



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: A77/24

Address: 4062 Glenspring Road, Fort Erie

Owner: 1000226178 Ontario Inc.

Applicant: Bryan Keenan

1. Title

Minor Variance Application A77/24 for lands located at 4062 Glenspring Road, Fort Erie

2. Purpose

The purpose and effect of this application are to reduce the Minimum Exterior Side Yard for a platform height of less than 1.5 metres and to reduce the Minimum Distance Between the Street Intersection and the Driveway as illustrated in "Appendix 1" attached hereto.

The application requests the following variance to Sections 6.20 and 6.40 of the Town of Fort Erie's Comprehensive Zoning By-law No. 129-90, as amended:

1. To permit a Minimum Exterior Side Yard setback of 1.27 metres whereas 1.5 metres is required for a platform height of less than 1.5 metres.
2. To permit a Minimum Distance Between the Street Intersection and the Driveway of 6.4 metres whereas 7.5 metres is required.

3. Recommendations

Planning staff recommend **APPROVAL** of Minor Variance application A77/24 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 Oakwood 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: Single detached dwellings

West: Single detached dwellings and a municipal road

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 Exterior Side Yard

The proposed variance is considered minor. The proposed development maintains almost all 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. The proposal will maintain a consistent character with the surrounding area while providing adequate space without impacting the sight triangle or creating privacy concerns.

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.

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 Exterior Side Yard

Section 6.40 of the Zoning By-law permits a minimum of 1.5 metres setback from the exterior side lot lines for a platform of less than 1.5 metres in height. The proposed drawings illustrate the front porch (less than 1.5 metres in height) maintains a minimum 1.2 metres distance from the sight triangle. The setback is deficient by 0.3 metres because of the sight/daylight triangle. Nevertheless, a 1.2 metres setback plus the 4.5 metres of sight/daylight triangle maintains sufficient distance from the street. As a result, the proposal will maintain a consistent character with the surrounding area while providing adequate space without causing adverse effects on the sight triangle or privacy impacts.

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 a sight/ daylight triangle in the intersection of roads and proper setback from the sight triangle within the built-up area. The proposed driveway is 6.4 metres from the road intersection and maintains adequate setbacks established in the zoning by-law. 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.

According to the Town of Fort Erie’s Senior Environmental Planner, it appears that the applicant will be required to remove trees 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 A77-24.

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
Appendix 2 – Survey Sketch