



COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services
3540 Schmon Parkway, P.O. Box 1044
Thorold, ON L2V 4A7
905-227-6613 ext. 252

July 17, 2025

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Minor Variance Application (D13-29-04)
2371 Merrittville Highway, Thorold, Ontario
2731 0000 0314 000

PROPOSAL

An application has been submitted for a minor variance to expand a legal non-conforming uses at 2371 Merrittville Highway within the Specialty Crop - AS Zone of the City's Comprehensive Zoning By-law 60(2019). All other requirements of the zoning by-law are being maintained.

RECOMMENDATION

That Minor Variance Application (D13-29-04) to permit the expansion of the legal non-conforming Restaurant accessory use **BE APPROVED**.



Figure 1: Location Map

Background

In 2021, a Minor Variance (D13-21-2021) was approved by the City of Thorold's Committee of Adjustment to establish several food service uses on the subject lands. The application, made under Section 45(2) of *The Planning Act, 1990* expanded the legal non-conforming accessory food services use to three buildings located within the North East corner of the property. In its report to the Committee, planning staff identified the long-existing concession stand as a similar use to these buildings, permitting the expansion.

Following the approval of the Minor Variance (City File No. D13-21-2021) a Site Plan application was made in 2022. The site plan was intended to formally map out the proposed location of the expanded food buildings as well as the parking lot, however this application was never completed.

The applicant re-engaged with City Planning staff in early 2024 to inquire about the expansion of the Smokehouse through a Minor Variance application. During the pre-consultation process staff indicated a preference in obtaining Minor Variance approval prior to bringing the site into conformity through a Site Plan.

During review of the Minor Variance application, City planning staff noted that there were several identified outstanding building orders related to the expansion of food services in 2021.

The Speedway is actively working with planning and building staff to clear the outstanding orders, and as part of that City planning staff are moving forward with the Minor Variance application to permit the further expansion of legal non-conforming food services under Section 45(2) of *The Planning Act, 1990*.

Site Description

The subject lands are located on the west side of Merrittville Highway in the block bounded by Holland Road to the north and Barron Road to the south within the Specialty Crop land use designation of the City of Thorold Comprehensive Zoning By-law 60(2019) (Figure 1). The lands comprise approximately 101,327.76 m² of lot area with frontage along Merrittville Highway and Holland Road, as illustrated on the site plan concept sketch below (Figure 2). The lands are currently developed with a legal non-conforming Motor Speedway.

The purpose of the Minor Variance application is to permit the expansion of the legal non-conforming food service use on site under Section 45(2)(a)(ii).

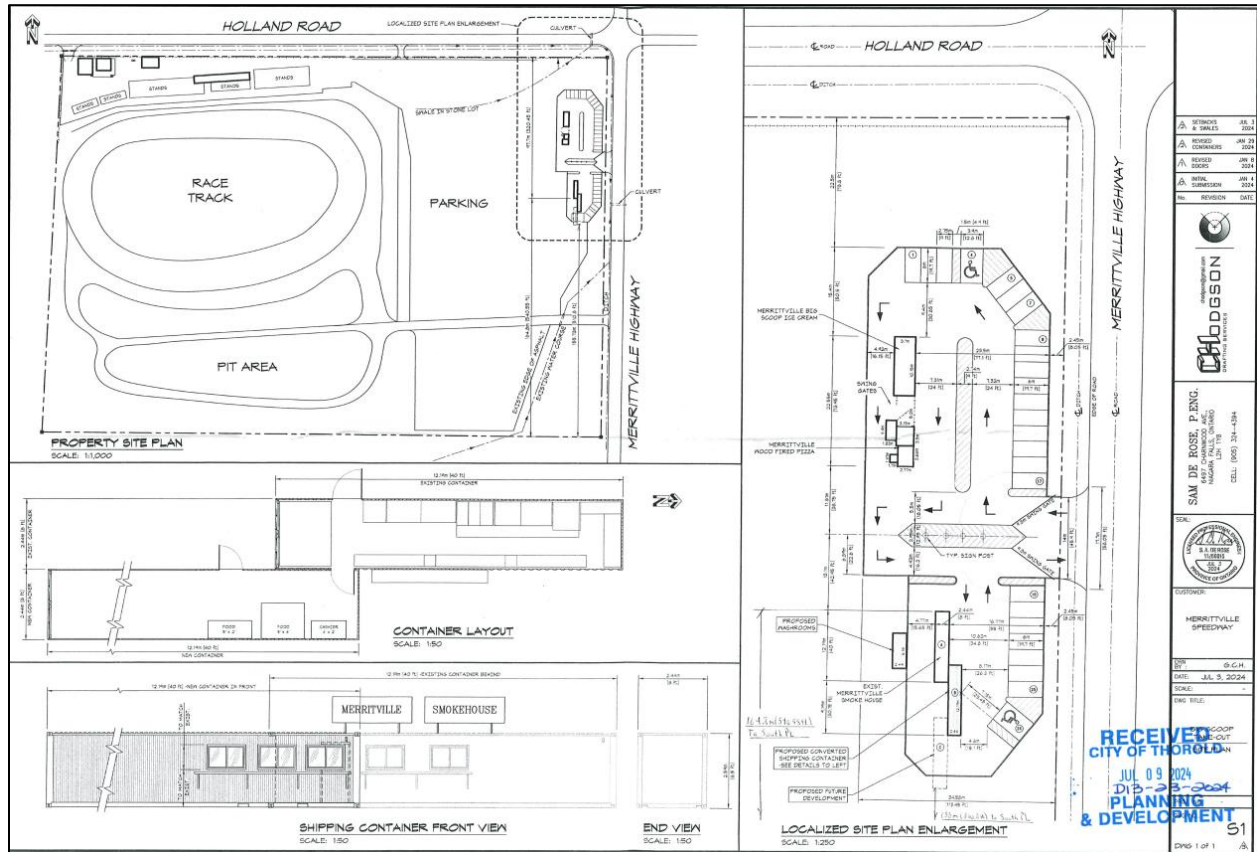


Figure 2: Site Plan Sketch

Review

Under the City of Thorold Official Plan (2016) the subject lands are designated Specialty Crop (Schedule 1). Lands within the Specialty Crop designation, as identified in the Greenbelt Plan, are considered key agricultural areas which promotes “a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.”

The Greenbelt Plan (2017) designates the lands as Protected Countryside as well as part of the Niagara Peninsula Tender Fruit and Grape Area. The Greenbelt Plan identifies several goals related to development which include agricultural viability, environmental protection, culture, recreation and tourism. This includes “enabling continued opportunities for sustainable tourism development”. The Niagara Peninsula Tender Fruit and Grape Area does not apply any policies which would preclude the proposed development.

The City of Thorold Comprehensive Zoning By-law 60(2019) zones the lands as Specialty Crop – AS. The proposed expansion is consistent with the accessory structure provisions as outlined in Table 9.3.

MINOR VARIANCE PLANNING ANALYSIS - 45(2):

Planning Act

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

- *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*

Is the Enlargement or Extension of the Building Permitted?

Section 45(2) of *The Planning Act, 1990 R.S.O.* allows for the Committee of Adjustment to permit the expansion of a building or structure if the use of the building from prior to the Zoning By-law, or a use permitted under subclause (ii) of Section 45(2), continued until the date an application was made to committee. As it relates to the proposed expansion of legal non-conforming food services at 2371 Merrittville Highway, planning staff are of the opinion that a use permitted under subclause (ii) continued until the date of application, allowing for the enlargement of legal non-conforming food service structures.

