

NOTICE OF REFUSAL

Municipal Address: 3331 Dominion Road, Fort Erie
Owner: Nervily Ketheesan
Applicant: Cantam Group Ltd. (Yaso Somalingnam)
File Number(s): ZBA-04-2025

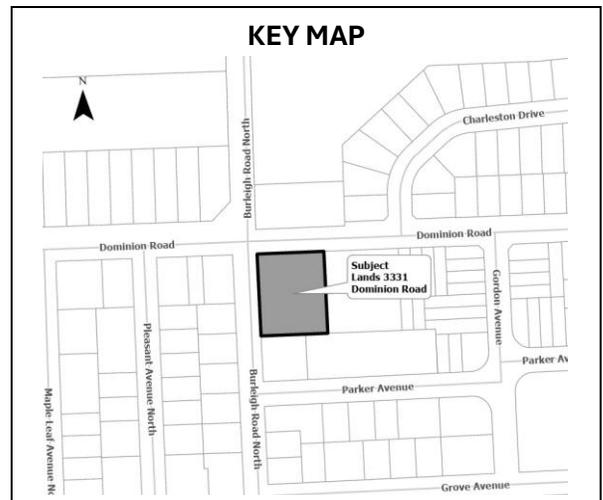
TAKE NOTICE that the Zoning By-law Amendment application for 3331 Dominion Road was **refused** by the Council of the Town of Fort Erie on January 26, 2026.

Council considered all written and oral submissions received before the decision.

REASON(S) FOR THE REFUSAL

The Council of the Town of Fort Erie refused the Zoning By-law Amendment application for the following reasons:

- built form that is not compatible with the neighbourhood;
- building height and scale imposes undue massing impacts to neighbouring parcels, is out of character for the area, and negatively impacts the streetscape;
- insufficient landscaped area and amenity area for the number of units proposed;
- insufficient functionality of on-site vehicle parking to accommodate all ADUs and visitor parking.



PURPOSE AND EFFECT

The purpose and effect of this Zoning By-law Amendment was to rezone the subject lands from Hazard (H) Zone and Residential 1 (R1) Zone to a site-specific Residential Multiple 1 (RM1) Zone to permit development of a 3-storey block townhouse with 8 dwelling units (Building A), a 4-storey back-to-back block townhouse with 9 primary dwelling units and 4 accessory dwelling units (Building B), and a 4-storey back-to-back block townhouse with 6 primary dwelling units and 4 accessory dwelling units (Building C). This application also proposed to realign the Hazard (H) Zone boundary to reflect a cut-and-fill permit for the site that was issued by the Niagara Peninsula Conservation Authority (NPCA).

APPEAL INFORMATION

The last day for filing an appeal to the Ontario Land Tribunal (OLT) is February 26, 2026.

Only the Minister, the applicant, specified persons, public bodies, and the registered owner of the land to which the by-law would apply, as defined in the *Planning Act*, may appeal the decision of Council to the OLT.

The notice of appeal must be filed with the Clerk or submitted through the OLT's e-file portal (<https://olt.gov.on.ca/e-file-service>), must set out the reasons for the appeal and the specific part of the proposed official plan amendment to which the appeal applies, and be accompanied by the fee required by the OLT. More information on fees can be found on the OLT's website: <https://olt.gov.on.ca/fee-chart>

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was refused, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

The decision of the Town of Fort Erie Council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

More Information:

Application materials are available for review on the Town's website: <https://www2.forterie.ca/resource/planningApplications.xsp>



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CONTACT

Daryl Vander Veen, Intermediate Development Planner
Planning, Building and By-law Services
dvanderveen@forterie.ca
905-871-1600 x. 2509

Dated at the Town of Fort Erie on February 6, 2026.

