



**The Municipal Corporation of the Town of Fort Erie
Committee of Adjustment
Agenda**

**Thursday, November 21, 2024, 5:00 p.m.
Council Chambers**

	Pages
1. Call to Order	
2. Roll Call	
3. Declarations of Pecuniary Interest	
4. Adoption of the Agenda	
5. Adoption of Minutes	
September 26, 2024	
October 24, 2024	
6. Request for Withdrawal or Adjournment	
6.1 Minor Variance File A75/24	
Address: 2034 Jewson Road, Fort Erie	
6.2 Consent File B46/24	
Address: 1011 Gilmore Road, Fort Erie	
6.3 Consent File B48/24	
Address: 4924 Sherkston Road	
7. Public Hearings	
7.1 Minor Variance File A74/24	4 - 30
Address: 3914 Alexandra Road, Fort Erie	
Applicant/Owner: Ceyda Kandemir	
7.2 Minor Variance File A76/24	31 - 55

Committee of Adjustment Meeting - DATE

- Address: 3964 Alexandra Road, Fort Erie
Applicant/Owner: Kelly Scott
- 7.3 Consent File B45/24, Minor Variance File A69/24 56 - 84
Address: 277 & 281 Central Avenue, Fort Erie
Applicant: Casa El Norte Refugee Assistance Program
Agent: John T. Teal
- 7.4 Minor Variance File A70/24 85 - 112
Address: 3666 Crystal Beach Drive, Fort Erie
Applicant: Andrew Hellwig (Andrew Allen Hellwig Design Consultants Inc.)
- 7.5 Minor Variance File A78/24 113 - 135
Address: 285 Elmwood Avenue, Fort Erie
Applicant: Bryan Keenan
- 7.6 Minor Variance File A77/24 136 - 161
Address: 4062 Glenspring Road, Fort Erie
Applicant: Bryan Keenan
Minor Variance Application A77/24 for lands located at 4062 Glenspring Road, Fort Erie
- 7.7 Consent File B47/24 and Minor Variance Files A72/24, A73/24 162 - 195
Address: 4 & 6 Hagey Road, Fort Erie
Applicant: CONMED Health Care Group
Agent: William Heikoop (Upper Canada Consultants)
- 7.8 Minor Variance File A75/24 196 - 198
Address: 2034 Jewson Road, Fort Erie
Applicant: Jacob Broughton
Deferred to December 19, 2024
- 7.9 Consent File B48/24 199 - 201
Address: 4924 Sherkston Road
Applicant: John and Barbara Day
Agent: Carol Moroziuk

Deferred to December 19, 2024

7.10 Consent File B46/24

Address: 1011 Gilmore Road, Fort Erie

Applicant: Magellan Aerospace Limited

Agent: Roy Zanatta and Dan Zanatta

Deferred to a future hearing

8. **New Business**

9. **Next Meeting Date**

December 19, 2024

10. **Adjournment**



Town of Fort Erie Committee of Adjustment Notice of Public Hearing and Applications for Consent & Minor Variance

Minor Variance File A74/24 3914 Alexandra Road, Fort Erie

Legal Description: Lot 239 Plan 395

Roll No.: 2703 030 003 38000 0000

Applicant / Owner: Ceyda Kandemir

Notice is hereby given that the Committee of Adjustment of the Town of Fort Erie will be holding a Public Hearing to consider the matter of a consent and minor variance application, pursuant to the provisions of Sections 45, 50, and 53 of the *Planning Act*, R.S.O. 1990, for the lands described in this Notice. A key plan showing the location of the subject lands and a sketch of the proposal are included in this Notice.

Date: The Public Hearing has been scheduled for **Thursday, November 21, 2024 at 5:00 pm**

Location: Fort Erie Town Hall Council Chambers, 1 Municipal Centre Drive, Fort Erie, ON

Purpose and Effect:

The purpose and effect of this application is to reduce the minimum interior side yard setback and to permit a building height of two stories to facilitate the proposed addition to the existing dwelling.

Details of Minor Variance Applications:

The Applicant is requesting the following variances to the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

File A74/24:

1. To permit Maximum Lot Coverage of 41% whereas 40% is permitted.
2. To permit a Minimum Interior Side Yard of 0.7 metres whereas 1.5 metres is permitted.
3. To permit a Minimum Rear Yard of 6.5 metres whereas 7.0 metres is permitted.
4. To permit a Maximum Building Height of 2 stories whereas 1.5 stories are permitted.

Current Zoning:

The subject lands are zoned R2 Zone, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended.

Current Official Plan Designation:

The subject lands are designated "Urban Residential".

Key Map:



How to Participate:

You are invited to attend the Hearing or provide comments relative to the applications as you are either a property owner located within the 60 metres radius of the subject lands or an agency deemed to have an interest in the proceedings. Any person/agency may attend this Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed applications. Please be advised that all written and oral comments received will become part of the applications' record, and will be available to the public and Applicant.

If you wish to make a written submission, you may do so by providing your reasons for support or opposition prior to 12:30 PM on **Wednesday, November 20, 2024** via email, mail or drop off in the Town drop off box located at Town Hall to the attention of Jayne Nahachewsky (JNahachewsky@forterie.ca) who will provide them to the Committee of Adjustment.

If you wish to be notified of the Committee of Adjustment's decision with respect to the proposed applications, you must make a **Written** submission to the Secretary-Treasurer of the Committee of Adjustment at the address noted below either **prior to, or at the Hearing**.

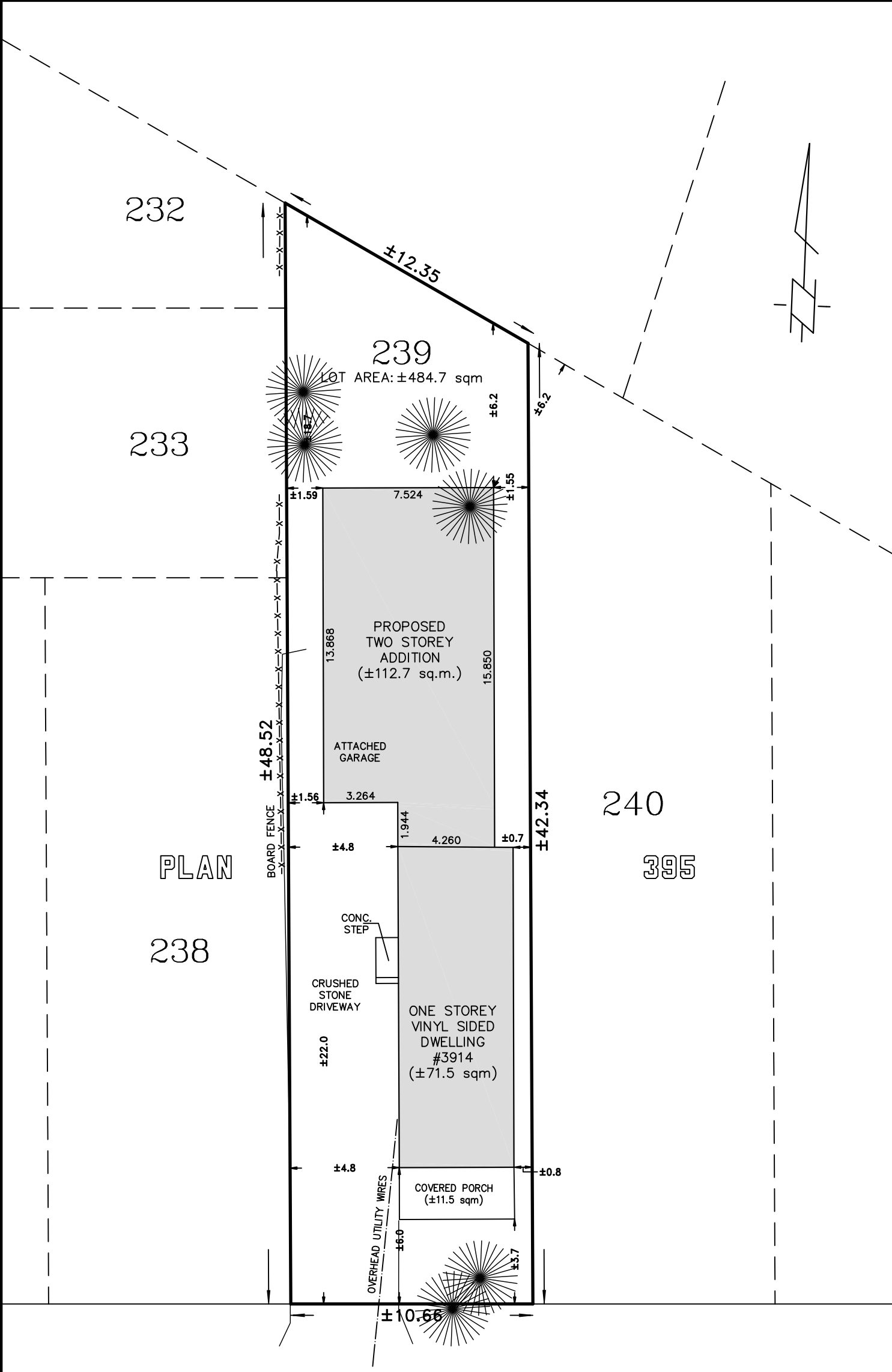
Applicants or their Agents are required to attend the Hearing. If the Applicant or Agent does not attend this Hearing, the Committee may proceed in their absence without further notice.

Further information on the Consent and Minor Variance processes is available at:
<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

For Additional Information Regarding This Application Contact:

Jayne Nahachewsky, Secretary Treasurer of Committee of Adjustment
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
905-871-1600 ext. 2534 or JNahachewsky@forterie.ca

Mailed – October 31, 2024



ALEXANDRA ROAD

PROPOSED LOT COVERAGE: ±38.0%

LANTHIER & GILMORE SURVEYING LTD. 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477	
SKETCH OF LOT 239 PLAN 395 IN THE TOWN OF FORT ERIE REGIONAL MUNICIPALITY OF NIAGARA	
DRAWN BY: CM SCALE: 1:200	CHECKED BY: JMG SURVEY 22-832

TITLE PAGE FOR
3914 Alexandra Road
Minor Variance Application: A74/24



RE: Committee of adjustment Applications for November 21, 2024 Hearing
 Sheraz to Jayne Nahachewsky 2024-11-01 12:42 PM
 From "Mustafa, Sheraz" <Sheraz.Mustafa@cnpower.com>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>
 History: This message has been replied to.

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Jayne,

CNP has no concerns with any of these applications.

Regards,
 Sheraz

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>
Sent: November 1, 2024 11:23 AM
To: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Usama.Ali@ontario.ca; Paul Leithwood <pleithwood@npca.ca>; Planning <Planning@ncdsb.com>; planning@dsbn.org; Sarah Mastroianni <smastroianni@npca.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; devtplanningapplications@niagararegion.ca; valentina.escobar@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; rowcentre@bell.ca; Real_EstateCanada@cpr.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; municipalnotices@enbridge.com; Keegan Gennings <KGennings@forterie.ca>; Mark Schmitt <MSchmitt@forterie.ca>; devon.haluka@niagararegion.ca; caitlin.goodale@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; newdevelopment@rci.rogers.com; TLennard@npca.ca; Troy Davidson <TDavidson@forterie.ca>; Christopher Smith <CSmith@forterie.ca>; radamsky@niagaraparks.com; Robin Shugan <RShugan@forterie.ca>; ppearson@npca.ca; planninginfo@npca.ca; Mark Iamarino <MIamarino@forterie.ca>; andrew.carrigan@canadapost.postescanada.ca; Rosanna Firenze <RFirenze@forterie.ca>; jake.mcgowan@niagararegion.ca; janet.sperling@ontario.ca; doug.crown@cogeco.com; neave.constantine@ontario.ca; jennifer.olah@ontario.ca; Abby.Laforme@mncfn.ca; Kimberlyn Smith <KSmith@forterie.ca>; Mustafa, Sheraz <Sheraz.Mustafa@cnpower.com>; Elizabeth Latif <ELatif@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Callum Gomez <CGomez@forterie.ca>; Abdul Malik <AMalik@forterie.ca>
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

WARNING: This email originated from outside of FortisOntario. Pause and look for any **RED FLAGS** or signs of phishing.
 If this is a suspicious email, **before you delete it** use the "Phish Alert Report" in Outlook or log a helpdesk ticket.

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road

Kindly provide comments by November 12, 2024. Should you not have any comments it would be appreciated if you could respond by email indicating no comments will be provided.

kind regards,

Jayne Nahachewsky
Secretary Treasurer of Committee of Adjustment
Town of Fort Erie
1 Municipal Drive
Fort Erie, ON L2A 2S6
TEL: 1-905-871-1600 ext. 2534

This e-mail (including any attachments) may contain confidential, proprietary and privileged information, and unauthorized disclosure or use is prohibited. If you received this e-mail in error, please notify the sender and delete this e-mail from your system



NPCA Response: Committee of adjustment Applications for November 21, 2024
 HearingPaige Pearson to Jayne Nahachewsky 2024-11-06 09:20 AM
 From "Paige Pearson" <ppearson@npca.ca>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>

2 Attachments



4924 Sherkston Road - NPCA Regulated Features Map 1.pdf



4924 Sherkston Road - NPCA Regulated Features Map 2.pdf

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hi Jayne,

My name is Paige Pearson and I will be able to assist CoA reviews on behalf of the NPCA while Meghan Birbeck is on Maternity Leave.

The NPCA has reviewed the CoA Applications and can offer the following comments:

1. 4 & 6 Hagey Avenue: Consent (B47/24) & Minor Variance (A72/24, A73/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

2. 277 & 281 Central Avenue: Consent (B45/24) & Minor Variance (A69/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

3. 285 Elmwood Avenue: Minor Variance (A78/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

4. 2034 Jewson Road: Minor Variance (A75/24)

The NPCA has reviewed the Minor Variance Application and the proposed works on the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

Please be advised that the north portion of the property line is impacted by potential unevaluated wetlands as such, if future proposed works do encroach within this area, the NPCA will require review, approval, and possible work permits.

5. 3666 Crystal Beach Drive : Minor Variance (A70/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

6. 3914 Alexandra Road: Minor Variance (A74/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

7. 3964 Alexandra Road: Minor Variance (A76/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

8. 4062 Glenspring Road: Minor Variance (A77/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

9. 4924 Sherkston Road: Minor Variance (B48/24)

The NPCA has reviewed the Consent Application and the subject property. Based on the NPCA Mapping, the area of proposed lot creation/severance is outside of our regulated areas. As such, the NPCA has no objections.

Please be advised that the northern parcel along the north property line and along the west boundary line is impacted by Regulated Areas. In the case that future works are proposed within any NPCA Regulated Area, the NPCA would require to review and approval works and issue work permits prior to the start of development.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205

www.npca.ca

ppearson@npca.ca

Out of Office Notice: Please note that I will be unavailable starting November 7th until November 13th.

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 1, 2024 11:23 AM



File A74/24

From Bob Cassel

Date Mon 11/11/2024 1:21 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Dear Jayne

I own and reside at 3906 Alexandra Road, adjacent to 3914.

I am opposed to this zoning change. For years I have had a vegetable garden in my back yard. A 2 story house at 3914 would block my garden from sunshine all afternoon and evening. I would no longer be able to grow vegetables.

I am also opposed to the reduction of the side yard to .7 metres, which would interfere with the cedar trees at the front of my property.

Robert Cassel

Interoffice Memorandum

File No.: A74--24
Date: November 12, 2024

To: Devon Morton, Supervisor of Development Approvals
From: Taylor Boyle, Project Manager, Development Engineering
RE: PDS Engineering Comments for Committee of Adjustment
Address: 3914 Alexandra Road

MUNICIPAL SERVICES

Alexandra Road

Watermain: 150mm dia. PVC (TOFE)
Sanitary Sewer: 200mm dia. PE (TOFE)
Storm Sewer: 375mm dia. CP (TOFE)

ROADS

Alexandra Road is designated as a Local Road as per the Town's current Official Plan, with a desired right-of-way width of 20.0m.

Town of Fort Erie Development Engineering Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application. Application is made to reduce the minimum interior side yard setback and to permit a building height of two stories to facilitate the proposed addition to the existing dwelling.

Development Engineering Staff offer the following comments:

1. Please be advised that, as part of the future building permit process, Town staff will require a **Lot Grading and Drainage Plan** demonstrating the existing drainage patterns for the lot and 5m beyond property line along with all infrastructure proposed for storm water management including all details, notes, locations, etc. and that storm water runoff will not negatively impact nor rely upon neighboring properties.
 - a. The owner must demonstrate that the side yard setback can adequately accommodate required side yard swale systems for drainage conveyance. Please note that the standard minimum width to accommodate side yard swales is typically 0.9m

Development Engineering Staff offer the following conditions:

1. Development Engineering staff have no conditions for this minor variance application.

Prepared by: Taylor Boyle, C. Tech., rcsi
Project Manager, Development Engineering

- c. Noah Thompson, PDS
Curtis Thompson, PDS
Mark Iamarino, PDS
Keegan Gennings, PDS
Jordan Frost, IS
Jessica Goodings, Fire Services

Re: Committee of adjustment Applications for November 21, 2024 Hearing

From Zachary George <ZGeorge@forterie.ca>

Date Wed 11/13/2024 2:02 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hello,

My apologies for being a day late, Jessica was reviewing my comments.

4 & 6 Hagey Avenue

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

277 and 281 Central Ave

The subject property is located within the Town's Urban Boundary but not in 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).

285 Elmwood

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

2034 Jewson

The subject property is located within the Town's Urban Boundary and Natural Heritage system. 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.

3666 Crystal Beach Drive

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

3914 Alexandra

The subject property is located within the Town's Urban Boundary but not in 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).

3964 Alexandra

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4062 Glenspring Road

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4924 Sherkston

The subject property is not located within the Town's Urban Boundary but is in the Natural Heritage system. There are Natural Heritage features present. There is an "other woodland", and a non provincially significant wetland, and a significant wetland on the north end of the property. 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 (GALA in good standing).

Based on the drawing provided by the applicant it appears that the proposed work does not encroach on any natural heritage features, therefore no Environmental Impact Study is required.

Sincerely,

Zach George
Junior Environmental Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6
TEL: 1-905-871-1600 x 2536

Re: Committee of adjustment Applications for November 21, 2024 Hearing 📄

Kimberlyn Smith ^t Jayne Nahachewsky
o

2024-11-04 04:05 PM

From Kimberlyn Smith/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie

Hi Jayne,

Please see below:

4 & 6 Hagey Avenue - B47/24, A72/24 & A73/24
- No comments

277 & 281 Central Avenue - B45/24 & A69/24
- No comments

285 Elmwood Avenue - A78/24
- No comments

2034 Jewson Road - A75/24
- No comments

3666 Crystal Beach Drive - A70/24
- No comments

3914 Alexandra Road - A74/24
- No comments

4062 Glenspring Road - A77/24
- No comments

4924 Sherkston Road - B48/24
- That the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 2, to the satisfaction of the Town; and that the owner/applicant pays to the Town a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 2.

Thank you,

Kimberlyn Smith
Junior Community Planner
Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive



Jayne Nahachewsky 2024-11-01 11:23:07 AM

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark lamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Date: 2024-11-01 11:23 AM
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

No Municipal Drains

[Redacted]

277 & 281 Central Avenue

No Municipal Drains

285 Elmwood Avenue

[Redacted]

No Municipal Drains

2034 Jewson Road

High Road Drain

[Redacted]

3666 Crystal Beach Drive

No Municipal Drains

[Redacted]

3914 Alexandra Road

No Municipal Drains

[Redacted]

[Redacted]

[Redacted]

3964 Alexandra Road

No Municipal Drains

4062 Glenspring Road

No Municipal Drains

4924 Sherkston Road

Pr. Abino Drain
Baer Drain
Schooley Drain
Beaver Creek Drain

Re: Committee of adjustment Applications for November 21, 2024 Hearing Kathryn Strachan to Jayne Nahachewsky 2024-11-06 09:48 AM
From Kathryn Strachan/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie
Hi Jayne,

I have reviewed the COA applications and have no comments.
Kind regards,

Kathryn

Kathryn Strachan

Landscape Planner

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2529

----- Original message -----

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dshn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark Iamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Cc:
Subject: Committee of adjustment Applications for November 21, 2024 Hearing
Date: Fri, Nov 1, 2024 11:23 AM

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: A74/24

Address: 3914 Alexandra Road, Fort Erie (Crystal Beach)

Owner/Applicant: Ceyda Kandemir

Agent: Lou Melone

1. Title

Minor Variance Application A74/24 for lands located at 3914 Alexandra Road, Fort Erie (Crystal Beach)

2. Purpose

The purpose and effect of this application is to increase the Maximum Lot Coverage and Maximum Building Height and to reduce the Minimum Interior Side Yard and Minimum Rear Yard to facilitate construction of an addition to the existing single detached dwelling.

The application seeks the following variances to Section 12B of the Town of Fort Erie Comprehensive Zoning By-law 129-90, as amended:

1. To permit Maximum Lot Coverage of 41% whereas 40% is required;
2. To permit a Minimum Interior Side Yard of 0.7 metres whereas 1.5 metres is required;
3. To permit a Minimum Rear Yard of 6.2 metres whereas 7.0 metres is required;
4. To permit a Maximum Building Height of two storeys whereas 1.5 storeys is required.

3. Recommendations

Planning staff recommend Consent Application A74-24 be **APPROVED** subject to the following conditions:

1. That the Owner / Applicant submit a Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's Tree By-law 33-2024, as amended, to the satisfaction of the Town.
2. In the event of any Tree removal on the subject lands, the Owner / Applicant submit an Arborist Report and Landscape Plan prepared by a qualified person demonstrating the re-planting using compensation ratios per Table B.1 of Tree By-law 33-2024, or payment of

cash-in-lieu at the prevailing rate, to the satisfaction of the Town.

4. Analysis

4.1. Site Context

The subject lands are located on the north side of Alexandra Road in the Crystal Beach neighbourhood of the Town of Fort Erie. The subject lands are within the Urban Boundary. The surrounding land uses include:

North: An apartment building and semi-detached dwellings;
 South: Alexandra Road and single detached dwellings;
 East: Single detached dwellings; and
 West: Single detached dwellings.

4.2. Environmentally Sensitive Areas

Town Environmental Planning staff have confirmed that there are no environmentally sensitive areas on the subject lands as identified in the Town's Official Plan Schedule C - Natural Heritage Features or Schedule C1 – Natural Hazards and Fish Habitat.

The Niagara Peninsula Conservation Authority (NPCA) has confirmed that the subject lands are outside of NPCA regulated area. At the time of this writing no comments have been received from Niagara Region; however the subject lands do not appear to be within the Natural Environment System in the Niagara Official Plan.

Tree removal shall be in accordance with the requirements of the Town's Tree By-law No. 33-2024.

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 minor and supportable.

4.3.1. Is the proposal minor in nature?

Increased Maximum Lot Coverage

The proposed increase in lot coverage is slight. The addition will not overpower the lot and sufficient space will remain for amenity area, parking and servicing. Therefore, the proposed variance is considered minor in nature.

Minimum Interior Side Yard Setback

Planning staff note that the reduced setback is on the east side of the property and merely recognizes the existing setback of the dwelling. The addition to the dwelling will maintain the

minimum interior side yard setback of 1.5 metres for a dwelling over one storey in height. Therefore, the proposed variance is considered minor in nature.

Reduced Rear yard Setback

A sufficient amount of space will be available in the rear yard for amenity space. It is noted that the rear yard setback is deficient in the northeast corner of the subject lands. Due to the irregular shape of the lot the majority of the rear yard meets or exceeds the 7.0 metre minimum rear yard requirement. Therefore, the proposed variance is considered minor in nature.

Increased Maximum Building Height

It is noted that the increased building height only applies to the proposed addition. The existing portion of the single detached dwelling on the subject property will remain one storey in height. The proposed dwelling height will be in character with the neighbourhood. The majority of the surrounding parcels in the area north of Alexandra Road are zoned Residential 2 (R2) Zone in the Zoning By-law, which permits two storey dwellings. Further, the proposed addition will remain within the 7.5 metre maximum building height permitted by the R2B Zone. Therefore, the proposed variance 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 general proposal to construct an addition to an existing single detached dwelling is appropriate and desirable. Planning staff note that parcels with increased lot coverage and reduced setbacks are common in the Crystal Beach area due to the relatively small existing lot sizes. The requested variances are in character with the neighbourhood. The proposed increase in building height is similar to other dwellings in the area.

Therefore, it is the opinion of Planning Services staff that the requested variances represent 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?

Official Plan Designation: "Low Density Residential" in the Crystal Beach Secondary Plan in the Town's Official Plan.

Single detached dwellings, including additions to existing dwellings, are a permitted land use in areas that are designated Low Density Residential in the Crystal beach Secondary Plan.

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

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

Zoning: "Residential 2B (R2B) Zone" in Comprehensive Zoning By-law No. 129-90, as amended.

Increased Maximum Lot Coverage

The general intent of maximum lot coverage regulations is to ensure there is adequate space

available for a dwelling, amenity areas and parking without overdeveloping the lot, among other things. This intent is maintained. Adequate space will remain on site for the addition, including space for amenity area and parking among other things.

Minimum Interior Side Yard Setback

The general intent of interior side yard setback requirements is to ensure there is sufficient space in a side yard for maintenance, access and drainage among other things. This intent is maintained. The interior side yard setbacks along the proposed addition meet the R2B Zone minimum requirement of 1.5 metres for a dwelling over one storey in height. The reduced interior side yard setback only occurs on the east side along the existing dwelling and recognizes the existing deficient setback. Planning staff are satisfied that there is sufficient space in the side yards for maintenance, access and drainage.

Reduced Rear yard Setback

The general intent of regulations for rear yard setbacks is to ensure there is sufficient area in the rear yard for amenity area among other things. The proposed rear yard setback of 6.2 metres meets this intent. Staff are satisfied that a sufficient amount of amenity area will be available in the rear yard.

Increased Maximum Building Height

The general intent of regulations for maximum building height for dwellings is to ensure that new dwellings (and additions) maintain a consistent streetscape and do not impose undue massing impacts on adjacent properties. This intent is maintained. The zoning of the majority of parcels on the north side of Alexandra Road are zoned Residential 2 (R2) Zone, which permits single detached dwellings up to two storeys in height. The proposal for a two storey addition will not negatively impact the streetscape and is consistent with other parcels in the area. No significant massing impacts are anticipated to result from this proposal. The height of the proposed addition will remain within the 7.5 metre maximum building height permitted by the R2B Zone and interior side yard setbacks of 1.5 metres will be maintained alongside the addition.

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

5. Comments from Departments, Community and Corporate Partners

Staff and Agency Comments

Development Engineering

No objections, however a Lot Grading and Drainage Plan will be required at the building permit stage to demonstrate that drainage from the subject lands will not negatively impact neighbouring properties. It is noted that the standard minimum width to accommodate side yard swales is typically 0.9 metres.

Staff Response

Planning staff note that the reduced interior side yard setback of 0.7 metres is only applicable to the east side of the subject lands alongside the original dwelling and is an existing situation. The side yard setbacks alongside the proposed addition will maintain a 1.5 metre setback and exceed the 0.90 metre width for swales.

Environmental Planning

The subject property is located within the Town's Urban Boundary but not in 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).

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 these conditions can 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. The subject lands are not within area under the regulation of the NPCA.

Niagara Region

No comments or objections were received from Niagara Region.

Public Comments

One written comment was submitted by an area resident in objection to the proposed Minor Variance application. Planning staff will address the concerns raised below.

Building Height and Shadowing Impacts

One area resident is concerned that a two storey dwelling will block sunlight to a vegetable garden that is located in the rear yard of their property.

Staff Response

The proposal for a two storey addition on the subject lands is not anticipated to result in significant shadowing impacts on adjacent properties. The proposed addition will remain within the 7.5 metre maximum building height permitted by the R2B Zone. Further, most shadowing impacts, if they occur, happen when the sun is lowest in the sky during winter months.

Reduced Interior Side Yard Setback

An area resident expressed concern that the reduced interior side yard setback of 0.7 metres will interfere with cedar trees located near the front of their property.

Staff Response

Planning staff have reviewed the subject lands and it appears that the cedar trees referenced are located partially on the Town road allowance and on a vacant parcel between the subject lands and the next parcel to the east. For clarification, the Minor Variances proposed as part of this application are only applicable to Lot 329 on Plan 81/NP544. The majority of the cedar trees in question are located on Lot 240 which is not owned by the Owners. The 0.7 metre interior side yard setback only occurs alongside the existing dwelling on the east side of the subject lands and is an existing situation. As the addition will be constructed to the rear of the existing dwelling on Lot 239, none of the trees on Lot 240 or further east will be impacted. Any trees located within the Town road allowance will require permission from the Town to be removed and will be subject to compensation under the Town's Tree By-law.

6. Conclusion

Based on the above, Planning Staff are of the opinion that Variances 1, 2, 3 and 4 meet the four tests of a Minor Variance and recommend **APPROVAL**, subject to the recommended conditions.

