

**Planning Justification Brief**  
**Zoning By-law Amendment and Consent**

**3914 Alexandra Road**

**Fort Erie, ON**

**December 2021**

**Upper Canada Consultants**  
**3-30 Hannover Drive**  
**St. Catharines, ON L2W 1A3**



UCC File No. 21188

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## **INTRODUCTION**

Upper Canada Consultants has been retained by Centurion Building Corporation to prepare a Planning Justification Brief in support of an application for Zoning By-law Amendment required to facilitate the construction of a new single detached dwelling on a vacant lot, which is currently part of the property municipally addressed as 3914 Alexandra Road in the Town of Fort Erie. The requirement for a Planning Justification Brief was identified by Town Staff through the pre-consultation meeting held on February 16, 2021. This Brief has been prepared in accordance with the Town of Fort Erie's Guidelines for the Preparation of Planning Justification Reports and Planning Justification Briefs. The intent of this brief is to provide an overview of the property and the proposal, to evaluate the applications against applicable Provincial, Regional and local land use policy and to demonstrate how the application represents good planning.

## SITE CONTEXT

The subject property has the municipal address of 3914 Alexandra Road and is located on the north side of Alexandra Road, east of Derby Road, west of Ridgeway Road and south of Rebstock Road. The property is described legally as Lots 239 and 240, Registered Plan No. 395. As confirmed by the Town of Fort Erie, Plan No. 395 has not been deemed and the property is therefore comprised of two full lots within a registered Plan of Subdivision.

In total, the subject lands are approximately 903.6 square meters in area, and have approximately 21.34 meters of frontage on Alexandra Road. The property's side lot lines are parallel to one another and perpendicular to the front lot line, but the rear lot line is angled, resulting in an irregular rectangular lot shape. The lot frontage is split evenly, with each lot having 10.67 meters of frontage. The lot areas differ slightly due to the irregular lot shape, with Lot 239 having an area of approximately 484.7 square meters and Lot 240 having an area of 418.9 square meters (see **Figure 2** and **Appendix II**).

The property currently contains a one-storey single detached dwelling, detached garage and a gravel parking area which are located entirely on Lot 239. The balance of the property is manicured lawn. The property is not affected by any natural heritage or key hydrological features, or any other physical development constraints. An aerial image of the subject property is provided in **Figure 1**.



Figure 1 - Aerial View of the Subject Property (Cropped from Niagara Navigator)

In the broader neighbourhood context, the property is located in the Crystal Beach area of Fort Erie. The subject lands are in a predominately residential area which is comprised of a mix of dwelling typologies. The 1934 aerial photo available through Brock University indicates that the surrounding neighbourhood had largely been built out at this point in time and appears to show the existing dwelling on the subject property. The most common residential typology in the area are single detached dwellings, but the subject property also interfaces some multi-unit dwelling typologies (apartment and semi-detached dwellings) to the north which front onto Rebstock Road.

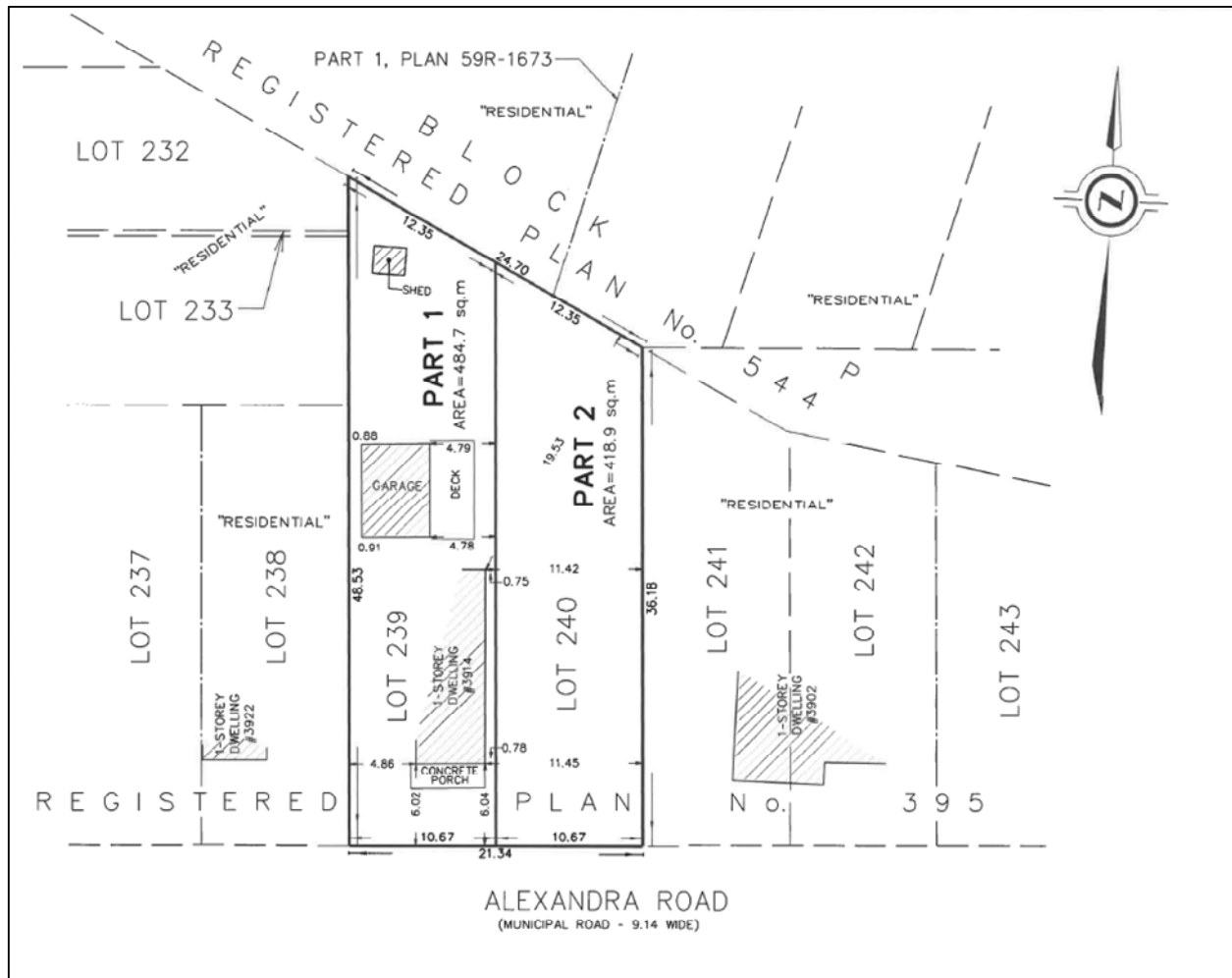


Figure 2 - Existing Property Condition (cropped from Severance Sketch)

### **3.0 - THE PROPOSED DEVELOPMENT**

The property owner is seeking to construct a one storey, single detached dwelling on the eastern portion of the property (Lot 240). A conceptual house design is shown in **Figure 3**, and a conceptual Site Plan is attached as **Appendix III**. The existing dwelling will remain in place on Lot 239. Since the property is comprised of two full lots within a registered Plan of Subdivision, no additional approvals (i.e. Consents) are required to divide the property.

