

**Applications for Consent (Surplus Farm Dwelling Severance) and
Minor Variance**

765 Four Mile Creek Road, Niagara-on-the-Lake

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1.0 Introduction

NPG Planning Solutions Inc. (NPG) are planning consultants to Joseph Bernard Pillitteri and Deborah Jean Pillitteri, “Owner” of 7.86 hectares of land in the Town of Niagara-on-the-Lake, municipally known as 765 Four Mile Creek Road (herein referred to as the Subject Lands). NPG has been retained to provide professional planning advice on the proposed applications related to the severance of a surplus farm dwelling located at the Subject Lands. To facilitate the severance, applications for Consent and Minor Variance are required. A Consent application is required to sever the surplus farm dwelling from the Subject Lands. A Minor Variance application is proposed to provide zoning relief related to lot frontage and accessory building height provisions for Part 1.

The Provincial Planning Statement (2024) prohibits the creation of new residential lots in Prime Agricultural Areas, except where it can be demonstrated that a farm dwelling has been made surplus by a farm consolidation. In this case, the farm consolidation involves the acquisition of the agricultural parcel in the Town of Niagara-on-the-Lake by Puglisi Farms/Bella Terra Vineyards operating as a single farming operation as will be discussed further in Section 3.2 of this Planning Justification Brief (PJB).

This PJB evaluates the appropriateness of the Consent and Minor Variance applications when assessed against policies in the Provincial Planning Statement (PPS), Greenbelt Plan, Niagara Official Plan (NOP), the Town of Niagara-on-the-Lake Official Plan (Town OP), and the Town of Niagara-on-the-Lake Zoning By-law No. 500A-74(Town ZBL), as amended.

The Applications represent an appropriate example of the severance of a surplus farm dwelling as a result of farm consolidation. The Applications represent good land use planning, and therefore, we recommend the Applications for Consent and Minor Variance be approved.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are located in the Town of Niagara-on-the-Lake within the Agricultural Area immediately north east of the intersection of Four Mile Creek Road and Line 7 Road. The Subject Lands are irregularly shaped with an area of 7.86 hectares. The Subject Lands feature frontage on two roads with approximately 243.9 metres of frontage on Four Mile Creek Road and approximately 126.6 metres of frontage on Line 7 Road.

There is an existing dwelling (**Photos 1-3**) and two accessory buildings on the Subject Lands which are proposed to be severed (Part 1). These accessory buildings are labeled as “existing garage” and “existing shed” on the Consent Sketch (refer to **Photos 4-5** for photos of the structures and **Appendix A** for the Consent Sketch). Both existing accessory buildings stand above the permitted 4.5 metres in height within the Town ZBL. The garage stands at approximately 7.7 metres, while the shed is approximately 6.1 metres in height. The garage has a barn-like built form which is used for storage. The existing shed was a former pig barn which is also used for storage. Based on aerial imagery from the Niagara Air Photo Index both structures appear to have existed on the Subject Lands prior to 1934 (see **Appendix G** – Aerial Imagery).

The dwelling is serviced by a septic tank, the location of which is shown on the Consent Sketch. The dwelling is habitable and continues to be inhabited by the owners. The dwelling was constructed prior to 2000, according to satellite imagery, accessed via Niagara Navigator (see **Appendix G – Aerial Imagery**).

There are no buildings or structures on the retained lot (Part 2).

The Subject Lands are designated Agricultural in the Town OP and the Town ZBL zones the lands Rural (A). The Subject Lands are surrounded by existing Agricultural uses (see **Figure 1 – Aerial Context**).



Figure 1 - Aerial Context

- North:** Agricultural
- East:** Agricultural
- South:** Residential (Single-detached dwellings) and Agricultural
- West:** Residential (Single-detached dwellings) and Agricultural

2.1 Site Photos

The Subject Lands are further contextualized by photos collected during a site visit in February 2026. These photos show the existing buildings and structures on the Subject

Lands and immediately surrounding properties, as well as their current use and general condition (See **Photos 1-12**).



Photo 1. View of front of dwelling, facing east from Four Mile Creek Road.



Photo 2. View of front of dwelling, facing northeast.



Photo 3. View of side of dwelling, facing north.



Photo 4. View of the garage, facing east.



Photo 5. View of shed, facing northeast.



Photo 6. View of driveway, facing east.



Photo 7. Approximate view of existing septic bed, north of garage, facing east.



Photo 8. View of rear of garage, facing north.



Photo 9. View of rear of garage, facing west.



Photo 10. View of rear of shed and garage, facing west from the proposed rear lot line.



Photo 11. View of southern face of garage, facing north.



Photo 12. View of maneuvering area, south of garage, facing east.

3.0 Proposed Development

3.1 Proposed Consent and Minor Variance Application

The proposed consent is to create a new residential lot for the existing detached dwelling and accessory buildings at 765 Four Mile Creek Road identified as Part 1 on the Consent Sketch (see Figure 2 below or **Appendix A**).

The severed lot (Part 1) contains the dwelling, the existing accessory buildings, as well as the driveway, all of which have been deemed to be surplus due to farm consolidation. As such, a new residential lot is proposed to be created. Part 1 is proposed to have an area of 6,364 m² (0.64 hectares or approximately 1.57 acres), lot frontage of 45.6 metres, and a lot depth of approximately 130 metres when measured from the midpoint of the front and rear lot lines. An interior side yard setback of 9.0 metres is proposed from the southern face of the garage to allow for ingress/egress of vehicles and equipment which is stored in the garage. This setback aligns with the existing residential/agricultural interface within this area.

The retained lot (Part 2) does not contain any buildings and are in agricultural production. No buildings are proposed for the retained lot. Part 2 is proposed to have an area of approximately 7.23 hectares, a combined lot frontage of approximately 209 metres along Four Mile Creek Road, and maintain its existing lot depth.



Figure 2. Consent Sketch Key Plan. Part 1 is proposed to be severed from the farming operation on Part 2.