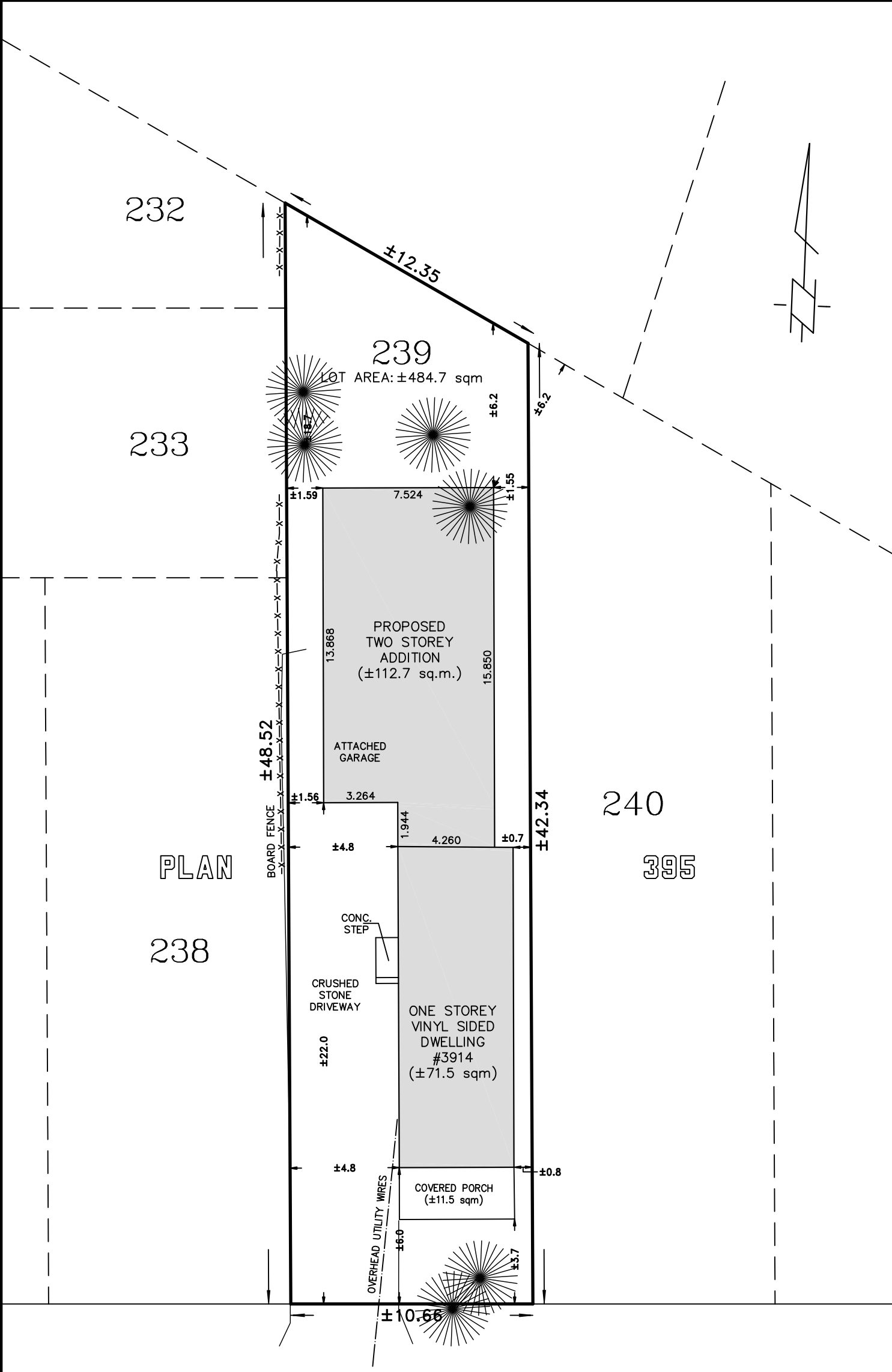
7. Report Approval

Prepared by:
Daryl Vander Veen
Intermediate Development Planner

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

8. Attachments

Appendix 1 – Application Sketch



ALEXANDRA ROAD

PROPOSED LOT COVERAGE: ±38.0%

LANTHIER & GILMORE SURVEYING LTD. 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477	
SKETCH OF LOT 239 PLAN 395 IN THE TOWN OF FORT ERIE REGIONAL MUNICIPALITY OF NIAGARA	
DRAWN BY: CM	CHECKED BY: CM
SCALE: 1:200	Page 30 of 201 SURVEY 22-832



Town of Fort Erie Committee of Adjustment Notice of Public Hearing and Applications for Consent & Minor Variance

Minor Variance File A76/24 3964 Alexandra Road, Fort Erie

Legal Description: Lot 363, 364 and Part of Lot 362 Plan 58 NP 398
Roll No.: 2703 030 003 47800 0000
Applicant/Owner: Kelly Marie Scott

Notice is hereby given that the Committee of Adjustment of the Town of Fort Erie will be holding a Public Hearing to consider the matter of a consent and minor variance application, pursuant to the provisions of Sections 45, 50, and 53 of the *Planning Act*, R.S.O. 1990, for the lands described in this Notice. A key plan showing the location of the subject lands and a sketch of the proposal are included in this Notice.

Date: The Public Hearing has been scheduled for **Thursday, November 21, 2024 at 5:00 pm**
Location: Fort Erie Town Hall Council Chambers, 1 Municipal Centre Drive, Fort Erie, ON

Purpose and Effect:

The purpose and effect of this application is to reduce the Minimum Lot Frontage and Minimum Lot Area. No other development is proposed at this time.

Details of Minor Variance Applications:

The Applicant is requesting the following variances to Section 12B.3 of the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

File A74/24:

1. To permit a Minimum Lot Frontage of 10.6 metres whereas 15.0 metres is required.
2. To permit a Minimum Lot Area of 314 square metres whereas 510 square metres is required.

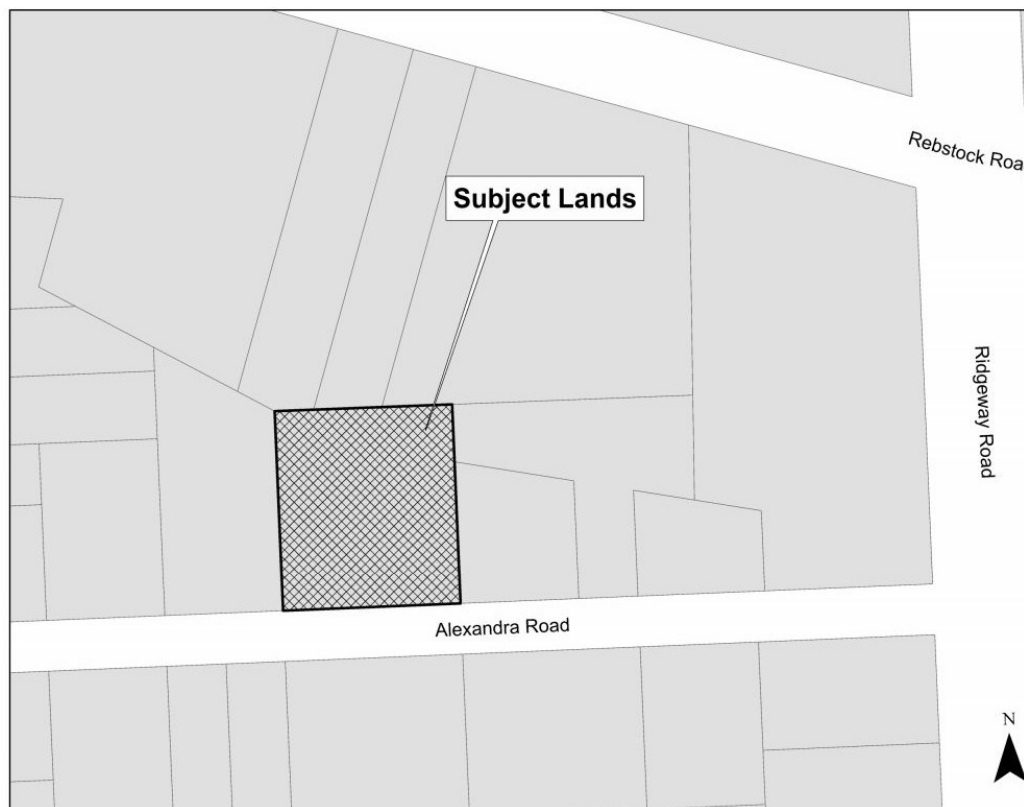
Current Zoning:

The subject lands are zoned R2 Zone, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended.

Current Official Plan Designation:

The subject lands are designated "Urban Residential".

Key Map:



How to Participate:

You are invited to attend the Hearing or provide comments relative to the applications as you are either a property owner located within the 60 metres radius of the subject lands or an agency deemed to have an interest in the proceedings. Any person/agency may attend this Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed applications. Please be advised that all written and oral comments received will become part of the applications' record, and will be available to the public and Applicant.

If you wish to make a written submission, you may do so by providing your reasons for support or opposition prior to 12:30 PM on **Wednesday, November 20, 2024** via email, mail or drop off in the Town drop off box located at Town Hall to the attention of Jayne Nahachewsky (JNahachewsky@forterie.ca) who will provide them to the Committee of Adjustment.

If you wish to be notified of the Committee of Adjustment's decision with respect to the proposed applications, you must make a **Written** submission to the Secretary-Treasurer of the Committee of Adjustment at the address noted below either **prior to, or at the Hearing**.

Applicants or their Agents are required to attend the Hearing. If the Applicant or Agent does not attend this Hearing, the Committee may proceed in their absence without further notice.

Further information on the Consent and Minor Variance processes is available at:
<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

For Additional Information Regarding This Application Contact:
Jayne Nahachewsky, Secretary Treasurer of Committee of Adjustment
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
905-871-1600 ext. 2534 or JNahachewsky@forterie.ca

Mailed – October 31, 2024

10.6m

← 29.3m →

TITLE PAGE FOR
3964 Alexandra Road
Minor Variance Application: A76/24



RE: Committee of adjustment Applications for November 21, 2024 Hearing Mustafa, Sheraz to Jayne Nahachewsky 2024-11-01 12:42 PM
 From "Mustafa, Sheraz" <Sheraz.Mustafa@cnpower.com>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>
 History: This message has been replied to.

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Jayne,

CNP has no concerns with any of these applications.

Regards,
 Sheraz

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>
Sent: November 1, 2024 11:23 AM
To: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Usama.Ali@ontario.ca; Paul Leithwood <pleithwood@npca.ca>; Planning <Planning@ncdsb.com>; planning@dsbn.org; Sarah Mastroianni <smastroianni@npca.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; devtplanningapplications@niagararegion.ca; valentina.escobar@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; rowcentre@bell.ca; Real_EstateCanada@cpr.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; municipalnotices@enbridge.com; Keegan Gennings <KGennings@forterie.ca>; Mark Schmitt <MSchmitt@forterie.ca>; devon.haluka@niagararegion.ca; caitlin.goodale@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; newdevelopment@rci.rogers.com; TLennard@npca.ca; Troy Davidson <TDavidson@forterie.ca>; Christopher Smith <CSmith@forterie.ca>; radamsky@niagaraparks.com; Robin Shugan <RShugan@forterie.ca>; ppearson@npca.ca; planninginfo@npca.ca; Mark Iamarino <MIamarino@forterie.ca>; andrew.carrigan@canadapost.postescanada.ca; Rosanna Firenze <RFirenze@forterie.ca>; jake.mcgowan@niagararegion.ca; janet.sperling@ontario.ca; doug.crown@cogeco.com; neave.constantine@ontario.ca; jennifer.olah@ontario.ca; Abby.Laforme@mncfn.ca; Kimberlyn Smith <KSmith@forterie.ca>; Mustafa, Sheraz <Sheraz.Mustafa@cnpower.com>; Elizabeth Latif <ELatif@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Callum Gomez <CGomez@forterie.ca>; Abdul Malik <AMalik@forterie.ca>
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

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 If this is a suspicious email, **before you delete it** use the "Phish Alert Report" in Outlook or log a helpdesk ticket.

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

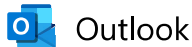
4924 Sherkston Road

Kindly provide comments by November 12, 2024. Should you not have any comments it would be appreciated if you could respond by email indicating no comments will be provided.

kind regards,

Jayne Nahachewsky
Secretary Treasurer of Committee of Adjustment
Town of Fort Erie
1 Municipal Drive
Fort Erie, ON L2A 2S6
TEL: 1-905-871-1600 ext. 2534

This e-mail (including any attachments) may contain confidential, proprietary and privileged information, and unauthorized disclosure or use is prohibited. If you received this e-mail in error, please notify the sender and delete this e-mail from your system



RE: Circulation Package for 3964 Alexandra Road, Fort Erie

From CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>

Date Tue 11/12/2024 1:30 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Good Afternoon,

CPC has no comments regarding this application.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914

 Please consider the environment before printing this email.

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: Monday, November 4, 2024 12:01 PM

To: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Usama.Ali@ontario.ca; Paul Leithwood <pleithwood@npca.ca>; Planning <Planning@ncdsb.com>; planning@dshbn.org; Sarah Mastroianni <smastroianni@npca.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; devtplanningapplications@niagararegion.ca; valentina.escobar@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; rowcentre@bell.ca; Real_EstateCanada@cpr.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; municipalnotices@enbridge.com; Keegan Gennings <KGennings@forterie.ca>; Mark Schmitt <MSchmitt@forterie.ca>; devon.haluka@niagararegion.ca; caitlin.goodale@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; newdevelopment@rci.rogers.com; TLennard@npca.ca; Troy Davidson <TDavidson@forterie.ca>; Christopher Smith <CSmith@forterie.ca>; radamsky@niagaraparks.com; Robin Shugan <RShugan@forterie.ca>; ppearson@npca.ca; planninginfo@npca.ca; Mark Iamarino <MIamarino@forterie.ca>; CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; Rosanna Firenze <RFirenze@forterie.ca>; jake.mcgowan@niagararegion.ca; janet.sperling@ontario.ca; doug.crown@cogeco.com; neave.constantine@ontario.ca; jennifer.olah@ontario.ca; Abby.Laforme@mncfn.ca; Kimberlyn Smith <KSmith@forterie.ca>; Sheraz.Mustafa@cnpower.com; Elizabeth Latif <ELatif@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Callum Gomez <CGomez@forterie.ca>; Abdul Malik <AMalik@forterie.ca>

Subject: Circulation Package for 3964 Alexandra Road, Fort Erie

This Message Is From an External Sender | Ce message provient d'un expéditeur externe

This message came from outside your organization. Please be CAUTIOUS, particularly with links and attachments. | Ce message provient de l'extérieur de votre organisation. Veuillez faire preuve de PRUDENCE, particulièrement lorsqu'il s'agit de liens et de pièces jointes.

[Report Suspicious](#)

Good morning,

My apologies but the link for 3964 Alexandra Road was not provided in the previous email. In error, 3914 Alexandra Road was duplicated.

Please find the link for the circulation package for 3964 Alexandra Road, Fort Erie below:

3964 Alexandra Road, Fort Erie



Thanks,

Jayne Nahachewsky
Secretary Treasurer of Committee of Adjustment
Town of Fort Erie
1 Municipal Drive
Fort Erie, ON L2A2S6
TEL: 1-905-871-1600 ext. 2534



NPCA Response: Committee of adjustment Applications for November 21, 2024
 HearingPaige Pearson to Jayne Nahachewsky 2024-11-06 09:20 AM
 From "Paige Pearson" <ppearson@npca.ca>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>

2 Attachments



4924 Sherkston Road - NPCA Regulated Features Map 1.pdf



4924 Sherkston Road - NPCA Regulated Features Map 2.pdf

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hi Jayne,

My name is Paige Pearson and I will be able to assist CoA reviews on behalf of the NPCA while Meghan Birbeck is on Maternity Leave.

The NPCA has reviewed the CoA Applications and can offer the following comments:

1. 4 & 6 Hagey Avenue: Consent (B47/24) & Minor Variance (A72/24, A73/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

2. 277 & 281 Central Avenue: Consent (B45/24) & Minor Variance (A69/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

3. 285 Elmwood Avenue: Minor Variance (A78/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

4. 2034 Jewson Road: Minor Variance (A75/24)

The NPCA has reviewed the Minor Variance Application and the proposed works on the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

Please be advised that the north portion of the property line is impacted by potential unevaluated wetlands as such, if future proposed works do encroach within this area, the NPCA will require review, approval, and possible work permits.

5. 3666 Crystal Beach Drive : Minor Variance (A70/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

6. 3914 Alexandra Road: Minor Variance (A74/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

7. 3964 Alexandra Road: Minor Variance (A76/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

8. 4062 Glenspring Road: Minor Variance (A77/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

9. 4924 Sherkston Road: Minor Variance (B48/24)

The NPCA has reviewed the Consent Application and the subject property. Based on the NPCA Mapping, the area of proposed lot creation/severance is outside of our regulated areas. As such, the NPCA has no objections.

Please be advised that the northern parcel along the north property line and along the west boundary line is impacted by Regulated Areas. In the case that future works are proposed within any NPCA Regulated Area, the NPCA would require to review and approval works and issue work permits prior to the start of development.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205

www.npca.ca

ppearson@npca.ca

Out of Office Notice: Please note that I will be unavailable starting November 7th until November 13th.

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 1, 2024 11:23 AM

File No.: A76-24
Date: November 12, 2024

To: Devon Morton, Supervisor of Development Approvals
From: Taylor Boyle, Project Manager, Development Engineering
RE: PDS Engineering Comments for Committee of Adjustment
Address: 3964 Alexandra Road

MUNICIPAL SERVICES

	Alexandra Road
Watermain:	150mm dia. PVC (TOFE)
Sanitary Sewer:	200mm dia. PE (TOFE)
Storm Sewer:	300mm dia. CP (TOFE)

ROADS

Alexandra Road is designated as a Local Road as per the Town's current Official Plan, with a designated right-of-way width of 20m. At this time Town Staff will not require a widening.

Town of Fort Erie Development Engineering Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application.

The purpose and effect of this application is to reduce the Minimum Lot Frontage and Minimum Lot Area. No other development is proposed at this time.

The Applicant is requesting the following variances to Section 12B.3 of the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

- To permit a Minimum Lot Frontage of 10.6 metres whereas 15.0 metres is required; and
- To permit a Minimum Lot Area of 314 square metres whereas 510 square metres is required.

Development Engineering Staff offer the following comments:

1. Development Engineering staff have no comments for this minor variance application.

Development Engineering Staff offer the following conditions:

1. Development Engineering staff have no conditions for this minor variance application.

Prepared by: Taylor Boyle, C. Tech., rcsi
Project Manager, Development Engineering

c. Noah Thompson, PDS
Curtis Thompson, PDS
Mark Iamarino, PDS
Keegan Gennings, PDS
Jordan Frost, IS
Jessica Goodings, Fire Services

Re: Committee of adjustment Applications for November 21, 2024 Hearing

From Zachary George <ZGeorge@forterie.ca>

Date Wed 11/13/2024 2:02 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hello,

My apologies for being a day late, Jessica was reviewing my comments.

4 & 6 Hagey Avenue

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

277 and 281 Central Ave

The subject property is located within the Town's Urban Boundary but not in 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).

285 Elmwood

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

2034 Jewson

The subject property is located within the Town's Urban Boundary and Natural Heritage system. 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.

3666 Crystal Beach Drive

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

3914 Alexandra

The subject property is located within the Town's Urban Boundary but not in 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).

3964 Alexandra

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4062 Glenspring Road

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.


4924 Sherkston

The subject property is not located within the Town's Urban Boundary but is in the Natural Heritage system. There are Natural Heritage features present. There is an "other woodland", and a non provincially significant wetland, and a significant wetland on the north end of the property. 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 (GALA in good standing).

Based on the drawing provided by the applicant it appears that the proposed work does not encroach on any natural heritage features, therefore no Environmental Impact Study is required.

Sincerely,

Zach George
Junior Environmental Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6
TEL: 1-905-871-1600 x 2536

Re: Circulation Package for 3964 Alexandra Road, Fort Erie 

Jessica Goodings to Jayne Nahachewsky

2024-11-04 01:24 PM

From Jessica Goodings/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie

Hi Jayne,

The fire department has no comments or concerns at this time.

Thanks,

Jessica Goodings, CFEI, CCFI-C
Senior Fire Prevention Officer
Fort Erie Fire Department
www.forerie.ca
P: 905.871.1600, ext. 2605
C: 289-321-0019

Jayne Nahachewsky Good morning, My apologies but the link for 3... 2024-11-04 12:00:59 PM

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark lamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Date: 2024-11-04 12:00 PM
Subject: Circulation Package for 3964 Alexandra Road, Fort Erie

Good morning,

My apologies but the link for 3964 Alexandra Road was not provided in the previous email. In error, 3914 Alexandra Road was duplicated.

Please find the link for the circulation package for 3964 Alexandra Road, Fort Erie below:

3964 Alexandra Road, Fort Erie

Re: Circulation Package for 3964 Alexandra Road, Fort Erie 📎

Kimberlyn Smith ^t Jayne Nahachewsky
_o

2024-11-07 11:56 AM

From: Kimberlyn Smith/FortErie
To: Jayne Nahachewsky/FortErie@TownOfFortErie

Hi Jayne,

I have no comments.

Thank you,

Kimberlyn Smith
Junior Community Planner
Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
TEL: 1-905-871-1600 ext.2508


Jayne Nahachewsky Good morning, My apologies but the link for 3... 2024-11-04 12:00:59 PM

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark lamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Date: 2024-11-04 12:00 PM
Subject: Circulation Package for 3964 Alexandra Road, Fort Erie

Good morning,

My apologies but the link for 3964 Alexandra Road was not provided in the previous email. In error, 3914 Alexandra Road was duplicated.

Please find the link for the circulation package for 3964 Alexandra Road, Fort Erie below:

Re: Circulation Package for 3964 Alexandra Road, Fort Erie 

Troy Davidson to Jayne Nahachewsky

2024-11-04 01:26 PM

From Troy Davidson/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie

Hi Jayne,

There are no Municipal Drains in this area.

Thanks

Troy Davidson
Town of Fort Erie
Infrastructure Services
Drainage Superintendent
1 Municipal Centre Drive
(905) 871-1600,ext 2405
tdavidson@forterie.on.ca

Fort Erie: A Community For Everyone

Jayne Nahachewsky Good morning, My apologies but the link for 3... 2024-11-04 12:00:59 PM

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark lamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Date: 2024-11-04 12:00 PM
Subject: Circulation Package for 3964 Alexandra Road, Fort Erie

Good morning,

My apologies but the link for 3964 Alexandra Road was not provided in the previous email. In error, 3914

Re: Committee of adjustment Applications for November 21, 2024 Hearing Kathryn Strachan to Jayne Nahachewsky 2024-11-06 09:48 AM
From Kathryn Strachan/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie
Hi Jayne,

I have reviewed the COA applications and have no comments.
Kind regards,

Kathryn

Kathryn Strachan

Landscape Planner

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2529

----- Original message -----

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dshn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark Iamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Cc:
Subject: Committee of adjustment Applications for November 21, 2024 Hearing
Date: Fri, Nov 1, 2024 11:23 AM

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: A76/24

Address: 3964 Alexandra Road, Fort Erie

Owner: Kelly Scott

Applicant: Kelly Scott

1. Title

Minor Variance Application A76/24 for lands located at 3964 Alexandra Road, Fort Erie

2. Purpose

The purpose and effect of this application is to reduce the Minimum Lot Frontage and Minimum Lot Area to facilitate the creation of one residential lot.

The application seeks the following variances to Section 12B.3 of the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended:

1. To permit a Minimum Lot Frontage of 10.6 metres whereas 15.0 metres is required.
2. To permit a Minimum Lot Area of 314 square metres whereas 510 square metres is required.

3. Recommendations

Planning Staff recommend Minor Variance Application A76/24 be **APPROVED** as submitted.

4. Analysis

4.1. Site Context

The subject lands are located within the Crystal Beach Secondary Plan Area on the north side of Alexandra Road, Fort Erie. The subject lands have an approximate lot area of 780 square metres and lot frontage of approximately 26.8 metres. The subject lands currently have an existing single detached dwelling unit on the western portion of the lot. The eastern portion of the subject lands, which is not deemed and is considered an existing lot of record, is vacant.

The predominant land use of the neighbourhood is residential comprised mainly of single detached dwellings.

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

4.2. Environmentally Sensitive Areas

Town Environmental Planning staff have confirmed that there are no environmentally sensitive areas on the subject lands as identified in the Town's Official Plan Schedule C - Natural Heritage Features or Schedule C1 – Natural Hazards and Fish Habitat.

The Niagara Peninsula Conservation Authority (NPCA) has confirmed that the subject lands are outside of NPCA regulated area. At the time of this writing no comments have been received from Niagara Region; however the subject lands do not appear to be within the Natural Environment System in the Niagara Official Plan.

Tree removal shall be in accordance with the requirements of the Town's Tree By-law No. 33-2024.

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 supportable:

4.3.1. Is the proposal minor in nature?

Reduced Minimum Lot Frontage

The intent of the lot frontage and area is to provide functionality of a lot and provide a sufficient building envelope for a future residential development. Currently the lands are vacant, thus allowing a future development much opportunity to comply to the Residential 2 (R2) setbacks. The reduction in lot frontage is similar in character to surrounding properties within the neighbourhood. Impacts to the neighbouring properties will be limited. Therefore, the proposed variance is considered minor in nature.

Reduced Minimum Lot Area

The intent of minimum lot area is to provide sufficient space for a building envelope, vehicular parking, access to the rear of the property and provide sufficient amenity space. As mentioned above, the existing lot of record of record is vacant which will allow a residential development to appropriately design a desirable building envelope. The reduction in lot area is similar in character to surrounding properties within the neighbourhood. Impacts to the neighbouring properties will be limited. Therefore, the proposed variance 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 subject lands are zoned and designated for residential purposes. As noted above, the

eastern portion of the subject lands are classified as an existing lot of record. The surrounding neighbourhood has similar lots with 10 metres frontages and lot areas of ranging from approximately 294 square metres to 311 square metres in the Residential 2 (R2) Zone, which will maintain the characteristics of the surrounding neighbourhood. The reduction of lot frontage and area will continue to provide an adequate building envelope for future residential development of the subject lands.

Therefore, it is the opinion of Planning Services staff that the requested variances represent 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 subject lands are designated Urban Residential within the Crystal Beach Secondary Plan Area. The Urban Residential designation allows for a variety of residential dwellings, such as single detached dwellings.

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

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

Reduced Minimum Lot Frontage

The subject lands are zoned Residential 2 (R2) Zone. Section 6.18(e) of the Town's Zoning By-law 129-90 entitled *Non-Conforming Uses, Buildings Structures and Lots (Lot Area And/ or Frontage Less Than Required)* states that a remnant of a part of a lot that is not deemed and is a distinct separate lot shall have a minimum lot frontage of 12 metres. The existing lot of record of the subject lands has an existing lot frontage of 10.6 metres which does not meet the 12 metre frontage as per Section 6.18 (e). The variance is request is to seek relief from the provisions of the required lot frontage of the Residential 2 (R2) Zone. The proposed variance will provide sufficient frontage for general maintenance, access to the rear, desirable building envelope, as well as maintain the characteristics of the surrounding neighbourhood.

Reduced Minimum Lot Area

Section 6.18(e) of the Town's Zoning By-law 129-90 entitled *Non-Conforming Uses, Buildings Structures and Lots (Lot Area And/ or Frontage Less Than Required)* states that a remnant of a part of a lot that is not deemed and is a distinct separate lot shall have a minimum lot area of the respective zone provisions of the Zoning By-law. The required Residential 2 (R2) Zone minimum lot frontage is 15 metres, and minimum lot area of 510 square metres. The existing lot of record of the subject lands has an existing lot area of 310.58 square metres, which does not meet the lot area provisions as per Section 6.18 (e). The variance is request is to seek relief from the lot area provisions of the Residential 2 (R2) Zone. The proposed variances will provide sufficient space to accommodate parking, general maintenance, amenity space and desirable building envelope, as well as maintain the characteristics of the surrounding neighbourhood.

Therefore, it is of the opinion of Planning Services staff that the requested variance maintains the general intent and purpose of the Town's Zoning By-law 129-90, as amended.

5. Comments from Departments, Community and Corporate Partners

Staff and Agency Comments

Environmental Planning

The subject property is located within the Town's Urban Boundary but not in 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).

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 injured 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. The subject lands are not within area under the regulation of the NPCA.

Niagara Region

No comments were received from Niagara Region.

6. Conclusion

Based on the above analysis, Planning Staff recommend that Minor Variance Application A76/24 be **APPROVED**, as submitted.

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

10.6m

← 29.3m →



Town of Fort Erie Committee of Adjustment Notice of Public Hearing And Applications for Consent & Minor Variance

Consent File B45/24

Minor Variance File A69/24

277 & 281 Central Avenue, Fort Erie

Legal Description: Part Lot 117- 118 and PT Lot 116 NP Plan 512; Fort Erie
and Lot 114 – 115 and PT Lot 116 NP 512; Fort Erie

Roll No. 2703 020 022 27800 0000

Roll No. 2703 010 044 03000 0000

Applicant: Casa El Norte Refugee Assistance Program

Agent: John T. Teal

Notice is hereby given that the Committee of Adjustment of the Town of Fort Erie will be holding a Public Hearing to consider the matter of a consent and minor variance application, pursuant to the provisions of Sections 45, 50, and 53 of the *Planning Act*, R.S.O. 1990, for the lands described in this Notice. A key plan showing the location of the subject lands and a sketch of the proposal are included in this Notice.

Date: The Public Hearing has been scheduled for **Thursday, November 21, 2024 at 5:00 PM**

Location: Fort Erie Town Hall Council Chambers, 1 Municipal Centre Drive, Fort Erie, ON

Purpose and Effect:

The purpose and effect of the applications is to reduce the Minimum Lot Frontage and to facilitate a Boundary Adjustment between two existing residential properties that will continue to function as residential properties.

File No. B45/24:

Seeks to convey Parcel 2 from Parcel 3 to be added to Parcel 1 as shown on the Consent Sketch. Parcel 2 would have a lot area of 252.5sq m and a lot frontage of 5.02 m.

