

File No:	Date of Receipt:
Town Fee (\$):	Regional Fee (\$):
NPCA Fee (\$):	Operations Fee (\$):
Other Fee (\$):	Other Fee (\$):

(Office Use Only)

## Application for an Official Plan Amendment and/or Zoning By-law Amendment Under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

A pre-consultation meeting with Community & Development Services Staff is required prior to applying for an Official Plan Amendment and/or a Zoning By-law Amendment.

Please complete all applicable sections of this application. All measurements are to be provided in metric units. The information requested on this application is required to review the proposal. An incomplete application will be returned to the Registered Owner/Authorized Agent. If you have questions regarding the information requested on this application, please contact the Community & Development Services Department.

*All information requested on this form is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13, as amended, and the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. The requested information on this application and all accompanying plans, reports, and information is required in order to process this application and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.*

### 1. Type of Application

- ☐ Official Plan Amendment      ☒ Zoning By-law Amendment      ☒ Removal of Holding Symbol (Complete Sections 2-4 only)      ☐ Temporary Use By-law

### 2. Details of the Subject Lands

Municipal Address 1544/1546 Four Mile Creek Road	Assessment Roll Number 262702001423600/262702001423700		
Legal Description Part of Township Lot 112 & Part of Road Allowance Between Township Lots 111 & 112			
Date the subject lands were acquired: May 20, 2024	Lot Area (metric): 10,687.1 sqm	Lot Frontage (metric): ~165 m	Lot Depth (metric): ~78 m
Description of easements, rights-of-way, or restrictive covenants applicable to the subject lands (if applicable):			

### 3. Registered Owner (as shown on the deed and title of the property)

Name Stephen Aghaei	Company Name Times Group Corp.	Municipality Markham
Mailing Address 3985 HWY 7 East	Unit Number 202	Postal Code L3R 2A2
Province Ontario	Email stephen@timesgroup.ca	Telephone 416 898 5828

### 4. Authorized Agent (if one has been authorized)

Name Dana Anderson	Company Name MHBC Planning	Municipality Hamilton
Mailing Address 12 James Street North	Unit Number 301	Postal Code L8R 2J9
Province Ontario	Email danderson@mhbcplan.com	Telephone 905 639 8686 x 226

Contact for all future correspondence (select one):      ☐ Registered Owner      ☒ Authorized Agent

### 5. Mortgages, Charges, and Other Encumbrances (if applicable)

Name	Company Name	Municipality
Mailing Address	Unit Number	Postal Code
Province	Email	Telephone

6. Access (select all that apply)

Identify how the subject lands will be accessed:

☒ Public road maintained all year

☐ Niagara River Parkway

☐ Provincial highway

☐ Public road maintained seasonally

☐ Private easement/Right-of-way

☐ Waterway

If the subject lands will be accessed by a waterway only, identify the parking and docking facilities to be used and the approximate distance of these facilities from the subject lands to the nearest public road:

7. Servicing (select all that apply)

Identify how the subject lands will be serviced:

Water

☒ Publicly owned and operated piped water system

☐ Privately owned and operated individual well

☐ Privately owned and operated communal well

☐ Lake or other water body

☐ Other:

Sewage Disposal

☒ Publicly owned and operated sanitary sewage system

☐ Privately owned and operated individual septic system

☐ Privately owned and operated communal septic system

☐ Privy

☐ Other:

Storm Drainage

☐ Sewers

☐ Ditches/swales

☐ Other:

8. Existing Buildings, Structures, and Uses

Identify the existing use(s) of the subject lands and the length of time the existing use(s) have continued:

Type of Building or Structure	Single detached dwelling 1544 Four Mile Creek Rd	Small warehouse garage 1546 Four Mile Creek Rd		
Construction Date	Unknown	Unknown		
Existing Use(s)	Residential	Commercial		
Time the Existing Use(s) have continued	Unknown	Unknown		
Front Yard Setback (m)	~3.33 m	~41.41 m		
Rear Yard Setback (m)	~16.41 m	~23.7 m		
Side Yard Setback (m)	~0.6 m (south side)	~31.7 m (south side)		
Side Yard Setback (m)	~0.9m (north side)	~71.88 m (north side)		
Height (m)	1-storey	2-storeys		
Gross Floor Area (sq m)	~182 sqm	~308 sqm		
Lot coverage (%)	26.4%	3.1%		

9. Proposed Buildings, Structures, and Uses (if applicable)

Identify the proposed use(s) of the subject lands:

New 2-storey commercial building with office uses on the second floor, and 4-storey residential building with 29 units. Surface parking and 1 level of underground parking is proposed as well as a private playground and public art installation.

