

In the matter of the Planning Act, R.S.O. 1990, c. P.13, s. 53:

DECISION: File No. Consent B-05/26 – 1231 Concession 2 Road
Assessment Roll No. 2627020021090000000

Description of the Land and Purpose and Effect of the Application:

Consent Application B-05/26 proposes the severance of a residence surplus to a farming operation as a result of a farm consolidation.

The agricultural portion (Part 3), with an area of 36,706.0 square metres (9 acres) and 15.2 metres of frontage on Concession 2 Road, is to be retained for continued agricultural use. The residential portion (Part 1), containing a single-family dwelling with an area of 4,046.9 square metres (1 acre) and 47.2 metres of frontage on Concession 2 Road, is to be severed. A 3.05-metre-wide road widening along the frontage of Concession 2 Road (Part 2) would be dedicated to the Town.

Date of Notice: May 22, 2026

Decision: Granted subject to the conditions attached as Schedule A.

Reasons: The Committee of Adjustment considered all the written and oral submissions and agrees with the consent report analysis that, subject to the conditions of provisional consent, this application meets Planning Act requirements, is consistent with the Provincial Policy, the Niagara Regional Official Plan and the Town Official Plan regarding the creation of a new lot.

Last date to file a notice of appeal: June 11, 2026.

A notice of appeal:

1. must be filed with the Secretary-Treasurer;
2. must set out the reasons for the appeal; and
3. must be accompanied by the fee required by the Ontario Land Tribunal.

An appeal to the Ontario Land Tribunal (OLT) in respect to all or part of this decision may be made by filing a notice of appeal with the Secretary-Treasurer by one (1) of the following means:

1. Through the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting the Town of Niagara-on-the-Lake as the Approval Authority; or,
2. Through providing physical copies of the appeal materials to Town Hall 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0
3. Through providing electronic copies of the appeal materials to the Secretary-Treasurer at natalie.thomson@notl.com.

The appeal fee can be paid online through e-file or by certified cheque/money order and submitted to the Town (certified cheque/money order to be addressed to the Minister of Finance, Province of Ontario). Further information and the required forms are available on the OLT website at www.olt.gov.on.ca.

Further notice and appeal eligibility:

Please note neighbours and other interested parties not defined by the Planning Act are no longer eligible to file appeals for this application as per Bill 23, More Homes Built Faster Act, 2022. Planning Act appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

Information regarding the Local Planning Appeals Tribunal can be found at;
<https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

Last date to fulfil all conditions: May 21, 2028

Consent was obtained by the Secretary Treasurer on May 21, 2026 to insert electronic signatures below;



Steve Bartolini
Committee of Adjustment

CONFLICT

Margaret Louter (Vice Chair)
Committee of Adjustment



Eric Lehtinen (Chair)
Committee of Adjustment



Paul Johnson
Committee of Adjustment

ABSENT

Angelo Miniaci
Committee of Adjustment



Natalie Early
Committee of Adjustment



Chris Van de Laar
Committee of Adjustment

I, Natalie Thomson, Secretary Treasurer of the Committee of Adjustment for the Town of Niagara-on-the-Lake, hereby certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein.

DATED at the Town of Niagara-on-the Lake on May 22, 2026.



Natalie Thomson, Secretary Treasurer

SCHEDULE A
Conditions of Provisional Consent:

- 1.1.1 That the owner/applicant provides a legal description of Part 1, acceptable to the Registrar, together with one (1) digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Town, for use in the issuance of the Certificate of Consent;
- 1.1.2 That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Planning, Building and Development Services, confirming that a copy of the documentation evidencing the transaction, including the transfer of Part 1, will be forwarded within two years of the issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first;
- 1.1.3 That the owner/applicant obtain final approval of a zoning by-law amendment to change the zoning on Part 2 to Agricultural Purposes Only (APO), to the satisfaction of the Town, to prohibit the construction of a dwelling in perpetuity;
- 1.1.4 That the owner/applicant remove, or relocate the accessory structure in the rear yard, to the satisfaction of the Director of Planning, Building and Development Services, to comply with the required rear and side yard setback of 3.05 metres (10 ft);
- 1.1.5 That the owner/applicant, at their own expense, dedicate a 3.05 metre road allowance widening fronting the entirety of Parts 1 and 2 on the east side of Four Mile Creek Road, and a dedication of a 3.05 metre road allowance widening fronting the entirety of Part 2 on the north side of East and West Line, to the Town, to the satisfaction of the Director of Public Works and Infrastructure;
- 1.1.6 That the owner/applicant, at their own expense, enter into a reapportionment agreement for the future maintenance assessment of the municipal drain, subject to the approval of the Drainage Superintendent;

