

November 3, 2025

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

RE: Stone Eagle Winery – Minor Variances Application

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

1. APPLICATION

The Minor Variance Application is to address minor changes arising from the construction of the Stone Eagle Winery located as 2080 Niagara Stone Road in the Town of Niagara-on-the-Lake (“Subject Lands”).

The Stone Eagle Winery is on a farm parcel approximately 16.2 hectares in size with extensive vineyards. Site-specific Zoning By-law 500YD-23 was approved by Town Council on April 25, 2023, to permit an Estate Winery on the Subject Lands and to provide site-specific permissions and regulations, including maximum floor areas for secondary uses within the winery.

Relief is being sought to address changes to the use of certain rooms or spaces within the winery on the ground floor, in the basement, and on the second floor. Areas with changes are outlined in blue on the attached **Floor Plans**. Changes are described in greater detail in Section 3.0 of this letter and summarized in tables to establish the area of secondary use floor area within the winery.

Pre-consultation for this application was held on October 28, 2025. The following was identified as required for a complete application submission:

- Planning Brief outlining the minor variances requested, changes to secondary uses and on-farm diversified uses, and compliance with parking requirements, as well as demonstrating how the minor variances requested comply with the requirements of the *Planning Act* (Section 45(1)).
- Site Plan.
- Floor Plans identifying the floor areas of secondary uses to illustrate the changes requiring zoning relief.

This letter addresses requirements and comments related to the zoning relief requested through the Minor Variance Application.

2. SUBMISSION CONTENT

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

- One (1) copy of the completed Minor Variance Application form.
- One (1) copy of the as-built Site Plan prepared by VFA Architecture and Design Inc.
- One (1) copy of the as-built Floor Plans with floor area measurements prepared by VFA Architecture and Design Inc.
- One (1) copy of the Floor Plans with floor area measurements attached to Staff Report CDS-23-088.
- One (1) copy of On-Farm Diversified Use floor area Calculations prepared by NPG Planning Solutions.

3. BACKGROUND and POLICY CONTEXT

The Subject Lands are subject to site-specific zoning permitting an Estate Winery that was approved by Town Council in April 2023. The site-specific Zoning By-law (No. 500YD-23) includes provisions to permit the following as secondary uses with maximum floor areas:

- retail sale of wine/tasting areas – 652 m²
- lobby – 226 m²
- outdoor hospitality area (covered terraces) – 420 m²
- pre-function room - 112 m²
- restaurant/function room – 330 m²
- kitchen and service stations – 262 m²
- dry food services – 160 m²
- offices (winery-related) – 262 m²

We have reviewed the **Floor Plans** for the as-built winery and identified minor changes impacting the floor areas of secondary uses within the winery as-constructed. These changes include both increases and decreases in the floor area of permitted secondary uses, as summarized in the tables below.

Table 1 - Secondary Use Floor Areas (Permitted vs Actual)

By-law No. 500YD-23 (permitted secondary uses)	Maximum Floor (m ²)	Actual Floor Area (m ²)	Increase/Decrease
a) Wine Tasting/Retail Sale of Wine	652	628.08	-23.92

By-law No. 500YD-23 (permitted secondary uses)	Maximum Floor (m ²)	Actual Floor Area (m ²)	Increase/Decrease
b) Restaurant/Function Room	330	331.90	1.90
c) Pre-Function Room	112	161.90	49.90
d) Lobby	226	232.77	6.77
e) Outdoor Hospitality Area	420	420.71	0.71
f) Kitchen and Service Station	262	279.11	17.11
g) Dry Food Services	160	135.89	-24.11
h) Offices (Winery-Related)	262	222.26	-39.74
Total – All Secondary Uses	2424	2412.62	-11.38

Table 2 - Explanation of Secondary Use Floor Area Changes

For the Table below, please refer to the as built drawings for the references to the room numbers.

By-law No. 500YD-23 (permitted secondary uses)	Change in Floor Area (m ²)	Explanation
a) Wine Tasting/Retail Sale of Wine	-23.92	Decrease is mainly attributable to adjustments to the main wine tasting area on the ground floor (RMs 128 and 137).
b) Restaurant/Function Room	1.90	Minor difference in dimensions or measurement of Restaurant/Function Room (RM 105).
c) Pre-Function Room	49.90	Increase is due to a Bridal Suite (RM 214) being included on the second floor of the winery where a staff room and storage room were previously shown on the floor plans. The Bridal Suite has been classified as Pre-Function Room because it supports the Restaurant/Function Room which is broadly similar in intent to the Pre-Function Room (RM 104) on the ground floor, which has decreased in floor area slightly.
d) Lobby	6.77	Minor difference in dimensions of the Lobby (RM 102).
e) Outdoor Hospitality Area	0.71	Minor difference in dimensions or measurement of Outdoor Hospitality Area (RMs 150 and 154).

