



## Planning and Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-46-2023
<b>Agenda Date</b>	June 26, 2023	<b>File No.</b>	350309-0566

<b>Subject</b>	
<b>PROPOSED ZONING BY-LAW AMENDMENT 0-1215 LAVINIA STREET OWNER - VENANZIO PINGUE AGENT - AIMEE POWELL (POWELL PLANNING &amp; ASSOCIATES)</b>	

<b>Recommendation</b>	
<b><u>THAT</u></b>	Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-46-2023 for the lands known as 0-1215 Lavinia Street, and further
<b><u>THAT</u></b>	Council directs Staff to submit the necessary By-law.

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

<b>List of Stakeholders</b>	
Venanzio Pingue (Owner) Aimee Powell – Powell Planning & Associates (Agent) Residents and Property Owners in the Town of Fort Erie	

<b>Prepared by:</b>	<b>Submitted by:</b>	<b>Approved by:</b>
<b><i>Original Signed</i></b> Samantha Yeung Junior Development Planner	<b><i>Original Signed</i></b> Anamika Dilwaria, M.Pl., MCIP, RPP Director, Planning & Development Services	<b><i>Original Signed</i></b> Chris McQueen, MBA Chief Administrative Officer

### **Purpose**

The purpose of this report is to provide information and recommendation to Council for the Zoning By-law Amendment application. The Recommendation Report is being presented to Council the same evening as the Public Meeting as there is a lower level of interest from residents in the area, the proposal complies with the Town, Regional and Provincial policies and will assist in meeting timelines outlined in Bill 109.

The Zoning By-law Amendment application for the subject property known as 0-1215 Lavinia Street was submitted by, Aimee Powell of Powell Planning and Associates on behalf of the property owner, Venanzio Pingue. A location map showing the subject lands is attached as **Appendix “1”**.

The Owner is requesting to rezone the subject property from Residential 2 (R2) Zone to Residential 3 (R3) Zone to facilitate the construction of a semi-detached dwelling. A zoning amendment is required as semi-detached dwellings are not permitted in the R2 zone. A preliminary site plan illustrating the proposed development is attached as **Appendix “2”**.

### **Nature of the Site**

The subject property is located on the south side of Lavinia Street and east of Battery Street in the Southend neighbourhood of the Town of Fort Erie. The subject property has a lot area of 917 m<sup>2</sup> (0.0917 ha) and 20.2 metres of lot frontage. The nearest public open space is located approximately 230 m east of the subject property along the waterfront of Lake Erie. The following summarizes the land uses surrounding the subject property:

<b>North:</b>	Single detached and duplex dwellings, and Lavinia Street;
<b>South:</b>	Single detached, duplex and fourplex dwellings, and Murray Street;
<b>East:</b>	Single detached, duplex and sixplex dwellings, and mixed-use along Niagara Boulevard;
<b>West:</b>	Single and semi detached 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. Land use patterns within these areas are based on a mix of land uses that provide efficient use of land,

resources, and infrastructure that are planned or available. The PPS directs planning authorities to accommodate the supply and range of housing types through intensification and redevelopment where appropriate. The proposal complies with the policies outlined in the PPS as it will introduce gentle intensification in a neighbourhood that has a mix of housing forms and access to existing municipal infrastructure.

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

The Greater Golden Horseshoe Growth Plan Area designates the subject lands as Delineated Built-up Area. The Growth Plan requires 50% of new development in the Niagara Region to occur in a Built-up Area. The Growth Plan contains policies that encourage intensification, and the development of complete communities with a diverse mix of land uses. The proposal will assist the Town in achieving this intensification target. The proposed development represents efficient use of urban land and intensification of an underutilized parcel.

### **2022 Niagara Official Plan (NOP)**

The Niagara Official Plan (NOP) identifies the subject property as being within the Urban Area Designation and the Delineated Built-up Area in accordance with Schedule B of NOP. The policies of the NOP encourage development, including a mix of housing types, in Built-up Areas where municipal services exist or are planned. The proposed development will support the achievement of a complete community by providing alternative housing forms within the neighbourhood which have local municipal services.

### **Town of Fort Erie Official Plan and Southend Secondary Plan**

The subject property is located within the Urban Boundary in accordance with Schedule A of the Official Plan. The subject property is also identified within an area of archaeological potential and is located within the Peace Bridge Zone of Sensitivity as shown on Schedule D and D1 of the Official Plan. Subsection 11.4 (VII) of the Official Plan states where development is proposed on lands within the Peace Bridge Zone of Sensitivity, an archaeological assessment shall be conducted. A Stage 1 and 2 Archaeological Assessments and a Ministry Letter of Acknowledgement were submitted and have been satisfactorily reviewed by the Niagara Region.

Further, Schedule B illustrates that the subject lands are located within a petroleum resource area. Section 7.3 of the Official Plan requires the protection of petroleum resource operations (wells) with a minimum setback of 75 metres. Staff note that there are no active wells within 75 metres of the subject property as identified on the Ministry of Natural Resources and Forestry (MNR) mapping.

The Town of Fort Erie Southend Secondary Plan was initiated for the mature and mostly built-out environment of the Southend neighbourhood. The Secondary Plan's general goal aims to revitalize the waterfront commercial district and encourages infilling and vacant land development for residential purposes in efforts to support the economy of

waterfront commercial uses. The Secondary Plan provides an opportunity for residential development in proximity to the waterfront and encourages infill lands to have an appropriately higher density than the surrounding land uses.