Minor Variances to the Agriculture (A) Zone are required to provide relief related to reduced lot frontage and accessory building height. The Four Tests of Minor Variance are analyzed further in Section 5.0 of this brief.

3.2 Farm Consolidation

The Subject Lands are currently owned by Joseph Bernard Pillitteri and Deborah Jean Pillitteri who reside in the existing dwelling. The farming operations on the Subject Lands are proposed to be acquired and consolidated with the broader agricultural operations of Puglisi Farms/Bella Terra Vineyards. Among the various farm parcels operated by Puglisi Farms/Bella Terra Vineyards within the Town of Niagara-on-the-Lake, the retained lands (Part 2) are intended to be merged and consolidated with the farm operation at 916 Line 7 Road, which directly abuts the Subject Lands to the southeast. This merging and consolidation necessitates the severance of the surplus dwelling located on the Subject Lands as 916 Line 7 Road features an existing dwelling. All farm parcels owned and/or operated by Puglisi Farms/Bella Terra Vineyards in proximity to the Subject Lands are illustrated on Figure 3.

A Surplus Farm Dwelling information sheet has also been included as part of this submission.



- ★ Farms owned and operated by purchasing farmer
- ★ Farms leased and operated by purchasing farmer
- ★ Subject Lands
- Old Town
- Virgil

Figure 3. Farm Ownership Map of Puglisi Farms/Bella Terra Vineyards

Table 1: Owned Lands

Property 1	
Municipal Address	901 East and West Line
Approximate Area	5.6 hectares
Property 2	
Municipal Description	1581 Concession Road 2
Approximate Area	8.9 hectares

Property 3	
Municipal Description	925 Line 2 Road
Approximate Area	20.2 hectares
Property 4	
Municipal Description	916 Line 7 Road
Approximate Area	4 hectares
TOTAL AREA OWNED	38.7 hectares

Table 2: Leased Lands

Property 1	
Municipal Description	No Municipal Address (Abutting Firelane 5 Road)
Legal Description	PLAN M1 LOT 136
Approximate Area	6 hectares
Property 2	
Municipal Description	925 Line 1 Road
Approximate Area	1.2 hectares
Property 3	
Municipal Description	1436 Four Mile Creek Road
Approximate Area	5.2 hectares
Property 4	
Municipal Description	994 Line 3 Road
Approximate Area	4 hectares
TOTAL AREA LEASED	16.4 hectares

4.0 Planning Policies

4.1 Planning Act

The *Planning Act*, R.S.O. 1990, C.P.13, is the provincial legislation that sets out the basis for land use planning in Ontario. The Act describes how land uses may be controlled, and who may control them.

Section 2 of the *Planning Act* outlines the matters of provincial interest that the Council of a municipality, a planning board and the Ontario Land Tribunal shall have regard to in carrying out their responsibilities under the Act. Included in these matters include:

- b) *the protection of the agricultural resources of the Province;*
- j) *the adequate provision of a full range of housing, including affordable housing;*

Matters of provincial interest, and Provincial policies and plans are discussed throughout this PJB. To summarize, the proposed Consent and Minor Variance applications facilitates the consolidation of farmland creating for larger farming parcel reducing fragmentation and strengthening long-term agricultural viability. Further, the proposed consent retains housing in the agricultural area, maintaining a full range of housing.

Subsection 3(5) of the Planning Act requires that decisions of Council shall be consistent with Provincial policy statements and shall conform with Provincial plans that are in effect.

Section 53(12) of the *Planning Act* provides that Council (or the Committee of Adjustment as its delegate) in determining whether provisional consent is to be given shall have regard to the matters under Section 51(24) in the *Planning Act*. The table below assesses the criteria outlined in Section 51(24) in relation to the proposed Consent application.

Table 3 – Analysis of Section 51(24) of the Planning Act

	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>	The proposed consent has regard for matters of provincial interest provided in Section 2 of the <i>Planning Act</i> . Specifically, the proposed consent facilitates the merging of agricultural lands, reducing fragmentation and strengthening long-term agricultural viability.
(b)	<i>whether the proposed subdivision is premature or in the public interest;</i>	The proposed consent will create a new residential lot to accommodate an existing detached dwelling and accessory buildings rendered surplus from a farm operation due to farm consolidation. This is in the public interest and will not result in development that is premature.
(c)	<i>whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed consent achieves the purpose and intent of the NOP and Town OP policies for surplus farm dwelling severances as discussed in the following sections. There are no adjacent plans of subdivision.
(d)	<i>the suitability of the land for the purposes for which it is to be subdivided;</i>	The severed lot (Part 1) is occupied by an existing detached dwelling and two accessory buildings and is suitable for the residential use in terms of

Criteria		Proposed Consent
		topography and lot dimensions. The residential lot has driveway access to Four Mile Creek Road, a regional road that is open year-round.
(e)	<i>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>	There are no highways proposed.
(f)	<i>the dimensions and shapes of the proposed lots;</i>	The lot has an irregular configuration, shaped in response to the site context outlined in Section 3.0. Its boundaries were established to ensure sufficient area for both the existing dwelling's private sewage disposal system and the proposed replacement system, in accordance with NOP requirements. The proposed lot also provides sufficient space for adequate maintenance of the residential parcel.
(g)	<i>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;</i>	There are no proposed restrictions on the Subject Lands. As Part 2 is proposed to merge with 916 Line 7 Road which features an existing dwelling, no additional dwellings are permitted per the existing zoning. Should this dwelling at 916 Line 7 Road be severed in the future it is anticipated the entirety of the agricultural lands would be rezoned to Agricultural Purposes Only (APO).
(h)	<i>conservation of natural resources and flood control;</i>	There are no natural resources on site or flood control issues related to the proposed development.
(i)	<i>the adequacy of utilities and municipal services;</i>	The Part 1 is serviced by municipally supplied water and private sewage disposal system, which will be inspected by the Region prior to approval to ensure they are functioning properly. The retained lot will not

Criteria		Proposed Consent
		contain any buildings or structures and therefore do not require servicing.
(j)	<i>the adequacy of school sites;</i>	The proposed consent will create a new residential lot consisting of an existing farm dwelling. The proposed development will not impact the adequacy of school sites and is provided for by existing school sites and facilities in the area.
(k)	<i>the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	No conveyance of land is required for highway purposes.
(l)	<i>the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</i>	The proposed consent will create a new residential lot for an existing detached residential dwelling and will not impact the available supply, means of supplying, or efficient use and conservation of energy.
(m)	<i>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>	This is not applicable to the proposed consent as the lands are not subject to Site Plan Control.

