

**Planning Justification Report**  
**Application for Consent and Minor Zoning By-law Amendment**  
**Surplus Farm Dwelling**

**1895 Concession 4 Road**  
**Niagara-on-the-Lake**

**May 8, 2026**

**Upper Canada Consultants**  
**3-30 Hannover Drive**  
**St. Catharines, ON L2W 1A3**



UCC File No. 26025

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## **1.0 - INTRODUCTION**

Upper Canada Consultants has been retained by Virgil Greenhouses Limited to prepare a Planning Justification Brief pertaining to applications for Consent to Sever and future Zoning By-law Amendment on the lands municipally addressed as 1895 Concession Four Road in the Town of Niagara-on-the-Lake, Ontario. The need for a Planning Brief was identified by the Town at a pre-consultation meeting held for the proposal on March 5, 2026. A copy of the pre-consultation notes is included as **Appendix II**.

The owner is proposing to sever a 0.4627-hectare (1.1 acre) parcel of land containing an existing single detached dwelling and associated in-ground pool and manicured lawn areas from the remnant 2.7189 hectares (6.7 acres) of the property used for agricultural purposes.

This Brief has been prepared to provide an overview of the proposal and to evaluate the application against applicable Provincial, Regional and local land use planning policy.

## 2.0 – BACKGROUND AND SITE CONTEXT

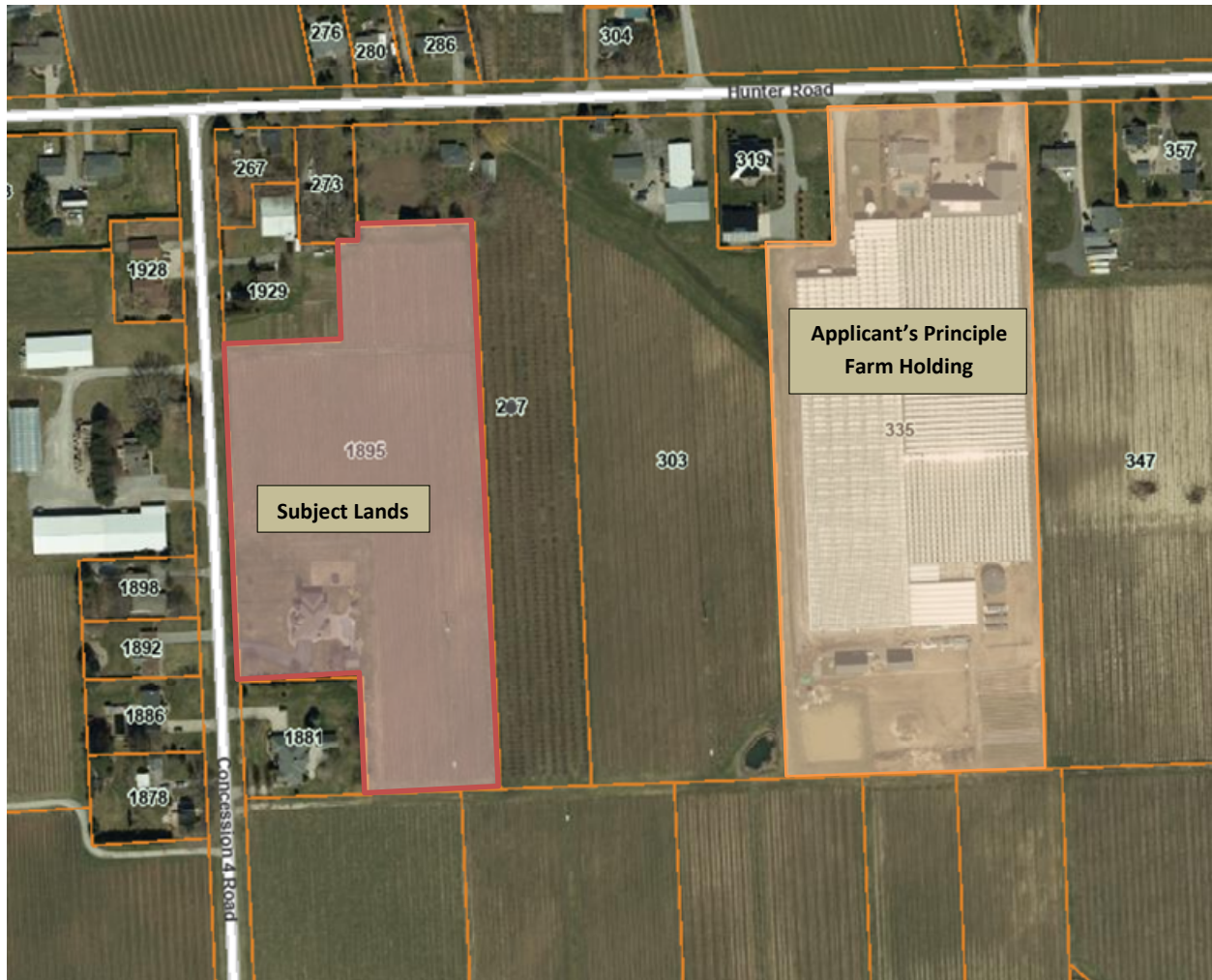


Figure 1 – The Applicant's Land Holdings

The application pertains to the severance of a surplus farm dwelling from 1895 Concession 4 Road. The property owner, Virgil Greenhouses Limited, is a wholesale floral producer whose primary operations are located at 335 Hunter Road in the Town of Niagara-on-the-Lake – approximately 156 meters from the subject lands. An aerial view of the applicant's land holdings is provided in **Figure 1**, and a description of each property is provided below.

### *1895 Concession 4 Road*

The subject property, municipally addressed as 1895 Concession 4 Road, is a 2.88-hectare parcel located on the east side of Concession 4 Road, south of Hunter Road. The property is irregular in shape and contains a detached dwelling along with an associated in-ground pool, accessory structures and manicured lawn area in the southern portion of the property, along the Concession 4 frontage. The balance of the land area is used for agricultural crop production and is currently planted with wine grapes.

*335 Hunter Road*

The applicant's principle farm holding is located at 335 Hunter Road. This property is located on the south side of Hunter Road and is approximately 4.47 hectares in area. The property contains a large greenhouse facility, as well as a principle residence serving the farm, with an associated in-ground pool, and manicured lawn area located in the northern area of the property, along Hunter Road.

### 3.0 - PROPOSAL

The Consent application proposes the severance of a 4627.6 square meter (1.1 acre) parcel containing the existing dwelling, in-ground pool, residential accessory structures, and manicured lawn area from 1895 Concession Four Road. The remaining 2.719 hectares (6.7 acres) of croplands will be retained by Virgil Greenhouses Limited. for continued agricultural uses. An excerpt from the Severance Sketch demonstrating the proposed severance is shown as **Figure 2**. The Severance Sketch is also attached as **Appendix I**.

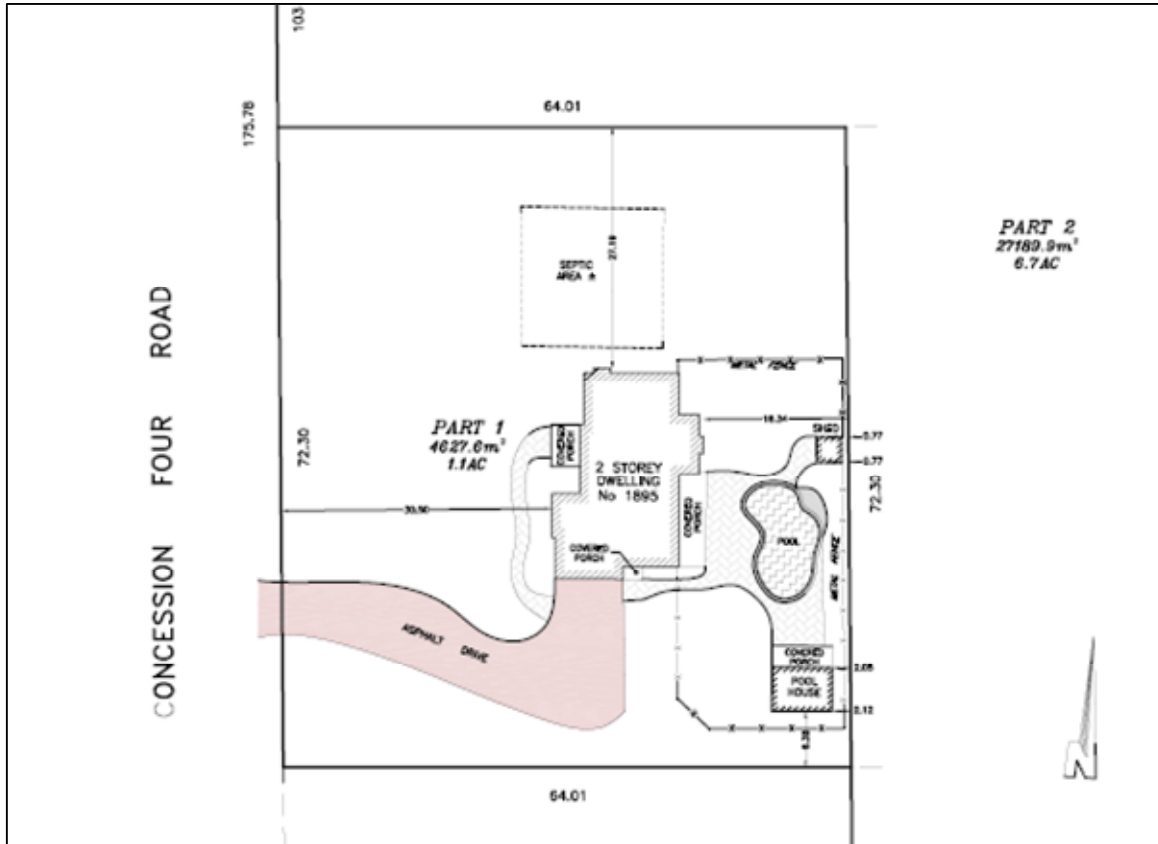


Figure 2 - The Proposed Severance (cropped from the Severance Sketch prepared by Chambers and Associates Surveying Ltd.)

