



May 9, 2024

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application D13-13-2024
2740 Merrittville Highway
PT TWP LOT 79

PROPOSAL: An application has been submitted for a minor variance under Section 45(2) of the Planning Act, R.S.O. 1990, c.P.13, as amended, to permit the expansion of the legal non-conforming use established at 2740 Merrittville Highway, for the purpose of a 64 square metre addition of a carport canopy and larger entrance.

RECOMMENDATION:

That Minor Variance Application D13-13-2024 to permit the enlargement of the existing legal non-conforming use, **BE APPROVED.**

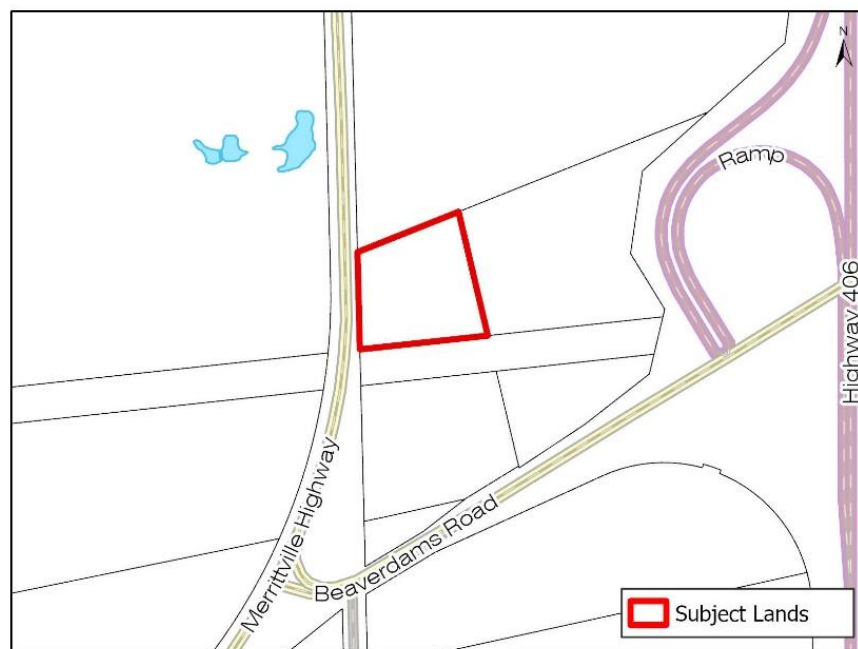


Figure 1: Location Map

Site Description

The subject lands are located on the east side of Merrittville Highway, north Beaverdams Road, and west of Highway 406 as shown in **Figure 1**. The lands are currently occupied by a banquet hall and conference centre with a total floor area of 934 square metres, and is proposed to be developed with a building addition of 64 square metres as shown on the proposed Site Plan (**Appendix 1**).

Background

The property is currently utilized as a banquet and conference centre known as Amici's Banquet & Conference Centre. The property has been in continuous use as a restaurant (Arizona's Tap & Grill) from 1999 to 2003, which expanded the use to include a banquet hall and conference centre in 2004. The restaurant, banquet hall and conference centre was renamed Amici's Banquet & Conference Centre in 2008 and has continued to operate to present day. The lands are currently zoned AS (Specialty Crop) within the City of Thorold Comprehensive Zoning Bylaw 60-2019. A planning brief providing further details on the background of the site development submitted as part of the application is provided in **Appendix 2**.

The current use of the property as a banquet and conference centre is not a permitted use within the Specialty Crop AS zone, according to City's 60-2019 Zoning Bylaw. However, per Section B2.2.5 of the City's Official Plan, uses which are not permitted in the Specialty Crop designation but were established on or before December 16, 2004, shall be deemed to be a permitted use. Such uses may expand buildings, structures or accessory uses subject to an application to the Committee of Adjustment to expand a legal non-conforming use. As the applicant has indicated that the property has been used as a banquet and conference centre since 2003, the use as a banquet and conference centre is considered to be a legal non-conforming use. As such, an application for a minor variance has been submitted to permit the enlargement of the legal non-conforming use under Section 45(2) of the Planning Act, R.S.O. 1990, C.P.13, as amended.

Per the City's Official Plan, prior to the issuance of any building permit, the proposed development will also be subject to Site Plan Control. This will further examine the design and technical components of the proposed development to ensure that it will be safe, functional, and compatible with its surroundings. The proposed minor variance is required prior to completion of Site Plan Control approval and subsequent building permit.

Staff acknowledge that the addition has already been constructed prior to the issuance of a building permit, and that a Site Plan Application will still be required for the application to ensure that all Municipal Standards have been upheld.

