Town of Fort Erie

APPLICATION FOR AN AMENDMENT TO THE ZONING BY-LAW AND/OR OFFICIAL PLAN

Under Subsection 10.1, Section 34 of the Planning Act R.S.O, 1990, c.P.13, as amended and other applicable legislation

INFORMATION ON THIS FORM IS COLLECTED UNDER THE AUTHORITY OF THE ONTARIO PLANNING ACT AND WILL BE USED BY THE TOWN OF FORT ERIE IN THE PROCESSING OF THIS APPLICATION. THE INFORMATION AS WELL AS SUPPORTING STUDIES AND REPORTS MAY BE USED BY OTHER DEPARTMENTS AND AGENCIES FOR THE PURPOSE OF ASSESSING THE PROPOSAL AND PREPARING COMMENTS. THIS INFORMATION MAY ALSO BE RELEASED TO THE PUBLIC

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

FOR OFFICE USE ONLY

Reviewed for completeness by:_____

Date Deemed Complete:_____

Application Fee Received: ☐ Yes ☐ No

Receipt #:_____

"Date Received"

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***IMPORTANT:* APPLICANTS SUBMIT THE FOLLOWING WITH THE ZONING/OPA APPLICATION. PLEASE CHECK ALL APPLICABLE BOXES AND SUBMIT WITH YOUR APPLICATION. KEEP COPIES FOR YOUR FILES**

SUBMISSION REQUIREMENTS:

- ☑ Completed Pre-Consultation Agreement
- ☑ Site Access Permission Form and Owner Authorization (if required).
- ☑ Required Studies indicated the Pre-Consultation Agreement.
- ☑ A survey showing, in metric units,
  - The boundaries and dimensions of the subject land;
  - The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
  - The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, woodedareas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it and in the applicant's opinion may affect the application
  - The current uses of land that is adjacent to the subject land;
  - The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
  - If access to the subject land will be by water only, the location of the larking and docking facilities to be used; and
  - The location and nature of any easement affecting the subject land.
- ☑ Site plan must also be submitted as an electronic file, in Autocad 2006-2018(.dwg) format
- ☑ One **(1)** copy of survey or reference plans respecting this application.
- ☑ One **(1)** 8 1/2" x 11" photo reduction of the Site Plan.
- ☑ One **(1)** copy of the completed application form.

APPLICATION FEES:

TOWN OF FORT ERIE PLANNING, BUILDING, AND BY-LAW DEPARTMENT
The application fees are listed in the Consolidated Schedule of Fees and Charges
https://www.forterie.ca/en/build-and-invest/planning-fee-schedule.aspx

Regional Planning Department Review Fee
Please contact the Regional Planning Department concerning the Regional schedule of fees for subdivision and condominium applications, or as detailed in the Pre-Consultation Agreement

Niagara Peninsula Conservation Review Fee (if applicable)
Please contact the Niagara Peninsula Conservation Authority concerning the schedule of fees for subdivision and condominium applications, or as detailed in the Pre-Consultation Agreement

***NOTE:* APPLICANTS SHOULD REVIEW THIS APPLICATION WITH THE PLANNING DEPARTMENT BEFORE SUBMITTING.**

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SECTION 1- CONTACT INFORMATION

Name of Applicant: Paul Di Francesco Company 2071380 Ontario Inc.

Address: 11 Nicholas Drive

Town/City: St. Catharines Postal/Zip Code : L2S 4C2

Telephone No.: 905-341-0108 Fax No.:

Email: pgdifrancesco@gmail.com

Name of Owner(s) (if different from the applicant):

Address:

Town/City: Postal/Zip Code :

Telephone No.: Fax No.:

Email:

Main Point of Contact Nicholas Godfrey Company Upper Canada Consultants

(this will be the person that will handle the file and liaise with the Town)

Address: 3-30 Hannover Drive

Town/City: St. Catharines

Postal/Zip Code : L2W 1A3

Telephone No.: 905-688-9400 Fax No.:

