



## COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services  
3540 Schmon Parkway, P.O. Box 1044  
Thorold, ON L2V 4A7  
905-227-6613

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December 18, 2025

**TO:** Chairperson and Members of the Committee of Adjustment

**SUBJECT:** Application for Minor Variance  
D13-25-2025 – Adrian Kulakowski  
2601 Highway 20, Thorold, Ontario  
THOROLD PT TWP LOT 158 RP 59R13463 PART 4 RP 59R10806 PT  
PARTS 1 AND 2  
Roll Number: 2731 0000 3100 605

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### KEY FACTS

- A minor variance to permit the expansion of a legal non-conforming commercial use located outside the Urban Boundary.
- The application is to facilitate the internal renovation of a 295 m<sup>2</sup> commercial unit currently containing a Taekwondo school. The applicant proposes to permit a commercial school (dance studio).
- Planning staff have reviewed the application in accordance with Section 45(2) of the *Planning Act* and recommend approval, subject to the condition listed within.

### RECOMMENDATIONS

That the City of Thorold Committee of Adjustment **APPROVE** application D13-25-2025, submitted by Paul Dama (ACK Architects) on behalf of Adrian Kulakowski, for lands known municipally as 2601 Highway 20 (THOROLD PT TWP LOT 158 RP 59R13463 PART 4 RP 59R10806 PT PARTS 1 AND 2), as it relates to:

1. Relief from Part 9.2 – Table 9.2 (Permitted Uses in the Agriculture and Rural Zones) - To permit the expansion of a legal non-conforming use, commercial school (dance studio), within the Specialty Crop (AS) Zone;

Subject to the following condition:

1. That the requested relief to permit the expansion of a legal non-conforming use, commercial school (dance studio), shall only apply to permit the internal

renovation of a general size and configuration as shown on Figure 2 of this report and no additional gross floor area or changes to the external building envelope shall be permitted through this approval.

## **PROPOSAL**

The applicant is seeking relief to permit the expansion of a legal non-conforming use, under the provisions of Section 9.2 – Table 9.2 (Permitted Uses in the Agriculture and Rural Zones) to facilitate the establishment of a similar use, a dance class studio.

The subject lands are known municipally as 2601 Highway 20, and the lands are presently zoned Specialty Crop (AS) according to the City of Thorold Comprehensive Zoning By-law 60(2019). Under the City of Thorold Official Plan (2016) and the Region of Niagara Official Plan (2022) the lands are designated as part of the Specialty Crop and Prime Agricultural areas, respectively.

To facilitate this proposal on the subject lands, Section 45(2) of The *Planning Act* applies:

*where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, 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 by-law 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 by-law 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 or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-*

*law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee;*

All other requirements of the zoning by-law are being maintained.



Figure 1: Location Map

## **SITE DESCRIPTION**

The subject lands are zoned Specialty Crop (AS) within the Comprehensive Zoning By-law 60(2019) and located on the south side of Highway 20 and bounded by Cataract Road to the west. The lands comprise approximately 24,000 m<sup>2</sup> within the Specialty Crop designation of the City of Thorold Official Plan. The lands are currently the site of a commercial plaza mainly consisting of similar retail uses.



*Greenbelt Plan (2017)*

**4.2.2.2** - *The extension of municipal or private communal sewage or water services outside of a settlement area boundary shall only be permitted in the case of health issues or to service existing uses and the expansion thereof adjacent to the settlement area. Notwithstanding the above, where municipal water services exist outside of settlement areas, existing uses within the service area boundary as defined by the environmental assessment may be connected to such a service.*

**4.5.4** - *Expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:*

- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and*
- b) The use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones, unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.*

*Niagara Regional Official Plan (NOP) (2022)*

As of March 31, 2025, the Region no longer holds planning authority under the *Planning Act*. The *NOP* now serves as an Official Plan for the City of Thorold, who in turn is responsible for ensuring conformity with its policies.

