



COMMITTEE OF ADJUSTMENT  
TOWNSHIP OF WAINFLEET

*"Wainfleet - find your country side!"*

File: A07/2020W

**NOTICE OF DECISION**

In the matter of the Planning Act, R.S.O. 1990, as amended and in the matter of an application  
on behalf of:

**Shane Eickman & Brianne Lavery**  
72170 Regional Road 27  
Concession 7, Part Lot 21 Wainfleet, ON

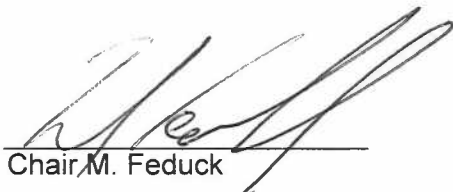
**LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:**

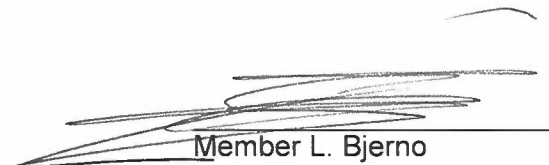
The subject property is located on the north side of Regional Road 27, between Regional Road 24 and Elsie Road. The property is zoned Agricultural – A2 with Environmental Protection and Environmental Conservation Overlays. The contains a single detached dwelling with one accessory building. A minor variance was requested to permit the construction of a deck onto the front of the accessory building.

DECISION: ☒ GRANTED ☐ REFUSED

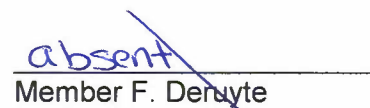
The above decision is subject to the following conditions:

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

  
Chair M. Feduck

  
Member L. Bjerno

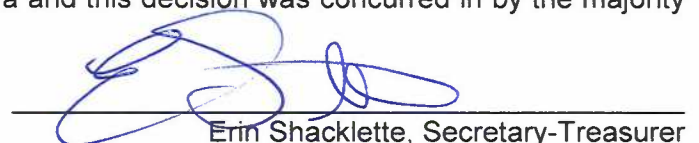
  
Member G. Balicki

  
Member F. Deruyte

DATE OF DECISION: July 22<sup>nd</sup>, 2020

DATE OF MAILING: July 23<sup>rd</sup>, 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 day for filing an appeal of this decision to the Tribunal is August 11<sup>th</sup>, 2020**

**PROCEDURE FOR APPEAL**

The Planning Act, R.S.O. 1990, Section 45, Subsection 12, as amended states: - "The applicant, the Minister or any other person or public body who has an interest in the matter may within **twenty (20) days** of the making of the decision appeal to the Tribunal against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee charged by the Tribunal under the Local Planning Appeal Tribunal Act, 2017 as payable on an appeal from a Committee of Adjustment to the Tribunal." The prescribed fee for an appeal to the Tribunal is \$300.00 payable to the Minister of Finance.

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 A07/2020W**

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A07/2020W.

An application for a minor variance has been submitted to request relief from the following provisions of zoning bylaw 034-2014 to permit the construction of a deck onto the front of the accessory building.

Section of Bylaw	By-law Requirement	Application Request	Difference
Section 4.21 Table 2-Front Yard Setback	12m	4m	8m

DECISION: ☒ GRANTED ☐ REFUSED

The above decision is subject to the following conditions:

1. That a Niagara Peninsula Conservation Authority (NPCA) work permit be obtained prior to any site alteration.

**Reasons:**

1. The application can be considered consistent with the intent of the Official Plan and the Zoning By-law given the circumstances.
2. The proposed variance appears minor and consistent with the intent and purpose of the Official Plan and Zoning Bylaw.
3. The decision is rendered having regard to the provisions of Section 45 of the Planning Act.

**Date of Decision: July 22<sup>nd</sup> , 2020**

**Date of Mailing: July 23<sup>rd</sup> , 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