Email: nicholas@ucc.com

Please check if the property owner should be copied on all communication ☑ Initial NG

SECTION 2 - PROPERTY INFORMATION

PROPERTY LOCATION AND DESCRIPTION:

Municipal Address: 825 Garrison Road

Legal description of the lands (Lot & Registered Plan or Concession):
Part 1 - Plan of Survey of Part of Lot 2, Concession 3 Lake Erie, Now in the Geographic Township of Bertie, Town of Fort Erie, Regional Municipality of Niagara

MORTGAGES, CHARGES AND OTHER ENCUMBRANCES:

If known, list the names and address of all holders of mortgages, charges or other encumbrances with respect to the subject land(s):

no

If known, the date of Acquisition: November 1, 2024

If known, the date Existing Buildings Constructed: unknown

INTEREST IN ADJOINING LANDS

Does the applicant/agent or owner have a legal interest in any adjoining lands, (i.e. lands that share a common boundary with the subject lands)? If so, describe to what extent.

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SECTION 3 - EXISTING PROPERTY DETAILS

Present use of the land: Residential

Present Use of abutting land:

NORTH Residential

SOUTH Vacant

EAST Vacant

WEST Residential

If known, date present use commenced: pre-1930s

Property Information:

Lot (Street) Frontage	_____feet	154.92 meters
Depth	_____feet	129.60 meters
Area	_____square feet	12770 square meters

Servicing Information:

Water Supply (check appropriate boxes)

Publicly owned & operated?	☑ YES	☐ NO
Connected?	☑ YES	☐ NO
Lake	☐ YES	☐ NO
Well (Private or Communal)	☐ YES	☐ NO
Other (specify)_____		

Sanitary Sewer Disposal (check appropriate boxes)

Publicly owned & operated?	☑ YES	☐ NO
Connected?	☑ YES	☐ NO
Septic System (Private or Communal)	☐ YES	☐ NO
Other (specify)_____		

Does the proposed development consist of more than 4500 litres of effluent?	☐ YES	☐ NO
Storm Sewer Available?	☐ YES	☐ NO
Connected?	☐ YES	☐ NO

Access to Property:

Public Road	☑ YES	☐ NO
Private Road	☐ YES	☐ NO
Right-of-Way	☐ YES	☐ NO
Width of Access Road to Property	_____	FT.

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SECTION 4 - PLANNING COMPLIANCE

Present Town of Fort Erie Official Plan Designation: Urban Residential

Present Zoning of Property: Residential (R1) Zone

Present Regional Policy Plan Designation: Delineated Built-Up Area

Describe, in detail, the proposed use/development of the property for which the zoning/ official plan amendment is requested, including reason for request.

See attached Planning Justification Report

Purpose is to permit development of a 6-storey apartment

NOTE: If an Official Plan Amendment is required, please complete the following:

If an Official Plan Amendment is required, does the amendment change the Designation?

☐ **YES** ☑ **NO**

If the answer is "yes", please complete:

Amendment to designation from_____

Permitting the following uses: _____

to:_____

Permitting the following land uses:_____

If an Official Plan Amendment is required, does the amendment change the Policies?

☐ **YES** ☐ **NO**

If the answer is "yes",

What policy is to be changed?: _____

_____

If approved, would this policy amendment,

Alter Existing? ☐ Delete Existing? ☐

Add to Existing? ☐ Replace Existing? ☐

Describe proposed policy change:_____

_____

If a zoning by-law amendment is required please complete the following:

Extent to which the zoning by-law is intended to be amended to accommodate the proposed development:

Amendment to the Zoning By-law zoning classification:

From: Residential 1 (R1) Zone and Environmental Conservation Overlay

Permitting the following uses: low-density residential

To: Residential Multiple 2 (RM2)

Permitting the following land uses: Apartment

When changes to the existing zoning by-law regulations are required to accommodate either the existing or proposed building, the following columns are to be completed. If your proposal involves multiple site specific zones or changes to regulations for more than one use it may be necessary to fill out multiple copies of this page. It may be helpful to reference a schedule showing the location or extent of the zoning change.