MINOR VARIANCE PLANNING ANALYSIS:

This application has been submitted pursuant to Section 45(2) of the *Planning Act*, that provides 'Other Powers' to the Committee of Adjustment including:

- (a) where any lands, building or structure, on the day the bylaw was passed, was lawfully used for a purpose prohibited by the bylaw, may permit,
- (i) The enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the bylaw was passed, or a use

permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the bylaw was passed, or

- (ii) The use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the bylaw or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or
- (b) where the uses of land, buildings or structures permitted in the bylaw are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the bylaw.'

Further to the above noted provisions of the *Planning Act*, there is further case law (Fraser v. Rideau Lakes (Township), 2020 Carswell Ontario) which outlines that the test to be applied by the committee is NOT the typical four (4) tests for a minor variance (i.e. is the general intent of the Official Plan and Zoning Bylaw maintained, are the variances appropriate for the development of the land and are the variances minor). Instead, the committee must determine:

- 1) Whether the proposed expansion is appropriate; and
- 2) Whether it will result in undue adverse impacts on the surrounding neighbourhood.

Finally, under the provisions of the City of Thorold Official Plan Section B2 contemplates the expansion of legal non-conforming uses within the Specialty Crop Designation. Specifically Section B2.25 outlines that:

'Uses which are not permitted in the Specialty Crop designation but were established on or before December 16, 2004, shall be deemed to be permitted uses. Such uses may expand buildings, structures or accessory uses subject to an application to the Committee of Adjustment to expand a legal non-conforming use. In considering an application, Committee shall have regard for the following criteria:

- a) The expansion does not require the provision or extension of a municipal water or sewer system; and,
- b) The proposed expansion is consistent with the existing use policies contained in the Natural Heritage policies of this Plan.'

It is noted that in support of the application, the applicant has provided a planning brief to demonstrate how, in the opinion of the applicant, the application conforms to good

planning principles, and satisfies the criteria of Section 45(2) of the Planning Act. This planning brief is provided in **Appendix 2**.

A summary of planning staff's review of the proposed variances with respect to each of these considerations is provided below.

Is the proposed expansion appropriate for the development of the land?

This is not a subjective test as to whether the variance is appropriate to the Applicant or to neighbouring property owners. Rather, the test examines whether the variance is desirable from the standpoint of permitting appropriate development as a public interest.

The applicant has noted that the expansion is required to expand the vestibule to allow ease of access for patrons to the business and to introduce a carport to provide coverage during entrance and exit into the facility. The expansion of the vestibule and carport are part of a normal business expansion for the banquet and conference centre.

In staff's opinion, no impacts to the function of the site or surrounding properties are anticipated as a result of the proposed expansion, and would permit appropriate development as a public interest.

As such, staff is of the opinion the requested variances are appropriate for the development of the land.

Will the application result in undue adverse impacts on the surrounding neighbourhood?

Property owners have a right to reasonable flexibility, evolution, and expansion of legally non-conforming/non-complying uses, land, building and structures, provided the evolution or expansion does not cause undue adverse impacts on the surrounding neighbourhood.

As identified by the applicant, staff is in agreement that the expansion will not result in any increased noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation, and that the structures maintain suitable distance from surrounding lots, the parking area adequately accommodates usage, and neighbouring properties remain unaffected.

Given the long standing use of the property with no known conflict or negative impacts, the relative size and scale of the proposed expansion, and the continued use of the property for similar purposes for over 20 years, it is Planning staff's opinion that the proposed expansion to the existing use is not anticipated to cause undue adverse impacts on the surrounding neighbourhood.

Official Plan Review

Per Section B2.2.5 of the City's Official Plan, uses established within the Specialty Crop designation on or before December 16, 2004, may expand buildings, structures or

accessory uses subject to an application to the Committee of Adjustment to expand a legal non-conforming use. In considering an application, Committee shall have regard for the following criteria:

- a. The expansion does not require the provision or extension of a municipal water or sewer system; and,
- b. The proposed expansion is consistent with the existing use policies contained in the Natural Heritage policies of this Plan.'

The use was established before 2004 and has been in operation since 1999. Staff agrees with the applicant's analysis that the expansion does not infringe upon any natural heritage or key hydrologic features. The expansion does not require the provision or extension of a municipal water or sewer system. As such, staff are satisfied that the proposed expansion meet the criteria for the expansion of a legal non-conforming use within the Specialty Crop designation.

COMMENTS:

Agency & Department Comments

The application was circulated to internal departments and external agencies for comments, which are summarized below. A copy of the agency and department comments received are provided in **Appendix 3**.

The following Departments/Agencies provided comments noting no concerns with the proposal: City Engineering Department, Cogeco, City of Thorold Heritage Advisory Committee (LACAC), GIO Rail, and TransCanada Pipelines Limited.

The following Departments/Agencies did not provide comments on the proposal: Bell Canada, Canadian National Railway (CN), Hydro One, Niagara Escarpment Commission, Thorold Fire and Emergency Services, Ontario Power Generation, Trillium Railway, Canada Post, District School Board of Niagara, and Niagara Catholic District School Board.

