

Planning Justification Brief

Zoning By-law Amendment

12381 Lakeshore Road

Wainfleet, ON

December 23, 2025

**Upper Canada Consultants
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St. Catharines, ON L2W 1A3**



**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

UCC File No. 25136

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INTRODUCTION

Upper Canada Consultants has been retained by the owner of the lands municipally addressed as 12381 Lakeshore Road in the Township of Wainfleet, to prepare a Planning Justification Brief in relation to an application for Zoning By-law Amendment submitted for this property. The need for a Planning Justification Brief was identified through the pre-consultation meeting held on November 27, 2025. The pre-consultation notes are attached as **Appendix I**.

The purpose of the Zoning By-law Amendment Application is to permit a maximum overall lot coverage of 32% whereas 18% is currently permitted, and to permit a maximum lot coverage for an accessory building of 13.5% whereas 4% is currently permitted. The intent of the amended provisions is to facilitate the construction of a detached garage accessory building.

This Planning Justification Brief provides an analysis of how the Zoning By-law Amendment Application satisfies the requirements of the *Planning Act*, is consistent with the Provincial Planning Statement (2024), and conforms to the Niagara Official Plan (2022), and the Township of Wainfleet Official Plan.

SITE CONTEXT

The subject lands are municipally addressed as 12381 Lakeshore Road, within the Township of Wainfleet. The property is legally described as PT LT 23, CON 1 WAINFLEET , AS IN RO121810 ; WAINFLEET.

The lands feature 7.89 metres of frontage along Regional Road 3, known as Lakeshore Road. Lakeshore Road is identified in the Township of Wainfleet Official Plan as a Regional Arterial Road. The subject lands have 368.2 square metres of lot area and contain an existing detached dwelling. An aerial depiction of the subject lands is included below, as **Figure 1**.



Figure 1 – Aerial View of Subject Lands

The subject lands are designated Rural Lands under the Niagara Official Plan: Schedule F, and further designated as Lakeshore Residential in the Township of Wainfleet Official Plan. Under the Township of Wainfleet Comprehensive Zoning By-law 034-2014, the lands are zoned Lakeshore Residential (RLS.C15).

The surrounding lands contain the following uses:

- North:** Detached dwellings, Provincially Significant Wetlands, Non-Provincially Significant Wetlands, Woodlands.
- East:** Detached Dwellings, Cottages, Accessory Structures.
- South:** Detached Dwelling, Lake Erie Shoreline.
- West:** Detached dwellings, Accessory Structures.

PROPOSAL

The development proposed is the construction of a 9.14 metre (30 feet) by 5.49 metre (18 feet), one-storey, slab on grade detached garage. The garage will have an area of 50.2 metres squared (540.3 square feet), and is located on an existing gravel driveway at the front of the property. The proposed development is displayed on the site plan, and concept elevation below, in **Figures 2 and 3**, and included as **Appendix II**.

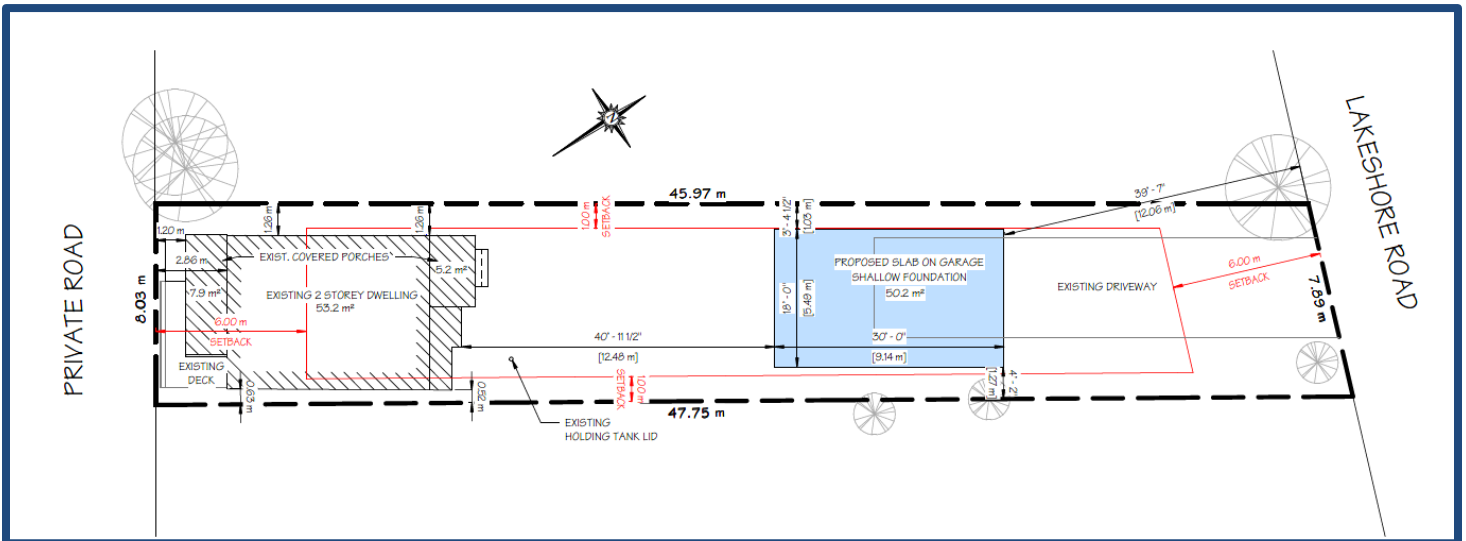


Figure 2 – Site Plan

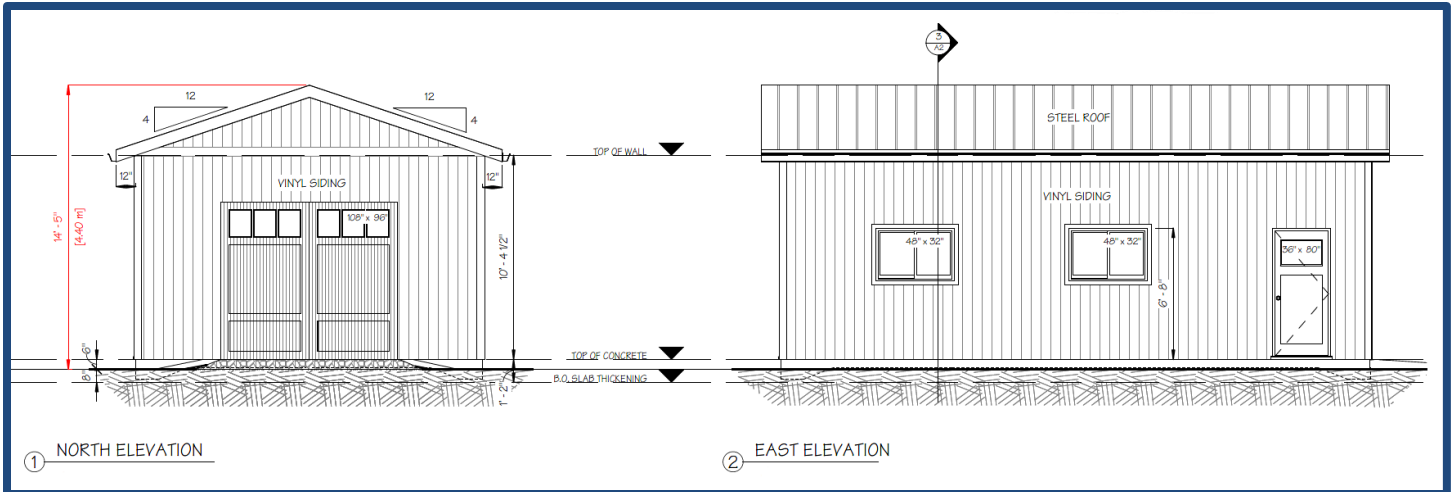


Figure 3 – Conceptual Building Elevation

POLICY ANALYSIS

The Planning Act

Section 34 – Zoning By-laws

Section 34 of the Planning Act grants municipalities the authority to pass Zoning By-laws to control the use of land and of buildings or structures.

Amendments to Zoning By-laws are permitted, subject to the provision of prescribed material and in accordance with the process described under Section 34(10) and its subsections. Pursuant to these requirements, the application has been submitted with the information requested through pre-consultation, and is subject to the standard process for Zoning By-law Amendments in the Township of Wainfleet, in accordance with the Planning Act.

The pre-consultation meeting was held on November 17, 2025 between the applicant, Township and Regional Staff, and external agencies. The prescribed material to be submitted with this application was outlined as:

- Draft Zoning By-law Amendment
- Planning Justification Brief
- Site Plan
- Elevation Drawings for Proposed Building

Additionally, a letter providing the detail and scope of the proposed site disturbance as a result of the construction of the garage was requested by the Township to negate the requirement of a Stage 1 Archaeological Assessment. This has been included within the submission.

Provincial Planning Statement (2024)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development.

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

Under Chapter 2 of the PPS, section 2.5 provides policy direction related to Rural Areas in Municipalities. Section 2.5.1 states that healthy, integrated and viable rural areas should be supported by:

- a) Building upon rural character, and leveraging rural amenities and assets;
- b) Promoting regeneration, including the redevelopment of brownfield sites;
- c) Accommodating an appropriate range and mix of housing in rural settlement areas;
- d) Using rural infrastructure and public service facilities efficiently;
- e) Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- f) Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- g) Conserving biodiversity and considering the ecological benefits provided by nature; and
- h) Providing opportunities for economic activities in prime agricultural areas.

Further, section 2.5.2 and 2.5.3 state that planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development, and the provision of appropriate service levels.