The subject property is within 200 m of the waterfront area and is designated Low-Density Residential in the Southend Secondary Plan. This designation is reserved for land uses including single detached, semi-detached and duplex dwellings, and uses accessory thereto. Subsection 4.21.7 (b) outlines development within the low-density designation may result from vacant infill lots or consent. The subsection also indicates the neighbourhood has a targeted mix of 70% for low-density build form and development shall make efficient use of existing and proposed infrastructure.

Regarding the permitted density range, the designation permits a low-density range of up to 16 units per hectare. The proposed development will have a density of 21 units per hectare however, Subsection 4.21.7 (c) permits a medium-density development on lands designated low-density residential through a Zoning By-law Amendment with considerations of the proposed size of the site, compatibility, proximity to arterial roads, and open space areas. As such, an Official Plan Amendment is not required to facilitate this proposal.

The proposal aligns with Secondary Plan as it will introduce gentle residential intensification in the urban area, have access to existing municipal services, and will contribute to the 70% residential target for low-density development. As such, the proposal meets the overall intent of the Official Plan.

### **Comprehensive Zoning By-law No. 129-1990**

The subject property is zoned Residential 2 (R2) in accordance with the Town's Comprehensive Zoning By-law No. 129-90, as amended, which permits the use of single detached dwellings and accessory apartment dwellings. A Zoning By-law Amendment is required to rezone the subject property for the construction of a semi-detached dwelling.

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

<b>Zoning Regulation</b>	<b>Standard R3 Zone Requirement</b>	<b>Proposed Site-specific R3 Zone</b>	<b>Planning Comment</b>
<b>Minimum Unit Frontage</b>	9.5 m	10.1 m	The proposed unit frontage exceeds the zoning requirement.
<b>Minimum Lot Area</b>	305 sq m	~458 m <sup>2</sup> per lot 917 m <sup>2</sup> in total	The proposed lot area exceeds the zoning requirement.
<b>Maximum Lot Coverage</b>	1 storey – 60 % 2 storey – 40%	23%	The proposed lot coverage is less than the

			maximum lot coverage and provides sufficient space for on-site parking and amenity space.
<b>Minimum Front Yard Setback</b>	6 m to garage 3 m to other parts of dwelling	6 m to dwelling 7.6 m to garage	The front yard setback meets the zoning requirement.
<b>Minimum Interior Side Yard Setback</b>	1.2 m + additional 0.5 m for every storey above the ground floor (1.7 m)	1.9 m	The proposed interior side yard setback will meet the required 1.7 m for a two storey semi-detached dwelling.
<b>Minimum Rear Yard Setback</b>	6 m	25 m	The proposed rear yard setback exceeds the zoning requirement.
<b>Maximum Height</b>	2.5 storeys and 9 m	2 storeys	The proposed building height will be under the maximum requirement.

The subject property is a vacant parcel within a mature neighbourhood with diverse housing forms. The proposed development will make efficient use of urban serviced land and will increase the housing supply within the existing neighbourhood. The proposal meets all the zoning provisions of the R3 zone for semi-detached dwellings, as indicated in the above chart. The proposal will result in an appropriately-sized dwelling with suitable amenity space, on-site parking, and access to existing municipal services.

Further, the Owner is proposing to construct accessory basement apartments in both units of the semi-detached dwelling. The units will be accessed with an entrance on the side of the dwelling. Section 13.2 of the Zoning By-law permits an accessory apartment in R3 Zone. The accessory apartments are subject to regulations outlined in Section 6.43 of the Zoning By-law. Section 6.43 outlines regulations for the minimum floor area, number of parking, and landscaping requirements.

On November 28, 2022, Bill 23 *More Homes Built Faster Act 2022*, received Royal Assent. The Bill allows three as-of-right residential dwelling units to any parcel with a single detached dwelling, semi-detached dwelling or townhouse dwelling provided one parking space can be provided per dwelling unit. Further, the Bill prohibits any regulation regarding the minimum floor area, however, does not regulate the building design and the landscaped area. To ensure the proposal is compatible with the surrounding neighbourhood, the Owner is proposing to landscape 42% of the front yard to comply with Section 6.43 (v) of the Zoning By-law. The proposal will also provide two on-site parking spaces, one in the garage and one in the driveway for the two units, and a generous amenity area in the rear yard for future residents to enjoy.

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. Staff is supportive of the proposal as the subject property is a residential parcel located in the urban area, will utilize existing municipal services, and will conform with the Provincial, Regional, and Town policies.

### **Studies**

A Stage 1 & 2 Archaeological Assessment was prepared by Archaeological Consultants Canada (dated January 31, 2022). The purpose of the study was to assess the subject property for potential archaeological significance. The Stage 1 background research indicated there was potential for archaeological resources on site. A Stage 2 assessment was conducted on-site which confirmed that no further assessment of the property is required. Stage 1 & 2 Archaeological Assessment has been satisfactorily reviewed by the Region and no further assessments are recommended.

### **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 May 25, 2023. Property owners within 120 metres of the subject property were notified of the Open House via mail notice.

Notice of the June 26, 2023 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the June 1, 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 June 1, 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 April 17, 2023. Comments received are summarized below. Full agency and staff comments are attached as **Appendix "3"**.

A Public Information Open House was held on May 25, 2023. 4 members of the public attended the meeting for information. No further written comments were received by the Planning Department.

### **Agency Comments**

#### Enbridge Gas Inc.

Does not object to the proposed Zoning By-law Amendment.