CONCLUSION

All of the relevant matters contained within Sections 2 and 51(24) of the *Planning Act*, have been considered throughout this PJB. Subject to be consistent and in conformity with applicable Provincial, Regional and Local policies and plans, the applications comply with requirements under the *Planning Act*.

4.2 Provincial Planning Statement (2024) (PPS)

The PPS provides the policy foundation for land use in Ontario. The PPS requires that proposals are consistent with the PPS, make efficient use of land and services, protect agricultural land, and supports opportunities for long-term economic prosperity.

4.2.1 Agricultural Policies

The Subject Lands are within the Prime Agricultural Area, and, more specifically, a Specialty Crop Area based on the policies and definitions in the PPS.

The PPS provides the following policy direction with respect to Lot Creation in Prime Agricultural Areas:

POLICY

4.3.1.2 *As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.*

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

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 to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and

4.3.3.3 *The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 4.3.3.1.c).*

ANALYSIS

The Subject Lands are located within the Specialty Crop Area. As discussed in Section 3.2, the dwelling and accessory buildings on the Subject Lands are considered to be surplus to the farming operation as a result of farm consolidation. The proposed consent application conforms to Policy 4.3.3.1, which permits the creation of one (1) new residential lot in prime agricultural areas as result of farm consolidation. The policy requires that the new lot be limited to the minimum size necessary to accommodate the residential use and appropriate sewage and water services. The proposed boundaries of the severed lot (Part 1) provide sufficient space for a replacement septic system and access/maintenance of all accessory buildings.

Policy 4.3.3.1 requires that any remnant farm parcel created through a severance be prohibited from developing new residential dwellings, ensuring agricultural lands are not fragmented by additional non-farm uses. This intent is satisfied as Part 2 is to be merged with 916 Line 7 Road, which already contains a single detached dwelling. Both parcels

are zoned Rural (A), permitting only one family dwelling per lot. Once merged, the combined parcel will continue to contain a single existing dwelling, and no additional residential units would be permitted. This maintains the agricultural land base and upholds the policy objective of protecting agricultural resources.

4.3 Greenbelt Plan (2017)

The Greenbelt Plan addresses the significance of Southern Ontario's farmland and introduces guiding principles to protect agriculture in the region. The policies of the Greenbelt Plan encourage diversity within the agriculture sector to enhance economic opportunities.

The Subject Lands are within the Protected Countryside – Niagara Tender Fruit and Grape on Schedule 2 of the Greenbelt Plan (see **Appendix C**).

Table 4 – Niagara-on-the-Lake Official Plan, Section 21.2 Consent Policy Review

No.	Schedule	Subject Land Designation
1	Greenbelt Area	Protected Countryside
2	Niagara Peninsula Tender Fruit and Grape Area	Niagara Peninsula Tender Fruit and Grape Area

4.3.1 Lot Creation

Section 4.6 of the Greenbelt Plan provides policy direction for lot creation in the Protected Countryside:

POLICY

4.6 (1) *Lot creation is discouraged and may only be permitted for:*

- f) *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.*

The Greenbelt Plan defines *existing use* as follows:

- a) *uses legally established prior to the date that the Greenbelt Plan came into force on December 16, 2004; or*

- b) for the purposes of lands added to the Greenbelt Plan after December 16, 2004, uses legally established prior to the date the Greenbelt Plan came into force in respect of the land on which the uses are established.

ANALYSIS

The policies of the Greenbelt Plan largely mirror those of the PPS with respect to protection of Prime Agricultural Areas for long-term use for agriculture and lot creation in Prime Agricultural Areas. Creation of new residential lots are permitted for farm dwelling that existed prior to December 16, 2004, and were subsequently deemed to be surplus to a farming operation due to a farm consolidation.

The proposed surplus farming dwelling severance meets PPS and Greenbelt Plan policy requirements. The farm consolidation associated with this proposed consent application is described in Section 3.2 of this PJB, while a discussion and analysis of relevant PPS policies is provided in Section 4.2 which describes how the retained lands will be rezoned to prohibit any future dwellings.

The Greenbelt Plan includes an additional requirement that the dwelling be an existing use as of the date the Greenbelt Plan came into effect, being December 16, 2004. The exact date of construction for the residential dwelling is unknown, however aerial imagery confirms it existed prior to 2000 (see **Appendix G** – Aerial Imagery). As such, the residential dwelling on the Subject Lands is a defined existing use as the dwelling was established prior to the date the Greenbelt Plan came into effect.

Based on the foregoing, the proposed severance and farm consolidation conform to the Greenbelt Plan.

4.4 Niagara Official Plan (2022)

The NOP is the long-term, strategic policy planning framework for managing growth in Niagara Region. The NOP identifies what needs to be protected, how and where growth should occur, and the policy tools needed to manage forecast growth and development.

The Niagara Region's planning authority was revoked on March 31, 2025; however, the policies of the NOP continue to apply to development applications, as the NOP now falls under the jurisdiction of the twelve local municipalities within Niagara.

According to the NOP, the Subject Lands are designated as being within the Specialty Crop Area (**refer to Appendix D**).

