



H06/2023

**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET  
MINUTES OF THE HEARING OF THE COMMITTEE OF ADJUSTMENT**

**WEDNESDAY MAY 17<sup>th</sup>, 2023 at 4:00 P.M.**

**TOWNSHIP OF WAINFLEET COUNCIL CHAMBERS**

**PRESENT:**

M. Feduck	Chair
G. Balicki	Member
D. Chase	Member
R. Leone	Member
S. McMillan	Member

**REGRETS:** None.

**STAFF PRESENT:**

C. Dickens	Planning Technician, Secretary–Treasurer
S. Ivins	Planner, Assistant Secretary – Treasurer

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**1. Call to Order**

The hearing was called to order by the Chair at 4:00 p.m.

**2. Disclosure of Pecuniary Interest and the General Nature Thereof**

None.

**3. Requests for Adjournment**

None.

**4. Adoption of Minutes**

a) Minutes of the Committee of Adjustment Hearing held April 19<sup>th</sup>, 2023

**Motion COA-017-2023**

Moved by Member McMillan

Seconded by Member Chase

**“THAT** the minutes of the Committee of Adjustment Hearing held on April 19<sup>th</sup>, 2023 be adopted as circulated.”

CARRIED.

**5. Consent Applications**

None.

**6. Minor Variance Applications**

a) A06/2023W – Ryan Snippe on behalf of Todd Seburn

The subject property is located on the east side of Flanagan Road, between Bell Road and Wainfleet Dunnville Townline Road, and is known municipally as 33845 Flanagan Road. The subject property is zoned Agricultural – A2 with an Environmental Protection Overlay on part of the property. An application for a minor variance has been submitted to request relief from Zoning By-law 034-2014 to permit the issuance of a building permit for a workshop:

Section of By-law	By-law Requirement	Application Request
4.21 Table 2 - Accessory Buildings Maximum Height	5m	6.5m

Correspondence

Correspondence was received from the following agencies and Township departments:

1. Township of Wainfleet Building Department;
2. Township of Wainfleet Drainage Department;
3. Township of Wainfleet Planning Department.

Comments

Sarah Ivins, Planner/Assistant Secretary – Treasurer, provided an overview of the application as well as a summary of the planning report and the comments received. Ms. Ivins provided her opinion that the application satisfies the four tests under the Planning Act and as such recommended approval.

There were no questions or comments from the Committee.

Decision

**Motion COA-018-2023**

Moved by Member McMillan

Seconded by Member Balicki

**“THAT minor variance application A06/2023W made by Ryan Snippe on behalf of Todd Seburn be APPROVED.”**

CARRIED.

b) A07/2023W – Hank Nauta on behalf of David & Therese Wyatt

The subject property is located on the west side of Perry Road, between Highway #3 and Willford Road and is known municipally as 53024 Perry Road. The property is zoned Agricultural Transition – A1 and contains a single detached dwelling and accessory buildings. 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 construction of a detached garage with a secondary suite on the second storey:

Section of By-law	By-law Requirement	Application Request
4.21 Table 2 - Accessory Buildings Maximum Height	5m	6.7m

Correspondence

Correspondence was received from the following agencies and Township departments:

1. Township of Wainfleet Building Department;
2. Township of Wainfleet Drainage Department;
3. Township of Wainfleet Planning Department.

Comments

Sarah Ivins, Planner/Assistant Secretary – Treasurer, provided an overview of the application as well as a summary of the planning report and the comments received. Ms. Ivins provided her opinion that the application satisfies the four tests under the Planning Act and as such recommended approval.

Member Leone questioned the calculation of the maximum building height requirements as the drawings indicate that the height is 24'3" (7.39m). Ms. Ivins explained that the Township's Zoning By-law defines height as being the vertical distance measured from average finished grade to a point midway between the eaves and the ridge, whereas most municipalities calculate height to the ridge. Ms. Ivins confirmed that the height from average finished grade to the midpoint for the proposed structure is 6.7m.

Hank Nauta, Agent, appeared in support of the application and advised that he was available should the Committee have any questions.

Member Chase asked Mr. Nauta if the additional unit was for the family or if it would be used as a rental unit. Mr. Nauta stated that the new unit was for personal and family use.

Decision

**Motion COA-019-2023**

Moved by Member Balicki

Seconded by Member Leone

“**THAT** minor variance application A07/2023W made by Hank Nauta on behalf of David & Therese Wyatt be APPROVED.”

CARRIED.

c) A05/2023W – Michelle Hall

The subject property is located on the south side of Memme Court, east of Deeks Road South, and is known municipally as 50921 Memme Court. The subject property is zoned Rural – A4-5 and contains a single detached dwelling and accessory building (shed). 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 construction of a detached garage:

Section of By-law	By-law Requirement	Application Request
6.2.1 Table 6 Maximum Lot Coverage – Single Detached Dwelling as a Principle Use on a Lot	7%	8.7%

Correspondence

Correspondence was received from the following agencies and Township departments:

1. Township of Wainfleet Building Department;
2. Township of Wainfleet Drainage Department;
3. Township of Wainfleet Planning Department.

Written public comments were received from the following:

1. Joe Gonzalez, 50919 Memme Court.

Comments

Sarah Ivins, Planner/Assistant Secretary – Treasurer, provided an overview of the application as well as a summary of the planning report and the comments received. Ms. Ivins provided her opinion that the application satisfies the four tests under the Planning Act and as such recommended approval of the application.

The applicant’s representative Darren Kendrick (Brother) appeared before the Committee to speak in support of the application. Mr. Kendrick indicated the sole purpose for the application is for lot coverage and not maximum height as discussed in pre-consultation with staff due to grading of the property.

Member Leone requested clarification on how the maximum height of garage was being managed. Mr. Kendrick described the varying grade of the property at the proposed location, noting that the front elevation was higher than rear elevation. Mr. Kendrick noted that since the height calculation is taken from the average finished grade at the front, the grades would not impact the height calculation of the garage. Mr. Kendrick noted the septic bed will be approximately 42 feet (12.8m) away from the proposed garage.

Decision

**Motion COA-020-2023**

Moved by Member McMillan

Seconded by Member Chase

“**THAT** minor variance application A05/2023W made by Michelle Hall be APPROVED.”

CARRIED.

**7. Other Business**

- a) Minutes of the Property Standards Committee Appeal Hearing held on April 19<sup>th</sup>, 2023

**Motion COA-021-2023**

Moved by Member McMillan

Seconded by Member Chase

“**THAT** the minutes of the Property Standards Committee Appeal Hearing held on April 19<sup>th</sup>, 2023 be adopted as circulated.”

CARRIED.

**8. Adjournment**

**Motion COA-022-2023**

Moved by Member Balicki

Seconded by Member McMillan

“**THAT** the Committee of Adjustment for the Township of Wainfleet be adjourned.”

CARRIED.

Committee adjourned at 4:22 p.m.



M. Feduck, CHAIR



S. Ivins, PLANNER/ ASSISTANT SECRETARY-TREASURER