## **4.0 – REQUIRED APPLICATIONS**

### **Consent Application**

An application for Consent is required to permit the proposed lot creation.

### **Zoning By-law Amendment**

For surplus farm severance applications where the remnant lands cannot be physically consolidated with an adjacent farm parcel, the lands are to be rezoned to preclude residential uses on the lands in perpetuity (ie. Agricultural Purposes Only). This requirement should be imposed as a condition of consent approval.

The proposed severance also results in deficiencies for minimum rear yard setback to an accessory structure on the severed lands, and minimum lot area on the retained lands. These deficiencies can be addressed as site-specific provisions through the Agricultural Purposes Only Zoning By-law Amendment.

## **5.0 – POLICY ANALYSIS**

### **5.1 - PLANNING ACT**

#### **Section 2 – Matters of Provincial Interest**

Section 2 of the Planning Act outlines the matters of Provincial Interest that the Planning Authority must have regard for when considering applications under the *Act*.

With regard to these matters, the submitted application contributes to the protection of agricultural resources as the proposed severance supports the consolidation and efficient management of farming operations.

#### **Section 53 – Consents**

Applications for Consent are governed under Section 53 of the *Planning Act*. As established in subsection (1) an application for consent is permissible where a plan of subdivision is not necessary for the proper and orderly development of the municipality. As the proposal seeks permission for the creation of one lot containing an existing dwelling, Consent is the appropriate lot creation tool.

Section 53(12) states that the approval authority shall have regard for the matters under Section 51(24) when determining whether a Consent should be given. An overview of conformity to these considerations is provided below.

*(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

The application has regard for the protection of agricultural resources.

*(b) whether the proposed subdivision is premature or in the public interest;*

The consent is not premature as it applies to an existing dwelling which is connected to utilities and has private sewer and water services.

*(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

The consent is permitted under the Regional and local official plans.

*(d) the suitability of the land for the purposes for which it is to be subdivided;*

There are no physical impediments to the proposed consent.

*(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

No affordable housing units are proposed.

*(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

The severed and remnant lands will continue to have frontage on Concession Four Road. The existing right-of-way width satisfies Town requirements.

*(f) the dimensions and shapes of the proposed lots;*

The proposed lot is 0.46 hectares in area with 72.3 meters of frontage, and is rectangular in shape.

*(g) 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;*

No special restrictions are proposed on the proposed lot. The retained lands will be zoned to preclude residential uses in perpetuity.

*(h) conservation of natural resources and flood control;*

The lands are not impacted by natural resources or hazards.

*(i) the adequacy of utilities and municipal services;*

The proposed consent applies to an existing dwelling which already has access to utilities and private sewage and water services.

*(j) the adequacy of school sites;*

The severance of an existing dwelling does not have an impact on school enrolment.

*(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

No land is proposed to be dedicated for public purposes.

*(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

The retention of an existing dwelling provides benefits in the efficient use and conservation of energy.

*(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

The application does not propose development that would be subject to site plan control.

## **5.2 - 2024 PROVINCIAL PLANNING STATEMENT**

### **Sewage, Water and Stormwater (PPS 3.6)**

Section 3.6 of the PPS contains policies addressing the provision of sewage, water and stormwater services.

The subject lands are located outside of the urban area and do not have municipal sewage or water service. In such cases, Policy 3.6.4 permits the provision of individual on-site sewage and water services provided the on-site conditions are suitable for the long-term provision of such services without negative impacts. The Niagara Region requires a minimum lot size of 0.4 hectares (1 acre) in order to ensure that private sewage and water needs can be accommodated. The proposed parcel is 0.46 hectares (1.1 acre) in area and contains the existing sewage system serving the dwelling. The application appropriately considers the provision of private services.

### **Agriculture (PPS 4.3)**

The subject lands are within the prime agricultural area and are further classified as specialty crop lands within the Provincial Planning Statement.

Lot creation is generally discouraged within prime agricultural areas but is permitted in certain circumstances. The proposal is for a surplus farm severance which is permitted in accordance with Policy 4.3.3 c), which permits:

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

In accordance with these requirements, the application proposes the severance of one dwelling which is rendered surplus as a result of the consolidation of farm parcels under one ownership. The lot is 0.46 hectares (1.1 acre) in area which is sufficient for lots on private services, in accordance with the Niagara Official Plan.

As a condition of the severance, the Town should require that the remnant lands are zoned for Agricultural Purposes Only (APO) which has the effect of prohibiting residential uses

## 6.0 – NIAGARA OFFICIAL PLAN (2022)

Schedule F to the Region’s Official Plan identifies that the subject lands are within the Region’s agricultural land base and are within the Specialty Crop Area (see **Figure 3**). Policies pertaining to the Region’s Agricultural System are outlined in Chapter 4 of the Regional Official Plan.



Figure 3 - Excerpt from the Region of Niagara Official Plan, Schedule 'F' – Agricultural Land Base

### Competitive Region (Chapter 4)

Section 4.1.4 outlines the circumstances where lot creation is permitted in the Region’s Agricultural System. All consents in the Agricultural System are subject to the general policies under Section 4.1.4.2 of the NOP. Policy 4.1.5.1 a. requires that any consent within the Specialty Crop Area is supported by a Planning Justification Report. This report satisfies this requirement. Section 4.1.5 contains the specific lot creation policies for the Specialty Crop, which are applicable to the subject application.

A surplus farm severance is permitted in the Specialty Crop Area, subject to the following policies under Section 4.1.5.2:

- 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;*

The dwelling to be severed is occupied and in good state of repair. The existing dwelling was constructed in the year 2000, as confirmed by the building permit included as **Appendix IV**. The farmer’s acquisition of this property renders the dwelling surplus as there is already a principle residence located on the principle farm holding.

- 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 one hectare;*
  - i. proposals that exceed one hectare may be considered subject to an amendment to this Plan; and*

The proposed lot is 0.46 hectares in area, modestly exceeding the standard 0.4 hectare requirement by 0.06 hectares. The existing private sewage disposal system is located within the proposed lot, and the lot has been sized to ensure the dwelling and its associated services are fully contained within the severed parcel. At 0.46 hectares, the proposed lot remains well below the one hectare maximum established by this policy, and no amendment to this Plan is required.

The intent of this policy is to ensure that new residential lots created through surplus farm dwelling severances are limited to the minimum area necessary, and that productive agricultural land is protected from unnecessary fragmentation. The proposed lot satisfies both objectives. The lot boundaries correspond with the existing manicured lawn area that has historically been associated with the dwelling, and do not extend into any area of active agricultural production. Notably, not all of the established curtilage has been captured within the severed parcel — a portion of the existing manicured area remains with the retained agricultural lands — confirming that the lot has been drawn conservatively and that the proposed size reflects the minimum area appropriate to the use.

The 0.06 hectare exceedance above the standard 0.4 hectare threshold is negligible in the context of this policy and does not in any way compromise its underlying intent. No productive agricultural land is lost as a result of the severance, and the retained parcel continues to function as a viable agricultural holding.

- 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.*

The remnant lands cannot be consolidated as the applicant's other farm holdings are not immediately adjacent. The remnant lands are therefore to be rezoned for Agricultural Purposes Only. The municipality should include this as a condition of Consent Approval.

Furthermore, the following general policies for lot creation in the Agricultural System under Section 4.1.4 are also applicable to the proposal:

**4.1.4.2** *Proposed residential lots being considered under Sections 4.1.5 and 4.1.6 for a consent within the agricultural land base must meet the following conditions:*

- a. 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 long-term operation of a private sewage disposal system as determined by Provincial and Regional requirements;*

The proposed parcel is 0.46 hectares in area. The lot size considers septic requirements for the proposed lot while maintaining appropriate separation from the existing system serving the remnant parcel.

- b. any new lot has an adequate groundwater or other water supply, in compliance with Provincial requirements;*

There is an existing cistern providing domestic water service for the dwelling. The proposed lot creation has no impact on the existing water supply.

- c. any new lot has sufficient frontage on an existing publicly-maintained road;*

The proposed parcel has 72.3 meters of frontage on Concession Four Road which exceeds the minimum frontage of 60.96 meters required under the Town's Zoning By-law.