### **Staff Comments**

#### Building Division and Fire Department

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

#### Development Engineering

Staff have no objection to the approval of the Zoning By-law Amendment. However made note that a Master Lot Grading and Drainage plan will be required as part of the future consent application to ensure proper drainage flows to a suitable outlet(s) and will have no negative impact on the abutting properties.

### **Public Concerns and Comments**

Local residents expressed concerns regarding the determination of the dwelling height due to the existing slope elevation on the subject property.

#### Planning Response

Where development is proposed on a property with various grade levels, the calculation of the building height is the vertical distance between the average finished grade along the front elevation. In discussion with the Applicant, the proposed semi-detached dwelling will give regard to the measuring method and will conform with the maximum 9 m building height as set out in the R3 zone. A conceptual rendering of the proposed dwelling is attached as **Appendix “4”**.

#### **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.

#### **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 efficient use of an underutilized, infill lot within an established neighbourhood. The proposal will provide an appropriately sized dwelling with adequate parking on-site and maximize on existing municipal services. It is consistent with the intent of the Southend Secondary Plan and aligns with the vision of the neighbourhood.

### **Attachments**

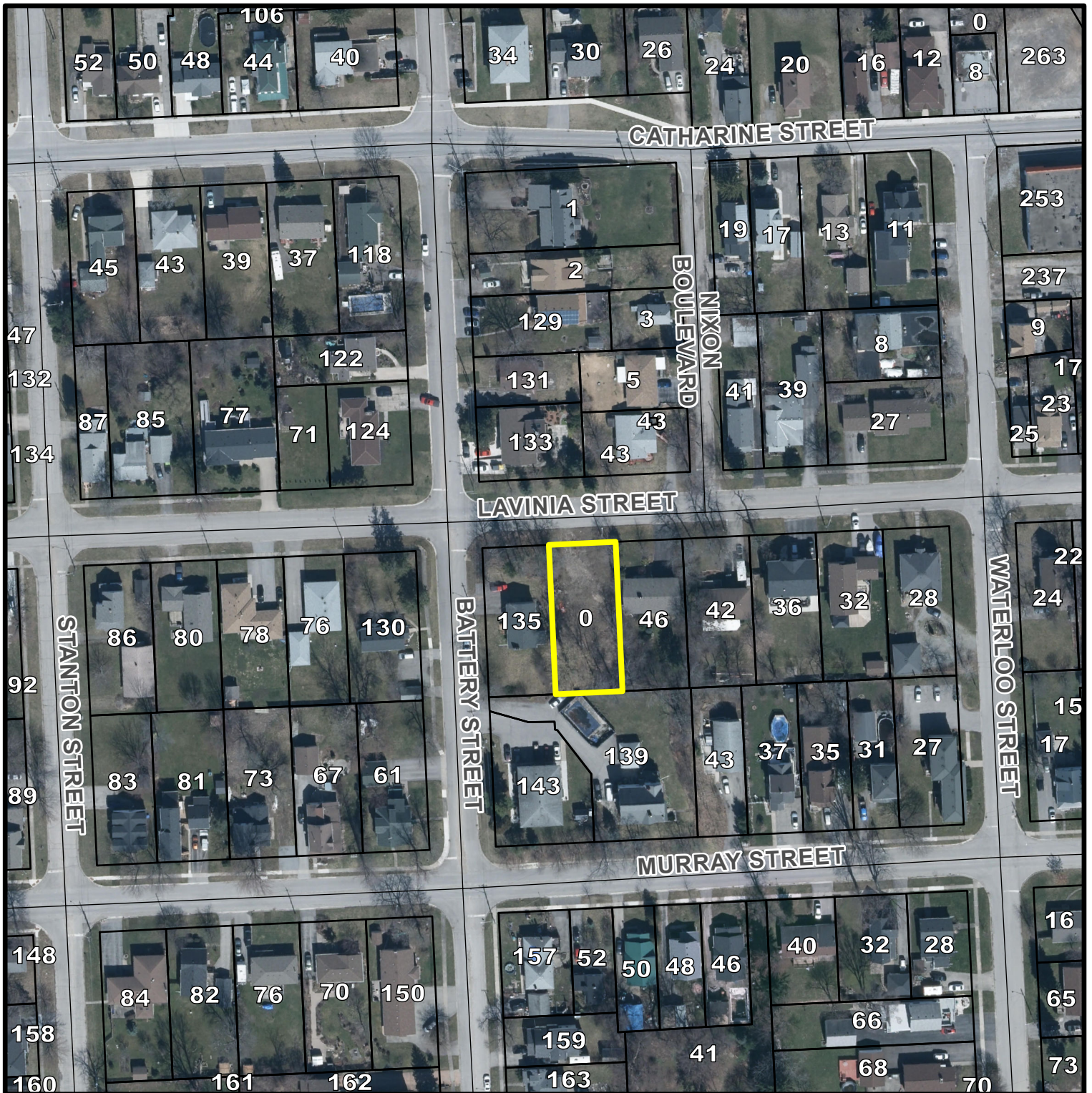