Minor Variance File No. A69/24 has been submitted concurrently with the Consent application (Boundary Adjustment).

Details of Minor Variance Application:

The Applicant is requesting the following variances to the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

File No. A69/24:

1. To permit a Minimum Lot Frontage of 14.0 metres whereas 15.0 meters is required.

Current Zoning:

The subject lands are zoned R2 Zone (277 Central Avenue) and R2-47 (281 Central Avenue), in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended.

Current Official Plan Designation:

The subject lands are designated Low Density Residential in the Town’s Official Plan and Part of OPA#37 – Southend Secondary Plan.

KEY MAP:



How to Participate:

You are invited to attend the Hearing or provide comments relative to the applications as you are either a property owner located within the 60 m radius of the subject lands or an agency deemed to have an interest in the proceedings. Any person/agency may attend this Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed applications. Please be advised that all written and oral comments received will become part of the applications' record, and will be available to the public and Applicant.

If you wish to make a written submission, you may do so by providing your reasons for support or opposition prior to 12:30 PM on **Wednesday, November 20, 2024** via email, mail or drop off in the Town drop off box located at Town Hall to the attention of Jayne Nahachewsky (JNahachewsky@forterie.ca) who will provide them to the Committee of Adjustment.

If you wish to be notified of the Committee of Adjustment's decision with respect to the proposed applications, you must make a **WRITTEN** submission to the Secretary-Treasurer of the Committee of Adjustment at the address noted below either **prior to, or at the Hearing**.

Applicants or their Agents are required to attend the Hearing. If the Applicant or Agent does not attend this Hearing, the Committee may proceed in their absence without further notice.

Further information on the Consent and Minor Variance processes is available at:

For Additional Information Regarding This Application Contact:
Jayne Nahachewsky, Secretary Treasurer of Committee of Adjustment
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
905-871-1600 ext. 2534 or JNahachewsky@forterie.ca

Mailed – October 31, 2024

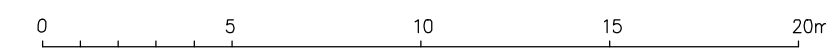
SURVEYOR'S SEAL

SKETCH

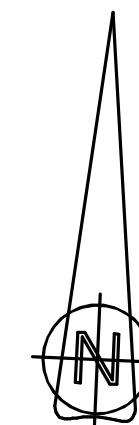
THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

HENRIETTA STREET

SKETCH FOR PLANNING ACT APPLICATION
277 & 281 CENTRAL AVENUE
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA



SCALE 1:200
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS



PLAN

533

107

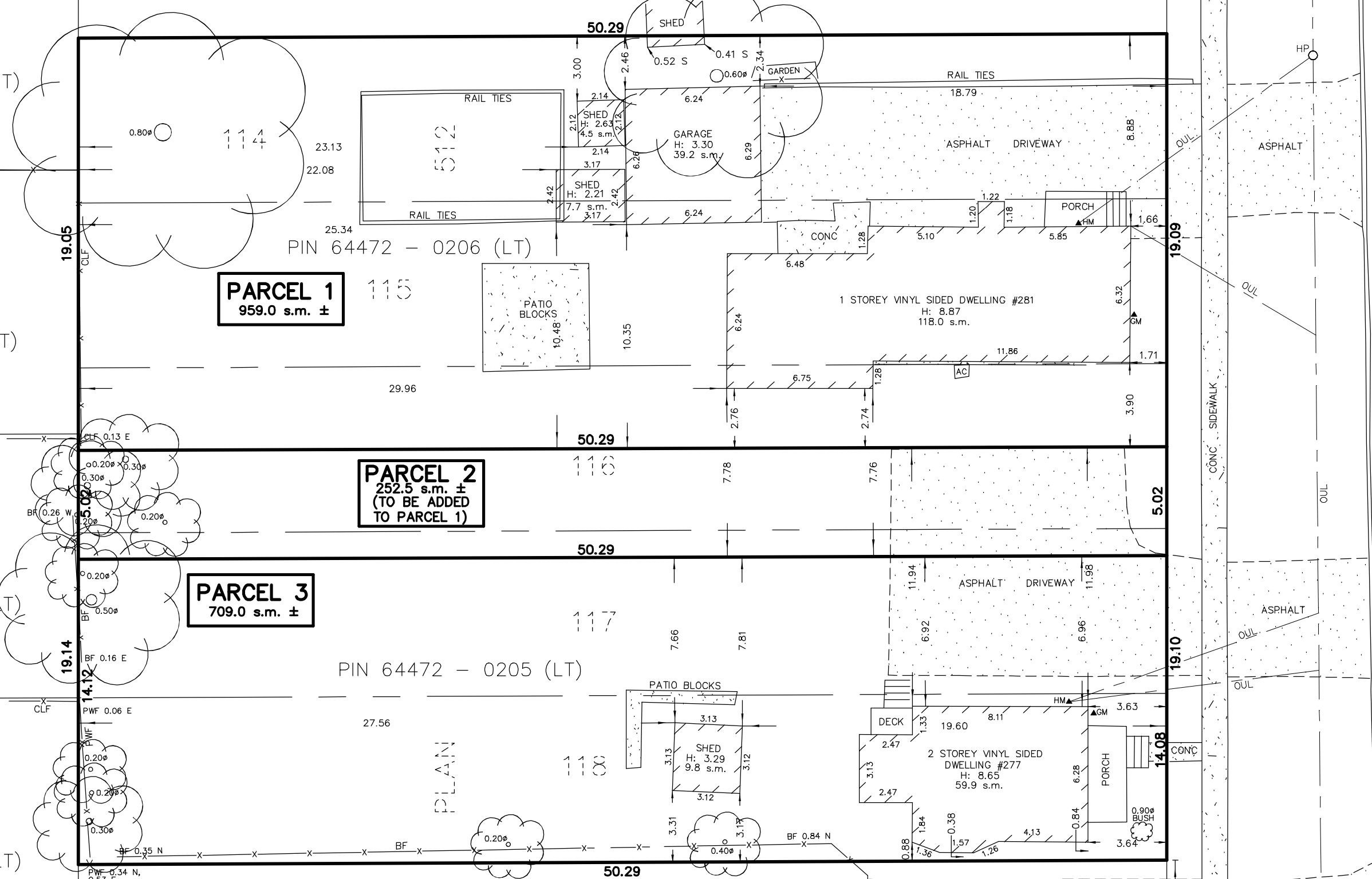
PIN 64472 - 0226 (LT)

DWELLING #287

533

104

PIN 64472 - 0190 (LT)



PARCEL 1
959.0 s.m. ±

PARCEL 2
252.5 s.m. ±
(TO BE ADDED
TO PARCEL 1)

PARCEL 3
709.0 s.m. ±

LEGEND & NOTES

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - AC DENOTES AIR CONDITIONER
 - BF DENOTES BOARD FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - GM DENOTES GAS METER
 - HM DENOTES HYDRO METER
 - HP DENOTES HYDRO/UTILITY POLE
 - OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
 - PWF DENOTES POST AND WIRE FENCE
 - ⊙ DENOTES DECIDUOUS TREE (CANOPY NOT TO SCALE)
 - H DENOTES BUILDING HEIGHT, AS PER TOWN OF FORT ERIE ZONING BY-LAW
- N=NORTH, S=SOUTH, E=EAST, W=WEST

METRIC NOTE:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PROPERTY DESCRIPTION

LOTS 114, 115, 116, 117 AND 118, PLAN 512,
GEOGRAPHIC VILLAGE OF FORT ERIE,
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA
PIN 64472-0205 (LT) AND PIN 64472-0206 (LT)

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS AND ACTUAL FIELD WORK.

CAUTION

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
3. THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.
4. ALL DIMENSIONS AND AREAS ARE APPROXIMATE.

PIN 64227 - 0001 (LT)
KINCARDINE (PLAN 512) AVENUE
KNOWN AS CENTRAL AVENUE

101

PIN 64472 - 0193 (LT)

PIN 64472 - 0204 (LT)

533

CATHERINE STREET

JULY 4, 2024
DATE

Harold Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

© COPYRIGHT, RASCH & HYDE LTD., O.L.S., 2024

RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
DUNNVILLE, ONT, N1A 2X1
DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757
(FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 200 SURVEY : 24F014 DRWN BY : T. Matheson

TITLE PAGE FOR
277 & 281 Central Avenue
Consent Application : B45/24
Minor Variance Application: A69/24



RE: Committee of adjustment Applications for November 21, 2024 Hearing Mustafa, Sheraz to Jayne Nahachewsky 2024-11-01 12:42 PM
 From "Mustafa, Sheraz" <Sheraz.Mustafa@cnpower.com>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>
 History: This message has been replied to.

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Jayne,

CNP has no concerns with any of these applications.

Regards,
 Sheraz

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>
Sent: November 1, 2024 11:23 AM
To: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Usama.Ali@ontario.ca; Paul Leithwood <pleithwood@npca.ca>; Planning <Planning@ncdsb.com>; planning@dsbn.org; Sarah Mastroianni <smastroianni@npca.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; devtplanningapplications@niagararegion.ca; valentina.escobar@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; rowcentre@bell.ca; Real_EstateCanada@cpr.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; municipalnotices@enbridge.com; Keegan Gennings <KGennings@forterie.ca>; Mark Schmitt <MSchmitt@forterie.ca>; devon.haluka@niagararegion.ca; caitlin.goodale@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; newdevelopment@rci.rogers.com; TLennard@npca.ca; Troy Davidson <TDavidson@forterie.ca>; Christopher Smith <CSmith@forterie.ca>; radamsky@niagaraparks.com; Robin Shugan <RShugan@forterie.ca>; ppearson@npca.ca; planninginfo@npca.ca; Mark Iamarino <MIamarino@forterie.ca>; andrew.carrigan@canadapost.postescanada.ca; Rosanna Firenze <RFirenze@forterie.ca>; jake.mcgowan@niagararegion.ca; janet.sperling@ontario.ca; doug.crown@cogeco.com; neave.constantine@ontario.ca; jennifer.olah@ontario.ca; Abby.Laforme@mncfn.ca; Kimberlyn Smith <KSmith@forterie.ca>; Mustafa, Sheraz <Sheraz.Mustafa@cnpower.com>; Elizabeth Latif <ELatif@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Callum Gomez <CGomez@forterie.ca>; Abdul Malik <AMalik@forterie.ca>
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

WARNING: This email originated from outside of FortisOntario. Pause and look for any **RED FLAGS** or signs of phishing.
 If this is a suspicious email, **before you delete it** use the "Phish Alert Report" in Outlook or log a helpdesk ticket.

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road

Kindly provide comments by November 12, 2024. Should you not have any comments it would be appreciated if you could respond by email indicating no comments will be provided.

kind regards,

Jayne Nahachewsky
Secretary Treasurer of Committee of Adjustment
Town of Fort Erie
1 Municipal Drive
Fort Erie, ON L2A 2S6
TEL: 1-905-871-1600 ext. 2534

This e-mail (including any attachments) may contain confidential, proprietary and privileged information, and unauthorized disclosure or use is prohibited. If you received this e-mail in error, please notify the sender and delete this e-mail from your system



NPCA Response: Committee of adjustment Applications for November 21, 2024
 HearingPaige Pearson to Jayne Nahachewsky 2024-11-06 09:20 AM
 From "Paige Pearson" <ppearson@npca.ca>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>

2 Attachments



4924 Sherkston Road - NPCA Regulated Features Map 1.pdf



4924 Sherkston Road - NPCA Regulated Features Map 2.pdf

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hi Jayne,

My name is Paige Pearson and I will be able to assist CoA reviews on behalf of the NPCA while Meghan Birbeck is on Maternity Leave.

The NPCA has reviewed the CoA Applications and can offer the following comments:

1. 4 & 6 Hagey Avenue: Consent (B47/24) & Minor Variance (A72/24, A73/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

2. 277 & 281 Central Avenue: Consent (B45/24) & Minor Variance (A69/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

3. 285 Elmwood Avenue: Minor Variance (A78/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

4. 2034 Jewson Road: Minor Variance (A75/24)

The NPCA has reviewed the Minor Variance Application and the proposed works on the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

Please be advised that the north portion of the property line is impacted by potential unevaluated wetlands as such, if future proposed works do encroach within this area, the NPCA will require review, approval, and possible work permits.

5. 3666 Crystal Beach Drive : Minor Variance (A70/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

6. 3914 Alexandra Road: Minor Variance (A74/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

7. 3964 Alexandra Road: Minor Variance (A76/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

8. 4062 Glenspring Road: Minor Variance (A77/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

9. 4924 Sherkston Road: Minor Variance (B48/24)

The NPCA has reviewed the Consent Application and the subject property. Based on the NPCA Mapping, the area of proposed lot creation/severance is outside of our regulated areas. As such, the NPCA has no objections.

Please be advised that the northern parcel along the north property line and along the west boundary line is impacted by Regulated Areas. In the case that future works are proposed within any NPCA Regulated Area, the NPCA would require to review and approval works and issue work permits prior to the start of development.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205

www.npca.ca

ppearson@npca.ca

Out of Office Notice: Please note that I will be unavailable starting November 7th until November 13th.

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 1, 2024 11:23 AM

Interoffice Memorandum

File No.: B45--24
Date: November 12, 2024

To: Devon Morton, Supervisor of Development Approvals
From: Taylor Boyle, Project Manager, Development Engineering
RE: PDS Engineering Comments for Committee of Adjustment
Address: 277 and 281 Central Avenue

MUNICIPAL SERVICES

Central Avenue

Watermain: 350mm dia. AC (TOFE)
Sanitary Sewer: 225mm dia. VIT (TOFE)
Storm Sewer: 375mm dia. CONC (**RMON**)

ROADS

Alexandra Road is designated as a **REGIONAL ARTERIAL ROAD** as per the Town's current Official Plan. Any comments regarding the road will be provided by the Niagara Region.

Town of Fort Erie Development Engineering Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application.

Application seeks to convey Parcel 2 from Parcel 3 to be added to Parcel 1 as shown on the Consent Sketch. Parcel 2 would have a lot area of 252.5sq m and a lot frontage of 5.02 m.

Minor Variance File No. A69/24 has been submitted concurrently with the Consent application (Boundary Adjustment).

Development Engineering Staff offer the following comments:

1. Development Engineering staff have no comments about this minor variance application.

Development Engineering Staff offer the following conditions:

1. Development Engineering staff will require a **Site Servicing Plan** to ensure that all existing site services will not cross the new property lines.

Prepared by: Taylor Boyle, C. Tech., rcsi
Project Manager, Development Engineering

- c. Noah Thompson, PDS
Curtis Thompson, PDS
Mark Iamarino, PDS
Keegan Gennings, PDS
Jordan Frost, IS
Jessica Goodings, Fire Services

Re: Committee of adjustment Applications for November 21, 2024 Hearing

From Zachary George <ZGeorge@forterie.ca>

Date Wed 11/13/2024 2:02 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hello,

My apologies for being a day late, Jessica was reviewing my comments.

4 & 6 Hagey Avenue

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

277 and 281 Central Ave

The subject property is located within the Town's Urban Boundary but not in 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).

285 Elmwood

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

2034 Jewson

The subject property is located within the Town's Urban Boundary and Natural Heritage system. 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.

3666 Crystal Beach Drive

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

3914 Alexandra

The subject property is located within the Town's Urban Boundary but not in 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).

3964 Alexandra

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4062 Glenspring Road

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4924 Sherkston

The subject property is not located within the Town's Urban Boundary but is in the Natural Heritage system. There are Natural Heritage features present. There is an "other woodland", and a non provincially significant wetland, and a significant wetland on the north end of the property. 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 (GALA in good standing).

Based on the drawing provided by the applicant it appears that the proposed work does not encroach on any natural heritage features, therefore no Environmental Impact Study is required.

Sincerely,

Zach George
Junior Environmental Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6
TEL: 1-905-871-1600 x 2536

Re: Committee of adjustment Applications for November 21, 2024 Hearing 📄

Kimberlyn Smith ^t Jayne Nahachewsky
o

2024-11-04 04:05 PM

From Kimberlyn Smith/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie

Hi Jayne,

Please see below:

4 & 6 Hagey Avenue - B47/24, A72/24 & A73/24
- No comments

277 & 281 Central Avenue - B45/24 & A69/24
- No comments

285 Elmwood Avenue - A78/24
- No comments

2034 Jewson Road - A75/24
- No comments

3666 Crystal Beach Drive - A70/24
- No comments

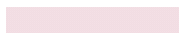
3914 Alexandra Road - A74/24
- No comments

4062 Glenspring Road - A77/24
- No comments

4924 Sherkston Road - B48/24
- That the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 2, to the satisfaction of the Town; and that the owner/applicant pays to the Town a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 2.

Thank you,

Kimberlyn Smith
Junior Community Planner
Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive



Jayne Nahachewsky 2024-11-01 11:23:07 AM

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark lamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Date: 2024-11-01 11:23 AM
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

No Municipal Drains

[Redacted]

277 & 281 Central Avenue

No Municipal Drains

285 Elmwood Avenue

[Redacted]

No Municipal Drains

2034 Jewson Road

High Road Drain

[Redacted]

3666 Crystal Beach Drive

No Municipal Drains

[Redacted]
3914 Alexandra Road

No Municipal Drains

[Redacted]

[Redacted]

[Redacted]

[Redacted]

3964 Alexandra Road

No Municipal Drains

4062 Glenspring Road

No Municipal Drains

4924 Sherkston Road

Pr. Abino Drain
Baer Drain
Schooley Drain
Beaver Creek Drain

Re: Committee of adjustment Applications for November 21, 2024 Hearing Kathryn Strachan to Jayne Nahachewsky 2024-11-06 09:48 AM
From Kathryn Strachan/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie
Hi Jayne,

I have reviewed the COA applications and have no comments.
Kind regards,

Kathryn

Kathryn Strachan

Landscape Planner

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2529

----- Original message -----

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dshbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark Iamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Cc:
Subject: Committee of adjustment Applications for November 21, 2024 Hearing
Date: Fri, Nov 1, 2024 11:23 AM

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: A69/24

Address: 277 Central Avenue, Fort Erie (Southend)

Owner/Applicant: Casa El Norte Refugee Assistance Program

Agent: John T. Teal

1. Title

Minor Variance Application A69/24 for lands located at 277 Central Avenue, Fort Erie (Southend)

2. Purpose

The purpose and effect of this application is to reduce the Minimum Lot Frontage to facilitate a Boundary Adjustment between two adjacent parcels (277 Central Avenue and 281 Central Avenue) under the same ownership. The reduced lot frontage is proposed for Parcel 3 (277 Central Avenue) on Appendix 1 - Consent Sketch attached hereto

The application seeks the following variances to Section 11 of the Town of Fort Erie Comprehensive Zoning By-law 129-90, as amended:

1. To permit a reduced Minimum Lot Frontage of 14.0 metres whereas 15.0 metres is required.

3. Recommendations

Planning staff recommend Minor Variance Application A69/24 be **APPROVED** subject to the following conditions:

1. That the Owner / Applicant shall obtain final approval of Consent file B45/24 by the Committee of Adjustment, to the satisfaction of the Town.

4. Analysis

4.1. Site Context

The subject lands are located within the urban boundary in the Southend neighbourhood of the Town of Fort Erie on the west side of Central Avenue. A single detached dwelling is located on

the subject lands and is municipally known as 277 Central Avenue, Fort Erie. The land uses surrounding the subject lands include:

North: Single detached dwellings;
 South: Single detached dwellings;
 East: Central Avenue, Our Lady of Victory Catholic Elementary School and single detached dwellings;
 West: Single detached dwellings.

4.2. Environmentally Sensitive Areas

Environmental Planning staff have confirmed that there are no environmentally sensitive areas on the subject lands as identified in the Town's Official Plan Schedule C – Natural Heritage Features or Schedule C1 – Natural Hazards and Flood Habitat. The Niagara Peninsula Conservation Authority (NPCA) has confirmed that the subject lands are outside of their regulated area.

Tree removal shall be in accordance with the requirements of the Town's Tree By-law No. 33-2024.

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 minor and supportable.

4.3.1. Is the proposal minor in nature?

The proposal to reduce the Minimum Lot Frontage of Parcel 3 from 15.0 metres to 14.0 metres is minor. Sufficient space will remain available for the existing single detached including space for parking and amenity area among other things. The proposed reduction is small and is consistent with other parcels in the neighbourhood that also have lot frontages less than 15.0 metres.

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

The general proposal to permit a small reduction in lot frontage to facilitate a boundary adjustment between two adjacent parcels with existing single detached dwellings is appropriate and desirable. Planning staff note that other than the Minimum Lot Frontage for Parcel 3, no new zoning deficiencies will result from the proposed Boundary Adjustment.

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

Official Plan Designation: "Low Density Residential" in the Southend Secondary Plan in the Town's Official Plan.

A single detached dwellings is a permitted land use in areas that are designated Low Density Residential in the Southend Secondary Plan. This 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?

Zoning: “Residential 2 (R2) Zone” in Comprehensive Zoning By-law No. 129-90, as amended.

The general intent of zoning regulations for Minimum Lot Frontage is to ensure that parcels are of sufficient size to accommodate an adequately-sized dwelling with space for parking, amenity area and servicing and to ensure compatibility with the surrounding area in terms of lot sizes. This proposal meets this intent. Sufficient space will remain for the existing single detached dwelling, including space for parking and amenity area among other things. The reduction in lot frontage is similar to other parcels in the neighbourhood that have similar lot frontage.

5. Comments from Departments, Community and Corporate Partners

Development Engineering

No objection. A condition is requested for a Site Servicing Plan to ensure that all existing site services will not cross the new property lines.

Staff Response

This item was added as a condition of approval to the associated Consent Application B45/24.

Environmental Planning

The Town’s Environmental Planning staff have requested that an Arborist Report and a Tree Preservation Plan be prepared by a qualified arborist, and that a Landscape Plan be prepared by a qualified person demonstrating tree re-plantings per the Town’s Tree By-law 22-2024 as conditions of approval of this Minor Variance application.

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 development is proposed besides the Boundary Adjustment and no trees are being removed these conditions may be waived by Environmental Planning staff. These items were added as conditions of approval to the associated Consent Application B45/24.

Niagara Peninsula Conservation Authority (NPCA)

No objection. The subject lands are not within area under the regulation of the NPCA.

Niagara Region

No comments or objections were received from Niagara Region.

6. Conclusion

Based on the above analysis, Planning Staff recommend **APPROVAL** of Minor Variance Application A69-24 subject to the recommended condition.

7. Report Approval

Prepared by:
Daryl Vander Veen
Intermediate Development Planner

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

8. Attachments

Appendix 1 – Consent Sketch

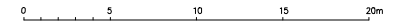
SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

HENRIETTA STREET

SKETCH FOR PLANNING ACT APPLICATION
277 & 281 CENTRAL AVENUE
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA



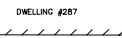
SCALE 1:200
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS



PLAN

533

107
PIN 64472 - 0226 (LT)



104
PIN 64472 - 0190 (LT)

103
PIN 64472 - 0191 (LT)

PARCEL 1
115
959.0 s.m. ±

PARCEL 2
116
252.5 s.m. ±
(TO BE ADDED TO PARCEL 1)

PARCEL 3
117
709.0 s.m. ±

102
PIN 64472 - 0192 (LT)

PIN 64472 - 0205 (LT)

101
PIN 64472 - 0193 (LT)

PIN 64472 - 0204 (LT)

PLAN

533

CATHERINE STREET

PIN 64227 - 0001 (LT)
(PLAN 512)
KINCARDINE AVENUE
KNOWN AS CENTRAL AVENUE

LEGEND & NOTES

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - AC DENOTES AIR CONDITIONER
 - BF DENOTES BOARD FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - GM DENOTES GAS METER
 - HM DENOTES HYDRO METER
 - HP DENOTES HYDRO/UTILITY POLE
 - OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
 - PWF DENOTES POST AND WIRE FENCE
 - ⊙ DENOTES DECIDUOUS TREE (CANOPY NOT TO SCALE)
 - H DENOTES BUILDING HEIGHT, AS PER TOWN OF FORT ERIE ZONING BY-LAW
- N=NORTH, S=SOUTH, E=EAST, W=WEST

METRIC NOTE:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PROPERTY DESCRIPTION

LOTS 114, 115, 116, 117 AND 118, PLAN 512,
GEOGRAPHIC VILLAGE OF FORT ERIE,
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA
PIN 64472-0205 (LT) AND PIN 64472-0206 (LT)

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS AND AN ACTUAL FIELD WORK.

CAUTION

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4. ALL DIMENSIONS AND AREAS ARE APPROXIMATE.

JULY 4, 2024
DATE

Harold Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

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RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
DUNNVILLE, ONT. N1A 2X1
DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757
(FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 200 | SURVEY : 24F014 | DRWN BY : T. Matheson



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: B45/24

Address: 277 & 281 Central Avenue, Fort Erie (Southend)

Owner/Applicant: Casa El Norte Refugee Assistance Program

Agent: John T. Teal

1. Title

Consent Application B45/24 for lands located at 277 and 281 Central Avenue, Fort Erie (Southend)

2. Proposal

The purpose and effect of this Consent application is to facilitate a Boundary Adjustment between two adjacent parcels under the same ownership.

Consent Application B45/24 proposes to sever Parcel 2 on the Consent Sketch from Parcel 3 and merge it with Parcel 1.

The parcels have the following lot frontages and lot areas:

Parcel Number	Lot Frontage	Lot Area
Parcel 1	19.09 metres	959.00 square metres
Parcel 2	5.02 metres	252.50 square metres
Parcel 3	14.08 metres	709.00 square metres

If this application is approved Parcel 1 and Parcel 2 will have 24.11 of lot frontage and 1,211.50 square metres of lot area. Parcel 3 will have 14.08 metres of lot frontage and 709.00 square metres of lot area. A Minor Variance application is required to permit the reduced lot frontage on Parcel 3. Minor Variance application A69/24 is being submitted concurrently with this Consent application. Approval of Minor Variance A69/24 will be a condition of this Consent application.

3. Recommendations

Planning staff recommend **APPROVAL** of Consent Application B45/24, conditional upon the following:

1. That the Owner / Applicant obtain final approval of Minor Variance Application A69/24, by the Committee of Adjustment, to the satisfaction of the Town.
2. That the Owner / Applicant obtain final approval of a Deeming By-law, to achieve the proposed parcel configuration, to the satisfaction of the Town.
3. That the Owner / Applicant submit a Site Servicing Plan to the satisfaction of the Town.
4. That the Owner / Applicant's Solicitor and / or Land Surveyor provide the Secretary-Treasurer with a legal description of Parcel 1 and Parcel 2 to be registered on title together with a draft copy of the reference plan for approval. Upon approval, the Owner / Applicant's Solicitor and / or Land Surveyor shall deposit the approved reference plan and provide an original and digital copy (in AutoCAD .dwg and .PDF format) of the deposited reference plan, for use in the issuance of the Certificate of Consent.
5. That the Owner / 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.
6. That the Final Certification fee shall be payable to the "Town of Fort Erie" be submitted to the Secretary-Treasurer. The Consent is not considered final prior to final consent certificate being issued.
7. That pursuant to Section 50(12) of the *Planning Act*, it is hereby stipulated that Sections 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving the identical subject parcel of land (Parcel 2); that Parcel 2 is merged in title with Parcel 1 and they become one parcel of land; and that the Owner / Applicant provides a lawyer's undertaking to the Secretary-Treasurer agreeing that Parcel 2 shall be conveyed to the owner of Parcel 1, and that an application to consolidate the lands be prepared and registered, and that a copy of receipted consolidation application be forwarded within two years of issuance of the consent certificate.
8. In the event of any Tree removal on the subject lands, the Owner / Applicant shall submit a Tree Preservation Plan prepared by a qualified arborist, an Arborist Report and Landscape Plan prepared by a qualified person demonstrating the re-planting using compensation ratios per Table B.1 of Tree By-law 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.

4. Analysis

4.1. Site Context

The subject lands are located within the urban boundary in the Southend neighbourhood of the Town of Fort Erie on the west side of Central Avenue. The subject lands currently have two single detached dwellings on them, municipally known as 277 Central Avenue and 281 Central Avenue. The land uses surrounding the subject lands include:

North: Single detached dwellings;

South: Single detached dwellings;

East: Central Avenue, Our Lady of Victory Catholic Elementary School and single detached dwellings;

West: Single detached dwellings.

Planning staff note that the subject lands are comprised of five registered lots on Plan 18/NP512 (Lot 117, Lot 118 and Part Lot 116 for 277 Central Avenue, and Lot 114, Lot 115 and Part Lot

16 for 281 Central Avenue. It is Planning Staff's opinion that a Deeming By-law will be required to facilitate the proposal and as such, has been included as a condition of approval.

4.2. Environmentally Sensitive Areas

Environmental Planning staff have confirmed that there are no environmentally sensitive areas on the subject lands as identified in the Town's Official Plan Schedule C – Natural Heritage Features or Schedule C1 – Natural Hazards and Flood Habitat. The Niagara Peninsula Conservation Authority (NPCA) has confirmed that the subject lands are outside of their regulated area.

Tree removal shall be in accordance with the requirements of the Town's Tree By-law No. 33-2024.

4.3. Planning Context

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

Section 2 of the Planning Act requires the Committee of Adjustment to have regard for the Provincial interests and the land division criteria outlined in Section 51(24).

Section 3(5) of the Planning Act requires decisions to be consistent with the Provincial Planning Statement and Provincial plans. Section 53(12) of the Planning Act requires that regard be given to the land division criteria under Section 51(24), such as matters of Provincial interest, health and safety, affordable housing, suitability and shape of the lot, roads and access.

