

July 7, 2025

Natalie Thomson
Secretary-Treasurer,
Committee of Adjustment
Town of Niagara-on-the-Lake
VIA EMAIL

RE: 14795 Niagara River Parkway – Consent Application

Please accept this letter as supporting documentation for the Consent Application enclosed with our submission.

1. APPLICATION

The Consent Application is for a boundary adjustment as shown on the attached **Consent Sketch**. The proposed boundary adjustment would sever 2247.88 m² of land (Part 2) from 14795 Niagara River Parkway (“Subject Lands”) and merge it with the abutting property to the south, 14785 Niagara River Parkway.

The Subject Lands are currently 12,123.92 m² in total area. As proposed the retained lands (Part 1) will be 9876.04 m² in size and have 65.27 m of frontage. The lot depth will change slightly due to the curvature of the Niagara River at the rear lot line.

Pre-consultation for this application was held on February 20, 2025. The following was identified as required for a complete application submission:

- Letter demonstrating compliance with consent policies under Section 21.2 of the Niagara-on-the-Lake Official Plan, as well as review of Provincial and Regional policies relevant to the application.
- A Consent Sketch illustrating the proposed boundary adjustment with contextual information shown to confirm the retained lot will comply with Rural Residential (RR) Zone requirements.
- A Property Index Map and Parcel Registers.

The Pre-consultation Agreement notes that additional information could be required as part of future approvals for development and site alteration impacting 14785 Niagara River Parkway.

Both 14795 and 14785 Niagara River Parkway are Part IV designated properties under the *Ontario Heritage Act*. Town Heritage Staff reviewed the proposed boundary

adjustment through the pre-consultation process and determined that a cultural heritage impact assessment was not required for the Consent Application for the proposed boundary adjustment. We also understand that a fire recently damaged the main building at 14795 Niagara River Parkway, the Glencairn Hall, in April 2025. The location of the Glencairn Hall, as shown on the **Consent Sketch**, is setback over 12 metres from the proposed lot line created by the boundary adjustment and the retained lands (Part 1) will comply with zoning requirements, as discussed in Section 3 of this letter.

We are aware that the legal description of the properties in their respective designation by-laws will need to be corrected to reflect the boundary adjustment. Town Planning Staff have indicated this can be addressed as part of an active Heritage Permit for 14785 Niagara River Parkway, which includes the condition that the designation by-law be updated. We understand that the legal descriptions for both designation by-laws can be addressed as part of that process.

This letter addresses requirements and comments related to the Consent Application for the proposed boundary adjustment.

2. SUBMISSION CONTENT

In addition to this Letter, as part of application submission, please find attached:

- One (1) copy of the completed Consent Application form; and
- One (1) copy of the Consent Sketch prepared by R-PE Surveying Ltd.
- One (1) copy of the Property Index Map and Parcel Registers.

3. ANALYSIS

This section of the letter assesses the proposed consent in the context of the applicable legislative and policy framework.

Planning Act, Provincial Planning Statement, and Greenbelt Plan

The proposed consent has regard for the matters of provincial interest in accordance with Section 2 of the *Planning Act*. Section 3(5) of the *Planning Act* requires that decisions made that affects a planning must be consistent with policy statements issued under Section 3(1) and conform to provincial plans in effect or no conflict with them.

The proposed consent is consistent with the Provincial Planning Statement, 2024 (“PPS”) and Greenbelt Plan, 2017 (“Greenbelt Plan”).

The Subject Lands are located within a Specialty Crop Area identified by the Greenbelt Plan. Section 4.3.3.2 of the PPS provides that lot adjustments in Prime Agricultural Areas,

including Specialty Crop Areas, may be permitted for legal or technical reasons, with the latter defined as:

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 consent facilitates a minor boundary adjustment to sever a strip of land from 14795 Niagara River Parkway (“Subject Lands”) that will be merged with the abutting property to the south, 14785 Niagara River Parkway.

