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**PLANNING JUSTIFICATION REPORT
APPLICATION FOR CONSENT & ZONING BY-LAW
AMENDMENT
SURPLUS FARM DWELLING**

**1231 CONCESSION 2 ROAD
NIAGARA-ON-THE-LAKE**

**PART OF TOWNSHIP LOT 31
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA**

March 2, 2026

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1.0 PROJECT DESCRIPTION

1.1 Introduction

Susan Wheler & Associates has been retained by the owners of the subject property to obtain planning approvals for a consent to sever a Surplus Farm Dwelling and to rezone the agricultural lands as Agricultural Purposes Only (APO). The severed parcel will be rezoned to Rural (A) Site Specific to recognize minor zoning deficiencies resulting from the consent.

The subject property, municipally known as 1231 Concession 2 Road is located within the Prime Agricultural Area in the Town of Niagara-on-the-Lake. The lands are designated *Agricultural* in the Town's Official Plan and *Specialty Crop Lands* in the Council-approved Official Plan (August 15, 2019) and are identified as *Specialty Crop Area* in the Niagara Official Plan. The property is zoned *Rural (A)* under Comprehensive Zoning By-law 500A-74.

The property comprises approximately 10.12 acres and contains an existing single-detached dwelling, storage buildings associated with a home industry, and septic system. The home industry will cease operation at this location, and the storage buildings will be removed to accommodate the construction of a two-storey garage. The rear portion of the property is actively farmed and planted in vineyard.

Provincial, Regional, and Municipal planning policies limit lot creation within Prime Agricultural Areas to surplus farm dwellings resulting from farm consolidation. The owners propose to sever the existing dwelling, which serves as their principal residence, and sell the retained agricultural lands to a local farmer for consolidation with existing farm holdings.

The proposed Consent will facilitate the severance of the surplus farm dwelling from the agricultural lands, while the rezoning of the retained lands to Agricultural Purposes Only will prohibit future non-farm development. The rezoning will also recognize existing and proposed zoning deficiencies related to frontage, front yard setback, and the height of the proposed garage.

The proposed severance is consistent with Provincial and Regional policy, as well as the Town's Official Plan and Zoning By-law.

1.2 Pre consultation Meeting

A pre-consultation meeting was held on September 18, 2025. Comments on the proposed applications were provided by Town Planning, Operations, Niagara Region Planning staff, and the Niagara Peninsula Conservation Authority.

The pre-consultation agreement identified the plans, reports, and supporting materials required for a complete application. The following documents have been prepared in support of the Consent and Zoning By-law Amendment applications.

- Planning Justification Report, prepared by Susan Wheler & Associates
- Consent Sketch, prepared by Richard Larocque Limited, Ontario Land Surveyors & Consultants
- Zoning By-law Amendment and Consent Applications, prepared by Susan Wheler & Associates
- Surplus Farm Dwelling Information Form, prepared by Susan Wheler & Associates
- Draft Zoning By-law Amendment, prepared by Susan Wheler & Associates
- Building Drawing Set – Proposed Garage by Andrew Allen Hellwig
- Summary of Farm Holdings owned by purchasing farmer
- Property Index Map & Parcel Register, Service Ontario

1.3 Subject Lands

The subject property is located on the east side of Concession 2 Road, between Line 3 Road and Line 4 Road, within the established Specialty Crop Area. The site has a total area of approximately 40,943.1 square metres (10.12 acres) and provides 62.316 metres of frontage along Concession 2 Road.

The property contains a two-storey single-detached dwelling, which serves as the principal residence of the owners, accessory storage units associated with the existing home industry, and agricultural lands located to the rear of the site. The Harrison Drain traverses the property in a north-south direction, creating a natural separation between the residential area and the agricultural lands beyond.

Access to the dwelling and associated storage units is provided by a gravel driveway located along the southern portion of the property frontage. A second entrance along the northern boundary serves as a farm laneway, providing access to the rear agricultural lands.

The dwelling is serviced by municipal water from Concession 2 Road and a private septic system installed in 2018.