As later detailed within this report, the use of land for accessory use food services is permitted under Section 45(2) in the opinion of planning staff. As previously identified, Minor Variances granted in 2021 (under Section 45(2)) expanded the existing ancillary food sales to three new buildings on the site, which included the Smokehouse, formally establishing the use. Given that the use is established and existed prior to the changes of previous zoning by-laws, expansion of the structure is permitted.

Additionally, the proposed expansion of the Smokehouse does not extend beyond the limits of the land owned by the Merrittville Speedway and is located within the established food service area of the site.

As such, staff are of the opinion that the enlargement of the building **is permitted** under Section 45(2) of *The Planning Act, 1990 R.S.O.*

Official Plan

Furthermore, City of Thorold Official Plan (2016) policy B2.2.5 allows for the expansion of uses which are not permitted in the *Specialty Crop* designation, provided the use was established on or before December 16, 2004.

- *In considering an application the committee shall have regard for the following criteria:*
 - *The expansion does not require the provision or extension of a municipal water or sewer system; and,*
 - *The proposed expansion is consistent with the existing use policies contained in the Natural Heritage policies of this Plan.*

Does the expansion require provision or extension of municipal water services?

The proposal to expand the legal non-conforming use at 2371 Merrittville Highway may require the expansion or upgrading of their current service to accommodate. The Ministry of Environment, Conservation and Parks (MECP) has jurisdiction over the sewage system as the calculated sewage rates exceed 10,000 L per day.

Given that the sewage system is privately operated by Merrittville Speedway, any extension or provision of water services will not be done by the Municipality. As a result, staff are of the opinion that the expansion **does not** require provision or extension of municipal water services.

Is the expansion consistent with the existing use policies contained in the Natural Heritage policies of the Official Plan (2016)?

There are 4 designations which address the natural heritage policies identified within the Niagara Escarpment Plan, Environmental Protection One (EP1), Environmental Protection Two (EP2), and Environmental Protection Three (EP3) under Sections B3.1, B3.2, B3.3 and B3.4, respectively. These designations outline expansion policies of non-conforming uses within Natural Heritage areas of the City of Thorold.

The subject lands do not fall within any of the areas identified as part of the natural heritage policies within the City of Thorold Official Plan (2016). As such, expansion of the legal non-conforming use **is consistent** with the existing use Natural Heritage policies.

Furthermore, City of Thorold Official Plan (2016) policy E2.2 provides guidelines to allow for legally non-conforming use expansions within zoning designations where the use is prohibited.

- In considering approval of these expansions, the Committee of Adjustment shall consider:
 - *The size of the extension in relation to the existing operation.*
 - *Whether the proposed expansion is compatible with the character of the area.*
 - *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.*
 - *The possibility 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.*

What is the size of the proposed extension in relation to the existing operation?

The existing Smokehouse, to which the extension is proposed, will add approximately 58 m² of floor space to the food services station. This 58 m² addition, from two shipping containers, represents a small percentage of the overall food services area for the site which staff have calculated to be approximately 1,122 m². The proposed expansion is also not anticipated to significantly impact the parking availability or maintenance of the site.

Overall staff are of the opinion that the proposed extension would not result in an undue increase in the existing operation's size.

Is the proposed expansion compatible with the character of the area?

The proposed expansion is not anticipated to have a significant impact on the area.

The Merrittville Speedway has served Niagara as a rural, dirt-road, ¼ mile racetrack for over 70 years in Thorold. While the proposed extension would allow for an expansion of the food services altogether, this extension is not likely to alter the surrounding rural character. The proposed extension is not anticipated to negatively impact parking or create any environmental hazards which would alter the viability of the surrounding Specialty Crop-zoned agricultural lands. Given the speedway's age and its established uses, staff are of the opinion that the proposed expansion is compatible with the character of the area.

What are the existing conditions of nuisance at the site? How will extension impact these conditions?

The proposed expansion is located within a dirt-road racetrack within an agricultural, rural setting. The Merrittville Speedway, by the nature of its use, creates several nuisances such as fumes, dust, noise, odours, vibration and, on race days, significant traffic. The accessory use, the Smokehouse, also creates several potential nuisances such as odours, smoke and other nuisances associated with food preparation.

However, this proposed expansion is not anticipated to have a significant impact on the current nuisances generated by the site. The proposed expansion attempts to provide a service area to patrons, and will not significantly improve the overall capacity of the Smokehouse to create nuisances associated with food preparation such as odours, fumes, smoke, etc.

Overall the proposed extension is anticipated to have little impact on longstanding residential lots around the Speedway and the agricultural potential of the surrounding lands.

What is the possibility of reducing the nuisance impacts to minimize problems from expansion?

The proposed expansion is compatible with the provisions outlined for secondary structures within the Specialty Crop – AS zone of the City of Thorold Comprehensive Zoning By-law 60(2019). The provisions of the Comprehensive Zoning By-law are designed to minimize the impact of nuisances during development.

As previously established, City staff do not anticipate existing conditions will be worsened by the proposed expansion. This is supported by the location of the proposed expansion which is located over 150 metres from the nearest residential lot line.

Overall staff are of the opinion that the application does a sufficient job in reducing the impact of nuisances from the proposed extension.

In summary, staff is of the opinion that the requested variance is **minor** and meets all the tests outlined within municipal planning documents.

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.

Agency & Department Comments

CN Rail

- No comments

Cogeco

- No comments

Engineering Division

- No comments

Heritage Thorold

- No comments

Hydro One

- No comments or concerns.

Niagara Region

- Regional Infrastructure Planning and Development staff offer no objections to the proposed Minor Variance application, subject to receiving private sewage system approvals from the MECP.

TransCanada Pipelines

- No comments

NCDSB

- No comments

NPCA

- Staff are supportive of the minor variance.

NEC

- No comment.

OPG

- No concerns

Public comments

- Please see attached detailed comments.

CONCLUSION

It is the recommendation of Planning staff that minor variance application (D13-29-2024) requesting a minor variance to permit the expansion of legal non-conforming accessory food services **BE APPROVED**.

Prepared by:

J. Greyvenstein
Development Planner,
City of Thorold Planning

Submitted By:

Walter Basic
Director of Development Services,
City of Thorold Development Services



CN RAIL COMMENTS

From: Proximity
To: City of Thorold Planning
Subject: 2025-06-16_CN Comments_2248 Centre Street_City of Thorold Committee of Adjustment July 17th - Due by June 19th
Date: June 16, 2025 3:15:45 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.jpg

[Redacted]

Hello,

[Redacted]

CN Rail does not have any comments concerning the other applications listed below.