PROPERTY DATA: 1331 DOMINION ROAD, FORT ERIE, ONTARIO
 EXISTING ZONE: RESIDENTIAL 1 (R1) ZONE

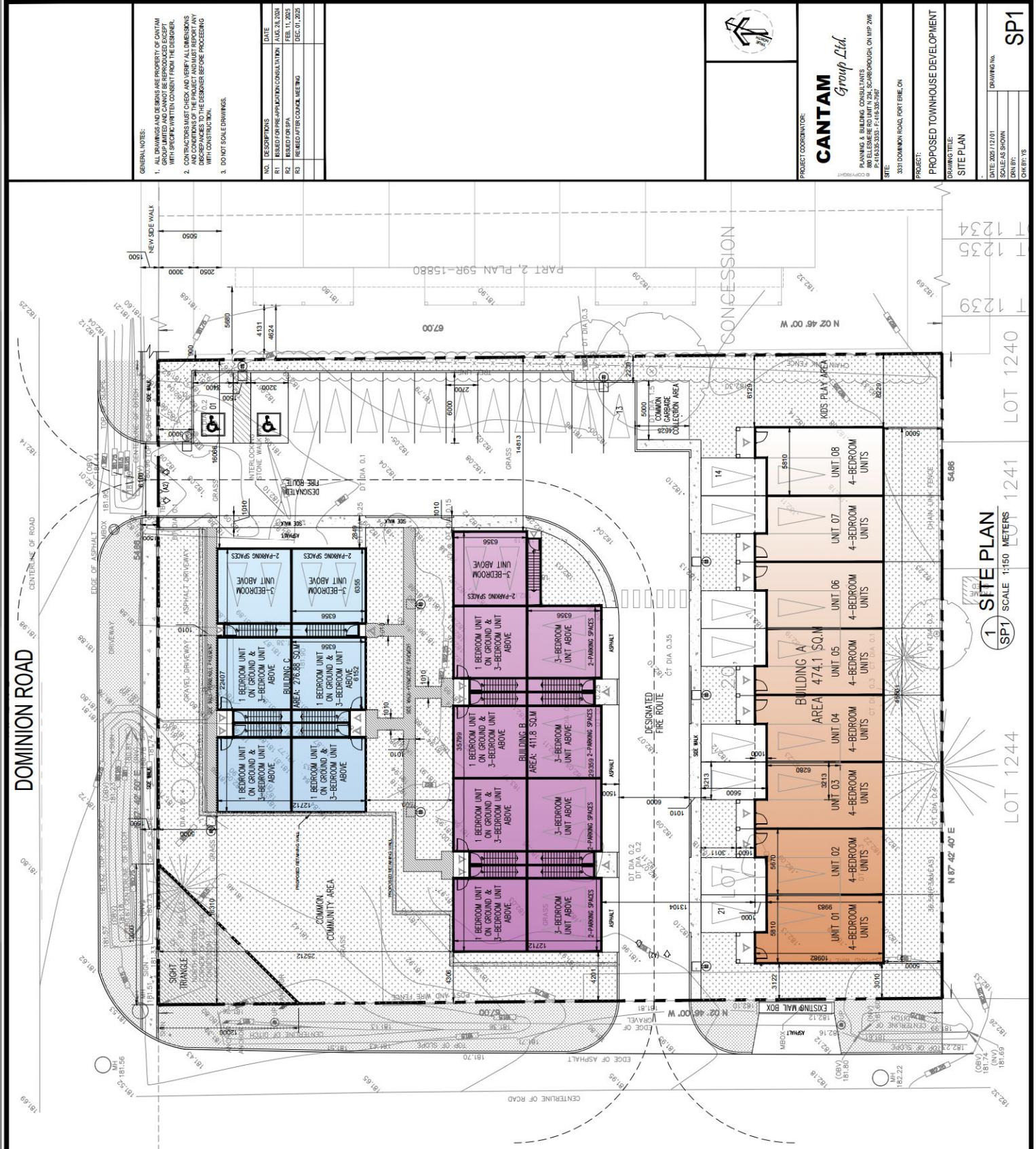
SITE STATISTICS

LOT AREA	PROPOSED	RE-ZONE RESIDENTIAL MULTIPLE (R1M)
	3,672.20 SQ.M (0.377 ha)	MIN. 4,000m ²
LOT USAGE	BLOCK TOWNHOUSE	BLOCK TOWNHOUSE
LOT FRONTAGE	MIN. 6.0 M STREET TOWNHOUSE LOTS MIN. 5.8 M PER UNIT (TYPE A) MIN. 5.0 M STREET TOWNHOUSE COR. MIN. 5.0 M PER UNIT (TYPE B & C)	
LOT COVERAGE	BLOCK A 494.10 SQ.M (12.84%) BLOCK B 414.90 SQ.M (11.30%) BLOCK C 798.98 SQ.M (21.75%) TOTAL 1,707.98 SQ.M (46.49%)	MAX. ALLOW FOR BLOCK TOWNHOUSE
BUILDING SETBACKS	FRONT YARD BUILDING A: 31.57 M TO GARAGE BUILDING B: 25.27 M TO GARAGE BUILDING C: 25.27 M TO BUILDING B BUILDING C: 25.27 M TO BUILDING C BUILDING C: 25.27 M TO GARAGE BUILDING C: 25.27 M TO BUILDING C	MIN. 6.0 M GARAGE MIN. 4.0 M OTHERS AT WALLING
	INTERIOR YARD BUILDING B: 3.45 M BUILDING C: 3.45 M	MIN. 1.5 M
	EXTERIOR YARD BUILDING C: 6.07 M TO GARAGE BUILDING A: 3.01 M TO BUILDING A BUILDING B: 4.20 M TO GARAGE BUILDING B: 4.30 M TO BUILDING B BUILDING C: 4.30 M TO GARAGE BUILDING C: 4.30 M TO BUILDING C	MIN. 6.0 M CARPORT/GARAGE MIN. 3.0 M
REAR YARD	BUILDING A: 3.00 M BUILDING B: 29.98 M BUILDING C: 29.32 M	MIN. 6.0 M
BUILDING HEIGHT	BUILDING A: 3-STOREYS 9.90 M (BEG. 5-1.5 STOREYS) BUILDING B: 3-STOREYS 12.50 M (BEG. 5-1.5 STOREYS w/ ROOF DECK)	1) 3-STOREYS 2) MAX. 12.0 M
NUMBER OF UNITS IN A TOWNHOUSE ROW	BUILD-A: 8 UNITS IN A ROW BUILD-B: 5 UNITS IN A ROW BUILD-C: 2 UNITS IN A ROW TOTAL UNITS: 25 UNITS	MAX. 8 UNITS
DISTANCE BETWEEN BUILDINGS	BUILDING A BUILDING B BUILDING C	MIN. 1.0 M EXCEPT FOLLOWING: MIN. 1.5 M TO SIDE WALLS MIN. 3.0 M END-TO-END WALLS TOTAL