The original one-and-a-half-storey dwelling was constructed circa 1960. In 1993, the roof was raised to create a full two-storey home, and a subsequent addition was completed in 2016.

The agricultural lands north of the row of ornamental cedars were historically planted in grapes. The leasing farmer removed the vineyard approximately five years ago with the intention of replanting a new variety; however, replanting has not as yet occurred. This area will remain part of the retained agricultural lands and may be replanted with vineyard by the purchasing farmer.

Subject Lands



1231 Concession 2 Road – Location Map



Surrounding Land Uses - North



Surrounding Land Use - West



Surrounding Land Use – West



Surrounding Land Use – South



1.4 Surrounding Land Use

The subject lands are located within the Prime Agricultural Area designation in the Town of Niagara-on-the-Lake and form part of the Specialty Crop Area identified in the Niagara Region Official Plan. These areas are intended to be protected for long-term agricultural use in accordance with the Provincial Planning Statement (2024), which permits limited residential severances in Prime Agricultural Areas where a dwelling has been rendered surplus as a result of farm consolidation.

Surrounding land uses are predominantly agricultural in nature and include active crop cultivation, greenhouse operations, and rural residential dwellings associated with farm parcels. An institutional use, the Old Colony Mennonite Church, is located to the west. The surrounding land use context is summarized as follows:

North:	Active agricultural lands & Rural Residential Dwellings
South:	Active agricultural lands & Rural Residential Dwellings
East:	Active agricultural lands
West:	Active agricultural lands, rural residential dwellings, greenhouse operations, and Old Colony Mennonite Church

The proposed consent application seeks to sever the existing dwelling deemed surplus to a farming operation as a result of farm consolidation. The retained lands will continue to be used for agricultural purposes and will remain viable for ongoing or future specialty crop production. The proposed severance is limited in scale and will not fragment the agricultural land base beyond the removal of the existing residential curtilage.

In accordance with the Provincial Planning Statement (2024) and Niagara Region Official Plan policies, a surplus dwelling severance is permitted in Prime Agricultural Areas provided that:

- The dwelling is rendered surplus as a result of farm consolidation;
- The retained parcel is of a size appropriate to support continued agricultural use;

- The severed residential lot is limited to the minimum size required to accommodate the dwelling and private services; and
- New residential dwellings are prohibited on the retained agricultural lands.

The proposed severance satisfies these criteria. The retained lands will remain in agricultural production and are intended to be farmed as part of a consolidated agricultural operation.

A review of the surrounding area confirms that there are no nearby livestock facilities or anaerobic digesters that would trigger the application of Minimum Distance Separation (MDS) Formula I. Accordingly, MDS I does not apply to the proposed severed parcel.

The proposed consent is consistent with provincial policy, conforms to Regional and Town Official Plan policies respecting Prime Agricultural Areas and Specialty Crop Areas, and will not negatively impact the long-term agricultural viability of the area.

2.0 SITE DEVELOPMENT

2.1 Development Proposal

Having actively farmed the lands for more than 25 years, the owners currently lease the rear agricultural lands to a local farmer and operate a home industry on the property. The application proposes to sever **Part 1**, as identified on the draft survey sketch, as a surplus farm dwelling and to consolidate **Part 3** (the rear agricultural lands) with the existing farm holdings of the tenant farmer as part of a farm consolidation. The Town of Niagara-on-the-Lake will acquire a 3.05 m road widening along the Concession 2 Road frontage, identified as **Part 2**.

The proposed severed parcel will have an area of 4,046.9 square metres (approximately 1.0 acre), with 47.197 metres of frontage on Concession 2 Road and a depth of 85.750 metres. The existing two-storey single-detached dwelling will remain on the severed parcel. The storage units currently associated with the home industry will be removed, and a new two-storey detached garage is proposed to the rear of the dwelling to replace them. The garage will provide vehicle bays at grade with storage space above and will not contain any habitable space.

