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PLANNING JUSTIFICATION REPORT

767 CONCESSION 2 ROAD
NIAGARA-ON-THE-LAKE

APPLICATION FOR MINOR BOUNDARY ADJUSTMENT & MINOR VARIANCE

PART OF TOWNSHIP LOT 37
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

March 24, 2025



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1.0 PROJECT DESCRIPTION

1.1 Introduction

Susan Wheler & Associates has been engaged by the owner of the subject property, Jo-Anne Brytwak, to gain the necessary planning approvals for an application for a minor boundary adjustment that would sever an existing farm dwelling located at 767 Concession 2 Road (Part 1) and amalgamate the agricultural lands (Part 2) with the abutting dwelling at 745 Concession 2 Road (Part 3). An application is also being sought for a Minor Variance to recognize a shortfall in the depth of the new lot that measures 58.406 m whereas the Town's Zoning By-law requires a minimum depth of 60.96m.

The property is located within the agricultural area of the Town of Niagara-on-the-Lake and is designated 'Agricultural' in the Town's current Official Plan, as amended to July 17, 2017 and is zoned 'Rural (A)' according to the Town's Comprehensive Zoning By-law 4316-09. The Council approved Official Plan, dated August 15, 2019, designates the property as 'Specialty Crop Lands'. The area in which the property is located is designated as 'Specialty Crop Area' in the Niagara Region Official Plan.

The owner of the subject lands resides at 745 Concession 2 Road. Her principal residence is co-owned with her daughter. The two properties 745 and 767 Concession 2 Road consist of a total area of 109, 275 sm (27 acres), including the agricultural lands. Both properties contain a single-family dwelling.

Provincial, Regional and Municipal planning policy stipulate that lot creation within Prime Agricultural Areas may only be permitted for farm dwellings made surplus by farm consolidation or lot adjustments for legal or technical reasons provided that no new lot is created.

The proposed minor boundary adjustment would sever the existing dwelling at 767 Concession 2 Road and amalgamate the agricultural lands with the abutting Rural Residential dwelling at 745 Concession 2 Road. The proposed boundary adjustment is consistent with Provincial and Regional policy and the Town's Official Plan and Zoning By-law as there will be no impact on the agricultural lands.

1.2 Pre consultation Meeting

A Pre consultation meeting was held on December 5, 2024. Comments regarding the proposed application were provided by the Town's Planning, Operations and Fire Departments, the Town's Zoning Clerk, Niagara Regional Planning staff, and the Niagara Peninsula Conservation Authority.

The Pre consultation agreement outlines the Plans, Reports and other documents required to be submitted to the municipality for a Complete Application. The following documents have been prepared in support of the applications for planning approvals and to provide background information for the decision-making process, including the following:

- Planning Justification Report, prepared by Susan Wheler & Associates
- Consent Sketch, prepared by Richard Larocque Limited, Ontario Land Surveyors & Consultants
- Consent Application
- Minor Variance Application
- Property Index Map & Parcel Register, Service Ontario

The required documents are appended to the application package together with this Pre consultation Agreement.

1.3 Site Description and Surrounding Land Use

The subject property is located on the east side Concession 2 Road, north of Line 7 Road, in the heart of the Niagara-on-the-Lake agricultural area. The site, including Parts 1 and 2 as shown on the Survey sketch, consists of a total of 107,533.1 sm (10.75 ha / 26.6 acres) in area with an existing frontage on Concession 2 Road of 165.305 m and a depth of 442.935 m. The property contains an existing single-family dwelling and an accessory building used as a garage and for storage. The agricultural lands to the east of the residence are planted in fruit trees.

The lands surrounding the site consist entirely of agricultural lands to the north, south, east and west. There are no livestock operations or anaerobic digesters located in proximity to the site. The Minimum Distance Separation Formula 1 therefore does not apply.