The submitted application seeks to implement a Residential 2B (R2B) Zone on the subject lands to establish appropriate development standards due to the compact nature of the lots. Both of the lots meet the minimum lot frontage and area requirement under the R2B zoning, and as demonstrated in **Table 1**, the proposed dwelling meets all of the applicable physical built-form regulations. The deficient side yard setbacks for the existing dwelling are permitted under Section 34(9) of the *Planning Act* as the dwelling was lawfully constructed prior to the adoption of the Town's current Zoning By-law. The subject application will not cause or exacerbate any zoning deficiencies.



Figure 3 - Conceptual Dwelling Design

## **4.0 – POLICY ANALYSIS**

### **5.1 - PLANNING ACT**

#### **Section 2 – Matters of Provincial Interest**

Section 2 of the *Planning Act* outlines the matters of Provincial interest that planning authorities must have regard for when considering applications under the *Act*. With regard to these matters, the applications pertain to the orderly development of safe and healthy communities (h), the adequate provision of a full range of housing (j), and the appropriate location of growth and development (p).

The proposed development has been reviewed by the municipality, the Region and commenting agencies, and is subject to Council approval which requires a full public process. This ensures that the public interest is met and that the application contributes to the orderly development of safe and healthy communities.

The application will facilitate the construction of a new single detached dwelling on a vacant serviced lot and contributes to the provision of a range of lot and dwelling sizes which reflects the range of housing need and affordability levels that exist within the market.

The subject property is within an existing residential subdivision within the Town of Fort Erie's Urban Boundary, has access to existing municipal infrastructure and services and is therefore the appropriate location for residential development.

#### **Section 34 – Zoning By-laws**

Section 34 of the *Planning Act* grants municipalities the authority to pass Zoning By-laws to control the use of land and of buildings or structures.

Section 34(9)(a) states that Zoning By-laws may not prevent the use of any land, building or structure if such a use, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose. Pursuant to this section of the *Planning Act*, the zoning deficiencies for the existing dwelling do not need to be rectified since it was lawfully constructed before the adoption of the Town's current Zoning By-law.

Amendments to Zoning By-laws are permitted, subject to the provision of prescribed material and in accordance with the process described under Section 34(10) and its subsections. Pursuant to these requirements, the application has been submitted with the information requested through pre-consultation, and is subject to the standard process for Zoning By-law Amendments in the Town of Fort Erie.

#### **Section 50 – Subdivision Control**

Section 50 of the *Planning Act* outlines the exceptions by which transactions involving real land may be permitted. Section 50(3)(b)(i) permits the conveyance of land that is the whole of one or more blocks or lots within one or more registered Plans of Subdivision. As the subject lands are comprised of two full lots

within a Plan of Subdivision (Lots 239 and 240, Plan No. 395), and the Subdivision has not been de-registered under Section 50(4) of the *Planning Act*, the conveyance of the individual lots is permitted without additional approvals.

## **5.2 - 2020 PROVINCIAL POLICY STATEMENT**

The Provincial Policy Statement (PPS) sets the policy foundation for regulating growth and development in Ontario in providing policy direction on the matters of Provincial interest related to land use planning.

The application contributes to the achievement of the strong and healthy communities envisioned in Section 1.1 of the PPS in directing growth to the existing Settlement Area, in providing sustainable and resilient land use patterns through the efficient and intensified use of serviced residential lands, and in contributing to the provision of housing. In particular, the application will facilitate the development of an existing residential lot which increases the efficient use of the land, as well as the existing municipal infrastructure and services used to service the surrounding residential properties. The existing lot is more compact than a typical suburban lot, and facilitates the provision of a more compact dwelling, thus providing for a range of single-detached densities as encouraged under the PPS.

Section 1.4 of the PPS outlines the Province's land use goals with respect to housing. Of relevance to the subject application is Policy 1.4.3, which outlines how planning authorities are to provide for and appropriate range and mix of housing options and densities to meet current and future market-based housing needs. Consistent with the objectives under this policy, the application will facilitate the intensified development of vacant residential lands, provides a more compact single-detached form which efficiently uses land and existing infrastructure and adds to the provision of a range of densities which offers additional housing choices.

Section 1.6 of the PPS generally provides for the efficient provision and use of public services to minimize the cost of accommodating growth. Consistent with this overall policy direction, the proposed development will be serviced with existing municipal infrastructure, and helps to increase the efficient use of this infrastructure.

## **5.3 - 2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE**

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) provides more specific growth management policies for the Greater Golden Horseshoe Area.

Section 2.2.1 of the Growth Plan outlines the general growth management policies. In accordance to these policies, the subject lands are in Fort Erie's delineated built-boundary, have access to existing water and wastewater systems and public service facilities and are therefore the appropriate location for growth and development. The proposed development provides for a compact single-detached built form which efficiently uses land and infrastructure, and contributes to the provision of additional single-detached densities, in accordance with the preferred land use patterns described in the Growth Plan.



Per Section 2.2.2.1 a) of the Growth Plan, the Regional Municipality of Niagara is required to accommodate a minimum of 50% of residential development occurring annually within the delineated built-up area by way of intensification. Crystal Beach represents a significant opportunity to accommodate residential intensification due to the amount of original subdivision lots which remain undeveloped. The application proposes to utilize such a vacant lot, and accommodates growth by way of intensification as encouraged in the Growth Plan.

Section 2.2.6 of the Growth Plan requires that planning authorities support housing choice through the achievement of the minimum intensification targets. In conformity to this policy direction, the proposed development contributes to both the achievement of the minimum intensification target for the Region, and in the provision of additional housing choice.

## **6.0 – REGION OF NIAGARA OFFICIAL PLAN (2015)**

Chapter 4 of the Region of Niagara Official Plan contains the growth management policies for the Region's Settlement Areas.

In conformity to the Region's overarching growth management objectives, the proposed development provides for intensification within the Built-up Area, and facilitates a compact built-form that uses land and infrastructure efficiently, and contributes to the provision of a range of housing densities.

The Region of Niagara Official Plan further breaks down the Region's intensification target under the Growth Plan by municipality. The Town of Fort Erie has been assigned an intensification target of 15% as its contribution to Regional growth by way of intensification. The proposed development accommodates an additional dwelling unit within the Built-up Area by way of intensification as is encouraged in the Regional Official Plan.

Overall, the proposed development supports the Region's growth management objectives as prescribed under Chapter 4 of the Regional Official Plan.

## **7.0 – TOWN OF FORT ERIE OFFICIAL PLAN**

The subject lands are designated as Urban Residential in the Town's Official Plan. The proposed single detached dwelling is a permitted use within the Urban Residential designation. The proposal represents infill development at a compact scale which helps to minimize land consumption and provides for the optimized and efficient use of existing infrastructure and services as is encouraged throughout Fort Erie's residential areas. Within the Urban Residential Area, the Official Plan requires that residential infill and intensification be compatible with the traditional neighbourhood character. The application will facilitate the development of an original subdivision lot and maintains the "cottage-like" character of Crystal Beach provided by this compact lot pattern. The submitted Zoning By-law Amendment will establish the appropriate built-form standards to ensure that the development does not negatively impact neighbouring properties.