- d. where possible, joint use should be made of the existing road access to the farm operation;*

The dwelling will retain its existing road access. The remnant lands have a separate access in the northern portion of the property to serve the agricultural components.

- e. road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections; and*

The surplus dwelling subject to the application will retain its existing driveway access. Concession 4 Road is does not have any significant curves or grade changes and there are no sight line issues with the existing driveway.

- f. proposed lots shall be located and configured to minimize impacts on surrounding farming operations*

The proposed lot has been configured to minimize impacts on the agricultural operation. The lot boundaries have been drawn to capture only those portions of the property that have historically been used for residential purposes, including the dwelling, pool, and manicured lawn area. The proposed parcel does not include any lands under active agricultural production.

The configuration of the proposed lot also reflects careful attention to the broader agricultural context. The proposed rear lot line has been aligned to form a continuous and consistent boundary with the rear lot line of the adjacent residential parcel to the south, creating an uninterrupted agricultural block beyond the severed lot. This alignment ensures that the retained farmland is regular in shape, contiguous with the surrounding agricultural lands, and capable of being efficiently cultivated without being affected by irregular or fragmented boundaries.

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

- a. the lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;*

The dwelling subject to the proposed consent is in a good state of repair and is currently occupied. The dwelling was constructed in the year 2000 as confirmed by the building permit attached as an **Appendix**

**IV.** The dwelling is rendered surplus due to the acquisition of this property as there is already a principle residence on the farm holdings.

- 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 one hectare;*
  - i. proposals that exceed one hectare may be considered subject to an amendment to this plan; and*

The proposed lot is 0.46 hectares in area and includes the existing private sewage disposal system serving the dwelling. The minor exceedance of 0.06 hectares above the standard 0.4 hectare requirement does not conflict with the intent of this policy. The additional area is contiguous with the existing septic system and supports its ongoing maintenance and any future improvements. The proposed lot remains well below the one hectare maximum established by this policy, and no amendment to this Plan is required. Furthermore, no lands in active agricultural production are captured within the proposed lot and the proposal does not impact the agricultural viability of the remnant lands.

- 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.*

The remnant lands are to be rezoned for Agricultural Purposes Only. The municipality should include this as a condition of Consent Approval

## 7.0 – TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN

The Town of Niagara-on-the-Lake Official Plan is the Township’s long-range planning document, containing policies and objectives that guide land use planning in the municipality. The subject lands are within the “Agricultural” designation as shown on Schedule “B” of the Official Plan (see **Figure 4**).

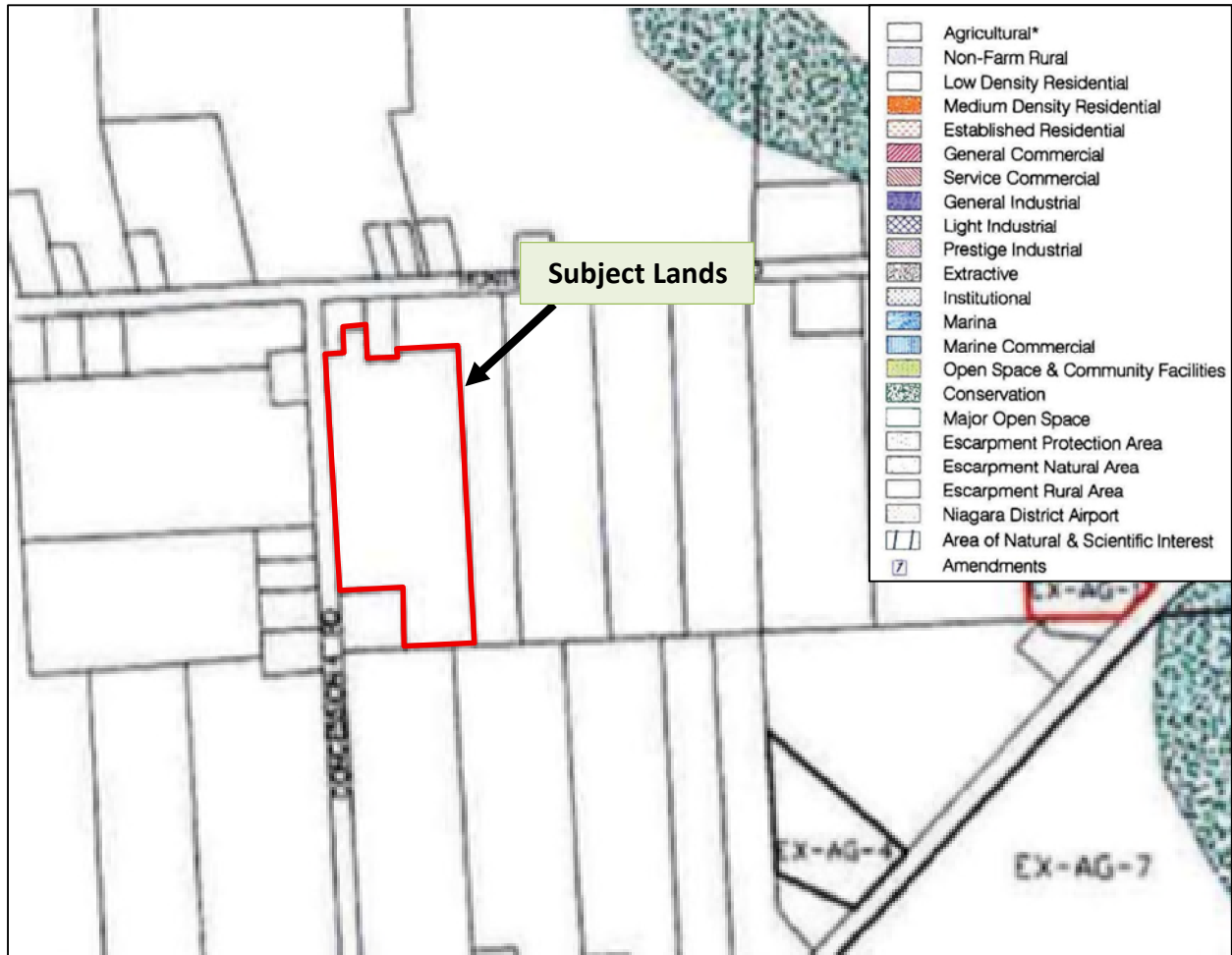


Figure 4 - Excerpt from the Town of Niagara-on-the-Lake Official Plan - Schedule "B"

## Consent Policies

The severance of a residence surplus to a farming operation is permitted under the Town's Official Plan, subject to the criteria under Section 7.4.4.e. The following section provides an overview of conformity to these policies.

*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:*

The Greenbelt Plan characterizes "farm consolidation" as "the acquisition of additional farm parcels to be operated as one farm operation". The subject lands meet this criteria as the owner owns other farm parcels in the immediate vicinity, and the subject lands are intended to be utilized in conjunction with the applicant's other farm holdings as part of the overall farming operation. The dwelling was constructed in the year 2000, as confirmed by the building permit attached as **Appendix IV**.

*(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;*

The municipality should impose a condition of consent approval requiring that the remnant lands be rezoned to preclude residential uses in perpetuity.

*(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;*

The proposed lot is 0.46 hectares in area and includes the existing private sewage disposal system serving the dwelling. The minor exceedance of 0.06 hectares does not conflict with the intent of this policy as the additional area is contiguous with the existing septic system and supports ongoing maintenance and any future improvements to the system.

*(iii) The farms are both located within the Town of Niagara-on-the-Lake;*

The applicant's primary farm holding is located at 337 Hunter Road in the Town of Niagara-on-the-Lake.

*(iv) The new lot is located to minimize the impact on the remaining farm operation; and*

The proposed lot has been designed to minimize impacts on the remnant agricultural lands. The lot parameters only encompass areas that have historically been associated with the dwelling, and the lotting fabric has been designed to be contiguous with adjacent parcels to provide for a consistent area for crop cultivation.

*(v) The new lot complies with the Minimum Distance Separation Formula I.*

There are no livestock facilities in the vicinity.

## **8.0 – TOWN OF NIAGARA-on-the-LAKE ZONING BY-LAW**

The subject lands are located outside of an Urban Area, and are therefore subject to Zoning By-law 500A-74. Schedule A of Zoning By-law 500A-74 shows that the subject lands are Zoned as Agricultural (A) (see **Figure 5**).



Figure 5 - Excerpt from Town of Niagara-on-the-Lake Zoning By-law 500A-74 Schedule 'A'

Zoning conformity for the proposed lot and retained lot are outlined below in **Tables 1** and **2** respectively.