Thank you



CN Proximity
proximity@cn.ca

From: City of Thorold Planning <Planning@thorold.ca>
Sent: Friday, June 13, 2025 4:26 PM
To: [Redacted] smastroianni@npca.ca; tproks@npca.ca; Abby.LaForme@mncfn.ca; Megan.Devries@mncfn.ca; Dinesh Adhikari <Dinesh.Adhikari@thorold.ca>; FPO <FPO@thorold.ca>; Mark Richardson <Mark.Richardson@thorold.ca>; shansen@niagarafalls.ca; andrew.carrigan@canadapost.ca; peter.deluca@ontario.ca; Usama.Ali@ontario.ca; saumya.john@ontario.ca; matthew.prestinaci@ontario.ca; balroop.narwal@ontario.ca; Proximity <proximity@cn.ca>; aaron.white@giorail.com; katie.young@niagararegion.ca; Lori.Karlewicz@niagararegion.ca; Josh.Wilson@niagararegion.ca; Susan.Dunsmore@niagararegion.ca; devtplanningapplications@niagararegion.ca; planning@dsbn.org; planning@ncdsb.com; realestate@seaway.ca; pbunnin@seaway.ca; mfernandes@seaway.ca; planninganddevelopment@bell.ca; rowcentre@bell.ca; municipalplanning@enbridge.com; ross.abate@enbridge.com; zone2scheduling@hydroone.com; landuseplanning@hydroone.com; executivevp.lawanddevelopment@opg.com; jasmine.tranter@opg.com; talitha.laurenson@opg.com; TCEnergy@mhbcpplan.com; NoticeReview@infrastructureontario.ca; rahim.baird@infrastructureontario.ca
Cc: Conor Warren <Conor.Warren@thorold.ca>; Antonietta Vanderberg <Antonietta.Vanderberg@thorold.ca>
Subject: Reminder for Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th

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Hello,

Please follow up with any comments you may have on the application files at your earliest convenience.

The deadline for comments is June 19, 2025. **If no comment or intention to provide response is received, we will consider this to mean there is no comment on the proposed development.**

Thank you!



Shawn Heerema
Planning Student
Development Services
City of Thorold
905-227-6613 x278
P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON, L2V 4A7
www.thorold.ca

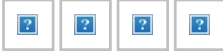


From: Antonietta Vanderberg <Antonietta.Vanderberg@thorold.ca>
Sent: June 13, 2025 4:18 PM
To: Shawn Heerema <Shawn.Heerema@thorold.ca>
Subject: FW: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th
Importance: High

Antonietta Vanderberg



Temporary 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



From: Antonietta Vanderberg

Sent: June 5, 2025 4:57 PM

To: rosi.zirger@ontario.ca; kendra.adair@ontario.ca; [REDACTED]; smastroianni@npca.ca; tproks@npca.ca; [REDACTED]; Abby.LaForme@mncfn.ca; Megan.Devries@mncfn.ca; Dinesh Adhikari <Dinesh.Adhikari@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; shansen@niagarafalls.ca; andrew.carrigan@canadapost.ca; peter.deluca@ontario.ca; Usama.Ali@ontario.ca; saumya.john@ontario.ca; matthew.prestinaci@ontario.ca; balroop.narwal@ontario.ca; proximity@cn.ca; aaron.white@gorail.com; katie.young@niagararegion.ca; Lori.Karlewicz@niagararegion.ca; Josh.Wilson@niagararegion.ca; Susan.Dunsmore@niagararegion.ca; devtplanningapplications@niagararegion.ca; planning@dsbn.org; planning@ncdsb.com; realestate@seaway.ca; pbunnin@seaway.ca; mfernandes@seaway.ca; planninganddevelopment@bell.ca; rowcentre@bell.ca; jeremy.leemet@cogeco.com; mike.embleton@cogeco.com; municipalplanning@enbridge.com; ross.abate@enbridge.com; zone2scheduling@hydroone.com; landuseplanning@hydroone.com; executivevp.lawanddevelopment@ogp.com; jasmine.tranter@ogp.com; talitha.laurenson@ogp.com; TCEnergy@mhbclplan.com; NoticeReview@infrastructureontario.ca; rahim.baird@infrastructureontario.ca

Cc: Conor Warren <Conor.Warren@thorold.ca>

Subject: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th

Importance: High

Good day,

Please find attached copies of the Notices of Hearings for the Consent and Minor Variance applications listed below to be heard at the City of Thorold July 17th Committee of Adjustment meeting

Minor Variance	D13-29-2024	2371 Merrittville Highway
[REDACTED]	[REDACTED]	[REDACTED]

Please review and provide comments to the Planning@Thorold.ca website **on or before 4:00 Thursday, June 19th, 2025**

Thanking you in advance

Regards,



Antonietta Vanderberg
 Temporary 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





COGECO COMMENTS

From: [Jeremy Leemet](#)
To: [Antonietta Vanderberg](#)
Subject: Re: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th
Date: June 6, 2025 1:43:15 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Good Afternoon
Cogeco has no comment on all 4 addresses
Thanks Jeremy Leemet

On Thu, Jun 5, 2025 at 4:56 PM Antonietta Vanderberg <Antonietta.Vanderberg@thorold.ca> wrote:

Good day,

Please find attached copies of the Notices of Hearings for the Consent and Minor Variance applications listed below to be heard at the City of Thorold July 17th Committee of Adjustment meeting

Minor Variance	D13-29-2024	2371 Merrittville Highway
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Please review and provide comments to the Planning@Thorold.ca website **on or before 4:00 Thursday, June 19th, 2025**

Thanking you in advance

Regards,



Antonietta Vanderberg
Temporary 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

--

JEREMY LEEMET
Network Delivery Coordinator
Niagara

phone # (437)553-7079

7170 McLeod
Road
Niagara Falls,



CITY OF THOROLD ENGINEERING COMMENTS



**City of Thorold
Public Works Department
905-227-3535**

To: Conor Waren
From: Paula Wake, Engineering Technician I
Subject: Engineering Comments
COMMITTEE OF ADJUSTMENT – D13-29-2024 - 2371 Merrittville Highway - MV
Date: June 9, 2025.

Engineering reviewed the submitted application and provided the following comments:

Engineering has no comments

Paula Wake
Engineering Technician I,
Engineering Division
paula.wake@thorold.ca
(905) 227-6613 Ext. 291

Ugo Obiako, M.Eng.; C.E.T., P. Eng
Project Manager,
Engineering Division
Ugo.Obiako@thorold.ca
(905) 227-6613 Ext. 294



HERITAGE COMMITTEE COMMENTS

From: [Anna O'Hare](#)
To: [Antonietta Vanderberg](#)
Subject: Re: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th
Date: June 5, 2025 7:10:58 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hello Antonietta,
Heritage Thorold has no comments.
Respectfully,