A Zoning By-law Amendment is proposed to:

- Rezone the retained agricultural lands to **Agricultural Purposes Only** to prohibit future residential development;
- Rezone the severed parcel to a site-specific **Rural Residential** zone;
- Recognize reduced lot frontage for both the severed and retained parcels;
- Recognize the existing reduced front yard setback of the dwelling; and
- Permit the increased height of the proposed detached garage.

Following severance, the retained agricultural parcel will comprise approximately 9.12 acres and will remain in agricultural production as part of the consolidated farm operation.

In accordance with Town policy, a consent for a residence surplus to a farming operation may be granted where the dwelling became surplus as a

result of farm consolidation and existed prior to December 16, 2004, the date the Greenbelt Act came into effect. The existing dwelling was originally constructed circa 1960 and therefore satisfies this criterion.

The retained agricultural lands will maintain a frontage of 15.119 metres on Concession 2 Road, providing continued access via the existing farm laneway located along the northerly property boundary. The laneway extends easterly to the Harrison Drain, then follows the west side of the municipal drain southward before curving west and crossing the drain via an existing culvert near the southern portion of the property, as shown on the survey sketch. A minimum 5.0 metre setback is maintained from the top of bank on both sides of the Harrison Drain in accordance with Ontario Building Code requirements and to ensure continued access for agricultural equipment.

A home occupation is not currently permitted within the Rural (A) Zone, and industrial uses secondary to agriculture are only permitted on farm parcels of 10 acres or greater. Following severance, the existing home industry will no longer be permitted. The owners have operated a septic contracting business (Flo-Sen) on the property for many years in partnership with Mr. Klassen, who resides off-site. As the owners intend to retire in the near future, the business will be relocated to Mr. Klassen's property, and all associated heavy equipment will be removed from the subject lands. The existing storage structures serving the business will be removed.

The rear agricultural lands will continue to be accessed from Concession 2 Road via the existing farm laneway, with appropriate setbacks maintained from the Harrison Drain to protect the municipal drainage feature and ensure continued agricultural functionality.

2.2 Environmental Considerations

Several mature trees are located in the immediate vicinity of the existing dwelling, including a Norway Maple situated at the front of the residence adjacent to the driveway, as well as a birch tree and a pine tree along the northern side of the dwelling. A row of ornamental cedar trees provides screening between the residential area and the agricultural lands to the north.

The proposed consent will not require the removal of any mature trees or vegetation and no agricultural lands will be removed from production. The retained lands will continue to be farmed as part of the consolidated agricultural operation.

As no natural heritage features, key natural heritage features, or key hydrologic features (other than the Harrison Drain, addressed separately in this report) will be impacted, the proposed severance is not anticipated to result in negative environmental effects.

The subject lands are located within the Specialty Crop Area of the Greenbelt Plan. The Greenbelt Plan permits the severance of a residence surplus to a farming operation as a result of farm consolidation, provided the dwelling existed prior to December 16, 2004. The existing single-detached dwelling was constructed circa 1960 and therefore predates the Greenbelt Plan, satisfying this requirement.

The proposal is consistent with the Provincial Planning Statement (2024), conforms to the Greenbelt Plan, and maintains the long-term protection of the agricultural land base within the Specialty Crop Area.

2.3 Archeology

A portion of the subject property is identified as being within an area of archaeological potential in accordance with Schedule "H" of the Town's Official Plan.

The proposal includes the construction of a new detached garage to the rear of the existing dwelling, generally in the location of the storage structures that are proposed to be removed. Based on a preliminary review of Schedule "H", the proposed garage does not appear to be located within the mapped area of archaeological potential.

Confirmation will be subject to municipal review. Should the Town determine that the proposed development falls within an area of archaeological potential, any required archaeological assessment will be undertaken in accordance with the Ontario Heritage Act and applicable municipal requirements.

2.4 Bona Fide Farmer

The agricultural lands subject to this application are currently leased by **Mr. James Zabek**, who has actively farmed the lands in recent years. Upon approval of the proposed consent, Mr. Zabek will consolidate these lands with his existing farm holdings, which total approximately 60 acres within the municipality. His principal residence is located at 5 Gossen Drive, Niagara-on-the-Lake.

