

TITLE PAGE FOR  
2826 Nigh Road  
Minor Variance Application: A80/24

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

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

Date Thu 11/28/2024 2:31 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

You don't often get email from sheraz.mustafa@cnpower.com. [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.**

Hi Jayne,

CNP has no concerns with below applications.

Regards,  
Sheraz

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**From:** Jayne Nahachewsky <[JNahachewsky@forterie.ca](mailto:JNahachewsky@forterie.ca)>

**Sent:** November 28, 2024 1:41 PM

**To:** Cof A updated Circulation Group <[cofaupdatedcirculationgroup@forterie.onmicrosoft.com](mailto:cofaupdatedcirculationgroup@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

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84845eb5/2155/7422021314745094082/2024-11-27%20Circulation%20Package%20for%202034%20Jewson%20Road.pdf>

Consent File B48/24                      4924 Sherkston Road, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84945eb9/2156/7807215620672266656/2024-11-27%20Circulation%20Package%20for%204924%20Sherkston%20Road.pdf>

MV File A16/24                      11 Lewis Street, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84735eb1/2157/3641506279702021343/Circulation%20Package%20for%2011%20Lewis%20Street%20Fort%20Erie.pdf>

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

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84285ea1/2158/7415768828804016518/Circulation%20Package%20for%20131%20and%20135%20Gilmore%20Road.pdf>

MV File A79/24      1716 Rebecca Street, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c844d5ea9/2159/2247698726197578999/Circulation%20Package%20for%201716%20Rebecca%20Street%20C%20Fort%20Erie.pdf>

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

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84135e9d/2160/-866340210083441722/Circulation%20Package%20for%202491%20Windmill%20Point%20East%20Lane.pdf>

MV File A80/24      2826 Nigh Road, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84625ead/2161/-729367605985798164/Circulation%20Package%20for%202826%20Nigh%20Road%20Fort%20Erie.pdf>

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

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c843a5ea5/2162/-4367335364747214056/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".

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](http://forterie.ca) | [JNahachewsky@forterie.ca](mailto:JNahachewsky@forterie.ca)



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December 10, 2024

NPCA File No: **PLMV202401574**

VIA EMAIL ONLY

Committee of Adjustment  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Attention: Jayne Nahachewsky, Secretary Treasurer

**Subject: Application for Minor Variance, A80/24**

2826 Nigh Road, Fort Erie  
ARN 270302002318700

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To the Committee of Adjustment,

Further to your request for comments for the Minor Variance for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 41/24 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA has reviewed the NPCA mapping of **ARN 270302002318700** and notes that the subject proposal to connect the garage and the dwelling unit does not encroach NPCA regulated area. Therefore, NPCA would have no objection to this proposal.

Notwithstanding the above, please be advised that the subject property is surrounded by potential unevaluated wetlands along the East, West and North boundary. Please note that the Plan of Survey included within the application shows a proposed "Septic (by others)". The proposed septic encroaches within the identified potential unevaluated wetlands. If this area meets the definition of a regulated NPCA feature, further discussion with the NPCA is required as the septic may not be permitted in this area or may have to be modified. It should be noted that, if the proposed septic is required to accommodate the proposed addition under this minor variance, the NPCA will require review of the proposed work, a completion of a site visit, and possible NPCA Permits prior to the start of works.

Any future proposed works within NPCA Regulated Areas will require review, approval, and possible work permits (with fees).

I trust the above will be of assistance to you. Please do not hesitate to email should you have any further questions on this matter.



3350 Merrittville Hwy. Unit 9  
Thorold Ontario L2V 4Y6  
905.788.3135 | [info@npca.ca](mailto:info@npca.ca) | [npca.ca](http://npca.ca)