Type of Building or Structure	2-storey commercial building	4-storey residential building		
Construction Date	TBD	TBD		
Proposed Use(s)	Commercial	Residential		
Front Yard Setback (m)	0.0 m	61.2 m		
Rear Yard Setback (m)	55.84 m	1.6 m		
Side Yard Setback (m)	25.015 m (south side)	21.0 m (south side)		
Side Yard Setback (m)	>23.075 m (north side)	>23.075 m (north side)		
Height (m)	10.00 m	15.85 m		
Gross Floor Area (sq m)	3,718 sqm	3,699 sqm		
Lot coverage (%)	16.4%	9.1%		

10. Provincial Policy

Is this application consistent with policy statements issues under Section 3(1) of the *Planning Act*, *R.S.O. 1990, c. P.13, as amended*?

☐ Yes

☒ No

Is any portion of the subject lands within the Specialty Crop (Niagara Tender Fruit and Grape) Area?

☐ Yes

☒ No

Is any portion of the subject lands within the Niagara Escarpment Plan Area?

☐ Yes

☒ No

If yes to any, explain how this application conforms to Provincial policy statements and applicable Provincial plan(s):

11. Official Plan Information	
Existing Niagara Regional Official Plan designation(s) of the subject lands: 'Urban Area' and 'Delineated Built-up Area' per Schedule B - Regional Structure	
Does this application conform to the Niagara Regional Official Plan? <div><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</div> <div>If yes, explain how this application conforms to the Niagara Regional Official Plan: Yes. Please see Section 4.3 of Planning Justification Report prepared by MHBC.</div>	
Existing Town of Niagara-on-the-Lake Official Plan designation(s) of the subject lands: 'Service Commercial' and 'Conservation' per Schedule C - Land Use Plan	
Does this application conform to the Town of Niagara-on-the-Lake Official Plan? <div><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</div> <div>If yes, explain how this application conforms to the Town of Niagara-on-the-Lake Official Plan:  Yes. Please see Section 4.4 of Planning Justification Report prepared by MHBC.</div>	
Does this application propose to change or replace a designation in the Official Plan? <div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> <div>If yes, what is the Official Plan designation that the amendment is proposing to change or replace?  No.</div>	
Does the proposed amendment change, replace, or delete a policy in the Official Plan? <div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> <div>If yes, which Official Plan policy is to be changed, replaced, or deleted?  No.</div>	
Does the proposed amendment add a policy to the Official Plan? <div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> <div>If yes, what is the nature and extent of the Official Plan policy that the amendment is proposing to add?  No.</div>	
Do the subject lands have a pre-determined requirement for maximum height or density? <div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> <div>Does this application propose to alter the boundaries of an existing settlement area?<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div></div> <div>Does this application propose to remove any lands from an existing employment area?<div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div></div> <div>If yes to any of the above questions, provide details of the Official Plan policies that deal with the matter(s):  No.</div>	
Explain the purpose for the proposed Town of Niagara-on-the-Lake Official Plan amendment (if applicable):  	
12. Zoning Information	
Existing Town of Niagara-on-the-Lake Zoning of the subject lands: Village Commercial with Holding (VC-H)	
Explain the nature and extent of the proposed Zoning By-law Amendment:  Please see Section 4.6 of Planning Justification Report prepared by MHBC.	
Explain the reason for the proposed Zoning By-law Amendment:  Please see Section 4.6 of Planning Justification Report prepared by MHBC.	
13. Surrounding Land Uses	
North	Village Commercial and Institutional uses
South	Residential and Commercial Facility uses
East	Residential and Agriculture uses
West	Open Space and NPCA lands

14. Previous Applications (if applicable)

Have the subject lands ever been the subject of an application under the *Planning Act, R.S.O. 1990, c. P.13, as amended* for approval of a plan of subdivision or condominium, a consent, a minor variance, a site plan, an official plan amendment, a zoning by-law amendment, or a Minister's zoning order?

☐ Yes

☒ No

☐ Unknown

Are any lands within 120 metre of the subject lands the subject of an application made by the Registered Owner under the *Planning Act, R.S.O. 1990, c. P.13, as amended* for approval of a plan of subdivision or condominium, a consent, a minor variance, a site plan, an official plan amendment, a zoning by-law amendment, or Minister's zoning order?

☐ Yes

☒ No

☐ Unknown

If yes to either, provide the information requested below:

Application Type	File Number	Status of the Application

15. Concurrent Applications (if applicable)

Application Type	File Number	Status of the Application

16. Checklist of Requirements for a Complete Application (all boxes must be checked)

The following plans, reports, and information must accompany this application:

☒ One (1) signed copy of the Pre-Consultation Agreement;

☒ All applicable application fees (payable by cash, cheque, or debit);

☒ Property Index Map(s) of the subject lands from the Land Registry Office, dated within one (1) month of receipt of this application;

☒ Parcel Register(s) (including all PIN printouts and Legal Instruments) of the subject lands from the Land Registry Office, dated within one (1) month of receipt of this application;

☒ Two (2) folded hardcopies of the Reference Plan(s) included in the legal description of the subject lands, to scale (unfolded copies will not be accepted);

☒ Two (2) hardcopies of a draft by-law for each separate document being amended;

☒ Two (2) hardcopies of a schedule accompanying each draft by-law, if applicable;

☒ Two (2) hardcopies of all required plans, reports, and information identified on the Pre-Consultation Agreement;

☒ For all large-format plans, two (2) sets of reduced plans on 11' X 17' paper; and

☒ One (1) digital copy, in PDF format, of all required materials.

