Planning Justification Report

Application for Consent
Surplus Farm Dwelling

102 Line 1 Road

Niagara-on-the-Lake

November 2, 2026

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1.0 - INTRODUCTION

Upper Canada Consultants has been retained by Neumann Vineyards Ltd. to prepare a Planning Justification Report in support of a proposed surplus farm dwelling severance from the property municipally addressed as 102 Line 1 Road in the Town of Niagara-on-the-Lake. The requirement for a Planning Justification Report was identified by the Town during a pre-consultation meeting held on September 17, 2026. A copy of the pre-consultation notes is included as **Appendix II**.

The proposal involves the severance of an approximately 0.97-hectare (2.4-acre) parcel containing an existing detached dwelling, private septic system, accessory building, landscaped lawn area, and small apple orchard. The severance would allow the current property owner to retain her residence and apple orchard, while facilitating the acquisition of the retained 4.98-hectare (12.3-acre) agricultural parcel by Neumann Vineyards Ltd. for the expansion of its existing wine grape production in the area.

The proposed consent will also be subject to a condition requiring a Zoning By-law Amendment to rezone the retained agricultural parcel to an agricultural-purpose-only zone and establish a site-specific provision applicable to the severed residential parcel to recognize the existing height of the accessory barn.

This Report provides an overview of the proposed severance and future Zoning By-law Amendment and evaluates the applications against applicable Provincial, Regional, and local land use planning policies to assess its conformity with relevant policy requirements and establish the planning merits of the proposal.

2.0 – BACKGROUND AND CONTEXT

Subject Lands

The subject lands to which the Consent application applies, are legally described as Part of Township Lot 163, in the Town of Niagara-on-the-Lake and contain the municipal addresses of 102 Line 1 Road. The lands have a total area of approximately 5.95 hectares (14.7 acres) and 139.75 metres (458.5 feet) of frontage along Line 1 Road.

The existing dwelling is situated in the southeastern corner of the property, with associated accessory buildings, manicured lawn, and a small apple orchard extending eastward between the dwelling and the easterly property line. Together, these features comprise the dwelling's curtilage, which is physically delineated from the balance of the property by a ditch and hedgerow. The remaining acreage is presently used for crop production (see **Figure 1**).



Figure 1 - Aerial View of the Subject Lands (Niagara Navigator 2023 Imagery)

Additional Lands of the Applicant

The applicant, Neumann Vineyards Ltd., and the associated farming operation maintain several other agricultural holdings in the surrounding area. These properties are held under various ownership arrangements, including lands registered directly in the name of Neumann Vineyards Ltd. and lands held in other capacities by the same farmer. The location and extent of these holdings are illustrated on **Figure 2**, demonstrating the broader land base associated with the applicant's agricultural operation.

Collectively, these holdings comprise approximately 85 hectares of agricultural land and contain the farmer's principal residence at 314 East West Line, as well as two additional principal farm residences, located at 160 East-West Line and 135 East-West Line.

