

TITLE PAGE FOR
2491 Windmill Point Lane E
Minor Variance Application: A50/24

RE: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

From Mustafa, Sheraz <Sheraz.Mustafa@cnpower.com>

Date Thu 11/28/2024 2:31 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

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Hi Jayne,

CNP has no concerns with below applications.

Regards,
Sheraz

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 28, 2024 1:41 PM

To: Cof A updated Circulation Group <cofauDdatedcirculationgroup(5)forterie.onmicrosoft.com>

Subject: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

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Good afternoon,

Please find the links for the circulation packages for the applications submitted for consideration for the December 19, 2024 Hearing below.

MV File A75/24 2034 Jewson Road, Fort Erie

Consent File B48/24 4924 Sherkston Road, Fort Erie

[httpDs://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84945eb9/2156/7807215620672266656/2024-11-27%20Circulation%20Package%20for%204924%20Sherkston%20Road.odf](http://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84945eb9/2156/7807215620672266656/2024-11-27%20Circulation%20Package%20for%204924%20Sherkston%20Road.odf)

MV File A16/24 11 Lewis Street, Fort Erie

Consent File B49/24 131 and 135 Gilmore Road, Fort Erie

<download/ff8080829350c53f0193735c84285ea1/2158/7415768828804016518/Circulation%20Package>

MV File A79/24 1716 Rebecca Street, Fort Erie

MV File A50/24 2491 Windmill Point East Lane, Fort Erie

MV File A80/24 2826 Nigh Road, Fort Erie

Consent File B50/24 3613 and 3607 East Main Street, Fort Erie

Please submit all comments by December 10, 2024. If you do not have any comments for the applications or some of the applications, could you please reply, "No comments will be provided".

Kind regards,

Jayne Nahachewsky

Secretary Treasurer

Committee of Adjustment

Town of Fort Erie

Planning Department

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2534

forterie.ca | JNahachewsky@forterie.ca



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RE: Question about a Fort Erie Minor Variance application (2491 Windmill Point East Lane, file B50/24)

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

Date Thu 2024-12-12 10:38 AM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Cc Karlewicz, Lori <Lori.Karlewicz@niagararegion.ca>

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

Hi Daryl,

I can confirm an EIS is not required. With Bill 150 modifications, our policies wording to be able to “waive” an EIS was reverted to “scope” – however in this context, an EIS is being “scoped out” and not required.

Hope this is helpful,



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

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Thursday, December 12, 2024 10:23 AM

To: Escobar, Valentina <Valentina.Escobar@niagararegion.ca>

Subject: Question about a Fort Erie Minor Variance application (2491 Windmill Point East Lane, file B50/24)

**Niagara Region Security
Warning:**

This is an external email, use caution when opening
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Hello Valentina,

I had a quick question about this Minor Variance application for a covered patio attached to a dwelling. I see in the Region's previous comments for a Minor Variance on this property in 2023

(attached for reference) that there is mention of a scoped EIS. Can you confirm that an EIS is not required for the current Minor Variance application? Thanks in advance!

Regards,

Daryl

Daryl Vander Veen
Intermediate Development Planner
Planning & Development Services
Town of Fort Erie

1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

(905) 871-1600 ext. 2509
dvanderveen@forterie.ca

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TOFE COA - 2491 Windmill Point East Lane

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

Date Wed 12/4/2024 10:49 AM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Cc Daryl Vander Veen <DVanderVeen@forterie.ca>; devon.haluka@niagararegion.ca
<devon.haluka@niagararegion.ca>; Karlewicz, Lori <Lori.Karlewicz@niagararegion.ca>

 1 attachment (133 KB)

2491 Windmill Point East Lane - Regional Comments.pdf;

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

Hello Jayne,

Given this property was subject to a Minor Variance application for the same structure in 2023, Regional staff will not be collecting review fees for this Minor Variance. Additionally, given the nature of the proposal, Regional comments provided on October 4, 2023 remain applicable. Staff acknowledge since this time, the new Provincial Planning Statement (PPS, 2024) has come into effect and the Growth Plan has been repealed. As such, Natural heritage comments regarding the Provincial Natural Heritage System (PNHS) impacting the northern portion of the lands no longer apply. Nonetheless, the new PPS policies do not alter the interpretation and conclusion, from a Regional perspective, of this Minor variance application.