This application will be circulated to various agencies for review and comment. Where the scope or nature of the application requires input from a large number of agencies, additional copies of this application and accompanying plans, reports, and information may be required.

17. Checklist of Drawing Requirements (all applicable boxes must be checked)

Plans and drawings accompanying this application must show the following information, in metric units:

☒ North arrow;

☒ Metric scale;

☒ The boundaries and dimensions of the subject lands;

☒ The location, size, type, and setbacks of all existing and proposed buildings and structures on the subject lands;

☒ Natural and artificial features located within or adjacent to the subject lands, such as buildings, railways, roads/highways, pipelines, watercourses, drainage ditches, top of banks, wetlands, wooded areas, wells, septic tanks, and parking and docking facilities (if access to the subject lands is by waterway only), or any other features that may affect this application in the opinion of the Registered Owner/Authorized Agent;

☒ The existing use(s) of adjacent lands (for example, residential, agricultural, or commercial);

☒ The location, width and name any road/highway within or abutting the subject lands, and indicating whether it is an unopened road allowance, a public road, a private road, or a right-of-way; and

☐ The location and nature of any easement affecting the subject lands (if applicable).

Community & Development Services Staff may request that additional information be provided in the plans and drawings that accompany this application, based on the scope and nature of the proposal.

18. Plans, Reports, and Information Submitted with this Application

Identify all plans, reports, and information submitted with this application:

No.	Title	Date	Author
1	Please see Section 1.2 of Planning Justification Report prepared by MHBC.		
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

19. Acknowledgement and Agreement of Registered Owner

I, Stephen Aghaei c/o Times Group Corp. AM THE REGISTERED OWNER OF THE SUBJECT LANDS AND  
(Name of Registered Owner/Company)

I ACKNOWLEDGE AND AGREE that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

I ACKNOWLEDGE AND AGREE that the Town of Niagara-on-the-Lake, its employees and agents may enter onto my property to view, photograph and survey my property as necessary for this application.

I ACKNOWLEDGE AND AGREE that all costs of processing this application shall be paid for by the Registered Owner. The Registered Owner shall reimburse the Town of Niagara-on-the-Lake, upon demand, for all costs incurred by the Town of Niagara-on-the-Lake in respect of this application. Without limiting the foregoing, the Registered Owner acknowledges and agrees to pay such expenses regardless of whether or not this application is approved or proceeded with and are not refundable. If costs are not paid by the due date imposed by the Town of Niagara-on-the-Lake, the Registered Owner understands and acknowledges that the costs will be added to the tax bill of the subject lands and collected in like manner as property taxes.

Stephen E. Aghaei

April 22, 2025

(Signature of Registered Owner)

(Date)

20. Authorization of Registered Owner

If this application is being submitted by an Authorized Agent, the Registered Owner of the subject lands must complete this section. If there is more than one Registered Owner, a separate authorization from each individual or corporation is required. An additional copy of this page must be attached for each Registered Owner.

I, Stephen Aghaei c/o Times Group Corp. AM THE REGISTERED OWNER OF THE SUBJECT LANDS  
(Name of Registered Owner/Company)

AND HEREBY AUTHORIZE Dana Anderson c/o MHBC  
(Name of Authorized Agent/Company)

TO SUBMIT THIS APPLICATION to the Town of Niagara-on-the-Lake, appear on my behalf at any hearing(s) of this application, and provide any information or material required by the Town of Niagara-on-the-Lake relevant to this application.

I UNDERSTAND that all information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The information is required in order to process this application and forms part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information.

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Stephen E. Aghaei

April 22, 2025

(Signature of Registered Owner)

(Date)

## 21. Sworn Declaration

I, Dana Anderson OF THE City of Burlington  
(Name of Registered Owner/Company or Authorized Agent/Company) (Name of City, Town, Township, etc.)

IN THE Region of Halton  
(Name of Regional Municipality or Province)

**DO SOLEMNLY DECLARE** that the information contained in this application and that the information contained in the documents that accompany this application is true and complete.

Declared before me in City of Hamilton in the \_\_\_\_\_  
(Name of City, Town, Township, etc.) (Name of Regional Municipality or Province)

on this 25th day of April, 2025.  
(Month) (Year)

  
(Signature of Registered Owner/Authorized Agent)

  
(Signature of Commissioner of Oath)

**Lauren Amanda Pasic,**  
**a Commissioner, etc., Province of Ontario,**  
**for MHBC Planning Limited,**  
**Expires May 6, 2027**

### THIS APPLICATION MUST BE SUBMITTED TO:

Town of Niagara-on-the-Lake  
Community & Development Services  
1593 Four Mile Creek Road  
PO Box 100  
Virgil, ON L0S 1T0

Phone: (905) 468-3266  
Fax: (905) 468-0301  
Website: [www.notl.org](http://www.notl.org)