Niagara Region

- Regional staff noted that they do not object to the proposed development as it is consistent with Provincial and Regional policies, subject to the comments summarized below.
- Regional staff noted that the subject property is located within the Region's mapped area of archaeological potential (Schedule K of the NOP). The proposed addition has been constructed and therefore disturbance has taken place. Regional staff offers no archaeological assessment requirements for this Minor Variance application. Staff note that future development or site alteration subject to a Planning Act application may require an Archaeological Assessment.

- Regional staff noted that no environmental planning requirements are offered, and the requirement of an Environmental Impact Study (EIS) for development in proximity to natural heritage features has been waived.
- Regional staff noted that they are of the understanding that the subject property requires approval under the Ministry of the Environment, Conservation and Parks (“MECP”), as the calculated sewage flows exceed 10,000 litres per day. As such, any changes to servicing should be addressed with the MECP.

Ministry of Transportation Ontario

- MTO staff noted that the subject area is located within the MTO Permit Control Area for the Highway 406 and as a result, the applicant should be made aware that an MTO Building & Land Use Permit will be required from this office prior to the start of any onsite construction/works. MTO noted that these comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requested that the City circulate the official Site Plan application for review, where they will provide more detailed comments.

Niagara Peninsula Conservation Authority (NPCA)

- NPCA staff noted that to the rear of the parking area, a regulated watercourse exists and crosses a section of the site.
- NPCA staff however, noted that the proposed works associated with this application remain a considerable distance from the feature, and as such offer no objections to the approval of this application.

City Building Department

- Building comments to be provided at the Site Plan stage.

City Tax Department

- Taxes outstanding to be paid.

Public Comments

The application was also circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. At the time of writing of this report, no public comments have been received.

CONCLUSION:

As provided herein, the subject application has demonstrated that the expansion of the legally non-conforming banquet hall and conference centre on the subject property is not

anticipated to have an adverse effect or negative impact on surrounding properties, and is otherwise consistent with the Official Plan, PPS and Growth Plan. It is therefore recommended that application D13-13-2024 as presented be approved, without conditions.

Prepared by:

ORIGINAL SIGNED

Connor Maclsaac
Planner, Development Services

Respectfully Submitted By:

ORIGINAL SIGNED

Marc Davidson
Senior Development Planner,
Development Services



Appendix 1: Site Plan

DESIGN, DRAWINGS AND SPECIFICATIONS CONTAINED HEREIN ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED, ALTERED OR ISSUED WITHOUT HIS/HER WRITTEN CONSENT. THESE DOCUMENTS MAY BE USED FOR BUILDING PERMIT ONLY USES AS CALLED BY THE ARCHITECT AND FOR CONSTRUCTION SHALL BE SIGNED BY HIS/HER BELOW.

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____

UPON RECEIPT THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND DETAILS AND SHALL BE RESPONSIBLE FOR REPORTING DISCREPANCIES TO THE ARCHITECT FOR CLARIFICATION PRIOR TO COMMENCING CONSTRUCTION.

DRAWINGS MUST NOT BE SCALED.