The subject lands are designated as part of the Prime Agriculture designation within the *NOP*. The following policies of the *NOP* relate to the submitted application:

**4.1.10.2** - *Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:*

- a) new municipal services are not required;*

- b) the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;*
- c) if applicable, the proposed new use complies with the Specialty Crop Guidelines, as amended from time to time;*
- d) for conversions or redevelopments only, the completion of an agricultural impact assessment by a qualified professional;*
- e) the proposal does not result in the intrusion of new incompatible uses; and*
- f) the proposed use is in accordance with the minimum distance separation formulae.*

*City of Thorold Official Plan (CTOP) (2016)*

The CTOP, approved April 18, 2016, provides the basis for managing growth within the City of Thorold. The intention of the plan is to provide direction and encouragement for public and private sector investment, while recognizing the existing, built and natural features which contribute to the quality of life in Thorold.

The subject lands are designated as part of the Specialty Crop designation within the CTOP. The following policies of the CTOP relate to the submitted application:

***B2.2.5 - 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. Where the proposed expansion is located within lands regulated by the NPCA, which includes watercourses, valleys, floodplains and wetlands, a permit may also be required from the NPCA.*

***E2.2 - If a property occupied by a non-conforming use cannot be acquired or the building(s) relocated, the Committee of Adjustment may, without an amendment to this***

*Plan, allow similar or more compatible extensions or changes to a non-conforming use. Prior to such approval, the Committee shall consider the following:*

- a) The size of the extension in relation to the existing operation;*
- b) Whether the proposed extension is compatible with the character of the surrounding area;*
- c) The characteristics of the existing use in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation and the degree to which any of these factors may be increased or decreased by the extension; and,*
- d) The possibilities of reducing these nuisances through buffering, building setbacks, landscaping, Site Plan Control and other means to improve the existing situation, as well as minimize the problems from extension*

**Comprehensive Zoning By-Law 60(2019) (CZBL)**

The CZBL adopted May 23, 2024, is intended to implement the policies of the City's Official Plan. The Zoning By-law regulates the dimensions and built forms of permitted uses on lots, as well as identifies the relevant zone based on usage type as prescribed by the CTOP.

The subject lands are zoned Specialty Crop (AS) under the CZBL. The following provisions of the CZBL relate to the submitted application:

<b>Table 9.2 – Permitted Uses in Agricultural and Rural Zones</b>	
Specialty Crop (AS)	Does not permit Commercial School (Dance Studio)

**MINOR VARIANCE PLANNING ANALYSIS**

The Committee of Adjustment, in accordance with Section 45 (2) of the *Planning Act*, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

- Is the variance appropriate for the development of the land?
- Will the variance result in undue, adverse effects on the surrounding land?

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

### **Is the Variance Appropriate for the Development of the Land?**

The PPS encourages the promotion and protection of employment uses to ensure “complete communities” and “economic development and prosperity” within Ontario but also directs planning authorities to foster the “long-term economic prosperity and productive capacity of the agri-food network”. Similarly, the NOP also directs authorities to protect agricultural land uses while maintaining economic viability and addressing the needs of the community.

The Specialty Crop designation under the CTOP is intended to “support the viability of agricultural land” and “recognize the importance of specialty croplands in the Provincial and Regional economies”. The application does not seek to intensify the existing commercial development, it is intended to facilitate an internal renovation of a commercial unit in a heavy-traffic area of the City. Given the history of the site, having been built in 1980, planning staff are of the opinion that the agricultural potential of the lands are severely limited. It is not anticipated by staff that these lands will be farmed for gain in the foreseeable future.

**As such, planning staff are of the opinion that the requested variance is appropriate for the development of the land.**

### **Will the Variance result in Undue, Adverse Effects on the Surrounding Lands?**

The application was circulated to relevant departments and agencies for comments on the proposed Minor Variance. No agencies indicated any objections in granting relief from the CZBL provisions. The requested relief is intended to facilitate an internal renovation to transition the use from a Taekwondo studio to Commercial School (Dance Studio).