Anna
Heritage Thorold

From: Antonietta Vanderberg <Antonietta.Vanderberg@thorold.ca>
Sent: Thursday, June 5, 2025 3:56 PM
To: rosi.zirger@ontario.ca <rosi.zirger@ontario.ca>; kendra.adair@ontario.ca <kendra.adair@ontario.ca>; [REDACTED] <smastroianni@npca.ca> <smastroianni@npca.ca>; tproks@npca.ca <tproks@npca.ca>; [REDACTED] <Abby.LaForme@mncfn.ca> <Abby.LaForme@mncfn.ca>; Megan.Devries@mncfn.ca <Megan.Devries@mncfn.ca>; Dinesh Adhikari <Dinesh.Adhikari@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 <slarocque@pelham.ca>; aedwards@pelham.ca <aedwards@pelham.ca>; shansen@niagarafalls.ca <shansen@niagarafalls.ca>; andrew.carrigan@canadapost.ca <andrew.carrigan@canadapost.ca>; peter.deluca@ontario.ca <peter.deluca@ontario.ca>; Usama.Ali@ontario.ca <Usama.Ali@ontario.ca>; saumya.john@ontario.ca <saumya.john@ontario.ca>; matthew.prestinaci@ontario.ca <matthew.prestinaci@ontario.ca>; balroop.narwal@ontario.ca <balroop.narwal@ontario.ca>; proximity@cn.ca <proximity@cn.ca>; aaron.white@giorail.com <aaron.white@giorail.com>; katie.young@niagararegion.ca <katie.young@niagararegion.ca>; Lori.Karlewicz@niagararegion.ca <Lori.Karlewicz@niagararegion.ca>; Josh.Wilson@niagararegion.ca <Josh.Wilson@niagararegion.ca>; Susan.Dunsmore@niagararegion.ca <Susan.Dunsmore@niagararegion.ca>; devtplanningapplications@niagararegion.ca <devtplanningapplications@niagararegion.ca>; planning@dsbn.org <planning@dsbn.org>; planning@ncdsb.com <planning@ncdsb.com>; realestate@seaway.ca <realestate@seaway.ca>; pbunnin@seaway.ca <pbunnin@seaway.ca>; mfernandes@seaway.ca <mfernandes@seaway.ca>; planninganddevelopment@bell.ca <planninganddevelopment@bell.ca>; rowcentre@bell.ca <rowcentre@bell.ca>; jeremy.leemet@cogeco.com <jeremy.leemet@cogeco.com>; mike.embleton@cogeco.com <mike.embleton@cogeco.com>; municipalplanning@enbridge.com <municipalplanning@enbridge.com>; ross.abate@enbridge.com <ross.abate@enbridge.com>; zone2scheduling@hydroone.com <zone2scheduling@hydroone.com>; landuseplanning@hydroone.com <landuseplanning@hydroone.com>; executivevp.lawanddevelopment@opg.com <executivevp.lawanddevelopment@opg.com>; jasmine.tranter@opg.com <jasmine.tranter@opg.com>; talitha.laurenson@opg.com <talitha.laurenson@opg.com>; TCenergy@mhbcpplan.com <TCenergy@mhbcpplan.com>; NoticeReview@infrastructureontario.ca <NoticeReview@infrastructureontario.ca>; rahim.baird@infrastructureontario.ca <rahim.baird@infrastructureontario.ca>
Cc: Conor Warren <Conor.Warren@thorold.ca>
Subject: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th

Good day,

Please find attached copies of the Notices of Hearings for the Consent and Minor Variance applications listed below to be heard at the City of Thorold July 17th Committee of Adjustment meeting

Minor Variance
[REDACTED]

D13-29-2024
[REDACTED]

2371 Merrittville Highway
[REDACTED]



Please review and provide comments to the Planning@Thorold.ca website on or before 4:00 Thursday, June 19th, 2025

Thanking you in advance

Regards,



Antonietta Vanderberg
Temporary 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





HYDRO ONE COMMENTS

From: [Evan Hayward](#)
To: [City of Thorold Planning](#)
Cc: [Quinn Briscall](#); [Sonja Johnstone](#)
Subject: Request for comments D13-29-2024 2371 Merrittville Highway
Date: June 17, 2025 11:11:28 AM
Attachments: [Outlook-signature .png](#)

Hello,

I have reviewed the application and associated materials submitted for the Site Plan application 2371 Merrittville Highway D13-29-2024.

I have no concerns at this time.

Thank you

Evan Hayward (He/Him)
ADET Trainee, Provincial Lines
Design Services
Hydro One Networks Inc.
Front Street North
Thorold, ON | L2V 1X3

Cell: 613.570.1857
Email: Evan.Hayward@HydroOne.com

www.HydroOne.com



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

Via Email Only

June 16, 2025

Region File: PLMV202401046

Antonietta Vanderberg
Temporary Planning Clerk
City of Thorold
P.O. Box 1044, 3540 Schmon Parkway
Thorold, ON L2V 4A7

Dear Ms. Vanderberg:

Re: Regional and Provincial Comments
Application Type: Minor Variance
City File Number: D13-23-2024
Applicant: Merrittville Speedway Entertainment Inc. c/o Don Spiece
Agent: Greg Hynde
2371 Merrittville Highway
City of Thorold

Regional Infrastructure Planning and Development staff has reviewed the Minor Variance Application for the property municipally known as 2371 Merrittville Highway in the City of Thorold. The Applicant is proposing to expand one of the existing food service operations (smoke house) located in the eastern portion of the site.

In September 2021, a Minor Variance application was granted to permit the food service operation as a similar use to the existing use. As such, the existing smoke house is considered a legal non-conforming use under the City's Zoning Bylaw 60-2019. To facilitate the development as proposed, a minor variance under Section 45(2)(a)(i) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to permit the expansion of the legal non-conforming use is required.

Planning Act Changes

Staff advise pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region became an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a local municipality, may provide advice and assistance to lower-tier municipalities in respect of planning matters generally. City Council approved entering into a service level agreement with Niagara Region ('Planning Services Agreement') to continue providing support and advice to the City of Thorold for certain planning matters.

Please be advised that through this change 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. As such, City staff should be satisfied that the application conforms to NOP policies.

On this basis, the following comments pertaining to archaeology is provided as advice to assist the City in their review of the applications.

Under the Memorandum of Understanding (MOU) for Engineering Review between the City and the Region, the below private servicing comments are considered Regional requirements with respect to the Region's interests.

A pre-consultation meeting was held on April 4, 2024, with City and Regional staff in attendance. Regional staff provided comments on this file September 6, 2024. The below comments are updated to reflect the changes to the Region's responsibilities under the *Planning Act*.

Archaeological Potential

The *Provincial Planning Statement, 2024* (PPS) and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 4.6.2 and NOP policy 6.4.2.1 state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. The subject property is mapped as an area of archaeological potential in the NOP.

The proposed development includes placement of storage containers to be used for food preparation. Staff notes that the storage containers will not result in "extensive and intensive disturbance" defined by the Ministry of Citizenship and Multiculturalism (MCM) and, therefore, staff offer no recommendations for the completion of an archaeological assessment. Staff advise that any future development or site alteration subject to a *Planning Act* application may require an archaeological assessment.

Servicing

Based on the existing and proposed development for this site, calculated sewage flow rates will exceed 10,000 L/day. Therefore, any private sewage system approvals would require review through the Ministry of the Environment, Conservation and Parks (MECP), not Niagara Region. It is advised to consult with the MECP about their approval process.

Conclusion

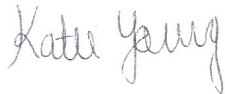
Regional Infrastructure Planning and Development staff offer no objections to the proposed Minor Variance application, subject to receiving private sewage system approvals from the MECP.

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.

Should you have any questions regarding the above comments, please contact the undersigned at Katie.Young@niagararegion.ca.

Please send notice of the Committee's decision on the applications when available.

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner

cc: Devon Haluka, Private Sewage System Inspector, Niagara Region


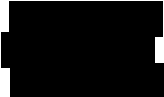
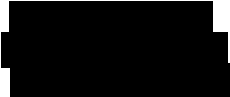


NIAGARA CATHOLIC DISTRICT SCHOOL BOARD COMMENTS

From: [Watson & Associates Economists Ltd.](#)
To: [City of Thorold Planning](#)
Cc: planning@ncdsb.com
Subject: RE: Reminder for Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th
Date: June 16, 2025 9:28:25 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Thank you Shwan for following up.