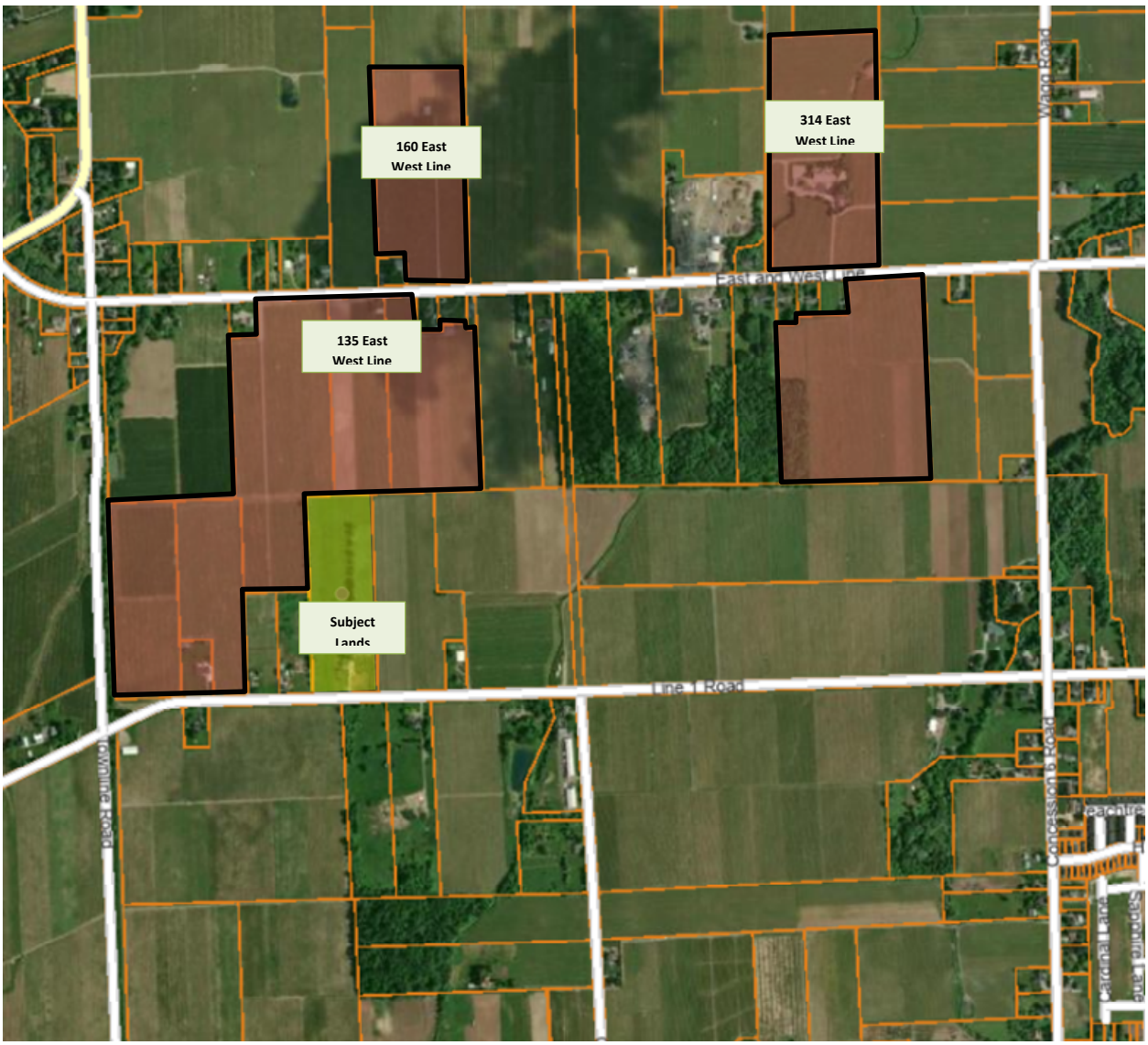


Figure 2 – Locations of Applicant's Land Holdings and Residences

3.0 - PROPOSAL

The Consent application proposes the severance of an approximately 0.97-hectare (2.4-acre) parcel containing the existing dwelling and its associated curtilage (Part 1) from the balance of the property, comprising approximately 4.98 hectares (12.3 acres) of land currently used for commercial crop production (Part 2). A copy of the Consent Sketch is shown in **Figure 3**, and included as **Appendix I**. The severed parcel will have approximately 88.0 metres (288.7 feet) of frontage along Line 1 Road, while the retained agricultural parcel will maintain approximately 51.75 metres (170 feet) of frontage.

The purpose of the application is to facilitate the acquisition of the commercially productive agricultural lands by Neumann Vineyards Ltd., a local wine grape producer, for consolidation with and incorporation into its existing vineyard operations in the immediate area. The proposed severance would also allow the current property owner to remain in her existing dwelling while retaining ownership of the associated accessory buildings and small productive apple orchard, which are physically separated from, and not associated with the agricultural production undertaken on the retained lands