Table 5 – Niagara-on-the-Lake Official Plan, Section 21.2 Consent Policy Review

No.	Schedule	Subject Land Designation
F	Agricultural Land Base	Specialty Crop Area

4.4.1 Policies for Lot Creation in Specialty Crop Areas

The Subject Lands are within the Specialty Crop Area as per the policies of the Niagara Official Plan. The following policies apply:

4.1.5.1 *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. Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan, as amended from time to time, shall prevail unless the following policies are more restrictive, then the more restrictive policies shall prevail.*

a) the consent is supported through a planning justification report;

b) the consent is for a residence surplus to a farming operation as outlined in Policy 4.1.5.2.

4.1.5.2 *The severance of a residence surplus to a farming operation may be permitted under the following circumstances:*

a) the proposed lot contains a habitable residence, which existed as of December 16, 2004, that is rendered surplus as a result of farm consolidation;

b) 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 private sewage disposal system as determined by Provincial and Regional requirements to a maximum of 1 hectare;

i. proposals that exceed 1 hectare may be considered subject to an amendment to this plan;

c) to reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.

7.2.1.6 *Minor variations in numbers written in the Plan may be permitted by Regional Council without an amendment to the Plan provided the intent and objectives of the Plan are achieved while meeting Provincial policies and standards.*

ANALYSIS

The policies of the NOP build upon those of the PPS and Greenbelt Plan. The consent application is permitted as result of farm consolidation, described in Section 3.2, meeting the requirements of Policy 4.1.5.2 a).

An Official Plan is intended to be a statement of intent, and not a tool to restrict land use, or set standards that are typically covered in local zoning by-laws. In this regard, the intent

of the Niagara Region Official Plan is to protect specialty crop areas from fragmentation, and conversion to non-agricultural land uses. The size of the new lot is 0.636 hectares. While the size of the new lot exceeds the 0.4 hectares that is typically required, the proposed new lot would still be less than 1 hectare in size being the maximum size permitted without an amendment to the Regional Official Plan. The proposed lot configuration is intended to allow for the existing dwelling, accessory buildings and septic infrastructure to be entirely located on the severed lands, while at the same time, avoiding a lotting pattern that includes new areas on the retained lands that are unpractical to farm. The proposed lot configuration reflects an established boundary separating the existing farming operation from the residential area while providing for space for access/maintenance of all structures of the lands and a replacement septic system.

To reduce fragmentation of the agricultural land base, the retained lot (Part 2) is proposed to be merged with 917 Line 7 Road, resulting in a larger agricultural lot.

Based on the foregoing, the proposed consent conforms with the NOP.

4.5 Town of Niagara-on-the-Lake Official Plan (Town OP)

The purpose of the Town's OP is to guide Niagara-on-the-Lake's physical development. Agriculture shapes both the landscape and the economy of Niagara-on-the-Lake. The Town OP seeks to protect this unique aspect of Niagara-on-the-Lake to ensure appropriate agricultural activities are located on lands outside of its urban area boundaries.

4.5.1 General Development Policies

Section 6 of the Town OP provides policies relating to general development within the Town, including the following which applies to the proposed consent:

POLICY

- 6.17 *Lot Size: The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.*

ANALYSIS

As mentioned previously, the proposed lot boundary and area of the severed lands (Part 1) is limited to accommodating the surplus residential dwelling, accessory buildings, and sewage services. The proposed lot size for Part 1 is necessary to provide adequate space for the existing septic system and a replacement septic system, amenity space, and sufficient space for access and maintenance of structure on the Subject Lands. This proposed lotting configuration reflects an established boundary south of the accessory buildings which separates the farming operation from the residential area. This boundary

is also necessary to avoid a lotting configuration for the retained lands that includes areas that are difficult to farm due to their awkward configuration.

4.5.2 Agriculture

Section 7 of the Town OP provides policy direction specific to the agricultural area. The following policies apply to the proposal:

OBJECTIVES

- 7.2 (1) *To help ensure the preservation of prime agricultural lands for farming with particular emphasis on the preservation of specialty crop lands.*
- 7.2 (2) *To help preserve the existing and potential agriculturally productive land giving highest priority to Good Tender Fruit/Grape Lands.*
- 7.2 (3) *To allow flexibility to farm operations in both type and size and to permit the expansion and contraction of farm operations as necessary provided that the farm remains economically viable and that the size of the farm is appropriate and common in the area.*
- 7.2 (7) *To consider the impact on agriculture as the primary guideline in evaluating development proposals in the agricultural areas.*

POLICY

- 7.4.4 e) *Consents may be granted for a residence surplus to a farming operation as a result of a “farm consolidation” (refer to Greenbelt Plan for definition) where the dwelling existed prior to December 16, 2004 provided that:*
 - (i) *The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance, and that the zoning ensures the parcel will continue to be used for agricultural purposes;*
 - (ii) *The size of any new lot does not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Ministry of the Environment and Climate Change, Ministry of Municipal Affairs, or persons appointed on behalf;*
 - (iii) *The farms are both located within the Town of Niagara-on-the-Lake;*
 - (iv) *The new lot is located to minimize the impact on the remaining farm operation; and*
 - (v) *The new lot complies with the Minimum Distance Separation Formula I.*

ANALYSIS

The proposed consent application is supportable on the basis of farm consolidation, as the retained lands will be consolidated with another farm operation in the Town Niagara-on-the-Lake, as detailed in Section 3.2 of this PJB. This consolidation will improve the economic viability and long-term stability of the receiving farm operation and contribute to its continued growth.

