



COMMITTEE OF ADJUSTMENT  
TOWNSHIP OF WAINFLEET

*"Wainfleet - find your country side!"*

File: **A06/2022W**

**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:

**IBI Group on behalf of Loeffen Farms Ltd (owner)**  
11754 Highway #3  
Concession 2 Part Lot 17

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

The subject property is located on the northeast side of Highway #3, west of Dixie Road. The property is zoned Agricultural Transition – A1. The subject property was the subject of a surplus farm dwelling consent application (File No. B06/2022W), which was provisionally approved by the Committee of Adjustment on April 20, 2022.

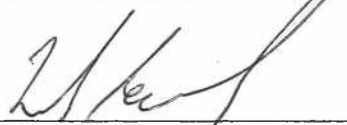
The subject property has a single detached dwelling with 5 accessory buildings and as a result of the creation of a smaller lot, a minor variance was required as a condition of the severance to address the zoning deficiencies for the existing structures.


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 A06/2022W**

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A06/2022W.

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 existing buildings to be retained for uses accessory to the existing dwelling on a smaller lot

Section of Bylaw	By-law Requirement	Application Request	Difference
Section 6 Table 6 - Maximum Lot Coverage	7%	12%	5%
Section 4.21 Table 2 Maximum Lot Coverage	5% for lots greater than 1ha in size	11%	6%
Section 4.21 Table 2 Maximum Height for Accessory Building	5m	9m	4m

DECISION: ☒ GRANTED ☐ REFUSED

The above decision is subject to the following conditions:

1. That this minor variance approval shall only apply to the structures existing as of May 18, 2022.

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