By-law No. 500YD-23 (permitted secondary uses)	Change in Floor Area (m ²)	Explanation
f) Kitchen and Service Station	17.11	Main Kitchen (RM 106) on the ground floor has decreased in size, while service stations (for washing glasses and chilling wine) have been added adjacent to private wine tasting rooms in the barrel storage room (RM B14a) in the basement and production area in the rear part of the winery's ground floor (RM 114). A portion of the Dry Food Services (RM 126) shown on Floor Plans prepared for the Zoning By-law Amendment Application have become a Servery (RM 127) which is appropriately classified as Kitchen and Service Station.
g) Dry Food Services	-24.11	Decrease is attributable to a portion of Dry Food Services (RM 126) shown on the Floor Plans prepared for the Zoning By-law Amendment Application subsequently becoming a Servery (RM 127).
h) Offices (Winery-Related)	-39.74	Decrease is attributable to minor differences in dimensions and measurements to Offices on the Second Floor (RMs 205-210). Some spaces identified as Offices (RM 117a) at the zoning approval stage were determined to no longer be secondary uses.

As part of the preparation of the Zoning By-law Amendment Application to permit the Stone Eagle Winery on the Subject Lands, as well as through the review and approval process, the Estate Winery was subject to a comprehensive planning analysis to demonstrate it complied with Sections 2 and 3(5) of the *Planning Act* and conformed to the Niagara Region and Niagara-on-the-Lake Official Plans. We have reviewed the minor variances and have determined they can be supported as consistent with the Provincial Planning Statement (PPS) and in conformity with the Greenbelt Plan and that the zoning relief required can be addressed by minor variances.

As the changes involve floor areas of secondary uses within the winery building, we reviewed the revised floor areas in relation to guidance provided in the Ministry of Agriculture, Food and Rural Affairs (now Agriculture, Food and Agribusiness or OMAFA)

Publication 851, Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Per the guidance in Publication 851, uses within the winery are split between what are agriculture-related and on-farm diversified uses, both of which are permitted in prime agricultural areas, including specialty crop areas, by the PPS, Greenbelt Plan, and Niagara Official Plan. Agriculture-related and on-farm diversified uses are defined by the PPS, with additional guidance on interpretation and classification provided by Publication 851. As on-farm diversified uses are to be "limited in area" our analysis focuses on them.

Publication 851 recommends that no more than 2% of a farm parcel should be occupied by on-farm diversified uses. This amounts to 3,240 m² for Stone Eagle Winery as it is situated on a 16.2 ha farm parcel. Publication 851 further recommends that no more than 20% of the permitted 2% overall area be floor area within buildings or 648 m² for Stone Eagle Winery.

Our analysis in support of the Zoning By-law Amendment to permit the Stone Eagle Winery concluded the floor area of on-farm diversified uses totaled 581 m² (see **Calculations**). Using the same approach, the floor area of on-farm diversified uses increases to 614 m² and remains under the guideline recommended in Publication 851 (see **Calculations**).

The replacement of agriculture-related uses on the second floor of the winery with a Bridal Suite that is 52 m² in size accounts for most of the increase in on-farm diversified use floor area. Other changes involving on-farm diversified uses relate to minor adjustments to dimensions totally less than 5 m² or relate to roughly equivalent shifts between types of secondary uses. The Lobby was not previously considered an on-farm diversified use, and we do not regard the new Service Stations adjacent to private tasting rooms in the basement or ground floor as on-farm diversified uses, as they have been added to wash glasses and chill wine only. The floor area of the main Kitchen, as well as Dry Food Services, both on the ground floor, have decreased.

Pre-consultation comments received asked this Brief address how parking need is impacted by the changes requiring zoning relief, and that the use of the landscaped areas adjacent to the Covered Terraces be clarified.

The landscaped areas adjacent to the Covered Terraces are intended to provide a transitional space between the winery building and the surrounding vineyards. These outdoor areas may be frequented by guests during the spring, summer, and fall as part of the overall winery experience. They are not hospitality areas.

The parking supply at the Stone Eagle Winery is 137 spaces, in accordance with the site-specific parking requirements provided in Zoning By-law No. 500YD-23. Given the

nature of the changes, increased parking need is not required. For example, the increase in secondary use floor area is largely attributable to the Bridal Suite located on the winery's second floor. This space will receive occasional use during weddings and is intended to be used by members of wedding parties as a dressing room. The Estate Winery is and has been for events such as weddings – the Bridal Suite supports the function space and does not attract additional patrons to the Estate Winery. 137 parking spaces are the required number of spaces in the site-specific Zoning By-law. Given that neither the number of employees, nor the amount of secondary use floor area is increasing beyond the maximum permitted, no parking relief is required.

