

File: A08/2026W

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:

Limberlost Design Studio Inc. on behalf of Stephen Bertrand
10804 Rathfon Road
Concession 1 Part Lot 8 RP 59R17690 Part 2

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

The subject property is located on the west side of Rathfon Road, north of Lakeshore Road. The subject property is zoned Rural – A4-2.

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 a single-detached dwelling with a secondary suite on the subject property:

Section of Bylaw	By-law Requirement	Application Request
Section 4.8 -- Basement or Cellar	No cellar or part of a cellar of any building shall be used as a whole dwelling unit	Secondary suite to be entirely located in cellar of dwelling
Section 4.20 e) – Secondary Suites	The secondary suite shall not exceed 40% of the gross floor area of the primary residential unit in the dwelling	Proposing a secondary suite of 46% of the gross floor area of the primary dwelling unit

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: September 16, 2026

Date of Notice: September 17, 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: October 6, 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 **October 6, 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 A08/2026W

This is Schedule A, appended to and forming part of the Notice of Decision for Application for Minor Variance A08/2026W.

The following comments were received and duly considered prior to the Committee's decision:

WRITTEN AGENCY COMMENTS: Township Drainage Department, Township Operations Department, Township Building Department, Township By-law Department and a Township Planning Staff Recommendation Report.

WRITTEN PUBLIC COMMENTS: No written public comments were received.

ORAL SUBMISSIONS: There were no oral submissions at the meeting.

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. The Committee believed that the proposal is appropriate development given the surrounding area; will enhance the property and will not create adverse impacts for the surrounding neighbourhood.

The above decision is subject to the following conditions:

1. That prior to the issuance of a Township Building Permit, that the camper trailer located on the subject property shall be removed to the satisfaction of the Planning Department.