Please see attached the previously issued letter for reference. Feel free to reach out should you have any questions or concerns.

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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Minor Variance A50/24 F.E. - 2491 Windmill Point East Lane

From James Wood

Date Fri 12/13/2024 2:50 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 day Ms. Nahachewsky,

I am writing concerning the application for minor variance (File A50/24 F.E) at 2491 Windmill Point East Lane. By way of introduction, we are the [redacted] to the property [redacted] Windmill Point Lane East) and, as such, have an interest in the application. While we are aware of the upcoming committee meeting, we are unsure as to whether we will be able to attend in person, so I would like to take the opportunity to add our voice to discussion via this email. We do not currently see any impact on the safety, accessibility, future selling price, nor our present quality of life, should the variance be granted. As such, we support the application.

Please let us know if you require any further information from us and we would be happy to help out.

Kindest regards,

James and Martha Wood

Letter to the Committee of Adjustment Regarding Minor Variance Application A50/24

To the Honorable Members of the Committee of Adjustment of Fort Erie,

We respectfully request that the City Council reconsider approving **Minor Variance Application A50/24** submitted for the **2491 Windmill Point Lane** property. The proposed changes represent a significant deviation from the original approval under **Minor Variance A81/23** and have created numerous issues for the surrounding properties, including ours.

1. Drastic Change from Original Structure:

Claim: The current structure at **2491 Windmill Point Lane** has undergone significant, **unapproved modifications** that drastically change the nature and purpose of the originally approved design.

Argument: While we did not dispute the original **minor variance** (A81-23), we did so, assuming that the changes would remain **consistent with the intended use** of a detached garage or open patio. We were **not expecting** the extensive alterations that have since occurred. The structure has now been **fully attached** to the main building, a major deviation from what was originally approved. This transformation has **changed the character** of the property and its intended use, turning a simple outdoor structure into a much larger and more complex addition to the main house. These drastic changes have directly impacted our daily lives, which we will explain further in this argument. The fully attached structure, along with the **deck extension**, **amplified sound**, and **bright lighting**, were all **unforeseen** consequences of the original approval and are now severely affecting our **privacy**, **peace**, and overall **quality of life** in the neighbourhood.

2. The Newly Constructed Deck and Deck Extension and Zoning Concerns:

Claim: The newly constructed **deck** and **deck extension** were **not part of the original design** submitted under **Minor Variance A81/23**. No deck of any type was included in the original plan. The **construction of a deck** at all was a significant **deviation** from the approved design. Furthermore, the **deck extension** goes beyond what was originally planned and approved.

Argument: The original approval was for a structure that did not include any type of deck. The **deck** that was subsequently built was **not part of the initial application**, and its inclusion represents a clear **departure** from the original plan. Additionally, the **extension of the deck** beyond its initial footprint constitutes another violation of the original design.

According to the **Fort Erie Zoning By-law 129-90**, particularly **Section 6 on General Provisions**, decks and accessory structures are subject to **lot coverage limits**, which are typically

10% of the lot area for accessory buildings. The **deck's extension** exceeds the boundaries originally approved and could push the total **lot coverage** beyond the allowable limit, thus violating zoning regulations. In the case of **Residential 1 (R1) Zone** properties, as stated in **Section 10**, the **maximum lot coverage** for larger lots (greater than **800 sq.m**) is limited to **35%**. If the deck's extension increases the lot coverage beyond this threshold, it constitutes a zoning violation.

Additionally, the deck's extension, which was **not part of the original approval**, is violating the **yard setback regulations**. The deck now occupies a larger area than originally intended, impacting both the **aesthetic** and **functional** use of the property as outlined in the original zoning requirements.

Request: We request that the **deck extension** be reviewed for **compliance** with the **maximum lot coverage** and **setback regulations** according to the **Fort Erie Zoning By-law**. The current changes represent a significant deviation from the original design and should be reassessed by the City Council to ensure compliance with zoning limits.

Why We Are Requesting the Deck Be Removed: The **deck extension** significantly impacts our **privacy**. The added height and proximity of the deck create a direct line of sight into **private areas** of our property, especially our **bedroom** and **outdoor spaces**. This intrusion on our privacy is unacceptable and was not part of the original approval, which was designed to maintain a reasonable distance and respect for neighbouring properties. **Removing the entire deck** would restore privacy, ensure the structure aligns with its originally intended use, and bring the property back into compliance with **zoning regulations**.