On behalf of the NCDSB, we have no concerns or comments to provide for the following applications:

Minor Variance	D13-29-2024	2371 Merrittville Highway
		

Respectfully,
Jordan Cook

Consultant
Watson & Associates Economists Ltd.
vw@watsonecon.ca
2233 Argentia Road, Suite 301
Mississauga, Ontario,
Canada L5N 2X7
Office: 905-272-3600
Fax: 905-272-3602

watsonecon.ca



My work hours may look different from your work hours. Please do not feel obligated to respond outside your normal working hours and I look forward to your response later in the week. Thank you.

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From: City of Thorold Planning <Planning@thorold.ca>
Sent: June 13, 2025 4:26 PM
To:  smastroianni@npca.ca; tproks@npca.ca; Abby.LaForme@mncfn.ca; Megan.Devries@mncfn.ca; Dinesh Adhikari <Dinesh.Adhikari@thorold.ca>; FPO <FPO@thorold.ca>; Mark Richardson <Mark.Richardson@thorold.ca>; shansen@niagarafalls.ca; andrew.carrigan@canadapost.ca; peter.deluca@ontario.ca; Usama.Ali@ontario.ca; saumya.john@ontario.ca; matthew.prestinaci@ontario.ca; balroop.narwal@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@niagararegion.ca; planning@dsbn.org; planning@ncdsb.com; realestate@seaway.ca; pbunnin@seaway.ca; mfernandes@seaway.ca; planninganddevelopment@bell.ca; rowcentre@bell.ca; municipalplanning@enbridge.com; ross.abate@enbridge.com; zone2scheduling@hydroone.com; landuseplanning@hydroone.com; executivevp.lawanddevelopment@opg.com; jasmine.tranter@opg.com; talitha.laurenson@opg.com; TCenergy@mhbcplan.com; NoticeReview@infrastructureontario.ca; rahim.baird@infrastructureontario.ca
Cc: Conor Warren <Conor.Warren@thorold.ca>; Antonietta Vanderberg <Antonietta.Vanderberg@thorold.ca>
Subject: Reminder for Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th

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Hello,

Please follow up with any comments you may have on the application files at your earliest convenience.

The deadline for comments is June 19, 2025. **If no comment or intention to provide response is received, we will consider this to mean there is no comment on the proposed development.**

Thank you!



Shawn Heerema
Planning Student
Development Services
City of Thorold
905-227-6613 x278
P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON, L2V 4A7
www.thorold.ca

From: Antonietta Vanderberg <Antonietta.Vanderberg@thorold.ca>
Sent: June 13, 2025 4:18 PM
To: Shawn Heerema <Shawn.Heerema@thorold.ca>
Subject: FW: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th
Importance: High



Antonietta Vanderberg
Temporary 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

From: Antonietta Vanderberg
Sent: June 5, 2025 4:57 PM
To: rosi.zirger@ontario.ca; kendra.adair@ontario.ca; [REDACTED]; smastroianni@npca.ca; tproks@npca.ca; [REDACTED]; Abby.LaForme@mncfn.ca; Megan.Devries@mncfn.ca; Dinesh Adhikari <Dinesh.Adhikari@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; shansen@niagarafalls.ca; andrew.carrigan@canadapost.ca; peter.deluca@ontario.ca; Usama.Ali@ontario.ca; saumya.john@ontario.ca; matthew.prestinaci@ontario.ca; balroop.narwal@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@niagararegion.ca; planning@dsbn.org; planning@ncdsb.com; realestate@seaway.ca; pbunnin@seaway.ca; mfernandes@seaway.ca; planninganddevelopment@bell.ca; rowcentre@bell.ca; jeremy.leemet@cogeco.com; mike.embleton@cogeco.com; municipalplanning@enbridge.com; ross.abate@enbridge.com; zone2scheduling@hydroone.com; landuseplanning@hydroone.com; executivevp.lawanddevelopment@opg.com; jasmine.tranter@opg.com; talitha.laurenson@opg.com; TCEnergy@mhbcpplan.com; NoticeReview@infrastructureontario.ca;

rahim.baird@infastructureontario.ca

Cc: Conor Warren <Conor.Warren@thorold.ca>

Subject: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th

Importance: High

Good day,

Please find attached copies of the Notices of Hearings for the Consent and Minor Variance applications listed below to be heard at the City of Thorold July 17th Committee of Adjustment meeting

Minor Variance



D13-29-2024



2371 Merrittville Highway



Please review and provide comments to the Planning@Thorold.ca website **on or before 4:00 Thursday, June 19th, 2025**

Thanking you in advance

Regards,

City of Thorold Logo



Antonietta Vanderberg

Temporary Planning Clerk

Development Services

City of Thorold

905-227-6613 x259

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

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NIAGARA PENINSULA CONSERVATION AUTHORITY COMMENTS

September 4, 2024

NPCA File No.: PLMV202401125

VIA EMAIL ONLY

Committee of Adjustment
City of Thorold
Development Services Department
3540 Schmon Parkway, PO Box 1044
Thorold, ON L2V 4A7

Attention: Angela Nesbitt, Secretary – Treasurer, Development Services Department

**Subject: Minor Variance Application for Addition to Legal Non-Conforming Use Merrittville
Speedway, D13-23-2024**
Greg Hynde (Urban Environments)
2371 Merrittville Highway, Thorold, ON
ARN 273100002707500

To the Committee of Adjustment,

Further to your request for comments for the consent for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

The current use of the property is a speedway with ancillary uses such as administration offices, food and beverage service operations, etc. The applicant is proposing to expand one of the existing food service operations (smoke house) located in the eastern portion of the site, as shown on the drawing submitted.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 155/06 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA has reviewed the NPCA Mapping of **ARN 273100002707500** and notes that the property is impacted by NPCA regulated areas being several watercourses and buffers.

With consideration to the proposed Site Plans and identified NPCA Regulated Features with setbacks, the proposed placement for the additional food service (i.e., smoke house) is confirmed to be outside of identified NPCA regulated areas.

Conclusion

At this time, the NPCA staff have no objections to the **Minor Variance Application, D13-23-2024**.

Please be advised that any future development that is within an NPCA regulated area will require NPCA review, approval and Permits from this office prior to the commencement of any works.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,



Paige Pearson
Watershed Planner
(905) 788-3135, ext. 205
ppearson@npca.ca



NIAGARA ESCARPMENT COMMISSION COMMENTS

From: [Adair, Kendra \(MNR\)](#)
To: [Antonietta Vanderberg](#)
Cc: [Zirger, Rosi \(MNR\)](#); [Lisaka, Brian \(MNR\)](#)
Subject: RE: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th
Date: June 6, 2025 9:36:30 AM
Attachments: [image006.jpg](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Good morning Antonietta,

Thank you for circulating NEC staff. The subject properties listed in your email below are located outside of the Niagara Escarpment Plan Area and Niagara Escarpment Development Control Area. As such, NEC staff have no comments.

Kind regards,

Kendra Adair (She/Her)

Planner I | Niagara Escarpment Commission
232 Guelph Street, Georgetown, Ontario, L7G 4B1
905-703-0827 | www.escarpment.org



Accessibility: As part of the NEC's commitment to providing accessible service, please let me know if you have any accommodation needs or require the contents of this email in an alternative format.