The proposed development of a 9.14 metre by 5.49 metre, 50 metre square garage is an appropriate scale and development for the area which does not differ from the existing character of the neighbourhood.

The increase in lot coverage for the accessory structure is due largely to the fact that the rural lots in this area are smaller than typical rural lots used for agriculture, many being used for lakefront cottages or smaller lot residences. A detached garage of this size is not atypical in other residential areas, and on a more typical one acre sized rural lot, would be permitted as of right.

Additionally, there are multiple examples of accessory structures that are similar in character and scale to the proposed development in the surrounding area, as displayed below in **Figures 4 to 5**.



Figure 4 – Accessory Structure Located at 12377 Lakeshore Road – Immediately East



Figure 5 – Accessory Structure Located at 12435 Lakeshore Road - ~300m West

Similar accessory structures can also be found at the lands below, among others.

- 12361 Lakeshore Road (~130m East)
- 12359 Lakeshore Road (~150m East)
- 12357 Lakeshore Road (~160m East)
- 12451 Lakeshore Road (~350m West)

NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (NOP) is the Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. This plan guides land use planning and development within the region until 2051 and beyond. While the Region of Niagara is now an upper tier municipality without planning responsibilities, the Niagara Official Plan has become an Official Plan of the Township of Wainfleet and remains in effect until such a time as the Township of Wainfleet adopts a new Official Plan and revokes the Niagara Official Plan, or amends the plan to provide otherwise. The Township of Wainfleet is now responsible for the implementation of the Niagara Official Plan.

Schedule F – Agricultural Land Base

Schedule F of the Niagara Official Plan provides rural designations for lands outside of settlement areas. On Schedule F, the subject lands are designated Rural Lands, as displayed in **Figure 6**, below.



Figure 6 - Niagara Official Plan: Schedule F – Agricultural Land Base

4.1.8 - Rural Lands as Part of the Agricultural System

Section 4.1.8 of the Niagara Official Plan provides policy direction for rural lands within the Niagara Region. Rural lands are defined as lands that are located outside of settlement areas and outside of prime agricultural areas. Section 4.1.8.1 states that the predominant use of rural lands will continue to be agriculture, but some non-agricultural related development may be permitted subject to the other policies of the Niagara Official Plan.

Further, Section 4.1.8.3 states that rural lands along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development. These uses and expansions thereof continue to be permitted in accordance with Local official plans and zoning by-law provisions.

The subject lands are included in this description of rural lands along the Lake Erie shoreline that have been historically developed for seasonal and permanent residential development. Accessory structures are a permitted use under the Township of Wainfleet Zoning By-law and the construction of an accessory structure is permitted under this section.

TOWNSHIP OF WAINFLEET OFFICIAL PLAN

The Township of Wainfleet Official Plan is intended to provide a framework within which Council may make decisions regarding land uses, built form, municipal service investments and the protection of key environmental features and functions. It also provides Council with a framework to consider private and public proposals for Official Plan amendments, Zoning By-law amendments, site plan approval, building permits, plans of subdivision and land severances.

The purpose of the Official Plan, including the Schedules, is to set a long-term vision for the Township, establish goals and objectives to guide future land use changes in the municipality consistent with this vision, and set out specific policies to guide future change while maintaining the desired qualities of the Township.

Schedule B9 – Land Use – Lakeshore Area

Schedule B9 of the Township of Wainfleet Official Plan provides land use designations for areas along the Lake Erie shoreline. As shown in **Figure 7**, below, the subject lands are designated Lakeshore Residential.

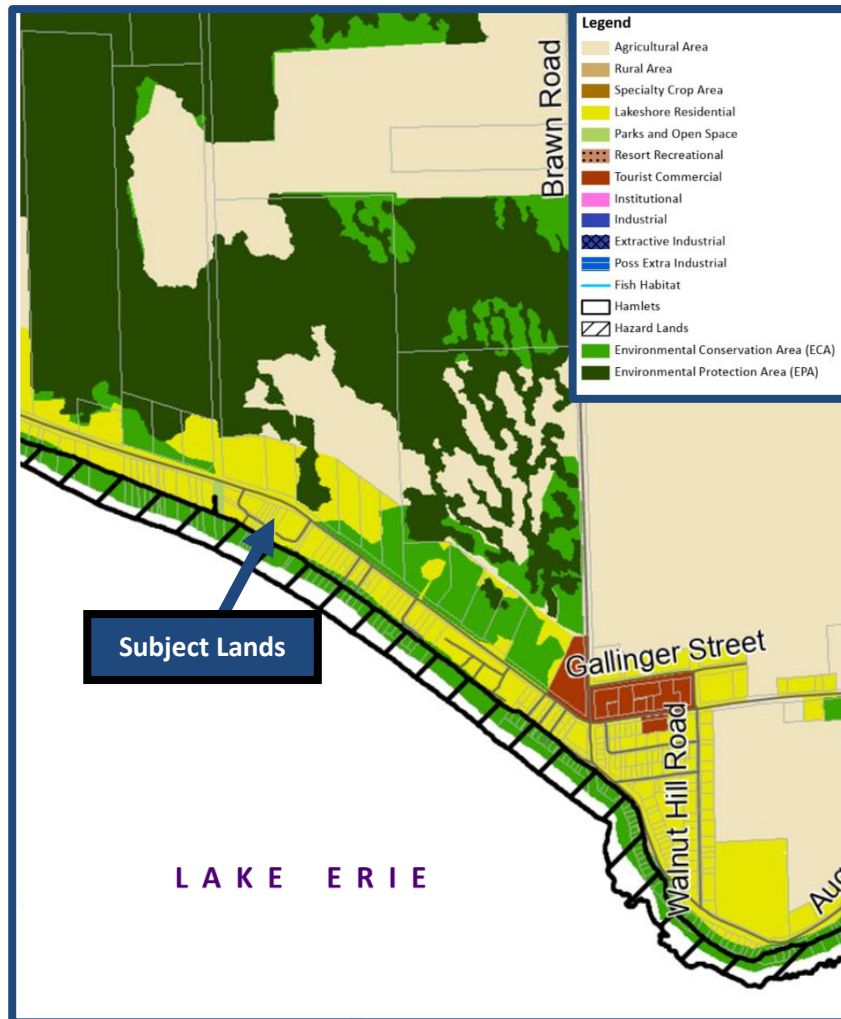


Figure 7 – Wainfleet Official Plan: Schedule B9 – Land Use – Lakeshore Area

3.3.3 – Lakeshore Residential Designation

Section 3.3.3 of the Township of Wainfleet Official Plan contains provisions related to the Lakeshore Residential Designation. Permitted uses under this designation include seasonal and full year single detached dwellings and secondary suites, tourist cabins and resorts, bed and breakfast establishments, and home occupations.

General policies for the Lakeshore Residential dwellings state that residential building forms shall not exceed a height of 2 storeys, and that all new residential development shall respect the character of the surrounding area in accordance with the design policies of Section 3.3.5.

As displayed in **Figures 4 to 5**, there are multiple examples of detached structures accessory to residential dwellings along Lakeshore Road. These structures are located in front of the dwellings. The proposed development aligns with these existing development characteristics and maintains the overall character of the surrounding areas. As such, the proposal aligns with the objectives of the Lakeshore Residential Designation and the Township of Wainfleet Official Plan.

TOWNSHIP OF WAINFLEET ZONING BY-LAW

The subject lands are zoned as Residential Lakeshore (RLS.C15) under the Township of Wainfleet Comprehensive Zoning By-law 034-2014, as displayed in **Figure 8**, below.

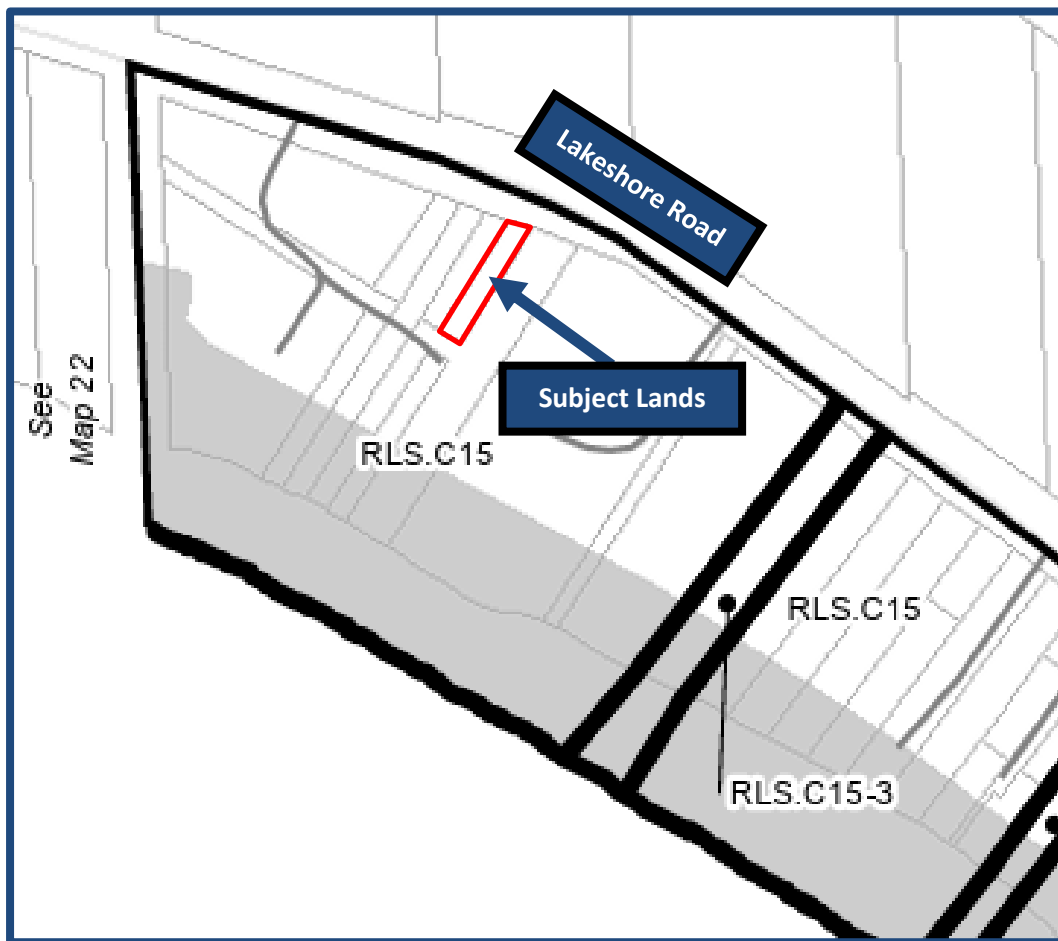


Figure 8 – Wainfleet Zoning By-law – Map 23

Zoning Compliance – Sections 4.21 and 7.2

The following tables provide an analysis of compliance with and deficiency from the Building and Structure Requirements (Section 7.2) and Accessory Building Requirements (section 4.21) of the