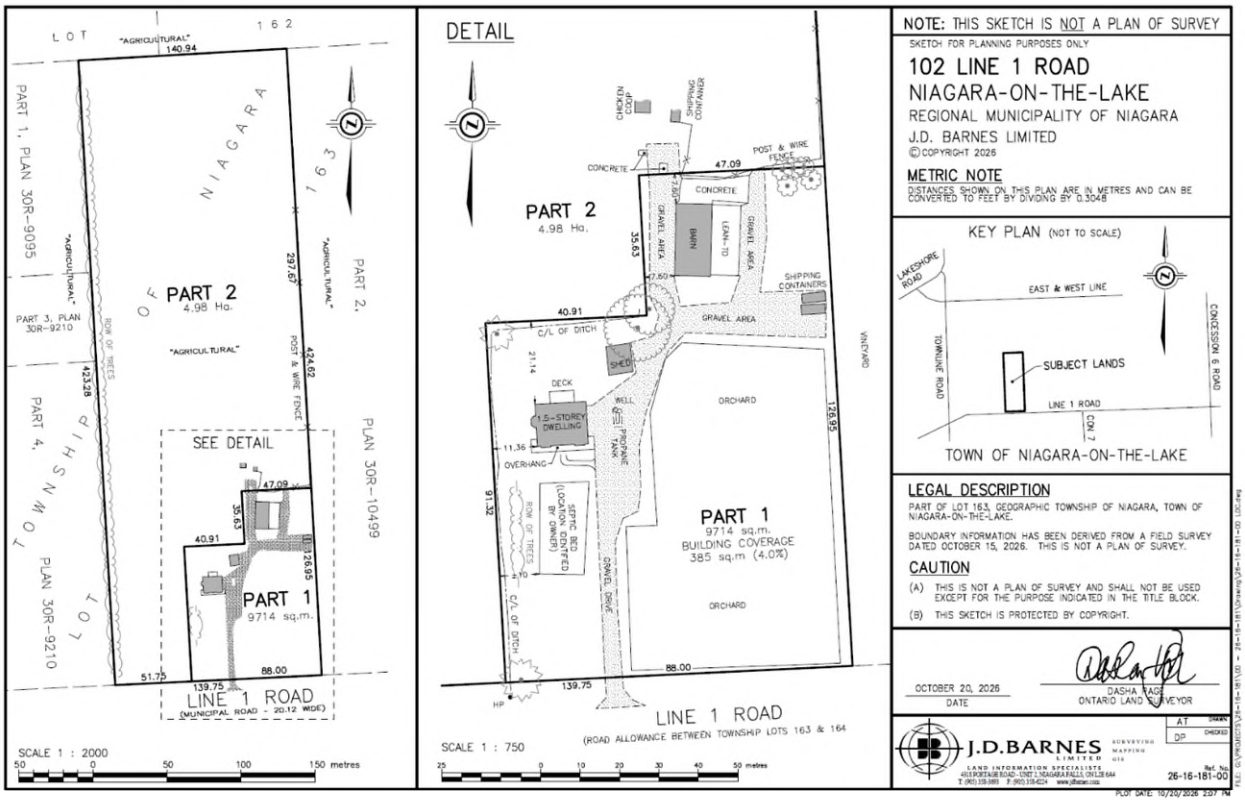


Figure 3 - Excerpt from the Consent Sketch (J.D. Barnes)

4.0 – PROVINCIAL LEGISLATION AND POLICY

4.1 - 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. The severance of a dwelling surplus to a farm operation supports agricultural resources by enabling the consolidation of farm parcels. The consolidation of farm parcels is desirable as it improves the operational efficiency, and therefore the economic viability of farms. This is especially relevant for farms engaged in specialty crop production as the input costs tend to be much higher than they are for non-specialty crops.

Additional dwellings represent a significant barrier to the acquisition of additional farmlands as dwellings are a significant financial and maintenance burden for farmers. By severing a surplus dwelling, the farmer can prioritize capital investment in the farm. Therefore, the application directly supports the preservation of specialty crop lands within the Niagara Peninsula Tender Fruit and Grape Area, for the continued production of grapes.

4.2 - 2024 PROVINCIAL PLANNING STATEMENT

The subject lands are located within the Provincial agricultural land base where they are located within the prime agricultural area and are more specifically identified as being within the specialty crop area. Policies for the agricultural land base, including prime agricultural and specialty crop areas are contained within Section 4.3 of the PPS.

Specialty Crop Areas are designated portions of the agricultural land base, identified based on provincial guidance. These areas predominantly support the cultivation of specialty crops, including tender fruits (e.g., peaches, cherries, plums), grapes, various other fruit and vegetable crops, greenhouse crops, and crops grown on agriculturally developed organic soils.

The retained lands are currently used for non-specialty crop production and are proposed to be acquired by Neumann Vineyards Ltd. for consolidation with its existing vineyard operations in the immediate area. The proposed acquisition would facilitate the conversion of the retained lands to commercial wine grape production, representing a transition to specialty crop cultivation.

Agriculture (PPS 4.3)

General Policies for Agriculture (PPS 4.3.1)

In accordance with **Policies 4.3.1.2** and **4.3.1.3**, of the PPS, prime agricultural areas including specialty crop areas are to be designated and protected for long-term use for agriculture, with specialty crop areas being offered the highest level of protection. The existing land use designations of the subject land protect the agricultural use of the lands.

Policy 4.3.1.1 states that "[p]lanning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network." The agricultural system approach and the agri-food network refer to all the interconnected components which help to create a viable agricultural and agri-food sector.

The proposed acquisition by Neumann Vineyards Ltd. would facilitate the conversion of the retained lands from non-specialty crop production to commercial wine grape cultivation through their incorporation into an established vineyard operation. This would support the expansion of specialty crop production, contribute to the productive capacity of the local agricultural sector, and advance the PPS objective of fostering a prosperous and viable agri-food network.

Permitted Uses (4.3.2)

Policy 4.3.2.1 states that the permitted uses and activities in prime agricultural areas are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance. The intended use of the subject lands is for the production of specialty crops, specifically wine grapes. This constitutes an agricultural use, as defined in the PPS, which includes "the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment."

Policy 4.3.2.2 states that, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in prime agricultural areas. The subject application seeks to enable the consolidation of specialty crop lands under singular ownership, which will facilitate the continued agricultural use of the lands and result in a larger, more economically viable farm operation.

Policy 4.3.2.3 states that the creation of lots, shall comply with the minimum distance separation formulae. The proposed severance is consistent with Implementation Guideline #9 of the provincial MDS Document (Publication 853). An MDS I setback is not required for the existing chicken coop, as it will remain on the same lot as the dwelling in accordance with Guideline #14, or for the nearby livestock barn, which is located on a separate lot. Further, Guideline #9 confirms that an MDS I setback is not required for the retained agricultural parcel.

