



COMMITTEE OF ADJUSTMENT  
TOWNSHIP OF WAINFLEET

*"Wainfleet - find your country side!"*

File: A02/2021W

**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:

**Andrew & Cheryl Pols**  
31818 Highway 3  
Concession 3, Pt Lot 18 & 19 RP59R4817 Part 2 Wainfleet

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

The subject property is located on the west side of Highway #3 between Park Street and Abbey Road and is known municipally as 31818 Highway #3. The property is zoned, A1-Agricultural Transition and A2-Agricultural.

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 day for filing an appeal of this decision to the Tribunal is February 9<sup>th</sup>, 2021**

**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 prescribed 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 \$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 A02/2021W**

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A02/2021W.

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 an accessory building with an attached secondary suite.

Section of Bylaw	By-law Requirement	Application Request	Difference
Section 4.21 Table 2 Maximum Accessory Height	5m	6.45m	1.45m

DECISION: ☒ GRANTED

☐ REFUSED

The above decision is subject to the following conditions:

None

**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: 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