



For Office Use Only:

File Number	_____	Application Fee	_____
Related File Number	_____	Conservation Authority Fee	_____
Application Submitted	_____	Well & Septic Info Provided	_____
Complete Application	_____	Planner	_____
		Public Notice Sign	_____

Check the type of planning application(s) you are submitting.

- Standard Minor Variance
- Complex Minor Variance (After the fact)
- Routine Minor Variance

Property Assessment Roll Number: _____

A. Applicant Information

Name of Owner _____

It is the responsibility of the owner or applicant to notify the planner of any changes in ownership within 30 days of such a change.

Address _____

Town and Postal Code _____

Phone Number _____

Cell Number _____

Email _____

Name of Authorized Applicant _____

Address _____

Town and Postal Code _____

Phone Number _____

Cell Number _____

Email _____



Name of Authorized Agent _____

Address _____

Town and Postal Code _____

Phone Number _____

Cell Number _____

Email _____

Please specify to whom all communications should be sent. Unless otherwise directed, all correspondence and notices in respect of this application will be forwarded to the owner and agent noted above.

- Owner Agent Applicant

Names and addresses of any holder of any mortgages, charges or other encumbrances on the subject lands:

B. Location, Legal Description and Property Information

1. Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):

Municipal Civic Address: _____

Land acquisition date (if known): _____

Present Official Plan Designation(s): _____

Present Zoning: _____

2. Is there a special provision or site specific zone on the subject lands?

- Yes No

If yes, please specify:

3. Present use of the subject lands:

4. Please describe **all existing and proposed** buildings and structures on the subject lands and whether they are to be retained, demolished or removed.

	Existing	Proposed
Type of Building	_____	_____
Number of Storey(s)	_____	_____
Number of Dwelling Units per lot	_____	_____
Buildings/Structures/ARDU Width (m)	_____	_____
Building/ Structures /ARDU Length (m)	_____	_____
Building/ Structures /ARDU Height (m)	_____	_____
Usable Floor Area (sq.m)	_____	_____
Lot coverage	_____	_____

5. If an addition to an existing building is being proposed, please explain what it will be used for (for example a bedroom, kitchen, or bathroom). If new fixtures are proposed, please describe.

6. Are any existing buildings on the subject lands designated under the *Ontario Heritage Act* as being architecturally and/or historically significant?

Yes No

If yes, identify and provide details of the building:

7. If known, the length of time the existing uses have continued on the subject lands:

8. Existing use of abutting properties:

9. Are there any easements or restrictive covenants affecting the subject lands?

Yes No If yes, describe the easement or restrictive covenant and its effect:



C. Zoning Review (chart must be completed in metric units)

Please fill out the required information for the main and accessory buildings and structures

	Zoning By-law Requirement	Proposed	Deficiency
Lot area (m ²)			
Lot frontage (m)			
Lot depth (m)			
Front Yard Setback (m)			
Left Side Yard Setback (m)			
Right Side Yard Setback (m)			
Rear Yard Setback (m)			
Exterior side yard (if applicable) (m)			
Height (m)			
Lot coverage (%)			
Buildings/structures separation (m)			
Detached Additional Dwelling Unit (ADU) or Accessory Building i) Usable floor area (m ²) ii) Height (m) iii) Building separation (m)			
Number of parking spaces			

D. Previous Use of the Property

1. Has there been an industrial or commercial use on the subject lands or adjacent lands?

Yes No Unknown

If yes, specify the uses (for example: gas station, or petroleum storage):

2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

3. Provide the information you used to determine the answers to the above questions:

4. If you answered yes to any of the above questions in Section D, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed. Is the previous use inventory attached?

Yes No

E. Provincial Policy

1. Is the requested amendment consistent with the Provincial Planning Statements issued under subsection 3(1) of the *Planning Act, R.S.O. 1990, c. P. 13*?

Yes No

If you answered no, please explain:

2. It is the owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the Provincial Planning Statement ?

Yes No

If no, please explain:

3. Have the subject lands been screened to ensure that development or site alteration will not have any impact on source water protection?

Yes No

If no, please explain:

Note: If the subject lands are in an area of source water Wellhead Protection Area (WHPA) A, B or C, Issue Contributing Area, Intake Protection zone, please attach relevant information and approved mitigation measures from the Risk Manager Official.

4. Does the property have any significant environmental features on the subject land or within 500 metres:

Yes No

If yes, indicate: Significant Woodland Provincially Significant Wetland Floodplain Other _____

5. Does the property have any livestock facility or stockyard on the subject land or within 1000 metres:

Yes No

If yes, the submission of Minimum Distance Separation (MDS) calculations may apply.

F. Servicing and Access

1. Indicate what services are available or proposed:

Water Supply

- Municipal piped water Communal wells
 Individual wells Other (describe below)



Sewage Treatment

- Municipal sewers Communal system
 - Septic tank and tile bed in good working order Other (describe below)
-

Storm Drainage

- Storm sewers Open ditches
 - Other (describe below)
-

2. Existing or proposed access to subject lands:

- Municipal road Provincial highway
- Unopened road Other (describe below)

Name of road/street:

G. Other Information

Is there any other information that you think may be useful in the review of this application? If so, explain below or attach on a separate page.