**Appendix “1”** - Location Plan

**Appendix “2”** - Preliminary Site Plan

**Appendix “3”** - Agency and Staff Comments


**Appendix “4”** – Renderings and Building Elevations





## LOCATION MAP

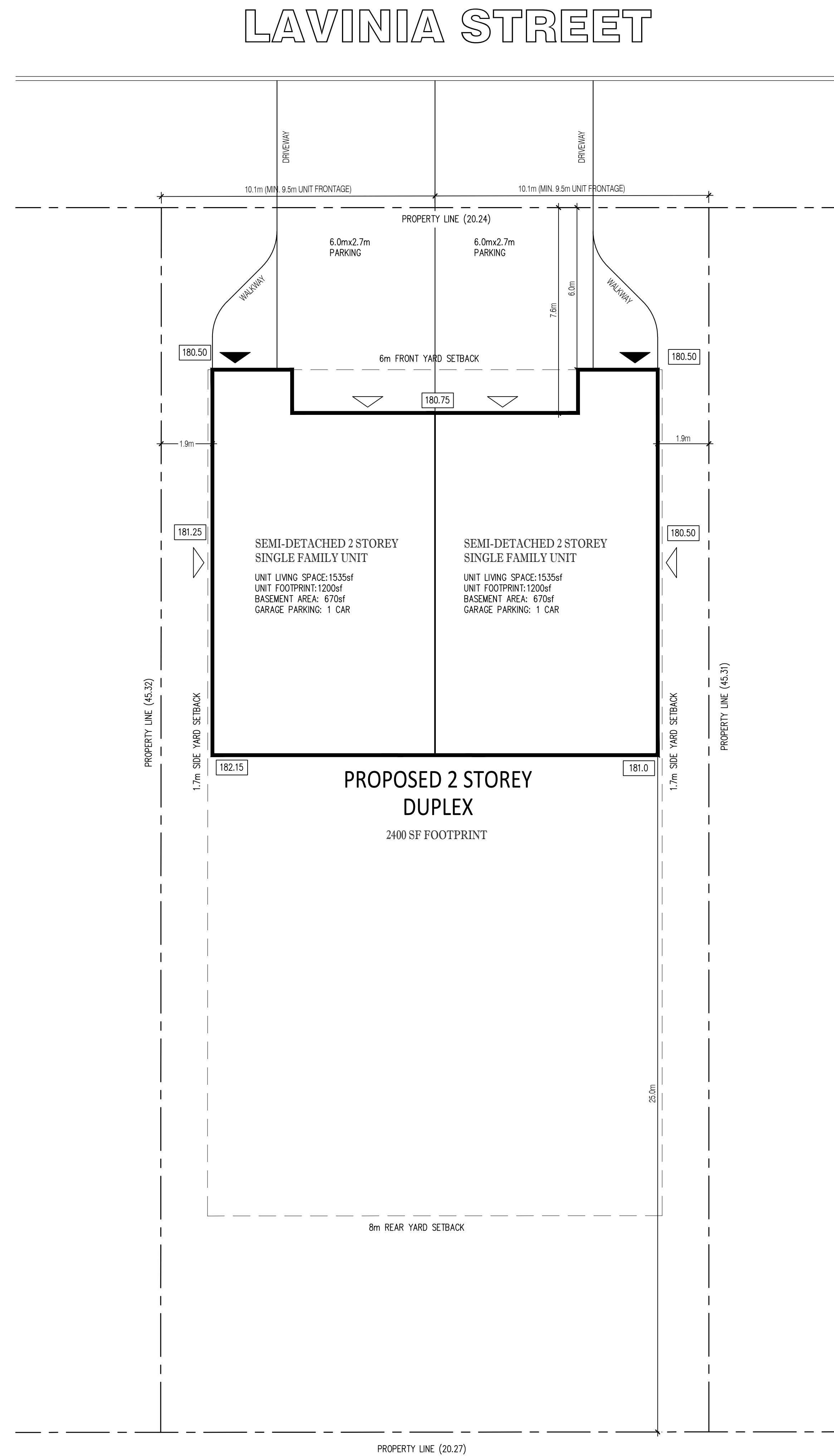
### Proposed Zoning By-law Amendment - 0-1215 Lavinia Street

 Subject Lands - 0-1215 Lavinia Street

0 25 50 100 Meters

Planning & Development Services  
Map created on June 15, 2023

ZONING CHART - ZONE R3		
Lot Area	917 sm (9,876 sf)	
ITEM	REQUIRED	PROVIDED
Front Yard Setback	6.0m	6.0m
East Side Yard Setback	1.7m	1.9m
West Side Yard Setback	1.7m	1.9m
Rear Yard Setback	8.0m	25.0m
Minimum Front Yard Landscape Area	35% (1,316sf)	42% (550sf)
Maximum Lot Coverage	40%	23%
Max Building Height	9.0m	9.0m
Minimum Unit Frontage	9.5m	10.1m
Minimum Parking Spaces	1	Garage: 1 Driveway: 1



# SITE PLAN

SCALE: 1:100

GENERAL NOTES:

LEGEND

2	SITE PLAN APPROVAL	06/07/23
1	PRELIMINARY REVIEW	05/01/21
NO.	REVISION	DATE

PROJECT:

LAVINIA STREET  
FORT ERIE, ON

**SHEET TITLE:**

## SITE PLAN

SCALE:	AS NOTED
DATE:	MAR 2023
DRAWN BY:	

PROJECT NO.:	20011
SHEET NO.:	A-1 1

# APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-46-2023 DATED JUNE 26, 2023

## 0-1215 Lavinia Street - Zoning by-law

Keegan Gennings to Samantha Yeung

05/08/2023 12:16 PM

From Keegan Gennings/FortErie  
To Samantha Yeung/FortErie@TownOfFortErie

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Hi Samantha,

I have reviewed the proposed zoning by-law amendment for 0-1215 Lavinia and have no comments.