Table 10 – Regulations Applying to Residential Zones (RLS Zone where an existing lot of record is less than 4,000 m²)		
Provisions	Requirement	Provided
Min. Lot Area	As existing	3,682 m ²
Max. Lot Coverage (7.2.2.1)	18% (Previous Minor Variance)	31.37%
Minimum Lot Frontage	As Existing	7.89m
Min. Interior Side Yard	1.5m	0.52m (existing dwelling)
Min. Rear Yard Setback	10m	2.85m (existing dwelling)

Township of Wainfleet Comprehensive Zoning By-law 034-2014.

Table 2 – Accessory Building Requirements (Residential Lakeshore (RLS) Zone)		
Provisions	Requirement	Provided
Max. Lot Coverage	4%	13.36%
Min. Front Yard Setback	6m	12.10m
Min. Interior Side Yard	1m	1.2m
Min. Rear Yard Setback	1m	24.6m
Max. Building Height	6.5m	4.4m

The subject lands are an existing lot of record which is already undersized as it features a lot area of under 4,000 m². As such, the proposed accessory building and lot coverage calculations result in higher percentages than similar structures on larger lots. However, the proposed structure is still reasonable in size and scale, and the increase in lot coverage requested by the Zoning By-law Amendment allows for an accessory structure without compromising the functionality and use of an existing undersized lot of record.

The proposed accessory structure maintains all of the other provisions of the by-law with regard to height and setbacks. The proposed accessory structure will have no negative impacts on the surrounding lands as it maintains space for access and drainage, and does not result in undue privacy impacts to adjacent properties. There are several examples in the surrounding area where an accessory structure of this size, scale, and location on the respective lot is similar to the proposal. The proposed accessory will maintain the intention of the Zoning By-law by

allowing for an accessory structure for storage purposes which results in a more sightly appearance of the property.

Zoning By-law Amendment

The Zoning By-law Amendment proposes to rezone the lands from Residential Lakeshore (RLS C.15) to Site-Specific Residential Lakeshore (RLS-XX). The requested Site-Specific provisions of the RLS-XX zone include:

- Increasing the overall maximum lot coverage to 32%
- Increasing the maximum lot coverage for an accessory building to 13.5%

The Draft Schedule “A” to the Zoning By-law Amendment is included as **Figure 9**, below.

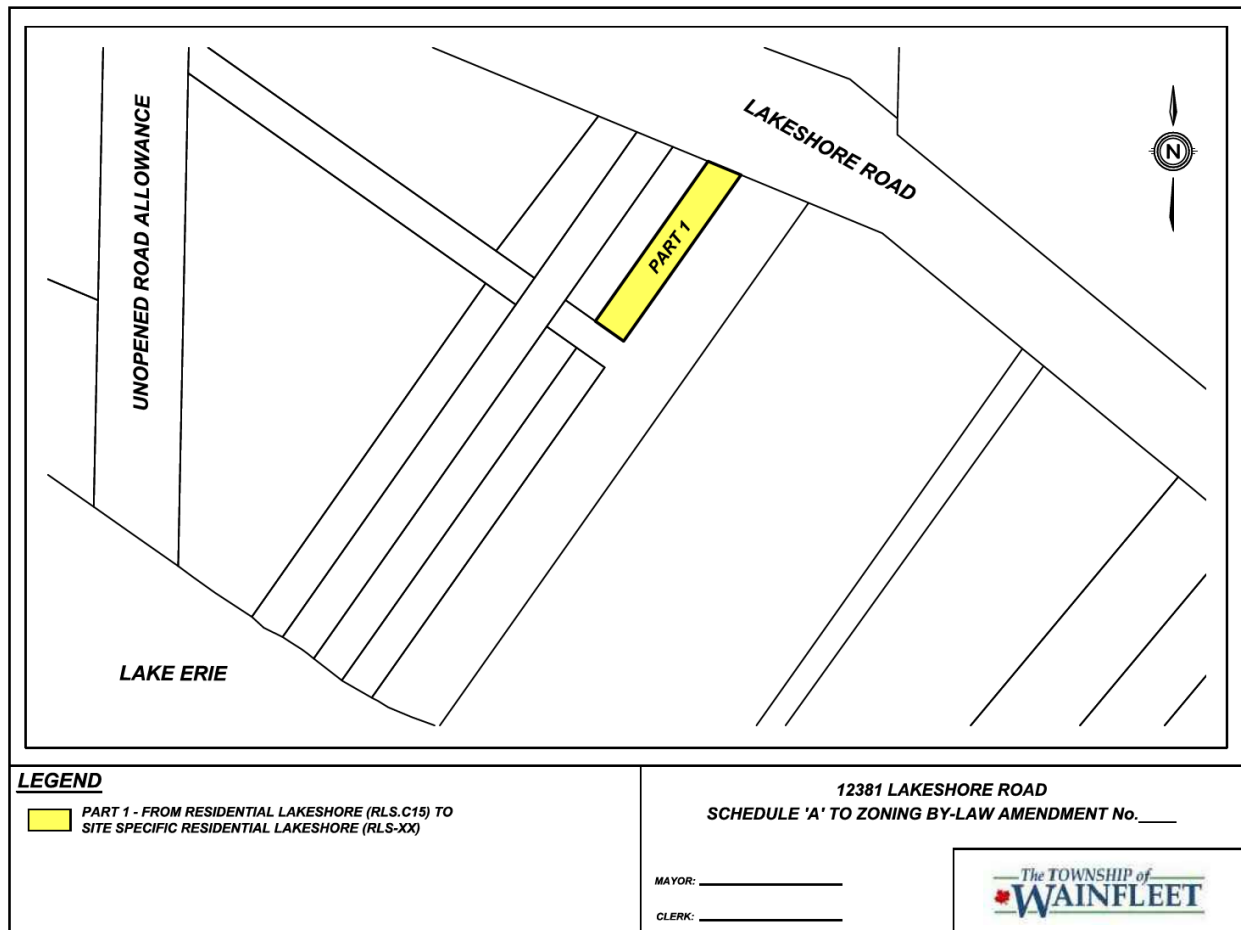


Figure 9 – Draft Zoning By-law – Schedule “A”

PLANNING POSITION

The submitted Zoning By-law Amendment application proposes to increase the total lot coverage from 18% to 32%, and to increase the lot coverage for an accessory structure from 4% to 13.5% for the property municipally addressed as 12381 Lakeshore Road in the Township of Wainfleet.

The amendments are reasonable and appropriate and will facilitate the reasonable use of an undersized existing lot of record. The existing parcel is undersized, which causes hardship and challenges in complying with the zone standards which are based on considerably larger lot sizes.

There are developments that are of similar use, size, and scale, and located in the same portion of the lot as the proposed detached garage, and the proposed development aligns with the existing character of the surrounding neighbourhood. All other provisions of the Zoning by-law regarding height and setbacks will be met and as such, there will be no negative impacts to the surrounding lands as a result of the proposed development.

Based on the above analysis, it is my opinion that the requested amendments are appropriate, and should be supported.

Prepared by,



Callum Gomez, CPT
Development Coordinator
Upper Canada Consultants

Reviewed by,



William Heikoop, B.U.R.Pl., RPP, MCIP
Planning Manager
Upper Canada Consultants

Appendix I
Pre-Consultation Agreement



Record of Pre-Consultation

A pre-consultation meeting is required prior to the acceptance of an application for Official Plan Amendment, Zoning Bylaw Amendment, Draft Plan of Subdivision or Condominium, Site Plan Control, Severance or Easement and Minor Variance. The pre-consultation meetings are hosted by the Planning Department and may include representatives from various Township Departments or external agencies as required.

The pre-consultation meeting allows the applicant and/or their representatives to present and discuss the development proposal with relevant staff and also provides staff the opportunity to clarify the application process, provide preliminary comments on the development proposal, identify key issues and the approvals that will be required and confirm the supporting information/materials that must be submitted with the application in order to be considered a complete application under the Planning Act. Pre-consultation comments are valid for one year.