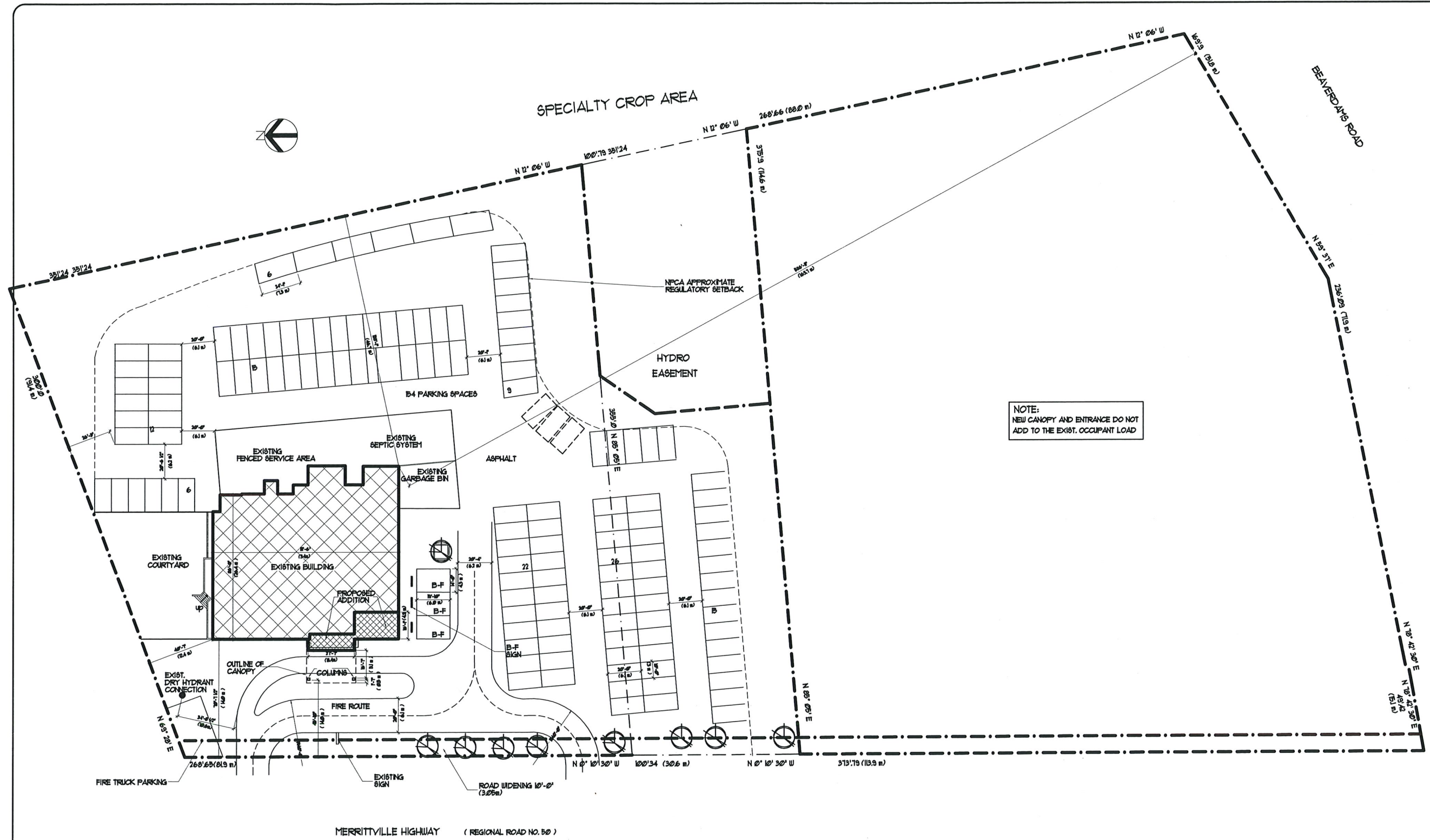
NO.	DESCRIPTIONS	DATE
1	ISSUED FOR OPC	23/11/2011
2	RE- ISSUED FOR MV	23/01/2014
3		



LARISA BRODSKY
 ARCHITECT
 INC.

Larisa Brodsky, Principal
 M. ARCH. O.A.A. M.R.A.I.C.
 156 ST. PAUL STREET
 ST. CATHARINES, ONT.
 Tel. (905) 687-8681
 Fax. (905) 687-8615

DATE:	JANUARY, 2015
DRAWN BY:	JD
CHECKED BY:	LB
SCALE:	1" = 30'-0"
CAD FILE NUMBER:	
CAD PLOT:	
PROJECT:	ADDITION TO ARCH'S
PROJECT NO.:	1701
DRAWING NO.:	A1



NOTE:
 NEW CANOPY AND ENTRANCE DO NOT
 ADD TO THE EXIST. OCCUPANT LOAD



LOT COVERAGE

SITE AREA	301840 sq.ft. (28000 m ²)
BUILDING AREA	
EXISTING	10,054 sq.ft. (934 m ²)
ADDITION	699 sq.ft. (64 m ²)
TOTAL	10,753 sq.ft. (998 m ²)
TOTAL LOT COVERAGE	0.03%

LEGAL DESCRIPTION
 Part of Lot 19
 Township of Thorold
 City of Thorold
 Regional Municipality of Niagara

BUILDING HEIGHT 12' (3.66 m)
 PARKING PROVIDED 110 PARKING SPACES(11)

RECEIVED
CITY OF THOROLD
 APR 03 2024
PLANNING & DEVELOPMENT



Appendix 2: Planning Brief

April 4, 2024

2740 Merrittville Hwy Planning Brief

Submitted on behalf of: Paul De Divitis

Better Neighbourhoods Inc. has been retained on behalf of the owners of the property located at 2740 Merrittville Highway, Amici's Banquet & Conference Centre, to prepare Planning Justification Brief to legalize the enlargement of a legal non-conforming use made under S. 45(2) of the Planning Act. The site is subject to Site Plan Control. The owners sought an amendment to the site plan to expand the existing building that houses Amici's Banquet and Conference Centre. During the review of this expansion, the owners found that they required additional relief under the Planning Act to permit the continuance of the legal non-conforming use as it was not permitted under the current Zoning By-law.