3. Noise from Amplified Sound:

Claim: The addition of **speaker wiring** every 6 feet inside the newly attached structure suggests an intention to use this space for **amplified sound**, significantly increasing the noise levels.

Argument: The **speaker wiring** installed at such close intervals indicates that the structure is now designed for **amplified audio**, likely intended for music or gatherings. Once these speakers are installed and activated, the noise levels will increase exponentially, disturbing the peace of the neighbouring properties.

The key concern here is that the **enclosure of the structure**—with the back wall now fully attached to the house—will **trap the noise** within the structure, preventing it from filtering out on all sides. This design change effectively **creates an amphitheatre-like environment**, where sound is **amplified** and directed inward rather than dissipating naturally.

Impact: This will result in noise levels that carry further into neighbouring properties, creating a disruption that was not present with the originally approved, open structure. The enclosed design will exacerbate the **amplification of sound**, making it even more intrusive to surrounding residents.

Argument Again: Had **amplified sound** and the potential use of the structure as an **entertainment venue** been part of the original **minor variance application** (A81-23), we would have **objected much more vigorously**. We did not anticipate that the structure would be used in such a way, and had we known, our concerns would have been raised with much greater urgency and emphasis.

Request: The noise impact of these changes needs to be adequately considered in the original minor variance application and thoroughly reassessed. The shift from an open structure to an enclosed one that traps sound is inappropriate for a residential area and warrants reconsideration by the City Council.

Conclusion:

We respectfully request that the **City Council decline the approval of Minor Variance Application A50/24**. The changes made to the structure have resulted in a significant deviation from the original design that was approved under **Minor Variance A81/23**. Specifically, we request that Mr. **Fouad Abdel Malik** detach his **patio/garage from the main building**, as originally proposed. This change is necessary to restore the integrity of the original design and ensure the structure complies with the zoning regulations.

Furthermore, the **upper deck**, which extends beyond the original design, should be removed. The deck creates serious **privacy concerns** and violates both the **zoning by-law** and the intended use of the property as originally outlined. The deck, combined with the **amplified sound** and **bright lighting**, has significantly disrupted our **privacy** and **peace**, and we strongly urge the City Council to consider the negative impact these changes have had on the surrounding community.

In light of the **total disregard for Fort Erie's zoning by-laws**, we request that the **City Council review the original minor variance application** and, without prejudice, **decline the variance**. We further ask that Mr. **Fouad Abdel Malik** be required to **lower the entire structure to the original 4.5 meters**, in alignment with the current by-law regulations. This step is necessary to restore the property to its original approved design, address zoning violations, and ensure compliance with local regulations.

Additionally, we are attaching **pictures** that clearly demonstrate how these changes have **not only affected our views and privacy**, but also severely impacted our neighbour to the **East**. The extension and height of the deck have intruded upon their property as well, further exacerbating the negative effects of these modifications. This visual evidence highlights the **unintended consequences** that have affected more than just our property, and we urge the City Council to consider the broader impact on the entire neighbourhood.

While we do not directly state that the newly constructed extension is not structurally sound, we feel that it may be worth reviewing the construction further. Without clear documentation or permits, there is a possibility that this extension was built without going through the proper **building permit process**, which is essential to ensure that the construction complies with both

structural and zoning regulations. A review by the City's building department may be necessary to ensure that all aspects of the construction meet the required safety standards.

Although not directly related to the minor variance, we want to bring to your attention the issue of the pallet fence that has been added between our properties. This decision, made by Mr. Abdel Malik, to erect a pallet fence despite our earlier suggestion to share the cost of a proper fence, undermines the character and integrity of the neighbourhood. Using such temporary, non-standard structures goes against the community's established standards and can set a concerning precedent. We understand that the city is reviewing changes to the fencing by-laws to prevent such structures from becoming commonplace, and we hope that this situation can contribute to further discussion and consideration for future by-law amendments. We mention this as it is yet another situation created by Mr. Abdel Malik that no neighbour should have to endure.

Lastly, it is important to mention that, in the past, we were **good neighbors** for the first **two and a half years** of our residence. However, the new design, amplified sound, and increased height of the deck have resulted in an ongoing invasion of privacy, including Mr. **Abdel Malik yelling profanities** at my wife and myself from the extended porch. This behavior, which was not part of the initial peaceful coexistence, is now an unfortunate consequence of the unforeseen changes. **We implore the Council to address this issue to ensure a respectful and harmonious neighborhood.**

We trust that the City Council will recognize the importance of upholding zoning laws and preserving the character of residential areas. If necessary, we are prepared to pursue this matter further to ensure these changes are rectified for the benefit of the entire neighbourhood.