Regards,

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



## APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-46-2023 DATED JUNE 26, 2023



RE: [External] Request for Comments - 0-1215 Lavinia Street Zoning By-law  
AmendmentMunicipal Planning to 'Samantha Yeung' 04/26/2023 09:11 AM  
From "Municipal Planning" <MunicipalPlanning@enbridge.com>  
To "'Samantha Yeung'" <SYeung@forterie.ca>

Thank you for your circulation.

Enbridge Gas 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](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Willie Cornelio** CET  
Sr Analyst Municipal Planning  
Engineering

ENBRIDGE  
TEL: 416-495-6411  
500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](http://enbridge.com)  
Safety. Integrity. Respect. Inclusion.

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**From:** Samantha Yeung <SYeung@forterie.ca>

**Sent:** Monday, April 17, 2023 12:06 PM

**To:** circulations@wsp.com; karen.singer@bell.ca; Andrew.Carrigan@Canadapost.ca;  
Sheraz.Mustafa@cnpower.com; sue.mabee@dsbn.org; Planning@ncdsb.com;  
planification@csdcs.edu.on.ca; executivedirector@fenfc.org; circulations@mmm.ca;  
aaazouz@csdcs.edu.on.ca; Ash.Neville@rci.rogers.com; John.armstrong  
<John.armstrong@rci.rogers.com>tlennard>; mdoan@npca.ca; kris.watson@cnpower.com;  
radamsky@niagaraparks.com; craig.krueger@cogeco.com; Municipal Planning  
<MunicipalPlanning@enbridge.com>; Paul.Shllaku@hydroone.com; paul.nunes@ontario.ca;  
Abby.LaForme@mncfn.ca; adam.laforme@mncfn.ca; LandUsePlanning@HydroOne.com;  
mr18enquiry@mpac.ca

**Subject:** [External] Request for Comments - 0-1215 Lavinia Street Zoning By-law Amendment

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Cond 1 (npr) ZBA re const of a two-storey semi-detached dwelling  
Good afternoon Everyone,

The Town of Fort Erie has received a Zoning By-law Amendment application for the lands municipally known as 0-1215 Lavinia Street. The subject property is designated Low Density Residential in the Southend Secondary Plan. The subject 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



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## Interoffice Memorandum

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May 8, 2023

Our File: 350309-0566

ZBA-04-2023

**To:** Samantha Yeung – Junior Development Planner  
**Cc:** Anamika Dilwaria, Manager of Development Approvals  
Brad Johnston, C.E.T., Supervisor, Development Engineering

**From:** Noah Thompson, Development Engineering Technician

**Subject:** OPA / ZBA – Proposed Semi-Detached Dwellings (2)  
Development Engineering Comments

**Address:** 0-1215 Lavinia Street

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### Roads

Lavinia Street is designated a Local road with a desired right-of-way width of 20.0m, in accordance with the Town's current Official Plan. It's current width along this section is already sufficient at 20.0m, therefore the Town will not be pursuing any subsequent widenings along Lavinia Street regarding this property.

### Sidewalks & Curbs

Curb is existing across the frontage of the subject property.

Sidewalks do not exist along the frontage of the subject property. There are no requirements for a sidewalk based on the Town's Active Transportation Component of the Official Plan.

### Linear Engineering Services

#### Lavinia Street

#### Water Services

150mm AC TOFE

Please indicated proposed water services to the Lavinia Street watermain on the site servicing/grading plan. Please provide at profile view detail indicating the proposed crossing over the sanitary.

# APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-46-2023 DATED JUNE 26, 2023

*Our File: 350509 – 0566*

*0-1215 Lavinia Street  
ZBA-04-2023*

*May 8, 2023*

## **Lavinia Street**

### **Sanitary Services**

200mm PVC TOFE

The site shall be serviced from the existing sanitary sewer on Lavinia Street.

## **Lavinia Street**

### **Storm Services**

750 Concrete TOFE

The Owner must retain at their cost, a qualified Engineer or Ontario Land Surveyor to prepare a Master Lot Grading and Drainage plan for the proposed development lots. The plan shall be submitted for review, and approved by Town staff, prior to the finalization of the future consent. Town staff will review the plan to ensure that the drainage scheme of the existing, and proposed future lots convey drainage to a suitable outlet(s), while at the same time not adversely affect abutting properties.

Weeping tile discharges via sump pump shall be required to discharge at grade towards the front yards only, and through the front foundation walls, not the side yards or from the foundation sidewalls. The house designs shall ensure this is identified adequately, and also ensure that rainwater leaders (downspouts) are directed/discharged to the front/rear of the lots as well. The location and direction of the roof water discharge pipes and sump pumps must be identified on the grading and drainage plan.

The Town shall not accommodate any piped rear yard catch basins or drainage pipe (weeping tile) that proposes to discharge flows directly to existing road-side ditches. These rear yard flows shall only be accommodated via overland conveyance only, if attainable, at an absolute minimum slope of 1.0%.

Although a preliminary scheme of the Owner's site-specific engineering design has been provided, it can be considered premature at this time, given the consent has not yet been applied for. The detailed review, and approval cannot be further completed without the Consent application filed.

### **Utilities**

The Owner must verify with the separate Utility companies (Canadian Niagara Power, Enbridge Gas, Bell Canada, and Cogeco Cable, etc.) to verify the locations of their plant infrastructure if any, and coordinate relocations of such for planning purposes with respect to proposed works on and along the Owner's property, as well as all off-site works utility needs required. It is expected that these existing / proposed Utility plant will be identified on the Owner's civil plans for both the site and / or the off-site works.

# APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-46-2023 DATED JUNE 26, 2023

*Our File: 350509 – 0566*

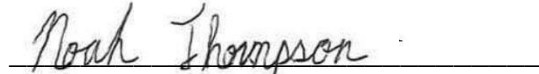
*0-1215 Lavinia Street  
ZBA-04-2023*

*May 8, 2023*

Development Engineering Staff have no further comment or objections to the approval of this Zoning By-law Amendment application.

I trust this information is satisfactory and if there are any further questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Noah Thompson". The signature is written in dark ink and is positioned above a horizontal line.

Noah Thompson, EIT.  
Development Engineering Technician

c. File No. 350309-0566 (ZBA-04-2023)

# APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-46-2023 DATED JUNE 26, 2023

**0-1215 Lavinia**

**Jessica Goodings** to Samantha Yeung

Cc Mark Schmitt

04/18/2023 03:20 PM

From Jessica Goodings/FortErie  
To Samantha Yeung/FortErie@TownOfFortErie  
Cc Mark Schmitt/FortErie@TownOfFortErie

---

Good afternoon Samantha,

Please be advised that the fire department has no comments or concerns regarding the zoning amendment for 0-1215 Lavinia.

Thanks and kind regards,

**Jessica Goodings, CFEI, CCFI-C**  
**Senior Fire Prevention Officer**  
Fort Erie Fire Department  
[www.forterie.ca](http://www.forterie.ca)  
P: 905.871.1600, ext. 2605  
C: 289-321-0019



## APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-46-2023 DATED JUNE 26, 2023



RE: Request for Comments - 0-1215 Lavinia Street Zoning By-law Amendment Planning  
to Samantha Yeung 04/21/2023 03:15 PM  
From "Planning" <Planning@ncdsb.com>  
To "Samantha Yeung" <SYeung@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, Facilities Services  
427 Rice Road, Welland, ON, L3C 7C1  
Tel: 905-735-0240 Ext. 131  
Cell: 905-933-1734



**From:** Samantha Yeung <SYeung@forterie.ca>

**Sent:** Monday, April 17, 2023 12:06 PM

**To:** circulations@wsp.com; karen.singer@bell.ca; Andrew.Carrigan@Canadapost.ca; Sheraz.Mustafa@cnpower.com; sue.mabee@dsbn.org; Planning <Planning@ncdsb.com>; planification@csdccc.edu.on.ca; executivedirector@fenfc.org; circulations@mmm.ca; aaazouz@csdccc.edu.on.ca; Ash.Neville@rci.rogers.com; John.armstrong <John.armstrong@rci.rogers.com>; mdoan@npca.ca; kris.watson@cnpower.com; radamsky@niagaraparks.com; craig.krueger@cogeco.com; MunicipalPlanning@enbridge.com; Paul.Shllaku@hydroone.com; paul.nunes@ontario.ca; Abby.LaForme@mncfn.ca; adam.laforme@mncfn.ca; LandUsePlanning@HydroOne.com; mr18enquiry@mpac.ca

**Subject:** Request for Comments - 0-1215 Lavinia Street Zoning By-law Amendment

**This email originated from outside Niagara Catholic.**

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Good afternoon Everyone,

The Town of Fort Erie has received a Zoning By-law Amendment application for the lands municipally known as 0-1215 Lavinia Street. The subject property is designated Low Density Residential in the Southend Secondary Plan. The subject 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

## **Growth Strategy and Economic Development**

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

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### **Via Email**

May 9, 2023

Region Files: D.18.01.ZA-23-0043

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

Dear Ms. Yeung:

**Re: Regional and Provincial Comments  
Zoning By-law Amendment Application  
Owner: Venanzio Pingue  
Applicant: Powell Planning (Aimee Powell)  
0-1215 Lavinia Street  
Town of Fort Erie**

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Regional staff of the Growth Strategy and Economic Development department has reviewed the Zoning By-law Amendment Application for 0-1215 Lavinia Street, Fort Erie. The Region received its circulation from the Town of Fort Erie on April 17, 2023.

The lands are currently designated Low Density Residential in the Southend Secondary Plan and are correspondingly zoned Residential 2 (R2) 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 two-storey semi-detached dwelling.

A pre-consultation meeting for this application occurred on December 8, 2022. The following comments are provided to assist the Town of Fort Erie with their review of the proposed Zoning By-law Amendment Application.

### **Provincial and Regional Policies**

The *Provincial Policy Statement, 2020* ("PPS") designates the subject land within the "Settlement Area". The *Niagara Official Plan* ("NOP") and the *Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") designates the property as "Delineated Built-up Area".

The NOP, PPS and Growth Plan together direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. The proposed Zoning By-law Amendment is located within the urban boundary and abides by Provincial and Regional growth management policies and will aid the Town of Fort Erie in reaching its residential intensification target of 50%.Region

Regional staff has reviewed the "*Planning Justification Report*" completed by Powell Planning & Associates (Dated March 2023) and is satisfied with its analysis as it adequately addresses applicable policies. Staff acknowledge that the proposal addresses the Provincial and Regional policies for the Delineated Built-up Area by contributing to the Town's intensification target and making better use of existing underutilized municipally serviced urban lands. The proposal will also contribute to the diversification of the housing supply (semi-detached dwellings).