Pre-Consultation Meeting Date: *Thursday, November 27, 2025*

PROPERTY INFORMATION

Property Address: 12381 Lakeshore Road	Roll Number: 271400000534002	Legal Description: CON 1 PT LOT 23	Lot Area: 368.2m ²
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PROPERTY OWNER/AGENT INFORMATION

Name of Registered Owner: Michael Misztal	
Mailing Address: 12381 Lakeshore Road, Wainfleet ON L0S 1V0	
Phone Number: 289-990-2113	Email Address: mike_misztal@hotmail.com
Name of Authorized Agent: Steve Greenwood, Maxwell Homes & Callum Gomez, Upper Canada Consultants	
Phone Number: 905-979-7417	Email Address: steve@maxwellhomes.ca
Phone Number: 905-688-9400	Email Address: callum@ucc.com

DESCRIPTION OF PROPOSED DEVELOPMENT

- Proposed zoning by-law amendment to establish site-specific provisions for the construction of an accessory building (detached garage):
 - Accessory Building Lot Coverage of 13.75% (4% permitted);
 - Overall Lot Coverage of 30.75% (18% permitted through a previous minor variance approval)

Application Type:		
<input type="checkbox"/> Regional Official Plan Amendment	<input checked="" type="checkbox"/> Zoning By-law Amendment	<input type="checkbox"/> Minor Variance
<input type="checkbox"/> Local Official Plan Amendment	<input type="checkbox"/> Consent (Severance)	<input type="checkbox"/> Site Plan Approval
<input type="checkbox"/> Draft Plan of Subdivision/Condominium	<input type="checkbox"/> Removal of Holding Zone	<input type="checkbox"/> Other:

PLANNING INFORMATION

Niagara Official Plan Designation	Rural Lands
Township Official Plan Designation	Lakeshore Residential
Township Zoning By-law 034-2014	Residential Lakeshore – RLS.C15

AGENCY & DEPARTMENT COMMENTS	
<p>Niagara Peninsula Conservation Authority (NPCA)</p> <p>Kartiki Sharma Watershed Planner 905-788-3135 ext. 278 ksharma@npca.ca</p>	<ul style="list-style-type: none"> - Based on the NPCA mapping, the subject property does not contain and is not impacted by any NPCA regulated features - As such, the NPCA has no objections to the proposed accessory building and will not require the circulation of the zoning by-law amendment application or a review fee
<p>Niagara Region – Infrastructure Planning & Development Division</p> <p>Adithi Lucky Reddy Development Planner 905-980-6000 ext. 3264 adithi.luckyreddy@niagararegion.ca</p>	<ul style="list-style-type: none"> - Pursuant to the <i>Planning Act</i>, as of March 31, 2025, Niagara Region is an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a lower-tier municipality, may provide advice and assistance to local municipalities in respect of planning matters generally. - Niagara Region has entered into Planning Services Agreement (PSA) with the Township of Wainfleet to provide planning support and advice to the Township related to land use compatibility, archaeological assessments, employment lands, record of site condition, former landfill sites, gas wells, water protection screening, environmental planning, and urban design. - In addition, through Bill 23 changes to the <i>Planning Act</i>, the Niagara Official Plan, 2022 (NOP) is effectively an official plan of the Township of Wainfleet, which remains in effect until the Township revokes or amends it to provide otherwise. The Township should be satisfied that application conforms to the policies of the NOP. - Regional staff provide the below planning review comments in accordance with the PSA as advice to assist Township staff with their review of the application. - Staff offer no requirements in accordance with the Memorandum of Understanding (MOU) for Engineering Services between the Region and the Township <p><u>Archaeological Potential</u></p> <ul style="list-style-type: none"> - The Provincial Planning Statement, 2024 (PPS) and Niagara Official Plan (NOP) provide direction for the conservation of significant cultural heritage - Specifically, Section 4.6.2 of the PPS and Policy 6.4.2.1 of the NOP states that “<i>Planning Authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved</i>” - The subject parcel is mapped within an Area of Archaeological Potential on Schedule K of the NOP - As per policy 6.4.2.6 of the NOP, a Stage 1-2 Archaeological Assessment(s) (and any subsequent studies, if applicable) prepared by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential is required to be submitted as part of the application - The archaeological assessments must be submitted to the Ministry of Citizenship and Multiculturalism (MCM) with a copy of their acceptance of the report(s) shared to the Niagara Region and Township of Wainfleet - The applicant indicated in the meeting that the detached garage would be developed on the existing gravel driveway with a shallow foundation/concrete slab - Regional staff recommends a Stage 1-2 Archaeological Assessment(s) and the acceptance from MCM, at the discretion of the Township, noting generally that medium and large slab on grade construction (larger than 36m²) will disturb large areas of land and heavy construction vehicles will disturb and compact additional lands (as per the Regional Archaeological Management Plan implementation manual)

AGENCY & DEPARTMENT COMMENTS

Niagara Region – Infrastructure Planning & Development Division (cont'd)

- In addition, Regional staff recommends providing the following warning clause to the owner:
"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance."

*Note from Township:

- Staff recommend the completion of a Stage 1-2 archaeological assessment as the Lakeshore Area is known for the discovery of archaeological resources
- However, staff are willing to waive the requirement for an archaeological assessment if the applicant can confirm the extent of ground disturbance to facilitate the construction of the detached garage as well as identify areas that have been previously disturbed through past activities on the subject property and provide information on the type of activities
- Applicant is to provide this information in writing for the Township to review and confirm archaeological requirements

Gas and Petroleum Wells

- NOP policy 4.4.1.3 states, *"No development shall occur within 75 metres of a petroleum resource operation unless the petroleum resource operation has been decommissioned and rehabilitated in accordance with applicable Provincial regulations and standards"*
- Regional staff notes that a petroleum gas well is mapped within 800 metres to the west of the subject parcel (Well ID: 32911, mapping accuracy – unknown)
- Regional staff recommends no requirements – however it is in the applicant's best interest to assess potential risks and mitigation measures through technical studies, prior to any construction, grading or other soil disturbance – due to proximity to the petroleum well
- Regional staff highlights the below for the applicant's information and due diligence:
 - Applicant is to confirm the location of the well and its status per the above noted policy in accordance with applicable Provincial regulations and standards
 - Petroleum well data is available at the Oil, Gas and Salt Resources Library/the [interactive petroleum well map](#) and [searchable well records](#) provide information about wells regulated under the Oil, Gas and Salt Resources Act
 - Petroleum well data is also publicly available in spatial format from [Ontario GeoHub](#)

Former Landfill Site

- NOP policies 5.2.4.11 and 5.2.4.12 state that *"Development on or within 250 metres of a non-operating waste disposal site shall address Provincial requirements for contaminated sites"* and *"Development within 500 metres of a non-operating waste disposal site shall also demonstrate that there is no risk to human health and safety from landfill gas"*
- The subject parcel is located approximately 1.5 kilometres from a former landfill site and as such Regional Staff does not recommend any requirements

Regional Roads

- The subject parcel abuts Regional Road 3 (Lakeshore Road)
- Staff highlights the below for the applicant's information and due diligence:

AGENCY & DEPARTMENT COMMENTS	
<p>Niagara Region – Infrastructure Planning & Development Division (cont'd)</p>	<ul style="list-style-type: none"> - Construction Encroachment Permit – needed for any construction work to be completed on or below the Regional road allowance - Entrance Permit – needed for any private road entranceway, driveway, gate or facility constructed as a means of access to a Regional Road - Sign Permit – needed for placing any sign, notice or advertisement within 20 metres of the centerline of a Regional Road - Road Occupancy Permit – needed for any item that will be installed and remain on a Regional Road allowance for a period of time - Permit applications can be made through the following link: https://www.niagararegion.ca/living/roads/permits/default.aspx - Restoration within the Regional right-of-way are to be to Niagara Region standards: https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx - Engineering drawings for all proposed work within the Regional right-of-way are to be submitted through the development application and permitting processes - Site driveways located on the Regional Road are to be designed to Ontario Provincial Standards (OPSD) and Regional standards
<p>Township of Wainfleet – Planning Department</p> <p>Sarah Ivins Planner 905-899-3463 ext. 225 sivins@wainfleet.ca</p>	<ul style="list-style-type: none"> - The subject property is designated as Lakeshore Residential under the Township's Official Plan and is zoned Residential Lakeshore – RLS.C15 under Zoning By-law 034-2014 <p><u>Niagara Official Plan Policies – Rural Lands</u></p> <ul style="list-style-type: none"> - The subject property is designated as Rural Lands in the NOP and the predominant use of Rural Lands shall continue to be agriculture but some limited non-agricultural related development may be permitted subject to various policies - NOP policies also recognize that the Rural Lands along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development – these uses and expansions continue to be permitted in accordance with local official plans and zoning by-law provisions, subject to archaeology and natural heritage policies, amongst others, of the NOP - Please see Regional comments above regarding archaeology and gas/petroleum wells <p><u>Township Official Plan Policies</u></p> <ul style="list-style-type: none"> - An accessory building, accessory to a single detached dwelling on the same lot, is permitted within the Lakeshore Residential designation and the Lakeshore Residential – RLS zone - Policies require residential development to respect the character of the surrounding residential area and to comply with design policies of Section 3.3.5 - It is staff's understanding that the applicant is proposing an accessory building (detached garage) to provide storage for the property, which does not comply with the maximum accessory building lot coverage of 4% nor the overall lot coverage of 15% (18% permitted through previous minor variances) – the proposal will result in an accessory building lot coverage of 13.75% and an overall lot coverage of 30.75% - Given the extent of the requests, staff feel as though a minor variance is not appropriate and as such recommended a site-specific zoning by-law amendment - In support of the zoning by-law amendment application, staff will require a Planning Justification Brief prepared by a professional planner – the brief shall provide a summary of the proposal, outline the merits of the proposal based on good planning principles and a summary of how the proposal is consistent with the Provincial Planning Statement and conforms to the Niagara Official Plan and Township Official Plan