The Proposed Development

The owners are seeking extension of a legal non-conforming use under Section 45(2) of the Planning Act. The purpose of this permission is to facilitate an approximately 690 ft²/64 m² expansion of Amici's Banquet Hall & Conference Centre. The expansion is meant to facilitate the arrival of guests. Unlike a restaurant where patrons arrive at different times, the nature of a banquet hall/conference centre is such that guests typically arrive all at once. The owner has found that that the vestibule was too small for incoming guests and needed to enlarge it. Additionally, the installation of the carport/canopy was added to provide coverage during drop-off. The expansion does not infringe upon any natural heritage or key hydrologic features, the building is not changing in height, and the expansion will not require additional parking.

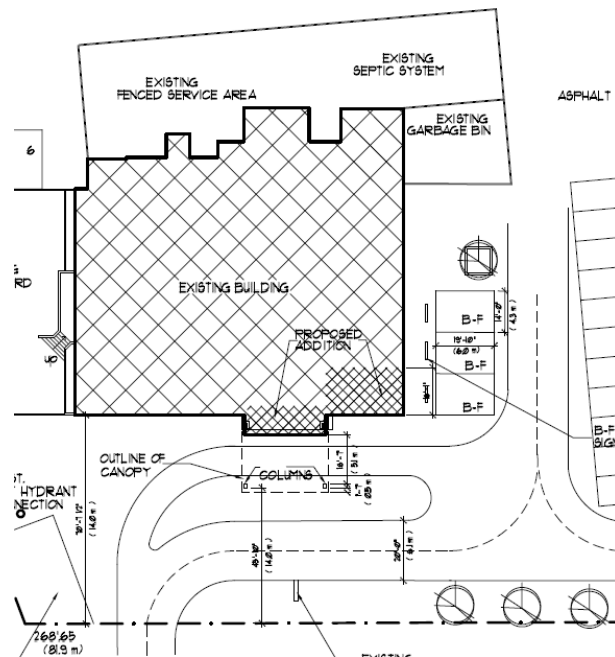


Figure 1. Proposed Expansion. 2024.

Amici's has been operating on the property since September 2006. Prior to that, the site had been operating as Arizona's Tap & Grill from 1999. The current business was incorporated in 1999 with the same numbered company that is operating Amici's at present. The use is no longer permitted under the current zoning by-law, however the subject use should be considered legal nonconforming as it has existed without interruption as a restaurant since 1999, and with modification to the use as a banquet hall/conference centre in 2006.

Site Context

The subject land is located at 2740 Merrittville Hwy, east of Brock Golf Course on 2745 Merrittville Hwy, west of a commercial-industrial property at 2132 Beaverdams Road, south of an agricultural property on Merrittville Hwy, and north of an agricultural property and hydro corridor at the corner of Beaverdams Road and Merrittville Hwy. Amici's Banquet and Conference Centre is located on the property.



Figure 2. Existing Site. Aerial Imagery, 2020.



Figure 3. Existing Site, Facing East. July 2023.

Provincial and Regional Policy Review

Section 45 (2) of the Planning Act permits the enlargement or extension of a building or structure if the use that was made of the building or structure on the day the by-law was passed was lawfully permitted.

The previous zoning by-law By-law 2140 (97) that applied to these lands, permitted the restaurant component of the current use. When the lands were re-zoned in 2019, the current use was no longer permitted, but the property has not changed from a restaurant use since 1999, nor a banquet hall/conference centre since 2006.

The Two Tests of Section 45(2)

Pursuant to *Fraser v. Rideau Lakes (Township)*, 2020, two tests have been identified to assess whether a legal nonconforming use may be permitted to expand:

- a.) Is the proposal desirable for the appropriate development of the subject property?
- b.) Is the proposal's impact upon surrounding uses unacceptably adverse?

Is The Proposal Desirable for the Appropriate Development of the Subject Property?

In our assessment, the addition is a desirable and appropriate development for the subject property.

The size of the addition to the existing operation is 690 square feet, or 64 m², which is made to facilitate a larger entrance and addition of a carport canopy. In terms of overall impact to this site, this expansion is minor. The lot area is 307,848 sq. ft., or 26,600 m². The expansion represents a 0.002% enlargement of lot coverage.

The expansion of the vestibule and carport are part of a normal business expansion. The owner/operator desires to expand the vestibule to allow ease of access for patrons to the business. As mentioned above, unlike a restaurant, where patrons come and go at staggered intervals, the nature of operations at a banquet hall/conference centre is that guests frequently arrive all at once. The current vestibule is under-sized for the nature of the use.

The proposed expansion is part of an organic growth of the business and granting permission under Section 45(2) would be appropriate and desirable to support the function, viability, and continued operations of Amici's. Without such relief, it's improbable that the site would be utilized for the permitted uses outlined in the existing zoning by-law, which are primarily agricultural-related. The site is unlikely to return to agricultural operations and would require costly and extensive remediation under O. Reg. 153/04 to move from the class of use under O. Reg. 153/04, from a less sensitive use (commercial) to most sensitive use (agricultural). Any other permitted use under the current Zoning By-law would not make efficient, economic or practical use of the current facility and operations.