The applications are consistent with the Provincial Planning Statement and Provincial plans and have regard for the criteria under Section 51(24).

Southend Secondary Plan (2018) in the Town of Fort Erie Official Plan, 2021

The subject lands are designated "Low Density Residential", in accordance with the Town's Southend Secondary Plan in the Official Plan. Permitted uses in the "Low Density Residential" designation include single-detached dwellings. The proposed Consent is consistent with the Secondary Plan and the Town's Official Plan.

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

The subject lands are zoned "Residential 2B (R2B) Zone", in part, and "Residential 2 (R2-47) Zone", in part, in accordance with the Town's Zoning By-law. The R2 Zone permits single detached dwellings. The R2-47 Zone permits use of 281 Central Avenue as an emergency residential hostel. In 2022, Minor Variance application A34/22 was approved to permit an increase in the maximum overnight capacity load from 8 persons to 12 persons for the emergency residential hostel. It is noted that this boundary adjustment will result in spilt zoning that may need to be rectified through a future *Planning Act* application if new development is proposed. It is noted that in the event of spilt zoning on parcel the most restrictive zoning regulations apply.

The R2 Zone and the R2-47 Zone requires a minimum lot frontage of 15.00 metres and a minimum lot area of 510.00 square metres per lot. Minor Variance application A69/24 is submitted concurrently with this application to address the deficient lot frontage of Parcel 3. Approval of A69/24 will be a condition of this Consent.

5. Comments from Departments, Community and Corporate Partners

Development Engineering

No objection. A Site Servicing Plan is requested as a condition of approval to ensure that all existing site services will not cross the new property lines.

Environmental Planning

The subject property is located within the Town's Urban Boundary but not in 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).

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 development is proposed besides the Boundary Adjustment and no trees are being removed these conditions may be waived by Environmental Planning staff.

Niagara Peninsula Conservation Authority (NPCA)

No objections. The subject lands do not contain any Niagara Peninsula Conservation Authority regulated features.

Public Comments

No public comments have been received at the time of writing this report.

Niagara Region

No comments or objections were received from Niagara Region.

6. Conclusion

Based on the above analysis, Planning Staff recommend **APPROVAL** of Consent Application B45/24, subject to the recommended conditions.

7. Report Approval

Prepared by:
Daryl Vander Veen

Intermediate Development Planner

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

8. Attachments

Appendix 1 – Application Sketch



Town of Fort Erie Committee of Adjustment Notice of Public Hearing and Applications for Consent & Minor Variance

Minor Variance File A70/24 3666 Crystal Beach Drive, Fort Erie

Legal Description: Lot 130 PL 74 NP414

Roll No.: 2703 020 012 11200 0000

Applicant: Andrew Allen Hellwig Design Consultants Inc. c/o Andrew Hellwig

Notice is hereby given that the Committee of Adjustment of the Town of Fort Erie will be holding a Public Hearing to consider the matter of a consent and minor variance application, pursuant to the provisions of Sections 45, 50, and 53 of the *Planning Act*, R.S.O. 1990, for the lands described in this Notice. A key plan showing the location of the subject lands and a sketch of the proposal are included in this Notice.

Date: The Public Hearing has been scheduled for **Thursday, November 21, 2024 at 5:00 pm**

Location: Fort Erie Town Hall Council Chambers, 1 Municipal Centre Drive, Fort Erie, ON

Purpose and Effect:

The purpose and effect of this application is to reduce the Minimum Interior Side Yard for a platform and to increase the Maximum Lot Coverage to facilitate an addition of a covered front porch, rear covered terrace and a covered side entrance.

Details of Minor Variance Applications:

The Applicant is requesting the following variance to the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

File A70/24:

1. To permit a Minimum Interior Side Yard for a platform of 1.0 metre whereas 1.5 metres is required.
2. To permit Maximum Lot Coverage of 36 % whereas 25% is permitted.

Current Zoning:

The subject lands are zoned R1 Zone, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended.

Current Official Plan Designation:

The subject lands are designated "Urban Residential" Zone, with the Town of Fort Erie Official Plan.

Key Map:



How to Participate:

You are invited to attend the Hearing or provide comments relative to the applications as you are either a property owner located within the 60 metres radius of the subject lands or an agency deemed to have an interest in the proceedings. Any person/agency may attend this Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed applications. Please be advised that all written and oral comments received will become part of the applications' record, and will be available to the public and Applicant.

If you wish to make a written submission, you may do so by providing your reasons for support or opposition prior to 12:30 PM on **Wednesday, November 20, 2024** via email, mail or drop off in the Town drop off box located at Town Hall to the attention of Jayne Nahachewsky (JNahachewsky@forterie.ca) who will provide them to the Committee of Adjustment.

If you wish to be notified of the Committee of Adjustment's decision with respect to the proposed applications, you must make a **Written** submission to the Secretary-Treasurer of the Committee of Adjustment at the address noted below either **prior to, or at the Hearing**.

Applicants or their Agents are required to attend the Hearing. If the Applicant or Agent does not attend this Hearing, the Committee may proceed in their absence without further notice.

Further information on the Consent and Minor Variance processes is available at:
<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

For Additional Information Regarding This Application Contact:

Jayne Nahachewsky, Secretary Treasurer of Committee of Adjustment
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
905-871-1600 ext. 2534 or JNahachewsky@forterie.ca

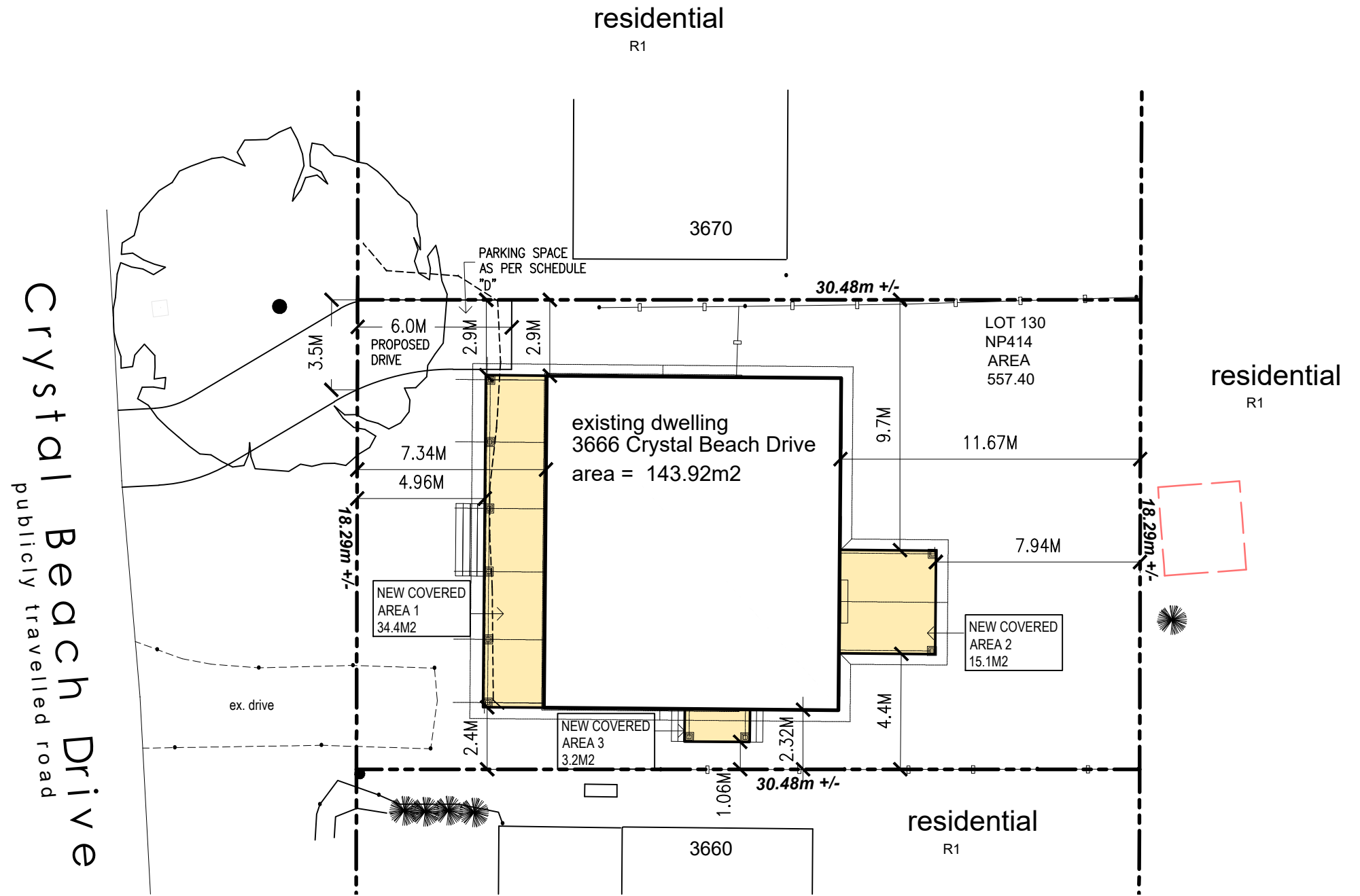
Mailed – October 31, 2024

ZONING CONFORMANCE

Town of Fort Erie
PROPERTY ZONING: R1 ZONE

ZONING REQUIREMENTS	by-law	proposed
MINIMUM FRONT YARD DEPTH	7.5m	15.2m
MINIMUM REAR YARD DEPTH	10m	7.9m
MINIMUM INTERIOR SIDE YARD	1.5m	1.06m
MAXIMUM LOT COVERAGE	25%	35.27%

LOT AREA	892.03 M2
BUILDING AREA	M2
existing dwelling	143.92 M2
new covered 1	34.40 M2
new covered 2	15.1 M2
new covered 3	3.20 M2
total	196.62 M2
% COVERAGE	35.27 >25.0



Site Plan

SCALE 1 : 200 Metric
11x17 sheet

3666 Crystal Beach



notes

disclaimer

do not scale drawings, verify all dimensions and information prior to construction report any errors and/or discrepancies to the maker of these plans immediately. All construction must meet or exceed all applicable current building codes including all revisions. Contractor shall be responsible for proceeding with work not fully checked or verified on site to ensure intent of the drawings are fully adhered to in regards to the basic design intent.

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date of issues and revisions

A. - SUBMITTED FOR MINOR VARIANCE
2024-09-23 - AAH
B. - CORRECTED DIMENSION UNITS +
PARKING IN CONFORMANCE WITH
BY-LAW
2024-09-25 - AAH

drawing

Site Plan
details

drawn A.H.

reviewed A.A.H.

plot B.

drawing no.

SP-01

2024-53

TITLE PAGE FOR
3666 Crystal Beach Drive
Minor Variance Application: A70/24



RE: Committee of adjustment Applications for November 21, 2024 Hearing
 Sheraz to Jayne Nahachewsky 2024-11-01 12:42 PM
 From "Mustafa, Sheraz" <Sheraz.Mustafa@cnpower.com>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>
 History: This message has been replied to.

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Jayne,

CNP has no concerns with any of these applications.

Regards,
 Sheraz

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>
Sent: November 1, 2024 11:23 AM
To: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Usama.Ali@ontario.ca; Paul Leithwood <pleithwood@npca.ca>; Planning <Planning@ncdsb.com>; planning@dsbn.org; Sarah Mastroianni <smastroianni@npca.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; devtplanningapplications@niagararegion.ca; valentina.escobar@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; rowcentre@bell.ca; Real_EstateCanada@cpr.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; municipalnotices@enbridge.com; Keegan Gennings <KGennings@forterie.ca>; Mark Schmitt <MSchmitt@forterie.ca>; devon.haluka@niagararegion.ca; caitlin.goodale@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; newdevelopment@rci.rogers.com; TLennard@npca.ca; Troy Davidson <TDavidson@forterie.ca>; Christopher Smith <CSmith@forterie.ca>; radamsky@niagaraparks.com; Robin Shugan <RShugan@forterie.ca>; ppearson@npca.ca; planninginfo@npca.ca; Mark Iamarino <MIamarino@forterie.ca>; andrew.carrigan@canadapost.postescanada.ca; Rosanna Firenze <RFirenze@forterie.ca>; jake.mcgowan@niagararegion.ca; janet.sperling@ontario.ca; doug.crown@cogeco.com; neave.constantine@ontario.ca; jennifer.olah@ontario.ca; Abby.Laforme@mncfn.ca; Kimberlyn Smith <KSmith@forterie.ca>; Mustafa, Sheraz <Sheraz.Mustafa@cnpower.com>; Elizabeth Latif <ELatif@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Callum Gomez <CGomez@forterie.ca>; Abdul Malik <AMalik@forterie.ca>
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

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 If this is a suspicious email, **before you delete it** use the "Phish Alert Report" in Outlook or log a helpdesk ticket.

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

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4062 Glenspring Road

4924 Sherkston Road

Kindly provide comments by November 12, 2024. Should you not have any comments it would be appreciated if you could respond by email indicating no comments will be provided.

kind regards,

Jayne Nahachewsky
Secretary Treasurer of Committee of Adjustment
Town of Fort Erie
1 Municipal Drive
Fort Erie, ON L2A 2S6
TEL: 1-905-871-1600 ext. 2534

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NPCA Response: Committee of adjustment Applications for November 21, 2024
 HearingPaige Pearson to Jayne Nahachewsky 2024-11-06 09:20 AM
 From "Paige Pearson" <ppearson@npca.ca>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>

2 Attachments



4924 Sherkston Road - NPCA Regulated Features Map 1.pdf



4924 Sherkston Road - NPCA Regulated Features Map 2.pdf

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hi Jayne,

My name is Paige Pearson and I will be able to assist CoA reviews on behalf of the NPCA while Meghan Birbeck is on Maternity Leave.

The NPCA has reviewed the CoA Applications and can offer the following comments:

1. 4 & 6 Hagey Avenue: Consent (B47/24) & Minor Variance (A72/24, A73/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

2. 277 & 281 Central Avenue: Consent (B45/24) & Minor Variance (A69/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

3. 285 Elmwood Avenue: Minor Variance (A78/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

4. 2034 Jewson Road: Minor Variance (A75/24)

The NPCA has reviewed the Minor Variance Application and the proposed works on the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

Please be advised that the north portion of the property line is impacted by potential unevaluated wetlands as such, if future proposed works do encroach within this area, the NPCA will require review, approval, and possible work permits.

5. 3666 Crystal Beach Drive : Minor Variance (A70/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

6. 3914 Alexandra Road: Minor Variance (A74/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

7. 3964 Alexandra Road: Minor Variance (A76/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

8. 4062 Glenspring Road: Minor Variance (A77/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

9. 4924 Sherkston Road: Minor Variance (B48/24)

The NPCA has reviewed the Consent Application and the subject property. Based on the NPCA Mapping, the area of proposed lot creation/severance is outside of our regulated areas. As such, the NPCA has no objections.

Please be advised that the northern parcel along the north property line and along the west boundary line is impacted by Regulated Areas. In the case that future works are proposed within any NPCA Regulated Area, the NPCA would require to review and approval works and issue work permits prior to the start of development.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205

www.npca.ca

ppearson@npca.ca

Out of Office Notice: Please note that I will be unavailable starting November 7th until November 13th.

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 1, 2024 11:23 AM



TOFE COA - 3666 Crystal Beach Drive Regional Comments Escobar, Valentina to Jayne Nahachewsky 2024-11-05 02:21 PM
 From "Escobar, Valentina" <Valentina.Escobar@niagararegion.ca>
 To "Jayne Nahachewsky" <JNahachewsky@forterrie.ca>

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Jayne,

There are no required Regional fees for the **3666 Crystal Beach Drive** Minor Variance Application. The only comments to note are with respect to Archaeology:

The Provincial Policy Statement (PPS) and Niagara Official Plan (NOP) state that development and site alteration shall not be permitted within areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. Chapter 6 of the NOP states that where a site proposed for development is located within an Area of Archaeological Potential, a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist is required.

The subject lands are mapped within an Area of Archaeological Potential on Schedule K of the NOP. However, staff acknowledge that the Town of Fort Erie also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. As such, Regional staff defer to the Town for Archaeological Assessment requirements; Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

Nonetheless, in recognizing that there is always the possibility of discovering deeply buried archaeological materials, Regional staff provide the following warning clause to the applicant for information in case of any resources uncovered through construction works:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

<https://pre.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>

Kind regards,

Valentina Escobar
 Development Planner

Niagara Region, 1815 Sir Isaac Brock Way,
 Thorold, ON, L2V 4T7

P: (905) 980-6000 ext. 3352



W: www.niagararegion.ca
E: Valentina.Escobar@niagararegion.ca

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File No.: A70--24
Date: November 12, 2024

To: Devon Morton, Supervisor of Development Approvals
From: Taylor Boyle, Project Manager, Development Engineering
RE: PDS Engineering Comments for Committee of Adjustment
Address: 3666 Crystal Beach Drive

MUNICIPAL SERVICES

Central Avenue

Watermain: 150mm dia. AC (TOFE)
Sanitary Sewer: 825mm dia. CONC (**RMON**)
Storm Sewer: None

ROADS

Crystal Beach Drive is designated as a Local Road as per the Town's current Official Plan, with a desired right-of-way width of 20.0m. The current road width is approximately 20.0m, therefore no widening is required.

Town of Fort Erie Development Engineering Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application.

The purpose and effect of this application is to reduce the minimum interior side yard for a platform and to increase the maximum lot coverage to facilitate an addition of a covered front porch, rear covered terrace and a covered side entrance.

The Applicant is requesting the following variance to the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

- To permit a Minimum Interior Side Yard for a platform of 1.0 metre whereas 1.5 metres is required; and
- To permit Maximum Lot Coverage of 36 % whereas 25% is permitted.

Development Engineering Staff offer the following comments:

1. Development Engineering staff have no comments about this minor variance application.

Development Engineering Staff offer the following conditions:

1. Development Engineering staff have no conditions about this minor variance application.

Prepared by: Taylor Boyle, C. Tech., rcsi
Project Manager, Development Engineering

c. Noah Thompson, PDS
Curtis Thompson, PDS
Mark Iamarino, PDS

Keegan Gennings, PDS
Jordan Frost, IS
Jessica Goodings, Fire Services

Re: Committee of adjustment Applications for November 21, 2024 Hearing 📄

Kimberlyn Smith ^t Jayne Nahachewsky
o

2024-11-04 04:05 PM

From Kimberlyn Smith/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie

Hi Jayne,

Please see below:

4 & 6 Hagey Avenue - B47/24, A72/24 & A73/24
- No comments

277 & 281 Central Avenue - B45/24 & A69/24
- No comments

285 Elmwood Avenue - A78/24
- No comments

2034 Jewson Road - A75/24
- No comments

3666 Crystal Beach Drive - A70/24
- No comments

3914 Alexandra Road - A74/24
- No comments

4062 Glenspring Road - A77/24
- No comments

4924 Sherkston Road - B48/24
- That the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 2, to the satisfaction of the Town; and that the owner/applicant pays to the Town a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 2.

Thank you,

Kimberlyn Smith
Junior Community Planner
Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive



Jayne Nahachewsky 2024-11-01 11:23:07 AM

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark lamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Date: 2024-11-01 11:23 AM
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

No Municipal Drains

[Redacted]

277 & 281 Central Avenue

No Municipal Drains

285 Elmwood Avenue

[Redacted]

No Municipal Drains

2034 Jewson Road

High Road Drain

[Redacted]

3666 Crystal Beach Drive

No Municipal Drains

[Redacted]

3914 Alexandra Road

No Municipal Drains

[Redacted]

[Redacted]

[Redacted]

[Redacted]

3964 Alexandra Road

No Municipal Drains

4062 Glenspring Road

No Municipal Drains

4924 Sherkston Road

Pr. Abino Drain
Baer Drain
Schooley Drain
Beaver Creek Drain

Re: Committee of adjustment Applications for November 21, 2024 Hearing Kathryn Strachan to Jayne Nahachewsky 2024-11-06 09:48 AM
From Kathryn Strachan/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie
Hi Jayne,

I have reviewed the COA applications and have no comments.
Kind regards,

Kathryn

Kathryn Strachan

Landscape Planner

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2529

----- Original message -----

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dshn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark Iamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Cc:
Subject: Committee of adjustment Applications for November 21, 2024 Hearing
Date: Fri, Nov 1, 2024 11:23 AM

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: A70/24

Address: 3666 Crystal Beach Drive, Fort Erie

Owner: Andrew Hellwig

Applicant: Andrew Hellwig Design Consultants

1. Title

Minor Variance Application A70/24 for lands located at 3666 Crystal Beach Drive, Fort Erie

2. Purpose

The purpose and effect of this application is to reduce the Minimum Interior Side Yard for a platform and to increase the Maximum Lot Coverage to facilitate the addition of a covered front porch, rear covered terrace and a covered side entrance.

The application seeks the following variances to Section 10 of the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

1. To permit a Minimum Interior Side Yard for a platform of 1.0 metre whereas 1.5 metres is required.
2. To permit Maximum Lot Coverage of 36% whereas 25% is permitted.

3. Recommendations

Planning Staff recommended Minor Variance Application A70/24 be **APPROVED** as submitted.

4. Analysis

4.1. Site Context

The subject lands are located within the Crystal Beach Secondary Plan Area on the north side of Crystal Beach Drive. The subject lands have an approximate lot area of 892.03 square metres and lot frontage of approximately 18.29 metres. The subject lands currently contain an existing

single detached dwelling. The predominant land use of the neighbourhood is residential comprised mainly of single detached homes.

- North: Residential (Single detached dwellings)
- South: Residential and Hazard (Single detached dwellings)
- East: Residential (Single detached dwellings)
- West: Residential (Single detached dwellings)

4.2. Environmentally Sensitive Areas

Town Environmental Planning staff have confirmed that there are no environmentally sensitive areas on the subject lands as identified in the Town's Official Plan Schedule C - Natural Heritage Features or Schedule C1 – Natural Hazards and Fish Habitat.

The Niagara Peninsula Conservation Authority (NPCA) has confirmed that the subject lands are outside of NPCA regulated area. At the time of this writing no comments have been received from Niagara Region; however, the subject lands do not appear to be within the Natural Environment System in the Niagara Official Plan.

Tree removal shall be in accordance with the requirements of the Town's Tree By-law No. 33-2024.

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 supportable:

4.3.1. Is the proposal minor in nature?

Variance #1- Reduced Interior Side Yard Setback

The reduced Interior Side Yard setbacks for the proposed covered entrance on the west side of the existing single detached dwelling will continue to provide sufficient access to the rear of the property and space for general maintenance. Impacts to neighbouring properties will be limited. Therefore, the proposed variance is considered minor in nature.

Variance #2 - Increased Lot Coverage

The increase in Lot Coverage from 25% to 36% does not prevent the provision of landscaped open space, an outdoor amenity area, vehicular parking, or drainage, among other things. Furthermore, impacts to neighbouring properties will be limited. Therefore, the proposed variance 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 subject property is designated and zoned for residential uses, including single detached dwellings. The requested variances are to facilitate the construction a covered porch in the rear, covered front entrance, and covered side entrance to the existing single detached dwelling unit. The proposed structures will provide additional functionality to the single detached dwelling and protection from inclement weather. It is not anticipated that the proposed variances will result in

any negative impacts to the surrounding properties.

Therefore, it is the opinion of Planning Services staff that the requested variances represent 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 subject lands are designated Urban Residential within the Crystal Beach Secondary Plan Area. The Urban Residential designation allows for a variety of residential dwellings, such as single detached dwellings and accessory uses.

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

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

Variance #1 - Reduced Setback to a Covered Entrance

The applicant is proposing a covered entrance on the east side of the dwelling unit. Section 6.40, Covered or Uncovered Porches, Balconies, Decks and Patios, of the Town's Zoning By-law requires covered porches to be a minimum of 1.5 metre from the interior lot line. This variance is to permit a 1.0 metre setback from the interior lot line. The proposed variance will not lead to reduced access and provides space for the general maintenance of the property and dwelling.

Variance #2 - Increased Maximum Lot Coverage

This variance is to increase the maximum lot coverage from 25% to 36%. The additional coverage is to accommodate covered entrances and rear unenclosed porch. The proposed structures will not negatively impact any drainage and will maintain the minimum required landscape open space provisions.

Therefore, it is of the opinion of Planning Services staff that the requested variance maintains the general intent and purpose of the Town's Zoning By-law 129-90, as amended.

5. Comments from Departments, Community and Corporate Partners

Staff and Agency Comments

Environmental Planning

The subject property is located within the Town's Urban Boundary but not in 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).

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. The subject lands are not within area under the regulation of the NPCA.

Niagara Region

No comments were received from Niagara Region.

6. Conclusion

Based on the above analysis, Planning Staff recommend that Minor Variance Application A70/24 be **APPROVED**, as submitted.

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

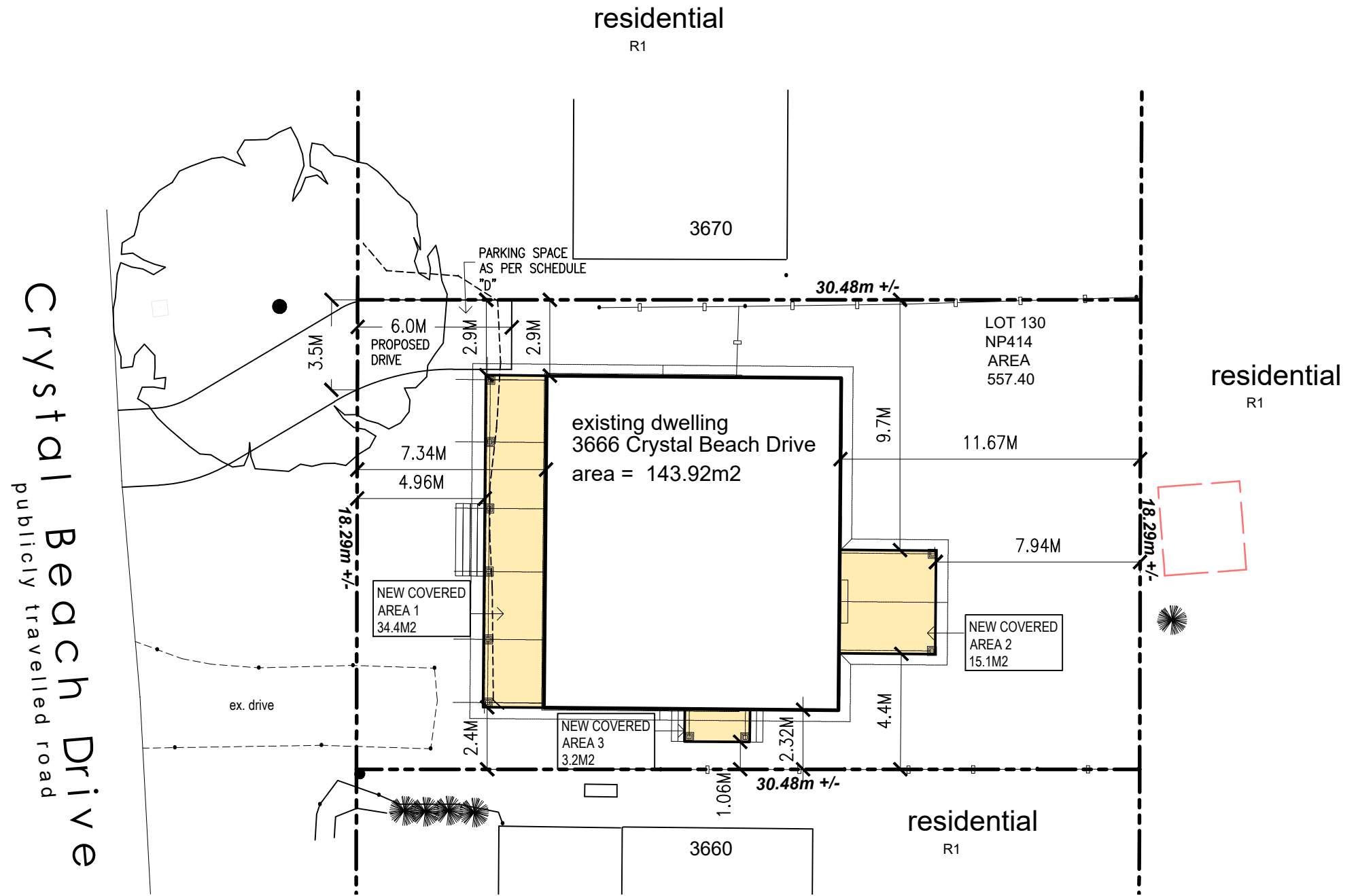
Appendix 1 – Sketch Plan
Appendix 2 – Elevations

ZONING CONFORMANCE

Town of Fort Erie
PROPERTY ZONING: R1 ZONE

ZONING REQUIREMENTS	by-law	proposed
MINIMUM FRONT YARD DEPTH	7.5m	15.2m
MINIMUM REAR YARD DEPTH	10m	7.9m
MINIMUM INTERIOR SIDE YARD	1.5m	1.06m
MAXIMUM LOT COVERAGE	25%	35.27%

LOT AREA	892.03 M2
BUILDING AREA	M2
existing dwelling	143.92 M2
new covered 1	34.40 M2
new covered 2	15.1 M2
new covered 3	3.20 M2
total	196.62 M2
% COVERAGE	35.27 >25.0



Site Plan

SCALE 1 : 200 Metric
11x17 sheet

3666 Crystal Beach



notes

disclaimer

do not scale drawings, verify all dimensions and information prior to construction report any errors and/or discrepancies to the maker of these plans immediately. All construction must meet or exceed all applicable current building codes including all revisions. Contractor shall be responsible for proceeding with work not fully checked or verified on site to ensure intent of the drawings are fully adhered to in regards to the basic design intent.

