

**FILE No. B08/2024WL**

**COMMITTEE OF ADJUSTMENT**

**In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13 and;  
In the matter of an application for consent on behalf of:**

**CARRIE-JO TEBRAKE**

Concession 5 Part Lot 9 30R3189 PARTS; 5, 6, & 7, in the former Township of Gainsborough, now in the Township of West Lincoln, Municipally known as 1985 Hodgkins Road

Type of Transaction for which application for consent is being made:

- Conveyance                       Mortgage or Charge                       Partial Discharge of Mortgage  
 Other \_\_\_\_\_

**Subject of the application:**

A Consent application has been applied for to permit a surplus farm dwelling severance for the lands located at 1985 Hodgkins Road. The land being severed with the dwelling is proposed to be 0.613 hectares (1.51 acres) shown as Parcel 1 and Parcel 2, being the remnant farmland will be approximately 21.1 hectares (52.14 acres) following the severance.

If approved, a condition will be required that the severed holding be zoned to Rural Residential and the remnant farmland be zoned to Agricultural Purposes Only (APO), restricting any future residential use or merging the lands onto an abutting property.

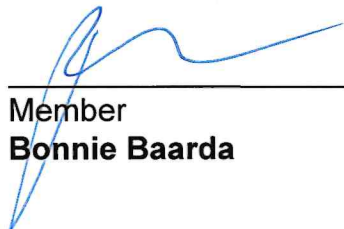
This application is hereby:

**DECISION:** Granted     GRANTED     DENIED

**The above decision is subject to the following conditions and reasons:**

**FOR CONDITIONS AND REASONS, REFER TO SCHEDULE 'A'  
ATTACHED TO AND FORMING PART OF THIS DECISION**

  
\_\_\_\_\_  
Chair  
**Peter Forsberg**


  
\_\_\_\_\_  
Member  
**Bonnie Baarda**

  
\_\_\_\_\_  
Member  
**Peggy Cook**

Date of Decision: September 25, 2024

Date of Mailing: September 26, 2024

I hereby certify this to be a true copy of the decision of the Committee of Adjustment for the Township of West Lincoln in the Regional Municipality of Niagara and this decision was concurred in by the majority of the members who heard the application.

  
\_\_\_\_\_  
Stephanie Pouliot  
Secretary-Treasurer

**Last day for filing an appeal of this decision to the Local Planning Appeal Tribunal is: Tuesday, October 15<sup>th</sup>, 2024.**

This is Schedule 'A' attached to and forming part of the decision on application for Consent File B08/2024WL – on behalf of

**Conditions:**

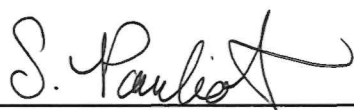
1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, remitting the cash-in-lieu of park land dedication fee, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
3. That upon conditional approval of the Consent Application, the agricultural portion (Parcel 2 –retained lands) of the property is rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes and (Parcel 1 –severed lands) be rezoned to Rural Residential (RuR) and any zoning deficiencies be addressed by a future Zoning By-law Amendment application.
4. That the applicant applies for and obtains a 911 house number (sign, post and installation) to the Township of West Lincoln, if required.
5. In accordance with Section 65 of the *Drainage Act*, R.S.O. 1990, c. D.17 will be required to reapportion the assessment schedule for the newly created lot. The proponent will be responsible for the cost associated with this work.
6. That the accessory building shown on the survey sketch provided as "Barn" located in front of the dwelling, be demolished to the satisfaction of the Township's Planning and Building Department.
7. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
8. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
9. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
10. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

**Reasons:**

1. The Committee is satisfied that the application would conform to the general intent and purpose of the Provincial Policy Statement (2020), and for the consent policies of the Niagara Official Plan (2022).
2. That the application meets the general purpose and intent of the Township Official Plan policies.
3. This decision is rendered having regard to the provisions of Section 51(24) and 51(25) of the Planning Act, R.S.O 1990, as amended.

Date of Decision: September 25, 2024

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Stephanie Pouliot  
Secretary-Treasurer

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**PROCEDURE FOR APPEAL**

The Planning Act, R.S.O. 1990, Section 53, Subsection 19, as amended states: - “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. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (6); 2017, c. 23, Sched. 5, ss. 80, 81; 2021, c. 4, Sched. 6, s. 80 (1); 2022, c. 21, Sched.

**Effect of Public Input:**

Public consultation on the proposal for Consent application B08/2024WL was provided for a 15-day public commenting period, between September 10, 2024 and September 24, 2024. A public meeting to receive input on the proposal was held on September 25, 2024. As a result of the public consultation, the Township received 0 comments in writing and 1 oral submissions at the public meeting. Written and oral comments received throughout the consultation process were considered as part of the decision making process as discussed in Planning Report COA-35-24 and the recorded minutes of the September 25, 2024 hearing date.