Lot Creation and Lot Adjustments (4.3.3)

Lot creation in prime agricultural areas is generally discouraged in order limit the fragmentation of farmland, and to preserve the geographic continuity of the agricultural system. Lot creation is, however, permissible in specific instances including for the proposed severance of a dwelling surplus to an agricultural operation.

The PPS defines a *residence surplus to an agricultural operation* as, "one existing habitable detached dwelling, including any associated additional residential units, that are rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation)."

Surplus dwelling severances support the agricultural system by removing barriers to farm consolidation, enabling the creation of larger, and therefore more economically viable farm operations. Additional dwellings can be a financial and maintenance burden for farmers, which may deter farm consolidation. By allowing the severance of surplus dwellings, farmers can avoid the costs of purchasing and maintaining unnecessary homes, allowing the farmer to prioritize capital investment in the farm, and prevents farmers from having to take on the added responsibility of being landlords—allowing them to focus on farming instead of managing residential properties.

The application proposes the severance of the existing residential dwelling on the subject lands. The dwelling does not contain an additional residential unit. The dwelling proposed to be severed can be considered a *residence surplus to an agricultural operation*, in accordance with the definition provided in the PPS, for the following reasons:

- ***Existing Habitable Residence***: The dwelling is currently used as a principal residence and is in a good state of repair.
- ***Farm Consolidation***: The PPS definition provides that farm consolidation is the acquisition of additional farm parcels to be operated as one farm operation. The severance of the dwelling will allow the applicant, Neumann Vineyards Ltd. to acquire the balance of the property to be consolidated and incorporated into its existing vineyards located in the immediate vicinity.
- ***Surplus as a result***: The dwelling being severed is surplus as a result of the consolidation as Neumann Vineyards does not require an additional dwelling for the operation of the farm. The principal farmer already owns a dwelling located on another farm holding in the municipality.

The specific policies and requirements for a surplus farm dwelling severance are contained under subsection **4.3.3.1.c)** of the PPS, which permits lot creation for one new residential lot per farm consolidation for a residence surplus to an agricultural operation. The applications propose the severance of one residence. As previously established, the dwelling to be severed is rendered surplus to the needs of the farm as a result of the planned farm consolidation.

Policy **4.3.3.1.c)** of the PPS also provides the following policies related to the severance of a surplus farm dwelling:

1. *the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*

The proposed severed parcel comprises approximately 0.971 hectares (2.4 acres) and contains the existing dwelling, driveway, accessory buildings, private well and septic system, manicured lawn, and small apple orchard. The lot configuration also accounts for the need to accommodate a replacement septic bed outside the required setback from the existing well.

The lands proposed for severance are physically separated from the balance of the property and exhibit poor drainage characteristics that make them unsuitable for the proposed wine grape production. These conditions also rationalize the area's established use for the apple orchard rather than as part of the overall commercial crop production. Given the area's physical separation, limited size, and access constraints, incorporating it into Neumann Vineyards Ltd.'s existing vineyard operations would be impractical and financially unviable.

The proposed configuration therefore allows the current owner to retain the dwelling and its associated lands, including the existing orchard, while enabling Neumann Vineyards Ltd. to acquire and consolidate the remaining agricultural lands for grape production. This represents a practical division of the property that accommodates the existing residential use and servicing requirements while facilitating the intended agricultural use of the retained lands, consistent with the PPS direction to limit new lots to the minimum size necessary to accommodate the intended use and appropriate sewage and water services.

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;*

It is intended that the remnant lands be zoned for Agricultural Purposes Only (APO) to prohibit the construction of a new principal residence. This can be achieved through the inclusion of a condition of Consent.

Supporting Local Food and the Agri-food Network (4.3.6)

Policy 4.3.6.1 states that planning authorities are encouraged to support local food, and to foster a robust agri-food network. The application directly supports the agri-food network by enabling Neumann Vineyards Ltd. to acquire the subject lands for the purpose of expanding its wine grape production.

By severing a surplus dwelling, the application removes a residential constraint that would otherwise hinder farm consolidation. This facilitates a more efficient and economically viable agricultural operation, supporting both the production side of the local food system and the broader agri-food supply chain. The consolidated farm will remain focused on specialty crop cultivation, contributing directly to the local food economy and aligning with the long-term viability of the agricultural sector.

4.4 – THE GREENBELT PLAN (2017)

The subject lands are within the Specialty Crop Area within the Protected Countryside as designated under the Greenbelt Plan.