Additionally of note:

- The new residential lot (Part 1) is greater than 0.40 hectares (1 acre) in area but is limited to the minimum size needed to accommodate the use and appropriate sewage and water services.
- The lot configuration of Part 1 has been carefully considered to avoid a configuration that creates pockets of areas that are difficult to farm. Notably, the 9.0 metre setback south of the garage is not currently farmed and functions as part of the residential use (see **Photo 12** for further context). The proposed lot line aligns with this existing residential–agricultural interface. Based on historic aerial imagery, this portion of the property does not appear to have been used for agricultural production.
- The retained parcel (Part 2) will be merged with 916 Line 7 Road, as a condition of consent, to consolidate the agricultural land base. As noted in Section 4.2, 916 Line 7 Road already contains a single detached dwelling, and both parcels are zoned Rural (A), which permits only one detached dwelling per lot. Once merged, the combined parcel will continue to contain a single existing dwelling, and no additional residential development would be permitted.
- All of the parcels forming the farm consolidation are located within the Town of Niagara-on-the-Lake;
- There are no known livestock facilities or anaerobic digesters in proximity to the Subject Lands. As a result, the Minimum Distance Separation Formula I does not apply to this consent application.

4.5.3 General Consent Policy

The policies in this section apply to the Subject Lands and outline the general matters to be considered as part of the proposed consent application. These policies are intended to supplement those previously identified in Section 4.4.1 of this PJB.

POLICY

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.*

21.2.4 *The Town will recommend to the Land Division Committee that consents shall be granted only when the land fronts on an existing public road. The public road is to be of a reasonable standard of construction and maintained year-round...*

- 21.2.6 *The size of any parcel of land created by a consent should be appropriate for the proposed use and without limiting the generality of the foregoing:*
- a) *The lot area and frontage should not be less than the requirements for the relevant classification in the implementing by-law.*
 - b) *Where existing buildings are involved, the proposed new lot lines shall take into account required yard and setbacks set out in the Zoning By-law.*
 - c) *Where land is in an urban area, any land which is fully serviced shall respect the valuable resource of serviced land and the lots created should not greatly exceed the minimum standards of the zoning by-law.*
- 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.*

ANALYSIS

The proposed severed lot (Part 1) contains an existing single detached dwelling serviced by a private sewage disposal system and has frontage on a public road. Further, both parcels will feature frontage on public roads. The size of the new residential lot (Part 1) complies with the Zoning requirements in Schedule F of the Town's Zoning By-law, except for minimum lot frontage. Justification for the required zoning relief is provided in Section 5.0 of this PJB.

The surrounding area features a mix of lot sizes and configurations, with no consistent lotting pattern. This is evident in the varied frontages, depths, and regular and irregular lot shapes of properties such as 724 Four Mile Creek Road, 742 Four Mile Creek Road, 761 Four Mile Creek Road, 835 Line 7 Road, and 892 Line 7 Road. As such, the proposed lot configuration is generally consistent with the established lot pattern in the surrounding area, and most closely resembles the adjacent property at 892 Line 7 Road.

CONCLUSION

Based on the foregoing, the proposed consent conforms to the Town OP.

5.0 Four Tests of Minor Variance

To facilitate the proposed Consent application, Minor Variances are required to address deficiencies in lot frontage and accessory building height.

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 Applications for Minor Variance permitting changes to lot frontage and accessory building height for the severed residential lot (Part 1) at 765 Four Mile Creek Road.

Variance 1: Minimum Lot Frontage of Part 3 (Schedule F of Town Zoning By-law)

Proposed: 60.96 metres

Required: 45.6 metres

Table 4: 4 Part Test Analysis Table – Lot Frontage

Test	Analysis
<p>1. Is the requested variance minor in nature?</p>	<p>Schedule F of the Town Zoning By-law required lots created by consent to feature a lot frontage of 60.98 metres, whereas Part 1 is proposed to feature a lot frontage of 45.6 metres.</p> <p>The reduced frontage is necessary to ensure that Part 1 is the minimum size needed to accommodate the existing septic system and a replacement septic system. This decrease is not anticipated to be significantly evident from streetview and is not anticipated to create any adverse impacts on adjacent properties. The reduced frontage will retain sufficient space for access to the dwelling and accessory buildings. Therefore, this variance can be considered minor in nature.</p>
<p>2. Is the requested variance desirable for the appropriate development or use of the land, building, or structure?</p>	<p>The variance is desirable as it facilitates a surplus farm dwelling severance which consolidates farmland within the Town and strengthens long-term agricultural viability.</p>
<p>3. Does the requested variance maintain the general intent and purposes of the By-law?</p>	<p>The intent of the lot frontage provision of the Zoning By-law is to ensure that rural residential lots have sufficient space frontage for safe access and that lots are of a sufficient size to accommodate existing and replacement septic</p>

Test	Analysis
	infrastructure. The proposed lot frontage of 45.6 metres achieves this intent.
4. Does the requested variance maintain the general intent and purpose of the Official Plan?	The Official Plan encourages that lots created via a surplus farm dwelling consent minimize their impact on the remaining farm operation. The reduced lot frontage facilitates the creation of a narrow lot, preserving the agricultural functionality, flexibility and viability of the agricultural parcel. As such, the intent of the Town OP is maintained.

Variance 2: Minimum Lot Frontage of Part 3 (Section 3.4(c) of Town Zoning By-law)

Proposed: 7.7 metres for a garage (as existing)

6.1 metres for a shed (as existing)

Required: 4.5 metres

Table 5: 4 Part Test Analysis Table – Height of Accessory Building

Test	Analysis
1. Is the requested variance minor in nature?	The proposed variances reflect a 3.2 metre (garage) and 1.6 metre (shed) increase from the 4.5 metre height requirement. These accessory buildings are long established on the Subject Lands with no known land use compatibility conflicts. As such, the variance can be considered minor in nature.
2. Is the requested variance desirable for the appropriate development or use of the land, building, or structure?	The variance is desirable as it recognizes existing structures on Part 1 and brings them into conformity with the Zoning By-law.
3. Does the requested variance maintain the general intent and purposes of the By-law?	The intent of the accessory building height provision of the Zoning By-law is to ensure that accessory structures remain accessory in size and scale to the primary dwelling and there are no land use compatibility conflicts on adjacent lands due to the size of these buildings. The accessory structures have existed on the lands since prior to 1934 with no known land use compatibility conflicts, as such this intent is maintained.

