



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: A69/24

Address: 277 Central Avenue, Fort Erie (Southend)

Owner/Applicant: Casa El Norte Refugee Assistance Program

Agent: John T. Teal

1. Title

Minor Variance Application A69/24 for lands located at 277 Central Avenue, Fort Erie (Southend)

2. Purpose

The purpose and effect of this application is to reduce the Minimum Lot Frontage to facilitate a Boundary Adjustment between two adjacent parcels (277 Central Avenue and 281 Central Avenue) under the same ownership. The reduced lot frontage is proposed for Parcel 3 (277 Central Avenue) on Appendix 1 - Consent Sketch attached hereto

The application seeks the following variances to Section 11 of the Town of Fort Erie Comprehensive Zoning By-law 129-90, as amended:

1. To permit a reduced Minimum Lot Frontage of 14.0 metres whereas 15.0 metres is required.

3. Recommendations

Planning staff recommend Minor Variance Application A69/24 be **APPROVED** subject to the following conditions:

1. That the Owner / Applicant shall obtain final approval of Consent file B45/24 by the Committee of Adjustment, to the satisfaction of the Town.

4. Analysis

4.1. Site Context

The subject lands are located within the urban boundary in the Southend neighbourhood of the Town of Fort Erie on the west side of Central Avenue. A single detached dwelling is located on

the subject lands and is municipally known as 277 Central Avenue, Fort Erie. The land uses surrounding the subject lands include:

North: Single detached dwellings;
South: Single detached dwellings;
East: Central Avenue, Our Lady of Victory Catholic Elementary School and single detached dwellings;
West: Single detached dwellings.

4.2. Environmentally Sensitive Areas

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 Flood Habitat. The Niagara Peninsula Conservation Authority (NPCA) has confirmed that the subject lands are outside of their regulated area.

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 considered minor and supportable.

4.3.1. Is the proposal minor in nature?

The proposal to reduce the Minimum Lot Frontage of Parcel 3 from 15.0 metres to 14.0 metres is minor. Sufficient space will remain available for the existing single detached including space for parking and amenity area among other things. The proposed reduction is small and is consistent with other parcels in the neighbourhood that also have lot frontages less than 15.0 metres.

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

The general proposal to permit a small reduction in lot frontage to facilitate a boundary adjustment between two adjacent parcels with existing single detached dwellings is appropriate and desirable. Planning staff note that other than the Minimum Lot Frontage for Parcel 3, no new zoning deficiencies will result from the proposed Boundary Adjustment.

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

Official Plan Designation: "Low Density Residential" in the Southend Secondary Plan in the Town's Official Plan.

A single detached dwellings is a permitted land use in areas that are designated Low Density Residential in the Southend Secondary Plan. This proposal meets the general intent and purpose of the Official Plan.

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

Zoning: “Residential 2 (R2) Zone” in Comprehensive Zoning By-law No. 129-90, as amended.

The general intent of zoning regulations for Minimum Lot Frontage is to ensure that parcels are of sufficient size to accommodate an adequately-sized dwelling with space for parking, amenity area and servicing and to ensure compatibility with the surrounding area in terms of lot sizes. This proposal meets this intent. Sufficient space will remain for the existing single detached dwelling, including space for parking and amenity area among other things. The reduction in lot frontage is similar to other parcels in the neighbourhood that have similar lot frontage.

5. Comments from Departments, Community and Corporate Partners

Development Engineering

No objection. A condition is requested for a Site Servicing Plan to ensure that all existing site services will not cross the new property lines.

Staff Response

This item was added as a condition of approval to the associated Consent Application B45/24.

Environmental Planning

The Town’s Environmental Planning staff have requested that an Arborist Report and a Tree Preservation Plan be prepared by a qualified arborist, and that a Landscape Plan be prepared by a qualified person demonstrating tree re-plantings per the Town’s Tree By-law 22-2024 as conditions of approval of this Minor Variance application.

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 development is proposed besides the Boundary Adjustment and no trees are being removed these conditions may be waived by Environmental Planning staff. These items were added as conditions of approval to the associated Consent Application B45/24.

Niagara Peninsula Conservation Authority (NPCA)

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

Niagara Region

No comments or objections were received from Niagara Region.

6. Conclusion

Based on the above analysis, Planning Staff recommend **APPROVAL** of Minor Variance Application A69-24 subject to the recommended condition.

7. Report Approval

Prepared by:
Daryl Vander Veen
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Reviewed and Submitted by:
Devon Morton, MCIP, RPP
Supervisor, Development Approvals

8. Attachments

Appendix 1 – Consent Sketch