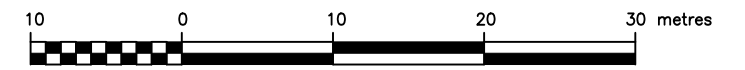
NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

1931 FOUR MILE CREEK ROAD TOWN OF NIAGARA-ON-THE-LAKE

REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 500



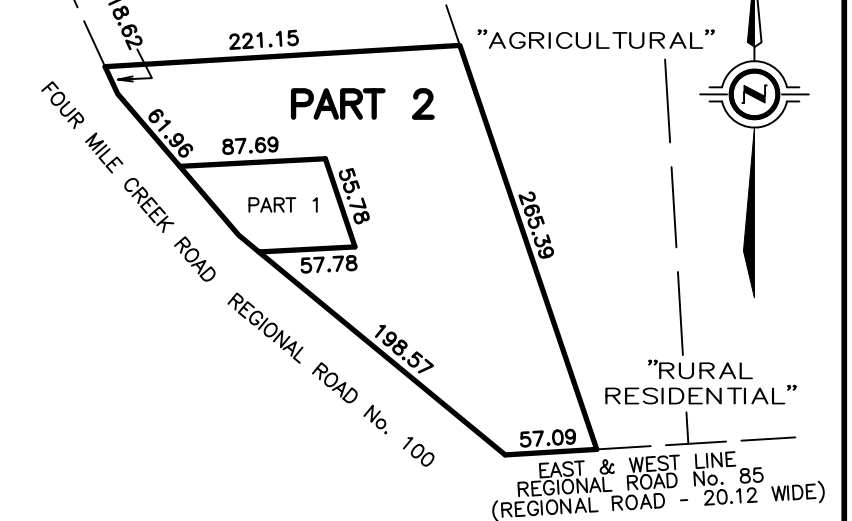
J.D. BARNES LIMITED

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METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



TOWN OF NIAGARA-ON-THE-LAKE

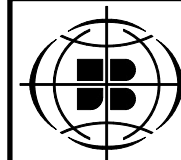
LEGAL DESCRIPTION

PART OF LOT 5, TOWNSHIP PLAN 167

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN OF SURVEY.

JANUARY 9, 2026
DATE

ROY S. WARKUP
ONTARIO LAND SURVEYOR



J.D. BARNES
LIMITED

LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING
MAPPING
GIS

TW DRAWN
RSK CHECKED

Ref. No.
25-16-186-00

PLOT DATE: 1/12/2026 1:50 PM

PART 2

AREA=3.494 HA

"AGRICULTURAL"

CENTRE-LINE OF ROW OF TREES

PART 1

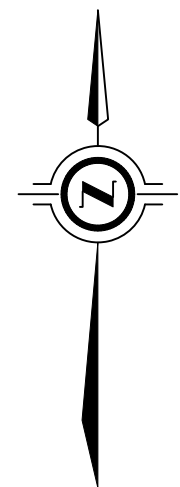
AREA=3984 sq.m
BUILDING COVERAGE=344.7sq.m (8.7%)

STORAGE BUILDING
200.1 sq.m.

GARAGE
67.2sq.m.

DWELLING
No. 1931
77.4 sq.m.

FOUR MILE CREEK ROAD
REGIONAL ROAD No. 100
(REGIONAL ROAD - 20.12 WIDE)



CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

FILE: G:\PROJECTS\25-16-186\00 - 25-16-186\Drawing\25-16-186-00 LDC.dwg