature of such soil and the fact that the water table under the 4409 lands is highly correlated with the water level of Lake Erie.
- The REPORT states: *"Future peak stormwater flows discharging from the site are to be controlled to existing levels for the 5 and 100 year design storm events."*
 - Are the assumptions used for such *"5 and 100 year design events"* appropriate? The REPORT references outdated assumptions and data from 1971 to 2005. Is it possible that the Eastern end of Lake Erie has experienced three *"100 year storm events"* over the past 3 years – storms on 10/31/19, 11/15/20 and 12/11/22? Please refer to **Exhibit A** which shows the significant *"seiches"* that we experienced during these storms.

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-20-2023 DATED MARCH 6, 2023

- Why was an environmental impact study not required given the environmentally sensitive lands North of Erie Road?
- Are there hydraulic or hydrogeologic connections between the subject lands and these environmental lands given the nature of sand-based subsoils in the area?
 - Will the Town require a Hydrological/Hydrogeological study done by an independent assessor? It is our understanding that the Town has a professional hydrologist (David Ruttan) on the Town's Environmental Advisory Committee – has the Town asked Mr. Ruttan for his opinion on the short and long-term impact of such zoning changes, the feasibility of the proposed development on the subject land and the additional impact of possible future developments?
 - It is really important for these studies to consider the impact of adding at least 1 meter of fill, probably clay, to the 4409 property.
 - How much fill and what type of fill would be required to build on the 4409 lands?
- Has the Town considered that the level of Lake Erie is expected to vary by a meter or more over time and that the hydrology assessments should use the high-water level from 1986 as a base plus the addition of storm surges/seiches?
- Will the proposed stormwater management scheme for the subject lands negatively impact neighbouring properties from grading or stormwater management perspectives?
 - Would the stormwater management scheme be in compliance with the Ontario Drainage Act?
<http://omafra.gov.on.ca/english/engineer/facts/88-051.htm>
 - Is it permissible for the proposed stormwater management scheme to drain water into the ditch on the North side of Erie Road which will expedite and increase the flow/migration of polluted water into Provincially Significant Wetlands and Lake Erie?
 - Please note that we believe this would also be a concern to the Ontario Ministry of the Environment and the Ontario Ministry of Natural Resources and Forestry as it is contrary to their objectives and guidance with respect to the health of Provincially Significant Wetlands and Lake Erie. Please read the following Ontario Ministry of the Environment report on the run-off of water from the land into Lake Erie:
<https://www.canada.ca/en/environment-climate-change/services/great-lakes-protection/action-plan-reduce-phosphorus-lake-erie.html#toc10>
 - The report provides great detail on Lake Erie Algae Blooms which are an annual threat to the health and drinking water of more than 11 million people. Algae Blooms are the direct result of the runoff of water from the land into Lake Erie. Additional Algae Bloom education:
<https://environmentaldefence.ca/2022/08/15/lake-erie-algae-bloom-2022/>
<https://greatlakes.org/campaigns/lake-erie-algae-blooms/>
 - Increasing the amount and flow of polluted water into Lake Erie will also negatively impact the Town's beaches which are already stressed on a regular basis.
 - Example of beach closures in July 2022: <https://www.101morefm.ca/news/local-news/ten-niagara-beaches-listed-as-unsafe-for-swimming/>

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-20-2023 DATED MARCH 6, 2023

- Does the Town have a tree removal policy?
 - Does the Town know that a significant number (we believe 12) of mature/old growth trees have already been cut down? Has site development already started before the Town's approval?
 - Was any consideration given to the fact that mature trees suck up immense amount of water? Click below links for tree education:
 - <https://www.purduelandscapereport.org/article/how-do-trees-use-water/#:~:text=Trees%20can%20absorb%20between%2010,loss%20during%20the%20daytime%20hours>
 - https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5269813.pdf
- If the project is allowed by the Town, can the individual units be used as Short-term rentals (STR)?
 - Is the Town currently issuing STR licenses?
 - Could one owner of multiple units have a license to rent all units?
- Can the Town please detail why an application is being considered with several major exceptions to its current zoning requirements?

RM1 Zoning Exceptions being sought:			
REGULATION	REQUIRED	PROPOSED	COMPLIANCE
Minimum Lot Frontage	50 m	43.7 m	No
Minimum Landscaped Area	50% including Privacy Areas	41.2%	No
Minimum Landscaping and Planting Strip Width for uses abutting a Residential Zone (Section 6.21 (b))	3.0 m	1.5 m (Unit 1)	No
General Provision 6.5 – Frontage On Public Streets And Private Streets	(a) No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts entirely upon an improved public street, or entirely upon an improved private street only in accordance with Sections 6.5(b) and (c). (b) For the purpose of this subsection an "improved public street" means a street which has been constructed according to Municipal standards and is maintained by the Town so as to permit its use year round by normal vehicular traffic. An "improved private street" means a private lane or right of- way which has been constructed to the satisfaction of the municipality to permit its use year-round by normal vehicular traffic.	Existing dwelling (to be severed through a future consent application) will have partial frontage on a private street.	No

- The planning justification study states access will be provided for all the proposed units to the beach. What impact will significant increase in beach use have on this environmentally sensitive area?
- Please detail the timeline for the consideration of (1) Zoning Amendment and (2) Development Project. Include specific detail on when and how the public can interface with Town staff for answers to questions and guidelines for the public to speak at the February 27th meeting.
- Does a sign need to be erected on 4409 property noting the pending zoning and development considerations? If yes, when does the sign need to be erected?

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-20-2023 DATED MARCH 6, 2023

Exhibit A: Lake Erie storm seiches: October 31, 2019, November 15, 2020 & December 11, 2022