The existing farm holdings to be consolidated with the remnant agricultural parcel are summarized below:

Property / Location	Area (Acres)	Ownership
Part Twp Lot 21, Plan 30R 5303; Part 1 & Part 3 Rover; Parts 3 & 4, Line 1 Road	25	James Richard Zabek
957 Line 6 Road	10	James Richard Zabek & Megan Ann Zabek
992 Line 7 Road	25	Zabek Vineyards Ltd.

This consolidation will ensure that the remnant agricultural lands remain in active agricultural production under the management of a bona fide farmer, consistent with Provincial Policy Statement (2024) guidance and Niagara Region Official Plan policies for Prime Agricultural Areas.

2.5 Site Servicing, Harrison Drain, and NPCA Regulated Lands

Properties fronting Concession 2 Road are serviced by a municipal water supply. The existing single-family dwelling, proposed to be severed as a surplus farm dwelling, is serviced by a private septic system installed in 2018. The septic bed is located to the rear of the residence, with associated storage tanks along the north side of the dwelling. The system maintains a minimum setback of 3.0 metres from the property boundaries. The septic system will be reviewed and inspected by the Regional Municipality of Niagara during the planning process to ensure compliance with Regional guidelines regarding system size, setbacks to property lines, and driveway locations.

The Harrison Drain traverses the property in a north–south direction, providing a natural separation between the residential area and the agricultural lands to the rear of the proposed severed parcel. An existing culvert on the southern portion of the property allows farm vehicles to access the rear agricultural lands. A minimum 5.0-metre setback from the top of bank is maintained on both sides of the drain in accordance with Ontario Building Code requirements. No construction or site alteration is proposed within this setback.

The Harrison Drain is a regulated watercourse under the jurisdiction of the Niagara Peninsula Conservation Authority (NPCA). The NPCA requires that any development proposed within 15 metres of the watercourse obtain a permit and comply with applicable floodplain and hazard policies. The entirety of the proposed severed parcel is located within the mapped 100-year floodplain; however, the proposed detached garage is not within 15 metres of the watercourse. The NPCA requires that all building openings, including garage doors, be set above the regulatory flood elevation.

Subject to obtaining the required NPCA permits and complying with floodplain management policies, the proposed severance and associated development can be designed to fully comply with conservation authority regulations, ensuring that the Harrison Drain and adjacent lands are protected and that no adverse impacts will result to the regulated watercourse or floodplain.

3.0 POLICY FRAMEWORK *Provincial & Regional Policy*

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

The **Planning Act** provides the legislative framework for land use planning in Ontario. Its purpose is to ensure a planning system guided by provincial policy that reflects provincial interests in municipal decision-making and promotes planning processes that are fair, open, accessible, timely, and efficient.

The Act identifies matters of provincial interest that municipal decision-making bodies must consider. Relevant matters to this consent application include:

- **Protection of ecological features and natural resources:** The Harrison Drain traverses the property in a north–south orientation, separating the residential area from the agricultural lands to the rear. The drain is regulated by the Niagara Peninsula Conservation Authority (NPCA), with a 15-metre development setback. No new development is proposed within this setback. A five-metre top-of-bank setback is maintained to provide a working corridor for agricultural operations, and an existing culvert provides farm access to the rear lands. The entirety of the severed lot is within the 100-year floodplain; any alterations or development within the floodplain will require NPCA permits. The consent will not fragment the watercourse or negatively affect the regulated area.
- **Protection of agricultural resources:** The remnant agricultural lands will be consolidated with the purchasing farmer’s existing 60-acre operation. These lands will be rezoned to **Agricultural Purposes Only**, prohibiting new residential development and ensuring continued agricultural use. No farmland will be removed from production.
- **Conservation of features of archaeological or scientific interest:** A portion of the property is identified on Schedule ‘H’ of the Town’s Official Plan as an area of archaeological potential. Preliminary review indicates the proposed garage will not impact this area, subject to municipal confirmation.