Lot creation policies in the Protected Countryside are contained under Section 4.6 of the Greenbelt Plan. Policy 4.6.1. f) permits the, "*[t]he severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use.*"

The following demonstrates conformity to the above criteria:

1. *Surplus to a farming operation as a result of farm consolidation*

"Farm consolidation" is defined under the Greenbelt Plan as, "the acquisition of additional farm parcels to be operated as one farm operation". The remnant farmlands are to be acquired by Neumann Vineyards Ltd. and consolidated with their existing vineyards for wine grape production. The dwelling is surplus to the needs of Neumann Vineyards Ltd. and is therefore proposed to be severed.

2. *Habitable Residence*

The dwelling to be severed is currently occupied and in a good state of repair.

3. *Existing Use*

The dwelling to be severed appears since at least the 2000 aerial image available on Niagara Navigator.

The Greenbelt Plan also provides the following requirements for lots created through a surplus severance:

i. *The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and*

The proposed severed parcel has an area of approximately 0.97 hectares (2.4 acres) and encompasses the existing dwelling and its established residential curtilage, including the driveway, accessory structures, private well and sewage system, and small productive apple orchard. The proposed area also accounts for the need to accommodate a replacement septic bed outside the required setback from the existing well. The resulting configuration provides an appropriately sized residential parcel that accommodates the existing use and its servicing requirements, while allowing the balance of the property to be consolidated with Neumann Vineyards Ltd.'s nearby vineyard holdings.

ii. *The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.*

The remnant lands are proposed to be zoned for Agricultural Purposes Only which would prohibit the construction of a new principal residence on the remnant lands.

5.0 – 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 Prime Agricultural Area (see **Figure 5**). Policies pertaining to the Region's Agricultural System are outlined in Chapter 4 of the Regional Official Plan.

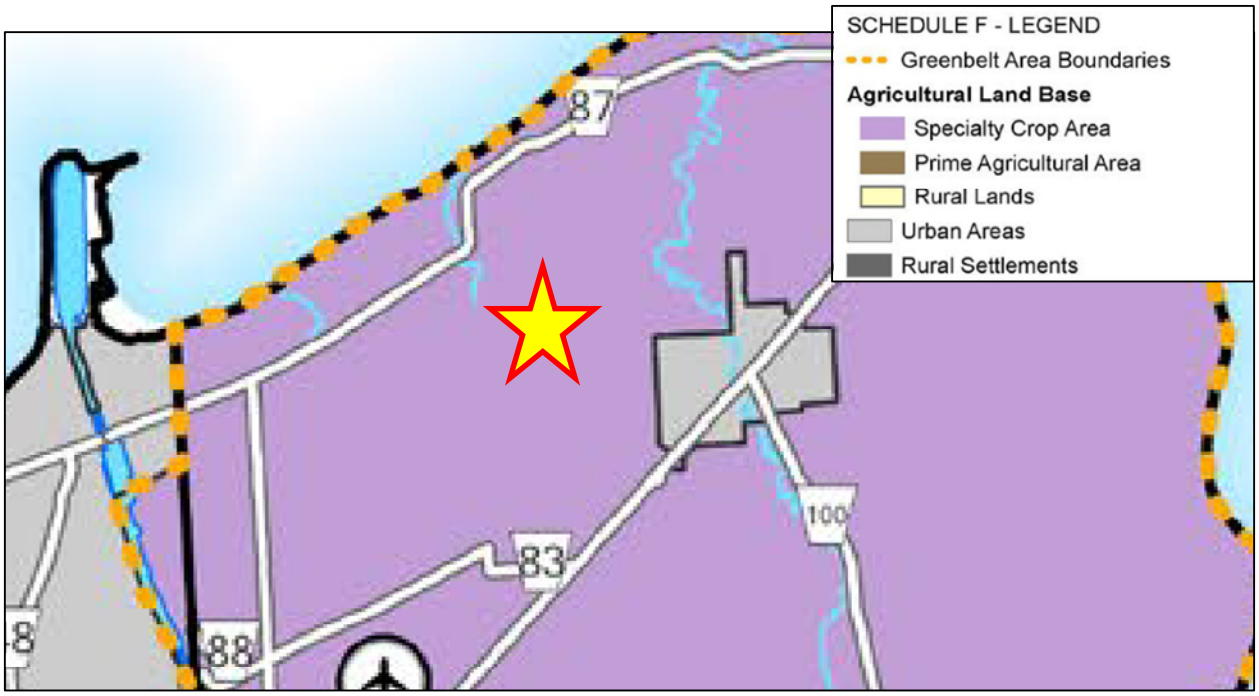


Figure 5 - Excerpt from Niagara Official Plan, Schedule 'F' - "Agricultural Land Base"

Competitive Region (Chapter 4)

Section 4.1.4 contains the general policies for lot creation and related development within the Agricultural System. Section 4.1.5 contains the specific lot creation policies for the Specialty Crop area, which are applicable to the subject application.

In accordance with the lot creation policies for the Prime Agricultural area, the proposed consent is permitted under Section 4.1.5.2 as a consent for a residence surplus to a farming operation.