A Secondary Plan for Crystal Beach was recently approved by Council, and at the time of the writing of this report, is currently under the appeal period. The Secondary Plan acknowledges the existence of vacant undersized lots from the original Plans of Subdivision, particularly those surrounding the Queen's Circle, and encourages the implementation of appropriate zoning to allow for their continued contribution to the character of the community. The proposed R2B zoning regulates the development of more compact lots and will provide for an appropriately-scaled built form that emulates and enhances the existing character of the neighbourhood.

As the proposal will facilitate compatible residential development within Crystal Beach, and provides for the efficient use of land and infrastructure, the application is considered to conform to the Official Plan as well as the upcoming Secondary Plan.

## **8.0 – TOWN OF FORT ERIE ZONING BY-LAW**

The subject property is currently zoned as Residential 2 (R2). The lots which make up the subject property, do not conform to the minimum lot frontage and lot area parameters under the R2 zone provisions.

The submitted application seeks to rezone the entire property as Residential 2B Density (R2B) zone. The R2B zone permits and regulates the more compact lots often found in historic Plans of Subdivision in Crystal Beach, and many of the surrounding properties are accordingly zoned as R2B (see **Figure 4**). As demonstrated in **Table 1**, both of the individual Lots comprising the subject lands exceed the minimum frontage and area requirements under the R2B provisions, and the conceptual dwelling envelope can be accommodated on Lot 240 without the need for site-specific Zoning relief. The existing dwelling has legally non-conforming side yard setbacks, but otherwise meets all of the R2B zone provisions. It should be noted that the existing dwelling would meet the R2B side yard setback requirement if it was sited more centrally on Lot 239, and a new dwelling can be accommodated without replicating these existing deficiencies.

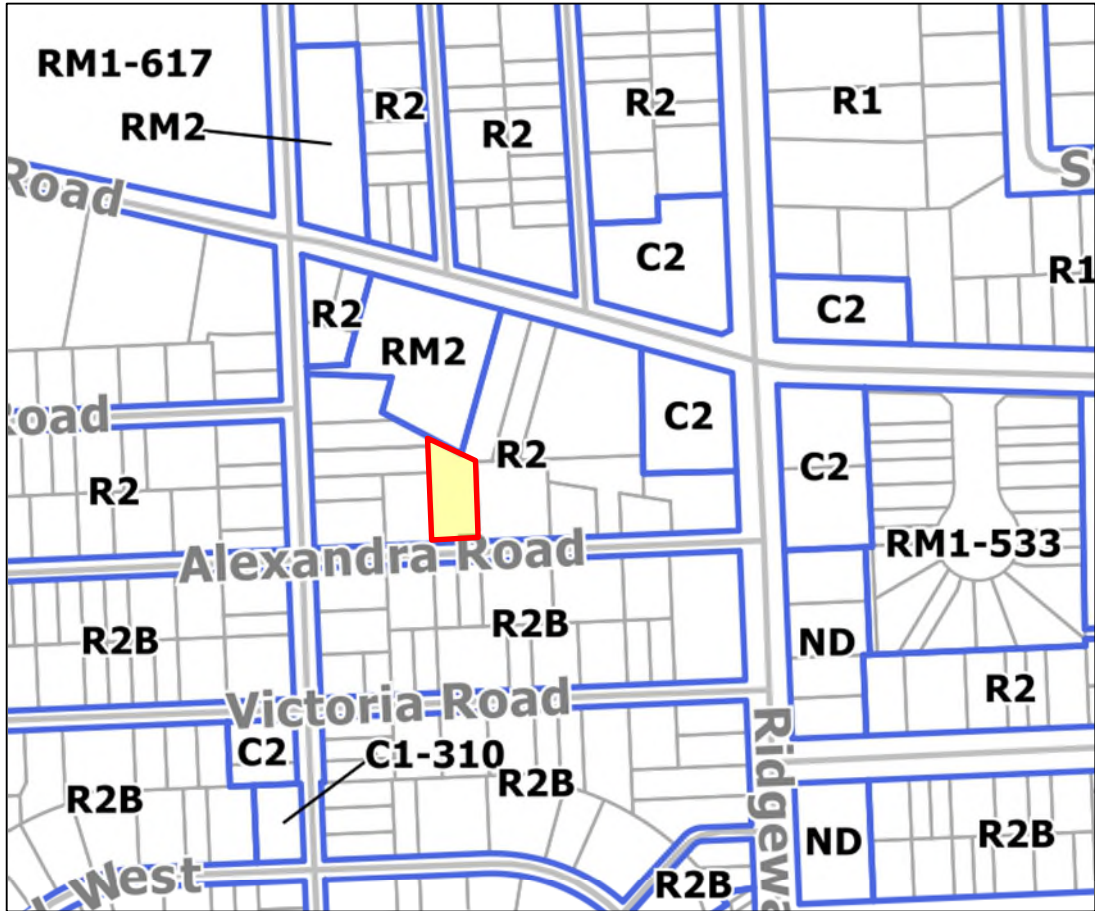


Figure 4 - Schedule 'A' Map 8 - Town of Fort Erie Zoning By-law

**Table 1 - Zoning Compliance**

<b>Section 12B: Residential 2B (R2B) Zone</b>					
Provisions	Requirement	Provided (Lot 239)	Conformity	Proposed (Lot 240)	Conformity
<b>12B.2 – Permitted Uses</b>					
a) One Single Detached dwelling, and uses, buildings and structures accessory thereto. b) Home Occupations. c) Accessory Apartment Dwellings.		Single Detached Dwelling and Detached Garage	Yes	Single Detached Dwelling	Yes
<b>12B.3 - Regulations for Dwellings on Lots with Less than 15 Meters of Frontage</b>					
Minimum Lot Frontage	10 meters	10.67 meters (existing)	Yes	10.67 meters (existing)	Yes
Minimum Lot Area	260 square meters	485.28 square meters (existing)	Yes	418 square meters (existing)	Yes
Maximum Lot Coverage	1 storey – 50% Anything greater than 1 storey – 40%	21.6% (one storey)	Yes	33% (one storey)	Yes
Minimum Front Yard	6 meters to garage 3 meters to other parts of dwelling	6 meters	Yes	6 meters to garage 7.52 meters to other parts of the dwelling	Yes
Minimum Interior Side Yard	1 storey – 1.2 meters Anything greater than 1 storey – 1.5 meters  On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 meters	0.57 meters to dwelling  0.91 meters to detached garage	Legal non-conforming	1.2 meters (1 storey)	Yes
Minimum Exterior Side Yard	3 meters, except an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6 meters to the exterior side lot line.	N/A	N/A	N/A	N/A
Minimum Rear Yard	1 storey – 5 meters Anything greater than 1 storey – 7 meters	22.82 meters	Yes	11.57 meters (one storey)	Yes
Maximum Height	i. 1.5 storey ii. 7.5 meters	1 storey	Yes	1 storey 7.12 meters	Yes

## 9.0 - PLANNING POSITION

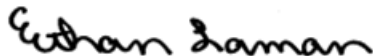
The subject lands, known municipally as 3914 Alexandra Road, are comprised of two full lots within a Plan of Subdivision (Lots 239 and 240, Registered Plan No. 395). The owner is seeking to construct a single detached dwelling on the vacant lot (Lot 240) on the eastern portion of the property. The subdivision in question has not been deemed by the Town's Council, and both full lots are therefore considered to be separate conveyable lots pursuant to Section (50(3)(b)(i) of the *Planning Act*.