Availability: NEC staff provide services in person, via telephone, or via email. To better serve you, **we ask that you make an appointment if you prefer to meet in person.** You may request an appointment with staff at escarpment.org/appointments.

Did you know: You can now submit Development Permit Applications to the Niagara Escarpment Commission online? Visit our [website](#) to learn more.

From: Antonietta Vanderberg <Antonietta.Vanderberg@thorold.ca>

Sent: Thursday, June 5, 2025 4:57 PM

To: Zirger, Rosi (MNR) <Rosi.Zirger@ontario.ca>; Adair, Kendra (MNR) <Kendra.Adair@ontario.ca>; [REDACTED] <smastroianni@npca.ca>; Thomas Proks <tproks@npca.ca>; [REDACTED] Abby.LaForme <Abby.LaForme@mncfn.ca>; Megan DeVries <Megan.DeVries@mncfn.ca>; Dinesh Adhikari <Dinesh.Adhikari@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; Signe Hansen <shansen@niagarafalls.ca>; andrew.carrigan@canadapost.ca; Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>; Ali, Usama (MTO) <Usama.Ali@ontario.ca>; John, Saumya (MTO) <Saumya.John@ontario.ca>; Prestinaci, Matthew (MTO) <Matthew.Prestinaci@ontario.ca>; NARWAL, BALROOP (MTO) <BALROOP.NARWAL@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@niagararegion.ca; planning@dsbn.org; planning@ncdsb.com; realestate@seaway.ca; pbunnin@seaway.ca; mfernandes@seaway.ca; planninganddevelopment@bell.ca; rowcentre@bell.ca; jeremy.leemet@cogeco.com; mike.embleton@cogeco.com;

municipalplanning@enbridge.com; ross.abate@enbridge.com; zone2scheduling@hydroone.com;
landuseplanning@hydroone.com; executivevp.lawanddevelopment@opg.com; jasmine.tranter@opg.com;
talitha.laurenson@opg.com; TCEnergy@mhbcpplan.com; NoticeReview@infrastructureontario.ca;
rahim.baird@infrastructureontario.ca

Cc: Conor Warren <Conor.Warren@thorold.ca>

Subject: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th

Importance: High

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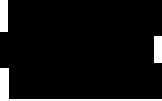
Good day,

Please find attached copies of the Notices of Hearings for the Consent and Minor Variance applications listed below to be heard at the City of Thorold July 17th Committee of Adjustment meeting

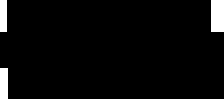
Minor Variance



D13-29-2024



2371 Merrittville Highway



Please review and provide comments to the Planning@Thorold.ca website **on or before 4:00 Thursday, June 19th, 2025**

Thanking you in advance

Regards,

City of Thorold Logo



Antonietta Vanderberg

Temporary 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



ONTARIO POWER GENERATION

From: [Tali Laurenson](#)
To: [City of Thorold Planning](#)
Cc: [Jasmine Tranter](#)
Subject: RE: Reminder for Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th
Date: June 13, 2025 5:00:15 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

Hi Shawn,
OPG has no concerns with these applications.
Thank you for the opportunity to comment.



Talitha (Tali) Laurenson



Real Estate Strategy Manager
Real Estate Services

416-592-4154 / cell: 416-573-6469

From: City of Thorold Planning <Planning@thorold.ca>
Sent: Friday, June 13, 2025 4:26 PM
To: [REDACTED] smastroianni@npca.ca; tproks@npca.ca; Abby.LaForme@mncfn.ca; Megan.Devries@mncfn.ca; Dinesh Adhikari <Dinesh.Adhikari@thorold.ca>; FPO <FPO@thorold.ca>; Mark Richardson <Mark.Richardson@thorold.ca>; shansen@niagarafalls.ca; andrew.carrigan@canadapost.ca; peter.deluca@ontario.ca; Usama.Ali@ontario.ca; saumya.john@ontario.ca; matthew.prestinaci@ontario.ca; balroop.narwal@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@niagararegion.ca; planning@dsbn.org; planning@ncdsb.com; realestate@seaway.ca; pbunnin@seaway.ca; mfernandes@seaway.ca; planninganddevelopment@bell.ca; rowcentre@bell.ca; municipalplanning@enbridge.com; ross.abate@enbridge.com; zone2scheduling@hydroone.com; landuseplanning@hydroone.com; EXECVICEPRES <executivevp.lawanddevelopment@opg.com>; Jasmine Tranter <jasmine.tranter@opg.com>; Tali Laurenson <talitha.laurenson@opg.com>; TCEnergy@mhbcpplan.com; NoticeReview@infrastructureontario.ca; rahim.baird@infrastructureontario.ca
Cc: Conor Warren <Conor.Warren@thorold.ca>; Antonietta Vanderberg <Antonietta.Vanderberg@thorold.ca>
Subject: Reminder for Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th

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Hello,

Please follow up with any comments you may have on the application files at your earliest convenience.

The deadline for comments is June 19, 2025. **If no comment or intention to provide response is received, we will consider this to mean there is no comment on the proposed development.**

Thank you!

Shawn Heerema
Planning Student
Development Services

City of Thorold Logo



City of Thorold

905-227-6613 x278

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

www.thorold.ca

From: Antonietta Vanderberg <Antonietta.Vanderberg@thorold.ca>

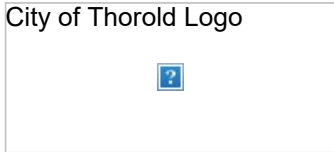
Sent: June 13, 2025 4:18 PM

To: Shawn Heerema <Shawn.Heerema@thorold.ca>

Subject: FW: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th

Importance: High

City of Thorold Logo



Antonietta Vanderberg

Temporary Planning Clerk

Development Services

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From: Antonietta Vanderberg

Sent: June 5, 2025 4:57 PM

To: rosi.zirger@ontario.ca; kendra.adair@ontario.ca; [REDACTED] smastroianni@npca.ca; tproks@npca.ca; [REDACTED] Abby.LaForme@mncfn.ca; Megan.Devries@mncfn.ca; Dinesh Adhikari <Dinesh.Adhikari@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; shansen@niagarafalls.ca; andrew.carrigan@canadapost.ca; peter.deluca@ontario.ca; Usama.Ali@ontario.ca; saumya.john@ontario.ca; matthew.prestinaci@ontario.ca; balroop.narwal@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@niagararegion.ca; planning@dsbn.org; planning@ncdsb.com; realestate@seaway.ca; pbunnin@seaway.ca; mfernandes@seaway.ca; planninganddevelopment@bell.ca; rowcentre@bell.ca; jeremy.leemet@cogeco.com; mike.embleton@cogeco.com; municipalplanning@enbridge.com; ross.abate@enbridge.com; zone2scheduling@hydroone.com; landuseplanning@hydroone.com; executivevp.lawanddevelopment@opg.com; jasmine.tranter@opg.com; talitha.laurenson@opg.com; TCEnergy@mhbcpplan.com; NoticeReview@infrastructureontario.ca; rahim.baird@infrastructureontario.ca

Cc: Conor Warren <Conor.Warren@thorold.ca>

Subject: Request For Comments - City of Thorold Committee of Adjustment July 17th - Due by June 19th