ZONING REGULATIONS	ZONING REQUIREMENTS	MODIFICATIONS
		Proposed Regulation
Minimum Lot Area		No Change
Minimum Lot Frontage		No Change
Minimum Front Yard		No Change
Minimum Rear Yard		No Change
Minimum Side Yard		No Change
Minimum Flankage Yard		No Change
Maximum Lot Coverage		No Change
Minimum Landscaped Area		No Change
Maximum Height of Building or Structure		No Change
Number of Storeys		No Change
Maximum Number of Dwelling Units		No Change
Maximum Number of Buildings		No Change
Minimum Distance Between Buildings on Same Lot		No Change
Minimum Number of Parking Spaces or Maximum Parking Area Coverage		No Change
Loading Area Requirements		No Change
Floor Area of Building		No Change
Other		

PROPOSED TYPE OF BUILDING: Purpose-Built Rental Apartment

SECTION 5 - CURRENT AND PREVIOUS APPLICATIONS

If known, is the subject land or land within 120 metres of the subject land, the subject of an application by the applicant under the planning act for: *(if you are not sure, please ask town staff)*

A Minor Variance? ☐ File No._____

A Plan of Subdivision? ☐ File No._____

A Consent (Land Division)? ☐ File No._____

A Site Plan? ☐ File No._____

If known, has the subject land ever been the subject of:

Zoning By-law Amendment ☐ File No._____

Official Plan Amendment ☐ File No._____

SECTION 6 – ENVIRONMENTAL SITE SCREENING

Previous Use of Property (if applicable)

☑ Residential ☐ Industrial ☐ Commercial ☐ Institutional

☐ Agricultural ☐ Parkland ☐ Vacant ☐ Other

If previous use of the property is Industrial or Commercial, specify all previous uses:

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SECTION 6 – ENVIRONMENTAL SITE SCREENING (continued)

Is there reason to believe that the lands may be contaminated based on historical land use? **	☐Yes ☑ No ☐Unknown
Has land filling occurred on the property or lands adjacent to the property?	☐Yes ☑ No ☐Unknown
Has a gas station been located on the subject land or adjacent land at any time?	☐Yes ☑ No ☐Unknown
Has petroleum or other fuel been stored on the subject lands or adjacent land?	☐Yes ☑ No ☐Unknown
If the property has in the past or is currently being used for a non-residential use, what is the nature of the use?	☐Yes ☑ No ☐Unknown
Is the nearest boundary line of the subject lands within 500 m. (1,640 ft) of an operational or non-operational landfill or dump?	☐Yes ☑ No ☐Unknown
Have previous agriculture operations ever included the application of cyanide-based pesticide products or sewage sludge on the lands?	☐Yes ☑ No ☐Unknown
Are you aware of any underground storage tanks, or other buried waste on the property?	☐Yes ☑ No ☐Unknown
If there are any existing or previously existing buildings, are there building materials remaining, which are potentially hazardous to health (asbestos, PCBs)?	☐Yes ☑ No ☐Unknown
Is there a current Environmental Site Assessment for the site or has one been prepared within the last five years? If yes, please submit it with your application.	☐Yes ☑ No ☐Unknown
Has an Environmental Site Assessment been submitted to the Town of Fort Erie in the past in support of a planning application on the subject lands? If yes, indicate the type if planning application(s) and file number(s)?	☐Yes ☑ No ☐Unknown

Official Plan Amendment #_____

Zoning By-law Amendment # _____

Site Plan #_____

Plan of Subdivision# _____

Other # _____

Possible offending uses may include: disposal of waste materials, raw material storage, residues left in containers, such as gas stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or like uses upon a site could potentially increase the number of chemicals which are present.