Figure 1 – Location Map

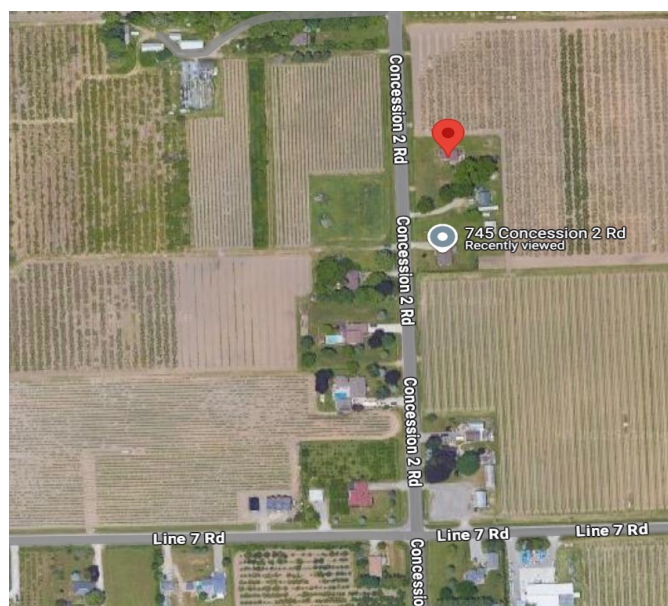


Figure 2 – Subject Property



Figure 3 – 742 and 801 Concession 2 Road



2.0 DEVELOPMENT PROPOSAL

2.1 Development Proposal

The owner of the property resides at 745 Concession 2 Road immediately south of the subject property. It is proposed to sever Part 1, as shown on the survey sketch, known municipally as 767 Concession 2 Road to facilitate a minor boundary adjustment that would amalgamate the rear agricultural lands (Part 2) with the owner's existing property at 745 Concession 2 Road (Part 3). The resulting change in boundaries transfers the agricultural lands from 767 Concession 2 Road to 745 Concession 2 Road but does not create a new lot. The boundaries of Part 1 would consist of an area of 4046.9 sm (1.0 acres) with a frontage on Concession 2 Road of 69.3 m and a depth of 58.406 m. A Minor Variance is required to recognize the shortfall in the depth of the property. The boundaries of Part 1 were created to include the existing house and accessory building providing the required setbacks to property boundaries for both structures as well as the septic tank located on the north side of the lot. The reduced depth of Part 1 reflects the setback required to provide an adequate turning radius (10 ft) for farm equipment to maintain the adjoining agricultural lands.

The lot currently consists of an existing single-family dwelling and an accessory building. A new raised septic bed was installed in 2015. The dwelling has been in the family for generations and has been inhabited continuously as a residence since its construction. It is not and never has been utilized as a farm help house.

No trees or vegetation are to be removed, and no agricultural land will be taken out of production as a result of the proposed boundary adjustment. It is therefore not anticipated that there will be any environmental impacts resulting from the severance.

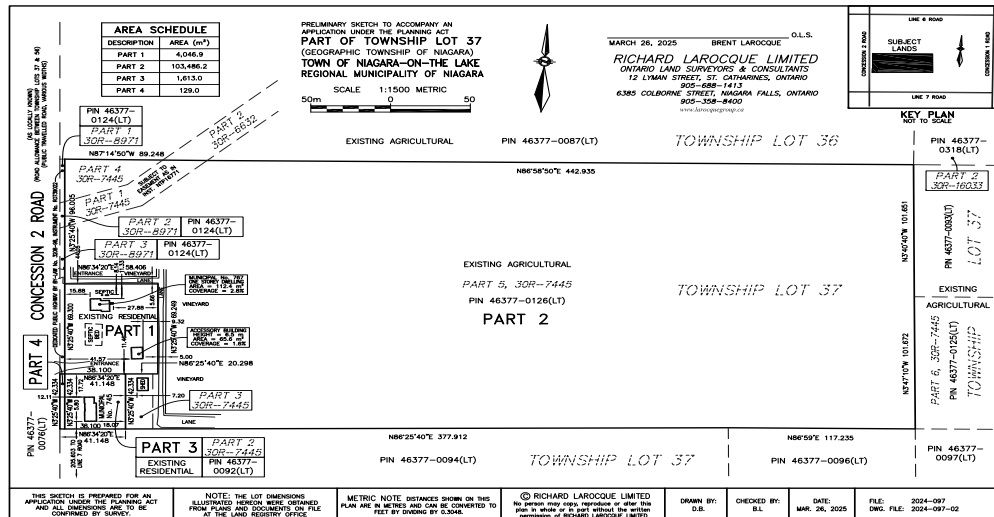
The existing single-family dwelling at 767 Concession 2 Road was constructed in the 1700's. Some of the original structure remains although there have been additions and alterations since that date. The dwelling predates the Greenbelt Plan that came into effect on December 16, 2004.