<b>Table 1 - Zoning Compliance – Part 1</b>			
<b>Agricultural Zone (A)</b>			
Provisions	Requirement	Provided	Proposed Provision
<b>Zone Provisions for Residential Lots Created by Consent</b>			
Minimum Lot Frontage	60.96m	72.3m	No Change
Minimum Lot Area	3716m <sup>2</sup>	4627.6m <sup>2</sup>	No Change
Minimum Lot Depth	60.96m	64.01m	No Change
Maximum Lot Coverage	15%	±9.5%	No Change
Minimum Front Yard	15.24m	30.5m	No Change
Minimum Interior Side Yard	3.05m	27.19m	No Change
Minimum Exterior Side Yard	9.14m	N/A	No Change
Minimum Rear Yard	15.24m	16.34m	No Change
Minimum Floor Area (2 Storey)	139.35m <sup>2</sup>	±343m <sup>2</sup>	No Change
Maximum Building Height	10.67m	As existing	No Change
Accessory Building Yards	3.05m	0.77m (rear)	0.75m

<b>Table 2 - Zoning Compliance – Part 2</b>			
<b>Agricultural Zone (A)</b>			
Provisions	Requirement	Provided	Proposed Provision
<b>Zone Provisions for Agricultural Lots</b>			
Minimum Lot Frontage	38.1m	103.48m	No Change
Minimum Lot Area	4.05ha	2.71ha	2.7ha
Minimum Lot Depth	-	-	-
Maximum Lot Coverage	15%	0%	No Change
Minimum Front Yard	15.24m	N/A	No Change
Minimum Interior Side Yard	3.05m	N/A	No Change
Minimum Exterior Side Yard	9.14m	N/A	No Change
Minimum Rear Yard	15.24m	N/A	No Change
Minimum Floor Area (2 Storey)	139.35m <sup>2</sup>	N/A	No Change
Maximum Building Height	10.67m	N/A	No Change
Accessory Building Yards	-	-	-

## **Zoning By-law Amendment**

The Provincial Planning Statement requires that remnant agricultural lands created through a surplus farm dwelling severance are either merged with abutting lands under common ownership or rezoned to preclude residential uses in perpetuity. As the applicant does not own abutting agricultural lands, merger is not possible, and a Zoning By-law Amendment is required to satisfy this provincial policy requirement.

The proposed rezoning of the remnant lands to a Site-Specific Agricultural Purposes Only (APO) zone will ensure that residential uses are prohibited in perpetuity, protecting the long-term agricultural integrity of the retained parcel in a manner consistent with the Provincial Planning Statement. This rezoning should be imposed as a condition of consent approval.

The Zoning By-law Amendment also provides an opportunity to address site-specific zoning deficiencies arising from the creation of the new lot. The rationale for each deficiency is addressed below.

### **Site Specific Relief**

#### **Minimum Accessory Building Yards**

The proposed severance results in deficient rear yard setbacks for the existing shed and pool house located on Part 1, which are proposed at 2.05 metres and 0.77 metres respectively, where a minimum of 3.05 metres is required under the Zoning By-law.

These deficiencies are a direct result of the proposed lot configuration which is intended to minimize impacts on the retained agricultural lands. The proposed rear lot line has been established as an extension of the rear lot line of the adjacent residential parcel to the south, creating a consistent and regular lotting pattern that preserves an uninterrupted and efficiently cultivable agricultural block beyond the severed lot.

The site-specific provision does not create a new interface between these accessory structures and the abutting agricultural lands, rather, it is an existing condition that has co-existed with the surrounding farm operation without conflict. The site-specific relief sought through the Zoning By-law Amendment would recognize and formalize this pre-existing condition. No new structures are proposed, no additional encroachment is created, and no adverse impacts on the agricultural operation are anticipated as a result of the reduced setbacks.

#### **Minimum Lot Area**

The remnant agricultural parcel will have a lot area of 2.71 hectares following the severance of the surplus dwelling, whereas a minimum lot area of 4.05 hectares is required for agricultural parcels.

The intent of the minimum lot area is to ensure that agricultural parcels are of an appropriate size to support viable farming operations, and to discourage the unnecessary fragmentation of productive farmlands.

The 2.71-hectare remnant parcel represents the existing area of the property in active agricultural production. No lands currently used for agricultural purposes are captured within the severed lot. The reduced lot area therefore reflects the formalization of the existing agricultural footprint of the property rather than any loss of productive farmland.

The application protects the long-term productivity of the remnant lands through the necessary re-zoning to preclude residential uses, ensuring that the long-term agricultural use of the lands is preserved. Furthermore, the remnant parcel can function as an integrated component of the applicant's broader farming operation, which includes additional agricultural holdings in the immediate vicinity.

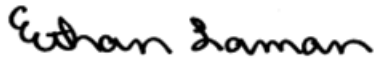
## **9.0 - PLANNING POSITION**

The subject Consent application proposes the severance of a 4,627.6 square meter (1.1 acre) parcel of land containing an existing single detached dwelling and associated in-ground pool and manicured lawn areas from the remnant 2.7189 hectares (6.7 acres) of the property used for agricultural purposes. The application represents the disposal of a farm residence which has become surplus to the needs of the farm as a result of the consolidation of farm parcels.

The severance of a dwelling surplus to farming operations in the Province's Prime Agricultural Area is permitted, subject to criteria contained within the PPS and Greenbelt Plan. The Niagara Official Plan and Town of Niagara-on-the-Lake Official Plan contain further criteria for such proposals. As demonstrated in this brief, the proposed lot creation satisfies all of the criteria for a surplus severance under the particular land use planning documents.

The application is consistent with the Provincial Policy Statement and conforms to the Greenbelt Plan, the Niagara Official Plan and the Town of Niagara-on-the-Lake Official Plan, represents good planning, and should therefore be supported.

Respectfully submitted,



Ethan Laman, BURPI., MCIP, RPP  
Senior Planner  
Upper Canada Consultants

**Appendix I**  
**Survey Sketch**



CONCESSION FOUR ROAD

175.78

103.48

64.01

72.30

**PART 1**  
4627.6m<sup>2</sup>  
1.1AC

SEPTIC AREA ±

27.19

METAL FENCE

COVERED PORCH

2 STOREY DWELLING No 1895

COVERED PORCH

COVERED PORCH

COVERED PORCH

SHED

POOL

COVERED PORCH

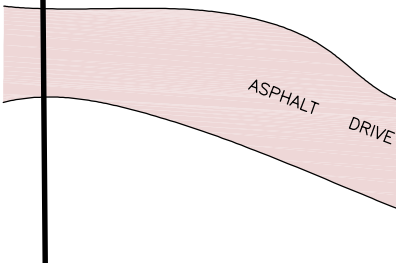
POOL HOUSE

METAL FENCE

64.01

72.30

**PART 2**  
27189.9m<sup>2</sup>  
6.7AC



HUNTER ROAD

CONCESSION FOUR ROAD  
(20.12m WIDE)

175.78

103.48

**PART 2**  
27189.9m<sup>2</sup>  
6.7AC

61.11

8.08

11.28

PART 4  
30R-9330

PART 1  
30R-9330

RESIDENTIAL

51.33

60.96

64.01

PART 1  
4627.6m<sup>2</sup>  
1.1AC

72.30

72.30

64.01

PART 1  
30R-6652

60.96

69.39

295.16

LOT 77

LOT 92

LOT 91A



**SKETCH**  
PREPARED FOR SEVERANCE APPLICATION  
**PART OF LOT 70**  
**PLAN M-11**  
IN THE  
**TOWN OF NIAGARA**  
**ON THE LAKE**  
REGIONAL MUNICIPALITY OF NIAGARA  
(PART 1, 30R-14155)  
SCALE 1 : 500 (METRIC)

**LOT STATISTICS**

LOT AREA	4843.9m <sup>2</sup>	100.0%
DWELLING	293.6m <sup>2</sup>	6.3%
POOL HOUSE	33.5m <sup>2</sup>	0.7%
SHED	8.3m <sup>2</sup>	0.2%

**NOTE:** THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY. DO NOT SCALE FROM THIS DRAWING. ALL MEASUREMENTS ARE +/- MEASUREMENTS.

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**LEGEND**

	DENOTES	ASPHALT SURFACE
	DENOTES	BRICK SURFACE
	DENOTES	CONCRETE SURFACE

DECEMBER 9, 2025  
DATE:  
  
DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES SURVEYING LTD**  
12 THOROLD ROAD EAST (905) 735-7841 / 735-7844  
WELLAND ONTARIO FAX (905) 735-7333  
L3C 3T2 www.casl-surveying.com

**Appendix II**  
**Pre-consultation Agreement**



Office Use Only --	Meeting date: <b>March 5, 2026</b>	Fee collected: <b>\$1,740</b>
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**APPLICANTS** only need to complete page 1 of this form. Once completed, e-mail to: [planning.development@notl.com](mailto:planning.development@notl.com)  
You will be contacted with a meeting date and a planner will be assigned to your file.

## Pre-Consultation Agreement

For applications filed under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

Persons intending to file an application under the *Planning Act, R.S.O. 1990, c. P.13, as amended*, are required to attend a pre-consultation meeting with Community & Development Services Staff prior to submitting an application. This meeting will identify the requirements to submit a complete application and will provide the opportunity to discuss the application, planning-related matters, application fees, the application review process, and other matters.