The severed lands, Part 2 on the **Consent Sketch**, are 4.96 metres in width at the front lot line, 18.68 metres wide at rear lot line, and have a lot depth over 120 metres. The boundary adjustment would transfer 18.5% of the Subject Lands to the abutting property to the south and will result in 14795 and 14785 Niagara River Parkway each being slightly under 1 hectare in size.

Section 4.6.1 e) of the Greenbelt Plan permits 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 proposed consent is for minor boundary adjustment that will not create a separate lot of a residential dwelling. The existing lot line between 14795 and 14785 Niagara River Parkway fragments a significant woodland. The proposed change in the lot line between these properties will not increase the fragmentation of this key natural heritage feature.

Section 53(12) of the *Planning Act* provides that when determining whether to grant a provisional consent regard shall be given to matters under Section 51(24) for plan of subdivision approvals. The table below assesses the boundary adjustment against the matters provided in Section 51(24) and demonstrates that regard has been given to these matters.

Section 51(24) Assessment	
Criteria	Proposed Consent
a. <i>the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</i>	As previously noted, the proposed consent has regard to matters of provincial interest as referred to in Section 2 of the <i>Planning Act</i> .

Section 51(24) Assessment

Criteria	Proposed Consent
<i>b. whether the proposed subdivision is premature or in the public interest;</i>	The boundary adjustment will result in a slight decrease in the size of the Subject Lands and slight increase in the abutting property, an existing rural residential lot to the south (14785 Niagara River Parkway).
<i>c. whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The boundary adjustment conforms to the Niagara Official Plan and Town of Niagara-on-the-Lake Official Plan.
<i>d. the suitability of the land for the purposes for which it is to be subdivided;</i>	The lands are existing rural residential lots. The boundary adjustment maintains the existing use of the lands.
<i>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 highway system in the vicinity and the adequacy of them;</i>	The Subject Lands have frontage along Service Road 53 which provides access to the Niagara River Parkway, which is maintained by the Niagara Parks Commission. The topography is relatively flat.
<i>f. the dimensions and shapes of the proposed lots;</i>	The retained lands (Part 1) and severed lands (Part 2), as shown on the Consent Sketch , will be slightly pie shaped. The proposed consent will not result in a new lot as the severed lands are to be conveyed and merged with abutting lands to the south (14785 Niagara River Parkway). The proposed lot line between the retained lands (Part 1) and severed lands will be regular (i.e. straight).
<i>g. the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to</i>	No restrictions are proposed.

Section 51(24) Assessment	
Criteria	Proposed Consent
<i>be erected on it and the restrictions, if any, on adjoining land;</i>	
<i>h. conservation of natural resources and flood control;</i>	The boundary adjustment will not impact natural resources or flood control.
<i>i. the adequacy of utilities and municipal services;</i>	There are adequate utilities and municipal services for the Subject Lands. Private on-site septic systems will address sanitary sewage disposal for both the retained lands (Part 1) and the abutting lands to the south (14785 Niagara River Parkway) that will merge with the severed lands (Part 2).
<i>j. the adequacy of school sites;</i>	Not applicable.
<i>k. the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	Not applicable.
<i>l. the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</i>	The boundary adjustment will not impact the available supply, means of supplying, efficient use and conservation of energy.
<i>m. the interrelationship between the design of the proposed plan of subdivision and 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 or subsection 114 (2) of the City of Toronto Act, 2006.</i>	Not applicable.

Niagara Region Official Plan

Section 4.1.5.1 f) in the Niagara Official Plan allows for consents in the Specialty Crop Areas provided they are for legal or technical reasons, do not create a lot for a residential dwelling, and do not increase fragmentation of a key natural heritage feature or key hydrologic feature. The proposed consent is for minor boundary adjustment that does not create a new residential lot or increase fragmentation of a key natural heritage feature or key hydrologic feature.

Town of Niagara-on-the-Lake Official Plan

Section 21.2 of the Town's Official Plan identifies matters to be considered when a consent application is submitted. The following relevant policies apply:

21.2(3) The Town will recommend to the Land Division Committee that consents for severance where the site already contains a building, should only be permitted if existing sanitary sewage disposal, water supply and drainage are adequate and the new lot lines to be created do not render any aspect of such services unsatisfactory.