The agricultural lands shown as Part 2 on the survey sketch make up the balance of the property, consisting of 103,486.2 sm (25.6 acres/10.34 ha) that will be amalgamated with the owner's rural residential property abutting and immediately south of the property. An existing driveway located immediately north of the proposed property boundary for 767 Concession 2 Road services the agricultural lands and will continue to do so once the agricultural lands are amalgamated with Part 3.

No impacts will accrue to the existing agricultural operation as a result of the proposed minor boundary adjustment and there will be no loss of agricultural lands under production.

No amendment is required to the Zoning By-law to Agricultural Purposes Only, however, it is acknowledged that the current zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance. The existing zoning also ensures that the remnant parcel will continue to be used for agricultural purposes.

Figure 4 – Consent Sketch



2.2 Archeology

The lands are located in an area of archeological potential according to Schedule 'H' of the Niagara Official Plan. As no new buildings or structures are proposed on the newly created parcel (Part 1), no archeological assessment will be required. The agricultural lands located at 767 Concession 2 Road are to be amalgamated with the abutting property at 745 Concession 2 Road and will continue to be cultivated as they have been in the past by the current owner or leasee.

2.3 Site Servicing

Properties fronting onto Concession 2 Road are serviced by a municipal water supply. Both 767 and 745 Concession 2 Road are connected to the municipal water supply. The existing single-family dwelling to be severed is currently served by an existing septic bed installed in 2015. The septic bed will be inspected by the Regional Municipality of Niagara during the review process to ensure that it conforms to the Region's guidelines regarding size and setbacks to property lines and driveways.

A NPCA-regulated watercourse traverses the southwestern lot lines of the proposed lot before connecting with an agricultural pond at 1284 Line 7 Road. The watercourse is geographically distant from the NPCA-regulated feature and as a result the NPCA has no objections to the application for minor boundary adjustment.

3.0 POLICY FRAMEWORK

Provincial & Regional Policy

3.1 The Planning Act, R.S.O. 1990

Section 53(12) of the Planning Act states that Council, in determining whether a provisional consent is to be given, shall have regard to the matters under Section 51(24) and that conditions of consent may be imposed as set out in Sections 51(25), 51(26) and 51.1.

Section 2 of the Planning Act is the core provincial legislative document that sets out general policies for land use planning processes that reflect the Provincial interest. The Act identifies matters of Provincial interest that municipal decision-making bodies shall have regard to in carrying out their responsibilities under the Planning Act. The Planning Act requires that decisions of Council shall be consistent with Provincial policy statements and shall conform to Provincial plans that are in effect. By-laws passed by Municipal Council shall conform to Official Plans that are in effect.

Section 2 (b) of the Planning Act states that the council of a municipality in carrying out their responsibilities, shall have regard to matters of Provincial interest, including: "the protection of agricultural resources of the Province."

The following outlines the policies of Provincial Interest that are relevant to the planning approvals for the proposed Consent application resulting from a Minor Boundary Adjustment and demonstrates how the proposal is in conformity with the Provincial interest.

