



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: December 19, 2024

Application Number: B50/24

Address: 3613 and 3607 East Main Street, Fort Erie

Owner: Jason and Heather Zimmerman

Applicant: Niagara Planning Consultants c/o Jeremy Brown

1. Title

Consent Application B50/24 for lands located at 3613 and 3607 East Main Street, Fort Erie

2. Proposal

The purpose and effect of this application is to facilitate a Boundary Adjustment that will rectify an existing driveway encroachment between two existing residential properties that will continue to function as residential properties.

The Applicant seeks to convey Part 1 from Part 2 to be added to Part 3 as shown on the Consent Sketch. Part 1 would have a lot area of 22 square metres and a lot frontage of 1.31 metres.

Table 1 outlines the lot areas and lot frontages for this proposal based on the submitted Consent Sketch:

Table 1 - Lot Frontages and Lot Areas

Part	Lot Area	Lot Frontage
Part 1	22 square metres	1.31 metres
Part 2	1392 square metres	27.13 metres
Part 3	1281 square metres	22.87 metres

3. Recommendations

It is recommended that Consent Application B50/24 be **APPROVED**, subject to the following conditions:

1. That the Applicant's Solicitor and / or Land Surveyor provide the Secretary-Treasurer with a legal description of the lands to be severed to be registered on title together with a draft copy of the reference plan for approval and an original and electronic copy (in AutoCAD.dwg and PDF format) of the deposited reference plan if required, for use in the issuance of the Certificate of Consent;
2. That the Applicant's Solicitor provide the Secretary-Treasurer with a firm Undertaking to register the Transfer and provide a copy of the registered Transfer as soon as possible after registration; and,
3. That the final certification fee payable to the "Town of Fort Erie" be submitted to the Secretary-Treasurer. Reminder: consent is not considered final prior to final consent certificate being issued.

Analysis

3.1. Site Context

The subject lands are located within the Stevensville Secondary Plan Area, east of Stevensville Road on the south side of East Main Street. The retained lands (Part 2) are approximately 1392 square metres with a lot frontage of 27.13 metres, with an existing single detached dwelling. Part 3 has a lot area of approximately 1281 square metre and lot frontage of approximately 22.87 metres, with an existing single detached dwelling and accessory building. The surrounding lands uses are as follows:

1. North: Residential (Single detached dwelling)
2. East: Residential (Single detached dwelling)
3. South: Residential (Single detached dwelling)
4. West: Residential (Single detached dwelling)

3.2. Environmentally Sensitive Areas

Both the Niagara Region and Niagara Peninsula Conservation Authority have identified that the subject lands are not within any nature heritage areas.

3.3. Planning Context

Planning Act, R.S.O. 1990, c. P.13

A proposal for a lot addition can be considered proper and orderly development without the need for a Plan of Subdivision pursuant to Section 51 of the Planning Act. Given the relatively limited scope of the development being proposed (in this case, no new lots are being created) it is the opinion of Planning Services staff that little would be gained from a development review through the Plan of Subdivision process.

Section 53(12) of the Planning Act requires that the criteria set out under Section 51(24) shall be given regard as it relates to matters such as health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality when considering an application for Consent. The Planning Act requires that consents have regard to the dimensions and shapes of the proposed lots. The lands to be severed and merged will be irregular in shape. The lot addition will provide supplementary lands to rectify the existing encroachment of the driveway to be contained solely on 3613 East Main Street, Fort Erie. It is

the opinion of Planning Services staff that the application has appropriate regard for the Planning Act.

Provincial Planning Statement, 2024

The subject property is located within the Built Up Area under the Provincial Planning Statement and Niagara Official Plan. The proposed consent application for a boundary adjustment results in no new lots being created. A boundary adjustment of this nature is supported and considered legal and technical under the Provincial Planning Statement. The proposed lands being added to 3613 East Main Street, Fort Erie will provide additional lands to rectify the encroachment of the existing driveway from 3613 East Main, Fort Erie. Therefore, it is of the opinion of Planning Services that the proposed lot addition is consistent with the PPS 2024, conforms to the Niagara Region Official Plan.

Town of Fort Erie Official Plan, 2021

The subject lands are within the Stevensville Secondary Plan Area and are designated 'Low Density Residential'. The Low Density Residential designation permits the use of single detached dwellings and accessory uses. The proposed lot addition will not create any new lots.

Therefore, it is of the opinion of the Planning Service staff that the proposed boundary adjustment will maintain the general intent and purpose of the Town's Official Plan.

Comprehensive Zoning By-law No. 129-1990, as amended

The subject lands are zoned Residential 2 (R2) Zone. The R2 zone permits single detached dwellings as the principal use with accessory uses. The minimum lot area of the R2 Zone for single detached dwelling is 510 square metres with a lot frontage of 15 metres. The lands to be severed and merged from 3607 East Main Street are approximately 22 square metres. The remnant lands of 3607 East Main Street will have a lot frontage of 25.81 metres and lot area of 1392 square metres, which conforms to the minimum lot area and frontage requirements of the R2 Zone. 3613 East Main Street, Fort Erie currently has a lot area of approximately 1281 square metres, and lot frontage of approximately 22.87 metres. The proposed lot addition will provide a new lot area of 1303 square metres and lot frontage of 24.18 metres, which conforms to the minimum lot area and frontage requirements for a single detached dwelling in the R2 Zone. The lot addition will allow the driveway to be solely located on 3613 East Main Street, Fort Erie. The Town's Zoning By-law permits residential driveways to have a zero metre setback from the abutting residential property.

Therefore, it is of the opinion of Planning Services staff that the proposed boundary adjustment meets the general intent and purpose of the Town's Zoning by-law.

4. Comments from Departments, Community and Corporate Partners

Environmental Planning

The subject property is located within the Town's Urban Boundary but not 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). This boundary adjustment is legal and technical in nature, there is not a requirement for a Tree Protection Plan or Landscape Plan, nor will the Town require a boulevard tree.

5. Conclusion

Based on the above analysis, Planning Staff recommend Consent Application B50/24 be **APPROVED** subject to recommended conditions.

6. Report Approval

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

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

7. Attachments

Appendix 1 – Sketch Plan