Sincerely

Harold and Carole Bergeron – Residence of this great town of Fort Erie

Concerns Regarding Minor Variance Application A50/24 for 2491 Windmill Point Lane

From harold.n.bergeron

Date Fri 12/13/2024 10:21 AM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Cc Joan Christensen

You don't often get email from harold.n.bergeron@bell.net. [Learn why this is important](#)

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

Date: December 13th 2024

Dear Ms. Nahachewsky,

I hope you are doing well. I wanted to let you know about our significant concerns regarding **Minor Variance Application A50/24** for the **2491 Windmill Point Lane property**. After reviewing the application and considering the substantial modifications that have occurred since the original approval under **Minor Variance A81/23**, we believe that the changes are far beyond what was initially intended and have serious implications for our privacy, the zoning regulations, and the overall integrity of the neighbourhood

We previously did not dispute the original minor variance, assuming that the proposed changes would remain consistent with a simple, detached patio/garage structure. However, the alterations that have taken place—specifically, the **full attachment** of the structure to the main building, the **deck extension**, and the installation of amplified sound systems—represent a significant departure from what was originally presented and approved.

The attached letter outlines in detail the concerns we have with these modifications, including:

1. The **drastic changes** made to the structure.

2. The **unauthorized deck and deck extension** deviate from the original approval and violate zoning by-laws regarding lot coverage and setbacks.
3. **Noise and privacy concerns** resulting from the changes, particularly the sound amplification in the enclosed structure.
4. A request to **review the original variance** and restore the structure to its initially approved design, including removing the deck extension.

We have also attached **pictures** demonstrating how these changes have significantly impacted our privacy and the enjoyment of our property. These changes have affected us and our **neighbors to the East**, further exacerbating the situation.

In addition to these concerns, we are aware that there are discussions in the community regarding the **use of pallet fences** and other temporary structures. One of the reasons for these discussions is Mr. Fouad Abdel Malik's use of a pallet fence, which has been added to our properties despite a prior suggestion that we share the cost of a proper fence. This disregard for proper fencing and zoning standards is another example of how the bylaws may be compromised, and we hope the City will consider these factors in reviewing the application.

We are also submitting this letter to the **Niagara Peninsula Conservation Authority (NPCA)** for their input on the **environmental impact** of the structure's proximity to the shoreline, particularly given the potential for erosion and other environmental concerns. I'll talk about this more in the communications with the NPCA.

We respectfully urge the Committee of Adjustment to consider these points carefully when reviewing the application. The changes to the structure at **2491 Windmill Point Lane** have exceeded what was originally anticipated and are significantly disrupting the quality of life in our neighbourhood.

Thank you for your attention to this matter. We look forward to your guidance and a thorough review of this application.

Please feel free to contact me if you need any additional information or want to discuss this further.

Sincerely,

Harold and Carole Bergeron

This is the link to all of the pictures; it was too big to add to this email thread.

Please that you can download them as well. Please let me know when you've received this email.

Thank you.

Re: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

From Kimberlyn Smith <KSmith@forterie.ca>

Date Tue 12/10/2024 3:15 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hi Jayne,

Sorry for the delay. Please see below:

A75/24 2034 Jewson Road - No Comments

B48/24 4924 Sherkston Road - 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.

A16/24 11 Lewis Street - No Comments

B49/24 131 & 135 Gilmore Road - No Comments

A79/24 1716 Rebecca Street - No Comments

A50/24 2491 Windmill Point - No Comments

A80/24 - No Comments

B50/24 3613 and 3607 East Main Street - No Comments

Thank you,

Kimberlyn Smith

Junior Community Planner

Town of Fort Erie

Planning & Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2508

forterie.ca | ksmith@forterie.ca



From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 28, 2024 1:40 PM

To: Cof A updated Circulation Group <cofaupdatedcirculationgroup@forterie.onmicrosoft.com>

Subject: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

Good afternoon,

Please find the links for the circulation packages for the applications submitted for consideration for the December 19, 2024 Hearing below.