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date of issues and revisions

A. - SUBMITTED FOR MINOR VARIANCE
2024-09-23 - AAH
B. - CORRECTED DIMENSION UNITS +
PARKING IN CONFORMANCE WITH
BY-LAW
2024-09-25 - AAH

drawing

Site Plan
details

drawn A.H.

reviewed
A.A.H.

plot B.

drawing no.

SP-01

2024-53



South Elevation

SCALE 1 : 75 Metric
11x17 sheet

3666 Crystal Beach



notes

disclaimer

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date of issues and revisions

A. - SUBMITTED FOR MINOR VARIANCE
2024-09-23 - AAH

drawing

South Elevation

drawn A.H.

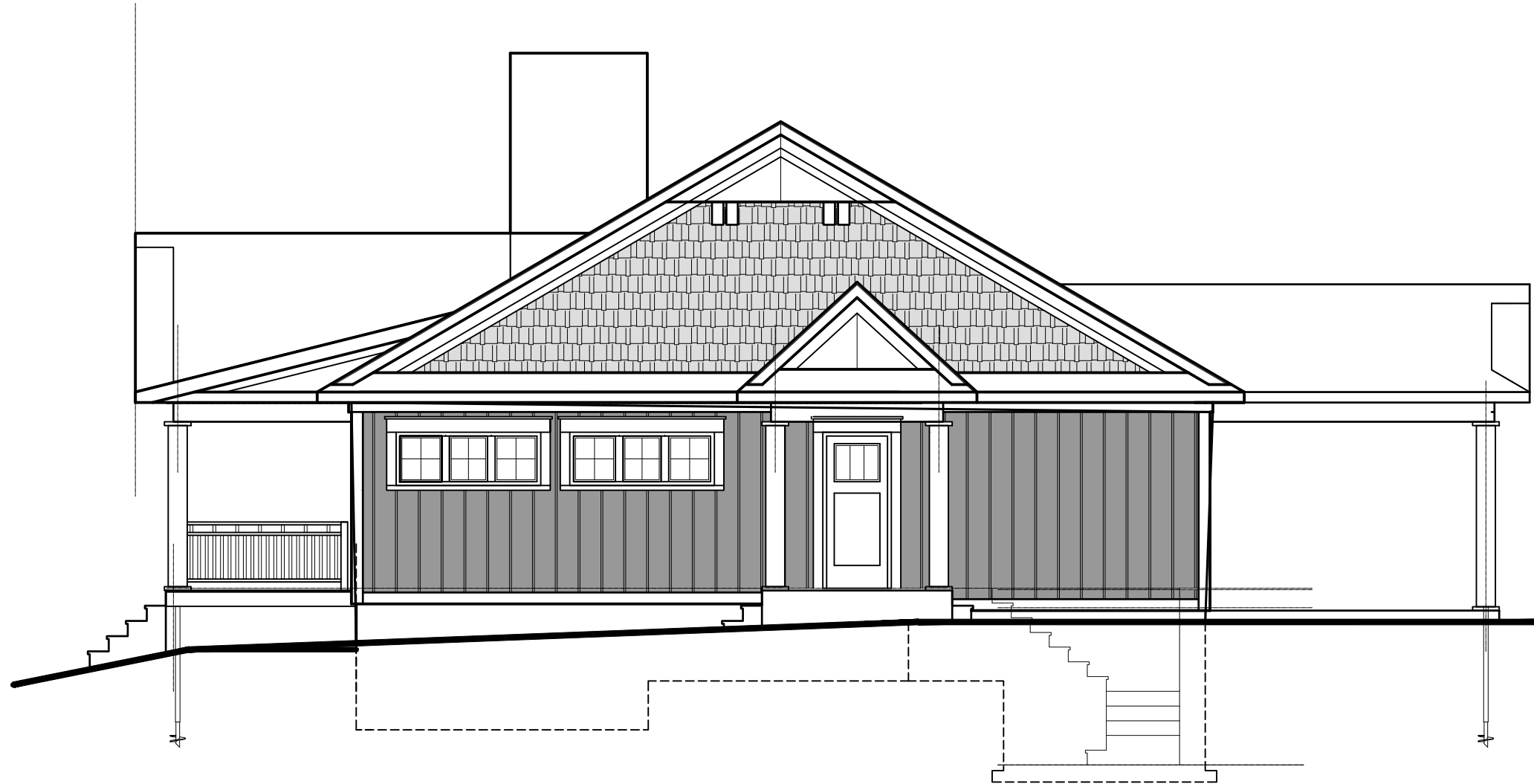
reviewed A.A.H.

plot A.

drawing no.

SP-02

2024-53



East Elevation

SCALE 1 : 75 Metric
11x17 sheet

3666 Crystal Beach



notes

disclaimer

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date of issues and revisions

A. - SUBMITTED FOR MINOR VARIANCE
2024-09-23 - AAH

drawing

East Elevation

drawn A.H.

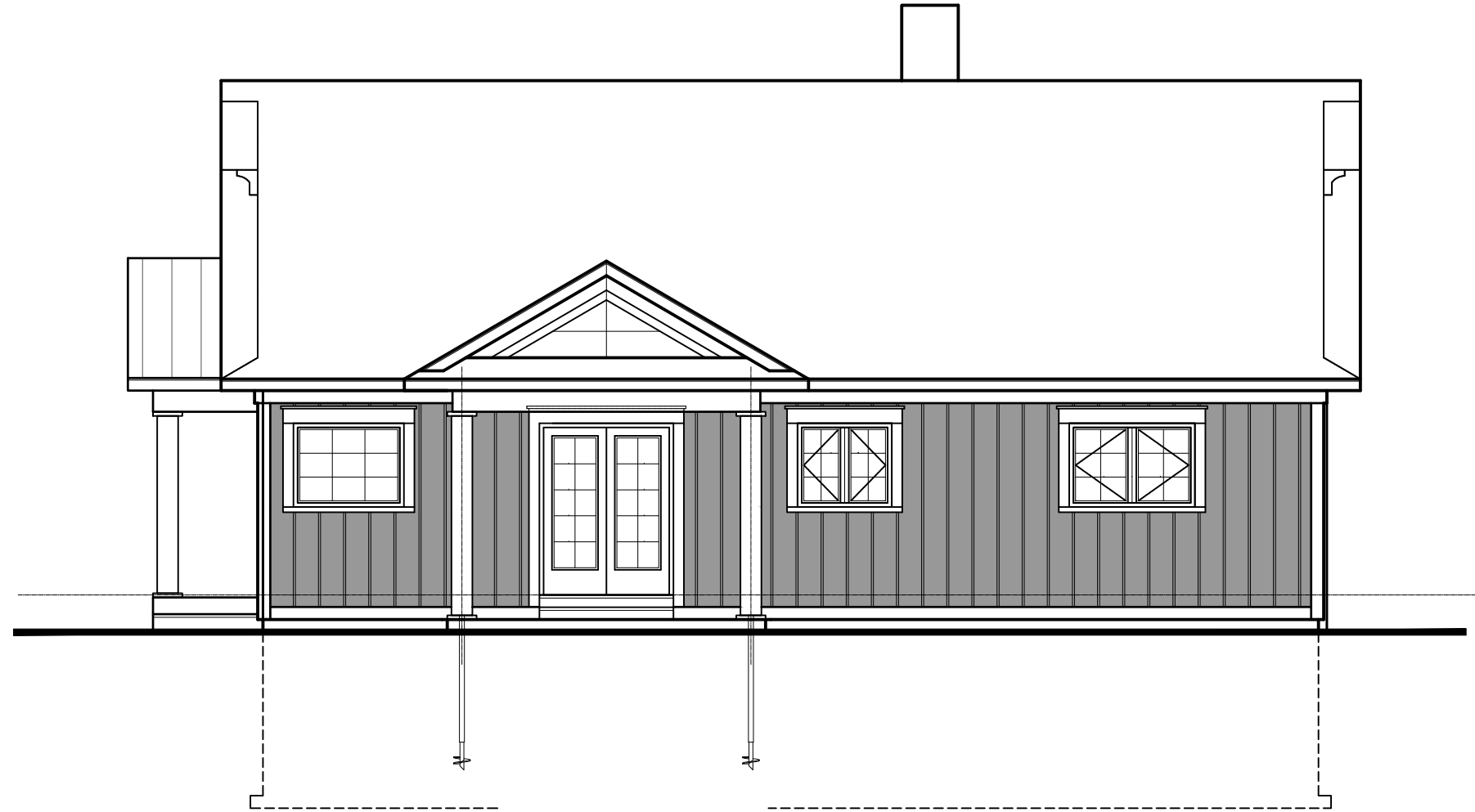
reviewed A.A.H.

plot A.

drawing no.

SP-03

2024-53



North Elevation

SCALE 1 : 75 Metric
11x17 sheet

3666 Crystal Beach



notes

disclaimer

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date of issues and revisions

A. - SUBMITTED FOR MINOR VARIANCE
2024-09-23 - AAH

drawing

North Elevation

drawn A.H.

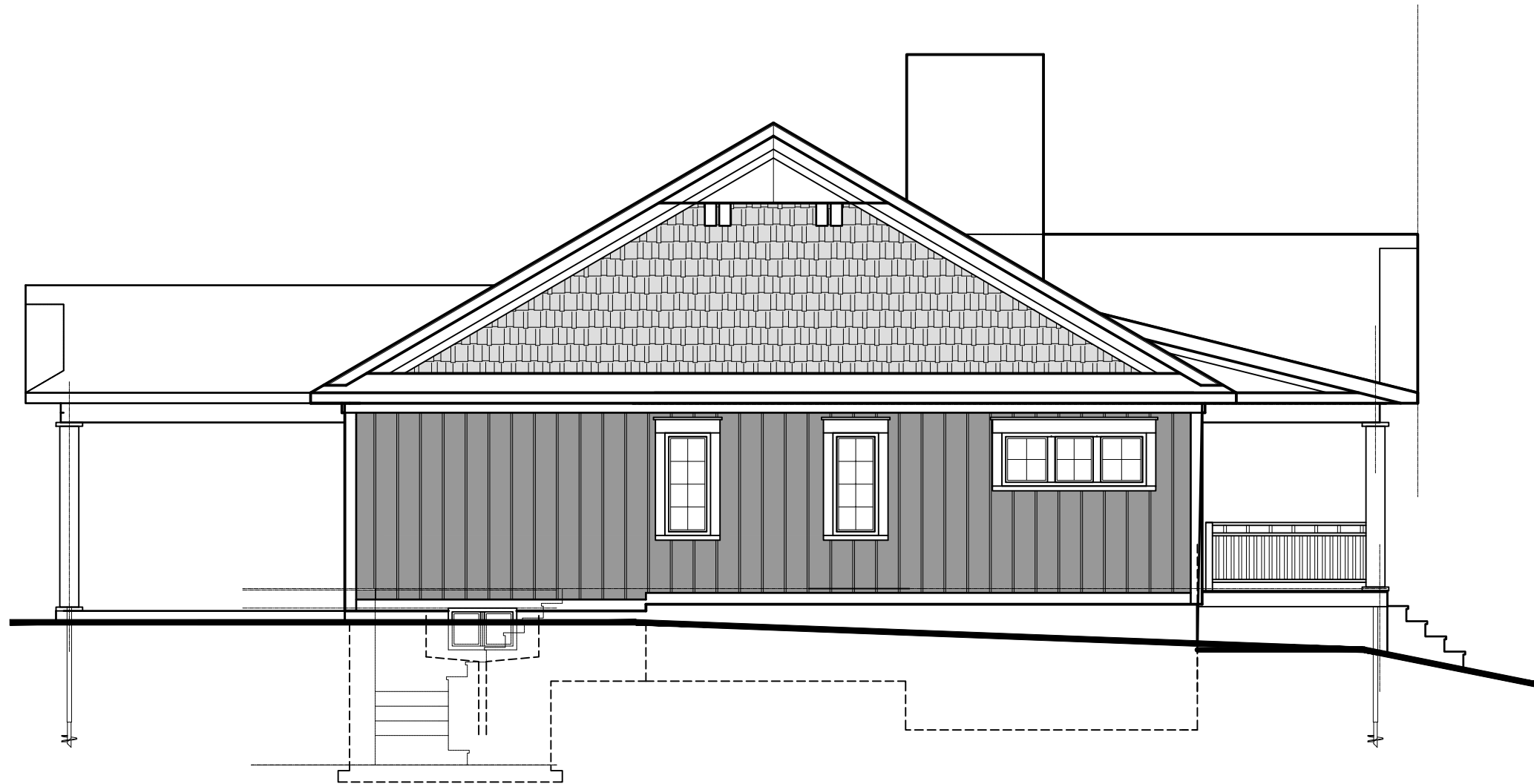
reviewed A.A.H.

plot A.

drawing no.

SP-04

2024-53



West Elevation

SCALE 1 : 75 Metric
11x17 sheet

3666 Crystal Beach



notes

disclaimer

do not scale drawings, verify all dimensions and information prior to construction report any errors and/or discrepancies to the maker of these plans immediately. All construction must meet or exceed all applicable current building codes including all revisions. Contractor shall be responsible for proceeding with work not fully checked or verified on site to ensure intent of the drawings are fully adhered to in regards to the basic design intent.

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date of issues and revisions

A. - SUBMITTED FOR MINOR VARIANCE
2024-09-23 - AAH

drawing

West Elevation

drawn A.H.

reviewed A.A.H.

plot A.

drawing no.

SP-05

2024-53



Town of Fort Erie Committee of Adjustment Notice of Public Hearing and Applications for Consent & Minor Variance

Minor Variance File A78/24 285 Elmwood Avenue, Fort Erie

Legal Description: Part of Lot 263, Part of Lot 264 and Part of Lot 265 PL 62
NP402

Designated as Parts 4, 6 & 8 on 59R-17852

Roll No.: 2703 030 004 24900 0000

Applicant / Owner: Bryan Keenan

Notice is hereby given that the Committee of Adjustment of the Town of Fort Erie will be holding a Public Hearing to consider the matter of a consent and minor variance application, pursuant to the provisions of Sections 45, 50, and 53 of the *Planning Act*, R.S.O. 1990, for the lands described in this Notice. A key plan showing the location of the subject lands and a sketch of the proposal are included in this Notice.

Date: The Public Hearing has been scheduled for **Thursday, November 21, 2024 at 5:00 pm**

Location: Fort Erie Town Hall Council Chambers, 1 Municipal Centre Drive, Fort Erie, ON

Purpose and Effect:

The purpose and effect of this application is to reduce the Minimum Distance Between Street Intersection and Driveway to facilitate construction of a new residential dwelling.

Details of Minor Variance Applications:

The Applicant is requesting the following variance to the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

File A78/24:

1. To permit a Minimum Distance Between Street Intersection and Driveway of 6.4 metres whereas 7.5 metres is permitted.
2. To permit a Maximum Building Height of 7.8 metres whereas 7.5 metres is required.
3. To permit a Parking Stall Length of 5.5 metres whereas 6.0 metres is required.

Current Zoning:

The subject lands are zoned R2B Zone, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended.

Current Official Plan Designation:

The subject lands are designated "Urban Residential" Zone, with the Town of Fort Erie Official Plan.

Key Map:



How to Participate:

You are invited to attend the Hearing or provide comments relative to the applications as you are either a property owner located within the 60 metres radius of the subject lands or an agency deemed to have an interest in the proceedings. Any person/agency may attend this Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed applications. Please be advised that all written and oral comments received will become part of the applications' record, and will be available to the public and Applicant.

If you wish to make a written submission, you may do so by providing your reasons for support or opposition prior to 12:30 PM on **Wednesday, November 20, 2024** via email, mail or drop off in the Town drop off box located at Town Hall to the attention of Jayne Nahachewsky (JNahachewsky@forterie.ca) who will provide them to the Committee of Adjustment.

If you wish to be notified of the Committee of Adjustment's decision with respect to the proposed applications, you must make a **Written** submission to the Secretary-Treasurer of the Committee of Adjustment at the address noted below either **prior to, or at the Hearing**.

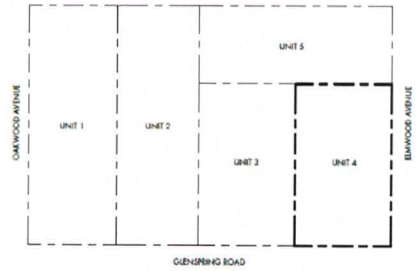
Applicants or their Agents are required to attend the Hearing. If the Applicant or Agent does not attend this Hearing, the Committee may proceed in their absence without further notice.

Further information on the Consent and Minor Variance processes is available at:
<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

For Additional Information Regarding This Application Contact:
Jayne Nahachewsky, Secretary Treasurer of Committee of Adjustment
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
905-871-1600 ext. 2534 or JNahachewsky@forterie.ca

Mailed – October 31, 2024

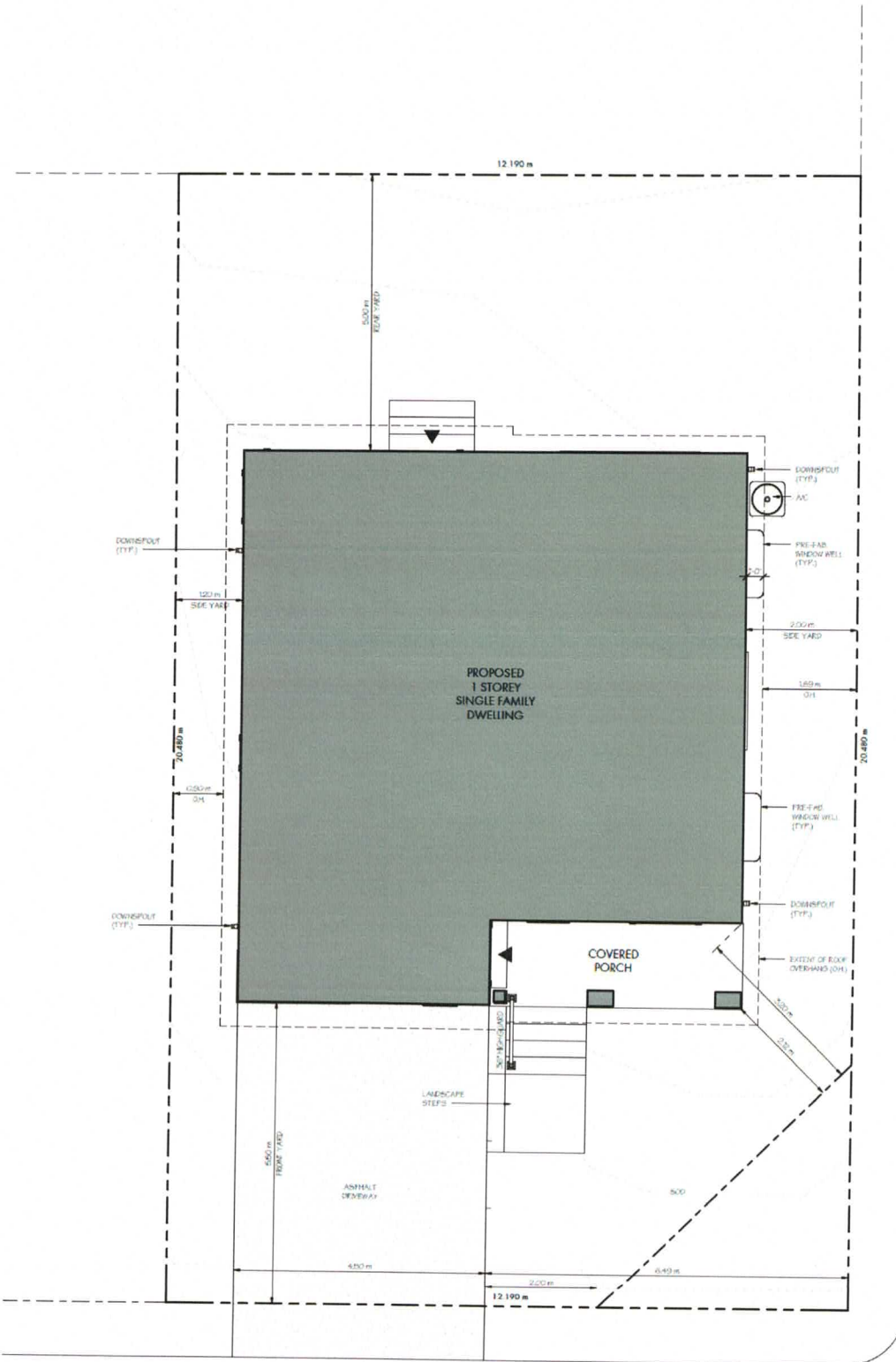
Site and Building Statistics:	Permitted	Proposed
Lot Area (min.)	260m ²	249 m ² (ex)
Lot Frontage (min.)	10m	12.19 m
Setbacks (min.)		
Front Yard (dwelling)	6.0 m	5.5 m
Rear Yard	5.0 m	5.0 m
Side Yard (interior)	1.2 m	1.2 m
Side Yard (exterior)	2.0 m	2.0 m
Building Height (max.)	7.5 m	7.5 m
	1.5 Storey	1 Storey
Lot Coverage (max)	50%	36 %
Dwelling		90 m ²



SITE MAP
SCALE: 1/32" = 1'0"



ELMWOOD AVENUE



GLENSPRING ROAD

285 Elmwood Cystd Beach

SITE PLAN
SCALE: 1/4" = 1'0"

TITLE PAGE FOR
285 Elmwood Avenue
Minor Variance Application: A78/24



RE: Committee of adjustment Applications for November 21, 2024 Hearing Mustafa, Sheraz to Jayne Nahachewsky 2024-11-01 12:42 PM
 From "Mustafa, Sheraz" <Sheraz.Mustafa@cnpower.com>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>
 History: This message has been replied to.

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Jayne,

CNP has no concerns with any of these applications.

Regards,
 Sheraz

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>
Sent: November 1, 2024 11:23 AM
To: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Usama.Ali@ontario.ca; Paul Leithwood <pleithwood@npca.ca>; Planning <Planning@ncdsb.com>; planning@dsbn.org; Sarah Mastroianni <smastroianni@npca.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; devtplanningapplications@niagararegion.ca; valentina.escobar@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; rowcentre@bell.ca; Real_EstateCanada@cpr.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; municipalnotices@enbridge.com; Keegan Gennings <KGennings@forterie.ca>; Mark Schmitt <MSchmitt@forterie.ca>; devon.haluka@niagararegion.ca; caitlin.goodale@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; newdevelopment@rci.rogers.com; TLennard@npca.ca; Troy Davidson <TDavidson@forterie.ca>; Christopher Smith <CSmith@forterie.ca>; radamsky@niagaraparks.com; Robin Shugan <RShugan@forterie.ca>; ppearson@npca.ca; planninginfo@npca.ca; Mark Iamarino <MIamarino@forterie.ca>; andrew.carrigan@canadapost.postescanada.ca; Rosanna Firenze <RFirenze@forterie.ca>; jake.mcgowan@niagararegion.ca; janet.sperling@ontario.ca; doug.crown@cogeco.com; neave.constantine@ontario.ca; jennifer.olah@ontario.ca; Abby.Laforme@mncfn.ca; Kimberlyn Smith <KSmith@forterie.ca>; Mustafa, Sheraz <Sheraz.Mustafa@cnpower.com>; Elizabeth Latif <ELatif@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Callum Gomez <CGomez@forterie.ca>; Abdul Malik <AMalik@forterie.ca>
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

WARNING: This email originated from outside of FortisOntario. Pause and look for any **RED FLAGS** or signs of phishing.
 If this is a suspicious email, **before you delete it** use the "Phish Alert Report" in Outlook or log a helpdesk ticket.

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road

Kindly provide comments by November 12, 2024. Should you not have any comments it would be appreciated if you could respond by email indicating no comments will be provided.

kind regards,

Jayne Nahachewsky
Secretary Treasurer of Committee of Adjustment
Town of Fort Erie
1 Municipal Drive
Fort Erie, ON L2A 2S6
TEL: 1-905-871-1600 ext. 2534

This e-mail (including any attachments) may contain confidential, proprietary and privileged information, and unauthorized disclosure or use is prohibited. If you received this e-mail in error, please notify the sender and delete this e-mail from your system



NPCA Response: Committee of adjustment Applications for November 21, 2024
 HearingPaige Pearson to Jayne Nahachewsky 2024-11-06 09:20 AM
 From "Paige Pearson" <ppearson@npca.ca>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>

2 Attachments



4924 Sherkston Road - NPCA Regulated Features Map 1.pdf



4924 Sherkston Road - NPCA Regulated Features Map 2.pdf

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hi Jayne,

My name is Paige Pearson and I will be able to assist CoA reviews on behalf of the NPCA while Meghan Birbeck is on Maternity Leave.

The NPCA has reviewed the CoA Applications and can offer the following comments:

1. 4 & 6 Hagey Avenue: Consent (B47/24) & Minor Variance (A72/24, A73/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

2. 277 & 281 Central Avenue: Consent (B45/24) & Minor Variance (A69/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

3. 285 Elmwood Avenue: Minor Variance (A78/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

4. 2034 Jewson Road: Minor Variance (A75/24)

The NPCA has reviewed the Minor Variance Application and the proposed works on the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

Please be advised that the north portion of the property line is impacted by potential unevaluated wetlands as such, if future proposed works do encroach within this area, the NPCA will require review, approval, and possible work permits.

5. 3666 Crystal Beach Drive : Minor Variance (A70/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

6. 3914 Alexandra Road: Minor Variance (A74/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

7. 3964 Alexandra Road: Minor Variance (A76/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

8. 4062 Glenspring Road: Minor Variance (A77/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

9. 4924 Sherkston Road: Minor Variance (B48/24)

The NPCA has reviewed the Consent Application and the subject property. Based on the NPCA Mapping, the area of proposed lot creation/severance is outside of our regulated areas. As such, the NPCA has no objections.

Please be advised that the northern parcel along the north property line and along the west boundary line is impacted by Regulated Areas. In the case that future works are proposed within any NPCA Regulated Area, the NPCA would require to review and approval works and issue work permits prior to the start of development.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205

www.npca.ca

ppearson@npca.ca

Out of Office Notice: Please note that I will be unavailable starting November 7th until November 13th.

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 1, 2024 11:23 AM

Re: Committee of adjustment Applications for November 21, 2024 Hearing

From Zachary George <ZGeorge@forterie.ca>

Date Wed 11/13/2024 2:02 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hello,

My apologies for being a day late, Jessica was reviewing my comments.

4 & 6 Hagey Avenue

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

277 and 281 Central Ave

The subject property is located within the Town's Urban Boundary but not in 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).

285 Elmwood

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

2034 Jewson

The subject property is located within the Town's Urban Boundary and Natural Heritage system. 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.

3666 Crystal Beach Drive

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

3914 Alexandra

The subject property is located within the Town's Urban Boundary but not in 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).

3964 Alexandra

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4062 Glenspring Road

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4924 Sherkston

The subject property is not located within the Town's Urban Boundary but is in the Natural Heritage system. There are Natural Heritage features present. There is an "other woodland", and a non provincially significant wetland, and a significant wetland on the north end of the property. 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 (GALA in good standing).

Based on the drawing provided by the applicant it appears that the proposed work does not encroach on any natural heritage features, therefore no Environmental Impact Study is required.

Sincerely,

Zach George
Junior Environmental Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6
TEL: 1-905-871-1600 x 2536



Jayne Nahachewsky 2024-11-01 11:23:07 AM

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark lamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Date: 2024-11-01 11:23 AM
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

No Municipal Drains

[Redacted]
277 & 281 Central Avenue

No Municipal Drains

285 Elmwood Avenue

No Municipal Drains

2034 Jewson Road

High Road Drain

[Redacted]
3666 Crystal Beach Drive

No Municipal Drains

[Redacted]
3914 Alexandra Road

No Municipal Drains

[Redacted]

[Redacted]

3964 Alexandra Road

No Municipal Drains

4062 Glenspring Road

No Municipal Drains

4924 Sherkston Road

Pr. Abino Drain
Baer Drain
Schooley Drain
Beaver Creek Drain

Re: Committee of adjustment Applications for November 21, 2024 Hearing Kathryn Strachan to Jayne Nahachewsky 2024-11-06 09:48 AM
From Kathryn Strachan/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie
Hi Jayne,

I have reviewed the COA applications and have no comments.
Kind regards,

Kathryn

Kathryn Strachan

Landscape Planner

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2529

----- Original message -----

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark Iamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Cc:
Subject: Committee of adjustment Applications for November 21, 2024 Hearing
Date: Fri, Nov 1, 2024 11:23 AM

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

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Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: A78/24

Address: 285 Elmwood Avenue, Fort Erie (Parts 4, 6 & 8 on 59R-17852)

Owner: 1000226178 Ontario Inc.

Applicant:

1. Title

Minor Variance Application A78/24 for lands located at 285 Elmwood Avenue, Fort Erie (Parts 4, 6 & 8 on 59R-17852)

2. Purpose

The purpose and effect of this application is to reduce the Minimum Distance Between the Street Intersection and the Driveway, to increase the Maximum Height and to reduce the Minimum Parking Stall Length as illustrated in Appendix 1 attached hereto.

The application requests the following variance to Sections 6.20, 12B.3 and 6.20 of the Town of Fort Erie's Comprehensive Zoning By-law No. 129-90, as amended:

1. To permit a Minimum Distance Between the Street Intersection and the Driveway of 6.4 metres whereas 7.5 metres is required.
2. To permit a Maximum Height of 7.8 metres whereas 7.5 metres is required.
3. To permit a Parking Stall Length of 5.5 metres whereas 6.0 metres is required.