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SECTION 7 – PROVINCIAL PLANS OR SIGNIFICANT FEATURES CHECKLIST

Feature or Development Circumstance	Development or Special Feature		If feature specify distance in metres	Potential Information Needs
	Yes (X)	No (X)		
Consistent with Provincial Policy Statement	Yes			Development must be consistent
Consistent with Growth Plan	N/A			Development must be consistent
Non-Farm development near designated urban area or rural settlement area	No			Demonstrate insufficient land supply available for development within the 20 year timeframe.
Class 1 Industry[1]	No			Assess development for residential and other sensitive land uses within 70 metres.
Class 2 Industry[2]	No			Assess development for residential and other sensitive land uses within 300 metres.
Class 3 Industry[3]	No			Assess development for residential and other sensitive land uses within 1000 metres.
Land Fill Site	No			Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant	No			Assess he need for a feasibility study for residential and other sensitive land uses
Waste Stabilization Pond	No			Assess he need for a feasibility study for residential and other sensitive land uses
Active Railway Line	No			Evaluate impacts within 300 metres
Controlled access highways including designated future routes	No			Evaluate impacts within 100 metres
Agricultural operations	No			Development to comply with the Minimum Distance Separation Formulae
Existing Pits and Quarries	No			Will development hinder continued operation or extraction
Mineral and petroleum resource areas	No			Will development hinder access to the resource or the establishment of new resource operations
Provincially Significant wetland	Yes			No development is permitted.
Locally Significant Wetland or a Provincially Significant Wetland within 120 metres	No			An Environmental Impact Study (EIS) must be prepared to determine impacts and mitigative measures.
Significant portions of habitat of endangered species and threatened species	No			Development is not permitted.
Significant fish habitat, woodlands, valley land, areas of natural and scientific interest, wildlife habitat	No			An Environmental Impact Study (EIS) must be prepared to determine impacts and mitigative measures.
Significant archeological resources	Yes			Assess development proposed in areas of medium and high potential for significant archeological resources. See Official Plan Schedule D and D1.
Great Lakes System: A-Within defined portions of the dynamic beach and 1:100 year flood level along connecting channels B-On lands subject to flooding erosion	No			A-Development is not permitted. B-Development may be permitted; demonstrate that hazards can be safely addressed

Note: It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.
1. Class 1 industry: small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.
2. Class 2 industry: medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime track traffic.
3. Class 3 industry: processing and manufacturing with frequent and intense off site impacts and high probability of fugitive emissions.

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ENVIRONMENTAL ACKNOWLEDGEMENT CERTIFICATE

(to be signed by Owner and Applicant)

I/We 2071380 Ontario Inc. (Paul Di Francesco) the owner of (property address) 825 Garrison Road. and the applicant Nicholas Godfrey c/o Upper Canada Consulting of the above-noted lands hereby acknowledge that it is my/our responsibility to use all reasonable efforts to identify the potential for contamination on the above-noted lands and to ensure the I/We are in compliance with all applicable laws, regulations, guidelines and other government directives pertaining to contaminated sites as well as the Town's Official Plan policies pertaining to potentially contaminated properties. I/We acknowledge that as a condition of approval of this application that the Town may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the Town of acknowledgement of this Record of Site Condition by the Ministry of Environment. I/We further acknowledge that the Town of Fort Erie is not responsible for the identification and/or remediation of contaminated sites, and I/We agree, whether in, through, or as a result of any action or proceeding for losses or damages related to environmental contamination or clean-up of contamination, I/We will not sue or make claim whatsoever against the Town of Fort Erie, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Affix Corporate Seal of registered owner of property.
Proceeding will not commence until this is provided.

Dated at St. Catharines (Town, City or Township) this 10th day of October 2025.