Importance: High

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Minor Variance



D13-29-2024



2371 Merrittville Highway





Please review and provide comments to the Planning@Thorold.ca website on or before 4:00 Thursday, June 19th, 2025

Thanking you in advance

Regards,



Antonietta Vanderberg

Temporary Planning Clerk

Development Services

City of Thorold

905-227-6613 x259

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

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MEMBERS OF THE PUBLIC COMMENTS

Public Comments – D13-29-2024

Phone message from Mary Berry

Hello my name is Mary Berry and I would like to submit – I would like to speak against this application for the minor variance for 2371 Merrittville Highway. It's going to be heard on July 17th, um, I will be commenting on the existing extensions that are put on, that are not on the site map now and I have pictures to prove it also too. I will be speaking on the hours of business. The primary business that is there now is uh the noise problems we have, the burning rubber out on the Merrittville Highway, the road prob– uh the water problems we have and I would also like to bring all the complaints I had on the prior minor variance application from last year in July and would like all them included also too. Thank you very much and can you please confirm that you received this e-mai- or this message by just giving me a call back to confirm it? My number is [REDACTED]. Thank you again and it's Mary Berry for application number D13-29-2024. Alright? The application date and date of the hearing is July 17th, 2025 at 9:30. Thank you. And again that is pictures, comments that are already made that are not on site map, site map is incorrect. Also too, the problems with having such a large area that is commercial zoned agriculture. Thank you, goodbye.

Videos attached via e-mail

- 24seconds
- 46seconds
- easteregghunt

Angela Nesbitt

From: berry <[REDACTED] S.14 MFIPPA >
Sent: Tuesday, September 3, 2024 7:54 AM
To: Angela Nesbitt; Marc Davidson; David Hornblow
Subject: FW: Final copy

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

Please find the following email with regards to concerns, issues with 2371 merrittville highway minor variance request. I will bring you a usb stick with all pictures and videos on it to be used with our written concerns. I will be at city hall this morning. Also can you please send me confirmation you received this email.

We would like to request copies of decision of the committee of Adjustment or notice of adjournment of hearing. Thank you so much Angela and look forward to seeing you today

Mary Berry

To: [REDACTED] S.14 MFIPPA
Subject: Final copy

Subject: Concerns Regarding Site Map Inaccuracies and Variance Compliance for 2371 Merrittville Hwy O/A Merrittville Eats

Dear Secretary Treasurer,

I hope this message finds you well. I am writing to bring to your attention several issues related to the site map and variances requested by 2371 Merrittville Hwy O/A Merrittville Eats, which I would like you to share with all parties involved with this Minor Variance hearing.

Let me start by saying that we are the only adjacent neighbour who are full time occupants at [REDACTED] S.14 MFIPPA [REDACTED] and have lived here for almost 40 years. Upon examining the original site map (dated 2021) and the recent developments on the property, I have identified several discrepancies that I believe are inconsistent with the approved variances and permits. Please find attached the relevant documents, videos and photographs for your reference.

1. *Ice Cream Container (Big Scoop)*: An addition has been made to the back of this container, increasing its size beyond what is shown on the original site map. Please refer to the original minor variance (***D13-21-2021***) and permit # ***PRM-2022-0422***, as well as the attached photos for comparison (***1, 1A, 1B, 1C, 2, 2A 2C, Washrooms And Additions To Ice Cream And Pizza***).

2. *Pizza Container*: The original minor variance allowed for one pizza oven with specific measurements under permit # ***PRM-2022-0273***. However, the current setup includes two pizza ovens and additional structures not reflected in the original site map and permit yet appear in the new site map. Additionally, the containers appear to have been swapped, and new additions have been made. Please refer to the attached documents and photos (***1, 1A, 1B, 3, 3A, 2A, Washrooms And Additions To Ice Cream And Pizza***).

3. *Container #3 (Smoke House)*: This container, initially intended for selling fries, burgers, and chicken fingers, has been converted into a smokehouse with two commercial smokers (one outside and one inside) and now offers a variety of menu items not included in the original variance. There are also additional containers attached, which are not shown in the approved original site map. Please see the attached photo of the outdoor smoker, menu, and additional containers. Please refer to pictures (***1, 1A, 1B, 1C, 4, 4A, 4C, Smoke House Added 2 More Containers And Smoke***).

4. *Unauthorized Washrooms*: There are washrooms located behind the Ice Cream container that were not included in the original site map and have not undergone the necessary permitting or inspection processes. The new site map shows washrooms behind “Smoke House”, is this an addition or are these washrooms being relocated? Please refer to the attached photo for details (***4E, 2A***).

5. *Alteration of Parking Areas*: The original site map designated parking in front of the third container (now a Smoke House). This area is now occupied by 9 fixed picnic tables with roofs, eliminating the designated parking space. Please see the attached photograph for your reference (***4D***).

6. *Paving and Drainage Issues*: The recent paving of 3/4 of the parking lot has led to significant flooding issues on Merrittville Highway, Holland Road, and our property. The elevation change (their property is approximately 2 feet higher due to all of the paving and asphalt grindings being placed), lack of catch basins, and improper drainage are causing damage to our driveway as well as our hydro poles and creating hazardous conditions for motorists. Attached is a photograph showing the water accumulation and its effects (***4F, 4G, 4H, 4I, 5, 6, 7, 7A, 7B, 7C, 7E, Video 46 Seconds of hydroplaning cars on Merrittville Hwy, 24 Seconds Video of our yard***).

7. *New Minor Variance (D13-23-2024) *: The new variance does not address the additions to existing containers or provide any limitations for future developments. This is particularly concerning given the extent of unauthorized development already in place, which was previously allowed without an impact study.

8. *Traffic and Safety Concerns*: Despite concerns raised during the previous hearing, no impact study has been conducted to address the increased traffic and safety risks on Merrittville Highway. The property's owner claims over 30,000 vehicles pass by daily (Saturday to Monday), and the area is heavily impacted during events like Monday night car shows, leading to dangerous driving conditions created by the attendants at said car shows. Please refer to the attached video and photographs for evidence of the traffic situation (**8, 6, 7, Easter Egg hunt 2024 Video**).

9. *Zoning and Land Use*: The land is no longer being used for "Specialty Crops" as intended under its Agricultural and Rural zoning designation. The extensive paving and commercial use have effectively eliminated any potential for agricultural activities, which seems to conflict with the original intent of the zoning (**9**).

10. *Section 45(2)(a)(ii) of the Planning Act*: The minor variance was granted under the assumption that the new business is similar to the existing speedway business. However, the operations at Merrittville Eats have expanded far beyond what was originally approved, including full-service catering and daily operations not associated with the speedway's event schedule. Clarification is needed on when these activities were approved and how they align with the original variance (**10, 11, 4B**).

Given the scope of these issues, I kindly request a thorough review of the site and the variances granted previously and newly requested to ensure compliance with the approved plans and to address any safety or zoning concerns. I would appreciate your prompt attention to this matter and any updates you can provide regarding the city's actions.