I. Transfers, Easements and Postponement of Interest

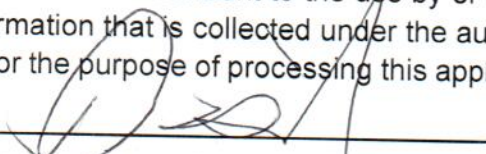
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner to undertake the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. The owner further acknowledges and agrees that it is their solicitor's responsibility on behalf of the owner to undertake the registration of postponements of any charges in favour of the County.

Permission to Enter Subject Lands

Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purpose of making inspections associated with this application, during normal and reasonable working hours.

Freedom of Information

For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body any information that is collected under the authority of the *Planning Act, R.S.O. 1990, c. P. 13* for the purpose of processing this application.



Owner/Applicant/Agent Signature

3/2/26

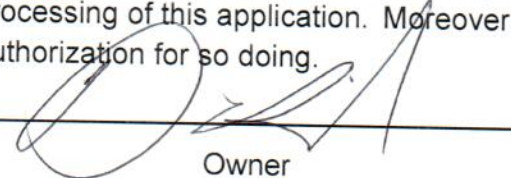
Date

J. Owner's Authorization

If the authorized applicant/agent is not the registered owner of the lands that is the subject of this application, the owner must complete the authorization set out below.

I/We DAVE POND am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize ASHLEY WALMSLEY to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.



Owner

March 2nd, 2026

Date

Owner

Date

***Note:** If property is owned by an Ontario Ltd. Corporation, Articles of Incorporation are required to be attached to the application.



K. Declaration

I, Ashley Walmsley, GM of Burning Kiln Winery Inc.

solemnly declare that:

all of the above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at:

By video conference _____

Ashley Walmsley
Owner/Applicant/Agent Signature

In Ontario, Canada

This 2nd day of March

A.D., 2026

A Commissioner, etc.



K. Declaration

I, Ashley Walmsley, GM of Burning Kiln Winery Inc.

solemnly declare that:

all of the above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at:

By video conference

Ashley Walmsley
Owner/Applicant/Agent Signature

In Ontario, Canada

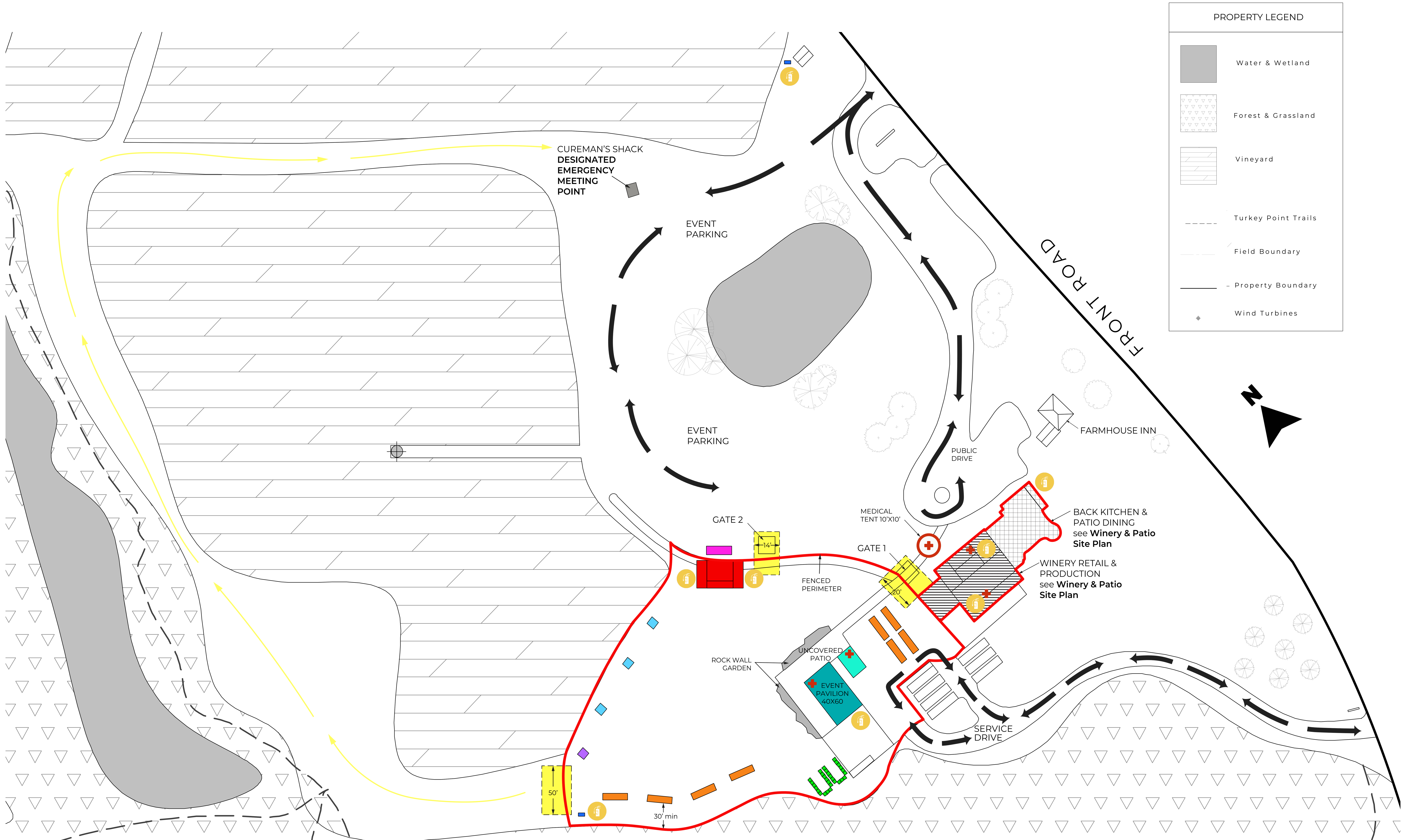
This 2nd day of March

A.D., 2026

[Signature]

A Commissioner, etc.

M.D. M[Signature]

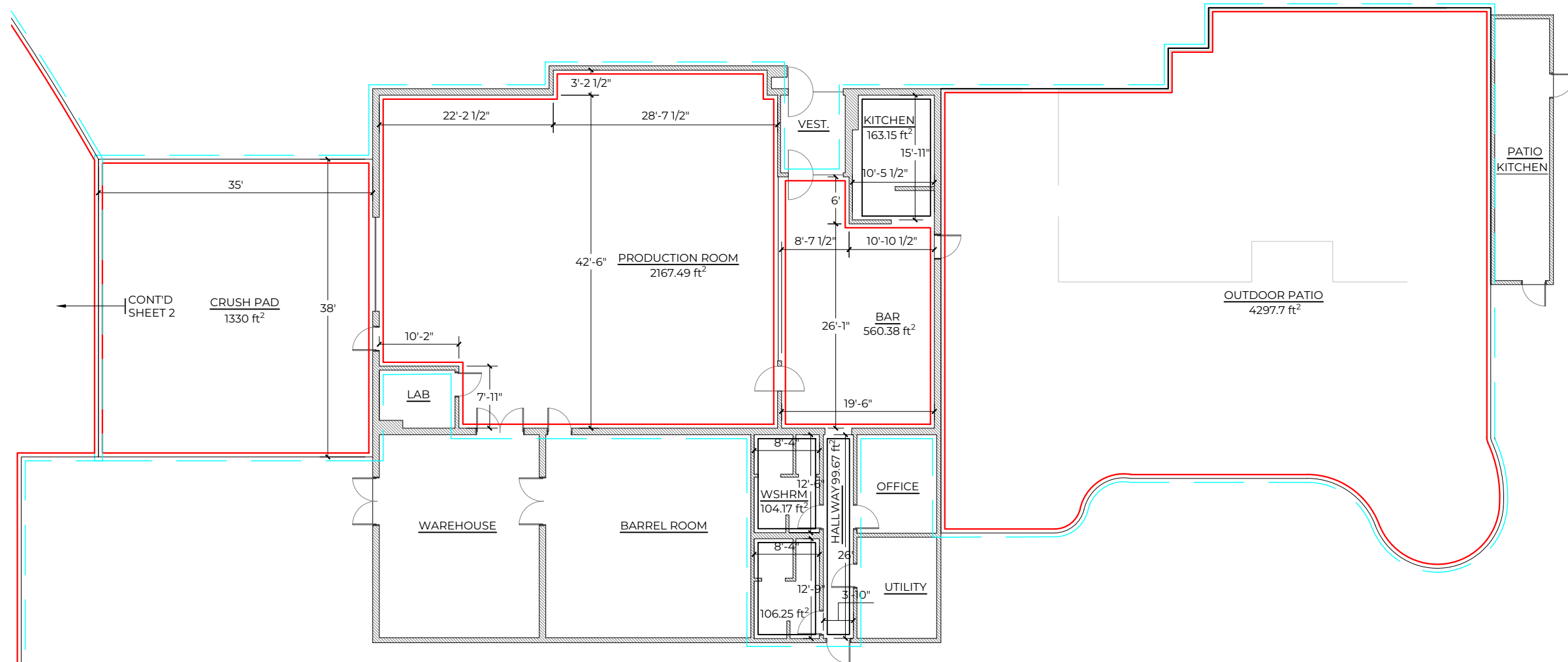


PROPERTY LEGEND	
	Water & Wetland
	Forest & Grassland
	Vineyard
	Turkey Point Trails
	Field Boundary
	Property Boundary
	Wind Turbines