SIGNATURE OF OWNER

2071380 Ontario Inc. (Paul Di Francesco)
(please print name)
(Affix Corporate Seal if applicable)

SIGNATURE OF APPLICANT

(please print name)
(Affix Corporate Seal if applicable)

2071380 ONTARIO INC.
ONTARIO CORPORATION

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DECLARATION OF APPLICANT OR AUTHORIZED AGENT

THE FOLLOWING DECLARATION *MUST* BE SIGNED BY THE APPLICANT OR AGENT IN THE PRESENCE OF A COMMISSIONER FOR THE TAKING OF AFFIDAVITS

I, Nicholas Godfrey
(name of applicant or agent)

of the City of St. Catharines
(Town, City or Township)

in the Regional Municipality of Niagara
(Region, County or District)

solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath by virtue of THE CANADA EVIDENCE ACT.

Signature of Applicant or Authorized Agent

COMMISSIONER:

Declared before me at: City of St. Catharines
(Town, City or Township)

in the Regional Municipality of Niagara
(Region, County or District)

this 31 day of October 20 25

A Commissioner, etc.

Hannah Kay Gracey, a Commissioner, etc.,
Province of Ontario, for Upper Canada
Planning & Engineering Ltd.
Expires November 28, 2025.

COMMISSIONER'S STAMP

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SITE ACCESS CERTIFICATE
(to be signed by Owner)

I, 2071380 Ontario Inc. (Paul DiFrancesco), the owner of the above-noted lands hereby grant Town of Fort Erie staff or Members of a Town Committee or any other public agency, to enter the subject site (825 Garrison Road.) to review and confirm the information provided with the application.

(Address)

Proceeding will not commence until this is provided.

Dated at St. Catharines this 10th day of October 2023.

(Town, City or Township)

Owner Signature

2071380 Ontario Inc. (Paul DiFrancesco)

(please print name)

(AFFIX Corporate Seal if applicable)

2071380 ONTARIO INC.
ONTARIO CORPORATION

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SITE GRADING AND TREE CLEARING ACKNOWLEDGEMENT
(to be signed by Owner)

I, 2071380 Ontario Inc. (Paul Di Francesco), the owner of the above-noted lands hereby agree not to remove any woody vegetation nor conduct any grading on the subject site (825 Garrison Road.) (Address) until such time as final Zoning/Official Plan amendment approval is granted.

Dated at St. Catharines (Town, City or Township) this 10th day of October 2023.

Owner Signature, 2071380 Ontario Inc. (Paul Di Francesco)
(please print name)
(AFFIX Corporate Seal if applicable)

2071380 ONTARIO INC. ONTARIO CORPORATION

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AUTHORIZATION TO ACT ON BEHALF OF THE OWNER

AUTHORIZATION: Must be filled in if by the Owner if the Applicant and/or Agent is not the registered Owner of the lands. Please provide names of all owners of the Corporation or numbered Company.

I/We, 2071380 Ontario Inc. (Paul DiFrancesco)
(Names of Owners)

being the registered owner(s) of the lands subject of this application hereby authorize

Nicholas Godfrey c/o Upper Canada Consultants
(Name of Person)

of the Town/City of St. Catharines
(Town, City or Township)

in the Regional Municipality of Niagara
(Region, County or District)

to make application on my/our behalf to the Town of Fort Erie for a Zoning By-law Amendment and/or Official Plan Amendment in accordance with Subsection 10.1, Section 34 of The Planning Act of Ontario, R.S.O. 1990, c.P. 13 as amended.

Dated at the Town/City of St. Catharines
(Town, City or Township)

in the Regional Municipality of Niagara
(Region, County or District)

this 10th day of October 2025

Owner Signature

Witness

Owner Signature

Witness

2071380 ONTARIO INC.
ONTARIO
CORPORATE SEAL

NOTE: IF THE REGISTERED OWNER IS A CORPORATION, THE CORPORATE SEAL MUST BE AFFIXED TO THIS FORM IN ADDITION TO THE SIGNATURE OF AUTHORIZED SIGNING OFFICERS.