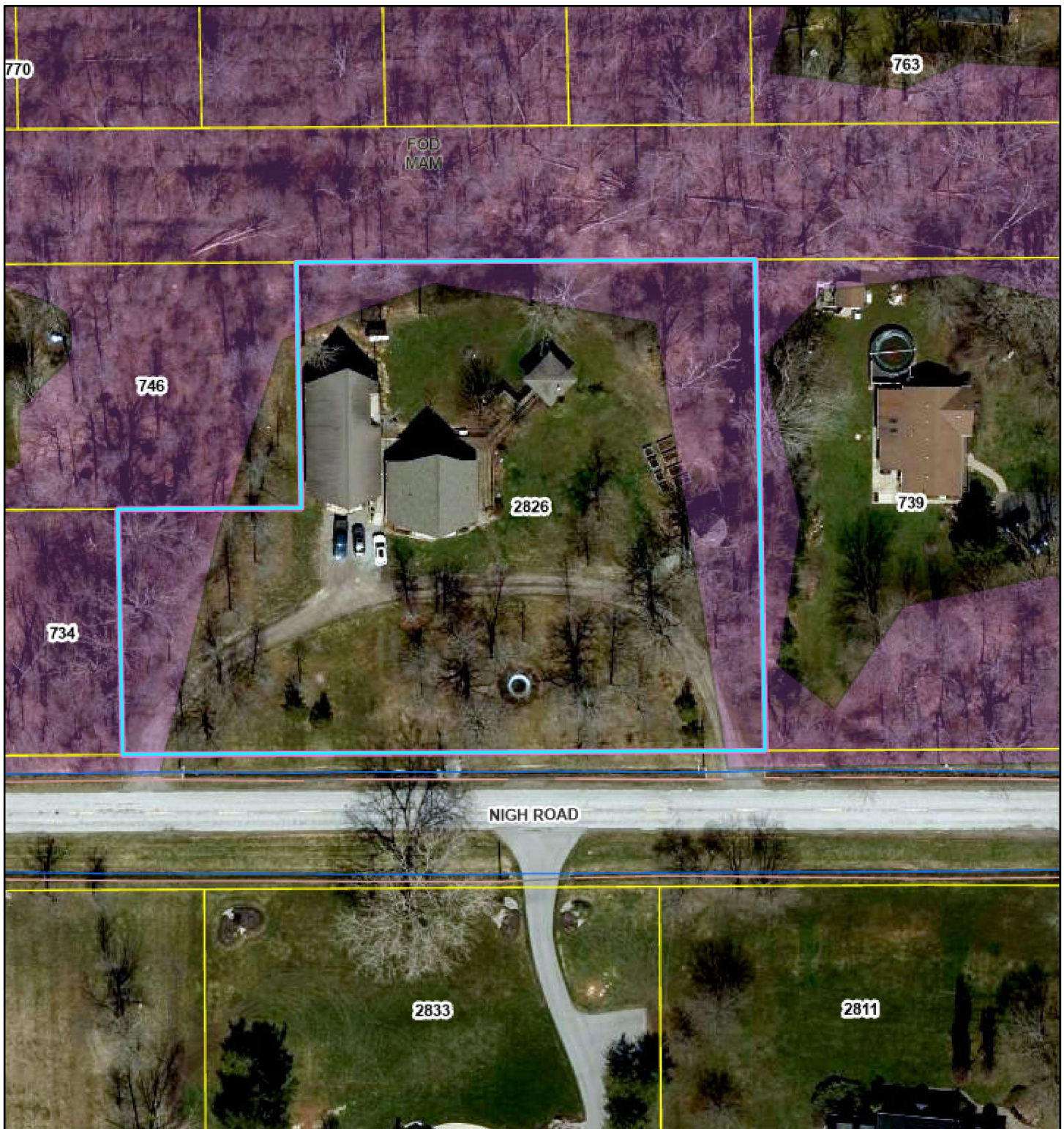
Regards,

*Kartiki Sharma*

Kartiki Sharma  
Watershed Planner  
(905) 788-3135, ext. 278  
[ksharma@npca.ca](mailto:ksharma@npca.ca)



# 2826 NIGH RD - NPCA Map



12/3/2024, 11:33:11 AM

SWOOP 2020 NPCA

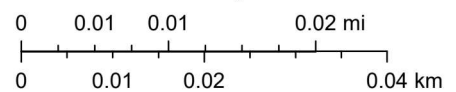
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

Roads

WRIP Quaternary Watersheds (10K)

Watershed Planning Areas

1:1,128



NPCA, [https://gis.npca.ca/portal/apps/sites/admin/assets/templates/sites/defaultSite/resources/Open\\_Government\\_Licence\\_v2.pdf](https://gis.npca.ca/portal/apps/sites/admin/assets/templates/sites/defaultSite/resources/Open_Government_Licence_v2.pdf), Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User

Web AppBuilder for ArcGIS

City of Welland, Niagara Region, Regional Municipality of Niagara, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, AAFC, NRCAN | Niagara

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**2826 Nigh Road Minor Variance Application: A80/24**

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**From** Keegan Gennings <KGennings@forterie.ca>

**Date** Wed 12/11/2024 4:24 PM

**To** Jayne Nahachewsky <JNahachewsky@forterie.ca>

Jayne,

I have no comments concerning the proposed variance at 2826 Nigh Road.

Regards,

Keegan Gennings C.B.C.O.  
Manager of Building and By-Law/ CBO  
Town of Fort Erie  
(905)871-1600 ext 2515



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

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**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](http://forterie.ca) | [ksmith@forterie.ca](mailto:ksmith@forterie.ca)



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**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,

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Consent File B48/24                4924 Sherkston Road, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84945eb9/2156/7807215620672266656/2024-11-27%20Circulation%20Package%20for%204924%20Sherkston%20Road.pdf>

MV File A16/24                      11 Lewis Street, Fort Erie

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

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MV File A79/24                      1716 Rebecca Street, Fort Erie

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

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MV File A80/24      2826 Nigh Road, Fort Erie

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

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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](http://forterie.ca) | [JNahachewsky@forterie.ca](mailto:JNahachewsky@forterie.ca)



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

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**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](http://forterie.ca) | [zgeorge@forterie.ca](mailto: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



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**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](mailto: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%20RoadDrain](#)

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/ff0000029350e53f0193735e84245eb3/2150/7807215020072200050/2024-11-07%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/ff0000029350e53f0193735e84735eb1/2157/3641506279702021343/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/ff0000029350e53f0193735e84205ea1/2158/7415760820804016518/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/ff0000029350e53f0193735e81145ea9/2159/2247698726197570900/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/ff0000029350e53f0193735e81145ea9/2160/866340210083141722/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/ff0000029350e53f0193735e84635ea1/2161/739367605005708164/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/ff0000029350e53f0193735e843a5ea5/2162/4367335364747214055/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".

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

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**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](http://forterie.ca) | [kstrachan@forterie.ca](mailto:kstrachan@forterie.ca)

**OSOOO**

  
**FOURIE**