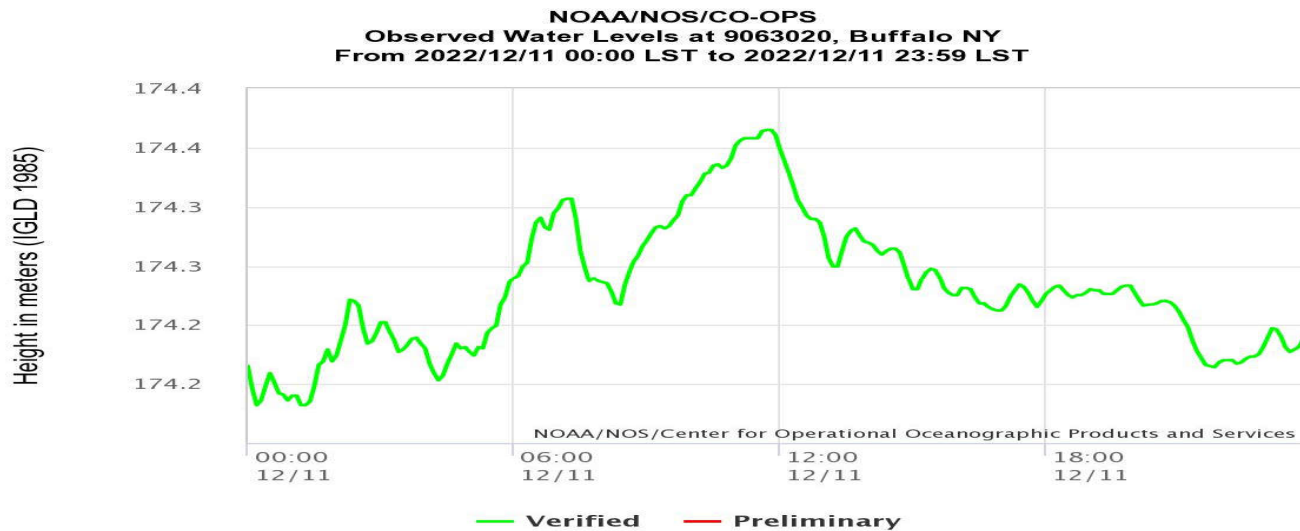
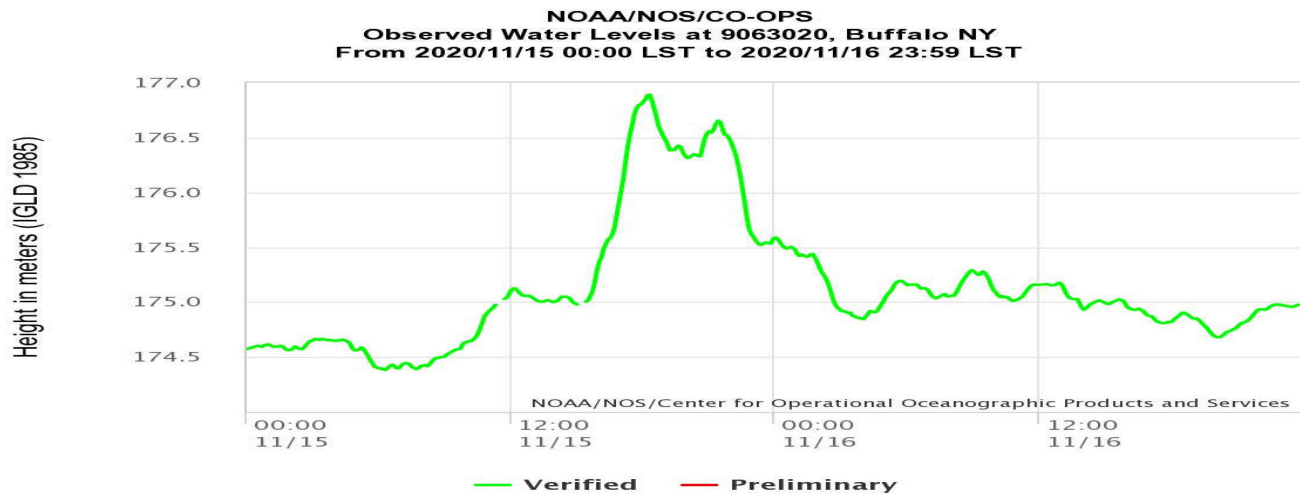
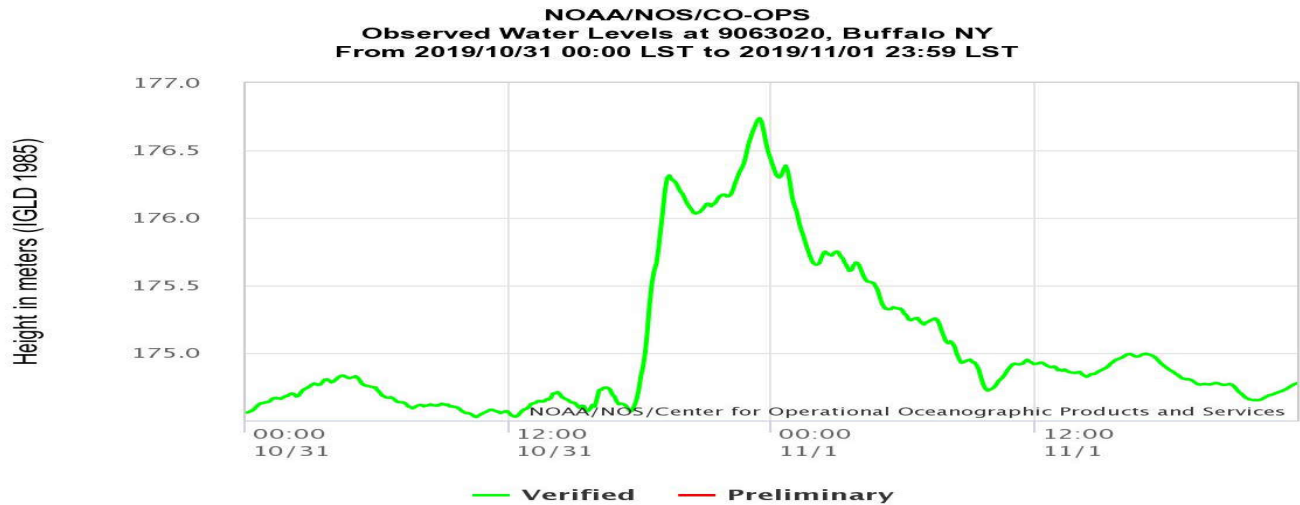


Exhibit B

Fort Erie Environmental Advisory Committee (copied from the Town's website)

By-law No. 170-06

Purpose: To advise and assist the Community and Development Services Department and Council with the management and conservation of the natural environment in Fort Erie.

Duties and Responsibilities:

- Review "significant" development applications involving a change of use or intensification of use within or adjacent to Natural Heritage features identified on Schedule "C" of the Town's Official Plan;
- Determine whether information submitted with a proposal is sufficient to assess the significance of impacts on the features or functions considered important by the Town's Natural Areas Inventory for which the site was designated;
- Assess the significance of potential environmental impacts of a proposal on the features or functions for which the area was designated;
- Determine whether impacts can be effectively mitigated in order to comply with the Natural Heritage policies of the Town's Official Plan;
- Assist in the review or updating of future Town, Regional or Provincial policies related to natural heritage protection.
- To undertake educational programs and promote public awareness and stewardship of Fort Erie's natural heritage.

Composition: 8 citizen appointees and 1 Member of Council.

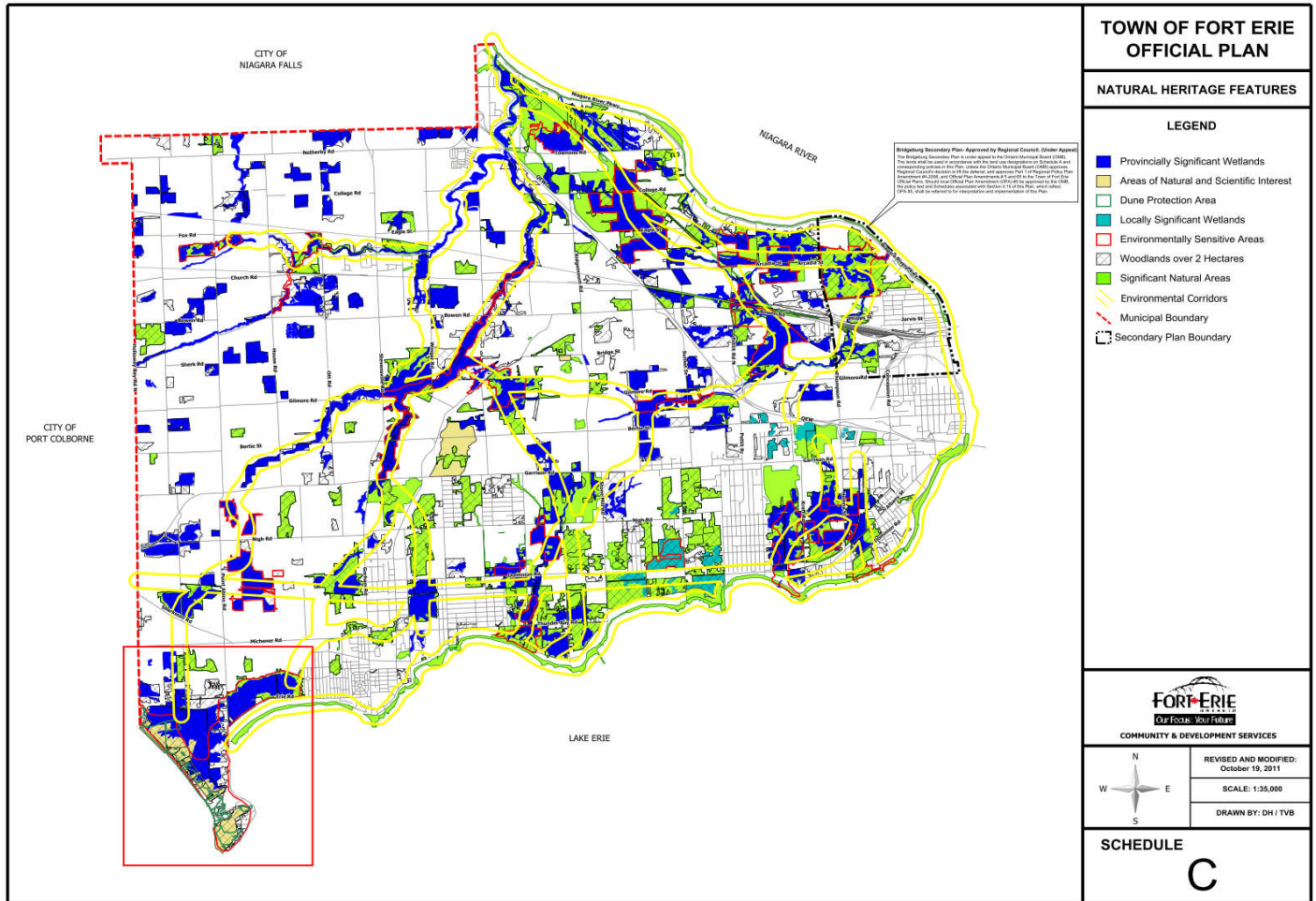
Committee membership preference will be given to those individuals with a demonstrated knowledge, expertise or skill set related to natural heritage in Fort Erie, ability to interpret or experience in interpreting mapping or technical information, ability to understand the planning process, and municipal government and agency roles. Opportunity for at least one member from each of the following groups shall be sought, namely: Bert Miller Nature Club, Friends of Fort Erie Creeks, Fort Erie Conservation Womens' Auxiliary, Fort Erie Conservation Club

Appointees:

1. Kate Ashbridge
2. Shannon Larocque
3. Nadine Litwin
4. Frank Raso
5. Tim Seburn
6. Brie Smalldon
7. Dr. Richard Stockton
8. David J. Ruttan
9. Councillor Lubberts

Exhibit C

Fort Erie Schedule "C" of the Town's Official Plan



Open House - 4409 Erie Road Crystal Bay Cottages

Jeff Oak to mceci@forterie.ca

01/24/2023 11:08 AM

From "Jeff Oak" <XXXXXXXXXX>
To "mceci@forterie.ca" <mceci@forterie.ca>
History: This message has been replied to.

