



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: May 15, 2025

Application Number: A15/25

Address: 532 Ridgeway Road North, Fort Erie

Owner / Applicant: Simran Singh

1. Title

Minor Variance Application A15/25 for land located at 532 Ridgeway Road North, Fort Erie

2. Purpose

The purpose and effect of this application is to convert an existing dwelling into a Dedicated Short-Term Rental.

The Applicant is requesting the following variance to Section 34.2 of the Town of Fort Erie's Comprehensive Zoning By-law 129-1990, as amended:

1. To permit Short-Term Rental, Dedicated, as a permitted use whereas the use is not permitted.

3. Recommendations

That Minor Variance Application A15/25 be **APPROVED**, subject to the following condition:

1. That the Owner / Applicant shall submit and receive final approval of a Legal Affidavit to the satisfaction of the Director of Planning, Building and By-law Services.

4. Analysis

5.1. Site Context

The subject lands are located within the Crystal Beach Secondary Plan Area, on the east side of Ridgeway Road and north side of Terrace Lane. The subject property currently contains an existing single detached dwelling used for residential purposes. The land uses surrounding the subject land include:

- | | |
|--------|---|
| North: | Residential (Single Detached Dwelling) |
| South: | Lake Erie |
| East: | Residential and Hazard (Vacant) |
| West: | Residential and Hazard (Single Detached Dwelling) |

5.2. Environmentally Sensitive Areas

The norther portion of the subject land is zoned Hazard. The Town's Environmental Staff have stated that there are no natural heritage features on the subject land. The Niagara Peninsula Conservation Authority has indicated that the subject land is within the NPAC's regulated Back Dune Area. The NPCA have no objection as the dedicated short-term rental does not constitute as development and site alteration is not anticipated.

5.3. Section 45(2)(b) of the Planning Act, R.S.O. 1990, c. P.13

This application has been filed under the provisions of Section 45 2(b) of the *Planning Act*.

Section 45 2(b) of the Planning Act states:

In addition to its powers under subsection (1), the committee, upon any such application,

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law R.S.O. 1990, c. P.13, s. 45 (2).

The applicant seeks approval for the proposed use of a Short Term Rental, Dedicated, on the basis that the use is similar to a permitted use (structure associated with an existing use).

The Crystal Beach Secondary Plan designates the northern half of the subject lands Low Density Residential and southern half Environmental Protection. The Low-Density Residential Designation supports the use of single detached dwellings. The portion of the lands designated Environmental Protection does not permit residential uses.

The subject land is dually zoned. The northern portion is zoned Residential 2B (R2B) Zone and the southern portion is zoned Hazard (H) Zone. The R2B Zone permits single detached dwellings. Section 6.58(c) permits dedicated short-term rentals in single detached dwelling within residential zones. The Hazard Zone permits structures associated with existing uses, subject to approval by the Niagara Peninsula Conservation Authority (NPCA) but does not permit dedicated short-term rentals. The subject lands have an existing single detached dwelling that the Applicant claims has always been used for residential purposes. The applicant has provided an affidavit that the residential use has been continuous since 1976, however, this has not yet been accepted by the Town's Legal Department. As such, a condition of approval has been included that requires final acceptance and approval of the affidavit.

It can be considered appropriate to include the dedicated short-term rental within the Hazard Zone as the subject property is currently being used for residential purposes. The NPCA has reviewed the application and offer no objection to dedicated short term rental use within the Hazard portion of the subject lands. In addition, no site alterations are proposed thus negative impacts are not anticipated.

5. Comments from Departments, Community and Corporate Partners

Niagara Peninsula Conservation Authority

The NPCA mapping indicates the subject property is within the regulated back dune area. NPCA offer no objection to the short-term rental as it will not constitute as development or site

alteration.

Environmental Planning Staff

Subject property is located within the Town's Urban Boundary but is not within the Natural Heritage system. No natural heritage features are present. The lands are subject to the Town's Tree By-law 33-2024, should any trees be proposed to be removed.

Staff Response:

No site alteration is taking place and tree removal is not anticipated.

Development Engineering

No comments

6. Conclusion

Based on the above analysis, it is the opinion of Planning Staff, pursuant to the provisions of Section 45 2(b) of the *Planning Act*, the proposed dedicated short-term rental is considered appropriate as similar use within the portion of the subject lands zoned Hazard. Therefore, Planning Staff recommends **APPROVAL** of Minor Variance Application A15/25, subject to the condition.

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