



COMMITTEE OF ADJUSTMENT
TOWNSHIP OF WAINFLEET

"Wainfleet - find your country side!"

FILE NO: **B03/2021W**

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:

2709998 Ontario Inc
Vacant Lot, Pettit Road
Concession 4, Pt Lot 32 RP59R4745 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 a vacant lot located on the south side of Highway #3 between Case Road and Pettit Road and is within the Hamlet of Winger.

Application is made for the consent to:

- Sever Part 1 (3769.9m²), Part 2 (169.7m²) and Part 3 (88.3m²) for future residential use;
- Retain Part 4 (8.93 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

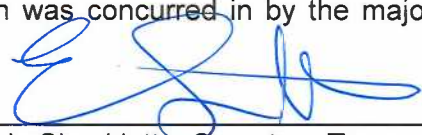

Member R. Cross


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 11th, 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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SCHEDULE A – FILE B03/2021W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B03/2021W.

Application is made for the consent to:

- Sever Part 1 (3769.9m²), Part 2 (169.7m²) and Part 3 (88.3m²) for future residential use;
- Retain Part 4 (8.93 ha) for continued agricultural 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, to be registered against the title of Parts 1, 2 and 3 to require:
 - a. That the private water supply be a cistern;
 - b. That the cistern and private sewage system meet the requirements of the Ontario Building Code (OBC) and comply with the Niagara Peninsula Conservation Authority (NPCA) setbacks; and
 - c. That the private sewage system be located a minimum of 15 metres from any side or front lot line.
2. That the applicant receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment report entitled Stage 1 and 2 Archaeological Assessment, prepared by Earthworks Archaeological Services Inc. (dated June 2020) and that a copy of the MHSTCI acknowledgment letter be provided to the Niagara Region. If the MHSTCI requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by MHSTCI, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MHSTCI through Niagara Region, confirming that all archaeological resource concerns have met licensing and resources conservation requirements.
3. That Zoning By-law Amendment Application Z03/2021W requesting to rezone Parts 1, 2 & 3 from a Development – D zone to a Residential – R1 zone be approved.
4. That a Ministry of Transportation of Ontario (MTO) permit be obtained to upgrade the existing farm access to a residential access for Highway #3.
5. That the Drainage Superintendent be satisfied that the consent is appropriately captured under the Drainage Act through a Section 65 apportionment agreement.
6. That the applicant provide additional information regarding the watercourse traversing the northeastern property line to the Niagara Peninsula Conservation Authority (NPCA) for review and approval.
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 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.



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SCHEDULE A – FILE B03/2021W

This is page 2 of Schedule A, appended to and forming part of the Notice of Decision for Application for Consent B03/2021W.

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