*All information requested on this form is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13, as amended, and the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. The requested information on this form and all accompanying plans, reports, and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and company of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.*

### 1. Application Type (select all that apply)

- |  |  |  |  |   |
|--|--|--|--|---|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> Draft Condominium Description | <input type="checkbox"/> Site Plan Approval |
| <input checked="" type="checkbox"/> Consent      | <input type="checkbox"/> Minor Variance          | <input type="checkbox"/> Fence/Sign Variance       | <input type="checkbox"/> LNCU Permission               | <input type="checkbox"/> Other: _____       |

### 2. Details of the Subject Lands

Municipal Address <b>1885 concession 4 road</b>	Assessment Roll Number <b>262702000919050</b>	
Legal Description <b>PLAN M11 PTLOT 70 RP; 30R9347 PART1</b>		
Lot Area (metric) <b>31817.5m2</b>	Lot Frontage (metric) <b>175.78m</b>	Lot Depth (metric) <b>122.07m</b>

### 3. Registered Owner

Name(s) <b>Peter Boekestyn, Tim Moes</b>	Company Name <b>Virgil Greenhouses ltd.</b>
Email <b>peter@virgilflowers.com</b>	Telephone <b>9053272450</b>

### 4. Authorized Agent

Name	Company Name
Email	Telephone

Contact for all future correspondence (select one):  Registered Owner  Authorized Agent

### 5. Details of the Proposal

Provide a description of the proposal, including any specific amendments or relief being requested:  
**We would like consent to sever a piece of the land. Virgil Greenhouses proposes to sever the farm house has a "surplus farm dwelling". We are looking into sever this as a .48 hectare lot. Seperate from the 2.69 hectares of vineyards.**

<b>6. Provincial Planning, Official Plan, and Zoning Information</b>	
Identify the applicable Provincial Plan designations that apply to the subject lands:	
<input checked="" type="checkbox"/> Specialty Crop Area <input type="checkbox"/> Built-Up Area <input type="checkbox"/> Greenfield Area <input type="checkbox"/> Niagara Escarpment Plan Area	
Does this application conform to the applicable Provincial Plans? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Existing Niagara Regional Official Plan Designation(s) of the subject lands: <b>Specialty Crop Area</b>	
Does this application conform to the Niagara Regional Official Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe the nature of the amendment needed: <b>To be confirmed through PJR</b>	
Existing Town of Niagara-on-the-Lake Official Plan Designation(s) of the subject lands: <b>Agricultural</b>	
Does this application conform to the Town of Niagara-on-the-Lake Official Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe the nature of the amendment needed: <b>To be confirmed through PJR</b>	
Existing Town of Niagara-on-the-Lake Zoning of the subject lands: <b>Rural(A)zone under zoning by law 500A - 74</b>	
Does this application conform to the Town of Niagara-on-the-Lake Zoning By-law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, describe the nature of the amendment needed: <b>Does not meet minimum lot area requirements for APO. Does not meet lot depth requirements for Rural (A) Zone.</b>	
<b>7. Site Plan Control</b>	
Is Site Plan Approval required for the proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is there an existing Site Plan Agreement that applies to any portion of the subject lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>8. Archaeology and Municipal Heritage</b>	
Is any portion of the subject lands within an area of archaeological potential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is any portion of the subject lands or adjacent lands listed on the Municipal Heritage Register? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is any portion of the subject lands or adjacent lands designated under the <i>Ontario Heritage Act</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>9. Niagara Peninsula Conservation Authority (NPCA)</b>	
Is any portion of the subject lands within an NPCA regulated area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>10. Parkland Dedication and Development Charges</b>	
Is the proposal eligible for parkland dedication or cash-in-lieu pursuant to Sections 42 or 51.1 of the <i>Planning Act, R.S.O. 1990, c. P.13</i> ? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are Town Development Charges applicable to the proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>11. Agencies to be Circulated on the Application</b> (subject to change)	
<input checked="" type="checkbox"/> Niagara Region <input type="checkbox"/> Niagara Escarpment Commission <input checked="" type="checkbox"/> NPCA <input type="checkbox"/> Niagara Parks Commission <input checked="" type="checkbox"/> Enbridge Gas <input type="checkbox"/> TransCanada Pipelines <input type="checkbox"/> Bell Canada <input checked="" type="checkbox"/> NOTL Hydro <input checked="" type="checkbox"/> Hydro One <input type="checkbox"/> Canada Post <input type="checkbox"/> Parks Canada <input type="checkbox"/> Local School Boards <input type="checkbox"/> Other: _____	

## 12. Plans, Reports, and Information Required for a Complete Application

Notwithstanding the plans, reports, and information noted below, Staff reserve the right to request additional plans, reports, and information, if applicable. All plans, reports and information are subject to peer-review at the applicant's cost. At the time of submission of an application, all accompanying plans, reports, and information may become part of the public record.

Reports/Studies	Notes
<input checked="" type="checkbox"/> Planning Justification Report / Impact Analysis	<a href="#">See Planning comments attached</a>
<input type="checkbox"/> Streetscape Study	
<input type="checkbox"/> Transportation Impact Study	
<input type="checkbox"/> Parking Impact Analysis	
<input type="checkbox"/> Archaeological Assessment and Ministry letter(s)	
<input type="checkbox"/> Cultural Heritage Impact Assessment	
<input type="checkbox"/> Environmental Impact Study	
<input type="checkbox"/> Environmental Site Assessment	
<input type="checkbox"/> Arborist Report / Tree Inventory	
<input type="checkbox"/> Functional Servicing Report	
<input type="checkbox"/> Stormwater Management Report	
<input type="checkbox"/> Land Use / Market Study	
<input type="checkbox"/> Urban Design Brief	
<input type="checkbox"/> Geotechnical Study	
<input type="checkbox"/> Hydrogeological Study	
<input type="checkbox"/> Slope Stability Report	
<input type="checkbox"/> Air, Noise, and Vibration Emissions Study	
<input type="checkbox"/> Agricultural Impact Assessment	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
Plans/Drawings	Notes
<input type="checkbox"/> Site Plan	
<input type="checkbox"/> Landscape Plan and Planting Plan	
<input type="checkbox"/> Building Elevations	
<input type="checkbox"/> Coloured Site Plan, Landscape Plan and Building Elevations	
<input type="checkbox"/> Floor Plans (including Gross Leasable Floor Areas)	
<input type="checkbox"/> Photometric Plan / Lighting Plan	
<input type="checkbox"/> Draft Plan of Subdivision	
<input type="checkbox"/> Draft Condominium Description	
<input type="checkbox"/> Servicing Plan	
<input type="checkbox"/> Preliminary Grading Plan	
<input type="checkbox"/> Lot Grading and Drainage Area Plan	
<input checked="" type="checkbox"/> Consent Sketch	<a href="#">See planning and Region comments attached</a>
<input type="checkbox"/> Minor Variance Sketch	
<input type="checkbox"/> Fence/Sign Variance Sketch	
<input type="checkbox"/> Reference Plan / Registered Plan	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

Other Requirements	Notes
<input type="checkbox"/> Draft Regional Official Plan Amendment	
<input type="checkbox"/> Draft Town Official Plan Amendment	
<input checked="" type="checkbox"/> Draft Zoning By-law Amendment	
<input checked="" type="checkbox"/> Surplus Farm Dwelling Information Form	
<input checked="" type="checkbox"/> MDS I/II Farm Data Sheet(s)	Review MDS Policy in PJR
<input checked="" type="checkbox"/> Property Index Map and Parcel Registers (including all PIN Printouts and Legal Instruments)	Dated within 30-days of submission
<input type="checkbox"/> Legal Opinion	
<input type="checkbox"/> Heritage Permit	
<input type="checkbox"/> Urban Design Guidelines / Architectural Codes	
<input type="checkbox"/> Municipal Heritage Committee Review	
<input type="checkbox"/> Urban Design Committee Review	
<input type="checkbox"/> Cost Estimates for all proposed on-site and off-site works	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

### 13. Application Fees

Notwithstanding the fees noted below, all fees are payable based on the Fee Schedule By-law in effect on the date the application is received. Separate cheques shall be made payable to the appropriate agency. Additional fees may be required to process the application, including but not limited to peer-review fees.