MV File A75/24 2034 Jewson Road, Fort Erie

[\[Link\]](#)

Consent File B48/24 4924 Sherkston Road, Fort Erie

[\[Link\]](#)

MV File A16/24 11 Lewis Street, Fort Erie

[\[Link\]](#)

Consent File B49/24 131 and 135 Gilmore Road, Fort Erie

[\[Link\]](#)

MV File A79/24 1716 Rebecca Street, Fort Erie

[\[Link\]](#)

MV File A50/24 2491 Windmill Point East Lane, Fort Erie

MV File A80/24

2826 Nigh Road, Fort Erie

Consent File B50/24

3613 and 3607 East Main Street, Fort Erie

Please submit all comments by December 10, 2024. If you do not have any comments for the applications or some of the applications, could you please reply, "No comments will be provided".

Kind regards,

Jayne Nahachewsky

Secretary Treasurer

Committee of Adjustment

Town of Fort Erie

Planning Department

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2534

forterie.ca | JNahachewsky@forterie.ca



Forp£rie



Re: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

From Zachary George <ZGeorge@forterie.ca>

Date Tue 12/10/2024 2:58 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hello,

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.

Conditions:

1. That the owner/applicant submit an Arborist Report and Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.
2. That the owner/applicant submit a Landscape Plan prepared by a qualified person, OALA in good standing or equivalent, demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.

4924 Sherkston

The subject property is not located within the Town's Urban Boundary but is within Natural Heritage system. There are Natural Heritage features present. There is a regulated wetland at the north end of the property, as well as a wetland buffer from an adjacent 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 (OALA 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.

Conditions:

1. That the owner/applicant submit an Arborist Report and Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.
2. That the owner/applicant submit a Landscape Plan prepared by a qualified person, OALA in good standing or equivalent, demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.
3. That the Applicant/Owner make payment in the amount of \$1000.00 to the Town of Fort Erie for a boulevard street tree. The Tree will be placed on the road allowance frontage if it is practical to do so, otherwise the tree will be planted elsewhere in the Town to enhance the Tree Canopy Cover.

11 Lewis

The subject property is located within the Town's Urban Boundary but not the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

Replacement ratios for any tree removed would be subject to Table B1 in Bylaw 33-2024.

Conditions:

1. That the owner/applicant submit an Arborist Report and Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.
2. That the owner/applicant submit a Landscape Plan prepared by a qualified person, OALA in good standing or equivalent, demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.

131 and 135 Gilmore

The subject property is located within the Town's Urban Boundary but not the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

There do not appear to be any tree's that will be required for removal however the applicant will be require to confirm this information to waive the conditions.

1. That the owner/applicant submit an Arborist Report and Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.
2. That the owner/applicant submit a Landscape Plan prepared by a qualified person, OALA in good standing or equivalent, demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.
3. That the Applicant/Owner make payment in the amount of \$1000.00 to the Town of Fort Erie for two boulevard street trees. The Trees will be placed on the road allowance frontage if it is practical

to do so, otherwise the tree will be planted elsewhere in the Town to enhance the Tree Canopy Cover.

1716 Rebecca

The subject property is not located within the Town's Urban Boundary but is within Natural Heritage system. There are Natural Heritage features present. There is a small portion of "other woodland" at the west 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 (OALA in good standing).

Based on the drawing provided by the applicant it appears that the proposed work is in close proximity to regulated trees. A Tree Protection Plan is requested to ensure the trees are not negatively affected by the proposed work.

Conditions:

1. That the owner/applicant submit an Arborist Report and Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.
2. That the owner/applicant submit a Landscape Plan prepared by a qualified person, OALA in good standing or equivalent, demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.

2491 Windmill Point East Lane

The subject property is not located within the Town's Urban Boundary but is within Natural Heritage system. There are Natural Heritage features present. There is a regulated shoreline extent at the southern 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 (OALA in good standing).

Based on the application received, it appears that the work has already been done and that this request is retroactive in nature. Therefore, there should be no need for a Tree Protection Plan or EIS.

2826 Nigh

The subject property is not located within the Town's Urban Boundary but is within Natural Heritage system. There are Natural Heritage features present. There is an "other woodland" that surrounds the entire 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 (OALA in good standing).

Based on the application received, it appears that the work is slated to take place in a very narrow passage that falls in the footprint of the existing structure. Therefore, there should be no need for a Tree Protection Plan or EIS.

