

NOTICE OF DECISION

In the matter of the Planning Act, R.S.O. 1990, c. P. 13, s. 45, and;
In the matter of an application for minor variance on behalf of:

Kim Hessels on behalf of Upstate Phoenix Acquisitions II
12739 Lakeshore Road
Concession 1 Part Lot 27 and Plan 27 Part 17

Description of the Land and Purpose and Effect of the Application:

The subject property is located on the south side of Lakeshore Road, between Minor Road and Campbell Road.


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 covered deck at the rear of the existing dwelling:

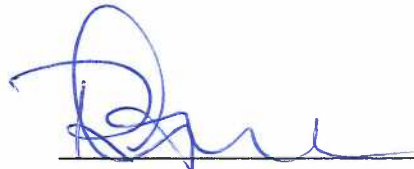
Section of Bylaw	By-law Requirement	Application Request
Section 7.2.1 Table 10 – Maximum Lot Coverage	15%	15.7%

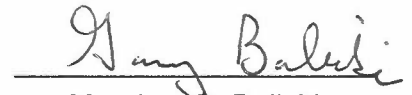
DECISION: GRANTED REFUSED

Prior to making the decision, the Committee of Adjustment considered all written and verbal comments from the public and responding Township Departments and external agencies. The above decision was made for the reasons and is subject to the conditions outlined in Schedule "A", attached hereto.


Chair D. Chase


Member M. Feduck


Member R. Leone

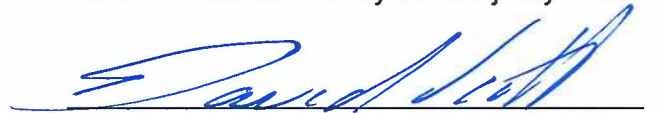

Member G. Balicki


Member S. McMillan

Date of Decision: June 19, 2024

Date of Notice: June 20, 2024

I, David Scott, Secretary-Treasurer of the Committee of Adjustment for the Township of Wainfleet, hereby certify that the above is 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.


David Scott, Secretary-Treasurer

Last date of filing an appeal to the Ontario Land Tribunal: July 9, 2024

PROCEDURE FOR APPEAL

The *Planning Act*, R.S.O. 1990, c. P. 13, Section 45, Subsection 12, states that "the applicant, the Minister or a specified person or public body that has an interest in the matter may within 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 fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal". Parties, other than the applicant, the Minister, a specified person or public body, are no longer eligible to file appeals for this application.

Information regarding the Ontario Land Tribunal appeals process, forms and prescribed fees can be found at <https://olt.gov.on.ca/>.

SCHEDULE A – FILE A09/2024W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A09/2024W.

The above decision was made for the following reasons:

1. The application can be considered consistent with the intent of the Official Plan and the Zoning By-law.
2. The proposed variance appears minor in nature given the location and size of the subject lands.
3. This decision has been rendered having regard to the provisions of Section 45 of the Planning Act.

The above decision is subject to the following conditions:

1. That the Owner enter into a Development Agreement with the Township of Wainfleet which requires that the Owner implement the reviewed and approved Landscape Plan prepared by Rynberk Inc. Landscape Contactors (undated).