

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: October 17, 2017

CASE NO(S): PL170494

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

Applicant and Appellant:	River Crest Corporation
Subject:	Application to amend Zoning By-law No. 79-200 – Refusal of Application by the City of Niagara Falls
Existing Zoning:	Development Holding (DH) zone
Proposed Zoning:	Residential Low Density, Grouped Multiple Dwellings (R4) zone (site specific)
Purpose:	To permit the development of a four storey, 32 unit apartment dwelling and a 19 unit block townhouse development
Property Address/Description:	2560 Mewburn Road
Municipality:	City of Niagara Falls
Municipality File No.:	AM-2016-019
OMB Case No.:	PL170494
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OMB Case Name:	River Crest Corporation v. Niagara Falls (City)

Heard: September 25, 2017 in Niagara Falls, Ontario

APPEARANCES:

Parties

River Crest Corporation
City of Niagara Falls

Counsel

Thomas Hanrahan
Ken Beaman

**MEMORANDUM OF ORAL DECISION DELIVERED BY RICHARD JONES ON
SEPTEMBER 25, 2017 AND ORDER OF THE BOARD**

PREHEARING CONFERENCE

[1] River Crest Corporation (“Applicant/Appellant”) made application to the City of Niagara Falls (“City”) to permit the development of a four storey, 32-unit apartment building and a 19-unit block townhouse development. The application proposes to rezone the subject lands, known municipally as 2560 Mewburn Road, 7488 Mountain Road and the rear portion of 7500 Mountain Road, from the Development Holding (DH) zone to the Residential Low Density, Grouped Dwellings (R4) zone of By-law No. 79-200 (“ZB”). The subject lands consist of 1.12 hectare (“ha”).

[2] Council of the City denied the application on March 28, 2017. The City’s planning department had recommended the application.

[3] The City’s decision was appealed by the Applicant to the Ontario Municipal Board (“Board”) pursuant to s. 34(11) of the *Planning Act*.

[4] At the outset of the pre-hearing conference, the Board was advised by counsel for the Applicant and City, Thomas Hanrahan and Ken Beaman respectively, that the parties were very close to an agreement; the only differences at this current juncture being matters involving built-form.

[5] As such, the parties advised the Board that a procedural order would not be required, and nor, in their collective opinion would there be need for either mediation, or a second pre-hearing conference. The parties jointly agreed that a two-day hearing would provide sufficient time to hear testimony pertinent to the residual built-form issues failing a full settlement on all the matters relative to this site-specific rezoning application.

[6] The Board heard from residents living nearby the subject lands who requested participant status. The Board recognized participant status for:

- Francis Richard Andrews of 2664 Olden Avenue
- Brian Donnelly of 2653 Olden Avenue
- David Mason of 2673 Olden Avenue
- Anne Cruse of 2-2684 Mewburn Road. Ms. Cruse is the authorized representative of her condominium corporation.

[7] The participants all expressed the view that further consultations with the Applicant would be highly desirable prior to the hearing event and the Applicant's Planning Consultant, P. Leigh Whyte, responded that every effort will be made to consult with the neighbourhood which may perhaps involve changes to the design that residents/participants would find favourable.

[8] The hearing is scheduled for **January 9 and 10, 2018 to commence on the first day at 11 a.m. at:**

**Council Chambers
Municipal Building (Niagara Falls)
4310 Queen Street
Niagara Falls, Ontario**

[9] Further notice is not required and this Member is not seized for the purposes of the hearing.

"Richard Jones"

RICHARD JONES
MEMBER

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Ontario Municipal Board

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