

## NOTICE OF PASSING OF A ZONING BY-LAW

**OWNER:** 2478838 Ontario Inc (Gil Shcolyar)  
**AGENT:** Petrogold (Gil Shcolyar)

**File No. 350309-0431**

**TAKE NOTICE** that the Council of the Town of Fort Erie passed **By-law No. 77-2019** on the 21<sup>st</sup> day of May, 2019 under Section 34 (18) of The Planning Act, 1990.

**AND TAKE NOTICE** that any person or agency may appeal to the Local Planning Appeal Tribunal (LPAT) in respect of the by-law by filing with the Clerk of the Town of Fort Erie not later than the **19<sup>th</sup> day of June, 2019**, a notice of the appeal setting out the objection to the by-law and the reasons in support of the objection. Any appeal must be accompanied by the LPAT fee of \$300.00. A certified cheque or money order in this amount made payable to the Minister of Finance must accompany the Notice of Appeal.

Only individuals, corporations and public bodies may appeal a zoning by-law to the Local Planning Appeal Tribunal. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or the group on its behalf. No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

The complete By-law and map is available for inspection in the Clerk's office during regular office hours and can also be found on the **Town of Fort Erie Website: [www.forterie.ca](http://www.forterie.ca)**.

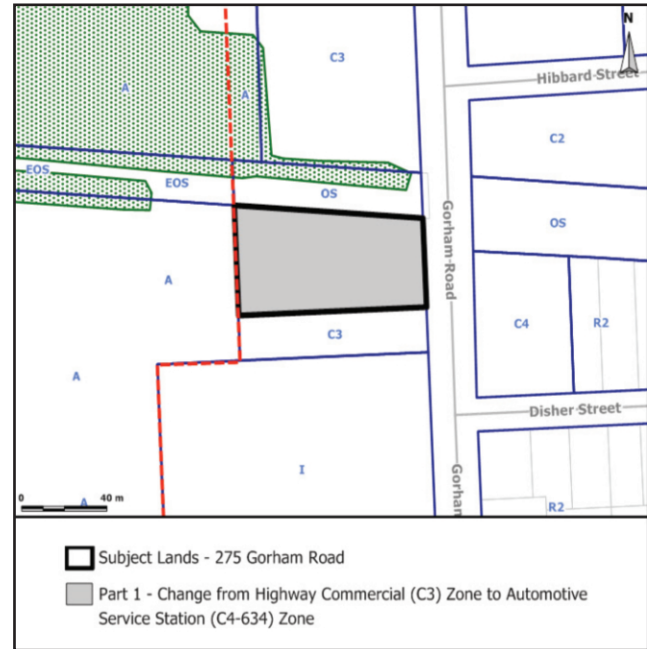
### PURPOSE AND EFFECT

The purpose and effect of By-law No. 77-2019 is to amend Town of Fort Erie Comprehensive Zoning By-law No. 129-90 in order to permit the conversion of the existing motor vehicle repair shop to an automotive service station, retail store and an eating establishment with a drive thru.

Written and oral submissions resulting from the information open house held on May 9, 2018 and the formal public meeting held on May 22, 2018 identified traffic impacts as a primary concern with this application. The Agent completed a traffic study that demonstrated that this proposal will not have a significant impact on traffic at the Gorham Road/Disher Street intersection and Council subsequently approved the Zoning By-law amendment.

This by-law amendment changes the zoning of the lands shown above from Highway Commercial (C3) Zone to Automotive Service Station (C4-634) Zone (Part 1) and shall be subject to the following provisions:

- a) Notwithstanding the list of Permitted Uses in Section 23.2, the lands may also be used for the following:
  - i. Eating establishment with a drive-thru
- b) Notwithstanding the Regulations for Automotive Service Stations and Motor Vehicle Repair Shops in Section 23.3, an automotive service station and underground fuel storage tank shall be subject to the following provisions:
  - i. Minimum front yard – 7.70 metres
- c) Notwithstanding the regulations for "Drive-Thru Lanes" in Section 18.6 (d) of the General Provisions for Commercial Zones, a landscaped strip having a minimum width of 1.50 metres shall be provided along the outer edge of the drive-thru facility for the length of the stacking lane along the southern lot line of the property.
- d) Notwithstanding the regulations of "Landscaping and Planting Strips" in Section 6.21 (b) of the General Provisions, a landscaped strip having a minimum width of 1.70 metres shall be provided along the western lot line and a landscaped strip having a minimum width of 0.84 metres shall be provided along the northern lot line.



**DATED AT THE TOWN OF FORT ERIE THIS 30<sup>th</sup> DAY OF MAY, 2019**  
**CAROL SCHOFIELD, CLERK**