



COMMITTEE OF ADJUSTMENT
TOWNSHIP OF WAINFLEET

"Wainfleet - find your country side!"

File: **A02/2022W**

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:

Juergen Fischer
43410 Case Rd
Concession 4 Part Lot 34, Wainfleet


LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:

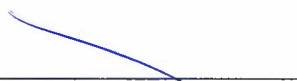
The subject property is located on the northwest corner of Case Road and Bell Road and is known municipally as 43410 Case Road. The property is zoned Agricultural – A2 with an Environmental Protection and Fish Habitat Overlay. The subject property has a single detached dwelling and a number of accessory buildings.

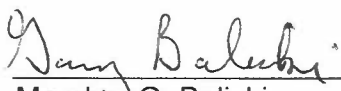
DECISION: ☒ GRANTED ☐ REFUSED


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: April 20th, 2022

DATE OF MAILING: April 21st, 2022

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 May 10th, 2022

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 A02/2022W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A02/2022W.

An application for a minor variance has been submitted to request relief from the following provisions of Zoning By-law 034-2014 to permit the establishment of a dog kennel:

Section of Bylaw	By-law Requirement	Application Request	Difference
Section 6.2.1 Table 6: Minimum Front Yard	150m	75.6m	74.4m
Section 6.2.1 Table 6: Minimum Exterior Side Yard	150m	55.1m	94.9m

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 as the location of the Kennel is outside of, and will preserve, the Environmental Protection Area and will not interfere with existing agricultural uses.
2. The proposed variance appears minor in nature and is desirable development as the location of the kennel exceeds 300m to the nearest neighbouring dwelling, and is within an area of low residential density.
3. The decision is rendered having regard to the provisions of Section 45 of the Planning Act.
4. This application is granted without prejudice to any other application in the Township of Wainfleet.

Date of Decision: April 20th, 2022

Date of Mailing: April 21st 2022

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