burning kiln winery

1709 Front Road
St. Williams, ON
N0E 1P0

	LICENSED AREA Uncovered 103,000 sq ft Covered 8,200 sq ft		Event Pavilion 40'x60'		Stage 32'x24', 32'x32', or 56'x32'		Vineyard Bars/Tents 10'x10'		Food Trucks 8'x24'-30'		Medical Tent 10'x10'
	Fire Access Route		Event Bar & Catering Station 20'x30'		Artist's Trailer 10'x30'		Merchandise Tent 10'x10'		Washrooms 30 units 4'x4'		First Aid Kit
	Emergency Exits						Light Standard Generator 8'x4'		Emergency Exits		Fire Extinguisher



application:
Liquor License

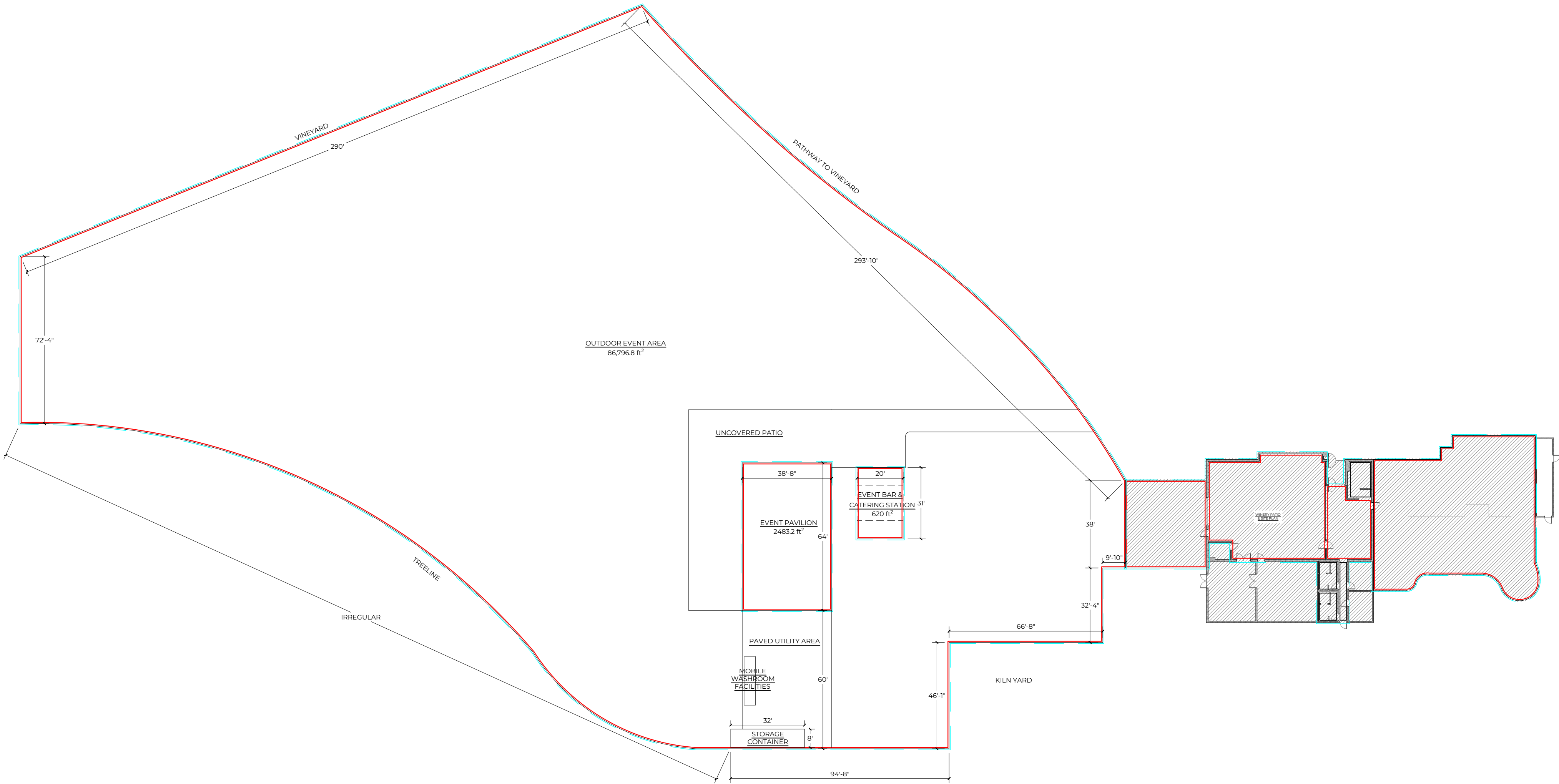
company:
Burning Kiln Winery
1709 Front Road
St. Williams, ON
N0E 1P0

layout:
Winery & Patio
Site Plan

year: 2024

scale: 1/16" = 1'

sheet:



application:
Liquor License

company:
Burning Kiln Winery
1709 Frpnt Road,
St. Williams, ON
N0E 1P0

layout:
Event Pavilion
& Outdoor Event Area

year: 2024

scale: 1/32" = 1'-0"

sheet:
002

MEMORANDUM

FEB 28,2026

TO : Norfolk County Committee of Adjustment

FROM: John Ariens retired Planner
Ashley Wamsley, General, Manager Burning Kiln Winery