Given that the magnitude of the use is not changing, and the addition is required to continue the normal growth and adaptation of the business, the addition is desirable and appropriate for the subject property.

Is the Proposal's Impact Upon Surrounding Uses Unacceptably Adverse?

The site has operated as a restaurant since 1999, and a banquet hall/conference centre since 2006. When the lands were re-zoned in 2019, the use was no longer permitted, but the property has not changed in the time since it's been in operation. The use and its impact have been long established and have not resulted in any negative impacts on neighbouring properties or to the area. It has been compatible with the area since 1999. There is a golf course across the street which is also a similar draw to the area, and the surrounding properties have little to no sensitive development that could object to the current use.

The expansion will not result in any increased noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation, as the use is not changing, and the proposed expansion will not increase the magnitude of the existing. It is aimed to improved guest experiences of the facility have a more pleasant experience entering the building upon arrival, and aid operations.

Furthermore, notwithstanding the expansion, the Zoning By-law's objective is being met: the structures maintain suitable distance from surrounding lots, the parking area adequately accommodates usage, and neighboring properties remain unaffected. Moreover, the expansion does not impact natural heritage or significant hydrologic features. Consequently, the addition does not adversely impact surrounding uses.

Conclusion

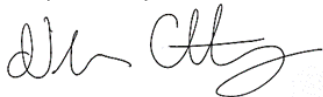
The requested expansion of a legal non-conforming use under Section 45(2) should be considered appropriate and will permit a lawful legal non-conforming use to continue to function and make use of its property in a way that accommodates the normal evolution of a business, uses existing services, and contributes positively to the City of Thorold.

To process the applications, we are providing the following information:

- Copy of the Pre-Consultation Agreement
- All applicable application fees
- A sketch of the subject lands
- All required plans, reports and, information identified on the Pre-Consultation Agreement

We trust you will find the above satisfactory. If you should need any further information, please do not hesitate to contact me.

Prepared by,

A handwritten signature in black ink, appearing to read 'M. Chy', is written over a light grey circular stamp.

Planner and Development Manager
Better Neighbourhoods Inc.



Appendix 3: Agency & Department Comments

Growth Strategy and Economic Development

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

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

Via Email Only

May 3, 2024

File Number: PLMV202400330

Angela Nesbitt

Secretary Treasurer, Committee of Adjustment

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway

Thorold, ON L2V 4A7

Dear Ms. Nesbitt:

Re: Regional and Provincial Comments
Application Type: Minor Variance
City File Number: D13-13-2024
Applicant: 1246322 ONTARIO INC
Location: 2740 Merrittville Highway;
Municipality Name: Thorold

Regional Growth Strategy and Economic Development staff has reviewed the Minor Variance Application for the property municipally known as 2740 Merrittville Highway in the City of Thorold. The applicant is proposing to expand the existing banquet hall and conference centre which is not a permitted use within the Specialty Crop AS zone. An application has been submitted to permit the enlargement of the legal non-conforming use through a 64 square metre addition. The addition is proposed to facilitate a larger entrance and the addition of a carport canopy. To facilitate the development as proposed, the applicant is requesting the following variances from City of Thorold Bylaw 60-2019:

- Part 9.2, Table 9.2 – Permitted Uses in Agricultural and Rural Zones – To permit the proposed expansion of the legal oncoming banquet and conference centre use, through the construction of a 64 square metre addition.

A pre-consultation meeting was held in December of 2023 with City and Regional staff in attendance. Staff acknowledge that the addition has already been constructed and that a Site Plan Application will also be required for the application. The following comments are provided to assist the City of Thorold with their review of the proposed Minor Variance Application.

Provincial and Regional Policies

The Provincial Policy Statement, 2020 (“PPS”) designates the subject land within the “Prime Agricultural Area”, and more specifically as a “Specialty Crop Area”. The subject land is situated within the ‘Specialty Crop Area’ of the “Protected Countryside” in accordance with the Greenbelt Plan, 2017. The Niagara Official Plan (“NOP”) designates the property as “Specialty Crop Area”. Regional and Provincial policies set out for these lands to be protected for long-term use for agriculture, with Specialty Crop Areas given the highest priority for protection. Permitted uses within the Specialty Crop Area include agricultural uses, agriculture-related uses, and on-farm diversified uses.

The Greenbelt Plan allows for all existing uses that were legally established prior to the date that the Greenbelt Plan came into force (December 16, 2004). The Greenbelt Plan also allows expansions to existing buildings and structures provided new municipal services are not required and the use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones. The NOP builds on the direction as set forth in the Greenbelt Plan and permits the continued operation of legally established uses such as residential, commercial, employment, agriculture, and institutional uses. Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or developments of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration that new municipal services are not required, the proposal does not expand into Key Natural Heritage Features, and Key Hydrological Features, does not result in the intrusion of a new incompatible use and is in accordance with the minimum distance separation formulae.