Planning staff have reviewed the proposal and determined that any nuisances on the surrounding lands will be minimal. A similar use (a Taekwondo studio) previously occupied the unit in a legal non-conforming status and did not present any issues to the municipality. Lot grading and drainage of neighbouring properties are not anticipated to be impacted, given no new development is proposed at this time. The proposed use is similar in nature to the existing use, with identical parking requirements and visit duration.

**As a result, planning staff have determined that there will not be a meaningful increase in undue or adverse effects on the surrounding lands.**

**COMMENTS**

The application was circulated in accordance with the requirements of the *Planning Act* to property owners within 60 metres of the subject lands. The application was also circulated to internal departments and external agencies for comments, which are summarized below.

City of Thorold Building

- Please see attached comment
- A building permit would be required before the fit-up of the studio.
- Niagara Region approval would be required to show that the existing septic system would be adequate for the new proposed use.

Niagara Region

- Please see attached comment
- Regional Infrastructure Planning and Development staff has no objection to the approval of this MV application.
- As noted, from a private servicing perspective, staff advise that should the existing system be found to be defective or there any added flows, the system will need to be replaced in accordance with the Ontario Building Code, as amended.

The following agencies and departments were circulated for comment and either indicated no objections or did not provide comment at this time.

Indicated no objections	Did not provide comment
Cogeco Ministry of Transportation Niagara Peninsula Conservation Authority	Mississaugas of the Credit First Nation City of Thorold Engineering City of Thorold Fire City of Thorold Public Works City of Thorold Community Services Town of Pelham Canada Post CN Rail GIO Rail

	Niagara Region Niagara Catholic District School Board Bell Canada Enbridge Hydro One Ontario Power Generation
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## **PUBLIC COMMENTS**

No Public comments were received as of the date of the writing of the report.

## **CONCLUSION**

It is the recommendation of planning staff that Minor Variance Application D13-25-2025 meets the tests of Section 45(2) of the *Planning Act*, **BE APPROVED**, subject to the conditions listed here within, to facilitate the expansion of a legal non-conforming commercial operation.

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**Prepared by:**  
J. Greyvenstein  
Development Planner  
City of Thorold Planning

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**Submitted by:**  
Nancy Reid  
Senior Planner  
City of Thorold Planning

This report was reviewed in consultation with Marc Davidson, Manager of Planning.

## **APPENDICES**

Appendix 1          Consolidated Comments



# **CITY OF THOROLD BUILDING COMMENTS**

**From:** [David Hornblow](#)  
**To:** [City of Thorold Planning](#)  
**Subject:** RE: Notice of Hearing - D13-25-2025 - 2601 Highway 20  
**Date:** December 2, 2025 3:21:48 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Hi Planning,

I have the following comments.

- A building permit would be required before the fit-up of the studio.
- Niagara region approval would be required to show that the existing septic system would be adequate for the new proposed use.

I hope this helps you. If you have any questions, please feel free to reach out.

Regards,



**David Hornblow**  
Manager of Building Services  
Development Services  
**City of Thorold**  
905-227-6613 x329  
P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON, L2V 4A7  
[www.thorold.ca](http://www.thorold.ca)