SUBJECT: Large Concert Events: Minor Variance Application

Burning Kiln Winery has been growing grapes and producing award winning wines for many years now. The winery has expanded to include an event center for weddings, anniversaries, retirements and corporate events. A retail store, restaurant and tasting center also operate on a regular basis. All of these activities are permitted by the current Zoning By-law and help implement this area as a Secondary Tourism Node that has been designated here by the Norfolk Official Plan and Lakeshore Special Policy Area.

Over the years the winery has added musical events to its itinerary under the theme of "Music in the Vineyards". These music events have grown significantly and are now a major tourist attraction and an entertainment venue for Norfolk residents.

Entertainment such as these musical events is permitted by the current zoning under the permissions allowing a "farm experience activity" . The current Zoning of the property is Agricultural "A" Zone which lists Farming, Farm Winery and Farm Experience Activity as separate permitted uses (By-law: 1-Z- 2014).

The definition of Farm Experience Activity is copied below:

“FARM EXPERIENCE ACTIVITY” shall mean an accessory activity that is directly associated with agriculture and an existing farm operation, and which consists of adding a component of information, education, temporary accommodation or entertainment to an existing farm operation.

Zoning Staff have determined that the larger concert events are not directly associated with agriculture and as such exceed the definition and permission for entertainment events. To remedy this interpretation a variance to the permitted uses and above definition are being sought.

The variance is to the permitted uses of the Agricultural A Zone and to the definition of "farm experience activity" and is seeking relief to allow up to 6 large concert events per year as an additional permitted farm experience activity that is not directly associated with agriculture.

These larger concerts will be secondary to the main farm use of these lands. The concerts are held on the edge of the vineyards, and the vineyards are visibly prominent

and lighted during the concert events. These concerts have an ongoing interaction with agriculture and share a common theme regarding "Music in the Vineyards". Local agricultural products, wines, and food are also served. However, given the staff interpretation, the variance will reduce the direct or ongoing interaction with agricultural activities.

The following will address the ability for the Committee of Adjustment to grant a variance regarding the "use" of these lands and will also provide the planning justification regarding compliance with Section 45(1) of the Planning Act which we typically refer to as the "4 tests".

Below is an excerpt of Section 45(1):

Powers of Committee

45 (1) *The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).*

The highlighted portions of the above excerpt clearly give the Committee the ability to grant a minor variance to the "use of the land".

The land use permissions are described in the Zoning By-law. These lands are zoned Agricultural "A" Zone which lists the following permitted uses and the highlighted ones are applicable to these lands.

12.1 Agricultural Zone (A)

12.1.1 Permitted Uses In an A Zone, no land, building or structure shall be used except in accordance with the following uses:

- a) animal kennel, subject to Subsection 12.1.4*
- b) bed & breakfast, subject to Subsection 3.4*
- c) bunk house*
- d) Cannabis Production and Processing, subject to General Provisions 3.21 [25- Z-2018]*
- e) dwelling, single detached*
- f) farm*
- g) farm brewery, subject to Subsection 12.2.3 [34-Z-2019]*
- h) farm distillery, subject to Subsection 12.2.3 [34-Z-2019]*
- i) farm experience activity, subject to Subsection 12.2.2*
- j) farm processing, accessory to a farm*

- k) farm processing-value added, subject to Subsection 12.2.1
- l) farm produce outlet, accessory to a farm
- m) farm winery, subject to Subsection 12.2.3
- n) home industry o) home occupation
- p) on-farm diversified use, subject to Subsection 12.3 [34-Z-2019]
- q) seasonal storage of recreational vehicles and recreational equipment as a secondary use to a farm.
- r) accessory residential dwelling unit, subject to Subsection 3.2.3 [7-Z-2020]

The Subject Lands are developed with a farm that produces grapes and other field crops. The grapes in turn support an existing winery with accessory uses (a retail store, food service, etc). The winery has also been used for events such as weddings, anniversaries, corporate events and other similar celebrations. The winery and farm vineyards have also been used for musical concerts which have grown in scale and attendance. All of these uses are permitted by the Zoning By-law however there is an interpretation issue with respect to the larger musical concerts. County Zoning Staff have indicated that the larger concerts exceed the zoning permissions applicable to a "farm experience activity" and hence require further zoning approvals.

The Zoning By-law definition of a Farm Experience Activity is again copied below:

“FARM EXPERIENCE ACTIVITY” shall mean an accessory activity that is directly associated with agriculture and an existing farm operation, and which consists of adding a component of information, education, temporary accommodation or entertainment to an existing farm operation.

