



COMMITTEE OF ADJUSTMENT
TOWNSHIP OF WAINFLEET

"Wainfleet - find your country side!"

FILE NO: **B03/2020W**

NOTICE OF DECISION

In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and;
In the matter of an application for consent on behalf of:

Ryan Carr-Rouse
51071 Deeks Road South
Con cession 3, Pt Lot 33 RP59R11108, Part 1, Wainfleet

Type of Transaction for which application for consent is being made:

☒ Conveyance ☐ Mortgage or Charge ☐ Partial Discharge of Mortgage ☐ Other

Subject of the application:

The subject property is located on the east side of Deeks Road South, north of Memme Court and south of Lambert Road, and is known municipally as 51071 Deeks Road South


Application is made for the consent to:

- Sever Part 1(4147.1 m²) for future residential use;
- Retain Part 3 (1.46 ha) for continued residential use.


DECISION: ☒ GRANTED ☐ REFUSED

The above decision is subject to the following conditions:

PLEASE SEE SCHEDULE "A" ATTACHED HERETO FOR CONDITIONS AND REASONS


Chair M. Feduck

absent
Member G. Balicki


Member L. Bjerno

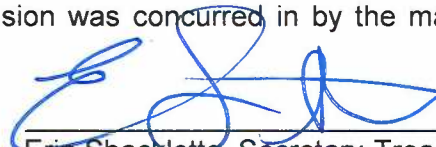

Member J. de Ruiter

absent
Member F. DeRuyte

Date of Decision: July 8, 2020

Date of Mailing: July 9, 2020

I hereby certify this to be a true copy of the decision of the Committee of Adjustment for the Township of Wainfleet in the Regional Municipality of Niagara and this decision was concurred in by the majority of the members who heard the application.


Erin Shacklette, Secretary-Treasurer

Last date of filing an appeal to the Local Planning Appeal Tribunal under Section 53 of the Planning Act: **July 29, 2020**

PROCEDURE FOR APPEAL

The Planning Act, R.S.O. 1990, Section 53, Subsection 19, as amended states: - "Any person or public body may, not later than **twenty (20) days after the giving of notice** under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Local Planning Appeal Tribunal Act, 2017".

Pursuant to Rule 7 of the LPAT Rules, anyone who wishes to participate in an LPAT appeal hearing as a participant shall file a written participant statement that sets out their position on the matter and issues of the proceeding, together with an explanation of their reasons in support of their position. A participant may only make submissions to the Tribunal in writing.



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SCHEDULE A – FILE B03/2020W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B03/2020W.

Application is made for the consent to:

- Sever Part 1 (4147.1 m²) for future residential use;
- Retain Part 3 (1.46 ha) for continued residential use.

DECISION: ☐ GRANTED ☐ REFUSED

The above decision is subject to the following conditions:

1. That the owner enter into a development agreement with the Township of Wainfleet. The development agreement shall require that the proposed development be serviced by a cistern for potable water supply and a tertiary treatment septic system.
2. That an Agreement on Share of Assessment for the Consolidated North East Drain #3 be completed to the satisfaction of the Drainage Superintendent.
3. That the 0.3m (1 foot) reserve be lifted for the frontage of the proposed lot, being Part 2 on the submitted severance sketch.
4. That the Secretary-Treasurer be provided with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
5. That a final certification fee, payable to the Treasurer of the Township of Wainfleet, be submitted to the Secretary-Treasurer.
6. That all conditions of consent be fulfilled by July 8, 2021.

Reasons:

1. This decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O. 1990, as amended.
2. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Township Official Plan.
3. The proposed severance will not have an impact on nearby agricultural uses and reflects the existing rural residential character of the area.

Date of Decision: July 8, 2020

Date of Mailing: July 9, 2020

I hereby certify this to be a true copy of the decision of the Committee of Adjustment for the Township of Wainfleet in the Regional Municipality of Niagara and this decision was concurred in by the majority of the members who heard the application.

Erin Shacklette, Secretary-Treasurer