All consents in the Agricultural System are subject to the general policies under Section 4.1.4.2 of the NOP. Specific criteria for surplus dwelling severances are contained under Section 4.1.5.2 of the NOP.

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 severed parcel has an area of approximately 0.979 hectares (2.42 acres). The proposed configuration accounts for the need to accommodate a replacement septic bed outside the required setback from the existing well. The parcel also encompasses the established residential curtilage, including the existing driveway, accessory buildings, manicured lawn and small apple orchard.

The lands proposed for severance are physically separated from the balance of the property by ditches and are unsuitable for commercial wine grape production due to access constraints and soil conditions. Further, the location of the replacement septic bed would constrain the use of the surrounding lands for vineyard purposes. Retaining these lands with the dwelling therefore provides a practical means of accommodating the residential servicing requirements while avoiding the inclusion of otherwise productive lands within the retained parcel that would be constrained in their future use. This allows the remaining lands to be consolidated with Neumann Vineyards Ltd.'s nearby vineyard operations in a more functional configuration, consistent with the intent of policy f. below.

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

The dwelling will retain its existing water supply.

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

The proposed parcel has 88 meters of frontage on Line 1 Road which exceeds the minimum frontage required under the Town's Zoning By-law for a detached dwelling in the Agriculture (A) Zone.

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

The existing gravel driveway serving the dwelling and its accessory uses does not provide access to the portion of the property being acquired by Neumann Vineyards Ltd.

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 application does not alter the existing driveway access to the dwelling, which does not pose any traffic hazards.

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

The proposed lot configuration has been deliberately designed to minimize impacts on surrounding farming operations. As outlined above, the lands included in the severed parcel are physically separated from the balance of the property and unsuitable for commercial wine grape production, whereas the retained agricultural lands can be readily incorporated into Neumann Vineyards Ltd.'s existing vineyard

operations. Requiring additional lands to be included in the retained parcel solely to achieve the 0.4-hectare lot area policy for the severed parcel would introduce lands that are impractical to farm due to access constraints and soil conditions, potentially creating operational limitations for Neumann Vineyards Ltd. The proposed configuration instead allows the existing residential use to be retained while maximizing the agricultural utility of the lands being acquired, consistent with the intent of the policy to minimize impacts on farming operations.

4.1.5.2 *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. Aerial imagery indicates the dwelling has existed since at least 2000. The dwelling is surplus to the needs of the farmer who already has a principal residence in the municipality. The application is being pursued as part of the consolidation of farm holdings under singular ownership.

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 severed parcel has an area of approximately 0.9714 hectares, which is within the maximum one-hectare lot area contemplated by this policy. As previously discussed, the proposed lot configuration accounts for the existing dwelling and its private servicing requirements, including the need to accommodate a replacement septic bed outside the required setback from the existing well. The additional lands retained with the dwelling are physically separated from the balance of the property and are impractical for Neumann Vineyards Ltd. to incorporate into its vineyard operations due to access constraints and soil conditions. Retaining these lands with the dwelling accommodates the residential use while allowing the remaining agricultural lands to be consolidated with Neumann Vineyards Ltd.'s nearby vineyard operations in a more functional configuration. The proposed severance therefore provides a practical division of the property while remaining within the one-hectare maximum established by the policy.

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 retained farm parcel will be zoned for Agricultural Purposes Only to preclude future residential use.

6.0 – 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 6 - Excerpt from the Niagara-on-the-Lake Official Plan, Schedule "A" – Land Use Plan

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 has existed since at least 2000, as confirmed through historic aerial imagery.

(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 severed parcel is approximately 0.9714 hectares in area, exceeding the 0.4-hectare lot area contemplated by this policy. The proposed configuration accounts for the need to accommodate the existing dwelling and its private servicing requirements, including a suitable location for a replacement septic bed outside the required setback from the existing well. The additional lands retained with the dwelling reflect the practical implications of accommodating this servicing infrastructure, which would otherwise constrain the use of those lands for agricultural purposes.

As discussed in the preceding sections, the lands are physically separated from the balance of the property and are less suitable for incorporation into Neumann Vineyards Ltd.'s vineyard operations due to access constraints and soil conditions. Retaining these lands with the dwelling accommodates the residential servicing requirements while allowing Neumann Vineyards Ltd. to acquire and consolidate the agricultural lands that can be more readily integrated into its existing vineyard operations.

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

The applicant owns a number of farm holdings in Niagara-on-the-Lake as discussed under the "Subject Lands" section of this report.

(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 and precludes lands that are impractical for inclusion in the retained parcel.

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

Implementation Guideline #9 of the provincial MDS Document (Publication 853) establishes the requirements for applying MDS I to surplus farm dwelling severances.

An existing chicken coop, approximately 45 m^2 in area and used for personal or hobby purposes, is located on the proposed severed parcel with the existing dwelling. As the proposed lot will contain both the

existing dwelling and livestock facility, Guideline #9, point 3, directs the application of Guideline #14, under which an MDS I setback is not required for the existing facility located on the same lot.