The above definition allows entertainment on a farm operation. A musical concert is entertainment. The definition does not describe or specifically regulate the size or scale of the farm experience entertainment activity which in this case refers to the size of the concert and the number of attendees. However, Staff contend that a large concert is an event that is no longer directly associated with agriculture and as such is no longer in compliance with the definition.

We therefore propose a minor variance to the permitted uses and to the above definition of the By-law so as to allow the use of these lands for larger concerts as a farm experience activity. In essence seeking a variance to also allow larger concerts with a diminished association with agriculture.

The variance seeks relief to the use of these lands, which is in accordance with Section 45(1) of the Planning Act.

This Section of the Act is again copied below but, in this case, the pertinent wording regarding the 4 tests is highlighted in blue:

Powers of committee

45 (1) The **committee of adjustment**, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, **may**, despite any other Act, **authorize such minor variance** from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion **is desirable** for the appropriate development or use of the land, building or structure, if in the opinion of the committee **the general intent and purpose of the by-law and of the official plan, if any, are maintained.** R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

The above highlighted words describe the 4 tests referred to above. In short, the variance must be minor, desirable, and meet the general intent of the Official Plan and Zoning By-law. The following will provide our planning analysis regarding these four tests.

Is the variance minor?

In my opinion **YES**.

In his book, *The Practical Guide to the Ontario Municipal Board*, Dr. Bruce Krushelnicki (former OMB Member, Professor and Professional Planner) describes what is meant by "minor".

The variance must be "minor." This is a relative term which is interpreted flexibly, and which must be assessed on the individual merits of any given application. It is not a mathematical calculation, but rather a judgement and an assessment made following a consideration of all relevant circumstances of the application. "Minor" most often refers to the assessment of the impacts that the variance is expected to have on adjacent uses and in the community as a whole.

As is stated above, this term is not a mathematical or percentage calculation. It requires a determination primarily related to the potential impacts of the variance being sought upon the adjacent uses and the larger community. Potential impacts of a larger concert include noise, lighting, traffic, and parking.

There will be a limit of only 6 concerts scheduled per year and each concert is for a weekend date and could include a Saturday afternoon show followed by a Sunday evening show which is over by 11 pm. These concerts are a seasonal outdoor use as well and are limited to the warmer months. Accordingly, this is not a constant ongoing event for multiple days or for a long duration. On-site parking and traffic control are provided. The Subject Lands are also rather isolated, and only one neighboring dwelling is located along this section of Front Rd and is approximately 200m from the concert area. The larger concerts do not create a significant adverse impact upon the adjacent uses or upon the community as a whole. With minimal adverse impacts, the variance allowing larger events is minor.

Is the variance desirable for the appropriate use of these lands?

In my opinion **YES**.

Again, Dr. Krushelnicki describes what is meant by the term "desirable":

That a variance is desirable suggests that it will be more beneficial to approve the variance than to strictly adhere to the by-law, or that the variance will add value to the use or development that could not otherwise be realized. This should normally be an objective test based on the desirability or appropriateness of the variance from the standpoint of the public interest, rather than only the subjective or private interests of the applicant. The more important question is whether it offers some public interest value or benefit to the public and the landowner that a strict adherence to the By-law may not achieve.

These larger concerts provide a significant public and community interest as they bring the community together to enjoy a concert experience in the vineyards. Both Norfolk County residents and tourists benefit and enjoy these concerts. Community businesses also benefit with additional demand for food, accommodation and other commercial secondary uses. Without these concerts community businesses would not have this additional source of income. The proposed concerts in a vineyard also demonstrate a direct connection to the agricultural community in Norfolk County and the sale of local agricultural wines and products supports these agricultural uses. The concerts are a compatible land use and are in the overall public interest and therefore desirable.

Does the variance maintain the general intent and purpose of the Norfolk Official Plan?

In my opinion **YES**.

The Norfolk Official Plan recognizes the importance of agriculture and the need for farm operations to have alternate sources of income to help support that farm. The Norfolk Plan has policies that allow on farm diversification and farm related commercial and industrial uses. Uses such as wineries, breweries, and distilleries are permitted on farms where the crops are grown for those products. The concerts support these local farm related additional uses such as the existing winery on site. The local agricultural community is also supported by these concerts as local farm produce and products are sold during the concerts. The concerts are held on vacant lands and do not take any agricultural land out of production. In addition to supporting agriculture, the Norfolk Plan includes these lands in the Lakeshore Special Policy Area where tourism and other similar economic initiatives are encouraged. The Subject Lands are within a Secondary Tourism Node and as per policy direction, these concerts provide a significant venue for tourists and contribute to the South Coast Tourism initiatives being implemented by the County. Front Rd is also designated as a South Coast Scenic Route upon which tourism opportunities are supported and encouraged. The proposed concerts support agriculture, support local businesses, contribute to tourism, and therefore maintain the general intent of the Norfolk Official Plan.