Test	Analysis
<p>4. Does the requested variance maintain the general intent and purpose of the Official Plan?</p>	<p>The Official Plan permits accessory buildings and structures as secondary uses within the Agricultural designation. Despite the increase in height, the garage and shed remain accessory to the principal dwelling. As such the intent of the Official Plan is maintained.</p>

6.0 Conclusion

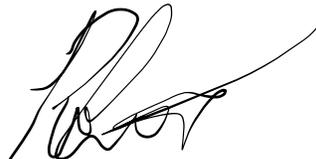
It is our opinion the proposed Consent and Minor Variance applications represent good land use planning and are in the public interest. They should be approved for the following reasons:

- The proposed consent has regard for matters of provincial interest and the criteria provided in Section 51(24) of the *Planning Act*, is consistent with the PPS and conforms to the Greenbelt Plan;
- The proposed consent conforms to the NOP and Town OP;
- The proposed Minor Variance achieves the four tests of Minor Variance;

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7.0 Appendices

Appendix A – Consent Sketch

Appendix B – Greenbelt Plan Schedules

Appendix C – Niagara Region Official Plan Schedules

Appendix D – Town of Niagara-on-the-Lake Official Plan Schedules

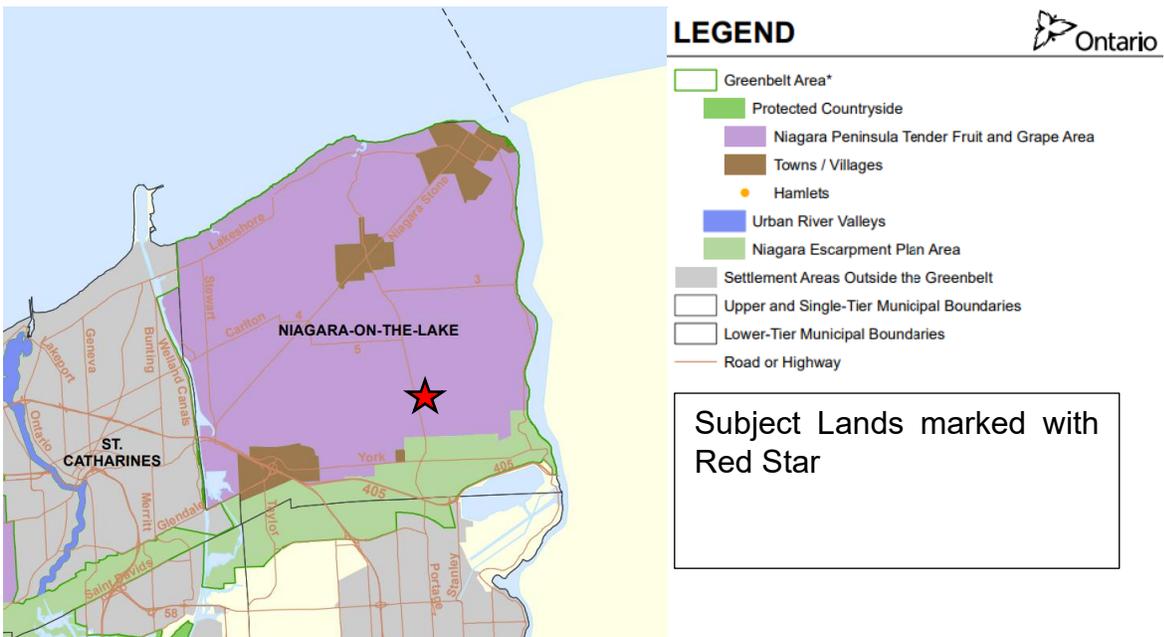
Appendix E – Town of Niagara-on-the-Lake Zoning By-law

Appendix B – Greenbelt Plan Schedules

SCHEDULE 1 – Greenbelt Area: **Protected Countryside**

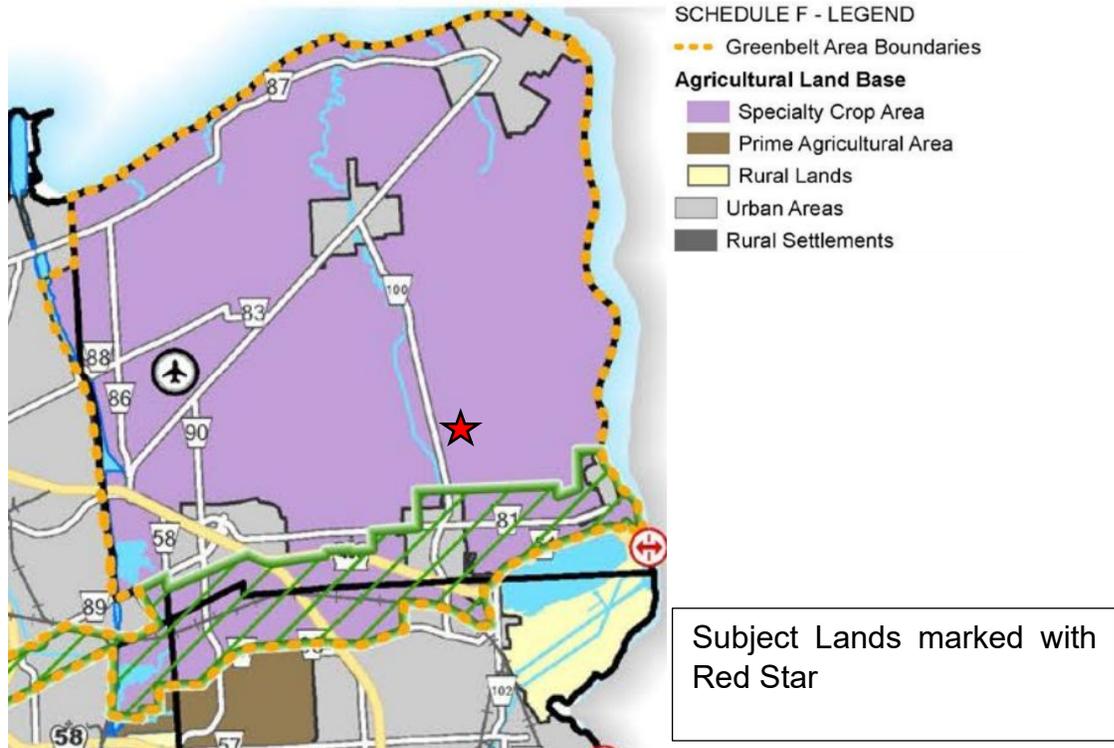


SCHEDULE 2 – Niagara Peninsula Tender Fruit and Grape Area: **Niagara Peninsula Tender Fruit and Grape Area**