Accordingly, the construction of a dwelling on Lot 240 is permitted without the requirement for additional land division approvals. However, since these lots were created prior to the adoption of the Town's Zoning By-law and pre-date current development standards, they represent a more compact lot pattern than what is provided in the current R2 Zoning regulations. The proposed R2B Zoning permits the existing lot frontage and area parameters, and provides appropriate built-form regulations for the development of these more compact parcels. It has been demonstrated that Lot 240 can accommodate a reasonably-sized dwelling without negatively impacting neighbouring properties, and without the need for additional zoning relief. The existing dwelling located on Lot 239 has a number of zoning deficiencies, however, since this dwelling was legally constructed prior to the implementation of the Town's current Zoning By-law, it is considered to be a legal non-conforming structure, pursuant to Section 34(9) of the *Planning Act* and no additional zoning relief is required. A future dwelling can be constructed on Lot 239 in accordance with all of the R2B zoning regulations.

Many of the original lots in Crystal Beach have been individually developed, and the provision of a dwelling on Lot 240 emulates the character of the area provided by this compact lot pattern. Further, the construction of a dwelling on a vacant parcel of urban land is supported under Provincial, Regional and local land use policy as it increases the efficient use of infrastructure and services and provides additional housing choice within an existing residential area.

Based on the above-analysis, it is my opinion that the submitted Zoning By-law Amendment represents good planning as it will facilitate compatible and appropriate residential development within Crystal Beach that is supported by Provincial, Regional and local land use planning policy.

Prepared by,



Ethan Laman, B.U.R.Pl.  
Junior Planner  
Upper Canada Consultants

Reviewed by,



Matt Kernahan, MCIP, RPP  
Planning Manager  
Upper Canada Consultants

**Appendix I**  
**Preconsultation Agreement**



**Once completed by Town Planning Staff, this form must be submitted with your formal application.**

**Important:** This form will be completed with Planning Services staff at a pre-consultation meeting and will form part a complete application. All reports, documents and drawings **must** be submitted in paper and **digital** (i.e. PDF) form.

**Meeting Attendance:**

- Town Planning Town       Regional Planning       Niagara Parks Commission  
 Infrastructure       Regional Public Works       NPCA

Other \_\_\_\_\_

**Application type:**

- Official Plan Amendment       Site Plan  
 Zoning By-law Amendment       Consent Application  
 Draft Plan of Subdivision       Other \_\_\_\_\_  
 Draft Plan of Condominium

Pre-Consultation Submission Date: \_\_\_\_\_

Pre-Consultation Meeting Date: \_\_\_\_\_

Site Location/Address: \_\_\_\_\_

Site Legal Description: \_\_\_\_\_

Approximate Land Area (metric): \_\_\_\_\_

**Owner Contact Information:**

Name of Owner: \_\_\_\_\_

Phone No: \_\_\_\_\_ Email: \_\_\_\_\_

Principal Contact: \_\_\_\_\_

Phone No: \_\_\_\_\_ Email: \_\_\_\_\_

**Local Municipal Contact:**

Name of Contact: \_\_\_\_\_

Phone No: \_\_\_\_\_ Email: \_\_\_\_\_

**Brief description of proposed development:**

**Submission Requirements:** Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk\* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans <i>(See Notes for additional details)</i>	No. of Copies		Notes
				Digital	Paper	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning Justification Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conceptual Site Plan, Subdivision Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Regional Policy Plan Amendment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Local Official Plan Amendment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Land Use/Market Needs*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Urban Design/Landscape Plans			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Archaeological Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cultural Heritage Impact Assessment*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Impact Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Planning Study/ Sub-Watershed Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tree Inventory Preservation Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Floodplain and Hazard Lands Boundary Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Site Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Air Quality/Noise & Vibration Study*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural Impact Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Farm Operation and Ownership			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minimum Distance Separation I & II			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mineral Aggregate Resources			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Municipal Servicing Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Phasing Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sensitive Land Use Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Slope Stability Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater Management Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transportation Impact Study/Parking Impact Analysis			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrogeological Study and Private Servicing Plans*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soil report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial Impact Assessment*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shadow Analysis			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shoreline Study/Dynamic Beach			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Risk Management Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gas Well Study/Gas Migration Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wind Study*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other*			



## Property: 3914 Alexandra Road

**Development Planning:** Anamika Dilwaria ([adilwaria@forterie.ca](mailto:adilwaria@forterie.ca) or 905-871-1600 ext. 2507)

The subject lands are designated Urban Residential in the Town's Official Plan and zoned Residential 2 (R2) Zone, in accordance with Zoning by-law 129-90. The applicant's proposal to sever the subject lands to create a new parcel does not meet the zoning requirements for lot frontage. Staff recommends applicant submitting a zoning by-law amendment application to rezone the subject lands to a R2B zone to facilitate a future severance.

The applicant can submit a minor zoning application, however if the proposal to rezone the property to R2B generates public interest, staff will treat the application as major zoning by-law amendment application and the applicant will be required to pay the balance of fee between a minor and major zoning amendment application ( \$8401-\$3360)

**Servicing:** Spencer Pierce ([spierce@forterie.ca](mailto:spierce@forterie.ca) or 905-871-1600 ext. 2517)

### Conditions:

- A tree contribute fee is require for 1 tree, cost \$500
- Condition - A grading plan is required encompassing all proposed lots, (Thorough investigation by the applicant and surveyor should be undertaken prior to making application to fully grasp the implications of providing adequate drainage for the proposed lot(s). Consideration must be made that expenses such as installation of catchbasins and underground pipes may be required)

### Additional Comments:

- Servicing is at the owner's expense
- Road widen is not required
- A daylighting triangle is not required
- A streetlight fee is not required

**Neighbourhood Planning:** Pieter Wasserman ([pwasserman@forterie.ca](mailto:pwasserman@forterie.ca) or 905-871-1600 ext. 2503)

- No comments

**Economic Development & Tourism Services:** Daniel Turner ([dturner@forterie.ca](mailto:dturner@forterie.ca) or 905-871-1600 ext. 2252)

- No comments

**Community Planning:** Signe Hansen ([shansen@forterie.ca](mailto:shansen@forterie.ca) or 905-871-1600 ext. 2506)

No comments relative to the application for a Zoning Bylaw Amendment

If the applicant will not be returning for pre-consultation on the consent application, the following comments will apply:

## PRE-CONSULTATION AGREEMENT – COMMENTS

- Payment of 5% of the appraised value of the new lot be made to "The Town of Fort Erie", in lieu of dedication of land for park purposes
- The Owner/Applicant shall make payment of \$500.00 to the Town of Fort Erie for the planting of ONE boulevard tree in front of the new lot
- Written permission is required from the Town, in order to remove any vegetation within the Town Road allowance

**Committee of Adjustment:** Cara Raich ([craich@forterie.ca](mailto:craich@forterie.ca) or 905-871-1600 ext. 2508)

- The applicant may proceed with consent process once the zoning amendment is approved. It is noted that any zoning deficiencies should be addressed with the zoning amendment as minor variances are not permitted for 2 years after zoning amendment approval.
- The Final Consent Certificate (required to sell or build on proposed lots) will be issued once the provisional conditions of the consent approval are fulfilled by the applicant within one year of the decision made at the hearing of the Committee of Adjustment.

