

File: A06/2026W

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:

Kim Hessels-Glenney on behalf of Mayr Farms Ltd.
Sider Road
Concession 3 Part Lot 36 Registered Plan 59R10022 Part of Part 1

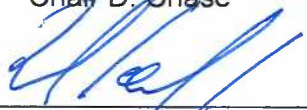
Description of the Land and Purpose and Effect of the Application:

The subject property is located on the west side of Sider Road, between Bell Road and Concession 2 Road. The subject property is zoned Agricultural – A2-1 with Environmental Protection, Environmental Conservation and Fish Habitat Overlays.

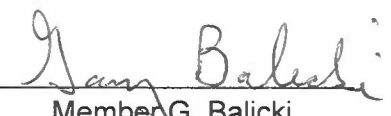
An application for a minor variance has been submitted to expand a legal non-conforming agricultural building. The applicant proposes to construct a new grain silo extending further towards a municipal drain and watercourse, resulting in a setback of 8.01 m to the municipal drain and watercourse containing fish habitat.

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

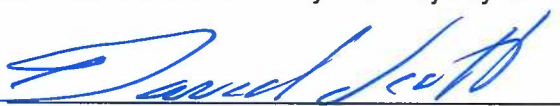

Member G. Balicki

Member S. McMillan

Date of Decision: July 15, 2026

Date of Notice: July 16, 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: August 4, 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 **August 4, 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 A06/2026W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A06/2026W.

The following comments were received for this application:

Stakeholder	Comment Summary	Effect on Application
Niagara Peninsula Conservation Authority	Support the proposed variance provided that the required erosion and sediment control measures are implemented	Supports Approval
Niagara Region – Public Works Infrastructure Planning & Development Division	No objection provided that any approvals include the recommended conditions of approval regarding implementation and monitoring of the Buffer Restoration Plan	Supports Approval Conditions of Approval
Township of Wainfleet Building Department	- No objections – the review of Building Permit Application 2026-21 will continue once a decision from the Committee is made - Fire Department access is to be maintained throughout the property	Supports Approval
Township of Wainfleet By-law Department	No concerns	Supports Approval
Township of Wainfleet Drainage Department	- The subject property is assessed to the CSW system with CSW Drain #1 being located on the subject property - No concerns with the proposed reduction in setback to a municipal drain as it matches current site conditions and the Township maintained the drain in 2025 and had no issues with access at that time.	Supports Approval
Township of Wainfleet Fire Department	Fire Department access to all buildings shall be maintained in accordance with Section 2.5 of the Ontario Fire Code and 3.2.5 of the Ontario Building Code	To be reviewed/ confirmed through the permit review process

There were no public comments received for this application.

The above decision was made for the following reasons:

1. The application can be considered consistent with the intent of the Official Plan and the Zoning By-law.
2. The proposed variance appears minor in nature given the location and size of the subject lands.
3. This decision has been rendered having regard to the provisions of Section 45 of the Planning Act.
4. It is the opinion of the Committee that the proposal represents a promising expansion of a local farm operation.
5. The Committee was satisfied that the annual monitoring of the restoration work will ensure that the goal of the restoration plan will be achieved.

The above decision is subject to the following conditions (which shall be completed prior to the issuance of a building permit):

1. That the Owner submit a Written Undertaking to the Township of Wainfleet stating that the Owner agrees to implement the approved Buffer Restoration Plan, prepared by Myler Ecological Consulting, dated June 16, 2026.
2. That the Owner submit a Written Undertaking to the Township of Wainfleet stating that following completion of the restoration works; the Owner shall undertake annual monitoring for a minimum period of two (2) years and submit annual monitoring reports to the satisfaction of the Township. The reports shall identify the status of plantings/restoration works and any remedial measures required to achieve the approved restoration objectives.