Appendix C – Regional Official Plan Schedules

SCHEDULE F – AGRICULTURAL LAND BASE: *Inside Greenbelt Plan; Specialty Crop Area*



Appendix D – Town of Niagara-on-the-Lake Official Plan Schedules

SCHEDULE A – LAND USE PLAN, *Agricultural*



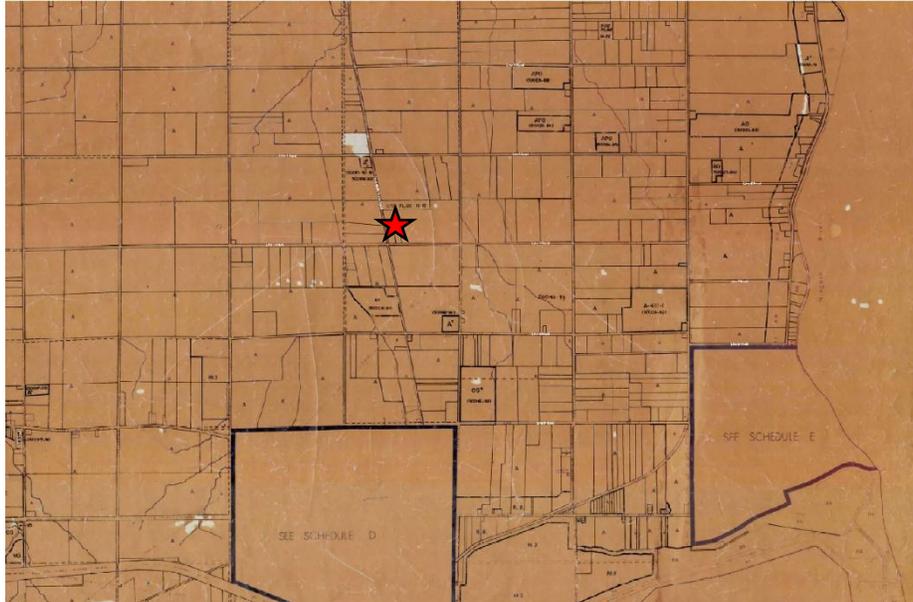
SCHEDULE "A"
Land Use Plan

- | | |
|---------------------------------------|--|
| Agricultural* | Major Open Space |
| Non-Farm Rural | Wetland (including adjacent lands) |
| Service Commercial | Special Study Area |
| Niagara District Airport | EXAG Exception - See Exceptions, Section 7 |
| Extractive | Niagara Escarpment Plan Boundary |
| Conservation | |
| Escarpment Protection Area | |
| Escarpment Natural Area | |
| Area of Natural & Scientific Interest | |

Subject Lands marked with Red Star

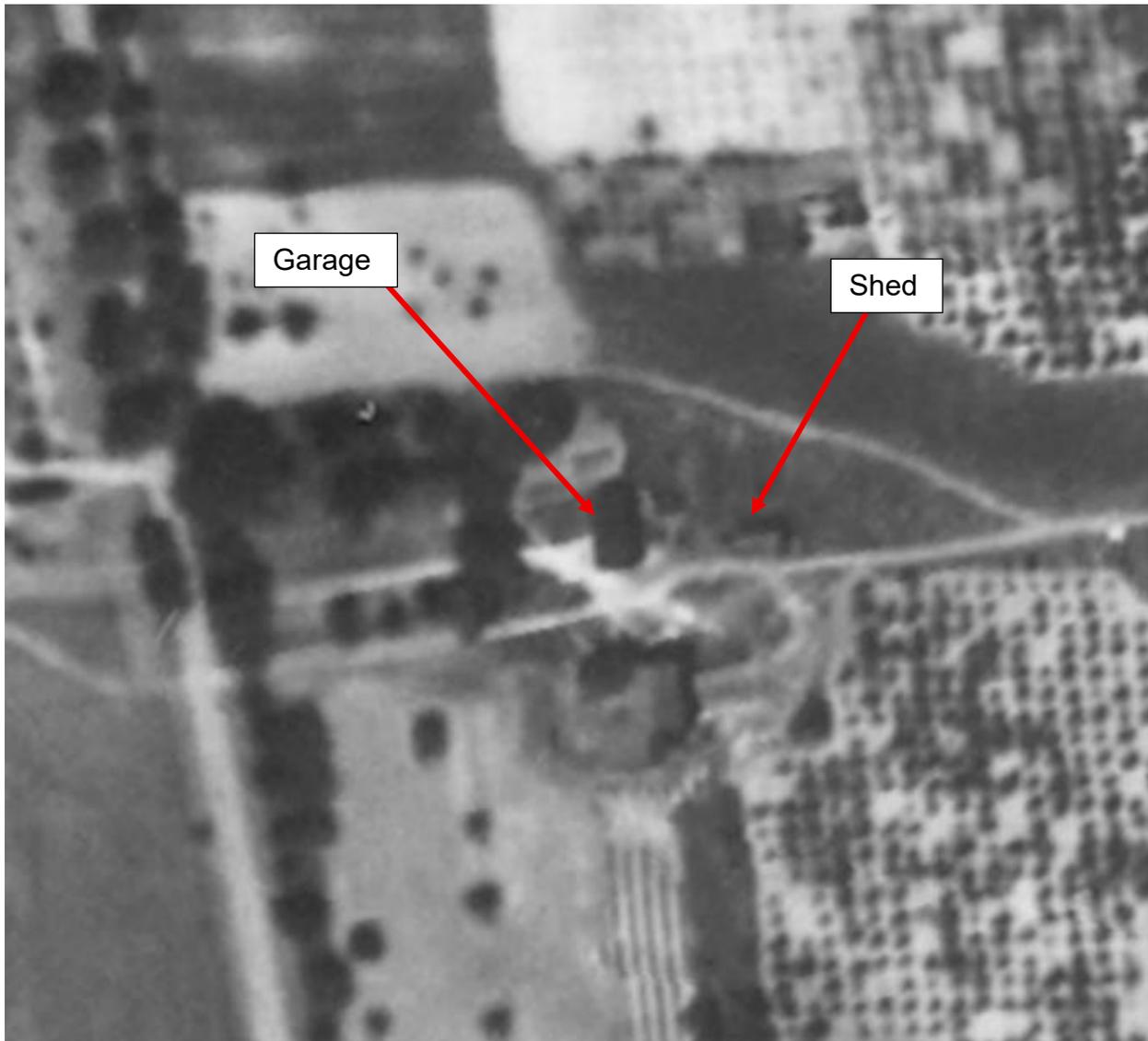
Appendix E – Town of Niagara-on-the-Lake Zoning By-law

