



## **Planning and Development Services**

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**Prepared for:** Committee of Adjustment

**Meeting Date:** May 15, 2025

**Application Number:** A16/25

**Address:** 913 Centralia Avenue North, Fort Erie

**Applicant/Owner:** Allan Ayalla

**Agent:** Lou Melone

### **1. Title**

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Minor Variance Application A16/25 for land located at 913 Centralia Avenue North, Fort Erie.

### **2. Purpose**

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The purpose and effect of this application is to increase the Maximum Lot Coverage to facilitate development of a new single detached dwelling (bungalow).

The Applicant is requesting the following variance to Section 9.3 of the Town of Fort Erie's comprehensive Zoning By-law No. 129-90, as amended:

1. To permit a Maximum Lot Coverage of 16%, whereas 15% is required.

### **3. Recommendations**

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Planning Staff recommend **APPROVAL** of Minor Variance Application A16/25, subject to the following conditions:

1. That the Owner / Applicant shall apply for and receive final approval of a septic tank decommissioning permit to the satisfaction of the Niagara Region.
2. That the Owner / Applicant shall apply for and receive final approval of a new Class 4 sewage system permit to the satisfaction of the Niagara Region.

### **4. Analysis**

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#### **6.1. Site Context**

The subject land is located outside the Urban Boundary of the Town of Fort Erie. The subject land is a corner lot. There is a 1-storey detached dwelling and a detached accessory structure

(garage) on the subject land. The surrounding land use is predominantly residential, being generally comprised of single-detached dwellings on larger lots:

North: Residential (single-detached)

East: Public road (Centralia Avenue North) and residential (single-detached)

South: Public road (Maple Avenue) and residential (single-detached)

West: Residential (single-detached)

## **6.2. Environmentally Sensitive Areas**

The Niagara Peninsula Conservation Authority (NPCA) has confirmed that the subject land does not contain, nor is impacted by, NPCA Regulated Features. Therefore, the NPCA has no objections.

Town of Fort Erie Environmental Planning Staff have noted the subject land is not located within the Town's Urban Boundary and is not within the Natural Heritage System. There are no Natural Heritage features present. The Town's tree by-law does not apply to the subject land. There are no further environmental comments.

## **6.3. 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 minor and supportable.

### **6.3.1. Is the proposal minor in nature?**

Planning Staff note that the proposal meets the general intent and purpose of the Official Plan and the Zoning By-law. Planning Staff also note that the proposal is desirable for the appropriate development and use of the land, with potential negative massing effects on the surrounding land uses mitigated by trees, roads, and separation. Given the preceding points and the minimal proposed departure (1%) from the required Maximum Lot Coverage, Planning Staff view the proposal to be minor in nature.

### **6.3.2. Is the proposal desirable for the appropriate development or use of the land, building or structure?**

Planning Staff note that both the land use and built form are permitted and will be maintained. Additionally, Planning Staff consider that, while the subject land is one of the smaller lots in the area and the proposal will increase the Maximum Lot Coverage, the subject land is a corner lot that is buffered from adjacent properties by trees, public roads, and a substantial undeveloped rear yard. It is the view, therefore, of Planning Staff, that the application is desirable for the appropriate development and use of the land.

Planning Staff advise the Applicant that a grading plan will be required at the building permit stage to ensure drainage concerns are addressed.

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

Official Plan Designation: Rural Residential

The subject land is designated Rural Residential in the Town's Official Plan. The Rural Residential designation permits a range of residential uses and built forms including single-detached dwellings. Planning Staff regard the requested variance as meeting the general intent and purpose of the Official Plan.

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

Zoning: Rural Residential (RR) Zone

The general intent of the Maximum Lot Coverage regulation is to provide sufficient undeveloped space for drainage, landscaping, parking, and private septic systems, among other things. Planning Staff note the dwelling includes a proposed attached garage that will accommodate future vehicular parking spaces. The requested relief is 1%, being an increase from 15% coverage to 16% coverage. In consideration of the preceding points and comments received, Planning Staff take the view that sufficient space remains to accommodate the items noted above and that the proposal therefore meets the general intent and purpose of the Zoning By-law.

**5. Comments from Departments, Community and Corporate Partners**

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Niagara Region

The proposal is to increase the maximum lot coverage to facilitate development of a new single detached dwelling (bungalow). The applicant is requesting to permit a maximum lot coverage of 16% whereas 15% is required.

No records were found for the current class 4 sewage system servicing the existing dwelling. The existing septic tank is located North of the dwelling, the location of the inground leaching field is unknown. The existing septic system is considered legal non-conforming and will be required to be properly decommissioned.

Our Department has received a proposed sewage system design using a Class 4 Tertiary Treatment system. This system was designed for a flow rate of 2025 L/Day and meets the required setbacks of the Ontario Building Code. According to the building plans received the proposed dwelling will contain 3 bedrooms, 29.5 Fixture Units and 210m<sup>2</sup> of living space. The septic design will need to be slightly revised considering the flow rate of the proposed dwelling according to the floor plans is 2075L/Day. The revised flow rate will not change the overall footprint of the septic system and the required changes can be dealt with during the septic permit application stage.

Therefore, our department has no objection to the proposed minor variance application provided that the applicant applies for a septic tank decommissioning permit and a new Class 4 sewage system permit is applied for to accommodate the proposed dwelling.

*Planning Staff Response: These requirements have been included as conditions of approval.*

Public Comments:

*Planning Staff Response: As of the time of writing, no public comments have been received.*

## **6. Conclusion**

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Based on the above analysis, Planning Staff recommend **APPROVAL** of Minor Variance Application A16/25, subject to the recommended conditions.

## **7. Report Approval**

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Prepared by:  
Jeremy Roper  
Planning Intern

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

## **8. Attachments**

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Appendix 1 – Site Plan  
Appendix 2 – Comments