COMMITTEE OF ADJUSTMENT
TOWNSHIP OF WAINFLEET

"Wainfleet - find your country side!"

File: A09/2020W

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:

GEORGE & SHARYN DAYBOLL

12030 Concession 1 Road
CON 2, PT LOT 20, RP59R9811 Part 1, Wainfleet, ON

LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:
The subject property is located on the north side of Concession 1 Road, west of Side Road 20 and east of Brawn Road. The property is zoned Agricultural –A2. The lot has a single detached dwelling and two agricultural buildings. An application for a minor variance was submitted to request relief from the following provisions of Zoning By-law 034-2014 to permit a change of use of the existing metal clad building from agricultural to a kennel.

Section of Zoning By-law	By-law Requirement	Application Request	Difference
Section 6.2 Table 6, Kennels – Rear yard setback	75m	37.8m	37.2m
Section 6.2 Table 6, Kennels – Interior side yard setback	75m	22.4m	52.6m

DECISION: **GRANTED**

This decision is based on the following reasons:

1. The application can be considered consistent with the intent of the Official Plan and the Zoning By-law given the circumstances.
2. The proposed variance appears minor and consistent with the intent and purpose of the Official Plan and Zoning Bylaw.
3. The decision is rendered having regard to the provisions of Section 45 of the Planning Act.

Chair M. Feduck | Member G. Balicki | Member L. Bjerno

DATE OF DECISION: September 16, 2020 **DATE OF MAILING: September 17, 2020**

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 date of filing an appeal to the Local Planning Appeal Tribunal under Section 45 of the Planning Act: **October 6 2020**.

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 Local Planning Appeal Tribunal Act, 2017 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 LPAT Rules, anyone who wishes to participate in an LPAT 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.