**PLEASE NOTE:**

- Applicant is required to submit a consent sketch prepared by an OLS and is to include lot size, lot coverage, front, rear and side setbacks, ALL existing and proposed building and structure dimensions in METRIC (dwelling, accessory buildings, a/c units, etc) to meet required zoning requirements.

**Building Department:** Keegan Gennings ([kgennings@forterie.ca](mailto:kgennings@forterie.ca) or 905-871-1600 ext. 2515)

- A minimum of 1.2m side yard setback will be required due to windows in east wall

**Fire Department:** Robert Kirk ([rkirk@forterie.ca](mailto:rkirk@forterie.ca) or 905-871-1600 ext. 2606)

- No comments

**Niagara Peninsula Conservation Authority (NPCA):** Jessica Abrahamse ([jabrahamse@npca.ca](mailto:jabrahamse@npca.ca))

- No comments

**Canadian Niagara Power Inc. (CNPI):** Jeff Hoover ([jeff.hoover@cnpower.com](mailto:jeff.hoover@cnpower.com))

- CNPI has no concerns with severance

**Niagara Parks Commission (NPC):** Ellen Savoia ([esavoia@niagaraparks.com](mailto:esavoia@niagaraparks.com))

- No comments

## PRE-CONSULTATION AGREEMENT – COMMENTS

**Niagara Region:** Lola Emberson ([lola.emberson@niagararegion.ca](mailto:lola.emberson@niagararegion.ca))

**PPS:** Settlement Area

**GP:** Delineated Built Up Area

**ROP Designated:** Urban Area (Built Up) Area

Policies support intensification and redevelopment of underutilized parcels.

### Servicing

- Water: 150 D PVC (Local) - Alexandra Road
- Sanitary: 200 D HDPE (Local) - Alexandra Road
- Storm: 375 D Conc. (Local) - Alexandra Road

### Waste Collection (Low Density Residential)

- No limit blue/grey containers;
- No limit green containers; and,
- 2 garbage containers per property (Bi-weekly)
- **Collection will be at the curbside only**

### 2021 Fees

No provincial or regional interest, no circulation or fee required.

## Application Fees:

Note: please contact the Town for submission details and current fee's when ready to proceed

Application	Town of Fort Erie	Niagara Region	NPCA	Other
	Minor ZBA- \$3360	N/A	N/A	
Pre-Consultation Fee Deduction	\$856			
Other				
Total	\$3360- \$856=\$2504			

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Additional fees may be required at a later date based on the fee schedule by-law.
- Separate cheques shall be made payable to each appropriate agency and submitted to the Town with the complete application.

## PRE-CONSULTATION AGREEMENT – COMMENTS

- d) The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original pre-consultation meeting.
- e) The purpose of this agreement is to identify the information required to commence processing a complete application as set out in the Planning Act. Pre-consultation does not imply or suggest any decision whatsoever on the part of the Town staff or the Corporation of the Town of Fort Erie to either support or refuse the application.
- f) An application submitted without the information identified in this Pre-consultation Agreement will not be considered a complete application. If a site walk is required, the application will not be considered complete until it has taken place.
- g) All reports, documents and drawings must be submitted in paper and digital (i.e. PDF) form.
- h) The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
- i) It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
- j) If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the municipality may require a peer review. The Terms of Reference for a peer review is determined by the Municipality or Region and paid for by the applicant.
- k) Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.



Click or tap to draw a measurement line. Double-click/tap to finish.



Click or tap to draw a measurement line. Double-click/tap to finish. ✕



Total: 41.89 m

48.48 m

41.89 m

36.03 m

21.21 m

Total: 130.22 m



## TOWN OF FORT ERIE DEVELOPMENT CHARGES

**By-law No. 43-2014** establishes development charges for new development and redevelopment within the Town. The revenue generated by the development charge ensures that growth related infrastructure can be funded without affecting the Town's existing tax base while meeting growth needs.

### Town charges effective January 1, 2021 to December 31, 2021

CATEGORY OF SERVICE	RESIDENTIAL				NON-RESIDENTIAL		
	Singles And Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Municipal-Wide Service Area (\$56.52/m <sup>2</sup> = \$5.25/sf)		
					Commercial	Industrial	
<b>Municipal-Wide</b>	\$ 8,686	\$ 6,067	\$ 5,706	\$3,690	\$21.56/m <sup>2</sup>	\$0.00	
<b>Urban Serviced Area</b>	\$ 7,484	\$ 5,228	\$ 4,918	\$3,182	\$41.75/m <sup>2</sup>	\$0.00	
<b>TOTALS</b>	<b>\$16,170</b>	<b>\$11,295</b>	<b>\$10,624</b>	<b>\$6,872</b>	<b>\$63.31/m<sup>2</sup></b>	<b>\$0.00</b>	

### Regional Development Charges effective January 1, 2021 to December 31, 2021

CATEGORY OF SERVICE	Single/Semi Detached	Apartment 2+ bedrooms	Apartment 1 Bedroom	Other Multiple/Duplex	Special Care/Special Dwelling	Commercial per sq. ft.	Industrial per sq. ft.	Institutional per sq. ft.	Wind Turbines per sq. ft.
Roads & General Government Services	\$ 11,471	\$ 7,963	\$4,730	\$8,357	\$4,337	\$6.51	\$2.69	\$4.66	8,074
Wastewater (if available)	\$ 5,059	\$ 3,513	\$2,087	\$3,686	\$1,913	\$3.63	\$1.51	\$2.60	\$0
Water (if available)	\$ 3,582	\$ 2,487	\$1,477	\$2,610	\$1,354	\$2.58	\$1.07	\$1.84	\$0
<b>TOTALS</b>	<b>\$20,112</b>	<b>\$13,963</b>	<b>\$8,294</b>	<b>\$14,653</b>	<b>\$7,604</b>	<b>\$12.72</b>	<b>\$5.27</b>	<b>\$9.10</b>	<b>\$8,074</b>

Effective December 20, 2020	<i>Residential</i> \$/new dwelling unit	<i>Non-residential</i> \$/new (sq. ft.) of gross floor area
<b>Niagara Catholic District School Board</b>	<b>\$391</b>	No Charge

The development charge is collected at the time of issuance of a building permit as described above. Charges are not applicable if they have been previously paid on the lot which the development is occurring. The Town and Region Development Charge By-laws provide exceptions in certain cases. Please contact us for more details.

For further information on Town of Fort Erie Development Charges By-law please contact: Planning & Development Services Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 (905) 871-1600	For further information on Regional Niagara's Development Charges By-law No. 2017-98 please contact: The Corporate Services Department Regional Municipality of Niagara 2201 St. David's Road, Thorold, ON L2V 4T7 Telephone: (905) 685-1571
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## **GUIDELINES FOR THE PREPARATION OF PLANNING JUSTIFICATION REPORTS AND PLANNING JUSTIFICATION BRIEFS**

### **PURPOSE:**

The purpose of this document is to provide guidance for the preparation of Planning Justification Reports and Planning Justification Briefs. Planning Justification Reports are required to accompany submissions of development related applications such as Official Plan and Zoning By-law Amendment applications and Draft Plan of Subdivision/Condominium applications and sometimes Site Plan applications. Planning Justification Briefs are typically required for less complex applications.

