C1 Delegation Request for Development Permit Application N/S/2023-2024/103

Date: June 19, 2025

File: N/S/2023-2024/103

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# Development Permit Application:

N/S/2023-2024/103

Property Legal Address:

1800-1850 St Paul Avenue

Part of Right of Way

City of Niagara Falls

ARN 27251000020420000000

# Executive Summary

A Request for Delegation to the Commission has been received from a property owner adjacent to the property that is subject to this application.

**Proponent:** Region of Niagara

**Agent/Consultant**: R.J Burnside & Associates Limited

**Development Permit Proposal:**

* To decommission and demolish the existing above grade buildings for the existing re-chlorination facility on an existing 9.3 ha (22.91 ac) lot that supports public infrastructure on the east side of St. Paul Avenue; and
* To construct new a one storey 3.6m x 4.8m (12ft x 15.75 ft; ± 17.28 sq m (186 sq ft) pre-cast concrete building with a maximum height of ± 3.3 m (10.8 ft) and a driveway and parking area on the west side of St. Paul Avenue within the Regional road right-of-way.

**Purpose and Location of the Project**

* The existing re-chlorination facility must be decommissioned and moved from its current location within regionally owned lands on the east side of St. Paul Avenue (see Appendix 1 for Image Site Plan).
* The location of the new above-grade building is on the west side of St. Paul Avenue, within the road right of way. This location is directly above two large underground chambers and the existing watermain and therefore well-aligned for the operations. The above-ground building will house the re-chlorination and sampling equipment. Re-chlorination is required at this location to facilitate safe drinking water.
* The proposed above-ground building will be located 10 metres from the residential driveway entrance to 1857 St Paul Avenue and approximately 10 metres from the active roadway. The parking area has been reduced to the minimum size required to allow for vehicles to turn around.
* The usual security fencing and gate has been removed from the proposed design and instead will be surrounded by 11 eastern white cedars to mitigate trespassing onto the property.

**Delegation Request:**

* A neighbour has requested a delegation to speak to the Commission before a decision is made for this application (see Appendix 2). The objection relates to the location of the facility in front of the neighbour’s property for 3 reasons:
  + It will degrade the resale value of the property;
  + It will change the nature of the property; and
  + It will add security risks.

**Staff Analysis**

* Staff have not yet completed a through analysis of the application, but based on a preliminary review it appears this application will be a Director’s decision under the Delegation of Authority for the following reasons:
  + The application and supporting documentation are complete.
  + The application appears to comply with the Niagara Escarpment Plan.
  + There are no questions of interpretation of the Niagara Escarpment Plan.
  + No objections were received from partner agencies.
* NEC staff typically consider any input received from neighbours in the review of applications, within the parameters of conformity with the NEP. Any input received is summarized in the staff report.
* Landowners within 120 m of the subject property, interested persons, and partner agencies can appeal NEC development permit application decisions. If an appeal is received within 14 days of the Notice of Decision being sent, it will be referred to the Ontario Land Tribunal, which appoints a Hearing Officer to process the appeal and coordinates the hearing process.

# Options and Considerations

1. Approve the delegation request.
   * The earliest the delegation could be made the Commission would be the July 17, 2025 meeting.
   * The application could be presented to the Commission for a decision; however, the Delegation of Authority does not require a Commission decision when neighbours’ concerns or objections are received.
2. Deny the delegation request.
   * Provided the conditions of the Delegation of Authority conditions are met to issue routine permits, a decision would be made by the Director.
   * The delegate may submit additional written comments for NEC staff and the Director to consider during the application review.

**Prepared by:**

Original signed by:

Rosi Zirger

Senior Planner

# Approved by:

Original signed by

Jessica Isaac

Planning Manager

Original signed by:

Shawn Carey

Director

# Attachments:

Appendix 1 – Image Site Plan

Appendix 2 - Delegation Request dated June 13, 2025 - REDACTED

**Appendix 1: Image Site Plan**