Dear Mackenzie,

I am unable to attend the open house, but wish to participate and identify a few issues via this email.

1. The developer Bryan Keenan has been continuously operating a nonpermitted Fort Erie short term rental on the property, even after several neighbor complaints and fines have been issued from Fort Erie. Is this the type of operator that should be given permits for development when he doesn't respect the rule of law?
2. The increased density does not fit in with the neighborhood design that the existing community bought into and this will significantly devalue our properties. If you lived next door would you vote for this development? The existing zoning laws were put in place over 100 years ago to establish (and now maintain) the existing neighborhood character. Changing those long-respected laws would destroy the character and sanctity of the existing community that Fort Erie has spent decades creating.
3. The beaches are privately owned. How will ten houses worth of people share a 15 meter wide beach? Will this lead to neighbors erecting fences on their private beaches to protect their property rights next door? Additionally, several break walls were recently destroyed by storms. Who is going to maintain and pay for upkeep of the beach?

Thank you for your consideration in accepting a view opposing this development.

Warm regards,

The Oak Family
4421 Erie Road

Proposed development on Erie Road

John Lauria to mceci

01/26/2023 09:23 AM

Cc "Robin Bronstein"

From "John Lauria" <XXXXXXXXXX>
To mceci@forterie.ca
Cc "Robin Bronstein" <XXXXXXXXXX>

Dear Mackenzie,

I believe that last evening's meeting in the lobby of the Fort Erie Municipal building indicated the amount of resistance there is to the proposed development. The proposal is completely out of character with the neighborhood and construction is probably impossible because the land is completely under water a good part of the year. The developers want a zoning change prior to determining the feasibility of such a development. The zoning change must be denied out of respect for the surrounding properties, the future intentions of the town and mother nature!!!

John Lauria 4337 Erie Rd.

January 23, 2023

Re: PROPOSED ZONING BY-LAW AMENDMENT LOCATION: 4409 ERIE ROAD

Dear Mayor and Councillors:

I am very concerned about the proposed development at 4409 Erie Road in Crystal Beach for many reasons.

1. Amending the Zoning By-law from Waterfront Residential to Residential Multiple 1 Zone will open the door for more development along Lake Erie waterfront and the Crystal Beach Secondary Plan does not recommend intensification in this area.
2. The importance of vernal pools on this property and others along Erie Rd should not be ignored. These pools help to regulate water flow, help buffer against the adverse impacts of climate change, and lastly provide critical habitat for many species including wood frogs and salamanders.
3. It is ridiculous to suggest that a reduction in the minimum landscaped area allowable can be addressed by proximity to the beach and Crystal Beach Waterfront Park to provide community gathering spaces.
4. Building eight additional houses on this property is not compatible with the surrounding neighbourhood.
5. Lastly a question: Will these homes be freehold homes or rentals, and if they are rentals will they be subject to the short-term rental program rules and regulations?

Thank you for taking the time to read my concerns.

Sincerely,

Sally Graves
273 Cherry Hill Blvd.
Crystal Beach, Ontario

Re: Town of Fort Erie Zoning By-law Amendment Application Information - 4409 Erie Road

Sarah Moloney to Mackenzie Ceci

02/06/2023 01:34 PM

Cc moloneyb17, tlewis

From "Sarah Moloney" <XXXXXXXXXX>
To "Mackenzie Ceci" <MCeci@forterie.ca>
Cc XXXXXXXXXX, tlewis@forterie.ca

Thank you, Mackenzie.

We appreciate you for reaching out to us with this update. We ask kindly and urgently for the town to update the public notice with the current information that the formal hearing is postponed for our safety as well as others safety. While we understand that town staff can't monitor online slander, we ask for transparency with the community to minimize the fruitless gossip and worse, potentially.

Rumors are circulating this is a "done deal," and unkind stranger(s) are calling us neighbours hateful people -- with the picture of our home (The Adams place) being shared with the developers "concept design" which also happens to be overlayed on my family's property. The civilized place for public opinion, and where it should matter is with the Town Council.

We are working tirelessly to preserve and restore the 19th Century property directly to the west of 4409 that we've been caretakers for generations. We're eager to share our local knowledge with the town and find private-public partnerships to save the beaches from destruction.

Our native restoration plantings have proven in a short time how Abino Bay can be quickly restored and improved since the damage done in the industrial mining era of Abino "Bay" Beach. Local scientists have collected the data to show that the Point Abino preserve is more biodiverse than the rainforests of British Columbia -- likely one of the most biodiverse preserves remaining in Canada. The region is not just of national historic significance - but of current global relevance. "Bay Beach" can be restored -- we have a growing number of neighbours interested in restoring and preserving the coastal zone south of Erie Rd and beyond. As an example, just check out the dunes and beach grass remaining at Crystal Beach Bay Beach Park after the terrifying Christmas storm.

I hope that by Council granting the applicant additional time, that they too will listen to the hundreds of years combined of local knowledge in this region. It's challenging to see how the applicants conducted a required public info session when in fact they couldn't answer the public questions.

My family members are still working on our formal comments to submit to Council in pdf format in the next few weeks. In the meantime, we stand by Council during this difficult time as we continue to hold the belief that rumors of a "done deal" are baseless.

Thank you for keeping us updated as the process resumes. We love and care for Fort Erie and the communities in Ridgeway/Crystal Beach who've welcomed us with kindness our entire lives. We want to help the community however we can. For the present -- and for generations

of Canadians and visitors to this precious and sensitive coastal zone -- a completely unique place on this planet.

Cc: Councillor Tom Lewis

Graciously,
Sarah (and Beth)

4409 ERIE ROAD

Chris Hawkswell to mceci@forterie.ca

01/24/2023 04:52 PM

From "Chris Hawkswell" <XXXXXXXXXX>
To "mceci@forterie.ca" <mceci@forterie.ca>
History: This message has been replied to.

Mackenzie:

Hi and hope all is well?

I have the following e questions for staff/developer regarding this evenings presentation.

I would appreciate if the questions could be raised.

I am out of Town.

1. Will Town Planning Staff be supporting the proposed plan?
2. Has this applicant gone through the PRE-CON process and if so is the information from that session public record? Can it be?
3. I noticed there is no FSR (Functional Servicing Report) included in the List of documents attached to the Application on the Towns Web site; was an FSR requested during the PRE-CON meeting? If not, could you advise why not?
4. I don't see a retention Pond on the site plan; is one planned? How does the applicant propose to deal with Storm Water Management?
5. Has TOFE Engineering had an opportunity to review the plans and have they issued any comments ? If so, are those comments available to the public?
6. Is the applicant and his consultants aware of the overland flooding issue the area has and does the design address this ?
7. Given the environmental sensitivity of the area will the Town be requiring the developer to complete an EIS (Environmental Impact Study)?

Thank you

Chris Hawkswell

4353 Erie Road Crystal Beach

Comments and Questions Regarding the Proposed Zoning Amendment and Development at 4409 Erie Road

Prepared by Marcia Carlyn, 3769 Crystal Beach Drive, Crystal Beach, ON

I understand that the applicant wants to build eight one- or two-storey condo units (houses/townhouses) on his waterfront lot without severing the lot, stating that he plans to sever the land sometime in the future. He is requesting that his lot be rezoned from Waterfront Residential (WR) to Residential Multiple-1 (RM-1) and Hazard (H). However, there is no assurance that the applicant will ever sever his lot. It appears that this could be an effort by the applicant to avoid having to transfer his private beach to the Town per By-law 69-08. If this development is approved, it could set a precedent for other developers to do the same. Wouldn't this hurt the Town's effort to obtain more waterfront access for the public?