### **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.

During the pre-consultation meet held on December 8, 2022 Regional staff requested that a stage 1-2 Archaeological Assessment be completed, accompanied by applicable acknowledgement letters from the Ministry of Citizenship and Multiculturalism.

Regional staff has reviewed the Stage 1-2 Archaeological Assessment prepared by Archaeological Consultants Canada (dated January 31, 2023). The Stage 1 background research indicated that the subject property has potential for archaeological resources of Euro-Canadian and potentially Indigenous archaeological resources due to the presence of multiple historic transportation routes, including various railroads and its location within the historic town of Fort Erie. Subsequently a Stage 2 Archaeological Assessment was conducted.

The Stage 2 assessment consisted of test pits conducted at 5 metre intervals. The Stage 2 assessment concluded that the area had been sufficiently assessed and that no further archaeological assessment of the property is required.

An acknowledgment letter from the Ministry of Citizenship and Multiculturalism (dated March 6, 2023) confirmed that the Stage 1 Archaeological Background Study and Stage 2 Archaeological Assessment were conducted under Ministry standards and guidelines and have been entered into the Ontario Public Register of Archaeological Reports. Therefore, no further archaeological assessments for the study area are recommended.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff have

included a standard warning clause in the conclusion relating to deeply buried archaeological materials that may be encountered during grading and construction activities.

## **Waste Collection**

Niagara 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 met:

- Garbage: 2 bags/cans per unit collected every-other-week.
- Recycling: weekly blue/grey boxes or carts (unlimited).
- Organics: weekly green bins or carts (unlimited).
- Curbside collection only.

## **Conclusion**

In conclusion, Regional Growth Strategy and Economic Development staff does not object to the proposed Zoning By-law Amendment application as the proposed development is consistent with the PPS and conforms to Provincial and Regional policies. The following clause is provided for the Applicant's information, should archaeological resources be found during construction activities.

*"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."*

## APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-46-2023 DATED JUNE 26, 2023

D.18.01.ZA-23-0043

May 9, 2023

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In addition, Town staff should be satisfied that any local requirements for the application are met and that the proposed development is compatible with the Southend Secondary Plan.

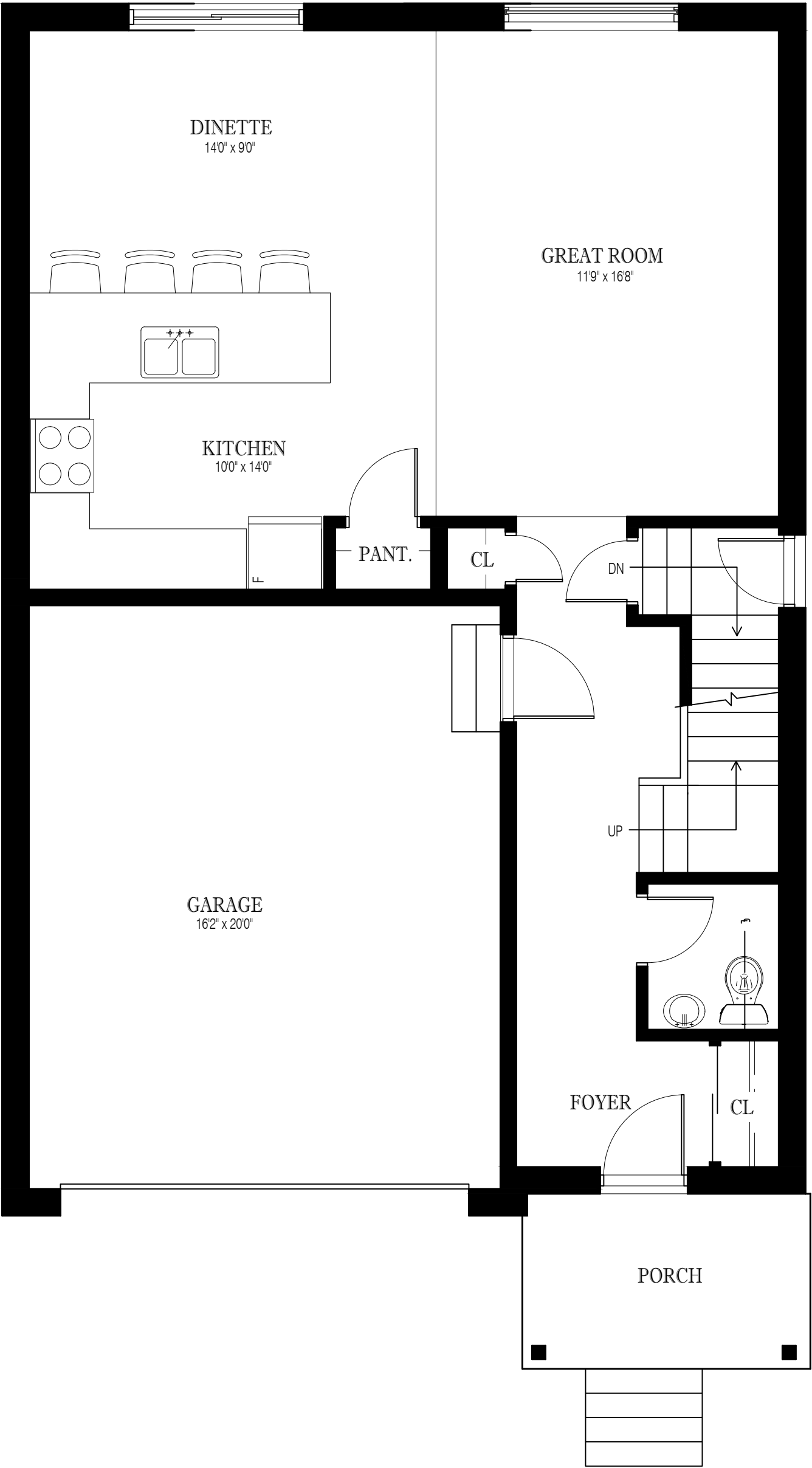
If you have any questions related to the above comments, please contact the undersigned at [Alex.Boekestyn@niagararegion.ca](mailto:Alex.Boekestyn@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

Best regards,

A handwritten signature in blue ink, appearing to read "Alex Boekestyn", is placed over a light blue rectangular background.