AGENCY & DEPARTMENT COMMENTS	
Township of Wainfleet – Planning Department (cont'd)	<ul style="list-style-type: none"> - A detailed site plan and elevation drawings will also be required as part of the application
Township of Wainfleet – Building/Septic Department Ben Hopkins Chief Building Official 905-899-3463 ext. 272 bhopkins@wainfleet.ca	<ul style="list-style-type: none"> - The Township is responsible for private septic review - As part of the review of Planning Act applications, a septic evaluation is required to assess whether the existing septic system for the dwelling is functioning and to confirm its location to ensure minimum setbacks under the Ontario Building Code are being met - Staff note that the property is serviced by an existing holding tank, which was reviewed for the recent building permit application for the addition to the existing dwelling - It is staff's understanding that the proposed structure is for storage purposes and will not contain a secondary suite (accessory dwelling unit) or plumbing fixtures and as such there are no impacts to the existing septic system and a septic evaluation will not be required - The site plan submitted with the application shall confirm setbacks between the holding tank and the proposed structure - A detailed review of building plans will be completed at the building permit stage, but staff would like to note that an engineer may be required for a metal building and that the designer shall be mindful of the percentage of openings for the elevations in close proximity to the property lines
Township of Wainfleet – Drainage Department Mark Jemison Drainage Superintendent 905-899-3463 ext. 228 mjemison@wainfleet.ca	<ul style="list-style-type: none"> - The subject property is not assessed to a municipal drain and as such there are no concerns
Township of Wainfleet – Operations/Roads Department Richard Nan Manager of Operations 905-899-3463 ext. 234 rnan@wainfleet.ca	<ul style="list-style-type: none"> - This section of Lakeshore Road is a Regional Road (Regional Road 3) and as such the Operations Department has no concerns or comments
Township of Wainfleet – Fire & Emergency Services Morgan Alcock Fire Chief 905-899-3463 ext. 274 firechief@wainfleet.ca	<ul style="list-style-type: none"> - Given the narrow lot and that the proposed garage with block access to the residential structure on the property, the Fire Department has concerns with respect to access for emergency services - Staff note that there does appear to be a private laneway to the west and south of the subject property – the private laneway would have to be maintained and free of obstructions for emergency services, and failure to do so, may result in the delay of timely fire suppression - Township By-law 071-2019: <ul style="list-style-type: none"> - <i>1.3 Provision of services shall be commensurate with the emergency location and accessibility. Structures or locations where accessibility is restricted, or unavailable due to road conditions, weather, obstructions or other factors, may not have services available. It is the responsibility of the property owner to ensure safe access for the Fire Department apparatus and personal.</i> - <i>1.4 Emergency response to properties accessed via private roads, private lanes, private bridges or private driveways, and those properties which are water access only, are subject to the following limitations:</i>

AGENCY & DEPARTMENT COMMENTS	
<p>Township of Wainfleet – Fire & Emergency Services (cont'd)</p>	<ul style="list-style-type: none"> a) <i>The ability of such roads, lanes, bridges or driveways to support and accommodate Fire Department equipment and apparatus; and</i> b) <i>The failure of the owner or user of the lands upon which the roads, lanes, bridges or driveways is located to maintain the roads, lanes, bridges or driveways in a condition that is passable by Fire Department equipment and apparatus.</i>
<p>Mississauga of the Credit First Nation (MCFN)</p> <p>Abby (Laforme) Lee Consultation Coordinator Department of Consultation & Accommodation (DOCA) 905-768-4260 abby.laforme@mncfn.ca</p>	<ul style="list-style-type: none"> - The Mississaugas of the Credit First Nation (MCFN) are the Treaty Holders of the land on which the project will take place – specifically the Between the Lakes Treaty No. 3 of 1792 - The MCFN holds Indigenous and Treaty Rights specific to the project location and its environs, which may be adversely impacted by it - The Department of Consultation and Accommodation (DOCA) is designated by the MCFN to handle consultation matters on its behalf - The DOCA consultation team has reviewed the project-related correspondence provided by the Township in addition to any associated documentation - The following DOCA Units have completed a review and their questions and comments have been included below: <p><u>Consultation Unit</u></p> <ul style="list-style-type: none"> - The MCFN DOCA will waive the requirement for a Stage 1 Archaeological Assessment for this project - Please note however, that if any archaeological potential is identified during ground-disturbing activities, all work must cease immediately and MCFN DOCA must be contacted at your earliest convenience to assess the situation and determine appropriate next steps - DOCA expects to be notified of any and all future project updated and/or changes - If you have any questions for the DOCA consultation team, please feel free to contact us

COMPLETE APPLICATION REQUIREMENTS

Required information and studies to be submitted with the application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer. Supporting information is to be submitted in electronic (PDF) format.

Township	Region	NPCA	Other	Reports, Studies, Plans (See Notes for additional details)	Notes	Submitted Staff Use Only
				Agricultural Impact Assessment		
				Air Quality Assessment*		
*	*			Archaeological Assessment (including Ministry letter)	Written description of proposed site disturbance required to determine archaeological requirements	
				Cultural Heritage Impact Assessment*		
				Draft Official Plan Amendment		
				Draft Plan of Subdivision/Condominium		
X				Draft Zoning By-law Amendment		
				Environmental Impact Study		
				Environmental Planning Study/Sub-Watershed Study		
				Environmental Site Assessment		
				Floodplain & Hazard Lands Boundary Plan		
				Hydrogeological Study/Private Servicing Plans*		
				Land Use /Mark Needs Study*		
				Landscaping Plan		
				Lighting Plan/Photometric Plan		
				Minimum Distance Separation (MDS) Review		
				Noise Impact Study*		
X				Planning Justification Report	Planning Justification Brief	
				Reference Plan/Severance Sketch		
				Sensitive Land Use Report (D-series)		
				Septic Inspection/Evaluation		
X				Site Plan		
				Slope Stability Report/Geotechnical Study		
				Soil Report		
				Stormwater Management/Lot Grading		
				Transportation Impact Study/Parking Impact Analysis		
				Tree Inventory Preservation Plan		
				Vibration Study*		
OTHER						
X				Elevation Drawings for Proposed Building		

APPLICATION & REVIEW FEES

Below is the list of fees required at time of submission of the complete application. Please note that the fees listed are the current as of the date of the pre-consultation meeting and may change from time to time. The applicant should contact the appropriate agencies to confirm fees prior to submission of the application.

Application	Wainfleet	Niagara Region	NPCA	Comments	Submitted Staff Use Only
Regional Official Plan Amendment					
Local Official Plan Amendment					
Zoning By-law Amendment	\$4,456	\$1,485		Township 2026 Fee: \$4,563	
Temporary Use By-law					
Removal of Holding Provision					
Plan of Subdivision/Condominium					
Site Plan Approval					
Consent					
Minor Variance					
Development Agreement					
Study Review Fees:					
Environmental Impact Study (EIS) Review					
Floodplain Mapping Review					
Hydrogeological Study Review					
Septic Review					
Stormwater Management Review					
TOTAL					

Notes:

- Please note that planning application and review fees will change as of January 1, 2026. Please contact Township staff to confirm fees prior to submission.
- Township fees can be paid via cash, cheque, debit or e-transfer at time of submission of a complete application. If e-transfer is preferred, please contact staff for instructions.
- Regional fees can be paid online via <https://cityview.niagararegion.ca/portal>. Making a Payment requires a login and for the Application to have your Portal Account attached to it. If you have an account, please log in. If you do not have an account, please complete the registration process. To ensure you receive a response in a timely manner please ensure your contact method is EMAIL. You will receive a separate account registration email. Please click on the link provided to complete the registration. Once you have registered please follow these steps:
 - Notify the Niagara Region Planning Department of the Application you are requesting to pay by sending an email to devtplanningapplications@niagararegion.ca – please include the property address and the type of application being paid (consent review fee and hydrogeological study review fee).
 - After Niagara Region receives this information, the Niagara Region Planning staff will notify you when you are able to pay.
 - Once you have logged into City View please click “My items”
 - Click on Planning Applications (if not found contact devtplanningapplications@niagararegion.ca or 905-980-6000 ext. 3256)
 - If your planning application is in the system click on “Pay Fees”, then click “Make Payment” and follow the remaining instructions to process the credit payment.

RECORD OF PRE-CONSULTATION CLAUSES

Mutual Agreement	The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on mutual agreement of the parties.
No Decision Implied	Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
Adhering to Current Regulations	The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original pre-consultation meeting. A second pre-consultation may be required.
Incomplete Applications	Any application submitted without the information identified in this record of pre-consultation will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
Public Information	The applicant acknowledges that the Municipality and Region considers application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application without any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
Required Studies	It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The Terms of Reference for a peer review is determined by the Municipality or Region and paid for by the applicant. Some studies may require NPCA review and clearance/approval – in this instance the NPCA review fee shall be paid by the applicant.

ATTENDANCE

Name/Position	Agency/Department	Attendance Type (In-Person, Virtual, Written)
Mike Misztal	Property Owner	Virtual
Steve Greenwood, Maxwell Homes	Property Owner's Agent	Virtual
Callum Gomez, Upper Canada Consultants	Property Owner's Agent	Virtual
Sarah Ivins, Planner	Township of Wainfleet	Virtual
David Scott, Planning Technician/Secretary-Treasurer	Township of Wainfleet	Virtual
Ben Hopkins, Chief Building Official	Township of Wainfleet	Virtual
Adithi Lucky Reddy, Development Planner	Niagara Region	Virtual
Kartiki Sharma, Watershed Planner	NPCA	Written
Mark Jemison, Drainage Superintendent	Township of Wainfleet	Written
Richard Nan, Manager of Operations	Township of Wainfleet	Written
Morgan Alcock, Fire Chief	Township of Wainfleet	Written
Abby (Laforme) Lee, Consultation Coordinator	MCFN	Written

Prepared By: Sarah Ivins



Date: December 4, 2025

12381 Lakeshore Rd- NPCA Map



11/19/2025, 4:07:46 PM

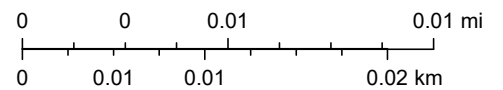
1:564

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Roads

NPCA APPROXIMATE REGULATION LANDS



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

Appendix II
Site Plan and Building Elevations



17'-8" x 30'-0" DETACHED GARAGE

12381 LAKESHORE RD. WAINFLEET

SITE NOTES

SLOPE GRADE MINIMUM 2% TO DRAIN SURFACE WATER AWAY.