3. Recommendations

Planning staff recommend **APPROVAL** of Minor Variance application A78/24 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 Elmwood Avenue 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: A municipal road and single detached dwellings

West: Single detached dwellings

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 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.

Increased Maximum Height

The proposed variance is considered minor in nature. The proposed maximum building height of 7.8 metres requires zoning relief because of the grade difference surrounding the building footprint. The proposed development maintains almost all the required 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. It is anticipated there will be no impacts on the neighbouring properties. Therefore, the proposal is considered minor in nature.

Reduced Parking Stall Length

The proposed variance is considered minor in nature. Vehicles can be accommodated in the reduced stall length and it is anticipated there will be no impacts on the 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 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 visibility at the intersection of roads. The proposed driveway is 6.5 metres from the road intersection which represents a limited departure from the requirements of the Zoning By-law. No safety concerns are anticipated.

Increased Maximum Height

The proposed building is 1.5 storeys in height which complies with the zoning by-law; nevertheless, the proposed height is 7.8 metres whereas 7.5 metres is permitted because of the grade difference around the building. It is anticipated there will be no impacts on the neighbouring properties.

Reduced Parking Stall Length

The parking stall length is proposed at 5.5 metres which is in line with the approved minor variance for the front yard setback to 5.5 metres. The reduced parking stall length is sufficient to accommodate vehicular parking.

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.

Per the Town's Senior Environmental Planner, 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).

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 A78-24.

7. Report Approval

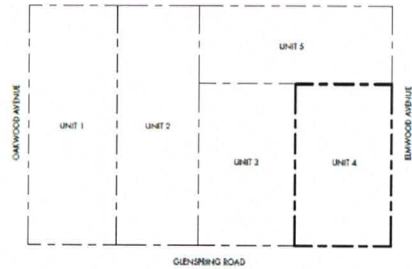
Prepared by:
Mohammad Kamruzzaman, CPT
Zoning Technician

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

8. Attachments

Appendix 1 – Site Plan for Part 8
Appendix 2 – Survey Sketch

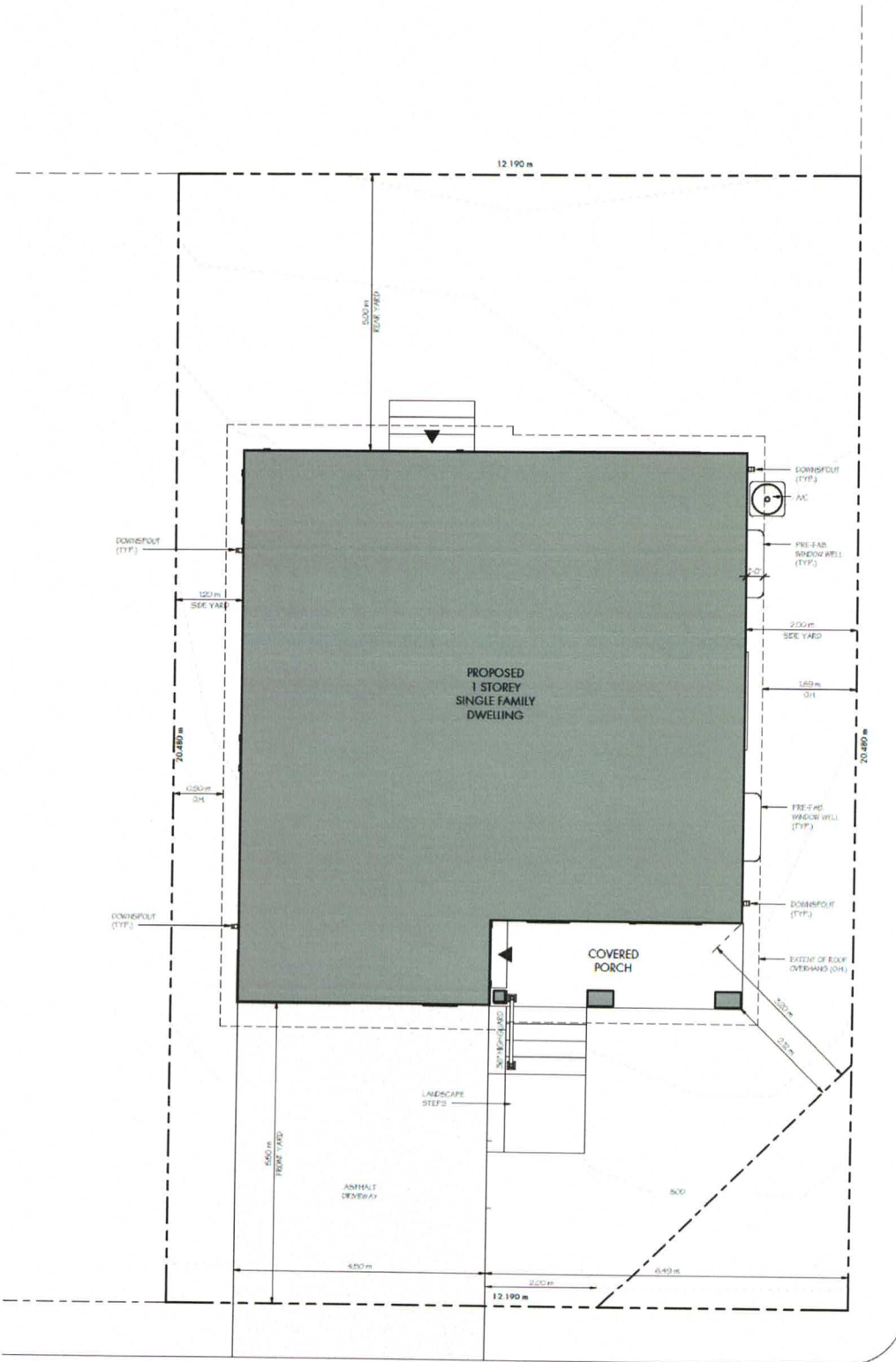
Site and Building Statistics:	Permitted	Proposed
Lot Area (min.)	260m ²	249 m ² (ex.)
Lot Frontage (min.)	10m	12.19 m
Setbacks (min.)		
Front Yard (dwelling)	6.0 m	5.5 m
Rear Yard	5.0 m	5.0 m
Side Yard (interior)	1.2 m	1.2 m
Side Yard (exterior)	2.0 m	2.0 m
Building Height (max.)	7.5 m	7.5 m
	1.5 Storey	1 Storey
Lot Coverage (max)	50%	36 %
Dwelling		90 m ²



SITE MAP
SCALE: 1/32" = 1'-0"



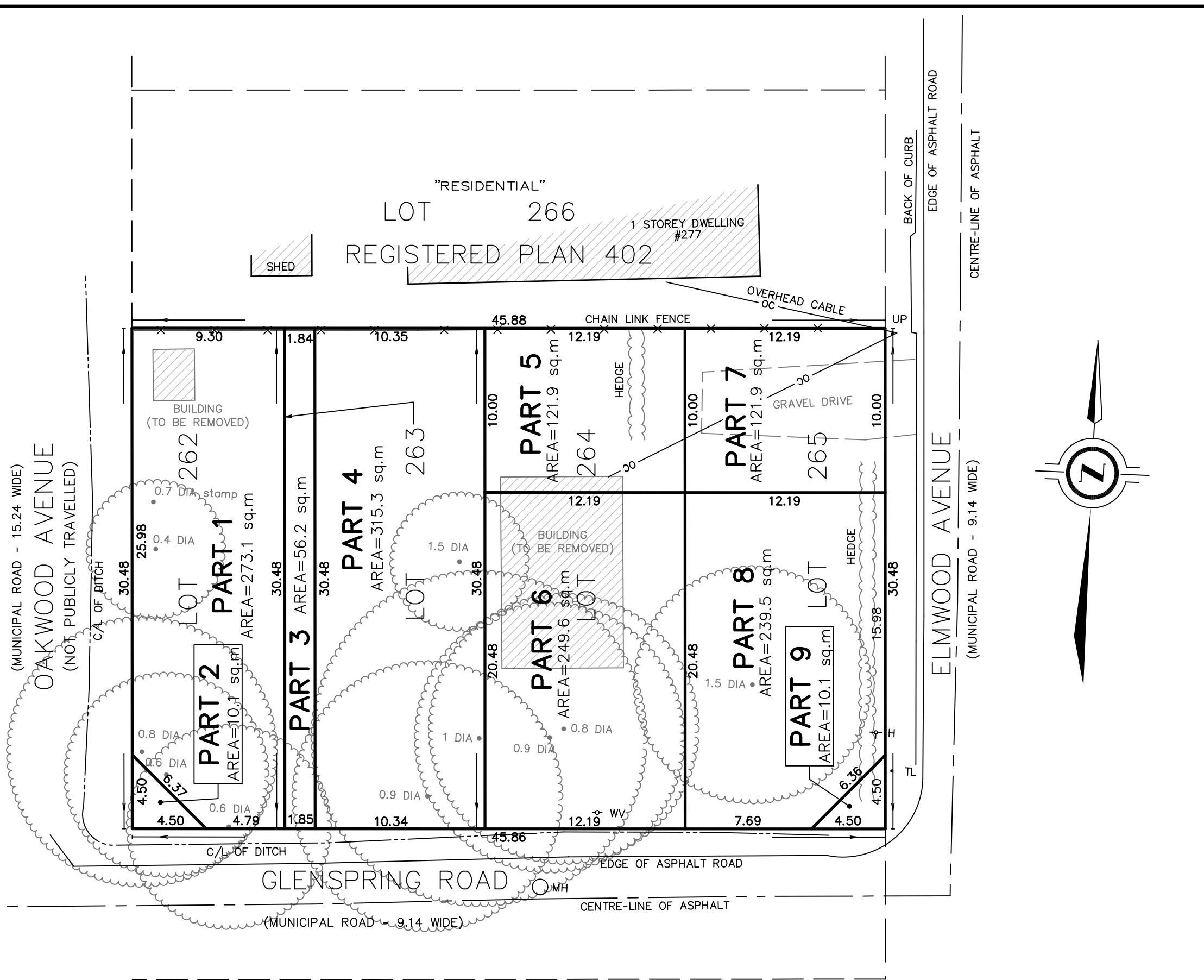
ELMWOOD AVENUE



GLENSPRING ROAD

285 Elmwood Cystd Beach

SITE PLAN
SCALE: 1/4" = 1'-0"

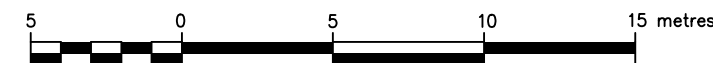


NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

285 ELMWOOD AVENUE
TOWN OF FORT ERIE
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 250

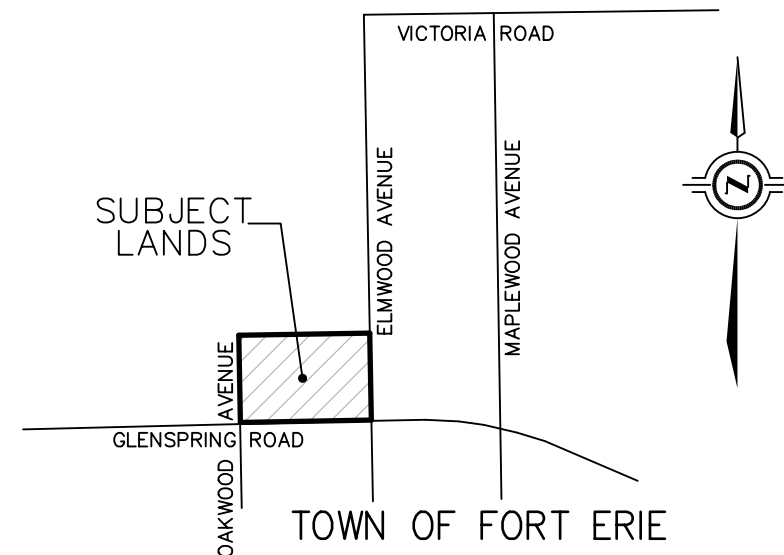


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METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



LEGAL DESCRIPTION

LOTS 263, 264 & 265, PART OF LOT 262, REGISTERED PLAN 402

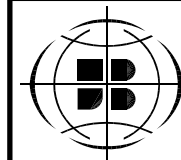
BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE RECORDS AND FIELD MEASUREMENTS. THIS IS NOT A PLAN OF SURVEY.

DECEMBER 6, 2022
 DATE

[Signature]
 ROY S. BARKUP
 ONTARIO LAND SURVEYOR

CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.



J.D. BARNES
 LIMITED

LAND INFORMATION SPECIALISTS
 4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
 T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING
 MAPPING
 GIS

TW	DRAWN
RSK	CHECKED
DATED: 2022/12/06	

G:\2022\22-16-363\00\Drawing\22-16-363-00 calcs.dgn 12/7/2022 PLOTTED



Town of Fort Erie Committee of Adjustment Notice of Public Hearing And Applications for Consent & Minor Variance

Minor Variance File A77/24

4062 Glenspring Road, Fort Erie

Part of Lot 262 and Part of Lot 263 PL 62 NP402

Designated as Parts 1 & 3 on 59R-17852

Roll 2703 030 004 24900 0000

APPLICANT: Bryan Keenan

Notice is hereby given that the Committee of Adjustment of the Town of Fort Erie will be holding a Public Hearing to consider the matter of a consent and minor variance application, pursuant to the provisions of Sections 45, 50, and 53 of the *Planning Act*, R.S.O. 1990, for the lands described in this Notice. A key plan showing the location of the subject lands and a sketch of the proposal are included in this Notice.

Date: The Public Hearing has been scheduled for **Thursday, November 21, 2024 at 5:00 pm**

Location: Fort Erie Town Hall Council Chambers, 1 Municipal Centre Drive, Fort Erie, ON

Purpose and Effect:

The purpose and effect of this application is to allow for a reduction in the exterior side yard setback and distance between the street intersection and driveway due to the daylighting triangle.

Details of Minor Variance Applications:

The Applicant is requesting the following variance of Section 6.40(a) and 6.20 (d) (iii) of the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

File A77/24:

1. To permit a minimum exterior side yard for a platform height of 1.27m whereas 1.5 metres is permitted.
2. To permit a minimum distance between Street intersection and Driveway of 6.4metres whereas 7.5 metres is permitted.

Current Zoning:

The subject lands are zoned R2B Zone, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended.

Current Official Plan Designation:

The subject lands are designated "Urban Residential" Zone, with the Town of Fort Erie Official Plan.

Key Map:



How to Participate:

You are invited to attend the Hearing or provide comments relative to the applications as you are either a property owner located within the 60 metres radius of the subject lands or an agency deemed to have an interest in the proceedings. Any person/agency may attend this Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed applications. Please be advised that all written and oral comments received will become part of the applications' record, and will be available to the public and Applicant.

If you wish to make a written submission, you may do so by providing your reasons for support or opposition prior to 12:30 PM on **Wednesday, November 20, 2024** via email, mail or drop off in the Town drop off box located at Town Hall to the attention of Jayne Nahachewsky (JNahachewsky@forterie.ca) who will provide them to the Committee of Adjustment.

If you wish to be notified of the Committee of Adjustment's decision with respect to the proposed applications, you must make a **Written** submission to the Secretary-Treasurer of the Committee of Adjustment at the address noted below either **prior to, or at the Hearing**.

Applicants or their Agents are required to attend the Hearing. If the Applicant or Agent does not attend this Hearing, the Committee may proceed in their absence without further notice.

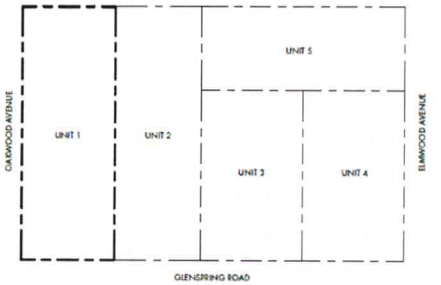
Further information on the Consent and Minor Variance processes is available at:
<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

For Additional Information Regarding This Application Contact:

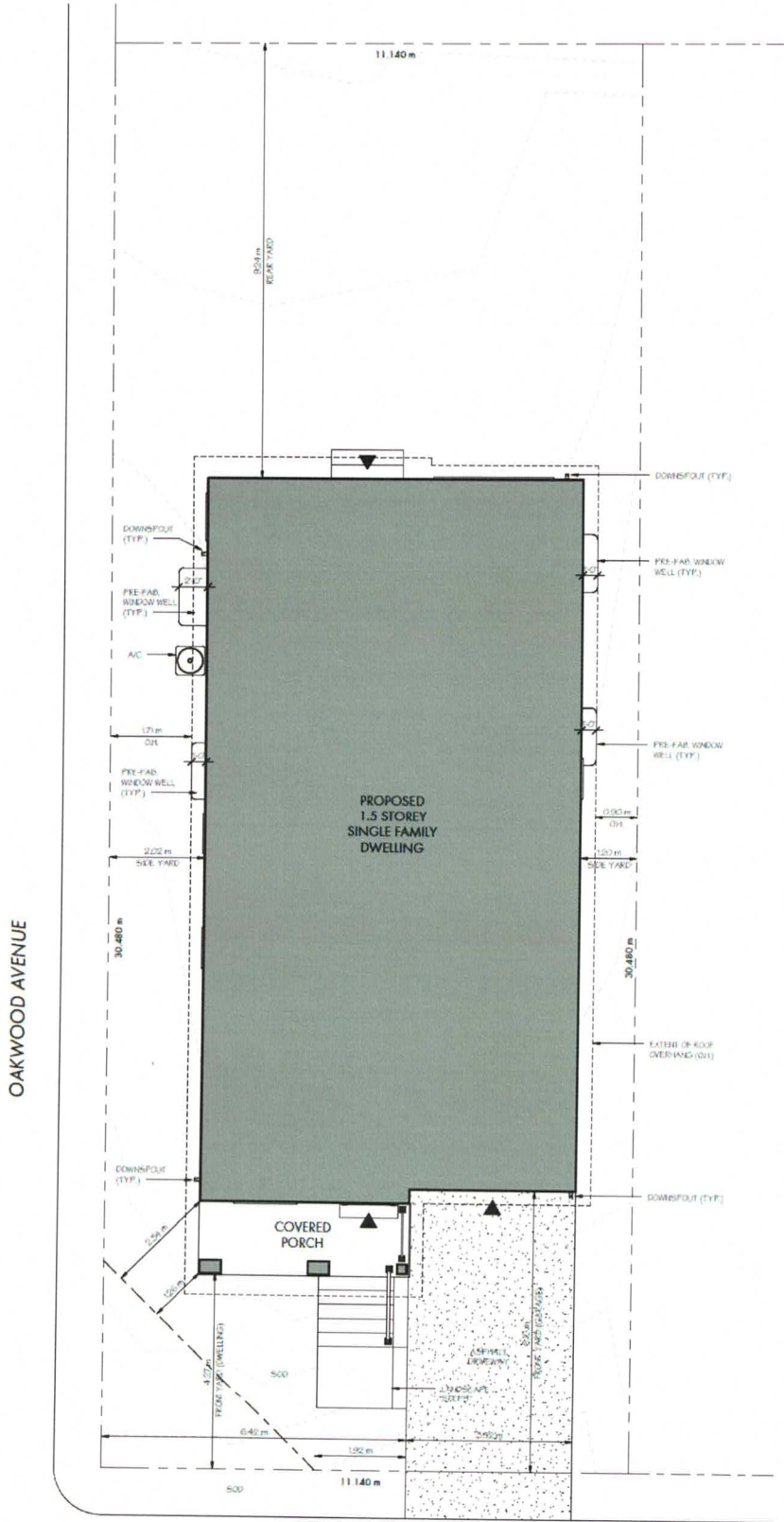
Jayne Nahachewsky, Secretary Treasurer of Committee of Adjustment
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
905-871-1600 ext. 2534 or JNahachewsky@forterie.ca

Mailed – October 31, 2024

Site and Building Statistics:		R28 Zoning
Lot Area (min.)	Permitted 260 m ²	Proposed 339 m ² (ex)
Lot Frontage (min.)	10 m	11.14 m
Setbacks (min.)		
Front Yard (dwelling)	3.0 m	4.27 m
Front Yard (garage)	6.0 m	6.1 m
Rear Yard	7.5 m	9.24 m
Side Yard (interior)	1.2 m	1.2 m
Side Yard (exterior)	2.0 m	2.02 m
Building Height (max.)	7.5 m	7.5 m
	1.5 Storey	1.5 Storey
Lot Coverage (max.)	40%	38%
Dwelling		128 m ²



SITE MAP
SCALE: 1/32" = 1'-0"



4062 GLENSPRING ROAD
Crystal Beach

SITE PLAN
SCALE: 3/16" = 1'-0"

TITLE PAGE FOR
4062 Glenspring Road
Minor Variance Application: A77/24



RE: Committee of adjustment Applications for November 21, 2024 Hearing
 Sheraz to Jayne Nahachewsky 2024-11-01 12:42 PM
 From "Mustafa, Sheraz" <Sheraz.Mustafa@cnpower.com>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>
 History: This message has been replied to.

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Jayne,

CNP has no concerns with any of these applications.

Regards,
 Sheraz

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>
Sent: November 1, 2024 11:23 AM
To: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Usama.Ali@ontario.ca; Paul Leithwood <pleithwood@npca.ca>; Planning <Planning@ncdsb.com>; planning@dsbn.org; Sarah Mastroianni <smastroianni@npca.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; devtplanningapplications@niagararegion.ca; valentina.escobar@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; rowcentre@bell.ca; Real_EstateCanada@cpr.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; municipalnotices@enbridge.com; Keegan Gennings <KGennings@forterie.ca>; Mark Schmitt <MSchmitt@forterie.ca>; devon.haluka@niagararegion.ca; caitlin.goodale@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; newdevelopment@rci.rogers.com; TLennard@npca.ca; Troy Davidson <TDavidson@forterie.ca>; Christopher Smith <CSmith@forterie.ca>; radamsky@niagaraparks.com; Robin Shugan <RShugan@forterie.ca>; ppearson@npca.ca; planninginfo@npca.ca; Mark Iamarino <MIamarino@forterie.ca>; andrew.carrigan@canadapost.postescanada.ca; Rosanna Firenze <RFirenze@forterie.ca>; jake.mcgowan@niagararegion.ca; janet.sperling@ontario.ca; doug.crown@cogeco.com; neave.constantine@ontario.ca; jennifer.olah@ontario.ca; Abby.Laforme@mncfn.ca; Kimberlyn Smith <KSmith@forterie.ca>; Mustafa, Sheraz <Sheraz.Mustafa@cnpower.com>; Elizabeth Latif <ELatif@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Callum Gomez <CGomez@forterie.ca>; Abdul Malik <AMalik@forterie.ca>
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

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 If this is a suspicious email, **before you delete it** use the "Phish Alert Report" in Outlook or log a helpdesk ticket.

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road

Kindly provide comments by November 12, 2024. Should you not have any comments it would be appreciated if you could respond by email indicating no comments will be provided.

kind regards,

Jayne Nahachewsky
Secretary Treasurer of Committee of Adjustment
Town of Fort Erie
1 Municipal Drive
Fort Erie, ON L2A 2S6
TEL: 1-905-871-1600 ext. 2534

This e-mail (including any attachments) may contain confidential, proprietary and privileged information, and unauthorized disclosure or use is prohibited. If you received this e-mail in error, please notify the sender and delete this e-mail from your system



NPCA Response: Committee of adjustment Applications for November 21, 2024
 HearingPaige Pearson to Jayne Nahachewsky 2024-11-06 09:20 AM
 From "Paige Pearson" <ppearson@npca.ca>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>

2 Attachments



4924 Sherkston Road - NPCA Regulated Features Map 1.pdf



4924 Sherkston Road - NPCA Regulated Features Map 2.pdf

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hi Jayne,

My name is Paige Pearson and I will be able to assist CoA reviews on behalf of the NPCA while Meghan Birbeck is on Maternity Leave.

The NPCA has reviewed the CoA Applications and can offer the following comments:

1. 4 & 6 Hagey Avenue: Consent (B47/24) & Minor Variance (A72/24, A73/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

2. 277 & 281 Central Avenue: Consent (B45/24) & Minor Variance (A69/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

3. 285 Elmwood Avenue: Minor Variance (A78/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

4. 2034 Jewson Road: Minor Variance (A75/24)

The NPCA has reviewed the Minor Variance Application and the proposed works on the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

Please be advised that the north portion of the property line is impacted by potential unevaluated wetlands as such, if future proposed works do encroach within this area, the NPCA will require review, approval, and possible work permits.

5. 3666 Crystal Beach Drive : Minor Variance (A70/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

6. 3914 Alexandra Road: Minor Variance (A74/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

7. 3964 Alexandra Road: Minor Variance (A76/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

8. 4062 Glenspring Road: Minor Variance (A77/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

9. 4924 Sherkston Road: Minor Variance (B48/24)

The NPCA has reviewed the Consent Application and the subject property. Based on the NPCA Mapping, the area of proposed lot creation/severance is outside of our regulated areas. As such, the NPCA has no objections.

Please be advised that the northern parcel along the north property line and along the west boundary line is impacted by Regulated Areas. In the case that future works are proposed within any NPCA Regulated Area, the NPCA would require to review and approval works and issue work permits prior to the start of development.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205

www.npca.ca

ppearson@npca.ca

Out of Office Notice: Please note that I will be unavailable starting November 7th until November 13th.

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 1, 2024 11:23 AM



TOFE COA - 4062 Glenspring Road MVEscobar, Valentina to Jayne Nahachewsky 2024-11-05 10:12 AM

From "Escobar, Valentina" <Valentina.Escobar@niagararegion.ca>

To "Jayne Nahachewsky" <JNahachewsky@forterrie.ca>

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Jayne,

There are no required Regional fees for the **4062 Glenspring Road** Minor Variance Application. The only comments to note are with respect to Archaeology:

The Provincial Planning Statement (PPS) and Niagara Official Plan (NOP) state that development and site alteration shall not be permitted within areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. Chapter 6 of the NOP states that where a site proposed for development is located within an Area of Archaeological Potential, a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist is required.

The subject lands exhibit archaeological resource potential and are within 300 metres of 3 Registered Archaeological Sites (AfGs-129, AfGs-130, AfGs-131). However, staff acknowledge that the Town of Fort Erie also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. As such, Regional staff defer to the Town for Archaeological Assessment requirements; Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

Nonetheless, in recognizing that there is always the possibility of discovering deeply buried archaeological materials, Regional staff provide the following warning clause to the applicant for information in case of any resources uncovered through construction works:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

<https://pre.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>

Kind regards,

Valentina Escobar

Development Planner

Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7

P: (905) 980-6000 ext. 3352

W: www.niagararegion.ca



E: Valentina.Escobar@niagararegion.ca

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Re: Committee of adjustment Applications for November 21, 2024 Hearing

From Zachary George <ZGeorge@forterie.ca>

Date Wed 11/13/2024 2:02 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hello,

My apologies for being a day late, Jessica was reviewing my comments.

4 & 6 Hagey Avenue

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

277 and 281 Central Ave

The subject property is located within the Town's Urban Boundary but not in 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).

285 Elmwood

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

2034 Jewson

The subject property is located within the Town's Urban Boundary and Natural Heritage system. 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.

3666 Crystal Beach Drive

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

3914 Alexandra

The subject property is located within the Town's Urban Boundary but not in 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).

3964 Alexandra

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4062 Glenspring Road

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4924 Sherkston

The subject property is not located within the Town's Urban Boundary but is in the Natural Heritage system. There are Natural Heritage features present. There is an "other woodland", and a non provincially significant wetland, and a significant wetland on the north end of the property. 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 (GALA in good standing).

Based on the drawing provided by the applicant it appears that the proposed work does not encroach on any natural heritage features, therefore no Environmental Impact Study is required.

Sincerely,

Zach George
Junior Environmental Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6
TEL: 1-905-871-1600 x 2536

Re: Committee of adjustment Applications for November 21, 2024 Hearing 📄

Kimberlyn Smith ^t Jayne Nahachewsky
o

2024-11-04 04:05 PM

From Kimberlyn Smith/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie

Hi Jayne,

Please see below:

4 & 6 Hagey Avenue - B47/24, A72/24 & A73/24
- No comments

277 & 281 Central Avenue - B45/24 & A69/24
- No comments

285 Elmwood Avenue - A78/24
- No comments

2034 Jewson Road - A75/24
- No comments

3666 Crystal Beach Drive - A70/24
- No comments

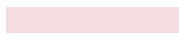
3914 Alexandra Road - A74/24
- No comments

4062 Glenspring Road - A77/24
- No comments

4924 Sherkston Road - B48/24
- That the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 2, to the satisfaction of the Town; and that the owner/applicant pays to the Town a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 2.

Thank you,

Kimberlyn Smith
Junior Community Planner
Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive



Jayne Nahachewsky 2024-11-01 11:23:07 AM

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark lamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Date: 2024-11-01 11:23 AM
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

No Municipal Drains

[Redacted]
277 & 281 Central Avenue

No Municipal Drains

285 Elmwood Avenue

No Municipal Drains

2034 Jewson Road

High Road Drain

[Redacted]
3666 Crystal Beach Drive

No Municipal Drains

[Redacted]
3914 Alexandra Road

No Municipal Drains

[Redacted]

[Redacted]

3964 Alexandra Road

No Municipal Drains

4062 Glenspring Road

No Municipal Drains

4924 Sherkston Road

Pr. Abino Drain
Baer Drain
Schooley Drain
Beaver Creek Drain

Re: Committee of adjustment Applications for November 21, 2024 Hearing Kathryn Strachan to Jayne Nahachewsky 2024-11-06 09:48 AM
From Kathryn Strachan/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie
Hi Jayne,

I have reviewed the COA applications and have no comments.
Kind regards,

Kathryn

Kathryn Strachan

Landscape Planner

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2529

----- Original message -----

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark Iamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Cc:
Subject: Committee of adjustment Applications for November 21, 2024 Hearing
Date: Fri, Nov 1, 2024 11:23 AM

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road



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.