The City has confirmed upon circulation of the application that the existing banquet hall and conference centre is a legal non-conforming use. The addition to the building may be an expansion to the existing use, subject to meeting the policies above. Regional staff acknowledge that the addition at the front entrance of the building will not result in the addition of a new incompatible use and no municipal services are required. As noted under “Natural Environment System (NES)” comments, the property is impacted by key hydrologic features; however, the constructed addition is separated from the above noted NES by existing development and it is unlikely that the addition had any negative impact on the NES. Local municipalities are responsible for ensuring that minimum distance separation (“MDS”) setbacks are met when reviewing land use planning applications or building permits. City staff should be satisfied that the development is in accordance with the MDS formulae.

As such, Regional Staff does not object to the proposed development, subject to the comments below.

Archaeological Potential

The PPS and NOP state that development and site alteration are not permitted on lands within areas of archaeological potential unless significant archaeological resources have been conserved.

The subject property is located within the Region's mapped area of archaeological potential (Schedule K of the NOP). The proposed addition has been constructed and therefore disturbance has taken place. Regional staff offers no archaeological assessment requirements for this Minor Variance application. Staff note that future development or site alteration subject to a *Planning Act* application may require an Archaeological Assessment.

Natural Environment System

The subject property is impacted by the Region's NES consisting of a Permanent or Intermittent Stream and Other Wetland, which are considered Key Hydrologic Features ("KHF") outside of Settlement Areas.

NOP policy 3.1.5.7.1 states that a proposal for new development or site alteration within 120 m of a KHF will require an Environmental Impact Study ("EIS") that identifies a minimum 30 m Vegetation Protection Zone ("VPZ"), to be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KHF or its VPZ. The EIS must demonstrate that there will be no significant negative impact on the features or their ecological function.

However, NOP policy 3.1.33.3.2 states that the Region may waive EIS requirements subject to conditions.

In this case the constructed addition is separated from the above noted NES by existing development and it is unlikely that the addition had any negative impact on the NES. As such, no environmental planning requirements are offered, and the EIS can be waived.

Servicing

Regional staff are of the understanding that the subject property requires approval under the Ministry of the Environment, Conservation and Parks ("MECP"), as the calculated sewage flows exceed 10,000 litres per day. As such, any changes to servicing should be addressed with the MECP.

Conclusion

Regional Growth Strategy and Economic Development staff do not object to the proposed Minor Variance Application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional policies.

May 3, 2024

Please send copies of the staff report and notice of the City's decision on these applications. If you have any questions related to the above comments, please contact me at alex.boekestyn@niagararegion.ca

Kind regards,



Alex Boekestyn M.Sc.
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Katie Young, MCIP, RPP, Senior Development Planner
Cara Lampman, Manager, Environmental Planning

Angela Nesbitt

From: Amirpour, Siavash (MTO) <Siavash.Amirpour@ontario.ca>
Sent: Friday, April 12, 2024 11:00 AM
To: Angela Nesbitt
Subject: RE: Request for comments - City of Thorold Committee of Adjustment May 2024 - Due by Friday, May 3rd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Angela,

Re: Requests for comments – City of Thorold Committee of Adjustment May 2024

- D13-12-2024 73 Martin Street

The subject sites described above (**73 Martin Street**) appears to be located within the **MTO Permit Control Area** for Highway 58, as a result, the applicant should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works. Further, MTO requests that the drawings related to be sent to this office for review. These comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requests that the City circulate the Official Site Plan Application for the subject site for review, where we will provide more detailed comments, including what materials will be required for review as part of the Site Plan Application circulation.

- D13-13-2024 2740 Merrittville Highway

The subject sites described above (**2740 Merrittville Highway**) appears to be located within the **MTO Permit Control Area** for Highway 406, as a result, the applicant should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works. Further, MTO requests that the drawings related to be sent to this office for review. These comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requests that the City circulate the Official Site Plan Application for the subject site for review, where we will provide more detailed comments, including what materials will be required for review as part of the Site Plan Application circulation.

- D10-09-2024 40 River Street
- D13-11-2024 40 River Street Part 1

According to your information, two of the properties (**40 River Street** and **40 River Street Part 1**) you describe are located outside the MTO Permit Control Area. Therefore, we have no comment.

Information regarding the application process, forms and the policy can be found at the link:

[Highway corridor management | ontario.ca](https://www.ontario.ca/highway-corridor-management)

Please do not hesitate to contact me if you have questions or concerns.