All reports shall follow the guidelines contained in this document. Failure to adhere to the guidelines may result in a report being considered unsatisfactory and submitted applications being deemed incomplete.

The goal of the Reports is to provide background context of the proposal, an overview of the purpose and effect of the applications(s), and provide a professional planning rationale for the application by demonstrating how the proposal is consistent with provincial policy and conforms to applicable planning policy documents and good planning principles.

All reports must indicate the author of the report, and be signed by a Registered Professional Planner (RPP). A Candidate Member (defined by the Professional Standards Board) or a Certified Planning Technician (CPT) may also prepare the report; however it must be signed and reviewed by an RPP.

Reports will vary in content and detail depending on the nature and complexity of the proposal and applications being sought, however all reports must include the following:

- Introduction
- Site context
- Description of the proposal
- Policy and planning analysis
- Summary and conclusions
- Appendices/maps/plans



## **Planning Justification Reports:**

The framework for a Planning Justification Report is based on the following:

### **A. Introduction**

Every report must contain a brief introduction which outlines:

- Who was retained to write the report, when and by whom
- What applications(s) have been submitted or are required to support the proposal
- Date of the pre-consultation meeting(s)
- A statement of the purpose of the report

### **B. Site Context**

The site context is intended to provide an understanding of where the proposal is located and the characteristics of the site and the surrounding area. This section of the report contains:

- A description of the location, existing condition and existing land uses of the subject lands
- A description of the surrounding land uses and important features such as roadways, significant buildings/features or characteristics of the area
- Identification of constraints affecting the site such as hazards, natural heritage features, access restrictions, servicing restrictions, cultural restrictions, etc.
- Identification of any lands of the site that may be regulated by the Niagara Peninsula Conservation Authority
- Identification of any other known development proposals affecting the area
- Maps or reference to appendices that help provide context for the site and surrounding land uses, such as surveys, aerial photographs, site photos, maps, etc.

### **C. Description of Proposal**

The description of the proposal is to provide detailed information to allow the reader to understand the purpose and outcome of the application(s). This section of the report must provide details about proposed uses, proposed buildings and siting, if known, the planning history of the site (i.e. previous applications), identification of how the lands will be serviced and any previous consultations with the Town, Region and Conservation Authority.

Where modifications to the Official Plan are proposed, a detailed description of the proposed amendment and proposed modification should be included.

Where modifications to the Zoning By-law provisions are proposed, a detailed concept plan should be provided illustrating all applicable zoning regulations, (i.e.

lot frontage, setbacks, coverage, encroachments, building height, parking (number and size of parking spaces, and driveway aisles), etc.).

The description of the proposal will also list and provide a brief description of other technical supporting studies that have been submitted as a part of a complete application, in support of the application(s) and how these relate to applicable planning policies (i.e. Traffic Impact Studies, Noise and Vibration Assessments, Archeological Studies, Functional Servicing Studies, Urban Design Brief, etc.).

#### **D. Policy and Planning Analysis**

The policy and planning analysis is the basis for establishing why a proposal should be considered and approved. The analysis must provide an outline of applicable planning policy documents and regulatory context quoting specific policies that are relevant to the proposal. The analysis must establish a basis for the application(s) by providing detailed analysis of the identified relevant policies and explain how the proposal conforms to the policies. Where changes to the Official Plan and/or Zoning By-law are proposed, the analysis must discuss the appropriateness of the requested amendments, including the policy basis for any requested modifications that are specific to the proposal. The following planning documents must be addresses as part of the policy and planning analysis:

1. Provincial Policy and Legislation
  - Provincial Policy Statement
  - Growth Plan for the Greater Golden Horseshoe
2. Municipal Policy
  - Region of Niagara Official Plan
  - Town of Fort Erie Official Plan
  - Council Approved Guidelines an Studies
3. Zoning By-law

If during the pre-consultation meeting specific policies were identified that need to be addressed in the Planning Justification Report, the policy and planning analysis should include an analysis of those specific policies and discuss how the proposal is supported by those specific policies.

The policy and planning analysis section is intended to provide a rationale and opinion as to why the proposal is appropriate, in terms of how the proposal addresses good planning principles. This may include a discussion of how the proposal contributes to creating complete, vibrant communities; and /or how potential negative impacts have be mitigated or avoided.

The analysis should also include a summary of the findings of other technical supporting studies that make up a complete application and discuss how the findings of these studies are supported by the policy context and strengthen the proposal greatly.

Applications which propose residential uses must provide an analysis of proposed densities and unit counts compared to the requirements in the applicable policy documents and demonstrate how the proposed density is in conformity with Provincial and/or municipal plans.

In some cases policy documents or zoning by-laws affecting lands may have been adopted or approved by Council, but are under appeal. In these cases, the documents are not in effect, but are relevant to the proposal. The Planning Justification Report should address the policies in the documents as part of the planning analysis and identify changes are needed if the document or zoning by-law were in effect.

## **E. Summary and Conclusions**

This section of the Report will provide a summary and concluding remarks outlining:

- The purpose and effect of the application(s), including why the requested amendments(s) are necessary
- A summary of the key relevant plans and policies and how they are being addressed
- A summary of the key merits of the application and
- Final recommendations

## **F. Appendices/Maps/Plans**

The following visual aids and/or appendices are typically included in Planning Justification Reports and should be included where applicable:

- Maps, including aerial photographs, land parcel mapping and surveys
- Street level photographs/renderings of the land subject to the proposed application(s)
- Official plan maps of land use designations
- Zoning maps
- Concept plans or site plans
- Official Plan amendment sketch and copy of Official Plan amendment
- Zoning By-law amendment sketch and cop of Zoning By-law amendment
- Draft plan of subdivision
- Supporting technical studies

### **Planning Justification Briefs:**

For less complex proposals a Planning Justification Brief may be requested instead of a full Planning Justification Report. A Planning Justification Brief may be included as a covering letter for a formal application or as a short report. The Planning Justification Brief should give a summary of the proposal, outline merits of the proposal based on good planning principles, explain briefly how the proposal is consistent and conforms to

Provincial, Regional and Town policy plans and documents, and for minor zoning or official plan amendments the brief should address the policies in the Town's Official Plan Section 13.7 III. The requirement for a Planning Justification Brief will be determined on a case by case basis at the pre-consultation meeting.

