

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

September 18, 2025

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Application for Minor Variance D13-19-2025
1669 Beaverdams Road, Thorold, Ontario
THOROLD PT TWP LOTS 31 AND 32 AND RP 59R4927 PART 4
Roll Number: 273100001907300

KEY FACTS

- A minor variance under Section 45(2) of the *Planning Act*, to permit the expansion of a legal non-conforming use within the Urban Boundary.
- The application is to facilitate the construction of 371.6 m² maintenance structure located within the Open Space – Conservation (OS2) Zone.
- Planning staff have reviewed the application in accordance with the *Planning Act* and recommend approval, subject to the condition listed within.

RECOMMENDATIONS

That the City of Thorold Committee of Adjustment **approve** application D13-19-2025, submitted by Joe Tomaino, of Upper Canada Consultants on behalf of C. Lynds & Sons Paving, for lands known municipally as 1669 Beaverdams Road, as it relates to:

- Relief from Part 10.2 - Table 10.2 (Permitted Uses in the Community Zones) to permit the expansion of a legal non-conforming use within the Open Space Conservation (OS2) Zone;

Subject to the following condition:

1. That the requested relief to permit the expansion of a legal non-conforming use within the OS2 zone shall only apply to permit the construction of an accessory structure of a general size and configuration as shown on Figure 3 of this report.

PROPOSAL

The applicant is seeking relief to permit the expansion of a legal non-conforming use, under the provisions of Section 10.2 – Table 10.2 (Permitted Uses in Community Zones) to facilitate the expansion of an existing business on site, C. Lynds Paving.

The subject lands are known municipally as 1669 Beaverdams Road, and the lands are presently zoned OS2 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 Open Space and Parks and Prime Agricultural Areas, respectively.

In order 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 OS2 within the Comprehensive Zoning By-law 60(2019) and are located on the south side of Beaverdams Road in a wooded, transitional area bounded by environmental protection lands to the south and Lake Gibson to the west.

Under the 1997 Comprehensive Zoning By-law, the subject lands were zoned a site-specific Light Industrial (LI-15) zone which, in addition to the permitted uses, allowed an automotive recycling facility. The Light Industrial and site-specific exemption was not carried forward into the 2019 Comprehensive Zoning By-law, establishing a legal non-conforming condition. The lands comprise approximately 3,450 m² within the Open Space and Parks designation of the City of Thorold Official Plan. Currently on-site is a single detached dwelling which has been converted into offices for the contractor's yard, which has operated in that location prior to the most recent Comprehensive Zoning By-law update.



Figure 2: Proposed Plan

Background Review

Provincial Planning Statement (PPS)(2024)

The PPS, effective October 20, 2024, provides the planning policy framework for municipalities within the Province of Ontario. The PPS includes 6 chapters, including the introduction and implementation, which outlines the goals and objectives of planning authorities as it relates to building homes, infrastructure and facilities, the wise use and management of resources, protecting public safety.

The PPS contains the following policies which relate to the submitted application:

2.8.1.1 - Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;

- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

- c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;

- d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and

- e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.

4.1.1 - Natural features and areas shall be protected for the long term.

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 Area within the NOP. The following policies of the NOP relate to the submitted application:

4.2.4.2 - Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures.

4.2.4.3 - Where avoidance is not possible in accordance with Policy 4.2.4.2, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with Provincial guidelines, standards and procedures:

- a. there is an identified need for the proposed use;
- b. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c. adverse effects to the proposed sensitive land use are minimized and mitigated; and
- d. potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

4.2.4.7 - Sustainable practices will be encouraged, such as green infrastructure and low impact development, to address the impacts of climate change.

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 Open Space and Parks area within the CTOP. The following policies of the CTOP relate to the submitted application:

B1.6.1 - The purpose of the Open Space and Parks designation is to ensure that the residents of the City have access to a well-planned and accessible parkland system, which incorporates the principles of active transportation.