Whether or not the applicant's beach remains private or becomes public, the applicant has said his beach will be available for use by the individuals who are living in the eight units. Because this beach is relatively small, it is likely that some of these beachgoers will decide to sit on the neighbours' beaches, especially during holidays and sunny weekends. In this case, the neighbours will probably report the infringements to Town Hall, which will require substantial time by the Town's by-law officers. Are the by-law officers likely to have time to drive to the property to assess each situation?

The applicant wants the Town to rezone the property from WR to RM1 zoning. In order to change the zoning from WR to RM1, the applicant is requesting relief from many of the existing requirements:

- Minimum lot frontage
- Minimum landscaped area
- Minimum landscaping and planting strip width for uses abutting a Residential Zone
- Frontage on an improved public or private street.

Minimum lot frontage - The applicant does not say how he will address this requirement.

Minimum landscaped area - In an attempt to address this requirement, the applicant states that "the site's proximity to Bay Beach and Crystal Beach Waterfront Park will provide community gathering spaces for socializing and exercising." If the Town approves this reason for allowing the exception, every other developer in Crystal Beach could use the same argument to avoid having to meet the minimum landscaped area requirement.

Minimum landscaping and planting strip width - The applicant argues that only one proposed house (Unit 1) will not meet this requirement, arguing that "there are no major overlook issues anticipated along the setback." However, there could be overlook issues in the future because this development, if approved, may set a precedent for similar developments in this neighbourhood.

Frontage on an improved public or private street – The applicant proposes that only two bungalow units will have frontage on a public street (Erie Road) but it will be substantially less than the 50 metre frontage requirement. The other six bungalow units will have some frontage on a private street, and the existing dwelling will have very little frontage on the private street.

Is it desirable for the Town's Planning staff to approve proposed developments that fail to meet these important minimum requirements?

The Crystal Beach Secondary Plan which was recently passed in November 2021 does not recommend intensification on the south side of Erie Road from Willowood Avenue to Point Abino Road. One reason may be that these lots are low, are prone to flooding, and many of them (including the lot at 4409 Erie Road) have standing water on the property for many months each year. In fact, there appears to be a vernal pool on this property for most of the year which serves a variety of different species. Does the Town plan to require that an Environmental Impact Assessment be conducted? If not, why not?

In addition, the lot at 4409 Erie Road is clearly not large enough to build eight additional houses/townhouses, which is one of the reasons the applicant's proposal does not meet many of the zoning requirements. In short, the lot is not suitable for the proposed use, the applicant's site plan is not compatible with the neighbourhood and the adjacent land uses, and the arrangement of all these structures on a relatively narrow lot will not achieve a harmonious integration with the surrounding area. Does Town staff believe that the proposed development meets good planning objectives?

Although the applicant who owns the property at 4409 Erie Road has never lived on the premises and he has not followed other rules for a bed and breakfast license, the Town has nevertheless granted him a bed and breakfast license which has allowed him to use the property for short-term rentals. The neighbours have had to call the Town many times to report loud parties and other illegal short-term rental events. Why has the property owner not had his bed and breakfast license revoked after so many infractions?

Anyone who buys one of the eight houses to be built on the applicant's lot will not own the land and will therefore not have absolute title. For this reason, it may be hard for him to sell the houses, although this probably won't matter to people who want to rent for a short time. Since the applicant has substantial experience conducting short-term rentals on this and other properties he owns, it seems very likely that he will do the same with the eight additional units he plans to build. Given the large number of short-term rental complaints he has already received, is it prudent for the Town to allow him to expand the number of houses that could be rented in this way?

Erie Road development

Matthew Ward to mceci@forterie.ca

02/22/2023 08:30 PM

From "Matthew Ward" <XXXXXXXXXX>
To "mceci@forterie.ca" <mceci@forterie.ca>
History: This message has been replied to.

Hello Mackenzie,

I understand that you are the representative that is dealing with the issue of development in the Town of Fort Erie.

I am writing to you to voice my concerns over the proposed development plan for 4409 Erie Road. My family is now in its third generation of owning a house in Abino Bay. We look forward to our visits back to Abino Bay every year like no where else in the world. It is a place that is very dear to us because of the natural beauty and the great sense of community that thrives there.

I strongly object to the subdivision planned there as I believe it would set a dangerous precedent that would lead to a development boom all along the shores of Abino Bay. I grew up spending my summers along the shores of southern Ontario, enjoying the beautiful beaches and bays of Lake Erie. Allowing the property at 4409 Erie Road to be developed into a subdivision is a dangerous precedent that will in time lead to the destruction of Abino Bay's unique charm and fragile ecosystem which is necessary to maintain the health of Lake Erie.

Is the Town of Fort Erie prepared to allow similar subdivisions to each and every property owner along the bay regardless of their ability to come up with a multimillion dollar development proposal? Are we all going to be able to demolish cottages with unique charm and character in order to reap the financial rewards of property development? We all know that if this development is successful, it will only be a matter of time before every family owned parcel of land along the lake is sold to a real estate speculators and Erie Road begins to look and feel as ugly as most beach front towns in Florida and elsewhere.

Matthew Ward

February 9, 2023

Dear Councillor Flagg,

We are writing regarding the proposed Zoning by-law amendment and development at 4409 Erie Rd.

My wife and I live in a house at 4461 Erie Rd. which we purchased in 2016. Our house was my lifelong dream and we really enjoy the quiet beachfront atmosphere that our kids and grandkids come to enjoy every summer.

We feel by allowing eight townhouses to be built on that narrow property with multiple driveways, cars, families, dogs, and weekend guests is the wrong footprint especially as these families make their way to the small, 44' beachfront.

This crowded picture is showing no consideration for the neighbors that have to put up with this unwanted change all summer long.

With the overcrowding of this proposed plan – we are also concerned about the future of the water and sewer service, as well as the Hazard Zone, due to the flooding that is now worse than ever.

Changing the zoning and allowing eight townhouses will significantly change the quiet neighborhood along Erie Rd. We ask you to vote NO to the requested zoning change at 4409 Erie Rd. from a Waterfront Residential Zone to a Residential Multiple 1 (RM1) Zone.

It is just not a fit for the current neighborhood.

Respectfully,

John & Marcia Mathias

4461 Erie Rd.

Town of Fort Erie
c/o Carol Schofield
Manager, Legislative Services / Clerk
1 Municipal Drive
Fort Erie, ON L2A2S6

February 26, 2023

Re: Zoning By-Law Amendment application for 4409 Erie Road

We are writing to you in opposition to the Zoning By-Law Amendment application for 4409 Erie Road. We are the owners of 4401 Erie Road. We have owned this property since 2001.

Our opposition to this application is based on the following:

1. This development is located within an ecologically sensitive area. This is not an area where density should be increased. The existing zoning recognizes this fact.
2. The infrastructure to support increased development along Erie Road does not exist.
3. Purchasers of the proposed Townhomes will be seasonal residents: this development will not alleviate the shortage of residential housing in the town.
4. The location of the development is subject to flooding throughout most of the year, further demonstrating that this will be a development for seasonal residents. Covering most of this lot with more impermeable surfaces (roadways & building footprints) will only make the flooding worse. We do not see how neighboring properties such as ours will not be adversely impacted as green area will be substantially reduced on this lot.
5. Approval will set a dangerous precedent for development along the Lake Erie shoreline. Increasing the density and number of seasonal residents along Erie will drastically change the character of the neighborhood in a detrimental way.
6. Erie Road is a narrow road with no sidewalks that is already stressed in the summer, increasing the density on this road will create even more traffic.

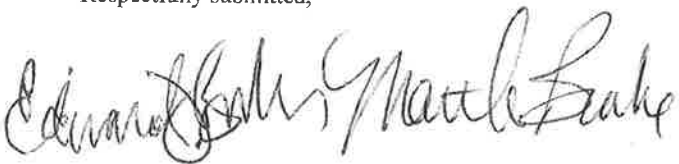
Quite a bit of time, effort and money was expended to produce the Crystal Beach Secondary Plan. This area in the Plan is designated as "Waterfront Residential" and "Low Density Residential" that would prohibit the type of improvements contemplated by the applicant. Within the Plan further infill development within "Low Density Residential" is contemplated in section 4.22.8 b):

"Low Density built form through infilling can generally be expected to reflect scale and massing of the surrounding residential dwellings"

The projected improvements clearly do not reflect the scale and massing of the surrounding dwellings. Why then would the Town choose to amend the Plan to allow this?

We understand and support further development of residential housing in Fort Erie, we are not opposed to well-planned housing aimed at full time residents of the Town. We do not believe this development meets those criteria.