Does the variance maintain the general intent and purpose of the Zoning By-law?

In my opinion **YES**.

Entertainment is permitted as a farm experience activity by the Norfolk Zoning By-law. The variance is only seeking permission to hold larger entertainment events than those currently interpreted as being permitted. These larger events are still on a farm operation, and farming remains the main or principal use of these lands. As such, the events represent a musical experience in a vineyard setting which ties the events directly back to agriculture. Local wines and agricultural products are also sold during the concerts creating a further connection to the local agricultural community. These events are also accessory and subordinate to the main farm use.

Based on the above, it is my independent planning opinion that the variance seeking to hold larger events/concerts is in accordance with Section 45(1) of the Planning Act and fully complies with all of the four tests established by the Planning Act.

The variance is in the public interest and represents good land use planning.

Prepared By John Ariens, retired Professional Planner, and former partner and Hamilton Office Manager with the IBI Group.


John Ariens,
15 Loganville Lane, New Hamburg
N3A 0G3
905-536-8985

MAP A
CONTEXT MAP
Geographic Township of CHARLOTTEVILLE

ANPL2026059

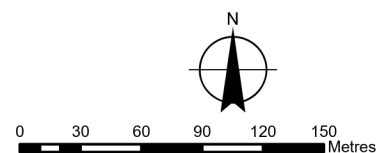


Legend

 Subject Lands

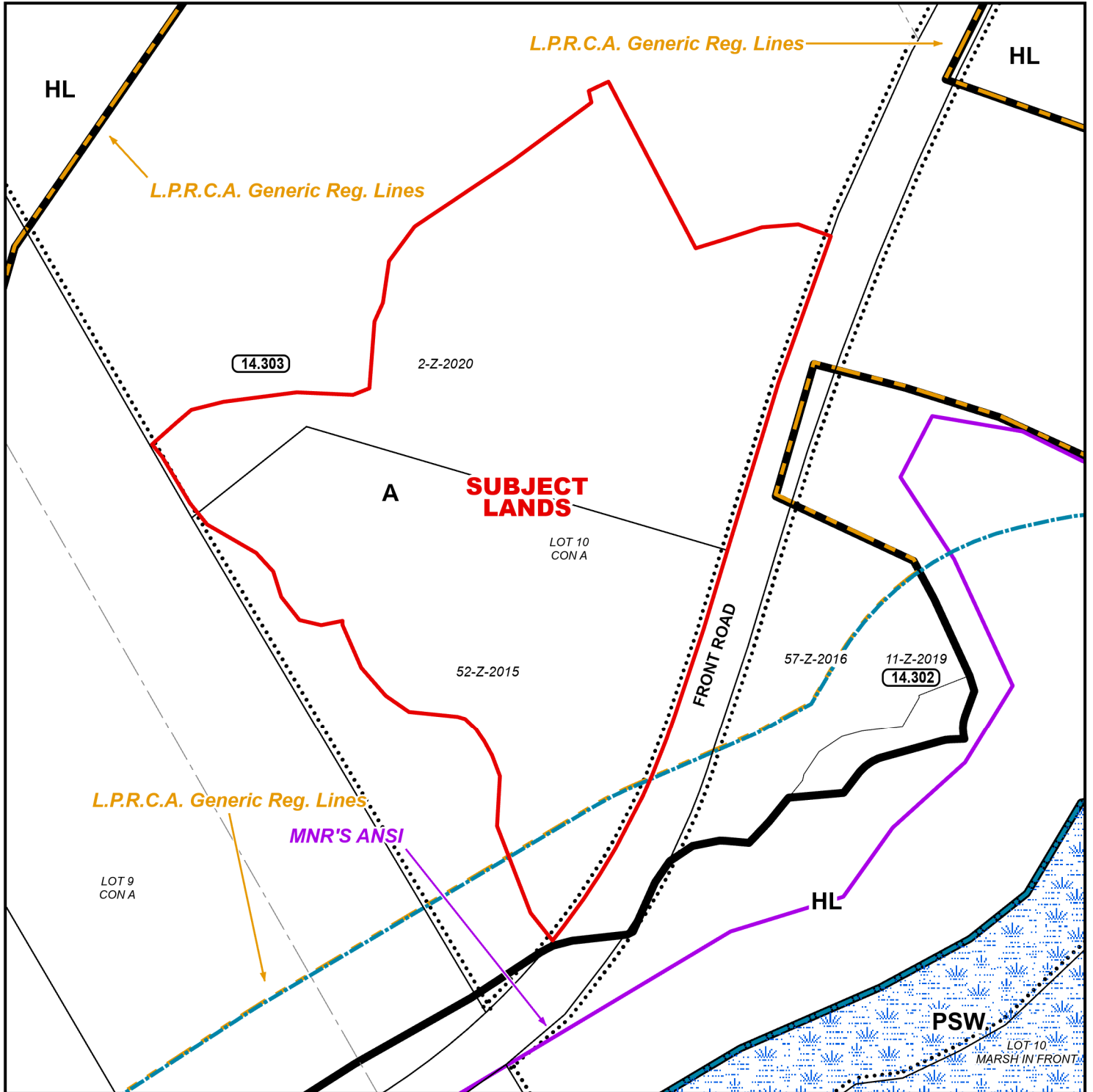
3/9/2026

2020 Air Photo



MAP B
ZONING BY-LAW MAP
 Geographic Township of CHARLOTTEVILLE

ANPL2026059



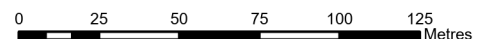
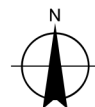
LEGEND