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**From:** City of Thorold Planning <Planning@thorold.ca>  
**Sent:** November 26, 2025 11:19 AM  
**To:** tlennard@npca.ca; ppearson@npca.ca; Abby.LaForme@mncfn.ca; Dinesh Adhikari <Dinesh.Adhikari@thorold.ca>; Building <Building@thorold.ca>; thoreng <thoreng@thorold.ca>; Alex Sales <Alex.Sales@thorold.ca>; Jenny Rodriguez <Jenny.Rodriguez@thorold.ca>; Abu Rashed <Abu.Rashed@thorold.ca>; Ugo Obiako <Ugo.Obiako@thorold.ca>; Paula Wake <Paula.Wake@thorold.ca>; Steven Polich <Steven.Polich@thorold.ca>; FPO <FPO@thorold.ca>; Mark Richardson <Mark.Richardson@thorold.ca>; slarocque@pelham.ca; aedwards@pelham.ca; andrew.carrigan@canadapost.ca; matthew.prestinaci@ontario.ca; proximity@cn.ca; aaron.white@giorail.com; katie.young@niagararegion.ca; Lori.Karlewicz@niagararegion.ca; Josh.Wilson@niagararegion.ca; Susan.Dunsmore@niagararegion.ca; devtplanningapplications <devtplanningapplications@niagararegion.ca>; planning@ncdsb.com; circulations@bell.ca; jeremy.leemet@cogeco.com; municipalplanning@enbridge.com; zone2scheduling@hydroone.com; landuseplanning@hydroone.com; executivevp.lawanddevelopment@opg.com; talitha.laurenson@opg.com; David Hornblow <David.Hornblow@thorold.ca>  
**Subject:** Notice of Hearing - D13-25-2025 - 2601 Highway 20

Hello,

Please find attached the Notice of Hearing for the Minor Variance application D13-25-2025 for 2601 Highway 20 to be heard at the City of Thorold December 18, 2025 Committee of Adjustment meeting.

Please review and provide comments to [Planning@Thorold.ca](mailto:Planning@Thorold.ca) on or before **4:00 pm., December 10, 2025**. If no comment or intention to provide response is received, we will consider this to mean there is no comment on the application.

Thank you,

Courtney Kaupp



# **COGECO COMMENTS**

**From:** [Jeremy Leemet](#)  
**To:** [City of Thorold Planning](#)  
**Subject:** Re: Notice of Hearing - D13-25-2025 - 2601 Highway 20  
**Date:** November 27, 2025 8:11:16 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Good Morning  
Cogeco has no comment.  
Thanks Jeremy Leemet

On Wed, Nov 26, 2025 at 11:18 AM City of Thorold Planning <[Planning@thorold.ca](mailto:Planning@thorold.ca)> wrote:

Hello,

Please find attached the Notice of Hearing for the Minor Variance application D13-25-2025 for 2601 Highway 20 to be heard at the City of Thorold December 18, 2025 Committee of Adjustment meeting.

Please review and provide comments to [Planning@Thorold.ca](mailto:Planning@Thorold.ca) on or before **4:00 pm., December 10, 2025**. If no comment or intention to provide response is received, we will consider this to mean there is no comment on the application.

Thank you,

Courtney Kaupp

Planning Clerk

City of Thorold Logo



**City of Thorold Planning**

Development Services

**City of Thorold**

905-227-6613

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

[www.thorold.ca](http://www.thorold.ca)

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**JEREMY LEEMET**  
Network Delivery Coordinator  
Niagara

phone # (437)553-7079

7170 McLeod  
Road  
Niagara Falls,  
Ontario L2G  
3H2 Canada  
[cogeco.ca](http://cogeco.ca)



# **MINISTRY OF TRANSPORTATION ONTARIO COMMENTS**

**From:** [Prestinaci, Matthew \(MTO\)](#)  
**To:** [City of Thorold Planning](#)  
**Subject:** RE: Notice of Hearing - D13-25-2025 - 2601 Highway 20  
**Date:** November 26, 2025 11:50:52 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Good Morning Courtney,

**Re: MTO Comments on Consent & MV Applications**

1. Application File: **Minor Variance D13-25-2025**  
Application Address: **2601 ON-20, Fonthill, ON L0S 1E6**  
Minor Variance: **To permit use of a dance studio**  
Planner's Notes: Site is outside Permit Control Area (PCA) **No Permit Required (NPR).**

MTO has reviewed the site location and has no comments to provide as this site is outside of MTO permit jurisdiction. No MTO permits or approvals would be required by the proponent for any development at the above address at this time.

