

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:

Todd Barber on behalf of Merle and Stacie Beam
10165 Cedar Crest Road
Plan 30 Lot 5 and Part Lot 6, NP 757 RP 5

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


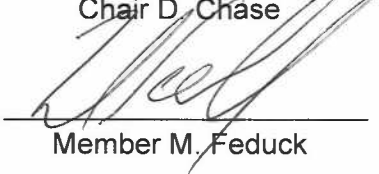
The subject property is located on the west side of Cedar Crest Road, south of Lakeshore Road. The subject property is zoned Residential Lakeshore – RLS.C10-21 with a Hazard Overlay.

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 building (detached garage) on the subject property:

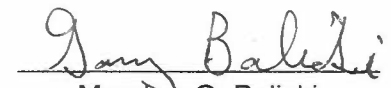
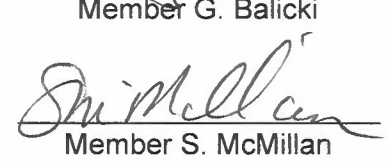
Section of Bylaw	By-law Requirement	Application Request
Section 4.21 Table 2 – Accessory Building Maximum Height	6.5 m	9.3 m

DECISION: **GRANTED** **REFUSED** **DEFERRED**

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: May 21, 2026

Date of Notice: May 22, 2026

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: June 9, 2026

PROCEDURE FOR APPEAL

The *Planning Act*, R.S.O. 1990, c. P. 13 Section 53, Subsection 19 states that “the applicant, the Minister, a specified person or any public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged by 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.

Take notice that an appeal to the Ontario Land Tribunal in respect to all or part of this Minor Variance application may be made by filing a notice of appeal with the Secretary-Treasurer either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service> by selecting Wainfleet as the Approval Authority or by mail [31940 Highway 3, P.O. Box 40, Wainfleet ON L0S 1V0], no later than 4:30 p.m. on **June 9, 2026**. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The Ontario Land Tribunal (OLT) appeal fee can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to dscott@wainfleet.ca.

SCHEDULE A – FILE A03/2026W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A03/2026W.

The following comments were received for this application:

Stakeholder	Comment Summary	Effect on Application
Niagara Peninsula Conservation Authority	<ul style="list-style-type: none"> No objection provided that the applicant amend the issued NPCA Works Permit to reflect the minor change to the site plan 	Condition of Approval
Niagara Region – Public Works Infrastructure Planning & Development Division	<ul style="list-style-type: none"> No objection provided that a condition regarding the implementation of the approved Arborist Report be included 	Condition of Approval
Township of Wainfleet Building Department	<ul style="list-style-type: none"> No objection If the application is approved, Building Staff will complete a final review of Permit Application 2025-138 	Supports Approval
Township of Wainfleet By-law Department	<ul style="list-style-type: none"> No concerns 	Supports Approval
Township of Wainfleet Drainage Department	<ul style="list-style-type: none"> The subject property is not assessed to a municipal drain and as such there are no concerns or further comments 	Supports Approval

There were written public comments received prior to the Committee hearing, but these comments were withdrawn prior to the hearing on the request of the writer.

The above decision was made for the following reasons:

- The application can be considered consistent with the intent of the Official Plan and the Zoning By-law.
- The Committee believes that proposed variance appears minor in nature given the location and of the subject lands, and the restrictions provided by the topography of the property.
- This decision has been rendered having regard to the provisions of Section 45 of the Planning Act.
- The Committee agreed with the assessments of the Planning Staff Report, that the proposed minor variance is considered reasonable and appropriate development of the lands.
- The Committee believes that the proposed garage is compatible with the neighbourhood.

The above decision is subject to the following conditions:

- That the Owner submit a written acknowledgement to the Township of Wainfleet stating that the Owner agrees to implement the approved Arborist Report, prepared by Arborwood Tree Services Inc. (dated February 27, 2026).
- That as a condition of the Township Building Permit, that the Owner provide verification from a qualified professional that the required re-plantings have been completed prior to final inspection and closure of the building permit.
- That the Owner obtain an amended NPCA Works Permit.