The requested zoning relief is detailed below and is followed by an analysis of the proposed variances to demonstrate they meet the four tests provided in Section 45(1) of the *Planning Act*, including that the variances maintain the general intent and purpose of the Niagara-on-the-Lake Official Plan and Zoning By-law.

REQUIRED ZONING RELIEF

The following relief from Zoning By-law No. 500YD-23 is needed to recognize the changes to secondary uses recorded in **Floor Plans** for the Stone Eagle Winery as-built:

“Section 3. – Secondary Uses and maximum floor area in lieu of Section 3.33 d) in Zoning By-law No. 500A-74

- b) Increase Maximum Floor Area of Restaurant/Function Room **from 330 m² to 332 m²**
- c) Increase Maximum Floor Area of Pre-Function Room **from 112 m² to 162 m²**
- d) Increase Maximum Floor Area of Lobby **from 226 m² to 233 m²**
- e) Increase Maximum Floor Area of Outdoor Hospitality Area **from 420 m² to 421 m²**
- g) Increase Maximum Floor Area of Kitchen and Service Station **from 262 m² to 280 m²** “

PROPOSED VARIANCES AND ANALYSIS OF FOUR TESTS

Section 45(1) of the *Planning Act* provides 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. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

The following is an analysis of the Minor Variance Application in relation to the four tests of the *Planning Act*:

1) Do the requested variances meet the general intent and purpose of the Official Plan?

The Town of Niagara-on-the-Lake permits Estate Wineries on lands designated Agricultural. The Estate Winery policies permit hospitality uses and the retail sale of wine in addition to the agricultural use of grape growing and the agriculture related use of wine making from the vineyards. The winery building has been generally built to the approved site-specific Zoning By-law which is also a requirement of the Official Plan. As noted in Section 3, Zoning By-law 500YD-23 was approved by Council in April 2023 in accordance with the requirements of the Official Plan. The variances requested meet the general intent and purpose of Official Plan as the relief sought is to facilitate modest increases in floor area for certain individual secondary uses that are permitted under the site-specific zoning for the Stone Eagle Winery. The variances meet the general intent and purpose of the Official Plan related to the permitted uses and the policies for Estate Wineries.

2) Do the requested variances meet the general intent and purpose of the Zoning By-law?

The Stone Eagle Winery is subject to site-specific maximum floor areas for secondary uses. The variances meet the general intent and purpose the Zoning By-law as the Zoning By-law was adopted to implement an Estate Winery, recognizing the overall site design, layout, vineyards, winery function, and restaurant function. The Zoning By-law prescribes the total floor area for Secondary uses. With the winery now built, the overall amount of secondary use floor area will be less than the maximum provided in the site-specific zoning. The relief requested from floor area maximums for individual secondary uses is minor and results from adjustments to the use and configuration of internal spaces within the winery as detailed in Tables 1 and 2 above. All of the increases in floor area are minor in nature, the footprint of the building (and its location) as identified in the plans for the Zoning By-law has been built, and the range and size of uses within the building is consistent with the general intent and purpose of the secondary uses in the Zoning By-law.

3) *Are the requested variances desirable for the appropriate development or use of the land, building, or structure?*

The requested variances are desirable for the appropriate use of the Stone Eagle Winery as they facilitate adjustments made to optimize the configuration of spaces. The provision of a bridal suite as type of Pre-Function room is to support the Restaurant/Function Room use for hosting weddings and equivalent events. There are no new uses being introduced and all of the variances are for the area of certain uses only. There is no impact on adjoining land uses from these minor variances as they are all internal to the approved building design. There is no change to the building placement, driveways, landscaping, or parking location – all of which are external site design characteristics that are consistent with the Town approved Site Plan.

4) *Are the requested variances minor in nature?*

The variances are minor in nature. The relief requested does not increase the overall floor area of secondary uses and facilitates adjustments that shift floor area between permitted secondary uses. There is a minor reduction in the overall secondary use floor area. No additional parking is required thus confirming that the variances are minor in nature.

4. SUMMARY AND CONCLUSION

In our opinion, the requested minor variances should be approved as they are consistent with the Provincial Planning Statement, 2024, conform to the Greenbelt Plan, 2017, and meet the requirements of Section 45(1) of the *Planning Act*.

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

Sincerely,



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Intermediate Planner
NPG Planning Solutions Inc.



Mary Lou Tanner, FCIP, RPP
Senior Partner
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