Thank you,

**Matthew Prestinaci**

Corridor Management Officer (West) | Central Operations  
Ministry of Transportation | Ontario Public Service  
416-300-6508 | [matthew.prestinaci@ontario.ca](mailto:matthew.prestinaci@ontario.ca)

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**From:** City of Thorold Planning <Planning@thorold.ca>  
**Sent:** November 26, 2025 11:19 AM  
**To:** tlennard@npca.ca; ppearson@npca.ca; Abby.LaForme <Abby.LaForme@mncfn.ca>; Dinesh Adhikari <Dinesh.Adhikari@thorold.ca>; Building <Building@thorold.ca>; thoreng <thoreng@thorold.ca>; Alex Sales <Alex.Sales@thorold.ca>; Jenny Rodriguez <Jenny.Rodriguez@thorold.ca>; Abu Rashed <Abu.Rashed@thorold.ca>; Ugo Obiako <Ugo.Obiako@thorold.ca>; Paula Wake <Paula.Wake@thorold.ca>; Steven Polich <Steven.Polich@thorold.ca>; FPO <FPO@thorold.ca>; Mark Richardson <Mark.Richardson@thorold.ca>; slarocque@pelham.ca; aedwards@pelham.ca; andrew.carrigan@canadapost.ca; Prestinaci, Matthew (MTO) <Matthew.Prestinaci@ontario.ca>; proximity@cn.ca; aaron.white@giorail.com; Young, Katie <katie.young@niagararegion.ca>; Lori.Karlewicz@niagararegion.ca; Josh.Wilson@niagararegion.ca; Susan.Dunsmore@niagararegion.ca; devtplanningapplications <devtplanningapplications@niagararegion.ca>; planning@ncdsb.com; circulations@bell.ca; jeremy.leemet@cogeco.com; municipalplanning@enbridge.com; zone2scheduling@hydroone.com; landuseplanning@hydroone.com; executivevp.lawanddevelopment@opg.com; talitha.laurenson@opg.com; David Hornblow <David.Hornblow@thorold.ca>  
**Subject:** Notice of Hearing - D13-25-2025 - 2601 Highway 20

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hello,

Please find attached the Notice of Hearing for the Minor Variance application D13-25-2025 for 2601 Highway 20 to be heard at the City of Thorold December 18, 2025 Committee of Adjustment meeting.

Please review and provide comments to [Planning@Thorold.ca](mailto:Planning@Thorold.ca) on or before **4:00 pm., December 10, 2025**. If no comment or intention to provide response is received, we will consider this to mean there is no comment on the application.

Thank you,

Courtney Kaupp



# **NIAGARA PENINSULA CONSERVATION AUTHORITY COMMENTS**

**From:** [Paige Pearson](#)  
**To:** [City of Thorold Planning](#)  
**Subject:** NPCA Comments - D13-25-2025 - 2601 Highway 20  
**Date:** December 1, 2025 10:49:34 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[Notice of Hearing - D13-25-2025 - 2601 HWY 20.pdf](#)  
[2601 Hwy 20, Thorold - NPCA MApp.pdf](#)

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To the Committee of Adjustment,

The subject property, 2601 Hwy 20, Thorold, as per the application is not impacted by NPCA Regulated Areas (see map attached). As such, the NPCA can offer no objection to the Minor Variance Application, D13-25-2025.

If you have any questions, please let me know.

Thank you,



**Paige Pearson (She/Her)**  
Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**  
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205  
[www.npca.ca](http://www.npca.ca)  
[ppearson@npca.ca](mailto:ppearson@npca.ca)

The NPCA completed its [Watershed-based Resource Management](#) and [Conservation Area](#) Strategies, paving the way for sustainable conservation across the Niagara Peninsula watershed. It's [Watershed Natural Asset Analysis and Valuation](#) for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**

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**From:** City of Thorold Planning <Planning@thorold.ca>