Policy	Criteria	Justification
51(24)		
a)	The effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2.	The proposed consent as a result of a minor boundary adjustment is consistent with provincial policy and the consolidation of farmland satisfies the requirement for "the protection of agricultural resources."
b)	Whether the proposed subdivision is premature or in the public interest.	The existing dwelling on the severed lot and the abutting property are serviced by a municipal water supply. Both parcels have functioning septic beds that conform to Regional policy.
c)	Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any.	The proposed severance resulting from a minor boundary adjustment and the subsequent consolidation of the agricultural

		lands is consistent with the Regional and Municipal Official Plans.
d)	The suitability of the land for the purposes for which it is to be subdivided.	The lot to be severed contains an existing single-family dwelling and accessory building that will remain.
d.1)	If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing.	No new construction of buildings or structures is proposed
e)	The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highways system in the vicinity and the adequacy of them.	No new highways/roadways are proposed.
f)	The dimensions and shape of the proposed lots.	The proposed lot size at 1.0 acres is adequate to accommodate the existing buildings and structures with the required setbacks together with the existing septic bed.
g)	The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land.	A rezoning is not required by the Town to APO, however, construction of new residential dwellings on the agricultural lands is prohibited in perpetuity.
h)	Conservation of natural resources and flood control.	A NPCA-regulated watercourse traverses the southwestern lot lines. The severed lot lines are distant from NPCA regulated feature to the south and do not fragment the watercourse feature. Therefore, the NPCA has no objections to the consent.
i)	The adequacy of utilities and municipal services.	The existing dwelling on the property is serviced by a municipal water supply on Concession 2 Road. The septic bed on the property was installed in 2015.

j)	The adequacy of school sites.	It is not anticipated that the lot severance containing an existing single-family dwelling will have any impact on school enrollment in the agricultural area.
k)	The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.	No conveyance of land is required for public purposes.
l)	The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.	The proposed consent will not impact the supply or use of energy as the dwelling is existing and the agricultural lands will continue to be cultivated by the owners.
m)	The interrelationship between the design of the proposed plan of subdivision and the site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.	No site plan is required.

Section 51(25) of the Act permits the approval authority may impose such conditions to the approval of the plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision. Further, under Section 51(25) of the Act, a municipality or approval authority, or both, may enter into and enforce agreements imposed as a condition to the approval of the plan of subdivision and the agreements may be registered against the land to which it applies.

The dedication of land to be conveyed to the municipality for parks purposes or alternatively the payment of cash in lieu of such conveyance does not apply to this application.

Section 45 (1) of the Planning Act authorizes the committee of adjustment to permit a minor variance from the provisions of any by-law in respect to land, building or structure or the use thereof as is considered desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

The proposed minor variance recognizes a shortfall of 2.554 meters in the depth of the Part 1 where the by-law requires a minimum depth of 60.96 m, and the proposed depth is 58.406 m. The variance is minor in nature and is consistent with the intent Official Plan policy and Zoning By-law 4316-09. Further, the shortfall in depth protects the ability of the farmer to maintain the agricultural lands.

The proposed consent and minor variance conform to the Planning Act.

3.2 Provincial Policy Statement 2024

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. It is recognized that the agricultural sector makes a significant contribution to the economic prosperity and overall identity of the province.

Chapter 4: Wise Use and Management of Resources, of the PPS provides policies relevant to Agriculture and Lot Creation.

The subject property is located in the Prime Agricultural Area and is designated a Specialty Crop Area according to the PPS. Lands within Prime Agricultural Areas are required to be designated and protected for long-term agricultural use with the highest priority given to Specialty Crop Areas.

Policy 4.3.2.2 states: In Prime Agricultural Areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected.

4.3.3 Lot Creation and Lot Adjustments

4.3.3.1 Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:
 - 1. the new lot will be limited in size needed to accommodate the use and appropriate sewage and water services: and
 - 2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance.