21.2(9) Proposed new lots lines shall take into account the existing pattern of surrounding lands. Wherever possible, the new lines shall avoid creating irregular boundaries for the parcel in question or that remaining. Where lands in the Agricultural designation are affected, every attempt shall be made to avoid creating a lot pattern which would make it difficult to farm.

21.2(10) Where a minor variance is required, it shall be made a condition of the consent.

21.2(11) Where a consent would have the effect of creating an additional access to a Provincial highway, a Regional road or a Niagara Parks Commission Road, or changing the location of an existing access to such a highway, then the approval to such addition or change by the Ministry of Transportation and Communication, the Region or the Niagara Parks Commission shall be made a condition of the consent, including such concerns as road widenings, service roads and permission for access.

The proposed boundary adjustment will not render existing sanitary sewage disposal, water supply, or drainage on the retained lands (Part 1) unsatisfactory. The **Consent Sketch** shows two possible tile bed locations associated with sanitary sewage disposal on the retained lands (Part 1). One is located behind the main building on the retained lands (Part 1). A second tile bed is shown on the retained lands (Part 1) close to the proposed lot line created by the boundary adjustment. Inspection of the private septic

systems on the Subject Lands will be undertaken at a future date to confirm their functioning and . The applicant has indicated this tile bed will be removed, if necessary.

The proposed new lot line takes into account the existing pattern of surrounding lands and does not create an irregular boundary for resulting lots known municipally as 14795 Niagara River Parkway and 14785 Niagara River Parkway.

Zoning compliance is addressed below and demonstrates that no non-compliance is created or increased by the consent. The proposed boundary adjustment also will not create an additional access or changing an existing access to a Provincial Highway, a Regional Road, or a Niagara Parks Commission Road.

Zoning By-law No. 500A-74

We have reviewed the relevant regulations in Zoning By-law No. 500A-74 and have determined the proposed consent does not result in non-compliance or increase any existing legal non-compliance (see **Table 1** below).

The retained lands (Part 1) comply with the minimum lot requirements provided in Schedule F for a Rural Residential (RR) Zone along the Niagara Parkway north of Dee Road. The interior side yard setback from the existing building on the retained lands (Part 1), reduced by the boundary adjustment, also complies with the minimum yard requirements provided in Schedule F. Other yards provided on the retained lands (Part 1) are not impacted by the proposed consent. Using the building footprint or coverage of the Glencairn Hall prior to the fire, the lot coverage will remain well below the maximum allowed.

Table 1 – Rural Residential (RR) Zone Regulations

Regulation	Requirement	Proposed
Minimum Lot Frontage	60.96 m	65.27 m
Minimum Lot Area	3716 m ²	9876 m ²
Minimum Lot Depth	60.96 m	Over 120 m
Maximum Lot Coverage	15 %	4.22%
Minimum Front Yard	15.24 m	Existing
Minimum Interior Side Yard	3.05 m	12.14 m
Minimum Rear Yard	15.24 m	Existing

We note the boundary adjustment will ensure the southern portion of the circular driveway loop on the retained lands (Part 1) will be setback 1.22 metres from the proposed interior side lot line. Section 3.19 (h) in the general provisions of Zoning By-law No. 500A-74 provides minimum setbacks from parking areas, not including driveways. Nonetheless

the driveway is setback more than the 1 metre minimum setback from an interior side lot line required for parking areas.

4. SUMMARY AND CONCLUSION

In our opinion, the proposed consent should be granted as it is consistent with the Provincial Planning Statement, 2024, conforms to the Greenbelt Plan, 2017, meets the requirements of Section 51(24) of the *Planning Act*, and complies with the evaluation criteria of the Niagara Official Plan and Town of Niagara-on-the-Lake Official Plan.

Please provide notice of all meetings and decisions regarding this proposed consent to the undersigned.

Sincerely,



Robert Fiedler, PhD
Intermediate Planner
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Aaron Butler, MCIP, RPP
President
NPG Planning Solutions Inc.