Application Type	Town Planning	Niagara Region	NPCA	Town Operations	Other
Official Plan Amendment					
Zoning By-law Amendment	\$7,960				
Draft Plan of Subdivision					
Draft Condominium Description					
Site Plan					
Consent	\$4,150				
Minor Variance					
Fence/Sign Variance					
LNCU Permission					
Pre-Consultation Fee Deduction					
Other: <u>Private Septic Inspection</u>		\$545			
Other: _____					
Other: _____					
Other: _____					

\*Minor Zoning By-law Amendment Fee



## 15. Additional Notes

- i. The purpose of this Pre-consultation Agreement is to identify the information required to process and evaluate an application, as set out in the *Planning Act, R.S.O. 1990, c. P.13, as amended*. This pre-consultation process is designed to proceed based on the mutual agreement of the parties who have provided signatures below.
- ii. Pre-consultation does not imply or suggest any decision whatsoever on behalf of Staff or the municipality to either support or refuse the application.
- iii. All information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The requested information on this application and all accompanying plans, reports, and information is required in order to process this application and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.
- iv. The applicant should be aware that the information provided in this Pre-consultation Agreement is accurate as of the date of the pre-consultation meeting. Should other policies, by-laws or procedures be approved by the Province, Region, Town and other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect on the day the application is received. If an application is not submitted within one (1) year, the applicant must confirm with the Town that the directives of the original pre-consultation meeting are being met. Another pre-consultation meeting may be required at the direction of the Director of Community & Development Services if an application has not been submitted within one (1) year of the pre-consultation date and/or the proposal has changed.
- v. It is hereby understood that, subject to any appeals, an application filed for the proposal identified in this Pre-consultation Agreement will only be considered complete if it includes the required plans, reports and information identified in this Pre-consultation Agreement, completed application form(s), any information or materials prescribed by statute, the required fees, a copy of this signed Pre-Consultation Agreement, and any other applicable requirements as identified on the application forms. Any application submitted without the plans, reports and information identified in this Pre-consultation Agreement will be deemed incomplete and will not be processed. Alternately, Staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
- vi. The applicant acknowledges that the Town, Region, and other agencies consider the application forms and all accompanying plans, reports, and information filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all accompanying plans, reports and information have been obtained, to permit the Town, Region and other agencies to release the application and any accompanying materials either for their own use in processing the application, or at the request of a third-party, without further notification to, or permission from, the applicant.
- vii. It is hereby understood that during the review of the application additional plans, reports, and information may be required as a result of issues arising during the processing of the application, public input, or the review of the submitted studies.
- viii. The applicant acknowledges and agrees that Town of Niagara-on-the-Lake Staff, Agency Staff and Committee of Adjustment Members may enter onto their property to view, photograph, and survey their property as necessary for this proposal. It is acknowledged that failure to allow access onto the subject lands may result in the application being considered incomplete.
- ix. If the Town or Region do not have sufficient expertise to review and determine that a study is acceptable, a peer-review may be required. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Town, Region or other agencies.
- x. Some studies may require review and clearance/approval from other agencies. In this instance, the review fee(s) of the review agency shall be paid by the applicant.

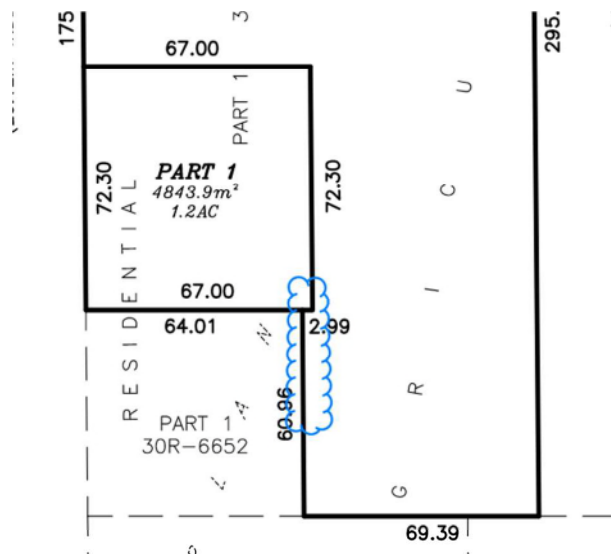
<b>16. Signatures of Attendees</b>			
I have read, understand, and agree to all of the content provided in this Pre-consultation Agreement:			
Position/Title	Name	Signature	Date
Planner	Connor Maclsaac		2026/03/05
Planning Manager			
Development Coordinator			
Secretary-Treasurer, CoA	Natalie Thomson		2026/03/05
Operations Staff			
Regional Staff	Katie Young		2026/03/05
NPCA Staff			
Other Staff: _____			
Other Staff: _____			
Other Staff: _____			
Registered Owner	Peter Boekestyn		2026/03/05
Authorized Agent	Ethan Laman		2026/03/05
Other: _____			
Other: _____			
Other: _____			

<b>APPLICATIONS MUST BE SUBMITTED TO:</b>	
Town of Niagara-on-the-Lake Community & Development Services 1593 Four Mile Creek Road PO Box 100 Virgil, ON L0S 1T0	Phone: (905) 468-3266 Fax: (905) 468-0301 Website: www.notl.com E-mail: <a href="mailto:planning.development@notl.com">planning.development@notl.com</a>

## Town Planning Comments

### Applications Required (Surplus Farm Dwelling)

- Based on the current proposal, one consent application and one minor zoning bylaw amendment application would be required.
- The retained farm parcel would need to be rezoned to a site-specific APO through the Zoning Bylaw Amendment application, if not proposed to be merged with an abutting agricultural lot.
  - The site-specific APO zone would need to recognize the proposed 6.7 acre APO lot area, whereas the Zoning by-law requires a minimum 10 acre lot area.
  - As 10 acres has been determined to be the minimum appropriate size of an agricultural parcel, Town staff have some concern that the reconfigured agricultural parcel (proposed lot size of ~6.7 acres) may not be large enough to support a viable farm operation and provide flexibility for future changes in the type or size of agricultural operations on the lot. If the remnant lot is not merged with an adjacent farm parcel, Town staff would request justification be provided within the required PJR, to demonstrate the parcel will be large enough to support a flexible and viable agricultural operations over the long-term, including if/when the parcel is transferred to another farming operation.
- There is also some concern that the proposed residential lot line configuration may impact the existing farm operation by making the blue clouded area difficult to farm based on the proposed intersection of the rear lot lines (if currently farmed).
  - Any potential loss of agricultural lands based on the configuration proposed of the rural residential lot should be minimized and justified through the application (if applicable).
  - For consideration, aligning the surplus residential lot line with the adjacent rural residential lot line may help to demonstrate a smaller impact to the ability to farm the APO parcel.



- If there are any zoning deficiencies created for the severed parcel (residential), the zoning by-law should also capture those.

## Town Planning Comments

### General/Background

As of March 31, 2025, pursuant to Bill 185 the Cutting Red Tape to Build More Home Act, 2024, the Planning Act was amended to recognize the Regional Municipality of Niagara as an upper-tier municipality without planning responsibilities. Accordingly, the Niagara Official Plan (“NOP”) has been downloaded to the Town of Niagara-on-the-Lake and other local area municipalities across the Region to implement the policy direction contained therein.

Town Council approved entering into a service level agreement with Niagara Region (‘Planning Services Agreement’) to continue providing support and advice to the Town of Niagara-on-the-Lake for land use compatibility, gas a petroleum resources, water protection screening, environmental planning, and urban design (on Regional Roads).

As such, Town staff will be reviewing applications with regards to compliance with Provincial and Regional policies, with advice from Regional staff on those matters that impact the items within the Planning Services Agreement.

### Relevant Policy

The applicant is required to demonstrate compliance with the criteria set out for surplus farm dwelling consents within the Provincial Policy Statement, the Town Official Plan and Niagara Official Plan as summarized below.

#### Regional Official Plan and PPS

- The PPS and NOP define a residence surplus to a farming operation as “an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation)”.
- For surplus farm dwelling consents, the PPS requires that the new lot be limited to the minimum size needed to accommodate the dwelling, as well as appropriate sewage and water services, and that a new residential dwelling is prohibited on the remnant parcel of farmland created by the severance.
- The NOP requires that the new lot contain a habitable residence, which existed as of December 16, 2004, and that its size be limited to 0.4 hectares in area, except for any additional area deemed necessary to support sewage and water services, to a maximum of 1 hectare.
- To reduce fragmentation of the agricultural land base, the NOP requires that the remnant parcel of farmland created through the consent be merged with an abutting parcel. Where this is not possible, the remnant parcel of farmland is required to be zoned to preclude its use for residential purposes.
- The remanent parcel will have be rezoned to preclude its use for future residential use, or merged with an adjacent parcel owned by the farmer (if applicable).
- The applicant will also have to demonstrate that they are in fact a bonafide farmer (i.e. operate a farming operation), and that the dwelling is surplus as a result of farm consolidation (i.e. they own other farm parcels that are operated as one farm operation).

## Town Planning Comments

### Town Official Plan

- Town Official Plan Policy 7.4 (4) e) notes that 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:
  - 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;
  - 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 MECP or Region;
    - The pre-consultation materials submitted indicates the proposed parcel would be 0.5 hectares, which is slightly greater than the 0.4 hectares recommended in the NOP.
    - Justification should be provided to demonstrate that the proposed residential lot area is required to support an on-site private water supply and private sewage disposal system.
  - The farms are both located within the Town of Niagara-on-the-Lake;
  - The new lot is located to minimize the impact on the remaining farm operation (identify and impacts to or loss of agricultural lands currently in production); and
  - The new lot complies with the Minimum Distance Separation Formula I.
- General Consent Policies
  - Section 21 – General Consent Policies
    - (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.
        - Justification will need to be provided to demonstrate that the proposed lot area is appropriate for the proposed agricultural use.
      - 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.
    - (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.
      - Justification should be provided to ensure the lot pattern proposed would not impact the ability to farm the agricultural parcel