4.3.3.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons as defined in the PPS.

According to the PPS, legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

The proposed minor boundary adjustment would sever the existing dwelling and accessory building located at 767 Concession 2 Road and amalgamate the agricultural lands with the abutting rural residential property at 745 Concession 2 Road. The lot created by the boundary adjustment has an area of 1.0 acres and contains a septic bed installed in 2015. The depth of the new lot is 58.406 m where the Town's Zoning By-law 500A-74 requires a minimum of 60.96 m. A minor variance is therefore required to recognize the shortfall in lot depth.

The lot size and configuration has been established to recognize the existing lot lines of the abutting property to the south and to allow for an approximately 10 ft setback between the north and east lot lines to allow for an adequate radius for farm vehicles to maintain the agricultural lands.

The principal residence of the owner of both properties is 745 Concession 2 Road.

A municipal water supply is provided along Concession 2 Road. Additional residential units are prohibited in perpetuity on the agricultural lands shown as Part 2 on the survey sketch in accordance with Town policy.

The consent and minor variance conform to the Provincial Policy Statement.

3.3 Greenbelt Plan 2017

Policy 1.1.1 of the Greenbelt Plan sets out policies to ensure Agricultural viability and Protection (1.2.2.1).

- a) Protection of the specialty crop area land base while allowing agriculture-supportive infrastructure and value-added uses necessary for sustainable agricultural uses and activities;
- b) Support for the unique nature of specialty crop areas as our vital fruit and vegetable growing regions, which include:
 - i. The Niagara Peninsula specialty crop area, a destination for and centre of agriculture focused on the agri-food sector and agritourism related to grape and tender fruit production; and
 - ii. The Holland Marsh specialty crop area, a centre of agriculture focused on the agri-food sector related to vegetable production;

- c) Protection of prime agricultural areas by preventing further fragmentation and loss of the agricultural land base caused by lot creation and the redesignation of prime agricultural areas;
- d) Provision of the appropriate flexibility to allow for agricultural, agriculture-related and on-farm diversified uses, normal farm practices and an evolving agricultural and rural economy;
- e) Increasing certainty for the agricultural sector to foster long-term investment in the agri-food network and improvement to and management of the agricultural land base; and Introduction Greenbelt Plan (2017)
- f) Enhancing the strengths of the Agricultural System, including through consideration for the impacts of development on agriculture and planning for local food and near-urban agriculture.

Policies outlined in [Section 4.6](#) of the Greenbelt Plan provide direction for lot creation in the Protected Countryside.

- 1) Lot creation is discouraged and may only be permitted for:
 - e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in Prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:

- i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and
- ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.

In accordance with the definitions contained in the Greenbelt Plan, the residence located on the lands subject to consent, existed prior to the Greenbelt Plan coming into force and effect on December 16, 2004.

A minor boundary adjustment as permitted according to the policies of the Greenbelt plan is sought to sever the existing dwelling at 767 Concession 2 Road and amalgamate the farmland with the abutting rural residential property to the south. The owner of both properties resides at 745 Concession 2 Road on the

recipient parcel (Part 3). No agricultural lands will be removed from agricultural production as a result of the boundary adjustment. And there is no fragmentation of key natural heritage features or key hydrological features.

The lot created at 767 Concession 2 Road is 1.0 acres in area to accommodate the existing septic system. No new residential dwellings will be constructed on the agricultural lands (Part 2) consistent with Town policy and no rezoning to Agricultural Purposes Only is required.

3.4 Niagara Official Plan 2022

The Niagara Official Plan (NOP) builds on provincial policy to provide a long-range, community planning document used to guide the physical, economic and social development of Niagara.

The NOP contains objectives to manage growth, grow the economy, and to protect the natural environment, resources and agricultural land, and provide infrastructure.

