

File: A01/2023W

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:

Joe Rodrigues
50934 Memme Court
PLAN 59M396 Lot 17, Wainfleet

Details of the application:

The subject property is located on the west side of Memme Court, east of Deeks Road South and is known municipally as 50934 Memme Court. The property is zoned Rural – A4-5 and contains a single detached dwelling.

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 an accessory dwelling (detached garage):


Section of By-law	By-law Requirement	Application Request
Section 4.2.1 Table 2 Accessory Building Maximum Lot Coverage	100m ²	299.9m ²
Section 4.2.1 Table 2 Accessory Building Maximum Height	5m	5.8m
Section 6.2 Table 6 Maximum Lot Coverage	7%	11.29%

DECISION: GRANTED REFUSED

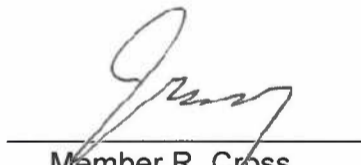
The above decision was made for the following reasons and is subject to the following conditions:

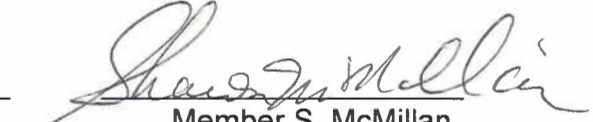
Please see Schedule "A" attached hereto for conditions and reasons.


Chair M. Feduck


Member L. Bjerno


Member G. Balicki


Member R. Cross


Member S. McMillan

DATE OF DECISION: February 15th, 2023

DATE OF MAILING: February 16th, 2023

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.


Sarah Ivins, Planner/Assistant Secretary-Treasurer

Last day for filing an appeal to the Ontario Land Tribunal: March 7th, 2023.

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.

SCHEDULE A – FILE A01/2023W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A01/2023W made by Joe Rodrigues for the property known municipally as 50934 Memme Court.

Conditions:

None.

Reasons:

1. The proposed variances do not meet the four tests as they are not consistent with the intent of the Official Plan, the intent of Zoning By-law 034-2014, do not represent appropriate development of the lands and are not minor in nature.