



Town of Niagara-on-the-Lake

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REPORT #: PBDS-26-015 **COMMITTEE DATE:** 2026-04-16
REPORT TO: Committee of Adjustment **DUE IN COUNCIL:** N/A
SUBJECT: Consent Application B-13-25 – 6147 Townline Road

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Consent Application B-13-25 be approved, subject to the following conditions:
 - 1.1.1 That the owner/applicant prepare and register on title, to the satisfaction of the Director of Planning, Building, and Development Services, a restrictive covenant for Part B, prohibiting residential use and the erection of any dwelling units;
 - 1.1.2 That the owner/applicant provides a legal description of Part B, acceptable to the Registrar, together with 1 digital copy to-scale of the deposited reference plan, if applicable, or a copy of all instruments and plans referred to in the legal description, to the satisfaction of the Director of Planning, Building, and Development Services, for use in the issuance of the Certificate of Consent; and
 - 1.1.3 That the owner/applicant provides a lawyer's undertaking, to the satisfaction of the Director of Planning, Building, and Development Services, to forward a copy of documentation confirming the transaction, i.e. transfer of Parcel B, has been carried out, the documentation to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.

2. EXECUTIVE SUMMARY

Staff have received a Consent Application submitted under Section 53(12) of the *Planning Act* proposing to sever lands at the rear of 6147 Townline Road to be used for conservation activity associated with the Bruce Trail. Town Staff have reviewed the application and consider the Application to meet applicable planning legislation and policies subject to the recommended conditions.

3. PURPOSE

Application B-13/25 proposes to sever Part B from Part A to be conveyed to the Bruce Trail Conservancy, to be preserved and protected as a part of the Bruce Trail conservation corridor. The Application has the effect of creating a new lot without frontage on a public road, for the purposes of conservation and recreational purposes associated with the Bruce Trail.

The Application drawing is attached as **Appendix I** to this report.

4. BACKGROUND

4.1 Site Description and Surrounding Lands

The subject lands are municipally known as 6147 Townline Road, lying east of Four Mile Creek Road, in the St. Davids Urban Area. The surrounding lands include a mix of residential uses, including the Creekside Seniors Estates, the General Brock Parkway (Highway 405), and environmental features associated with the Niagara Escarpment. The location of the subject lands is shown on **Appendix II** of this report.

Part A has an approximate area of 4,107 square metres and contains a single-detached dwelling, serviced by municipal water and sanitary services. Part A has approximately 49 metres of frontage on Townline Road.

Part B has an approximate area of 576 square metres and accommodates the existing Bruce Trail and associated vegetation. Part B will be used to protect and enhance the Niagara Escarpment and associated Bruce Trail corridor. Part B is not proposed to have frontage on a public road.

5. DISCUSSION / ANALYSIS

Section 3(5) of the *Planning Act, R.S.O. 1990, c. P.13* states that a decision of Council, in respect to any planning matter, shall be consistent with the Provincial Planning Statement and conform with the Provincial plans.

Section 53(12) of the *Planning Act* further states that Council, in determining whether a provisional consent is to be given, shall have regard to the matters under Section 51(24), and that conditions of consent may be imposed as set out in Section 51(25), 51(26) and 51.1.

The Provincial Planning Statement (“PPS”) 2024, designates the subject lands as being with a “Settlement Area.” The Niagara Escarpment Plan (“NEP”) designates the lands as Escarpment Protection Area and Escarpment Natural Area and are located within the Minor Urban Centre of St. Davids. Further, the subject lands are designated “Delineated Built-up Area” in the Niagara Official Plan (2022) and “Escarpment Natural Area” in the Town’s Official Plan (2017 Consolidation, as amended).

The PPS sets out that natural areas shall be protected and that healthy, active, and inclusive communities should be promoted by planning and providing for a full range of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.

The subject property is impacted by the Natural Environment System (NES) of the Niagara Official Plan, 2022 (“NOP”), consisting of Significant Woodland and Other Wetland. NOP Policy 3.4.1.4 promotes the donation of privately owned lands in the natural environment system to public agencies or charitable organizations.

Similarly, Part 3 of the NEP, sets out policy direction for the Niagara Escarpment Parks and Open Space System (“NEPOSS”). Objectives for the NEPOSS include providing adequate opportunities for outdoor education and recreation and providing public access to the Niagara Escarpment.