Respectfully submitted,



Fw: Development proposal at 4409 - PUBLIC MEETING MARCH 6

Carol Schofield to Mayor and Council

02/27/2023 10:14 AM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Mackenzie Ceci

From Carol Schofield/FortErie
To Mayor and Council
Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Mackenzie Ceci/FortErie@TownOfFortErie
History: This message has been forwarded.

Please refer to the comments below.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
☎905-871-1600 Ext 2211

Our Focus: Your Future



Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 02/27/2023 10:01 AM -----

From: "john tomczak" <XXXXXXXXXX>
To: cschofield@forterie.ca
Date: 02/26/2023 06:25 PM
Subject: Development proposal at 4409

Good morning,

I am writing this morning to express comments in opposition to the development proposal under consideration at 4409 Erie Road Ridgeway.

I am a homeowner in Ridgeway.

I oppose this type of development for this type of property because of the impacts on the environment, character of the neighborhood and the safety of pedestrians on the roads.

A high density, 9 dwelling development at this location inconsistent with the character of this area neighborhood and unfair to neighboring properties and community residents as this will be a precedent to allow other similarly dense development that will change the area significantly.

The environment is a concern with the known flooding problem as well as the wildlife in the area that will be impacted with a development trends that looks like this. The beach and lake impact is also a great concern.

Finally, bicyclists and pedestrians on Erie Road are at risk with increased traffic with this type of development unless there is a plan to widen Erie Road and add bike lanes. It would be wrong to develop first and wait for someone to be killed on the road to realize this danger exists.

This decision should be easy. Preservation of the neighborhood and the environment over unnecessary development.

Thank you

John Tomczak

Fw: 4409 Erie Rd. Bylaw Exemption - PUBLIC MEETING MARCH 6 - SUBMISSION

Carol Schofield to Mayor and Council

02/27/2023 10:20 AM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Mackenzie Ceci

From Carol Schofield/FortErie
To Mayor and Council
Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Mackenzie Ceci/FortErie@TownOfFortErie
History: This message has been forwarded.

Please refer to the submission below.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
☎905-871-1600 Ext 2211

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Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 02/27/2023 10:18 AM -----

From: "Gregory Flynn" <XXXXXXXXXXXXXX>
To: cschofield@forterie.ca
Date: 02/26/2023 06:33 PM
Subject: 4409 Erie Rd. Bylaw Exemption

Mayor Redekop and Members of the Bylaw Committee,

I am a 25 year resident in the neighbourhood where a waterfront property owner wishes to develop a multi unit residential project. The details are well known to you.

Without any personal interest in this proposed development (not an immediate neighbour or a prospective buyer), I have to tell you that in my opinion there is no reasonable body that would approve such a proposal.

You have and will receive many similar opinions. Because all those correspondents are not only correct on their objections, they are right. No matter what the potential revenue from all sources, this proposed Bylaw amendment is wrong and short sighted.

This is not about who owns the property, or the waterfront. It is about "The Land". How a fine seasonal destination deserves the protection of the Town for legal, environmental and social reasons.

This is so wrong that opposition will be sustained and if it even matters, the noise will be binational.

Yours sincerely

Dr. Greg Flynn

421 Point Abino Rd S, Ridgeway, ON L0S 1N0

Fw: Letter of opposition to development at 4409 Erie Road - PUBLIC MEETING MARCH 6 - SUBMISSION

Carol Schofield to Mayor and Council

02/27/2023 10:21 AM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Mackenzie Ceci

From Carol Schofield/FortErie
To Mayor and Council
Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Mackenzie Ceci/FortErie@TownOfFortErie

History: This message has been forwarded.

Please refer to the submission received below.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
☎ 905-871-1600 Ext 2211

Our Focus: Your Future



Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 02/27/2023 10:20 AM -----

From: "John Marlette" <XXXXXXXXXX>
To: "cschofield@forterie.ca" <cschofield@forterie.ca>
Date: 02/26/2023 07:04 PM
Subject: Letter of opposition to development at 4409 Erie Road

Dear Ms. Schofield:

As a property owner in Bertie Township for over 95 years, as a taxpaying seasonal resident, and as a contributor to the general quality of life, community safety and community spirit, I would like to submit this email in opposition to the proposed development 4409 Erie Road, Fort Erie. This project will set the pace for property subdivision and development gone mad, which will lead to traffic congestion, environmental degradation and undo pressure on wetlands, population density without suitable infrastructure, and an irreversible loss of the unique character of Fort Erie's remarkable foreshore.

Thank you for the work you do for our community and thank you for your consideration of this letter of opposition to the Development at 4409 Erie Road, and similar ones to follow.

Faithfully submitted,
John Marlette

Fw: Zoning - PUBLIC MEETING MARCH 6 (?)

Carol Schofield to Mayor and Council

02/27/2023 10:25 AM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Mackenzie Ceci

From Carol Schofield/FortErie
To Mayor and Council
Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Mackenzie Ceci/FortErie@TownOfFortErie
History: This message has been forwarded.

Please refer to the comments below.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
☎905-871-1600 Ext 2211

Our Focus: Your Future



Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 02/27/2023 10:24 AM -----

From: "Lee Campbell" <XXXXXXXXXX>
To: cschofield@forterie.ca
Date: 02/26/2023 09:51 PM
Subject: Zoning

As a long time summer resident on the waterfront of Lake Erie I have a hard time accepting what is being proposed for our water front communities. The fact that they want us to look like what Grimsby, Burlington, Niagara on the lake etc. have become is really unacceptable. Putting these additional homes which has totally been residential for so many years will change what we have all loved about this area. We do not want to become an extension of Toronto. We had a cottage in northern Canada that my great Grandfather built & we were pushed out because of the same thing people infringing on other peoples property. I hate to see the Niagara Peninsula fall under the same issues. We have been lucky enough to live in this beautiful area & feel the people wanting to develop it for their own personal gain don't understand there are people who have lived here for generations whether they are summer residents or all year residents we love the community & don't need further development on the waterfront.

Best
Lee Campbell

Fw: 4409 Erie Road: Proposed Zoning By-law Amendment for Land Use and Proposed Property Development - PUBLIC MEETING MARCH 6

Carol Schofield to Mayor and Council

02/27/2023 10:28 AM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Mackenzie Ceci

From Carol Schofield/FortErie
To Mayor and Council
Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Mackenzie Ceci/FortErie@TownOfFortErie
History: This message has been forwarded.

Please refer to the comments received below.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
☎ 905-871-1600 Ext 2211

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Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 02/27/2023 10:27 AM -----

From: "Jennifer Marlette" <XXXXXXXXXXXX>
To: "cschofield@forterie.ca" <cschofield@forterie.ca>
Date: 02/27/2023 01:58 AM
Subject: 4409 Erie Road: Proposed Zoning By-law Amendment for Land Use and Proposed Property Development

Dear Ms Schofield

My husband is the current owner of our family's cottage in Bertie Bay. This property has been family owned since 1928, passing from generation to generation.

Throughout these ninety-five (95) years, our family has been long-term seasonal residents in the township, paying annual levied property taxes, contributing both to the fabric of our lakeshore and broader communities and investing financially in the local economy.

In my opinion, the proposal to amend the Zoning By-law for land use, and the proposed development of 4409 Erie Road (hereinafter referred to as "the property"), can only be detrimental to the community generally; in the short-term, directly negatively impacting upon the local neighbourhood and, in the long-term, as a precedent for those future developers or property owners who are desirous of capitalising on the opportunity to develop and/or subdivide crucial lakeshore property along Lake Erie (specifically for their own financial gain).

Altering the Zoning By-law Amendment to permit a property development of this significance would have an untenable and irreversible impact on local infrastructure:

- roads and traffic;

- transportation systems;
- water and sewerage;
- refuse;
- communication systems;
- healthcare and education etc.,

and would also significantly impact dispersion of annual low-lying flood waters (caused due to proximity to Lake Erie), contribute to environmental degradation and place undue pressure on nearby provincially significant wetlands - thereby potentially causing irreversible damage to both environmentally sensitive land and the unique lakeshore of Lake Erie.

The increased population density alone on this one property would have a deleterious impact on neighbouring properties, threatening the character of the low-density, rural, cottage-style lakeshore neighbourhood and, importantly, adversely impacting the immediate lakeshore of Lake Erie; with the proposed increase in inhabitants on one property all accessing the lakeshore and using the shoreline and water of Lake Erie via the minimal 48-feet beachfront of the property. It is also imperative that consideration be given to increased noise pollution, the probable increase of boat and watercraft congestion, not to mention the question of safety relating to the serious risk of watercraft/boating-related incidents and accidents due to over-population in a confined area.

