

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:

Ryan Bath on behalf of SAW Properties Inc.
31806 Marshville Drive
Con 3 PT LOT 18 59R-1961 PT 2

Details of the application:

The subject property is located on the northwest corner of Marshville Drive and Jacob Lane and is known municipally as 31806 Marshville Drive. The property is zoned Residential – R1 and contains a single detached dwelling

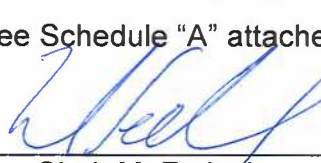
An application for a minor variance has been submitted to request relief from the following provisions of Zoning By-law 581-78 to permit the construction of an addition containing a secondary suite:

Section of Bylaw	By-law Requirement	Application Request
12.1 Permitted Uses	Single Detached Dwelling and uses, buildings and structures accessory to the uses permitted	Permit a Secondary Suite as an accessory use
12.3 (c) Maximum Lot Coverage	10%	13%
12.3 (e) (ii) Minimum Side Yard Abutting a Public Street	9m	7.4m

DECISION: GRANTED REFUSED

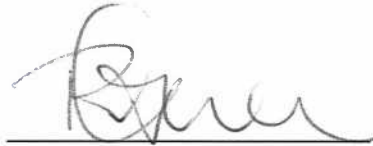
The above decision was made for the following reasons and is subject to the following conditions:

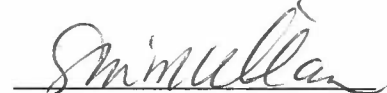
Please see Schedule "A" attached hereto for conditions and reasons.


Chair M. Feduck


Member G. Balicki


Member D. Chase



Member R. Leone


Member S. McMillan

DATE OF DECISION: March 15th, 2023

DATE OF MAILING: March 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: April 4th, 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."

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 A02/2023W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A02/2023W made by Ryan Bath on behalf of SAW Properties Inc. for the property known municipally as 31806 Marshville Drive.

Conditions:

1. That the applicant obtain a Ministry of Transportation (MTO) Building and Land Use Permit or clearance letter indicating that a permit is not required, whichever is deemed appropriate by the Ministry.
2. That the site plan be updated to show the setbacks between the proposed covered deck and stairs and all components of the septic system.
3. That a qualified septic professional complete an audit of the existing septic system to determine if the existing system has capacity to accommodate the proposed addition. Should any upgrades to the existing system be required, the applicant shall submit a septic permit application to the satisfaction of the Chief Building Official.
4. That the applicant obtain an Entrance Permit from the Township's Operations Department for the proposed access to Jacob Lane.

Reasons:

1. The proposed variances are consistent with the intent of the Official Plan.
2. The proposed variances are consistent with the intent of Zoning By-law 581-78.
3. The proposed variances would not have a negative impact on the surrounding area and represent appropriate development.
4. The proposed variances are considered minor in nature.