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 Open Space Conservation (OS2) under the City's CZBL. The following provisions of the CZBL relate to the submitted application:

10.2 – Table 10.2 – Permitted Uses in the Community Zones

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 variances with respect to each of these considerations is provided below.

Is the Application Appropriate for the Development of the Land?

The PPS encourages the promotion and protection of employment uses to ensure "economic development and prosperity" within Ontario but also directs planning authorities to protect natural features and areas "for the long term". Similarly, the NOP also directs authorities to protect sensitive land uses while maintaining economic viability and addressing the commercial needs of the community.

The Open Space and Parks designation under the CTOP is intended to "ensure that residents have access to a well-maintained parkland system". While the application does not provide parkland as part of the proposal, provided the site's history and the significant open space and parkland available in the surrounding lands, it is the opinion of planning staff that a well-maintained parkland system would still be provided. Given that the

application is intended to facilitate the construction of a maintenance shed, minimal open space is being lost as a result of the requested variance.

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

Will the Application result in Undue, Adverse Effects on the Surrounding Lands?

The application was circulated to relevant departments and agencies for comment on the proposed Minor Variance. No agencies indicated any objections in granting relief from the CZBL provisions. The requested relief is intended to facilitate the reconstruction of a building which was destroyed by fire.

Planning staff have reviewed the proposal and determined that any nuisances on the surrounding lands will be minimal. The proposed use existed on-site for many years and did not present any issues to the municipality. Furthermore, the nature of the proposed business will see much of the work done off-site, away from the subject lands and environmental protection area. As a result, staff have determined that the industrial impacts are not anticipated to be felt by surrounding properties.

In summary, Planning Staff are of the opinion that the requested variance **will not** result in undue, 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.

Niagara Region

- See letter attached.
- In summary, Regional Infrastructure Planning and Development staff recommends that the City require the TOR and EIS as part of this minor variance application, as the EIS will confirm the extent of the mapped environmental features and their required buffer, informing the proposed development.

Niagara Peninsula Conservation Authority

- Based on current NPCA mapping, the subject property 1669 Beaverdams Road, Thorold, is not impacted by NPCA Regulated features. As such, the NPCA has no objection to the Minor Variance Application (D13-19-2025) or proposed development.

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
<ul style="list-style-type: none"> • Cogeco 	<ul style="list-style-type: none"> • City of Thorold Building • City of Thorold Engineering • City of Thorold Fire • City of Thorold Community Services • Canada Post • Ministry of Transportation • CN Rail • Gio Rail • Niagara Catholic District School Board • Bell Canada • Enbridge • Hydro One • Ontario Power Generation • Infrastructure Ontario • Mississauagas of the Credit First Nation

Any comments received after the generation of this report shall be attached to an addendum provided to the Committee.

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 D13-19-2025 **BE APPROVED**, subject to the condition listed here within, to facilitate the expansion of a legal non-conforming industrial operation.

Prepared by:

J. Greyvenstein
Development Planner
City of Thorold Planning

Submitted by:

Marc Davidson
Manager of Development Planning
Development Services



COGECO COMMENTS

From: [Jeremy Leemet](#)
To: [City of Thorold Planning](#)
Subject: Re: City of Thorold September Committee of Adjustment - D13-19-2025 - 1669 Beaverdams Rd
Date: August 13, 2025 3:32:14 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Good Afternoon
Cogeco has no comment.
Thanks Jeremy Leeme

On Wed, Aug 13, 2025 at 2:45 PM City of Thorold Planning <Planning@thorold.ca> wrote:

Hello,

Please find attached they copy of the Notice of Hearing for Minor Variance application D13-19-2025 – 1669 Beaverdams Road to be heard at the City of Thorold September Committee of Adjustment meeting.