## Town Planning Comments

### Required Submission Materials

- Planning Justification Report
  - Planning Justification Report (PJR), signed by Registered Professional Planner required to demonstrate compliance with all relevant policies within the PPS, Regional Official Plan and Town Official Plan
    - To support the analysis included in the Planning Justification Brief, information should be submitted with the application which shows:
      - The farmer is a bonafide farmer;
      - The farmer owns other farm holdings within the area that are being actively farmed;
      - The remnant lot will be consolidated with other holdings (i.e. operated as one farm operation); and,
      - It can be demonstrated that the dwelling on the severed property is surplus to the farmer's needs (i.e. their principal address is located elsewhere, and they do not require the dwelling to house farm help).
      - Whether the existing dwelling is habitable, and whether it is currently being occupied.
      - Environmental impacts (any trees or vegetation being removed)
      - Impacts to any agricultural lands (any removal of agricultural lands)
    - The PJR should also show:
      - The residential use must have existed before the Greenbelt Plan came into effect (December 16, 2004);
      - The surplus farm dwelling must be habitable;
      - The severance must be limited to a minimum lot size needed to accommodate the use, including appropriate sewage and water services, which is around 0.4 hectares;
        - The pre-consultation materials submitted indicates the proposed parcel would be 0.5 hectares, which is slightly greater than the 0.4 hectares recommended in the NOP.
        - Justification should be provided to demonstrate that the proposed residential lot area is required to support an on-site private water supply and private sewage disposal system.
      - The new residential lot is located to minimize the impact of the remaining farm operation;
      - The owner must operate an existing farm within the Town of Niagara-on-the-Lake; and
      - Review of General Consent Policies within the Town OP, most notably Policy 21 (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

## Town Planning Comments

- Farm Surplus Dwelling Information Form is also required to be submitted to demonstrate this information.
- Consent Sketch / Site plan should include:
  - Proposed parts, their configurations (areas, frontages, depths) and lot coverages for the retained residential lot (provide lot area calculation table)
  - Setbacks of all existing structures to proposed lot lines and setbacks of existing septic system and existing and proposed driveway entrances
  - Location of any watercourses / municipal drain(s)

## Public Works – Infrastructure Planning and Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

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### Pre-consultation Notes (Region File: PLPRE202600229)

1895 Concession 4 Road, Niagara-on-the-Lake

March 5, 2026

**Region Contact:** Katie Young

**Local Contact:** Connor MacIsaac

**Proposal Description:** To sever the farm house as a surplus farm dwelling severance (approx. .048 ha) from the 2.69 ha of vineyards.

**Applicant/Owner:** Peter Boekestyn and Tim Moes

**Application Type:** Consent and Zoning By-law Amendment

### Planning Act Changes

- Staff offer no comments on the application under the Planning Services Agreement between the Region and the Town (land use compatibility, former landfill sites, gas wells, water protection screening, environmental planning, and urban design (on Regional Roads))
- Comments pertaining to private servicing are provided in accordance with the Memorandum of Understanding for Engineering Review and are Regional requirements to be addressed.

### Private Servicing Comments

- New lots must have 1 acre of usable area and be able to support a replacement septic system.
- If usable land is limited (e.g., due to existing development or environmental restrictions), a detailed septic design by an approved septic designer/contractor may be required with the application.
- A site inspection is needed before providing comments to the Local Area Municipality. This ensures existing sewage systems are fully within proposed parcels and have no defects. Refer to 'Inspection Instructions' for more details.

### Inspection Instructions:

- The owner must expose and loosen the septic tank lids before the inspection. If the septic bed is near a proposed lot line or structure and no permits are available, the bed corners must be exposed for the inspection. A Regional Private Sewage System Inspector can confirm what is required.
- A Private Servicing Review Fee is required for all inspections.

## Public Works – Infrastructure Planning and Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

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- The fee must be paid in full, and confirmation must be received that the system is ready for inspection before the inspection can occur.
- The owner can arrange the site visit by emailing [privatesewagesystems@niagararegion.ca](mailto:privatesewagesystems@niagararegion.ca) with their contact information, address, and preferred inspection times/dates.
- If the owner hasn't arranged an inspection before the application is received from the Local Area Municipality, the Private Sewage System Inspectors will contact the owner or agent to schedule the inspection and advise them of which items need to be exposed.
- At minimum, 72 hours is required from the inspection to the Local Area Municipality receiving comments.
- The owner must ensure the inspection is arranged in time to provide comments to the Local Area Municipality. If not, a deferral of the application may be requested to address private servicing requirements.

### Special Request Application

- A review fee is required at the time the Special Request Application is submitted.
- An additional \$545 Private Servicing Review Fee won't be required with the development application if: a) the development application is received within 12 months of the Special Request Application comments being issued, and b) the development application matches the proposal from the Special Request application.
- For more information about private servicing requirements, please contact [privatesewagesystems@niagararegion.ca](mailto:privatesewagesystems@niagararegion.ca)
- If the owner or Local Area Municipality wants the private servicing inspection to be completed before the development application is submitted, the owner can apply for a Special Request Application through the Region's Private Sewage Systems Portal.
- Septic tanks and bed corners will still need to be exposed before the site inspection.
- The Special Request Application (and comments) are valid for 12 months.
- The owner must include information from the Special Request Application with the future development application. The confirmed septic system location

### **Required Studies for Regional Review**

- Private Sewage System inspection

### **Required Fees**

The Region's 2026 Fee Schedule is available at:

<https://www.niagararegion.ca/business/infrastructure-planning-development-fees.aspx>

Applications are subject to in-effect fees at the time of submission.

<b>Development Application Review Type</b>	<b>Fee Amount</b>
Private Sewage System Review	\$545



**Department of  
Public Works**

TELEPHONE 905-468-3278  
FACSIMILE 905-468-1722

1593 FOUR MILE CREEK ROAD  
P.O. BOX 100  
VIRGIL, ONTARIO  
L0S 1T0

March 5, 2026

PreCon Comments to  
Planning and Development Services  
1593 Four Mile Creek Rd.,  
Virgil, Ontario. L0S 1T0

Attention: Connor MacIsaac, M.Sc OPPI – Planner II

Dear Mr. MacIsaac,

**Re: Part of Lot 70, Plan M11, Part 1 of Plan 30R-9347  
former Township of Niagara, now Town of Niagara-on-the-Lake  
Located on the east side of Concession 4 Road,  
south of Hunter Rd.  
Known municipally as 1895 Concession 4 Road  
Roll No. 2627 020 009 19050**

We have reviewed the above Application, and offer the following information and comments.

**EXISTING SERVICES**

**CONCESSION 4 ROAD**

Municipal water	200 mm Ø PVC, 2000
Sanitary sewer	None
Storm sewer	Roadside ditch
Sidewalks	None
Road allowance	20.1 m +/-
Road surface	Low Class Bituminous
Road authority	Town

cont'd...2

**Background:**

The Department of Public Works and infrastructure has no comments or concerns regarding the proposed consent or ZBA.

Yours truly,

A handwritten signature in black ink that reads "Marci Weston". The signature is written in a cursive, slightly slanted style.

Marci Weston  
Engineering Technologist – Traffic and Transit

## Connor Maclsaac

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**From:** Kyle Riley <kriley@npca.ca>  
**Sent:** February 24, 2026 8:43 AM  
**To:** Connor Maclsaac  
**Cc:** Mazerolle, Christopher  
**Subject:** Re: Pre-con - 1895 concession 4 road - Surplus Farm Dwelling Severance (Consent & ZBA)  
**Attachments:** 1895 Concession Road 4 Basemap.pdf

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment, unless you were expecting it or know that the content is safe. Forward the email to IT to validate.

Hello Connor,

Thank you for circulating the Niagara Peninsula Conservation Authority ("NPCA") the Pre-Consultation items for the proposed Surplus Farm Dwelling Severance at 1895 Concession 4 Road. We have reviewed and offer the following comments.

There are no NPCA-regulated features located on the Severed or retained parcels. The NPCA thus offers No Objections to the proposed Severance and associated ZBA's to facilitate the Application.

Please contact the undersigned should you have any questions.

Best regards,



**Kyle Riley (M.A.)**  
Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252

(Cell) 905.933.2541

[www.npca.ca](http://www.npca.ca)

