



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: December 19, 2024

Application Number: A75/24

Address: 2034 Jewson Road, Fort Erie

Owner / Applicant: Jacob Broughton

1. Title

Minor Variance Application A75/24 for lands located at 2034 Jewson Road, Fort Erie

2. Purpose

The purpose and effect of this application is to increase the Maximum Height and permitted number of storeys and to reduce the Front Yard setback to facilitate the construction of a detached accessory structure.

The application seeks the following variances to Sections 6.1 (c) and 9.3 of the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended:

1. To permit a Maximum (Accessory Structure) Building Height of 7.5 metres whereas 4.5 metres is permitted.
2. To permit a 2-story Maximum (Accessory Structure) Building Height whereas 1 story is permitted.
3. To permit a front yard setback of 6.5 metres whereas 7.5 metres is permitted.

3. Recommendations

That Minor Variance Application A75/24 be **APPROVED**, subject to the following conditions:

1. That in the event of any tree removal, or development that may result in injury or harm to a public or private tree, the Owner / Applicant shall submit and receive final approval of a Tree Protection Plan and Arborist Report prepared by an ISA Certified Arborist (or per the Town's definition in the By-law) to the satisfaction of the Town.
2. That in the event of any tree removal requiring re-planting, the Owner / Applicant shall submit and receive final approval of a Landscape Plan prepared by a member of the OALA in good

standing demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.

4. Analysis

4.1. Site Context

The subject lands are located within the Sunset Drive Community Urban Boundary Expansion Area on the east side of Jewson Road. The subject lands are approximately 0.49 hectares in size with a lot of frontage of approximately 35.0 metres. The subject lands contain an existing one storey single detached dwelling. The predominate surrounding land use is residential comprised of single detached dwellings and lands for agricultural purposes.

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

4.2. 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:

4.2.1. Is the proposal minor in nature?

Variance #1 and 2 - Increased Height / Story

The proposed increase in height and additional storey are not anticipated to create shadowing or privacy concerns. The subject lands are bound by Grayson Avenue (an opened municipal road allowance), an agricultural parcel and vacant lands. As well, the subject lands are located at the northern end of Jewson Road, which terminates at the subject lands, thus limiting negative impacts to the street scape and neighbouring properties.

Variance #3 - Reduced Front Yard Setback

The reduced Front Yard will continue to provide sufficient space for vehicular access, appropriate connections to municipal roads and general functionality of the proposed lot and dwelling unit, among other things. Impacts to neighbouring properties will be limited.

Therefore, the proposed variances are considered minor in nature.

4.2.2. 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 and accessory structures. The subject property has an existing single detached dwelling approximately 4.5 metres in height whereas the proposed accessory building height is a maximum of 7.5 metres in height. The proposed location of the structure will be 6.5 metres from the front lot line and 7.6 metres from the southern interior lot line. The proposed reduction in the front yard is required to maintain appropriate separation distance from the existing septic systems that is located east of the proposed structure. The reduction of the front yard setback will provide sufficient space for vehicular parking. The surrounding dwelling units are predominantly comprised of one storey

single detached dwellings. The subject lands abut Grayson Avenue. This particular section of the Grayson is currently a road allowance that is not constructed to municipal standards, which will further negate any negative impacts of shadowing or privacy concerns for neighbours south of the subject lands.

Therefore, the proposal is considered desirable for the appropriate development and use of the land and building.

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

The subject lands are designated "Rural Residential". The "Rural Residential" designation supports single detached dwellings and accessory buildings.

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

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

Variance # 1 and 2 - Increased Height / Story

The subject lands are zoned Rural Residential which permits the use of single detached dwellings and accessory structures. The general intent of Maximum Height regulations is to appear ancillary to the main use. Although the proposed 3 metre increase in height will result in an accessory structure taller than the existing single detached dwelling unit, the intended use of the of the accessory structure is storage. The requested increase in height is not anticipated to negatively impact privacy or shadow concerns as the location of the structure is abutting an existing road allowance.

Variance # 3 - Reduced Front Yard Setback

This variance is to reduce the required front yard from 7.5 metres to 6.5 metres. Front yard setbacks primarily establish property functionality, appropriate distance from municipal roads, outdoor amenity space, and adequate space for vehicular parking, among other things. The requested variance will keep with the existing neighbourhood characteristics, provide sufficient space for vehicular parking and maintain an appropriate distance from the municipal roads.

Therefore, it is of the opinion of Planning Services staff that the requested variances maintain the general intent and purpose of the Town's Zoning By-law.

5. Comments from Departments, Community and Corporate Partners

Environmental Planning

The subject lands are located with the Town's Urban Boundary and within the Natural Heritage system. The Town's Senior Environmental staff have provided comments There are Natural Heritage features present. There is an "other woodland" directly east of the proposed building, and a non provincially significant wetland bordering the property to the north, beside the existing residence. 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).Based on the drawing provided by the

applicant it appears that the proposed garage does not encroach on any natural heritage features.

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 impacted 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. There are no regulated areas present on the subject lands.

Niagara Region

No comments were received from Niagara Region.

6. Conclusion

Based on the above analysis, Planning Staff recommend that Minor Variance Application A75/24 be **APPROVED** subject to recommended conditions.

7. Report Approval

Prepared by:
Robin Shugan, CPT, ACST
Intermediate Development Planner

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

8. Attachments

Appendix 1 – Sketch Plan
Appendix 2 – Elevations