Please review and provide comments to the Planning@Thorold.ca on or before **4:00 pm, August 22, 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 Planning
Development Services
City of Thorold
905-227-6613
P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON, L2V 4A7
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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



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

August 21, 2025

Region File: PLMV202501727

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

Dear Ms. Kaupp:

**Re: Regional Comments
Proposed Minor Variance
City File: D13-19-2025
Owner: C Lynds & Son Paving
Agent: Upper Canada Consultants c/o Joseph Tomaino
1669 Beaverdams Road
City of Thorold**

Regional Infrastructure Planning and Development staff has reviewed the proposed Minor Variance application for lands municipally known as 1669 Beaverdams Road in the City of Thorold.

The application seeks to expand an existing legal non-conforming use, including the addition of a 371.6 m² maintenance building and conversion of an existing residence into home offices.

A pre-consultation meeting was held to discuss the proposal on July 17, 2024, with City and Regional staff in attendance.

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 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 the natural environment system are provided as advice to assist the City in their review of the application. Under the Memorandum of Understanding for Engineering Review between the City and the Region, the comments related to Regional infrastructure, private servicing and waste collection are considered Regional requirements with respect to the Region's interests.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Lake Gibson Moodie Welland Canal Reservoir Wetland Complex (PSW), Significant Woodland, Permanent/Intermittent Watercourse, Other Woodland, Other Wetland and a Waterbody (Lake Gibson).

NOP policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of PSW, Significant Woodland, Other Wetlands and Watercourses. Further, NOP policies require that a minimum 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of PSWs/Watercourses, be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within these features or their VPZ. Additionally, minimum buffers of 20 m is required for Significant Woodland and 10 m is required for Other Woodland. The minimum buffer of Other Wetlands is determined through the EIS.

The proposed development is within the above noted setbacks. As such, a Terms of Reference (TOR) for an EIS shall be prepared consistent with NOP policy 3.1.33.4. The EIS shall confirm the extent of mapped features, screen for additional NES features, determine buffer requirements, and screen the property for supporting features and areas and enhancement areas.

As noted at the time of pre-consultation, staff are available to visit the site to confirm recommendations.

Staff have not received a TOR or EIS related to the current minor variance application. It is recommended that the City requires the EIS as part of the minor variance application as the EIS will confirm the extent of the mapped features and their required buffer which should inform the proposed development.

Staff advise that if the City opts to defer this requirement to the Site Plan stage, both the City and the Applicant should be aware that the findings of the EIS may necessitate additional *Planning Act* applications, such as a Minor Variance, should the building need

to be adjusted from its current proposed position on the site plan to implement the recommendations of the EIS.

Regional Road Allowance

The subject property has frontage along Regional Road 67 (Beaverdams Road). At the Site Plan stage, a road widening of approximately 1.55 metres along the frontage of Beaverdams Road (to be confirmed by field survey) is required to achieve the designated road allowance of 13.1 metres (measured from the legal centreline).

The required property is to be shown on all future site/engineering plans prepared for this development.

Road Use Permits

The applicant is responsible for obtaining any applicable regional road use permits:

- Construction encroachment permit – needed for any construction work to be completed on or below the regional road allowance.
- Entrance permit – needed for any private road entranceway, driveway, gate or facility constructed as a means of access to a regional road.
- Sign permit – needed for placing any sign, notice or advertisement within 20 metres of the centreline of a regional road.
- Road occupancy permit – 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 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 450 mm diameter regional watermain on Beaverdams Road at the subject property. Regional infrastructure is not to be damaged or disturbed by any future construction works for the proposed development. No new connections are permitted to the Regional main as the development is outside of the urban area.

Private Sewage System

A septic permit was issued by Niagara Region in May 2025 to service the existing dwelling on-site. The proposed class 4 sewage system has been installed southeast of the dwelling as shown on the site plan; however, has not yet received final approval. The septic system was oversized to accommodate the office space.

As proposed, the location of the accessory structure meets all required setbacks by the Ontario Building Code to the installed septic system. The property contains limited area for a replacement septic system should one be required in the future.

Therefore, Regional private sewage system staff has no objection to the minor variance application as submitted given that the newly installed class 4 sewage system was oversized to accommodate the office space.