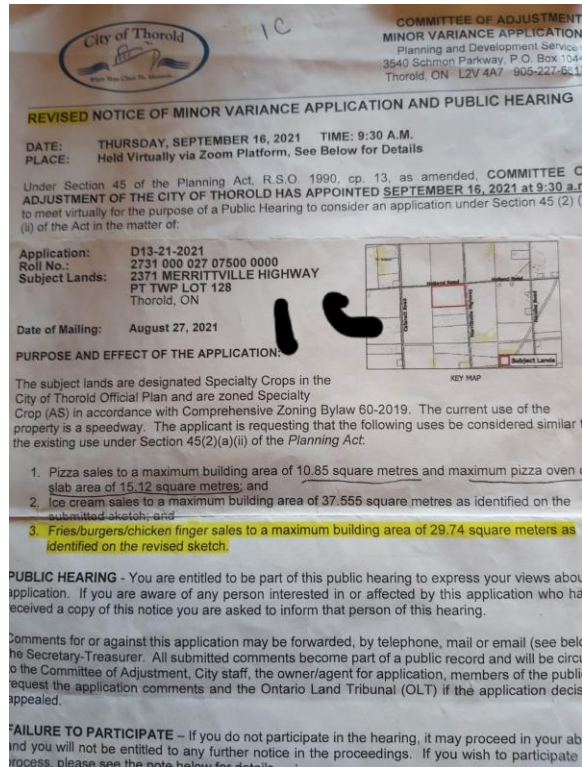
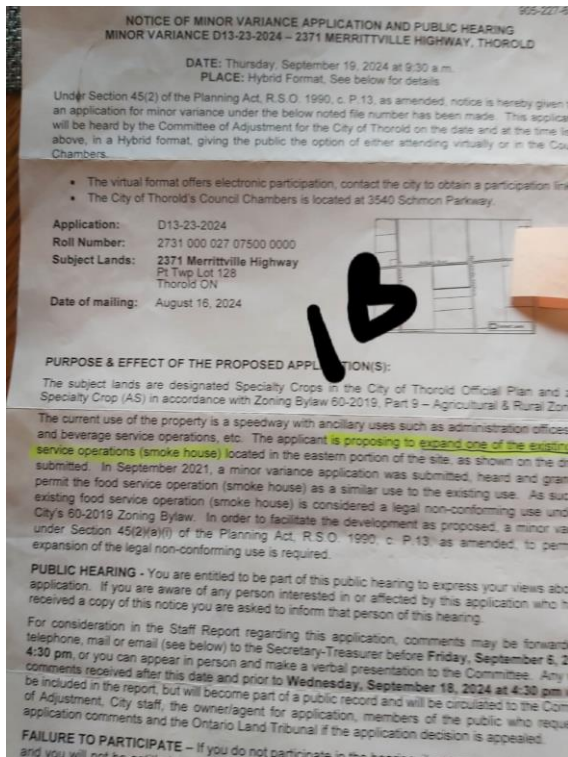
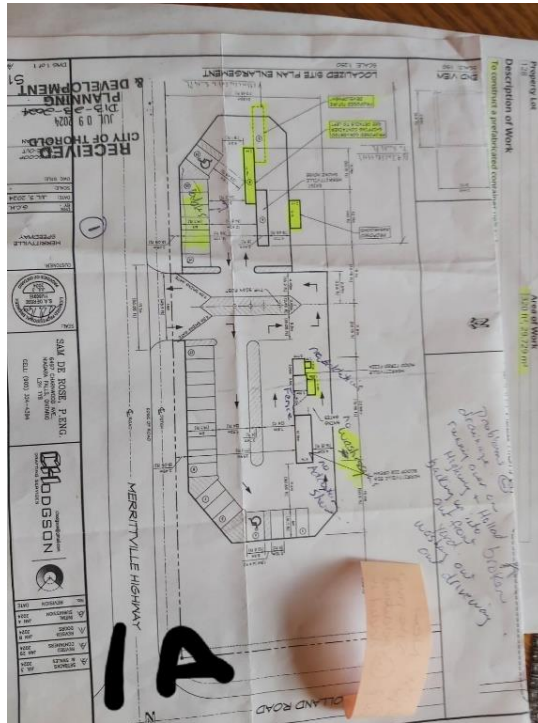
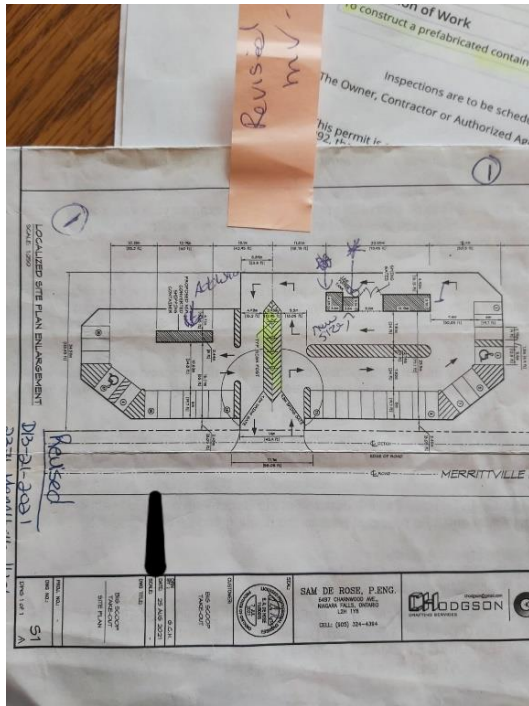
Thank you for your time and consideration.

Best regards,

Roger and Mary Berry

S.14 MFIPPA

Resident M. Berry – photos to accompany written email with concerns regarding 2371 Merrittville Hwy







City of Thorold
Where Ships Climb The Mountain...

Building Permit

Permit #: PRM-2022-0422
Issued Date: 2022-12-07

Permit Type: Mercantile Occupancy - Small Building
Roll #: 273100002707500
Property Address: 2371 MERRITTVILLE HWY
Legal Description: PT TWP LOT 328
Property Lot: 128
Area of Work: 1404.61, 37,533 m²

Description of Work
ICE CREAM TRUCK

INSPECTIONS
Inspections are to be scheduled with the Building Division, 905-227-6613, ext. 277 or via email at buildinginspections@thorold.ca.
The Owner, Contractor or Authorized Agent must notify the Building Division at least one (1) full regular business day in advance.

CONSTRUCTION
This permit is granted on the express condition of the full compliance with all the provisions of the Building Code Act 1992, the Ontario Building Code, as amended, the by-laws of the City of Thorold and any other applicable law. It is the responsibility of the permit holder to ensure that the work authorized by this permit is carried out in accordance with the requirements set-out, hereto.

REVOCAION
This permit may be revoked if it was issued on the basis of mistaken or false information or in error, or where the construction has been substantially suspended or discontinued for a period in excess of one year.
This permit will be deemed to have lapsed, and will be revoked if construction has not commenced within six months of the date of issue.

PLANS AND DOCUMENTS
The plans and documents, on the basis of which this Permit was issued, shall be kept on site.

PERMIT POSTING
This building permit, or a copy, shall be posted on site at all times in a conspicuous location on the property for which the permit was issued.

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City of Thorold
Where Ships Climb The Mountain...

Building Permit

Permit #:
PRM-2022-0273
Issued Date:
2022-06-02

Permit Type	Roll #
Mercantile Occupancy - Small Building	273100002707500
Property Address	Legal Description
2371 MERRITTVILLE HWY	PT TWP LOT 128
Property Lot	Area of Work
128	214 ft ² , 19.881 m ²

Description of Work
TO CONSTRUCT A NEW PIZZA SHOP (WOOD FIRED) APPROXIMATELY 214 SQ.FT

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