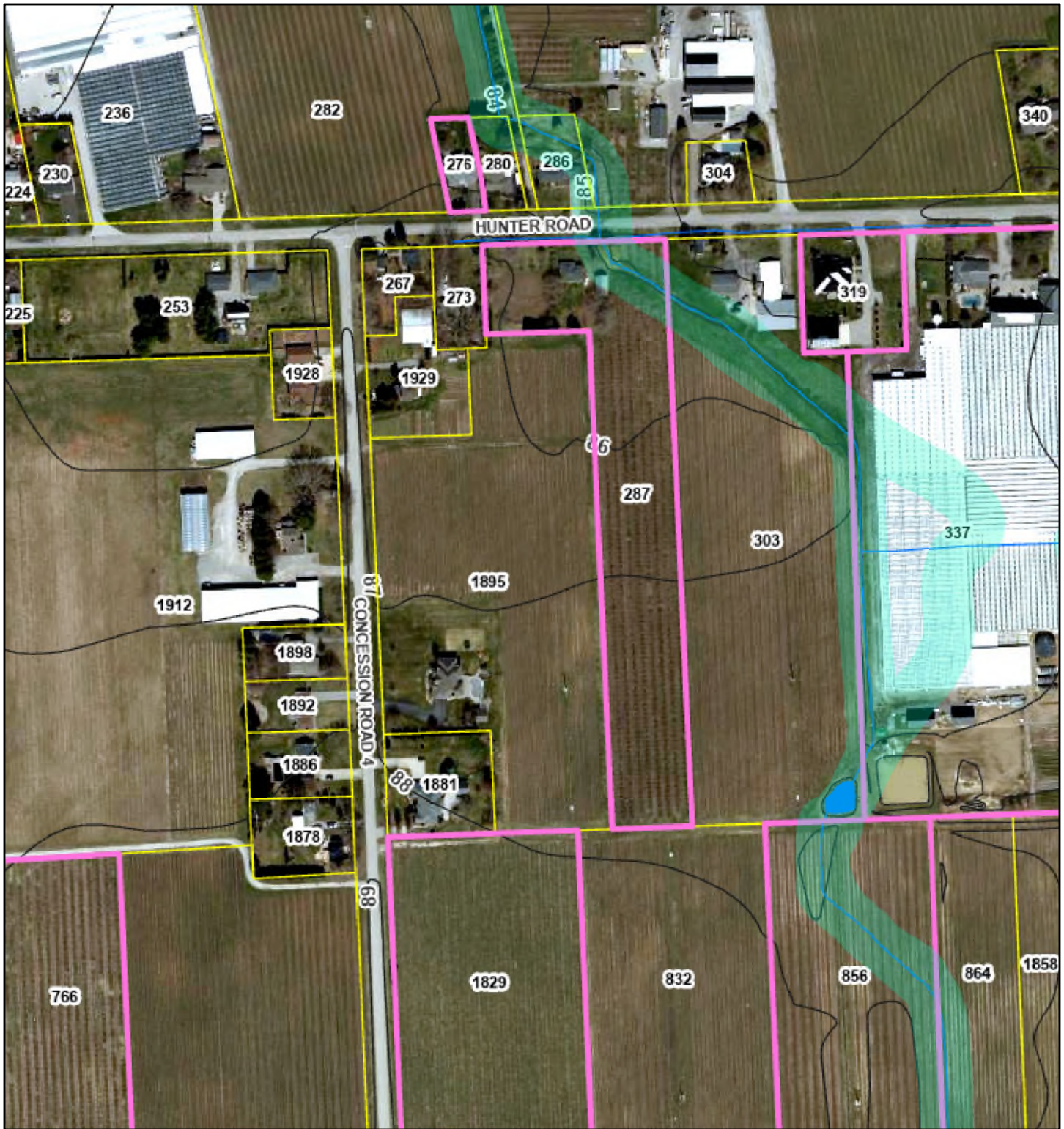
[kriley@npca.ca](mailto:kriley@npca.ca)

For more information on Permits and Planning please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

The NPCA completed its [Watershed-based Resource Management](#) and [Conservation Area](#) Strategies, paving the way for sustainable conservation across the Niagara Peninsula watershed. It's [Watershed Natural Asset Analysis and Valuation](#) for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**

# ArcGIS Web Map



2/24/2026, 8:40:34 AM

1:4,514

**Swoop 2020 NPCA**

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

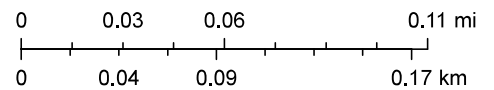
**Roads**

WRIP Quaternary Watersheds (10K)

NPCA APPROXIMATE REGULATION LANDS

**Cross Sections Inventory**

- XSCutline
- CityView Application Views
- Assessment Parcels
- 2K Hydrography
- 2K HydroPoly



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



March 5, 2026

Project Name: 1895 Concession 4 Road, NOTL  
DOCA Project Number: 2026-0181  
Proponent: Peter Boekestyn & Tim Moes  
Project Location: 1895 Concession 4 Road, NOTL

Dear Vera Nikolic,

This letter is to confirm receipt of the project-related correspondence sent by the Town of Niagara-on-the-Lake, on February 23, 2026, regarding 1895 Concession 4 Road, NOTL.

The Mississaugas of the Credit First Nation (MCFN) are the Treaty Holders of the land on which the project will take place – specifically, the Mississaugas Treaty at Niagara of 1781. The MCFN holds Indigenous and Treaty Rights specific to the project location and its environs, which may be adversely impacted by it. The Department of Consultation and Accommodation (DOCA) is designated by the MCFN to handle consultation matters on its behalf.

The DOCA consultation team has reviewed the project-related correspondence identified above, in addition to any associated documentation. The following DOCA Units have completed a review and their questions and comments have been included below.

### **Consultation Unit**

Primary Reviewer: **Abby Lee, MCFN DOCA- Acting Consultation Specialist**

Questions and Comments: *Following our review of the submitted documents, the Mississaugas of the Credit First Nation Department of Consultation and Accommodation (MCFN DOCA) has no comments or concerns at this time. Please be advised that should any future ground disturbance be planned, MCFN DOCA requires a Stage 1 Archaeological Assessment to be completed and circulated to our office for review and comment. If the Stage 1 Assessment indicates that a Stage 2 is necessary, MCFN DOCA expects to be involved in the fieldwork. All associated costs will be the responsibility of the proponent.*

DOCA expects to be notified of any and all future project updates and/or changes.

If you have any questions for the DOCA consultation team, please feel free to contact us.

Thank you,



**Mississaugas of the Credit First Nation**  
2789 Mississauga Road, Hagersville, Ontario N0A 1H0



Phone: (905) 768-1133  
Fax: (905) 768-1225





*Abby (LaForme) Lee*

Abby (LaForme) Lee  
Acting Consultation Specialist  
Department of Consultation and Accommodation  
Phone: 905-768-4260  
Email: [abby.laforme@mncfn.ca](mailto:abby.laforme@mncfn.ca)

CC  
Megan DeVries, MCFN DOCA- Director, [megan.devries@mncfn.ca](mailto:megan.devries@mncfn.ca)



**Mississaugas of the Credit First Nation**  
2789 Mississauga Road, Hagersville, Ontario N0A 1H0



Phone: (905) 768-1133  
Fax: (905) 768-1225

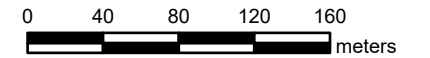


**Appendix III**  
**Parcel Register and PIN Map**

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SCALE



PROPERTY INDEX MAP

NIAGARA(No. 30)

LEGEND

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

**THIS IS NOT A PLAN OF SURVEY**

NOTES

**REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS**

THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED

LICENSE TERMS

SOME OF THE INFORMATION IS PROVIDED BY THE ONTARIO ROAD NETWORK UNDER OPEN GOVERNMENT LICENSE AND SUBJECT TO LICENSE TERMS.



\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

PROPERTY DESCRIPTION: PT LT 70 PLAN M11, PT 1 30R9347; NIAGARA-ON-THE-LAKE;BDRYS ON M11 CONFIRMED BY PL 30BA179, M11 IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE  
ABSOLUTE

RECENTLY:

DIVISION FROM 46411-0005

PIN CREATION DATE:

1998/12/29

OWNERS' NAMES

VIRGIL GREENHOUSES LIMITED

CAPACITY SHARE

ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p><b>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1997/12/15 ON THIS PIN**</b></p> <p><b>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1998/12/29**</b></p> <p><b>** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **</b></p>						
NTP14408	1951/06/12	BYLAW REMARKS: RE; SUBDIVISION CONTROL				C
LT51197	1985/03/04	NOTICE REMARKS: ZONING REGULATIONS AREONAUTICS ACT (CANADA)				C
30R9347	1998/12/02	PLAN REFERENCE				C
NR702982	2025/10/28	TRANSFER REMARKS: PLANNING ACT STATEMENTS.	\$2,580,000	TM VINES INC.	VIRGIL GREENHOUSES LIMITED	C

**Appendix IV**  
**Building Permit**





# The Town of Niagara-On-The-Lake

Planning and Development Services Department  
PO Box 100, Virgil ON L0S 1T0  
Phone: (905) 468-3266 Fax: (905) 468-0301

## Building Permit

Issued Date

July 14, 2000

Permit Number

B4304

Permission is hereby  
granted to:

**Albert Mori - 867932 Ontario Inc.**  
**c/o Devon Design Homes,**

To construct a single family dwelling with an attached garage

Street Number

1895

Concession 4 Road

Legal Description

Lot 70, M-11

Estimated Value	\$318,000.00
Area	3,700 sq. ft.
Permit Fee	\$1998.00

William Walker, Chief Building Official

### NOTICE

**THE OWNER, BUILDER OR AUTHORIZED AGENT MUST NOTIFY THE BUILDING DEPARTMENT AT 468-3266 AT LEAST TWO REGULAR BUSINESS DAYS IN ADVANCE OF THE FOLLOWING STAGES OF CONSTRUCTION:**

1. Commencement of construction of the building.
2. Completion of Excavation and readiness to construct Footings.
3. Completion of Foundation and readiness to Backfill.
4. For a Part 9 Building, the completion of Structural Framing, and for Part 3, the completion of Structural Framing for each storey.
5. The completion of the rough-in stage of the plumbing system and prior to cover.
6. The completion of the Insulation and Vapour Barrier and readiness to apply interior finishes.
7. The completion of the plumbing system with all fixtures in place.
8. The completion of the building and readiness to occupy.

**Place this permit in a conspicuous place**