- Subject Lands
- Adjacent Lands
- Wetland
- MNR ANSI
- LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

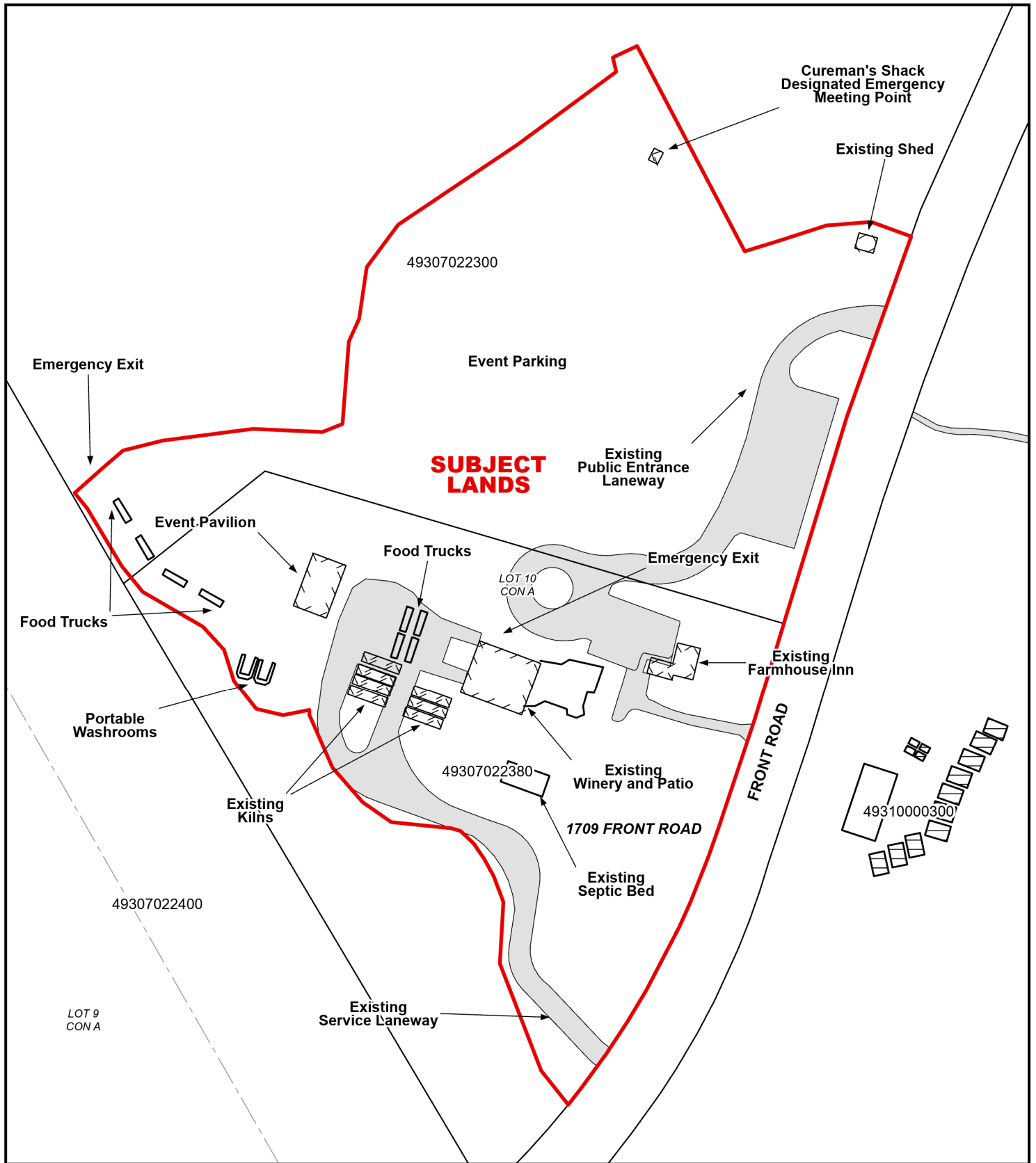
- (H) - Holding
- A - Agricultural Zone
- HL - Hazard Land Zone
- PSW - Provincially Significant Wetland Zone

3/9/2026




CONCEPTUAL PLAN

Geographic Township of CHARLOTTEVILLE



Legend

 Subject Lands

3/9/2026

