

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** January 6, 2015

**CASE NO(S):** PL140416

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Charles Dyer  
Subject: Amendment to Zoning By-law No. 79-200 – Refusal of application by the City of Niagara Falls  
Existing Zoning: Neighbourhood Commercial (NC-714) Zone  
Proposed Zoning: Neighbourhood Commercial (NC-714) Zone with gas bar added to the list of permitted uses  
Purpose: To permit the development of a gas bar and convenience store  
Property Address/Description: 8267 Thorold Stone Road  
Municipality: City of Niagara Falls  
Municipal File No.: AM-2013-018  
OMB Case No.: PL140416  
OMB File No.: PL140416

Heard: September 15, 2014 in Niagara Falls

**APPEARANCES:**

**Parties**

**Counsel**

Charles Dyer (“Proponent”)

Sara Premi

City of Niagara Falls (“City”)

Ken Beaman

**AMENDED DECISION DELIVERED BY KAREN KRAFT SLOAN AND STEVEN STEFANKO**

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[1] In accordance with Rule 108 of the *Board’s Rules of Practice and Procedure*, whereby the Board may at any time and without prior notice to the parties correct a technical or typographical error made in a decision or order, the Decision and Order

issued on October 17, 2014 is hereby amended by replacing Attachment “1” to that decision with Attachment “1” to this decision.

[2] In all other respects, the Board’s Decision remains the same.

*“Karen Kraft Sloan”*

KAREN KRAFT SLOAN  
MEMBER

*“Steven Stefanko”*

STEVEN STEFANKO  
VICE-CHAIR

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario

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ATTACHMENT 1

CITY OF NIAGARA FALLS

By-law No. 2014 -

A by-law to amend By-law No. 79-200, to permit a gasoline bar in conjunction with a retail store and neighbourhood commercial uses on the land and to repeal By-law No. 2005-120 (AM-2013-018).

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be the uses permitted in a NC zone and a gasoline bar in conjunction with a retail store.
5. The regulations governing the permitted uses shall be:

- |            |  |                          |
|------------|--|--------------------------|
| <b>(a)</b> | <b>Maximum floor area for a restaurant, service shop and animal clinic</b>   | <b>230 square metres</b> |
| <b>(b)</b> | <b>Maximum floor area for a bake shop, bank, trust company, credit union, currency exchange, clinic, library, office, personal service shop and retail store</b> | <b>450 square metres</b> |
| <b>(c)</b> | <b>Minimum front yard depth as measured from the original centre line of Kalar Road</b>  |                          |
|            | <b>(i) to the main wall of any building</b>  | <b>31.8 metres</b>       |
|            | <b>(ii) to any open canopy</b>   | <b>29.6 metres</b>       |
| <b>(d)</b> | <b>Minimum exterior side yard width as measured from the original centre line of Thorold Stone Road</b>  |                          |
|            | <b>(i) to the main wall of any building</b>  | <b>36.9 metres</b>       |
|            | <b>(ii) to a pump, pump island or canopy</b>   | <b>23.38 metres</b>      |
| <b>(e)</b> | <b>Minimum interior side yard width</b>  |                          |

- |       |  |            |
|-------|--|------------|
| (li)  | to the main wall of any building                                 | 2.5 metres |
| (lii) | to a pump, pump island or canopy                                 | 31 metres  |
| (f)   | Minimum rear yard depth  | 25 metres  |
| (g)   | Maximum lot coverage for a gasoline bar and associated canopy    | 7%         |
| (h)   | Maximum building height for a gasoline bar and associated canopy | 5.5 metres |
| (j)   | Maximum number of double gasoline pumps in a gasoline bar        | 5          |
| (l)   | The balance of regulations specified for a NC use                |            |
6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
  7. No person shall use the Lands for a use that is not a permitted use.
  8. No person shall use the Lands in a manner that is contrary to the regulations.
  9. The provisions of this by-law shall be shown on Sheet B3 of Schedule "A" of By-law No. 79-200 by numbering the Lands 714.
  10. Section 20 of By-law No. 79-200 is amended by adding thereto:

20.1.714 Refer to By-law No. \_\_\_\_\_

11. By-law No. 2005-120 is repealed.

Passed this \_\_\_\_\_ day of \_\_\_\_\_

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DEAN IORFIDA, CITY CLERK

.....  
JAMES M. DIODATI, MAYOR

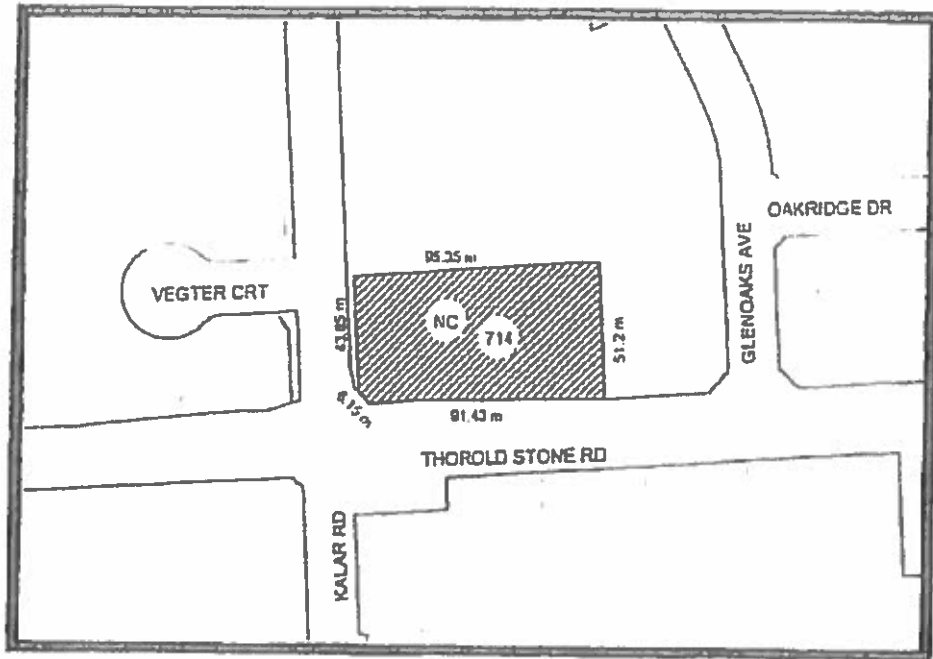
First Reading:

Second Reading:

Third Reading:

# SCHEDULE 1 TO BY-LAW No. 2014-XXX

Subject Land 



## Amending Zoning By-law No. 79-200

Description Part of Township Lot 70, in the former Township of Stamford, more specifically known as Parts 1 and 2 according to Reference Plan 59R-11847, now in the City of Niagara Falls, in the Regional Municipality of Niagara



Applicant: Karen DeGiorgio

Assessment #: 272510000307600