Stormwater Management

At the time of Site Plan stage, a stormwater management brief (and the associated fee) and engineering plans are required to be circulated to this office for review and approval. Beaverdams Road (Regional Road 67) shall not be negatively affected as a result of the development.

Waste Collection

Niagara Region provides curbside waste collection services for developments that satisfy its Procedure for Requirements for Waste Collection. The proposed development may be eligible to receive regional collection provided that the owners/tenants bring the waste to the curbside on their designated pick up day, and that the following limits are not exceeded:

Commercial

- Green – 8 green carts (collected weekly)
- Waste – 8 bag/can limit (collected bi-weekly)

If the development is unable to satisfy the regional waste collection requirements or meet the allowed limits, then waste collection for the site will be the responsibility of the owner through a private contractor.

August 21, 2025

Circular Materials Ontario is responsible for the delivery of residential blue and grey box recycling collection services, and related information can be found at the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Conclusion

Regional Infrastructure Planning and Development staff recommends that the City require the TOR and EIS as part of this minor variance application, as the EIS will confirm the extent of the mapped environmental features and their required buffer, informing the proposed development. Should the City opt to defer this requirement to the Site Plan stage, Regional staff advise that the findings of the future EIS may necessitate additional *Planning Act* applications (e.g. Minor Variance), should the building need to be adjusted as shown on the site plan to implement the recommendations of the EIS.

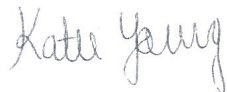
Further Regional review will occur at the site plan stage, as detailed in this letter.

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, please contact the undersigned at Katie.Young@niagararegion.ca.

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

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner

cc: Lori Karlewicz, Planning Ecologist
Devon Haluka, Private Sewage System Inspector
Jessica Fajta, Development Approvals Technician
Maggie Ding, P.Eng., Stormwater Management Engineer



NIAGARA PENINSULA CONSERVATION AUTHORITY COMMENTS

From: [Paige Pearson](#)
To: [City of Thorold Planning](#)
Subject: RE: City of Thorold September Committee of Adjustment - D13-19-2025 - 1669 Beaverdams Rd
Date: August 13, 2025 3:33:36 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Good afternoon,

Based on current NPCA mapping, the subject property 1669 Beaverdams Road, Thorold, is not impacted by NPCA Regulated features. As such, the NPCA has no objection to the Minor Variance Application (D13-19-2025) or proposed development.

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
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!**

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

Sent: August 13, 2025 2:46 PM

To: Taran Lennard <tlennard@npca.ca>; Paige Pearson <ppearson@npca.ca>; Abby.LaForme@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>; andrew.carrigan@canadapost.ca; saumya.john@ontario.ca; proximity@cn.ca; aaron.white@giorail.com; katie.young@niagararegion.ca; Jessica.Fajta@niagararegion.ca; Lori.Karlewicz@niagararegion.ca; Josh.Wilson@niagararegion.ca; Susan.Dunsmore@niagararegion.ca; devtplanningapplications <devtplanningapplications@niagararegion.ca>; planning@ncdsb.com; planninganddevelopment@bell.ca; moc.bell@bell.ca; jeremy.leemet@cogeco.com; municipalplanning@enbridge.com; zone2scheduling@hydroone.com; landuseplanning@hydroone.com; executivevp.lawanddevelopment@opg.com; jasmine.tranter@opg.com; talitha.laurenson@opg.com; NoticeReview@infrastructureontario.ca; rahim.baird@infrastructureontario.ca

Subject: City of Thorold September Committee of Adjustment - D13-19-2025 - 1669 Beaverdams Rd

Hello,

Please find attached they copy of the Notice of Hearing for Minor Variance application D13-19-2025 – 1669 Beaverdams Road to be heard at the City of Thorold September Committee of Adjustment meeting.

Please review and provide comments to the Planning@Thorold.ca on or before **4:00 pm, August 22, 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