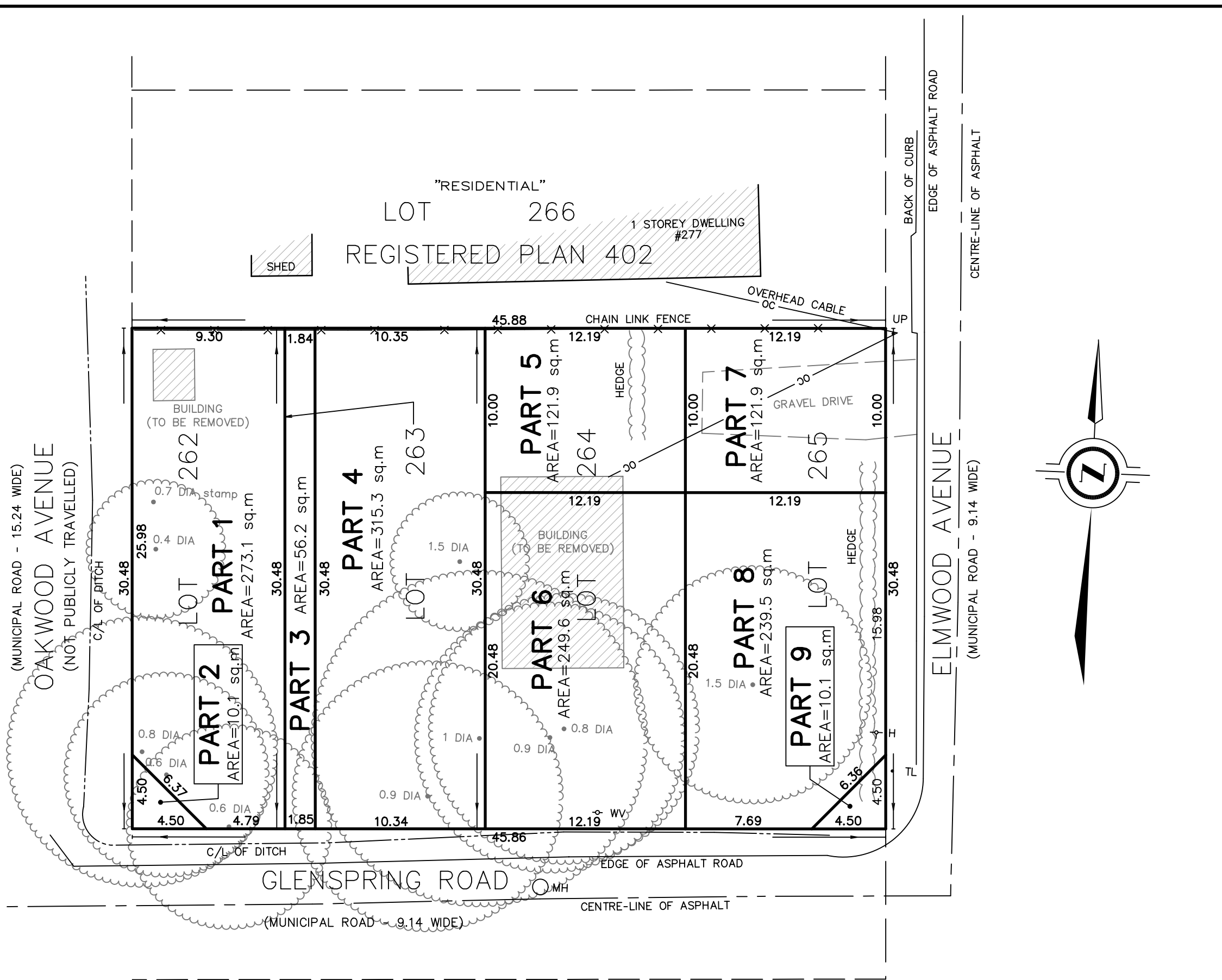
7. Report Approval

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



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

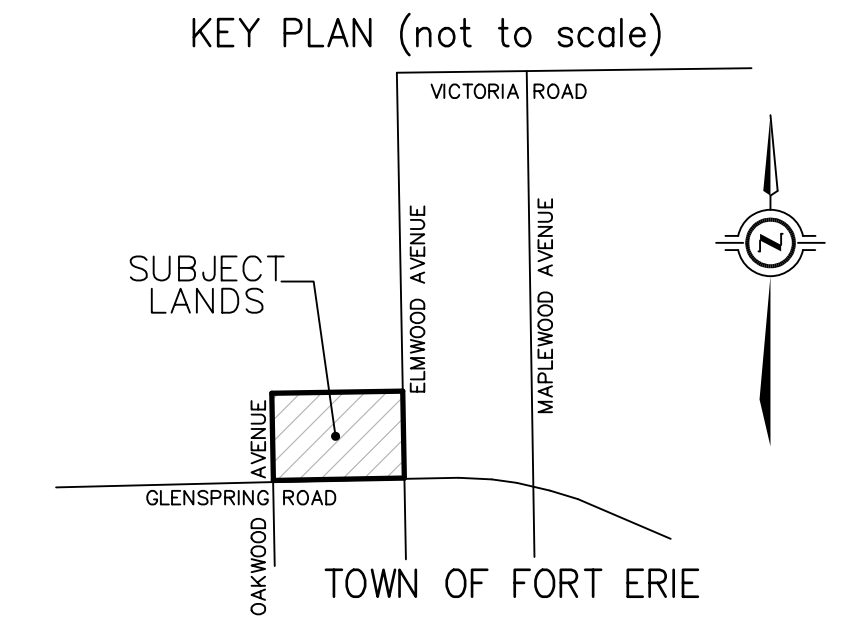
SKETCH FOR PLANNING PURPOSES ONLY

285 ELMWOOD AVENUE
TOWN OF FORT ERIE
 REGIONAL MUNICIPALITY OF NIAGARA



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METRIC NOTE
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



LEGAL DESCRIPTION

LOTS 263, 264 & 265, PART OF LOT 262, REGISTERED PLAN 402

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE RECORDS AND FIELD MEASUREMENTS. THIS IS NOT A PLAN OF SURVEY.

DECEMBER 6, 2022
 DATE

[Signature]
 ROY S. BARKUP
 ONTARIO LAND SURVEYOR

CAUTION

(A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

(B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

J.D. BARNES LIMITED
 SURVEYING MAPPING GIS
 LAND INFORMATION SPECIALISTS
 4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
 T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

TW	DRAWN
RSK	CHECKED
DATED: 2022/12/06	
Ref. No. 22-16-363-00	

Page 1 of 1

G:\2022\22-16-363\00\Drawing\22-16-363-00 calces.dgn 12/7/2022 PLOTTED



Town of Fort Erie Committee of Adjustment Notice of Public Hearing And Applications for Consent & Minor Variance

Consent File No. B47/24 Minor Variance File Nos. A72/24, A73/24 4 and 6 Hagey Avenue, Fort Erie

Legal Description: Part Lot 117- 118 and PT Lot 116 NP Plan 512; Fort Erie
and Lot 114 – 115 and PT Lot 116 NP 512; Fort Erie
Roll No. 2703 020 022 27800 0000
Roll No. 2703 010 044 03000 0000
Applicant: CONMED Health Care Group
Agent: William Heikoop (Upper Canada Consultants)

Notice is hereby given that the Committee of Adjustment of the Town of Fort Erie will be holding a Public Hearing to consider the matter of a consent and minor variance application, pursuant to the provisions of Sections 45, 50, and 53 of the *Planning Act*, R.S.O. 1990, for the lands described in this Notice. A key plan showing the location of the subject lands and a sketch of the proposal are included in this Notice.

Date: The Public Hearing has been scheduled for **Thursday, November 21, 2024 at 5:00 PM**
Location: Fort Erie Town Hall Council Chambers, 1 Municipal Centre Drive, Fort Erie, ON

Purpose and Effect:

The purpose and effect of the applications is to reduce the Minimum Side Yard(s) and to facilitate a Boundary Adjustment, partial discharge of mortgage and an easement to facilitate demolition, construction and occupancy of a new Nursing Home.

File No. B47/24:

Seeks a Boundary Adjustment that conveys Parts 4, 5 and 6 on the consent sketch to merge with Parts 1, 2 3, 7. The remaining Parts 8 and 9 will continue to be used as a Nursing Home.

Minor Variance File No. A72/24 for 4 Hagey Avenue and Minor Variance File No. A73/24 for 6 Hagey Avenue have been submitted concurrently with the Consent application (Boundary Adjustment).

Details of Minor Variance Applications:

The Applicant is requesting the following variances to the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

File No. A72/24 (4 Hagey Avenue):

1. To permit a reduced easterly Minimum Interior Side Yard of 1.2 metres whereas 50 meters is required.
2. To increase the Maximum Number of Beds to 96 whereas 72 is required.

File No. A73/24 (6 Hagey Avenue):

1. To permit a reduced westerly Minimum Interior Side Yard of 5.0 metres whereas 7.5 metres is required.

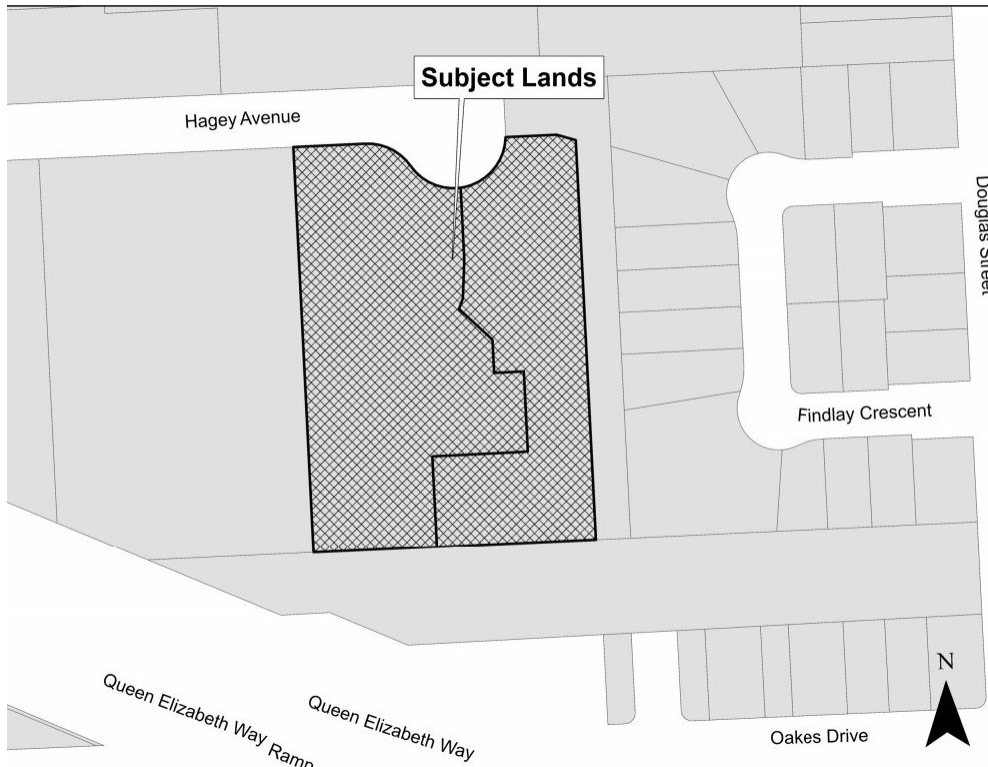
Current Zoning:

The subject lands are zoned Institutional (I-56) Zone, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended.

Current Official Plan Designation:

The subject lands are designated Institutional in the Town's Official Plan and Part of OPA#37 – Southend Secondary Plan.

Key Map:



How to Participate:

You are invited to attend the Hearing or provide comments relative to the applications as you are either a property owner located within the 60 m radius of the subject lands or an agency deemed to have an interest in the proceedings. Any person/agency may attend this Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed applications. Please be advised that all written and oral comments received will become part of the applications' record, and will be available to the public and Applicant.

If you wish to make a written submission, you may do so by providing your reasons for support or opposition prior to 12:30 PM on **Wednesday, November 20, 2024** via email, mail or drop off in the Town drop off box located at Town Hall to the attention of Jayne Nahachewsky (JNahachewsky@forterie.ca) who will provide them to the Committee of Adjustment.

If you wish to be notified of the Committee of Adjustment's decision with respect to the proposed applications, you must make a **WRITTEN** submission to the Secretary-Treasurer of the Committee of Adjustment at the address noted below either **prior to, or at the Hearing**.

Applicants or their Agents are required to attend the Hearing. If the Applicant or Agent does not attend this Hearing, the Committee may proceed in their absence without further notice.

Further information on the Consent and Minor Variance processes is available at:

For Additional Information Regarding This Application Contact:
Jayne Nahachewsky, Secretary Treasurer of Committee of Adjustment
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
905-871-1600 ext. 2534 or JNahachewsky@forterie.ca

MAILED – October 31, 2024

TITLE PAGE FOR
4 & 6 Hagey Road
Consent Application : B47/24
Minor Variance Application: A72/24, A73/24



RE: Committee of adjustment Applications for November 21, 2024 Hearing Mustafa, Sheraz to Jayne Nahachewsky 2024-11-01 12:42 PM
 From "Mustafa, Sheraz" <Sheraz.Mustafa@cnpower.com>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>
 History: This message has been replied to.

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Jayne,

CNP has no concerns with any of these applications.

Regards,
 Sheraz

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>
Sent: November 1, 2024 11:23 AM
To: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Usama.Ali@ontario.ca; Paul Leithwood <pleithwood@npca.ca>; Planning <Planning@ncdsb.com>; planning@dsbn.org; Sarah Mastroianni <smastroianni@npca.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; devtplanningapplications@niagararegion.ca; valentina.escobar@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; rowcentre@bell.ca; Real_EstateCanada@cpr.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; municipalnotices@enbridge.com; Keegan Gennings <KGennings@forterie.ca>; Mark Schmitt <MSchmitt@forterie.ca>; devon.haluka@niagararegion.ca; caitlin.goodale@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; newdevelopment@rci.rogers.com; TLennard@npca.ca; Troy Davidson <TDavidson@forterie.ca>; Christopher Smith <CSmith@forterie.ca>; radamsky@niagaraparks.com; Robin Shugan <RShugan@forterie.ca>; ppearson@npca.ca; planninginfo@npca.ca; Mark Iamarino <MIamarino@forterie.ca>; andrew.carrigan@canadapost.postescanada.ca; Rosanna Firenze <RFirenze@forterie.ca>; jake.mcgowan@niagararegion.ca; janet.sperling@ontario.ca; doug.crown@cogeco.com; neave.constantine@ontario.ca; jennifer.olah@ontario.ca; Abby.Laforme@mncfn.ca; Kimberlyn Smith <KSmith@forterie.ca>; Mustafa, Sheraz <Sheraz.Mustafa@cnpower.com>; Elizabeth Latif <ELatif@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Callum Gomez <CGomez@forterie.ca>; Abdul Malik <AMalik@forterie.ca>
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

WARNING: This email originated from outside of FortisOntario. Pause and look for any **RED FLAGS** or signs of phishing.
 If this is a suspicious email, **before you delete it** use the "Phish Alert Report" in Outlook or log a helpdesk ticket.

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road

Kindly provide comments by November 12, 2024. Should you not have any comments it would be appreciated if you could respond by email indicating no comments will be provided.

kind regards,

Jayne Nahachewsky
Secretary Treasurer of Committee of Adjustment
Town of Fort Erie
1 Municipal Drive
Fort Erie, ON L2A 2S6
TEL: 1-905-871-1600 ext. 2534



NPCA Response: Committee of adjustment Applications for November 21, 2024
 HearingPaige Pearson to Jayne Nahachewsky 2024-11-06 09:20 AM
 From "Paige Pearson" <ppearson@npca.ca>
 To "Jayne Nahachewsky" <JNahachewsky@forterie.ca>

2 Attachments



4924 Sherkston Road - NPCA Regulated Features Map 1.pdf



4924 Sherkston Road - NPCA Regulated Features Map 2.pdf

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hi Jayne,

My name is Paige Pearson and I will be able to assist CoA reviews on behalf of the NPCA while Meghan Birbeck is on Maternity Leave.

The NPCA has reviewed the CoA Applications and can offer the following comments:

1. 4 & 6 Hagey Avenue: Consent (B47/24) & Minor Variance (A72/24, A73/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

2. 277 & 281 Central Avenue: Consent (B45/24) & Minor Variance (A69/24)

The NPCA has reviewed the Application for Consent and Minor Variance. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection to the provided applications.

3. 285 Elmwood Avenue: Minor Variance (A78/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

4. 2034 Jewson Road: Minor Variance (A75/24)

The NPCA has reviewed the Minor Variance Application and the proposed works on the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

Please be advised that the north portion of the property line is impacted by potential unevaluated wetlands as such, if future proposed works do encroach within this area, the NPCA will require review, approval, and possible work permits.

5. 3666 Crystal Beach Drive : Minor Variance (A70/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

6. 3914 Alexandra Road: Minor Variance (A74/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

7. 3964 Alexandra Road: Minor Variance (A76/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

8. 4062 Glenspring Road: Minor Variance (A77/24)

The NPCA has reviewed the Minor Variance Application and the subject property. Based on the NPCA Mapping, there are no regulated areas present as such, the NPCA has no objection.

9. 4924 Sherkston Road: Minor Variance (B48/24)

The NPCA has reviewed the Consent Application and the subject property. Based on the NPCA Mapping, the area of proposed lot creation/severance is outside of our regulated areas. As such, the NPCA has no objections.

Please be advised that the northern parcel along the north property line and along the west boundary line is impacted by Regulated Areas. In the case that future works are proposed within any NPCA Regulated Area, the NPCA would require to review and approval works and issue work permits prior to the start of development.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205

www.npca.ca

ppearson@npca.ca

Out of Office Notice: Please note that I will be unavailable starting November 7th until November 13th.

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 1, 2024 11:23 AM

TOFE COA - 4 & 6 Hagey Avenue

Escobar, Valentina to: Jayne Nahachewsky

2024-11-05 09:36 AM

Cc "Development Planning Applications"

From: "Escobar, Valentina" <Valentina.Escobar@niagararegion.ca>

To: "Jayne Nahachewsky" <JNahachewsky@forterie.ca>

Cc: "Development Planning Applications" <devtplanningapplications@niagararegion.ca>

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Jayne,

There are no required Regional fees for the **4 & 6 Hagey Avenue** Consent (boundary adjustment) and Minor Variance Applications. Staff acknowledge the proposal will be circulated for regional review through a Site Plan application at a later date. Currently the only comments to note are with respect to Archaeology and Land Use Compatibility (Noise):

Archaeology

The Provincial Policy Statement (PPS) and Niagara Official Plan (NOP) state that development and site alteration shall not be permitted within areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. Chapter 6 of the NOP states that where a site proposed for development is located within an Area of Archaeological Potential, a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist is required.

The subject lands are mapped within an Area of Archaeological Potential on Schedule K of the NOP. However, A boundary adjustment is not considered development under the PPS definition, as such the above policies are provided for information purposes as any future Planning Act applications for the property may be subject to Archaeological Assessments as per Policy 6.4.2.6 of the NOP. Staff offer the below archaeological resource advisory clause:

- *The subject lands are in an area of archaeological potential. A Stage 1 Archaeological Assessment (and any subsequent studies, if applicable) shall be completed and submitted to the Ministry of Citizenship and Multiculturalism (MCM) for review. No demolition, grading or other soil disturbances shall take place on the property until a letter from the MCM is submitted to the Area Municipality confirming that the required archaeological assessment report(s) have met licensing and resource conservation requirements.*

<https://pre.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>

Additionally, staff acknowledge that the Town of Fort Erie also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. As such, Regional staff defer to the Town for Archaeological Assessment requirements; Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

Land Use Compatibility

The PPS and NOP state that major facilities (e.g. transportation infrastructure and corridors) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants. Staff acknowledge the current application is for a CS and MV, with a future Site Plan application needed to facilitate the construction of the long-term care facility. As such, staff highlight, at future Planning Act applications, staff require the submission of a Noise Impact Brief to assess transportation (QEW) and stationary noise sources (i.e. Rich Products of Canada) and recommend any site and building design mitigative measures, as outlined in the pre-consultation comments (dated April 27, 2023). The study shall be completed in accordance with the Ministry of the Environment, Conservation, and Parks (MECP) Environmental Noise Guideline NPC-300.

Kind regards,



Valentina Escobar

Development Planner

Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7

P: (905) 980-6000 ext. 3352

W: www.niagararegion.ca

E: Valentina.Escobar@niagararegion.ca

The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

File No.: B47--24
Date: November 12, 2024

To: Devon Morton, Supervisor of Development Approvals
From: Taylor Boyle, Project Manager, Development Engineering
RE: PDS Engineering Comments for Committee of Adjustment
Address: 4 & 6 Hagey Road

MUNICIPAL SERVICES

Hagey Avenue

Watermain: 200mm dia. AC (TOFE)
Sanitary Sewer: 250mm dia. AC (TOFE)
Storm Sewer: 300mm dia. CONC (TOFE)

ROADS

Hagey Avenue is designated as a Local Road as per the Town's current Official Plan, with a desired right-of-way width of 20.0m. The current road width is approximately 24.0m, therefore no widening is required.

Town of Fort Erie Development Engineering Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application.

The purpose and effect of the applications is to reduce the Minimum Side Yard(s) and to facilitate a Boundary Adjustment, partial discharge of mortgage and an easement to facilitate demolition, construction and occupancy of a new Nursing Home.

This application seeks a Boundary Adjustment that conveys Parts 4, 5 and 6 on the consent sketch to merge with Parts 1, 2 3, 7. The remaining Parts 8 and 9 will continue to be used as a Nursing Home.

Development Engineering Staff offer the following comments:

1. Development Engineering staff have no comments about this minor variance application.

Development Engineering Staff offer the following conditions:

1. Development Engineering staff have no conditions about this minor variance application.

Prepared by: Taylor Boyle, C. Tech., rcsi
Project Manager, Development Engineering

c. Noah Thompson, PDS
Curtis Thompson, PDS
Mark Iamarino, PDS
Keegan Gennings, PDS
Jordan Frost, IS
Jessica Goodings, Fire Services

Re: Committee of adjustment Applications for November 21, 2024 Hearing

From Zachary George <ZGeorge@forterie.ca>

Date Wed 11/13/2024 2:02 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hello,

My apologies for being a day late, Jessica was reviewing my comments.

4 & 6 Hagey Avenue

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

277 and 281 Central Ave

The subject property is located within the Town's Urban Boundary but not in 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).

285 Elmwood

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

2034 Jewson

The subject property is located within the Town's Urban Boundary and Natural Heritage system. 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.

3666 Crystal Beach Drive

The subject property is located within the Town's Urban Boundary but not in 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).

In the event that 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.

3914 Alexandra

The subject property is located within the Town's Urban Boundary but not in 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).

3964 Alexandra

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4062 Glenspring Road

The subject property is located within the Town's Urban Boundary but not in the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. Since 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).

In the event that 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.

4924 Sherkston

The subject property is not located within the Town's Urban Boundary but is in the Natural Heritage system. There are Natural Heritage features present. There is an "other woodland", and a non provincially significant wetland, and a significant wetland on the north end of the property. 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 (GALA in good standing).

Based on the drawing provided by the applicant it appears that the proposed work does not encroach on any natural heritage features, therefore no Environmental Impact Study is required.

Sincerely,

Zach George
Junior Environmental Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6
TEL: 1-905-871-1600 x 2536

Re: Committee of adjustment Applications for November 21, 2024 Hearing 📄

Kimberlyn Smith ^t Jayne Nahachewsky
o

2024-11-04 04:05 PM

From Kimberlyn Smith/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie

Hi Jayne,

Please see below:

4 & 6 Hagey Avenue - B47/24, A72/24 & A73/24
- No comments

277 & 281 Central Avenue - B45/24 & A69/24
- No comments

285 Elmwood Avenue - A78/24
- No comments

2034 Jewson Road - A75/24
- No comments

3666 Crystal Beach Drive - A70/24
- No comments

3914 Alexandra Road - A74/24
- No comments

4062 Glenspring Road - A77/24
- No comments

4924 Sherkston Road - B48/24
- That the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 2, to the satisfaction of the Town; and that the owner/applicant pays to the Town a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 2.

Thank you,

Kimberlyn Smith
Junior Community Planner
Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive



Jayne Nahachewsky 2024-11-01 11:23:07 AM

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dsbn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark lamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Date: 2024-11-01 11:23 AM
Subject: Committee of adjustment Applications for November 21, 2024 Hearing

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

No Municipal Drains

[Redacted]

277 & 281 Central Avenue

No Municipal Drains

285 Elmwood Avenue

[Redacted]

No Municipal Drains

2034 Jewson Road

High Road Drain

[Redacted]

3666 Crystal Beach Drive

No Municipal Drains

[Redacted]
3914 Alexandra Road

No Municipal Drains

[Redacted]

[Redacted]

[Redacted]

3964 Alexandra Road

No Municipal Drains

4062 Glenspring Road

No Municipal Drains

4924 Sherkston Road

Pr. Abino Drain
Baer Drain
Schooley Drain
Beaver Creek Drain

Re: Committee of adjustment Applications for November 21, 2024 Hearing Kathryn Strachan to Jayne Nahachewsky 2024-11-06 09:48 AM
From Kathryn Strachan/FortErie
To Jayne Nahachewsky/FortErie@TownOfFortErie
Hi Jayne,

I have reviewed the COA applications and have no comments.
Kind regards,

Kathryn

Kathryn Strachan

Landscape Planner

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2529

----- Original message -----

From: Jayne Nahachewsky/FortErie
To: "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Usama.Ali@ontario.ca, "Paul Leithwood" <pleithwood@npca.ca>, "Planning" <Planning@ncdsb.com>, planning@dshn.org, "Sarah Mastroianni" <smastroianni@npca.ca>, Jessica Abrahamse/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, valentina.escobar@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, rowcentre@bell.ca, Real_EstateCanada@cpr.ca, Daryl Vander Veen/FortErie@TownOfFortErie, municipalnotices@enbridge.com, Keegan Gennings/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie, devon.haluka@niagararegion.ca, caitlin.goodale@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Jessica Goodings/FortErie@TownOfFortErie, newdevelopment@rci.rogers.com, TLennard@npca.ca, Troy Davidson/FortErie@TownOfFortErie, Christopher Smith/FortErie@TownOfFortErie, radamsky@niagaraparks.com, Robin Shugan/FortErie@TownOfFortErie, ppearson@npca.ca, planninginfo@npca.ca, Mark Iamarino/FortErie@TownOfFortErie, andrew.carrigan@canadapost.postescanada.ca, Rosanna Firenze/FortErie@TownOfFortErie, jake.mcgowan@niagararegion.ca, janet.sperling@ontario.ca, doug.crown@cogeco.com, neave.constantine@ontario.ca, jennifer.olah@ontario.ca, Abby.Laforme@mncfn.ca, Kimberlyn Smith/FortErie@TownOfFortErie, Sheraz.Mustafa@cnpower.com, Elizabeth Latif/FortErie@TownOfFortErie, Kathryn Strachan/FortErie@TownOfFortErie, Edward Terry/FortErie@TownOfFortErie, Devon Morton/FortErie@TownOfFortErie, Taylor Boyle/FortErie@TownOfFortErie, Zachary George/FortErie@TownOfFortErie, Callum Gomez/FortErie@TownOfFortErie, Abdul Malik/FortErie@TownOfFortErie
Cc:
Subject: Committee of adjustment Applications for November 21, 2024 Hearing
Date: Fri, Nov 1, 2024 11:23 AM

Good morning,

Please find the links to the circulation packages below for the Consent and Minor Variance applications being heard at the November 21, 2024 Committee of Adjustment Hearing.

4 & 6 Hagey Avenue

277 & 281 Central Avenue

285 Elmwood Avenue

2034 Jewson Road

3666 Crystal Beach Drive

3914 Alexandra Road

3964 Alexandra Road

4062 Glenspring Road

4924 Sherkston Road



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: A72/24 and A73/24

Address: 4 and 6 Hagey Avenue, Fort Erie

Owner: 1365853 Ontario Limited

Applicant: Upper Canada Consultants, (c/o William Heikoop)

1. Title

Minor Variance Applications A72/24 and A73/24 for lands located at 4 and 6 Hagey Avenue, Fort Erie

2. Purpose

The purpose and effect of the applications is to reduce the Minimum Side Yard(s) and to facilitate a Boundary Adjustment, partial discharge of mortgage and an easement to facilitate demolition, construction and occupancy of a new Nursing Home.

File No. A72/24 (4 Hagey Avenue):

1. To permit a reduced easterly Minimum Interior Side Yard of 1.2 metres whereas 50 meters is required.

File No. A73/24 (6 Hagey Avenue):

1. To permit a reduced westerly Minimum Interior Side Yard of 5.0 metres whereas 7.5 metres is required.

3. Recommendations

It is recommended that Minor Variance Application A72/24 be **APPROVED**, subject to the following conditions:

1. That the existing Long Term Care Facility be demolished, to the satisfaction of the Town.
2. The Owner / Applicant shall, to the satisfaction of the Town of Fort Erie, be granted final approval of Consent Application B47/24. This condition shall not be considered fulfilled until said Minor Variance decision to grant the approval is final and binding;

It is recommended that Minor Variance Application A73/24 be **APPROVED**, subject to the following condition:

1. The Owner / Applicant shall, to the satisfaction of the Town of Fort Erie, be granted approval of Consent B47/24. This condition shall not be considered fulfilled until said Consent decision to grant the approval is final and binding.