9.14.6.1. SURFACE DRAINAGE

THE BUILDING SHALL BE LOCATED OR THE BUILDING SITE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR THE BUILDING AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES.

9.14.6.2. DRAINAGE AWAY FROM WELLS OR LEACHING BEDS

SURFACE DRAINAGE SHALL BE DIRECTED AWAY FROM THE LOCATION OF A WATER SUPPLY WELL OR LEACHING BED.

ALL LUMBER & CLADDING AFFECTED BY MOISTURE TO BE A MINIMUM 6" ABOVE FINISHED GRADE.

LOT AREA		
DESCRIPTION	LOT AREA	%
LOT AREA	368.2 m ²	100%

LOT COVERAGE SUMMARY		
DESCRIPTION	AREA (m ²)	%
EXISTING DWELLING	53.20 m ²	14.45%
PROPOSED DETACHED GARAGE	49.20 m ²	13.36%
COVERED PORCHES	13.10 m ²	3.56%
	115.50 m ²	31.37%

ZONING: RLS.C15

ACCESSORY BUILDINGS MAX HEIGHT 6.5m

REQUESTED AMENDMENT TO ZONING BYLAW

13.36% FOR ACCESSORY STRUCTURES.
4% PERMITTED

31.37% LOT COVERAGE FOR ZONING RLS.C15.
15% PERMITTED
PREVIOUS MINOR VARIANCE ALLOWED 18%



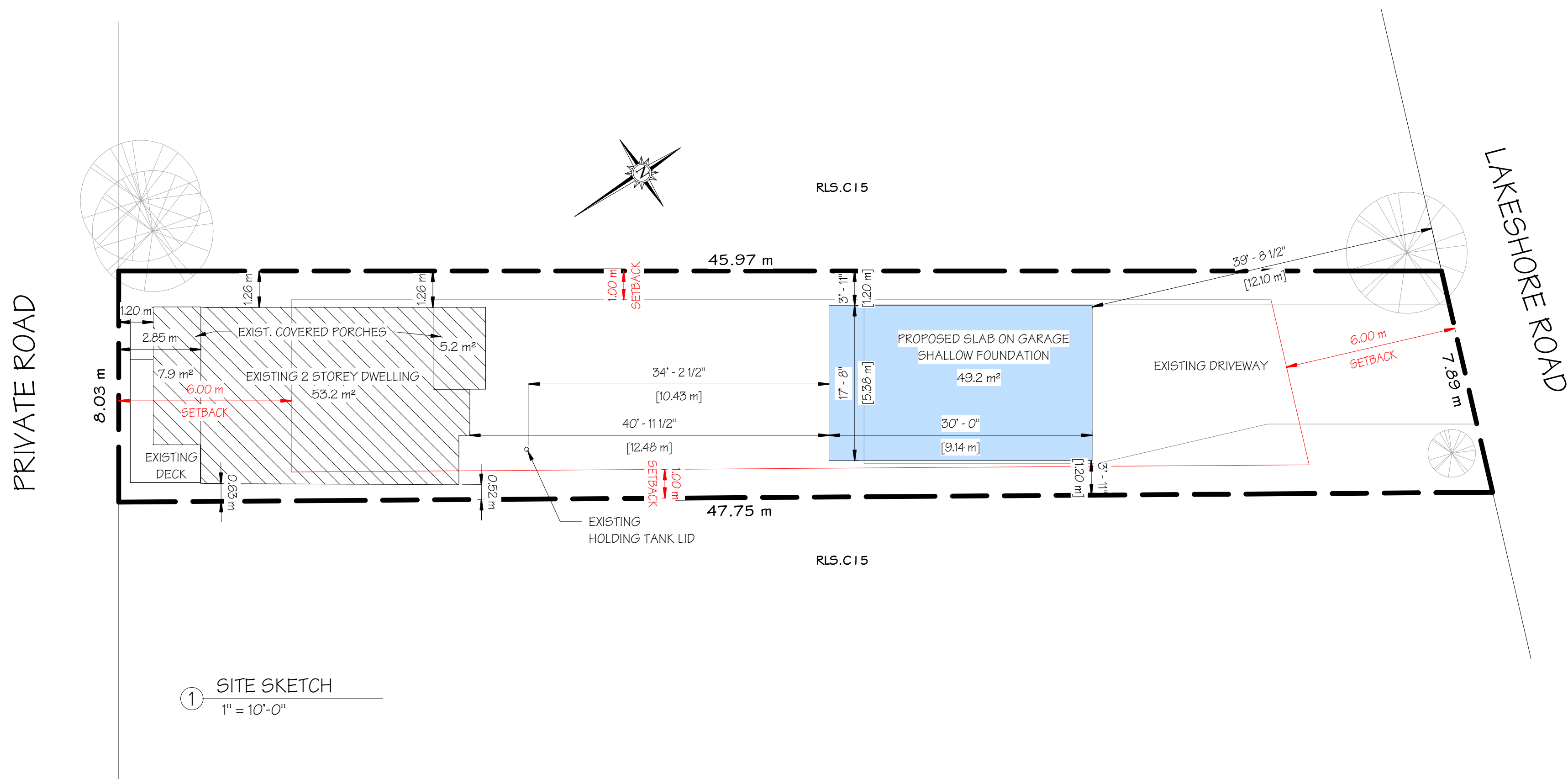
MAXWELL HOMES INC.
5041 ELCHO ROAD, WELLANDPORT

NOT FOR CONSTRUCTION

STEVE GREENWOOD BCIN: 34676
MAXWELL HOMES INC. BCIN: 108433

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① SITE SKETCH
1" = 10'-0"