The agricultural land base is comprised of prime agricultural areas, including specialty crop areas, and rural lands.

It is the stated goal of the NOP that the agricultural land base will be protected for the provision of healthy, local food for present and future generations. Farming will be productive, diverse, and sustainable.

Policy 4.1.5 addresses Lot Creation in Specialty Crop Area

In the specialty crop areas, consents to convey may be permitted only in accordance with the following provisions and the general consent provisions in Policy 4.1.4.2, that states:

- a) The size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system,
- b) Any new lot has an adequate water supply,
- c) Any new lot has adequate frontage on an existing publicly maintained road.
- d) Where possible, joint use should be made of the existing road access to the farm operation,
- e) Road access to any new lot does not create a traffic hazard,
- f) Proposed lots shall be located and configured to minimize impacts on surrounding farm operations.

4.1.5 Lot Creation in Specialty Crop Areas

Policy 4.1.5.1 (f) states that the creation of a new lot may be permitted if the consent is for legal or technical reasons as determined by Local Area Municipalities,

provided they do not create a separate lot for a residential dwelling, there is no increased fragmentation of a key natural heritage feature or key hydrologic feature, and complies with other policies in this Plan.

Policy 4.1.5.2 requires that the proposed lot contains a habitable residence that existed as of December 16, 2004 that is rendered surplus as a result of farm consolidation; the area of any new lot shall be 0.4 hectares, except to the extent that additional area is required to support on-site water and/or sewage disposal systems; the retained lots shall be merged with the abutting parcel or zoned to preclude its use for residential purposes.

The area of the proposed lot to be created as a result of a minor boundary adjustment is 1.0 acres in area and has been sized to accommodate the existing buildings and structures on the property together with the existing septic bed and the associated setbacks required according to the Zoning By-law. The property is fronts onto Concession 2 Road, a public and municipally maintained road and is served by a municipal water supply. An existing access driveway is located on Part 2, north of Part 1, and will continue to service the agricultural lands. The new lot has been sized to allow for approximately 10 ft on the east and north boundaries to accommodate farm maintenance vehicles. The existing dwelling predates the Greenbelt Plan of December 16, 2004.

Municipal Planning Policy & Comprehensive Zoning By-law

3.5 Niagara-on-the-Lake Official Plan, July 17, 2017

The majority of land in the Town of Niagara-on-the-Lake is in agricultural production producing a diverse range of agricultural crops and products. The policies of Official Plan are intended to preserve the agricultural land base, particularly prime agricultural land. Uses permitted on the agriculturally designated are therefore limited to land use related to the agricultural industry.

The goals and objectives of the OP are intended to ensure the preservation of prime agricultural lands with emphasis on specialty crop lands and good tender fruit/grape lands. The plan permits some flexibility in farm size to ensure the farm remains economically viable. A limited amount of farm-related development is permitted by way of retirement lots and small scale agriculturally related commercial and industrial developments.

Policy 7.4.4 – Consents

According to Section 7.4.4 a) of the Official Plan, Consents are permissible if the parcel to be severed and the parcel to be retained are both for agricultural use and each parcel is large enough to support a potentially viable farm operation and of a size that is appropriate and common in the area.

b) Consents are permitted for minor boundary adjustments or easements provided that:

(i) the boundary adjustment is minor, or

(ii) the land for which the consent is requested is to be added to adjoining lands where there is an existing farm operation;

The proposed minor boundary adjustment would sever the existing farm dwelling located at 767 Concession 2 Road from the agricultural lands to the rear that will be subsequently amalgamated with the rural residential dwelling at 745 Concession 2 Road.

(iii) the parcel to be retained is large enough to support a potentially viable farm operation;

The retained parcel will continue to be farmed for agricultural purposes. No farmland will be removed from agricultural operations as a result of the boundary adjustment.

The area of the retained parcel is 10.35 ha and is deemed large enough to continue to support a viable farming operation.