Finally, I would raise my concerns regarding the adverse impact that property developments of this nature have on the local ecosystem. The fact that 4409 Erie Road is within the Niagara region/zone of the Carolinian Canada with the "Point Abino Peninsula Sandland Forest" in close proximity. There are also two NPCA environmentally protected areas within close proximity of the property; one contained within a large portion of forest land directly north of 4409 Erie Road (off Mitchener Road) "Point Abino Conservation Area" and another to the west off Point Abino Road South, namely "Baird Estate Conservation Area" - including other notable wetland areas.

There are native species at risk in the local area, with numerous species either declining, threatened, endangered or likely extirpated. An increased population density nearby environmentally protected and significantly sensitive lakeshore areas will unduly and irreversibly impact on local ecosystems; and there is no doubt this proposed medium density development sets a precedent for a significant future increase in population along the Lake Erie shoreline and in proximity to other sensitive areas.

In closing, I am personally opposed to the proposed Zoning By-law Amendment for land use and the proposed property development of 4409 Erie Road brought before the Town by Mary Lou Tanner (NPG Planning Solutions) and the property owner, Crystal Beach Cottages Inc. (Bryan Keenan).

I take this opportunity to thank the Town of Fort Erie for providing residents with an opportunity to voice their concerns and opinions as relate to issues that pertain to and impact the fabric of our closely knit and beloved community.

Thank you in anticipation of your consideration of this letter in opposition to the current proposals for 4409 Erie Road, and in opposition to any future applications for by-law amendments seeking the same deleterious outcome.

Yours faithfully

Mrs Jennifer Marlette
XXX-XXX-XXXX

Fw: March 6th Zoning Hearing - PUBLIC MEETING - SUBMISSION

Carol Schofield to Mayor and Council

02/27/2023 12:49 PM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Mackenzie Ceci

From Carol Schofield/FortErie
To Mayor and Council
Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Mackenzie Ceci/FortErie@TownOfFortErie
History: This message has been forwarded.

Please refer to the submission below.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
☎ 905-871-1600 Ext 2211

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Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 02/27/2023 12:48 PM -----

From: "Kirk Dorn" <XXXXXXXXXX>
To: "cschofield@forterie.ca" <cschofield@forterie.ca>
Date: 02/27/2023 10:29 AM
Subject: March 6th Zoning Hearing

Hi Carol,

Please accept the following in strong opposition to the 4409 Erie Road Application. The main reasons for our opposition are consistent with other long-time community members which include:

1. It is inconsistent with the character of our neighborhood and unfair to neighboring properties and community residents.
2. All lands south of Erie Road in the vicinity of 4409 Erie Road are subject to annual flooding due to their proximity to Lake Erie to the south and wetlands to the north.
3. This type of development and the precedent that it creates will cause irreversible damage to these environmentally sensitive lands. Please realize that the beauty of Crystal Beach, Ridgeway and the Greater Fort Erie area is because of such environmentally sensitive lands.

Please include my comments along with others for your March 6th Zoning Hearing.

Sincerely,

Kirk & Nicole Dorn
4875 Abino Dunes Rd
Ridgeway, Ontario

Fw: Erie Road Dev - PUBLIC MEETING - 4409 ERIE ROAD - MARCH 6 - SUBMISSION

Carol Schofield to Mayor and Council

02/27/2023 03:06 PM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Anamika Dilwaria,
Mackenzie Ceci

From Carol Schofield/FortErie
To Mayor and Council
Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Anamika Dilwaria/FortErie@TownOfFortErie, Mackenzie Ceci/FortErie@TownOfFortErie

Please refer to the submission received below.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
☎ 905-871-1600 Ext 2211

Our Focus: Your Future



Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 02/27/2023 03:05 PM -----

From: "richard zacher" <XXXXXXXXX>
To: "cschofield@forterie.ca" <cschofield@forterie.ca>
Date: 02/27/2023 12:10 PM
Subject: Erie Road Dev

Dear Ms. Schofield,

My name is Richard Zacher and my family and I own 4363 Erie Road. I am writing to you out of concerns regarding the variance being sought to build additional housing units at 4409 Erie Road.

We have spent summers in Bay Beach since 1984. The Town has done a truly commendable job recently in the redevelopment of the public beach. We strongly recommend the Town take more time to consider the ramifications of changing the zoning to accommodate the project proposed for 4409 Erie Road as not only is the property usually flooded, but it is totally out of keeping with the neighborhood and the community.

We have spent almost as much time in Canada as we have in the US. While we cannot vote as non-citizens, we do pay taxes and 'feel' like we are part of the Crystal Beach community. Our current home was deeded in 1894, and for 100 years we have lived together happily and peacefully. Over that time, a true international community has formed.

Adding "density" at 4409 Erie Road by a developer who shows a complete insensitivity and disregard for our community by attempting to change the Town's zoning for the neighborhood into something it has never been nor should be. Environmentally, the added density to the south side of Erie Road is problematic for not just the low, often flooded backyards, but also the sewer and septic issues as well as the displacement of wildlife. Out of our concern, those of us who

own property on the North side of Erie Road we have purposely not built or even cleared the land so as to protect the natural beauty and wildlife along the Bay area.

We respectfully request the Town to consider our points and those being made by our Bay Beach association and deny any such changes which would destroy the peaceful area along the Bay.

Sincerely,

Richard Zacher

4363 Erie Road

Fw: 4409 Erie Road - PUBLIC MEETING MARCH 6 - WRITTEN SUBMISSION

Carol Schofield to Mayor and Council

03/01/2023 08:38 AM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Anamika Dilwaria,
Mackenzie Ceci

From Carol Schofield/FortErie
To Mayor and Council
Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Anamika Dilwaria/FortErie@TownOfFortErie, Mackenzie Ceci/FortErie@TownOfFortErie

Good morning, please refer to the submission received below.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
☎905-871-1600 Ext 2211

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Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 03/01/2023 08:36 AM -----

From: "Gerry Molon" <XXXXXXXXXXXX>
To: "cschofield@forterie.ca" <cschofield@forterie.ca>
Date: 02/28/2023 09:08 PM
Subject: 4409 Erie Road

Hello

I have recently become aware of a proposed development on 4409 Erie Road. In my opinion this should not be granted as it sets a precedent , which will change the character of the community, which has been maintained for generations. Of course there many other reasons , even more important to do so.

This will wreak havoc with the infrastructure , the environment and so on.... I'm sure these things will be pointed out on the March 6 meeting . Something which may be overlooked is the Fowler Toad's (an endangered species) habitat , which would be destroyed. Perhaps the MNR should be consulted on this for confirmation.

Thank you
Gerry Molon

**Fw: Zoning proposed ammendment from WR to RM1: Bad Idea - PUBLIC MEETING -
MARCH 6 - 4409 Erie Road**

Carol Schofield to Mayor and Council

03/01/2023 09:11 AM

Cc Chris McQueen, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Anamika Dilwaria,
Mackenzie Ceci

From Carol Schofield/FortErie
To Mayor and Council
Cc Chris McQueen/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Anamika Dilwaria/FortErie@TownOfFortErie, Mackenzie Ceci/FortErie@TownOfFortErie

Please refer to the written submission received below.

Carol Schofield, Dipl.M.A.
Manager, Legislative Services / Clerk
Town of Fort Erie / 1 Municipal Centre Drive
Fort Erie, ON L2A 2S6
☎ 905-871-1600 Ext 2211

Our Focus: Your Future



Please consider the environment before printing this email.

----- Forwarded by Carol Schofield/FortErie on 03/01/2023 08:41 AM -----

From: "Cindy Goodin" <XXXXXXXXXX>
To: cschofield@forterie.ca
Date: 02/28/2023 10:20 PM
Subject: Zoning proposed ammendment from WR to RM1: Bad Idea

Good Morning Carol,

Thank you for your involvement in this matter.

Please accept this as my written comment to NOT accept the proposed WR to RM1 amendment.

The land is very fragile near the waterfront. It is exposed to high winds and variable water levels. The houses on Erie road are built on a sandbar. The area directly behind the houses to the north is flooded a significant amount of the time. Adding higher density to this area is not in the best interest of the land, the environment or the existing homeowners. In addition the land north of Erie Rd. are deemed "Significant Natural Areas as well as Provincially Significant Wetlands to the east and west." Many birds migrate through this area. The increased density would adversely affect their habitat.

The proposed increased density plans for 4409 Erie Road does NOT even comply with RM1 zoning requirements!