- **Adequate provision and efficient use of sewage and water services:**
The property is serviced by a municipal water supply and a septic system installed in 2018. The proposed garage will not contain habitable space and will not impact the septic system, which will be reviewed by the Niagara Region to ensure conformity. The 1-acre severed lot can accommodate a replacement system if required in the future. Minimum 3-metre setbacks are provided to property lines, the driveway, and the farm laneway.

Section 51(25) of the Planning Act allows the approval authority to impose conditions deemed reasonable given the nature of the development. The proposed consent is consistent with the Act's intent and policies.

3.2 Provincial Policy Statement 2024 (PPS)

The **PPS (2024)** provides policy direction on matters of provincial interest and recognizes the importance of agriculture, natural heritage, and resources to Ontario's economy and identity. Growth and development are to be directed to settlement areas, while the long-term viability of rural areas, local food production, and the agri-food network is protected.

The subject property is located within a **Prime Agricultural Area** and designated as a **Specialty Crop Area**, which requires the highest priority for protection. Relevant PPS policies include:

- Maintaining a geographically continuous agricultural land base;
- Supporting the long-term economic viability of the agri-food network;
- Permitting agricultural, agriculture-related, and on-farm diversified uses;
- Protecting all types and intensities of agricultural activities and normal farm practices;
- Ensuring new land uses, including lot creation, comply with Minimum Distance Separation (MDS) formulas;
- Limiting lot creation to the minimum necessary for agricultural uses, agriculture-related uses, or the severance of a **residence surplus to a farming operation** following farm consolidation.

The proposed consent aligns with PPS policies. The severed lot will contain an existing dwelling that is surplus to the farming operation. The remnant agricultural lands will be consolidated with the purchasing farmer's 60-acre operation, maintaining agricultural continuity and preventing fragmentation. The 1-acre severed lot accommodates the existing dwelling, a proposed garage, and the existing septic system with required setbacks. The remnant farmland will be rezoned to **Agricultural Purposes Only**, ensuring its continued agricultural use.

3.3 Greenbelt Plan 2017

The **Greenbelt Plan (2017)** provides policy direction to preserve Ontario's agricultural lands, specialty crop areas, and rural landscapes, while supporting a sustainable agri-food sector. Key objectives include:

- Protecting specialty crop areas while allowing agriculture-supportive infrastructure;
- Recognizing the Niagara Peninsula Specialty Crop Area as a centre for grape and tender fruit production and related agritourism;
- Preventing fragmentation and loss of Prime Agricultural Areas due to lot creation;
- Allowing appropriate agricultural, agriculture-related, and on-farm diversified uses;
- Fostering long-term investment and certainty in the agri-food network.

Lot Creation Policies: Lot creation is generally discouraged but may be permitted for a **residence surplus to a farming operation** resulting from farm consolidation. The severed lot must be the minimum size required to accommodate the dwelling and provide appropriate services, while no new residential dwellings are permitted on the retained farmland.

The existing dwelling predates the Greenbelt Plan, having been constructed circa 1960, and has been continuously occupied as a principal residence. The remnant farmland will be consolidated with the purchasing farmer's 60-acre

holdings, strengthening the agricultural land base and preventing fragmentation. Lot boundaries have been designed to accommodate the existing dwelling, proposed garage, and septic system in compliance with **Rural (A) zoning, Town policies, and NPCA regulations.**

The proposed consent is fully consistent with the Greenbelt Plan as it:

- Protects the specialty crop area and long-term agricultural land base;
- Supports ongoing agricultural production under a bona fide farmer; and
- Ensures that no new residential development is permitted on the retained farmland.

3.4 Niagara Official Plan 2022

The **Niagara Official Plan (NOP)** builds upon provincial policies to provide a comprehensive, long-term community planning framework guiding the physical, economic, and social development of the Niagara region. The NOP sets objectives to manage growth, promote economic development, protect natural environments and resources, safeguard agricultural lands, and support infrastructure provision.