Planning Justification Briefs must include at a minimum:

- A description of the proposal and site context
- A summary addressing how the proposal meets the general intent of provincial, regional and municipal policies specific to the lands
- A summary of how the proposal is consistent with good planning principles

**2020**  
**LOCAL PLANNING CONSULTANT CONTACT LIST**

**Niagara Planning Consultants**

- QUARTEK GROUP- 91 St. Paul St, St. Catharines - (905) 984-8676
- NIAGARA PLANNING GROUP - 4999 Victoria Ave, Niagara Falls - 905-321-6743
- UEM CONSULTING- 4701 St. Claire Ave, Niagara Falls - (905) 371-9764
- UPPER CANADA CONSULTANTS - 30 Hannover Dr, St Catharines - (905) 688-9400
- BETTER NEIGHBOURHOODS - 190A Ontario St, St. Catharines - (905)-684-8585
- SUSAN WHEELER & ASSOCIATES - 289 Victoria St, Niagara-On-The-Lake - (905) 650-1275
- PLW CONSULTANTS - 35 Jarvis St, Fort Erie - 905-658-5314
- PETER J SMITH AND COMPANY - 715 Lakeshore Rd, Fort Erie - 905-871-2200
- STEPHEN BEDFORD CONSULTING INC - 122 Glenwood Ave, St. Catharines - 905-688-2610
- STEVEN RIVERS - Port Colborne - 905-733-8843
- SULLIVAN PLAN - 707 East Main Welland - 905-325-9096

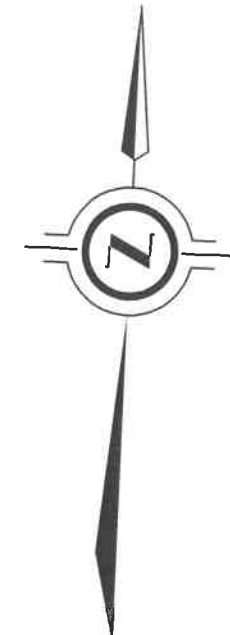
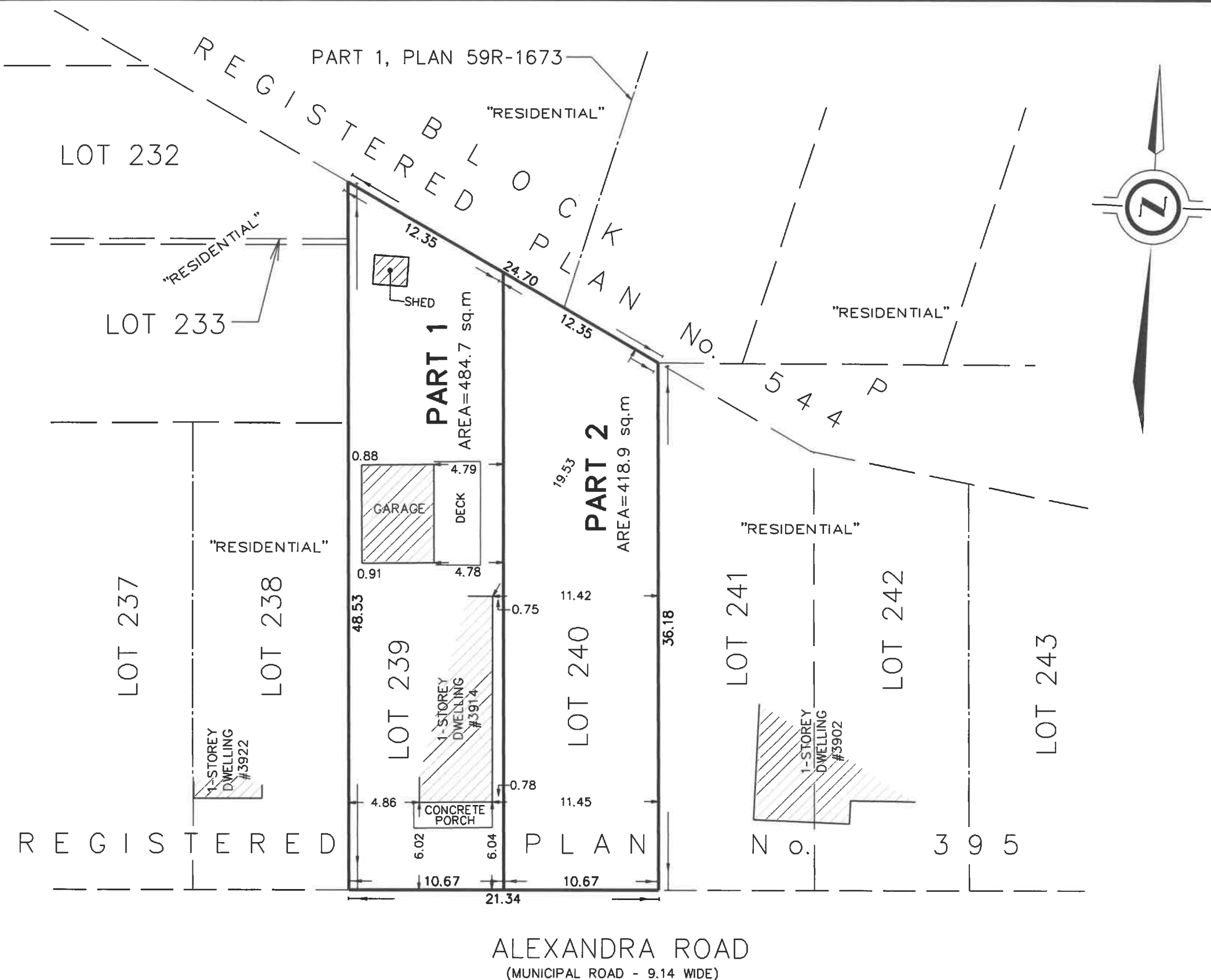
**Hamilton/Halton Planning Consultants**

- A. J. CLARKE AND ASSOCIATES LTD. - 25 Main St W, Hamilton 905-528-8761
- T. JOHNS CONSULTING - 310 Limeridge Rd W, Hamilton - 905-574-1993
- ALMOST THERE, INC. - 3310 S Service Rd, Burlington - (416) 460-6650
- FOTHERGILL PLANNING & DEVELOPMENT INC. - 62 Daffodil Cres, Ancaster - 905-304-6482
- MCKIBBON WAKEFIELD INC. - 3310 S Service Rd #205, Burlington - 905-631-8489
- DILLON CONSULTING LIMITED - 1155 North Service Rd W, Oakville - 905-901-2912
- J. H. STEVENS, PLANNING & DEVELOPMENT CONSULTANTS 905-796-9017
- RUTH VICTOR AND ASSOCIATES - 191 Main St S, Waterdown - 905-257-3590
- IBI GROUP, HAMILTON - 360 James St N #200 - 905-546-1010
- KLM PLANNING PARTNERS INC. - 64 Jardin Dr, Concord - 905-669-4055

## Appendix II

### Survey Sketch

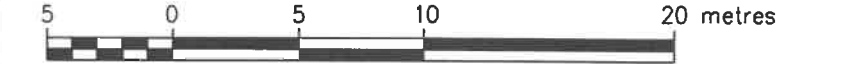




**NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY**

SKETCH FOR PLANNING PURPOSES ONLY

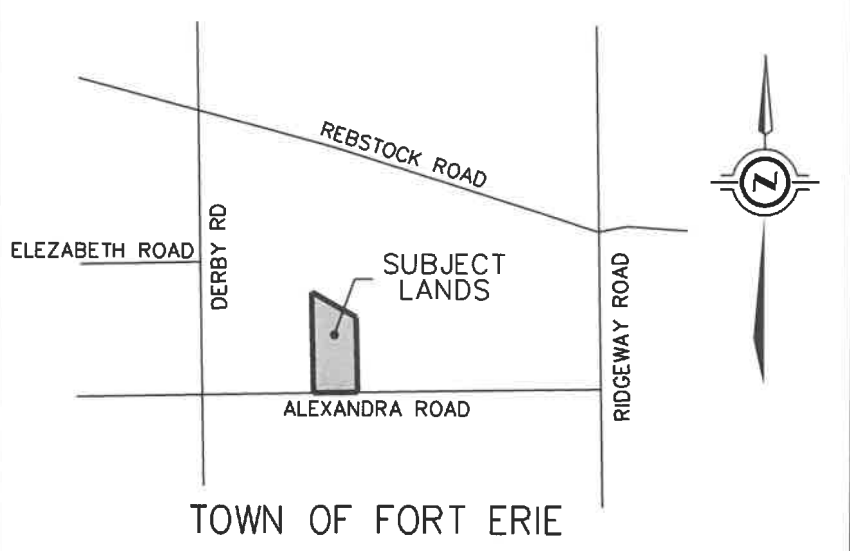
**3914 ALEXANDRA ROAD**  
TOWN OF FORT ERIE  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 300