- They do not have the minimum lot frontage of 50 m to be in compliance with RM1 zoning.
- Their plan does not include the minimum landscaping of 50% including privacy areas to be in compliance with RM1.
- Their plan does not have the required 3.0 m minimum landscaping and planting strip width for uses abutting a Residential Zone.
- The existing dwelling will not have erected fronts entirely upon an improved public street. It will have partial frontage on a proposed Private Street that has not even been approved.

This proposed project and the implications to the land and long time residents are detrimental and don't comply with Canadian laws.

Please preserve our beautiful land and do not accept the RM1 zoning amendment.

Cindy Goodin
President, HoliMont
XXX-XXX-XXXX cell
[XXXXXXXXXXXX](#)



February 16, 2023

Mackenzie Ceci, BSc, MSc PI
 Senior Development Planner
 Planning and Development Services Department
 The Corporation of the Town of Fort Erie
 1 Municipal Centre Drive
 Fort Erie, ON
 L2A 2S6

Dear Mackenzie,

**4409 ERIE ROAD, FORT ERIE
 CRYSTAL BAY COTTAGES INC.
 ZONING BY-LAW AMENDMENT APPLICATION**

We are pleased to provide responses to the comments forwarded to us. These comments are associated with the Zoning By-law Amendment application for the property at 4409 Erie Road, in the Town of Fort Erie, Regional Municipality of Niagara. The application for the Zoning By-law Amendment application was submitted to the Town of Fort Erie on November 28, 2022. An Open House was held on January 24, 2023, where additional feedback was received from neighbours. This letter addresses the comments received in your correspondence to us.

Comments from Neighbours

This section tabulates the comments heard from the neighbours. The right column explains how the feedback and concerns are being addressed.

Residents Comments and Response

COMMENTS		NPG RESPONSE	
Flooding issue/ Stormwater Management Scheme			
1. What type of foundation is proposed for the dwellings?		This information will be provided once the detailed geotechnical studies are completed to assess site conditions. Studies such as a geo-technical report	

COMMENTS	NPG RESPONSE
	<p>outlining the soil capacity and water-table, and detailed civil and grading plans will be required to confirm on what type of foundations will be used.</p>
<p>2. How will stormwater runoff be managed?</p>	<p>Stormwater will be managed on site so that adjacent lands are not impacted. Town staff will ensure this, as Town staff provided oversight for adjacent landowner interests.</p> <p>The site will have stormwater controls in place to intercept adjacent lands draining to this site and intercept the site from draining onto adjacent lands. The controls will also provide peak flow control and stormwater quality improvements prior to discharging onto a public road allowance drainage system.</p>
<p>3. The flooding / standing water on site is not “stormwater”. How does the Applicant intend to manage this? When will this information be available?</p>	<p>The standing water on the site and adjacent lands is stormwater that is unable to drain as it has in the past, as the <u>existing outlet to these lands has drainage issues</u>. We have surveyed the Lake Erie water level and found it is 1.2m below the lowest point on this property. We are reviewing alternatives for the site stormwater outlet, through available outlets near this site.</p>
<p>4. The Functional Servicing Report was completed in October – concerns that it is not reflective of the flooding / seasonal fluctuations.</p>	<p>The Functional Servicing Report considered the ponding stormwater levels through the seasons, and investigations are ongoing with the stormwater outlets. Please see No. 3 above.</p>
<p>5. Concerns regarding fluctuating lake levels in response to climate change and the impact it could have</p>	<p>The fluctuating Lake Erie levels have been reviewed, and the current level is approximately at the average mean level.</p>

COMMENTS	NPG RESPONSE
6. It is really important for these studies to consider the impact of adding at least 1 meter of fill, probably clay, to the 4409 property.	The fill material for this site development may be clay or similar native soils. The review of the stormwater management practices and design will consider the possible fill material type.
7. How much fill and what type of fill would be required to build on the 4409 lands?	The design of the grading for these lands will require the dwellings to be set above the Town required Floodproofing level for this area as associated with the Lake Erie flood levels.
8. Will the proposed stormwater management scheme for the subject lands negatively impact neighbouring properties from grading or stormwater management perspectives?	The site will have stormwater controls in place to intercept adjacent lands draining to this site and intercept the site from draining onto adjacent lands. The controls will also provide peak flow control and stormwater quality improvements prior to discharging onto a public road allowance drainage system.
9. Is it permissible for the proposed stormwater management scheme to drain water into the ditch on the North side of Erie Road which will expedite and increase the flow/migration of polluted water into Provincially Significant Wetlands and Lake Erie?	The stormwater outlet will most likely go to Erie Road, however, the final design stage will determine the outlet configuration. The controls will also provide peak flow control and stormwater quality improvements prior to discharging onto a public road allowance drainage system.
10. Increasing the amount and flow of polluted water into Lake Erie will also negatively impact the Town's beaches which are already stressed on a regular basis.	The controls will also provide peak flow control and stormwater quality improvements prior to discharging onto a public road allowance drainage system.
11. Is a Retention Pond proposed for this development?	The minor stormwater detention shall occur underground, and major stormwater detention may occur in normal dry depressed areas.

COMMENTS	NPG RESPONSE
<p>12. If this zoning change and development is approved, which could set the stage for additional/similar developments, does Erie Road truly have the needed infrastructure to support such development?</p> <p>This question needs to be assessed and answered in consideration of the Provincially Significant Wetlands adjacent to Erie Road on the North side (see below) and high water table/flood prone lots on the South side.</p> <p>It is our understanding that Ontario has a law which states that "development is not allowed within 120 meters of Provincially Significant Wetlands."</p>	<p>With regards to the Provincially Significant Wetlands, the proposed application was reviewed by staff through a Pre-consultation meeting. An Environmental Impact Study was not requested for the formal application. We note that the proposed development is designed with the intention of protecting the environmental lands surrounding the property.</p> <p>Regarding infrastructure: The existing infrastructure within Erie Road could potentially support additional development. The Town infrastructure staff would be able answer this question.</p>
<p>13. Are there hydraulic or hydrogeologic connections between the subject lands and these environmental lands given the nature of sand-based subsoils in the area?</p>	<p>A hydrogeology study was not requested as part of the Pre-consultation meeting. However, we are preparing to carry out the work and provide the ensuing report to the Town per staff's recent request after the Open House.</p>
<p>Planning Application</p>	
<p>14. Why was the Draft Plan of Condominium application not submitted concurrently with the Zoning By-law Amendment application?</p>	<p>The approach specified by the Town was to establish zoning first before establishing lot lines through a Vacant Land Condominium process. We are currently working on a concurrent condominium and consent applications to review the proposal in detail.</p>
<p>15. How can the Applicant request a zoning change when they do not know how the flooding / standing water will be managed?</p>	<p>A Zoning By-law Amendment is a macro-level process undertaken to establish the land use, setback and coverage requirements. A Functional Servicing</p>

COMMENTS	NPG RESPONSE
	Report was requested as part of the rezoning application, which confirmed that the existing municipal infrastructure can service the proposed development.
16. There are concerns that the development will not be subject to Site Plan Control under Bill 23.	Bill 23 does not require a development to undergo site plan application if the proposal is less than 10 units. The development proposes 8 new units.
17. Not enough technical details were provided with the application or at the Open House.	The Open House on January 24 th , 2023 was arranged for the rezoning application. Technical details sufficient to deem the rezoning application complete under Section 34(10.4) of the <i>Planning Act</i> has been provided to the Town, and subsequently shared with the residents in attendance. Additional details will be reviewed as part of the site planning stage.
18. What assurance is there that the site design presented will represent the product actually built?	If the rezoning application is approved, the development must comply with the minimum setbacks, coverages and uses permitted in the approved site-specific zoning.
19. Has this applicant gone through the PRE-CON process and if so, is the information from that session public record?	A pre-consultation meeting was conducted to discuss the proposed rezoning application on January 27, 2022. Please request a copy of the Pre-consultation Agreement from Town staff.
20. I noticed there is no FSR (Functional Servicing Report) included in the List of documents attached to the Application on the Town's Web site; was an FSR requested during the PRE-CON meeting? If not, could you advise why not?	A Functional Servicing Report (FSR) prepared by Upper Canada Consultants and dated October 17, 2022, has been submitted as part of the rezoning application. Please request a copy of the FSR for the proposed development from Town staff.