Within Minor Urban Centres, the NEP identifies development and growth objectives that include providing public access to the Escarpment through walkways and pedestrian trails, specifically referencing the Bruce Trail. While not directly regulating severances, this establishes a clear policy direction that development is expected to support and maintain public access routes. These objectives are relevant in evaluating lot creation proposals related to the Bruce Trail corridor. This direction is reinforced through the Development Criteria for Lot Creation under Section 2.4, which requires that decision-makers consider the need to provide for or protect public access to the Escarpment, explicitly including the Bruce Trail corridor.

While the NEP generally requires new lots to front onto a public road, Policy 2.4.12 provides a clear exception for public bodies and approved conservation organizations. Under this policy, new lots may be created without frontage where they serve public or conservation purposes. The Bruce Trail Conservancy is explicitly recognized as a public body for this purpose, enabling the creation of parcels that may not meet standard frontage requirements but are necessary to secure and manage the Trail.

The subject lands are zoned “Residential (R1)” in Zoning By-law 4316-09, as amended. Section 21 of The Town Official Plan and Section 9.1 of the Zoning By-law require public road frontage and establish minimum lot area standards for residential development, these provisions must not conflict with the NEP. In this case, both Town Staff and the Niagara Escarpment Commission are of the opinion that the Zoning By-law frontage requirement conflicts with Policy 2.4.12, as it would prevent the creation of conservation parcels by a public body such as the Bruce Trail Conservancy.

Similarly, the minimum lot area requirement of the Zoning By-law is not appropriate in this context, given that the NEP supports the creation of parcels based on conservation needs, which are often defined by environmental features, trail alignment, or land assembly considerations rather than standard residential lot sizes. Applying a fixed minimum lot area prevents the creation of such parcels, even where they are consistent with NEP objectives, thereby limiting the ability to secure and protect the Bruce Trail corridor.

As municipal policies cannot conflict with provincial plans, the frontage and minimum lot area requirements of the Zoning By-law should not be applied where they would override the policy direction in the NEP. Enforcing these standards in this case would hinder the creation of conservation-related parcels and conflict with the NEP’s objective of protecting the Bruce Trail and improving public access to the Escarpment and lot creation exceptions set out in Section 2.4. Accordingly, the Official Plan policies and zoning provisions are not applicable in this instance as they are not operative as they are in direct conflict with the specific provisions of the NEP which permits lot creation in this circumstance.

The lands will maintain their Residential (R1) Zoning and will be transferred to the Bruce Trail Conservancy. Despite the intent to utilize these lands for conservation purposes, Town staff

will require a restrictive covenant to be registered on title for Part B to ensure the lands cannot be used for residential purposes.

5.1 Town, Agency and Public Comments

This Application was circulated to all appropriate Town Departments and external agencies, and public notice of the application was provided as required by the *Planning Act*. The following responses were received:

Town Departments

Building – No objection.

Finance – No objection.

Fire & Emergency Services – No objection.

Heritage - No objection.

Public Works - No objection.

Agencies

Niagara Escarpment Commission – No objection.

Niagara Peninsula Conservation Authority - No objection.

Niagara Region - No objection.

Enbridge Gas - No objection.

Hydro One - No objection.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

3. Enrich Community Assets, Environment, & Infrastructure

Priority

3.2 Environment

Action

3.2 a) Sustainable Natural Environment

7. OPTIONS

The Committee may approve, refuse or modify the requested Consent and/or conditions.

8. FINANCIAL IMPLICATIONS

The owner/applicant is responsible for any costs associated with the clearing of conditions, including registration of the required agreement.

9. ENVIRONMENTAL IMPLICATIONS

The proposal will allow for improve conservation management of the lands as they will be transferred to the Bruce Trail Conservancy for protection and maintenance. Further a restrictive covenant will be registered on title to prevent any residential development.

10. COMMUNICATIONS

Once the Committee of Adjustment makes a decision on the Application, notice of the decision will be given as required in the *Planning Act*. The decision of the Committee is subject to a 20-day appeal period following notice of the Committee's decision. If no appeals are received during the appeal period, the decision of the Committee is final.

Changes to provincial legislation have been made by way of Bill 23 and third-party appeals from private property owners are no longer permitted.

11. CONCLUSION

Planning, Building, and Development Services Staff recommend approval of Consent Application B-13/25 for 6147 Townline Road, subject to the recommended conditions, as the Application meets the *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms with the Niagara Escarpment Plan, Niagara Official Plan and the Town Official Plan.

12. APPENDICES

- **Appendix I** – Application Drawing
- **Appendix II** – Location Map

Respectfully submitted:

Prepared by:



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Recommended by:



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