The agricultural land base within Niagara consists of **Prime Agricultural Areas**, including **Specialty Crop Areas**, and rural lands. The NOP's goal is to protect this agricultural land base to ensure the ongoing provision of healthy, local food for current and future generations, while supporting productive, diverse, and sustainable farming operations.

Policy 4.1.5 – Lot Creation in Specialty Crop Areas outlines provisions for consents to convey land within these highly sensitive agricultural zones. Key requirements include:

- New lots should generally be limited to approximately 0.4 hectares (1 acre), with additional area only if needed to support private water supply and sewage disposal systems;
- Adequate water supply must be available to the new lot;

- The new lot must have frontage on a municipally maintained public road;
- Wherever feasible, joint use of existing farm road access should be encouraged;
- Road access to the new lot must not create traffic hazards;
- The size and configuration of new lots should minimize impacts on adjacent farm operations.

As detailed in earlier sections, the proposed consent for a **surplus farm dwelling severance** complies with these policies. The severed lot is approximately 1.0 acre in size, accommodating the existing residence, proposed new garage, septic bed, and all required setbacks in accordance with the Town's Zoning By-law.

The property fronts onto **Concession 2 Road**, a municipally maintained road, and is served by municipal water. The existing farm laneway along the northern property boundary will continue to provide access to the rear agricultural lands. The proposed consolidation of the remnant agricultural lands with the purchasing farmer's existing holdings maintains the current agricultural land size and configuration, ensuring no adverse effects on neighbouring farm operations.

Importantly, the existing dwelling was constructed circa 1960, predating the Greenbelt Plan, which came into effect on December 16, 2004, qualifying it for severance as a surplus farm dwelling under regional policies.

Municipal Planning Policy & Comprehensive Zoning By-Law

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

The Town of Niagara-on-the-Lake is predominantly agricultural, producing a diverse range of crops and products. The Official Plan (OP) aims to preserve the agricultural land base, especially prime agricultural lands, by limiting permitted uses on agriculturally designated lands primarily to those related to agriculture.

The OP's goals emphasize protecting specialty crop lands and high-quality tender fruit and grape lands, while allowing some flexibility in farm size to maintain economic viability. Limited farm-related development is permitted, including surplus farm dwellings, retirement lots, and small-scale agriculturally related commercial or industrial uses.

Policy 7.4.4 – Consents

Consents may be granted for a residence surplus to a farming operation due to farm consolidation where the dwelling existed prior to December 16, 2004, subject to the following conditions:

- (i) The retained farmland parcel is zoned to prohibit new residential uses in perpetuity, ensuring continued agricultural use;
- (ii) The new lot size does not exceed 0.4 hectares (1 acre), except where additional area is needed to support private water supply and sewage disposal systems as determined by the Ministry of Environment and Climate Change or equivalent authorities;
- (iii) Both farms are located within the Town of Niagara-on-the-Lake;
- (iv) The new lot is sited to minimize impact on the remaining farm operation;
- (v) The new lot complies with the Minimum Distance Separation (MDS) Formula I.

The proposed consent will sever the existing dwelling at **1231 Concession 2 Road** onto a 1.0-acre lot, separating it from approximately 9.12 acres of agricultural lands to the rear. The remnant farmland will be rezoned to **Agricultural Purposes Only**, prohibiting any new residential development permanently.

The new lot (Part 1 on the survey sketch) has been sized to accommodate the existing buildings, proposed structures, and septic system with all required setbacks, conforming to the Zoning By-law and Town and NPCA policies.

The agricultural lands will be consolidated with the purchasing farmer's existing 60-acre farm within the municipality. No negative impacts are expected to either farming operation.

The MDS Formula I does not apply in this case because no livestock facilities or anaerobic digesters are present nearby.

Minimum Distance Separation (MDS) Analysis

The Provincial Policy Statement's MDS formulae aim to reduce land use conflicts by separating livestock facilities from other uses to minimize odour and other nuisances. Given the absence of nearby livestock operations or anaerobic digesters, the MDS formula is not applicable, consistent with Section 9 of the "Minimum Distance Separation 1 - Setbacks and Lot Creation for a Residence Surplus to a Farming Operation."