An existing livestock barn is also located in the vicinity of the subject lands on a separate lot. As the barn and dwelling were located on separate lots prior to the proposed consent, Guideline #9, point 1, confirms that an MDS I setback is not required in relation to this facility.

No livestock facilities are located on the retained agricultural lands, either before or after the proposed severance. In any event, Guideline #9 confirms that an MDS I setback is not required for the remnant farm parcel or for associated rezoning applications.

Accordingly, the proposed severance is consistent with the applicable MDS provisions of Publication 853.

7.0 – TOWN OF NIAGARA-ON-THE-LAKE ZONING BY-LAW (500A-74)

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**).

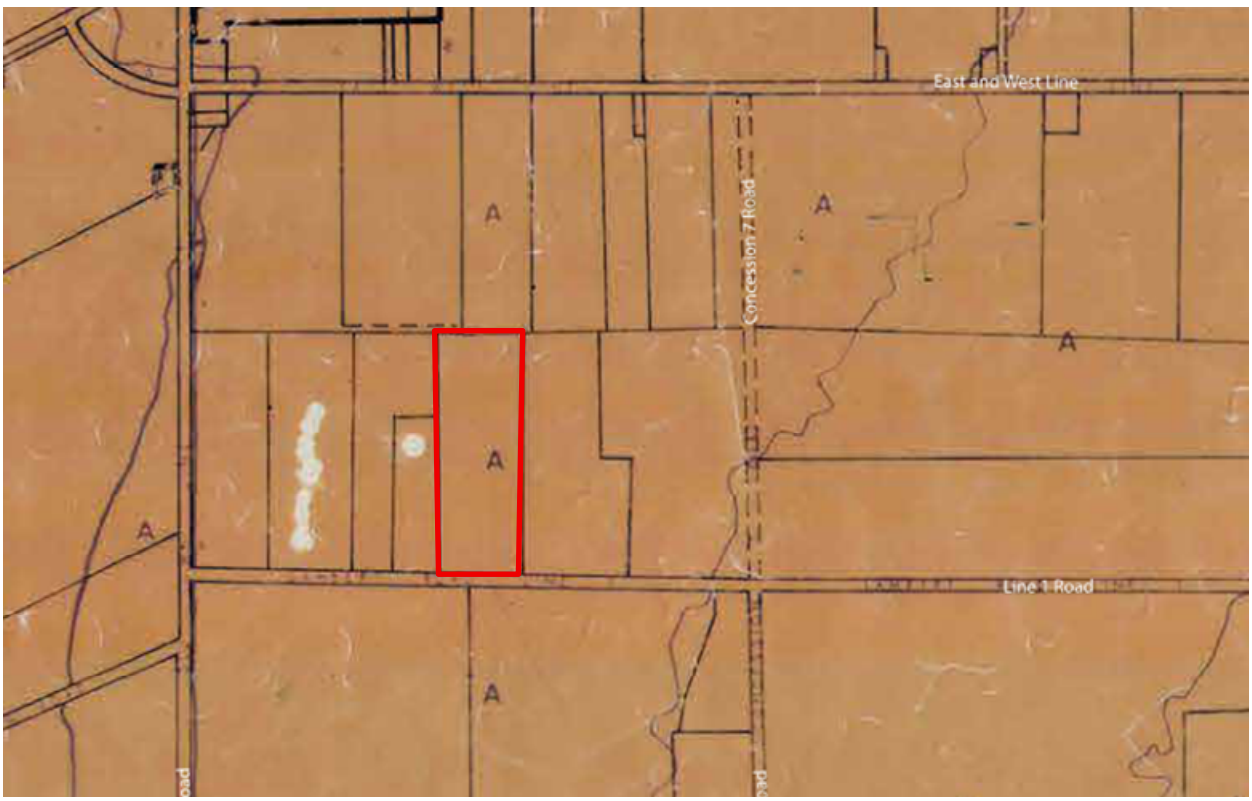


Figure 7 - Excerpt from Schedule A of Zoning By-law 500A-74

The severed lands (Part 1) will remain zoned as Agriculture (A) which permits single detached dwellings. Conformity to the applicable Zone provisions is demonstrated in **Table 1**. The subject dwelling has an existing deficient front yard setback and an existing deficient side yard setback to the westerly lot line.

These deficiencies are legally-nonconforming conditions since the setbacks were legally established before the Zoning By-law was adopted. Since the proposed lot creation itself does not create or increase any zoning deficiencies, and no zoning relief is required or requested for the proposed lot.