PROJECT:
17'-8" x 30'-0"
DETACHED GARAGE

12381 LAKESHORE RD.
WAINFLEET

DRAWING TITLE:
SITE SKETCH

PROJECT #	25-046
DATE	DEC 12 2025
DRAWN BY	S. GREENWOOD
CHECKED BY	S. GREENWOOD

SP1

SCALE: As indicated

2025-12-15 11:00:09 AM



MAXWELL HOMES INC.
5041 ELCHO ROAD, WELLANDPORT

NOT FOR CONSTRUCTION

STEVE GREENWOOD BCIN: 34676
MAXWELL HOMES INC. BCIN: 108433

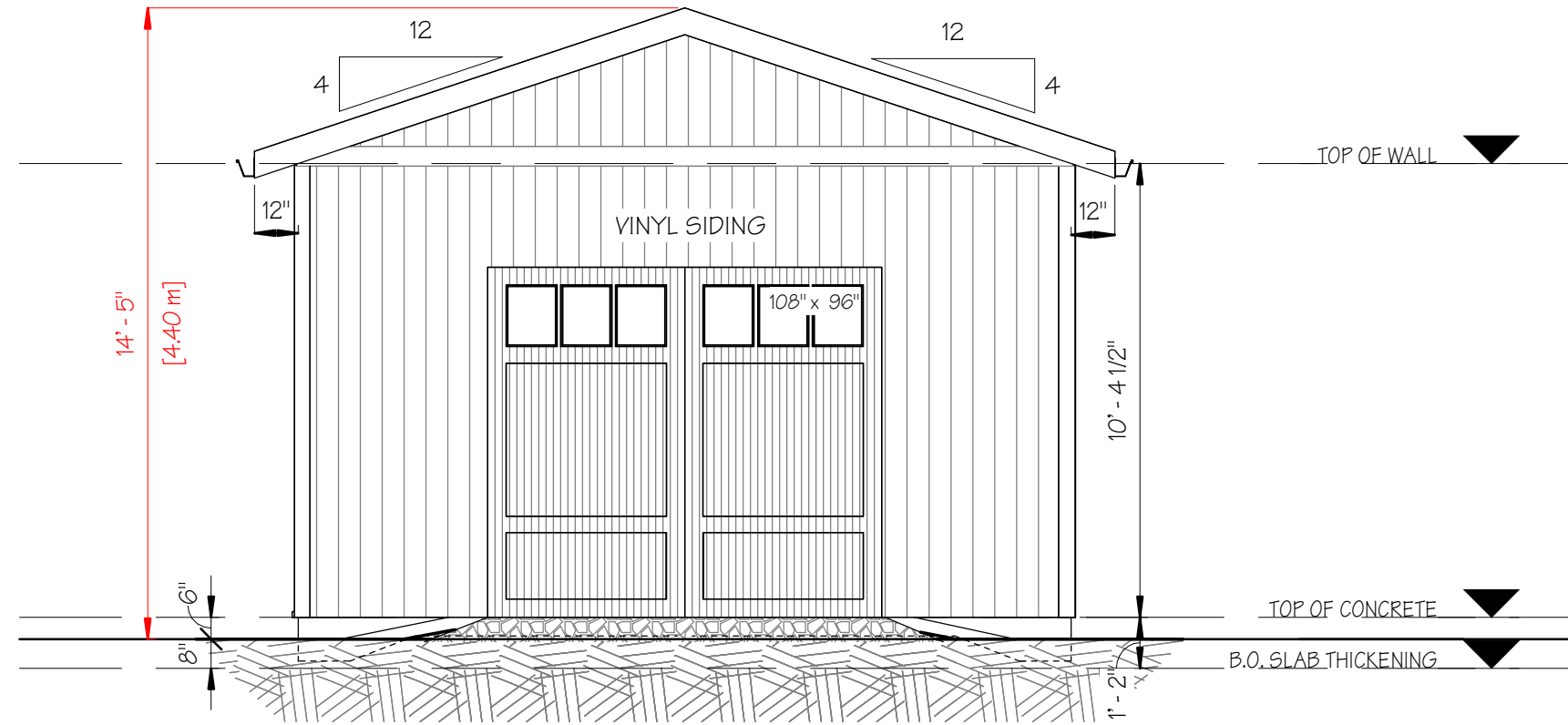
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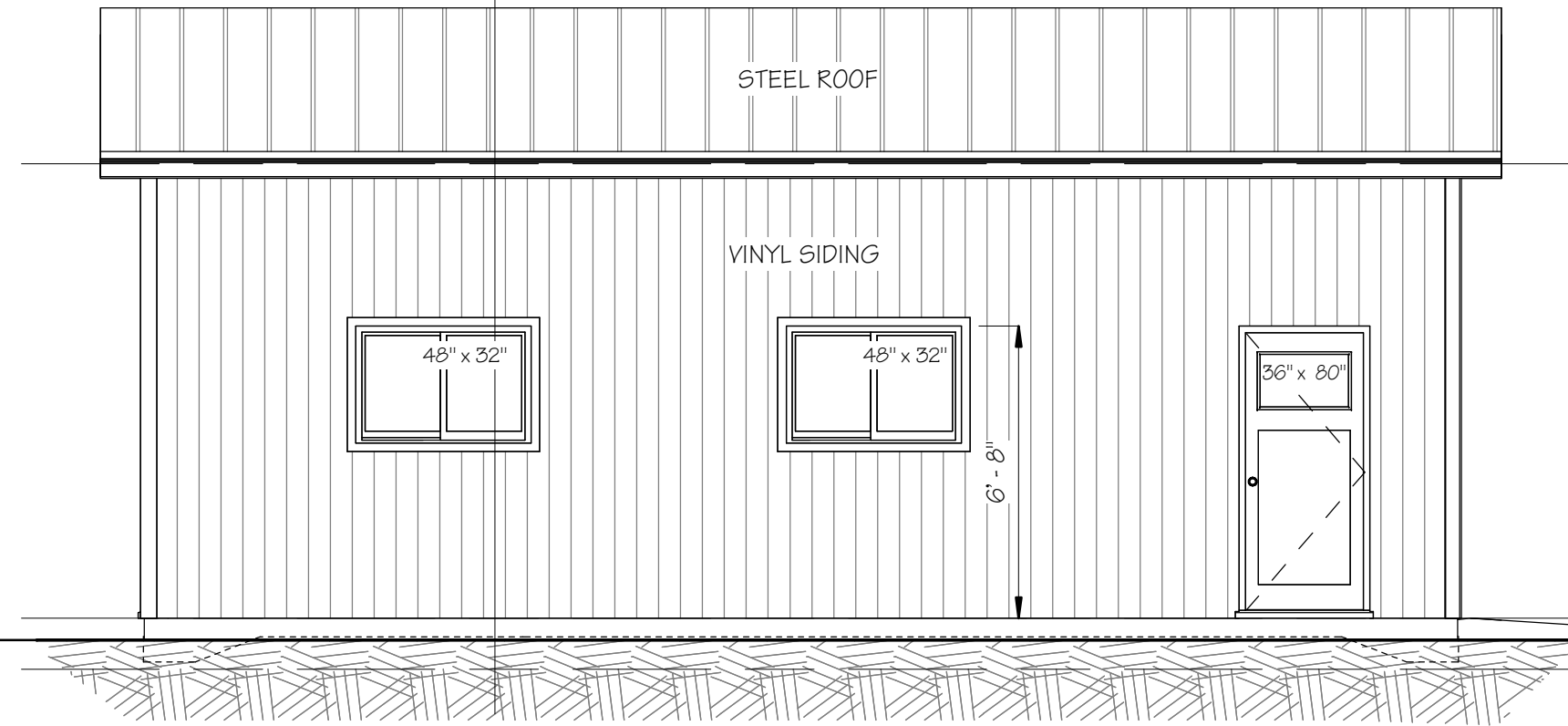
SB-12 ENERGY EFFICIENCY RATIO SUMMARY		
WALL AREA:	17.94 m ²	5.4%
W, S, & G AREA:	1.0 m ²	

SB-12 ENERGY EFFICIENCY RATIO SUMMARY		
WALL AREA:	30.12 m ²	6.5%
W, S, & G AREA:	2.0 m ²	

MAX ALLOWABLE OPENINGS 7%



① NORTH ELEVATION
1/4" = 1'-0"



② EAST ELEVATION
1/4" = 1'-0"

ELEVATION NOTES

DOWNSPOUTS SHALL CONFORM TO ARTICLE 9.26.18.2. - OBC 9.14.6.5.

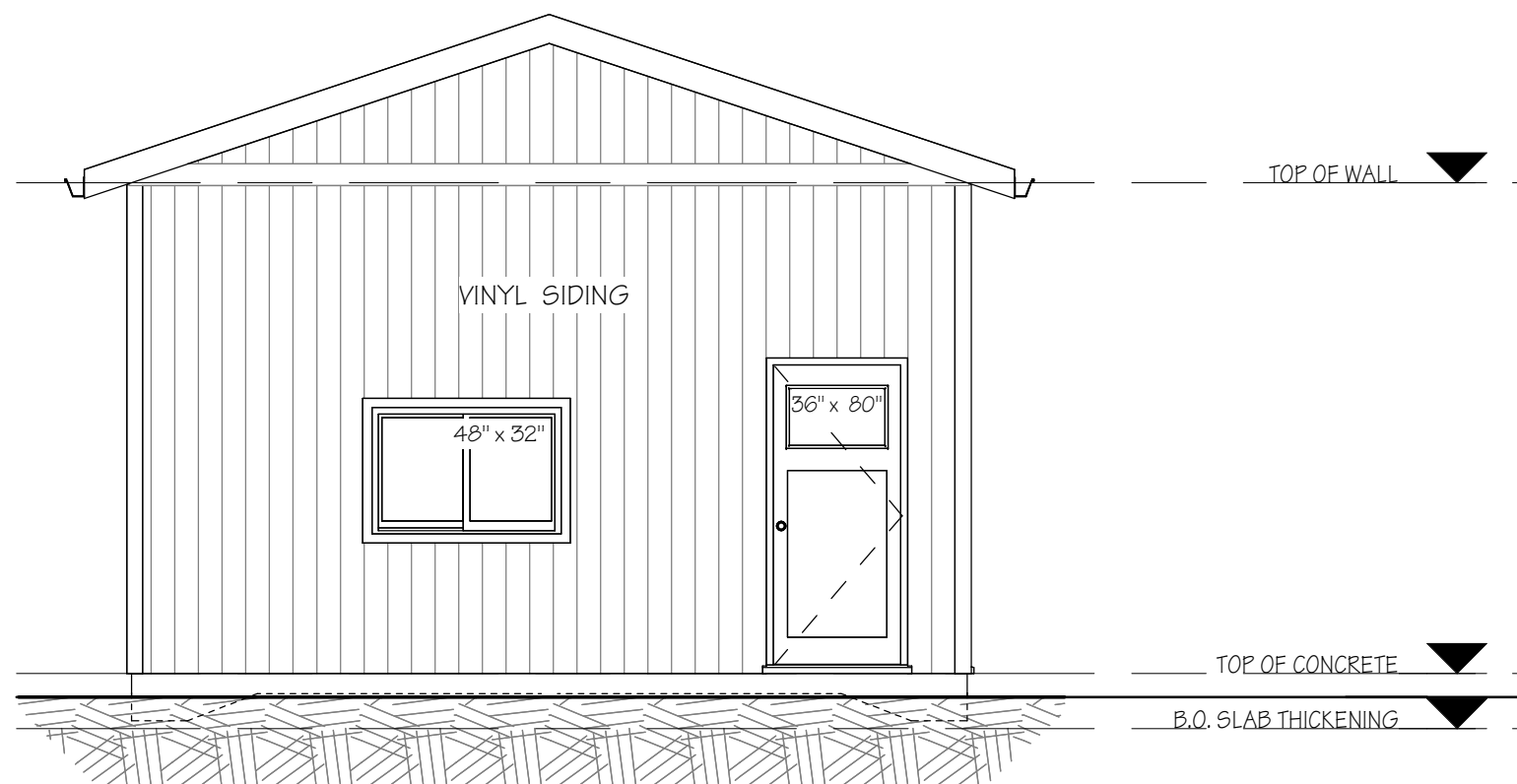
THE UNOBSTRUCTED VENT AREA SHALL BE NOT LESS THAN 1/300 OF THE INSULATED CEILING AREA. OBC 9.19.1.2.

CEILING INSULATION SHALL BE INSTALLED IN A MANNER THAT WILL NOT RESTRICT A FREE FLOW OF AIR THROUGH ROOF VENTS OR THROUGH ANY PORTION OF THE ATTIC OR ROOF SPACE. - OBC 9.19.1.3.

