

THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE
 Committee of Adjustment, Community & Development Services Department
 1593 Four Mile Creek Road, Niagara-on-the-Lake
 P.O. Box 100, Virgil, Ontario, L0S 1T0
 905-468-3266 ext 246, fax: 905-468-0301, www.notl.org, cmacdonald@notl.org

**NOTICE OF DECISION****CONSENT APPLICATION B-21/12**

**In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13 and;
 In the matter of application for consent for:**

1068 Niagara Stone Road
 Assessment Roll No. 2627020015061000000

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

The subject parcel, shown as Part 2 on the drawing submitted, has 60.9 metres frontage on the north side of Niagara Stone Road, lying east of Concession 7 Road, being Part Niagara Township Lots 154 and 155, Town of Niagara-on-the-Lake. Application is made for consent to conveyance of 4,047 square metres of land, Part 2, with a dwelling, a garage and a barn, known municipally as 1068 Niagara Stone Road, for residential use. 11 hectares of land, Part 1, is to be retained for farm land use. This application has been filed as a disposal of surplus farm dwelling / new lot application.

DECISION: GRANTED subject to the following conditions

1. That the applicants provide the Municipality with two copies of the deposited reference plan and a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That the Department of Public Works be notified to allow for recalculation of the assessments for future maintenance on Parts 1 and 2.
3. That the applicants obtain final approval for an amendment to the Zoning By-law to rezone Part 1 to "Agricultural Purposes Only (APO)" to preclude the construction of a dwelling on the site in perpetuity.

FOR REASONS SEE ATTACHED SCHEDULE "A"

John K. Bice
 Committee of Adjustment

Ray Guy
 Committee of Adjustment

Gracia Janes
 Committee of Adjustment

Hilda McCann
 Committee of Adjustment

Michael Welsh
 Committee of Adjustment

Date of Decision:	October 18, 2012	Date of Notice:	October 31, 2012
Last date of filing an appeal to the Ontario Municipal Board under Section 53 of the Planning Act:			November 20, 2012
Last date to fulfill all conditions of consent in accordance with Section 53 of the Planning Act:			October 30, 2013

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**NOTICE OF DECISION****CONSENT APPLICATION B-21/12****SCHEDULE "A"**

This is Schedule "A" attached to and forming part of the decision regarding Consent Application **B-21/12, 1068 Niagara Stone Road.**

REASONS:

The Planning Act provides that the approval authority, in considering a consent application, shall have regard to matters of Provincial interest, which includes whether the proposal is premature or in the public interest; whether the proposal conforms to the Official Plan, suitability of the land for the development; adequacy of the roadways and services; dimensions and shapes of proposed lots; any restrictions on the land, conservation of natural resources, etc. Based on review this application satisfies the Planning Act criteria. The Provincial Policy Statement, the Greenbelt Plan, the Regional Policy Plan and the Town Official Plan all permit the severance of a residence existing as of December 16, 2004 that is surplus to a farm operation as a result of a farm consolidation provided that no new residential dwellings are permitted on any remnant farm land created by the severance. A farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation. The application meets the intent of the surplus farm dwelling severance criteria as the dwelling pre-dates the Greenbelt Plan and is surplus resulting from the acquisition of additional farm land by a farmer who farms a number of other farm parcels that he owns, as his principle residence is located elsewhere in Niagara-on-the-Lake. To comply with the policies of the Provincial Policy Statement and the Regional Policy Plan with respect to prohibiting a new residential dwelling on the subject farm parcel, approval is conditional upon rezoning Part 1 to Agricultural Purposes Only (APO). The Part 1 farm parcel complies with Zoning By-Law minimum lot requirements and permitted uses. The Part 2 residential lot complies with lot frontage, depth and area requirements of the Zoning By-Law. The existing Part 2 dwelling was constructed in 1906 with a front setback that is less than the current standard. However as the dwelling predates the Zoning By-Law and the reduced front yard setback will not adversely affect the use of the property for residential purposes, negatively impact the streetscape and is not a consequence of this severance, rezoning or Minor Variance approval is not required. Part 2 meets the minimum area required to support a private sewage system. The subject property is located outside the urban area boundary within an area that is predominately agricultural in use. The application meets the intent of the relevant policies for a surplus farm dwelling as set out in the Provincial, Regional and Town documents. Subject to the conditions of approval, this application meets the Planning Act criteria for lot creation, is consistent with the Provincial Policy Statement and complies with the Greenbelt Plan, the Regional Policy Plan and the Town Official Plan.



 Cathy Macdonald

Secretary-Treasurer Committee of Adjustment