J.D. BARNES LIMITED  
© COPYRIGHT 2021

**METRIC NOTE**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



**LEGAL DESCRIPTION**

LOTS 239 AND 240, REGISTERED PLAN No. 395  
BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN OF SURVEY.

July 20, 2021  
DATE

*[Signature]*  
DASHA FACE  
ONTARIO LAND SURVEYOR

**CAUTION**  
(A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.  
(B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

**J.D. BARNES LIMITED**  
SURVEYING MAPPING GIS  
LAND INFORMATION SPECIALISTS  
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4  
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

TW	DRAWN
DR	CHECKED
DATED: JULY 5/2021	
Ref. No. 21-16-059-00	

G:\2021\21-16-059\00\Drawing\21-16-059-00 LDC.dgn PLOTTED 8/20/2021

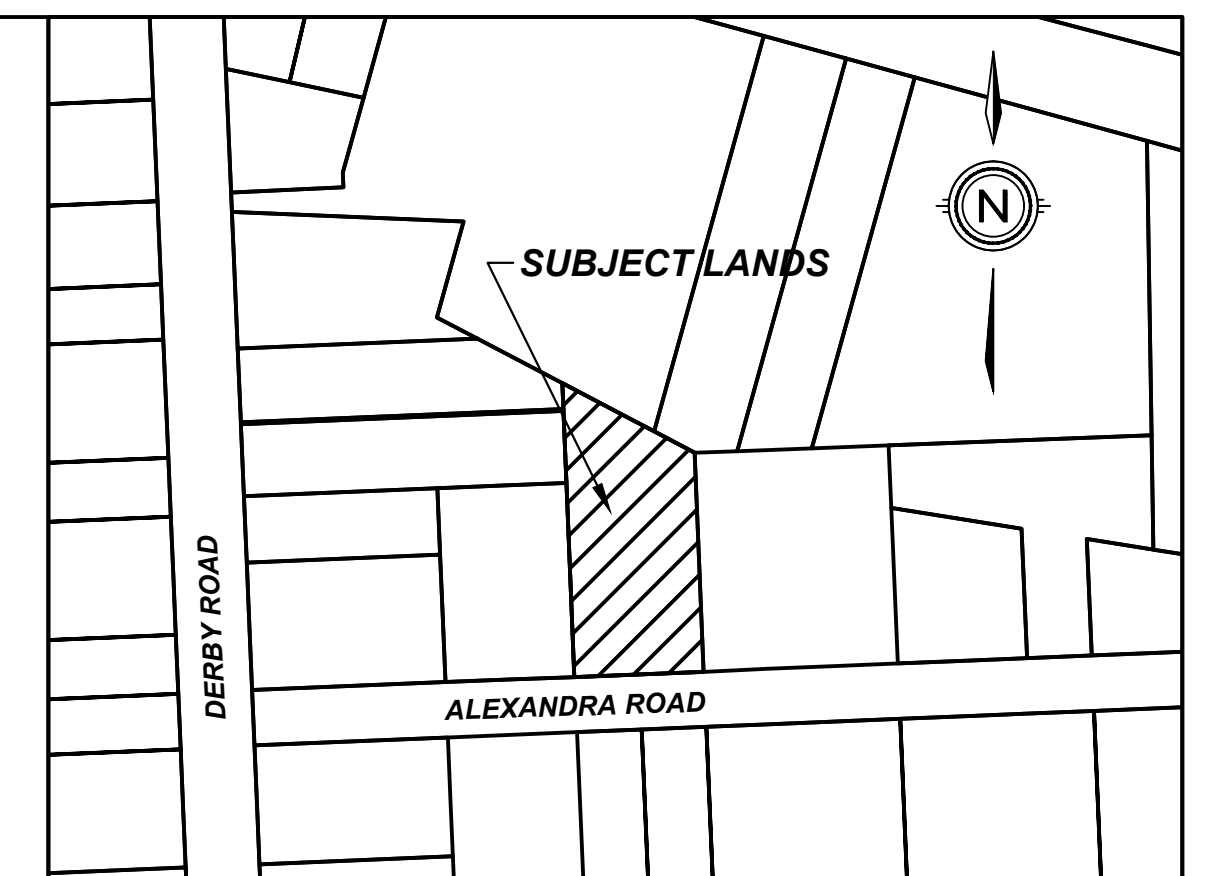
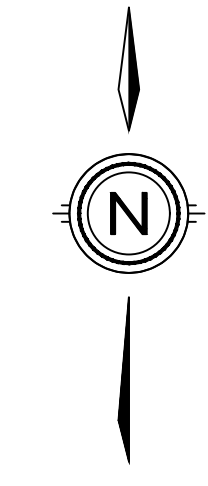
**Appendix III**  
**Conceptual Site Plan**





# 3914 ALEXANDRA ROAD

## TOWN OF FORT ERIE



### KEY PLAN

N.T.S.

### LEGAL DESCRIPTION

LOTS 239 AND 240  
REGISTERED PLAN NO. 395  
TOWN OF FORT ERIE  
REGIONAL MUNICIPALITY OF NIAGARA

### ZONING MATRIX

PROVISION	ZONING (R2B)	PROVIDED
MIN. LOT FRONTAGE	10m	10.67m
MIN LOT AREA	280m <sup>2</sup>	418.075m <sup>2</sup>
MIN. FRONT YARD	6m to garage / 3m to other parts of dwelling	6m to garage / 7.52m to dwelling
MIN. SIDE YARD	1.2m for one story / 1.5 for anything greater than 1 storey / 3m where there is no attached garage or carport	1.2m
MIN EXTERIOR SIDE YARD	3m / 6m if there is an attached garage or carport of the exterior side	N/A
MIN REAR YARD	5m for one story / 7m for anything greater than 1 storey	11.57m
MAX. BUILDING HEIGHT	1.5 storeys / 7.5m	1 storey
MAX LOT COVERAGE	50% for one story / 40% for anything greater than one storey	33%

#	REVISION	DATE	INIT
0	ISSUED FOR REVIEW	2021.11.25	



<b>CONCEPT PLAN</b>	DRAWING TITLE	DRAFTING	AV
		DATE	NOVEMBER 25, 2021
		PRINTED	NOVEMBER 25, 2021
		SCALE	1:150
	DWG No.	REV	
	<b>21188-CP</b>	<b>0</b>	