SCHEDULE A to Zoning By-law No. 500A-74, RURAL AREA – **Agricultural (A) Zone**



Subject Lands marked with Red Star

Appendix F – Aerial Imagery



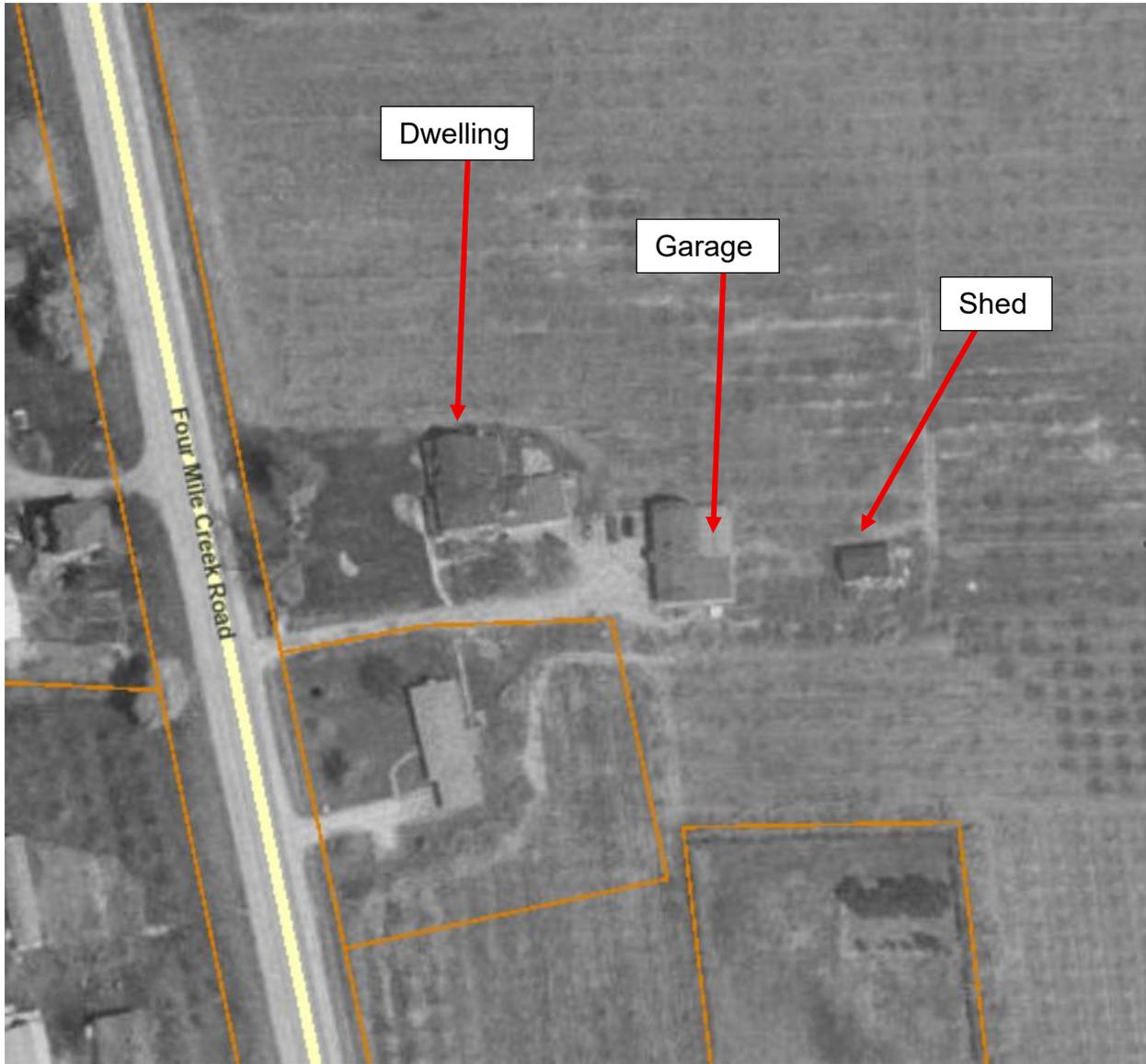
Niagara Air Photo Index 1934

Source: Brock University [Niagara Air Photo Index 2025](#)



Niagara Air Photo Index 1964

Source: Brock University [Niagara Air Photo Index 2025](#)



Niagara Navigator Aerial Imagery 2000

Source: Niagara Navigator