



COMMITTEE OF ADJUSTMENT
TOWNSHIP OF WAINFLEET

"Wainfleet - find your country side!"

FILE NO: **B06/2020W**

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:

**Amanda & Ajodhia Ajodhia
50865 O'Reillys Road South
Concession 5, Pt Lot 7, RP59R5622 Pt 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 O'Reillys Road South, south of Lambert Road, west of Green Road South and is known municipally as 50865 O'Reillys Road South. The lot is designated Rural in the Township Official Plan and zoned A4-Rural under zoning bylaw 034-2014.

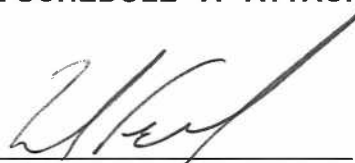
Application is made for the consent to:

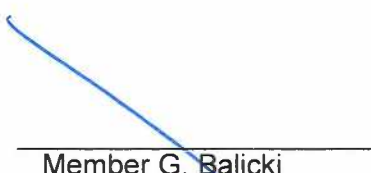
- Sever Part 2 (1.01 ha) as a new residential lot
- Retain Part 1 (21.196 ha) for continued residential use

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


Member G. Balicki


Member F. DeRuyte


Member L. Bjerno

Date of Decision: July 15, 2020

Date of Mailing: July 16, 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: **August 5, 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 B06/2020W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B06/2020W.

Application is made for the consent to:

- Sever Part 2 (1.01 ha) as a new residential lot
- Retain Part 1 (21.196 ha) for continued residential use

DECISION: ☒ GRANTED ☐ REFUSED

The above decision is subject to the following conditions:

1. That an Agreement on Share of Assessment for the Lambert Road Drain be completed to the satisfaction of the Drainage Superintendent.
2. That a copy of the Noise Feasibility Study (dated October 28, 2009, prepared by HGC Engineering) be provided to Regional Planning and Development Services.
3. That a letter or addendum be prepared by a Qualified Professional to verify the applicability of the Noise Feasibility Study (dated October 28, 2009, prepared by HGC Engineering) findings for Part 2 and to update rail traffic data.
4. That an undertaking be provided to Regional Planning and Development Services indicating that the dwelling on Part 2 will be constructed in alignment with the recommendations of the Noise Feasibility Study (dated October 28, 2009, prepared by HGC Engineering) and the letter/addendum required in Condition 3.
5. That the owner enter into a development agreement with the Township of Wainfleet, to be registered against the title of Part 2 to require:
 - a. That warning clauses be inserted into all offers to purchase and agreements of purchase and sale or lease as required by the Noise Feasibility Study (dated October 28, 2009, prepared by HGC Engineering) and the letter/addendum required in Condition 3;
 - b. That the dwelling be constructed in accordance with the recommendations of the Noise Feasibility Study (dated October 28, 2009, prepared by HGC Engineering) and the letter/addendum required in Condition 3.
6. That the required review fee (\$875) is provided to the Regional Planning & Development Services.
7. 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.
8. That a final certification fee, payable to the Treasurer of the Township of Wainfleet, be submitted to the Secretary-Treasurer.
9. That all conditions of consent be fulfilled by July 15, 2021.

Reasons:

1. The proposed consent is consistent with the Provincial Policy Statement, the Regional Policy Plan and the Township Official Plan.
2. 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.
3. 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



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Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Township Official Plan.

Date of Decision: July 15, 2020

Date of Mailing: July 16, 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