Table 1 - Zoning Compliance – Part 1			
Agricultural Zone (A)			
Provisions	Requirement	Provided	Proposed Provision
Zone Provisions for Residential Lots Created by Consent			
Minimum Lot Frontage	60.96m	88.0m	No Change
Minimum Lot Area	3716m²	9714m²	No Change
Minimum Lot Depth	60.96m	91.32m	No Change
Maximum Lot Coverage	15%	4.0%	No Change
Minimum Front Yard	15.24m	±59.5m	No Change
Minimum Interior Side Yard	3.05m	11.36m	No Change
Minimum Exterior Side Yard	9.14m	N/A	No Change
Minimum Rear Yard	15.24m	±59.2m	No Change
Minimum Floor Area (2 Storey)	139.35m²	±145.5 m²	No Change
Maximum Building Height	10.67m	Existing	No Change
Accessory Building Yards	3.05m	7.6m	No Change
Accessory Building Height	4.5m	6.1m	6.1m

Table 2 - Zoning Compliance – Part 2			
Agricultural Zone (A)			
Provisions	Requirement	Provided	Proposed Provision
Zone Provisions for Agricultural Lots			
Minimum Lot Frontage	38.1m	51.75m	No Change
Minimum Lot Area	4.05ha	4.98ha	No Change
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)	139.35m²	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 be merged with an abutting parcel under common ownership or otherwise zoned to prohibit future residential uses. As the retained agricultural parcel is not proposed to be merged with an abutting parcel, a Zoning By-law Amendment will be required as a condition of consent.

The subsequent Zoning By-law Amendment will have two purposes. First, the retained agricultural parcel (Part 2) will be rezoned to an Agricultural Purposes Only (APO) zone to prohibit future residential uses and ensure its continued use for agricultural purposes. Second, a site-specific provision will be established for the severed residential parcel (Part 1) to recognize the existing height of the accessory barn, which exceeds the maximum permitted height for accessory buildings under the current Zoning By-law.

The rationale for the proposed site-specific provision is outlined below.

Site Specific Relief

Accessory Building Height

Site-specific relief is required to permit the existing barn to remain at its current height of 6.1 metres following the proposed severance. At the time of construction, the barn was classified as an agricultural structure and complied with the applicable maximum permitted height of 10.67 metres. However, following the severance, the building will be classified as an accessory structure, which is subject to a maximum permitted height of 4.5 metres under the Zoning By-law. Accordingly, relief is required to recognize the existing height of the barn and permit it to remain on the severed parcel.

The barn is proposed to remain with the dwelling as it is currently used by the property owner for processing activities associated with the small apple orchard being retained on the property. Conversely, the barn has no functional purpose within Neumann Vineyards' agricultural operation, and its inclusion with the retained agricultural lands would result in the unnecessary transfer of a building that the company would have no practical use for and would be required to maintain.

The requested relief recognizes an existing building and allows it to continue serving its established agricultural purpose, avoiding unnecessary demolition. The intent of the height restriction is to ensure that accessory structures remain subordinate to the principal dwelling. In this instance, the barn is situated well behind the dwelling and set back considerably from the road, such that the dwelling remains the visually dominant building on the property. The existing height therefore does not detract from the dwelling's prominence or alter the established character of the residential property.

8.0 - PLANNING POSITION

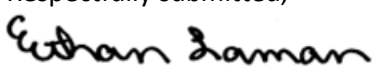
The subject application proposes the severance of an approximately 0.97-hectare parcel containing an existing dwelling and its associated residential curtilage from the agricultural lands municipally known as 102 Line 1 Road in the Town of Niagara-on-the-Lake. The severance will allow the current owner to retain her residence, accessory buildings and small productive apple orchard, while facilitating the acquisition of the retained agricultural parcel by Neumann Vineyards Ltd. for consolidation with its existing vineyard holdings and expansion of commercial wine grape production.

As demonstrated throughout this Report, the proposed severance represents a practical division of the property that accommodates the established residential use while facilitating the continued agricultural use of the retained lands. The proposed lot configuration reflects the existing physical separation of the residential curtilage, the requirements associated with the dwelling's private servicing, and the agricultural suitability of the respective parcels. The retained agricultural lands can be readily incorporated into Neumann Vineyards Ltd.'s existing vineyard operations, supporting the continued expansion of specialty crop production within the Niagara agricultural area.

The proposed consent has been evaluated against the applicable Provincial, Regional and Town planning policies. The proposal supports the objectives of the Provincial Planning Statement and the Greenbelt Plan, and is consistent with the applicable policies of the Niagara Official Plan and the Town of Niagara-on-the-Lake Official Plan. As a condition of consent, a subsequent Zoning By-law Amendment will be required to rezone the retained agricultural parcel to an agricultural-purpose-only zone and establish a site-specific provision to recognize the existing height of the barn on the severed parcel. This will allow the barn to remain with the dwelling and continue serving its established orchard-related function without compromising the visual prominence of the principal residence.

For these reasons, the proposed severance, together with the required subsequent Zoning By-law Amendment, represents good land use planning and is considered to be in the public interest.

Respectfully submitted,



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