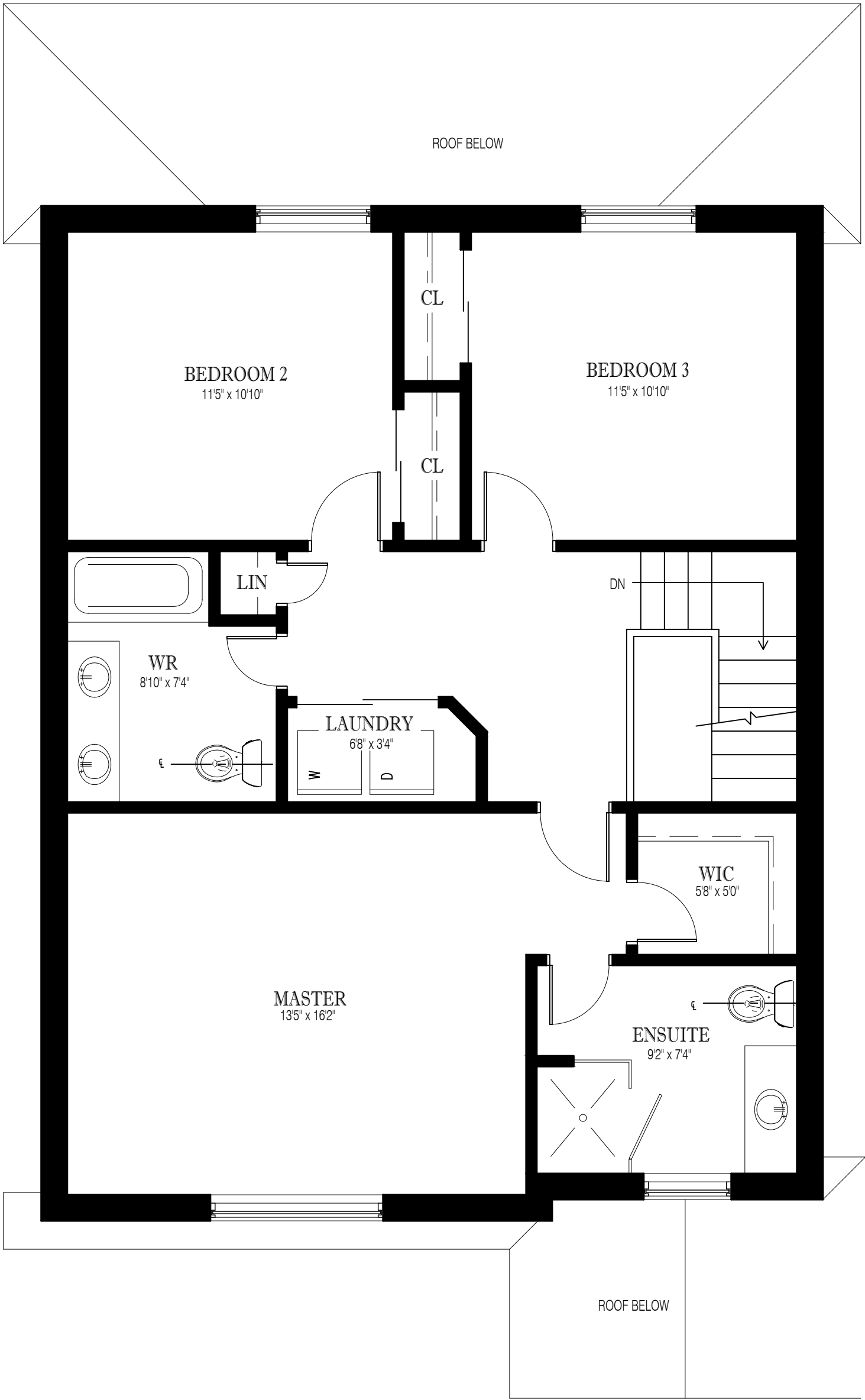
Alex Boekestyn  
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region  
Susan Dunsmore, P.Eng., Manager, Development Engineering, Niagara Region



LAVINIA ST. FORT ERIE  
TYLER ASHTON DESIGN

MAIN FLOOR PLAN  
MAIN FLOOR AREA: 670 SQ.FT.  
TOTAL BUILDING AREA: 1535 SQ.FT.



LAVINIA ST. FORT ERIE  
TYLER ASHTON DESIGN

SECOND FLOOR PLAN  
SECOND FLOOR AREA: 865 SQ.FT.  
TOTAL BUILDING AREA: 1535 SQ.FT.



LAVINIA ST. FORT ERIE  
TYLER ASHTON DESIGN

FRONT ELEVATION  
TOTAL BUILDING HEIGHT: 9.0m