



## Planning and Development Services

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**Prepared for:** Committee of Adjustment

**Meeting Date:** November 21, 2024

**Application Number:** A76/24

**Address:** 3964 Alexandra Road, Fort Erie

**Owner:** Kelly Scott

**Applicant:** Kelly Scott

### 1. Title

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Minor Variance Application A76/24 for lands located at 3964 Alexandra Road, Fort Erie

### 2. Purpose

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The purpose and effect of this application is to reduce the Minimum Lot Frontage and Minimum Lot Area to facilitate the creation of one residential lot.

The application seeks the following variances to Section 12B.3 of the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended:

1. To permit a Minimum Lot Frontage of 10.6 metres whereas 15.0 metres is required.
2. To permit a Minimum Lot Area of 314 square metres whereas 510 square metres is required.

### 3. Recommendations

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Planning Staff recommend Minor Variance Application A76/24 be **APPROVED** as submitted.

### 4. Analysis

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#### 4.1. Site Context

The subject lands are located within the Crystal Beach Secondary Plan Area on the north side of Alexandra Road, Fort Erie. The subject lands have an approximate lot area of 780 square metres and lot frontage of approximately 26.8 metres. The subject lands currently have an existing single detached dwelling unit on the western portion of the lot. The eastern portion of the subject lands, which is not deemed and is considered an existing lot of record, is vacant.

The predominant land use of the neighbourhood is residential comprised mainly of single detached dwellings.

- North: Residential (Single detached dwellings)
- South: Residential (Single detached dwellings)
- East: Residential (Single detached dwellings)
- West: Residential (Single detached dwellings)

#### **4.2. Environmentally Sensitive Areas**

Town Environmental Planning staff have confirmed that there are no environmentally sensitive areas on the subject lands as identified in the Town's Official Plan Schedule C - Natural Heritage Features or Schedule C1 – Natural Hazards and Fish Habitat.

The Niagara Peninsula Conservation Authority (NPCA) has confirmed that the subject lands are outside of NPCA regulated area. At the time of this writing no comments have been received from Niagara Region; however the subject lands do not appear to be within the Natural Environment System in the Niagara Official Plan.

Tree removal shall be in accordance with the requirements of the Town's Tree By-law No. 33-2024.

#### **4.3. Four Tests of Minor Variance – Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13**

The Planning Act provides that a minor variance must meet the following four tests to be supportable:

##### **4.3.1. Is the proposal minor in nature?**

###### *Reduced Minimum Lot Frontage*

The intent of the lot frontage and area is to provide functionality of a lot and provide a sufficient building envelope for a future residential development. Currently the lands are vacant, thus allowing a future development much opportunity to comply to the Residential 2 (R2) setbacks. The reduction in lot frontage is similar in character to surrounding properties within the neighbourhood. Impacts to the neighbouring properties will be limited. Therefore, the proposed variance is considered minor in nature.

###### *Reduced Minimum Lot Area*

The intent of minimum lot area is to provide sufficient space for a building envelope, vehicular parking, access to the rear of the property and provide sufficient amenity space. As mentioned above, the existing lot of record of record is vacant which will allow a residential development to appropriately design a desirable building envelope. The reduction in lot area is similar in character to surrounding properties within the neighbourhood. Impacts to the neighbouring properties will be limited. Therefore, the proposed variance is considered minor in nature.

##### **4.3.2. Is the proposal desirable for the appropriate development or use of the land, building or structure?**

The subject lands are zoned and designated for residential purposes. As noted above, the

eastern portion of the subject lands are classified as an existing lot of record. The surrounding neighbourhood has similar lots with 10 metres frontages and lot areas of ranging from approximately 294 square metres to 311 square metres in the Residential 2 (R2) Zone, which will maintain the characteristics of the surrounding neighbourhood. The reduction of lot frontage and area will continue to provide an adequate building envelope for future residential development of the subject lands.

Therefore, it is the opinion of Planning Services staff that the requested variances represent appropriate development and use of the land, building and structure.

#### **4.3.3. Does the proposal meet the general intent and purpose of the Official Plan?**

The subject lands are designated Urban Residential within the Crystal Beach Secondary Plan Area. The Urban Residential designation allows for a variety of residential dwellings, such as single detached dwellings.

Therefore, it is of the opinion of Planning Services staff that the requested variance maintains the general intent and purpose of the Town's Official Plan.

#### **4.3.4. Does the proposal meet the general intent and purpose of the Zoning By-law?**

##### *Reduced Minimum Lot Frontage*

The subject lands are zoned Residential 2 (R2) Zone. Section 6.18(e) of the Town's Zoning By-law 129-90 entitled *Non-Conforming Uses, Buildings Structures and Lots (Lot Area And/ or Frontage Less Than Required)* states that a remnant of a part of a lot that is not deemed and is a distinct separate lot shall have a minimum lot frontage of 12 metres. The existing lot of record of the subject lands has an existing lot frontage of 10.6 metres which does not meet the 12 metre frontage as per Section 6.18 (e). The variance is request is to seek relief from the provisions of the required lot frontage of the Residential 2 (R2) Zone. The proposed variance will provide sufficient frontage for general maintenance, access to the rear, desirable building envelope, as well as maintain the characteristics of the surrounding neighbourhood.

##### *Reduced Minimum Lot Area*

Section 6.18(e) of the Town's Zoning By-law 129-90 entitled *Non-Conforming Uses, Buildings Structures and Lots (Lot Area And/ or Frontage Less Than Required)* states that a remnant of a part of a lot that is not deemed and is a distinct separate lot shall have a minimum lot area of the respective zone provisions of the Zoning By-law. The required Residential 2 (R2) Zone minimum lot frontage is 15 metres, and minimum lot area of 510 square metres. The existing lot of record of the subject lands has an existing lot area of 310.58 square metres, which does not meet the lot area provisions as per Section 6.18 (e). The variance is request is to seek relief from the lot area provisions of the Residential 2 (R2) Zone. The proposed variances will provide sufficient space to accommodate parking, general maintenance, amenity space and desirable building envelope, as well as maintain the characteristics of the surrounding neighbourhood.

Therefore, it is of the opinion of Planning Services staff that the requested variance maintains the general intent and purpose of the Town's Zoning By-law 129-90, as amended.

## **5. Comments from Departments, Community and Corporate Partners**

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### **Staff and Agency Comments**

#### **Environmental Planning**

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

#### *Staff Response*

Planning staff note that the request for an Arborist Report, Tree Preservation Plan and a Landscape Plan are now common conditions of approval required under the regulations of the Tree By-law. If no trees are being removed or injured these conditions may be waived by Environmental Planning staff. A Landscape Plan would be required if compensation plantings are proposed in lieu of a payment.

#### **Niagara Peninsula Conservation Authority (NPCA)**

No objection. The subject lands are not within area under the regulation of the NPCA.

#### **Niagara Region**

No comments were received from Niagara Region.

## **6. Conclusion**

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Based on the above analysis, Planning Staff recommend that Minor Variance Application A76/24 be **APPROVED**, as submitted.

## **7. Report Approval**

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Prepared by:  
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Reviewed and Submitted by:  
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Supervisor of Development Approvals

## **8. Attachments**

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Appendix 1 – Sketch Plan