**Sent:** November 26, 2025 11:19 AM

**To:** Taran Lennard <tlennard@npca.ca>; Paige Pearson <ppearson@npca.ca>; Abby.LaForme@mncfn.ca; Dinesh Adhikari <Dinesh.Adhikari@thorold.ca>; Building <Building@thorold.ca>; thoreng <thoreng@thorold.ca>; Alex Sales <Alex.Sales@thorold.ca>; Jenny Rodriguez <Jenny.Rodriguez@thorold.ca>; Abu Rashed <Abu.Rashed@thorold.ca>; Ugo Obiako <Ugo.Obiako@thorold.ca>; Paula Wake <Paula.Wake@thorold.ca>; Steven Polich <Steven.Polich@thorold.ca>; FPO <FPO@thorold.ca>; Mark Richardson <Mark.Richardson@thorold.ca>; slarocque@pelham.ca; aedwards@pelham.ca; andrew.carrigan@canadapost.ca; matthew.prestinaci@ontario.ca; proximity@cn.ca; aaron.white@giorail.com; katie.young@niagararegion.ca; Lori.Karlewicz@niagararegion.ca; Josh.Wilson@niagararegion.ca; Susan.Dunsmore@niagararegion.ca; devtplanningapplications <devtplanningapplications@niagararegion.ca>; planning@ncdsb.com; circulations@bell.ca; jeremy.leemet@cogeco.com; municipalplanning@enbridge.com; zone2scheduling@hydroone.com; landuseplanning@hydroone.com; executivevp.lawanddevelopment@opg.com; talitha.laurenson@opg.com; David Hornblow <David.Hornblow@thorold.ca>

**Subject:** Notice of Hearing - D13-25-2025 - 2601 Highway 20

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Please review and provide comments to [Planning@Thorold.ca](mailto:Planning@Thorold.ca) **on or before 4:00 pm., December 10, 2025**. If no comment or intention to provide response is received, we will consider this to mean there is no comment on the application.

Thank you,

# 2601 Hwy 20, Thorold - NPCA Map



12/1/2025, 10:46:48 AM

- SWOOP 2020 NPCA
- Roads
- 2K Hydrography
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- NPCA APPROXIMATE REGULATION LANDS
- ELC 2020 NPCA
- Niagara Region Ortho 2023
- Assessment Parcels
- Red: Red

NPCA Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, AAFC, NRCAN, Niagara Region, Ministry of Natural Resources | Niagara Region | NPCA | Web AppBuilder for ArcGIS



# **NIAGARA REGION COMMENTS**

**Public Works Infrastructure Planning and Development Division**

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

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

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**Via Email Only**

December 10, 2025

Courtney Kaupp  
Planning Clerk  
8 Carleton Street South  
Thorold, ON L2V 5C2

Regional File Number: PLMV202502420

Dear Ms. Kaupp:

**Re: Regional Comments**  
**Application Type: Minor Variance**  
**City File Number: D-13-25-2025**  
**Owner: 2601 Highway 20 East Inc.**  
**2601 Highway 20**  
**City of Thorold**

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Staff of the Regional Infrastructure Planning and Development Division have reviewed the Minor Variance (MV) application as circulated by the City of Thorold on November 26, 2025. The MV application proposes the use of a dance studio in an existing legal non-conforming building.

**Planning Act Changes**

Staff advise pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region is an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a lower-tier municipality, may provide advice and assistance to lower-tier municipalities in respect of planning matters generally. Niagara Region has entered into a Planning Services Agreement (PSA) with the City of Thorold related to land use compatibility, archaeology, employment areas, record of site condition, former landfill sites, gas wells, water protection screening, environmental planning, and urban design.

Through Bill 23 changes to the Planning Act, the *Niagara Official Plan, 2022* (NOP) is effectively an official plan of the City of Thorold, which remains in effect until the City revokes or amends it to provide otherwise. The City should be satisfied that the application conforms to the NOP.

Regional staff notes that this application does not affect planning review services under the PSA noted above.

Staff further notes that Regional infrastructure, private servicing, and waste collection are matters of Regional interests in accordance with the Memorandum of Understanding (MOU) for Engineering Services between the Region and the City.