4. Analysis

5.1. Site Context

The subject lands are located on the south side of Hagey Avenue within the Southend Secondary Plan Area. The lands to be severed and merged (Part 4) from 6 Hagey Avenue and added to 4 Hagey Avenue is approximately 1035.1 square metres. The surrounding land use is a mix of industrial, institutional and residential uses. The subject lands of 4 and 6 Hagey Avenue currently have existing Long Term Care Facilities. The facility located on 4 Hagey Avenue, will be demolished and reconstructed, and the facility located on 6 Hagey Avenue will remain. The surrounding lands uses are as follows:

North: Institutional (Dougless Memorial Hospital)

East: Residential (Single detached Dwellings)

South: Opens Space and QEW Highway

West: Industrial (Rich Products of Canada)

5.2. Environmentally Sensitive Areas

Town Environmental Planning staff have confirmed that there are no environmentally sensitive areas on the subject lands as identified in the Town's Official Plan Schedule C - Natural Heritage Features or Schedule C1 – Natural Hazards and Fish Habitat.

The Niagara Peninsula Conservation Authority (NPCA) has confirmed that the subject lands are outside of NPCA regulated area. At the time of this writing no comments have been received

from Niagara Region; however, the subject lands do not appear to be within the Natural Environment System in the Niagara Official Plan.

Tree removal shall be in accordance with the requirements of the Town's Tree By-law No. 33-2024.

5.3. 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 supportable:

5.3.1. Is the proposal minor in nature?

Reduced Easterly Interior Side Yard (4 Hagey Avenue)

The proposal to reduce the easterly Interior Side Yard setback from 50 metres to 1.2 metres is minor. The current facility is located along the northeastern lot line, resulting in a 0 metre setback. As well, the current facility also has a 1.3 metre from the southeastern lot line. The relocation of the proposed facility will reduce the number of non-conforming setbacks and will require a reduced setback of 1.2 metres along the new proposed easterly interior lot line as a result of the lot addition. The reduction to the interior side yard will maintain adequate space for general maintenance and access to both 4 and 6 Hagey Avenue. Impacts to the facility and property of 6 Hagey Avenue will be limited. Therefore, the proposed variance is considered minor in nature.

Reduced Westerly Interior Side Yard (6 Hagey Avenue)

The proposal to reduce the westerly Interior Side Yard setback from 7.5 metres to 5.0 metres is minor. The reduction of the westerly interior side yard is a result of the proposed lot addition to 4 Hagey Avenue. The reduction to the interior side yard will maintain adequate spaces for general maintenance and access to both 4 and 6 Hagey Avenue. Impacts to neighboring properties will be limited. Therefore, the proposed variance is considered minor in nature.

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

The subject lands of 4 and 6 Hagey are currently use as Long-Term Care Facilities and will continue to be used as such. The proposed facility will replace the existing facility located on 4 Hagey Avenue. The existing facility, that will be demolished, is approximately 25 metres from the shared property line of the abutting industrial use. The proposed new facility's lobby will have a setback from the westerly property line of 8 metres. The residence units will be located in the portion of the building that will be 19 metres from the shared property line.

Currently both facilities are joined by a common roof structure that allow the two buildings to function as one development. The proposed location of the new facility will no longer share a common roof structure, each facility will now be on separate parcels of land. However, the proposed reduction of the interior side yards of the new facility, existing facility and shared amenity space easement will still allow the properties to function cohesively as one development. It is not anticipated that proposed variances will result in negative impacts to residences of the facility and surrounding land uses.

Therefore, it is the opinion of Planning Services staff that the requested variances represent appropriate development and use of the land, building and structure.

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

Schedule 'A' of the Official Plan designates the subject lands as Institutional within the Town's Southend Secondary Plan area. The lands designated on Schedule "S-2" as "Institutional" recognize the existing institutional uses established within the Secondary Plan Area. The designation within the Plan Area shall be reserved for a variety of public and institutional uses. Institutional uses permit the use of residential care and health care facilities, nursing and retirement homes. The proposed lot addition will facilitate the construction of a new Long Term Care Facility with shared amenity spaced with the existing Long Term Care Facility located on 6 Hagey Avenue.

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.

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

The subject lands are zoned Institutional (I-56) Zone, which permits the use of Long Term Care Facilities. The I-56 Zone permits a maximum of 72 units for Long Term Care Facilities. The proposal is to demolish and construct a new 66 unit (96 beds) Long Term Care Facility on 4 Hagey Avenue. The proposed building on 4 Hagey Avenue is requesting a reduction from 50 metres to 1.2 metres along the eastern property line which is subject to a minor variance application A72/24. The requested 1.2 metre setback will allow the majority of the proposed massing and location of residence units be located further away from the adjacent industrial use. The existing facility is approximately 1.3 metres from the shared interior property line of 4 and 6 Hagey. The proposed facility will meet the additional requirements of lot coverage, landscape open space, height, front yard, rear yard and westerly interior side yard setbacks. The proposed 1.2 metre setback will provide adequate space for general maintenance and access to the proposed facility.

As a result of the lot addition and the proposed new lot line, the existing Long Term Care Facility located on 6 Hagey Avenue is also subject to minor variance application A73/24, to reduce the westerly minimum interior side yard setback from 7.5 metres to 5.0 metres. The northern portion of the existing facility on 6 Hagey Avenue, currently has an existing non-conforming setback of 2.48 metres to the westerly lot line. The reduction to 5.0 metres will provide adequate space for general maintenance and access to the existing facility. Furthermore, the reduction of both interior side yard setbacks of 4 and 6 Hagey Avenue will allow the new facility and existing facility to function as one development and will provide greater access and use to the proposed shared amenity space easement.

Therefore, it is of the opinion of Planning Services that the proposed minor variances for 4 and 6 Hagey Avenue will maintain the general and intent and purpose of the Town's Zoning By-law 129-90, as amended.

5. Comments from Departments, Community and Corporate Partners

Staff and Agency Comments

Environmental Planning

The subject property is located within the Town's Urban Boundary but not in 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).

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. The subject lands are not within area under the regulation of the NPCA.

Niagara Region

No objection. The subject lands are within areas of archeological potential and that a Stage 1 Archaeological Assessment at minimum will be required.

The PPS and NOP state that major facilities (e.g. transportation infrastructure and corridors) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants. Staff acknowledge the current application is for a CS and MV, with a future Site Plan application needed to facilitate the construction of the long-term care facility. As such, staff highlight, at future Planning Act applications, staff require the submission of a Noise Impact Brief to assess transportation (QEW) and stationary noise sources (i.e. Rich Products of Canada) and recommend any site and building design mitigative measures, as outlined in the pre-consultation comments (dated April 27, 2023). The study shall be completed in accordance with the Ministry of the Environment, Conservation, and Parks (MECP) Environmental Noise Guideline NPC-300.

6. Conclusion

Based on the above analysis, Planning Staff recommend that Minor Variance Applications A72/24 and 73/24 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



Planning and Development Services

Prepared for: Committee of Adjustment

Meeting Date: November 21, 2024

Application Number: B47/24

Address: 4 and 6 Hagey Avenue, Fort Erie

Owner: 1365853 Ontario Limited

Applicant: Upper Canada Consultants(c/o William Heikoop)

1. Title

Consent Application B47/24 for lands located at 4 and 6 Hagey Avenue, Fort Erie.

2. Proposal

The purpose and effect of this application is to facilitate a Boundary Adjustment, partial discharge of mortgage and easement to permit demolition, construction and occupancy of a new Nursing Home. The proposed Boundary Adjustment conveys Parts 4, 5 and 6 on the consent sketch, attached as Appendix 1 hereto, to merge with Parts 1, 2 3, 7. Parts 8 and 9 will continue to be used as a Long Term Care Facility.

This Application has been submitted concurrently with Minor Variance Applications A72-24 & A73-24. Minor Variance Application A72-24 seeks to facilitate the construction of new Long Term Care Facility. Minor Variance Application A73-24 seeks permit a reduce setback to the existing Long Term Care Facility as a result of the boundary adjustment.

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
4 Hagey Avenue	11,125.5 square metres	Approximately 68 metres
6 Hagey Avenue	10,041.3 square metres	Approximately 55 metres
Easement (Part 7)	3185.2 square metres	

3. Recommendations

It is recommended that Consent Application B47/24 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.
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;
4. The applicant shall, to the satisfaction of the Town of Fort Erie, be granted final approval of Minor Variance Applications A72-24 and A73-24. This condition shall not be considered fulfilled until said Minor Variance decisions to grant the approvals are final and binding;
5. In the event of any Tree removal on the subject lands, the Owner / Applicant shall submit a Tree Protection Plan, Arborist Report and Landscape Plan prepared by a qualified person demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, to the satisfaction of the Town.
6. That the existing Long Term Care Facility be demolished, to the satisfaction of the Town.

3.1. Analysis

3.2. Site Context

The subject lands are located on the south side of Hagey Avenue within the Southend Secondary Plan Area. The lands to be severed and merged (Part 4) from 6 Hagey Avenue and added to 4 Hagey Avenue are approximately 1035.1 square metres in area. The surrounding land use is a mix of industrial, institutional and residential uses. 4 and 6 Hagey Avenue currently contain existing Long Term Care Facilities. The facility located on 4 Hagey Avenue, will be demolished and reconstructed, and the facility located on 6 Hagey Avenue will remain intact.

The surrounding lands uses are as follows:

North: Institutional (Dougless Memorial Hospital)

East: Residential (Single detached Dwellings)

South: Opens Space and QEW Highway

West: Industrial (Rich Products of Canada)

3.3. Environmentally Sensitive Areas

Town Environmental Planning staff have confirmed that there are no environmentally sensitive areas on the subject lands as identified in the Town's Official Plan Schedule C - Natural Heritage Features or Schedule C1 – Natural Hazards and Fish Habitat.

The Niagara Peninsula Conservation Authority (NPCA) has confirmed that the subject lands are outside of NPCA regulated area. At the time of this writing no comments have been received from Niagara Region; however, the subject lands do not appear to be within the Natural Environment System in the Niagara Official Plan.

Tree removal shall be in accordance with the requirements of the Town's Tree By-law No. 33-2024.

3.4. Planning Context

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

A proposal for a boundary adjustment 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 for 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 proposed change in lot fabric will facilitate a boundary adjustment that will provide supplementary lands to facilitate the construction of a new 66 unit (96 beds) Long Term Care Facility, and to create an easement to facilitate a shared amenity space with the existing Long Term Care Facility located on 6 Hagey Avenue. 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 Built Up Area under the Provincial Planning Statement 2024 and the Niagara Official Plan. The proposed consent application for a boundary adjustment permits the use of Long Term Care Facilities. The Provincial Planning Statement and the Niagara Official Plan state that major facilities and sensitive land uses shall be planned and develop to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from the odour, noise and other contaminants. The subject lands currently have two existing Long Term Care Facilities located adjacent to an industrial use. The proposal is to demolish and relocate the Long Term Care Facility located at 4 Hagey Avenue. At this time, there is no change in land use contemplated through the applications, therefore the Town will rely on the Province's D6 Guidelines as best practice. A Noise Study will be required to appropriately address any mitigation measures to the construction design of the facility. This item will be required at the Site Plan Application stage.

The subject lands are located in an area of Archaeological Potential, under the PPS and NOP, development and site alteration shall not be permitted with these areas unless significant archaeological resources have been conserved or the land have been invested. A stage 1 Archaeological Assessment will be required at the Site Plan Application stage.

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

Schedule 'A' of the Official Plan designates the subject lands as Institutional within the Town's Southend Secondary Plan area. The lands designated on Schedule "S-2" as "Institutional" recognize the existing institutional uses established within the Secondary Plan Area. The designation within the Plan Area shall be reserved for a variety of public and institutional uses. Institutional uses permit the use of residential care and health care facilities, nursing and retirement homes. The proposed lot addition will facilitate the construction of a new Long Term Care Facility with shared amenity spaced with the existing Long Term Care Facility located at 6 Hagey Avenue.

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 Institutional (I-56) Zone, which permits the use of Long Term Care Facilities. The I-56 Zone permits a maximum of 72 units for Long Term Care Facilities. The proposal is to demolish and construct a new 66 unit (96 beds) Long Term Care Facility on 4 Hagey

Avenue. The proposed building on 4 Hagey Avenue is requesting a reduction from 50 metres to 1.2 metres along the eastern property line which is subject to a minor variation application A72/24.

As a result of the lot addition, the existing Long Term Care Facility located on 6 Hagey Avenue is also subject to minor variance application A73/24, to reduce the westerly minimum interior side yard setback from 7.5 metres to 5.0 metres. The reduction of both the interior side yard setbacks of 4 and 6 Hagey Avenue, will allow the new facility and existing facility to function as one development and will provide greater access and use to the proposed shared amenity space via easement.

Therefore, it is of the opinion of Planning Services that the proposed boundary adjustment for 4 and 6 Hagey Avenue will maintain the general and intent and purpose of the Town's Zoning By-law 129-90, as amended.

4. Comments from Departments, Community and Corporate Partners

Staff and Agency Comments

Environmental Planning

The subject property is located within the Town's Urban Boundary but not in 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).

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. The subject lands are not within area under the regulation of the NPCA.

Niagara Region

No objection. The subject lands are within areas of archeological potential and that a Stage 1 Archaeological Assessment at minimum will be required.

The PPS and NOP state that major facilities (e.g. transportation infrastructure and corridors) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from

odour, noise, and other contaminants. Staff acknowledge the current application is for a CS and MV, with a future Site Plan application needed to facilitate the construction of the long-term care facility. As such, staff highlight, at future Planning Act applications, staff require the submission of a Noise Impact Brief to assess transportation (QEW) and stationary noise sources (i.e. Rich Products of Canada) and recommend any site and building design mitigative measures, as outlined in the pre-consultation comments (dated April 27, 2023). The study shall be completed in accordance with the Ministry of the Environment, Conservation, and Parks (MECP) Environmental Noise Guideline NPC-300.

5. Conclusion

Based on the above analysis, Planning Staff recommend Consent Application B47/24 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 – Site Plan



Town of Fort Erie Committee of Adjustment Notice of Public Hearing And Applications for Consent & Minor Variance

Minor Variance File A75/24

2034 Jewson Road, Fort Erie

Legal Description: Lot 130 PL 74 NP414

Roll No.: 2703 020 012 11200 0000

Applicant: Jacob Broughton

Notice is hereby given that the Committee of Adjustment of the Town of Fort Erie will be holding a Public Hearing to consider the matter of a consent and minor variance application, pursuant to the provisions of Sections 45, 50, and 53 of the *Planning Act*, R.S.O. 1990, for the lands described in this Notice. A key plan showing the location of the subject lands and a sketch of the proposal are included in this Notice.

Date: The Public Hearing has been scheduled for **Thursday, November 21, 2024 at 5:00 pm**

Location: Fort Erie Town Hall Council Chambers, 1 Municipal Centre Drive, Fort Erie, ON

Purpose and Effect:

The purpose and effect of this application is to increase the Maximum Building Height to facilitate construction of a detached garage.

Details of Minor Variance Applications:

The Applicant is requesting the following variances to the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended:

File A75/24:

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.

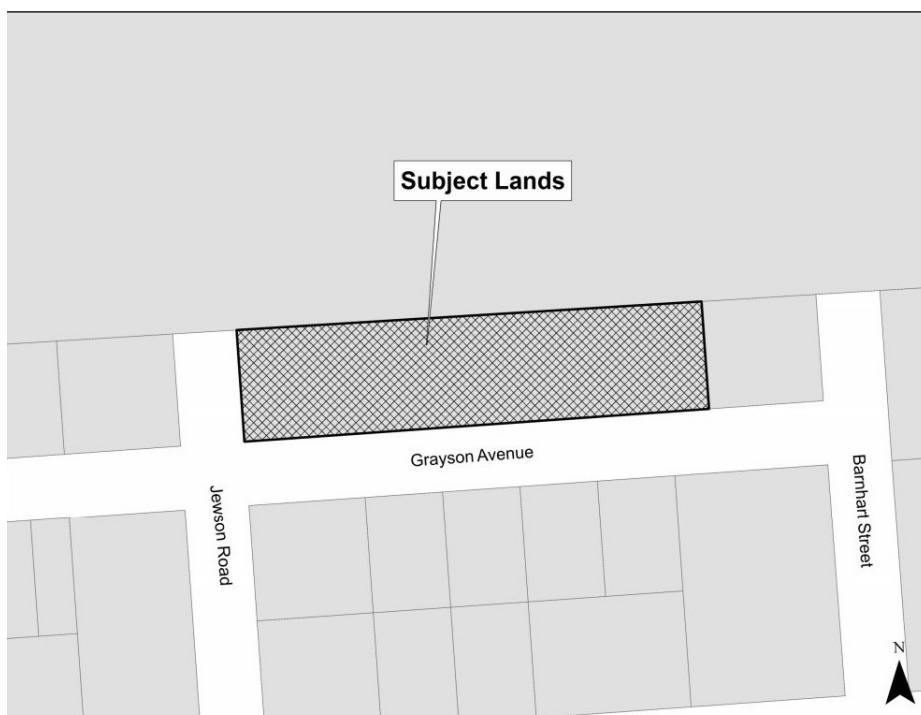
Current Zoning:

The subject lands are zoned RR Zone, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended.

Current Official Plan Designation:

The subject lands are designated "Rural Residential" in the Town of Fort Erie Official Plan.

Key Map:



How to Participate:

You are invited to attend the Hearing or provide comments relative to the applications as you are either a property owner located within the 60 metres radius of the subject lands or an agency deemed to have an interest in the proceedings. Any person/agency may attend this Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed applications. Please be advised that all written and oral comments received will become part of the applications' record, and will be available to the public and Applicant.

If you wish to make a written submission, you may do so by providing your reasons for support or opposition prior to 12:30 PM on **Wednesday, November 20, 2024** via email, mail or drop off in the Town drop off box located at Town Hall to the attention of Jayne Nahachewsky (JNahachewsky@forterie.ca) who will provide them to the Committee of Adjustment.

If you wish to be notified of the Committee of Adjustment's decision with respect to the proposed applications, you must make a **Written** submission to the Secretary-Treasurer of the Committee of Adjustment at the address noted below either **prior to, or at the Hearing**.

Applicants or their Agents are required to attend the Hearing. If the Applicant or Agent does not attend this Hearing, the Committee may proceed in their absence without further notice.

Further information on the Consent and Minor Variance processes is available at:
<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

For Additional Information Regarding This Application Contact:
Jayne Nahachewsky, Secretary Treasurer of Committee of Adjustment
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
905-871-1600 ext. 2534 or JNahachewsky@forterie.ca

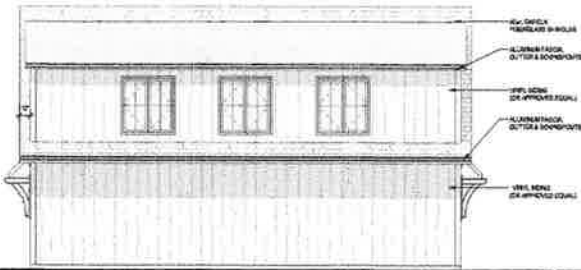
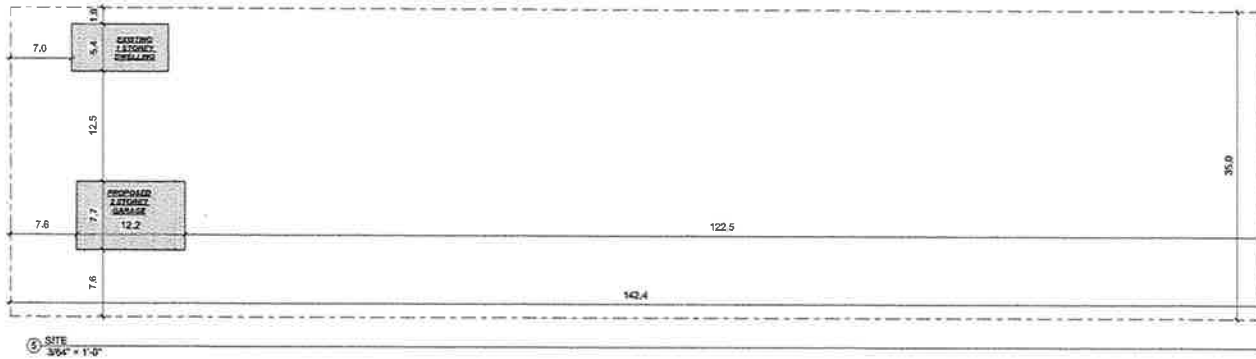
Mailed – October 31, 2024



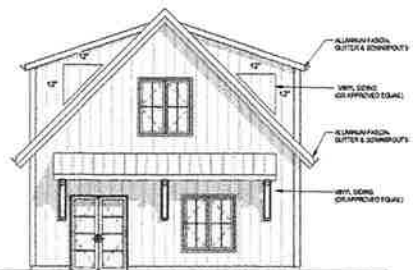
6 3D View (NORTH)



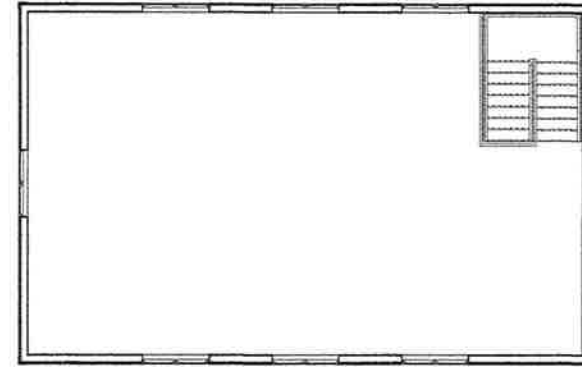
7 3D View (SOUTH)



① NORTH ELEVATION
3/16" = 1'-0"



② EAST ELEVATION
3/16" = 1'-0"



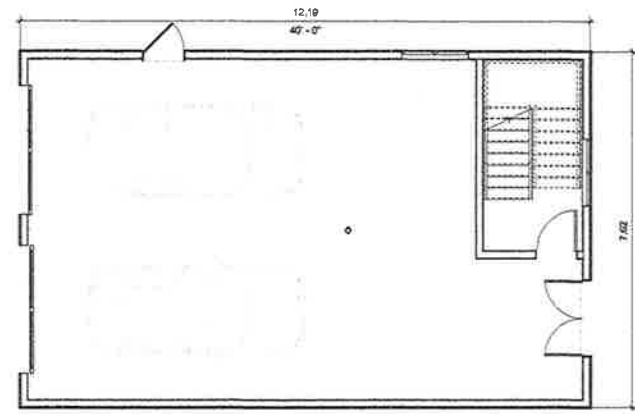
⑥ CONCEPT - SECOND FLOOR PLAN
1/4" = 1'-0"



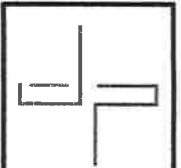
③ SOUTH ELEVATION
3/16" = 1'-0"



④ WEST ELEVATION 1
3/16" = 1'-0"



⑧ CONCEPT - MAIN FLOOR PLAN
1/4" = 1'-0"



JASON PIZZICAROLA GREEN - ARCHITECTS INC
705 RIDGE ROAD N
REDSEAWAY, ONTARIO, L0S 1A0
T: 508-84-0000
E: j.pizzicarola@design.ca
ESTABLISHED PRACTICE # 4487

2024 JEWISON STREET, FORT ERIE, ON

No.	Description	Date

PRELIMINARY DRAWINGS

SHEET TITLE:

GARAGE PLANS

DRAWN BY: J.J. DATE: 13/06/24
SCALE: As Indicated JOB #: 10045
SHEET NO: A01

Client/Project/Package/Phase/Version/Revision/Date/Author/Checked/Status/Scale/Sheet/Total



Town of Fort Erie Committee of Adjustment Notice of Public Hearing and Applications for Consent & Minor Variance

**Consent File Nos. B48/24
4924 Sherkston Road, Fort Erie**

Legal Description: Part Lot 32 Concession 1 Lake Erie, designated as Parts 1 & 2 on Reference Plan 59R7034; Fort Erie

Roll No. 2703 020 018 03000 0000

Applicant: John and Barbara Day

Agent: Carol Moroziuk

NOTICE is hereby given that the Committee of Adjustment of the Town of Fort Erie will be holding a Public Hearing to consider the matter of a consent and minor variance application, pursuant to the provisions of Sections 45, 50, and 53 of the *Planning Act*, R.S.O. 1990, for the lands described in this Notice. A key plan showing the location of the subject lands and a sketch of the proposal are included in this Notice.

Date: The Public Hearing has been scheduled for **Thursday, November 21, 2024 at 5:00 PM**

Location: Fort Erie Town Hall Council Chambers, 1 Municipal Centre Drive, Fort Erie, ON

Purpose and Effect:

The purpose and effect of the application is to sever and convey a surplus farm dwelling.

File No. B45/24 (Parcel 1):

Seeks to convey Parcel 1 from Parcel 2 as shown on the Consent Sketch. Parcel 2 will be retained.

Current Zoning:

The subject lands are zoned Agricultural (A) Zone, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended.

Current Official Plan Designation:

The subject lands are designated Agricultural in the Town's Official Plan.

Key Map:



How to Participate:

You are invited to attend the Hearing or provide comments relative to the applications as you are either a property owner located within the 60 m radius of the subject lands or an agency deemed to have an interest in the proceedings. Any person/agency may attend this Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed applications. Please be advised that all written and oral comments received will become part of the applications' record, and will be available to the public and Applicant.

If you wish to make a written submission, you may do so by providing your reasons for support or opposition prior to 12:30 PM on **Wednesday, November 20, 2024** via email, mail or drop off in the Town drop off box located at Town Hall to the attention of Jayne Nahachewsky (JNahachewsky@forterie.ca) who will provide them to the Committee of Adjustment.

If you wish to be notified of the Committee of Adjustment's decision with respect to the proposed applications, you must make a **WRITTEN** submission to the Secretary-Treasurer of the Committee of Adjustment at the address noted below either **prior to, or at the Hearing**.

Applicants or their Agents are required to attend the Hearing. If the Applicant or Agent does not attend this Hearing, the Committee may proceed in their absence without further notice.

Further information on the Consent and Minor Variance processes is available at:

For Additional Information Regarding This Application Contact:
Jayne Nahachewsky, Secretary Treasurer of Committee of Adjustment
Planning and Development Services Department
1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6
905-871-1600 ext. 2534 or JNahachewsky@forterie.ca

MAILED – October 31, 2024

SKETCH PREPARED FOR SEVERANCE APPLICATION
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN
 CURRENT SEVERANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.

UNOPNED ROAD ALLOWANCE BETWEEN CONCESSIONS 1 & 2 LE
 ± 406.85



33

32

± 546.04

PART 2
 PLAN 59R-7034
 SUBJECT TO AN EASEMENT
 IN FAVOUR OF THE PROVINCIAL
 GAS COMPANY

PART 1
 PLAN 59R-7034

PART 2
 ± 28.09 ha.

± 701.31

POINT ABINO ROAD
 ROAD ALLOWANCE BETWEEN LOTS 31 & 32

LOT

± 198.12

± 19.52

± 143.23

LOT

DETAIL
 SCALE 1:1500

PART 2
 ± 28.09 ha.

PART 1
 ± 6208.5 sq.m.

PART 1
 ± 6208.5 sq.m.

± 59.74

± 53.30

± 120.07

± 66.77

BUILDING
 (± 50.1 sq.m.)

± 13.9

± 27.5

± 27.4

± 48.5

± 26.6

± 100.46

TWO STOREY
 DWELLING
 #4924
 (± 172.8 sq.m.)

± 12.3

± 12.3

± 32.2

SEPTIC
 BED

± 67.07

± 100.46

± 100.46

± 100.46

± 100.46

± 100.46

EDGE OF FIELD

EDGE OF FIELD

EDGE OF CUT GRASS

EDGE OF CUT GRASS

EDGE OF CUT GRASS

EDGE OF CUT GRASS

POND

WELL

SEPTIC
 BED

SEPTIC
 BED

SEPTIC
 BED

SEPTIC
 BED

± 59.74

± 53.30

± 120.07

± 66.77

± 99.99

± 100.46

± 67.07

± 90.63

± 99.00

± 117.34

± 60.35

± 60.35

± 50.29

± 60.35

± 60.35

± 60.35

± 60.35

± 60.35

± 60.35

SHERKSTON ROAD
 (TRAVELLED ROAD)

SHERKSTON ROAD
 (TRAVELLED ROAD)

LOT COVERAGE
 DWELLING: $\pm 2.8\%$
 ACCESSORY USE: $\pm 2.3\%$

VOID

IF USED FOR ANY OTHER
 PURPOSE THAN THIS
 CURRENT SEVERANCE
 APPLICATION

PRELIMINARY
 ONLY

SEPT. 25, 2024
 DATE

Mark Gilmore
 MARK GILMORE
 Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SKETCH OF PROPOSED SEVERANCE
 PART OF LOT 32
 CONCESSION 1 LAKE ERIE
 GEOGRAPHIC TOWNSHIP OF BERTIE, NOW IN THE
 TOWN OF FORT ERIE
 REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM
 SCALE: 1:3000
 CHECKED BY: MG
 SURVEY 22-939