



COMMITTEE OF ADJUSTMENT
TOWNSHIP OF WAINFLEET

"Wainfleet - find your country side!"

FILE NO: **B01/2021W**

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:

**Luke & Jannifer Young
(Agent-Frank & Adrian Stoop)**
41027 Willson Road
Concession 4, Part Lot 9, 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 Willson Road between Feeder Road East and Garringer Road and is known municipally as 41027 Willson Road.

Application is made for the consent to:


- Sever Part 1 (1.91 ha) as a surplus farm dwelling
- Retain Part 2 (16.92 ha) for continued agricultural use

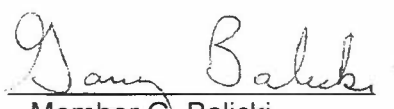
DECISION: ☒ GRANTED ☐ REFUSED


The above decision is subject to the following conditions:

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


Chair M. Feduck


Member L. Bjerno


Member G. Balicki

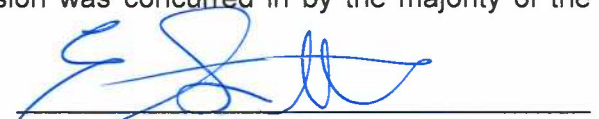

Member R. Cross


Member S. McMillan

Date of Decision: January 20, 2021

Date of Mailing: January 22, 2021

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: **February 11, 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". The prescribed fee is \$400 and 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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COMMITTEE OF ADJUSTMENT
TOWNSHIP OF WAINFLEET

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SCHEDULE A – FILE B01/2021W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B01/2021W.

Application is made for the consent to:

- Sever Part 1 (1.91 ha) as a surplus farm dwelling
- Retain Part 2 (16.92 ha) for continued agricultural use

DECISION: ☒ GRANTED ☐ REFUSED

The above decision is subject to the following conditions:

1. That Part 2 be rezoned to prohibit dwellings in perpetuity and to recognize a reduced lot area of 16.92 hectares.
2. That the Drainage Superintendent be satisfied that the consent is appropriately captured under the Drainage Act through a Section 65 apportionment agreement or the current Section 76 engineer's report project.
3. That the severance sketch be amended to the satisfaction of the Planner. The amendment shall 'square off' Part 1, which may result in a reduction to the overall size of Part 1 but shall not remove any agricultural land currently in production. Additional information regarding the extent of the non-viable lands due to buried structures shall be provided to the satisfaction of the Planner.
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 within a period of one year after notice has been given under section 53(17) or 53(24), as per Section 53(41) of Planning Act, R.S.O. 1990

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

Date of Decision: January 20, 2021

Date of Mailing: January 22 2021

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.

All conditions of Consent must be fulfilled by January 21 2022.

Erin Shacklette, Secretary-Treasurer