## **Regional Infrastructure**

### **Road Allowance**

The subject property has frontage along Regional Road 20 (Highway 20). No road widening or daylight triangle is requested as part of this application.

The applicant should be aware that for any future Planning Act applications, the following maybe required:

- A road widening of approximately 5.31 metres (to be confirmed by field survey) is required along the frontage of Highway 20 to achieve the designated road allowance of 17.5 metres (based around the legal centreline).
- A daylighting triangle of 10 metres by 10 metres is required at the corner of Highway 20 and Cataract Road to maintain sightlines.

Property conveyances are requested as a condition of approval for any future Planning Act applications that involve an agreement and should be shown on all future site/engineering plans prepared for any future development.

### **Road Use Permits**

The application is responsible for obtaining any applicable Regional road use permits:

- Construction Encroachment Permit is needed for any construction work to be competed on or below the Regional road allowance.
- Entrance Permit is needed for any private road entranceway, driveway, date or facility constructed as a means of access to a Regional road.
- Sign Permit is needed for placing any sign, notice or advertisement within 20 metres of the centreline of Regional road.
- Road Occupancy Permit is needed for any item that will be installed and remain on a Regional road allowance for a period of time.

Permit applications can be made through the following link:

<https://www.niagararegion.ca/living/roads/permits/>

Restorations within the Regional right-of-way are to be to Niagara Region standards:

<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

An Issued for Construction (IFC) drawing set must be submitted with any construction encroachment permit application, in addition to any previously submitted drawings.

### **Protection of Survey Evidence**

Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any future development agreements entered should include a clause requiring for the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of the development.

### **Servicing**

There is a 375 mm diameter Regional storm main on Highway 20 at the subject property. Regional infrastructure is not to be damaged or disturbed by any future construction works for the proposed development.

### **Private Sewage System**

Regional staff have reviewed the proposal for interior renovation to the existing commercial units #5 and 6. The existing occupancy is currently office space with a maximum occupancy load of 32-60 persons. The interior renovations will reconfigure a washroom and change the use from office to a dance studio. The maximum occupancy of the dance studio will be reduced to 30 persons.

Regional staff found no septic record for the existing Class 4 (tank and bed) sewage system servicing the existing commercial plaza. The system consists of a 2-compartment concrete septic tank and pump chamber located east of the commercial plaza and a raised filter bed in the East corner of the property. An inspection of the septic system took place in 2024, no defects were noted at the time of the inspection. There appears to be sufficient usable land available on the subject property for any future upgrades that may be required to the sewage system.

Therefore, Regional staff have no objections to the interior renovations of units 5 and 6 as submitted, given that the occupancy load is being reduced, and no fixture units are being added and the change in occupancy does not add any additional flows to the septic system. Please note, if at any time the existing sewage system is found to be defective, or if any flows are added, it must be replaced in accordance with current Ontario Building Code requirements.

### **Waste Collection**

Niagara Region provides curbside waste collection services for developments that satisfy its Procedure for Requirements for Waste Collection. It is expected that existing waste collection service will remain unchanged.

### **Conclusion**

Regional Infrastructure Planning and Development staff has no objection to the approval of this MV application

As noted above, from a private servicing perspective, staff advise that should the existing system be found to be defective or there any added flows, the system will need to be replaced in accordance with the Ontario Building Code, as amended.

Please be advised that through changes to the Planning Act, the NOP is effectively an official plan of the City of Thorold, which remains in effect until the City revokes or amends it to provide otherwise. As such, City staff should be satisfied that the application conforms to NOP policies.

Please send copies of the staff report and notice of the Committee's decision on this application. If you have any questions related to the above comments, please contact me at [Adithi.Luckyreddy@niagararegion.ca](mailto:Adithi.Luckyreddy@niagararegion.ca)

Regards,



Adithi Lucky Reddy  
Planner, Development Planning

cc: Katie Young, MCIP, RPP, Senior Planner  
Devon Haluka, Private Sewage System Inspector  
Jessica Fajta, Development Approval Technician