



COMMITTEE OF ADJUSTMENT  
TOWNSHIP OF WAINFLEET

*"Wainfleet - find your country side!"*

File: **A05/2022W**

**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:

**Glenn & Luanne Cooke**

11437 Lakeshore Rd

Concession 1 Pt Lot 14 Plan 59R9702 Part 1, Wainfleet

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

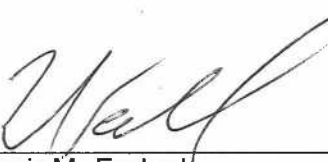
The subject property is located in the hamlet of Burnaby on the south side of Lakeshore Road, west of Morgan's Point Road and east of Bellevue Beach Road. The property is zoned R1 – Residential. The lot has a single detached dwelling with one accessory building.

DECISION: ☒ GRANTED

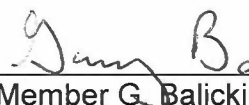
☐ REFUSED

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: May 18<sup>th</sup>, 2022

DATE OF MAILING: May 19<sup>th</sup>, 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 June 7<sup>th</sup>, 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 A05/2022W**

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A05/2022W.

An application for a minor variance has been submitted to request relief from the following provisions of Zoning By-law 581-78 to permit the construction of an accessory building:

Section of Bylaw	By-law Requirement	Application Request	Difference
12.4(b) Maximum Accessory Building Lot Coverage	93m <sup>2</sup> or 2.5%, whichever is less	178.8m <sup>2</sup>	85.8m <sup>2</sup>
11.3(f) Maximum Height-Accessory Building	5m	6.1m	1.1m

DECISION: ☒ GRANTED ☐ REFUSED

The above decision is subject to the following conditions:

1. That the Tree Preservation Plan prepared by Davey Resource Group, dated April 1, 2022 be submitted as part of the required building permit application, to ensure implementation during construction activities.

Reasons:

1. The application meets the four tests of a minor variance.
2. The decision is rendered having regard to the provisions of Section 45 of the Planning Act.
3. No objections were received from commenting agencies or abutting property owners
4. This application is granted without prejudice to any other application in the Township of Wainfleet.

Date of Decision: May 18<sup>th</sup>, 2022

Date of Mailing: May 19<sup>th</sup> 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