General Consent Policy

The OP's general consent policies require that severances involving existing buildings must have adequate sanitary disposal, water supply, and drainage to serve the new lots. Additionally, the subject lands must front on an existing year-round publicly maintained road, and the proposed lot lines should reflect the existing lot pattern in the area.

The proposed consent aligns with these general consent policies.

3.6 Comprehensive Zoning By-law 4316-09

The subject property is currently zoned **Rural (A)** under the Town's Zoning By-law 500A-74. Permitted uses in the Rural (A) zone include farming and associated accessory buildings such as a home industry, while residential uses are limited to single-family dwellings.

The property consists of approximately 10.12 acres, containing a single-family dwelling, storage units, and agricultural lands behind the residence. The consent application seeks to sever the surplus farm dwelling and consolidate the rear agricultural lands with the tenant farmer's holdings.

Because the purchasing farmer's holdings are not contiguous with the subject lands, a rezoning to **Agricultural Purposes Only** is required for the remnant agricultural parcel to prohibit new residential development. This rezoning will recognize:

- A reduced lot frontage of 15.119 metres for the agricultural lands, where the by-law requires a minimum of 38.10 metres;
- A reduced frontage of 47.197 metres for the surplus farm dwelling lot, where 60.96 metres is required;
- A reduced lot area of 9.12 acres for the agricultural lands, where 10 acres is the minimum.

The severed lot will be rezoned **Rural 'A' Site Specific** to recognize:

- A reduced front yard setback of 5.76 metres for the existing dwelling, where 15.24 metres is required;
- A proposed garage height of 6.85 metres, exceeding the maximum 4.5 metres allowed.

The home industry currently operating on the site is permitted within the Rural 'A' zone; however, following severance, home industry or occupation uses will no longer be permitted on the surplus farm dwelling lot. The existing septic contracting business, jointly owned by the property owners and a long-standing business partner, will be relocated to the partner's property as the owners plan to retire. The associated heavy equipment will be removed, storage buildings demolished, and replaced with a new garage on site.

4.0 CONCLUSION

The proposed severance of the surplus farm dwelling at **1231 Concession 2 Road** aligns with the requirements of the **Planning Act** regarding lot creation and conforms to the relevant provincial and municipal planning frameworks, including the **Provincial Policy Statement (2024)**, the **Greenbelt Plan (2017)**, the **Niagara Official Plan (2022)**, and the **Town of Niagara-on-the-Lake Official Plan (2017)**.

A Zoning By-law amendment is requested to facilitate the consent for severance. The remnant agricultural lands will be rezoned to **Agricultural Purposes Only** to prohibit any future residential development permanently and to recognize a reduced lot frontage. The new lot containing the surplus farm dwelling will be rezoned **Rural 'A' Site Specific** to reflect the existing reduced lot frontage, the existing front yard setback deficiency for the dwelling, and the proposed increased height of the new garage.

The existing home industry will be relocated off-site, with all associated outdoor equipment and storage structures removed, supporting the agricultural integrity of the property.

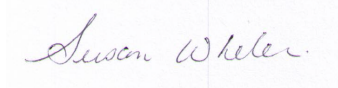
This proposal supports the long-term preservation of the agricultural land base by maintaining active agricultural production through the consolidation of farmland holdings. The surplus farm dwelling, constructed circa 1960, predates the Greenbelt Plan, is habitable, continuously occupied, and has never served as a farm help house.

The consolidation will expand the purchasing farmer's holdings to nearly 70 acres, enhancing the viability and scale of the farming operation. There are no livestock facilities or anaerobic digesters nearby, rendering Minimum Distance Separation requirements inapplicable.

Overall, the proposed consent and rezoning are consistent with the policies of the Town's Official Plan and the provisions of Zoning By-law 500A-74.

We respectfully request approval of the surplus farm dwelling consent application and rezoning.

Susan Wheler & Associates

A handwritten signature in cursive script that reads 'Susan Wheler' is placed over a light grey rectangular background.

Susan Wheler, RPP
Owner & Principal,