COMMENTS	NPG RESPONSE
Zoning/ Crystal Beach Secondary Plan	
<p>21. Where is the Hazard Zone boundary line and why is it proposed to be moved?</p>	<p>A portion of the existing dwelling closest to Lake Erie is within the Hazard Zone, such that the zone line passes through the existing house. Through the rezoning application our request is to setback the zone line 1.5-metres to accommodate the existing dwelling fully within the proposed site-specific zoning. It is noted that the portion of the property designated Hazard Lands will not be impacted by the proposed development.</p>
<p>22. Why is the Applicant unable to meet the minimum landscaping requirement? How can this reduction be justified? Proximity to the beach and Crystal Beach Waterfront Park to justify reduced landscaped area is not supportable.</p>	<p>The proposed rezoning application will establish zoning regulations (Residential Medium 1 - RM1 zone) typically required for residential development, including single-detached and block townhouses. Our proposal provides 41.2% of the Subject Lands as landscaped area, which falls short of the 50% requirement in the parent RM1 zone. Notably, the existing Waterfront Residential zone does not have any landscaping requirement. The development contemplates spaces such as balconies and roof top terraces to function as private amenity areas in addition to the proposed 41%. Proximity to Bay Beach and Crystal Beach Waterfront Park was mentioned in the report to allude to existing public open spaces provided for the benefit of the surrounding community. It is to encourage residents to use existing public facilities, which is also generally encouraged by the municipality.</p>
<p>23. Requested Residential Multiple 1 zone does not address either the number of units or the specific type</p>	<p>Table 3 in the Planning Justification Report identifies the proposed density of 15.3 units per hectare as within the</p>

COMMENTS	NPG RESPONSE
<p>of units that are detailed “conceptually” on the site plan.</p>	<p>permitted density of 35 units per hectare for an RM1 zone.</p>
<p>24. Is the proposed zoning amendment as well as the nature and scale of the proposed multiple dwelling development consistent with the Town’s recently completed Crystal Beach Secondary Plan (CBSP)? Proposal contradicts to the CBSP (Policy 4.22.6), which intends focus on residential growth generally to the north of Erie Road.</p> <p>Also, is the nature and scale of the development appropriate for the lands of 4409 Erie Road?</p>	<p>The proposed development is not subject to the Crystal Beach Secondary Plan. The application was deemed complete on January 9, 2023; the Crystal Beach Secondary Plan is currently under appeal.</p> <p>Further, Section 5.5 of the Planning Justification Report briefly reviews the proposal against the CBSP policies and finds it to conform to the overall intent of the CBSP policies. Policy 4.22.6 of the CBSP does not restrict growth on the south side of Erie Road, and the proposal is a low-density development that introduces gentle intensification to the area in keeping with the low-rise nature of the neighborhood.</p> <p>Please refer to response to Comment #31 for additional information on nature and scale of the proposed development.</p>
<p>25. Amending the Zoning By-law from Waterfront Residential to Residential Multiple 1 Zone will open the door for more development along Lake Erie waterfront and the Crystal Beach Secondary Plan (CBSP) does not recommend intensification in this area.</p>	<p>The proposed rezoning is a site-specific amendment. If lands along the waterfront need to be rezoned, it will need to occur on a case-by-case basis.</p>
<p>Private Beach</p>	
<p>26. Will the beach lands be conveyed to the Town? Will new residents have access to the beach? How can eight new families be accommodated on a beach of this size?</p>	<p>The intention is to retain the private beach through a future consent application. The proposed new units will be part of a condominium corporation that will regulate beach access among other things.</p>

COMMENTS	NPG RESPONSE
27. Will sharing the beach lead to neighbors erecting fences on their private beaches to protect their property rights next door?	Neighbours erecting fences on their property cannot be controlled by the proposed development.
28. Several break walls were recently destroyed by storms. Who is going to maintain and pay for upkeep of the beach?	The break wall on the property at 4409 Erie Road is the responsibility of the property owner. Break walls on other properties are not the responsibility of the owner of 4409 Erie Road.
29. If this development is approved, it could set a precedent for other developers to do the same. Wouldn't this hurt the Town's effort to obtain more waterfront access for the public?	The proposed application to retain beach access is a site-specific request. The question is best answered by the Town.
30. The planning justification study states access will be provided for all the proposed units to the beach. What impact will significant increase in beach use have on this environmentally sensitive area?	Please refer to response to Comment #26
Compatibility with Neighbours/ Environmental Lands	
31. How does the proposal / density align with the character of the area?	<p>To align with the character of the area, the proposed development achieves the following:</p> <ul style="list-style-type: none"> - The proposed development is to maintain the existing dwelling closest to the beach and avoid any immediate impacts to the neighbouring dwellings (to the east and west), also located near the beach. - The proposed bungalow lofts will have a low building profile of 2-storeys which respects the context of the surrounding properties. No shadowing or privacy impacts are anticipated due to this.

COMMENTS	NPG RESPONSE
	<ul style="list-style-type: none"> - The site is designed such that only two units will be visible from Erie Road, keeping with the low-density street presence of the neighbourhood. - A stormwater management plan combined with site grading, prepared at the site planning stage of the application, will be required to address existing water logging issue. - Perimeter plantings will be implemented to ensure the neighbouring dwellings are buffered appropriately from the proposed development with regards to privacy, site lighting, etc. - The proposed eight units are not anticipated to cause significant traffic or noise concerns.
32. Impacts of proposed density on Lake Erie	The proposed development is outside of the Niagara Peninsula Conservation Authority (NPCA) regulated shoreline area and further from the existing dwelling and shore wall that is to remain in place.
33. Significant negative impact on neighbouring properties/residents – water/flooding, light, noise, traffic	Please refer to response to Comment #31.
34. Significant negative impact on the character of the neighbourhood – just doesn't fit. <ul style="list-style-type: none"> o 9 properties on less than two acres and 14.63 meters of beach frontage – does not work. 	Please refer to response to Comment #26 and #31.
Trees	
35. Over 12 large trees have been removed from the site	There are no Natural Heritage Features on the property where the development is

COMMENTS	NPG RESPONSE
	proposed. Tree cutting was done per the Region and Town Tree cutting By-laws.
36. Was any consideration given to the fact that mature trees suck up immense amount of water?	The existing water logging has been an on-going issue within the locality for a very long time. Mature tree roots alone cannot address the current situation and will need to be supplemented to appropriate grading and stormwater management techniques through the site planning process.
Ownership model/ Intended market	
37. The developer has been continuously operating a non-permitted Fort Erie short term rental on the property, even after several neighbor complaints and fines have been issued from Fort Erie. Is this the type of operator that should be given permits for development when he doesn't respect the rule of law?	This is outside the review of the proposed rezoning application.
38. Will these homes be freehold homes or rentals, and if they are rentals will they be subject to the short-term rental program rules and regulations?	The proposed units are intended for ownership, operated through a condominium corporation. Facilities such as road maintenance, landscaping and snow removal will be part of the condo agreement. The development is not contemplated for short-term rental.
39. Anyone who buys one of the eight houses to be built on the applicant's lot will not own the land and will therefore not have absolute title. For this reason, it may be hard for him to sell the houses, although this probably won't matter to people who want to rent for a short time. Since the applicant has substantial experience conducting short-term	It is the applicant's intention to create a plan of condominium which would allow the homes to be sold.

COMMENTS	NPG RESPONSE
<p>rentals on this and other properties he owns, it seems very likely that he will do the same with the eight additional units he plans to build. Given the large number of short-term rental complaints he has already received, is it prudent for the Town to allow him to expand the number of houses that could be rented in this way?</p>	
<p>40. Concerns regarding the use of the proposed dwellings for short-term rentals</p>	<p>Please refer to response to Comment #38.</p>
<p>Property Value</p>	
<p>41. Reduction in property value of neighbouring homes due to the proposed development.</p>	<p>There are a vast majority of studies that have found infill and intensification projects do not negatively impact the neighbourhood property values and may increase them in certain instances. The proposal is a well-designed and attractive residential development, and it is our opinion that the neighbouring property values will not be negatively affected due to the proposed development.</p>
<p>42. Concerns regarding the proposal's impact on the property taxes of surrounding properties and that it will lead to displacement.</p>	<p>Property tax increase occurs due to several factors¹ such as increase in value assessment of the property in comparison to comparable property class, municipal budgetary requirements, set municipal tax rates, etc. This question is best answered by the Town.</p>

¹ <https://www.mpac.ca/en/UnderstandingYourAssessment/PropertyAssessmentandPropertyTaxes>

Should you require anything further or have any questions, please do not hesitate to contact the undersigned.

Yours Truly,

A handwritten signature in blue ink, appearing to read "Rhea".

Rhea Davis
Intermediate Planner
NPG Planning Solutions

A handwritten signature in blue ink, appearing to read "Mary Lou Tanner".

Mary Lou Tanner, FCIP, RPP
Principal Planner
NPG Planning Solutions