



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: A78/24

Address: 285 Elmwood Avenue, Fort Erie (Parts 4, 6 & 8 on 59R-17852)

Owner: 1000226178 Ontario Inc.

Applicant:

1. Title

Minor Variance Application A78/24 for lands located at 285 Elmwood Avenue, Fort Erie (Parts 4, 6 & 8 on 59R-17852)

2. Purpose

The purpose and effect of this application is to reduce the Minimum Distance Between the Street Intersection and the Driveway, to increase the Maximum Height and to reduce the Minimum Parking Stall Length as illustrated in Appendix 1 attached hereto.

The application requests the following variance to Sections 6.20, 12B.3 and 6.20 of the Town of Fort Erie's Comprehensive Zoning By-law No. 129-90, as amended:

1. To permit a Minimum Distance Between the Street Intersection and the Driveway of 6.4 metres whereas 7.5 metres is required.
2. To permit a Maximum Height of 7.8 metres whereas 7.5 metres is required.
3. To permit a Parking Stall Length of 5.5 metres whereas 6.0 metres is required.

3. Recommendations

Planning staff recommend **APPROVAL** of Minor Variance application A78/24 on the following basis.

4. Analysis

4.1. Site Context

The subject lands are located within the urban boundary and in the Crystal Beach Secondary Plan area of the Town of Fort Erie near the Elmwood Avenue and Glenspring Road intersection. The subject lands contain a single detached dwelling. The surrounding land uses include:

North: Single detached dwellings

South: Single detached dwellings and a municipal road

East: A municipal road and single detached dwellings

West: Single detached dwellings

4.2. Environmentally Sensitive Areas

As confirmed by the Niagara Peninsula Conservation Authority, the Niagara Region and the Town of Fort Erie's Senior Environmental Planner, the subject lands are not within an environmentally sensitive area.

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 supportable.

4.3.1. Is the proposal minor in nature?

Reduced Minimum Distance Between the Street Intersection and the Driveway

The proposed variance is considered minor. The lot is a corner lot, and as such, a 4.5 X 4.5 metre daylight triangle is required to be conveyed to the Town. As such, maintaining the driveway distance from the street intersection requires zoning relief. It is anticipated there will be no safety concerns or impacts on neighbouring properties.

Increased Maximum Height

The proposed variance is considered minor in nature. The proposed maximum building height of 7.8 metres requires zoning relief because of the grade difference surrounding the building footprint. The proposed development maintains almost all the required setbacks on all sides (north, south, east and west), while setbacks from adjacent lots are also maintained. The proposal provides an outdoor amenity area, room for drainage, and vehicular parking. It is anticipated there will be no impacts on the neighbouring properties. Therefore, the proposal is considered minor in nature.

Reduced Parking Stall Length

The proposed variance is considered minor in nature. Vehicles can be accommodated in the reduced stall length and it is anticipated there will be no impacts on the neighbouring properties. Therefore, the proposal 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 proposed zoning relief for the driveway distance and deficient setback from the platform are normally seen in residential neighbourhoods and corner lots. Therefore, the proposal is considered the 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 “Urban Residential” designation supports residential uses and accessory uses thereto. The Urban Residential designation intends to promote a variety of housing forms. The proposed development maintains land-use compatibility with surrounding uses. Therefore, the 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?

Reduced Minimum Distance Between the Street Intersection and the Driveway

Section 6.20 (D) (iii) of the Zoning By-law requires a minimum of 7.5 metres distance between a driveway and an intersection of street lines measured along the street line. The intent is to maintain visibility at the intersection of roads. The proposed driveway is 6.5 metres from the road intersection which represents a limited departure from the requirements of the Zoning By-law. No safety concerns are anticipated.

Increased Maximum Height

The proposed building is 1.5 storeys in height which complies with the zoning by-law; nevertheless, the proposed height is 7.8 metres whereas 7.5 metres is permitted because of the grade difference around the building. It is anticipated there will be no impacts on the neighbouring properties.

Reduced Parking Stall Length

The parking stall length is proposed at 5.5 metres which is in line with the approved minor variance for the front yard setback to 5.5 metres. The reduced parking stall length is sufficient to accommodate vehicular parking.

Therefore, the proposal meets the general intent of the Zoning By-law.

5. Comments from Departments, Community and Corporate Partners

No objections have been received from Town staff or external agencies at the time of writing this report.

Per the Town’s Senior Environmental Planner, 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).

If the applicant wishes to build on the site and is required to remove trees to do so, Table B1 in By-law 33-2024 will apply, and compensation will be required at the development ratio for

replacement trees/cash in lieu.

No comments have been received from members of the public members at the time of writing this report.

6. Conclusion

Based on the above analysis, the Planning Staff recommend **APPROVAL** of Minor Variance Application A78-24.

7. Report Approval

Prepared by:
Mohammad Kamruzzaman, CPT
Zoning Technician

Reviewed and submitted by:
Devon Morton, MCIP, RPP
Supervisor, Development Approvals

8. Attachments

Appendix 1 – Site Plan for Part 8
Appendix 2 – Survey Sketch