(iv) the consent must comply with other policies of the Plan, and

(v) the consent must not create a separate lot for a residential dwelling.

The existing Zoning prohibits any new residential use on the retained parcel of farmland. No rezoning is required.

The area of the new lot shown as Part 1 on the survey sketch is 1 acre or 0.4 ha. The boundaries have been created to accommodate the existing buildings and structures and septic bed with the associated setbacks as set out in the Zoning By-law.

The agricultural lands to the rear will be amalgamated with the owner's rural residential property immediately abutting the subject property to the south. No impacts are anticipated on either farm operations as a result of the consolidation.

4.5.3 General Consent Policy

The General Consent Policies are outlined in the OP require that consents for severance where the site already contains a building should only be permitted where there is an existing sanitary disposal system, water supply and drainage adequate to accommodate the new lot lines created and that the subject lands front onto an existing public road maintained year-round. Finally, that the proposed new lot lines reflect the existing lot pattern in the surrounding area.

The proposed consent is consistent with the General Consent Policies of the Official Plan.

3.6 Comprehensive Zoning By-law 4316-09

The subject lands are zoned Rural (A) in the Town's Zoning By-law 500A-74. Rural uses within the Rural (A) Zone include a farm and associated accessory buildings. Residential uses within the Rural (A) Zone include a single-family dwelling.

The lot depth of proposed lot (Part 1) resulting of a minor boundary adjustment is 58.406 m where the zoning by-law requires a minimum lot depth of 60.96 m. A Minor Variance will therefore be required to recognize the shortfall in depth. No Zoning By-law amendment is required for the agricultural lands contained on the remnant parcel as the existing zoning prevents the creation of a residential lot on the agricultural lands in perpetuity

Section 45 (1) of the Planning Act states that: The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

The proposed variance would recognize a shortfall of 2.554 meters in the depth of the Part 1 where the by-law requires a minimum depth of 60.96 m and the proposed depth is 58.406 m. The variance for the reduced depth is minor in nature and necessary to allow for a turning radius of approximately 10 ft for farm vehicles to maintain the crops on the agricultural lands on the north and east side of the property. The variance is consistent with Provincial, Regional and Town Official Plan policy that seeks to preserve agricultural land for agricultural purposes, particularly prime agricultural lands and specialty crop areas. The shortfall of 2.554 m represents a minor deviation from the zoning provisions as outlined in Schedule 'F' of the Zoning By-law 500A-74 that requires a depth of 60.96 m. The lot resulting from the minor variance conforms to the provisions in Schedule 'F' in all other respects and the minimum area of the subject property is 1.0 acres/0.4 ha as required.

3.7 Conclusion

The proposed severance resulting from a minor boundary adjustment is consistent with the requirements of the Planning Act with regard to lot creations and conforms to the Provincial Policy Statement, the Greenbelt Plan, the Niagara Official Plan and the Town of Niagara-on-the-Lake Official Plan and Zoning By-law 500A-74.

The proposal supports the preservation of the agricultural land base and maintains the agricultural lands in active production.

Both the single-family dwelling located at 745 and 767 Concession 2 Road were constructed prior to the Greenbelt Plan coming into effect on December 16, 2004. The dwelling on Part 1 is habitable and has been occupied consistently since its construction. The dwelling has never been a farm help house.

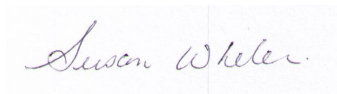
The Minor Variance required to recognize a lot depth of 58.406 m where 60.96 m conforms to 4-way test as outlined in Section 45.1 of the Planning Act.

There are no livestock operations or anaerobic facilities within the surrounding area.

The proposed consent conforms to the Rural (A) provisions of the Town's Zoning By-law 500A-74.

We respectfully request approval of the proposed consent and minor variance applications.

Prepared by,



Susan Wheler, RPP
Owner & Principal,
Susan Wheler & Associates