Sincerely,

Siavash Amirpour, EIT, RCJI, PMP | Corridor Management Officer

Highway Corridor Management Section | Central Operations | Ministry of Transportation

159 Sir William Hearst Avenue, 7th Floor, Toronto, ON. M3M 0B7

Telephone: 647-530-4027 | Email: siavash.amirpour@ontario.ca



Angela Nesbitt

From: Taran Lennard <tlennard@npca.ca>
Sent: Friday, April 12, 2024 12:49 PM
To: Angela Nesbitt
Subject: NPCA Review: Committee of Adjustment May 2024 - 2740 Merrittville Hwy

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Angela,

The NPCA has received and reviewed the application for 2740 Merrittville Hwy. We note that this application is made to facilitate a 64 square metre addition, and a larger entrance and carport canopy. The NPCA advises that to the rear of the parking area, a regulated watercourse exists and crosses a section of the site. However, the proposed works associated with this application remain a considerable distance from the feature, and as such we offer no objections to the approval of this application.

For your records, the NPCA does not offer objections to any other application on this month's Committee Agenda as well.

Should you have any questions, please let me know. Thank you.



Taran Lennard

Watershed Planner II

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Hwy, Unit 9 | Thorold, ON L2V 4Y6

905.788.3135 x277

www.npca.ca

tlennard@npca.ca

For more information on Permits & 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.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

From: Angela Nesbitt <Angela.Nesbitt@thorold.ca>

Sent: Friday, April 12, 2024 10:28 AM

To: Bell <circulations@wsp.com>; Bell ROW <ROWCentre@bell.ca>; Canada Post <Andrew.Carrigan@Canadapost.ca>; CN <proximity@cn.ca>; Cogeco - Mike Embleton <mike.embleton@cogeco.com>; DSBN - Michelle McPhee (Michelle.McPhee@dsbn.org) <Michelle.McPhee@dsbn.org>; Enbridge <MunicipalPlanning@enbridge.com>; GIO Rail <aaron.white@giorail.com>; Heritage Thorold LACAC - Anne O'Hare <AbfOHare@hotmail.com>; Hydro One - Brettney Brunton <brettney.brunton@hydroone.com>; Hydro One - Land Use Planning <landuseplanning@hydroone.com>; Hydro One - Quinn Briscall <Quinn.Briscall@HydroOne.com>; Hydro One - Zone 2 scheduling <zone2scheduling@hydroone.com>; MNCFN - Adam LaForme <Adam.LaForme@mncfn.ca>; MTO - Siavash Amirpour

<Siavash.Amirpour@ontario.ca>; MTO - Usama Ali <Usama.Ali@ontario.ca>; MTO - Usman Akhtar <Usman.Akhtar@ontario.ca>; NCDSB <Planning@ncdsb.com>; NEC - Cheryl Tansony <Cheryl.Tansony@ontario.ca>; NEC - Kendra Adair <Kendra.Adair@ontario.ca>; Meghan Birbeck <mbirbeck@npca.ca>; Sarah Mastroianni <smastroianni@npca.ca>; Taran Lennard <tlennard@npca.ca>; OPG <executivevp.lawanddevelopment@opg.com>; Region - Alex Boekestyn <Alex.Boekestyn@niagararegion.ca>; Region - Development Planning <devtplanningapplications@niagararegion.ca>; St. Catharines <mjosipovic@stcatharines.ca>; TransCanada PipeLines (MHBC on behalf of) <TCEnergy@mhbcbplan.com>; Trillium Railway <aaron.white@trilliumrailway.com>
Subject: Request for comments - City of Thorold Committee of Adjustment May 2024 - Due by Friday, May 3rd

Good day,

The May 2024 City of Thorold Committee of Adjustment Notices of Hearing and application materials can be found here –<https://files.thorold.ca/s/kYd6XkowmaoJdSt> for the consent and minor variance applications listed below:

D10-09-2024	Consent	40 River Street
D13-11-2024	Minor Variance	40 River Street Part 1
D13-12-2024	Minor Variance	73 Martin Street
D13-13-2024	Minor Variance	2740 Merrittville Highway

Please review and provide comments to the undersigned **on or before 4:00 p.m. on Friday, May 3rd, 2024.**

Thanking you in advance.

Respectfully,



Angela Nesbitt ACST-A

Planning Clerk
Development Services

City of Thorold

905-227-6613 x259

P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON., L2V 4A7

www.thorold.ca

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IMPORTANT NOTICE

Effective April 15, 2024 the Niagara Peninsula Conservation Authority head office will be moving to 3350 Merrittville Highway, Thorold Ontario L2V 4Y6

Angela Nesbitt

From: Ben Hiebert
Sent: Wednesday, May 8, 2024 2:42 PM
To: Angela Nesbitt; Connor MacIsaac
Cc: Jason Simpson; Daniel Dickson
Subject: 2740 Merrittville Highway - Building Comments

Comments from the Building Division are below on the following Planning applications.

2740 Merrittville Highway

- Building comments to be provided at the Site Plan stage.



Ben Hiebert C. Tech

Building Inspector, Plans Examiner
Planning and Development Services

City of Thorold

905-227-6613 x257

P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON., L2V 4A7

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