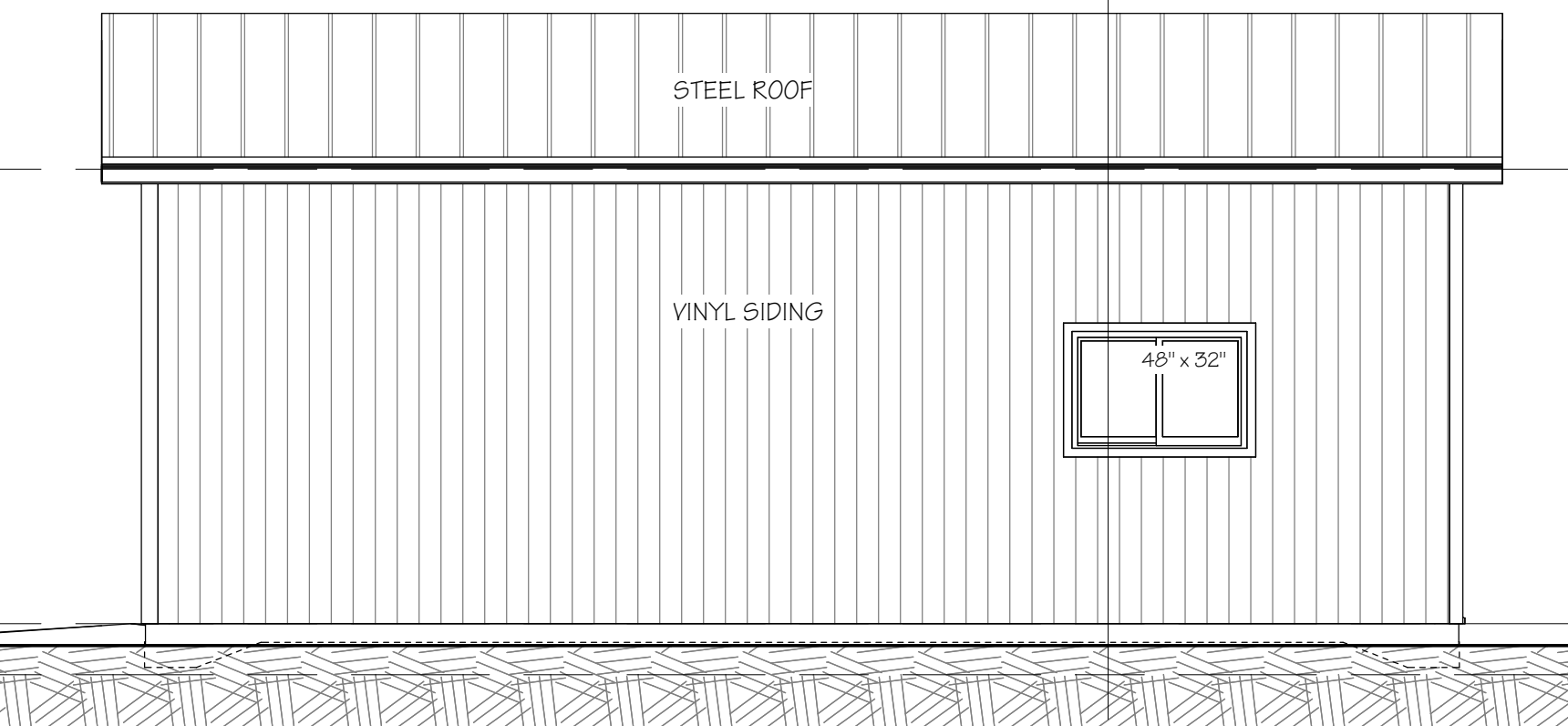
SB-12 ENERGY EFFICIENCY RATIO SUMMARY		
WALL AREA:	17.94 m ²	6.7%
W, S, & G AREA:	1.2 m ²	

SB-12 ENERGY EFFICIENCY RATIO SUMMARY		
WALL AREA:	30.12 m ²	2.9%
W, S, & G AREA:	0.9 m ²	

MAX ALLOWABLE OPENINGS 7%



③ SOUTH ELEVATION
1/4" = 1'-0"



④ WEST ELEVATION
1/4" = 1'-0"

PROJECT:
17'-8" x 30'-0"
DETACHED GARAGE

12381 LAKESHORE RD.
WAINFLEET

DRAWING TITLE:
ELEVATIONS

PROJECT #	25-046
DATE	DEC 12 2025
DRAWN BY	S. GREENWOOD
CHECKED BY	S. GREENWOOD

A3

SCALE: As indicated

2025-12-15 11:00:10 AM

Appendix III
Draft Zoning By-law Amendment

Appendix 3 – Draft Zoning By-law Amendment

**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 0XX-YEAR**

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming PT LT 23, CON 1 in the Township of Wainfleet.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 034-2014 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 35 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Residential Lakeshore (RLS.C15) to Site-Specific Residential Lakeshore (RLS-XX) as shown on Schedule “A” attached hereto.

THAT Table 2 entitled “Accessory Building Requirements” is hereby amended by adding the following text:

Zone	Max. Lot Coverage
Site-Specific Residential Lakeshore (RLS-XX)	13.5%

THAT Notwithstanding Section 7.2.2.1, in the Site-Specific Residential Lakeshore (RLS-XX) Zone, the maximum lot coverage is 32%

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

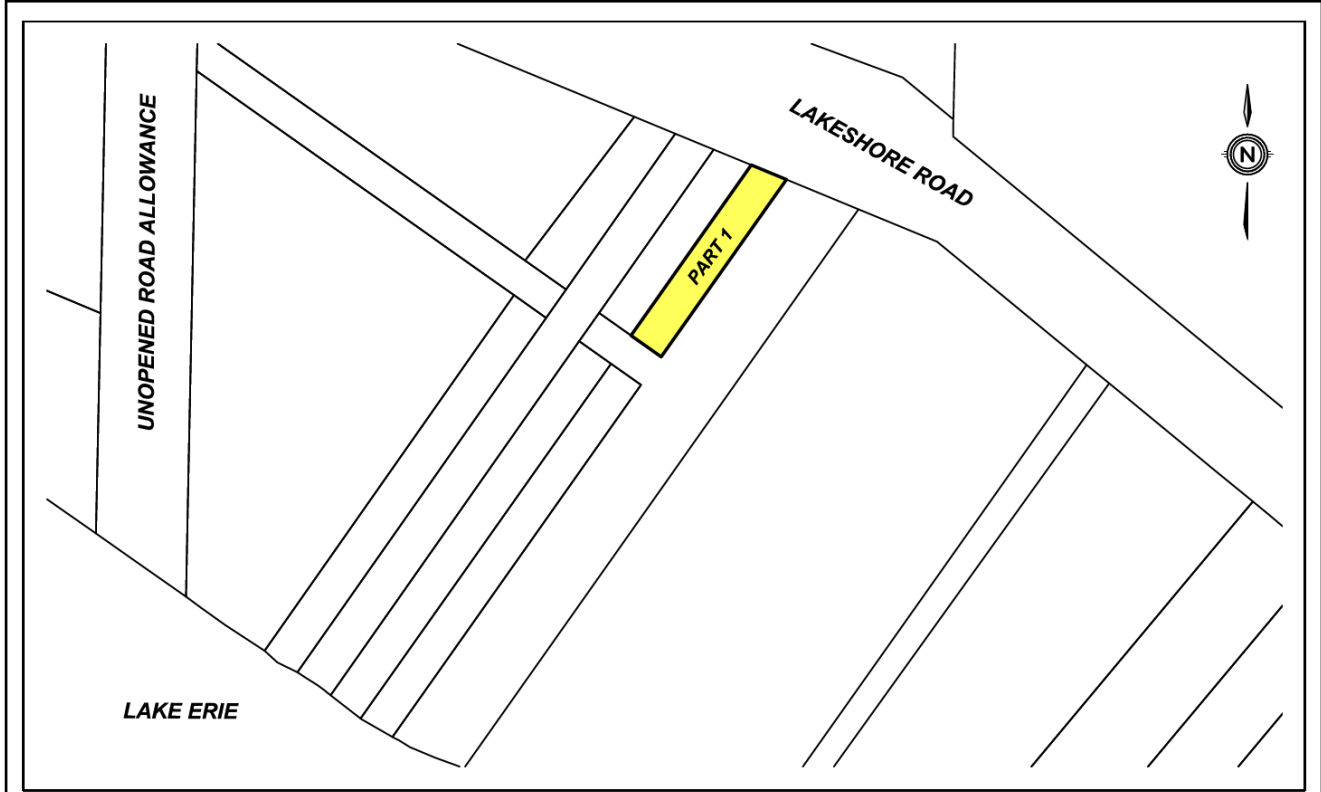
BY-LAW READ AND PASSED THIS XXTH DAY OF MONTH, YEAR.

B. Grant, MAYOR

A. Chrastina, CLERK

SCHEDULE "A" TO BY-LAW 0XX-2026

Zoning Map 3



LEGEND

 PART 1 - FROM RESIDENTIAL LAKESHORE (RLS.C15) TO SITE SPECIFIC RESIDENTIAL LAKESHORE (RLS-XX)

12381 LAKESHORE ROAD
SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No. ____

MAYOR: _____
 CLERK: _____



TOWNSHIP OF WAINFLEET

Purpose & Effect of By-law No. 0XX-2026:
 This by-law affects lands described as PT LT 23, CON 1 in the Township of Wainfleet. This by-law has been enacted to amend the current Zoning Residential Lakeshore (RLS.C15) to Site-Specific Residential Lakeshore (RLS-XX)

THIS IS SCHEDULE "A" TO BY-LAW NO. 0XX-YEAR.
 PASSED THIS XXTH DAY OF MONTH, YEAR.



File No. Z#/2026 (Name)

MAYOR

CLERK