



COMMITTEE OF ADJUSTMENT
TOWNSHIP OF WAINFLEET

"Wainfleet - find your country side!"

File: A12/2021W

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:

Mark Shoalts on behalf of 10969 Lakeshore Rd Inc(Tom Leed, Owner)
10969 Lakeshore Rd
Plan 20 Lot 8 NP747, Wainfleet


LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:

The subject property is located on the south side of Lakeshore Road, west of Rathfon Road and east of Ellsworth Road South. The property is zoned RLS.C15 – Residential Lakeshore.

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: July 21st , 2021

DATE OF MAILING: July 23rd , 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 August 10th, 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 Ontario Land Tribunal Act, 2021 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 OLT Rules, anyone who wishes to participate in an OLT 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 A12/2021W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A12/2021W.

An application for a minor variance has been submitted to request relief from the following provisions of zoning bylaw 034-2014 in order to relocate the existing house further north, away from Lake Erie, and correct an existing side yard encroachment and lot coverage issue.

Section of Bylaw	By-law Requirement	Application Request	Difference
Section 7.2.1 Table 10 Interior Side Yard Setback	1.5m	0.70m	0.80m
Section 7.2.2.1 Maximum lot coverage additional provisions	15%	19%	4%

DECISION: GRANTED REFUSED

The above decision is subject to the following conditions:

None

Reasons:

1. The application is consistent with the intent of the Official Plan and the Zoning By-law as it provides greater protection from the hazard lands associated with Lake Erie.
2. The proposed variance is minor and does not change the use of the property.
3. The decision is rendered having regard to the provisions of Section 45 of the Planning Act.

Date of Decision: July 21st, 2021

Date of Mailing: July 23rd, 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