TOWNHOUSE PER LINE UNIT (G/A (GARAGES GARAGE))		
PRIVACY AREA		MIN. 4.5 M DEPTH
UNIT DENSITY	23 UNITS PER RECTARE (6 UNITS PER RECTARE)	35 UNITS PER RECTARE
LANDSCAPE AREA (including light, storm)	1296.63 SQ.M (35.07%)	MIN. 50.0%
PLANTING STRIP	0.80 M (cont)	MIN. 4.5 M ABUTS STREET
PARKING SPACES	43 PARKING SPACES PROVIDED	BLOCK TOWNHOUSE: 15 PER MAN DWELLING UNIT AND 1 PER ADU - 62.5 SPACES TOTAL - 43 PARKING SPACES
PARKING STALL DIMENSIONS	2.7 x 6.0 M - STANDARD 3.0 x 6.0 M - W/ OBSTRUCTION	SCHEDULE "D": 2.7 x 6.0 M 3.0 x 6.0 M - W/ OBSTRUCTION 1.0 M WIDTH WHEN PARKING SPACES A MORE THAN 1.0 M IN HEIGHT.
SPLIT TRAILWAY	12.0 X 12.0 M	7.0 X 7.0 M

LEGEND

- ▲ BUILDING ENTRANCE
- ◊ (A1) ONE WAY TRAFFIC 3.0M MIN.
- ◊ (A2) TWO WAY TRAFFIC 6.0M MIN.
- LIGHT POLE
- EX. BUILDING TO BE REMOVED
- FENCE
- PROPERTY LINE
- 100mm CONCRETE CURB
- ▨ LANDSCAPE & SID. AREA

DOMINION ROAD



1 SITE PLAN
 SP1 SCALE 1:150 METERS

PROJECT: PROPOSED TOWNHOUSE DEVELOPMENT
 DRAWING NO. SP1
 DATE: 2024/12/01
 SCALE: AS SHOWN
 DRAWN BY: CHIKRYYS
 CHECKED BY: CHIKRYYS

PROJECT COORDINATOR:
CANTAM Group Ltd.
 PLANNING & BUILDING CONSULTANTS
 80 ELLERSHIE RD UNIT 224, SCARBOROUGH, ON M1P 2W6
 P: 416-335-3353 F: 416-335-3707
 SITE: 3331 DOMINION ROAD, FORT ERIE, ON

GENERAL NOTES:

- ALL DRAWINGS AND DESIGNS ARE PROPERTY OF CANTAM GROUP LIMITED AND CANNOT BE REPRODUCED EXCEPT WITH SPECIFIC WRITTEN CONSENT FROM THE DESIGNER.
- CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES AND STRUCTURES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.
- DO NOT SCALE DRAWINGS.

NO.	DESCRIPTIONS	DATE
R1	ISSUED FOR PRE-APPLICATION CONSULTATION	AUG. 24, 2024
R2	ISSUED FOR SPA	FEB. 11, 2025
R3	REVISED AFTER COMMA MEETING	DEC. 01, 2025