3613 and 3607 East Main Street

The subject property is located within the Town's Urban Boundary but not the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

This boundary adjustment is legal and technical in nature, there is not a requirement for a Tree Protection Plan or Landscape Plan, nor will the Town require a boulevard tree.

Sincerely,

Zach George

Junior Environmental Planner

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A2S6

p: 905-871-1600 ext. 2536

forterie.ca | zgeorge@forterie.ca



From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: Thursday, November 28, 2024 1:40 PM

To: Cof A updated Circulation Group <cofaupdatedcirculationgroup@forterie.onmicrosoft.com>

Subject: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing



Re: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

From Troy Davidson <TDavidson@forterie.ca>
Date Mon 12/9/2024 10:21 AM
To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hi Jayne,

See comments below.

Thanks

Troy Davidson
Drainage Superintendent
Town of Fort Erie
Infrastructure Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
P: 905-871-1600 ext. 2405

[forterie.ca](https://www.forterie.ca) | TDavidson@forterie.ca



From: Jayne Nahachewsky <JNahachewsky@forterie.ca>
Sent: November 28, 2024 1:40 PM
To: Cof A updated Circulation Group <cofaupdatedcirculationgroup@forterie.onmicrosoft.com>
Subject: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

Good afternoon,

Please find the links for the circulation packages for the applications submitted for consideration for the December 19, 2024 Hearing below.

MV File A75/24 2034 Jewson Road, Fort Erie - Municipal Drain = Nigh Road Water Shed

[kHDe://file.forterie.ca:8442/file/Duplicate link/file-](#)

[download/f000062955065510195755064645ed9/2155/1922021514743094062/2024-11-27/2024Circulation%20Package%20for%2020241219Jewson%20Road%20Drain](#)

Consent File B48/24 4924 Sherkston Road, Fort Erie - Municipal Drains = Schooley Drain - East Side Property, Beaver Creek South Trib - East Side of Property, Baer Drain - West Side of Property

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff00000299350e53f0193735e84245eb3/2150/7807213020072200050/2024-11-07%20Circulation%20Package%20for%204924%20Sherkston%20Road.pdf>~~

MV FILE A16/24 11 Lewis Street, Fort Erie - Municipal Drains = None

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff00000299350e53f0193735e84735eb1/2157/3641506279702021343/Circulation%20Package%20for%2011%20Lewis%20Street%20Fort%20Erie.pdf>~~

Consent File B49/24 131 and 135 Gilmore Road, Fort Erie - Municipal Drains = None for Both Properties

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff00000299350e53f0193735e84205ea1/2158/7415760820804016518/Circulation%20Package%20for%20131%20and%20135%20Gilmore%20Road.pdf>~~

MV File A79/24 1716 Rebecca Street, Fort Erie - Municipal Drains = None

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff00000299350e53f0193735e81145ea9/2159/2247698726197570900/Circulation%20Package%20for%201716%20Rebecca%20Street%20Fort%20Erie.pdf>~~

MV FILE A50/24 2491 Windmill Point East Lane, Fort Erie - Municipal Drains = None

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff00000299350e53f0193735e81145ea9/2160/866340210083141722/Circulation%20Package%20for%202491%20Windmill%20Point%20East%20Lane.pdf>~~

MV FILE A80/24 2826 Nigh Road, Fort Erie - Municipal Drains = None

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff00000299350e53f0193735e84635ea1/2161/739367605005708164/Circulation%20Package%20for%202826%20Nigh%20Road%20Fort%20Erie.pdf>~~

Consent File B50/24 3613 and 3607 East Main Street, Fort Erie - Municipal Drains = Black Creek Drain - Both Properties

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff00000299350e53f0193735e843a5ea5/2162/4367335364747214055/Circulation%20Package%20for%203613%20and%203607%20East%20Main%20Street.pdf>~~

Please submit all comments by December 10, 2024. If you do not have any comments for the applications or some of the applications, could you please reply, "No comments will be provided".

Re: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

From Kathryn Strachan <KStrachan@forterie.ca>

Date Tue 12/10/2024 4:27 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hi Jayne,

I have no comments on the Dec 19th COA packages.

Kind regards,
Kathryn

Kathryn Strachan

Landscape Architect Intern (MLA, BFA)

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A2S6

p: 905-871-1600 ext. 2529

forterie.ca | kstrachan@forterie.ca

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